

# Solano County **Airport Land Use Commission**

675 Texas Street, Suite 5500 Fairfield, California 94533 www.solanocounty.com

Planning Services Division

Phone: (707) 784-6765 / Fax: (707) 784-4805

Stephen Vancil Chairman

DATE: May 10, 2012

#### **MEMORANDUM:**

To: Solano County Airport Land Use Commission

From: Jim Leland, Principal Planner

Subject: ITEM 7: ALUC-12-03 Request for a Consistency Finding by the County of

Solano for the Moore Rezoning (Applicant County of Solano).

Conduct a Public hearing to consider the consistency of the Moore Rezoning with the Travis Air Force Base Land Use Compatibility Plan, the Nut Tree Airport Land Use Compatibility Plan and the Rio Vista Land Use Compatibility Plan. The project consists of a rezoning request to rezone approximately 112 acres from A-80 to A-40 Exclusive Agriculture.

#### RECOMMENDATION

Determine that the proposed rezoning of the Moore property is **consistent** with the policies of the Travis Air Force Base Land Use Compatibility Plan, the Nut Tree Airport Land Use Compatibility Plan and the Rio Vista Land Use Compatibility Plan.

#### PROJECT DESCRIPTION

The County of Solano is processing applications to rezone approximately 112 acres from A-80 to A-40 Exclusive Agriculture, which decrease the minimum parcel size from 80 acres to 40 acres. The site is located at 5620, -34, -38, and -46 Dixon Avenue West just outside of Dixon (Exhibit A). The requested rezoning would permit the property owners to reconfigure their three existing parcels in order to accomplish estate planning objectives (Exhibit B).

The property lies approximately 11 miles north of the nearest runway at Travis Air Force Base, 5.5 miles northeast of the nearest runway at the Nut Tree Airport and 21 miles northwest of the nearest runway at the Rio Vista Airport. The property lies entirely outside of the Area of Influence of the three airport's Land Use Compatibility Plans.

#### **ALUCP REVIEW REQUIREMENTS**

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. The proposed rezoning of 112 acres is considered a revision to the County's Zoning Regulations and requires review by the ALUC.

# **Required Tests for Consistency**

### California Airport Land Use Planning Handbook (2011)

The State Department of Aeronautics has published the California Airport Land Use Planning Handbook (2011) 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 (p. 6-14) 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 Moore rezoning project in light of the tests outlined above. Our analysis is presented below.

#### Discussion

The 112 acre project lies outside the compatibility zones delineated in the Travis Air Force Base Land Use Compatibility Plan, the Nut Tree Airport Land Use Compatibility Plan and the Rio Vista Land Use Compatibility Plan. As a result, those plans only require objects that exceed 200 feet in height to be reviewed by the Commission. The list of criteria from Table 5A above includes several items which do not apply to lands outside of the area of influence of a Land Use Compatibility Plan. In the judgment of the staff, the only criterion which applies in this case is "Height Limitations and Other Hazards to Flight".

## **Height Limitations and Other Hazards to Flight**

In addition to the State's Handbook, the Solano County Airport Land Use Compatibility Review Procedures require a review of any objects greater than 200 feet in height.

The rezoning to A-40 does not permit the construction of any objects greater than 200 feet in height as a matter of course. In fact, the only land uses permitted that reach or exceed that height threshold are certain communications towers and large scale wind turbines. Each of those land uses require use permits before they may be approved. The Commission is familiar with the use permit procedure due to a number of recent wind farm proposals which have been brought forward for review.

The current A-80 zoning on the Moore property and the proposed A-40 zoning contain the same rules regarding communication towers and wind turbines, namely, a use permit must be secured before construction of the project. The use permit is a completely discretionary permit issued by the County and has the ability to control potential obstructions as well as "other hazards to flight". As a result, the Moore rezoning project has no effect on land uses or structures that require review by the ALUC.

As a further consideration, Solano County has taken the approach of incorporating into the zoning regulations a standard which requires that projects conform to the Airport Land Use Commission plans and policies, as follows:

**28.70.10.D.** Airport Land Use Compatibility Plans. 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.

This in effect gives the County another basis for requiring that projects under review comply with the applicable Airport land Use Compatibility Plan. In addition, the A-40 rezoning does not permit or authorize the construction of any structures greater in height than 35 feet.

As a result, the County zoning regulations and review procedures are adequate to assure that applicable compatibility criteria will be tied to an individual development and continue to be enforced. The Moore rezoning has no effect on the County's regulatory scheme as it pertains to objects greater than 200 feet in height.

#### RECOMMENDATION

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

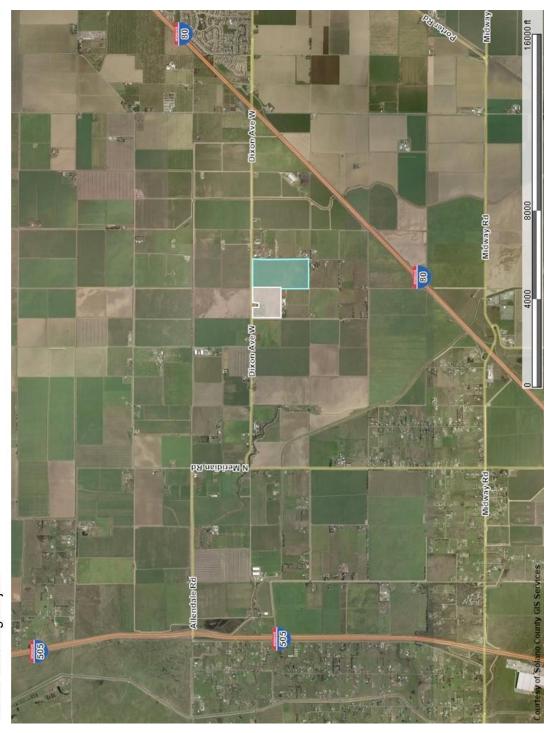
**Determination:** That the rezoning application for the Moore properties are substantially consistent with the Travis Air Force Base Land Use Compatibility Plan, the Nut Tree Airport Land Use Compatibility Plan and the Rio Vista Land Use Compatibility Plan because no direct conflicts exist between the Moore rezoning and any Airport Land Use Compatibility Plan and the mechanisms for assurance of compliance with applicable compatibility criteria are in place.

**EXHIBITS**:

Exhibit A - Location Map

Exhibit B - Site Plan

# Exhibit A – Location Map



Location Map: Moore Rezoning Project

# Exhibit B - Site Plan

