ATTACHMENT D

Napa Countywide Airport Land Use Compatibility Plan

Public Comment and Response Matrix

November 1, 2024

(Updated November 25, 2024)

This attachment contains the public comments received from individuals and public agencies regarding the *Draft Napa Countywide Airport Land Use Compatibility Plan (ALUCP)* containing the individual plans for: Angwin Airport – Parrett Field and Napa County Airport dated May 2024 (Public Draft) and their respective responses in the table on the following pages. Comments are organized in alphabetical order by last name of the sender and then by date if multiple comments were submitted by the same individual. Comments are presented without the salutations and are most are paraphrased to focus on the issue raised. Full copies of the written comments (letter or email) are included at the end of this attachment.

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Notes:

1. *Comments submitted after October 28, 2024, are organized by submittal date at the end of the table.*
2. *Additions or changes to responses circulated in draft form before November 5, 2024, are highlighted yellow.*

No.	Commenter Information	Comment	Response	Recommended Action
1	**Name:** Kellie Anderson **Representing:** Individual **Comment Method:** October 16, 2024 email (*see Attachment D1*)	Thank you so much for your explanation of the Angwin airport influence map changes. Seeing how every household in Angwin was noticed by mail, I'm requesting staff present a meeting here in Angwin for residents to get this information and have a chance to ask questions. It's a pretty sensitive topic. Angwin has been thru a lot in the past twenty years. We want to understand exactly what the implications are of referencing the 2009 College Master Plan in the Airport Influence Maps as land use designation were updated post Eco Village project I see this is on the Airport Land Use Advisory Committee for early November. Could the Angwin portion be bifurcated from Napa at a later time?	Please see response to Comment No. 8 below for information regarding the College's planning documents (2010 Airport Master Plan, 2009 Airport Layout Plan, and 1975 College Master Land Use Plan). Please see response to Comment No. 8 below for additional details on the General Plan land use designations. The Draft ALUCP represents a comprehensive update to the 1999 plan currently in effect. 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 ALUCP update clarifies the ALUC referral process, review procedures, and compatibility policies to reflect statewide guidance and industry best practices. The underlying basis of the Draft ALUCP also reflects current airport plans and considers existing land use patterns around both Angwin Airport-Parrett Field and Nap a County Airport. As part of the process, there are at least four (4) public workshops – touchpoints to keep commissioners and the public informed of the project's progress. These public workshops consisted of the following: Project Kick Off, Community Project Update, Public Draft of ALUCP, and Adoption Hearing(s). Please see response to Comment No. 11 below for additional details. For these reasons, bifurcating the adoption of these two plans is not recommended.	Offer to meet virtually (Mead & Hunt) and in person (ALUC Staff) with Ms. Anderson and other interested parties. Update Exhibit 6-8 to the most updated version of the General Plan Land Use Designations resulting from Resolutions 2016-187 & 2016-188.
2	**Name:** Rob Anglin **Representing:** Ron Fedrick **Comment Method:** September 27, 2024 email (*see Attachment D2*)	1. The Draft Update defines uses in ways that do not match zoning or commonly developed uses in the Airport Industrial Area. The Draft Update includes the following categories for industrial uses: Light Industrial – High Intensity: food products preparation, electronic equipment, bottling plant (approx. 200 sf/person) Light Industrial – Low Intensity: machine shops, wood products, auto repair (approx.. 350 sf/person) The above categories do not clearly match allowed uses in the IP zoning district such as: Cooperage, bottling plants or wine warehousing and distributing facilities; Manufacturing, compounding, processing, packing, treating or storing of products such as food stuffs, wineries, pharmaceuticals, and toiletries. While bottling plants and distributing facilities have a category under the Draft Update, cooperages and wineries do not. We interpret the Draft Update's categories to place wineries in the same category as "food products preparation", which is prohibited in the B1 and B2 zones. We also interpret the zones to prohibit any bottling even if bottling is a portion of the building's activities (e.g. wine warehouse with a bottling line). The classification of cooperage is unclear. Cooperage being a kind of outdoor storage that also involves some production activities (e.g. racking and topping off barrels). Our view is that the Draft Update should more closely match the uses allowed under zoning. 2. The Draft Update prohibits uses in the B1 and B2 that are encouraged by the Napa County General Plan. As described above, our reading of the Draft Update is that it prohibits wine production, bottling, and possibly cooperage in the B1 and B2 zones. Wine warehousing would be permitted but subject to FAR limitations. The Napa County General Plan has the following policies relating to industrial uses in the Airport Industrial Area: Policy AG/LU-93: County supports the continued centration of industrial uses the South County area as ***an alternative the conversion of agricultural lands*** consistent with the and Use Compatibility Plan for Napa Airport. Policy AG/LU-96: The Airport Industrial Area is need for industrial business/industrial park ***uses that support agriculture*** and industrial and business park needs consistent with the 1986 Airport Industrial Area Specific Plan. ... Napa County's longstanding policy has been to encourage agricultural facilities (i.e. wineries) to develop more production in the Airport Industrial Area rather than on agriculturally designated lands upvalley. In 2011, the Board of Supervisors created an Airport Industrial Area Blue Ribbon Committee to "explore the development potential of the Airport Industrial Area (AIA); identify ways to enhance development, create jobs, and overcome obstacles to development; and make recommendations to the Napa County Board of Supervisors." None of the Committee's recommendations were to limit uses in the Airport Industrial Area. Nore anecdotally, a common question on upvalley winery expansions is "why not building this in the Airport Industrial Area?" While the ALUC is a separate body than the Napa County Board of Supervisors, both the airport and the community benefit from having a harmonized plan	1. Exhibits 4-1 and 5-1, *Basic Compatibility Criteria* tables list general land use categories and indicates each use as being "Normally Compatible," "Conditional," or "Incompatible" depending upon the Compatibility Zone(s) in which it is located. The land use categories are not intended to reflect individual zoning designations as multiple local agencies are subject to the ALUCP – each with its own land use zoning classifications (County of Napa, City of Napa, and City of American Canyon). As indicated in Policy 3.2.2(b), land uses not specifically listed in the *Basic Compatibility Criteria* tables shall be evaluated using the criteria for similar listed uses. Paragraph (c) also indicates that "multiple land use categories and the compatibility criteria associated with them may apply." The purpose of the *Basic Compatibility Criteria* tables is to aid in making a compatibility determination of whether a land use category can typically comply with the intensity criteria listed in the *Basic Compatibility Criteria* table header. The color coding of red (incompatible), yellow (conditional), and green (normally compatible) is intended to be a tool to provide an initial screening of each land use category. For example, a red color simply means that normal examples of the use are presumed to be incompatible as the use may not be able to satisfy the intensity limits. Wineries and cooperage facilities would be considered "Light Industrial." The Light Industrial category includes two subcategories, "High Intensity" and "Low Intensity." As stated in Policy 3.2.2(b), project proponents are encouraged to provide information regarding their project's intended land use as well as their calculations regarding the project's expected total occupancy. Ultimately, the proposed intensity of the project—the total number of people expected to be onsite at a given time—will determine the project's compliance with the intensity criteria and overall compatibility. To address the commenter's concern and add clarity to the *Basic Compatibility Criteria* tables, it is recommended that "wineries and cooperages" be added to the land use category of "Light Industrial, Low Intensity" and "wine warehousing" to the "Indoor Storage" category. 2. Comment acknowledged regarding local support of agricultural uses. In general, agricultural and industrial uses are considered to be compatible uses. However, individual projects may be deemed incompatible if, for example, they exceed the intensity criteria or airspace protection criteria of the ALUCP. Therefore, the determination of land use compatibility must be made on a project-by-project basis. As indicated in Policy 1.4.2, *General Plan Consistency*, state law requires each local agency having jurisdiction over land uses within an ALUC's planning area to modify its general plan and any affected specific plans to be consistent with the ALUCP. 3. The occupancy loads factors listed in Exhibits 4-1 and 5-1 are intended to represent "typical busy-period" usage (not necessarily the absolute "peak" usage in the manner used by fire codes) for typical examples of the land use category. As indicated in the *Basic Compatibility Criteria* tables, "land uses not specifically listed shall be evaluated using the criteria for similar uses." Based on the case study examples provided for local winery-related businesses, the Wine Warehouse at 115 Devlin Road would be considered "Indoor Storage." The Bin to Bottle facility at 110 Camino Oruga would be considered "Light Industrial, Low Intensity." For this project, the proponent would provide the project's occupancy ratio of approximately 1,625 s.f. /person to document compliance with the ALUCP intensity criteria. The occupancy loads factors listed in Exhibits 4-1 and 5-1 are intended to represent "typical busy-period" usage (not necessarily the absolute "peak" usage in the manner used by fire codes) for typical examples of the land use	Update Exhibits 4-1 and 5-1 to add "wineries" and "cooperages" to the land use category of "Light Industrial, Low Intensity" and "wine warehousing" to the "Indoor Storage" category. Update Exhibit 5-1 to correct the footnote references to read 1 through 10 (not 11-20). Update Exhibit 7-2, *Airport Features Summary*, to reflect the new Runway 19R RNAV/GPS instrument approach.

No.	Commenter Information	Comment	Response	Recommended Action
		for development in this area. Prohibiting uses that are encouraged by the General Plan should be avoided and should be based on an accurate understanding of the aviation issues posed by that use. 3. The Draft Update's occupancy assumptions drastically overestimate the number of employees for winery and wine related uses. We understand the Draft Update's use categories to be intended to keep higher concentrations of people out of B1 and B2. Stated plainly, the goal is fewer people living/working/visiting in this area at the end of the runway. We do not have a problem with this goal, but the assumptions of persons per square foot do not match actual operations in wine related businesses. Wine related facilities do not employ the same concentrations of people as other types of food processing. Unlike other products, wine production, aging, and storage is very seasonal. An Amazon fulfilment center (permitted as Indoor Storage) involves far more employees than a cooperage and bottling line. Applying the persons per square foot assumptions in Exhibit 5-1 to examples of wine related uses demonstrates the disconnect between these assumptions and uses in the Airport Industrial Area. The first example or case study is the Wine Warehouse facility located at 115 Devlin Road. Under its approved use permits, this facility has been developed with a 250,652 sf building, 20 full time employees, and 20 part time employees. Based on its use permit, the Wine Warehouse has a ratio of one person per 6,266 sf when including full and part time employees. The Draft Update's description of Indoor Storage incorrectly assumes the Wine Warehouse will have 251 employees. A winery example or case study is the Bin to Bottle facility at 110 Camino Oruga, which is permitted for 310,000 gallons of production in a 13,000 sf building and 8 employees. Under the use permit, the occupancy ratio is one employee per 1,625 sf, but the Draft Update's occupancy ratio (200 sf/person) would assume this winery has 65 employees. Because wineries and wine related businesses employ far fewer people than the Draft Update's assumptions (and fewer than an Amazone distribution center), the Draft Update should be revised to allow these uses in B1 and B2. 4. The Draft Update should clarify its application to existing uses that are expanded within the same footprint. The Draft Update states that Existing Uses (as defined in section 2.7.3.) are not subject to the provisions of the Draft Update. What is unclear is the application of the Draft Update to an Existing Uses that increases in intensity. In a simple example, whether the Draft Update applies to an existing winery in a B1 or B2 zone with 100,000 gallons of production that seeks approval to increase to 200,000 gallons. Similarly, whether the Draft Update's limitations would apply to a bottling facility that applies to add 10 employees. There are helpful examples of how FAR is applied to different uses, and we applaud these examples. Similar explanations for how Existing Uses will be treated in future applications would be very helpful. 5. The Draft Update defines Airport Safety Zones that are inconsistent with the California Airport Land Use Planning Handbook. The California Airport Land Use Planning Handbook (CALUPH) provides Generic Safety Zone guidance to ALUCs for a given airport. In question is the proposed definition of Zone B1 (CALUPH Zone 2). Based on Exhibit 5-2 of the Napa Countywide Airport Land Use Compatibility Plan (May 2024 Public Draft) the Inner Approach Zone (B1) to Runway 19R is 6000-feet from the beginning of the Runway Protection Zone (CALPUH Zone 1). This would indicate that the runway length and approach minima would be consistent with a Long General Aviation Runway (Length 6OOO feet or more and Approach visibility minimums <3/4 mile). The current (September 5, 2024) Airport Diagram for Napa County shows Runway 19R as 5930 feet in length. The current approach minimums for the best available approach to Runway 1 9R (RNAV (GPS) RWY 1 9R, CAT C and D minimum for corporate aircraft) are 1 7/8 statute miles. Both cases are inconsistent with the Long General Aviation Runway designation. The runway length supports a Medium General Aviation Runway designation whereas the runway minima support a Short General Aviation Runway designation. Additionally, Runway 19R has never had nor will ever have a precision approach to support approach minimums less than 3/4 statute miles. Without an exhaustive Terminal Instrument Procedures (TERPS) analysis, high terrain north of the airport and close in obstacles (Eucalyptus Trees) would not meet obstacle clearance requirements for a precision approach.	category. As indicated in the *Basic Compatibility Criteria* tables, "land uses not specifically listed shall be evaluated using the criteria for similar uses." Based on the case study examples provided for local winery-related businesses, the Wine Warehouse at 115 Devlin Road would be considered "Indoor Storage." The Bin to Bottle facility at 110 Camino Oruga would be considered "Light Industrial, Low Intensity." For this project, the proponent would provide the project's occupancy ratio of approximately 1,625 s.f. /person to document compliance with the ALUCP intensity criteria. Based on the commenter's local case study examples, and as indicated above for response no. 1, it is recommended that Exhibits 4-1 and 5-1 be modified to add "wineries (with limited tastings and events), cooperages, low-intensity bottling facilities" to the land use category of "Light Industrial, Low Intensity" and "wine warehousing" to the "Indoor Storage" category. 4. Per state law and as indicated in Policy 1.2.2, the ALUC has no authority over existing land uses, even if those uses are incompatible with airport activities. As indicated in Policy 3.1.2, proposed redevelopment or other changes to existing land uses are not exempt from compliance with the ALUCP. Referral of a project is based on the circumstances specified by Policies 2.4, 2.5, and 2.6. 5. As indicated in the California Airport Land Use Planning Handbook (Handbook), the generic safety zones are intended to serve as a starting place. Selection and modification of the generic safety zones need to be made based on runway-specific considerations. For Runway 1L-19R (primary runway), the generic safety zones for the Long General Aviation Runway were selected as this runway serves business jets. Also, per Policy 3.2.3, the draft compatibility zones consider all four compatibility concerns in a composite manner—noise, safety, airspace protection, and overflight. Additionally, the FAA, airport, and the noise working group of the Airport Advisory Commission worked together to propose a GPS/RNAV approach to Runway 19R which has not been implemented. The newly approved GPS/RNAV instrument approach procedure to Runway 19R has a ceiling 1-mile visibility minimum. No change is proposed to Exhibits 5-2 and 5-3. However, Exhibit 7-2, Airport Features Summary, will be updated to reflect the new Runway 19R instrument approach.	

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3	**Name:** Geoff Belyea **Representing:** American Canyon Fire Protection District **Comment Method:** September 6, 2024 email (*see Attachment D3*)	1. Chapter 2.5.2 – The fire district is a special district and since they don't have land use authority they wonder why they would need to come before the ALUC for changes in the fire districts sphere of influence. I was fairly certain that this is a standard action called out in the Cal Trans handbook as something which requires ALUC review (like a rezone or general plan amendment). 2. Under the Napa Compatibility Criteria Table – Education and Institutional Uses – he is worried the allowed districts are too limiting, and burdensome for public safety facilities to go through ALUCP review especially since police and fire stations are meant to serve the public and provide enhanced safety. He was also concern about the intensity criteria since they usually rely on occupant load. 3. He noted that he thought there was a section of the ALUCP that referred to enhanced fire suppression systems and he did not think that there were fire standards that speak to this for airplane crash incidents. I think he might have been referring to 3.4.2 where the ALUCP recommends special measures to reduce risks to building occupants in the event of an aircraft collision, which provides building design features that could be implemented and an emergency evacuation plan that is reviewed and endorsed by the local fire marshal.	1. Local jurisdictions (county and affected cities) are the principal entities involved in airport land use compatibility matters. However, per state law (PUC Section 21670(f)), special districts, school districts, and community college districts are also subject to the ALUCP. Per Policy 2.2.6(d), these districts must apply the policies of the ALUCP when creating facility master plans or making other planning decisions regarding proposed development of land under their control within the Airport Influence Area (AIA). In terms of Policy 2.5.2, *Major Land Use Actions,* not all listed actions may be applicable to special districts. No change proposed. 2. Per state law (PUC Section 21670(f)), special districts are one of the local entities subject to the ALUCP. As indicated in Exhibit 5-1, *Basic Compatibility Criteria,* public safety facilities (e.g., fire stations) are normally incompatible uses in Compatibility Zones A, B1, and B2, as these zones include areas immediately off the ends of the runways that are exposed to high risk. Additionally, per Policy 3.4.9(c), fire stations are considered critical community infrastructure, and damage to such facility would cause significant adverse effects to public health and welfare well beyond the immediate vicinity of the facility. Per Policy 3.4.3, occupancy loads can be used to calculate the proposed intensity of a use. This policy provides examples on how to perform these calculations. No change proposed. 3. Policy 3.2.4(b), *Special Conditions Exception,* allows the ALUC to require incorporation of additional building design features (e.g., enhanced sprinkler system) that may enhance safety. After further review of this policy, it is recommended that the purpose of the building design feature be described for each measure listed. Per Policy 3.2.4(b) (4), if a requested special conditions exception seeks to allow an increase in the number of building occupants beyond the limits set by the ALUCP, an emergency evacuation plan endorsed by the local Fire Marshall is required.	Modify Policy 3.2.4(b)(2) to include a description as to the purpose of each special building measure Update Exhibits 4-1 and 5-1 to conditionally allow "Penal Institutions" and "Public Safety Facilities" in Zone D2 subject to satisfying the intensity criteria.
4	**Name:** Erin Chappell **Representing:** California Department of Fish & Wildlife (CDFW) **Comment Method:** July 10, 2024 email (*see Attachment D4*)	The California Department of Fish and Wildlife (CDFW) received an Initial Study/Negative Declaration (IS/ND) from Napa County (County) for the Napa County Airport Land Use Combability Plan (ALUCP) Update (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines. CDFW is submitting comments on the IS/ND to inform the County, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project. **CDFW ROLE** CDFW is a Trustee Agency with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. **PROJECT DESCRIPTION SUMMARY** **Proponent**: Napa County **Objective**: The Project is an update to the Napa Countywide (County) Airport Land Use Compatibility Plan (ALUCP) applies to lands around the two public-use airports in the county: the Angwin Airport (Parrett Field) and the Napa County Airport. The purpose of the ALUCP 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." 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. **Locati**on: The Project applies to two airports in Napa County and the parcels covered by the Airport Influence Area (AIA). Angwin Airport-Parrett Field is located at 1 Airport Way, Angwin, CA 94508; APN 024-080-048-000, and at approximately 38.57262°N and -122.43447°W. Napa County Airport is located at 2000 Airport Road, Napa, CA 94558; APN 057-050-009-000, and at approximately 38.21312°N and -122.28017°W. **COMMENTS AND RECOMMENDATIONS** CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. As the Project impacts to biological resources are unclear as outlined in the below comments, CDFW is uncertain if an IS/ND is appropriate for the Project. **COMMENT 1: Potentially Significant Impacts to Sensitive Fish and Wildlife Species and their Habitats**	As stated in Policy 2.7.3, the ALUCP does not apply to existing land uses, and thus, current land uses on CDFW properties would not need to be altered as a result of adoption of this Draft ALUCP. Furthermore, as stated in Policy 2.7.2 of the Draft ALUCP, "lands controlled (i.e. owned, leased, or in trust) by federal or state agencies or by Native American tribes are not subject to the provisions of the state ALUC statutes or this ALUCP". Thus, impacts associated with the adoption of the ALUCP would not affect CDFW Properties, including impacts to the Napa-Sonoma Marshes Wildlife Area, the Fagan Slough Ecological Reserve, and the Napa Plant Site Restoration Project. To the extent CDFW may seek to expand restoration areas in the future within the AIA, and particularly with Zone A, they are encouraged to consider the ALUCP and FAA guidance regarding wildlife hazards. State agency conservation plans, such as the Sonoma Marshes Wildlife Area Land Management Plan, are not subject to ALUCP consistency requirements. Thus, consistency with the Sonoma Marshes Wildlife Area Land Management Plan is outside the scope of IS/MD analysis. The purpose of the ALUCP is to encourage the compatibility of future development with airport operations. The ALUCP, therefore, relies upon the adopted Airport Layout Plans and Airport Master Plans. It is noted that the Environmental Assessment of the Napa County Airport Master Plan considers the environmental issues raised in the comments – including impacts associated with Water Quality (3.5); Fish, Wildlife, and Plants (3.8); Special Status Species Flora and Fauna (3.9); Wetlands, Jurisdictional or Non-Jurisdictional; Floodplains (3.11); and Coastal Reserves (3.12) – due to the presence of the airport and airport operations. The ALUCP considers the planned extension of the short parallel runway (Runway 1R/19L) to the southwest, based on the 2007 Master Plan. The increase in runway length is proposed to be achieved by adding pavement to the south (1R) end of the runway. An aircraft landing on Runway 19L would still touchdown at the same point as currently, but it would have an additional 1,791 feet of pavement available for departures. The RPZ for Runway End 1R would be shifted with the runway extension; however, the dimensions would not be changed. The shifted future RPZ would remain on airport property and would not involve any property acquisition. As mentioned above, the ALUCP is based on the Master Plan but has no authority over on-site aviation facilities. Future expansion of the runway was considered in the Master Plan EA. Additional environmental analysis may be required when the runway expansion is proposed for construction, including impacts to special status species and any future infrastructure improvements proposed to address sea level rise.	No action necessary.

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		<u>Napa-Sonoma Marshes Wildlife Area and Fagan Slough Ecological Reserve</u> It is unclear if the Project has the potential to impact sensitive biological resources associated with CDFW's Napa-Sonoma Marshes Wildlife Area and Fagan Slough Ecological Reserve/California Marine Protected Area (CDFW Properties), located directly adjacent to the Napa County Airport, for the reasons outlined in the following paragraph. CDFW Properties contains habitat for several Fully Protected, CESA listed, and California Rare Plant Rank 1B.2 species including California Ridgway's rail (*Rallus obsoletus obsoletus*), California black rail (*Laterallus jamaicensis coturniculus*), saltmarsh harvest mouse (*Reithrodontomys raviventris*), and Suisun marsh aster (*Symphyotrichum lentum*). According to Figure 4A (page 63) of the IS/ND, CDFW Properties are included in the Draft Airport Influence Area (AIA) boundary. The IS/ND (pages 27-28) states that "The Draft ALUCP does not impact existing land uses, nor does the document include physical activities that would directly impact the AIA environment. Thus, the Draft ALUCP does not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service." On the other hand, the IS/ND states that "…the Draft ALUCP may indirectly affect future land development within the AIA of each airport. Specifically, wildlife hazard policies (Policy 3.5.3) of the Draft ALUCP restrict land uses that attract wildlife within Draft Zone A, including the creation of wetland mitigation sites, conservation areas, and wildlife preserves. This policy also recommends the avoidance of these land uses in the wildlife critical zone", and "Local general plans, specific plans, and zoning ordinances must be consistent with an adopted ALUCP (unless the local jurisdiction overrides the ALUCP as described in Section 1.4). Thus, inconsistency between the adopted ALUCP and current land use plans could result in displacement of planned land uses, including planned habitat and wildlife areas." Based on the above information, it appears that the ALUCP requirements may supersede or otherwise impact existing land use designations thereby putting CDFW's Properties, including Fully Protected and CESA listed species, at risk. <u>Napa Plant Site Restoration Project</u> The IS/ND does not evaluate how the adopted ALUCP may affect CDFW's existing Napa-Sonoma Marshes Wildlife Area Land Management Plan and associated Napa Plant Site Restoration Project success criteria and goals. <u>Runway Safety Area Tidal Wetlands and Sea Level Rise</u> During the Napa Plant Site Restoration Project planning, CDFW worked with the Federal Aviation Administration, California Department of Transportation Aeronautics, and Napa County Airport and agreed to leave 8.86 acres of CDFW land out of the restoration project, knowing the Napa County Airport will eventually need to extend its Runway Safety Area (RSA). Since 2008, the RSA has subsided and reverted to muted tidal wetlands and is known to support salt marsh harvest mouse (*Reithrodontomys raviventris*) and Suisun Marsh aster. Additionally, the ALUCP does not address the potential issues of climate change and sea level rise. "No name creek" was overtopping in the mid to late 2000's causing flooding issues and Fagan Creek has been known to overtop. Has the ALUCP used climate change projections to anticipate increased flooding issues? It seems that the above issues could affect future airport use/expansion, which could in turn result in impacts to CDFW Properties and sensitive biological resources. **Recommendations:** The Project's Initial Study should include the following information: • Clarify if there will be any land use impacts to CDFW's Properties including, but not limited to, if the ALUCP could supersede CDFW Properties' land uses and describe any potential impacts to CDFW's Properties and any other sensitive biological resources within the AIA of both airports; • Evaluate how the adopted ALUCP may affect CDFW's existing Napa-Sonoma Marshes Wildlife Area Land Management Plan and associated Napa Plant Site Restoration Project success criteria and goals; • Evaluate how the future RSA and climate change and associated sea level rise could affect future airport use/expansion, and in turn result in impacts to CDFW Properties and sensitive biological resources; and • Include mitigation measures to reduce any impacts to CDFW Properties or sensitive biological resources to less-than-significant, such as modifications to land uses or direct or indirect impacts to special-status species or their habitats. CDFW requests that the County coordinate with CDFW to develop appropriate mitigation measures if such impacts are anticipated. **ENVIRONMENTAL DATA** CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and		

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		submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals **ENVIRONMENTAL DOCUMENT FILING FEES** The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (See: Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.). **CONCLUSION** CDFW appreciates the opportunity to comment on the IS/ND to assist the County in identifying and mitigating Project impacts on biological resources.		
5	**Name:** Mike Conklin **Representing:** Sentinels of Freedom **Comment Method:** Phone call with D. Morrison 12/15/23, call with M. Armstrong 12/21/23 (See *Attachment D5)*	Conversation with D. Morrison: The parcel is currently zoned D but will become B2 with the update. Originally the site had been slated for two warehouses, but they have now shifted to wanting to develop an outdoor RV storage facilities. This use would probably be considered Auto Parking or Outdoor Storage, both of which are considered Conditionally Compatible Uses in the B2. However, he was also considering including canopy covers for the RV storage spaces and putting solar on top. Under the ALUCP update would commercial solar be considered a Power Plant, and therefore not an allowed use on the parcel once the update occurs? Or is there some other category under which solar falls? Also out current "Commercial Renewable Energy Production Facilities Development Standards" specifically notes that these facilities shall not be located within Zone A and B. I am not sure if the Solar Rights Acts create a loop hole for this type of development, or if there is a process which they could through (such as a variance to permit the use). I do not think the County would be process the necessary Use Permit to the proposed project entitled before the update occurs. It might just no longer be viable once the update occurs, but generally I like would like to see if there are any special consideration or additional procedures which could make the project viable. Commercial renewable energy production section of code: https://library.municode.com/ca/napa_county/codes/code_of_ordinances?nodeId=TIT18ZO_CH18.117REENSY_18.117.040COREENPRFADEST Phone call w/ M. Armstrong: Concerns wanting to develop the site potentially with a solar component and wanting to protect his right to do so.	See responses below to Comment No. 5a.	No action necessary.
5a	**Name:** Mike Conklin **Representing:** Sentinels of Freedom **Comment Method:** Phone call with D. Morrison 6/17/24 followed by email dated 6/19/24 (*see Attachment D5a and D5b*)	Thank you again for all your professional help and information with regards to our Napa property (25.44) acres zoned Light Industrial / APN 057-040-007. In reviewing the Draft Napa County Airport Land Use Compatibility Public Plan, by Mead & Hunt (May 2024), I have some questions I'd like to get answers to prior to the July 17th 2024 Public Hearing, regarding our parcel APN 057-040-007, and how if approved and implemented it would relate to any use changes less than the use of todays existing zoning. In reference to your email to me on June 18th 2024, you confirmed that the new designation in the recommendation from Mead & Hunt is that our parcel be newly designated as B2. We are currently D1 or D2, I'm not sure which. In the Napa County Airport Land Use Compatibility Public Draft Plan by Mead & Hunt, I see no specific mention of our parcel as it relates to this change and the possible impacts to our existing use designation. At this point we are looking at options of land use. Right now we are looking at Warehouse, RV & Boat and Industrial Storage as uses we see that fit the zoning on our parcel, which we believe is in general compliance with existing zoning through the application process of a Land Use Permit. I would like to request that Mead & Hunt provide clarification on the following questions. I'm requesting Mead & Hunt provide us with the internal discussions with the County and Airport Staff as to the work documents, meeting notes, records, in deciding this change with regards in specific to our parcel. In other words, please clarify the reasoning behind the change in destination from (D) to (B2). I'd like to see a side by side analysis of what we have now and what we will possibly lose with respect to existing use designation in the (D) category. By obtaining this information I hope to better understand where we stand in our planned development options.	The proposed use of Warehouse, RV & Boat and Industrial Storage appears to be a compatible land use under the Draft Airport Land Use Compatibility Plan (Draft ALUCP) as long as the average and single-acre intensity (people per ace) limits are met. Additional clarification for the two questions is included below. 1. The adopted compatibility zones were based on guidance from the 1993 California Airport Land Use Planning Handbook. The draft compatibility zones were drawn based on the adopted Napa County Airport - Airport Layout Plan (ALP) (Exhibit 7-3 of Draft ALUCP https://pbes.cloud/index.php/s/bPMDHF3fgEDER8A) and updated criteria from the 2011 California Airport Land Use Planning Handbook (Handbook). Based on the ALP, the nearest runways to APN 057-040-007 are as follows: • 1L/19R: 5,930' x 150' (existing and future) • 1R/19L: 2,510' x 75' (existing) and 4,301' x 75' (future) – extension on 1R end. Changes to the compatibility zones on parcel 057-040-007 are directly related to the generic safety zone criteria in the Handbook (Figure 3A, p. 3-17https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-a11y.pdf) for a medium general aviation runway. The composite existing and future safety zones for all runways, based on the generic zones, were used to reassess the delineation of the compatibility zones. APN 057-040-007 is located within Handbook safety zone 3, inner turning zone. The draft compatibility zone extents and criteria were based on this zone and criteria guidance as outlined in the Handbook. 2. See **Attachment D5b** for site map. In the 1999 Airport Land Use Compatibility Plan (ALUCP), APN 057-040-007 is within Zone D, and in the Draft ALUCP it is within Zone B2. Residential uses were not allowed under the adopted	No action necessary.

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		I hope everyone will understand that as Chairman & CEO of our organization, Sentinels of Freedom, a 501c3, that this is my fiduciary responsibility to ask for this accommodation, and in no way to be considered as counter to the good of the public. My responsibility to our Board of Directors, Donors and the veterans we serve as to maintaining the value of our property rights should be easily respected. I hope this is not too much to ask, and I'm open for a phone call anytime to discuss with you my requests. Overall , the Mead & Hunt Draft looks to be very well done, and I congratulate you and the related of the Staff at Napa County for your dedication and professionalism with regard to said plan.	ALUCP, and this remains unchanged. Intensity criteria under the adopted plan Zone D allowed up to 100 people per acre on average and up to 150 on a single acre. The draft plan Zone B2 allows for up to 75 people on average per acre (decrease) and up to 225 people on a single acre (increase). The proposed new intensity criteria are consistent with Handbook guidance (Handbook Figure 4D, p.4-22). The parcel (APN 057-040-007) is zoned Industrial Park within the Airport Compatibility Overlay District, which applies Adopted 1999 ALUCP compatibility criteria. According to the land use matrix included in the Draft ALUCP (Exhibit 5-1), non-residential uses including large assembly, educational, and institutional uses, as well as high intensity commercial and heavy or high intensity industrial uses, are generally incompatible under the Draft ALUCP. However, the primary difference between the Adopted and Draft ALUCPs is the lower average intensity criteria. Most of the allowed uses (Napa County Code of Ordinances §18.40.020) within the Industrial Park Zone, even those that require a use permit, would be allowed under the Draft ALUCP; however, the lower intensity criteria must be met. A couple of land uses that could be considered incompatible include telecommunications facilities and primary-use commercial renewable energy facilities (excluding renewable energy such as solar that is an accessory use) both because of potential heights or electronic interference (telecommunications) that could interfere with aircraft and the possibility that an accident that destroys the facility could have far reaching effects on the community and public that depends on services the facility provides.	
6	**Name (First):** Mark Funseth **Representing:** Channel Properties / Gateway Partners 1 LLC **Comment Method:** October 7, 2024 email (*see Attachment D6*)	Gateway Partners 1 LLC owns property located at 555 Gateway Drive (APN 057-220-020) in the Airport Industrial Area (the "Property"). The Property has several approved use permits allowing office, wine production, and warehouse uses, but the Property's approved buildings have not all been constructed. We have reviewed the draft update to the Airport Land Use Compatibility Plan ("Draft Update"). Under the Draft Update's proposed zone map, the Property is bisected by the B2 and D1 zones. As explained below, we ask that the Draft Update clarify how existing uses are treated in the future and that it allows wineries and wine related uses in the B2 zone. ***The Draft Update should clarify its application to existing uses that are expanded or changed within the same footprint.*** The Draft Update states that Existing Uses (as defined in section 2.7.3.) are not subject to the provisions of the Draft Update. What is unclear is the application of the Draft Update to an Existing Use that increases intensity. For the Property, it is unclear to us whether the Draft Update apply to the existing winery use permit allowing 400,000 gallons of production if a tenant sought to increase to 500,000 gallons. Similarly, whether the Draft Update's limitations apply to a winery or warehouse that sought to add a bottling line. The Property has approved winery and warehouse uses in the B2 zone, and our question is whether either space could add a use that is prohibited by B2 (e.g. a bottling line). Understanding how the Draft Update's application to the future development of Existing Uses is critical for the ALUC and property owners near the airport. If the Draft Update prevents adding these uses, the B2 zone be amended to allow wine production and wine related uses at the Property. ***The B2 zone should allow uses that are encouraged by the Napa County General Plan.*** The Napa County General Plan has the following policies relating to industrial uses in the Airport Industrial Area: Policy AG/LU-93: County supports the continued centration of industrial uses the South County area as an ***alternative the conversion of agricultural lands*** consistent with the and Use Compatibility Plan for Napa Airport. Policy AG/LU-96: The Airport Industrial Area is needed for industrial business/industrial park ***uses that support agriculture*** and industrial and business park needs consistent with the 1986 Airport Industrial Area Specific Plan… Napa County's longstanding policy has been to encourage agricultural facilities (i.e. wineries) to develop more production in the Airport Industrial Area rather than on agriculturally designated lands upvalley. Unlike other products, wine production, aging, and storage is very seasonal so higher concentrations of employees are limited in time. The Property's existing office use is occupied by a wine company. As we market the remainder of the Property's approved buildings, the overwhelming majority of interest has been from wineries or wine related users. ***The Draft Update's occupancy assumptions do not match the Property's actual occupancy.*** Through Use Permit P19-00075-UP, the Property was approved for a winery with annual production of 400,000 gallons and 44 employees in an 80,200 sf portion of a larger building. These production, employee, and area numbers were requested based on specific requirements of a winery tenant. The resulting occupancy is one person per 1,823 sf. The Draft Update at page 5-6 assumes that a winery occupancy would be one person per 200 sf, which would be 401 employees. Because the Draft Update over-estimates occupancy, it prohibits winery and wine related uses based on the incorrectly assumed higher concentrations of persons. While some light manufacturing uses may involve one person per 200 sf, our experience is that winery uses do not. ***The Draft Update's New B2 zone and associated limitations make little sense on the Property.***	Please see responses to Comment No. 2 above.	See recommended actions for Comment No. 2 above.

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		The Draft Update's B2 thrusts out from the airport across the Property. The current zone map does not include similar triangles of more restrictive zones. Because the Property is surrounded by fully developed parcels, the Property would be an island of restrictions surrounded by fully developed uses. We do not see the logic in this isolated limitation of winery and wine related uses on the Property when surrounding parcels are developed on all sides.		
7	**Name:** Mr. Gilbreth **Representing:** Individual **Comment Method:** July 10 voicemail	Mr. Gilbreth has stake in a property located in Napa County immediately adjacent to the City of American Canyon and he requested to speak with staff and hopefully discuss the possibility of a hearing continuance to have more time to review the document.	Napa County ALUC staff met with Mr. Gilbreth on July 12 to discuss the ALUCP update, the noticing that occurred in anticipation of the hearing and throughout the ALUCP update process, as well the uses deemed compatible under the existing and proposed ALUCP. The parcel is currently located in Zone D of the adopted ALUCP which does not deem any residential development compatible, other than those uses allowed by right in parcels with Agricultural Zoning (AW and AP): single-family residence, Accessory Dwelling Unit, Junior Accessory Dwelling Unit, guest house, various residential accessory structures, and upon granting of a Use Permit – Farmworker housing. Under the updated ALUCP the ~157 acre parcel will predominantly located in Zoned D1, and will have sections which are in Zone D2 (~15 acres) and Zone B1 (~2 acres). Zone D1 does deem compatible (normally compatible and conditionally compatible) development of short-term group lodging (hostels, shelter, farmworker housing), short-term lodging (hotels, motels and other transient lodgings), and long-term lodging (extended-stay hotels, dormitories). Long-term lodging and single family residential are considered Normally Compatible, while the two short-term options are conditionally compatible (need to ensure intensity criteria is met). Also, per Section 2.7.4 – Development by Right the parcel can also be developed with a single-family residence, accessory dwelling unit, Junior ADU, as others uses as noted in that section. Zone D2 does deem compatible (normally and conditionally) development of all that was mentioned above in Zone D1 as well single-family residential development and multi-family residential development. Both are considered conditionally compatible (need to ensure density criteria is met). D2 allows for 10-25 dwelling units per acre. With ~15 acres of Zone D2, there is the potential to develop 300 units on that section of the parcel and be deemed conditionally compatible. As noted earlier, the existing ALUCP Zone D does not allow for any residential development other than the by-right land uses allowed in agriculturally zoned parcel. Zone B1 is more restrictive given that it is located in the Inner Approach/Departure Zone, but there are a variety of uses which are a considered conditionally compatible with that zone provided they meet various criteria. Agriculture, live stock uses, outdoor non-group recreation, local community parks, cemeteries (no chapels), limited retail/wholesale, offices, personal/miscellaneous services, fueling facilities, light industrial, R&D laboratories, indoor and outdoor storage, mining and extraction, transportation stations, transportation routes, and auto parking. Staff encouraged Mr. Gilbreth to submit an official comment to the ALUC.	No action necessary.

No.	Commenter Information	Comment	Response	Recommended Action
7a	**Name:** Mr. Gilbreth **Representing:** Individual **Comment Method:** August 19, 2024 email (See *Attachment D7a)*	**Subject: D1 & D2 Comments/Proposed Draft Napa County Airport Land Use Compatibility Plan Update** We have used our best efforts to understand the issues In the Proposed Draft Napa County Airport Land Use Compatibility Plan Update, (ALUCP). As a result, after thoughtful consideration, on behalf of the Green Island Property, LLC, we are submitting our comments on the D1and D2 designations in the ALUCP in the attached PDF. In summary, to address and to partially but importantly mitigate the statewide housing crisis, it is clear to us that there is a unique opportunity to safely provide multifamily non-market rate residential projects in D1 for Farm Labor and Workforce housing, as defined by Housing and Community Development for the State of California (HCD). Specifically, we propose utilizing the area on our property designated D1 for such multifamily non-market rate residential projects with a density of 8 to 25 units per acre. This is consistent with financing opportunities. These areas are safe, not in the hazard areas and no one on the property or in the proposed non-market rate residential projects will be able to see or hear the activities on the airport. Occasionally, just like other areas there are planes that fly around the property. As is customary, this can easily properly be addressed by requiring the residents to acknowledge an appropriate avigation easement for the potential occasional over flights. And of course the residents would acknowledge the aviation easement because it is safe for them and a perfect location for farm workers and local teachers, firefighters, and similar local employees for living and working at the Napa County airport and the City of American Canyon. This location would eliminate commuting for an hour and a half or two hours, significantly reducing traffic, eliminating commuting expenses and the adverse impact on air quality and the environment. Equally important is the elimination of the numbing human stress from the arduous commuting and time away from their families for multiple hours every day. They would be families that are safe and spending precious hours together. Additionally, we propose the area on our property designated D2 have a similar density of 8 to 25 units per acre. We believe this is also consistent with financing opportunities. We look forward to working with the Commission, you, your staff, and others to get the best possible results. After you have had an opportunity to review this with your staff, we would like to meet with you and your staff to discuss our comments.	See responses below to Comment No. 7b.	No action necessary.
7b	**Name:** Mr. Gilbreth **Representing:** Individual **Comment Method:** August 19, 2024 email *(see Attachment D7b)*	**Suggested Revisions** The purpose of the following proposed revisions to the draft ALUCP is to balance the Countywide housing needs while protecting the Napa County Airport. These revisions also reflect balance in the housing development potential of areas in the County, the City of Napa and the City of American Canyon. The revisions follow the Caltrans Airport Land Use Planning Handbook guidance for allowable land uses around airports.	It is recognized that there are conflicting state laws affecting local jurisdictions. While the Draft ALUCP considers new housing laws, the Draft ALUCP is developed in accordance with the ALUC statutes (Public Utilities Code (PUC), Section 21001 et seq.). Additionally, some of these housing laws include qualifying criteria or exception clauses. For example, SB 684, does not allow a lot to be subdivided if the site is in a high fire hazard severity zone, earthquake fault zone, flood zone, etc. While the airport influence area is not specifically called out, the intent of the law is to restrict residential uses in areas exposed to hazards; by extension, this would include airport hazards (e.g., noise and safety). No change necessary.	Modify ALUC Policy 2.7.4 to remove reference to "Compatibility Zone D1" and include reference to "workforce housing." Add a new exception to Policy 2.7.4 which would allow "ancillary workforce housing" associated with a primary nonresidential use (e.g., Industrial). Modify Exhibit 5-1, Single-Family Residential to remove the reference to "(Low Density Option)" and "D2 (High Density Option): 10-20 dwelling units per acre" Modify Exhibit 5-1, Multi-Family Residential to allow "10- 25 dwelling units per acre" in Compatibility Zone D2. Modify Exhibit 5-1, Footnote 8 to add : "Portions of a site may have a lower density of at least
		• Policy 2.3.1(a)(1) – strike "potentially disruptive" and add after "noise" "exceeding State standards." • Policy 2.3.1(a)(4) – strike "can be intrusive and annoying to many people" and add after "overflying" "require notice to the public."	• Policy 2.3.1 defines the four compatibility factors (noise, safety, overflight, and airspace protection) considered in delineating the Airport Influence Area (AIA). These terms are defining the nature of the impact, not what the compatibility measure should be. No change necessary.	
		• Policy 2.4.1(a)(2) – strike entire section.	• Policy 2.4.1 specifies the actions that must be reviewed by the ALUC as required by ALUC statute (PUC Section 21676(b)). No change necessary.	
		• Policy 2.5.2(a) – strike "D1 and D2" as referenced for Napa County Airport.	• State law (PUC 21676.5(a)) allows ALUCs to review a variety of actions involving land within the AIA. This policy defines a select list of actions within the compatibility zones establishing land use restrictions, including Zones D1 and D2. As such, it is inappropriate to omit Zones D1 and D2 as certain land use proposals could conflict with the Zone D1 and D2 compatibility criteria. No change necessary.	
		• Policy 2.5.2(e) – strike entire section.	• Policy 2.5.2(e) is included based on industry feedback from other ALUCs in California to address circumstances in which a property owner or local agency needs clarification on the compatibility of a proposed land use. This policy enables a local agency to *voluntarily* submit a land use action that is not specifically listed as a Major Land Use Action (Policy 2.5.2(a)) but for which there is a question of compatibility with airport activities. No change necessary.	
		• Policy 2.7.4(b) – add "and workforce" after "farmworker" and strike "and local regulation."	• The Permanent Local Housing Allocation (PLHA) Guidelines, published by the California Housing and Community Development Department, defines "affordable owner-occupied workforce housing" as simply housing that is affordable to persons and families of low or moderate income (Health and Safety Code (HSC) Section 50092.1).	

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			As such, "workforce housing" will be added to draft ALUC Policy 2.7.4(d), which applies to qualifying affordable housing developments. No change to Policy 2.7.4(b) is recommended. • Napa County's zoning code (Section 18.104.300) specifies that farmworker housing be located on a parcel associated with a qualifying agricultural use or employer. Section 18.08.040 allows "ancillary" day care centers associated with a business wherein a parent and/or legal guardian of every child present at the daycare is an employee of the primary use or the ancillary daycare center. Considering these codes, a new Draft ALUCP policy (Policy 2.7.4(d)) is proposed that would allow "ancillary workforce housing" associated with a primary nonresidential use (e.g., Industrial) wherein at least one adult in each residence is an employee of an onsite business associated with the primary use.	8 dwelling units per acre but the overall density of the site must comply with the density range of 10-25 dwelling units per acre within Compatibility Zone D2."
		• Policy 2.7.4(c) – strike "and D1" and strike "and local regulation."	• After further review, it is recommended that the reference to Compatibility Zone D1 be removed from this policy for the following reason: per state law, qualifying affordable housing developments will be allowed along commercial corridors and/or in mixed-use developments; these housing developments are expected to be in locations with higher ambient noise levels and, therefore, less susceptible to aircraft-related overflight noise.	
		• Policy 3.2.4(f) – strike "2/3" and add "simple majority"	• Policy 3.2.4(f) allows the ALUC to approve a project that does not comply with the ALUCP criteria when considering special site conditions. The two-thirds approval requirement is consistent with the vote required by a local agency for an overrule of an ALUC's determination of inconsistency (PUC Sections 21676(a), (b), and (c)). A two-thirds vote requirement elevates the importance of the decision by the ALUC in granting special exceptions. No change proposed.	
		• Policy 3.3.1(a)(2) – strike "and D1" as referenced for Napa County Airport.	• Policy 3.3.1(a)(2) simply references the Compatibility Zones in which residential development is prohibited unless allowed by right as specified by Policy 2.7.4. No change is proposed.	
		• Policy 3.3.3 – strike "residences"	• As indicated in the California Airport Land Use Planning Handbook (Handbook), residential uses are considered noise-sensitive uses. As such, removing "residences" from the list of noise-sensitive uses is not advised. No change proposed.	
		• Policy 3.6.1 – add "D1 and" after "*Compatibility Zone*"	• Per Draft ALUCP Policy 3.7.1, an avigation easement is required within Compatibility Zones A through D1. An avigation easement transfers certain property rights from the owner of the property to the owner of an airport. Per paragraph (c), a recorded overflight notification is not required where an avigation easement dedication is required as the avigation easement accomplishes the notification requirement.	
		• Exhibit 5-1 – *Residential and Lodging Uses;* Single-Family Residential, remove "Q" symbol from land use category, color Compatibility Zones D1 and D2 cells green (Normally Compatible), add "D1 and" before "D2" in Additional Criteria cells and strike "10-20" and "8-25" in Additional Criteria cells. • Exhibit 5-1 – *Residential and Lodging Uses;* Multi-Family Residential, remove "Q" symbol from land use category, color Compatibility Zones D1 and D2 cells green (Normally Compatible), add "D1 and" before "D2" in Additional Criteria cells, and strike "10-20" and "8-25" in Additional Criteria cells.	• For the reasons noted below, prohibiting Single-Family Residential uses within Compatibility Zone D1 continues to be deemed appropriate. Compatibility Zone D1, Inner Traffic Pattern Zone, includes most of the areas regularly overflown by aircraft flying in the airport traffic patterns at altitudes of 1,500 feet or lower. These areas are subject to overflight annoyance, especially in rural and suburban areas. Also, from a safety perspective, a pilot's discretion in selecting an emergency landing site is reduced when the aircraft is at low altitude. • Upon further review of the "Additional Criteria" for Single-Family Residential, it is recommended that the "D2 (High Density Option): 10-20 dwelling units per acre" be deleted as this density range is more typical of multi-family residential uses (e.g., townhomes), not single-family residential. Accordingly, removing the reference to "(Low Density Option)" is also recommended. • For Multi-Family Residential, several changes are recommended. Compatibility Zone D2, Outer Traffic Pattern Zone, defines the areas subject to routine overflights but where the concentration of overflights is less than that in Zone D1. Based on an analysis of flight track data (see **Attachment A3b)**, it recommended that the Compatibility Zone D1/D2 boundary in the southeast portion of the AIA be adjusted closer to the airport to better reflect the higher concentration of overflights west of Highway 29. Within Zone D2, it is recommended to allow muti-family residential uses where ambient noise levels are higher). Upon review of the flight track data (**Attachments A3b** and **A3c**), it is recommended to increase the upper range of the density limit from 20 dwelling units per acre to 25 dwelling units per acre. • The commenter's reference to the "Q" symbol for Single-Family and Multi-Family Residential is presumed to be the reference to footnote "8" which points the reader to Policy 2.7.4, Development by Right, for exceptions to residential restrictions. Based on the proposed changes to the density limits within Compatibility Zone D2 stated above, it is recommended that footnote 8 be modified to clarify that portions of a site may have a lower density of at least 8 dwelling units per acre but the overall density of the site must comply with the density range of 10-25 dwelling units per acre within Compatibility Zone D2.	

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8	**Name:** Mike Hackett **Representing:** Individual **Comment Method:** October 16, 2024 and October 23, 2024 email (*see Attachment D8*)	Oct 16: Thank you for writing back. It's my understanding that the study for the Angwin Airport 's update for the Compatibility Plan is using a dead and defunct PUC master plan. That plan was never updated and in 2012 the BOS negated it at the dais when they changed the zoning/land use designations which voided the unused PUC master plan. With whom do I speak to correct this large oversight. Neither you, nor any current member of the BOS were around, but I was and so were former supervisors Wagenknecht, Dillon and Caldwell. October 23: Thank you Dana. Just my personal truth here: to base a new plan on defunct, outdated and the fiercely won changes to the zoning/land use map here is ill-conceived and just plain wrong. That college plan cannot ever come to fruition in Angwin. Thank you, we will mull this over. Maybe you're willing to pull up the current (if not current, bring it up to date, of the Angwin land use designations and zoning. I have no issues with identifying where the overlays are placed on the map. However, it must be the current map, not some pie in the sky old/ outdated/ inappropriate one. Thx again.	The ALUCP does *not* grant any entitlement rights. Public Utilities Code (PUC), Section 21675(a) requires preparation of an airport land use compatibility plan (ALUCP) for each public use airport in the state. The ALUCP is designed to provide for the "orderly growth of each public airport and the area surrounding the airport" while safeguarding "the general welfare of the inhabitants within the vicinity of the airport and the public in general (PUC Section 21675(a))." ALUCPs are the fundamental tool used by ALUCs in fulfilling their purpose of promoting airport land use compatibility. The ALUCP contains criteria for making consistency determinations, including building standards, height, and land use restrictions. The purpose of the ALUCP is to identify land use development proposals that would be compatible or incompatible with airport operations. The goal is to protect the public who live and work near the airport and to prevent encroachment of incompatible uses on the airport operations. While the ALUCP might deem something as compatible or conditionally compatible, if the use is not permitted in the underlying zoning district, then the use would not be allowed. When considering airport operations for purposes of the ALUCP, state law requires that the ALUCP be based on an airport master plan or airport layout plan drawing accepted by Caltrans Division of Aeronautics. For this ALUCP update, the 2010 Airport Master Plan Study and associated 2009 Airport Layout Plan (ALP) is used. The 2009 ALP reflects both the airport's existing and potential future buildout over the next 20 years. The Draft ALUCP does not endorse or approve any airport expansion. It uses the potential future airport layout along with noise and safety zones as the basis of the compatibility zones to plan for land use compatibility should those projects move forward. Utilizing only the current layout could reduce Zones A-C; however, some of the zone changes are due to the updated handbook criteria. The differences between the existing and future safety zones and the compatibility zones are shown on Exhibit 6-4. Caltrans concurred that both the existing and ultimate conditions shown on the 2009 ALP are reasonable to form the foundation for this Draft ALUCP. The 1975 Pacific Union College Master Land Use Plan specifies future development of the campus, including dormitories and dining facilities. The County of Napa confirmed that the 1975 College Master Land Use Plan is a current entitlement, pursuant to Use Permit U-547975, approved in October 1975. While the ALUCP update is not based upon the 1975 Master Land Use Plan, Policy 4.3.2 does provide special exceptions for certain proposed land uses. All future development proposals for the College would be subject to the ALUCP as specified by Policy 4.3.2. The Draft ALUCP is intended to reflect the existing entitlement, and not granting or changing the College's entitlements. Any such change would require permit approval and a determination that the change is consistent with the ALUCP. The commenter is correct that the General Plan (GP) Land Use Designation Map (Exhibit 6-8) referenced an outdated version of the GP map. Staff researched Resolutions that impacted the PUC parcel and noted that Resolution 2016-187 & 2016-188 did amend the GP designations of a few parcel in the PUC, which were not reflected in the maps used in the ALUCP figures. The correct version of the map was provided to Mead & Hunt and will be incorporated into the update. However, it should be noted that the GP map is informational only and this change does not alter any provisions of the ALUCP, nor does it impact any of the policies or entitlements of properties within the PUC. Please see Attachment D8a for a comparison between the GP Land Use Designation Map provided in the Draft ALUCP (May 2024 Draft) and revised land use map (October 2024).	Offer to meet virtually with Mr. Hacket and other interested parties. Update Exhibit 6-8 in the ALUCP and Figure 3 in the Negative Declaration to reflect the most current General Plan map for the Angwin/PUC area.
9	**Name:** Jason Holley **Representing:** City of American Canyon **Comment Method:** August 22, 2024 email (*see Attachment D9, as well as D9a and D9b with additional project details via email exchange between Wendy Atkins (County) and Brent Cooper (American*	**The two highlighted areas probably warrant new special conditions under Section 5.3**: 1. The **Oat Hill Project** is blended high-density and medium density residential project under construction as the result of a Council override of ALUC inconsistency determination. 2. **The Paoli-Watson Lane** Project is a pending annexation with LAFCO with pre-zoning to a blend of industrial and estate residential. This is result of ALUC consistency determination on January 15. Still cogitating how to characterize County's forthcoming GP Update as it pertains to the Hess/Laird property which is a future study area in American Canyon's ongoing GP Update. Could this property be considered for a special condition too - especially considering the pending ZC?	The ALUC found the Oat Hill project to be inconsistent with the current 1999 ALUCP. Therefore, ratifying the American Canyon City Council's decision to overrule the ALUC's inconsistency determination in 2021 as part of this ALUCP update is not recommended. The Paoli-Watson Lane project includes only pre-zoning to support the review and approval by LAFCO of the proposed annexation. At this time, the pre-zoning does not include sufficient detail on proposed land use intensities to qualify for a special exception. Also, it is understood that, if and when the site is annexed by American Canyon, the pre-zoning designations may change to allow more intensive land uses. In accordance with Policy 2.4.1(a)(2) and consistent with state law (PUC Section 21676(b)), proposed zoning amendments/changes will require ALUC review.	No action necessary.

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	Canyon) from October 2023 to August 2024)			
10	**Name:** Tiffany Martinez **Representing:** California Department of Transportation, Division of Aeronautics **Comment Method:** July 16, 2024 email (*see Attachment D10*)	**Pages 2-10, 2-11, 2-17, 2-18, 2-20, 2-22, 2-23, 2-26** **Policies: 2.4, 2.5, 2.8.1, 2.8.2(b), 2.10.2, 2.10.3, 2.10.4, 2.10.5, 2.12.3** These policies infer to an Airport Land Use Commission (ALUC) Executive Officer that has delegated authority from the ALUC to do the following: Provide formal consistency determinations and comments for major land use actions referred to the ALUC and to provide comments on proposed overruling decisions. The PUC does not authorize the delegation of the ALUC's duty to anyone else, or in this case, an ALUC Executive Officer. PUC Section 21.671.5(e) states: *The commission shall meet at the all of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members shall constitute a quorum for the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership.* It is a requirement by law that the participation of the majority of the commission members are to constitute a quorum to take any formal action, which includes consistency determinations. PUC, Section 21674, sets for the power and duties of the "commission" only. The Division recognizes the intent of the ALUC Executive Officer to alleviate the workload of the ALUC and to review voluntary referrals, amongst other administrative matters for the ALUC. However, under no circumstances can the ALUC Executive Officer have delegated authority for actions that are mandatory by the ALUC. Please clarify the language in the relevant policies to provide added clarity on this differentiation and to avoid misinterpretation of the policies and subsequent actions, in addition to differentiate authority powers related to Major Land Use Actions, Interim Mandatory Referral of Major Land Use Actions, and Mandatory Land use Actions.	Policy 2.4.1(a)(3) has been deleted to clarify that the Executive Officer has no authority in reviewing actions referred on a mandatory basis. As stipulated in Policy 2.6.1, the Executive Officer is only authorized to provide comments on voluntary referrals of Major Land Use Actions, not mandatory or interim actions. Per Policy 2.6.1(d), reviews by the ALUC Executive Officer do not represent a formal consistency determination or finding of consistency. Policy 2.10.2 has been updated to remove the reference to "interim mandatory basis."	Delete Policy 2.4.1(a)(3) Update Policy 2.10.2 to remove the reference to "interim mandatory basis."
		Safety Zone D1 (Traffic Pattern Zone) and D2 (Other Airport Environs) Exhibit 4-2 – Compatibility Policy Map, Angwin Airport-Parrett Field From an initial review of the Draft ALUCP it is noted that Zone D1 (Traffic Pattern Zone) only properly encompasses the right side of the runway and does not encompass the left side of the runway, as guided by the CA Airport Land Use Planning Handbook, per the State Aeronautics Act (SAA). The Handbook acts as the starting point for determining airport safety zones and compatibility policies. By not including Zone D1 on the left side, or Zone 6 per the Handbook safety zones, and instead classifying it as Zone D2 (Outer Airport Environs), this would be less restrictive than what the Handbook stipulates for Zone 6 and would not align with the Handbook safety zones. Zone 6 per the Handbook has no limits for residential densities therefore should not be a conflicting factor in expanding Zone D1 onto the other side of the runway. While a single-sided traffic pattern may eliminate the turning zone on the non-pattern side of the runway, it still calls for some amount of buffer to be maintained (PG 3-23 2011 Handbook). Please also note Example 4 on Page 3-18 of the 2011 Handbook, the short General Aviation (GA) runway for a single sided traffic pattern eliminates zone 3 on one side but still contains the full dimensions of Safety Zone 6. This variation creates a significant problem with the maximum densities and intensities identified for these zones and the compatibility policies of the Angwin Airport-Parrett Field. These ALUCP Zones need to be corrected to encompass at least the minimum areas stipulated in the Handbook on pages 3-17 through 3-19. Sufficient aeronautical reason should be provided for any variations in the safety zones and their associated compatibility policies. As it stands, Safety Zones D1 and D2 are not in alignment with the guidance of safety zones as stipulated in the Handbook.	Per the Handbook (page 3-16), the generic safety zones are intended to serve as a starting place for the delineation of compatibility zones. Page 3-21 of the Handbook indicates that "basing zone boundaries on geographic features can still simplify implementation of an ALUCP, particularly one utilizing the composite zone method." This section also states that safety zones boundaries can follow geographic features such as roads, if the adjustments are made in a manner that provides an equivalent level of safety afforded by the generic safety zones. Compatibility Zone D2 on the west side of the airport omits portions of generic safety zone 6 based on the following considerations: • The primary traffic pattern is located on the east side of the airport. The west side of the airport is expected to experience low activity (approximately 2,000 annual flights), which is comparable to the "Low-Activity General Aviation Runway" that excludes generic Safety Zone 6. • The airport has a short runway of less than 4,000 feet and is used primarily by aircraft based at the airport. • The airport is situated on top of a mountain at an elevation of 1,875 feet MSL. The community west of the airport lies approximately 200 feet below the airport elevation. • The westerly limit of Compatibility Zone D2 follows Howell Mountain Road, which is a landmark used by local pilots to avoid overflight of the town of Angwin. • The Town of Angwin is located to the west and midfield of the airport and is primarily developed allowing only infill. • The upper third of Safety Zone 6 includes large parcels which are zoned for agriculture resource. The lower third is within the PUC campus and zoned as residential (Zone 6 has no limit on residential). • Zone D1 and Zone D2 intensity criteria are consistent with Safety Zone 6 rural and suburban criteria (200 and 300 people per acre, respectively). Zone D1 is more restrictive than Zone 6 criteria as it prohibits residential. Zone D1 applies on the east side of the airport to reflect the primary traffic pattern. Based on the above considerations, a sufficient safety margin is provided; thus, no change to Compatibility Zone D2 is proposed.	

11	**Name:** Clark Morrison **Representing:** Hess Persson Estates Winery / Cox Castle **Comment Method:** July 16, 2024 email (*see Attachment D11*)	**1. Inter-Jurisdictional Coordination and Public Involvement Regarding the Proposed ALUCP Update Have Been Insufficient** Any change in an ALUCP—much less wholesale adoption of a new ALUCP in light of recent controversies—will have substantial implications for both public and private entities. Under state law, for instance, local agencies must amend their local planning documents within 180 days (or approve an override) in order to maintain consistency with an updated ALUCP. (Gov. Code, § 65302.3.) If an agency fails to take such action, it is required to submit all land use development actions involving property in the AIA to the ALUC for review. (Pub. Util. Code, § 21676.5.) Coordination with local agencies (which, here, involves Napa County as well as the City of Napa and the City of American Canyon) thus is critical. Indeed, the California Airport Land Use Planning Handbook notes that "[i]nformation and input from local agencies is essential to the preparation of airport land use compatibility plans," particularly in those instances where proposed changes may affect local plan consistency with the ALUCP. (Handbook, § 2.4.) This interaction between ALUCPs and local planning efforts is particularly important for housing, which is an ongoing matter of statewide concern. (See, e.g., Gov. Code, § 65589.5(g) [Legislature finding "that the lack of housing, including emergency shelter, is a critical statewide problem"]; see also id. § 65589.5(a)(2) ["California has a housing supply and affordability crisis of historic proportions."].) Housing law has considerably evolved over the past decades, with the adoption and/or strengthening of laws such as the State Housing Element Law, Housing Crisis Act, Housing Accountability Act, and State Density Bonus Law). ALUC implementation of any airport-related planning obligations under the State Aeronautics Act must be implemented within this broader housing-related context, and any obligations under the statutes must be harmonized. (See Linovitz Capo Shores LLC v. California Coastal Commission (2021) 65 Cal.App.5th 1106, 1117 [where multiple statutes are involved, they must be harmonized to give force and effect to all relevant provisions].) It is not clear that the current draft ALUCP update fully considered its potential implication within this broader context, particularly in the City of American Canyon, where a substantial portion of land is located within the Napa County Airport AIA. Notwithstanding the above, it does not appear that a fulsome public process has occurred. We are concerned that coordination with the City of Napa and the City of American Canyon has been lacking. For instance, the City of American Canyon currently is undergoing its own General Plan update, and it does not appear that the draft ALUCP substantively accounted for updates being considered. Both the ALUCP and General Plan will guide development potentially for decades, and it is vital that these efforts be coordinated. It also is our understanding that there are many private landowners within the Napa County Airport AIA who, like our clients, have been totally unaware of the ongoing ALUCP planning process, and whose ability to develop their property could be substantially impacted. Action on the proposed ALUCP update, therefore, should be postponed to allow for inter-jurisdictional coordination and a robust public process. **2. Adoption of the ALUCP Update as Currently Proposed Would be Arbitrary, Capricious, Lacking in Evidentiary Support, and Unlawfully Unfair** The various deficiencies are summarized in more detail in the attached technical memorandum from Mr. Johnson (see Exhibit 1) and are broadly summarized as follows: • The wholesale ALUCP update was developed without sufficient local agency and public involvement, particularly given potential impacts on these parties. • There is no analysis of policy changes from the now existing ALUCP. • The draft ALUCP includes composite compatibility zones that conflate noise, safety, overflight, and airspaces protection criteria rather than providing form-based, individual criteria that would allow local agencies and landowners the ability to plan and develop the highest and best use of land within an AIA. • The aviation noise analysis is factually incorrect, overstated, technically inadequate, and in conflict with other published airport-related analyses. • The aviation safety information is outdated, factually incorrect, overstated, and technically inadequate as the basis for establishing the respective safety zones. • Compatibility Zone D1 references Caltrans Handbook Zone 6 but only follows the Caltrans guidance with regard to dimensions while ignoring the land use guidance allowing residential development based on the actual low safety risk and reasonable overflight notification. • The aviation overflight information is factually incorrect, overstated, and technically inadequate as the basis for establishing the compatibility zones. **3. The IS/ND is Flawed and Fails as an Informational Document** In addition, the IS/ND prepared in connection with the proposed ALUCP update is technically inadequate and largely conclusory. As presently constituted, it does not constitute substantial evidence supporting a conclusion that there would not be any significant impacts. *(a) The Displacement Analysis is Methodologically Flawed and Confusing*	**1. Public Involvement** The ALUCP update 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, and respond to concerns of the constituent agencies. 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 and what changes are likely to result from the update, and to ask questions about 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 to the public on May 23, 2024, and a notice was issued in the Napa Valley Register, along with a Notice for two workshops, one Airport Land Use Commission Workshop and one Public Workshop, to introduce the Public Draft of the ALUCP. The workshops occurred, 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. A public hearing was noticed for July 17, 2024, and the Initial Study/Negative Declaration was released for review and public comment. At the hearing a number of stakeholders spoke during the public comment period which resulted in the ALUC continuing the item to September 18, 2024. This allowed ALUC staff and the consulting firm to meet with interested parties and stakeholders, and have to opportunity to hear, discuss, and address their concerns. One topic raised during the public comment period related to noticing. ALUC Staff has published all notices for ALUC related workshops and public hearings in the Napa Valley Register and has transmitted notices to the County's Planning Interested Parties list, as well as to the other local jurisdictions. The July 17 hearing notice was also sent to all property owners within both the Angwin and Napa Airport Influence areas which included 909 addresses in Angwin and 2859 in Napa. Re-noticing of this list also occurred for the September continuance hearing, however, this meeting ended up being cancelled due to a lack of quorum. The newest Notice of the November 6 public hearing was also re-noticed to the entire Angwin and Napa mailing list as well stakeholders who had reached out regarding the update. In addition to official notices, the ALUCP update was also featured in articles in the Napa Valley Register in May 2024 and July 2024. ALUC staff confirmed that the original notice for the Negative Declaration and July 17, 2024, Adoption Hearing was distributed to the Cities of American Canyon and Napa, as well as to the School and Fire Districts. After the July 17 hearing, ALUC staff sent a letter offering to come and present on the ALUCP update to the Planning Commission or City Council of each jurisdiction, however, no follow up was requested. ALUC Counsel and the PBES Director did have various phone calls with representatives of the City of American Canyon and ALUC staff also reached out directly to the American Canyon Fire Protection District Chief, Goeff Belyea, to discuss the ALUCP update. These discussions did lead to minor changes to the ALUCP draft. ALUC staff also conducted follow up meetings with various stakeholders who reached out following the July 17, 2024, public hearing. ALUC staff and Mead & Hunt have prepared this Response To Comments document, which summarizes the comments received, details the ALUC staff/consultant response, and any resulting changes to the ALUCP based on comments. **2. Adoption of Draft ALUCP** ALUC staff and its project consultants met with Mr. Johnson, who is presenting the property owners on aviation related matters, on July 26, 2024, and September 7, 2024. Mr. Johnson's comments have been considered and addressed. The response below summarizes the key takeaways from those conversations to address Mr. Morrison's comment letter here. Responses to Comment No. 7b provide additional background details. **Zone D1 and D2 Boundary Adjustment** As indicated in the response to Comment No. 7b, Compatibility Zone D2, Outer Traffic Pattern Zone, defines the areas subject to routine overflights but where the concentration of overflights is less than that in Zone D1. Based on an analysis of flight track data, a change is proposed to the Compatibility Zone D1 and D2 boundary in the southeast quadrant of the Airport Influence Area (see **Attachment A3a).** The proposed change brings the Compatibility Zone D1 and D2 boundary closer to the airport to better reflect the higher concentration of overflights west of Highway 29. The proposed adjustment is based on flight track data for the last full year from July 1, 2023, to June 30, 2024 (see **Attachment A3b**). The flight track data was also segregated to reflect arrivals and departures separately for a representative quarter to reflect operational and seasonal variations in flight patterns. (see **Attachment A3c**). **Zone D1 and D2 Criteria Modifications**	Continue ALUC Hearing Meet with Mr. Johnson who is representing the property owners Modify Exhibit 5-1 to reflect adjustments to density criteria (also noted in Comment 6b) Modify Exhibit 5-2, Compatibility Policy Map, Napa County Airport to adjust Compatibility Zone D1 and D2 boundary in the southeast quadrant of the Airport Influence Area (also noted in Comment 6b). Update

		As the IS/ND recognizes, adoption of an ALUCP has the potential to indirectly cause the displacement of otherwise planned development to other areas, leading to environmental impacts in those other areas. (Muzzy Ranch Co. v. Solano County Airport Land Use Commission (2007) 41 Cal.4th 372, 383 ["[A] government agency may reasonably anticipate that its placing a ban on development in one area of a jurisdiction may have the consequence, notwithstanding existing zoning or land use planning, of displacing development to other areas of the jurisdiction."]; see also Saint Vincent's School for Boys, Catholic Charities CYO v. City of San Rafael (2008) 161 Cal.App.4th 989, 1006 [considering displacement].) Such displacement could occur where an updated ALUCP would restrict development compared to what otherwise would be allowed under local agency planning documents, resulting in a need to develop those uses elsewhere. Here, while the IS/ND purports to analyze displacement, the analysis is flawed. Rather than comparing what would be (dis)allowed under the ALUCP update with what otherwise is contemplated in local planning documents (e.g., local General Plans and Zoning Ordinances), the IS/ND principally compares "land use compatibility in the 1999 ALUCP against the proposed [ALUCP]." (IS/ND, pp. 11, 14.) The operative question is not, however, whether the proposed ALUCP might allow more or less development in certain zones as compared to the currently operative ALUCP (which has not substantively been updated in 25 years). The question is whether the proposed ALUCP might displace land uses that are currently planned for in local agency planning documents, forcing such planned development to instead locate elsewhere. The now-existing ALUCP provisions may be one of various factors to consider in concert with this analysis, but they should not be the primary point of comparison in the displacement analysis. This basic failing in the IS/ND's methodology may best be reflected in the conclusion that displacement would not occur because the update could "result[] in the addition of 40,499 potential units" within a portion of the Napa County AIA.4 (IS/ND, p. 15.) This statement lacks any supporting analysis and appears to be based on the fact that newly proposed Zone D2 would allow for residential uses of up to 20 dwelling units per acre, where such uses are not currently allowed within Zone D. (Id.) There does not appear to have been any consideration, however, as to whether (or to what extent) local land use plans even allow (or ever could allow) residential development (much less at what density) on the more than 2,000 acres of land needed to achieve 40,499 units at 20 units per acre. Lacking any further analysis, the purported "addition" of some 40,499 units, based solely on a comparison of the current and the proposed ALUCP, is illusory, and the IS/ND cannot meaningfully evaluate the extent to which displacement may occur.5 The displacement analysis, in and of itself, is also vague, confusing, and conclusory. The analysis merely summarizes rather than shows and/or details any informed analysis. Instead of analyzing individual parcels, the IS/ND also compares various "zones," which term is used at times to refer to: (i) current ALUCP land use compatibility "zones"; (ii) proposed ALUCP land use compatibility "zones"; and (iii) local agency "zones." In many instances, it is unclear which "zone" is being referenced, rendering portions of the analysis vague and essentially meaningless. The IS/ND also continually refers to overlapping "zones," as though such areas are self-evident, leaving the reader with the likely impossible task of decoding what parcels statements such as the following are referencing: (i) "59.37 acres of land that were in Zones C-D of the 1999 Adopted ALUCP that are outside of the Draft 2024 ALUCP AIA" (p. 12); (ii) "Zones A and B1, B2, and B3 where land is outside adopted Zones A-D" (p. 15); and (iii) "1650.37 AW:AC-zoned acres of Draft Zone B3 that are within Adopted Zone E and outside of Adopted 1999 ALUCP AIA" (p. 15). Lacking any further clarification—or maps or other visual depictions—a reader cannot possibly be expected to meaningfully review the displacement analysis. Our preliminary review also identified the following additional issues: • In addition to land use compatibility (i.e., ALUCP zones), the displacement analysis should consider displacement that could occur due to noise policies or any other ALUCP factor that might reasonably displace development. • The IS/ND's singular reference to local agency zoning, to the exclusion of applicable General Plan land use designations, lacks justification. Under the State Housing Accountability Act, a housing development project is deemed to be consistent with local standards—and does not require a rezoning—if the project is consistent with applicable General Plan standards and criteria but the zoning is inconsistent with the General Plan (i.e., development may proceed even if residential uses are not allowed in the zoning). (Gov. Code, § 65589.5(j)(4.) Any displacement analysis therefore must consider the local General Plans. It is unclear whether the IS/ND accounted for any land that may not currently be designated for residential use, but which is part of a program to rezone for such future use as part of an agency's Housing Element, to meet RHNA obligations.6 The IS/ND also should consider the extent to which, generally, any other local land use planning documents might generally contemplate future residential use on parcels within the AIA that may not already be zoned for such use. Given the long-term nature of the ALUCP, the IS/ND should have considered not only the local agencies' current housing elements but also housing demand that will undoubtedly increase in the region beyond the current RHNA cycle. • The IS/ND does not discuss the City of American Canyon's pending general plan update process. The NOP for the City's update was issued in July 2022, so the LUC had notice of this pending action, which should be considered a reasonably foreseeable project for purposes of analysis under CEQA.	As indicated in the response to Comment No. 7b, the following changes are recommended: • Upon further review of the "Additional Criteria" for Single-Family Residential, it is recommended that the "D2 (High Density Option): 10-20 dwelling units per acre" be deleted as this density range is more typical of multi-family residential uses (e.g., townhomes), not single-family residential. Accordingly, removing the reference to "(Low Density Option)" is recommended. • For Multi-Family Residential, within Zone D2, it is recommended to allow muti-family residential uses where ambient noise levels are higher. Upon review of the flight track data (**Attachments A3b and A3c**), it is recommended to increase the upper range of the density limit from 20 dwelling units per acre to 25 dwelling units per acre. • Based on the proposed changes to the density limits within Compatibility Zone D2 stated above, it is recommended that footnote 8 be modified to clarify that portions of a site may have a lower density of at least 8 dwelling units per acre, but the overall density of the site must comply with the density range of 10-25 dwelling units per acre within Compatibility Zone D2. **3. IS/ND Document** **Displacement Methodology** As indicated in Section 4.1, the IS/ND considers each local jurisdiction's general plan and affected zoning districts. First, a review of each general plan was conducted to understand potential land use conflicts between the underlying land use and the draft compatibility criteria. Next, a detailed review of the underlying zoning districts was conducted to understand the types of land uses permitted by right and those requiring a use permit. The IS/ND acknowledges those uses that would be a potential conflict with the Draft ALUCP (e.g., a cell tower allowed by right under the zoning district that could potentially conflict with the airspace protection policies limiting the height of objects within certain areas of the airport influence area). Finally, the displacement analysis for the unincorporated areas of the County also considers the airport compatibility overlay zoning districts that are in effect today that further restrict the land uses in the underlying zoning district (e.g., Agricultural Watershed: Airport Compatibility Overlay (AW:AC). The potential displacement of residential development is documented for each zoning district. Neither the City of Napa nor the City of American Canyon have airport overlay/combining zoning districts. Therefore, the displacement analysis reflects the residential uses and densities permitted within the zoning district. The displacement results indicate that the Draft ALUCP would relax density limits within certain areas of the Airport Influence Area (e.g., Zone D2). If, for example, residential units were developed in the County's AW:AC zoning district to its unconstrained theoretical capacity, the Draft ALUCP would allow up to 40,259 units. However, local governments have the authority of to regulate land use within their respective jurisdiction. Therefore, future residential development within the draft compatibility zone would be limited to a more realistic density in accordance with state and local regulations and based on site-specific conditions. The displacement results identified potential residential displacement only within the unincorporated areas of Napa County. As such, the IS/ND's analysis of Population and Housing refers only to Napa County's Regional Housing Needs Allocation (RHNA) allocation. **Compatibility Zone vs Zoning District** As indicated in Section 4.1, the term "zone" refers to both the compatibility zones and the zoning districts. While general use of this term may seem confusing, each reference to a "zone" is accompanied by a description to correlate the reference to either a particular compatibility zone (e.g., Zone A) or zoning district (e.g., Airport Compatibility Combination (AV:AC) Zone). **American Canyon Draft General Plan** At the time the May 2024 Draft ALUCP and associated IS/ND was circulated for public review, the city's draft general plan was still in progress. No information in draft form was available or provided by the Project Development Team (PDT) members. **Non-residential Displacement** A qualitative assessment was performed to determine the degree to which the proposed ALUCP would restrict nonresidential uses. The focus of the assessment is on the proposed intensity criteria (people per acre). If the local zoning code uses floor area ratios (FARs) to limit the use, the FAR was compared with the FAR used in the "Basic Compatibility Criteria" tables in Exhibits 4-1 (Angwin Airport) and 5-1 (Napa County Airport) as a first level screening	

No.	Commenter Information	Comment	Response	Recommended Action
		• The analysis should have considered displacement that might potentially result from reduced Floor Area Ratios ("FAR") for non-residential uses, not just displacement of categories of non-residential uses themselves. Reduced FARs could have meaningfully impacts on the viability of uses on particular parcels. In short, the IS/ND's displacement analysis is methodologically flawed, incomplete, and confusing in a manner that precludes any meaningful public review. A new analysis should be prepared that evaluates any potential displacement that may occur in relation to local planning documents and in the context of State Housing Laws, and which does so in a manner that is both parcel-specific and clear. Presumably, this requires preparation of a separate technical analysis, as has been done in other CEQA documents prepared for other ALUCPs,7 as opposed to the relatively brief, summary analysis currently presented in the IS/ND. Lacking any such thorough, technical analysis, substantial evidence does not exist to support the IS/ND's conclusions. *(b) The Faulty Displacement Analysis Renders the IS/ND Insufficient, and the Analysis as it Currently Exists is Deficient* The faulty displacement analysis renders the remainder of the IS/ND inadequate, as each individual environmental topic simply cross-references the displacement analysis. The analysis as it currently stands also is, in and of itself, insufficient. For each environmental topic, the IS/ND summarily states that the displacement analysis "found that displacement effects would be less than significant." (See, e.g., IS/ND, p. 24.) But the displacement analysis only found that, for each of the two airports, there would be "no significant displacement." (See, e.g., IS/ND, p. 18.) This is not the same as saying that impacts for each respective environmental topic would be less than significant; each section still requires its own separate analysis. Following preparation of an updated displacement analysis, Section 5 of the IS/ND should be updated to provide analysis that is specific to each environmental area, according to the extent any displacement might occur. *(c) The IS/ND Suffers From Various Other Deficiencies* In addition to the above overall concerns, we identified the following deficiencies: • The IS/ND's analysis of Population and Housing refers only to Napa County's RHNA allocation and fails to mention the independent obligations of the City of Napa and the City of American Canyon respectively. (IS/ND, pp. 44-45.) • The IS/ND's cumulative analysis improperly limits its analysis to "other airport planning projects." (IS/ND, p. 54.) Under CEQA, however, "cumulative impacts" refers to "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (CEQA Guidelines, § 15355 [emphasis added].) These effects may be changes resulting from a single project or from other closely related past, present, and reasonably foreseeable probable future projects. (Id.) Nothing in this language allows the IS/ND to limit its consideration to "other airport planning projects." In a revised IS/ND, the analysis should consider the proposed ALUCP update in the context of any closely related past, present, or reasonably foreseeable projects, including but not limited to the City of American Canyon's general plan update. Based on the foregoing, we urge the ALUC to postpone action on the ALUCP update until a robust public process has occurred, and all of the relevant issues have been considered. In connection with such further process, we request an opportunity for our team, including Mr. Johnson, to meet with the ALUC and its consulting team regarding the proposed update.	method for potential inconsistencies. Potential conflicts with the intensity criteria were further assessed by zoning district and documented in the IS/ND.	
12	**Name:** Timothy Persson **Representing:** Hess Persson Estates Winery **Comment Method:** August 31, 2024 email (*see Attachment D12*)	The suggested revisions to the Draft ALUCP would allow reasonable residential land use within ALUCP Zones D1 and D2 and do so based on the objective airport land use planning criteria in the Caltrans Airport Land Use Planning Handbook. In particular, Zone D1 should allow residential land use in the range of eight (8) to 25 units per acre with a required avigation easement deeded to the Airport. Zone D2 in the draft plan currently allows residential land use in the range of 10 to 20 units per acre. We would suggest expanding this range to also be 8 to 25 units per acre to support owner-occupied, affordable and workforce housing needs. Zone D2 should also require an avigation easement to help protect the Airport. Projects that meet these criteria would be presumed to be consistent with the ALUCP and not subject to further discretionary ALUC decisions or unsupported conditions of approval. To ensure that these suggested revisions are useful to the land planning process, we also request that Napa County, as owner and operator of the Airport, and the ALUC, will respect State law regarding any overrule of an adopted Napa County Land Use Compatibility Plan (ALUCP) Update or an ALUC consistency determination on any project within the land use and/or zoning jurisdiction of the City of American Canyon. California Public Utilities Code (PUC) § 21676 and PUC § 21676.5 shall apply and Napa County, as operator of the Airport shall have any protections from any overrule action by the City of American Canyon afforded by PUC § 21678. Suggested Draft Revisions • Policy 2.3.1(a)(1) – strike "potentially disruptive" and add after "noise" "exceeding State standards."	The ALUC is a separate entity from the County, though it is staffed by County employees. The ALUC and ALUC staff cannot speak to future County actions; however, both the County and the ALUC staff have reviewed the update, and it is intention of both the County and ALUC to follow State and ALUC standards regarding compatibility and the process for overrule. This update has created a more robust procedures with clearer direction for agencies to comply with the law regarding both the general consistency determination process and the overrule process. See responses to Comment No. 7 above.	

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		• Policy 2.3.1(a)(4) – strike "can be intrusive and annoying to many people" and add after "overflying" "require notice to the public." • Policy 2.4.1(a)(2) – strike entire section • Policy 2.5.2(a) – strike "D1 and D2" as referenced for Napa County Airport. • Policy 2.5.2(3) – strike entire section. • Policy 2.7.4(b) – add "and workforce" after "farmworker" and strike "and local regulation." • Policy 2.7.4(c) – strike "and D1" and strike "and local regulation." • Policy 3.2.4(f) – strike "2/3" and add "simple majority" • Policy 3.3.1(a)(2) – strike "and D1" as referenced for Napa County Airport. • Policy 3.3.3 – strike "residences" • Policy 3.6.1 – add "D1 and" after "Compatibility Zone" • Exhibit 5-1 – *Residential and Lodging Uses;* Single-Family Residential, remove "Q" symbol from land use category, color Compatibility Zones D1 and D2 cells green (Normally Compatible), add "D1 and" before "D2" in Additional Criteria cells and strike "10-20" and "8-25" in Additional Criteria cells. • Exhibit 5-1 – *Residential and Lodging Uses;* Multi-Family Residential, remove "Q" symbol from land use category, color Compatibility Zones D1 and D2 cells green (Normally Compatible), add "D1 and" before "D2" in Additional Criteria cells, and strike "10-20" and "8-25" in Additional Criteria cells.		
13	**Name:** William D. Ross **Representing:** City of American Canyon **Comment Method:** July 16, 2024 email (*see Attachment D13*)	The City of American Canyon ("City") is in receipt of the County of Napa ("County") Airport Land Use Commission's ("ALUC") Notice and publication of the Airport Land Use Compatibility Plan ("ALUCP") Update and Negative Declaration Adoption Hearing under the California Environmental Quality Act ("CEQA") agendized for an ALUC Special Meeting on July 17, 2024. The City has also, in the process of the ALUCP and as a member of the Project Development Team ("PDT"), submitted comments on the ALUCP revision dated May 31, 2023, and December 14, 2023. Notwithstanding those previous comments, the City believes it would be in the interest of both the ALUC and other interested parties for a continuance of the ALUC's consideration of the ALUCP for at least sixty (60) days as referenced in this communication. As you are aware, the City is, and has been, in the process of completing a General Plan Update of the original City General Plan dated 1994 (link: https://www.americancanyon.gov/Work/Community-Infrastructure-Development/Growth-Development-Strategy/General-Plan-AmCan2040). The possibility of the coordinating the ALUCP with at least a discretionary review by the City Planning Commission to achieve consistency of proposed land-use designations within the ALUCP and City General Plan, would be beneficial for several reasons. It is estimated that the Draft City Comprehensive Plan, which has been coordinated to efforts in the ALUCP, will be released along with its companion Draft Environmental Impact Report in the immediate future. As with the ALUCP, this effort has been extraordinary and consistent with extensive public involvement as well as review for the State mandated process of achieving consistency of the City's Housing Element with the criteria for maximizing the generation of housing and particularly affordable housing. The achievement of a certified Housing Element is a significant step in the State mandated process for complying with the several unfunded State mandates concerning housing land-use designation and land designated for housing and affordable housing development. The existing ALUCP addresses this process partially on pages 2-16 and 2-17. However, when the specific basis for information concerning the Napa County Airport is dealt with in Chapter 7, only the City's November 4, 1994 General Plan is referenced. See, p. 7-21. Stated differently, integration between the City and ALUC would lead to a coordinated land-use document beneficial to both the ALUC and the City. The consistency of the recently proposed ALUCP with the individual General Plan Elements and individual General Plan Goals and Policies is critical, involving detailed City analysis and review to achieve compliance with statutory and resulting General Plan internal consistency. See, Government Code Section 65300. This process, and analysis, and its relationship cannot be completed by the planned and agendized ALUC hearing date of July 17, 2024. Based on the foregoing, the City requests an extension of time to respond on the ALUCP update agendized for consideration and adoption at the ALUC, to at least September 18, 2024.	At the ALUC hearing held on July 17, 2024, the ALUC extended the public review period to September 18, 2024.	Continue ALUC hearing to September 18, 2024. Due to lack of quorum the September 18 hearing was cancelled and the ALUCP adoption hearing was re-noticed for November 6, 2024.

No.	Commenter Information	Comment	Response	Recommended Action
		There are specific areas of the existing draft that need to be corrected, noting recent actions with respect to the City Housing Element (link: https://www.americancanyon.gov/Work/Community-Infrastructure-Development/Growth-Development-Strategy/General-Plan-AmCan2040/Housing-Element)and its certification and approval by the State Department of Housing and Community Development. The City is very close to completing the Draft Comprehensive Plan which would include the recent State-certified Housing Element for discretionary review by the City Planning Commission and the City Council. This discretionary review would add certainty to the land use designations set forth in the ALUCP which is not now certain and would avoid future piecemealed designations for areas within the land-use jurisdiction of the City. **FURTHER PUBLIC OUTREACH** We have conferred with several landowners and residents within the ALUCP area who have not received notice of the ALUCP update or the proposed hearing of July 17, 2024, or both. We respectfully suggest that the time for the public to respond or otherwise comment also be extended to at least September 18, 2024. The City of American Canyon Fire Protection District ("District") also did not receive adequate notice of the ALUCP revision and proposed hearing as a responsible agency. Under CEQA, the term "responsible agency" includes all public agencies, other than the lead agency, which have approval power over the project (CEQA Guidelines Section 15381). Here, the District provides fire and life safety services to the City and portions of unincorporated County, including D1 and D2 of the ALUCP area. As such the District should have received adequate notice of the Negative Declaration, which is required under CEQA Guidelines Section 15072(a).		
14	**Name:** William D. Ross **Representing:** American Canyon Fire Protection District **Comment Method:** October 23, 2024 email (*see Attachment D14*)	This communication comments on behalf of the American Canyon Fire Protection District ("District"), a separate legal entity from the City of American Canyon, on the draft Airport Land Use Compatibility Plan ("ALUCP") Update and related actions under the California Environmental Quality Act ("CEQA") after review of actions taken at the Napa County Airport Land Use Commission ("ALUC") meeting of July 17, 2024 and subsequent meetings with ALUC Staff. First, the District is governed by the Fire Protection District Law of 1987 (Health and Safety Code Section 13800 et seq (the "Act"), which in Health and Safety Code Sections 13861 and 13862, sets forth the powers and services of the District which do not include land use. The District is not a land use agency. The District did not receive notice of the July 17, 2024 ALUC hearing and proposed ALUCP Update, but assumes that in the future the District will receive adequate and timely notice concerning ALUCP changes. With respect to the ALUCP Update, the District maintains that ALUCP sections, as described below, dealing with required ALUC review of District sphere of influence ("SOI") expansions, should be removed. This is because SOI decisions fall within the exclusive jurisdiction of the Napa County Local Agency Formation Commission ("LAFCO") under provisions of the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq, "CKH"). Specifically at issue is ALUCP Update Section 2.5.2(a)(1), which indicates that a "Major Land Use Action," including an "expansion of the sphere of influence of a . . . special district" is subject to ALUC review. However, such a determination and SOI expansion is within the exclusive jurisdiction of the Napa County LAFCO as confirmed by CKH in Government Code Sections 56301 and 564251. The ALUCP Update does not state how a District SOI would be reviewed by the ALUC. For example, what ALUCP procedures or standards would evaluate the extension of the District fire and life safety services, especially if it involved the operation of the airport? Additionally, the District as a "local agency," could not refer an SOI request involving the District to the ALUC if the SOI amendment is proposed by a resident voter or resident landowners in the affected territory. There is both incorporated and unincorporated territory in the District within the Airport Influence Area ("AIA") for which the District, under the State Building Code and Uniform Fire ode, would, and has, imposed ministerial development conditions to ensure adequate fire flow and compliance with structural life and fire safety provisions. Again, the District exercises no land use functions in the AIA, but it does impose life and fire safety standards on development authorized by the County or the City. The District presently has mutual and automatic aid agreements with other fire agencies in the AIA, under which there have been continuous and frequent documented responses. **Modification of ALUCP Compatibility Zones to Allow District Fire Stations** The District specifically requests modification of the ALUCP Compatibility Zones to allow for a future District Fire Station which would afford shorter response times to residents and property owners in the AIA, including the airport.	**Special Districts** Per Health and Safety Code Section 13861, a district may exercise all rights and powers, expressed or implied, necessary to carry out its purpose, including acquiring property. Local Agency Formation Commissions (LAFCOs) are local agencies formed by the California State legislature in 1963 to: 1) Encourage the Orderly Formation of Local Governmental Agencies; 2) Preserve Agricultural Land Resources; and 3) Discourage Urban Sprawl. To comply with this mandate, LAFCOs review proposals for the formation of new local governmental agencies and for changes in the organization of existing agencies. There are 58 LAFCOs working with nearly 3,500 governmental agencies (400+ cities, and 3,000+ **special districts**). While local jurisdictions (county and affected cities) are the principal entities involved in airport land use compatibility matters, state law (PUC Section 21670(f)), specifies that special districts, school districts, and community college districts are also subject to the ALUCP. There is no basis for claiming that fire protection districts are somehow not covered by this provision of the Public Utilities Code. Per Policy 2.2.6(d), these districts must apply the policies of the ALUCP when creating facility master plans or making other planning decisions regarding proposed development of land under their control within the Airport Influence Area (AIA). In terms of Policy 2.5.2, *Major Land Use Actions,* not all listed actions may be applicable to special districts. Additionally, per Policy 3.4.9(c), fire stations are considered critical community infrastructure and damage to such facility would cause significant adverse effects to public health and welfare well beyond the immediate vicinity of the facility. As an example, if a fire district proposed expanding its sphere of influence to include lands within the established airport influence area, the ALUC may specify in its comments that providing fire service to the expanded area is not a concern, but developing a new firehouse in Zone B1 would be deemed incompatible and inconsistent with the ALUCP. As part of the LAFCO process, agencies within the area of a proposed change to a Sphere of Influence would be notified of the proposal. LAFCO, or the agency seeking the change, would be required to seek an ALUCP consistency determination by the ALUC or Executive Officer. No change is recommended. **Notification Process** Notices were sent to all property owners. See response to Comment No. 11. **Modification to ALUCP to Allow District Fire Stations** As stated above, Policy 3.4.9(c) specifies that fire stations are considered critical community infrastructure and damage to such facility would cause significant adverse effects to public health and welfare well beyond the immediate vicinity of the facility. For this reason, fire stations are deemed incompatible within the high-risk areas defined by Compatibility Zones A, B1, and B2. Since Compatibility Zone C includes mostly airport property, the requirement for the fire station to be also airport serving remains appropriate. Also, for Compatibility Zones B3 and	Update Exhibits 4-1 and 5-1 to conditionally allow "Penal Institutions" and allow "Public Safety Facilities" in Zone D2.

No.	Commenter Information	Comment	Response	Recommended Action
		This request would mean modification of ALUCP Chapter 5, Exhibit 5-1, p.562 which currently provides that for "Public Safety Facilities," including police and fire stations, being allowed in Zone C only if it is airport serving; being allowed in Zones B3, D1 and D2 only if site outside Zone would not serve an intended function. Additional criteria also requires that all Intensity Criteria have to be met. The District maintains that primary land uses determinations on fire station locations in the ALUCP should be decided by the City or County and their respective land use standards. A fire station should not be precluded or restricted as described in the ALUCP Compatibility Zones, simply because the fire and life safety functions are being performed now by the District and a District Fire Station within the AIA would be located on criteria that would be beneficial for fire and life safety concerns of residents, property owners and the airport operation itself: notably, emergency response times. A Compressed ALUCP p.56 is set forth below to facilitate the requested District changes. • Public Safety Facilities: police, fire stations • Additional Criteria: C: Allowed only if airport serving B3, D1, D2: Allowed only if site outside zone would not serve intended function All: Ensure intensity criteria met Under the column "Intensity Criteria Interpretation," all the information currently set forth, should be modified. Clearly, the District would be airport-serving, as the District already provides fire and life safety service to the airport within the AIA. The designation "B3, D1 and D2: allowed only if site outside Zone would not serve intended function," cannot be applied to a District Fire Station as it makes no common sense. A fire station located in designation C, B3, D1 and D2, would benefit the airport and residents and property owners within the AIA with fire and life safety services with enhanced (shortened) response times for life and safety services Finally, the intensity criteria application should also be removed, as a fire station properly located for enhancing response times would utilize the available lot space for all necessary fire and life safety facilities and equipment in full compliance with all FAA restrictions. **Public Utilities Code Section 21670** There is at least one portion of Public Utilities Code Section 216703 that is applicable for legal sufficiency of the ALUCP. Public Utilities Code Section 21670(f) indicates that an ALUCP is applicable to "special districts." There is no definition advanced as to special districts. However, the 2011 Caltrans Handbook offers the following analysis: "Special Districts, School Districts, and Community College Districts Pursuant to PUC Section 21670(f), the State Legislature has clarified its intent that "special districts, school districts, and community college districts are included among the local agencies that are subject to airport land use laws and other requirements of this article." Accordingly, ALUCs shall review land use plans, master plans, individual development projects, and other comparable actions proposed by the three types of districts identified above. As described in this chapter, the adoption and amendment of land use plans (general and specific plans) and development ordinances form a basis for cities and counties to engage in airport land use compatibility planning. Special districts, school districts, and community college districts do not, as a general rule, prepare such plans and ordinances. They do, however, acquire land and build or lease facilities, which would be actions subject to review within the AIA (or within two miles of an airport in the absence of an adopted AIA). It is therefore recommended that the districts and the ALUC establish a procedure to review such actions. Where such actions are within an area subject to a general plan, and that plan has been found consistent with the ALUCP, there are several procedures within the Government Code relating to special districts and school districts which could form the basis for compatibility planning: Major public works projects undertaken by special districts and school districts shall be submitted to the county or city planning agency for review as to conformity with the adopted general plan (Government Code Section 65401). The acquisition of land for public purposes, and the construction of a public building shall be submitted to the county or city planning agency for review as to conformity with the general plan (Government Code Section 65402). A special district or school district may prepare a five-year capital improvement program. This program shall be referred to the county or city planning agency for review as to conformity with the general plan (Government Code Section 65403)." This 2011 Caltrans Handbook analysis, by referring only to school districts, community college districts and special districts without specification to defined special districts suggests that fire protection districts are not included because of the fire and life safety services directly connected with their defined use and intensity of use.	D1, which reflect the airport's heavy traffic pattern areas and where risk is lower, the requirement for allowing a fire station "only if an alternative site outside zone would not serve the intended function" remains appropriate. However, upon further review of the compatibility criteria for Compatibility Zone D2, it is recommended that "Public Safety Facilities" be deemed "Compatible," as this zone allows residential and other non-residential uses. Also, future public safety facilities are expected to be able to achieve the intensity limits in Zone D2. Additionally, Penal Institutions are moved from "Compatible" to "Conditionally Compatible" for Angwin Airport and from "Incompatible" to "Conditionally Compatible" for Napa County Airport to ensure intensity limits are satisfied. Exhibits 4-1 (Angwin Airport) and 5-1 (Napa County Airport) will be updated accordingly. **Public Utilities Code Section 21670** Please see response above for "Special Districts." **Requested Modification; Concurrent CEQA Modification** The proposed change to Exhibits 4-1 and 5-1 are noted in the draft addendum Attachment A. No technical changes are needed for the associated CEQA Initial Study/Mitigated Negative Declaration (ISMN) to address this proposed change.	

No.	Commenter Information	Comment	Response	Recommended Action
		These deficiencies of the proposed ALUCP Update have been discussed specifically by this Office and District Chief Belyea with the ALUC Executive Officer and ALUC Counsel Jason Dooley without an indication of whether they would be reviewed for change or even considered for change necessitating this communication. **Requested Modification; Concurrent CEQA Modification** The District respectfully requests that the appropriate modifications, as discussed above, be made to the ALUCP Update Project Description and concurrent changes be made to the Project Negative Declaration all accomplished in full compliance with procedural and substantive requirements for adoption of the ALUCP.		
15	**Name:** Mark Witsoe **Representing:** Napa County Airport **Comment Method:** July 9, 2024 email (*see Attachment D15*)	As the Napa County Airport Manager, I support the final draft of the proposed ALUCP as presented in the public workshop. The Project Development Team (PDT), for which I was a member, evaluated the proposed elements for conformance with the updated California handbook guidance and discussed the factors for which a functioning and growing airport should limit responsible developers. The PDT meetings included respectful dialogue on the growing pressures for development opportunity that are opposing the standing subjects of aviation safety, aircraft overflight, and noise-sensitive building occupancies. I support the proposed revisions to the Napa County Airport compatibility zones. This does not impart significant adverse impacts to future private land use. It also demonstrates reasonable flexibility in allowing expanded housing development (splitting D Zone into D1 and D2). The provided work aids [sic] (graphics) developed in the package are substantial improvements for staff administration of the ALUCP policies. As a member of the Project Development Team (PDT), PBES and Mead & Hunt as consultant did a great job creating the technical papers and moving the work through our thoughtful review. I look to follow the public process bringing forward community views about the ways in which property owners can make the best use of their land with a safe and thriving airport in their midst.	Comment noted.	No action necessary.
Comments received after October 28, 2024				
16	**Name:** Kellie Anderson **Representing:** Individual **Comment Method:** October 31, 2024 email (*see Attachment D16*)	On the Mead and Hunt slide presentation on the Angwin Airport Plan, I called attention to the statement "result in a net increase in allowed units". Was that statement just a part of the presentation or is it actually contained in the CEQA documents or the Plan? I recall the presenter stated it "was an unfortunate choice of words". If that phrase is contained in CEQA or the Plan I request that it be removed. It was not substantiated in the meeting that any additional " increase in units" is allowed, envisioned, permitted, accommodated or created by the plan or the Plan's environmental review.	As indicated in the July 17, 2024, hearing presentation (slide 29), the reference to “will result in a net increase in allowed units” is intended to highlight the difference between the 1999 ALUCP and 2024 Draft ALUCP by indicating that the draft ALUCP would enable county to allow additional housing units subject to local general plans and regulations. As noted on slide 7 (ALUC Limitations) and slide 9 (Relationship to Other Plans), the ALUC may only recommend land use measures for local adoption; the ALUC has no land use authority to allow or approve land use development. The County of Napa has land use authority for the unincorporated lands within the Angwin Airport Influence Area.	Update the CEQA document to clarify this statement.
17	**Name:** Mike Hackett **Representing:** Individual **Comment Method:** October 31 email (*see Attachment D17*)	I’m going to ask Dana for one item: The old compatibility plan overlayed the affordable housing sites laid side by side with the new Mead and Hunt plan. That’s an easy way for me to be sure that the new comparability plan wasn’t maneuvered to enhance the possibility of using those sites, which would appear to throw safety to the wind. Truthfully changing the percentages to allow more market rate homes was a blunder because a mini-subdivision off the south end of the airport manifests in less safety.	The County confirmed the parcel in question is 024-080-035. Attachment D17 provides a screenshot of the parcel and it current 1999 ALUCP Zone Designation of Zone E. Zone E, which is the most permissive zone in the 1999 plan, only prohibits noise sensitive outdoor uses and does not normally deem compatible uses such as amphitheaters, landfills or ponds. Under the proposed 2024 draft ALUCP, the parcel will be moving from Zone E (the least restrictive zone) to draft Zone D2 (a zone which is more restrictive than Zone E, but does categorize a number of uses that are deemed compatible or could be deemed conditionally compatible). The 2024 draft ALUCP compatibility zones are based on statewide safety data included in the California Airport Land Use Planning Handbook (Handbook) published by Caltrans Division of Aeronautics in 2011. Under the 2011 Handbook, the parcel would be located in Safety Zone 6, *Traffic Pattern Zone.* Draft ALUCP Zone D2 for Angwin Airport encompasses the non-primary traffic pattern areas where aircraft are flying from the west to enter the primary traffic pattern on the east side of the airport. Due to the low occurrence of aircraft overflights on the west side of the airport, safety is not a significant concern. To summarize, the current ALUC Zone E designation does not prohibit residential development on this site. Under the draft 2024 ALUCP, the parcel would be within draft Zone D2 where residential is limited to an average density of 20 dwelling units per acre. the ALUC has no land use authority to allow or approve land use development. The County of Napa has land use authority for the unincorporated lands within the Angwin Airport Influence Area.	No action necessary.

No.	Commenter Information	Comment	Response	Recommended Action
18	**Name:** Tiffany Martinez **Representing:** California Department of Transportation, Division of Aeronautics **Comment Method:** October 31 email (*see Attachment D18*)	I have a question regarding the residential density criteria. On page 3-10, it discusses residential development density and indicates that residential uses must comply with both the "sitewide average" and "single acre" density limits for each compatibility zone. However, in Exhibits 4-1 and 5-1 for each airport, only intensity criteria limits are specified, without mention of residential density limits. Could you please clarify where the residential density limits are detailed? I noticed dwelling unit restrictions listed only for Zone D2 under the residential section in each exhibit, but this doesn't fully align with the information presented in Policy 3.4.	Based on the comment provided, Policy 3.4.1, *Residential Development Density Criteria,* will be updated to clarify that single-acre density limits do not apply as the intensity limits for Zone D2 (600 people per single acre) far exceed what could be physically achieved through residential development. Exhibits 4-1 and 5-1, *Basic Compatibility Criteria,* for each airport will be updated to bring to the top of the chart the applicable density criteria.	Update Policy 3.4.1 and Exhibit 4-1 and 5-1.
Comments received after November 1, 2024				
19	**Name:** Tiffany Martinez **Representing:** California Department of Transportation, Division of Aeronautics **Comment Method:** November 1, 2024 Letter (*see Attachment D19*)	Our comments are intended to ensure that the requirements and processes of PUC, Section 21670 et seq., and the Handbook are properly implemented but are not intended to establish land uses in the vicinity of the Napa County Airport and the Angwin Airport-Parrett Field located in Napa County. Our comments of the Draft Napa Countywide ALUCP for Napa County Airport and the Angwin Airport-Parrett Field are as follows:	Acknowledged.	No action necessary.
		Ch. 1 Introduction **1:** Please include in Ch. 1 the resolution that formed the ALUC in Napa County.	Chapter 1, Section 1.5.1, will be updated to include a reference to the resolution forming the ALUC and a copy of the resolution will be included as Attachment A.	Update Section 1.5.1 to include a footnote referencing the Resolutions forming the ALUC.
		Page 1-3 Section 1.3.1. **2:** Please revise the broken link referencing the October 2011 edition of the CA Airport Land Use Planning Handbook available for download. We recommend including the homepage of the Caltrans Aeronautics website. Found here: https://dot.ca.gov/programs/transportationplanning/division-of-transportation-planning/aeronautics	This is a minor editorial fix which will be addressed when finalizing the ALUCP document. Listing this in the Addendum is not necessary.	To be fixed in final draft.
		Page 1-11 Section 1.5.5. **3:** Please update the attachments for the copies of the resolutions that adopt this ALUCP and specify the location of the attachments if not included within the ALUCP. We also recommend including the resolution number in the text of the ALUCP.	Section 1.5.5 already includes a reference to the resolutions by stating "*See Attachments A and B for copies of adoption resolutions.*"	No action necessary.
		Page 2-10 Section 2.4.1. **4:** Under Section 2.4.1., Policy 2.4.1.(3), should keep the sentence "Amendments to general plans, specific plans, zoning ordinance, or building regulation that affect lands within an Airport Influence Area" but remove the latter portion which states "The ALUC Executive Officer is authorized on behalf of the ALUC to provide comments on Land Use Actions involving parcel-specific amendments (e.g., zoning variance associated with a development proposal)." Local agencies always must refer these actions to the ALUC, and not the ALUC Executive Officer, for determination of consistency with the ALUCP.	As indicated in Addendum No. 1, Policy 2.4.1(a)(3) will be deleted in its entirety.	No additional action necessary.
		Ch. 2 Procedural Policies **5:** Please include the following language or similar in the ALUCP to differentiate the basis of the actions of the ALUC Executive Officer from the powers and authority of the ALUC. "The State Aeronautics Act (SAA) governs the mandatory process local public entities must follow regarding the statutes that define the powers and duties of an Airport Land Use Commission (ALUC). Under Public Utilities Code (PUC) Sections 21674 and 21676, no authorization exists for delegating the Commission's powers and duties to any other party for the purpose of reviewing general or specific plans for consistency determinations. Furthermore, Sections 21674 and 21676 further restrict delegation of the ALUC's authority to another party in relation to actions taken by a local public entity on amendments to general or specific plans. The PUC does not authorize the delegation of the ALUC's duty to anyone else, or in this case, an ALUC Executive Officer. PUC Section 21671.5 (e) states: > The commission shall meet at the call of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members shall constitute a quorum for	As revised (see reference to Policy 2.4.1(3) under Comment 19-#4 above), the ALUCP Procedural Policies do not delegate to the ALUC Executive Officer the authority to make a consistency determination on any action for which ALUC review is mandatory. This includes both the actions for which ALUC review is always required as well as Major Land Use Actions which are referred to the ALUC during the interim period prior to when the local agency's general plan has been found consistent with the ALUCP. The only actions delegated to the Executive Officer are ones for which referral by the local agency is voluntary. As indicated in Policy 2.6.1(c), the Executive Officer is authorized to provide "comment" on such actions, not a formal consistency determination, but may refer these actions to the ALUC for a formal consistency determination if the consistency status is uncertain. To require all such actions to be referred to the ALUC would likely result in them not being submitted even to the Executive Officer as the submittal is voluntary. On this basis, the language suggested in this comment is not necessary and is contrary to the proposed ALUCP policies. The full wording of the ALUC statutes is included in Appendix A of the ALUCP.	No action necessary.

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		the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership. The SAA further provides that "In order to carry out its responsibilities, the commission may adopt rules and regulations consistent with this article." (PUC Section 21674 2(f)). Caltrans interprets this as permitting the ALUC, in limited circumstances, to appoint a party to review certain ministerial actions that do not contravene Sections 21674 or 21676, thereby supporting the "orderly development of air transportation, while at the same time protecting the public health, safety and welfare." The appointment of such a party is to help facilitate the powers and duties of the ALUC and to alleviate its workload but is not authorized in any manner to usurp the powers and duties of the ALUC that the SAA specifically grants, or to act in an ultra vires manner. It is a requirement by law that participation of the majority of the commission members are to constitute a quorum to take any formal action, which includes consistency determinations**.** PUC, Section 21674, sets forth the powers and duties of the "commission" only."		
		PG 3-10 Section 3.4.1.(c) **6:** This section refers to residential "sitewide average" and "single-acre" usage Density limits indicated for each Compatibility Zone, however there is not a section located in the ALUCP or in Exhibit 4-1 and Exhibit 5-1 that identifies Density limits for residential sitewide averages or single-acre averages. Please correct or clarify this specification. If there are residential density limits identified for maximum sitewide averages and maximum single-acre averages, please indicate this information in the Basic Compatibility Criteria exhibits for each airport.	As indicated in Addendum No. 1, this policy language will be revised to eliminate this inconsistency. For residential uses, the sitewide average density limit (dwelling units per acre) for Zone D2 will be the principal criterion used to limit residential densities in this zone. The single-acre density criterion will be omitted rather than setting a numeric limit. However, the sitewide average intensity criterion (people per acre) must still be met. As an example, if the average density limit is 20 dwelling units per acre over a 10-acre parcel, typical development of the site might have 30 or 40 units in a single acre. Assuming 40 dwelling units in a single acre, the number of people who would be there would be well below the Zone D2 single-acre people-per-acre criterion for non-residential uses (600 people per single acre for Angwin Airport and 1200 people per single acre for Napa County Airport).	No additional action necessary.
		PG 3-20 Section 3.5 Airspace Protection Compatibility Policies **7:** An additional mention regarding obstructions is encouraged. The following is recommended for consideration: "An FAA Determination of No Hazard to Air Navigation does not automatically qualify as a Consistency Determination by the ALUC. In its aeronautical study, the FAA may determine that a project constitutes an Obstruction, although not a Hazard to Air Navigation. The Commission may deem a project inconsistent based on findings from an aeronautical study. Additionally, the Commission may apply criteria specific to the protection of aircraft traffic patterns at individual airports—criteria that may differ from those under Federal Aviation Regulation Part 77—when there is sufficient evidence indicating concerns related to health, welfare, or air safety."	The suggested language supplements Policy 3.5.5 and will be included. It will be added as Policy 3.5.5(d).	Update Policy 3.5.5 to add suggested language as paragraph (d).
		Exhibit 4-1: Basic Compatibility Criteria, Angwin Airport – Parrett Field (June 2023 Working Draft) **8:** Compatibility Zone B of the Angwin Airport-Parrett Field correlates with Safety Zone 2 of the Handbook. As it stands in the ALUCP, the maximum sitewide average intensity and the maximum single-acre intensity of Compatibility Zone B are not compatible with the Handbook guidelines for maximum non-residential intensities average number of people per gross acre and the maximum single acre for non-residential intensities. For rural classifications, the Handbook stipulates 10-40 people per gross acre for maximum non-residential intensities, the ALUCP has 50 people per acre for Compatibility Zone B. This is 10 people per acre more than directed in the Handbook. Additionally, the ALUCP lists 100 people per acre for maximum single acre intensities however the Handbook states 50-80 people. This is 20 people per acre over the maximum recommendation. We advise that these averages be adjusted to reflect the Handbooks guidance due to the high-risk level of Safety Zone 2.	Given the low activity levels at Angwin Airport, the proposed Compatibility Zone B encompasses both Safety Zone 2 and Safety Zone 3 shown in the Handbook. The Handbook criteria for Safety Zone 3 in a rural area is 50-70 people per acre. The ALUCP took the guidance for both these Safety Zones into consideration to arrive at the proposed 50 people per acre criterion. No change to the draft ALUCP is recommended.	No action necessary.
		9: Labor-intensive industrial uses are prohibited in Safety Zone 2, which correlates with Compatibility Zone B of the ALUCP. Under "Industrial, Manufacturing, and Storage Uses," "Light Industrial, High Intensity Uses" are listed as Conditionally Compatible. It is recommended that this use be prohibited in Compatibility Zone B. (PG 4-6).	Since high-intensity light industrial uses are unlikely either to be located in Zone B for Angwin Airport or to be able to meet the intensity criteria, Exhibit 4-1 will be updated accordingly.	Update Exhibit 4-1 to make "Light Industrial, High Intensity" incompatible in Zone B.
		10: Please add language that clarifies the difference between Hazardous uses related to aboveground storage tanks, which are prohibited in Safety Zone 2 of the Handbook (Compatibility Zone B) and other permitted uses of bulk storage of hazardous materials that is stipulated as conditionally compatible for some uses in Compatibility Zone B. (PG 4-6). It	This suggestion is a worthwhile clarification and can be accommodated by adding to the Additional Criteria for the Light Industrial High Intensity, Light Industrial Low Intensity and Research and Development Laboratories uses a footnote reference to Policy 3.4.9(b).	Update Exhibits 4-1 and 5-1 to add a footnote regarding storage of hazardous materials.

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		may be beneficial to specify the First and Second Group hazardous facilities on PG 3-19 of Policy 3.4.9(b)(1) in the Basic Compatibility Criteria Exhibit 4-1.		
		11: Please add "CNEL 45 dB max. interior noise level" as a conditional compatibility criterion under the "Residential and Lodging Uses" category for Compatibility Zone D2 "Single-Family Residential" and "Multi-Family Residential" uses in Exhibit 4-1. This is reflective of Policy 3.3.2. on PG 3-8.	There are no locations within Zone D2 where noise levels exceed CNEL 55 dB, so the CNEL 45 dB interior level will not be exceeded, and this addition is not necessary.	No action necessary.
		Exhibit 4-2 – Compatibility Policy Map, Angwin Airport-Parrett Field Safety Zone D1 (Traffic Pattern Zone) and D2 (Other Airport Environs) **12:** It is noted that Compatibility Zone D1(Traffic Pattern Zone) only encompasses the right side of the runway and does not encompass the left side of the runway, as guided by the Handbook, per the SAA. The Handbook acts as the starting point for determining airport safety zones and compatibility policies. While Compatibility Zone D2 captures the intensity criteria stipulated in the Handbook for Safety Zone 6, it does not fully encompass the surface area guided by the Handbook. While a single-sided traffic pattern may eliminate the turning zone on the non-pattern side of the runway, it still calls for some amount of buffer to be maintained (PG 3-23, 2011 Handbook). Please also note Example 4 on Page 3-18 of the 2011 Handbook, the short General Aviation (GA) runway for a single sided traffic pattern eliminates Safety Zone 3 on one side but still contains the full dimensions of Safety Zone 6. Please include the aeronautical reasoning, some of which was provided in the Response to Comments Matrix of October 25th, 2024, in the ALUCP for the variation of Compatibility Zone D2 (and D1 where applicable).	Compatibility Zones C and D2 encompass the Safety Zone 3 areas mentioned in this comment and provide similar or greater land use limitations to what the Handbook recommends for Safety Zone 6. Please also see response to Comment No. 10 above for details on the aeronautical considerations upon which Zone D2 is based. These considerations will be added to Policy 4.2.2, *Compatibility Policy Map Boundary Determinants* and Exhibit 4-4, *Compatibility Zone Delineation.*	Update Policy 4.2.2 and Exhibit 4-4 to include the aeronautical considerations for Zone D2.
		Exhibit 5-1: Basic Compatibility Criteria, Napa County Airport (June 2023 Working Draft) **13:** Under "Commercial, Office, and Service Uses," "Eating/Drinking Establishments" is listed as incompatible in B1. However, in the "Additional Criteria" section it specifies "B1, B2, B3, C, D1, D2: Ensure intensity criteria met". Please remove B1 from this statement as this use is prohibited. (Pg. 5-6).	This minor editorial correction will be made in the final production of the document. Inclusion in the Addendum is not necessary.	Correct typo in Exhibit 5-1.
		14: Compatibility Zone B2 of Napa County Airport corresponds with Safety Zone 3 as defined in the Handbook. Assembly facilities are prohibited in Safety Zone 3. Within the "Educational and Institutional Uses" category, "Indoor Small Assembly Facilities" are listed as Conditionally Compatible. Additionally, group recreational uses are prohibited in Safety Zone 3, while "Indoor Recreation" is listed as Conditionally Compatible in Compatibility Zone B2. It is recommended that these uses be classified as prohibited in Compatibility Zone B2. (PG 5-6).	These uses are effectively prohibited in Zone B2 in that they are unlikely to be able to meet the intensity criteria. Some atypical examples of these uses potentially could meet the criteria and thus are shown as conditionally compatible. No change to the draft ALUCP is necessary.	No action necessary.
		15: Compatibility Zone B3 of Napa County Airport corresponds with Safety Zone 4 of the Handbook. Group recreational uses are prohibited in Safety Zone 4. Under "Outdoor Uses," "Outdoor Group Recreation" and under "Educational and Institutional Uses," "Indoor Recreation" are listed as Conditionally Compatible. It is recommended that these uses be classified as prohibited in Compatibility Zone B3. (PG 5-5. 5-6).	Similarly to the circumstances addressed in Comment 19-#14 above, these are uses are indicated as conditionally compatible to allow for atypical examples that could meet the intensity criteria. No change to the draft ALUCP is necessary.	No action necessary.
		16: Compatibility Zone C of Napa County Airport corresponds with Safety Zone 5 of the Handbook. Group recreational uses are prohibited in Safety Zone 5. Under "Outdoor Uses," "Outdoor Group Recreation" and under "Educational and Institutional Uses," "Indoor Recreation" are listed as Conditionally Compatible. It is recommended that these uses be classified as prohibited in Compatibility Zone C. (PG 5-5. 5-6).	Zone C is predominantly on airport property or in a location where these uses are unlikely to be proposed or to meet the intensity criteria if they were to be proposed. Showing them as prohibited is reasonable as it would have no real effect.	Update Exhibit 5-1 to prohibit group recreational uses in Zone C.
		17: Please add language that clarifies the difference between Hazardous uses related to aboveground storage tanks, which are prohibited in Safety Zone 2 of the Handbook (Compatibility Zone B1) and other permitted uses of bulk storage of hazardous materials that is stipulated as conditionally compatible for some uses in Compatibility Zone B1. (PG 5-6, 5-7). It may be beneficial to specify the First and Second Group hazardous facilities on PG 3-19 of Policy 3.4.9(b)(1) in the Basic Compatibility Criteria Exhibit 5-1.	Same response as for Comment 19-#10 above.	Same response as for Comment 19-#10 above.
		18: Under the "Education and Institutional Uses" category, "Family day care homes," it is recommended that the 45 dB max. interior noise level criteria be applied to Compatibility Zone B3 as it is reflected across Compatibility Zones B1, B2, and C. (PG 5-5). Including this restriction helps ensure the safety and welfare of vulnerable populations, such as children. This change would be reflective of Policy 3.3.2. on PG 3-8 of the ALUCP.	None of Zone B3 falls inside the future CNEL 60 dB contour, so standard construction enables this criterion to be met. No change to the draft ALUCP is necessary.	No action necessary.
		19: Please add "CNEL 45 dB max. interior noise level" as a conditional compatibility criterion under the "Residential and Lodging Uses" category for Compatibility Zone D2 "Multi-Family Residential" use in Exhibit 5-1. This is reflective of Policy 3.3.2. on PG 3-8.	Zone B2 falls well beyond even the future CNEL 55 dB contour meaning that the interior noise criterion will be routinely met. No change to the draft ALUCP is necessary.	No action necessary.

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		Exhibit 5-2: Compatibility Policy Map, Napa County Airport **20:** Upon an internal review of the Exhibit 5-2 Compatibility Zones against the generic safety zones of the Handbook, it was determined that Compatibility Zone B2 does not accurately encompass the dimensions of Safety Zone 3 on the Northern portion of the airport (towards Devlin Road). Please revise Compatibility Zone B2 to accommodate the north-east portion which needs to be extended longer, and the northwest portion which needs to be widened. As it stands there are portions of the Handbook Safety Zone 3, which has a Moderate to High risk level, that sit in Zone D1, which reflects Safety Zone 6 of the Handbook and has a Low risk level instead of B2.	Compatibility Zone B2 on the north side of the airport was drawn to reflect right traffic to Runway 19R and left traffic to Runway 19L as documented in FAA airport data. Extension of Zone B2 to the northeast would assume that there is also left traffic to Runway 19R which does not occur. No change to the draft ALUCP is necessary.	No action necessary.
20	**Name:** Mike Hackett **Representing:** Individual **Comment Method:** November 4 email (*see Attachment D20*)	1. There are two affordable housing sites. You only identified one. 2. Was Mead and Hunt aware of the two sites or just one? Did their compatibility plan take them into account much like they did with the defunct Campus Master Plan and/or the pie in the sky chance of a runway expansion 3. I'm sorry, but this plan has not been thoroughly analyzed, and once again, you should delay the acceptance vote.	Attachment D20a shows the other two sites (that were identified in the 4th and 5th Housing Element cycle) near Angwin Airport. Under the current 1999 ALUCP, Site A parcels are NOT located within the existing Angwin Airport Influence Area (AIA) and therefore have no compatibility criteria. Site B's parcels are located within the AIA for the current 1999 ALUCP, and are specifically located within Zone E, with a portion of the easternmost parcel located within Zones A and B. Under the draft 20024 ALUCP, Site A parcels will now be located within the Angwin AIA – specifically Zone E. Under the draft ALUCP, Zone E does not prohibit residential uses but does require Airport Proximity Disclosure (APD) as a means of notifying future homeowners of a site's location within the AIA. Site B parcels will now be located within Angwin AIA Zone D2 (primarily), with small portions within Zone C and Zone B. Under the updated ALUCP Zone D2 does conditionally deem multifamily residential (up to 20 du per acre) and both short- and longer-term lodging (dormitories, hotels and motels) as compatible uses. While Zones B and C, do not deem said uses as compatible. The draft Compatibility Zones are based on new data and analysis following the 2009 Caltrans Handbook and the updated plan brings the parcels within the Angwin AIA.	Update Exhibit 6-8, General Plan Land Use Designations, for Angwin Airport to show Housing Sites A and B.
Comments received after November 5, 2024				
21	**Name:** William Ross **Representing:** American Canyon Fire Protection District **Comment Method:** November 5, 2024 email (*see Attachment D21*)	The District again raises the issue of the proposed definition of a "Major Land-Use Action" [ALUCP Section 2.5.2(a)(1)] to include the: "Expansion of the sphere of influence of a city or a special district." Again, under the District's enabling act, the Fire Protection District Act of 1987 (Health and Safety Code Section 13800 et seq. ("Act"), the District does not have land-use powers but does possess the powers and services as specifically described in Health and Safety Code Sections 13861 and 13862. Stated plainly, the District could not accomplish a land-use action because it does not have land-use power nor is land use a "service" of the District. The determination of a sphere of influence ("SOI") lies within the exclusive jurisdiction of a local agency formation commission ("LAFCO") such as the Napa County LAFCO as governed by the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq. ("CKH"). Under CKH, an SOI: . . . means a plan for the probable physical boundaries and service area of a local agency as determined by the commission." See, Section 56076. The plain meaning of CKH must be followed. To accept ALUC Staff and Counsel interpretation would require adding the words "and an Airport Land-Use Commission" to the CKH definition of a SOI. Fundamental rules of statutory construction prohibit adding words to a statute. See, Burden v. Snowden, 2 Cal.4th 556, 562 (1992); modified, 2 Cal.4th 758. CKH "provides the sole and exclusive authority and procedure for the initiation, conduct and completion of changes of organization and reorganization for cities and districts." See Section 56100 et seq. CKH Section 56425 sets forth a detailed procedure for the formulation of an SOI requiring consultation with cities and special districts. No mention is made of consultation with an Airport Land-Use Commission. An SOI amendment may be submitted by a local agency (Section 56054) or by a landowner or landowners (Section 56428(a)).	The primary topic of this comment is the concern that Policy 2.5.2(a) of the draft ALUCP includes "Expansion of the sphere of influence of a city or special district" as one of the types of "Major Land Use Actions" that would need to be referred to the ALUC for review. Such referral would be mandatory during the interim period prior to when the local agency's general plan has been made consistent with the ALUCP and voluntary thereafter. The LAFCO is not a special district under state statutes and thus is not subject to the ALUC statutes. Thus, in most cases, it would not be the LAFCO that would refer a SOI expansion proposal to the ALUC although it could do so to seek ALUC input. Rather, the local agency—including the county, cities, school districts and special districts—is the entity responsible for the referral. In this regard, the ALUC's concern would be over the potential that expansion of a SOI could enable new development in a location where it would be inconsistent with ALUCP criteria. If the SOI expansion would trigger a later general plan or zoning change, then ALUC review at this stage of the process would enable issues to be addressed early. See comment/response #14 for further discussion of this topic. Regarding formal public notices about the proposed ALUCP, LAFCO was not included because it is not a special district or other type of local agency subject to the ALUC review process and also does not own property within either the Angwin or Napa County Airport influence area. The CEQA Initial Study properly reflects the proposed ALUCP policies, and no change is necessary. Discussion of other comments on CEQA issues is also contained in Comments #4, #11, and #14.	No action necessary.

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		Assuming for the moment only that a landowner submitted an application for an SOI to the ALUC, what would be the procedure if the ALUC denied the application for an SOI amendment? Landowners are not a "local agency" that could somehow meet and override the ALUC decision. In short, the position of ALUC Staff and Counsel that the ALUCP can require review of a city of special district in an illogical interpretation of the involved statutory schemes, something which is to be avoided. See, Landrum v. Superior Court, 30 Cal.3d 1, 9 (1981). To further emphasize the inappropriate inclusion in the ALUCP of a Major Land-Use Action to include expansion of the SOI of a city or special district, is the fact that the Napa County LAFCO was not included in the mailing list for the updated ALUCP. See, ALUCP Attachment F. This lack of notice was confirmed by the LAFCO Executive Officer this morning who will be commenting on the substance of the ALUCP and the claim of SOI review authority in the ALUCP. The District again reiterates the balance of the revisions to the ALUCP set forth in its October 23, 2024 communication. As for CEQA compliance, the continued inaccurate designation of an ALUCP SOI review process means the Project description is inaccurate.		
22	**Name:** William McKinnon **Representing:** Water Audit California **Comment Method:** November 5 email (*see Attachment D22*)	The Airport Land Use Commission (ALUC) considered updating the standing 1991 Airport Land use Compatibility Plan (revised in 1999) at its February 1, 2023 meeting: "CEQA Status: this is an initial introductory kickoff meeting for the ALUCP update, an Initial Study/Mitigated Negative Declaration or Environmental Impact Report will be prepared, at a later date, as part of the comprehensive update." The matter returned to the ALUC at its July 17, 2024 meeting. However, the proposition advanced is substantially different: "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." In short, the issues that give rise to public concern have changed, and therefore any earlier comment would be presently irrelevant and therefore a waste of effort. Respectfully, identifying a project for which an EIR is proposed is entirely different than a project on which no mitigation whatsoever is anticipated. One cannot claim advantage of an earlier notice of intent when the County's intentions and objectives dramatically change. Further, two regulators have made comments and proposed mitigation which have been ignored by the County. Respectfully, the County is without jurisdiction to ignore California Department of Fish and Wildlife ("CDFW") proposed mitigation, or to unlawfully delegate its own authority to its Executive Order. Again, the present record before the ALUC is materially incomplete. Water Audit California ("Water Audit") sought by public records request, Mead & Hunt Consultant procurement documents. One of the documents received revealed a Board of Supervisors' ("BOS) December 13, 2022 meeting Staff Report entitled "Legislative Details (With text)." That document was created and printed on October 28, 2024, one week ago, and almost two years after the BOS consent item was heard. The record does not disclose a Staff Report at the time when the consent item was approved. It is reasonable to infer that it was written years post-facto to fill in a presently recognized omission. All documents of such nature are to be regarded with skepticism. The subject Staff Report explained that the "ALUCP Update is a project under CEQA process, current cost proposals include preparation of an Environmental Impact Report, however, based on past history processing ALUCP updates, Mead & Hunt noted that likely a Mitigated Negative Declaration would be required. The extent of any identified concerns, and land use changes will drive the type of CEQA document required for the update." The Staff Report for the upcoming November 6, 2024 ALUC meeting recommends	The comment discusses three issues, each of which has been discussed in the responses to other comments above. The CEQA document status is discussed in several other comment responses, particularly Comments #4, #11, and #14. As for the comment that an EIR was first proposed then changed to an Initial Study/Mitigated Negative Declaration, this is not the case. Both possibilities were acknowledged at the time that the Request for Proposals to prepare the ALUCP was released. This was done both for budgetary purposes and to ensure that the selected consultant would be able to prepare an EIR if necessary. As the project progressed, a conclusion was reached that a full EIR was not needed. This conclusion is consistent with the approach used by other ALUCs in the state when adopting an ALUCP; only rarely has preparation of an EIR been deemed necessary. CDFW mitigation is discussed in Comment #4. Delegation of ALUC decisions to the ALUC Executive Officer is discussed in Comment #10.	No additional actions necessary.

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		"Consider and adopt the updated Airport Land Use Compatibility Plan (ALUCP), including changes made in response to public comment, and certify a Negative Declaration finding that the proposed project would not have any potentially significant environmental impacts." The record does not contain any recent event that caused the change in assessment. This "no impact" assertation is not supported by fact. CDFW recommendations to clarify, evaluate, and mitigate were not included. It has be informally represented to Water Audit that CDFW concerns have been addressed in correspondence with the County, but there is no indication of this record. CDFW's position is unambiguous. "The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fee is necessary. Fees are payable upon filing the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final." Similarly, the County has addressed only two of nine Caltrans Aeronautics concerns. The remaining seven concerns are all regarding alleged "delegation of authority" from the ALUC to the ALUC Executive Officer. The assertations challenged are that an ALUC Executive Officer has delegated authority from the ALUC to provide formal consistency determinations and comments for major land use actions referred to the ALUC. Respectfully, the Public Utilities Code ("PUC") does not authorize the delegation of the ALUC's duty to anyone else, or specifically in this case, an ALUC Executive Officer. It is a legal requirement that the participation of the majority of the commission members are to constitute a quorum to take any formal action, which includes consistency determinations. PUC, Section 21674, sets the power and duties of the "commission" only. Caltrans Aeronautics wrote on July 16, 2024: "The Division recognizes the intent of the ALUC Executive Officer to alleviate the workload of the ALUC and to review voluntary referrals, amongst other administrative matters for the ALUC. However, under no circumstances can the ALUC Executive Officer have delegated authority for actions that are mandatory by the ALUC. Please clarify the language in the relevant policies to provide added clarity on this differentiation and to avoid misinterpretation of the policies and subsequent actions, in addition to differentiate authority powers related to Major Land Use Actions, Interim Mandatory Referral of Major Land Use Actions, and Mandatory Land use Actions." For the foregoing reasons, it is respectfully prayed that the instant matter be modified to incorporate verbatim CDFW comments, and to strike the unlawful delegation of authority.		
23	**Name:** Kellie Anderson **Representing:** Individual **Comment Method:** November 5, 2024 email (*see Attachment D23*)	A few of you might recall the proposed Triad Angwin Eco Village development in Angwin. It was something like 900 houses, a hotel, an underground parking garage, a retail complex and an expanded airport on land owned by Pacific Union College, a Seventh Day Adventist, Liberal Arts institution. The project came at the time when Triad, a developer out of Seattle, that also owned the Aetna Springs Resort was also seeking approval to develop a ginormous resort and golf course around a Pope Valley irrigation reservoir known as Dick Weeks Big Lake! Fancifully renamed Lake Luciana, the irrigation reservoir and surrounding acreage was imagined as a golf resort, club house, spa and cafe. The plan included 12 Lot Line Adjustments which were granted, resulting in (arguably) 12 waterfront home sites of adequate size to build a home, winery and plant a vineyard! But Triad had big plans for little Angwin and pushed to increase the airport runway length to lure high rolling jet setters to their proposed developments. Triad envisioned the small Angwin airport as a hub of jet setting golfers, resorts guests and high end wine lifestyle crowds. A terrible idea for a Christian College and a terrible idea for Angwin. As you know, lawsuits, community opposition, a failed county wide initiative and the down turn of the real estate market ended the Triad plan with a whimper. During this most terrible time, the residents of Angwin were horribly divided, with employees of the college and hospital, and members of the Church siding with development to' save' the college, while a huge segment of Angwin (Adventist	The thrust of this comment is stated in the final sentence which asks that the ALUC not "permit any expansion of the Angwin Airport at this time." ALUC adoption of the draft ALUCP for Angwin Airport will not constitute a "permit" for airport expansion. Any future proposal by PUC to extend the airport runway or otherwise expand the airport would be subject to a variety of approval steps including by Napa County and Caltrans Aeronautics. The ALUC will also have the opportunity to weigh in on any expansion proposal involving a change in the runway configuration to evaluate whether the proposal is consistent with the assumptions upon which the ALUCP is based. As documented in the draft, the ALUCP must take into account the possible future runway extension as depicted on the Airport Layout Plan (ALP) dated November 2009. Via letter dated April 21, 2023, PUC management confirmed that this ALP represents the potential ultimate buildout conditions of the airport. As dictated by state law (Public Utilities Code Section 21675(a)), the ALP along with the PUC letter were provided to Caltrans and accepted as the basis for the ALUCP.	No action necessary.

No.	Commenter Information	Comment	Response	Recommended Action
		and non- Adventist) powerfully opposed the Triad Ecovillage. Eco it was indeed not! The battle lasted years and spilled over into Farm Bureau skullduggery and Countywide unhappiness. Hearings, meetings, protests, harsh words, attorneys, a fractured small community, neighbors against neighbors, hundreds of thousands of dollars spent, a college campus literally closed for an entire day, while students were required to get on buses and attend a public hearing down in Napa (brown box lunches handed out courtesy of Triad to every student). It was a horrific time for Angwin. In the end the back stabbing deal Traid was working on, to get entitlements for the Eco Village processed while under ownership of PUC, was outed when it became known that Traid was planning to flip the deal for a huge profit to a Chinese developer. So much for the community garden and bicycle paths, purple pipes and electric cars! In the end the project collapsed, the first woman president of PUC, Dr. Heather Knight was dismissed, another college president was retained and dismissed and now we're on the third president since the whole nightmare. The project destabilized a lovely small community and it's taken years to heal the wound. The interim president, Bob Cushman, worked hard to heal the community divide. Dr. Cushman, in a never to be forgotten act, invited all of Save Rural Angwin folk to his home and had his staff including vice presidents serve us a meal. Dr. Cushman spoke to our SRA group and said the following of our years long efforts to preserve our little village " Thank you for saving us from ourselves. We apologize for terrorizing this community". That's really what happened. It's been about a decade and the wound is just a tiny scar now. But if the ALUC approves some airport expansion, based upon a non existent master plan and puts more jets on the ground and in the air resulting in increased gentrification of our home place, with no one from PUC bothering to dialog with the community, the band aid is coming off and the wound will once again bleed. It's understandable, three college presidents out from the Triad terrors, that the current president would not understand SRA and the overall community's unstoppable protection of our precious home. But now you know. I respectfully request you do not predicate any airport expansion upon a dead, non existent Triad 'master plan'. Let Angwin residents reach out to the new president, Dr. Ralph Trecartin, and make sure he even has any idea what was in that horrible old Triad Plan and remind him how hurtful these development schemes have been to our little town. Please do not permit any expansion of the Angwin Airport at this time.		
24	**Name:** Kellie Anderson **Representing:** Individual **Comment Method:** November 5, 2024 email (*see Attachment D24*)	I have the following questions that have yet to be answered on the changes proposed in the Airport Land Use Plan at Parrett Field in Angwin. I believe the Commission will want these questions to be answered and the changes incorporated into the Final Plan. #1. The long established affordable housing site in Angwin identified as Site B in the 2023 Housing Element, located on Las Posadas Rd., is not correctly referenced in the Plan. The Plan should note the 'shovel ready nature' of the site that requires no use permit and allows "by-right" development of 77 units of housing with a density of 25 units per acre per the 2009 Specified Priority Housing Development Site. The site is south of the proposed runway extension and is an entitlement that should reasonably be identified and acknowledged. The Plan does note potential development including dormitory and cafeteria construction, which do not have entitlements nor submitted applications. The Angwin Site B Affordable Housing Site has the very real potential for a housing project in the life of the Plan, particularly since a recent omnibus ordinance adopted by the BOS reduced the inclusionary percentages required which is intended to stimulate housing development at the site. Please amend the Final Plan to call out the location, and entitled housing unit number and density of Affordable Housing Site B in Angwin. #2 The affordable housing site B in Angwin is not accurately identified by Assessor Parcel Number(s) in the 2023 Housing Element or the recent omnibus ordinance. As a result the parcel (s) impacted by the proposed changes in the compatibility plan cannot be identified as to their compatibility with proposed Plan changes. It is unclear due to conflicting parcel number(s) noted in various County Documents exactly WHERE the Angwin Site B is located.	These comments appear to misunderstand the role of the ALUC in the approval of affordable housing or other land use development. The ALUC has no authority to propose or otherwise identify affordable housing sites. Proposing and/or authorizing such sites is the responsibility of the local agency, in this case Napa County. The ALUC's sole role would be to review these proposals to determine whether the development would be consistent with ALUCP criteria. On this basis, there is no need for the ALUCP to call out individual sites. Identification of individual sites for any type of development with an airport influence area is typically only done when it is necessary for the ALUCP to establish site-specific criteria for a potential development which differ from the criteria applicable elsewhere in the airport influence area. Regarding the comment about the ALUCP allowing "a net increase in allowed units," see the response to Comment #25.	No action necessary.

No.	Commenter Information	Comment	Response	Recommended Action
		The 5the Cycle Housing Element states Angwin Site B includes all or portions of APN numbers: 024-080-033 024-080-035 024-080-036 024-080-028 024-300-077 Two of these parcels are no longer owned by PUC and have been developed as vineyard. The 6th Cycle Housing Element on Table 52 Page 289 indicates Site B is located only on 024-080-029. Yet the County On Line GIS System reports there is NO SUCH PARCEL NUMBER. Further, the Napa County Municipal Code Section 18.82.020 notes Site B in Angwin is located on APN # 024-080-024. This parcel is not found in the County GIS mapping program. The following parcels are designated as "2009 Specified Priority Housing Development Sites": * Angwin Sites A and B (APN 024-410-007, 024-080-024) Lastly the September 24, 2024 Omnibus Ordinance approved by the BOS (Page 27) refers back to the 2009 Specified Priority Housing Sites which includes the six parcels referenced above. As detailed above, some of these parcel numbers no longer exist (024-080-033), or land is no longer owned by PUC and has been developed as vineyard. The exact location of Angwin Affordable Housing Site B must a be identified in order to fully evaluate proposed airport expansion compatibility with housing. Determining what comparability zone the Angwin Site B is in requires addressing these inconsistencies. #3 The Plan in the Angwin area includes the statement " Results in a net increase in allowed units". Where? How? This plan analyses airport compatibility safety zones. The Plan has NO AUTHORITY to increase development potential in the Angwin area. The response to my comment in the Response to Comment Matrix is all the more baffling: “As indicated in the July 17, 2024, hearing presentation (slide 29), the reference to “will result in a net increase in allowed units” is intended to highlight the difference between the 1999 ALUCP and 2024 Draft ALUCP by indicating that the draft ALUCP would enable county to allow additional housing units subject to local general plans and regulations. As noted on slide 7 (ALUC Limitations) and slide 9 (Relationship to Other Plans), the ALUC may only recommend land use measures for local adoption; the ALUC has no land use authority to allow or approve land use development. The County of Napa has land use authority for the unincorporated lands within the Angwin Airport Influence Area." An explanation as to how the changes in the Draft Plan will "result in a net increase" in housing units has not been provided. I request that this language be struck from the Plan. It is unacceptable that this Plan purport to result in any increased housing development is Angwin. The response to comment is wholly inadequate. I request this hearing be continued until these corrections and changes have been incorporated into the Airport Land Use Compatibility Plan.		
25	**Name:** Mike Hackett **Representing:** Individual **Comment Method:** November 18, 2024 email (*see Attachment D25*)	Could you tell me who you interacted with at PUC? The reason I’m asking is because I’ve set up a meeting Friday with the president and CEO about them needing to supply you with up to date and accurate information, which clearly did not happen. Also, can you strike or at least get us a viable explanation for that troubling statement in the report about (and I paraphrase) opening up for additional development opportunities. Thank you.	ALUC staff and Mead & Hunt interacted with several people at PUC during the course of the ALUCP preparation. In particular, Joy Hirdler, PUC Vice President, Financial Administration/CFO, was a member of the Project Development Team and wrote the April 2023 letter stating that the 2009 Airport Layout Plan reflects the ultimate buildout of the Angwin Airport and can serve as the basis for the ALUCP. The phrase “additional development opportunities” does not appear in the ALUCP document but rather is a topic discussed in the CEQA Initial Study for the ALUCP. Basically, the point intended to be made is that the draft ALUCP when adopted would in some locations relax the land use restrictions set by the 1999 ALUCP currently still in effect. To that extent and solely within the context of airport land use compatibility planning, the new plan would enable additional development opportunities that would be deemed inconsistent with the 1999 ALUCP. This change does not mean that such development would be fully approved. It still would need to comply with the local general plan and zoning, or the applicant would need to seek an amendment or variance to those documents and these actions would need to come before the ALUC for a consistency determination. Even if found inconsistent under the applicable ALUCP, the local agency (the county in the case of the Angwin area) could go through the statutory steps to overrule	No actions necessary.

No.	Commenter Information	Comment	Response	Recommended Action
			the ALUC and let the development project proceed. In effect, the overrule process means that there is no fundamental difference between the 1999 ALUCP and the draft ALUCP in terms of what development can happen; the local agency is the final decision maker.	
25a	**Name:** Mike Hackett **Representing:** Individual **Comment Method:** November 20, 2024 email (*see Attachment D25a*)	May I find out what maps and or plans were given to M&H related to Parrett Field and operations there currently info forecast? Was Mead and Hunt provided a copy of the 2008 Master Plan Feasibility and Alternate Site Selection Study for Angwin Airport? Simply put, we'd like to know what info they shared with you and M&H.	Most of the data obtained and used regarding Angwin Airport and the surrounding land uses is documented in Chapter 6 of the draft ALUCP. The Feasibility Study conducted by the County and the 2009 ALP it contained were major items, both are located in the Cloud File link (below). Land use data was obtained from the County GIS team; they are in the process of updating the public GIS portal to ensure that the most recent PUC boundary data is reflected. The FAA Airport Data Information Portal (ADIP) was also the source of some airport information. Lastly, the 1975 PUC Master Land Use Plan was another source (Permit U-37374), also provided in the Cloud File Link. Link to FAA ADIP site: https://nam10.safelinks.protection.outlook.com/?url=https%3A%2F%2Fadip.faa.gov%2Fagis%2Fpublic%2F%23%2Fpublic&data=05%7C02%7Cmaranda.thompson%40meadhunt.com%7C8ffa14715505496481c808dd0a622d5b%7Cb467145be9b54d22a13d8331f319ce09%7C0%7C0%7C638678139036674141%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=zUUNmuh6wxhInUUImXEbgxrcWAyYI8PaoEGsVlt3zHQ%3D&reserved=0. Cloud link to ALUC site with Angwin Airport files: https://nam10.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpbes.cloud%2Findex.php%2Fs%2FcgqfqctzdGpYTzd&data=05%7C02%7Cmaranda.thompson%40meadhunt.com%7C8ffa14715505496481c808dd0a622d5b%7Cb467145be9b54d22a13d8331f319ce09%7C0%7C0%7C638678139036692292%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=g9VNlsfWN1IUdDs5xULLCyxjfwskMkrzcOccaYNLy5U%3D&reserved=0	No action necessary.
26	**Name:** William Ross **Representing:** American Canyon Fre Protection District **Comment Method:** November 22, 2024 letter (*see Attachment D26*)	This communication confirms the position of the American Canyon Fire Protection District ("District"), a separate legal entity of the City of American Canyon, on requested modifications to the Draft Airport Land-Use Compatibility Plan ("ALUCP"). This communication incorporates by reference the prior District communications on the requested changes to the ALUCP, dated October 23, 2024 and November 5, 2024. As stated at the November 6, 2024 Napa County ("County") Airport Land-Use Commission ("ALUC") Hearing by District Chief Geoff Belyea and the undersigned, the District requests the deletion of ALCUP Section 2.5.2(a)(1) which includes in the definition of a "Major Land-Use Action:" "Expansion of the sphere of influence of any city or special district." As has been stated by other individuals in the November 6, 2024 ALUC Hearing, including the County Local Agency Formation Commission ("LAFCO") Executive Officer Brendan Freeman, the determination of a sphere of influence ("SOI") is within the specific authority of the County LAFCO. It is noted that later during the ALUC Hearing, ALUC Counsel indicated that a major land-use action should not include the expansion of a service of a special district. Mr. Freeman also stated during the ALUC Hearing, that the policies and procedures of the County LAFCO could address concerns of the ALUC if brought forward with respect to a SOI action by LAFCO.	See response to Comments #14 and #21 regarding District letters dated October 23, 2024, and November 5, 2024, respectively. See response to Comment #21 regarding Policy 2.5.2(a)(1), expansion of the sphere of influence for a special district.	No action necessary.

Attachment D1

Outlook

Fw: Angwin airport

From Maranda Thompson <maranda.thompson@meadhunt.com>
Date Wed 10/23/2024 4:50 PM
To Maranda Thompson <maranda.thompson@meadhunt.com>

Maranda Thompson, **ENV SP**

Planning Manager | Aviation

Direct: 707-284-8690 | Cell: 707-235-6106 | Transfer Files

Mead&Hunt

LinkedIn | Facebook | Instagram | My LinkedIn

From: Morrison, Dana
Sent: Thursday, October 17, 2024 1:48 PM
To: ruralangwin <kelliegato@gmail.com>
Cc: Mike Hackett <mhackett54@gmail.com>
Subject: RE: Angwin airport

Good afternoon Kellie and Mike,
I want to let you know that I have received your email, and I will work with the consulting firm to see if we can find a time to do a presentation for the Angwin residents next week or the following; the Mead & Hunt team are out of the office until next week, and I will touch base with them on Monday to try to and get something scheduled. The ALUCP update has been noticed a number of times, including notices sent to the entire Angwin Community, starting back in May when we released the public version of the draft. If there are residents who have not heard about the update, we would appreciate your help in getting the word out. At this time, there is no plan to segregate the plans; the hearing for adoption of the entire plan will be on November 6.

To start the conversation, I want to make it clear that the update does not grant any entitlement rights. The purpose of the plan is to identify development uses that would be compatible or incompatible with airport operations. The goal is to protect the public who live and work near the airport and to prevent encroachment of incompatible uses on the airport operations. While the ALUCP might deem something as compatible or conditionally compatible, if the use is not permitted in the underlying zoning district then the use would not be allowed. When considering airport operations for purposes of a compatibility plan, the best practice is to use the most expansive plan for future airport activities, since that gives the greatest protection to surrounding land uses. Here, the 2009 plan is more expansive than the current operations, which means the safety, flight hazard, noise, and overflight contours are at their broadest.

It is our understanding that the 2009 Master Plan is a current entitlement, pursuant to Use Permit U-157273, issued in 1972. The draft ALUCP is intended to reflect the existing entitlement, and not to grant or change the PUC's entitlements. Any such change would require permit approval and a determination that the change is consistent with the ALUCP. The draft ALUCP would not change that, but rather reflects the existing use permit for the college.

We can discuss these issues more when we meet with Mead & Hunt. I will reach out to you once I've conferred with them about the best time to have that meeting.
Thanks!

Dana Morrison (she | her | hers)
Supervising Planner - Conservation
Planning, Building, & Environmental Services
Napa County

Phone: 707-253-4437

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

From: ruralangwin <kelliegato@gmail.com>
Sent: Wednesday, October 16, 2024 11:22 AM
To: Morrison, Dana <dana.morrison@countyofnapa.org>
Cc: Mike Hackett <mhackett54@gmail.com>
Subject: Angwin airport

[External Email - Use Caution]
Hi Dana,

Thank you so much for your explanation of the Angwin airport influence map changes. Seeing how every household in Angwin was noticed by mail, Im requesting staff present a meeting here in Angwin for residents to get this information and have a chance to ask questions.

It's a pretty sensitive topic. Angwin has been thru a a lot in the past twenty years. We want to understand exactly what the implications are of referencing the 2009 College Master Plan in the Airport Influence Maps as land use designation were updated post Eco Village project.

I see this is on the Airport Land Use Advisory Committee for early November. Could the Angwin portion be bifurcated from Napa at a later time?

Thank you for your time yesterday.

Sincerely,

Kellie Anderson

HolmanTeague
real estate law • land use law • business law

CAB CONSULTING ENGINEERS
PO BOX 140
NAPA, CA 94559
C 707.694.6479

September 27, 2024

Dana Morrison
1195 third Street, Suite 210
Napa, CA 94559

Delivery via email to Dana.Morrison@countyofnapa.org

RE: Draft ALUCP Update

Dana,

Thank you for meeting with Ron Fedrick and us on September 18. Ron Fedrick owns multiple parcels in the Airport Industrial Area that are subject to the existing :AC zoning overlay and would be subject to the B1 and B2 zones in the Draft ALUCP Update.[1] Ron also is a pilot who regularly uses the Napa Airport. As conveyed during the meeting, we have reviewed the Draft Update and have concerns as outlined below.

We have drafted this joint letter to outline the concerns expressed during our meeting. Rob Anglin contributed comments focused on the Draft Update's use limitations in sections 1 through 4 below. Carl Butts, who is both a registered professional civil engineer and licensed professional pilot for a major national airline, contributed the comments in section 5 below. Before the Draft Update goes to the ALUC on November 4, we would like to schedule a further meeting that could also involve the County's consultant on the Draft Update.

[1] Ron owns these lands through Nova Business Park, LLC and has obtained two tentative parcel map approvals. The lands in the proposed B1 and B2 zones are subject to tentative parcel map approval P22-00093-TPM. As Ron moves toward a final map, Ron has marketed these parcels for development consistent with the land's IP zoning. The majority of interest in the parcels has come from existing upvalley wineries seeking to build a production and bottling facilities in the Airport Industrial Area.

1. ***The Draft Update defines uses in ways that do not match zoning or commonly developed uses in the Airport Industrial Area.***

The Draft Update includes the following categories for industrial uses:

> Light Industrial – High Intensity: food products preparation, electronic equipment, bottling plant (approx. 200 sf/person)
>
> Light Industrial – Low Intensity: machine shops, wood products, auto repair (approx. 350 sf/person)
>
> Indoor Storage: wholesale sales, distribution centers, warehouses, mini/other indoor storage, barns, greenhouses (approx. 1,000 sf/person)[2]

The above categories do not clearly match allowed uses in the IP zoning district such as:

> Cooperage, bottling plants or wine warehousing and distributing facilities;
> ...
> Manufacturing, compounding, processing, packing, treating or storing of products such as food stuffs, wineries, pharmaceuticals, and toiletries;[3]

While bottling plants and distributing facilities have a category under the Draft Update, cooperages and wineries do not. We interpret the Draft Update's categories to place wineries in the same category as "food products preparation", which is prohibited in the B1 and B2 zones. We also interpret the zones to prohibit any bottling even if bottling is a portion of the building's activities (e.g. wine warehouse with a bottling line). The classification of cooperage is unclear. Cooperage being a kind of indoor storage that also involves some production activities (e.g. racking and topping off barrels). Our view is that the Draft Update should more closely match the uses allowed under zoning.[4]

2. ***The Draft Update prohibits uses in the B1 and B2 that are encouraged by the Napa County General Plan.***

As described above, our reading of the Draft Update is that it prohibits wine production, bottling, and possibly cooperage in the B1 and B2 zones. Wine warehousing would be permitted but subject to FAR limitations. The Napa County General Plan has the following policies relating to industrial uses in the Airport Industrial Area:

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[2] Draft Update Exhibit 5-1, pages 5-6 & 5-7

[3] NCC §18.40.020(B)(5)&(10).

[4] Industrial areas in the City of Napa and the City of American Canyon appear to be under zone D1 of the Draft Update. The D1 zone allows Light Industrial – High Intensity (with FAR .92), Light Industrial – Low Intensity, and Indoor Storage. So, the differences in use categorization are not as critical in the cities' industrial zones.

> Policy AG/LU-93: County supports the continued centration of industrial uses the South County area as an ***alternative the conversion of agricultural lands*** consistent with the and Use Compatibility Plan for Napa Airport.
>
> Policy AG/LU-96 The Airport Industrial Area is need for industrial business/industrial park ***uses that support agriculture*** and industrial and business park needs consistent with the 1986 Airport Industrial Area Specific Plan. ...

Napa County's longstanding policy has been to encourage agricultural facilities (i.e. wineries) to develop more production in the Airport Industrial Area rather than on agriculturally designated lands upvalley. In 2011, the Board of Supervisors created an Airport Industrial Area Blue Ribbon Committee to "explore the development potential of the Airport Industrial Area (AIA); identify ways to enhance development, create jobs, and overcome obstacles to development; and make recommendations to the Napa County Board of Supervisors."[5] None of the Committee's recommendations were to limit uses in the Airport Industrial Area. More anecdotally, a common question on upvalley winery expansions is "why not building this in the Airport Industrial Area?" While the ALUC is a separate body than the Napa County Board of Supervisors, both the airport and the community benefit from having a harmonized plan for development in this area. Prohibiting uses that are encouraged by the General Plan should be avoided and should be based on an accurate understanding of the aviation issues posed by that use.

3. *The Draft Update's occupancy assumptions drastically overestimate the number of employees for winery and wine related uses.*

We understand the Draft Update's use categories to be intended to keep higher concentrations of people out of B1 and B2. Stated plainly, the goal is fewer people living/working/visiting in this area at the end of the runway. We do not have a problem with this goal, but the assumptions of persons per square foot do not match actual operations in wine related businesses. Wine related facilities do not employ the same concentrations of people as other types of food processing. Unlike other products, wine production, aging, and storage is very seasonal. An Amazon fulfilment center (permitted as Indoor Storage) involves far more employees than a cooperage and bottling line.[6] Applying the persons per square foot assumptions in Exhibit 5-1 to examples of wine related uses demonstrates the disconnect between these assumptions and uses in the Airport Industrial Area.

The first example or case study is the Wine Warehouse facility located at 115 Devlin Road.[7] Under its approved use permits, this facility has been developed with a 250,652 sf

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[5] Page 4 of the Airport Industrial Area Blue Ribbon Committee Report to the Board dated January 24, 2012.
[6] Amazon fulfillment centers can employ 1,000 to 1,500 people. (https://www.aboutamazon.com/workplace/facilities) Development of such a fulfilment center is merely not a hypothetical. Ron has declined Amazon's interest because he views as more compatible with the area.
[7] The Wine Warehouse is currently leased, but we have omitted the tenant's name from this correspondence.

building,[8] 20 full time employees, and 20 part time employees. Based on its use permit, the Wine Warehouse has a ratio of one person per 6,266 sf when including full and part time employees. The Draft Update's description of Indoor Storage incorrectly assumes the Wine Warehouse will have 251 employees.[9]

A winery example or case study is the Bin to Bottle facility at 110 Camino Oruga, which is permitted for 310,000 gallons of production in a 13,000 sf building and 8 employees. Under the use permit, the occupancy ratio is one employee per 1,625 sf, but the Draft Update's occupancy ratio (200 sf/person) would assume this winery has 65 employees.

Because wineries and wine related businesses employ far fewer people than the Draft Update's assumptions (and fewer than an Amazone distribution center), the Draft Update should be revised to allow these uses in B1 and B2.

4. ***The Draft Update should clarify its application to existing uses that are expanded within the same footprint.***

The Draft Update states that Existing Uses (as defined in section 2.7.3.) are not subject to the provisions of the Draft Update. What is unclear is the application of the Draft Update to an Existing Uses that increases in intensity. In a simple example, whether the Draft Update applies to an existing winery in a B1 or B2 zone with 100,000 gallons of production that seeks approval to increase to 200,000 gallons. Similarly, whether the Draft Update's limitations would apply to a bottling facility that applies to add 10 employees. There are helpful examples of how FAR is applied to different uses, and we applaud these examples. Similar explanations for how Existing Uses will be treated in future applications would be very helpful.

5. ***The Draft Update defines Airport Safety Zones that are inconsistent with the California Airport Land Use Planning Handbook.***

The California Airport Land Use Planning Handbook (CALUPH) provides Generic Safety Zone guidance to ALUCs for a given airport. In question is the proposed definition of Zone B1 (CALUPH Zone 2). Based on Exhibit 5-2 of the Napa Countywide Airport Land Use Compatibility Plan (May 2024 Public Draft) the Inner Approach Zone (B1) to Runway 19R is 6000-feet from the beginning of the Runway Protection Zone (CALPUH Zone 1). This would indicate that the runway length and approach minima would be consistent with a Long General Aviation Runway (Length 6000 feet or more and Approach visibility minimums <3/4 mile). The current (September 5, 2024) Airport Diagram for Napa County shows Runway 19R as 5930 feet in length. The current approach minimums for the best available

[8] Area was approved at 400,500 sf under P16-00456, but actual build out was smaller. The 250,652 sf figure is reflected in Assessor's records.

[9] We wonder whether the Draft Update's overstated occupancy numbers are related to Napa County Code's parking calculations that required the Wine Warehouse's 241 parking spaces.

approach to Runway 19R (RNAV (GPS) RWY 19R, CAT C and D minimum for corporate aircraft) are 1 7/8 statute miles. Both cases are inconsistent with the Long General Aviation Runway designation. The runway length supports a Medium General Aviation Runway designation whereas the runway minima support a Short General Aviation Runway designation.

Additionally, Runway 19R has never had nor will ever have a precision approach to support approach minimums less than 3/4 statute miles. Without an exhaustive Terminal Instrument Procedures (TERPS) analysis, high terrain north of the airport and close in obstacles (Eucalyptus Trees) would not meet obstacle clearance requirements for a precision approach.

We appreciate your consideration of these comments. We look forward to discussion these issues with you.

Respectfully,

Rob Anglin

Carl Butts, CA PE 70562, ATP
Aircraft Flown: T-37, T-38, F-111, F-15E, DC-10, A-320, B-737, BE-58
Hours Flown: 13600
Years of Professional Aviation: 35, 1989-2024
Current Captain, Major National Airline

cc: Ron Fedrick

Maranda Thompson

From: Morrison, Dana <dana.morrison@countyofnapa.org>
Sent: Friday, September 6, 2024 10:49 AM
To: Maranda Thompson; Marieke Armstrong; Ken Brody; Cheyenne Engelstad
Cc: Dooley, Jason
Subject: ALUCP Napa County - AM CAN Fire District

Good morning all,
I met with the Geoff the Fire District Chief, he had a few concerns about certain language and criteria in the ALUCP, which I have briefly detailed below; William Ross will be submitting an official letter sometime next week as well

1. Chapter 2 – The fire district is a special district and since they don't have land use authority they wonder why they would need to come before the ALUC for changes in the fire districts sphere of influence I was fairly certain that this is a standard action called out in the Cal Trans handbook as something which requires ALUC review (like a rezone or general plan amendment)
2. Under the Napa Compatibility Criteria Table – Education and Institutional Uses – he is worried the allowed districts are too limiting, and burdensome for public safety facilities to go through ALUCP review especially since police and fire stations are meant to serve the public and provide enhanced safety He was also concern about the intensity criteria since they usually rely on occupant load
3. He noted that he thought there was a section of the ALUCP that referred to enhanced fire suppression systems and he did not think that there were fire standards that speak to this for airplane crash incidents I think he might have been referring to 3 where the ALUCP recommends special measures to reduce risks to building occupants in the event of an aircraft collision, which provides building design features that could be implemented and an emergency evacuation plan that is reviewed and endorsed by the local fire marshal

As soon as I receive the letter from Bill Ross, I will forward to the group
Cheers,

A Tradition of Stewardship
A Commitment to Service

Dana Morrison (she | her | hers)
Supervising Planner - Conservation
Planning, Building, & Environmental Services
Napa County

Phone: 707-253-4437

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

Docusign Envelope ID: FD980BAF-7B3D-4EE4-B525-356F9E62B333

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

July 10, 2024

Dana Morrison
Napa County
1195 Third Street
Napa, CA 94559
Dana.Morrison@countyofnapa.org

Subject: Napa County Airport Land Use Combability Plan (ALUCP) Update, Initial Study/Negative Declaration, SCH No. 2024060773, Napa County

Dear Ms. Morrison,

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Negative Declaration (IS/ND) from Napa County (County) for the Napa County Airport Land Use Combability Plan (ALUCP) Update (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.

CDFW is submitting comments on the IS/ND to inform the County, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: Napa County

Objective: The Project is an update to the Napa Countywide (County) Airport Land Use Compatibility Plan (ALUCP) applies to lands around the two public-use airports in the county: the Angwin Airport (Parrett Field) and the Napa County Airport.

The purpose of the ALUCP 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." 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

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consistency with existing general plans, specific plans, zoning ordinances, building regulations, and certain individual development actions of local agencies.

Location: The Project applies to two airports in Napa County and the parcels covered by the Airport Influence Area (AIA). Angwin Airport-Parrett Field is located at 1 Airport Way, Angwin, CA 94508; APN 024-080-048-000, and at approximately 38.57262°N and -122.43447°W. Napa County Airport is located at 2000 Airport Road, Napa, CA 94558; APN 057-050-009-000, and at approximately 38.21312°N and -122.28017°W.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. As the Project impacts to biological resources are unclear as outlined in the below comments, CDFW is uncertain if an IS/ND is appropriate for the Project.

COMMENT 1: Potentially Significant Impacts to Sensitive Fish and Wildlife Species and their Habitats

Napa-Sonoma Marshes Wildlife Area and Fagan Slough Ecological Reserve

It is unclear if the Project has the potential to impact sensitive biological resources associated with CDFW's Napa-Sonoma Marshes Wildlife Area and Fagan Slough Ecological Reserve/California Marine Protected Area (CDFW Properties), located directly adjacent to the Napa County Airport, for the reasons outlined in the following paragraph. CDFW Properties contains habitat for several Fully Protected, CESA listed, and California Rare Plant Rank 1B.2 species including California Ridgway's rail (*Rallus obsoletus obsoletus*), California black rail (*Laterallus jamaicensis coturniculus*), saltmarsh harvest mouse (*Reithrodontomys raviventris*), and Suisun marsh aster (*Symphyotrichum lentum*). According to Figure 4A (page 63) of the IS/ND, CDFW Properties are included in the Draft Airport Influence Area (AIA) boundary.

The IS/ND (pages 27-28) states that "The Draft ALUCP does not impact existing land uses, nor does the document include physical activities that would directly impact the AIA environment. Thus, the Draft ALUCP does not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service." On the other hand, the IS/ND states that "…the Draft ALUCP may indirectly affect future land development within the AIA of each airport. Specifically, wildlife hazard policies (Policy 3.5.3) of the Draft ALUCP restrict land uses that attract wildlife within Draft Zone A, including the creation of wetland mitigation sites, conservation areas, and wildlife preserves. This policy also recommends the avoidance of these land uses in the wildlife

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critical zone", and "Local general plans, specific plans, and zoning ordinances must be consistent with an adopted ALUCP (unless the local jurisdiction overrides the ALUCP as described in Section 1.4). Thus, inconsistency between the adopted ALUCP and current land use plans could result in displacement of planned land uses, including planned habitat and wildlife areas." Based on the above information, it appears that the ALUCP requirements may supersede or otherwise impact existing land use designations thereby putting CDFW's Properties, including Fully Protected and CESA listed species, at risk.

Napa Plant Site Restoration Project

The IS/ND does not evaluate how the adopted ALUCP may affect CDFW's existing Napa-Sonoma Marshes Wildlife Area Land Management Plan and associated Napa Plant Site Restoration Project success criteria and goals.

Runway Safety Area Tidal Wetlands and Sea Level Rise

During the Napa Plant Site Restoration Project planning, CDFW worked with the Federal Aviation Administration, California Department of Transportation Aeronautics, and Napa County Airport and agreed to leave 8.86 acres of CDFW land out of the restoration project, knowing the Napa County Airport will eventually need to extend its Runway Safety Area (RSA). Since 2008, the RSA has subsided and reverted to muted tidal wetlands and is known to support salt marsh harvest mouse (*Reithrodontomys raviventris*) and Suisun Marsh aster. Additionally, the ALUCP does not address the potential issues of climate change and sea level rise. "No name creek" was overtopping in the mid to late 2000's causing flooding issues and Fagan Creek has been known to overtop. Has the ALUCP used climate change projections to anticipate increased flooding issues? It seems that the above issues could affect future airport use/expansion, which could in turn result in impacts to CDFW Properties and sensitive biological resources.

Recommendations: The Project's Initial Study should include the following information:

- Clarify if there will be any land use impacts to CDFW's Properties including, but not limited to, if the ALUCP could supersede CDFW Properties' land uses and describe any potential impacts to CDFW's Properties and any other sensitive biological resources within the AIA of both airports;

- Evaluate how the adopted ALUCP may affect CDFW's existing Napa-Sonoma Marshes Wildlife Area Land Management Plan and associated Napa Plant Site Restoration Project success criteria and goals;

- Evaluate how the future RSA and climate change and associated sea level rise could affect future airport use/expansion, and in turn result in impacts to CDFW Properties and sensitive biological resources; and

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- Include mitigation measures to reduce any impacts to CDFW Properties or sensitive biological resources to less-than-significant, such as modifications to land uses or direct or indirect impacts to special-status species or their habitats. CDFW requests that the County coordinate with CDFW to develop appropriate mitigation measures if such impacts are anticipated.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (See: Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/ND to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nicholas Magnuson, Environmental Scientist, at (707) 815-4166 or Nicholas.Magnuson@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2024060773)
Craig Weightman, CDFW Bay Delta Region - Craig.Weightman@wildlife.ca.gov
Greg Martinelli, CDFW Bay Delta Region - Greg.Martinelli@wildlife.ca.gov
Laureen Thompson, CDFW Bay Delta Region - Laureen.Thompson@wildlife.ca.gov

Marieke Armstrong

From: Morrison, Dana <dana.morrison@countyofnapa.org>
Sent: Monday, December 18, 2023 10:13 AM
To: Maranda Thompson
Cc: Marieke Armstrong
Subject: RE: Solar in AIA

Thanks Maranda,
Yes, I know that he spoken with the Airport and Public Works department already, and both appeared supportive of the project (with conditions of course).
I am glad to hear that we may be able to accommodate the project even if Zoned B2 after the update.
I appreciate you time.
Cheers,

Also, phone call between Mike Conklin and Marieke Armstrong on 12/21/23.
He expressed the same concerns wanting to develop the site potentially wtih a solar component and wanting to protect his rights to do so.

Dana E. Morrison (she|her|hers)
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1195 Third Street, 2nd Floor
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707.253.4437 direct
707.299.4491 fax
dana.morrison@countyofnapa.org
http://www.countyofnapa.org/

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From: Maranda Thompson <maranda.thompson@meadhunt.com>
Sent: Monday, December 18, 2023 10:10 AM
To: Morrison, Dana <dana.morrison@countyofnapa.org>
Cc: Marieke Armstrong <marieke.armstrong@meadhunt.com>
Subject: RE: Solar in AIA

[External Email - Use Caution]

Hi Dana,

We'll take a closer look, but my initial impression is that we would consider the project as "storage" and, due to the proximity of the project to the airfield, a solar glare analysis would be set as a condition of project approval.

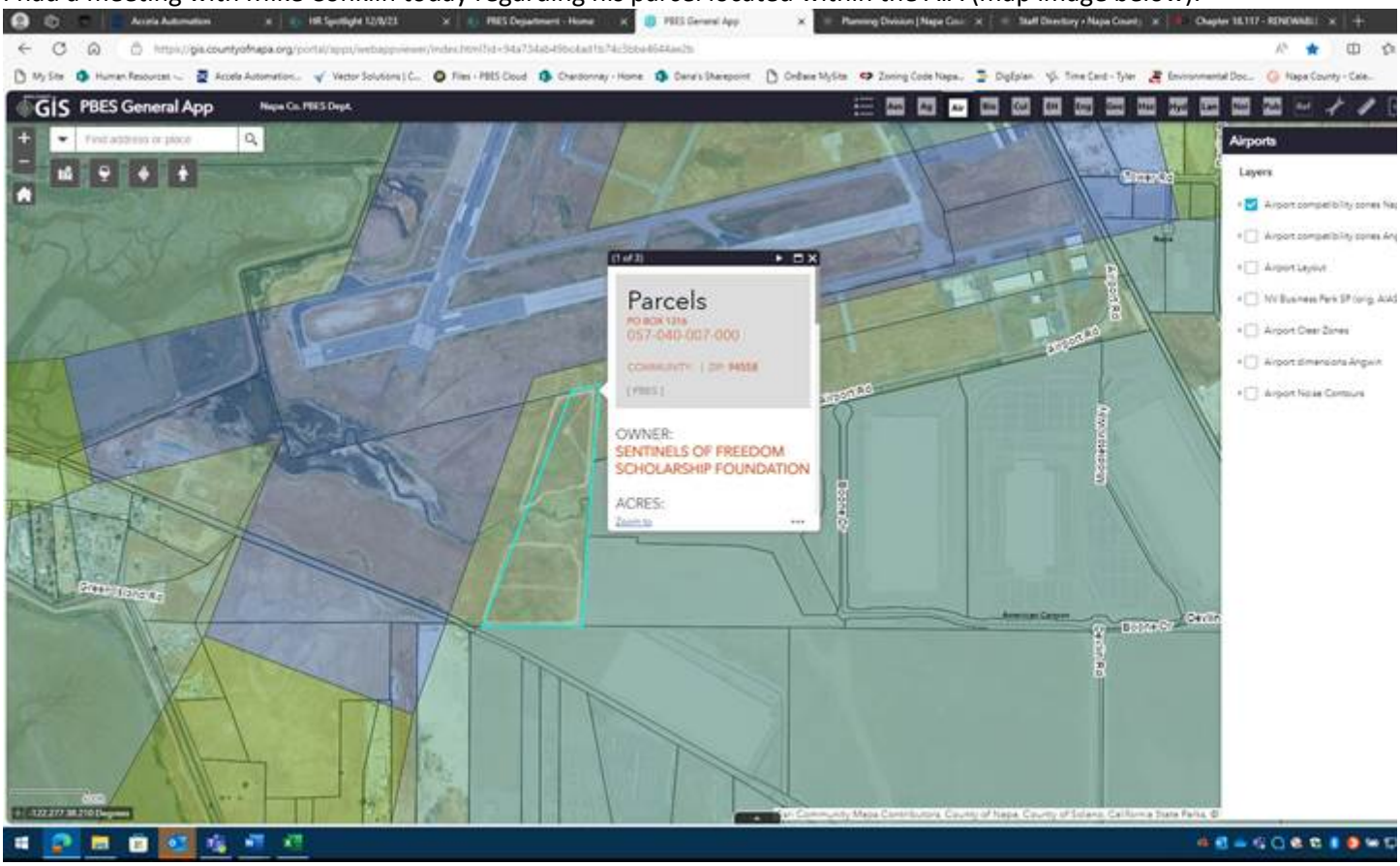
Thanks for forwarding this information.

Happy Holidays.
Maranda

Maranda Thompson
Planning Department Manager | Aviation
Direct: 707-284-8690 | Cell: 707-235-6106 | Transfer Files
Mead&Hunt
LinkedIn | Facebook | Instagram | My LinkedIn

From: Morrison, Dana <dana.morrison@countyofnapa.org>
Sent: Friday, December 15, 2023 10:57 AM
To: Maranda Thompson <maranda.thompson@meadhunt.com>; Marieke Armstrong <marieke.armstrong@meadhunt.com>
Subject: Solar in AIA

Morning Maranda and Marieke,
I had a meeting with Mike Conklin today regarding his parcel located within the AIA (map image below):



The parcel is currently zoned D but will become B2 with the update. Originally the site had been slated for two warehouses, but they have now shifted to wanting to develop an outdoor RV storage facilities. This use would probably be considered Auto Parking or Outdoor Storage, both of which are considered Conditionally Compatible Uses in the B2. However, he was also considering including canopy covers for the RV storage spaces and putting solar on top. Under the ALUCP update would commercial solar be considered a Power Plant, and therefore not an allowed use on the parcel once the update occurs? Or is there some other category under which solar falls?

Also out current "Commercial Renewable Energy Production Facilities Development Standards" specifically notes that these facilities shall not be located within Zone A and B. I am not sure if the Solar Rights Acts create a loop hole for this type of development, or if there is a process which they could through (such as a variance to permit the use). I do not think the County would be process the necessary Use Permit to the proposed project entitled before the update occurs. It might just no longer be viable once the update occurs, but generally I like would like to see if there are any special consideration or additional procedures which could make the project viable. Commercial renewable energy production section of code:
https://library.municode.com/ca/napa_county/codes/code_of_ordinances?nodeId=TIT18ZO_CH18.117REENSY_18.117.040COREENPRFADEST

Any thoughts?
Cheers,

Dana E. Morrison (she|her|hers)
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From: Mike Conklin <mconklin@sentinelsoffreedom.org>
Sent: Wednesday, June 19, 2024 10:41 AM
To: Morrison, Dana <dana.morrison@countyofnapa.org>
Subject: Napa 25.44 acres / APN 057-040-007

[External Email - Use Caution]

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Dana Morrison (she | her | hers)
Supervising Planner - Conservation
Planning, Building, & Environmental Services
Napa County

Phone: 707-253-4437

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

Wednesday, June 19, 2024

Dear Ms. Morrison,
Thank you again for all your professional help and information with regards to our Napa property (25.44) acres zoned Light Industrial / APN 057-040-007.

In reviewing the Draft Napa County Airport Land Use Compatibility Public Plan, by Mead & Hunt (May 2024), I have some questions I'd like to get answers to prior to the July 17th 2024 Public Hearing, regarding our parcel APN 057-040-007, and how if approved and implemented it would relate to any use changes less than the use of todays existing zoning.

In reference to your email to me on June 18th 2024, you confirmed that the new designation in the recommendation from Mead & Hunt is that our parcel be newly designated as B2 . We are currently D1 or D2 , I'm not sure which.

In the Napa County Airport Land Use Compatibility Public Draft Plan by Mead & Hunt, I see no specific mention of our parcel as it relates to this change and the possible impacts to our existing use designation. At this point we are looking at options of land use. Right now we are looking at Warehouse, RV & Boat and Industrial Storage as uses we see that fit the zoning on our parcel , which we believe is in general compliance with existing zoning through the application process of a Land Use Permit.

I would like to request that Mead & Hunt provide clarification on the following questions.

1. I'm requesting Mead & Hunt provide us with the internal discussions with the County and Airport Staff as to the work documents, meeting notes, records , in deciding this change with regards in specific to our parcel. In other words, please clarify the reasoning behind the change in destination from (D) to (B2) .

2. I'd like to see a side by side analysis of what we have now and what we will possibly lose with respect to existing use designation in the (D) category. By obtaining this information I hope to better understand where we stand in our planned development options.

I hope everyone will understand that as Chairman & CEO of our organization , Sentinels of Freedom , a 501c3 , that this is my fiduciary responsibility to ask for this accommodation, and in no way to be considered as counter to the good of the public.
My responsibility to our Board of Directors, Donors and the veterans we serve as to maintaining the value of our property rights should be easily respected.

I hope this is not too much to ask, and I'm open for a phone call anytime to discuss with you my requests.

Overall , the Mead & Hunt Draft looks to be very well done, and I congratulate you and the related of the Staff at Napa County for your dedication and professionalism with regard to said plan.

Thank you again.

Very Respectfully, Mike Conklin

Mike Conklin
Chairman and CEO
Please click in here → (Schedule A Chat)
With me by Phone or ZOOM to give you an update on our program.
Thank you, Mike Conklin

Office: (925) 380-6342 x301
Cell: (925) 216-8583
Email: mconklin@sentinelsoffreedom.org
Address: PO Box 1316, San Ramon, CA 94583

Information Links:
Veterans Never Stop Serving Podcast Interviews
Listen to My Interview with American Warrior Radio
Watch Johnny Joey Jones Speak at Our Annual Gala
View Our 2021 Annual Report

Hello Mike,
It was a pleasure speaking with meeting with you yesterday to discuss the ALUCP update and its potential impacts to your parcel .

I was able to confirm with Mead & Hunt that your parcel will be zoned as B2 under the ALUCP update.

I have attached a copy of the Public Hearing notice for July 17, for your convenience.

As noted in our correspondence from back in December, RV storage would be a conditionally compatible use, as this would be storage and the ancillary use of solar should also be conditionally

compatible (though a glare may be required and you want to design the system to ensure that glare does not occur).

Once you are ready to submit for the proposed RV storage with ancillary solar then you will need to apply for both a Use Permit for the land use entitlement request for an RV storage park and for an Airport Land Use Compatibility Determination for the proposed project. I would strongly recommend setting up and Pre-Application meeting once you are ready to move forward, details on that are located at the end of this email. The parcel is zoned Industrial Park so you will want to review the Industrial Park Zoning Code and the applicable Napa Valley Business Park Specific Plan which has specific development requirements for this area, links below:

Industrial Park: https://library.municode.com/ca/napa_county/codes/code_of_ordinances?nodeId=TIT18ZO_CH18.40IPINPAZODI

NV Business Park Specific Plan: https://www.countyofnapa.org/DocumentCenter/View/3343/Napa-Valley-Business-Park-Specific-Plan-and-EIR-PDF?bidId=

Please find below the instructions on how to apply for a Pre-App meeting:
Pre-application meetings are an opportunity to meet with staff from all Divisions and receive valuable feedback on more complex projects involving a Use Permit/Major Modification or other Use Permit related application, such as winery uses or development projects. For Pre-Application Meetings require either the Planning and/or Conservation division to be attending, other divisions are optional. Fees will be charged for the pre-application meeting service. There are two types of meetings: Office Only and On-Site meetings. For now, this online permit center process is only to accommodate office meetings.

This guide will display how to submit an application & schedule a meeting through the Online Permit Center. Napa County's Online Permit Center: https://citizen.countyofnapa.org/citizenaccess/Customization/NAPACO/launchpad.aspx

*Registration is required to submit an application via the Online Permit Center, if not registered please click on the following for the steps to register: How-To: Register for an Account (countyofnapa.org)

Please do not hesitate to reach out if you have any questions or would like to discuss further.
Regards,

A Tradition of Stewardship
A Commitment to Service

Dana Morrison (she | her | hers)
Supervising Planner - Conservation
Planning, Building, & Environmental Services
Napa County

Phone: 707-253-4437

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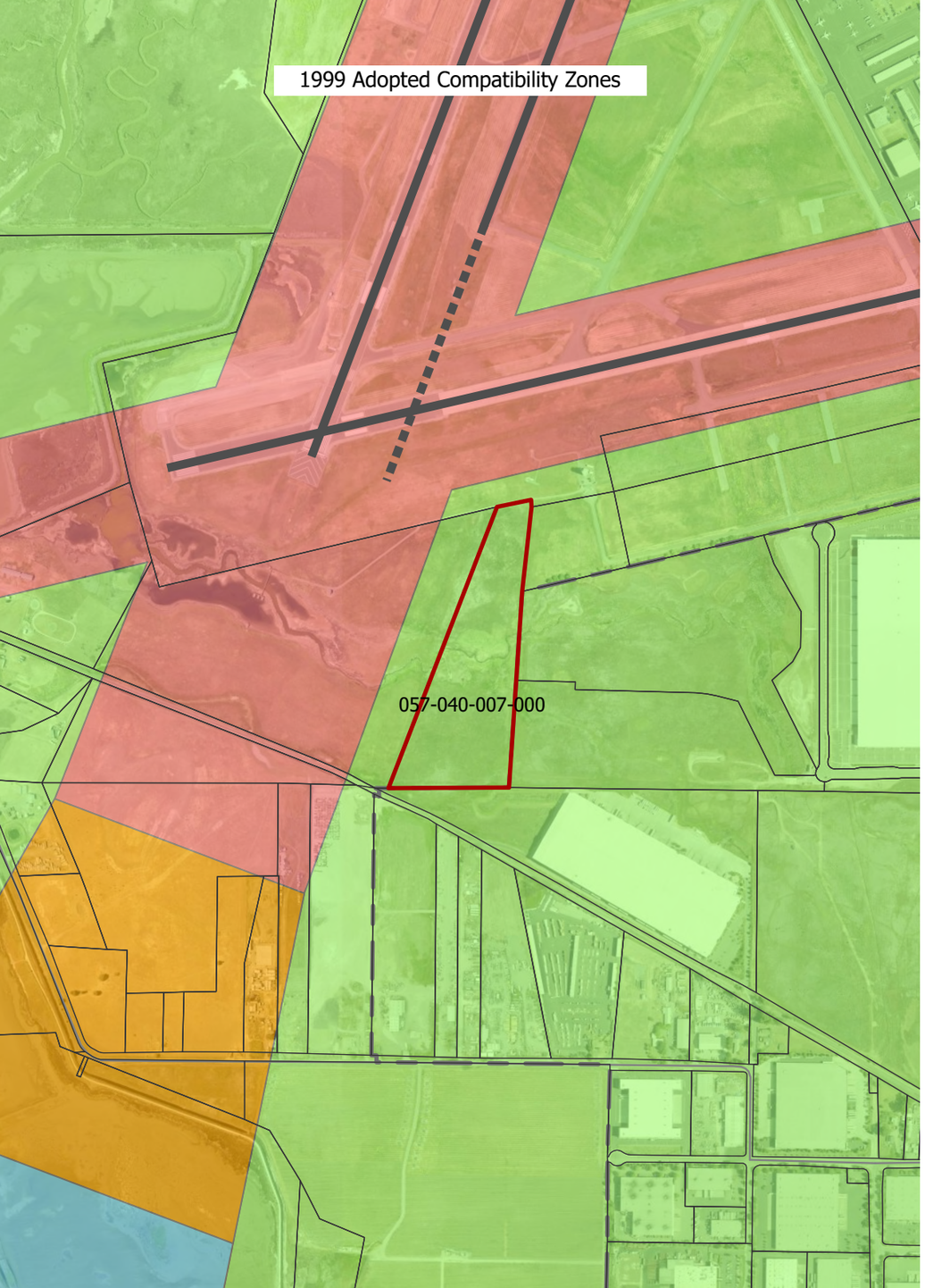
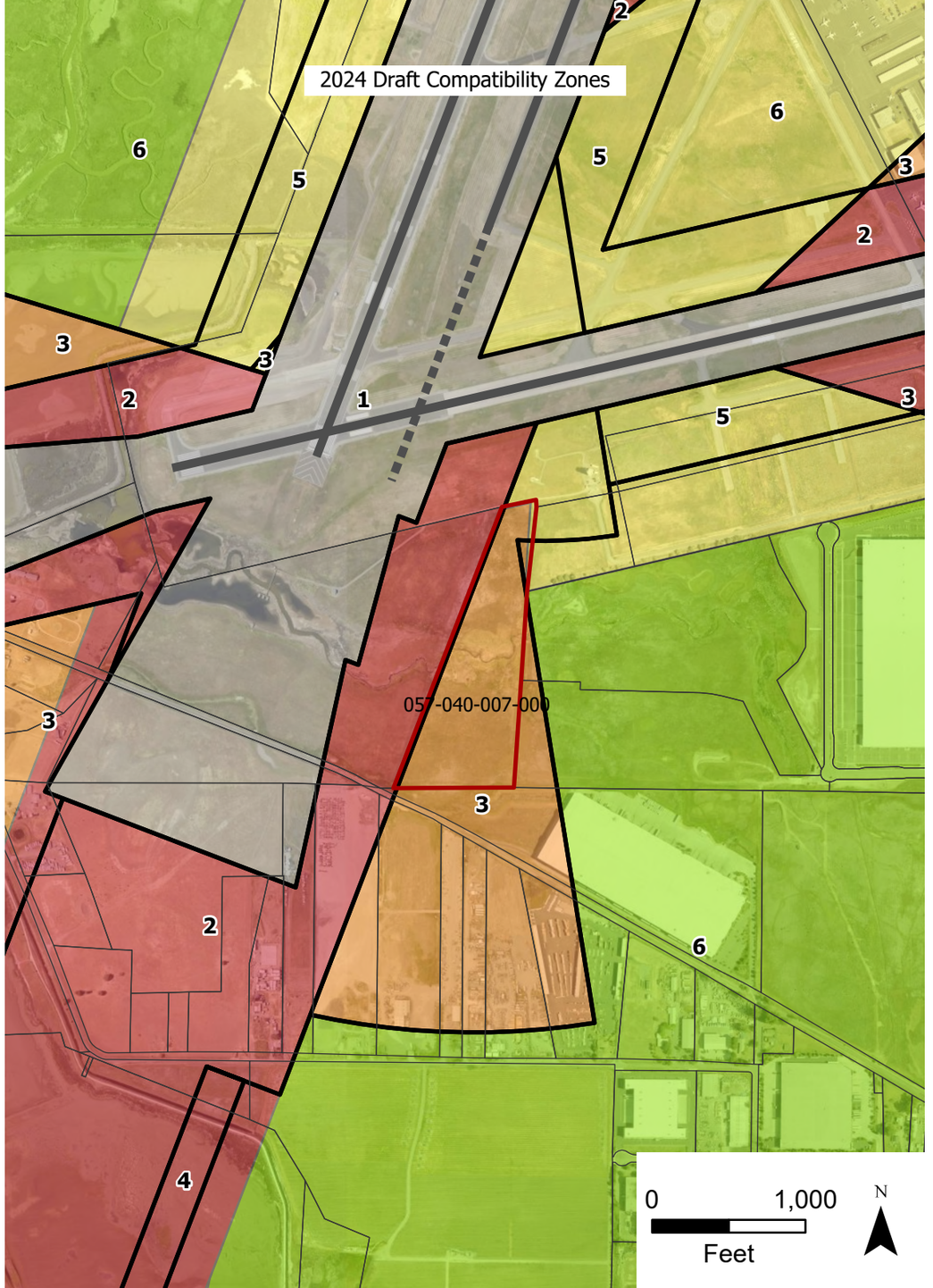




Legend

Attachment D5b

- Existing Runway
- Future Runway
- Parcels

Generic Safety Zones

- 1 - Runway Protection Zone (RPZ)
- 2 - Inner Approach/Departure Zone
- 3 - Inner Turning Zone
- 4 - Outer Approach/Departure Zone
- 5 - Sideline Zone
- 6 - Traffic Pattern Zone

Draft Compatibility Zones

- Zone A
- Zone B1
- Zone B2
- Zone B3
- Zone C
- Zone D1

Adopted Compatibility Zones

- A
- B
- C
- D

0 1,000 Feet

N

ATTACHMENT A-1

Airport Land Use Compatibility

APN 057-040-007 Comparison

Napa County Airport

1850 Soscol Avenue Suite 207, Napa, California 94559
Phone 707/252-5460 Fax 707/265-8764

October 7, 2024

Dana Morrison
1195 third Street, Suite 210
Napa, CA 94559

Delivery via email to Dana.Morrison@countyofnapa.org

RE: Draft ALUCP Update

Ms. Morrison,

Gateway Partners 1 LLC[1] owns property located at 555 Gateway Drive (APN 057-220-020) in the Airport Industrial Area (the "Property"). The Property has several approved use permits allowing office, wine production, and warehouse uses, but the Property's approved buildings have not all been constructed. We have reviewed the draft update to the Airport Land Use Compatibility Plan ("Draft Update"). Under the Draft Update's proposed zone map, the Property is bisected by the B2 and D1 zones. As explained below, we ask that the Draft Update clarify how existing uses are treated in the future and that it allows wineries and wine related uses in the B2 zone.

The Draft Update should clarify its application to existing uses that are expanded or changed within the same footprint.

The Draft Update states that Existing Uses (as defined in section 2.7.3.) are not subject to the provisions of the Draft Update. What is unclear is the application of the Draft Update to an Existing Use that increases intensity. For the Property, it is unclear to us whether the Draft Update apply to the existing winery use permit allowing 400,000 gallons of production if a tenant sought to increase to 500,000 gallons. Similarly, whether the Draft Update's limitations apply to a winery or warehouse that sought to add a bottling line. The Property has approved winery and warehouse uses in the B2 zone, and our question is whether either space could add a use that is prohibited by B2 (e.g. a bottling line). Understanding how the Draft Update's application to the future development of Existing Uses is critical for the ALUC and property owners near the airport. If the Draft Update prevents adding these uses, the B2 zone be amended to allow wine production and wine related uses at the Property.

[1] Gateway Partners 1 LLC is owned by the DeSimoni family who also owns other Napa County properties and operates Abode Lumber in American Canyon.

The B2 zone should allow uses that are encouraged by the Napa County General Plan.

The Napa County General Plan has the following policies relating to industrial uses in the Airport Industrial Area:

> Policy AG/LU-93: County supports the continued centration of industrial uses the South County area as an ***alternative the conversion of agricultural lands*** consistent with the and Use Compatibility Plan for Napa Airport.
>
> Policy AG/LU-96 The Airport Industrial Area is need for industrial business/industrial park ***uses that support agriculture*** and industrial and business park needs consistent with the 1986 Airport Industrial Area Specific Plan. ...

Napa County's longstanding policy has been to encourage agricultural facilities (i.e. wineries) to develop more production in the Airport Industrial Area rather than on agriculturally designated lands upvalley. Unlike other products, wine production, aging, and storage is very seasonal so higher concentrations of employees are limited in time. The Property's existing office use is occupied by a wine company. As we market the remainder of the Property's approved buildings, the overwhelming majority of interest has been from wineries or wine related users.

The Draft Update's occupancy assumptions do not match the Property's actual occupancy.

Through Use Permit P19-00075-UP, the Property was approved for a winery with annual production of 400,000 gallons and 44 employees in an 80,200 sf portion of a larger building. These production, employee, and area numbers were requested based on specific requirements of a winery tenant. The resulting occupancy is one person per 1,823 sf. The Draft Update at page 5-6 assumes that a winery occupancy would be one person per 200 sf, which would be 401 employees. Because the Draft Update over-estimates occupancy, it prohibits winery and wine related uses based on the incorrectly assumed higher concentrations of persons. While some light manufacturing uses may involve one person per 200 sf, our experience is that winery uses do not.

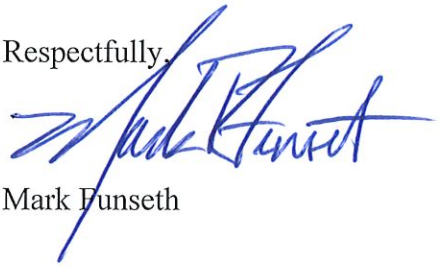
The Draft Update's New B2 zone and associated limitations make little sense on the Property.

The Draft Update's B2 thrusts out from the airport across the Property. The current zone map does not include similar triangles of more restrictive zones. Because the Property is surrounded by fully developed parcels, the Property would be an island of restrictions surrounded by fully developed uses. We do not see the logic in this isolated limitation of winery and wine related uses on the Property when surrounding parcels are developed on all sides.

For the reasons explained above, we ask that the Draft Update clarify how existing uses are treated in the future and that it allows wineries and wine related uses in the B2 zone.

Thank you for your consideration of these comments.

Respectfully,



Mark Funseth

CC: Wendy Atkins (wendy.atkins@countyofnapa.org)
Buzz Butler
Rob Anglin
Mike DeSimoni Jr.

Cheyenne Engelstad

From: Cheyenne Engelstad
Sent: Monday, October 14, 2024 1:26 PM
To: Cheyenne Engelstad
Subject: FW: UPDATED: D1 & D2 Comments/Proposed Draft Napa County Airport Land Use Compatibility Plan Update
Attachments: 081924 Napa County Draft ALUCP Update.pdf

Cheyenne Engelstad

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From: David Gilbreth <davidgnapa@icloud.com>
Sent: Monday, August 19, 2024 4:21 PM
To: Morrison, Dana <dana.morrison@countyofnapa.org>
Cc: Palmer, Jennifer <Jennifer.Palmer@countyofnapa.org>; Hawkes, Trevor <trevor.hawkes@countyofnapa.org>; Molly Rattigan <mrattigan@cityofnapa.org>
Subject: Fwd: UPDATED: D1 & D2 Comments/Proposed Draft Napa County Airport Land Use Compatibility Plan Update

[External Email - Use Caution]

Subject: D1 & D2 Comments/Proposed Draft Napa County Airport Land Use Compatibility Plan Update

Hi Dana,

We have used our best efforts to understand the issues In the Proposed Draft Napa County Airport Land Use Compatibility Plan Update, (ALUCP).

As a result, after thoughtful consideration, on behalf of the Green Island Property, LLC, we are submitting our comments on the D1and D2 designations in the ALUCP in the attached PDF.

In summary, to address and to partially but importantly mitigate the statewide housing crisis, it is clear to us that there is a unique opportunity to safely provide multifamily non-market rate residential projects in D1 for Farm Labor and Workforce housing, as defined by Housing and Community Development for the State of California (HCD).

Specifically, we propose utilizing the area on our property designated D1 for such multifamily non-market rate residential projects with a density of 8 to 25 units per acre. This is consistent with financing opportunities. These areas are safe, not in the hazard areas and no one on the property or in the proposed non-market rate residential projects will be able to see or hear the activities on the airport.

Occasionally, just like other areas there are planes that fly around the property. As is customary, this can easily properly be addressed by requiring the residents to acknowledge an appropriate avigation easement for the potential occasional over flights.

And of course the residents would acknowledge the aviation easement because it is safe for them and a perfect location for farm workers and local teachers , firefighters, and similar local employees for living and working at the Napa County airport and the City of American Canyon. This location would eliminate commuting for an hour and a half or two hours, significantly reducing traffic, eliminating commuting expenses and the adverse impact on air quality and the environment.

Equally important is the elimination of the numbing human stress from the arduous commuting and time away from their families for multiple hours every day. They would be families that are safe and spending precious hours together.

Additionally, we propose the area on our property designated D2 have a similar density of 8 to 25 units per acre. We believe this is also consistent with financing opportunities.

We look forward to working with the Commission, you, your staff, and others to get the best possible results.

After you have had an opportunity to review this with your staff, we would like to meet with you and your staff to discuss our comments.

Thank you and best regards
David B Gilbreth
Comanager
Green Island Property, LLC

Napa County Draft Airport Land Use Compatibility Plan Update

August 19, 2024

Suggested Revisions

The purpose of the following proposed revisions to the draft ALUCP is to balance the Countywide housing needs while protecting the Napa County Airport. These revisions also reflect balance in the housing development potential of areas in the County, the City of Napa and the City of American Canyon. The revisions follow the Caltrans Airport Land Use Planning Handbook guidance for allowable land uses around airports.

- Policy 2.3.1(a)(1) – strike "potentially disruptive" and add after "noise" "exceeding State standards."
- Policy 2.3.1(a)(4) – strike "can be intrusive and annoying to many people" and add after "overflying" "require notice to the public."
- Policy 2.4.1(a)(2) – strike entire section.
- Policy 2.5.2(a) – strike "D1 and D2" as referenced for Napa County Airport.
- Policy 2.5.2(e) – strike entire section.
- Policy 2.7.4(b) – add "and workforce" after "farmworker" and strike "and local regulation."
- Policy 2.7.4(c) – strike "and D1" and strike "and local regulation."
- Policy 3.2.4(f) – strike "2/3" and add "simple majority"
- Policy 3.3.1(a)(2) – strike "and D1" as referenced for Napa County Airport.
- Policy 3.3.3 – strike "residences"
- Policy 3.6.1 – add "D1 and" after "*Compatibility Zone*"
- Exhibit 5-1 – *Residential and Lodging Uses*; Single-Family Residential, remove " ✈ " symbol from land use category, color Compatibility Zones D1 and D2 cells green (Normally Compatible), add "D1 and" before "D2" in Additional Criteria cells, and strike "10-20" and add "8-25" in Additional Criteria cells.
- Exhibit 5-1 – *Residential and Lodging Uses*; Multi-Family Residential, remove " ✈ " symbol from land use category, color Compatibility Zones D1 and D2 cells green (Normally Compatible), add "D1 and" before "D2" in Additional Criteria cells, and strike "10-20" and add "8-25" in Additional Criteria cells.

EXHIBIT 5-1: BASIC COMPATIBILITY CRITERIA, NAPA COUNTY AIRPORT (JUNE 2023 WORKING DRAFT)

Intensity Criteria [1]	Compatibility Zones								Intensity Criteria Interpretation
	A	B1	B2	B3	C	D1	D2	E	
Max. Sitewide Average Intensity (people/acre)	0	50	75	150	100	200	300	No	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Max. Single-Acre Intensity (people/acre)	0	100	225	450	300	800	1200	limit	
Easement / Notification Requirement [2]	Avigation Easement						RON	APD	
Land Use Category	**Legend** (see last page of table for interpretation)								**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses [3]	Normally Compatible		Conditional			Incompatible			› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
General Characteristics									
Any use having more than 1 habitable floor [4]									B1, B2, C: Limited to no more than 2 habitable floors B3: Limited to no more than 3 habitable floors
Any use having structures (including poles or antennas) or trees 35 to 150 feet in height									B1, B2, B3, C: Ensure airspace obstruction does not occur B1, B2, C: Airspace review required for objects >35 feet B3: Airspace review required for objects >70 feet
Any use having structures (including poles, antennas, or cranes) or trees more than 150 feet in height									D1, D2, E: Ensure airspace obstruction does not occur; airspace review required for objects >150 feet
Any use having the potential to cause an increase in the attraction of birds or other wildlife									D1, D2, E: Avoid use or provide mitigation consistent with FAA rules and regulations [5]
Any use creating visual or electronic hazards to flight [6]									
Outdoor Uses (no or limited indoor activities)									
Constructed/Enhanced Land/Water Features:–woods, brush lands, wetlands, reservoirs, detention/retention ponds	✸								B3, C, D1, D2, E: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Agriculture (except residences and confined livestock): field crops, orchards/tree farms, vineyards, open pasture, or range land	✈ ✸								A: Objects above runway elevation not allowed in OFA [7] All: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]; exercise caution with uses involving noise-sensitive animals
Confined Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse/riding stables, poultry and dairy farms	✈ ✸								B1, B2, B3, C, D1, D2, E: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]; exercise caution with uses involving noise-sensitive animals
Outdoor Major Assembly Facilities (capacity ≥1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, racetracks, water parks, zoos	✈								D2, E: Allowed only if alternative site outside zone would not serve intended function; exercise caution if clear audibility by users is essential; ensure intensity criteria met
Outdoor Large Assembly Facilities (capacity 300 to 999 people): spectator-oriented outdoor stadiums, amphitheaters	✈								D1, D2: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Outdoor Group Recreation (limited spectator stands): athletic fields, water recreation facilities (community pools), picnic areas	✈								B3, C, D1, D2: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Outdoor Non-Group Recreation (small/low-intensity): golf courses (except clubhouse), tennis courts, shooting ranges, bocci courts, trails, passive regional/community parks with minimal recreational facilities	✈ ✸								B1, B2, B3, C: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Local/Community Parks: neighborhood parks, community parks, playgrounds	✈								B1, B2, C: Must have little or no permanent recreational facilities (ball fields, etc.); exercise caution if clear audibility by users is essential
Camping: campgrounds, recreational vehicle/ motor home parks	✈								B3, C1: Ensure intensity criteria met; avoid if disruption by aircraft noise is unacceptable
Cemeteries (except chapels)									B1, B2, B3, C: Ensure intensity criteria met; avoid if disruption by aircraft noise is unacceptable
Residential and Lodging Uses									
Single-Family Residential [8]: individual dwellings, townhouses, mobile homes, bed and breakfast inns									D2 (Low Density Option): Up to 1 dwelling unit on a 5-acre lot (0.2 dwelling units per acre); CNEL 45 dB max. interior noise level D1, D2 (High Density Option): 8-25 dwelling units per acre
Multi-Family Residential [8]: townhouses, apartments condominiums									D1, D2: 8-25 dwelling units per acre
Long-Term Lodging (>30 nights): extended-stay hotels, dormitories	✈								
Short-Term Lodging (≤30 nights): hotels, motels, other transient lodging [approx. 200 s.f./person]					0.69		0.92		B3, D1: Ensure intensity criteria met
Short-Term Group Lodging: hostels, emergency/ homeless shelters, farmworker housing [approx. 100 s.f./person]				0.17	0.34	0.23	0.46		B2, B3, C, D1: Ensure intensity criteria met
Congregate Care: retirement homes, assisted living/residential care facilities, intermediate care facilities, group homes (youth/adult)	✈								
Educational and Institutional Uses									
Family day care homes (≤14 children) [9]	✈								B1, B2, C: CNEL 45 dB max. interior noise level
Children's Schools: K-12, day care centers (>14 children), libraries [10]	✈								D2: Allowed only if alternative site outside zone would not serve intended function; ensure intensity criteria met; exercise caution if clear audibility by users is essential

Attachment D8

Outlook

RE: Angwin airport

From Morrison, Dana <dana.morrison@countyofnapa.org>
Date Wed 10/23/2024 9:53 AM
To Mike Hackett <mhackett54@gmail.com>
Cc ruralangwin <kelliegato@gmail.com>

Hi Mike,
While the ALUCP does not relate directly to land use, and only notes which types of uses and can generally be deemed compatible or incompatible within the airport environs, I think it would be great to meet and discuss this topic further. Perhaps we can find a time during one of the slots listed below to get further information from you on this topic?
Let us know.
Regards,

A Tradition of Stewardship
A Commitment to Service

Dana Morrison (she | her | hers)
Supervising Planner - Conservation
Planning, Building, & Environmental Services
Napa County

Phone: 707-253-4437

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

From: Mike Hackett <mhackett54@gmail.com>
Sent: Wednesday, October 23, 2024 9:43 AM
To: Morrison, Dana <dana.morrison@countyofnapa.org>
Cc: ruralangwin <kelliegato@gmail.com>
Subject: Re: Angwin airport

[External Email - Use Caution]

Thank you Dana. Just my personal truth here: to base a new plan on defunct, outdated and the fiercely won changes to the zoning/land use map here is ill-conceived and just plain wrong. That college plan cannot ever come to fruition in Angwin. Thank you, we will mull this over.

Mike
Sent from my iPhone

Attachment D8

On Oct 23, 2024, at 9:18 AM, Morrison, Dana <dana.morrison@countyofnapa.org> wrote:

Good morning Kellie and Mike,
My apologies for not getting back to you yesterday, I was called out of the office unexpectedly. I was able to touch base with Mead & Hunt at the end of the day on Monday and they confirmed some dates where they could be available to do a virtual outreach with residents in Angwin who might want to get a little more information on the update. Given the timing it will not be possible to run an add in the newspaper, but Kellie, I was hoping you might be able to reach out to your local contacts and let them know of the pending meeting? We will also need to find an appropriate location – I think if we can find a place in Angwin or nearby then that would be great – perhaps the Fireside room that was used for the LeColline Angwin meeting – I believe there was the capability of accommodating virtual attendees there? If you can think of any other place that could accommodate a hybrid in-person/virtual meeting up in the Angwin area please let me know and we can work on reaching out to see if space is available.
The times and dates we have available are the following:

1. Friday 10/25 at 11:00, noon, or 1:00pm,
2. Monday (10/28) 10:00 am, 11:00 am, noon, or 4:00 pm,
3. Tuesday (10/29) 10:00 am, 11:00 am, noon, or 4:00 pm and
4. Wednesday (10/30) 10:00 am, or 11:00 am.

We are also happy to arrange a time to meet with you and Mike, and Mead & Hunt to discuss the update further -time available would be the same to as above.
If you would like to discuss on the phone please do not hesitate to give me a call.
Regards,

<image001.png>

Dana Morrison (she | her | hers)
Supervising Planner - Conservation
Planning, Building, & Environmental Services
Napa County

Phone: 707-253-4437

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

From: Morrison, Dana
Sent: Thursday, October 17, 2024 1:48 PM
To: ruralangwin <kelliegato@gmail.com>
Cc: Mike Hackett <mhackett54@gmail.com>
Subject: RE: Angwin airport

Good afternoon Kellie and Mike,
I want to let you know that I have received your email, and I will work with the consulting firm to see if we can find a time to do a presentation for the Angwin residents next week or the following; the Mead & Hunt team are out of the office until next week, and I will touch base with them on Monday to try to and get something scheduled. The ALUCP update has been noticed a number of times, including notices sent to the entire Angwin Community, starting back in May when we released the public version of the draft. If there are residents who have not heard about the update, we would

appreciate your help in getting the word out. At this time, there is no plan to segregate the plans; the hearing for adoption of the entire plan will be on November 6.

To start the conversation, I want to make it clear that the update does not grant any entitlement rights. The purpose of the plan is to identify development uses that would be compatible or incompatible with airport operations. The goal is to protect the public who live and work near the airport and to prevent encroachment of incompatible uses on the airport operations. While the ALUCP might deem something as compatible or conditionally compatible, if the use is not permitted in the underlying zoning district then the use would not be allowed. When considering airport operations for purposes of a compatibility plan, the best practice is to use the most expansive plan for future airport activities, since that gives the greatest protection to surrounding land uses. Here, the 2009 plan is more expansive than the current operations, which means the safety, flight hazard, noise, and overflight contours are at their broadest.

It is our understanding that the 2009 Master Plan is a current entitlement, pursuant to Use Permit U-157273, issued in 1972. The draft ALUCP is intended to reflect the existing entitlement, and not to grant or change the PUC's entitlements. Any such change would require permit approval and a determination that the change is consistent with the ALUCP. The draft ALUCP would not change that, but rather reflects the existing use permit for the college.

We can discuss these issues more when we meet with Mead & Hunt. I will reach out to you once I've conferred with them about the best time to have that meeting.
Thanks!

<image001.png>

Dana Morrison (she | her | hers)
Supervising Planner - Conservation
Planning, Building, & Environmental Services
Napa County

Phone: 707-253-4437

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

From: ruralangwin <kelliegato@gmail.com>
Sent: Wednesday, October 16, 2024 11:22 AM
To: Morrison, Dana <dana.morrison@countyofnapa.org>
Cc: Mike Hackett <mhackett54@gmail.com>
Subject: Angwin airport

[External Email - Use Caution]

Hi Dana,

Thank you so much for your explanation of the Angwin airport influence map changes. Seeing how every household in Angwin was noticed by mail, Im requesting staff present a meeting here in Angwin for residents to get this information and have a chance to ask questions.

Attachment D8

It's a pretty sensitive topic. Angwin has been thru a a lot in the past twenty years. We want to understand exactly what the implications are of referencing the 2009 College Master Plan in the Airport Influence Maps as land use designation were updated post Eco Village project.

I see this is on the Airport Land Use Advisory Committee for early November. Could the Angwin portion be bifurcated from Napa at a later time?

Thank you for your time yesterday.

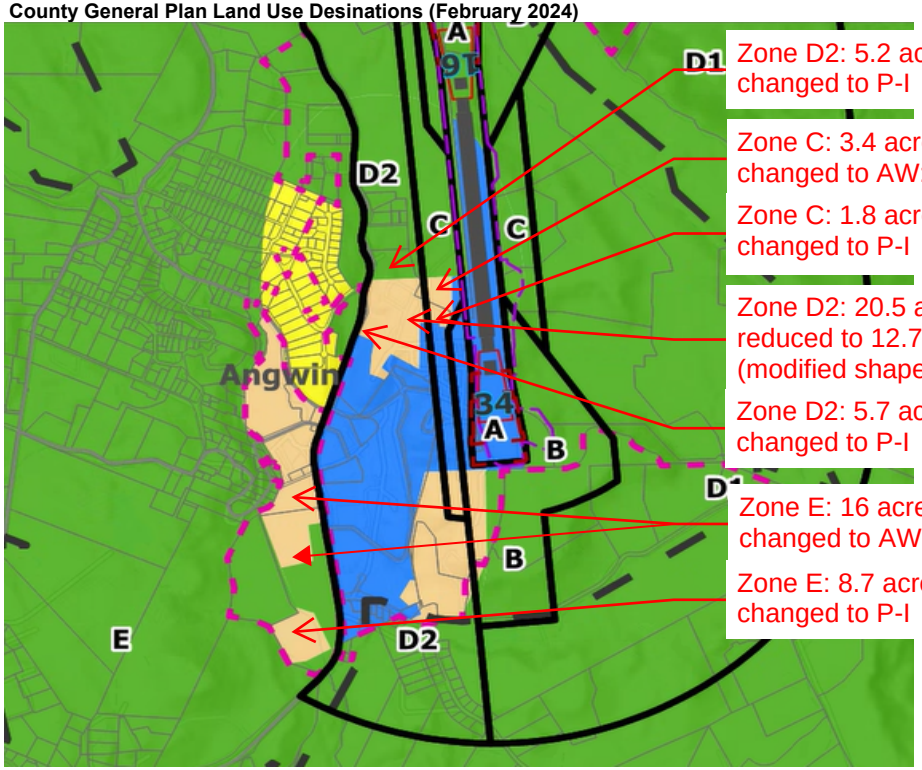
Sincerely,

Kellie Anderson

Napa Countywide Airport Land Use Compatibility Plan Update (May 2024 Public Draft)

Angwin Airport - Parrett Field

County General Plan Land Use Desinations (February 2024)



Zone D2: 5.2 acres of AW:OS changed to P-I

Zone C: 3.4 acres of UR changed to AW:OS

Zone C: 1.8 acres of UR changed to P-I

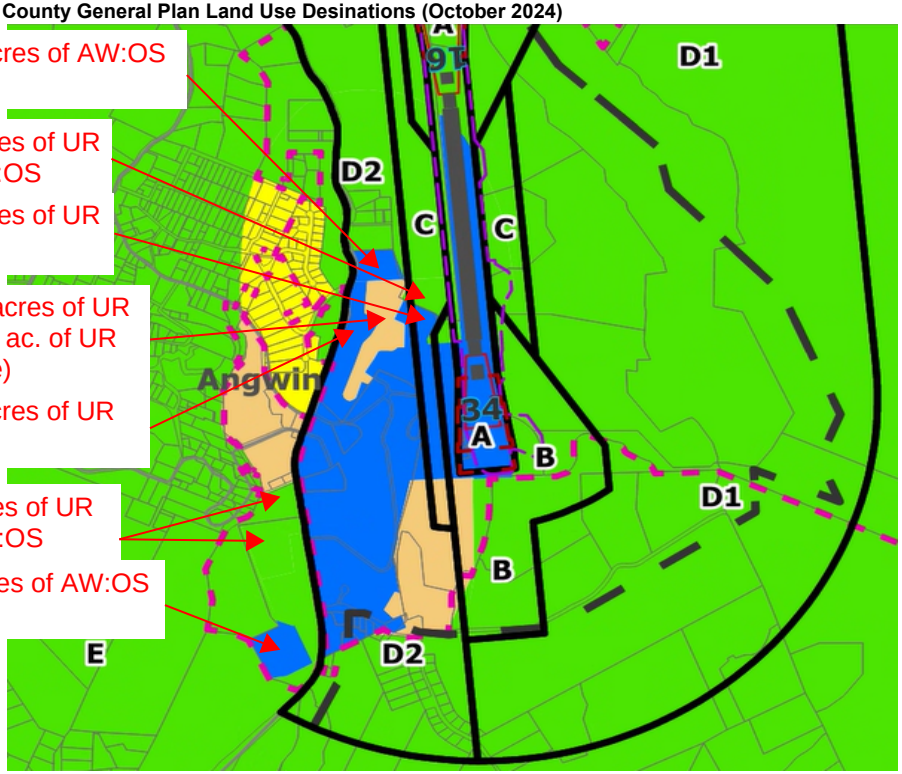
Zone D2: 20.5 acres of UR reduced to 12.7 ac. of UR (modified shape)

Zone D2: 5.7 acres of UR changed to P-I

Zone E: 16 acres of UR changed to AW:OS

Zone E: 8.7 acres of AW:OS changed to P-I

County General Plan Land Use Desinations (October 2024)



General Plan 2008-2030[3]

- AGRICULTURAL RESOURCE
- AGRICULTURE, WATERSHED AND OPEN SPACE
- PUBLIC-INSTITUTIONAL
- RURAL RESIDENTIAL
- URBAN RESIDENTIAL

Cheyenne Engelstad

From: Cheyenne Engelstad
Sent: Monday, October 14, 2024 1:45 PM
To: Cheyenne Engelstad
Subject: FW: Airport Land Use Compatibility Plan Update
Attachments: AMGPU_Existing GP Land Use_2024.pdf; P23-00331 [External] Paoli_Watson AX GPA_Pre-Zoning ALUC Application ALUC March 20th .pdf

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From: Jason Holley <jholley@cityofamericancanyon.org>
Sent: Thursday, August 22, 2024 5:06 PM
To: Bordona, Brian <Brian.Bordona@countyofnapa.org>
Cc: Brent Cooper <bcooper@cityofamericancanyon.org>
Subject: RE: Airport Land Use Compatibility Plan Update

[External Email - Use Caution]

Hi Brian.

Thanks for the call earlier.

See attached. The two highlighted areas probably warrant new special conditions under Section 5.3:

1. The Oat Hill Project is blended high-density and medium density residential project under construction as the result of a Council override of ALUC inconsistency determination.

2. The Paoli-Watson Lane Project is a pending annexation with LAFCO with pre-zoning to a blend of industrial and estate residential. This is result of ALUC consistency determination on January 15.

Still cogitating how to characterize County's forthcoming GP Update as it pertains to the Hess/Laird property which is a future study area in American Canyon's ongoing GP Update. Could this property be considered for a special condition too - especially considering the pending ZC?

Thanks.

Jason B. Holley, City Manager
City of American Canyon | 4381 Broadway Street, Suite 201 | American Canyon, CA 94503
707.647.4351 | Email
Visit our Virtual City Hall: www.americancanyon.gov
Stay informed: City Manager's Friday Update

From: Bordona, Brian <Brian.Bordona@countyofnapa.org>
Sent: Thursday, August 22, 2024 11:53 AM
To: Jason Holley <jholley@cityofamericancanyon.org>
Cc: Dooley, Jason <Jason.Dooley@countyofnapa.org>; Alsop, Ryan <ryan.alsop@countyofnapa.org>
Subject: RE: Airport Land Use Compatibility Plan Update

Hi Jason

I will give you a call at 3pm.

Brian

From: Jason Holley <jholley@cityofamericancanyon.org>
Sent: Thursday, August 22, 2024 11:40 AM
To: Bordona, Brian <Brian.Bordona@countyofnapa.org>
Cc: Dooley, Jason <Jason.Dooley@countyofnapa.org>; Alsop, Ryan <ryan.alsop@countyofnapa.org>
Subject: RE: Airport Land Use Compatibility Plan Update

[External Email - Use Caution]

Hi Brian.

Please give me a call when you have a moment.

Thanks.

Jason B. Holley, City Manager
City of American Canyon | 4381 Broadway Street, Suite 201 | American Canyon, CA 94503
707.647.4351 | Email
Visit our Virtual City Hall: www.americancanyon.gov
Stay informed: City Manager's Friday Update

From: Bordona, Brian <Brian.Bordona@countyofnapa.org>
Sent: Saturday, August 17, 2024 12:34 PM
To: Jason Holley <jholley@cityofamericancanyon.org>
Cc: Dooley, Jason <Jason.Dooley@countyofnapa.org>
Subject: FW: Airport Land Use Compatibility Plan Update

Good afternoon Mr. Holley

We are reaching out again to extend an invitation to meet and discuss the concerns of the City of American Canyon as voiced from City Attorney Mr. Ross at the July 17, 2024 ALUC meeting.

We remain committed to an open dialogue. Please do not hesitate to reach out.

Respectfully

Brian

A Tradition of Stewardship
A Commitment to Service

Brian D. Bordona
Director

Napa County Planning, Building and Environmental Services
1195 Third Street, Second Floor, Napa, CA 94558

Phone 707-259-5935
Web www.countyofnapa.org **Email**
brian.bordona@countyofnapa.org

From: Morrison, Dana <dana.morrison@countyofnapa.org>
Sent: Tuesday, July 23, 2024 12:06 PM
To: Bill Ross - External <wross@lawross.com>
Cc: Leon Garcia <LeonG@cityofamericancanyon.org>; David Oro <david.oro@cityofamericancanyon.org>; Jason Holley <jholley@cityofamericancanyon.org>; Brent Cooper (bcooper@cityofamericancanyon.org) <bcooper@cityofamericancanyon.org>; Dooley, Jason <Jason.Dooley@countyofnapa.org>; Atkins, Wendy <wendy.atkins@countyofnapa.org>
Subject: Airport Land Use Compatibility Plan Update

Good afternoon Bill,
Thank you for reaching out regarding the ALUCP update on July 16, and for sending a representative to the ALUC hearing on July 17, 2024.
ALUC staff would like to reach out and begin a dialogue regarding the ALUCP update, please find a letter from ALUC staff attached.
Please do not hesitate to reach out if you have any questions.
We look forward your response and continued coordinateion.
Regards,

A Tradition of Stewardship
A Commitment to Service

Dana Morrison (she | her | hers)
Supervising Planner - Conservation
Planning, Building, & Environmental Services
Napa County

Phone: 707-253-4437

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

From: Atkins, Wendy
To: Brent Cooper
Cc: Jason Holley; Bill Ross - External
Subject: P23-00331 [External] Paoli/Watson AX GPA/Pre-Zoning ALUC Application ALUC March 20th
Date: Friday, February 2, 2024 3:00:38 PM
Attachments: image001.png

You don't often get email from wendy.atkins@countyofnapa.org. Learn why this is important

Hi Brent,

I wanted to inform you that P23-00331 Paoli/Watson AX GPA/Pre-Zoning ALUC Application has been deemed consistent based on Napa County Airport Land Use Compatibility Plan Policy 1.4.4, which states as follows:

The Airport Land Use Commission must respond to a local agency's request for a consistency determination on a project within 60 days of referral. If the Commission fails to make the determination within that period, the proposed actions shall be deemed consistent with the Airport Land Use Compatibility Plan.

Application P23-00331 was submitted on November 16, 2023. Sixty days from November 16, 2023, was January 15, 2024.

Wendy Atkins
Planner II
Planning, Building and Environmental Services
County of Napa 1195 Third Street, Suite 210 Napa, CA 94559
(707) 259-8757
wendy.atkins@countyofnapa.org

Please consider your responsibility to the environment before printing this e-mail.

From: Brent Cooper <bcooper@cityofamericancanyon.org>
Sent: Wednesday, January 24, 2024 3:06 PM
To: Atkins, Wendy <wendy.atkins@countyofnapa.org>
Cc: Jason Holley <jholley@cityofamericancanyon.org>; Bill Ross - External <wross@lawross.com>
Subject: RE: P23-00331 [External] Paoli/Watson AX GPA/Pre-Zoning ALUC Application ALUC March 20th

[External Email - Use Caution]

Hello Wendy,

Thank you for the update on the Paoli/Watson AX GPA/Pre-Zoning ALUC Application.

I am available to attend a Special ALUC meeting on March 20th at 8 a.m.

If there is anything you need to prepare for the meeting, please let me know.

Sincerely,

Brent Cooper, AICP
Community Development Director
City of American Canyon | 4381 Broadway Street, Suite 201 | American Canyon, CA 94503
(707) 647-4335

From: Atkins, Wendy <wendy.atkins@countyofnapa.org>
Sent: Wednesday, January 24, 2024 3:03 PM
To: Brent Cooper <bcooper@cityofamericancanyon.org>
Subject: P23-00331 [External] Paoli/Watson AX GPA/Pre-Zoning ALUC Application ALUC March 20th

You don't often get email from wendy.atkins@countyofnapa.org. Learn why this is important

Hi Brent,

I would like to set an ALUC meeting date. Are you available to attend a Special ALUC meeting on March 20th at 8 a.m.?

Wendy Atkins
Planner II
Planning, Building and Environmental Services
County of Napa 1195 Third Street, Suite 210 Napa, CA 94559
(707) 259-8757
wendy.atkins@countyofnapa.org

Please consider your responsibility to the environment before printing this e-mail.

From: Atkins, Wendy
Sent: Monday, January 22, 2024 11:04 AM

To: Brent Cooper <bcooper@cityofamericancanyon.org>
Subject: P23-00331 [External] Paoli/Watson AX GPA/Pre-Zoning ALUC Application

Hi Brent,

Thank you for your explanations, I now have a much better understanding of the project. I would like to set an ALUC meeting date. Are you available to attend a Special ALUC meeting on March 20th at 8 a.m.?

Wendy Atkins
Planner II
Planning, Building and Environmental Services
County of Napa 1195 Third Street, Suite 210 Napa, CA 94559
(707) 259-8757
wendy.atkins@countyofnapa.org

Please consider your responsibility to the environment before printing this e-mail.

From: Brent Cooper <bcooper@cityofamericancanyon.org>
Sent: Friday, January 12, 2024 12:40 PM
To: Atkins, Wendy <wendy.atkins@countyofnapa.org>
Cc: Jason Holley <jholley@cityofamericancanyon.org>
Subject: RE: P23-00331 [External] Paoli/Watson AX GPA/Pre-Zoning ALUC Application

[External Email - Use Caution]

Hi Wendy,

Thank you for reviewing the Paoli/Watson AX GPA/Pre-Zoning ALUC Application.

 Can you confirm the property is currently prezoned Agriculture (page 8 of the Slide Deck)?

Slide Deck Page 8 shows existing and proposed **General Plan designations**. **Existing and proposed PreZoning** is shown on Slide Deck Page 9.

While some property has a General Plan Agriculture designation (see Existing General Plan), Slide Deck 9 shows there is **no Agriculture Prezoning** in the Annexation Area. In case the slide deck is unclear, I attached separate graphics for Existing General Plan, Proposed General Plan, Existing PreZoning, and Proposed PreZoning.

- Can you also provide the APNs of the parcels proposed to be prezoned from Agriculture to Residential Estate (it may be APN 059-020-036).

There are no parcels currently PreZoned Agriculture. There are two Parcels that have a General Plan Residential Estate **and a** General Plan Agriculture designation. These are APN 057-120-045 and APN 057-120-050.

The General Plan Amendments approved with this project changed the General Plan Agriculture designation on portions of APN 057-120-045 and APN 057-120-050 to Residential Estate.

The PreZoning that followed the General Plan Amendment established Residential Estate Prezoning for all the parcels that were General Plan designated Residential Estate.

- Page 2 of the Cover Page states as follows: *The General Plan Residential Estate designation was Pre-Zoned Residential Estate (RE). Located on Watson Lane and Paoli Loop, this zoning district would allow residences with a minimum 1-acre lot size.* Should this state *The General Plan Agriculture designation was Pre-Zoned Residential Estate (RE). Located on Watson Lane and Paoli Loop, this zoning district would allow residences with a minimum 1-acre lot size.*

Page 2 is accurate. Following approval of the General Plan Amendment from Agriculture to Residential Estate for portions of APN 057-120-045 and APN 057-120-050, the Residential Estate PreZoning was approved consistent with the Residential Estate General Plan designation.

- Can you indicate the number of residences permitted in the Agriculture district?

There was no Agriculture District PreZoning. The General Plan Residential Estate designation allows 1 to 2 units per gross acre. The Residential PreZoning allows only 1 unit per gross acre.

If you have any further questions, please let me know. Also, I would be glad to meet with you in person and walk through the project details if that would help.

Kind regards,

Brent Cooper, AICP
Community Development Director
City of American Canyon | 4381 Broadway Street, Suite 201 | American Canyon, CA 94503
(707) 647-4335

From: Atkins, Wendy <wendy.atkins@countyofnapa.org>
Sent: Tuesday, January 9, 2024 4:09 PM
To: Brent Cooper <bcooper@cityofamericancanyon.org>
Subject: [External] P23-00331 [External] Paoli/Watson AX GPA/Pre-Zoning ALUC Application

You don't often get email from wendy.atkins@countyofnapa.org. Learn why this is important

Hi Brent,

I'm working on the ALUC staff report for the Paoli/Watson AX GPA/Pre-Zoning ALUC Application. I'm

trying to determine if the prezoing change from Agriculture to Residential Estate is consistent with the Airport Land Use Compatibility Plan.

Can you confirm the property is currently prezoned Agriculture (page 8 of the Slide Deck)? Can you also provide the APNs of the parcels proposed to be prezoned from Agriculture to Residential Estate (it may be APN 059-020-036).

Page 2 of the Cover Page states as follows:

The General Plan Residential Estate designation was Pre-Zoned Residential Estate (RE). Located on Watson Lane and Paoli Loop, this zoning district would allow residences with a minimum 1-acre lot size.

Should this state *The General Plan Agriculture designation was Pre-Zoned Residential Estate (RE). Located on Watson Lane and Paoli Loop, this zoning district would allow residences with a minimum 1-acre lot size.*

Can you indicate the number of residences permitted in the Agriculture district?

Thank you for your help.

Wendy Atkins
Planner II
Planning, Building and Environmental Services
County of Napa 1195 Third Street, Suite 210 Napa, CA 94559
(707) 259-8757
wendy.atkins@countyofnapa.org

Please consider your responsibility to the environment before printing this e-mail.

From: Brent Cooper <bcooper@cityofamericancanyon.org>
Sent: Tuesday, December 5, 2023 12:40 PM
To: Atkins, Wendy <wendy.atkins@countyofnapa.org>
Cc: Jason Holley <jholley@cityofamericancanyon.org>; Nicolle Hall <nhall@cityofamericancanyon.org>; Bill Ross - External <wross@lawross.com>; William He <whe@cityofamericancanyon.org>; Ramos, Aime <aime.ramos@countyofnapa.org>; Morrison, Dana <dana.morrison@countyofnapa.org>
Subject: RE: [External] Paoli/Watson AX GPA/Pre-Zoning ALUC Application

[External Email - Use Caution]

Wendy,

Thank you for re-sending your update email. I appreciate your quick response.

If anything comes up that I can answer, please let me know.

Sincerely,

Brent Cooper, AICP
Community Development Director
City of American Canyon | 4381 Broadway Street, Suite 201 | American Canyon, CA 94503
(707) 647-4335

From: Atkins, Wendy <wendy.atkins@countyofnapa.org>
Sent: Tuesday, December 5, 2023 11:33 AM
To: Morrison, Dana <dana.morrison@countyofnapa.org>; Brent Cooper <bcooper@cityofamericancanyon.org>
Cc: Jason Holley <jholley@cityofamericancanyon.org>; Nicolle Hall <nhall@cityofamericancanyon.org>; Bill Ross - External <wross@lawross.com>; William He <whe@cityofamericancanyon.org>; Ramos, Aime <aime.ramos@countyofnapa.org>
Subject: RE: [External] Paoli/Watson AX GPA/Pre-Zoning ALUC Application

Hi Brent,

Thank you for reaching out. I sent the following email to you last week, I'm sorry that you did not receive it:

Hi Brent,

Happy Friday!

I wanted to let you know that I have reviewed the Paoli/Watson Annexation ALUC Compatibility Determination application and referred it to the Napa County Airport for comments. I have not heard back from the Airport folks, but I have everything I need to process the application. Because of other projects that have priority, I'm looking at scheduling a Special ALUC meeting in March (date to be determined).

Have a great weekend.

Wendy Atkins

Planner II
Planning, Building and Environmental Services
County of Napa 1195 Third Street, Suite 210 Napa, CA 94559
(707) 259-8757
wendy.atkins@countyofnapa.org

Please consider your responsibility to the environment before printing this e-mail.

From: Morrison, Dana <dana.morrison@countyofnapa.org>
Sent: Tuesday, December 5, 2023 11:00 AM
To: Brent Cooper <bcooper@cityofamericancanyon.org>; Atkins, Wendy <wendy.atkins@countyofnapa.org>
Cc: Jason Holley <jholley@cityofamericancanyon.org>; Nicolle Hall <nhall@cityofamericancanyon.org>; Bill Ross - External <wross@lawross.com>; William He <whe@cityofamericancanyon.org>; Ramos, Aime <aime.ramos@countyofnapa.org>
Subject: RE: Paoli/Watson AX GPA/Pre-Zoning ALUC Application

Hi Brent,
This application is being processed by Wendy (our ALUC staff liaison), who has been cc'd on this email. I believe she is still reviewing the material for completeness. If she does have any Incomplete Items she will prepare a Incomplete Letter which will be sent out 30-days after the project was initiated (which was on 11/16/2023) according to our records. The hearing date will depend on the project been deemed complete, Wendy's schedule, and the schedule of the ALUC. I know that Wendy has a number of other projects which have been deemed complete and that she is actively preparing Initial Studies and Public Hearing Docs for. A special ALUC meeting might need to be called since the ALUC only meets 4 times per year and we will poll their availability once we have better idea of the timing.

If you have any other questions, please do not hesitate to reach out.
Regards,

Dana E. Morrison (she|her|hers)
Supervising Planner, Conservation
County of Napa Planning, Building & Environmental Services
Engineering and Conservation Division
1195 Third Street, 2nd Floor
Napa, CA 94559
707.253-4417 main

707.253.4437 direct
707.299.4491 fax
dana.morrison@countyofnapa.org
http://www.countyofnapa.org/

From: Brent Cooper <bcooper@cityofamericancanyon.org>
Sent: Tuesday, December 5, 2023 10:35 AM
To: Morrison, Dana <dana.morrison@countyofnapa.org>
Cc: Jason Holley <jholley@cityofamericancanyon.org>; Nicolle Hall <nhall@cityofamericancanyon.org>; Bill Ross - External <wross@lawross.com>; William He <whe@cityofamericancanyon.org>; Ramos, Aime <aime.ramos@countyofnapa.org>
Subject: RE: Paoli/Watson AX GPA/Pre-Zoning ALUC Application

[External Email - Use Caution]

Hello Dana,

Checking in on the status of the ALUC application. Any initial thoughts/schedule?

Many thanks!

Brent Cooper, AICP
Community Development Director
City of American Canyon | 4381 Broadway Street, Suite 201 | American Canyon, CA 94503
(707) 647-4335

From: Brent Cooper
Sent: Wednesday, November 15, 2023 4:59 PM
To: Morrison, Dana <dana.morrison@countyofnapa.org>; Ramos, Aime <aime.ramos@countyofnapa.org>
Cc: Jason Holley <jholley@cityofamericancanyon.org>; Nicolle Hall <nhall@cityofamericancanyon.org>; Bill Ross - External <wross@lawross.com>; William He <whe@cityofamericancanyon.org>
Subject: Paoli/Watson AX GPA/Pre-Zoning ALUC Application

Hello Dana,

Here are the APNs in the Annexation/ALUC Determination Area:

a. 059-020-036
b. 057-120-014
c. 057-120-015
d. 057-120-017
e. 057-120-028
f. 057-120-034
g. 057-120-036
h. 057-120-041
i. 057-120-045
j. 057-120-047
k. 057-120-048
l. 057-120-049
m. 057-120-050
n. 057-120-051
o. 057-180-014
p. 057-180-015
q. A portion of the Union Pacific Railroad right-of-way running approximately northeast by southwest at the eastern boundary of the Affected Territory; and

If you had to pick just one, the largest APN is 057-120-036 (31.12 acres).

I dropped off a check for the ALUC review fee today around noon. See attached receipt.

Many thanks!

Brent Cooper, AICP
Community Development Director
City of American Canyon | 4381 Broadway Street, Suite 201 | American Canyon, CA 94503
(707) 647-4335

From: Morrison, Dana <dana.morrison@countyofnapa.org>
Sent: Wednesday, November 15, 2023 1:18 PM
To: Brent Cooper <bcooper@cityofamericancanyon.org>; Ramos, Aime <aime.ramos@countyofnapa.org>
Cc: Jason Holley <jholley@cityofamericancanyon.org>; Nicolle Hall <nhall@cityofamericancanyon.org>; Bill Ross - External <wross@lawross.com>; William He <whe@cityofamericancanyon.org>
Subject: RE: [External] Paoli/Watson AX GPA/Pre-Zoning ALUC Application

Hey Brent,

Is there an APN associated with this parcel, so Aime can initiate the application in our system?
Thank you!
Cheers,

Dana E. Morrison (she|her|hers)
Supervising Planner, Conservation
County of Napa Planning, Building & Environmental Services
Engineering and Conservation Division
1195 Third Street, 2nd Floor
Napa, CA 94559
707.253-4417 main
707.253.4437 direct
707.299.4491 fax
dana.morrison@countyofnapa.org
http://www.countyofnapa.org/

From: Brent Cooper <bcooper@cityofamericancanyon.org>
Sent: Tuesday, November 14, 2023 3:10 PM
To: PlanningCommissionClerk <planningcommissionclerk@countyofnapa.org>
Cc: Morrison, Dana <dana.morrison@countyofnapa.org>; Jason Holley <jholley@cityofamericancanyon.org>; Nicolle Hall <nhall@cityofamericancanyon.org>; Bill Ross - External <wross@lawross.com>; William He <whe@cityofamericancanyon.org>
Subject: Paoli/Watson AX GPA/Pre-Zoning ALUC Application

[External Email - Use Caution]

Hello Dana and Aime,

Thank you for the clear instructions to submit an ALUC application.

I have uploaded the application materials to the link provided.

We have a $4,994.56 check to cover the consistency determination fee whenever you are ready.

We look forward to bringing this issue to the attention of the ALUC Commission.

Sincerely,

Brent Cooper, AICP
Community Development Director
City of American Canyon | 4381 Broadway Street, Suite 201 | American Canyon, CA 94503
(707) 647-4335

From: PlanningCommissionClerk <planningcommissionclerk@countyofnapa.org>
Sent: Tuesday, October 31, 2023 11:49 AM
To: Brent Cooper <bcooper@cityofamericancanyon.org>; PlanningCommissionClerk <planningcommissionclerk@countyofnapa.org>
Cc: Morrison, Dana <dana.morrison@countyofnapa.org>; Jason Holley <jholley@cityofamericancanyon.org>; Nicolle Hall <nhall@cityofamericancanyon.org>
Subject: RE: [External] Paoli/Watson AX GPA/Pre-Zoning ALUC Application

Good morning,

Please upload the application and submittal materials electronically through the following link: Paoli/Watson - ALUC Consistency Determination This link is set to expire on November 14, 2023.

Please follow the submittal directions below.

- Include a cover letter or letter of transmittal document identifying the list of documents included in the submittal
- Begin the name of each document with "SUB 1 - …".
- Do not put documents in folders or subfolders
- Submit documents as PDF files (do not include word or other document file formats)
- Upload documents as individual PDFs
  - SUB 1 – Application
  - SUB 1 – Stormwater Control Plan
  - Etc..
- Plan sets should be combined into 1 PDF, not individual sheets.

Once your application is uploaded, please send an email to planningcommissionclerk@countyofnapa.org that you are finished. We will initialize your application and follow up with the next steps regarding payment.

Thank you,

Aime Ramos
Secretary
Planning, Building & Environmental Services
County of Napa | 1195 Third Street, Suite 210 | Napa, CA 94559
707-299-1377
aime.ramos@countyofnapa.org

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From: Brent Cooper <bcooper@cityofamericancanyon.org>
Sent: Tuesday, October 31, 2023 10:01 AM
To: PlanningCommissionClerk <planningcommissionclerk@countyofnapa.org>
Cc: Morrison, Dana <dana.morrison@countyofnapa.org>; Jason Holley <jholley@cityofamericancanyon.org>; Nicolle Hall <nhall@cityofamericancanyon.org>
Subject: RE: [External] Paoli/Watson AX GPA/Pre-Zoning ALUC Application

[External Email - Use Caution]

Hello Planning Commission Clerk,

The City of American Canyon would like to apply for an ALUC consistency Determination for the Paoli/Watson Annexation GPA/Pre-Zoning Project.

I see that the consistency determination fee is $4,994.56.

Please email me instructions on how to submit payment and provide a drop box link to submit the application materials.

Sincerely,

Brent Cooper, AICP
Community Development Director
City of American Canyon | 4381 Broadway Street, Suite 201 | American Canyon, CA 94503
(707) 647-4335

From: Morrison, Dana <dana.morrison@countyofnapa.org>
Sent: Tuesday, October 31, 2023 8:25 AM
To: Brent Cooper <bcooper@cityofamericancanyon.org>

Cc: Bordona, Brian <Brian.Bordona@countyofnapa.org>; Jason Holley <jholley@cityofamericancanyon.org>; Atkins, Wendy <wendy.atkins@countyofnapa.org>
Subject: RE: [External] Paoli/Watson AX GPA/Pre-Zoning ALUC Application

Good morning Brent,
There is currently no official application for an ALUC Compatibility/Consistency review (it is something we are developing as part of the update). Generally we look for a project description, plan set, elevations, any FAA studies or letters, and any other materials that may be pertinent to ensure the full scope of the project can be understood (relevant approvals from the PC, renderings, etc.)The fee for a consistency determination is $4,994.56 (planning fee schedule is attached, see page 1 under Planning Commission/ALUC/BOS).

Once we have received payment ALUC staff can being processing the permit; processing times vary depending on the completeness of the application (if any resubmittals or additional information is required), current workload and schedule of the assigned planner; most likely it will be Wendy who processes the permit. It might be possible to schedule a special hearing prior to the regularly scheduled one in February, but I cannot guarantee it.

To submit and pay for the application you will need to reach out the Planning Admin Staff by emailing planningcommissionclerk@countyofnapa.org and letting them know that are seeking to apply for an ALUC Consistency Determination. They will then provide you with instructions on how to submit payment and provide a drop box link to submit the application materials to. You can also come in person to 1195 Third Street and submit the application materials and payment in person.

Please do not hesitate to reach out if you have any question.

Dana E. Morrison (she|her|hers)
Supervising Planner, Conservation
County of Napa Planning, Building & Environmental Services
Engineering and Conservation Division
1195 Third Street, 2nd Floor
Napa, CA 94559
707.253-4417 main
707.253.4437 direct
707.299.4491 fax
dana.morrison@countyofnapa.org
http://www.countyofnapa.org/

From: Brent Cooper <bcooper@cityofamericancanyon.org>
Sent: Monday, October 30, 2023 10:12 AM
To: Morrison, Dana <dana.morrison@countyofnapa.org>
Cc: Bordona, Brian <Brian.Bordona@countyofnapa.org>; Jason Holley <jholley@cityofamericancanyon.org>
Subject: Paoli/Watson AX GPA/Pre-Zoning ALUC Application

[External Email - Use Caution]

Hello Dana,

It has been some time since I have filed an ALUC application.

The Planning Commission considered the Paoli/Watson AX GPA/Pre-Zoning project last Thursday, so it is time to file the ALUC application.

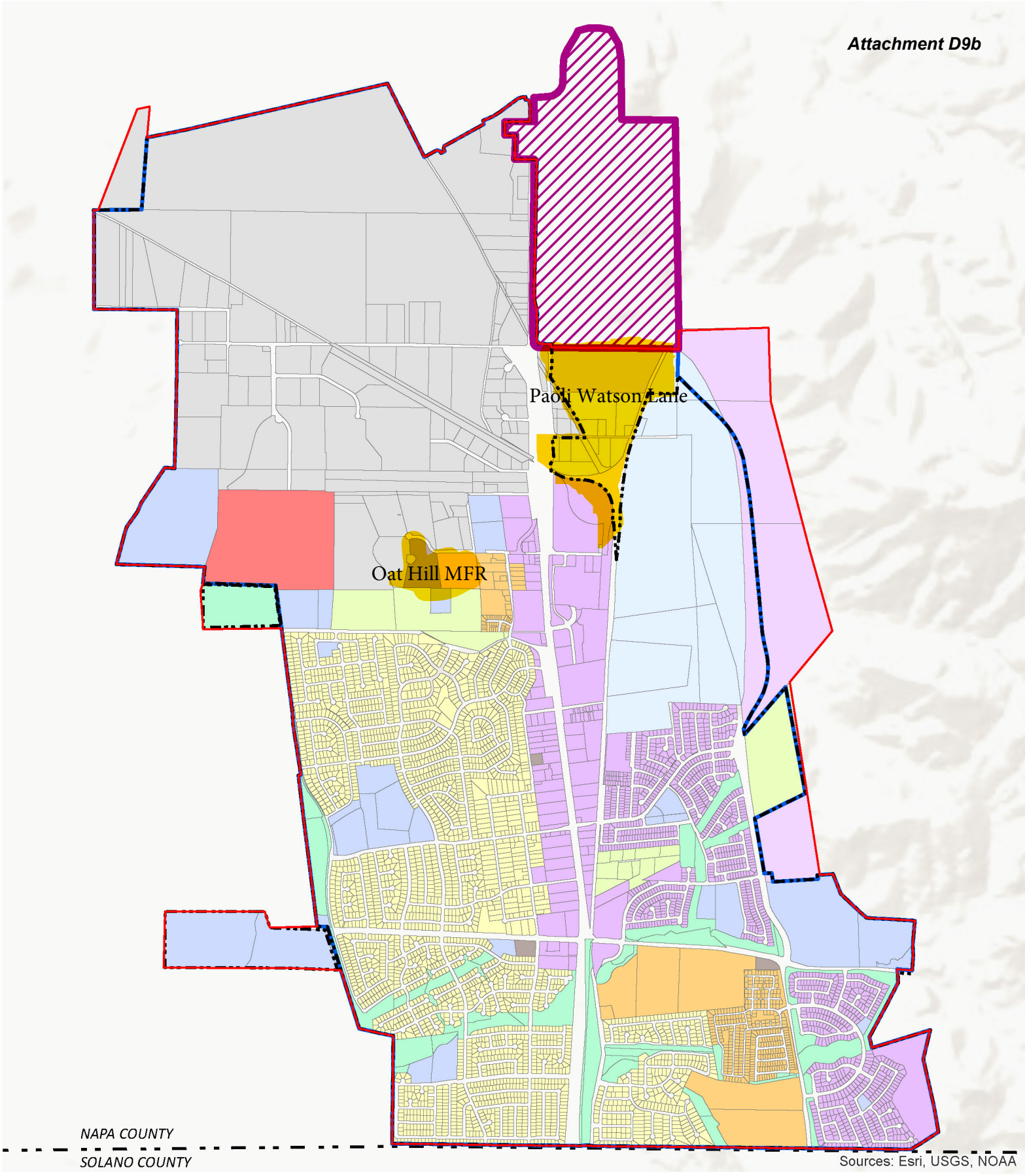
Is there an application form/fees etc?

I believe the next regular ALUC meeting isn't until February. Is there a chance we could schedule a special meeting?

Many thanks for your application submittal guidance.

Brent Cooper, AICP
Community Development Director
City of American Canyon | 4381 Broadway Street, Suite 201 | American Canyon, CA 94503
(707) 647-4335

Attachment D9b



Urban Limit
City Limit
Future Study Area
Sphere of Influence
County Boundary

General Plan Land Uses

Residential Estate (RE)
Residential Low (RL)
Residential Medium (RM)
Residential High (RH)
Commercial Recreation (CR)
Industrial (I)
Agriculture (A)
Open Space (OS)
Public (P)
Specific Plan (SP)
Special Study (SS)
Town Center (TC)

California Department of Transportation

DIVISION OF AERONAUTICS - M.S. #40
1120 N STREET
P. O. BOX 942874
SACRAMENTO, CA 94274-0001
PHONE (916) 654-4959
FAX (916) 653-9531
TTY 711
www.dot.ca.gov

July 16, 2024

Dana Morrison Electronically Sent <dana.morrison@countyofnapa.org>
ALUC Executive Officer
Napa County Building & Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

Dear Ms. Morrison:

On June 16th, 2024, the California Department of Transportation (Caltrans), Division of Aeronautics (Division) received a Public Notice of an Airport Land Use Commission Special Meeting Public Hearing & Intent to Adopt a Negative Declaration, with the web link containing the Draft of the Napa Countywide Airport Land Use Compatibility Plan (ALUCP) dated May 2024. This Public Notice requested that any comments regarding the draft ALUCP to be submitted by July 17th, 2024.

We would like to thank you and the County of Napa (County) for taking the initiative at the County's expense to conduct the update of the Napa Countywide ALUCP.

The Division has completed a partial review of the Draft ALUCP pursuant to the California State Aeronautics Act (SAA) and California Public Utilities Code (PUC), section 21670 et seq., with respect to airport-related noise, safety impacts, and regional aviation land use planning issues. Additionally, this ALUCP was reviewed for consistency with the concepts, principles, practices, and policies contained in the California Airport Land Use Planning Handbook (Handbook) dated October 2011. In accordance with the PUC, Section 21674.7(b) states:

> It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the Division . . .

Our comments are intended to ensure that the requirements and processes of PUC, Section 21670 et seq., and the Handbook are properly implemented but are not intended to establish land uses in the vicinity of the Napa County Airport and the Angwin Airport-Parrett Field located in Napa County.

Our comments of the Draft Napa Countywide ALUCP for Napa County Airport and the Angwin Airport-Parrett Field are as follows:

Pages: 2-10, 2-11, 2-17, 2-18, 2-20, 2-21, 2-22, 2-23, 2-26
Policies: 2.4., 2.5., 2.8.1., 2.8.2.(b), 2.10.1., 2.10.2., 2.10.3., 2.10.4., 2.10.5., 2.12.3.

These policies infer to an Airport Land Use Commission (ALUC) Executive Officer that has delegated authority from the ALUC to do the following: Provide formal consistency determinations and comments for major land use actions referred to the ALUC and to provide comments on proposed overruling decisions.

The PUC does not authorize the delegation of the ALUC's duty to anyone else, or in this case, an ALUC Executive Officer. PUC Section 21671.5 (e) states:

> The commission shall meet at the call of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members shall constitute a quorum for the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership.

It is a requirement by law that participation of the majority of the commission members are to constitute a quorum to take any formal action, which includes consistency determinations. PUC, Section 21674, sets forth the powers and duties of the "commission" only.

The Division recognizes the intent of the ALUC Executive Officer to alleviate the workload of the ALUC and to review voluntary referrals, amongst other administrative matters for the ALUC. However, under no circumstances can the ALUC Executive Officer have delegated authority for actions that are mandatory by the ALUC. Please clarify the language in the relevant policies to provide added clarity on this differentiation and to avoid misinterpretation of the policies and subsequent actions, in addition to differentiate authority powers related to Major Land Use Actions, Interim Mandatory Referral of Major Land Use Actions, and Mandatory Land Use Actions.

Safety Zone D1 (Traffic Pattern Zone) and D2 (Other Airport Environs) Exhibit 4-2 – Compatibility Policy Map, Angwin Airport-Parrett Field

From an initial review of the Draft ALUCP it is noted that Zone D1(Traffic Pattern Zone) only properly encompasses the right side of the runway and does not encompass the left side of the runway, as guided by the CA Airport Land Use Planning Handbook, per the State Aeronautics Act (SAA). The Handbook acts as the starting point for determining airport safety zones and compatibility policies. By not including Zone D1 on the left side, or Zone 6 per the Handbook safety zones, and instead classifying it as Zone D2 (Outer Airport Environs), this would be less restrictive than what the Handbook stipulates for Zone 6 and would not align with the Handbook safety zones. Zone 6 per the Handbook has no limits for residential densities therefore should not be a conflicting factor in expanding Zone D1 onto the other side of the runway.

While a single-sided traffic pattern may eliminate the turning zone on the non-pattern side of the runway, it still calls for some amount of buffer to be maintained (PG 3-23 2011 Handbook). Please also note Example 4 on Page 3-18 of the 2011 Handbook, the short General Aviation (GA) runway for a single sided traffic pattern eliminates zone 3 on one side but still contains the full dimensions of Safety Zone 6.

This variation creates a significant problem with the maximum densities and intensities identified for these zones and the compatibility polices of the Angwin Airport-Parrett Field. These ALUCP Zones need to be corrected to encompass at least the minimum areas stipulated in the Handbook on pages 3-17 through 3-19.

Sufficient aeronautical reason should be provided for any variations in the safety zones and their associated compatibility policies. As it stands, Safety Zones D1 and D2 are not in alignment with the guidance of safety zones as stipulated in the Handbook.

Thank you for the opportunity to provide a partial review and comment on the Draft ALUCP for Napa County. A thorough review will subsequently be completed in a timely manner for further consideration by the ALUC and staff. We look forward to continuing our collaboration with the ALUC on these matters.

Sincerely,

Tiffany Martinez

Tiffany Martinez
Aviation Planner, Office of Aviation Planning
Division of Aeronautics
California Department of Transportation

c: Wendy Atkins, ALUC Staff Liaison, Napa County <Wendy.Atkins@countyofnapa.org>, Charles Koch, ALUC Chair, Napa County <charles.koch@countyofnapa.org>, Matthew Friedman, Office Chief, Office of Aviation Planning, Caltrans Division of Aeronautics <matthew.friedman@dot.ca.gov>, Tarek Tabshouri, Acting Division Chief, Caltrans Division of Aeronautics <tarek.tabshouri@dot.ca.gov>

bc: Cameron Oaks, Deputy Division Director, District 4 Division of Transportation Planning and Local Assistance <cameron.oakes@dot.ca.gov>, Alexandria Quackenbush, Meeting Clerk, Napa County <meetingclerk@countyofnapa.org>

COX CASTLE

Cox, Castle & Nicholson LLP
50 California Street, Suite 3200
San Francisco, California 94111-4710
P: 415.262.5100 **F**: 415.262.5199

Clark Morrison
415.262.5113
cmorrison@coxcastle.com

File No. 083860

July 16, 2024

VIA E-MAIL

Dana Morrison
ALUC Executive Officer
Napa County
1195 Third Street, Suite 210
Napa, CA 94559
dana.morrison@countyofnapa.org

Re: Napa Countywide ALUCP Update

Dear Ms. Morrison:

We represent Hess Persson Estates Winery, which owns property in the Airport Influence Area ("AIA") of the Napa County Airport. Only recently did we (or our clients) learn of the Napa County Airport Land Use Commission's ("ALUC") impending intent to adopt a wholesale update of the Napa Countywide Airport Land Use Compatibility Plan ("ALUCP") on July 17, 2024, including the related preparation of an Initial Study/Negative Declaration ("IS/ND").

We were surprised to learn of these efforts barely a week before the intended adoption date, particularly given recent controversies regarding the ALUCP. We do not know what public noticing has been provided to date, but it appears not to have been sufficient to notify all interested parties, and public outreach and coordination in connection with the update generally appear to have been minimal.[1] Certainly our clients appear to have received no direct notice.

We have not had time to fully review the proposed ALUCP update, much of which requires technical expertise to properly assess. The limited review we have been able to conduct, however, with the assistance of aviation consultant Nick Johnson (at Johnson Aviation), has raised significant concerns. We also have identified significant inadequacies in the IS/ND.

While our preliminary comments are set forth below, we are strongly urging the ALUC to defer action on the proposed ALUCP until such time that a robust public process can occur, and all interested parties have been provided with an opportunity to comment on any update. The ALUCP stands to guide local planning efforts within the Napa County AIA likely for decades

[1] It appears that general public involvement may have been limited to: (i) a February 1, 2023 "kick off" ALUC meeting; (ii) a December 7, 2023 public workshop; and (iii) a May 29, 2024 ALUC meeting. We do not know the extent to which any public comment actually was provided at any of these meetings.

(the current ALUCP has not been amended in some 25 years), and there has been disagreement in the past regarding the way the ALUCP should be prepared and administered, particularly with respect to the development of residential uses, which are an ongoing matter of statewide concern. It is imperative that sufficient time be given to all interested parties, and that the time be taken to prepare an ALUCP that reflects the input of a wide variety of public and private stakeholders. If the ALUC were to proceed now, such action also would be subject to numerous legal infirmities.

1. Inter-Jurisdictional Coordination and Public Involvement Regarding the Proposed ALUCP Update Have Been Insufficient

Any change in an ALUCP—much less wholesale adoption of a new ALUCP in light of recent controversies—will have substantial implications for both public and private entities. Under state law, for instance, local agencies must amend their local planning documents within 180 days (or approve an override) in order to maintain consistency with an updated ALUCP. (Gov. Code, § 65302.3.) If an agency fails to take such action, it is required to submit all land use development actions involving property in the AIA to the ALUC for review. (Pub. Util. Code, § 21676.5.) Coordination with local agencies (which, here, involves Napa County as well as the City of Napa and the City of American Canyon) thus is critical. Indeed, the California Airport Land Use Planning Handbook notes that "[i]nformation and input from local agencies is essential to the preparation of airport land use compatibility plans," particularly in those instances where proposed changes may affect local plan consistency with the ALUCP. (Handbook, § 2.4.)

This interaction between ALUCPs and local planning efforts is particularly important for housing, which is an ongoing matter of statewide concern. (See, e.g., Gov. Code, § 65589.5(g) [Legislature finding "that the lack of housing, including emergency shelter, is a critical statewide problem"]; see also *id.* § 65589.5(a)(2) ["California has a housing supply and affordability crisis of historic proportions."].) Housing law has considerably evolved over the past decades, with the adoption and/or strengthening of laws such as the State Housing Element Law, Housing Crisis Act, Housing Accountability Act, and State Density Bonus Law). ALUC implementation of any airport-related planning obligations under the State Aeronautics Act must be implemented within this broader housing-related context, and any obligations under the statutes must be harmonized. (See *Linovitz Capo Shores LLC v. California Coastal Commission* (2021) 65 Cal.App.5th 1106, 1117 [where multiple statutes are involved, they must be harmonized to give force and effect to all relevant provisions].) It is not clear that the current draft ALUCP update fully considered its potential implication within this broader context, particularly in the City of American Canyon, where a substantial portion of land is located within the Napa County Airport AIA.[2]

[2] For example, within Compatibility Zones A through D1, the draft ALUCP update purports not to allow development in commercial zones that otherwise is provided for under state law. (Draft ALUCP, § 2.7.4.) The draft also appears not to have substantively considered all potentially relevant state housing laws, including for instance SB 35/SB 423 (Gov. Code, § 65913.4) and portions of the Housing Accountability Act that pertain to housing for very low, low, or moderate income households (*id.* § 65589.5(d)).

Notwithstanding the above, it does not appear that a fulsome public process has occurred. We are concerned that coordination with the City of Napa and the City of American Canyon has been lacking. For instance, the City of American Canyon currently is undergoing its own General Plan update, and it does not appear that the draft ALUCP substantively accounted for updates being considered. Both the ALUCP and General Plan will guide development potentially for decades, and it is vital that these efforts be coordinated. It also is our understanding that there are many private landowners within the Napa County Airport AIA who, like our clients, have been totally unaware of the ongoing ALUCP planning process, and whose ability to develop their property could be substantially impacted. Action on the proposed ALUCP update, therefore, should be postponed to allow for inter-jurisdictional coordination and a robust public process.

2. Adoption of the ALUCP Update as Currently Proposed Would be Arbitrary, Capricious, Lacking in Evidentiary Support, and Unlawfully Unfair

We engaged Nick Johnson (at Johnson Aviation) to assist in a preliminary review of the draft update. Given substantial time constraints, Mr. Johnson only completed an initial analysis. That review, however, reflects significant issues with the proposed ALUCP update that would render any ALUC approval arbitrary, capricious, lacking in evidentiary support, and unlawfully or procedurally unfair. (See *Muzzy Ranch. Co. v. Solano County Airport Land Use Commission* (2008) 164 Cal.App.4th 1, 13 [standard of review for ALUCP is whether decision was "arbitrary, capricious, entirely lacking in evidentiary support, or unlawfully or procedurally unfair"].)

The various deficiencies are summarized in more detail in the attached technical memorandum from Mr. Johnson (see **Exhibit 1**) and are broadly summarized as follows:

- The wholesale ALUCP update was developed without sufficient local agency and public involvement, particularly given potential impacts on these parties.
- There is no analysis of policy changes from the now existing ALUCP.
- The draft ALUCP includes composite compatibility zones that conflate noise, safety, overflight, and airspaces protection criteria rather than providing form-based, individual criteria that would allow local agencies and landowners the ability to plan and develop the highest and best use of land within an AIA.
- The aviation noise analysis is factually incorrect, overstated, technically inadequate, and in conflict with other published airport-related analyses.
- The aviation safety information is outdated, factually incorrect, overstated, and technically inadequate as the basis for establishing the respective safety zones.
- Compatibility Zone D1 references Caltrans Handbook Zone 6 but only follows the Caltrans guidance with regard to dimensions while ignoring the land use

guidance allowing residential development based on the actual low safety risk and reasonable overflight notification.

- The aviation overflight information is factually incorrect, overstated, and technically inadequate as the basis for establishing the compatibility zones.

3. The IS/ND is Flawed and Fails as an Informational Document

In addition, the IS/ND prepared in connection with the proposed ALUCP update is technically inadequate and largely conclusory. As presently constituted, it does not constitute substantial evidence supporting a conclusion that there would not be any significant impacts.

(a) The Displacement Analysis is Methodologically Flawed and Confusing

As the IS/ND recognizes, adoption of an ALUCP has the potential to indirectly cause the displacement of otherwise planned development to other areas, leading to environmental impacts in those other areas. (*Muzzy Ranch Co. v. Solano County Airport Land Use Commission* (2007) 41 Cal.4th 372, 383 ["[A] government agency may reasonably anticipate that its placing a ban on development in one area of a jurisdiction may have the consequence, notwithstanding existing zoning or land use planning, of displacing development to other areas of the jurisdiction."]; see also *Saint Vincent's School for Boys, Catholic Charities CYO v. City of San Rafael* (2008) 161 Cal.App.4th 989, 1006 [considering displacement].) Such displacement could occur where an updated ALUCP would restrict development compared to what otherwise would be allowed under local agency planning documents, resulting in a need to develop those uses elsewhere.

Here, while the IS/ND purports to analyze displacement, the analysis is flawed. Rather than comparing what would be (dis)allowed under the ALUCP update with what otherwise is contemplated in local planning documents (e.g., local General Plans and Zoning Ordinances), the IS/ND principally compares "land use compatibility in the 1999 ALUCP against the proposed [ALUCP]." (IS/ND, pp. 11, 14.) The operative question is *not*, however, whether the proposed ALUCP might allow more or less development in certain zones as compared to the currently operative ALUCP (which has not substantively been updated in 25 years). The question is whether the proposed ALUCP might displace land uses that are *currently planned for* in local agency planning documents, forcing such planned development to instead locate elsewhere.[3] The now-existing ALUCP provisions may be one of various factors to consider in concert with this analysis, but they should not be the primary point of comparison in the displacement analysis.

[3] A displacement analysis prepared for the Lake Tahoe Airport ALUCP, for instance, states: "[p]otential displacement occurs where a *currently* allowed land use is deemed incompatible under the policies and compatibility criteria of the Draft ALUCP." (https://tinyurl.com/zanu8sv8, p. 3-1 [emphasis added].) That analysis went to consider the then-existing ALUCP land use compatibility zones as one of various factors.

This basic failing in the IS/ND's methodology may best be reflected in the conclusion that displacement would not occur because the update could "result[] in the addition of 40,499 potential units" within a portion of the Napa County AIA.[4] (IS/ND, p. 15.) This statement lacks any supporting analysis and appears to be based on the fact that newly proposed Zone D2 would allow for residential uses of up to 20 dwelling units per acre, where such uses are not currently allowed within Zone D. (*Id.*) There does not appear to have been any consideration, however, as to whether (or to what extent) local land use plans even allow (or ever could allow) residential development (much less at what density) on the more than 2,000 acres of land needed to achieve 40,499 units at 20 units per acre. Lacking any further analysis, the purported "addition" of some 40,499 units, based solely on a comparison of the current and the proposed ALUCP, is illusory, and the IS/ND cannot meaningfully evaluate the extent to which displacement may occur.[5]

The displacement analysis, in and of itself, is also vague, confusing, and conclusory. The analysis merely summarizes rather than shows and/or details any informed analysis. Instead of analyzing individual parcels, the IS/ND also compares various "zones," which term is used at times to refer to: (i) current ALUCP land use compatibility "zones"; (ii) proposed ALUCP land use compatibility "zones"; and (iii) local agency "zones." In many instances, it is unclear which "zone" is being referenced, rendering portions of the analysis vague and essentially meaningless. The IS/ND also continually refers to overlapping "zones," as though such areas are self-evident, leaving the reader with the likely impossible task of decoding what parcels statements such as the following are referencing: (i) "59.37 acres of land that were in Zones C-D of the 1999 Adopted ALUCP that are outside of the Draft 2024 ALUCP AIA" (p. 12); (ii) "Zones A and B1, B2, and B3 where land is outside adopted Zones A-D" (p. 15); and (iii) "1650.37 AW:AC-zoned acres of Draft Zone B3 that are within Adopted Zone E and outside of Adopted 1999 ALUCP AIA" (p. 15). Lacking any further clarification—or maps or other visual depictions—a reader cannot possibly be expected to meaningfully review the displacement analysis.

Our preliminary review also identified the following additional issues:

- In addition to land use compatibility (i.e., ALUCP zones), the displacement analysis should consider displacement that could occur due to noise policies or any other ALUCP factor that might reasonably displace development.

- The IS/ND's singular reference to local agency zoning, to the exclusion of applicable General Plan land use designations, lacks justification. Under the State Housing Accountability Act, a housing development project is deemed to be

[4] Elsewhere, the IS/ND similarly states that the ALUCP update "would allow for 4,213 additional units, compared to the 1999 Adopted ALUCP," within the Angwin Airport-Parrett Field AIA. (IS/ND, p. 13.)

[5] On the other hand, to the extent the ALUCP update would in fact provide for the "addition of 40,499 potential units," any such substantial addition of residential uses, as well as any related displacement of non-residential uses currently planned for in these areas, should be analyzed in the CEQA document.

consistent with local standards—and does not require a rezoning—if the project is consistent with applicable General Plan standards and criteria but the zoning is inconsistent with the General Plan (i.e., development may proceed even if residential uses are not allowed in the zoning). (Gov. Code, § 65589.5(j)(4.) Any displacement analysis therefore must consider the local General Plans.

- It is unclear whether the IS/ND accounted for any land that may not *currently* be designated for residential use, but which is part of a program to rezone for such *future* use as part of an agency's Housing Element, to meet RHNA obligations.[6] The IS/ND also should consider the extent to which, generally, any other local land use planning documents might generally contemplate future residential use on parcels within the AIA that may not already be zoned for such use. Given the long-term nature of the ALUCP, the IS/ND should have considered not only the local agencies' current housing elements but also housing demand that will undoubtedly increase in the region beyond the current RHNA cycle.

- The IS/ND does not discuss the City of American Canyon's pending general plan update process. The NOP for the City's update was issued in July 2022, so the ALUC had notice of this pending action, which should be considered a reasonably foreseeable project for purposes of analysis under CEQA.

- The analysis should have considered displacement that might potentially result from reduced Floor Area Ratios ("FAR") for non-residential uses, not just displacement of categories of non-residential uses themselves. Reduced FARs could have meaningfully impacts on the viability of uses on particular parcels.

In short, the IS/ND's displacement analysis is methodologically flawed, incomplete, and confusing in a manner that precludes any meaningful public review. A new analysis should be prepared that evaluates any potential displacement that may occur in relation to local planning documents and in the context of State Housing Laws, and which does so in a manner that is both parcel-specific and clear. Presumably, this requires preparation of a separate technical analysis, as has been done in other CEQA documents prepared for other ALUCPs,[7] as opposed to the relatively brief, summary analysis currently presented in the IS/ND. Lacking any such thorough, technical analysis, substantial evidence does not exist to support the IS/ND's conclusions.

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[6] Under State Housing Element law, local agencies are required to accommodate their share of regional housing needs (or "RHNA"). (Gov. Code, § 65580 et seq.) As part of this process, Housing Elements must "identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels." (Gov. Code, § 65583.2(a)). This can result in the identification of land to be rezoned for residential uses.

[7] See, e.g., Appendix A to the IS/ND for the Mather ALUCP (https://tinyurl.com/4wh6p53d) and the displacement analysis for the IS/ND for the Lake Tahoe Airport ALUCP (https://tinyurl.com/zanu8sv8). Each of these analyses included a parcel-specific analysis of potential displacement within the AIAs.

(b) The Faulty Displacement Analysis Renders the IS/ND Insufficient, and the Analysis as it Currently Exists is Deficient

The faulty displacement analysis renders the remainder of the IS/ND inadequate, as each individual environmental topic simply cross-references the displacement analysis. The analysis as it currently stands also is, in and of itself, insufficient. For each environmental topic, the IS/ND summarily states that the displacement analysis "found that displacement effects would be less than significant." (See, e.g., IS/ND, p. 24.) But the displacement analysis only found that, for each of the two airports, there would be "no significant displacement." (See, e.g., IS/ND, p. 18.) This is not the same as saying that impacts for each respective environmental topic would be less than significant; each section still requires its own separate analysis. Following preparation of an updated displacement analysis, Section 5 of the IS/ND should be updated to provide analysis that is specific to each environmental area, according to the extent any displacement might occur.

(c) The IS/ND Suffers From Various Other Deficiencies

In addition to the above overall concerns, we identified the following deficiencies:

- The IS/ND's analysis of Population and Housing refers only to Napa County's RHNA allocation and fails to mention the independent obligations of the City of Napa and the City of American Canyon respectively. (IS/ND, pp. 44-45.)
- The IS/ND's cumulative analysis improperly limits its analysis to "other airport planning projects." (IS/ND, p. 54.) Under CEQA, however, "cumulative impacts" refers to "two or more individual *effects* which, when considered together, are considerable or which compound or increase other environmental impacts." (CEQA Guidelines, § 15355 [emphasis added].) These effects may be changes resulting from a single project or from other closely related past, present, and reasonably foreseeable probable future projects. (*Id.*) Nothing in this language allows the IS/ND to limit its consideration to "other airport planning projects." In a revised IS/ND, the analysis should consider the proposed ALUCP update in the context of any closely related past, present, or reasonably foreseeable projects, including but not limited to the City of American Canyon's general plan update.

* * *

Based on the foregoing, we urge the ALUC to postpone action on the ALUCP update until a robust public process has occurred, and all of the relevant issues have been considered. In connection with such further process, we request an opportunity for our team, including Mr. Johnson, to meet with the ALUC and its consulting team regarding the proposed update.

We appreciate the opportunity to submit these comments. Please do not hesitate to contact me if you have any questions regarding any of the above.

Sincerely,

Clark Morrison

cc: Wendy Atkins, ALUC Staff Liaison (*wendy.atkins@countyofnapa.org*)
Tim Persson, Hess Persson Estates (*tpersson@hesspersson.com)*
Steve Brock, Land Value Investment, LLC (*steve@landvalueinvestment.com*)
Jason Dooley, Deputy County Counsel, Napa County (*jason.dooley@countyofnapa.org*)
William Ross, City Attorney, American Canyon (*wross@lawross.com*)

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EXHIBIT 1

EXHIBIT 1

Technical Memorandum

To: Clark Morrison, Cox, Castle & Nicholson LLP
From: Nick Johnson, Johnson Aviation, Inc.
Date: July 15, 2024

Subject: Napa County Airport Land Use Compatibility Plan Update Comments

Purpose

The purpose of this technical memorandum is to provide initial comments regarding the Draft Napa County Airport Land Use Compatibility Plan (ALUCP or "Plan") Update and the associated Initial Study and Negative Determination (IS/ND) prepared pursuant to the California Environmental Quality Act (CEQA). Our firm has been retained to provide technical airport land use compatibility planning guidance related to the Hess Persson Estate (HPE) Winery regarding this proposed ALUCP Update located within the Napa County Airport (APC or "Airport") and its Airport Influence Area (AIA). The focus of our comments in this memo pertain to the portions of the Plan covering Countywide issues and specifics for APC and do not address the specifics of Angwin Airport – Parrett Field. Our staff is available to engage with the County's Project Development Team (PDT) to address the comments provided and resolve conflicts associated with the Plan and its implementation for surrounding affected landowners and local jurisdictions.

The HPE Winery is the primary landowner in the Hess Collection-Laird General Plan Amendment and Rezoning Project ("Project"). The Project site (See Figure 1) comprises approximately 279 acres located at 5750 Kelly Road, north of the City of American Canyon ("City"), on the east side of State Route (SR) 29 between South Kelly Road and Watson Lane, in unincorporated Napa County ("County"). This site is located east/southeast of APC within the APC AIA and involving the Commission and staff of the County ALUC. This location and the Project are subject to the APC ALUCP and are also subject to height restrictions by the Federal Aviation Administration (FAA) and other development restrictions by the County and the Cities of Napa and American Canyon.

The ALUC has developed a draft update to the ALUCP and has also completed an IS/ND under CEQA to support the formal ALUC adoption of the ALUCP Update. The comment period on the draft ALUCP and the IS/ND is currently open and is scheduled to close on July 17, 2024. An ALUC hearing has been scheduled for July 17, 2024, at 9 a.m. to take public comment on the Plan and IS/ND. Once an ALUCP Update has been adopted, the affected local jurisdictions will have 180 days to make their general plans and zoning codes consistent with the land use restrictions associated with the Plan as required by State law. Until the local general plans and zoning codes are consistent with the new Plan, all projects within the jurisdiction will require ALUC review.

Draft ALUCP Review Comments

The following review comments are based on our initial review of the draft ALUCP Update and the underlying policy and technical information provided and/or cited in the draft Plan. While the Plan is voluminous in both the direct information provided and the sources cited, it fails to establish the policy authority for the layers of policy and technical requirements placed on landowners and local jurisdictions that work to control and limit highest and best use of private land within the AIA. As stated in the first paragraph of the Plan, it "updates and entirely replaces the ALUCP adopted by the Napa County Airport Land Use Commission (ALUC) in April 1991 and amended in December 1999 (1999 ALUCP)." While this update is certainly needed, the underlying overly restrictive and unfounded policy and technical basis for the Plan remains from the basic tenets of the 1999 ALUCP. That same opening paragraph goes on to state

that one of the primary drivers of the ALUCP Update is to "address stakeholders needs." Given that landowners with property located within the AIA are the most impacted stakeholders of the Plan, it appears that this Plan would severely limit their property development options and do little to address their needs.

1. The wholesale ALUCP update was developed without sufficient local agency and public involvement, particularly given the potential impacts on these parties.

The ALUC PDT does not appear to have involved any landowners as primary affected stakeholders in the airport land use compatibility planning process. Further, while local jurisdiction representatives may have participated in meetings and received draft Plan documentation, it is unclear if anyone with airport land use compatibility planning expertise independently represented these agency participants. The ALUC was well represented by its consultants with their expertise in preparing the draft plan in this detailed policy and technical process.

It is critical to involve landowners and affected jurisdictions in an ALUCP update process and ensure that they fully understand the implications of this long-term plan. The layers of policy and technical restrictions on development need to be clear to all parties in the process. Unfortunately, this critical step has not been accomplished and further vetting and outreach is required. It has been 25 years since the last update and there is no urgency now to make wholesale changes without local agencies and the public fully understanding the effects of the Plan on their property and the highest and best use of that property.

2. There is no analysis of policy changes from the now existing 1999 ALUCP.

The ALUCP Update involves layers of policy and technical changes that represent a wholesale change from the existing 1999 ALUCP. Despite this change and despite the voluminous documentation, there is no prefatory analysis of the policy changes that ALUC staff is asking the ALUC, and subsequently the local affected jurisdictions, to adopt. ALUC staff should be able to clearly and concisely provide a comparison of the policy objectives of the current plan and the proposed plan so that decision makers and affected parties can clearly see the intent of the changes. Without this clear policy analysis, it appears that the Plan works to severely limit landowner development rights and local jurisdiction's land use authority. To state that local jurisdictions have the power to overrule the ALUC plan both belittles the gravity of the overrule action and the level of uncertainty this state of limbo leaves for landowners in the meantime as they invest in development to drive Napa County's economy and create housing for its residents.

3. The draft ALUCP includes composite compatibility zones that conflate noise, safety, overflight, and airspaces protection criteria rather than providing form-based, individual criteria that would allow local agencies and landowners the ability to plan and develop the highest and best use of land within an AIA.

Exhibits 5-1, 5-2, 5-3, and 5-4 combine to outline land use restrictions, mapping and limitations that the Plan solidifies without individually substantiating the technical basis for these restrictions. Chapter 7 of the Plan provides background APC data for the individual safety, noise, overflight and airspace protection criteria by overstating each criterion's basis and associated impact on land development. Cross referencing policy restrictions that are set out in Chapter 3 further complicates this web of policy and technical restrictions. The result amounts to two fundamental conclusions. First, the draft ALUCP Update is an attempt to technically justify long-standing residential land use prohibitions anywhere within the AIA that are contained in the existing 1999 ALUCP and promulgated by ALUC actions over the years. Second, the draft ALUCP Update appears to accommodate future residential construction within established flight patterns to the north (i.e., the Napa Pipe Project) while precluding the potential for development in other

areas with less overflight and located in CalTrans' Zone 6 (which would accommodate residential development). We acknowledge the justification for accommodating residential construction to the north, but it belies the notion that non-industrial development of the Hess-Laird property would be problematic. The following comments provide additional details on each of these points.

4. The aviation noise analysis is factually incorrect, overstated, technically inadequate, and in conflict with other published airport-related analyses.

Napa County Airport is an important general aviation facility to Napa County and its residents and visitors. That stated, it is a small general aviation airport with relatively low levels of aircraft operations activity. Current demand-based levels of activity amount to approximately 65,000 annual aircraft operations, the majority of which consist of small, locally based training aircraft activity. The FAA's Terminal Area Forecast (TAF) provides a projection of APC activity out to 2050. Over that 25-year period APC activity is projected to be basically flat at approximately 68,000 annual operations.

The noise analysis associated with this ALUCP update is overstated by a factor of four at 260,000 annual operations. Not only is this top line operations information overstated, the assumed changes in makeup of the fleet mix and time of day distribution is likewise not supported by a credible demand forecast. By relying on outdated Master Plan forecasts that would not be accepted by the FAA under their current review criteria, this ALUCP update creates a factually incorrect basis for the Plan that follows.

5. The aviation safety information is outdated, factually incorrect, overstated, and technically inadequate as the basis for establishing the respective safety zones.

General aviation safety has been steadily improving over the last 20 years even with expanded numbers of aircraft operations[1]. The vast majority of general aviation accidents and incidents take place on and around the runway within the runway safety and protection zones. The Caltrans Handbook research into aviation safety and accident/incident information was originally produced for its 2002 Edition of the Handbook. That information was reviewed for the 2011 Handbook Update but has not been updated and refined to track with current trends in aviation safety. The Caltrans safety zones were referenced in the ALUCP update but only from a general geographic basis. The actual safety risk factors and associated land use restrictions associated with each zone is not uniformly adopted within the ALUCP update. Instead, the basic historical safety zones from the current 1999 ALUCP are largely repeated within the Plan update. These historical safety zones conflated safety, noise, overflight and airspace protection as a way of expanding the size and scope of ALUC influence over land use decisions, particularly related to residential land uses.

The individual wind, weather and activity parameters that define APC operations are the best indication of the overall safety record and level at the Airport. Despite the readily available National Transportation Safety Board (NTSB) accident and incident information available for APC, this information is not included in the ALUCP.

6. Compatibility Zone D1 references Caltrans Handbook Zone 6 but only follows the Caltrans guidance with regard to dimensions while ignoring the land use guidance

[1] Aircraft Owners and Pilots Association (AOPA), The Richard G. McSpadden Report, 33rd AOPA Air Safety Institute Accident Report, https://www.aopa.org/training-and-safety/air-safety-institute/accident-analysis/richard-g-mcspadden-report.

allowing residential development based on the actual low safety risk and reasonable overflight notification.

Compatibility Zone D1 as identified and restricted within the ALUCP update has no basis in the actual safety risk associated with this land area. Section 7.4 of the Plan update identifies that Caltrans Handbook safety zones are used as the basis of this land use area. However, this is true only as it relates to the general geographic size and configuration of this safety zone. The Caltrans Handbook Zone 6 or overflight zone has no restrictions for residential land uses within this zone as a result of the low safety risk in this very large geographic area. Instead of unnecessarily restricting residential land use in this area, the Handbook recommends that review of overflight activity and ensuring that stringent buyer awareness disclosure is associated with these land uses. This balanced approach avoids unnecessarily restrictive limits on needed residential development while also acknowledging that some people would be annoyed by aircraft overflights and they should be fully informed before choosing to live in these areas.

7. The aviation overflight information is factually incorrect, overstated, and technically inadequate as the basis for establishing the compatibility zones.

Aviation overflight information included in Chapter 7 of the ALUCP update provides little meaningful insight or necessary disclosure related to the level of land use restriction that it purports to represent. Simply showing where aircraft overfly the airport in no way represents the actual flight information that is relevant to understanding the potential impacts to residential land use. Further, the "heat map" provided as Exhibit 7-10 is of no practical decision-making value without the full data and context to understand its implications. The underlying flight data used to create this exhibit is not provided. The legend on the map provides a relative scale of high, medium and low overflight activity without defining these relative parameters. Overflight information matters as it relates to the specific types, classes, speeds, altitudes, engine types, and time of day to be of any notional value in defining overflight impact on existing or potential future land uses.

By choosing to be more restrictive than technically supported and then shift the burden of proof and analysis to landowners is a conscious choice by the ALUC to unnecessarily restrict land use beyond their policy and legal mandate and authority. This has been the history of the Napa County ALUC in the application of the existing 1999 ALUCP. Indications from the planning and results of the ALUCP Update are that the policy objectives and lack of factual technical support are intended to continue with the illusion of a more comprehensive planning document. We request instead to work closely with the RPT to broaden the input to this Plan from all affected stakeholders to ensure that its long-term approach and application will actually support and further the interests of the entire community represented within the AIA.

Qualifications

NICK JOHNSON
PRESIDENT & CEO – JOHNSON AVIATION, INC
TOTAL YEARS EXPERIENCE: 35 YEARS – 20 YEARS WITH JA, INC

Nick Johnson is a Complex Strategy Advisor leading airport land use compatibility, regulatory, facilities entitlement and financial project solutions. He has 35 years of experience in airport planning and development at and near airports of all sizes. This experience includes project development on airports, off-airports and adjacent "through-the-fence" by applying a broad array of expertise from business and financial analysis to airspace and operational procedures improvement. He does so as a collaborator with teams of all sizes to meet client needs and expectations. Specialties include master plans, land use plans, lease negotiations, business strategy, facilities planning, ownership transfer, environmental entitlements, regulatory certification, security planning, real estate strategy and construction planning. Nick founded Johnson Aviation in 2004 providing leadership on high profile and contentious airport master planning and environmental projects.

Nick is currently developing a Vertiport Feasibility Study at John Wayne Airport, Orange County California for fixed-base operator ACI Jet Orange County as part of its comprehensive facilities renovation project. The FAA, through its planning, design and advisory process has acknowledged that Advanced Air Mobility (AAM) is an emerging aviation ecosystem that leverages new aircraft and array of innovative technologies to provide the opportunity for more efficient, sustainable, and equitable transportation options, including serving airport passenger access. The purpose of the study is to draw together the uncertain and developing AAM possibilities with safe, efficient, and compatible needs of constrained airport infrastructure. Building stakeholder consensus on vertiport facilities is an added objective of the study.

Nick has also worked closely with the San Diego County Regional Airport Authority (SDCRAA) on its Airport Development Program (ADP) to complete the long-term redevelopment of San Diego International Airport. He worked as part of the Authority's team to entitle a replacement to Terminal 1, develop airfield improvements to optimize the efficiency of the busiest single-runway airport in the U.S. and optimize landside access. The project is currently under construction. He has also supported the Authority's CFR Part 150 study update to reduce community noise impacts and improve land use compatibility.

From 2011 to 2018, Nick worked closely with the City of Ontario and the Ontario International Airport Authority (OIAA) to transfer ownership and operation of Ontario International Airport (ONT). He worked with a small team to develop the strategic business plan adopted in 2013 that defines and guides the Authority's mission. In 2015 and 2016, Nick led a large and diverse ownership transfer team to meet all regulatory, operational, financial, environmental, and legal requirements of the FAA. That team successfully transferred the ownership and operation of the Airport in 15 months. Johnson Aviation staff continued as the Airport's planning and development program managers for 20 months during the staffing transition negotiating long-term leases for the airport's FBO redevelopment and for a FedEx Regional Sorting Hub relocation and expansion that is now fully operational.

Since 2017 Nick has assisted Google with the Master Planning and development of their Proposed San Jose Campus in the City of San Jose, California and within the Mineta San Jose International Airport (SJC), Airport Influence Area (AIA) in Santa Clara County California. The Google Campus has the potential to transform Downtown San Jose with many new and expanded live/work development options. By focusing on the expansion of the existing Diridon Station, the Google Campus will complete station infrastructure for the California High Speed Rail, Bay Area Rapid Transit (BART) and Valley Transit Authority (VTA) systems. The project will both improve and potentially modify SJC air service depending on the various

building heights and locations on the site. The total campus development is likely to exceed 10 million square feet of office, residential and retail uses that will be developed over the coming years.

Property redevelopment and land use compatibility on and near airports taking full advantage of the airport economic engine is one of Nick's unique contributions to airport communities. In addition to a land use compatibility plan for Colorado Springs Airport, he has also served the City of Perris, California and various developers near March Air Reserve Base in Riverside County to both preserve and expand the vitality of the Base and its civilian cargo operations. He has worked with Boeing and their development successors to redevelop manufacturing facilities at Long Beach Airport, El Segundo, Seal Beach and Mesa Arizona. Other current airport land use compatibility planning includes the City of Goleta, City of San Luis Obispo, San Diego International Airport, City of Pleasanton and Fairfax County Virginia.

Nick assisted the FAA on updates and revisions to its key airport planning guidance documents. The FAA's Master Plan Advisory Circular (AC) was revised and updated to address innovations and lessons learned in the field of airport planning. The FAA's Airport Land Use Compatibility AC was completely rewritten to address the challenges of effective land use planning near airports to ensure the safe and compatible use of nearby land while maximizing the economic development characteristics of these surrounding areas. The FAA's Solar Guidance document was updated to consider the most recent findings of solar panel glare analyses and the effects on safe air navigation.

Nick worked closely with Los Angeles World Airports (LAWA) to secure City Council approval of the LAX Master Plan entitlements that were ultimately approved in December 2004. He provided technical planning support to the legal defense team on the LAX Master Plan when it was sued in State and federal courts. Four legal challenges related to the California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) and to the National Environmental Policy Act (NEPA) ROD were successfully settled in December 2005. Nick also facilitated a required review and approval of key settlement provisions by the Federal Aviation Administration.

Nick worked with LAWA and its consulting team in the early phase of a multi-year study of key components of the LAX Master Plan. Together, they crafted an approach in close coordination with airline and community stakeholders. This planning initiative by LAWA was intended to modernize LAX and expand regional airport capacity throughout Southern California.

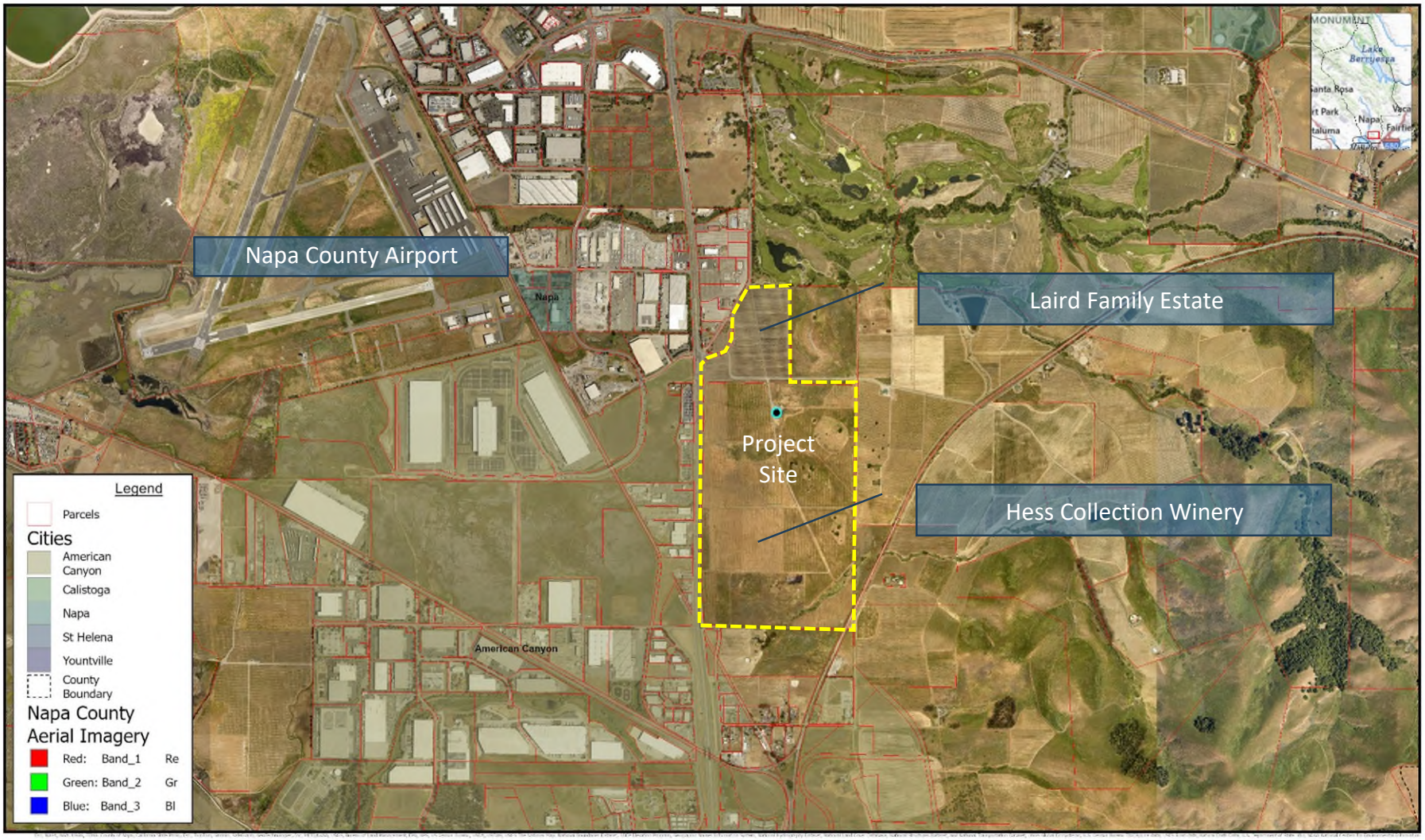
Nick provided strategic guidance to a team of airport planners from HNTB Corporation on the San Diego International Airport Master Plan. This plan was developed to meet the immediate needs of the airport and airline community while the policy for the long-term future of the airport was resolved. The Green Build terminal project was the first major plan component completed in 2013.

Prior to starting Johnson Aviation, Nick was a Vice President with Landrum & Brown in the firm's airport planning practice. He served as Landrum & Brown's Project Manager for the Los Angeles International Airport (LAX) Master Plan. He led the way in developing a plan for LAX that balanced the needs of the regional economy while finding practical solutions for the local impact to nearby communities as part of a multi-discipline consultant team. Nick also led various land re-use and property development projects for Landrum & Brown at other major California airports.

Education

Master of Public Administration, Aviation Administration – Southern Illinois University
Bachelor of Science, Aviation Management - Southern Illinois University
Air Traffic Control Internship – Federal Aviation Administration
Aviation Flight Program– Southern Illinois University
General Aviation Private Pilot (9/19/1986)

Figure 1 – Hess Collection-Laird Location Map



HESS PERSSON
ESTATES

Timothy Persson
Hess Persson Estates
4411 Redwood Road
Napa, CA 94558

August 31, 2024

Dana Morrison
ALUC Executive Officer
Napa County
1195 Third Street, Suite 210
Napa, CA 94559
dana.morrison@countyofnapa.org

Subject: Request for Revisions to the Napa Countywide Draft Airport Land Use Compatibility Plan Update

Dear Ms. Morrison:

The purpose of this letter is to offer a series of proposed revisions to the Draft Napa Countywide Airport Land Use Compatibility Plan (the "**ALUCP**"). The draft plan was presented to the Napa County Airport Land Use Commission (the "**ALUC**") for adoption on July 17, 2024. The Draft ALUCP package also includes the related Initial Study/Negative Declaration (IS/ND) prepared pursuant to the California Environmental Quality Act (CEQA). As a major landowner within the Airport Influence Area of Napa County Airport (the "**Airport**"), we are a key stakeholder in the outcome of the adopted plan. These suggested revisions are in follow up to the initial comments that were provided to the ALUC by our legal counsel and airport land use planning consultant on July 16, 2024.

The objective of this request is to provide the ALUC with a balanced perspective between airport planning and local housing needs. We recognize the value of airport land use compatibility that protects the long-term future Airport development and operation. At the same time, our community also needs thoughtfully designed housing, public infrastructure and public services for existing and future residents. Housing that is provided needs to be affordable and supportive of our local community workforce.

The suggested revisions to the Draft ALUCP would allow reasonable residential land use within ALUCP Zones D1 and D2 and do so based on the objective airport land use planning criteria in the Caltrans Airport Land Use Planning Handbook[1]. In particular, Zone D1 should allow

[1] 2011 California Airport Land Use Planning Handbook, California Department of Transportation ("Caltrans"), Division of Aeronautics, https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-a11y.pdf.

residential land use in the range of eight (8) to 25 units per acre with a required avigation easement deeded to the Airport.

Zone D2 in the draft plan currently allows residential land use in the range of 10 to 20 units per acre. We would suggest expanding this range to also be 8 to 25 units per acre to support owner-occupied, affordable and workforce housing needs. Zone D2 should also require an avigation easement to help protect the Airport. Projects that meet these criteria would be presumed to be consistent with the ALUCP and not subject to further discretionary ALUC decisions or unsupported conditions of approval.

To ensure that these suggested revisions are useful to the land planning process, we also request that Napa County, as owner and operator of the Airport, and the ALUC, will respect State law regarding any overrule of an adopted Napa County Airport Land Use Compatibility Plan (ALUCP) Update or an ALUC consistency determination on any project within the land use and/or zoning jurisdiction of the City of American Canyon. California Public Utilities Code (PUC) § 21676 and PUC § 21676.5 shall apply and Napa County, as operator of the Airport shall have any protections from any overrule action by the City of American Canyon afforded by PUC § 21678[2].

Suggested Draft ALUCP Revisions

- Policy 2.3.1(a)(1) – strike "potentially disruptive" and add after "noise" "exceeding State standards."
- Policy 2.3.1(a)(4) – strike "can be intrusive and annoying to many people" and add after "overflying" "require notice to the public."
- Policy 2.4.1(a)(2) – strike entire section.
- Policy 2.5.2(a) – strike "D1 and D2" as referenced for Napa County Airport.
- Policy 2.5.2(e) – strike entire section.
- Policy 2.7.4(b) – add "and workforce" after "farmworker" and strike "and local regulation."
- Policy 2.7.4(c) – strike "and D1" and strike "and local regulation."
- Policy 3.2.4(f) – strike "2/3" and add "simple majority"
- Policy 3.3.1(a)(2) – strike "and D1" as referenced for Napa County Airport.
- Policy 3.3.3 – strike "residences"

[2] California Code, Public Utilities Code - PUC § 21678 - With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676,21676.5, or 21677 overrules a commission's action or recommendation, the operator of ***the airport shall be immune from liability*** for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to overrule the commission's action or recommendation [emphasis added].

In the highlighted language above, the airport operator (Napa County) would be immune from liability associated with an overrule action. State law is silent about shifting the liability to any other party, including the City of American Canyon.

- Policy 3.6.1 – add "D1 and" after "Compatibility Zone"
- Exhibit 5-1 – *Residential and Lodging Uses*; Single-Family Residential, remove " ✈ " symbol from land use category, color Compatibility Zones D1 and D2 cells green (Normally Compatible), add "D1 and" before "D2" in Additional Criteria cells, and strike "10-20" and add "8-25" in Additional Criteria cells (See Revised Exhibit 5.1 attached).
- Exhibit 5-1 – *Residential and Lodging Uses*; Multi-Family Residential, remove " ✈ " symbol from land use category, color Compatibility Zones D1 and D2 cells green (Normally Compatible), add "D1 and" before "D2" in Additional Criteria cells, and strike "10-20" and add "8-25" in Additional Criteria cells (See Revised Exhibit 5.1 attached).

Thank you for the opportunity to provide these suggested revisions to the Draft ALUCP. This is a critical and consequential long-term land use action within the County. It would be important to have the entire ALUC available to weigh in and fully represent the constituencies from which they were appointed. As such, please consider our request to continue this hearing and adoption until such time as all seven commissioners or their alternates are available to attend and participate. We appreciate consideration by the ALUC as they deliberate the plan adoption.

Sincerely,

Timothy Persson
Hess Persson Estate Winery

Attachment: Revised Exhibit 5-1

EXHIBIT 5-1: BASIC COMPATIBILITY CRITERIA, NAPA COUNTY AIRPORT (JUNE 2023 WORKING DRAFT)

Intensity Criteria [1]	Compatibility Zones								Intensity Criteria Interpretation
	A	B1	B2	B3	C	D1	D2	E	
Max. Sitewide Average Intensity (people/acre)	0	50	75	150	100	200	300	No	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Max. Single-Acre Intensity (people/acre)	0	100	225	450	300	800	1200	limit	
Easement / Notification Requirement [2]	Avigation Easement						RON	APD	
Land Use Category	**Legend** (see last page of table for interpretation)								**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses [3]	Normally Compatible			Conditional			Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
General Characteristics									
Any use having more than 1 habitable floor [4]									B1, B2, C: Limited to no more than 2 habitable floors B3: Limited to no more than 3 habitable floors
Any use having structures (including poles or antennas) or trees 35 to 150 feet in height									B1, B2, B3, C: Ensure airspace obstruction does not occur B1, B2, C: Airspace review required for objects >35 feet B3: Airspace review required for objects >70 feet
Any use having structures (including poles, antennas, or cranes) or trees more than 150 feet in height									D1, D2, E: Ensure airspace obstruction does not occur; airspace review required for objects >150 feet
Any use having the potential to cause an increase in the attraction of birds or other wildlife									D1, D2, E: Avoid use or provide mitigation consistent with FAA rules and regulations [5]
Any use creating visual or electronic hazards to flight [6]									
Outdoor Uses (no or limited indoor activities)									
Constructed/Enhanced Land/Water Features:–woods, brush lands, wetlands, reservoirs, detention/retention ponds	✹								B3, C, D1, D2, E: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Agriculture (except residences and confined livestock): field crops, orchards/tree farms, vineyards, open pasture, or range land	✈ ✹								A: Objects above runway elevation not allowed in OFA [7] All: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]; exercise caution with uses involving noise-sensitive animals
Confined Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse/riding stables, poultry and dairy farms	✈ ✹								B1, B2, B3, C, D1, D2, E: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]; exercise caution with uses involving noise-sensitive animals
Outdoor Major Assembly Facilities (capacity ≥1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, racetracks, water parks, zoos	✈								D2, E: Allowed only if alternative site outside zone would not serve intended function; exercise caution if clear audibility by users is essential; ensure intensity criteria met
Outdoor Large Assembly Facilities (capacity 300 to 999 people): spectator-oriented outdoor stadiums, amphitheaters	✈								D1, D2: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Outdoor Group Recreation (limited spectator stands): athletic fields, water recreation facilities (community pools), picnic areas	✈								B3, C, D1, D2: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Outdoor Non-Group Recreation (small/low-intensity): golf courses (except clubhouse), tennis courts, shooting ranges, bocci courts, trails, passive regional/community parks with minimal recreational facilities	✈ ✹								B1, B2, B3, C: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Local/Community Parks: neighborhood parks, community parks, playgrounds	✈								B1, B2, C: Must have little or no permanent recreational facilities (ball fields, etc.); exercise caution if clear audibility by users is essential
Camping: campgrounds, recreational vehicle/ motor home parks	✈								B3, C1: Ensure intensity criteria met; avoid if disruption by aircraft noise is unacceptable
Cemeteries (except chapels)									B1, B2, B3, C: Ensure intensity criteria met; avoid if disruption by aircraft noise is unacceptable
Residential and Lodging Uses									
Single-Family Residential [8]: individual dwellings, townhouses, mobile homes, bed and breakfast inns									D2 (Low Density Option): Up to 1 dwelling unit on a 5-acre lot (0.2 dwelling units per acre); CNEL 45 dB max. interior noise level D1, D2 (High Density Option): 8-25 dwelling units per acre
Multi-Family Residential [8]: townhouses, apartments condominiums									D1, D2: 8-25 dwelling units per acre
Long-Term Lodging (>30 nights): extended-stay hotels, dormitories	✈								
Short-Term Lodging (≤30 nights): hotels, motels, other transient lodging [approx. 200 s.f./person]					0.69		0.92		B3, D1: Ensure intensity criteria met
Short-Term Group Lodging: hostels, emergency/ homeless shelters, farmworker housing [approx. 100 s.f./person]				0.17	0.34	0.23	0.46		B2, B3, C, D1: Ensure intensity criteria met
Congregate Care: retirement homes, assisted living/residential care facilities, intermediate care facilities, group homes (youth/adult)	✈								
Educational and Institutional Uses									
Family day care homes (≤14 children) [9]	✈								B1, B2, C: CNEL 45 dB max. interior noise level
Children's Schools: K-12, day care centers (>14 children), libraries [10]	✈								D2: Allowed only if alternative site outside zone would not serve intended function; ensure intensity criteria met; exercise caution if clear audibility by users is essential

July 16, 2024

VIA E-MAIL

Dana Morrison, Executive Officer
Napa County Airport Land Use Commission
1195 Third Street, Suite 210
Napa, California 94559
dana.morrison@countyofnapa.org

Re: Request for Extension of Time in Response to Notice of Napa County Airport Land Use Commission Intent to Adopt a Negative Declaration; July 17, 2024, Special Meeting; Agenda Item No. 7

Dear Executive Officer Morrison:

The City of American Canyon ("City") is in receipt of the County of Napa ("County") Airport Land Use Commission's ("ALUC") Notice and publication of the Airport Land Use Compatibility Plan ("ALUCP") Update and Negative Declaration Adoption Hearing under the California Environmental Quality Act ("CEQA") agendized for an ALUC Special Meeting on July 17, 2024.

The City has also, in the process of the ALUCP and as a member of the Project Development Team ("PDT"), submitted comments on the ALUCP revision dated May 31, 2023, and December 14, 2023. Notwithstanding those previous comments, the City believes it would be in the interest of both the ALUC and other interested parties for a continuance of the ALUC's consideration of the ALUCP for at least sixty (60) days as referenced in this communication.

As you are aware, the City is, and has been, in the process of completing a General Plan Update of the original City General Plan dated 1994 (link: https://www.americancanyon.gov/Work/Community-Infrastructure-Development/Growth-Development-Strategy/General-Plan-AmCan2040).

The possibility of the coordinating the ALUCP with at least a discretionary review by the City Planning Commission to achieve consistency of proposed land-use designations within the ALUCP and City General Plan, would be beneficial for several reasons. It is estimated that the Draft City Comprehensive Plan, which has been coordinated to efforts in the ALUCP, will be released along with its companion Draft Environmental Impact Report in the immediate future.

As with the ALUCP, this effort has been extraordinary and consistent with extensive public involvement as well as review for the State mandated process of achieving consistency of the City's Housing Element with the criteria for maximizing the generation of housing and particularly affordable housing.

The achievement of a certified Housing Element is a significant step in the State mandated process for complying with the several unfunded State mandates concerning housing land-use designation and land designated for housing and affordable housing development.

The existing ALUCP addresses this process partially on pages 2-16 and 2-17. However, when the specific basis for information concerning the Napa County Airport is dealt with in Chapter 7, only the City's November 4, 1994 General Plan is referenced. *See*, p. 7-21.

Stated differently, integration between the City and ALUC would lead to a coordinated land-use document beneficial to both the ALUC and the City.

The consistency of the recently proposed ALUCP with the individual General Plan Elements and individual General Plan Goals and Policies is critical, involving detailed City analysis and review to achieve compliance with statutory and resulting General Plan internal consistency. *See*, Government Code Section 65300. This process, and analysis, and its relationship cannot be completed by the planned and agendized ALUC hearing date of July 17, 2024.

Based on the foregoing, the City requests an extension of time to respond on the ALUCP update agendized for consideration and adoption at the ALUC, to at least September 18, 2024.

There are specific areas of the existing draft that need to be corrected, noting recent actions with respect to the City Housing Element (link: https://www.americancanyon.gov/Work/Community-Infrastructure-Development/Growth-Development-Strategy/General-Plan-AmCan2040/Housing-Element) and its certification and approval by the State Department of Housing and Community Development.

The City is *very close* to completing the Draft Comprehensive Plan which would include the recent State-certified Housing Element for discretionary review by the City Planning Commission and the City Council. This discretionary review would add certainty to the land use designations set forth in the ALUCP which is not now certain and would avoid future piecemealed designations for areas within the land-use jurisdiction of the City.

FURTHER PUBLIC OUTREACH

We have conferred with several landowners and residents within the ALUCP area who have not received notice of the ALUCP update or the proposed hearing of July 17, 2024, or both. We respectfully suggest that the time for the public to respond or otherwise comment also be extended to at least September 18, 2024.

The City of American Canyon Fire Protection District ("District") also did not receive adequate notice of the ALUCP revision and proposed hearing as a responsible agency. Under CEQA, the term "responsible agency" includes all public agencies, other than the lead agency, which have approval power over the project (CEQA Guidelines Section 15381). Here, the District provides fire and life safety services to the City and portions of unincorporated County, including D1 and D2 of the ALUCP area. As such the District should have received adequate notice of the Negative Declaration, which is required under CEQA Guidelines Section 15072(a).

Your consideration and response are requested.

Very truly yours,

William D. Ross
City Attorney

cc: Leon Garcia, Mayor
David Oro, Vice Mayor
Mariam Aboudamous, Councilmember
Mark Joseph, Councilmember
Pierre Washington, Councilmember
Jason Holley, City Manager
Brent Cooper, Director of Community Development
City of American Canyon

Jason Dooley, County Counsel, ALUC Counsel
Jason.Dooley@countyofnapa.org

Wendy Atkins, ALUC Staff Liaison
Wendy.Atkins@countyofnapa.org

AMERICAN CANYON FIRE PROTECTION DISTRICT

Geoff Belyea
Fire Chief

911 DONALDSON WAY, EAST
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Phone 707-551-0650 Fax 707-642-0201

Cliff Campbell
Assistant Fire Chief

October 23, 2024

VIA E-MAIL
Dana Morrison, Executive Officer
Napa County Airport Land Use Commission
1795 Third Street, Suite 210
Napa, CA 94559
Dana.Morrison@CountyofNapa.org

Re: Comments of the American Canyon Fire Protection District on the Proposed Napa County Airport Land Use Compatibility Plan

Dear Executive Officer Morrison:

This communication comments on behalf of the American Canyon Fire Protection District ("District"), a separate legal entity from the City of American Canyon, on the draft Airport Land Use Compatibility Plan ("ALUCP") Update and related actions under the California Environmental Quality Act ("CEQA") after review of actions taken at the Napa County Airport Land Use Commission ("ALUC") meeting of July 17, 2024 and subsequent meetings with ALUC Staff.

First, the District is governed by the Fire Protection District Law of 1987 (Health and Safety Code Section 13800 *et seq* (the "Act"), which in Health and Safety Code Sections 13861 and 13862, sets forth the powers and services of the District which *do not* include land use. The District *is not* a land use agency.

The District did not receive notice of the July 17, 2024 ALUC hearing and proposed ALUCP Update, but assumes that in the future the District will receive adequate and timely notice concerning ALUCP changes.

With respect to the ALUCP Update, the District maintains that ALUCP sections, as described below, dealing with required ALUC review of District sphere of influence ("SOI") expansions, should be removed. This is because SOI decisions fall within the exclusive jurisdiction of the Napa County Local Agency Formation Commission ("LAFCO") under provisions of the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 *et seq,* "CKH").

Specifically at issue is ALUCP Update Section 2.5.2(a)(1), which indicates that a "Major Land Use Action," including an "expansion of the sphere of influence of a . . . special district" is subject to ALUC review.

However, such a determination and SOI expansion is within the exclusive jurisdiction of the Napa County LAFCO as confirmed by CKH in Government Code Sections 56301 and 56425[1]. The ALUCP Update does not state *how* a District SOI would be reviewed by the ALUC. For example, what ALUCP procedures or standards would evaluate the extension of the District fire and life safety services, especially if it involved the operation of the airport?

Additionally, the District as a "local agency," could *not* refer an SOI request involving the District to the ALUC if the SOI amendment is proposed by a resident voter or resident landowners in the affected territory.

There is both incorporated and unincorporated territory in the District within the Airport Influence Area ("AIA") for which the District, under the State Building Code and Uniform Fire Code, would, and has, imposed ministerial development conditions to ensure adequate fire flow and compliance with structural life and fire safety provisions. Again, the District exercises no land use functions in the AIA, but it does impose life and fire safety standards on development authorized by the County or the City. The District presently has mutual and automatic aid agreements with other fire agencies *in the AIA*, under which there have been continuous and frequent documented responses.

Modification of ALUCP Compatibility Zones to Allow District Fire Stations

The District specifically requests modification of the ALUCP Compatibility Zones to allow for a future District Fire Station which would afford shorter response times to residents and property owners in the AIA, including the airport.

This request would mean modification of ALUCP Chapter 5, Exhibit 5-1, p.56[2] which currently provides that for "Public Safety Facilities," including police and fire stations, being allowed in Zone C only if it is airport serving; being allowed in Zones B3, D1 and D2 only if site outside Zone would not serve an intended function. Additional criteria also requires that all Intensity Criteria have to be met.

The District maintains that primary *land uses determinations* on fire station locations in the ALUCP should be decided by the City or County and their respective land use standards. A fire station should *not* be precluded or restricted as described in the ALUCP Compatibility Zones, simply because the fire and life safety functions are being performed *now* by the District and a

[1] Both Government Code Sections 56301 and 56425 set forth procedures and standards under which a LAFCO SOI determination is to be made. For the District, the governmental services considered in an SOI expansion are the extension of fire and life safety services, not "*land use*" as the District does *not* have land use authority. This analysis is supported by *Growth Within Bounds* a report of the *Commission on Local Governance for the 21st Century* (January 2000), a document that has been judicially declared to be the legislative intent of CKH.

[2] Page 56 of Exhibit 5-1 is enclosed **Exhibit "A"** with the criteria for Public Safety Facilities is set forth as a line item.

District Fire Station within the AIA would be located on criteria that would be beneficial for fire and life safety concerns of residents, property owners and the airport operation itself: notably, emergency response times.

A Compressed ALUCP p.56 is set forth below to facilitate the requested District changes.

Intensity Criteria	Compatibility Zones								Intensity Criteria Interpretation
Max. Sitewide Average Intensity (people/acre) Max. Single-Acre Intensity (people/acre)	A	B1	B2	B3	C	D1	D2	E	All nonresidential development shall satisfy both sitewide and single-acre intensity limits
	0	50	75	150	100	200	300	No limit	
	0	100	225	450	300	800	1200		
	Aviation Easement						RON	APD	
Easement/Notification Requirement	Aviation Easement								
Land Use Category	**Legend (see last page of table for interpretation)**								**Additional Criteria**
- Multiple land use categories may apply to a project - Land uses not specifically listed shall be evaluated using the criteria for similar uses - Typical occupancy Load Factor (approx. # s.f./person) indicated for certain uses	Normally Compatible		Conditional		Incompatible				- Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone - Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Public Safety Facilities: police, fire stations									C: Allowed only if airport serving B3, D1, D2: Allowed only if site outside zone would not serve intended function All: Ensure intensity criteria met

Under the column "Intensity Criteria Interpretation," all the information currently set forth, should be modified. Clearly, the District would be airport-serving, as the District already provides fire and life safety service to the airport within the AIA. The designation "B3, D1 and D2: allowed only if site outside Zone would not serve intended function," cannot be applied to a District Fire Station as it makes no common sense. A fire station located in designation C, B3, D1 and D2, would benefit the airport and residents and property owners within the AIA with fire and life safety services with enhanced (shortened) response times for life and safety services

Finally, the intensity criteria application should also be removed, as a fire station properly located for enhancing response times would utilize the available lot space for all necessary fire and life safety facilities and equipment in full compliance with all FAA restrictions.

Public Utilities Code Section 21670

There is at least one portion of Public Utilities Code Section 21670[3] that is applicable for legal sufficiency of the ALUCP.

Public Utilities Code Section 21670(f) indicates that an ALUCP is applicable to "special districts." There is no definition advanced as to special districts. However, the *2011 Caltrans Handbook* offers the following analysis:

> "Special Districts, School Districts, and Community College Districts Pursuant to PUC Section 21670(f), the State Legislature has clarified its intent that "special districts, school districts, and community college districts are included among the local agencies that are subject to airport land use laws and other requirements of this article." Accordingly, ALUCs shall review land use plans, master plans, individual development projects, and other comparable actions proposed by the three types of districts identified above. As described in this chapter, the adoption and amendment of land use plans (general and specific plans) and development ordinances form a basis for cities and counties to engage in airport land use compatibility planning. Special districts, school districts, and community college districts do not, as a general rule, prepare such plans and ordinances. They do, however, acquire land and build or lease facilities, which would be actions subject to review within the AIA (or within two miles of an airport in the absence of an adopted AIA). It is therefore recommended that the districts and the ALUC establish a procedure to review such actions. Where such actions are within an area subject to a general plan, and that plan has been found consistent with the ALUCP, there are several procedures within the Government Code relating to special districts and school districts which could form the basis for compatibility planning: Major public works projects undertaken by special districts and school districts shall be submitted to the county or city planning agency for review as to conformity with the adopted general plan (Government Code Section 65401). The acquisition of land for public purposes, and the construction of a public building shall be submitted to the county or city planning agency for review as to conformity with the general plan (Government Code Section 65402). A special district or school district may prepare a five-year capital improvement program. This program shall be referred to the county or city planning agency for review as to conformity with the general plan (Government Code Section 65403)."

This *2011 Caltrans Handbook* analysis, by referring *only* to school districts, community college districts and special districts without specification to defined special districts suggests that fire protection districts are not included because of the fire and life safety services directly connected with their defined use and intensity of use.

[3] A copy of Public Utilities Code Section 21670 is attached as Exhibit "B."

These deficiencies of the proposed ALUCP Update have been discussed specifically by this Office and District Chief Belyea with the ALUC Executive Officer and ALUC Counsel Jason Dooley without an indication of whether they would be reviewed for change or even considered for change necessitating this communication.

Requested Modification; Concurrent CEQA Modification

The District respectfully requests that the appropriate modifications, as discussed above, be made to the ALUCP Update Project Description and concurrent changes be made to the Project Negative Declaration all accomplished in full compliance with procedural and substantive requirements for adoption of the ALUCP.

Should you have questions concerning the matter set forth in this communication, please contact District Chief Geoff Belyea at: gbelyea@amcanfire.com, or contact the undersigned at wross@lawross.com.

Very truly yours,

William D. Ross
District Counsel

Enclosure: Exhibit A – ALUCP Page 56 of Exhibit 5.1
Exhibit B – Public Utilities Code Section 21670

cc: Leon Garcia, Chair
David Oro, Vice Chair
Mark Joseph, Board Member
Mariam Aboudamous, Board Member
Pierre Washington, Board Member
Geoff Belyea, Fire Chief
Martha Banuelos, Fire Executive Assistant
American Canyon Fire Protection District

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Steven Lederer
Director

A Tradition of Stewardship
A Commitment to Service

July 9, 2024

Sent Electronically

Ms. Dana Morrison
Supervising Planner - Conservation
Napa County - PBES
1195 Third Street, Suite 210
Napa, CA 94559

Ms. Maranda Thompson
Ms. Marieke Armstrong
Mead & Hunt
180 Promenade Cir Suite 240
Sacramento, CA 95834

Subject: Proposed ALUCP Support

Dear Ms. Morrison,

As the Napa County Airport Manager, I support the final draft of the proposed ALUCP as presented in the public workshop.

The Project Development Team (PDT), for which I was a member, evaluated the proposed elements for conformance with the updated California handbook guidance and discussed the factors for which a functioning and growing airport should limit responsible developers. The PDT meetings included respectful dialogue on the growing pressures for development opportunity that are opposing the standing subjects of aviation safety, aircraft overflight, and noise-sensitive building occupancies.

I support the proposed revisions to the Napa County Airport compatibility zones. This does not impart significant adverse impacts to future private land use. It also demonstrates reasonable flexibility in allowing expanded housing development (splitting D Zone into D1 and D2). The provided work aides (graphics) developed in the package are substantial improvements for staff administration of the ALUCP policies.

As a member of the Project Development Team (PDT), PBES and Mead & Hunt as consultant did a great job creating the technical papers and moving the work through our thoughtful review. I look to follow the public process bringing forward community views about the ways in which property owners can make the best use of their land with a safe and thriving airport in their midst.

Thank you,

Mark Witsoe

Mark Witsoe, A.A.E./CAE
Airport Manager

C: Wendy Dau, Dep. County Counsel
Leigh Sharp, Dep. Dir. Public Works

Cheyenne Engelstad

From: Cheyenne Engelstad
Sent: Friday, November 1, 2024 8:14 AM
To: Cheyenne Engelstad
Subject: FW: Question on Mead and Hunt meeting slides Angwin Airport.

Cheyenne Engelstad (She, Her, Hers)
Planning Technician | Aviation
Direct: 707-284-8679 | Transfer Files
Mead&Hunt
LinkedIn | Facebook | Instagram

From: ruralangwin <kelliegato@gmail.com>
Sent: Thursday, October 31, 2024 12:39 PM
To: Morrison, Dana <dana.morrison@countyofnapa.org>
Cc: Beth Brown <beth-m-brown@comcast.net>; Beth Huning <bhuning@comcast.net>; Margo Kennedy <margo@onemain.com>; Brenda Blinn <Brendablinn06@gmail.com>; Ken Stanton <ken.stan395@gmail.com>; Angela Sosna <A.sosna@yahoo.com>; Kent Gaisford <kentgaisford@gmail.com>; Steve Booska <boos1@ix.netcom.com>; Mike Hackett <mhackett54@gmail.com>; stephen kuhler <skuhler@pacbell.net>; Elaine de Man <elainede@sbcglobal.net>
Subject: Question on Mead and Hunt meeting slides Angwin Airport.

[External Email - Use Caution]

Hi Dana,

Just quick question. On the Mead and Hunt slide presentation on the Angwin Airport Plan, I called attention to the statement "result in a net increase in allowed units".

Was that statement just a part of the presentation or is it actually contained in the CEQA documents or the Plan? I recall the presenter stated it " was an unfortunate choice of words".

If that phrase is contained in CEQA or the Plan I request that it be removed. It was not substantiated in the meeting that any additional " increase in units" is allowed, envisioned, permitted, accommodated or created by the plan or the Plan's environmental review.

Again, please thank the Mead and Hunt representatives. It was an informative session.

Best regards,

Kellie Anderson

Cheyenne Engelstad

From: Cheyenne Engelstad
Sent: Friday, November 1, 2024 8:27 AM
To: Cheyenne Engelstad
Subject: FW: Compatibility Plan

Cheyenne Engelstad (She, Her, Hers)
Planning Technician | Aviation
Direct: 707-284-8679 | Transfer Files
Mead&Hunt
LinkedIn | Facebook | Instagram

-----Original Message-----
From: Mike Hackett <mhackett54@gmail.com>
Sent: Thursday, October 31, 2024 10:49 AM
To: Morrison, Dana <dana.morrison@countyofnapa.org>
Subject: Compatibility Plan

[External Email - Use Caution]

Rather than re-writing, I'll just copy paste my note to Brian. I hope you can do this on the county's dime. You were an amazingly great example of how we citizens like to be treated by staff. Thank you so very much.

Here ya go:

I'm going to ask Dana for one item: The old compatibility plan overlayed the affordable housing sites laid side by side with the new Mead and Hunt plan. That's an easy way for me to be sure that the new comparability plan wasn't maneuvered to enhance the possibility of using those sites, which would appear to throw safety to the wind. Truthfully changing the percentages to allow more market rate homes was a blunder because a mini-subdivision off the south end of the airport manifests in less safety.

Mike

Sent from my iPhone

Cheyenne Engelstad

From: Cheyenne Engelstad
Sent: Friday, November 1, 2024 8:30 AM
To: Cheyenne Engelstad
Subject: FW: ALUCP Interested Parties - Draft Response to Comments and Draft ALUCP Addendum

Cheyenne Engelstad (She, Her, Hers)
Planning Technician | Aviation
Direct: 707-284-8679 | Transfer Files
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From: Martinez, Tiffany@DOT <Tiffany.Martinez@dot.ca.gov>
Sent: Thursday, October 31, 2024 1:12 PM
To: Morrison, Dana <dana.morrison@countyofnapa.org>
Subject: RE: ALUCP Interested Parties - Draft Response to Comments and Draft ALUCP Addendum

[External Email - Use Caution]

Hi Dana,

Thank you for sharing this information. I wanted to let you know that I'm currently reviewing the Draft ALUCP and the Addendum, and I aim to provide my feedback letter by Monday at the latest. I apologize for not addressing this sooner.

I have a question regarding the residential density criteria. On page 3-10, it discusses residential development density and indicates that residential uses must comply with both the "sitewide average" and "single acre" density limits for each compatibility zone. However, in Exhibits 4-1 and 5-1 for each airport, only intensity criteria limits are specified, without mention of residential density limits. Could you please clarify where the residential density limits are detailed? I noticed dwelling unit restrictions listed only for Zone D2 under the residential section in each exhibit, but this doesn't fully align with the information presented in Policy 3.4.

Thank you,

Tiffany A. Martinez
Office of Aviation Planning
Division of Aeronautics
(916) 879-6596
tiffany.martinez@dot.ca.gov
aeronautics-planning@dot.ca.gov

From: Morrison, Dana <dana.morrison@countyofnapa.org>
Sent: Friday, October 25, 2024 7:06 PM
To: steve@landvalueinvestment.com; Rick Hess (rick@rhhess.com) <rick@rhhess.com>; Fran Lemos <fran8@napanet.net>; tpersson@hesspersson.com; tpersson@hesscollection.com; David Gilbreth <davidgnapa@icloud.com>; Mike Conklin <mconklin@sentinelsoffreedom.org>; Bill Ross - External <wross@lawross.com>; Leon Garcia <LeonG@cityofamericancanyon.org>; David Oro <david.oro@cityofamericancanyon.org>; Mark Joseph <mjoseph@cityofamericancanyon.org>; Mariam Aboudamous <maboudamous@americancanyon.gov>; Pierre Washington <pwashington@americancanyon.gov>; Jason Holley <jholley@cityofamericancanyon.org>; Brent Cooper <bcooper@americancanyon.gov>; Ricky Caperton <rcaperton@cityofnapa.org>; Vincent Smith <vsmith@cityofnapa.org>; External, mark.witsoe@DOT <mark.witsoe@countyofnapa.org>; Sam Heier <sheier@puc.edu>; Joy Hirdler <jhirdler@puc.edu>; Robert J Edwards <redwards1744@gmail.com>; ruralangwin <kelliegato@gmail.com>; Hackett Mike <mhackett54@gmail.com>; Morrison, Clark <cmorrison@coxcastle.com>; Magnuson, Nicholas@Wildlife <Nicholas.Magnuson@Wildlife.ca.gov>; Martinez, Tiffany@DOT <Tiffany.Martinez@dot.ca.gov>; Rob Anglin <anglin@htralaw.com>; Ronald Fedrick <rfedrick@novabpllc.com>; Geoff Belyea <gbelyea@amcanfire.com>; Nick Johnson <nick@jacair.com>; Mark Funseth (mfunseth@channelprop.com) <mfunseth@channelprop.com>
Cc: Dooley, Jason <Jason.Dooley@countyofnapa.org>
Subject: ALUCP Interested Parties - Draft Response to Comments and Draft ALUCP Addendum

EXTERNAL EMAIL. Links/attachments may not be safe.

Good evening,
You have all expressed interested in the ALUCP update and/or provide comments on the update. Currently, the ALUC is planning to hold a public hearing on November 6, 2024 to adopt the updated ALUCP. A Staff Report with the Final Response to Comments (updated to reflect any additional comments received between now and Staff Report being released) and the Final Addendum detailing the proposed changes to the ALUCP will be released later next week. However, as many have expressed an interest in seeing the proposed changes sooner rather than later, I wanted to release these Drafts to provide additional time for interested parties to able to review. Please find a copy of the Addendum attached for your review, the RTC was too large to be attached and can be found at the cloud link noted below. Separate copies of the comments received to date, as well as the Draft Addendum, and, of course, the RTC can also be found at the Current Project Explorer – ALUCP Update cloud link below:
https://pbes.cloud/index.php/s/bPMDHF3fgEDER8A

If you have issues accessing the information or have questions, please do not hesitate to reach out to me individually via email or phone, **please do not reply all**.

Regards,

A Tradition of Stewardship
A Commitment to Service

Dana Morrison (she | her | hers)
Supervising Planner - Conservation
Planning, Building, & Environmental Services
Napa County

Phone: 707-253-4437

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California Department of Transportation

DIVISION OF AERONAUTICS - M.S. #40
1120 N STREET
P. O. BOX 942874
SACRAMENTO, CA 94274-0001
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www.dot.ca.gov

November 1, 2024

Dana Morrison
ALUC Executive Officer
Napa County
1195 3rd St, Ste. #210
Napa, CA, 94559

Electronically Sent <dana.morrison@countyofnapa.org>

Dear Ms. Morrison:

The California Department of Transportation (Caltrans), Division of Aeronautics, commends Napa County (County) for its efforts in updating the Airport Land Use Compatibility Plan (ALUCP). This proactive step reflects a strong commitment to enhancing safety, livability, and economic vitality for both residents and visitors of Napa County. The Division greatly appreciates the County's recognition of the importance of maintaining up to date ALUCPs. These plans serve as critical tools for safeguarding public safety and ensuring the protection of aviation users.

The Division reviewed the Draft ALUCP for the County dated May 2024 and the Draft Addendum No. 1 dated October 25, 2024, pursuant to the California State Aeronautics Act and California Public Utilities Code (PUC), section 21670 et seq. with respect to airport-related noise, safety impacts, and regional aviation land use planning issues. Additionally, this ALUCP was reviewed for consistency with the concepts, principles, practices, and policies contained in the California Airport Land Use Planning Handbook (Handbook) dated October 2011. In part, the PUC, section 21674.7(b) states:

> It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the Division . . .

Our comments are intended to ensure that the requirements and processes of PUC, Section 21670 et seq., and the Handbook are properly implemented but are not intended to establish land uses in the vicinity of the Napa County Airport and the Angwin Airport-Parrett Field located in Napa County.

Our comments of the Draft Napa Countywide ALUCP for Napa County Airport and the Angwin Airport-Parrett Field are as follows:

- **Ch. 1 Introduction**

Please include in Ch. 1 the resolution that formed the ALUC in Napa County.

- **Page 1-3 Section 1.3.1.**

Please revise the broken link referencing the October 2011 edition of the CA Airport Land Use Planning Handbook available for download. We recommend including the homepage of the Caltrans Aeronautics website. Found here: https://dot.ca.gov/programs/transportation-planning/division-of-transportation-planning/aeronautics

- **Page 1-11 Section 1.5.5.**

Please update the attachments for the copies of the resolutions that adopt this ALUCP and specify the location of the attachments if not included within the ALUCP. We also recommend including the resolution number in the text of the ALUCP.

- **Page 2-10 Section 2.4.1.**

Under Section 2.4.1., Policy 2.4.1.(3), should keep the sentence "Amendments to general plans, specific plans, zoning ordinance, or building regulation that affect lands within an Airport Influence Area" but remove the latter portion which states "The ALUC Executive Officer is authorized on behalf of the ALUC to provide comments on Land Use Actions involving parcel-specific amendments (e.g., zoning variance associated with a development proposal)." Local agencies always must refer these actions to the ALUC, and not the ALUC Executive Officer, for determination of consistency with the ALUCP.

- **Ch. 2 Procedural Policies**

Please include the following language or similar in the ALUCP to differentiate the basis of the actions of the ALUC Executive Officer from the powers and authority of the ALUC.

"The State Aeronautics Act (SAA) governs the mandatory process local public entities must follow regarding the statutes that define the powers and duties of an Airport Land Use Commission (ALUC). Under Public Utilities Code (PUC) Sections 21674 and 21676, no authorization exists for delegating the Commission's powers and duties to any other party for the purpose of reviewing general or specific plans for consistency determinations. Furthermore, Sections 21674 and 21676 further restrict delegation of the ALUC's authority to another party in relation to actions taken by a local public entity on amendments to general or specific plans.

The PUC does not authorize the delegation of the ALUC's duty to anyone else, or in this case, an ALUC Executive Officer. PUC Section 21671.5 (e) states:

> The commission shall meet at the call of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members shall constitute a quorum for the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership.

The SAA further provides that "In order to carry out its responsibilities, the commission may adopt rules and regulations consistent with this article." (PUC Section 21674 2(f)). Caltrans interprets this as permitting the ALUC, in limited circumstances, to appoint a party to review certain ministerial actions that do not contravene Sections 21674 or 21676, thereby supporting the "orderly development of air transportation, while at the same time protecting the public health, safety and welfare." The appointment of such a party is to help facilitate the powers and duties of the ALUC and to alleviate its workload but is not authorized in any manner to usurp the powers and duties of the ALUC that the SAA specifically grants, or to act in an ultra vires manner.

It is a requirement by law that participation of the majority of the commission members are to constitute a quorum to take any formal action, which includes consistency determinations**.** PUC, Section 21674, sets forth the powers and duties of the "commission" only."

- **PG 3-10 Section 3.4.1.(c)**

This section refers to residential "sitewide average" and "single-acre" usage Density limits indicated for each Compatibility Zone, however there is not a section located in the ALUCP or in Exhibit 4-1 and Exhibit 5-1 that identifies Density limits for residential sitewide averages or single-acre averages. Please correct or clarify this specification. If there are residential density limits identified for maximum sitewide averages and maximum single-acre averages, please indicate this information in the Basic Compatibility Criteria exhibits for each airport.

- **PG 3-20 Section 3.5 Airspace Protection Compatibility Policies**

An additional mention regarding obstructions is encouraged. The following is recommended for consideration:

"An FAA Determination of No Hazard to Air Navigation does not automatically qualify as a Consistency Determination by the ALUC. In its aeronautical study, the FAA may determine that a project constitutes an Obstruction, although not a Hazard to Air Navigation. The Commission may deem a project inconsistent based on findings from an aeronautical study. Additionally, the Commission may apply criteria specific to the protection of aircraft traffic patterns at individual airports—criteria that may differ from those under Federal Aviation Regulation Part 77—when there is sufficient evidence indicating concerns related to health, welfare, or air safety."

- **Exhibit 4-1: Basic Compatibility Criteria, Angwin Airport – Parrett Field (June 2023 Working Draft)**

- Compatibility Zone B of the Angwin Airport-Parrett Field correlates with Safety Zone 2 of the Handbook.

As it stands in the ALUCP, the maximum sitewide average intensity and the maximum single-acre intensity of Compatibility Zone B are not compatible with the Handbook guidelines for maximum non-residential intensities average number of people per gross acre and the maximum single acre for non-residential intensities.

For rural classifications, the Handbook stipulates 10-40 people per gross acre for maximum non-residential intensities, the ALUCP has 50 people per acre for Compatibility Zone B. This is 10 people per acre more than directed in the Handbook. Additionally, the ALUCP lists 100 people per acre for maximum single acre intensities however the Handbook states 50-80 people. This is 20 people per acre over the maximum recommendation.

We advise that these averages be adjusted to reflect the Handbooks guidance due to the high-risk level of Safety Zone 2.

- Labor-intensive industrial uses are prohibited in Safety Zone 2, which correlates with Compatibility Zone B of the ALUCP. Under "Industrial, Manufacturing, and Storage Uses," "Light Industrial, High Intensity Uses" are listed as Conditionally Compatible. It is recommended that this use be prohibited in Compatibility Zone B. (PG 4-6).

- Please add language that clarifies the difference between Hazardous uses related to above-ground storage tanks, which are prohibited in Safety Zone 2 of the Handbook (Compatibility Zone B) and other permitted uses of bulk storage of hazardous materials that is stipulated as conditionally compatible for some uses in Compatibility Zone B. (PG 4-6). It may be beneficial to specify the First and Second Group hazardous facilities on PG 3-19 of Policy 3.4.9(b)(1) in the Basic Compatibility Criteria Exhibit 4-1.

- Please add "CNEL 45 dB max. interior noise level" as a conditional compatibility criterion under the "Residential and Lodging Uses" category for Compatibility Zone D2 "Single-Family Residential" and "Multi-Family Residential" uses in Exhibit 4-1. This is reflective of Policy 3.3.2. on PG 3-8.

- **Exhibit 4-2 – Compatibility Policy Map, Angwin Airport-Parrett Field**
  Safety Zone D1 (Traffic Pattern Zone) and D2 (Other Airport Environs)

It is noted that Compatibility Zone D1(Traffic Pattern Zone) only encompasses the right side of the runway and does not encompass the left side of the runway, as guided by the Handbook, per the SAA. The Handbook acts as the starting point for determining airport safety zones and compatibility policies. While Compatibility Zone D2 captures the intensity criteria stipulated in the Handbook for Safety Zone 6, it does not fully encompass the surface area guided by the Handbook.

While a single-sided traffic pattern may eliminate the turning zone on the non-pattern side of the runway, it still calls for some amount of buffer to be maintained (PG 3-23, 2011 Handbook).

Please also note Example 4 on Page 3-18 of the 2011 Handbook, the short General Aviation (GA) runway for a single sided traffic pattern eliminates Safety Zone 3 on one side but still contains the full dimensions of Safety Zone 6.

Please include the aeronautical reasoning, some of which was provided in the Response to Comments Matrix of October 25th, 2024, in the ALUCP for the variation of Compatibility Zone D2 (and D1 where applicable).

- **Exhibit 5-1: Basic Compatibility Criteria, Napa County Airport (June 2023 Working Draft)**

- Under "Commercial, Office, and Service Uses," "Eating/Drinking Establishments" is listed as incompatible in B1. However, in the "Additional Criteria" section it specifies "B1, B2, B3, C, D1, D2: Ensure intensity criteria met". Please remove B1 from this statement as this use is prohibited. (Pg. 5-6).

- Compatibility Zone B2 of Napa County Airport corresponds with Safety Zone 3 as defined in the Handbook. Assembly facilities are prohibited in Safety Zone 3. Within the "Educational and Institutional Uses" category, "Indoor Small Assembly Facilities" are listed as Conditionally Compatible. Additionally, group recreational uses are prohibited in Safety Zone 3, while "Indoor Recreation" is listed as Conditionally Compatible in Compatibility Zone B2. It is recommended that these uses be classified as prohibited in Compatibility Zone B2. (PG 5-6).

- Compatibility Zone B3 of Napa County Airport corresponds with Safety Zone 4 of the Handbook. Group recreational uses are prohibited in Safety Zone 4. Under "Outdoor Uses," "Outdoor Group Recreation" and under "Educational and Institutional Uses," "Indoor Recreation" are listed as Conditionally Compatible. It is recommended that these uses be classified as prohibited in Compatibility Zone B3. (PG 5-5. 5-6).

- Compatibility Zone C of Napa County Airport corresponds with Safety Zone 5 of the Handbook. Group recreational uses are prohibited in Safety Zone 5. Under "Outdoor Uses," "Outdoor Group Recreation" and under "Educational and Institutional Uses," "Indoor Recreation" are listed as Conditionally Compatible. It is recommended that these uses be classified as prohibited in Compatibility Zone C. (PG 5-5. 5-6).

- Please add language that clarifies the difference between Hazardous uses related to above-ground storage tanks, which are prohibited in Safety Zone 2 of the Handbook (Compatibility Zone B1) and other permitted uses of bulk storage of hazardous materials that is stipulated as conditionally compatible for some uses in Compatibility Zone B1. (PG 5-6, 5-7). It may be beneficial to specify the First and Second Group hazardous facilities on PG 3-19 of Policy 3.4.9(b)(1) in the Basic Compatibility Criteria Exhibit 5-1.

- Under the "Education and Institutional Uses" category, "Family day care homes," it is recommended that the 45 dB max. interior noise level criteria be applied to Compatibility Zone B3 as it is reflected across Compatibility Zones B1, B2, and C. (PG 5-5). Including this restriction helps ensure the safety and welfare of vulnerable populations, such as children. This change would be reflective of Policy 3.3.2. on PG 3-8 of the ALUCP.

- Please add "CNEL 45 dB max. interior noise level" as a conditional compatibility criterion under the "Residential and Lodging Uses" category for Compatibility Zone D2 "Multi-Family Residential" use in Exhibit 5-1. This is reflective of Policy 3.3.2. on PG 3-8.

- **Exhibit 5-2: Compatibility Policy Map, Napa County Airport**

Upon an internal review of the Exhibit 5-2 Compatibility Zones against the generic safety zones of the Handbook, it was determined that Compatibility Zone B2 does not accurately encompass the dimensions of Safety Zone 3 on the Northern portion of the airport (towards Devlin Road). Please revise Compatibility Zone B2 to accommodate the northeast portion which needs to be extended longer, and the northwest portion which needs to be widened. As it stands there are portions of the Handbook Safety Zone 3, which has a Moderate to High risk level, that sit in Zone D1, which reflects Safety Zone 6 of the Handbook and has a Low risk level instead of B2.

The Division commends the ALUC, Napa County, and all involved stakeholders for their thorough and comprehensive update to the ALUCP, which effectively safeguards the interests of Napa County Airport, Angwin Airport-Parrett Field, and the surrounding communities. Additionally, the Division appreciates the ALUC's initiative in including language within the ALUCP to address Advanced Air Mobility and vertiports.

Thank you for the opportunity to comment on the Draft Napa County ALUCP, dated May 2024 and the Draft Addendum No. 1 dated October 25, 2024. If you have any questions, please contact me at tiffany.martinez@dot.ca.gov.

Sincerely,

Tiffany Martinez

Tiffany Martinez
Associate Transportation Planner
Division of Aeronautics

c: Matthew Friedman, Chief Office of Aviation Planning, matthew.friedman@dot.ca.gov, Wendy Atkins, ALUC Staff Liaison, Napa County <Wendy.Atkins@countyofnapa.org>, Charles Koch, ALUC Chair, Napa County <charles.koch@countyofnapa.org>

Cheyenne Engelstad

From: Cheyenne Engelstad
Sent: Tuesday, November 5, 2024 3:43 PM
To: Cheyenne Engelstad
Subject: FW: Question on Mead and Hunt meeting slides Angwin Airport.

Cheyenne Engelstad (She, Her, Hers)
Planning Technician | Aviation
Direct: 707-284-8679 | Transfer Files
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LinkedIn | Facebook | Instagram

From: Mike Hackett <mhackett54@gmail.com>
Sent: Monday, November 4, 2024 2:56 PM
To: Morrison, Dana <dana.morrison@countyofnapa.org>
Cc: ruralangwin <kelliegato@gmail.com>; Margo Kennedy <margo@onemain.com>; Ken Stanton <ken.stan395@gmail.com>; Beth Brown <beth-m-brown@comcast.net>; Beth Huning <bhuning@comcast.net>; Angela Sosna <A.sosna@yahoo.com>; Steve Booska <boos1@ix.netcom.com>; Scott Davis <prioritytree@gmail.com>; Brenda Blinn <Brendablinn06@gmail.com>
Subject: Re: Question on Mead and Hunt meeting slides Angwin Airport.

[External Email - Use Caution]

Dana, good afternoon.
1. There are two affordable housing sites. You only identified one.
2. Was Mead and Hunt aware of the two sites or just one? Did their compatabilty plan take them into account much like they did with the defunct Campus Master Plan and/or the pie in the sky chance of a runway expansion
3. I'm sorry, but this plan has not been thoroughly analyzed, and once again, you should delay the acceptance vote.

Thank you,

Mike
Sent from my iPhone

> On Nov 4, 2024, at 1:31 PM, Morrison, Dana <dana.morrison@countyofnapa.org> wrote:
>
> Afternoon Kellie,
> Please see the response below, that was incorporate into the Response To Comment Matrix and that was released with the ALUCP Agenda for the 11.6.2024 Hearing. The response to your email comment from Oct 32st was included and is on page 442 of the Agenda Packet:

"As indicated in the July 17, 2024, hearing presentation (slide 29), the reference to "will result in a net increase in allowed units" is intended to highlight the difference between the 1999 ALUCP and 2024 Draft ALUCP by indicating that the draft ALUCP would enable county to allow additional housing units subject to local general plans and regulations. As noted on slide 7 (ALUC Limitations) and slide 9 (Relationship to Other Plans), the ALUC may only recommend land use measures for local adoption; the ALUC has no land use authority to allow or approve land use development. The County of Napa has land use authority for the unincorporated lands within the Angwin Airport Influence Area.

The IS/ND was updated to clarify this as well.

Here is a link to the ALUC Agenda items – you can download the Agenda and Agenda Packet by going to the 11/6/2024 Airport Land Use Commission meeting date: Napa County - Calendar

Regards,

<image001.png>

Dana Morrison (she | her | hers)
Supervising Planner - Conservation
Planning, Building, & Environmental Services
Napa County

Phone: 707-253-4437

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Napa, CA 94559
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From: ruralangwin <kelliegato@gmail.com>
Sent: Monday, November 4, 2024 1:21 PM
To: Morrison, Dana <dana.morrison@countyofnapa.org>
Cc: Mike Hackett <mhackett54@gmail.com>; Margo Kennedy <margo@onemain.com>; Ken Stanton <ken.stan395@gmail.com>; Beth Brown <beth-m-brown@comcast.net>; Beth Huning <bhuning@comcast.net>; Angela Sosna <A.sosna@yahoo.com>; Steve Booska <boos1@ix.netcom.com>; Scott Davis <prioritytree@gmail.com>; Brenda Blinn <Brendablinn06@gmail.com>
Subject: Re: Question on Mead and Hunt meeting slides Angwin Airport.

[External Email - Use Caution]

Hi Dana,

Good Monday Morning. Resending this question as I could not find your response.

On Thu, Oct 31, 2024 at 12:39 PM ruralangwin <kelliegato@gmail.com> wrote:

> Hi Dana,
>
> Just quick question. On the Mead and Hunt slide presentation on the Angwin Airport Plan, I called attention to the statement "result in a net increase in allowed units".
>
> Was that statement just a part of the presentation or is it actually contained in the CEQA documents or the Plan? I recall the presenter stated it " was an unfortunate choice of words".

If that phrase is contained in CEQA or the Plan I request that it be removed. It was not substantiated in the meeting that any additional " increase in units" is allowed, envisioned, permitted, accommodated or created by the plan or the Plan's environmental review.

Again, please thank the Mead and Hunt representatives. It was an informative session.

Best regards,

Kellie Anderson

1999 ALUCP Angwin Map with housing Site A and Site B

Updated 2024 ALUCP Angwin Map with housing Site A and Site B

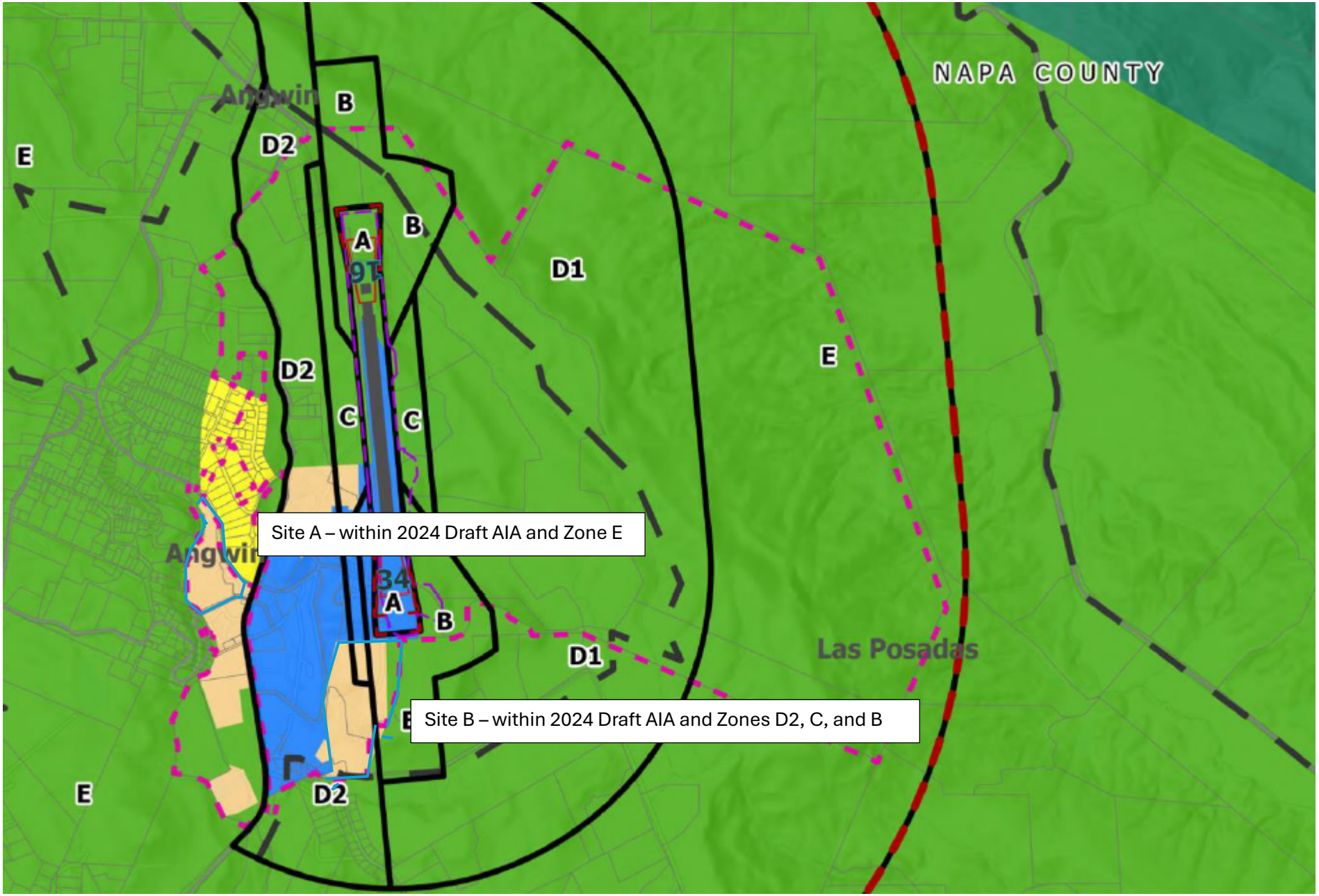


Figure 3-3 Napa County Housing Element Update Draft EIR from 2009

FIGURE 3-3

AMERICAN CANYON FIRE PROTECTION DISTRICT

Geoff Belyea
Fire Chief

911 DONALDSON WAY, EAST
AMERICAN CANYON, CA. 94503
Phone 707-551-0650 Fax 707-642-0201

Cliff Campbell
Assistant Fire Chief

November 5, 2024

VIA E-MAIL
Charles Koch, Chair
and Commission Members
Dana Morrison, Executive Officer
Napa County Airport Land Use Commission
1195 Third Street, Suite 210
Napa, CA 94559

Re: October 25, 2024 Draft Napa County Airport Land Use Compatibility Plan

Dear Chair Koch, Commission Members and Executive Officer Morrison:

This communication is written after review of the distribution on the evening of Friday, October 25, 2024, by the Napa County Airport Land Use Commission ("ALUC") of an updated draft ALUC Compatibility Plan ("ALUCP").

This communication comments on behalf of the American Canyon Fire Protection District ("District") on the ALUCP as well as related actions or omissions under the California Environmental Quality Act ("CEQA") for purposes of the record on the substantive decision of the ALUC and the record on the CEQA Initial Study/Negative Declaration also made available on October 25, 2024.

Enclosed is a copy of the District's October 23, 2024 communication, which confirms that the issues raised in that communication concerning ALUCP modification were raised informally with both the ALUC Executive Officer and ALUC Counsel.

The District again raises the issue of the proposed definition of a "Major Land-Use Action" [ALUCP Section 2.5.2(a)(1)] to include the:

"Expansion of the sphere of influence of a city or a special district."

Again, under the District's enabling act, the Fire Protection District Act of 1987 (Health and Safety Code Section 13800 *et seq.* ("Act"), the District does *not* have land-use powers but does possess the powers and services as specifically described in Health and Safety Code Sections 13861 and 13862.

Stated plainly, the District could not accomplish a land-use action because it does *not* have land-use power nor is land use a "service" of the District.

The determination of a sphere of influence ("SOI") lies within the exclusive jurisdiction of a local agency formation commission ("LAFCO") such as the Napa County LAFCO as governed by the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 *et seq.* ("CKH").[1]

Under CKH, an SOI:

> . . . means a plan for the probable physical boundaries and service area of a local agency as determined by the commission." *See*, Section 56076.

The plain meaning[2] of CKH must be followed. To accept ALUC Staff and Counsel interpretation would require adding the words "and an Airport Land-Use Commission" to the CKH definition of a SOI. Fundamental rules of statutory construction prohibit adding words to a statute. *See*, *Burden v. Snowden*, 2 Cal.4th 556, 562 (1992); modified, 2 Cal.4th 758.

CKH "provides the sole and exclusive authority and procedure for the initiation, conduct and completion of changes of organization and reorganization for cities and districts." *See* Section 56100 *et seq.*

CKH Section 56425 sets forth a detailed procedure for the formulation of an SOI requiring consultation with cities and special districts. No mention is made of consultation with an Airport Land-Use Commission.

An SOI amendment may be submitted by a local agency (Section 56054) or by a landowner or landowners (Section 56428(a)).

Assuming for the moment only that a landowner submitted an application for an SOI to the ALUC, what would be the procedure if the ALUC denied the application for an SOI amendment? Landowners are not a "local agency" that could somehow meet and override the ALUC decision. In short, the position of ALUC Staff and Counsel that the ALUCP can require review of a city of special district in an illogical interpretation of the involved statutory schemes, something which is to be avoided. *See*, *Landrum v. Superior Court*, 30 Cal.3d 1, 9 (1981).

To further emphasize the inappropriate inclusion in the ALUCP of a Major Land-Use Action to include expansion of the SOI of a city or special district, is the fact that the Napa County LAFCO *was not* included in the mailing list for the updated ALUCP. *See*, ALUCP Attachment F.

[1] All Section references are to the Government Code Section unless otherwise noted

[2] It is axiomatic that in the interpretation of a statute where the language is clear, its plain meaning should be followed. *See*, *Timber Ridge Enterprises, Inc. v. City of Santa Rosa,* 86 Cal.App.3d 873, 886 (1978).

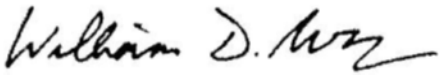
This lack of notice was confirmed by the LAFCO Executive Officer this morning who will be commenting on the substance of the ALUCP and the claim of SOI review authority in the ALUCP.

The District again reiterates the balance of the revisions to the ALUCP set forth in its October 23, 2024 communication.

As for CEQA compliance, the continued inaccurate designation of an ALUCP SOI review process means the Project description is inaccurate.

If upon review you have questions, please contact me.

Very truly yours,



William D. Ross
District Counsel

Enclosure: October 23, 2024 Communication

cc: Leon Garcia, Chair
David Oro, Vice Chair
Mark Joseph, Board Member
Mariam Aboudamous, Board Member
Pierre Washington, Board Member
Geoff Belyea, Fire Chief
Martha Banuelos, Fire Executive Assistant
American Canyon Fire Protection District

Jason Dooley, Deputy County Counsel
Office of the Napa County Counsel

Brendon Freeman, Executive Officer
Napa County LAFCO

AMERICAN CANYON FIRE PROTECTION DISTRICT

Geoff Belyea
Fire Chief

911 DONALDSON WAY, EAST
AMERICAN CANYON, CA. 94503
Phone 707-551-0650 Fax 707-642-0201

Cliff Campbell
Assistant Fire Chief

October 23, 2024

VIA E-MAIL
Dana Morrison, Executive Officer
Napa County Airport Land Use Commission
1795 Third Street, Suite 210
Napa, CA 94559
Dana.Morrison@CountyofNapa.org

Re: Comments of the American Canyon Fire Protection District on the Proposed Napa County Airport Land Use Compatibility Plan

Dear Executive Officer Morrison:

This communication comments on behalf of the American Canyon Fire Protection District ("District"), a separate legal entity from the City of American Canyon, on the draft Airport Land Use Compatibility Plan ("ALUCP") Update and related actions under the California Environmental Quality Act ("CEQA") after review of actions taken at the Napa County Airport Land Use Commission ("ALUC") meeting of July 17, 2024 and subsequent meetings with ALUC Staff.

First, the District is governed by the Fire Protection District Law of 1987 (Health and Safety Code Section 13800 *et seq* (the "Act"), which in Health and Safety Code Sections 13861 and 13862, sets forth the powers and services of the District which *do not* include land use. The District *is not* a land use agency.

The District did not receive notice of the July 17, 2024 ALUC hearing and proposed ALUCP Update, but assumes that in the future the District will receive adequate and timely notice concerning ALUCP changes.

With respect to the ALUCP Update, the District maintains that ALUCP sections, as described below, dealing with required ALUC review of District sphere of influence ("SOI") expansions, should be removed. This is because SOI decisions fall within the exclusive jurisdiction of the Napa County Local Agency Formation Commission ("LAFCO") under provisions of the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 *et seq,* "CKH").

Specifically at issue is ALUCP Update Section 2.5.2(a)(1), which indicates that a "Major Land Use Action," including an "expansion of the sphere of influence of a . . . special district" is subject to ALUC review.

However, such a determination and SOI expansion is within the exclusive jurisdiction of the Napa County LAFCO as confirmed by CKH in Government Code Sections 56301 and 56425[1]. The ALUCP Update does not state *how* a District SOI would be reviewed by the ALUC. For example, what ALUCP procedures or standards would evaluate the extension of the District fire and life safety services, especially if it involved the operation of the airport?

Additionally, the District as a "local agency," could *not* refer an SOI request involving the District to the ALUC if the SOI amendment is proposed by a resident voter or resident landowners in the affected territory.

There is both incorporated and unincorporated territory in the District within the Airport Influence Area ("AIA") for which the District, under the State Building Code and Uniform Fire Code, would, and has, imposed ministerial development conditions to ensure adequate fire flow and compliance with structural life and fire safety provisions. Again, the District exercises no land use functions in the AIA, but it does impose life and fire safety standards on development authorized by the County or the City. The District presently has mutual and automatic aid agreements with other fire agencies *in the AIA*, under which there have been continuous and frequent documented responses.

Modification of ALUCP Compatibility Zones to Allow District Fire Stations

The District specifically requests modification of the ALUCP Compatibility Zones to allow for a future District Fire Station which would afford shorter response times to residents and property owners in the AIA, including the airport.

This request would mean modification of ALUCP Chapter 5, Exhibit 5-1, p.56[2] which currently provides that for "Public Safety Facilities," including police and fire stations, being allowed in Zone C only if it is airport serving; being allowed in Zones B3, D1 and D2 only if site outside Zone would not serve an intended function. Additional criteria also requires that all Intensity Criteria have to be met.

The District maintains that primary *land uses determinations* on fire station locations in the ALUCP should be decided by the City or County and their respective land use standards. A fire station should *not* be precluded or restricted as described in the ALUCP Compatibility Zones, simply because the fire and life safety functions are being performed *now* by the District and a

[1] Both Government Code Sections 56301 and 56425 set forth procedures and standards under which a LAFCO SOI determination is to be made. For the District, the governmental services considered in an SOI expansion are the extension of fire and life safety services, not "*land use*" as the District does *not* have land use authority. This analysis is supported by *Growth Within Bounds* a report of the *Commission on Local Governance for the 21st Century* (January 2000), a document that has been judicially declared to be the legislative intent of CKH.

[2] Page 56 of Exhibit 5-1 is enclosed **Exhibit "A"** with the criteria for Public Safety Facilities is set forth as a line item.

District Fire Station within the AIA would be located on criteria that would be beneficial for fire and life safety concerns of residents, property owners and the airport operation itself: notably, emergency response times.

A Compressed ALUCP p.56 is set forth below to facilitate the requested District changes.

<table>
<tr><th>Intensity Criteria</th><th>Compatibility Zones</th><th>Intensity Criteria Interpretation</th></tr>
<tr><td>Max. Sitewide Average Intensity (people/acre)
Max. Single-Acre Intensity (people/acre)</td><td>
<table>
<tr><td>A</td><td>B1</td><td>B2</td><td>B3</td><td>C</td><td>D1</td><td>D2</td><td>E</td></tr>
<tr><td>0
0</td><td>50
100</td><td>75
225</td><td>150
450</td><td>100
300</td><td>200
800</td><td>300
1200</td><td>No limit</td></tr>
<tr><td colspan="6">Aviation Easement</td><td>RON</td><td>APD</td></tr>
</table>
</td><td>All nonresidential development shall satisfy both sitewide and single-acre intensity limits</td></tr>
<tr><td>Easement/Notification Requirement</td><td>Aviation Easement</td><td></td></tr>
<tr><th>Land Use Category</th><th>Legend
(see last page of table for interpretation)</th><th>Additional Criteria</th></tr>
<tr><td>- Multiple land use categories may apply to a project
- Land uses not specifically listed shall be evaluated using the criteria for similar uses
- Typical occupancy Load Factor (approx. # s.f./person) indicated for certain uses</td><td>Normally Compatible
Conditional
Incompatible</td><td>- Conditions listed below apply to uses listed as “Conditional” (yellow) for a particular zone
- Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone</td></tr>
<tr><td>Public Safety Facilities: police, fire stations</td><td></td><td>C: Allowed only if airport serving

B3, D1, D2: Allowed only if site outside zone would not serve intended function

All: Ensure intensity criteria met</td></tr>
</table>

Under the column “Intensity Criteria Interpretation,” all the information currently set forth, should be modified. Clearly, the District would be airport-serving, as the District already provides fire and life safety service to the airport within the AIA. The designation “B3, D1 and D2: allowed only if site outside Zone would not serve intended function,” cannot be applied to a District Fire Station as it makes no common sense. A fire station located in designation C, B3, D1 and D2, would benefit the airport and residents and property owners within the AIA with fire and life safety services with enhanced (shortened) response times for life and safety services

Finally, the intensity criteria application should also be removed, as a fire station properly located for enhancing response times would utilize the available lot space for all necessary fire and life safety facilities and equipment in full compliance with all FAA restrictions.

Public Utilities Code Section 21670

There is at least one portion of Public Utilities Code Section 21670[3] that is applicable for legal sufficiency of the ALUCP.

Public Utilities Code Section 21670(f) indicates that an ALUCP is applicable to "special districts." There is no definition advanced as to special districts. However, the *2011 Caltrans Handbook* offers the following analysis:

> "Special Districts, School Districts, and Community College Districts Pursuant to PUC Section 21670(f), the State Legislature has clarified its intent that "special districts, school districts, and community college districts are included among the local agencies that are subject to airport land use laws and other requirements of this article." Accordingly, ALUCs shall review land use plans, master plans, individual development projects, and other comparable actions proposed by the three types of districts identified above. As described in this chapter, the adoption and amendment of land use plans (general and specific plans) and development ordinances form a basis for cities and counties to engage in airport land use compatibility planning. Special districts, school districts, and community college districts do not, as a general rule, prepare such plans and ordinances. They do, however, acquire land and build or lease facilities, which would be actions subject to review within the AIA (or within two miles of an airport in the absence of an adopted AIA). It is therefore recommended that the districts and the ALUC establish a procedure to review such actions. Where such actions are within an area subject to a general plan, and that plan has been found consistent with the ALUCP, there are several procedures within the Government Code relating to special districts and school districts which could form the basis for compatibility planning: Major public works projects undertaken by special districts and school districts shall be submitted to the county or city planning agency for review as to conformity with the adopted general plan (Government Code Section 65401). The acquisition of land for public purposes, and the construction of a public building shall be submitted to the county or city planning agency for review as to conformity with the general plan (Government Code Section 65402). A special district or school district may prepare a five-year capital improvement program. This program shall be referred to the county or city planning agency for review as to conformity with the general plan (Government Code Section 65403)."

This *2011 Caltrans Handbook* analysis, by referring *only* to school districts, community college districts and special districts without specification to defined special districts suggests that fire protection districts are not included because of the fire and life safety services directly connected with their defined use and intensity of use.

[3] A copy of Public Utilities Code Section 21670 is attached as Exhibit "B."

These deficiencies of the proposed ALUCP Update have been discussed specifically by this Office and District Chief Belyea with the ALUC Executive Officer and ALUC Counsel Jason Dooley without an indication of whether they would be reviewed for change or even considered for change necessitating this communication.

Requested Modification; Concurrent CEQA Modification

The District respectfully requests that the appropriate modifications, as discussed above, be made to the ALUCP Update Project Description and concurrent changes be made to the Project Negative Declaration all accomplished in full compliance with procedural and substantive requirements for adoption of the ALUCP.

Should you have questions concerning the matter set forth in this communication, please contact District Chief Geoff Belyea at: gbelyea@amcanfire.com, or contact the undersigned at wross@lawross.com.

Very truly yours,

William D. Ross
District Counsel

Enclosure: Exhibit A – ALUCP Page 56 of Exhibit 5.1
Exhibit B – Public Utilities Code Section 21670

cc: Leon Garcia, Chair
David Oro, Vice Chair
Mark Joseph, Board Member
Mariam Aboudamous, Board Member
Pierre Washington, Board Member
Geoff Belyea, Fire Chief
Martha Banuelos, Fire Executive Assistant
American Canyon Fire Protection District

Jason Dooley, Deputy County Counsel
Office of the Napa County Counsel

WATER AUDIT CALIFORNIA

A PUBLIC BENEFIT CORPORATION

952 SCHOOL STREET #316 NAPA CA 94559
VOICE: (707) 681-5111
EMAIL: GENERAL@WATERAUDITCA.ORG

November 5, 2024

County of Napa
Airport Land Use Commission

Sent via email to meetingclerk@countyofnapa.org

RE: AIRPORT LAND USE COMMISSION MEETING NOVEMBER 6, 2024 - AIRPORT LAND USE COMPATIBILITY PLAN UPDATE AND NEGATIVE DECLARATION ADOPTION HEARING.

Water Audit California comments as follows:

As a preliminary manner, we wish to deal with the timing of this comment. As always, it has been driven by the actions or failure to act from Napa County ("County"). The public was given notice of the intended action three business days ago. As another commenter has protested, notice and time is inadequate for the purpose.

The Airport Land Use Commission (ALUC) considered updating the standing 1991 Airport Land use Compatibility Plan (revised in 1999) at its February 1, 2023 meeting:

> "CEQA Status: this is an initial introductory kickoff meeting for the ALUCP update, an Initial Study/Mitigated Negative Declaration or Environmental Impact Report will be prepared, at a later date, as part of the comprehensive update."

The matter returned to the ALUC at its July 17, 2024 meeting. However, the proposition advanced is substantially different:

> "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."

In short, the issues that give rise to public concern have changed, and therefore any earlier comment would be presently irrelevant and therefore a waste of effort. Respectfully, identifying a project for which an EIR is proposed is entirely different than a project on which no mitigation whatsoever is anticipated. One cannot claim advantage of an earlier notice of intent when the County's intentions and objectives dramatically change.

Further, two regulators have made comments and proposed mitigation which have been ignored by the County. Respectfully, the County is without jurisdiction to ignore California Department of Fish and Wildlife ("CDFW") proposed mitigations, or to unlawfully delegate its own authority to its Executive Officer.

Again, the present record before the ALUC is materially incomplete.

Water Audit California ("Water Audit") sought by public records request, Mead & Hunt Consultant procurement documents. One of the documents received revealed a Board of Supervisors' ("BOS") December 13, 2022 meeting Staff Report entitled "Legislative Details (With text)." That document was created and printed on October 28, 2024, one week ago, and almost two years after the BOS consent item was heard. The record does not disclose a Staff Report at the time when the consent item was approved. It is reasonable to infer that it was written years post-facto to fill in a presently recognized omission. All documents of such nature are to be regarded with skepticism.

The subject Staff Report explained that the

> "ALUCP Update is a project under CEQA process, current cost proposal includes preparation of an Environmental Impact Report, however, based on past history processing ALUCP updates, Mead & Hunt noted that likely a Mitigated Negative Declaration would be required. The extent of any identified concerns, and land use changes will drive the type of CEQA document required for the update."

The Staff Report for the upcoming November 6, 2024 ALUC meeting recommends

> "Consider and adopt the updated Airport Land Use Compatibility Plan (ALUCP), including changes made in response to public comment, and certify a Negative Declaration finding that the proposed project would not have any potentially significant environmental impacts."

The record does not contain any recent event that caused the change in assessment.

This “no impact” assertion is not supported by fact. CDFW recommendations to clarify, evaluate, and mitigate were not included. It has been informally represented to Water Audit that CDFW concerns have been addressed in correspondence with the County, but there is no indication of this in the record.

CDFW’s position is unambiguous.

> "The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fee is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final."

Similarly, the County has addressed only two of nine Caltrans Aeronautics concerns. The remaining seven concerns are all regarding alleged "delegation of authority" from the ALUC to the ALUC Executive Officer.

The assertions challenged are that an ALUC Executive Officer has delegated authority from the ALUC to provide formal consistency determinations and comments for major land use actions referred to the ALUC. Respectfully, the Public Utilities Code (“PUC”) does not authorize the delegation of the ALUC’s duty to anyone else, or specifically in this case, an ALUC Executive Officer. It is a legal requirement that the participation of the majority of the commission members are to constitute a quorum to take any formal action, which includes consistency determinations. PUC, Section 21674, sets for the power and duties of the “commission” only.

Caltrans Aeronautics wrote on July 16, 2024:

> “The Division recognizes the intent of the ALUC Executive Officer to alleviate the workload of the ALUC and to review voluntary referrals, amongst other administrative matters for the ALUC. However, under no circumstances can the ALUC Executive Officer have delegated authority for actions that are mandatory by the ALUC. Please clarify the language in the relevant policies to provide added clarity on this differentiation and to avoid misinterpretation of the policies and subsequent actions, in addition to differentiate authority powers related to Major Land Use Actions, Interim Mandatory Referral of Major Land Use Actions, and Mandatory Land use Actions."

For the foregoing reasons, it is respectfully prayed that the instant matter be modified to incorporate verbatim CDFW comments, and to strike the unlawful delegation of authority.

Respectfully,

William McKinnon
General Counsel
Water Audit California

From: ruralangwin
To: Morrison, Dana
Subject: Additional Comment ALUC Plan Nov 6, 2024 Angwin
Date: Tuesday, November 5, 2024 5:43:49 PM

[External Email - Use Caution]

Hello Commissioners,

A few of you might recall the proposed Triad Angwin Eco Village development in Angwin. It was something like 900 houses, a hotel, an underground parking garage, a retail complex and an expanded airport on land owned by Pacific Union College, a Seventh Day Adventist, Liberal Arts institution. The project came at the time when Triad, a developer out of Seattle, that also owned the Aetna Springs Resort was also seeking approval to develop a ginormous resort and golf course around a Pope Valley irrigation reservoir known as Dick Weeks Big Lake!

Fancifully renamed Lake Luciana, the irrigation reservoir and surrounding acreage was imagined as a golf resort, club house, spa and cafe. The plan included 12 Lot Line Adjustments which were granted, resulting in (arguably) 12 waterfront home sites of adequate size to build a home, winery and plant a vineyard!

But Triad had big plans for little Angwin and pushed to increase the airport runway length to lure high rolling jet setters to their proposed developments. Triad envisioned the small Angwin airport as a hub of jet setting golfers, resorts guests and high end wine lifestyle crowds. A terrible idea for a Christian College and a terrible idea for Angwin.

As you know, lawsuits, community opposition, a failed county wide initiative and the down turn of the real estate market ended the Triad plan with a whimper.

During this most terrible time, the residents of Angwin were horribly divided, with employees of the college and hospital, and members of the Church siding with development to' save' the college, while a huge segment of Angwin (Adventist and non- Adventist) powerfully opposed the Triad Ecovillage. Eco it was indeed not! The battle lasted years and spilled over into Farm Bureau skullduggery and Countywide unhappiness.

Hearings, meetings, protests, harsh words, attorneys, a fractured small community, neighbors against neighbors, hundreds of thousands of dollars spent, a college campus literally closed for an entire day, while students were required to get on buses and attend a public hearing down in Napa (brown box lunches handed out courtesy of Triad to every student). It was a horrific time for Angwin.

In the end the back stabbing deal Traid was working on, to get entitlements for the Eco Village processed while under ownership of PUC, was outed when it became known that Traid was planning to flip the deal for a huge profit to a Chinese developer. So much for the community garden and bicycle paths, purple pipes and electric cars!

In the end the project collapsed, the first woman president of PUC, Dr. Heather Knight was dismissed, another college president was retained and dismissed and now we're on the third president since the whole nightmare. The project destabilized a lovely small community and

it's taken years to heal the wound.

The interim president, Bob Cushman, worked hard to heal the community divide. Dr. Cushman, in a never to be forgotten act, invited all of Save Rural Angwin folk to his home and had his staff including vice presidents serve us a meal. Dr. Cushman spoke to our SRA group and said the following of our years long efforts to preserve our little village " Thank you for saving us from ourselves. We apologize for terrorizing this community".

That's really what happened.

It's been about a decade and the wound is just a tiny scar now. But if the ALUC approves some airport expansion, based upon a non existent master plan and puts more jets on the ground and in the air resulting in increased gentrification of our home place, with no one from PUC bothering to dialog with the community, the band aid is coming off and the wound will once again bleed.

It's understandable, three college presidents out from the Triad terrors, that the current president would not understand SRA and the overall community's unstoppable protection of our precious home.

But now you know.

I respectfully request you do not predicate any airport expansion upon a dead, non existent Triad 'master plan'. Let Angwin residents reach out to the new president, Dr. Ralph Trecartin, and make sure he even has any idea what was in that horrible old Triad Plan and remind him how hurtful these development schemes have been to our little town.

Please do not permit any expansion of the Angwin Airport at this time.

Respectfully,

Kellie Anderson
Founding Member Save Rural Angwin Steering Committee

From: ruralangwin
To: Morrison, Dana
Subject: Comments on Nov 6 ACLU update
Date: Tuesday, November 5, 2024 5:37:21 PM

[External Email - Use Caution]

Dear Commissioners,

I have the following questions that have yet to be answered on the changes proposed in the Airport Land Use Plan at Parrett Field in Angwin. I believe the Commission will want these questions to be answered and the changes incorporated into the Final Plan.

#1. The long established affordable housing site in Angwin identified as Site B in the 2023 Housing Element, located on Las Posadas Rd., is not correctly referenced in the Plan. The Plan should note the 'shovel ready nature' of the site that requires no use permit and allows "by-right" development of 77 units of housing with a density of 25 units per acre per the 2009 Specified Priority Housing Development Site.

The site is south of the proposed runway extension and is an entitlement that should reasonably be identified and acknowledged. The Plan does note potential development including dormitory and cafeteria construction, which do not have entitlements nor submitted applications. The Angwin Site B Affordable Housing Site has the very real potential for a housing project in the life of the Plan, particularly since a recent omnibus ordinance adopted by the BOS reduced the inclusionary percentages required which is intended to stimulate housing development at the site. Please amend the Final Plan to call out the location, and entitled housing unit number and density of Affordable Housing Site B in Angwin.

#2 The affordable housing site B in Angwin is not accurately identified by Assessor Parcel Number(s) in the 2023 Housing Element or the recent omnibus ordinance. As a result the parcel (s) impacted by the proposed changes in the compatibility plan cannot be identified as to their compatibility with proposed Plan changes. It is unclear due to conflicting parcel number(s) noted in various County Documents exactly WHERE the Angwin Site B is located.

The 5the Cycle Housing Element states Angwin Site B includes all or portions of APN numbers:
024-080-033
024-080-035
024-080-036
024-080-028
024-300-077

Two of these parcels are no longer owned by PUC and have been developed as vineyard.

The 6th Cycle Housing Element on Table 52 Page 289 indicates Site B is located only on 024-080-029. Yet the County On Line GIS System reports there is NO SUCH PARCEL

NUMBER.

Further, the Napa County Municipal Code Section 18.82.020 notes Site B in Angwin is located on APN # 024-080-024. This parcel is not found in the County GIS mapping program.

The following parcels are designated as "2009 Specified Priority Housing Development Sites":

* Angwin Sites A and B (APN 024-410-007, 024-080-024)

Lastly the September 24, 2024 Omnibus Ordinance approved by the BOS (Page 27) refers back to the 2009 Specified Priority Housing Sites which includes the six parcels referenced above. As detailed above, some of these parcel numbers no longer exist (024-080-033), or land is no longer owned by PUC and has been developed as vineyard.

The exact location of Angwin Affordable Housing Site B must a be identified in order to fully evaluate proposed airport expansion compatibility with housing. Determining what comparability zone the Angwin Site B is in requires addressing these inconsistencies.

#3 The Plan in the Angwin area includes the statement " Results in a net increase in allowed units".

Where? How? This plan analyses airport compatibility safety zones. The Plan has NO AUTHORITY to increase development potential in the Angwin area. The response to my comment in the Response to Comment Matrix is all the more baffling:

“As indicated in the July 17, 2024, hearing presentation (slide 29), the reference to “will result in a net increase in allowed units” is intended to highlight the difference between the 1999 ALUCP and 2024 Draft ALUCP by indicating that the draft ALUCP would enable county to allow additional housing units subject to local general plans and regulations. As noted on slide 7 (ALUC Limitations) and slide 9 (Relationship to Other Plans), the ALUC may only recommend land use measures for local adoption; the ALUC has no land use authority to allow or approve land use development. The County of Napa has land use authority for the unincorporated lands within the Angwin Airport Influence Area."

An explanation as to how the changes in the Draft Plan will "result in a net increase" in housing units has not been provided. I request that this language be struck from the Plan. It is unacceptable that this Plan purport to result in any increased housing development is Angwin. The response to comment is wholly inadequate.

I request this hearing be continued until these corrections and changes have been incorporated into the Airport Land Use Compatibility Plan.

Respectfully,

Kellie Anderson
Save Rural Angwin Steering Committee Member

Attachment D25

Outlook

FW: ALUCP - Quick question (Mike Hackett)

From Morrison, Dana <dana.morrison@countyofnapa.org>
Date Mon 11/18/2024 11:07 AM
To Maranda Thompson <maranda.thompson@meadhunt.com>; Ken Brody <ken.brody@meadhunt.com>; Marieke Armstrong <marieke.armstrong@meadhunt.com>
Cc Dooley, Jason <Jason.Dooley@countyofnapa.org>

Hi Maranda, Marieke and Ken,
Please see the comment from Mike Hackett below. I will be responding to him with the PUC contacts we utilized for the update.

I am hoping we can clearly address his comment regarding the ALUC increasing development of housing within the Airport Influence Areas (AIAs). I do not think we need to strike the language, but we can maybe add clarification. Technically there is no real change, since a jurisdiction always has the ability to override the ALUCs decision; so full development potential of a parcel is always a possibility even under the current version of the ALUC. This ALUC's compatibility zones have been updated based on the new data, guidelines, and rules from the 2011 ALUC handbook. With this new data the updated ALUCP does generally deem more uses as compatible or conditionally compatible with the AIAs, but no actual development is approved, and all land use entitlements that trigger ALUC compatibility review will come before the ALUC or ALUC staff, with each jurisdiction having the right to overrule.

Cheers,

Dana Morrison (she | her | hers)
Supervising Planner - Conservation
Planning, Building, & Environmental Services
Napa County

Phone: 707-253-4437

1195 Third Street, Suite 210
Napa, CA 94559
https://nam10.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.countyofnapa.org%2F&data=05%7C02%7Cmaranda.thompson%40meadhunt.com%7C0ec0c1938b04475ace4b08dd08043fd0%7Cb467145be9b54d22a13d8331f319ce09%7C0%7C0%7C638675536543145282%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=xiZajEr0LGAghEA%2FXk1uPXUIt%2FsnjsoAREZmSLNQbWU%3D&reserved=0

Attachment D25

-----Original Message-----
From: Mike Hackett <mhackett54@gmail.com>
Sent: Monday, November 18, 2024 10:45 AM
To: Morrison, Dana <dana.morrison@countyofnapa.org>
Subject: Quick question

[External Email - Use Caution]

Good morning Dana,

Could you tell me who you interacted with at PUC? The reason I'm asking is because I've set up a meeting Friday with the president and CEO about them needing to supply you with up to date and accurate information, which clearly did not happen.

Also, can you strike or at least get us a viable explanation for that troubling statement in the report about (and I paraphrase) opening up for additional development opportunities. Thank you.

Mike
Sent from my iPhone

Attachment D25a

Outlook

FW: PUC/ Mead and Hunt

From Morrison, Dana <dana.morrison@countyofnapa.org>
Date Thu 11/21/2024 8:56 AM
To Ken Brody <ken.brody@meadhunt.com>; Maranda Thompson <maranda.thompson@meadhunt.com>; Marieke Armstrong <marieke.armstrong@meadhunt.com>; Cheyenne Engelstad <cheyenne.engelstad@meadhunt.com>

Good morning Mead & Hunt Team,
Would you be able to provide said information requested by Mike?
Regards,

Dana Morrison (she | her | hers)
Supervising Planner - Conservation
Planning, Building, & Environmental Services
Napa County

Phone: 707-253-4437

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Napa, CA 94559
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-----Original Message-----
From: Mike Hackett <mhackett54@gmail.com>
Sent: Wednesday, November 20, 2024 2:59 PM
To: Morrison, Dana <dana.morrison@countyofnapa.org>
Subject: PUC/ Mead and Hunt

[External Email - Use Caution]

May I find out what maps and or plans were given to M&H related to Parrett Field and operations there currently info forcast?
Was Mead and Hunt provided a copy of the 2008 Master Plan Feasibility and Alternate Site Selection

Attachment D25a

Study for Angwin Airport?
Simply put, we'd like to know what info they shared with you and M&H. Thx

Mike
Save Rural Angwin
Sent from my iPhone

AMERICAN CANYON FIRE PROTECTION DISTRICT

Geoff Belyea
Fire Chief

911 DONALDSON WAY, EAST
AMERICAN CANYON, CA. 94503
Phone 707-551-0650 Fax 707-642-0201

Cliff Campbell
Assistant Fire Chief

November 22, 2024

VIA E-MAIL
Dana Morrison, Executive Officer
Napa County Airport Land Use Commission
1795 Third Street, Suite 210
Napa, CA 94559
Dana.Morrison@CountyofNapa.org

Re: Confirmation of Comments of American Canyon Fire Protection District on Needed Changes to the Airport Land-Use Compatibility Plan

Dear Executive Officer Morrison:

This communication confirms the position of the American Canyon Fire Protection District ("District"), a separate legal entity of the City of American Canyon, on requested modifications to the Draft Airport Land-Use Compatibility Plan ("ALUCP").

This communication incorporates by reference the prior District communications on the requested changes to the ALUCP, dated October 23, 2024 and November 5, 2024. As stated at the November 6, 2024 Napa County ("County") Airport Land-Use Commission ("ALUC") Hearing by District Chief Geoff Belyea and the undersigned, the District requests the deletion of ALCUP Section 2.5.2(a)(1) which includes in the definition of a "Major Land-Use Action:"

"Expansion of the sphere of influence of any city or special district."

As has been stated by other individuals in the November 6, 2024 ALUC Hearing, including the County Local Agency Formation Commission ("LAFCO") Executive Officer Brendan Freeman, the determination of a sphere of influence ("SOI") is within the specific authority of the County LAFCO.

It is noted that later during the ALUC Hearing, ALUC Counsel indicated that a major land-use action should not include the expansion of a service of a special district.

Mr. Freeman also stated during the ALUC Hearing, that the policies and procedures of the County LAFCO could address concerns of the ALUC if brought forward with respect to a SOI action by LAFCO.

Thank you for your review of this matter. If there are any questions, please contact me directly.

Very truly yours,

William D. Ross
District Counsel

Enclosures: October 23, 2024 Communication
November 5, 2024 Communication

cc: Leon Garcia, Chair
David Oro, Board Member
Mark Joseph, Board Member
Mariam Aboudamous, Board Member
Pierre Washington, Board Member
Geoff Belyea, Fire Chief
Martha Banuelos, Fire Executive Assistant
American Canyon Fire Protection District