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Claim of:)	
)	
County of Placer)	No. CSM-4237
Claimant)	Chapter 1117, Statutes of 1984
)	<u>Airport Land Use</u>
)	
_____)	

PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on **September 23, 1987**, in Sacramento, California, during a regularly scheduled hearing.

Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the commission finds:

I.

NOTE

1. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; a specific appropriation by the Legislature for such purpose; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

II.

FINDINGS AND CONCLUSIONS

1. The test claim was filed with the commission on November 26, 1986, by the County of Placer.
2. The claim alleges that Chapter 7777, Statutes of 1984, imposes costs mandated by the state.
3. Chapter 7777, Statutes of 1984, amended Public Utilities Code Section 27670 to require the creation of an airport land use commission in every county in which there is located an airport which is not served by a

scheduled airline, but which is operated for the benefit of the general public. Chapter 1117, Statutes of 1984, permits a county board of supervisors to, adopt a resolution which reflects a determination that there are no noise, public safety, or land use issues affecting the creation of a commission and declaring the county exempt from that requirement. Such a finding may be made following consultation with the appropriate airport operators, and affected local entities, and after a public hearing.

4. Laws in existence prior to Chapter 1117, Statutes of 1984, authorized the California Department of Transportation to make annual payments of \$5,000 from the Aeronautics Account in the State Transportation Fund to public agencies operating airports.

III.

DETERMINATION OF ISSUES

1. The commission has the authority to decide this claim under the provisions of Government Code Section 17551.
2. Chapter 1117, Statutes of 1984, imposes a requirement on certain counties to form airport land use commissions and to prepare land use plans.
3. The County of Placer's annual grant from the Department of Transportation's Aeronautics Account is received because the County of Placer maintains the Blue Canyon Airport. The grant is fully utilized for this purpose, and is not available to pay for the required airport land use plan. In addition, the availability of the grant would not impact the existence of any new program because the amount of the purported costs incurred by the County of Placer exceed the annual \$5,000 grant.
4. The Commission on State Mandates has concluded that Chapter 1117, Statutes of 1984 has imposed a reimbursable state mandate, as defined by Government Code Section 17514 and Section 6 of Article XIII B of the California Constitution, on certain counties. The County of Placer has established that this statute imposed a new program by requiring that county to form airport land use commissions, and develop airport land use plans.

WP: 0116r