

ORDINANCE NO. 2016- 1778

**AN ORDINANCE ADOPTING
THE MIDDLE GREEN VALLEY SPECIFIC PLAN AND REZONING THE
MIDDLE GREEN VALLEY SPECIFIC PLAN AREA**

The Board of Supervisors of the County of Solano ordains as follows:

Section 1. Findings:

The Solano County Board of Supervisors (Board) finds and determines, based on the entire administrative record, as follows:

1.1. On August 5, 2008, the County of Solano adopted a comprehensive update of its General Plan, which established policies for the physical development of the Middle Green Valley Specific Project Area, an area designated on the Land Use Diagram of the Solano County General Plan, and directed that a specific plan or master plan and a transfer of development rights program be prepared for that area.

1.2. Between February 2009 and May 2010, a Citizen's Advisory Committee appointed by the Board held twelve publicly noticed meetings with County staff and the County's land planning consultant Hart Howerton and developed a specific plan for the County's consideration.

1.3. A Notice of Public Hearing was duly posted, mailed, and published for consideration of the proposed Middle Green Valley Specific Plan and related matters by the Solano County Planning Commission on May 20, 2010, and on that date the public hearing was opened, held, and closed and the Planning Commission recommended, by adoption of its Resolution No. 4529, that the Board adopt the Specific Plan.

1.4. A Notice of Public Hearing was duly posted, mailed, and published for consideration of the Specific Plan and related matters by the Board on July 27, 2010, and on that date, a public hearing was opened, held, and closed.

1.5. On July 27, 2010, the Board of Supervisors adopted:

(a) Resolution No. 2010-175, certifying the Environmental Impact Report for the Middle Green Valley Specific Plan Project and adopting a Statement of Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program;

(b) Ordinance No. 2010-1708, adopting the Middle Green Valley Specific Plan;

(c) Ordinance No. 2010-1709, approving a Master Development Agreement and related Sales Participation Agreement by and among the Middle Green Valley Landowners and the County of Solano; and

(d) Ordinance No. 2010-1710, approving Interest Rate and Related Terms Pursuant to Section 3.12 of the Master Development Agreement.

1.6. The Master Development Agreement and its related Sales Participation Agreement were executed and, on November 19, 2010, were recorded in the Official Records of Solano County.

1.7. Pursuant to a Writ of Mandate issued by the Superior Court in *Upper Green Valley Homeowners v. County of Solano, et al.* (Solano County Superior Court Case No. FCS036446), on May 22, 2012, the Board of Supervisors adopted Resolution No. 2012-105 repealing Resolution No. 2010-175, and introduced Ordinance No. 2012-1729 repealing Ordinance Nos. 2010-1708 and 2010-1709. The Board of Supervisors adopted Ordinance No. 2012-1729 on June 5, 2012.

1.8. Pursuant to the Writ of Mandate, the County revised and recirculated a portion of the Environmental Impact Report for the Middle Green Valley Specific Plan Project to further evaluate the potential environmental impacts of using local groundwater as a domestic water supply for development described in the Specific Plan.

1.9. A Notice of Public Hearing was duly posted, mailed, and published for consideration of the Specific Plan and related matters by the Board on November 25, 2014, and on that date, a public hearing was opened, held, and closed.

1.10. Prior to taking action on the Middle Green Valley Specific Plan, the Board adopted Resolution No. 2014-215, certifying the Environmental Impact Report, as revised, and adopting Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

1.11. On November 25, 2014, the Board of Supervisors adopted:

(a) Ordinance No. 2014-1753, adopting the Middle Green Valley Specific Plan, including an additional section prepared since 2010 describing Water Supply Option C (SID surface water), and rezoning land within the Specific Plan area; and

(b) Ordinance No. 2014-1754, approving a Master Development Agreement and related Sales Participation Agreement by and among the Middle Green Valley Landowners and the County of Solano.

1.12. In a ruling filed on September 24, 2015, the Superior Court denied the County's request that the Writ of Mandate in the *Upper Green Valley Homeowners* case be discharged; as a result of the Court's ruling, Ordinance No. 2014-1753 did not become operative.

1.13. In response to the Superior Court's ruling, the County revised and recirculated a portion of the Environmental Impact Report for the Middle Green Valley Specific Plan

Project to further evaluate any potentially significant impacts of the groundwater supply alternative on biological resources as well as feasible mitigation measures that would reduce those impacts to less-than-significant levels.

1.14. The Middle Green Valley Specific Plan, attached to this Ordinance as **Exhibit 1**, consists of the following components: (1) the “Middle Green Valley Specific Plan, Solano County, California, Adopted July 27, 2010” together with “Specific Plan Errata No. 1,” which together reflect the action of the Board of Supervisors in adopting the Specific Plan on July 27, 2010 (including matters approved and authorized by the Board at its hearing on July 27, 2010, the Specific Plan draft dated December 2009, and revisions recommended by Attachment G to the July 27, 2010 Staff Report “Recommended Text Amendments, Amended Figures, and Amended TDR Table”); and (2) the “Text Added to the Middle Green Valley Specific Plan Describing Water Supply Option C (SID Surface Water),” which was approved by the Board of Supervisors as part of its enactment of Ordinance No. 2014-1753 on November 25, 2014.

1.15. A Notice of Public Hearing was duly posted, mailed, and published for consideration of the Specific Plan and related matters by the Board on October 25, 2016, and on that date, a public hearing was opened, held, and closed.

1.16. Prior to taking action on the Middle Green Valley Specific Plan, the Board adopted Resolution No. 2016- 198 certifying the Environmental Impact Report, as revised, and adopting Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

1.17. The Middle Green Valley Specific Plan refines the goal, policies, and implementation programs of the Solano County General Plan to provide more detailed guidance and a framework for future conservation and development of the Middle Green Valley Specific Project Area.

1.18. The Specific Plan is consistent with the goals, policies, implementation programs, and other provisions of the Solano County General Plan for the reasons set forth in: (1) the Staff Reports for the July 27, 2010, November 25, 2014, and October 25, 2016, hearings of the Board of Supervisors; (2) the Final Environmental Impact Report for the Middle Green Valley Specific Plan Project (State Clearinghouse No. 2009062048) (EIR), certified by the Board of Supervisors on October 25, 2016; (3) Appendix C of the Middle Green Valley Specific Plan (General Plan Consistency Reference); and (4) other provisions throughout the Middle Green Valley Specific Plan describing the relationship between the Specific Plan and the General Plan.

Section 2. Adoption of the Middle Green Valley Specific Plan; Rezoning; Mitigation Measures

2.1. The Middle Green Valley Specific Plan, attached to this Ordinance as **Exhibit 1** and incorporated herein by this reference, together with the revisions and corrections described in subsections 2.2 and 2.3 of this ordinance, is adopted and made applicable

to the area shown in Land Use Figure 3-44 of the Specific Plan.

2.2. The Department of Resource Management is directed to revise Specific Plan Table 4-1, Unit Allocation, to reflect and summarize the allocation of units among the landowners within the Specific Plan area to be consistent with the final signatories of the Master Development Agreement and the Sales Participation Agreement, recorded on April 13, 2015.

2.3. The Department of Resource Management is directed to prepare and publish a final version of the Middle Green Valley Specific Plan that incorporates and fully reflects the action of the Board of Supervisors in adopting the Specific Plan. The Department of Resource Management is directed to make all necessary and appropriate clerical, typographical, and formatting corrections to the adopted Middle Green Valley Specific Plan. Any such corrections shall not alter the substance, effect, or effective date of any action taken by the Board of Supervisors in adopting the Specific Plan. The Department of Resource Management shall provide a report and a copy of the final published Specific Plan to the Board.

2.4. Land located within the area subject to the Middle Green Valley Specific Plan is rezoned to conform to the Specific Plan Land Use Figure 3-44 and the use of buildings, structures, and land within such area shall be governed by, and shall conform to, the Middle Green Valley Specific Plan. The Department of Resource Management is directed to amend the Zoning Maps within which the Specific Plan area is located (Zoning Maps 11N and 11S) to be consistent with Land Use Figure 3-44, conforming zoning district boundaries to existing parcel boundaries to the greatest extent practicable and avoiding the split-zoning of an existing parcel in a manner that would render a portion of the parcel unusable.

2.5. The Solano County Board of Supervisors directs County staff, in carrying out the Project, to implement and carry out: (1) the Mitigation Measures, which are referenced and described in Resolution No. 2016-198 (Resolution Certifying the Final Environmental Impact Report, Making Findings Of Fact, Adopting a Statement of Overriding Considerations and Adopting the Mitigation Monitoring and Reporting Program for the Middle Green Valley Specific Plan Project, with Exhibits) and further described in the Final Environmental Impact Report for the Middle Green Valley Specific Plan Project; and (2) the Mitigation Monitoring and Reporting Program. All Mitigation Measures shall be implemented through a combination of one or both of the following, as appropriate to the nature of the mitigation measure: (1) implementation through ordinances, policies, conditions of approval, project designs, permits, entitlements, and agreements with contractors and other parties concerning plan implementation; or (2) carried out directly by County staff.

Section 3. Fees

3.1. Pursuant to Government Code section 65456, subdivision (a), the Board of Supervisors may impose a fee upon persons seeking governmental approvals which

are required to be consistent with an adopted specific plan. The fees shall be established so that, in the aggregate, they defray but as estimated do not exceed, the cost of preparation, adoption, and administration of the specific plan, including costs incurred pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code (the California Environmental Quality Act). As nearly as can be estimated, the fee charged shall be a prorated amount in accordance with the applicant's relative benefit derived from the specific plan. Section 65456 states the intent of the Legislature in providing for such fees to charge persons who benefit from specific plans for the costs of developing those specific plans which result in savings to them by reducing the cost of documenting environmental consequences and advocating changed land uses which may be authorized pursuant to the specific plan.

3.2. After adoption of the Middle Green Valley Specific Plan by this ordinance, the County shall establish and impose a fee or fees upon persons seeking governmental approvals that are required to be consistent with the Middle Green Valley Specific Plan. The amount of the fee or fees shall defray the costs of preparing, adopting, and administering the specific plan, including costs incurred pursuant to the California Environmental Quality Act.

3.3. The Department of Resource Management shall prepare and submit for action by the Board of Supervisors a proposed fee amount. The fee may be established and the amount of the fee may be adopted by appropriate action of the Board of Supervisors by ordinance or by resolution, or combination thereof, from time to time. The fee or fees shall consist of at least two components, separately stating amounts corresponding to (1) costs of preparation and adoption, and (2) administration. The component relating to costs of preparation and adoption shall not be applied to Developers who execute the Master Development Agreement and who pay the amount established pursuant to Section 3.12 of the Master Development Agreement

Section 4. Applications and Forms

Applications to the County for land use entitlements, permits, or other approvals contemplated by the Middle Green Valley Specific Plan shall be in a form prescribed by the Department of Resource Management, and shall be accompanied by such supporting documentation as the Department of Resource Management may specify in order to implement the Specific Plan and other provisions of law.

Section 5. Severability

If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, including but not limited to being preempted by state law, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof nor other applications of the ordinance which can be given effect without the invalid provision or application.

Section 6. Effective Date

This ordinance shall be effective thirty (30) days after its passage and shall become operative upon discharge of the Writ of Mandate in *Upper Green Valley Homeowners v. County of Solano, et al.* (Solano County Superior Court Case No. FCS036446).

Section 7. Publication


A summary of this ordinance shall be published once within fifteen (15) days after its adoption, in the Fairfield Daily Republic, a newspaper of general circulation in the County of Solano.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on October 25, 2016 by the following vote:

AYES: Supervisors Seifert, Sperring, Thomson, Vasquez
and Chairwoman Hannigan

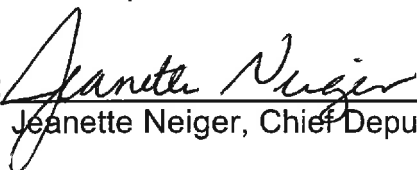
NOES: Supervisors None.

EXCUSED: Supervisors None.


ERIN HANNIGN, Chairwoman
Solano County Board of Supervisors

ATTEST:

Birgitta E. Corsello, Clerk
Board of Supervisors

By: 
Jeanette Neiger, Chief Deputy Clerk

Adopted: October 25, 2016

Effective: November 25, 2016

Attachment B1

The following represent revisions to the earlier approval documents, previously approved by the Board of Supervisors. These documents can be located on Solano County's website. From the Department of Resource Management homepage, go to Planning Services, then to Middle Green Valley Specific Plan.

Middle Green Valley Specific Plan (July 27, 2010)

Cover and Index

<https://admin.solanocounty.com:4433/civicax/filebank/blobdload.aspx?blobid=18581>

Chapter 1 – Vision

<https://admin.solanocounty.com:4433/civicax/filebank/blobdload.aspx?blobid=18582>

Chapter 2 – Plan Purpose

<https://admin.solanocounty.com:4433/civicax/filebank/blobdload.aspx?blobid=18583>

Chapter 3 – The Neighborhood Plan

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Chapter 4 – Implementation

<https://admin.solanocounty.com:4433/civicax/filebank/blobdload.aspx?blobid=18585>

Chapter 5 – The Neighborhood Design Code

<https://admin.solanocounty.com:4433/civicax/filebank/blobdload.aspx?blobid=18586>

Appendices

<https://admin.solanocounty.com:4433/civicax/filebank/blobdload.aspx?blobid=18587>

Revisions to Middle Green Valley Specific Plan (July 27, 2010) and FEIR (2010)

Attachment G – Recommended Amendments to Specific Plan, as approved by Board

<https://admin.solanocounty.com:4433/civicax/filebank/blobdload.aspx?blobid=18596>

Attachment K – Errata to 2010 FEIR, approved by Board

<https://admin.solanocounty.com:4433/civicax/filebank/blobdload.aspx?blobid=18600>

Updated Text Relating to the addition of Water Supply Option C (SID)

<http://www.solanocounty.com/civicax/filebank/blobdload.aspx?blobid=25650>