

**AIRPORT LAND USE COMMISSION**

**March 5, 2003**

**RECEIVED**

**Project Name:** STANLY RANCH VINEYARDS FEB 28 2003

**Applicant:** STANLY RANCH VINEYARDS, LLC PLANNING DEPARTMENT

**File Number:** ALU-143

**Site:** 708-acre development within the City of Napa on Stanly Lane south and west of State Route 29, west of the Napa River and east of Cuttings Wharf Road within Napa County Airport Compatibility Zones D and E. (Assessor's parcels 047-230-005 & 024; 047-240-010, 011, 012, 013, 014 & 015; & 047-262-001)

**Projection Description:** Proposed 708-acre development that includes: 1) a General Plan Amendment to change 426 acres from SA (Study Area) to RA-210 (Resource Agriculture); 2) a Rezoning to change 426 acres from P-C (Planned Community) to AR (Agricultural Resource); 3) a Design Review, Use Permit, Setback Variance and Tentative Subdivision Map to create 18 lots ranging in size from 20.0 acres to 212.6 acres

**Compatibility Zone:** Zones D and E

**Local Government:** City of Napa

**CEQA Status:** The City of Napa has prepared a draft mitigated negative declaration.

**ALUC Staff Contact:** John McDowell

**FINDINGS:**

1. **ALUC Consistency Determination** – The ALUC must evaluate the following project components for consistency with ALUCP:
  - A. General Plan Amendment to change 426 acres from SA (Study Area) to RA-210 (Resource Agriculture)

In general, the upland portion of the property is currently designated as SA (Study Area) in the City of Napa General Plan. The proposed amendment would change that acreage to RA-210 (Resource Agriculture) matching the agricultural designation for the floodplains.

- B. Rezoning to change 426 acres from P-C (Planned Community) to AR (Agricultural Resource)

Zoning would be changed to AR (Agricultural Resource) to be consistent with the General Plan Designation. The existing P-C (Planned Community) zoning is no longer a functional zoning designation because it was previously eliminated from City of Napa Zoning Ordinance.

- C. Design Review, Use Permit, Setback Variance and Tentative Subdivision Map to create 18 lots ranging in size from 20.0 acres to 212.6 acres

This component consists of creation of lots with a 20-acre minimum lot size. In concert with the zoning, this would enable agriculture and the construction of single-family homes and secondary living units on all parcels in the subdivision as a permitted right. Other conditionally allowed uses are listed in the attached City AR Zoning Chapter. Conditional uses would be subject to future ALUC as noted in item #2 below.

2. **Proposed Land Use** – The applicant seeks City approval to divide the 708-acre property into 18 parcels ranging in size from 20 to 212.6 acres. The applicant's stated intent is to preserve the vineyard areas already established on the ranch and to locate a small number of new wineries and agricultural support facilities within the existing agricultural landscape. Additionally, the potential for one house and a secondary unit per parcel is also proposed as part of the long-term development plan. The 300-acre lowlands area adjacent to the Napa River will remain primarily open space and agriculture.

The proposed AR zoning would allow a home and secondary unit on each lot as a permitted use. All other uses, such as new wineries, would require a conditional use permit. Therefore, if the ALUC were to find the current application consistent with the ALUCP, proposals of individual homes on the established lots would not be subject to ALUC review. However, conditional uses listed in Napa Code Section 17.10.030, such as wineries, would be subject to individual ALUC review until such time that the City General Plan and Zoning Ordinance are determined consistent by the ALUC.

3. **Existing Land Use** – Approximately 369 acres of the site is currently planted in vineyards, and approximately 300 acres adjoining the Napa River are reserved as floodplain and/or lowlands. Near the end of Stanly Lane is the existing, un-occupied Stanly residence, a foreman's house and a 10-unit farmworker housing building. In addition to the several other agricultural buildings on the subject property, all of these residential uses are considered "existing uses" and are not subject to ALUC review by statute. The applicant has some right to modify, and improve existing uses without triggering ALUC review. Improvements subject to ALUC review would include projects that increase intensity of development, such as adding units to the farmworker housing building, or removing and replacing an existing home with a new home in a different location. Complete reconstruction or major additions to existing homes, without changing the location of the home, is allowed without ALUC review as set forth in the Caltrans Airport Land Use Handbook.

4. **Location** – The proposed subdivision encompasses a large area located primarily within Zone D, the Common Traffic Pattern, and secondarily in Zone E, Other Airport Environs.

At its closest point, the site is approximately 3,500 ft. from the extended centerline of Runway 18 Right. However, portions of the site extend as far as 15,000 ft. from the runways, which is outside of the Airport Planning Area (14,000 ft. arc). Approximately 570 acres of the site are located within Zone D. In the remaining 140 acres, approximately 130 acres are within Zone E. At the northern tip of the site, about a 10 acre portion of proposed Parcel 1 is located outside of the Airport Planning Area, and is consequently not subject ALUC review.

A large portion of the site is located under the Downwind Approach to Runway 18 Right. Due to prevailing winds and runway capacity, this is the most commonly used downwind approach at the airport. As such, portions of the property lie under the turning movement from the downwind leg to the base leg. See Exhibits A and B, attached, for an overlay of typical flight tracks. It should be noted that flight tracks vary greatly depending on the type of aircraft and the skill of the pilot. Exhibit B shows typical flight tracks of commonly used aircraft.

5. **Previous ALUC Actions** – Since 1998, there have been two previous ALUC actions related to the Stanly Ranch property. First, in 1998, the ALUC considered a previous (unrelated) development proposal for 594 residential units, a high-end resort, a golf course, and a wine center on the subject property. The project was controversial for several reasons including concerns over airport land use compatibility. At the conclusion of hearings, the ALUC found the proposal inconsistent with an earlier version of the ALUCP. The inconsistency finding was based on: 1) Uplighting was allowed in conflict with the ALUCP; 2) Four of five residential neighborhoods were located under the flight track; 3) noise sensitive residential uses were located closer to flight tracks than less sensitive resort/retail uses; 4) that the City failed to demonstrate a need for residential development in light of a compatibility plan that strived to prevent encroachment of residential uses. The City did not override the ALUC decision. In 1999, the previous Stanly Ranch applicant filed suit looking to overturn the ALUC action. The court denied the petition and upheld the ALUC decision.

Late in 1999, the compatibility zones of the ALUCP were amended. In short, the outer Zone F located between 10,000 ft. and 14,000 ft. from the runways, was replaced with Zone E. Within this zone, residential uses are allowed in accordance with locally adopted zoning. Within the 10,000 ft. arc, the old Zone E was replaced with Zone D. Zone D generally prohibits residential uses, but allows residential uses that are allowable under agricultural land use and zoning designations. Effectively, as a result of the changes adopted in 1999, residential uses became prohibited within the 10,000 ft. arc, where previously residential uses were considered normally acceptable within the 10,000 ft. arc.

6. **Difference Between Current and Previous Proposal** – The ALUC should consider how the current proposal compares to the previous proposal. ALUC Staff reviewed the two proposals, and believe that there are substantial differences between the proposals. The original project was clearly “urban” in regard to land use intensity, featuring a combination of residential and non-residential land uses. It appears from the ALUC findings of inconsistency on the prior Stanly Ranch project that had the applicant chosen to redesign the project such that homes were beyond the 10,000 ft. arc, and had the applicant more adequately addressed design requirements and project need, then the ALUC may have been able to find the project consistent.

The current proposal is quite different. The proposed agricultural zoning and land use designation will prevent most of the "urban" uses proposed in the original project. No more than one primary, and one secondary living unit would be possible on the proposed 20-acre minimum lots. The project density will be the least density development allowed within the City, and will be similar to the density found in the surrounding County agricultural lands (the County has a 160 acre minimum lot size, but most existing county lots are well below that minimum lot size). Given the lower intensity land use, ALUC Staff feel the current project is considerably more compatible with airport operations, and should be found consistent with the ALUCP.

7. **ALUCP Definition of Residential Use** – ALUCP Table 3-2 prohibits residential uses in Zones A through D. However, contained in Footnote #1, the table enables residential uses on land that has an agricultural zoning and land use designation, effectively exempting such homes from the residential prohibition. Homes on agriculturally zoned property are not subject to the residential prohibition, because they are specifically excluded from the table's definition of "residential uses."

Footnote #1 was a component of the original ALUCP 1991. It was not changed as part of the update in 1999 that further restricted residential land uses. In application, the ALUC has allowed homes on County zoned agricultural property within Zones D, E and F since 1991.

Given these facts, ALUC Staff believe that homes on the proposed Stanly Ranch Vineyard parcels are considered as "normally acceptable use." However, "normally acceptable uses" are not unconditionally permitted uses, and may still be found to be inconsistent with the ALUCP if the specific proposal conflicts with other ALUCP policies.

8. **Concentration of People (Safety)** – In Zone D, the maximum concentration of people is 100 persons per acre within structures and 150 persons per acre total in and out of structures. The permitted agricultural uses on the land, include on home and one secondary unit per lot, will have a very low maximum density well within the requirements set by the ALUCP. It is likely the other winery developments, like the Merryvale proposal, will be proposed. Like Merryvale, it is anticipated that densities will be well within acceptable density ranges. However, ALUC review is required on all future Conditional Uses until such time that the City's General Plan and Zoning Ordinance are found consistent with the ALUCP. Ultimately, ALUC review of subsequent discretionary projects on the site will need to continue until Stanly Ranch is rezoned with the pending AC (Airport Compatibility) zoning overlay district currently being developed by the City.
9. **Building Height** – No specific buildings are proposed at this time. In accordance with the AR Zoning Chapter, buildings are limited to 35 feet. ALUCP Policy 3.3.3 restricts building height to 35 ft. or as similarly provided by local ordinance. The project site is located within the Horizontal Surface of the ALUC Airspace Protection Surface, which allows approval of structures and vegetation not to exceed 150 ft. above the elevation of the runways (183 ft. above mean sea level).
10. **Lighting** – Although no specific lighting is proposed at this time, the applicant has committed to use full cut-off fixtures that will not cast light or glare above horizontal for future developments. Proposed lighting would have a very low intensity, and should be consistent with other lighting from the surrounding agricultural area. Standard City

mitigation measures require such lighting. However, it is recommended that the City include a condition of approval addressing lighting in their final action.

11. **Communications** – No electronic equipment is proposed as part of this facility that could interfere with airport communication.
12. **Building Materials** – No specific building designs are proposed at this time. The applicant has committed to the use of non-reflective building materials. Essentially, all future construction within the AR zone requires City Planning Commission review and approval. As an assurance to the ALUC, the City and applicant have agreed to include a condition of approval that prohibits the use of any reflective material for any future construction.
13. **Noise** –The project will be subject to frequent single-event aircraft noise. The Downwind Approach to Runway 18 Right is routinely used by JAL for touch and go training patterns. It is common for aircraft to overfly this site as frequently as once every 6 minutes for extended periods of time. These repeated single-event noise occurrences, despite being outside of the 55 CNEL (cumulative) noise contour, have potential to cause annoyance to persons on the ground. Within the industry, these frequent single-event noise incursions have been termed as the “mosquito effect.” Although noise levels will be relatively low, so as not to be hazardous or even necessarily audible over conversation, these periods of repeated aircraft noise have proven to impact noise sensitive uses such as residences. Single-event occurrences are most annoying during quiet hours, such as in the evening.

Although the proposed subdivision is consistent with the cumulative noise impact policies of the ALUCP, mitigation of single-event noise annoyance is necessary to ensure protection of airport operations. Without mitigation, “mosquito effect” annoyance could lead to complaints and/or legal action seeking to curtail airport operations. The State prescribed measure to address noise annoyance is recordation of an avigation/overflight easement. The easement does not prevent the possibility of future complaints, but it is a legally binding disclosure that all property owners must agree to when purchasing property. The easement, if structured properly, provides protection against legal challenge, and can be used outside of court to rebut complaints from residents.

14. **Avigation/Overflight Easement** – The Compatibility Plan requires recordation of an overflight and aircraft hazard easement on all developing properties. The proposed easement to the benefit of the Napa County Airport is attached, and will be executed prior to recording the final map. Using the standard County and State easements as a template, the applicant has voluntarily augmented their proposed easement to provide additional protection for the airport (see attached). Generally, where most easements fail is when airport operations change, and those changes were not contemplated in the easement. The proposed easement for Stanly Ranch grants a high degree of future expansion possibilities to the airport. This easement has been reviewed by County Counsel representing the airport proprietor, and was found to provide adequate protection for future airport operations.
15. **Alternative Project Design** – The Napa Pilots Association is quite concerned about potential for houses within Zone D (see attached letters). Their concern is that residents with substantial investments will successfully complain or take legal action that ultimately curtails aircraft operations. They have suggested that the applicant develop an

alternative design where the same number of potential homes is allowed, but they would be clustered entirely in Zone E. The applicant has indicated that they cannot do a clustered home design because of zoning limitations and septic system design constraints.

Regardless of whether clustering is feasible, ALUC Staff does not believe this alternative design will eliminate, or effectively reduce, the potential for noise complaints. In reviewing typical flight tracks for different aircraft and factoring in the flight track variation, it is likely that just as much air traffic will overfly the Zone E portion of Stanly Ranch as does Zone D. Also, annoyance for persons on the ground is not dependant upon planes flying directly overhead. It is quite possible that homes clustered in Zone E may generate the same number of complaints as homes dispersed throughout Zones D and E.

Also, the clustering concept leads to concerns that other clustered home projects may be proposed in the future ultimately resulting in encroachment of incompatible land uses. ALUC Staff believe that the current proposal, although not optimum, will protect the airport. Residents on these proposed 20-acre lots will likely be the single greatest factor in preventing future subdivision and/or urban development on the properties that adjoin them. In-as-much as these residents have the potential to complain about the airport, they will also wind up protecting the airport by sharing the airport's goal of preventing urban development around them.

16. **Caltrans Aeronautics** – ALUC Staff met with Caltrans Staff on January 29, 2003 to discuss this proposal. Participants from Caltrans included the Division Chief of Aeronautics as well as members from each major division of Aeronautics. Caltrans Staff stressed that only our ALUC had the local experience necessary to make a final decision. Otherwise, they did not have any issues with the proposal. They pointed out the Napa County's ALUCP is one of the most restrictive plans in the State, and is consequently used as an example of how to prevent encroachment of incompatible uses. They also pointed out that ALUC's sometimes accept less than optimal uses as a means of ensuring that a subsequent incompatible uses don't occur. Attached is a Caltrans letter to City of Napa on the Stanly Ranch proposal. Essentially, the letter reinforces the City's obligation to seek out ALUC consistency prior to acting on the proposal.
17. **Public Review** – On January 16, 2003, the City of Napa Planning Commission reviewed the project. City Staff, the applicant, and members of the public spoke on the project. In general, most individuals addressing the Commission were in support of the proposal. No members of the public gave testimony regarding airport land use compatibility. At the conclusion of the hearing, the Planning Commission voted (3-1-1) to recommend approval of the project by the City Council pending review by the ALUC.

On February 10, 2003, the applicant presented the project informally to the Napa County Airport Advisory Commission. Although the Advisory Commission has no decision-making authority on the project, the Commission is composed of pilots with expertise in aircraft operations at Napa County Airport. ALUC Staff were present at the meeting, but no land use compatibility analysis was presented to the Advisory Commission. In general, it appeared that Commissioners were supportive of agricultural uses but they had concerns regarding the residential component. The Commission took an advisory vote requesting that the applicant, City and ALUC work together to cluster homes in Zone E.

18. **Processing** – ALUCP Policy 2.1.9 requires referral of a project to the ALUC prior to the local governing body's final action. The City has complied with this ALUCP policy by referring the proposal to the ALUC after the Planning Commission hearing but before the required City Council hearing.
19. **Conditions** – Upon completion of the ALUC hearing, the project will return to the City of Napa for final review by the Napa City Council. The ALUC does not have the ability to apply conditions of approval. However, the City and applicant have agreed to include the recommended conditions of approval from Attachment A as a measure to ensure airport land use compatibility.

**RECOMMENDATION:**

1. That the Airport Land Use Commission find the Stanly Ranch Vineyards proposal, as describe herein, consistent with the Napa County Airport Compatibility Plan.

