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Agenda Date: 9/6/2017

Agenda Placement: 8A

## Airport Land Use Commission Board Agenda Letter

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**TO:** Airport Land Use Commission

**FROM:** John McDowell for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** John McDowell, Principal Planner - 299-1354

**SUBJECT:** Palmaz Heliport Consistency Determination (P17-00037-ALUC)

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### **RECOMMENDATION**

#### **AMALIA PALMAZ LIVING TRUST - COUNTY OF NAPA / PALMAZ PERSONAL USE HELIPORT, AIRPORT LAND USE CONSISTENCY DETERMINATION #P17-00037-ALUC**

**CEQA Status:** The ALUC's Consistency Determination does not meet the definition of a "project" as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and, therefore, CEQA is not applicable. The ALUC is only making a finding of consistency with airport compatibility regulations and is not responsible for approving or undertaking the project. The County of Napa is the Lead Agency responsible for carrying out the project and has prepared an Environmental Impact Report (EIR).

**Request:** Airport Land Use Compatibility Plan Consistency Determination regarding County of Napa Use Permit (P14-00261-UP) to allow construction and operation of a personal-use heliport on one of the following two projects sites: 1) Proposed Project (Project) site is located on approximately 0.5 acres of a 220.4-acre parcel located at 4031 Hagen Road, east of the intersection of Hagen Road and Olive Hill Lane (Assessor's Parcel No. 033-110-080); or alternatively, 2) Mt. George Alternative site is located on approximately 0.5 acres of a 46-acre parcel (Assessor's Parcel No. 033-110-079) located approximately 1.5 miles south of Monticello Road (State Route 121) and approximately one mile northeast of the proposed location of the heliport on the Project site. The heliport would include construction of a helicopter landing pad (helipad) measuring 60 feet long and wide on the Project site and 45 feet long and wide on the Mt. George Alternative site, plus an approximately 4,000 square foot hangar and storage building. The heliport is proposed for the personal use (non-commercial) of the resident owners of the property for up to a maximum of four arrival and four departure flights per week. The sites are located approximately 7.5 miles north by northeast of the Napa County Airport.

***(CONTINUED FROM THE MAY 17, 2017 SPECIAL MEETING AND AUGUST 2, 2017 REGULAR MEETING)***

**Staff Recommendation:** Find that the Mt. George Alternative site is consistent with the Napa County Airport Land Use Compatibility Plan (ALUCP).

**Staff Contact:** John McDowell, 299-1354, [john.mcdowell@countyofnapa.org](mailto:john.mcdowell@countyofnapa.org)

**Applicant's Representative:** Brian Russell, Abbott & Kindermann, LLP, phone 707-294-2775 or email [brussell@aklandlaw.com](mailto:brussell@aklandlaw.com)

## **EXECUTIVE SUMMARY**

### **Proposed Action:**

1. That the Airport Land Use Commission finds the proposed Palmaz Personal Use Heliport (#P17-00037-ALUC) Mt. George Alternative site ("Mt. George Proposal") consistent with the specific review policies listed in Section 2.3 of the Napa County Airport Land Use Compatibility Plan.

### **Discussion:**

The ALUC initially considered the Mr. George Proposal on May 17, 2017. At the conclusion of that hearing, the Commissioners that were present had split the vote (3-3) on a motion to find the Mt. George Proposal consistent with the specific review policies listed in Section 2.3 of the ALUCP. As a result, and as directed by the ALUC's bylaws, the item was continued to the next regular meeting of August 2, 2017 in order to allow the seventh Commissioner to participate. Although eligible to participate, that Commissioner was not able to attend the August 2, 2017 meeting, and therefore the Commission continued the item to this special meeting of September 6, 2017, which was the first available date when all Commissioners and the applicant's representatives were available.

The ALUC's review of new airports and heliports is limited to determining whether the project as proposed is consistent with the policies set forth by the Commission in Section 2.3 of the ALUCP, and determining whether to prepare a facility-specific compatibility plan.

As noted in the May 17, 2017 Staff report, there are two potential landing sites, consisting of: (1) the original Project site, located near the applicant's residence; and (2) a more remote Mt. George Proposal located approximately one mile to the east. The heliport would only be constructed on one of the two sites. At present, both the applicant is requesting and County Planning Staff are recommending approval only of the Mt. George Proposal, with conditions of approval. Therefore, ALUC action will be limited to this site, consistent with ALUCP Policy 2.3.2(b). Should the applicant and/or County choose to move forward with the original Project site, it would require a new future referral to the ALUC.

Staff is requesting that the full Commission take final action on the project, but requests that the Chair reopen the public hearing to allow limited additional testimony. Speakers do not need to repeat testimony provided on May 17, 2017 as it remains within the administrative record.

As set forth in ALUCP Policy 1.4.6, the Commission has the following options when acting on a proposal for a new airport or heliport:

- 1) Approve the Mt. George Proposal as being consistent with the specific review policies listed in Section 2.3, "Plans for New Airports or Heliports," of the ALUCP;
- 2) Approve the Mt. George Proposal and adopt a Compatibility Plan for that facility. (While required for public use airports/heliports, adoption of a Compatibility Plan is not required for private-use facilities like the Mt. George Proposal); or
- 3) Find the Mt. George Proposal inconsistent with the ALUCP on the basis that the noise and safety impacts it

would have on surrounding land uses are not adequately mitigated.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

The ALUC's Consistency Determination does not meet the definition of a "project" as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and, therefore, CEQA is not applicable. The ALUC is only making a finding of consistency with airport compatibility regulations and is not responsible for approving or undertaking the project. The County of Napa is the Lead Agency responsible for carrying out the project and has prepared an Environmental Impact Report (EIR).

### **BACKGROUND AND DISCUSSION**

#### **PUBLIC HEARING STATUS:**

On May 17, 2017, the Chair closed the public hearing for this item. On August 2, 2017, the Chair found that the continued 3-3 vote from the May 17, 2017 hearing failed for lack of a majority and the item was continued to September 6, 2017. Staff requests that the Chair reopen the public hearing to allow limited new testimony noting that speakers do not need to reiterate previous testimony as it remains part of the administrative record. The seventh Commissioner who was absent for the May 17, 2017, has reviewed all previously submitted materials and viewed recordings of the previous hearings.

#### **AIRPORT LAND USE COMPATIBILITY CRITERIA:**

The ALUC's role in reviewing the Mt. George Proposal is limited to evaluating the proposals consistency with those policies for new airports and heliports as enumerated in Section 2.3 of the ALUCP. If the ALUC finds the Mt. George Proposal consistent with those policies, the ALUC has the option to prepare an airport-specific compatibility plan, which would establish land use compatibility zones limiting future land uses surrounding the facility.

Section 2.3 of the Napa County ALUCP sets forth three policies specific to reviewing new airport and heliport proposals. The Commission's determination is based on these policies. Staff findings on these policies are addressed below, and pertain only to the Mt. George Proposal.

#### **REVIEW POLICIES FOR NEW AIRPORTS OR HELIPORTS**

*Policy 2.3.1 In reviewing proposals for new airports or heliports, the Commission shall focus on the noise, safety, overflight, and height limit impacts upon surrounding land uses.*

**Staff Finding:** The Mt. George Proposal is consistent with this policy. The compatibility criteria assessment in the May 17, 2017 Staff report provides a detailed analysis of the project's potential to impact noise, safety, overflight, and height limits upon surrounding land uses. Using these criteria, the Mt. George Proposal does not result in any significant impacts to existing land uses. In summary, the site is in a relatively remote hillside location surrounded primarily by rugged undeveloped property that contain no existing or planned noise sensitive receptors, such as

residences, within the 70 Lmax noise contours relative to the proposed flight path (see Section 5. "Overflight" of May 17, 2017 Staff Report). The 70 Lmax noise contours represents a reasonable boundary of the facility's area of influence. Safety impacts areas are all located well inside the subject property and there are no structures or land features presenting a hazard to flight or triggering the need for airport-specific height limits. Applying overflight awareness measures to neighboring properties appears unwarranted because there are no existing or planned noise sensitive land uses within the proposed approach/departure paths (see Section 8. "Other Compatibility Issues" of May 17, 2017 Staff Report).

Policy 2.3.1 (a) Other types of environmental impacts (e.g., air quality, water quality, natural habitats, vehicle traffic, etc.) are not within the scope of review for the Commission.

**Staff Finding:** Staff's recommendation for the finding under Policy 2.3.1 does not include an analysis of these unrelated impacts. While these criteria are appropriate for local entities with the authority to place restrictions on land uses, the ALUC's review of new airports and heliports does not properly include these criteria. Accordingly, Staff's assessment properly addresses only those compatibility criteria within the Commission's purview.

Policy 2.3.1 (b) The Commission shall evaluate the adequacy of the facility design to the extent that it affects surrounding land uses.

**Staff Finding:** There is sufficient detail in the environmental impact report and application submittal materials to determine the effects of the facility on surrounding land uses. The Mt. George Alternative site is in a hillside location over a mile from sensitive noise receptors, and poses no significant hazard to persons on the ground or constraints to aircraft operations. The facility will be limited to 8 operations per month with a single approach/departure path that avoids overflights of sensitive noise receptors, and thus appears not to warrant application of overflight awareness measures (such as overflight easements), nor warrant development of a facility-specific compatibility plan.

Policy 2.3.1 (c) The Commission shall base its review on the proposed airfield design.

**Staff Finding:** As noted above, this assessment is based specifically on the Mt. George Alternative site for a personal use heliport with a maximum of 8 operations per month with a single approach/departure flight path procedure. Future operations are limited to 8 operations per month under the proposed permit, and any expansion in operations would be subject to additional review and approval by the local agency and ALUC. Heliport (airfield) design consists of a single landing pad and adjacent single aircraft hangar.

Policy 2.3.2. The review shall examine the relationship between existing and planned land uses in the vicinity of the proposed airport or heliport and the impacts that the proposed facility would have upon these land uses.

**Staff Finding:** The Mt. George Proposal is consistent with this policy. The site of the Mt. George Proposal is located near a ridgeline in mountainous terrain east of Napa Valley and the Coombsville neighborhood. This area is largely undeveloped and parcel sizes are large ranging upward from 40 acres to several hundred acres. The majority of surrounding terrain is undeveloped hillside, with some areas planted in vineyard. Potential for additional development is very low, and there are no known development plans proposed in the general vicinity of the site.

Policy 2.3.2 Questions to be considered should include:

2.3.2 (a) Would the existing or planned land uses be considered incompatible with the airport or heliport if the latter were already in existence?

**Staff Finding:** There are no existing or planned incompatible land uses in the vicinity of the site.

2.3.2 (b) What measures are included in the airport or heliport proposal to mitigate the noise, safety, overflight, and height restriction impacts on surrounding land uses? Such measures might include: (1) location of flight tracks so as to minimize the impacts; (2) other operational procedures to minimize impacts; (3) acquisition of property interests (fee title or easements) on the impacted land.

**Staff Finding:** Napa County's proposed conditions of approval for the Mt. George Proposal site: 1) limit operations to no greater than 8 flights per month; 2) limit flights to a single approach/departure path; and 3) require monitoring of operations to ensure compliance with applicant agreed upon flight limitations. The site is relatively remote and does not result in significant noise impacts requiring mitigation. Safety areas surrounding the heliport are all contained well within the subject property, and there are no obstructions to flight or other warrants for facility-specific special height limits. Buyer awareness measures and/or overflight easements on properties in the vicinity appear unwarranted due to the remote location, sparse development pattern (both existing and planned), and large parcel sizes.

Policy 2.3.3 When submitted to the Commission, a proposal for a new airport or heliport shall contain sufficient information to enable the Commission to adequately review the noise, safety, overflight, and height restriction impacts upon surrounding land uses.

**Staff Finding:** The Mt. George Proposal provides sufficient information to for the Commission to adequately review the noise, safety, overflight, and height restriction impacts upon surrounding land uses (see pages "Airport Land Use Compatibility Criteria" Section of May 17, 2017 report available at links provided at the end of this report).

Policy 2.3.3 Information to be submitted shall include:

2.3.3 (a) A layout plan drawing of the proposed facility showing the location of: (1) property boundaries; (2) runways or helicopter takeoff and landing areas; and (3) runway protection zones or helicopter approach/departure zones.

**Staff Finding:** A detailed layout plan containing all required information was provided in both the submittal materials and the environmental impact report (see pages "Airport Land Use Compatibility Criteria" Section of the May 17, 2017 report available at links provided at the end of this report).

2.3.3 (b) Airspace surfaces in accordance with Federal Aviation Regulations (FAA), Part 77.

**Staff Finding:** Submittal materials provided in connection with the Mt. George Proposal contain a detailed compliance analysis for FAA Part 77 regulations. Accordingly, the Mt. George Proposal complies with FAA regulations.

2.3.3 (c) Activity forecasts, including the number of operations by each type of aircraft proposed to use the facility.

**Staff Finding:** The proposed use permit provided to the Commission for review will limit use of the Mt. George site to a maximum of 8 flights per month with no planned future expansion. Expansion beyond 8 operations would be subject to amendment of the use permit, which would be subject to subsequent ALUC review.

2.3.3 (d) Noise contours or other relevant noise impact data.

**Staff Finding:** A detailed noise analysis was provided for the project looking at both long term noise impacts and single event noise annoyance impacts. Due to the hillside setting of the Mt. George Alternative, the project does not result in significant long term or single event noise impacts.

2.3.3 (e) A map showing existing and planned land uses in the vicinity of the proposed airport or heliport.

**Staff Finding:** Environmental impact report exhibits provide detailed information on land uses in the vicinity, with emphasis on noise sensitive receptors in relation to flight paths. The Mt. George Alternative does not contain any existing or planned noise sensitive land uses in the vicinity of the proposed heliport.

2.3.3 (f) Identification and proposed mitigation of impacts on surrounding land uses.

**Staff Finding:** All potential airport land use compatibility impacts have been thoroughly disclosed and evaluated in the environmental impact report. The Mt. George Alternative site, with 8 operations per month and a single approach/departure path, does not result in significant impacts requiring mitigation.

**PUBLIC COMMENTS:**

Attachment A contains all written public correspondence directed to the ALUC and received prior to noon on August 30, 2017. This includes some correspondence addressed to the Planning Commission but directed to the ALUC by the commenter. Any additional correspondence received after the staff report is released will be provided to the Commission prior to the hearing. All correspondence to the ALUC will be forwarded to the County Planning Division for incorporation into their use permit administrative record.

**RECOMMENDATION:**

Staff recommends that the ALUC find the Mt. George Alternative site consistent with the ALUCP, and more specifically, consistent with required ALUCP Policies 2.3.1 through 2.3.3. The use permit and proposed conditions of approval demonstrate that the Mt. George Alternative site does not result in any inconsistencies with the ALUCP, and preparation of a project specific compatibility plan by the ALUC appears unwarranted.

Alternatively, should the ALUC find that the project is inconsistent with any element of ALUCP Policies 2.3.1 through 2.3.3, then the ALUC should state the basis for the inconsistency as part of the final action.

**ATTACHMENTS:**

All projects plan, correspondence, technical documents and the project EIR are available on the County's webpage for the Palmaz Heliport located at <http://www.countyofnapa.org/Pages/DepartmentContent.aspx?id=4294985262>. County Planning Commission staff reports and attachments are available at [http://napa.granicus.com/ViewPublisher.php?view\\_id=21](http://napa.granicus.com/ViewPublisher.php?view_id=21).

The May 17, 2017 agenda, staff report and attachments include project graphics, and hearing video are available at <http://services.countyofnapa.org/AgendaNet/MeetingSummary.aspx?TID=18>

**SUPPORTING DOCUMENTS**

A . Correspondence

Airport Land Use Commission: Approve

Reviewed By: Charlene Gallina