

## Legislation Text

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**File #:** AC 20-009, **Version:** 1

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### **ALUC-20-03 Morgan Subdivision Project**

Public hearing to consider the consistency of the County of Solano's proposed Morgan Subdivision Project general plan amendment and rezoning amendments (hereafter, Morgan Subdivision Project) with the Travis Air Force Base Land Use Compatibility Plan: Applicant - County of Solano

### **RECOMMENDATION:**

Adopt the recommended findings and determine that the Morgan Subdivision Project is **consistent** with the Travis Air Force Base Land Use Compatibility Plan.

### **INTRODUCTION**

The County of Solano is considering approval of the Morgan Subdivision Project, which consists of a 19-lot subdivision on 310.5 acres. The project requires a general plan amendment and a rezoning amendment.

State law requires that any proposed general plan amendment 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 Amendments**

The review criteria for general plan amendments are embodied in the State's California Airport Land Use Planning Handbook and the Travis AFB Land Use Compatibility Plans (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 County of Solano's Morgan Subdivision Project in light of the tests for general plan/specific plan and zoning actions. Our analysis is presented below.

## **ANALYSIS**

### **Project Description**

#### **Morgan Subdivision Project General Plan Amendment**

The Morgan Subdivision General Plan Amendment involves changing the land use designation from Agricultural and Specific Project Area to Agriculture and Rural Residential (See Attachment E). This designation allows between .05 units per acre on the agricultural portion of the property and between 0.2 and 0.4 units per acre on the rural residential portion of the property.

#### **Morgan Subdivision Project Rezoning Amendment**

The Morgan Subdivision Zoning Amendment involves changing the portions of the Exclusive Agricultural (A-20) District to various Rural Residential Districts (See Attachment F ). This will permit a subdivision of 19 lots on the 310.5 acres.

The consistency analyses for the general plan amendment and the rezoning changes are discussed separately below.

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

The project is located within the Area of Influence of the Travis AFB Land Use Compatibility Plan. As such, the consistency determination for the Morgan Subdivision Project requires an analysis of the compatibility criteria contained within the Travis Plan, more particularly within Compatibility Zone D from the Travis Plan. The analysis is summarized below.

#### **Compatibility Criteria for the Travis Plan Compatibility Zone D**

Within Compatibility Zone D of the Travis Plan, 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**

## **Analysis of the General Plan Consistency Factors for the Monte Verde Project**

In order for a general 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**

#### **Travis Plan Consistency**

As discussed above, the proposed Morgan Subdivision Project lies 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 D. The project would be consistent with the Other Development Conditions for the following reasons:

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

The General Plan amendment will permit rural residential development. The designation would permit two story residential structures. There are no provisions within the land use designation which permit structures in excess of 200 feet in height. As such, no structures could be approved that approached 200 feet in height and, as such, the General Plan Amendment is consistent with this provision of the Travis Plan.

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

The General Plan amendment does not permit wind turbines within the low-medium density residential areas. As such, the General Plan Amendment 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, General Plan amendment does not permit a commercial scale solar project in the plan area. As such, the General Plan Amendment 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. The General Plan does not permit structures of any type to be 200 feet tall. As such, the General Plan Amendment is consistent with this provision of the Travis Plan.

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

The project lies inside of the Bird Strike Hazard Zone and inside the Outer Perimeter Area. The project contains several small retention basins which contain water for short periods of time after storm events. These ponds are not large enough under ALUC policy to require further study as potential wildlife attractants. As such, the General Plan amendment is consistent with this provision of the Travis Plan.

In conclusion, based on the analysis above, the proposed Morgan Subdivision Project is consistent with these provisions 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**

#### **Travis Plan Consistency**

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.*

The County of Solano's general plan requires compliance with the Travis Plan, which in effect gives the County a basis for requiring that all phases of the project under review comply with the Travis 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.*

Subsequent development permits will be reviewed by the Board of Supervisors, Planning Commission, and the Director of Resource Management. In the case of legislative actions, ALUC review must occur. For other permits, the Planning Commission and Director of Resource Management must make a consistency finding as required by the Travis Plan

Tentative subdivision maps will also be required. Under California state law, the tentative subdivision maps must be consistent with the County'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., General Plans and Zoning Ordinances) that have an impact on the Travis Plan must be approved by the Solano County Board of Supervisors following a public hearing. They must also be reviewed by the ALUC prior to the Board of Supervisor's action.

Types of actions submitted to ALUC:

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

Timing:

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

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

As a result, the Morgan Subdivision Project general plan amendment is consistent with the Travis Plan.

### **Analysis of the Zoning Action Consistency Factors**

The Morgan Subdivision Project also contains a zoning amendment required for implementation of the project. The zoning action would permit low-medium residential land uses of 4.5 to 8 units per acre and requires 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

*Travis Plan:*

Within Compatibility Zone D of the Travis Plan, there are no limitations on density for residential land uses or limitations on intensity for non-residential land uses. As a result, the Morgan Subdivision Project zoning amendment is consistent with the Travis Plan.

2. Identification of Prohibited Uses

*Travis Plan:*

Compatibility Zone D does not prohibit any specific uses. As a result, the Rezoning amendment for the Morgan Subdivision Project is consistent with the Travis Plan.

3. Open Land Requirements

*Travis Plan:*

Compatibility Zone D has no open land requirements for development. . As a result, the Pre-Rezoning application for the Morgan Subdivision Project is consistent with the Travis Plan.

4. Infill Development

*Travis Plan:*

This project area is substantially undeveloped and does not qualify as infill development. As a result, the project does not receive special consideration or further review as an infill project under the Travis Plan. Therefore, the Rezoning application for the Morgan Subdivision Project is consistent with the Travis Plan.

5. Height Limitations and Other Hazards to Flight

*Travis Plan:*

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 Morgan Subdivision Project 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 inside of the Bird Strike Hazard Zone and inside the Outer Perimeter Area. The project contains several small retention basins which contain water for short periods of time after storm events. These ponds are not large enough under ALUC policy to require further study as potential wildlife attractants. As a result, no further review is required for this compatibility factor.

Therefore, the Rezoning applications for the Morgan Subdivision Project are consistent with the Travis Plan.

6. Buyer Awareness Measures

*Travis Plan:*

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

*Travis Plan:*

The Morgan Subdivision project does not contain any non-conforming uses, so consideration under this requirement is not necessary under the Travis Plan. Therefore, the Rezoning application for the Monte Verde Project for this requirement is consistent with the Travis Plan.

Based on the discussion above, staff recommends that the Commission find that the Morgan Subdivision Project meets these tests for consistency for a zoning action under the Travis Plan.

## RECOMMENDATION

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

**Determination:** Determine that the general plan amendment and rezoning changes for the Morgan Subdivision Project are **consistent** with the Travis Air Force Base Land Use Compatibility Plan.

## Attachments

Attachment A: ALUC Application

Attachment B: Vicinity Map

Attachment C: Aerial Map

Attachment D: Travis Context Map

Attachment E: General Plan Amendment Exhibit

Attachment F: Zoning Amendment Exhibit

Attachment G: Development Plan Exhibit

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