

Solano County

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Agenda Submittal

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File #:	AC 21-020	Contact:	Jim Leland, 707-784-6765
Agenda date:		Final Action:	
District:			
Attachments:	A - ALUC Application, A.1 - Referral Letter, B - Suisun Marsh Ownership Map, C - Lower Joice Island Sample Plan, D - CEQA Exemption		

Date:	Ver.	Action By:	Action:	Result:
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RECOMMENDATION:

Determine that application ALUC-21-05 (Suisun Resource and Conservation District Local Protection Program) is consistent with the Travis Air Force Base Land Use Compatibility Plan (Travis Plan).

DISCUSSION:

Introduction

The Suisun Resource and Conservation District is a special district which is responsible for certain programs and activities for protecting the diverse plant and wildlife species as well as wetlands within the Suisun Marsh. As such, the District is a participant in the Suisun Marsh Local Protection Program approved and monitored by the San Francisco Bay Conservation and Development Commission. The Suisun Marsh Local Protection Program is a multi-agency document which includes the County of Solano, the seven cities within the county and the special districts which have responsibilities for maintenance within the Suisun Marsh. The Suisun Marsh Local Protection Program is a plan over which the Solano County Airport Land Use Commission has jurisdiction.

The following discussion is taken from the SRCD Application (See Attachment A and A.1) and provides more information on their role in protecting the marsh.

Suisun Resource and Conservation District Information

History of the Suisun Marsh

The State Legislature enacted the Suisun Marsh Preservation Act (Marsh Act) in 1977 to protect the unique and biologically diverse lands that comprise the Suisun Marsh. The Marsh Act provided for the adoption of land use plans, development policies, and permits within the Primary and Secondary management areas of the Suisun Marsh. In 1976, the San Francisco Bay Conservation and Development Commission (BCDC) adopted the Suisun Marsh Protection Plan (SMPP) findings, policies, and regulations. The Marsh Act also required Solano County and local municipalities and relevant local government agencies to adopt and maintain a Suisun Marsh Local Protection Plan (LPP). Solano County LPP includes items as broad as the County's

General Plan and zoning regulations and as narrow as minor permit requirements for grading, drainage, and utility extensions.

Suisun Resource Conservation District Role

Under the Marsh Act and Public Resources Code Section 29412.5, the Suisun Resource Conservation District (SRCD) was also required to prepare a LPP to preserve, protect and enhance the plant and wildlife communities within the Primary Management Area (PMA) of the Marsh. In 1980, SRCD adopted its LPP component, which consists of the following principal elements that have not been updated since adoption:

- A) A plan to provide a mitigative water supply to the managed wetlands within the PMA.
- B) A joint use facility program.
- C) Consideration of land use and public access issues
- D) Individual water management program for each privately owned managed wetland within the PMA.
- E) Enforceable standards for diking, flooding, draining, filling and dredging of Sloughs, managed wetlands and marshes within the PMA.
- F) Regulations to ensure effective water management on privately owned lands within the PMA.

Under the Marsh Act, SRCD has no right of trespass on to privately owned lands, no enforcement powers, or taxing ability. These authorities rest with Solano County under their LPP or BCDC under the SMPP.

SRCD Local Protection Program Update

SRCD is currently preparing an update of the 1980 LPP component *D) Individual water management program for each privately owned managed wetland*. If approved, the amendment would replace each of 122 outdated 1980 Individual Duck Club Management Plans with updated Individual Ownership Adaptive Habitat Management Plans and new maps.

In 1979, the USDA Soil Conservation Service prepared 138 individual water management programs for privately owned managed wetlands within the PMA. These management plans were reviewed by the Department of Fish and Wildlife and certified by BCDC. These original water management plans have not been updated in over 40 years and no longer reflect existing water management infrastructure and capabilities, modern regulatory constraints, and scientific knowledge.

The purpose of updating these 122 Individual Ownership Adaptive Habitat Management Plans (Plans) is to provide the basic information necessary for land managers to successfully implement Suisun Marsh management practices. The goals of the Plans are to maximize waterfowl food production while maintaining a diverse wetland flora that can support a wide variety of resident and migratory wildlife within constraints of new regulatory restrictions, new scientific information, and climate change.

The updated Plans provide a wetland management guidance to support a diversity of waterfowl and wildlife habitats. The Plans include a conservation map, soils map, elevation model, summary of water control structures, analysis of the water management capability, and evaluation of the current conditions of levees, ditches, and water control structures. The updated Plans will meet the regulatory requirements of BCDC Marsh Development Permit (MDP) for routine maintenance of existing managed wetlands or maintenance of existing water management facilities.

No New or Revised Land Use Approvals

However, new managed wetland water management facilities that meets the BCDC definition of "development" will require a MDP from BCDC. If new construction, replacement, or improvements are needed on the clubhouse area, building structures, or boat docks, the landowner must consult with the Solano County

Department of Resource Management and with BCDC for permitting requirements. These updated Plans do not cover such new development activities.

The physical, regulatory, and biological conditions in the Marsh affect wetland management strategies which determine the resulting habitat quality, and ultimately the species that will use the habitat. Wetland habitat managers must adaptively manage their properties in order to achieve desired management objectives and habitat conditions. Since conditions in the Marsh continually change, supporting scientific information can be incorporated into future management options.

Additional Technical Information:

<https://suisunrcd.org/individual-management-plan-updates/>

ALUC Context

The ALUC is concerned with land use proposals which are within the airport influence area of the three Solano County airports. The Suisun Marsh is located within the airport influence area of Travis AFB and the Suisun Resource and Conservation District is a special district subject to the jurisdiction of the ALUC. As a result, the SRCD's component of the Suisun Marsh Local Protection Program is required to be reviewed by the ALUC.

REQUIRED TESTS FOR CONSISTENCY FOR GENERAL PLAN AND SPECIFIC PLAN AMENDMENTS

The State Department of Transportation Division of Aeronautics has published the 2011 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. The Travis Plan also requires the review of all amendments to a local agency's general plan, consistent with the State law. 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:

1. 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.
2. 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 a development agreement are two possibilities.
3. 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

INITIAL CONSISTENCY ANALYSIS

The SRCD's component of the Suisun Marsh Local Protection Program (SRCDLPP) does not contain any land use recommendations or decisions. As stated previously, the plan proposes parameters for the adaptive management of wetland areas, plants and wildlife which allows the many property owners to update their required individual management plans. The land use determinations for the Suisun Marsh are a part of the County of Solano's Local Protection Program and have previously been found consistent with the Travis Plan by the Commission.

In conclusion, the SRCDLPP is consistent with the Travis Plan as described below.

Elimination of Direct Conflicts

The proposed SRCDLPP amendments do not alter any of the land use designations within the Suisun Marsh Local Protection Program. In addition, the amendments do not alter development standards which would modify existing requirements such as height, noise, glare or the intensity parameters for either residential or non-residential land uses.

As a result, the SRCDLPP amendments are consistent with this review provision.

Delineation of Mechanisms to Ensure that Individual Development Proposals are Consistent

The SRCDLPP amendments do not alter the existing development approval mechanisms in place within the Suisun Marsh Local Protection Program regulations. Therefore, the SRCDLPP is consistent with this review provision.

RECOMMENDATION:

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

Determination: Determine that application ALUC-21-05 (Suisun Resource and Conservation District Local Protection Program) is consistent with the Travis Air Force Base Land Use Compatibility Plan.

Attachments:

Attachment A: ALUC Application

Attachment A.1: Referral Letter

Attachment B: Suisun Marsh Ownership Map

Attachment C: Lower Joice Island Sample Plan

Attachment D: CEQA Exemption