

Chapter 18.28

AIRPORT APPROACH

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18.28.010 Short title. The ordinance codified in this chapter shall be known and may be cited as the "Tuolumne County airport approach ordinance."

18.28.020 Purpose. The board of supervisors deems it necessary to create an airport approach ordinance for the purpose of promoting the health, safety and general welfare of the inhabitants of the County by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of the users of the Columbia and Pine Mountain Lake Airports and of the occupants of the land in their vicinities and preventing destruction and impairment of the utility of the airports and the public investment therein.

18.28.030 Definitions. As used in this chapter, unless the context otherwise requires, the following words shall have the following definitions:

- A. "Airport" means Columbia Airport or Pine Mountain Lake Airport or both.
- B. "Airport elevation" means an elevation of 2,112 feet for Columbia Airport and an elevation of 2,930 feet for Pine Mountain Lake Airport, measured in feet from sea level.
- C. "Approach surface" means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitations slope set forth in sections 18.28.100 through 18.28.160. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- D. "Approach, transitional, horizontal, and conical zone" means the zones set forth in sections 18.28.040 through 18.28.090.
- E. "Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one for a horizontal distance of four thousand feet.

F. "Hazard to air navigation" means an obstruction determined to have a substantial adverse effect of the safe and efficient utilization of the navigable airspace.

G. "Height." For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

H. "Horizontal surface" means a horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

I. "Nonconforming use" means any preexisting structure, object of natural growth or use of land which is inconsistent with the provisions of this chapter as amended from time to time.

J. "Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

K. "Obstruction" means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in sections 18.28.100 through 18.28.150.

L. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association or governmental entity; including a trustee, a receiver, an assignee or a similar representative of any of them.

M. "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred feet beyond each end of that runway; when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in sections 18.28.040 through 18.28.090. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

N. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

O. "Structure" means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings,

towers, cranes, smokestacks, earth formation, and overhead transmission lines.

P. "Transitional surfaces" extend outward at ninety-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surface to where they intersect the horizontal and conical surface.

Q. "Tree" means any object of natural growth.

R. "Utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less. Specifically: Columbia Airport, Runways 17 - 35 and 11 - 29; Pine Mountain Lake Airport, Runways 9 - 27.

S. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedure. Specifically: Columbia Airport, Runways 11, 17 and 29.

18.28.040 Airport zones. In order to carry out provisions of this chapter, there are created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Columbia and Pine Mountain Lake Airports. Such zones are shown on the approach and clear zone plans for the respective airports, which are located at the end of this chapter as Exhibits A and B and incorporated herein. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are established and defined as set forth in sections 18.28.050 through 18.28.090.

18.28.050 Utility runway visual approach zone.

A. The inner edge of the utility runway visual approach zone coincides with the width of the primary surface and has the following width:

1. Columbia Airport, Runways 11 and 29, two hundred fifty feet;
2. Pine Mountain Lake Airport, Runways 9 and 27, two hundred fifty feet.

B. The utility runway visual approach zone expands outward uniformly to a width of one thousand two hundred fifty feet at a horizontal distance of five thousand feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

18.28.060 Utility runway nonprecision instrument approach zone. The inner edge of the utility runway nonprecision instrument approach zone coincides with the width of the primary surface of Columbia Airport, Runways 17 and 35, and is five hundred feet wide. The utility runway nonprecision instrument approach zone expands outward uniformly to a width of two thousand feet at a horizontal distance five thousand feet from the primary surface. Its centerline is the continuation of the runway.

18.28.070 Transitional zones. The transitional zones are the areas beneath the transitional surfaces.

18.28.080 Horizontal zone. The horizontal zone is established by swinging arcs of five thousand feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

18.28.090 Conical zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand feet.

18.28.100 Airport zone height limitations. Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Nonconforming trees shall be allowed to grow, unless they become a safety hazard as determined by the airport land use commission. Trees planted subsequent to the effective date of this chapter shall not be allowed to grow to a height in excess of the applicable height limit herein established. Such applicable height limitations are established for each zone in question as set forth in sections 18.28.110 through 18.28.150.

18.28.110 Height limitations - Utility runway visual approach zone. The utility runway visual approach zone height limitation slopes twenty feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet along the extended runway centerline.

18.28.120 Height limitation - Utility runway nonprecision instrument approach zone. The utility runway nonprecision instrument approach zone height limitation slopes twenty feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet along the extended runway centerline, except on Columbia Airport Runway 17 where the slope begins at the end of and twenty-six and one-half feet above the elevation of the primary surface.

18.28.130 Height limitation - Transitional zones. Transitional zones height limitations slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surfaces and the approach surfaces, and extending to a height of one hundred fifty feet above the airport elevation, except adjoining the Columbia Airport Runway 17 approach surface where the slope begins at the sides of and twenty-six and one-half feet above the elevation of the approach surface.

18.28.140 Height limitation - Horizontal zone. The horizontal zone height limitation is established at one hundred fifty feet above the airport elevation.

18.28.150 Height limitation - Conical zone. The conical zone height limitation slopes twenty feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet above the airport elevation and extending to a height of three hundred fifty feet above the airport elevation.

18.28.160 Use of land. Except as otherwise provided, use of land subject to the airport zoning provisions of this chapter shall be in accordance with the provisions of the airport combining (:AIR) district, pursuant to chapter 17.49 of this code, and the Tuolumne County airport land use compatibility plan.

18.28.170 Use restrictions. Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create hazards to flight. Specifically the use shall not generate any of the following:

1. Glare or distracting lights which could be mistaken for airport lights;
2. Sources of dust, steam, or smoke which could impair pilot visibility;
3. Sources of electrical interference with aircraft communications or navigation;
4. Any use, especially landfills and certain agricultural uses, which may attract large flocks of birds; or
5. Hazards to flight which would otherwise endanger the landing, taking off, or maneuvering of aircraft intended to use the airport.

18.28.180 Nonconforming uses.

- A. The regulations prescribed by this chapter shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of any nonconforming use. Nothing contained in this chapter shall require any change in the construction or alteration of which was begun prior to the effective date of this chapter. Nonconforming trees shall be allowed to grow, unless they become a safety hazard as determined by the airport land use commission.
- B. Nonconforming uses may be continued, expanded, reconstructed or rebuilt in accordance with the provisions of the airport combining (:AIR) district in section 17.49.110 of this code and the Tuolumne County airport land use compatibility plan.
- C. Once a nonconforming use is determined to be abandoned in accordance with section 17.58.020 of this code, the use shall not be reestablished in such a manner that would be inconsistent with the Tuolumne County airport land use compatibility plan.

18.28.190 Administrative agency. The secretary or other designee of the airport land use commission is charged with the duty of administering and enforcing the regulations described in this chapter. The airport land use commission shall review and decide upon all applications for variances under section 18.28.210.

18.28.200 Applications. The owner or his agent may make applications for variances under section 18.28.210, for projects not referred to the airport land use commission in accordance with section 18.24.050 of this code, on a form

prescribed by and submitted to the secretary or other designee of the airport land use commission accompanied by all required information and fees. Applications or proposals referred to the airport land use commission in accordance with section 18.24.050 of this code which also require a variance under section 18.28.210 shall constitute a request from the property owner for the variance and no separate application is required to be submitted to the airport land use commission.

18.28.210 Variances. Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his/her property in dissension with airport zoning regulations adopted under this chapter, may apply to the airport land use commission for a variance from the zoning regulations in question. Nonconforming trees shall be allowed to grow, unless they become a safety hazard as determined by the airport land use commission. Such variances shall be allowed where literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this chapter; provided, that any variance may be allowed subject to any reasonable conditions that the airport land use commission may deem necessary to effectuate the purpose of this chapter. Prior to approval of any such variance, the airport land use commission shall make the following findings:

- A. Granting of the variance is necessary to eliminate or reduce a practical difficulty or unnecessary hardship associated with the application or enforcement of the regulations contained in this chapter.
- B. Granting of the variance is in the public's interest and is in keeping with the spirit of the regulations of this chapter.
- C. Granting of the variance is consistent with sections 18.24.050 and 18.24.060 of this code.
- D. Granting of the variance is consistent with the Tuolumne County airport land use compatibility plan.

18.28.215 Appeals. Appeals of decisions concerning a variance under section 18.28.210

shall be made to the board of supervisors as follows:

A. The appeal, accompanied by the fee set forth in chapter 3.40 of this code, shall be submitted to the community development department within ten days from the date of the decision of the airport land use commission and shall set forth in writing the reasons for the appeal. The community development department shall immediately forward a copy of the appeal to the clerk of the board. The clerk shall schedule the matter for public hearing before the board within thirty days and give notice of the hearing. Within forty-five days of receipt of the appeal, the board shall uphold, amend or overrule the decision of the airport land use commission.

B. Appeals not submitted in a timely manner will not be considered and will be returned. An appeal on any aspect of the airport land use commission's decision submits all aspects of the decision to comprehensive (de novo) review and the board of supervisors shall consider the public record, receive testimony, and make all findings and determinations necessary to uphold, amend or overrule the decision of the airport land use commission.

C. Decisions made by the board of supervisors concerning a variance under section 18.28.210 which overrule or amend the decision of the airport land use commission, so as to be inconsistent with the Tuolumne County airport land use compatibility plan, shall require a two-thirds vote for such action after the board of supervisors makes specific findings that the proposed action is consistent with the purposes of the State Aeronautics Act as stated in Section 21670 of the Public Utilities Code.

18.28.220 Hazard marking and lighting. Any variance granted under section 18.28.210 may,

if such action is deemed advisable to effectuate the purpose of this chapter and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain thereon such markers and lights as may be necessary to indicate to aircraft the presence of an airport hazard.

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

18.28.240 Violations. In the event any person should erect, construct, move, alter or attempt to erect, construct, move or alter any structure or allow any tree to exceed a height in violation of the provisions of this chapter, the same is a public nuisance, and it shall be the duty of the district attorney of the County to bring and prosecute an action in any court of competent jurisdiction to enjoin such person from continuing such erection, construction, moving, alteration or growth, or if such erection, construction, moving, alteration or growth is being or has been accomplished, the district attorney shall bring and prosecute an action to enjoin such person from maintaining same. Nonconforming trees shall be allowed to grow, unless they become a safety hazard as determined by the airport land use commission. (Ord. 3060; § 2, 2009)

EXHIBIT "A" ORDINANCE NO.

FAR PART 77 SURFACES
COLUMBIA AIRPORT



EXHIBIT "B", ORDINANCE NO.

FAR PART 77 SURFACES
PINE MOUNTAIN LAKE AIRPORT

