



Fresno County Airport Land Use Commission

Regular Meeting Agenda Item 2 A February 07, 2011

SUBJECT: Review AL-11-01 to determine whether the City of Firebaugh Planning Commission's request for annexation by the city of Firebaugh of two parcels, zoning change from Fresno County M-1 to City of Firebaugh M-1 and Conditional Use Permit for construction of improvements on one of the parcels is consistent with the Fresno County Airport Land Use Policy Plan for Firebaugh Municipal Airport. One of the parcels includes the existing NF Davis grain elevator and drying facility.

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RECOMMENDATION:

Staff recommends that the Commission:

Determine that although the planned expansion of the existing NF Davis grain elevator and drying facility is within the 65 dB CNEL, the proposed use is considered to have an insignificant impact on noise and safety compatibility criteria due to the current and projected low rate of air traffic, and the light industrial use.

PROJECT SUMMARY:

The subject property is being expanded to accommodate additional grain processing. See Figure 1, Page 4.

Annexation 2010-01. The annexation of two parcels and the adjoining railroad and highway right-of-way. The area to be annexed contains a total of 37.6 acres.

Zone Change 2010-03. A change of zoning from Fresno County zoning (M-1 zone) to City of Firebaugh zoning (M-1 "Light Manufacturing).

Conditional Use Permit 2010-01. A conditional use permit to expand the existing grain elevator/drier operation with the construction of a new seed warehouse containing 13,774 square feet.

BACKGROUND:

Since July 1, 1983, California Public Utilities Code Section 21676 requires that local agencies submit a copy of all proposed or revised land use plans in areas covered by an Airport Compatibility Land Use Policy Plan (CLUP) to the Airport Land Use Commission (Commission). The Commission is charged with making a determination of consistency with the adopted (CLUP).

ENVIRONMENTAL DETERMINATION:

The City of Firebaugh, as the Lead Agency, is responsible for preparing the environmental documentation for this proposal. The Airport Land Use Commission is a Responsible Agency and must review and consider the environmental effects as identified by the Lead Agency, prior to acting upon the proposal.

Finding of No Significant Impacts.

DISCUSSION:

Based upon its location within the Review Area, and in accordance with Section 21670 et seq., of the California Public Utilities Code, the project has been submitted to the Commission for a determination of consistency with the adopted Fresno County Airport Land Use Policy Plan (CLUP):

There are four considerations in a finding of consistency with the Commission's Plan:

1. Noise:

The project site is located inside the 65 dB CNEL Noise Contour.

The activities associated with the specified land use can be carried out with essentially no interference from the noise exposure.

This proposal can be found to be consistent with the noise regulations of the adopted CLUP.

2. Airspace Protection

The subject property is located in the Horizontal Zone, and the planned expansion includes a 13,774 square foot seed warehouse, which will not exceed 25 feet in height, situated immediately west of the existing wheat storage tanks. It should be noted that several of the existing structures exceed the 35 foot height limit. These structures include a 75 foot high head house, another head house that is 100 feet in height and 8 rice storage tanks that are 72 feet in height. These structure, however, have mostly existed for over 60 years.

Conditions of zoning and an Avigation Easement and Agreement will be required to limit all structures and trees to building heights imposed by FAR at this location and prohibit uses that create dust, smoke, steam, glare, etc or attract birds.

3. Safety

Land uses or land use characteristics which may affect safe aircraft navigation or which, because of their nature and proximity to an airport, may pose high risks to the land users shall be avoided in the vicinity of an airport.

The criteria which shall be used to evaluate whether a land use is acceptable with respect to its airport proximity are set forth in Table 3 of the Fresno County Airports Compatibility Land Use Policy Plan, and indicate that based on the light industrial use of the subject property, the use is acceptable with little or no risks.

4. General Nuisance/Avigation Easement and Agreement

Except when overriding circumstances exist, the CLUP requires the dedication of a General Nuisance/Avigation Easement to the airport operator or the City of Firebaugh as a condition of approval for any zoning change within the Airport's review area.

The Avigation Easement should conform to standards contained in the current Handbook and include all conditions recommended in the four considerations.

Recordation of a General Nuisance/Avigation Easement and Agreement will ensure the ability to enforce noise attenuation, FAR Part 77 airspace restrictions and safety conditions. With the recordation of this document, the proposal can be found to be consistent with the adopted CLUP.

CONCLUSION:

Staff believes that the proposed expansion of the existing NF Davis grain elevator and drying facility **is consistent** with the Fresno County Airport Compatibility Land Use Policy Plan for Firebaugh Municipal Airport standards related to noise, airspace protection, safety, and general nuisance/avigation easement and agreement subject to the recommended conditions and, therefore, recommends that the Commission:

- State that the City of Firebaugh Annexation 2010-01, Zone Change 2010-03 and Conditional Use Permit 2010-01 are consistent with the Fresno County Airport Land Use Policy Plan for Firebaugh Municipal Airport subject to the following conditions:
 1. A General Nuisance/Avigation Easement and Agreement shall be required to include:
 - (a) Enforce conditions related to adopted airspace protection criteria as stated in the CLUP as follows:
 1. Ensure that all structures that exceed the 35 foot maximum height requirement within the Airport Review Area of the planned site be properly marked and lighted for safe aircraft navigation.

2. Limit all structures and trees to comply with the FAR Part 77 regulations for any exceptions to the 35 foot height limitation considered by the City of Firebaugh Planning Commission.
 3. Allow ongoing ingress and egress for the purpose of removing, marking or lighting objects, including trees, which may penetrate any surface as described under FAR Part 77.
- (b) That structures and uses shall not create dust, smoke, steam, distracting sources of light, electrical interference or attract birds.

FIGURE 1

