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Agenda Date: 11/2/2011

Agenda Placement: 7A

Airport Land Use Commission Board Agenda Letter

TO: Airport Land Use Commission

FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning

REPORT BY: John McDowell, Deputy Planning Director - 299-1354

SUBJECT: Napa County 2011 Omnibus Ordinance (P11-00419-ALUC)

RECOMMENDATION

COUNTY OF NAPA / PROPOSED 2011 OMNIBUS ORDINANCE AMENDMENT - AIRPORT LAND USE CONSISTENCY DETERMINATION # P11-00419-ALUC

Request: Airport Land Use Consistency Determination for proposed zoning ordinance text amendment concerning multiple chapters of the Napa County Zoning Ordinance, which include changes that affect land within the Airport Influence Areas of Napa County Airport and Angwin Airport Parrett Field. Proposed changes are intended as technical clarifications and most notable for airport compatibility purposes concerns a change to the AV - Airport Zoning District to clarify that separate Use Permits will not be required for projects undertaken on airport property that comply with the requirements of an adopted Airport Master Plan or Airport Layout Plan.

Staff Recommendation: Find the project consistent with the Napa County Airport Land Use Compatibility Plan.

Staff Contact: John McDowell, 299-1354 or John.McDowell@CountyofNapa.org

EXECUTIVE SUMMARY

Proposed Action:

1. That the Airport Land Use Commission finds the 2011 Omnibus Ordinance (P11-00419-ALUC) consistent with the Napa County Airport Land Use Compatibility Plan.

Discussion:

State Aeronautics Law (Public Utilities Code 21676) requires Airport Land Use Commission (ALUC) consistency review for any new ordinance that changes land use regulations within an airport influence area. The County is

currently developing a set of minor ordinance changes that largely do not relate to airport land use compatibility, but will result in several minor changes affecting land use regulations within the airport influence area. As supported in the Background and Discussion Section of this report, ALUC Staff has reviewed the proposal for consistency with Airport Land Use Compatibility Plan (ALUCP) policies, and recommend that the ALUC find the project consistent with the ALUCP.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

The County of Napa is proposing to find the project categorically exempt from CEQA citing that the proposed ordinance qualifies as a minor alteration to an existing land use regulation pursuant to California Environmental Quality Act (CEQA) Section 15301, Class 1 - Existing Facilities, and Section 15305, Class 5 - Minor Alteration in Land Use Limitations. The ALUC's determination is not a project under CEQA pursuant to Section 15378. The Commission is merely rendering a finding of consistency with the Airport Land Use Compatibility and is neither approving or denying the project.

BACKGROUND AND DISCUSSION

Airport Land Use Consistency Factors:

1. Location / Land Use - The County is still in the midst of preparing the proposed changes. County Staff anticipates bringing the item to the County Planning Commission on December 7, 2011. Most of the proposed changes included within this ordinance have no bearing on airport land use compatibility and are consequently not technically part of this review. The items listed below are subject to ALUC review because they change land use regulations within airport influence areas:

18.08.638 - Wildlife Rescue Centers: This section will add a new use to the list of uses allowed with a use permit in agricultural districts. There are vast tracts of land surrounding both Napa County Airport and Angwin Airport which are zoned for agricultural use, and this new use will now be possible within those areas. The use involves boarding animals, medical treatment rooms, accessory office space and limits buildings to a total of 5,000 square feet. This use does not involve large congregations of people, and like other agricultural uses, will not represent a noise sensitive receptor. This use is consistent with the Airport Land Use Compatibility Plan (ALUCP).

18.24.040.B - Use Permits on Airport Property: Presently County AV - Aviation zoning district regulations require a use permit for essentially all activities that occur on airport property. However, for approximately the last 15-20 years, use permits have not been required for most new structures built at both Napa County Airport and Angwin Airport because those structures were authorized under Caltrans Aeronautics and FAA approved Airport Master Plans and/or Airport Layout Plans. The County is proposing this new ordinance language to clarify that a use permit is not required if the proposed improvement falls within the scope of an approved Airport Master Plan or Airport Layout Plan. In the event that a use was proposed that was not subject to an Airport Master Plan or Airport Layout Plan, such as a new, private, non-aviation related office building, then such a project would continue to require a locally administered use permit. Given that the ALUCP is based off the adopted Airport Master Plan and Airport Layout Plan for both airports, this proposed ordinance change is consistent with the ALUCP. Any proposal inconsistent with the Airport Master Plan or Airport Layout Plan would trigger amendment of those plans, and any

such amendment would be subject to review by the ALUC.

18.48.020.A - Agriculture within PD Zoning District: This section will enable agriculture as an allowed land use on PD - Planned Development zoned sites greater than one acre in size. This will enable additional agriculture within the boundaries of the airport influence area of Angwin Airport. Presently, the majority of land west and south of the airport has PD zoning. This land is also presently subject to the County :AC - Airport Compatibility Combining Zoning District. Agriculture is considered an acceptable land use within all compatibility zones with some exceptions stipulated in the :AC district to prevent hazards to flight. Adding agriculture as an allowed use within the PD Zoning District is consistent with the ALUCP.

2. Concentration of People – No changes to existing County regulations limiting maximum density within structures and on properties within airport influence areas are proposed as part of this ordinance. The County's :AC - Airport Compatibility combining zoning district will remain in full force and effect, and was previously found consistent with the ALUCP.

3. Building Height – The proposed ordinance contains a minor wording change the Section 18.104.120 concerning the methodology for measuring building height. County building height limits will remain at 35 ft. maximum height for occupied portions of structures and 50 ft. for non-occupied structures and appertenant features, such as towers, chimneys, observation decks, antennas, etc. The measurement methodology section is replacing an outdated reference to the building code with language stating that height is measure from existing grade. This wording change does not change how the County has and will continue to evaluate building height. County Staff have indicated that the purpose behind this wording change was similar to eliminate a reference to a Uniform Building Code Section that no longer exists.

4. Lighting and Glare – The ordinance does not involve any changes to existing County requirements limiting up lighting and off premise glare. Existing County regulations were previously found consistent with the ALUCP.

5. Communications – The ordinance does not involve any changes to existing requirements concerning communication interference, which are contained within the County :AC - Airport Compatibility combining zoning district. County regulations protecting aviation communication will remain consistent with the ALUCP.

6. Building Materials – The ordinance does not involve any changes to existing requirements addressing building materials and placement. County regulations concerning building materials and placement will remain consistent with the ALUCP.

7. Overflight Easement – The County requires overflight easements for all projects located within airport influence areas. No changes to this long established requirement will occur as part of this ordinance, and County regulations remain consistent with the ALUCP.

8. Caltrans Aeronautics – Caltrans Division of Aeronautics staff has been sent copies of the ordinance and background information. No comments have been received regarding the project.

9. Processing – ALUCP Policies 2.1.8 and 2.1.9 requires referral of a project to the ALUC after initial public hearings have commenced and prior to the local governing body's final action. The purpose of these policies is to ensure that the ALUC is evaluating the final version of the project while allowing the local jurisdiction to consider the ALUC's finding prior to acting on a project. Policy 2.1.9 allows the local government and ALUC flexibility in the event that the ALUC has a compatibility issue to be addressed. At present, the County has not yet conducted a public hearing on the item. The item is schedule to go to the County Planning Commission on December 7, 2011, and will not likely reach the Board of Supervisors until January. As such, there is some possibility that the ordinance may change triggering the need for subsequent ALUC review. The ALUC has the option of either hearing the item now or postponing the hearing until late December or January. ALUC Staff recommends hearing

the project now as it will be very inefficient to have to call a special meeting in late December or January solely for the purpose of hearing this item. In the event there are substantive changes resulting from the subsequent County hearing process, then the project will need to be heard again by the ALUC.

SUPPORTING DOCUMENTS

None

Airport Land Use Commission: Approve

Reviewed By: John McDowell