



Agenda Submittal

Agenda #: **Status:** ALUC-Regular-OD

Type: ALUC-Document **Department:** Airport Land Use Commission

File #: AC 21-008 **Contact:** Jim Leland 784-6765

Agenda date: 5/13/2021 **Final action:**

Title: ALUC-20-07 (Vacaville Code Update)

Conduct a Public Hearing to consider ALUC-20-07 (Vacaville Development Code Update) to update the City’s development code (Sponsor: City of Vacaville)

Governing body: Airport Land Use Commission

District:

Attachments: 1. A - ALUC Application Form, 2. B - ALUC Referral Letter, 3. C - Link to Draft Vacaville Development Code, 4. D - Mead Hunt Analysis, 5. E - Resolution note

Date	Ver.	Action By	Action	Result
5/13/2021	1	Airport Land Use Commission		

RECOMMENDATION:

Staff is recommending that the Commission determine that ALUC-20-07 is **conditionally** consistent with the Travis and Nut Tree Plans.

DISCUSSION:

Introduction

The City of Vacaville is in the process of completing a comprehensive update to their development code, which includes the City’s zoning regulations (See Attachments A, B, and C). Zoning districts exist throughout the City of Vacaville and provide rules for the development of private property. The proposed project includes significant changes to the existing zoning requirements and each of these modifications must be reviewed for consistency with the applicable airport land use compatibility plans.

ALUC staff, in anticipation of the complexity of this task, requested that the City engage the services of a qualified aviation planning firm to assist with this analysis. In response, the City retained the services of Meade and Hunt to conduct a review of the proposed development code changes for consistency with both the Travis and Nut Tree Plans (Attachment D).

Project Description

The City of Vacaville completed an update of its General Plan in 2015. The General Plan was found to be consistent with the Travis and Nut Tree Plans by the Commission. Subsequently, the City embarked on a process to update its Development Code, the main implementing device for the general plan. The updating process began with an audit of the existing regulations in order to identify necessary revisions to bring it in to consistency with the general plan and achieve other objectives. As the audit report states:

“The objective is to produce a user-friendly set of regulations that provide clear direction about

the City's expectations and to facilitate development of quality projects by making standards clear and effective, streamlining review processes, and incorporating flexibility to adapt to specific circumstances. This first phase, the Land Use and Development Code Audit, will identify changes to be made to the Code; consider the organization, form, and style of a new code; and set priorities for updating the Code. "

Based on the audit report, the City next prepared a draft of the revised Development Code and has circulated it for public comment. (Attachment c).

For a deeper dive into the City's Code Update process, staff recommends Commissioners visit the City's dedicated update portal at: <https://www.vacavillecodeup.com/>

ANALYSIS

REQUIRED TESTS FOR CONSISTENCY BY THE AIRPORT LAND USE COMMISSION

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.

ALUC 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 ALUC is concerned with those aspects of the proposed development code changes which have the potential to be incompatible with of the Travis Air Force Base and Nut Tree Airport Land Use Compatibility Plans as discussed below.

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 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*

ANALYSIS

For this consistency determination, staff has relied heavily on the analytical work of Meade and Hunt. Their review found that the proposed development code regulations are:

” highly consistent with the Nut Tree and Travis ALUCPs”.

Meade and Hunt compared each of the changes to the development code with the individual compatibility zone criteria for each compatibility zone in the Nut Tree Plan and with Zones D and E in the Travis Plan. In their report (Attachment D, beginning pg.3) they have identified changes to the text to make the consistency between the code and the airport plans complete. In the same document, there is a summary table (pg. 9) which identifies the degree of consistency that exists and needs to be addressed. (See Attachment D).

An important feature of the new development code is the inclusion of an “Airport Environs (AE) Overlay District (Section 14.09.110.030.” The proposed development code states:

“The purpose of the Airport Environs (AE) Overlay District is to regulate land use and development within the Nut Tree Airport Compatibility Areas and the Travis Air Force Base Area of Influence consistent with the adopted land use compatibility plans. The Nut Tree Airport and the Travis Air Force Base Airport, also referred to as Travis Airport, are important to the economic prosperity of the City. Consideration must be given to the operations of the Nut Tree and Travis Airports when development is proposed in order to ensure that a compatible balance of uses is maintained. The provisions of this chapter are established to achieve the following purposes:

- A. To provide for the safe and orderly development of the Nut Tree Airport and the Travis Air Force Base by protecting users of the airport from hazardous encroachments into areas of navigation operation and preventing the creation of hazardous encroachments into defined airspaces.*
- B. To ensure the continued viability of the Nut Tree Airport as a general aviation facility and protect the substantial public investment in the facility.*
- C. To ensure the continued vitality of Travis Air Force Base as a military facility and to protect the substantial public investment in the facility.*
- D. To comply with the requirements of the California Public Utilities Code to protect the public health, safety, and welfare by ensuring the orderly expansion of airports and the reasonable reduction of the public’s exposure to hazards associated with the operation of airport facilities;*
- E. To implement the policies of the Nut Tree Airport Land Use Compatibility Plan and the Travis Airport Land Use Compatibility Plan.*

F. To protect persons and property in the vicinity of the Nut Tree Airport and the Travis Airport from unreasonable hazards or impacts associated with airport operations, and

G. To implement the goals, objectives, and policies of the General Plan.

The Airport Environs Overlay District will be applied to all properties within the City of Vacaville which are within the Area of Influence of the Travis and Nut Tree Plans. This device then modifies the underlying zoning regulations on the property to only permit uses which are consistent with the two airport plans.

In addition to this concrete method of imposing the compatibility requirements on the properties, it also highlights to the public the existence of airport requirements since the AE Zoning District will be evident on the City's Zoning Maps.

Staff agrees with the findings of the Meade and Hunt report and recommends that each of their recommendations for changes to the document be adopted by the City of Vacaville. Consequently, we are recommending a conditional consistency determination predicated on the incorporation of the recommended changes into the final Development Code document. It is also important the City apply the Airport Environs Overlay District to the subject properties at the same time the revised development code is adopted, and staff understands that this is the City's intent.

Staff would also recommend that the City return with the final version of the development code, just prior to adoption by the City Council, for the Commission to review for adherence to these conditions.

RECOMMENDATION

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

Determination: The Commission determine that ALUC-20-07 is **conditionally** consistent with the Travis and Nut Tree Plans, subject to these conditions:

1. Incorporate each of the recommendations of the Meade and Hunt report on the Development Code Update,
2. Apply the Airport Environs Overlay District to the subject properties simultaneously with the adoption of the Development Code, and
3. Return with the Final Version prior to its adoption by the City Council to confirm adherence to these conditions.