

AIRPORT LAND USE PLAN
FOR
WESTOVER FIELD, AMADOR COUNTY

Amador County Airport
Land Use Commission

October 1987

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I. INTRODUCTION

A. BACKGROUND

This document establishes a specific planning boundary map and comprehensive land use plan that defines compatible types and patterns for any future development that might occur in the area surrounding Westover Field Airport. The policies and guidelines contained in the plan are intended to protect the safety and general welfare of people in the vicinity of the airport and to assure the safety of air navigation. Specifically, the plan seeks to protect the public from the adverse effects of aircraft noise, to reduce the number of people exposed to airport-related hazards and to ensure that no structures affect navigable airspace.

It should be understood that the purpose of this plan is to provide a basis for determining various land uses which are compatible with ALUC policies and is not necessarily a specific development plan or development goal.

Article 3.5 of the California Public Utilities Code (see Appendix 2) mandates the establishment of Airport Land Use Commission's and details their various duties. The ALUC is required to establish planning boundaries around each public use airport within its jurisdiction and to formulate an airport land use plan (ALUP) to provide for the sensible growth of the airport and the airport environs. The Amador County Airport Land Use Commission consists of: Two (2) members representing the Amador County Board of Supervisors; two (2) members representing the cities in the County, appointed by a city selection committee comprised of the mayors of all the Cities within the County; two (2) members representing the airports within the County appointed by the Airport Manager; and, one member representing the general public, appointed by the other six members of the Commission. This membership is pursuant to Section 21670 (b) of the Public Utilities Code.

This plan does not set forth specific land uses for any particular parcels of land, nor is it retroactive with respect to any existing inconsistent land uses.

B. SUMMARY

Following this introductory section, Section 11 describes existing and planned airport facilities, existing airport activity and off-airport land use patterns. Section III discusses land compatibility issues and addresses three critical land use planning concerns:

1. Compatibility of surrounding land uses with respect to airport noise levels;
2. Compatibility of surrounding land uses in terms of exposure of persons on the ground to crash hazards associated with aircraft; and
3. The need for appropriate height restrictions to protect the airspace used by aircraft.

Within this section, planning boundaries are defined for noise, safety and height areas. Airport noise compatibility guidelines, land use compatibility guidelines and height restrictions are also presented.

II. THE AIRPORT

A. DESCRIPTION OF EXISTING FACILITIES AND AIRPORT ACTIVITY

Westover Field is a County owned and operated facility of acres located in Martell, and unincorporated area of Amador County located between the cities of Jackson and Sutter Creek. The airport was constructed in 1937. A major runway realignment project took place in the late 1970's.

The single 3400 foot long runway sits atop a hill and runs in a northeast to southwest direction. A large percentage of the flights take-off towards the southwest due to the prevailing wind patterns. The new runway has a full-length taxiway on the west side and has a basic utility number one general aviation permit from the California Division of Aeronautics.

Currently, there are 92 fixed base aircraft located at the airport. This is considerably over the number of aircraft that were at one time projected in a 1976 Master Plan prepared for the airport. Annual operations are estimated to be approximately 59,000. The airport has 50 uncovered parking places, 42 t-hangars and 12 transient parking spaces. Facilities include an office-waiting room, repair hangar, gas pumps, etc. Navigational aids include a 12 inch beacon, VASI (Visual Approach Slope Indicator), and medium intensity runway lighting. A unicom station is operational during working hours.

The airport is managed under contract by an Airport Manager as an "enterprise" service in the County Budget. There is also an Airport Advisory Committee with members appointed by the Board of Supervisors. The Committee makes recommendations on matters pertaining to the airport and its operation.

B. FUTURE AIRPORT DEVELOPMENT AND ACTIVITY

The Airport Master Plan adopted in 1976 was amended in 1983 by reducing the total airport acreage restricted to and available for only airport oriented development. This 1983 plan was further amended and clarified in 1987 by reserving an additional three acres for future airport needs and setting the maximum number of allowable fixed base aircraft at 230 planes.

Mathematically derived noise contouring was completed in 1987 using a formula estimating the mixture of various types of aircraft which would be based at the airport. Unlike the 1976 Master Plan, the current predictions now include the probability of small jet aircraft and commercial air carrier services. The County is currently attempting to secure funding for a Master Plan review and complete update utilizing previous Master Plan documentation and recent growth decisions concerning the airport.

The airport has been expanding at a rate of 1.3 planes per month. The following table depicts the increase in aircraft over the years:

1960 - 13
1965 - 18
1970 - 24
1975 - 34
1980 - 40
1985 - 80
1987 - 92

There are many reasons for the recent rapid increase in aircraft including County population expansion, the closure of general aviation airports in the Sacramento and San Joaquin valleys, tighter flight controls in the urban areas, cost of aircraft space elsewhere, the modernizing of Westover Field and management improvements. This trend is expected to continue with both local and non-resident requests for space continuing to increase. The maximum 230 fixed base aircraft ceiling could be reached before the year 2000 if the recent short-term trend becomes a long-term phenomena. New airports are getting more and more difficult to site in California.

As airport growth continues, on-site improvements as described on the Master Plan map (attached in Appendix) will inevitably grow also. Hangars, parking areas, ancillary support services and airport related facilities will in-fill the currently vacant property.

III. OFF-AIRPORT LAND USE

Although Westover Field is located in unincorporated territory, in recent years annexations by both the City of Jackson and City of Sutter Creek have brought city boundaries in close proximity to the airport. Growth in the Martell area was spurred by a mid-1970's sewage district formation with subsequent rapid growth of both commercial, industrial and residential projects. Many of these projects, both completed and proposed are near enough to Westover Field to have raised concerns about noise, aircraft safety and airport compatibility.

Section IV. C. describes and defines three "Safety Areas" (Clear Zone, Approach/Departure Zone, Overflight Zone) surrounding Westover Field. The major existing land uses within these are:

Clear Zones: There are no structures located in the Clear Zones at the north or south ends of the airport runway. The northern Clear Zone contains the Ridge Road and the Old Ridge Road bypass intersection. The County has acquired the closest portion of this clear zone. The northernmost portion overlays a large parcel in one of the oldest Williamson Act contracts in the County. Consequently, the potential for conflicting land uses is minimal.

The southern Clear Zone is crossed by St. Hwy. 49. Within this zone is an approved industrial park tentative subdivision map with "LM", Light Manufacturing and "MM", Medium Manufacturing Zoning. There is a potential for incompatible land uses. This is somewhat diminished by the steep slope "drop-off" from the runway end down to the highway. Potential noise and height conflict concerns are reduced by the zoning and topography. Safety issues would be of the most concern. The County has acquired aviation easements in the clear zone areas.

Approach/Departure Zones: Some of the northern approach zone is within the same Williamson Act contract described in the above clear zones section. There are two parcels in a one family per five acre classification at the extreme north end of this zone, but these properties are considered compatible with the land use guidelines for this zone.

The southern approach zone beings near Hwy. 49 and crosses Georgia-Pacific Corporation, property and Amador Plaza shopping Center. There are vacant parcels zoned "M", Manufacturing.

Potential noise and height conflict should not be issues because of the zoning and topography. The lumber mill has existing high structures, and may request more, but these locations can be controlled by use permit as in the past.

Overflight Zone: The overflight zone covers a relatively large area surrounding Westover Field. There are high density residential uses, industrial and commercial uses in Martell, Sutter Hill and Argonaut Heights within this zone.

Although less critical than the Clear Zones or the Approach/Departure Zones at the immediate ends of the runway, there is the potential for both safety and noise conflicts in this zone.

IV. FINDINGS, POLICIES, AND IMPLEMENTATION

Section IV discusses land compatibility issues and addresses three critical land use planning concerns:

1. Compatibility of surrounding land uses with respect to airport noise levels;
2. Compatibility of surrounding land uses in terms of exposure of persons on the ground to crash hazards associated with aircraft; and
3. The need for appropriate height restrictions to protect the airspace used by aircraft.

Thoughtful planning in these three areas, reflected in land use policies and regulations, minimize the exposure of the public to noise and safety hazards and provide for safer aircraft operations.

At Westover Field, the airport area of influence is made up of the boundaries of the three areas of major concern: height, noise and safety.

A. AIRPORT HEIGHT RESTRICTION AREA

Height restrictions are necessary to insure that objects will not impair flight safety or decrease the operational capability of the airport. Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace, define a series of imaginary surfaces surrounding all public use airports. Any proposed object or structure which would penetrate any of these imaginary surfaces as they apply to the Westover Field is considered by the Federal Aviation Administration (FAA) to be an obstruction to air navigation. While an obstruction to air navigation may not necessarily be a hazard to air navigation, the FAA presumes it to be and treats it as such until an FAA aeronautical study has determined that it does not have a substantial adverse effect upon the safe and efficient use of navigable airspace by aircraft.

It should be noted that while the FAA requires a project sponsor to provide notice to them if a proposed project could exceed any of the imaginary surfaces, they cannot prohibit the construction of any structure determined to be a hazard. State law goes further, however, and prohibits the construction of any structure that would penetrate an imaginary surface, unless the State Division of Aeronautics has first issued a permit allowing its construction.

The imaginary surfaces which the FAA uses to determine whether or not a structure or an object would be an obstruction to air navigation include the primary surface, approach surface, horizontal surface, conical surface and transitional surfaces. These imaginary surfaces as they apply to Westover Field are described in Section 2.b. below and illustrated in Figure 3.

1. Objective:
To assure the safe passage of aircraft in, out and around Westover Field by safeguarding and preserving navigable airspace.
2. Findings:
 - a. Federal Aviation Regulations Part 77 (FAR Part 77.13) requires each person proposing any kind of construction or alteration to give notice to the Federal Aviation Administration (FAA) on form 7460-1 (Notice of Proposed Construction or Alteration) if such construction or alteration is:
 - 1) More than 200 feet in height above the ground level at its site, or
 - 2) Of a greater height than an imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from all edges of the runway surface.
 - b. Following receipt of a Notice of Construction or Alteration, the FAA determines whether or not the proposed structure is a hazard to air navigation. For Westover Field, the standards used by the FAA to determine whether or not a proposed structure would be a hazard to air navigation include the following airport imaginary surfaces defined in FAR Part 77.25 and illustrated in Figure 3:
 - 1) Primary Surface: A surface longitudinally centered along the runway, extending 200 feet beyond each end of the paved runway. The width of the primary surface for Westover Field is 60 feet.
 - 2) Horizontal Surface: A horizontal plane 150 feet above the established airport elevation (the highest point of an airport's useable landing area measured in feet above mean sea level), the perimeter of which is constructed by swinging arcs 5,000 feet out from the center of each end of the primary surface and connecting the adjacent arcs with lines tangent to these arcs.
 - 3) Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
 - 4) Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from each end of the primary surface at a slope of 20 to 1 for a length of 5,000 feet.
 - 5) Transitional Surface: A surface extending outward and upward at right angles to the runway centerline plus runway centerline extended at a slope of 7 to 1 from the sides of the approach surfaces.

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

- c. State law (California Public Utilities Code Section 21659) prohibits the construction of any proposed structure that would penetrate any of the imaginary surfaces defined above, unless:
 - 1) The FAA has determined that the proposed structure does not constitute a hazard to air navigation, or
 - 2) The State Division of Aeronautics has issued a permit allowing construction of the proposed structure.

3. Policy:

- a. Any proposed structure that would penetrate any of the imaginary surfaces for Westover Field, as defined in FAR Part 77.25, is deemed to be an incompatible land use, unless either the FAA has determined that the proposed structure does not constitute a hazard to air navigation or the State Division of Aeronautics has issued a permit allowing construction of the proposed structure.

4. Implementation of Airport Height Restriction Policy:

- a. The cities of Jackson and Sutter Creek and the County of Amador shall each adopt ordinances regulating the height of objects in the vicinity of Westover Field, incorporating the FAR Part 77.25 imaginary surfaces. Each jurisdiction shall periodically review their ordinance to insure that they are enforcing its provisions.
- b. The Amador County Airport Land Use Commission shall be notified by the proponent and/or the responsible local jurisdiction of any development proposal that could result in the erection of objects which could penetrate the airport height restrictions contained in this plan. The project proponent shall also give notice of possible obstructions to navigable airspace to the Federal Aviation Administration as required by FAR Part 77.

Before a proposed project that would penetrate the FAR Part 77.25 imaginary surfaces can be approved by the cities or county, the cities or county must take action to override the ALUC determination of incompatibility. The action to override, including the required findings, is governed by the Airport Land Use Commission Law, Article 3.5 of the California Public Utilities Code.

- c. A mapping of the imaginary surfaces area boundaries shall be performed by ALUC which specifically delineates those parcels impacted by height restrictions.

B. AIRPORT NOISE RESTRICTION AREA

Complaints of general annoyance caused by aircraft noise are the most common concern associated with land use around airports. The annoyance is usually related to interference with personal activities such as sleeping, conversing, relaxing or watching TV. While individual responses to noise are quite varied, methods have been developed to correlate noise level with community reaction.

The boundary for an airport noise area is determined by noise contours developed according to noise standards for California airports as defined by California Administrative Code, Title 21, Sections 5000 et. seq. this standard uses the Community Noise Equivalent Level (CNEL) method to determine noise level boundaries. These state regulations establish as a general standard that single-family and multi-family dwellings, mobile homes and schools of standard construction are incompatible with noise levels above 65 CNEL. In addition, California Noise Insulation Standards (California Administrative Code, Title 25, Section 28) require acoustical analysis of residential structures, other than detached single-family dwellings, with a 60 CNEL noise contour.

The most recent noise contours for Westover Field were prepared as part of the 1986 Westover Field Airport Master Plan revision proposal. These CNEL noise contours were mathematically derived using a fixed base aircraft maximum of 230 mixed type planes. Contouring was mapped for the 60, 65, 70 and 75dB CNEL noise contours. The CNEL lines are substantially effected by type of aircraft, hours of operation (i.e. night flights are weighted more heavily in the computations) and number of operations.

1. Objective:

To promote the overall goals and objectives of the California Airport Noise Standards (California Administrative Code, Title 21, Section 5000 et. seq.) and the California noise Insulation Standards (California Administrative Code, Title 25, Section 28), to prevent the creation of new noise problems around Westover Field, and to minimize the public's exposure to excessive aircraft generated noise.

2. Findings:

- a) The techniques used in preparing the noise contours in the 1986 Westover Field Master Plan revision of 1986 are adequate for land use planning purposes. They may not be adequate for individual land use project review. Actual noise monitoring may be required in the future by the ALUC.
- b) The California Division of Aeronautics has established the Community Noise Equivalent (CNEL) noise rating method for use in measuring noise around airports.
- c) The California Airport noise Standards establish 65 CNEL as a guideline for the maximum amount of airport noise in residential communities.
- d) The California Noise Insulation Standards require an acoustical analysis of proposed residential structures, other than detached single family dwellings, located within a 60 CNEL noise contour.
- e) The impact of aircraft generated noise can be influenced in several ways:
 - 1) Noise emitted can be reduced at the source by technological advancements and revisions to the aircraft.
 - 2) Aircraft operational procedures can be implemented to reduce or select the ground area impacted by the noise emitted.

3) Special acoustical treatment of structures can reduce interior noise levels.

3. Policies:

- a. The CNEL method of rating noise impact is adopted for general guidance by the ALUC.
- b. The creation of new residential parcels within the 230 fixed base aircraft estimated 65 CNEL contour at Westover Field is not a noise-compatible land use.
- c. Within the 230 fixed base aircraft estimated 60 CNEL contour at Westover Field, all new residential structures shall be designed to limit intruding noise such that interior noise levels shall not exceed 45 CNEL in any habitable room.
- d. The Land Use Compatibility Chart for Aircraft Noise, presented in Figure 5, is adopted as an aid for the general determination of noise compatible land uses in the are surrounding Westover Field.

4. Implementation of Airport Noise Policies:

- a. Amador County and the Cities of Jackson and Sutter Creek should prepare and adopt an airport noise ordinance implementing ALUC noise standards for Westover Field, until such time as these ordinances are in effect all residential units proposed in the 230 fixed base aircraft estimated 60 CNEL contour shall be referred to the ALUC prior to issuance of the Building Permit.
- b. Within 65 CNEL noise contour restricting residential development established by this plan, Amador County and the Cities of Jackson and Sutter Creek shall submit for ALUC review any proposed land use changes including general plan or specific plan adoptions or amendments, rezonings, rezonings, use permits, variances and all new noise sensitive construction.
- c. For any residential development occurring between the 55 CNEL noise contour and the 65 CNEL noise contour, Amador County and the Cities Jackson and Sutter Creek shall evaluate the impact of aircraft noise on such development and require the implementation of appropriate mitigation measures such as noise insulation standards (mandatory within 60 CNEL contour) a buyer or lessee notification requirement to inform potential buyers and Lessees of the exterior noise levels projected by the CNEL method at their property, and the attachment of a noise easement to title of all property sold in the areas affected by aircraft noise.
- d. For existing residential development and future residential development allowed by this plan within the 65 CNEL contour, buyer notification programs, and noise easement acquisitions when possible are strongly recommended.
- e. A detailed mapping of the CNEL noise contours shall be performed by the ALUC which specifically delineates those parcels impacted by noise restrictions.

C. AIRPORT SAFETY RESTRICTION AREA

The most important concern for airport land use planning is the safety of persons on the ground. While the safety record of general aviation is quite good, accidents do happen and they must be considered in land use planning around airports.

Recorded data on nationwide general aviation accidents from 1974-1979 showed that 45 percent of accidents occurred on airport property, 15 percent were in the traffic pattern or within one mile of the airport boundary. Considering just those accidents within one mile of the airport boundary, 33 percent were within 1/4 mile and 29 percent occurred in the traffic pattern. This data suggests that land use off the immediate ends of the runway and under the airport traffic pattern is a significant safety concern in preparing airport land use safety zones.

1. Objective:

To protect the safety and general welfare of people in the vicinity of Westover Field by minimizing the public exposure to airport-related safety hazards.

2. Findings:

- a. Controls over aircraft operating procedures and hazardous land uses around airports can greatly reduce the likelihood of aircraft accidents around airports. These precautions, however, cannot guarantee absolute safety. Policies can be established to prevent development of land use-related hazards to air navigation and to limit casualties on the ground in the event of a crash.
- b. Nationwide studies of air accidents indicate that:
 - 1) Almost half of all accidents occur on airport property.
 - 2) An additional 15 percent of aircraft accidents occur outside airport property but within one mile of the airport runway(s).
 - 3) A substantial concentration of aircraft accidents occur within the initial climb-out and the final approach sectors of airports.
- c. Land uses and developments that can create hazards to air navigation are objects that exceed FAR Part 77 height standards, attract large concentrations of birds within approach/departure areas, produce smoke, have flashing lights, reflect light or generate electronic interference.

3. Policies:

- a. The ALUC designates airport safety areas identified as Safety Area 1 (Clear Zone), Safety Area 2 (Approach/Departure Zone), and Safety Area 3 (Overflight Zone). These safety areas are illustrated in Figures 6 and 7, and have the following dimensions:
 - 1) Safety Area 1 (Clear Zone) begins at the end of the primary surface, 200 feet beyond the end of the paved runway surface, and is centered along the extended runway centerline. At the southern approach Safety Area 1 has an inner width of 250 feet and extends out southerly to align parallel and 100 feet northeasterly

of the State Hwy. 49 right-of-way (Garamendi Settlement; Book 18 of judgments-Page 151-160 of Official Records of Amador County). At the northern approach Safety Area 1 has an inner width of 250 feet and extends outward to a length of 1000 feet and has an outer width of 450 feet.

- 2) Safety Area 2 (Approach/Departure Zone) begins at the outer end of Safety Area 1 and is centered along the extended runway centerline. At the southern approach Safety Area 2 extends out, beginning with a width in compliance with the Garamendi Settlement, to a total length combining Safety Area 1 and 2 to 3000 feet and a width of 850 feet. At the northern approach Safety Area 2 has an inner width of 450 feet and extends in length 4000 feet to a width of 1250 feet.
 - 3) Safety Area 3 (Overflight Zone): generally coincides with the area overflown by aircraft during normal traffic pattern procedures and coincides with the area underlying the Horizontal Surface which is outside of Safety Area 1 and Safety Area 2. For Westover Field, the perimeter of the Overflight Zone is constructed by swinging arcs of 5,000 foot radii from the center of each end of the primary surface of the runway and connecting these arcs by lines tangent to the arcs.
- b. Table I, the Land Use Compatibility Guidelines for Safety, is adopted as the criteria to be used when reviewing projects in Safety Areas 1, 2 and 3. The Guidelines list potential uses and indicate compatibility, conditional compatibility or non-compatibility for each safety area. In the event compatibility cannot be determined through use of the Guidelines, the ALUC should be contacted by the Local jurisdiction to make a determination. The Guidelines address safety concerns only, and noise or height restrictions may also apply to specific projects under review.
 - c. In addition to the uses specified in the Land Use Compatibility Guidelines for Safety, the following generalized land uses are defined as non-compatible for Westover Field:
 - 1) Safety Areas 1 and 2 Combined (Clear Zones and Departure Zones):
 - a) Any use which would direct a steady light or flashing light of white, red, green or amber color toward an aircraft engaged in an initial straight climb following take-off or toward an aircraft engaged in a straight final approach toward a landing at the airport, other than an FAA approved navigational signal light or visual approach slope indicator (VASI).
 - b) Any use which would cause sunlight to be reflected toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at the airport.
 - c) Any use which would generate smoke or which could attract large concentrations of birds, or which may otherwise affect safe air navigation within this area.
 - d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or airport instrumentation.

- e) Any hazardous installations such as above-ground oil, gas or chemical storage facilities, excluding facilities for non-commercial, private domestic or private agricultural use.
2. Safety Area 1 (Clear Zones):
- a) Permanent structures (not necessarily including such items as roads or underground vaults).
 - b) Residential development.
 - c) Any use resulting in a gathering of more than ten persons per acre at any time.
3. Safety Area 2 (Approach/Departure Zones):
- a) Any new residential development which would result in a building density of greater than two dwelling units per acre excepting, however, minor alteration to existing structures and the construction of new structures on single-family residential lots created by residential subdivision maps recorded prior to the date this plan is adopted.
 - b) Any use which would result in concentrations of people such as, but not limited to, shopping centers, restaurants, schools, factories, hospitals, office complexes or stadiums.
4. IMPLEMENTATION OF AIRPORT SAFETY POLICIES
- a) The Land Use Compatibility Guidelines provide the basis for determining compatibility of a particular land use with ALUC safety policies for Westover Field. Basic compatibility may be determined by first identifying the safety area within which a project is located, and then finding the use category on the guidelines chart. If a "yes" is indicated for the use in the particular zone, the project is compatible with ALUC policy. A "no" indicates incompatibility. A "yes" with a footnote indicates a conditional compatibility depending upon the size and intensity of use. In the event that a particular parcel lies close to any safety area boundary, the ALUC staff should be contacted to determine precisely which safety area the parcel in question is located within.
 - b) In the case of a safety area line splitting a parcel, the parcel may be developed to split uses and densities as long as the individual portions of the parcel are consistent with the land use policies for the safety zone in which they lie.
 - c) The lawful use of land or buildings existing on the effective date of the Airport Land Use Plan, although such use does not conform to the policies specified in the safety zone in which such land is located, is a nonconforming use and may be continued as hereinafter provided, except that any such use ceases for a period of two years, the subsequent use of

such land shall be in conformity to the policies specified for the safety zone in which such land is located.

The enlargement, increase or extension of a nonconforming use building may be allowed, provided such enlargement, increase or extension does not consist of more than ten percent of the total floor area of the building.

Ordinary maintenance and repairs may be made to any nonconforming building. Structural alterations may be made, including complete remodeling and renovation of the building.

If at any time any nonconforming building is damaged or destroyed by fire, explosion, act of God, or act of the public enemy, such building may be rebuilt.

The nonconforming use of a building may be changed to a use which is found to be similar or more restrictive in nature.

- d) Strict applications of the Land Use Compatibility Guidelines for Safety may create undue hardships which outweigh interests of public health and safety. Deviation from the guidelines through an overrule by the Cities of Jackson and Sutter Creek or the County of Amador should be approved only upon a finding that such hardships clearly outweigh the public health, safety and welfare objectives of this plan. As stated in Section 21678(a) of the Public Utilities Code, the overriding jurisdiction must bear the responsibility of any property damage or personal injury resulting from their decisions; the airport operator shall be immune.
- e) Amador County and the Cities of Jackson and Sutter Creek shall implement the airport safety policies established by this plan through such actions as preparing and adopting an airport safety area zoning ordinance, the preparation and adoption of a specific plan for the airport area of influence, or inclusion of appropriate standards in the general plan for each jurisdiction. Until such time as those implementation measures are in effect all permits shall be referred to ALUC for review and approval.
- f) Within the safety areas established by this plan, Amador County and the City Cities of Jackson and Sutter Creek shall submit for ALUC review any proposed Land Use change including general plan or specific plan adoptions or amendments, rezonings, rezonings, use permits or variances.

D. COMPREHENSIVE LAND USE PLAN IMPLEMENTATION PROCESS

1. Adoption of this plan sets in motion a 180 day period, within which Amador County and the Cities of Jackson and Sutter Creek must take one of two possible actions:
 - a. The first option is to amend the general plan and other land use controls and regulations, where necessary, to be consistent with this plan.
 - b. The second option, if the jurisdiction(s) do not concur with provisions of this plan, is to overrule that portion of the plan it does not agree with. The overruling must, however, be by two-third (2/3) vote of the governing body and must be based on findings that the action to overrule is consistent with Section 21670 of the California Public Utilities Code.

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

2. Prior to the amendment of the general plan or specific plan, or the adoption of approval of a zoning ordinance or building regulation that would affect land that lies without the airport area of influence, the proposal must be submitted to the Airport Land Use Commission for review and determination of compatibility. Each jurisdiction is responsible for submitting such proposals to the ALUC.

APPENDIX 1

CONCENTRATIONS OF PERSONS PER ACRE STANDARD

Uses are compatible if they do not result in a gathering of individuals in an area that would result in an average density of greater than 25 persons per acre per hour during a 24 hour period, not to exceed 50 persons per acre at any time.

- 1) Average densities of persons per acre per hour during a 24 hour period are determined by calculating the number of persons per acre expected on a site, multiplying by the number of hours they will be on the site, and dividing the total by 24.

Example #1: One 8 hour shift of 30 workers on a one acre site
30 persons expected x 8 hours on site = 240.

$$\frac{240}{24 \text{ hours}} = \text{average density of 10 persons per acre per hour during a 24 hour period.}$$

Example #2: Two 8 hour shifts of 30 workers on a one acre site
30 persons expected x 16 hours on site = 480.

$$\frac{480}{24 \text{ hours}} = \text{average density of 20 persons per acre per hour during a 24 hour period.}$$

- 2) The maximum number of persons allowed per acre per hour is calculated by dividing the number of hours persons will be on the site by 24 hours, and then dividing 25 persons per acre per hour by the result. The resulting number is the maximum number of persons allowed per acre per hour, provided it does not exceed 50. 50 persons per acre at any one time is the maximum number of persons allowed under the standard.

Example: A use on a one acre site has two 8 hour shifts.

$$25 \frac{16 \text{ hours}}{24 \text{ hours}} = 37.5 \text{ maximum persons per acre per hour allowed}$$

Application of this formula results in the following table which specifies the maximum persons per acre per hour for the duration of time that persons are expected to be on site during a 24 hour period.

Hours of Operation Per Day	Maximum Persons Allowed Per Acre/During Each Hour
24	25
23	26
22	27
21	28
20	30
19	31
18	33
17	35
16	37

15	40
14	42
13	46
12 or less	50*

Note: Fractions in the maximum persons allowed column are rounded to the lowest whole number.

*Concentration of persons per acre cannot exceed 50 persons per acre at any time.

APPENDIX 2

AIRPORT LAND USE COMMISSION LAW

Article 3.5 Airport Land Use Commission

Creation; Membership; Selection

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

- (1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669, and 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 or 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 representing the airports within that county, appointed by a selection committee comprised of the managers of all the public airports within that County, except that one representative shall be appointed from an airport operated for the benefit of the general public.
 - (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 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) This section shall remain in effect only until January 1, 1989, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1989, deletes or extends that date.

Note: The above amendment and repeal of Public Utilities Code Section 21670 (as amended and repealed by Section 3 of Chapter 1041, Statutes of 1982) was made by Section 2 of Chapter 1117, Statutes of 1984, provides:

Sec. 3. Section 21670 of the Public Utilities Code, as added by Section 4 of Chapter 1041 of the Statutes of 1982, is amended to read:

21670. (a) 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 subdivisions (b) and (c) shall each be increased by one.
 - (2) Two representing the county, appointed by the board of supervisors.
 - (3) Two representing the airports within that county, appointed by a selection committee comprised of the managers of all of the public airports within that county, except that one representative shall be appointed from an airport operated for the benefit of the general public.
 - (4) One representing the general public, appointed by the other six members of the commission.
- (b) Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.
 - (c) Each member shall promptly appoint a single proxy to represent the member in commission affairs and to vote on all matters when the member is not in attendance. The proxy shall be designated in a signed written instrument which shall be kept on file at the commission offices, and the proxy shall serve at the pleasure of the appointing member. A vacancy in the office of proxy shall be filled promptly by appointment of a new proxy.
 - (d) This section shall become operative January 1, 1989.

Action by Designated Body Instead of Commission

21670.1 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 such body 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.

Applicability to Counties Having Over 4 Million Population

21670.2. Sections 21670 and 21670.1 do not apply to counties of more than 4 million population. In such counties, 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 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.

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

21671. In any county where there is an airport operated for the general public which is owned by a city or district in another county or by another county, one of the representatives provided by paragraph (1) of subdivision (b) of Section 21670 shall be appointed by the 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.

This section shall remain in effect only until January 1, 1989, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1989, deletes or extends that date.

Note: The above amendment and repeal of Public Utilities Code Section 21671 (as amended and repealed by section 5 of Chapter 1041, Statutes of 1982) was made by Section 4 of Chapter 1117, Statutes of 1984. Section 5 of Chapter 1117, Statutes of 1984, provides:

SEC.5. Section 21671 of the Public Utilities Code, as added by Section 6 of Chapter 1041 of the Statutes of 1982, is amended to read:

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 (a) of Section 21670 shall be appointed by the 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 (a) of Section 21670 shall be appointed by the board of supervisors of the county in which the owner of that airport is located, and one of the representatives provided by paragraph (2) of subdivision (a) of Section 21670 shall be appointed by the board of supervisors of the county in which the owner of that airport is located.

This section shall become operative January 1, 1989.

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

21671.5 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 successor. The members of the first commission shall classify themselves by lot so that the term of office of one members is one year, of two members is two year, of two members is three years, and of two members is four years. The body which originally appointed a member whose term has expired shall appoint his successor for a full term of four years. Any member may be removed at any time and without cause by the body a appointing him. The expiration date of the term of office of each member shall be the first Monday in May in the year in which his 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 Chairman of the commission shall be selected by the members thereof.

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

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 county charge.

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.

The commission shall meet at the call of the commission chairman or at the request of the majority of the commission members.

Rules and Regulations

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

Initiation of Proceedings for Creation by Owner of Airport

21673. In any county when a commission has not been created by Section 21670, 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 their satisfaction.

Powers and Duties

21674. The commission shall have 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 such airports is not already devoted to incompatible uses.
- (b) To coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare.
- (c) To prepare and adopt an airport land use plan pursuant to Section 21675.
- (d) To review the plans, regulations, and other actions of local agencies and airport operators pursuant to Section 21676.
- (e) The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.

This section shall remain in effect only until January 1, 1989, and as of that date is repealed, unless a later enacted statute which is chaptered before January 1, 1989, deletes or extends that date.

Note: The above amendment and repeal of Public Utilities Code Section 21674 was made by Section 7 of Chapter 1041, Statutes of 1982. Section 8 of Chapter 1041, Statutes of 1982, provides:

SEC. 8 Section 21674 is added to the Public Utilities Code, to read:

21674. The commission shall have the following powers and duties, subject to the limitations upon its jurisdiction herein set forth:

- (a) To study conditions and make recommendations concerning the need for height restrictions on buildings near airports.

- (b) To make recommendations for the use of the land surrounding airports to assure safety of air navigation and the promotion of air commerce.
- (c) To hold public hearings regarding the subject matter in subdivision (a) and (b) and make findings of fact thereon which would be advisory only to the involved jurisdiction.
- (d) To make and enforce rules and regulations for the orderly and fair conduct of such hearings which shall conform as nearly as possible to the provisions applicable to hearings conducted by local agency formation commissions.
- (e) To achieve by zoning 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 such airports is not already devoted to incompatible uses, and to this end the commissions shall require that all new construction in such areas shall conform to such standards as the department may from time to time adopt. The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.

This section shall become operative January 1, 1989

Land Use Plan

21575. (a) The 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 a long-range master plan 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, may specify use of land, and may determine building standards, including soundproofing adjacent to airports, within the planning area. The comprehensive land use plan shall not be amended more than once in any calendar year.
- (b) The commission may include, within its plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any federal military airport for all the purposes specified in subdivision (a). This subdivision does not give the commission any jurisdiction or authority over the territory or operations of any military airport.
 - (c) The planning boundaries shall be established by the commission after hearing and consultation with the involved agencies.

Review of Local General Plans

21667. (a) Each local agency whose general plan includes areas covered by an airport land use commission plan, shall, by July 1, 1983, submit a copy of its plan or specific plans to the airport land use commission. The commission shall determine by August 31, 1983, whether the plan or plans are consistent or inconsistent with the commission's plan. If the plan or plans are inconsistent with the commission's plan, the local agency shall be notified and that local agency shall have another hearing to reconsider its plans. The local agency may overrule the commission after such hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670.
- (b) Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent

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

- (c) Each public agency owning any airport within the boundaries of an airport land uses commission plan, shall, prior to modification of its airport master plan, refer such proposed change to the airport land use commission. If the commission determines that the proposed action is inconsistent with the commission plan, the referring agency will be notified. The public agency may, after a public hearing, overrule the commission by a two-thirds votes of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670.
- (d) Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the commission's plan.

This section shall remain in effect only until January 1, 1989, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1989, deletes or extends that date.

Note: The above amendment and repeal of Public Utilities Code Section 21676 was made by Section 9 of Chapter 1041, Statutes of 1982. Section 10 of Chapter 1041, Statutes of 1982, provides:

SEC. 10 Section 21676 is added to the Public Utilities Code, to read:

21676. Each public agency having representation on the commission shall assist in the development of an area plan. All such plans shall be filed with the commission for its approval. If in the determination of the commission, an action or regulation of any public agency within the boundaries of the area plan is inconsistent with the commission plan, then the commission shall hold a hearing to determine whether or not the proposed action is in the best interest of the airport and the adjacent area. If it is determined that the action would be harmful, then the public agency shall be notified and the public agency shall have another hearing to reconsider its action. The public agency proposing the action or regulation, however, may overrule the commission after such hearing by a four-fifths vote of its governing body.

This section shall become operative January 1, 1989.

Review of Local Plans

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

subject to further commission review, unless the commission and the local agency agree that individual projects shall be reviewed by the commission.

Marin County Override Provisions

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

Airport Owner's Immunity

21677. (a) With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676 or 21676.5 overrides a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to override the commission's action or recommendation.
- (b) This section shall remain in effect only until January 1, 1989, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1989, deletes or extends that date.

APPENDIX 3

1. Public Utilities Code

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

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

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

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 the expansion of the present site, or for the construction of the state building.

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

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

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

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

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

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

The permit shall not be required if the Federal Aviation Administration has determined that the construction or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation. The previous paragraph does not apply to a pole, pole line, distribution or transmission tower, or tower line or substation of a public utility.

Section 21661.5: Approval of plan for new airport.

No political subdivision, any of its officers or employees, or any person may submit any application for the construction of a new airport to any local, regional, state, or federal agency unless the plan for such construction is first approved by the board of supervisors of the county, or the city council of the city, in which the airport is to be located and unless the plan is submitted to the appropriate commission exercising powers pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9, and acted upon by such commission in accordance with the provisions of such article.

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

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

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

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

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

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

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

2. Education Code

These sections reflect provision of the Education related to proposed sites near airports:

Section 39005: Investigation of school sites near airport.

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

Immediately after receiving notice of the proposed acquisition, the Department of Education shall notify the Department of Transportation, in writing, of the proposed acquisition. The Department of Transportation shall make an investigation and report to the Department of Education within 25 days after receipt of the notice. If the Department of Transportation is no longer in operation, the Department of Education shall, in lieu of notifying the Department of Transportation, notify the Civil Aeronautics Board or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the board or other agency any information or assistance that it may desire to give.

The Department of Education shall investigate the proposed site and, within 30 days after receipt of the notice, shall submit to the governing board a written report and its recommendations concerning acquisition of the site.

Section 39006: Notice and public hearing

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

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

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

If, with respect to a proposed site located within two miles of an operative airport runway, the report of the Department of Education submitted to a school district governing board under Section 39005 or 39006 does not favor the acquisition of the site on the sole or partial basis of the unfavorable recommendation of the Department of Transportation, no state agency or

officer shall grant, apportion, or allow to the school district for expenditure, in connection with that site, any state funds otherwise made available under any state law whatever for school site acquisition or school building construction, or for expansion of existing sites and buildings, and no funds of the school district or of the county in which the district lies shall be expended for those purposes, except that the provisions of this section shall not apply to sites acquired prior to January 1, 1966, nor to any additions or extensions to those sites.

If the recommendation of the Department of Transportation is unfavorable, the recommendations shall not be overruled without the express approval of the Department of Education and the State Allocation Board.

Section 81036: Investigation of community college site near airport.

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

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

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

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

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

community college district or the county in which the district lies shall be expended for such purposes; provided that the provisions of this section shall not be applicable to sites acquired prior to January 1, 1966 nor to any additions or extensions to such sites.

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

FIGURE 1
VICINITY MAP

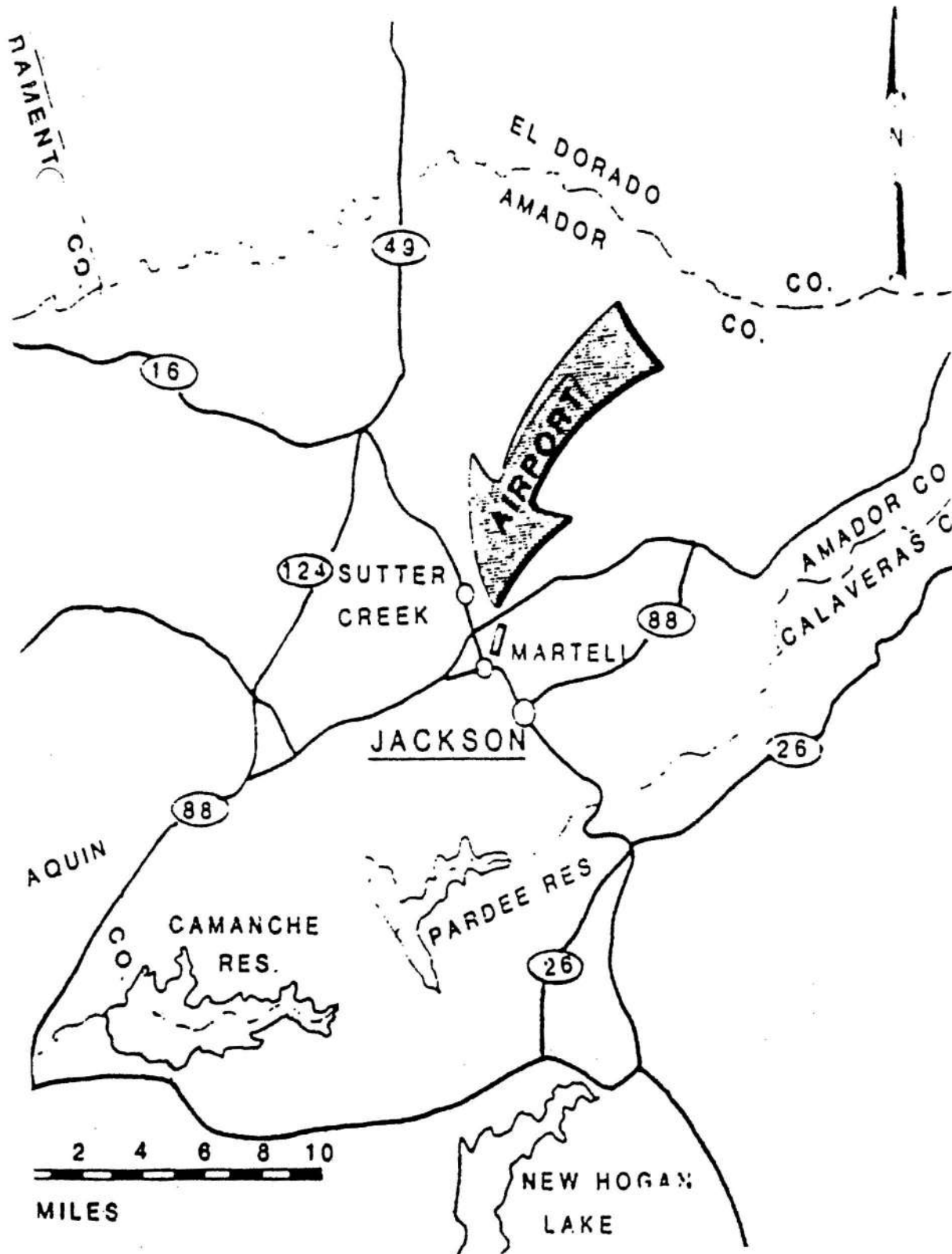


FIGURE 2
WESTOVER FIELD - AIRPORT LAYOUT PLAN

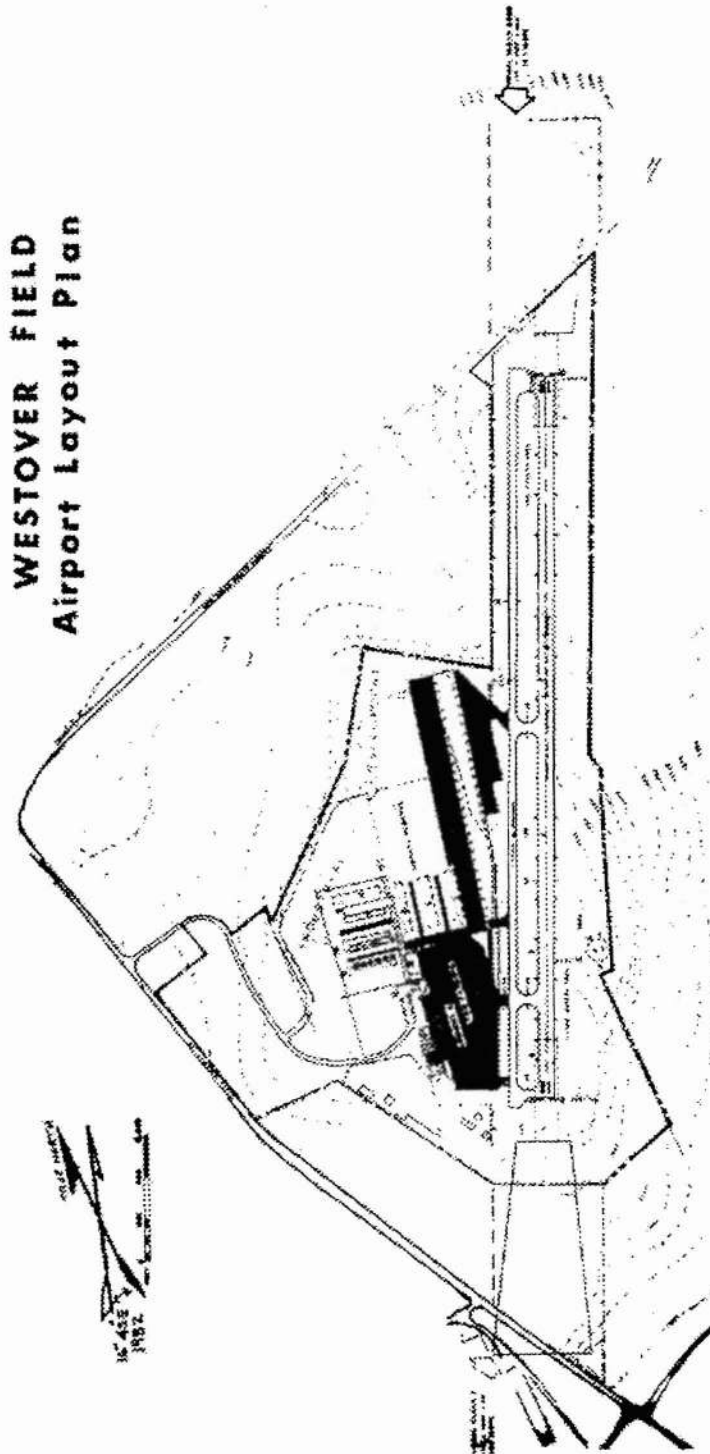


FIGURE 3
EXAMPLE OF PART 77 CIVIL AIRPORT IMAGINARY SURFACES -
ISOMETRIC VIEW

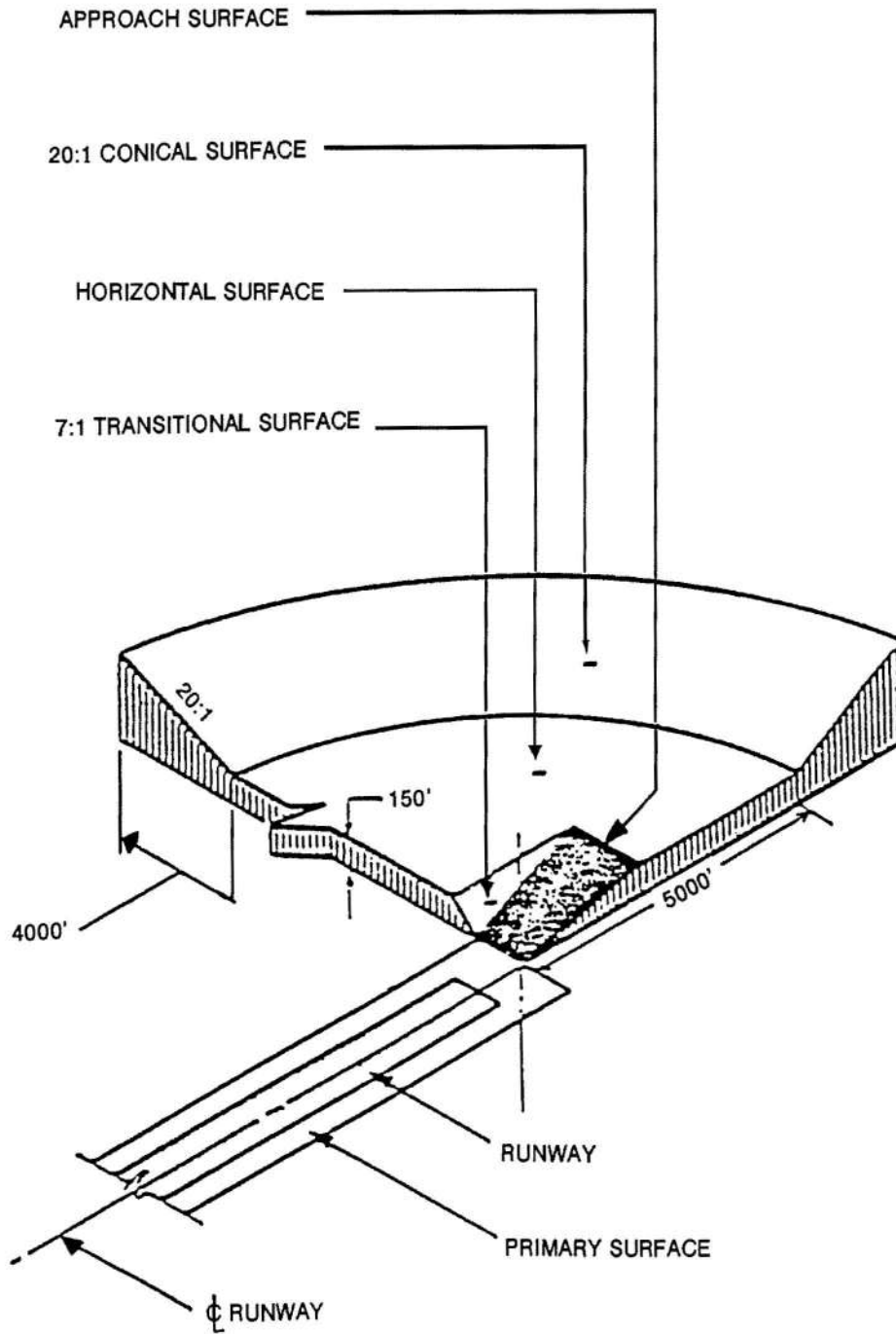
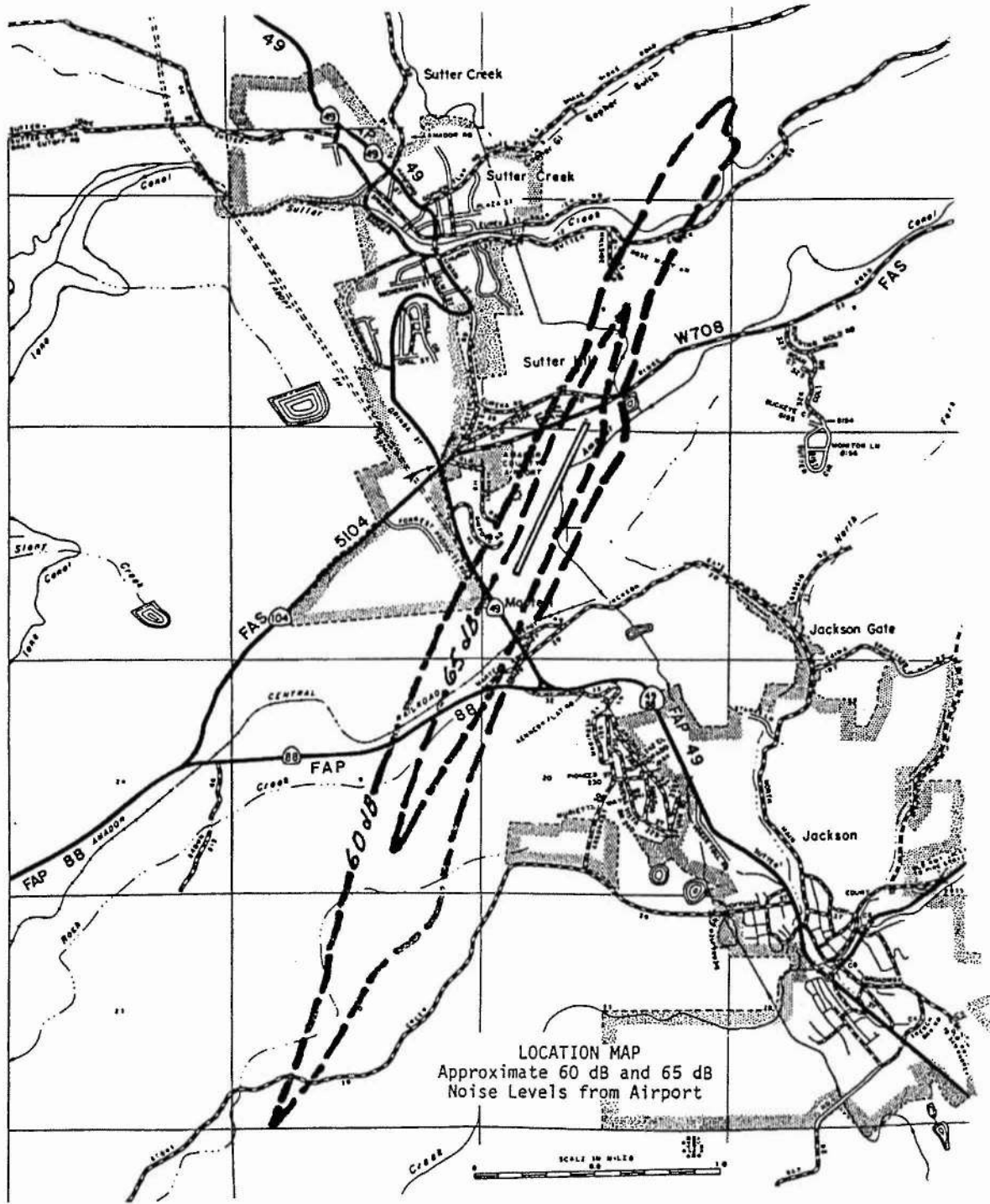
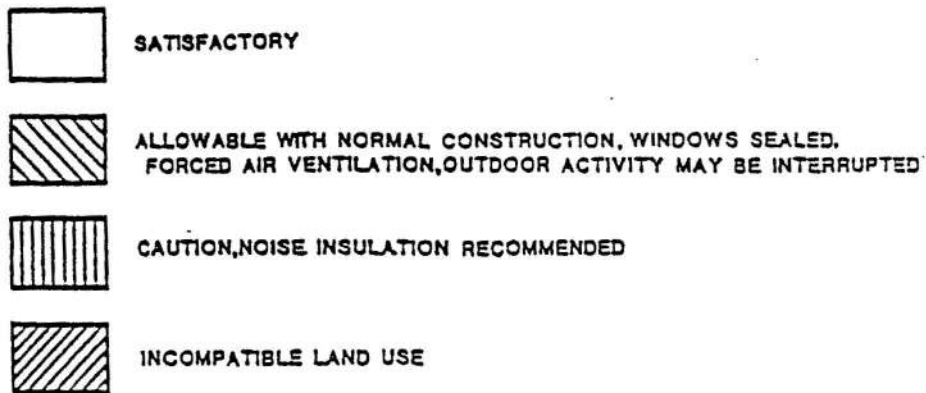
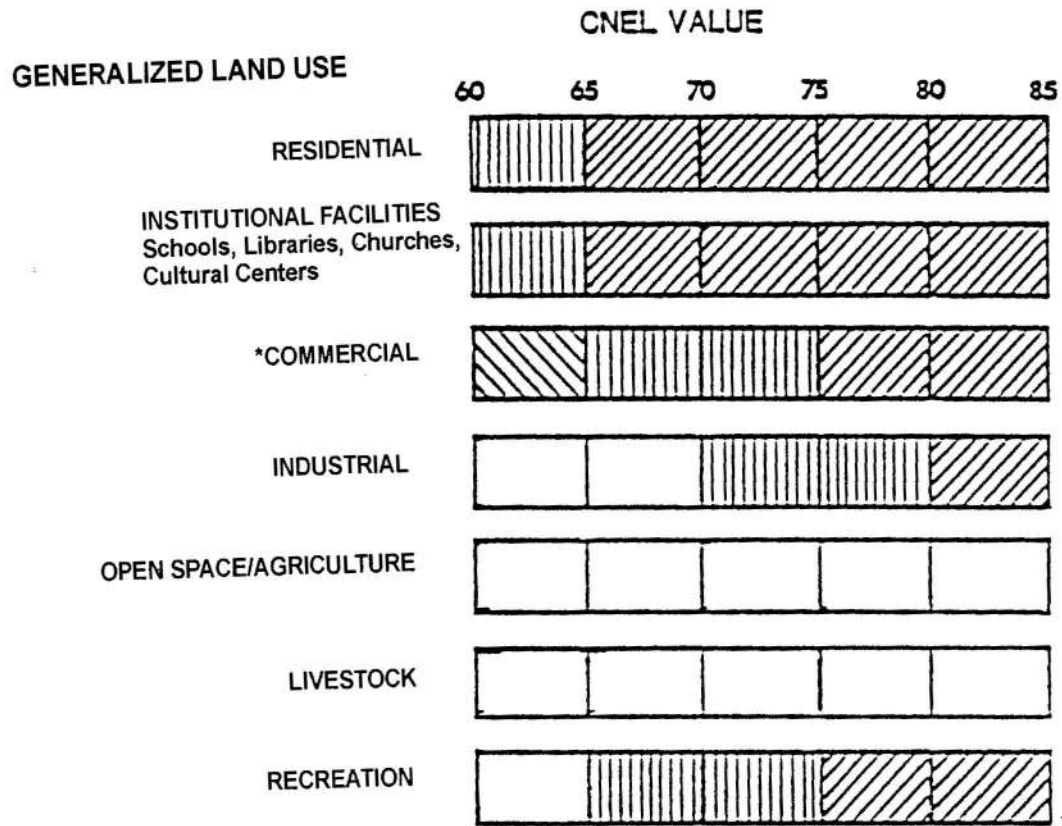


FIGURE 4
LOCATION MAP - APPROXIMATE 60 dB AND 65 dB
NOISE LEVELS FROM AIRPORT



LOCATION MAP
 Approximate 60 dB and 65 dB
 Noise Levels from Airport

FIGURE 5
LAND USE COMPATIBILITY CHART FOR AIRCRAFT NOISE



* It is recommended that between 65 and 60 CNEL, noise insulation be incorporated into design and construction of those portions of the building area where the public is received, office areas, or where interior noise levels are generally low.

FIGURE 6
AIRPORT SAFETY AREAS

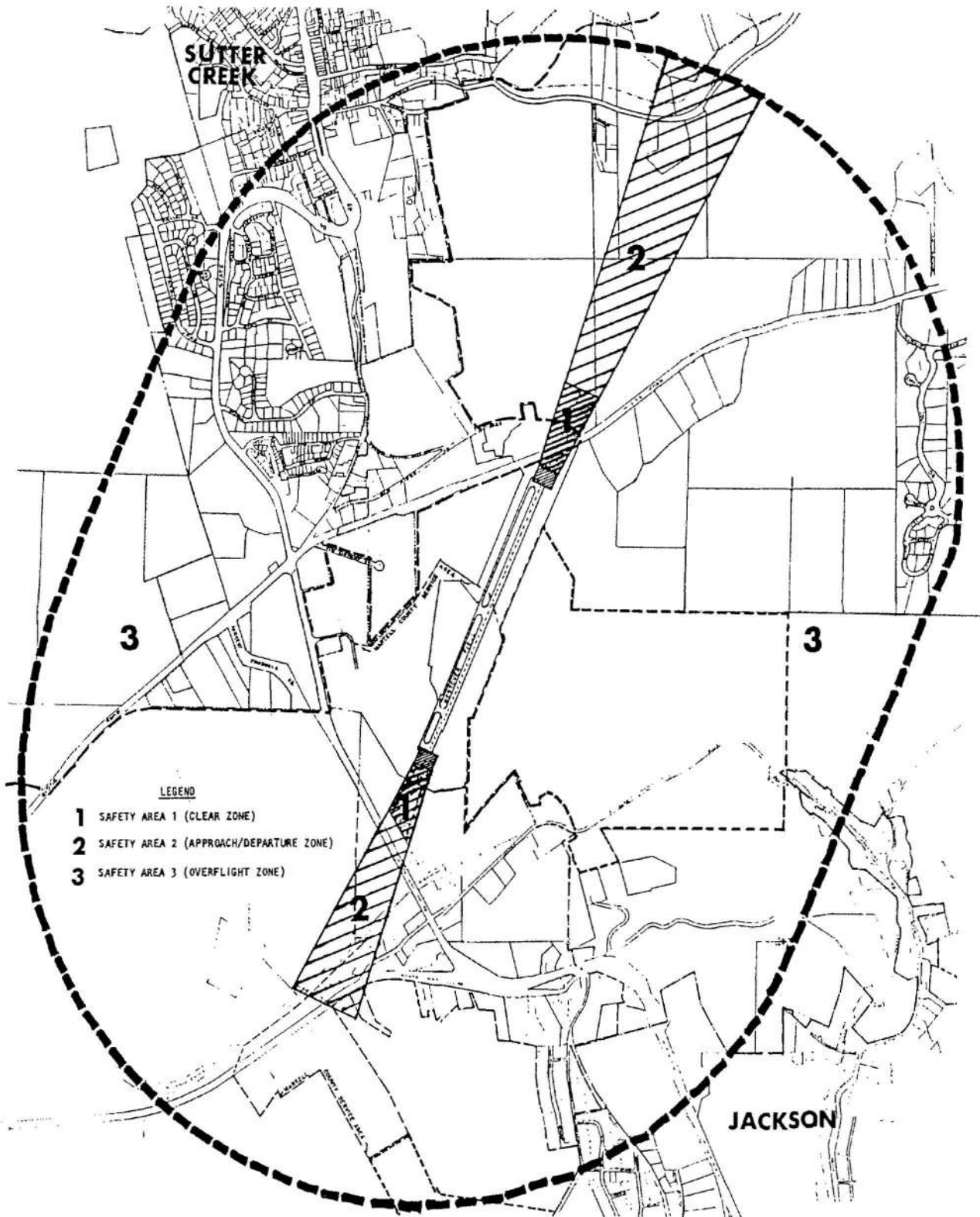


FIGURE 7
AIRPORT SAFETY AREAS 1 & 2

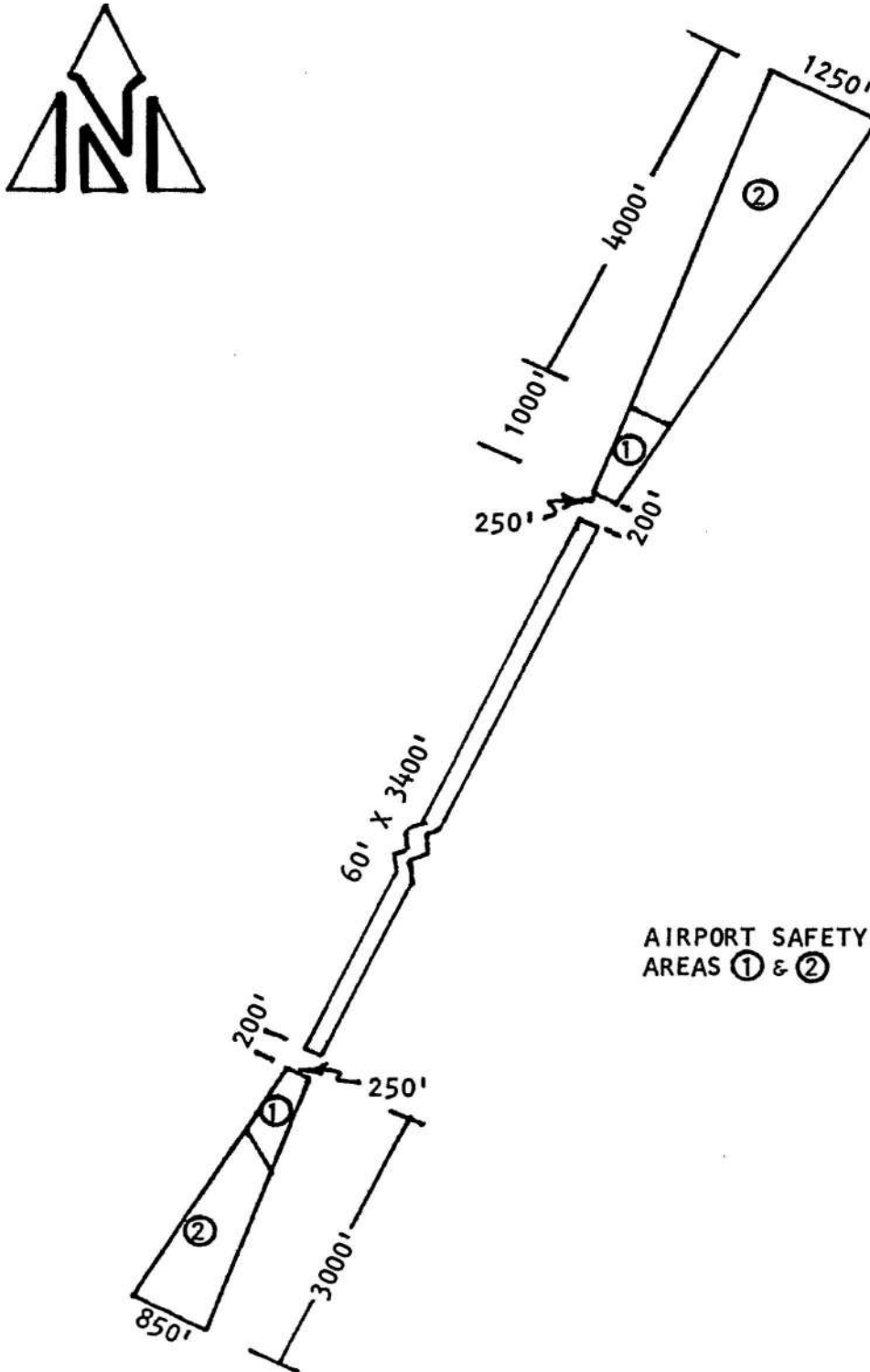


FIGURE 8

LAND USE CATEGORY	COMPATIBILITY WITH SAFETY AREA		
	1 CLEAR ZONE	2 APPROACH ZONE	3 OVERFLIGHT ZONE
<u>COMMERCIAL/RETAIL TRADE</u>			
Wholesale warehousing and sales	Yes ⁸	Yes ⁸	Yes
Building materials - retail	No	No	Yes
General merchandise - retail	No	No	Yes
Food - retail	No	No	Yes
Automotive service, sales, or repair	No	See ⁹	Yes
Apparel and accessories - retail	No	No	Yes
Eating and drinking places	No	No	Yes
Furniture, home furnishing - retail	No	No	Yes
Other retail trade	No	No	Yes
Residential hotels	No	No	Yes
Transient lodging - hotels, motels	No	No	Yes
<u>PERSONAL AND BUSINESS SERVICES</u>			
Finance, insurance and real estate	No	Yes ²	Yes
Personal services	No	Yes ²	Yes
Business services	No	Yes ²	Yes
Repair services	No	Yes ²	Yes
Contract construction services, yard	Yes ⁸	Yes ²	Yes
Indoor recreation services	No	Yes ²	Yes
Other services	No	Yes ²	Yes
<u>PUBLIC AND QUASI-PUBLIC SERVICES</u>			
Hospital, custodial care, preschool	No	No	Yes ⁶
Government services	No	No	Yes
Schools	No	No	Yes ⁷
Cultural activities, inc. churches, libraries	No	No	Yes
Medial and other health clinics	No	No	Yes
Cemeteries	Yes ⁸	Yes ²	Yes
Other public and quasi-public services	No	No	Yes
<u>OUTDOOR RECREATION</u>			
Neighborhood parks	No	Yes ^{2,4}	Yes
Community and regional	No	Yes ^{2,4}	Yes
Nature Exhibits	No	Yes ²	Yes
Spectator sports, stadiums, arenas	No	No	No
Golf course, riding stables	No	Yes ²	Yes
Water based recreational areas	No	Yes ^{2,4,5}	Yes
Resort and group camps	No	No	Yes
Auditoriums, concert halls	No	No	No
Outdoor amphitheatres, music shells	No	No	No
<u>RESOURCE PRODUCTION, EXTRACTION AND OPEN SPACE</u>			
Agricultural production	Yes ^{3,5}	Yes ⁵	Yes
Permanent open space	Yes ^{3,5}	Yes ⁵	Yes
Water areas	Yes ^{3,5}	Yes ⁵	Yes
Wholesale horticultural production	Yes ^{3,5}	Yes ^{2,5}	Yes
Livestock farming, animal breeding	Yes ⁸	Yes ²	Yes

LAND USE CATEGORY	COMPATIBILITY WITH SAFETY AREA		
	1 CLEAR ZONE	2 APPROACH ZONE	3 OVERFLIGHT ZONE
<u>RESIDENTIAL</u>			
Single family	No	Yes ¹	Yes
Two family	No	Yes ¹	Yes
Multi-family dwelling	No	Yes ¹	Yes
Group quarters	No	No	Yes
Mobile home parks or courts	No	No	Yes
Custodial care facilities	No	No	Yes ⁶
<u>INDUSTRIAL/MANUFACTURING</u>			
Food and kindred product	No	Yes ²	Yes
Textile mill products	No	Yes ²	Yes
Apparel	No	Yes ²	Yes
Lumber and wood products storage	Yes ⁸	Yes ²	Yes
Furniture and fixtures	No	Yes ²	Yes
Paper and allied products	No	Yes ²	Yes
Printing, publishing	No	Yes ²	Yes
Chemicals and allied products	No	No	Yes
Petroleum refining and related industries	No	No	No
Rubber and miscellaneous plastic	No	No	No
Stone, clay, and glass products	No	Yes ²	Yes
Primary metal industries	No	Yes ²	Yes
Fabricated metal products	No	Yes ²	Yes
Miscellaneous manufacturing	No	Yes ²	Yes
Warehousing/storage	Yes ⁸	Yes ²	Yes
<u>TRANSPORTATION, COMMUNICATIONS & UTILITIES</u>			
Railroad	Yes ³	Yes	Yes
Highway and street ROW	Yes ³	Yes	Yes
Auto parking lots/airplane parking areas	Yes ⁸	Yes ²	Yes
Communications	Yes ³	Yes ²	Yes
Utilities	Yes ³	Yes ²	Yes
Other trans., comm., and util.	Yes ³	Yes ²	Yes

¹ Single-family residential is a compatible land use only if the building density is two or less single dwelling units per acre.

² Uses compatible only if they do not result in a large concentration of people. A large concentration of people is defined as a gathering of individuals in an area that would result in an average density of greater than 25 people per acre during a 24-hour period, not to exceed 50 persons per acre at any time (see Appendix 1 for a suggested method of determining concentrations of people).

³ No building, structures, above-ground transmission lines, or storage of flammable or explosive material above ground, and no uses resulting in a gathering of more than 10 persons per acre at any time.

⁴ No high-density use or facilities, such as structured playgrounds, ball fields, or picnic pavilions.

⁵ Uses compatible only if they do not result in a possibility that a water area may cause ground fog or result in a bird hazard.

⁶ No more than six persons under care.

⁷ If the requirements of Section 39005 of the Education Code have been satisfied.

⁸ No more than 10 persons per acre at any one time.

⁹ North end of airport--No. South end of airport--Yes². (July 16, 1990 Amendment)

NOTE: These guidelines define only those land uses which are compatible within safety areas. Where proposed land uses fall within the established noise contours or may penetrate any of the height imaginary surfaces, additional restrictions apply as contained in the height and noise policy sections of this plan.