

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Special Meeting of September 25, 2008

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, McAndrew and Chairperson Barton

EXCUSED: _____

STAFF PRESENT: Birgitta Corsello, Director; Mike Yankovich, Planning Program Manager; Ken Solomon, Contract Planner; Paul Wiese, Engineering Manager; Ricardo Serrano, Supervisor, Environmental Health; Jeff Bell, Environmental Health Specialist; Stan Schram, County Surveyor; Laughlin, Deputy County Counsel; Kristine Letterman, Planning Commission Clerk

Items from the floor - none

1. **PUBLIC HEARING** to act on the **Rockville Trails Estates** project consisting of approximately 1,580 acres located northeast of the intersection of Green Valley and Rockville Roads. The Planning Commission will consider a recommendation to the Board of Supervisors for certification of the **Revised Final Environmental Impact Report** and will make a recommendation on **General Plan Amendment No. G-02-02; Rezoning Petition No. Z-02-05; Policy Plan Overlay District No. PP-02-01; and Subdivision Application No. S-04-02.** (Project Planner: Mike Yankovich/Ken Solomon)

Mike Yankovich provided the commission with a brief update on the history of the project. He stated that the Commission previously reviewed the original Draft and amended Final EIR for the project in 2007. The Commission recommended Board certification of the amended FEIR and approval of all project applications, including a General Plan Amendment that would allow a community wastewater system on the project site.

Mr. Yankovich noted that subsequently, the Board of Supervisors directed that the originally planned four waste treatment ponds be consolidated into a single basin, and that the EIR address and/or mitigate greenhouse gas and other issues. He stated that the original EIR was not certified and the original project applications were not approved. Mr. Yankovich explained that over the past year the project applicant has re-evaluated the issues of the Board and has responded with a modified project description. In response to the modified project, the County has prepared a Revised EIR. Mr. Yankovich referred to the project details as provided in staff's report.

Geoff Reilly, Project Consultant, provided a presentation describing in detail the project changes and special features.

Commissioner Moore stated that his concerns have been resolved by the proposed changes with regard to the sequence of events such as the park, the trail, and various amenities that were going

to take place beyond the actual event of construction. He stated that he did have concern with the limitations of the footprint for the building sites. He stated that a property owner with an acre of land is going to be limited to a fenced area of no more than 10,000 square feet, however, if the permitted uses of the property are followed, a barn, shed or other outbuildings could be permitted. He said it does not make sense to have an acre of property, but then limit the property owner to using only 10,000 of the 42,000 square feet that is available. He stated that he understands the intention is to limit the amount of disturbance that might be created by grading and construction, but there is an inconsistency in the overlay with the uses that are permitted. He stated that obviously a barn or shed along with a swimming pool or similar use is not going to fit in that 10,000 square foot area.

Commissioner Moore stated that it also appears the overlay specifications will only allow small animals on these properties, and he was wondering whether this is consistent with other residential zoning restrictions throughout the county with regard to horses. He stated that he seems to recall that the county code allows a horse for every ½ acre of property in a residential area.

Mike Yankovich clarified that the buildable area is limited to 10,000 square feet on each one acre lot. He explained that part of the reason is to limit the amount of earth disturbance, but also revolves around the mitigation measures for wildlife corridors on the project itself. He said it is to allow the identified animals to move throughout the area, and a minimum width of corridor has to be met to allow for this to take place. He stated that this in itself contributes to the fact of limiting the amount of area that can be developed, and 10,000 square feet does limit one as to the types of activities as well as the type of structures that would be allowed on the property. He stated that anyone who will be purchasing these homes will know up front with regard to the types of standards that would be required for the development of the property.

Commissioner Moore stated that with respect to wildlife corridors, he believed that through previous discussions and public hearings that the contractor was obligated to go back and rearrange setbacks from the plots, not from building sites. He said he did not understand why the county would expect a property owner to leave his property open in addition to that corridor. Mr. Moore stated that another inequity he sees is that the specifications for the park require the developer to provide specific types of parking spaces so horse carriers can be brought in. He said this leaves him to believe that the only people who can enjoy the ridge trail on horseback are going to be people outside the area who do not live there, and who do not contribute in providing the facilities.

Mr. Yankovich stated that the park would be part of the Bay Ridge Trail which allows multiple type uses such as equestrian, off-road bicycling, and hiking. He said the idea is allow the same uses that are currently allowed on the Trail. Commissioner Moore stated that the county is complying with the desires of the Bay Ridge Trail Association to have this amenity, but are not allowing the people who are providing the amenity that same privilege. Mr. Yankovich stated that since the landowner is asking for a policy plan overlay, there have to be some compromises that take place.

Jim Laughlin stated that there is nothing in the policy plan overlay that prevents people who live on this property from owning horses. He stated that there are facilities throughout the county where horses can be boarded. Commissioner Moore stated that these people are going to have to board their horses off-site so that they can bring them in to use a facility that they have provided. He said this does not make sense. He stated that other landowners in the county are allowed to have horses, and for some reason staff has decided that these landowners should not have horses on their property. Mr. Moore stated that he did not agree with this.

Commissioner McAndrew referred to the RFEIR, Section 3, page 6, Mitigation Measure Geo-9c, where it states that the sump pump will leak effluent into the consolidated pond. She wanted to know why there is going to be leaked effluent, and inquired about the liner.

Mr. Yankovich stated that this is a fail-safe system. He said that should it ever have some type of a leak, there is a drainage system that will accommodate it. Ms. McAndrew wanted to know where this leakage is going to be pumped from. Mr. Yankovich stated that typically there is some drainage in the pond itself. It goes underneath, but does not undermine the structure of the pond. He said there is a system for draining it and in alerting the operator to the fact that there is a problem that needs attention. He said the system is to help with maintenance as well as safety. Ms. McAndrew stated that she did not understand why there would even be a leak. She said this is the whole idea of having the liner, and there should be no leaks at all. Mr. Yankovich reiterated that this is a back up system.

Commissioner McAndrew inquired about the final maps for each phase and wanted to know if this is something new. Mr. Yankovich explained that this is new in terms of the county because the county is not in the development business, but it is not new with regards to development. He explained that typically a final map which depicts the entire subdivision is filed, and then there are phased final maps that are developed according to market conditions and type of house that is being marketed.

Commissioner McAndrew wanted to know that if the project were approved and the first final map is filed, does the applicant have an opportunity at phase II to change anything. Mr. Yankovich indicated that the only way the applicant could change anything is to come back before the approving body and ask for a change.

Commissioner McAndrew referred to the two letters received by the California Regional Water Quality Control Board and wanted to know if their concerns have been addressed, and if not, at what point will they be addressed, and how.

Mike Yankovich stated that there are no final design plans for the wastewater systems at this point. He said the designs are done prior to final recordation of the map itself. He noted that the plans would have to be submitted to the CRWQCB for their approval prior to any construction of the facilities.

Dick Loewke, environmental planner, spoke on behalf of the applicant. He summarized the project changes and how those changes relate to CEQA, and the focus on avoiding or minimizing environmental effects. He also provided background information on the chronology of the project.

Chairperson Barton opened the public hearing.

Gry McFarlane, 1911 Rockville Road, Fairfield, 94534, stated that she and her husband own an equestrian facility with 30 horses and have one well on their property. She stated that it is irresponsible to think that with the extended periods of drought this county has been through, that their wells are not going to be deeply impacted. She said this development proposes a lot of homes with a lot of people in a rural area with well water and septic, and it is bad development. Ms. McFarlane stated that she is not anti-development, but she believes in sound responsible

development. She said that with a project of this size, it needs to be built responsibility with city water and city sewage. She stated that it is speculative of how much water exists, and it is leaving a lot of risk for the environment and the current property owners. Ms. McFarlane stated that she is concerned that if they lose their water how long it will take to prove that this project has impacted them, and how long it will take to access water. She stated that water is the single most important thing that they provide for their animals. She noted that there is no secondary source of water in the area.

Herbert Hughes, 4317 Green Valley Road, Fairfield, 94534, stated that this project violates the principles of the Solano County General Plan. He stated that many years ago a residential zoning classification for this site was granted with an approved project but was subsequently abandoned. He explained that the rezoning and project approval were based in part on the promise of a guaranteed water supply to be provided from onsite and offsite sources. He stated that the Solano Irrigation District or other local agencies cannot or will not serve the project site. Mr. Hughes stated that the requested rural residential 2½ acre zoning for the project does not have a back source of public water and does not make sense. He stated that if this project is to conform to the basic principles to the General Plan, then it needs to have an offsite potable water supply available and guaranteed to serve the project. If onsite wells are the only water source, then the appropriate project zoning density should not exceed 1 residential unit per 10 acres. Mr. Hughes stated that the county faces an uncertain future with possible widespread water shortage. He stated that the local groundwater aquifers have not been comprehensively tested or studied, and unknown aquifer conditions are a big concern. He stated that it appears the proponents of this project have not found, as requested by the Board Supervisors, an offsite back up source of water, nor have they performed long term continuous pumping of their proposed onsite water source.

Mr. Hughes stated that he is also concerned with water quality. He referred to the nearby Willotta Oaks subdivision where carcinogens were found in their well water, resulting in them having to hook up to the Vallejo water system. He stated that this proposed project has cumulative adverse impacts that are off the chart. He stated that the project has been shaped by assuming an inappropriate zoning designation which allows too many residents, the resulting cumulative unmitigated adverse impacts violate the Solano County General Plan and CEQA, and the intended objectives of the Fairfield Urban Limit Line. He said that by significantly reducing the number of residents to 158 units or less, one could potentially accomplish a significant and proportional reduction in adverse impacts and risk, less risk to Solano County and the surrounding community, less risk for future Rockville Trails Estates homeowners, less site alteration and destruction, and less cost and risk to the project developer.

Richard Diamond, 369 Via Palo Linda, Fairfield, 94534, stated that the staff report leaves many issues unaddressed and still in dispute. He said there is no agreement that the problems of the proposed water supply solution is adequate; there is no agreement that the problems of waste treatment is workable; there is no agreement that the problems of water runoff is manageable; there is no agreement about the traffic problem on Green Valley Road/I-80 interchange exacerbated by the project; plus many others. He stated that there is agreement that the traffic problems caused by this project will be significant and unavoidable, and that the noise created both during construction and ongoing, will create a significant unacceptable level that is unavoidable. Mr. Diamond wanted to know that if the commission accepts the staff report, if it means that they believe the environmental impact of this project is acceptable for the community, and that they believe it accurately reflects a complete and accurate discussion of the issues, even the ones that are clearly still in dispute. He wanted to know if it then means the Board does not have to be concerned

anymore about the environmental impact of the project as they deliberate because of the commission's approval. Mr. Diamond stated that unfortunately very few of the homeowners expect the commission to be unbiased and act in the interest of the community and taxpayers of the county. He stated that it is a sad commentary on the low expectations the community has of their elected and appointed officials.

Gary Boudreaux, 4325 Dynasty Lane, Fairfield, 94534, submitted a letter to the commission listing his concerns. He stated that his property will be the most affected by this project because there are 18 one-acre lots proposed to be built directly behind his home. He stated that his family will be exposed to the cutting down of trees, the use of heavy equipment, bulldozing of the property behind their home, trenching of the area, and then construction on the homes. He stated that they will have to live next door to this day in and day out. Mr. Boudreaux stated that the applicant has offered mitigation, but in reading the document, he noted that there is verbiage that describes the mitigation in terms such as "as far from existing sensitive receptors as possible", "feasible noise control", "shall be wherever possible", and "wherever feasible". Mr. Boudreaux stated that his well is located 300 yards from the project's mega well. He stated that it is not a matter of time, but a matter of when they will start having problems.

Mr. Boudreaux stated that there are pages and pages of explanation in the applicant's report, but when it speaks to mitigation, there are only 4 sentences describing how this will be handled, there is no procedure on how it will get done, and there is no phone number for residents to call. He stated that it will be up to the homeowner to prove the fact that the project is causing impact to their well. He stated that when he drives up to his home he will be looking into the back yard of 18 homes. He said that he requested a buffer such as a 5 acre lot be placed adjacent to his home, but the comment made by the applicant is that they are not required to accommodate such a request. He stated that the applicant was required to provide passage for wildlife and move home sites for sensitive plant life, but homeowners are just sensitive receptors. He stated that the Planning Commission and Board of Supervisors are here to support and represent the people of this county, and not just one developer.

Nancy Nelson, 1800 Cravea Lane, Green Valley, 94534, stated that based on the input the commission has received both verbally and in written form, they should have a pretty good idea of what the people want. She stated that there is a huge level of frustration and anger and sadness in the way that government is being run in Solano County. She stated that it appears there is no representation going on at all, there is no sensitivity to what the people who are most affected by the project have to say, and neither the authors of the environmental impact report or the majority of the planning commissioners seem to hear at all what the public has to say. Ms. Nelson implored the commission to open their ears and their hearts to the people. She stated these people are the citizens of Solano County who have to endure the negative impacts from this project once the developers have gotten every penny out of it and left the county. The existing homeowners are left to deal with the impacts of the project.

Ms. Nelson stated that 100 homes have been identified that are within 1 mile of the circumference of the project well. She stated that since the mitigation allows for a maximum of 50 people to hook up to that well, she wanted to know what will happen to the other 50 well owners. She stated that the developer was asked to find a secondary water system. She said the City of Vallejo has indicated that they will not provide any more hook ups, and SID water is unavailable. With regard to traffic, Ms. Nelson stated that the EIR indicates that most of the traffic will travel down Suisun Valley

Road. She believed that the traffic will travel down Green Valley Road because that is where the western entrance to the freeway is located, as well as shopping and jobs. She stated that the applicant does not claim this because they know Green Valley Road cannot handle the volume of traffic because the underlayment of the road was not designed for this. Ms. Nelson stated that the applicant cannot mitigate the traffic impacts so they just state that traffic will travel down Suisun Valley Road, and so the real impacts of traffic have not been analyzed. With regard to noise, Ms. Nelson stated that the western entrance, which is closer to the major thoroughfare, is not being analyzed for noise because the applicant states that it is a secondary entrance that will not be used because they are not going to install a monument telling people it is a major entrance to the project. She stated that the commission has a legal obligation by their Oath of Office and the County's Mission Statement to uphold land use and CEQA laws. She said the commission has a moral obligation to act as representatives for the citizens of Solano County. She stated that it is unfair that their concerns are being brushed aside by this process.

Mark Brown, 4323 Green Valley Road, Fairfield, 94534, referred to the letters written by the California Regional Water Quality Control Board voicing their concerns. He stated that it appears the water board is waving a red flag, telling the county to beware. Mr. Brown stated that this is not something to design for, it is data that is obtained at the beginning of the process for identified potential disposal areas. He stated that the RFEIR does not include applicable technical information to substantiate the claims made regarding the wastewater system balance.

Bill Mayben, Green Acres Court, Fairfield, 94534, stated that CEQA disallows project segmentation and it is against the law. For example, he stated that earthquake effected lots have not been thoroughly mapped. He said the developer clearly states that 30% of the projected home locations are expected to move. He said the public cannot evaluate this project because they do not have a stable project description. He stated that what is going to happen when this project is approved is that the community will have to go to court to enforce the law. Mr. Mayben stated that it is his belief that it is the county's job to follow the State Constitution and honor the law. He said the reason the developer went back and did this additional work is that the community insisted on it, and not out of the goodness of their hearts.

Mr. Mayben stated that county regulations allow secondary units, but there has been no evaluation with regard to water or sewage use, or traffic. He stated that the discussion the developer has put forward is they are not contemplating building any second units. The developer has segmented this item from the project for further evaluation that the public does not get to participate in which is against the law. He stated that the offsite existing wells that are in jeopardy are not listed in the water use calculations. He said the dispensations of risks associated with their rights of these existing homeowners are segmented out of the project. He stated that the habitat dispensation on an area-by-area basis during construction are not specified by location. He said traffic mitigation measures requiring a completion of three interstate interchanges are segmented out of the project. He said CEQA does not allow an applicant to segment out necessary traffic measures for 20 years after the project is completed. He stated that the citizens of Solano County deserve high quality, well planned effective projects that are not going to fall on the heads of the taxpayers in the future.

Mr. Mayben stated that the developer should have to prove there is sufficient water. He suggested a 60-day pump down at the levels of use. He commented that the applicant gave the same 24-hour pump down that they originally did. He said the wells should be tested for 60 days in the dry time of the year to see what happens with the aquifer when it is hit with the amount of water the developer

believes is going to be used. Mr. Mayben stated that if this project is approved in its current legally and structurally deficient state, county government officials are forcing the county citizens to carry out the task in court. He stated that they will be forced to do work which should have been done by the Planning Department just as they failed to require the sewage detention basin be placed in a safe location. He said they will be forced to hold the developer to the requirements of state law.

Jeff Zinkin, 4330 Dynasty Lane, Fairfield, 94534, stated that this is an extremely rural area, it is like a desert and in his opinion not even suitable for homes. He said this project would be placing a planned unit development in a rural area. Mr. Zinkin stated that placing 5 houses directly adjacent to existing homeowners on Dynasty Lane is not in keeping with a rural area. He stated that the area is a zone where animals frequently cross and noted his recent sighting of a red-legged frog. He also stated that Valley Elderberry Long Horn Beetles frequently show up in his yard. Mr. Zinkin referred to a letter by the U.S. Fish and Wildlife Service and their suggestion to create a wildlife corridor in the western portion of the project by eliminating Road B. He said the elimination of Roads B and B1 is a good thing because the roads are not in keeping with the rural area.

Mr. Zinkin talked about the Membrane Bioreactor plant. He stated that MBR plants are typically a good thing. He said that UV is a good inexpensive way to disinfect. He said endocrine causing hormones and other pharmaceuticals will still get into the water, but if RO is added to the process, it will clean the water and extensively clean out those chemicals and the endocrine causing hormones would not infiltrate into the groundwater. Mr. Zinkin stated that the groundwater monitoring is totally and completely inadequate. He indicated that he previously distributed information to the commission as prepared by the Department of Water Resources regarding the Deer Creek project. He stated that the reason he provided this example was because he thought it was a reasonable way for the county to help assure the residents that with extensive pump testing and proper monitoring, they will have some assurance that they will have water when they turn on their faucets. He stated that the technology exists for the membrane bioreactor for RO for effluent, as well as the technology for a supervisory control data acquisition system for well monitoring. He stated that the applicant is on the right track as far as using transducers because it is typically what is used in the water industry. Mr. Zinkin stated that there are a lot of problems with this project and he is not happy with the way the project looks at this time.

Larry Zinkin, 4330 Dynasty Lane, Green Valley, 94534, made a request that the houses on Roads B and B1 be moved north away from existing homes on Dynasty and Emerald Ridge Lanes. He said the houses on those lanes are mainly 5 acre properties and do not fit with a planned unit development. Mr. Zinkin noted that this area is a wildlife corridor. He stated that he himself has seen a California Tiger Salamander. Mr. Zinkin stated that buffers are commonly used in planning, and are widely used to separate different density and types of development. He said development is a give and take process and the right thing to do is to respect the rights of the existing residents, and not just those of a developer whose interest is dollars. He said this is a city development in a rural area. He stated that the land is a barren, steep, rocky place and is practically a desert. He said the RFEIR includes comment letters that were submitted by the public and government agencies. He inquired as to why the responses to nearly every question ends with "less than significant", "no further response is required", "comment is acknowledged for the record and will be submitted to the decision makers", or the comment is referred to sections of the RDEIR to read. He said that it appears the goal is to accept the project as the developer wishes, and to deflect or ignore comments submitted with great thought and knowledge by members of the public and non-county government and non-government agencies. He wanted to know why the interest of existing

residents and non-county agencies seem to take a back seat to those of developers who represent one landowner.

Cathy Ritch, 504 Via Vaquero, Fairfield, 94534, voiced her concerns with traffic. She stated that the RFEIR continues with a faulty traffic count and an illogical projected traffic flow pattern. It does not identify alternative transportation modes as required, and it does not adequately address the impact of the project on the intersection of Rockville and Green Valley Roads. She referred to the letter in the RFEIR from the State Department of Transportation dated August 6, 2008, which indicates that as lead agency Solano County is responsible for all project mitigation including improvements to state highways. Also, any required roadway improvements should be completed prior to issuance of building permits. She stated that the Department of Transportation has put the county on notice that they are ultimately financially responsible for the transportation impacts of the project and that the project should not move forward until those impacts are mitigated and paid for. Ms. Ritch stated that given the extraordinary financial times the county is going through, she believes that a moratorium should be called on all new housing developments in the county until it is known where the money is going to come from to pay for the infrastructure.

Craig Gillespie, 4375 Green Valley Road, Fairfield, 94534, referred to the proposed secondary entrance on the southwest side of the project. He commented that it is situated in an area where traffic comes around a curve at a fast pace, and in the other direction people accelerate from the stop sign at the Green Valley and Rockville Road intersection. He stated that he can see this being a place where accidents will happen. Mr. Gillespie stated that there is also a very steep grade leading into the development, and therefore the sound pollution from accelerating up the hill into the project will be something that will impact the people who live in that area. He stated that many of the other subdivisions in the county have one entrance with an emergency exit that exists elsewhere. He proposed that this issue could be mitigated by making the secondary entrance an emergency exit, and let the traffic go through the more safe main entrance of the project. Mr. Gillespie spoke with regard to the homeowners who live on Dynasty and Emerald Ridge Lane, and stated that these residences are located on 5 acre parcels that are fairly well spaced out. He believed that it is not good neighborliness to put one acre parcels right in front of these homes. He stated that as depicted on the site map, the parcels are positioned where the building pad is nearer the property line which would really crowd the existing neighbors. He said it would be simple to mitigate this by moving those parcels, since it is not known where 1/3 of the proposed lots are going to ultimately end up, and it would seem that to stipulate these as either a buffer or be changed to 5 acre parcels would be good neighborliness.

Mr. Gillespie voiced his concern about water. He commented that the applicant has had 4 years to examine this issue. He said there have been a lot of paper studies done, but only two 24-hour pump tests during the wettest months of the winter have been done. He said if the applicant wants to assuage the concerns of the 100+ families on wells within 1 mile of this project, it would have seemed very simple to have gone ahead and performed pump testing during this time period. He suggested the commission stipulate pumping for 60 days on a continuous basis during the dry season to see what happens.

Mimi Fleige, 1401 Rockville Road, Green Valley, 94534, stated that she is a member of the California Native Plant Society/Native Horticultural Society and is sadden that the planning commission is considering approving this project. She stated that in previous hearings she made comments about the dire environmental affects of this project. She said some of her objections to

Senate Bill 32 have been properly addressed, however, many of the responses to her concerns provided in the RFEIR were idealistic, vague, impossible, and unlikely solutions to her questions. She said the sewage effluent pond onsite will slowly exterminate more trees by seepage of effluent into the root zone. She said the plans to irrigate with the onsite treated sewage water will probably slowly kill more native trees and plants. In the RFEIR the comment that the seepage can be contained seems impossible due to soil percolation problems. She said that to her knowledge this particular model of the proposed sewage treatment plant has been demonstrated to increase CO₂ emissions by 45% more than traditional sewage plants. She said that the whole water table will be lowered because thousands of gallons of water will be pumped down from the local aquifer for use by the new residents. She said the pumping tests provided in the RFEIR are simply not adequate. She said a biological wasteland will be created over time if this development is ratified. She said if the visual loss is not enough, then the pollution potential should be. Ms. Fleige stated that studies show that a large amount of CO₂ is released when ground is disturbed. She said trees filter carbon dioxide. She said new landscaping would help mitigate this problem, but there is not enough water for the basic needs of a 3,000 to 6,000 square foot house, much less additional new trees. She said the carbon sequestration from the trees have been eliminated. Also, many of those replacement trees simply will not survive long. Ms. Fleige stated that she foresees a lack of enforcement to ensure the new trees will live, and supposedly the county and the CC&Rs will ultimately be responsible for enforcing mitigation. She believed that the planning department simply does not have enough manpower to enforce or monitor these mitigation infractions. She said that being a person who lives in an area with CC&Rs, she has found that they are next to impossible to enforce.

Jorg Fleige, 1401 Rockville Road, Green Valley, 94534, stated that property rights are the corner stone of our society in many ways. He stated that in our country we are guaranteed by the 5th and 14th amendment that no one can deprive us of liberty, life, or property without due process of the law, nor shall anyone take private property for public use without just compensation. He said that locally our property rights fall under the Bill of Rights vs. the federal government. He said they are usually bundled and defined as given rights rather than sovereignty, the difference being that a property owner has to abide by local laws so that they do not impact others. He stated that property rights are laudable, but in the case of Rockville Trials it comes with one big caveat; the other 2,000 property owners within the vicinity of the project. Mr. Fleige stated that he polled approximately 50 to 100 people who live in the area, and 90% of those people voiced their opposition to the project.

Mr. Fleige spoke with regard to traffic. He noted that while the applicant proposes a 2% increase, he inquired if they took into account package deliveries, mail delivery, babysitters, contractors, gardeners, daily trips to the grocery store, and visitors. He said it is not just the number of residents multiplied by the number of houses multiplied by one trip. He stated that landowners are covered under nuisance laws and a property owner's right to quiet enjoyment, and the right of health, safety, peace, and convenience. He said that these are basic property rights that are allowed in the State of California. He stated that the applicant is not a property owner in the common sense, but are juristic property owners which give them the right in sole purpose of temporary ownership for the sake of making a profit. Mr. Fleige stated that by upholding the project's tenuous claim to property rights while flaunting the property rights of 2,000 other legitimate neighboring properties would not only be unjust, but hypocritical.

Paul Herman, 2204 Morrison Lane, Suisun Valley, 94534, stated that this area currently has cattle that graze the land which helps keep the grass low which aids in fire prevention. He noted that the project will eliminate this cattle grazing. He stated that he did not understand how the county's

General Plan can be circumvented, and why this project is being considered prior to the General Plan going before the voters in November. He stated that there are aspects of this project being proposed that are not contained in the General Plan. For example, with regard to septic treatment, he stated that there are 88 pages of specifications dealing with septic tanks, but not one page dealing with a package treatment plant. He wanted to know how something can be permitted that has no codes, no oversight, or regulations. He stated that a project of this magnitude belongs in a city. Mr. Herman stated that this project is not a rural residential development, but a planned community estate.

Dennis Becksted, 4659 Green Valley Road, Fairfield, 94534, had several questions of staff regarding if earthquake faults on the property would affect the location of the sewage facility and the reservoir. He wanted to know if there have been any seismic or geophysical work done to ascertain if there are earthquake faults at or near the site of the proposed sewage plant and reservoir, and if not, can it not be reasonably concluded that the sewage plant and the reservoir might ultimately have to be located somewhere else on the property.

Roberto Valdez, 248 Plantation Way, Vacaville, 95687, stated that the planning commission is not being wise in pursuing this project. He said this project belongs elsewhere. He stated that he is not convinced that the current 370 unit lay out will not have an significant adverse impact on the 22 special status species in the Rockville corridor. He indicated that he did not get an adequate response from staff with regard to his email. He stated that endangered species have been found in the area and there should be an effort to preserve them. Mr. Valdez stated that he believes there have been human remains detected in the project area, and wanted to know which Native American groups or individuals were consulted by this developer.

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

Commissioner Barnes asked staff to elaborate on the subject of the Green Valley fault line. Mr. Yankovich stated that with regard to the location of the consolidated pond, the question was asked whether there were studies that indicate if there is a fault located there. He stated that a study was prepared as part of the preliminary work that was conducted after the Board of Supervisors indicated that they wanted the ponds consolidated into one location. He said there were a number of issues that had to be looked at with regard to the biological and plant and animal life. Mr. Yankovich stated that in the future any location of residences will have to meet standard setback requirements with regard to faults, and there will be geologic studies in terms of locating any additional fault extending north such as the Cordelia fault.

Commissioner McAndrew inquired about the mitigation of the fire station noise. She wanted to know if this was something that was discussed and approved by the Cordelia Fire Department. Mr. Yankovich stated that there are laws with regard to emergency vehicles. He said the fire department's policy would be to try and keep the sirens as low as possible, but they still have to meet the standards for emergency vehicles. Commissioner McAndrew stated that she believed that the policy should be whatever the law is.

Commissioner Mahoney stated that water in the county is becoming a bigger issue all the time, and he inquired as to what the possibilities are with regard to the City of Vallejo or SID providing water. Mr. Yankovich explained that the service area boundaries for the City of Vallejo, as well as SID are set. He said any change to those district boundaries would require a LAFCO action to expand or

retract it. He indicated that the applicant has talked with the Cities of Fairfield and Vallejo regarding emergency backup for potable water in the event of an emergency, but it would not be a permanent secondary source. The county would still be relying on the well system which is why there is the requirement for monitoring. He stated that monitoring has taken place for the past 9+ months and will continue if the project is approved through pre-construction, as well as through construction, and then 9 years past build out.

Commissioner Mahoney stated that with a development of this size and this being the first time the county has taken on a project like this, he wanted to know the possibility of requiring the applicant to test the groundwater for a longer period of time. He commented that he remembered when Steiger Hills and the Allendale area ran out of water. He said that there are not a lot of options for someone who relies on well water. Mr. Mahoney stated that because of the size of this development he is concerned how the neighbors' wells will be affected. He suggested requiring the applicant to perform a 72 hour pump test in the dry months of the year.

Commissioner Mahoney commented that when the Trilogy subdivision was built in Rio Vista, it did affect neighbors' water. He stated that he would like to see the commission require the applicant to test for a longer period of time to give the neighborhood more confidence, and to give the commission more information that can help in making a decision that is not going to injure people.

Mr. Yankovich clarified that testing has also been done in the dry months.

Commissioner McAndrew commented that the ultimate energy conservation and greenhouse gas reduction is in the state the land is in right now. She stated that when reading the newest information about the water studies, the fact is there are not 300+ homes currently on the land drawing down the aquifer. She stated that this is why it seems there is plenty of water and maybe there will be enough water until infrastructure is added that includes 1,000 residents needing to drink, bath, flush a toilet, recreate, wash their cars, and swim each and every day. She said this is minimally 365 thousand possible needs for water in a year; anywhere from an 8 oz glass of water to quench ones' thirst, to several gallons of water to wash something. She stated that currently there is water in the wells, but wondered for how long. Ms. McAndrew stated that monitoring and reporting as a mitigation measure is not enough. She said if monitoring and reporting fail to insure enough water, it is then too late at that point. Commissioner McAndrew thanked everyone for attending the meeting and speaking before the commission.

Commissioner Barnes referred to the condition of approval on page 95 of the report where it requires that a long term groundwater monitoring program be implemented for 9 years after the last residence is built in the last phase of the subdivision. He stated that he believed the water issue is sufficiently covered. Mr. Barnes commented that people who buy the lots would lose their water first before their neighbors, and he did not believe the applicant would continue to build the rest of the project if this happened.

A motion was made by Commissioner Moore and seconded by Commissioner Barnes to recommend to the Board of Supervisors that they certify the Revised Final Environmental Impact Report, Adopt the Statement of Overriding Considerations, Mitigation Monitoring Program (MMP), 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 Revised Draft Conditions of Approval including revision to Condition No. 61b to change the water testing period from 24 to 72

hours prior to any development taking place. The motion passed 4-1 with Commissioner McAndrew dissenting. (Resolution Nos. 4505 & 4506)

2. **ANNOUNCEMENTS and REPORTS**

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