



AGENDA SUBMITTAL TO SOLANO COUNTY BOARD OF SUPERVISORS

ITEM TITLE		BOARD MEETING DATE	AGENDA NUMBER
Adopt a resolution to certify the Final Environmental Impact Report for the Middle Green Valley Specific Plan and adopt Findings of Fact, a Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; Adopt an ordinance to adopt the Middle Green Valley Specific Plan; and Adopt an ordinance to approve the associated Master Development Agreement, including Sales Participation Agreement		July 27, 2010 2pm	
Dept: Contact: Extension:	Resource Management Matt Walsh 3168	Supervisorial District Number 2	
Published Notice Required?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	No <input type="checkbox"/>
Public Hearing Required?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	No <input type="checkbox"/>

DEPARTMENTAL RECOMMENDATION:

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

1. **ADOPT** a resolution to:

CERTIFY the Final Environmental Impact Report for the Middle Green Valley Specific Plan consisting of:

- i. Draft Environmental Impact Report for the Middle Green Valley Specific Plan, December 2009, (previously distributed and on file with the Clerk of the Board),
- ii. Final Environmental Impact Report for the Middle Green Valley Specific Plan, April 2010 and Errata #1, (previously distributed and on file with the Clerk of the Board),

ADOPT the following related to the Middle Green Valley Specific Plan Project:

- i. Statement of Findings of Fact (Attachment D, Exhibit A, page 227)
- ii. Statement of Overriding Considerations (Attachment D, Exhibit B, page 310), and
- iii. Mitigation Monitoring and Reporting Program (MMRP) (Attachment D, Exhibit C, page 316);

2. **ADOPT** an ordinance to:

ADOPT the Middle Green Valley Specific Plan and Rezone the Middle Green Valley Specific Plan Area, consisting of the December 21, 2009 Middle Green Valley Specific Plan (previously distributed and on file with the Clerk of the Board) as amended by the Recommended Text Amendments, Amended Figures, and Amended TDR Table to the Middle Green Valley Specific Plan (Attachment G, page 476) based on the recommended Findings; and

3. **ADOPT** an ordinance to:

APPROVE the Master Development Agreement by and Among the Middle Green Valley Landowners and County of Solano for the Middle Green Valley Specific Plan Area, including the Sales Participation Agreement.

SUMMARY:

The Board of Supervisors is requested to adopt a resolution certifying the Final Environmental Impact Report (EIR) and adopting Findings of Fact, Statement of Overriding Considerations and MMRP, and adopt ordinances approving the Middle Green Valley (MGV) Specific Plan and associated Master Development Agreement (DA).

FINANCING:

The Middle Green Valley Specific Plan budget has been part of the approved budget of the Department of Resource Management during FY2008/09 and FY2009/10, and is funded by the County General Fund. The contract amount for consultant assistance in developing the EIR, Specific Plan, and Master Development Agreement, in addition to Resource Management and County Counsel staff time will be reimbursed to the County. Section 3.12 of the Master DA requires landowners to reimburse the County for these initial county planning costs.

DISCUSSION:

Background: 2008 General Plan Update & Middle Green Valley Voter Approval

In August 2008, Solano County completed and adopted a comprehensive update to its General Plan. Through the General Plan update process, various specific project areas were identified for further planning, including the Middle Green Valley area.

The primary goal of the General Plan for this area is to maintain the rural character of Middle Green Valley while allowing opportunities for compatible residential development in accordance with the Plan's goals and policies.

General Plan Goals & Policies for the MGV Specific Plan

The General Plan directs that land use tools, such as clustering and transfers of development rights are to be utilized to limit the effects of residential development on the rural character of the valley, including protection of the existing viewsheds, wildlife habitat, and agricultural activities. Staff finds that the Specific Plan, and associated Master DA, meet and implement the following goals and policies of the General Plan (General Plan Ch. 2, pg. LU-54, and Specific Plan Ch. 1, pg. 1-15):

- Maintain the rural character of Middle Green Valley while still allowing development to be guided into areas screened from Green Valley Road because of natural contours in the land and woodland vegetation, and/or riparian vegetation. Locate upland development in areas screened by landforms or vegetation.
- Balance the protection of resources in Middle Green Valley (e.g., viewsheds, oak woodlands, riparian habitat, sustainable agricultural use) while allowing development to occur.
- Allow for the migration and movement of wildlife.
- Provide a variety of incentives and techniques to encourage property owners to preserve natural and visual resources, in addition to the transfer of development rights.
- Encourage cluster residential development through incentives to property owners in hillside and valley floor areas that can support residential uses with least affect on resources, steep slopes, or very high wildfire hazard areas.
- In accordance with balancing the protection of resources described in these policies, adopt a program that provides residential development credits to property owners who voluntarily forego or limit development on their lands. The transfer of development rights program should focus incentives on land in areas to be preserved.
- Adopt a specific or master plan to implement the policies for Middle Green Valley.
- Create additional methods to assist landowners who choose to continue farming, such as, but not limited to:
 - enforcing the right-to-farm act and educating residents on the act, and;
 - investigating mechanisms for providing farmers with economic assistance to ensure agricultural viability.

Staff also finds that the Specific Plan meets and implements the following provisions of the 2008 General Plan (General Plan Ch. 2, pg. LU-58):

1. Identification of the area covered by the plan;
2. Techniques to ensure development is compatible with the rural character of Middle Green Valley and surrounding areas. Such techniques should include design guidelines and development standards;
3. Guidelines for cluster development, including minimum and maximum lot sizes, development standards, and density bonus credits for clustered development;
4. The details for a transfer of development rights program (with an implementing ordinance), which include: identification of areas where development is preferred, creating appropriate and equitable rezoning, clustering of housing, and determining the ratio of credits to property owners who voluntarily forego development;

5. The number of units/credits, with or without clustering, that will provide incentives for all landowners in the area to participate in a market driven transfer of development rights program, based on 400 units;
6. Location and dimensions of a wildlife corridor;
7. Maximum number of units any property owner can develop (with or without clustering);
8. Techniques to be applied voluntarily by property owners that ensure permanent protection and maintenance of resources/views on lands to remain undeveloped;
9. Details of how development would be served by water and wastewater service. Attempt to secure public water and wastewater service through a cooperative effort of property owners, residents, the County, and the City of Fairfield.

Twelve Public Meetings, the Citizens Advisory Committee Process and Recommendations

In August 2008, the Board of Supervisors established a six-person Citizens Advisory Committee (CAC) to help guide the development of the plan. The CAC consists of three representatives from the Green Valley Landowners Association (GVLA) and three representatives of the property owners within the Specific Plan area boundary, and two alternates. The CAC held twelve publicly noticed meetings over the last 16 months.

The effort has culminated in the proposed draft MGV Specific Plan, a draft Final EIR, and a draft Master DA. In its final meeting, the CAC recommended approval of the Specific Plan, and 6 of the 8 CAC (including all GVLA members of the CAC) attended the Planning Commission hearing to personally recommend approval of the MGV Specific Plan, certification of the Final EIR and approval of the Master DA.

Planning Commission Hearing & Recommendations

The Final EIR, MGV Specific Plan and Master DA were then reviewed by the Planning Commission on May 20, 2010 (Attachment A, page 14). After hearing public testimony, the Commission recommended that the Board adopt and approve them, as amended by staff and the Planning Commission. Responses to specific questions raised by the public and members of the Planning Commission are discussed below under the description of the Final EIR, MGV Specific Plan and Master DA.

Public Process for Specific Plan

Since the first meeting of the CAC in November 2008, the development process for the Specific Plan has been open to the public. Meeting agendas, minutes, and handouts have regularly been posted online and available to the public. The following summarizes the public process for the development of the Specific Plan and EIR:

- Twelve open public CAC meetings (November 2008 to February 2010)
- May 7, 2009: Planning Commission, Study Session
- May 12, 2009: Board of Supervisors, Study Session
- August 6, 2009: Planning Commission, Review of Preliminary Draft Specific Plan
- January 28, 2010: Planning Commission, Public comments on Draft EIR
- May 20, 2010: Planning Commission, Recommendation to Board on Plan, EIR, & DA

Actions on the Final EIR, Specific Plan, and Master DA

The attached Planning Commission staff report from May 20, 2010 (Attachment B, page 33) provides further discussion and explanation related to the Final EIR, MGV Specific Plan and Master DA. The discussion in the section below will focus on the recommended actions that the Board must take on each of the three documents: the Final EIR, the MGV Specific Plan, and Master DA.

1. CERTIFICATION OF THE FINAL EIR

Action

It is requested that the Board of Supervisors adopt a resolution certifying the Final EIR for the MGV Specific Plan and adopt Findings of Fact, Statement of Overriding Considerations and an MMRP for the Middle Green Valley Specific Plan and DA. The Final EIR consists of: (1) the Draft EIR for the Middle Green Valley Specific Plan, dated December 2009, (2) the Final EIR for the Specific Plan, dated April 2010 (which includes public comments on the Draft EIR, responses to comments, and revisions to the Draft EIR); (3) Errata #1, and (4) the resolution certifying the Final EIR and adopting Findings of Fact, a Statement of Overriding Considerations, and an MMRP for the Middle Green Valley Specific Plan and DA (Attachment D, page 224).

General Plan EIR Background and Relationship with MGV Specific Plan Final EIR

The environmental impacts associated with the overall 2008 General Plan were analyzed in the 2008 Draft General Plan Final Environmental Impact Report ("General Plan EIR"). The Middle Green Valley Special Study Area was included in a broad way in the General Plan EIR's overall analysis of environmental impacts. The General Plan EIR included agricultural lands in Middle Green Valley among the 21,971 acres of agricultural land potentially subject to conversion county-wide with overall implementation of the 2008 General Plan. The General Plan EIR also included the stated buildout potential of Middle Green Valley (approximately 400 units) as part of the total buildout analysis for the General Plan county-wide. (General Plan FEIR, Volume II, pp. Response 24-2, Response to Comment 24-14.)

Based on the total of 400 units, the General Plan EIR concluded that the resulting density in Middle Green Valley would be 0.21 units per acre, and the resulting conversion of agricultural land would be up to 1,792 acres, emphasizing that this was calculated without taking into account application of the techniques of transfer of development rights or clustering called for in the General Plan's Policies and Implementation Programs. The General Plan EIR analyzed that non-clustered development density and conversion potential, while noting that successful incorporation of transfer of development rights and cluster provisions within the anticipated future specific plan would result in greater densities and less conversion of agricultural land. (General Plan FEIR, Volume II, pp. Response 26-5, Response to Comment 26-22.)

The General Plan EIR, therefore, incorporated figures for Middle Green Valley into its overall County-wide analysis, but in doing so conservatively did not examine a scenario under which the General Plan's policy direction for Middle Green Valley was taken into account. The General Plan Land Use Diagram did not specify land use designations or building areas for Middle Green Valley, and the General Plan directed that the requisite land use specificity for the area be provided through subsequent planning. Therefore, the General Plan EIR evaluated a scenario for Middle

Green Valley that did not account for policies such as clustering. The EIR for the Middle Green Valley Specific Plan is the first time that the implementation of the General Plan's policy direction for Middle Green Valley has been evaluated.

In addition to the Specific Plan's provisions and mitigation measures, all applicable provisions and mitigation measures of the 2008 General Plan are incorporated in the requirements for implementation of the Middle Green Valley Specific Plan. The requirements applicable to conservation and development within the Special Study Area following adoption of the Middle Green Valley Specific Plan are intended to be interpreted and applied in a manner that achieves and maintains consistency with the General Plan's provisions and mitigation measures. The provisions and mitigation measures of the Middle Green Valley Specific Plan are intended to be consistent with and supplementary to those of the General Plan.

Description of Program Level Final EIR for MGV Specific Plan

Based on an initial study for the MGV Specific Plan, the County's CEQA consultant, John Wagstaff of Wagstaff & Associates/MIG, and County staff concluded that approval of the Specific Plan, and related Master DA, required the preparation of an EIR. The Final EIR evaluates the program-level environmental impacts of the Specific Plan based on all the information available at this level of planning. The Final EIR is a "program" EIR pursuant to the California Environmental Quality Act Guidelines Section 15168. A program EIR is most appropriate to document the environmental implications of community general plans, specific plans, and other planning "programs" which may involve a series of interrelated actions taken by a governmental authority that can be characterized as one project to achieve an overall program goal. This approach has been used to describe the anticipated project area-wide and regional impacts of the proposed Specific Plan.

It is important to emphasize that this programmatic EIR represents the "first tier" of environmental review since the General Plan EIR did not examine a scenario under which the General Plan's policy direction for Middle Green Valley was taken into account. Therefore, the Final EIR does not tier off the General Plan EIR, but was prepared as a separate, stand alone program EIR. Subsequent actions, notably approval of tentative subdivision maps, will require site specific and project specific CEQA analysis. For instance, when the first tentative subdivision maps are proposed, the decision to utilize either onsite sewage disposal techniques or tie in to the Fairfield Suisun Sewer District will be finalized and site specific environmental review will be conducted at that time.

Specific Plan Revisions

Each of the proposed changes described on Attachment G (page 476) that, if approved, will be incorporated into the Final published Specific Plan. Staff and the County's EIR preparer have reviewed these changes and have found that they clarify or amplify or make insignificant modifications (CEQA Guidelines, §15088.5(b)) or serves to reduce environmental impacts.

CEQA Process

The Notice of Preparation for the EIR was released for a 30-day public review period on June 4, 2009. The Specific Plan Draft EIR was released for public review on December 27, 2009. The County opted to extend the required 45-day public review period for the Draft EIR to 60 days. In addition, on January 20, 2009 the Planning Commission held a public hearing to accept comments on the Draft EIR for the Specific Plan. The 60-day public review period concluded on February 25,

2009. During the public review period, 19 individual comment letters, memoranda, emails and testimony were received.

The Final EIR was prepared with written responses to the comments received during the public review period. The Final EIR includes all of the comments received on the Draft EIR during the comment period, responses to those comments, and minor amendments to the Draft EIR.

Comments Received After the Close of Public Comment Period

Staff received two written submittals after the close of the public comment period. A letter from Amber Kemble is included in the Planning Commission staff report (Attachment B, page 33) and a letter from the Yocha Dehe Wintun Nation is included as Attachment C, page 216. Attachment C1 (page 218) provides a response to these two comment letters.

Planning Commission Recommendation

On May 20, 2010, the Planning Commission heard testimony concerning the Final EIR and adopted a resolution recommending certification of the Final EIR to the Board (Attachment B, Exhibit A, page 49).

CEQA Requirements

Under CEQA, the Board of Supervisors must certify the Final EIR to confirm it has been processed in accordance with CEQA. In addition, prior to considering approval of the MGV Specific Plan and Master DA, the Board must consider the impacts of the MGV Specific Plan on the environment and analyze environmentally superior alternatives to reduce potential environmental impacts (see Attachment B, Exhibit A, page 49). The CEQA Guidelines further require the implementation of feasible mitigation measures to reduce environmental impacts or, if not possible, that the lead agency make findings of overriding considerations (see Attachment B, Exhibit B, page 57). In addition, the Board of Supervisors must adopt a Mitigation Monitoring and Reporting Program (MMRP) to ensure all recommended mitigation measures have been assigned to specific County departments to track compliance. The MMRP will become a part of the Specific Plan.

As described in detail in Attachment B, Exhibit A and B (pages 49 & 57), the DEIR identified seven unavoidable significant impacts, for which the incorporation of mitigation measures cannot reduce the impact to a level of "less than significant". Those impacts are:

- Impact 3-3: Project Contribution to General Plan-Identified Countywide Cumulative Impacts on County Visual Character.
- Impact 4-1: Impact on Prime Farmland
- Impact 5-3: Long-Term Regional Air Emissions Increases
- Impact 7-1: Specific Plan-Related and Cumulative Increase in Greenhouse Gas Emissions
- Impact 13-4: Specific Plan-Facilitated and Cumulative Traffic Noise Impacts on Green Valley Road
- Impact 17-1: Baseline Plus Project Impacts on Intersection Operations
- Impact 17-2: Cumulative Plus Project Impacts on Intersection Operations

Because the proposed project includes impacts that cannot be mitigated to a level where they would be less-than-significant, in order for the Board of Supervisors to approve the Plan it must adopt a Statement of Overriding Considerations. The statement reflects the County's views in balancing the merits of the project against the potential for environmental impacts.

For the detailed findings of fact related to the project alternatives and significant impacts and statement of overriding considerations, please see the proposed Resolution attached as Attachment D, page 224.

2. ADOPTION OF THE MIDDLE GREEN VALLEY SPECIFIC PLAN

Action

The Board of Supervisors is requested to adopt an ordinance making findings and adopting the MGV Specific Plan, including a reimbursement mechanism for County costs for any landowner that is not party to the Master DA, and authority for staff to prepare and publish a final consolidated Specific Plan consistent with the Board's direction.

Summary

The need and direction for the development of a Specific Plan for Middle Green Valley is described above. A specific plan is a tool for the systematic implementation of the general plan. It effectively establishes a link between implementing policies of the general plan and the individual development proposals in a defined area. A specific plan may be as general as setting forth broad policy concepts, or as detailed as providing direction to every facet of development from the type, location and intensity of uses to the design and capacity of infrastructure; from the resources used to finance public improvements to the design guidelines of a subdivision.

A specific plan may encompass an area as large or larger than the approximately 1,900 acres affected by the Middle Green Valley Specific Plan in Solano County, or as small as a single acre. A specific plan may be developed in response to a single policy issue, or to address each applicable policy of the general plan. It may also diverge from the issues contained in the general plan into other subjects viewed by the community as being of relevance.

To an extent, the range of issues that is contained in a specific plan is left to the discretion of the decision-making body. However, all specific plans, whether prepared by a general law city or county, must comply with Sections 65450 through 65457 of the Government Code. These provisions require that a specific plan be consistent with the adopted general plan of the jurisdiction within which it is located. In turn, all subsequent subdivision and development, and all public works projects and zoning regulations must be consistent with the specific plan.

The initiation of the specific plan process may be motivated by any number of factors including development issues or the efforts of private property owners, elected officials, citizen groups, or the local planning agency. As with a general plan, the authority for adoption of the specific plan is vested with the local legislative body pursuant to Government Code Section 65453, subdivision (a). However, unlike the general plan, which is required to be adopted by resolution (§65356), two options are available for the adoption of a specific plan: 1) adoption by resolution, which is designed to be policy driven, or 2) adoption by ordinance, which is regulatory by design. Middle Green Valley is proposed to be adopted by ordinance. The adoption of a specific plan is a legislative act similar to adoption of a general plan or zoning ordinance.

Middle Green Valley

The Specific Plan will guide the long term realization of a vision for Middle Green Valley in which long-term conservation of agriculture is accomplished alongside and sustained by a series of

connected and sustainable rural neighborhoods. This Plan is a result of community, landowner, and County consensus-building and cooperation, recognizing the need to protect the unique rural qualities of the area, while providing the means for appropriate settlement patterns to take place.

The General Plan policies for the Study Area served as a backbone for the development of the Plan however, those policies were also considered minimum requirements in its development. Not only does the Plan directly address the policies laid out in the General Plan concerning the Middle Green Valley area, but it also strives to address many of the other goals, objectives, and policies set forth in the General Plan. Appendix C to the Plan provides a matrix identifying over 100 of the General Plan's goals and policies with which the Specific Plan can be found to be consistent. They relate to agriculture, water use, energy resources, biological and recreational resources, public health, sustainable land use, and many others. This matrix is an important reference tool which shows how the complexities of the proposed Specific Plan advance and build upon the important goals and policies set forth in the General Plan. The map depicting the Study Area Boundary in the Specific Plan, corrects the outline of the Study Area Boundary depicted in the General Plan by conforming to existing parcel boundaries and city boundaries..

The heart of the Specific Plan is an emphasis toward preserving, maintaining, and managing the open lands and agricultural areas while utilizing the Plan's community development as a tool to achieve this goal. As the Plan states, the development is viewed as a "community within a conservation framework."

Revitalization of Local Agriculture

The Plan's support and protection of the local agricultural landscape cannot be overstated. Links to the valley's agricultural heritage are found intertwined within all aspects of the vision, the Community Plan, implementation strategies and the Neighborhood Code. For much of the century, Green Valley has served as a vital agricultural resource for the production of grapes, orchards, and row crops. Over the last 20 years, agricultural success has been intermittent. Urban encroachment has threatened the local farming economy, while attempting to compete in a global marketplace for food products.

This Plan provides for long term financial stability for farming in Middle Green Valley. Concepts such as clustered development, the transfer of development rights program, establishment of the Green Valley Agricultural Conservancy, transfer fees used to fund the Conservancy, agricultural easements, and establishment of the Green Valley Farm Stand to provide access to locally produced products will all serve to support the viability and success of local agriculture in the valley, while allowing for it to be a more visible part of day to day life. While these tools directly serve the local farming economy, the allowed land uses and Neighborhood Design Code will ensure that the built environment, both in land use and in design, reflects the rural agricultural history of California and this area.

As described in the Final EIR, although 123 acres of prime farmland land would be converted to development in the plan area, over 577 acres of prime farmland, 50 acres of unique farmland, and over 1,200 acres of non-prime farmland and natural open space will be permanently protected through the transfer of development rights program and conservation easements. The amount of prime farmland that will be permanently protected by the Project will be more than 4.5 times the amount of land being converted, and the total amount of farmland (prime, unique and non-prime combined) that will be permanently protected by conservation easements will be nearly 15 times the amount being converted. The permanent open space will not only sustain current agricultural uses, but the Project is intended to improve the value of such uses with the assistance of the

Conservancy, to allow local farmers an economic way to derive value from their land without selling it at residential land prices.

The attached Planning Commission staff report (Attachment B, page 33) provides additional discussion on some of the key elements of the Specific Plan, including the Conservancy, Neighborhood Design Code, Transfer of Development Rights Program, Sustainability, and Infrastructure.

Specific Issues Raised at the Planning Commission Meeting of May 20, 2010

Use of City Services to Provide Water and Sewer

Several speakers at the Planning Commission hearing expressed their opinion that the Specific Plan's water and sewer utility service proposal might conflict with the City of Fairfield's Measure L and LAFCO's governing laws. County Counsel has reviewed the issue and concluded that there would not be a conflict, but it is ultimately up to the City of Fairfield and LAFCO to decide whether the water and sewer proposal is consistent with the governing laws applicable to those agencies. County Counsel provided a response to this issue, which is included in the Responses to Comments section of the Final EIR.

Trails

The subject of trails arises often when speakers discuss this Plan. The Specific Plan describes ten miles of trails, walkways, rambles, and paths within its boundaries. Staff, consultants, and the CAC agree that walkable neighborhoods add value to the community, as well as surrounding areas. The Plan attempts to link its neighborhoods, common areas, and roads with a comprehensive trail system. There has been much discussion over how the Plan provides for linking Middle Green Valley trails to more regional trail systems. There have been comments about connecting with regional trails. Property owners surrounding the Specific Plan area are understandably sensitive about the potential to establish public trails on private property. Ultimately, no consensus was reached on how to connect on-site trails to the regional trail system. For this reason, the mapped trail system included in the Plan effectively stops at the Specific Plan boundaries. The primary trail system into the foothills follows the Neighborhood Roads 3. Other potential trails are identified, but are not mandated by this Plan. It was agreed by all involved in the development of the Plan to leave these trail connections as "potential" knowing that the goals of the specific plan were to support linkages when landowners voluntarily agreed to specific trails once the regional agencies review the potential conservation easement requirements and it makes sense to the ranchers on a case by case, voluntary basis. The consensus surrounding the Plan is built on voluntary cooperation based on incentives and implementation when actual development scenarios arise in the valley. The Specific Plan discusses the trail network on page 3-45 and in Chapter 5, Section 5.7.4, page 5-102.

The subject of the trail system is also included in the Final EIR as Master Response E. This section provides a response to the many comments concerning trails that were submitted during the Draft EIR comment period.

Green Valley Agricultural Conservancy

The Commission also had questions concerning the nature of the Green Valley Agricultural Conservancy. It should be stressed that though the landowners have taken steps to create the Conservancy, the Board is not being asked to approve the Conservancy at this time. Pursuant to Section 4.5 of the proposed Master DA, the organizational documents for the Conservancy (articles of incorporation, bylaws, etc.) will be reviewed in detail by staff and County Counsel prior

to the recordation of the first subdivision map. The County Counsel will then confirm that the Conservancy is consistent with all project approvals, including the goals and policies of the Specific Plan (as approved), Master DA, Final EIR, etc., and is a duly formed non-profit entity, and will submit a report to the Board of Supervisors prior to approval. The map will not be recorded unless the Conservancy has been reviewed and approved by the County.

Participation in the Transfer of Development Rights Program

Though not mentioned at the Planning Commission meeting or from the public, staff believes that it is important to bring this to the Board's attention. Staff and consultants have attempted to include as many landowners of agricultural property in the TDR program as possible. In order to help finalize the Plan and Development Agreement, it was important to know who intended to participate and who did not. Participation is strictly voluntary, but is incentive based as well. As discussed in more detail in the Planning Commission Staff Report, participating landowners receive development credits/units based on the amount of land they own within the Plan area. Non-participating landowners receive a credit/unit based on a one-unit-per-20-acres density.

On February 10, 2010, the County mailed letters to all landowners in the Plan area with agricultural property of 15 acres or more. The letter asked for each owner's confirmation of intent to participate (or not to participate). Responses were due to the County by March 10, 2010. Another notification was sent on May 3, 2010, providing a status update and timeline to property owners as well as providing a deadline of June 1, 2010 to express intent to participate. All property owners have expressed their intent to participate except two (Dedomenico and Del Castillo), who have informed us of this. One property owner, Mr. Del Castillo, submitted a letter dated March 1, 2010, expressing various concerns with the process and with the method by which units/credits were allocated. The two letters from the County requesting confirmation of the landowners' intent to participate, Mr. Del Castillo's letter, and staff's response to Mr. Del Castillo are all attached as Attachment J, page 495.

School Site

The draft Plan originally anticipated the possible location of a neighborhood school site in the Nightingale Neighborhood. The 325 student limit was due primarily to estimated traffic volumes and the conclusion that any additional traffic would require additional environmental review. The school has since commented that it cannot locate a school of that size in the project area. As a result, this site is recommended to be changed to allow for community services which could include a private school of up to 100 students. County staff has met with school district representatives and have agreed to assist in locating an alternative site outside the Specific Plan study area that could suit the district's needs in the vicinity.

Frequently Asked Questions

Attachment I (page 493) is a table provided to the Board for reference purposes. Many subjects and issues have arisen through the development of this Plan, EIR, and Master DA, and this table is intended to help the reader identify what document discusses which issues and topics and where in the document the information is found.

Planning Commission Recommendation

On May 20, 2010, the Planning Commission heard testimony concerning the MGV Specific Plan and adopted a resolution recommending approval of the MGV Specific Plan to the Board with certain amendments (Attachment B, Exhibit A, page 49).

The Planning Commission recommended one change to the Plan at its meeting beyond the staff recommended revisions provided to them. This was to change the Nancy Sweeney parcel (APN: 148-020-04; 4209 Green Valley Road) from its currently proposed AG-P/AG-R land use designation to entirely AG-R designation. The proposed split designation was intended to reflect the current development on the parcel. The Sweeney parcel is 10 acres in size and is a non-conforming agricultural parcel. Due to the parcel size and placement of the house, it would be difficult to maintain viable agriculture on the parcel. As such, the Planning Commission felt this was an exception that would justify the change, which would ultimately allow the property owner to subdivide into two parcels in the future.

Preparation of Final Middle Green Valley Specific Plan

As provided in the attached Ordinance, if approved, staff will prepare and publish a final consolidated Middle Green Valley Specific Plan that will include the Draft Specific Plan dated December 21, 2009, as recommended for amendment by the Planning Commission, and as may be further amended by the Board of Supervisors as directed.

3. APPROVAL OF A MASTER DEVELOPMENT AGREEMENT

Action

The Board of Supervisors is recommended to adopt an ordinance approving the Master DA (Attachment F, page 371), including the Sales Participation Agreement (Attachment F, Exhibit G, page 474).

Background and Description

In addition to the description of the Master DA and Sales Participation Agreement provided in the attached Planning Commission staff report, a summary of the Master DA's purpose, business terms, and frequently asked questions is attached as Attachment H, page 490.

An ongoing point of discussion relates to what the interest rate will be on the funds reimbursed to the County. The proposed interest rate and related terms are set forth in Exhibit H to the proposed Ordinance Approving Interest Rate and Related Terms Pursuant to Section 3.12 of the Master DA, which is on the Board's agenda for action following this agenda submittal. (Please see the Staff Report accompanying that agenda item.) In addition to reimbursement from landowners participating in the Master DA, the ordinance adopting the Specific Plan will provide for the County to be reimbursed for its costs from non-participating landowners who build under the Specific Plan.

Planning Commission Recommendation

On May 20, 2010, the Planning Commission heard testimony concerning the Master DA and adopted a resolution recommending approval of the Master DA to the Board (Attachment B, Exhibit A, page 49).

ALTERNATIVES:

The Board could choose not to certify the Final EIR, adopt the Middle Green Valley Specific Plan or approve the Master Development Agreement. Staff does not recommend this alternative. The Plan before the Board at this time represents approximately 16 months of intensive work, cooperation, and coordination among County staff, consultants, landowners, the neighboring

community, and many helpful agencies. The Plan, as proposed, meets the Goal and all Policies set forth in the 2008 General Plan relating to the Middle Green Valley Special Study Area.

OTHER AGENCY INVOLVEMENT:

As described above, the Middle Green Valley Specific Plan was prepared with guidance from a Citizens' Advisory Committee (CAC). The CAC convened twelve times to review and provide input on the various aspects of the draft Plan during its development. The draft Specific Plan and associated Draft EIR were submitted for review to regional and state agencies for consistency with their respective plans and policies as required by state law, including the Solano County Airport Land Use Commission, the Department of Fish and Game, the US Fish and Wildlife Service, Department of Conservation, and the Regional Water Quality Control Board.

On May 7, 2009 and August 6, 2009 the Planning Commission conducted public study sessions to provide comments on the Specific Plan development process. Another study session was provided before the Board on May 12, 2009. On January 28, 2010, the Planning Commission conducted a public hearing to receive public comments on the Draft EIR, and on May 20, 2010 made recommendations to the Board on the Draft Specific Plan, EIR, and Master Development Agreement.

The County Administrator and County Counsel have reviewed this item and concur with the recommendations.

CAO RECOMMENDATION:

DEPARTMENT HEAD SIGNATURE:

Clifford K. Covey, Interim Director
Department of Resource Management

Attachments	Page
Attachment A: Planning Commission Minutes and Resolution No. 4529, May 20, 2010	014
Attachment B: Planning Commission Staff Report, May 20, 2010	033
Attachment C: Written Comments not included in FEIR or Planning Commission Staff Report.....	216
Attachment C1: Response to Kemble and Yocha Dehe Wintun Tribe comments.....	218
Attachment D: Resolution to certify FEIR and adopt findings of fact, statement of overriding considerations and MMRP	224
Attachment E: Ordinance to adopt Middle Green Valley Specific Plan	367
Attachment F: Ordinance to adopt the Master DA, and Master DA	371
Attachment G: Recommended Text Amendments, Amended Figures, and Amended TDR Table	476
Attachment H: Master DA FAQ	490
Attachment I: Middle Green Valley FAQ.....	493
Attachment J: Letters from the County to Landowners, Letter from and response to Del Castillo.....	495
Attachment K: Errata #1 to FEIR	508