

# ***MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION***

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## **Special Meeting of July 26, 2007**

The special 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: Mike Yankovich, Planning Program Manager; Jim Laughlin, Deputy County Counsel; Stan Schram, County Surveyor; Terry Schmidtbauer, Environmental Health Program Manager; Jeff Bell, Senior Environmental Health Specialist; and Kristine Letterman, Planning Commission Clerk

Items from the floor - none

1. **CONTINUED PUBLIC HEARING** to consider General Plan Amendment Application No. G-02-02, Rezoning Petition No. Z-02-05, Policy Plan Overlay District No. PP-02-01 and Major Subdivision Application No. S-04-02 of **Rockville Trails Estates**. The project consists of approximately 1,580 acres divided into a westerly portion (the "Rural Residential Area") of approximately 1,220 acres (zoned A-20 with a PUD overlay) and an easterly portion (the "Agriculture Area") of approximately 360 acres (zoned A-20 only). The Vesting Tentative Map subdivides the 1,580-acre property ("the Project Site") into 356 rural residential lots and 14 agricultural area lots. The project is located on 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)

Mr. Yankovich reviewed staff's written report. He explained that the project site composes approximately 1,580 acres of rolling hills located in central Solano County, approximately three miles north of the Interstate 80/680 (I-80, I-680) interchange in the northeast quadrant of the Green Valley/Rockville Road intersection. The proposed project includes a total of 370 single-family residential units. The 1,220-acre western portion of the project site would be divided into 356 single-family lots, each a minimum one-acre in size, and open space parcels. The residential lots would be clustered in neighborhood pods along and near the primary looped roadway into the project site. The remaining 360 acres along the eastern portion of the site would be divided into 14 agricultural lots, each a minimum 20-acres in size. The project has been designed to incorporate approximately 810 acres of open space with about 6.5 miles of public trails throughout the site. The project also includes

development of an on-site community wastewater system to serve exclusively the project. Domestic water would be supplied from one or more on-site wells that would also serve exclusively the project, unless otherwise conditioned. Vehicular access to the site would be provided by two entrances along Rockville Road; the primary (east) entrance is generally across from Rockville Hills Regional Park and the secondary (west) entrance, located across from Cravea Lane. Emergency vehicle access would also be provided via a new connection to Morrison Lane, located just east of the project site, which connects to Suisun Valley Road. The primary looped roadway (Road A) into the project site would be a public thoroughfare, and all other interior roads would be private.

Mr. Yankovich stated that the project developer would be responsible for installing all roadways, utility infrastructure, and other improvements. A homeowners association, responsible for administering Covenants, Conditions and Restrictions (CC&R's), would maintain most of these facilities, except that the County would maintain the new public road. A yet-to-be formed special district or state-regulated public utility would be responsible for installing and operating the wastewater and water systems, drainage improvements and, to some extent, geotechnical instability (steep slope - falling rock) improvements, funded by assessments paid by the subdivision residents. The project includes extensive mitigation to avoid and/or reduce environmental impacts wherever possible. The project is also proposed to be developed in four phases. Various architectural, roadway and circulation, and landscape development standards are included as part of the project to retain the rural residential character of the area.

Mr. Yankovich noted that several amendments have been made to three of the biological mitigation measures. They deal with jurisdictional waters, wildlife corridors and movements, and wildlife cover. Mr. Yankovich explained that the California Environmental Quality Act (CEQA) requires that any change in a mitigation measure must be something that is comparable to what was provided for in the Environmental Impact Report (EIR). He indicated that staff has met with the biologist from the consultant's firm, as well as the applicant's biologist, and they are in agreement that the revised biological measures are comparable to those that were provided for in the EIR. Staff recommended that the planning commission incorporate those changes as part of the conditions of approval and mitigation measures. Mr. Yankovich also reviewed the minor mitigation measure modifications as listed on pages 15 and 16 of staff's report.

Mr. Yankovich stated that staff's recommendation is for the planning commission to consider the Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program (MMRP), General Plan Amendment No. G-02-02, Rezoning Petition Application No. Z-02-05, Policy Plan Overlay No. PP-02-01, Major Subdivision Application No. S-04-02, and Draft Conditions of Approval; and continue to the meeting of August 2, 2007 or a special meeting on August 9, 2007 for adoption of resolutions recommending Board action on the requested applications.

Dick Loewke spoke on behalf of the applicant. He explained that the project will be developed in 4 separate phases and build out is likely to be 10 years or longer, given the fact that these will be custom homes and very detailed construction. Mr. Loewke stated that one important concept that goes into the embodiment of these conditions and the entitlement of the project is that the first phase, which has 60 units, carries a disproportionately large burden of capital improvement. He indicated that the wastewater treatment plant has to be fully constructed and operational before any units are built, same with the water delivery system.

Mr. Loewke noted that the applicant's team has met with representatives of the Cordelia Fire Protection District (CFPD) to discuss fire protection in combination with water delivery for the subdivision. Mr. Loewke reviewed the various phases and infrastructure of the project. With regard to fire protection, Mr. Loewke stated that they have been focusing on, and refining the conditions of approval that are already existing. He stated that a lot of preliminary discussion has taken place with fire district representatives, but an agreement has not yet been reached because action can only be taken by the District's Board of Directors. Mr. Loewke indicated that the project will achieve several very strict goals, which include: providing full emergency access to the wild land areas surrounding where homes are to be placed; providing all weather surface access to all areas; full access to all homes in the project; and providing a full emergency water supply system that includes the placement of hydrants that the district can use to fight structure fires. He noted that every house will be fire sprinkled. He indicated that the project will deliver a fire station on site, and while not specifically delineated, the location would be near the intersection of Road A and Road D, very close to the water treatment plant. He stated that this would occur by removing a residential unit, and not by consuming more open space. He indicated that new firefighting equipment is also requested by the district. The developer has offered to purchase the equipment and to provide a temporary facility until a permanent station is constructed when the project moves from Phase I to Phase II. Mr. Loewke announced that the CFPD Board of Directors will convene their meeting on August 6<sup>th</sup> to take action to either accept or deny this approach. He stated that it is fair to say that all representatives at the meeting felt that this was a good approach and one that achieved the goal of delivering adequate fire protection throughout the life of the project.

Mr. Loewke addressed the issue of the local recreational facility. He indicated that the project proposes to provide 7 miles of public trails. He stated that they are looking at a park facility that would be close to the project entry, but removed from Rockville Road where 6 or 7 acres can be set aside for a neighborhood park, with adequate parking to serve the trails in close proximity to the trailhead. He stated that they feel this solution meets all of the safety concerns and provides public accessibility without imposing any kind of a nuisance on the residential community.

Commissioner Barnes inquired about the retention basins and asked if any consideration has been given to moving Ponds A and B away from existing homes.

Mr. Loewke stated that, if feasible, they will replace those basins with an excavated basin elsewhere on the site that does not require a dam. He stated that the storage basins were not deliberately located next to those homes, but were separated from the stormwater basins that are scattered throughout the balance of the site to help separate watersheds. The ponds were strategically located so that as little water as possible flowed off the hill into them, because what goes into those basins during the winter mixes with recycled water and it has to be pumped out through the drip system. He said there was a lot of engineering and science that went into their location. Mr. Loewke noted that the dams are designed to meet State standards, even though they would fall under the jurisdiction of the county. He noted that there are numerous mitigation measures that deal with the engineering design, safety, and backup protection for those systems.

Mr. Loewke stated that due to the high level of concern with regard to these basins, the applicant is looking at alternatives and has suggested to staff that they are willing to subject themselves to a condition that requires them, before the filing of the first final map, to fully explore an alternative design and bring it back to the county for review and consideration. He said that what they are exploring is the potential to excavate a larger single basin without a dam away from those homes in an area where there are no archeological effects, biological effects, wildlife movement corridor, or other environmental impacts.

Chairperson McAndrew opened the public hearing.

Glen Langstaff, 116 Tartan Way, Fairfield, stated that he supports local growth and the right for landowners to develop their land and recoup their investment, and supports the requirement for all developers to fully accept the responsibility for their activities and impacts. He stated that the issue of traffic congestion and road improvement has been consistently met with acknowledgments that these problems will be temporarily significant and unavoidable. He stated that the term "temporarily" relies on construction of future improvements for which it is acknowledged that future funding is not guaranteed. He commented that this shifts the responsibility from the developer to local residents for providing future funding to address these problems. If the residents do not contribute to this funding, they must then bear the burden of the problems created by the development. Mr. Langstaff stated that this is unfair to local residents who do not benefit from this development. He said the developer continuously indicates that they will contribute their fair cost to solving problems to which they have contributed 100% of the cause. He wanted to know the meaning of what is fair, who makes sure it is equitable, and how the determination will be made that any uncertainty favors the residents and not the developer. He stated that this issue needs to be better addressed to prevent future burden to the local residents who will not significantly benefit from this development.

Mr. Langstaff spoke with regard to light pollution and stated that this topic was not addressed in the Final Environmental Impact Report (FEIR) even though it was a formal comment to the Draft Environmental Impact Report (DEIR). He stated that the response in the FEIR references pages 3-31 thru 3-34 of the DEIR for a list of these development

standards that are suppose to address how lighting standards will be managed. He stated that these pages do not address this subject, nor was he able to locate any information addressing this concern. The FEIR response states that the impacts from the introduced night illumination will be less than significant, therefore no mitigation measures are required. Mr. Langstaff stated that he believed that this was written by someone who has not witnessed the growth and incredible increase in light pollution that has occurred over the last 20 years in Solano County. He indicated that local light pollution has significantly contributed in a measureable way to the loss of the ability to see the stars above, and to the overall loss of this benefit from living in the country. He felt that this inadequacy must be fully addressed and mitigated otherwise the local residents will again pay a price that they should not have to bear.

Mr. Langstaff offered three recommendations for the planning commission to consider before granting approval of the project: 1) Obtain written commitments from the developer to fund 100% of the interim improvements to roads to mitigate the temporarily significant and unavoidable impacts with regard to congestion in the area. 2) Obtain written clarification depicting what the developer's fair share will be. 3) Obtain written commitments from the developer to utilize only downward facing, low end frequency lighting sources that minimize the light pollution that will result from the building of the homes and accompanying street lights.

Deanna Baillie, 1900 Vintage Lane, Fairfield, stated that she is in strong support of the project. She commented that one aspect of the project she feels is very positive is the MBR wastewater treatment plant and system that provides tertiary quality treated water for reuse on vineyards. She stated that this aspect of the project is environmentally friendly, conserves water, and allows clustering of homes in order to avoid the most sensitive habitat areas. She said the trail system enables both project residents and surrounding neighbors to enjoy magnificent views, and to appreciate the vast open space reserves being projected through the project. She said that parking for the trail system users will be provided at the proposed neighborhood park site. She said the ability to trail ride with horses is a forgotten visual in the Green Valley area, and she is excited about the thought of it returning. Ms. Baillie stated that the housing will be targeted toward executives who run the companies that are being attracted to the business parks within the county's I-80 corridor. She indicated that this project is to be phased over a period of several years to keep pace with market demand based on the County's economic development program. She provided the commission with a packet of letters from neighbors and others who could not attend the meeting but are in support the project.

Rod Cameron, business manager, Plumbers and Pipefitters Union, 401 Nebraska Street, Vallejo, stated that if done right, progress can be good and helpful and healthy for everyone. He stated that this project has gone through years of scrutiny, and he felt that a lot of thought has gone into the process because of the contributions of the people most affected by the project. Mr. Cameron stated that the county needs to look for economic stimulus on an ongoing basis to pay for the needs of a community as a whole. He hoped

that these types of developments would bring business people to the area, and with them, their satellite operations or companies to relocate in the business parks throughout the cities in Solano County, and provide real benefit to everyone in the future.

Linda Seifert, president, Green Valley Landowners Association, 4254 Green Acres Ct., Green Valley, stated that the association does not oppose development of projects that are consistent with the County's General Plan. She stated that not only does this project not conform to the General Plan, it is drafted as though a general plan never existed. It is antithetical to the policies of the county and seems to suggest that the priorities of the voters simply do not matter. Ms. Seifert asked that a provision be imposed to allow the public an opportunity to comment and review the final copy of the conditions of the project, or changes where the conditions are not considered to be final.

With regard to water, Ms. Seifert suggested including a condition that would place a cap on the project's water usage for the number of gallons per day. She commented that area residents feel the developer's numbers are grossly underestimated. She stated that if the county is genuine in its recommendation that the public operator of the water system pay the cost to remedy water losses by adjacent homeowners, the condition should be rewritten so that it actually has some authority. She said the vague provision is obviously intended to assuage the average well owner, but it is hugely inadequate and does nothing to protect the concerns that were expressed during the last public hearing. Ms. Seifert stated that it is impossible for any well owner impacted by the project to meet the burden of proof that is established in the condition of approval. She said that if the county is truly interested in protecting local residents, the language should be rewritten so that protects the interest of the constituents, and shifts the burden so that the public entity is required to prove it is not responsible, rather than the other way around. She indicated that there should also be a provision with regard to attorney fees, because the legal fees for a person seeking remedy would exceed the cost of actually drilling a new well.

Ms. Seifert spoke about the inclusion of a park and stables into the project. She stated that this was not included in the draft or final EIR, and stated that she believed the public has a right to comment because these uses are subject to noise, fire, odors, location, impacts on biological features of the area, and whether they will be open to the public. Ms. Seifert stated that the designation of permanent open space is essential, and suggested that the commission add a condition that all open space be designated as permanent open space.

The attendance of Commissioner Barton was noted at 8:10 p.m.

Jay Huyssoon, fire chief, Cordelia Fire Protection District, 2155 Cordelia Road, Fairfield, stated that representatives from both the fire district and the developer have met to discuss fire access issues. He noted that the District's next Board of Directors meeting will be held on August 6<sup>th</sup>, so a definitive answer can not be provided to the commission until after that date. He stated that the discussion pertained to issues such as fire access, an emergency water system, and a fully funded emergency water maintenance district. He indicated that

the developer planned to make a presentation before their Board of Directors to address some of those issues. Mr. Huyssoon stated that the two sides did come to an agreement that a full turn-key essentials facilities building will be built as the project goes into its second phase. They also discussed staffing and the need for a Type 1 and Type 3 engine. He indicated that the District added additional requirements such as a Community Emergency Response Team (CERT) that would help with mitigating the evacuation process. They also discussed the Gann Limit with regard to limiting revenue on property taxes. Mr. Huyssoon stated that he believed the outcome of the meeting was very positive.

Dr. Craig Gillespie, 4375 Green Valley Road, Fairfield, stated that when the developer first approached the community, it was made clear that if the developer stayed within the constraints of the General Plan, neighbors would not be in opposition of the project. Dr. Gillespie noted that there has been no good faith effort made to stay within that Plan. He noted that he did some research online regarding tertiary treatment septic systems that treat water to the same standards as this proposal, and also uses the same technology. He said that these systems are ideal for areas with thin top soil as with this property. He noted that these systems have no affluent problems. He stated that the four affluent lakes, the dams, the grinders, and the holding ponds would no longer be necessary with this solution, and it would be within the guidelines of the general plan. It would also eliminate the hazards such as catastrophic failure of the dams in the event of an earthquake or hillside slippage. He stated that those are real concerns that would disappear if this type of septic system was used. Dr. Gillespie stated that concerns with the sewers in the event of a power outage and treatment of sewage at those times would also disappear.

With a regard to the number of homes proposed, Dr. Gillespie stated that the general plan calls for no development on areas of a slope greater than 15 degrees. It also has setbacks for earthquake faults, and a policy statement for avoiding building on ridgelines. Dr. Gillespie recommended that when looking at the general plan issues, that the commission should accept Option D which is to recommend no amendment of the General Plan. He stated that the county is in the process of updating its general plan, and he believed it should go through the public comment process to come up with a plan, rather than having planning by caveat. He urged the commission to restrict the number of entitlement parcels to something that is in keeping with what their entitlement would be under the current general plan. He also brought up another concern that was not addressed in the EIR, which pertains to the preservation of the Chinese rock walls that are currently located on the property.

Grant Kreinberg, 108 Briar Ct., Fairfield, spoke with regard to the discussion of having two separate entities operate the community water and wastewater systems, and leaving the Homeowners Association (HOA) responsible for conditions regarding managing, monitoring, maintaining, upkeep, protecting roads, entrance features, common areas, neighborhood park, open space, public trails, and tree protection. He suggested that the commission consider combining the duties and having only one agency responsible for overseeing these steps so that it is not an expense to the homeowners.

Nancy Nelson, 1800 Cravea Lane, Fairfield, read from some information that she printed off the County's General Plan website. The information states that the County's General Plan is considered the constitution for land use and related policy matters. It serves as a road map to guide policy actions and development to further the vision for the community. The General Plan is important because it sets the policy direction for the county for the next 20 years. It is the basis upon which many of the county's day-to-day decisions are made. The General Plan is the supreme document guiding the development of a community. It is devised by the community, not by individual entities who have anything to gain, but devised by the community to set the standard for how the community should be developed. Ms. Nelson stated that the county has drifted away from the direction of the general plan. She stated that if this project were consistent with the General Plan, this opposition would not exist. She stated that the residents present tonight are not fanatic anti-growth people, but have very real issues, and she asked the commission to respectfully consider their concerns. Ms. Nelson stated that this is not a conventional rural project, it is a very urban type of project and is putting the county at risk from financial, to potential failures of the wastewater treatment center. She provided information to the commission about a local company called Engineered Septic Systems that provide the type of system for private use that works successfully on steep slopes, properties that have little soil cover and shallow bedrock.

Ms. Nelson stated that one of the reasons given by the applicant for why this project can overlook numerous mitigation measures is because the project meets the goals of the Board of Supervisors by providing adequate housing in a satisfying environment for all citizens of Solano County. She stated that this is not a valid reason to increase the density of this project. She stated that according to the State, there is no great overriding demand for housing now, or in the projected future. She said that in 2005/06 one out of four houses were in foreclosure. She noted that Solano County has the highest foreclosure rate of any county in the Bay Area. The median income for a household in the county is \$62,000. She commented that the residents of Solano County will not be able to afford to live in this subdivision. She stated that the housing that is needed right now is affordable housing, and there are areas all over the county where affordable housing can be provided that does not create all of these environmental impacts and hazards. Ms. Nelson stated that she has a hard time understanding how anyone can feel that this is consistent with the spirit or the letter of the General Plan, or why the county needs to grant these amendments either for the density or the water treatment plant.

Dan Tilley, 2158 Rockville Road, Fairfield, stated that a person does not have to be a financial expert to see that this project will probably end up in financial failure, and when that happens, the taxpayers will get stuck with the bill. He wondered if there is really a market for 300+ million dollar homes in this area. He said these homes will have to cost an arm and a leg to support a plan as bad as this one, and these costs will continue on for the homeowners. He stated that in today's housing slump, these homes could not possibly compete with more reasonable developments. He stated that the community is not against

development, however the development must conform to the General Plan which this project does not. He said that making an exception for this project is not only setting a bad precedent, but it is telling developers everywhere that they come to Solano County because our general plan is a gesture and a joke.

Bryant Washburne, 1934 Vintage Lane, Fairfield, stated that their sole source of water for the past 31 years has been a 400 foot well. His main concern with the project is its intended use of groundwater to supply an additional 370 homes. He stated that he does not believe there is sufficient water in the Green Valley aquifer to support the homes presently relying on well water. He stated that the project's estimate of water usage is artificially low and the estimate of the aquifer recharge is much too high. He stated that unfortunately, neither his position nor the position of the applicant can be proved until after the homes are built which would be too late. He noted that this issue has been addressed by requiring the developer to run minimal testing within a 12 month recording period. He stated that while this approach is beneficial, the testing required is inadequate. He indicated that 4 hour test runs of a well prove absolutely nothing. The pumping of water from an aquifer has a cumulative effect, and the longer water is pulled from the aquifer from a specific location, the slower the migration rate is going to be to the location. Mr. Washburne stated that to get a true measure of the aquifer's capacity, one would need to run the pump for an extended period at the expected rates required when a project is built out. The project estimates 160,000 gallons per day. He believes they will use twice that much. Mr. Washburne suggested a true test would be to run the pump for 12 months at the expected daily required usage, then examine what is happening to the aquifer and nearby wells. Mr. Washburne stated that going forward without this knowledge is totally irresponsible and will mostly certainly lead to a horrific situation where the county is going to be scrambling to find a way to provide water to the present residents of the valley, and likely the new residents of this project.

Mr. Washburne stated that as mitigation for the impact of the loss of water to nearby wells, planning staff has offered a totally inadequate plan to have the developer drill new wells for adjacent properties. What assurance is there that they will find water when they drill a new and deeper well. He commented that with the update of the General Plan, the Middle Green Valley Advisory Committee is looking into the future of the valley's water needs. He said that presently there are requests from property owners in the valley to subdivide approximately 800 acres into rural residential lots, all of which will require groundwater. He stated that the basis of the problem is that the county lacks a cohesive groundwater management plan.

Jeff Zinkin, 4330 Dynasty Lane, Fairfield, stated that he works in the water industry as a control supplier. He stated that he has talked with other people who work in the industry and he has not found anyone who thinks this project is a good idea. He stated that the county needs to look at a project where different municipalities are working together, and not isolating a community in the event of a catastrophic seismic event. He stated that extensive monitoring is needed on all existing wells that might be potentially affected, not just in the cone of depression for the main well, but also in off-site locations. Mr. Zinkin

spoke of an extensive study that was prepared by a groundwater expert in the Department of Water Resources on the effect of a large well on the surrounding wells on existing properties. He indicated that the study seemed like a reasonable way to proceed with a project. He commented that the county needs to use the technology that is available. He commented that the applicant has made a few good moves in the right direction, but it is not quite enough. He said that monitoring once a month is not adequate, continual real time monitoring in numerous locations is needed.

Carol Washburne, 1934 Vintage Lane, Fairfield, stated that there is a tremendous amount of stress for those residents who rely on their wells, and the commission has no idea how traumatic this is for them. She stated that in 1992 they had to sink a 2<sup>nd</sup> well. She shared with the commission what it was like waiting 25 minutes for the washing machine to fill, 10 minutes to get a pot of water to boil, taking a bath in a shallow tub of water. Ms. Washburne suggested that the commission go home and turn their water off for a few hours to see what it is like not be comfortable in their own homes. She stated that she was able to live with limited water for 1 year until they sank the 2<sup>nd</sup> well, but it was a miserable experience which area residents are now having to face.

Herbert Hughes, 4317 Green Valley Road, Fairfield, referred to page 5 of the staff report, Option A, Policy 1, where it states that when individual onsite systems in an area of the unincorporated county either become or will be marginal or inadequate for the serving of the existing or proposed development on an individual lot, public sewer service may be permitted. Implicit in that statement is the assumption that a public system must not be marginal or inadequate. He said the affluent storage system and the discharge methods of the proposed public system is marginal, inadequate, and hazardous. Mr. Hughes commented that there are individual aerobic septic systems available that produce tertiary water and are equivalent to an onsite municipal treatment plant. He stated that the proposed holding ponds, dams, and piping are vulnerable to known seismic hazards. The proposed ponds are a potential life safety and flood hazard.

Mr. Hughes referred to page 16 of the staff report regarding the Statement of Overriding Considerations where it states that the project has been designed to minimize environmental impacts. He said this statement is a biased opinion. The project has not been designed to minimize environmental impacts. There are documented concerns and disagreements by many, including qualified professional engineering consultants about the adequacy and quality of the well water, its impact on neighboring wells, major environmental problems, public liabilities and hazards relating to the wastewater treatment system. He stated that there are major concerns about the degradation of oaks and woodland habitat as a consequence of the water concentration. He referred to page 17 and the statement that says the project will provide the following benefit: Development that is self-sufficient in regard to water supply and wastewater disposal, requiring only minimal public facilities and services essential for health, safety and welfare. He commented that this statement is grossly inaccurate. He said there is a significant risk of inadequate well water, adverse impact on surrounding wells, spring seeps, streams and aquifer system,

and identified hazards and environmental problems associated with the proposed wastewater system.

Mr. Hughes referred to page 84, Item 56.b) with regard to the groundwater study prior to development. He stated that water wells need to be tested for the presence of Boron. He said boron is toxic to plants, including the proposed grapevines and surrounding oak woodlands. An indicated presence of boron will impact the feasibility of the proposed public wastewater treatment system. He said the possible presence of boron has been mentioned in relation to the existing old SID well. He stated that this is a serious concern that was not properly addressed in the FEIR. Mr. Hughes stated that testing for boron needs to be a requirement of the conditions of approval, and testing needs to be undertaken at the outset of groundwater studies.

Robert Russum, 2206 Morrison Lane, Suisun Valley, stated that he is one of the three families that live immediately adjacent to the proposed development. He stated that he is not against residential development, and feels that houses should be built on the hills as opposed to in the Suisun Valley which is prime agricultural land. Mr. Russum stated that he opposes changing the general plan to accommodate an individual developer. He feels it is bad public policy. Its sets precedence and makes it a piecemeal project which is not good planning. Mr. Russum stated that his major problem is with the placement of the ponds right behind his home. If an earthquake were to erupt, there is a potential for 24 tons of water to be located less than 500 feet away from, and 50 to 100 feet above his home. He stated that in the DEIR he provided comments asking for a flood plain study to be prepared, and also that the ponds be relocated. He stated that he was ignored, and only tonight did he hear any mention about the possible relocation of the ponds. He stated that if the applicant were really thinking about moving these ponds, they should have indicated it in the draft or final EIR. Mr. Russum asked the commission to force the applicant to relocate the ponds.

Paul Herman, 2204 Morrison Lane, Suisun Valley, stated that one of the ponds is proposed right above his property. He stated that in reading the General Plan and the County Code, the policy plan overlay has to meet and exceed the general plan policies. He stated that there is nothing in the report that speaks to a non-septic tank type system. He said that there are alternate systems available which are above ground units. He said that he could not imagine the applicant's proposal for the treatment system could even be allowed because there are no regulations or guidelines. With regard to the dams and ponds, Mr. Herman stated that there is a statement in the county code that says it provides a precise plan for the land uses in order to protect economic values in an area which has developed at a healthy and orderly manner. He said the economic impact of this project has not been viewed with regard to property devaluation He stated that a homeowner would have to disclose that a dam is present even though it can not be seen. He urged the commission to come out and visit the property to view where these dams will be placed.

Maurry Koch, 2212 Morrison Lane, Fairfield, spoke with regard to wastewater disposal and suggested that after the sewer plant has processed the raw sewage, it can be sent by pipe to the sewer pipe connection at Rockville and Suisun Valley Roads, which would eliminate the dam and affluent disposal problems, or relocate the sewer dams to a site on the proposed development that will not endanger the existing homeowners. Mr. Koch noted that the emergency escape is also an emergency access for the fire department. He commented that if those dams were to break, that emergency access would be flooded and would not be available as an escape route.

Linda Russum, 2206 Morrison Lane, Suisun Valley, stated that they are down slope from the proposed wastewater sewage ponds. She said that her house is about 500 feet from both Ponds A and B which will also be visible from her residence. She said that the new information shared by the developer at tonight's meeting about possibly looking into the feasibility of moving the ponds is vague. Ms. Russum asked the commission to not recommend the general plan amendment that would allow the sewage treatment plant. She said that if approved, the commission is condoning the developer's request to put her family's lives at risk. She said that the commission will be allowing the project to move forward knowing that the down slope residents are being placed in mortal danger if there is an embankment failure. She wanted to know why the developer had not prepared flood plain studies that were requested by the homeowners. She stated that their concerns regarding the wastewater treatment plant and associated ponds have not been addressed or mitigated by the developer. She stated that in the worst case scenario, no one, no matter how much money is on the line, can mitigate loss of life.

Ms. Russum noted that they developed their property under the current general plan which included putting in their own septic tank and drilling their own well, and did not place their neighbors in jeopardy. She said that Solano County does not have the expertise to oversee the embankment dams, or Ponds A, B and C, plus they do not fall under State regulatory law. She stated that the applicant knew when they purchased the property what the constraints of the general plan entailed. Ms. Russum affirmed that if the county allows the general plan amendment and this project moves forward with the wastewater treatment plant and the ponds where they currently are located, her family will hold the county personally responsible if there is an embankment failure.

Steve Eberhard, 4377 Emerald Ridge, Green Valley, stated that he is a recent resident of Green Valley and lives approximately 300 feet from one of the proposed wells, and is concerned about the effect on his well. He stated that the planning commission has supported the General Plan in the past, and would like to see them continue to support it. He voiced concern with regard to the water supply and to endangered species. Mr. Eberhard spoke with regard to the Swainson Hawk and how the county dismissed his concern that the Swainson Hawk lives in the hills. He pointed out that the hawk is a migratory bird and live and breed there in the summertime. He inquired if the applicant has sent out their biologist in the summer to observe if there are nesting birds in the area. Mr.

Eberhard indicated that it is his understanding with regard to the Endangered Species Act, that if a habitat is removed, it is defined as removing the species.

Mr. Eberhard mentioned that there have been three eye witness sitings of the red-legged frog and tiger salamander. He stated that the issue that pertained to the beetle was mitigated by not getting rid of the bushes that the beetles like, but the bushes like the water, so if the water table is reduced, what is going to happen to those bushes. Mr. Eberhard stated that he is very concerned about noise and about having adequate water. He suggested asking the applicant to give the neighbors the information with regard to hydrology. He indicated that there is a science and method to determine the amount of water and the location of the aquifers. He stated that the applicant is taking the let's pump the water and see what happens approach.

Lawrence Zinkin, 4330 Dynasty Lane, Green Valley, stated that the dams are unacceptable at their proposed location. He spoke to the oak trees that are going to be removed and how they are home to, or provide cover for, animals that may not be endangered, but are extremely important. He named Pigmy Owls, Great Horned Owls and various hawks along with lots of other birds. He said these birds keep the bugs and rodents in check. Mr. Zinkin stated that the project has the potential to degrade the quality of the environment, substantially reduce wildlife species habitat, cause particular wildlife population to fall below self sustaining levels, reduce the number and restrict the range of threatened wildlife, threatens to eliminate the plant and wildlife community, and threatens to eliminate or harm examples of California history and prehistory. He spoke to the sitings of adult California red-legged frogs and an adult tiger salamander that were found in the area. He noted that aquifer drawdown will potentially affect the onsite and offsite springs and ponds upon which the threatened species are dependent upon. Aquifer drawdown will potentially adversely affect the Elderberry shrubs upon which the Valley Elderberry Long Horn beetle is totally dependent. He indicated that these are threatened species.

Mr. Zinkin stated that biological surveys must be conducted by an independent organization funded and responsible only to Solano County. He stated that he would like to think that the county is more concerned with preserving the environment and historic and cultural resources and ensuring adequate water supply for existing residents then future revenue from taxes and fees. He stated that 370 homes is too numerous for this hilly and rocky site which is best suited to hiking and equestrian use. As a minimum, with regard to open space, the open space must be deeded to an entity, not controlled by the project site developers or property owners. He indicated that the map currently shows homes built on ridgelines and knolls, many of which will be plainly visible from many of the trails and Rockville Hills Park, as well as from existing homes on Dynasty and Emerald Ridge Lane.

Mimi Fleige, 1401 Rockville Road, Green Valley, stated that she is concerned about the impact of the development on the existing oak woodlands. She said that with the tremendous amount of groundwater being pumped from the aquifer, she is suspicious that that water table could be lowered which in turn would eventually kill even more of the

original 810 trees that are being cut down to make way for the homes. Also, there may be additional tree death caused by root damage occurring when roads are built and utilities are laid. Ms. Fleige stated that there also might be a problem with soil instability if a large enough number of trees are either cut down or die due to water stress or root damage. She submitted a letter to the commission by the California Oak Foundation. In the letter, the Foundation asserts that the Rockville Trails FEIR is in violation of Senate Bill 1334. They maintain that according to the Public Resources Code, the mitigation proposed for the oak woodland impacts are inadequate.

Uzelle Williams, 2172 Rockville Road, Fairfield, spoke with regard to night sky pollution. She stated that when living in a rural setting, one of the simple pleasures is to walk out your door and see the stars. She stated that over the years, because of development within the city, she can not see the stars from her home because of the backlight from the hills. Ms. Williams commented that this is an important component of living in a rural setting.

Andi Bosco, 572 Woodlake Drive, Fairfield, spoke from her experience as a real estate broker. She stated that it is not known where the market will be when the project starts building, but currently homes are being priced below the \$500,000 range. She indicated that there are 2,264 homes available on the market. There are 1,134 homes in the \$500,000 to 1 million dollar price range and 150 in the 1 million plus range. Ms. Bosco stated that the economy is in great shape, but times are still tough and even more difficult in this market because the price points of homes are higher, so therefore the impact is greater. She stated that there are numerous homes that are in foreclosure, and those numbers are not reflected in the figures she previously quoted. She explained that when a developer builds in a community, they start at a very attractive price range and then build up their prices to a point where the homes are barely affordable. Then when the developer decides they have excess inventory, they start discounting the homes, so then what happens to those folks who bought homes at the high end value. She stated that these homeowners already take a loss on their property, not because values in the areas have declined, but because the builder wants to leave town. Ms. Bosco stated that she would like the county to hold this builder to a higher standard, and not allow him to discount his houses to less than 10% of the last sale that occurred. That way this keeps the values up and does not impact the homeowners that are willing to invest in these properties.

Ms. Bosco stated that she is a HOA property manager at Green Valley Lakes. She talked with regard to the lake and the bulkhead that runs around the lake. She stated that an expert has been out to their site to assess the bulkhead, and they were told that if they ever had to replace the entire bulkhead it would be a 2 million project. She commented that their budget and reserve funds were not set up for that kind of price tag. She urged the commission to get dollar figures up front to protect the homeowners who will be facing these types of issues so they are protected and can have the funds and resources to take care of these matters.

Jorg Fleige, 1401 Rockville Road, Fairfield, spoke with regard to traffic issues. He stated that governmental estimates puts the economic loss due to traffic congestion at about \$1,000 per year per person over the cost of driving and car maintenance. He said the traffic on the I-80 corridor is at a stand still in spite of the minimization efforts by the project engineers. He pointed out that the entrance to I-80 from Rockville Road is particularly bad. He stated that middle Green Valley landowners are proposing to add 300+ homes in the future, and with the anticipated development along the Sacramento/San Francisco corridor, it is going to further exacerbate this freeway entrance. Mr. Fleige stated that the developer should be required to pay a reasonable amount to help fix this impact because it is only going to get worse. He stated that it would also be in the best interest of the developer because when potential home buyers come to the area and see the state of the freeway, the area will not be as attractive.

Greg Peterson, 5231 Etruscan Drive, Fairfield, commented on the traffic issue. He stated that the I-80/Green Valley onramp is a mess, and adding another 370 homes is going to create quite a headache with more back ups. It also adds to pollution and takes away from the quality of life in the area. He urged the developer to put in the project some specific goals as to how to increase the traffic flow.

Mark Brown, 4323 Green Valley Road, Fairfield, stated that he did not receive a staff report and therefore was not able to read through the information to make comments. He requested a copy of the report.

Bill Mayben, 4243 Green Acres Court, Fairfield, stated that as a builder/developer he is supportive of well planned development. He spoke to the open space component of the project and stated that he could not find listed in the EIR where land has been dedicated for open space. He noted that an HOA is kept under the control of the builder while the project is being built out, and so in the case, the open space would be in the hands of the developer for 10 years. Mr. Mayben said that unless the land is dedicated, there is no guarantee that it will not be used for more homes. He stated that the methodology has been clearly characterized by which this scenario could happen because of the existence of the sewer treatment plant and water system. He urged the commission to require that the open space component of the project be dedicated to open space.

Mr. Mayben stated that the conditions of approval fail to require two entrances for the initial phase of the project which include over 60 homes. He noted that in his experiences with building a subdivision, most municipalities will not allow more than 14 homes to be served by one entrance, due to health and safety issues. He said that it has been a long standing practical developer reality in serving occupants safely. Mr. Mayben stated that the development plan advocates building on slopes two times steeper than allowed under the general plan, and noted the project's location within an earthquake zone. He stated that there was a statement in one of the conditions that the plan is at least as stringent as the conditions afforded in the general plan. He did not find this statement to be true as he read through the conditions.

Dan Kvilhaug, 1737 Durbin Lane, Fairfield, stated that the project proposes a trailhead on Durbin Lane which is private property. He was concerned as to how this property can be acquired if it is private land. He was concerned with this trailhead being located so close to his home and the nuisance it could create such as noise, trash, and trespassing. Mr. Kvilhaug stated that with his experience in the water industry, if a community well is located 300 feet from a private well, the private well water supply will be affected. He stated that some very long extended pump tests need to be run in order to protect the people that are on well water.

Jan Hewitt, 3281 Formby Lane, Fairfield, spoke as a past resident of Green Valley and noted that even then there were water issues. She commented that a reservation for a fire station does not build a fire station. She wanted to know who will build and fund this station. Ms. Hewitt stated that the trees of 6 inch in diameter or greater need to be spared not bulldozed, and acorns are not a mitigation. She said that the houses need to be made to fit the hill, not the hill fit the house. She spoke with regard to the two seismic areas and indicated that the fault lines have not been defined as to where they run through the property. Ms. Hewitt inquired as to why is this proposal would be adopted before the general plan review is finalized.

Jim Dekloe, president, Solano Group of the Sierra Club, 655 Oakbrook Drive, Fairfield, stated that this project has major impacts. It tries to impose on a piece of land a preconceived urban notion of what a development is, rather than looking at the land to see what fits. He stated that the reason there are so many impacts is because the site does not have soil. He indicated that a septic tank can not be installed because there is no leaching because there is no soil. Lawns can not be planted because there is no soil. He stated that all of these manipulations around the general plan, violating the general plan comes because this is a unique area that has natural constraints that the developer is trying to engineer around. Mr. Dekloe commented that this project has been turned down again and again because it does not fit.

Mr. Dekloe stated that there has been discussion about clustering to minimize environmental impacts. He stated that as he looks at this design, he believes that it is maximizing environmental impacts. Usually when clustering, homes are placed at the bottom of the property with the higher area left undeveloped. He stated that what this project does is clusters in a urban site development and then distributes it all over the whole property, maximizing the impact. He said that wildlife is going to be focused among the residences. Mr. Dekloe stated that these same discussions took place 10 years ago with the proposed White Wing project; the grading was too great and the roads too steep. Besides this being an area with no soil, the area has two active earthquake faults, no proven water supply, existing traffic gridlock, and grading problems in a fire prone area without a proven fire service. Mr. Dekloe noted that the last time this was before the county it went all the way to the U.S. Supreme Court. The Court stated that the county could deny the project because it violates the County's General Plan.

Dee Swanhuysen, director, Bay Area Ridge Trails Council, 1800 Jonive, Sebastopol, submitted a letter with comments from the Council with regard to the public access portions of the project. She indicated that these comments are not meant to or should be interpreted as support for the project itself. Ms. Swanhuysen stated that the Council's mission is to complete the ridge trail on the ridgelines surrounding the San Francisco Bay. She stated that as of June of this year they have 305 miles dedicated for hikers, equestrians, mountain cyclists, trail runners and outdoor enthusiasts. She stated that they would like to have their comments incorporated into the project's conditions of approval and/or monitoring program. She noted that the project map shows a specific location for future continuation of the regional public trail, but it needs to be specifically identified and studied to insure that the topography, width, slope, gradient, and other alignment needs can be met. She stated that if the trail can not be located on adjacent public land, the project should be required to allow the trail extension to be sited along the border so that when there is cooperation from a willing landowner, a trail extension can be put into the site.

Mike Wray, 904 Via Pajaro, Fairfield, stated that the result from the approval of this project will be increased traffic and congestion with little or no real mitigation in Green Valley and surrounding areas. He stated that there are no alternative transportation modes proposed such as walking, cycling, or buses, and no improvements to the Green Valley traffic infrastructure in the unincorporated areas. He stated that the traffic study has some important flaws and omissions that include an underestimation of the vehicle traffic numbers, as well as a poor understanding of the local issues which has resulted in absolutely no accounting of impacts from school traffic. Mr. Wray stated that the mitigation measures proposed for traffic are weak, with no legal assurances of mitigation at the time of development. He stated that payment for future improvements is not real mitigation during construction. He commented that development this large should be expected to contribute to improvement of alternative transportation modes. He stated that the FEIR does not present supporting calculations or show how the developer's fair share of intersection improvements were determined. He said the cost estimates for these improvements have not been provided, and there is no financial assurance or documentation showing the proposed mitigation measures are actually within the City of Fairfield and the County's Transportation Improvement Program.

Eileen Wray, 904 Via Pajaro, Fairfield, stated that her concern is with the location of the Cordelia and Green Valley faults to the project site. The conditions indicate that a fault hazard investigation will be done prior to the recording of the first final map. She said it is likely that the results will affect the project design because an active fault will probably be found in that area, however, the EIR or conditions of approval do not address this effect. She inquired that if the 50 foot and 100 foot setback for the one and two-story homes relocate these lots in an unbuildable location, will this process allow the developer to build a home on a lot in another location that was not identified as part of the EIR process. She wanted to know how many of these lots will be allowed to be moved. Ms. Wray stated that the fault investigation must be done prior to the project approval if the developer is going to

be able to relocate homes to alternate locations that are not addressed in the EIR. She stated that another concern is with utilities, specifically the major water and sewer lines that are going to cross the active fault. She explained that the Alquist-Priolo Act currently requires setbacks for structures that humans will occupy, but it does not address major utilities crossing an active fault. She inquired as to what will be done to mitigate potential damage of utility lines in the event of fault rupture; if major utility lines will be located above ground at fault crossings; and if there will be adequate security for these exposed utility lines. She stated that another concern is still the location of affluent holding ponds near the Cordelia fault. She said that it must be accepted that if these ponds are placed in their current location, there is a real risk that the dams will fail during a seismic event. She indicated that the conditions of approval do not address this risk.

Ms. Wray stated that at the very least, the developer should be required to identify the affects of dam failure, what level of seismicity will cause the dams to fail, where the water will go once the dam fails, and if human life will be at risk. This type of risk analysis must be done prior to the project approval. Any field investigations that are performed by the developer regarding any geologic hazards must be reviewed by a third party geologist to ensure that the findings, and subsequent mitigations are in the best interest of the citizens of Solano County.

Since there were no further speakers, Chairperson McAndrew closed the public hearing.

Chairperson McAndrew referred to page 7, Option D and inquired as to who suggested that the General Plan Sewer Service policy can be interpreted as allowing a community onsite sewage treatment system. Mr. Yankovich stated that it was the applicant's suggestion. He stated that in looking at the general plan there is no definition of onsite, however in looking at the County's Sewage Treatment Ordinance, it is more specific and backs up the county's position that there is a definition which means it is onsite specific to a parcel and not to a subdivision as a whole.

Chairperson McAndrew referred to page 52, Nos. 9 & 10, and noted that there is a reference made to paragraph 7, and she believed that it should refer to paragraph 8. Mr. Yankovich stated that staff will make that correction.

Chairperson McAndrew referred to page 54, No. 9.d) and asked for clarification of this statement. Mr. Yankovich explained that what is being suggested is a system where if the homeowners association were ever to disband, there would be a back up entity. The entity would be incorporated or formed at the time of the subdivision under the one ownership, but assessments would not be collected while the homeowners association is active. If the HOA were to disband, then those fees would go directly to this entity which would then serve as a functional equivalent of the HOA.

Jim Laughlin explained that this was a condition that was imposed on the Dove Creek major subdivision project and was incorporated into this project as well. He noted that

Proposition 218 and other state laws require that the formation of an assessment district be approved by the landowners who are going to be assessed. If the county waits until some future date to form the assessment district, there is always the possibility that the landowners at that time might not approve the district. The thought is to get the district formed now while there is only one landowner who is able to approve or disapprove that formation. Mr. Laughlin stated that an adequate level of assessments are imposed against the property, but the actual collection of those assessments are suspended until if and when the time comes when the county needs to collect. If the HOA dissolves, the assessment district would have already been formed, the amount of the assessments would have already been approved by the landowner that had authority at that time, and the county could just begin collecting without any further action.

Chairperson McAndrew referred to page 66, No. 27.b) where it refers to the 10 year monitoring period. She stated that in the revised conditions of approval the reference to the 10 year period is not listed or noted as being deleted from the language. Mr. Yankovich stated that the revised condition does not speak to the 10 year limit, it leaves it up to the agency to make that determination. He indicated that it should have been shown as a deletion to the language.

Chairperson McAndrew referred to pages 68 and 69, Nos. 29.a) and 29.d) and noted that at a previous public hearing she recommended a change to the time limit for the pre-construction nesting survey from no more than 30 days to no more than 10 days. She commented that the condition still lists the 30 day period, and inquired as to the justification for keeping that 30 days. She explained that she made the recommendation because it was her intention to make sure that there is a period in which the envelope of time does not allow for the possibility that some nesting birds could have been overlooked. Mr. Yankovich stated that this was an oversight and that staff could make that change.

Mr. Yankovich noted several other changes to the conditions: Condition No. 36.d) to change the measurement of the diameter of the tree from 6 inches to 5 inches; Condition No. 36.j) the monitoring time period should be changed from 5 years to 7 years; and Condition No. 37.c) the monitoring time period should also be changed from 5 to 7 years.

Chairperson McAndrew stated that it has been mentioned that there is a possibility that the scope of this project will last longer than 10 years, however some of the mitigating proposals end at 10 years time or sooner. She inquired if there is any way to address lengthening the mitigation measures to the length of the project, as opposed to cutting it off at a certain time period. Mr. Yankovich stated that when the 4<sup>th</sup> and final phase of the project is implemented, if there are mitigation measures associated with that phase, those measures would be incorporated into the project. However, in terms of monitoring, the time period would have expired and the developer is no longer under obligation to do the required monitoring.

Mr. Loewke stated that the intent of the language is for the implementation to start from the point of disturbance. He indicated that if the project begins its disturbance at 10 years, the monitoring would run 20 years from today.

Chairperson McAndrew referred to one of the suggestions that was made by a speaker about consolidating agencies to focus responsibility, and she wanted to know if this was a possibility. Mr. Yankovich stated that while in negotiations with the applicant's team, in terms of water, stormwater, wastewater, and the geologic hazard zone, there was discussions with regards to keeping those duties separate. He stated that including the responsibilities of the HOA would go beyond what would be within the general operating procedures for a public services district or a state regulated public utility.

Jim Laughlin stated that the main concern is with the entity that is going to be providing the domestic water, stormwater and wastewater services. He indicated that the applicant wanted the flexibility for the entity to be either a public agency such as a Community Service District (CSD) or public utility regulated by the Public Utilities Commission. He explained that if that entity were to be a public utility, their normal function would involve providing water and sewer services only. However, if it were to be a CSD, they could also be given road and perhaps open space maintenance responsibilities.

Chairperson McAndrew stated that if for some reason this project does not build out completely and the infrastructure can not be supported because of the lack of assessment, she wanted to know what kind of liability would fall onto the county. Mr. Yankovich stated that there is a condition of approval contained in the report that addresses such an event. He explained that it would provide some type of financial assurance where monies would be deposited into an account for this type of situation. He noted that the amount has not been determined, it would be based on the estimate for the provision of services provided. Staff is working on obtaining assistance from experts with a financial background that would be able to provide the county with a cost estimate of what those services would cost.

Commissioner Barton referred to the issue of the removal of the oak trees and the assertion that this project might be in violation of SB1334. She also inquired about the use of acorns as mitigation. Geoff Reilly, Christopher A. Joseph and Associates, stated that the use of acorns is the preferred method, and the explanation is provided in the EIR. He stated that the transplanting of oak trees is less successful, and the use of acorns help maintain the genetics of the species. He stated that in the DEIR it is acknowledged that the applicant's biologist has prepared a draft mitigation plan to mitigate the impacts of oak woodland and savannah habitat, and in the EIR it is required that the draft mitigation plan augment and is supplemental to further address impacts relative to drip irrigation that is not being proposed. He stated that the applicant disagrees with the contention that the mitigation does not meet the intention, specifically including the further avoidance and replacement ratio higher than 1 to 1 for trees with diameters of 18 inches or greater. He noted that they would be willing to provide written correspondence from their biologist in

more detail. He stated that this was not submitted as part of the public review period for the DEIR and hence did not get included in the FEIR.

Commissioner Barton inquired about the trailhead being placed on private property. Mr. Yankovich stated that in terms of connection with the trail, they would have to get approval from a willing property owner to provide the access. The idea of a floating type of connection would be something that could be provided in the Policy Plan Overlay (PPO) as well as the conditions of approval. He said the commission could make this a requirement that could be incorporated into the project.

Commissioner Barton inquired about water and the number of gallons that was projected by the applicant for per day usage. She wanted to know if the 750 gallons was the number used to calculate the water for the project. Ms. Barton stated that she was very interested in waiting for the outcome of the fire district's board meeting before reviewing this any further. Tad Tobitt, project engineer, stated that the water consumption on a average day is 450 gallons per house, and on a maximum day 900 gallons. He indicated that these numbers are the basis for the design.

Commissioner Moore indicated that early on in the process there was discussion about the wastewater disposal system with regards to the units requiring grinder pumps, and the proposed design to include 2 pumps per unit. He wanted to know if that was going to change. Mr. Yankovich stated that the dual pumps will remain. When the project was originally proposed each homeowner would be responsible for maintaining the grinder pumps. It is staff's suggestion that this is actually part of the overall wastewater treatment system and it should be able to be serviced by the entity, whether it be a state regulated public utility or public community service facility. Mr. Yankovich noted that the design remains the same, just the servicing of the pumps would change to the agency that would be responsible.

Commissioner Moore asked for clarification with regard to the biologist survey and what would normally take place prior to grading to determine the presence of nesting owls.

Clint Calner, LSA Associates, stated that the 30 day recommendation is a standard recommendation given by the Department of Fish and Game. He stated that he personally would recommend a 21 day time limit because it allows the biologist time to go out and survey an area. He explained that if courting behavior is observed, then there is an idea that within 21 days there could be an egg in the area. Beyond that time, it is not likely that there would not be an egg in the area, and therefore no mortality due to grading activity. Chairperson McAndrew stated that she would agree with the 21 day time limit.

Since there was no further discussion, a motion was made by Commissioner Barnes and seconded by Commissioner Mahoney to recommend General Plan Amendment No. G-02-02, Option C for the Rockville Trails Estates property only. The motion passed 4-1 with Chairperson McAndrew dissenting.

A motion was made by Commissioner Mahoney and seconded by Commissioner Barnes to recommend the Policy Plan Overlay District for the Rockville Trails Estates project only. The motion passed 4-1 with Chairperson dissenting.

A motion was made by Commissioner Barnes and seconded by Commissioner Barton to continue the major subdivision application consideration to a special meeting on August 9, 2007, to allow the Cordelia Fire Protection District to meet with their Board of Directors. The motion passed unanimously.

Commissioner Barnes inquired about the applicant possibly moving Ponds A and B, and wanted further discussion with regards to this issue when the project is brought back before the commission.

**2. ANNOUNCEMENTS and REPORTS**

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