

ARTICLE 39

SEC. 21-39 REGULATIONS FOR THE AIRPORT APPROACH OR "AA" COMBINING DISTRICT

- 39.1 Purpose:** To regulate and restrict the height of structures and objects of natural growth in the vicinity of the County's airports, to promote public safety and compatibility of adjacent uses with air navigation, and to establish approach, conical, horizontal and transition zones in the vicinity of County airports.

Within the "AA" combining district, all uses of land shall comply with the regulations of the base zoning district and with the additional regulations of the "AA" combining district.

- 39.2 Applicability:** This district may be combined with all base zoning districts located in an Airport zone.

39.3 Findings:

- (a) This ordinance is adopted pursuant to the authority conferred by Section 50485 et. seq. of the Government Code. It is hereby found that an airport hazard has the potential for endangering the lives and property of users of the County's airports, and property or occupants of land in their vicinity; that an obstruction may affect future instrument approach minimums; and that an obstruction may reduce the size or areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the County's airports and the public investment therein.

39.4 Definitions:

- (a) County airport: Lampson or Pearce Airport
- (b) Airport elevation: Lampson - 1,368 feet above mean sea level.
Pearce - 1,385 feet above mean sea level.
- (c) Approach surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 39.6 of this Article. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
- (d) Conical surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of three thousand (3,000) feet.
- (e) Hazard to air navigation: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- (f) Height: For the purpose of determining the height limits in all airport zones set forth in this Article and shown on the sectional district zoning map, the datum shall be mean sea level elevation unless otherwise specified.

- (g) Horizontal surface: A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- (h) Non-conforming use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Article or an amendment thereto.
- (i) Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 39.6 of this Article.
- (j) Primary surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 39.5(a) of this Article. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (k) Runway: A defined area on an airport prepared for landing and take-off of aircraft along its length.
- (l) Structure: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
- (m) Transitional surfaces: These surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary approach surfaces to where they intersect the horizontal and conical surfaces.
- (n) Tree: Any object of natural growth.
- (o) Utility runway: A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.
- (p) Visual runway: A runway intended solely for the operation of aircraft using visual approach procedures.

39.5 Establishment of airport zones:

- (a) Airport zones: In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the County's airports. Said airport zoning shall be adopted in the manner provided in Government Code Section 50485.5. Such zones are shown on the Official Airport Zoning Maps (sectional district map) as created by County

Ordinance #982 adopted in August 1976, for Lampson Airport and Ordinance #887 adopted on April 26, 1976, for Pearce Airport and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Non-instrument approach zone: The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. Transitional zone: The transitional zone is the area beneath the transitional surface.
3. Horizontal zone: The horizontal zone is established by swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
4. Conical zone: The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of three thousand (3,000) feet.

39.6 Airport zone height limitations: Except as otherwise provided in this Article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grown in any zone created by this Article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (a) Utility runway visual approach zone: Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
- (b) Transitional zones: Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation which is 1,365 feet above mean sea level for Lampson and one thousand three hundred and eighty five (1,385) feet above mean sea level for Pearce. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
- (c) Horizontal zone: Established at one hundred fifty (150) feet above the airport elevation.

- (d) Conical zone: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
- (e) Excepted height limitations: Nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land.

39.7 Use restrictions:

- (a) Notwithstanding any other provisions of this Article, no use may be made of land or water within any zone established by this Article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- (b) New land uses, structures and/or planting of vegetation within this district shall be consistent with the criteria of the adopted Lake County Airport Land Use Compatibility Plan. **(Ord. No. 2172, 8/12/1993)**

39.8 Non-conforming uses:

- (a) Regulations not retroactive: The regulations prescribed by this Article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Article, or otherwise interfere with the continuance of a non-conforming use. Before any non-conforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or replanted, a permit must be secured from the Zoning Administrator.
- (b) No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming structure or tree or non-conforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made.

39.9 Permits:

- (a) Future uses: Except as specifically provided in Subsections 1, 2, and 3 hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such

determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Article shall be granted unless a variance has been approved in accordance with Section 39.9(c).

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
2. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Article except as set forth in Section 39.6(e).

- (b) Existing uses: No permit shall be granted that would allow the establishment or creation of an obstruction or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Article or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- (c) Variances: Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Article, may apply to the Zoning Administrator for a variance permit from such regulations. The application for variance shall be accompanied by a notice of intent and determination from the Federal Aviation Administration (in accordance with Title 14, Code of Federal Regulations, page 77) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Article. Additionally, no application for variance to the requirements of this Article may be considered by the Zoning Administrator unless a copy of the application has been furnished to

the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the Zoning Administrator may act on his own to grant or deny said application.

- (d) Obstruction marking and lighting: Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Zoning Administrator, this condition may be modified to require the owner to permit the County, at its own expense, to install, operate, and maintain the necessary markings and lights.

39.10 Enforcement: The Planning Director of Lake County is hereby designated the Administrator, charged with the duty of administering and enforcing the regulations herein described.

- (a) The duties of the Planning Director shall include that of reviewing all applications for building permits within the approach, horizontal, conical and transition zones of all airports in the County of Lake.

39.11 Conflicting regulations: In the event of conflict between this Article and any regulations applicable to the same area or parcel of land, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, and whether such other regulations were adopted by the County of Lake or by some other public agency, the more stringent limitations or requirements shall govern and prevail.

39.12 Notice of aircraft overflights: Where a building designed for residential occupancy is to be located on property within this district, prior to issuance of a zoning clearance, the owner(s) of the property shall be required to sign a statement of acknowledgement of the following statement on a form approved by the Planning Department: "This property is in the area subject to overflights by aircraft using a county airport, and as a result, residents may experience inconvenience, annoyance or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et. seq.) establishes the importance of public use airports and protection of the public interest of the people of the State of California. Residents of property near a public use airport should therefore be prepared to accept such inconvenience, annoyance or discomfort from normal aircraft operations. Any subsequent deed conveying parcels or lots shall contain a statement in substantially this form." (Ord. No. 2172, 08/12/1993)