

CONTRA COSTA COUNTY
Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, CA 94553-4601
Telephone: 674-7205 Fax: 674-7258

TO: Airport Committee, Contra Costa County Board of Supervisors
Supervisor Karen Mitchoff, District IV, Chair
Supervisor Mary N. Piepho, District III, Vice Chair

FROM: Patrick Roche, Principal Planner, Advance Planning Section *P. Roche*

DATE: September 11, 2014

SUBJECT: Report and recommendation on Scope of Work, Byron Airport General Plan Amendment Study and Byron Airport P-1 Zoning District Text Amendment Study

As the Airport Committee is aware, the Board of Supervisors has authorized the Department of Conservation and Development to undertake a General Plan Amendment study for the Byron Airport, and Byron Airport P-1 Zoning District Text Amendment Study. The purpose of which is to update or change General Plan policies for the Byron Airport to provide consistency with the 2005 Byron Airport Master Plan and to allow for the range of uses under the Byron Airport P-1 District that are contemplated under the Airport Master Plan.

Staff from the Department of Conservation and Development (DCD), and the Airports Division, Public Works Department, and the Contra Costa County Aviation Advisory Committee, have had extensive discussions about the scope of work for this County-initiated effort. Attached for the committee's review and consideration are two items:

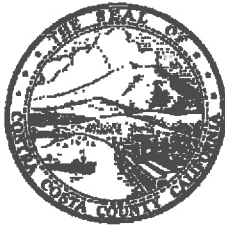
1. The recommended work scope for the Byron Airport General Plan Amendment (GPA) Study and the accompanying Byron Airport, P-1 Planned Unit District Zoning Text Amendment Study submitted by DCD to the Aviation Advisory Committee, dated 5/27/2014; and,
2. Memorandum from Beth Lee, Assistant Director of Airports, dated 7/22/2014, detailing the combined comments of Airport staff and the Aviation Advisory Committee concerning the DCD's recommended scope of work.

If there are no objections from the Airport Committee, DCD accordingly recommends that the Byron Airport GPA and Zoning Text Amendment studies proceed immediately based upon the scope of work reflecting the combined comments received by DCD from Airport staff and the Aviation Advisory Committee.

Attachments (2 items)

cc: J. Kopchik, Interim Director, CCC-DCD

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CONTRA COSTA COUNTY
Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, CA 94553-4601
Telephone: 674-7205 Fax: 674-7258

TO: Contra Costa County Aviation Advisory Committee

FROM: Patrick Roche, Principal Planner, Advance Planning Section

DATE: May 27, 2014

SUBJECT: Recommended Scope of Work, Byron Airport General Plan Amendment Study and Byron Airport P-1 Zoning District Text Amendment Study

In December 2012, the Board of Supervisors authorized the Department of Conservation and Development to undertake a General Plan Amendment stud for the Byron Airport (see attached Board Order). The purpose of which is to update or change General Plan policies for the Byron Airport to provide consistency with the 2005 Byron Airport Master Plan and to allow for the range of uses contemplated under the Airport Master Plan.

Staff from the Department of Conservation and Development, and the Airports Division, Public Works Department, have been in discussions about the scope of work for this County-initiated effort, which is being underwritten through funding from the Mariposa Energy Project Community Benefits Fund. Attached for review and discussion at the June meeting of the Aviation Advisory Committee is the recommended work scope for the Byron Airport General Plan Amendment (GPA) Study and the accompanying Byron Airport, P-1 Planned Unit District Zoning Text Amendment Study.

Department of Conservation and Development staff will be in attendance at the June meeting to receive comments on the recommended work scope and address questions regarding the GPA/P-1 Text Amendment study processes.

Attachments (4 items)

1. 12/11/2012 Board Order re: Authorization for Byron Airport General Plan Amendment Study
2. Byron Airport P-1 Zoning District
3. Recommended Scope for Byron Airport General Plan Amendment Study (Draft, May 2014)
4. Recommended Scope for Zoning Text Amendment Byron Airport, P-1 Planned Unit District (Draft, May 2014)

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ATTACHMENT #1
12/11/2012 Board Order
Authorization for Byron Airport General Plan Amendment Study



**Contra
Costa
County**

To: Board of Supervisors
From: Catherine Kutsuris, Conservation & Development
Date: December 11, 2012
Subject: Authorization of General Plan Amendment Study for the Byron Airport

RECOMMENDATION(S):

1. AUTHORIZE the Department of Conservation and Development to initiate a General Plan Amendment study, and undertake necessary environmental review, for consideration of changes or updates to General Plan policies for the Byron Airport to provide consistency and allow for the range of contemplated land uses identified in the 2005 Byron Airport Master Plan.
2. ACKNOWLEDGE that granting authorization for this request does not imply any support for the application to amend the General Plan, but only that this matter is appropriate for study.

FISCAL IMPACT:

This County-initiated General Plan Amendment study process, including environmental review under the California Environmental Quality Act (CEQA), would be funded by the Mariposa Energy Project Community Benefit Fund.

BACKGROUND:

In keeping with Federal Aviation Administration (FAA) guidelines, the County has prepared a master plan to guide the long-term physical

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/11/2012 ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES 5 NOES

ABSENT ABSTAIN

RECUSE

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 11, 2012

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Patrick Roche (925)
674-7807

By: June McHuen, Deputy

cc:

BACKGROUND: (CONTD)

development of the Byron Airport. An Airport Master Plan, which typically focuses on a twenty year planning horizon, identifies landside, access, circulation, and utilities/infrastructure improvements to enhance airport operations, and recommends appropriate land use “envelopes” for accommodating existing and future airport functions, including general aviation, airport support, and other aviation-related land uses.

The current Byron Airport Master Plan, which was last updated and approved in June 2005, identifies a diverse range of aviation and aviation-related land uses under a twenty year planning horizon for the Airport. The 2005 Airport Master Plan identified approximately 221 acres of undeveloped airport lands for both aviation and aviation-related uses. As shown in the attached figure from the 2005 Airport Master Plan (Figure 4-2, Recommended Development Plan), up to 96 acres of airport land area adjacent to, and west of the intersection of the airport’s two runways are reserved for aviation use to facilitate movement of ground vehicles and to satisfy runway approach and safety area requirements. Also shown on Figure 4-2 (2005 Airport Master Plan), approximately 125 acres of airport land area to the north and east of Runway 12-30 are reserved for long-term aviation-related development. The 2005 Airport Master Plan also suggested that if market conditions were warranted, some portions of the aviation-related area could be developed for airport-compatible commercial/industrial uses to enhance airport revenue and support East County economic development objectives.

The 2005 Airport Master Plan noted that a significant constraint on the airport’s future development is its limited utilities/infrastructure. The Byron Airport does not have water or sewer services, and electrical upgrades are needed to support future airport development. An infrastructure analysis for the Byron Airport is now in progress. It will address two key issues: 1) Existing Capacity: What is the current carrying capacity of the airport’s existing well water, septic, and electrical systems? How much of the 2005 Airport Master Plan can these existing systems accommodate?; and 2) Future Capacity: What is the cost to extend water, sanitary sewer, and upgrade electrical services to achieve the level of development contemplated under the 2005 Airport Master Plan? How can these systems improvements be implemented?

The purpose of the General Plan Amendment study is to consider changes or updates to General Plan policies related to the Byron Airport to support and provide consistency with the 2005 Byron Airport Master Plan and to allow for the range of contemplated aviation-related land uses identified in the 2005 Byron Airport Master Plan. This would entail a comprehensive review of General Plan policies related to Byron Airport under the Land Use, Conservation, and Transportation/Circulation elements. Besides bringing consistency between the General Plan and the Airport Master Plan, it is further recommended that the General Plan Amendment study also address three policy concerns related to future development at Byron Airport:

1. **Urban Limit Line boundary around the Byron Airport** – Consideration of potential Urban Limit Line (ULL) boundary changes at the Byron Airport that would realign and reduce the boundary line to place approximately 800 acres of biologically sensitive areas of airport-owned land more appropriately on the outside of the ULL, rather than inside as presently shown on the voter-approved ULL map (see attached map for reference).
2. **Utilities/Infrastructure and Growth Inducement** - Since the long-term development of the Byron Airport is so closely linked to the upgrade and extension of roads and water and sewer services, the General Plan Amendment study will need to consider how General Plan policy changes or updates to support the airport can avoid or minimize growth inducement impacts leading to the conversion of surrounding agricultural lands to urban uses.
3. **TriLink (State Route 239)** – First identified in 1959, State Route 239 is a legislatively approved but unconstructed route in the California Highway Route System intended to provide a link between State Route 4 in Brentwood and Interstate 205 west of Tracy in San Joaquin County. The Byron Airport is within the general bounds of the State Route 239 corridor. A multi-county study effort under the name TriLink, which is now in progress, is exploring mode and alignment options in the State Route 239 corridor. This study effort includes an evaluation of a connector to the Byron Airport. To the extent feasible, the Byron Airport General Plan Amendment study should consider the analysis and recommendations emerging from the TriLink study related

to airport access and future development.

Given the depth of potential General Plan policy changes under consideration, and that prior environmental review for the Byron Airport Master Plan dates back seven years and was limited in scope, a Program-Level Environmental Impact Report may be necessary to satisfy current CEQA requirements for this General Plan Amendment study. This County-initiated General Plan Amendment study, including CEQA environmental review, would be funded through the Mariposa Energy Project Community Benefits Fund.

CONSEQUENCE OF NEGATIVE ACTION:

If the General Plan Amendment study is not authorized and funded, General Plan policy changes necessary to support and provide consistency with the long-range development at the Byron Airport, as envisioned in the 2005 Byron Airport Master Plan, would not be acted upon and this may inhibit the airport's future development. Funding through the Mariposa Energy Project Community Benefits Fund provides a unique opportunity for the County to initiate a General Plan Amendment study for the Byron Airport without impacting the General Fund.

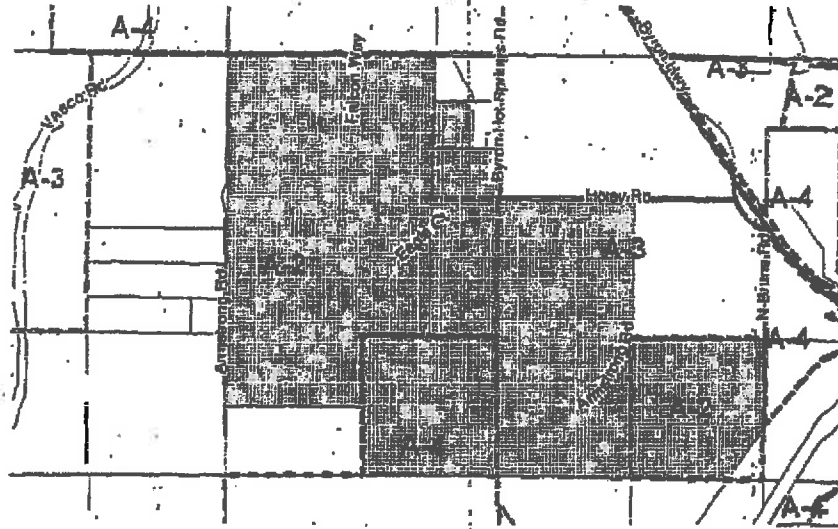
CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENT #2
Byron Airport P-1 Zoning District

FINDINGS MAP AND ORDINANCE

Findings Map



A-2, A-3,
Rezone From A-4 To P-1 Byron Area

I, W. MacVittie, Chair of the East County Regional
Planning Commission, State of California, do hereby certify that this is a true and
correct copy of Pages 5-27, 5-28, T-27, T-28
of the County's 2005 zoning map

Indicating thereon the decision of the East County Regional Planning
Commission in the matter of Contra Costa County
RZ053163

ATTEST:

Secretary of the Contra Costa County
Planning Commission, State of Calif.

ORDINANCE NO. 2006-16
(Re-Zoning Land in the

Byron Area)

The Contra Costa County Board of Supervisors ordains as follows:
S-27, S-28,

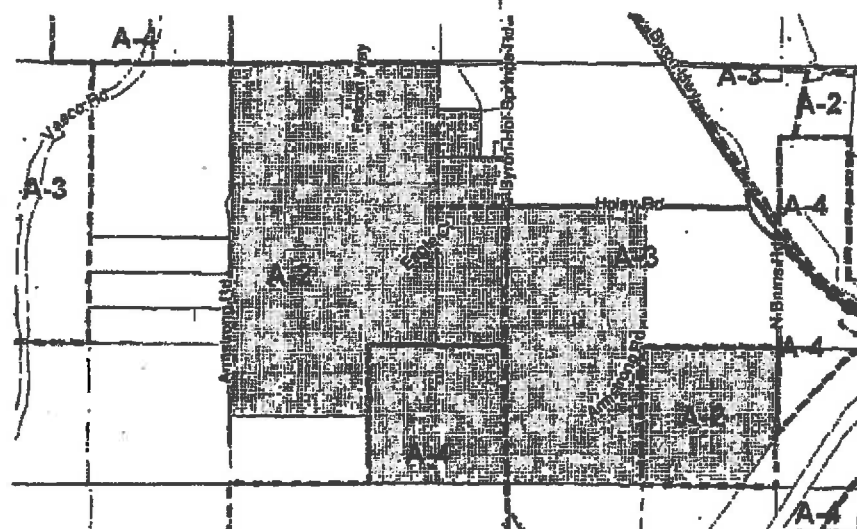
SECTION I: Page T-27, T-28 of the County's 2005 Zoning Map (Ord. No. 2005-03) is amended by re-zoning the land in the above area shown shaded on the map(s) attached hereto and incorporated herein (see also Community Development Department File No. RZ053163.)

A-2 Light Agriculture
A-3 General Agriculture

FROM: Land Use District A-4 (Heavy Agriculture)

TO: Land Use District P-1 (Planned Development)

and the Community Development Director shall change the Zoning Map accordingly, pursuant to Ordinance Code Sec. 84.2.002.



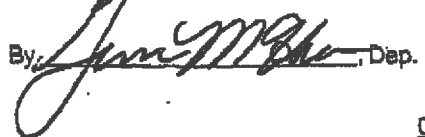
SECTION II. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days of passage shall be published once with the names of supervisors voting for and against it in the Contra Costa Times, a newspaper published in this County.

PASSED on August 15, 2006 by the following vote:

Supervisor	Aye	No	Absent	Abstain
1. J. Gioia	(✓)	()	()	()
2. G. B. Ulikema	(✓)	()	()	()
3. M. N. Piepho	(✓)	()	()	()
4. M. DeSautier	(✓)	()	()	()
5. F. D. Glover	(✓)	()	()	()

ATTEST: John Culien, County Administrator
and Clerk of the Board of Supervisors


Chairman of the Board

By:  Dep.

(SEAL)

ORDINANCE NO. 2006-16

**FINDINGS AND CONDITIONS OF APPROVAL FOR PLANNED UNIT DISTRICT REZONING
COUNTY FILE #RZ053163 AND FINAL DEVELOPMENT PLAN APPROVAL COUNTY FILE
DP063031 (CONTRA COSTA COUNTY PUBLIC WORKS -AIRPORT DIVISION Applicants
and Owners) IN THE BYRON AREA OF EAST CONTRA COSTA COUNTY AS APPROVED BY
THE BOARD OF SUPERVISORS ON AUGUST 15, 2006**

A. GROWTH MANAGEMENT ELEMENT PERFORMANCE STANDARDS FINDINGS:

1. Traffic - Rezoning the area will not result in a significant traffic increase, but sets forth a streamlined process for permitting specific activities. The maximum density allowed on the Byron Airport area will remain consistent with the Airport Land Use Compatibility Plan standards.
2. Water Supply - The Byron Airport Area is within the service area boundaries of Byron Bethany Irrigation District. Rezoning the area will result in a moderate demand for water service.
3. Sewage Disposal - The site lies within the Byron Sanitary District's service area. Rezoning the area will result in a slightly higher demand for sewage disposal.
4. Fire Protection - A pump house located on the northeast side of Runway 12-30, a fire protection pond that serves as a water supply pond, and a twin-agent unit equipped with 450 pounds of Dry Chemical Agent, and 50 gallons of foam provide on Airport fire protection. The East Contra Costa County Fire District has indicated its ability to serve the site.
5. Public Protection - The Growth Management Element standard is 155 square feet of Sheriff facility station area per 1,000 populations. Rezoning the area and allowing the permitted uses will result in a slight demand for service. The Contra Costa County Fire District and Sheriff Department have indicated the ability to serve the site.
6. Parks and Recreation - Rezoning the area will not result in demands for parks and recreational facilities. The project as proposed does not impact parks or recreational facilities within the project area.
7. Flood Control and Drainage - Rezoning the area will not result in impacts to flood control and drainage systems. The project will be required to collect and convey all runoff to an adequate natural or manmade drainage facility as necessary. Future projects may be subject to the Clean Water Program's Storm water Regulations (C.3).

(Ref. the Growth Management Element, Chapter 4, of the General Plan)

B. REZONING FINDINGS:

1. Required Finding- The change proposed will substantially comply with the general plan.

The Byron Airport P-1 zoning district and new development will be in compliance with the policies of the general plan.

2. Required Finding- The uses authorized as conditioned is consistent with the goals and policies of the General Plan as it pertains to this site.

The P-1 Rezoning is consistent with the General Plan, the Byron Airport Master Plan, and the Airport Land Use Compatibility Plan.

3. Required Finding- Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.

The P-1 rezoning permits a streamlined process. The Byron Airport Master Plan demonstrates the viability of the area and community need has been demonstrated for the uses proposed.

(Ref. §26-2.1806 of the Ordinance Code)

C. FINDINGS TO ESTABLISH A PLANNED UNIT (P-1) DISTRICT:

Adoption of P-1 Zoning and Approval of a Preliminary or Final Development Plan

1. Required Finding: The applicant intends to start construction within two and one-half years from the effective date of the zoning change and plan approval.

Project Finding: The applicant has expressed a desire to begin immediately after required permits and approvals are obtained.

2. Required Finding: The proposed planned unit development is consistent with the County General Plan.

Project Finding: The general plan for the site is Public and Semi Public and Open Space. The project Preliminary and Final development plan is consistent with the County General Plan and the Board approved Byron Airport Master Plan.

3. Required Findings: In the case of residential development, it will constitute a residential environment of sustained desirability and stability and will be in harmony with the character of the surrounding neighborhood and community.

Project Findings: The project is characterized by aviation and aviation related uses. No residential development is considered under the Final development plan.

CONDITIONS OF APPROVAL

General

1. _____ Approval is contingent on the approval of the rezoning request from A-2, A-3, and A-4 (General Agricultural, Heavy Agriculture and Agricultural Preserve Districts) to P-1 (Planned Unit District).
2. _____ All structures requiring building permits shall comply with the rules and regulations of the Building Inspection Department and the East Contra Costa Fire District.

All building permits shall be obtained from the Building Inspection Department and reviewed by the Community Development Department. Development of permitted uses and uses allowable after the granting of a land use permit as identified in the General Agricultural, A-2, district shall be allowable consistent with the procedures and standards of the A-2 district.

3. _____ In addition to uses established under Section 84-38.402 of the County Code the rezoning permits the following activities:
 - Aircraft T hangars
 - Corporate and executive hangars
 - Flight Schools
 - Skydiving
 - Aircraft sales and maintenance
4. _____ At least forty five(45) days prior to the issuance of a building permit, the commencement of use or the approval of a contract to allow such use (whichever occurs first), the applicant shall file with the Airport Land Use Commission satisfactory evidence that that the use is consistent with the Airport Land Use Compatibility Plan. Agreement of the Airport Land Use Commission that the use is consistent with the Airport Land Use Compatibility Plan is required prior to the issuance of a building permit or the commencement of use.
5. _____ A Certified Unified Program operating permit and compliance with the rules and regulations of the Health Services Department Hazardous Materials Program is required for airport maintenance.
6. _____ If any significant cultural materials such as artifacts, human burials for the like are encountered during construction operations, such operations shall cease within 10 feet of the find, the Community Development Department shall be notified within 24-hours and a qualified archaeologist contacted and retained for further recommendations. Significant cultural materials include but are not limited to aboriginal human remains, chipped stone, ground stone, shell and bone artifacts, concentrations of fire cracked rock, ash, charcoal and historic features such as privies or building foundations.
7. _____ Prior to the clearance of a building permit, the applicant shall provide evidence that the Airport Director's Office has approved the proposed development plans.

ADVISORY NOTES

THE FOLLOWING INFORMATION DOES NOT CONSTITUTE CONDITIONS OF APPROVAL, IT IS PROVIDED TO ALERT THE APPLICANT TO LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES TO WHICH THIS PROJECT MAY BE SUBJECT.

- A. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a 90-day period after the project is approved.

- B. Comply with the requirements of the County Building Inspection Department.
C. Comply with the requirements of the Health Services Department, HazMat Division
D. Comply with the requirements of the Contra Costa County Consolidated Fire Protection District
E. Comply with the requirements of the State of California Fish and Game Department for the 814 acres of conservation and habitat management land

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APPROVED 08/15/06

ATTACHMENT #3
Recommended Scope
Byron Airport General Plan Amendment Study
(Draft, May 2014)

Recommended Scope Byron Airport General Plan Amendment Study

1. Establish new Land Use Element Policies for the Byron Airport

Create a new section within the Land Use Element entitled *"Policies for the Byron Airport"* for the purpose of providing land use and development policy guidance at the Byron Airport; this new section would be similar or comparable to the Land Use Element's *"Policies for the Buchanan Field Airport Area"*. The new *"Policies for the Byron Airport"* could include the following:

- a. Acknowledge the adopted Byron Airport Master Plan (2005), which included a Recommended Development Plan.
- b. Include new policy text in the Land Use Element intended to guide all future development on airport property based substantially on the adopted Byron Airport Master Plan (2005) and the "Byron Airport Compatibility Policies" as detailed in the adopted Contra Costa County Airport Land Use Compatibility Plan. The new policy text would define and clarify the range of aviation, aviation-related, and non-aviation uses and activities to be allowed at the Byron Airport.
- c. Include new policy text explaining that before development of any non-aviation uses on airport property may be considered: first, it must be demonstrated that all aviation uses forecasted under the adopted Byron Airport Master Plan (2005) can be accommodated at the airport; and, second, the proposed non-aviation use or activity has Federal Aviation Administration (FAA) concurrence.
- d. Include new policy text to support the development and advancement of technological improvements at the airport, particularly improvements that would add and/or improve aeronautical navigation as recommended in the adopted Byron Airport Master Plan (pg. 4-2, Byron Airport Master Plan, 2005).
- e. Include new policy text to phase future development of aviation, aviation-related, and non-aviation uses at the Byron Airport according to the provision of essential supporting infrastructure, including: fire protection

Recommended Scope Byron Airport General Plan Amendment Study

system, domestic water system, sanitary sewer system, and improved roadway access.

- f. Pursuant to provisions under Title 14 Code of Federal Regulations (14 CFR part 77), include new policy text regarding requirement to notify FAA of any type of construction or alteration of a structure on airport property that may affect the National Air Space System (NAS), also more commonly referred to as the FAA Form 7460-1 process.
- g. Include new policy text and, accompanying map, to identify and acknowledge that approximately 800 acres of airport property has been designated and permanently protected as habitat mitigation land, and consequently, cannot be developed upon.
- h. Include new policy text acknowledging the Byron Airport Avoidance and Preservation Program Alternative under the adopted East County Habitat Conservation Plan/Natural Community Conservation Plan.
- i. Include new policy text to acknowledge that the Byron Airport is within the corridor study area of the TriLink (State Highway 239) Study, which is now in-progress under the auspices of the Contra Costa Transportation Authority. Acknowledge that the TriLink (Highway 239) multi-modal transportation study may result in the selection of a precise alignment for a new or expanded roadway facility linking State Route 4 near Brentwood to Interstate 205 near Tracy, which may affect the future access and development at the airport; and, more specifically, the approval by the California Transportation Commission of a Route Adoption Report (equivalent to a precise alignment) could be the trigger for the Board of Supervisors to consider the preparation of a comprehensive land use and transportation plan for the Byron Airport Area based on State-planned route.

Recommended Scope Byron Airport General Plan Amendment Study

2. Update Byron Airport P-1

Concurrent with establishing the new section in the Land Use Element entitled *"Policies for the Byron Airport"*, update the Byron Airport P-1: Planned Unit District consistent with the *"Buchanan Field and Byron Airport: Minimum Standards, Development, Facility and Lease Policies"* (adopted by the Board of Supervisors, July 24, 2012) and *FAA Advisory Circular No. 150/5190-7*, to expand the range of aviation and activities as permitted uses; and, to establish a new category entitled "aviation-related" use, which is defined as a use or activity conducted on airport property that provides a direct service or support to aircraft owners, pilots, and others at the airport, and would be subject to Land Use Permit or Development Plan process. Both the expanded list of permitted aviation uses and the new category of aviation-related uses would be subject to environmental review under the California Environmental Quality Act (CEQA), the land use compatibility determination by the Contra Costa Airport Land Use Commission, consistency determination with the County's Airport Minimum Standards, Development, Facility and Lease Policies, and FAA concurrence. The existing Byron Airport P-1 expressly permits the following activities: Aircraft T hangars, corporate and executive hangars, flight schools, sky diving, and aircraft sales and maintenance. The existing Byron Airport P-1 does not explicitly permit development of a Fixed Based Operator (FBO), and, it is not expressly clear that agricultural aviation business (e.g. crop dusting), law enforcement or firefighting activities (aircraft or ground based), emergency medical flight services, or aeronautical recreational and sporting activities (other than sky diving) are permitted at the airport. As presently written, the Byron Airport P-1 does not provide for the range of aviation-related uses normally found at a publicly owned General Aviation (GA) airport. See attached Byron Airport P-1.

ATTACHMENT #4
Recommended Scope
Zoning Text Amendment Study
Byron Airport, P-1 Planned Unit District
(Draft, May 2014)

**RECOMMENDED SCOPE
ZONING TEXT AMENDMENT STUDY
BYRON AIRPORT, P-1 PLANNED UNIT DISTRICT**

BACKGROUND

Byron Airport P-1, Planned Unit District adopted 8/15/2006, rezoned airport property from A-2, General Agricultural District, and A-3, Heavy Agricultural District

EXISTING BYRON AIRPORT P-1, PLANNED UNIT DISTRICT

PERMITTED USES

- A-2 permitted uses under 84-38.402

PERMITTED AVIATION USES

- Aircraft T hangars
- Corporate and executive hangars
- Flight schools
- Skydiving
- Aircraft sales and maintenance

USES PERMITTED WITH LAND USE PERMIT

- A-2 uses with land use permit under 84-38.404

AVIATION AND AVIATION-RELATED USES PERMITTED WITH LAND USE PERMIT OR DEVELOPMENT PLAN

Not specified (????????????);

[NOTE: Pg. S-4, Modified Staff Report/Recommendation to East County Regional Planning Commission states:

"Expanded aviation related and non-aviation uses beyond those specified within this report would require the review and approval of a Final Development Plan".

However, there was no reference to aviation and aviation-related uses permitted with land use permit or development plan in the adopted action by the Board, 8/15/2006. See attached.]

**RECOMMENDED SCOPE
ZONING TEXT AMENDMENT STUDY
BYRON AIRPORT, P-1 PLANNED UNIT DISTRICT**

PURPOSE / OBJECTIVE

1. To expand the range of aviation uses and activities as permitted uses under the Byron Airport P-1 that would:
 - substantially match the uses/activities identified under minimum standards contained in FAA ADVISORY CIRCULAR NO. 150/5190-7, *"MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL ACTIVITIES"*¹; and,
 - be consistent with the *"BUCHANAN FIELD AIRPORT AND BYRON AIRPORT: MINIMUM STANDARDS, DEVELOPMENT, FACILITY USE, AND LEASE POLICIES"*, as adopted July 24, 2012 by the Contra Costa County Board of Supervisors.
2. To add a new use category under the Byron Airport P-1 called **"AVIATION-RELATED USES OR ACTIVITIES"**, as permitted under a Land Use Permit or Development Plan.

TEXT AMENDMENT PROPOSAL

The following is a preliminary list of aviation uses or activities that would be permitted under the Byron Airport, P-1:

- **Fixed Base Operator (FBO):** An entity that is authorized and required by agreement with the County Division of Airports to provide, at a minimum, the following aviation activities at the airport:
 - sale of aviation fuel and oil
 - tie-down, hangaring, and parking
 - aircraft maintenance
 - aircraft washing
 - ancillary aircraft ground services
 - flight instruction
- **Specialized Aviation Service Operation (SASO):** An aviation business that offers a single or limited service

**RECOMMENDED SCOPE
ZONING TEXT AMENDMENT STUDY
BYRON AIRPORT, P-1 PLANNED UNIT DISTRICT**

- **Sale of Aviation Petroleum Products**
- **Sale of Aircraft Parts**
- **Agricultural Aviation and Crop Dusting**
- **Air Charter and Taxi Operation (An entity that provides on-demand, non-scheduled passenger service in aircraft having no more than 30 passengers operating under appropriate FAA regulations)**
- **Aircraft Fractional Ownership Operation**
- **Aircraft Rental and Sightseeing**
- **Aerial Advertising**
- **Aerial Photography and Surveying**
- **Air Ambulance or Medical Flight Services or Humanitarian/Charity Flying Program**
- **Air Support for Fire and Law Enforcement**
- **Aviation or Flying Clubs**
- **Aviation Educational programs provided by a non-profit entity**
- **Aviation Museum operated by a non-profit entity, open to the public with established visiting hours**

**RECOMMENDED SCOPE
ZONING TEXT AMENDMENT STUDY
BYRON AIRPORT, P-1 PLANNED UNIT DISTRICT**

Add new category under the Byron Airport, P-1, “AVIATION-RELATED USES OR ACTIVITIES” as permitted under either a Land Use Permit or Development Plan

The term “aviation-related use” would be defined as a use or activity conducted on airport property that provides direct service or support services to aircraft owners, pilots, and others at the airport. Such uses or activities could include:

- Pilot lounge, flight support, rest area, and restrooms
- Restaurants and related concessions
- Automobile (long term or rental lot) parking


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See Appendix 1. Definitions, FAA Advisory Circular 150/5190-7, also AOPA’s Minimum Standards for Commercial Aeronautical Activities, Definitions and County’s Minimum Standards, Development, & Lease Policies (adopted by CCC-BoS, 7/24/2012)

CONTRA COSTA COUNTY
Public Works Department-Airports Division

DATE: July 22, 2014

TO: Patrick Roche,
Principal Planner

FROM: Beth Lee, 
Assistant Director of Airports

SUBJECT: General Plan and Zoning Amendment Comments, Byron Airport

As a follow up to your presentation on June 12, 2014, Airport staff scheduled the Byron Airport General Plan land uses on the July 10, 2014, Aviation Advisory Committee meeting agenda. This memorandum details the combined Airports staff and AAC objectives and provides the requested comments, thoughts and suggestions on the draft "Recommended Scope, Zoning Text Amendment Study, Byron Airport P-1 Planned Unit District" relative to land uses which should be permitted and those which should be subject to a land use permit or development plan.

The overall objectives of the comments and suggestions are to:

- Amend the General Plan and zoning to allow for a comparable range of land uses to that of Buchanan Field Airport; despite differing zoning designations
- Equally position each airport to economically flourish and achieve full build-out of their respective Master Plan
- Best ensure that the land uses are consistent with the adopted Buchanan Field Airport and Byron Airport Minimum Standards, Development, Facility Use & Lease Policies (Minimum Standards) and provides optimum flexibility to accommodate future changes
- Provide maximum future opportunities while minimizing the need to undertake future General Plan or zoning amendments as infrastructure and/or other circumstances change (to address concern of time delay and cost will destroy a future opportunity)
- Provide a diverse range of land uses that would be compatible with and support the establishment of a Foreign Trade Zone designation
- Set the parameters to facilitate aviation and aviation-related growth rather than hinder Byron Airport's future prospects
- Be as comprehensive as possible since a land use that is not listed, it is not permitted
- Provide the flexibility necessary to permit an aeronautical use that is not listed but is recognized and required by FAA grant assurances

Comments, Thoughts and Suggestions:

- Mirror the land use policies in the General Plan for Buchanan Field for the Byron Airport (3-91 through 3-100 with text changed to reflect the different airport) to provide broad context and define aviation uses (such as FBO and auxiliary/executive)

- Require transportation improvements and utility service to support land use (allows for desired, compatible use to be considered without future planning process IF the supporting infrastructure conditions exist)
- To best analyze the environmental effects of aviation-related uses, we suggest a maximum development limit be implemented (comparable to the approach for the Business Park and Commercial uses at Buchanan Field Airport)
- Reference conformity of uses with the adopted Airport Master Plan and Minimum Standards documents (allowing for land use consistency as the Minimum Standards change)
- The list of permitted aviation uses, without limitation to type of entity (such as FBO), unless noted otherwise, should include the following:
 - T-Hangars (Rental, Leasing and Ownership)
 - Corporate and Executive Hangars (Rental, Leasing and Ownership)
 - Commercial Aircraft Hangars
 - Flight Schools
 - Skydiving
 - Aircraft Sales
 - Aircraft Maintenance, Repair and Servicing
 - Sale of Aviation Fuel, Oil, and Petroleum Products
 - Aircraft Tie-Downs
 - Aircraft Parking
 - Sale of Aircraft Parts
 - Specialized Maintenance (avionics, upholstery, propeller, helicopters, aircraft components, aircraft accessories, specific aircraft engines, aircraft detailing, specific pilot supplies, and the like)
 - Agricultural Aviation and Crop Dusting
 - Aircraft Rental and Leasing
 - Aircraft Management
 - Air Cargo and Related Services/Activities
 - Air Taxi
 - Air Charter
 - Commercial Aircraft Operations and Services
 - Line Maintenance
 - Aerial Sightseeing
 - Aerial Advertising
 - Aerial Photography
 - Aerial Surveying
 - Air Ambulance, Medical Flight Services, and Humanitarian/Charity Flying Program
 - Air Support for Fire and Law Enforcement
 - Air Rescue
 - Pilot Supply Sales
 - Aviation or Flying Clubs
 - Civic Air Patrol
 - Aerial Power Line and Pipeline Patrol
 - Aircraft Washing
 - Ancillary Aircraft Ground Services
 - Flight Instruction and Training
 - Flight Support
 - Unmanned Aerial Systems Fleet Monitoring Activities and Services
 - Lobby and Lounge Space

- Aerial Fire Fighting and Fire Patrol
 - Weather and flight planning services
 - Airport Administrative Offices
 - General Aviation Terminal
 - Restaurant/Related Concessions/Catering/Vending Facilities (FBO or Publicly Owned or Operated Facilities only for consistency with Buchanan Field)
 - Control Tower and Equipment
 - Navigational Antennas and Equipment
 - Meteorological Equipment
 - Restrooms
 - Hotel and Automobile Rental Reservations
 - Rental Car Office and Facilities
 - Automobile and Rental Automobile Parking (short or long-term)
 - Meeting Space and Business Center
 - Pilots Lounge/Public Use Areas
 - Flight Simulators
 - A wide variety of ground services including, but not limited to, Aircraft Towing, Baggage Handling, Power Starts, Air Starts, Lavatory Services, Potable Water, Aircraft Cleaning, Cabin Supplies, and other related services not listed
 - Any other type of aeronautical activity or service not listed but is recognized and permissible by the FAA
 - Office Space for Aviation and Aviation-Related Business
 - Courtesy Customer Transportation to Nearby Destinations
 - Aviation Educational Programs (private, public or non-profit)
 - Aviation Museum that minimally: (1) is operated by a governmental or non-profit entity that has tax exempt status under the Internal Revenue Code; (2) is open to the general public with established visiting hours of at least five days per week, eight hours per day; (3) has displays of aircraft, aviation exhibits, and/or aviation artifacts that depict the history of and/or provide educational opportunities related to aviation; and (4) has 55% of the display aircraft available for daily viewing
 - Any other related items, services, and types of customer services to promote public convenience and necessity not listed (to provide consistency with the Minimum Standards)
- The list of permitted aviation-related uses should include (prerequisites: requiring utilities to serve and a land use permit or development plan process):
 - Industrial/Business Park
 - Commercial
 - Recreational
 - Public and Semi Public

In general, the desired compatible land uses for the broad categories above are:

- aircraft manufacturing and research
- assembly
- light industry
- manufacturing (not aviation related)
- processing and packaging
- production and fabricating
- storage
- research laboratories
- research and development

- product development and testing
- warehouse
- distribution
- self-storage
- building materials sales, storage and service
- business support services
- maintenance and services
- office (business, administration/executive, professional, medical/dental, and multi-tenant)
- repair service
- retail sales and businesses
- personal services
- conference and convention facility
- meeting facility (public or private)
- automobile/vehicle and equipment sales, repair/service, storage and facilities
- parking facility
- commercial recreation
- sports and recreational facility
- recycling facilities
- trade schools or vocational training
- agriculture production, storage, and sales
- food and beverage establishments, sales and services
- banks and financial institutions
- business support services
- animal services and facilities
- cultural and entertainment facilities and services

cc: Joe Yee, Public Works
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