

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of June 21, 2007

The regular meeting of the Solano County Planning Commission was called to order at 7:00 p.m. in the Board of Supervisors' Chambers, Fairfield, California.

PRESENT: Commissioners Moore, Barnes, Mahoney, Barton and Chairperson McAndrew

EXCUSED: _____

STAFF PRESENT: Birgitta Corsello, Director; Mike Yankovich, Planning Program Manager; Matt Walsh, Principal Planner; Stan Schram; County Surveyor; Terry Schmidtbauer; Environmental Health Program Manager; Jeff Bell, Environmental Health Specialist; Jim Laughlin, Deputy County Counsel; and Kristine Letterman, Planning Commission Clerk

Items from the floor:

June Guidotti, 3703 Scally Road, Suisun, spoke with regard to Marsh Development Permit Application No. MD-07-01 of Zentner and Zentner (Dittmer property) that is scheduled before the planning commission on July 5, 2007. She submitted to the commission a letter written to the District Attorney, as well as a packet of information composed of emails that she obtained from the Bay Conservation & Development Commission, along with email addresses of parties who are interested in being notified of the aforementioned project.

The Minutes of the regular meeting of June 7, 2007 were approved as prepared.

1. **PUBLIC HEARING** to consider Lot Line Adjustment Application No. LLA-05-12 and Certificate of Compliance No. CC-05-21 of **Susan Hassett** to adjust property lines between four existing parcels, where all parcels are under a Williamson Act contract. The parcels are currently 2.00 acres, 3.59 acres, 4.89 acres, and .51 acres in size. The adjustment will result in three parcels of approximately 5.6 acres, 2.9 acres, and 2.4 acres in size. The property is located at 8290 Pleasants Valley Road, 5 miles northwest of the City of Vacaville in an "A-20" Exclusive Agricultural Zoning District, APN's: 0101-120-62, 63, 64, & 65. This consideration has been determined not to have a significant effect on the environment and is categorically exempt from the California Environmental Quality Act. **Staff Recommendation:** Approval

Matt Walsh gave a brief presentation of staff's written report. He stated that the proposed project consists of a lot line adjustment to reconfigure the common property lines between four existing legal non-conforming parcels. All parcels are owned by the applicant. Mr. Walsh stated that the lot line adjustment will reconfigure the existing lots to eliminate the .51 acre parcel and

to put the existing septic system entirely on one parcel. This adjustment will result in a 5.6 acre parcel (Parcel A), a 2.9 acre parcel (Parcel B), and a 2.4 acre parcel (Parcel C). He noted that the four parcels are currently under Williamson Act Contract No. 1291. The applicant recorded a Notice of Non Renewal on them in 2004. As such, they will be out of contract in 2014. Staff recommended approval of the lot line adjustment.

Chairperson McAndrew opened the public hearing. Since there were no speakers either for or against this matter, the public hearing was closed.

A motion was made by Commissioner Barnes and seconded by Commissioner Barton to adopt the suggested findings and approve Lot Line Adjustment Application No. LLA-05-12, subject to the recommended conditions of approval. The motion passed unanimously. (Resolution No. 4471)

2. **CONTINUED PUBLIC HEARING** to consider certification of a Final Environmental Impact Report for the **Rockville Trails Estates Residential Subdivision** for development of 370 single-family residential units on 1,580 acres in the western central portion of Solano County, northwest of the City of Fairfield, approximately 3 miles north of the I-80/680 interchange in the northeast region of the Green Valley Road/Rockville Road intersection. The site is located between the hills of Green Valley and Suisun Valley. (Project Planner: Mike Yankovich)

Mike Yankovich stated that on June 7, 2007, the Solano County Planning Commission held a public hearing to consider certification of the Final Environmental Impact Report ("FEIR") prepared for the proposed Rockville Trails Estates Residential Subdivision. He noted that thirty-seven individual members of the public spoke at the hearing and raised various questions regarding the project, including questions related to the adequacy of the project's environmental review. He stated that the purpose of staff's written report is to provide detailed answers to the questions presented insofar as those questions relate to the project's environmental review, as requested by the Planning Commission. While the report attempts to comprehensively address all concerns raised at the June 7th hearing, for those comments previously submitted to the County and responded to in the FEIR, the report provides reference to the relevant sections of the FEIR that provide a response, and summarizes the response. Mr. Yankovich stated that this report does not address policy questions or general comments made about the project that are unrelated to the environmental review of the project.

Commissioner Barnes referred to the staff report dated June 7, 2007, regarding noise and the reference made to noise levels in excess of 60 dB(A). Mr. Yankovich explained that for a single-family residence, the noise level is 45 dB(A) as measured from inside the home. He commented that the Draft Environmental Impact Report (DEIR) states that the cumulative noise is going to be a significant impact even after mitigation. He stated that this is principally

caused by vehicular traffic and is not something the project itself is responsible for, but is a total cumulative impact.

Commissioner Barnes referred to the Mitigation Monitoring Program with regard to aesthetics. He stated that he would like, as an addition to the FEIR, that the planning commission have the opportunity for design or architectural review of the homes. He also suggested that the roofs of the homes be of some type of non-reflective metal, and the buildings made of stucco, stone, or brick, and not wood due to the high fire danger in the area.

Commissioner Barnes referred to page 20 of the Mitigation Monitoring Program regarding wildlife cover, and wanted to add a requirement to place barriers around trees to be saved. He commented that many times as development occurs, heavy equipment accidents happen by vehicles backing into the trees.

Commissioner Mahoney voiced his concern about the areas that are downstream from the affluent storage ponds. He referred to page 46 of the Mitigation Monitoring Program where it states that downstream diversion berms would not be needed to direct flood flows from a failed dam around existing improved private properties. He wondered why this would be, and why there would not be some type of a diversion of that water to protect the properties downstream. Geoff Reilly, project consultant, stated that the DEIR identifies that the impact is potentially significant, and it includes mitigation measures to ensure non-failure of such embankments. He noted that the commission could require, as an additional condition of approval, embankments further down the property that could deflect water. He commented that this is not anticipated, should the mitigation measures be followed completely.

Commissioner Mahoney commented that an earthquake fault line runs along the ridge, and due to the proximity of the pond, it could be a potentially catastrophic situation and a total breakdown of the pond. He stated that while this is a worst case scenario, no one knows when that fault is going to rupture. He said that he would like to see added into the EIR a requirement for some type of diversion berm to deflect the water.

Commissioner Mahoney noted that the commission received some literature from the City of Fairfield where they refer to Rockville Park as Rockville Hills Regional Park. He inquired if the park was county or city owned. Mr. Yankovich indicated that it was a joint operation between the county and city, but the City of Fairfield actually operates the park. Geoff Reilly noted that in the project EIR, the City of Fairfield was very particular on the naming of the park and that it is indeed Rockville Hills Regional Park. Commissioner Mahoney commented that he felt the county should be particular on the way the park is termed, because if it is a city owned park the county does not want to assume any liability.

Commissioner Barton spoke regarding the subject of transportation and the mitigation review. She inquired if the Solano Transportation Authority (STA) reviews the plans as an overall review. Mr. Yankovich stated that typically the STA reviews major regional transportation projects. He noted that there are several mitigation measures that relate to the Interstate 80 on-ramps. Mr. Yankovich stated that in the overall process, both Caltrans and STA will be reviewing future plans.

Commissioner Barton spoke with regard to the monitoring wells and what would happen should they go dry. Mr. Yankovich stated that part of the mitigation is a monitoring program. The monitoring program is geared to establish a baseline, and the applicant has done some preliminary studies as part of the EIR. In addition to that, the mitigation measures require that the monitoring program continue and be extended to include additional wells around the project site. The idea is to determine where the baseline is, and to find out if the project or any other use limits the recharge of the aquifer with regards to future water supplies. Mr. Yankovich indicated that the mitigation measures have not detailed what wells are going to be a part of that mitigation, but they would be wells in the surrounding area.

Commissioner Barnes referred to page 43 of the staff report dated June 7, 2007. He stated that a time period for monitoring is needed, and suggested six months or annually. Mr. Yankovich stated that as part of the mitigation measure there would be a program that would be established, and a minimum time period could be included. Commissioner Barnes stated that the time period of 6 months would be sufficient.

Commissioner Moore stated that the mitigation the commission has been studying for the last couple of months requires that the county and the developer accomplish certain tasks. He stated that currently the commission is not in the position to define exactly how those mitigations are going to be applied. With respect to design review, he wanted to know if when the project comes back before the commission, if the commission will have an opportunity to review the details of the design. Mr. Yankovich stated that in terms of the entitlement phase, the commission will be looking at a policy plan overlay (which include development standards), major subdivision, and general plan amendment. He indicated that during that phase the commission will see details. Mr. Yankovich stated that what the commission is looking at tonight is the environmental impacts that the project itself could have. He indicated that if the project goes beyond the approval phase, the commission will be reviewing detailed studies that would have to be developed by the applicant in conjunction with the county, as well as other permitting agencies.

Commissioner Moore stated that while he does have some concerns, the mitigation provided in the report satisfies him as long as in the future the commission has an opportunity, as well as

other agencies, to scrutinize the details and the final design work. He inquired if this project will fall into the category for a development agreement. Mr. Yankovich indicated that originally that was the case, but it no longer appears to be at this point in time. Commissioner Moore stated that either way, he will make recommendations that certain safeguards be applied to the project such as financial stability.

Chairperson McAndrew referred to the DEIR, Section IV.B, and noted an error on pages 16 and 18 where both impacts are listed as AQ-4. With regards to Tables IV.B-4 and B-5, Chairperson McAndrew stated that she did not understand how the cumulative concentrations can be less than the existing concentrations when there are over 600 more car trips per day in the area. Geoff Reilly stated that this is accounting for the improved performance of automobiles over a 20 year period. He stated that this is typically the reason why emissions today versus 10 years ago would be less, because of improved standards and/or technology. Chairperson McAndrew inquired as to who makes that determination. Mr. Reilly indicated that it would be the California Air Resources Board.

Chairperson McAndrew referred to the DEIR, Section IV.C, page 42, Mitigation Measure BIO-3, and indicated that it says that no conceptual mitigation program has been prepared for the project, and that proposed mitigation would entail avoidance of some mapped features and providing replacement of wetlands where avoidance is infeasible. She inquired as to how wetlands are replaced.

Mr. Reilly stated that Mitigation BIO-3 is related to Impact BIO-3 which is entitled: Have a Substantial Adverse Effect on Federally Protected Wetlands as defined by Section 404 of the Clean Water Act. He stated that mitigation of wetlands can take form in several different ways, preferably onsite. If it is off-site or if there is no opportunity for onsite restoration, then the ratio for replacement tends to be greater off-site. He stated that the idea is to recreate water bodies and/or restoration of degraded wetlands, as well as improvement of them.

Chairperson McAndrew again inquired as to how a wetland is replaced. She referred to an example such as the Suisun Marsh, and asked if the applicant can be specific about what kind of wetland they are talking about replacing. Mr. Reilly stated that in looking back at the environmental study portion of the document (page IV.C-42), it explains the types of wetlands that are impacted. He indicated that in the first paragraph it states that based on the preliminary wetland delineation, the proposed project would affect the estimated 1.58 acres of potential jurisdictional waters. This consists of approximately 0.80 acre of unvegetated other waters along drainages, and 0.78 acre of wetland associated with seasonal wetlands, vernal and ephemeral pools, in scattered seeps and springs.

Chairperson McAndrew asked if this means that it can be recreated somewhere else on the property. Mr. Reilly stated that the consulting biologist is recommending that at least to mitigate the loss, and of course the corps will have a role as well, in verifying the wetland delineation done for the project site, making sure that it is accurate and then making a recommendation with respect to replacement.

Chairperson McAndrew referred to the DEIR, page IV.C-41, regarding the monitoring program. She suggested that where it states that monitoring shall be conducted by a qualified biologist for a minimum of five years be changed to 10 years, to ensure the success of the replacement mitigation. She also suggested making that same change on page IV.C-49 under Mitigation Measure BIO-4c.

Chairperson McAndrew referred to the DEIR, page IV.C-51, Impact BIO-5 and wondered why the county code is not being followed with regard to the tree replacement mitigation. Mr. Reilly stated that the mitigation measures in the Biological Section of the DEIR require the finalization of the Draft Tree Mitigation Program to include additional components. He stated that this requires a 3 to 1 replacement ratio for trees. He did not believe it defines the diameter of the tree with respect to the 3-1 replacement, but of course the decision makers have that authority if they want to acquire greater replacement ratio for a certain size of tree.

Chairperson McAndrew stated that any background information that can be incorporated in terms of the cumulative impacts in comparison to other projects that are similar in scope to what is proposed, would be helpful. She stated that there are numerous mitigation measures and impacts, and she wondered if there is a similar type of project that has been done in the past 10 or 20 years that the commission could review, and whether those mitigation measures have been successful. Geoff Reilly stated that there have been many examples, and many of the current proposed measures come from such other projects or examples. He stated that with respect to the cumulative analysis, CEQA requires that the commission look at the site versus other sites in the vicinity, and it must have a cumulative connection. Looking back at other cases would have to be in the vicinity of the site to get an understanding of the project's contribution to cumulative biological resource impacts.

Chairperson McAndrew referred to the DEIR, Mitigation Measure BIO-1e on page IV.C-37, where it states that the pre-construction nesting survey is to take place no more than 30 days prior to initiation of grading. She recommended that be changed to 10 days. She also recommended the same change for the pre-construction survey for the burrowing owls for ground disturbing activities.

Chairperson McAndrew referred to the DEIR, Section IV.E and noted her concern that there is no information regarding the Cordelia fault. She spoke specifically to Table IV.E-1 on page 9, where there does not seem to be any discussion about the fault. She stated that since a portion of the homes seem to be on top of, or adjacent to the fault, she felt that it would be in the best interest of the project to know more geological history and what kind of impact the fault might have. Mr. Reilly stated that the DEIR does identify the fault as being a significant impact of the project or to project residents. He stated that the southern portion of the site is within the Alquist-Priolo zone, therefore any lots within that zone have to be studied for potential fault rupture impacts. As a part of the DEIR process, more studies were done on the fault, but not on the entire length of the fault. Therefore, the EIR took a conservative standpoint that the remainder of the fault is active or could rupture, and until further studies are completed, the homes currently proposed along that portion of the fault could not be approved prior to the preparation of the final map, and until additional subsurface studies are completed.

Chairperson McAndrew inquired if there have been any large slope failures on the subject property. Mr. Reilly stated that there are landslides identified on the site. He referred to Figure IV.E-3 on page 6. He stated that as part of peer review, those faults were investigated and some landslides were identified by the original geotechnical consultant where they found a couple other potential faults. Most notably is indicator L2 which is located in the central southern portion of the site, and is right next to homes. He said the EIR does address this as a significant impact and requires that the slides be remediated.

Chairperson McAndrew referred to the proposed Geotechnical Hazard Abatement District and inquired about its creation date. Mr. Reilly stated that it is recommended as a part of one of the commentaries on the DEIR, in that they encourage the creation of such a district for the site. Mr. Yankovich noted that this is not a part of the mitigation measures.

Chairperson McAndrew referred to the FEIR, Section IV, page 27, GEO-5b, where it states that the periodic maintenance and removal of debris shall be required, including the creation of a Geotechnical Hazard Abatement District, or other appropriate entity that is funded for such maintenance. Mr. Yankovich stated that the assumption is that there will be some type of entity, either a community services district or some other entity either regulated by the Public Utilities Commission, or a separate community services district. That district itself would be taking charge of construction maintenance, operation of the wastewater treatment system, and water. Mr. Yankovich stated that the key is to remove it from the homeowners association, and have it in the hands of an entity that may have a sufficient amount of funds and staffing to be able to carry out the activity.

Chairperson McAndrew referred to the FEIR, Section IV, page 31, GEO-10, and inquired as to what will happen if the work is not performed in accordance with the project plans and

specifications. Mr. Reilly stated that there is a risk for impacts. For example, the embankments of the affluent basins must be peer reviewed and monitored very carefully by a professional engineer and geologist, and so there is a potential for an impact if the mitigation measures are not followed through as written and enforced.

Chairperson McAndrew stated that the existing language leaves this question open. She suggested making it a proactive statement by saying:the applicant's consultant shall provide a final statement indicating or ensuring that the work was performed in accordance with the project plans and specifications....

Chairperson McAndrew referred to the DEIR, Section IV.G, page 31, in regard to the alternative to concentrating road runoff with runoff sheet flows across the roadways. The document states that the use of this approach to the extent feasible would not only reduce potential erosion impacts, but would also provide water quality treatment and assist in reduction of peak flow rates. She wondered how this measure provides water quality treatment. Mr. Reilly stated that the project, with respect to controlling runoff from the site, relies on the detention basins. He stated that the applicant's consultants have also recommended using neighborhood best management practices to not only reduce runoff, but clearly control water quality as well. He stated that a variety of BMP's could be used, but of course the requirement is that the water must be treated before it goes offsite and cannot have a net increase in runoff, off site.

Chairperson McAndrew stated that she did not see how water quality treatment can be provided when there will be sheet flows down the road. Chris White, water quality specialist, stated that by concentrating the runoff along the side of the road, and then diverting it off into other drainage features, essentially provides for greater erosion and more problems. The idea is to drain the road frequently off onto hillsides and perhaps outslope the road. That way it is only directing a small amount of runoff. He stated that the runoff treatment that is being referred to, is actually the same kind of treatment that would go through any kind of buffer strip. It's the physical filtration of the water through grass and the dispersion of it in small amounts, rather than large and concentrated amounts.

Chairperson McAndrew referred to the DEIR, Section IV.G, page 35, and the topic of degradation of water quality. It states that pollutants related to construction include petroleum products, hydrocarbons, pesticides and litter, and that typical urban runoff contaminates might include all of the above as well as trace metals, nutrients, bacterial from pet wastes and landscape maintenance debris. Ms. McAndrew stated that she did not see any mitigation measure for this.

Geoff Reilly stated that the National Pollution Elimination Discharge System requirements require the preparation of a Stormwater Pollution Prevention Plan as a part of the project. It will be required not only for construction, but operation of the project that will include various best management practices. He indicated that the EIR assumes that the requirement will be met, and therefore there are no additional mitigation measures proposed. The stormwater pollution prevention plan would be subject to the approval of the Regional Water Quality Control Board (RWQCB).

Chairperson McAndrew noted that the RWQCB's comments were extensive and very technical, and there were a lot of responses back to them. She inquired if the regional board will have an opportunity to respond to the responses to their comments. Mr. Yankovich indicated that the applicant's team, as well as planning staff, have been in contact with the Mr. Allen of the RWQCB. Mr. Allen had mentioned that he would try to provide a letter in response to the comments that were provided in response to his first letter. Staff has not received a letter as of yet. Mr. Yankovich noted that at the end of the approval process, the RWQCB will need to issue a permit, and the permit itself would require all the detailed information. Dick Loewke, project planner, stated that the RWQCB's requirements will need to be met in advance, or the permit will not be issued and the project will not go to the final map stage.

Chairperson McAndrew noted that the first page of Section IV.H-1 of the DEIR is actually mislabeled as IV.I-1. She spoke with regard to Section VI.H, page 16, where it states that the proposed project's development of single-family residential uses on a portion of the project site would be consistent with the general plan designation because the project involves rezoning the entire site to a Policy Plan Overlay. She stated that because this has not occurred yet, she was wondering why it is stated as if it has already happened.

Mike Yankovich explained that if this project were to be approved, it is assumed that the policy plan overlay would be a part of the entitlement and that would make it consistent.

Commissioner McAndrew referred to the DEIR, Section IV.H, page 26, Policy 3.1, where it states that the buildings will be designed for optimal use of solar equipment and passive solar design as specified in the county code. She inquired if these homes are going to be built with these features, or are they just going to be fitted with the features so that homeowners can add them later. Mr. Yankovich stated that the idea is that the homes are going to be sited with the option of being able to provide that information. It is up to the builder. He stated that if the structure is sited to take advantage of that, then it is the first step with regards to using solar power. Ms. McAndrew stated that she would encourage that the applicant consider making that part of the structure instead of leaving it up to the potential buyer.

Chairperson McAndrew referred to the DEIR, Policy C in Section IV.H, page 26, where it cites to avoid locating development on steeper slopes of 15 percent or greater. She noted that the Comment to that policy states that no proposed structures would be located on finished grades in excessive of 30%. She stated that this seems inconsistent with the specific policy. Geoff Reilly indicated that ultimately the consistency is determined by the decision makers. He said it is possible that there are proposed homes on slopes less than 30%, but greater than 15. This would have to be reviewed. He stated that whether or not this is fully consistent remains to be seen. He stated that whether that results in a significant physical environmental impact that can or cannot be mitigation is a separate question. Ms. McAndrew stated that it is a concern because there is an inconsistency with the language and further investigation needs to be done to make it consistent.

Chairperson McAndrew spoke to road the improvement projects for I-80, I-680 and State Route 12, and inquired if those projects have been approved or are just proposed. Mr. Reilly indicated that the interchange improvement project is a high priority project of Caltrans, however it is not fully funded at this time.

Chairperson McAndrew inquired if any consideration has been given to decreasing the speed limit for Rockville Road which is currently 55 mph. Mr. Reilly stated that with the exception of an additional deceleration lane and onsite curb radii, there are no hazards found with respect to ingress and egress from the project relative to speed limits. He noted that as part of the mitigation, the speed limit was not recommended to be reduced.

Sam Tabibnia, traffic engineer, stated that the road has been designed for a high speed of 60 mph, so even if the posted speed limit were reduced, drivers would not necessarily drive slower. He stated that rather than recommending to reduce the speed limit, deceleration and acceleration lanes are being recommended to accommodate the traffic.

Chairperson McAndrew referred to Section IV.K, of the DEIR, page 29, Table K13, and inquired if there was any advantage to listing a percentage rather than just a number. Mr. Tabibnia stated that they could provide that information, but the levels of service are based on thresholds that are absolute numbers. For example, if looking at the first row where the vehicles go from 80 to 188 vehicles per hour, it is still below the threshold for Level of Service A.

Chairperson McAndrew referred to the FEIR, Section IV, page 38, Trans-3, -4 and -5, and inquired if signalizing these intersections would cause traffic to back up onto I-80 during the peak hours. Mr. Tabibnia stated that the actual timing of the signals would be coordinated by Caltrans to make sure that would not happen.

Chairperson McAndrew asked why the applicant is choosing not to join the Solano Irrigation District (SID).

Bill Robbins, attorney for the applicant, stated that historically, when the property was annexed to SID, there was thought of bringing water from the old City of Suisun well in Suisun Valley to serve the project. He stated that over time, SID, because of State Department of Health Services, and the requirement of providing potable water to residents who had problems in the Blue Ridge Oaks subdivision, English Hills subdivision, and the Peabody Road area, clearly stated that they no longer wanted to be involved in providing potable water to projects, so the project was de-annexed and the final documents are scheduled to be recorded next week.

Chairperson McAndrew referred to the DEIR, Section IV.L, page 13, noting a correction to the acronym for the Fairfield-Suisun Sewer District as FSSD not FFSD. Ms. McAndrew referred to Section IV.L, page 9, UTIL-2, and inquired as to how many wells the site can bear. Mr. Reilly stated that the DEIR suggests potentially a 3rd well if required. Andrew Leahy, project hydrologist, stated that the question is not how many wells it can support, but how much water can be withdrawn from however many wells there are. He stated that there are estimates listed in the EIR, but he did not know the exact number. He indicated that the number of acre feet that the property recharges every year to the ground water table might be 185. He stated that questions have been raised about whether that amount of recharge is accurate. The applicant feels that it might be conservative, but there are people who live in the area who feel that the experience with their own wells indicate that it is an over estimation. Mr. Leahy stated that the actual amount of water that is made available in the ground every year through recharge is something that would be determined through the monitoring program.

Chairperson McAndrew spoke to the Project Alternatives in the DEIR, Section VII, page 9, proposals B, C and D, and stated that they each take up 1,220 acres based on the lots that are slated, yet it states that 810 acres of open space will still be set aside. She indicated that the numbers do not add up. She inquired if that means the open space, to capture the 810 acres, will cross over to some of the lots that are private property. Geoff Reilly stated that if there is an error in the math, it is probably with the 810 acres of open space. He stated that the density for Alternative B was based on the rural residential 1 home per 5 acres. He said that Alternatives B and C result in less units than the project, but the project also clusters the units. Under Alternative C, while it is fewer homes, they are 1 unit per 10 acre lots throughout most of the site with the exception of the open space.

Chairperson McAndrew still wanted to know how much open space there would be with the 5 acre and 10 acre alternative. Mr. Yankovich stated that it would be less than what is being proposed. Ms. McAndrew stated that since the numbers do not add up they should be adjusted accordingly. She stated that if the applicant is looking at this many acres being taken up by 5 acre lots, there will not be 810 acres of open space available. Mr. Yankovich stated that typically with the rural residential general plan designation, they could go with the 5 acre or 10 acre lots and use that as the design with no clustering.

Chairperson McAndrew stated that she could not locate in the EIR the lot sizes for Alternative D. Mr. Reilly stated that they are the same as the proposed project for the western portion of the site, and the ag lots on the eastern portion of the site. He stated that Alternative D is the modified site plan alternative. It was found to be environmentally superior, although it does have more units than some of the other alternatives considered. It clusters the units similar to the project, and then also goes on to avoid various constraints of the project site, namely landslides.

Chairperson McAndrew referred to the DEIR. Section VII, page 29, and suggested adding the words “but reduces these impacts because of fewer residents” to the end of the last sentence on the page.

Chairperson McAndrew asked if the project is going to create a Landscape Maintenance District in order to maintain and encourage native plant life. Mr. Yankovich stated that it would be one of the options available to the applicant. He believed that if there is any landscaping that is going to be a part of the project that is in ownership by all of the residents, then there should be some type of a district that would be formed that would be there for the operation and maintenance. Ms. McAndrew inquired as to when that formation would occur. Mr. Yankovich indicated that it would be during the entitlement phase.

Chairperson McAndrew indicated that during the presentation at the last hearing there was a map that was shown with the East Ridge Trail, and it appeared to run through residential building envelopes. She wanted to know if there is an easement agreement to allow for access to hikers. Mr. Yankovich stated that as part of the proposal it is going to be open to the public. That area would have to be governed by an entity, whether that entity would be the homeowners association on the site or another entity such as a landscape maintenance district.

Chairperson McAndrew spoke regarding the wastewater drip irrigation on the grasslands during the summer. She wanted to know if there has been any study or research as to biological impact, considering the fact that the nature of the grasses have a wet and dry

season, and if there is any biological or ecological impact on them having water year round. Mr. Yankovich stated that in looking at the landscaping, the District itself would be looking at irrigation. It would be the non-native plants that are typically seen in a residential subdivision, and the open space in its natural condition would go without additional water. He noted that there would be different zones, and they would be handled differently with regards to operations and maintenance.

Chairperson McAndrew commented that she recently visited the MBR facility at the Carneros Inn in Napa, and was told that no garbage disposal units are allowed on-site as part of their wastewater treatment. She inquired if this was taken into consideration with this project. Dick Loewke stated that the question regarding in-sink disposal systems and if they are something that would be prohibited in the project because it is served by an MBR system, is a question to withhold for final engineering design. He stated that systems do work with them, and there are systems that prohibit them. It hinges on a variety of design characteristics. He stated that this would be part of what the final engineering will reflect when it goes through the RWQCB and county engineering.

Chairperson McAndrew asked about the issue of the treated wastewater being pumped into retention tanks for the fire fighting system, and if that is something that this project has considered. Mr. Loewke stated that the fire fighting system for this project consists of a 600,000 gallon tank that would be connected to conventional fire hydrants distributed throughout the project, delivering potable water when needed. It is the domestic system and the back-up fire flow system that delivers the sustained pressure for the requisite two hour period, pursuant to the Fire District's standards. He stated that this is separate from the recycled water storage basins that are used to pump water for irrigation of vineyards and non-native grasslands. He said no native species will receive treated irrigation water.

Chairperson McAndrew briefly re-opened the public hearing to allow a member of the public who did not have a chance to speak at the last meeting voice his opinions.

Lane Morrison, 2438 Morrison Lane, Suisun, inquired as to how many more meetings and approvals there will have to be before it is known if this project is approved. He voiced his concern with water and traffic. He also spoke to his concern about the retention ponds. He suggested that the decision makers visit the site where these ponds are going to be placed. He stated that this would not be opening a valve and flooding a pasture, it is a large body of water that is above where homes are sitting, and should the dam rupture, it would be very serious. Mr. Morrison stated that some of the responses to comments from the last meeting could be debated for hours. He said the word mitigation is prolific throughout the document, and seems to transfer into "let's look at it later and fix it then".

Mr. Yankovich explained that in terms of the local action, the planning commission is reviewing the EIR at this point in time and the entitlements will be the next phase of the project. The entitlements, which include the general plan amendment request, rezoning, and tentative map, will be brought back at the next meeting and could take up to two meetings to complete, depending upon the amount of time the commission needs to make that determination. Once the commission makes their recommendation, it will go before the Board of Supervisors.

Linda Siefert spoke from the audience saying that there was subsequent materials provided to the planning commission, and she questioned if it was not a Brown Act violation for the commission to not allow additional public testimony as it relates to the staff report.

Jim Laughlin, deputy county counsel, stated that this item is a continued hearing from the last meeting. It is as if the commission took a break and then came back and reconvened. He emphasized that this is one hearing, even though it has spanned multiple days. Mr. Laughlin stated that the new material that was submitted by staff is a response to questions that have already been provided, it is not intended to be substantive new information. He indicated that those responses could have been provided at the last meeting, however staff took a timeout to put the responses down on paper. It is not new information being presented to the commission at this time.

Mr. Laughlin stated that the idea that the public or the applicant shall be able to respond to new information will come at the hearings on the project itself at the permit stage. If the commission were thinking about imposing new conditions on the project based on new information submitted, the applicant would certainly have an opportunity to respond to that new information. However, this hearing is just concerning the adequacy of the EIR. Mr. Laughlin indicated that there is no violation of the Brown Act.

Chairperson McAndrew closed the public hearing.

Commissioner Moore stated that he is comfortable with the EIR as presented and modified. Mr. Moore commented that Mr. Larry Burch, who spoke at the last public meeting, provided a list of extremely comprehensive questions which took staff numerous pages to respond to. He stated that much of this ended up, in his mind, tightening up the document.

A motion was made by Commissioner Moore and seconded by Commissioner Barton to recommend to the Board of Supervisors certification of the Final Environmental Impact

Report for the Rockville Trails Estates Residential Subdivision. The motion passed 4-1 with Chairperson McAndrew dissenting.

Staff noted that the commission will hold a special meeting on July 12, 2007 to hear the entitlement phase of the Rockville Trials Estates project.

3. ANNOUNCEMENTS and REPORTS

4. Since there was no further business, the meeting was **adjourned**.