

PALMAZ PRIVATE USE HELIPORT

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Heliports are an Allowed Use

- **Napa County Code section 180.120.010(B)(2) has been in place since 1965.**
- It allows personal use heliports in all zoning districts in Napa County with the issuance of a use permit.
- The code section states:
- Personal use airports and heliports, and emergency medical services landing sites, provided, that such use permit is not effective unless and until any required permits, licenses, or other approvals from other federal, state, and local agencies (including the airport land use commission) have been obtained.

Procedural Process

- Applicant submitted their application in July 2014
- EIR started in September 2015
- DEIR was released in April 2016.
- 75 day comment period
- First Planning Commission meeting on March 3rd, 2017.
- It has taken almost 3 years to get to this point. This includes processing the application, analyzing the project, completing the EIR, providing opportunity for public comment, and preparation of the staff report.

Established Law

- Napa County Code Section 18.120.010(B) allows personal use airports and heliports in any zoning district upon the granting of a use permit.

General Plan Consistency

- “To reiterate, the essential question is ‘whether the project is compatible with, and does not frustrate, the general plan's goals and policies.’ [Citations.]” (*Naraghi Lakes Neighborhood Preservation Assn. v. City of Modesto* (2016) 1 Cal. App. 5th 9, 18.) “[I]t is beyond cavil that no project could completely satisfy every policy stated in [a city's general plan], and that state law does not impose such a requirement.” (*Sequoyah Hills, supra*, 23 Cal.App.4th 704, 717–718)

General Plan Consistency

- “Where, as here, a governing body has determined that a particular project is consistent with the relevant general plan, that conclusion carries a strong presumption of regularity that can be overcome only by a showing of abuse of discretion.” (*Naraghi Lakes, supra*, 1 Cal. App. 5th at 18)

General Plan Consistency

- “The DEIR analysis concluded that the Proposed Project and Mt. George Alternative were consistent with General Plan policies (such as Agricultural Preservation and Land Use policies AG/LU -12 and AG/LU-4, both of which promote preservation of agricultural lands for agricultural uses) because, for each of the parcels on which the Proposed Project and Mt. George Alternative, the existing residential and/or agricultural uses of the sites would be retained. If the use permit is approved, the use of either parcel in its entirety would not change from an allowable use (residential, vineyard) to an exclusively non-agricultural use (heliport).”

Noise Analysis

- “...No sensitive receptors would be exposed to exterior SELs that exceed 85 dB during all approach and departure operations. Assuming a 20 dB interior-to-exterior noise reduction, NO RESIDENCES or other sensitive land uses would be exposed to interior SELs that exceed 65dB. Furthermore, nighttime flights would represent two percent of the proposed flight activities. The low frequency of nighttime flight events combined with the low probability of the events resulting in any one person being awakened would not result in a substantial long-term interior noise impact at existing residences.” *Section 6-17*

Noise Analysis

- “No existing residences or other sensitive land uses are located within the 65 dB Lmax noise contour associated with these flight paths. As such, neither daytime nor nighttime flights would expose receptors to noise levels that exceed Napa County exterior noise levels of 70 db Lmax (between 7:00 am and 10:00 pm) or 65 dB Lmax (between 10:00pm and 7:00 am).” *Section 6-17*
- “Helicopter use under this alternative would not expose sensitive receptors to noise levels that exceed applicable Napa County noise standards during the daytime or nighttime operations. This impact would be less than significant.” *Section 6-17 to 6-18.*

Napa County Staff Report

- “Staff believes the FEIR is adequate and that the Commission can make the necessary findings for certification.”
- “...the Alternative (or Mt. George Alternative), would not result in any significant impacts requiring mitigation monitoring beyond the initial construction phase.”
- “Without ongoing monitoring of mitigation measures for identified significant impacts, staff believes the Mt. George Alternative is a better option and provides a better foundation on which to base the necessary findings...”

Recommendation for Approval

- “Staff recommends approval of the Mt. George Alternative, subject to the revised COA in Attachment A, because it places the heliport in a more remote location with less significant noise impacts compared to the proposed Project site.”