



September 20, 2018

**MEMO TO:** Stanislaus County Airport Land Use Commission  
**FROM:** Department of Planning and Community Development  
**SUBJECT:** AIRPORT LAND USE COMMISSION SECRETARY UPDATE

### **Overview and Background**

The Stanislaus County Airport Land Use Compatibility Plan (ALUCP), contains procedural and airport-specific policies for public use airports in Stanislaus County. The creation of Airport Land Use Commissions (ALUCs) and the preparation of ALUCP's are a requirement of the California State Aeronautics Act (SAA), pursuant to the CA Public Utilities Code Section 21670 et seq. The purpose of the SAA is 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. An ALUC is required to adopt an ALUCP for each public use airport within its jurisdiction.

In 1978, the ALUC adopted the County's first Airport Land Use Commission Plan, which was amended in 2004. That plan provided height restrictions and building standards for areas adjacent to the five public and privately-owned airport that resided in the County at that time:

- Modesto City-County Airport
- Oakdale Municipal Airport
- Patterson Airport
- Turlock Airpark
- Crows Landing Airport, formerly the Crows Landing Naval Auxiliary Landing Field

In 2010, the ALUC initiated a comprehensive update of the 2004 ALUCP to reflect changes in statewide guidance in ALUCP development, as documented in the 2011 *California Airport Land Use Planning Handbook*.

The current ALUCP, adopted by the ALUC on October 6, 2016, updated the policies for three airports: the Modesto City-County Airport, the Oakdale Municipal Airport, and the Crows Landing Airport (forthcoming). The Patterson Airport has closed, and the Turlock Airpark is no longer classified as a public use airport.

The Airport Influence Area (AIA), which encompasses all lands on which the uses could be negatively affected by present or future aircraft operations at the airport as well as lands on which the uses could negatively affect airport use, constitutes the area within which certain land use actions are subject to ALUC review to determine consistency with the ALUCP. In delineating the AIA for each airport, the geographic extents of four types of compatibility concerns are considered. Each of these four concerns is separately addressed in the ALUCP within its own "layer" representing that particular compatibility factor:

- Noise: Locations exposed to potentially disruptive levels of aircraft noise.
- Safety: Areas where the risk of an aircraft accident poses heightened safety concerns for people and property on the ground.
- Airspace Protection: Places where height and various other land use characteristics need to be restricted in order to prevent creation of physical, visual, or electronic hazards to flight within the airspace required for operation of aircraft to and from the Airport.
- Overflight: Locations where aircraft overflying can be intrusive and annoying to many people.

Adoption or amendment of general plans, specific plans, zoning ordinances, or building codes affecting land within an AIA require mandatory referral to the ALUC. Additionally, the ALUCP specifies other Major Land Use Actions that must be submitted for review until such time as the ALUC has found the local jurisdiction's General Plan to conform with the ALUCP. At this time, Stanislaus County is the only jurisdiction subject to the ALUCP, who has had their General Plan deemed compatible with the ALUCP. Accordingly, Major Land Use Actions completed by the cities of Ceres, Modesto, Oakdale, and Patterson (after adoption of the Crows Landing Airpark) are required to be referred to the ALUC for a conformance determination. After a jurisdiction's General Plan has been determined to conform with the ALUCP, a referral of Major Land Use Actions to the ALUC is still recommended.

The ALUC is responsible for making a determination as to whether Major Land Use Actions, which are referred for review, are consistent with the criteria set forth in the ALUCP. The ALUCP authorizes the ALUC Secretary to provide comments on behalf of the ALUC on projects and environmental documents submitted to the ALUC for comment. The ALUC Secretary is required to provide to the ALUC, at its next regular meeting, a list of all projects reviewed and the determinations that were made.

## **PROJECT REVIEWS**

Since the last October 6, 2016, ALUC meeting the ALUC Secretary has reviewed five projects, located in Modesto, Ceres, and unincorporated Stanislaus County (in the Oakdale area), for consistency with the ALUCP. A description of the project along with a brief explanation of the ALUC Secretary's determination are provided below:

### **1. Notice of Preparation of Environmental Impact Report, Whitmore Ranch Specific Plan, in Ceres – Reviewed February 28, 2017.**

**Project Description:** A Notice of Preparation of Environmental Impact Report for Whitmore Ranch Specific Plan, a plan to provide for a range of densities and housing types, parkland and other open space, existing schools, and supporting infrastructure. The plan establishes allowable uses within the Specific Plan area, as well as development and design guidelines.

**Determination:** The ALUC Secretary determined the project to be consistent with the ALUCP, provided the development complies with identified height restrictions and Overflight Zone Real Estate Disclosure requirements. The Specific Plan area is located outside of the Safety and Noise Zones for the Modesto City-County Airport.

**2. Development Plan Review, Eight-Unit Apartment Building, 634 S. Conejo Avenue, in Modesto** – Reviewed January 5, 2018.

**Project Description:** Request to construct a single-story, eight-unit apartment building on a vacant 0.37-acre lot located within the R-3 Medium-High Density Residential Zone.

**Determination:** The ALUC Secretary determined the project to be inconsistent with the ALUCP. There is a density restriction for new residential development within Safety Zone 2 of a maximum of one dwelling unit per 10 acres (0.1 dwelling unit per acre). This project proposes a total of 8 units on a .37 acre parcel, which exceeds this density maximum.

**3. Staff Approval Application No. PLN2018-0002 – APG Solar Review, 11116 Sierra Road, in Oakdale** – Reviewed March 5, 2018.

**Project Description:** Request to approve Building Permit BLD2017-2792 for a 27 KW photovoltaic system ground mount solar panel system to offset irrigation electrical usage.

**Determination:** The ALUC Secretary informed the applicant that in order to determine if the proposed project had the potential to affect air navigation, a glare study and submission of an FAA (Federal Aviation Administration) 7460 airspace review was required. Based on the results of the 7460 review, the ALUC Secretary was able to determine that the project was consistent with the ALUCP.

**4. Use Permit Application No. PLN2018-0010 Verizon Wireless – Wieland Avenue Review: 212 Weiland Avenue, in the Modesto area** – Reviewed March 22, 2018.

**Project Description:** Request to construct a 100-foot tall wireless communication facility within a 1,395± square-foot lease area on a one acre parcel in the M (Industrial) zoning district.

**Determination:** The ALUC Secretary informed the applicant that in order to determine if the proposed project had the potential to affect air navigation, submission of an FAA 7460 airspace review was required. During the project referral the City of Modesto objected to the proposed height of the tower. The applicant then reduced the height of the tower, which then changed the project from a discretionary action to a ministerial action which is already permitted in the zoning district. Accordingly, the application was no longer subject to ALUC review.

**5. Mitigated Negative Declaration Review, River Bluff Regional Park, in Ceres** – Reviewed June 19, 2018.

**Project Description:** Request to improve the River Bluff Regional Park in Ceres, including the removal of 16-acre walnut orchard, enhancement and creation of a total of 1.9 acres of wetlands, improved flood protection, improved access to an existing constructed pond, improved passive recreational access to the Tuolumne River, and completion of a pedestrian trail system throughout the park.

**Determination:** The ALUC Secretary was unable to make a consistency determination and requested clarification on whether the proposed project would attract more than 100 people to outdoor activities during peak hours, or if the project was proposing any new open water areas or landscaping features having the potential to cause an increase in the attraction of birds or wildlife. Additionally, the applicant was encouraged to consult with the FAA and Airport Manager. No additional information has been received to date.

Attachments:

A - ALUC Response Letters



February 28, 2017

Mr. Tom Westbrook, Director  
Community Development Department – Planning and Building Division  
City of Ceres  
2220 Magnolia Street  
Ceres, CA 95307

Subject: Notice of Preparation of Environmental Impact Report for Whitmore Ranch  
Specific Plan

Mr. Westbrook,

Stanislaus County Airport Land Use Commission staff is in receipt of your agency's CEQA Referral for the project referenced above.

The Whitmore Ranch Specific Plan is proposed "to provide for a range of densities and housing types; parkland and other open space; existing schools, and supporting infrastructure. Future development proposals would be compared to the allowable uses, as well as development standards and design guidelines to be included in the Specific Plan."

The project site is generally located south of East Whitmore Avenue between Moore Road and Faith Home Road and consists of approximately 94 acres. The proposed land uses consists of 28 acres of Low Density Residential, 7 acres of Medium-Density Residential, 6 acres of Higher Density Residential, 5 acres of Parks/Open Space, 36 acres of school facilities and 12 acres of street and rights-of-way.

Stanislaus County Board of Supervisors adopted the Stanislaus County Airport Land Use Compatibility Plan (ALUCP) on October 6, 2016. Airport Land Use Commission staff review proposed projects to determine if they are within the Airport Influence Area and a review for consistency with applicable Compatibility Plan policies.

I offer the following comments for consideration in the preparation of an environmental assessment for this project:

1. The subject site is located **within the Airport Influence Area** (Referral Area 2) of the Modesto City-County Airport Influence Area Policy Map (Map MOD-1 of the ALUCP, attached). Referral Area 2 includes locations where airspace protection and/or overflight are compatibility concerns; however, noise or safety or not (page 2-7 of the ALUCP).
2. The following kind of projects proposed in Referral Area 2 require referral to the ALUC for review:
  - a. Any proposed object (including buildings, poles, antennas, and other structures) having a height that requires review by the Federal Aviation Administration in accordance with Part 77 of the Federal Aviation Regulations.

**ATTACHMENT A**

Letter to Tom Westbrook  
City of Ceres, Community Development Department  
NOP of EIR for Whitmore Ranch Specific Plan  
February 28, 2017  
Page Two

- b. Any project or plan (e.g. Habitat Conservation Plan) proposing open water areas or landscaping features having the potential to cause an increase in the attraction of birds or other wildlife that can be hazardous to aircraft operations in the vicinity of the airport.
  - c. Any project having the potential to create electrical or visual hazards to aircraft in flight, including:
    - Electrical interference with radio communications or navigational signals;
    - Lighting which could be mistaken for Airport lighting;
    - Glare in the eyes of pilots of aircraft using the Airport; and
    - Impaired visibility near the Airport
  - d. Any project having the potential to create a thermal plume extending to an altitude were aircraft fly.
3. The subject site is located with the Modesto City-County Airspace Protection Zones Policy Map, which identifies elevation contours that must be kept clear of obstructions in the airspace from at least 250 feet in height and higher; refer to Map MOD-4.
  4. The subject site is also located within the Modesto City-County Airport Overflight Zones requiring Real Estate Disclosure requirements to existing and future residential development; refer to Map MOD-5.

Please feel free to contact me if you desire additional clarification. I can be reached by e-mail at [galvezm@stancounty.com](mailto:galvezm@stancounty.com) or by telephone at (209) 525-6330.

Respectfully,



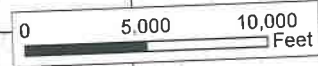
Miguel A. Galvez,  
Secretary, Stanislaus County Airport Land Use Commission

Attachments:

2016 Stanislaus County Airport Land Use Compatibility Plan:  
Map MOD-1 Airport Influence Area Map  
Map MOD-4 Airspace Protection Zones Policy Map  
Map MOD-5 Overflight Zones Policy Map



- Legend**
- Road
  - City
  - - - Airport Boundary
  - Referral Area 2
  - Referral Area 1
  - Airport Influence Boundary



**Mead&Hunt**

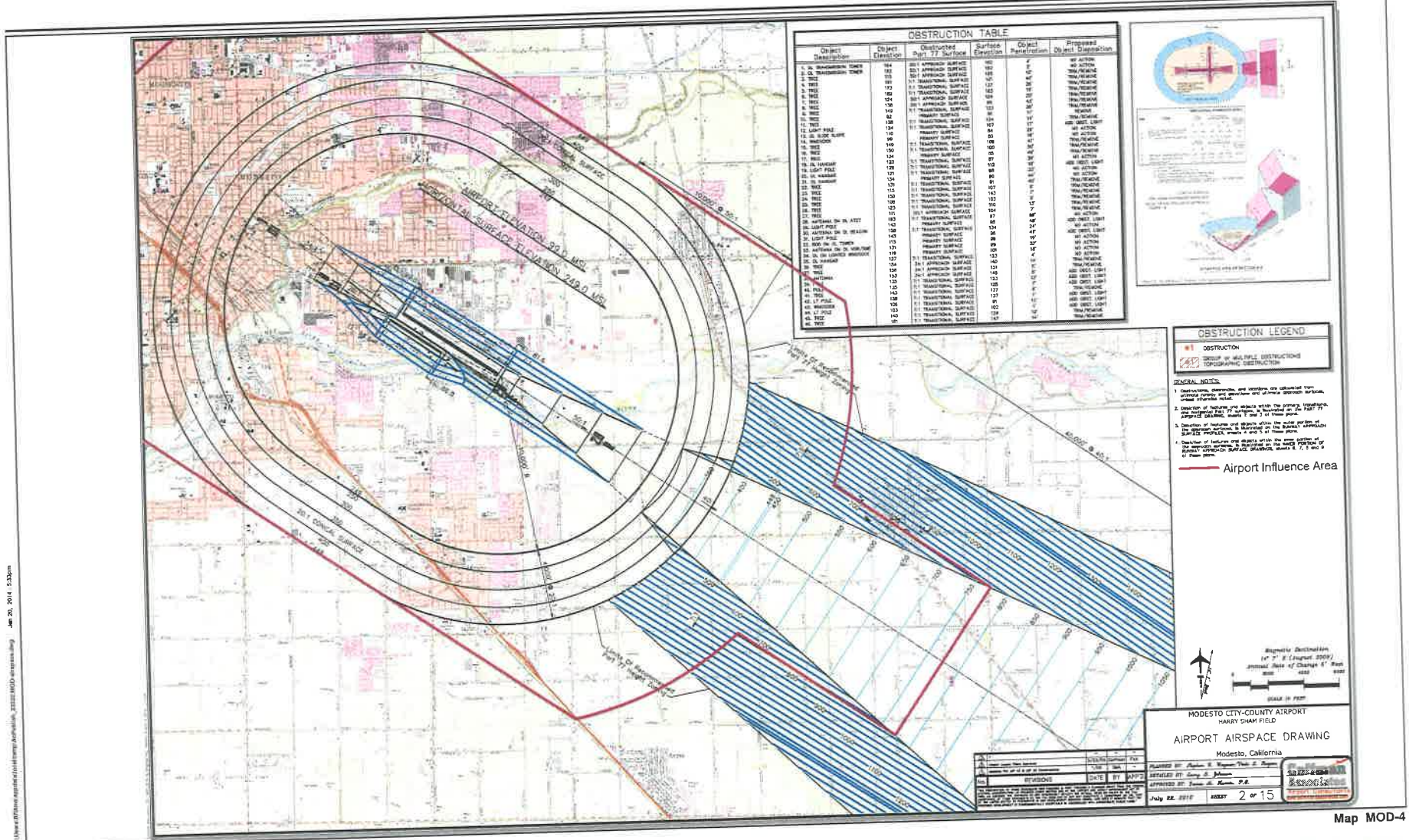
Sources: City and County GIS Data (2009)

**Stanislaus County**  
**Airport Land Use Compatibility Plans**  
(Adopted October 2016)

Map MOD-1

**Airport Influence Area Policy Map**  
Modesto City-County Airport





C:\Users\jgarcia\Documents\modesto\modesto\_2015\_07\_22\_1500\workspace.dwg July 20, 2014 5:32pm

This is a reduced version of a large size drawing.

**Airspace Protection Zones Policy Map**  
Modesto City-County Airport

Map MOD-4





**Legend**

- Boundary Lines**
- Airport Property Line/Easements
  - City Limits
  - Existing Runway
  - Future Runway
  - Airport Influence Area

- Overflight Zones**
- Avigation Easement Dedication <sup>1</sup>
  - Recorded Deed Notice <sup>2</sup>
  - Real Estate Disclosure <sup>3</sup>

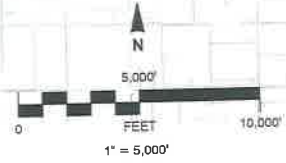
**Notes**

1. Avigation Easement Dedication required within CNEL 50dB noise contour and safety zones 1 through 6 and critical portions of approach and transitional surfaces to where these surfaces intersect the horizontal surface.
2. Recorded Deed Notice required in areas commonly overflown by low flying aircraft (1,500 feet or less above the airport elevation). Along the straight-in/straight-out corridors, zone boundary extends 30,000 feet southeast of Runway 28R and 20,000 feet northwest of Runway 10L. Lateral to the runways, this boundary encompasses the downwind pattern north and south of the airport. For the area south of the airport, zone boundary matches the outer limits of the horizontal surface as defined by FAR Part 77. For the area north of the airport, zone boundary extends 10,000 feet lateral (north) of Runway 10L-28R, 18,000 feet southeast of Runway 28R, and 12,000 feet northwest of Runway 10L. This boundary encompasses outermost touch-and-go pattern and extended downwind pattern used by pilots when the airport is busy (flight track not depicted). Recorded deed notice requirement applies to proposed residential development on parcels of more than 10 acres.
3. Real Estate Disclosure required within entire airport influence area. Zone boundary matches the outer boundary of the FAA height notification surface northwest and southeast of airport runways. Lateral of the runways, zone boundary matches outer limits of the conical surface as defined by FAR Part 77. Real Estate Disclosure requirement applies to existing and future residential development.

**Stanislaus County  
Airport Land Use Compatibility Plans  
(Adopted October 2016)**

Map MOD-5

**Overflight Zones Policy Map  
Modesto City-County Airport**



Prepared By: **Mead & Hunt** www.mehunt.com

G:\Users\k2\Documents\Projects\Airport\Map\MapInfo\_2016\MapInfo\mxd\modesto\_10\_16\_16.mxd Jan 10, 2016 11:13 AM



January 5, 2018

Katharine Martin, Associate Planner  
Community & Economic Development Department, Planning Division  
City of Modesto  
1010 10<sup>th</sup> St., Suite 3300  
Modesto, CA 95354

**Subject:      *Development Plan Review: Eight-Unit Apartment Building, 634 S. Conejo Ave.***

Mrs. Martin,

Thank you for providing the Stanislaus County Airport Land Use Commission (ALUC) with the opportunity to comment on the proposed project.

### **Project Description**

Proposed new single-story, eight-unit apartment building on a vacant 0.37-acre lot located within the R-3 Medium-High Density Residential Zone.

### **Airport Land Use Comments**

The proposed project is located within Referral Area 1 of the Modesto-County Airport. According to Policy 1.5.4. of the Stanislaus County Airport Land Use Compatibility Plan (ALUCP) the proposed project is considered to be a *Major Land Use Action*, as it involves a proposed Residential Development consisting of 5 or more dwelling units or parcels, which requires the ALUC to make a determination of consistency with the ALUCP. The ALUC is required to base its determination of consistency on:

- (a) Findings that the development and forecasts identified in the airport plan would not result in greater noise, safety, airspace protection, or overflight impacts on surrounding land uses than are assumed in this Compatibility Plan.
- (b) Consideration of:
  - (1) Mitigation measures incorporated into the plan or Project to reduce any increases in the noise, safety, airspace protection, and overflight impacts to a less-than-significant level in accordance with provisions of CEQA; or
  - (2) In instances where the impacts cannot be reduced to a less-than-significant level, a statement of overriding considerations approved by airport owner in accordance with provisions of CEQA.

### **Noise**

According to ALUCP Policy 3.2.2. Maximum Acceptable Exterior Noise Levels to minimize noise-sensitive development in noisy areas around an Airport, new land use development shall be restricted in accordance with the following:

- (a) Residential Development and Children's Schools:
  - (1) All new *Residential Development* and children's schools are deemed incompatible within the projected CNEL 60 dB contour of each airport.

The Noise Compatibility Policy Map included in the ALUCP for the Modesto-County Airport (MOD-2) indicates that the project is located in the 60-65 dB CNEL Noise Contour area which the ALUCP includes as an incompatible use.

### **Safety Zones**

The Airport Safety Zones Policy Map included in the ALUCP for the Modesto-County Airport (MOD-3) indicates that the project is located in Safety Zone 2. ALUCP Policy 3.3.2(a)(2) includes a density restriction for new residential development within Safety Zone 2 of a maximum of 1 dwelling unit per 10 acres (0.1 dwelling unit per acre). This project proposes a total of 8 units on a .37 acre parcel, which exceeds this density maximum. The project is therefore not in compliance with the Safety Standards included within the ALUCP.

### **Overflight**

Dedication of an *Avigation Easement* is required as a condition for approval of proposed development situated within the CNEL 60 dB, and within Safety Zone 2, when a project is subject to discretionary action.

### **ALUCP Compatibility Determination**

In accordance with the ALUCP the project as proposed is considered to be *inconsistent* with the ALUCP unless a case can be made that it is "existing development" based on the presence of:

- An approved (and not expired) subdivision map,
- An Approved vesting tentative parcel or subdivision map
- An approved (and not expired) development agreement
- A recorded final subdivision map
- An approved (and not expired) use permit or discretionary entitlement
- A valid building permit

Exceptions to an "incompatible" (Noise and Safety) designation may only be made if site-specific special conditions exist as described in ALUCP Policy 4.1.5:

*4.1.5. Special Conditions Exception: The compatibility criteria set forth in this Compatibility Plan are intended to be applicable to all locations within the Airport Influence Area for each airport that are under the jurisdiction of the Airport Land Use Commission for Stanislaus County. However, there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site.*

*(a) After due consideration of all the factors involved in such situations, the ALUC may find a normally incompatible use to be acceptable.*

*(b) In reaching such a decision, the ALUC shall make specific findings as to the nature of the extraordinary circumstances that warrant the policy exception and why the exception is being made. Findings also shall be made that the land use will neither create a safety hazard to people on the ground or aircraft in flight nor result in excessive noise exposure for the proposed use.*

*(c) Approval of a special conditions exception for a proposed Project shall require a two-thirds approval of the ALUC members voting on the matter and shall not be delegated to the ALUC Secretary for approval.*

Letter to Katharine Martin, Associate Planner  
City of Modesto, Planning Division  
DPR-17-008  
January 5, 2018  
Page Two

*(d) The burden for demonstrating that special conditions apply to a particular Development Proposal rests with the Project proponent and/or the referring Local Agency, not with the ALUC.*

*(e) The granting of a special conditions exception shall be considered site specific and shall not be generalized to include other sites.*

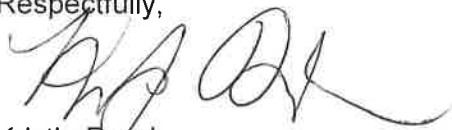
Applications to the ALUC for an Exception to an Incompatible Designation shall be submitted to the Planning Department at 1010 10<sup>th</sup> St., Suite 3400, Modesto, CA, 95354, along with a \$1,200 filing fee for consideration of a Major Land Use Action by the ALUC.

In accordance with ALUCP Policy 2.3.4., Appeal of ALUC Secretary's Action, the affected local agency, project applicant, the Airport owner, or other directly interested party may appeal to the ALUC a consistency determination made by the ALUC Secretary on a Major Land Use Action. The ALUC shall then review the proposed Land Use Action, the ALUC Secretary's determination, and information supporting the appeal and make a final determination regarding the proposed Land Use Action's consistency with the Compatibility Plan. Any appeal of the ALUC Secretary's determination must be submitted in writing, along with a \$717 filing fee, within 30 days of the date when the determination was issued.

If a Local Agency wishes to proceed with a proposed Land Use Action, regulation, permit, or project or airport project that the ALUC has determined to be inconsistent with the Compatibility Plan, or if the Local Agency wishes to ignore a condition for consistency, the Local Agency must overrule the ALUC determination in accordance with the provisions of state law.

Please feel free to contact me if you desire additional clarification. I can be reached by e-mail at [doudk@stancounty.com](mailto:doudk@stancounty.com) or by telephone at (209) 525-6330. The ALUCP may be viewed at the following link: [http://www.stancounty.com/planning/agenda-aluc/Draft\\_ALUCP.pdf](http://www.stancounty.com/planning/agenda-aluc/Draft_ALUCP.pdf)

Respectfully,



Kristin Doud,  
Senior Planner  
Stanislaus County Airport Land Use Commission



March 5, 2018

Denzel Henderson  
1010 10<sup>th</sup> St. Suite 3400  
Modesto, CA 95354

**SUBJECT: STAFF APPROVAL APPLICATION NO. PLN2018-0002 – APG SOLAR**

Mr. Henderson:

The proposed ground mount solar project (11116 Sierra Rd., Oakdale) is located within Referral Area 1 of the Airport Influence Area of the Oakdale Municipal Airport. As such, the following policies would apply as cited below for your convenience:

- Policy 1.5.4, Major Land Use Actions, Paragraph (a)(12)
- Policy 2.3.1, Required Submittal Information, paragraphs a through (i) as applicable.
- Policy 3.4.3, Other Flight Hazards, paragraphs (a)(1) and (b)
- Policy 4.1.1, Avigation Easement Dedication, entire policy.

**Glare and Reflectivity**

The FAA has broad authority for airspace review. The clearest trigger for FAA review is a physical penetration of airspace, which the FAA evaluates through its 7460 review. The 7460 review is a mechanism for alerting the FAA of the proposed project and requires a 45 to 60 day review period.

Solar arrays have the potential to produce glare or ocular effects that can affect air navigation. The extent of reflectivity/glare analysis required to assess potential impacts will depend on the specific project site and design. Although the proposed project is located off site and there is no clear FAA trigger, FAA would become involved if impacts to air navigation occurred. Therefore, a glare study is recommended to demonstrate that the proposed project will not have a negative effect on air navigation.

To determine whether the proposed project has the potential to affect air navigation, it is recommended that the applicant prepare a glare study and submit the study as part of an FAA 7460 airspace review (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>). Based on the results of the 7460 review, the ALUC will be able to determine consistency with the ALUCP.

For more information, refer to section 3.3 of FAA's *Technical Guidance for Evaluating Selected Solar Technologies on Airports*, which addresses offsite solar projects.

[https://www.faa.gov/airports/environmental/policy\\_guidance/media/airportsolarguideprint.Pdf](https://www.faa.gov/airports/environmental/policy_guidance/media/airportsolarguideprint.Pdf)

Applications to the ALUC for an Exception to an Incompatible Designation shall be submitted to the Planning Department at 1010 10<sup>th</sup> St., Suite 3400, Modesto, CA, 95354, along with a \$1,200 filing fee for consideration of a Major Land Use Action by the ALUC.



March 5, 2018  
ALUC Project Review  
2

In accordance with ALUCP Policy 2.3.4., Appeal of ALUC Secretary's Action, the affected local agency, project applicant, the Airport owner, or other directly interested party may appeal to the ALUC a consistency determination made by the ALUC Secretary on a Major Land Use Action. The ALUC shall then review the proposed Land Use Action, the ALUC Secretary's determination, and information supporting the appeal and make a final determination regarding the proposed Land Use Action's consistency with the Compatibility Plan. Any appeal of the ALUC Secretary's determination must be submitted in writing, along with a \$717 filing fee, within 30 days of the date when the determination was issued.

If a Local Agency wishes to proceed with a proposed Land Use Action, regulation, permit, or project or airport project that the ALUC has determined to be inconsistent with the Compatibility Plan, or if the Local Agency wishes to ignore a condition for consistency, the Local Agency must overrule the ALUC determination in accordance with the provisions of state law.

Please feel free to contact me if you desire additional clarification. I can be reached by e-mail at [doudk@stancounty.com](mailto:doudk@stancounty.com) or by telephone at (209) 525-6330. The ALUCP may be viewed at the following link: [http://www.stancounty.com/planning/agenda-aluc/Draft\\_ALUCP.pdf](http://www.stancounty.com/planning/agenda-aluc/Draft_ALUCP.pdf)

Sincerely,

A handwritten signature in black ink that reads "Kristin Doud". The signature is written in a cursive, flowing style.

Kristin Doud, Senior Planner  
Airport Land Use Commission Secretary  
[doudk@stancounty.com](mailto:doudk@stancounty.com)

## Kristin Doud - Weiland Ave. UP Referral

---

**From:** Kristin Doud  
**To:** Denzel Henderson  
**Date:** 3/22/2018 11:03 AM  
**Subject:** Weiland Ave. UP Referral

---

Denzel - ALUC Comments on the Weiland Cell Tower Use Permit are as follows:

The proposed cell tower is located in Referral Area 1 of the Modesto-County Airport. Based on the location of this proposed tower the applicant shall:

- work with the Modesto Airport to obtain a 7460 review for both the proposed tower and any construction equipment that will be used. The 7460 process will determine whether or not the proposed tower will pose a hazard to air navigation for aircraft using the airport.
- Following FAA 7460 review, the applicant should provide the completed 7460 review (FAA conclusion following 7460 review) to the County with its development application.

Kristin Doud  
ALUC Secretary

Kristin C. Doud  
Senior Planner  
Planning & Community Development  
1010 10th Street, Suite 3400  
Modesto, CA 95354  
Phone: 209.525.6330  
FAX: 209.525.5911  
email: [doudk@stancounty.com](mailto:doudk@stancounty.com)

-- -- -- Let Us Know How We Are Doing -- -- --

Please take a moment and complete the Customer Satisfaction Survey by clicking on the following link:  
<https://www.surveymonkey.com/r/XPSYXS6?sm=T2D5Y53C3BLngomyEqkWLg%3d%3d>



June 19, 2018

Tom Westbrook  
Director of Community Development  
City of Ceres  
2220 Magnolia Street  
Ceres, CA 95307

**Subject: ALUC Review of Mitigated Negative Declaration for the River Bluff Regional Park in Ceres, CA**

Mr. Westbrook,

Thank you for providing the Stanislaus County Airport Land Use Commission (ALUC) with the opportunity to review and comment on the proposed project.

### **Project Description**

The project proposes the following: Removal of 16-acre walnut orchard, enhancement and creation of a total of 1.9 acres of wetlands, improved flood protection, improved access to an existing constructed pond, improved passive recreational access to the Tuolumne River, and completion of a pedestrian trail system throughout the park.

### **Airport Land Use Comments**

The proposed project site is located within Referral Area 1 of the Modesto-County Airport. It is unclear, in accordance with Policy 1.5.4 of the Stanislaus County Airport Land Use Compatibility Plan (ALUCP), if the proposed project is considered to be a *Major Land Use Action*. If the project meets either of the following criteria the project would qualify as a *Major Land Use Action* and the ALUC is responsible for evaluating the project to determine if the proposed uses are consistent with the ALUCP. Please provide clarification on whether the proposed project meets any of the criteria listed below:

- Any discretionary *Development Proposal for Projects* expected to attract more than 100 people (including employees, customers/visitors) to outdoor activities to the *Project* site during a typical busy period.
- Any project or plan (e.g., Habitat Conservation Plan) proposing (new) open water areas or landscaping features having the potential to cause an increase in the attraction of birds or other wildlife that can be hazardous to aircraft operations in the vicinity of the airport.

Generally, the ALUC is required to base its determination of consistency on:

- (a) Findings that the development and forecasts identified in the airport plan would not result in greater noise, safety, airspace protection, or overflight impacts on surrounding land uses than are assumed in this Compatibility Plan.

(b) Consideration of:

- (1) Mitigation measures incorporated into the plan or Project to reduce any increases in the noise, safety, airspace protection, and overflight impacts to a less-than-significant level in accordance with provisions of CEQA; or
- (2) In instances where the impacts cannot be reduced to a less-than-significant level, a statement of overriding considerations approved by airport owner in accordance with provisions of CEQA.

**Safety Zones**

The Airport Safety Zones Policy Map included in the ALUCP for the Modesto-County Airport (MOD-3) indicates that the project is located in Safety Zones 2 and 3. In order to determine compatibility with the ALUCP, based on the project's Safety zones, the following must be clarified:

- Are any new trees proposed to be planted? If so, what is their maximum height?
- Are new picnic areas, playground equipment, sports fields, or amphitheater improvements proposed as part of this project?

**Overflight**

Dedication of an *Avigation Easement* is required as a condition for approval of proposed development situated within Safety Zone 2, when a project is subject to discretionary action.

**Airspace Protection**

Land uses that may cause airspace (height), visual or electronic hazards, to aircraft in flight or taking off or landing at the Airport may be allowed within the Airport Influence Area only if the uses are consistent with FAA rules and regulations. This includes:

- Distracting lights that could be mistaken for airport lights.
- Any proposed use that creates an increased attraction for wildlife and that is inconsistent with FAA rules and regulations. Of particular concern are landfills, conservation areas, open water, and certain recreational or agricultural uses that attract large flocks of birds which pose hazards to aircraft operations.
- Objects (including trees) that exceed the allowable airspace height limit.

To resolve any uncertainties with regard to the significance of the above types of flight hazards, Local Agencies should consult with FAA and the airport manager. Project proponents are responsible for notifying the FAA about proposed construction that may affect navigable airspace. A FAR Part 77 notification form (Form 7460-1) should be submitted to the FAA, and the resulting notice of determination letter mailed to the ALUC and applicable airport manager for review.

Compatibility with the Stanislaus County ALUCP cannot be determined until the additional information requested is received.

Please feel free to contact me if you desire additional clarification. I can be reached by e-mail at [doudk@stancounty.com](mailto:doudk@stancounty.com) or by telephone at (209) 525-6330. The ALUCP may be viewed at the following link: [http://www.stancounty.com/planning/agenda-aluc/Draft\\_ALUCP.pdf](http://www.stancounty.com/planning/agenda-aluc/Draft_ALUCP.pdf)

Respectfully,



Kristin Doud,  
Senior Planner  
Stanislaus County Airport Land Use Commission

Note:

*Applications to the ALUC for an Exception to an Incompatible Designation may be submitted to the Planning Department at 1010 10<sup>th</sup> St., Suite 3400, Modesto, CA, 95354, along with a \$1,200 filing fee for consideration of a Major Land Use Action by the ALUC.*

*In accordance with ALUCP Policy 2.3.4., Appeal of ALUC Secretary's Action, the affected local agency, project applicant, the Airport owner, or other directly interested party may appeal to the ALUC a consistency determination made by the ALUC Secretary on a Major Land Use Action. The ALUC shall then review the proposed Land Use Action, the ALUC Secretary's determination, and information supporting the appeal and make a final determination regarding the proposed Land Use Action's consistency with the Compatibility Plan. Any appeal of the ALUC Secretary's determination must be submitted in writing, along with a \$717 filing fee, within 30 days of the date when the determination was issued.*

*If a Local Agency wishes to proceed with a proposed Land Use Action, regulation, permit, or project or airport project that the ALUC has determined to be inconsistent with the Compatibility Plan, or if the Local Agency wishes to ignore a condition for consistency, the Local Agency must overrule the ALUC determination in accordance with the provisions of state law.*