

RESOLUTION NO. 24-001

**A RESOLUTION OF THE COLUSA COUNTY AIRPORT LAND USE COMMISSION
MAKING AIRPORT LAND USE COMPATIBILITY PLAN CONSISTENCY FINDINGS
REGARDING THE WESCOTT RANCH GENERAL PLAN AND
ZONING AMENDMENTS AND SUBDIVISION MAP**

WHEREAS, the proposed Wescott Ranch development (ALUC 24-01) was referred to the Airport Land Use Commission (ALUC) for a consistency determination with the Colusa County's Airport Land Use Compatibility Plan (ALUCP);

WHEREAS, the project site is located approximately 2,700 feet west of the end of Runway 13 of the Colusa County Airport;

WHEREAS, the project site is predominately located within the ALUCP's C3 Compatibility Zone with a small portion in the C1 Zone and the General Plan Amendment and Rezoning require Commission consistency review pursuant to Section 2.1.1 (a) of the ALUCP and the subdivision map requires the Commission's consistency review pursuant to Section 2.2.2 (g) of the ALUCP;

WHEREAS, the proposed project was submitted to the ALUC for review of its consistency with the ALUCP and at which time the Commission considered the staff report, the requirements of the ALUCP and all oral and written testimony presented concerning the application.

NOW, THEREFORE, BE IT RESOLVED that the Colusa County Airport Land Use Commission makes the following determinations and findings based on the totality review of the project:

- I. The Commission can only make a finding of consistency or inconsistency for the proposed project considered herein and is unable to make any finding of consistency with respect to any future use or development on the project site and, as such, all future uses and development not considered herein must be submitted to the County's ALUC staff to determine if the Commission is required to make a review of consistency consistent with the ALUCP. During any required subsequent review, the Commission may or may not find any future use or building associated with the project is consistent with the ALUCP.
- II. The proposed use and development (ALUC 24-01) as described in the Commission's March 4, 2024 staff report and the attached Exhibit "A" are herein incorporated by reference have the potential to be inconsistent with the ALUCP due to a variety of issues including but not limited to use compatibility, population density, light and glare impacts, and height, all of which could negatively impact aviation at the Colusa County Airport. However, based on the following facts, conditions on the proposed development and use, and contingent upon the agreement of project proponents to said conditions detailed herein, the proposed project would be consistent with the ALUCP:

A. Use Compatibility

1. The project site is predominately located within the ALUCP's C3 Compatibility Zone with a small portion in the C1 Zone.
2. Concerning the C3 zone, the proposed outdoor recreation and open space uses are considered normally compatible if the ALUCP density criteria are met. The residential uses are defined as normally compatible and there are no density requirements. The commercial use is defined as conditionally compatible provided that that the ALUCP density criteria are met.
3. Concerning the C1 zone, the approximate one-acre area residential area located in the C1 zone is defined as conditionally compatible provided that that the ALUCP density criteria are met.
4. Pursuant to Section B (Density) below, the density of the project would be consistent with the ALUCP requirements as conditioned with the C1 exception.

B. Density

1. The C3 Compatibility Zone specifies that for commercial, open space, and recreational uses the density of persons cannot exceed an average of 200 persons per acre and cannot exceed 800 persons in any single acre. While no such uses are proposed, the density standard are so high that the density standards will not be exceeded given the reasonably anticipated future uses.
2. For surety and to ensure consistency with the C3 density standards in the future, all future open space, recreation and commercial uses must meet the Maximum Sitewide Average density of 200 persons per acre and a Maximum Single Acre density of 800 persons. Should occupancy of the site be proposed to exceed the ALUCP's density standards, the occupancy density shall be reviewed by ALUC staff to determine whether said occupancy would require further consistency review by the ALUC. This consistency review shall occur prior to said occupancy exceeding said limits.
3. The C1 residential standard is an average density of 1 unit per 10 acres and a maximum density of 4 units per acre. The lots in the approximate one-acre C1 area are generally 0.24 acres or larger and together with the adjacent right-of-way the maximum density is less than the maximum density limit of 4 units per acre.

4. With respect to the average density standard of the C1 zone, the residential lots and portions thereof in the C1 zone are located at an intersection of four different compatibility zones (C1, C2, C3 and D). When the compatibility map was laid out in this area, the westerly edge of the C1 demarcation line was simply extended to the existing homes in the D zone even though portions of the D zone are closer to the flight pattern than the one-acre portion of the Westcott property in the C1 zone. In addition, the other portions of the Westcott property are in the C3 zone and are closer to the end of Runway 13 and flight paths, especially the crop duster flight path, than the subject C1 area.
5. Section 3.2.4 (Special Conditions Exception) of the ALUCP allows the Commission to find a normally incompatible use to be acceptable.
6. The Commission does hereby find that because the one-acre portion of the Westcott Ranch located in the C1 Compatibility Zone is located further away from the end of Runway 13 and straight in and out flight path than the residential lots of the adjacent D Compatibility Zone and other portions of the Westcott property in the C3 Compatibility Zone, approval of an exception to the average residential density of the C1 Compatibility Zone use would not create a safety hazard to people on the ground or aircraft in flight.
7. The Commission does hereby further find that due to the increased separation distance of one-acre portion of the Westcott Ranch located in the C1 Compatibility Zone that the area would be exposed to less aircraft noise (a maximum of approximately 64 dB Ldn) than other portions of the Westcott property (a maximum of approximately 67 dB Ldn) and therefore the area would not be subject to excessive noise exposure.

C. Building Height

1. The City's R-1, and R-2, and R-3 development standards allow residential structures to be constructed with 2.5 floors, or a maximum of 35-feet in total height. The C3 compatibility zones does not limit the number of floors and specifies a maximum height of 150 feet without Commission review. With respect to the C1 zone, the ALUCP limits the height to no more than 3 floors and 70 feet, without Commission review. The R-1 zone's height limits are well below the C3 and C1 height review triggers.
2. The future homes would also not require notification to the FAA under CFR Title 14 Part 77.13 as the estimated 50:1 notification height of 54 feet would not be exceeded.

D. Exterior Lighting and Glare Impacts

1. The installation of unshielded commercial, public/park, and street exterior lighting could create a negative impact to night-time aircraft flight operations.
2. No actual development is currently proposed and, as such, there is no exterior lighting design available to review. In order to ensure no future lighting impacts are created, the future commercial development, public and park uses, and street lighting of the subject property shall be conditioned to require that all exterior lighting shall be side-shielded and downward facing.
3. Should any exterior lighting violate said requirement and cause off-site glare, the lighting shall be reviewed by ALUC staff to determine whether said lighting would require further consistency review by the ALUC.

E. Avigation Easements

1. An Avigation Easement substantially consistent with the sample easement of ALUCP Appendix "E" shall be granted to the County of Colusa to the satisfaction of the Community Development Director prior to the approval of any final map or building permit issuance for the subject property.

F. Hazardous Materials

1. No hazardous materials have been proposed to be used with the proposed project that would trigger the submittal of a Hazardous Material Business Plan to the Colusa CUPA.
2. In the future should any hazardous materials be proposed, said proposal shall be reviewed by ALUC staff to determine whether said materials would require further consistency review by the ALUC. This determination and consistency review shall occur prior to any hazardous materials being brought on site.

G. Detention/Retention Pond

1. The proposed storm-water detention/retention ponds are defined as a conditional use in Compatibility Zone C3. In order to avoid attracting birds or other wildlife, the design of the ponds should detain storm water flows for the shortest period of time possible.
2. Should the ponds attract birds and wildlife in the future and cause a potential negative impact to aircraft operations as determined by ALUC staff, the issue shall be reviewed by the Commission to determine what mitigation measures shall be implemented to prevent said attraction.

H. Future Review

1. There are no current building plans available for review so a consistency determination by the Commission cannot be made of future development at this time. In order to ensure that the future actions and/or development is consistent with the ALUCP, future development, planning applications, any development agreement(s), or other actions potentially triggering a consistency review pursuant to the ALUCP shall be submitted to ALUC staff prior to City final approval to determine whether the consistency review is required by the ALUCP.

PASSED AND ADOPTED this 4th day of March, 2024 by the following vote:

AYES: Commissioners Able, Hamill, Muir, Myers and West.

NOES: Commissioner Lindquist.

ABSENT: Commissioner Redding.



Peter Lindquist, Chair
Airport Land Use Commission

ATTEST: Wendy G. Tyler, Secretary
Airport Land Use Commission



Ann Nordyke, Chief Deputy Clerk

ATTEST TO FORM



Richard Stout, County Counsel