

ORDINANCE NO. 1981

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
TEHAMA ADDING CHAPTER 17.69 TO THE TEHAMA COUNTY CODE
PERTAINING TO MILITARY OPERATION AREA OVERLAY

THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA
ORDAINS AS FOLLOWS:

SECTION 1. Chapter 17.69 is hereby added to the Tehama County Code to read:

Chapter 17.69

MILITARY OPERATION OVERLAY

- 17.69.010 Short Title.
- 17.69.020 Purpose and intent.
- 17.69.030 Definitions.
- 17.69.040 Review and Notice.

17.69.010 Short Title. This chapter shall be known as the Tehama County Military Operation Area Overlay.

17.69.020. Purpose and intent. The purpose of this Section is to establish procedures for the review and permitting of new development within designated Military Operation Areas (MOA) and Military Training Routes (MTR) which cross Tehama County and to ensure early notification and a timely exchange of project related information. To ensure early notification to the military of discretionary development projects within Military Operation Areas, California Government Code sections 65352 (a) (5) and 6(A), 65940, and 65944 require the exchange of project related information pertinent to military operations between local jurisdictions and the military “...when the proposed action is within 1,000 feet of a military installation, or lies within special use airspace, or beneath a low-level flight path...” It is the purpose and intent of this article to clearly define for applicants and staff the process for review of projects that may impact military operations.

17.69.30. Definitions.

The following shall govern the construction of this chapter:

- (A) “Military Operation Area” or “MOA” shall have the meaning set forth in 14 Code of Federal Regulations part 1.1. The MOA is a three dimensional airspace designated for military training and transport activities that has a defined floor (minimum altitude of 300’) and ceiling (maximum altitude of 18,000’ or higher). The Military Operations Area in Tehama County subject to this Chapter is depicted on Figure 1 attached to the Ordinance adopting this section and incorporated herein. A true and correct copy of

Figure 1 shall be maintained in the office of the director of planning, and shall be available for public inspection.

- (B) "Military Training Routes" means aerial corridors across the United States in which military aircraft can operate below 10,000 feet faster than the maximum safe speed of 250 knots that all other aircraft are restricted to while operating below 10,000 feet.
- (C) "Height Calculation" means the height of all structures (including wind turbines) as measured by the distance from ground to top of the highest point of the structure. For wind turbines this means the highest point of the turbine blade in vertical position.
- (D) "Low-level flight path" includes any flight path for any aircraft owned, maintained, or that is under the jurisdiction of the United States Department of Defense that flies lower than 1,500 feet above ground level, as indicated in the United States Department of Defense Flight Information Publication, "Area Planning Military Training Routes: North and South America (AP/1B)" published by the United States National Imagery and Mapping Agency.
- (E) "Special Use Airspace" means the land area underlying the airspace that is designated for training, research, development, or evaluation for a military service, as that land area is established by the United States Department of Defense Flight Information Publication, "Area Planning: Special Use Airspace: North and South America (AP/1A)" published by the United States National Imagery and Mapping Agency.

17.69.040. Review and Notice.

- A. All new discretionary development projects that have the potential to penetrate the defined floor elevation within a MOA, as set forth on Figure 1 attached to the Ordinance enacting this section, shall be reviewed for hazards to aircraft including but not limited to:
 - 1. Uses that release into the air any substance such as steam, dust and smoke which would impair pilot visibility;
 - 2. Uses that produce light emissions, glare or distracting lights which could interfere with pilot vision or be mistaken for airfield lighting;
 - 3. Uses that physically obstruct any portion of the MOA due to relative height above ground level.
- B. Permit processing requirements for proposed new discretionary development projects within or underlying the MOA, or within 1000 feet of a military installation, or within special use airspace, or beneath a low-level flight path are as follows:
 - 1. Structures and land uses may be permitted upon a finding that notice has been provided in accordance with the following:
 - i. A completed application has been received by the County wherein the project applicant has identified that the proposed

project is located within or underlying the MOA, or within 1000 feet of a military installation, or within special use airspace, or beneath a low-level flight path, as applicable.

ii. The County has provided a copy of the completed application to any branch of the United States Armed Forces that has provided the Office of Planning and Research with a single California mailing address within the state for the delivery of a copy of these applications.

2. The proposed structure and use is consistent with all other applicable provisions of this ordinance.

SECTION 2. This ordinance shall take effect thirty (30) days from the date of its adoption, and prior to the expiration of fifteen (15) days from the adoption thereof shall be published at least one time in the *Red Bluff Daily News*, a newspaper of general circulation in Tehama County.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Tehama, State of California, at a regular meeting of the Board of Supervisors on the 8th day of OCT, 2013 by the following vote:

AYES: Supervisors Williams, Chamblin, Bundy, Bruce, and Garton
NOES: None
ABSENT OR NOT VOTING: None

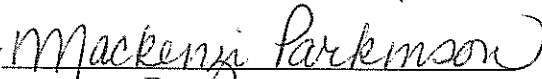

CHAIRMAN, Board of Supervisors

STATE OF CALIFORNIA)
) ss
COUNTY OF TEHAMA)

I, BEVERLY ROSS, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California, hereby certify the above and foregoing to be a full, true and correct copy of an ordinance adopted by said Board of Supervisors on the 8th day of October, 2013.

DATED: This 11th day of October, 2013.

BEVERLY ROSS, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California.

By 
Deputy