



Solano County
Airport Land Use Commission
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Steve Vancil

Chairman

MEMORANDUM:

To: Solano County Airport Land Use Commission
From: Jim Leland, Principal Planner
Subject: **ITEM 9B: ALUC-15-02:** Conduct a Public Hearing to consider a Consistency Determination for the proposed T-Mobile Vaca Valley Project with the Travis Air Force Base and Nut Tree Airport Land Use Compatibility Plans (Sponsor: City of Vacaville)
DATE: **Regular Meeting of April 9, 2015**

RECOMMENDATION

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

- 1.) Conduct a Public Hearing to consider a Consistency Determination for the proposed T-Mobile Vaca Valley Project with the Travis Air Force Base and Nut Tree Airport Land Use Compatibility Plans, and
- 2.) Determine that the T-Mobile Vaca Valley Project is **consistent** with the Travis AFB and Nut Tree Airport Land Use Compatibility Plans.

INTRODUCTION

The City of Vacaville is proposing to amend the North Village Specific Plan to allow minor and major Telecommunication Facilities within the Business Park zoning district, and a Conditional Use Permit request to construct a 65 ft. tall monopine tower and a 360 sq. ft. equipment enclosure, behind the main commercial building located at 3777 Vaca Valley Parkway. The subject property is a developed parcel, currently occupied by the Kids Gone Wild activity center, parking, landscaping and a storm water detention pond. Land uses surrounding the parcel include single family residences to the northeast, a detention basin across Crescent Drive to the east, vacant land to the north, the Kaiser Permanente Medical Campus to the south, and existing development to the west.

REQUIRED TESTS FOR CONSISTENCY FOR GENERAL PLAN/SPECIFIC 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 proposed wireless communication facility consists of a 65 foot tall tower with microwave antennas and an equipment ground lease area located on the northwest corner of the property (See Attachment A).

Compatibility Plans

As previously mentioned, the proposed project lies within both the Travis Air Force Base and the Nut Tree Airport Land Use Compatibility Plans. The criterion for each Land Use Compatibility Plan is discussed below.

Nut Tree Airport Land Use Compatibility Plan

The proposed project lies within Compatibility Zone F of the Nut Tree Airport Land Use Compatibility Plan (Nut Tree ALUC). The compatibility criteria for Zone F indicate that most land uses would be compatible, with the exception of large assemblages of people and/or captive audiences under flight tracks.

Travis Air Force Base Land Use Compatibility Plan

The proposed project lies within the Airport Influence Area of the Travis Air Force Base Land Use Compatibility Plan (Travis ALUC) within the recently mapped Compatibility Zone E (Other Airport Environs).

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. As discussed above, the project lies within the Nut Tree Airport Compatibility Zone F and the Travis AFB Compatibility Zone E.

For the Nut Tree Airport Compatibility Zone F, the project does not have any people located on the site and the communication facility, at 65 feet in height, is below the Part 77 Horizontal Surface at 263 feet MSL. Therefore, the proposed use is consistent with the Nut Tree ALUC.

For the Travis Compatibility Zone E, there are no land use restrictions other than a review requirement for objects greater than 200 feet in height. Since the proposed project is only 65 feet in height, it does not require review by the Commission and is consistent with the Travis ALUC.

In conclusion, the proposed specific 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 Nut Tree Plan with the City's General Plan is established by a policy statement within the general plan, which states: "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)". This in effect gives the City a basis for requiring that projects under review comply with the compatibility criteria in the applicable Airport Land Use Compatibility Plan(s).

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 and Nut Tree Plan compatibility criteria. 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.

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 to 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.

RECOMMENDATION

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

Determination: Staff's Recommendation is that the Solano County Airport Land Use Commission adopt the recommended findings and determine that the T-Mobile Vaca Valley Project is **consistent** with the Travis AFB and Nut Tree Airport Land Use Compatibility Plans.

ATTACHMENTS

Attachment A: ALUC-15-02 Application (Previously distributed)