



Staff Report

Annexation

Case #: Z-2020-09-00086

Attachments:

Staff Report, Survey, Application, Assessor Certification, ROV Certification, Annexation petition, Assessor Map & Assesment Sheet, Zoning Map, Aerial Map

Work Session: Thursday, October 29, 2020
Public Hearing: Thursday, November 5, 2020

Request:

Z-2020-09-00086 Annexation request by Hudson Industrial Park LLC to annex a parcel being 16.889 acres (Parcel# 16T6R80000033) located at the NE Corner of Industrial Park Rd and Shelton Rd to be zoned I-L and in City Council District #1

Site Information:

Location (Address): TEMP ADD 2 Industrial Park Rd Council District: City Council District 1

Existing Zoning: N/A Future Land Use: Industrial

Existing Land Use: Undeveloped

Site Description:

Located on the NE Corner of Industrial Park Rd and Shelton Rd. Property

Adjacent Land Use and Zoning:

<u>Direction:</u>	<u>Land Use/Zoning:</u>
North	Undeveloped/RS-8
South	I-H C-H
West	Airport
East	No zoning outside city limits

Additional Information:

Property is currently outside city limits, a portion has been cleared and a portion is heavy wooded.

APPLICATION FOR ANNEXATION/DE-ANNEXATION

CITY OF HAMMOND

219 E. Robert St., HAMMOND, LA 70401 / PHONE: (985) 277-5649 – FAX: (985) 277-5638

FILING DATE: ____/____/____

PERMIT# _____

The next Zoning Commission Meeting will be held on **November 5, 2020**, at 5:00pm in the City Council Chambers, 312 E. Charles Street. Application to be submitted to Zoning Commission must be filed with the City according to the deadline schedule.

This Application for: ☒ **ANNEXATION & INITIAL ZONING**

☐ **DE-ANNEXATION**

REZONING FEE: ☐ Single Lot \$120.00 ☒ Block or Area \$250.00 (Fees are not refundable based on decisions)

PARCEL# 16T6R80000033

SITE ADDRESS: Industrial Park Road

STREET # & STREET NAME

Legal Description or Survey 16.389 acres in Sec 16 T6S R8E

PROPERTY OWNER NAME: Hudson Industrial Park LLC

First Name

MI

Last Name

Owner Address: 227 Highway 21 Madisonville, LA 70447

Street Name/Street Number

City

State

Zip

Telephone: (____) _____ or Cell #: (____) _____

PLEASE READ AND SIGN BELOW

APPLICANT NAME: John M. Dubreuil

First Name

MI

Last Name

COMPANY NAME: Daigle Fisse & Kessenich

☐ Owner

☒ Other

Applicant Mailing Address: 227 Highway 21 Madisonville LA 70447

Street Name/Street Number

City

State

Zip

Applicant Telephone: (985) 871-0800 or Cell #: (985) 778-8329

PERMIT INFO-ADDITIONAL INFO

PRESENT ZONING IS: RS-11, RS-8, RS-5, RS-3, RM-2, RM-3, RS-11.A, MX-N, MX-C, MX-CBD

Outside City Limits C-N, C-H, C-R, I-L, I-H, S-1, S-2, I, RP, SC, PUD, S-3

No Zoning

REQUESTED ZONING IS: RS-11, RS-8, RS-5, RS-3, RM-2, RM-3, RS-11.A, MX-N, MX-C, MX-CBD

C-N, C-H, C-R, I-L I-H, S-1, S-2, I, RP, SC, PUD, S-3

REASON FOR REZONING: Annexation

SPOT ZONING NOTE: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect or furthering the comprehensive zoning plan. Spot zoning is discouraged in Hammond

I/We being the legal owner(s) request zoning of my property from a N/A District to a I-L District. I/We fully understand and agree to abide by the zoning restrictions for a I-L District. I am including with this application a copy of any covenants or restrictions and deeds governing this property.

If there is more than one owner or a corporation is the owner of the property, each owner or authorized agent of the corporation must sign. If conditional zoning, submit in writing an explanation for this request on separate sheet. If you are applying for an area or block zoning furnish a map of area or block and a petition signed by at least 50% of the property owners in the area (including their addresses).

ALL INFORMATION ON THIS APPLICATION MUST BE COMPLETE AND ALL FEES PAID BEFORE THIS APPLICATION WILL BE ACCEPTED ON THE AGENDA FOR THE CITY OF HAMMOND PLANNING & ZONING COMMISSION.

X [Signature]
APPLICANT SIGNATURE

10-2-2020
DATE

X [Signature]
OWNER SIGNATURE

10/2/2020
DATE

X _____
CITY PLANNER

DATE

***** FOR OFFICIAL USE *****

AMOUNT PAID \$ _____ **CHECK#** _____ **CASH** ☐ **DATE PAID** ____/____/____

NAMES & ADDRESSES OF ADJACENT PROPERTY OWNERS REQUIRED



Joaquin "JR." Matheu

Tangipahoa Parish Assessor

October 7, 2020

Honorable Pete Panepinto
Mayor, City of Hammond
310 East Charles St.
Hammond, La. 70401

RE: City of Hammond- Proposed Annexation
Industrial Park Road/Shelton Road (Assessment #6399304)

ANNEXATION CERTIFICATION

I, Brady Sledge, Chief Deputy Assessor for the Parish of Tangipahoa, State of Louisiana, do hereby certify that there are no resident property owners for the below described property to be annexed.

16.89 acres located in Section 16 T6SR8E per survey by George D. Sullivan dated 9-17-2018.

I further certify that the Petition for Annexation has been signed by the owners of the property to be annexed.

Signed in Amite, Louisiana this 7th day of October 2020

Brady Sledge, CLDA
Chief Deputy Assessor
Tangipahoa Parish



PARISH OF TANGIPAHOA

REGISTRAR OF VOTERS

ANDI L. MATHEU

Registrar

SAREPETHA "CISSY" CUTRER
Chief Deputy Registrar

MARGARET I. SIBLEY
Confidential Assistant

P. O. Box 895 • Amite, LA 70422

Thursday, October 8, 2020

TangiVotes.com

GeauxVote.com

facebook.com/TangiROV

Instagram.com/TangiVotes

Tracie Schillace
City of Hammond Planning Coordinator
219 E. Robert Street
Hammond, LA 70401

In Re: Proposed Annexation for the assessment # 6399304

ANNEXATION CERTIFICATE

I, Andi L. Matheu, Registrar of Voters for the Parish of Tangipahoa, State of Louisiana, do hereby certify that there are 0 registered voters within the below described area to be annexed:

16.89 in Sec 16-6-8 Industrial Park Rd & Shelton Rd.

I further certify that the Petition for Annexation has been signed and witnessed by the owners; or a designee in assent of each nonresident property owner, of the owners of the property to be annexed.

Signed in Amite, Louisiana this 8th day of October, 2020.

Andi L. Mathéu
Registrar of Voters
Tangipahoa Parish

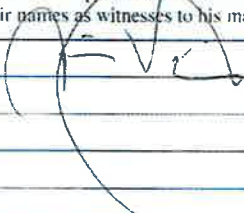
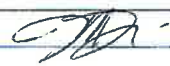
ANNEXATION by PETITION FORM

Page 1 of 1

In accordance with Louisiana R.S. 33:171, et seq., we, the undersigned, agree to the annexation into and making a part of the City of Hammond, Parish of Tangipahoa, Louisiana, the lot(s) and/or parcel(s) described as follows: 16.89A IN SEC 16 T6SR8E INDUSTRIAL PARK ROAD Assessment#6399304 Map ID No. 16T6R80000033

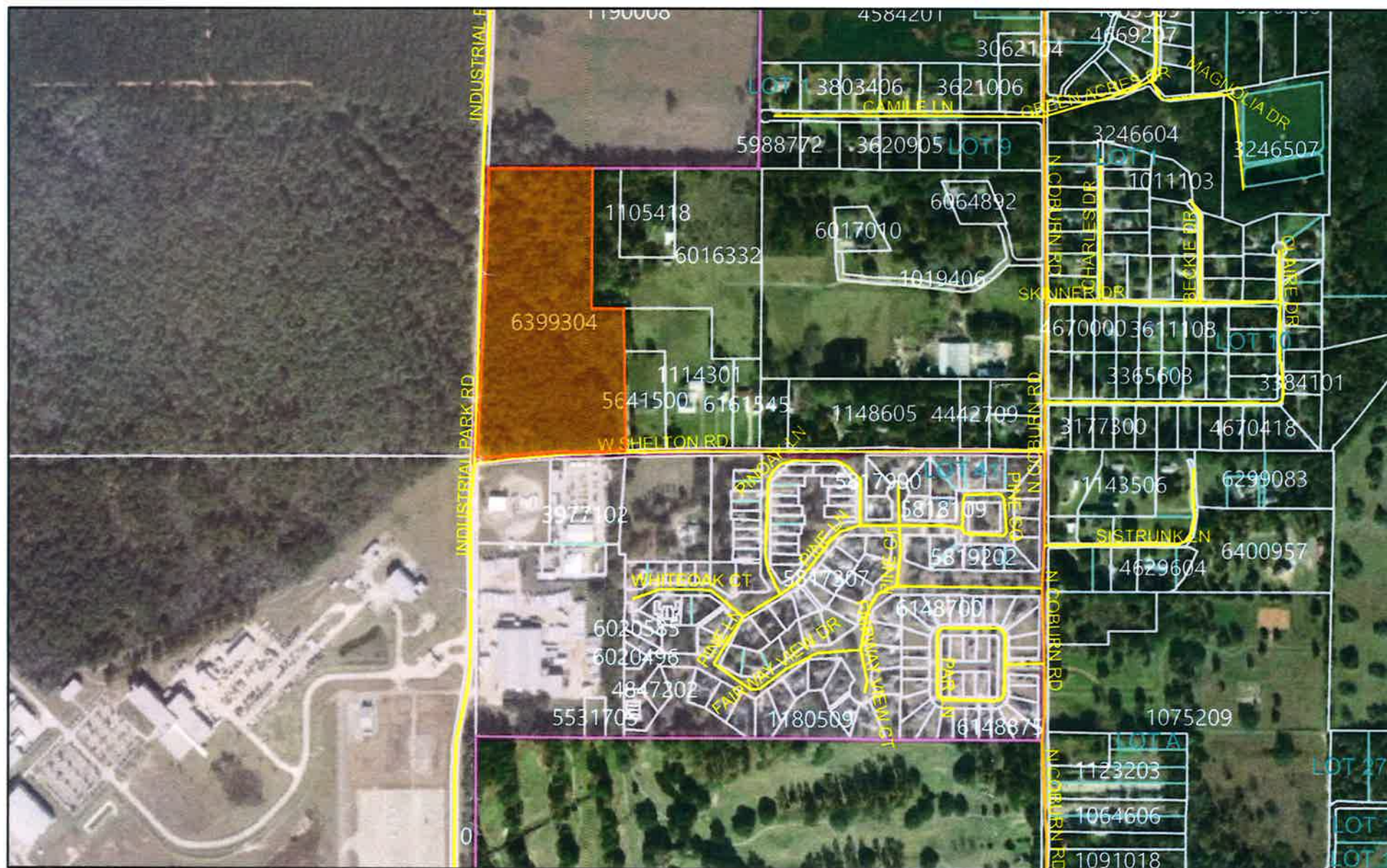
Vacant/Undeveloped Property

We designate, (if applicable) Hudson Industrial Park LLC 227 Highway 21 Madisonville, LA 70447 as Chairman to act for the signers of this petition in all matters.
(full name) (residence address)

Signature of Voter/Property Owner NOTE: A person who is unable to write must affix his mark, and the person circulating the petition shall affix the name of the incapacitated person in the presence of two witnesses who must also date and sign their names as witnesses to his mark.	Date of Signature	Ward District Precinct	Date of Birth	Physical Residence Address (include municipal street name, house/apartment #, road/highway and "911" address, and City or Town)	Name of voter typed or legibly printed.	Signature of person who witnessed and obtained voter's signature.	Date signature witnessed/obtained	Assessment #
	10/2/2020	6Z	8/14/77	227 Highway 21 Madisonville, LA 70447	Tania Vining		10.2.2020	6399304

OFFICE USE ONLY: Signatures checked by: _____ Total # of Signatures on this page: _____ # of Valid Signatures _____ # of Invalid Signatures _____

ArcGIS Web Map



10/8/2020, 9:59:48 AM

 Search by Assessment Number _Query result

Streets (911)

Minor Collector

Local Street Lots

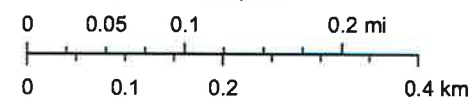
City Limits

Parcels

0

1

1:9,028



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS,

ArcGIS Web AppBuilder
USDA FSA, GeoEye, Maxar |

Assessment No. 6399304[Print Sheet](#)**Taxpayer Name & Address**

HUDSON INDUSTRIAL PARK LLC
 227 HIGHWAY 21
 MADISONVILLE LA, 70447



Freeze Applied	No	Year	N/A
Homestead	No	Year	N/A
Book & Page	1493 pg 384	Taxpayer Taxes	
		2019	\$3,383.41
Transfer Date	11/13/2018		
Purchase Price	\$750,000.00	Land Value	33,780
		Total Value	33,780
		H/S Value	0
		Taxpayer Value	33,780

Property Description

16.89A IN SEC 16 T6SR8E B1352 P849 B1493 P384 MAP 1493/384

Map Info

Map ID No. 16T6R80000033

Location

Ward	6Z
Physical Address	INDUSTRIAL PARK ROAD .
Subdivision	Lot Block Section Township Range
	16 T6S R8E

Class Description**Assessment Value**

Type	Qty	Units	H/S Credit	Tax Value	Market Value	Special Exemptions
RE	16.89	A	0	33,780	337,800	None

Parish Taxes

Millage Description	Millage Rate	Taxpayer Tax	H/S Credit
ASSESSMENT DISTRICT	4.67	157.75	0.00
FIRE PROTECTION DIST 2	10.00	337.80	0.00
FIRE PROTECTION DIST. 2	10.00	337.80	0.00
FLORIDA PARISH JUVENILE DIST	2.75	92.90	0.00
GARBAGE DIST. 1 MAINT	10.00	337.80	0.00
HAMMOND ALTERNATE SCHOOL	3.00	101.34	0.00
HAMMOND MAGNET SCHOOLS TAX	15.00	506.70	0.00

HAMMOND REC. DIST.1	10.00	337.80	0.00
HEALTH UNIT	4.00	135.12	0.00
LAW ENFORCEMENT #1	7.81	263.82	0.00
LIBRARY BOARD	2.81	94.92	0.00
LIBRARY BOARD	3.00	101.34	0.00
PARISH ALIMONY-RURAL	3.06	103.37	0.00
SCHOOL DISTRICT #100	4.06	137.15	0.00
SHERIFF'S OPERATIONAL	10.00	337.80	0.00
Totals		3,383.41	0.00

City Taxes

Millage Description	Millage Rate	Taxpayer Tax
	Totals	0.00

Bookmark: [http://www.tangiassessor.com/assessment 6399304.html](http://www.tangiassessor.com/assessment%206399304.html) | [Disclaimer](#) | 10/08/2020

SCALE 1 = 200'

WINEYARD ROAD

**SUBJECT
PROPERTY**

WEST BURLINGTON ROAD

MONDAY 50

HIGHWAY 120

THENCE S017°38'E 663.60' BACK
TO THE POINT OF BEGINNING, CONTAINING
16.889 ACRES AS PER SURVEY OF
GEORGE D. SULLIVAN RPLS
AND BEING DATED 09/17/2018.

* REFERENCE
BEARING
S00°09'33"E
660.03'

N 89° 3' 56" E
134.17

FOUND
1" IRON PIPE

NOF3427E
1320.68'

50°17'38"E
| 663.60'

POB is:
589'43'2"W 1962.82' OF THE S/E
CORNER OF THE N/E QUARTER
OF SECTION 16 T6S R8E.

**FOUND
5/8" IRON ROD**

← 58943'2"W
653.52'

DIVISIO CROSS IN
CONCRETE HEADWALL
● 10.5' OFFSET

← S89°43'21"W
1962.82'

FOUND
R/R SPIKE
S/E CORNER OF
N/E QUARTER OF
SECTION 16 T6S R8E

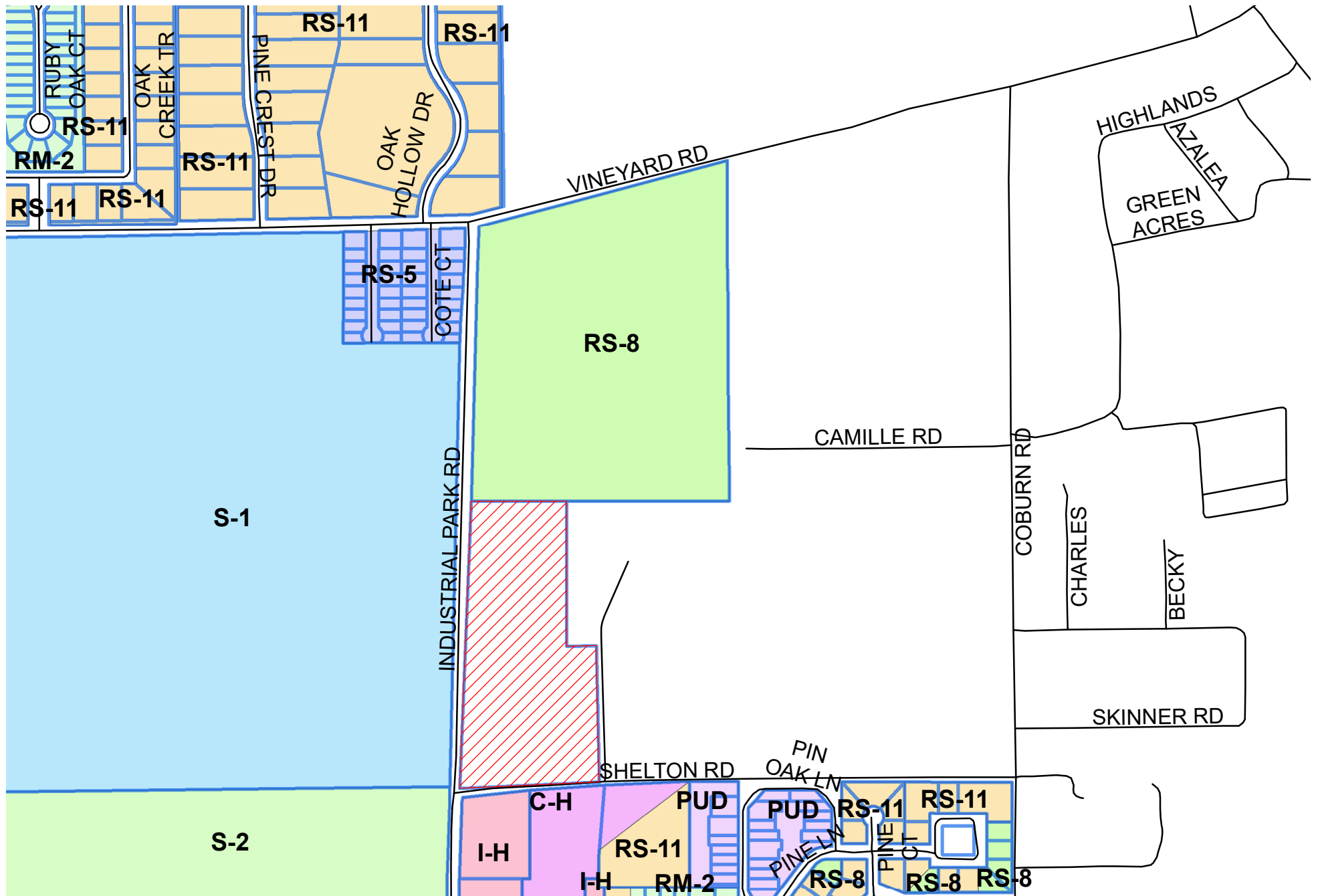
WEST SHELTON ROAD

I CERTIFY THAT THIS PLAN REPRESENTS AN ACTUAL
GROUND SURVEY MADE UNDER MY DIRECTION AND
SUPERVISION AND CONFORMS WITH THE REQUIREMENTS
FOR THE MINIMUM STANDARDS FOR BOUNDARY SURVEYS
AS FOUND IN ADMINISTRATIVE CODE TITLE 16, CHAPTER 25
FOR A CLASS "C" SURVEY.

GEORGE D. SULLIVAN
License No. 04683
PROFESSIONAL

GEORGE D. SULLIVAN RPLS
LIC. NO. 4683
24378 HIGHWAY 40
LORANGER, LA. 70446
985-969-4304

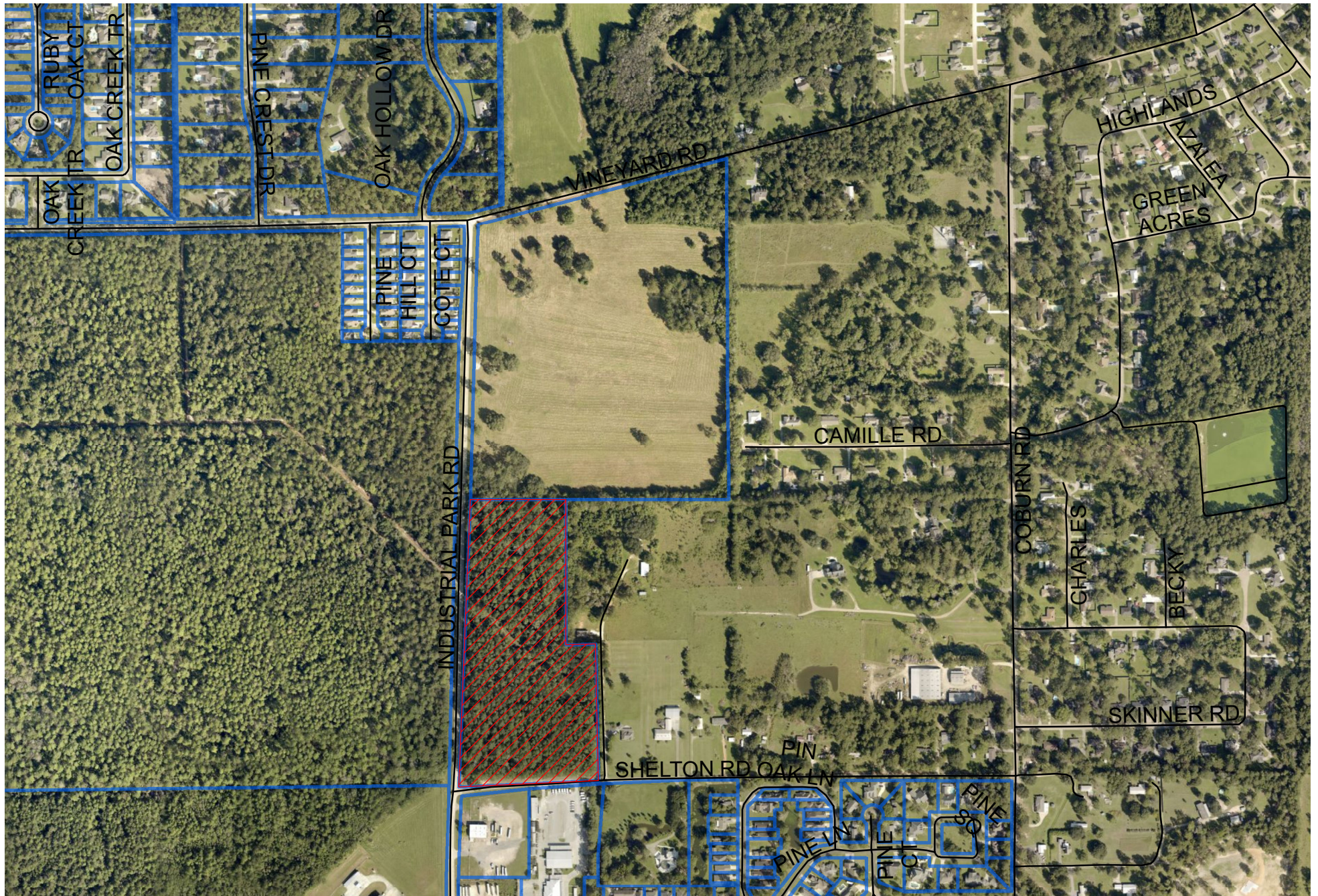
09/17/20



Annexation
 16.889 Acres NE Corner of Industrial Park Rd @ Shelton Rd
 Z-2020-09-00086


Legend

Case Parcel



Annexation
 16.889 Acres NE Corner of Industrial Park Rd @ Shelton Rd
 Z-2020-09-00086

Legend

 Case Parcel

Lacy, Washington: 360-491-5642

10/19/2020: Cindy w/Building & Planning No violations

Located 618' from residential subdivision

Located 325' from 2nd residential subdivision

Located 405' from 3rd residential subdivision

Located 1478' from a middle school

Aurora, CO: City Manager 303-739-7000

Located 198' from residential subdivision

10/19/2020: Spoke to Porter Ingram with Planning Dept. He stated there have been no code enforcement violations.

Tolleson, AZ (Phoenix) City of Phoenix Neighborhood Services Dept.(Code Enforcement) 602-534-4444

10/19/2020: Spoke with Richard Neighborhood Services Dept. 1 violation with tall weeds and some trash along right of way. Resolved.

Located 187' from residential subdivision Millennium Estates

Located 1087' from school and another residential subdivision: Ryland at Heritage Point

Winn-Dixie (1 building)-1,140,069 sq. ft.

Graham Package – 666,424 sq. ft.

Ord#346 (June 1, 1960) Annexation request into the City Limits shall automatically be classed as being S-5 (same as today's RS-5).

FAA:

Guidance for land use near airports encourages Commercial and Industrial Uses. Discourages residential use.

https://www.faa.gov/airports/environmental/land_use/

FAA and APA Partnering with Airport Land Use Compatibility Presentation.

Hammond Airport Flight Plans

Court cases involving noise pollution around airports.

Master plan:

Dover, Khol & Partners Memo

City Master Plan discourages residential near airport.

Also shows figure 4.12 as Industrial Park Rd as a Commercial Rd.

RS-8 (current zoning)

41.75 acre site allows for 227 single family homes at 3,600 sq. feet

17 acre site allows for 92 single family homes at 3,600 sq. feet

House footprint would total 817,200 sq. feet on 41 acre site, footprint of single family homes on 17 acre site would be 331,200 sq ft. Total of house footprint 1,148,400 sq ft.

Could be rental or subsidized housing (this is not regulated)

Industrial Park Rd.

Built in 1984-1985 to Industrial road standards, not the City road standards

Money was received for economic development because of Delchamps and Eckert warehousing

Money also paid for water line to loop around airport for safer water.

Several subdivisions tied into this water system, including Green Acres (outside city limits)

Memorandum

Date: October 26, 2020

To: City of Hammond, Louisiana

From: Jason King, AICP. Principal of Dover, Kohl & Partners

Subject: Hammond Comprehensive Plan Interpretation Related to the Property at the Southeast Corner of Vineyard Road and Industrial Park Road

City of Hammond,

We were asked to comment on the Comprehensive Plan's intent regarding a property at the southeast corner of Vineyard Road and Industrial Park Road. My understanding is that an applicant is proposing a medical distribution center for the site.

I am a Principal at Dover, Kohl & Partners and helped co-author the *Comprehensive Plan for Hammond* which was adopted by the City in 2011. The intention of the plan was to help communicate the City's vision to grow in a sustainable manner that respects the City's history, enhances the quality of life of residents, and creates a stronger, more complete community while maintaining the City's small town charm.

I have watched the City Council Special Meeting on October 19, 2020 and read the accompanying Staff Report. I understand that this is complex and contentious issue. Admittedly, it has been a long time since the plan was written. I defer to the City's judgement on this matter entirely. **However, I recommend that the site be considered for a zoning change to allow an industrial use.**

Analysis

Reviewing the Comprehensive Plan, we find the following sections especially pertinent, and in favor of **residential** development instead of industrial:

- Page 1.3 states "Encourage sustainable design that enhances and expands the existing community character and identifies Hammond as a special place."
- Figure 2.4, The Sector Map: The property is located within the area labeled "Tier 2- Development and Redevelopment Areas." Tier 2 is defined: "New Development and Redevelopment areas should be planned for future growth"

which includes suburban retrofit, new neighborhoods on existing infrastructure and new neighborhoods requiring new infrastructure.”

- Figure 2.11, Future Land Use Map: The property is located on land identified as “Low Density Residential.”
- Figure 3.10, Plan Areas Map: The Comprehensive Plan does not clearly make a specific proposal for this site unlike the many areas which were the subject of detailed illustrative master plans and renderings.

Reviewing the Comprehensive Plan, we find the following sections especially pertinent, and in favor of **industrial** development:

- Page 1.3 states “Identify and foster opportunities for expanded cooperation with the Parish, including intergovernmental and annexation agreements, to manage growth, promote economic development, create gateways that impart a positive image of the city, and form a rational city pattern.”
- Page 2.2 describes the sentiment of many community members that “Development around the airport should be carefully considered to provide for useful and compatible land uses that will create a diversified and more stable economy for Hammond.”
- Figure 2.10, Special Districts: The property is located adjacent to the “S-2: District (Hammond Airport).”
- Policy 4.8.1 states “Identify land adjacent to the airport facilities that present opportunities for expansion and complimentary commercial and industrial development.”
- Policy 4.8.2 states “Coordinate with Tangipahoa Parish to protect airport operations from land use encroachment that reduces the functionality and safety of long-term airport operations.”
- Figure 4.12, Proposed Street Atlas: The street atlas identifies Industrial Park Road as a “Commercial Street” and not “Residential.”
- Page 5.6 states “Limit Residential Development Around the Airport”

Conclusion:

Locally undesirable land uses need to be fairly and logically distributed. These uses range from the dramatic, like power plants and landfills, to the relatively mundane, like medical supply distribution centers. Most people agree that these facilities are necessary, but most people want them sited in someone else’s neighborhood. Most

people agree that these development projects provide valued local jobs and contribute to local property taxes, but they want them placed far from where they live. For this reason, unwanted neighbors typically locate where they encounter the least political resistance.

Objective regional criteria needs to be considered when siting undesirable land uses including existing land use patterns and transportation patterns. The site is located adjacent to the Hammond North Shore Regional Airport. The site is located on Industrial Park Road. Industrial growth should be located next to major facilities on roads designated for industrial uses. Louisiana and Tangipahoa Parish have identified and marketed this area for industrial uses because development of this kind is optimally located in locations like the southeast corner of Vineyard Road and Industrial Park Road. Although a rezoning is required rezonings are to be expected when specific conditions can be met. This is not an ecologically fragile area. This is not a site in the center of a historic district. There are many places in the City of Hammond that would be unsuitable for this project. This site is not one of them.

In the case of a distribution center, the concern over drainage problems, traffic problems, and quality of life problems is valid. These concerns must be mitigated through design. Flooding, traffic, light pollution, noise pollution, and other negative externalities can largely be handled through water retention facilities, setbacks, landscape buffers, and upgrades to the street network.

While we sympathize with the neighbors who are concerned about this project and while we absolutely support their efforts to represent their own best interest it would appear that this project, if properly designed, is unlikely to affect their health or lead to a reduction in home values. This project would not be so damaging to the lives of the people who live around it as to outweigh the value to the tens of thousands of people who live in the region. Facilities that are essential to the region and the state, must, ultimately, be located somewhere.

Thank you for your time.

HAMMOND MASTERPLAN

Property surrounding Hammond Airport

A VISION FOR THE CITY OF HAMMOND

"The City of Hammond's vision is to continue its role as an expanding regional hub economic, transportation, higher, education and cultural activity while growing in a sustainable manner that respect our history, enhances our quality of life and creates a stronger, more complete community for all residents while maintaining our City's character and appeal."

1. Chapter 2: Land Use

Control Growth Around the Airport: The expansion of residential development around airport should be limited to avoid conflicts. Development around the airport should be carefully considered to provide for useful and compatible land uses that will create a diversified and more stable economy for Hammond.

2. Chapter 4: Transportation & Infrastructure

Creation of a new arterial loop roadway connection West University Ave to Airport Rd is a major recommendation to connect the distribution/warehousing and business park east of Hammond Airport to the highway system and to reduce truck traffic on downtown roads.

- Objective 4.8- Increase the capacity of Hammond Northshore Regional Airport to serve as an economic and transportation center through continued economic development partnerships and protection of approach zones from incompatible residential encroachment
 - Policy 4.8.1 – Identify land adjacent to the airport facilities that present opportunities for expansion and complimentary commercial and industrial development.
 - Policy 4.8.3 – Develop a coordinated land use, infrastructure, financing and airport facilities plan to increase airport related economic activity.

3. Chapter 5: Housing

In addition to the existing steady growth of the City, the impact of Hurricane Katrina has created a spike in population in Hammond. With I-12 now being perceived as the safe line for development, companies and governmental agencies are moving their services north of the interstate, including the military moving operations to the Hammond Airport. From 2000 to 2014, the rate of growth in the City of Hammond is expected to accelerate as people shift from southern parts of the State north to the I-12 corridor.

Community Concerns: Limit Residential Development around the Airport. The Hammond Airport in the eastern part of Hammond is an asset to the city, but surrounding land uses should be considered in terms of their compatibility with the airport's potential to grow. Ideally, new development around the airport should benefit and enhance the Airport and its functions. Additional residential development could cause conflict if residents complain of noise and other impact from the airport.

- Objective 5.9 – Limit expansion of residential around the airport.
 - Policy 5.9.1 – Consider adopting an airport overlay zone or aviation easements to prevent the need for buy-outs of properties as the airport increases in size and capacity.

FIGURE 4.12:
PROPOSED STREET
ATLAS

*Conceptual street atlas
based on Louisiana Land
Use Toolkit designations*

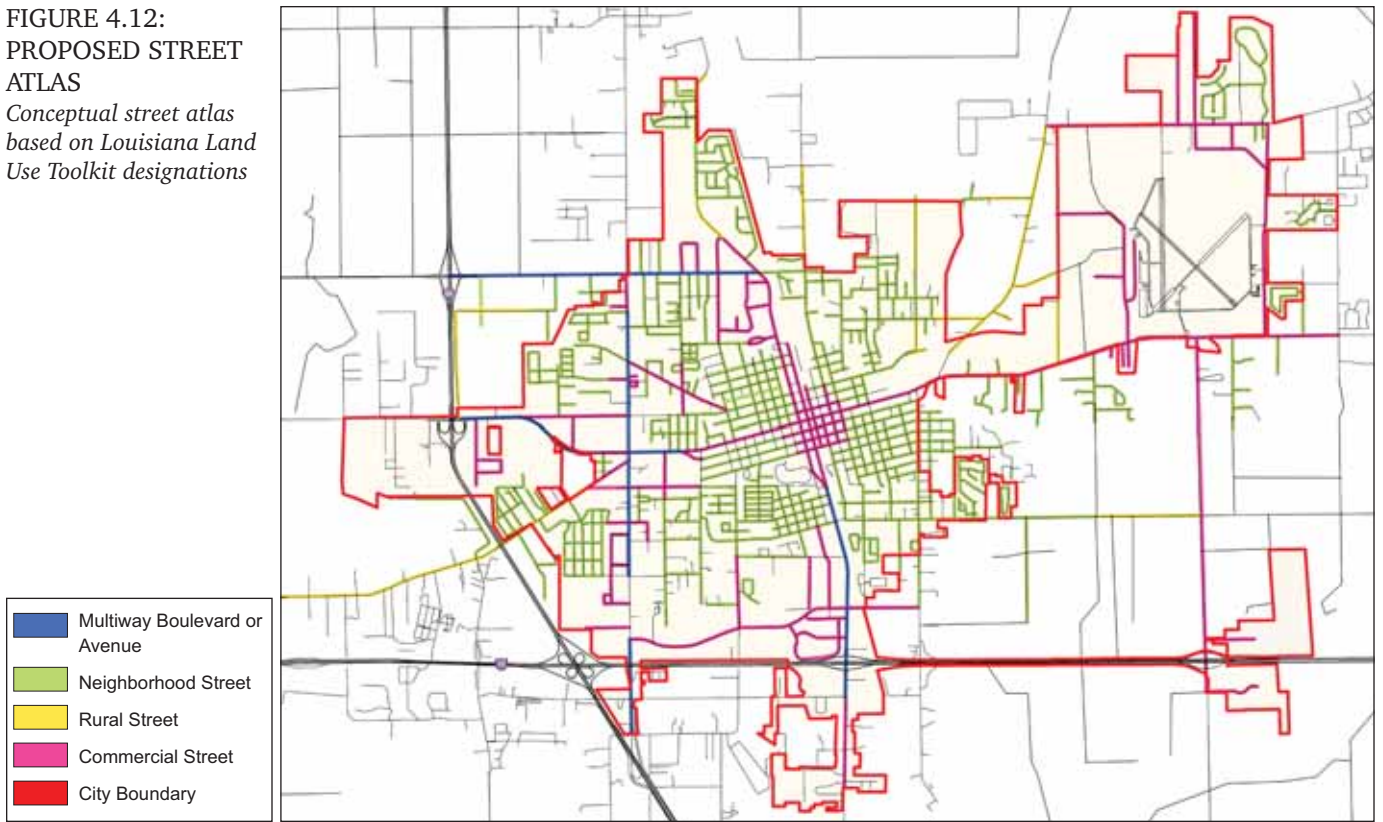
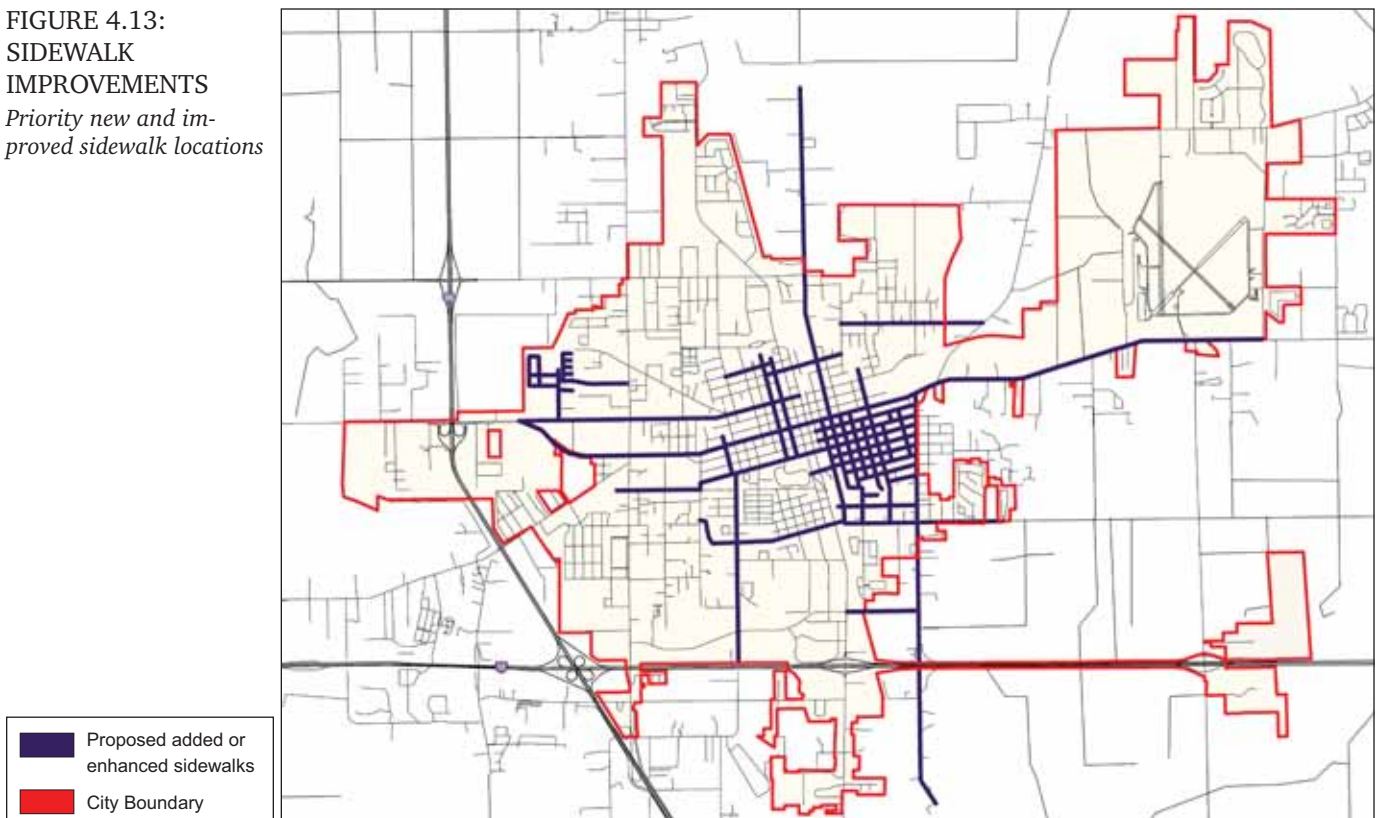
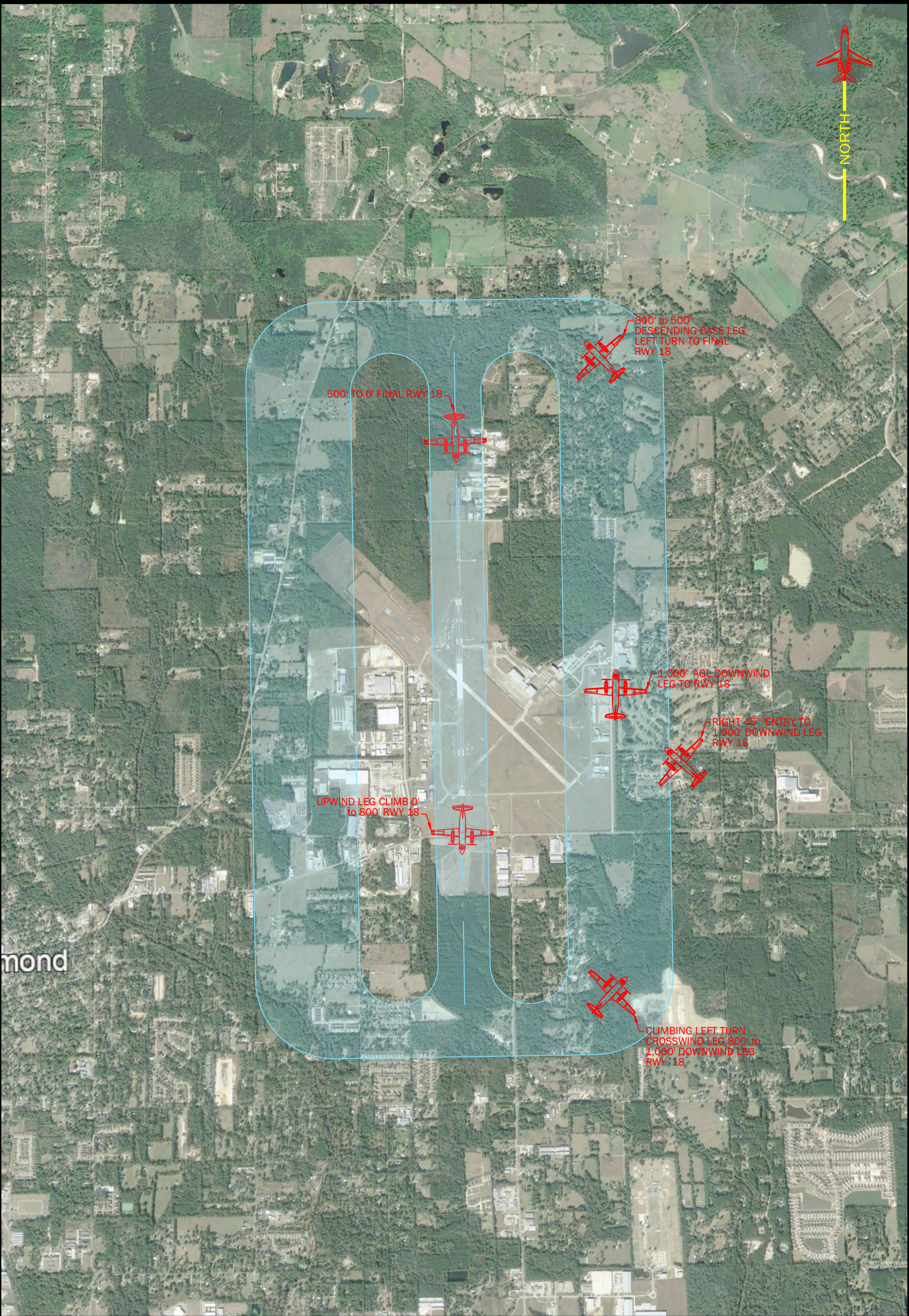
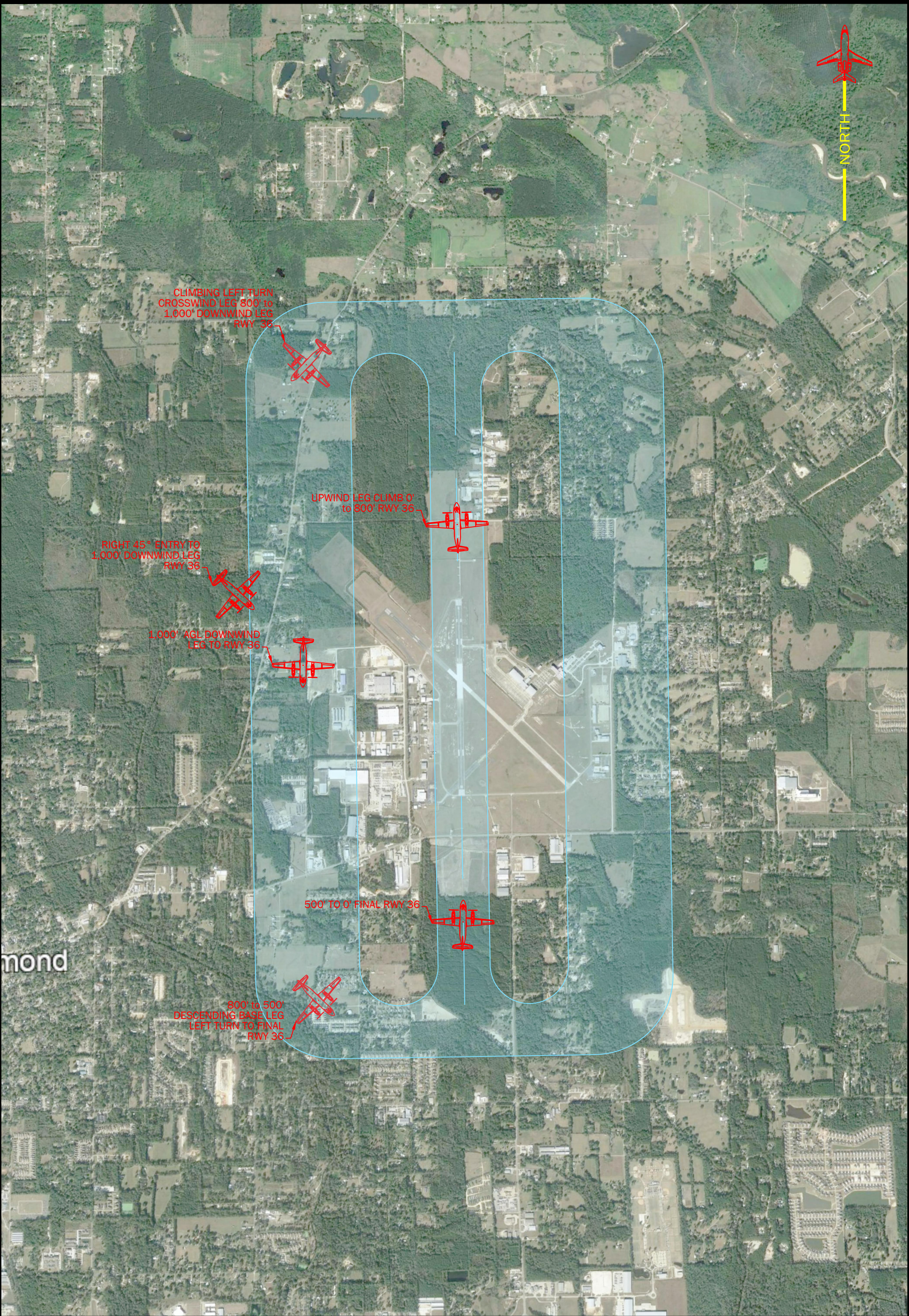


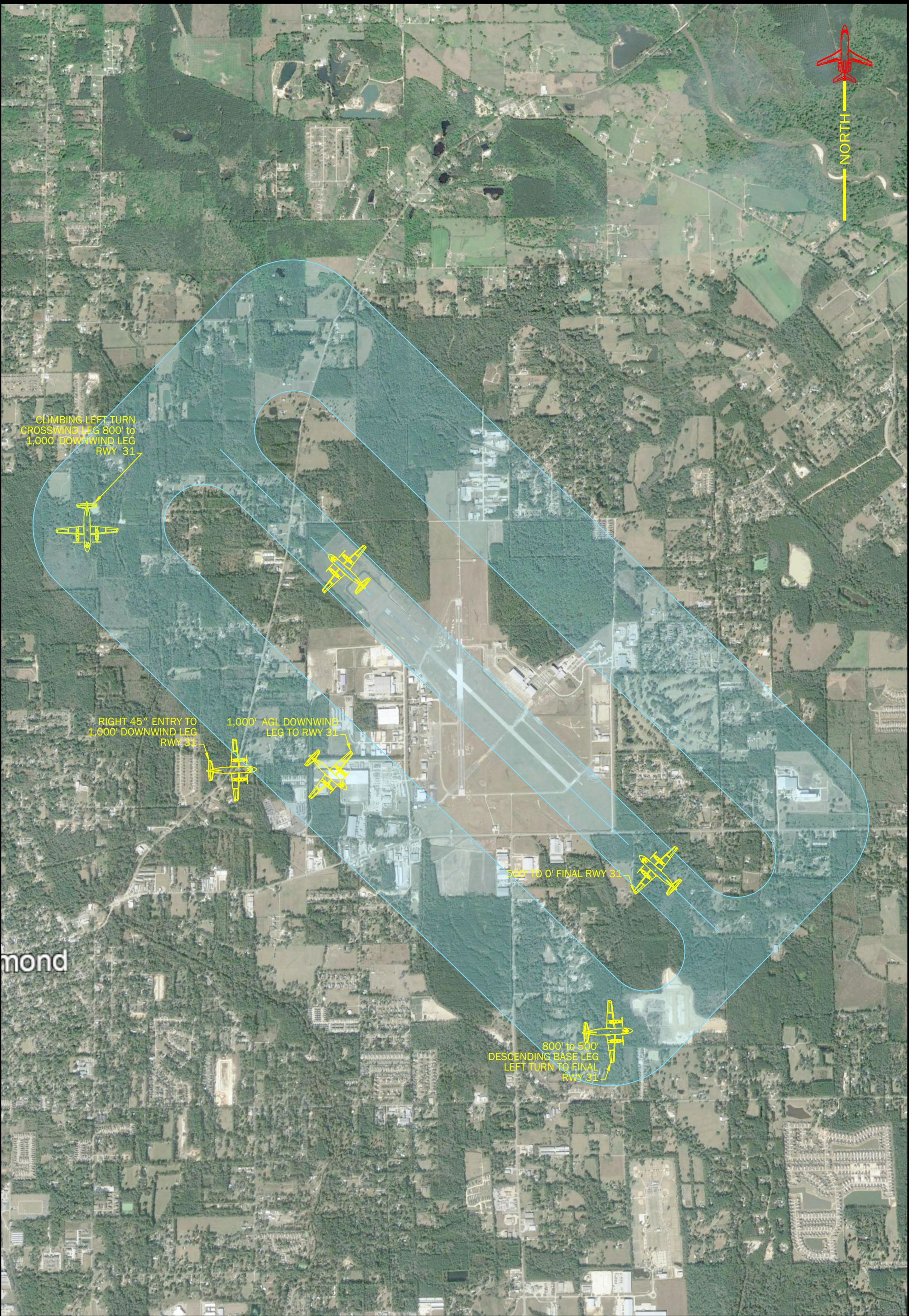
FIGURE 4.13:
SIDEWALK
IMPROVEMENTS

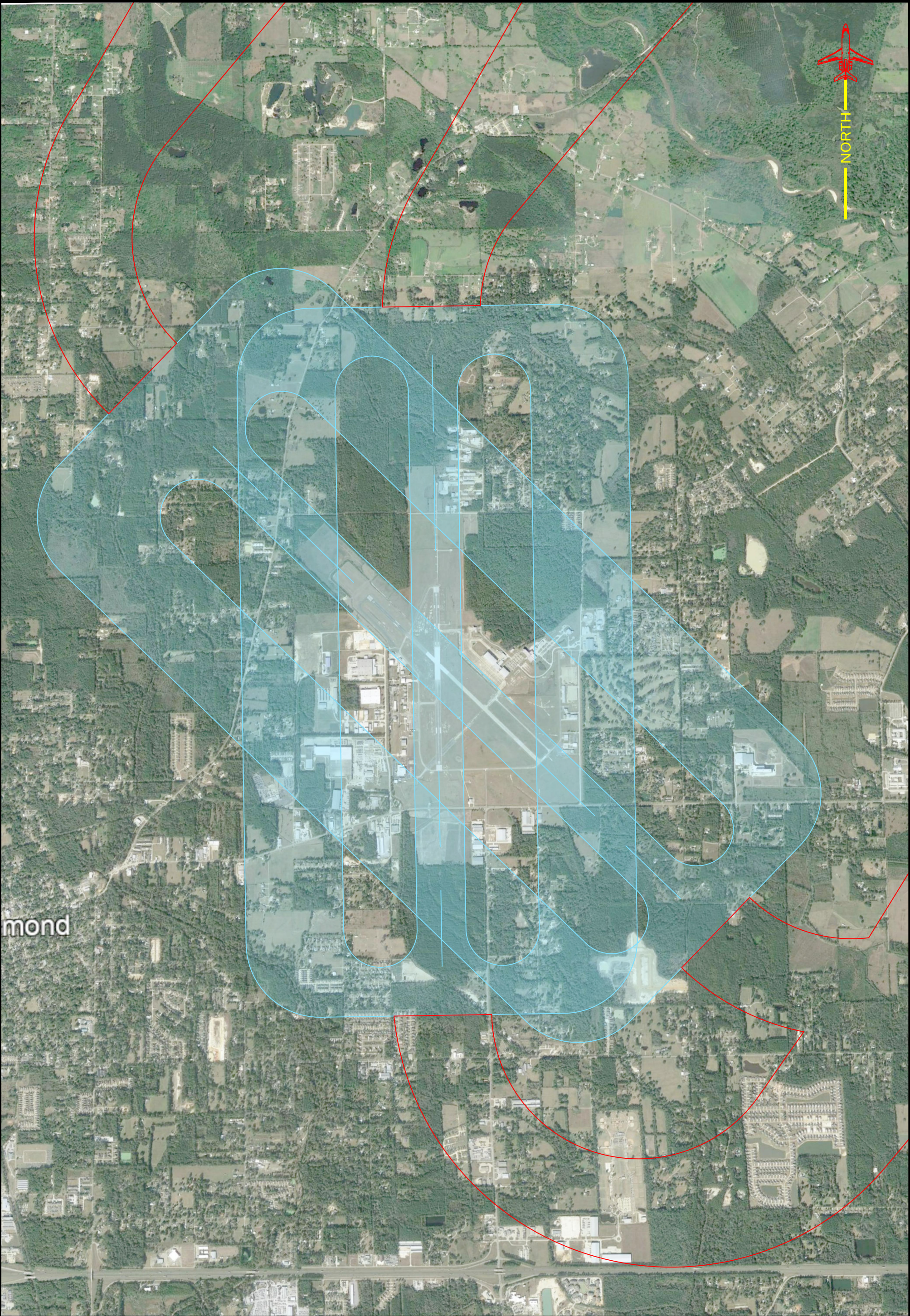
*Priority new and im-
proved sidewalk locations*













LAND USE NEAR AIRPORTS

Reference Information:

Memorandum by Dover, Khol & Partners

FAA Land Use Compatibility and Airports

FAA Noise and Compatible Land Uses

FAA & APA Partnering for Airport Land Use Compatibility

FAA Aviation Safety and Noise Abatement Act 1979

Hammond Airport Flight Path Maps

LA RS 33:109.1 – Relationship between local master plans and the plans of the state and other political subdivision

Whenever a parish or municipal planning commission has adopted a master plan, state agencies and departments shall consider such adopted master plan before undertaking any activity or action which would affect the adopted elements of the master plan.

Comprehensive Master Plan was adopted in 2011. This plan is a guidance for the Commission and City Council to use when evaluation development proposals and considering the rezoning or annexation of land.

Chapter 2: Land Use

Control Growth Around the Airport: The expansion of residential development around airport should be limited to avoid conflicts. Development around the airport should be carefully considered to provide for useful and compatible land uses that will create a diversified and more stable economy for Hammond.

Chapter 4: Transportation & Infrastructure

Objective 4.8- Increase the capacity of Hammond Northshore Regional Airport to serve as an economic and transportation center through continued economic development partnerships and protection of approach zones from incompatible residential encroachment

Policy 4.8.1 – Identify land adjacent to the airport facilities that present opportunities for expansion and complimentary commercial and industrial development.

Policy 4.8.3 – Develop a coordinated land use, infrastructure, financing and airport facilities plan to increase airport related economic activity.

Chapter 5: Housing

Objective 5.9 – Limit expansion of residential around the airport.

Policy 5.9.1 – Consider adopting an airport overlay zone or aviation easements to prevent the need for buy-outs of properties as the airport increases in size and capacity.

FEDERAL AVIATION ADMINISTRATION

Decisions on zoning should consider the impacts that aviation brings to communities.

Federal Policies on Airport Noise - Aviation Noise Abatement Policy

-Aviation Noise Abatement Policy states that state & local governments, local elected officials, and airport proprietors are responsible in the abatement of aircraft noise. The primary legal obligation to address the airport noise problem always has been and remains a local responsibility.

- Federal Government reduces noise exposure by controlling the source of noise, so must local government by assuring compatible land uses in areas surrounding the airport.

-Planning & Acting in coordination, each of these parties should move toward the goal of confining aircraft noise exposure levels.

-Action Plans should include a program to ensure maximum land use compatibility with airport operations by encouraging local governments to adopt and enforce zoning or other land use controls.

-State and Local governments are directly and uniquely responsible for ensuring that land use planning, zoning, and land development activities in areas surrounding airports are consistent with the objective of ensuring land use that is compatible with present and projected aircraft noise exposure in the area.

Legal Responsibilities of State and Local Governments

-There remains a critical role for local authorities in protecting their citizens from unwanted aircraft noise, principally through their powers of land use control. Control of land use around airports to insure that only compatible development may occur in noise-impacted areas is a key tool in limited the number of citizens exposed to noise impacts, and it remains exclusively in the control of state and local governments.

-Local Governments have a legal authority to impose appropriate land use controls through zoning.

Federal Response

-The Supreme Court concluded that airport owners are liable for aircraft noise damages. Without effective land use planning, the implementation of land use plans and zoning, this could increase the owners liability including purchasing of land.

Partnering for Airport Land-Use Compatibility

2014 APA National Conference

**Georgia World Congress Center
Atlanta, GA**

Presented by:

Rick Etter and Danielle J. Rinsler, AICP
FAA Office of Airports, Airport Planning and
Environmental Division, Washington, DC

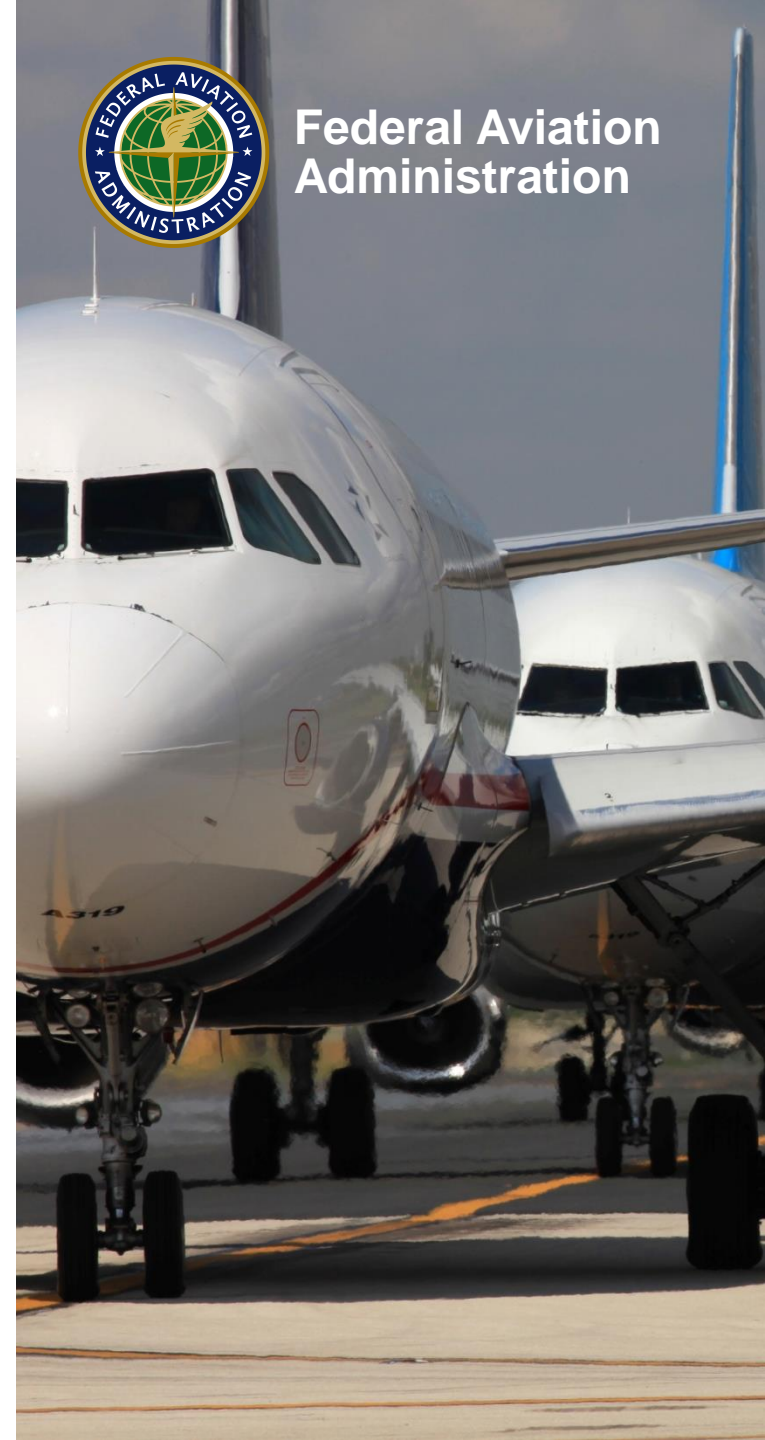
Jacqueline Sweatt-Essick
FAA Southern Regional Airports Division,
College Park, Georgia

Stephanie A.D. Ward, AICP
Mead & Hunt, Inc., Lansing, Michigan

April 26, 2014



**Federal Aviation
Administration**



Agenda

- **Introductions**
- **Land Use Basics**
- **FAA Role**
- **FAA Advisory Circular “Airport Land Use Compatibility Planning”**
 - Consequences of Incompatible Development on Airports and Communities
 - Stakeholders
 - Airport and Local Land Use Planning Coordination
 - FAA Regulations and Guidance
 - Tools and Techniques

Agenda (continued)

- **FAA Funding for State/Local Airport Compatible Land Use Plans**
 - Section 160 of Vision 100 (PL 108-176)
 - Section 153 of the FAA Modernization and Reform Act of 2012 (PL 112-95)
- **Stakeholder Outreach and Continuing APA Input**
- **Schedule for the Advisory Circular**
- **Questions and Answers**

Land Use Basics

What is considered “compatible”?

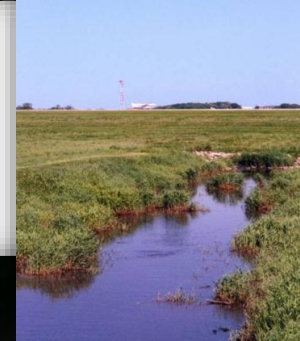
- **Airport compatible land use:**
 - Complies with location, height, and activity restrictions
 - Provides for safe aircraft movement and airport operations
 - Preserves public health, safety, and welfare for people located in proximity of airport



Land Use Basics

What are the areas of concern?

- **5 common concerns:**
 - Noise
 - Concentrations of people
 - Wildlife attractants
 - Tall structures
 - Visual obstructions



Community and Airport Perspectives

How do they differ?

■ Example: Industrial land use

What a community sees:

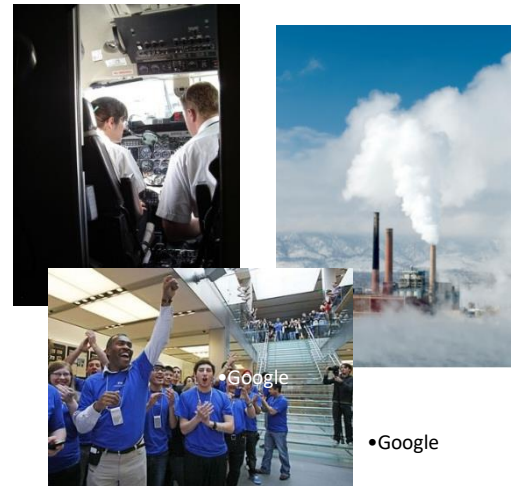
- Jobs
- Property & income taxes
- Economic impact



•Google

What the airport sees:

- Visual obstructions
- Hazards to flight
- Concentrations of people



•Google

A Difference in Perspectives

Regardless of the variables...maintaining compatibility near airports is important!



US Airways Airbus A320 (flight 1549) struck a flock of migrating Canada geese at 3,100 feet above ground level following departure from LaGuardia Airport; power was lost in both engines.



•Washington Post – May 31, 2013

HERNDON, Va. -- Two people were taken to a hospital after a two-seat, single engine Cessna crashed into the living room of a third-story apartment...The plane crashed through the roof of the apartment building in Herndon after it had electrical problems and its engine cut off, and came to rest on the living room floor... - Huffington Post

Who is the FAA Office of Airports?

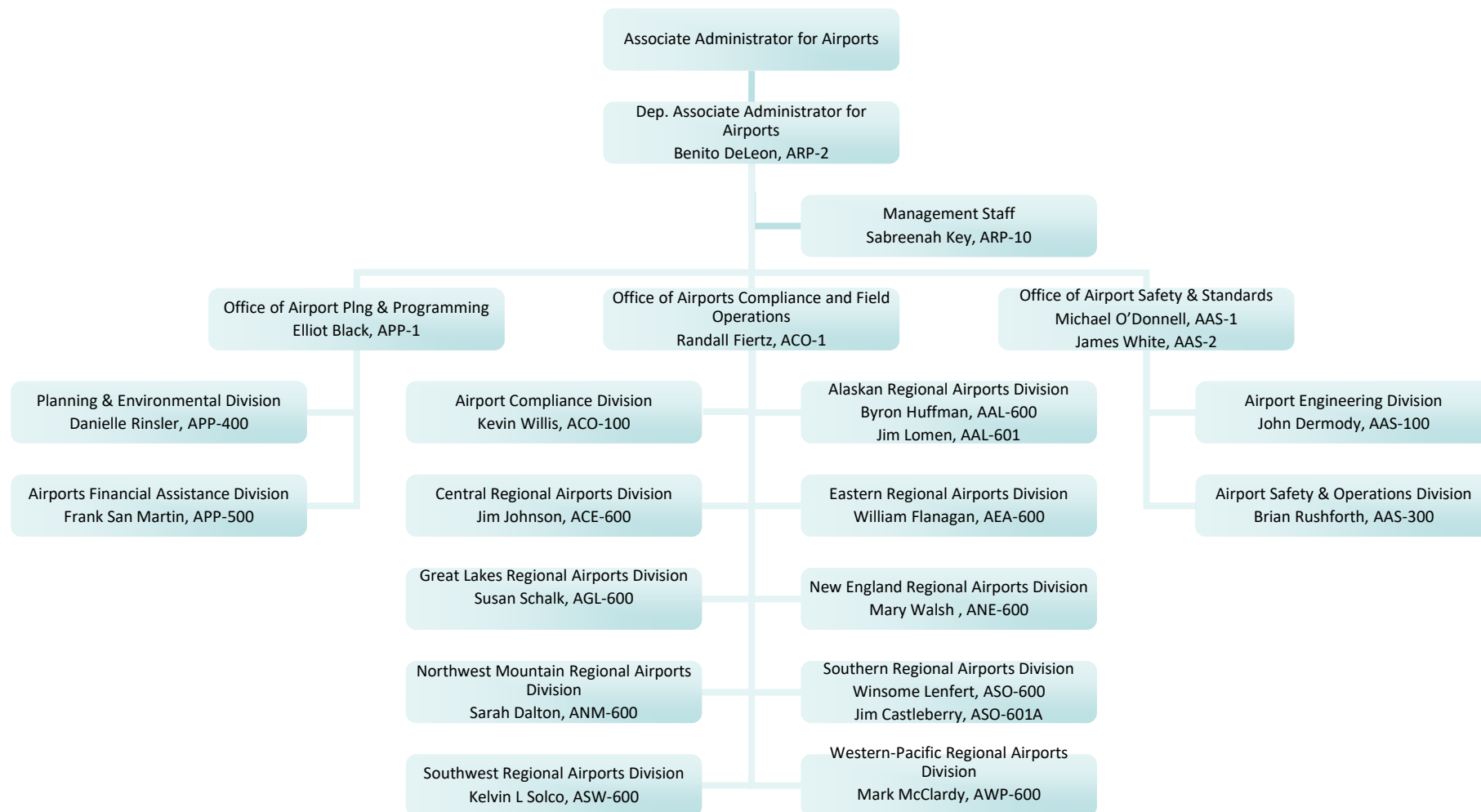
The Airports organization comprises roughly 500 personnel working across the country in—

- 3 Headquarters Offices
- 9 Regional Division Offices
- 21 Airport District/Development Offices

Contact:

https://www.faa.gov/airports/news_information/contact_info/regional/

FAA Office of Airports – Organization Chart




Office of Airports Key Stakeholders

- **Airport owners and operators**
- **Traveling public**
- **Airlines and other aviation system users**
- **Neighboring and impacted communities**
- **State aeronautical agencies**
- **Elected and appointed officials (Federal, state and local)**
- **Other units within the FAA (e.g., Air Traffic Organization, Runway Safety Office, Flight Standards, Flight Procedures, Policy Office)**
- **Other Federal agencies (e.g., FHWA, TSA, USFWS, EPA, Corps of Engineers, etc.)**
- **Federal oversight units (GAO, OIG, OMB)**

Need for Improved FAA Guidance

- **Enhance coordination and consistency between airport master plans and comprehensive land use and general plans**
- **Identify compatible development opportunities and preserve long term operational capability of the airport.**
- **Airports and airspace are often located within and influence multiple jurisdictions**
- **Federal government has limited authority for land use regulation**

Which brings us to the FAA's Advisory Circular Update

 US Department of Transportation Federal Aviation Administration			Advisory Circular		
Subject: A MODEL ZONING ORDINANCE TO LIMIT HEIGHT OF OBJECTS AROUND AIRPORTS			Date: 12/14/87 Initiated by: AAS-100	AC No: 150/5190-4A Change:	

1. PURPOSE.

a. This advisory circular provides a model zoning ordinance to be used as a guide to control the height of objects around airports.

b. This advisory circular has been editorially updated for reprint/stock purposes only. There were no changes made to the content of the advisory circular except to update the format and renumber the document to AC 150/5190-4A.

2. CANCELLATION. AC 150/5190-4, A Model Zoning Ordinance to Limit Height of Objects Around Airports, dated August 23, 1977.

3. FOCUS.

a. Aviation safety requires a minimum clear space (or buffer) between operating aircraft and other objects. When these other objects are structures (such as buildings), the buffer may be achieved by limiting aircraft operations, by limiting the location and height of these objects, or, by a combination of these factors. This advisory circular concerns itself with developing zoning ordinances to control the height of objects, based on the obstruction surfaces described in Subpart C of Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace, current edition. It should be recognized, however, that not all obstructions (objects whose height exceeds an obstruction surface) are a hazard to air navigation.

b. The Federal Aviation Administration (FAA) conducts aeronautical studies on obstructions which examine their effect on such factors as: aircraft operational capabilities; electronic and procedural requirements; and, airport hazard standards. If an aeronautical study shows that an obstruction, when evaluated against these factors, has no substantial adverse effect upon the safe and efficient use of navigable airspace, then the obstruction is considered not to be a hazard to air navigation. Advisory Circular 150/5300-4, Utility Airports--Air Access to National Transportation, current edition, presents additional discussion on hazards to air navigation.

c. Airport zoning ordinances developed for height limitations do not in themselves ensure compatible land use surrounding the airport. Land use zoning, incorporating height limiting criteria, is an appropriate means for achieving this objective. Advisory Circular 150/5050-6, Airport-Land Use Compatibility Planning, current edition, presents generalized guidance for compatible land use planning in the vicinity of airports.

FAA Airport Land Use Compatibility Planning Guidance Objectives

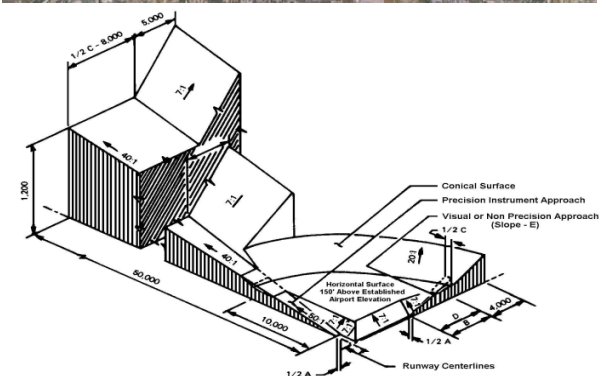
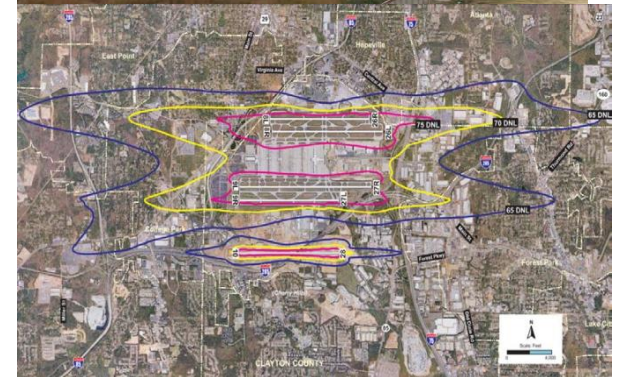
- **Encourage compatible land uses around airports**
- **Facilitate coordination between entities developing airport master plans and local land use or general plans.**
- **Educate airport planners about local land use planning**
- **Inform local land use planners about airport planning**

Advisory Circular Outline

- **Chapter 1** – Introduction
- **Chapter 2 – Land Use Compatibility Concerns**
- **Chapter 3** – Roles and Responsibilities of Stakeholders
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Common Areas of Concern

- Noise Sensitive Land Uses
- Concentrations of People
- Obstructions to Airspace
 - Tall Structures
 - Visual Obstructions
- Wildlife Attractants



Noise Sensitive Land Uses

- **Normally concerned with speech interference indoors.**
- **Federal Standard of Significance**
 - DNL 65 dB
 - Based on Annoyance
- **Noise sensitive land uses include:**
 - Schools
 - Churches
 - Residences
 - Natural Areas Managed for Quiet



Schools



Residential subdivision

Source: Mead & Hunt

Concentrations of People Near Airports

- Concern regarding concentrations of people in close proximity to airports, and especially within runway protection zones (RPZs) and noise sensitive areas
- Land uses include:
 - Residential development
 - Hospitals
 - Schools
 - Recreational/special uses
 - Parking and other transportation facilities



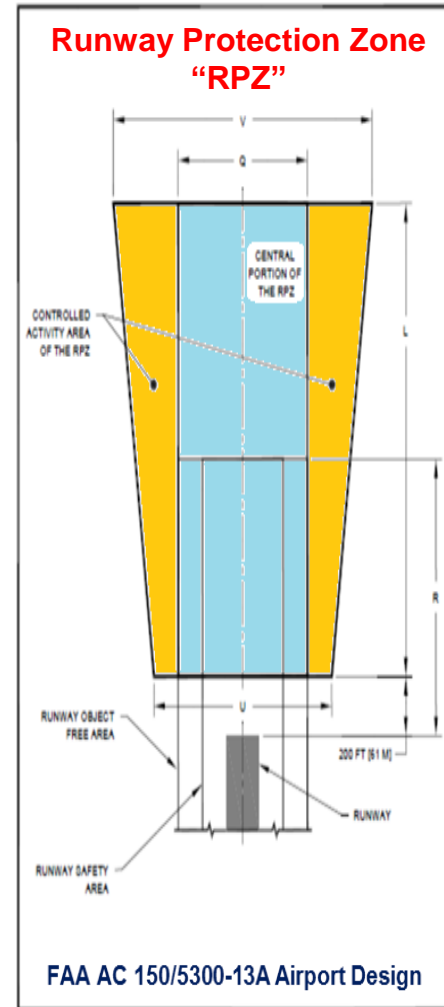
Residential



Recreational



Places of Assembly



Source: Mead & Hunt

Birmingham Example



Recent UPS A-300 Crash in Birmingham, AL



Tall Structures

- **Concern regarding obstructions to flight, including penetrations of FAR Part 77 and other airspace surfaces**
- **Land uses include:**
 - Cell towers
 - Power lines
 - Vegetation
 - Wind turbines
 - Buildings (high-rises)
 - Transportation Structures (elevated roadways, rail facilities)



Cell towers and trees (or towers that look like trees)



Wind turbines



Power lines

Source: Mead & Hunt

Visual Obstructions

- **Concern regarding:**

- Smoke/steam
- Dust
- Glare
- Light emissions

- **Land uses include:**

- Industrial
- Water bodies
- Solar facilities



Glint or glare – solar panels

Source: FAA



Dust – gravel extraction



Light emissions



Steam emissions – industrial

Solar Glare Hazard Analysis Tool (SGHAT) at:

www.sandia.gov/glare

Source: Mead & Hunt

Wildlife Attractants

- **Concern regarding hazards to aircraft**
- **Land uses include:**
 - Municipal solid waste facilities/landfills
 - Sewage treatment facilities
 - Farmland
 - Water bodies including retention ponds
 - Recreational



Land Fills



Wetlands



Recreational uses



Farmland



Ponds

Source: Mead & Hunt

Airport Wildlife Challenges

Population growth



Airport Wildlife Challenges

Increasing wildlife population



Airport Wildlife Challenges

Wildlife rapidly habituate to aviation safety harassment/frightening techniques



Wildlife Strikes



April 26, 2014

Partnering for Airport Land-Use
Compatibility

25

Engine Ingestion of Wildlife



April 26, 2014

Partnering for Airport Land-Use
Compatibility



**Federal Aviation
Administration**

26

Consequences of Non-Compatible Uses

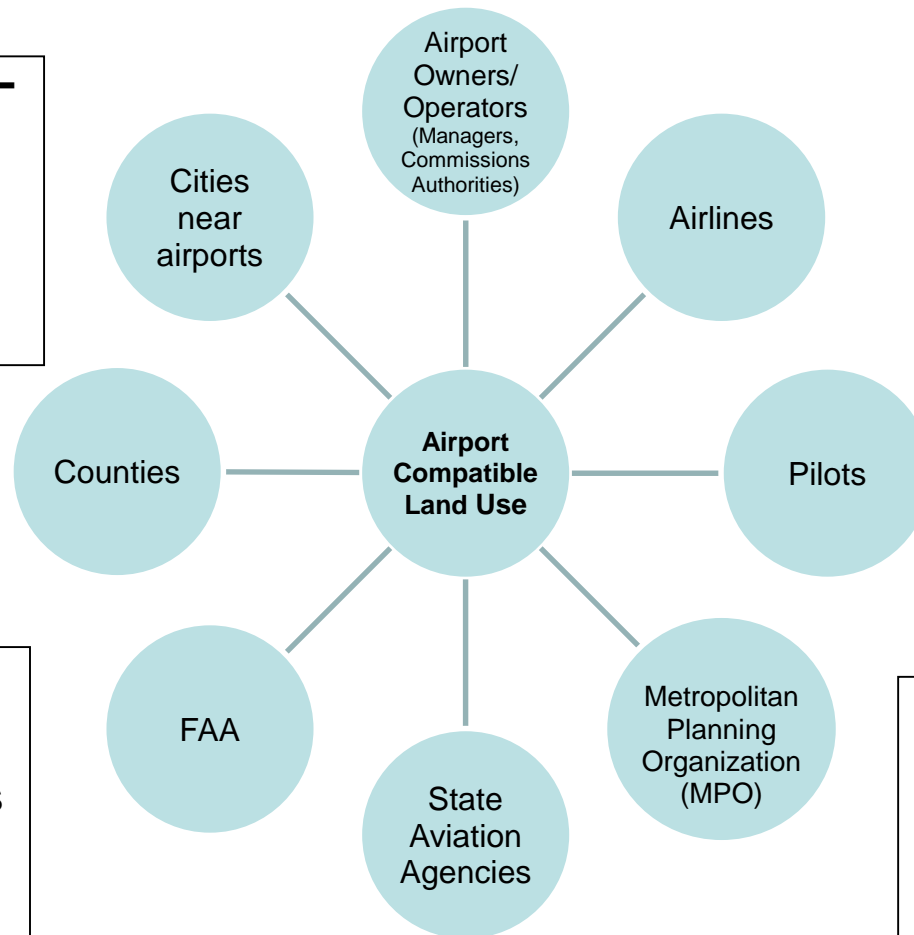
- **Consequences to the aviation system and users:**
 - Impacts to airport viability and air service, including constraining the airport's operations and limiting future airport development
 - Impacts to runway approach and departure surfaces
 - Increased safety risk due to obstructions or wildlife hazards
- **Consequences to people living near airports:**
 - Exposure to aircraft noise and emissions, and safety concerns
- **Consequences to local and regional jurisdictions:**
 - Unrealized local/regional economic development due to airport growth constraints
- **Economic consequences (airport and community):**
 - Potential for litigation (and associated costs)
 - Lost revenue and development opportunities

Advisory Circular Outline

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Numerous Planning Partners

Local jurisdictions –
Implement and enforce land use decisions through comprehensive planning and zoning ordinances.



FAA –
Reviews air space, develops standards and guidelines, funds projects with grant assurances, makes recommendations

State –
Technical assistance, may authorize zoning, develops standards and guidelines

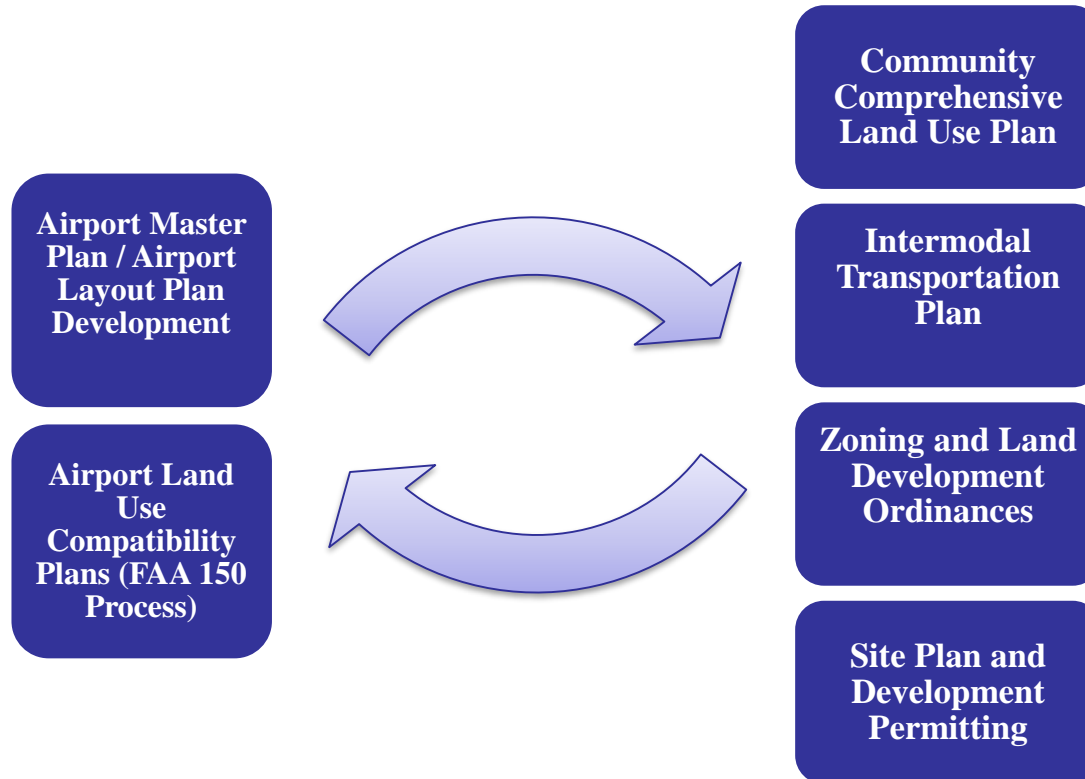
Advisory Circular Outline

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Airport and Local Planning Coordination

Airport Planning

Local Planning



Advisory Circular Outline

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FAA Regulatory / Guidance References

Code of Federal Regulations

14 CFR Part 77 SAFE, EFFICIENT USE, AND PRESERVATION OF THE NAVIGABLE AIRSPACE

14 CFR Part 150 Airport Noise Compatibility Planning

14 CFR Part 139.337 Wildlife Hazards

40 CFR Part 258.10, Municipal Solid Waste Landfills, Location Restrictions, Airport Safety

<http://www.ecfr.gov/cgi-bin/ECFR?SID=4f29c1a8529ec46bb53bd2bd7e3948a5&page=browse>

FAA Advisory Circulars (AC)

AC 150/5190-4A A Model Zoning Ordinance to Limit Height of Objects Around Airports

AC 150/5020-1 Noise Control and Compatibility Planning for Airports

AC 150/5070 Airport System Planning Process

AC 150/5100-17 Land Acquisition and Relocation Assistance for AIP Assisted Airport Projects

AC 150/5200-33 Hazardous Wildlife Attractants on or near Airports

AC 150/5200-34 Construction or Establishment of Landfills near Public Airports

AC 150/5300-13A Airport Design

AC 70/7460-2K Proposed Construction or Alteration of Objects that May Affect the Navigable Airspace

http://www.faa.gov/airports/resources/advisory_circulars/

Advisory Circular Outline

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Tools and Techniques

- **Airport Land Use Compatibility Plans**
- **Airport Noise Compatibility Plans**
- **Zoning / Permitting Ordinance Development**
 - Overlay Zoning
- **Natural Features – Inventory and Mitigation**
- **Real Property Acquisition and Disclosure**
- **Dedications, Deed Restrictions**

Noise Compatibility Program (14 CFR Part 150)

- **Acquisition For Redevelopment**

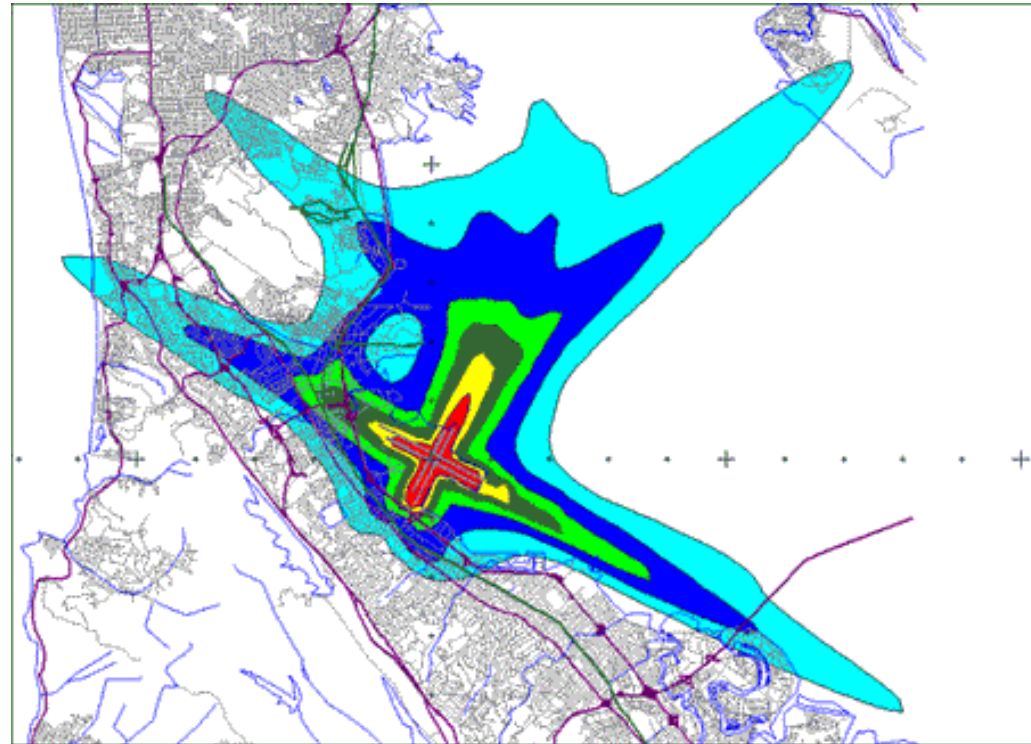
- **Building Codes**

- To ensure interior noise levels of 45 dB or less for noise sensitive structures.

- **Sound Insulation**

- **Sound Barriers**

- **Operational Measures**



Source: Mead & Hunt

Compatible Land Use Planning - State/Local Governments Grants

Section 160 of Vision 100 Century of Aviation (PL 108-176)

Section 153 of the FAA Modernization and Reform Act of 2012 (PL 112-95)

FAA grants **to state and local governments** to develop compatible land use plans for the communities around large and medium hub airports that are **not** covered by active Part 150 program (either no program or 10-year old program). Grant Funding Authority Extended to September 2015.

Chicago O'Hare International Airport

Des Plaines, IL

Harwood Heights, IL

Wood Dale, IL

San Francisco International Airport

San Mateo County, CA

Ontario International Airport

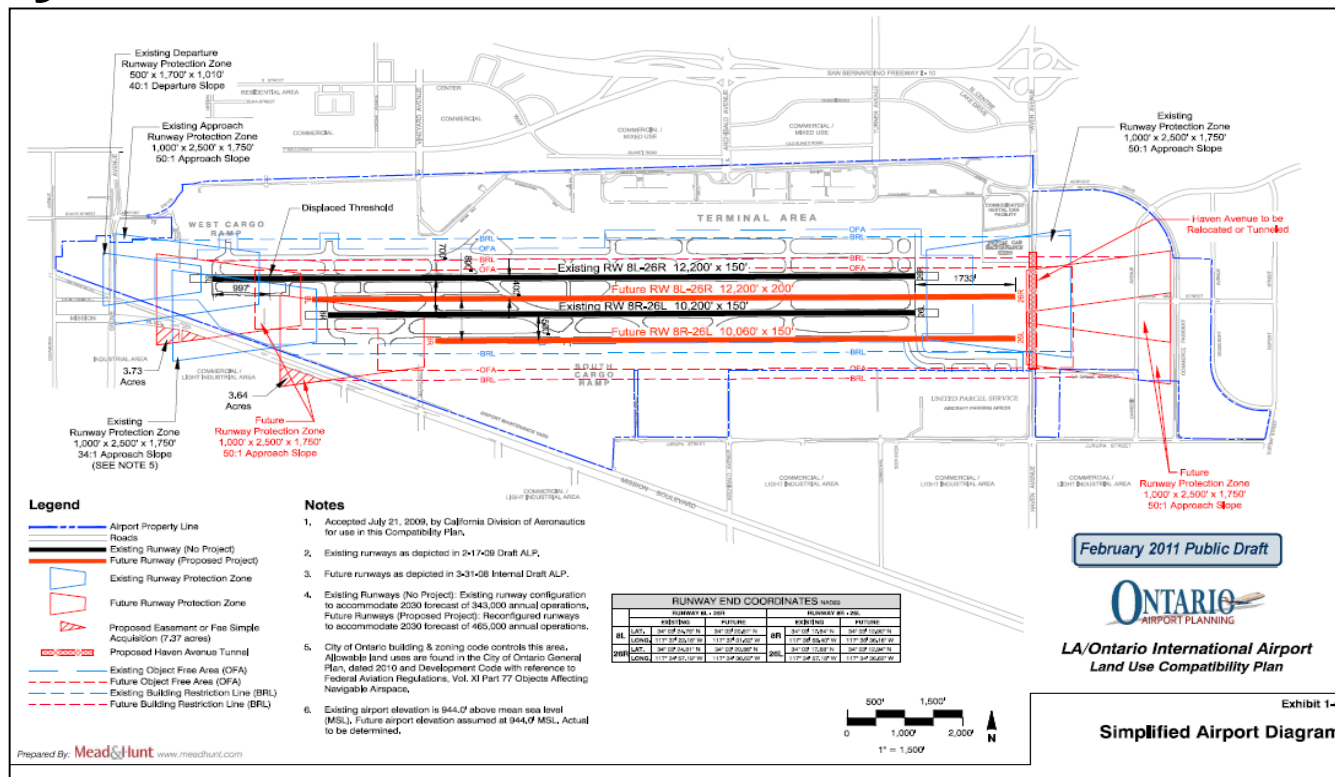
City of Ontario, CA

FAA Program Guidance Letter 05-05 (updated 2012) details AIP Grant requirements.

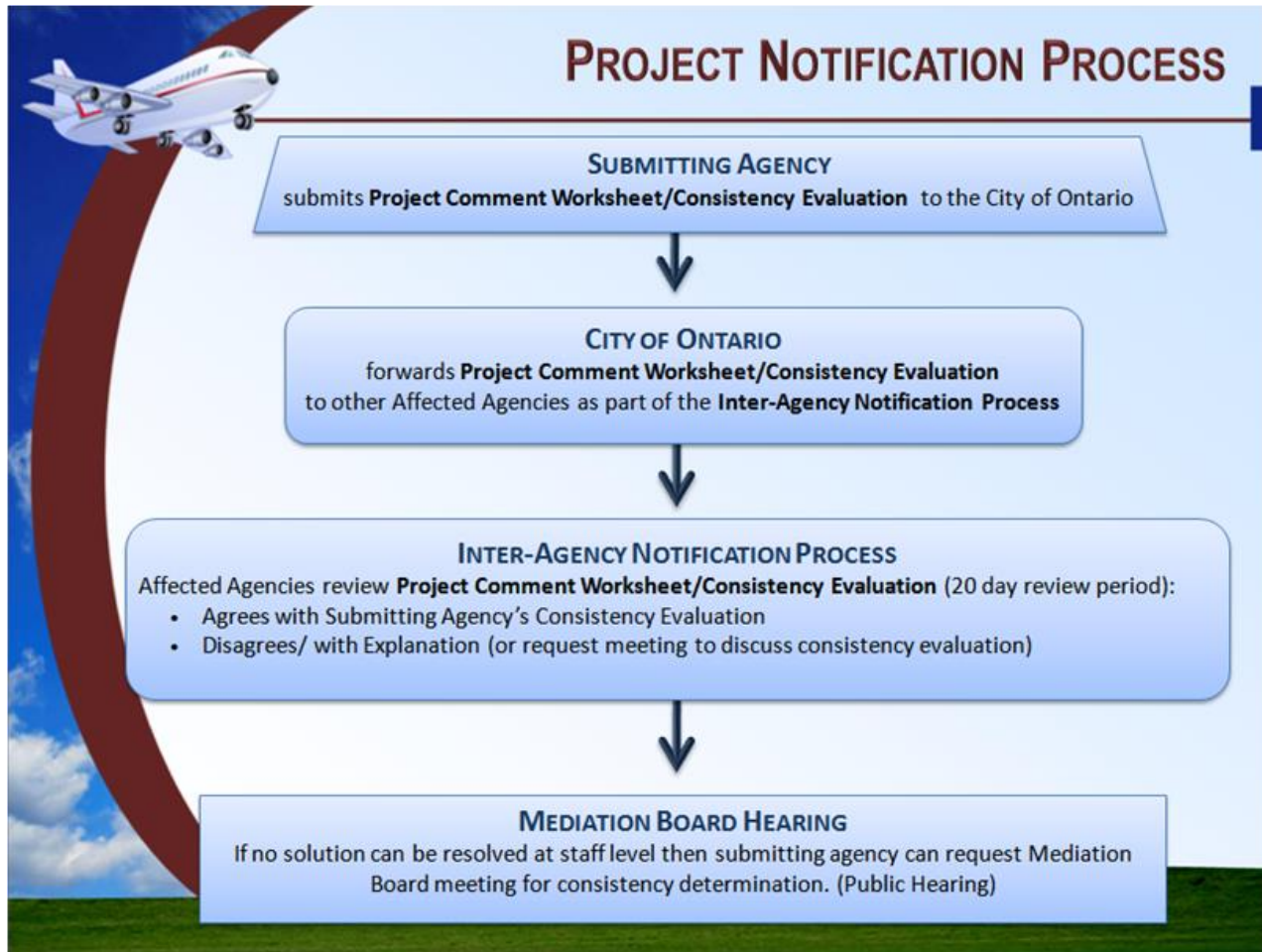
http://www.faa.gov/airports/aip/guidance_letters/media/PGL_05-05.pdf

Coordinated Airport Land Use Compatibility Planning

City of Ontario: Ontario International Airport



Project Notification Process



Source: City of Ontario

Notification Process

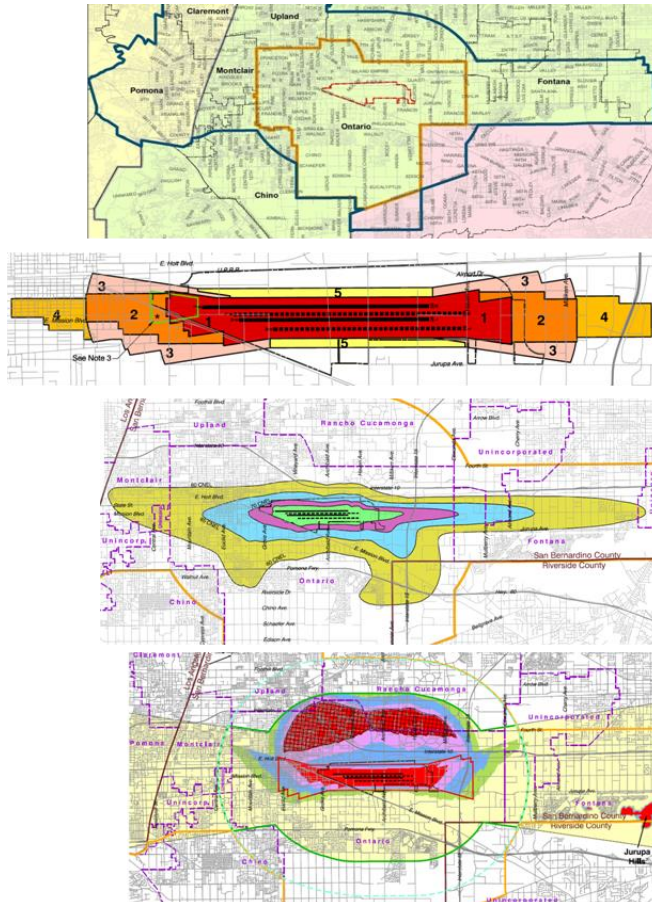


Table 2-1

Major Land Use Actions subject to the ONT Inter-Agency Notification Process

The following types of Major Land Use Actions are subject to the ONT Inter-Agency Notification Process if located anywhere within the Airport Influence Area (*Applies to all Affected Jurisdictions*):

- Expansion or creation of the sphere of influence of a city or district (e.g., annexation or incorporation)
- General Plan, Specific Plan or Zoning Amendments
- Major capital improvements (e.g., water, sewer, roads) that would promote urban development in undeveloped or agricultural areas to the extent that such uses are not reflected in a previously reviewed general plan or specific plan.
- Any proposal for acquisition of a new site or expansion of an existing site by a special district, school district, or community college district.
- Any proposal for construction or alteration of a structure (including antennae) taller than 200 feet above the ground.

The following types of Major Land Use Actions are subject to the ONT Inter-Agency Notification Process only if they are located within a safety zone (*Applies solely to the City of Ontario*):

- Any proposed land use within Safety Zone 1 that is not an aviation-related use.
- Public agency acquisition of sites intended for institutional uses including hospitals, schools, jails or prisons.
- Any discretionary development proposal for projects having a building floor area of 20,000 square feet or greater unless only ministerial approval (e.g., a building permit) is required.
- Proposed development of airport property if such development is not an aviation-related use or has not previously been included in an airport master plan or community general plan reviewed under the Alternative Process.

The following types of Major Land Use Actions are subject to the ONT Inter-Agency Notification Process only if they are located within a noise impact zone of 65+ dB CNEL (*Applies to the City of Ontario, City of Fontana and unincorporated areas of San Bernardino County*):

- Residential development, including land divisions, consisting of five or more dwelling units or individual parcels.
- Any nonresidential use having outdoor dining or gathering functions.
- Public agency acquisition of sites intended for institutional uses including hospitals, schools, jails or prisons.

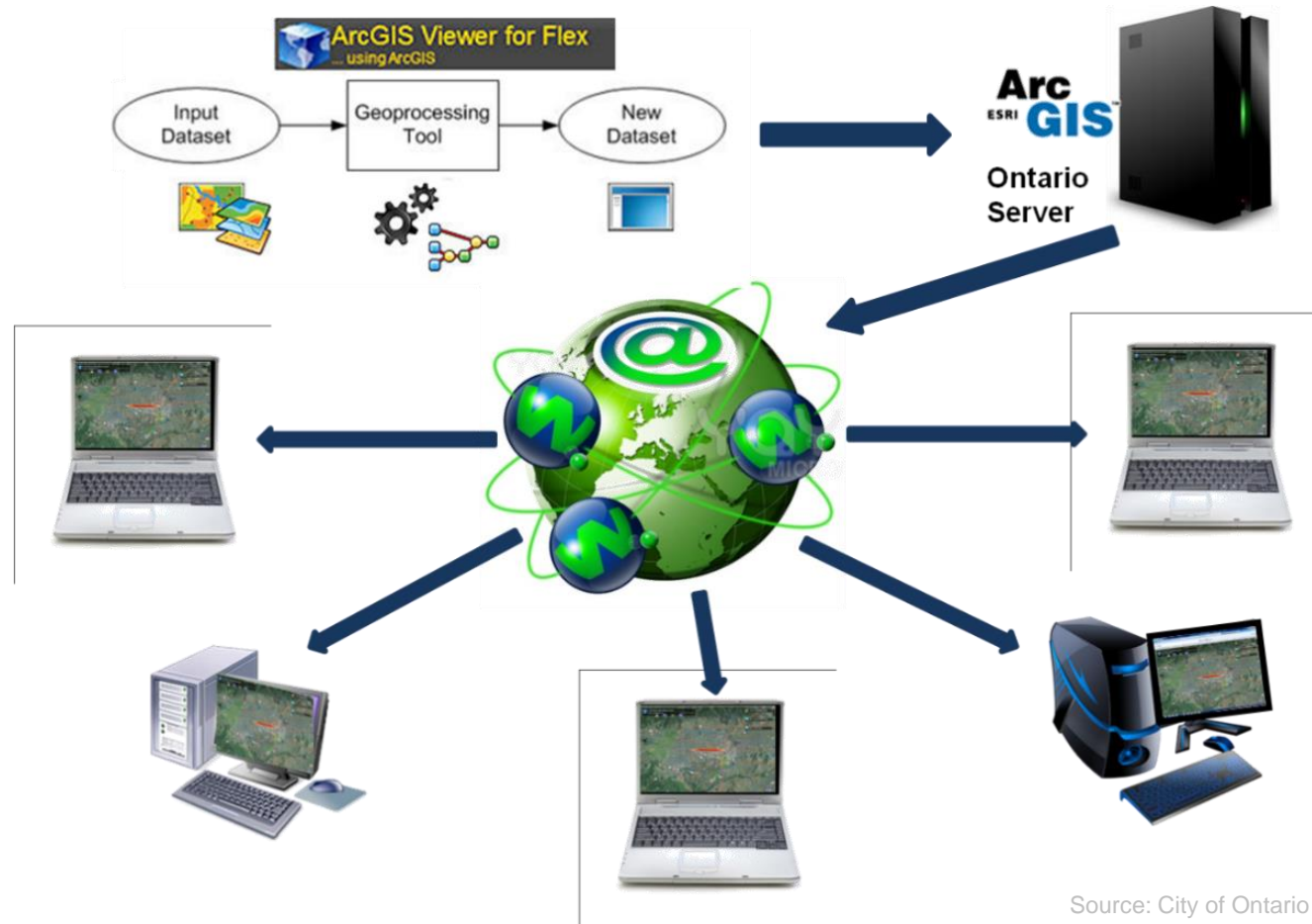
The following types of Major Land Use Actions are subject to the ONT Inter-Agency Notification Process only if they are located within an airspace protection zone (*Applies to all Affected Jurisdictions*):

- Any proposed object (including buildings, antennas, and other structures) having a height that requires review by the Federal Aviation Administration in accordance with Federal Aviation Regulations Part 77, Subpart B.
- Any proposed object (including buildings, antennas, and other structures) that would penetrate the allowable height as defined by Map 2-4 or conflict with the Airspace Protection policies.
- Any project having the potential to create electrical or visual hazards to aircraft in flight, including:
 - Electrical interference with radio communications or navigational signals.
 - Lighting which could be mistaken for airport lighting.
 - Glare in the eyes of pilots of aircraft using the airport.
 - Impaired visibility near the airport.
- Any project (e.g., water treatment facilities, waste transfer or disposal facilities, parks with open water areas), plan (e.g., Habitat Conservation Plan) or proposal to acquire sites intended for lakes, ponds, wetlands, or sewer treatment ponds which would have the potential to cause an increase in the attraction of birds or other wildlife that can be hazardous to aircraft operations in the vicinity of an airport.

Source: City of Ontario

City of Ontario GIS Tool Framework

- All agencies have access to tool
- Hosted and maintained by the City of Ontario
- Web-based application/no software needed by end users



GIS Tool Benefits

- **Ensures consistent application of the compatibility criteria by all jurisdictions**
- **Expedites compatibility reviews**
- **Preliminary consistency determination**
- **Identifies areas of concern for complex projects**
- **Uniform report generated**

Coordinated Airport Land Use Compatibility Planning

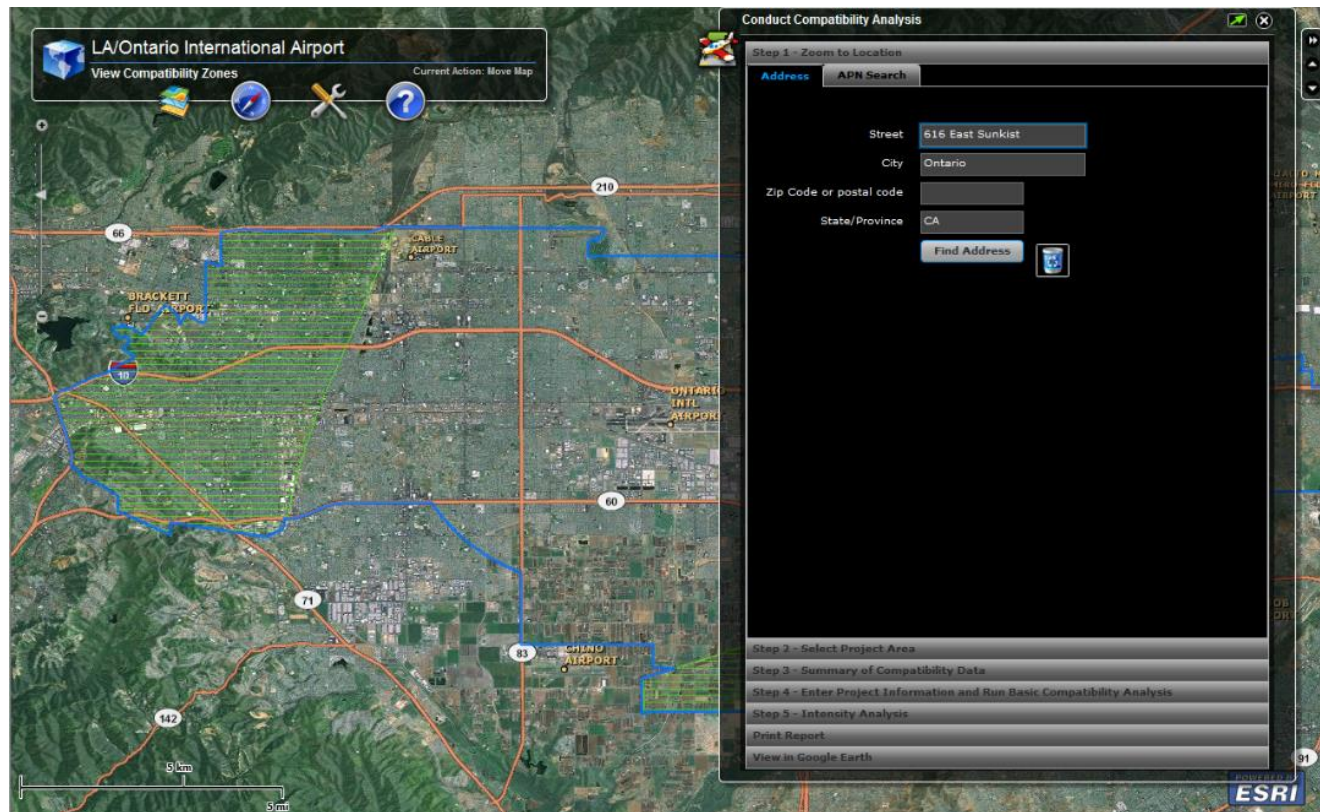
- **GIS Tool**



<http://www.ontarioplan.org/index.cfm/28345/33706>

Coordinated Airport Land Use Compatibility Planning

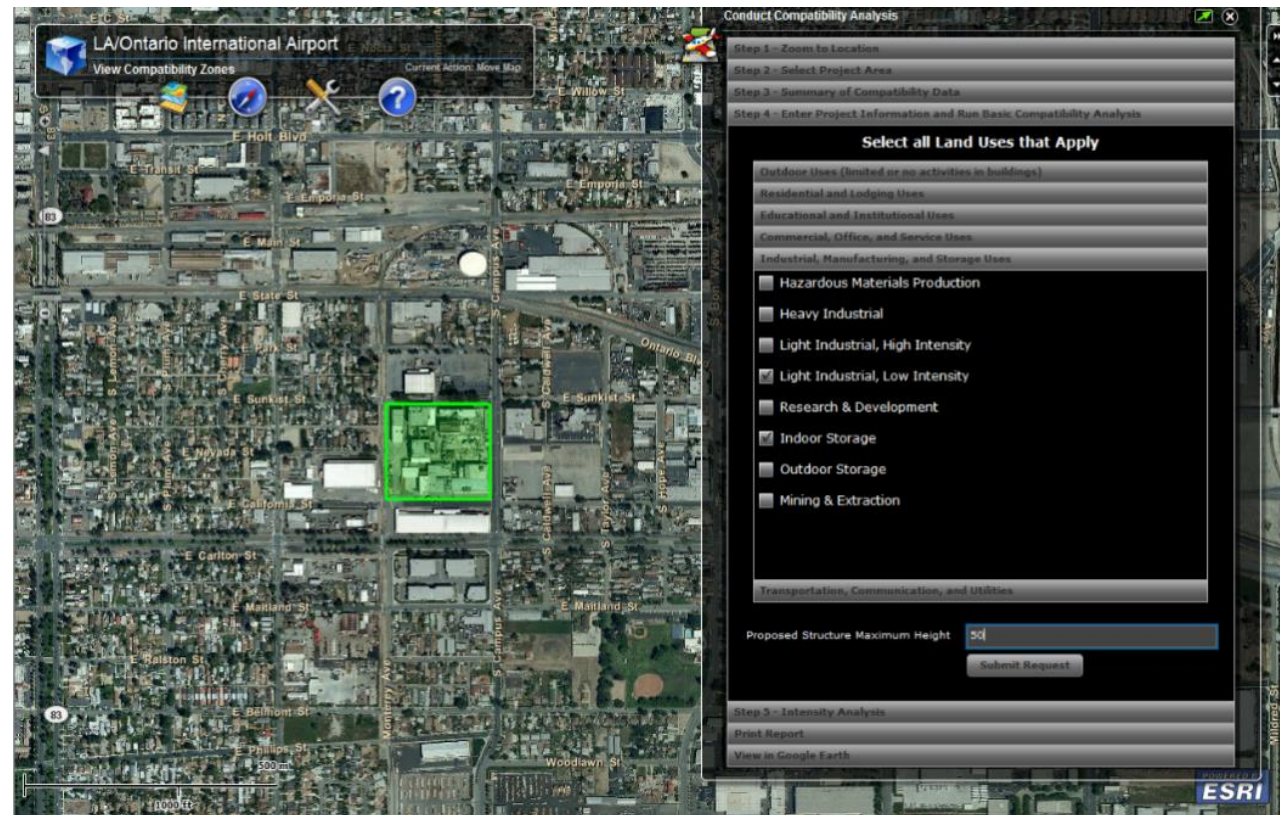
- Enter address for property to be analyzed



<http://www.ontarioplan.org/index.cfm/28345/33706>

Coordinated Airport Land Use Compatibility Planning

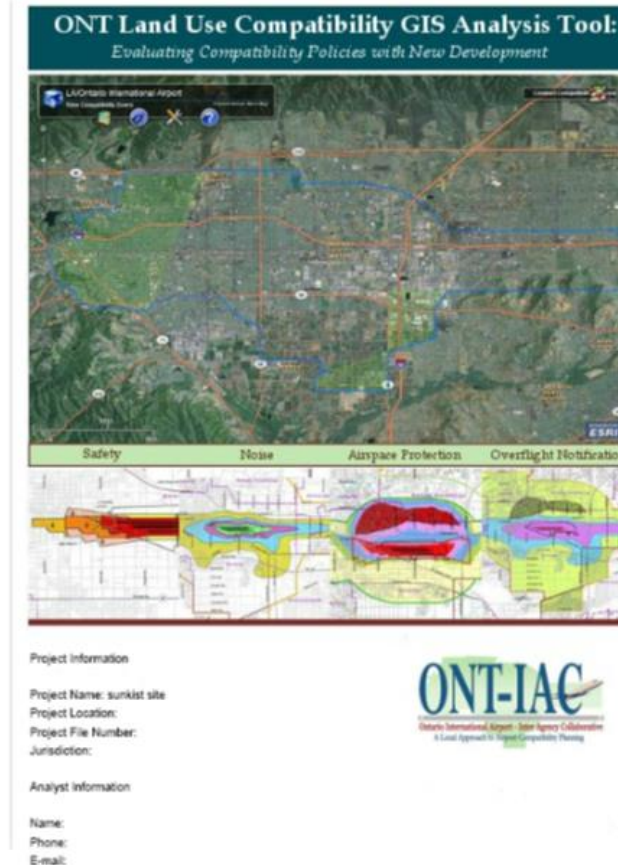
- Identify proposed uses for the site
- Enter maximum height for proposed structure



<http://www.ontarioplan.org/index.cfm/28345/33706>

Coordinated Airport Land Use Compatibility Planning

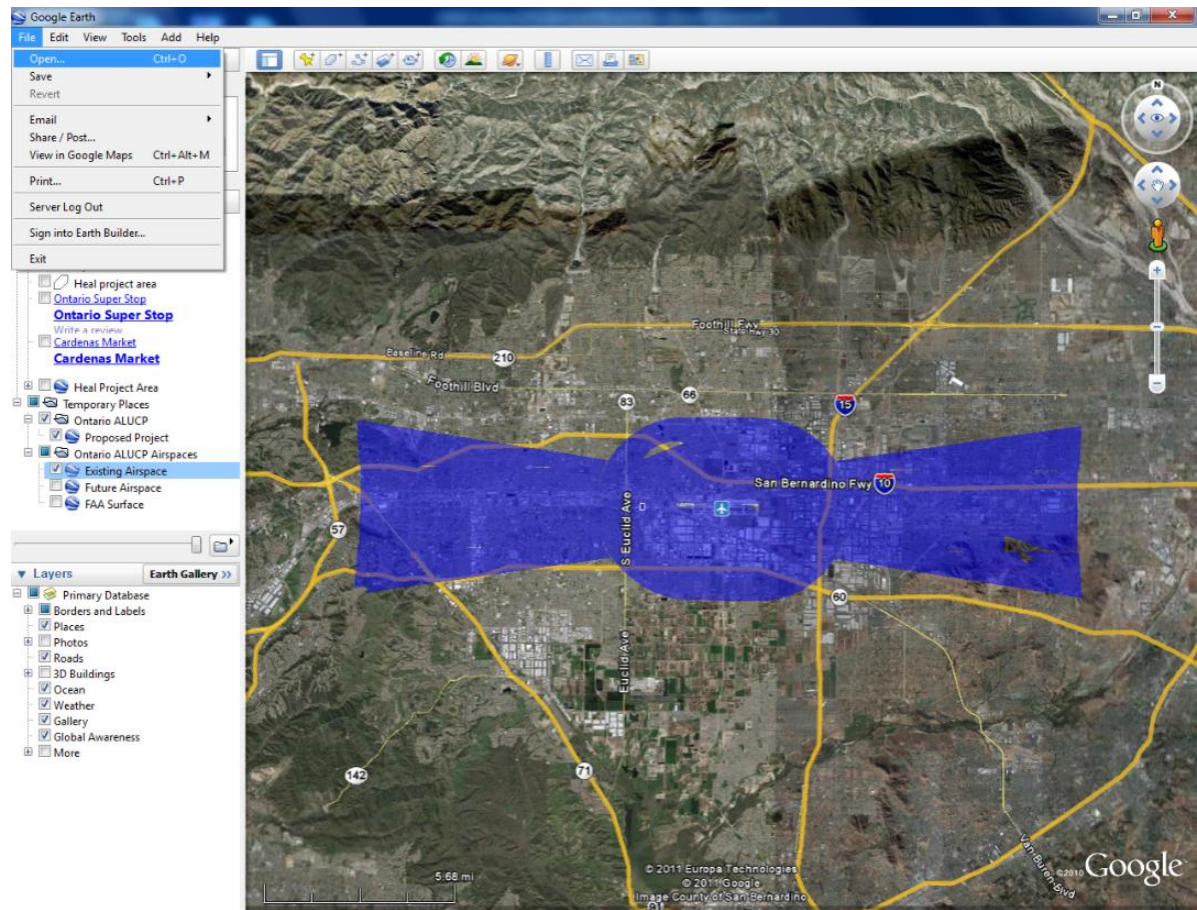
- Report generated for each respective area screened



Source: City of Ontario

Coordinated Airport Land Use Compatibility Planning

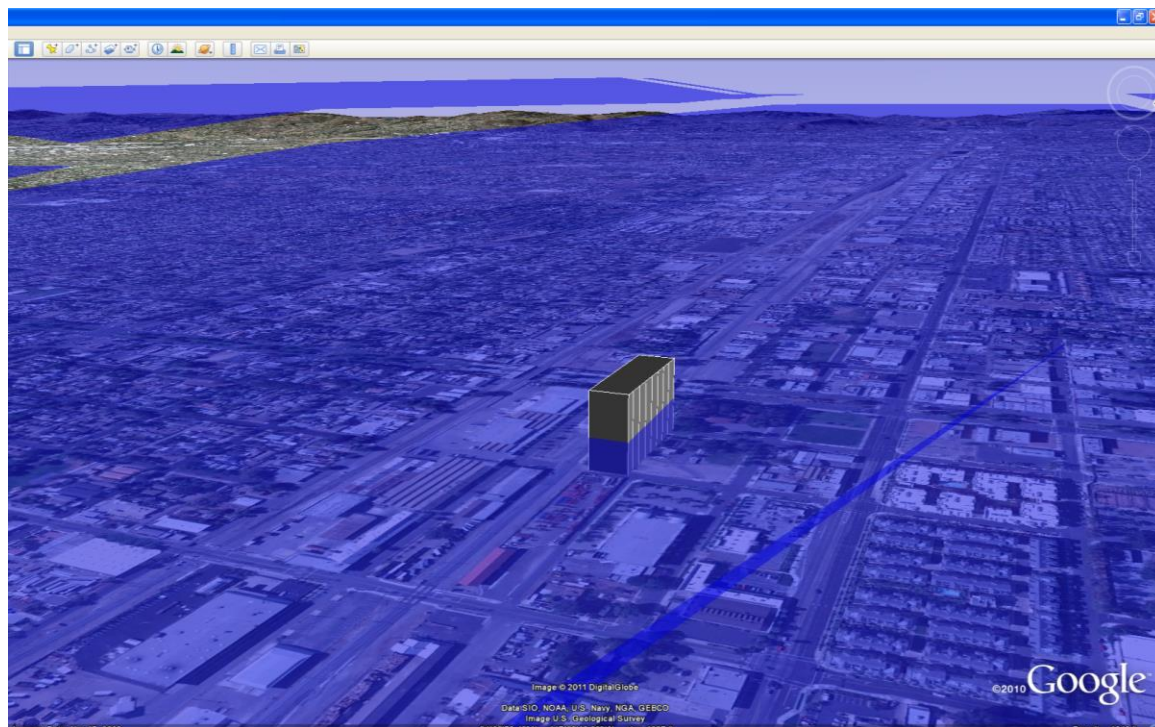
- **View output (exported as .kmz) in Google Earth**
- **Review proposed development with airspace overlay**



<http://www.ontarioplan.org/index.cfm/28345/33706>

Coordinated Airport Land Use Compatibility Planning

- Review whether object protrudes through imaginary surfaces
- Utilize results to inform planning



<http://www.ontarioplan.org/index.cfm/28345/33706>

Ongoing Coordination and Input

- **Aviation/Airport stakeholders, including:**
 - National Association of State Aviation Officials (NASAO)
 - American Association of Airport Executives (AAAE)
 - Airports Council International – North America (ACI-NA)
 - Airports Consultant Council (ACC)
 - Aircraft Owners and Pilots Association (AOPA)
- **American Planning Association**

Advisory Circular Completion Schedule

- **Complete Preliminary Draft AC – April 2014**
- **Industry Review / Comment – June 2014**
- **Final Review Draft Complete – End of CY 2014**
- **Publication – Early 2015**
- **Outreach and Education – Ongoing**

Questions?

Where to Get More Information:

<https://www.faa.gov/airports/environmental/>

APA Conference DEEP DIVE Session:

Airports and Community Compatibility

Tuesday, April 29th – 2:30 - 5:15 PM

Location: GWCC-C211/C212/C213

Rick Etter, rick.etter@faa.gov

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