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Agenda Date: 5/17/2017

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: John McDowell, Principal Planner - 299-1354

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

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.

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

Applicant's Representative: Brian Russell, Abbott & Kindermann, LLP, phone 707-294-2775 or email 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 consistent with the Napa County Airport Land Use Compatibility Plan.

Discussion:

County of Napa (one of six local agencies in Napa County subject to ALUC oversight) is considering grant of a use permit to establish a personal-use heliport located in the Coombsville area of Napa County east of the City of Napa. In accordance with State Aeronautics Law (Public Utilities Code 2166.5), the County Planning Division and project applicant have referred the project to the ALUC for a consistency determination prior to a final action being taken by the County Planning Commission. When reviewing a new airport or heliport Napa County Airport Land Use Compatibility Plan (ALUCP) Policy 1.4.6 sets forth three action choices for the ALUC as follows:

- 1) Find the proposal consistent with the existing policies of the ALUCP;
- 2) Find the proposal consistent upon development and adoption of an airport-specific compatibility plan; or
- 3) Find the project inconsistent with the ALUCP on the basis that it would cause noise, safety or other compatibility impacts with the surrounding land uses.

The scope of the ALUC's review is to determine if the proposal is consistent or inconsistent with the policies of the ALUCP. The ALUC does not have the authority to make changes to the project or to apply conditions of approval. If the project is inconsistent with the ALUCP, then the ALUC should articulate to the lead agency (Napa County in this case), what measures could be implemented to achieve consistency. The decision before the ALUC is limited to review of the current proposal. The ALUC has previously found the County's general zoning provisions that allow "personal use airports and heliports" consistent with the ALUCP.

The original Napa County ALUCP was adopted in 1991. The ALUC determined that airport-specific compatibility plans delineating an Airport Influence Area (AIA) surrounding each airport would only be implemented for the two public-use airports (Napa County Airport and Angwin Airport), and one special-use airport within the City of Calistoga (now defunct Calistoga Gliderport). Airport-specific compatibility plans were not required for the two existing personal-use facilities (Wilsey Residence Heliport and Mysterious Valley Airport), and three other special-use facilities (Pope Valley Airport, Queen of the Valley Hospital Heliport and St. Helena Hospital Heliport). No proposals for new airports have been submitted to the ALUC since 1991. The ALUCP was last updated in 1999 to reflect changes to airport-specific compatibility zones at the Napa County Airport and to eliminate the land use restrictions surrounding the defunct Calistoga Gliderport.

Two potential landing sites are under consideration for this new personal-use heliport consisting of the original Project site, located near the applicant's residence, and a more remote site located approximately one mile to the east labeled as the Mt. George Alternative. The heliport would only be constructed on one of the two sites. At present, County Planning Staff are only recommending conditions of approval on the Mt. George Alternative, but ALUC is being asked to review both the Project and Mt. George Alternative for consistency with the ALUCP. This report evaluates both sites, but without draft conditions for the Project site, it would be premature for the ALUC to find it consistent with the ALUCP. ALUC are recommending that only the Mt. George Alternative be found consistent with the ALUCP. It is possible that the Project could be found consistent with the ALUCP, but the site

presents some questions of compatibility with existing nearby land uses. The Mt. George Alternative is over a mile from, and over 1,000 ft. above, the Coombsville neighborhood where the Project site is located, and does not trigger the same degree of operating limitations and compatibility measures necessary to ensure land use compatibility with uses in the vicinity. In the event the County intends to approve the original Project, it will require referral to the ALUC after draft conditions of approval have been developed to allow ALUC evaluation of the specific conditions.

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

AIRPORT LAND USE COMMISSION SCOPE OF DISCRETION:

ALUC's act independently in an oversight capacity predominantly reviewing the land use regulations and policies of cities and the county in which they are established, in order to ensure incompatible land uses do not encroach into existing airport environs. However, ALUC's also review certain new developments located within an airport's Airport Influence Area (AIA) as well as all proposals for new airports and airport expansions. ALUC's do not approve or deny projects, but instead evaluate local government decisions for consistency with airport land use compatibility policies. The local agency is obligated to consider the ALUC's findings in their final action. In the case of an inconsistency, only the local government's elected body has the authority to 'override' or 'overrule' the ALUC's determination. When overriding or overruling an ALUC, the local government must make findings of fact supporting their decision. In Napa County, no local agency has overruled the ALUC since its formation in 1970.

The California Airport Land Use Planning Handbook (CALUP) is the primary reference document for applying State Aeronautics Law. This document is published by the California Department of Transportation (Caltrans), Division of Aeronautics, and was last updated in 2011. The following excerpts from the 2011 CALUP summarize the ALUC's role for reviewing this heliport proposal:

"When an ALUC reviews a plan for a new airport or heliport—or the expansion of an existing airport or heliport—in an existing land use setting, the basic issue is how will the airport fit into that setting. One way of looking at this issue is to ask: Would the existing or planned land uses be considered compatible with the airport or heliport if the latter were already in existence? If not, what features or mitigation measures are included in the airport or heliport proposal to mitigate the noise and safety impacts on surrounding land uses? Specific questions for ALUC's to consider might include:

Runway Layout—Does the proposed layout of aircraft landing areas attempt to limit impacts on surrounding land uses to the extent practical?

Flight Tracks—Will the aircraft traffic pattern be limited to a single side of the runway because of land use compatibility or other factors? Are any other flight track or operational restrictions proposed to minimize off-airport impacts?

Aircraft Activity Characteristics—What type and volume of aircraft activity is projected for the facility over the next 20 years or more? Are these characteristics compatible with surrounding land uses?

Property Acquisition—Will fee title and/or easements be acquired on highly impacted property?

When reviewing the plans for a new airport or airport expansion, it is important that ALUC's evaluate the adequacy of the facility design (in terms of federal and state standards) only to the extent that the design affects surrounding land use. Also, commissions must base their review on the proposed design. ALUC's do not have the authority to require alterations to the airport plan or to make different assumptions regarding the future airport role and airfield configuration than are indicated in the airport's plan."

More specifically related to heliports, CALUP states:

"Compatibility planning for heliports presents another uncommon set of circumstances for ALUC's. As discussed in Chapter 2, the first consideration is to decide which heliports should have ALUCP's. The State Aeronautics Act requires all public-use heliports not located on an airport and all special-use heliports to obtain a Heliport Permit. A public-use heliport would be considered a public airport, and would require an ALUCP. A special-use heliport, most notably those at hospitals, would not require an ALUCP, but the ALUC has the option to prepare one. Any ALUCP prepared for a heliport needs to take into account the unique operational characteristics of helicopters. Because of the steep approach and departure profiles which helicopters normally fly, they are effectively operating in an en route manner once beyond a short distance from the heliport (FAR Part 77 airspace surfaces extend just 4,000 feet from the landing pad). Within the immediate vicinity of a heliport, helicopter noise impacts can be relatively intensive on a single-event scale. However, except for the few heliports which experience a high volume of operations, cumulative noise impact contours are very small. Also, the limited accident data available for helicopters suggests that significant safety concerns are generally confined to within a few hundred feet of the landing pad. Perhaps most important with respect to safety is the necessity of keeping established approach/ departure corridors clear of obstructions.

Given this combination of factors, some restrictions on land use development is appropriate within the immediate vicinity of public-use and special-use heliports. However, except where warranted by high activity levels, more extensive restrictions are normally unnecessary."

Note that the excerpt above is silent on the question of preparation of airport-specific compatibility plans for personal-use airports. This is because it is rare for personal-use (non-commercial) airports to have a volume of operations that warrant preparation of an airport-specific plan. Instead, personal-use airports are typically controlled by the local agency's conditional use permit process, wherein conditions of approval are applied to the airport in order to achieve overall ALUCP consistency.

The ALUC's scope of discretion is limited strictly to questions of airport land use compatibility. Project compliance with the local agency's General Plan or Zoning are outside of the ALUC's scope (unless the project is itself a general plan and/or zoning amendment). In addition, non-aviation related land use or environmental issues, such

as traffic, air quality, and/or biological impacts, etc. are outside of the ALUC's purview. Those issues are the responsibility of the local agency.

Section 2.3 of the Napa County ALUCP contains policies specific to the review of new airports and heliports. Policy 2.3.1 states that the Commission shall focus its review on potential for noise, safety, overflight and height limit impacts on surrounding land uses. Policy 2.3.2 states that the review shall examine the relationship between existing and planned land uses in the vicinity and the impacts the proposed project would have on these land uses. Policy 2.3.3 states the extent of plans and information necessary to conduct a meaningful review. The findings contained in these policies are addressed below.

AIRPORT LAND USE COMPATIBILITY CRITERIA:

1. Setting

The proposed Palmaz Heliport is situated east of the City of Napa within an unincorporated area of Napa County commonly known as Coombsville. Coombsville is a rural enclave set in an area of low lying rolling hills ranging in elevation from 40 ft. to 300 ft. above Mean Sea Level (MSL). Bordering the east side of Coombsville, where the applicant's property lies, topography slopes dramatically upward forming the Tulocay Mountains that define the eastern side of Napa Valley. The most notable feature of this portion of the range is Mt. George at an elevation of 1,877 ft. MSL which is located approximately 4,400 ft. north by northwest of the Mt. George Alternative site. Parcel sizes in Coombsville range from as small as 7,000 sq. ft. to 10 acres and larger, with many parcels in the one to three acre range. Land uses are predominantly rural ranches with a history of horse and cattle husbandry that has been in transition to vineyard estates (source: Napa County General Plan page AG/LU-41). Parcel sizes in Tulocay Mountains are much larger, generally greater than 20 acres and ranging to well above 100 acres, and development is sparse.

Project Setting - The originally proposed helipad site is at elevation 321 ft. MSL, and located in a vineyard approximately 360 ft. from the main residence located on the property. The nearest off-site residence is located approximately 1,200 ft. northwest of the helipad site, with many other residences located generally greater than 2,500 ft. from the helipad to the northwest, west, and southwest. A higher density enclave of rural residential estates is located northwest of the helipad site off of Olive Hill Lane greater than 2,500 ft. from the helipad site.

Mt. George Alternative Setting - The Mt. George Alternative is at elevation 1,415 ft. MSL, and located adjacent to a private road that runs approximately 1 mile down slope to the applicant's residences. There are no nearby residences on the subject property or on adjoining properties not owned by the applicant. The nearest off-site residence (which is a farm labor dwelling but subject to the same protections as a primary residence) is greater than 2,500 ft. north of the landing site.

Recommendation - The Mt. George Alternative is a superior location for the heliport over the Project site due to its relatively remote setting and absence of incompatibility land uses in proximity to approach/departure paths.

2. Affected Jurisdictions

Napa County, the lead agency responsible for issuance of the use permit, is also the primary jurisdiction affected by the project. Napa County has the authority to modify or revoke the use permit in the event the facility operates out of compliance with conditions of approval. Napa County will be responsible for responding to any complaints about facility operations.

The City of Napa, located approximately two miles west of the project site at its nearest point, provided comments on the project's Draft EIR. Given the small scale of operations (8 operations per week), and the separation from the nearest city limit line, the City of Napa would not constitute an affected jurisdiction. Approval of the heliport at

either the Project or Mt. George Alternative will not result in a discernible change to air traffic over the City of Napa. Any operations originating or terminating at the Palmaz Heliport resulting in overflight of the City of Napa will be well outside of approach/departure paths of the heliport by the time overflight of the city occurs and are considered en route operations otherwise outside of the jurisdiction of the ALUC.

On April 18, 2017, the City of St. Helena submitted a letter requesting that the County undertake a comprehensive planning effort to evaluate County Code provisions allowing for personal use heliports before acting on this project. This request is outside of the discretion of the ALUC. The ALUC is obligated to act on the project as referred by the local agency. The City of St. Helena is approximately 16 miles from the Project and is not an affected jurisdiction for the same reasons as is the City of Napa, as noted above.

Recommendation - Napa County is the only jurisdiction affected by the approach/departure paths for the proposed project, and is the primary agency with land use control over the proposed facility. This presents no conflicts with the ALUCP. Napa County's General Plan and Zoning have previously been reviewed by the ALUC and found consistent with the ALUCP.

3. Airport Operation and Development

Project improvements and frequency of operations are the same for both proposed locations, but operational characteristics are different at the two sites as described below. Project improvements consist of a single aircraft landing pad with apron extending to an approximately 4,000 sq. ft. hangar building for housing a single helicopter. Aircraft fueling and maintenance will not occur on-site. Vehicular and emergency vehicle access will be provided by on-site private roads (not subject to ALUC review). A maximum of 8 operations per week are requested and limited to a Bell 429 helicopter presently owned by the applicant (or other helicopter meeting Federal Aviation Administration (FAA) stage 3 noise level certification). Hours of operation would be between 7 a.m. and 10 p.m. occurring any day of the week. The 20 year operations forecast remains at a maximum of 8 operations per week with no changes in hours of operation. The County has included two conditions of approval addressing future changes to operations. Condition 2.3 requires a use permit modification to increase the number of operations or to significantly changes the flight paths. Condition 2.4 requires referral of those changes to the ALUC. Condition 2.4 will allow the ALUC to determine if the changes to flight paths and/or increase in operations trigger preparation of an airport-specific compatibility plan.

One issue before the Planning Commission is whether the heliport will be used solely for personal use, or if customers to the applicant's winery will also be flown. This issue is not within the ALUC's jurisdiction. The ALUC is simply evaluating the flight characteristics associated with the heliport in relation to nearby land uses. Occupants of the aircraft are not a factor in that evaluation.

Operations: Project Site - Given the landing pad's relative proximity to sensitive residential receptors, the applicant proposes limiting the approach/departure paths to three specific headings, and is committing to a specific "no-fly" zone. The intent of these flight restrictions is to minimize and/or avoid overflight in the proximity of most sensitive receptors. The EIR noise analysis however concluded that two of the approach/departure headings resulted in potential significant noise impacts to nearby off-site residences, and identifies mitigation for the impact by mandating that only one heading, the southeast approach/departure path, should be utilized.

Operations: Mt. George Alternative - Two approach/departure paths are proposed for this site with one heading from the north/northwest and the other from the east. Both of these flight paths avoid overflight of sensitive areas.

Recommendation - The Mt. George Alternative site has approach/departure paths that avoid conflicts with existing and foreseeable future land uses, and is consistent with the ALUCP with the recommended conditions of approval.

4. Noise – As defined by the exposure of persons on the ground to noise attributable to aircraft operations.

Project - As noted in the prior section, the approach/departure path for this landing site is limited to one heading (from the southeast) because the two other originally proposed paths result in significant noise impacts to nearby residences. County Staff have not proposed conditions of approval for this site, but the EIR contains mitigation measures restricting flights to comply with County noise standards. Given the low number of operations, cumulative noise impacts would be less-than-significant. However, single event noise levels (as discussed on the Overflight section below) are audible to varying degrees off of the subject property and could represent an annoyance to persons on the ground. Limiting the approach/departure path to a single heading with the least amount of intrusion on existing residences would limit the single event noise incursions, but some level of disclosure to adjoining property owners could be warranted as discussed in the Overflight section below.

Concerns have been raised about the project's noise impacts to wildlife. Environmental impacts to wildlife are outside of the ALUC's scope of discretion, and are the responsibility of the County Planning Commission.

Mt. George Alternative - This site is not located in close proximity to residences, but approach/departure paths would be limited to two headings to avoid unnecessary overflights of residences in the general vicinity. This site is also more than 1,000 ft. above, and approximately one mile east of the Project site and sensitive noise receptors. Noise impacts will therefore comply with County standards and consequently be consistent with the ALUCP.

Recommendation - The Project results in potential short term single event noise impacts to sensitive residential land uses in the vicinity of the project. The Mt. George Alternative does not result in potential noise impacts to existing land uses and is consistent with the ALUCP as proposed and conditioned.

5. Overflight – As defined by annoyance and other general concerns of persons on the ground arising from routine aircraft flight over a community.

Overflight compatibility is a very subjective topic due to the wide range of tolerances people have toward disturbance from aircraft operations. Complicating the topic as it relates to small personal-use facilities is the occurrence of overflights that are unrelated to the facility. The extended approach path to Napa County Airport's main runway is over Coombsville in the vicinity of the proposed helipad. En route helicopters to or from the Napa County Airport routinely cause single-event noise to the area, as well as noise from other aircraft. These overflights are unrelated to the proposed facility, but may still represent annoyance to some residents.

The primary strategy to address overflight annoyance is to require buyer awareness measures within an AIA. By way of example, Napa County and the Cities of American Canyon and Napa, require recordation of overflight easements on all properties within the AIA for Napa County Airport. The AIA for Napa County Airport extends 14,000 ft. from the runways and consequently affects a substantial portion of southern Napa County. Given that this is a public-use airport that has thousands of operations per month from a wide variety of aircraft types, overflight easements are an appropriate form of disclosure. Small airports with fewer operations and limited aircraft types generally do not trigger a need for the same degree of buyer awareness measures.

The following excerpt from CALUP provides some guidance as it relates to overflight disclosure (CALUP page 3-10):

"California real estate law also requires that sellers of real property disclose "any fact materially affecting the value and desirability of the property" (Civil Code, Section 1102.1(a)). While this general requirement leaves to the property seller the decision as to whether airport-related information constitutes a fact warranting disclosure, other sections of state disclosure law specifically mention airports. Specifically, Civil Code Section 1102.17 states: "The seller of residential real property subject to this article who has actual knowledge that the property is affected by or

zoned to allow industrial use described in Section 731a of the Code of Civil Procedure shall give written notice of that knowledge as soon as practicable before transfer of title." Section 731a of the Code of Civil Procedure specifies:

["Whenever any city, city and county, or county shall have established zones or districts under authority of law wherein certain manufacturing or commercial or airport uses are expressly permitted, except in an action to abate a public nuisance brought in the name of the people of the State of California, no person or persons, firm or corporation shall be enjoined or restrained by the injunctive process from reasonable and necessary operation in any such industrial or commercial zone or airport of any use expressly permitted therein, nor shall such use be deemed a nuisance without evidence of the employment of unnecessary and injurious methods of operation...."]

It is interpreted that these sections of law establish a requirement for disclosure of information regarding the effects of airports on nearby property provided that the seller has "actual knowledge" of such effects. ALUC's have particular expertise in defining where airports have effects on surrounding lands. ALUC's thus can give authority to this disclosure requirement by establishing a policy indicating the geographic boundaries of the lands deemed to be affected by airport activity. In most cases, this boundary will coincide with the ALUC's planning boundary for an airport. Furthermore, ALUC's and local jurisdictions should disseminate information regarding their disclosure policy and its significance by formally mailing copies to local real estate brokers and title companies. Having received this information, the brokers would be obligated to tell sellers that the facts should be disclosed to prospective buyers."

Recommendation - ALUC Staff is not recommending the establishment of an airport-specific compatibility plan for this personal-use facility. As such, an AIA will not be established, which would typically be the basis for determining where buyer awareness measures are necessary (as suggested in the CALUP). Based on the above guidance from CALUP, especially in regard to ALUC's defining boundaries where airports have effects, ALUC Staff recommend the following as it pertains to each landing site:

Project - If an AIA was being established for this location, a reasonable boundary would be either the 75 Lmax or 70 Lmax noise contours as depicted in the noise contour exhibits on pages 3.4-8 through 3.4-13 of the Draft EIR (see attachments). Although the frequency of single event noise would only occur up to 8 times a week, 70 dB is still the equivalent noise to a gas lawnmower at 100 feet (Palmas EIR Noise Table, page 3.4-7). This level of noise could be considered an annoyance if it is a regular weekly occurrence as late as 10 p.m. on any given day. Therefore, in the event that the County wishes to approve the use permit for this landing location, ALUC Staff recommend that the ALUC provide preliminary direction to the County to implement a buyer awareness measure equivalent to a "Notice of Airport" disclosure pursuant to Business and Professions Code Section 11010(b)(13) (A), which would be applicable to those private properties within the 70 Lmax noise contour of the approach/departure path.

Since the ALUC has not been provided draft conditions of approval for this site, including how overflight annoyance of adjoining property owners will be addressed, it is premature for the ALUC to find this landing site consistent with the ALUCP.

Mt. George Alternative - Applying the same 70 Lmax noise contour threshold to this site as a theoretical AIA boundary reveals that no sensitive land use receptors are located within its boundary as depicted on the noise contour exhibits on pages 6-10 through 6-13 of the Draft EIR (see attachments). As such, this project site has superior land use compatibility regarding overflight annoyance than the Project site, and implementation of a buyer awareness program on adjoining properties appears unwarranted especially in consideration of the low frequency of operations. Proposed conditions of approval for this site are adequate and can be found consistent with the ALUCP.

6. Safety – As defined by exposure to risk of persons on the ground.

As a helicopter (only) landing site with a maximum frequency of 8 operations per week, neither project location results in significant exposure to risk for persons on the ground. The steep approach/departure paths confine safety concerns to within a few hundred feet of the landing site, which do not extend beyond the applicant's property. In this regard, there is some level of risk to the applicant given the proximity of their residences to the Proposed site, but this assumption of risk is considered less-than-significant because it is borne by the applicant (who assumes a certain amount of risk by flying in the aircraft as well). The nearest off-site residences are located between 1,200 ft. to 1,500 ft. and are outside of the single approach/departure heading and well outside areas of higher risk, essentially at the same insignificant level of risk currently present from existing overflights. However, if the Mt. George Alternative is compared to the Proposed site, the Mt. George Alternative has an overall lower degree of risk to persons on the ground simply because there is virtually no population density in proximity to the landing site.

Recommendation - The Mt. George Alternative has a higher degree of safety for persons on the ground as a result of the sparse development density of the site and is clearly consistent with the safety policies of the ALUCP.

7. Flight Hazards / Airspace Protection – As defined by the protection of airspace from hazards to flight.

Due to the relative slow speeds involved, aircraft controllability, and steepness of approach / departure procedures for helicopter take offs and landings, airspace protection for heliports is far less complex than for airplane runways. Both sites have ample airspace protection to comply with FAA airspace protection requirements on site. In fact, the FAA has issued airspace determinations consistent with the proposed flight tracks for both landing sites. The ALUC should rely on the FAA's technical expertise on this matter. The FAA has found that there are no existing obstructions to flight on the subject property or adjoining properties. The application of aviation easements or other airspace protection measures on neighboring private properties is consequently unwarranted. Current County zoning regulations limit buildings to no greater than 50 ft. in height (35 ft. enclosed). Any new construction on neighboring properties for either of the two landing sites would need to be far greater than 50 ft. in height to pose a potential obstruction of airspace.

One of the commenters on the EIR noted that County zoning permits the establishment of water features, such as reservoirs, on all properties surrounding the proposed heliport sites. Both FAA regulations and the ALUCP discourage the establishment of new water features that may attract birds in proximity to airports. Bird strikes are a hazard to flight. However, bird strikes with helicopters are more rare than strikes with fixed-winged aircraft, because airplanes generally move at higher speeds and are consequently less maneuverable than helicopters, especially during landings and take-offs when aircraft are more vulnerable. Helicopter noise and blade wash also contribute to the lower frequency of bird strikes on helicopters. Given the relative low frequency of operations and the relatively short amount of time that the helicopter will be on approach or departure, the addition of any new water features in the vicinity of the project (however likely or unlikely that may be) do not pose a significant new bird attractant or flight hazard than what already exists.

Recommendation - Both project sites meet FAA safety criteria and are therefore consistent with the ALUCP.

8. Other Compatibility Issues

Concerns have been raised that the heliport could lower property values in the vicinity of the project. This issue is not within the jurisdiction of the ALUC. As noted in the Overflight discussion above, the CALUP excerpt states that real estate disclosure laws may (or may not) require property owners to disclose their awareness of the heliport, but State Aeronautics Law contains no provisions to ensure property values for owners surrounding an airport.

The Planning Commission is also considering whether the proposal is consistent with the various policies of

the County General Plan. This is not an issue within the jurisdiction of the ALUC. As noted earlier, the ALUC's role is to determine if the new heliport is compatible to the land uses in the vicinity. Project compliance with the local agency's General Plan is not a factor in that determination.

Recommendation - There are no other airport land use compatibility issues related to the project that affect consistency with the ALUCP.

9. Processing

ALUCP Policy 2.1.9 requires referral of a project to the ALUC prior to the local governing body's final action to allow the local jurisdiction to consider the ALUC's finding prior to acting on a project. ALUCP Policy 2.1.8 specifies that formal referral to the ALUC should not occur until after at least one substantive hearing has been held by the local jurisdiction. The County has complied with these requirements. The Napa County Planning Commission heard the proposal on March 1, 2017 but did not take an action. The County has indicated that final action by the Planning Commission would occur after the ALUC has issued its decision. The Planning Commission's action on the project is subject to appeal to the Board of Supervisors. The ALUC's decision is final and is not subject to appeal to the Board of Supervisors. However, the Board of Supervisors has the authority to 'override' or 'overrule' the ALUC's determination as part of an appeal of the Planning Commission's decision.

State Aeronautics law mandates that ALUC consistency determinations occur within 60 days of referral of a complete application. The ALUC has complied with this requirement. The project was referred to the ALUC on January 23, 2017, found complete on February 22, 2017 and scheduled for a special ALUC meeting originally set for March 22, 2017 in compliance with the 60-day requirement. Prior to that meeting, the applicant requested postponement, which led to the meeting being rescheduled to May 17, 2017.

The ALUC's consistency action is based on the project as it is presented in this report. Pursuant to ALUCP Policy 2.1.10, in the event that major changes occur as the project is heard by the County's Planning Commission and Board of Supervisors (on appeal), if those changes have any bearing on airport compatibility, then subsequent review of the project by the ALUC will be required.

Recommendation - Napa County has complied with the processing requirements of the ALUCP.

PUBLIC COMMENTS:

Attachment H contains all written public correspondence directed to the ALUC and received prior to noon on May 10, 2017. 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:

Based on the analysis of the criteria provided above, staff recommends that the ALUC find that the Mt. George Alternative site is consistent with the Napa County Airport Land Use Compatibility Plan (ALUCP).

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.

SUPPORTING DOCUMENTS

- A . ALUC Application
- B . March 1, 2017 Napa County Staff Report
- C . May 17, 2017 Napa County Staff Report
- D . County Draft Conditions of Approval ALUC Specific
- E . Airport Land Use Compatibility Plan Heliport Policies
- F . California Airport Land Use Planning Handbook Heliport Guidelines
- G . Graphics
- H . Public Comments

Airport Land Use Commission: Approve

Reviewed By: Charlene Gallina