



Legislation Text

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TO: Airport Land Use Commission
FROM: Brian Bordona, PBES Director
REPORT BY: Dana Morrison, ALUC Executive Officer
SUBJECT: Special Meeting - Airport Land Use Compatibility Plan (ALUCP) Update and Negative Declaration Adoption Hearing

RECOMMENDATION

SPECIAL MEETING - AIRPORT LAND USE COMPATIBILITY PLAN UPDATE AND NEGATIVE DECLARATION ADOPTION HEARING

CEQA STATUS: Consideration and adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The areas affected by the update are not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. State Clearing House No. SCH 1995123033.

REQUEST: Introduce and Adopt the update to the Airport Land Use Compatibility Plan (ALUCP) and adopt a Negative Declaration. The proposed update would bring the ALUCP up to date, since the plan has not been updated since 1999.

Staff Recommendation: That the Commission hear from the project consultant (Mead & Hunt) detailing the update to Napa County ALUCP, hear from the project consultant (Dudek) on the Initial Study and Negative Declaration, note any changes needed to the document (if any) and vote to adopt the updated ALUCP.

Staff Contact: Dana Morrison, (707) 253-4437 or dana.morrison@countyofnapa.org

Consultant Contact: Maranda Thompson, 707 284-8690 or maranda.thompson@meadhunt.com

EXECUTIVE SUMMARY

The ALUC is the body designated by State law to produce Airport Land Use Compatibility Plans in accordance with statutory guidance through a collaborative, community outreach process. The Napa County ALUC is responsible for adopting Airport Land Use Compatibility Plans for two public use airports in Napa County: Napa County Airport, and Angwin Airport (Parrett Field). The Napa County ALUC is composed of

the five (5) Napa County Planning Commissioners and two (2) at-large members with aviation expertise, appointed by the Board of Supervisors.

The State of California mandated that each county create an ALUC with the authority to adopt ALUCPs in 1970. The Napa County ALUC was established in the 1970s (at that time consisting of the Planning Commission and Airport Advisory Committee). In April 1991 the ALUC adopted an ALUCP for the Napa County Airport and Angwin Airports; at that time there was also a glider port located in Calistoga which was included in the ALUCP, however, it is no longer in operation. With advances in technology, changes in airport operations and fleets, and revised guidance from the State, a revised ALUCP was adopted in December of 1999. No further substantive updates have been considered by the ALUC. The State recommends updating the ALUCP every 5-10 years.

With the purpose of promoting safety between our airports and the communities that surround them, the ALUC staff and the consulting firm, with the aid of interested stakeholders, have updated the ALUCP. The update process involved a multidisciplinary Project Development Team (PDT) consisting of staff representatives from Napa County, the ALUC, the Napa County Airport, the City of Napa, the City of American Canyon, Pacific Union College and the aviation consulting firm (Mead & Hunt). ALUC Staff for Napa County have led this ALUCP update in close coordination with the PDT team, Mead & Hunt, and the Caltrans Division of Aeronautics as well as community stakeholders and aviation/pilot organizations and individuals.

A major focus of this update was to clarify and enhance the ALUCP policies to improve local implementation of the plan by local jurisdictions. The intent of the ALUCP is to discourage the expansion or introduction of incompatible land uses within an airport's area of influence. ALUCPs are reviewed to ensure consistency with existing general plans, specific plans, zoning ordinances, building regulations, and certain individual development actions of local agencies. Specifically, the plan addresses noise, safety, airspace protection, and overflight notification zones. The end goal of the ALUCP update is to employ a transparent decision-making process that results in community-wide acceptance of the ALUCP and adoption by the ALUC.

The goal of this public hearing is to review and adopt the updated Napa County ALUCP and the associated Initial Study Negative Declaration finding that the update will not result in any significant impacts.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Consideration and adoption of a Negative Declaration. As described in the associated Initial Study - Negative Declaration, there is no substantial evidence in the record that the proposed 2024 ALUCP would result in a significant effect on the environment. Therefore, the County proposes the adoption of a Negative Declaration (ND). The areas affected by the update are not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The Negative Declaration was circulated from June 17, 2024, through July 17, 2024; State Clearing House (SCH) Number 1995123033.

BACKGROUND AND DISCUSSION

What is an ALUC?

With limited exceptions, an Airport Land Use Commission (ALUC) is required by California law in every county with an airport in its jurisdiction. Each ALUC must develop a plan for promoting and ensuring compatibility between each airport in the county and surrounding land uses. In Napa County, the Napa County Planning Commission (plus two aviation experts) is the designated agency to act as the Airport Land Use Commission.

Purpose of an ALUC?

The purpose of the Airport Land Use Commission is “to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.”

Responsibilities?

The ALUC has three primary responsibilities: to coordinate airport land use compatibility planning efforts at the state, regional and local levels; to prepare and adopt an Airport Land Use Compatibility Plan (ALUCP) for each public-use airport in its jurisdiction; and, to review plans, regulations and other actions of local agencies and airport operators.

The Update:

Staff issued a Request for Proposals (RFP) in August 2022 to solicit proposals from qualified consultants for the preparation of a comprehensive update to the ALUCP and the associated environmental impact analysis. The County received three (3) responses from qualified firms; Coffman, ESA, and Mead & Hunt.

In late October 2022, all three (3) firms were interviewed by the ALUC and County Staff and while all firms were deemed qualified for the project, Mead & Hunt received the highest reviewing scores and was selected as the firm to assist with the update. Mead & Hunt helped develop the current Cal Trans Aeronautics handbooks (which informs the ALUCP update) and also assisted the Napa Airport in their update of the Airport’s Master Plan. A contract was signed in December 2022.

Since November 2022, ALUC staff have been working with a consultant and a project development team to update the ALUCP for the Napa County Airport and Angwin-Parrett Field Airport. The last update to the ALUCP occurred in 1999, meaning the current ALUCP is in need of an update; Cal Trans Aeronautics recommends an update occur even 5-10 years.

The process began with an Introductory Kick Off Meeting, presented to the ALUC at a February 1, 2023, public hearing. ALUC staff formed a Project Development Team (PDT) consisting of representatives from the local airports (Napa County and Angwin Parrett-Field), the County of Napa, the City of Napa, the City of American Canyon as well as a local pilot to assist and contribute to the update. The PDT held 4 meetings (February 1, 2023, April 12, 2023, June 22, 2023, and November 16, 2023) to discuss the specific concerns of

each entity, review potential policy updates, propose changes, etc. ALUC staff, assisted by Mead & Hunt, also held two public workshops conducted on October 19, 2023, and December 7, 2023, to give the public the opportunity to hear about why the update is needed, what changes are likely to result from the update, and ask questions on how changes may impact their property. Discussion and questions from the PDT and workshop helped shape the current draft update of the ALUCP.

The ALUCP Public Draft was released on May 23, 2024, along with a Notice of two workshops; one Airport Land Use Commission Workshop and one Public Workshop to introduce the Public Draft of the ALUCP. The workshops were scheduled to occur, back-to-back, on the afternoon of Wednesday, May 29, 2024, and garnered the opportunity to provide information to the ALUC and public on the specifics of the ALUCP update. The ALUC is a separate body from the County of Napa, and the ALUC is the final decision-making body regarding the adoption of the updated Plan and on future compatibility determinations.

As adopted by the ALUC, the basic function of this ALUCP is to promote compatibility between the two airports and future land use development in their surrounding areas. The plan accomplishes this function through establishment of a set of compatibility criteria applicable to new development around each airport. Additionally, the ALUCP serves as a tool for use by the ALUC in fulfilling its duty to review plans, regulations and Major Land Use Actions of local agencies for consistency with the ALUCP criteria. Airport development plans, including plans for any new heliport or vertiport anywhere in the county, are also subject to review by the ALUC. However, neither this ALUCP nor the ALUC have authority over existing land uses or over the operation of the airports.

The geographic extent of the ALUCP compatibility policy and criteria applicability is limited to the Airport Influence Area (AIA). The AIA of each airport includes area within the jurisdictions of Napa County, City of Napa, and the City of American Canyon. The AIA is discussed in Draft ALUCP Policy 2.3, Geographic Scope.

The 2024 ALUCP was prepared using the Handbook produced by the California Department of Transportation (Caltrans), Division of Aeronautics in the latest version of the California Airport Land Use Planning Handbook (Caltrans 2011).

The ALUCP presents policy, both general and specific, to guide regulation and implementation. Policies are to be utilized by the ALUC, local agencies, and others, to implement related outcomes of the ALUCP. Specific policies in the ALUCP focus on four compatibility factors. These factors include:

- Noise - The aircraft noise policies promote the goals of the California Airport Noise Standards (Cal. Code Regs., tit. 21, § 5000 et seq.) and the California Noise Insulation Standards (25 Cal. Admin Code § 1092) by avoiding the establishment of noise-sensitive land uses in areas around the Airport that experience significant levels of aircraft noise.
- Safety - The safety policies minimize the potential number of future residents and land use occupants that could experience hazards related to aircraft operations.
- Airspace Protection - The airspace protection policies ensure the safe, orderly operation of the airspace surrounding the Airport and prevent potential hazards to aircrafts in flight. These policies optimize the navigable airspace around the airport consistent with 14 CFR Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace, FAA Order 8260.3B, United States Standard for Terminal Instrument Procedures

(TERPS), and other relevant regulations.

- Overflight Notification - The overflight notification policies dictate when certain disclosures, such as real estate disclosure notices, are required pursuant to state law (Bus. and Prof. Code, § 11010 and Civ. Code, §§ 1102.6 and 1103.4). Overflight notification policies identify areas where flights into and out of the airport occur frequently and at a low altitude, which could be noticeable to sensitive residents.

As previously stated, ALUCPs have no authority over areas “already devoted to incompatible uses.” The common interpretation of this clause is that ALUCPs have no jurisdiction over existing land uses even if those uses are incompatible with airport activities. An ALUCP cannot, for example, require that an existing incompatible use be converted to something compatible.

Displacement Analyses (see Chapter 4 if ALUCP Initial Study/Negative Declaration):

The adoption of an ALUCP may change, or restrict, future land uses in some areas, based on airport compatibility factors. Currently permissible land uses may become incompatible and “displace” development proposed in approved planning documents, such as the General Plan and Zoning Ordinance. To determine if the 2024 ALUCP will cause displacement, land uses were analyzed for potential displacement based on proposed policy changes in the ALUCP. The number of residential units or non-residential uses represents the maximum allowed under the zoning classifications and does not indicate that the units would ever be authorized or approved by the local jurisdiction.

It is important to note that the 2024 ALUCP may only restrict future development opportunities and does not impact existing land uses. Thus, there is no potential for the displacement of existing land uses due to the adoption of the 2024 ALUCP.

Angwin Airport:

Angwin Airport Residential Displacement:

The adoption of the 2024 Draft ALUCP would allow for 4,213 additional units in the Angwin airport area, compared to the 1999 Adopted ALUCP. Furthermore, lands previously included in adopted Zones C and D are no longer restricted under the 2024 ALUCP, as they fall outside the new AIA. This results in an additional 264 units allowed, resulting in a total of 4,477 units in the AW and AW:AC zones. This addition of 4,477 units completely offsets the displacement of 108 units in updated Zone B. Under the 2024 updated ALUCP, 4,369 residential units will be allowed in the AW:AC and AW zones.

Angwin Airport Non-Residential Displacement:

No significant non-residential displacement is anticipated under the updated ALUCP, however, sensitive land uses, such as day care, antennas, and telecoms, may be restricted in some Draft Compatibility Zones for the Angwin Airport- Parret Field AIA.

Napa County Airport:

Residential Displacement Analysis for Napa County, City of Napa and City of American Canyon:

Napa County Classification:

No significant displacement was found to be applicable to County of Napa AIA Zoning Classifications Zone A, B1, B2, C, D1, D2 or E. However, some displacement was identified to occur within zone B3. There are 1650.37 AW:AC-zoned acres of updated Zone B3 that are within Adopted Zone E and outside of Adopted 1999 ALUCP AIA. Thus, potential displacement was only calculated for 14 lots for a potential displacement of 168 units. However, potential displacement in Draft Zone B3 is offset because farmworker housing could be located on acreage outside of Zone B3 for all but six parcels. Additionally, the compatibility criteria for updated Zone D2 allows for 20 dwelling units per acre, resulting in the addition of 40,499 potential units to offset any farmworker unit displacement. In summary, the updated 2024 ALUCP, allows an addition of 40,259 units within the AW:AC zoning classification.

City of Napa Zoning Classifications:

The displacement analysis showed no significant residential displacement within the City of Napa AIA Zoning Classifications.

City of American Canyon Classifications:

The displacement analysis showed no significant residential displacement within the City of American Canyon AIA Zoning Classifications.

Non-Residential Displacement Analysis for Napa County, City of Napa, and City of American Canyon:

Some non-residential land uses may be restricted under the updated ALUCP. Some sensitive land uses, such as day care, public schools, research and development/ laboratories, antennas, and telecoms, may be restricted in some updated Compatibility Zones for the Napa County Airport AIA. However, this land may be used for a variety of non-residential uses that do not require high concentrations of persons. Sufficient non-residential land is available in the City of American Canyon to absorb demand for these more specialized uses. Thus, there would not be a significant impact to land use.

Steps Following Adoption of update ALUCP:

Upon adoption of the updated ALUCP local jurisdictions within the Airport Influence Areas of the affected airports (County of Napa, City of Napa and the City of American Canyon) will need to update their own General Plans to ensure they are consistent with the updated ALUCP. State law gives local jurisdictions 180 calendar days to amend their general plan, specific plans, zoning ordinances, and facilities master plans, as necessary, to be consistent with the amended ALUCP. The types of local actions subject to ALUC review depends on whether the local agency has amended its plans accordingly. The draft ALUCP contains suggested approaches for local jurisdictions to ensure their plans and ordinances are consistent with the ALUCP.

If a local jurisdiction does not support the ALUCP update, and believes their current plans are consistent with the State Aeronautics Act, they can seek to overrule the ALUC by a two-thirds vote of its governing body after making findings that the agency's plans are consistent with the intent of state airport land use planning statutes. The local agency must provide both the ALUC and the California Department of Transportation,

Division of Aeronautics, with a copy of the local agency's proposed decision and findings at least 45 days in advance of its decision to overrule and must hold a public hearing on the proposed overruling (Public Utilities Code Section 21676(a) and (b)). The ALUC and the Division of Aeronautics may provide comments to the local agency within 30 days of receiving the proposed decision and findings. If comments are submitted, the local agency must include them in the public record of the final decision to overrule the ALUC (Sections 21676, 21676.5 and 21677.)

A general plan does not need to be identical with the ALUCP in order to be consistent with the compatibility plan. To meet the consistency test, a general plan must do two things:

- It must specifically address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and
- It must avoid direct conflicts with compatibility planning criteria.

It must be emphasized, however, that local agencies need not change land use designations to bring them into consistency with the ALUC criteria if the current designations merely reflect existing development. They merely would need to establish policies to ensure that the nonconforming uses would not be expanded in a manner inconsistent with this Compatibility Plan and that any redevelopment of the affected areas would be made consistent with the compatibility criteria.

Public Comments:

As of 7/9/2024 only two public comments related to the ALUCP have been received; one from the Napa County Airport - Mark Witsoe (see Attachment 3) and from Sentinels of Freedom - Mike Conklin (see Attachment 4). A third comment was received from CDFW on 7/10/2024 (see Attachment 5) The County has also spoken on the phone or in person, at the various public workshops, with a number of residents who were interested in how the update might impact their parcels.

Recommendation:

That the Commission hear from the project consultant (Mead & Hunt) detailing the update to Napa County ALUCP, hear from the project consultant (Dudek) on the Initial Study and Negative Declaration, note any changes needed to the document (if any) and vote to adopt the updated ALUCP. The ALUC is the final decision-making body for the adoption of the ALUCP.

Attachments:

1. Airport Land Use Compatibility Plan Update
2. Initial Study Negative Declaration
3. Public Comment - Napa County Airport - Mark Witsoe

4. Public Comment - Sentinels of Freedom - Mike Conklin
5. Public Comment - CDFW - Nicholas Magnuson