



Solano County  
**Airport Land Use Commission**  
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Steve Vancil

Chairman

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**MEMORANDUM:**

**To:** Solano County Airport Land Use Commission  
**From:** Jim Leland, Principal Planner  
**Subject:** **ITEM 9A: ALUC-14-08:** Conduct a Public Hearing to consider a Consistency Determination on a proposed City of Vacaville General Plan (Vacaville General Plan) with the Travis Air Force Base and Nut Tree Airport Land Use Compatibility Plans (Sponsor: City of Vacaville)  
**DATE:** Special Meeting of February 5, 2015

**RECOMMENDATION**

Staff's Recommendation is that the Solano County Airport Land Use Commission:

- 1.) Conduct a Public Hearing to consider the consistency of ALUC-2014-08 City of Vacaville General Plan (Vacaville General Plan) with the Travis AFB and Nut Tree Airport Land Use Compatibility Plans, and
- 2.) Determine the Vacaville General Plan is **consistent** with the Travis AFB and Nut Tree Airport Land Use Compatibility Plans.

**INTRODUCTION**

The City of Vacaville is proposing to adopt a new general plan. The proposed Vacaville General Plan amendments have been submitted and distributed to the ALUC for a mandated consistency determination. On January 8, 2015, the City of Vacaville made a presentation to the Airport Land Use Commission on the highlights of their general plan update.

**REQUIRED TESTS FOR CONSISTENCY FOR GENERAL PLAN AMENDMENTS**

The State Department of Aeronautics has published the California Airport Land Use Planning Handbook, January 2011 Edition (State Handbook) as a guide for Airport Land Use Commissions in the preparation and implementation of Land Use Compatibility Plans and Procedure Documents. The Solano Countywide Airport Land Use Review Procedures also require the review of all amendments to a local agency's general plan, consistent with the State law. 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 (January 2011). The tests are:

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

Direct conflicts primarily involve general 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 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 development agreements 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.

**ANALYSIS**

**PROJECT DESCRIPTION**

The Vacaville General Plan update consists of two categories of land use changes – those pertaining to several infill sites and a large area for two future growth areas. The specifics are discussed below:

**Infill Sites (See EXHIBIT B and C)**

There are 26 different infill sites that are undergoing a change of land use designation in the general plan update. These sites fall into five broad categories listed below.

1. Vacaville Unified School District Properties
2. Miscellaneous Properties
3. Underutilized Shopping Centers
4. Business Park Policy Plan Areas
5. Downtown Vacaville

Each of these categories is described below.

1. Vacaville Unified School District Properties

a. *Nut Tree Requirements*

There are seven individual sites that make up this category. Three sites are located within Compatibility Zone F of the Nut Tree Plan and four are outside of the area of influence of the Nut Tree Plan. Within Compatibility Zone F, most uses are acceptable. Large assemblages and captive assemblages of people should not exceed 100 persons per acre.

b. *Travis Requirements*

All seven properties are located within Compatibility Zone D of the Travis Plan which prohibits "Other Hazards to Flight" and requires ALUC review of objects greater than 200 feet in height.

2. Miscellaneous Properties

a. *Nut Tree Requirements*

There are eight sites within the Miscellaneous Properties category. Three sites are located within Compatibility Zone F and five sites are located outside of the area of influence for the Nut Tree Plan.

b. *Travis Requirements*

All eight properties are located within Compatibility Zone D of the Travis Plan which prohibits "Other Hazards to Flight" and requires ALUC review of objects greater than 200 feet in height.

3. Underutilized Shopping Centers

a. *Nut Tree Requirements*

b. There are six sites within the Underutilized Shopping Centers category. Two sites are located within Compatibility Zone F and four sites are located outside of the area of influence for the Nut Tree Plan.

c. *Travis Requirements*

All six properties are located within Compatibility Zone D of the Travis Plan which prohibits "Other Hazards to Flight" and requires ALUC review of objects greater than 200 feet in height.

4. Business Park Policy Plan Areas

a. *Nut Tree Requirements*

There are three sites within the Business Park Policy Plan Areas category. One site is located within Compatibility Zones E and F, one site is located in Compatibility Zones D, E and F and one site is located within Compatibility Zones B, C, D and F.

b. *Travis Requirements*

All three properties are located within Compatibility Zone D of the Travis Plan which prohibits "Other Hazards to Flight" and requires ALUC review of objects greater than 200 feet in height.

5. Downtown Vacaville

a. *Nut Tree Requirements*

There are three sites within the Downtown Vacaville category. All three sites are located within Compatibility Zone F.

*b. Travis Requirements*

- c. All three properties are located within Compatibility Zone D of the Travis Plan which prohibits “Other Hazards to Flight” and requires ALUC review of objects greater than 200 feet in height.

**Future Growth Areas (See Exhibit D)**

There are two different growth areas that are undergoing a change of land use designation in the general plan update. These sites are listed below.

1. *Northeast Area Growth Area*

*a. Nut Tree Requirements*

The Northeast Growth Area includes residential, commercial general, commercial highway, business park, industrial and technology park land uses. This area is outside of the Nut Tree Plan area of influence.

*b. Travis Requirements*

This area is within Compatibility Zones D and E of the Travis Plan. Compatibility Zone D prohibits “Other Hazards to Flight” and requires ALUC review of objects greater than 200 feet in height. Compatibility Zone E requires ALUC review of objects greater than 200 feet in height.

2. *East of Leisure Town Growth Area*

*a. Nut Tree Requirements*

The East of Leisure Town Growth Area includes residential, neighborhood commercial, park and school land uses. This area is partially within Compatibility Zone F of the Nut Tree Plan and partially outside of the Nut Tree Plan area of influence.

*b. Travis Requirements*

All of this area is located within Compatibility Zone D which prohibits “Other Hazards to Flight” and requires ALUC review of objects greater than 200 feet in height.

**Discussion of Compatibility Criteria**

As previously outlined, the State Handbook requires general plans to meet two tests for consistency: 1) Elimination of direct conflicts, and 2) Assurance of Compliance with Compatibility Criteria. Consistency with these two measures is discussed below.

**General Plan Consistency Factors**

As discussed earlier, the Commission’s consistency determination for general and specific plans involves two considerations:

1. Elimination of Direct Conflicts, and
2. Assurance of Compliance with Compatibility Criteria

1. Elimination of Direct Conflicts

The Commission is concerned with eliminating any direct conflicts between the Vacaville General Plan and the Travis AFB and Nut Tree Plans. Upon review by staff it appears that the

City and its planners have been careful to build a plan that can be consistent with the Travis AFB and Nut Tree Plans.

The details about any development in the areas proposed for land use changes, as described above, are not available at this time, therefore it is not possible to determine whether or not the densities or concentrations of people that would exceed the parameters described in the Travis AFB or Nut Tree Plans.

#### Current General Plan Policy Statement

This issue was overcome in the current general plan by the inclusion of a policy statement which required consistency between the Land Use Compatibility Plans and any development authorized under the previous general plan. That policy stated:

The City of Vacaville has proposed a policy within the new Vacaville General Plan which addresses this issue, which states:

*“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 Airport and Travis Air Force Base Land Use Compatibility Plans (LUCP).”*

The State of California Government Code Section 65302 provides that:

*“The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals.”*

So, in effect, the land use diagram within the general plan must be coupled with the written policies contained within the plan to determine what is permissible on individual parcels of land. Policy 2.1- I 12PHS 16.2 cited above had the effect of placing caps on development to ensure that the policies within the Travis AFB and Nut Tree Plans were the controlling limits on development.

#### Proposed General Plan Policy Statement

In the proposed general plan, two slightly different policy statements have been included with respect to the Land Use Compatibility Plans. They state:

“Policy LU-P25.2 Limit residential development in areas impacted by noise and potential hazards from the Nut Tree Airport to uses identified in the Solano County Airport Land Use Commission’s Airport Land Use Compatibility Plan. (2.5-19)

Policy LU-P25.3 Ensure that land uses in the vicinity of Nut Tree Airport, or potentially affected by Travis Air Force Base, are compatible with airport operations and are consistent with the Airport Land Use Compatibility Plans for both airports. (6.6-G2)”

Staff believes that these new policy statements are not as clear in intent as the single statement from the current general plan. Staff is recommending that, as a condition of making a consistency determination, the Commission require that the prior policy statement be included in the new general plan.

#### Recommended Condition of Approval

Staff is proposing that either the following policy language or language mutually agreeable to the City and the Commission be added to the proposed Vacaville General Plan:

*“Land use changes and development proposals within the Vacaville planning area shall be consistent with the Nut Tree Airport and Travis Air Force Base Land Use Compatibility Plans (LUCP).”*

In conclusion, with the condition of approval above, the proposed general plan amendments meet the first test for consistency by the ALUC – the elimination of direct conflicts with an airport’s LUCP compatibility criteria.

## 2. 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 Travis Plan and the City’s General Plan is established by the addition of the policy statement recommended above - “Land use changes and development proposals within the Vacaville planning area shall be consistent with the Nut Tree Airport and Travis Air Force Base Land Use Compatibility Plans (LUCP) - or language mutually agreeable to the City and the Commission. This in effect gives the City a basis for requiring that projects under review comply with the applicable Airport land Use Compatibility Plan.

This in effect gives the City a basis for requiring that projects under application 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 general plan establishes the policy level requirement that all development must be consistent with the Travis Plan. The amendments require modifying the zoning regulations to assure compliance also. Subsequent actions by the City Council will be required in order to complete the changes to the zoning regulations. These actions 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.*

As mentioned above, subsequent development approvals and entitlements must conform with the general plan, policy plan and development code. These regulations require conformance with the applicable Land use Compatibility Plans adopted by the Solano County Airport Land Use Commission. 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.

Per state law, legislative actions (e.g., General Plan Amendments and Zoning Ordinance Amendments) that have an impact on the Travis AFB or Nut Tree Airport LUCP must be approved by the Vacaville City Council following a public hearing. They must also be reviewed by the ALUC prior to the Council's action.

Procedures for planning review:

All private development is subject to some form of planning review which gives the City a mechanism to assure compliance with the Travis AFB and Nut Tree Airport Plans. 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.

## **RECOMMENDATION**

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

**Determination:** Adopt the recommended findings and determine that the Vacaville General Plan (ALUC-14-08), with the recommended condition of approval, is **consistent** with the Travis Air Force Base and Nut Tree Airport Land Use Compatibility Plans.

## **ATTACHMENTS**

- Exhibit A: Vacaville General Plan (Previously distributed)
- Exhibit B: ALUC Airport Focus Areas
- Exhibit C: ALUC Properties Chart
- Exhibit D: East of Leisure Town Focus Area
- Exhibit E: Northeast Focus Area