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Agenda Date: 8/15/2012

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Airport Land Use Commission Board Agenda Letter

TO: Airport Land Use Commission

FROM: John McDowell for Hillary Gitelman - Director
Planning, Building and Environmental Services

REPORT BY: RONALD GEE, PLANNER III - 707.253.4417

SUBJECT: City of Napa Annexation/Pre-Zoning of Materials Diversion Facility - Airport Compatibility Determination P12-00224-ALUC

RECOMMENDATION

CITY OF NAPA ANNEXATION / PRE-ZONING OF MATERIALS DIVERSION FACILITY - AIRPORT LAND USE CONSISTENCY DETERMINATION # P12-00224-ALUC

Request: Airport Land Use Compatibility Plan Consistency Determination for proposed Annexation and Pre-zoning of six contiguous parcels with an existing Materials Diversion Facility as required pursuant to the State Aeronautics Act, Public Utilities Code, Chapter 4, Article 3.5, Section 21676. The six properties are located on approximately 19 acres on the southwest corner of the intersection at Tower Road and Devlin Road, in Napa County Airport Compatibility Zone A - Runway Protection Zone, Zone B - Approach/Departure Zone and Zone D - Common Traffic Pattern. (Assessor's Parcel Numbers: 0057-110- 049, -052, -065, -066, -067 and -068) 920 Levitin Way, Napa

Staff Recommendation: That the Commission find the project 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 City of Napa Annexation / Pre-Zoning of six contiguous properties (# P12-00224-ALUC) is consistent with the Napa County Airport Land Use Compatibility Plan (ALUCP).

Discussion: The proposed City of Napa action would annex and pre-zone six contiguous properties as PQ-P:AC

(Quasi-Public, Public : Airport Compatibility Overlay) District. The project site has a combined area of approximately 19-acres in size. There is an existing materials diversion facility (MDF) with a two materials recycling facility picking lines, composting and construction & demolition debris processing areas and three drainage and detention ponds. The facility was originally permitted in 1991 by the Napa County Planning Commission (Use Permit # U-90-29) and Airport Land Use Commission (Review of Local Approval # ALU-41); it has been operating at this location since 1993. No changes to existing operations or any new construction is proposed as part of this request.

Consistency Determination is required under two ALUCP policies. Under Policy 1.3.2(b), state law requires ALUC review of "[t]he adoption or approval of zoning ordinance or building regulation which (1) affects the Commission's geographic area of concern (Napa County Airport) . . . and (2) involves the types airport impact concerns (i.e., Safety, Airspace, Airspace Protection and Overflight) listed in paragraph 1.2 (Section 21676(b)). Policy 1.3.3 (a) requires the ALUC to review for "[a]ny proposed expansion of a city's or an urban service district's sphere of influence within an airport's planning area." The property annexation would transfer property jurisdiction from Napa County to the City of Napa and concurrent pre-zoning will define allowable land uses on the properties within the city.

Located towards the west end of Tower Road, the north four properties are located in Napa County Airport Influence Areas, Zone A - Runway Protection Zone and Zone B - Approach/Departure Zone, approximately 0.24 mile (1,254 feet) southeast of the centerline and east end of Runway 6/24 at their closest point. Although a small portion of the two south properties are also located in Zones A and B, the balance of those properties are located in Zone D - Common Traffic Pattern. No MDF structures are located within Zones A or B, only in Zone D. All existing MDF buildings, composting and construction & demolition debris operations do not penetrate FAR Part 77 surfaces and are located below current 20:1 and future 34:1 required approach slopes and navigable airspace thresholds for the Napa County Airport. No structures are located within Zone A or Zone B, consistent with ALUCP policies. The properties have an existing Avigation Easement recorded on April 12, 1960 prior to 1999 parcel lot line adjustment.

As detailed below, the proposed annexation and pre-zoning complies with all ALUCP Compatibility Policies regarding Noise, Safety, Airspace Protection and Overflight. No changes to existing MDF operations or new construction are proposed; all existing operating permits and conditions of approval governing MDF operations to ensure ALUCP policy compliance would be retained

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 City of Napa is the Lead Agency responsible for carrying out the project. On June 7, 2012, the City of Napa Planning Commission voted 4-0 to forward a recommendation to the City Council to adopt a Negative Declaration before taking final action on the project.

BACKGROUND AND DISCUSSION

Airport Land Use Consistency Factors:

1. History - The Napa County Planning Commission approved Use Permit # U-90-29 on February 20, 1991 to establish a "recyclable materials transfer center to include sorting, packing and preparation for transport of various recyclable materials from outdoor composting of organic waste and relocated existing administration facilities and truck storage/maintenance for normal collection operations on two parcels totaling 12.43 acres." As part of a "Review of Local Approval" action, on March 20, 1991, the ALUC approved # ALU-41 for Napa County Use Permit # U-90-29 as approved on February 20, 1991. On June 3, 1994, Use Permit Modification # 93530-MOD added a 0.44 acre 450,000 gallon drainage retention pond to meet the requirements of the Regional Water Quality Control Board for the compost run-off to be classified as storm water rather than waste water. Since that time, additional permits have been granted for time extension and to expand existing operations to include construction and demolition debris collection, a new materials recycling facility, daily tonnage increases and expanded composting operations. Property line adjustments and road abandonment of a portion of the Levitin Way cul-de-sac have also taken place.

The City of Napa is requesting annexation of six parcels containing the city-owned Material Diversion Facility (MDF), operated by a third party through contracts with the City and County, to place the facility under City jurisdiction and control for planning purposes. In addition, annexation into the City limits will relieve the City from being subject to the payment of property taxes to the County. No changes to existing MDF operations or any new construction is requested.

The MDF and other affected parcels are unincorporated "islands" that are not contiguous to existing city limits. Pursuant to California Government Code Section 56742, with approval of the Local Agency Formation Commission, a city may annex noncontiguous territory that does not exceed 300 acres if the territory meets all of the following criteria:

- a) It is located in the same county as that in which the city is situated;
- b) It is owned by the city; and
- c) It is being used for municipal purposes at the time proceedings are initiated.

The proposed annexation of the MDF parcels satisfies the above criteria. The above Government Code section also states that should any or all of the annexed territory be subsequently sold by the city, it shall cease to be part of city limits and return to unincorporated status.

On June 7, 2012, the City of Napa Planning Commission voted 4-0 to forward a recommendation to the City Council to adopt a Negative Declaration before taking final action on the project.

ALUCP Consistency Determination

The current application only considers whether proposed annexation/pre-zoning action is consistent with the ALUCP. Only the potential change of jurisdiction is addressed, not existing operations, since the Material Diversion Facility was approved as part of the ALUC's "Review of Local Approval" # ALU-41 action in 1991.

Consistency Determination is required under two ALUCP policies. Under Policy 1.3.2(b), state law requires ALUC review of "[t]he adoption or approval of zoning ordinance or building regulation which (1) affects the Commission's geographic area of concern (Napa County Airport) . . . and (2) involves the types airport impact concerns (i.e., Safety, Airspace, Airspace Protection and Overflight) listed in paragraph 1.2 (Section 21676(b)). Policy 1.3.3 (a) requires the ALUC to review for "[a]ny proposed expansion of a city's or an urban service district's sphere of influence within an airport's planning area."

In this case, the property annexation would transfer property jurisdiction from Napa County to the City of Napa which expands the city's sphere of influence in the Napa County Airport influence area. Concurrent pre-zoning will define allowable land uses on the properties within the city zoning ordinance. The Pre-zoning designation to PQ-P:AC (Quasi-Public, Public: Airport Compatibility Overlay) District will effectively retain the County's existing :AC (Airport Compatibility Combining) District development standards. The City of Napa's General Plan policies and Zoning Ordinance standards have previously been reviewed by the ALUC and were found to be consistent with Napa County Airport Land Use Compatibility Plan requirements.

In addition, State Government Code Section 56742 requires that if any or all of the annexed territory are subsequently sold by the city, it shall cease to be part of city limits and would return to County jurisdiction. Effectively, use of the property will be limited to land uses consistent with ALUCP requirements. As detailed below, the proposed annexation and pre-zoning complies with all ALUCP Compatibility Policies regarding. No changes to existing MDF operations or new construction are proposed; all existing operating permits and conditions of approval governing MDF operations to ensure ALUCP policy compliance would be retained

2. Location - The MDF property is located on six parcels, approximately 19 acres total size, at 820 Levitin Way, on the both the southeast and southwest corners of the Levitin Way intersection with Tower Road, approximately 0.39 mile (2,050 feet) west of SR 29. The MDF properties are located within three Napa County Airport Influence Area Compatibility Zones: 1) Zone A - Runway Protection Zone; 2) Zone B - Approach/Departure Zone; and 3) Zone D - Common Traffic Pattern.

Zone A - Runway Protection Zone areas are regularly overflown by aircraft below 50 feet above the ground. These areas are considered high risk with regard to accident potential and any structures, buildings, trees or obstacles may create flight hazards. These areas are also affected by high noise levels. 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. 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 frequently loud single events. Zone D - Common Traffic Pattern areas are routinely overflown 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 ground. Accident risk varies from low to moderate. Areas near pattern altitude (e.g., downward 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.

The northwest corner of the site is approximately 0.24 mile (1,254 feet) east of the centerline and beginning of Runway 6/24, the designated Napa County Airport crosswind runway. APNs 057-110-049, -065, the southwest quarter of -066 and northwest 20% of -068 are located within Zone A. The balance of APNs -066 and -052 are located in Zone B. The balance of -068 and -067 are located in Zone D.

Typical overflights of the project area consist of aircraft on final approach to Runway 6/24. As shown in attached Exhibits, Napa County Airport Aircraft Altitude Profiles (ALUCP, Figure 1), with the property's approximately 1,254 feet distance from the runway, 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 100 feet MSL.

According to the *Napa County Airport Master Plan, March 2007*, FAA design standards for ARC C-II facilities such as the Napa County Airport specify that a 400-foot wide Runway Safety Area (RSA), centered on the runway centerline, be provided throughout the entire runway length and 1,000 feet beyond each end of the runway. The east end of Runway 6/24 complies with this criteria. In addition, the Union Pacific Rail right-of-way separates the MDF properties from the airport RSA area by 80 feet.

No MDF structures are located within Zones A and B. No existing MDF buildings located in Zone D penetrate FAR Part 77 surfaces or navigable airspace thresholds. The properties have an existing Avigation Easement recorded on April 12, 1960 prior to 1999 parcel lot line adjustment. No new construction or change of use is proposed. The annexation/pre-zoning request is consistent with ALUCP policies.

3. Land Use – The existing MDF consists of a gatehouse, scales, administration building, 30,000 square foot materials recycling facility building with two sorting lines and source-separated container storage areas. A small amount number of electronic waste is collected at the site but is loaded into shipping containers for recycling at other facilities. There is a truck washing station, maintenance shop and spray painting facility and an on-site stormwater and leachate management system. There are separate construction, demolition debris storage and wood waste processing areas. The largest open area is used for yard waste composting with separate turned windrow, compost curing, load out and final product screening areas.

The composting operation only accepts yard waste (e.g., leaves, lawn clippings and branches) that generally do not attract hazardous wildlife. Wood chips and similar materials are not municipal solid wastes and may be used as compost bulking agents. To ensure compost quality, other municipal solid wastes are not allowed. The City and County pilot food waste composting program will contain all food wastes which will also be covered by finished compost material to prevent bird attraction.

In 1994, approval of a drainage retention pond was part of a three pond system to: 1) capture and store water for reuse in compost windrow watering; 2) settling out organic matter from compost windrow run-off; and 3) biological filtration of run-off that is released into the surface drainage off-site. In permit application comments, Caltrans Division of Aeronautics staff stated that "[t]he proposal should be consistent with the Napa County County Airport Compatibility Zone 'B'." ALUC staff stated "[p]onds are probably a compatible use of Zone A although ALUC has found a large wastewater pond and berm at the end of a runway to increase aircraft hazard (# ALU-83, City of Calistoga)," but only recommended ". . . the final site plan be transmitted to the ALUC for inclusion in the # ALU-41 file". In response to California Integrated Waste Management Board comments to the draft Negative Declaration, a mitigation measure was added which requires "[s]taff will conduct field a field investigation of the ponds at three separate times throughout the year. If a total of more that 20 birds are noticed at any time within the ponds, the applicant shall be responsible for the immediate installation of bird deterrence devices such as noisemakers and artificial predators." As required by its Composting Facility and Operations Permits, there are active bird control measures on-site, including use of monofilament lines over compost piles, falconers, noise makers and chickens (which deter sea gulls). These are all standard measures used for vector control at all solid waste facility operations, whether or not the facility is located near an airport.

The MDF does not penetrate Federal Aviation Regulations (FAR) Part 77 surfaces, is not a use that would create smoke, glare, distracting lights or electronic interference. According to the Local Enforcement Agency, which ensures compliance with the operation's MDF permits, they are not aware of any bird-related incidents with aircraft in the nearly 20 years of MDF operation.

The proposed annexation is a transfer of property jurisdiction from Napa County to the City of Napa. Pre-zoning will ensure retention of existing public/quasi-public land uses on the six parcels. With no proposed changes to existing land use or any new construction, existing operating permits and conditions of approval governing operation will ensure continued compliance with ALUCP Noise, Safety, Airspace Protection and Overflight policies.

4. Concentration of People – The existing MDF structures are freestanding structures located within Zone D; no structures are located or proposed with Zone A and B. Zone D allows maximum densities of 100 people/acre in structures and a total of 150 people/acre outside of structures. According to City staff, the MDF contract operator employs between 90-100 workers, including drivers who are primarily off-site. With the combined 19 acre property size, the maximum 5.26 people/acre property density falls below these thresholds. The project does not conflict or

potentially conflict with these density limitations and is fully consistent with ALUCP policies.

5. Building Height – No new construction is proposed as part of this application, The existing MRF buildings and accessory structures are not located in Zones A and B, are only located within Zone D, do not penetrate FAR Part 77 surfaces and are located below current 20:1 and future 34:1 required approach slopes and navigable airspace thresholds for the Napa County Airport, consistent with ALUCP policies.

6. Lighting and Glare – The existing MDF has a nonreflective surface and does not have existing hazardous lighting conditions. There is no uplighting or sources of glare, consistent with ALUCP policies. Off-site, there are street light located at the cul-de-sac across the street from the facility tower as part of County Service Area #3 improvements.

7. Communications - As proposed, Staff does not anticipate the existing MDF will affect airport communications. According to the applicant, the MDF complies with all FCC construction requirements, technical standards, interference protection, power limitations and radio frequency standards.

8. Building Materials – Existing MDF buildings and on-ground equipment have been on-site for nearly 20 years. No changes to existing operations or facilities are proposed as part of this request. The existing Avigation Easement incorporates standard permit conditions of approval that prohibit reflective roof materials, consistent with ALUCP policies.

9. Overflight Easement – The property has an existing Avigation Easement accepted by the Napa County Board of Supervisors on April 12, 1960. The easement applies to successor properties resulting from lot line adjustments. No changes to the document are required for this project.

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 two fold: 1) 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; and 2) to ensure that the ALUC can review the final design so that re-referral to the ALUC does not occur as a result of project design changes during the local agency public hearings. This policy is most suited for major consistency determinations (e.g., annexations, general plan amendments and rezonings) that are subject to multiple Planning Commission, City Council or Board of Supervisor hearings at the local level.

On June 7, 2012, the City of Napa Planning Commission voted 4-0 to forward a recommendation to the City Council to adopt a Negative Declaration before taking final action on the project. City Council hearing and action has not yet been scheduled.

At its July 9, 2012 meeting, the Airport Advisory Commission had no comments on the project since the annexation only involved a jurisdictional change with no changes to existing operations.

12. Conditions - No conditions are recommended since there is an existing Avigation Easement applicable to all affected properties addressing noise, safety, airspace protection and overflight. Existing MDF operations on-site are controlled by facility permits that incorporate effective avian hazard controls through standard vector control measures, as required by a specific permit mitigation measure adopted in 1991.

SUPPORTING DOCUMENTS

- A . Application
- B . ALUC Review of Local Approval # ALU-41
- C . City of Napa Planning Commission Staff Report
- D . Materials Diversion Facility Operations Description
- E . Drainage Retention Pond Comments
- F . Avigation Easement
- G . Graphics

Airport Land Use Commission: Approve

Reviewed By: John McDowell