

**CITY OF REDDING, CALIFORNIA
COUNCIL POLICY**

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BACKGROUND

The Redding Municipal Airport is owned and operated by the City of Redding. It is a federally obligated airport in that the land was deeded to the City and the City has accepted federal grant funds to do airport improvements.

The City of Redding considers the Municipal Airport as a key element in its economic well being, as a function of transportation, job opportunities, tourism, gateway appearance, and convention recruitment.

Purpose

It is the City of Redding's desire to see land and the Redding Municipal Airport developed to the benefit of the community. To that end, it is the intent of the City to:

- a. Obtain high-quality development.
- b. Obtain uses that reinforce the development of the Municipal Airport.
- c. Obtain uses that can demonstrate the following:
 - (1) reinforce development of the Municipal Airport;
 - (2) create at least five jobs per acre, except for uses that provide direct aircraft services;
 - (3) show community benefit;
 - (4) expend at least \$200,000 for a combination of on-site and off-site improvements;
 - (5) develop a revenue stream for the City to pay for airport improvements; and
 - (6) complete construction within 18 months.
 - (7) consistent with uses identified with the land use policies of the Airport Area Plan.
 - (8) Compliance with applicable FAA standards.

In furtherance of this purpose, the City has done the following since 1982:

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- a. Extended City electric service to this area and provided substation and line- transmission capacity.
- b. Established a fire station at the Airport.
- c. Linked wells at the Airport with the Enterprise Water Pressure Zone.
- d. Acquired property and awarded design contracts to provide sewer service to the Airport area by a second regional wastewater treatment plant.

Policy

It is the policy of the City to lease land at the Municipal Airport based on a rate of 10 percent of the fair market value of the property. The rent may be adjusted on an annual basis, but at a minimum shall be adjusted every five years. The adjustment shall be based on an established cost index to be identified in the lease. Leases may be subordinated to a first note to be held by a qualified lending institution provided the City has the first right of refusal on any default.

It is not the policy of the Council that the City be a developer or operate any business. The City is willing to explore special circumstances in use of the City's land but only to the extent that if lease payments are deferred, greater revenue would be realized, the deferment is secured with adequate physical improvements to the site, off-site public improvements are installed, or an equity interest is obtained in the gross revenues of the project. Any deferment would not extend more than the first five years.

Leases may be 20 to 30 years depending on the total value of improvements placed on the leasehold. In no case shall the term of the lease exceed 30 years. Options for extensions may be included in the lease. Any extension option would be subject to refurbishment requirements. Leases would be with the business leasing the property or a builder who has a bona fide lessee committed for a period of not less than five years for new leases. The City is not interested in speculative "build-to-suit" leases nor leases with right to further subdivide.

Development Requirements

Lessees at the Municipal Airport shall generally be responsible for the improvements of all abutting streets, the extension of utilities if they do not exist, and the extension of those streets and utilities through the lease area in accordance with

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the master street and utility plan for the Airport. In the event an area is leased that is not abutting an existing improved street or the end of utility lines, it will be the responsibility of the developing lessee to extend at least two paved driving lanes and all utilities to the property. "Utilities" mean sewer, water, electric, and telephone. Fire hydrants shall be installed in accordance with ISO standards. (In the event construction occurs before the regional treatment plant is completed, a dry sewer line shall be installed and a temporary leach field will need to be approved by the County Health Department.) Electric utility improvements shall be installed in accordance with policies established in City Council Resolution No. 85-42. All utilities shall be installed underground.

Reimbursement

In the event a lessee must extend streets or utilities to the site, the lessee may be reimbursed for the actual costs at the time the intervening land is developed based upon a pro rata share as a function of future connector property width versus off-site line or street length. To qualify, the lessee that extends the line must file with the City a certified statement of the actual cost to construct the off-site improvements within 60 days of occupancy of the building or site.

Developments

Development standards shall be those as listed in the attached covenants and restrictions and applicable zoning or General Plan documents, whichever is more restrictive. All private and public buildings on the Airport shall be subject to obtaining a use permit from the Planning Commission. Development on the west side of Airport Road shall also be subject to any condition of approval of the subdivision.

Charges

The processing cost of a use permit shall be paid by the lessee as per resolution established by the City Council. The cost of an appraisal to establish the fair market value of the lease area shall be paid by the City. All lease documents shall be prepared under the direction of the City Attorney. All leases shall be subject to a "lease and development agreement" setting forth the nature of the lease, the proposed uses, both on- and off-site improvement requirements, dates of completion, and remedies in the event of default. Lessees shall pay all application connection charges or special benefit charges at the time of connection in accordance with applicable City policy.

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Deposit

Parties interested in leasing airport property shall place with the City a nonrefundable deposit of a minimum of \$500 per acre as a statement of serious intent to lease. The City may raise the deposit fee as market conditions indicate. The purpose of the deposit is to compensate costs incurred by those departments processing the lease request that are not part of the Airport Enterprise operation and to protect the City's General Fund. If a lease is executed between the applicant and the City, up to \$200 per acre of the deposit may be applied to the first-year lease payment.

Technical Advisory Committee

To assist in the development of the Airport and the expediting of leases, the City Manager shall establish a Technical Advisory Committee which will consist of the following persons:

Assistant City Manager	City Attorney
Director of Planning & Community Development	Airports Director
Public Works Director	Council Airport Liaison

The purpose of this committee will be to expedite preparation of technical information related to site development and review of lease requests.

Common Area Improvements

In order to maintain a high quality and attractive area, each lessee, along with the City, shall pay a pro rata common-area charge to maintain landscaping within any required street-yard setback, median, or common adjacent to Airport Road. The annual cost will be based upon each lessee's pro rata share of the area landscaped. Each lessee shall be responsible for watering and landscaping within its own lease area outside of the street setback area.

Development Assistance

To further implement the economic development of the City, the City offers the following assistance for development of the Airport area:

- a. Assistance in Airport site location, including the determination of public facilities, utilities, and site-development requirements.
- b. Assistance in obtaining information on Redding and the surrounding area.
- c. Aggressive promotion of Airport improvements.

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- d. Referral to certain financing programs such as assessment districts, revolving loan funds, industrial development bonds, or SBA loans.
- e. Facilitate a process to work with expanding new businesses which involve job retention or job creation at the Airport.
- f. Work with local job-training programs to encourage the provision of job-training services.
- g. Grant-application assistance for potential grants to construct public improvements.

Real Estate Commissions

At the sole option of the City Council, real estate commissions may be paid to a qualified licensed real estate representative of a selected lessee or purchaser of City property at the Municipal Airport.

If paid, said fees shall be negotiated based on the amount of services rendered to the City, the value of the lease, the net rental received, and the source of funds from which the fees will be derived.

Procedure

The following is the process to present a lease proposal and how it will be considered:

- Step 1. The potential lessee shall submit to the City Airports Director a written request for lease. Such request must be accompanied by a deposit as required and specified by the City. Such request must also summarize at least the following: proposed use(s) and activities, specific land area requested, type(s) and size(s) of building(s), jobs anticipated to be generated, anticipated payroll, and a projected cost of construction and improvements.
- Step 2. The Technical Advisory Committee shall review the request in order to ensure that it meets Council criteria and then shall meet with the potential lessee to confirm or further define the area to be considered for lease.
- Step 3. After completion of Step 2, the potential lessee shall submit a use permit application to the Planning Commission to develop the site. The use permit application shall contain a site plan drawn to scale and a preliminary building elevation. The use permit shall be considered by the Board of Administrative Review or Planning

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Commission, whichever is applicable. The Board's findings, along with any conditions of approval, shall be forwarded to the potential lessee, the Technical Advisory Committee, and the Airports Commission.

Step 4. The Airports Commission shall review the proposed use and development plan and submit its comments to the Technical Advisory Committee.

Step 5. The Technical Advisory Committee, after reviewing the recommendations from the Commissions, shall either submit a draft lease to City Council for consideration or shall recommend disapproval. All leases shall be a combination lease and development agreement setting forth the terms of the lease and any requirements for development of the property including time lines, payments, or reimbursement provisions.

Step 6. Council considers TAC's recommendation and either denies the project or approves the project by authorizing an agreement to lease and develop Airport property and approves the Airport operating permit.

NOTE: If necessary, both the Airports Commission and the Planning Commission may schedule special meetings to consider the application. Both Commissions may also meet jointly.

Within six months of signing the lease, the lessee shall submit construction and improvement drawings for review of conformance to tract restrictions and use permit conditions. Construction shall begin within 6 months of approval of construction and improvement drawings by City staff and be pursued to completion within the following 18 months.

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Article III

Regulation of Improvements

3.01 Minimum Setback Lines

- A. General - No structure of any kind, and no part thereof, shall be placed on any site closer to a property line than herein provided.
1. Setback from street property line along Airport Road, any parallel frontage road, Meadow View Drive and Knighton Road shall be 30 feet. Any other street frontage shall be 25 feet.
 2. Setback from rear property line and from side property line between parcels shall be 15 feet.
- B. The following structures and improvements are specifically excluded from these setback provisions:
1. Roof overhang, subject to the specific approval of Declarant in writing.
 2. Uncovered steps and walks, not wider than six feet.
 3. Paving and associated curbing, except that vehicle parking or storage areas shall not be permitted within any required street setback.
 4. Traffic directional signs that do not contain an advertising message.
 5. One detached sign not exceeding 8 feet in height above the top of the curb nor 200 square feet in area and which only gives the name of the company and the street address. If illuminated, such sign shall be internally illuminated, shall have underground electric, and shall not be closer than 12 feet to any property line nor closer than 20 feet to any driveway. Sign materials shall be harmonious with the architecture of the development. Signs shall not rotate nor flash and shall be surrounded by lawn or planter. All detached signs shall be monument style.
 6. Planters, not to exceed two feet in height.

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7. Architectural earthwork, light standards, fountains, or aesthetic features.

3.02 Completion of Construction

After commencement of construction of any structure, the owner shall diligently prosecute the work thereon to the end that the structure shall not remain in a partly finished condition any longer than reasonably necessary for completion thereof, and in any event, shall complete such construction in 180 days unless an exception is granted by written approval of the Declarant.

3.03 Excavation

No excavation shall be made except in connection with construction of an improvement except as approved by Declarant and upon completion of any excavation, exposed openings shall be backfilled and disturbed ground shall be graded and leveled.

3.04 Landscaping

- A. Concurrently with the submission of building plans for approval, the lessee or grantee shall submit a detailed landscaping plan which must be approved in writing by the Declarant's Architectural Review Committee. Every site on which a building shall have been placed shall be landscaped according to said approved plans and shall be maintained thereafter in a sightly and well-kept condition. Landscaping shall consist primarily of living materials.
- B. The property owner, lessee, or occupant shall landscape and maintain unpaved areas between the property lines and the setback lines and shall also landscape between the property line and the back of any sidewalk or curb. The street setback shall be used exclusively for landscaping except for walks and driveways bisecting the required landscape area, and other exclusions in Section 3.01.
- C. The property owner, lessee, or occupant shall provide maintenance support facilities and irrigation adequate to sustain and maintain the landscaped areas. Maintenance facilities are to be adequately screened.

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D. Approved landscaping shall be installed upon issuance of an occupancy permit or completion of the building, whichever first occurs. If unusual weather conditions exist, Declarant may extend the time for completion. Additional and supplemental landscaping requires no such approval.

3.05 Signs

A. No billboard or advertising sign shall be permitted other than those offering the premises for sale or lease when specifically approved by Declarant in writing and temporary signs giving credit to parties to a proposed development, such signs to be approved by Declarant in writing.

B. Signs shall conform to setback lines as indicated in Section 3.01 B(5) hereof unless specific approval to the contrary is obtained from Declarant in writing.

C. Signs and identification devices on buildings or building sites shall be erected or posted only after specific approval by Declarant in writing as to size and design. Only one sign shall be allowed on each building and shall not be larger than 25 feet in length nor greater than 100 square feet in area.

D. No sign shall be placed or painted on any roof or portion thereof, nor shall the top of any sign extend above the parapet line or the top of the exterior wall of any building or structure.

E. Airside Signage is exempted from these standards.

3.06 Parking Areas

A. General - Off-street parking shall be provided to accommodate all parking needs for employee, visitor, and company vehicles on the site. The intent of this provision is to eliminate the need for on-street parking. Lessee or grantee shall provide at least three parking stalls for each four persons to be employed on the site, in addition to customer and visitor parking; provided, however, that should the proposed use for a site come under more restrictive parking requirements of the appropriate governmental jurisdiction, the more restrictive requirements shall apply.

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- B. Employee parking shall not be permitted:
 - 1. On any public street.
 - 2. Between public street pavement edge and property line.
 - 3. Within any required street setback.
- C. Street setbacks shall not be used for vehicle maneuvering.
- D. All parking areas shall be designated to enable vehicles leaving the property to exit in a forward direction.

3.07 Storage and Loading Areas

- A. No materials, supplies, or equipment, including company-owned or operated trucks, shall be stored in any area on a site except inside a closed building or behind a solid barrier screening such areas from the view of adjoining residentially zoned properties and public streets unless otherwise specifically approved by declarant.
- B. Loading docks shall be set back and screened to minimize view from the street. Docks shall not be closer than 40 feet to a street property line, unless a deviation is specifically approved by Declarant in writing.
- C. The loading or unloading of trucks on any street within Redding Airport Park is prohibited as a tract restriction.

3.08 Building Regulations

Any building erected on a site shall conform to the following construction conditions:

- A. Exterior walls of sheet or corrugated iron, aluminum, T-111 plywood, nondecorative block, or asbestos are prohibited, except in special circumstances wherein specific approval is first obtained. If baked enamel siding is used, it shall be combined with other building materials and utilize different colors or angles of panels.
- B. No used building shall be moved into the subdivision.

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3.09 Vertical Protrusions

Antennae, masts, and poles (excepting street-light poles) in excess of 25 feet in height shall not be constructed without written consent of Declarant. Light standards which are not in excess of 35 feet in height may be installed without written consent within yard or storage areas. All structures shall conform to Federal Aviation Agency standards. Satellite dishes are prohibited on tops of buildings or in required street or residential setback areas.

3.10 Fences and Screening

Any fence directly visible from any public street and used to screen storage areas from public view shall be a minimum six feet high and shall be constructed of a style and material approved by the City. Fences shall not be allowed for other than storage or security areas and shall not be erected in required street setback areas. Barbed wire, razor fence, broken glass, or similar security fences are strictly prohibited. Where proposed storage would exceed the height of the fence and be visible from a public street, the developer shall plant a row of trees that can reasonably be anticipated in a period of five years to achieve a height sufficient to screen the stored materials. All other property lines may, in the alternative, use chain-link fence with wood or plastic slats. If adjacent to an area zoned for residential purposes, a row of trees shall be planted and maintained inside said fence with an interval to fully screen the storage area within five years. All trees used for screening must provide an adequate screen year-round.

3.11 Night Lighting

High intensity night lighting shall be directed downward and shall not glare onto adjoining residentially zoned land or onto public streets nor shall such lighting interfere with the normal operation of the Redding Municipal Airport. Street-light standards in parking areas shall not exceed 25 feet in height and shall be approved by the Declarant as to style and screening of bulb. Night lighting shall be included in any landscape plan to accent the building as viewed from a public street.

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Article IV

Approval of Plans

- 4.01 No improvement, as that term is hereinabove defined, shall be erected, placed, altered, maintained, or permitted to remain on any land subject to these restrictions until plans and specifications showing plot layout and all exterior elevations, with materials therefore and structural design, signs, and landscaping, shall have been submitted to and approved in writing by Declarant. Such plans and specifications shall be submitted in writing over the signature of the owner or lessee of the site or his authorized agent.
- 4.02 Approval shall be based, among other things, on adequacy of site dimensions, site coverage, structural design, conformity, and harmony of external design and neighboring structures; effect on location and use of improvements on neighboring sites, improvements, operations and uses; relation of topography, grade, and finished ground elevation of the site being improved to that of neighboring sites; proper facing of main elevation with respect to nearby streets; provisions for adequate site drainage; and conformity of the plans and specifications to the purpose and general plan and intent of these restrictions. Declarant shall not arbitrarily or unreasonably withhold its approval of such plans and specifications. Declarant shall render approval or disapproval of such plans within 30 days of submission. To be approved, submitted plans must be complete.
- 4.03 If Declarant fails either to approve or to disapprove such plans and specifications within 30 days after the same have been submitted to it, it shall be conclusively presumed that Declarant has approved said plans and specifications, subject, however, to the restrictions contained in Article III hereof.
- 4.04 Neither Declarant nor its successors or assigns shall be liable in damages to anyone submitting plans to it for approval, or to any owner or lessee of land affected by this Declaration, by reason of mistake in judgement, negligence or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve any such plans. Every person who submits plans to Declarant for approval agrees, by submission of

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such plans, and every owner or lessee of any said property agrees, by acquiring title thereto or interest therein, that he will not bring any action or suit against Declarant to recover any such damages.

4.05 Notwithstanding anything to the contrary herein contained, after the expiration of one year from the date of issuance of a Building Permit by municipal or other governmental authority for any improvement, said improvement shall, in favor of purchasers and encumbrances in good faith and for value, be deemed to be in compliance with all provisions of this Article IV, unless actual notice of such noncompliance or noncompletion, executed by Declarant, shall appear of record in the office of the County Recorder of Shasta County, California, or unless legal proceedings shall have been instituted to enforce compliance or completion.

4.50 Architectural Review Committee

A. Declarant may, from time to time, appoint such agents as required to constitute an Architectural Review Committee which shall be created to perform such functions as are required to carry out the intent of these Restrictions on matters related, but not limited to the following:

1. Plan approval or disapproval will be based upon criteria contained in these Restrictions. The Architectural Review Committee may render conditional approval based upon recommended modifications to proposed plans and specifications. Unless the grantee or lessee presents a request for modification of the Architectural Review Committee's approved plans, and unless the grantee or lessee should incorporate modifications specified by the Architectural Review Committee into final working drawings for the proposed structure(s), the said plans shall be deemed the same as if specific disapproval had been issued.
2. Conformance of proposed parking areas, landscaping, setbacks, loading areas, fencing, permanent identification signs to these restrictions.
3. Any other duties as assigned by Declarant.

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B. The Architectural Committee shall consist of the following in the absence of an appointment of a Design Review Board applicable to the entire City:

1. One member of the Airport Commission.
2. One member of the Planning Commission.
3. An architect.
4. An engineer.
5. A City planner.

5.01 Abatement and Suit

Violation or breach of any restriction herein contained shall give to Declarant the right to enter upon the property upon or as to which said violation or breach exists and to summarily abate and remove, at the expense of the Owner or lessee thereof, any structure, thing, or condition that may be, or exist thereon contrary to the provisions hereof, or to prosecute a proceeding at law or in equity against the person or persons violating or attempting to violate any of these Restrictions to enjoin or prevent such violation, or to recover damages for said violation, or both.

5.03 Attorneys' Fees

In any legal or equitable proceeding for the enforcement or to restrain the violation of this Declaration or any provision hereof, the losing party or parties shall pay the attorneys' fees of the prevailing party or parties, in such amount as may be fixed by the County in such proceedings. All remedies provided herein or at law or in equity shall be cumulative and not exclusive.

5.04 Inspection

Declarant may from time to time, at any reasonable hour or hours, and with reasonable cause, enter and inspect any property subject to these restrictions to ascertain compliance therewith. All such inspections shall only be performed after advance notification to lessee or property owner.

5.05 Failure to Enforce Not a Waiver of Rights

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With the exception of the time limit for action by Declarant contained by Section 4.05 of Article IV hereof, the failure of Declarant or any property owner to enforce any restriction herein contained shall in no event be deemed to be a waiver of the right to do so thereafter nor of the right to enforce any other restriction.

Article VI

Regulation of Operations and Uses

6.01 Permitted Operations and Uses

- A. No operation may be commenced without written request by lessee or property owner and written approval by the City.
 - B. Unless otherwise specifically prohibited herein, any business or industrial operation and use will be permitted if it is performed or carried out entirely within a building that is so designed and constructed that the enclosed operations and uses do not produce outside the building excessive vibration, unusual and excessive sound, electro-mechanical disturbance, electro-magnetic disturbance, radiation, air or water pollution, dust emission, or odorous toxic or non-toxic matter. All lighting is to be shielded and confined within property lines as specified in 3.11. All proposed uses must comply with regulations governing the use and occupancy of the land and with the General Plan of the local agency.
 - C. Screened outdoor storage and loading and unloading operations normally associated with the permitted operations or uses.
 - D. An exception shall be made during periods when breakdown in equipment occurs in such a manner as to make it evident that the effect was not reasonably preventable.
- 6.02 Prohibited Operations and Uses

The following operations and uses shall not be permitted on any property subject to these Restrictions:

- A. Any residential uses
- B. Trailer Courts

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- C. Labor Camps
- D. Junk Yards
- E. Drilling for and/or the removal of oil, gas, or other hydrocarbon substances
- F. Commercial excavation of building and construction materials
- G. Distillation of bones
- H. Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals, or refuse
- I. Fat rendering
- J. Stockyard or slaughter of animals
- K. Refining of petroleum or of its products
- L. Smelting of iron, tin, zinc, or other ores
- M. Animal farming of any sort
- N. Drive-in Theater
- O. Churches and schools
- P. Any uses expressly prohibited by local law

City reserves the right to prohibit other uses not identified if determined to be in best interests of the Airport.

6.03 Other Operations and Uses

- A. Operations and uses which are neither specifically prohibited nor specifically authorized by these restrictions may be permitted in a specific case if operational plans and specifications are submitted to and approved in writing by Declarant. Approval or disapproval of such operational plans and specifications shall be based upon the effect of such operations or uses on other property subject to these restrictions or upon the occupants thereof. If Declarant fails either to approve or to disapprove such operational plans and specifications within 45 days after the same have been

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submitted to it, it shall be conclusively presumed that Declarant has disapproved said plans and specifications.

- B. Neither Declarant nor its successors or assigns, shall be liable in damages to anyone submitting operational plans and specifications to them for approval, or to any owner or lessee of land affected by this Declaration, by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve any such operational plans and specifications. Every person who submits operational plans and specifications to Declarant for approval agrees, by submission of such plans and specifications, and every owner and lessee of any of said property agrees, by acquiring title thereto or interest therein, that he will not bring any action or suit against Declarant to recover any such damages.

6.04 Subdivision

No lot or site shall be further subdivided or resubdivided, without the written consent and approval of the Declarant; and in no event shall a lot or site be created having an area of less than 50,000 square feet or a street frontage of less than 200 feet.

6.05 Maintenance and Repair

All buildings and other improvements, including parking areas, storage areas, landscaping, and signs shall at all times be maintained in good appearance, condition, and repair. Unimproved property shall be maintained in a slightly condition free of weeds and debris.

6.06 Utilities

All utility and industrial distribution services and systems shall be enclosed in approved buildings or shall be placed underground or shall be screened from public view. Said services are to include electrical, gas, water, sewer, telephone, and any other special piping, conduit, containers, or other equipment and appurtenances as may be required by the user. Temporary overhead and surface installations will be permitted during the actual construction period only. On-site utilities such as solar collectors, wind generators (not to exceed 25 feet in height), and on-site water or gas

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systems are specifically allowable provided they are in accordance with the above.

6.07 Clear Zone

No permanent aboveground structures shall be constructed within any Clear Zone of the Redding Municipal Airport. "Clear Zone" is defined in FAA Regulations.

6.08 Air and Noise Easement

The City of Redding hereby reserves to itself, as operator of the Redding Municipal Airport, the right to direct and/or approve the direction of planes over the property for the purposes of using the Redding Municipal Airport, and any conveyance of any of this property shall be subject to the reservation by the City of a perpetual public-use easement or right-of-way for the free and unobstructed passage and flight of aircraft, of whatever ownership and whether now known or hereafter used for navigation of or flight in the air, in, through, over, and across the air space 250 feet or more above ground level of the property. This reservation shall include the right in such airspace to allow, make, and emit such noise, vibration, fumes, dust, and fuel particles as may be inherent to the operation of such aircraft; and flights below this minimum easement elevation or louder than any maximum easement noise level established, which occur because of emergency aircraft situations, shall not constitute violations of this air easement.

6.09 Building height shall not exceed two stories or 30 feet, whichever is more restrictive, excluding hangars built for aircraft maintenance for large aircraft or a hotel.

Article VII

Assignments of Declarant's Rights and Duties

7.01 Term

This Declaration, every provision hereof and every covenant, condition, and restriction contained herein, may be terminated, extended, modified, or amended, as to the whole of said property or any portion thereof by the Declarant. No such termination, extension, modification or amendment shall be effective until a proper

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instrument in writing has been executed and acknowledged and recorded in the Office of the Recorder of Shasta County, California.

Article VIII

Miscellaneous Provisions

8.01 Constructive Notice and Acceptance

Every person who now or hereafter owns or acquires any rights, title or interest in or to any portion of said property is and shall be conclusively deemed to have consented and agreed to every covenant, condition, and restriction contained herein, whether or not any reference to this Declaration is contained in the instrument by which such persons acquired an interest in said property.

8.02 Rights of Mortgagees

All restrictions and other provisions herein contained shall be deemed subject and subordinate to all mortgages and deeds of trust now or hereafter executed upon land subject to these restrictions, and none of said restrictions shall supersede or in any way reduce the security or affect the validity of any such mortgage or deed of trust; provided, however, that if any portion of said property is sold under a foreclosure of any mortgage or under the provisions of any deed of trust, any purchaser of such sale, and his successors and assigns, shall hold any and all property so purchased subject to all of the restrictions and other provisions of this Declaration.

8.03 Federal Regulations

All development and uses must comply with applicable FAA regulations.

8.04 Mutuality, Reciprocity; Runs with Land

All restrictions, conditions, covenants, and agreements contained herein are made for the direct, mutual, and reciprocal benefit of each and every part and parcel of said property; shall create mutual, equitable servitudes upon each parcel in favor of every other parcel; shall create reciprocal rights and obligations between the

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responsive owners of all parcels and activity of contract and estate between all grantees of said parcels, their heirs, successors and assigns; and shall, as to the owner of each parcel, his heirs, successors and assigns, operate as covenants running with the land, for the benefit of all other parcels.

8.05 Paragraph Headings

Paragraph headings, where used herein, are inserted for convenience only and are not intended to be a part of this Declaration or in any way to define, limit, or describe the scope and intent of the particular paragraphs to which they refer.

8.06 Effect of Invalidation

If any provision of this Declaration is held to be invalid by any court, the invalidity of such provision shall not affect the validity of the remaining provisions hereof.