



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 9E: ALUC-15-05:** Conduct a Public Hearing to consider a Consistency Determination on amendments to the County of Solano Housing Element and Public Health and Safety Element of the General Plan, and amendments to Chapter 28 (Zoning Regulations) with the Travis Air Force Base, Nut Tree Airport and Rio Vista Airport Land Use Compatibility Plans (Sponsor: County of Solano)
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 on amendments to the County of Solano Housing Element and Public Health and Safety Element of the General Plan, and amendments to Chapter 28 (Solano General Plan and Zoning Amendments) with the Travis Air Force Base and Nut Tree Airport Land Use Compatibility Plans, and
- 2.) Determine the Solano General Plan and Zoning Amendments are **consistent** with the Travis AFB and Nut Tree Airport Land Use Compatibility Plans.

INTRODUCTION

The County of Solano is proposing to adopt amendments to the Housing Element and Public Health and Safety Element of the General Plan and to adopt amendments to the Zoning Regulations (Solano General Plan and Zoning Amendments). As required by the State Aeronautics Act, changes to a local agency general plan and/or zoning regulations are required to be submitted to the ALUC for a consistency determination. The Solano General Plan and Zoning Amendments were submitted by the County of Solano (See Appendix A) and distributed to the ALUC for the mandated consistency determination.

THE SOLANO COUNTY GENERAL PLAN AND ZONING AMENDMENTS

The County of Solano is in the process of updating the 2008 General Plan Housing Element. The Housing Element is required to be updated approximately every eight years and is subject to detailed statutory requirements and mandatory review by the California Department of Housing and Community Development (HCD). As a part of that update, and as further required by state law, certain changes must also be made to the Public Health and safety Element of the General Plan. Finally, in order to begin implementation of the Housing Element, the County is proposing certain changes to its Zoning Regulations. Each of these amendments are described below.

Draft Housing Element Amendments

The Draft 2015-2023 Solano County Housing Element focuses on housing needs from January 31, 2015, through January 31, 2023, in accordance with state law. The purpose of the Housing Element is to establish a comprehensive plan to address housing needs in the unincorporated area of Solano County, with a focus on meeting the housing needs of all economic segments of the community, including low- and moderate-income households that may have trouble affording market-rate housing and populations with special housing needs that may not necessarily be met through conventional housing products. The 2015-2023 Housing Element identifies the policies and programs which the County will implement to ensure that housing in Solano County is affordable, safe, and decent. The 2015-2023 Housing Element will remain in effect until such time as the County adopts an updated Housing Element.

It is the County's goal to promote and ensure adequate housing in a satisfying environment for all residents of Solano County. The 2015-2023 Housing Element sets forth a housing program that works toward the preservation, improvement, and development of housing for the County. The housing program includes many components, such as the establishment of objectives, policies, and programs, which together provide a foundation upon which detailed housing activities can be developed and implemented. The 2015-2023 Housing Element proposes changes to existing County land use policies, Zoning Ordinance, and other procedures, as shown in the following Table:

Table of Draft Changes in the 2015-2023 HOUSING ELEMENT

Description	Program	Zoning Ordinance Change
Removes constraints and allows for "reasonable accommodations" for the disabled in housing development standards, in accordance with Senate Bill (SB) 520.	HE E.1	Individuals with disabilities may request exceptions to zoning, subdivision, or building standards in order to receive reasonable accommodation to achieve accessibility.
Includes the needs of individuals with a developmental disability within the community in the Housing Element special housing needs analysis, in accordance with SB 812.	None. Analysis included in HE Appendix A	None.
Provides accommodation for development of new farmworker housing.	HE D.3	Employee housing for farmworkers will be permitted by right in certain agricultural zones, in accordance with the state Employee Housing Act.

Draft Safety Element Amendments

The draft 2015 Safety Element is an update to the 2008 Solano County Health and Safety Element required to accompany preparation of the 5th Cycle Housing Element. The 2008 Health and Safety Element combines the statutory requirements for the Noise Element and Safety Element, in addition to addressing optional general plan topics including public health, air quality, and climate change. The primary purpose of the 2015 Safety Element is to incorporate updated floodplain mapping prepared by the Federal Emergency Management Agency and the Department of Water Resources, and updated fire hazard and responsibility area mapping prepared by the California Department of Forestry and Fire Protection (CAL FIRE). The 2015 Safety Element includes comprehensive flood protection measures revised to reflect understood flood risks based on the most recent mapping. It also identifies rivers, creeks, streams, flood corridors, riparian habitat, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management. These updates are consistent with requirements established by the Central Valley Flood Protection Board for the Sacramento-San Joaquin Drainage District (SSJDD).

The Central Valley Flood Protection Plan (CVFPP) and related requirements were developed in 2012, pursuant to SB 5. The 2015 Safety Element also includes updated fire hazard maps that include updated fire hazard severity zones and state responsibility areas as defined in Section 4102 of the Public Resources Code. State responsibility areas are land classified as “very high fire hazard severity zones,” as defined in Section 51177. These updates are consistent with the requirements of SB 1241. The inclusion of the above mapping information concerning flood and fire hazards, stormwater management, and groundwater recharge are consistent with the requirements of AB 162.

The 2015 Safety Element reiterates and changes implementation deadlines for policies and implementation programs contained in the 2008 General Plan that result in changes to the county code. In most cases, the 2015 Safety Element extends deadlines established in the 2008 General Plan for implementation items that have not begun or been completed due to funding constraints by five years from 2011 to 2016. The 2015 Safety Element directs changes to the County Zoning Ordinance addressing flood control, seismic safety and land stability, and fire safety, and to the Noise Ordinance addressing noise performance standard and restrictions.

Minor editorial changes to update or remove implementation actions completed since 2008 (e.g., completion of the 2010 Climate Action Plan and 2011 Sea Level Rise Strategic Program) have also been completed.

Specifically, the 2015 Safety Element proposes the following specific changes to the 2008 Health and Safety Element, as shown in the following Table:

TABLE OF DRAFT CHANGES IN THE 2015 SAFETY ELEMENT

Description	Program	Zoning Ordinance Change
Adds 200-year flood mapping data as a basis for flood management policy and implementation and regulatory enforcement.	HS I-5 and Updates Figure HS-2	Enforce development review standards and public disclosure requirements established in Program HS I-7 in areas included in the 200-year flood zone.
Incorporates direct reference to the Central Valley Flood Protection Plan (CVFPP) to ensure CVFPP information is used in the review and approval of future projects.	HS I-1	Inclusion of relevant CVFPP measures in the County's Zoning Ordinance update to be completed after adoption of the Safety Element.
Adds project and non-project levee mapping for use in the review and approval of future projects.	None. Includes new Figure HS-4	Enforce reporting standards established in Program HS I-10 in areas included as levee inundation areas.
Updates wildland fire hazard maps to address the risk of fire for land classified as state responsibility areas, as defined in Public Resources Code (PRC) Section 4102, and land classified as very high fire hazard severity zones, as defined in PRC Section 51177. Also adds goals, policies, and objectives based on the revised map pursuant to Government Code 65302(g) subparagraph (A) for the protection of the community from the unreasonable risk of wildfire.	None. Updates Figure HS- 12	Update the Zoning Ordinance to limit development in areas of extreme, very high, and high wildfire risk as shown in updated maps.
Directs revisions to the Zoning Ordinance to limit development within areas prone to earthquake related hazards.		Limit development occurring in geologic hazard areas; limit development within landslide areas 3 and 4 on Figure HS-8.
Directs development of a Noise Ordinance that includes: performance standards and exemptions; restrictions on noise emitting construction activities; regulations for mobile or single event types of noise emissions; standards to ensure training for enforcement personnel; and procedures for noise measurement for enforcement.	HS I-60	Ensure these provisions are accommodated within the Noise Ordinance.

Draft Zoning Regulation Amendments

The amendments proposed to the Housing Element are carried out through a variety of programs and policies, including modifications to the County Zoning regulations. Amendments to the Zoning Regulations are subject to review by the ALUC for consistency with adopted Airport Land Use Compatibility Plans. The proposed changes are detailed in Attachment D and summarized in the following Table:

Table of Draft Changes in the Zoning regulations

Description	Section	Zoning Ordinance Change
New and Modified Definitions	28.01	Provides for new definitions for: <ol style="list-style-type: none"> 1. Emergency Shelters 2. Supportive Housing and 3. Transitional Housing Modifies the definitions for: <ol style="list-style-type: none"> 1. Community Care Facility 2. Rooming or Boarding House 3. Single room occupancy hotel or residential hotel
Permit Transitional Housing and Supportive Housing	28.31 & 28.32	Permits Transitional Housing and Supportive Housing in the Rural Residential (R-R) and the Residential-Traditional Community (R-TC) Districts
Permit Emergency Shelters	28.32 & 28.41	Permits Emergency Shelters in the Residential-Traditional Community Multifamily and Mixed Use (R-TC-MF and R-TC-MU) Districts and in the Service Commercial (CS) District.
Permit Rooming and Boarding Houses and Single Room Occupancy Hotels	28.32	Permits Rooming and Boarding Houses and Single Room Occupancy Hotels in the Residential-Traditional Community Mixed Use (R-TC-MU) District.
Add a Reasonable Accommodation Waiver	28.108.B	Allows for the modification of existing zoning standards in order to make reasonable accommodations for persons with disabilities.

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 Solano General Plan and Zoning Amendments consists of policies, programs and ordinances designed to maximize the provision of housing to all segments of the community and to protect residents from certain specified natural hazards and disasters.

Discussion of Compatibility Criteria

1. Elimination of Direct Conflicts

The Commission is concerned with eliminating any direct conflicts between the Solano General Plan and Zoning Amendments and the Travis AFB, Nut Tree and Rio Vista Land Use Compatibility Plans. 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

These regulations apply to prospective development on vacant lands as well as to certain existing residential properties either under public or private ownership. It should be noted that none of these proposed amendments to the general plan or zoning regulations change the established land uses or intensity and density of development set by the Solano County General Plan. The new forms of housing added to the zoning regulations are required to develop with the same standards as other housing types already permitted under the general plan and zoning regulations. The existing 2008 General Plan and the County Zoning Regulations have been determined to be consistent with all three Airport Land Use Compatibility Plans.

Finally, Solano County has taken the additional approach of incorporating into the General Plan a policy statement requiring that all development comply with the three Airport Land Use Compatibility Plans (ALUCP) adopted by the ALUC.

Current General Plan Policy Statement

Land Use Policy 31 states:

“Require that all development within the airport land use compatibility areas/safety zones of the airport complies with the Airport Land Use Commission compatibility policies and criteria as set forth in the airports’ land use compatibility plans”.

In addition, the Zoning Regulations contain a general provision requiring that all development be consistent with the three ALUCP’s.

Section 29.70.10(D) Airport Land Use Compatibility Plans states:

“Within an airport area of influence or area of concern depicted in an airport land use compatibility plan adopted by the Solano County Airport Land use Commission, land uses allowed by this Zoning Ordinance shall conform with the applicable compatibility policies and criteria set forth in that airport land use compatibility plan.”

In conclusion, the proposed Solano General Plan and Zoning 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 Airport Land Use Compatibility Plans and the County's General Plan is established by the policy statement mentioned above. This in effect gives the County 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 general plan and zoning amendments establishes the policy level requirement that all development must be consistent with the Airport Land Use Compatibility Plans. Development within the County requires additional permits including building permits. These permits must be determined to be consistent with the zoning regulations which, in turn, require consistency with the Airport Land Use Compatibility Plans. These actions addresses conformance with applicable LUCP's and as such, the County'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 County development approvals, permits and entitlements must conform to the general plan and zoning regulations. 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, the Nut Tree Airport or the Rio Vista Airport LUCP 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's action.

Procedures for planning review:

All private development is subject to some form of planning review which gives the County a mechanism to assure compliance with the Travis AFB, Nut Tree Airport and Rio Vista 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 Solano General Plan and Zoning Amendments are **consistent** with the Travis AFB and Nut Tree and Rio Vista Airport Land Use Compatibility Plans.

ATTACHMENTS

- Attachment A: Solano County Negative Declaration (Previously distributed)
- Attachment B: Solano County Safety Element (Previously distributed)
- Attachment C: Solano County Housing Element (Previously distributed)
- Attachment D: Solano County Draft Zoning Ordinance Amendments