

**COUNTY OF EL DORADO DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** November 13, 2014

**Staff:** Aaron Mount

**GENERAL PLAN AMENDMENT**

**FILE NUMBER:** A13-0003/Airport Land Use Compatibility (ALUCP) Plan Implementation

**APPLICANT:** El Dorado County

**REQUEST:** Amendments to the General Plan to incorporate the El Dorado County Airport Land Use Compatibility Plan in compliance with Government Code Section 65302.3.

**ENVIRONMENTAL DOCUMENT:** Exempt pursuant to State CEQA Guidelines Section 15061(b)(3).

**RECOMMENDATION:** Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Find that the proposed General Plan amendments are exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3);
2. Adopt General Plan Amendment A13-0003 amending the General Plan to implement the El Dorado County Airport Land Use Compatibility Plans based on the Findings presented; and
3. Adopt a Resolution of Intention to amend Zoning Ordinance Chapter 17.38 to be consistent with the adopted amendments to the General Plan.

**INTRODUCTION**

On June 28, 2012 the El Dorado County Transportation Commission (EDCTC), acting as the El Dorado County Airport Land Use Commission, adopted Airport Land Use Compatibility Plan (ALUCP) for the Cameron Airpark, Georgetown, and Placerville airports. The plans provide guidance and standards for land uses within the vicinity of the airports to protect public safety and to ensure safe operation of the airports in compliance with the California State Aeronautics Act (Public

Utilities Code Section 21670 et seq.). All development projects submitted after adoption of the ALUCPs have been reviewed to determine whether proposed development would be consistent within the Airport Influence Areas of each ALUCP.

Government Code Section 65302.3 requires cities and counties to amend their general plans so that they are consistent with the policies of an adopted ALUCP. A Resolution of Intention to amend the El Dorado General Plan, Resolution Number 017-2014, was adopted March 4, 2014, by the Board of Supervisors directing staff to process the required amendments. Currently the General Plan and Zoning Ordinance refer to outdated documents preventing staff from providing consistent rules for the public, property owners, and County officials. The proposed General Plan amendments will provide guidance and standards for land uses within the vicinity of the airports to protect public safety and to ensure safe operation of the airports in compliance with the California State Aeronautics Act.

## **PROPOSED GENERAL PLAN AMENDMENTS**

The proposed amendments to the applicable policies are shown in ~~strikeout~~ and underline format with proposed deletions shown with ~~strikeout~~ and additions shown with underline, as follows:

### 1. Land Use Map

Revise the land use map to include the current Airport Influence Areas for each airport and make reference to the adopted Airport Land Use Compatibility Plans.

### 2. Land Use Element

“Policy 2.2.5.13 Land uses adjacent to or surrounding airport facilities shall be subject to location, use, and height restrictions consistent with the Airport Land Use Compatibility Plans for the Placerville Airport, Georgetown Airport, and Cameron Airpark (Adopted June 28, 2012 by the El Dorado County Airport Land Use Commission) ~~Comprehensive Airport Land Use Plan.~~”

### 3. Public Health, Safety, and Noise Element

“Policy 6.5.1.4 Existing dwellings and new single-family dwellings on legal lots of record, as of the date of adoption of this General Plan, are not subject to County review with respect to satisfaction of the standards of the Public Health, Safety, and Noise Element except in areas governed by the Airport Land Use Compatibility Plan ~~Comprehensive Land Use Plans~~ for applicable airports. (See Objective 6.5.2.)

As a consequence, such dwellings may be constructed in other areas where noise levels exceed the standards of the Public Health, Safety, and Noise Element. It is not the responsibility of the County to ensure that such dwellings meet the noise standards of the Public Health, Safety, and Noise Element, or the noise standards imposed by lending

agencies such as HUD, FHA and Cal Vet. If homes are located and constructed in accordance with the Public Health, Safety, and Noise Element, it is expected that the resulting exterior and interior noise levels will conform to the HUD/FHA/Cal Vet noise standards.”

“Policy 6.5.1.10 To provide a comprehensive approach to noise control, the County shall:

- A. Develop and employ procedures to ensure that noise mitigation measures required pursuant to an acoustical analysis are implemented in the project review process and, as may be determined necessary, through the building permit process.
- B. Develop and employ procedures to monitor compliance with the standards of the Noise Element after completion of projects where noise mitigation measures were required.
- C. The zoning ordinance shall be amended to provide that noise standards will be applied to ministerial projects with the exception of single-family residential building permits if not in areas governed by the Airport Land Use Compatibility Plan ~~Airports Comprehensive Land Use Plans~~. (See Objective 6.5.2.)”

#### **“OBJECTIVE 6.5.2: AIRPORT NOISE GUIDELINES**

**The County shall recognize the Airport Land Use Compatibility Plan (ALUCP) ~~Comprehensive Airport Land Use Plans (CLUPS)~~ for the Placerville Airport, the Cameron Airpark Airport, and the Georgetown Airport, ~~and the City of South Lake Tahoe Airport~~ as the applicable guidelines for development within the Airport Noise Zones 55 dB Ldn/CNEL contour ~~of for~~ these airports. Where there is a conflict between the County noise standards and the noise standards of the ALUCP ~~CLUPS~~, the standards of the ALUCP ~~CLUPS~~ shall take precedence.”**

“Policy 6.5.2.1 All projects, including single-family residential, within the Airport Noise Zones 55 dB/CNEL contour ~~of a County~~ the Cameron Airpark, Georgetown, and Placerville airports shall be evaluated against the applicable noise guidelines ~~and policies in the ALUCP applicable CLUP~~.”

“Policy 6.5.2.2 The County shall develop and apply a combining zone district for areas located within the Airport Noise Zones in the ALUCP 55 dB/CNEL contour ~~of airports~~.”

~~“Policy 6.5.2.3 All airports which have not developed noise level contours consistent with the El Dorado County General Plan forecast year of 2025 should update the respective Master Plans and CLUPS to reflect aircraft operation noise levels in the year 2025.”~~

“Policy 6.8.1.1 All development within the Airport Safety Zones ~~Airport Influence Area~~ of the Placerville Airport, the Cameron ~~Park Air Park~~ Airpark Airport, and the Georgetown Airport, ~~and the City of South Lake Tahoe Airport~~ shall comply with El Dorado County Airport Land Use Commission’s Airport Land Use Commission ~~height, noise, and safety~~

policies and maps as set forth in the Airport Land Use Compatibility Plan for each airport ~~each airport's comprehensive land use plan~~. Where there is a difference between the County development standards and the development standards of the Airport Land Use Compatibility Plan ~~Comprehensive Land Use Plan~~, as applied to proposed development, the standards that will most reduce airport-related ~~safety~~ hazards shall apply.”

“Policy 6.8.1.2 The County shall develop an airport combining zone district within the El Dorado County Zoning Ordinance, for each of the Safety Zones ~~1, 2, and 3~~ as defined by the Airport Land Use Compatibility Plan ~~comprehensive land use plans~~ for each of the County's public airports. Said ordinance shall specify maximum density and minimum parcel size.”

“MEASURE HS-I

To provide a comprehensive approach to noise control, adopt a Noise Ordinance that includes, but is not limited to, the following:

- A. Procedures to ensure that noise mitigation measures, as determined through an acoustical analysis, are implemented in the project review process and, if determined necessary, through the building permit process;
- B. Procedures to monitor compliance with the standards of the Noise Ordinance after completion of projects where noise mitigation measures were required; and
- C. Application of the noise standards to ministerial projects, with the exception of single-family residential building permits, if not in areas governed by the Airport Land Use Compatibility Plan ~~Airport Comprehensive Land Use Plans~~.  
[Policies 6.5.1.10, 6.5.1.13, and 6.5.1.14]”

“MEASURE HS-K

Review the Zoning Ordinance and identify changes that would accomplish the following:

- A. Include an airport combining zone district for each of the Safety Zones as defined in the Airport Land Use Compatibility Plan ~~comprehensive land use plans~~ for each of the County's public airports. ~~The ordinance shall specify maximum density and minimum parcel size; and~~
- B. Develop and apply a combining zone district for areas within the Airport Influence Area 55 dB CNEL for each of the public airports to discourage the placement of incompatible uses ~~within the contour~~. [Policies 6.5.2.2 and 6.8.1.2]”

4. Appendix B

General Plan Appendix B presents noise contour maps for the Cameron Park, Georgetown, and Placerville Airports. These maps should be replaced with current noise contour maps from the 2012 ALUCP, as follows:

- a. Replace existing Figure B-1, “Noise Contours: Cameron Airpark Airport” with ALUCP Chapter 6 Figure CAM-2, “Airport Noise Zones Policy Map.”

- b. Replace existing Figure B-2, "Noise Contours: Georgetown Airport" with ALUCP Chapter 6, Figure GEO-2, "Airport Noise Zones Policy Map."
- c. Replace Existing Figure B-4, "Noise Contours: Placerville Airport" with ALUCP Chapter 6, Figure PLA-2, "Airport Noise Zones Policy Map."
- d. In addition, remove existing Figure B-3 as the Lake Tahoe Airport is within the jurisdiction of the City of South Lake Tahoe.

## **PROPOSED ZONING ORDINANCE CONSISTENCY**

In order to insure consistency with the proposed General Plan policy amendments, staff recommends the Planning Commission adopt a Resolution of Intention to adopt the following amendments to Zoning Ordinance Chapter 17.38. Proposed deletions are shown in ~~strikeout~~ format and additions are shown in underline format, as follows:

### **Chapter 17.38**

#### **AIRPORT SAFETY (AA) DISTRICT**

##### Sections:

- 17.38.010 Purpose.
- 17.38.020 Applicability.
- 17.38.030 Definitions.
- 17.38.040 Land use compatibility.
- ~~17.38.041 Prohibited uses and development.~~
- 17.38.042 Exceptions.
- ~~17.38.050 Development requirements.~~
- ~~17.38.051 Height restrictions.~~
- ~~17.38.052 Noise attenuation.~~
- 17.38.0560 Administration.
- 17.38.0561 Supplemental application information.
- 17.38.0562 Avigation and noise easement required.

17.38.010 Purpose. This chapter establishes regulations to assure that the creation or establishment of structures or objects of natural growth will not constitute hazards to air navigation; to minimize public exposure to airport-related hazards; and to assure the compatibility of permitted development with anticipated airport noise levels consistent with El Dorado County Airport Land Use Compatibility Plans. (Ord. 3721 §1(part), 1987)

17.38.020 Applicability. These regulations shall be combined with existing principal zone districts and shall apply to areas designated AA on the zoning maps that coincides with the Airport Influence Area encroach into the airport imaginary surfaces, airport safety areas, or within airport areas with a noise exposure level of equal or in excess of sixty dBCNEL as identified in the Airport Land Use Compatibility Plans for the Cameron Airpark, Georgetown, and Placerville airports ~~airport comprehensive land use plan~~. All land uses and development standards of the principal zone shall apply in the combined zone except in so far as they are inconsistent with or modified by the land uses and development standards set forth in the Airport Land Use Compatibility Plan ~~these regulations~~. Parcels or portions of parcels that are not located within the Airport Influence Area ~~airport imaginary surfaces, airport safety areas, or within airport areas with a noise exposure level of equal or in excess of 60 dBCNEL as identified in the Airport Land Use Compatibility Plan~~ ~~airport comprehensive land use plan~~ are not subject to the airport safety (AA) regulations. (Ord. 3721 §1(part), 1987)

17.38.030 Definitions.

- A. "Airport" means any airport open for public use: An area of land or water that is used or intended to be used for the landing and taking off of aircraft, and includes its buildings and facilities if any. (FAR 1) Cameron Airpark Airport, Georgetown Airport, Placerville Airport, or any new public-use or military airport that may be created within the western El Dorado County area under the jurisdiction of the El Dorado County Airport Land Use Commission.
- B. ~~"Airport comprehensive land use plan" means the document prepared by the airport land use commission pursuant to Section 21675 of the Public Utilities Code that specifies land use and development policies to protect the safety and general welfare in the vicinity of county airports and to assure the safety of air navigation.~~
- BC. "Airport hazard": means any structure or natural growth that obstructs the navigable air space.
- C. Airport Influence Area (AIA): An area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses. The airport influence area constitutes the area within which certain land use actions are subject to ALUC review to determine consistency with the policies herein.
- D. ~~"Imaginary surfaces" means surfaces established in relation to the end of each runway or designated takeoff and landing area, as defined in paragraphs 77.25, 77.28 and 77.29 of the Federal Aviation Regulations (FAR) Part 77. Such surfaces include imaginary approach, horizontal, conical, transitional, primary and other surfaces. These surfaces are specifically described for each airport in the airport comprehensive land use plan and shall be calculated based upon the established airport elevation. The established elevation of an airport shall be the highest point of the usable land area. (Ord. 3721 §1(part), 1987)~~

- D. Airport Land Use Commission (ALUC): A commission authorized under the provisions of California Public Utilities Code, Section 21670 et seq. and established (in any county within which a public-use airport is located) for the purpose of promoting compatibility between airports and the land uses surrounding them. The El Dorado County Transportation Commission or a legally established successor agency acting as the Airport Land Use Commission for El Dorado County.
- E. Airport Land Use Compatibility Plan (ALUCP): A planning document that contains policies for promoting safety and compatibility between public use airports and the communities that surround them. The ALUCP is the foundation of the airport land use compatibility planning process. It is adopted by the ALUC and reflects the ALUCs jurisdictional boundary.
- F. Avigation Easement: An easement that conveys rights associated with the aircraft overflight of a property and establishes restrictions on use of the underlying property.

17.38.040 Land use compatibility. New development, development approval or any expansion of existing uses shall be consistent with the criteria of the land use compatibility guidelines ~~for safety~~ contained in the Airport Land Use Compatibility Plan ~~applicable airport comprehensive land use plan~~. Notwithstanding the restrictions for the location of a single-family residence within the Airport Influence Area ~~an approach or departure zone~~, the construction of a new single-family residence within a R1 district on a lawfully created parcel may be permitted in accordance with height restrictions of Section 17.38.051 and noise attenuation requirements of Section 17.38.052.

In interpreting and applying the land use compatibility guidelines ~~for safety~~, the land use criteria are the minimum requirements for the promotion of the public health, safety and general welfare. If an ambiguity arises concerning the content or application of the guidelines, the El Dorado County Airport Land Use Commission ~~planning director~~ shall ascertain all relevant facts, consider the ambiguity, and interpret and apply the guidelines. (Ord. 3721 §1(part), 1987)

~~17.38.041 Prohibited uses and development.~~ In addition to the uses specified by the land use compatibility guidelines ~~for safety~~, the following uses and development are prohibited within the airport safety areas as identified in the airport comprehensive land use plan as follows:

- ~~A. Within and below the designated periphery of safety area 3 (overflight zone):~~
- ~~1. Any distracting lights or glare including any non-airport light that may be mistaken for airport lights or any source of glare directed towards an operating aircraft,~~
  - ~~2. Any significant source of smoke, whether from a permanent or temporary use,~~
  - ~~3. Any source of electrical and electronic interference that disrupts radio communications or navigational signals, and~~
  - ~~4. Any land uses that attract concentrations of birds to levels that would increase the risk of collision;~~
- ~~B. Within the safety area 1 (clear zone), any use, whether temporary or permanent, resulting in an assemblage of more than ten persons per acre at any time;~~
- ~~C. Within specified safety areas 1 and 2 (approach or departure zones), second residential units as provided in Chapter 17.15 of this code. (Ord. 3721 §1(part), 1987)~~

17.38.042 Exceptions. The land use compatibility guidelines for safety and the provisions of Section 17.38.040 shall not apply to the following:

A. Temporary uses: Temporary uses, including, but not limited to: carnival, air show, or other outdoor entertainment events; provided, that the airport is temporarily closed for general aviation purposes;

~~B. Exceptions: Notwithstanding the requirements of the Cameron Airpark Airport comprehensive land use plan, land use compatibility guidelines for safety, a single family residence located within the safety area 1, may be constructed, maintained, altered or reconstructed on assessor's parcel numbers 83-243-01, 83-243-02, 83-243-03 and 83-253-01 (also known as lots 63, 64 and 65 of Cameron Park North unit no. 1; and lot 98 of Cameron Park North unit no. 6). These residential uses shall not be considered nonconforming uses pursuant to Title 17 of this code;~~

BE. Overruling ALUC Determination Hardship. If the Planning Commission wishes to proceed with a proposed action, regulation, permit, or project that the ALUC has determined to be inconsistent with the ALUCP, the Planning Commission must overrule the ALUC determination. To do so, the Planning Commission must make the findings and follow the notification and voting requirements specified in state law (California Public Utilities Code Sections 21676 and 21676.5).

Any use or structure for which the planning commission, following a public hearing, finds that a hardship exists that clearly outweighs the public health, safety and welfare objectives of the airport comprehensive land use plan. Such finding must be made by four-fifths of the voting members of the commission. If a request for a hardship exemption is appealed to the board of supervisors, the finding of hardship must also be approved by a four-fifths vote of the voting members of the board of supervisors, following a public hearing.

~~———— Prior to any planning commission or board of supervisors' action, the planning division shall refer the matter to the airport land use commission for review and comment. The planning commission, and the board of supervisors on appeal, shall consider the comments, if any, of the airport land use commission in their review and action. (Ord. 3721 §1(part), 1987)~~

~~17.38.050 Development requirements.~~ Development requirements are set forth in Sections 17.38.051 and 17.38.052. (Ord. 3721 §1(part), 1987)

17.38.051 Height restrictions. No natural growth or structure shall be located or extended such that the height of the structure or natural growth will encroach upon or rise above any of the imaginary surfaces of the airport. Where there is a question as to whether a proposed structure would penetrate or natural growth penetrates an imaginary surface, the planning director may require certification of ground elevations for the location of the proposed structure or natural growth. Such certification shall be determined by interpolation of the elevation contours, to the nearest one-foot, from elevation datum as deemed appropriate by the license surveyor. An exception to the height restrictions may be granted if:



- A. ~~The planning director determines based on factual evidence that the object would be substantially shielded by existing permanent structures or terrain in a manner such that it clearly would not affect the safety of air navigation; or~~
- B. ~~The FAA has determined, pursuant to Federal Aviation Regulations (FAR) Part 77, that the proposed structure does not constitute a hazard to air navigation or the structure is located within and consistent with a blanket study prepared by FAA on the possible effects upon the navigable airspace of potential construction; or~~
- C. ~~The Caltrans Division of Aeronautics has issued a permit allowing construction of the proposed structure.~~  
~~Any height exception granted by this section may be conditioned to require the owner of the subject structure to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport obstacle. (Ord. 3721 §1(part), 1987)~~

~~17.38.052 Noise attenuation. All residential structures located within the sixty dBCNEL contour shall comply with Title 25 of the California Administrative Code to attenuate exterior noise such that interior noise levels shall not exceed forty five dBCNEL in any habitable room.~~

~~Enlargements and alterations of a single family residence in existence on the effective date of these regulations shall not be required to attain compliance with noise attenuation standards of this section; provided, that such enlargements and alterations do not create a greater degree of nonconformance. An acoustical analysis shall not be required for enlargements or alterations of a single family residence unless the chief building official determines that the proposed enlargement or alteration may create a greater degree of nonconformance with the interior noise levels established herein. (Ord. 3721 §1(part), 1987)~~

~~17.38.0560 Administration. No building permit or development permit or other entitlement for use shall be issued by the county for any development or activity within areas designated AA on the zoning map until such development or activity has been reviewed and found to be in compliance with the Airport Land Use Compatibility Plan this chapter. (Ord. 3721 §1(part), 1987)~~

~~17.38.0561 Supplemental application information. An application for a building or development permit or other entitlement for use shall include the following information and any maps, drawings or other information as may be required by the Airport Land Use Compatibility Plan the planning director to determine compliance with these regulations.~~

- A. ~~CNEL Contours. Community noise equivalent level (CNEL) contours of sixty dBCNEL or larger, as provided in the applicable airport comprehensive land use plan, shall be superimposed on a topographic map of the development site to show both present and, as applicable, future aircraft generated sound levels projected for the property. All maps should be drawn at a scale designated by the planning director.~~
- B. ~~Location and Height of Structures. The placement and height of all existing and proposed buildings and structures shall be shown on the site/contour map and accompanied by building elevations.~~
- C. ~~Specification of Uses. Identification of the use(s) to occur within each structure or activity area shall be designated on the site/contour map.~~

- ~~D. Noise Mitigation Measures. As required by Section 17.38.052, an acoustical analysis report prepared by a person with experience in the field of acoustical engineering describing noise attenuation measures to be applied in the development, together with an analysis of the noise insulation effectiveness of the proposed construction showing that the prescribed interior noise level requirements are met. If interior allowable noise levels are met by requiring that windows be unopenable or closed, the design for the structure must also specify the means that will be employed to provide ventilation and cooling if necessary, to provide a habitable interior environment.~~
- ~~E. Narrative description. A narrative shall be provided describing the location of the site, its total acreage, existing character and use; a description of the proposed development or use, including, as appropriate, proposed residential density, number of employees and estimated number of people who will be engaged in transactions or aggregated at the site over a twenty four hour period, such as, but not limited to, retail store customers. (Ord. 3721 §1(part), 1987)~~

~~17.38.0562 Avigation and noise easement required dedication. No discretionary permit of any type shall be approved for development or activity subject within to the Airport Influence Area safety (AA) regulations until the county has forwarded the application to the Airport Land Use Commission responsible for the administration of the Airport Land Use Compatibility Plan CLUP for review as to consistency with the plan and the county has received any recommended conditions or restrictions in order to ensure the public health, safety and general welfare, including but not limited to the requirement for filing of an appropriate and/or noise avigation easement dedication, in compliance with Section 4.6.1 of the ALUCP. ((Ord. 3721 §1(part), 1987; Ord. 4812, 2009)~~

## **ENVIRONMENTAL REVIEW**

CEQA requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” Section 15061 (b)(3) of Title 14 of the California Code of Regulations (the CEQA Guidelines) describes the General Rule that CEQA only applies to projects which “have the potential for causing a significant effect on the environment; where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

The proposed General Plan amendments do not approve any discretionary projects. Rather, they provide guidance and standards for land uses within the vicinity of the airports to protect public safety and to ensure safe operation of the airports in compliance with the California State Aeronautics Act. Each of these components, individually and cumulatively, does not result in the possibility of creating significant or cumulative effects on the environment. Future development under the proposed changes would be subject to CEQA at that time, as those actions would be classified as “projects” under CEQA. Therefore, these changes are not subject to CEQA under the General Rule and no further environmental review is necessary.

## SUPPORT INFORMATION

### Attachments:

Findings

Exhibit A.....Draft Resolution on Intention Amending the Zoning Ordinance