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S. William Abel
John Hamill
Peter N. Lindquist,
Vice-Chair
Sherman MacPherson
Gene Muir
Toby Reading
Michael P. West, Chair



Department of Public Works
Mike Azevedo, Secretary to the
Airport Advisory Committee
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COLUSA COUNTY
Airport Advisory Committee
ADDENDUM to SPECIAL MEETING AGENDA
For August 12, 2021

Board Chambers
546 Jay Street, Suite 108
Colusa, CA 95932

Welcome to a meeting of the Colusa County Airport Advisory Committee. If you are scheduled to address the Committee, please state your full name for the record. Regularly numbered items may be considered at any time during the meeting. All items are listed in accordance with the Ralph M. Brown act. We invite all members of the public to attend.

NOTE: You can listen to the meeting by dialing one of the numbers below:

Phone: 1-916-246-0723
Toll-Free: 1-800-356-8278
Code: 401978 **DO NOT PUT YOUR PHONE ON HOLD**

This line is for listening in only.

1:30 p.m. AIRPORT ADVISORY COMMITTEE

3. **SITTING AS AIRPORT LAND USE COMMITTEE**

Review the City of Colusa's proposed findings to overrule the adoption of Resolution No. 21-003 which found that the CIP Residential Project is inconsistent with the ALUCP and determine whether the Commission desires to submit a written response to the proposed findings.

**THE NEXT REGULAR MEETING OF THE COLUSA COUNTY AIRPORT ADVISORY COMMITTEE IS
SCHEDULED FOR September 13, 2021.**



COUNTY OF COLUSA, CA

Request For Airport Advisory Committee

MEETING DATE: August 12, 2021

DEPARTMENT: Community Development

FROM: Greg Plucker

SUBJECT: City of Colusa Proposed Findings to Overrule the ALUC Resolution No. 21-003

SITTING AS AIRPORT LAND USE COMMITTEE

Review the City of Colusa's proposed findings to overrule the adoption of Resolution No. 21-003 which found that the CIP Residential Project is inconsistent with the ALUCP and determine whether the Commission desires to submit a written response to the proposed findings.

PROJECT OVERVIEW

Background:

At the March 11, 2021 ALUC meeting, the Commission adopted Resolution No. 21-003 finding that the CIP residential project is inconsistent with the Airport Land Use Compatibility Plan. Please refer to Attachment #1.

Pursuant to Public Utility Code §21676.5, the Colusa City Council may overrule the Commission after a public hearing by a two-thirds vote following the adoption of specific findings (Attachment #2). This process requires that at least 45 days prior to the decision to overrule the Commission, the local agency (City of Colusa) shall provide the Commission and Caltrans Division of Aeronautics a copy of the proposed decision and findings. The Commission and Caltrans may provide comments to the City within 30 days of receiving the proposed decision and findings. Should any such comments be submitted, the City is required to include the comments in its decision to overrule the Commission. If comments are not submitted within the 30 days, the local agency governing body may act without them.

On Friday, July 23, 2021, the City provided the Clerk to the Commission and Caltrans a copy of the proposed findings which began the 30 day comments period which will end on August 22, 2021 (Attachment #3). The City has scheduled the hearing to consider the proposed resolution to overrule the Commission's findings of inconsistency for the City Council meeting on September 7, 2021.

ANALYSIS:

This agenda item has been prepared as an informational report to inform the Commission of the proposal by the City to overrule its findings of inconsistency and to afford the Commission an opportunity to determine whether it would like to submit any comments to the City with respect to the findings in the City's proposed resolution.

In 2007 when the Commission first determined that the CIP residential project was inconsistent with the airport's compatibility plan, the Chair of the Commission sent a detailed letter to the County explaining the issues associated with the project and unresolved issues, in their opinion, with the project's EIR (Attachment #4).

ALUC STAFF RECOMMENDATION:

Staff recommends that the Commission review the proposed City findings and determine whether it would like to provide a comment letter to the City by the August 22, 2021 deadline. Any comment letter should reference the Commission's adopted findings and how the City's proposed resolution has or has not addressed those findings. There are three principal issues identified in the ALUC findings: (1) ALUC review requirements; (2) ALUCP density requirements; and (3) noise impacts. The City's proposed resolution discusses the noise impacts but does not appear to address the other two issues. As such, any comment letter would focus on those findings that are not fully addressed.

Given the timing of the 30-day comment period, there is no currently scheduled Commission meeting before the end of the comment period. Accordingly, unless the Commission would like to hold a special meeting to review a draft comment letter, the Commission would need to delegate the preparation of any response. One option is for the Chair, possibly with another Commission member, to generate a comment letter based recommendations and direction of the Commission. County staff could provide support in this effort should it be the desire of the Commission.

PUBLIC COMMENTS:

No public comments have been received at this time. If comments are received following distribution of this staff report, those comments will be provided to the Airport Land Use Commission at the meeting.

PRIOR COMMITTEE ACTION

On December 17, 2007, the Commission found that the CIP residential project was inconsistent with the Colusa County Airport Comprehensive Land Use Plan.

On March 11, 2021, the Commission adopted Resolution No. 21-003 finding that the CIP residential project is inconsistent with the Airport Land Use Compatibility Plan.

FISCAL IMPACT/FUNDING SOURCE

None

PREPARATION:

Prepared By:

Greg Plucker, Community Development Director
(530) 458-8203, gplucker@cpountyofcolusa.com

ACTION FOR THE CLERK

None at the time.

ATTACHMENTS:

- Attachment #1 Resolution No 21-003 Inconsistency Finding CIP Residential (PDF)
- Attachment #2 PUC Section 21676.5 (PDF)
- Attachment #3 City of Colusa Proposed Overrule Findings 2021 07 22 (PDF)
- Attachment #4 ALUC 2007 Comments on Inconsistency Findings (PDF)

RESOLUTION NO. 21-003

A RESOLUTION OF THE COLUSA COUNTY AIRPORT LAND USE COMMISSION MAKING FINDINGS REGARDING THE REFERRAL FROM THE CITY OF COLUSA THE COLUSA INDUSTRIAL PROPERTIES' RESIDENTIAL DEVELOPMENT REQUIRING A DETERMINATION OF CONSISTENCY WITH THE COLUSA COUNTY AIRPORT LAND USE COMPATIBILITY PLAN

WHEREAS, in 2007, Colusa County published a Draft Environmental Report (SCH No. 2006052113) for the necessary entitlements to allow a residential, commercial, and recreational development on 151 acres of land proposed by Colusa Industrial Properties;

WHEREAS, said property was located within the Airport Influence Area of Colusa County's Airport Comprehensive Land Use Plan (ACLUP) dated June 5, 1995 which mandated that the Colusa County Airport Land Use Commission (ALUC) review said project for consistency with the County's ACLUP;

WHEREAS, On December 17, 2007, the Colusa County ALUC reviewed the proposed project for consistency with the Colusa County's ACLUP and found that that the proposed development was inconsistent with the County's ACLUP due to the proposed concentration of residential units and people exceeded the limits established in the ACLUP and the risks were not adequately mitigated, the purposed businesses inside the Safety Area may have created a concentration of people that exceeded the limits established in the ACLUP and the risks were not mitigated, and the impact of existing airport noise on the proposed residences and businesses exceeded the limits established in the ACLUP and the risks were not fully mitigated;

WHEREAS, the necessary entitlements (General Plan revisions, Zoning amendments, and Environmental Impact Report) to permit the proposed development project was subsequently processed before the County's Board of Supervisors at which time the State mandated process to over-rule the ALUC findings of inconsistency pursuant to the requirements of Public Utility Code (PUC) Section 21676(b) was followed;

WHEREAS, at the County Board of Supervisor's meeting of May 27, 2008 the Board of Supervisors over-ruled the ALUC findings of inconsistency and approved the proposed development finding that the changes that were made and mitigation measures adopted, including reducing the number of single-family homes (referred to as low-density lots) from a maximum of 140 lots to 84 lots and the noise mitigation measures, addressed potential aircraft impacts and addressed consistency issues with the ALUCP;

WHEREAS, in 2014 Colusa County (County) adopted a new County Airport Land Use Compatibility Plan (ALUCP) to govern uses within its defined Airport Influence Area including the Colusa Industrial Properties' residential development;

WHEREAS, on September 30, 2015 the Colusa LAFCo Executive Officer recorded a Certificate of Completion annexing portions of the Colusa Industrial Park, including the Colusa Industrial Properties' residential development, into the City of Colusa (City);

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WHEREAS, in April of 2016 the City approved Ordinance No. 513 approving a development agreement between the property owner of the residential project and the City and in May of 2016 the City adopted Resolution No. 16-14 approving Tentative Map 16-14 which amended the County's 2008 residential project approval and approved the subdivision of approximately 57.42 acres of land into 179 residential low-density single family lots and remainder parcels for open space, landscaping and related uses;

WHEREAS, when the City approved Ordinance No. 513, the development agreement for the CIP residential project, and Resolution No. 16-14 approving Tentative Map 16-14 the County's ALUCP required that the City refer these entitlement actions to the ALUC for a determination of consistency with the ALUCP prior to taking action on said entitlements and this did not happen;

WHEREAS, in April of 2018 the City approved Ordinance No. 527 amending the development agreement approved under Ordinance No. 513 and adopted Resolution No. 18-21 approving Tentative Map 01-18 for 180 residential low-density single-family lots and remainder parcels for open space, landscaping and related uses thereby amending Tentative Map 16-14;

WHEREAS, when the City adopted Ordinance No. 527 amending the development agreement for the CIP residential project and approved Resolution No. 18-21 approving Tentative Map 01-18 the County's ALUCP required that the City refer these entitlement actions to the ALUC for a determination of consistency with the ALUCP prior to taking action on said entitlements and this did not happen;

WHEREAS, subsequent to the City approvals the construction of the first phase of the CIP residential project, known as Sunrise Landing, moved forward; and

WHEREAS, in early 2020 following the submittal of building permits to the then Colusa County Airport Manager for building permit sign-off, the Airport Manager identified that the CIP residential project that was under construction was different than the residential project that the Board of Supervisors had approved in 2008;

WHEREAS, the Airport Manager initiated a series of meetings with other County staff, City of Colusa staff, and representatives of CIP to discuss the City's CIP residential entitlement approvals, the changes that the City approved to the County's 2008 approval, and the requirements of the County's ALUCP that specified that the ALUC review the various CIP residential City entitlement approvals for consistency with the ALUCP prior to the City taken action on the reference 2016 and 2018 entitlements;

WHEREAS, on February 17, 2021, the City referred the CIP amended residential project entitlements to the ALUC for a consistency review of said project with the ALUCP; and

WHEREAS, on March 1 and 11, 2021, the ALUC reviewed the City's amended CIP residential project entitlements for consistency with the ALUCP and considered the County staff report, the requirements of the ALUCP, and all orally and written testimony presented concerning the project referral.

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NOW, THEREFORE, BE IT RESOLVED that the Colusa County Airport Land Use Commission based on the information detailed in the Staff Report, exhibits presented, and all written and oral testimony does hereby find the following:

- I. The County's Airport Land Use Compatibility Plan (ALUCP) required that the City of Colusa (City) submit the 2016 Colusa Industrial Properties (CIP) residential entitlements, including Ordinance No. 513 and the development agreement for the CIP residential project and Tentative Map 16-14, to the County's Airport Land Use Commission (ALUC) for a consistency determination with the ALUCP prior to taking final action.
 - A. Section 1.4.3(c) of the ALUCP states, "*Revisions to Approved Development: Filing of a new version of any of the approval documents listed in Paragraph (a) of this policy means that the use no longer qualifies as an Existing Land Use and, therefore, is subject to ALUC review in accordance with the policies of Section 2*".
 - B. Paragraph (a) of Section 1.4.3 of the ALUCP lists a tentative parcel, large lot or subdivision map and development agreement as approval documents which revisions would trigger ALUC review of ALUCP consistency. Tentative Map 16-14 represented the filing of an amended subdivision map that was significantly different in terms of the number and types of residential units.
 - C. Section 2.2.2(e) of the ALUCP requires ALUC review of the consistency of development agreements. No previous City development agreement referral had been submitted to the ALUC for consistency review as part of the CIP entitlements.
 - D. Section 2.2.2(g) of the ALUCP requires ALUC review of the consistency of proposed residential development, including land divisions, consisting of 5 or more dwelling units or parcels. Tentative Map 16-14 contained 181 low-density, single-family lots.
 - E. Section 2.6.4(b) of the ALUCP requires additional ALUC review of the consistency of a proposed residential development if the design of the project subsequently changes in a manner that affects previously considered compatibility issues and could raise questions as to the validity of the earlier finding of consistency. The 2008 County Board of Supervisors approval required that the number of low-density, single-family lots be limited to 84 lots in order to mitigate potential aviation impacts and the 179 low-density, single-family lots of Tentative Map 16-14 significantly affected the Board's previously considered compatibility findings and raised significant questions as to the validity of the Board's earlier finding of consistency.
- II. The County's ALUCP required that the City submit the 2018 CIP residential entitlements, including Ordinance No. 527 and development agreement for the CIP residential project and Tentative Map 01-18 to the County's ALUC for a consistency determination with the ALUCP prior to taking final action.

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A. Section 1.4.3(c) of the ALUCP states, “*Revisions to Approved Development: Filing of a new version of any of the approval documents listed in Paragraph (a) of this policy means that the use no longer qualifies as an Existing Land Use and, therefore, is subject to ALUC review in accordance with the policies of Section 2*”.

B. Paragraph (a) of Section 1.4.3 of the ALUCP lists a tentative parcel, large lot or subdivision map and development agreement as approval documents which revisions would trigger ALUC review of ALUCP consistency. Tentative Map 01-18 represented the filing of an amended subdivision map that qualifies as a new version of an approval document (Tentative Map 16-14) and represented the filing of an amended subdivision map that was significantly different in terms of the number and types of residential units from the County’s 2008 approval.

C. Section 2.2.2(e) of the ALUCP requires ALUC review of the consistency of development agreements or amendments to such agreements. No previous development agreement referral had ever been submitted to the ALUC for consistency review as part of the CIP entitlements and, thus, the 2018 development agreement is considered a new development agreement. In addition, the 2018 development agreement can also be considered an amendment to the 2016 development agreement.

D. Section 2.2.2(g) of the ALUCP requires ALUC review of the consistency of proposed residential developments, including land divisions, consisting of 5 or more dwelling units or parcels. Tentative Map 01-18 contained 180 low-density, single-family lots that the ALUC never reviewed.

E. Section 2.6.4(b) of the ALUCP requires additional ALUC review of the consistency of a proposed residential development if the design of the project subsequently changes in a manner that affects previously considered compatibility issues and could raise questions as to the validity of the earlier finding of consistency. The 2008 County Board of Supervisors approval required that the number of low-density, single-family lots be limited to 84 lots in order to mitigate potential aviation impacts and the 180 low-density, single-family lots of Tentative Map 01-18 significantly affected the Board’s previously considered compatibility findings and raised significant questions as to the validity of the Board’s earlier finding of consistency.

III. The residential development of Tentative Map 01-18 is located in the ALUCP’s Compatibility Zones B-1, C-1, and C-2 and the average and maximum densities of the residential development of Tentative Map 01-18 exceeds the average and maximum densities as detailed in Table 3A of the ALUCP and, as such, the residential development of Tentative Map 01-18 is inconsistent with the ALUCP.

A. Compatibility Zone B-1 specifies an average density of 1 dwelling unit per 20 acres and a maximum density of 4 dwelling units per acre. The lots located in Compatibility Zone B-1 have an average density of 1 dwelling unit per 3 acres and a maximum density of 4.5 dwelling units per acre.

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B. Compatibility Zone C-1 specifies an average density of 1 dwelling unit per 10 acres and a maximum density of 4 dwelling units per acre. The lots located in Compatibility Zone C-1 have an average density of 1 dwelling unit per 0.5 acres and a maximum density of 5.2 dwelling units per acre.

C. Compatibility Zone C-2 specifies an average density of 1 dwelling unit per 5 acres and a maximum density of 4 dwelling units per acre. The lots located in Compatibility Zone C-2 have an average density of 1 dwelling unit per 1.1 acres and a maximum density of 5.5 dwelling units per acre.

- IV. A number of the homes of Tentative Map 01-18 will have an interior noise level exceeding the ALUCP interior 45 dB Ldn noise standard and, as such, the residential development of Tentative Map 01-18 is inconsistent with the ALUCP.

A. As shown on Attachment #11 of the ALUC staff report, portions of the residential project are located above the 70 dB Ldn noise contour projected in the adopted 2008 Environmental Impact Report. In adopting the 2008 EIR, Mitigation Measures LU-1a, LU-4a, N-4a, specifies that an acoustical professional must conduct an acoustical investigation to identify the construction measures necessary in order to meet the interior noise standards of the ALUC and the County.

B. The ALUCP (Section 3.3.2 (a) and Table 3A), the County's General Plan (Policy N 1-2), and the City's General Plan (Policy N-1.1) all require that the interior noise level of residences be no higher than 45 dB Ldn. Typical residential construction provides approximately a 25 dB Ldn reduction in the interior noise levels and, thus, the homes that are located within the 70 dB Ldn noise contour would have interior noise levels exceeding the ALUCP requirements (as well as the County's and City's General Plans) without additional noise mitigation.

C. County staff inquired as to the noise mitigation construction measures that had been included in the construction of the homes and was informed that an acoustical study had not been conducted and that the City had determined that the insulation and wall framing installed were adequate to mitigate the aircraft noise. Without the acoustical study required by the EIR, which the Board relied on in over-ruling the ALUC inconsistency finding, it is not possible to confirm with a reasonable high-degree of certainty that the interior noise levels of all of the homes will meet the 45 dB Ldn standard.

- IV. The Development Agreement between the residential developer and the City of Colusa obligates the City to allow the construction of the residential project as long as the developer meets their contractual obligations. Based on the findings of inconsistency with the ALUCP given the density and noise levels, said Development Agreement which allows for the construction of the residential project would also be inconsistent with the ALUCP.

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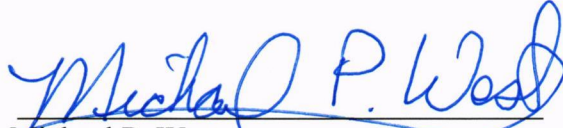
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PASSED AND ADOPTED this 11th day of March, 2021 by the following vote:

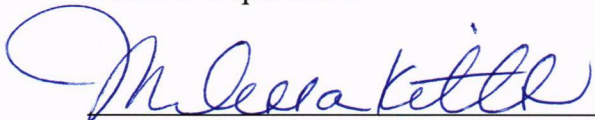
AYES: Commissioners S. William Abel, Peter Lindquist, Gene Muir,
Toby Reading, and Michael P. West.

NOES: None.

ABSENT: Commissioners Sherman MacPherson and Clinton Jewett.


Michael P. West
Chair, Airport Land Use Commission

ATTEST: Wendy G. Tyler, Clerk to the
Board of Supervisors


Melissa Kitts, Deputy Clerk

ATTEST TO FORM


Marcos Kropf, County Counsel



State of California

PUBLIC UTILITIES CODE

Section 21676.5

21676.5. (a) If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made. If, in the determination of the commission, an action, regulation, or permit of the local agency is inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall hold a hearing to reconsider its plan. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(b) Whenever the local agency has revised its general plan or specific plan or has overruled the commission pursuant to subdivision (a), the proposed action of the local agency shall not be subject to further commission review, unless the commission and the local agency agree that individual projects shall be reviewed by the commission.

(Amended by Stats. 2003, Ch. 351, Sec. 4. Effective January 1, 2004.)

RESOLUTION 2021-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA ISSUING
FINDINGS TO OVERRULE THE COLUSA COUNTY AIRPORT LAND USE
COMMISSION DECISION ASSOCIATED WITH THE COLUSA INDUSTRIAL PARK
TENTATIVE MAP 01-16

WHEREAS, in 2014 Colusa County (“County”) adopted a new County Airport Land Use Compatibility Plan (“ALUCP”) to govern uses within its defined Airport Influence Area including the Colusa Industrial Properties' residential development; and

WHEREAS, on September 30, 2015 the Colusa LAFCo Executive Officer recorded a Certificate of Completion annexing portions of the Colusa Industrial Park, including the Colusa Industrial Properties' residential development, into the City of Colusa (City); and

WHEREAS, the applicants and property owners, Colusa Industrial Park Corp. (“CIP”), submitted a Land Use Application and TM 01-16 to develop a 57.42-acre single family residential subdivision at APN’s 017-130-021, 017-130-055 and 017-130-069 hereafter referred to as the “Project”; and

WHEREAS, the proposed Project would be located within the boundaries of the 2014 Colusa *County Airport Land Use Compatibility Plan* (the “ALUCP”) overlay zones; and

WHEREAS, in April of 2016 the City approved Ordinance No. 513 approving a development agreement between the property owner of the residential Project and the City and in May of 2016 the City adopted Resolution No. 16-14 approving Tentative Map 16-14 which amended the County's 2008 residential Project approval eliminating high density residential uses and approved the subdivision of approximately 57.42 acres of land into 180 residential low-density single-family lots and remainder parcels for open space, landscaping and related uses; and

WHEREAS, on March 1 and 11, 2021, the Colusa County Airport Land Use Commission (“ALUC”) reviewed the City's amended CIP residential Project entitlements for consistency with the *ALUCP* and considered the County staff report, the requirements of the *ALUCP*, and all orally and written testimony presented concerning the Project referral; and

WHEREAS, the Project incorporates land use measures to mitigate potential adverse impacts to the airport and Project residents and/or the surrounding properties and not be exposed to excessive noise levels above the established standards; and

WHEREAS, section 21675.1 (d) of the California Public Utilities Code states that the City may overrule the Airport Land Use Commission, by a two-thirds vote of the governing body subject to specific findings that the proposed action is consistent with section 21670 of the California Public Utilities Code; and

WHEREAS, noticing consistent with California Public Utilities Code 21670 and public hearing noticing consistent with 21676 for the Project was also conducted by the City for consideration of findings to overrule the ALUC before a Public Hearing held on September 7, 2021 by the Colusa City Council; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information presented and considering comments received, the City Council considered all facts related to the proposed Project and is prepared to render a decision on the matter of land use plan incompatibilities.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Colusa as follows:

Section 1. The foregoing recitations are true and correct and are incorporated fully into this Resolution.

Section 2. The Project was reviewed in conformance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et seq.*, the CEQA Guidelines, Cal. Code Regs, tit. 14, Section 15000 *et seq.*, and the City Council has, prior to or concurrent with the approval of this proposed resolution, considered the Colusa Industrial Park Initial Study, and determined that the Project would have NO ADDITIONAL SIGNIFICANT EFFECTS on the environment, that NO NEW ADDITIONAL MITIGATION MEASURES OR ALTERNATIVES are required, and that the Project IS WITHIN THE SCOPE of the City of Colusa General Plan MEIR. Such Initial Study and determination serve as the environmental documentation for the proposed Project.

Section 3. Based on the evidence presented, the City Council hereby OVERRULES the decision taken by the Colusa County Airport Land Use Commission on March 11, 2021 under the authority provided by section 21675.1 (d) of the California Public Utilities Code and based on the following findings, consistent with section 21670 of the California Public Utilities Code:

Finding #1 - The Project will not adversely impact the ability to provide for the orderly development of the public use airport.

The proposed Project is located 2,000 feet northwest of the Colusa County Airport, within a sparsely developed area, and would not affect the orderly development of the Colusa County Airport as it is not immediately adjacent to or located on any airport property, nor within any property that could logically be acquired for the purpose of expanding the airport.

Finding #2 - The Project will not adversely impact the ability to provide for the orderly development of the area surrounding the Colusa County Airport so as to promote the overall goals and objectives of the City of Colusa and Colusa County noise standards and will not cause the creation of new noise and safety problems for individuals.

The proposed Project does not interfere with the orderly development of the areas surrounding the Colusa County Airport and is compatible with the surrounding

residential uses nearest to the airport. Mitigation measures have been imposed to ensure that the existing exposure of noise levels are consistent with noise standards for residential uses.

Prior to building permit issuance for any of the homes on the lots that are located within the noise contour above the 70 dBA Ldn noise level shown in the EIR's noise study, an acoustical engineer shall review the building permit plans to ensure that the indoor noise level will be less than 45 dBA Ldn. In the event that the indoor noise level is above 45 dBA Ldn, the acoustical engineer shall detail what additional noise mitigation shall be required in the construction of the homes.

Adoption by the City of the current version of the State Building Code, requires new construction to be built to much higher levels of insulation standards for wall systems, roof systems, windows and doors than the building code requirements in place in 2014 when the *ALUCP* was adopted. The increased insulation values have the secondary effect of decreasing sound transfer and thereby reducing interior noise levels below those noise levels contemplated by the 2014 *ALUCP*.

An acoustical analysis was performed by Bollard Acoustical Consultants, Inc. in July of 2021 and found the construction of the homes to be consistent with the requirement that indoor noise level will be less than 45 dBA Ldn.

The proposed Project does not hinder in any way the use of the airport, and mitigation is in place to ensure there are no impact to aeronautical function, or interference with airport activities and will not expose people to noise beyond acceptable levels and the Project itself will not pose noise issues to the community, thus furthering the goals and objectives of the established noise standards.

Finding #3 - The Project will not adversely impact the ability to protect the public health, safety, and welfare by continuing to ensure the orderly expansion of the airport and will not adversely affect the utility or capacity of the airport.

The ability for the orderly expansion of the Colusa County Airport will not be affected by the proposed Project. The proposed Project is not immediately adjacent to any airport-owned land. Planned expansions historically considered relocation of the airport or expansion to the south. The Project will not adversely affect the public health, safety, and welfare of the community or the use of the airport, nor affect the utility or capacity of the airport. Mitigation Measures have been incorporated that require future improvement plans to be submitted to the Federal Aviation Administration to ensure that the proposed heights are not a hazard to air navigation, thus, the Project will not pose any safety concerns. Given that the Project will not be a hazard to air navigation, it can also be inferred that hazards for those on the ground would be less than significant.

Finding #4 - The Project will not adversely impact the ability to protect the public health, safety and welfare and incorporates land and safety hazards within the areas around the public airports to the extent that these areas are not already devoted to incompatible uses.

The proposed Project is not proposing any significant land use changes but rather a modest increase in single-family homes and elimination of high density residential, which will reduce the overall population for the Project.

The Project has now been revised to eliminate the high-density housing and to construct 180 single-family homes. This is well below the minimum housing density originally contemplated. On a population basis, the anticipated population would be approximately 512 people, a reduction from the population density previously contemplated. The proposed revised Project has both fewer numbers of units and therefore fewer persons which demonstrates consistency with the *ALUCP*.

The *ALUCP* policies for land use development focus on reduced density and intensity (number of persons per acre). The proposed Project, as revised, accomplishes both, therefore, the proposed development is found compatible with the *ALUCP* and surrounding residential land uses, and will not adversely impact public health, safety, or the general welfare.

The Project also incorporates conditions of approval to ensure that the public will not be exposed to excessive noise or safety hazards. FAA height restrictions are also imposed to ensure that the Project will not be a hazard to air navigation. These mitigation measures ensure the protection of health, safety and general welfare.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

Passed and adopted this 7th day of September 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JOSH HILL, MAYOR

Shelly Kittle, City Clerk

COLUSA COUNTY AIRPORT LAND USE COMMISSION

Harry A. Krug
Commission Staff

Office: 100 Sunrise Blvd., Suite F
Colusa, CA 95932
530-458-0580 FAX 458-5000

Airport: 2915 Highway 20
Colusa

December 17, 2007

At the regular meeting of the Colusa County Airport Land Use Commission on December 17, 2007, it was moved by Richard Selover, seconded by Mary Winters to approve the following paragraph for inclusion with the document named below:

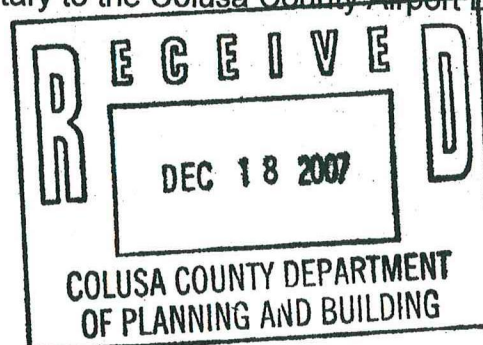
That the Colusa County Airport Land Use Commission finds the Colusa Industrial Properties' General Plan Amendment and Zoning Amendment project; and Draft Environmental Impact Report (document), November, 2007, is inconsistent with the Colusa County Airport Comprehensive Land Use Plan (ACLUP), June 5, 1995, for the following reasons:

1. The proposed concentration of residential units and people exceed the limits established in the ACLUP and the risks are not adequately mitigated.
2. The purposed businesses inside the Safety Area may create a concentration of people that exceed the limits established in the ACLUP and the risks are not mitigated.
3. The impact of existing airport noise on the proposed residential and businesses exceed the limits established in the ACLUP and the risks are not fully mitigated.

It is directed to send, along with this motion, a letter to Mr. Hackney, Planning Director, explaining the Commissions specific concerns of the document.

Attest: Carla Hendy, Administrative Secretary to the Colusa County Airport Land Use Commission.

Carla Hendy
Carla Hendy, Administrative Secretary



COLUSA COUNTY AIRPORT LAND USE COMMISSION

Attachment #4

d

Harry A. Krug
Commission Staff

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Colusa, CA 95932
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December 17, 2007

Mr. Steve Hackney, Planning Director
Colusa County
220 12th Street
Colusa, CA 95932

Re. Consistency Review of the Colusa Industrial Properties' General Plan Amendment and Zoning Amendment project; and Draft Environmental Impact Report (document), November, 2007.

Dear Mr. Hackney:

The Colusa County Airport Land Use Commission (ALUC) has reviewed the above referenced document and has determined that the document is inconsistent with the Colusa County Airport Comprehensive Land Use Plan (ACLUP) adopted June 5, 1995. The ALUC also finds that the proposed land use amendment actions and the projects mitigation measures are lacking, inaccurate and unable to significantly mitigate the impacts from hazards to the public's safety and impacts to the public from noise generated by aircraft. Though not directly related to the ACLUP, the project EIR does not address the impacts to the Colusa County Airport as far as current and future economic development on the airport proper. Placing hazards near the airport and noise restrictions on airport activities does have a direct impact on future uses of the airport such as restrictions on flight schools and flight training, aircraft repair stations and other aviation related uses. The Colusa County Airport is the nerve center for agricultural aerial applicators during wet conditions when dirt airstrips are unusable and the hard surface runway is needed for aerial applications of seed, fertilizer and agricultural chemicals.

The ALUC concurs with the finding on page 4-79 of the document that the significant level after mitigation for noise would be significant and unavoidable because aircraft noise would still expose residences and businesses to unacceptable exterior (and possibly interior) noise levels. Although implementation of mitigation of the mitigation measures would reduce interior noise levels and notifies prospective buyers, these measures are not enough to reduce the impact to less than significant. Additionally, not all of the measures are feasible.

Attachment: Attachment #4 ALUC 2007 Comments on Inconsistency Findings (6780 : City of Colusa Override Findings)

Therefore the ALUC finds the document inconsistent with the ACLUP for noise levels. The project can not be mitigated to meet ACLUP requirements for noise.

The ALUC concurs with the findings on page 4-127 of the document that the significant level after mitigation for safety would be significant and unavoidable because the mitigation measures would not reduce safety concerns associated with routine crop dusting operations.

Therefore the ALUC finds the document inconsistent with the ACLUP for housing and population densities. The project can not be mitigated to meet ACLUP requirements to reduce risks to homes and congested areas.

The ALUC concurs with the analysis of the Aerial Application Operational Analysis for Colusa County Airport conducted by Mead & Hunt, October 2007. As stated, the conclusion is, "This analysis concludes that there are no reasonably implementable alternative flight paths and/or practical operational procedures that could be implemented at the Colusa County Airport that would sufficiently mitigate the negative impact that the proposed residential/commercial development area would have on the Airport's aerial application aircraft operations. The proposed development area is to be situated in an area that will be exposed on a regular and continuing basis to significant aircraft noise and low altitude over flights during both normal general aviation aircraft operations and aerial application aircraft operations. It can be anticipated that some of these aerial application aircraft-related noise impacts will occur at times that are most sensitive to residential land uses-early morning/dawn and late afternoon/dusk. No alternative flight paths and/or operational procedures were identified that would meaningfully mitigate or significantly reduce this negative noise impact and over flight exposure."

The following are comments pertaining to specific sections of the document:

4.1 Land Use

LU-1 – The project would be inconsistent with Colusa County General Plan land use policies LU-12 and LU-35 because the project would conflict with the adjacent airport and expose residents to excessive noise.

Mitigation Measure LU-1a: Design homes and businesses to reduce interior aircraft-related noise levels by up to 30dB.

ALUC Comments: The mitigation measure does not address outdoor activity associated with residential living and business activity thereby continuing an outdoor noise problem, especially to young children playing outdoors, and not fully mitigating the noise problem.

Mitigation Measure LU-1b.: Encourage aerial application operators to takeoff to the

south and land to the north when weather conditions permit.

ALUC Comments: The mitigation measure is unenforceable. Fully loaded aerial application aircraft need to take-off into the wind at all times. It is also an economic impact to aerial applicators who desire the shortest route to the application site. Mitigation measure does not address general aviation aircraft that also create noise on take-off and landing. The mitigation measure is of no value.

Mitigation Measure LU-1c.: Encourage aerial application operators to make early turns (left or right) during Runway 31 departures (northbound take-offs).

ALUC Comments: The mitigation measure is unenforceable. Fully loaded aerial application aircraft need to make shallow turns for safety reason. Making steep turns is unsafe and can lead to staling the aircraft and posing a hazard to people and structures. Mitigation measure does not address general aviation aircraft that also create noise on take-off and landing. The mitigation measure is of no value.

Mitigation Measure LU-1d.: Encourage straight-out departures for Runway 31 operations (northbound take-offs).

ALUC Comments: The mitigation measure is unenforceable. Requiring straight-out departures would place all aircraft over a greater population of people in the City of Colusa. That is why recommended aircraft patterns for landing and take-off are to the east of the airport, Left-hand pattern for Runway 13 and Right-hand pattern for Runway 31.

Mitigation Measure LU-1e.: Encourage power reduction during departures for Runway 31 operations (northbound take-offs).

ALUC Comments: The mitigation measure is unenforceable. General aviation aircraft do not have excess power to allow for power reduction during take-offs. Most general aviation aircraft must have full power until reaching cruise altitude. Aerial application aircraft must use full power during take-off to gain a safe altitude. Only large military and commercial jets, which do not use the Colusa County Airport, have excess power that can be reduced after lift-off. The mitigation measure is of no value.

Mitigation Measure LU-1f.: Require aerial application operators to comply with Federal Aviation Administration regulations for operations over congested areas, prohibiting loaded aircraft from overflying the development area at low altitudes.

ALUC Comments: This mitigation measures is a complete misunderstanding of the Code of Federal Regulations (CFR) pertaining to operating aircraft, both aerial application aircraft and general aviation aircraft, over congested areas. The regulation is as follows:

§ 91.119 Minimum safe altitudes: General.

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

- (a) *Anywhere*. An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.
- (b) *Over congested areas*. Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.
- (c) *Over other than congested areas*. An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.
- (d) *Helicopters*. Helicopters may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section if the operation is conducted without hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with any routes or altitudes specifically prescribed for helicopters by the Administrator.

As stated above, there is an exception to over-flights of congested areas during take-offs and landings. The mitigation measure is of no value.

LU-4 The project would not be consistent with the Colusa County Airport Comprehensive Land Use Plan with regard to noise standards, safety concerns, and incompatible land uses within the overflight zone.

Mitigation Measure LU-4a. Same ALUC Comments as LU-1a. above.

Mitigation Measure LU-4b.: Notify all prospective purchasers and users of the property in the project area of inconveniences or discomforts that may be accompany airport operations.

ALUC Comments: This is not a mitigation measure, in that it is already required by law. California Business and Professions Code Section 11010 specifies the following:

11010. (a) Except as otherwise provided pursuant to subdivision (c) or elsewhere in this chapter, any person who intends to offer subdivided lands within this state for sale or lease shall file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire on a form prepared by the department.

(b) The notice of intention shall contain the following information about the subdivided lands and the proposed offering:

(13) (A) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision. If the property is located within an **airport influence area**, the following statement shall be included in the notice of intention:

NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an **airport influence area**. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

(B) For purposes of this section, an "**airport influence area**," also known as an "**airport referral area**," is the 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 as determined by an airport land use commission.

Requiring non-binding notices to all prospective purchasers and users of the property does not create a mitigation measure. An Avigation Easement required on a deed (Attachment One) would possibly relieve the airport from problems associated with incompatible land uses near the airport.

Mitigation Measure LU-4c.: Locate permanent water features associated with the golf course outside the approach-departure zone.

ALUC Comments: Colusa Industrial Properties has already established a permanent water feature (Highway 20/45 Storm Water Retention Pond) in the approach-departure zone of the airport. Relocation of the existing pond and all future pond locations would have to be reviewed to determine hazards to aircraft. Prior placement of the existing storm water pond showed lack of commitment for follow through on this mitigation measure.

Mitigation Measure LU-4d.: Same ALUC Comments as LU-1b. above.

Mitigation Measure LU-4e.: Same ALUC Comments as LU-1c. above.

Mitigation Measure LU-4f.: Same ALUC Comments as LU-1d. above.

Mitigation Measure LU-4g.: Same ALUC Comments as LU-1e. above.

Mitigation Measure LU-4h.: Same ALUC Comments as LU-1f. above.

4.4 Transportation and Traffic

TT-4 Project implementation may result in minor increases in airport traffic and could adversely affect air traffic patterns, resulting in increased safety concerns for aircraft operators.

Mitigation Measure: None

ALUC Comments: The ALUC concurs that this is a major safety concern for not only aircraft operator but also for the public who would be located in the project. Existing traffic pattern is designed to place the traffic away from the City of Colusa and the existing industrial park. Any changes to traffic patterns would pose a significant safety risk.

4.5 Noise

N-4 Ongoing aircraft overflights would expose project residences and businesses to excessive noise levels.

Mitigation Measure N-4a.: Same ALUC Comments as LU-1a. above.

Mitigation Measure N-4b.: Same ALUC Comments as LU-4b. above.

Mitigation Measure N-4c.: Same ALUC Comments as LU-1b. above.

Mitigation Measure N-4d.: Same ALUC Comments as LU-1c. above.

Mitigation Measure N-4e.: Same ALUC Comments as LU-1d. above.

Mitigation Measure N-4f.: Same ALUC Comments as LU-1e. above.

Mitigation Measure N-4g.: Same ALUC Comments as LU-1f. above.

It must be noted that CFR allows for noise from agricultural aircraft as follows:

§ 91.815 Agricultural and fire fighting airplanes: Noise operating limitations.

(a) This section applies to propeller-driven, small airplanes having standard airworthiness certificates that are designed for "agricultural aircraft operations" (as defined in §137.3 of this chapter, as effective on January 1, 1966) or for dispensing fire fighting materials.

(b) If the Airplane Flight Manual, or other approved manual material information, markings, or placards for the airplane indicate that the airplane has not been shown to

comply with the noise limits under part 36 of this chapter, no person may operate that airplane, except—

- (1) To the extent necessary to accomplish the work activity directly associated with the purpose for which it is designed;
- (2) To provide flight crewmember training in the special purpose operation for which the airplane is designed; and
- (3) To conduct “nondispensing aerial work operations” in accordance with the requirements under §137.29(c) of this chapter.

4-10 Hazards and Hazardous Materials

HHM-3 Airport operations would expose project residents, visitors, and workers to health and safety risks associated with routine crop-dusting.

Mitigation Measure HHM-3a.: Notify all prospective purchasers and users of property near or adjacent to agricultural operations of inconveniences or discomforts that may accompany agricultural operations.

ALUC Comments: This mitigation measure is unrealistic and unachievable. Trying to explain all of the inconveniences and discomforts is subjective and argumentative. The mitigation measure should not be accepted.

Mitigation Measure HHM-3b.: Same ALUC Comments as LU-1b. above.

Mitigation Measure HHM-3c.: Same ALUC Comments as LU-1c. above.

Mitigation Measure HHM-3d.: Same ALUC Comments as LU-1d. above.

Mitigation Measure HHM-3e.: Same ALUC Comments as LU-1f. above.

4.14 Aesthetic

The project does not address possible hazards to pilot safety from project lighting. Pilots could be blinded during take-offs and landings over the project area.

ALUC Comments on EIR document in general:

The property line of the Colusa County Airport and Colusa Industrial Properties is not accurately depicted in Figures 3.2, 4.1-1, 4.1-3, 4.1-4, 4.8-2 and possibly other figures.

Traffic element does not reference Farinon Road. Project was changed from Sunrise Avenue to Farinon Road and this was not changed in the EIR.

Attachment #4

If you have any questions or need clarification on the comments from the ALUC, please contact Harry Krug, at 530-458-0580.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Goodman', with a long horizontal flourish extending to the right.

John Goodman, Chairman
ALUC
Colusa County Airport