



Legislation Text

File #: 21-0765, **Version:** 1

Planning and Building Department, Airports Division, recommending the Board, pursuant to Board Policy A-3, provide conceptual approval to amend the El Dorado County Ordinance Code Chapter 18 - Airports to delegate to the County of El Dorado Director of Planning and Building the authority to enter into Temporary Use Agreements for portable airport hangars with users at the Placerville and Georgetown Airports.

FUNDING: Placerville and Georgetown Airport Enterprise Funds - Fee Revenue.

DISCUSSION / BACKGROUND

Staff requests conceptual approval for an ordinance change related to the County Airports as set out below.

The County operates the Georgetown and Placerville Airports (County Airports) but does not own the portable hangars that are located on the County Airports. Those hangars are owned by private airport users, so hangar owners must enter into a ground lease with the County for the use of Airport property, in accordance with County Ordinance Code § 3.08.021. Each new ground lease includes language required by the County, as well as specific insurance documentation required by Risk Management and provisions required by the Federal Aviation Administration for federally-obligated airports.

The County currently has a backlog of users who do not have a ground lease with the County. The Airports Division is processing the backlog of leases as expeditiously as possible; however, the Airports Division is aware that many users who own a portable hangar located on a County Airport want to access the site immediately. The Airports Division wanted to explore options that would allow the users access, while protecting the users and the County until such time as ground leases have been executed.

Government Code Section 25537(c) authorizes the Board, by ordinance, to delegate to a County officer the authority to execute a license to use County property if all of the following requirements are met:

- (1) The license does not exceed 10 years.
- (2) The license has an estimated monthly rental not exceeding a dollar limit that may be established by ordinance by the Board, or if no ordinance is adopted, not exceeding ten thousand dollars (\$10,000).
- (3) The authority granted by ordinance may not be effective for more than five years.
- (4) The County officer gives notice as follows:
 - (A) Post in the office of the clerk of the Board a notice that describes the property proposed to be leased or licensed, the terms of the license, the location where offers to license the property will be accepted, the location where leases or licenses will be executed, and any County officer authorized to execute the lease or license.
 - (B) The County officer is required to provide a notice to the supervisorial district office in which the property proposed to be licensed is located. The notice must be provided to the supervisorial office

at least five working days before execution of the license. The notice shall describe the property proposed to be licensed, the terms and conditions of the license, and the name of the proposed licensee. The supervisorial district office has five working days to object to the proposed licensee. If the supervisorial district office does not object, the license is deemed approved by the district office. If the supervisorial district office does object, the license can then be agendized for Board approval.

The Airports Division requests conceptual approval for the Board to delegate to the Director of Planning and Building the authority to execute a Temporary Use Agreement for portable hangars consistent with Government Code Section 25537. The Temporary Use Agreement would authorize airport users to utilize the County Airports safely during the time that the County is processing the ground lease, while also protecting the County by ensuring that all users of County Airports comply with insurance requirements and all applicable County rules. The current process is as follows: an airport user purchases a hangar from a private hangar owner at the airport. The new owner is responsible for working with county staff to enter into an airport lease for rental of the ground the hangar sits on. All airport leases are currently required to go to the Board of Supervisors for approval, accompanied by proof of various applicable insurance policies. The timing to obtain insurance information from users and bringing the lease to the Board can run for several months. During this time, the new airport hangar owners are not supposed to have access to the facility. For this reason, staff are proposing the Temporary Use Agreement to bridge the gap between the hangar owner's purchase of the hangar and the time it takes to get the full lease to the Board of Supervisors. Historically, the lack of a Temporary Use Agreement has been a contributing factor as to why there is a backlog of airport leases and why there are some airport users on the airport without a lease. The Planning and Building Department is working with County Counsel to develop this Temporary Use Agreement, which will be finalized upon approval of the Ordinance.

Delegating this authority to the Director of Planning and Building will allow the Temporary Use Agreement to be fully executed within a week to two weeks of a user purchasing a portable hangar that is located at the County Airports. County staff would still be required to comply with all of the notice requirements set out in Government Code Section 25537 described above.

The term of the Temporary Use Agreement would be 90 days; if necessary to complete a finalized lease, the term may be extended once for an additional 90 days if the County determines that the user has provided all necessary information to the County and has made reasonable efforts to enter into a ground lease in a timely manner. The Temporary Use Agreement is not a ground lease, and the user would be obligated to work diligently with the County to get a ground lease in place with the County before the Temporary Use Agreement expires. The Board of Supervisors would continue to be presented with all ground leases for portable hangars on the County Airports before those leases are executed. Staff would also return to the Board every five years in advance of the expiration of the authority granted by ordinance.

Staff does not anticipate the need to prepare any environmental documents related to the proposed ordinance amendment because the adoption of the ordinance would be exempt from the California Environmental Quality Act.

The Airports Advisory Committee supported the inception of the Temporary Use Agreement at its regular meeting held on July 13, 2022.

ALTERNATIVES

The Board could choose to:

- 1) Disapprove the item;
- 2) Approve the item with different terms.

PRIOR BOARD ACTION

Adoption of Resolution 183-2019 by the Board on October 22, 2019 (Item 31, Legistar 19-0663), titled "Resolution Establishing Chief Administrative Office, Airports Division Fee Schedule," thereby superseding Resolution 080-2019.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

This Ordinance change to allow the use of a Temporary Use Agreement would decrease the loss of revenues to the County when users withhold payments because there is not an executed ground lease with the County in place for their hangar space.

CLERK OF THE BOARD FOLLOW UP ACTIONS

None

STRATEGIC PLAN COMPONENT

Economic Development and Good Governance.

CONTACT

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