



CAMERON PARK AIRPORT DISTRICT

CAMERON PARK AIRPORT (O61)
3374 MIRA LOMA DRIVE
CAMERON PARK, CALIFORNIA 95682
(530) 676-8316 | MANAGER@CAMERONPARKAIRPORT.COM | 123.05MHZ

January 15, 2020

El Dorado County Planning Commission
c/o El Dorado County Planning Services
2850 Fairlane Court
Placerville, CA 95667

Attention: Mr. Evan Mattes, County Planner

Re: The Cameron Park Airport District provides the following comments on development application project **AIR PARK, DR-R19-0004**

Dear Mr. Mattes and Planning Commissioners:

The Cameron Park Airport District (CPAD) provides the following comments and concerns regarding the Initial Consultation package and Design Review request for application DR-R19-004 - AIR PARK SELF STORAGE REVISION TO DR14-004. References for preparation of these comments include the Design Review Required Submittal Information checklist, pp 6-12; the Transportation Initial Impact Study - Initial Determination; the El Dorado County Planning Services Environmental Questionnaire, pp 14-17; EID letter dated July 25, 2019, from Mr. Michael Brink, P.E., entitled Facility Improvement Letter; Cameron Park Fire Department letter dated July 21, 2019, from Battalion Chief Michael Smith regarding required fire flows and related matters; certain included plat and construction elevation drawings from LeBeck Engineering; Declaration of Restrictions for the Cameron Air Park Estates (CC&Rs) as amended; as well as, certain drawings and correspondence related to the project as previously proposed and subsequently abandoned in 2014.

CPAD supports development of properties within the Airport Sphere of Influence which comply with the airport's Airport Land Use Compatibility Plan (ALUCP, 2012¹), the applicable California Public Utilities Code,² and corresponding FAA rules as they relate to protected airspace,³ and the Department

¹ See ALUCP Section 2.4.3 (Interim Mandatory Referral of Major Land Use Actions)

² California Public Utilities Code, Sections 21403 (providing the right of safe access to public airport) and 21659 (providing standards regarding height limits of objects near airports)

of Homeland Security guidelines.⁴ Moreover, CPAD supports development projects within its own Special District that are in compliance with our CC&Rs and complementary to the aviation community, the District and their mutual focus on aviation as an asset to western El Dorado County. As a stepping off point for the comments herein, all commercial parcels along Cameron Park Drive from Mira Loma Drive at the north to Oxford Lane at the south, inclusive of subject parcels 083-182-004, -005, and -006, are within the boundaries of CPAD and are subject to long-established CC&Rs,⁵ as enforced by the Cameron Park Community Services District (CPCSD).⁶ In addition to zoning by El Dorado County as *CG, General Commercial*, each of the referenced parcels, as documented in the ALUCP, are further zoned *AA, Airport Safety*. The rules and regulations pertaining to airport safety, airspace protection and compatible land use restrict allowable uses on the subject parcels.

An environmental determination resulting in a negative declaration is appropriate only where there is no substantial evidence to support a fair argument that the project will cause a significant adverse environmental impact. This standard includes causative or enabling factors leading to deterioration of the environment and quality of life. Project approval should be conditioned on the proponent demonstrating 1) no permanent or temporary obstructions will now or in the future penetrate the federal, state and county-protected airspace, 2) provision(s) for adequate measures to ensure no unauthorized access to the airport grounds or facilities, 3) measures to mitigate extensive stormwater runoff from a 100% impenetrable surface property, 4) provisions to prevent hazardous light that is distracting to pilots and mitigations to overnight security lighting from impacting quiet enjoyment of properties in the adjacent residential neighborhood, 5) that impact of a multi-phased self-storage business within only 500 feet of a preexisting self-storage business⁷ will not negatively impact the well-being of surrounding businesses, generate visual blight along Cameron Park Drive and confound local and airpark residents who reasonably expect that use of parcels within the Airport District will align with the airport restrictions.

CPAD firmly believes that there is substantial evidence of a fair argument that there are broad and significant adverse environmental issues and, therefore, the project should not be approved without an Environmental Impact Report and attendant specific conditions to mitigate all concerns.

Protection of Surrounding Airspace - Cameron Park Airport Critical Airspace Protection Zone

Defined airspace at all public airports is protected from any form of penetration by an obstruction. Obstructions are any structures (buildings, towers), natural growth (trees), or temporary obstructions (signage, vehicles, cranes, etc.). Cameron Park Airport's protected airspace is

³ Federal Aviation Regulations Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace (providing standards regarding height limits of objects near airports); and, FAA Advisory Circular 150-5300-13A, Airport Design (providing standards regarding safety-related areas in the immediate vicinity of runways)

⁴ Section 6.3.7 of TSA Guidelines for General Aviation Airport Operators and Users (providing guidance for set-backs)

⁵ See Attachment 1

⁶ The entirety of CPAD is surrounded by the CPCSD in a mutually beneficial partnership.

⁷ Cameron Park Rent-a-Storage, 3381 Mira Loma Dr., Cameron Park CA 95682 is 450 feet, driveway-to-driveway

fundamentally defined by the FAA and Federal Aviation Regulations, Part 77, along with complementing State regulations found in the Public Utilities Code. El Dorado County adopted the federal airspace definitions for Cameron Park Airport in the county's *Airport Land Use Compatibility Plan* (ALUCP, 2012)⁸. Specific rules found in Chapter 4 of the ACULP preventing obstructions in an airport's Critical Airspace Protection Zone are found in Section 4.4 *Airspace Protection* and, as applied to Cameron Park Airport, in Chapter 6. As depicted in the Airspace Protection Zones Policy Map, all three of the subject parcels are in the protected Transitional Zone and under the 7-to-1 imaginary surface that commences at runway level 125 feet from the runway centerline.

The elevation of the soil of each parcel is nominally 6 feet above the runway elevation. Perimeter elevation drawings of the proposed structure as provided in the packet for this comment indicate a finished wall height of 14 feet above the parcel pavement along the western (runway side) line of the proposed structure (LeBeck drawing set, page 5).

- Combining the ground elevation and the proposed structure approximates a finished structure height of 20 feet on the side closest to the Airport runway.
- The Transitional Zone (Side Zone), within the airport's Critical Airspace Protection Zone, is a 7:1 upward slope that starts 125 feet from the centerline of Runway 13 at the level of the runway.
- The structure's proposed height of 20 feet above the runway would need to be located a minimum of 265 feet from the runway centerline in order to not penetrate the protected surface.

$$7 \times 20' = 140 \text{ feet set back under } 7:1 \text{ slope;}$$

$$\mathbf{140 \text{ feet} + 125 \text{ feet from runway centerline} = \text{minimum } 265' \text{ setback}^9$$

Any approved plan should also consider FAA Advisory Circular 107-1, *Aviation Security* and the above referenced current Department of Homeland Security (DHS) statement that provides for clear zones of at least 10 feet (suggested 30 feet) between perimeter fencing and any structure. Such setbacks are intended to prevent unauthorized access to the facilities and reduce vandalism, which is an increasing problem for self-storage facilities in the Cameron Park area. Parking vehicles or storing articles of personal property along such a fence is explicitly discouraged.

The provided flat drawings (plat) did not indicated horizontal distances, but approximations infer that the contemplated structures will need to move back (easterly) by an additional 33 feet to remain clear of the protected airspace. Proponent should be required to demonstrate that the proposed structures will not penetrate the 7-to-1 Critical Protected Airspace in compliance with the Federal, State and County requirements.

Similarly, the office structure on the east side of the contemplated development is estimated to be 28 feet tall. The 7-to-1 analysis yields a minimum setback from the runway centerline of approximately 363 feet.

⁸ see <https://www.edctc.org/aviation>

⁹ see Attachment 2

- Combining the elevations of the soil (6 feet) and the proposed office structure of 28 feet approximates a finished structure height of 34 feet above the runway elevation.
- The Transitional Zone (Side Zone), within the airport's Critical Airspace Protection Zone, is a 7:1 upward slope that starts 125 feet from the centerline of Runway 13 at the level of the runway.
- The structure's proposed height of 34 feet above the runway would need to be located a minimum of 363 feet from the runway centerline in order to not penetrate the protected surface.

$7 \times 34' = 238$ feet set back under 7:1 slope;

238 feet under 7:1 + 125 feet primary surface = 363 feet minimum distance from runway centerline

Further, the terrain grade level rises briskly eastward to the level of Cameron Park Drive where any proposed landscaping must also comply with the stated height limitations. The federal, state and county rules include obstructions of "natural growth" and any tree that will mature to a height penetrating the 7-to-1 lateral or 20-to-1 approach/departure critical zones is determined to be an obstruction. This determination is echoed by the El Dorado County ALUCP. Because the terrain rises from the airport runway eastward to Cameron Park Drive, the increase in ground elevation is additive to the future tree height and both factors must be considered when selecting tree species for the proposed project. State and county-wide, trees with significant height routinely require topping, trimming or removal at the tree-owner's expense to maintain compliance with applicable code sections. The proponent must demonstrate that the finish height of natural growth as part of the landscaping plan will remain below the height of the protected surface.

Protection of Airport - Restricted Area, No Unauthorized Access

The flat drawings (plat) of the proposed project depict access to the parcels by way of the airport taxiway. The airport taxiway is not available for access to the proposed structures or RV parking areas

All traffic to the parcels and proposed business must be restricted to the main entrance off of Cameron Park Drive. To prevent potential unauthorized use by the proponent, the proponent's employees, or the proponent's tenants of what will become an obsolete aircraft-taxiway, the pavement leading from the airport into the subject parcels must be removed and the drainage swale reconstructed. There is no permissible access to the airport property from or to the subject parcels.

The Applicant's Environmental Checklist is Inaccurate – CC&Rs do apply to this project

A set of CC&Rs was recorded on February 14, 1967 in Book 821, Page 539 of the El Dorado County Official Records. The Parcel Map incorporated into those CC&Rs is found at Book D of Maps at Page 78. Plat D-78-E depicts a parcel number 262. Parcel 262 is the parent parcel from which the subject parcels were subdivided. Each of the subject parcels supporting this proposed project are within the CC&Rs for AIR PARK ESTATES.

Paragraph (4) of the CC&Rs provide for setbacks of 25, 10 and 15 feet for front, side and rear of the subject parcels, but no such setbacks are depicted in the proposed plans.

Paragraph (5) on page 3 of the CC&Rs prohibits all but residential uses. The applicant has not demonstrated how these parcels are exempt from this requirement.

Paragraph (8) requires CC&R review and approval of all plans to ensure their harmony with the reasonable enjoyment of any other lot. This provision has historically been interpreted as promoting an aviation related industry or use, in order to be compatible with the other lots within the subdivision. An “other than aviation” use is incompatible with the remaining airport lots. Projects cannot be allowed which are unreasonably incompatible with airport uses. Other airports have lost the use of their historical airport because of the encroachment of uses which cumulatively make airport operations more difficult, noisy or dangerous. CPAD must remain vigilant to protect the airport future from encroaching uses.

Rainwater Runoff: 100% Impenetrable Surfaces and Destructive Discharge onto Airport Property

The project parcels are prone to surface flooding and historically had discharge channels directing run-off onto neighboring parcels. This was a serious point of contention when a similar project was contemplated around 2012 when it was found that an unauthorized pipe had been installed to direct water from the subject parcels onto the adjacent parcel. That relief pipe was sealed and the runoff is left to drain onto the airport as evidenced during heavy downpours when mud and other debris flow onto the adjacent taxiway. Current open swales and underlying storm drains are insufficient to handle the runoff that will flow onto and under the taxiway and runway, thereby causing a hazard.

The subject undeveloped lots presently have minimal paved surfaces which at least enable some degree of permeability. The proposed self-storage facility envisions built-upon and paved surfaces over the entirety of the property which will direct 100% of rainwater either into the existing inadequate drainage system and/or onto airport surfaces. Flooding on or flowage into the airport area will undermine the integrity of the pavement of both the runway and the adjacent parallel taxiway, creating a significant safety and financial exposure to CPAD and airport users. The district wishes to prevent expensive post-development mitigation (easily into seven figures) to repair and correct inadequate or underestimated water runoff¹⁰. CPAD did not find a hydrological study, mitigation plan, or adequate discussion of this environmental risk in the EID guidance letter or in the submission package.

Light Pollution: Demonstrated Compatibility Between Immediately Adjacent Residential Area and Expected Need for Continuous Security Lighting

Light Hazards: New construction in an airport side zone also has the potential for creating a source of distracting lights during approaches that might cause confusion to an approaching aircraft. Similarly, reflected glare off of the roof of a structure, especially those with a reflective surface, may

¹⁰ See, for example, www.mtdemocrat.com/news/resident-tussels-with-county-over-culvert, December 02, 2019

cause instant loss of vision in certain conditions. The ALUCP states that land uses that *may* cause hazards to aircraft in flight or taking off or landing shall be allowed only if the uses are consistent with FAA rules and regulations.¹¹ The proponent must demonstrate that the contemplated structure will not create such hazard(s).

Light Pollution: Cameron Park Drive has segments that pass through purely residential space and areas such as those south and north of the airport and the residential airpark; Cameron Park Drive also passes through general commercial zones that are adjacent to those same residential zones. Regarding the commercial businesses on Cameron Park Drive adjacent to the airport have modest parking area lighting and business-fronts with muted-light signs. Many of these lights turn off after a certain hour each night. Airpark residents are concerned that a self-storage facility that is understandably premised on sound security will likely include significant high intensity-bright lighting. Direct and reflected light emanating from the proposed facility will be visible from all of the homes along Boeing Drive and, probably, on the elevated terrain all around the area (east and west ridge, Sky View Court, etc.).

Special Services District: The Parcels for the Proposed Project are in Cameron Park Airport Services District

The commercial properties from Mira Loma Drive at the north end to Oxford Road at the south end are all part of the Cameron Park Airport Special District (CPAD). Although CC&Rs are often ignored or given light treatment for commercial properties within the boundaries of certain subdivisions (e.g., predominantly residential districts where design review of private homes is prioritized), CPAD is very unique in its incorporation of a federally recognized airport as its centerpiece and foundational asset of Cameron Park beginning in the early 1960s.

All developed commercial lots within CPAD thus far include hangars and were intended to be compatible with and supportive of the airport. In fact, the commercial properties all along Alhambra Drive, running parallel to the airport runway, were also originally intended to be part of the airport but through some business dealings were sold to non-airport buyers and developed "outside the fence." The Alhambra commercial buildings have not enjoyed strong maintenance and aesthetic upkeep over the years and it is a sincere concern of CPAD that adding another self-storage business will only serve to cause a downward trajectory for the quality of businesses that this immediate area can attract and retain. Alhambra Drive is a regular long-term street-parking location for commercial trucks, abandoned vehicles, and attendant garbage and refuse. Some portions are truly an eyesore. Further, self-storage facilities in and around Cameron Park, Shingle Springs and Rescue are experiencing increasing levels of break-ins and squatting by our growing transient population. All of the subject self-storage enterprises have fences, gates, security but, nevertheless, are attractants to petty criminals and vagrants. With the concentration of self-storage businesses in and around Cameron Park, with the nearest competitor being less than 500 feet distant, CPAD is concerned that the proposed self-storage operation will make aircraft domiciled at the Cameron Park Airport and adjacent residential properties vulnerable to similar unwanted behavior.

¹¹ See El Dorado County ALUCP, Section 4.4.3

The limitations imposed on the subject project parcels by the referenced federal and state rules were acknowledged and accepted by the chain of former owners as an attribute of these aviation-amenable properties. The CPAD Air District CC&Rs to which the subject parcels are attached were developed and implemented from the district's formation with this eventuality in mind.

Mitigation Measures to Reduce Harm to Surrounding Environment, Businesses and Residents

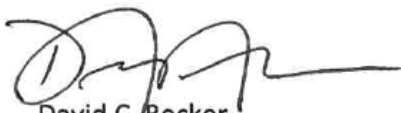
CPAD is concerned that short and long term deleterious harm will be brought to the immediate area and Cameron Park, in general, if the project is approved as presently proposed. The County should consider the broader implications that will flow from the project. At a minimum, CPAD urges the County to:

- Condition any proposed plan on the proponent protecting the imaginary surfaces defining the Airport Critical Airspace Protection Zone from obstruction penetrations
- Condition the proposed plan on removing the access ramp and pavement between the west side of the project parcels and taxiway
- Condition the proposed plan on proponent completing a hydrological survey to sufficiently guide mitigates necessary for impacts of diverted stormwater and groundwater runoff
- Condition any proposed plan on proponent demonstrating that proposed structures and associated lighting will not cause unsafe conditions for aircraft as defined by the El Dorado County ALUCP and associated FAA guidance
- Condition the proposed plan on proponent demonstrating that no economic harm flowing from over-saturation of self-storage businesses concentrated in Cameron Park will lead to erosion of the Cameron Park Airport's utility and value to the surrounding community; will not cause or otherwise enable blight along Cameron Park's main thoroughfare; will not attract or assist transient individuals to encamp along Cameron Park Drive; and will not be a contributing source of visually unappealing build-out.

The CPAD appreciates the opportunity to comment on this design review application and requests that it be provided timely notice of all matters pertaining to this project.

Respectfully Submitted,

Cameron Park Airport District



David C. Becker
General Counsel to CPAD



Burl A. Skaggs
CPAD Board President

TSA Guidelines for General Aviation Airport Operators and Users, Section 6.3.7

Clear areas - security effectiveness of perimeter fencing is materially improved by the provision of clear areas on both sides of the fence, particularly in the vicinity of the terminal and any other critical facilities. Such clearance areas facilitate surveillance and maintenance of fencing and deny cover to vandals and trespassers. Suggested clear distances range from 10 to 30 feet, within which there should be no climbable objects, trees, utility poles; nor areas with stackable crates, pallets, storage containers, or other materials abutting the fence line. Likewise, the parking of vehicles along the fence line should also be minimized. In addition, landscaping within the clear area should be minimized or eliminated to reduce potential hidden locations for persons, objects, fence damage, and vandalism.

CA PUC 21403

(a) Flight in aircraft over the land and waters of this state is lawful, unless at altitudes below those prescribed by federal authority, or unless conducted so as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the land or waters of another, without his or her consent, is unlawful except in the case of a forced landing or pursuant to Section 21662.1. The owner, lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing.

(b) The landing, takeoff, or taxiing of an aircraft on a public freeway, highway, road, or street is unlawful except in the following cases:

(1) A forced landing.

(2) A landing during a natural disaster or other public emergency if the landing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road, or street.

(3) When the landing, takeoff, or taxiing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road or street.

The prosecution bears the burden of proving that none of the exceptions apply to the act which is alleged to be unlawful.

(c) The right of flight in aircraft includes the right of safe access to public airports, which includes the right of flight within the zone of approach of any public airport without restriction or hazard. The zone of approach of an airport shall conform to the specifications of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, Department of Transportation.

CA PUC 21659

(a) No person shall construct or alter any structure or permit any natural growth to grow at a height which exceeds the obstruction standards set forth in the regulations of the Federal Aviation Administration relating to objects affecting navigable airspace contained in Title 14 of the Code of Federal Regulations, Part 77, Subpart C, unless the Federal Aviation Administration has determined that the construction, alteration, or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation.

(b) Subdivision (a) does not apply to a pole, pole line, distribution or transmission tower, or tower line or substation of a public utility, as specified in Section 21658.

El Dorado County ALUCP Section 2.4.3

2.4.3. Interim Mandatory Referral of Major Land Use Actions: In addition to the actions listed in Policies 2.4.1 and 2.4.2 for which referral to the ALUC is always required, referral of certain other actions is mandatory as follows. (a) During the interim mandatory review period, all “Major Land Use Actions” of the types listed in Policy 2.4.5 are required to be referred to the ALUC for review. Referral of lesser actions of types not included on the list is optional.¹⁹ (b) Referral of Major Land Use Actions” is mandatory only until such time as:

El Dorado County ALUCP Section 4.4.3

4.4.3. Other Flight Hazards: Land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft in flight or taking off or landing at the airport shall be allowed within the airport influence area only if the uses are consistent with FAA rules and regulations. (a) Specific characteristics to be avoided include: (1) Sources of glare (such as from mirrored or other highly reflective buildings or building features) or bright lights (including search lights and laser light displays); (2) Distracting lights that could be mistaken for airport lights; (3) Sources of dust, steam, or smoke that may impair pilots’ vision; (4) Sources of steam or other emissions that cause thermal plumes or other forms of unstable air;