

ORDINANCE NO. 2014-_____

**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, that:

1.1. On August 5, 2008, the County of Solano adopted a General Plan pursuant to Government Code section 65300 et seq., which contained a General Plan Goal, Policies and Implementing Program that directed that the County prepare a specific plan or master plan for the Middle Green Valley Special Study 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 draft Middle Green Valley Specific Plan (Specific Plan) for the County's consideration.

1.3. A Notice of Public Hearing was duly posted, mailed and published for consideration of the Specific Plan and related matters at the Solano County Planning Commission (Planning Commission) hearing on May 20, 2010, and on that date the public hearing was opened, held and closed and the Planning Commission recommended, by adoption of Resolution No. 4529, that the Board approve 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 at the Board hearing of July 27, 2010 and on that date, a public hearing required by Government Code section 65453 was opened, held and closed.

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

(a) Resolution No. 2010-175, certifying an Environmental Impact Report (EIR) that analyzed the environmental impact of the Middle Green Valley Specific Plan Project (Specific Plan), 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 the Master Development Agreement by and Among the Middle Green Valley Landowners and County of Solano for the Middle Green Valley Specific Plan (Master Development Agreement); 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 March 21, 2012 Writ of Mandate issued by the Superior Court in *Upper Green Valley Homeowners v. County of Solano, et al.* (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; on June 5, 2012, the Board of Supervisors adopted Ordinance No. 2012-1729.

1.8. A Recirculated Draft Environmental Impact Report was circulated for public review from August 27, 2013 to October 10, 2013.

1.9. A Revised Recirculated Draft Environmental Impact Report was circulated for public review from June 26, 2014 to August 11, 2014.

1.10. A Notice of Public Hearing was duly posted, mailed and published for consideration of the Specific Plan and related matters at the Board hearing of _____, 2014 and on that date, a public hearing required by Government Code section 65453 was opened, held and closed.

1.11. Prior to taking action on the Middle Green Valley Specific Plan, the Board adopted Resolution No. 2014-_____, certifying an Environmental Impact Report, which analyzes the environmental impact of the Middle Green Valley Specific Plan Project (Specific Plan), and adopting Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

1.12. The Specific Plan has been prepared, processed, reviewed, heard, and approved in accordance with applicable law, including but not limited to Section 65450 of the Government Code.

1.13. The Specific Plan refines the goal, policies, and implementation programs of the 2008 General Plan to provide more detailed guidance and a framework for future conservation and development of the Middle Green Valley Specific Plan, as is more fully described in the Middle Green Valley Specific Plan document set forth in **Exhibit A** to this Ordinance.

1.14. The Specific Plan is consistent with the goals, policies, implementation programs, and other provisions of the 2008 General Plan for the reasons set forth in: (1) the Staff Reports for the July 27, 2010 and November 25, 2014 meetings of the Board of Supervisors; (2) the Final Environmental Impact Report for the Middle Green Valley Specific Plan Project (State Clearinghouse No. 2009062048) (EIR); (3) Appendix C of the Specific Plan (General Plan Consistency Reference); and (4) other provisions throughout the 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 A** and incorporated herein by this reference, is adopted and shall be applicable to the area of the County of Solano as described in the Specific Plan.

2.2. The "Middle Green Valley Specific Plan" attached as **Exhibit A** is: (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”); together with (2) the “Text Added to the Middle Green Valley Specific Plan Describing Water Supply Option C (SID Surface Water).”

2.3. Following execution of the Master Development Agreement by and Among the Middle Green Valley Landowners and County of Solano for the Middle Green Valley Specific Plan Area (Master Development Agreement), the Department of Resource Management is authorized and directed to revise and correct 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 Sales Participation Agreement.

2.4. The Board of Supervisors authorizes staff to prepare a final version of the Specific Plan that incorporates the recommended changes, as well as to prepare final exhibits, figures, maps, diagrams, legal descriptions, and similar matters necessary to fully reflect the action of the Board of Supervisors in adopting the Specific Plan. The Department of Resource Management is authorized and 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 corrected Specific Plan to the Board.

2.5. Uses of land located within the area subject to the Middle Green Valley Specific Plan are rezoned to conform to the Specific Plan Land Use Figure 3-44 and shall be governed by, and shall conform to, the Middle Green Valley Specific Plan.

2.6. The Department of Resource Management is authorized and directed to amend the Zoning Maps within which the Specific Plan area is located (Zoning Maps 11N and 11S) to be consistent with the Middle Green Valley Specific Plan Land Use Figure 3-44.

2.7. 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. 2014-_____ (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 more of the following, as appropriate to the nature of the measure: (1) incorporation into the Specific Plan, the plan’s policies, or regulations; (2) implementation through ordinances, policies, conditions of approval, project designs, permits, entitlements, and agreements with contractors and other parties concerning plan implementation; or (3) carried out directly by County staff.

2.8. No activities or actions may be taken pursuant this Ordinance that could result in adverse change or alteration to the physical environment until the Court’s discharge of the Writ of Mandate or equivalent determination indicating that the approval of the EIR is in compliance with the Writ of Mandate such as by dismissal of the underlying case (Discharge of the Writ).

Section 3. Fees

3.1. Pursuant to Government Code section 65456, subdivision (a), the Board of Supervisors, after adopting a specific plan, may impose a specific plan fee upon persons seeking governmental approvals which are required to be consistent with the 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 which 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 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.

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 _____ by the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

EXCUSED: Supervisors _____

Linda J. Seifert, Chair
Solano County Board of Supervisors

ATTEST:

Birgitta E. Corsello, Clerk
Board of Supervisors

By: _____
Jeanette Bellinder, Chief Deputy Clerk

Adopted:

Effective:

Specific Plan Errata No. 1

The following edits are made to the text of Sections 2.3.3, 3.5.3A, and 4.4.1 of the “Middle Green Valley Specific Plan, Solano County, California, Adopted July 27, 2010.”

I. Section 2.3.3 is revised to add the text shown in underline and to delete the text shown in strikethrough below:

2.3.3 SOLANO COUNTY ZONING ORDINANCE

This Specific Plan is intended to establish the zoning and development pattern for the Plan Area. To the extent that Standards or regulations are specified in this Specific Plan, ~~The~~ Standards in this Specific Plan ~~replacesupersede~~ the land use designations, public works standards and other applicable regulations of the Zoning Ordinance and other applicable County regulations. To the extent that Standards or regulations are not specified in this Specific Plan and do not conflict with the implementation of the Specific Plan, the Zoning Ordinance and other applicable County regulations shall continue to apply. This Specific Plan includes definitions in Appendix A that are intended to apply within the Plan Area and replace correspondingsupersede the definitions in the Zoning Ordinance. To the extent this Specific Plan uses terms that are not defined in Appendix A, any applicable definitions in the Zoning Ordinance shall apply. Application and processing requirements shall be in accordance with this Specific Plan and the Solano County Zoning ordinance and other regulations, as modified by this Specific Plan. (See Section 4.4.2.) If a conflict occurs between this Specific Plan and the Zoning Ordinance, the Specific Plan shall apply; however, where a topic is not addressed in this Specific Plan, the Zoning Ordinance shall prevail. (See Section 4.4.6.)

II. Section 3.5.3A is revised to add the text shown in underline and to delete the text shown in strikethrough below:

3.5.3A MIDDLE GREEN VALLEY LAND USE DESIGNATIONS

This section describes the land use designations for the Specific Plan Area. Refer to Section 3.5.4 and Table 3.4 for the allowable uses for each land use designations and Figure 3-44 for the locations within the Specific Plan Area.

~~As described in Section 2.3.3 of this Plan, each land use designation below references a similar existing County land use designation. Each such referenced existing County land use designation is hereby incorporated by reference into each land use designation and shall apply, but only to the extent they do not conflict with any Standard in this Specific Plan and do not impede the implementation of this Specific Plan.~~

[OPEN LANDS DESIGNATIONS]

Open Lands - Natural – (OL-N): This designation includes water courses, drainages and open water bodies that are intended to be placed under conservation easements to

permanently protect, preserve and enhance these areas. These lands are not suitable for development due to topography, sensitive resources and/or hydrology. The conservation easement holder would monitor and manage lands while the Owner would retain fee ownership. ~~Reference: Section 28-37 Watershed and Conservation District (W-160)~~

Open Lands – Recreation - (OL-R): This designation provides for passive and active recreation throughout the Plan Area. ~~Reference: Section 28-28 Park (P) District~~

[AGRICULTURE DESIGNATIONS]

Agriculture - Watershed – (AG-WS): This designation provides for grazing and passive recreational activities to occur to minimize environmental damage to slopes, drainages and woodland areas. These areas are intended to be placed under conservation easements to permanently protect and manage these lands. The conservation easement holder would monitor and manage lands while the Owner would retain fee ownership. ~~Reference: Section 28-37 Watershed and Conservation District (W-160)~~

Agriculture - Preserve – (AG-P): This designation provides for the preservation and sustainability of working agriculture and farming lands. These areas are intended to be placed under conservation easements to permanently protect and monitor these lands. The conservation easement holder to monitor and manage lands while the Owner would retain fee ownership. ~~Reference: Section 28-21 Exclusive Agricultural (A-20 and A-40) Districts~~

Agriculture – (AG - R): This designation provides primarily agricultural uses with rural residential uses on minimum lot sizes of 5 acres. Permitted uses include agricultural activities and operations, compound lot uses, Secondary Units and housing for farm labor. ~~Reference: Section 28-21 Exclusive Agriculture (A-20) and Section 28-23 Rural Residential (RR-5) Districts.~~

[RESIDENTIAL DESIGNATIONS]

Rural Farm – (RF): This designation allows for single family residences on 1 to 5 acre parcels. ~~Reference: Section 28-23 Rural Residential (RR-5, RR-2.5) and Residential Estate (RE-1) Districts.~~

Rural Meadow - (RM): This designation allows for single family residential development at densities of 1-4 dwelling units per acre. These residential areas are organized around meadow features in the foothill areas to respond to topography and oak woodlands.

Rural Neighborhood– (RN): This designation allows for primarily residential development at densities of 1-4 dwelling units per acre. ~~Reference: Section 28-24 Suburban Residential Districts (R-E-1, R-E-1/2, R-E-1/4) Districts~~

Rural Mixed–Use Center – (RC): This designation allows for residential development at densities of 4-8 dwelling units per acre with opportunities for neighborhood commercial/office in lower or partial floors. This designation allows for a flexible residential/mixed use setting to provide small business and retail opportunities that support and service the community and neighboring regions.

[COMMUNITY SERVICES DESIGNATIONS]

Community Services – (CS): This designation allows for community serving uses.

Public Services – (PS): This designation allows for public facility serving uses.

[OVERLAYS]

Agriculture Tourism Overlay– (ATO): This designation provides for complementary agricultural and tourism commercial facilities compatible with surrounding agricultural activities. Uses are to enhance and build upon the local agricultural economy, support the goal of Solano County brand recognition, and strengthen the community’s connection to agricultural lands.

Neighborhood Commercial Overlay – (NCO): This overlay identifies areas that have the opportunity to provide neighborhood serving commercial and retail uses in ground floor areas or partial floors on single story building types. This designation allows for a flexible mixed used setting to provide small business and retail opportunities that support the community. ~~Reference: Section 28-30 Neighborhood Commercial (C-N) District~~

III. Section 4.4.1 is revised to add the text shown in underline and to delete the text shown in strikethrough below:

4.4.1 SPECIFIC PLAN APPROVALS

Actions anticipated to occur concurrently with the approval by ordinance of this Specific Plan document include:

- Certification by the Board of Supervisors (Board) of the Final Environmental Impact Report (FEIR) addressing this Specific Plan and any concurrently approved implementing projects.
- ~~Approval of land use designations and rezoning of the entire Plan Area to be consistent with this Specific Plan.~~
- Approval of a Master Development Agreement.

As a condition of approval for any subdivision within the Specific Plan Area, the following actions shall be required prior to recordation of the first final map.

Text Added to the Middle Green Valley Specific Plan Describing Water Supply Option C (SID Surface Water)

The following changes are made to Section 4.3.1 and Section 4.3.3 of the Middle Green Valley Specific Plan.

I. The first paragraph of Section 4.3.1 is revised to add the text shown in underline and to delete the text shown in strikethrough below:

4.3.1 OVERVIEW OF WATER AND WASTEWATER PROVISIONS

~~Three~~~~Two~~ water and two wastewater ~~system~~ options are proposed for the Specific Plan area: Option A (wastewater and water supply) would involve connection of the Specific Plan development areas (“neighborhoods”) to the City of Fairfield municipal water and sewer systems; ~~and~~ Option B (wastewater and water supply) would involve use of ~~a~~ common “onsite” or “off the grid” water and wastewater system to serve the Specific Plan development areas (“neighborhoods”); and Option C (water supply) would provide water service to the Specific Plan area via surface water supplied by the Solano Irrigation District (SID) and treated to potable (Title 22) levels at the City of Fairfield treatment plants. ~~These two~~ alternative proposals are summarized below.:

II. The following text is added to Section 4.3.1, following the discussion of Option B:

Water Supply Option C – (SID Surface Water):

SID has jurisdiction over the central part of the Specific Plan Area (Figure 4-4, showing SID service area) and is the default potable water purveyor within its boundaries. The Solano Project water rights that SID would use under water supply Option C, the County’s preferred option, presently show a Place of Use that is larger than, and includes, the current SID service area, but does not presently encompass the entire Plan Area. Under water supply Option C, SID would seek approval of a Petition for Change in Place of Use to encompass the entire Specific Plan development area and then annex the Place of Use area into SID’s service area and serve all Specific Plan domestic uses with SID surface water. Consistent with current conditions, surface water from SID and some groundwater would continue to be used to serve existing agriculture and ag-residential uses. As with Options A and B, recycled water from the project would be used to serve new landscaped areas, and future agriculture and ag-residential uses under the Specific Plan would be served non-potable water by SID.

Because SID does not have water treatment facilities, SID surface water would be treated at the City of Fairfield treatment plant(s) to meet safe drinking water standards for domestic use. The potable water would be delivered to the Specific Plan development areas for domestic use via a proposed connection to the City of Fairfield’s existing 24-inch water main “flange” at the corner of Green Valley Road and East Ridge Road near the southeast corner of the Plan Area. As under Option A, the proposed water supply infrastructure system would consist of approximately nine miles of onsite pipeline and

500,000 gallons of onsite storage (for fire hydrants and sprinklers) in two water storage tanks at elevation.

SID's jurisdiction does not cover the entire 1,905-acre Specific Plan area; approximately 90 acres lie outside the SID service area. Therefore, service of the entire Specific Plan area by SID would require approval by the State Water Resources Control Board (SWRCB) of a Petition for Change in Place of Use to encompass the Specific Plan area, and then annexation of this added area by SID to include it in its service area. In addition, approval from the Solano County Local Agency Formation Commission (LAFCO) would be required for SID to change its service area boundary (to annex in the full Place of Use).

Under Option C, all Specific Plan primary and secondary residences (estimated to be 341 units within the current SID service area and 159 units within the area that would be annexed) would be served with potable water by SID.

To address potential uncertainty with regard to the approvals needed from the SWRCB and Solano County LAFCO to allow SID to serve water to the entire Specific Plan area, two variations of Option C are also included for that portion of the Specific Plan area outside the SID service area boundary: Option C1 contemplates use of groundwater to serve these residences, and Option C2 contemplates use of municipal water from the City of Fairfield.

i. Water Supply Option C1 (SID Surface Water and Onsite Groundwater):
Approximately 97 primary residences and 62 secondary residences are proposed outside of the current SID service area.

If the process to obtain approval for a Petition for Change in Place of Use is lengthy, or if the approval is not obtained, SID could seek approval from LAFCO to annex the Solano Project Place of Use into its service area. In this case, surface water from SID would supply potable water to the 52 primary residences and 17 secondary residences that are outside the current service area but inside the current Place of Use. The units located outside the Place of Use boundary, would be served by groundwater, treated to potable Title 22 levels at the well, then connected to the SID infrastructure at the nearest point where it would be blended with the treated SID surface waters. If SID experiences any problem with annexation of the Place of Use, the SID service area would remain as it is and all units outside the current SID service area (estimated to be 97 primary units and 62 secondary units) would be serviced by onsite groundwater wells. Again, the water would be treated to potable Title 22 levels at the well, and then connected to the SID infrastructure at the nearest point, where it would be blended with the treated SID surface water. As under Option C, the remainder of the Specific Plan area within the SID service area would be served by surface water from SID for domestic uses; SID and groundwater would continue to supply non-potable water for existing agricultural and ag-residential uses; recycled water from the project would be used to serve landscaped areas; and future agriculture and ag-residential uses under the Specific Plan would be served by non-potable water by SID.

ii. Water Supply Option C2 (SID Surface Water and City of Fairfield Municipal Connection)

Under Option C2, either residential units outside the Solano Project Place of Use boundary or all residential units proposed outside of the current SID service area would

receive domestic water from the City of Fairfield. As under Option C, the remainder of the Specific Plan area within the SID service area would be served by surface water from SID for domestic uses; SID and groundwater would continue to supply non-potable water for existing agricultural and ag-residential uses; and recycled water from the project would be used to serve landscaped areas; and future agriculture and ag-residential uses under the Specific Plan would be served by non-potable water by SID.

Regardless of which water supply option is chosen, the Specific Plan proposes establishment of a CSA (refer to Section 4.3.2) to fund and oversee wastewater, storm drainage, and parks and recreation facility construction and provide the necessary ongoing financial and management structure for these Plan Area facilities. Under water supply Options A and B, the water system would also be overseen by the CSA; under Option C, it would be overseen by SID. Through the proposed CSA, Solano County would be responsible for providing the level of treatment necessary for groundwater to meet safe drinking water standards for residential (domestic) use. The CSA would be granted limited powers, and administered by the County. The CSA would be required by law to adhere to federal, state, regional, and local (County) water supply standards. It is assumed that the CSA would encompass only the proposed Specific Plan development areas.

III. The following text is added to Section 4.3.3, following the discussion of Alternative Water Source 3:

4.3.3 WATER SUPPLY AND DISTRIBUTION FACILITIES

Alternative Water Source 4

The Solano Project is SID's primary water supply, and this supply is based on water rights filed with the SWRCB.

SID receives water from the Solano Project, which delivers surface water from Lake Berryessa, (the reservoir area behind Monticello Dam in Napa County), through various Solano Project system features such as the Putah Diversion Dam, the Putah South Canal (PSC) with a small terminal reservoir, and associated waterways, laterals, and drainage works. SID currently delivers water from Lake Berryessa to four cities, the Maine Prairie Water District, and individual SID customers, including numerous customers in the Plan Area.