

ORDINANCE NO. 2017 - _____

**AN ORDINANCE ADOPTING
REVISIONS TO THE MIDDLE GREEN VALLEY SPECIFIC PLAN**

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

Section 1. Findings and Statement of Purpose:

1.1. On July 27, 2010, the Board of Supervisors certified an Environmental Impact Report and enacted Ordinance No. 2010-1708, adopting the Middle Green Valley Specific Plan.

1.2. 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), the Board of Supervisors enacted Ordinance No. 2012-1729 on June 5, 2012, vacating its 2010 adoption of the Middle Green Valley Specific Plan.

1.3. In response to the Superior Court's ruling, the County conducted further environmental review and revised the Environmental Impact Report for the Middle Green Valley Specific Plan Project.

1.4. On October 25, 2016, the Board of Supervisors certified the revised Environmental Impact Report and enacted Ordinance No. 2016-1778, readopting the Middle Green Valley Specific Plan as originally adopted in 2010 together with minor revisions to the Plan considered and approved by the Board in 2014.

1.5. The Upper Green Valley Homeowners and the County subsequently entered into a Settlement Agreement to resolve all remaining issues related to the adequacy of the revised Environmental Impact Report. The Superior Court discharged its Writ of Mandate on April 12, 2017.

1.6. Under the Settlement Agreement, the County agreed to revise the Mitigation Monitoring and Reporting Program, which revisions were approved by the Board on July 25, 2017.

1.7. The Solano County Department of Resource Management has proposed various revisions to the text and land use tables of the Specific Plan, as adopted October 25, 2016. The purpose of these proposed revisions is to incorporate into the Specific Plan certain aspects of the revised Mitigation Monitoring and Reporting Program and to update the Specific Plan, which has not been substantively reviewed and updated since 2010 due to the litigation.

1.8. The Solano County Planning Commission has reviewed the Department's proposed revisions to the Specific Plan, in a noticed public hearing conducted July 6, 2017, and has recommended that the revisions be approved.

1.9. A Notice of Public Hearing was duly posted, mailed, and published for consideration of the revisions to the Specific Plan by the Board on August 8, 2017, and on that date, a public hearing was opened, held, and closed.

1.10. The proposed revisions to the Specific Plan are minor in nature and do not substantially change the adopted Specific Plan. None of the conditions described in Sections 15162 or 15163 of the California CEQA Guidelines, calling for preparation of a subsequent or supplemental EIR, have occurred. The Department of Resource Management has prepared an Addendum to the Environmental Impact Report for the Middle Green Valley Specific Plan project, certified on October 25, 2016, and the Board considered the Addendum with the certified Environmental Impact Report prior to taking action on the revisions.

1.11. The proposed revisions to the Specific Plan are consistent with the goals, policies, implementation programs, and other provisions of the Solano County General Plan.

Section 2. Adoption of Revisions to the Middle Green Valley Specific Plan

2.1. The revisions to the Middle Green Valley Specific Plan, attached to this Ordinance as **Exhibit 1** and incorporated herein by this reference, are adopted.

2.2. The Department of Resource Management is directed to prepare and publish a revised version of the Middle Green Valley Specific Plan that incorporates and fully reflects the actions of the Board of Supervisors in adopting the Specific Plan on October 25, 2016, and in adopting revisions to that plan on August 8, 2017. 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.

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 revisions to 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. 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 5. Effective Date

This ordinance shall be effective thirty (30) days after its passage.

Section 6. 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 August 8, 2017 by the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

EXCUSED: Supervisors _____

JOHN M. VASQUEZ, Chair
Solano County Board of Supervisors

ATTEST:

BIRGITTA E. CORSELLO, Clerk
Solano County Board of Supervisors

By: _____
Jeanette Neiger, Chief Deputy Clerk

Exhibit 1: Revisions to the Middle Green Valley Specific Plan