



CITY OF OXNARD

MEMORANDUM

May 24, 1974

Briefing Report
for appointment
item.

To: City Manager

From: Planning Director

SUBJECT: Background Information for Proposed Airport Study

INTRODUCTION

At its regular meeting of May 14, the City Council directed the Staff to present some background information concerning the status of the planning at the Ventura County Airport at Oxnard. A study session with the City Council had been suggested by the Staff preparatory to finalizing a set of parameters and a proposed work program for the possible joint study concerning the Ventura County Airport at Oxnard. Attached in a series of appendices are the documents which the Staff feels indicates the status of various City plans and studies for the airport. We have not attempted in this memo to summarize the plans prepared by agencies other than the City.

THE GENERAL PLAN

Page II-58 of the General Plan contains a statement concerning the future of the Ventura County Airport at Oxnard and a section dealing with airport related uses. (See Appendix 1) The pertinent point of this section is that the present airport is to be retained but restricted in its growth. There is an emphasis on general aviation which really includes all types of aircraft, but there is a qualifying statement that there should not be expansion to permit jet aircraft to be accommodated. The Planning Staff believes that all of these statements should be refined and qualified to more precisely indicate the type of aircraft operation that is desirable at the VCAO. Appendix 2 contains the principles adopted by the City Council on February 19, 1974, which are more definitive than the General Plan.

Appendix 3 of this memo contains the expanded principles drafted by the Staff and recommended to the Planning Commission in the recent exercise to amend the General Plan concerning the VCAO. As you are aware, the Planning Commission elected to drop pursuit of the General Plan Amendment at this time, but perhaps some of the principles suggested by the Staff should be reviewed in the forthcoming study with the Department of Airports and Harbors.

Handwritten notes:
H5
daily flight now?
1. Relationships between
Land Use Com +
ABC9 - Co. Trans plan
It's desirable to achieve P.C. to
provide amendment to
the General Plan - O.

City Manager
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Page Two

A couple of additional points relative to pages II-58 should perhaps be emphasized. While the General Plan indicates that jet aircraft should not be accommodated at the airport, there is an implication that if the airport is not expanded, then jets cannot land. This is not a true statement inasmuch as both small jets and a large jet with light loads can now land at the airport. Furthermore, the statement prohibiting jet aircraft needs to be qualified since certain planes which might not be objectionable can be broadly classified as jets. For example, the Cheyenne helicopter recently tested by Lockheed was technically a jet. The expanded principles in Appendix 3 contain a statement that pure jets would be prohibited.

THE CITY'S ROLE IN DETERMINING THE PROPER USE OF THE VCAO

It should be understood that the City's role concerning the future of the VCAO is very limited inasmuch as we do not presently have proprietary rights. Attached in Appendix 4 are some legal provisions which indicate the authority which a municipality has to regulate airports as opposed to the authority that a local government has as the proprietor of the airport. It should be especially noted that the FAA normally takes a dim view of any regulations to specifically discriminate against certain classes of aircraft or certain types of airport users. The Planning Staff cannot emphasize too strongly that the physical facilities on the airport must be designed to provide the limitations on future use of the airport inasmuch as there are distinct limitations as to what a city may do either in a regulatory or in a proprietary capacity. Specifically, if a runway of a given length and a given bearing capacity will support a jet aircraft, it appears very unlikely that even the County as the proprietor of the airport would be able to prohibit jet aircraft from landing or taking off. The opinion of the Planning Director is that the only way to be certain that objectionable aircraft cannot be accommodated at VCAO is to shorten the runway as adopted by the City Council on February 19, 1974 to expressly exclude the capability of these undersirable aircraft to land.

COMPATIBLE LAND USE

In the early phases of the last General Plan revision, Victor Gruen and Associates had recommended a major expanded role of VCAO as a commercial airport. In hearings before the Planning Commission, testimony was overwhelmingly against this recommendation. The substantial numbers of persons who testified in favor of a reduced scope for the VCAO fall into two categories:

The Objection to the Airport Operation

The first of these categories had to do with objections to the airport operation. Foremost in these objections were complaints about objectionable noise and possible safety hazards created by large aircraft. A corollary consideration dealt with possible air pollution problems that an expanded airport at VCAO would generate.

The Objection to Airport Related Land Use

The second category dealt with the necessity to "buffer" the airport by the provision of airport related land uses. If we are to create compatible land use relationships between existing and future land uses and the airport, it became apparent that the large areas surrounding the airport and including to the east and west of the runway would have to be designated for non-residential use. Nearly 800 acres of airport related uses were therefore proposed to be located between the airport and Fifth Street and between the airport and Doris Avenue, including a rather substantial airport related use westerly of Victoria Avenue. The initial proposal of Victor Gruen and Associates recommended that the airport related uses also be located between Wooley Road and Fifth Street which would almost double the land area devoted to airport related uses. There was considerable citizen opposition to this proposal on two grounds. (1) that this amount of airport related use was not justified and would be difficult to absorb and (2) that the provision of a major employment area around the airport for light industrial use dependent on the airport would in itself create an undesirable land use pattern with the abutting residential areas.

The present land use pattern shown on the land use element of the General Plan and the present statements concerning the future operation of the VCAO were compromises made by both the Planning Commission and the City Council. Justification for the amount of airport related use shown was that there is a desirability to establish an employment center on the west side of Oxnard to prevent all the home-to-work trips from being either eastbound or southbound in the morning and westbound or northbound in the evening. There are those who argue that this land use pattern would be desirable even if there were not an airport on Fifth Street. Actual experience, however, has shown that only two truly airport related uses have been added within the 800 acre airport related use in the period since the adoption of the General Plan.

where does each employee live?

City Manager
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Page Four

*We want to recommend what is
all right for Oxnard.*

While there has been other heavy commercial or industrial development within this area, it is not truly airport related and could have occurred in other portions of the community. The Planning Commission has directed the Staff to prepare an airport related zone and this study is now in process.

THE STAFF REPORT: THE PROPER ROLE OF THE VENTURA COUNTY AIRPORT AT
OXNARD

During December of 1971, the City Council and the Board of Supervisors began to exchange a series of draft airport agreements which made reference to the future of the VCAO. Some members of the Planning Commission were concerned that the Land Use portion of the General Plan might have to be compromised in accommodating some of the principles of those airport agreements. The Planning Commission directed the Staff to prepare a report indicating what the proper role of the VCAO would be in order to maintain good land use relationships with respect to the Land Use pattern adopted on the General Plan. The report attached as Appendix 5. The Planning Department superimposed various noise contours prepared by Wiley Laboratory over the Land Use pattern adopted on the Oxnard General Plan. A noise contour pattern was selected which was consistent with a "Land Use Compatibility Guide for New Development in Aircraft Noise Environment". The compatible noise contour would permit approximately 575 average daily flights which would be consistent with approximately 350 resident aircraft. The 350 figure has been used as the optimum amount that may be accommodated by a single runway.

Wiley Laboratory, who are heavily quoted in the study, also recommend that no jets be permitted at VCAO. The Proper Role Report concludes that if airport operations are limited to 350 fixed base aircraft generating approximately 575 average trips per day without jets in the flight pattern that the airport operation will not be incompatible with the adopted Land Use Pattern of the General Plan based on noise factors alone.

The Proper Role Report concluded that the sound factor was a critical factor in determining compatibility between land use and the airport. Studies done by others since we prepared the Proper Role Report indicate that the critical factor may be airport safety. Any study of the VCAO should take into account any necessary changes to airport development or operation which would provide for the safety of both pilots and passengers as well as persons residing or working on the ground.

City Manager
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THE AIRPORT LAND USE COMMISSION

We need to ask legislature to amend PUC code to provide the the land use Commission further has the respons to plan airports to land use in accordance with the

In the fall of 1971, the State approved an amendment to the Public Utilities Code to provide for Airport Land Use Commissions. The purposes of the act which are contained in Appendix 6 are clearly to foster aviation and to protect airports from encroaching land use. The charge of the Airport Land Use Commission is to formulate a comprehensive land use plan that will provide "for the orderly growth of each public airport." (Section 21675) The section goes on to state "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." The Ventura County Association of Governments has been named as the Airport Land Use Commission for Ventura County. In our discussions with the Staff of VCAG, it was agreed that since VCAG did not have the resources to prepare a plan as the Airport Land Use Commission that the City and County Staff should be asked to prepare the plan. The possibility of federal funds would give use the opportunity for an indepth study of the potential and the problems of the VCAO. The Council has directed the Staff to prepare a work program for such a study that would protect the City's interest.

CONCLUSION

It is hoped that the background material presented in this report will bring the City Council up-to-date relative to some of the issues at the VCAO. We anticipate returning with the revised parameters for the consultant and revised work program in approximately two weeks.

Gene L. Hosford
Gene L. Hosford, AIE

GLH:gab

Attachment

AB69 - relationships to Airport Land Use Comm

APPENDIX I

~~been illustrated approximately 5,000 feet northwest of and parallel to the main runway within the Naval Air Station. Although somewhat removed from the existing intense urban activity area, the proposed regional airport is closely related to existing Route 1 Freeway and is within easy driving time of the Central Area and the major industrial centers shown on the General Plan.~~

The Future of Ventura County Airport at Oxnard

If the existing Ventura County Airport at Oxnard is not to be upgraded to regional status, there are two alternatives for the future of this airport: (1) Sale of the Ventura County Airport with concurrent purchase of another site in another area; (2) Retain the Ventura County Airport for general aviation use.

It is recommended that the Ventura County Airport be retained for general aviation use inasmuch as there is a trend to separate lighter and slower aircraft from heavier high speed traffic typified by airlines. For that reason the present airport is proposed to be retained but restricted in its growth to limit its use to general aviation without expansion to permit jet aircraft to be accommodated. The City should support a realistic development timetable to crystalize Ventura County Airport as a general aviation field relocating the air carrier functions to a new regional airport at Point Mugu.

Airport Related Uses

There are two categories of airport related land uses shown on the General Plan. There is a general airport related use designated at the Ventura County Airport at Oxnard and a regional airport related use designated at the proposed regional airport at Point Mugu.

General Airport Related Uses - this category at the Ventura County Airport is to provide for those uses

which compliment a general aviation airport, including the on-base and airport support operations. There are approximately 1,000 acres of general airport and airport related designation on the map. Of this, 200 acres are needed for the airport and approximately 40 acres has been assumed to be acquired for clear zone, leaving about 750 acres for airport related uses. Airport related uses in this category include airtels, airport restaurants, offices of air-related uses, retail and support facilities for recreational flying, residential use with runway access and limited manufacturing of the industrial park type which possibly needs access to the airport. While the airport will provide for commercial and business flying the development of a specific plan for the airport should be such as to encourage the expansion of recreational flying.

*We have these
at C-1 harbor
+ elsewhere in
city - don't need*

~~Regional Airport Related Uses~~ this category at the proposed regional airport at Point Mugu is intended to provide for those on-base and support facilities necessary for a regional airport. Approximately 1,900 acres are shown as airport and airport related for the regional airport at the Point Mugu site. FAA standards recommend 1,800 acres minimum be reserved for regional airport and protected areas. Because of its location in an industrial area, the 1,900 acres provides sufficient land to develop the runways, passenger areas, freight areas, aircraft storage and overhaul facilities typical of a regional airport plus some property to be devoted to motels, restaurants and other commercial operations necessary for the efficient operation of the regional airport.

~~It is doubtful that there will be industry of the processing or manufacturing type enjoying access to the runway because of the necessity to maintain limitations of such access to insure preference for scheduled carriers. If aircraft manufacture or similar industry wishes to locate at the regional airport it could occupy the heavy~~

APPENDIX II

PROPOSED
CITY COUNCIL POLICY STATEMENT
REGARDING THE VENTURA COUNTY
AIRPORT AT OXNARD

January 15, 1974

1. The Ventura County Airport at Oxnard should be officially recognized as a general utility airport. This designation will accommodate continuance of present airport operations.
2. The existing runway should be shortened to 3600 feet by eliminating 2300 feet at the east end. The present length of the runway is excessive for the needs of general aviation with limited aircraft operations. The noise contours over property east of Ventura Road will be reduced by reduction of the runway as suggested above.
3. Additional load bearing capacity should not be provided to the existing runway; no additional runway should be constructed. The present runway (reduced to 3600 feet) will accommodate approximately 350 resident aircraft and approximately 210,000 flights annually or 575 average daily flights. Such usage would generate noise contours which are consistent with present and planned land use. Any additional runway capacity, however, would allow numbers or size of aircraft which would generate unacceptable noise contours.
4. Jet aircraft should be prohibited from utilizing the airport. State noise standards promulgated by the Department of Aeronautics indicate that the impact of airport noise should be controlled and reduced by "encouraging use of the airport by aircraft classes with lower noise level characteristics and discouraging use by higher noise level aircraft classes." (Calif. Noise Standards, Sect. 5011.) For the Ventura County Airport at Oxnard, the prohibition of pure turbojet usage has been specifically recommended by Wyle Laboratories, noise consultant for both the County of Ventura and City of Oxnard. Precedent for such prohibition has been established at airports in Fullerton and El Monte.

Adopted Feb 19, 1974

APPENDIX III



CITY OF OXNARD

MEMORANDUM

March 27, 1974

To: Planning Commission

From: Planning Director

SUBJECT: Amendment to the General Plan - Ventura County Airport at Oxnard - Revised Staff Recommendation

At the suggestion of the Planning Commission, the staff has re-typed our recommended amendment to the General Plan concerning the Ventura County Airport at Oxnard to show those portions of the text which are to be deleted by striking through them and to show those areas of the text which are proposed to be added by typing them in italics. The principle additions, of course, are more detailed principles concerning the proper role for the Ventura County Airport at Oxnard. It should be emphasized that the General Plan amendment which we are now seeking, is an interim position which may be modified after the joint study between the City and County is undertaken concerning the future of the Ventura County Airport. The General Plan amendment is sought at this time to try to develop consensus concerning what kind of airport would be supported by the general populace with the concurrence of the Planning Commission. The original list of principles has been revised somewhat.

Listed below is a recap of where each of the objectives and principles came from. Note that the vast majority of these objectives and principles are already adopted City Council policy.

1. Sentence number one of this principle was adopted by the City Council by Resolution No. 4593.
2. The first sentence of this principle was adopted by the City Council Resolution No. 4593. The balance of this principle is adopted by City Council policy statement of January 21, 1969.

3. This policy statement is from the report, "The Proper Role of the Ventura County Airport at Oxnard", (Page 29) and was adopted by the City Council on February 19, 1974.
4. The first sentence of this principle is from The Proper Role of the Ventura County Airport at Oxnard, (Page 29) and was adopted by the City Council on February 19, 1974. The second sentence of this principle is from the Proper Role Report, (Page 30) and is new.
5. This principle is from the Proper Role Report, (Page 29) and is new.
6. This principle was a totally new staff recommendation, not contained in the Proper Role Report but was adopted by the City Council on February 19, 1974.
7. This principle is from the Proper Role Report, (Page 31) and is new.
8. This principle is from the Proper Role Report, (Page 30) and is new.
9. This is a new principle from the Proper Role Report, (Page 31).

We have included the circulars in the Planning Commission's packet which describe what a general utility airport is to be. We have also attached Mr. Simon's letter to the Press Courier in order to emphasize that the standards expressed in the general utilities circular of F.A.A. are adequate to accommodate those aircraft which are indicated.


Gene L. Hosford

GLH:rw

been illustrated approximately 5,000 feet northwest of and parallel to the main runway within the Naval Air Station. Although somewhat removed from the existing intense urban activity area, the proposed regional airport is closely related to the existing Route 1 Freeway and is within easy driving time of the Central Area and the major industrial centers shown on the General Plan.

The Future of Ventura County Airport at Oxnard

If the existing Ventura County Airport at Oxnard is not to be upgraded to regional status, there are two alternatives for the future of this airport: (1) Sale of the Ventura County Airport with concurrent purchase of another site in another area; (2) Retain the Ventura County Airport for general aviation use.

It is recommended that the Ventura County Airport be ~~retained~~ *classified* for general ~~aviation~~ *utility* use inasmuch as there is a trend to separate lighter and slower aircraft from heavier high speed traffic typified by airlines. For that reason the present airport is proposed to be retained but restricted in its growth to limit its use to general ~~aviation~~ *utility* without expansion to permit jet aircraft to be accommodated. The City should support a realistic development timetable to crystalize Ventura County Airport as a general ~~aviation~~ *utility* field relocating the air carrier functions to a new regional airport at Point Mugu.

The projections and standards recommended are based on compatibility with the Land Use Element and on community attitudes rather than on projected aircraft demand. Consequently, failure to accommodate aviation demand elsewhere will not result in additional accommodation at the Ventura County Airport at Oxnard.

Objectives and Principles

The following policies have been developed by the City of Oxnard to meet General Utility needs and provide compatibility with the Land Use Element:

1. Aircraft shall be restricted to general aviation and existing air carrier use.
2. Future role of the airport shall not include propeller aircraft with more than two engines and pure jet aircraft.

All steps possible must be taken to avoid the development of the local airport into a major commercial airfield capable of handling DC-9, 737 or similar aircraft with equivalent sound levels. Development of the Oxnard Airport is only supported as is necessary to serve the limited commercial uses, such as now exist, and to serve the growing general aviation needs of this area.
3. Flights should be limited to approximately 350 resident aircraft, 210,000 flights annually or 575 average daily flights. Number of flights should be compatible with the Land Use Element of the Oxnard General Plan.
4. The runway shall be shortened to (at least) 3,600 feet by eliminating approximately 2,300 feet of existing runway at the east end. The runway shall not be extended or provided with additional runway bearing capacity.
5. A second runway should not be added because it would increase flight capacity beyond the desired amount resulting in noise contours that are above the recommended 55 CNEL contour in areas proposed for schools, libraries, churches, hospitals, nursing homes and the like. Increased aircraft operations from a second runway would consequently mitigate construction of good residential neighborhoods between Fifth Street and Wooley Road which manner of development and type of facilities is recommended by the Oxnard General Plan.
6. Aircraft shall be limited to category GU (General Utility) as demonstrated by the Airport Classification System shown in the Phase One Report, California Master Plan of Aviation.
7. Proposed airport-related uses north of the airport and proposed residential uses south of the airport make more desirable an approach pattern north of the airport.

8. *Trunk line service, such as twin-engine turbo-prop, shall be acceptable unless the sum total combined with general aviation exceeds recommended noise contours.*
9. *Consideration should be given to reversing the approach pattern of Ventura County Airport to a clockwise direction.*

Airport Related Uses

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General Airport Related Uses - this category at the Ventura County Airport is to provide for those uses which compliment a ~~general aviation~~ *general utility* use airport, including the on-base and airport support operations. There are approximately 1,000 acres of general airport and airport related designation on the map. Of this, 200 acres are needed for the airport and approximately 40 acres has been assumed to be acquired for clear zone, leaving about 750 acres for airport related uses. Airport related uses in this category include airtels, airport restaurants, office of air-related uses, retail and support facilities for recreational flying, residential use with runway access and limited manufacturing of the industrial park type which possibly needs access to the airport. While the airport will provide for commercial and business flying the development of a specific plan for the airport should be such as to encourage the expansion of recreational flying.

Regional Airport Related Uses - this category at the proposed regional airport at Point Mugu is intended to provide for those on-base and support facilities necessary for regional airport. Approximately 1,900 acres are shown as airport and airport related for the regional airport at the Point Mugu site. FAA standards recommend 1,800 acres minimum be reserved for regional airport and protected areas. Because of its location in an industrial area, the 1,900 acres provides sufficient land to develop the runways, passenger areas, freight areas, aircraft storage and overhaul facilities typical of a regional airport plus some property to be devoted to motels, restaurants and other commercial operations necessary for the efficient operation of the regional airport.

It is doubtful that there will be industry of the processing or manufacturing type enjoying access to the runway because of the necessity to maintain limitations of such access to insure preference for scheduled carriers. If aircraft manufacture or similar industry wishes to locate at the regional airport it could occupy the heavy industrial category and adjustments could be made in the street pattern to provide direct access to the airport. General Utility activities not related to air carrier operations are expected to be discouraged from using regional airports and will be directed to the Ventura County Airport at Oxnard.

APPENDIX IV



CITY OF OXNARD

MEMORANDUM

File: 016, 276.1
Draft

March 7, 1974

*Held
until
Approved*

To: Planning Commission

From: Gene L. Hosford, Planning Director

SUBJECT: Amendment to the General Plan to determine the proper
role of the Ventura County Airport at Oxnard -- Reply
to Commission Questions at hearing of February 21, 1974
(Continued to March 14)

I. Commission Questions

- A. Is the City policy statement enforceable or does the County Board of Supervisors dominate regardless of Oxnard's policy?
- B. Can the City impose controls restricting aircraft by the following:
 - 1. Uses?
 - 2. Types of aircraft?
 - 3. Hours of operation?
 - 4. Height of landing approach?
 - 5. Noise?

II. Replies to Commission Questions

(Please note that the question of city authority over airports involves many complex administrative, legal, and technical questions. The following comments were derived from an interview with the County Department of Airports and Harbors. There may be other interpretations possible by State and Federal officials, lawyers, and airport technicians.)

authority over airport - see pg. 2

City authority over airport

The City has no "police power" over the airport, but could have "proprietary power" if it owned the airport. The important court case is City of Burbank v. Lockheed Air Terminal, Inc., (1973) wherein the United States Supreme Court struck down a city ordinance which attempted to regulate aircraft night flights in order to control aircraft noise problems. The court based its decision on the fact that "the Noise Control Act of 1972 . . . reaffirms and reenforces the conclusion that FAA, now in conjunction with EPA, has full control over aircraft noise, preempting state and local control."

In contrast, the Court stated that where the governmental entity is also the owner-operator of the airport in question, the entity will retain its power to regulate in a proprietary capacity. The Court's holding that restrictions will be held valid where imposed in a proprietary rather than legislative capacity is consistent with the traditionally recognized exception to federal preemption that "the owner of an airport has the right as a landowner to decide who is to use his airport and under what conditions."

The intent of the proposed General Plan amendment is to develop consensus concerning the kind of airport that we want. It should be recognized that after the characteristics of development and operation are adopted, they will not change the existing airport per se. The revised General Plan will principally have the power of persuasion and in the case of the airport, implementation and effectuation must be by others, such as the County and FAA.

The Planning Commission also raised a question about what land use changes are proposed by the General Plan amendment. Actually, none are proposed. We seek only to crystallize a role for the airport compatible with the adopted Land Use Element of the General Plan.

The present general plan does not distinguish between the **airport** proper and airport related uses. "Shortening" the runway would convert airport area to airport related area on the east end of the runway, with possible acquisition of more airport property near the tower.

Since some observers have taken the position that the two lines on the General Plan map symbolize runways at 6,000 and 5,000 feet, I recommend dropping them as shown on the attached map.

Larry D. Walmsley for
Gene L. Hosford

APPENDIX V

The Proper Role for the
Ventura County Airport
at Oxnard will be sent
under separate cover.

APPENDIX VI

Assembly Bill No. 2357

CHAPTER 1085

An act to amend Sections 21002 and 21005 of the Public Utilities Code, relating to aviation.

[Approved by Governor October 14, 1971. Filed with Secretary of State October 14, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 21002 of the Public Utilities Code is amended to read:

21002. The purpose of this part is to further and protect the public interest in aeronautics and aeronautical progress by the following means:

(a) Encouraging the development of private flying and the general use of air transportation.

(b) Fostering and promoting safety in aeronautics.

(c) Effecting uniformity of the laws and regulations relating to aeronautics consistent with federal aeronautics laws and regulations.

(d) Granting to a state agency such powers and imposing upon it such duties that the state may properly perform its functions relative to aeronautics and effectively exercise its jurisdiction over persons and property, assist in the development of a statewide system of airports, encourage the flow of private capital into aviation facilities, and cooperate with and assist political subdivisions and others engaged in aeronautics in the development and encouragement of aeronautics.

(e) Establishing only those regulations which are essential and clearly within the scope of the authority granted by the Legislature, in order that persons may engage in every phase of aeronautics with the least possible restriction consistent with the safety and the rights of others.

(f) Providing for cooperation with the federal authorities in the development of a national system of civil aviation and for coordination of the aeronautical activities of those authorities and the authorities of this state.

(g) Assuring that persons residing in the vicinity of airports are protected to the greatest possible extent against intrusions by unreasonable levels of aircraft noise.

SEC. 2. Section 21005 of the Public Utilities Code is amended to read:

21005. This part shall not be construed as limiting any power of the state or a political subdivision to regulate airport hazards by zoning.

It shall be the function of airport land use commissions created pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 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.

*Give us right
to shrink airports
w/our plan*

XX

Relation

Article 3.5. Airport Land Use Commission
(Article 3.5 added by Stats. 1967, Ch. 852)

Creation

21670. There is hereby created in each county subject to this article and containing 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, an airport land-use commission, hereinafter referred to as the "commission." Each commission shall consist of seven members to be selected as follows:

(a) Two representing the cities in the county, appointed by a selection committee comprised of the mayors of all the cities within that county; provided, however, that if there are any cities contiguous or adjacent to the qualifying airport, at least one such 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.

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

(c) 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; however, one such representative shall be appointed from an airport operated for the benefit of the general public.

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

Each commission shall file a certificate of formation with the Secretary of State on or prior to January 1, 1971.

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

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 member who appointed him. A vacancy in the office of proxy shall be filled by appointment of a new proxy.

(Added by Stats. 1967, Ch. 852, and amended by Stats. 1970, Ch. 1182 and by Stats. 1971, Ch. 687.)

Exceptions

21670.1. Notwithstanding any provisions of this article, if the board of supervisors and the 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. The Secretary of State shall be notified of such determinations by January 1, 1971.

(Added by Stats. 1970, Ch. 1182.)

*2 cities
2 corp
2 airport*

Exceptions; Specified Counties

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 by any public agency involved. The action taken by the county regional planning commission on such an appeal may be overruled by a four-fifths vote of the governing body of a public agency whose planning led to the appeal.

(Added by Stats. 1970, Ch. 1182.)

Appointment of Representatives

21671. In any county where there is an airport operated for the general public, and served by an air carrier certified by the Public Utilities Commission or the Civil Aeronautics Board, which is owned by a city or district in another county or by another county, one of the representatives provided by 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 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.

(Added by Stats. 1967, Ch. 852.)

Terms of Office, Compensation, 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 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 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 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 or reimbursement for necessary expenses, or both, shall be determined by the board of supervisors.

Staff assistance, including the mailing of notices and the keeping of minutes, shall be provided by the county.

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

(Added by Stats. 1967, Ch. 852.)

Rules, Regulations

21672. Each commission shall adopt rules and regulations with respect to the temporary disqualification of its members from partici-

pating in the review or adoption of a proposal because of conflict of interest and with respect to appointment of substitute members in such cases.

(Added by Stats. 1967, Ch. 852.)

Request for Commission

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.

(Added by Stats. 1967, Ch. 852.)

Powers, Duties

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

(1) To study conditions and make recommendations concerning the need for height restrictions on buildings near airports;

(2) To make recommendations for the use of the land surrounding airports to assure safety of air navigation and the promotion of air commerce.

(3) To hold public hearings regarding the subject matter in subdivisions (1) and (2) and make findings of fact thereon which would be advisory only to the involved jurisdiction.

(4) 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.

The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.

(Added by Stats. 1967, Ch. 852, and Amended by Stats. 1970, Ch. 1182.)

Comprehensive Land Use Plan

21675. 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. This plan shall not be inconsistent with the State Master Airport Plan. 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 planning boundaries shall be established by the commission after hearing and consultation with the involved agencies.

(Added by Stats. 1970, Ch. 1182.)

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Area Plan

21676. Each public agency having representation on the commission shall assist in the development of an area plan. All such plans must 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.

Each public agency owning any airport within the boundaries of the area plan shall file any substantive change in development plans with the commission for its approval. If such plans are inconsistent with the commission plan, then the public agency shall be notified and shall have another hearing to reconsider its action. Such public agency, however, may overrule the commission by a four-fifths vote of its governing body.

(Added by Stats. 1970, Ch. 1182.)

Article 4. Aeronautics Fund

(Article 4 repealed and added by Stats. 1969, Ch. 1604, and amended by Stats. 1970, Ch. 1417)

Aeronautics Fund

21680. (a) The Aeronautics Fund is hereby continued in existence as the Aeronautics Account in the State Transportation Fund. The moneys deposited to the credit of the account are continuously appropriated for expenditure by the board and the department as provided in this article.

(b) Any reference in any law or regulation to the Airport Assistance Revolving Fund, the Airport Assistance Fund, or the Aeronautics Fund shall be deemed to refer to the Aeronautics Account in the State Transportation Fund. As used in this article, "fund" shall be deemed to refer to the Aeronautics Account in the State Transportation Fund.

(Repealed and added by Stats. 1969, Ch. 1604, and amended by Stats. 1970, Ch. 1417 and by Stats. 1971, Ch. 1243.)

Definitions

21681. For the purposes of this article:

(a) "Own and operate" means that the public entity must own property in fee simple or by a long-term lease of a minimum of 20 years, unless otherwise approved by the department, and must maintain dominion and control of the property. Operations of the airport will be for and on behalf of the public entity. All leases to the public entity of property must be approved by the department. A lease of the property to an agent or agency other than the public entity does not meet the criteria for participation in airport assistance funds.