



## Legislation Text

File #: 17-560, Version: 1

Conduct a noticed public hearing to consider adoption of an ordinance revising the Middle Green Valley Specific Plan

Published Notice Required? Yes X No \_\_\_\_  
Public Hearing Required? Yes X No \_\_

### **DEPARTMENTAL RECOMMENDATION:**

The Department of Resource Management recommends that the Board of Supervisors:

1. Waive reading of the ordinance (4/5 vote required),
2. Conduct a public hearing to adopt the ordinance making revisions to the Middle Green Valley Specific Plan.

### **SUMMARY:**

The Middle Green Valley Specific Plan and related approval documents allow for the development of up to 400 residential units and some neighborhood commercial uses in the area north of the Fairfield city limits near Green Valley and Mason Roads. The Plan has been the subject of two rounds of litigation between the County and the Upper Green Valley Homeowners (UGH) over the course of the last seven years. To expedite the end of the litigation process, the parties involved have entered into a Settlement Agreement.

The Green Valley Agricultural Conservancy (GVAC) and the Middle Green Valley Landowners are also parties to the Settlement Agreement. The Agreement was provided to the court at its April 12, 2017 hearing, and the court discharged its Writ of Mandate. While there are certain obligations of all parties involved, the County was required to revise its Mitigation Monitoring, and Reporting Program (MMRP). These revisions were approved by the Board at its July 25, 2017 meeting.

Certain aspects of the MMRP revisions need to be incorporated into the Specific Plan itself, as described below. Additionally, since the Specific Plan is about seven years old since its original drafting, the County is proposing a number of revisions to the text and land use table which provide greater clarity to the document and will assist the visions of the Plan to be realized. These proposed changes are considered non-substantive in nature and an addendum to the previously certified EIR is recommended.

### **FINANCIAL IMPACT:**

The initial costs to prepare the Plan were borne by the General Fund. The executed Master Development Agreement provides that costs related to the preparation and development of the Specific Plan, and its related documents, will be reimbursed to the County with the issuance of building permits as the project builds out.

### **DISCUSSION:**

#### **Background**

The Middle Green Valley area is located north of the Fairfield city limits, along Green Valley Road, and is

approximately 1,903 acres in size. It is nestled on the edge of the western hills with a mixture of cultivated agricultural land on the valley floor and grazing land in the hills. It lies between 1/3 to 2.5 acre residential development in upper Green Valley (north) and the City of Fairfield (south). The area is valued for its rural character and scenic qualities.

In August 2008, Solano County completed and adopted a comprehensive update to its General Plan, portions of which were approved by voters at the November 4, 2008 election. Through the General Plan update process, various specific project areas were identified for further planning, including the Middle Green Valley area.

The primary goal of the General Plan for this area is to maintain the rural character of Middle Green Valley while allowing opportunities for compatible residential development in accordance with the Plan's goals and policies. The General Plan directs that land use tools, such as clustering and transfers of development rights are to be utilized to limit the effects of residential development on the rural character of the valley, including protection of the existing viewsheds, wildlife habitat, and agricultural activities.

The Plan was originally adopted in July 2010 with the certification of an EIR. Soon after, a neighborhood group, the Upper Green Valley Homeowners (UGH) filed a lawsuit. The court found that the County needed to do additional analysis in its EIR on use of groundwater and to confirm the availability of groundwater to serve the Plan area. The County completed this analysis showing that there was ample groundwater available, and responded accordingly to the court. While the court accepted the additional analysis as adequate, it expressed concern that potential impacts to surface water and related biology resulting from groundwater extraction was not fully evaluated. The County then evaluated potential biological impacts in this context. It determined that there would be no additional significant impacts as a result and re-certified the EIR.

Should the Board wish to review a summary of key aspects of the Specific Plan, a narrative is provided as an Attachment.

### **Proposed Revisions to the Specific Plan**

Certain revisions to the Specific Plan are proposed at this time for the reasons explained below. Staff considers these revisions to be minor in nature. A list of the proposed revisions is identified in the recommended ordinance.

Revisions Related to the updated MMRP: Some of the revisions are intended to address aspects of the MMRP and are well suited to be incorporated into the Plan's text. While this isn't a requirement of the Settlement Agreement, it does provide greater consistency between the Plan and CEQA requirements set forth in the MMRP that ultimately address the future implementation of the Plan.

Many of the MMRP revisions are for clarification purposes, such as ensuring consistency with State and Federal agency requirements. These kinds of technical revisions don't necessarily need to carry over to the Specific Plan. However, there are three notable revisions that deserve mention.

- Utilization of the Model Lighting Ordinance (MLO). This intends to address environmental concerns related to excessive glare from night lighting in the Plan area. Since build-out of the Specific Plan will need to evaluate lighting from land uses and publicly maintained area, it is important that the requirement to adhere to the MLO is cross referenced in the Specific Plan. It should be noted that the County has previously approved incorporating the MLO requirement into the Plan, but it had not previously approved it as a revision to the MMRP.
- Referencing the Green Valley Creek Restoration Project (GVCRP). While creek restoration has always been a requirement of the Specific Plan, the MMRP revisions direct the establishment of the GVCRP and set forth some more specific requirements. Since this is a key component of the implementation of the Specific Plan, staff believes it should be cross referenced in the Plan.

- A notation that there is a preference for non-deciduous native trees along the north side of the Three Creeks Neighborhood to assist with the prevention of potential glare from neighborhood development.

**Other Revisions to the Specific Plan:** The Plan has not been proposed for updates since its inception in 2010. In reviewing the Plan now and discussing its vision with landowners, staff believes that minor revisions are appropriate throughout the document for clarification purposes and to make the document more consistent with the current setting and the visions in the Middle Green Valley area. While the complete list of proposed revisions is provided as an Attachment, the following provides some notable examples of these types of revisions.

- Changing references of Secondary Living Units to Accessory Dwelling Units to be consistent with state law.
- Updating property ownership and TDR participation as needed.
- Updating mapping to clarify that the Farmstand site is intended to include the existing barn to the west. These areas will both be utilized in concert to serve as Agricultural Tourism Overlay sites.
- Include the necessity of obtaining a “minor use permit” for certain new land uses. Previously, a land use was either “permitted” or “conditional”. This brings the permitting options available in the Middle Green Valley area more into consistency with the balance of the County’s zoning ordinance.
- Clarify that community gathering areas, accessory structures, and temporary structures may be considered in certain transect zones and building types.
- Revisions to minimum setbacks for Type A (Agriculture/Community) buildings and Type E (Meadow) buildings to make the setbacks more measurable and definable. Currently the setbacks are based on a percentage of the average lot depth. Since rural parcels are often oddly shaped, it can be difficult to measure average lot depth. The revisions are easier to implement.
- Various additions/deletions/clarification to the land use table (Table 3-4). Providing the revised table in redline/strikeout form is difficult to follow. Rather, staff is providing a copy of the existing table and a copy of the updated table for comparative purposes as an Attachment.
  - o Renaming Daycare Center to community care facility to be consistent with the remainder of the zoning ordinance and state statute.
  - o Including Wireless Communication Facilities to be consistent with the zoning ordinance and with existing land uses in the Plan area.
  - o Separating Agricultural uses from Agritourism uses.
  - o Bringing permitting for wineries and special events more in-line with permitting requirements elsewhere in the zoning ordinance.
  - o Removing cafes and coffee shops from the Neighborhood Commercial uses.
  - o Including Local Products Store in the Neighborhood Commercial uses to promote sale of locally produced products.

### **Addendum to the Certified EIR**

The Specific Plan and Master Development Agreement for Middle Green Valley have been approved and adopted by the Board, along with certification of an EIR. Section 15164(a) of the CEQA Guidelines provides:

The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

The proposed revisions to the Specific Plan are minor from a CEQA standpoint. An addendum to the certified EIR which considers and discusses the proposed revisions in the context of Section 15162 cited above is provided as an Attachment.

### **ALTERNATIVES:**

The Board could choose not to approve the revisions to the Specific Plan. This is not recommended because the proposed revisions are minor in nature and are needed for clarity and to maintain consistency between the Specific Plan and other zoning requirements.

**OTHER AGENCY INVOLVEMENT:**

County Counsel has reviewed this item and concurs with the recommendations.

**CAO RECOMMENDATION:**

APPROVE DEPARTMENTAL RECOMMENDATION