

Legislation Text

File #: AC 18-034, **Version:** 1

Public Hearing to consider a Consistency Determination (ALUC-18-07) for the proposed County of Solano Zoning Ordinance amendment for non-conforming churches in the A-T-C and A-SV-20 Zoning Districts (Non-Conforming Church Ordinance) with the Travis Air Force Base Land Use Compatibility Plan. (Sponsor: County of Solano)

RECOMMENDATION:

Determine that application ALUC-2018-07 (Non-Conforming Church Ordinance) is consistent with the Travis Air Force Base Land Use Compatibility Plan (Sponsor: County of Solano).

DISCUSSION:

The County of Solano is proposing an ordinance to amend its zoning regulations to establish regulations governing the expansion of existing churches in the Suisun Valley (See Attachment B Non-Conforming Church Ordinance).

In March 2001, the Board of Supervisors amended Chapter 28 ("Zoning Regulations") to preclude the establishment of new churches in the Exclusive Agricultural zoning districts in order to prevent the conversion of agricultural properties to non-agricultural uses that have the potential to draw large assemblages of people. After the adoption of the ordinance, churches lawfully established within Exclusive Agricultural zoning districts became legal nonconforming land uses and were permitted to continue to operate but could not expand in size or intensity of use.

In February 2011, the Board of Supervisors established new zoning districts and enacted new zoning regulations for the Suisun Valley area to protect the agricultural economy of the area by fostering development of agritourism land uses. The Suisun Valley zoning districts continued the previous ban on the establishment of new churches.

Currently, there are three existing churches within the Suisun Valley which are legal non-conforming. At least one has expressed interest in expanding its facilities.

The County of Solano is considering an ordinance amendment which would allow legal non-conforming churches in the A-SV-20 and ATC zoning districts to seek discretionary approval to expand in order to accommodate the needs of growing congregations, if such expansion would not adversely impact agricultural operations on nearby properties (See Attachment C Map of Non-Conforming Churches).

Since the regulations modify the zoning regulations of the County, the ALUC is required to make a consistency determination with any applicable Airport Land Use Compatibility Plans.

ALUC Jurisdiction

The Non-Conforming Church Ordinance is statutorily required to come before the ALUC for a consistency determination. These regulations apply to properties in the Suisun Valley area of the County and affect 3 existing legal non-conforming churches. All of the potential church expansion projects would be within the

Area of Influence of the Travis AFB Land Use Compatibility Plan (Travis Plan) (See Attachment D Travis Context Map).

REQUIRED TESTS FOR CONSISTENCY

The ALUC is concerned with those aspects of the proposed non-conforming church regulations which have the potential to be incompatible with of the Travis Air Force Base Land Use Compatibility Plan. The State of California Division of Aeronautics publishes a handbook which provides guidance on making consistency determinations.

California Airport Land Use Planning Handbook

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. 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*

The proposed ordinance applies to three specific churches which lie within Compatibility Zone D. Staff has reviewed the County of Solano Non-Conforming Church Ordinance in light of the tests outlined above as well as the specific compatibility factors in Zone D. Our analysis is presented below.

CONSISTENCY ANALYSIS

Compatibility Criteria for Zone D

Compatibility Zone D of the Travis Plan requires review for structures in excess of 200' above ground level. Height review is based on the part 77 Surfaces for Travis AFB. The proposed project does not penetrate any of the Part 77 Surfaces for Travis AFB. In addition, Compatibility Zone D provides for review of the following special circumstances:

- All proposed wind turbines must meet line-of-sight criteria in Policy 3.4.4
- All new or expanded commercial-scale solar facilities must conduct an SGHAT glint and glare study for ALUC review
- All new or expanded meteorological towers > 200 feet AGL, whether temporary or permanent, require ALUC review
- 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.
- 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.

ANALYSIS OF CONSISTENCY FACTORS

Staff has reviewed the proposed Non-Conforming Churches Ordinance for consistency with the Travis Plan and the State mandated compatibility factors for rezoning actions. Our analysis is presented below.

Zoning Change Consistency Factor Analysis

As previously discussed, 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. Therefore, the Non-Conforming Church Ordinance is consistent with this provision of the LUCP.

2. Identification of Prohibited Uses

Compatibility Zone D does not prohibit any specific uses. As a result, the Non-Conforming Church Ordinance is consistent with this provision of the LUCP.

3. Open Land Requirements

Compatibility Zone D has no open land requirements for development. Therefore, the Non-Conforming Church Ordinance is consistent with this provision of the LUCP.

4. Infill Development

The proposed project could permit additional development in the area but would not qualify as an infill project. The development itself is permitted since there are no limitations on intensity or land uses within Compatibility Zone D. Consequently, the Non-Conforming Church Ordinance is consistent with Compatibility Zone D land use criteria.

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 Non-Conforming Church Ordinance do not permit structures taller than 35 feet, so 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 and outside the Outer Perimeter Area and outside the Outer Perimeter of the Wildlife Hazard Area, there are no requirements in the Travis Plan which impact the project.

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.

7. Non-conforming Uses and Reconstruction

The project permits expansion and reconstruction of non-conforming uses in a manner that is consistent with the compatibility criteria within the Travis Plan. As a result, there will be no non-conforming aspects of the project. Therefore, the project is consistent with this compatibility factor of the Travis Plan.

Based on the discussion above, staff recommends that the Commission find that the Non-Conforming Church Ordinance meets these tests for consistency for a zoning action.

DETERMINATION: Determine that application ALUC-2018-07 (Non-Conforming Church Ordinance) is consistent with the Travis Air Force Base Land Use Compatibility Plan (Sponsor: County of Solano).

Attachments:

Attachment A: Resolution (To Be Distributed Under Separate Cover)

Attachment B: Proposed Non-Conforming Church Ordinance

Attachment C: Map of Potential Non-conforming churches

Attachment D: Travis Plan Context Map