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**MEMORANDUM**

TO: Michael Yankovich  
FROM: Lee Axelrad, Deputy County Counsel *LA*  
DATE: October 27, 2014  
RE: Middle Green Valley Specific Plan – Measure T

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The County has received a public comment regarding the relationship between the County's *Measure T* and the County's *Revised Recirculated Draft Environmental Impact Report for the Middle Green Valley Specific Plan* ("RRDEIR").

The gist of those comments is that Measure T requires a countywide vote to rezone Middle Green Valley from its purportedly current agricultural designation.

The comment concerning Measure T is in error, for the reasons discussed below.

***Comment 01-3***

The comment suggests that Measure T requires a countywide vote to rezone Middle Green Valley from its purportedly current agricultural land use designation.

Land use regulations and zoning districts are adopted pursuant to Government Code sections 65850 and 65851. General plan land use designations, on the other hand, are adopted pursuant to Government Code section 65302, subdivision (a). The suggestion that adoption of the Middle Green Valley Specific Plan will rezone the Middle Green Valley area from one general plan land use designation to another misconstrues both the Specific Plan and the distinction between a general plan and zoning. Nothing in Measure T requires a vote of the people to rezone property from one zoning district to another or to adopt or amend a specific plan for an area.

A countywide vote already occurred in 2008 in connection with Measure T, changing the general plan land use designation for Middle Green Valley from its prior agricultural land use designation and placing it into a Specific Project Area designation. A second voter approval is not now required.

The General Plan's Land Use and Circulation Element (LUCE), adopted in 1980, designated the Middle Green Valley area for agricultural land use. This land use designation for the Middle Green Valley area was reflected on the land use diagram included in the 1980 LUCE. (See Gov. Code, § 65302 [general plan shall include a diagram setting forth land use designations].)

Proposition A was a voter initiative approved in November 1984. Proposition A provided that the agricultural and open space general plan land use designations shown on the 1980 LUCE land use diagram were not to be amended except by a vote of the people, subject to various exceptions not relevant here. Proposition A was to sunset in 1995, but it was extended by

enactment of the Orderly Growth Initiative in 1994. The Orderly Growth Initiative was to sunset in 2010.

In August 2008, the Board of Supervisors adopted a new General Plan that re-designated the Middle Green Valley area from agriculture to Specific Project Area. This change in land use designation for the Middle Green Valley area was reflected in Figure LU-1 of the 2008 General Plan. (See also, General Plan, pp. LU-50 to 59.) In adopting the 2008 General Plan, the Board provided that it would not become effective unless and until the voters approved Measure T in November 2008. Measure T was a ballot measure submitted to the voters by the Board that asked whether the voters wanted to replace the agricultural and open space land use designations shown on the 1980 LUCE land use diagram with the ones shown on Figure LU-1 of the 2008 General Plan. At the 2008 general election, the voters approved Measure T, thereby approving adoption of Figure LU-1 of the 2008 General Plan through 2028.

The text of Measure T (Ordinance No. 2008-01), submitted to the voters for approval, included Section 1.J, which provided “The people of the County of Solano Ordain . . . Solano County’s 2008 General Plan involves only minor amendments to the Orderly Growth Initiative, as reflected in Exhibits C and D to this ballot measure.”

Exhibit C to Measure T was a map of “Agriculture and Open Space Changes from the 1980 General Plan Land Use Map.” Exhibit C showed the Middle Green Valley plan area in a tan color, which according to the map legend, under the legend heading “Change Areas,” corresponds to “Redesignations outside MSAs.” In the Notes section of Exhibit C, Note 2 stated: “Change areas outside MSAs reflect changes from 1980 agriculture or open space land use designations to proposed public, residential, commercial, industrial or special project area uses on the 2008 Draft General Plan Land Use Diagram.”

Additionally, Section 1.I of Measure T provided in part that “The Solano County 2008 General Plan’s Land Use Diagram is shown in Exhibit B to this ballot measure.” Exhibit B in turn shows Middle Green Valley in a cross-hatched tan color, which according to the map legend, under the legend heading “General Plan Land Use Designations,” corresponds to “Specific Project Area.” The 2008 voter approval of Measure T approved amendment of the General Plan’s Land Use Diagram to the designations shown on Figure LU-1 of the 2008 General Plan LUCE (Figure LU-1 of the General Plan, Exhibit B to Measure T), and the limitation in Section 2.B of Measure T stating that the designation of specific lands as “Agriculture . . . shall remain in effect” pertains to lands designated “Agriculture” in Figure LU-1 of the 2008 General Plan LUCE, not to lands designated Specific Project Area in that Land Use Diagram.

Accordingly, in approving Measure T, the voters have already approved a change in the general plan land use designation for Middle Green Valley from agriculture to its current designation of Specific Project Area. The current General Plan designation for the Middle Green Valley area is therefore not agriculture. Measure T does not restrict zoning changes. Rather, zoning must conform to and follow changes in a general plan. (Gov. Code, § 65860, subs. (a), (c).)

Measure T already changed the Middle Green Valley Plan Area (Plan Area) from an Agriculture general plan land use designation and put it into a Specific Project Area designation by a vote of the people. A second vote of the people is not required.