



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/7/2012

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: RONALD GEE, PLANNER III - 707.253.4417

SUBJECT: 2012 Omnibus Zoning Code Update Ordinance, Napa County-Initiated Zoning Text Amendment
Airport Compatibility Determination P12-000XX-ALUC

RECOMMENDATION

2012 OMNIBUS ZONING CODE UPDATE ORDINANCE, NAPA COUNTY-INITIATED ZONING CODE TEXT AMENDMENT - AIRPORT LAND USE CONSISTENCY DETERMINATION # P12-00037-ALUC

Request: Airport Land Use Compatibility Plan Consistency Determination for the Napa County 2012 Omnibus Zoning Code Update Ordinance as required pursuant to the State Aeronautics Act, Public Utilities Code Chapter 4, Article 3.5, Section 21676. The affected zoning districts and properties are located in the Napa County Airport Industrial Area in Napa County Airport Compatibility Zone B - Inner Approach/Departure Zone, Zone C - Extended Approach/Departure Zone, Zone D - Common Traffic Pattern and Zone E - Other Airport Environs. Parrett Field in Angwin is only affected by Zone D.

Staff Recommendation: That the Commission find the proposed Napa County Omnibus Zoning Code updates to zoning districts within Airport Influence Areas consistent with the Airport Land Use Compatibility Plan.

Staff Contact: Ronald Gee, 299-1351, ronald.gee@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Action:

1. That the Airport Land Use Commission find and determine that the proposed Napa County 2012 Omnibus Zoning Code Update Ordinance (# P12-00037-ALUC) is consistent with the Napa County Airport Land Use Compatibility Plan (ALUCP).

Discussion: As required by the State Aeronautics Act, ALUC review of County proposals to adopt or amend zoning,

building and other land use ordinances and regulations is required in instances where those ordinances or regulations have implications for airport land use, noise or safety compatibility. The proposed Napa County 2012 Omnibus Zoning Code Update Ordinance is an effort to correct minor errors, update and bring the Zoning Code into compliance with existing policies and practices of the County Planning Department. Only three minor changes that affect zoning districts in the Napa County Airport and Angwin Parrett Field Airport Influence Areas are subject to ALUCP consistency determination:

Section 14 of the Omnibus Zoning Code Update Ordinance amends regulations applicable to the AV (Airport) zoning district, which covers the Napa County Airport and Angwin's Parrett Field, to clarify that uses which are approved via County-adopted Airport Master Plans do not require additional use permit approval and need not comply with setbacks or other zoning requirements. The foregoing has been the longstanding policy of the Planning Department.

Section 20 strikes a series of exclusions to development standards in the IP (Industrial Park) zoning district which were adopted in tandem with the 1998 Airport Specific Plan approval. Because the 1998 Specific Plan was invalidated by the courts in *Napa Citizens for Honest Government v. Napa County Board of Supervisors*, 91 Cal.App.4th 342 (2001), the subject standards are no longer applicable or correct.

Section 36 amends the technique used to measure building height based on measurement from existing or finished grade, whichever is greater, rather than the method outlined in an outdated Uniform Building Code.

The proposed changes both clarify and simplify Airport Influence Area development standards and do not affect existing ALUCP policies regarding land use, noise and safety, therefore, the project is consistent with ALUCP policies.

At its February 1, 2012 meeting, the Napa County Planning Commission recommended approval for the proposed changes affecting both the AV (Airport) and the IP (Industrial Park) Zoning Districts. The Napa County Board of Supervisors is tentatively scheduled to review the Omnibus Ordinance on March 20, 2012.

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 Napa County Planning Commission is the Lead Agency responsible for carrying out the project and has determined required CEQA findings before taking action on the request.

BACKGROUND AND DISCUSSION

Airport Land Use Consistency Factors:

1. History - As required by the State Aeronautics Act, ALUC review of County proposals to adopt or amend zoning, building and other land use ordinances and regulations is required in instances where those ordinances or

regulations have implications for airport land use, noise or safety compatibility. The proposed Napa County 2012 Omnibus Zoning Code Update Ordinance is an effort to correct minor errors, update and bring the Zoning Code into compliance with existing policies and practices of the County Planning Department. Only three minor changes that affect zoning districts in the Napa County Airport and Angwin Parrett Field Airport Influence Areas are subject to ALUCP consistency determination:

Section 14 of the Omnibus Zoning Code Update Ordinance amends regulations applicable to the AV (Airport) zoning district, which covers the Napa County Airport and Angwin's Parrett Field, to clarify that uses which are approved via County-adopted Airport Master Plans do not require additional use permit approval and need not comply with setbacks or other zoning requirements. The foregoing has been the longstanding policy of the Planning Department.

Section 20 strikes a series of exclusions to development standards in the IP (Industrial Park) zoning district which were adopted in tandem with the 1998 Airport Specific Plan approval. Because the 1998 Specific Plan was invalidated by the courts in *Napa Citizens for Honest Government v. Napa County Board of Supervisors*, 91 Cal.App.4th 342 (2001), the subject standards are no longer applicable or correct.

Section 36 amends the technique used to measure building height based on measurement from existing or finished grade, whichever is greater, rather than the method outlined in an outdated Uniform Building Code.

The proposed changes both clarify and simplify Airport Influence Area development standards and do not affect existing ALUCP policies regarding land use, noise and safety, therefore, the project is consistent with ALUCP policies.

2. Location - The affected zoning districts include the AV (Airport) and IP (Industrial Park) zoning districts that are adjacent to both the Napa County Airport and Angwin Parrett Field Airport Influence Areas. These districts are located within Napa County Airport Influence Areas Compatibility Zone B - Approach/Departure Zone, Compatibility Zone C - the Extended Approach/Departure Zone, Zone D - the Common Traffic Pattern, and Zone E - Other Airport Environs. The AV District at Parrett Field is located in Zone D only.

Zone B - Approach/Departure Zone is defined as the areas where aircraft will be below 100 feet above ground level as determined by the type of approach anticipated for the runway in the future. Future approach slopes are designated on the respective Airport Layout Plans and Airspace Plans for each airport. These areas are affected by substantial risk of accident potential due to the frequency of overflights at low altitudes. Noise levels are generally high with frequent loud single-events.

Zone C - the Extended Approach/Departure Zone is defined as the area where aircraft will be below 300 feet above ground level as determined by the type of approach. Properties in this zone will be affected by substantial noise. Typical overflights of the project area consist of aircraft on final approach to Runway 18L/36R. The required approach slopes of the existing 20:1 Part 77 approach surface, future 34:1 Part 77 approach surface (when the new glideslope system is installed) and 3% glideslope for small jets are all located at least above 300 feet MSL. Development within Zone C would not penetrate FAR Part 77 surfaces or navigable airspace thresholds.

Zone D - the Common Traffic Pattern is defined by the flight pattern for each airport. These areas are routinely overflowed by aircraft operating to and from the airport with frequent single-event noise intrusion. Overflights in these areas can range from near the traffic pattern altitude (about 1,000 feet above the ground) to as low as 300 feet above the ground. Accident risk varies from low to moderate. Areas where aircraft are near the pattern altitude (e.g., downwind leg) have the lowest risk. In areas where aircraft are at lower altitudes, especially on circle-to-land instrument approaches, a moderate level of risk exists. Development within Zone D would not penetrate navigable airspace in these areas.

Zone E - Other Traffic Environs, are those areas that extend beyond the typically defined compatibility zones during busy traffic hours and when larger aircraft are in the pattern. Aircraft overflights can occur anywhere in these areas when aircraft are departing or approaching an airport and are considered low risk. Overflight annoyance is the primary impact element in these areas. Development within Zone D would not penetrate navigable airspace in these areas.

The Omnibus Ordinance would not allow development to take place within navigable airspace within any affected Airport Influence Zones and is consistent with ALUCP policies.

3. Land Use – No changes to the list of "Prohibited, Normally Acceptable and Not Normally Acceptable Uses" listed in Table 3-2 of the ALUCP would be affected by the Omnibus Ordinance. All development will still be designed to comply with all Federal Communication Commission (FCC) construction requirements, technical standards, interference protection, power limitations and radio frequency standards.

Allowed development does not penetrate Federal Aviation Regulations (FAR) Part 77 surfaces, are not uses that would attract large numbers of birds (e.g., landfills) and are not uses that would create smoke, glare, distracting lights or electronic interference. The proposed Omnibus Ordinance is consistent with ALUCP policies.

4. Concentration of People – Restrictions on maximum densities allowed in Zones B, C, D and E will be maintained. Zone B allows a maximum of 10 people/acre within buildings and 25 people/acre outside of structures. Zone C allows maximum densities of 50 people/acre in structures and a total of 75 people/acre outside of structures. Zone D allows 100 people within structures and 150 people/acre outside of structures. Zone E standards are based on adopted General Plan and zoning designations with consideration given to proximity of flight patterns, frequency of overflight, terrain conditions and type of aircraft in determining the acceptable location of residential uses. The proposed Omnibus Ordinance does not conflict or potentially conflict with these density limitations and is fully consistent with ALUCP policies.

5. Building Height – Napa County Airport Industrial Area Specific Plan, Zoning Ordinance and ALUCP allow a maximum 35 feet building height. FAR Part 77, Section 77.13(a)(2)(i), Construction or Alteration Requiring Notice, requires that "the (FAA) Administrator be notified of any construction or alteration of greater height than an imaginary surface extending outward and upward at (a) 100 to 1 slope for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport . . . with a runway more than 3,200 feet in actual length, excluding heliports . . ." to determine whether the construction or alteration constitutes an "obstruction to air navigation".

The Omnibus Ordinance will not change any existing policies which would increase maximum permitted structure heights in required approach slopes and navigable airspace thresholds for either the Napa County Airport or Parrett Field, consistent with ALUCP policies.

6. Lighting and Glare – No changes to existing restrictions on uplighting or sources of glare are proposed, consistent with ALUCP policies.

7. Communications - The Omnibus Ordinance does not change any requirements for development to comply with all FCC construction requirements, technical standards, interference protection, power limitations and radio frequency standards.

8. Building Materials – The Omnibus Ordinance will not affect compliance with all FCC construction requirements, technical standards, interference protection, power limitations and radio frequency standards. Any and all radio frequency emissions are subject to the FCC jurisdiction. Standard County permit conditions of approval will prohibit reflective roof materials, consistent with ALUCP policies.

9. Overflight Easement – Properties located within zoning district in the affected Airport Influence areas will still be required to record Avigation Easements to be accepted to by the Napa County Board of Supervisors.

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

11. Processing – ALUCP Policy 2.1.8 states, "The ALUC shall not accept any plan, ordinance or regulation for review until the referring local agency has held at least one substantive local hearing or other public meeting on the proposed matter. . ." and prior to the local agency's final action. Staff believe the reason for this policy is to avoid ALUC having to respond to land use issues outside of the jurisdiction of the ALUC which may occur if the project is reviewed too early in the process, before the local agency has commenced public review. This policy is most suited for major consistency determinations (e.g., ordinance amendments) that are subject to multiple Planning Commission and Board of Supervisor hearings at the local level.

In this case, the 2012 Omnibus Ordinance was reviewed by the Napa County Planning Commission on February 1, 2012 and recommended approval for the changes to the County Board of Supervisors. Board of Supervisors review of the package is tentatively scheduled for March 20, 2012.

12. Conditions - No conditions are recommended or necessary as part of this ALUCP consistency finding for the Omnibus Ordinance.

SUPPORTING DOCUMENTS

- A . 2012 Omnibus Zoning Code Update Ordinance (Abridged)
- B . Airport Compatibility Zones
- C . Airport Vicinity Land Use Compatibility Criteria

Airport Land Use Commission: Approve

Reviewed By: John McDowell