

## Legislation Text

---

**File #:** AC 18-012, **Version:** 1

---

### **ALUC-18-02 Farm at Alamo Creek (City of Vacaville)**

Public hearing to consider the consistency of the Farm at Alamo Creek Specific Plan and Rezoning Application (hereafter, 'Farm at Alamo Creek Project') with the Travis Air Force Base Land Use Compatibility Plan: Applicant - City of Vacaville

### **RECOMMENDATION**

Adopt the recommended findings and determine that the Farm at Alamo Creek Project is **consistent** with the Travis Air Force Base Land Use Compatibility Plan.

### **INTRODUCTION**

The City of Vacaville is considering the Farm at Alamo Creek Project which consists of a Specific Plan and Rezoning application which would permit the development of a mixed use community containing a variety of housing types, some commercial sites and a network of open space and park lands on 215 acres (See Attachments A - H ).

State law requires that any proposed general plan amendment (including specific plans) or revisions and any rezoning actions be reviewed for consistency with adopted airport land use compatibility plans. This project involves both types of entitlements, which are analyzed below.

#### **Required Tests for Consistency for General Plan and Specific Plan Amendments**

The review criteria for general plan amendments, specific plans and zoning amendments are embodied in the State's California Airport Land Use Planning Handbook and the Travis AFB Land Use Compatibility Plan (Travis Plan).

The State Department of Aeronautics has published the California Airport Land Use Planning Handbook as a guide for Airport Land Use Commissions in the preparation and implementation of Land Use Compatibility Plans and Procedure Documents. In order to be considered fully consistent with the applicable compatibility plan(s), the general plan revisions proposed must meet two specific tests, as identified in the California Airport Land Use Planning Handbook. The tests are:

**1. Elimination of any direct conflicts between the General Plan and/or Specific Plan and relevant compatibility plan(s)**

Direct conflicts primarily involve general plan/specific plan land use designations which do not meet the density (for residential uses) or intensity (for non-residential uses) criteria specified in the compatibility plan, although conflicts with regard to other policies also may exist.

**2. Delineation of a mechanism or process for ensuring that individual land use development proposals comply with the ALUC's adopted compatibility criteria**

Elimination of direct conflicts between a county's or a city's general plan/specific plan and the ALUC's compatibility plan is not enough to guarantee that future land use development will adhere to the compatibility criteria set forth in the compatibility plan. An implementation process must also be defined either directly in the general plan or specific plan or by reference to a separately adopted ordinance, regulation, or other policy document.

There are three facets to the process of ensuring compliance with airport land use compatibility criteria:

**a. Delineation of Compatibility Criteria**

Airport land use compatibility criteria must be defined either in a policy document adopted by the county or city or through adoption of or reference to the ALUC's compatibility plan itself.

**b. Identification of Mechanisms for Compliance**

The mechanisms by which applicable compatibility criteria will be tied to an individual development and continue to be enforced must be identified. A conditional use permit or a development agreement are two possibilities.

**c. Indication of Review and Approval Procedures**

Lastly, the procedures for review and approval of individual development proposals must be defined. At what level within a county or a city are compatibility approvals made: staff, planning commission or governing body? The types of actions which are submitted to the ALUC for review and the timing of such submittals relative to internal review and approval process also must be indicated.

## **REQUIRED TESTS FOR CONSISTENCY FOR REZONING ACTIONS**

State law, under Section 21661.5 of the Public Utilities Code, requires that any proposed zoning regulations or revisions to the local zoning ordinance be reviewed for consistency with adopted airport land use compatibility plans.

### **California Airport Land Use Planning Handbook**

The State Department of Transportation Division of Aeronautics has published the California Airport Land Use Planning Handbook as a guide for Airport Land Use Commissions in the preparation and implementation of Land Use Compatibility Plans and Procedure Documents. Section 6.4.2 sets forth procedures for the review of local zoning ordinances and directs agencies to consider the topics listed in Table 5A, as follows:

#### ***Zoning or Other Policy Documents (from Table 5A, CalTRANS Airport Land Use Planning Handbook)***

*The Handbook lists the following topics for consideration when reviewing zoning or other policy documents.*

- *Intensity Limitations on Nonresidential Uses*
- *Identification of Prohibited Uses*
- *Open Land Requirements*
- *Infill Development*
- *Height Limitations and Other Hazards to Flight*
- *Buyer Awareness Measures*
- *Non-conforming Uses and Reconstruction*

Staff has reviewed the City of Vacaville's Farm at Alamo Creek Project in light of the tests for general plan/specific plans and zoning actions. Our analysis is presented below.

## **ANALYSIS**

### **Project Description**

The Farm at Alamo Creek Project includes approximately 768 residences, of which 334 units are classified Residential Low Density, 250 units are classified as Moderate Density and 184 units are classified as Residential High Density. The gross residential density for the area is 3.6 units per acre. A total of 74.2 acres are set aside for open space, parks, agricultural buffer and public facilities (well site and detention basin). The balance of the site totaling 7.4 acres is dedicated as Neighborhood Commercial.

The project requires the adoption of a Specific Plan and the pre-zoning of 215.6 acres located adjacent to the southeastern corner of the City of Vacaville approximately two and one half miles from Downtown Vacaville (See Attachments C, D, E and F). The project site is bounded by Leisure Town Road on the west and Elmira Road on the South.

The site lies entirely within Compatibility Zone D of the Travis Air Force Base Land Use Compatibility Plan.

### **Relevant Issues for the ALUC**

The ALUC is concerned with those aspects of the Farm at Alamo Creek Project that have the potential to be incompatible with any of the Travis Air Force Base Land Use Compatibility Plan, and more particularly, the plan only encompasses lands which lie within Compatibility Zone D.

Consequently, the issues to be analyzed would be compliance with the following compatibility criteria:

### **Compatibility Criteria for Zone D**

Compatibility Zone D includes all other locations beneath any of the Travis AFB airspace protection surfaces delineated in accordance with FAR Part 77 as well as areas subject to frequent aircraft overflight.

There are no density limitations on residential uses or intensity limitations on non-residential uses within this Compatibility Zone. There are "Other Development Conditions" listed in Compatibility Zone D, as follows:

1. ALUC review required for objects > 200 feet AGL
2. All proposed wind turbines in excess of 100 feet in height must meet line-of-sight criteria in Policy 3.4.4
3. All new or expanded commercial-scale solar facilities must conduct an SGHAT glint and glare study for ALUC review
4. All new or expanded meteorological towers > 200 feet AGL, whether temporary or permanent, require ALUC review
5. For areas within the Bird Strike Hazard Zone, reviewing agencies shall prepare a WHA for discretionary projects that have the potential to attract wildlife that could cause bird strikes. Based on the findings of the WHA, all reasonably feasible mitigation measures must be incorporated into the planned land use.
6. For areas outside of the Bird Strike Hazard Zone but within the Outer Perimeter, any new or expanded land use involving discretionary review that has the potential to attract the movement of wildlife that could cause bird strikes are required to prepare a WHA.

### **Discussion of Consistency**

#### Compatibility Zone D

As previously mentioned, there are no land use limitations within compatibility zone D. However, within Compatibility Zone D, the relevant factors for consideration would be "Height Limitations and Other Development Conditions" which include height review for objects in excess of 200 feet in height, wind turbines in excess of 100 feet in height, and projects within either the Bird Strike Hazard Zone or the Outer Perimeter Area. None of the hazards are associated with the lawful use of single family homes and are not expected to exist within the development for reasons discussed in the following sections.

### **Analysis of the Specific Plan Consistency Factors**

In order for a general plan/specific plan amendment to be considered consistent with the Travis Plan, two tests must be applied: 1) Elimination of Direct Conflicts, and 2) Mechanisms to assure compliance with Compatibility Criteria

#### Elimination of Direct Conflicts

As discussed above, the proposed Farm at Alamo Creek Project lies entirely within zone D, where there are no residential or non-residential land use restrictions within the Travis Land Use Compatibility Plan. There are Other Development Conditions prescribed for Compatibility Zone B. The project would be consistent with the Other Development Conditions for the following reasons:

#### ALUC review required for objects > 200 feet AGL

The Specific Plan contains several different land uses with different height restrictions, as follows:

1. The Medium-High Residential area has a maximum height of 40 feet.
2. The agricultural buffer area has a maximum height of 45 feet.
3. The rest has a maximum height of 30 feet.

There is a general exception: "Towers, spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, fire towers, and other similar structures and necessary mechanical appurtenances covering not more

than 10 percent of the ground area covered by the structures may be erected to a height not more than 25 feet above the height limit prescribed by the regulations for the district in which the site is located.”

In summary, no structures could be approved that approached 200 feet in height and, as such, the Specific Plan is consistent with this provision of the Travis Plan.

#### Height, Wind Turbines in Excess of 100 Feet in Height

The Specific Plan and pre-zoning application does not permit wind turbines within the residential or commercial areas. Wind turbines could be constructed in the agricultural buffer area, but would be limited to 45 feet in height. As such, the Specific Plan is consistent with this provision of the Travis Plan.

#### Commercial-Scale Solar Facilities

The Travis Plan requires all new or expanded commercial-scale solar facilities must conduct an SGHAT glint and glare study for ALUC review. However, no commercial scale solar project is proposed in the plan area. Within the agricultural buffer area solar panels could be located to support agricultural operations. This area is about 4.2 acres, and is proposed for an open space and recreational amenity, not a commercial scale solar project. As such, the Specific Plan is consistent with this provision of the Travis Plan.

#### Meteorological Towers

All new or expanded meteorological towers > 200 feet AGL, whether temporary or permanent, require ALUC review. As previously discussed, the Specific Plan does not permit structures of any type to be 200 feet tall. As such, the Specific Plan is consistent with this provision of the Travis Plan.

#### Projects within the Bird Strike Hazard Zone or the Outer Perimeter Area

The project lies outside of the Bird Strike Hazard Zone but a portion lies within the Outer Perimeter Area. For projects within the Outer Perimeter Area, the Travis Plan requires consideration of whether any new or expanded land use has the potential to attract the movement of wildlife and cause bird strikes. If the potential exists, a Wildlife Hazards Assessment must be prepared.

The Draft Environmental Impact Report includes a Wildlife hazards Assessment prepared by Dudek (See Attachment H). The report discusses the existing bird populations at the site due to agricultural operations and the changes to bird populations under the development proposal conditions at the site. The report also discusses some mitigation which can be designed into the project to discourage certain bird activities. The report concludes that the project, with the recommended design consideration will reduce the potential for bird strikes from existing conditions at the site. As such, the Specific Plan is consistent with this provision of the Travis Plan.

In conclusion, based on the analysis above, the proposed Specific Plan for the Farm at Alamo Creek Project is consistent with this provision of the Travis Plan and meets the first test for consistency by the ALUC - the elimination of direct conflicts with an airport's LUCP compatibility criteria.

#### Assurance of Compliance with Compatibility Criteria

The second test for consistency is the assurance that there will be compliance with the compatibility criteria contained within any adopted LUCP's. The California Airport Land Use Planning Handbook provides guidance to local ALUC's in making consistency determinations on General Plans.

*Elimination of direct conflicts between a county's or a city's general plan and the ALUC's compatibility plan is not enough to guarantee that future land use development will adhere to the compatibility criteria set forth in the compatibility plan. An implementation process must also be defined either directly in the general plan or specific plan or by reference to a separately adopted ordinance, regulation or other policy document.*

The Handbook identifies three facets to the process of insuring compliance with airport land use compatibility criteria:

a. Delineation of Compatibility Criteria-

*Airport land use compatibility criteria must be defined either in a policy document adopted by the county or city or through adoption of or reference to the ALUC's compatibility plan itself.*

Consistency between the City's Specific Plan and the applicable Land Use Compatibility Plans is established by General Plan Land Use Element Implementing Policy 2.1- I 12, requiring that “Land use changes and development proposals within the Vacaville planning area shall be consistent with the Nut Tree and Travis

Airport Land Use Compatibility Plans (ALUCP's).

This in effect gives the City a basis for requiring that projects under review comply with the applicable Airport land Use Compatibility Plan.

b. Identification of Mechanisms for Compliance-

*The mechanisms by which applicable compatibility criteria will be tied to an individual development and continue to be enforced must be identified. A conditional use permit or development agreements are two possibilities.*

Adoption of the Specific Plan does not authorize the residential development. Subsequent legislative actions by the City Council will be required, including a rezoning of the property. Tentative subdivision maps will also be required. Under California state law, both the rezoning and the tentative subdivision maps must be consistent with the City's General Plan. This requirement addresses conformance with applicable LUCP's and as such, the City's mechanism for compliance is adequately assured.

c. Indication of Review and Approval Procedures-

*Lastly, the procedures for review and approval of individual development proposals must be defined. At what level within a county or city are compatibility approvals made: staff, planning commission or governing body? The types of actions which are to be submitted to the ALUC for review and the timing of such submittals relative to the internal review and approval process must be indicated.*

Per state law, legislative actions (e.g., Specific Plans and Pre-Zoning Ordinances) that have an impact on the Travis LUCP must be approved by the Vacaville City Council following a public hearing. They must also be reviewed by the ALUC prior to the City Council's action.

Procedures for planning review:

The Tentative Map must be approved by the City Council.

Types of actions submitted to ALUC:

Any revisions to the General Plan, a Specific Plan or Zone Change are required to come before the ALUC for statutory review.

Timing:

ALUC review would be completed before the City takes further action on any development proposal.

As a result, the review procedures are adequate to assure that applicable compatibility criteria will be tied to an individual development and continue to be enforced.

### Analysis of the Pre-Zoning Action Consistency Factors

The Farm at Alamo Creek Project also contains a pre-zoning action, which establishes the zoning which will be in place when the project ultimately annexes into the City of Vacaville. All zoning type actions require ALUC review for consistency with the Travis Plan. The CalTRANS Handbook lists the following topics for consideration when reviewing zoning or other policy documents. Each of these categories is reviewed below:

1. Intensity Limitations on Nonresidential Uses

Within Compatibility Zone D, there are no limitations on density for residential land uses or limitations on intensity for non-residential land uses. As a result, the Pre-Zoning Action for the Farm at Alamo Creek for this requirement is consistent with the Travis Plan.

2. Identification of Prohibited Uses

Compatibility Zone D does not prohibit any specific uses. As a result, the Pre-Zoning Action for the Farm at Alamo Creek for this requirement is consistent with the Travis Plan.

3. Open Land Requirements

Compatibility Zone D has no open land requirements for development. . As a result, the Pre-Zoning Action for the Farm at Alamo Creek for this requirement is consistent with the Travis Plan.

4. Infill Development

This project area is substantially undeveloped and does not qualify as infill development. As a result, the project does not receive special consideration as an infill project. Therefore, the Pre-Zoning Action for the Farm at Alamo Creek for this requirement is consistent with the Travis Plan.

5. Height Limitations and Other Hazards to Flight

As previously discussed, within Compatibility Zone D, the relevant factors for consideration include height review for objects in excess of 200 feet in height, wind turbines in excess of 100 feet in height, and projects within either the Bird Strike Hazard Zone or the Outer Perimeter Area.

*Height Review for Objects Greater than 200 Feet in Height and Wind Turbines in Excess of 100 Feet in Height*

The Farm at Alamo Creek does not permit any structures that approach 100 feet in height and therefore the airspace review standards in Zone D are satisfied.

*Projects within the Bird Strike Hazard Zone or the Outer Perimeter Area*

The project lies outside of the Bird Strike Hazard Zone but within the Outer Perimeter Area. For projects within the Outer Perimeter Area, the Travis Plan requires consideration of whether any new or expanded land use has the potential to attract the movement of wildlife and cause bird strikes. If the potential exists, a Wildlife Hazards Assessment must be prepared.

As previously discussed, the Draft EIR concludes that the project will reduce the potential for bird strikes from the current agricultural circumstances. Therefore, the Pre-Zoning Action for the Farm at Alamo Creek for this requirement is consistent with the Travis Plan.

6. Buyer Awareness Measures

The proposed project lies within Compatibility Zone D and outside of any noise contours of concern. As a result, Buyer Awareness Measures are not required by the Travis Plan. Therefore, the Pre-Zoning Action for the Farm at Alamo Creek for this requirement is consistent with the Travis Plan.

7. Non-conforming Uses and Reconstruction

The project does not contain any non-conforming uses, so consideration under this requirement is not necessary. Therefore, the Pre-Zoning Action for the Farm at Alamo Creek for this requirement is consistent with the Travis Plan.

Based on the discussion above, staff recommends that the Commission find that the proposal meets these tests for consistency for a zoning action.

**RECOMMENDATION**

Based on the analysis and discussions above, Staff recommends that the Solano County Airport Land Use Commission find as follows:

**Determination:**

- 1). That the Specific Plan for Farm at Alamo Creek Project is consistent with the Travis Air Force Base Land Use Compatibility Plan, because no direct conflicts exist between the specific plan and the Travis Air Force Base Land Use Compatibility Plan and the mechanisms for assurance of compliance with applicable compatibility criteria are in place.
- 2). That the Pre-Zoning Action for the Farm at Alamo Creek Project is consistent with the Travis Air Force Base Land Use Compatibility Plan, because it is consistent with the regulations for height and the prohibitions on "Other Hazards to Flight" contained within Compatibility Zone D.

**Attachments:**

Attachment A: ALUC Application

Attachment B: Draft EIR (Online at:

[http://www.solanocounty.com/depts/rm/boardscommissions/solano\\_county\\_airport\\_land\\_use\\_commission/documents.asp](http://www.solanocounty.com/depts/rm/boardscommissions/solano_county_airport_land_use_commission/documents.asp))

Attachment C: Vicinity Map

Attachment D: Aerial Map

Attachment E: Travis Context Map

Attachment F: Land Use Map

Attachment G: Land Use Table

Attachment H: Wildlife Hazard Report

Attachment I : Resolution (To Be Distributed by Separate Cover)