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Agenda Date: 11/20/2019

Agenda Placement: 8A

Airport Land Use Commission Board Agenda Letter

TO: Airport Land Use Commission

FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: Joan Gargiulo, PLANNER II - (707) 299-1361

SUBJECT: County of Napa Renewable Energy Systems Ordinance #P19-00446-ALUC

RECOMMENDATION

RENEWABLE ENERGY SYSTEMS ORDINANCE / COUNTY OF NAPA - AIRPORT LAND USE CONSISTENCY DETERMINATION #P19-00446-ALUC

Request: Airport Land Use Compatibility Plan Consistency Determination for the County of Napa's proposed Renewable Energy Systems Ordinance which would establish zoning regulations allowing for both accessory renewable energy systems in conjunction with a home, business, or agriculture, and utility-scale commercial renewable energy facilities with grant of a use permit. The proposed ordinance is subject to Airport Land Use Commission review because it will enable renewable energy systems throughout Napa County including within the Airport Influence Areas of Napa County Airport and Angwin Airport, Parrett Field. The proposed ordinance includes standards limiting uses within airport safety zones.

Staff Recommendation: That the Commission find the project consistent with the Airport Land Use Compatibility Plan.

Staff Contact: Joan Gargiulo, 299-1361, joan.gargiulo@countyofnapa.org

Applicant Representative: David Morrison, Planning, Building and Environmental Services Director (707) 253-4805, david.morrison@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Action:

1. That the Airport Land Use Commission finds the proposed Renewable Energy Systems Ordinance (#P19-

00446) consistent with the Napa County Airport Land Use Compatibility Plan.

Discussion:

State Aeronautics Law (Public Utilities Code 21676) mandates that the Airport Land Use Commission (ALUC) must review the proposed County of Napa Renewable Energy Systems Ordinance prior to its adoption by the Board of Supervisors since the proposal involves changes to policies relating to land within Airport Influence Areas (AIA). In its independent capacity, the ALUC is only reviewing the proposal for airport land use compatibility.

The ordinance will replace the County's expired Small Winery Energy Systems Ordinance with a Renewable Energy Systems Ordinance that contains the following components: 1) codifies existing County practices allowing for accessory use renewable energy systems; 2) establishes a use permit process for commercial renewable energy facilities that produce power for sale into the power grid, including restricting these uses from residential and agricultural areas; 3) revises code language pertaining to the clarification of types of uses that qualify as public utilities or government uses; and 4) codifies existing County practices allowing for accessory use emergency power generators.

These regulations will apply to all unincorporated areas, which includes lands surrounding both Napa County Airport and Angwin Airport, Parrett Field. Proposed design criteria within the ordinance includes provisions intended to ensure airport land use compatibility for both accessory renewable energy uses and commercial renewable energy facilities, including prohibiting uses within runway protection zones, and addressing potential for glare impacts.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

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 Board of Supervisors is the Lead Agency responsible for carrying out the project.

BACKGROUND AND DISCUSSION

Airport Land Use Compatibility Factors:

1. Location - The proposed ordinance allows accessory renewable energy systems and commercial renewable energy facilities. Accessory renewable energy systems, which are solar systems designed to meet the on-site power needs of homes, businesses and agricultural uses, will be permitted on any property within unincorporated Napa County. The County has long allowed solar power systems of this nature, and this ordinance will refine that practice by establishing a definition of the use, and applying objective design criteria. The definition limits accessory renewable power systems to not exceed 125% of the onsite power needs of legally established on-site uses, and precludes larger systems that may sell power back into the power grid. Design criteria prohibition of

such facilities within the runway protection areas of Airport Compatibility Zones A (Runway Protection Zone) and B (Inner Approach/Departure Zone) and requires that projects do not result in glare impacts. The design criteria are consistent with the safety requirements of the Airport Land Use Compatibility Plan (ALUCP).

The ordinance also enables commercial renewable energy facilities, which are power generation plants that produce power for sale into the power grid. A County-issued use permit will be required for such uses, and will be subject to environmental impact evaluation under CEQA. Under existing County regulations, both renewable energy and non-renewable energy power plants are permissible with grant of a use permit. This ordinance will modify those provisions by limiting power plants to either commercial renewable power generation facilities that are limited to certain industrial, commercial, and public facility zoning districts with grant of a use permit, or to public utilities that qualify under State Law as exempt from local zoning regulations.

The commercial renewable energy facilities will need to comply with a detailed set of design criteria to be applied through the use permit process. The design criteria precludes facilities from locating within Airport Land Use Compatibility Zones A and B, and requires evaluation for, and avoidance of, potential glare and safety impacts as part of the use permit review process. Refer to the highlighted text in the attached draft ordinance.

The ordinance also permits commercial renewable energy facilities to locate on airport property, which has been assigned AV - Aviation zoning. AV zoning applies to both Napa County Airport and Angwin Airport, Parrett Field. If a project occurs on an airport's property, it would need to be located within either Airport Land Use Compatibility Zone C or D, and need to result in no safety hazards to flight.

2. Land Use - Renewable energy systems and facilities generally pose minimal potential for conflict with ALUCP policies. Projects have no potential to result in noise or overflight annoyance complaints from persons on the ground, because the systems generate no on-site employees. Employees will only come to a commercial facility for occasional maintenance and site upkeep. In addition, because systems will be precluded from the inner approach areas of Compatibility Zones A and B, they pose no safety threat to persons on the ground.

Projects will also have no potential to result in hazards to flight. Projects are not permitted to exceed existing, previously certified County height limits, or to obstruct airspace. Design criteria mandates that potential glare impacts are evaluated and attenuated consistent with ALUCP policies.

3. Concentration of People – This ordinance will not result in changes to population densities on properties within AIAs. Renewable power generation systems and facilities do not generate employees that will occupy a site, other than occasional visits for maintenance.

4. Building Height – No significant changes to County regulations related to building height limits are proposed with the ordinance. The ordinance will allow solar systems to project 2 ft. higher than building heights, which has no potential to result in an obstruction to navigable airspace. County building height limits remain 35 ft. for occupied structures and 50 ft. for unoccupied spaces consistent with ALUCP standards. In addition, design criteria for commercial renewable energy facilities to avoid obstructions within navigable airspace and requires FAA obstruction analysis when warranted. The ordinance is consistent with ALUCP height policies.

6. Lighting and Glare – The ordinance requires renewable energy systems to not result in glare impacts. Modern solar panel systems are designed to capture light as opposed to reflecting light, and thus potential for glare impacts to pilots is much less than earlier generations of solar technology. On a project-by-project basis, aviation glare analysis will be performed by a qualified professional to assess and attenuate any glare impacts. The proposed ordinance is consistent with the ALUCP in this regard.

7. Communications – The proposed zoning text amendment will not change any County regulations concerning communication facilities and the County's regulations will continue to be consistent with ALUCP standards.

8. Building Materials – As noted in item #6 above, the ordinance includes design criteria requiring renewable energy systems to not result in glare impacts. The proposed ordinance is consistent with the ALUCP in this regard.

8. Overflight Easement – The County requires overflight easements for all projects located within the AIA. No changes to this long-established requirement will occur as part of this zoning text amendment. County regulations would remain consistent with the ALUCP.

10. Caltrans Aeronautics – The draft ordinance was provided to California Department of Transportation, Division of Aeronautics (Caltrans Aeronautics). To date, no comments have been received regarding the project.

11. Processing – ALUCP Policy 1.3.2 requires any amendment to land use regulations affecting the ALUC's geographic area of concern to have an airport land use consistency determination prior to approval by the local jurisdiction. The project is scheduled for County Planning Commission review on November 20, 2019 immediately prior to the ALUC's scheduled hearing. Board of Supervisors review is anticipated to occur in December. The project complies with ALUCP Policy 1.3.2 as described above.

SUPPORTING DOCUMENTS

A . Draft Renewable Energy Systems Ordinance (Abridged)

B . Commercial Energy Facilities Allowed Zoning Districts Map

Airport Land Use Commission: Approve

Reviewed By: John McDowell