



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

Michael J. Johnson, AICP
Planning Director

TO: Board of Supervisors

FROM: Michael J. Johnson, Planning Director

DATE: June 12, 2007

SUBJECT: Parkside Nazarene Church and Legacy Christian School (PCPM 2006 0608) ALUC Case No.: 2006/2007 -- 05

PROPOSAL

Staff is recommending that the September 9, 2006 Placer County Airport Land Use Commission (ALUC) determination that a proposed middle school at the Parkside Nazarene Church was incompatible with the Placer County Airport Land Use Compatibility Plan (ALUCP) be overruled and the project approved.

BACKGROUND

In January 1993, the Placer County Zoning Administrator approved a Conditional Use Permit (CUP-1625) for a church facility on a ±10.3 acre site on Richardson Drive in the North Auburn area. The Use Permit approved a facility consisting of a sanctuary, Christian education facilities and two parsonages. Construction on the Parkside Nazarene Church commenced in 1995 and was completed in phases in 1999. In addition to Sunday services (average attendance is 400 people), the church facility is used for Vacation Bible School in the summer and an annual Harvest Festival. In addition, the classrooms are utilized on an on-going basis for seminars and training for the Sheriff's Department and the Department of Education.

Condition 2 of the original Use Permit does not allow for day-care, nursery school, or full-time grammar, middle or high school use, except that normally associated with and incidental to regular church services (Sunday school, bible school, child care during services, etc.).

On September 7, 2006, the Placer County Zoning Administrator considered a request from the Parkside Nazarene Church in the North Auburn area to modify their Conditional Use Permit (CUP-1625) to allow for Legacy Christian School, a middle school of up to 80 students and five staff that would utilize existing church facilities during the normal school week. The Zoning Administrator considered reports from staff and testimony from Tony Graupensperger, a representative of the church, and took action to approve the Use Permit modification. During the hearing, the Zoning Administrator learned that the project was within Compatibility Zone C1 of the Auburn

Municipal Airport. He directed that an additional condition (Condition 7) be included in the Use Permit, requiring the applicant submit proof of review and approval by the Placer County Airport Land Use Commission (ALUC).

AIRPORT LAND USE COMMISSION (ALUC) AUTHORITY

California Public Utility Code §21670 authorizes the creation of airport land use commissions, which are responsible for the protection of public health, safety and welfare within areas around public airports. These commissions accomplish this task through the adoption of land use measures that are designed to minimize the public's exposure to excessive noise and safety hazards. The Placer County Airport Land Use Compatibility Plan (ALUCP), adopted by the Placer County Airport Land Use Commission (ALUC) in October 2000, establishes land use compatibility criteria for development within the areas surrounding the public-use airports in the County.

After the adoption of a plan, a local agency need only refer projects to the Commission for approval as defined by the plan itself. (See Public Utilities Code Section 21675.5[b].) The plan outlines which projects are still reviewed by the Commission in section 1.5.2. Within that section Commission review of projects is required for any "major projects", which is defined in Section 1.5.3(d) as including any land use action that is "involving a question of compatibility with airport activities." In conclusion, based on state law and the Placer County Airport Land Use Compatibility Plan, the ALUC is required to take action on the approval of this use permit modification request.

PLACER COUNTY AIRPORT LAND USE COMMISSION STAFF REVIEW AND COMMISSION ACTION

On September 12, 2006, consistent with Condition 7, the applicant formally requested that the Placer County ALUC staff review the school project. Included in this application was a letter from Mr. Graupensperger that described the existing church facilities and the existing and proposed uses of these facilities.

In response to the applicant's request, the ALUC completed a Request for Staff Review on September 13, 2006. The Background section in the Staff Review summarizes the activities at the Zoning Administrator hearing earlier in the month. Also included in this section is a short discussion of statements from the applicant that "he was unaware" that the project site was within an airport overflight area and that, given the number of students anticipated at the facility (80 students), the student density (students/acre) would be very low. Mr. Graupensperger also stressed that there was some urgency associated with his request as certain fees had already been paid and that the church was planning for classes to begin shortly.

In their review of the project, ALUC staff commented that the proposed Nazarene Church junior high school site is within the influence area boundary of the Auburn Municipal Airport. As such, the project is subject to the specific land use compatibility criteria related to noise and safety as well as the protection of airspace and aircraft overflight as detailed in the Placer County Airport Land Use Compatibility Plan (ALUCP). The project is located in Compatibility Zone C1 (Extended Approach/Departure Corridor and Primary Traffic Pattern), an area where approximately 80

percent of aircraft flights are estimated to occur (including take-offs to the west). The compatibility criteria of the Plan for this Zone establish a maximum allowable density/intensity of 75 persons per acre on average, or 150 persons per single acre, and prohibit land uses such as children's schools, hospitals and nursing homes.

As the ALUC states in their Staff Review for the project, land uses that were established before the adoption of the current ALUCP are not subject to the provisions of the Plan. Any land uses that are proposed subsequent to the adoption of the Plan, however, are required to be found consistent with the Plan, prior to local agency approval.

In reviewing the school project, ALUC staff found that:

- the proposed use is outside of the airport's noise contours and is consistent with the noise provisions of the Airport Land Use Compatibility Plan (ALUCP);
- the proposed use will utilize the existing church facilities on the site, none of which exceed 70 feet in height, and is consistent with the ALUCP airspace protection provisions;
- with a recorded deed notice (buyer's awareness disclosure), the proposed project is consistent with ALUCP overflight provisions; and
- the proposed school is a prohibited use within Compatibility Zone C1 and is not consistent with the safety provisions of the ALUCP.

COMMISSION ACTION

At a public hearing on September 27, 2006, the ALUC considered the information provided by the project proponent and the analysis conducted by ALUC staff regarding the Legacy Christian School. The ALUC determined that children's schools are specifically prohibited by the ALUCP in Compatibility Zone C1 and that the proposed junior high school use was not consistent with the ALUCP. On October 3, 2006, the Parkside Nazarene Church submitted a letter of appeal of the ALUC decision to the Placer County Board of Supervisors.

APPEAL PROCESS

In order for the County Board of Supervisors to overrule the decision of the Placer County Airport Land Use Commission (ALUC), the Board is required to make specific findings of fact supported by substantial evidence. The essential substance of the findings which accompany the Board's overruling of an ALUC decision is indicated in the ALUC statutes, specifically that the findings must demonstrate that the proposed action "is consistent with the purposes" of the statutes as set forth in Section 21670. As stated in Section 21670(a), the purposes of this legislation are:

1. "...to provide for the orderly development of each public use airport in this state..."
2. "...to provide for the orderly development of...the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards..."
3. "...to provide for the orderly development of...the area surrounding these airports so as to prevent the creation of new noise and safety problems..."
4. "...to protect the public health, safety, and welfare by ensuring the orderly expansion of airports..."
5. "...to protect the public health, safety, and welfare by...the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses."

FINDINGS

The findings that accompany an overruling do not necessarily need to address each of the purposes of the statutes on a point by point basis. What is essential is that the findings, collectively, address all of the purposes of the statutes. The California Airport Land Use Planning Handbook provides an approach to preparing findings that demonstrate that the proposed Use Permit Modification is consistent with the purposes of the statutes. These findings should document the following:

1. *the provision for the orderly development of the airport and how public health, safety and welfare will be protected by ensuring the orderly expansion of the airport*

In addition to the proposed project, there are several residential developments and recreation, medical and senior facilities in the vicinity of the project site. All of these developments/facilities are within Compatibility Zone C1 of the ALUCP. These include:

Auburn Area Regional Park – a ±58 acre regional park with a lake, disc golf course, tennis courts, softball diamonds and gym located on the east side of Richardson Drive, across the street from the church facility.

Rock Creek Mobile Home Park – an 86-unit residential development on a ±33-acre parcel located on State Route 49, adjacent to and east of the regional park, approximately 800 feet east of the church facility.

Elders Corner Trailer Park – a 51-unit residential development located at the intersection of State Route 49 and Dry Creek Road, adjacent to the Rock Creek Mobile Home Park, approximately 1,200 feet east of the church facility.

Auburn Greens – a residential development of 166 four-plex units south of the regional park, approximately 1400 feet southeast of the church facility.

Miners Station and Snow Cap View Apartments - 176 residential rental units located approximately 1,100 feet south of the church facility.

Chana High School – a public secondary school located on the adjoining parcel south of the church facility.

Sutter Auburn Faith Hospital, Oaks of Auburn, Siena and Emerald Hills – Medical services and senior living facilities that are located approximately 3,000 feet south of the church facility. Although these uses are not consistent with the compatibility criteria for the C1 zone, the ALUCP includes an exception for these and similar future uses on designated parcels in the immediate area.

Elementary schools (grades 1-8) and secondary schools (grades 9-12) are allowed uses, with the approval of a Minor Use Permit, in the RS (Residential Single-family) zone that overlays the church property. The Legacy Christian School project proposes a small (80 student) junior high school (grades 6-9) that will utilize existing classroom space at the Parkside Nazarene Church. The proposed use is both consistent and with the site's zoning and compatible with surrounding land uses.

2. *the relationship of the project to California airport noise standards*

The Placer County Airport Land Use Compatibility Plan provides the projected 2015 airport noise level contours for the Auburn Municipal Airport. The Legacy Christian School project is located over 2,500 feet outside of the 60 dB Ldn CNEL noise contour.

3. *the prevention of creating new noise and safety problems within the airport environs*

Noise

The Placer County General Plan and Auburn Bowman Community Plan Noise Elements set standards for noise exposures from transportation sources, such as airports. In both Plans the maximum allowable noise exposure from a transportation noise source to the outdoor activity area of a church is 60 Ldn/CNEL, and there is no standard for the outdoor activity area of schools. (The Noise Elements in these Plans also have interior noise standards of 40 dB Leq for churches, and 45 dB Leq for schools. Standard construction practices can achieve these indoor noise levels when the exterior transportation noise does not

exceed 60 to 65 dB Ldn.) The proposed school project meets the standards of the both the General Plan and Auburn Bowman Community Plan Noise Elements for airport transportation noise exposures.

The ALUC Staff Report stated that the site is outside of the airport's noise contours and that the proposal is consistent with ALUCP noise provisions. ALUC staff indicated that Compatibility Zone C1 requires a deed notice addressing noise and safety issues. Neither the project proponent nor County staff have any objections to requiring that a deed notice be recorded on the project parcel.

Safety

The ALUC determined that the proposed school is a prohibited use within Compatibility Zone C1 and is not consistent with the safety provisions of the ALUCP. The ALUC Staff Review for the project refers to ALUCP policy (Policy 4.2.3. Land Uses of Particular Concern) as the citation for this determination. This Policy describes and defines a "land use of particular concern" as one in which the effective mobility of the occupants is reduced or the occupants are unable to respond to emergency situations. Children's schools, and other uses such as hospitals, nursing homes, etc., are prohibited. In their finding that the proposed project is not consistent with ALUCP safety provisions, the ALUC determined that the proposed junior high school is a children's school, a use that is a Prohibited Use in the C1 zone.

The ALUCP does not provide a definition of "children's school", however. The 80 students at the proposed school will range in age from 11-14 years, pre-teens and teenagers. It would seem that these students would be somewhat responsible, mobile young people that would be very responsive in emergency situations.

The intensity of land use, measured in people/acre, is one of the Compatibility Criteria considered by the ALUC during their project review process. Generally, the risks associated with aviation incidents are greater for projects that are closer to airports and have a higher intensity of people. The Intensity Criteria for the C1 Zone is:

75 people/acre at any time on the project site (except for rare special events)
150 people/acre on any single acre of the project site

As described, the Chana High School campus is located south of, and adjacent to, the Parkside Nazarene Church site. Since the adoption of the ALUCP in 2000, enrollments at Chana High School have generally increased, as shown in the following table:

<u>Year</u>	<u>Enrollment</u>	<u>Intensity</u>
2000/2001	169 students	24.1 students/ac.
2001/2002	155 students	22.1 students/ac.
2002/2003	203 students	29.0 students/ac.
2003/2004	187 students	26.7 students/ac.
2004/2005	192 students	27.4 students/ac.
2005/2006	169 students	24.1 students/ac.
2006/2007*	231 students (to Jan 31, 2007)	33.0 students/ac.
	186 students average	26.6 students/ac.

The Legacy Christian School proposes a total enrollment of 80 students, with three teachers, a principal and a staff secretary. This represents an Intensity Criteria of 8.3 people/acre, a factor that is significantly below the 75 people/acre criteria for the C1 Zone. The proposed project is consistent with the Maximum Intensity Compatibility Criteria of the ALUCP.

There are several existing residential developments (mobile home parks, apartments, four-plexes and single-family homes) and public/private facilities (Chana High School, Auburn Sutter Auburn Faith Hospital, several senior care facilities and the Regional Park) in the vicinity of the project site. These entities have concentrations of people at intensities that are, in most cases, significantly greater than the intensity that would result from the operation of the proposed school.

4. *the minimization of the public's exposure to excess noise and safety hazards*

Refer to discussions in items 1-3, above.

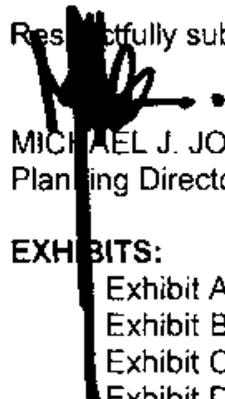
CONCLUSION/RECOMMENDATION

In the September 2006 Staff Report, the ALUC determined that the proposed school project was a prohibited use in the C1 Compatibility Zone and was, therefore, incompatible because of safety. Given the numbers, densities and intensities of surrounding land uses in the same C1 Compatibility Zone, the introduction of 80 junior high school students and five staff members does not represent a significance in risk to the health, safety and welfare.

Staff recommends the Board of Supervisors overrule the determination of the ALUC. The Board may overrule the action of the ALUC if it makes specific findings that the proposed project is consistent with the purpose of California Public Utility Code §21670 (Establishment of county airport land use commissions), which is the protection of the health, safety and welfare through the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards in the vicinity of airports.

If the Board determines that it would like to overturn the ALUC decision, the staff report and documentation of the Board's findings as discussed at the hearing must be circulated to the State Division of Aeronautics and the Placer County Airport Land Use Commission for review. After such review, the Board can take final action.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
Planning Director

EXHIBITS:

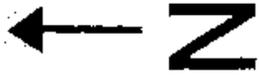
- Exhibit A - Vicinity Map
- Exhibit B - Site Plan
- Exhibit C - Airport and Land Use Commission Map
- Exhibit D - Tony Graupensperger Letter
- Exhibit E - Airport and Land Use Commission Staff Report
- Exhibit F - Airport and Land Use Commission Decision Letter
- Exhibit G - Appeal Letter

cc: Parkside Church of the Nazarene- Applicants
Anthony L. Graupensperger, Attorney
Placer County Transportation Planning Agency
Airport Land Use Commission
Department of Transportation -Division of Aeronautics

Copies Sent by Planning:
Phil Frantz - Engineering and Surveying Department
Dana Wyringer - Environmental Health Services
Building Department
Brent Backus - Air Pollution Control District
Christa Darlington - County Counsel
Michael Johnson - Planning Director
Michael Wells - Supervising Planner
Subject/chrono files

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Parkside Campus

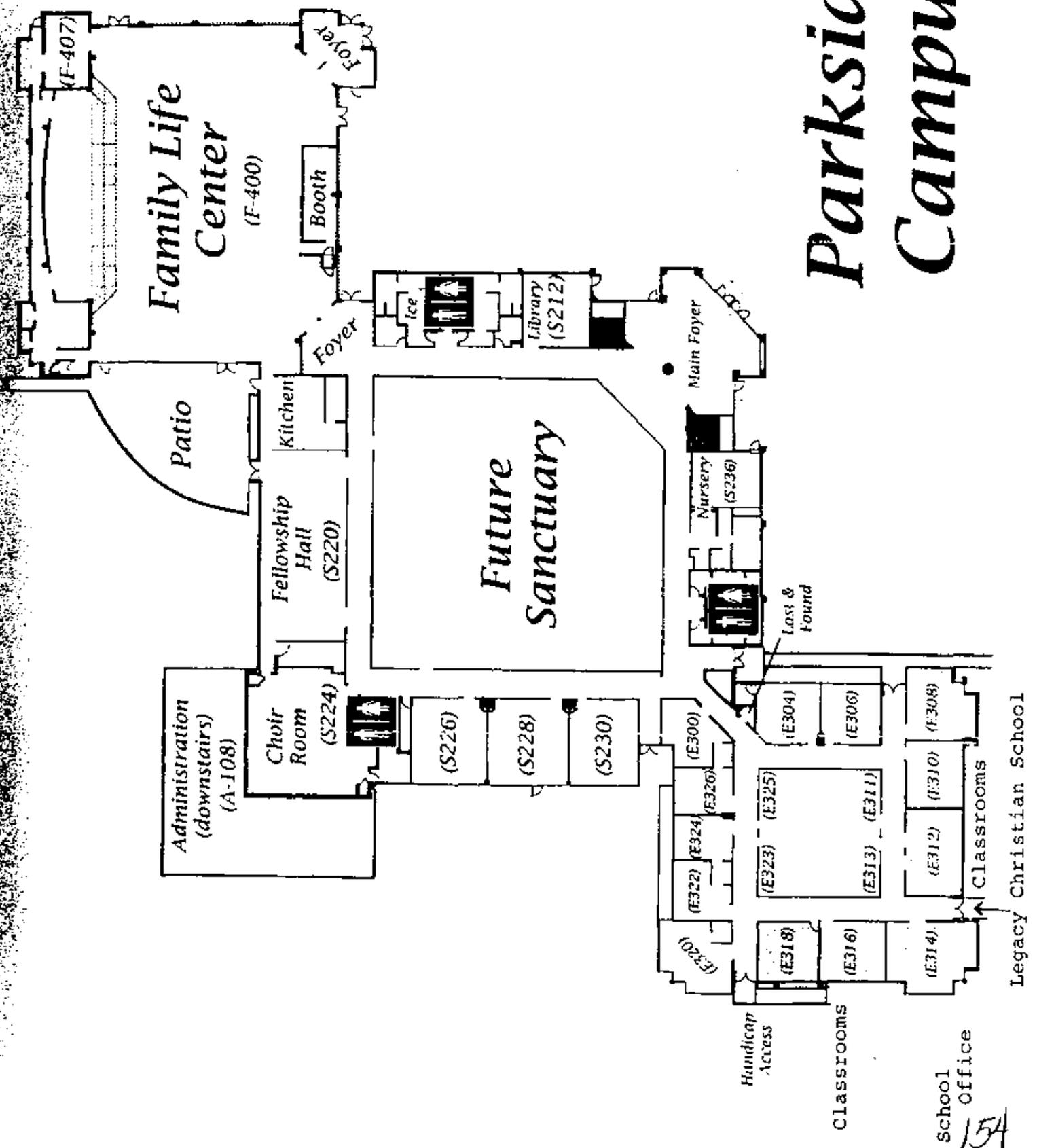
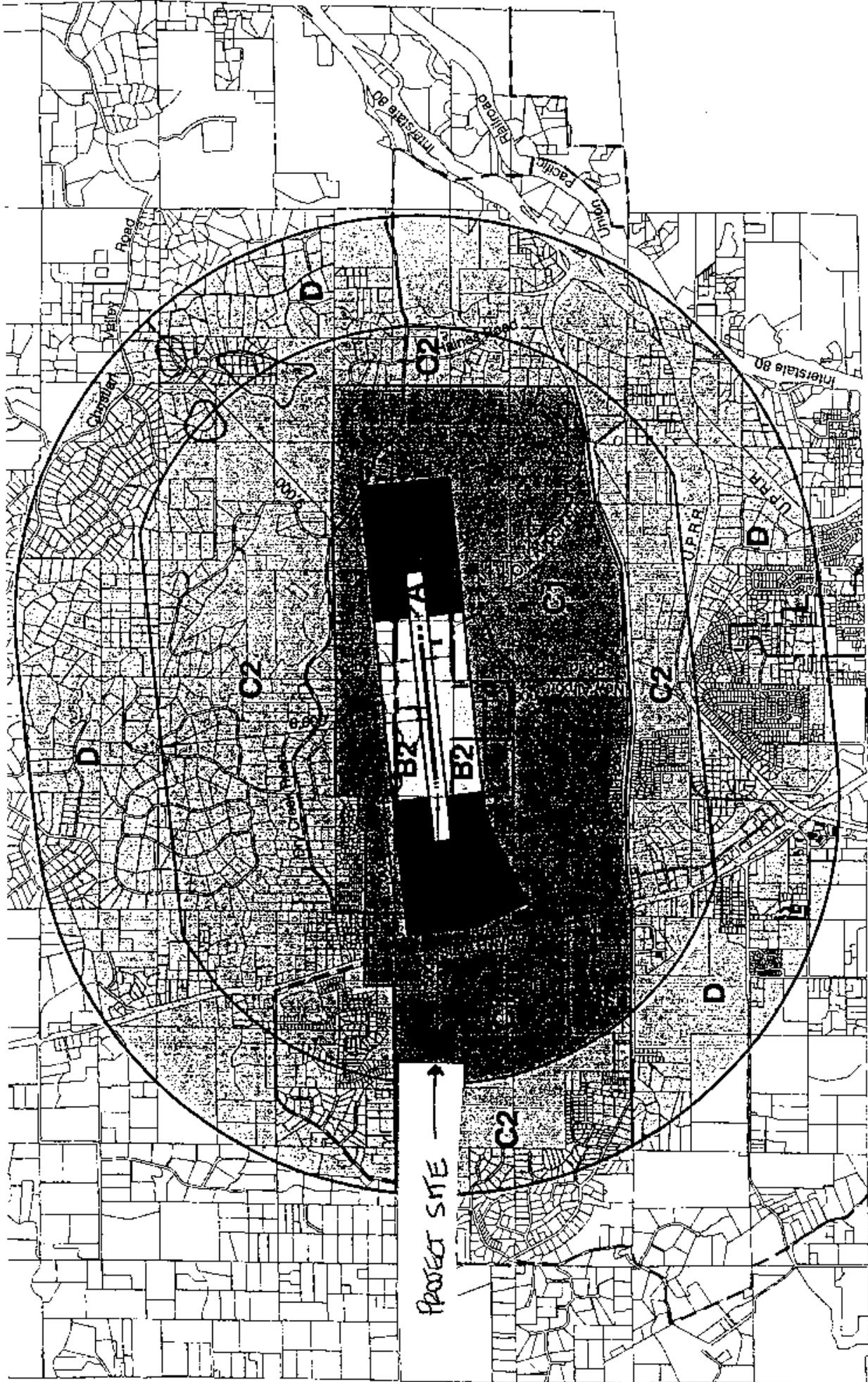


EXHIBIT B



R: 9.12.06

TONY GRAUPENSPERGER

CERTIFIED PUBLIC ACCOUNTANT

ATTORNEY AT LAW

1300 LINCOLN WAY, SUITE A • AUBURN, CA 95603-5007

(530) 888-0511 • FAX (530) 888-0921

graups@foothill.net

Stan Tidman
Placer County Transportation Agency
299 Nevada Street
Auburn, CA 95603

Re: Parkside Nazarene Church
Legacy Christian School

Dear Mr. Tidman:

I am the Attorney and CFO for Parkside Church of the Nazarene, a California Nonprofit Corporation, located on approximately ten (10) acres at 3885 Richardson Drive in Auburn, California. Our Church facility is one of the largest buildings in the Auburn area and was completed and dedicated on September 26, 1999.

The Church facility built by Haldeman Homes Inc. of Auburn is comprised of three diamond-shaped buildings. The front building is a full-purpose gymnasium that is currently being used as our Church Sanctuary and contains a basketball court and stage with related lighting and sound equipment. The center diamond is our future Church Sanctuary the is fully enclosed, dry-walled and roofed. It is currently unused but is surrounded on the North side by a full-serve kitchen and fellowship hall and on the South side by classrooms and bathrooms. Underneath the main floor of the middle diamond in our Administration Offices for Secretary and Pastors. It is accessible only from the North side. The third and final diamond is our Education Building with existing classrooms for Sunday School and Youth programs. All buildings or diamonds are connected by hallways to form one complete building.

As a way to reach out to the community and to stimulate growth for our Church and Youth programs, Parkside has partnered with the former principal and several former teachers from Calvary Chapel Christian School of Auburn, to start a Christian Junior High School in the Education Building of our church facility. For liability reasons we have incorporated as Legacy Christian School which is a California Nonprofit Corporation. Parkside has all of the necessary fire alarms, exit and emergency signage, and doorways necessary to receive an occupancy rating from the county of an E-1. To receive the necessary license to open the

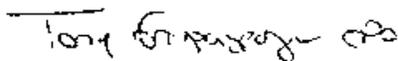
school, I on behalf of the Board of Directors, filed a modification of the existing use permit (PCPM 20060608) to allow the school to open in the existing buildings. No new construction was asked for or is needed. The modification of the permit requested of the County is limited to a junior high school and only for grades 6-9. Each class is limited to twenty (20) children for a total of 80 students. There will be 3 teachers, 1 principal and 1 secretary for a total of 5 employees. Existing parking space is ample for the employees and occasional parent. The hours of operation will be from 8:00 AM until 3:30 PM Monday – Friday so as not to conflict with Chana High School adjacent to the Church whose hours of operation are from 8:30 AM until 2:30 PM. Parents will enter the facility on the North side, drive around the back of the facility and drop their kids off at the school door and exit on the South side of the building.

Our Church is a Nazarene Christian Church with membership and regular attenders of between 400 to 500 on any given Sunday. Our Church service is at 9:00 AM on Sunday mornings and Sunday School follows at 10:30 AM. Our children and youth Sunday School classes total approximately 200 per Sunday. Their classes are held in the Education Building. Adult Sunday School classes are approximately 200 per Sunday and are held in the classrooms and Fellowship Hall around the future Sanctuary in the middle diamond building.

Currently we are staffed by a Youth Pastor and Secretary and two part-time janitorial and maintenance workers. We are seeking to hire a full-time Senior Pastor and are in the interviewing process right now. The church facility is not used during the day on Monday through Friday except for an occasional funeral. Evening use during the week includes Celebrate Recovery and AA meetings and the use of our shower facilities by The Gathering Inn, a community outreach program for the homeless in our area. Parkside has always been available and used for County functions including funerals for slain peace officers, training facilities for the Sheriff and Deputies and testing facilities for Chana High School and Placer County Adult Education classes. We also are used at every election as a polling place for the area.

All permits, fees and conditions have been met for the opening of the school slated for September 25. I am enclosing maps and site plans for your records and am available at any time should anything further be needed. I can be reached at my office at (530) 888-0511 or my home (530) 888-0898. Thank you for your help in this matter.

Sincerely,



Tony Graupensperger

RECEIVED
SEP 15 2006

REQUEST FOR STAFF REVIEW

PLANNING DEPT.

**PLACER COUNTY
AIRPORT LAND USE COMMISSION (ALUC)**

299 Nevada Street
Auburn, CA 95603

Phone: 530.823.4030
Fax: 530.823.4036

Date Received: 9.12.2006
Received From: Tony Graupensperger
Airport Name: Auburn Municipal Airport
ALUC Case No.: 2006/2007 -- 05

Project Title: Parkside Nazarene Church – Legacy Christian School (PCPM 2006 0608)

Project Description: Request to modify Conditional Use Permit (CUP-1625) to allow for a new junior high school for up to 80 students in an existing church facility on a 10-acre parcel at 3885 Richardson Drive – between Dry Creek Road and Park Drive (APN 051-210-096) in north Auburn.

Application for: Rezone General/Community Plan Amendment Other

Background

On September 11, Supervisor Jim Holmes inquired about the Zoning Administrator's staff report and the site's proximity to the airport. On September 12, ALUC staff learned the following data:

- Placer County Community Development Resource Agency (CDRA) staff informed the ALUC that the proposal was considered by the Zoning Administrator on September 7. During the Zoning Administrator's review, it was pointed out that the site is in the airport's influence boundary area. The required airport land use compatibility review had not been requested prior to the hearing.

Because there were no other significant issues, the proposal was approved, conditional to the recommendations in the staff report. An additional condition was added at the hearing, specifying that prior to certificate of occupancy, the applicant is to submit proof of review and approval of the project by the Airport Land Use Commission (ALUC).

- Prior to the Zoning Administrator hearing on September 7, the applicant was unaware that the site is located in the airport area. The applicant felt that the number of proposed students to the size of the parcel would result in a low ratio of people per acre over the site. All the required fees had been paid. Because classes were planned to start soon, there is some urgency to resolving the situation.

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**PLACER COUNTY
AIRPORT LAND USE COMMISSION**

ALUC staff provided the applicant with background on the ALUC and airport land use compatibility issues. This summary included:

- ✓ Children's schools are prohibited in the area where the existing church is located.
- ✓ Formal airport compatibility reviews for proposals within the Auburn Municipal Airport's influence boundary area are prepared by ALUC staff via referrals from Placer County for proposed discretionary reviews.
- ✓ The airport land use compatibility provisions have no authority over existing uses. They do not apply to existing uses, such as the church, even when there may be large concentrations of people on site.

The applicant agreed to provide background on the existing and proposed uses (see T. Graupensperger letter -- attached). The applicant also inquired about appeals to the Placer County Board of Supervisors. The ALUC appeal process and criteria were outlined (see following Safety discussion).

ALUC Staff Comments

The project site is approximately 5,500' from the airport runway's west end. The October 2000 Placer County Airport Land Use Compatibility Plan (ALUCP), illustrates that the site is in the Auburn Municipal Airport's influence area boundary (see attached map)¹. The ALUCP establishes land use compatibility criteria and zones based on noise, safety, airspace protection, and overflight provisions. One airport Compatibility Zone (Figure 3A and Compatibility Zone Boundary descriptions – pages 3-4/5) lies over the site.

- Compatibility Zone C1 -- the Extended Approach/Departure Corridor. This zone covers locations beneath the predominately used south-side traffic pattern. The zone is affected by moderate degrees of both noise and risk.

Primary Compatibility Criteria (Table 2A) summarizes maximum density/use intensity, prohibited uses, and other development conditions. Compatibility Factors Map (Exhibit 4H) illustrates the site is in:

- General Traffic Pattern Envelope/Flight Direction. This is an area where approximately 80% of aircraft overflights are estimated to occur.
- Aircraft Departure Accident Risk Intensity Contours – for take-offs to the west.

The ALUCP has no authority over land uses established prior to its adoption. The ALUCP requires that an ALUC consistency determination be completed on a proposed project before local agency approval.

Note. State law requires each local agency with jurisdiction for land uses within an ALUC's planning area to modify its general plan and specific (community) plans to be consistent with an airport land use compatibility plan. To date, Placer County has not completed this requirement.

¹ See PCTPA's web site (www.pctpa.org) for more on the ALUCP.

ALUC Staff Evaluation

1. **Noise.** The site is outside of the airport's noise contours.

The proposal is consistent with ALUCP noise provisions.

2. **Safety.** The intent of land use safety compatibility criteria is to minimize the risks associated with an off-airport aircraft accident or emergency landing (Policy 4.2.1):

a. Risks both to people and property in the vicinity of an airport and to people on board the aircraft shall be considered.

b. More stringent land use controls shall be applied to areas with greater potential risk.

Policy 4.2.3 cites land uses of particular concern are ones in which the occupants have reduced effective mobility or are unable to respond to emergency situations. Children's schools and day care centers (with 7 or more children), hospitals, nursing homes, and other uses in which the majority of occupants are children, elderly, and/or handicapped shall be prohibited within all compatibility zones except Zone D.

The proposed junior high school is a prohibited use in Compatibility Zone C1. The existing church's and the proposed junior high school's use intensity² is not factor in the consistency determination.

The proposal is not consistent with ALUCP safety provisions.^{3 4}

² Use intensity is a general planning guideline to aid in determining the acceptability of proposed land uses. The ALUCP specifies that use intensity in unincorporated Placer County is to be calculated based on required off-street parking spaces (Primary Compatibility Criteria – Table 2A, Appendix C, and Appendix D). In addition, a site's 'gross acreage' is used to determine use intensity. This gross acreage is the parcel area plus one half of the fronting street.

³ Two sections of the Education Code (17215 and 81033) require that the Department of Transportation investigate and make recommendations regarding acquisition of property for school and community college sites near airports. Specifically, before a district can acquire property for a school or community college site that would be within two miles of an airport runway or potential runway included in an airport master plan, the Department must investigate and submit a report of its findings regarding the acquisition. This requirement also applies to additions to an existing site. The primary factors considered in the site analysis are aircraft accident exposure and aircraft noise. Comments are to be requested from the ALUC. Input from the ALUC and compatibility criteria established in an adopted plan weigh heavily in the Department's final report and recommendation of the suitability of the proposed acquisition (California Airport Land use Planning Handbook -- January 2002 – pages 5-12 & 5-13).

⁴ The Handbook (page 3-6) also cites that highly risk-sensitive uses such as schools hospitals, and other uses in which the mobility of occupants is effectively limited – should be avoided near the ends of runways regardless of the number of people involved.

**PLACER COUNTY
AIRPORT LAND USE COMMISSION**

Note. If the ALUC staff determines a proposal is inconsistent with the ALUCP, the proposal is automatically forwarded to the full Commission for a consistency determination via a noticed public hearing. ALUCP Policy 2.4.4(e) outlines the criteria for the Commission to act on specific situations where normally incompatible uses can be considered compatible. Factors to be considered include site terrain, specific location, or other extraordinary circumstances.

An applicant is responsible for demonstrating these special conditions apply. An applicant may wish to check with an aviation or land use consultant to develop information that would help the ALUC to make a determination.

If the Commission makes a decision to approve a request, it is required to make specific findings as to why an exception is being made – specifically that the proposal will not:

- Create a safety hazard to people on the ground or aircraft in flight,
- Result in excessive noise exposure, and
- The nature of the extraordinary circumstance.

A local jurisdiction may 'override' an ALUC decision based on the following mandatory steps:

- Providing the proposed decision to the ALUC and Division of Aeronautics at least 45 days prior to a final decision. The ALUC and Caltrans are authorized to make advisory comments within 30 days of receiving the proposed decision and findings. Advisory comments are to be included in the final record of any decision to overrule the Commission.
- Holding a public hearing.
- Making specific findings that the proposed action is consistent with the purposes of the ALUC statute.
- Approving the proposed action by a two-thirds vote of the agency's governing body.

3. Airspace Protection. Compatibility Zone C1 requires an airspace review by ALUC staff for structures greater than 70'-high. Federal Aviation Administration (FAA) notice for objects greater than this height may also be required. The proposed school would be located in an existing church building. No elevations were submitted.

If no structures exceed 70', the proposal would be consistent with ALUCP airspace protection provisions.

4. Overflights. Overflight compatibility concerns encompass a combination of noise and safety issues. Compatibility Zone C1 requires that a deed notice (a buyer's awareness disclosure) be recorded for each parcel associated with any discretionary land use action reviewed by the ALUC. A sample deed notice is attached.

With the recorded deed notice, the proposal is consistent with ALUCP overflight provisions.

**PLACER COUNTY
AIRPORT LAND USE COMMISSION**

General Note: the ALUC staff recommends that anyone intending to offer land for sale or lease within the airport's influence area to disclose this fact. California's Business and Professions Code (Section 11010) and the Civil Code (Sections 1102.6, 1103.4, and 1353) specify required disclosure for certain actions. See www.leginfo.ca.gov/calaw (Find California Law).

Applicable ALUC Plan:

Placer County Airport Land Use Compatibility Plan – October 25, 2000

Applicable ALUC Policy: Safety Noise Height Density/Intensity

Compatible

Compatible subject to Conditions (see ALUC staff comments)

Incompatible because of –

Safety

Noise

Height

Density/Intensity

Reviewed by:

Date:

Stan Tidman, Sr. Planner -- TEL: 530.823.4033

September 13, 2006

Copies:	Applicant	Tony Graupensperger
	Placer County	Jim Holmes, Placer County Board of Supervisors Gerry Haas, Community Development Resources Agency
	City of Auburn	Jerry Martin, Auburn Municipal Airport Manager Jack Warren, Public Works Director Will Wong, Community Development Director
	PCTPA/ALUC	Celia McAdam

DONOR: PARKSIDE NAZARENE CHURCH (Celia McAdam) MILLER & MILLER
AUGUST 10, 2006



PLACER COUNTY
TRANSPORTATION
PLANNING AGENCY

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Placer County
RON MCINTYRE
Citizen Representative
CELIA MCADAM
Executive Director

September 28, 2006

Tony Graupensperger
1300 Lincoln Way, Suite A
Auburn, CA 95603-5007

**RE: Placer County Airport Land Use Commission
Consistency Determination –
Parkside Nazarene Church – Proposed Junior High School**

Dear Mr. Graupensperger:

Placer County Transportation Planning Agency (PCTPA) acts as the Placer County Airport Land Use Commission (ALUC) for the three public use airports in Placer County – Auburn Municipal Airport, Blue Canyon Airport, and Lincoln Regional Airport.

The Placer County Airport Land Use Compatibility Plan (ALUCP) was adopted by the ALUC in October 2000. The Airport Compatibility Plan establishes land use compatibility criteria and zones based on noise, safety, airspace protection and overflight provisions.

On September 27, 2006, via a noticed public hearing, the ALUC determined that the junior high school proposed to be located in the existing church facility is not consistent with the ALUCP. This consistency determination was based on children's schools are specifically prohibited by the ALUCP in Compatibility Zone C1 (Extended Approach/Departure Zone & Primary Traffic Pattern).

Various sections of ALUC statutes (Public Utilities Code) provide for local agencies to overrule (or override) ALUC decisions. The overruling process involves several mandatory steps. These include:

1. Providing a 45-day notice (effective January 2004) of a proposed decision to the California Department of Transportation (Division of Aeronautics) and the local ALUC. The Division and the ALUC are authorized to make advisory comments within 30 days of receiving the proposed decision and findings. Any comments from these agencies must be included in the final record of a decision to overrule the ALUC.
2. Holding a public hearing.

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3. Making specific findings that the action proposed is consistent with the purposes of the ALUC statute (Public Utilities Code Section 21670 – Aeronautics Law).
4. Approving a proposal by a two-thirds vote of the governing body.

In the case of the Proposed Junior High School – Parkside Nazarene Church proposal, the governing body to which your request for appeal should be directed would be the Placer County Board of Supervisors via the County's Planning Department. The County would then follow the procedures noted above and place the item on a future agenda for consideration.

For more background on overruling ALUC decisions, see *California Airport Land Use Planning Handbook* – pages 5-15/5-19 (January 2002).

Thank you for participating in yesterday's public hearing. Please contact Stan Tidman at 823.4033 or myself (823.4030) if you have any questions.

Sincerely,



ss.

Celia McAdam, AICP
Executive Director

Copies:

- Airport Land Use Commission
- Nancy Miller - Miller, Owen & Trost
- City of Auburn –
 - Jerry Martin, Airport Manager
 - Jack Warren, Public Works Director
 - Will Wong, Community Development Director
- Placer County –
 - Gerry Haas, Assistant Planner
 - Michael Johnson, Planning Director
 - Dean Prigmore, Zoning Administrator
- California Department of Transportation – Division of Aeronautics --
 - Joanne McDermott (ALUC Liaison)

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TONY GRAUPENSPERGER

CERTIFIED PUBLIC ACCOUNTANT
ATTORNEY AT LAW

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(530) 888-0511 • FAX (530) 888-0921
graups@foothill.net

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CLERK OF THE
BOARD OF SUPERVISORS

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COUNTY COUNSEL

October 3, 2006

Placer County Board of Supervisors
175 Fulweiller Avenue
Auburn, CA 95603

Re: Parkside Nazarene Church
Legacy Christian School

On behalf of Parkside Nazarene Church and Legacy Christian School, I respectfully appeal the decision made by the Placer County Transportation Agency (PCTPA) acting as the Placer County Airport Land Use Commission (ALUC) on September 27, 2006 to rate the above-referenced School as inconsistent with the Placer County Airport Land Use Compatibility Plan (ALUCP) due to safety concerns.

In addition, if our appeal is denied, I respectfully request that the Board of Supervisors order Placer County to reimburse the Parkside Nazarene Church the fees paid to Placer County in anticipation of our project being approved, in accordance with the recommendation made by the ALUC on September 27, 2006.

I would be available to appear at the earliest possible Board meeting either in Auburn or at Lake Tahoe. If you have any questions, please do not hesitate to contact me.

Sincerely,

Tony Graupensperger CFO

Tony Graupensperger CFO
Parkside Nazarene Church

