# Staff Report

Meeting Date: February 1, 2022

To: Siskiyou County Airport Land Use Commission

From: Rachel Jereb, Siskiyou County Planner

Subject: Proposed Zone Change (Z-21-07) Airport Land Use Consistency Review and Determination

Exhibits: **A.** Draft Resolution \_\_\_\_\_\_\_\_\_\_\_\_\_

A Resolution of the Airport Land Use Commission of the County of Siskiyou, State of California, Determining the Project Not Subject to the California Environmental Quality Act (CEQA) and Determining the Zone Change (Z-21-07) consistent with the Siskiyou County Airport Land Use Compatibility Plan.

**A-1.** Recommended Findings

1. Location Map
2. Master Development Plan
3. Figure 3B – Compatibility Map
4. Exhibit 5E – Noise Impacts Map
5. Table 2A – Primary Compatibility Criteria
6. Table 2B – Noise Compatibility Criteria
7. Appendix D – Compatibility Guidelines for Specific Land Uses
8. Appendix F1 – Typical Avigation Easement
9. Planning Commission Staff Report
10. Resolution PC 2021-032 - Signed

## Background

The Siskiyou County Planning Division is processing a zone change application (Z-21-07) at an approximately 2.1-acre property located on Mott Airport Road, between Dunsmuir Municipal-Mott Airport (Airport) and Interstate 5 on APN: 037-410-230 (see Location Map - Exhibit B). The project is a proposed zone change from Rural Residential (R-R) to Planned Development (P-D). The uses that would be conditionally permitted within the P-D are light industrial and commercial uses that are proposed to be compatible with Zone B of the Siskiyou County Airport Land Use Compatibility Plan. The full list of land uses proposed as part of the P-D and the project site plan are contained within the Master Development Plan for this project (see Exhibit C).

Pursuant to the Siskiyou County Airport Land Use Compatibility Plan (Compatibility Plan) Section 2.2.2., prior to approval of a zoning ordinance, the project must be reviewed by the Airport Land Use Commission (ALUC) to determine whether or not the proposed zoning ordinance is consistent with the Compatibility Plan.

The ALUC has three choices of actions when reviewing the proposed zoning ordinance:

1. Find the ordinance consistent with the Compatibility Plan.
2. Find the ordinance consistent with the Compatibility Plan, subject to conditions and/or modifications which the Commission may require.
3. Find the ordinance inconsistent with the Compatibility Plan. In making the finding of inconsistency, the Commission shall note specific conflicts upon which its determination is based.

The principal compatibility concerns, as stated in the Compatibility Plan, are as follows:

1. Exposure to aircraft noise;
2. Land use safety with respect both to people on the ground and the occupants of aircraft;
3. Protection of airport airspace; and
4. General concerns related to aircraft overflights.

## Analysis

The subject property is located within Zone B (see Compatibility Map - Exhibit D) and the Height Review Overlay Zone of the Compatibility Plan, and within the 55 and 60 community noise equivalent level (CNEL) contours as shown on the Compatibility Plan Exhibit 5E Noise Impacts map for the Airport (see Exhibit E). Primary compatibility criteria are detailed in Table 2A of the Compatibility Plan (see Exhibit F).

*Noise:* The locations of the CNEL contours are a factor in determining noise compatibility. However, they are not absolute determinants of the compatibility of a given land use. The extent of outdoor activity associated with the proposed land uses should be considered when evaluating compatibility. Compatibility Plan Table 2B (see Exhibit G) provides examples of acceptable noise levels for land uses in the Airport’s vicinity. The uses proposed as conditionally permitted have been evaluated against Table 2B and found to be Clearly Acceptable, Normally Acceptable, or Marginally Acceptable. There are no uses proposed that are classified as Clearly Unacceptable or Normally Unacceptable pursuant to Table 2B.

*Safety:* The main objective of land use safety compatibility criteria is to minimize the risks associated with an off-airport aircraft accident or emergency landing. The risks associated with both people and property in the vicinity of the Airport and to people on board aircraft shall be considered. In areas with greater risk, more stringent land use controls shall be applied.

Limiting the number of people on the ground is the principal means to reducing risks to people on the ground. Additionally, land uses in which the occupants have reduced mobility or an inability to respond to emergency situations are of concern and shall be prohibited within Zone B. Pursuant to the Master Development Plan for the proposed P-D, the project site is limited to a maximum of 52 individuals at any one time.

Other risks include the storage of fuel or other hazardous materials. To minimize that risk, bulk storage (greater than 2,000 gallons) of nonaviation flammable materials and above ground storage of fuel or other hazardous materials shall be prohibited. Pursuant to the Master Development Plan for the proposed P-D, uses that involve the bulk storage of fuels, lubricants, flammables, or explosives are expressly prohibited.

*Airspace Protection:* Height limits are based on Federal Aviation Regulations (FAR) and the United States Standard for Terminal Instrument Procedures (TERPS). Within Zone B, objects up to 35 feet tall are acceptable and do not require ALUC review for purposes of height factors. Any proposed object taller than 35 feet requires ALUC review. Within the Height Review Overlay Zone, man-made objects shall be limited to a height of 35 feet. Pursuant to the Master Development Plan for the proposed P-D, the maximum height is 35 feet.

An avigation easement is required for any property within Zone A or B, or within a Height Review Overlay Zone (see Exhibit I). The easement is required to be recorded prior to Z-21-07 being reviewed by the Board of Supervisors. The avigation easement provides airspace protection by providing the right of flight in the airspace above the property; allows for the generation of noise and other impacts associated with the aircraft overflight; restricts the height of structures, trees, and other objects; permits access to the property for the removal or aeronautical marking of objects exceeding the established height limit; and prohibits electrical interference, glare, and other potential hazards to flight from being created on the property. The recording of an avigation easement is part of the Conditions of Approval for Z-21-07 recommended for approval by the Siskiyou County Planning Commission on January 19, 2022.

Federal Aviation Administration (FAA) notification is required pursuant to FAR Part 77, Subpart B and by the State Aeronautics Act, Sections 21658 and 21659. As required by the Compatibility Plan, the project proponents were notified of FAA requirements for notification to the FAA. Should any future projects require FAA notification, compatibility review by the ALUC may not be necessary if the future project is otherwise in conformance with the compatibility criteria established with approval of this proposed zoning ordinance.

Any use that may result in hazards to flight, including physical, visual, and electronic forms of interference, or uses that may cause the attraction of birds are expressly prohibited. Characteristics to be avoided include:

1. Glare or distracting lights which could be mistaken for airport lights;
2. Sources of dust, steam, or smoke which may impair pilot visibility;
3. Sources of electrical interference with aircraft communications or navigations; and
4. Any use, especially landfills and certain agricultural uses, which may attract large flocks of birds.

*Overflights:* Concerns related to overflight compatibility generally encompass noise and safety issues. Frequency of overflights, the altitude at which they are taking place, the noise levels of the individual aircraft and the characteristic of the noise (e.g. helicopter vs. fixed wing, with helicopter noise being more intrusive), and perceived necessity of the noise (e.g. fire attack aircraft being considered more acceptable) are the principal determinants where overflights are considered to be a potential concern.

Through the recording of the avigation easement, mentioned above, perspective future purchasers of this property would be notified of the proximity of the Airport and the potential for overflight noise and safety concerns.

## Environmental Review

The recommended action has been determined to not be subject to the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15060(c)(3), which states that an activity is not subject to CEQA if it will not result in a direct or reasonably foreseeable direct physical impact on the environment; and if the activity is not a project as defined in CEQA Guidelines Section 15378.

## Comments

A Notice of Public Hearing was published in the Siskiyou Daily News on January 19, 2022 and mailed to property owners within 300 feet of the subject property. No comments have been received by Planning staff at the time this staff report was written.

## Recommended Action

* Adopt Resolution \_\_\_\_\_\_\_\_\_\_\_\_ taking the following actions:
	+ Determine that ALUC action on Z-21-07 is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3), which states that an activity is not subject to CEQA if the activity is not a project as defined in CEQA Guidelines Section 15378; and
	+ Determine Zone Change (Z-21-07) consistent with the Compatibility Plan based on the recommended findings and subject to the recommended conditions of approval.

## Recommended Motion

I move that we adopt Resolution \_\_\_\_\_\_\_\_\_\_\_, A Resolution of the Airport Land Use Commission of the County of Siskiyou, State of California, Determining the Project Not Subject to the California Environmental Quality Act (CEQA) and Determining the Zone Change Ordinance (Z-21-07) Consistent with the Siskiyou County Airport Land Use Compatibility Plan.

## Preparation

Prepared by the Siskiyou County Planning Division.

For project specific information or to obtain copies for your review, please contact:

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