

Final Environmental Impact Report  
Solano County 2008 Draft General Plan



**SCH # 2007122069**

**Volume II**

Prepared by:  
EDAW  
2022 J Street  
Sacramento, CA 95811

July 21, 2008

**EDAW** | **AECOM**



Final Environmental Impact Report  
Solano County 2008 Draft General Plan



SCH # 2007122069

Volume II

Prepared for:

County of Solano  
Resource Management Department  
675 Texas Street, Suite 5500  
Fairfield, CA 94533

Attn: Birgitta Corsello  
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916/414-5800

July 21, 2008

EDAW | AECOM



# **LETTER 1**

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**CAY C. GONDE, ASSISTANT FIELD SUPERVISOR,  
ENDANGERED SPECIES PROGRAM**

**U.S. Fish and Wildlife Service**

June 6, 2008





## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846



In Reply Refer To:  
81420-2008-TA-1539

June 6, 2008

Mr. Jim Louie  
Department of Resource Management  
County of Solano  
675 Texas Street Suite 5500  
Fairfield., California 94533

Subject: Draft Environmental Impact Report for the 2008 Solano County General Plan  
(SCH 2007122069)

Dear Mr. Louie:

This responds to the draft Environmental Impact Report for the 2008 Solano County General Plan (SCH 2007122069). At issue are the potential adverse effects of the proposed project on a number of federally listed plants and animals, and wildlife species. The U.S. Fish and Wildlife Service (Service) is issuing this letter under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)(Act), and the Service's Mitigation Policy of 1956. We recognize that this letter is being submitted after the June 2, 2008, closing date for comments on the draft general plan, but we request that they considered in your review and analysis. Our comments and recommendations are provided to assist you with your environmental review of the project and are not intended to preclude future comments from Service.

The comments and recommendations in this letter are based on 1) Draft Environmental Impact Report for the 2008 Solano County General Plan (SCH 2007122069)(DEIR); 2) letter from the California Department of Fish and Game to the County of Solano dated May 30, 2008 regarding the draft 2008 Solano County General Plan; and 3) other information available to the Service.

Our specific comments on the draft environmental impact report for the 2008 Solano County General Plan are as follows:

1. Callippe silverspot butterfly (*Speyeria callippe callippe*): We recommend the endangered Callippe silverspot butterfly be added to Table 4.6-2 on page 4.6-18.

The callippe silverspot butterfly is endemic to the grassy hills surrounding the San Francisco Bay. The animal has been recorded at several locations in the Bay Area, including the hills in the vicinity of Vallejo and Cordelia (e.g., Hunter Hill, St. Johns Mine Road and Lake

1-1

TAKE PRIDE  
IN AMERICA 

Herman) in Solano County. During the early summer flight season, the adult females lay their eggs on the undersides of leaves and stems of their host plant, Johnny Jump-up (*Viola pedunculata*), or in the vicinity of the plants. Adult callippe silverspot butterflies frequently engage in hilltopping, which is the behavior where adults congregate on hilltops for the purpose of locating mates. Hilltops and ridges play an important role in callippe breeding behavior. Most observations of adults are made on hilltops. Losing hilltops from habitat areas likely decreases mate location and genetic mixing over the long-term. Flowering plants that provide nectar sources are also crucial for the animal.

1-1  
Cont'd.

2. California tiger salamander (*Ambystoma californiense*): We recommend that the requirement as described in the section on habitat mitigation for the California Tiger Salamanders on page 4.6-45 of the DEIR that states that mitigation for any activities that result in habitat conversion of upland habitat within **2,100 feet** of California tiger salamander breeding habitat (our emphasis) be changed to **1.3 miles** of known breeding habitat .

California tiger salamanders are known to travel long distances between breeding ponds and their upland refugia. Generally it is difficult to establish the maximum distances traveled by any species, but tiger salamanders in Santa Barbara County have been recorded dispersing up to 1.3 miles from their breeding ponds (Service 2004). As a result of a 5-year capture and relocation study in Contra Costa County, Orloff (2007) estimated that captured California tiger salamanders were traveling a minimum of 0.5 miles to the nearest breeding pond and that some individuals were likely traveling more than 1.3 miles to and from breeding ponds. The threatened amphibians also are known to travel between breeding ponds. One study found that 20 to 25 percent of the individuals captured at one pond were recaptured later at other ponds approximately 1,900 and 2,200 feet away (Trenham *et al.* 2001). In addition to traveling long distances during juvenile dispersal and adult migration, tiger salamanders may reside in burrows far from their associated breeding ponds.

1-2

4. Surveys for listed species: We recommend that surveys or inventories for the California tiger salamander, Callippe silverspot butterfly, California red-legged frog (*Rana aurora draytonii*), listed vernal pool crustaceans, listed plants, and other listed species follow Service and California Department of Fish and Game protocols, or the proposals be submitted to both of our agencies for review and approval prior to their implementation.

1-3

5. Mitigation ratios for listed species (Mitigation 4.6-3a and others in the DEIR): We caution that mitigation and/or compensation ratios could be different than that described in the DEIR depending upon the listed species and habitat affected by the specific proposed project.

1-4

6. Federal Endangered Species Act (page 4.6-23): Section 9 of the Act prohibits the take of federally listed species by any person subject to the jurisdiction of the United States. As defined in the Act, take is defined as "...to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." "Harass means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to breeding, feeding, or sheltering." "Harm has been further

1-5

defined to include habitat destruction when it injures or kills a listed species by interfering with essential behavioral patterns, such as breeding, foraging, or resting. The Act prohibits activities that "...remove and reduce to possession any listed plant from areas under Federal jurisdiction; maliciously damage or destroy any such species on any such area; or remove, cut, dig up, or damage or destroy any such species on any other area in knowing violation of any law or regulation of any State or in the course of any violation of a State criminal trespass law." The term "person" is defined as "...an individual, corporation, partnership, trust, association, or any other private entity; or any officer, employee, agent, department, or instrumentality of the Federal government, of any State, municipality, or political subdivision of a State, or any other entity subject to the jurisdiction of the United States."

1-5  
Cont'd.

Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of the project and a listed species is going to be adversely affected, then initiation of formal consultation between that agency and the Service pursuant to section 7 of the Act is required. Such consultation would result in a biological opinion addressing the anticipated effects of the project to the listed species and may authorize a limited level of incidental take. If a Federal agency is not involved in the project, and federally listed species may be taken as part of the project, then an incidental take permit pursuant to section 10(a)(1)(B) of the Act should be obtained. The Service may issue such a permit upon completion of a satisfactory conservation plan for the listed species that would be taken by the project.

We recommend that authorization for incidental take be obtained via sections 7 or 10(a)(1)(B) of the Act for projects that may adversely affect or take federally listed species be required by the County of Solano.

- 8. Listed Species and Wildlife Movement Corridors: The on-going loss and reduction in terrestrial movement corridors for listed species and wildlife in Solano County, especially in the Cordelia Hills, is of concern to the Service. Movement corridors are important for the threatened California red-legged frog, threatened California tiger salamander, endangered Callippe silverspot butterfly, and many wildlife species, including black-tailed deer (*Odocoileus hemionus*), bobcat (*Lynx rufus*), gray fox (*Urocyon cinereoargenteus*), and American badger (*Taxidea taxus*).

1-6

The listed species and wildlife in the Cordelia Hills east of Vallejo, west of State Route 680, and north of the City of Benicia are in danger of becoming isolated from the Coast Range. Currently, the access point for terrestrial animals within the Cordelia Hills to move to and from the rest of the Coast Range is via the Lynch Road underpass on Interstate 80, and then across State Route 12. The proposed improvements to State Route 12 (Jameson Canyon) will prevent the movement of listed species and wildlife unless adequately sized culverts and tunnels are included in the roadway project. Suitably sized culverts for wildlife can also be utilized by hikers and horseback riders. Much of the Cordelia Hills are undeveloped, however, the proposed Hiddenbrooke School, coupled with the existing Hiddenbrooke development along with Hiddenbrooke Parkway, will continue the division of a significant portion of the western portion from the bulk of this natural open area. The proposed

1-7

Hiddenbrooke School will largely eliminate the ability of the California red-legged frog and wildlife to fully utilize the riparian tree and understory cover that runs through the Hiddenbrooke development for east-west movement across Sky Valley because they likely will be reluctant, refuse, or be unable to move through this area due to urban development, predators, lack of cover, resting areas, and forage. Over time, the reduction in the amount of movement into and out of the Cordelia Hills likely will result in potential problems for the California red-legged frog, and reduced wildlife species diversity and abundance due to a lack of recruitment, genetic problems, and mortality resulting from predation by domestic cats (*Felis domesticus*) and dogs (*Canis familiaris*), collisions with vehicles, and other human-caused factors.

1-7  
Cont'd.

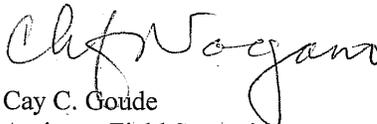
We recommend that a discussion of impacts and mitigation for listed species/wildlife corridors be included in the final environmental document. We also recommend that a corridor/linkage for the Cordelia Hills across Interstate Highway 80 and State Route 12 be included in the Priority Habitat Areas (Exhibit 4.6-2) of the DEIR.

1-8

We appreciate the efforts by the County of Solano to protect and conserve listed species and wildlife. Please contact Chris Nagano, Deputy Assistant Field Supervisor for Endangered Species, at the letterhead address, via electronic mail (Chris\_Nagano@fws.gov), or at telephone 916/414-6600 if you have any questions regarding this response on the draft environmental impact report for the 2008 Solano County General Plan.

1-9

Sincerely,

  
fn Cay C. Goude  
 Assistant Field Supervisor  
 Endangered Species Program

cc:

Scott Wilson, Greg Martinelli, Anna Holmes, California Department of Fish and Game,  
 Yountville, California

Jane Hicks, Regulatory Branch, U.S. Army Corps of Engineers, San Francisco, California

Jolanta Uchman, State Water Resources Control Board, Oakland, California

Literature Cited

- Orloff, S. 2007. Migratory movements of California tiger salamander in upland habitat — a five-year study Pittsburg, California. Ibis Environmental. San Rafael, California
- Trenham, P. C., W. D. Koenig, and H. B. Shaffer. 2001. Spatially autocorrelated demography and interpond dispersal in the salamander *Ambystoma californiense*. Ecology 82: 3519-3530.
- U. S. Fish and Wildlife Service. 2004. Endangered and threatened wildlife and plants; determination of threatened status for the California tiger salamander; and special rule exemption for existing routine ranching activities; final rule. **Federal Register** 69: 47212-47248.

Comment  
1  
Response

Cay C. Gonde, Assistant Field Supervisor, Endangered Species Program  
U.S. Fish and Wildlife Service  
June 6, 2008

1-1 The Callippe silverspot butterfly was inadvertently left off Table 4.6-2 of the DEIR. Although this species was not listed in Table 4.6-2, impacts on and associated mitigation measures for this species are discussed on pages 4.6-65 and 4.6-66. As shown in Chapter 4 of this FEIR, Table 4.6-2 is revised to include the following information under invertebrate species:

Species	Status		Habitat
	USFWS	DFG	
<u>Callippe silverspot butterfly</u> <u><i>Speyeria callippe callippe</i></u>	T		<u>Endemic to grassy hills surrounding San Francisco Bay. Known location in Solano County are in the vicinity of Vallejo, Cordelia, and Lake Herman. Dependent on larval host plant, Johnny jump-up (<i>Viola pedunculata</i>).</u>

1-2 The comment is noted. As recommended in the comment, and as shown in Chapter 4 of this FEIR, the habitat mitigation proposed for the California tiger salamander on page 4.6-45 of the DEIR is revised as follows:

**(6) Habitat Mitigation for California Tiger Salamanders.** Mitigation shall be required for any activities that result in the conversion of upland habitat within 1.3 miles ~~2,100 feet~~ of California tiger salamander breeding habitat (excluding lands separated from breeding sites by incompatible land uses) that result in the conversion of upland and/or aquatic breeding habitats for California tiger salamander to incompatible land uses (e.g., development, intensive recreation). Mitigation shall consist of two components: preservation and enhancement of suitable upland habitat, and preservation and construction of new breeding habitat consistent with the mitigation standards specified above.

1-3 Mitigation Measures 4.6-3a, 4.6-4a, and 4.6-6 require all future projects to conduct, as a condition of project approval, appropriately timed biological resources inventories designed to assess the presence of wetlands, other unique edaphic substrates, and special-status species and uncommon natural habitats. The commenter recommends that surveys for listed species follow standard U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (DFG) protocols and that survey proposals be submitted to both agencies for review and approval prior to implementation. Many of the approved USFWS and DFG protocols for species surveys require prior coordination and approval from the applicable regulatory agencies. As shown in Chapter 4 of this FEIR, Mitigation Measure 4.6-3a on page 4.6-43 of the DEIR is revised as follows to include this recommendation:

**(1) Habitat Inventory and Assessment.** The County shall require all future projects to conduct, as a condition of project approval, appropriately timed biological resources inventories designed to assess the presence of wetlands, other unique edaphic substrates, and special-status species and uncommon natural habitats. Survey protocols shall be submitted to the U.S. Fish and Wildlife Service and California Department of Fish and Game for review and approval prior to their implementation. Such a survey shall be completed as part of a complete application for a project.

As shown in Chapter 4 of this FEIR, the second paragraph under Mitigation Measure 4.6-4a on page 4.6-48 of the DEIR is revised as follows:

**(1) Habitat Inventory and Assessment.** The County shall require all future projects, as a condition of project approval, to conduct appropriately timed biological resources inventories designed to assess the presence of special-status species and uncommon natural habitats. Survey protocols shall be submitted to the U.S. Fish and Wildlife Service and California Department of Fish and Game for review and approval prior to their implementation. Such a survey shall be completed as part of a complete application for a project.

As shown in Chapter 4 of this FEIR, Mitigation Measure 4.6-6a on pages 4.6-55 and 4.6-56 of the DEIR is revised as follows:

**Mitigation Measure 4.6-6a: Require Surveys for Wetlands and Special-Status Species, Develop an Avoidance and Mitigation Plan, and Replace Affected Habitats at a 2:1 Ratio.**

The County shall require all future projects, as a condition of project approval, to conduct appropriately timed biological resources inventories designed to determine the presence of wetlands (marsh, tidal flat, and channel) and associated special-status species. Survey protocols shall be submitted to the U.S. Fish and Wildlife Service and California Department of Fish and Game for review and approval prior to their implementation. Such a survey shall be completed as part of a complete application for a project.

- 1-4 The commenter cautions that mitigation/compensation ratios for listed species may be different than those proposed within the DEIR due to species-specific or site-specific considerations of proposed projects. The State CEQA Guidelines require that minimum standards be established for mitigation. It is understood that all projects seeking County approvals will also need to obtain and comply with other applicable state and federal regulations. As such, other agencies using their independent regulatory authorities may impose greater or lesser mitigation requirements or restriction. No further response is required.
- 1-5 The comment summarizes the requirements under the federal Endangered Species Act (ESA) and recommends that the County require that authorization for take permits be obtained prior to approving a project. Mitigation Measure 4.6-3a(3) on page 4.6-44 addresses this comment and requires all project applicants to provide proof to the County Department of Resource Management that they have obtained all necessary state and federal authorizations (e.g., U.S. Army Corps of Engineers Section 404 permit, applicable Regional Water Quality Control Board Section 401 certification or waste discharge requirements, and compliance with ESA and the California Endangered Species Act) before the issuance of any grading permits or other actions that could result in ground-disturbing activities.
- 1-6 The comment is primarily expressing concern for continued loss and reduction of terrestrial movement corridors and does not provide specific comments with respect to the analysis in the DEIR or the 2008 Draft General Plan. The comment is noted. No further response is required.
- 1-7 The commenter is addressing specific concerns related to wildlife movement and isolation of the California red-legged frog and Callippe silverspot butterfly in the western hills of the county. Interstate 80 (I-80) and State Route (SR) 12 already create barriers for dispersal of the species and have already fragmented its habitat. I-80 and the SR 12 widening are beyond the County's control, as these are federal and state highways, respectively, and issues related to endangered species movement related to ongoing or future projects on these highways need to be addressed in the environmental review and permitting of these projects led by other responsible agencies. This comment is addressed further in Response to Comment 1-8 below.

The importance of, impact on, and mitigation for more localized movements and dispersals within these remaining fragmented areas for the California red-legged frog and Callippe silverspot butterfly are discussed in the DEIR on pages 4.6-63 to 4.6-66. With respect to the comments regarding the potential effects of the proposed Hiddenbrooke School and Hiddenbrooke development, these projects are located within the city of Vallejo and outside of the authority of the County, and therefore the 2008 Draft General Plan. The County also understands that the school project is currently being reviewed by USFWS with respect to potential impacts on the red-legged frog and that issues related to movement through the area will be addressed under this consultation. The 2008 Draft General Plan does not change proposed land uses in the lands under County jurisdiction bordering the proposed school site.

- 1-8 To assist in highlighting the commenter's concerns and better address County environmental review for local actions, as shown in Chapter 4 of this FEIR, Exhibit 4.6-2, "Priority Habitat Areas," on page 4.6-33 of the DEIR has been modified to add a corridor designation linking the hills south of I-80 through the hills between I-80 and SR 12 to the area north of SR 12.
- 1-9 The comment provides contact information for the commenter.

## **LETTER 2**

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LISA CARBONI, DISTRICT BRANCH CHIEF,  
LOCAL DEVELOPMENT—INTERGOVERNMENTAL REVIEW  
California Department of Transportation

June 2, 2008



STATE OF CALIFORNIA — BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
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SCH2007122069

June 2, 2008

Mr. Jim Louie  
County of Solano Resources Management Department  
675 Texas Street, Suite 5500  
Fairfield, CA 94533

Dear Mr. Louie:

**Solano County General Plan – Draft Environmental Impact Report and Draft General Plan**

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Solano County General Plan. We have reviewed the Draft Environmental Impact Report (DEIR) and Draft General Plan (Plan) and have the following comments to offer:

**Advanced Planning**

**Nearby California Department of Transportation Projects:**

The Department plans include several projects in the vicinity of Solano County. Scheduling of construction and other project phases are subject to change are described below:

- various pavement rehabilitation projects on Interstate 80, which are scheduled to begin Fall 2008 and end in Summer 2010,
- State Highway planting on Interstate 80, which is scheduled to begin Winter 2011 and end in Winter 2015,
- widening on Interstate 80, which is scheduled to begin Spring 2014 and end in Winter 2015,
- interchange improvements for State Route 37 and Interstate 80 scheduled to begin Winter 2009 and end in Spring 2011,
- State Highway landscaping on State Route 37 scheduled to begin Winter 2009 and end in Spring 2013,
- various widening projects on State Route 12 currently underway from Fall 2007 and ending in Spring 2011,
- various median barrier upgrades on Interstate 80.

2-1

**Planned/Future Improvements:**

Future project's fair share contribution for financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed in project-specific traffic impact studies. Mitigation Monitoring Report Plans (MMRPs) should also be included in project-specific environmental documents.

2-2

Mr. Jim Louie  
June 2, 2008  
Page 2

While the Draft General Plan and DEIR anticipate future growth and provide a general overview, California Environmental Quality Act (CEQA) §21002.1 (e) requires full disclosure with an EIR and a focus on potentially significant effects. Furthermore, the Office of Planning and Research (OPR) General Plan Guidelines indicate that data collection and analysis should be comprehensive enough to satisfy CEQA needs (p. 42). Please include more specific operational data e.g. level of service, queuing problems, storage deficiencies, needed pedestrian, bike and transit facilities, which should be fully disclosed and detailed in the DEIR.

2-3

Improvements within the State's Right of Way (ROW) should be consistent with City General Plans, the Solano Comprehensive Transportation Plan (Solano CTP 2030), the Solano Congestion Management Plan as well as the Solano Transportation Authority Priority Projects. The Transportation and Circulation element should address how the Solano CTP 2030 elements will impact proposed major needs and major highway projects (assumed completed) by 2030 in the DEIR (TC 4.4-15). Please incorporate further discussion on planned improvements with regards to transit, bike and pedestrian plans from Solano CTP 2030 and impacts related to the proposed major needs and major highway projects.

2-4

Funding availability for planned improvements within the State's ROW should be demonstrated before significant resources are committed to developing these improvements. Resolutions and other documentation can be used to verify project funding from propositions, bonds, or other sources.

2-5

Since the Delta Protection Commission's policies and programs form an integral part of Solano County's regulatory framework, a brief overview of this agency should be included in the DEIR. Furthermore, the Solano County Congestion Management Program and Solano Transportation Authority's 2035 Plan should also be summarized under regional and local plans.

2-6

2-7

*Traffic and Circulation:*

The Department's interests include preservation of transportation corridors and development of coordinated transportation system management plans that achieve the maximum use of present and proposed infrastructure (OPR General Plan Guidelines, p. 55).

2-8

Scheduling and funding listed planned improvements should be mitigated. Please disclose "cost estimates of needed improvements, expansion and maintenance", in addition to identifying "viable sources of funding correlated with the pace of improvements" (OPR General Plan Guidelines, p. 106).

The planned improvements listed in *Appendix D Transportation and Circulation - Technical Details* should be consistent with anticipated County growth and land use designations (Land Use, p. 4.1-13). "Proposed 2030 projects" (Appendix D, Table 3) designated for Solano County should correlate to proposed land improvements and developments listed in the Land Use element in the Draft General Plan and DEIR.

2-9

Mr. Jim Louie  
June 2, 2008  
Page 3

Please list assumptions (*Model Limitations*, Transportation and Circulation p. 4.4-30) made when developing traffic and circulation data and account for discrepancies with respect to the Association of Bay Area Governments (ABAG), 2005 Projections for 2030. Please include the number of traffic counts and the locations (*Existing Conditions*, TC p.4.4-30).

2-10

Both existing and future traffic congestion and levels of service should include discussion on how the county is currently implementing the Solano County Congestion Management Plan and how the congestion management plan will be updated to accommodate the 2030 growth (TC 4.4-32 and TC 13).

2-11

Although briefly mentioned in the Draft General Plan and DEIR (TC -7), development plans require traffic impact fees that should be based on projected traffic and/or based on associated cost estimates for public transportation facilities (OPR GP Guidelines p. 163).

2-12

*Cumulative Impacts:*

The cumulative impacts assessment should include potential impacts to the State's ROW. The impact assessment should be for any hazardous waste, utilities, tree removal, loss of biological resources and water quality in addition to land owner impacts. Cumulative impact should also be fully assessed and mitigated on a project-specific level. For instance, potential impacts on Interstate 80 and State Route 37 need to be adequately addressed for the Solano County Fairgrounds Revitalization Project, Flooded Redevelopment, and for the Tuoro Cancer Treatment and Research Center on Mare Island.

2-13

Additionally, please specify potential cumulative impacts regarding converting agricultural land to other land uses under Measure A-Orderly Growth Initiative when appropriate and any designated State ROW that may be applicable.

2-15

*Highway Operations*

In reference to pages 4.4-5 to 4.4-24 the various tables in this document indicated that the Level of Service (LOS) of roadway segments was determined by Average Daily Traffic (ADT) volumes. ADT may not fully represent the actual operating conditions of state transportation facilities. Traffic counts rather than ADT may be used to analyze the LOS. More detailed operational analyses should be conducted so that mitigation measures can be better identified.

2-16

*System and Regional Planning*

The Department's comments and wording additions are in blue font:

Pages TC-4 and TC-5:

TC.G-1: Maintain and improve the County's transportation systems to enhance safety, mobility, and convenience.

2-17

- 1) It would be a good idea to prioritize upgrades to transportation models that can better incorporate impacts from land use changes in the county.
- 2) Also list planned/proposed projects that will address this issue.

*"Caltrans improves mobility across California"*

Mr. Jim Louie  
June 2, 2008  
Page 4

TC.G-3: Encourage land use patterns that maximize access and mobility options for commuting. ... What types of modes? By public transit and alternative modes e.g. walking and bicycling?

TC.G-5: Encourage and maintain the safe, convenient transfer of goods and services from agricultural lands and industrial locations to regional and interregional transportation facilities.

Page TC-7:

TC.P-5: Fairly attribute to each development the cost of on- and off-site improvements needed for county roads and State transportation systems ...

Page TC-8:

TC.1-3: ... with emphasis on studying congested areas to identify the cause, duration, and severity of the congestion, and potential traffic management solutions.

## ROADWAYS

### Planning context:

... while considering issues of safety, proper design, and accommodation.

Page TC-9:

Freeways: ... these facilities are designed for limited-access operation without any signalized controls, and provide interregional connectivity.

Solano County has four designated freeways that are operated and maintained by the California Department of Transportation (Caltrans).

Page TC-10:

In addition, portions of SR 37 and SR 12 in Solano County are currently designed to freeway or expressway standards, but these sections are not within the unincorporated area.

Page TC-18:

### Grade Separations

... The need for grade separations will depend on roadway volumes, ...and overall design and safety issues such as sight distance and speeds. ...

### Compatibility with Surrounding Land Uses:

... Land use proposals adjacent to rail tracks should consider the needs of rail operations for safety, speed, and reliability.

### Policy

TC.P-19: Develop strategies to remove barriers and increase ... bicycle and pedestrian routes to and bicycle parking facilities at stations, and promotional campaigns.

*"Caltrans improves mobility across California"*

2-17  
Cont'd.

Mr. Jim Louie  
June 2, 2008  
Page 5

Page TC-19:

TC.I-13: Support continued development of new train stations at Vacaville/Fairfield, Dixon, and Benicia to improve local access to regional rail service. Has the Benicia station been dropped by Solano Transportation Authority? If so, remove Benicia from this list.

2-17  
Cont'd.

Page TC-21:

**PORT FACILITIES AND FERRIES**

**Policy**

There is no mention of oil refinery and gasoline production facilities, which should be addressed and included in the General Plan. The Port of Benicia and its facilities as well as pipelines should be addressed and included in the General Plan.

2-18

*Environmental Planning*

The following suggestions should promote sustainable practices:

Page TC-4:

TC.G-1, TC.G-2, and TC.G-3 should include the improvement of the access of near-by basic needs to residents and not only mobility. If accessibility for basic needs such as shopping and working is greater, then travel distances will be reduced and therefore reliance on motor vehicles for all travel purpose will also be reduced. By providing better land use mix to residents we could indeed minimize traffic congestion and carbon footprint.

Page TC-6:

TC.P-3 should emphasize urban planning restrictions on growth in order to actually "facilitate shorter travel distance".

Page TC-8:

TC.I-3 regarding ongoing planning efforts, public outreach and education fails to mention implementation of an educational program as well as public outreach. The County should invest in educational and public outreach to teach and explain to residents what they could do individually to support the General Plan. Information about transit, bicycling facilities, carpooling, and finding a home in regards to job location, could be topics of discussion.

2-19

Page TC-14:

In TC.P-12, road widening conflicts with the General Plan, which seeks to preserve agricultural land.

TC.I-6 conflicts with the General Plan. Building new roads does not reduce our dependence on motor vehicles, but reinforces it. New construction should focus on new transit facilities.

Regarding bus transit planning, it should be pointed out that park and ride lots are not entirely supporting transit. An improved and expanded bus network would be a more suitable solution.

2-20

Mr. Jim Louie  
June 2, 2008  
Page 6

Page TC-16:

TC.P-15 should include specific policies, such as the creation of express bus lines and traffic signal coordination for all major roads of the County. Additionally, a policy regarding efficient bus energy usage should be incorporated to serve as a model, an example to the community. TC.P-15 and TC.P-16 are the same. This policy could be supported by another policy that would require large companies to pay for employee transit passes and make consumers pay for their parking in retail and commercial centers, in order to promote and equalize public transportation usage.

2-21

Page TC-17:

TC.P-19 states that development of transit facilities should be located in strategic locations. However interchanges do not seem to be strategic locations. The development of transit facilities should be near residential areas, and not outside of them; locating transit facilities near interchanges encourages people to use their motorized vehicles to get to the transit facility as well as to the freeway.

2-22

Regarding rail services, the planning context is well stated. However, will there be enough funds to create new stations, grade separations and new rails lines? Before such implementation, demand management studies should be conducted.

2-23

Page TC-22:

Regarding bicycle facilities, large companies should be obligated to have safe bike racks, shower facilities and locker rooms for their employees. Also the county could create pedestrian malls/car-free zones, such as Third Street Promenade in Los Angeles, to stimulate the economy and contribute to a more sustainable community. Additionally, cities could foster more bike rental facilities that would encourage people to use bicycles for short trips or recreational purpose.

2-24

*Cultural Resources*

It is the Department's policy to avoid impacts to known archaeological sites within State ROW if there are prudent and feasible alternatives. If a project is proposed which will impact State land, the Department requires a records search (no more than five years old), consultation with the Native American Heritage Commission (NAHC) and with interested Native Americans identified by the NAHC; and, if warranted, a field survey and cultural resource study that will include preparation of a cultural resource inventory report describing the project setting, methods used in the investigation, results of the investigation, and recommendations for management of any identified resources. If no surface archaeological sites are identified within State ROW and should ground-disturbing activities take place as part of a project and there is an inadvertent archaeological or burial discovery, in compliance with CEQA, PRC 5024.5, and the Department's Standard Environmental Reference (SER) Chapter 2 (at <http://ser.dot.ca.gov>), all construction within 50 feet of the find shall cease. The Department's Cultural Resource Studies Office, District 4, shall be immediately contacted at (510) 286-5618. Work subject to these requirements includes, but is not limited to: lane widening, channelization, auxiliary lanes, and/or modification of existing features such as slopes, drainage features, curbs, sidewalks and

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Mr. Jim Louie  
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driveways within or adjacent to State ROW.

**Encroachment Permit**

Please be advised that work that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans, clearly indicating State ROW, must be submitted to the address below. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Mr. Michael Condie, Office of Permits  
California DOT, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

Should you have any questions regarding this letter, please call Christian Bushong of my staff at (510) 286-5606 or [christian\\_bushong@dot.ca.gov](mailto:christian_bushong@dot.ca.gov).

Sincerely,

  
for LISA CARBONI  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse

2-25  
Cont'd.

2-26

- 2-1 This comment provides information on various roadway projects planned within and in the vicinity of Solano County. It does not relate specifically to the EIR for the 2008 Draft General Plan. No further response is required.
- 2-2 The comment suggests specific measures applicable to project-specific development projects. Because the DEIR provides a programmatic analysis of a policy plan and not a specific development project, these comments are not applicable to the DEIR; however, they would be applicable to future projects pursuant to the 2008 Draft General Plan. Although these comments do not relate specifically to the EIR for the 2008 Draft General Plan, they will be provided to the County Board of Supervisors for further consideration.
- 2-3 The commenter desires additional analysis of operational impacts associated with the 2008 Draft General Plan, providing references to the CEQA statute requiring full disclosure of potentially significant effects of the proposed project. The commenter also references page 42 of the Governor’s Office of Planning and Research’s (OPR’s) *2003 General Plan Guidelines*, which states:

Data collection, data analysis, and special studies should be coordinated with the needs of the CEQA document being written for the plan.

With regard to potentially significant environmental effects, Section 4.4, “Transportation and Circulation,” of the DEIR provides information about current and future levels of service (LOS) at a planning level. The DEIR does not present information regarding queuing problems and other operational conditions specifically because this is a program EIR for a general plan, making this the appropriate level of environmental analysis. Traffic studies and project-level CEQA documents for future development proposals pursuant to the 2008 Draft General Plan that significantly affect freeway interchanges will evaluate peak-hour conditions and queuing deficiencies.

The DEIR further refers to the *Solano Comprehensive Transportation Plan* but does not detail the anticipated transit, pedestrian, and bicycle facilities listed in the Transit Element and the Alternative Models Element of this plan. The implementation of projects within the plan is evaluated on a project-by-project basis, and adoption of the 2008 Draft General Plan does not introduce new needs for transit, bicycle, or pedestrian facilities.

As shown in Chapter 4 of this FEIR, the following text is added after the last paragraph of the “Transit Service” section on page 4.4-16 of the DEIR. Please note that all subsequent tables in Section 4.4, and text references to these tables, are renumbered to reflect the insertion of the new table below.

The Transit Element of the *Solano Comprehensive Transportation Plan* (Solano Transportation Authority 2005a) identifies potential new express bus routes that could operate if subsidy funding is available for intercity services. In this plan, specific transit needs of unincorporated Solano County include:

- ▶ Solano Paratransit support.

- ▶ more joint bus operations.
- ▶ subsidized paratransit taxi service.
- ▶ expanded regional express bus service.
- ▶ study of the consolidation of intercity transit services, and
- ▶ support for the County paying its fair share for transit service provided to residents of the unincorporated county by others.

The Transit Element identifies several specific projects that have a park-and-ride function. Those projects—such as rail, ferry or express bus service—have some potential to directly benefit unincorporated Solano County. These benefits include:

- ▶ expanded Vallejo Baylink ferry service.
- ▶ increased capacity of the Curtola park-and-ride facility.
- ▶ possible ferry service to Benicia, and
- ▶ expanded regional connections through express buses.

The Solano Comprehensive Transportation Plan details a proposal for a major regional express bus network. This network is summarized in Table 4.4-5. The system proposed here is “unconstrained” so that if funds are not made available, these routes will not be operated as suggested.

<b>Table 4.4-5 Proposed 2030 Bus Network—Unconstrained System</b>						
<u>Existing Route</u>	<u>Proposed Route</u>	<u>Origin</u>	<u>Destination</u>	<u>Via</u>	<u>Peak Frequency</u>	<u>Base Frequency</u>
<u>40</u>		<u>Vacaville</u>	<u>Walnut Creek BART</u>	<u>Fairfield, I-80, I-680</u>	<u>10</u>	<u>30</u>
<u>80</u>		<u>Napa</u>	<u>El Cerrito del Norte BART</u>	<u>Vallejo, I-80</u>	<u>5</u>	<u>15</u>
<u>90</u>		<u>Vacaville</u>	<u>El Cerrito del Norte BART</u>	<u>Fairfield, I-80</u>	<u>10</u>	<u>60</u>
<u>30</u>	<u>new</u>	<u>Sacramento</u>	<u>Novato</u>	<u>Davis, Dixon, Vacaville, Fairfield, Vallejo, Marin</u>	<u>30</u>	<u>30</u>
	<u>new</u>	<u>Vallejo</u>	<u>Walnut Creek BART</u>	<u>Benicia, I-780</u>	<u>10</u>	<u>30</u>
	<u>new</u>	<u>Napa</u>	<u>Suisun City</u>	<u>Jameson Canyon Road (SR 12)</u>	<u>30</u>	<u>60</u>
	<u>new</u>	<u>Suisun City</u>	<u>Rio Vista</u>	<u>SR 12</u>	<u>30</u>	<u>60</u>
	<u>new</u>	<u>Rio Vista</u>	<u>Antioch</u>	<u>SR 160</u>	<u>60</u>	
	<u>new</u>	<u>Rio Vista</u>	<u>Lodi</u>	<u>SR 12</u>	<u>60</u>	
<u>20</u>		<u>Vacaville</u>	<u>Fairfield</u>	<u>Local</u>	<u>30</u>	<u>30</u>
<u>85</u>		<u>Davis</u>	<u>Vallejo</u>	<u>Dixon, Vacaville, Fairfield, Vallejo</u>	<u>15</u>	<u>15</u>
	<u>new</u>	<u>Vallejo</u>	<u>Fairfield</u>	<u>Benicia Industrial Park</u>	<u>60</u>	

Note: BART = Bay Area Rapid Transit ; I-80 = Interstate 80 ; I-680 = Interstate 680 ; I-780 = Interstate 780 ; SR = State Route  
Source: Solano Transportation Authority 2005a

As shown in Chapter 4 of this FEIR, the following text is added after the “Pedestrian Network” paragraph on page 4.4-26 of the FEIR. Please note that all subsequent tables in Section 4.4, and text references to these tables, are renumbered to reflect the insertion of the new table below.

A number of pedestrian projects and Transportation for Livable Communities concepts have been developed through the *Solano Countywide Pedestrian Plan* (Solano County 2004a). Many of the projects in the *Solano Countywide Pedestrian Plan* are sponsored by jurisdictions but include County participation because portions of the projects would be in unincorporated areas. These projects generally focus on improving connectivity to common destinations (e.g., retail, schools, offices, recreational attractions). These projects, listed in Table 4.4-9, include overcrossings, sidewalks, and recreational trails.

<b>Table 4.4-9 Proposed Pedestrian and Transportation for Livable Communities Projects</b>		
<u>Project Title</u>	<u>Summary Description</u>	<u>Status</u>
<u>Red Top Road Overcrossing</u>	<u>Add bicycle and pedestrian elements to project</u>	<u>Project</u>
<u>Homestead Avenue Improvement Project</u>	<u>Construct sidewalk and new I-780 overcrossing</u>	<u>Project</u>
<u>Fulton Avenue Improvement Project</u>	<u>Construct sidewalk</u>	<u>Project</u>
<u>Old Town Cordelia Improvement Project</u>	<u>Construct pedestrian/bicycle path with amenities</u>	<u>Project</u>
<u>Jepson Parkway Concept Plan</u>	<u>Provide bicycle path and transit-compatible features</u>	<u>Project</u>
<u>Union Avenue to Main Street Streetscape Enhancements Program</u>	<u>Enhance corridor with sidewalks, signs and other treatments</u>	<u>Project</u>
<u>North Connector</u>	<u>Construct of bicycle/pedestrian path and other features</u>	<u>Project</u>
<u>Connection from Cordelia to King Ranch Open Space</u>	<u>Extend recreational trail to King Ranch Open Space</u>	<u>Concept</u>
<u>Connection from Red Top Road to Lynch Canyon Open Space</u>	<u>Repair landside repair and permit bicycle and pedestrian access</u>	<u>Concept</u>
<u>Connection from Lake Herman Park to Sky Valley Open Space</u>	<u>Construct recreational trail</u>	<u>Concept</u>
<u>Connection from Wardlow Park to Blue Rock Springs</u>	<u>Construct recreational trail</u>	<u>Concept</u>
<u>Green Valley Road Path Extensions</u>	<u>Extend pathway from New Neitzel Road to Neitzel Road</u>	<u>Concept</u>
<u>Mangels Boulevard Path Extension</u>	<u>Extend to Solano Community College</u>	<u>Concept</u>
<u>Connection from Lagoon Valley to Paradise Valley</u>	<u>Connect areas with path</u>	<u>Concept</u>
<u>Tri-City and County Regional Trail Connections</u>	<u>Provide new connections for Lynch Canyon Preserve, Hiddenbrooke and Northgate Open Space</u>	<u>Concept</u>
<u>Source: Solano Transportation Authority 2004a.</u>		

As shown in Chapter 4 of this FEIR, the following text is added after the bulleted list at the end of the “Bicycle Network” section on page 4.4-27 of the DEIR. Please note that all subsequent tables in Section 4.4, and text references to these tables, are renumbered to reflect the insertion of the new table below.

The Alternatives Modes Element of the *Solano Comprehensive Transportation Plan* is based on the *Solano Countywide Bicycle Plan* (Solano County 2004b). This plan has identified several projects to provide intercity bicycle linkages and increase the availability of recreational trails in the unincorporated portion of the county. These projects are summarized in Table 4.4-10. Most of these projects involve either new bicycle paths or bicycle lanes.

<b>Table 4.4-10 Proposed Bikeway Projects</b>			
<u>Project Title</u>	<u>County Roads</u>	<u>Facility Class</u>	<u>Phase</u>
<u>Dixon to Vacaville Bike Route</u>	<u>Porter Road, Pitt School Road, Hawkins Road</u>	<u>II</u>	<u>1</u>
<u>Vacaville to Fairfield (North Route)</u>	<u>Elmira Road Pathway</u>	<u>I</u>	<u>1</u>
<u>Jepson Parkway—Vacaville to Suisun City (South Route)</u>	<u>Leisure Town Road, Vanden Road, Cement Hill Road, Walters Road</u>	<u>I</u>	<u>1</u>
<u>Central County Bikeway—Suisun City to Rio Vista</u>	<u>State Route 12</u>	<u>II</u>	<u>1</u>
<u>I-80/ 680/SR 12 Interchange Project—Cordelia to Napa County</u>	<u>State Route 12</u>	<u>I or II</u>	<u>1</u>
<u>Solano Bikeway—Fairfield to Vallejo</u>	<u>Linear Park Extension, Red Top Road, McCary Road</u>	<u>I or II</u>	<u>1</u>
<u>Vallejo to Sonoma County</u>	<u>State Route 37</u>	<u>I</u>	<u>1</u>
<u>Vallejo to Benicia</u>	<u>Benicia Road</u>	<u>II</u>	<u>1</u>
<u>Benicia to Cordelia</u>	<u>Lopes Road</u>	<u>III</u>	<u>1</u>
<u>North Connector</u>	<u>Business Center Drive area</u>	<u>I</u>	<u>1</u>
<u>Pleasants Valley Route</u>	<u>Pleasants Valley Road, Cherry Glen Road</u>	<u>II</u>	<u>2</u>
<u>Lake Herman Road</u>	<u>Lake Herman Road</u>	<u>II</u>	<u>2</u>
<u>Suisun Valley Road</u>	<u>Suisun Valley Road</u>	<u>II</u>	<u>2</u>
<u>Abernathy/Mankas Corner Route</u>	<u>Abernathy Road, Mankas Corner Road</u>	<u>II</u>	<u>2</u>
<u>State Route 12 Overcrossing</u>	<u>Red Top Road</u>	<u>I</u>	<u>2</u>
<u>Gibson Canyon Road</u>	<u>Gibson Canyon Road</u>	<u>II</u>	<u>2</u>
<u>Putah Creek Bridge</u>	<u>Near Winters Road and Putah Creek Road</u>	<u>I</u>	<u>2</u>
<u>Source: Solano Transportation Authority 2004b</u>			

2-4

The commenter seeks further analysis of the proposed projects in the 2030 *Solano Comprehensive Transportation Plan* as they relate to the 2008 Draft General Plan. The

assumptions in the DEIR analysis include projects and land uses identified by the Solano Transportation Authority (STA) through the acceptance of the Napa/Solano Travel Model and are available through STA. Additional projects for transit, bicycle, and pedestrian improvements are incorporated by reference through the STA planning and programming process. Thus, such analysis is provided within the DEIR. No further response is required.

- 2-5 The commenter requests identification of available funds for projects pursuant to the 2008 Draft General Plan located within the state's right-of-way (ROW). The comment is noted; however, it does not relate specifically to the EIR for the 2008 Draft General Plan. As stated in Section 15131(a) of the State CEQA Guidelines, "Economic or social effects of a project shall not be treated as significant effects on the environment." In other words, the economic or social changes that a project (in this case, the 2008 Draft General Plan) may cause are not, in and of themselves, significant environmental effects that require analysis in an EIR. For this reason, and because this comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is required.
- 2-6 Please refer to pages 4.6-26 through 4.6-27 of the DEIR, providing an overview of the Delta Protection Commission.
- 2-7 The comment is noted. The "Solano Transportation Authority" paragraph in the list of regional and local plans, policies, programs, and ordinances on page 4.4-28 of the DEIR is revised as follows:

#### **Solano Transportation Authority**

The creation of congestion management agencies in 1990 began a new era of localized, interjurisdictional planning at the countywide level. Within Solano County, all jurisdictions, including the County, participate in a singular agency for transportation planning and funding, known as the Solano Transportation Authority (STA). ~~This agency STA~~ STA is responsible for overseeing a number of programs and funds. A key directive of ~~this agency~~ STA is to prepare a congestion management program document every 2 years, which in turn requires preparation of a forecast travel demand model that is consistent with the MTC's regional travel demand model. This model is known as the Solano-Napa Model because it was jointly developed with participation from both counties. The Solano Congestion Management Program (CMP) is an important implementation document. The CMP specifically states that all communities must be in compliance with the program to receive various funds for road maintenance and construction. One program specifically related to the 2008 Draft General Plan is STA's Land Use Impact Analysis Program. This program requires the traffic conditions created by new development to be mitigated. If monitoring of traffic congestion, or a projection of congestion up to 7 years from the current year, finds congestion exceeding STA standards, then preparation of a deficiency plan could be required.

However, the horizon year for the 2008 Draft General Plan is 2030, so the guidelines for deficiency plans described above do not apply to the proposed project. Inclusion of this language from the CMP does not affect the analysis in the DEIR.

As shown in Chapter 5 of this FEIR, County staff have recommended the adoption of a new implementation program to the 2008 Draft General Plan regarding the CMP. This program will be provided to the County Board of Supervisors. If approved by the County Board of Supervisors, this implementation program would read as follows:

TC.I-T: Continue to participate in the CMP. Ensure that the potential of projects to affect CMP roadway segments is studied in implementation documents such as traffic study guidelines.

2-8 Please refer to Response to Comment 17-1.

2-9 Please refer to Response to Comment 2-4.

2-10 Please refer to Response to Comment 2-4. The comment further requests more detail on discrepancies between the year-2030 projections for unincorporated Solano County in *Projections 2005* and *Projections 2007*, and how these are incorporated in the traffic and circulation forecasts.

As shown in Chapter 4 of this FEIR, the following text is added at the end of the second paragraph of the “Forecasting Tool” section under the methodology discussion on page 4.4-29 of the DEIR:

The overall control totals for 2030 vary only slightly, but the forecasts for Solano County are lower in *Projections 2007* than in *Projections 2005* (Table 4.4-11). The accuracy of a travel forecasting model to project traffic is generally within 5%, so that the differences here are considered insignificant. Specific traffic count data were obtained through technical memoranda distributed as part of the Napa/Solano Travel Model development rather than by special traffic counts taken for the 2008 Draft General Plan.

<b>Table 4.4-11</b>					
<b><u>Comparison of Projections 2007 and Projections 2005 Totals for Solano County for Year 2030</u></b>					
<u>Projections 2005</u>		<u>Projections 2007</u>		<u>Differences</u>	
<u>Households</u>	<u>Jobs</u>	<u>Households</u>	<u>Jobs</u>	<u>Households</u>	<u>Jobs</u>
<u>193,840</u>	<u>217,910</u>	<u>188,290</u>	<u>215,000</u>	<u>-2.9%</u>	<u>-1.3%</u>
<u>Source: ABAG 2005, 2007</u>					

2-11 Please refer to Response to Comment 17-4. The CMP (note that the commenter refers to “Congestion Management Plan,” which is not the correct title) contains the Database and Model chapter and the Land Use Analysis chapter. The Database and Model chapter documents the existence of the STA travel demand model used for this project in 2030. The Land Use Analysis chapter does not establish a horizon year by which to apply the study requirements. As the CMP is regularly updated, the next update of the Database and Model chapter will reflect projected growth established by the Association of Bay Area Governments and the Metropolitan Transportation Commission. Any adjustments to this on the basis of land use changes in the general plan would be incorporated as appropriate at that time. No further response is required.

2-12 The comment is noted. Individual projects that are proposed subsequent to adoption of the 2008 Draft General Plan would be required to pay appropriate impact fees on a fair-share basis, based on the cost of the improvements at the time.

2-13 Consistent with the programmatic nature of the EIR, it is unclear how implementation of the 2008 Draft General Plan would cumulatively affect the state’s ROW because the proposed plan does not identify any specific actions or activities that would apply solely to the state’s ROW. However, development projects (e.g., residential subdivisions, specific plans, community plans)

implemented as part of the 2008 Draft General Plan (established by the plan’s policies and programs) could involve activities specifically affecting the state’s ROW. Individual development projects would be required to conduct a project-specific, or project-level, environmental impact analysis under CEQA. As identified in the EIR, the 2008 Draft General Plan EIR is a program EIR (see Section 1.1, “Type of EIR,” in Chapter 1, “Introduction,” of the DEIR; please also refer to Master Response E, “Programmatic Nature of EIR”). As individual projects with specific site plans and facilities are planned, the County will evaluate each project to determine the extent to which this EIR covers the potential impacts of the project and to what extent additional analyses may be required for each specific future project (see Sections 21083.3, 21083, 21094 of the Public Resources Code and Sections 15152, 15168, 15183 of the State CEQA Guidelines). The DEIR analyzed cumulative impacts related to hazardous waste, utilities, tree removal, loss of biological resources, and water quality to the extent possible given the broad programmatic nature of the 2008 Draft General Plan. Site-specific impacts related to those resources would be analyzed as part of more focused environmental impact analyses under CEQA and not at the programmatic general plan level.

2-14

Section 15130(b)(1) of the State CEQA Guidelines (“Discussion of Cumulative Impacts”) requires the following elements as necessary to an adequate discussion of significant cumulative impacts:

Either:

(a) a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or

(b) a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the agency.

The cumulative analysis for the 2008 Draft General Plan included a combination of the above requirements—both a list of past, present, and probable future projects and a summary of the growth projections by the individual cities in the region, the Association of Bay Area Governments, and the County’s 2008 Draft General Plan. The cumulative analysis also considered a list of major projects in the region that were of a significant scale as to warrant special attention or that proposed general plan amendments (see page 6-1 of the DEIR).

The Solano County Fairgrounds Redevelopment Project (Mills Project) as originally proposed would have required an amendment to the *City of Vallejo General Plan*. The fairgrounds property is currently designated under the City of Vallejo’s general plan as Community Park. The original Mills Project proposal was terminated. The County acknowledges that the County is currently conducting a visioning process for the site. However, no active project or proposal is currently being considered for the fairgrounds site; thus it has not been assumed as a present or probable future project within the cumulative analysis conducted for the 2008 Draft General Plan.

The Flosden Redevelopment Project consists of upgrades to public facilities, and no other plans or projects exist that would redevelop or change land uses in the Flosden Redevelopment Project area. The proposed public facility upgrades would be consistent with the *City of Vallejo General Plan*. Thus, this project is assumed within the cumulative analysis conducted for the 2008 Draft General Plan.

The Tuoro University Cancer Center project is a part of the City of Vallejo's Mare Island Eastern Early Transfer Development Project described on pages 6-3 and 6-4 of the DEIR. Thus, this project is assumed within the cumulative analysis conducted for the 2008 Draft General Plan.

The land use assumptions used in the traffic analysis for the 2008 Draft General Plan includes those in the Solano/Napa Model, which was provided to the County for use on this project. This model includes assumptions for the various development proposals in the Vallejo area, as the commenter itemizes. These assumptions were considered as background growth and were not modified for any alternative. The model assumptions for Vallejo were obtained directly from files used for local traffic studies and include all projects that were updated for the Mare Island, Waterfront, and Triad studies (2003 General Plan and 2005 updates). Total projected citywide growth for Vallejo includes 54,864 households in 2030, an increase of 13,202 households (32%) above the 2000 baseline figure. The projected number of jobs in Vallejo in 2030 is 54,332, an increase of 22,122 (69%) above the 2000 baseline. The proposed activity for the traffic analysis zone that includes the fairgrounds is a total of 3,598 employees, including 2,495 retail employees, indicating that the Mills Project described above was likely added to the traffic model.

- 2-15 The EIR fully analyzes cumulative environmental impacts related to conversion of agricultural lands to urban land uses and associated with implementation of the 2008 Draft General Plan (see DEIR Section 6.1.5, "Other CEQA Considerations"). The Orderly Growth Initiative is not considered part of the 2008 Draft General Plan and thus is not considered part of the project analyzed in the EIR. However, the EIR fully analyzes the 2008 Draft General Plan's consistency with the Orderly Growth Initiative (see Impact 4.1-2a and 4.1-2b in DEIR Section 4.1, "Land Use"; please also refer to Master Response I, "Orderly Growth Initiative," in Chapter 2 of this FEIR).

Regarding impacts on the state's ROW, please refer to Response to Comment 2-13.

- 2-16 The commenter asserts that average daily traffic volumes may not fully represent actual operating conditions of state transportation facilities and requests more detailed operational analysis of state facilities. LOS information is based on available traffic counts. A detailed operational analysis requires a peak-hour analysis. Please refer to Response to Comment 2-3 regarding operational analysis. No further response is required.

- 2-17 The commenter provides numerous suggestions for additions and modifications to the goals, policies, and programs in the Transportation and Circulation chapter of the 2008 Draft General Plan. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how the County will consider suggested changes to the goals, policies, and programs of the 2008 Draft General Plan. The commenter's recommendations will be provided to the County Board of Supervisors for further consideration. The commenter's suggestions do not question the adequacy or completeness of the DEIR, or otherwise raise significant environmental issues within the meaning of CEQA; nevertheless, the commenter's suggested edits to the goals, policies, and programs of the Transportation and Circulation chapter are addressed below, with the commenter's suggestions presented in italics and the County's response following.

*Expand Goal TC.G-1 to include prioritized upgrades to transportation models and to list planned/proposed projects that will address this issue.* These suggestions are more appropriate for consideration as part of the implementation programs rather than as an overarching goal of the 2008 Draft General Plan. Program TC.I-3 directs the County to work with the California Department of Transportation (Caltrans) and STA to monitor the transportation system and identify causes and potential solutions for congested areas. Transportation models would be upgraded, ongoing modeling of proposed land use changes in the county's various jurisdictions

would occur, and projects addressing congestion would be identified as a result of such coordination. The County believes that Program TC.I-3 provides mitigation similar to that proposed by the commenter.

*Expand Goal TC.G-3 to include “access” and identify intended travel modes.* The commenter questions what types of modes Goal TC.G-3 apply to. This broad goal statement is intended to apply to all modes of transportation, including public transit, walking, and bicycling.

*Remove Benicia from the list of new train stations in Program TC.I-13.* Current STA plans describing train station proposals do not indicate that a future Benicia station has been removed from consideration. Thus, the program has not been changed in the 2008 Draft General Plan. This change, if made, would not affect environmental analysis or conclusions contained in the DEIR.

In response to the remainder of the commenter’s suggested revisions as well as suggestions by other commenters, and as shown in Chapter 5 of this FEIR, County staff have recommended revisions to Goals TC.G-3 and TC.G-5, Policies TC.P-5 and TC.P-19, and Program TC.I-3. These recommendations will be provided to the County Board of Supervisors for further consideration. If these proposals are accepted, these goals, policies, and program would be amended as follows:

- TC.G-3: Encourage land use patterns that maximize access and mobility options for commuting and other types of trips, and minimize traffic congestion, vehicle miles traveled (VMT), and greenhouse gas emissions ~~carbon footprints~~.
- TC.G-5: Encourage and maintain the safe, convenient transfer of goods and services from agricultural lands and industrial locations to regional and interregional transportation facilities.
- TC.P-5: Fairly attribute to each development the cost of on- and off-site improvements needed for state and county roads and transportation systems to accommodate that development, including the potential use of development impact fees ~~for~~ to generate revenue.
- TC.P-19: Develop strategies to remove barriers and increase communter ridership on Amtrak passenger rail, including, but not limited to collector bus services, bicycle and pedestrian routes to and bicycle parking facilities at stations, and promotional campaigns.
- TC. I-3: Support regular monitoring of the transportation system by the California Department of Transportation and the Solano Transportation Authority with emphasis on studying congested areas to identify the cause, duration, and severity of the congestion, and potential traffic management solutions.

In addition, County staff have recommended revisions to text on pages TC-8, TC-9, TC-10, and TC-18 of the 2008 Draft General Plan. These recommendations will be provided to the County Board of Supervisors for further consideration. If these proposals are accepted, text on these pages would be revised as shown below.

The first paragraph in the “Planning Context” section on page TC-8 of the 2008 Draft General Plan would be revised as follows:

Roadways are the primary mode by which most persons and goods are transported in Solano County. Therefore, roadways need to be constructed appropriately to accommodate expected

traffic volumes and adjacent land uses, while considering issues of safety, ~~and~~ proper design, and accommodation.

The sixth and seventh full paragraphs on page TC-9 would be revised as follows:

**Freeways.** Also known as superhighways in the *County's Road Improvement Standards and Land Development Requirements*, these facilities are designed for limited-access operation without any signalized controls and provide interregional connectivity. All roadway access is limited to ramps.

Solano County has four designated freeways that are operated and maintained by the California Department of Transportation (Caltrans):

The first paragraph on page TC-10 would be revised as follows:

In addition, portions of SR 37 and SR 12 in Solano County are currently designed to freeway or expressway standards, but these sections are not within the unincorporated area.

The third and fourth paragraphs on page TC-18 would be revised as follows:

**Grade Separations.** The proposal for additional rail service through the county will increase interest in constructing grade separations. The need for grade separations will depend on roadway volumes, train lengths and duration of blockage, and overall design and safety issues such as sight distance and speeds. New at-grade crossings of public roads are generally discouraged.

**Compatibility with Surrounding Land Uses.** Freight rail is often a mode that carries hazardous materials. The trains also sometimes move quickly and can be very difficult to stop. Land use proposals adjacent to rail tracks should consider the needs of rail operations for safety, ~~and~~ speed, and reliability.

- 2-18 The commenter requests that the 2008 Draft General Plan address the oil refinery and gasoline production facilities within the county, particularly the Port of Benicia. The comment is noted. However, the oil refinery, gasoline production facilities, and port facilities are located in the city of Benicia and are not under County jurisdiction. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how the County will consider suggested changes to goals, policies, and programs of the 2008 Draft General Plan. The commenter's suggestions will be provided to the County Board of Supervisors for further consideration.
- 2-19 The commenter provides numerous suggestions for additions and modifications to the goals, policies, and programs in the Transportation and Circulation chapter of the 2008 Draft General Plan. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how the County will consider suggested changes to the goals, policies, and programs of the 2008 Draft General Plan. The commenter's recommendations will be provided to the County Board of Supervisors for further consideration. The commenter's suggestions do not question the adequacy or completeness of the DEIR, or otherwise raise significant environmental issues within the meaning of CEQA; nevertheless, the commenter's suggested edits to the goals, policies, and programs of the Transportation and Circulation chapter are addressed below, with the commenter's suggestions presented in italics and the County's response following.

*Expand Goals TC.G-1, TC.G-2, and TC.G-3 to better address resident access to basic needs and therefore reduce VMT. Please see the proposed revisions to Goal TC.G-1 below and the proposed revisions to TC.G-3 shown in Response to Comment 2-17 above. Goal TC.G-2 addresses regional transportation corridors and facilities, rather than local access.*

*Expand Program TC.I-3 to encompass public education regarding individuals' opportunities to support the 2008 Draft General Plan. A new program, TC.I-S, is proposed to address this concern, as listed in the following discussion. The County believes that Program TC.I-S is as effective as or more effective than the mitigation suggested by the commenter.*

*Policy TC.P-12 and Program TC.I-6 as proposed are inconsistent with the 2008 Draft General Plan. The County disagrees. The commenter states that Policy TC.P-12 conflicts with the 2008 Draft General Plan, which seeks to preserve agricultural land. In developing the goals, policies, and programs, the County necessarily had to strike a balance of competing interests, such as the needs to improve countywide and regional circulation and to maintain and promote agriculture as an important business and major contributor to Solano County's economy. Policy TC.P-12, which requires the County to maintain and improve the current roadway system to serve areas where growth is desired and anticipated as identified in the land use diagram of the 2008 Draft General Plan, while minimizing conversion of agricultural and open space areas, is an example of the County's efforts to balance these considerations.*

The commenter states that Program TC.I-6 conflicts with the 2008 Draft General Plan because building new roads does not reduce dependence on motor vehicles. As evidenced by the several policies and programs included in the 2008 Draft General Plan and as noted by the commenter, the County seeks to reduce reliance on the automobile for all travel purposes and to provide a range of sustainable travel choices that serve county residents and businesses. The County also seeks to improve circulation serving the county's agricultural community (see page TC-2 of the 2008 Draft General Plan). Although the County aims to reduce reliance on traditional automobiles, it must realistically acknowledge and respond to the fact that it cannot control all human behavior and plan to accommodate growth, reduce traffic congestion, and provide for safe roads. The fact that the County also aims to reduce reliance on automobiles does not mean that it cannot simultaneously seek to improve its roads.

In response to the remainder of the commenter's suggested revisions as well as suggestions by other commenters, and as shown in Chapter 5 of this FEIR, County staff have recommended revisions to Goal TC.G-1 and Policy TC.P-3 and the addition of a new Program TC.I-S. These recommendations will be provided to the County Board of Supervisors for further consideration. If these proposals are accepted, Goal TC.G-1 and Policy TC.P-3 would be amended as follows, and the new program would read as follows:

- TC.G-1: Maintain and improve the County's transportation systems to enhance safety, resident access to basic needs, mobility, and convenience.
- TC.P-3: Establish land use patterns that facilitate shorter travel distances and non-auto modes of travel other than the automobile, and limit the extent of additional transportation improvements and maintenance that may be needed with a more dispersed land use pattern.
- TC.I-S: In cooperation with the Solano Transportation Agency, provide public education about options for reducing motor vehicle-related greenhouse gas emissions. Include information on trip reduction, trip linking, public transit, biking and walking, vehicle performance and efficiency, low- and zero-emissions vehicles, and ridesharing.

2-20 The commenter states that park-and-ride lots are not entirely supporting transit and that an improved and expanded bus network would be a more suitable solution. Please refer to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR for a discussion of how the County will consider suggested changes to the goals, policies, and programs in the 2008 Draft General Plan. Fixed-route and bus transit service in Solano County is currently managed by several of the Solano County cities. Joint funding options and potential consolidation of some or all of these services are being considered. The population densities and patterns of unincorporated Solano County are not substantial enough to warrant consideration of a separate service operated and subsidized solely by the County, The commenter’s suggestions will nevertheless be provided to the County Board of Supervisors for further consideration.

2-21 The commenter describes various additional policies and programs for the County’s consideration to add to the 2008 Draft General Plan to address transportation impacts. Some of the proposals are inapplicable to Solano County, and some appear to ignore policies and programs already included in the 2008 Draft General Plan. Please refer to Master Response D, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR for a discussion of how the County has and will consider suggestions for changes to the 2008 Draft General Plan. Each of the commenter’s specific suggestions is addressed below, with the commenter’s suggestion in italics and the County’s response following.

*Creation of express bus lines and traffic signal coordination for all major roads of the county.* Implementation of these measures by the County would not be feasible, and the measures are not applicable to a rural area of the unincorporated county. Regarding express bus lines, as noted on page TC-16 of the 2008 Draft General Plan, fixed-route and bus transit service in Solano County is currently managed by several of the cities. Population densities and patterns of unincorporated Solano County are not high enough to warrant consideration of a separate service operated and subsidized solely by the County. Furthermore, Policy TC.P-14 of the 2008 Draft General Plan states the following:

- ▶ **Policy TC.P-14:** Encourage the development of transit facilities and operations along major corridors to connect the county with surrounding activity centers and regional destinations.

Signal coordination on a grand scale would also be infeasible for the County because there are a limited number of signalized intersections under the County’s direct control, and these are widely distributed throughout the county.

*Policy for efficient bus energy usage.* As stated above, fixed-route and bus transit service in Solano County is currently managed by several of the cities, rather than by the County. Implementation of such a policy by the County would be infeasible because the County has no direct control over the acquisition or management of a transit fleet.

*Policy to require large companies to pay for employee transit passes and make consumers pay for parking in retail and commercial centers.* With regard to employee transit passes, in response to the commenter’s concern and those of other commenters, and as shown in Chapter 5 of this FEIR, County staff have recommended that Program HS.I-54 of the 2008 Draft General Plan be revised. This recommendation will be provided to the County Board of Supervisors for further consideration. If the County Board of Supervisors approves this proposal, Program HS.I-54 would be amended as follows:

- HS.I-54: ~~Consider~~ Adopt a trip reduction ordinance and encourage employers to develop incentives-practices that reduce employees’ vehicle trips to such as encourage

~~employers to increase telecommuting, provide provision of bicycle facilities, and shuttles access to public transit for employees, including County employees.~~

With regard to fee parking in retail and commercial centers, the County finds this suggestion infeasible because the County has no legal authority to mandate fee parking on private property.

2-22 The commenter references Policy TC.P-19 (and Program TC.I-9) of the 2008 Draft General Plan, which supports development of transit facilities in strategic locations such as at interchanges and in areas of concentrated activity. The commenter opines that interchanges are not strategic locations, and proposes that transit facilities should be located near residential areas. The County disagrees. Transit centers located near interchanges offer valuable park-and-ride opportunities for residents of the unincorporated county, some of whom live in dispersed areas of the county far from major transportation corridors, to use alternative transportation. Siting of transit centers in isolated residential areas would be inappropriate, ineffective, and infeasible in rural, unincorporated Solano County.

2-23 The commenter asks whether sufficient funding would be available to support construction of new stations, grade separations, and rail lines envisioned by the 2008 Draft General Plan, indicating that demand management studies should be conducted before implementation. The County agrees; such studies would be a fundamental precursor to implementation of Programs TC.I-11, TC.I-12, and TC.I-13 as proposed in the 2008 Draft General Plan.

2-24 The commenter describes various additional policies and programs for the County's consideration to add to the 2008 Draft General Plan to address transportation impacts. Some of the proposals are inapplicable to Solano County, and some appear to ignore policies and programs already included in the 2008 Draft General Plan. Please refer to Master Response D, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how the County has and will consider suggestions for changes to the 2008 Draft General Plan. Each of the commenter's specific suggestions is addressed below, with the commenter's suggestion in italics and the County's response following.

*Large companies should be obligated to have safe bike racks, shower facilities, and locker rooms for their employees.* In response to this concern and those of other commenters, and as shown in Chapter 5 of this FEIR, County staff have recommended that Program HS.I-54 of the 2008 Draft General Plan be revised. Please refer to Response to Comment 2-21 and to Chapter 5 of this FEIR for the proposed revision to the text of Program HS.I-54.

*Create pedestrian malls/car-free zones.* Implementation of these measures by the County would not be feasible because no land use designations proposed within the unincorporated county in the 2008 Draft General Plan would allow for construction of a shopping mall, and car-free pedestrian zones are not applicable in a rural area of the unincorporated county.

*Cities could foster additional bike rental facilities that would encourage bicycle use.* Implementation of this measure by the County would not be feasible because the County has no land use approval or economic development oversight within the cities. Bicycle rental facilities would also be an acceptable use within the County's proposed Neighborhood Commercial, Urban Commercial, Commercial Recreation, and Traditional Community designations.

2-25 The comment describes the California Department of Transportation's (Caltrans's) procedures for avoiding potential impacts on cultural resources. The DEIR analyzes the potential for impacts on prehistoric and/or historical archaeological deposits in the county, including state ROW. Consistent with Caltrans's policy of impact avoidance, 2008 Draft General Plan Program RS.I-25 acknowledges that the avoidance of archaeological deposits is considered the strongest tool for

their preservation. In those instances where conflict between preservation and project implementation would occur, DEIR Mitigation Measure 4.10-3a requires that a cultural resources study be conducted for development projects subject to discretionary approval. The level of effort for the study is variable based on the nature of the project. At a minimum, the following actions, which are consistent with Caltrans's cultural resources policy as stated in the comment, are required by the mitigation measure:

- ▶ a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System;
- ▶ a cultural resources study of the project area, based on the recommendations of the NWIC analysis;
- ▶ contact with interested parties such as Native American and historical organizations; and
- ▶ management recommendations for cultural resources identified as a result of the study.

The Native American Heritage Commission (NAHC) is an official government body charged with the identification of places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands. The NAHC also maintains a catalog of such places, and the request for a review of this catalog is an important part of any cultural resources study, as well as a vital part of the consideration of Native American input on the protection of cultural resources. Therefore, as shown in Chapter 4 of this FEIR, the first bullet in the bulleted list on page 4.10-31 of the DEIR is revised as follows:

- ▶ Project applicants shall prepare cultural resources studies for all development projects requiring discretionary County approval, based on the recommendations made by the NWIC as part of the records search. Each cultural resources study shall be conducted by an individual listed on the consultant list maintained by the NWIC. The scope of the study shall be tailored to the nature of the project, the sensitivity of the project area, and community concern about potential project effects (e.g., Native American community concerns about human remains and prehistoric archaeological deposits). The professional judgment of the NWIC staff, cultural resources consultant and County planning staff shall be the primary basis for determining the level of effort for the study. Not every development review for cultural resources will require the same level of effort. At a minimum, the study shall provide the technical basis for the County to make the following determinations:
  - whether there are any historical resources (as defined at 14 CCR Section 15064.5) or unique archaeological resources (as defined at PRC Section 21083.2[g]) in the project area;
  - whether there would be a substantial adverse change in the significance of such resources as a result of the project;
  - if a substantial adverse change would occur, what steps can be taken to avoid, minimize, or offset such impacts; and
  - whether Native American tribal and historical organizations were consulted during the cultural resources analysis (particularly the Native American Heritage Commission and Native American individuals identified by the Commission), and if such organizations were afforded ~~provided~~ an opportunity to comment on the

~~adequacy of the cultural resources study, or about the conclusions and recommendations therein~~ of the cultural resources study.

2-26

The comment regarding Caltrans's requirements for encroachment permits is noted. This comment does not relate specifically to the EIR for the 2008 Draft General Plan. No further response is required.

## **LETTER 3**

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**BRIAN LEAHY, ASSISTANT DIRECTOR**

California Department of Conservation, Division of Land Resource Protection

May 8, 2008





# DEPARTMENT OF CONSERVATION

## DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

May 8, 2008

Solano County Department of Resource Management  
 Planning Services  
 Attn: Jim Louie  
 675 Texas Street, Ste. 5500  
 Fairfield, CA 94533

RECEIVED  
 Solano County  
 Resource Management

MAY 09 2008

AM 7|8|9|10|11|12|1|2|3|4|5|6 PM

RE: Draft Environmental Impact Report (DEIR) Solano County 2008 Draft General Plan  
 SCH# 2007122069

Dear Mr. Louie:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the DEIR for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs.

### Project Description

The project is the 2008 Solano County General Plan Update which provides policy guidelines for future development and conservation for lands in the unincorporated areas of Solano County. The plan contains a new Agriculture Chapter for implementing new policies and programs for protecting the County's agricultural resources. Existing agricultural land uses in Solano County totaled 365,651 acres in 2007; approximately 215,000 acres are enforceably restricted by Williamson Act contracts.

The Department offers following comments and recommendations on the proposed new agricultural policies and programs.

### Farmland Mitigation

The County estimates that build-out of the preferred 2008 Draft General Plan will result in the conversion of 21,917 agricultural acres to urban uses. Policy AG.I-4 proposes the creation of a farmland mitigation program and ordinance requiring mitigation of farmland conversion through the purchase of agricultural easements or payments of an in-lieu fee. The mitigation ratio proposed is either 1:1 or 1.5:1, with mitigation land being of similar agricultural quality to the land being converted. The Department recommends that mitigation land for prime agricultural soils be specified as Class I or II soils.

3-1

Mr. Jim Louie  
May 8, 2008  
Page 2 of 2

Additionally, we recommend that mitigation ratios be increased if a Williamson Act contract is terminated, or if growth inducing or cumulative agricultural impacts are involved.

3-2

Williamson Act Lands

The Department recommends the Solano County Williamson Act Map be updated to differentiate between prime and nonprime contracted lands. Additionally, contracted land in nonrenewal status should be shown. The DEIR states that implementation of the 2008 Draft General Plan could result in the conversion of 1,682 acres of Williamson Act land to urban use. The DEIR should indicate if any of those acres are currently under nonrenewal.

3-3

3-4

We also recommend that the Williamson Act section be expanded to include a statement citing the 9-year nonrenewal process as the preferred method of contract termination. Cancellation of the contract (immediate termination) requires the Board of Supervisors to make specific findings for approval

3-5

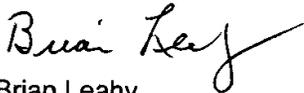
If Williamson Act contracts are terminated, the County may want to encourage participation in the Williamson Act Easement Exchange Program. While the Easement Exchange program is not mitigation for farmland conversion, it offers the opportunity to keep cancellation fees in the local area to preserve agricultural land, rather than paying the fees to the State General Fund. Provided the required cancellation findings can be met, the landowner and the County agree to cancel a contract and simultaneously dedicate a permanent agricultural conservation easement on other land. Information on the Easement Exchange program may be obtained by contacting the Division at the address below.

3-6

Thank you for the opportunity to comment on the DEIR for the Solano General Plan 2008. The Department supports Solano County's proposed new policies and programs to protect agricultural resources. If you have questions on our comments or require technical assistance or information on agricultural land conservation, please contact Adele Lagomarsino at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 445-9411.

3-7

Sincerely,



Brian Leahy  
Assistant Director

- 3-1                The comment is noted. No evidence is provided in the comment to explain why mitigation farmland should be specified as Class I or Class II soils or to indicate any inadequacy of the recommended mitigation in the DEIR (i.e., Mitigation Measures 4.1-4a and 4.1-4b). Mitigation Measures 4.1-4a and 4.1-4b require mitigation lands to be of similar agricultural quality to the lands being converted. Thus, mitigation for prime agricultural soils would be required to occur on prime agricultural soils, which would consist largely of Class I or Class II soils. The County believes that mitigation included in the DEIR is equivalent in character and effectiveness to that proposed by the commenter.
- 3-2                The comment is noted. No evidence is provided in the comment to explain why increased mitigation ratios should be used for properties that cancel a Williamson Act contract or if growth-inducing or cumulative agricultural impact is involved, or to indicate any inadequacy of the recommended mitigation in the DEIR (i.e., Mitigation Measures 4.1-4a and 4.1-4b); however, the recommendation for increasing the mitigation ratio will be provided to the County Board of Supervisors for further consideration.
- 3-3                The comment is noted. This comment does not relate to the adequacy of the environmental impact analysis conducted in the DEIR, specifically related to conflicts with Williamson Act contracts. However, the recommendation to update the Solano County Williamson Act map to differentiate between prime and nonprime contracted lands will be provided to the County Board of Supervisors for further consideration.
- 3-4                The comment is noted. No evidence is provided in the comment to explain why the DEIR should indicate whether any properties under a Williamson Act contract are also under nonrenewal. For the purposes of the environmental impact analysis, it was assumed that all lands under Williamson Act contracts designated by the 2008 Draft General Plan for conversion to urban uses would be taken out of contract. Thus, the DEIR analyzed a worst-case scenario of potential conflicts with the Williamson Act associated with the new land use designations. Thus, showing which lands are currently in nonrenewal would not materially alter the impact analysis. In short, the DEIR fully analyzes potential conflicts with all existing Williamson Act contracts (including those under nonrenewal) associated with implementation of the 2008 Draft General Plan. Please refer to Impacts 4.8-2a and 4.8-2b. In addition, inclusion of the recommended additional information would not change the significance conclusion made in the DEIR.
- 3-5                The comment is noted. As shown in Chapter 4 of this FEIR, the end of the second paragraph under “Williamson Act” on page 4.8-3 of the DEIR is revised as follows:
- The Williamson Act program uses 10-year contracts that renew annually until either party files a notice of nonrenewal. If an owner decides to opt out, the land is still protected for 10 years while the tax liability increases in annual increments up to its full market value. Additionally, existing Williamson Act contracts on lands classified by the California Department of Conservation as Important Farmland can be extended to 20-year Farmland Security Zone contracts (i.e., super Williamson Act contracts), which offer landowners greater property tax savings. The preferred method of contract termination is nonrenewal. Only under limited circumstances may a landowner terminate a contract before the end of the 9-year nonrenewal period (Government Code Section 51280 et seq.). In such cases, contract

termination would be approved only if the County makes the required statutory findings, based on substantial evidence (Government Code Section 51282[a]).

The DEIR fully analyzes potential conflicts with all existing Williamson Act contracts (including those under nonrenewal) associated with implementation of the 2008 Draft General Plan. Please refer to Impacts 4.8-2a and 4.8-2b. In addition, inclusion of the recommended additional information would not change the significance conclusion made in the DEIR.

3-6 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.

3-7 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.

## **LETTER 4**

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SUZANNE BUTTERFIELD, DEPUTY DIRECTOR, SPECIAL PROJECTS

Delta Protection Commission

January 3, 2008



**DELTA PROTECTION COMMISSION**

14215 RIVER ROAD  
P.O. BOX 530  
WALNUT GROVE, CA 95690  
Phone (916) 776-2290  
FAX (916) 776-2293  
E-Mail: dpc@citlink.net Home Page: www.delta.ca.gov



January 3, 2008

Jim Louie, Senior Planner  
Resource Management Department  
County of Solano  
675 Texas Street, Suite 5500  
Fairfield, California 94533

Dear Mr. Louie,

**SUBJECT:** 1) Notice of Preparation of an Environmental Impact Report for the 2008 Solano County General Plan Update and 2) Review of Draft Delta Policies for Said Update

Staff of the Delta Protection Commission (Commission) has reviewed the subject Notice of Preparation (NOP). Staff has also reviewed the draft general plan policies addressing the Primary and Secondary Zones of the Delta provided by county staff throughout the general plan development process to date. It appears from the information provided that the proposed action would be applicable to areas located within the Primary and Secondary Zones of the Legal Delta. Therefore, the following comments are provided for consideration in the preparation of the proposed Draft Program EIR and for consideration in the final development of policies pertaining to the Delta.

4-1

The Delta Protection Act (Act) was enacted in 1992 in recognition of the increasing threats to the resources of the Primary Zone of the Delta from urban and suburban encroachment having the potential to impact agriculture, wildlife habitat, and recreation uses. Pursuant to the Act, a Management Plan was completed and adopted by the Commission in 1995.

The Management Plan sets out findings, policies, and recommendations resulting from background studies in the areas of environment, utilities and infrastructure, land use, agriculture, water, recreation and access, levees, and marine patrol/boater education/safety programs. As mandated by the Act, the policies of the Management Plan are incorporated in the General Plans of local entities having jurisdiction within the Primary Zone, including Solano County.

4-2

The draft Delta policies written by county staff to date, appear to be consistent with the Management Plan but not fully reflective of all the Management Plan Policies. Consistency between the county draft Delta policies and the policies of the Management Plan appears to be achieved in the Management Plan categories of Utilities and Infrastructure; Land Use; and Marine Patrol, Boater Education and Safety Programs. In the categories of Environment,

Agriculture, Water, Recreation, and Levees, it is suggested that county staff develop policies that more clearly reflect consistency with the policies of the Management Plan.

Solano County Policy RS-28 appears to be the broadest of the draft county Delta policies. It currently states "All public and private management and development activities within the Primary Zone of the Delta shall be consistent with the goals, policies, and provisions of the Land Use and Resource Management Plan for the Primary Zone of the Delta as adopted and as may be amended by the DPC". Commission staff encourages adding to this policy "All policies in the Delta Protection Commission Management Plan are incorporated by reference in the County General Plan and Implementation Plan".

4-2  
Cont'd.

Finally, Commission staff offers the following comment on the summarized description of the Draft 2008 General Plan provided in the NOP.

1. In the Agriculture Chapter, it is suggested that Delta agriculture within the county be recognized in the General Plan for its unique characteristics. The Commission plans to work with all five Delta counties to promote Delta agriculture, including the "branding" of Delta agricultural products. 4-3
2. In the Resources Chapter (Recreation Resources), it is noted that the county has an objective to create a connected trail network and a countywide recreational plan. It is suggested that the General Plan include reference to the Great California Delta Trail and the objective to coordinate planning of the County's connected trail network with the Delta Trail planning process. 4-4
3. In the Public Health and Safety Chapter it is suggested that reference be made to the Delta Protection Commission and 5 Delta County Coordinated Emergency Preparedness Project which is described on the Commission website, [www.delta.ca.gov](http://www.delta.ca.gov). 4-5

The Commission and staff appreciate the County's efforts to keep us involved and look forward to reviewing additional draft polices that are pertinent to the delta, including agricultural policies, and the implementation plan language so that we can make a determination of the entire draft County General Plan's consistency with the Management Plan. 4-6

Sincerely,



Suzanne Butterfield  
Deputy Director, Special Projects

cc: Mike Reagan, Chairman, Solano County Board of Supervisors  
Commissioner, Delta Protection Commission  
Harry Englebright, Resource Management Department

Comment      Suzanne Butterfield, Deputy Director, Special Projects  
4                Delta Protection Commission  
Response      January 3, 2008

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- 4-1            The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 4-2            The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 4-3            The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 4-4            The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 4-5            The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 4-6            The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.



## **LETTER 5**

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CHARLES ARMOR, REGIONAL MANAGER, BAY DELTA REGION

California Department of Fish and Game

May 30, 2008





DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

POST OFFICE BOX 47  
YOUNTVILLE, CALIFORNIA 94599  
(707) 944-5500



May 30, 2008

Mr. Jim Louie  
Solano County Department of Resource Management  
675 Texas Street, Suite 5500  
Fairfield, CA 94533

Dear Mr. Louie:

Subject: 2008 Solano County General Plan, Draft Environmental Impact Report,  
SCH #2007122069

Department of Fish and Game (DFG) personnel have reviewed the above 2008 Solano County General Plan (Plan), Draft Environmental Impact Report (draft EIR). Solano County (County) extends from the shores of San Pablo Bay in the west to the heart of the Central Valley to the east and is located between the San Francisco and Sacramento metropolitan regions. The County encompasses approximately 910 square miles--830 square miles of land and 80 square miles of water. Approximately 130 square miles of the County, or 14% of the total land area, lie within one of seven incorporated cities. All lands outside of the jurisdictional boundaries of the seven incorporated cities compose the unincorporated County and constitute the geography to which the Plan would apply.

The project proposes a comprehensive update to the County's current General Plan. The objectives of the proposed project are as follows: maintain the current development strategy of city-centered growth; retain the overall function of the County's Orderly Growth Initiative; protect and support agriculture as an important component of the County's economy and quality of life; encourage the location of needed new industrial and agricultural processing facilities; sustain and enhance the County's natural environment, including its diverse species, watersheds, natural communities and wildlife corridors; continue the existing development pattern of distinct and identifiable cities and communities; encourage economic development within the unincorporated County; and ensure sufficient residential, commercial, and industrial development within areas serviced by cities to support a vibrant economy and provide affordable housing options. DFG is identified as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) Section 15386 and is responsible for the conservation, protection, and management of the State's biological resources. DFG considers the draft EIR as a means to understand this growth while also developing adequate conservation and protection measures to conserve some of the County's biological natural resources.

5-1

**RS.I-1**

Currently, numerous mitigation banks exist within the County, with many more being proposed. These banks are dispersed throughout the County and provide a diversity of habitat for multiple special status species. Whereas the Plan incorporates a Resources Conservation Overlay (RCO) in medium and high priority vernal pool areas, as well as giant garter snake habitat, there are also high value conservation areas in the northeastern portion of the County where agricultural practices provide valuable nesting and foraging habitat for Swainson's hawk

5-2



(SWHA), burrowing owl (BO), and a suite of other foraging raptor species. DFG recognizes SWHA, a state threatened species, as an important resource for the County and believes it should be afforded habitat protection. The current location of the RCO will capture some of the nesting and foraging areas for SWHA and BO, but there are concentrated occurrences of both species in the northeastern portion of the county. DFG suggests including these areas in the RCO. DFG does not want to discourage mitigation bank entities from acquiring property in the northeastern portion of the county where nesting and foraging hawks and owls are an important resource.

5-2  
Cont'd.

**RS.I-2 and Figure RS-2 Resources Conservation Overlay map**

This paragraph lists the land use designations associated with the RCO, but it does not mention the Wind Resources Overlay (WRO), which overlaps with the RCO. Whereas wind resources development may not be a land-use designation, it seems that it should be mentioned here.

5-3

The RCO includes habitat for California red-legged frog (CRLF), Callippe silverspot butterfly (CSB), giant garter snake (GGS), Suisun Marsh species, and vernal pool habitat and associated species. DFG would suggest including SWHA and BO as resources afforded habitat protection in the County. The northeast portions of the County, east of Interstate 505 and north of Travis Air Force Base, have high occurrences of nesting and foraging SWHA and BO. BO is a State species of special concern that is being displaced and losing habitat throughout the County from development projects. DFG is concerned about impacts to BO and recommends permanent conservation for loss of nesting and foraging habitat.

5-4

DFG would suggest not overlapping the RCO with the WRO. DFG discourages mitigation in areas within and adjacent to wind energy development projects. DFG would also encourage the County to provide a buffer between wind energy development projects, existing conservation easements and mitigation banks that provide habitat for raptors. The buffer should be substantial enough to maintain ample distance between wind turbines and nesting foraging areas. DFG is available to work with the County to develop protective buffer distances for wind energy projects.

5-5

5-6

**RS.I-5**

DFG encourages the planting of native trees in the county. A suggestion for planting trees in the right-of-way of roads is to plant trees in a manner/location to also allow room for road improvements or work to occur so the planted trees do not have to be removed at a later time. Road rights-of-way should not be used to plant trees that are required for mitigation. Trees planted for mitigation should be located in areas that are protected in perpetuity.

5-7

**RS.I-10**

DFG encourages the preservation and enhancement of riparian areas in the county. DFG would suggest that the fencing of riparian areas be done in such a manner to not exclude wildlife from using these areas. If the fencing is to keep cattle out, perhaps fencing of pastures and grazing rotation can help maintain riparian habitat instead of installing fencing along the edge of riparian areas. Wildlife, including large mammals, use riparian corridors for movement and migration and should not be fenced out along with cattle.

5-8

**RS.I-13**

DFG would encourage the County to work with the Bay Conservation and Development Commission (BCDC), DFG and the U. S. Fish and Wildlife Service (USFWS) regarding wind energy development within or near the Suisun Marsh. DFG would also suggest preserving the primary and secondary zones of the marsh as they currently exist and not allowing wind energy development in these areas. The secondary zone of the marsh provides important upland habitat for the marsh, which includes waterfowl, raptor, passerine, and bat use. Wind energy has been shown to have high impacts to raptors and bats in the Montezuma Hills, and keeping the marsh protected from these impacts is highly encouraged.

5-9

**RS.I-37**

The WRO depicts data collected by the California Energy Commission which shows the potential for wind energy development north of Highway 12. DFG would encourage the separation between the WRO and RCO and discourages any development of wind energy projects north of Highway 12. DFG generally does not agree with allowing habitat preservation on the same site as, or adjacent to, wind resource areas; these can be conflicting interests. The wind turbines in the County have been shown to have high impacts to bird and bat species, including fully protected golden eagles, American peregrine falcons, and white-tailed kites, as well as a suite of special status bird and bat species. During the development and maintenance of a wind energy site, ground disturbance occurs by maintaining and grading roads, construction of turbine pads and outbuildings, and the burying of power lines. These on the ground disturbances may also impact riparian and vernal pool habitat, seasonal wetlands, and BO nests. DFG also encourages the County to maintain a buffer between wind turbines, existing conservation easements, and mitigation banks that have been approved by the resource agencies to provide habitat, in perpetuity, for sensitive species including foraging and nesting raptors.

5-10

5-11

5-12

5-13

**RS.I-62**

DFG would encourage setbacks for development to be a minimum of 100 feet from the riparian zone, regardless of parcel size. DFG would encourage the County to review the setback requirements in the draft Solano HCP, which describes setback widths based on in-fill projects, urban expansion areas, and restoration projects. The setback requirements for riparian habitat in CRLF core recovery areas will likely be greater than 100 feet.

5-14

**Land Use, pg 16 (DEIR) and Figure LU-1 (Plan)**

The Plan and draft EIR discuss the conversion of approximately 9500 acres of agricultural land to rural and urban residential through the implementation of the Plan. The Agricultural Resources Overlay (ARO) outlines areas the County desires to protect in perpetuity to maintain a buffer between Davis, Dixon, and Vacaville. The acreage amount should be disclosed to determine if the land will be enough to mitigate the loss of agricultural habitat through implementation of the Plan. What additional areas will be targeted if the acreage is not enough or if there are not enough willing participants to place an easement on their property or sell? DFG would encourage preservation of habitat with in-kind biological resources and species-specific foraging and nesting areas to those that are impacted. If the agricultural conservation easements do not include prohibited land uses, such as planting vineyards and orchards to mitigate for the loss of SWHA and BO habitat, DFG will require additional mitigation in other agricultural areas that manage the land for the benefit of SWHA and BO.

5-15

5-16

**Land Use, pg 17 (DEIR)**

Agricultural processing and tourism may result in the loss of foraging, nesting, seasonal wetland, vernal pool, and a variety of other habitats. Mitigation for the loss of these habitats for the development of agricultural processing and tourism should be provided.

5-17

**Land Use, pg. 70 (Plan), Old Town Cordelia, Flooding**

As described in the Plan, all new development shall develop systems to control sedimentation and not increase downstream flows. Currently, the storm culverts west of I-680 at Gold Hills Drive fill with sediment after every large rainstorm event. The sediment is transported under I-680 into the tidal drains on DFG's Gold Hills Unit, part of the Grizzly Island Wildlife Area Complex. Gold Hills Creek drains through the Gold Hills Unit into Cordelia Slough. Cordelia Slough is tidal but badly silted in to the point that DFG can no longer flood or drain DFG property through our gates. After one of the last big storm events, water with a high sediment load flooded the I-680 exit ramp and the County road. The sediment that deposited from that flooding event plugged the culverts on the east side of the highway and has facilitated the need for numerous cleanup efforts from several agencies. A resolution for current and future sediment loads, downstream flooding issues, and silt deposit on properties and in sloughs downstream needs to be resolved to protect fish and wildlife resources, downstream habitat and property.

5-18

Measures to control flooding should not be at the expense of fish and wildlife habitat. Riparian and stream habitats should not be channelized and made into large-scale flood conveyance facilities. The County has several streams and creeks that provide habitat for CRLF, steelhead and salmon, as well as nesting and roosting birds and bats; these habitats should not be altered, other than through restoration or enhancement activities. Rock rip-rap should be used at a minimum.

**RS.I-48**

DFG would encourage the County to require pre-permitting biological assessments of areas where wind turbine development projects are proposed. It may not be known if a new or un-surveyed area may have high bird and bat use and what the impacts would be. The areas where the RCO resides are not the only areas of the County where sensitive resources exist and are likely to be impacted. How is the County defining "low biological sensitivity?" DFG and USFWS should be consulted to determine the level of pre-project and post-project monitoring and mitigation requirements for impacts.

5-19

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5-21

**Table 4.6-2**

DFG suggests the following additions/edits to the table:

Winter-run Chinook: State endangered  
Central Valley fall-run Chinook: State species of special concern  
Spring-run Chinook: State threatened  
Sacramento split-tail: State species of special concern  
Add longfin smelt as a State candidate species  
California tiger salamander: State species of special concern  
California red-legged frog: State species of special concern

5-22

California black rail: State threatened and fully protected  
California clapper rail: State endangered and fully protected  
Add American peregrine falcon: State endangered and fully protected  
Add prairie falcon: State species of special concern

5-22  
Cont'd.

**Mitigation measure 4.6-1a**

(1) DFG strongly encourages adding commercial wind energy development onto the list of prohibited activities for permanent conservation easements or mitigation banks.

5-23

(2) BO mitigation may also be accomplished by preserving habitat in perpetuity that is already being used by BO for nesting and foraging. This would include a management plan to continue or improve existing land use practices that benefit the species.

5-24

**Mitigation measure 4.6-2a**

(2) It is not clear how or where impacts to upland grassland, oak woodland, oak savannah, or chaparral scrub will be mitigated. These habitat types should be mitigated at a minimum 1:1 ratio unless they are within the CRLF core recovery area in which case they should be mitigated at a 3:1 ratio. Mitigation land should provide equivalent or higher value habitat to that which is impacted and should provide values to the same species that are impacted. Contribution to important wildlife corridors is encouraged.

5-25

**Mitigation measure 4.6-3a**

(3) Mitigation for vernal pool habitat will likely be greater than a 1:1 ratio, as will vernal pool habitats that contain special status invertebrate species, Contra Costa goldfields, and breeding habitat for California tiger salamander. The draft Solano Habitat Conservation Plan (HCP) provides guidance on appropriate mitigation ratios for this habitat and associated species.

5-26

**Mitigation measure 4.6-4a**

(4a) DFG incorporates a work window of June 15 to October 15 for streams with salmon, steelhead or CRLF resources. This affords the greatest protection from the rainy season including downstream impacts from sedimentation as well as avoiding direct impacts to the species when they are present.

5-27

**Mitigation measure 4.6-7a**

DFG recommends surveys for nesting SWHA (March 1 to September 1) and golden eagles (February 1 to September 1) be conducted up to ¼-mile from project activities during the indicated nesting season. If active nests are found, the ¼-mile buffer should be maintained until all young have fledged the nest, unless a biological monitor is retained to observe the nest while project activities are conducted (although a 500-foot buffer should still be maintained). If a biological monitor is retained, DFG should be consulted on monitoring protocols. The biological monitor would have full authority to stop construction activities if the behavior of any nesting hawks or eagles indicates they are disturbed. DFG also recommends that trees occupied by all other nesting raptors shall have a minimum 300-foot buffer. If projects are located in urban areas, the buffer should still be maintained at 300 feet; however, a biological monitor may not need to monitor the nest, dependent on guidance from DFG.

5-28

Pre-construction surveys for ground-nesting harrier hawks or short-eared owls should be conducted during the nesting season (March 1 to September 1). If either species are found, a minimum 500-foot buffer should be established until the young have fledged the nest. The biological monitor would have full authority to stop construction activities if the behavior of any nesting hawk or owl indicates they are disturbed or nest abandonment is possible.

Pre-construction surveys for nesting raptors should be conducted 15 days prior to tree pruning, tree removal, staging, ground disturbing or construction activities. Surveys should be conducted a minimum of three separate days during the 15 days prior to disturbance. If construction activity is to encroach into buffer areas for nesting hawks, eagles, or owls, the biological monitor and DFG should be consulted prior to approving encroachment activities.

5-28  
Cont'd.

Avoidance and minimization measures for BO were not mentioned in the draft EIR. If occupied BO burrows are found during pre-construction surveys, impacts should be avoided by establishing a buffer of 160 feet during the non-breeding season (September 1 to January 31), or 250 feet during the breeding season (February 1 to September 1) for all project-related construction activities. If occupied burrows are found within 160 feet of project activities and staging areas during the non-breeding season and will be impacted, passive relocation measures should be implemented according to the Burrowing Owl Consortium Guidelines. Passive relocation should not occur during the nesting season. The draft EIR discusses mitigation measures for BO in section Mitigation measure 4.6-1a.

***Impact 4.9-9a, 2<sup>nd</sup> paragraph***

The County experiences high mortality rates due to wind energy projects. Habitat within the County supports golden eagle, SWHA, American peregrine falcon, white-tailed kite, American kestrel, red-tailed hawk, and numerous other raptor, waterfowl and bat species. By opening up a majority of the County to wind energy development, this could have significant impacts on a number of species, potentially dropping their numbers below self-sustaining levels in the County. DFG would encourage the County to scale-back the land designations in the county that would allow wind energy development, including limiting large-scale commercial development to those areas designated as a Wind Resource Area (WRA) and only allowing small-scale (non-commercial) projects (projects to power an individual facility) outside of the WRA. DFG would also discourage allowing wind development in areas designated as Watershed and Conservation. Areas designated for watershed and conservation conflicts with the impacts caused by wind energy development, including ground disturbance.

5-29

5-30

***Impact 4.9-9a***

(b) DFG appreciates incorporating buffer zones to reduce collision hazards with wind turbines. Birds and bats travel long distances--several miles--from nests or roosting sites to forage. The example of placing wind turbines 100 meters from riparian habitat may not be sufficient to reduce impacts to birds and bats utilizing riparian habitat. DFG is available to work with the County in developing appropriate buffer distances between wind turbines and sensitive, high value, or protected habitats.

5-31

(d) DFG appreciates the efforts incorporated to reduce impacts to bird and bat species by providing avoidance and minimization measures, buffer distances to turbines, and mitigation habitat. With these measures in place, there will still be on-going impacts to raptors,

5-32

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passerines, and bats. DFG believes that these impacts are substantial and perpetual for the life of each wind energy project; therefore, we consider the impact significant.

5-32  
Cont'd.

**General Comment, Solano County Multi Species Habitat Conservation Plan**

DFG would encourage the County to participate in the Solano County Multi Species HCP. The HCP is developing a plan for Solano County by identifying important habitat types such as agricultural, valley-floor grassland and vernal pool, and inner coast range. These defined areas provide habitat for several special status species including those discussed in the Resources Chapter of the draft EIR. DFG and USFWS are working closely with the Solano County Water Agency to develop the HCP and to develop a long-term plan to sustain valuable fish and wildlife resources. If the County chooses to participate in the HCP, the County will have coverage under the state and federal incidental take permits, which will streamline the process to implement projects proposed under this Plan. Also, by participating in the HCP and combining efforts to permanently and consistently protect a multitude of habitat types and special status species, we can provide a greater overall benefit to the fish and wildlife resources in the County.

5-33

If you have any questions, please contact Ms. Anna Holmes, Environmental Scientist, at (209) 948-7163; or Mr. Greg Martinelli, Water Conservation Supervisor, at (707) 944-5570.

Sincerely,

  
Charles Armor  
Regional Manager  
Bay Delta Region

cc: State Clearinghouse

Ms. Jolanta Uchman  
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- 5-1 This comment primarily restates the commenter's understanding of the 2008 Draft General Plan. The comment is noted.
- 5-2 The commenter correctly identifies that the proposed Resource Conservation Overlay (RCO) in the 2008 Draft General Plan does not extend to the northern and eastern portions of the county, where concentrated occurrences of Swainson's hawk and burrowing owl occur, and requests that the RCO be extended to the northeast portion of the county. In doing so, the commenter suggests that areas in the RCO are not the only areas of the county where sensitive biological resources exist. The County agrees. However, Mitigation Measure 4.6-1a on page 4.6-32 of the DEIR requires the County to provide habitat mitigation for all permanent impacts that result in the loss of foraging and nesting habitat for Swainson's hawk and burrowing owl. This measure applies countywide and is not limited to areas within proposed RCOs. When considered together, the proposed RCO and Mitigation Measure 4.6-9a, measure (c), adequately address the commenter's request. The commenter's request to extend the RCO to the northeast portion of the county will be provided to the County Board of Supervisors for further consideration.
- 5-3 The commenter is concerned that if there is overlap between the RCO and the Wind Resource Overlay (WRO), then wind resource development should be identified as an appropriate land use in the RCO. In consideration of this comment and those of other commenters, the County Board of Supervisors directed staff on July 8, 2008, to remove the WRO from the 2008 Draft General Plan land use diagram. This action eliminates all areas where the overlays overlap. A new map will be added to the Resources chapter of the 2008 Draft General Plan that depicts the extent of wind resource areas within Solano County, as identified by the California Energy Commission.
- 5-4 Please refer to Response to Comment 5-2.
- 5-5 The commenter suggests not overlapping the RCO with the WRO and discourages implementing mitigation in areas in and adjacent to wind energy development project areas.

Please refer to Response to Comment 5-3. The proposed change to the land use diagram would eliminate the overlap between the RCO and the WRO.

Program RS.I-48 in the 2008 Draft General Plan (incorrectly labeled on DEIR page 4.662 as "Policy RS.I-48") requires that additional biological assessment of probable impacts be conducted as part of the permit application when wind turbine siting is proposed in or near areas of sensitive biological resources, identified by the RCO. In the DEIR, Mitigation Measure 4.6-9a, measure (a), on page 4.6-62 expands on the requirements in Program RS.I-48, requiring that all wind turbine generator proposals include a collision risk assessment or a "Pre-permitting Assessment" as outlined in *California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development* (CEC and DFG 2007), as part of applications for project entitlements. Furthermore, measure (c) of Mitigation Measure 4.6-9a states that the County shall require project applicants for new wind turbine generator proposals, before and as a condition of project approval, to consult with the California Department of Fish and Game (DFG), the U.S. Fish and Wildlife Service (USFWS), and species experts in the development of site-specific ratios and fees to use in establishing compensation formulae. With implementation of these additional measures, the impact of direct bird and bat mortality from expansion of wind energy resources would be less than significant.

5-6

The commenter encourages the County to provide a buffer between wind energy development projects, existing conservation easements, and mitigation banks that provide habitat for raptors because wind turbines are known to result in considerable bird and bat mortalities in Solano County. The recommended change to the land use diagram would remove the Wind Resource Area north of SR 12, eliminating any overlap with the RCO area. A change to the restrictions on the location of wind energy development in the county would require a change to the 2008 Draft General Plan. The commenter's recommendation will be provided to the County Board of Supervisors for further consideration. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR. Policy RS.P-56 in the 2008 Draft General Plan encourages the use of technology or siting to minimize adverse impacts from energy production facilities on the environment, including wildlife. In the DEIR, Mitigation Measure 4.6-9a, measure (b), on page 4.6-62 expands on the requirements in Policy RS.P-56, requiring all project proposals for the development of wind energy to implement specific avoidance measures; however, it does not include a requirement for buffers from mitigation areas. In response to this comment, appropriate changes will be made to Mitigation Measure 4.6-9a, measure (b) in the DEIR.

As shown in Chapter 4 of this FEIR, the text of Mitigation Measure 4.6-9a, measure (b), on page 4.6-62 of the DEIR is revised as follows:

**(b) Avoidance and Minimization.** Policy RS.P-56 encourages the use of technology or siting to minimize adverse impacts from energy production facilities on the environment, including wildlife. This policy shall be expanded to require all project proposals for the development of wind energy to implement the following measures when selecting a project site and turbine layout and developing the facility's infrastructure:

- ▶ Fragmentation and habitat disturbance shall be minimized.
- ▶ Buffer zones shall be established to minimize collision hazards (for example, placement of turbines within 100 meters of a riparian area shall be avoided).
- ▶ Impacts shall be reduced with appropriate turbine design and layout.
- ▶ Artificial habitat for prey at the turbine base area shall be reduced.
- ▶ Lighting that attracts birds and bats shall be avoided.
- ▶ Power line impacts shall be minimized by placing lines under ground whenever possible.
- ▶ Use of structures with guy wires shall be avoided.
- ▶ Nonoperational turbines shall be decommissioned.

The County shall also require project applicants for new wind turbine generator proposals, before and as a condition of project approval, to consult with DFG, USFWS, and species experts in the development of site-specific avoidance and minimization requirements to minimize impacts on sensitive, high-value, or protected habitats. These requirements shall include developing appropriate buffers between wind energy development projects, existing conservation easements, and mitigation banks.

5-7

Although Program RS.I-5 does not specifically address or prohibit tree mitigation plantings in certain areas, the comment that all native trees planted for habitat mitigation purposes be limited to areas that are protected in perpetuity is consistent with the DEIR mitigation measures for

habitat mitigation that involve tree plantings or protection. Specifically, Mitigation Measures 4.6-2a, 4.6-2b, and 4.6-4a, are all required to occur on lands that would be protected in perpetuity. No further response is required.

5-8 The commenter suggests that proposed fencing of riparian areas be done in such a manner to not exclude wildlife from using these areas, and suggests alternatives to fencing of such areas. Seasonal grazing restrictions can be used to limit damage to creeks and livestock to some extent; however, it is generally considered necessary to fence such areas to achieve maximum benefit. While some fences can impede wildlife access to stream and associated riparian habitats, various fence designs and types are more wildlife friendly (e.g., top smooth wire, 3-strand internal fence, certain conductor spacings for electrical fences).

Although this recommendation does not relate specifically to the EIR for the 2008 Draft General Plan, a suggested change to Program RS.I-10 to emphasize use of wildlife compatible fencing will be provided to the County Board of Supervisors for further consideration.

5-9 The commenter encourages the County to work with the San Francisco Bay Conservation and Development Commission, DFG, and USFWS regarding wind energy development in or near the Suisun Marsh because Suisun Marsh provides important habitat for waterfowl, raptors, passerines, and bats, and wind turbines have been shown to cause considerable bird and bat mortalities. Suisun Marsh is located in the RCO. Please refer to Responses to Comments 5-3 and 5-5.

5-10 The commenter encourages separation between the WRO and RCO. Please refer to Responses to Comments 5-3 and 5-5. The proposed change to the land use diagram would eliminate any overlap between the WRO and the RCO.

5-11 The commenter believes that habitat preservation should not be allowed on the same site as, or adjacent to, wind resource areas because the land uses have conflicting goals. Please refer to Responses to Comments 5-3, 5-5, and 5-6.

5-12 The commenter is concerned that development and maintenance of a wind energy site, including road grading, construction of turbine pads and outbuildings, and the burying of power lines, would result in impacts on riparian and vernal pool habitats, seasonal wetlands, and burrowing owl nests. Wind energy-related development projects would be required to implement DEIR Mitigation Measures 4.6-3a, 4.6-4a, 4.6-5a, and 4.6-7a, measures similar to those required for other proposed projects not related to wind energy production. In addition, as stated in measure (c) of Mitigation Measure 4.6-9a on page 4.6-62, applicants for new wind turbine generator projects, before and as a condition of project approval, would be required to consult with DFG, USFWS, and species experts to develop site-specific ratios and fees to use in establishing compensation formulae. Mitigation also would be required if the project would result in significant impacts on riparian and vernal pool habitats, seasonal wetlands, and burrowing owl nests. For additional information, please refer to Responses to Comments 5-3, 5-5, and 5-6.

5-13 The commenter encourages the County to maintain a buffer between wind turbines, existing conservation easements, and mitigation banks that have been approved by the resource agencies to provide habitat in perpetuity for sensitive species, including foraging and nesting raptors. Please refer to Responses to Comments 5-3, 5-5, and 5-6.

5-14 The commenter recommends that minimum setbacks from riparian areas be established in the 2008 Draft General Plan. Although this recommendation does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.

- 5-15 The commenter requests additional information regarding the proposed Agricultural Resource Overlay (ARO). The proposed ARO buffers between Davis, Dixon, and Vacaville cover approximately 14,428 acres. This ARO also includes substantial acreage of unsuitable foraging habitat (e.g., orchards). It is unlikely that all necessary Swainson's hawk and burrowing owl habitat mitigation for irrigated agricultural habitats would be accomplished in the proposed ARO. However, the county currently contains approximately 150,000 acres of suitable irrigated agriculture foraging habitat for both species. The expected impact or loss of approximately 9,500 acres represents approximately 6% of the total irrigated agricultural habitat in the County. Therefore, it is likely that suitable mitigation acreage, with applicable crops and management requirements can be preserved through willing sellers.
- 5-16 Mitigation Measure 4.6-1a requires all agricultural lands preserved and managed specifically for Swainson's hawk foraging habitat have appropriate crop and other management restrictions. No further response is required.
- 5-17 Mitigation Measures 4.6-1a and 4.6-1b, 4.6-3a and 4.6-3b, and 4.6-5a and 4.6-5b provide habitat mitigation for all permanent impacts that result in the loss of foraging and nesting habitat for Swainson's hawk and burrowing owl, seasonal wetlands, vernal pools, and other habitats where significant impacts on special-status species or valuable habitat resources could occur.
- 5-18 The commenter refers to statements within the Land Use chapter of the 2008 Draft General Plan that describe recurring flooding of Cordelia Slough, advocating that flood protection afforded by Cordelia Slough not be at the expense of habitat found in numerous streams throughout the county. In response to the commenter's concerns, and as shown in Chapter 5 of this FEIR, County staff have recommended revisions to Policy SS.P-32 and Program SS.I-14 of the 2008 Draft General Plan. These recommendations will be provided to the County Board of Supervisors for further consideration. If this proposal is accepted by the County Board of Supervisors, Policy SS.P-32 and Program SS.I-14 in the Land Use chapter of the 2008 Draft General Plan would be amended as follows:
- SS.P-32: Work with the City of Fairfield and other water and resource agencies to monitor recurring flooding in Old Town Cordelia and the performance of Cordelia Slough to determine whether it is functioning and will continue to function at a safe carrying capacity.
- SS.I-14: Work with local residents, the City of Fairfield, water agencies, resource agencies, and the Fairfield Unified School District to complete improvements to infrastructure and public facilities in Old Town Cordelia, including flood prevention infrastructure, a neighborhood park (possibly on the site of the former Green Valley Middle School), and streetscape improvements and street furniture, and to enhance the community's recreational resources. Work with the water agencies to monitor recurring flooding in Old Town Cordelia and the performance of Cordelia Slough to determine whether it is functioning and will continue to function at a safe carrying capacity. Work with resource agencies to resolve current and future sediment loads, downstream flooding issues, and silt deposits on properties and in sloughs downstream to protect fish and wildlife resources, downstream habitat, and property. Work with the school district to determine desirable future uses for the vacant former Green Valley Middle School site.
- 5-19 Please refer to Response to Comment 5-3. For a discussion of impacts on bats and birds from expansion of wind energy resources, please refer to Impacts 4.6-9a and 4.6-9b (pages 4.6-59 through 4.6-63) of the DEIR. The commenter suggests that the County should require

prepermitting biological assessments of areas where wind turbine development projects are proposed. Implementation of Program RS.I-48 in the 2008 Draft General Plan and Mitigation Measure 4.6-9a in the DEIR would ensure that prepermitting assessments are conducted.

5-20 The commenter refers to Program RS.I-48 in the 2008 Draft General Plan, which is referenced in the DEIR on page 4.6-61, and suggests that areas in the RCO are not the only areas of the county where sensitive biological resources exist. The County agrees. “Low biological sensitivity” in the context used in this implementation program refers to areas that are not located within or near proposed RCOs. However, measure (c) of Mitigation Measure 4.6-9a on page 4.6-62 of the DEIR states that the County shall require project applicants for new wind turbine generator proposals, before and as a condition of project approval, to consult with DFG, USFWS, and species experts in the development of site-specific ratios and fees to use in establishing compensation formulae. This measure applies countywide and is not limited to areas within or near proposed RCOs. When considered together, Program RS.I-48 and Mitigation Measure 4.6-9a, measure (c), address the commenter’s request.

5-21 The commenter requests that DFG and USFWS be consulted to determine the level of preproject and postproject monitoring and mitigation requirements for impacts. As shown in Chapter 4 of this FEIR, and in response to the commenter’s concern, Mitigation Measure 4.6-9a, measure (d), on page 4.6-63 of the DEIR is revised as follows:

**(d) Postconstruction Monitoring and Contingency Plans.** Accurately assessing the potential for bat and bird mortality from wind resource projects is difficult, and once completed, such a project could have unanticipated fatalities. Therefore, before issuing a permit, the County shall require project applicants for any new wind turbine generator proposals to include a contingency plan to mitigate high levels of unanticipated fatalities. Permit conditions shall explicitly establish a range of compensatory mitigation options to offset unexpected fatalities and the thresholds that will trigger implementation. Applicants shall consult with DFG and USFWS to determine the level of preproject and postproject monitoring required. The need for compensatory mitigation for unexpected impacts shall be determined by postconstruction monitoring. Postconstruction monitoring shall conform to the guidelines outlined in *California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development* (CEC and DFG 2007).

5-22 As shown in Chapter 4 of this FEIR, the suggested edits have been incorporated into the revised Table 4.6-2.

5-23 The comment is noted. As shown in Chapter 4 of this FEIR, the last bullet in the bulleted list under “(1) Preservation of Foraging Habitat” in Mitigation Measure 4.6-1a on page 4.6-36 of the DEIR is revised as follows to incorporate the following condition to preclude commercial wind energy development as a prohibited activity:

- ▶ provide for permanent preservation under a conservation easement that prohibits all of the following:
  - plantings of orchards and/or vineyards, except in designed farmstead areas;
  - cultivation of perennial vegetable crops and annual crops;
  - commercial feedlots (defined as any open or enclosed areas where domestic livestock owned by other than the grantor are grouped together for intensive feeding purposes);

- horticultural specialties, including sod, nursery stock, ornamental shrubs, ornamental trees, and flowers;
- commercial greenhouses or plant nurseries;~~and~~
- commercial aquaculture of aquatic plants and animals and their byproducts;~~;~~ and
- commercial wind energy development.

5-24 This comment reiterates a general preference that preserved mitigation lands should ideally include sites where species currently exist. This comment is consistent with the DEIR assumptions and does not require any modifications.

5-25 The commenter recommends that oak woodland, oak savanna, and scrub communities be mitigated at a minimum 1:1 ratio. Mitigation for impacts on these communities would occur in the western hills of the county where these oak woodland, oak savanna, and scrub communities occur.

Mitigation Measure 4.6-2a in the DEIR specifies that, where conversion of upland grasslands, oak woodland, oak savanna, and scrub/chaparral is unavoidable as part of a project's development, the County shall require the project applicant to prepare and implement mitigation and management plans. To comply with this mitigation measure, the County would be required to develop minimum management and restoration requirements. The mitigation measure provides a number of standards based on similarity of mitigation sites to the impact site, size of the preserve, and avoided open land/habitat on a project site. These design standards are intended to ensure that mitigation sites are of equivalent or higher value than the affected sites.

In addition to these design standards, as recommended in the comment, the habitat mitigation for upland grasslands, oak woodland, oak savanna, and scrub/chaparral, as shown in Chapter 4 of this FEIR, the first paragraph of Mitigation Measure 4.6-2a, measure (2), on page 4.6-41 of the DEIR is revised as follows:

**(2) Habitat Mitigation.** Where conversion of upland grasslands, oak woodland, oak savanna, and scrub/chaparral is unavoidable as part of a project's development, ~~the County shall require the project applicant to~~ compensatory mitigation shall be provided at a minimum 1:1 ratio. The County shall also require the project applicant to prepare and implement mitigation and management plans for mitigation areas, including on-site avoidance and off-site preserves. The County shall develop minimum standards that address management and restoration requirements based on subdivision size, affected communities, presence of other valuable habitats and special-status species, and development in accordance with preserved-area edge ratios.

5-26 The reference to 1:1 mitigation was inserted incorrectly in trying to portray the need for mitigation that would result in no net loss habitat acreage or value. It is anticipated that mitigation ratios developed under the recommended standards would range between 1:1 to 18:1 (mitigation to impact ratio) depending on the habitat conditions, values, location, and specific species impacted at a site. The *Solano Multi-Species Habitat Conservation Plan*, once adopted, will likely provide the main guidance for mitigation requirements whether or not the County decides to participate in the program. As shown in Chapter 4 of this FEIR, the first sentence in Mitigation Measure 4.6-3a, measure (3), on page 4.6-44 of the DEIR is revised to read as follows:

**(3) Habitat Mitigation.** Compensatory mitigation for the conversion and loss of vernal pool and valley floor grassland habitats shall be provide for no net loss of wetland acreage and

overall habitat value at a 1:1 ratio through a combination of preservation of high-quality vernal pool and grassland habitat and the construction and restoration of vernal pool habitat.

5-27 The comment is noted. As shown in Chapter 4 of this FEIR, the first bulleted item under Mitigation Measure under Mitigation Measure 4.6-4a, measure (4)(a), on page 4.6-50 is revised as follows to incorporate the recommended change in dates:

(a) For projects that would result in impacts on streams that are known to support or have the potential to support salmonids—Green Valley, Suisun, American Canyon, and Putah Creeks, and to a lesser extent Ulatis, Alamo, Jameson Canyon, and Ledgewood Creeks and their tributaries—the following avoidance and minimization measures apply:

- ▶ Instream work shall be allowed only during specified work windows from June 15 to October 15 during low-flow conditions.

5-28 The comment recommends specific dates for surveys for certain species as well as expands the boundary for the preconstruction survey and avoidance. As shown in Chapter 4 of this FEIR, measure 1 of Mitigation Measure 4.6-7a on page 4.6-57 of the DEIR is revised to incorporate the recommended survey areas and associated conditions:

(1) A qualified biologist shall conduct surveys for raptor and loggerhead shrike nests before pruning or removal of trees, ground-disturbing activities, or construction activities to locate any active nests on or within ¼ mile of a project site immediately adjacent to the site. The surveys shall be designed and of sufficient intensity to document raptor nesting activity within ¼ mile 500 feet of planned work activities. Preconstruction surveys shall be conducted at 15 21-day intervals unless construction activities have been initiated in an area. Preconstruction surveys shall be conducted between February 1 and August 31. Locations of active nests shall be described and protective measures implemented. Protective measures shall include establishment of avoidance areas around each nest site. Species-specific Aavoidance areas shall be clearly delineated (i.e., by orange construction fencing) and shall be a minimum of: ¼ mile for golden eagle; 500 feet for Swainson’s hawk, northern harrier, and short eared owl; 250 feet during the breeding season and 160 feet during the non-breeding season for burrowing owl; 300 feet from the dripline of the nest tree or nest for other raptors, and 100 feet for shrikes. Buffer zones shall be measured from the dripline of the nest tree or nest, whichever is farthest. The active nest sites within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify any signs of disturbance. These protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active. A report shall be prepared at the end of each construction season detailing the results of the preconstruction surveys. The report shall be submitted to DFG by November 30 of each year. Buffer zones and monitoring requirements may be modified in consultation with and upon approval from DFG.

5-29 The commenter encourages the County to scale back the land designations in the county that would allow wind energy development, including limiting large-scale commercial wind energy developments to those areas designated as a Wind Resource Overlay (WRO) and allowing only small-scale (noncommercial) projects outside of the WRO. A change to the restrictions on the location of wind energy development in the county would require a change to the 2008 Draft General Plan. The commenter’s recommendation will be provided to the County Board of Supervisors for further consideration. Please refer to Response to Comment 5-5. Please refer to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR. The County Board of Supervisors has directed staff to amend the land use diagram by removing the WRO.

As explained in the DEIR, implementation of Mitigation Measure 4.6-9a along with the policies and programs contained in the 2008 Draft General Plan would reduce impacts on bats and birds from the expansion of wind resources to a less-than-significant level. Please see further justification for this conclusion offered in Response to Comment 5-32 below.

- 5-30 The commenter discourages allowing wind development in areas designated as Watershed and Conservation because of conflicting land use goals. A change to the restrictions on the location of wind energy development in the county would require a change to the 2008 Draft General Plan. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, the recommendation will be provided to the County Board of Supervisors for further consideration. Please refer to Response to Comment 5-5; also refer to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR.
- 5-31 The commenter appreciates the incorporation of buffer zones in Mitigation Measure 4.6-9a, measure (b), on page 4.6-62 of the DEIR; however, the commenter believes that 100-meter buffers from riparian habitat may not be sufficient to reduce impacts on birds and bats. In response to this comment and Comment 5-6, changes have been made to Mitigation Measure 4.6-9a, measure (b) in the DEIR. Please refer to Response to Comment 5-6.
- 5-32 Wind energy is expected to play a vital role in meeting Solano County’s renewable-energy requirements. At the same time, wind energy development projects can have significant impacts on bird and bat populations. The National Academy of Sciences’ Committee on Environmental Impacts of Wind-Energy Projects (NAS 2007) estimated that 20,000–37,000 birds were killed in 2003 as a result of wind energy production; however, the committee noted that this represented approximately 0.2 to 0.37% of the birds killed annually as a result of collisions with human structures, vehicles, and other activities. The committee also found no evidence, except possibly in relation to certain raptor species in the Altamont Wind Resource Area in Contra Costa and Alameda Counties in California, that bird populations were being adversely affected by the current level of wind energy installation.

To help address minimization of impacts on birds and other wildlife, the *California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development* (CEC and DFG 2007) was developed to address these coexisting and sometimes conflicting objectives: to encourage the development of wind energy while minimizing and mitigating harm to birds and bats. Mitigation Measure 4.6-9a was developed following the guidelines outlined in this recent publication by the California Energy Commission and DFG (CEC and DFG 2007).

This publication recognizes that assessing the impacts from wind energy developments on birds and bats is difficult, primarily because of the ongoing impacts that can occur long after the initial construction of the wind turbines. Furthermore, bat and bird mortalities from wind resource projects are difficult to fully anticipate because once completed, projects could have unanticipated fatalities. To provide mitigation for these long-term unavoidable and unanticipated impacts, the state guidelines recommend a number of measures such as siting guidelines and compensatory habitat mitigation. These guidelines also recommend establishing a contingency plan for unanticipated impacts. These recommendations and compliance with the guidelines is a required measure in the DEIR. Measure (d) in Mitigation Measure 4.6-9a (DEIR page 4.6-63) further specifies that before issuing a permit, the County shall require project applicants for any new wind turbine generator proposals to include a contingency plan to mitigate high levels of unanticipated fatalities. Permit conditions shall explicitly establish a range of compensatory mitigation options to offset unexpected fatalities and the thresholds that will trigger implementation. The rationale for making the finding of a less-than-significant impact on birds and bats is based on a combination of factors: (1) the findings of a majority of scientific studies, which show that although high levels of mortality can occur, the effects of these losses typically

do not affect the overall population, range, or distribution of the affected species; and (2) the further requirements contained in the guidelines to minimize impacts through facility siting, operation, and compensatory mitigation. The further inclusion of measure (d) in Mitigation Measure 4.6-9a is designed to address and provide mitigation for potential long-term, unanticipated impacts on birds and bats.

5-33

The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.

## **LETTER 6**

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**MATTHEW R. JONES, SENIOR AIR QUALITY PLANNER**  
Yolo/Solano Air Quality Management District

May 29, 2008





May 29, 2008

Mr. Jim Louie  
Senior Planner  
Solano County Dept. of Resource Management  
675 Texas Street, Suite 5500  
Fairfield, CA 94533

RECEIVED  
Solano County  
Resource Management

MAY 30 2008

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Subject: DEIR Comments, 2008 Solano County General Plan

Dear Mr. Louie,

The Yolo-Solano Air Quality Management District has reviewed the above referenced document. Overall, we believe that the EIR's air quality section is thorough, accurate, and comprehensive. The few comments that we do have are shown below.

Future Growth

Implementation of the 2008 Draft General Plan would result in increased population and economic activity in Solano County. While this growth could cause adverse effects to regional air quality, the 2008 Draft General Plan seeks to protect existing agricultural land uses in the county by focusing new development toward existing urban communities. Further, many of the policies identified in the 2008 Draft General Plan appear to promote infill development that will locate housing, jobs, and shopping in reasonable proximity to one another. The Air District supports this growth philosophy and believes that it will result in the reduced use of automobiles, helping to minimize air pollution from mobile sources. The Air District also approves of the many policies included in the general plan that will promote alternative modes of transportation such as walking, biking and transit, as well as those policies that encourage energy-efficient development.

6-1

Potential Land Use Incompatibility

Page 4.2-35 of the DEIR discusses the increased risk from toxic air contaminants (TAC) when sensitive receptors would be sited within 500 feet of a major roadway. According to the DEIR, the new development associated with the general plan would likely produce this scenario. The Air District would like to emphasize that the County should, where possible, endeavor to avoid projects that create close proximities between sensitive receptors and TAC sources.

6-2

While the Air District uses the Air Resources Board's (ARB) recommended minimum setbacks as a screening tool for analyzing impacts to receptors that are in proximity to known sources of TAC, the Air District's 2007 Handbook for Assessing and Mitigating Air Quality Impacts provides further guidance for analyzing these impacts. Specifically, the Handbook recommends that, for projects that do not meet the minimum setbacks recommended by the ARB, a health risk

6-3

assessment should be prepared to estimate the actual risk involved. The Air District suggests incorporating this recommendation in the DEIR as mitigation for new development that would not meet the minimum ARB setback distances.

6-3  
Cont'd.

Also, a newly-published study by the ARB indicates that trees planted along roadways can act as barriers to diesel particulate pollution, significantly reducing the concentrations of diesel particulate at nearby receptors. The Air District recommends that the County's general plan include a policy that encourages tree planting along major roadways, where possible, when sensitive receptors will be located within 500 feet of the roadway.

6-4

Idling Time of Main Propulsion Engines

Page 4.2-36 of the DEIR includes a mitigation measure calling for strategies to reduce idling time of the main propulsion engines of diesel trucks. The ARB has adopted idling restriction regulations, and as noted in the DEIR, ARB is evaluating additional regulations to limit idling of smaller diesel-powered commercial vehicles. Apart from the main propulsion engine, however, many trucks contribute emissions from the use of auxiliary power units (engines designed to provide cab power in place of the main propulsion engine). With this in mind, the Air District suggests that policies be put in place to encourage strategies that reduce emissions from auxiliary power units through the use of alternative technologies.

6-5

Disclosure Statements

Page 4.2-38 of the DEIR includes a mitigation measure for odors that relies on providing disclosure statements to affected individuals. The Air District does not consider disclosure statements to be effective mitigation because they do not reduce the actual odor impact. While disclosure statements can educate the public about a potential impact, this measure should not be used in lieu of measures such as buffer zones or technical controls.

6-6

Greenhouse Gases/Climate Change

Since the passage of California's AB 32, the state has demonstrated that it is making the issue of climate change a priority. The state Attorney General has commented on several general plan EIR's prepared by jurisdictions around the state and questioned the lack of analysis relating to climate change. These comments have asked jurisdictions to assess their project's potential impact on achieving the goals of AB 32 and further, asked that any impacts be mitigated to the extent feasible.

6-7

Currently, the Air District does not set thresholds for greenhouse gases, nor does the District advocate a specific methodology for quantifying greenhouse gases from a project. However, with the past Attorney General comments in mind, the Air District does recommend that CEQA documents for large projects such as general plans and metropolitan transportation plans provide at least a general discussion of their impacts on climate change and whether the project will affect the state's ability to meet the requirements of AB 32.

6-8

The Air District believes that many of the policies included in the general plan to promote smart growth, sustainability and reduced vehicle use can also be highlighted as examples of measures that will minimize the general plan's impact on climate change.

6-9

Page 3  
Mr. Louie

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Thank you for the opportunity to comment on the County's General Plan DEIR. I can be contacted at (530) 757-3668 if you have questions or require additional information.

Sincerely,

A handwritten signature in black ink that reads "Matthew R Jones". The signature is written in a cursive style with a large, prominent "M" and "J".

Matthew R. Jones  
Senior Air Quality Planner

- 6-1 The comment is noted.
- 6-2 The Bay Area Air Quality Management District and Yolo/Solano Air Quality Management District have not set thresholds for the exposure of sensitive receptors to toxic air contaminants (TACs). No specific guidance exists for conducting a health risk assessment, nor are there thresholds for results of such an assessment, and TAC methods may change over the time frame of the 2008 Draft General Plan. Furthermore, the County is under the jurisdiction of two air quality management districts. For these reasons, creating a policy like those suggested by the commenter would be too specific at this time and could limit analysis and mitigation in the future. DEIR Mitigation Measure 4.2-5a states that all sensitive receptors would be placed as far away from TAC sources as feasibly possible; however, further clarification is warranted. Therefore, as shown in Chapter 4 of this FEIR, the third bullet in the bulleted list on page 4.2-36 of the DEIR is revised as follows:
- ▶ Proposed developments shall incorporate site plans that move sensitive receptors as far as feasibly possible from major roadways (100,000+ average daily trips) and shall follow all applicable state and air district guidance in relation to TAC reduction methods.
- 6-3 Please refer to Response to Comment 6-2.
- 6-4 The commenter recommends that the 2008 Draft General Plan include a policy that encourages tree planting along major roadways, where possible, when sensitive receptors will be located within 500 feet of the roadway. To address this comment, County staff have recommended that Program RS.I-8 be revised. If this proposal is accepted by the County Board of Supervisors, Program RS.I-8 would be amended as follows:
- RS.I-8: Require the planting of shade and roadside trees in development projects for aesthetic, air quality and other associated benefits. Encourage the use of native tree species, especially native oaks. Create development standards to ensure appropriate placement care, and maintenance. The County shall evaluate the feasibility of planting of roadside trees as part of major County road improvement projects.
- 6-5 Truck idling is accounted for in DEIR Mitigation Measure 4.2-5a, and possible changes in air district guidance are not foreseeable at this time. However, to account for potential changes, as shown in Chapter 4 of this FEIR, the second bullet in the bulleted list on page 4.2-36 of the DEIR is revised as follows:
- ▶ Applicable state and air district guidance shall be followed and strategies shall be incorporated to reduce the idling time of main propulsion engines through alternative technologies such as IdleAire, electrification of truck parking, and alternative energy sources for TRUs to allow diesel engines to be completely turned off.
- 6-6 The DEIR does not rely solely on disclosure statements as mitigation for exposure to odorous emissions. Mitigation Measure 4.2-6a on page 4.2-38 of the DEIR also provides details on the implementation of technical controls (bullet 2) and buffer zones (bullet 3).
- 6-7 The comment is noted. No further response is warranted.

- 6-8 Please refer to Section 6.2 of the DEIR (pages 6-12 through 6-49) for a discussion of the effects of the 2008 Draft General Plan on global warming and the effects of global warming on the 2008 Draft General Plan. With respect to Assembly Bill 32, please refer to pages 6-28 through 6-29 of the DEIR, and to Impacts 6.2-1a and 6.2-1b (DEIR pages 6-32 through 6-43).
- 6-9 The comment is noted. The County agrees that many of the policies included in the 2008 Draft General Plan to promote smart growth, sustainability, and reduced vehicle use are also examples of measures that would minimize the general plan's impact on climate change.



## **LETTER 7**

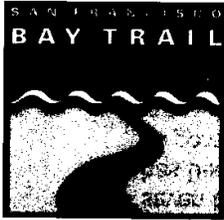
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**MAUREEN GAFFNEY, BAY TRAIL PLANNER**

Bay Trail Project of Association of Bay Area Governments

May 30, 2008





RECEIVED  
Solano County  
Resource Management

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May 30, 2008

Jim Louie  
Senior Planner  
Solano County Resource Management  
675 Texas Street, Suite 5500  
Fairfield, California 94533

Subject: Draft Environmental Impact Report for the Solano County General Plan

Dear Mr. Louie:

The Bay Trail Project is a nonprofit organization administered by the Association of Bay Area Governments (ABAG) that plans, promotes and advocates for the implementation of a continuous 500-mile bicycling and hiking path around San Francisco Bay. When complete, the trail will pass through 47 cities, all nine Bay Area counties, and cross seven toll bridges. To date, slightly more than half the length of the Bay Trail alignment has been developed. The goal of the Bay Trail is to be located as close to the shoreline as possible, and to accommodate the widest variety of users by providing a Class I, fully separated, multi-use path wherever possible. The Bay Trail in Solano County runs along the shoreline in Vallejo and Benicia, with two important connector trails—one located on Jameson Canyon Road and the other originating in Benicia State Recreation Area.

7-1

The Bay Trail Project and the Bay Area Ridge Trail share a common alignment in Vallejo and Benicia and the two projects recently provided a planning grant in order to close the gap in the respective trail alignments between Benicia State Recreation Area and the Carquinez Bridge. The Bay and Ridge Trail Projects have also recently kicked off a joint effort to complete both trail systems along the shores and bluffs of the Carquinez Strait. These efforts and a request for the EIR to discuss the Bay Trail Plan were included in our comment letter on the EIR Notice of Preparation letter submitted to you on February 4, 2008.

Unfortunately, we find no such reference to the Bay Trail Plan, policies, or design guidelines in the draft EIR. In regards to trails, the document states that "Because of limited County data, the quantity of trail miles and the quantity of publicly accessible open space could not be determined at the time of writing. For this reason, this analysis does not include open space or trails in the park provision ratio" (pg. 4.14-1). The Bay Trail Project would have been happy to provide data regarding the trail, with several formatting options available.

7-2

In the FEIR, we again request that the document discuss the Bay Trail Plan and its policies, and address any impacts to the existing or planned alignment shown on the attached map that include, but are not limited to, traffic, circulation, biological resources, visual quality, aesthetics, noise, shadow impacts, visual access, physical access, and the public nature/feel of the Bay Trail.

7-3

The Bay Trail Plan and Policies and Bay Trail Design Guidelines may be obtained on our website, [www.baytrail.org](http://www.baytrail.org) or by contacting me at the telephone number below. Please send a copy of the Final EIR for our review when it becomes available. The Bay Trail Project appreciates the opportunity to comment and looks forward to working with you on this project. Please do not hesitate to call me at (510) 464-7909 if you have any questions regarding the above comments or the Bay Trail.

7-4

Sincerely,



Maureen Gaffney  
Bay Trail Planner

Enc: 1



- 7-1                Comments concerning the Bay Trail Project and its activities are noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 7-2                The commenter states that the DEIR omits reference to the *San Francisco Bay Trail Plan*. The *San Francisco Bay Trail Plan*, the *Bay Area Ridge Trail Plan*, and the *Carquinez Trust Trail Plan* are included in the list of plans, programs, and regulations that apply to unincorporated areas of Solano County on page 4.1-13 of the DEIR. Consistency of the 2008 Draft General Plan with these trail plans is examined on page 4.1-15. No inconsistencies were found.
- 7-3                The DEIR fully analyzes impacts associated with implementation of the 2008 Draft General Plan, specifically related to noise (see Section 4.3, “Noise”), traffic and circulation (see Section 4.4, “Transportation and Circulation”), biological resources (see Section 4.6, “Biological Resources”), and visual quality and aesthetics (see Section 4.11, “Aesthetic Resources”). With respect to the Bay Trail Plan, as explained in the DEIR, a number of plans exist to establish regional trail systems in the Bay Area. Such plans that are relevant to the County include the San Francisco Bay Trail Plan, the Bay Area Ridge Trail Plan, and the Carquinez Trust Trail Plan (DEIR page 4.1-15). Policies RS.P-40, RS.P-43, and RS.P-44 and Program RS.I-36 would ensure consistency with the Bay Trail Plan. In particular, Policy RS.P-44 encourages the County to support the completion of regional trails that link destinations within Solano County and beyond, including the San Francisco Bay Trail, the Bay Area Ridge Trail, and the Carquinez Trust Trail. (See the discussion of Impacts 4.1-2a and 4.1-2b on pages 4.1-12 through 4.1-16 of the DEIR.) Based on the consistency review performed for the DEIR, no inconsistencies between the 2008 Draft General Plan and the Bay Trail Plan have been found. Further, under the existing General Plan, no policies or programs exist to promote or protect the Bay Area Trail. It should be noted that the path of the Bay Trail as it passes through Solano County lies fully within the city limits of Benicia and Vallejo. It does not enter the unincorporated area of the county. If specific development projects under the 2008 Draft General Plan are proposed that would be inconsistent with the Bay Trail Plan, such as projects that would create shadow impacts or obstruct visual or physical access to the trails, such impacts would be addressed as part of CEQA review of those projects.
- 7-4                The commenter’s closing comments and request to be sent a copy of the FEIR are noted and will be provided to the County Board of Supervisors for further consideration.

## **LETTER 8**

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SAHRYE COHEN, COASTAL PLANNING ANALYST  
San Francisco Bay Conservation and Development Commission

June 2, 2008





Making San Francisco Bay Better

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Solano County  
Resource Management

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June 4, 2008

Jim Louie, Senior Planner  
Solano County Resource Management  
675 Texas Street  
Fairfield, California 94533

SUBJECT: Solano County Local Protection Program File; Draft Environmental Impact Report (EIR) for the 2008 Solano County General Plan Update; SCH# 2007122069  
BCDC Inquiry File No. SL.SC.7606.1

Dear Mr. Louie:

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the 2008 Solano County General Plan Update (General Plan). The San Francisco Bay Conservation and Development Commission (BCDC or Commission) has not reviewed the EIR, but the following staff comments are based on the McAteer-Petris Act, the San Francisco Bay Plan (Bay Plan) as amended through November 2007, the Suisun Marsh Preservation Act (SMPA), the Suisun Marsh Protection Plan (SMPP) as amended through November 2007, the White Slough Specific Area Plan, the Benicia Waterfront Special Area Plan, the current Solano County Local Protection Plan (LPP) as amended through December 1982, and staff review of the NOP.

**Jurisdiction.** BCDC's jurisdiction in the project area includes Bay jurisdiction, shoreline band jurisdiction, certain waterways jurisdiction, managed wetland jurisdiction, and the primary and secondary management areas of the Suisun Marsh. In areas outside of those designated in the Marsh Plan as the Suisun Marsh, BCDC jurisdiction includes Bay waters up to the shoreline, and the land area between the shoreline and the line 100 feet upland and parallel to the shoreline, which is defined as the Commission's 100-foot "shoreline band" jurisdiction. The shoreline is located at the mean high tide line, except in marsh areas, where the shoreline is located at five feet above mean sea level. The Napa River from the Highway 37 crossing to the northernmost point of Bull Island is considered a "certain waterway" and BCDC jurisdiction includes all areas that are subject to tidal action including submerged tidelands and marshlands up to five feet above sea level on this waterway. The Commission's managed wetland jurisdiction is identified on the Bay Plan Maps, as well as the map appurtenant to the Suisun Marsh Protection Plan that identifies the Primary and Secondary Management Areas of the Suisun Marsh.

8-1

The Executive Summary and EIR (pages 1-6 and 4.6-26) accurately describe BCDC's jurisdiction in Solano County.

**Land Use – Potrero Hills Landfill.** The proposed change in land use designation of the Potrero Hills landfill site from extensive agriculture to public/quasi-public is inconsistent with the SMPA and the SMPP. The SMPA and SMPP currently provide for the use of the authorized landfill facility, so no change in land use designation is needed. The existing landfill operation was authorized under these existing policies.

8-2

The secondary management area of the Suisun Marsh is specified for agricultural use with very limited related uses in order to protect the secondary and primary management areas of the Marsh. It is not appropriate to designate hundreds of acres in the secondary management area with a land use designation that may include non-conforming uses. The SMPA and SMPP policies already provide for a limited waste disposal facility, which is the currently authorized Potrero Hills Landfill. Further, the proposed designation would misconstrue how the SMPA and SMPP policies should be implemented on this site and affect the required restoration of the area to agricultural uses and grassland, once the landfill operations cease. If the landfill uses were to persist indefinitely, and the area was not restored, this would result in the permanent loss of agricultural and upland grassland from a significant and unique portion of the secondary management area of the Suisun Marsh.

8-2  
Cont'd.

**Priority Use Area Designation.** The water dependent industrial land use designation for the Collinsville area is consistent with the priority use area designation in the Bay Plan and the land use description in the Marsh Plan.

Additional Bay Plan water-related industry designations within Solano County are located in Benicia and in the City of Vallejo. The Solano County General Plan Map (Land Use and Roadway Circulation Diagram) proposes to designate areas in Vallejo and Benicia as urban commercial, urban industrial and public/quasi-public, but these areas are designated in the Bay Plan as water-related industry. These designations are not consistent with the Bay Plan and Benicia Waterfront Special Area Plan. The General Plan does not strictly define urban industrial use, and instead defines this land use as light and general industrial within a municipal service area. This definition is too broad to determine if the industrial uses included in urban industrial would be compatible with the requirements of BCDC's water-related industrial land use designation over these areas. Land uses classified as urban commercial, such as urban commercial-highway commercial, would be inconsistent with a water-related industry designation.

8-3

**Marsh and Delta Areas.** The revised General Plan contains the entirety of the existing Solano County Local Protection Program (LPP) as Appendix C. The General Plan and EIR should be revised to state that these more detailed policies take precedence over any summarized policies that are contained in the Marsh and Delta Section of the General Plan. We understand that the General Plan update may include some minor changes to the LPP that would have to be approved by the Commission before they could be binding on any Marsh Development Permits. Also, we welcome the County's proposed implementation measure calling for an effort to update the LPP, working in concert with BCDC.

8-4

**White Slough.** White Slough is managed according to the White Slough Area Plan. The EIR, in analyzing marsh and wetlands areas states that there may be significant impacts to marsh and wetland areas. Any newly acquired parcels within the White Slough Specific Plan area should be enhanced and managed in a manner consistent with the policies of the White Slough Specific Area Plan.

8-5

**Agriculture.** The EIR states that changes to existing agricultural designations will result in loss of upland grassland habitat and other areas surrounding the Suisun Marsh. Proposed General Plan policies governing those areas of the Suisun Marsh that are designated as watershed land use should be revised to be consistent with the agriculture policies in the SMPA and SMPP for the Secondary Management Area of the Marsh. SMPP policies on environment state, in part that, "existing uses should continue in the upland grasslands and cultivated areas surrounding the critical habitats of the Suisun Marsh in order to protect the Marsh and preserve valuable marsh-related wildlife habitats. Where feasible, the value of the upland grasslands and cultivated lands as habitat for marsh-related wildlife should be enhanced".

8-6

**Biological Resources.** The EIR states that the proposed Resource Conservation Overlay will be an "informational resource" that would identify areas of the county with high priority resource management needs. The General Plan should contain biological resource policies for both marsh and non-marshlands, and the proposed Suisun Marsh chapter of the General Plan should contain biological resources policies that are consistent with the Marsh Plan. Marsh Plan environment policies state, in part that, "the diversity of habitats in the Suisun Marsh and surrounding upland areas should be preserved and enhanced wherever possible to maintain the unique wildlife resources. ... The Marsh waterways, managed wetlands, tidal marshes, seasonal marshes, and lowland grasslands are critical habitats for marsh-related wildlife and are essential to the integrity of the Suisun Marsh. Therefore, these habitats deserve special protection." The EIR states that the change in land use designation in some areas of the county will result in significant impacts to biological resources. Projects in the primary and secondary areas of the Suisun Marsh must include provisions to protect marsh habitat and species and should be guided by the policies in the Solano County LPP.

8-7

**Bay Plan Policies on Public Access.** The Commission can only approve a project within its jurisdiction if it provides maximum feasible public access, consistent with the project. The Bay Plan policies on public access state, in part that, "in addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline...Whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed...Public access improvements provided as a condition of any approval should be consistent with the project and the physical environment, including protection of natural resources, and provide for the public's safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should permit barrier-free access for the physically handicapped to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs....Access to the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available...."

8-8

The General Plan and EIR contain one policy intended to promote public access in Solano County. This policy (RS.P-26) seems to be specific to areas within the Suisun Marsh. The General Plan should include policies that promote public access to natural, cultural, recreational and ecological resources throughout the county, and ensure maximum feasible public access for projects in areas of BCDC jurisdiction. These policies should also promote completion of the San Francisco Bay Trail, the Bay Area Ridge Trail and the San Francisco Bay Area Water Trail.

**San Francisco Bay Plan Policies Appearance Design and Scenic Views.** The Bay Plan Policies on Appearance Design and Scenic Views state, in part, "all bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance or preserve views of the Bay and shoreline, especially from public areas....Shoreline developments should be built in clusters, leaving open area around them to permit more frequent views of the Bay....Views of the Bay from....roads should be maintained by appropriate arrangements and heights of all developments and landscaping between the view areas and the water."

8-9

The EIR states that land use designations may result in significant impacts to scenic views in Solano County. Policies in the General Plan should protect public views of the Bay, particularly from vista points identified in the Bay Plan and SMPP, such as the vista points at the Benicia-Martinez and Zampa Bridges.

Jim Louie  
June 4, 2008  
Page 4

**Sea Level Rise and Safety of Fills.** Bay Plan findings regarding safety of fills state, in part, that "...structures on fill or near the shoreline should be above the highest expected water level during the expected life of the project...Bay water levels are likely to increase in the future because of a relative rise in sea level... Relative rise in sea level is the sum of: (1) a rise in global sea level and (2) land elevation change (lifting and subsidence) around the Bay." Bay Plan policies on safety of fills state, in part, that "local governments and special districts with responsibilities for flood protection should assure that their requirements and criteria reflect future relative sea level rise and should assure that new structures and uses attracting people are not approved in flood prone areas or in areas that will become flood prone in the future, and that structures and uses that are approvable will be built at stable elevations to assure long-term protection from flood hazards."

Projects in BCDC's jurisdiction that involve Bay fill must be consistent with the Bay Plan policies on the safety of fills and sea level rise. The EIR and General Plan contain a lengthy analysis of sea level rise and the potential impacts of this increased sea level, including the chance of more extensive flooding. Projects in Solano County that are in BCDC's jurisdiction should be planned so that rising sea level does not inundate or preclude the use of required public access.

If you have any questions regarding this letter, or any other matter, please contact me by phone at 415-352-3649 or email [sahryec@bcdc.ca.gov](mailto:sahryec@bcdc.ca.gov).

Sincerely,



SAHRYE COHEN  
Coastal Planning Analyst

SC/gg

8-10

8-1            The comment is noted.

8-2            The commenter recommends against a change in the land use designation of the Potrero Hills landfill site because it may allow uses that do not conform to the Suisun Marsh Protection Act and *Suisun Marsh Protection Plan* and would affect how this site would be restored. To address this comment, County staff have recommended the following 2008 Draft General Plan amendments to the County Board of Supervisors. If this proposal is approved, the last paragraph on page PF-19 in the Public Facilities and Services chapter would be revised as follows:

The County contracts with many different companies to collect solid waste. The collection companies pick up nonhazardous solid wastes and transport these wastes to a land fill. Non recyclable solid wastes generated in the unincorporated county are disposed of in one of two privately owned landfills: (1) the Potrero Hills Landfill, located near State Route (SR) 12 and Suisun City, and (2) the Hay Road Landfill, located on SR 113 east of Vacaville (see Figure PF-2). The Potrero Hills Landfill is located in the Secondary Management Area of the Suisun Marsh. The Public/Quasi-Public land use designation applied to the Potrero Hills Landfill shall be limited to only solid waste facilities that are established consistent with Solano County Suisun Marsh Local Protection Program Utilities, Facilities and Transportation policy 4 (Appendix C). All other Public/Quasi-Public facilities and uses shall not be permitted at this site. The Potrero Hills Landfill will reach its near-term capacity in 2013, but can be expanded to reach its long-term capacity in 2049. The Hay Road Landfill has until 2070 before it reaches capacity. Each site shall be restored to its original natural condition consistent with each site's approved closure plan and reclamation plan. Restoration may be phased over the life of the landfill. Other than these two landfills, no other facilities accept solid waste in Solano County.

In addition, if this proposal is approved, the following new policy would be added to the Public Facilities and Services chapter of the 2008 Draft General Plan:

PF.I-L:      The Public/Quasi-Public land use designation applied to the Potrero Hills Landfill shall be limited to only solid waste facilities that are established consistent with Solano County's Suisun Marsh Local Protection Program and Suisun Marsh Protection Plan.

8-3            The commenter notes differences in land use designations within the cities of Vallejo and Benicia that are not consistent with the Bay Plan and *Benicia Waterfront Development Plan*.

The land use designations within the 2008 Draft General Plan for the municipal service areas (MSAs) reflect the city general plans for informational purposes only. The city general plans have been provided in a simplified fashion. Many of the land use categories that vary by city jurisdiction have been combined into more generalized categories. For example, Low Density, Medium Density, and High Density Residential have been classified as Urban Residential under the 2008 Draft General Plan. Notes on the land use diagram refer the reader to the city general plans for the more specific land use designations and development policies.

8-4 The commenter suggests that the 2008 Draft General Plan and DEIR be revised to state that the more detailed policies in Appendix C should take precedence over any summarized policies in the Marsh and Delta section of the 2008 Draft General Plan.

The General Marsh and Delta policies apply to all marsh and Delta areas in the county. However, the 2008 Draft General Plan has a specific section for Suisun Marsh, and it lists specific policies applicable to the marsh and makes reference to Appendix C for the more specific policies under the Local Protection Program. The 2008 Draft General Plan clearly states that all public and private management and development activities within Suisun Marsh must be consistent with Suisun Marsh policies and the County's Local Protection Program.

8-5 The commenter notes that any newly acquired parcels within the *White Slough Specific Plan* areas should be enhanced and managed in a manner consistent with the specific plan. This would be required under provisions of the *White Slough Specific Plan*. The comment is noted.

8-6 The commenter states that areas of Suisun Marsh that are designated as watershed land use should be consistent with agricultural policies in the Suisun Marsh Preservation Act and *Suisun Marsh Protection Plan* that pertain to adjacent upland areas. Policies RS.P-10 through RS.P-19 and the policies in the *Suisun Marsh Policy Addendum*, Appendix C of the 2008 Draft General Plan, address the requirements of and ensure consistency with the Suisun Marsh Protection Act. There are no areas designated as Watershed within the Suisun Marsh management areas. Specifically, Policies RS.P-13 and RS.P-14 limit land uses to those allowed within the Primary and Secondary Management Areas as defined by the Suisun Marsh Protection Act. Please refer to Master Response D, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how the County will consider suggestions to changes to the goals, policies, or programs contained in the 2008 Draft General Plan.

The commenter also observes that the DEIR has determined that changes to agricultural land use designations would result in the loss of upland grassland habitat and other habitat surrounding Suisun Marsh and other bay areas. The commenter urges the County to mitigate habitat loss. The comment is noted. Section 4.6, "Biological Resources," of the DEIR contains a thorough description of the various habitats in Solano County and an analysis of the potential impacts of the 2008 Draft General Plan. All feasible mitigation measures have been identified. Please also refer to Master Response H, "Mitigation for Significant and Unavoidable Impacts," in Chapter 2 of this FEIR.

8-7 The commenter suggests that the 2008 Draft General Plan should contain biological resources policies for both marsh and non-marshlands, and that within Suisun Marsh these policies must be consistent with the *Suisun Marsh Protection Plan*.

The Resources chapter of the 2008 Draft General Plan includes a number of policies and programs to protect the natural habitats and diverse plant and animal communities. Specific habitat policies for Suisun Marsh are contained in the Suisun Marsh Local Protection Program. All projects within Suisun Marsh must include provisions to protect marsh habitat and species as required under the Solano County Suisun Marsh Local Protection Program.

8-8 The commenter notes that the 2008 Draft General Plan contains one policy to promote public access in the county specific to Suisun Marsh, but does not address other areas subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC). The commenter also notes that the plan should address completion of the Bay Trail, Bay Area Ridge Trail, and Bay Area Water Trail.

The *White Slough Specific Plan* and *Collinsville–Montezuma Hills Area Plan and Program* also include public access policies that address other areas of the unincorporated county subject to BCDC jurisdiction. Policy RS.P-44 of the 2008 Draft General Plan supports completion of regional trails, including the Bay Trail and Bay Area Ridge Trail.

8-9 The commenter states that because the DEIR states that proposed land use designations would affect scenic views in Solano County, the 2008 Draft General Plan should include policies that protect public views of San Francisco Bay and bridges. Impacts on scenic views described in the DEIR are not specific regarding views of the bay and bridges. Most such views are present within the open spaces protected by the 2008 Draft General Plan designations, particularly the Tri-City and County Open Space area located between Fairfield, Vallejo and Benicia. Land use designations that would lead to development are not located in areas that would block views of the bay and bridges.

8-10 The commenter notes that:

The EIR and General Plan contain a lengthy analysis of sea level rise and the potential impacts of increased sea level, including the chance of more extensive flooding. Projects in Solano County that are in [the San Francisco Bay Conservation and Development Commission's] jurisdiction should be planned so that rising sea level does not inundate or preclude the use of required public access.

The comment is noted. Program HS.I-1 of the 2008 Draft General Plan directs the County to develop and adopt a Sea Level Rise Strategic Program (SLRSP) for Solano County. The SLRSP would have three primary objectives: (1) investigate the potential effects of sea level rise on Solano County, (2) identify properties and resources susceptible to sea level rise to prioritize management strategies, and (3) develop protection and adaptation strategies to meet the County's and region's goals including BCDC public access requirements. The SLRSP would be folded into the climate action plan (CAP). Implementation strategies identified in the CAP would be incorporated as implementation measures of the 2008 Draft General Plan through amendment within 1 year of completion. Revisions to CAP policies and measures and subordinate strategic programs may require further amendments to the 2008 Draft General Plan.



## **LETTER 9**

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KATHLEEN CARINGI, LAND PLANNER  
Pacific Gas and Electric Company

May 30, 2008





RESOURCE MANAGEMENT

Land Planning and Routing  
2730 Gateway Oaks  
Sacramento, CA 95833  
916.923.7104

JUN 02 2008

RECEIVED BY: \_\_\_\_\_

May 30, 2008

Jim Louie  
Senior Planner  
Department of Resource Management  
675 Texas Street, Suite 500  
Fairfield, CA 94533

**RE: Notice of Completion of Draft Environmental Impact Report (DEIR) For Solano County General Plan**

Dear Mr. Louie,

Thank you for the opportunity to comment on the General Plan update (Plan) Solano County. Although Pacific Gas and Electric Company (PG&E) does not control the supply of power, PG&E facilities deliver both electricity and natural gas service to Solano County

Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. As you know, the County's EIR will need to address all potential environmental effects of the updated Plan, and will thus need to evaluate the potential impacts of the additional utility facilities that will be needed to support the growth projected in the Plan.

9-1

In summary, the following upgrades to the electrical and gas delivery facilities are expected to be needed as a result of the growth projected in the Plan.

**PG&E ELECTRIC SERVICE REQUIREMENTS**

To serve the large amount of new electric demand created by the proposed development within the Solano County General Plan, new electric substation facilities will need to be constructed as well as upgrades to various electric transmission lines. In addition new distribution feeders necessary to serve new developments as well as upgrades to existing distribution lines will be required throughout County. The following will be required as part of the overall County development:

9-2

- A new electric substation installation located directly east of 8312 Pedrick Road, Dixon and adjacent to the Southern Pacific Railroad corridor on Parcel 135-48-61-1. This substation will convert the 115/60 kV transmission voltage down to either 21 kV or 12 kV distribution voltage level. PG&E requests that this proposed substation be shown on the General Plan.

9-3

- A five acre (rectangular in shape) parcel will be required in Fairfield for the installation of a new electric substation. The proposed location is along Waterman Blvd., northeast of I-80, directly under the 3-115 kV transmission lines identified as: the Vaca-Vacaville-Cordelia 115kV line, the Vaca-Vacaville-Jameson-North Tower 115 kV line, and the Vaca-Suisun 115 kV line. This substation will convert the 115 kV transmission voltage level down to either 21 kV or 12 kV distribution voltage level. Again, PG&E requests that this proposed substation be shown on the General Plan.

9-4

- A five acre (rectangular in shape) parcel will be required in the Lagoon Valley area for the installation of a new electric substation. The proposed location is directly under the three 115 kV lines identified above or, as an alternative, located east of the I-80 corridor with a need to include a new 115 kV double-circuit tubular steel overhead transmission pole line constructed within a 50 foot wide dedicated electric transmission right-of-way(R/W). PG&E requests that this proposed substation be shown on the General Plan.

9-5



Land Planning and Routing  
2730 Gateway Oaks  
Sacramento, CA 95833  
916.923.7104

- Upgrade and convert the Vaca-Dixon #1 60 kV line and the Vaca-Dixon #2 60 kV line to operate at 115 kV transmission voltage level. Conversion of the 60 kV lines to operate at 115 kV voltage level will require increasing pole height and width, increasing insulator length, replacing an unidentified number of wood poles with tubular steel poles, and increasing the dedicated electric transmission R/W to accommodate the new structures required. 9-6
- Upgrades to the Vaca-Vacaville-Cordelia 115 kV line, the Vaca-Vacaville-Jameson-North Tower 115 kV line, and the Vaca-Suisun 115 kV line as necessary, including increasing the conductor size as well as increasing pole height and width. 9-7
- Also within the electric transmission R/W, provisions will be made to allow for the installation of underground electric distribution lines as required. 9-8
- The three electric substation sites will require year-round, 24-hour, all-weather access. Moreover, roadway access to the sites will need to accommodate very large trucks and cranes with a large turning radius. 9-9
- Along all roadways throughout new developments within Solano County, a 15-foot-wide public utility easement will be required on both sides of each road for the installation of gas and electric distribution feeders along with other utilities as required. 9-10

**PG&E GAS SERVICE REQUIREMENTS**

PG&E operates and maintains existing natural gas transmission and distribution systems located throughout the service area covering Solano County. PG&E extends natural gas mains and service lines from its existing systems as development occurs and as applicants apply for new service. PG&E is currently proposing to install 8,500 feet of 6-inch transmission main extension west from an existing transmission main located in West Dixon Avenue in Dixon, and a below ground distribution regulator station on an approximately 20-foot by 80-foot lot near the corner of West Dixon Avenue and Lincoln Street and related distribution mains to serve development in southwest Dixon. The final locations for rights-of-way for the gas transmission pipeline and distribution regulator station will be determined upon completion of the necessary pipeline routing studies. 9-11

PG&E is dedicated to providing safe and reliable electrical power and gas service to meet the area's growing needs. Please call me at 916-923-7104 if you have any questions or would like further information. Thank you again for the opportunity to review and comment on your DEIR.

Sincerely,

Kathleen Caringi  
Land Planner

- 9-1 The DEIR fully analyzes impacts associated with expansion of energy facilities needed to serve envisioned growth in the 2008 Draft General Plan under both the Preferred Plan and the Maximum Development Scenario as part of increased energy demand, need for additional energy infrastructure, and effects on energy consumption (see Impacts 4.12-1a, 4.12-1b, 4.12-2a, and 4.12-2b). As noted in Response to Comment 26-106, the FEIR includes additional information regarding potential energy demands associated with development under the 2008 General Plan update.
- 9-2 The comment is noted.
- 9-3 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 9-4 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 9-5 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 9-6 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 9-7 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 9-8 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 9-9 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 9-10 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 9-11 The comment is noted.



## **LETTER 10**

---

MARY ANN COURVILLE, MAYOR

City of Dixon

May 28, 2008





MAYOR MARY ANN COURVILLE  
VICE MAYOR MICHAEL G. GOMEZ  
COUNCILMEMBER STEVE ALEXANDER

COUNCILMEMBER JACK BATCHELOR, JR.  
COUNCILMEMBER MICHAEL C. SMITH  
CITY TREASURER DAVID DINGMAN

RECEIVED  
Solano County  
Resource Management

MAY 30 2008  
AM 7|8|9|10|11|12|1|2|3|4|5|6 PM  
▲

May 28, 2008

Jim Louie, Senior Planner  
Solano County Department of Resources Management  
675 Texas Street, Suite 5500  
Fairfield, CA 94533

Re: Comments on Draft Environmental Impact Report, SCH #2007122069 - 2008 Solano County General Plan Update

Dear Mr. Louie:

Thank you for sending the Draft Environmental Impact Report (DEIR) for the 2008 Solano County General Plan Update to the City of Dixon. The purpose of this letter is to provide comments on the adequacy of DEIR.

The following comments on the DEIR are related to the impacts of developing an additional 450 acres of light industrial land adjacent to our City:

1. In the NOP comment letter dated February 1, 2008 we sent the County, we requested a market analysis be done to determine if there is an actual need for an additional 450 acres of light industrial land directly adjacent to Dixon. We asked this study be completed before preparing the DEIR and that we receive a copy. It appears a study was not done. A preliminary study prepared by Wahlstrom and Associates, on behalf of the City of Dixon, indicates the current market demand in this part of the County is for a maximum of 100 acres of light industrial. We believe that a separate market study should be done to determine the economic feasibility of creating an additional 450 acres of light industrial land adjacent to the City of Dixon, and more specifically, adjacent to our existing Northeast Quadrant Specific Plan area, which has approximately 600 acres of similarly designated land.
2. The potential impacts of increased traffic due to the development of this area with light industrial uses, specifically the project and cumulative impacts of all the planned and proposed projects on Pedrick Road, Pedrick Road and I-80 interchange and on Sparling Lane was not addressed in the DEIR. Section 15126 of the State CEQA Guidelines states, "All phases of a project must be considered when evaluating its impact on the environment" as part of an EIR. Failure to discuss the potential impact or impacts of converting 450 acres of farmland to light industrial on transportation facilities is a fatal flaw requiring the DEIR be revised and re-circulated. CEQA does not allow this type of analysis to be done after-the-fact.
3. Exhibit 4.4-1 of the DEIR designates Pedrick Road as a "collector." The City of Dixon's current general plan designates this roadway as a minor arterial. We believe that Pedrick

10-1

10-2

10-3

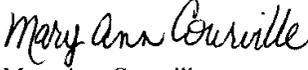
City of Dixon

600 East A Street • Dixon, California • 95620-3619  
(707) 678-7000 • FAX (707) 678-0960 • TDD (707) 678-1489

Road is improperly designated due to the DEIR not factoring in the potential traffic impacts of adding 450 acres of light industrial land and the increased truck traffic usage as an alternate route for Highway 113.	10-3 Cont'd.
4. State CEQA Guidelines Section 15126(d) requires an EIR analyze the growth inducing impacts a project. The DEIR does not analyze the growth inducing impacts on the City of Dixon of creating 450 acres to light industrial on the east side of Pedrick Road.	10-4
5. Localized flooding is a major concern in the northeastern portion of the City and the County land northwest of I-80. The Dixon Regional Watershed JPA, of which the City of Dixon is a member, has been working to develop a comprehensive plan to solve this problem. How will the runoff from this area be handled due to the increase in impervious surface? What effects will it have on the overall drainage of this portion of the City and County? Again, the DEIR does not analyze the localized impact adding 450 acres of light industrial uses with significant amounts of impervious surface.	10-5
6. The 689 acres of proposed industrial land is located within the Dixon Fire Protection District. The nearest fire station is more than one and one-half miles away from this land. No fire station is planned for the NQSP planning area. Adding 450 acres of new industrial uses will make it very difficult for the Dixon Fire Protection District/City Fire Department to provide fire service to this area while continuing to serve the rest of the City and District. The DEIR does not address how this impact will be mitigated.	10-6
If additional development occurs in the Dixon Fire Protection District, the Dixon Fire Department will have to increase staffing because of the increase call volume and the distance to which they will have to respond. The increased staffing will need to be in the form of adding three Captains so that we have two fully staffed fire engines. Currently, when the Dixon Fire Department responds into the District, the remaining fire engine only has two personnel assigned, which limits the services to the City. For the reasons mentioned above, the Dixon Fire Department is respectfully requesting mitigation to cover the increased costs of adding those three Captain positions.	10-7
For 2007, calls for service into the District were about 36% of the calls. Because of the current tax rate, the revenues received by the Dixon Fire Protection District equaled about 11% of the FY2007-2008 budget. Additional development in the District will further aggravate this situation.	10-8
Obviously, environmental document that contain these deficiencies does not comply with the California Environmental Quality Act. The County must correct these deficiencies and recirculate the DEIR before proceeding to either certify the EIR or amend its General Plan. A failure to do so would render the process unlawful and would be challenged by the City.	10-9
As mentioned in the City's February 1 letter, we have just embarked on a two year process to update our General Plan. We would like to work collaboratively with the County to look into the need to provide additional land for agricultural related, light industrial uses in the Dixon area. In the meantime, the County should only change to light industrial the land (240 acres) northeast of Pedrick Road and I-80 intersection currently developed with light industrial uses. In the absence of a completed market analysis, there is no basis for concluding that any additional land is necessary.	10-10

Please contact Dave Dowswell our Community Development Director if you have any questions.  
He can be reached at 678-7004 x 114.

Sincerely,



Mary Ann Courville  
Mayor

cc: City Council  
Belinda Espinosa, Interim City Manager  
Michael F. Dean, City Attorney  
Dave Dowswell, Community Development Director  
Royce Cunningham, City Engineer  
Alex Rodriguez, Fire Chief  
Mark Heckey, Economic Development Director

10-1 The comment is noted; however, the comment does not relate specifically to the EIR for the 2008 Draft General Plan. As stated in Section 15131(a) of the State CEQA Guidelines, “Economic or social effects of a project shall not be treated as significant effects on the environment.” In other words, the economic or social changes that a project (in this case, the 2008 Draft General Plan) may cause are not, in and of themselves, significant environmental effects that require analysis in an EIR. For this reason, and because this comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is necessary.

10-2 The commenter asserts that the lack of analysis of traffic associated with potential light industrial land use in the northeast Dixon area warrants recirculation of the DEIR. Please refer to Master Response F, “CEQA Requirements Regarding Recirculation,” in Chapter 2 of this FEIR for a response to the issue of recirculation.

The commenter requests analysis of the Pedrick Road/Interstate 80 (I-80) interchange. The DEIR examined Pedrick Road and I-80 in this vicinity and did not find any significant change in levels of service (LOS) as a result of the land use classification changes proposed in the Land Use chapter of the 2008 Draft General Plan in this area. Because Sparling Lane is considered a local roadway and local roadway traffic was not analyzed in the DEIR, no analysis was performed on this roadway. As stated on page TC-9 of the 2008 Draft General Plan, local roads are used primarily for access to residences, businesses, or other abutting properties. Local roadways are not typically analyzed in a general plan, as the focus of a broad county general plan is appropriately placed on collectors, arterials, and freeways. Please refer to Master Response E, “Programmatic Nature of EIR,” in Chapter 3 of this FEIR.

Because this is a land use change proposed in the 2008 Draft General Plan, the area of Pedrick Road, Pedrick Road/I-80 interchange, and Sparling Lane were further analyzed according to the standard evaluation process that the City of Dixon used in its studies of the Northeast Quadrant and the Dixon Downs DEIR. This study focused on performance of specific intersections during the p.m. peak hour, which is considered the key analysis tool used for LOS analysis in Dixon, as demonstrated through the Dixon Downs DEIR.

As shown in Chapter 4 of this FEIR, the following text is added immediately after the first bulleted list and before “Relevant Policies of the 2008 Draft General Plan” on page 4.4-41 of the DEIR (with subsequent tables in DEIR Section 4.4 being renumbered):

Table 4.4-11 presents an evaluation of the major intersections that would be affected by the proposed land use change in the northeast Dixon area, in the vicinity of the Pedrick Road/I-80 interchange. The three Pedrick Road intersections examined—at the I-80 westbound ramps, I-80 eastbound ramps/Sparling Road, and Vaughn Road—are the key locations that were evaluated in prior traffic studies for the City of Dixon adjacent to the proposed land use change for areas on Pedrick Road, near the Pedrick Road/I-80 interchange, and on Sparling Lane.

<b>Table 4.4-11 Performance of Pedrick Road Intersections under Various Alternatives</b>					
<u>Intersection No.</u>	<u>East-West Road</u>	<u>North-South Road</u>	<u>Intersection LOS, Year 2030</u>		
			<u>No Project</u>	<u>Preferred Plan</u>	<u>Maximum Development Scenario</u>
<u>1</u>	<u>I-80 Eastbound Ramps/ Sparling Road</u>	<u>Pedrick Road</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>2</u>	<u>I-80 Westbound Ramps</u>	<u>Pedrick Road</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>3</u>	<u>Vaughn Road</u>	<u>Pedrick Road</u>	<u>A</u>	<u>A</u>	<u>B</u>
<u>Notes:</u> I-80 = Interstate 80; LOS = level of service <u>Intersections assumed as signalized based upon mitigation measures required by the Northeast Quadrant Specific Plan prepared by the City of Dixon, as listed in the Dixon Downs Draft Environmental Impact Report.</u> <u>Intersections analyzed for the p.m. peak hour, as presented in the Dixon traffic impact study guidelines listed in the Dixon Downs Draft Environmental Impact Report.</u> Sources: Data provided by DKS Associates in 2008; TRAFFIX files					

10-3 The commenter states its belief that Pedrick Road should be designated as a “minor arterial,” rather than as a “collector” (as designated in the DEIR) and that the reason the DEIR designated Pedrick Road as a collector is that the DEIR did not factor in the potential traffic impacts of adding 450 acres of light industrial land and the increased truck traffic usage as an alternative route for State Route 113. Exhibit 4.4-1 in the DEIR shows roadway classifications based on available information in the city of Dixon. Amending Exhibit 4.4-1 to reflect this designation would not affect the analysis or conclusions in the DEIR, because the travel forecasting methods used do not use functional classification as a consideration in the forecast volumes or level of service determinations as set forth in the Solano County Road Improvement Standards and Land Development Requirements, the performance of roads listed in the DEIR is not affected by changing the classification. Although no specific project is proposed northeast of Dixon, the 2008 Draft General Plan does propose additional Limited Industrial designated areas northeast of the City, and as described on page LU-19 of the 2008 Draft General Plan, this designation is limited to agriculture-serving uses at this location. The additional acreage of agriculture-serving industrial use northeast of the city of Dixon in the 2008 Draft General Plan is addressed within the traffic analysis presented in the DEIR.

10-4 The commenter asserts that the DEIR does not adequately assess the growth-inducing potential of the 2008 Draft General Plan on Dixon, particularly in light of the 450-acre limited industrial area proposed by the County. The commenter suggests (in Comment 10-1) that the County should only change to limited industrial uses the 240 acres northeast of the Pedrick Road/I-80 interchange (adjacent to the Dixon city limits) currently developed with light industrial uses, and suggests that, in the absence of a completed market analysis, there is no basis for concluding that any additional land is necessary. The potential for growth inducement is addressed in Section 6.3 of the DEIR; however, the County does not have the ability to influence land use decisions in the cities, so it is difficult to conclude that the County’s proposed land use designation would directly induce growth in the city of Dixon.

The 2008 Draft General Plan contains a number of policies and implementation programs that would significantly reduce the potential impact of providing for more industrial land than is “necessary” based on market conditions if the County designates vacant lands immediately northeast of Dixon for industrial uses. These policies and measures would commit the County to collaborating with cities in the siting of new industrial uses, ensuring that such industrial uses are needed to support agriculture, providing a location for industrial uses that would not be

appropriate in cities, and ensuring compatibility with city development design standards. These proposed policies are as follows:

- ▶ **Policy ED.P-3** commits the County to “work with cities and regional agencies to locate new commercial and industrial development on appropriate sites based on considerations of efficiency, circulation, compatibility with nearby uses, availability of services, safety, impact on habitat resources, and proximity to residents and workers.”
- ▶ **Program ED.I-1** specifies that the County would “identify locations within the county where commercial and/or industrial development is desirable and appropriate. Collaborate with cities and update public works programs to ensure that infrastructure improvements required for desired commercial or industrial development are feasible. Use cost-benefit analyses to determine feasibility.”
- ▶ **Chapter 2, “Land Use,” of the 2008 Draft General Plan** (pages LU-19 and LU-20) provides for a limited industrial land use designation intended for industrial operations of a relatively low intensity and low polluting character. This description of this designation also states that “industrial park development should be focused within city industrial areas.” The description of this designation further states that “where this designation is applied to the area northeast of Dixon, uses shall be related to agriculture and, to the extent that the City of Dixon designates lands suitable for these purposes, the amount of Limited Industrial land designated at this location (the area northeast of the City of Dixon) may be reduced and retained as agriculture. Uses must clearly demonstrate a need for rural locations to serve agricultural uses.”
- ▶ **Policy LU.P-18** commits the County to “provide sufficient commercial and industrial lands jointly with the cities to meet Solano County’s projected employment and economic development needs.”
- ▶ **Policy LU.P-22** would “ensure that commercial and industrial development that occurs adjacent to a city is developed consistent with the development design standards of the adjacent city.”
- ▶ **Policy LU.P-25** would “promote industrial development in the unincorporated county in cases where locating such development near urban areas is not appropriate because of the potential for air pollution, odors, or noise; because such development is related to agriculture; or because the development has other specific unique site requirements that are not feasible or available in cities.”
- ▶ **Policy LU.P-27** would “limit land uses to agriculture-supporting industrial uses in areas located northeast of Dixon that are designated Limited Industrial. To the extent that the City of Dixon designates lands suitable for these purposes within city limits, the amount of Limited Industrial land designated at this location may be reduced and retained as agriculture.”

The County’s 2008 Draft General Plan policies and implementation program cited above related to industrial development, and further specifically related to the proposed limited industrial area northeast of Dixon, would help ensure that industrial development occurring near Dixon would not conflict with the demand for urban industrial uses (as opposed to agriculture-serving limited industrial uses) within the city.

Furthermore, as individual projects are developed consistent with the 2008 Draft General Plan, it is anticipated that some additional environmental analysis may be required that would address project-specific effects, including the potential impacts of additional limited industrial

development northeast of the Dixon city limits on the city's industrial base. However, this kind of detailed analysis, which is appropriate for an EIR for an individual industrial development project, is not appropriate for a countywide general plan EIR with a time horizon of more than 20 years. When such proposals are made, the County will be able, in site-specific environmental documents, to apply the most recent market-related information regarding any environmental effects that might result from the economic competition associated with such projects.

10-5 The commenter states that localized flooding is a major concern in the northeastern portion of the city of Dixon and in the unincorporated areas of the county and questions what effects on overall drainage in this portion of the city and county would result from the increase in impervious surfaces from proposed land use changes.

Please refer to Master Response L, "Inadequate Drainage and Flooding Analysis," in Chapter 2 of this FEIR.

10-6 The commenter states that adding 450 acres to industrial uses located within the Dixon Fire Protection District (FPD) would make it difficult for the Dixon FPD/City of Dixon Fire Department to provide adequate fire service.

As described in Impact 4.9-7a on page 4.9-52 of the DEIR:

The 2008 Draft General Plan is intended to achieve steady and orderly growth that allows for the adequate provision of services and community facilities....[T]he plan outlines policies to ensure the provision of adequate services in Solano County. The following goal and policies from the Public Services and Facilities chapter address potential impacts on fire protection and emergency services:

- ▶ **Goal PF.G-3:** Provide effective and responsive fire and police protection, and emergency response service.
- ▶ **Policy PF.P-1:** Provide public facilities and services essential for health, safety, and welfare in locations to serve local needs.
- ▶ **Policy PF.P-2:** Require new development and redevelopment to pay its fair share of infrastructure and public service costs.
- ▶ **Policy PF.P-36:** Ensure accessible and cost-effective fire and emergency medical service throughout the county. Facilitate coordination among city and county fire agencies and districts to improve response times, increase services levels, provide additional training, and obtain essential equipment.
- ▶ **Policy PF.P-38:** Identify and require incorporation of fire protection and emergency response measures in the review and approval of new projects.

The comment identifies an issue related to the assurance of public safety in areas of new development under buildout of the 2008 Draft General Plan that the plan's goals and policies do not fully address. The location and rate of new development in the buildout areas identified in the 2008 Draft General Plan would be subject to review and approval by local governing agencies. As described in Policy PF.P-2, new industrial development would be required to contribute its fair share of the cost of providing fire protection services.

10-7 Please refer to Response to Comment 10-6.

- 10-8 Please refer to Response to Comment 10-6.
- 10-9 Please refer to Master Response H, “Mitigation for Significant and Unavoidable Impacts,” in Chapter 2 of this FEIR.
- 10-10 Please refer to Response to Comment 10-1.

## **LETTER 11**

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**ERIN BEAVERS, ASSISTANT DIRECTOR,  
DEPARTMENT OF COMMUNITY DEVELOPMENT**

City of Fairfield

June 2, 2008





Home of  
Travis Air Force Base

# CITY OF FAIRFIELD

Founded 1856

Incorporated December 12, 1903

## DEPARTMENT OF COMMUNITY DEVELOPMENT

### COUNCIL

Mayor  
Harry T. Price  
707.428.7395  
Vice Mayor  
John Mraz  
707.429.6298  
Councilmembers  
707.429.6298  
Frank Kardos  
Chuck Timm  
Matt Garcia

•••

City Manager  
Sean Quinn  
707.428.7400

•••

City Attorney  
Greg Stepanovich  
707.428.7419

•••

City Clerk  
Arietta Cortright  
707.428.7384

•••

City Treasurer  
Oscar G. Reyes, Jr.  
707.428.7496

### DEPARTMENTS

Community Services  
707.428.7465

•••

Finance  
707.428.7496

•••

Fire  
707.428.7375

•••

Human Resources  
707.428.7394

•••

Community  
Development  
707.428.7461

•••

Police  
707.428.7551

•••

Public Works  
707.428.7485

June 2, 2008

Mr. Mike Yankovich  
County of Solano  
Department of Resource Management  
675 Texas Street, Suite 5500  
Fairfield, CA 94533

**Re: Draft Solano County General Plan-Draft EIR**

Dear Mr. Yankovich:

The City of Fairfield would like to take this opportunity to provide comments on the Draft Environmental Impact Report for the Solano County Draft General Plan. Our comments are primarily limited to corrections and clarifications as well as issues we raised at the "scoping" stage of this environmental review process. Should you have any questions, please feel free to contact Brian Miller of my staff at 428-7446.

Sincerely,

ERIN BEAVERS  
Assistant Director

ELB:BKM:ccs

Attachment: Comments

c: Eve Somjen, Director, Department of Community Development  
Sean Quinn, City Manager  
Birgetta Corsello, Director, Solano County Resource Management  
Harry Englebright, c/o Solano County Resource Management

RECEIVED  
Solano County  
Resource Management

JUN 02 2008

7 8 9 10 11 12 1 2 3 4 5 6 PM

ECONOMIC DEVELOPMENT ■ HOUSING ■ NEIGHBORHOOD REVITALIZATION ■ PLANNING ■ REDEVELOPMENT

**ATTACHMENT**  
**SUMMARY OF COMMENTS ON DRAFT**  
**ENVIRONMENTAL IMPACT REPORT:**  
**SOLANO COUNTY GENERAL PLAN**

**LAND USE**

**Land Use Diagram-Rancho Solano North (Exhibit 3-2).** The Land Use Diagram in the DEIR differs from the Draft General Plan Land Use Diagram. The City of Fairfield's Rancho Solano North area in the Fairfield General Plan is illustrated as a "Specific Project Area," although it is not mentioned in the text or shown in the General Plan.

11-1

As we have noted before, the City of Fairfield intends to begin annexing the Sengo property, which fronts on Lyon Road north of the City Limits. This property remains designated "Agriculture" on the Draft Land Use Diagram. We recommend the Rancho Solano North planning area be incorporated within our Municipal Service Area.

**Agricultural-Urban Buffers (Page 3-13).** We are concerned about the concept of Agricultural-Urban Buffers, which appears to involve 500' deep buffers within the Municipal Service Areas. Does the General Plan assume that the City will not be annexing this buffer zone? How does the County fully reconcile City land use designations for lands within MSAs and the Buffer Zone concept? We ask that the General Plan and the EIR include additional discussion as to how the buffer zones will be implemented and an analysis on how said buffer zones will impact the cities' General Plans.

11-2

**Land Use Diagram-Train Station Special Study Area.** We recommend the Draft EIR (and the General Plan) designate the Vacaville-Fairfield Train Station Master Plan Area as a Specific Plan Area.

11-3

**Land Use Diagram-Vacaville-Fairfield-Solano Greenbelt Authority.** While the Exhibit recognizes the Tri City and County Cooperative Planning Area and buffers northeast of Dixon, the document omits the Vacaville-Fairfield-Solano Greenbelt from the map (and from substantive discussion and analysis in the text). See also Page 4.1-10, wherein the document mentions the Tri City and County Cooperative Planning Group but does not mention the Vacaville-Fairfield-Solano JPA. Note also that the inventory of "plans" beginning on Page 4.1-12 does not list the Vacaville-Fairfield-Solano Greenbelt Authority or the currently in process Vacaville-Fairfield Train Station Specific Plan. The General Plan Land Use Diagram should show the Greenbelt, and the EIR should include a specific reference to the Greenbelt Authority.

11-4

**Conflicts with Other Plans (Impact 4.1-2a).** As noted above, the analysis does not address the Vacaville-Fairfield-Solano Greenbelt. This should be corrected.

11-5

Mike Yankovich  
Solano County Resource Management  
June 2, 2008  
Page 3

In addition, as noted above, the Fairfield General Plan designates a planning area north of the City, the Ranch Solano North Master Plan Area, which should be shown as a potential development/open space and recreation area.

11-6

**Farmland Mitigation (Mitigation Measure 4.1.4a).** The City supports the concept of a farmland conversion mitigation program to mitigate losses of agricultural lands. The City of Fairfield has implemented a similar mitigation program for lands within its planning purview. We recommend the County carefully define “agricultural land” and require mitigation for conversion of all lands which can be *currently* considered agriculture.

11-7

We also support the concept of “Agricultural Tourism Centers,” but the EIR analysis should address impacts of the agricultural tourism centers and more extensive rural residential development on water quality, public services, agricultural preservation, and traffic congestion and safety.

11-8

#### **AIR QUALITY**

No comments.

#### **NOISE**

**Travis Air Force Base Noise Contours (Exhibit 4.3-3).** This map is based on the 1995 AICUZ. Use the most recent mission and noise contours for the environmental analysis (and map).

11-9

#### **TRANSPORTATION AND CIRCULATION**

The City generally supports the stated Transportation and Circulation Goals and Policies, but it is important to ensure that impacts to regional transportation facilities and local transportation facilities in neighboring jurisdictions are adequately studied and that mitigation will be provided to reduce impacts to those facilities. This should include fair share contributions to projects implemented by others.

11-10

**Arterial Roadways (Page 4.4-5).** The North Connector project has been approved and significant segments are fully funded. This key connection between Cordelia and Central Fairfield should be included in the list of major arterial roadways.

11-11

**Average Daily Traffic.** The traffic analysis included in the EIR was based on link analysis, and discussion of level of service (LOS) was based on average daily traffic. While this level of analysis provides a comparison of various land use strategies at a high level, it is inadequate to determine actual impacts and expected changes to LOS during **peak** travel periods related to specific development proposals or changes in land use.

11-12

Provide a more detailed analysis of the performance of specific intersections and route segments during peak periods and to study appropriate mitigations to reduce those impacts prior to approval of specific land use changes.

11-12  
Cont'd.

**Collision Rates.** The actual collision statistics included in Table 4.4-6 would be more meaningful if the average rate for each type of typical facility was provided for comparison.

11-13

## HYDROLOGY AND WATER RESOURCES

**Solano Project Contracts (Table 4.5-2).** The City of Fairfield annual entitlement to Solano Project supplies should also include the secondary contracts with Solano Irrigation District for Solano Project water, an additional 16,000 AF/year.

11-14

**Page 4.5-18 (typo).** The last sentence under “City of Vacaville” should read as follows: The supply in ~~dry~~ wet years could be increased to 10,000 afy (SCWA 2005b).

11-15

**Impacts on Fairfield Streams.** Proposed policy changes like the agricultural tourism villages in Suisun Valley, reduced minimum lot sizes in interior valleys (from 40 to 20 acres), new commercial and industrial development areas, and increased reliance on private utility systems, could encourage significant new urban and rural residential development. This new development could result in potential impacts on drainage and flooding in the Suisun Valley, Green Valley, and Ledgewood Creek watersheds, which will or could impact Suisun Valley, Fairfield, the proposed North Connector, and Interstate 80. The Draft General Plan does address flooding through policy language related to stormwater retention and flood plain management. However, there is insufficient analysis in the EIR document to fully evaluate the extent of current problems, potential future problems, and whether additional mitigation measures are required. The City of Fairfield *currently* experiences periodic flooding and drainage issues with streams entering the City from unincorporated Suisun Valley and water quality issues in the Putah South Canal and North Bay Aqueduct (NBA). The EIR must better address drainage generated in unincorporated areas as it flows into cities, across the Putah South Canal, or into the Barker Slough (NBA) watershed. Appropriate mitigation measures should address impacts on stormwater quantity and flood control. The EIR must address current problems in both the unincorporated and urban areas as well as potential problems created by new development. The EIR might propose solutions involving the creation of improved stream channels, preserved floodways, stormwater retention ponds, and other solutions that will involve cooperation among a variety of local, federal, and State agencies. The General Plan EIR provides an opportunity to address these long term issues.

11-16

11-17

11-18

11-19

## BIOLOGICAL RESOURCES

### General Comments.

1. The Mitigation Measures addressing habitat rely upon a fragmentary and project-specific approach, with each project developing an individual analysis and mitigation plan. The Draft EIR should instead discuss mechanisms for providing a more comprehensive and holistic approach. 11-20
  2. DEIR repeatedly mentions the Draft Solano County Habitat Conservation Plan (HCP) currently being prepared under the aegis of the Solano County Water Agency. Yet, the County of Solano has not chosen to participate in this planning effort. The City recommends that the FEIR contain a mitigation measure that directs the County to join and fully support the HCP planning program. Participation in the HCP would enable the County to fully address the comment above. 11-21
- Swainson's Hawk Foraging Habitat (Mitigation Measure 4.6-36).** The limitations on agricultural operations within the mitigation zone appear highly restrictive. The General Plan EIR should acknowledge the impacts on agricultural operations if this mitigation measure is required. 11-22
- Secondary Marsh Areas.** As we noted in our November letter, we believe areas within the Secondary Marsh Area should be assigned a Conservation Overlay. In particular, we are concerned about development along Interstate 680. The City has specifically adopted General Plan policies prohibiting urban development along the east side of Interstate 680 and south of Cordelia Road. If the County does not choose to address this issue through the land use designation, the EIR must analyze potential impacts on the marsh including visual impacts from Interstate 680. 11-23

## GEOLOGY AND SOILS

No comments.

## AGRICULTURAL RESOURCES

- Farmland Conservation Program.** It is unclear whether the proposed farmland mitigation program will apply only to areas with an "Agricultural Reserve" overlay. What is the County's policy on mitigating the conversion of other agricultural lands (i.e., outside the Agricultural Reserve) to urban and residential uses? For example, the Suisun Valley has not been designated as an Agricultural Reserve. Will the lack of designation of some agricultural areas lead to pressure to urbanize these areas? Will there be effective alternative programs for these areas? The EIR must address the conversion of agricultural areas throughout the County. 11-24  
11-25

**PUBLIC SERVICES AND UTILITIES**

**Individual On-Site Wastewater Treatment Systems.** The DEIR does not discuss trends or statistics pertaining to the failure of these systems. Given that this is an issue that is leading to pressure for the extension of public wastewater treatment systems into agricultural and rural areas, this issue should be addressed.

11-26

**Municipal Wastewater Disposal in Solano County (Table 4.9-8).** This table incorrectly indicates that the “Current Use” of the City of Fairfield Subregional Treatment Plan (45.4 mgd.) is the same as the capacity. Correct the table to incorporate the following data:

FSSD Plant Flows

Average Dry Weather Flow: 14.7 mgd  
Average Wet Weather Flow: 23.6 mgd

Current Plant Capacity

Rated Dry Weather Capacity: 17.9 mgd  
Plant Wet Weather Capacity: 34.8 mgd

Capacity after Plant Expansion (2010)

Rated Dry Weather Capacity: 23.7 mgd  
Plant Wet Weather Capacity: 52.3 mgd.

11-27

- 11-1           The commenter identifies apparent discrepancies between the land use diagram shown in the DEIR and the land use diagram shown in the 2008 Draft General Plan. Furthermore, the commenter requests that the Rancho Solano North area identified in the *City of Fairfield General Plan* be identified within the city’s municipal service area (MSA).
- The comment is noted. The land use diagram shown in the DEIR does include a few discrepancies as compared to the diagram in the 2008 Draft General Plan. For example, the Rancho Solano North area is identified in the DEIR as a Specific Project Area, whereas it is designated Watershed and Agriculture in the 2008 Draft General Plan. Also, the colors selected to portray Urban Residential designations differ between the two versions of the map. The map identified in the 2008 Draft General Plan as Figure LU-1 is the correct version of the land use diagram. Therefore, as shown in Chapter 4 of this FEIR, Exhibit 3-2 on page 3-5 of the DEIR is revised to correspond to Figure LU-1 of the 2008 Draft General Plan. Land use projections shown in Table 3-2 of the DEIR correspond to the land uses identified in Figure LU-1 of the 2008 Draft General Plan, and therefore remain unchanged.
- County and City of Fairfield staff have discussed the city’s request to extend its MSA to encompass the Sengo property. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, County staff will provide alternatives addressing this request to the County Board of Supervisors for further consideration during public hearings on the 2008 Draft General Plan.
- 11-2           Please refer to Responses to Comments 26-30 and 30-15.
- 11-3           The commenter recommends a revision to the land use diagram shown in the DEIR. The DEIR land use diagram contained several minor discrepancies from the version shown in the 2008 Draft General Plan. One of these discrepancies was the omission of the Fairfield Train Station Specific Project Area. As shown in Chapter 4 of this FEIR, Exhibit 3-2, “Land Use Map,” on page 3-5 of the DEIR has been replaced with the version shown in the 2008 Draft General Plan, which designates the subject area as Specific Project Area.
- 11-4           The commenter states that Exhibit 3-2 in the DEIR omits the Vacaville-Fairfield-Solano Greenbelt and that the DEIR should make specific reference to the Greenbelt Joint Powers Authority. The greenbelt is not described in the DEIR because it was not included in the 2008 Draft General Plan as a component of the Agricultural Reserve Overlay or as an overlay designation unto itself. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, the County Board of Supervisors has directed staff to include this area on the land use diagram.
- 11-5           The commenter states that the DEIR neglects to analyze the impacts of the 2008 Draft General Plan on the Vacaville-Fairfield-Solano Greenbelt. Although the greenbelt was not explicitly represented in the land use map as part of the Agricultural Reserve Overlay or as an overlay designation unto itself, the area is designated for agricultural uses. Impacts on agricultural resources within the county were examined as part of the DEIR in Section 4.8, “Agricultural Resources.”

- 11-6 The commenter recommends a revision to the 2008 Draft General Plan land use diagram to identify the *Rancho Solano North Master Plan* area north of the city of Fairfield as a potential development/open space area. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 11-7 The comment is noted. The 2008 Draft General Plan clearly differentiates existing agricultural land uses from all other land uses in Solano County. As shown in Chapter 4 of this FEIR, a new exhibit, Exhibit 4.1-1, has been added to the EIR showing existing land uses. In addition, Program AG.I-1 of the 2008 Draft General Plan requires compensation for loss of agricultural land, which includes all existing agricultural lands in Solano County.
- 11-8 The commenter states that the DEIR should analyze the potential impacts of the “Agricultural Tourism Centers.” The DEIR for the 2008 Draft General Plan is a programmatic EIR. The proposed Neighborhood Agricultural/Tourist Centers were included in the DEIR’s overall analysis of environmental impacts and mitigation programs. Please refer to Master Response E, “Programmatic Nature of EIR,” in Chapter 2 of this FEIR.
- 11-9 This comment states that Exhibit 4.3-3 of the DEIR is based on the 1995 AICUZ and that the most recent mission and noise contours for the environmental analysis should be used. The commenter is correct in that the referenced figure was included in the 1995 AICUZ. A revised noise counter map to replace Exhibit 4.3-3 in the DEIR was not available at the time this FEIR was prepared but is expected to be available to be included in the final 2008 Draft General Plan. However, the County has reviewed the updated noise contour data that will be used to revise the map and has determined that the new contours will not change the impact analysis for Impacts 4.3-1a or 4.3-1b or the findings that potential impacts would be less than significant.
- 11-10 The commenter provides general support for proposed 2008 Draft General Plan policies, but wishes to emphasize the need to ensure that facilities in neighboring jurisdictions and regional facilities are adequately studied for specific projects. The commenter further supports fair-share contributions to projects implemented by others.
- The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 11-11 The commenter requests that the North Connector be added to the list of major arterial roadways presented in the DEIR. The North Connector Project has been included in DEIR travel forecasts. Therefore, as shown in Chapter 4 of this FEIR, the bulleted list of major arterial roadways on page 4.4-5 of the DEIR is revised as follows:
- ▶ *Curtola Parkway*—Portions in unincorporated Solano County near Vallejo
  - ▶ *SR 113*—From west of Rio Vista to I-80, and a short segment of interchange adjacent to the Yolo County line near Davis
  - ▶ *SR 12*—Between Rio Vista and Suisun City, and between Fairfield and the Napa County line
  - ▶ *SR 29*—Portions in unincorporated Solano County near Vallejo
  - ▶ *SR 37*—Portions in unincorporated Solano County west of Vallejo

- ▶ *Peabody Road*—A small portion between Vacaville and Fairfield
- ▶ *River Road (SR 84)*—From north of Rio Vista to Yolo County line
- ▶ *North Connector*—Between Cordelia and central Fairfield

11-12 Please refer to Response to Comment 2-3. LOS thresholds in the DEIR are intended to apply to the 2008 Draft General Plan, and not subsequent project-specific traffic analysis. Those procedures would be developed and applied through implementation documents, including a traffic impact assessment methodology to be produced by the County for future development proposals. No further response is required.

11-13 The intersection accident statistics were measured by million entering vehicles. The average is 0.43, as reported by the California Department of Transportation’s (Caltrans’s) *1999 Accident Data on California State Highways* (Caltrans 2003). The segment accident rates are by million vehicle miles, and thus vary by facility. As shown in Chapter 4 of this FEIR, Table 4.4-6 on page 4.4-25 of the DEIR is revised as follows:

Category	Location			Average Number	Average Rate	State Average <sup>1</sup>
Intersection <sup>1</sup>	Suisun Valley Road and Rockville Road			4.8	0.97	<u>0.43</u>
Intersection <sup>1</sup>	Vanden Road and Canon Road			1.4	0.34	<u>0.43</u>
Intersection <sup>1</sup>	Rockville Road and Abernathy Road			1.6	0.31	<u>0.43</u>
Intersection <sup>1</sup>	N. Gate Road and Canon Road			0.8	0.26	<u>0.43</u>
Pedestrian <sup>2</sup>	Solano County Areas			1.8	0.09	<u>0.43</u>
Category	Route	From	To	Average Number	Average Rate	State Average
Freeway <sup>3</sup>	SR 12	I-80	Walters Road	97.5	1.45	<u>1.61</u>
Freeway <sup>3</sup>	SR 12	Napa County line	I-80	41	1.33	<u>1.33</u>
Freeway <sup>3</sup>	I-80	Carquinez Bridge	SR 37	314.7	1.28	<u>1.04</u>
Freeway <sup>3</sup>	SR 37	Sonoma County line	I-80	137.7	0.93	<u>1.24</u>
Freeway <sup>3</sup>	SR 12	Walters Road	Rio Vista	75.3	0.86	<u>0.96</u>
Freeway <sup>3</sup>	I-80	Red Top Road	North Texas Street	434.8	0.86	<u>0.93</u>
Freeway <sup>3</sup>	SR 113	I-80	SR 12	37.7	0.75	<u>1.05</u>
Freeway <sup>3</sup>	I-780	I-80	I-680	90.5	0.74	<u>0.92</u>
Freeway <sup>3</sup>	I-80	SR 37	Red Top Road	146.5	0.65	<u>0.64</u>
Freeway <sup>3</sup>	I-80	N. Texas Street	Alamo Drive	136.5	0.58	<u>0.81</u>

**Table 4.4-6  
High-Accident Locations**

Category	Location			Average Number	Average Rate	State Average <sup>1</sup>
Freeway <sup>3</sup>	I-680	Benicia Bridge	I-80	142.3	0.56	<u>0.79</u>
Freeway <sup>3</sup>	I-80	Alamo Drive	SR 113	348.5	0.48	<u>0.75</u>
Freeway <sup>3</sup>	I-505	Yolo County Line	I-80	29.3	0.38	<u>0.52</u>

Notes:

I-80 = Interstate 80; I-505 = Interstate 505; I-680 = Interstate 680; I-780 = Interstate 780; SR = state route

<sup>1</sup> Intersection—Accidents per million entering vehicles; state average provided by Caltrans (1999 Intersection Accident Rates)

<sup>2</sup> Pedestrian—Yearly average per 1,000 population

<sup>3</sup> Freeway—Accidents per million vehicle miles

Source: Solano Transportation Authority 2005

11-14 The commenter states that the City of Fairfield’s annual entitlement to Solano Project supplies reported under Solano Project contracts in Table 4.5-2 should also include the secondary contracts with Solano Irrigation District (SID) for Solano Project water, an additional 16,000 acre-feet per year (afy).

The comment is noted. Table 4.5-2 in the DEIR presents a summary of Solano Project water contracts between agencies and the U.S. Bureau of Reclamation (Reclamation) directly. The 16,000 afy of water entitlements received by the City of Fairfield as a result of secondary contracts with SID is included in water entitlements presented for SID in Table 4.5-2. Table 4.5-4 on Page 4.5-17 of the DEIR identifies that the City of Fairfield receives 16,010 afy of water through SID agreements. Page 4.5-17 further explains the secondary agreement with SID for Solano Project water. Solano Project contract estimates presented within the DEIR are consistent with the *City of Fairfield Urban Water Management Plan*.

11-15 The comment is noted. As indicated in Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR, the “Water Supply Services” section on pages 4.9-1 through 4.9-6 of the DEIR, in which the sentence cited by the commenter appeared, has been replaced by a revised “Water Supply” section. As shown in Master Response R and Chapter 4 of this FEIR, within the “City of Vacaville” subsection in this revised text, the sentence referred to by the commenter has been corrected as follows to refer to wet years:

The estimated safe yield of Vacaville’s groundwater system is 8,000 afy (Table 4.9-12). The supply in wet years could be increased to 10,000 afy (SCWA 2005a).

11-16 The commenter states that there is insufficient analysis of potential impacts on drainage and flooding from new development.

Please refer to Master Response L, “Inadequate Drainage and Flooding Analysis,” in Chapter 2 of this FEIR.

11-17 The commenter states that there is insufficient analysis of potential impacts on drainage and flooding from new development.

Please refer to Master Response L, “Inadequate Drainage and Flooding Analysis,” in Chapter 2 of this FEIR.

- 11-18 The commenter states that appropriate mitigation measures should address impacts on stormwater quantity and flood control.
- Please refer to Master Response L, “Inadequate Drainage and Flooding Analysis,” in Chapter 2 of this FEIR.
- 11-19 The commenter states that the EIR must address current problems in both the unincorporated and urban areas as well as potential problems created by new development. In addition, the commenter suggests that the EIR propose solutions involving the creation of improved stream channels, preserved floodways, stormwater retention ponds, and other solutions that will involve cooperation among a variety of federal, state, and local agencies.
- Please refer to Master Response L, “Inadequate Drainage and Flooding Analysis,” in Chapter 2 of this FEIR.
- 11-20 The commenter is concerned that the DEIR’s approach to mitigation of lost habitat is fragmentary and piecemeal. The 2008 Draft General Plan and recommended mitigation measures require site-specific analyses of resources at a project site and then development of applicable habitat mitigation. The measures do not necessarily require that the mitigation be on-site. For example, oak woodland mitigation sites need to provide at least 40 acres of contiguous habitat for full value because of the concerns for the indirect effects associated with development. In most cases, it is expected that mitigation will be undertaken through purchase of credits at larger sites such as the various commercial mitigation banks in the county.
- 11-21 The comment is noted. Please refer to Master Response K, “Solano HCP,” in Chapter 2 of this FEIR.
- 11-22 The restrictions listed in Mitigation Measure 4.6-1a on page 4.6-36 of the DEIR (incorrectly cited by the commenter as “Mitigation Measure 4.6-36”) are measures minimally necessary to meet DFG criteria for acceptable foraging habitat mitigation. Please refer to Response to Comment 5-16 .
- 11-23 The commenter states that the Resource Conservation Overlay (RCO) should be applied to areas located within the Secondary Management Area of Suisun Marsh. As defined in the 2008 Draft General Plan (page RS-11), the RCO applies to areas within the Primary Management Area of Suisun Marsh and priority habitat areas determined within the *Solano Multi-Species Habitat Conservation Plan* (Solano HCP). Assigning the RCO to additional areas would require a change to the 2008 Draft General Plan. The commenter states that if the County chooses not to include the Secondary Management Area of Suisun Marsh in the RCO, the EIR must analyze potential impacts on the marsh, including visual impacts from Interstate 680 (I-680).
- With regard to suggested mitigation, the County believes that the suggested mitigation is not necessary, as the 2008 Draft General Plan and existing regulations pertinent to Suisun Marsh provide adequate protection of the subject area. Proposed locations of the RCO are based on priority habitat areas in the Solano HCP, which, as shown in Figures RS-1 and RS-2 (pages RS-15 and RS-17) of the 2008 Draft General Plan, do not include the subject area. The land use designation proposed for this area in the 2008 Draft General Plan is Agriculture–Western Hills Region, which would not allow for urban development, and thus is consistent with the City of Fairfield’s policy prohibiting such development. Furthermore, as stated in the 2008 Draft General Plan (page RS-24), the Secondary Management Area is designed to assure retention of upland areas adjacent to the marsh in uses compatible with its protection. All public and private

management and development activities within the Secondary Management Area must be consistent with both the Local Protection Program and the *Suisun Marsh Protection Plan*. Thus, the combination of land use designations within the 2008 Draft General Plan and compliance with existing regulations regarding Suisun Marsh would provide mitigation similar to or more effective than that proposed by the commenter, and would not violate the City of Fairfield's established development policy.

With regard to visual impact analysis, Impact 4.11-1 on page 4.11-3 of the DEIR analyzes the visual impacts associated with the I-680 viewshed, including marshland views. As stated above, the County believes that the combination of land use designations within the 2008 Draft General Plan and compliance with existing regulations regarding Suisun Marsh would provide mitigation similar to or more effective than extension of the RCO to the subject area.

11-24

It is assumed that the "farmland mitigation program" referred to by the commenter is related to Program AG.I-1 of the 2008 Draft General Plan. This program requires compensation for loss of all existing agricultural land in Solano County. The Agricultural Reserve Overlay district is intended to create an agricultural mitigation bank area in which the County will encourage private landowners to voluntarily participate in agricultural conservation easements (see Program AG.P-5 of the 2008 Draft General Plan). Existing agricultural lands located outside the Agricultural Reserve Overlay district, including Suisun Valley, would still be required to be compensated for under Program AG.I-1 of the 2008 Draft General Plan.

It is unclear what areas the commenter is referring to that lack an agricultural designation; however, it appears the commenter is referring to existing agricultural land located outside of the Agricultural Reserve Overlay district. As stated previously, the Agricultural Reserve Overlay district is intended to create an agricultural mitigation bank area in which the County will encourage private landowners to voluntarily participate in agricultural conservation easements (see Program AG.P-5 of the 2008 Draft General Plan). Being located in the Agricultural Reserve Overlay district would not automatically reduce pressure to urbanize, but would only encourage the creation of agricultural conservation easements. In addition, creation of an agricultural conservation easement on property located outside the Agricultural Reserve Overlay district would still be allowable.

11-25

The DEIR fully analyzes the conversion of all existing agricultural lands in Solano County. Please refer to Impacts 4.8-1a and 4.8-1b.

11-26

The commenter asks for information regarding the long-term reliability of individual sewage disposal systems. In response, and as shown in Chapter 4 of this FEIR, the fourth (last) paragraph of the "Individual On-Site Wastewater Treatment Systems" section on page 4.9-7 of the DEIR is revised and the discussion expanded as follows to address individual sewage disposal systems:

The Division of Environmental Health of the County's Department of Resource Management oversees the permitting, design, and implementation process for the installation of individual on-site waste disposal systems (septic systems and engineered systems), and ensures that projects comply with RWQCB requirements. ~~Because of the largely rural nature of the unincorporated areas, the County relies on existing wastewater treatment systems of municipalities and their existing treatment systems.~~

Based on population and structures in the incorporated areas, the number of septic systems can be estimated to be approximately 6,600 (Schmidtbauer, pers. comm., 2008). Based on Permit Plus, the number of repair permits issued for failing septic systems (where the leach field no longer functions) is as follows (Schmidtbauer, pers. comm., 2008):

2003	19 repairs	0.28% of total
2004	18 repairs	0.27% of total
2005	20 repairs	0.30% of total
2006	21 repairs	0.32% of total
2007	17 repairs	0.26% of total

This provides a known failure rate of septic systems of less than one-third of 1% per year. No significant trend has been noted in the number of failures. Most of the failures are attributed to installation of an older conventional septic system in poor soil conditions. In the long term, the number of septic system repairs is expected to decrease because the County Code prohibits the installation of conventional septic systems in poor soil conditions (Schmidtbauer, pers. comm., 2008).

These are only the known failures where a permit for repair has been submitted to the County. It is possible that the actual number of failing systems is higher because not all failures are reported so that the repair process is undertaken. Even so, the total number (reported and unreported) of failures would be expected to be low. For example, even a tenfold increase in the number of repairs would be only a 3% failure rate (Schmidtbauer, pers. comm., 2008).

11-27 Please refer to Response to Comment 12-44.



## **LETTER 12**

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SCOTT D. SEXTON, DIRECTOR OF COMMUNITY DEVELOPMENT

City of Vacaville

June 2, 2008



COUNCIL MEMBERS  
LEN AUGUSTINE, Mayor  
CHUCK DIMMICK, Vice Mayor  
PAULINE CLANCY  
CURTIS HUNT  
STEVE WILKINS



## CITY OF VACAVILLE

650 MERCHANT STREET, VACAVILLE, CALIFORNIA 95688-6908

ESTABLISHED 1850

June 2, 2008

Mr. Jim Louie, Senior Planner  
County of Solano  
Resource Management Department  
675 Texas Street, Suite 5500  
Fairfield, CA 94533

**SUBJECT: Comments to Draft EIR for 2008 Draft Solano County General Plan**

Dear Mr. Louie:

Thank you for providing City of Vacaville (City) staff the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) prepared for the 2008 Draft Solano County General Plan (Project). Previously, City staff provided initial verbal comments regarding the Project in response to the Notice of Preparation (NOP) at the January 23, 2008 scoping meeting and subsequently provided detailed written comments in response to the NOP in my letter dated February 4, 2008. On May 15, 2008, City staff provided initial verbal comments regarding the DEIR at the Solano County Planning Commission public hearing on the DEIR. The City now follows up with its written comments set forth below and requests that these comments be fully addressed in the Final EIR (FEIR).

Please also note that the City has previously provided written comments regarding the Project in letters including those dated December 7, 2007, February 13, 2008 and May 15, 2008 and attached hereto. Most of the City concerns outlined in the prior correspondence and related to the proposed Project remain.

### LAND USE (Section 4.1)

1. Using the land use summary information in the DEIR (Table 3-2), it is impossible to determine the true net increase of population and development which would be allowed in the unincorporated areas, both as a whole and by region. The land use summary includes lands within the Municipal Service Areas (MSA's) which are precluded from urban development until city annexation. In order to have a true comparison of the land use summary information for the existing and proposed General Plan, the DEIR needs to provide a separate summary of land use, excluding land within city MSA's. This can be accomplished by modifying Table 4.1-6 to include columns for land use data within and outside city MSA's, and by further breaking down the data by regions within the County.
2. Impact 4.1-1a acknowledges the division of established communities and that this impact will be fully mitigated by the adoption of policies in the Draft General Plan. The specific policies listed do not adequately mitigate this impact. These policies, Policies

12-1

12-2



LU.P-5, 16, 20, 21 and 22, require the County to coordinate with cities land use within city MSA's and to encourage development that is consistent with the standards of the adjacent city. However, the policies lack specificity in regards to implementation. In addition, the impact analysis fails to analyze the impacts of proposed urban development in the unincorporated areas near and adjoining city MSA's. The City requests that this impact analysis be expanded to address these land use conflicts and to identify adequate mitigation measures. These mitigation measures should include amendment of the County's zoning code in order to require that any proposed development within and adjoining city MSA's comply with the same design and development standards as the adjoining city, and to require the adoption of specific or policy plans. At present, the County's utilizes a project referral process whereby cities are allowed to comment on and to propose design and development standards. However, there have been recent instances where this process did not result in design and development standards that were compatible with the affected cities; accordingly, an implementation program is necessary to adopt design and development standards within the county zoning code for all urban development proposed within and adjoining city MSA's.

12-2  
Cont'd.

3. Impact 4.1-2a fails to list the General Plans of the seven incorporated cities as land use plans that apply to unincorporated areas of Solano County. Because the Project depicts land uses planned by cities within the county designated MSA's, this impact needs to identify all adopted plans that affect land use within the unincorporated areas.
4. The proposed Project does not fully constrain urban development within city MSA's to occur upon annexation to cities. A specific program in the Project and a mitigation measure in the EIR are needed to require that the County not urbanize new areas within city MSA's.

12-3

12-4

**TRAFFIC (Section 4.4)**

The following comments identify specific areas requested for analysis in the City's February 4, 2008 letter and which do not appear to be addressed in the DEIR:

1. The City requested that the regional I-80/I-680 Corridor Study and Solano Congestion Management Plan be referenced in the EIR analysis. Neither document was referenced in the DEIR. An appropriate location for such a reference is in the Regional and Local Plans Policies, Regulations, and Ordinances for the Solano Transportation Authority.
2. In order to assess the impact of the proposed General Plan on City transportation facilities, the City specifically requested that the DEIR include a transportation analysis comparing transportation impacts resulting from development under the existing General Plan to the Project. The Alternatives Section and Transportation and Circulation Appendix quantify the proposed increase in development as 58,000-60,000 trips per day, an increase of 2.8%. Although this is a relatively small percentage of the overall increase in trips, given that significant transportation impacts are identified and overridden in the DEIR, that the General Plan transportation analysis is accomplished at a programmatic level, and that the General Plan Policies and Implementation Programs are directed towards assessing impacts to County Facilities, it is requested that the FEIR include a mitigation measure which defines a specific means to address future significant transportation impacts, a policy for the determination of inter-jurisdictional transportation impacts, and a process for the provision and content of project specific traffic studies. Proposed mitigation measures should be implemented as a General Plan policy requiring that a Traffic Mitigation Ordinance be part of the County's subsequent update to the zoning ordinance.

12-5

12-6

The following comments are specific to the DEIR:

12-7

<p>1. Exhibit 4.4-1, Proposed Roadway Classifications:</p> <ul style="list-style-type: none"> <li>• The DEIR needs to designate the following roadways within the City of Vacaville MSA as Minor Arterials, consistent with the Vacaville General Plan: <ul style="list-style-type: none"> <li>○ Elmira Road East of Leisure Town Road</li> <li>○ Gibson Canyon Road south of Farrell Road (Vaca Valley Parkway)</li> <li>○ Farrell Road (Future Vaca Valley Parkway) west of Gibson Canyon Road</li> <li>○ Midway Road east of I-505</li> <li>○ Meridian Road south of Midway Road</li> </ul> </li> <li>• The DEIR needs to remove the designation of "route of regional significance" to the following roadways within the City of Vacaville MSA, consistent with the Vacaville General Plan: <ul style="list-style-type: none"> <li>○ Farrell Road east of Pleasants Valley Road</li> <li>○ Vanden Road north of Leisure Town Road</li> <li>○ Foxboro Parkway</li> </ul> </li> </ul>	<p>12-7</p>
<p>2. Existing Conditions, Arterial Roadways:</p> <ul style="list-style-type: none"> <li>• Leisure Town and Vanden Roads need to be included in the list of Major Arterials of significance in order to conform to Exhibit 4.4-1.</li> </ul>	<p>12-9</p>
<p>3. Level of Service Criteria:</p> <ul style="list-style-type: none"> <li>• Annual Average Daily volumes are established as the criteria for establishing Level of Service (LOS). AM &amp; PM Peak hour directional volumes are provided by a regional model. The DEIR needs to clarify the application of established Average Daily Trips (ADT) Level of Service thresholds to the DEIR and how these thresholds will be applied to project specific traffic analysis. Note that the Technical Report states that County Road design and performance standards are defined by daily volumes. Daily volumes do not provide an adequate basis to assess directional peaks versus roadway capacity.</li> </ul>	<p>12-10</p>
<p>4. Highway Projects:</p> <ul style="list-style-type: none"> <li>• The I-80/I-680 Corridor Study needs to be referenced in this section along with a policy statement regarding its application to the review of project specific traffic analysis.</li> </ul>	<p>12-11</p>
<p>5. Table 4.4.6, High Accident Locations:</p> <ul style="list-style-type: none"> <li>• Provide the specific limits for Freeway I-80 Segment - Alamo Drive (not "Street") to SR 113.</li> </ul>	<p>12-12</p>
<p>6. Regional &amp; Local Plan Policies, Regulations and Ordinances:</p> <ul style="list-style-type: none"> <li>• Solano Transportation Authority – Include reference to I-80/I-680 Corridor Study and Congestion Management Plan.</li> </ul>	<p>12-13</p>
<p>7. Threshold of Significance:</p> <ul style="list-style-type: none"> <li>• The threshold of significance as applied to transportation impacts is established to maintain LOS C or existing LOS, and is based on roadway segment volume to capacity assessment for annual average daily traffic. The DEIR states, "When specific development projects are proposed, the County will require analysis of an intersection, regardless of 2008 Draft General Plan consistency." Given that cumulative conditions are expected to result in significant transportation impacts, it is recommended that a policy be included or referenced in the General Plan that defines analysis periods (i.e., Daily, AM and/or PM Peak Hours) and that the definition of LOS methodology be used for segment and intersection analysis.</li> </ul>	<p>12-14</p>
<p>8. Impact Analysis</p> <ul style="list-style-type: none"> <li>• Forecasted Levels of Service – At page 4.4-33, there is a citation listing "Peabody Road east of Pleasants Valley Road". Peabody Road and Pleasants Valley Road do</li> </ul>	<p>12-15</p>

not intersect and are in different geographic areas. This intersection and the accompanying data require verification.	12-15 Cont'd.
9. The following Draft General Plan policies are referenced as mitigation measures in the DEIR. Additional analysis or information is requested as follows to support the findings that these proposed mitigation measures will mitigate the applicable impacts to a less than significant impact:	
<ul style="list-style-type: none"> <li>• TC.P-3: "Facilitate shorter travel distances and modes of travel other than automobile and limit the extent of transportation improvements that may be needed with a more dispersed land use pattern." <ul style="list-style-type: none"> <li>○ The proposed mitigation measure does not appear to be applicable to the impact. The additional and intensified urban development in the unincorporated areas will extend urban development and lengthen travel distances, and there are no new identified modes of travel in the Project.</li> </ul> </li> </ul>	12-16
<ul style="list-style-type: none"> <li>• TC.P-4: "Evaluate proposals for new development for their compatibility with and potential effects on transportation systems." <ul style="list-style-type: none"> <li>○ The proposed mitigation measure and its companion implementation program, TC.I-2, appear to limit the scope of review to the need to upgrade County roads, as opposed to the mitigation required to upgrade city roadways. The proposed mitigation measure, policy and program need to be amended, or another policy added, to include the assessment of the transportation impacts of a project on city roadways and a means to address the cumulative impacts of development on city roadways in the unincorporated areas.</li> </ul> </li> </ul>	12-17
<ul style="list-style-type: none"> <li>• TC.P-5: "Fairly attribute to each development the cost of on-site and off-site improvements needed for County roads and other transportation systems to accommodate that development, including the potential use of development impact fees to generate revenue." <ul style="list-style-type: none"> <li>○ The proposed mitigation measure does not reference a basis for calculating the amount of each development's fair share costs for on-site and off-site improvements or a means for the collection of such fair-share costs.</li> <li>○ The proposed mitigation measure fails to specify whether the proposed fair-share costs is for all development within the county or is limited to development in unincorporated areas of the county.</li> <li>○ If the proposed fair-share costs program is to be imposed on a county-wide basis, the City requests it be included as a participant in reviewing and commenting on the proposed fee structure and its basis prior to implementation.</li> <li>○ This mitigation measure should be expanded to include the costs of both on-site and off-site improvements required to roadways under local jurisdiction.</li> </ul> </li> </ul>	12-18 12-19 12-20 12-21
10. The Transportation and Circulation Technical Background Report is referenced in the DEIR. Within Table 5, titled "Proposed Demographic Changes in Solano County" the following increases in land use and employment are identified:	12-22
<ul style="list-style-type: none"> <li>• There are only 380 additional residential units proposed and none are assigned in the vicinity of the City, even though the Project includes additional rural residential lands north of the City.</li> </ul>	12-23
<ul style="list-style-type: none"> <li>• Of the 4,257 additional commercial employees (RETEMP) identified, 4,128 or 96 % are assigned to zones in the vicinity of the City.</li> </ul>	12-24
<ul style="list-style-type: none"> <li>• Of the 1, 853 manufacturing (employees (MFGEMP) identified, 595 or 32%, are assigned to zones in the vicinity of the City.</li> </ul>	12-25
Based on this documentation, a significant portion of the anticipated increase in employment has the potential to impact local transportation roadways in the vicinity of	

the City. Accordingly, it is necessary that the County's General Plan transportation policies and implementation programs provide a basis for addressing these impacts.

12-25  
Cont'd.

#### **HYDROLOGY AND WATER RESOURCES (Section 4.5)**

1. Proposed General Plan policy and DEIR mitigation measures lack specificity to mitigate the increase in peak runoff from properties proposed for development. More specific mitigation and plan policy are necessary. 12-26
2. The following General Plan policy is proposed for addition to policy PF.I-30 and added as a mitigation measure in response to Impact 4.5-5b: 12-27  
New development shall mitigate the increase of the 10 and 100-year peak runoff from the project site over the predevelopment conditions. The mitigation shall be satisfied by either providing on-site detention storage or with a regional upstream detention basin".

#### **WATER SUPPLY AND WATER FACILITIES (Sections 4.5 and 4.9)**

1. The FEIR needs to indicate in the mitigation analysis that all groundwater planning and well construction necessary to serve the Project will be compliant with the staged mitigation plan and other requirements discussed in SCWA's memorandum entitled: *Technical Memorandum No. 1, Assessment of AB 3030 Plans for SB 1938 Compliance*, as prepared by West Yost Associates, dated February 22, 2006. 12-28
2. The DEIR refers to the Draft General Plan by reference. The following text in the 4<sup>th</sup> paragraph on page PF-7 needs to be corrected as follows to reflect that Vacaville is also serviced by a groundwater well system:  
*"Drinking water treatment services in Solano County are provided by seven water treatment facilities: Vacaville's Diatomaceous Earth Water Treatment Plant (DE Plant), Vacaville and Fairfield's North Bay Regional Water Treatment Plant (NBR Plant), Fairfield's Waterman Treatment Plant, the Suisun-Solano Water Authority's Cement Hill Water Treatment Plant, Vallejo's Green Valley and Fleming Hill Treatment Plants, and Benicia's Water Treatment Plant. Rio Vista and Dixon are served primarily by groundwater well systems. Vacaville is served via a combination of groundwater wells and water treatment facilities (DE Plant and NBR Plant)."* 12-29
3. Mitigation Measure and Policy PF.I-9: Continue to require preparation of a water supply assessment pursuant to the California Water Code to analyze the ability of water supplies to meet the needs of regulated projects, in the context of existing and planned future water demands. Review the availability of water to serve new development in the unincorporated area before *permitting such developments and ensure that the approval of new development will not have a substantial adverse impact on water supplies for existing water users.* 12-30
  - To implement PF.I-9, City requests that the mitigation measure include provisions requiring that before approval of any *project* as defined in the California Water Code Part 2.10, the lead water supply agency shall comply with SB610 requirements to ensure adequate water supply is available and is sufficient to meet current and future demands.
  - Furthermore, the mitigation measure should include a provision requiring that the County comply with SB221 requirements for verification of sufficient water supplies as specified in section 66473.7 of the Government Code. 12-31
4. Mitigation Measure and Policy PF.P-9 and 14 ensure that adequate water supply and groundwater recharge is available for current and future development. 12-32
  - To implement PF.P-9 and 14, City requests that the mitigation measure include provisions requiring that development and operation of new groundwater supplies be

done in conformance with the Solano County Water Agency's County Wide Staged Mitigation Plan described in the Technical Memorandum regarding the Assessment of AB 3030 Plans for SB1938 Compliance dated May 9, 2005.	12-32 Cont'd.
5. Policy PF.P-15 ensures that domestic water supply for rural development shall be provided through the use of on-site individual wells or through public water service.	
• To implement PF.P-15, City requests that the mitigation measure include provisions requiring that development and operation of new groundwater supplies be done in conformance with the Solano County Water Agency's County Wide Staged Mitigation Plan described in the Technical Memorandum regarding the Assessment of AB 3030 Plans for SB1938 Compliance dated May 9, 2005.	12-33
6. Water storage facilities are not covered as critical infrastructure in the DEIR document.	
• City requests that the mitigation measure include provisions requiring that development and operation of new water storage facilities (above ground and/or buried) be done in conformance with the current water master plans in place for each MSA.	12-34
7. The residential demand factor for the County is not consistent with City of Vacaville typical residential water demand factor and the residential water demand factor should be revised as follows:	
• Water demand estimates for development projects near Vacaville, specifically those proposed northwest of the city limits as well as those within the MSA, should be calculated using the minimum water demand factor of 520 gpd per equivalent dwelling unit (EDU) for Residential Low Density land use. The residential demand is currently estimated in the General Plan Update as 100 gpd per person (assuming 3.5 persons per equivalent dwelling unit this is only 350 gpd/EDU).	12-35
8. Commercial or business park demand factor for the County is not consistent with City of Vacaville typical commercial or business park water demand factor and the commercial and business park water demand factor should be revised as follows:	
• Water demand estimates for development projects near the City of Vacaville MSA with commercial land uses should be calculated using the minimum water demand factor of 2,050 gpd per acre (including irrigation). The commercial demand is currently estimated in the General Plan Update as 1,185.5 gpd per acre.	12-36
9. Highway commercial water demand factor is not considered in the General Plan Update and the highway commercial water demand factor should be revised as follows:	
• Water demand estimates for development projects near and adjacent to the Vacaville MSA should be calculated using the minimum water demand factor of 5,250 gpd per acre (including irrigation). All commercial demand is currently estimated in the General Plan Update as 1,185.5 gpd per acre.	12-37
10. Industrial water demand factor is not considered in the Draft Solano County General Plan and the industrial water demand should be revised as follows:	
• Water demand estimates for development projects near the City of Vacaville MSA with industrial uses should be calculated using the minimum water demand factor of 2,450 gpd per acre. The industrial water demand is not estimated in the analysis as described in Section 4.9.3, resulting in an inadequate analysis.	12-38
11. Mitigation Measure 4.9-1a: Implementation Measures to Ensure Sufficient Water Supplies for Development Projects.	
• City requests that the first bullet under this subsection be revised as follows: "Before approval of any project as defined in the California Water Code Part 2.10, the lead water supply agency shall comply with SB610 requirements to ensure adequate water supply is available and is sufficient to meet current and future	12-39

- demands and the County shall comply with SB221 requirements for verification of sufficient water supplies as specified in section 66473.7 of the Government Code.”
- 12. Section 4.9.1 “Existing Conditions” subsection “Rural North Vacaville Water District” (page 4.9-6) last sentence reads:
  - “Currently the aquifer where RNVWD obtains its water is being tapped by private entities in rural areas, and by the City of Vacaville, which is installing a deep-well pump upstream of the RNVWD facility (Bellem, pers. Comm., 2008).
  - This statement is incorrect and the City requests this statement be revised accordingly. The City of Vacaville is considering deep-wells only within the City’s Sphere of Influence. The wells currently planned by the City are near Interstate 505 (I-505) and Midway Road. The statement in the DEIR text inaccurately suggests the City is installing deep-wells north and east of the City’s current Sphere of Influence.

12-39  
Cont'd.

12-40

**PUBLIC SERVICES: WASTEWATER (Section 4.9)**

1. DEIR, Section 1.6, subsection “City Plans” reads:
 

“Each city in Solano County exercises complete authority over land use and development within its city limits. Cities occasionally exercise authority over sewer, water, and other services outside of the city limits. The 2008 Draft General Plan has established municipal service areas (MSAs) around each incorporated city. MSAs generally correspond to cities’ existing spheres of influence and define each city’s area of current and/or future jurisdictional responsibility. Land uses depicted on the land use diagram within MSAs generally are consistent with the planned land uses described within a city’s general plan. Within MSAs, future development of urban land uses is to be facilitated and served through city annexation. Current land uses within MSAs may continue under County jurisdiction until the land is annexed to the city for conversion to urban uses.”

  - The MSA for Vacaville proposed in the Draft General Plan (Figure LU-4) includes areas not currently planned for sewer service. Further, it does not include the Town of Elmira which does receive sewer service. This needs to be clarified in the DEIR.
2. DEIR, Table 2-1, Mitigation Measures 4.9-3a and 4.9-3b, second bullet item reads:
 

“Before recordation of any final small-lot subdivision map, or before County approval of any project-specific discretionary approval or entitlement for nonresidential land uses, the County or the project applicant shall demonstrate, based on substantial evidence, the availability of a long-term, reliable wastewater collection system for the amount of development that would be authorized by the final subdivision map or project-specific discretionary nonresidential approval or entitlement. Such a demonstration shall consist of a written verification that existing treatment capacity is or will be available and that needed physical improvements for treating wastewater from the project site will be in place **and permitted under applicable regulatory programs** before occupancy.”

  - City requests the above text insertion (bold, underlined).
3. DEIR, Section 4.9, subsection “Individual On-Site Wastewater Treatment Systems”, 4<sup>th</sup> paragraph reads:
 

“The Division of Environmental Health of the County’s Department of Resource Management oversees the permitting, design, and implementation process for the installation of individual on-site waste disposal systems (septic systems and engineered systems), and ensures that projects comply with RWQCB requirements. **Because of the largely rural nature of the unincorporated areas, the County relies on existing wastewater treatment systems of municipalities and their existing treatment systems.**”

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12-43

- The last sentence (underlined) does not appear to apply to this section (Individual On-Site Wastewater Treatment Systems). The City requests that this sentence be removed or clarified. 12-43  
Cont'd.
- 4. DEIR, Section 4.9, subsection "Wastewater Treatment Facilities for Existing MSAs".
  - Vacaville's Diatomaceous Earth Plant is referenced throughout the subsection as a wastewater treatment facility. It is a drinking water treatment facility and needs to be removed from both the section, and from all computations of Wastewater System Capacities in Table 4.9-8. 12-44
- 5. DEIR, Section 4.9, subsection "City of Vacaville", second sentence needs to be modified as indicated below:
  - The city is served by ~~three~~ one wastewater treatment facilities: ~~the Vacaville Diatomaceous Earth Plant, with a capacity of 10 million gallons per day (mgd); and the Vacaville Easterly WWTP, with a capacity of 15 mgd.~~ 12-45
- 6. DEIR, Section 4.9, Table 4.9-13:
  - City would predict additional flows commensurate with the mix of land use likely associated with anticipated growth in City limits. As noted in the table, the flow projection is based on population (household residential population) and does not account for non-residential flows. 12-46
- 7. DEIR, Section 4.9, subsection "Wastewater Services", second bullet item reads: "require or result in the construction of new wastewater collection, treatment, and disposal facilities or expansion of existing facilities, the construction of which could cause significant environmental effects."
  - City requests the above text insertion (bold, underlined). 12-47
- 8. DEIR, Section 4.9, "2008 Draft General Plan Mitigation Measure for Impact 4.9-3a", third paragraph reads:
 

"According to the Preferred Plan buildout scenario, development requiring municipal services would be encouraged near existing developed and urbanized areas within MSAs, where existing infrastructure is currently available. Such development would be approved by cities through annexation. The County anticipates additional residential development and some agricultural industrial development occurring in rural portions of the county. Population projections used in this analysis include only areas outside of existing MSAs, which would rely on individual on-site wastewater systems; larger developments that would generate the equivalent wastewater to 200 or more units may be served by centralized systems. As shown in Table 4.9-12 above, the Preferred Plan would generate an additional 1.46 mgd of wastewater related to residential developments, and an additional unknown quantity of non-residential flows (noted in Section 4.9.3 - Wastewater Services)."

  - City requests the above text insertion (bold, underlined). 12-48
- 9. DEIR, Section 4.9, "Mitigation Measure 4.9-3a: Implement Measures to Ensure Sufficient Wastewater Collection, Treatment and Disposal Systems for Development Projects", first bullet item reads:
 

"Before approval of any tentative subdivision map for a proposed residential project, the County shall formally consult with the wastewater system provider that would serve the proposed subdivision to make a factual showing or impose conditions to ensure the availability of an adequate wastewater removal system for the proposed development, including provisions for collection, treatment and disposal of septage."

The second bullet item reads:

"Before recordation of any final small-lot subdivision map, or before County approval of any project-specific discretionary approval or entitlement for nonresidential land uses, the County or the project applicant shall demonstrate, based on substantial evidence,

12-49

the availability of a long-term, reliable wastewater collection system for the amount of development that would be authorized by the final subdivision map or project specific discretionary nonresidential approval or entitlement. Such a demonstration shall consist of a written verification that existing treatment capacity is or will be available and that needed physical improvements for treating wastewater from the project site will be in place <b><u>and permitted under applicable regulatory programs</u></b> before occupancy.”	12-49 Cont'd.
<ul style="list-style-type: none"> <li>• City requests the above text insertions (bold, underlined).</li> </ul>	
10. The City requests that the DEIR include specific information on the type of sewer treatment service (i.e. standard [septic] versus alternative systems) anticipated at various locations. In particular, provide information on the anticipated locations of alternative systems for areas projected for significant development or large wastewater flows.	12-50
11. The City requests that the DEIR address how water and sewer will be provided in the area north of Vacaville in the vicinity of Interstate Highway 505 and Midway Road where new urban Industrial, Commercial Service and Highway Commercial land uses are proposed as a part of the Project.	12-51
12. General Plan Policy PF.P-21 requires that sewage treatment systems not have a negative impact on groundwater quality. <ul style="list-style-type: none"> <li>• To Implement PF.P-21, the City requests a specific General Plan program and FEIR mitigation measure for development projects be required to install performance wells (up-gradient and down-gradient groundwater quality monitoring wells). In the interest of protecting public water supply quality, the City requests the authority, to be exercised at the City's option, to sample and analyze samples from such performance wells.</li> </ul>	12-52

**SOLID WASTE (Section 4.9)**

1. Vacaville Sanitary takes the County's recyclable materials that they collect to the Vallejo Garbage Company, the same sorting facility used by the City of Vacaville. There was recently an expansion and upgrade at that facility. The DEIR notes that there are no improvements planned to add capacity, yet the impact of development within the unincorporated area on processing recycled materials is not quantified. This creates several issues that are not addressed in the DEIR such as: Would the facility have to expand operating hours to accommodate the increased materials? Also, the way the materials get to Vallejo is by first being dropped off at Hay Road landfill in bunkers. They are then loaded into a transport trailer for the trip to Vallejo, rather than having individual collection trucks going to Vallejo. Will the landfill need additional bunkers? Will another transport trailer be required? The City requests that the FEIR address these issues.	12-53
2. Yard waste is permitted at 750 tons per day, separate from landfill capacity at the Hay Road landfill. The City requests that the FEIR analyze the impact that additional County tonnage will have on the current permitted capacity.	12-54
3. County residents use our Vacaville's household hazardous waste facility. There is limited space, especially with respect to incoming traffic. The impact of additional waste being processed at this facility has not been evaluated in the DEIR. The City requests that the impact be evaluated in the FEIR.	12-55
	12-56

**FIRE Section (Section 4.9)**

Overall, subsequent research is necessary to verify and update information relating to fire and EMS protection in the DEIR. There are several areas of discrepancies that are contained in the Health and Safety section of the DEIR that correction, as follows:

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. There are several inaccuracies on page 4.9-18 relating to the naming of agencies and in particular, the staffing descriptions of the various Solano County fire protection districts. Some of the larger and specific issues relating to our agency are as follows:           <ul style="list-style-type: none"> <li>• The Vacaville Fire Protection District does not employ 24 employees whom are all paramedics as stated in the DEIR; they do not employ any full time paramedics.</li> <li>• The City of Vacaville Fire Department provides all paramedic services to the Vacaville Fire Protection District.</li> <li>• The DEIR states that the Dixon Fire Protection District employs twenty-one paid employees with 33 volunteers. The City of Dixon Fire Department serves all of the Dixon Fire Protection District by agreement. The Dixon Fire Protection District does not have any employees, and the number of volunteers listed as 33 is much less than reported in the document.</li> </ul> </li> <li>2. On pages 4.9-17 and 4.9-18, the DEIR lists "private ambulance" serving all of Dixon and Vacaville Fire Protection Districts. This is not accurate; the City of Vacaville Fire Department paramedic ambulances serve all of the Vacaville Fire Protection District, not the private ambulance service. The City of Vacaville Fire Department paramedic ambulances cover approximately one-half of the Dixon Fire Protection District and will be responsible for all the projected growth areas outlined in the Project.</li> <li>3. On page HS 4-6 the DEIR states that Cal Fire provides primary fire protection to Lagoon Valley. This is not completely accurate; the City of Vacaville Fire Department provides the primary fire protection in Lower Lagoon Valley within the City limits, and provides the paramedic ambulance services to all of Lagoon Valley.</li> <li>4. There is no mention in the DEIR about any mitigation needed, including a funding source, to address the impacts of additional growth and the subsequent increase in the calls for EMS transport service in the rural areas outside of Vacaville which is served by the City of Vacaville Fire Department.</li> </ol> | <p>12-57</p> <p>12-58</p> <p>12-59</p> <p>12-60</p> <p>12-61</p> <p>12-62</p> |
|---|---|

**POLICE (Section 4.9):**

- |  |              |
|--|--------------|
| <ol style="list-style-type: none"> <li>1. The DEIR does not document the existing level of service for Sheriff services and the projected level of service based upon the projected development in the unincorporated area. The DEIR concludes no significant impact, but does not provide the analysis and data to support this conclusion. The City requests that the appropriate analysis be included in the FEIR with respect to the existing and projected levels of police/sheriff service.</li> <li>2.</li> </ol> | <p>12-63</p> |
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**RECREATION (Section 4.14)**

- |  |                           |
|--|---------------------------|
| <ol style="list-style-type: none"> <li>1. Section 4.14.1; Existing conditions; Parks; Solano County Parks           <ul style="list-style-type: none"> <li>• This section included Rockville Hills Park which the document correctly notes is owned and managed by the City of Fairfield; however, its inclusion in this section gives the implication that this is a "Solano County Park".</li> <li>• Discussion of the three Solano County Parks should include acreage calculations for each park; especially if this calculation is used within the document to measure whether and to what extent the County is currently meeting its standard ratio of 10</li> </ul> </li> </ol> | <p>12-64</p> <p>12-65</p> |
|--|---------------------------|

acres of park land /1000 residents, and, how it would, or would not, meet the demand created by added residents.	12-65
2. Section 4.14.1; Existing conditions; Parks; City Parks.	Cont'd.
• This section contains errors, some of which are noted below and the City requests to be corrected. The incorrect information is significant in that it erodes the overall credibility of the DEIR analysis.	12-66
• Dixon has three more neighborhood parks than what is currently listed. Why are Dixon parks listed individually, but this is not done for the other cities?	12-67
• Vacaville has about 260 acres of developed parkland, not 520 acres as listed. Vacaville's Open Space acreage is 2,183, higher than the 1,906 acres listed.	12-68
• Lagoon Valley Park consists of about 348 acres of open space, plus 40 acres of partially-developed community park land.	12-69
• Vallejo should be discussed in a separate paragraph. It should be noted that the Greater Vallejo Recreation District (GVRD) owns some of its parkland, but operates and maintains the entire park system for the City of Vallejo. These parks also serve more than 3000 residents of the unincorporated county that live within the GVRD. The total number of neighborhood and community parks acres operated by GVRD is closer to 324 acres, not 145 acres as stated.	12-70
• The discussion about the Tri-City and County Open Space more correctly belongs under the section titled: "Open Space and Trails" because of the nature of these lands.	12-71
3. Section 4.14.1; Existing conditions; Open Space and Trails.	
• It is correctly stated that the analysis only considers the open space lands that can accommodate varying levels of public recreation, however, Table 4.14-1 erroneously includes the Vacaville-Dixon Separator (sic) and the Vallejo Lakes, both of which are not open to public recreation. It also should be noted that this table fails to include biking and horseback riding as acceptable uses for the Lagoon Valley Open Space.	12-72
• The last sentence in the third paragraph states; "...the quantity of trail miles and publicly accessible open space could not be determined at the time of writing." However, this statement seems to be in conflict the existence of Table 4.14-1 which is titled: "Open Space Resources within Solano County". This apparent conflict should be corrected and/or clarified.	12-73
4. Section 4.14.2; Quimby act (California Code 66477)	
• This section needs to more accurately reflect the Quimby Act in that the Act does not require the dedication of land, but rather permits a City to enact an ordinance to require the dedication of land and/or the payment of in-lieu fees. It should be noted that both Vacaville and Vallejo do not have Quimby ordinances.	12-74
5. Section 4.14.3 Environmental Impacts and Mitigation Measures	
• Impact 4.14.1a;	
o This section fails to consider the added demand for neighborhood and community parks and recreational facilities that are not provided by the County. New residents of the county will add a new burden on these types of facilities that are provided by cities primarily to serve their own citizens. It should be noted that at least some of the cities within Solano County are already challenged to meet their own standards in providing these facilities.	12-75
• Mitigation Measure 4.14-1a: Require Developers to Pay Fair-Share Park and Recreation Impact Fees.	
o Such a measure will not work unless specific land is identified and acquired early in the development process. It is common for fees paid to not "keep up" with the value of land to be acquired with those fees. It is recommended that	12-76
	12-77

- the County also include an option to accept or require the dedication of parkland as part of the subdivision process. | 12-77
      - o This measure does not mitigate the ongoing costs of maintaining and operating any new parklands and facilities. | Cont'd.
    - o This measure does not mitigate the ongoing costs of maintaining and operating any new parklands and facilities. | 12-78
  - Mitigation Measure 4.14-2a: Implement Mitigation Measure 4.14-1a. | 12-79
    - o This proposed implementation has the same shortcomings as stated above for Mitigation Measure 4.14-1a. It also should be noted that this measure does not "...ensure adequate provision of parkland and recreation facilities..." unless there is a plan created and implemented to acquire suitable land with the fees paid, and that there is suitable land available and available for a price in keeping with the fees paid. | 12-80
  - Mitigation Measures 4.14-1a and 4.14.-2b
    - o The proposed mitigation measures fail to address at least four additional impacts and the City requests the FEIR address: | 12-81
      - The ongoing costs to maintain and operate new parks and recreational facilities. | 12-82
      - The identification and availability of land in a suitable location and with suitable features that may be purchased with the fees paid. | 12-83
      - The impact to neighborhood parks, community parks, and recreational facilities that are only provided by the nearby cities, but would also be utilized by the new county residents. | 12-84
      - The impact of new residents on the recreational programs provided by nearby cities in their facilities. | 12-85
- The impact analysis and corresponding mitigation measures require revision to address the noted impacts. | 12-85

In closing, the City appreciates this opportunity to comment on the DEIR in order to ensure that a complete and adequate environmental analysis of the proposed Project is prepared and that appropriate mitigation measures are included in the Final EIR and adopted Project. If you have any questions regarding these comments, please direct those questions to City Planner Maureen Traut Carson at (707) 449-5361 or [mtraut@cityofvacaville.com](mailto:mtraut@cityofvacaville.com).

Sincerely,



Scott D. Sexton  
Director of Community Development

Attachments

COUNCIL MEMBERS  
LEN AUGUSTINE, Mayor  
CHUCK DIMMICK, Vice Mayor  
PAULINE CLANCY  
CURTIS HUNT  
STEVE WILKINS



## CITY OF VACAVILLE

650 MERCHANT STREET, VACAVILLE, CALIFORNIA 95688-6908

ESTABLISHED 1850

December 7, 2007

OFFICE OF  
City Manager

Michael Reagan, Chair  
Solano County Board of Supervisors  
675 Texas Street, Suite 6500  
Fairfield, CA 94533

SUBJECT: COMMENTS ON DRAFT GENERAL PLAN UPDATE

Dear Supervisor Reagan:

This letter is provided in response to the County's on-going General Plan update. Staff of the City of Vacaville ("City") has several concerns and comments regarding the draft proposals sent to you by the Citizen's Advisory Committee ("CAC") and the Planning Commission as briefly discussed below.

1. **Sphere of Influence/Municipal Service Areas:** The City of Vacaville has an approved Sphere of Influence ("SOI") adopted by the Local Agency Formation Commission ("LAFCO"). Further, the areas within the SOI have been approved by LAFCO through the Municipal Service Review ("MSR") process. The MSR process is designed to ensure that there is one designated agency to provide services to the area. The CAC recommended that certain areas around Vacaville either be proposed for urban development without inclusion in a Municipal Service Area ("MSA" as defined by the proposed General Plan update), or that areas currently within the City's SOI be designated with land uses that are not consistent with the City's General Plan. We are aware that the SOI's of all other cities in the County have been designated consistent with each city's respective SOI.

Therefore, the City of Vacaville requests that *all* areas within its SOI be included in the County's proposed MSA for the Vacaville area ("Vacaville MSA") and that all cities be treated consistently in terms of the SOI being accurately reflected in the County's General Plan. Those areas designated for urban development outside of the City's SOI are discussed further below.

2. **Urban Development/Standards:** There are several locations outside of the Vacaville MSA that are proposed for urban development. These sites are located at I-80 and Cherry Glen Road, east of I-80 at Midway Road, northeast of I-80/south of Midway Road, and north of Midway Road along I-505. Depending on the location, the sites are proposed for commercial or industrial uses, which are considered "urban" uses. However, there are no plans to provide the water, sewer, and transportation services needed to service these proposed urban land uses. The CAC addresses service issues by proposing Public Facilities policies that call for the use of wells for water service and package sewage systems for sewer service. The City has determined that wells are not reliable sources for ensuring adequate water service in the event of a fire. The City's Fire Department is often the first responder to fire events surrounding our City, and without adequate fire flow on site, it could impact our service levels as well as our ability to meet the needs of Vacaville



citizens. Package sewer systems are somewhat dependent on the periodic off-loading of solids to urban treatment facilities. The City appreciates the CAC recommended policy, LU 22, which states that such development shall "ensure that commercial and industrial development that occurs adjacent to a city is developed consistent with the development design standards of the city." However, there is no process proposed that ensures such compliance will occur. Moreover, the policy refers only to uses that are "adjacent" to a city. Hence, the policy does not apply to uses that are not immediately adjacent to a city.

Therefore, the City recommends that all non-residential development proposed within 1 mile of the City's Sphere of Influence be required to meet the applicable local development standards, including, but not limited to, life safety (i.e. fire flow), architecture, landscaping, building setbacks, and transportation requirements. Further, such requirements should be codified in the County Code so that compliance with these requirements is mandatory and cannot be waived by staff or the Planning Commission.

Under the auspices of Measure A, the philosophy of urban development within Solano County has been: "What is urban shall be municipal." The proposed CAC and Planning Commission land use recommendations, as well as some of the Public Facilities and Economic Development recommendations, conflict with this goal. The City is aware that the County intends to subject the General Plan update to a vote of the citizens to avoid conflict with the requirements of Measure A.

Further, the CAC's recommendations, if implemented, would also void the 1993 agreement between the cities and the County, by which the cities collect the County's Public Facilities Impact Fee and also eliminate the legal authority for such fee. Such agreement requires that the fee be *terminated* if the County fails to maintain the land use policy of "what is urban shall be municipal" or unreasonably modifies, amends, or alters the General Plan to increase existing densities of residential, commercial, and industrial land uses in place or under study in 1993. The agreement and County ordinance establishing the fee remain in effect only so long as existing County land uses are subject to limitations on land use development similar to those provided in County Measure A. Therefore, continued collection of the Public Facilities Impact Fee is subject to the County and City re-negotiating the existing agreement. We request that such negotiation include an iron-clad process to ensure compatibility of land uses surrounding the City, and that such development meets the minimum development standards of the City so that its safety services are not negatively impacted by future development in the County.

The City's comments are preliminary in nature, as the General Plan update is still in progress and a final draft of the General Plan has not yet been completed. Further, the process has not fully allowed for public comment on the entirety of the proposals. Therefore, we respectfully reserve the right to comment further on the General Plan update in the future.

Thank you for your consideration of our comments. The City appreciates all of the hard work of the CAC and Planning Commission in this process.

Sincerely,



David J. Van Kirk  
City Manager

C: City Council  
Solano County Board of Supervisors  
Solano County Planning Commission  
City Planning Commission  
City Attorney  
Community Development Director  
Solano County Resource Management Agency Director

COUNCIL MEMBERS  
LEN AUGUSTINE, Mayor  
CHUCK DIMMICK, Vice Mayor  
PAULINE CLANCY  
CURTIS HUNT  
STEVE WILKINS



## CITY OF VACAVILLE

650 MERCHANT STREET, VACAVILLE, CALIFORNIA 95688-6908

ESTABLISHED 1850

February 13, 2008

OFFICE OF  
The Mayor

John Silva, Chair  
Solano County Board of Supervisors  
675 Texas Street, Suite 6500  
Fairfield, CA 94533

SUBJECT: DRAFT GENERAL PLAN UPDATE

Dear Supervisor Silva:

The City of Vacaville has previously expressed its concerns about the Draft County General Plan update, which contemplates the potential for urban development in areas of the County's unincorporated territory. These proposals include commercial and/or industrial land uses to the north of Vacaville along I-505, to the east of Vacaville on the south side of I-80, and to the west of Vacaville just north of I-80.

The City's concerns were described in a letter to the Board of Supervisors dated December 11, 2007. Since then, the County has addressed one of the City's concerns by agreeing to include all areas within the City's Sphere of Influence (SOI) into the Vacaville Municipal Services Area (MSA). While that issue appears to have been resolved, there remain several other outstanding policy issues that warrant comment as follows.

1. There are four areas outside of the Vacaville MSA that are proposed for urban development. They are located at: (i) I-80 and Cherry Glen Road, (ii) east of I-80 at Midway Road, (iii) northeast of I-80/south of Midway Road, and (iv) north of Midway Road along I-505. Depending on the location, the sites are proposed for commercial or industrial uses, which are considered "urban" uses. The Draft General Plan Public Facilities policies call for the use of wells for water service and package sewage systems for sewer service to these areas. The City is also concerned about the potential for increased development to generate increased stormwater runoff. The City has previously commented that the use of such systems to support urban development is problematic as it could result in inferior systems in the event of a large-scale fire or other emergency. For example, because the City is often the first responder to fire events adjacent to or nearby the City, it could impact City service levels as well as the City's ability to meet the needs of its residents. Further, package sewer systems often rely on pumping and off-hauling of sludge to urban treatment facilities.

For the above reasons, it is recommended that the areas proposed for urban development that are immediately adjacent to the City's SOI be included in an urban reserve such that no urban development could occur unless the areas are annexed into the City.



2. The recommended Draft General Plan submitted by the Community Advisory Committee and Planning Commission includes an area of about 250 acres that is north of the City along I-505 that is proposed for Industrial uses. This area is not adjacent to the City SOI and, therefore, is not a likely candidate for urban reserve designation. The City understands that there are existing businesses in this area that have been issued conditional use permits. The City could support a policy that allows these existing businesses to remain. However, the rezoning proposal would grandfather these existing businesses, along with expanding industrial uses to lands not currently developed, and would expand the types of allowed uses. Therefore, the proposal would have the result of expanding the density of development. Further, such development could include uses that may introduce or generate hazards in this area such as toxic waste spills and fires, which would likely impact the Fire Department and other related City safety services.

It is recommended that a "Limited Light Industrial" district be formed that provides a limited range of uses (those existing, plus some additional compatible uses) and only for those parcels where such uses currently exist. If any new uses are to be allowed, it is further recommended that such new uses be subject to the following conditions:

- Proper screening by the inclusion of a 100-foot wide landscaped buffer along I-505 and Midway Road so that any industrial uses or areas are fully screened from view from I-505 and Midway Road.
- All uses shall be properly conditioned to ensure that there are no significant public safety impacts (traffic, fire flow, sewer and other related standards or measures).

The above requirements should be codified in the County Code as mandatory development standards so that compliance with these standards could not be waived by the County.

The City also recommends that all non-residential development proposed within one mile of the City's SOI be required to meet all applicable City development standards including, but not limited to, life safety (i.e. fire flow), architecture, landscaping, building setbacks, and transportation requirements. Further, such requirements should be codified in the County Code as mandatory development standards so that compliance with these requirements cannot be waived by County staff or the County Planning Commission.

3. The proposed General Plan includes provisions for increasing the amount of land designated for rural residential development north of the City. The City estimates that there would be an overall increase of approximately 1,700 more acres of rural residential land under the current recommendations. Based on an average density of one unit to each 5 to 10 acres, this would result in the potential for 170 to 340 additional units in this area.

This area is currently served by a water district that has limited water capacity. It is also served by the Vacaville Fire Protection District. The City questions whether there is adequate water supply to serve additional rural residential growth and/or whether such growth may impact the water district's ability to provide water service to its customers. Further, increased development will impact the local Fire District's ability to serve the development which does have the potential to impact the City's current level of service when providing mutual aid to the Vacaville Fire Protection District. In addition, the Vacaville Fire Department provides Emergency Medical Services (EMS) and ambulance transport to the unincorporated area surrounding the City. Therefore, such residential growth will also impact the level of the City's EMS and ambulance services.

4. The CAC recently recommended a new policy to support dairies as a viable agricultural industry within the County, provided that new dairies are established in appropriate locations and are subject to appropriate conditions of operation and have adequate transportation access. The CAC recommendation does not include a provision to limit or restrict such uses to a certain distance away from urbanized communities as is required in existing County regulations. Existing regulations, adopted by the Board of Supervisors in 2005, require that "mega-dairies" (i.e. facilities with 700 or more mature dairy cows or 1,000 or more cows/calves) be located a minimum of three miles from a city sphere of influence and two miles from the National Veterans Cemetery. From the City's perspective, the Draft General Plan should, at a minimum, be consistent with these existing siting regulations. If lesser restrictions are being contemplated, the Environmental Impact Report for the Draft General Plan should not only address the impacts that dairies will have on the environment, such as land, air (including inversions and the existing variable wind conditions in Vacaville), and groundwater resources, but should also address their impacts on urban communities and their residents and how those impacts may vary depending upon the proximity of dairies to such communities and residents.

In closing, because the County General Plan is in a draft stage and likely to change over time, the City respectfully reserves the right to comment further on the General Plan update in the future.

Sincerely,

  
Len Augustine  
Mayor

C: Board of Supervisors  
County Planning Commission  
City Council  
City Planning Commission  
City Manager  
City Attorney  
Assistant City Manager  
Community Development Director  
County Resource Management Agency Director  
Solano Irrigation District General Manager  
LAFCO Executive Director

COUNCIL MEMBERS  
LEN AUGUSTINE, Mayor  
CHUCK DEMMECK, Vice Mayor  
PAULINE CLANCY  
CURTIS HUNT  
STEVE WILKINS



## CITY OF VACAVILLE

650 MERCHANT STREET, VACAVILLE, CALIFORNIA 95688-6908  
ESTABLISHED 1860

May 15, 2008

OFFICE OF  
The Mayor

John Silva, Chair  
Solano County Board of Supervisors  
675 Texas Street, Suite 6500  
Fairfield, CA 94533

Subject: Notice of Cancellation – Public Facilities Fee Agreement

Dear Chair Silva:

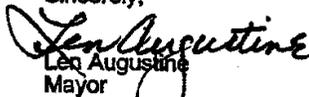
On March 23, 1993, the City of Vacaville and the County of Solano entered into an agreement for the collection of the County's Public Facilities Fee ("Agreement"). Under the Agreement, the City agreed to collect and submit the Public Facilities Fee to the County, as more particularly described in the Agreement and in Article X of Chapter 11 of the Solano County Code.

The Agreement provides that the City's obligation to collect the Fee shall terminate if the County fails to maintain the land use policy of "what is urban shall be municipal" or unreasonably modifies, amends, or alters the County General Plan to increase existing densities or existing designations of residential, commercial, industrial land uses in place or under study at the time of the Agreement's execution in 1993 for so long as Measure A or comparable regulations are in place. [Subsection 1.b of "Obligations of the County"].

As currently contemplated under the draft General Plan published in March 2008, agricultural lands are proposed for conversion to residential, commercial, and industrial uses, such that County land use limitations would not be the same or similar to those provided by Measure A. Further, the proposed General Plan would not maintain the land use policy of "what is urban shall be municipal." In light of the proposed changes, the City hereby exercises its right under Section 1 of that section of the Agreement entitled "Mutual Obligations," which provides that "Either party may cancel this agreement, without cause, upon providing to the other party hereto a notice of the intent to cancel the agreement at least one year in advance of the effective date of the cancellation." This letter constitutes the City of Vacaville's notice of cancellation of the agreement effective one year from the date of this letter.

If you have any questions, please let me know.

Sincerely,

  
Len Augustine  
Mayor

cc: Board of Supervisors  
City Council  
City Manager  
City Attorney  
County Resource Management Agency Director



- 12-1 The commenter states that it is impossible to determine the increase of population and development that would be allowed in the unincorporated area of the county, because DEIR Table 3-2 does not provide separate values for the areas within and outside the proposed municipal service areas (MSAs). The comment is noted. The DEIR analyzes environmental impacts on the entire unincorporated area of the county. Areas within and outside the MSAs are included in this analysis and have been provided. It is beyond the scope of a programmatic EIR for a general plan to evaluate the specific environmental impacts occurring in specific areas of the county.
- 12-2 The commenter states that the specific policies identified in Impact 4.1-1 of the DEIR do not fully mitigate the potential for the 2008 Draft General Plan to divide established communities. The comment is noted. As stated in Impact 4.1-1, Policy LU.P-22 of the 2008 Draft General Plan ensures that commercial and industrial development that occurs adjacent to a city is developed consistently with the standards of the adjacent city. Additionally, Policy LU.P-21 demands that commercial and industrial development be located, designed, and sited in a manner that minimizes negative impacts on surrounding residential and agricultural uses. These policies are contained in the 2008 Draft General Plan to address this concern and mitigate potential impacts on adjacent communities.
- 12-3 The commenter states that Impact 4.1-2 of the DEIR fails to list the general plans of the seven incorporated cities as land use plans that apply to the unincorporated areas of Solano County. The comment is noted. Although the city general plans do contain land use plans for areas of the unincorporated county within their MSAs, and many of these areas are within the spheres of influence of the cities, the cities do not have jurisdiction over those lands until annexation. The DEIR threshold of significance states that an impact on land use is considered significant if the proposed project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. Thus, the city general plans do not meet the applicable threshold for impact analysis.
- 12-4 The commenter suggests that the project description of the 2008 Draft General Plan be revised to constrain development within city MSAs.
- The comment is noted. As shown in Chapter 5 of this FEIR, County staff have recommended and the Planning Commission has approved changes to page LU-12 and Policy LU.P-7 of the 2008 Draft General Plan. If these changes are accepted by the County Board of Supervisors, the last sentence of the last paragraph on page LU-12 of the 2008 Draft General Plan would be amended as follows:
- A change in land use of unincorporated lands within MSAs should be permitted only for temporary agricultural uses that do not conflict with planned land uses until annexed for urban development.
- In addition, Policy LU.P-7 on page LU-35 would be amended as follows:

LU.P-7: Permit temporary land uses and uses consistent with the current agricultural zoning on unincorporated lands within municipal service areas that do not conflict with planned land uses until the property is annexed to a city for urban development.

12-5 Please refer to Response to Comment 12-11 for the I-80/I-680 Corridor Study and to Response to Comment 17-4 for the CMP.

12-6 Analysis within the 2008 Draft General Plan and DEIR was provided for several key roadways within the city of Vacaville. Facilities at strategic points within Solano County were studied, including state highways and major arterial roadways within cities.

The commenter requests new mitigation measures to address interjurisdictional impacts and a process for provision and content of project-specific traffic studies. The comment is noted. LOS thresholds in the DEIR are intended to apply to the 2008 Draft General Plan and include several key roadways within jurisdictions. This DEIR does not provide project-specific traffic analysis. The procedures requested by the commenter would be developed and applied through implementation documents produced by the County for traffic studies. The County will collaborate with STA and the cities in identifying the required standards for interjurisdictional traffic impact assessments.

The commenter requests a mitigation measure that defines a specific means to address future significant transportation impacts, a policy for the determination of interjurisdictional transportation impacts, and a process for the provision and content of project-specific traffic studies. Each of these requested components is addressed below.

*Addressing Future Significant Transportation Impacts:* The County will continue to participate in the Land Use Analysis program of the STA as required. This participation contains requirements listed on pages 56–59 in the 2007 Solano Congestion Management Program (CMP). No change in participation is anticipated or recommended in the 2008 Draft General Plan.

*Policy for the Determination of Interjurisdictional Transportation Impacts:* The County will continue to participate in the Land Use Analysis program of the STA as required. This participation contains requirements listed on pages 56–59 in the 2007 CMP. No change in participation is anticipated or recommended in the 2008 Draft General Plan.

As discussed on page 4.4-41 of the DEIR, the 2008 Draft General Plan includes the following policy:

**Policy TC.P-5:** Fairly attribute to each development the cost of on- and off-site improvements needed for county roads and other transportation systems to accommodate that development, including the potential use of impact fees to generate revenue.

*Process for the Provision and Content of Project Specific Traffic Studies:* The County has not yet chosen to implement a traffic mitigation ordinance, but such an ordinance is a logical outcome of the intent in Policy TC.P-5.

The County intends to create a fee to provide a fair-share mechanism for recovering the mitigation costs of new development, such as a countywide development mitigation fee. A fee program establishing methods and means of collection would be established through a separate effort. The County will collaborate with STA and the cities to ensure that the fee program is sufficient to address interjurisdictional traffic impacts. No further response is required.

12-7 There is no impact on the forecasting. Because the travel forecasting methods used do not use functional classification as a consideration in the forecast volumes or LOS determinations as set forth in the Solano County *Road Improvement Standards and Land Development Requirements*, the performance of roads listed in the DEIR is not affected by changing the classification. Exhibit 4.4-1 shows roadway classifications based on available information in the city of Vacaville. The City of Vacaville requests that five roadways in the municipal service area (MSA) for Vacaville—Elmira Road, Gibson Canyon Road, Farrell Road, Midway Road, and Meridian Road—be listed as minor arterials. Amending Exhibit 4.4-1 to reflect these designations would not affect the analysis or conclusions in the DEIR.

12-8 There is no impact on the forecasting. Because the travel forecasting methods used do not use functional classification as a consideration in the forecast volumes or LOS determinations as set forth in the Solano County *Road Improvement Standards and Land Development Requirements*, the performance of roads listed in the DEIR are not affected by changing the classification. Exhibit 4.4-1 shows roadway classifications based on available information in the city of Vacaville. The City of Vacaville requests that the designation of the route of regional significance to three roadways—Farrell Road, Vanden Road, and Foxboro Parkway—be removed. The designation of Route of Regional Significance is a STA definition according to the 2005 *Solano Comprehensive Transportation Plan*. These designations are used when determining the proportions of roadway improvement costs that are to be borne by local jurisdictions, so that the designation has recently been the criteria for assigning half of the project cost to the jurisdiction in which the road runs. Thus, removing the designation may create an additional obligation by the County to fully fund improvements on these facilities. The designations in the *Solano Comprehensive Transportation Plan* will change with the updated plan, anticipated for release in 2009. Although amending Exhibit 4.4-1 to reflect these designations would not substantially affect the analysis in the DEIR, it may obligate the County to pay for improvements on these roads if the areas are not incorporated into the city of Vacaville first.

12-9 The comment states that Leisure Town Road and Vanden Road were not included in the list of major arterials but are listed in Exhibit 4.4-1. These roads were accidentally omitted from the text and should have been included. Therefore, as shown in Chapter 4, the bulleted list of major arterial roadways on page 4.4-5 of the DEIR is revised to add the following text:

- ▶ Leisure Town Road—from south of I-80 to Vanden Road
- ▶ Vanden Road—from west of Leisure Town Road to Peabody Road

These roads are already listed in Exhibit 4.4-1. The revision described above would have no impact on the forecasting. Because the travel forecasting methods used do not use functional classification as a consideration in the forecast volumes or LOS determinations as set forth in the Solano County *Road Improvement Standards and Land Development Requirements*, the performance of roads listed in the DEIR is not affected by changing the classification. Therefore, the omission of Leisure Town Road and Vanden Road from the list in the DEIR text does not require any further analysis beyond what is presented in the DEIR.

12-10 Please refer to Responses to Comments 2-3, 2-16, and 11-12. The traffic forecasts used in the DEIR are based on the Napa/Solano Phase 2 Traffic Model prepared under the sponsorship of STA. The Solano-Napa model produces travel forecasts for a.m. and p.m. peak hours. However, given the programmatic nature of the EIR, the forecasts included in the Napa/Solano model were used as a basis from which to develop daily traffic forecasts. The County elected to use average daily traffic for this application because it believes that a more detailed analysis is not appropriate at a general plan level. The average daily traffic analysis approach is commonly used in general plans to evaluate impacts and compare land use alternatives, especially for a large jurisdiction expecting to experience substantial growth, as is the case with Solano County. General plans are,

by definition, general in nature. Given the amount of growth anticipated in the *Solano County General Plan*, it would be practically impossible to develop detailed information on specific locations and combinations of land uses that would be needed for comprehensive peak-hour analysis. The analytical approach of the DEIR is a standard transportation practice and in no instance does the analysis intentionally understate the impacts of the proposed 2008 Draft General Plan.

The commenter states that daily volumes do not provide an adequate basis to assess directional peaks versus roadway capacity. To the extent that the commenter may be implying that the DEIR's project traffic impacts would be more severe than shown if peak-hour intersection analyses were conducted, such an analysis would have required a series of highly speculative assumptions far too detailed for a general plan level of analysis and would likely have resulted in an inaccurate assessment (perhaps more or less severe) of impacts, potentially misinforming the public and decision makers. Peak-hour analyses are appropriate for project-level assessments, such as those conducted for site-specific EIRs where much more detail is available for items highly influential in peak-hour analyses, including precise land uses, driveway locations, and traffic signal timing and phasing. As a matter of course, the County employs peak-hour models and intersection analyses for a variety of more detailed applications, such as signal timing improvements, project-level EIRs, site plan reviews, and road improvement standards.

- 12-11 The I-80/I-680 Corridor Study contains no information directly related to land use policies or project-specific traffic analysis.
- 12-12 The limits for the I-80 freeway segment referred to by the commenter are assumed to be as described, and as specified in Table 3 of the *Solano Travel Safety Plan*, prepared by STA (Solano Transportation Authority 2005). As shown in Chapter 4 of this FEIR, the reference to "Alamo Street" in Table 4.4-6 has been corrected to read "Alamo Drive."
- 12-13 Please refer to Response to Comment 12-11 for the I-80/I-680 Corridor Study and to Response to Comment 17-4 for the CMP.
- 12-14 The commenter recommends that a policy or program be added to the 2008 Draft General Plan specifying how intersection analysis of future projects pursuant to the plan would be conducted. Consistent with the programmatic nature of the EIR, it is unclear how implementation of the 2008 Draft General Plan would affect intersections throughout the county, as intersection analysis for a project of this scale over the 20-year time frame of the plan is speculative and subject to a variety of factors beyond the County's direct control. The 2008 Draft General Plan does not identify any specific actions or activities that would apply to specific intersections, but rather analyzes the impacts of proposed land use designations on roadway segments. However, development projects (e.g., residential subdivisions, specific plans, community plans) implemented as part of the 2008 Draft General Plan (established by the plan's policies and programs) could involve activities specifically affecting intersections. Individual development projects would be required to conduct a project-specific, or project-level, environmental impact analysis under CEQA. As identified in the EIR, the 2008 Draft General Plan EIR is a program EIR (see Section 1.1, "Type of EIR," in Chapter 1, "Introduction," of the DEIR; please also refer to Master Response E, "Programmatic Nature of EIR," in Chapter 2 of this FEIR). As individual projects with specific site plans and facilities are planned, the County will evaluate each project to determine the extent to which this EIR covers the potential impacts of the project and to what extent additional analyses, including intersection analyses, may be required for each specific future project (see Sections 21083.3, 21083, and 21094 of the Public Resources Code and Sections 15152, 15168, 15183 of the State CEQA Guidelines). Nevertheless, as an implementation item related to the 2008 Draft General Plan, the County will develop traffic impact assessment guidelines describing how such intersection analysis would proceed.

- 12-15 The comment is noted. The commenter correctly states that the listing of “Peabody Road east of Pleasants Valley Road” on page 4.4-33 of the DEIR is in error. The correct location, Peabody Road north of Cement Hill Road, is provided in Table 4.4-10 of the DEIR. As shown in Chapter 4 of this FEIR, the next-to-last bullet in the list on page 4.4-33 of the DEIR, showing “Peabody Road east of Pleasants Valley Road,” is omitted.
- 12-16 Policy TC.P-3 in the 2008 Draft General Plan encourages better site planning to promote alternative transportation. By comparison, the existing *Solano County General Plan* does not strongly direct this strategy.
- 12-17 Policy TC.P-4 and Program TC.I-2 do not preclude the addition of studies of impacts of specific development proposals inside various jurisdictions; the policy directly lists County roadways, as these are most directly affected by development in the unincorporated portion of the county. The travel forecasting model assumes growth consistent with Association of Bay Area Governments (ABAG) projections, which is in turn based upon the cumulative impacts of development proposed in all general plans in Solano County. Please see also Response to Comment 12-6.
- 12-18 Policy TC.P-5 provides intent for creation of a fee to provide a fair-share mechanism for recovering the mitigation costs of new development, such as a countywide development mitigation fee. A fee program establishing methods and means of collection would be established through a separate effort. Please refer to Response to Comment 12-6.
- 12-19 Fair-share costs can be directed only to the unincorporated area of the county, although the full countywide fair-share cost allocation would be a consistent application of this policy and yield greater funding resources to mitigate traffic congestion. Please refer to Response to Comment 12-6.
- 12-20 The request is noted, and will be provided to the County Board of Supervisors for further consideration. Please refer to Response to Comment 12-6 regarding the County’s intent to coordinate with the cities in formulating the impact fee.
- 12-21 Policy TC.P-5 in the 2008 Draft General Plan includes references to needed improvements for County roads and “other transportation systems,” which include local roadways inside city jurisdiction. Please see Response to Comment 12-6.
- 12-22 The comment is noted. Please refer to Responses to Comments 12-25 and 30-17.
- 12-23 The comment is noted. Please refer to Response to Comment 12-25.
- 12-24 The comment is noted. Please refer to Response to Comment 12-25.
- 12-25 The commenter seeks additional analysis of potential impacts in the vicinity of Vacaville as a result of presented growth assumptions in Table 5 of the Transportation and Circulation background report. These growth assumptions include assumptions recognized in municipal service areas (MSAs) (also city spheres of influence). This growth, as presented in Comments 12-22, 12-23, and 12-24, is likely located in these areas. (The commenter is unclear whether the data in Comments 12-22, 12-23 or 12-24 is inside a city’s MSA—already incorporated in local general plans and baseline land use assumptions—or outside of this area.) Assuming that these assumptions are within the MSA, the DEIR did not exclude the growth presented in Comments 12-22, 12-23, and 12-24 from the analysis because these areas had growth forecasts that were carried forth by the City of Vacaville’s land use assumptions, contained in the land use input data files that the City of Vacaville provided and reviewed as part of the Napa/Solano travel model development process.

As previously described, the 2008 Draft General Plan is a broad planning document that does not propose any individual project-level development. Instead it lays out the foundation for individual projects that would be developed under the 2008 Draft General Plan.

12-26

The commenter indicates that the proposed policies in the 2008 Draft General Plan and DEIR mitigation measures lack specificity to mitigate the increase in peak runoff from properties proposed for development and that more specific mitigation and plan policy are necessary.

Current grading, erosion, and flood control regulations set forth by the Solano County Code require that all new developments within the unincorporated areas of the county result in no net increase in peak runoff. Specifically, Chapter 31, Article III, Section 31-30 of the County Code requires that development plans identify project-specific mitigation measures that result in no net increase in peak runoff as a result of the project. Programs PF.I-30 and RS.I-65 and Policy PF.P-32 in the 2008 Draft General Plan further address project design elements and promote reduction of *on-site* runoff. In addition, Policy HS.P-3 requires new developments to incorporate devices capable of detaining the stormwater runoff caused by a 100-year storm event or to contribute to regional solutions to improve flood control, drainage, and water recharge.

The aforementioned County Code specifications and 2008 Draft General Plan policies adequately address the potential impacts from the increase in peak runoff associated with new development within the unincorporated areas of the county; therefore, no additional mitigation is necessary.

Please refer to Master Response L, “Inadequate Drainage and Flooding Analysis,” in Chapter 2 of this FEIR.

12-27

The commenter proposes an addition to Program PF.I-30 and additional mitigation measures in response to Impact 4.5-5b: “New development shall mitigate the increase of the 10 and 100-year peak runoff from the project site over the predevelopment conditions. The mitigation shall be satisfied by either providing on-site detention storage or with a regional upstream detention basin.”

Please refer to Response to Comment 12-26. The County Code specifications provide mitigation equivalent to the measures suggested by the commenter. No further response is required.

12-28

The commenter states that the mitigation analysis should indicate that all groundwater planning and well construction necessary to serve the proposed project will be compliant with the staged mitigation plan and other requirements discussed in Solano County Water Agency’s (SCWA’s) memorandum entitled *Technical Memorandum No.1, Assessment of AB 3030 Plans for SB 1938 Compliance*, as prepared by West Yost Associates, dated February 22, 2006.

The above referenced technical memorandum discusses the *North Central Solano County Groundwater Resources Report*, dated May 16, 1995. This document recommended that the Cities of Vacaville and Dixon, SID, and the County jointly prepare an acceptable monitoring program to allow the groundwater resources of the north central Solano County area to be safely managed and maintained into the future. The identified recommended principles of a “staged mitigation” monitoring plan were:

1. Conduct a monitoring period of at least 5 years to establish a baseline condition of the aquifer.
2. If during this 5-year period static groundwater levels are observed to be dropping relative to historical levels or set thresholds, then a 2-year cautionary period should be invoked and monitoring increased.

3. If water levels do not recover or continue to drop during the cautionary period, then groundwater dependency should be reduced until groundwater levels stabilize.

Additional information from the 2003 Update of California Department of Water Resources (DWR) Bulletin 118 regarding required and recommended components of local groundwater management plans was provided as an attachment to the memo.

Please refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR.

- 12-29 The commenter indicates that the text in the fourth paragraph on page PF-7 of the 2008 Draft General Plan needs to be corrected to reflect that Vacaville is also serviced by a groundwater well system.

Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.

- 12-30 The commenter states that to implement Program PF.I-9, Mitigation Measure 4.9-1a(1) should also include provisions requiring that the lead water supply agency comply with Senate Bill (SB 610) requirements before approval of any project as defined in Part 2.10 of the California Water Code to ensure adequate water supply is available and is sufficient to meet current and future demands.

The comment is noted. As shown in Chapter 4 of this FEIR, Mitigation Measure 4.9-1a(1) on page 4.9-40 of the DEIR is revised to read:

The County shall implement the following measures to ensure sufficient water supplies for land development projects in the unincorporated county under the 2008 Draft General Plan:

- ▶ Before approval of any project as defined in Part 2.10 of the California Water Code, the lead water supply agency shall comply with SB 610 requirements to ensure that adequate water supply is available and is sufficient to meet current and future demands.
- ▶ Before approval of any tentative small-lot subdivision map for a proposed residential project of more than 500 dwelling units (this requirement also applies to increases of 10% or more of service connections for public water systems with fewer than 500 service connections), the County shall comply with SB 221 requirements for verification of sufficient subdivision water supplies, as specified in Section 66473.7 of the Government Code.
- ▶ Before approval of any tentative small-lot subdivision map for a proposed residential project of 500 or fewer units, the County need not comply with Section 66473.7 or formally consult with the public water system that would provide water to a proposed subdivision, but shall nevertheless make a factual showing or impose conditions similar to those required by Section 66473.7 to ensure an adequate water supply for development authorized by the map.
- ▶ Before recordation of any final small-lot subdivision map, or before County approval of any project-specific discretionary approval or entitlement required for nonresidential land uses, the County or the project applicant shall demonstrate, based on substantial evidence, the availability of a long-term, reliable water supply from a public water system for the amount of development that would be authorized by the final subdivision map or project-specific discretionary nonresidential approval or entitlement. Such a

demonstration shall consist of a written verification that existing sources are or will be available and that needed physical improvements for treating and delivering water to the project site will be in place before occupancy.

- ▶ The County shall comply with SB 221 requirements for verification of sufficient water supplies as specified in Section 66473.7 of the Government Code.

12-31 The commenter indicates that Mitigation Measure 4.9-1a(1) should include a provision requiring that the County comply with SB 221 requirements for verification of sufficient water supplies as specified in Section 66473.7 of the Government Code.

The comment is noted. Please refer to Response to Comment 12-30.

12-32 Please refer to Response to Comment 12-28.

12-33 Please refer to Response to Comment 12-28.

12-34 The commenter indicates that water storage facilities are not addressed as critical infrastructure in the DEIR, and requests that mitigation measures for water service be amended to require that development and operation of new water storage facilities be done in conformance with current adopted water master plans for each MSA.

New development pursuant to the 2008 Draft General Plan within unincorporated municipal service areas (MSAs) would be required to comply with these current water master plans, and certain projects would be required to complete water supply assessments required by State law to assure that sufficient water supply is available. Furthermore, the following policies and implementation program in the 2008 Draft General Plan would ensure that additional water storage facilities would be addressed with subsequent development:

- ▶ **Policy PF.P-9:** Actively support efforts of the Solano County Water Agency, water districts, and regional water suppliers and distributors, to ensure that adequate high-quality water supplies are available to support current and future development projects in Solano County.
- ▶ **Policy PF.P-14:** In areas identified with marginal water supplies, require appropriate evidence of adequate water supply and recharge to support proposed development and water recharge.
- ▶ **Policy PF.P-16:** Provide and manage public water service through public water agencies.
- ▶ **Program PF.I-11:** Require new development proposing on-site water supplies in areas identified with marginal water supplies to perform a hydrologic assessment to determine whether project plans meet the County's hydrologic standards.

Thus, this comment is addressed in the DEIR. Implementation of proposed policies and programs in the 2008 Draft General Plan, combined with compliance with current adopted water master plans and State regulations would provide mitigation for identified impacts similar to that proposed by the commenter. No additional response is required.

12-35 The commenter indicates that the residential water demand factor is not consistent with the City of Vacaville's typical residential water demand factor and that the residential water demand factor should be revised to 520 gallons per day (gpd) per equivalent dwelling unit for residential low-density land uses.

The comment is noted. Please refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR.

- 12-36 The commenter indicates that the residential water demand factor is not consistent with the City of Vacaville’s estimates of 2,050 gpd per acre (including irrigation).

The comment is noted. Please refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR.

- 12-37 The commenter indicates that highway commercial water demand should be analyzed using a minimum water demand factor of 5,250 gpd per acre (including irrigation).

The comment is noted. Please refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR.

- 12-38 The commenter indicates that industrial water demand should be analyzed using a minimum water demand factor of 2,450 gpd per acre (including irrigation).

The comment is noted. Please refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR.

- 12-39 The commenter requests that Mitigation Measure 4.9-1a be revised to include the following statement: “Before approval of any project as defined in the California Water Code Part 2.10, the lead water supply agency shall comply with SB 610 requirements to ensure adequate water supply is available and is sufficient to meet current and future demands and the County shall comply with SB 221 requirements for verification of sufficient water supplies as specified in Section 66473.7 of the Government Code.”

The comment is noted. Please refer to Response to Comment 12-30.

- 12-40 The commenter indicates that the last sentence on page 4.9-6 inaccurately suggests that the City of Vacaville is installing deep wells north and east of the City’s current sphere of influence and should be revised.

The comment is noted.

As indicated in Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR, the “Water Supply Services” section on pages 4.9-1 through 4.9-6 of the DEIR, in which the sentence cited by the commenter appeared, has been replaced by a revised “Water Supply” section. As shown in Master Response R and Chapter 4 of this FEIR, the sentence cited by the commenter has been deleted from the DEIR text and the following sentence has been included within the “City of Vacaville” subsection of the revised “Water Supply” text within DEIR Section 4.9:

The City of Vacaville is considering expanding the current well field and installing deep wells only within the city’s sphere of influence. The wells currently planned by the City of Vacaville are near Interstate 505 (I-505) and Midway Road.

- 12-41 The commenter states that the DEIR fails to clarify that certain areas within proposed MSAs are not currently planned for sewer service, and furthermore that certain areas with sewer service (e.g., Elmira) are not identified within proposed MSAs.

As stated in the text of this comment (which itself quotes the “City Plans” section on page 1-7 of the DEIR), “Land uses depicted on the land use diagram within MSAs generally are consistent with the planned land uses described within a city’s general plan. Within MSAs, future development of urban land uses would be facilitated and served through city annexation.” Regarding areas within Vacaville’s MSA which are not anticipated to have sewer service, the proposed MSA identifies areas within the City’s current sphere-of-influence. These areas have been identified by the City and Solano County LAFCO as potential future annexation areas. Appropriate wastewater collection and treatment services would need to be provided to these areas by the City of Vacaville if they are to support urban uses in the future. Nevertheless, as shown in Chapter 4 of this FEIR, the text of the “City of Vacaville” section on page 4.9-8 of the DEIR is revised as shown in subsequent Response to Comment 12-44.

With regard to areas with sewer service that are not identified within proposed MSA’s, policies are included in the 2008 Draft General Plan that address expansion of services into unincorporated areas of the county. These are described in Impacts 4.9-3a and 4.9-4a in the DEIR. However, these impacts are both determined to be significant and unavoidable.

As shown in Chapter 4 of this FEIR, the following policies are added to the bulleted lists of policies and programs beginning on pages 4.9-44 and 4.9-47 of the DEIR to address additional provision of sewer service in unincorporated areas that are not located within MSAs:

- ▶ **Policy PF.P-17: Enforce a minimum lot size of 5 acres on properties to be served by individual on-site wells and individual on-site sewage disposal systems. Where cluster development is proposed with on-site wells and sewage disposal systems, parcels may vary in size, provided that the overall density of the project is not greater than 5 acres per parcel and that no individual parcel is less than 1 acre in size.**
- ▶ **Policy PF.P-18: Enforce a minimum lot size of 2.5 acres for properties to be served by public water service with individual on-site sewage disposal systems. Where cluster development is proposed with public water service and on-site sewage disposal systems, parcels may vary in size, provided that the overall density of the project is not greater than 2.5 acres per parcel and that no individual parcel is less than 1 acre in size.**

In addition, on May 22, 2008, County staff recommended the following change to the proposed sewer service policy and implementation program in the 2008 Draft General Plan, which was accepted by the Planning Commission and will be forwarded to the Board of Supervisors for consideration. These recommended changes are shown in Chapter 5 of this FEIR.

- ▶ **Policy PF.P-21: Sewer services for development within the unincorporated area may be provided through private individual on-site sewage disposal systems, or ~~central~~ centralized community treatment systems ~~permitted and~~ managed by a public agency or public utility utilizing the best systems available that meet tertiary treatment or higher standards. Use of such centralized sewage treatment systems shall be limited to: (1) existing developed areas to address health and safety hazards, (2) areas designated for commercial or industrial uses, or (3) areas designated for rural residential development when part of a specific plan, policy plan overlay, or planned unit development.**
- ▶ **Program PF.I-22: On-site sewage disposal systems for individual lots and subdivisions may be operated by private property owners. A public agency or public utility shall ~~permit and~~ manage a centralized community sewage disposal systems. If lands proposed to be served by a ~~for~~-community sewage disposal systems are not within the boundaries or service area of an existing public sewage treatment agency or utility, the Board of Supervisors shall, as a condition of development, designate a public agency or utility to**

provide and manage the public sewer service, which may be contracted to a private entity with oversight by the public agency. Sewer treatment facilities shall be designated to provide sewer service to existing developed areas to address health and safety hazards, areas designated for commercial or industrial uses, or areas designated for rural residential development when part of a specific plan, policy plan overlay, or planned unit development and areas designated for future development within the General Plan. An analysis of the financial viability to construct, operate, and maintain a proposed community sewage disposal system shall be required.

Thus, these items are addressed either in the DEIR or through subsequent modifications to General Plan policy that provide equivalent mitigation. No further response is required.

12-42 The comment is noted. As shown in Chapter 4 of this FEIR, Mitigation Measures 4.9-3a and 4.9-3b on pages 4.9-45 and 4.9-46 of the DEIR are revised as follows. (Note that only Mitigation Measure 4.9-3a is presented below, but that Mitigation Measure 4.9-3b remains identical to Mitigation Measure 4.9-3a.)

**Mitigation Measure 4.9-3a: Implement Measures to Ensure Sufficient Wastewater Collection and Removal Systems for Development Projects.**

The County shall implement the following measures to ensure the availability of adequate wastewater collection, treatment, and removal systems for land development projects in the unincorporated county under the 2008 Draft General Plan:

- ▶ Before approval of any tentative subdivision map for a proposed residential project, the County shall formally consult with the wastewater system provider that would serve the proposed subdivision to make a factual showing or impose conditions to ensure the availability of an adequate wastewater removal system for the proposed development, including provisions for collection, treatment, and disposal of the contents of septic systems.
- ▶ Before recordation of any final small-lot subdivision map, or before County approval of any project-specific discretionary approval or entitlement for nonresidential land uses, the County or the project applicant shall demonstrate, based on substantial evidence, the availability of a long-term, reliable wastewater collection system for the amount of development that would be authorized by the final subdivision map or project-specific discretionary nonresidential approval or entitlement. Such a demonstration shall consist of a written verification that existing treatment capacity is or will be available and that needed physical improvements for treating wastewater from the project site will be in place before occupancy and permitted under applicable regulatory programs.

12-43 The comment is noted. As shown in Chapter 4 of this FEIR, the last paragraph on page 4.9-7 of the DEIR is revised as follows:

The Division of Environmental Health of the County's Department of Resource Management oversees the permitting, design, and implementation process for the installation of individual on-site waste disposal systems (septic systems and engineered systems), and ensures that projects comply with RWQCB requirements. ~~Because of the largely rural nature of the unincorporated areas, the County relies on existing wastewater treatment systems of municipalities and their existing treatment systems.~~

The comment is noted. As shown in Chapter 4 of this FEIR, Table 4.9-8 and the “City of Vacaville” and “Fairfield and Suisun” sections on pages 4.9-8 and 4.9-9 of the DEIR are revised as follows:

<b>Table 4.9-8 Municipal Wastewater Disposal in Solano County</b>				
Wastewater Treatment System	Service Area	Capacity (mgd)	Current Use (mgd)	Remaining Capacity (mgd)
Vacaville Diatomaceous Earth Plant	Sewer: Vacaville City Limits and Elmira	40	40	0
Vacaville Easterly Wastewater Treatment Plant	Sewer: Vacaville City Limits and Elmira	15	10	5
Fairfield-Suisun Subregional Wastewater Treatment Plant	Fairfield and Suisun	45.4 <u>23.7*</u>	45.4 <u>14.7*</u>	0 9
Vallejo Sanitation and Flood Control District Treatment Plant	Vallejo Service Area	15.5	12.5	3.0
Rio Vista Beach Drive Plant Wastewater Treatment Plant	Rio Vista Service Area	0.65	0.58	0.07
Rio Vista Northwest Wastewater Treatment Plant	Rio Vista Service Area	2.0	1.0	1.0
City of Dixon Wastewater Treatment Plant	City of Dixon Service Area	1.8	1.4	0.4
City of Benicia Wastewater Treatment Plant	City of Benicia Service Area	4.5 18 peak hour	2.66	1.84
Approximate Remaining Capacity				11.31
Notes: mgd = million gallons per day * Dry-weather capacity and flow Sources: City of Benicia 2005, City of Dixon 2005, City of Fairfield 2003, City of Rio Vista 2006, City of Suisun City 2005, City of Vacaville 2004, City of Vallejo 2005				

### ***City of Vacaville***

The City of Vacaville Public Works Department is responsible for the city's wastewater collection and treatment system. The City of Vacaville provides sewer service to development within the city limits. In addition, in accordance with a written agreement dated 1995 between the City of Vacaville and the County, sewer service is provided to certain parcels within the unincorporated community of Elmira. The MSA for Vacaville proposed in the 2008 Draft General Plan includes some areas not currently planned for sewer service. The city is served by ~~three~~ one wastewater treatment facilities: ~~the Vacaville Diatomaceous Earth Plant, with a capacity of 10 million gallons per day (mgd); and the Vacaville Easterly WWTP, with a capacity of 15 mgd (City of Vacaville 2004; Galway, pers. comm., 2008).~~

### ***Fairfield and Suisun***

The Fairfield-Suisun Subregional WWTP provides tertiary treatment of wastewater generated from domestic, commercial, and industrial sources within the city boundaries of Fairfield and

Suisun City. Sewer service is provided to Old Town Cordelia and Suisun Valley Road south of Rockville Road to the Fairfield city limits. Service is also provided to Travis Air Force Base and the Anheuser-Busch brewery. The plant is owned by Fairfield-Suisun Sewer District and is located on Chadbourne Road just southeast of Interstate 80 (I-80). The sewage system is divided into four sewage basins that drain by gravity to four major pump stations. The Cordelia Basin generally covers the Cordelia area, the Inlet Basin covers the western portion of Fairfield, and the Suisun and Central Basins cover the central and eastern portions of Fairfield and all of Suisun City. The Fairfield-Suisun Sewer District is in the midst of a planned program of facilities construction that will increase treatment plant, trunk sewer, and pump station capacities to accommodate future growth within the 2008 Draft General Plan limits of Fairfield and Suisun City. (City of Suisun City 2005.) The Fairfield Subregional Treatment Plant currently has an average wet-weather flow of 23.6 mgd, and after the proposed upgrade would have a wet-weather capacity of 52.3 mgd.

12-45 Please refer to Response to Comment 12-44.

12-46 The commenter indicates that the DEIR did not estimate wastewater flows for proposed nonresidential land uses.

Please refer to Master Response R, “Inadequate Water Supply Assessment,” and Master Response P, “Insufficient Wastewater Analysis,” in Chapter 2 of this FEIR.

12-47 The comment is noted. As shown in Chapter 4 of this FEIR, the bulleted list of thresholds of significance for wastewater services on page 4.9-31 of the DEIR is revised as follows:

#### **Wastewater Services**

- ▶ exceed wastewater treatment requirements of the applicable RWQCB; or
- ▶ require or result in the construction of new wastewater collection, treatment, and disposal facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;

12-48 The commenter suggests that additional language be inserted into the document stating that additional nonresidential wastewater flows related to buildout of the 2008 Draft General Plan is unknown.

The comment is noted. However, the suggested additional language is not added because wastewater generation estimates have been provided for nonresidential land uses proposed in the 2008 Draft General Plan in this FEIR. Please refer to Master Response R, “Inadequate Water Supply Assessment,” and Master Response P, “Insufficient Wastewater Analysis,” in Chapter 2 of this FEIR for a discussion of projected residential and nonresidential wastewater generation estimated through buildout of the 2008 Draft General Plan.

12-49 Please refer to revisions to the DEIR identified in Response to Comment 12-42.

12-50 The DEIR cannot predict the type of sewer treatment service that would be required to serve future developments within the proposed buildout areas because the type and density of development that would take place at each location is undetermined at this time beyond the broad density and intensity standards identified in the Draft General Plan. However, on May 22, 2008, County staff recommended the following changes to the proposed sewer service policy and implementation program in Chapter 8, “Public Facilities and Services,” of the 2008 Draft General Plan. The change was accepted by the Planning Commission and will be provided to the County

Board of Supervisors for further consideration. These recommended changes are shown in Chapter 5 of this FEIR.

- ▶ **Policy PF.P-21:** Sewer service for development within the unincorporated area may be provided through private individual on-site sewage disposal systems, or ~~central~~ centralized community treatment systems ~~permitted and~~ managed by a public agency or public utility utilizing the best systems available that meet tertiary treatment or higher standards. Use of such centralized sewage treatment systems shall be limited to: (1) existing developed areas to address health and safety hazards, (2) areas designated for commercial or industrial uses, or (3) areas designated for rural residential development when part of a specific plan, policy plan overlay, or planned unit development.
- ▶ **Program PF.I-22:** On-site sewage disposal systems for individual lots and subdivisions may be operated by private property owners. A public agency or public utility shall ~~permit and~~ manage a centralized community sewage disposal systems. If lands proposed to be served by a community sewage disposal systems are not within the boundaries or service area of an existing public sewage treatment agency or utility, the Board of Supervisors shall, as a condition of development, designate a public agency or utility to provide and manage the public sewer service, ~~which may be contracted to a private entity with oversight by the public agency.~~ Sewer treatment facilities shall be designated to provide sewer service to existing developed areas to address health and safety hazards, areas designated for commercial or industrial uses, or areas designated for rural residential development when part of a specific plan, policy plan overlay, or planned unit development and areas designated for future development within the General Plan. An analysis of the financial viability to construct, operate, and maintain a proposed community sewage disposal system shall be required.

Given these proposed modifications to the policies in the 2008 Draft General Plan, examination of the Land Use Diagram and Land Use Chapter text would indicate that centralized community sewage disposal systems could potentially be used in the Middle Green Valley Specific Project Area, Suisun Valley Agricultural Tourist Centers, Lambie Road Industrial Park, commercial and industrial designations proposed along the Midway Road corridor, industrial designations proposed northeast of Dixon, and water-dependent industrial designations proposed near Collinsville. In addition, such systems may be used to support existing development to address health and safety hazards. If development occurs within specified service areas, it would be served by existing treatment facilities, or through extension of those facilities. In either case, subsequent environmental review and approvals would be required before the development could take place. Please also refer to Response to Comment 12-41.

12-51 The commenter requests that the DEIR address how water and sewer services will be provided in the area north of Vacaville in the vicinity of I-505 and Midway Road where new urban Industrial, Commercial Service, and Highway Commercial land uses are proposed as a part of the 2008 Draft General Plan.

For a discussion pertaining to water service, please refer to Responses to Comments 12-30 and 12-31. For a discussion pertaining to sewer service, please refer to Responses to Comments 12-41 and 12-50.

12-52 The commenter suggests that development projects be required to install performance wells associated with new developments (upgradient and downgradient wells that monitor groundwater quality) to protect the quality of the public water supply. The current County Development Code already requires extensive site evaluation and design requirements that proposed septic and on-site wastewater treatment systems (OWTS) must meet before they are constructed. The septic

systems and OWTS are subject to County review to ensure that performance measures are met, which are designed to ensure that water quality impacts related to individual septic systems and OWTS are reduced to a less-than-significant level (Schmidtbauer, pers. comm., 2008b).

12-53

The commenter states that the DEIR does not consider the effects of development within the unincorporated county on the ability to process recyclable materials.

The California Integrated Waste Management Act requires jurisdictions to maintain a 50% or better diversion rate for solid waste, which includes recycling materials. Furthermore, Impact 4.9-5a and 4.9-5b on pages 4.9-48 and 4.9-50, respectively, of the DEIR describe the following policies of the 2008 Draft General Plan, which would ensure that sufficient capacity is available for recycled materials:

- ▶ **Policy PF.P-25:** Collaborate with the state, regional, and city agencies and landfill operators to ensure that the capacity of available landfills is sufficient. Prioritize capacity for waste generated within the county. Ensure that programs are designed to meet or exceed state requirements for landfill capacities.
- ▶ **Policy PF.P-26:** Implement and participate in local and regional programs that encourage source reduction and recycling of solid and hazardous wastes in Solano County.
- ▶ **Policy PF.P-27:** Require responsible waste management practices, including recycling and composting. Coordinate with service providers to compost green waste and encourage local farmers to use this.
- ▶ **Policy PF.P-28:** Promote technologies that allow the use and reuse of solid waste, including
- ▶ **Policy PF.P-30:** Collaborate with other counties to create a joint recycling program that accepts recyclable materials that are not currently recycled in Solano County.

As shown in Chapter 4 of this FEIR, the first two paragraphs of the text of Impact 4.9-5a on pages 4.9-48 and 4.9-49 of the DEIR, regarding waste generation projections and the ability of existing facilities to serve the proposed buildout of the 2008 Draft General Plan, are revised as follows:

Growth permitted under the 2008 Draft General Plan would result in additional solid waste in Solano County. The Preferred Plan would project the generation of 19,467 new residents, which, based on EPA's estimated individual solid-waste generation rate of 4.6 pounds per day per person, would result in the generation of approximately 16,342 tons of garbage per year. Implementation of the Preferred Plan would result in an additional 4,557,801 square feet of commercial development. The California Integrated Waste Management Board estimates the solid waste generation rates for commercial establishments at approximately 5 pounds per 1,000 square feet per day, which is taken from the County of Los Angeles Department of Regional Planning, Vesting Tentative Tract No. 47905 (CIWMB 2007a). According to this generation rate, implementation of the Preferred Plan would result in the generation of approximately 4,158 tons of garbage per year. Implementation of the Preferred Plan would result in an additional 6,001,930 square feet of industrial development. The California Integrated Waste Management Board estimates the solid waste generation rates for industrial establishments at approximately 5 pounds per 1,000 square feet per day, which is taken from the Stevenson Ranch DEIR (Phase IV) (CIWMB 2007b). According to this generation rate, the Preferred Plan would result in the generation of approximately 5,158 tons of garbage per year.

The Hay Road Landfill currently accepts approximately 2,400 tons per day, and the Potrero Hills Landfill accepts approximately 1,500 tons per day (Solano County 2003). The Hay Road Landfill has existing capacity and is expected to remain in operation for approximately 64 years, while the Potrero Hills Landfill has existing capacity and is projected to remain in operation until approximately 2058. The current and planned capacity of the Potrero Hills Landfill and the Hay Road Landfill would be sufficient to serve the population growth and commercial and industrial development projected to occur under the 2008 Draft General Plan with the Preferred Plan, which could add 60 tons per day at full buildout—45 tons per day based on population growth and 15 tons per day based on commercial and industrial uses.

No change in impact significance or mitigation measures results from these modifications. No further response is required.

Similarly, as shown in Chapter 4 of this FEIR, the text of Impact 4.9-5b on page 4.9-50 of the DEIR, regarding waste generation projections and the ability of existing facilities to serve the proposed buildout of the 2008 Draft General Plan under the Maximum Development Scenario, is revised as follows:

This impact is similar to Impact 4.9-5a described above; however, the increased density of buildout for the Maximum Development Scenario would increase the demand for solid-waste services above that of the Preferred Plan. The Maximum Development Scenario would result in generation of additional solid waste in Solano County. ~~Generation of An additional~~ 42,117 new residents ~~is are~~ projected, which, based on EPA's estimated individual solid-waste generation rate of 4.6 pounds per day per person, would result in the generation of 35,357 tons of garbage per year.

Implementation of the Maximum Development Scenario would result in an additional 9,378,007 square feet of commercial development. The California Integrated Waste Management Board estimates the solid waste generation rates for commercial establishments at approximately 5 pounds per 1,000 square feet per day, which is taken from the County of Los Angeles Department of Regional Planning, Vesting Tentative Tract No. 47905 (CIWMB 2007a). According to this generation rate, implementation of the Preferred Plan would result in the generation of approximately 8,557 tons of garbage per year. Implementation of the Preferred Plan would result in 12,694,063 square feet of industrial development. The California Integrated Waste Management Board estimates the solid waste generation rates for industrial establishments at approximately 5 pounds per 1,000 square feet per day, which is taken from the Stevenson Ranch DEIR (Phase IV) (CIWMB 2007b). According to this generation rate, the Preferred Plan would result in the generation of approximately 11,268 tons of garbage per year.

The Hay Road Landfill currently accepts approximately 2,400 tons per day, and the Potrero Hills Landfill accepts approximately 1,500 tons per day (Solano County 2003). The Hay Road Landfill has existing capacity and is expected to remain in operation for approximately 64 years, while the Potrero Hills Landfill has existing capacity and is projected to remain in operation until approximately 2058. The current and planned capacity of the Potrero Hills Landfill and the Hay Road Landfill would be sufficient to serve the population growth projected to occur under the 2008 Draft General Plan with the Maximum Development Scenario, which could add 149 tons per day at full buildout—96 tons per day based on population growth and 53 tons per day based on commercial and industrial uses.

Implementation of policies in the 2008 Draft General Plan would ensure that the County complies with applicable regulations related to the disposal and reduction of solid waste, and in general reduces the amount of solid waste it disposes of. Therefore, with implementation

of the proposed policies in the 2008 Draft General Plan, as well as compliance with the California Integrated Waste Management Act, this impact would be less than significant.

No change in impact significance or mitigation measures results from these modifications. No further response is required.

- 12-54 The commenter notes that solid waste materials being sent to Vallejo are first dropped at Hay Road landfill bunkers before being transported to Vallejo and questions whether the Hay Road landfill will need additional bunker space and an additional transport trailer for the shipment of materials from the Hay Road bunkers to Vallejo. As described in Comment 12-53 above, the Hay Road Landfill is expected to remain in operation for approximately 64 years. Accordingly, the Vallejo Garbage company is a client of the Hay Road landfill, and the amount of materials being stored at the Hay Road landfill to be sent to Vallejo would be determined between the two organizations. The addition of on-site bunker space and equipment such as trucks and trailers is an economic issue and is outside the prevue of the analysis included in the DEIR. The Hay Road landfill has determined that sufficient capacity is available to serve its projected clientele until approximately 2072.
- 12-55 The commenter requests that the FEIR analyze the impact that additional county tonnage would have on the current permitted capacity for yard waste. The DEIR analyzes the amount of solid waste that would be produced through buildout of the proposed 2008 Draft General Plan (please refer to Response to Comment 12-53). The larger amount of yard waste would add demands on the landfill beyond what is projected in the DEIR; however, because of uncertainty about the amount of yard waste produced and because of the lack of a standard generation rate, the amount of yard waste that might be produced and disposed of at the landfill cannot be calculated at this time.
- 12-56 The commenter requests that the FEIR analyze the impact that additional county tonnage would have on the current permitted capacity for household hazardous waste facilities. The DEIR analyzes the amount of solid waste that would be produced through buildout of the proposed 2008 Draft General Plan (please refer to Response to Comment 12-53). The larger amount of household hazardous waste would add demands to landfill space beyond those projected in the DEIR; however, because of uncertainty about the amount of household hazardous waste produced and because of the lack of a standard generation rate, the amount produced cannot be calculated at this time.
- 12-57 The comment is noted. As shown in Chapter 4 of this FEIR, the third paragraph on page 4.9-18 of the DEIR, regarding services provided by the Vacaville FPD is revised as follows:
- Vacaville FPD has 24 employees, all of whom are paramedics, to assist with the EMS function of the district ~~eight full-time employees and one part-time employee~~. In addition, approximately ~~73-70~~ volunteers assist the district. with this function. Information was not available as to the number of volunteers who are EMTs or paramedics. A private ambulance service is used. The City of Vacaville Fire Department provides all paramedic services to Vacaville FPD. The City of Vacaville Fire Department provides the primary fire protection in Lower Lagoon Valley within the city limits, and provides the paramedic ambulance services to all of Lagoon Valley.

12-58 The comment is noted. As shown in Chapter 4 of this FEIR, the “Staff Levels” section on pages 4.9-14 and 4.9-15 of the DEIR is revised as follows:

### **Staff Levels**

Staff members in each fire district may consist of full or part-time firefighters, administrative staff, and volunteers. CDF’s Gordon Valley Fire Station is a volunteer station with 15 volunteer firefighters. Cordelia FPD consists of three full-time firefighters and 55 volunteers. Dixon FPD has 23 full-time employees ~~and 35 volunteers with six volunteers, and six more volunteers scheduled to be added by July 1, 2008.~~ East Vallejo FPD has six full-time employees. Montezuma FPD has three full-time firefighters and 28 volunteers. Suisun FPD has, on average, 40 volunteers. Vacaville FPD has eight full-time employees, one part-time employee, and approximately 70 volunteers. ~~Vacaville FPD has six full-time employees and about 70 volunteers.~~

12-59 The comment is noted. As shown in Chapter 4 of this FEIR, the “Staff Levels” section on pages 4.9-14 and 4.9-15 of the DEIR is revised as follows:

### **Staff Levels**

Staff members in each fire district may consist of full or part-time firefighters, administrative staff, and volunteers. CDF’s Gordon Valley Fire Station is a volunteer station with 15 volunteer firefighters. Cordelia FPD consists of three full-time firefighters and 55 volunteers. The City of Dixon Fire Department serves all of the Dixon FPD by agreement, and has 23 full-time employees and 35 volunteers with six volunteers, and six more volunteers scheduled to be added by July 1, 2008. East Vallejo FPD has six full-time employees. Montezuma FPD has three full-time firefighters and 28 volunteers. Suisun FPD has, on average, 40 volunteers. Vacaville FPD has eight full-time employees, one part-time employee, and approximately 70 volunteers. ~~Vacaville FPD has six full-time employees and about 70 volunteers.~~

12-60 The comment is noted. As shown in Chapter 4 of this FEIR, the fourth paragraph under “Emergency Services in the Unincorporated County” on page 4.9-17 of the DEIR is revised as follows:

Twenty-one of Dixon FPD’s paid employees serve the EMS function of the district. Seven of these are paramedics and 14 are emergency medical technicians (EMTs). Of the City’s six volunteers, four are EMTs, and one is a paramedic. In addition, 33 volunteers assist with EMS. Of these, 31 are EMTs and two are paramedics. Dixon FPD relies on a private ambulance service to provide emergency service vehicles and related equipment to approximately one-half of the Dixon FPD’s service area, while the City of Vacaville Fire Department’s paramedic ambulances cover additional areas, including areas between the two cities.

12-61 Please refer to Response to Comment 12-57.

12-62 The commenter states that additional mitigation is needed to address funding to support provision of EMS services to rural North Vacaville.

The comment is noted. Please refer to Response to Comment 10-6. Resources for EMS services would be provided through either existing or revised County development fees. No further response is required.

12-63

The commenter notes that the existing level of service for sheriff's services and the projected level of service based on the projected development in the unincorporated area are not addressed in the DEIR. The comment is noted. As shown in Chapter 4 of this FEIR, the following text is added to become the second paragraph of Impact 4.9-8a on page 4.9-52 of the DEIR:

The Solano County Sheriff's Office currently has 123 sworn officers, 83 of whom serve the unincorporated areas of Solano County. The department does not have a minimum service level ratio standard (Pistochini, pers. comm., 2008). The County maintains a minimum safety patrol of six deputies and one sergeant on duty at all times. Additional service needs would be determined based on future growth and would be funded by the County (Ferrara, pers. comm., 2008). The department indicates that it would be capable of providing services to future development resulting from implementation of the 2008 Draft General Plan (Ferrara, pers. comm., 2008).

Furthermore, as described on page 4.9-53, the 2008 Draft General Plan is intended to achieve steady and orderly growth that allows for the adequate provision of services and community facilities. To support this goal as it relates to law enforcement, the 2008 Draft General Plan outlines policies to ensure the provision of adequate police services needed to provide a safe environment in Solano County. The following goal and policies from the Public Services and Facilities Element address potential impacts on law enforcement service:

- ▶ **Goal PF.G-3:** Provide effective and responsive fire and police protection, and emergency response service.
- ▶ **Policy PF.P-1:** Provide public facilities and services essential for health, safety, and welfare in locations to serve local needs.
- ▶ **Policy PF.P-2:** Require new development and redevelopment to pay its fair share of infrastructure and public service costs.
- ▶ **Policy PF.P-39:** Provide an effective and responsive level of police protection (including facilities, personnel, and equipment) through the Solano County Office of the Sheriff and in coordination with city police departments.
- ▶ **Policy PF.P-40:** In the review and approval of County and City projects, identify and consider the law enforcement needs generated by the project.

Because this 2008 Draft General Plan goal and these policies are intended to address impacts related to the projected population growth for Solano County anticipated for general plan buildout under the Preferred Plan, potentially significant impacts that may result from increased demand for law enforcement services and facilities are mitigated by implementation of these goals and policies. This impact would be less than significant.

12-64

The commenter indicates that Rockville Hills Park should not be included in Section 4.14.1, Existing Conditions, under the heading "Solano County Parks." The comment is noted. Although this park is located within the unincorporated county, it is owned and operated by the City of Fairfield. To improve clarity on this point, as shown in Chapter 4 of this FEIR, the bulleted list and text following the bulleted list on page 4.14-1 of the DEIR is revised as follows:

- ▶ Lake Solano Park is located at the base of the Coast Range foothills west of Winters and at the north end of the county along Putah Creek. The park contains a campground, picnic sites, group picnic facilities, a free boat launch for nonpowered vessels, parking, and public restrooms.

- ▶ Sandy Beach Park is located near Rio Vista on the Sacramento River. The park has a boat-launch ramp, campsites, picnic grounds, a hiking trail, roads for bicycling and driving, a beach, and volleyball and horseshoe pitch courts.
- ▶ Belden’s Landing Water Access Facility is located southeast of Suisun City in the Montezuma Slough/Grizzly Island area. The day-use facility includes a boat-launch ramp, a fishing pier, restrooms, and parking.
- ▶ ~~Rockville Hills Regional Park is located in the unincorporated area but is owned and managed by the City of Fairfield.~~

In addition, although it is not a County park, Rockville Hills Regional Park is located in the unincorporated county. This park is owned and managed by the City of Fairfield. No neighborhood or community parks are located in the unincorporated area.

12-65 The commenter states that the acreage of Solano County parks should be provided in the DEIR for use in calculating whether the County is currently meeting its park provision ratio of 10 acres per 1,000 residents. The comment is noted. On page 4.14-4 in Impact 4.14-1, the DEIR states that “as of 2008 the County has 213 acres of parkland and a population of 20,125. This yields a ratio of 10.6 acres per 1,000 residents. Buildout of the 2008 Draft General Plan under the Preferred Plan would result in a population of 39,448. If no additional parkland is added in that time, a ratio of 5.4 acres of parkland per 1,000 residents would result.” The projected population increase is primarily attributable to proposed uses within MSAs, which would be facilitated through annexation. To the extent that cities annex land within the MSAs, the cities would be responsible for providing park and recreation facilities commensurate with that portion of the population increase.

12-66 The commenter states that the DEIR contains errors regarding the existing condition information concerning city parks provided in Section 4.14.1. The comment is noted. As shown in Chapter 4 of this FEIR, the text of the “City Parks” section within Section 4.14.1 on page 4.14-2 of the DEIR, beginning with the second paragraph, is revised as follows:

Dixon has ~~four~~ seven parks — ~~Hall Park, Northwest Park, Women’s Improvement Club Park, and Linear Park~~ — covering more than 80 acres. The City of Dixon imposes a parkland acquisition and development fee on all new residential developments to accommodate park demand resulting from new developments.

Fairfield has 14 neighborhood parks and two community parks, totaling 233 acres. The City of Fairfield is proposing development of several new facilities, including 10 additional neighborhood parks serving a half-mile radius and three additional community parks serving a 2-mile radius, which would add an additional 400 acres to its parks system.

Rio Vista has seven parks covering 15 acres. Because of Rio Vista’s proximity to the Sacramento River, water-related recreation facilities, such as a pier and boat launch, are also available for use.

Suisun City has eight parks that together cover 127 acres. Six of the parks are neighborhood parks, one is a community park, and one is a regional park. These parks primarily serve city residents.

Vacaville has more than ~~520~~ 260 acres of parks, in addition to ~~1,906~~ 2,183 acres of urban open space surrounding the city. Lagoon Valley Park, which spans about ~~300~~ 348 acres on the western edge of Vacaville, is owned and operated by the City of Vacaville. The majority

of the city’s public open space is found in the hillsides around Lagoon Valley and to the west of Browns Valley (including Old Rocky and the Glen Eagle open space area).

Vallejo has approximately ~~445~~ 324 acres of neighborhood, community, and regional parks. The Greater Vallejo Recreation District oversees the park planning for the City of Vallejo. These parks also serve approximately 3,000 residents of the unincorporated that live within the district.

Benicia, Fairfield, and Vallejo are also currently collaborating with the County in planning a 10,000-acre open space—the Tri-City and County Cooperative Planning Area for Agriculture and Open Space.

- 12-67 Please refer to Response to Comment 12-66.
- 12-68 Please refer to Response to Comment 12-66.
- 12-69 Please refer to Response to Comment 12-66.
- 12-70 Please refer to Response to Comment 12-66.
- 12-71 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 12-72 The commenter states that the DEIR contains errors regarding the open space and trails existing condition information provided in Section 4.14-1, and that the DEIR inaccurately states that the Vacaville-Dixon Separator and the Vallejo Lakes area are open to public recreation. The comment is noted. County data indicate that recreational uses occur to some degree in these areas.
- 12-73 The commenter states that the DEIR fails to include biking and horseback riding as acceptable uses for the Lagoon Valley Open Space area. The comment is noted. The DEIR does not describe “acceptable” uses, only uses that are reported to occur in the identified open space areas. County data do not indicate that biking and horseback riding occur in the Lagoon Valley Open Space area.
- 12-74 The commenter states that the second sentence in the third paragraph of page 4.14-12 states, “...the quantity of trail miles and publicly accessible open space could not be determined at the time of writing,” and that this conflicts with information provided in Table 4.14-1. The comment is noted. Table 4.14-1 lists the total acreages of open space areas within Solano County. These values do not reflect the amount of publicly accessible acreage within each open space area, only total acreages. It would be inaccurate to assume that all areas of the open space areas are open to the public.
- 12-75 The commenter states that the Section 4.14.2 of the DEIR needs to more accurately define the role of the Quimby Act. The comment is noted. As shown in Chapter 4 of this FEIR, the text of Section 4.14.2 on page 4.14-3 of the DEIR, under the “Quimby Act (California Code 66477),” is revised as follows:

The Quimby Act authorizes local governments to requires the dedication of land and/or imposes a requirement of fees for park and recreational purposes as a condition of approval of a tentative map or parcel map.

12-76 The commenter states that Section 4.14.3 of the DEIR fails to consider the impacts on city parks and facilities due to the added demand for neighborhood and community parks and recreational facilities not provided by the County for the residents of the unincorporated areas. The comment is noted. These impacts are examined on page 6-12 of the DEIR in the cumulative effects analysis. In that discussion it is determined that this would be a significant cumulative impact and that the 2008 Draft General Plan would make a cumulatively considerable contribution to this significant cumulative impact.

12-77 The commenter states that Mitigation Measure 4.14-1a will not work unless specific land is identified and acquired early in the development process. The commenter also suggests that the County include an option to accept or require the dedication of parkland as part of the subdivision process.

The identification or acquisition of specific land for park and recreational purposes has not been required in the mitigation measure because such requirements could present considerable barriers to development given the scale and nature of residential development that is expected to occur in the unincorporated county. Most residential development is expected to be single rural residential homes. Requiring this type of development to identify or acquire of parkland would be an onerous barrier.

With regard to the suggestion that the County include dedication of parkland as an option to impact fees, as shown in Chapter 4 of this FEIR, the text of Mitigation Measure 4.14-1a on page 4.14-4 of the DEIR is revised as follows:

The County shall develop and implement a park impact fee payment program in nonagricultural and open space zoning districts for new development. As a condition of approval of all residential development, the County shall require project developers to mitigate any adverse impacts on park and recreational facilities through the payment of a fair-share impact fee. The park mitigation impact fees shall be designed to mitigate impacts reasonably related to a proposed residential development and fees collected through the program must be used by the County to acquire or develop park and recreational facilities within 5 years of collection. “Development,” for the purposes of this measure, shall mean all single-family structures requiring a building permit, condominium and multifamily residential units, planned residential development, and all multifamily structures that require building permits, but shall exclude remodel or renovation permits that do not result in additional dwelling units. Impact fees shall be based on a fee formula developed by the County. Payment of the required impact fee shall occur before the issuance of any building permit. If the County determines that it is in the best interest of providing adequate levels of parkland provision, a developer may be given the option to dedicate parkland in lieu of the impact fee. Parkland dedication will provide the same amount of acreage as is required under the impact fee.

12-78 The commenter states that Mitigation Measure 4.14-1a does not mitigate the ongoing costs of maintaining and operating new parklands and facilities. The County has explicitly not included operational costs of maintaining parks and facilities as part of the impact fee. Although the Quimby Act authorizes local governments to require the dedication of land and/or impose a requirement of fees for park and recreational purposes as a condition of approval of a tentative map or parcel map, it does not authorize governments to require development to pay fees that would cover the operational costs of the parks and facilities. The County currently maintains parks by appropriating a certain portion of the overall county budget. Funds originate from various tax sources collected by the County (e.g., property). The County would continue to appropriate a portion of funds from the County budget to continue the maintenance of County parks.

- 12-79 Please refer to Responses to Comments 12-77 and 12-78.
- 12-80 Please refer to Response to Comment 12-77.
- 12-81 Please refer to Response to Comment 12-78.
- 12-82 Please refer to Response to Comment 12-77.
- 12-83 The EIR is not required to analyze potential impacts on every park that a Solano County resident may visit (e.g., Rockville Hills Regional Park, Golden Gate Park). One of the thresholds identified in the EIR to determine whether a significant impact would occur reads as follows:
- ▶ increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated
- The DEIR fully analyzes potential impacts from use of existing neighborhood and regional parks, including parks located in cities (see Impacts 4.14-2a and 4.14-2b in DEIR Section 4.14, “Recreation”). As stated in the DEIR, policies of the 2008 Draft General Plan would require the County to “...coordinat[e]...the planning and development of regional recreational facilities” and “...to work with local agencies and districts in identifying regional recreational needs and supporting plans and programs for those facilities” (refer to discussion under Impacts 4.14-2a and 4.14-2b in DEIR Section 4.14, “Recreation”). The County would work with “local agencies” (e.g., cities) to ensure that adequate park facilities are provided to meet the needs of the entire community (i.e., cities and the county).
- 12-84 Please refer to Response to Comment 12-83. Recreational programs are considered to be included as part of activities associated with and provided by “recreational facilities,” which are fully analyzed in the DEIR (see Impacts 4.14-2a and 4.14-2b in DEIR Section 4.14, “Recreation”).
- 12-85 Please refer to Responses to Comments 12-76, 12-77, and 12-78.



## **LETTER 13**

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**RICK MARTINEZ, CHAIRMAN**

Dixon Regional Watershed Joint Powers Authority

May 28, 2008



**Dixon Regional Watershed Joint Powers Authority**

1170 N. Lincoln, Suite 110, Dixon, CA 95620 – Phone (707) 678-1655

May 28, 2008

Mr. Jim Louie, Senior Planner  
Solano Co. Resource Management  
675 Texas Street, Suite 5500  
Fairfield, CA 94533

REC'D  
JUN 02 2008  
73910112123116

**Re: Comments for the Solano County 2008 Draft General Plan and the Draft Environmental Impact Report, SCH #2007122069 for the Solano County 2008 Draft General Plan**

Dear Mr. Louie,

The Dixon Regional Watershed Joint Powers Authority ("Authority") has previously sent the County a letter (enclosed) and given testimony regarding the potentially significant impacts to the local drainage facilities from the proposed land use change from agricultural to limited industry in the Dixon planning area. The Authority is concerned that the draft general plan and draft environmental impact report (EIR) do not sufficiently characterize or analyze the existing facilities or physical conditions and, therefore does not recognize the potential impacts of the proposed changes in land use designations. As a result these documents do not sufficiently mitigate the potential impacts from the proposed land use changes as they relate to the affected agencies' facilities and responsibilities to provide drainage and flood control services in this region.

13-1

First, the Draft General Plan and Draft EIR only discuss, in general terms, the Solano County Water Agency's (SCWA) limited responsibility for flood control in two watersheds. The reports fail to address regional drainage or flood control for the large unincorporated portions of the County. In the Dixon planning area, the Authority and its member agencies, Dixon RCD, Reclamation District No. 2068, Maine Prairie Water District and the City of Dixon provide drainage service at various levels both as individual agencies and collectively. It appears to the Authority that there may be significant lack of understanding as to the drainage and flood control issues in the Dixon planning area. The Authority requests that additional information that correctly characterizes the existing condition in the Dixon planning area be included in these documents, and that the Draft EIR be re-circulated once complete and accurate information is prepared and included.

13-2

13-3

Second, the Authority believes that drainage and flood control within the Dixon area is a significant environmental issue. It is, therefore, important to assess the hydraulic impacts of the proposed General Plan land use changes on the Dixon region prior to approving any general plan land use designations that would change land from its current agricultural designation or that would modify the allowable uses to add impervious surfaces or change historic drainage patterns. The Authority therefore, believes that the Draft EIR must be revised to include hydraulic studies of the Dixon drainage area. The Authority believes that such a study must, at a minimum, assess the potential cumulative change in drainage during storm conditions, including both volume and velocity of drainage and analyze what is required to either retain all drainage increases on site or modify the existing and planned downstream drainage facilities. Without a hydraulic study, the environmental impacts of the proposed land use changes cannot be determined and cannot be adequately mitigated. CEQA requires that drainage impacts be studied and mitigated prior to the adoption of the General Plan. These studies should not be delayed until some future date or done after the land use changes are approved.

13-4

Third, based on the existing information, in addition to policies HS.P-1, HS.P-3, HS.P-4 and HS.P-6 the Authority requests that a policy be added to require the County to insure that new development meets these Health and Safety policies and also be subject to the review and the standards of agencies which will be receiving or conveying storm water flows from new development, such as the Authority. Once the hydraulic studies are completed, additional mitigation measures and/or additional policies may be required.

13-5

Again, in additional to the policies and analysis already included in the draft General Plan and Draft EIR, the Authority requests that the County include the following items

13-6

- 1) an adequate discussion of the regional drainage conditions and, the roles, responsibilities and expectations of the local drainage management agencies in addition to those of SCWA;
- 2) a hydraulic study of both existing conditions and potential changes to the drainage conditions if the proposed land use changes are adopted;
- 3) a study of localized and cumulative drainage and flooding issue if, as proposed, land uses are modified or added that will change historic drainage patterns, alter the historic drainage hydrograph or alter the infiltration rates in the area;
- 4) the impacts on the existing and planned drainage facilities in the Dixon area and the mitigation measures necessary to offset any impacts on the downstream lands, structures and drainage facilities; and
- 5) an additional policy requiring new development to meet the local drainage agencies standards and specifications. These agencies, including but not limited to the Authority, should be recognized as having permitting authority with regard to the use of local drainage facilities.

13-7

13-8

13-9

13-10

We believe that the County must prepare these studies and analysis and include that work product in the Draft EIR together with mitigations that would reduce additional impacts to a less than significant level. We also believe that the County should examine the existing land uses and develop alternatives and policies that would reduce the drainage and flooding issues. We believe that, to meet the requirements of CEQA, the Draft EIR must be re-circulated for public review and comment once the requested information is prepared.

13-11

If you have any questions please call John Currey, Board Secretary at (707) 678-1655 extension 105.

Sincerely,

Dixon Regional Watershed Authority



Rick Martinez  
Chairman of Board

Cc: Solano County Board of Supervisors  
Solano County Planning Commission  
Dixon Regional Watershed Authority's Member Agencies  
Solano County Water Agency

Enclosure

**Dixon Regional Watershed Joint Powers Authority**

1170 N. Lincoln, Suite 110, Dixon, CA 95620 – Phone (707) 678-1655

January 8, 2008

Mr. Jim Louie, Senior Planner  
Solano Co. Resource Management  
675 Texas Street, Suite 675  
Fairfield, CA 94533

**Re: Comments for the Notice of Preparation of the EIR for the 2008 Solano County General Plan Update and Regional Drainage Issues in the Dixon Planning Area**

Dear Mr. Louie:

The Dixon Regional Watershed Joint Powers Authority (Authority) was created in 2004 to solidify the working relationships between the City of Dixon, Main Prairie Water District, Reclamation District No. 2068 and the Dixon Resource Conservation District. The member agencies and the Authority have and will continue to implement drainage improvements in the northeast portion of Solano County. The projects completed to date included the Pond A / Lateral 1 improvements along Highway 113 and the Pond C project. Both of these projects have been designed and implemented to reduce the depth and duration of flooding for the design, a fifteen year storm-event(s) in rural portions of the County, while meeting the flood protection requirements of the City. Furthermore, the Authority is designing additional improvements that will improve the area south east of the City of Dixon.

13-12

During the General Plan Update process, it has come to our attention that the Citizen Advisory Committee has recommended a significant land use change to the area adjacent to the City of Dixon. The area in question, approximately 400 acres northeast of the City of Dixon, is shown as limited industry in the December 21, 2007 Draft Land Use Diagram. The Authority is currently planning regional drainage improvements that would accommodate drainage from the City of Dixon in that area. However, the area where limited industry has been proposed currently has very limited drainage. In fact the land in question has never been accommodated in any downstream drainage facilities. As a result, any land use change would require significant planning to accommodate any change in drainage patterns, quantity or timing of drainage flows.

13-13

The Authority would like to work with the County Staff and Elected Officials, Solano County Water Agency, Caltrans and other responsible parties to properly plan for drainage needs in the proposed planning area.

The Authority and its Technical Committee would be happy to meet with Citizen Advisory Committee Members, County Staff, and/or County Supervisors to discuss the Authority's projects, plans and role in the Dixon area.

 COPY

Mr. Jim Louie  
January 8, 2008  
Page 2

---

Please call John S. Currey at 707-678-1655 extension 105 to schedule a time to discuss this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Martinez". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rick Martinez, Chairman  
Dixon Regional Watershed Joint Powers Authority

Cc: Solano County Board of Supervisors  
Solano County Planning Commission

- 13-1 The commenter is concerned that there is insufficient characterization of existing physical conditions and drainage facilities in the DEIR. According to the commenter, the DEIR offers insufficient analysis and mitigation of potential impacts of the proposed changes in land use designations, and how they relate to the affected agencies' facilities and responsibilities to provide drainage and flood control services within the county.
- The comment is noted. Please refer to Master Response L, "Inadequate Drainage and Flooding Analysis," in Chapter 2 of this FEIR.
- 13-2 The commenter indicates that the EIR fails to address regional drainage or flood control for the large unincorporated portions of the county.
- The comment is noted. Please refer to Master Response L, "Inadequate Drainage and Flooding Analysis," in Chapter 2 of this FEIR.
- 13-3 Please refer to Master Response L, "Inadequate Drainage and Flooding Analysis," in Chapter 2 of this FEIR. The revisions shown in Master Response L do not require recirculation of the DEIR, because the changes to the DEIR are not "significant new information" (e.g., new significant impacts or substantial increases in the severity of previously identified significant impacts) that would trigger the need to recirculate some or all of the DEIR. Please refer to Master Response A, "CEQA Requirements Regarding Recirculation," in Chapter 2 of this FEIR.
- 13-4 The commenter believes that drainage and flood control within the Dixon area is a significant environmental issue and that the DEIR must be revised to include hydraulic studies of the Dixon drainage area. The commenter further indicates that these studies should not be delayed until some future date or done after the land use changes are approved.
- The comment is noted. Please refer to Master Response L, "Inadequate Drainage and Flooding Analysis," in Chapter 2 of this FEIR.
- 13-5 The commenter requests addition of a new policy to the 2008 Draft General Plan to require the County to ensure that new development meets the provisions of health and safety Policies HS.P-1, HS.P-3, HS.P-4, and HS.P-6, and that it is subject to the review and standards of agencies that will be receiving or conveying stormwater flows from new development.
- The comment is noted. Current grading, erosion, and flood control regulations set forth by the County Code require that all new developments within the unincorporated areas of the county result in no net increase in peak runoff. Specifically, Chapter 31, Article III, Section 31-30 of the County Code requires that development plans identify project-specific mitigation measures that result in no net increase in peak runoff as a result of the project. In addition, Policy HS.P-3 requires new developments to incorporate devices capable of detaining the stormwater runoff caused by a 100-year storm event or to contribute to regional solutions to improve flood control, drainage, and water recharge. Compliance with these County Code sections and state and federal regulations for stormwater discharge will ensure mitigation equivalent to that proposed by the commenter. No further response is required.

- 13-6 The commenter requests that the County include an adequate discussion of the regional drainage conditions and the roles, responsibilities, and expectations of the local drainage management agencies in addition to those of the Solano County Water Agency.
- The comment is noted. Please refer to Master Response L, “Inadequate Drainage and Flooding Analysis,” in Chapter 2 of this FEIR.
- 13-7 The commenter requests that a hydraulic study be conducted of both existing conditions and potential changes to the drainage conditions if the proposed land use changes are adopted.
- The comment is noted. Please refer to Master Response L, “Inadequate Drainage and Flooding Analysis,” in Chapter 2 of this FEIR.
- 13-8 The commenter indicates that a study should be conducted of localized and cumulative drainage and flooding issues that would result if, as proposed, land uses are modified or added that would change historic drainage patterns, alter the historic drainage hydrograph, or alter the infiltration rates in the area.
- The comment is noted. Please refer to Master Response L, “Inadequate Drainage and Flooding Analysis,” in Chapter 2 of this FEIR.
- 13-9 The commenter requests that the impacts on the existing and planned drainage facilities in the Dixon area and the mitigation measures necessary to offset any impacts on the downstream lands, structures, and drainage facilities be addressed.
- The comment is noted. Please refer to Master Response L, “Inadequate Drainage and Flooding Analysis,” in Chapter 2 of this FEIR.
- 13-10 The commenter requests an additional policy requiring new development to meet the local drainage agencies’ standards and specifications.
- The comment is noted. Please refer to Master Response L, “Inadequate Drainage and Flooding Analysis,” in Chapter 2 of this FEIR.
- 13-11 Please refer to Responses to Comments 13-6 through 13-10. The commenter requests that additional studies be completed and mitigation measures proposed to reduce potential drainage impacts to a less-than-significant level and consider additional alternatives that would reduce potential drainage impacts, particularly with regard to the Limited Industrial area northeast of Dixon. The commenter further requests that the DEIR be recirculated following completion of additional studies.
- Please refer to Master Response D, “Reasonable Range of Alternatives”; Master Response L, “Inadequate Drainage and Flooding Analysis”; and Master Response F, “CEQA Requirements Regarding Recirculation,” in Chapter 2 of this FEIR. County and City of Dixon staff have discussed a request by the city to expand 2008 Draft General Plan policies and programs related to drainage in the Dixon area, particularly with regard to the Limited Industrial area northeast of Dixon. County staff will provide alternatives addressing this request to the County Board of Supervisors for further consideration during public hearings on the 2008 Draft General Plan.
- 13-12 The commenter provides background information on the Dixon Regional Watershed Joint Powers Authority and drainage improvements in the northeast portion of Solano County. The comment is noted.

13-13

The commenter raises a concern about the lack of drainage facilities in the area northeast of the city of Dixon. The comment is noted. Please refer to Master Response L, “Inadequate Drainage and Flooding Analysis,” in Chapter 2 of this FEIR.



## **LETTER 14**

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**ALEXANDER O. RODRIGUEZ, FIRE CHIEF**

City of Dixon Fire Department

May 23, 2008



MAYOR MARY ANN COURVILLE  
VICE MAYOR MICHAEL G. GOMEZ  
COUNCILMEMBER STEVE ALEXANDER



COUNCILMEMBER JACK BATCHELOR, JR.  
COUNCILMEMBER MICHAEL C. SMITH  
CITY TREASURER DAVID DINGMAN

May 23, 2008

Jim Louie, Senior Planner  
Solano County Department of Resource Management  
675 Texas Street, Suite 5500  
Fairfield, CA 94533

Re: Solano County 2008 Draft General Plan EIR

Mr. Louie;

In general, the Dixon Fire Department does not oppose development in our area of responsibility; However, we do feel that "growth should pay for growth". After reviewing the Solano County 2008 Draft General Plan Environmental Impact Report (EIR), the Fire Department has the following comments and/or updates to the information listed in regards to the Dixon Fire Department and the Dixon Fire Protection District (Dixon FPD):

14-1

**Service and Response Standards and Current Performance**

Dixon FPD's overall average response time, based on 2007 data, was 11 minutes, 22 seconds, which is broken down by areas as follows:

<u>AREA</u>	<u>AVG. RESPONSE TIME</u>
Allendale (District 10)	13:30
Northwest area - Allendale West (District 1)	12:44
Northeast area - Dixon/Davis (District 3)	9:17
Southwest area - Dixon/Elmira (District 5)	10:20
Southeast area - Maine Prairie (District 6)	12:35

14-2

The statistics reflected above are contained in data reported by the Dixon Fire Department to the California State Fire Marshal's Office, National Fire Incident Reporting System (NFIRS). The NFIRS is in conjunction with the California All Incident Reporting System (CAIRS), which complies with California Health & Safety Code Section 13110.5 to provide fire data and information to the fire community and as a resource to the public.

RECEIVED  
Solano County  
Resource Management

MAY 30 2008

AM PM  
7 8 9 10 11 12 1 2 3 4 5 6

City of Dixon  
Fire Department

205 Ford Way • Dixon, California • 95620-3162  
(707) 678-7060 • FAX (707) 678-4251 • TTY (707) 678-1489

The service and response standards indicate guidelines for response times by metropolitan, urban, suburban, and rural areas, which are defined within the EIR. However, what responds (i.e., a fire engine or pumper, brush rig, etc.), and with how many firefighters is not defined. Departmental staffing is also not reflected (i.e., are there paid firefighters on duty in the station 24/7, or volunteers on duty 24/7 in the station?; or are volunteers on duty for certain hours, or do their volunteers respond in to their station when a call is received, etc.) The Dixon Fire Department provides a minimum staffing level of 5 firefighters (maximum of 6) on-duty, in the station, 24 hours a day, 7 days a week. In addition, the Dixon Fire Department response times reflect the first arriving unit as a fire engine with approximately 750 gallons of water on board, fully staffed with at least 3 firefighters. The Dixon Fire Department feels that staffing as well as response vehicles and personnel are a crucial component to the service and response standards, as perhaps some response times may reflect equipment and/or personnel staffing that would not be able to address a fire in the best or most effective manner.

14-2  
Cont'd.

14-3

14-4

### **ISO Ratings**

The ISO ratings for the Dixon FPD reflects "5/9", however, the 5 rating is only applicable to the addresses within the City of Dixon. The Dixon FPD's rating is a 9.

14-5

### **Call Statistics**

The call statistics for the Dixon FPD reflect 1,900 calls in 2005 and 1,621 in 2006. These statistics include calls within the City of Dixon. The actual call volume in the Dixon FPD for these years is as follows: 2005 – 636, 2006 – 636, 2007 – 708, which is an increase of 11.32% for 2007.

14-6

### **Emergency Services in the Unincorporated County**

The number of volunteers for the Dixon FPD has decreased significantly. The EIR references 33 volunteers, however, currently the department's volunteer staffing is at 6, with 6 more volunteers scheduled to be added by July 1, 2008. Of the current 6 volunteers, 4 are EMT's and one is a paramedic.

14-7

### **Underserved Areas in the Unincorporated County**

Fire and emergency medical first response is provided by the Dixon Fire Department under a contractual agreement with the Dixon Fire Protection District. The District does not have any employees, but rather is served by Dixon Fire Department personnel. The Dixon FPD continues to have an average response time of greater than 13 minutes to the Allendale area, and the fire district still has no current plans to improve its response time because of a lack of funds. (The current tax rate of .046631 was frozen in 1978 with Proposition 13.) However, it should be noted, that the Dixon FPD and the Vacaville Fire Protection District (Vacaville FPD) recently entered into an Automatic Aid Agreement, specifically for the Allendale area in Dixon FPD, and areas surrounding Allendale in the

14-8

Vacaville FPD. This agreement is in effect on a trial basis for 2008, until response time data and effectiveness can be evaluated.

14-8  
Cont'd.

### **Plan to Mitigate Growth in the Dixon Fire Protection District**

In general, the District and Dixon Fire Department are supportive of growth within the District. However, growth will probably require additional staffing to maintain current service levels for both the City and District. When additional development occurs in the Dixon FPD, the Dixon Fire Department will probably have to increase staffing due to the increase in call volume, increase of simultaneous calls, and distance to which the Department will have to respond. The increased staffing would need to be in the form of adding three Captains in order to provide two fully staffed fire engines. Currently, when the Dixon Fire Department responds into the District, the remaining fire engine usually has only two personnel assigned, limiting services to the City of Dixon. Should future development within the Dixon FPD be allowed as proposed in the draft Solano County General Plan, the Dixon Fire Department is respectfully requesting mitigation from the County to cover the increased staffing costs of adding three Captain positions and supporting those positions on an annual basis.

14-9

Additional support for this request is based on a report produced regarding Capital Improvement Program for Facilities and Equipment dated April 2000:

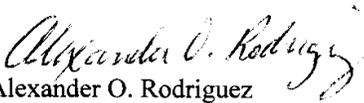
- *Currently provided levels of service are to the maximum capability of staff and equipment available without new resources.*
- *Future development within the District should not reduce the current level of service and each development should pay its proportionate share of costs to maintain present quality of service.*

14-10

Best practices call for the first-arriving unit (usually a fire engine) to arrive on scene within 5 minutes 90% of the time. For 2007, this decreased from 87% in 2006 to about 81% in 2007. While it is difficult to say with a great degree of certainty, the most probable cause is the increase of simultaneous emergency calls. Simultaneous calls may require the response of off-duty firefighters or rely on mutual aid units from a neighboring jurisdiction.

Please call feel free to call me at 707-678-7060, ext 107 if you have any questions.

Respectfully Submitted,

  
Alexander O. Rodriguez  
Fire Chief

- 14-1 The commenter’s introductory remarks are noted.
- 14-2 The comment is noted. As shown in Chapter 4 of this FEIR, the second paragraph of the “Service and Response Standards and Current Performance” section on page 4.9-16 of the DEIR is revised as follows:
- All of the unincorporated Solano County fire districts have a rural designation. Because CDF’s Gordon Station is composed of volunteer fighters, there is no response standard. However, the station’s response time is about 4 minutes on average (Bryden, pers. comm., 2006). East Vallejo FPD has a standard of 4 minutes or less and it is estimated that it is achieved 90% of the time (Parker, pers. comm., 2006). Montezuma FPD and Suisun FPD do not report their average response times. Cordelia FPD and Vacaville FPD have achieved their desired response times of 8–10 minutes, with a response time of 10 minutes or less and 9 minutes, 44 seconds, respectively. Dixon FPD’s average response time is 11 minutes, 42 seconds, exceeding the service level maximum (Solano County 2006).
- 14-3 The comment is noted.
- 14-4 The comment is noted.
- 14-5 The comment is noted. As shown in Chapter 4 of this FEIR, the bulleted list in the “ISO Ratings” section on page 4.9-16 of the DEIR is revised as follows:
- Following are the ISO ratings for each fire district:
- ▶ CDF’s Gordon Valley Station: 6/9
  - ▶ Cordelia FPD: 5/9
  - ▶ Dixon FPD: 5/9 (the 5 rating is applicable only to the addresses within the Dixon city limits; Dixon FPD’s rating is 9)
  - ▶ East Vallejo FPD: 3
  - ▶ Montezuma FPD: 9
  - ▶ Suisun FPD: 5 at locations with public water supply/9 at locations without public water supply
  - ▶ Vacaville FPD: 6/9
- 14-6 The comment is noted. As shown in Chapter 4 of this FEIR, the bulleted list in the “Call Statistics” section on page 4.9-17 of the DEIR is revised as follows:
- Following is a representative list of the number of response calls received by each fire district over a given year (year shown after the name of each fire district) and, for comparison, the number of calls received during the year that fell 5 years before each respective given year:

- ▶ CDF's Gordon Valley: 2005—89 (earlier call numbers were not available)
- ▶ Cordelia FPD: 2004—651 (earlier call numbers were not available)
- ▶ Dixon FPD: ~~2005—1,900; 2000—1,621~~ 2007—708; 2006—636
- ▶ East Vallejo FPD: 2005—527 (earlier call numbers were not available)
- ▶ Montezuma FPD: 2002—199; 1997—Approximately 175–180
- ▶ Suisun FPD: 2003—593 (earlier call numbers were not available)
- ▶ Vacaville FPD: 2003—575; 1998—394

14-7 Please refer to Response to Comment 12-60.

14-8 The comment is noted.

14-9 Please refer to Response to Comment 10-6.

14-10 Please refer to Response to Comment 10-6.



## **LETTER 15**

---

**ALEXANDER O. RODRIGUEZ, FIRE CHIEF**

City of Dixon Fire Department

May 30, 2008



**Louie, James A.**

---

**From:** elizabeth.boyd@edaw.com  
**Sent:** Monday, June 02, 2008 8:36 AM  
**To:** elizabeth.boyd@edaw.com; \JALouie@solanocounty.com  
**Subject:** Project ID: Solano County General Plan Comment

This e-mail is the result of a web survey and is intended for use with GlobalSCAPE Web Survey. You can use GlobalSCAPE Web Survey to process these results to build a database, to generate tables and charts analyzing that database and also to print out individual responses as completed questionnaires (see Database/Profile Records).

Comment = May 30, 2008

Jim Louie, Senior Planner  
Solano County Department of Resource Management  
675 Texas Street, Suite 5500  
Fairfield, CA 94533

Re: Comments made by Solano County Staff

Mr. Louie;

On Thursday, May 29, 2008, I made comments of concern to the Commissioners and requested mitigation to address those concerns. After the Public Hearing was closed, a County Staff member stated that my concerns were to be addressed using "impact fees" as listed in the draft Solano County General Plan.

Although I agree that impact fees will help, I still have concerns. This is why: Impact fees are one-time revenues that can be used to purchase equipment or other capital items. However, if development occurs in the District, the needs of the Dixon Fire Department will be for staffing. Staffing is an annual cost, which re-occurs every year.

Part of the problem is certainly not fault of the General Plan "that is the effects of Proposition 13. Proposition 13 placed a limit on the District Tax Rate at about .047 per \$100 of valuation.

Please call feel free to call me at 707-678-7060, ext 107 if you have any questions.

Respectfully Submitted,

Alexander O. Rodriguez  
Fire Chief  
City of Dixon  
205 Ford Way  
Dixon, CA 95620  
Write your comment here  
Email = arodriguez@ci.dixon.ca.us  
Name = Alexander O. Rodriguez  
Phone Number = 707-678-7060  
PdcProjectID = Solano County General Plan Comment PdcAppVer = 5.2.032 HTTP\_USER\_AGENT = Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1; .NET CLR 1.1.4322; .NET CLR 2.0.50727) REMOTE\_ADDR = 71.128.159.142 REMOTE\_HOST = 71.128.159.142 REMOTE\_USER = PdcOS = MSWin32

15-1

15-1

The commenter states that new development could result in inadequate levels of fire protection services in the county. The commenter further states that although impact fees could provide new equipment and other capital items, such fees would not cover recurring operational costs such as personnel salaries.

The comment is noted. However, the commenter does not provide any specific comments regarding the adequacy or completeness of the DEIR or otherwise raise significant environmental issues within the meaning of CEQA. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing policies of the 2008 Draft General Plan will be considered by the County.

## **LETTER 16**

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SHAUN PRITCHARD, EXECUTIVE OFFICER  
Solano Local Agency Formation Commission

June 2, 2008





**Solano Local Agency Formation Commission**

744 Empire St., Suite 216 • Fairfield, California 94533  
(707) 438-1785 • FAX: (707) 438-1788

June 2, 2008

Mr. Jim Louie, Senior Planner  
Solano County Resource Management  
675 Texas Street  
Fairfield, CA 94533

RE: LAFCo Staff Comments Regarding the Draft Environmental Impact Report for the  
2008 Solano County General Plan Update

Dear Mr. Louie:

On behalf of the Solano Local Agency Formation Commission (LAFCo), I would like to extend our appreciation to the Citizens Advisory Committee, County Staff and Consultant Harry Englebright for your combined efforts toward the update of the Solano County General Plan. We are also grateful to the County for informing LAFCo of developments as this process has moved forward. The following comments regarding the scope of the Environmental Impact Report are based on a combination of factors including; meetings of the Executive Officer with the County's Staff and Consultants, legislative mandates of Solano LAFCo, and past trends related to growth in Solano County. The comments are those of the Executive Officer.

**LAND USE**

LAFCo Comments:

1. Include Solano Local Agency Formation Commission approval under 1.7 on page 1-7.

Solano LAFCo has authority over the creation of most public agencies that provide municipal type services.

2. Include Solano Local Agency Formation Commission under "AGENCIES EXPECTED TO USE THIS EIR", on pgs. 1-9, 10 of the DEIR.

Discussion: While the DEIR for the County's General Plan update is not intended to be "site specific" in scope, it does include large-scale impacts that will likely require LAFCo review, approval or policy amendment. Examples of these impacts might include the formation of new

Commissioners

John Saunderson, Chairperson • Len Augustine, Vice-Chairperson  
Jim Spering • Mary Ann Courville • John Silva

Alternate Commissioners

Mike Reagan • Nancy Shopay • Eddie Woodruff

Staff

Shaun Pritchard, Executive Officer • Michelle McIntyre, Commission Clerk

16-1

16-2

units of local government (Sewer, Water, etc.) and/or extensions of municipal services into new areas.

16-2  
Cont'd.

3. City Plans p. 1-7. Municipal Spheres of Influence

P. 1-7 First Paragraph, text reads.... *MSAs generally correspond to cities' existing spheres of influence...*

Through this process, LAFCo staff was under the impression that the MSAs would correspond to the existing Spheres of Influence. A need for variance has not been explained, or has been missed by LAFCo staff.

16-3

In using LAFCo designated Spheres of Influence as an initial guide for the creation of MSAs it should be noted that the current Sphere of Influence boundaries for the Cities remain pliable and future decisions by LAFCo may change these alignments (Government Code § 56076).

**PUBLIC SERVICES & UTILITIES**

1. Identification of areas that may require new service demands from existing special districts, or new special districts.

While the County's proposed General Plan Map identifies areas of intensification, it might prove helpful to create a geographical representation, or provide further information, delineating between the areas that will require the creation of a new governmental entities and areas that are within the jurisdiction of a current Special District that provides the needed service(s).

16-4

2. Fire Protection Districts.

It should be noted that Solano's Fire Protection Districts are still under study by LAFCo. There exists shared concern between LAFCo and the Fire Districts over increased mandates and the funding of these Districts.

16-5

Again, Solano LAFCo appreciates the opportunity to comment on the DIER for the Solano County General Plan.

Sincerely yours,

Shaun Pritchard  
Executive Officer.

cc: Solano Commissioners  
City Community Development Directors

***Commissioners***

John Saunderson, Chairperson • Len Augustine, Vice-Chairperson  
Jim Spering • Mary Ann Courville • John Silva

***Alternate Commissioners***

Mike Reagan • Nancy Shopay • Eddie Woodruff

***Staff***

Shaun Pritchard, Executive Officer • Michelle McIntyre, Commission Clerk

- 16-1 The comment is noted. As shown in Chapter 4 of this FEIR, the paragraph under Section 1.7, “Subsequent Actions Required,” on page 1-7 of the DEIR is revised as follows:
- Further actions or procedures required to allow implementation of the 2008 Draft General Plan would include the processing of zoning ordinances, specific plans, tentative maps, site design plans, building permits, and/or grading permits. These actions would occur as part of future development project proposals, which would also be subject to CEQA requirements. The only discretionary action anticipated to be taken by the County involves adoption of the 2008 Draft General Plan itself. In addition, the Solano Local Area Formation Commission (LAFCO) has authority to create new or expand existing public agencies that provide municipal services that may be necessary to serve future growth envisioned for Solano County.
- 16-2 The comment is noted. As shown in Chapter 4 of this FEIR, the following text is added to the end of the first bulleted list under Section 1.10, “Agencies Expected to Use this EIR,” on page 1-10 of the DEIR:
- ▶ Solano Local Area Formation Commission (review, approval, and/or policy amendment for the formation of new or expansion of existing municipal service agencies)
- 16-3 The commenter notes that the MSAs generally correspond to cities’ existing spheres of influence and questions why they vary from the spheres of influence (SOIs).
- The MSAs consider both the areas planned for urbanization based on city general plans and the cities’ SOIs. In some cases, the SOI extends beyond a city’s planned growth and service areas. In these cases, the SOIs have not been updated based on the recent completion of the municipal service reviews by the Solano LAFCO.
- The County acknowledges that the Solano LAFCO’s decisions could change current SOI boundaries for cities because they are “pliable.” As city general plans are updated and SOIs are amended, the County will review the new city general plans and SOIs and will consider amendments to the County general plan to reflect these changes. No further response is necessary.
- 16-4 This comment requests a geographical representation delineating the service areas of governmental entities in relation to the proposed buildout areas of the DEIR. The comment is noted. The DEIR addresses the ability of the 2008 Draft General Plan to guide and provide mechanisms for service provisions to planned growth areas. The DEIR includes policies that direct future proposed developments to coordinate with appropriate agencies to provide mechanisms to ensure that sufficient services are provided. This comment would like the DEIR to address future boundary adjustments to specific district service areas, which are not known at this time and would be a product of subsequent developments and future market factors. This comment is outside the purview of this DEIR; however, this comment will be provided to the County Board of Supervisors for further consideration.
- 16-5 Please refer to Response to Comment 10-6.



## **LETTER 17**

---

ROBERT MACAULAY, DIRECTOR OF PLANNING  
Solano Transportation Authority

May 30, 2008





Solano Transportation Authority

One Harbor Center, Suite 130  
Suisun City, California 94585

Area Code 707  
424-6075 • Fax 424-6074

May 30, 2008

Members:

Benicia	Jim Louie, Senior Planner
Dixon	Solano County Department of Resource Management
Fairfield	675 Texas Street, Suite 5500
Rio Vista	Fairfield, CA 94533
Solano County	
Suisun City	
Vacaville	Subject: Comments on Solano County General Plan
Vallejo	Draft Environmental Impact Report

The Solano Transportation Authority (STA) is the congestion management agency for Solano County. We have reviewed the Draft Solano County General Plan and the associated Draft Environmental Impact Report (DEIR). We offer the following comments on the DEIR.

1. Significance and Mitigation of Impact

Impact 4.4-1a identifies Degradation of Roadway Levels of Service – Preferred Plan as a Significant Impact. Table 4.4-10 identifies 44 roadway segments that would have a reduction in the Level of Service (LOS) that is considered significant. The conclusion, found on page 4.4-42, states that “No feasible mitigation is available to fully mitigate this impact to a Less-Than-Significant level. This impact would remain significant and unavoidable.”

The DEIR, including the technical details in Appendix D, identify each roadway segment, and both current and projected traffic. What is missing is a description of the improvements or mitigations necessary to maintain the LOS C standard established by Solano County, an estimation of the costs to construct those improvements, and an estimation of the needed impact fees per dwelling unit equivalent to pay for those improvements. With this assessment, it is likely these segments would have a LOS of C or better which would make the impacts Less-Than-Significant.

In addition, it would be helpful to identify improvements to those intersections already identified by the 7 cities in Solano County, and the development impact fees that are expected to be available to implement those improvements. Such a project and fee list may significantly reduce the potential cost of providing the improvements needed to address the impacts of the Draft Solano County General Plan. Until the DEIR contains this level of

17-1

17-2

analysis, it is not possible to come to a conclusion as to whether or not the impacts identified in the DEIR can be adequately mitigated.

17-2  
Cont'd.

2. Countywide or Corridor Impact Fees as Mitigation

It may be possible to adequately mitigate the impacts of new traffic projected as identified in the Draft Solano County General Plan through the collection of a countywide or corridor-specific development impact fee, coordinated on a county-wide or corridor-wide basis. The STA is scheduled to conduct a study in Fiscal Year (FY) 2008-2009 to examine the feasibility and level of such a fee or fees. The DEIR could be modified to include a mitigation measure committing Solano County to work with STA (and, as appropriate, one or more of the 7 incorporated cities) to develop and implement such an impact fee.

17-3

3. Congestion Management Program Consistency and Mitigation

The DEIR should include a discussion of the plans prepared and adopted by the STA, including the Congestion Management Program (CMP). The fact that a CMP is required is briefly identified on Page 4.4-28, but no details are provided. The analysis should specifically include a discussion of the impact of projects that cause a CMP roadway segment or intersection to fall below the Level of Service established in the CMP, and the requirement for such projects to prepare a CMP Deficiency Plan. The DEIR should note those CMP roadway segments or intersections that will have a Level of Service inconsistent with the CMP Level of Service due to the traffic projected in the DEIR. It should also be noted that implementation of a CMP Deficiency Plan may be adequate to reduce the projected impacts of the Draft Solano County General Plan to Less Than Significant on some roadway segments.

17-4

4. Napa-Solano Travel Demand Model

The text of the transportation and circulation chapter of the DEIR notes that the traffic and Level of Service analysis was prepared using the Napa-Solano Travel Demand Model. The STA agrees that this was the proper tool to use to analyze these impacts.

17-5

Please contact me at (707)424.6006 if you have any questions or need clarification regarding these comments.

The STA looks forward to your response and continuing partnership with the County of Solano on improving transportation throughout Solano County.

Sincerely,



Robert Macaulay, Director of Planning  
Solano Transportation Authority

cc: STA Board  
Birgetta Corsello, County of Solano  
Paul Wiese, County of Solano

- 17-1 Evaluation of the 2008 Draft General Plan in the DEIR is not intended to provide mitigation for all increased traffic congestion, which is created mostly by increased development within cities. While analyzing the 2008 Draft General Plan relative to existing traffic conditions, the DEIR analysis recognizes differences between the assumptions of the existing General Plan and of the 2008 Draft General Plan to identify where additional mitigation measures would be needed as a result of new development. No additional mitigation measures are required with these options. The design, costing, and funding of major highway improvements is addressed in the following implementation program of the 2008 Draft General Plan:
- ▶ **Program TC.I-6:** Prioritize, secure funding for, design, and build new roadways and complete roadway improvements using the established Capital Improvement Program process to implement the circulation system shown in the General Plan Circulation Diagram (Figure TC-1). Ensure that future roadways meet design specifications and performance criteria for each roadway classification.
- No further response is required.
- 17-2 The evaluation of transportation effects of the 2008 Draft General Plan in the DEIR is based on feasible transportation improvements developed by Solano Transportation Authority (STA) for the future year. The feasibility of these improvements is based on the availability of existing sources. The 2008 Draft General Plan is not able, nor obligated, to assign land use growth levels or fees for new development within cities beyond the County's jurisdiction. Please refer to Response to Comment 12-6 regarding establishment of development fees as implementation of the 2008 Draft General Plan.
- 17-3 The comment is noted. County participation in the upcoming STA study identified by the commenter would be consistent with Policy TC.P-5, which encourages development of a fee for countywide improvements. Therefore, the STA study depends on full cooperation and participation by multiple jurisdictions, with most having substantially more development proposals than proposed under buildout of the 2008 Draft General Plan. Participation is not required as mitigation. Thus, mitigation equivalent to that proposed by the commenter is already provided within the proposed project. No further response is required.
- 17-4 The commenter requests additional language in the DEIR describing the congestion management program. As shown in Chapter 4 of this FEIR, the description under "Solano Transportation Authority" on page 4.4-28 of the DEIR is revised as follows:
- The creation of congestion management agencies in 1990 began a new era of localized, interjurisdictional planning at the countywide level. Within Solano County, all jurisdictions, including the County, participate in a singular agency for transportation planning and funding, known as the Solano Transportation Authority. This agency is responsible for overseeing a number of programs and funds. A key directive of this agency is to prepare a congestion management program document every 2 years. The congestion management plan (CMP) is an important implementation document. The Congestion Management Program specifically states that all communities must be in compliance with the CMP to receive various funds for road maintenance and construction. ~~which~~ The CMP, in turn, requires preparation of a forecast travel demand model that is consistent with the MTC's regional

travel demand model. This model is known as the Solano-Napa Model because it was jointly developed with participation from both counties.

One program specifically related to the 2008 Draft General Plan is the Land Use Impact Analysis Program. This program, administered by the Solano Transportation Authority, includes a requirement to mitigate traffic conditions created by new development. If traffic congestion below standards set by the Solano Transportation Authority is found through monitoring, or through a projected monitoring deficiency (evaluation 7 years from current year), then preparation of a deficiency plan could be required.

The commenter further states that the DEIR should note those CMP roadway segments or intersections that will have a level of service inconsistent with the CMP level of service due to the traffic projected in the DEIR. As explained on page 4.4.31, analysis of specific intersections was not performed because of the programmatic nature of the DEIR. Pages 4.4-32 and 4.4-33 of the DEIR list roadway segments with forecasted LOS D, E, r F under the Preferred Plan.

The commenter further states that implementation of a CMP Deficiency Plan may be adequate to reduce the projected impacts of the 2008 Draft General Plan to less than significant on roadway segments. This comment is noted.

The horizon year for the 2008 Draft General Plan is 2030 (greater than 7 years into the future), however, so the deficiency plan guidelines do not apply here, and the inclusion of reference language for the congestion management program does not affect the DEIR analysis. The County will continue to participate in the CMP, and a requirement to study the potential for impacts on CMP segments will be included in implementation documents such as traffic study guidelines.

17-5

The comment is noted.

## **LETTER 18**

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HEATHER MCCOLLISTER, COMMUNITY DEVELOPMENT DIRECTOR

City of Suisun City

June 2, 2008



**Louie, James A.**

**From:** Heather McCollister [hmccollister@suisun.com]  
**Sent:** Monday, June 02, 2008 4:31 PM  
**To:** Louie, James A.  
**Subject:** Response to draft EIR for GP

Good afternoon,

I hope you had a nice weekend.

I got in a last minute bind and thumbed through the document this weekend and a bit today. I have just a few minor comments/suggestions and would glad to discuss them if you would like.

1. Page 2-12: Impact 4.2-1a mitigation, bullet 4 should be revised to clearly define “when not in use”. A standard mitigation is to require onsite plug-ins for refrigeration trucks, which reduces emissions and noise. | 18-1
2. Page 2-13: bullet 5, “...the replanting of disturbed areas as quickly as possible”, is not a measurable mitigation. | 18-2
3. My understanding of mitigations is that need measurable and implementable. I’m finding some that are somewhat “elastic” in the timing and implementation. It appears that many of the mitigations were simply found to be unavoidable without warrant (i.e on circulation I found “no feasible mitigation...” but no analysis to back up why they are infeasible?). | 18-3
4. The land use map shows Suisun City as Urban residential, yet this is not the land use for the entire city. In seeing all the cities as “orange” I’m thinking that this for ease of the reader and not trying to show all the cities land use? | 18-4
5. Table 4.4.13 and discussion of future impacts shows Fairfield/Suisun City LOS going from A-C to D, E and F at various locations along SR 12. Does this consider the approved Wal-Mart project with mitigation measures installed? | 18-5  
| 18-6
6. Page 4.5-17: Does the discussion and total acre-feet at peak build out address the further expansion of the treatment plant(s)? | 18-7
7. Can the County entertain including policies for reduction of GHG’s?  
<http://www.arb.ca.gov/cc/ejac/ejac.htm> | 18-8

Thanks

Heather McCollister  
Community Development Director, Suisun City  
707-421-7396 (Telephone)  
707-429-3758 (fax)

City website: [www.suisun.com](http://www.suisun.com)

06/02/2008

- 18-1 The commenter requests a revision to Mitigation Measure 4.2-1. The comment is noted. Mitigation Measure 4.2-1a(1), bullet 4, on page 4.2-24 of the DEIR refers to construction equipment idling. Idling times would be restricted based on current applicable air district guidance. The restricted idling regulations may change over the time frame of the 2008 Draft General Plan; therefore, as shown in Chapter 4 of this FEIR, the fourth bullet in the bulleted list on page 4.2-24 of the DEIR is revised as follows:
- ▶ On-site equipment shall not be left idling when not in use in accordance with applicable state and air district guidance.
- 18-2 As identified in the DEIR (see Mitigation Measure 4.2-1a[2] in Section 4.2, “Air Quality”), the control measures are recommended by the Bay Area Air Quality Management District (BAAQMD) and Yolo/Solano Air Quality Management District (YSAQMD) to further reduce fugitive respirable particulate matter (PM<sub>10</sub>) dust emissions. Revising the BAAQMD and YSAQMD control measures is not within the scope of the EIR and the control measures are recommended in the EIR as provided by these air districts. This is considered the best approach to addressing this impact by both air quality management districts. There is no basis for developing a different mitigation strategy for this program-level EIR.
- 18-3 The commenter states that there is elasticity in the timing of implementation of mitigation measures and that some significant and unavoidable impacts were found to be infeasible to mitigate. The commenter states that one circulation impact was found to be unavoidable without feasible mitigation, but that no analysis was provided as to why further mitigation is not feasible.
- The comment is noted. Please refer to Master Response H, “Mitigation for Significant and Unavoidable Impacts,” in Chapter 2 of this FEIR. With respect to circulation impacts, the commenter is presumably referring to Impact 4.4-1a and 4.4-1b, which is the only significant and unavoidable impact identified for transportation and circulation. As explained in the discussion of that impact, many of the proposed roadway improvement projects needed to mitigate the impact are not within the County’s jurisdiction and instead are under the jurisdiction of the California Department of Transportation (Caltrans), and others are sponsored by local cities. Accordingly, the County cannot guarantee their implementation, nor can funding for those projects be guaranteed. Because the County cannot guarantee implementation of the needed roadway improvements, the impact is conservatively assumed to be significant and unavoidable.
- 18-4 The commenter points out that Exhibit 3-2 of the DEIR, at the scale printed in the DEIR, would appear to designate all of Suisun City as Urban Residential. The comment is noted. In fact, there are other land use designations shown on the map that do not show up well at this scale of printing. A larger scale map and GIS files depicting planned land uses are available for review at the County Department of Resource Management.
- 18-5 The commenter requests information on whether the Suisun City Wal-Mart is included in the future traffic projections. The request is noted. The Solano-Napa Model provides forecasts consistent with Association of Bay Area Governments (ABAG) projections and local general plans as approved in July 2007. The Solano-Napa Model forecasts 304 retail jobs for Traffic Analysis Zone (TAZ) 737, where the Wal-Mart was proposed. The Wal-Mart proposal advertised

550 jobs. The TAZ covers a larger area than the proposed Wal-Mart site. Thus, the specific development proposal referenced here is not identified in the model.

18-6 Please refer to Response to Comment 18-5.

18-7 The commenter questions whether the discussion and total acre-feet at peak buildout on page 4.5-17 address the further expansion of the treatment plant(s).

The comment is noted. The discussion on Page 4.5-17 of the DEIR addresses available water supply entitlements at project buildout. For a discussion of potential further expansion of water treatment facilities, please refer to Master Response R, "Inadequate Water Supply Analysis," in Chapter 2 of this FEIR.

18-8 The commenter asks whether the County can include policies in the 2008 Draft General Plan for reducing greenhouse gases (GHGs), and provides a web address for reference.

The 2008 Draft General Plan has already included such policies. Please see pages 6-34 through 6-42 of the DEIR for GHG reduction policies. No further response is required.



## **LETTER 19**

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ROBIN LEONG, MEMBER OF CONSERVATION COMMITTEE

Napa-Solano Audubon Society

June 2, 2008



19-1 The comment is noted.

19-2 The commenter states that there are several omissions in the bird section of Table 4.6-2 of the DEIR because of the recently published DFG California Bird Species of Concern list.

The comment is noted. This list was published after the completion of the DEIR; however, because this has future implications for impacts on these species, as shown in Chapter 4 of this FEIR, Table 4.6-2 is revised to omit Cooper's hawk, sharp-shinned hawk, and osprey and include snowy plover, yellow rail, least tern, yellow warbler, and grasshopper sparrow.

19-3 The loss of 5,697 acres of agricultural habitat is a significant loss of habitat for Swainson's hawk and burrowing owl. Habitat mitigation at a 1:1 ratio is required for all permanent impacts that result in the loss of foraging and nesting habitat for Swainson's hawk and burrowing owl.

The basis of the 1:1 mitigation for preserving foraging habitat is the increased value of the habitat that is associated with the required management, planting of future nest trees, and the long-term assurances that preserved lands will be used only to grow crops compatible with the foraging needs of Swainson's hawk. One of the stipulations for complying with Mitigation Measure 4.6-1a is that each preserve established for Swainson's hawk and burrowing owl contain a funding mechanism. This funding mechanism, such as an endowment, must be sufficient to fund the long-term maintenance, management, and monitoring requirements.

The commenter also suggests leaving nest trees in place. Although there are a number of "urban nesting" Swainson's hawk in Vacaville and Dixon and retention of nest trees is often recommended/required by DFG, avoided trees become unsuitable or are abandoned in the long term as surrounding lands are developed and foraging habitat diminishes. Planting of trees for future, long-term nesting opportunities is a typical component of establishing protected Swainson's hawk habitat.

The commenter also states the opinion that the better solution to keeping the threatened bird populations viable is to leave the land as agricultural and infill the current urbanized areas through redevelopment. Alternatives 2, 3, and 4—the Improved Environmental Sustainability, Reduced Commercial and Industrial Development, and Reduced Rural Residential Development Alternatives, respectively—analyzed in Chapter 5 of the DEIR would result in less conversion of agricultural lands, as requested by the commenter.

Further, as stated in Policy LU.P-2, a cornerstone principle of the 2008 Draft General Plan is the direction of new urban development and growth toward municipal areas. To that end, the 2008 Draft General Plan contains numerous policies and programs designed to maintain agricultural lands in agriculture (see Chapter 3 of the 2008 Draft General Plan). Indeed, although not required under state law, the 2008 Draft General Plan contains an agricultural element to present goals, policies, and programs specifically designed to support the growth and health of agriculture in Solano County.

As discussed in Section 6.3 of the DEIR, however, by definition, the 2008 Draft General Plan intends to provide for and address future growth in the unincorporated portions of the county. It would be unreasonable to fully prohibit any nonagricultural uses throughout the planning time

frame. Nevertheless, the 2008 Draft General Plan expresses a primary desire to ensure the long-term protection of existing agricultural land uses and opportunities for economic, environmental, and social-equity benefits. For this reason, the policies and programs in the 2008 Draft General Plan provide incentives and conservation techniques (e.g., transfer of development rights, agricultural buffers, Agricultural Reserve Overlay) to protect and maintain agricultural lands in Solano County. Along with policies and programs protecting agricultural lands in the county, the 2008 Draft General Plan identifies new urban development primarily adjacent to existing urban communities. The identified location for new urban development and policies and programs for protecting agriculture in the 2008 Draft General Plan would direct major construction activity toward existing urban centers and within incorporated cities and towns.

Please refer to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing policies in the 2008 Draft General Plan have been and will be considered by the County.

19-4 Please refer to Response to Comment 19-2. The revised Table 4.6-2 (shown in Chapter 4 of this FEIR) includes the additional species of special concern listed in DFG’s publication *California Bird Species of Concern*. The 2008 Draft General Plan cannot designate reserve areas; it can only identify areas with sensitive biological resources. Updating the Resource Conservation Overlay to include the area near the Montezuma Wetlands project where least tern and snowy plover occur would require a change to the 2008 Draft General Plan. The commenter’s recommendation will be provided to the County Board of Supervisors for further consideration.

19-5 Please refer to Responses to Comments 5-29 and 5-32.

19-6 Policy RS.P-56 encourages the use of technology or siting to minimize adverse impacts from energy production facilities on the environment, including wildlife. In the DEIR, Mitigation Measure 4.6-9a, measure (b), on page 4.6-62 expands on the requirements in Policy RS.P-56, requiring all project proposals for the development of wind energy to implement specific avoidance measures; however, it does not include a requirement for buffers from mitigation areas. In response to this comment, and as shown in Chapter 4 of this FEIR, the text of Mitigation Measure 4.6-9a, measure (b), on page 4.6-62 of the DEIR is revised as follows:

**(b) Avoidance and Minimization.** Policy RS.P-56 encourages the use of technology or siting to minimize adverse impacts from energy production facilities on the environment, including wildlife. This policy shall be expanded to require all project proposals for the development of wind energy to implement the following measures when selecting a project site and turbine layout and developing the facility’s infrastructure:

- ▶ Fragmentation and habitat disturbance shall be minimized.
- ▶ Buffer zones shall be established to minimize collision hazards (for example, placement of turbines within 100 meters of a riparian area shall be avoided).
- ▶ Impacts shall be reduced with appropriate turbine design and layout.
- ▶ Artificial habitat for prey at the turbine base area shall be reduced.
- ▶ Lighting that attracts birds and bats shall be avoided.
- ▶ Power line impacts shall be minimized by placing lines under ground whenever possible.
- ▶ Use of structures with guy wires shall be avoided.

- ▶ Nonoperational turbines shall be decommissioned.

The County shall also require project applicants for new wind turbine generator proposals, before and as a condition of project approval, to consult with DFG, USFWS, and species experts in the development of site-specific avoidance and minimization requirements to minimize impacts on sensitive, high-value, or protected habitats. These requirements shall include developing appropriate buffers between wind energy development projects, existing conservation easements, and mitigation banks.

Please also refer to Responses to Comments 5-3, 5-5, 5-6, and 5-9.

19-7

The commenter states that additional mitigation should include all of the following actions:

- ▶ Reduce the number of acres of land converted to wind turbines to lessen the avian and bat mortality rates, especially in the proposed acreage north of State Route (SR) 12.
- ▶ During bird migration periods, reduce or stop turbine use to avoid high rates of bird mortality.
- ▶ Implement a program to replace the old turbines with new turbines at a ratio of removing 15 old turbines for each new, improved, turbine approved installation.
- ▶ Implement requirements that new turbines not be sited in, or near, bird nesting areas, flyway paths, and bat habitats.

Please refer to Responses to Comments 5-3, 5-5, 5-6, 5-9, and 19-7. With implementation of the policies, programs, and mitigation measure identified in the DEIR (along with the modification to Mitigation Measure 4.6-9a, measure [b], shown in Response to Comment 19-6 and Chapter 4 of this FEIR), the impact of direct bird and bat mortality from expansion of wind energy resources would be less than significant. No further mitigation is required. Nevertheless, the commenter's suggestion will be provided to the County Board of Supervisors for further consideration. On July 8, 2008, staff recommended that the Wind Resources Overlay (WRO) be removed from the area north of SR 12. However, the board directed staff on that date to remove the WRO entirely from the land use diagram and add a wind resource map to the Resources chapter of the 2008 Draft General Plan. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR.

19-8

The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.



## **LETTER 20**

---

JANET S. COBB, PRESIDENT  
California Oak Foundation

May 22, 2008



# Oaks

## California Oak Foundation

Our mission is to protect and perpetuate native oak woodlands

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May 22, 2008

Jim Louie, Sr. Planner  
Solano County Department of Resource Management  
675 Texas Street, Suite 5500  
Fairfield, CA 94533

Re: 2008 GP DEIR - Oak Resource

Dear Mr. Louie:

The California Oak Foundation (COF) writes with comments regarding the 2008 Draft General Plan (GP) oak resource planning. COF DEIR review has identified several errors of omission and commission, including a failure of the GP to fulfill its intended purpose of providing meaningful oak planning guidance.

1. **DEIR:** *"The absolute tree canopy cover in oak woodland communities ranges from 30% to 100%....The canopy cover in oak savanna typically ranges from 10% to 30%."* (4.6-10,11)

**Comment:** The State of California defines oak woodlands as 10 percent or more oak canopy cover and oak savannas are defined as less than 10 percent oak canopy cover. All counties must comply with these standards.

2. **DEIR:** The *State Plans, Policies, Regulations and Laws* section (4.6-24) fails to list Public Resources Code § 21083.4 (SB 1334). This omission must be rectified.

3. **DEIR:** *"Even though there are several policies that promote avoidance and minimization of impacts on oaks and an implementation program that specifies the need to plant replacement trees for oaks with a dbh greater than 10 inches, there are no policies specifying mitigation for direct and indirect impacts on the habitat itself. Therefore, the impact associated with the loss of this habitat type would be significant....Mitigation Measure 4.6-2a: With implementation of these measures, in addition to the policies and programs contained in the 2008 Draft General Plan, this impact would be reduced to a less-than-significant level.* (4.6-41, 40)

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**Comment:** The above statement is fallacious regarding the DEIR containing *any* policies to avoid or reduce oak habitat impacts. It is absurd for the DEIR to admit that it lacks provisions to mitigate oak habitat impacts, then claim that Mitigation Measure 4.6-2a reduces oak impacts to a less-than-significant level. Moreover, PRC § 21083.4 requires mitigation for all oaks five (5) inches or greater dbh, not 10 inches dbh.

20-5  
Cont'd.

In fact, the DEIR defers general plan oak resource conservation or mitigation planning to the future creation of an ordinance. While Solano County may create a local oak ordinance to nuance the Public Resources Code § 21083.4 mitigation standards or even adopt more stringent criteria, the basic Public Resources Code § 21083.4 mitigation options apply to all mitigated negative declaration and EIRs whether the county has an ordinance or not.

Summary

COF suggests the DEIR oak consultants contact their EDAW colleagues that participated in updating the El Dorado County GP for professional guidance on how to incorporate PRC § 21083.4 into a GP. For Solano County, reviewing the Placer County oak ordinance may be helpful in creating a local measure. It is the most efficient for California Environmental Quality Act purposes.

20-6

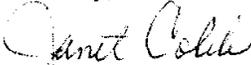
The DEIR identifies development impacts to 1,766 acres of oak woodland and 995 acres of oak savanna. COF recommends the 2008 GP specify that all mitigation for these oak habitat impacts shall be directed to establishing an oak habitat reserve within the foothills of the western portions of Solano County. These mitigation lands shall be equivalent in area and biological value to those oak woodlands and savannas impacted by development.

20-7

COF urges Solano County to follow existing environmental laws.

20-8

Sincerely,



Janet S. Cobb, President  
California Oak Foundation

20-1 The comment is noted.

20-2 The commenter states that the State of California defines oak woodlands as 10% or more oak canopy cover and oak savannas as less than 10% oak canopy cover. The commenter is correct that the Oak Woodland Conservation Act (California Fish and Game Code Section 1360 et seq.) defines oak woodlands as oak stands with greater than 10% canopy cover or that may have historically supported greater than 10% canopy cover. However, the description of existing conditions and the descriptions of oak woodland and oak savanna found on page 4.6-10 of the DEIR draw on background materials and information collected for the *Solano Multi-Species Habitat Conservation Plan* (Solano HCP) (SCWA 2005). This background information includes the vegetation mapping. The vegetation communities mapped for the Solano HCP define oak woodlands as areas with absolute tree canopy cover from 30% to 100% and oak savanna as having canopy cover from 10% to 30%.

This distinction in the background section of the DEIR does not materially affect the impact analysis or the mitigation requirements for loss of oak habitats. Impact 4.6-2a refers to the loss of value of upland grassland, oak woodland, oak savanna, and scrub/chaparral habitats. In addition, canopy cover is only used in the mitigation requirements for the loss of native trees to determine the success criteria of the restoration requirements (i.e., they are required to restore canopy cover and stand characteristics similar to what was removed).

20-3 Please refer to Response to Comment 20-2.

20-4 The commenter is concerned that the “State Plans, Policies, Regulations, and Laws” section of the DEIR (page 4.6-24) does not include reference to Public Resources Code Section 21083.4 (Senate Bill [SB] 1334).

The comment is noted. Public Resources Code Section 21083.4 (SB 1334) is the mandate that counties require feasible and proportional habitat mitigation for impacts on oak woodlands as part of the CEQA process. This regulation is discussed in the 2008 Draft General Plan and would form one of the criteria for development of the local oak woodland ordinance under Program RS.I-3; however, because this is applicable to oak woodlands in Solano County, it should be mentioned under the “State Plans, Policies, Regulations, and Laws” section of the DEIR.

As shown in Chapter 4 of this FEIR, the following text has been added after the section on the Oak Woodlands Conservation Act and before the section describing the California Native Plant Society, on page 4.6-27 of the DEIR:

#### **Public Resources Code Section 21083.4**

In 2005, Senate Bill (SB) 1334 was passed by the California Legislature, mandating that counties require feasible and proportional habitat mitigation for impacts on oak woodlands as part of the CEQA process. Under Public Resources Code (PRC) Section 21083.4, a county is required to determine whether projects “may result in a conversion of oak woodlands that will have a significant effect on the environment.” The law applies to all oak woodlands except those dominated by black oak. When it is determined that a project may have a significant effect on oak woodlands, mitigation is required. PRC Section 21083.4 institutes a

cap on planting oaks for habitat mitigation (it cannot fulfill more than 50% of the required mitigation) and prescribes four mitigation options:

- ▶ conserving oak woodland through the use of conservation easements,
- ▶ contributing funds to the Oak Woodlands Conservation Fund to purchase oak woodlands conservation easements,
- ▶ replanting trees, or
- ▶ implementing other mitigation actions, as outlined or developed by the county.

20-5

The commenter states that it is absurd for the DEIR to admit that it lacks provisions to mitigate loss of oak habitat, then claim that Mitigation Measure 4.6-2a reduces oak impacts to a less-than-significant level. The commenter refers to the following text on page 4.6-40 of the DEIR:

Even though there are several policies that promote avoidance and minimization of impacts on oaks and an implementation program that specifies the need to plant replacement trees for oaks with a dbh [diameter at breast height] greater than 10 inches, there are no policies specifying mitigation for direct and indirect impacts on the habitat itself. Therefore, the impact associated with the loss of this habitat type would be significant.

To clarify, this text is referring to the 2008 Draft General Plan, not to the DEIR itself. The commenter also refers to the following statement on page 4.6-41 of the DEIR:

With implementation of these measures, in addition to the policies and programs contained in the 2008 Draft General Plan, this impact would be reduced to a less-than-significant level.

This statement refers to Mitigation Measure 4.6-2a in the DEIR. These comments do not contradict each other.

The commenter disagrees that the DEIR contains any policies to avoid or reduce oak habitat impacts. This is incorrect; the 2008 Draft General Plan contains the policies to reduce avoid or reduce oak habitat impacts. The DEIR also contains Mitigation Measure 4.6-2a, which prescribes specific measures to avoid and reduce oak habitat impacts and which is designed to augment the policies in the 2008 Draft General Plan to further avoid and reduce oak habitat impacts. Combined, these policies and mitigation measures comply with, and in some cases exceed, the requirements of Public Resources Code Section 21083.4 (SB 1334). For example, Public Resources Code Section 21083.4 requires mitigation for all oaks 5 inches or greater dbh. Mitigation Measure 4.6-2a, bullet (3), in the DEIR requires that the ordinance specify a replacement ratio for all native trees and shrubs; thus, the loss of trees and shrubs with a dbh of less than 5 inches will also be mitigated.

The commenter also states that Public Resources Code Section 21083.4 (SB 1334) applies to all mitigated negative declarations and EIRs whether the County has an ordinance or not. The comment is noted.

20-6

The County agrees that the *El Dorado County General Plan* would be a good source document to reference when the County develops its ordinance to protect oak woodlands as defined in SB 1334 and heritage oak trees. The comment is noted.

20-7

The commenter recommends that the 2008 Draft General Plan specify that all mitigation for affected oak habitat be directed to establishing an oak habitat reserve within the foothills of the

western portions of Solano County. The comment is noted. All of the oak woodland habitat is located within the western portion of the county; therefore, it is not necessary to make this specification. Furthermore, Mitigation Measure 4.6-2a, bullet (2), in the DEIR requires that preserved mitigation sites have equivalent woodland resources. This includes considering the total area, canopy cover, woodland type, and habitat value when determining whether off-site resources are equivalent to those lost on a project site.

20-8

The comment is noted.



## **LETTER 21**

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VINCE VITALIE

Collinsville Coalition for Protection of the Environment

June 2, 2008



# Collinsville Coalition for Preservation of the Environment

Jim Louie, Senior Planner  
County of Solano  
Resource Management Department  
675 Texas Street, Suite 5500  
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June 2, 2008

FAX: 707-784-4805  
Hard copy to Follow

Re: Comments and Request for Recirculation on the Draft Environmental Impact Report: Solano County 2008 Draft General Plan and Appendix C, Collinsville and Montezuma Hills

Dear Mr. Louie:

The Collinsville Coalition for Protection of the Environment (CCPE) was formed to respond to significant changes that might be proposed in the Solano County 2008 Draft General Plan (Plan). The primary concern of the CCPE is protection of the Suisun Marsh and the continuous open landscape extending to the eastern edge of the Montezuma Hills, including the historic town of Collinsville and the Sacramento River. (Please see CCPE letters of December 10, 2007, January 23, 2008, February 4, 2008, and May 22, 2008.) It is our belief that the Plan, as proposed, would have significant global warming effects and cause serious damage to this unique area of Solano County, an asset to both the County and the State.

21-1

Because the Collinsville-Montezuma Hills area is unfamiliar to the general public, geologically isolated between the Sacramento River and the Potrero-Montezuma Hills, and because it is sparsely populated, with property ownership now in large part in the hands of corporate interests, it seems critical that review of the Draft Environmental Impact Report (DEIR) be careful and thorough. Few are aware of the significance of the area's resources — how the undeveloped landscape supports an irreplaceable, however diminished, natural environment and one of the last and finest dry farming areas in California. It is an expansive stretch of air, land, and water to be valued today for maintaining a sustainable, economically viable environment with minimal climate impacts.

21-2

CCPE appreciates the California Environmental Quality Act (CEQA) that

21-3

mandates a Draft Environmental Impact Report (DEIR) for the County General Plan and encourages public responses and participation. While members of our group are not sophisticated about all aspects of environmental review in compliance with CEQA, we find that the DEIR leaves many questions unanswered. We hope to succeed in making a case that work needs to be done to analyze impacts and consider effective mitigations and alternatives.

21-3  
Cont'd.

First, however, it is important to point out that the DEIR should be re-circulated due to the addition of the “Errata Sheet: Changes to the 2008 Draft General Plan” which contains substantial new information added to Appendix C, pages 21-29, entitled “Collinsville-Montezuma Hills Area.” This material was issued on May 6, 2008 and has remained obscure. We only discovered it by accident. Pages 21-29 are not found in the Plan disc nor are they found in the DEIR disc. This is a serious omission. The amended Plan program, or the “missing information” (quote from Errata sub-title), advanced in Appendix C makes reference to specific project scenarios with the potential for environmental impacts not analyzed in the DEIR.

21-4

In light of growing social concern for environmental protection, we had anticipated that Solano County’s 2008 General Plan might actually scrap the previous proposals for the Collinsville-Montezuma Hills area made in the *1979 Collinsville-Montezuma Area Plan and Program* and the San Francisco Bay Conservation and Development Commission (BCDC) 1995 update of the *Suisun Marsh Protection Plan*. But, instead, the Plan reinvigorates a major industrial program, introduces a tentative opportunity for bio-mass experimentation on productive agricultural land, and initiates commercial ventures in historic Collinsville.

21-5

CCPE understands that the Plan “vision” is to focus on “sustainability”: “each part of the vision feeds into the central idea of sustainability which takes into account the social, environmental, and economic needs of the population today and tomorrow.” To ensure consistency in planning we urge the Solano County decision makers to focus critically on the magnitude of loss to both the County and the State should cumulative adverse impacts begin to take precedence in the Collinsville-Montezuma-Hills area. Thus, we would suggest that Alternative #3 – the “Reduced Commercial and Industrial Development” alternative, which proposes a program toward lessening impacts deserves further consideration and analysis.

21-6

In accordance with the CEQA process, we trust you will take the necessary steps to answer CCPE's questions completely and thoroughly.

21-7

**Collinsville-Montezuma Hills Water-Related Industrial and Water-Related Industrial Reserve:**

CCPE does not believe that the County has sufficiently justified the need in 2008 for supporting water-related industrial development in the Collinsville-Montezuma Hills. The approximately 10,000 acres, plus, dedicated in the Plan to Water-Related Industrial and Water-Related Industrial Reserve would, by anyone's definition, potentially cause irreversible change, stimulate further growth, mandate consumption of non-renewal resources, and create multiple new sources for the emission of greenhouse gases. The program for industrial activity along the Sacramento River allows for a *new* railroad line, "collector road," manufacturing or processing facilities, deep water shipping berths, and untold infrastructure, all, predictably affecting the entire area in a major way.

21-8

1. There is a map (ED-2) in the Plan that cites the Collinsville-Montezuma Hills area as an "Opportunity Site." Please define the term and what it fully means. How did this designation come to be?

21-9

2. The Plan DEIR does not discuss the proposed dredge project for the Baldwin/Stockton Deep Water Ship Channel that is now in project review. Nor, does the Plan discuss the California Transportation Commission and Port of Sacramento (Port of Oakland) joint efforts to secure funds (April 2008) to deepen the Sacramento River beginning across from Collinsville, where it separates from the San Joaquin River. Both projects are clearly important and consequential. Why would new port facilities be needed at Collinsville if existing ports and abandoned industrial waterfront sites exist at Pittsburgh, Stockton, and/or Sacramento and are already being accommodated for interregional needs? If one of the motivations for increasing port activity at Sacramento is to eliminate regional truck travel, how would a new port at Collinsville serve this goal?

21-10

21-11

21-12

3. Aside from the fact that riverboat and port activity began to disappear from Collinsville at the beginning of the 20<sup>th</sup> century due to the efficiency of rail and road travel that by-passed the location, there has not been the necessary infrastructure to profitably establish a modern deep water port,

21-13

industrial park, or plant investment. The effort to utilize public funding for infrastructure in these 10,000 acres was sought by the Solano County Redevelopment Agency in the 1980s, but failed. In regards to sustainable social planning how would infrastructure, including the collector road, be financed today? How would it be equitable — socially responsible — to make it the taxpayer’s burden?

21-13  
Cont'd.

4. The existence of a Solano Economic Development Corporation (EDC) that “encourage[s] commercial and industrial development to locate in areas with adequate services and consider the needs of existing and future commercial industrial uses in infrastructure planning decisions” (ED.P-9) leads to the question in whose interest is the commercial/industrial development of Collinsville? Is there an organization or a specific corporation that has immediate intentions to benefit and/or develop?

21-14

5. Is it possible that sole (or a few) private interests or corporations would be the primary beneficiaries of public expenditures for infrastructure at Collinsville and/or within the 10,000 acres? What might be a breakdown of “development fees?”

21-15

6. The retired port facility (closed Navy Military Base) existing on Mare Island would appear to be a preferable site for a marine terminal and industrial development for Solano County, located at a site less treacherous for shipping (before the Carquinez Strait), suitable for deep berth shipping, less vulnerable to earthquake, floods, and a rising water table, already part of an urban infrastructure, located adjacent to highway 80, and, importantly, potentially a resource to reinvigorate Vallejo’s need for employment opportunities. Before continuing the proven infeasible 30 year plan to establish a new deepwater port in an unincorporated, environmentally sensitive area, why would Solano County not undertake a “further detailed studies of the economic, traffic, and environmental effects of surrounding water and land uses” at Mare Island (TC-21)? Is not Mare Island a feasible alternative deserving of thorough analysis that would lessen environmental impacts?

21-16

7. The Bay Conservation and Development Commission (BCDC) *Seaport Plan* basically stated [1995] that Collinsville should only be considered for deepwater development, due to the surrounding wetlands, lack of infrastructure, and isolation, if there were not other sites available. If there is a community vision to plan for social, environmental, economic

21-17

sustainability, why would this conclusion not be guiding today? Why are not BCDC and the County taking initiative to change the 30 year old assumptions?	21-17 Cont'd.
8. There have been serious proposals for industrial development in the Collinsville-Montezuma Hills area, including a proposal to build an atomic energy plant, a steel plant, a petro-chemical plant, and a coal fire plant. What were the reasons, including environmental and economically, that each of these previous proposals failed to win approval? Would the same reasons not apply today?	21-18
9. The “Montezuma Wetlands Restoration Project” (Montezuma Project), [2000], that comprises almost 3,000 acres of the land west of Collinsville, with a major portion of the acreage located within the Water-Related Industrial designation, had almost 10 years of environmental review due to serious questions regarding biological, water, and soil impacts. What is the status of the project today?	21-19
10. The Montezuma Project had as a part of the project approval stringent mitigation and monitoring programs established to preserve biological resources and baselines set for stages of wetland restoration. The various mitigations set forth for biological preservation in the Solano Plan are described as adequate and reducing impacts to a “less-than-significant level.” What endangered species were identified as threatened and needing mitigation in the Montezuma Project? In what ways is the Montezuma Project mitigation and monitoring program similar to the General Plan mitigation proposals? What was to be monitored as a part of the permit approval? Are any bird counts being recorded? Where are the results to be found?	21-20
11. Did the Montezuma Project specify any obligation to relocate endangered species as a project mitigation? What species? What has been the relocation progress?	21-21
12. The impacts of any future development on the Montezuma Project site for Water-Related Industrial development would remain sensitive. To the casual observer the “dredge ponds” appear barren. What has been recorded at the Montezuma Project site from the monitoring program vis.a.vis the contaminated dredge materials? Has any wetlands restoration been achieved? Are any of the dredge ponds becoming landfill?	21-22

13. The Plan cites that the Water-Dependent Industrial designation to the east of Collinsville is potentially where development will most likely occur. What is the water depth along the Sacramento River to the east of Collinsville? Would it not be necessary to dredge this almost undisturbed area, either for barges or deep water vessels?

21-23

14. The importance of the disappearing Delta Smelt has recently been highlighted by court action forcing California to review its water programs. The fact that the small fish live almost exclusively in the brackish waters of the lower Sacramento-San Joaquin rivers, “spawning in shallow freshwater or slightly brackish water upstream of the mixing zone, mostly in tidally influenced backwater sloughs and channel-edge waters where solid substrate (cattails, tules, tree roots, and submerged branches) are present for the attachment of eggs.” (EIR 4.6-19) indicates that the area east of Collinsville would be a significant Delta Smelt habitat site. It is also a spawning site for bass, catfish, sturgeon, and calico bass. Where precisely are there particular areas of habitat? Would not disturbance of Sacramento River banks and inlets for the development port facilities potentially further threaten the survival of the threatened Delta Smelt?

21-24

15. Dedication of the unique and vital dry farming area east of Collinsville to Water-Related Industrial would seem to demand a significant economic analysis. The Farmland Mapping and Monitoring Program does not have a category under “Important Farmland” to describe the Montezuma Hills. The “Prime Farmland,” “Farmland of State Importance,” and “Unique Farmland” are each defined by their irrigation status. According to the County, the Montezuma Hills is considered only as “Grazeland” agricultural land. This does not properly represent the past or the present. The Montezuma Hills area has supported grazing land *and* produced grain since the 1880’s without need of irrigation. It should be deemed Farmland of Statewide importance as a highly sustainable agricultural resource. Is this not an oversight that the County can reassess and correct?

21-25

16. The agricultural land owned by PG&E where the infamous scout Lansford Hastings envisioned a settlement for the Mormons, in 1847, and where his historic adobe is still existent, still retaining the vista point of the undeveloped, curving River and the open Montezuma Hills. It was

21-26

once reported that PG&E designated this property as a mitigation for projects undertaken elsewhere. Is the PG&E property now part of a mitigation agreement? How would the historic scenic vista of the Hastings Adobe be preserved?

21-27

17. It was almost a given in the Plan workshops that a permit would be granted for a proposed “Vision One Park” project in the 2,000 acre, plus, Water-Related Industrial Reserve designation area. The project was described as being a “green” experimental start-up company seeking to recycle green waste into energy that would not harm farmland, grazeland, and/or wetlands. Such a large enterprise, again, by definition, would potentially cause irreversible harm to an already sustainable environment, removing irreplaceable dry farming lands, requiring a new road — the collector road, needing structures for research and “environmental education” (seen on some maps in evidence), requiring barge landings, needing large amounts of ground water, and constructing an “energy” plant. Why is the Montezuma Hills farmland a preferable site? When will alternative sites for this project proposal be analyzed? Would it not be more environmental, sustainable, and “green” to seek abandoned industrial sites for such activity? Has such a permit application been filed? What would/will be the mandated CEQA review?

21-28

18. There is growing concern that agricultural land may be converted to biofuel production, especially if the biofuel production threatens to spread invasive plant species, causing both environmental and economic damage. Is there a pre-approval condition in the Plan that may be built into the Water-Related Industrial Reserve site that exempts it from CEQA review for either a green waste usage or biofuel cultivation?

21-29

19. The “Seismic Shaking Potential” (HS-3) graph does not accurately reflect seismic shaking potential. This is evident by the comparison to the “Liquefaction Potential” (HS-6) graph which shows the highest liquefaction areas and fault lines to exist in the areas not highlighted as having the highest potential in graph HS-3. This misrepresentation is also evident by the definitive line which shows no areas in the eastern part of the County as being high potential areas. When the two highest hazards (liquefaction and the existence of fault lines) are examined it can be seen that the highest potential for seismic shaking potential exists in Collinsville with a fault line running directly under the proposed site which lies on top of a high liquefaction geological zone. This is further

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21-31

confirmed by looking at the “Regional Seismicity” (4.7-2) exhibit which shows that within a 10 mile radius of Collinsville is the most seismically active area in the entire County. All this is evidence of the potential for the highest risk and the highest likelihood of earthquake activity. Why were the maps not compared? Is this not a gross oversight or misrepresentation? What would be the risk for potential industrial developers be in the event of a sizeable earthquake? What would be the risk of the County for liability? Is it economically or socially responsible to encourage development in this area?

21-31  
Cont'd.

21-32

20. Understanding that the waterway along the Sacramento River is subject to flooding, especially due to future forecasts that California will have dryer weather, but be subject to intense periods of rain falling, and especially due to continuously weak levee conditions, and especially due to the rise of sea level, what is the County liability should flood damage occur? Is it economically or socially responsible to encourage development in this area?

21-33

21. The Plan program continuing the entitlement for Water-Related Industrial development is perhaps purposefully unresolved about where such development might occur along the Sacramento River location, due to potential forthcoming permit applications. However, the Plan should be more explicit regarding what might be the least damaging, including dredging activity, to the environmental integrity of the biology and the waters of the River. Please provide such an analysis. How might private ownership affect an analysis? How might the Rivers and Harbors Act, Section 10, or 404 of the Clean Water Act determine citing of docks and dredging?

21-34

**Historic Town of Collinsville:**

CCPE finds that the Special Study Area designation for Collinsville is vague and confusing, and the impact analysis is inadequate. While Collinsville and Birds Landing are historic, the Plan does not provide enough information or sufficient analysis to identify potential adverse impacts to the respective districts. Enough growth inducing change is being anticipated to cause significant impacts and, therefore, further CEQA review would seem advisable. The Plan, in fact, states that future projects may be “tiered off” the 2008 Plan program. Therefore, it is critical to understand what comprises the historic and cultural resources existent now, including a cultural

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21-36

landscape designation. For Collinsville, each alternative analysis for the Plan includes Commercial Recreational zoning without any specific map, other than the larger maps with blotches of vivid color. The Plan to continues a 30 year old program for industrialization of the Collinsville-Montezuma Hills area and an expanded program for a marina and commercial development, *and* the intent to maintain the residential and historic character of Collinsville and Birds Landing. It all appears to be a “eat your cake and have it too,” unless there is further analysis and alternative review.

21-36  
Cont'd.

21-37

1. CCPE is sorry, but not surprised, to see how much weight was put upon the workshops in decisions made regarding the Collinsville Land Use Plan. Members of our group found the workshops to be contrived. We are also sorry, but not surprised, to see that letters from PG&E and the Sacramento Municipal Utility District were so influential regarding land use decisions for the Collinsville. Please make these letters and any others from the corporate property owners available in the final environmental discussion.

21-38

2. Collinsville and Birds Landing are recognized as unique California towns set within authentic Rural Historic Landscapes.” The “story” of Collinsville is also linked to the story of the Sacramento River, as summed up in the National Park definition: “a geographical area that historically has been used by people, or shaped and modified by human activity, occupancy, or intervention, and that possesses a significant concentration, linkage, or continuity of areas of land use, vegetation, buidings and structures, roads and waterways, and natural features.” (quoted 4.10.32). Time needs to be taken to identify the resources that give Collinsville its authentic cultural and historic landscape features. Would the time frame for approval of the Solano County 2008 General Plan preclude such a survey? Should not any boundries and the impacts of any proposed various zoning designations be clearly outlined *before* Plan decisions are made about growth inducing impacts and alterations to historic Collinsville?

21-39

3. Repeatedly the Plan recommends review of previous surveys and inventories. It is important to recognize that the initiative to survey or inventory the historic town of Collinsville has not been undertaken, nor has the Collinsville Cemetery been officially designated. Is this not all the more reason, obligation, to undertake such an inventory now, when the Plan is dependent upon such information?

21-40

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| <p>4. There is a commitment in the Plan to preserve the residential character of the Collinsville town site, ensuring “that any future nonresidential uses are compatible with the residential character and that an adequate buffer is established between residential and nonresidential uses” (SS.P-21-Pg. LU-64) and “maintaining an agricultural or marsh buffer between homes in Collinsville and any future industrial uses to mitigate visual impacts, glare, noise and particles.” (SS.1-12-Pg. LU-68) Please provide a map of buffer zones for comment and review. What would be the delineation of proposed buffer zones vis.a.vis property lines, the Cemetary, Stratton Road, McDougal Cut, etc.?</p>   | 21-41 |
| <p>5. During the workshop sessions it was apparent that staff and a project applicant(s) might be close in agreement on potential marina/commercial permit approvals. Recently there have been additions to the historic town that are intrusive upon its character, with no aesthetic impact guidelines. Understanding the unique character of Collinsville as an historic district would seem to preclude any permits being issued at this time for non-residential use. Would this not be the time to create an historic district overlay? Would not full environmental review and alternative analysis, in compliance with CEQA, be mandated for any Commercial/Marina permit?</p>   | 21-42 |
| <p>6. Lack of infrastructure of every form is lacking for any industry or recreation in this area. This is especially problematic in the areas of Public Safety. The Montezuma Fire District that serves the area currently has an ISO rating of 9. This is the lowest/worst ISO rating a department can have. This low rating is due to multiple factors. Slow response times, low staffing levels and lack of water supply, ie, there are no hydrants or piped water supply systems in the Montezuma Hills. This all makes for the worst possible scenario from a fire protection standpoint. Few Firefighters showing up, after an extended response time with no water source. Have these facts been considered while reviewing this project and again, what alternative sites have been considered that provide a safer and more effective fire protection for an industrial plant? Will private corporations or individual developers be required to provide safe fire protection, personnel, and equipment on site on a 24/7 basis?</p> | 21-43 |
| <p>7. Along with fire protection issues problems with extended response times for Medical and Law Enforcement services exist as well. Due to</p>   | 21-44 |

<p>its remote location, this area can not support industry or recreation. To introduce either before improving services in these areas would be negligent at best. Prior to developing an area jurisdictions must first put such services in place or show that existing services can support such growth or change. Has the County shown that this area can adequately and safely support an increase in visitors or new industry? Is the County willing to provide the necessary funding to improve such vital Public Safety services in this area?</p>	<p>21-44 Cont'd.</p>
<p>8. It is part of every day life in Collinsville to use water from the common well and to maintain septic tanks. Notice has been given that only one more hook-up can be made to the Collinsville well. Who would be responsible for the costs of providing infrastructure for water to accommodate a marina and commercial expansion? Would it be the general public of Solano County in combination with development fees? What proportion, or percentage?</p>	<p>21-45</p>
<p>9. There are other marinas in Solano County already developed. Was not the County a sponsor of the marina in Suisun City? Is the Suisun City Marina inadequate? Is there a need for new marinas in the County? Is the Collinsville marina proposal to accommodate development investment or a County need?</p>	<p>21-46</p>
<p>10. Currently Collinsville is one of the most open vistas to the Sacramento River available to the public. The public easement right-of-way is adjacent to the water and allows panoramic views across the Sacramento-San Joaquin Rivers. Would not a commercial development destroy this natural environment? Why would a commercial marina be advanced, except for private gain, when the public already has access to the water?</p>	<p>21-47</p>
<p>11. CCPE finds that Collinsville and the Montezuma Hills have historically been left off of the priority habitat and resource conservation lists not because of its lack of habitat or resources. In fact, we believe that this area is the richest in vital habitat and natural resources anywhere in the County. Critical habitat areas have been completely ignored in Collinsville and the Montezuma Hills. This project and any other in the Montezuma Hills and Collinsville we consider to be in direct violation of both the Federal ESA (Endangered Species Act) as well as the State ESA. Any such project</p>	<p>21-48</p>

would also be in direct violation of the Solano Multi-Species Habitat Conservation Plan, which lists several threatened species that exist, thrive and breed in the proposed area. The Swainson's Hawk breeds in dry grasslands such as found in the Montezuma Hills. The Giant Garter snakes are found throughout the wetlands in and around the Collinsville area. Several frog species exist in the area as well and possibly include another threatened species "the red legged frog". Would it not be a significant oversight if the Collinsville and Montezuma Hill area, east of the McDougal cut, was not to be inventoried before adoption of the Solano County 2008 General Plan?

21-48  
Cont'd.

**“Errata Sheet: Changes to the 2008 Draft General Plan,” Appendix C, Collinsville-Montezuma Area:**

The Appendix C material is not consistent with the Plan program or DEIR. It has of its own internal inconsistencies, typos, incorrect facts, and garbled sentences as if they were cut and pasted. It was issued after the public review period began and, in fact, members of CCPE believe it is almost a miracle we discovered it at all. It is almost as if it exists off-the-record, but on a developer's agenda — to push through new entitlements without CEQA review. The changes to the Plan program it advances are significant and deserving of public and agency discussion. The most important question to ask, then, is: Will Appendix C, Collinsville-Montezuma Area, pages 21-29, be deleted from the Plan? or, Will the DEIR be re-circulated to analyze the new information?

21-49

Most critical for CEQA review are the following:

1. Hazardous Cargo Transport, in full
2. Site specific Shoreline Recreation “western edge of the planning area, in the Kirby Hills...”
3. Maps cited that are not provided
4. Conflicting land use terms
5. Berth facility construction specified
6. Disposal of dredged sediments filling “flat lowlands” permissible for purposes of leveling and improvement of soil stability
7. Collinsville Commercial Recreations Subarea, map needed
8. The 500 foot buffer surrounding Collinsville – in reality no buffer
9. Agricultural Subareas Land Use Policies
10. Designation of marina/commercial for “limited time periods if such

21-50

uses would not conflict with ultimate water-dependent industrial use.”

21-50  
Cont'd.

It is noticeable, too, that the suggested “Area Wide Land Use and Transportation Policies” in Appendix C, page 21, does not list Rural Residential—Traditional in regard to the homes of the historic Collinsville townsite. It is written as if there are no taxpayer/residents living there. It is written as if the people of Collinsville are unimportant and to be disregarded not only now but in the future. The CAC as well as the citizens of historic Collinsville specifically recommended that the townsite be zoned Rural Residential—Traditional. On Pg. C-27 “Land comprising the existing settlement of Collinsville should be designated to accommodate commercial recreational land uses.” Does this mean that in the future there will be no homes—only Commercial Recreational businesses? CCPE disputes the term “dilapidated” when referring to the existing homes in historic Collinsville. Some of the homes were built in the late 1880’s and are lived in today—including the Vitalie family home. Some current home and landowners have roots back to when their families maintained their living fishing on the River and when historic Collinsville was a 19th century town.

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21-52

Each of the development scenarios in Appendix C has enough specific delineation to nearly describe a ready-to-go project and the permit requirements for its approval. The Hazardous Cargo proposal description and proposal is significant and *must* be fully reviewed under the guidelines of CEQA, including in regards to the BCDC [“Pipeline Report,” authored by Jeff Blanchfield].

21-53

**Final General Over-All Concerns:**

1. Thus, please, again, specify the criteria for environmental project review of future projects after adoption of the Solano County 2008 General Plan. Again, what would be the full and guiding definition of a tiered-off project review under CEQA? “

21-54

2. The extensive land bank mechanism used in the Plan to mitigate loss of agricultural or land of important natural resource it troubling and needs more discussion and review. The potential of converting irreplaceable significant resources to non- agricultural or resource use does not seem valid as a mitigation for loss of resources. The total effect is not to protect resources, but to loose resources and, perhaps, also approve a detrimental project in the name of mitigating it. CCPE believes that the mitigation and land bank program of Solano County

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should be review carefully for its potential negative impacts to the sustainability of the County and its assets.

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Cont'd.

3. CCPE also wishes to challenge the County to adopt a Plan that will provide for a sustainable future in Solano County by complying with AB 32. AB 32 seeks a 25% reduction in greenhouse gases by 2020 to be considered and achieved in all California General Plans. We can only urge the County to undertake a win-win approach to the Collinsville-Montezuma Hills area by adopting an alternative that protects the area from future development degradation and protects its non-renewal resources *and* gains points towards the County's and the State's greenhouse credits. This would be a sustainable social, financial, and environmental step.

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In conclusion, CCPE believes that the DEIR contains a number of critical unanswered questions that prevent an accurate evaluation of the Solano County 2008 Draft General Plan and its potential impacts on the Collinsville-Montezuma Hills area in accordance with CEQA We hope our comments may encourage further careful review of the Plan program before it is adopted.

21-57

Sincerely,

Vince Vitalie  
For the Coalition

Attachments: CCPE previous comment letters, December 10, 2007, January 23, 2008, February 4, 2008, and May 22, 2008

**Collinsville Coalition for  
Preservation of the Environment**

December 10, 2007

Mike J. Reagan, Chair  
Board of Supervisors  
Solano County  
675 Texas St., Suite 6500  
Fairfield, CA 94533-6342

Re: General Plan Update Land Use Recommendations vis.a.vis California  
Environmental Quality Act Review (CEQA)

Dear Chair Mike Reagan and Members of the Board:

The Collinsville Coalition for Preservation of the Environment (CCPE), a group recently formed to participate in the County of Solano General Plan Update, is concerned that the recommendations of the Citizens Advisory Committee (CAC) for the General Plan Update may serve to benefit neither the historic town of Collinsville nor the surrounding wetlands and agricultural lands encompassing the Suisun Marsh and the Montezuma Hills. Notably, the deliberations of the CAC, did not appear to adequately consider the irreversible impacts of land use designations that might alter the environmental health of this significant area of Solano County.

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The CCPE requests the Board consider the following, when preparing the CEQA review report including but not limited to:

1. The historic and residential character of Collinsville, including the cemetery site, cannot be separated from its surrounding natural and cultural landscape, including the Sacramento River, the expansive farmlands, and the adjacent wetlands. To continue the designation of water-dependent industrial land use along the Sacramento River would appear to promote future development incentives in direct conflict with preservation of Collinsville's unique sense of place. The recommendation to spot zone a section of the town to accommodate recreational park and marina development would also

21-59

<p>appear to pose the possibility of adverse development impacts. The historic integrity of the town remains reflected in its layout and infrastructure, including the county road, levees, access roads and easements, structures and foundations, and septic tanks, should be maintained.</p>	<p>21-59 Cont'd.</p>
<p>2. Recent news accounts that have revealed grave questions regarding water contamination in the Delta and the Suisun Marsh lead to serious questions of land uses within the Suisun Marsh and land use adjacent to the Suisun Marsh. Reports of the reduction of the Delta Smelt population in the Delta would seem to be reason for overall review of the health of the wetland habitat conditions in the Suisun Marsh. Is the Suisun Marsh Protection Act of 1974 adequate? Any allowance of land use for dumping purposes would seem to need serious re-examination. Understanding not only the adverse change to the surface landscape, but the adverse long-term change to the ground water quality and, thus, the entire Marsh area. Also, it would seem timely to review the impacts of the extensive land use designation for wind energy resource overlays allowed for wind generators and the effects, if any, upon the migrating bird population along the Pacific Flyway, seasonally dependent upon the Suisun Marsh.</p>	<p>21-60  21-61</p>
<p>3. The designated land use for the Montezuma Wetlands Restoration Project is conflicting. To designate a large section of the Project, running along the River and the Montezuma Slough, as wetlands may be appropriate on paper, but it would appear a failure in reality to any who view the barren moon-like surface in summer and/or the large stagnant ponds in winter. The seasonal wetlands once defining this area may now be thoroughly contaminated with Oakland Estuary mud and possibly an unsuitable, contaminated environment for wetlands, especially tidal wetlands. Furthermore, to designate the remaining portion of the Project area as water-dependent industrial is to potentially utilize the Oakland Estuary mud for landfill purposes, thus stimulating the most dynamic change to the surrounding area by making it possible to implement the designated Mid-State Toll Road (development rights entitled until 2020).</p>	<p>21-62</p>
<p>4. The vast and unique dry farming agriculture within the Montezuma Hills, and the farm lands adjacent to the Montezuma Hills would</p>	<p>21-63</p>

appear to be one of the most vital and viable economic resources for the County. The fact that agricultural production has been continuous since the 1880s, reliant upon the experience of the farmers and the annual natural weather patterns, is an irreplaceable asset to the State. Furthermore, the sustainable agricultural activity has been maintained by the unbroken aquifer connected to the Sacramento River. The vision of the 1960s and 1970s to convert approximately 10,000 acres of this farmland resource into a water-dependent industrial zone would seem to need serious reevaluation. Water-related industrial development, potentially introducing a research and development population and new road systems, would most probably stimulate cumulative deterioration of not only the agricultural landscape but the Sacramento River, its water quality, marshland, and wetland habitat.

21-63  
Cont'd.

In light of the above concerns, CCPE wishes to call your attention to your own letter of November 27, 2007 addressed to Phil Isenberg, Delta Vision Blue Ribbon Task Force, to express concern about the environmental health of this special area of California.

21-64

Sincerely,

Vince Vitalie  
For the Coalition

cc: Phil Isenberg, Chair, Delta Vision Blue Ribbon Task Force  
Attachment: Copy of Letter From Michael Reagan To Phil Isenberg,  
Nov. 27, 2007.

**Collinsville Coalition for the  
Preservation of the Environment**

February 4, 2008

sent via e.mail:myankovick@solanocounty.com

Mike J. Reagan, Chair  
Board of Supervisors  
Solano County

675 Texas St., Suite 6500  
Fairfield, CA 94533-6342

Attention: Michael Yankovich, Planning Manager and Jim Louie, Senior  
Planner

Re: Notice of Preparation (NOP) for Draft Environmental Impact Report  
(DEIR) for General Plan Update vis.a.vis California Environmental Quality  
Act Review (CEQA)

Dear Chair Mike Reagan and Members of the Board:

The Collinsville Coalition for Preservation of the Environment (CCPE) appreciated the opportunity for further comment regarding environmental information to be addressed in the General Plan Update DEIR. Members of the Coalition attended the public meeting on January 23, 2007, (please see our letter dated January 23, 2008) with great interest, finding it informative. As the General Plan Update Project Schedule proceeds, the CCPE remains concerned about both the process and the scope of environmental review.

First, it is perplexing to the CCPE that the General Plan Update's proposed project development as presented in the "Notice of Preparation of An Environmental Impact Report for the 2008 Solano County General Plan" has been seemingly altered to entitle specific and probable additional project developments. Today, in fact, the Citizens Advisory Committee is scheduled to meet for a Part III review of the Initial Draft General Plan to make further recommendations after the close of the comment period for the scope of the EIR.

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It is CCPE's expectation, then, that any specific and probable proposed project development, if included in the Solano General Plan Update, be fully

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analyzed for environmental effects in compliance with CEQA. The CEQA review, on a project-by-project basis, should address, but not be limited to, such matters as significant irreversible changes, growth inducement, consumption of non-renewal resources, primary and secondary impacts, and the duty to analyze impacts on climate change. The duty to comply with CEQA should also fully analyze the range of actions and alternative proposals.

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Cont'd.

The CCPE encourages careful presentation of environmental information and review in the Solano County General Plan Update. Certainly the proposed “Project Schedule” should not dictate an artificial review process that might compromise the great resources of Solano County for future generations.

21-67

Sincerely,

Vince Vitalie  
For the Coalition

,

**Collinsville Coalition for Preservation of  
the Environment**

January 23, 2008

Mike J. Reagan, Chair  
Board of Supervisors  
Solano County  
675 Texas St., Suite 6500  
Fairfield, CA 94533-6342

Re: Notice of Preparation (NOP) for Draft Environmental Impact Report (DEIR) for General Plan Update vis.a.vis California Environmental Quality Act Review (CEQA)

Dear Chair Mike Reagan and Members of the Board:

The Collinsville Coalition for Preservation of the Environment (CCPE) appreciates the opportunity to comment on the NOP for the General Plan Update DEIR in accordance with CEQA Guidelines. Following upon the deliberations and recommendations of the Citizens Advisory Committee (see CCPE letter of December 10, 2007) and after review of the NOP, CCPE remains concerned that the General Plan Update may serve to benefit neither the historic town of Collinsville nor the surrounding wetlands and agricultural lands encompassing the Suisun Marsh and the Montezuma Hills. Many of the policies and planning concepts outlined in the NOP, including the proposed Resource Conservation Overlay, raise questions regarding the conformance with the stated goals of the General Plan Update to guide future conservation of this significant area of Solano County.

The CCPE requests the DEIR consider the following, when preparing the CEQA review report including but not limited to:

1. The historic and residential character of Collinsville, including the cemetery site, cannot be separated from its surrounding natural and cultural landscape, i.e., the Sacramento River, expansive farmlands, and the adjacent wetlands. To continue the designation of water-dependent industrial land use along the Sacramento River would appear to promote future development incentives in direct conflict with preservation of

Collinsville's unique sense of place. The recommendation to spot zone a section of the town to accommodate a recreational park and marina development would also appear to pose adverse development impacts regardless of their intent, scope or scale. The historic integrity of the town remains reflected in its unaltered layout, simplistic infrastructure and unmolested landscape, all of which coincide peacefully with its fragile natural surroundings. The areas natural and unaltered state and co-existence with nature is rare, unique and valuable to everyone, not just those who reside there. California and Solano County need such places rich in character, culture and history. We feel it is important to maintain such a unique place where people, wildlife and a vital, thriving ecosystem exist in harmony and have done so for well over a century. Thus, careful analysis should include:

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Cont'd.

What would be the allowable use, intensity, extent of any Commercial and/or Recreational zoning use be introduced, and;

- What would be the allowable use, intensity, extent of any Commercial and/or Recreational designation in the historic town of Collinsville, and;

21-69

Analyze the impacts and change to the historic character of Collinsville, the Collinsville Cemetery, and environs should Commercial and/or Recreational use be introduced, and;

How might the traditional residential character and patterns of the town, with only a partially Traditional Community zoning, be adversely affected by the introduction and division of Commercial and/or Recreational zoning, and;

21-70

- In what ways might the special aesthetic and cultural landscape of the area be detrimentally altered by the proposed zoning , and;

21-71

- How might the Commercial and/or Recreational development be duplicative of other commercial and recreational centers in Solano County i.e. Suisun City and Rio Vista and thus, detrimental unnecessarily detrimental to a natural and historic environment, and;

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- How might changes to Collinsville, a historic river town, be the first step towards irreversible modernization and development, thus

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destroying Collinsville's uniqueness, natural habitat and respectful historic relationship with nature?

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Cont'd.

2. Recent news accounts that have revealed grave questions regarding water contamination in the Delta and the Suisun Marsh lead to serious questions of land uses within the Suisun Marsh and land use adjacent to the Suisun Marsh. Reports of the reduction of the Delta Smelt population in the Delta would seem to be reason for overall review of the health of the wetland habitat conditions in the Suisun Marsh. Is the Suisun Marsh Protection Act of 1974 adequate? Any allowance of land use for dumping purposes would seem to need serious re-examination. Understanding not only the adverse change to the surface landscape, but the adverse long-term change to the ground water quality and, thus, the entire Marsh area. Also, it would seem timely to review the impacts of the extensive land use designation for wind energy resource overlays allowed for wind generators and the effects, if any, upon the migrating bird population along the Pacific Flyway, seasonally dependent upon the Suisun Marsh. As the Suisun Marsh is proposed to be within a Resource Conservation Overlay, careful analysis should include:

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- How the Suisun Marsh Protection Plan provides adequate oversight, management, and continuous monitoring of changes, air and water quality, and;

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- How provisions for additional, focused regional, state, and/or federal review of the health of the Suisun Marsh are to be mandated and undertaken in light of the diminishing health of the California Delta, and;

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- What provisions are in place to insure adequate support and to protect the health of the marine life, the migratory bird and duck populations, and the flora and fauna, and;

21-79

- What analysis has been undertaken to understand the long-term effects of the introduction of plastics, toxics, contaminated water, exotic plants, unhealthy gas emissions, and other unhealthy impacts resulting from the permitted dumping within the Suisun Marsh Protection Plan area, and;

• How would the introduction of new roads to accommodate the large vehicles transporting the commercial dumping, as well as the then necessary resulting fire prevention roads, impact the Suisun Marsh, and;

21-80

• How the introduction of the wind turbines in the Montezuma Hills might be a long-term and adverse affect upon the bird and migratory duck population in the Suisun Marsh?

21-81

3. The designated land use for the Montezuma Wetlands Restoration Project is conflicting. To designate a large section of the Project, running along the River and the Montezuma Slough, as wetlands may be appropriate on paper, but it would appear a failure in reality to any who view the barren moon-like surface in summer and/or the large stagnant ponds in winter. The seasonal wetlands once defining this area may now be thoroughly contaminated with Oakland Estuary mud and possibly an unsuitable, contaminated environment for wetlands, especially tidal wetlands. Furthermore, to designate the remaining portion of the Project area as Water-Dependent Industrial is to potentially utilize the Oakland Estuary mud for landfill purposes, thus stimulating the most dynamic change to the surrounding area by making it possible to implement the designated Mid-State Toll Road (development rights entitled until 2020) and the established Cal Trans rail right-of-way for future development. As the Montezuma site is proposed to be partially within the Resource Conservation Overlay and partially Water-Dependent Industrial, careful analysis should include:

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Would the proposed inclusion of a portion of the Montezuma Project site in the Resource Conservation Overlay mandate curtailing further dumping of toxic materials, and;

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How does the natural habitat of the Montezuma Project site affect the natural habitat of the Suisun Marsh, and;

21-84

Has a determination of the health, toxic content, potential toxic content, including air, soil, and water, been analyzed by any outside review agency, other than the project developer and/or the County, to establish that the site is eligible for inclusion in the Resource

21-85

Conservation Overlay, rather than become a special clean-up site, and;	21-85 Cont'd.
How would the site be monitored if proposed to be included in the Resource Conservation Overlay designation, and;	21-86
What is the survival rate of the wildlife and current health of the marine life, migratory bird and duck populations, and flora and fauna on the site, and;	21-87
What are the current plans, time-table to open the Montezuma Project site to become a tidal wetlands, as planned in the permit entitlement, and how might such action change or alter the broader sensitive Delta environment, and;	21-88
Would Water-Dependent Industrial zoning curtail the Montezuma Wetlands Restoration Project as defined by permit, and;	21-89
How would the proposed Water-Dependant Industrial zoning affect the integrity, aesthetics, and natural environment of the Resource Conservation Overlay portion of the Montezuma Project site and the Suisun Marsh, and;	21-90
How might the current regional planning goals for protection of the Delta and Delta water resources, including concern for the rise of the water levels, be in conflict with the proposed Water-Dependent Industrial Zoning at the Montezuma site?	21-91
4. The vast and unique dry farming agriculture within the Montezuma Hills, and the farm lands adjacent to the Montezuma Hills, would appear to be one of the most vital and viable economic and natural resources for the County, the region, and the nation. The fact that agricultural production has been continuous since the 1880s, reliant upon the experience of the farmers and the annual natural weather patterns, is an irreplaceable asset to the State. Furthermore, the sustainable agricultural activity has been maintained by the unbroken aquifer connected to the Sacramento River. The vision of the 1960s and 1970s to convert approximately 10,000 acres of this farmland resource into a water-dependent industrial zone would seem to need serious reevaluation. Water-related industrial development, potentially introducing a research and development population and	21-92

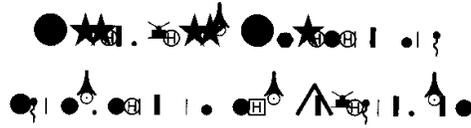
<p>new road systems, would stimulate cumulative deterioration of not only the agricultural landscape but the Sacramento River, its water quality, marshland, and wetland habitat. One simply needs to look across the river towards Antioch and Pittsburg to see what an adverse impact such industrial zoning and development would have on Solano County's vital natural resources. To ensure an understanding of the goal to preserve and maintain the valuable Agricultural designation, careful analysis should include:</p>	<p>21-92 Cont'd.</p>
<p>5. What is the source of the water table that provides for the dry farming agricultural needs and might it be adversely effected by proposed Water-Dependent Industrial needs in the Montezuma Hills, and;</p>	<p>21-93</p>
<p>How might the introduction of Water-Dependent Industrial activity diminish the health of the Sacramento River, its natural wetlands areas and the surround levee areas and/or the Resource Conservation Overlay areas, and;</p>	<p>21-94</p>
<p>What defines the over riding benefit vs. the loss of continuous unbroken dry farmland acreage that could, then, face, irreversible modernization and "research and development" activity that would mean the loss of a special area, and;</p>	<p>21-95</p>
<p>How might the introduction of foreign "green waste" materials alter the integrity of the Montezuma Hills, and;</p>	<p>21-96</p>
<p>What might be the effect of large standing holding ponds upon the air and water quality, and;</p>	<p>21-97</p>
<p>How might the Water-Dependent Industrial land usedesignation alter the goals and intent to preserve and protect the integrity of the Delta Vision should permits be issued?</p>	<p>21-98</p>
<p>Thank you for your attention given to some of these concerns of CCPE. It is our hope that the ask Force, to express concern about the environmental health of this special area of California.</p>	<p>21-99</p>

General Plan Update of the potential to cause future irreversible environmental impacts that might alter the health of this significant area of Solano County.

21-99  
Cont'd.

Sincerely,

Vince Vitalie  
For the Coalition



May 22, 2008

Ms. Jennifer Barton, Chairwoman  
Planning Commission  
675 Texas Street  
Fairfield, CA 94533

Dear Chairwoman Barton and Commission Members,

Re: Solano County 2008 Draft General Plan and Appendix C,  
Collinsville and Montezuma Hills

First, the Collinsville Coalition for Protection of the Environment (CCPE), a group formed to participate in the 2008 Draft General Plan (Plan) process, requests an extension of the Response Time to the Draft Plan, as well as an extension of the Comment Period for the Draft Environmental Impact Report (DEIR). The Plan was issued on March 29<sup>rd</sup> and the DEIR was issued on April 18<sup>th</sup>, but Appendix C delineating substantial plan and project elements for Collinsville and Montezuma Hills was not posted on the Internet until May 6. Appendix C proposes new project specifics and includes new information that deserves further serious analysis and comment.

21-100

In general, CCPE finds that the Plan's long-term program for the historic river town of Collinsville, the surrounding wetlands and agricultural lands, and the adjacent Sacramento River, is in direct conflict with the County's own stated ideals. To consider re-adoption of the *1979 Collinsville-Montezuma Area Plan and Program*, in whole or in part, which envisioned that the area become a potential site for commercial development and a deep

21-101

water port along a deepened Sacramento Ship Channel, is not consistent with the County's current vision for environmental and economic sustainability.

21-101  
Cont'd.

In light of the Plan's stated intent to provide for human and environmental needs, and in light of the State's global climate planning mandates and the California Water Plan Update 2005, it is ironic that Solano County would propose in 2008 to do anything other than protect, maintain, enhance and restore the Suisun Marsh, the Montezuma "wetlands," the undeveloped historic town of Collinsville, and the irreplaceable dryfarming landscape that spreads across the Montezuma Hills. This vast area of Solano County is one of California's great assets. CCPE believes the Plan guidelines for future development in the Suisun Marsh and the Collinsville Special Study Area should be re-examined.

21-102

Why continue and expand a polluting waste dump and propose a power plant in the Suisun Marsh Primary Protection Zone? Why encourage industrial investment, including a new road and rail access, in the Montezuma "wetlands restoration" project area, where habitat mitigation for disturbance of the Salt-Marsh Harvest Mouse was guaranteed? Why should commercial development in the town of Collinsville be stimulated when its current historic existence is sustainable and it already provides full access and wide open scenic views of the passing Sacramento River? And, why would consideration be given to speculative industrial enterprises in the Montezuma Hills when its agricultural production is of long-term economic benefit to the County and to the State, without imported water, new roads, a new port, or population growth?

21-103

Significantly, the projected "blueprint" for development in this unincorporated area appears to ignore the California Water Plan. The Water Plan asks for a fundamental shift regarding all issues and responsibilities surrounding water resources. The Suisun

21-104

Marsh-Collinsville-Montezuma Hills area is knit together by a water system of ecological importance providing food and habitat for waterfowl on the Pacific Flyway, Bald Eagles, Swainson's Hawks, Red-Legged Frogs, Giant Garter Snakes, Stripped Bass, Delta Smelt, Chinook Salmon, and other threatened aquatic species, *and* also contributing favorably to the overall health of the Sacramento Delta water supply. A comprehensive water planning approach has been ignored in the proposed Solano Plan.

21-104  
Cont'd.

21-105

CCPE finds that Collinsville and the Montezuma Hills have historically been left out of priority habitat and resource conservation designation consideration. In fact, this area may be one of the richest in vital habitat and natural resources anywhere in the County. The early zoning of the area which predates almost all of the protection acts and other laws has either wrongly, or purposefully, caused Collinsville and its immediate surroundings to be left out of the Suisun Marsh Protection Act. This oversight needs to be addressed before any zoning changes occur.

21-106

Also, according to the County the Montezuma Hills is considered Grazeland. This is not correct and does not properly represent the past, present, or future use of the area. It should be deemed Farmland of Statewide importance for its unique and vital dryfarming which is valued not only statewide but nationally. CCPE considers this to be another oversight, or purposeful misrepresentation, of the area resources.

21-107

The weighty consideration of global warming effects, the financial burden of providing new infrastructure for industry or recreation where none exists, and the real vulnerability to natural disasters, such as floods, earthquakes, and drought, only adds to the serious questions of strategic planning for the Suisun Marsh-Collinsville-Montezuma Hills area. It should now be recognized that there is a fundamental fallacy to putting the interests of corporate gain above those of the natural environment and the public welfare.

21-108

The business-as-usual dream of new industrial parks, ports, roads, and marinas is passé when there are already underutilized facilities within the County and in the Sacramento Delta region. Please consider that industrial growth of this unique area does not equate to fiscal benefit in the long run. Any economic benefit generated by new development would be is disproportionate to the mandated need to plan for a sustainable future. Toward this end the Solano County Plan needs serious reconsideration.

21-109

To stand at the end of the Collinsville Road and see that the Sacramento River is already low in the month of May is only one cause for concern. Many aspects of California's good life, once taken for granted, may be no longer attainable unless we plan with care.

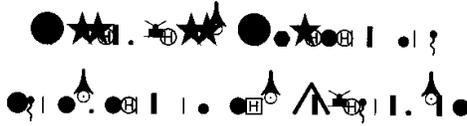
21-110

Thank you for your attention given to these concerns. CCPE looks forward to submitting its further comments on the DEIR for the Solano County 2008 Draft General Plan.

Sincerely,

Vince Vitalie,

Collinsville Coalition for  
Protection of the  
Environment



May 22, 2008

Ms. Jennifer Barton, Chairwoman  
Planning Commission  
675 Texas Street  
Fairfield, CA 94533

Dear Chairwoman Barton and Commission Members,

Re: Solano County 2008 Draft General Plan and Appendix C,  
Collinsville and Montezuma Hills

First, the Collinsville Coalition for Protection of the Environment (CCPE), a group formed to participate in the 2008 Draft General Plan (Plan) process, requests an extension of the Response Time to the Draft Plan, as well as an extension of the Comment Period for the Draft Environmental Impact Report (DEIR). The Plan was issued on March 29<sup>rd</sup> and the DEIR was issued on April 18<sup>th</sup>, but Appendix C delineating substantial plan and project elements for Collinsville and Montezuma Hills was not posted on the Internet until May 6. Appendix C proposes new project specifics and includes new information that deserves further serious analysis and comment.

21-111

In general, CCPE finds that the Plan's long-term program for the historic river town of Collinsville, the surrounding wetlands and agricultural lands, and the adjacent Sacramento River, is in direct conflict with the County's own stated ideals. To consider re-adoption of the *1979 Collinsville-Montezuma Area Plan and Program*, in whole or in part, which envisioned that the area become a potential site for commercial development and a deep

21-112

water port along a deepened Sacramento Ship Channel, is not consistent with the County's current vision for environmental and economic sustainability.

21-112  
Cont'd.

In light of the Plan's stated intent to provide for human and environmental needs, and in light of the State's global climate planning mandates and the California Water Plan Update 2005, it is ironic that Solano County would propose in 2008 to do anything other than protect, maintain, enhance and restore the Suisun Marsh, the Montezuma "wetlands," the undeveloped historic town of Collinsville, and the irreplaceable dryfarming landscape that spreads across the Montezuma Hills. This vast area of Solano County is one of California's great assets. CCPE believes the Plan guidelines for future development in the Suisun Marsh and the Collinsville Special Study Area should be re-examined.

21-113

Why continue and expand a polluting waste dump and propose a power plant in the Suisun Marsh Primary Protection Zone? Why encourage industrial investment, including a new road and rail access, in the Montezuma "wetlands restoration" project area, where habitat mitigation for disturbance of the Salt-Marsh Harvest Mouse was guaranteed? Why should commercial development in the town of Collinsville be stimulated when its current historic existence is sustainable and it already provides full access and wide open scenic views of the passing Sacramento River? And, why would consideration be given to speculative industrial enterprises in the Montezuma Hills when its agricultural production is of long-term economic benefit to the County and to the State, without imported water, new roads, a new port, or population growth?

21-114

Significantly, the projected "blueprint" for development in this unincorporated area appears to ignore the California Water Plan. The Water Plan asks for a fundamental shift regarding all issues and responsibilities surrounding water resources. The Suisun

21-115

Marsh-Collinsville-Montezuma Hills area is knit together by a water system of ecological importance providing food and habitat for waterfowl on the Pacific Flyway, Bald Eagles, Swainson's Hawks, Red-Legged Frogs, Giant Garter Snakes, Stripped Bass, Delta Smelt, Chinook Salmon, and other threatened aquatic species, *and* also contributing favorably to the overall health of the Sacramento Delta water supply. A comprehensive water planning approach has been ignored in the proposed Solano Plan.

21-115  
Cont'd.

21-116

CCPE finds that Collinsville and the Montezuma Hills have historically been left out of priority habitat and resource conservation designation consideration. In fact, this area may be one of the richest in vital habitat and natural resources anywhere in the County. The early zoning of the area which predates almost all of the protection acts and other laws has either wrongly, or purposefully, caused Collinsville and its immediate surroundings to be left out of the Suisun Marsh Protection Act. This oversight needs to be addressed before any zoning changes occur.

21-117

Also, according to the County the Montezuma Hills is considered Grazeland. This is not correct and does not properly represent the past, present, or future use of the area. It should be deemed Farmland of Statewide importance for its unique and vital dryfarming which is valued not only statewide but nationally. CCPE considers this to be another oversight, or purposeful misrepresentation, of the area resources.

21-118

The weighty consideration of global warming effects, the financial burden of providing new infrastructure for industry or recreation where none exists, and the real vulnerability to natural disasters, such as floods, earthquakes, and drought, only adds to the serious questions of strategic planning for the Suisun Marsh-Collinsville-Montezuma Hills area. It should now be recognized that there is a fundamental fallacy to putting the interests of corporate gain above those of the natural environment and the public welfare.

21-119

The business-as-usual dream of new industrial parks, ports, roads, and marinas is passé when there are already underutilized facilities within the County and in the Sacramento Delta region. Please consider that industrial growth of this unique area does not equate to fiscal benefit in the long run. Any economic benefit generated by new development would be is disproportionate to the mandated need to plan for a sustainable future. Toward this end the Solano County Plan needs serious reconsideration.

21-120

To stand at the end of the Collinsville Road and see that the Sacramento River is already low in the month of May is only one cause for concern. Many aspects of California's good life, once taken for granted, may be no longer attainable unless we plan with care.

21-121

Thank you for your attention given to these concerns. CCPE looks forward to submitting its further comments on the DEIR for the Solano County 2008 Draft General Plan.

Sincerely,

Vince Vitalie,

Collinsville Coalition for  
Protection of the  
Environment

First of all we would like to request an extension of the Response Time to the Draft General Plan. The General Plan was issued on March 23 but the Appendice for Collinsville and Montezuma Hills was posted on the Internet May 6.

Several areas of the Appendice for Collinsville cause us great concern.

On pg. C-20, mention is made about the “Montezuma Slough is a major part of the principal nursery area for striped bass in the San Francisco Bay-Delta system. The suitability of the slough as a nursery grounds is partially due to its ideal conditions for the growth of Neomysis Shrimp, the main food item for striped bass.” But on C-29

“...Montezuma Slough orientated activities (boat launching, etc.) The plan is to use an environmentally fragile and breeding area for striped bass for recreational boat launching.

Why is the Neomysis Shrimp not listed on the Special-Status Wildlife Species Know to Occur or Potentially Occurring in Solano County Table in the Draft EIR?

Would using the Slough for boat launching include dredging? What damage will this do to the ecological base there?

Pg. C-21--Nowhere in the Area Wide Land Use and Transportation Policies does it list Traditional Community--Residential in regard to the homes of the historic Collinsville town site. It is written as if there are no taxpayer/residents living there. It is written as if the people of Collinsville are unimportant and to be disregarded not only now but in the future. The CAC as well as the citizens of historic Collinsville specifically recommended that the town site be zoned Traditional Community--Residential. On Pg. C-27 “Land comprising the existing settlement of Collinsville should be designated to accommodate commercial recreational land uses.” Does this mean that in the future there will be no homes--only Commercial Recreational businesses? We dispute the term “dilapidated” when referring to the existing homes in historic Collinsville. Some of the homes were built in the late 1880’s and are lived in today—including the Vitalie family home. Some current home and landowners have roots back to when their families maintained their living fishing on the River and historic Collinsville was a booming town.

Goal SS.G-3 states “Protect and maintain the historic communities of Birds Landing and Collinsville while continuing to provide opportunities for industrial development that are compatible with the Collinsville area.”

Policy SS.P-21 states “Preserve the residential character of the Collinsville town site; ensure that any future non residential uses are compatible with the residential character and that an adequate buffer is established between residential and nonresidential uses.”

We request that the Traditional Community--Residential designation be listed in this Appendix C.

Pg. C-22—Hazardous Cargo Transport—This is most alarming. We have not learned anything from our past history. In the Draft EIR, it is mentioned that the fish industry around Collinsville was killed by pollution from a distant mining operation. Thereby dooming the town of Collinsville. In the 60’s and 70’s, the County had plans for Dow Chemical, National Steel, a nuclear PG&E plant and a coal-fired PG&E plant to build in the Collinsville area. These industries are gross air, land and water polluters. Yet again we are talking about industry building in this sensitive marsh and wetland area. In this area, we have the Montezuma Wetlands that has had contaminated Oakland Estuary Dredge dumped on it. Not too long ago, there was a huge accident when the Federal Government was working on their Prospect Island and the work caused a huge, huge fish kill.

Pg. C- 27--On the recommendation of another boat marina, Solano County already has three. Has a study been made on the feasibility of a fourth marina? How many berths already exist and what percentage of the berths are filled at each marina?

By simply listing a marina, restaurants, commercial lodging, retail shops, boat sales, a boat launching ramp and boat construction and repair mean that these recommendations are entitled and no EIR is required.

On pg. C-28 "a buffer shall be established around the townsite." But than it goes on to say that the buffer be 500 ft. There is conflicting statements—"Within the buffer areas, no major industrial buildings or structures can be constructed, nor will outdoor industrial storage be allowed. Areas within the buffer can be used for landscaping, parking or commercial recreation. Docking facilities, minor industrial structures or other uses are also allowed when bound by the County during project consideration to be compatible with townsite protection." According to this conflicting paragraph, there is no buffer protection for the historic townsite.

We purpose an open-space buffer of two miles around the complete townsite would be more acceptable.

There is a great deal of history there even though the original town was burned down. The first Mormon Settlement, the only Solano County Settlement including a portion of Collinsville Road that was built on stilts to avoid the River flooding, a large fishing industry and canning facilities, etc. In its early beginnings, Collinsville was a contributor to the economic growth of the County.

My husband's family has lived in historic Collinsville since the 1880's. His grandfather was born there as well as 10 of the 12 children have been born in the existing home. They have watched the river turn from blue to brown in color. They have watched the fish population go from making a living to the ban on commercial fishing on the River. The abundance of bird and water-fowl decrease in alarming numbers. The animals of the River and land dwindle.

In the future will our children and grandchildren have the Industrial and Commercial Recreational areas but standing alone because our animal neighbors have been driven out?

- 21-1 The commenter believes that the 2008 Draft General Plan as proposed would have significant global warming impacts and cause damage to the Collinsville area. The comment is noted. Potential impacts of the 2008 Draft General Plan relative to climate change are thoroughly addressed in Chapter 6 of the DEIR. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration. The DEIR concurs with the commenter that climate change impacts are significant and unavoidable, as noted on page 6-42 of the DEIR.
- 21-2 The comment is noted. The comment points out the unique characteristics of the Collinsville–Montezuma Hills area. This is also recognized in various sections of the 2008 Draft General Plan and the DEIR. No further response is warranted.
- 21-3 The comment is noted.
- 21-4 The commenter requests that the DEIR be recirculated because of the addition of new information to the 2008 Draft General Plan. The commenter refers to additions to Appendix C of the 2008 Draft General Plan, pertaining to the Collinsville–Montezuma Hills area, which was distributed as part of a 2008 Draft General Plan errata sheet and was made publicly available via the County’s Web site on May 6, 2008. This appendix to the 2008 Draft General Plan identifies components of Solano County’s adopted Suisun Marsh Local Protection Program applicable to the Collinsville–Montezuma Hills area, including policies from the *Collinsville-Montezuma Hills Area Plan and Program*, which were inadvertently left out of Appendix C. Under the Suisun Marsh Protection Act, the County and other agencies having jurisdiction within Suisun Marsh are required to bring their land use policies, regulations, programs, and operating procedures into conformity with the act and Suisun Marsh Protection Program through preparation of the Local Protection Program. Through discussions between the County and the San Francisco Bay Conservation and Development Commission, it was determined that the land use designations and other policies proposed within the 2008 Draft General Plan would require an amendment to the County’s Local Protection Program. The amendment is proposed to be completed by 2011, as identified in Program RS.I-12 of the 2008 Draft General Plan. The County’s proposed policies pertaining to Suisun Marsh are listed on page RS-25 of the 2008 Draft General Plan. These would be used as the foundation for the Local Protection Program update.
- However, until such an update is completed, the County is still obligated under the Suisun Marsh Protection Act to identify the adopted development and conservation policies stated in its current Local Protection Program within the General Plan. These are provided in Appendix C to the 2008 Draft General Plan. The policies outlined in Appendix C are consistent with the current General Plan and the *Collinsville–Montezuma Hills Area Plan and Program*. The County acknowledges these inconsistencies between the policies listed in Appendix C and the proposed 2008 Draft General Plan. The inconsistencies will be corrected through implementation of the following programs:
- ▶ Program RS.I-12, to update the County’s Suisun Marsh Local Protection Program (page RS-28 of the 2008 Draft General Plan)
  - ▶ Program SS.I-6, to review and update the *Collinsville–Montezuma Hills Area Plan and Program* (page LU-64 of the 2008 Draft General Plan) to be consistent with proposed

policies and programs regarding Collinsville (pages LU-62 through LU-68 of the 2008 Draft General Plan and DEIR page 3-9)

These policies and programs comprise the 2008 Draft General Plan with respect to Collinsville, and are analyzed throughout the DEIR. Thus, recirculation is not required. (Also, please refer to Master Response F, “CEQA Requirements Regarding Recirculation,” in Chapter 2 of this FEIR.)

The project scenarios described in Appendix C of the 2008 Draft General Plan have been revised by the 2008 Draft General Plan itself, and thus are not identified in the DEIR project description as being presented in Appendix C. Rather, they are included as an appendix to the 2008 Draft General Plan to maintain consistency with the Suisun Marsh Protection Act until the County’s Local Protection Program is updated.

- 21-5 The 2008 Draft General Plan incorporates recommendations that were developed during the Collinsville Special Study, a community-based planning program in which all property owners and residents as well as the general public were invited to participate. From the community workshops, a new goal and set of general policies were developed along with alternative land use strategies. Program SS.I-6 provides for the review and update of the *Collinsville–Montezuma Hills Area Plan and Program* consistent with the land uses, policies, and programs for the Collinsville Special Study Area.
- 21-6 The commenter expresses a preference for Alternative 3, the Reduced Commercial and Industrial Development Alternative. The commenter states that Alternative 3 would lessen cumulative impacts on the Collinsville–Montezuma Hills area. The commenter’s opinion regarding the merits of Alternative 3 will be provided to the County Board of Supervisors for further consideration as it weighs the pros and cons of the various project alternatives. As part of that process, the County Board of Supervisors, acting in a legislative capacity in which it possesses considerable policy-making discretion, will inevitably weigh and balance competing economic, social, environmental, legal, and other considerations. The County Board of Supervisors undoubtedly has discretion to reach conclusions consistent with the commenter’s preferences. This same discretion, however, gives the board the latitude to reach different conclusions, provided that they are supported by substantial evidence.
- 21-7 The comment is noted.
- 21-8 The commenter expresses the belief that the County has not sufficiently justified the need for supporting water-related industrial development in the Collinsville–Montezuma Hills area. The commenter’s preference is noted and will be provided to the County Board of Supervisors for further consideration. Please refer to Response to Comment 21-6.
- 21-9 The commenter asks for the definition of an “opportunity site” as portrayed in Figure ED-2 of the 2008 Draft General Plan. Opportunity sites are sites within the unincorporated county that could provide opportunities for economic development. Such sites are described in the 2008 Draft General Plan on pages ED-9 through ED-13 of the Economic Development chapter.
- 21-10 The commenter states that the proposed dredge project for the Baldwin–Stockton Deep Water Ship Channel project is not identified nor analyzed within the DEIR. This project would occur within Suisun Marsh, and thus would be subject to provisions of the San Francisco Bay Conservation and Development Commission’s (BCDC’s) *Suisun Marsh Protection Plan* and, as applicable, the County’s implementing Local Protection Plan, which are discussed within the Resources chapter and Appendix C, “Suisun Marsh Policy Addendum,” of the 2008 Draft General Plan. Potential environmental impacts associated with the dredging project would be evaluated in environmental documentation prepared for the project pursuant to CEQA, and must

comply with the *Suisun Marsh Protection Plan*. Such compliance with existing state and county regulations would ensure a less-than-significant cumulative impact.

- 21-11 The commenter states that joint efforts occurring between the California Transportation Commission and the Port of Sacramento related to acquiring funds for deepening the Sacramento River near Collinsville are neither identified nor analyzed within the DEIR. Please refer to Response to Comment 21-10. Compliance with existing state and county regulations would ensure a less-than-significant cumulative impact.
- 21-12 As part of the review and update of the *Collinsville–Montezuma Hills Area Plan and Program*, provisions for a new port facility will need to be reviewed and evaluated given the change in market and local conditions. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 21-13 The comment is noted. CEQA does not require that an EIR evaluate economic impacts, but only the physical changes that may occur from such impacts. Physical impacts related to economic impacts of the 2008 Draft General Plan are evaluated in the DEIR throughout the document. Indirect physical impacts are also evaluated in each section. The commenter does not provide any specific comments regarding the adequacy or completeness of the DEIR or otherwise raise significant environmental issues within the meaning of CEQA. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 21-14 Please refer to Response to Comment 21-13. The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 21-15 The commenter’s questions are noted. Although these questions do not relate specifically to the EIR for the 2008 Draft General Plan, they will be provided to the County Board of Supervisors for further consideration.
- 21-16 The commenter refers to Policy TC.P-22 of the 2008 Draft General Plan, which directs the County to continue to examine potential for development deepwater port facilities to support commercial and industrial uses. As noted on page TC-21 of the 2008 Draft General Plan, deepwater access is available near Collinsville, and a retired port facility exists on Mare Island in Vallejo and has the potential for future reuse. Policy TC.P-22 does not advocate one of these alternatives in favor of the other. Because Mare Island is located within the city of Vallejo, the County has no land use authority to approve a future deepwater port at that location, which would make implementation of such an alternative infeasible for the County. However, successful implementation of the 2008 Draft General Plan and cooperation with the City of Vallejo would result in consideration of Mare Island as an alternative to Collinsville for future deepwater port facilities, and vice versa, allowing for comparison of relative environmental impacts between the two if specific deepwater port projects are proposed pursuant to the 2008 Draft General Plan.
- 21-17 The County used an extensive public-involvement process, including the Collinsville Special Study Area meetings, to determine the scope of the 2008 Draft General Plan along with alternatives. The 2008 Draft General Plan contains extensive documentation of the public-involvement process for special study areas that occurred. However, this comment does not relate to the environmental analysis conducted in the EIR for the 2008 Draft General Plan and no further response is necessary. This comment will be provided to the County Board of Supervisors for further consideration. Please refer to Master Response A, “Proposed Changes in Policy

Language,” for a discussion of how comments or proposed suggestions to revise the existing policies in the 2008 Draft General Plan will be considered by the County.

- 21-18 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 21-19 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 21-20 Please refer to Response to Comment 21-87.
- 21-21 Please refer to Response to Comment 21-87.
- 21-22 Please refer to Response to Comment 21-87.
- 21-23 Please refer to Response to Comment 21-22. Future water-dependent industrial projects that may occur east of Collinsville would be considered “site-specific projects” and, therefore, are not required to be analyzed as part of the DEIR. Future development projects that may occur in areas designated for Water-Dependent Industrial land uses would be required to conduct a project-specific environmental impact analysis under CEQA, which would include the potential impacts of any project-related dredging.
- 21-24 The commenter requests additional site-specific information on Delta smelt habitat that could be adversely affected by port development on the Sacramento River. The request is noted. The banks and inlets of the Sacramento River do not provide spawning habitat for Delta smelt, which (as the DEIR states) attach eggs to solid substrate in backwater sloughs upstream of the freshwater/brackish water mixing zone. Direct impacts on Delta smelt movement and rearing habitat from development of port facilities on the Sacramento River would be addressed on a site-specific basis in subsequent project-level CEQA analysis. Site-specific descriptions of Delta smelt habitat are not necessary to address general indirect impacts on fisheries resulting from implementation of the 2008 Draft General Plan.
- 21-25 The commenter does not provide any specific comments regarding the adequacy or completeness of the DEIR or otherwise raise significant environmental issues within the meaning of CEQA and the comment is noted. The California Department of Conservation, and not Solano County, manages the state Farmland Mapping and Monitoring Program (FMMP) and issues the Important Farmland maps. The commenter’s concerns, therefore, would be more appropriately addressed to the California Department of Conservation. The commenter’s concerns will, however, be provided to the County Board of Supervisors for further consideration.
- 21-26 The commenter suggests that the Pacific Gas and Electric Company (PG&E) property located east of Collinsville may subject to a mitigation agreement for development elsewhere in the county, and asks how scenic vistas of the Hastings Adobe site would be preserved. At the community workshops for the Collinsville Special Study Area in June and July 2007, a representative of PG&E stated that PG&E was studying the property for use a potential site for mitigation for other PG&E projects throughout the state. The County is not aware of any mitigation agreement associated with this site.

With regard to protecting the scenic vistas both of and from the historic adobe, upon any future development of the property, the adobe itself would be subject to cultural resource review. Policy

SS.P-20 (page LU-64) and Program SS.I-9 (page LU-67) of the 2008 Draft General Plan address preservation of historic buildings within the Collinsville study area.

If the site is going to be used for mitigation purposes by PG&E, it is unlikely that such use of the would result in any new development that would block current views of the site. If the site is developed in the future pursuant to the Water Dependent Industrial designation identified in the 2008 Draft General Plan, the *Collinsville–Montezuma Hills Area Plan* includes a goal stating that “development should minimize alternations of the area’s natural features and seek a compatible visual relationship with neighboring landscapes and particularly wildlife and reaction areas”. (*Collinsville–Montezuma Hills Area Plan*, page 19). As required by Program SS.I-6 (page LU-64) of the 2008 Draft General Plan, these provisions will be refined as part of a planned update to the area plan to implement the 2008 Draft General Plan.

21-27 Please refer to Response to Comment 21-26.

21-28 Please refer to Response to Comment 21-23.

21-29 Future biofuel production projects that may occur would be required to conduct a project-specific environmental impact analysis under CEQA. Policies of the 2008 Draft General Plan would not override, or exempt, requirements of CEQA.

21-30 As discussed in the Soils and Geology background report prepared for the 2008 Draft General Plan (see Section 5.3.2, “Faults”), two faults in Solano County are known to be active—the Green Valley Fault and the Concord Fault. The area shown in Exhibit HS-3 of the 2008 Draft General Plan as Highest Potential Earthquake Damage Area correlates with the location of these two known active faults.

As discussed in the Soils and Geology background report prepared for the 2008 Draft General Plan (see Section 5.4.5, “Liquefaction”), soil liquefaction results from loss of strength during earthquake shaking. Soils most susceptible to liquefaction include clean, uniformly graded, loose, saturated, fine grained sands. Granular soil material is transformed by earthquake shaking into a fluid-like state in which solid materials are virtually in suspension, similar to quicksand. The areas of liquefaction potential correlate with soil types found in Solano County. As an example, soil layers with high liquefaction potential are found in existing and former marsh areas which are underlain by saturated bay mud.

Because “seismic shaking potential” and “liquefaction potential” rely on different base conditions (e.g., soils, fault locations), these two hazards should not be directly correlated or compared.

21-31 The commenter appears to object to the presentation of liquefaction and seismic shaking hazards in the DEIR, and suggests that Collinsville should be interpreted as an area of high hazard potential.

The comment is noted. Exhibit 4.7-2 of the DEIR shows areas of past seismic activity, fault traces, and the highest potential earthquake hazard area for the county, while Exhibit 4.7-3 shows areas of liquefaction hazard in the county. Impact 4.7-2a and 4.7-b, “Potential for Exposure to Seismic Ground Shaking,” and Impact 4.7-3a and 4.7-3b, “Potential for Seismic Ground Failure,” describe how relative risks of seismic shaking are affected by conditions such as the distance from the earthquake epicenter, bedrock conditions, and type and thickness of underlying soils. Elevated liquefaction potential is specifically identified for areas of existing and former marshland.

Although different areas of the county have different levels of risk related to seismic shaking and liquefaction, policies included in the 2008 Draft General Plan would control development in areas subject to seismic-related ground shaking and liquefaction hazards. These policies, which are referenced in Impacts 4.7-2a, 4.7-2b, 4.7-3a, and 4.7-3b, mandate that the County will require applicants to evaluate and address these risks on a project-specific basis as projects are proposed. Implementation of these policies, as well as applicable state and federal regulations, would reduce the risks described by the commenter.

- 21-32 The commenter inquires about the risk for potential industrial developers in the Collinsville area in the event of a sizeable earthquake, as well as raising questions about economic and social effects of earthquakes on such potential future development. The question is noted. Potential risk to areas where future development would be permissible under the 2008 Draft General Plan land use classifications will be evaluated on a project-specific basis through implementation of General Plan policies, as described in response 21-31. Implementation of these policies would reduce impacts to a less-than-significant level, as described in impact discussions 4.7-2a, 4.7-2b, 4.7-3a, and 4.7-3b.

With respect to questions about economic and social effects, Section 15131(a) of the State CEQA Guidelines states, "Economic or social effects of a project shall not be treated as significant effects on the environment." In other words, the economic or social changes that a project (in this case, the 2008 Draft General Plan) may cause are not, in and of themselves, significant environmental effects that require analysis in an EIR. For this reason, and because this comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is necessary.

- 21-33 The commenter asks what the County's liability would be should flood damage occur as a result of the proposed land use changes, and questions whether it is economically or socially responsible to encourage development in this area.

The comment is noted. However, the comment does not relate specifically to the EIR for the 2008 Draft General Plan. As stated in Section 15131(a) of the State CEQA Guidelines, "Economic or social effects of a project shall not be treated as significant effects on the environment." In other words, the economic or social changes that a project (in this case, the 2008 Draft General Plan) may cause are not, in and of themselves, significant environmental effects that require analysis in an EIR. For this reason, and because this comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is necessary.

- 21-34 The commenter asserts that the Water Dependent Industrial designation east of the Collinsville town site proposed within the 2008 Draft General Plan is "purposefully unresolved about where such development might occur along the Sacramento River location, due to potential forthcoming development applications." The 2008 Draft General Plan designates a broad area east of Collinsville for Water Dependent Industrial use, which may accommodate a wide range of uses, subject to certain development conditions, as described in Table LU-5 on pages LU-20 and LU-21 of the 2008 Draft General Plan. The 2008 Draft General Plan anticipates no specific development project, although landowners were invited to participate in the five Collinsville Special Study Area workshops held in June and July 2007. Numerous alternatives were presented and discussed during these workshops, and the 2008 Draft General Plan is reflective of the community input, as accepted and modified by the Citizens' Advisory Committee. It should be noted that on July 8, 2008, County staff presented a modified version of the land use diagram for the Collinsville area that substantially reduced the amount of land designated Water Dependent Industrial in the subject area. If accepted by the County Board of Supervisors, such modifications would reduce the area in which industrial projects could be located, and thus the potential impacts on biological resources and the Sacramento River. Because no specific project is proposed,

impacts of industrial development on such resources and the river are not known at a project-specific level at this time. Such impacts would be analyzed in project-specific CEQA analysis of such future proposals. Such proposals would also be required to comply with the Rivers and Harbors Act, Sections 10 and 404 of the Clean Water Act, and all other pertinent federal and state laws. No further analysis is required.

21-35 The EIR fully analyzes impacts related to cultural resources that could occur with implementation of the 2008 Draft General Plan, including cultural resources that may be located within the Collinsville Special Study Area (see Section 4.10, “Cultural and Paleontological Resources,” of the DEIR).

21-36 The commenter states that because enough growth-inducing change is being anticipated to cause significant impacts, and given that this is a program EIR from which project-specific EIRs may tier, it is critical to understand existing historical and cultural resources. The commenter also appears to suggest that the 2008 Draft General Plan include a “historic landscape” land use designation.

The DEIR fully analyzes impacts related to cultural resources that could occur with implementation of the 2008 Draft General Plan, including cultural resources that may be located within the Collinsville Special Study Area (see Section 4.10, “Cultural and Paleontological Resources”). The County did not downplay the significance of cultural and historical resources in Collinsville. To the contrary, the DEIR acknowledges that “Solano County contains many historically significant built-environment resources. Such resources may be clustered in an area unified by a historical theme (e.g., the Birds Landing and *Collinsville* area)...” (page 4.10-25; italics added). Although the full extent of historical resources in the Collinsville area is not known at this time, nor could it be known within the time frame of the 2008 Draft General Plan, programs and mitigation measures included in the 2008 Draft General Plan and DEIR would help reduce any potential impacts on such resources. Please refer to Impacts 4.10-1a, 4.10-1b, 4.10-2a, and 4.10-2b on pages 4.10-25 through 4.10-29 of the DEIR, and to Master Response G, “Deferred Mitigation,” in Chapter 2 of this FEIR for a discussion of the permissibility of deferring some amount of mitigation when the agency has committed to realistic performance criteria.

The County believes that a “Historic Landscape” land use designation in the 2008 Draft General Plan would be infeasible. “Feasible” is defined as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors (State CEQA Guidelines, Section 15364). Furthermore, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 410, 417). A historic landscape designation would not be feasible because, as with most cultural resources in Solano County, the majority of historic built-environment resources meeting the definition of historic resource under Section 151064.5 of the State CEQA Guidelines have not likely been identified because of time and budget constraints, and because what qualifies as a “historic” resource is constantly evolving as the existing environment grows older. Further, historic resources are very often, if not always, interspersed with nonhistoric resources; therefore, identifying large areas of land for historic designation is not practicable. The inclusion of nonhistoric resources in a historic land use designation would likely artificially constrain the county’s real estate market and inhibit the County’s choices to provide a range of development options that would ensure a vibrant local economy because it would presumably prohibit infill development in areas designated “historic landscape.” Such a result would also likely lead to environmental consequences, given that denser development often reduces vehicle miles traveled, air quality impacts, and impacts related to conversion of agricultural or open space lands.

- 21-37 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration. It is unclear what specific “analysis and alternative review” the commenter is requesting.
- 21-38 The comment is noted. The letters referenced by the Commenter are part of the administrative record and available for review during business hours at the Solano County Department of Resource Management. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration. All comment letters received on the DEIR are included in this FEIR document.
- 21-39 Please refer to Response to Comment 21-36. Although the full extent of the county’s historic resources cannot be known at this time, implementation of the policies and programs identified in the DEIR’s discussion of Impacts 4.10-1a, 4.10-1b, 4.10-2a, and 4.10-2b (DEIR pages 4.10-25 through 4.10-29) as well as Mitigation Measures 4.10-1a and 4.10-2a would ensure that, at a minimum, historic resources are identified through the County’s permitting process. These policies, programs, and mitigation measures would also ensure that if a building or structure qualifies as a historic resource and if a substantial adverse change in its significance would occur, the project applicant would be required to implement feasible mitigation measures recommended by an architectural historian. Nevertheless, because it is possible that a building meeting the definition of a historical resource could be removed, impacts on the historical built environment would remain significant and unavoidable.
- 21-40 The DEIR analyzes the potential impacts on historical built-environment resources that may be found in communities such as Collinsville. Impacts 4.10-1a, 4.10-1b, 4.10-2a, and 4.10-2b identify impacts that may result from the removal or alteration of historical built environment resources during implementation of the 2008 Draft General Plan. Mitigation Measures 4.10-1a, 4.10-1b, 4.10-2a, and 4.10-2b were developed to minimize or offset these potential impacts. As part of these mitigation measures, buildings more than 45 years of age subject to discretionary actions would be screened for historical significance through (1) archival research to determine whether they are listed or meet the criteria for listing for historical significance; and (2) resource-specific investigation by a qualified architectural historian based on recommendations made by the Northwest Information Center. Impacts on those buildings that qualify as historical resources under CEQA would be minimized or offset by feasible mitigation measures recommended by the architectural historian. In this way, the material impairment of these resources’ significance would be substantially lessened pursuant to the requirements of 14 CCR Section 15041(a).
- Because of the project-by-project identification requirements of the mitigation measures described above, a complete inventory of historical buildings and structures in a given area (e.g., Collinsville) is not necessary for the assessment of potential impacts on such resources. Review mechanisms are recommended as part of the mitigation measures to establish the baseline conditions for built environment resources in each project area. Therefore, the lack of a complete inventory of historical buildings and/or structures in Collinsville does not affect the adequacy of the DEIR.
- 21-41 The comments regarding proposed 2008 Draft General Plan policy and questions posed by the commenter are noted and will be provided to the County Board of Supervisors for further consideration. The policies for the Collinsville Special Study Area referenced by the commenter provide guidance for reviewing and updating the *Collinsville–Montezuma Hills Area Plan and Program*. The specific buffer area would be developed as part of the *Collinsville–Montezuma Hills Area Plan and Program* consistent with the policies described.

21-42 Please refer to Response to Comment 21-22. A request for a Commercial/Marina Permit would be considered a “site-specific project” and, therefore, is not required to be analyzed as part of the 2008 Draft General Plan EIR. Development projects requiring discretionary permits or approvals from the County and/or other public agencies would be required to conduct a project-specific environmental impact analysis under CEQA.

21-43 The commenter notes that the Montezuma Fire District has the lowest/worst ISO rating a department can have due to multiple factors, notably low staffing levels and lack of water supply. The commenter questions what alternative sites have been considered that would provide a safer and more effective fire protection for an industrial plan, and will corporations or individual developers be required to provide safe fire protection, personnel, and equipment on site on 24/7 basis.

New developments within the service area of the Montezuma Fire District would be required to pay development fees and would be subject to environmental review and approval by the County to ensure that sufficient fire protection services and emergency water flows are available.

As described in Impact 4.9-7a on page 4.9-54 of the DEIR:

The 2008 Draft 2008 Draft General Plan is intended to achieve steady and orderly growth that allows for the adequate provision of services and community facilities....The plan outlines policies to ensure the provision of adequate services in Solano County. The following goal and policies from the Public Services and Facilities chapter address potential impacts on fire protection and emergency services:

- ▶ **Goal PF.G-3:** Provide effective and responsive fire and police protection, and emergency response service.
- ▶ **Policy PF.P-1:** Provide public facilities and services essential for health, safety, and welfare in locations to serve local needs.
- ▶ **Policy PF.P-2:** Require new development and redevelopment to pay its fair share of infrastructure and public service costs.
- ▶ **Policy PF.P-36:** Ensure accessible and cost-effective fire and emergency medical service throughout the county. Facilitate coordination among city and county fire agencies and districts to improve response times, increase services levels, provide additional training, and obtain essential equipment.
- ▶ **Policy PF.P-38:** Identify and require incorporation of fire protection and emergency response measures in the review and approval of new projects.

Proposed development in the county would be subject to review pursuant to the policies listed above, which will ensure that adequate fire and emergency services are available.

21-44 The commenter asks whether the County is willing to provide the necessary funding to improve vital public safety services.

The comment is noted. As noted in Response to Comment 10-6, the 2008 Draft General Plan includes policies requiring the County to use existing or modified impact fees to establish a funding addressing the service needs of new development. No further response is required.

- 21-45 The comment is noted; however, the comment does not relate specifically to the EIR for the 2008 Draft General Plan. As stated in Section 15131(a) of the State CEQA Guidelines, “Economic or social effects of a project shall not be treated as significant effects on the environment.” In other words, the economic or social changes that a project (in this case, the 2008 Draft General Plan) may cause are not, in and of themselves, significant environmental effects that require analysis in an EIR. For this reason, and because this comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is necessary. The commenter’s concerns will, however, be provided to the County Board of Supervisors for further consideration.
- 21-46 It is unclear what specific “Collinsville marina proposal” the commenter is referring to. The DEIR is not required to analyze the need for new marinas because no such need was identified within the 2008 Draft General Plan. The sole reference to a marina that appears in the 2008 Draft General Plan’s discussion of the Collinsville Special Study area process is contained in Program SS.I-10 on pages LU-67 and LU-68 of the 2008 Draft General Plan, which directs the County to work with property owners to establish appropriate businesses in the Commercial Recreation area of the Collinsville town site, maintain an open dialogue with neighboring residents to ensure that the uses are sufficiently buffered from residential uses, and ensure separation between residential uses and any future commercial or marina activities to the west of Collinsville. No specific proposal is contemplated at this time. Any future project-specific development proposal for a marina would be required to complete appropriate CEQA analysis. Please refer to Master Response E, “Programmatic Nature of EIR,” in Chapter 2 of this FEIR. Similarly, the DEIR is not required to analyze whether the Suisun City marina is inadequate. Development projects (e.g., Collinsville marina) requiring discretionary permits or approvals from the County and/or other public agencies would be required to conduct a project-specific environmental impact analysis under CEQA.
- 21-47 It is unclear what the commenter is specifically referring to by the term “natural environment.” However, it appears the term refers to aesthetic resources. The 2008 Draft General Plan includes a policy to preserve the residential character of the Collinsville town site, ensure that any future nonresidential uses are compatible with the residential character, and ensure that an adequate buffer is established between residential and nonresidential uses (Policy SS.P-21); however, the DEIR concludes that open space lands, which includes the aesthetic resources along the Sacramento River, would diminish in Solano County with implementation of the 2008 Draft General Plan (see Impacts 4.11-3a and 4.11-3b).
- The specific “ways” the aesthetic landscape of Collinsville might be altered by future development (e.g., commercial development) cannot be fully determined in the program-level analysis that the DEIR conducted (please refer to Master Response E, “Programmatic Nature of EIR,” in Chapter 2 of this FEIR). However, the DEIR fully analyzes aesthetic impacts related to implementation of the 2008 Draft General Plan, specifically impacts related to the degradation of visual character, which would include the “natural environment” of Collinsville (see Impacts 4.11-3a and 4.11-3b).
- The remaining comments do not relate specifically to the EIR for the 2008 Draft General Plan, but they will be provided to the County Board of Supervisors for further consideration.
- 21-48 The commenter opines that the Collinsville and Montezuma Hills areas have been left off priority habitat lists, and that critical habitat has been ignored in that region. On the contrary, the DEIR (Exhibit 4.6-2) designates a “high value vernal pool conservation area” just north of Collinsville, and the Suisun Marsh Protection Plan Primary Management Area is immediately to the west. The County has no authority to designate critical habitat or make any other decisions regarding the ESA, which is under the jurisdiction of the National Marine Fisheries Service and USFWS. The commenter goes on to state that they consider any project in the region to be in direct violation of

ESA and CESA and the *Solano Multi-Species Habitat Conservation Plan* (Solano HCP). Mitigation Measure 4.6-3a(3) on page 4.6-44 addresses this comment and requires all project applicants to provide proof to the County Department of Resource Management that they have obtained all necessary state and federal authorizations (e.g., USACE Section 404 permit, RWQCB Section 401 certification or waste discharge requirements, and compliance with ESA and CESA) before the issuance of any grading permits or other actions that could result in ground-disturbing activities.

The commenter states that it would be an oversight not to inventory the Collinsville–Potrero Hills area before adoption of the 2008 Draft General Plan. Such an inventory is unnecessary and would be inefficient. Mitigation Measure 4.4-6a requires site-specific biological inventories before project approvals and implementation of mitigation and management plans to preserve and enhance affected habitats and resources.

- 21-49 Please refer to Response to Comment 21-4.
- 21-50 Please refer to Response to Comment 21-4.
- 21-51 The commenter does not provide any specific comments regarding the adequacy or completeness of the DEIR or otherwise raise significant environmental issues within the meaning of CEQA. The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 21-52 The commenter does not provide any specific comments regarding the adequacy or completeness of the DEIR or otherwise raise significant environmental issues within the meaning of CEQA. The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 21-53 The “scenarios” described by the commenter are a statement of *Suisun Marsh Protection Plan* policies as these relate to the Collinsville portion of the marsh. The hazardous cargo policies are also a statement of the *Suisun Marsh Protection Plan* policies and not a specific project as suggested by the commenter. Please refer to Master Response E, “Programmatic Nature of EIR,” in Chapter 2 of this FEIR. As identified in the EIR, the 2008 Draft General Plan EIR is a program EIR (see Section 1.1, “Type of EIR,” in Chapter 1, “Introduction,” of the DEIR). In addition, the DEIR states that the “... analysis does not examine the effects of site-specific projects that may occur within the overall umbrella of this program in the future” (see Section 1.1 of the DEIR). Any “ready-to-go” project, permit, or hazardous cargo proposal in the Collinsville-Montezuma area would be considered a “site-specific project” and, therefore, is not required to be analyzed as part of the 2008 Draft General Plan EIR. In addition, project proposals and permit requests that may occur in the Collinsville-Montezuma area would be required to conduct a project-specific environmental impact analysis under CEQA.
- 21-54 The commenter requests clarification about what type of environmental criteria would be considered for specific developments that may occur through implementation of the 2008 Draft General Plan, and clarification of the definition of a “tiered” project. Please refer to Master Response E, “Programmatic Nature of EIR,” in Chapter 2 of this FEIR for an explanation of the programmatic nature of this EIR and how future project-specific environmental analysis resulting from implementation of the 2008 Draft General Plan would be conducted consistent with CEQA. (See also Sections 21083.3, 21093, and 21094 Public Resources Code and Sections 15152, 15168, and 15183 of the State CEQA Guidelines.)

- 21-55 It is unclear to what “land bank mechanism” refers, making it difficult to formulate a response. However, the 2008 Draft General Plan includes a program to establish an Agricultural Reserve Overlay district, which is intended to create an agricultural mitigation bank area in which the County will encourage private landowners to voluntarily participate in agricultural conservation easements (see Program AG.P-5 of the 2008 Draft General Plan). Because it is unclear what additional “discussion and review” is being requested by the commenter, no additional response can be provided.
- It is unclear how the DEIR recommends mitigation that “convert[s] irreplaceable significant resources to nonagricultural or resource use” for the loss of resources. No further response can be provided.
- It is unclear how the Agricultural Reserve Overlay district (i.e., Program AG.P-5 of the 2008 Draft General Plan) would not “protect resources” but would result in “approving a detrimental project in the name of mitigati[on].” No further response can be provided.
- It is unclear how implementing the Agricultural Reserve Overlay district (i.e., Program AG.P-5 of the 2008 Draft General Plan) would result in “negative impacts to the sustainability of the County and its assets.” No further response can be provided.
- 21-56 The commenter asserts that the County should adopt a plan to comply with Assembly Bill (AB) 32 at the county level (i.e., reduce greenhouse gas [GHG] emissions by 25%). The 2008 Draft General Plan has identified a goal to reduce GHG emissions 20% below the AB 32 target, which would be implemented in the climate action plan. Please refer to Program HS.I-73, summarized on page 6-47 of the DEIR. Thus, the County intends to go above and beyond what would be considered consistent with AB 32 implementation at the county level. (It should be noted that the text of AB 32 applies to stationary sources of emissions and not to local government actions such as a general plan update.)
- The commenter also mentions that an alternative is needed that protects resources and reduces GHG emissions. Please refer to Master Response D, “Reasonable Range of Alternatives,” in Chapter 2 of this FEIR, and to Response to Comment 23-5.
- 21-57 The commenter provides a general conclusion to the comment letter, asserting that the DEIR contains a number of critical unanswered questions that prevent an accurate evaluation of the Solano County 2008 Draft General Plan and its potential impacts on the Collinsville–Montezuma Hills area. This comment does not provide any specific information to support the commenter’s conclusion. For responses to the commenter’s specific concerns, please refer to Responses to Comments 21-1 through 21-56 and 21-58 through 21-122.
- 21-58 The commenter expresses a concern that the recommendations of the Citizens’ Advisory Committee for the 2008 Draft General Plan would not benefit Collinsville or the surrounding wetlands and agricultural lands encompassing Suisun Marsh and the Montezuma Hills. The commenter does not provide any specific comments regarding the adequacy or completeness of the DEIR or otherwise raise significant environmental issues within the meaning of CEQA. The DEIR fully analyzes impacts related to cultural resources (including those in or near Collinsville) and wetlands that could occur with implementation of the 2008 Draft General Plan (see Impacts 4.10-1a, 4.10-1b, 4.10-5a, and 4.10-5b in DEIR Section 4.10, “Cultural and Paleontological Resources,” and Impacts 4.6-5a and 4.6-5b in DEIR Section 4.6, “Biological Resources”). The commenter’s statement of disagreement with the recommendations of the Citizens’ Advisory Committee will be provided to the County Board of Supervisors for further consideration.

- 21-59 Consistent with the commenter's request, the DEIR fully analyzed impacts on cultural resources, including Collinsville, that could occur with implementation of the 2008 Draft General Plan (see Impacts 4.10-1a, 4.10-1b, 4.10-5a, and 4.10-5b in DEIR Section 4.10, "Cultural and Paleontological Resources").
- 21-60 The comment is noted. In addition, it should be noted that the Suisun Marsh Protection Act is a state law and is not part of the 2008 Draft General Plan. Because the comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is necessary.
- 21-61 Please refer to Response to Comment 5-5 related to wind energy.
- 21-62 The commenter states that the designated land use for the Montezuma Wetlands Restoration Project is conflicting. The Montezuma Wetlands site is designated as marsh and Water-Dependent Industrial in the 2008 Draft General Plan, and both designations are consistent with preservation of wetland values. The commenter's opinion that the restoration project is a failure is not relevant, as Montezuma Wetlands is an existing approved project that is not subject to the DEIR analysis. Although the comment objecting to designation of the adjacent area as water-dependent industrial does not relate specifically to the DEIR, it will be provided to the County Board of Supervisors for further consideration.
- 21-63 The commenter does not provide any specific comments regarding the adequacy or completeness of the DEIR or otherwise raise significant environmental issues within the meaning of CEQA and the comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR.
- 21-64 The comment is noted.
- 21-65 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 21-66 Please refer to Master Response E, "Programmatic Nature of EIR," in Chapter 2 of this FEIR. The DEIR fully analyzes the environmental impacts associated with implementation of the 2008 Draft General Plan including significant irreversible changes (see Section 6.4, "Other CEQA Considerations"), growth inducement (see Section 6.3, "Other CEQA Considerations"), consumption of nonrenewable resources (see Section 4.12, Energy"), and climate change (see Section 6.2 in Chapter 6, "Other CEQA Considerations").
- 21-67 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 21-68 The comment on the notice of preparation (NOP) does not provide any specific comments regarding the adequacy or completeness of the DEIR or otherwise raise significant environmental issues within the meaning of CEQA. The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.

- 21-69 The first two parts of the comment address the analysis of allowable use, intensity, and the extent of commercial and/or recreational designation for Collinsville. These questions are addressed in the Land Use Chapter of the 2008 Draft General Plan.
- The third part of the comment addresses the need for an analysis of potential impacts on Collinsville, the Collinsville Cemetery, and surrounding environs in the event of commercial and/or recreational use. The DEIR analyzes the potential impacts on historical built-environment resources that comprise communities such as Collinsville. Impacts 4.10-1a, 4.10-1b, 4.10-2a, and 4.10-2b identified impacts that may result from the removal or alteration of historical built-environment resources during implementation of the 2008 Draft General Plan. In particular, Impacts 4.10-2a and 4.10-2b specifically identify the setting of built environment resources, which constitutes an important part of a community’s “feel” or “character,” as a quality that could be affected by implementation of the 2008 Draft General Plan. Accordingly, Mitigation Measure 4.10-2a and 4.10-2b was developed to minimize or offset these potential impacts on “feel” or “character.” In this way, the material diminishment of these qualities would be addressed during discretionary project review.
- 21-70 The comment on the NOP does not provide any specific comments regarding the adequacy or completeness of the DEIR or otherwise raise significant environmental issues within the meaning of CEQA. The comment is noted. The DEIR fully analyzed the direct and indirect effects of the 2008 Draft General Plan’s proposed Commercial Recreation land use designation. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 21-71 Although the 2008 Draft General Plan includes a policy to preserve the residential character of the Collinsville town site, ensure that any future nonresidential uses are compatible with the residential character, and ensure that an adequate buffer is established between residential and nonresidential uses (Policy SS.P-21), the DEIR concludes that open space lands, which includes the aesthetic landscape surrounding Collinsville, would diminish in Solano County with implementation of the 2008 Draft General Plan (see Impacts 4.11-3a and 4.11-3b). The specific “ways” the aesthetic landscape of Collinsville might be altered by future development cannot be fully determined the program level of analysis that the EIR conducted. However, the EIR fully analyzes aesthetic impacts related to implementation of the 2008 Draft General Plan—specifically, impacts related to the degradation of visual character, which would include the “aesthetic landscape” of Collinsville (see Impacts 4.11-3a and 4.11-3b).
- 21-72 The comment on the NOP does not provide any specific comments regarding the adequacy or completeness of the DEIR or otherwise raise significant environmental issues within the meaning of CEQA. The comment is noted. The DEIR fully analyzes impacts related to historical resources and natural environment that could occur with implementation of the 2008 Draft General Plan (see Section 4.10, “Cultural and Paleontological Resources,” and Section 6.6, “Biological Resources,” in the DEIR). Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 21-73 Please refer to Response to Comment 21-72.
- 21-74 Please refer to Response to Comment 21-60.
- 21-75 The DEIR fully analyzes potential environmental impacts to birds associated with establishing wind energy resource overlays (see Impacts 4.6-9a and 4.6-9b, “Biological Resources,” in the DEIR).

21-76

The objectives of the *Suisun Marsh Protection Plan* are to preserve and enhance the quality and diversity of Suisun Marsh's aquatic and wildlife habitats by preserving the marsh from residential, commercial, and industrial development and to assure retention of upland areas adjacent to the marsh in uses compatible with its protection. The 2008 Draft General Plan contains the following policies and programs to implement the Suisun Marsh Local Protection Program:

- ▶ **Policy RS.P-16:** The County shall ensure that development in the County occurs in a manner which minimizes impacts of earth disturbance, erosion and water pollution.
- ▶ **Policy RS.P-17:** The County shall preserve the riparian vegetation along significant County waterways in order to maintain water quality and wildlife habitat values.
- ▶ **Program RS.I-12:** Review and update the Solano County component of the Suisun Marsh Local Protection Program in coordination with the San Francisco Bay Conservation and Development Commission. The guidelines and standards identified in current policies should be incorporated into the County zoning ordinance and development guidelines. The update will address General Plan policies and other policies, programs and regulations within the Local Protection Program.

Also, as noted in the DEIR: "Impacts in this area would be greatly minimized through the implementation of Program SS.I-6, which ensures that development within this area (i.e., within the Secondary Management Area of Suisun Marsh) is consistent with the policies of the Suisun Marsh Protection Plan." The commenter is also directed toward the EIR's analysis in Impacts 4.6-6a and 4.6-6b, "Potential Direct and Indirect Impacts on Marsh and Tidal Flat Habitat," on pages 4.6-55 and 4.6-56 of the DEIR.

21-77

The commenter refers to no specific "additional focused regional, state, and/or federal review" process regarding the health of Suisun Marsh. Please refer to Responses to Comments 21-76 and 21-78 for descriptions of the relationship between the 2008 Draft General Plan, BCDC's *Suisun Marsh Protection Plan*, and the County's Local Protection Plan. These are the applicable state and local plans designed to ensure the health of Suisun Marsh.

21-78

The goals of the Suisun Marsh Protection Act, "to preserve the integrity and assure continued wildlife use" of the marsh (BCDC 1976), are directly relevant to this comment. The objectives of the protection plan are to preserve and enhance the quality and diversity of Suisun Marsh's aquatic and wildlife habitats by preserving the marsh from residential, commercial, and industrial development and to assure retention of upland areas adjacent to the marsh in uses compatible with its protection. The 2008 Draft General Plan contains policies to incorporate the policies and provisions of the Suisun Marsh Local Protection Program as mentioned in Program RS.I-12:

- ▶ **Program RS.I-12:** Review and update the Solano County component of the Suisun Marsh Local Protection Program in coordination with the San Francisco Bay Conservation and Development Commission. The guidelines and standards identified in current policies should be incorporated into the County zoning ordinance and development guidelines. The update will address General Plan policies and other policies, programs and regulations within the Local Protection Program.

Also, as noted in the DEIR: "Impacts in this area would be greatly minimized through the implementation of Program SS.I-6, which ensures that development within this area (i.e., within the Secondary Management Area of Suisun Marsh) is consistent with the policies of the *Suisun Marsh Protection Plan*."

- 21-79 The comment on the NOP does not provide any specific comments regarding the adequacy or completeness of the DEIR or otherwise raise significant environmental issues within the meaning of CEQA. The comment is noted. As identified in the DEIR, the 2008 Draft General Plan EIR is a program EIR (see Section 1.1, "Type of EIR," in Chapter 1, "Introduction," of the DEIR). The 2008 Draft General Plan does not propose to permit any dumping into the *Suisun Marsh Protection Plan* area. Future individual projects that propose permitted dumping in the *Suisun Marsh Protection Plan* area developed subsequent to the 2008 Draft General Plan would be required to undergo further environmental review that would determine any specific impacts on the *Suisun Marsh Protection Plan* area related to permitted dumping, as well as feasible mitigation for these impacts. For additional information related to future project-specific environmental analysis resulting from implementation of the 2008 Draft General Plan, please refer to Master Response E, "Programmatic Nature of EIR."
- 21-80 Impacts on Suisun Marsh associated with implementation of the 2008 Draft General Plan are discussed in Section 4.6, "Biological Resources," of the DEIR. Future individual projects subsequent to the 2008 Draft General Plan, including specific proposed new roads, may be required to undergo additional environmental review that would determine site-specific impacts and accompanying mitigation measures pursuant to policies of the 2008 Draft General Plan and other federal, state, and local regulatory requirements (please refer to Master Response E, "Programmatic Nature of EIR," in Chapter 2 of this FEIR). This comment on the NOP does not address the adequacy or completeness of the DEIR or otherwise raise significant environmental issues. No further response is required.
- 21-81 Please refer to Responses to Comments 5-5 and 5-12 related to wind energy.
- 21-82 Please refer to Response to Comment 21-62.
- 21-83 This comment relates to "further dumping of toxic materials" at the Montezuma project site. This comment is not relevant, as Montezuma Wetlands is an existing approved project that is not subject to the DEIR analysis.
- 21-84 This comment on the NOP does not address the adequacy or completeness of the DEIR or otherwise raise significant environmental issues that may be implicated by the 2008 Draft General Plan. No further response is required.
- 21-85 This comment on the NOP does not address the adequacy or completeness of the DEIR or otherwise raise significant environmental issues that may be implicated by the 2008 Draft General Plan. Inclusion of a portion of the Montezuma Wetlands Restoration Project within the Resource Conservation Overlay (RCO) and partially Water Dependent Industrial would not prevent that area from becoming a "special clean-up" site, for example, under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) if site conditions so warranted. Please also refer to Responses to Comments 21-79 and 21-87.
- 21-86 The commenter asks how the Montezuma Wetlands Restoration Project site would be monitored if it were located within the RCO. The Montezuma Wetlands project is an existing approved project that is not specifically subject to the DEIR analysis. Furthermore, the RCO would not change any aspect of the existing project, including any mandated monitoring requirements. Please also refer to Responses to Comments 21-85 and 21-87.
- 21-87 The commenter's request for details on the survival and health of wildlife and plant populations on the Montezuma Wetlands site is not relevant, as Montezuma Wetlands is an existing approved project that is not specifically subject to the DEIR analysis. A portion of the Montezuma Wetlands project site is designated as Water Dependent Industrial and a portion of the project site

is designated Marsh within the 2008 Draft General Plan. However, on June 8, 2008, County staff recommended to the County Board of Supervisors that the entire area containing the Montezuma Wetlands project be redesignated as Agriculture and Marsh, which would be more consistent with the existing use. As stated on page LU-17 of the Land Use chapter of the 2008 Draft General Plan, the Marsh designation:

Provides for protection of marsh and wetland areas[, and] permits aquatic and wildlife habitat, marsh-oriented recreational uses, agricultural activities compatible with the marsh environment and marsh habitat, educational and scientific research, educational facilities supportive of and compatible with marsh functions, and restoration of historic tidal wetlands.

However, as noted on page LU-21 of the 2008 Draft General Plan, the Water Dependent Industrial Designation also provides for enhancement and restoration of wetlands. Thus, the 2008 Draft General Plan, both as proposed and as modified, anticipates and accounts for the Montezuma Wetlands project; and environmental impacts, including biological impacts, on the Montezuma Wetlands project resulting from the 2008 Draft General Plan are fully addressed within the DEIR. Operators of the Montezuma Wetlands project are required to provide annual reports describing the restoration project to the U.S. Army Corps of Engineers and the County. Such reports are available for public inspection at the office of the County Department of Resource Management.

- 21-88 This comment on the NOP does not address the adequacy or completeness of the DEIR or otherwise raise significant environmental issues that may be implicated by the 2008 Draft General Plan. Please refer to Response to Comment 21-87.
- 21-89 The commenter asks whether Water Dependent Industrial zoning would curtail the Montezuma Wetlands project as defined by permit. The County assumes the commenter refers to the Water Dependent Industrial designation applied to a portion of the Montezuma Wetlands project site in the 2008 Draft General Plan. On June 8, 2008, County staff recommended to the County Board of Supervisors that the entire area containing the Montezuma Wetlands project be redesignated as Marsh and Agriculture. Please refer to Response to Comment 21-87.
- 21-90 To the extent that the commenter may be referring to the Water-Dependent Industrial reserve area identified in the 2008 Draft General Plan, the DEIR fully analyzes potential environmental impacts associated with implementing the 2008 Draft General Plan related to aesthetics and natural environment (see Section 4.11, “Aesthetics,” and Section 4.6, “Biological Resources”).
- 21-91 The commenter asks whether current regional planning goals for protection of the Sacramento–San Joaquin Delta (Delta) and Delta water resources, including potential for sea level rise, may be in conflict with the proposed Water Dependent Industrial designation at the Montezuma Wetlands project site. The DEIR fully analyzes potential environmental impacts associated with implementing the 2008 Draft General Plan, including the Water Dependent Industrial overlay, related to water resources (see Section 4.5, “Hydrology and Water Resources”). Furthermore, on June 8, 2008, County staff recommended to the County Board of Supervisors that the entire area containing the Montezuma Wetlands project be redesignated as Marsh. Please refer to Response to Comment 21-87.
- 21-92 This comment on the NOP does not address the adequacy or completeness of the DEIR or otherwise raise significant environmental issues that may be implicated by the 2008 Draft General Plan. The DEIR fully evaluates direct, indirect, and cumulative impacts of the 2008 Draft General Plan, including impacts associated with the water-dependent industrial overlay, on water quality, marshland, and wetland habitat. (See Section 4.5, “Hydrology and Water Resources”; Section 4.6, “Biological Resources”; and Section 6.1, “Cumulative Impacts,” of the DEIR; please

also refer to Master Response O, “Inadequate Water Quality Impact Analysis,” in Chapter 2 of this FEIR.

- 21-93 Water supply impacts associated with the proposed 2008 Draft General Plan are evaluated in Section 4.9, “Public Services and Utilities,” of the DEIR (see particularly the discussion of Impacts 4.9-1a and 4.9-1b on pages 4.9-32 through 4.9-41 and Impacts 4.9-2a and 4.9-2b on pages 4.9-32 through 4.9-43); please also refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR. As is appropriate, the DEIR represents a programmatic overview of the proposed 2008 Draft General Plan consistent with environmental analysis required for a general plan update project. Although this comment on the NOP asserts the types of issues the commenter wanted to see addressed in the DEIR, the comment does not address the adequacy or completeness of the DEIR or otherwise raise significant environmental issues that may be implicated by the 2008 Draft General Plan. No further response is required.
- 21-94 Impacts of the 2008 Draft General Plan, including the water-dependent industrial overlay, on water resources were evaluated in Section 4.5, “Hydrology and Water Resources,” and Section 4.6, “Biological Resources,” of the DEIR. Although this comment on the NOP asserts the types of issues the commenter wanted to see addressed in the DEIR, the comment does not address the adequacy or completeness of the DEIR or otherwise raise significant environmental issues that may be implicated by the 2008 Draft General Plan. No further response is required.
- 21-95 The comment appears to ask what factors the County Board of Supervisors would consider in adopting a statement of overriding considerations regarding significant and unavoidable impacts on agriculture (presumably loss of Important Farmland [Impacts 4.8-1a and 4.8-1b]). Preparation of findings and a statement of overriding considerations in conjunction with the DEIR is not required. Once the County Board of Supervisors has certified the FEIR, it may then consider project approval. If the County decides to approve the proposed project, it must make written findings for each significant impact identified in the FEIR specifying whether the impact can be mitigated (State CEQA Guidelines, Section 15091[a].) Because the proposed 2008 Draft General Plan would result in significant impacts that cannot be mitigated and that are therefore unavoidable, the County Board of Supervisors must balance against those impacts any economic, legal, social, technological, or other applicable benefits that the 2008 Draft General Plan would provide. The board must also adopt and include in the record of project approval a statement of overriding considerations explaining the factors its decision to approve the proposed project despite the environmental impacts identified in the FEIR as significant and unavoidable (State CEQA Guidelines, Section 15093).
- 21-96 It is unclear what is meant by “foreign ‘green waste.’” However, the DEIR fully analyzes potential environmental impacts on areas of the Montezuma Hills as a result of implementing the 2008 Draft General Plan (see DEIR Section 4.1, Land Use”; Section 4.3, “Noise”; Section 4.5, “Hydrology and Water Resources”; Section 4.6, “Biological Resources”; Section 4.8, “Agricultural Resources”; and Section 4.10, “Cultural and Paleontological Resources”). Although this comment on the NOP asserts the types of issues the commenter wanted to see addressed in the DEIR, the comment does not address the adequacy or completeness of the DEIR or otherwise raise significant environmental issues that may be implicated by the 2008 Draft General Plan. No further response is required.
- 21-97 As previously described, the 2008 Draft General Plan is a broad planning document that does not propose any individual project-level development but instead lays out the foundation for individual projects that would be developed pursuant to the 2008 Draft General Plan. As individual projects (including detention basins or holding ponds) with specific site plans are planned, the County will evaluate each project to determine the extent to which this EIR covers the potential impacts of the project and to see what extent additional environmental analysis may

be required for each specific project (see Sections 21083.3, 21093, and 21094 of the Public Resources Code and Sections 15152, 15168, and 15183 of the State CEQA Guidelines). Please refer to Master Response E, “Programmatic Nature of EIR,” in Chapter 2 of this FEIR for a discussion of the requirements of a program EIR.

- 21-98 The comment (which was on the NOP for the project) asks how the Water-Dependent Industrial land designation might alter the goals and intent to preserve the integrity of the Delta Vision. Given the broad planning nature of the 2008 Draft General Plan, it is not known what specific conflicts permits under the Water-Dependent Industrial designation would result in, if any. Such potential conflicts would depend on a variety of factors, including the type of project, types of equipment to be used, and the types of land uses surrounding the project site. Consistent with the programmatic nature of the EIR, site-specific environmental review may be required to assess future projects implemented under the 2008 Draft General Plan, including permits for Water-Dependent Industrial land uses. The County will evaluate each project proposed under the 2008 Draft General Plan to determine the extent to which this EIR covers the potential impacts of the project and to what extent additional environmental analysis may be required. Please refer to Master Response E, “Programmatic Nature of EIR,” in Chapter 2 of this FEIR.
- 21-99 The comment is noted.
- 21-100 Although Appendix C may have not been made available on Solano County’s Web site as part of the EIR, the entire DEIR, including all appendices, was available for public viewing at the County offices beginning on April 18, 2008. Please refer to Responses to Comments 21-49 and 21-50.
- 21-101 The comment is noted. The comment does not address the adequacy or completeness of the DEIR or a basis to conclude the 2008 Draft General Plan is inconsistent with environmental sustainability. The commenter’s opinion is noted and will be provided to the County Board of Supervisors for further consideration. Please refer to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing 2008 Draft General Plan have been and will be considered by the County.
- 21-102 The comment is noted. The comment does not address the adequacy or completeness of the DEIR. The commenter’s opinion is noted and will be provided to the County Board of Supervisors for further consideration. Please refer to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing 2008 Draft General Plan have been and will be considered by the County.
- 21-103 The comment is noted. This comment on the 2008 Draft General Plan does not address the adequacy or completeness of the DEIR or otherwise raise significant environmental issues that were not adequately addressed in the DEIR. The commenter’s opinion is noted and will be provided to the County Board of Supervisors for further consideration. Please refer to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing 2008 Draft General Plan have been and will be considered by the County.
- 21-104 This comment on the 2008 Draft General Plan does not address the adequacy or completeness of the DEIR or otherwise raise significant environmental issues that were not adequately addressed in the DEIR. For a discussion of the California Water Plan, please see page 4.5-32 of the DEIR. Impacts of the 2008 Draft General Plan on wildlife are evaluated in Section 4.6, “Biological Resources,” of the DEIR. The commenter’s opinion is noted and will be provided to the County

Board of Supervisors for further consideration. Please refer to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing 2008 Draft General Plan have been and will be considered by the County.

- 21-105 The County disagrees with the commenter’s characterization of the 2008 Draft General Plan as not providing a comprehensive water planning approach to the extent that the County is able to do so given the limits of its jurisdiction over public water supplies in the region. (Please refer to Section 4.5, “Hydrology and Water Resources,” and Section 4.9, “Public Services and Utilities,” of the DEIR; please also refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR.) The commenter provides no specific reasons why the commenter believes the County’s approach is not comprehensive.
- 21-106 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 21-107 Please refer to Response to Comment 21-25 regarding the Farmland of Statewide Importance map.
- 21-108 The comment is noted; however, the comment does not relate specifically to the EIR for the 2008 Draft General Plan or otherwise raise a significant environmental concern within the meaning of CEQA. As stated in Section 15131(a) of the State CEQA Guidelines, “Economic or social effects of a project shall not be treated as significant effects on the environment.” In other words, the economic or social changes that a project (in this case, the 2008 Draft General Plan) may cause are not, in and of themselves, significant environmental effects that require analysis in an EIR. For this reason, and because this comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is necessary.
- 21-109 This comment on the 2008 Draft General Plan does not address the adequacy or completeness of the DEIR but is noted. CEQA does not require that an EIR evaluate economic impacts, but only the physical changes that may occur from such impacts. Physical impacts related to the economic impacts of the 2008 Draft General Plan are evaluated in the DEIR throughout the document. Indirect physical impacts are also evaluated in each section. Policies, programs, and/or mitigation measures are included throughout the document to mitigate such impacts.
- 21-110 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 21-111 Please refer to Response to Comment 21-100.
- 21-112 Please refer to Response to Comment 21-101.
- 21-113 Please refer to Response to Comment 21-102.
- 21-114 Please refer to Response to Comment 21-103.
- 21-115 Please refer to Response to Comment 21-104.
- 21-116 Please refer to Response to Comment 21-105.
- 21-117 Please refer to Response to Comment 21-106.

- 21-118 Please refer to Response to Comment 21-107.
- 21-119 Please refer to Response to Comment 21-108.
- 21-120 Please refer to Response to Comment 21-109.
- 21-121 Please refer to Response to Comment 21-110.
- 21-122 Please refer to Response to Comment 21-100. The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.

## **LETTER 22**

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MICHAEL GARABEDIAN, FOUNDING MEMBER

Critical Mass Agriculture

June 2, 2008



**CRITICAL MASS AGRICULTURE**

7143 Gardenvine Avenue  
Citrus Heights, California 95621

June 2, 2008

Jim Louie  
Solano County Dept. of Resource Management  
675 Texas Street  
Fairfield, California 95621  
Fax (707) 784-4805

Re: 2008 Draft Solano County General Plan Draft EIR

Dear Mr. Louie:

Critical Mass Agriculture is formed to support and maintain:

- Individuals and families producing food or who want to do so,
- Preservation of agricultural land,
- Agriculture education, including for food consumers, and
- Agricultural infrastructure of all kinds.

The proposed Solano County General Plan ("Plan") and its Draft Environmental Impact Report ("DEIR") contain some steps forward to support agriculture, but contain far more steps backward than forward, have agricultural window dressing, and contain false, misleading and incomplete information about agriculture. In a word, we find that the Plan, the DEIR, and the process, procedures, and data used to develop them, are on balance hostile to agriculture.

22-1

Absence of credibility for Plan and of DEIR analysis of land use designations

The staff and other planners, the Citizens Advisory Committees ("CAC"), the public, the Planning Commission and the Board of Supervisors did not have fundamental land capability information before them when making land use designation decisions. Information including maps of soils, slopes, water tables, geological hazards such as landslide potential, soil use capability analysis, and so forth was not presented to or used when land use decisions were being made.

22-2

Prior to CAC and Planning Commission decisions, the public was asked for its input on land use designation, but the public was not given this essential information on which to base its input.

The CAC made no evident use of land capability information. For example, I was present when the CAC voted to keep the industrial designation in the

Collinsville area, and land capability information was not in the materials provided in advance to the CAC nor was it present at the meeting, nor was there any indication that it was a factor considered.

22-2  
Cont'd

It is common in land use planning to identify and analyze land use capability at the start of the process as the basis on which to make planning decisions. Instead, the CAC, the Planning Commission and the Board of Supervisors have not done this and the public has been asked for its input without this data.

We are also unable to find any reference to use in any effective and necessary manner of USDA soil survey data and information in the Plan or DEIR development.

22-3

In sum, there is nothing in the record that demonstrates that there is any meaningful environmental basis for Plan land use designations or for the development of the DEIR. There is no basis for decisions to maintain or to depart from the land use designation of the existing plan. This represents a significant inadequacy of the Plan, and a complete failure of CEQA including the failure to inform the public in a manner that it can make informed comment on the Plan or on the DEIR based on the capability of the land.

22-4

10 future Agricultural Region strategic action plans and agricultural policies

The planning process and reports are significantly and unacceptably incomplete in another manner. Planning for the ten Agricultural Regions is proposed to be postponed until after the Plan is adopted. Instead, the time to put land planning in place is when the Plan is adopted, not later.

22-5

Attendance at many more meetings is required for farmers and ranchers if they want to assure that agriculture is adequately represented in the strategic action plan process, and if they want to try to assure that the plans are solid agricultural plans.

22-6

However, the Plan contemplates that farmers, ranchers and other land owners will develop the after-Plans without considering whether the ten regions have the necessary critical mass of farmers who can participate in the process to adequately represent agriculture.

The Plan and DEIR do not present basic necessary information about the number of operational farms in each region, the number that are owner-operator, the number that are lessee operators, the number of non-farm property owners, the contracted lands under the Williamson Act and such parcels that are in the Williamson Act non-renewal process including the dates that each parcel will be out of contract at the end of each contract non-renewal period, the lands in developer ownership, the agricultural operational health of the individual operations and the operations in the region as a

22-7

<p>whole, and other information bearing on the ability of the are to be viable as a region in itself or as part of the county as a whole.</p>	<p>22-7 Cont'd</p>
<p>The Plan misuses the Williamson Act in a number of ways. For instance it falsely suggest and misleads on page AG-7 where it positively explains that 20-year Williamson Act Farmland Security Zone contracts are available in Solano County. It misleads on page AG-4 when the Plan states the Williamson Act, "...is the most effective agricultural conservation tool currently available."</p>	<p>22-8</p>
<p>It is our observation that all of the regions have more in common for planning purposes than there are distinctions. The distinctions that do exist should be recognized and planned for in the Plan when it is adopted. Without this, the Plan is a mechanism to divide an conquer the county's interest in maintaining its agricultural base and the interest of individual operators who want to continue farming, including by purchasing or leasing other farm operations that may become no longer viable for their current owner.</p>	<p>22-9</p>
<p>We observed the CAC meeting where the developer attorney on the CAC proposed changes that were made and that gutted the Plan vision for agriculture and other aspects of the vision, such as keeping development concentrated. This CAC member's vision and the controlling phalanx of anti-agriculture CAC members on his side, seems to be that agriculture is a business like any other business, and that if it's not an acceptable balance sheet or operational success for a particular operator, the land should be developed. There was no recognition that agriculture is a business like no other, for instance, that an agricultural operation and its land can not be moved to another state or country like a factory may be. These was no recognition that agricultural property rights are far more fragile than the rights of owners of developed lands. There was no recognition that the health of the county's agricultural base is first and foremost in the preservation of the agricultural land base. There was no recognition that agricultural land generates multiplier inputs to the county economy from the land base itself plus financial and labor input year after year as a renewable resource at greater benefit to the county compared to the costs and swings of housing and industrial development. There was no agricultural or agricultural/environmental attorney on the CAC or present representing the county to balance the developer attorney word-smithing.</p>	<p>22-10</p>
<p>These, indeed, are the failings of the Plan that are reinforced violation of CEQA in the DEIR. The failure of the DEIR to address and analyze Plan impacts on agricultural land use and the county and regional agricultural economy is a gross failure. The failure of the Plan and DEIR to enumerate and review agricultural considerations and recommendations from the Solano Agricultural Futures Project, especially the final recommendations made, including those made orally, and to identify which recommendations were adopted as part of the plan and which were, not is a misuse of the great work that went into them. The Planning Commissioners, Board of</p>	<p>22-11  22-12</p>

Supervisors and the DEIR have failed to make use of this valuable work. It is work initiated early in the planning process but too significantly ignored in the final proposed plan and DEIR.	22-12 Cont'd
By not treating the agricultural issues, reports and recommendations in the Plan and DEIR, the public is deprived of essential information with which to make Plan and DEIR, and CEQA is therefore violated.	22-13
<u>The Plan proposes radical change from the existing plan and county history by encouraging development in the unincorporated area</u>	
The proposed Plan if adopted would eliminate policies that have enabled Solano County to maintain agricultural use throughout the county including along the Interstate 80 corridor. Solano LAFCO policies in the 1970's suggested a rapid development scenario in municipal areas that in some important ways has not come to pass, but this Plan would change this. Promotion of rural residential development is another example. This issue and its sub-parts requires special DEIR focus as the signal environmental impact of the Plan.	22-14
<u>Collinsville industrial development</u>	22-15
DEIR review on county impacts of the proposed road and development intrusion into the Montezuma Hills and agricultural base of the county is absent. Just as critically, the environmental impacts of this industrial development on the delta and Central Valley are not treated per CEQA standards. Air pollution wind-borne vectors and environmental impacts due to the delta winds that cross the site and the apex of the delta where the site is located is necessary, as are the broader impacts on the Central Valley and the San Francisco Bay Area. DEIR air impact studies fail to adequately address these state and regional air pollution issues.	22-16
	22-17
	22-18
<u>CAC</u>	
The Plan and DEIR should accurately define and explain the present and past CAC membership, including the full membership of the first CAC and the full initial and final memberships of the second CAC. "Past CAC Members" is confusing and implies that the people listed may have been part of the second CAC, etc. The nature of each appointee's interest, including organization and Solano County Economic Development Corporation involvement, should be indicated. The DEIR should describe and analyze the nature of this representation as it affects the environmental impacts of the Plan, including the composition of interests on the first and second CAC as it relates to environmental impacts.	22-19
	22-20
	22-21

Education

FEIR description of alternative educational policies need address the absence of agricultural coursework at the community college in its agricultural land location and plan policies that could address agricultural education at all levels of education in the county.

22-22

Subdivision and land use policy options

The FEIR should address mitigation of the loss of agricultural land and the concurrent impact on the loss of local agricultural products to county consumers due to subdivision, commercial and industrial development. One alternative policy and practice, including mitigation of these impacts, is Plan policies that require subdivisions include to include land and endowments for community agriculture/gardens. Similarly, policies to permit churches and other organizations to have community agriculture/gardens as a permitted use on their property should be included in the FEIR. This addresses both mitigation of agricultural land loss and the necessity to have affordable food available in the county which availability and cost is not affected by the transportation costs of bringing agricultural products in, or shipping out and bringing back in locally produced products.

22-23

22-24

Scoping

We are concerned that our February 3, 2008, scoping comments have not been adequately addressed in the DEIR such as planning for individual properties and individual property owner requests.

22-25

We incorporate by reference into these comments each of the written and oral reports and recommendations made by the agricultural consultants and note that these reports and all written and oral recommendations of the agricultural consultants and agricultural experts should be in FEIR appendixes. This includes, but is not limited to, those by House Agricultural Consultants (E.g., Solano GP Background Report for Agriculture), the University of California Agricultural Issues Center (Reports I, II and later of the Solano Agricultural Futures project), the individuals Alvin D. Sokolow, Kurt R. Richter, and so forth.

22-26

Sincerely yours,

Michael Garabedian  
Founding member  
916-719-7296

- 22-1 The comment states the commenter’s opinion that the 2008 Draft General Plan and the DEIR are hostile to agriculture and present false, misleading, and incomplete information about agriculture. The County does not agree with the commenter’s characterizations, in that it believes that the 2008 Draft General Plan includes significant goals, policies, and implementation programs that would protect agriculture in the county and has made a good-faith effort, based on available data, to find out and disclose all that it reasonably can. No further response is required. Whether the DEIR sufficiently analyzed and/or mitigated agricultural impacts is addressed on an issue-specific basis below.
- 22-2 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 22-3 The commenter is unable to identify use of U.S. Department of Agriculture (USDA) soil survey data in the DEIR. USDA Natural Resource Conservation Service (NRCS) soil survey data are discussed in detail beginning on page 4.7-19 of the DEIR, and soil associations and soil properties (including shrink-swell potential, erosion hazard, and ponding/saturation/flooding) are presented in Exhibits 4.7-4 through 4.7-7.
- 22-4 Regarding the “capability of the land,” the DEIR identifies the capability of land as part of its analysis of agricultural resources and biological resources. Specifically, the DEIR’s analysis of agricultural resources in Solano County uses NRCS’s Land Capability Class System to determine prime agricultural land and uses the California Department of Conservation’s Farmland Mapping and Monitoring Program to determine Important Farmland in Solano County. For biological resources, the soils capability class is used to determine the irrigation potential of grassland habitats in Solano County (see Impacts 4.6-3a and 4.6-3b in DEIR Section 4.6, “Biological Resources”).
- 22-5 The 2008 Draft General Plan identifies 10 agricultural regions in the county. The agricultural designation is intended to support agricultural use with minimum lot sizes defined for individual agricultural regions. The regions are based on several agricultural studies that identified broad geographic areas in the county that have similar agricultural characteristics. The agricultural characteristics that make these areas distinct regions also affect marketing and economic characteristics. Although the 2008 Draft General Plan addresses land use issues that affect agriculture, the County is proposing to go a step further and develop strategic marketing and economic plans for each of the 10 individual regions as outlined in Program AG.I-17. These plans would address the region’s more specific needs and potential opportunities for agricultural economic growth, the marketing efforts the region wants to accomplish, and what the County can help provide. The strategic plans are more detailed plans for implementing the 2008 Draft General Plan policies, similar to specific plans and policy plans. The County Board of Supervisors has indicated that it wishes to make implementation of the strategic plans a high priority.
- 22-6 Over the past several years, agricultural studies were conducted by the American Farmlands Trust in Suisun Valley and by the University of California, Davis (UC Davis) Agricultural Issues Center; in addition, the Agricultural Subcommittee of the Citizens Advisory Committee (CAC) for the 2008 Draft General Plan conducted numerous workshops and listening sessions in the

various agricultural regions of the county. These workshops were well attended by the agricultural community and were key in the developing the Agriculture chapter of the 2008 Draft General Plan, including the goals, policies, and implementation programs identified in that chapter.

22-7 The DEIR fully analyzes impacts associated with implementation of the 2008 Draft General Plan and related to the loss of Important Farmland (see Impacts 4.8-1a and 4.8-1b), conflicts with Williamson Act contracts (see Impact 4.8-2a and 4.8-2b), and incompatibility with established land uses (e.g., agriculture) (see Impacts 4.1-4a and 4.1-4b). The additional information requested by the commenter to be included in the analysis conducted in the DEIR is not needed to understand and analyze the impacts associated with implementing the 2008 Draft General Plan, specifically impacts on agricultural land uses. The analysis conducted in the DEIR sufficiently reached a significance conclusion, based on the thresholds established, with the information provided in the DEIR.

22-8 On page AG-6 in the Agriculture chapter, the 2008 Draft General Plan explains and summarizes the California Land Conservation Act of 1965, referred to as the Williamson Act, and goes on to describe this state program. An option under the Williamson Act program allows existing Williamson Act contracts on land classified by the California Department of Conservation as Important Farmland can be extended to 20-year Farmland Security Zone contracts (Super Williamson Act contracts). These contracts offer landowners greater property tax savings. As the commenter notes, the Farmland Security Zone contract provisions in the Williamson Act are not currently available in Solano County. However, under Program AG.I-7 of the 2008 Draft General Plan, the County proposes to provide incentives for landowners to participate in the Williamson Act and expand the program to include Farmland Security Zone contracts.

22-9 The intent of recognizing the various agricultural regions within the county is to recognize and address the unique needs of each of these areas, and not to divide and conquer as suggested by the commenter. The basis for using a regional approach rather than a “one size fits all” approach comes directly from the input of the farming community through the numerous workshops and listening sessions held throughout the county.

22-10 The 2008 Draft General Plan’s proposals addressing agriculture were developed through a series of CAC meetings. The CAC’s discussions were based on the Agricultural Futures Study conducted by the UC Davis Agricultural Issues Center; the study conducted by the American Farmland Trust in Suisun Valley; and the work of the Agricultural Subcommittee of the CAC, chaired by the former Cooperative Extension farm advisor for Solano County. The issues raised by the commenter regarding uniqueness of agriculture business, agricultural property rights, preservation of the agricultural land base, and the multiplier effects of agriculture on the county economy were studied, reviewed, and discussed in the agricultural reports and by the CAC. The CAC made its recommendations after balancing and weighing the various policy options to address these and other equally important issues covered in the 2008 Draft General Plan.

22-11 The DEIR fully analyzes impacts associated with implementation of the 2008 Draft General Plan and related to the loss of Important Farmland (see Impacts 4.8-1a and 4.8-1b), conflicts with Williamson Act contracts (see Impact 4.8-2a and 4.8-2b), and incompatibility with established land uses (e.g., agriculture) (see Impacts 4.1-4a and 4.1-4b).

Related to the DEIR addressing and analyzing the “regional agricultural economy,” as stated in Section 15131(a) of the State CEQA Guidelines, “Economic or social effects of a project shall not be treated as significant effects on the environment.” In other words, the economic or social changes that a project (in this case, the 2008 Draft General Plan) may cause are not, in and of themselves, significant environmental effects that require analysis in an EIR. For this reason, and

because this comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is necessary.

22-12

The DEIR fully analyzes impacts associated with implementation of the 2008 Draft General Plan and related to the loss of Important Farmland (see Impacts 4.8-1a and 4.8-1b), conflicts with Williamson Act contracts (see Impacts 4.8-2a and 4.8-2b), and incompatibility with established land uses (e.g., agriculture) (see Impacts 4.1-4a and 4.1-4b). Additional information regarding the Solano Agricultural Futures Project is not needed to understand and analyze the environmental impacts associated with implementing the 2008 Draft General Plan, specifically impacts on agricultural land uses. The analysis conducted in the DEIR adequately and sufficiently reached a significance conclusion, based on the thresholds established, and proposed feasible mitigation with the information provided in the DEIR.

Moreover, the Agricultural Futures Project was carefully considered and reviewed by the County in creating and fine-tuning the 2008 Draft General Plan's Agricultural Resources chapter. (See page 4.8-1 of the DEIR; please also refer to "Review of Preliminary Agriculture: Goals, Policies and Programs" on page 2 of the January 15, 2008, agenda submittal to the County Board of Supervisors (Solano County 2008). The 2008 Draft General Plan incorporated many of the recommendations of the Agricultural Futures Project. Indeed, it was through the Agricultural Futures Project that the County created the 2008 Draft General Plan's system of dividing the county into nine distinct regions that link local production to regional markets (Solano County 2008).

The County interprets the commenter's suggestion that even more recommendations of the Agricultural Futures Project be incorporated into the 2008 Draft General Plan as indicating a policy preference, and for that reason the comment will be provided to the County Board of Supervisors for further consideration. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR.

22-13

Please refer to Responses to Comments 22-7 and 22-12.

22-14

The commenter has provided no specific disagreement with the scope or conclusions of the DEIR. Rather, the commenter states that the impact of permitting some development in unincorporated Solano County "requires special DEIR focus as the signal environmental impact of the Plan." The DEIR fully analyzes impacts related to agricultural resources as a result of the land uses proposed in the 2008 Draft General Plan and its proposed goals, policies, and implementation programs. Specifically, the DEIR states that 21,971 acres of existing agricultural land uses, including 4,131 acres of Important Farmland, would be converted to nonagricultural land uses with implementation of the 2008 Draft General Plan and analyzes the changes associated with this conversion (see Impacts 4.8-1a and 4.8-1b).

Further, consistent with the commenter's suggestion, each of the alternatives analyzed in the DEIR (No Project, Improved Environmental Sustainability, Reduced Commercial and Industrial Development, and Reduced Rural Residential (see DEIR Chapter 5) modifies the land use diagram to include less development within the unincorporated county. The commenter is particularly directed toward Alternative 1 of the DEIR (the No Project Alternative), which assumes that the 2008 Draft General Plan would not be implemented and that the county would build out as indicated by the existing General Plan (see pages 5-21 through 5-22 for analysis of the No Project Alternative's impact on agriculture).

The intent of a general plan is to provide a long-term comprehensive plan to balance projected population growth, housing, and employment with necessary public services. The 2008 Draft General Plan represents the fruit of a very long public process, in which draft language resulted

from the input of numerous individuals and organizations, including consideration of the Agricultural Futures Project's recommendations. However, as the commenter indicates, not all of the suggestions from the various stakeholders and others providing input on the 2008 Draft General Plan could be incorporated into the plan. The commenter's opinion regarding the benefits of the existing General Plan (analyzed in the DEIR's No Project Alternative) will be provided to the County Board of Supervisors for further consideration.

Finally, it is worth noting that although the 2008 Draft General Plan would develop less land designated for residential, commercial, and industrial uses than the current General Plan, protection of agricultural lands and the county's rural character remains the overarching theme of the 2008 Draft General Plan. Key objectives of the project include:

- ▶ to maintain the current development strategy of city-centered growth, where most urban growth is located within the incorporated cities through annexations, where urban services are provided;
- ▶ to retain the overall function of the County's Orderly Growth Initiative, while refining the policies and land use designations;
- ▶ to protect and support agriculture as an important component of the county's economy and quality of life; and
- ▶ to continue the existing development pattern of distinct and identifiable cities and communities.

The Agricultural Resources chapter of the 2008 Draft General Plan (Chapter 3) provides numerous goals, policies, and programs to enable the County to achieve these objectives.

- 22-15 The commenter states that analysis of the proposed road and development intrusion into the Montezuma Hills and accompanying effects on agriculture is absent from the DEIR. The County disagrees. A description of the proposed land use and circulation plan for the Collinsville–Montezuma Hills Special Study Area is provided on page 3-9 of the DEIR. The land use designations proposed for this special study area were incorporated into the land use projections listed in Table 3-2 on page 3-25 of the DEIR. All sections of the DEIR, including Section 4.4, “Transportation and Circulation,” are based on these assumptions, which include the proposals for the Collinsville/Montezuma Hills area. At a programmatic level, the analysis in Section 4.8, “Agricultural Resources,” of the DEIR therefore accounts for these uses and facilities. Please refer to Master Response E, “Programmatic Nature of the EIR,” in Chapter 2 of this FEIR.
- 22-16 Please refer to Response to Comment 22-15.
- 22-17 The thresholds used in evaluating the 2008 Draft General Plan are based on regional (Bay Area Air Quality Management District, Yolo/Solano Air Quality Management District) and state (California Air Resources Board) thresholds. These thresholds were developed to account for current state and regional trends in pollutants. Subsequently, Impacts 4.2-1a and 4.2-1b and Impacts 4.2-3a and 4.2-3b in the DEIR do account for state and regional pollutant trends.
- 22-18 Please refer to Response to Comment 22-17. The comment questions the adequacy of the air quality analysis without providing specific criticisms.
- 22-19 The commenter asserts that the 2008 Draft General Plan and DEIR should accurately define and explain the present and past membership of the first CAC and the full initial and final

memberships of the second CAC. The commenter states that the phrase “past CAC members” is confusing and implies that the people listed may have been part of the second CAC.

The comment is noted. It is unclear, however, how the DEIR does not accurately explain the present and past membership of the CAC. Further, to the extent, if any, that the DEIR (or the 2008 Draft General Plan) may not fully describe CAC membership, the County notes that such an omission would not materially alter the DEIR’s environmental analysis and CEQA does not require the DEIR to contain a description of the CAC. No further response can be provided.

22-20 The commenter states that the DEIR and the 2008 Draft General Plan should include a description of each CAC appointee’s interest, including organization and Solano County Economic Development Corporation involvement.

The comment is noted. It is unclear, however, how a CAC appointee’s interest and representation affects the environmental impact analysis conducted in the EIR for the 2008 Draft General Plan. No further response can be provided.

22-21 Please refer to Response to Comment 22-20.

22-22 The 2008 Draft General Plan contains implementation programs designed to educate the public about agriculture in the area and efficient agricultural management with respect to water use. These programs include AG.I-15 and AG.I-23. Please refer to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the policies in the 2008 Draft General Plan will be considered by the County. The County believes that further specificity in these educational policies, such as specific provisions regarding agricultural course work at the community colleges, would overly constrain the County’s discretion to act in its own best interest and to define priorities and optimize resources. Nevertheless, the commenter’s suggestion will be provided to the County Board of Supervisors for further consideration.

22-23 Consistent with the commenter’s suggestion and CEQA’s requirements, the DEIR fully analyzes the loss of agricultural land resulting from implementation of the 2008 Draft General Plan and the DEIR provides recommended mitigation measures (see Impacts 4.8-1a and 4.8-1b in Section 4.8, “Agricultural Resources”).

22-24 The commenter suggests that policies and programs requiring subdivisions to provide for community agriculture/gardens as well as policies permitting churches to have community agriculture/garden areas be added to the FEIR. The County believes that these suggestions may be accommodated within the policies currently being promoted by the 2008 Draft General Plan, particularly Policy AG.P-23 on page AG-30 of the 2008 Draft General Plan, which supports recreation and open space activities that are complementary and secondary to primary uses. Community agriculture/garden areas would qualify as such use. Thus, the County believes the 2008 Draft General Plan includes policies equivalent to the proposed mitigation.

22-25 It is unclear how scoping meeting comments are not addressed in the DEIR. No further response can be provided.

22-26 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.

## **LETTER 23**

---

JONATHAN EVANS, STAFF ATTORNEY

Center for Biological Diversity

June 2, 2008





June 2, 2008

*via electronic mail and US mail (with attachments)*

Jim Louie, Senior Planner  
Department of Resource Management  
675 Texas Street, Suite 5500  
Fairfield, CA 94533  
[jalouie@solanocounty.com](mailto:jalouie@solanocounty.com)

Re: Comments on the Draft Environmental Impact Report for the 2008 Solano County General Plan Update, State Clearinghouse No. 2007122069

Dear Mr. Louie:

These comments are submitted on behalf of the Center for Biological Diversity on the Draft Environmental Impact Report (“DEIR”) for the 2008 Solano County General Plan Update, State Clearinghouse 2007122069 (“the General Plan Update”). The Center for Biological Diversity (“Center”) is a non-profit conservation organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center’s Climate, Air, and Energy Program works to reduce greenhouse gas emissions to protect biological diversity, our environment, and public health. We work to educate the public about the impacts of climate change on our world and the animals and plants that live in it and to build the political will to enact solutions. The Center has over 40,000 members throughout California and the western United States, including in Solano County. Center members will be directly impacted by the Project.

This letter focuses on the Center’s concern that the DEIR fails to fully evaluate the greenhouse gas emissions, and impacts to water supply and biological resources resulting from the General Plan Update. The DEIR also fails to adopt all feasible alternatives and mitigation to reduce these emissions. Under state law, the general plan is the “constitution for all future developments.” *Napa Citizens for Honest Gov’t v. Napa County*, 91 Cal. App. 4th 342, 355 (2001). As the future land-use planning document for the County, general plan policies and land use determinations have profound implications for global warming. While the DEIR recognizes the profound impacts global warming will have on the County, including the inundation of vast swaths of County lowlands from rising sea level it, the General Plan proposed by the County would result in per capita greenhouse gas emissions almost *twice* that of AB 32 emission reduction targets. The solution to the climate crisis is clear – society must drastically reduce its greenhouse gas emissions by 2050 in order to stabilize the climate. While climate change is a global issue, it will take the efforts of local government to bring about any meaningful improvements to the reduction of greenhouse gas emissions. The development trajectory proposed by the County under the General Plan would make this task virtually impossible and is a grave disservice to the future generations of residents of Solano County.

23-1

23-2

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To demonstrate leadership on global warming and comply with CEQA's mandate that an EIR set forth a wide-range of alternatives, the DEIR must be revised to present a "low-carbon" alternative that would comply with AB 32 emission reduction targets within a 2020 timeframe and move toward the additional reductions set forth under Executive Order S-3-05 in a 2050 timeframe. Because a low carbon alternative would necessarily require implementation of smart growth land use principles, water conservation, and energy efficiency, it would provide a host of other environmental benefits to the County in terms of decreased traffic impacts, more open space preservation, healthier more walkable communities, and energy independence. It is critical that this type of alternative and the choices it entails in terms of additional policies and land use determinations, be set forth to decision makers and the public. Additional deficiencies in the DEIR are set forth below.

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## **I. THE DEIR MUST SET FORTH THE THREAT OF GREENHOUSE GAS POLLUTION AND GLOBAL WARMING**

In order to conform to CEQA's informational mandates and properly inform the public and decision makers of the significance of the Project's contribution to greenhouse gases, the DEIR must first adequately discuss the threat posed by greenhouse gas emissions and avoid minimizing or discounting the severity of global warming's impacts. See Guidelines § 15151. See, e.g., *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* ("Laurel Heights I"), 47 Cal.3d 376, 392 (1988) (EIR is intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action."); Guidelines § 15151 (requiring an EIR be detailed, complete, and reflect a good faith effort at full disclosure). Unfortunately the DEIR improperly downplays the threats posed by global warming by failing to recognize important information regarding the severity of impacts to California and Solano County posed by global warming. The DEIR emphasizes variability in modeling impacts instead of recognizing the universally recognized threats posed by climate change.

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### **A. Impacts to California from Global Warming**

Climate change poses enormous risks to California. Scientific literature on the impact of greenhouse gas emissions on California is well developed.<sup>1</sup> The California Climate Change Center ("CCCC") has evaluated the present and future impacts of climate change to California and the project area in research sponsored by the California Energy Commission and the California Environmental Protection Agency. (Cayan, et al. 2007). The severity of the impacts facing California is directly tied to atmospheric concentrations of greenhouse gases. (Cayan, et al. 2007; Hayhoe, K., et al. 2004.) According to the CCCC, aggressive action to cut greenhouse gas emissions today can limit impacts, such as loss of the Sierra snow pack to 30%, while a business-as-usual approach could result in as much as a 90% loss of the snowpack by the end of the century. As aptly noted in a report commissioned by the California EPA:

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Because most global warming emissions remain in the atmosphere for decades or centuries, the choices we make today will greatly influence the climate our children and grandchildren inherit. The quality of life they experience will

<sup>1</sup> Additional reports issued by California agencies are available at <http://www.climatechange.ca.gov>, and IPCC reports available at <http://www.ipcc.ch/>.

depend on if and how rapidly California and the rest of the world reduce greenhouse gas emissions.

(Cayan, et al. 2007). Some of the types of impacts to California and estimated ranges of severity – in large part dependent on the extent to which emissions are reduced – are summarized as follows:

- A 30 to 90 percent reduction of the Sierra snowpack during the next 100 years, including earlier melting and runoff.
- An increase in water temperatures at least commensurate with the increase in air temperatures.
- A 6 to 30 inch rise in sea level, before increased melt rates from the dynamical properties of ice-sheet melting are taken into account.
- An increase in the intensity of storms, the amount of precipitation and the proportion of precipitation as rain versus snow.
- Profound impacts to ecosystem and species, including changes in the timing of life events, shifts in range, and community abundance shifts. Depending on the timing and interaction of these impacts, they can be catastrophic.
- A 200 to 400 percent increase in the number of heat wave days in major urban centers.
- An increase in the number of days meteorologically conducive to ozone (O<sub>3</sub>) formation.
- A 55 percent increase in the expected risk of wildfires.

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(Cayan, et al. 2007 at 15). By providing details as to the ranges of proposed impacts, and indicating that the higher-range of impact estimates are projected if greenhouse gas emissions continue to increase under a “business as usual” scenario, decision-makers and the public will be better informed of the magnitude of the climate crisis and the urgency with which it must be addressed.

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## II. THE DEIR FAILS TO ADEQUATELY QUANTIFY CURRENT BASELINE EMISSIONS, EMISSIONS AT BUILDOUT AND EMISSIONS FROM PROJECT ALTERNATIVES

The DEIR’s analysis of the Project’s greenhouse gas emissions is inadequate, incomplete, and does not reflect a good faith effort at full disclosure because the DEIR’s assessment of the greenhouse gas emissions generated under the proposed General Plan appears to be limited only to those emissions generated from the transportation sector. (DEIR at 6-33.) Guidelines § 15151 (an EIR “should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences.”). “CEQA advances a policy of requiring an agency to evaluate the environmental effects of a project at the earliest possible stage in the planning process.” *City of Redlands v. County of San Bernardino*, 96 Cal. App. 4th 398, 410 (2002). “[B]y deferring full environmental assessment of the consequences of [the General Plan Update], the County has failed to comply with CEQA’s policy and requirements.” *Id.* Without

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estimating the greenhouse gas pollution resulting from the total General Plan Update and from the proposed alternatives, there is simply no legitimate way that the DEIR can then adequately discuss alternatives, avoidance, and mitigation measures to reduce those impacts.

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**A. Baseline Emissions**

First, the DEIR's calculation of existing emissions is incomplete. Under CEQA, an "EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published." Guidelines § 15125(a); *see also Environmental Planning & Information Council v. County of El Dorado (EPIC)*, 131 Cal.App.3d 350, 355 (1982) (effect of general plan amendment must be compared against actual environment, not assumptions in existing general plan). Here, the DEIR's analysis of existing greenhouse gas emissions is limited to emissions from onroad vehicles, natural gas use in hearths, and construction emissions. DEIR at 6-31. No emission numbers are provided from energy use, water consumption, wastewater treatment, or solid waste disposal -- all significant sources of greenhouse gas emissions.

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This failure to include full accounting for Project impacts—essentially segmenting or piecemealing portions for the project from the analysis—is compounded by the DEIR's failure to readily provide information to the public regarding models and assumptions used for the greenhouse gas analysis. The DEIR refers "to Appendix F for detailed assumptions and modeling output files." DEIR at 6-33. However, Appendix F of the DEIR is not available online at the County's website for the Solano County General Plan. Solano County 2008, Solano County General Plan Website/Documents, available at <http://www.solanocountygeneralplan.net/documents.htm> last visited May 27, 2008. The DEIR's attempt to dismiss reasonably foreseeable project impacts that can be currently determined, while failing to provide information related to its assumptions available with other related information does not meet informational mandates.

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In its recent white paper, CEQA & Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act (Jan. 2008), the California Air Pollution Control Officers Association (CAPCOA) set forth methodologies for analyzing greenhouse gas pollution in a proposed general plan update, including sources that were omitted in the DEIR. (CAPCOA 2008 at 65-68, 83). It is incumbent on the County to "disclose all it can" about project impacts and educate itself on methodologies that are available to measure project emissions. *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm'rs ("Berkeley Jets")*, 91 Cal. App. 4th 1344, 1370 (2001).

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An example methodology set forth by CAPCOA:

Source	Methodology
<i>Direct Emissions</i>	
Construction	URBEMIS (OFFROAD emission factors)
Mobile Sources	Short-Term: URBEMIS (EMFAC emissions factors). Long-Term: I-PLACE <sup>3</sup> S/CTG SCM
Area Sources	Short-Term: URBEMIS (EMFAC emissions factors). Long-Term: I-PLACE <sup>3</sup> S/CTG SCM
<i>Indirect Emissions</i>	
Energy Consumption	Short-Term: CCAR GRP & CEC. Long-Term: I-PLACE <sup>3</sup> S/CTG SCM
Wastewater Treatment	CCAR energy use protocols, URBEMIS for transportation emissions
Solid Waste Disposal	CCAR energy use protocols, URBEMIS for transportation emissions

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Energy consumption from water use in north California is available to calculate emissions generated from this source. (Recommendations of the Economic and Technology Advancement Advisory Committee (ETAAC), Technologies and Policies to Consider for Reducing Greenhouse Gas Emissions in California (2008) at 8-1.) Emissions from the agricultural sector and in particular cattle operations, can also be significant and should be quantified in the EIR.

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In addition to the methodologies set forth by CAPCOA, ICLEI's Clean Air/Climate Protection (CACP) software allows cities to calculate emissions reductions, track and quantify emission outputs, and develop emissions scenarios to inform the planning process.<sup>2</sup> As noted in the ICLEI Climate Action Handbook, "[e]xpertise in climate science is not necessary" to conduct an emissions inventory and compare this inventory against a forecast year. (ICLEI. Local Governments for Sustainability, U.S. Mayor's Climate Protection Agreement Climate Action Handbook at 8). "A wide range of government staff members, from public works to environment and facilities departments, can conduct an inventory." *Id.* ICLEI provides technical assistance and training to local government using the CACP software.

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UPLAN is a GIS-based model for testing urban growth scenarios. UPLAN allows the user to change the assumed proportions on land use types, such as high-density commercial v. low-density commercial, or high, medium and low-density residential. UPLAN

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<sup>2</sup> ICLEI-Local Governments for Sustainability is an international association of more than 650 local governments. Cities, counties, towns and villages around the world are members of ICLEI. Since 1993, ICLEI and has grown from a handful of local governments participating in a pilot project to more than 300 who are providing national leadership on climate protection and sustainable development. ICLEI's mission is to improve the global environment through local action. On the issue of global warming, for example, ICLEI provides resources, tools, peer networking, best practices, and technical assistance to help local governments measure and reduce greenhouse gas emissions in their communities.

also allows the user to set various environmental and social constraints on growth, such as various levels of general plan compliance, turning on and off agricultural zoning and setting urban growth boundaries. The County's use of UPLAN would provide critical information on the emissions from General Plan alternatives and the benefits of potential mitigation measures.

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**B. The DEIR Must Compare Emissions Generated by the Project and Proposed Alternatives**

Once emissions from the proposed General Plan Update are fully quantified, the DEIR should compare the Project with the emissions resulting from the various project alternatives. UPLAN is one type of modeling software that allows for emission to be measured using differing land use and growth assumptions. Only by comparing emissions among alternatives will decision makers and the public be properly informed of the global warming impacts of the project.

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**III. TO PROPERLY EVALUATE THE SIGNIFIGANCE OF PROJECT IMPACTS ON GLOBAL WARMING, THE DEIR MUST COMPARE EMISSIONS RESULTING FROM THE PROJECT WITH REDUCTIONS REQUIRED UNDER AB 32 AND EXECUTIVE ORDER S-3-05**

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Although the Project is a 2030 General Plan Update, the DEIR's significance criteria for greenhouse gas emissions is whether the project conflicts with the state goal of reducing greenhouse gas emissions in California to 1990 levels by 2020, as set forth by the timetable established in AB 32, California Global Warming Solutions Act of 2006. (DEIR at 6-32, 6-42). This significance criteria ignores California's mandate under Executive Order S-3-05 to sharply reduce emissions after 2020 to 80% below 1990 levels by 2050. The DEIR should make an appropriate assumption, such as a linear decrease to 2050 to determine significance criteria for 2030 (approximately 27% below 1990 levels), to determine whether the General Plan Update will conflict with other requirements for reductions in the state.

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Setting significance criteria at 2020 targets for a 2030 General Plan Update while ignoring emissions reduction requirements over the full life of the Project is fundamentally flawed. As acknowledged by CAPCOA, because of California's emission reduction mandates, GHG emissions associated with the general plan area in 1990 is relevant to evaluating the impacts of the general plan buildout. (CAPCOA 2008 at 66). Once Project emissions are fully quantified, they should be compared with County emissions from 1990 and percentages below 1990 levels to determine compliance with AB 32 and Executive Order S-3-05. Accordingly, the DEIR must be revised to compare the Project emissions with the County's 1990 emissions as well as the additional reductions under Executive Order S-3-05.

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**IV. THE DEIR FAILS TO CONSIDER A REASONABLE RANGE OF ALTERNATIVES**

An EIR is required to describe a reasonable range of alternatives to the project, which would feasibly attain most of its basic objectives but would avoid or substantially lessen its significant effects. Cal Code Regs § 15126.6(a). "Without meaningful analysis of

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alternatives in the EIR, neither courts nor the public can fulfill their proper roles in the CEQA process.” *Laurel Heights Improvement Ass’n v. Regents of University of California*, 47 Cal.3d 376, 404 (1988). The City has a substantive duty to adopt feasible, environmentally superior alternatives. Pub. Res. Code § 21002, Cal Code Regs §§ 15002(a)(3), 15021(a)(2). A lead agency cannot abdicate this duty unless substantial evidence supports a finding that the alternative is infeasible. *See, e.g., Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1181.

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The County must consider a range of alternatives that will place almost all growth in incorporated cities and established communities and hamlets and that will implement strong smart-growth principles and energy conservation measures. The General Plan process and EIR omitted a regionally vetted and expertly developed blueprint for growth by failing to consider the Association of Bay Area Governments Smart Growth Strategy. (ABAG 2002) The Smart Growth Strategy is a five-agency planning effort coordinated by ABAG that seeks to foster “smart growth” land use patterns throughout the Bay Area’s nine counties and 101 cities. The project works to advance regulatory changes and incentives that are needed to advance smart-growth planning objectives. The Smart Growth Strategy for Solano County includes the preservation of agricultural industry and character by focusing new development within the incorporated cities. Another example is an alternative that combines the city-centered and confined growth alternatives that would likely result in no growth or very minimal growth in unincorporated areas. Additionally, the County must consider alternatives that incorporate strict energy and water conservation measures, require green building practices and mixed-use development and places development near alternative transportation nodes. Such alternatives would result in a significant reduction in greenhouse gas emissions resulting from VMTs and energy consumption. It would also result in fewer greenhouse gas emissions from construction and development, as the County would not have to build new infrastructure throughout unincorporated. These alternatives would meet the County’s basic goals and objectives of its General Plan Update and, therefore, must be considered by the County.

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In addition, the alternatives presented do not quantify differences in greenhouse gas emissions. Greenhouse gas emissions are a useful metric for assessing environmental impacts as reducing per capita emissions and implicate a host of other environmental impacts, such as traffic, open space, air quality and water conservation. Indeed, reducing per capita greenhouse gas impacts will have positive environmental benefits for virtually all of the General Plan’s environmental impacts. For this reason, the County should set forth and frame an alternative as a “low carbon” alternative and discuss the types of measures and land use decisions that would be required for the County to comply with AB 32 targets and move forward to 2050 reduction targets. Mitigation Measures to encourage the “low carbon” alternative are described below and can be easily achieved while reaching the project objectives for the General Plan Update. To the extent the County rejects the low carbon alternative or feasible mitigation measures described below that decision must be supported by substantial evidence.

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Finally, the County must explain its analysis of the alternatives in more detail so that the public and decision-makers can better determine how they would achieve the goals and objectives of the General Plan Update, lessen the environmental impacts resulting from growth

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and development and why the County eventually chose this General Plan Update, rather than more environmentally-friendly alternatives.

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**V. THE DEIR MUST ADEQUATELY ANALYZE THE ADDITIONAL EFFECT GLOBAL WARMING WILL HAVE ON THE PROJECT IMPACTS**

Global warming will affect California’s climate, resulting in increased temperatures, sea level rise, and a reduction in snowpack and precipitation levels and water availability. These factors will impact development under the General Plan Update, as well as exacerbate its own environmental impacts. Therefore, the County must adequately consider these impacts in the DEIR. *See* Guidelines § 15126.2(a) (as EIR “shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected.”) Instead of conducting a good faith analysis as to the effects of global warming on the County the DEIR engages in a survey of different climate models without analyzing how those models project impacts on the planning, land use, biological resources, water supply, and other related areas of planning interest. The DEIR must use its best efforts to find out and disclose all it reasonably can about the impacts of climate change on the environment of Solano County and—most importantly—use that information to form an educated opinion about how to plan and adapt for the impacts of climate change.

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**A. The DEIR Must Analyze Global Warming’s Affect on Water Supply in Determining Project Water Supply Impacts**

The DEIR fails to adequately address the impacts of climate change on water resources and availability relied upon by the Project.

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The IPCC projects with “high confidence” that water supplies stored in mountain snowpacks such as the Sierra Nevada will decline around the world, reducing water availability in regions supplied by meltwater. (IPCC. 2007a). Most montane ice fields are predicted to disappear during this century, further exacerbating water shortages in many areas of the world. (Epstein, P.R. and E. Mills 2005). The IPCC specifically identified the American West as vulnerable, warning, “[p]rojected warming in the western mountains by the mid-21st century is very likely to cause large decreases in snowpack, earlier snow melt, more winter rain events, increased peak winter flows and flooding, and reduced summer flows.” (IPCC. 2007b at 62). These changes would shift available water supplies from summer — when they are most needed by people, agriculture, and ecosystems — to earlier in the year. (The Rocky Mountain Climate Organization, NRDC 2008). The IPCC also warned that the results would include “a projected increase in the chance of summer drying in the mid-latitudes,” which includes the American West, “with associated increased risk of drought.” (IPCC. 2007c) All in all, the IPCC concluded that in North America, including the fast-growing western United States, “[r]educed water supplies coupled with increases in demand are likely to exacerbate competition for over-allocated water resources.” (IPCC. 2007b)

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The U.S. National Assessment water sector report also summarizes similar concerns:

“More than 20 years of research and more than 1,000 peer-reviewed scientific papers have firmly established that a greenhouse warming will alter the supply and demand for water, the quality of water, and the health and functioning of aquatic ecosystems.”

(Gleick 2000). In California the Legislature has recognized that greenhouse gas emissions and global warming pose serious threats to natural resources and the environment of California, from the potential adverse reduction in the quality and supply of water to the state from the Sierra snowpack. (Health and Safety Code § 38501(a)). A dry climate caused by global warming would impose large costs and challenges on California, severely affecting the economies of some rural and agricultural regions of the state. (California Climate Change Center. 2006a). There is strong evidence that wildfires, precipitation patterns, and snowmelt are already being influenced by anthropogenic climate change. (Westerling, et al. 2006). The recognized environmental impacts in the local and regional vicinity of the Project must be accounted for in the DEIR.

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The impacts of climate change that must be addressed in water resources planning are varied and far reaching. The most significant impacts of global warming on water management are rising temperatures, increasing proportions of annual precipitation in the form of rainfall, disrupted streamflow timing, altered snowpack conditions, increased evaporation and transpiration, greater risk of fires, and sea level rise. (NRDC 2007). Climate change and variability will affect the timing, amounts, and form of precipitation, which in turn will affect all elements of water systems, from watershed catchment areas to reservoirs, conveyance systems, and wastewater treatment plants. (Miller, Kathleen and David Yates. 2005). These systems are already stressed today due to a multitude of factors including limitations on supply from the Sacramento San Joaquin Delta. (Tepper, Bruce 2008). Overdraft and contamination of groundwater sources have reduced the availability of groundwater supplies in many areas. (NRDC 2007). Saltwater intrusion in coastal aquifers is a problem in many areas. *Id.* Climate change has the potential to exacerbate these situations, requiring increased attention from water managers and municipal planners. These factors must be accounted for in the DEIR for this General Plan Update because it relies upon water resources that will be in greater scarcity in the future.

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The combined threats of climate change and population growth pose serious threats to the water supply of the Sierra Nevada. (Sierra Nevada Alliance 2003). Evidence of warming trends is already being seen in winter temperatures in the Sierra Nevada, which rose by almost 2 degrees Celsius (4 degrees Fahrenheit) during the second half of the 20th century. (NRDC 2007). Trends toward earlier snowmelt and runoff to the San Francisco Bay-Delta over the same period have also been detected. (Dettinger, Michael D. and Dan R. Cayan 1994). Future changes in snowpack are a great concern because snow levels have been predicted to retreat 500 feet in elevation in California for every rise of one degree Celsius. (Roos 2005). Under a low emissions scenario Sierra snowpack is reduced 30-70%. (Hayhoe, K., et al. 2004). Under a higher emissions scenario snowpack would decline 74-90%, with impacts on runoff and streamflow. Combined with projected declines in winter precipitation, these changes could fundamentally disrupt California's water rights system. *Id.*

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A significant body of analysis suggests that total streamflows in the future will be reduced in comparison with historical levels. (NRDC 2007). Analysis by the California Climate

Change Center in 2006 found that climate change could lead to significant reductions in total reservoir inflows and total Delta inflows. (California Climate Change Center 2006b). Approximately two-thirds of model runs revealed likely reductions in total inflows for major northern California reservoirs, with maximum projected reductions of approximately 12 percent. (California Climate Change Center 2006b).

Sea level rise also has potentially severe impacts on water supply. (NRDC 2007). For example, for the San Francisco Bay and the Sacramento-San Joaquin River Delta, global warming impacts will compromise ecosystem health, water supply, and water quality. *Id.*

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Scientists indicate that climate change will also exacerbate the problem of flooding by increasing the frequency and magnitude of large storms, which in turn will cause an increase in the size and frequency of flood events. *Id.* The increasing cost of flood damages and potential loss of life will put more pressure on water managers to provide greater flood protection. *Id.* At the same time, changing climate conditions (decreased snowpack, earlier runoff, larger peak events, etc.) will make predicting and maximizing water supply more difficult. *Id.* These changes in hazard risk and water supply availability must be considered during environmental review.

Water quality, in addition to water quantity and timing, will also be impacted. Changes in precipitation, flow, and temperature associated with climate change will likely exacerbate water quality problems. *Id.* Changes in precipitation affect water quantity, flow rates, and flow timing.<sup>3</sup> Shifting weather patterns are also jeopardizing water quality and quantity in many countries, where groundwater systems are overdrawn. (Epstein, P.R. and E. Mills 2005). Decreased flows can exacerbate the effect of temperature increases, raise the concentration of pollutants, increase residence time of pollutants, and heighten salinity levels in arid regions. (Schindler, D.W. 1994)

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**B. The DEIR Must Adequately Analyze Global Warming's Affects on Sea Level Rise in Determining Flood Hazard Risks**

The Center commends the County on the development of the Sea Level Rise Strategic Plan developed as a policy under the General Plan. General Plan at HS-12. However, this information is available today and has been available during the development of the General Plan and DEIR. To defer analysis and planning for this significant impact does not meet CEQA's mandate to adequately inform the public and decision makers of approving massive new development in areas with foreseeable flood risk.

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The DEIR fails to adequately analyze the impacts of Global Warming on sea level rise and how that will impact Solano County and implementation of the General Plan. The California Delta Vision Blue Ribbon Task Force ("Delta Task Force") estimates that planning for sea level rise should anticipate a sea level rise of 16 inches by 2050 and 55 inches by 2100.

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<sup>3</sup> The following examples are cited in: Gleick, Peter H. et al., 2000. "Water: The Potential Consequences of Climate Variability and Change for the Water Resources of the United States." The report of the Water Sector Assessment Team of the National Assessment of the Potential Consequences of Climate Variability and Change," U.S. Global Change Research Program, Pacific Institute for Studies in Development, Environment, and Security.

(California Delta Vision Blue Ribbon Task Force 2008). The Delta Task Force is a group appointed by Governor Schwarzenegger with demonstrated experience in natural resource management advised, in part, through the expertise of the CALFED Lead Scientist and CALFED Independent Science Board. Unfortunately the DEIR fails to find out and disclose all that it reasonably can about the projected risks and impacts of increased sea level rise on Solano County. The Bay Conservation and Development Commission has provided helpful guidance and illustrations regarding the impacts of Sea Level Rise on Solano County. (BCDC 2008). The DEIR anticipates sea level rise between 7-23 inches by 2100. DEIR at 6-20. This gross underestimation of the guidance provided by the expert agency overseeing the future of the Sacramento-San Joaquin Delta leads to the EIR's failure to accurately plan or analyze for future flood risk, hazards to homes and communities, and levee failure.

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The assumptions and models of sea level rise in the DEIR fail to account for the melting of ice caps on polar continents. This melting of land based ice caps is already occurring, particularly on Greenland, and is expected to accelerate. However, none of the current models used in the DEIR can account for this melting. (Sacramento Bee 2008). This results in a gross underestimate of sea level rise relied upon by the DEIR.

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This gross underestimation of sea level rise will have dire implications for residential, infrastructure, and commercial development in low lying areas of the County. County estimates of sea level rise will place new residential development in areas subject to flooding. Caltrans, is planning to widen Highway 12, a cross-Delta route between Lodi and Fairfield that already lies 20 feet below sea level in places. A sea level increase of 55 inches, or about 1.4 meters, would probably overwhelm most levees in the Delta. It would also likely flood thousands of acres of low-lying urban land surrounding the Delta, including some neighborhoods, urban water intakes, sewage treatment outfalls, highways and other utilities. (See Sacramento Bee 2008). These impacts must be accounted for in the General Plan and General Plan EIR.

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**C. The DEIR Must Analyze Global Warming's Affects on Wildfires in Determining Project Wildfire Impacts**

Global warming will greatly affect the rate and intensity of wildfires in the area. (IPCC 2007c). If temperatures rise into the medium warming range, the risk of large wildfires in the state could increase by 55%. (Cayan, et al. 2007). This is almost twice the increase expected if temperatures stay in the lower warming range. *Id.* The risk of wildfire is determined by a combination of factors in addition to temperature rise, including precipitation, winds, landscape and vegetation conditions, and, as a result the risk will not be identical throughout the state. *Id.* Thus, the DEIR must analyze how global warming will exacerbate project impacts on the likelihood and intensity of wildfires in the County.

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**D. The DEIR Must Analyze Global Warming's Affects on Air Quality in Determining Project Air Quality Impacts**

Californians experience the worst air quality in the nation, with annual health and economic impacts estimated at 8,800 deaths (3,000–15,000 probable range) and \$71 billion

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(\$36–\$136 billion) per year. *Id.* Ozone and particulate matter (PM) are the pollutants of greatest concern (maximum levels are about double California’s air quality standards) and the current control programs for motor vehicles and industrial sources cost about \$10 billion per year. Higher temperatures are expected to increase the frequency, duration and intensity of conditions conducive to air pollution formation. *Id.* As such, the County must consider this impact in its environmental analysis.

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These are only examples of how global warming will impact development under the General Plan Update and intensify the environmental impacts it will already have. It is not an exhaustive list. Thus, when analyzing the risk of wildfire posed, or assessing the impact of the General Plan Update on water supply and biological resources, the DEIR must take into account the effects of global warming on these resources.

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**E. The DEIR Must Analyze Global Warming’s Affects on Biological Resources in Determining Project Impacts**

Climate change is a leading threat to California and the world’s biological diversity. Species have already been profoundly impacted by the worldwide average temperature increase of 1° Fahrenheit (.6° Centigrade) since the start of the Industrial Revolution (IPCC 2001). Yet the warming experienced to date is small compared with the 2.5- 10.4° F (1.4- 5.8° C) or greater warming projected for this century. The ways in which climate change threatens species are varied and sometimes complex. Below we present an overview of impacts observed to date and projections for the future.

Scientists have predicted three categories of impacts from global warming: (1) earlier timing of spring events, (2) extension of species’ range poleward or upward in elevation, and (3) a decline in species adapted to cold temperatures and an increase in species adapted to warm temperatures (Parmesan and Galbraith 2004). A recent survey of more than 30 studies covering about 1600 hundred species summarized empirical observations in each of these three categories and found that approximately one half of the species were already showing significant impacts, and 85-90% of observed changes were in the direction predicted (Parmesan and Galbraith 2004). The statistical probability of this pattern occurring by chance, as opposed to being caused by climate change, is less than one in a billion (Parmesan and Galbraith 2004).

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Changes in the life cycles and behaviors of organisms such as plants blooming and birds laying their chicks earlier in the spring were some of the first phenomena to be observed. These changes may not be detrimental to all species, but depending on the timing and interactions between species, may be very harmful.

The Edith’s checkerspot butterfly, which occurs along the west coast of north America, has been severely impacted by such changes in the lifecycles of organisms. The Edith’s checkerspot’s host plant, *Plantago erecta*, now develops earlier in the spring while the timing of caterpillar hatching has not changed. Caterpillars now hatch on plants that have completed their lifecycle and dried up, instead of on young healthy plants (Parmesan and Galbraith 2004). The tiny caterpillars are unable to move far enough to find other food and therefore starve to death. (Parmesan and Galbraith 2004). Because of this, many Edith’s

checkerspot butterfly populations have become extinct. Many more populations have been lost in the southern portion of the species' range than in the northern portion, resulting in a net shift of the range of the species northward and upwards in elevation. All these changes have occurred in response to "only" 1.3° Fahrenheit regional warming. (Parmesan and Galbraith 2004).

The leading study on the quantification of risk to biodiversity from climate change, published in 2004 in *Nature*, included over 1,100 species distributed over 20% of the earth's surface area. (Thomas et al. 2004). Under a relatively high emissions scenario, 35%, under a medium emissions scenario 24%, and under a relatively low emissions scenario, 18% of the species studied would be committed to extinction by the year 2050. (Thomas et al. 2004). Extrapolating from this study to the earth as a whole reveals that over a million species may be at risk. The clear message is that immediate reductions in greenhouse gas emission may save preserve many thousands of species. It is also clear that some impacts from climate change are inevitable, and thus adaptation strategies will be an essential component of any comprehensive strategy to manage the impacts of climate change.

While theoretically some species can adapt by shifting their ranges in response to climate change, species in many areas today, in contrast to migration patterns in response to paleoclimatic warming, must move through a landscape that human activity has rendered increasingly fragmented and inhospitable. When species cannot shift their ranges northward or to increased elevations in response to climate warming, they will become extinct. (Parmesan and Galbraith 2004). Therefore, the least mobile species will be the first to disappear.

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## **VI. THE DEIR MUST ANALYZE AND ADOPT ALL FEASIBLE MITIGATION MEASURES TO REDUCE THE PROJECT'S GREENHOUSE GAS EMISSIONS**

The DEIR recognizes that the greenhouse gas pollution resulting from the General Plan Update is a significant unmitigable impact. DEIR at 2-59. Because the General Plan Update's greenhouse gas emissions cumulatively contribute to global warming, the DEIR "must propose and describe mitigation measures that will minimize the significant environmental effects" identified by the DEIR. *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors*, 91 Cal.App.4th 342, 360 (2001). CEQA requires that agencies "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b). Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). Therefore, it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." Pub. Res. Code § 21002. Importantly, mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures" so "that feasible mitigation measures will actually be implemented as a condition of development." *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000).

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Enforceable mitigation measures must be included before the General Plan Update can be approved. When mitigation measures are incorporated into a plan, the agency

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must take steps to ensure that they will actually be implemented as a condition of later development approved under the plan, “not merely adopted and then neglected or disregarded.” *Federation of Hillside Canyon & Canyon Ass’ns v. City of Los Angeles*, 83 Cal.App.4th 1252 (2000). For mitigation measures that cannot be specifically formulated without a proposal for a specific facility, the general plan should include a firm commitment to future mitigation of significant impacts. *Rio Vista Farm Bureau Ctr. v. County of Solano*, 5 Cal.App.4th 351 (1992).

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The DEIR is deficient as an informational document, necessitating recirculation, because the DEIR has failed to disclose and include a mitigation and monitoring plan. The lead agency shall adopt a program for monitoring or reporting on revisions and measures imposed to mitigate or avoid significant environmental effects to ensure that the measures and project revisions are implemented. Pub. Res. Code, § 21081.6(a)(1); CEQA Guidelines §§ 15091(d), 15097(a). This omission fails to properly inform the public and decision makers of the effectiveness, viability, and feasibility of mitigation measures. Furthermore, as described below, the failure to include a mitigation and monitoring plan compounds the problem that many, if not most, of the mitigation measures outlined in the general plan lack enforceability, or commitments to performance measures. Mitigation measures without an enforceable mitigation measure are merely hopes, dreams, or goals that will never reach fruition.

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These comments focus on the Implementing Programs or Regulations proposed in the General Plan because those implementing programs come closer to the type of enforceable mitigation measures necessary to comply with CEQA. Goals and Policies in the General Plan are illustrative of aspirational desires for the future of the County, but provide little in terms of fully enforceable agreements that, once adopted, would not simply be neglected or disregarded in practice during ongoing County operations and the discretionary land use decision making process. To the extent the Goals and Policies are relied upon to provide the type of firm and enforceable mitigation under CEQA, those mitigation measures are invalid because the County cannot and does not provide any type of mitigation enforcement or monitoring mechanism to assure the goals and policies are implemented and reduce the significant impacts of the Project.

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#### **A. Climate Action Plan**

One of the new implementation programs adopted by the County to mitigate the General Plan’s significant adverse impacts to greenhouse gas emissions is the Solano County Climate Action Plan, HS.I-73, where the County commits to developing a plan that a) reduces total greenhouse gas emissions in the county to 20 percent below 1990 levels by 2020, and b) creates adaptation strategies to address the impacts of climate change on the County. General Plan at HS 104-106. This is a laudable step in the right direction. However, the County is essentially deferring all analysis and mitigation until *after* project approval.

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The County must set targets for the reduction of emissions *prior* to setting out its land use policies in order to properly achieve CEQA’s mandates to assure informed self government and provide an adequate analysis of alternatives. The County makes no commitments now to reducing greenhouse gas emissions, but instead commits to planning how to reduce emissions in the future through proposed plans and the development of future targets. The County must commit to a targeted reduction of greenhouse gas emissions now and use that

target as a guide in establishing its land use goals and policies described in the General Plan. Without this target, the County is writing its constitution for its future without fully considering the General Plan's impacts and alternatives that could lessen that impact.

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Missing from the General Plan and any mitigation strategies, as mentioned above, are current goals backed by policies and implementation measures to reduce and limit greenhouse gas emissions in the County. Many of the Goals, Policies, and Implementing Programs "aimed at addressing the threat of climate change" are simply existing measures of the General Plan recast to meet a climate change focus. DEIR at 6-34. Unfortunately, these mitigation measures fall short of achieving the ambitious emissions reductions targets needed to reduce the impacts below a level of significance. DEIR at 6-42. The County must adopt goals, policies, and implementation programs that promote efficient management and use of resources in order to minimize greenhouse gas emissions.

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Policies and implementing programs that address this goal include the following.

Fostering and restoring forests and other terrestrial ecosystems that offer significant carbon mitigation potential. Instead of retaining or expanding natural communities that provide for carbon sequestration and mitigation the County allows the conversion of 2,272 acres of upland grassland, 1,766 acres of oak woodland, 995 acres of oak savanna, 97 acres of scrub/chaparral habitats, 8,389 acres of valley floor grassland, 2,375 acres of vernal pool grassland habitat, and 5,697 acres of agricultural habitat. (DEIR Table 2-1). While mitigation is imposed for partial replacement of such habitat it does not and cannot replace the direct and cumulative loss of overall carbon sequestration in the natural communities.

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Considering greenhouse gases in its interagency cooperation policies: The County should adopt the following implementation measures to reduce GHG emissions. Participate in programs such as the "The Cities for Climate Protection" (CCP) Campaign, by ICLEI. <http://www.iclei.org/index.php?id=800> The CCP Campaign assists cities and counties in adopting policies and implementing quantifiable measures to reduce local greenhouse gas emissions, improve air quality, and enhance urban livability and sustainability. More than 800 local governments participate in the CCP, integrating climate change mitigation into their decision-making processes.

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The County must ensure that developers and project proponents adequately consider and mitigate greenhouse gas emissions in project proposals and environmental reviews  
The County must also adopt an implementation measure incorporating greenhouse gas emissions assessments and mitigations into land use planning documents, including CEQA documents.

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## **B. Land Use**

As noted by CAPCOA, "[t]he most effective way for local jurisdictions to achieve GHG emissions reductions in the medium- and long-term is through land use and transportation policies that are built directly into the community planning document." (CAPCOA 2008 at 69). The DEIR hardly addresses the issue of land use as an important mitigation measure to address the Project's contribution to climate change. The aspirational policies outlined in the DEIR, at 6-36, provide no enforceable mitigation measure, commitment to performance standard, or any

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objective metric to quantify implementation or effectiveness of implementation. As discussed these policies and measures are unenforceable and inadequate under CEQA. Moreover, the County failed to consider additional mitigation measures that will substantially lessen the General Plan Update’s impacts on greenhouse gas emissions.

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Committing to smart growth is one of the most important mechanisms the County can pursue in developing its General Plan. The County can build upon its existing Orderly Growth Initiative to further the commitment to smart growth. Indeed, one of the project objectives is to “[r]etain the overall function of the County’s Orderly Growth Initiative, while refining the policies and land use designations.” DEIR at 2-1. However, the planned revisions to the General Plan run contrary to the Project objective. First, the 2008 General Plan proposes substantive revisions to the Orderly Growth Initiative without disclosing the impacts of those changes as described below. Second, many areas of the County—including those areas within MSAs such as the area northeast of Dixon—are converted from Agricultural lands. Finally, the County also fails to take a leadership role in furthering the timeframe for the orderly growth initiative, allowing it to sunset in 2010. This runs contrary to the will and intent of the voters.

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The DEIR also fails to describe to what degree the General Plan conflicts with regional planning documents such as ABAG’s Smart Growth Strategy. (ABAG 2002). The Smart Growth Strategy is a five-agency planning effort coordinated by ABAG that seeks to foster “smart growth” land use patterns throughout the Bay Area’s nine counties and 101 cities. The project works to advance regulatory changes and incentives that are needed to advance smart-growth planning objectives. The Smart Growth Strategy for Solano County includes the preservation of agricultural industry and character by focusing new development within the incorporated cities. The DEIR’s failure to specifically address whether the General Plan supports such strategies renders the EIR deficient. However, by specifically adopting and incorporating the strategies of the Smart Growth strategy the General Plan Update can conform with CEQA and address many significant environmental concerns.

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1. Background: Land Use is Critical to Meeting Reduction Targets Set by AB 32 and Executive Order S-03-05:

Greenhouse gas emissions from the transportation sector represents one-third of the total emissions of the United States. (SAIC 2007 at 5). The IPCC identifies land use planning as a key practice for mitigating greenhouse gas emissions from the transportation sector. For example, in addition to more fuel efficient and hybrid vehicles, the report identifies “modal shifts from road transport to rail and public transport systems; non-motorized transport (cycling, walking); land-use and transport planning” as “key mitigation technologies and practices currently commercially available.” (IPCC, 2007d, IPCC, 2007e). Ultimately, “much of the rise in vehicle emissions can be curbed simply by growing in a way that will make it easier for Americans to drive less.” (Reid Ewing, et al. 2007).

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Land use planning and design that reduces commuting requirements and the length and number of vehicle trips is *essential* to reducing the greenhouse gas contribution from the transportation sector. The Urban Land Institute describes needed transportation-related CO<sub>2</sub> emissions reductions as a three-legged stool, with one leg related to vehicle fuel efficiency, a second to the carbon content of the fuel itself, and a third to the amount of driving or vehicle

miles traveled (VMT). (Reid Ewing, et al. 2007). Since 1990, the number of miles Americans drive has grown three times faster than the U.S. population. (Reid Ewing, et al. 2007). A large share of the increase in VMTs can be traced to the effects of a changing urban environment, namely to longer trips and people driving alone. (Reid Ewing, et al. 2007). Population growth has been responsible for only a quarter of the increase in vehicle miles traveled because of the robust growth in VMTs.

Energy and climate policy initiatives at the federal and state levels have pinned their hopes almost exclusively on shoring up the first two legs of the stool, through the development of more efficient vehicles (such as hybrid cars) and lower-carbon fuels. (Reid Ewing, et al. 2007). However, even implementation of the more stringent standards for vehicles and alternative fuels recently enacted in the Energy Independence and Security Act of 2007 – which, among other things, requires the U.S. Department of Transportation to set tougher fuel economy standards for vehicles and increases the Renewable Fuel Standards<sup>4</sup> - will not result in the necessary reductions in greenhouse gas emissions because projected increases in vehicle miles traveled offset gains made by increases in fuel efficiency and low carbon fuels. Meeting the emissions reduction from the transportation section also requires a sharp reduction in the growth in vehicle miles driven across the nation’s sprawling urban areas, reversing trends that go back decades. (Reid Ewing, et al. 2007).

Growth that focuses on compact development and community planning is known by a number of different names, such as “smart growth,” “new urbanism,” “walkable communities,” and “transit-oriented developments.” (Reid Ewing, et al. 2007). These developments do away with single-use subdivisions and office parks, and instead mix shops, schools, offices and homes, and incorporate non-motorized and mass transit. (Reid Ewing, et al. 2007). Compact, transit accessible, pedestrian-oriented, mixed-use development patterns and land reuse epitomize the application of the principles of smart growth. (American Planning Association 2002). Residents of such compact, mixed use developments drive significantly less than those who live in more sprawling areas. Overall, evidence shows that compact development will reduce the need to drive between 20 and 40 percent, as compared with sprawling, single-use development. (American Planning Association 2002).

Assuming that all new U.S. housing developments were smart growth, with half greenfield and half brownfield, the total nationwide savings after 10 years, based on a projected level of 24.3 housing starts from 2005-2020, would be in the range of 977 trillion miles of travel reduced; 5,690,000 trillion Btu saved; 49.5 billion gallons of gasoline saved; 1.18 billion barrels of oil saved; 595 million metric tons of CO<sub>2</sub> emissions reduced; and \$2.18 trillion savings. (California Energy Commission 2007). It is estimated that “smart growth could, by itself, reduce total transportation-related CO<sub>2</sub> emissions from current trends by seven to ten percent as of 2050. This reduction is achievable with land use changes alone.” (California Energy Commission 2007). Notably, these land use changes, controlled by local government, provide permanent climate benefits that compound over time. “The second 50 years of smart growth would build on

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<sup>4</sup> P.L. 110-140 (December 19, 2007). The tougher fuel economy standards will be implemented gradually, beginning in 2011 and ending in 2020 when the combined average fuel economy must be at least 35 miles per gallon. The mandatory Renewable Fuel Standard will increase the supply of alternative fuel sources by requiring fuel producers to use at least 36 billion gallons of biofuel by 2022.

the base reduction from the first 50 years, and so on into the future. More immediate strategies, such as gas tax increases, do not have this degree of permanence.” (California Energy Commission 2007).

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Thus, the County can effectively work to mitigate the substantial adverse impacts the General Plan Update will have on greenhouse gas emissions by strengthening its goals, policies and planned actions regarding smart growth, as this will minimize VMTs even as the County grows and develops over the next two decades.

2. The County must amend its land use mitigation strategies:

The County recognizes that its land use polices spelled out in the General Plan Goals and Policies Report are methods of mitigating the impacts on greenhouse gas emissions. In many instances, however, these strategies are insufficient and should be amended. Other mitigation strategies must also be included.

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a. Infill development:

The only reference to infill development—a key component of smart growth—in the land use section of the general plan comes in the context of the preservation of the historic character of communities. General Plan LU - 7 5. Infill development should be used as a goal, policy, and implementing program to help assure efficient and compact development served by existing infrastructure.

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b. Community design and mixed-use development:

The County avoids a commitment to promoting mixing land uses, another key component of smart growth and liveable communities. Implementing the feasible mitigation of promoting mixed use development will help achieve a good jobs-housing balance, and reduce vehicle trips improving traffic, air quality, energy efficiency, and greenhouse gas emissions. Accordingly, the County should adopt the following implementation measures:

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- establish commercial/mixed-use land use categories that will encourage mixed commercial/residential neighborhoods such as:
  - General commercial/mixed use that will allow a wide variety of commercial uses, including retail and service businesses, professional offices and restaurants in conjunction with mixed-use residential development;
  - Office commercial/mixed use that will encourage a mixture of professional, administrative and medical office uses, in conjunction with mixed-use residential;
  - Neighborhood commercial/mixed use that will permit smaller-scale retail and neighborhood-serving office and service uses in

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conjunction with residential development oriented toward pedestrians and located in close proximity to residential neighborhoods.

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c. Green Building:

Requiring green building in development is critical to mitigating greenhouse gas emissions, because it is a method of development that increases efficiency in how buildings use energy, water and materials so as to reduce their impacts on the environment and human health. (Riker, Jonathan 2008). The five principles of green building include: site selection, resource efficiency, energy conservation, water conservation, and indoor environmental quality. (Riker, Jonathan 2008). Green buildings themselves are those buildings that lower energy consumption, use renewable energy, conserve water, harness natural light and ventilation, use environmentally friendly materials and minimize waste. (Commission for Environmental Cooperation 2008).

Buildings create environmental impacts throughout their lifecycle, from the construction phase to their actual use to their eventual destruction. (Commission for Environmental Cooperation 2008). In the United States, buildings account for 40 percent of total energy use, 68 percent of total electricity consumption, and 60 percent of total non-industrial waste. (Commission for Environmental Cooperation 2008). Buildings also significantly contribute to the release of greenhouse gases. In the U.S. they account for 38 percent of total carbon dioxide emissions. (Commission for Environmental Cooperation 2008). More specifically, residential buildings cause up to 1,210 megatons of carbon dioxide, while commercial buildings create approximately 1,020 megatons. (Commission for Environmental Cooperation 2008). This is because buildings require a lot of energy for their day to day operations. Most of the coal-fired power plants – one of the biggest sources of greenhouse gas emissions – slated for development in the United States will supply buildings with the energy they need. In fact, 76 percent of the energy these plants produce will go to operating buildings in the U.S. (Commission for Environmental Cooperation 2008).

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Using green building techniques, however, can substantially reduce buildings' influence in increasing greenhouse gas emissions. Green buildings help reduce the amount of energy used to light, heat, cool and operate buildings and substitute carbon-based energy sources with alternatives that do not result in greenhouse gas emissions. Currently green buildings can reduce energy by 30 percent or more, carbon emissions by 35 percent and water use by 30 to 50 percent. (Commission for Environmental Cooperation 2008). The IPCC determined that "there is a global potential to reduce approximately 29 percent of the projected baseline emissions by 2020 cost-effectively in the residential and commercial sectors, the highest among all sectors." (IPCC, 2007e). The technologies available for green building are already in wide-use and include "passive solar design, high-efficiency lighting and appliances, highly efficient ventilation and cooling systems, solar water heaters, insulation materials and techniques, high-reflectivity building materials and multiple glazing. (IPCC, 2007e).

Additionally, the U.S. Green Building Council (USGBC), a private, nonprofit corporation, has established a nationwide green building rating system, called Leadership in Energy and Environmental Design (LEED). The LEED standard supports and certifies

successful green building design, construction and operations. It is one of the most widely used and recognized systems, and to obtain LEED certification from the USGBC, project architects must verify in writing that design elements meet established LEED goals. Under the LEED system, projects can obtain points for achieving certain environmental and efficiency standards. The average LEED Certified building uses 32 percent less electricity and saves 350 metric tons of carbon dioxide emissions annually. (Riker, Jonathan 2008)

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The Center commends the County in taking steps to promote green building in the General Plan. See RS.I-38, RS.I-41, and RS.I-49. Considering the significant impacts resulting from the Project's contribution to global warming the EIR must explain why further improvements in green building are not feasible for mitigation to attempt to fully mitigate this significant impact. For example, RS.I-38 and RS.I-41 requires an increase in energy efficiency, but does not go far enough. As indicated by other local bay area communities these steps are easily implemented today as feasible mitigation measures. Similarly RS.I-49 should be improved to apply to all new buildings over 5,000 square feet regardless of whether the proposed development is within the MSA or not. The County must explain why these measures are infeasible for mitigating a significant impact.

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Additionally, the County should implement the following:

- require that all new County buildings meet a minimum LEED silver standard (See Alameda County Administrative Code Chapter 4.38, requiring all new County projects meet a minimum LEED Silver rating);
- require that new residential and commercial development, as well as major remodels of homes and businesses, meet green building standards and are LEED certified and that all new buildings in the County exceed Title 24 energy standards by 25 percent (See Town of Windsor Building and Housing Code Article 13, establishing green building standards and ratings for commercial and residential buildings);
- require building projects to recycle or reuse a minimum of 50 percent of unused or leftover building materials (Alameda County Administrative Code § 4.38.030);
- offer incentives to encourage green building standards and discourage business as usual construction;
- provide information, marketing, training and education to support green building;
- explore a regional collaboration with local governments, nonprofits and other public organizations to share resources and develop green building polices and programs that are optimized on a regional scale.

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d. Transit-oriented development:

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The County should adopt a goal stating that it shall encourage transit-oriented development whereby it will locate mixed-use, medium to higher density development in appropriate locations along transit corridors. Such a policy will help the County fulfill its commitment to smart growth, as well as its positive transportation and circulation goals and policies that are geared to promoting and supporting alternative modes of transportation. The County's overarching policy under this goal will be directed at concentrating commercial and medium to high density residential development near activity centers that can be served efficiently by public transit and alternative transportation modes. It should add the following implementation measures to its policies under the transportation and circulation element of the General Plan:

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- work with cities and towns and the transportation authorities to identify transit nodes appropriate for mixed-use development, and promote transit-oriented development through means including:
  - rezoning of commercial properties to residential and/or mixed use;
  - expanded zoning for multifamily housing;
  - flexible parking and building height limitations;
  - density bonus programs;
  - design guidelines for private and public spaces; and
  - incentives for redevelopment of underutilized areas, such as surface parking lots
  - encourage more mixed uses, and enable prototype structures for use in neighborhood center zones that can be adapted to new uses over time;
  - allow mixed use in commercial districts.

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Finally, the County does not consider its transportation goals, policies and implementation measures and ways to mitigate greenhouse gas emissions from the General Plan Update. The County must incorporate these and reevaluate the impacts accordingly.

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**C. Energy Efficiency and Conservation:**

The General Plan proposes several policies and implementing programs to encourage energy efficiency (RS.P-48, 49, 50, 52, 53, 55; RS.1-8, 38, 40, 42, 44, 45, 46, 47, 49, 50, 53, 54). These policies and programs provide a good framework for beginning to take necessary steps towards a lower carbon footprint. As explained below there are numerous other feasible mitigation measures that should be adopted by the County during the General Plan update. As an important mitigation monitoring program the County should establish a permanent sustainable energy planning process that includes specific targets and timelines for reducing energy use throughout the County and adopt specific policies and implementation measures that will allow the County to meet these established targets and deadlines. (City of Sacramento 2008). Below are suggestions on how the County should amend its general plan to effectively mitigate the project's impacts on greenhouse gas emissions.

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1. Integrate energy efficiency and conservation requirements that exceed state standards into the development review and building permit process:

The County must adopt a mitigation strategies that will *require* energy conservation measures in new and existing structures to exceed state law requirements. Moreover, the County should set forth measures that describe how it will implement this policy. These measures should include:

- requiring energy efficiency and water conservation upgrades to existing residential and non-residential buildings at the time of sale, remodel, or additions. Berkeley's Residential Energy Conservation Ordinance (RECO) is an example of such a measure. (Berkeley's RECO, Berkeley Municipal Code Chapter 19.16.) Under this ordinance, Berkeley establishes ten energy or water conservation measures that residential structures must incorporate. These include measures such as installing ceiling insulation, certain water efficiency technologies to shower fixtures and sink faucets and weatherstripping on all exterior doors. *Id.* at § 19.16.050(B). The ordinance requires the seller to certify that some of these measures have been met prior to the sale or exchange of any residential structure or unit. *Id.* at § 19.16.050(A). Similarly, Berkeley's Commercial Buildings – Energy Conservation Measures requires commercial building owners to conduct an energy audit of their building prior to the sale or major renovation of the building and that they have installed energy conservation measures, regarding heating, cooling, water, and lighting systems, among others; *Id.* at §19.72.
- requiring new residential construction to meet specific energy efficiency standards that go beyond those mandated by California law. For example, the City of Rohnert Park recently enacted an ordinance establishing minimum energy efficiency standards for all new low-rise residential construction of any size, low-rise residential additions over a specific size threshold and all residential and non-residential swimming pools and water features. City of Rohnert Park Municipal Code Chapter 14 at § 14.01.010. The ordinance requires residential buildings to include Energy Star appliances and that new and expanded residential structures meet specific energy use standards *See id.* at §§ 14.02.050(A); 14.02.060;
- requiring that all new buildings be constructed to allow for future installation of solar energy systems. In its Community Greenhouse Gas Reduction Plan, the City of Arcata recommended that it adopt such requirements. City of Arcata, Community Greenhouse Gas Reduction Plan (Aug. 2006). Additionally, Chula Vista's Energy Conservation Regulations mandate that all new residential units include plumbing specifically designed to allow later installation of systems that will rely on

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solar energy as the primary method of heating domestic potable water  
Chula Vista Municipal Code § 20.04.030;

- adopting and implementing a Heat Island Mitigation Plan that requires new residential buildings to have “cool roofs” with the highest commercially available solar reflectance and thermal emittance and adopt a program of building permit enforcement for re-roofing to ensure compliance with existing state building code “cool roof” requirements for non-residential buildings. Research shows that “cool roofs” can reduce air-conditioning energy use between 10 and 50 percent (Akbari 2000);
- integrating renewable energy requirements into development and building standards, such as requiring onsite solar generation of electricity in new retail/commercial buildings and parking lots/garages (solar carports);
- working with local commercial, industrial, and agricultural operations to identify opportunities for energy efficiency in the storage, transport, refrigeration, and other processing of commodities, and requiring these operations to provide energy efficiency analyses in conjunction with required County approvals.

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2. Adopt a policy to integrate energy efficiency into all County functions:

The County should commit itself to ensuring that its own facilities incorporate energy efficient technologies and conservation measures. Several counties and cities across the state have already begun this process and are committing themselves to continue along this path (City of Sacramento 2008 at 5-7). The County can implement this policy by:

- auditing County and agency buildings and retrofitting for energy efficiency;
- training and educating County employees on energy conservation measures;
- adopting a resolution or ordinance that will require the County to consider and investigate sources of renewable energy, such as installing solar photovoltaic systems to generate electricity for County buildings and operations<sup>5</sup>; using methane to generate electricity at the County wastewater treatment plant; and installing combined heat and power systems.

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<sup>5</sup> Under the California Solar Initiative, the California Public Utilities Commission offers different incentives to government agencies, as well as private businesses and residents, for installing certain types of solar power systems. See California Public Utilities Commission, California Solar Initiative Program Handbook (Jan. 2008), available at <http://www.cpuc.ca.gov/puc/energy/solar/> (last visited April 7, 2008).

3. Adopt a policy to facilitate and encourage energy efficiency technology and practices and renewable technologies through streamlined planning and development rules, codes, processing and other incentives:

One way the County can effectively promote and encourage businesses, residents and developers to implement energy conservation measures is to: (1) make it easier for them to incorporate energy efficiency and renewable energy technologies into their businesses and homes; and (2) offer incentives that make these technologies and practices economically feasible and attractive. Actions the County should take to implement this policy include:

- identifying and removing regulatory or procedural barriers to making energy improvements and producing renewable energy in building and development codes, design guidelines, and zoning ordinances;
- offering expedited permit processing and reducing building fees for developers, homeowners and facilities utilizing energy efficient technologies and conservation measures and/or renewable sources for energy production;
- evaluating and implementing opportunities for supporting new programs and promoting sustainable energy practices through financing mechanisms, such as pooled project funding, low-interest loans and state funds earmarked for energy efficiency and renewable energy. Additionally, the County should work with energy providers and state and federal agencies to secure tax exemptions and tax rebates for residential energy performance improvements *See* City of Berkeley, Climate Action Plan, DRAFT (Jan. 2008) at 24;
- developing a program to provide innovative, low-interest financing for energy efficiency and renewable energy projects. For example, Berkeley is currently exploring ways to develop a voluntary financing program that would allow the city to provide financing for the upfront costs of energy improvements, such as solar power installations, and recoup that cost through long-term assessments on individual property tax bills. *See id.* at 24.

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4. Establish implementation measures to require participation with local and state programs that work to reduce energy consumption:

The County should also implement mitigation programs to require private, public, and commercial entities in the County to participate in programs to reduce energy consumption. Some ways the County can implement these policies include:

- requiring new residential developments to participate in the California Energy Commission's New Solar Homes Partnership and include onsite

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solar photovoltaic systems in at least 50% of the residential units (see <http://www.gosolarcalifornia.ca.gov/nshp/index.html>; See also California Public Utilities Commission, New Solar Homes Partnership Guidebook, Second Edition (July 2007);

- working with local community organizations and utility providers to explore programs directed at educating, training and providing services for residents and businesses in energy reduction and conservation practices. For example, Smart Lights, a program funded through grants provided by the California Public Utilities Commission has assisted small business owners in Berkeley and Oakland in conducting lighting system audits and installing energy efficient lighting and refrigeration improvements. (See Berkeley Climate Action Plan 2008 at 29-30; see also <http://www.smartlights.org/about.html>). Another example of a program is the Low-Income Energy Efficiency (LIEE) Program, which is funded by the state and provides no-cost weatherization services and energy education to low-income households. See California Public Utilities Commission, Low Income Energy Efficiency Program (LIEE).

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5. Policy identifying long-term energy strategies and programs:

The County should investigate and explore long-term energy strategies and programs to reduce energy consumption and increase reliance on renewable energy sources. Then the County should specifically detail specific actions that will guide it in its efforts to implement this policy such as:

- working with special districts, other county agencies and local utility provider to assess and develop joint initiatives for energy and water resource planning, resource conservation, and energy development;
- committing to purchasing a percentage of the County's energy needs from renewable resources, as several cities and counties have already begun to do. Sacramento Implementation Plan 2008 at 5, 7.<sup>6</sup> This will require the County to work with its local utilities provider in gradually increasing the portion of electricity produced by the provider from renewable energy sources;
- investigating the feasibility of developing a locally or regionally-owned green utility under the Community Choice Aggregation ("CCA") model. This would allow the County to aggregate its electricity loads and purchasing renewable electricity to meet the city's electricity needs. Several cities and counties across the state have developed these municipal utility districts, which have allowed them to increase their use of renewable energy, as well as develop their own energy policies such as

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<sup>6</sup> (stating that Sacramento currently meets 1 percent of its electricity needs from renewable energy sources and setting a goal to increase the purchase of renewable energy to meet 10 percent of the city's annual electricity usage).

incentive and assistance programs and rebates and set their own electricity rates. Alameda Power and Telecom is only one example of a municipal utility district committed to providing green energy throughout the county. See Alameda Power and Telecom, Energy Efficiency and Rebates for Your Home; for a list of other statewide municipal utility districts see California Energy Commission, Go Solar California, available at <http://www.gosolarcalifornia.ca.gov/utilities/munis.html> (last visited April 7, 2008). Another example is Chula Vista's ordinance giving it the right to establish a municipal solar utility, which would allow it to facilitate the leasing of solar energy devices to make solar energy technologies more economically feasible for its residents. Chula Vista Municipal Code Chapter 20.08.

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6. Renewable energy policies:

The County should make it a policy priority to use all feasible mitigation measures to minimize the carbon footprint. The County can then adopt specific implementation measures to enforce this policy such as:

- using Geographical Information Systems (GIS) to map and assess local renewable resources, the electric and gas transmission and distribution system, community growth areas anticipated to require new energy services, and other data useful to deployment of renewable technologies;
- identifying possible sites for production of energy using local renewable resources such as solar, wind, small hydro, biogas, and tidal and evaluating potential land use, environmental, economic, and other constraints affecting their development, and adopting measures to protect those resources, such as utility easements, rights-of-way, and land set-asides;
- providing information, marketing, training and education to support renewable resource use.

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**D. Agriculture**

The County's agricultural operations offer an excellent opportunity to reduce the County's total greenhouse gas emissions. Many of these emissions sources from agriculture are known today and should be considered in a proper accounting of greenhouse gas emissions in Solano County in the DEIR prior to adoption of the General Plan. Deferring and analysis until a later date frustrates the purposes of CEQA. Additional mitigation is feasible, effective and should be incorporated into the General Plan Update. Promoting smaller, grazing-based livestock systems as an alternative to confined animal facilities, requiring the installation of digesters at all present and future large feedlot systems, and supporting the transition to biofiltered enclosures for concentrated livestock housing will not only reduce emission from additional cattle and dairy expansions, but also help to achieve emissions reductions from

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existing sources critical to meeting AB 32 targets. Fortunately, developing more sustainable animal agriculture can be a win-win situation for Solano County residents and the dairy industry, as discussed in more detail below.

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Animal agriculture is responsible for 18 percent of all greenhouse gas emissions resulting from human activity, including 35 to 40 percent of global methane emissions and 65 percent of nitrous oxide emissions. (Steinfeld et al 2006). Though less prevalent in the atmosphere, methane and nitrous oxide are significantly more potent greenhouse gases than carbon dioxide. Because methane has a relatively short ten-year lifespan and is 21 times more warming than carbon dioxide (US EPA 2006a), reductions in methane emissions can yield dramatic benefits in the near-term, helping to forestall the worst impacts of global warming. (Quinn 2007). Nitrous oxide emissions, which persist longer in the atmosphere than carbon dioxide (120 years) and are 310 times more potent, are another obvious target for immediate mitigation. (US EPA 2006a). Fortunately, many promising mitigation strategies for livestock greenhouse gas emission reductions have been identified, and in many cases, mitigating these greenhouse gas emissions can be significantly less expensive than mitigating carbon dioxide emissions. (US EPA 2006a).

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1. Encourage grazing-based animal livestock systems wherever feasible

Many research and policy discussions today regarding animal agriculture and greenhouse gas emission reductions are focused on increasing efficiency and productivity of industrial agricultural operations. (US EPA 2006a). There is also, however, abundant literature on the advantages of grazing-based livestock systems. (USDA 2007; Humane Society 2007; Garnett 2007; Steinfeld 2006; Subak 1999; Thorne 2007). In addition to their numerous environmental and public health benefits, the economics of animal agriculture are also likely to evolve in favor of such systems. As public awareness of the environmental and health benefits of grass-fed and organic dairy products increases, there is a growing local, regional, national, and global demand for these products. The likely future increase in construction and operational costs of animal confinement facilities due to rising feed and fuel prices, coupled with a foreseeable expansion of environmental regulations, may make confined animal facilities a less economically attractive option.

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Specific to global warming, several of these studies cite higher overall greenhouse gas emissions from animal confinement facilities than range-based systems, due to such factors as higher manure methane emissions and other greenhouse gas emissions associated with feed production and facilities operation. (EPA 2006a; Humane Society 2007; Subak 1999). Moreover, efforts to increase efficiency and productivity of industrial agriculture as a means of reducing greenhouse gas and other emissions are coming under increasing scrutiny. In the complicated calculus of livestock emissions, any reductions in enteric fermentation methane due to increased efficiency or productivity must be balanced against all associated increases in emissions and other environmental/public health impacts, including but not limited to emissions of greenhouse gases in the production of these feeds and supplements. (Kumar 2005; Lee 2007; Humane Society 2007; Garnett 2007; Koneswaran 2008). Similarly, the greenhouse gas reduction benefits of many efficiency- and production-g geared strategies only take effect if milk and meat production is held constant and the number of animals is thereby reduced. The EPA notes that if the number of animals is held constant, "intensive grazing" practices are more

effective at reducing total livestock methane emissions than any of the other strategies analyzed (including increased feed efficiency, propionate precursors, antimethanogens, digesters, improved feed conversion, antibiotics, and bST). (EPA 2006a). It is important to include a full lifecycle analysis of the environmental impacts resulting from the construction and operation of any individual livestock facility.

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2. Require all large confined animal facilities to install anaerobic digesters to capture methane emissions for energy use

Anaerobic digesters are widely regarded as the most effective mitigation for reducing manure methane emissions from confined animal facilities; they are also effective at reducing nitrous oxide emissions from manure. (Amon 2006; Paustian 2006; Weiske 2006). The EPA described biogas recovery systems using anaerobic digesters as a “proven technology” as far back as 2002, (US EPA 2002) and as of November 2007, the US EPA reported that 111 operating digesters at US livestock facilities, including 15 in California. (US EPA 2007c). Eighty percent of US digesters are used by the dairy industry. (US EPA 2007c). Energy generated by anaerobic digesters at US agricultural facilities more than quadrupled between 2000 and 2007. (US EPA 2007c). Existing federal methane recapture programs produce enough energy today to power 20,000 American homes and have reduced methane emissions by 1.5 million tonnes (carbon dioxide-equivalent). (Humane Society 2007; US EPA 2007b; US EPA 2007c; US EPA 2006b).

A number of federal and state resources are available to assist California dairies with selecting and implementing a digester system that is customized to their facility. For example, the federal government has established programs, including AgStar and Methane to Markets, which support the capture and re-use of methane gas from animal agriculture using anaerobic digesters. USDA funding for anaerobic digester systems has exceeded \$31 million since 2003. (US EPA 2007c). The captured and processed methane is then used to power on-site generators or sold back to local utility companies, thereby yielding economic benefits for livestock operations. (Humane Society 2007; US EPA AgStar Handbook; US EPA 2006b). In California, Pacific Gas and Electric Company (“PG&E”) is partnering with dozens of dairies and digester companies to help facilitate the widespread use of this technology and reduce greenhouse gas emissions (*see e.g.*, [http://www.pge.com/news/news\\_releases/q1\\_2007/070320a.html](http://www.pge.com/news/news_releases/q1_2007/070320a.html)). More information about PG&E’s Net Energy Metering for Biogas Digester Generators program can be found online at [http://www.pge.com/suppliers\\_purchasing/new\\_generator/ebio/](http://www.pge.com/suppliers_purchasing/new_generator/ebio/). These programs demonstrate that capturing manure methane emissions via anaerobic digestion can be a win-win scenario for current and future dairy operations in Solano County. Given the number of dairies in the County and the County government’s key role in reviewing and regulating the environmental performance of its animal agriculture facilities, Solano County is well-positioned to provide leadership in securing funding and financing arrangements for digester systems in partnership with utility companies and state agencies.

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3. Develop Incentives and Financing Programs for Cow Enclosures Vented to Biofilters

Vented enclosures have been identified as best available control technology (BACT) for cow housing structures, milk parlors, feed storage, and manure storage at large confined animal facilities (over 1,000 head) (SJVUAPCD Rule 4570, § 5.6B-F). This technology is effective in controlling enteric and manure methane and nitrous oxide emissions in addition to criteria pollutants. Enclosed barns are commonly in use in other parts of the country where temperatures tend to be high, where they have been shown to decrease odor and significantly increase milk production by relieving heat stress in cows (*see, e.g., <http://www.northfloridaholsteins.com/info.html>*). (San Joaquin Valley Unified Air Pollution Control District 2006). Regarding biofilters, the San Joaquin Valley Air Pollution Control District's Dairy Permitting Advisory Group states that "today there are more than 500 biofilters in Germany and in the Netherlands. In agriculture, biofiltration is widely used to control emissions from enclosed swine facilities and has been reported to be used in dairy situations from enclosed, mechanically ventilated housing and manure storage areas." (Dairy Permitting Advisory Group 2006). These technologies are in use at dairies and are widely used at swine facilities, which are of the same category or class as dairies. (San Joaquin Valley Unified Air Pollution Control District 2006). The San Joaquin Valley Air District concluded that "[t]his option alone may achieve highest VOC reductions of all the management practices proposed combined." (San Joaquin Valley Unified Air Pollution Control District 2006). As a leading agricultural producer, Solano County is uniquely positioned to publicize and promote this technology as a particularly promising tool to help meet statewide greenhouse gas emission reduction goals.

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**E. Waste**

The General Plan and DEIR should address the significant unmitigable impacts to greenhouse gas emissions from the County's waste practices. Decomposing organic waste emits carbon dioxide and methane, two major greenhouse gases. In fact, methane is the most important of the non-CO<sub>2</sub> pollutants, with a global warming potential 21 times greater than carbon dioxide, and an atmospheric lifetime of 12 years. (Forster and Ramaswamy 2007). Methane constitutes approximately 20% of the anthropogenic greenhouse effect globally, the largest contribution of the non-CO<sub>2</sub> gases. Municipal solid waste landfills are the largest source of human-related methane emissions in the United States, accounting for about 25 percent of these emissions in 2004. Thus, waste reduction and recycling can significantly reduce and eliminate global warming pollution by reducing landfill methane emissions. Additionally, reducing waste and reusing materials can also reduce greenhouse gas emissions by reducing transportation-related emissions and add to overall energy savings by reusing items that would otherwise be manufactured. (ICLEI, U.S. Mayor's Climate Protection Agreement Climate Action Handbook at 16). Indeed, achieving California's 50% Statewide Recycling Goal and ultimately achieving zero waste are two measures identified in the Climate Action Team's Report to Governor Schwarzenegger critical to meeting AB 32 greenhouse gas reduction requirements. (California Climate Action Team 2006 at 41, 46).

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As such, the DEIR should include data on current county-wide recycling/composting levels and the extent to which waste can be reduced if recycling/composting programs were expanded and should consider mitigation measures that will reduce landfill waste and methane emissions from landfills located in the County.

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1. Reducing waste

The County's policy to promote solid waste production must be amended to eventually achieve zero waste. California communities that have already adopted zero waste goals include Del Norte County, San Luis Obispo County, Santa Cruz County and San Francisco. Global Recycling Council. Other communities that have committed to reducing their waste by more than fifty percent include Alameda County (75 percent) and the City of Los Angeles (75%). (Global Recycling Council). Furthermore, the County must adopt implementation measures for its policies concerning solid waste reduction and use of recycled materials by the County and private businesses and residents. Actions the County can take to meet this goal and achieve its policies, include:

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- implementing an environmentally preferred purchasing program which could include giving bid preferences to contractors and suppliers that meet County established sustainability criteria. This is a policy several cities and counties are either considering or currently implementing (City of Sacramento 2007 at 12; City of Sacramento 2008 at 4);
- establishing a program and system for reuse or recycling of construction and demolition materials for government and non-governmental construction projects;
- requiring recycling in all government buildings and public schools;
- implementing an organics and yard debris collection and composting program;
- employing best management practices at landfill facilities and incorporating effective new practices as they become available;
- pursuing aggressive recycling, resource recovery and composting strategies throughout the County to divert waste from landfills;
- adopting policies and economic incentives and garbage rate structures so that recycling, reusing and composting is cheaper than throwing out or incinerating waste (Gary Liss, Local Government Incentives for Zero Waste);
- enacting educational programs to inform residents about reuse, recycling, composting, waste to energy, and zero waste programs and building community alliances with residents and businesses to help design and

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implement a zero waste reduction strategy. One way the County could do this is to establish a zero waste commission, as Berkeley has done, that can focus on establishing policies, monitoring success, and coordinating with community members.

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## 2. Methane Capture for Energy Use

As briefly mentioned above in discussing energy conservation and reduction, the County should consider implementing a methane collection system for its landfills. This will not only assist the County in mitigating projected growth and development's impact on energy consumption, but will also assist the County in reducing greenhouse gas emissions from landfills to supplement its goals and policies to divert waste entirely.

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Landfill gas (LFG) is created as solid waste decomposes in a landfill. This gas consists of about 50 percent methane (CH<sub>4</sub>), the primary component of natural gas, about 50 percent carbon dioxide (CO<sub>2</sub>), and a small amount of non-methane organic compounds. Instead of allowing LFG to escape into the air, it can be captured, converted, and used as an energy source. Using LFG helps to reduce odors and other hazards associated with LFG emissions, and it helps prevent methane from migrating into the atmosphere and contributing to local smog and global climate change. See <http://www.epa.gov/lmop/overview.htm>.

Landfill gas is extracted from landfills using a series of wells and a blower/flare (or vacuum) system. This system directs the collected gas to a central point where it can be processed and treated depending upon the ultimate use for the gas. From this point, the gas can be simply flared or used to generate electricity, replace fossil fuels in industrial and manufacturing operations, fuel greenhouse operations, or be upgraded to pipeline quality gas.

The generation of electricity from LFG makes up about two-thirds of the currently operational projects in U.S. Electricity for on-site use or sale to the grid can be generated using a variety of different technologies, including internal combustion engines, turbines and microturbines. Directly using LFG to offset the use of another fuel (natural gas, coal, fuel oil) is occurring in about one-third of the currently operational projects. This direct use of LFG can be in a boiler, dryer, kiln, greenhouse, or other thermal applications. It can also be used directly to evaporate leachate. Innovative direct uses include firing pottery and glass blowing kilns; powering and heating greenhouses and an ice rink; and heating water for an aquaculture (fish farming) operation. Current industries using LFG include auto manufacturing, chemical production, food processing, pharmaceutical, cement and brick manufacturing, wastewater treatment, consumer electronics and products, paper and steel production, and prisons and hospitals, just to name a few. Cogeneration (also known as combined heat and power or CHP) projects using LFG generate both electricity and thermal energy, usually in the form of steam or hot water. Several cogeneration projects have been installed at industrial operations, using both engines and turbines.

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The efficiency gains of capturing the thermal energy in addition to electricity generation can make these projects very attractive. Information on landfill energy projects is available at <http://www.epa.gov/lmop/overview.htm>. Information on mitigation opportunities

and costs is available at EPA, U.S. Methane Emissions 1990-2020: Inventories, Projections, and Opportunities for Reductions, EPA 430-R-99-013 (Sept. 1999).

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## F. Water

As described above, global warming is already having and will continue to have a serious impact on water supplies for the Western United States. The DEIR recognizes that the General Plan update will have a significant unmitigable impact on water supplies in the County even after proposed mitigation measures are incorporated. (DEIR at 2-49 to 2-51). While the County considers several ways to mitigate this plan's significant impact on water resources, several of these must be strengthened and more strategies should be considered in order to meet CEQA's requirement to adopt all feasible mitigation measures to reduce a Project's significant impacts.

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### 1. Require new development to adopt specific water conservation measures

The County should adopt policies to ensure that all new development does not interfere with maintaining sustainable water supplies. The County can implement this policy by requiring all new developments to demonstrate that the intensity and timing of the growth is consistent with available water supplies and by:

- requiring new construction or users to offset demand so that there is no net increase in demand in those water districts where there is insufficient water to serve new construction or uses requiring increased water supply;
- forbidding new construction or uses requiring increased water supply unless the County specifically finds that an adequate, long-term and sustainable water supply is available to serve the project;
- requiring documentation that new development projects with the potential to degrade or deplete surface water or groundwater resources will not adversely affect a basin or subbasin, including in-stream flows for aquatic habitat;
- minimizing demand for water in new development by encouraging service providers and service districts to incorporate water, wastewater and storm water infrastructures and by considering water-based service that reduce demand and draw on alternative supplies to be equivalent to new supplies. Water-based services include the application of state-of-the-art technology and practices; matching water quality to its end use; and financing local wastewater reuse in the same way centralized water supply options are financed;
- requiring water conservation on new construction;

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- using reclaimed water for landscape irrigation in new developments and on public property and installing the infrastructure to deliver and use reclaimed water;
- requiring buildings to be water-efficient and mandating water-efficient fixtures and appliances in all new development and government buildings;

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2. The County should require native and drought tolerant landscaping:

The County should be more mandate native and drought tolerant landscaping by incorporating the following feasible mitigation measures:

- requiring site-appropriate, drought-tolerant low water use, native landscaping and ultra-efficient irrigation systems where appropriate for all development applications and re-landscaping projects and limiting the amount of water intensive landscaping to reduce the amount of water needed for irrigation and
- creating a landscaping master plan for public facilities that promote site appropriate, low-water-use and drought tolerant native plants in public facilities and that specifies appropriate species, methods and technologies for water-wise landscaping.

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3. Adopt more extensive implementation measures to support its policies regarding an integrated regional water master plan and water resource planning:

The County should set out specific implementation measures to indicate other ways it can contribute to integrated water planning. The county should also consider the following mitigation and implementation measures:

- providing a Countywide Plan buildout information to water supply purveyors to use in the development of their respective Urban Water Management Plans (UWMPs). The water shortage contingency plan portion of the UWMP would enable the County to identify shortages on a consistent basis, to define water shortage stages and appropriate response measures, and to develop necessary ordinances, resolutions or rules to manage water shortages;
- working with water agencies to reduce energy uses from water facilities;
- working with water suppliers to study the efficiency and cost-effectiveness of rainwater harvesting systems and infiltration and recharging patterns of groundwater aquifers to assess the feasibility of using direct precipitation collection to supplement existing water sources;

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- working with water agencies to resolve conflicting regulations regarding pretreated septic drip dispersal systems and appropriate graywater use, to evaluate the potential of small-scale portable graywater converter systems as possible sources for landscaping water, and to modify regulations as necessary to encourage safe graywater use.

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4. Limit development in groundwater recharge areas:

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Considering the magnitude of the impact the County must adopt a strict policies to prohibit urban encroachment and development in groundwater recharge areas.

**VII. THE DEIR FAILS TO ADEQUATELY ANALYZE THE IMPACTS TO WATER SUPPLIES AND IMPACTS OF PROVIDING SUFFICIENT WATER SUPPLIES**

CEQA requires water supply to be analyzed with a sufficient degree of certainty to assure that water resources will be available for the project and analyze any impacts of providing those resources to the project. The EIR fails to follow the recent guidance issued by the California Supreme Court regarding an adequate analysis of water supply and impacts before a project is approved. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412 (EIR failed to clearly and coherently explain how the long term water demand of project would be met, the environmental impacts of exploiting the planned sources of water, and how those impacts are to be mitigated). The EIR falls far short of the standards required under CEQA.

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The DEIR admits that insufficient water is available to meet the demands of the project:

Available water sources would be insufficient to serve some of the unincorporated areas of the county with the buildout of the Preferred Plan. New methods to obtain water and additional sources of supply would be required.

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DEIR at 2-49 to 2-51, 4.9-32. Despite this significant unmitigable impact and failure to determine future available water sources the preferred plan still blindly moves forward without analyzing the impacts. If future water sources are too speculative to rely upon then the EIR must analyze the potential environmental impacts of other likely water resources that would be relied upon to meet the project demands. Here the EIR fails to analyze future water resources at all by simply stating that those available resources are insufficient.

The County cannot abdicate its duty under CEQA and applicable state water planning laws and regulations to plan for future water demand and the environmental impacts of providing that water demand. CA Wat. Code § 10610 *et seq.*, 10910 *et seq.*, PRC 21159.1, Gov Code § 65352 *et seq.* The County must adopt an alternative that fits within the projected water availability for the short and long term water demands of Solano County. The DEIR for the General Plan must analyze and describe any discrepancy between the assumptions and predictions in the General Plan and environmental documents and those found within the applicable Urban Water Management Plan. Failure to address inconsistency between growth

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projections, assumptions for availability of water supply, and assumptions of environmental impacts must be reconciled.

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### **VIII. THE DEIR FAILS TO ADEQUATELY ANALYZE IMPACTS TO BIOLOGICAL RESOURCES**

The County assumes that the direct loss of habitat from the Project can be appropriately mitigated. The County allows the conversion of 2,272 acres of upland grassland, 1,766 acres of oak woodland, 995 acres of oak savanna, and 97 acres of scrub/chaparral habitats, 8,389 acres of valley floor grassland, 2,375 acres of vernal pool grassland habitat, and 5,697 acres of agricultural habitat. (DEIR Table 2-1). In total the General Plan would permit the conversion of over 21,500 acres of habitat in Solano County that is relied upon to provide wildlife habitat and ecosystem services. Astoundingly, the DEIR states that the loss of thousands of acres of unique habitat for upland grasslands, oak woodlands, oak savannas, scrub/chaparral habitats, valley floor grassland, vernal pool grassland habitat, agricultural habitats, riparian habitats, and seasonal wetlands will be less than significant after mitigation. DEIR at 2-23 to 2-39; Table 2-1. This conclusion cannot be supported by substantial evidence.

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There is no analysis to support the claim that adequate mitigation lands exist to fully offset the impacts of the Project. The DEIR relies upon the assumption that adequate mitigation lands can be purchased to offset the impacts of proposed conversion of habitats described above. There is no evidence that enough “equal or better quality” lands exist to mitigate the loss of over 21,500 acres of habitat. This assumption is particularly troubling for extremely imperiled habitats such as vernal pool grasslands, riparian habitats, and seasonal wetlands. In California 80 to 90 percent of historic wetlands habitat has been lost and that the loss continues unabated. (US Fish and Wildlife Service 2005). In order to conclude that the mitigation will be less than significant the DEIR must demonstrate that equal or better quality mitigation lands exist in sufficient quantities to mitigate the total direct conversion of habitat.

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The DEIR relies upon land as a proxy for impacts to species. The DEIR fails to adequately analyze the impacts to species, instead relying upon the total amount of habitat used by the rare and sensitive wildlife species. The analysis of direct impacts to the species themselves from the Project and how those impacts are fully mitigated is not adequately analyzed.

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The DEIR fails to adequately analyze and quantify the impacts to wildlife corridors in the project area. Habitat corridors are most effective when adjacent uses are compatible with suitable wildlife habitat. (Beier and Loe. 1992; Perault and Lomolino. 2000). Urbanization has continually proven to be an incompatible use for wildlife habitat. Lower intensity use such as timber recreation or agriculture would be a more compatible use. The project will result in a highly urbanized use that will significantly impact the wildlife habitat potential of the site.

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Intrusion by development into wildlife corridors impedes the migration of species within the corridor and increases the adverse “edge effects” of fragmented habitat. (Bond 2003). The project’s elimination of wildlife habitat, development over the next 25 years, and increase in

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traffic flow and population is incompatible with wildlife habitat. The project's encroachment into Wildlife Dispersion Corridors will create a significant adverse effect upon wildlife migration within the area. These biological effects must be fully analyzed in the EIR to determine the alternative that best suits the needs of the community and existing biological constraints.

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**IX. THE DEIR FAILS TO ADEQUATELY DESCRIBE THE PROJECT BY FAILING TO ANALYZE CHANGES TO THE ORDERLY GROWTH INITIATIVE**

The DEIR fails to describe the Project by omitting from analysis changes to land use and design that are proposed as part of the 2008 General Plan update such as revision to the Orderly Growth Initiative. A project encompasses "the whole of an action." (Guidelines § 15378.) "The defined project and not some different project must be the EIR's bona fide subject." (*M.M. Homeowners v. San Buenaventura City* (1985) 165 Cal.App.3d 357, 365, emphasis added.) While an EIR is not designed to freeze a project in the mold of the original proposal, "[o]n the other hand, a curtailed or distorted description of the project may 'stultify the objectives of the reporting process.'" (*Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26.) Most recently, a court stated:

[a] curtailed, enigmatic or unstable project description draws a red herring across the path of public input." (Id. at p. 197-198 . . .) "[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives." (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454)

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(*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 654.)

One of the project objectives is to "[r]etain the overall function of the County's Orderly Growth Initiative, while refining the policies and land use designations." DEIR at 2-1. The DEIR states that "Policies LU.P-2 and LU.P-3 ensure that the 2008 Draft General Plan is consistent with the Orderly Growth Initiative." DEIR at 4.1-13. However, the actual text of the General Plan contemplates a different Project because the 2008 General Plan Update proposes revisions to the Orderly Growth Initiative. General Plan LU.3-4. Even though these potentially far reaching changes are proposed there is no discussion of the implications of this change in either the land use or agricultural resources section of the EIR. Even though the proposed changes still need to be voted upon by the citizens before implementation these proposed changes to the orderly growth initiative are reasonably foreseeable and must be properly considered in the EIR. *Laurel Heights Improvement Ass'n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3rd 376. Failing to disclose the reasonably foreseeable impacts without recirculating the EIR for review and comment renders the EIR deficient. Similarly deferring analysis of the decision until voter approval violates CEQA.

**CONCLUSION**

In sum, the current DEIR did not adequately disclose, analyze, avoid, minimize, and mitigate the environmental impacts of the General Plan Update. Nor has the DEIR

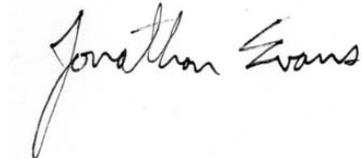
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considered a reasonable range of alternatives. Therefore, the DEIR must be amended and recirculated before the County can legally adopt the General Plan Update.

Please do not hesitate to contact Jonathan Evans at (213) 598-1466 or [jevans@biologicaldiversity.org](mailto:jevans@biologicaldiversity.org) if you have any questions regarding these comments. Thank you for your time and consideration of our concerns.

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Sincerely,

A handwritten signature in black ink that reads "Jonathan Evans". The signature is written in a cursive style with a large, sweeping initial 'J'.

Jonathan Evans  
Staff Attorney  
Center for Biological Diversity

Enc: The following references are included for your review and inclusion in the administrative record.

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- 23-1 The DEIR fully analyzes greenhouse gas (GHG) emissions, water supply impacts, and biological resource impacts resulting from implementation of the 2008 Draft General Plan (see Section 6.2 in Chapter 6, “Other CEQA Considerations”; Section 4.6, “Biological Resources”; and Section 4.5, “Hydrology and Water Resources”).
- 23-2 The commenter states the opinion that the DEIR fails to adopt all feasible alternatives and mitigation to reduce GHG emissions. Please refer to Master Response D, “Reasonable Range of Alternatives,” in Chapter 2 of this FEIR. The commenter’s specific concerns regarding the DEIR’s alternatives analysis and the project’s mitigation for GHG emissions will be further addressed below.
- 23-3 The commenter states that the proposed 2008 Draft General Plan would result in per-capita GHG emissions that are nearly twice as high as Assembly Bill (AB) 32 targets. The comment is noted. The DEIR discloses this fact on page 6-34 (“the average GHG emissions rate for Solano County residents with implementation of the 2008 Draft General Plan is anticipated to be nearly double AB 32 goals”). The DEIR also finds that, although several 2008 Draft General Plan goals, policies, and programs would reduce the project’s GHG emissions, the success of these measures cannot be adequately known for each specific future project at this program level of analysis; therefore, the impact would remain significant and unavoidable. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 23-4 Please refer to Response to Comment 23-3.
- 23-5 Please refer to Master Response H, “Mitigation for Significant and Unavoidable Impacts” and Master Response A, “Proposed Changes in Policy Language”; and Master Response D, “Reasonable Range of Alternatives,” in Chapter 2 of this FEIR and to Response to Comment 26-134.

Neither the Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32) (California Health and Safety Code, Section 38500 et seq.) nor Executive Order S-3-05 requires EIRs to contain a “low carbon” alternative in their ranges of alternatives. Rather, AB 32 and Executive Order S-3-05 require reduction of statewide GHG emissions. Specifically, AB 32 requires California to reduce GHG emissions to 1990 levels by 2020. This reduction will be accomplished through an enforceable statewide cap on GHG emissions that will be phased in starting in 2012. Executive Order S-3-05 also calls for a statewide reduction of total GHG emissions. Specifically, emissions are to be reduced to the 2000 level by 2010, to the 1990 level by 2020, and to 80% below the 1990 level by 2050. To comply with the executive order, the secretary of the California Environmental Protection Agency created the California Climate Action Team. The California Climate Action Team released its first report in 2006. The report proposed to achieve the targets by building on voluntary actions of California businesses and actions by local governments and communities, as well as through state incentive and regulatory programs. The commenter’s suggestion that the DEIR must evaluate a “low carbon” alternative to achieve the mandates of AB 32 and Executive Order S-3-05 assumes that regulations adopted under AB 32 and Executive Order S-2-05 would be ineffective at meeting the mandatory emission reductions.

As described in Chapter 6 of the DEIR, the 2008 Draft General Plan includes a variety of goals, policies, and programs that would help reduce the County's GHG emissions throughout the plan's 2030 time frame (please refer to Response to Comment 23-68 and Chapter 5 of this FEIR for revisions and additions to the goals and policies identified in the DEIR). Program HS.I-73 would require the development and adoption of a climate action plan (CAP) for Solano County. One of the primary objectives of the CAP is to reduce total GHG emissions in the county to 20% below 1990 levels by 2020, which is below the targeted reduction for year 2020 under SB 32 and Executive Order S-3-05.

The DEIR considers a reasonable range of potentially feasible alternatives, as required by Section 15126.6 of the State CEQA Guidelines. Section 15126.6(a) provides that:

[A]n EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives.

The rationale for selecting the alternatives discussed in the DEIR can be found in DEIR Chapter 5, "Alternatives to the Proposed Project." Also, Please refer to Master Response D, "Reasonable Range of Alternatives," in Chapter 2 of this FEIR for a further discussion on the rationale for selection of alternatives analyzed in the DEIR. Notably, an EIR's alternatives analysis need not be driven by one particular impact, as the commenter appears to suggest (see *Sierra Club v. City of Orange* [2008] 163 Cal.App.4th 523, 545-547, which rejected the argument that an EIR's alternatives analysis was insufficient because each alternative had environmentally disadvantageous aspects).

Further, the commenter provides no specific details about what a "low-carbon" alternative to the 2008 Draft General Plan would look like or how it would differ from the alternatives already examined in the DEIR. Alternative 2, the Improved Environmental Sustainability Alternative, and Alternative 4, the Reduced Rural Residential Development, modify the land use diagram to achieve a lower level of rural residential development. All four of the alternatives analyzed in the DEIR would have a lower level of development than the 2008 Draft General Plan, which would result in fewer vehicle miles traveled (VMT) and fewer GHG sources overall. Alternatives 2, 3, and 4 would have policies regarding GHG emissions similar to those set forth in the Draft 2008 General Plan and would therefore result in fewer GHG emissions than would occur under the 2008 Draft General Plan.

No changes to the DEIR are necessary.

23-6 The commenter states that to conform to CEQA's informational mandates, the DEIR must first adequately discuss the threat posed by GHG emissions and avoid minimizing or discounting the severity of global warming impacts. Please refer to Response to Comment 23-7. The County agrees with the commenter's characterization of CEQA's requirements. It is for that reason that the DEIR provided substantial background information on the threats of global climate change (see pages 6-12 through 6-26 of the DEIR).

23-7 The comment is noted. Please refer to Master Response H, "Mitigation for Significant and Unavoidable Impacts," in Chapter 2 of this FEIR.

The County disagrees with the commenter's contention that the DEIR downplays the significance of climate change. The DEIR clearly acknowledges the universally recognized threats of global climate change and provides a detailed discussion of those effects based on current relevant scientific studies (see DEIR pages 6-12 through 6-26).

The impacts on the county are not downplayed, which is evident in the conclusion of Impact 6.2-2a that impacts on the county as a result of the cumulative impact of climate change would be significant. See page 6-43 of the DEIR. Moreover, the Draft 2008 General Plan contains a number of goals, policies, and programs to address this significant impact.

Contrary to the commenter's assertion, the DEIR does not emphasize variability in modeling of climate change impacts instead of recognizing threats posed by climate change. Rather, in a good-faith attempt at full disclosure, the DEIR also notes that given current modeling techniques, there is less certainty in assessing regional climate change than impacts at a larger scale. This fact is well documented in the sources cited in the DEIR. The commenter has cited no evidence indicating that there is more certainty in assessing regional climate change impacts than what was described in the DEIR.

23-8 The commenter states that scientific literature on the impact of GHG emissions is well developed. The County agrees. The DEIR relies on numerous scientific studies and acknowledges that the severity of impacts facing California is linked to atmospheric concentrations of GHGs (see pages 6-14 through 6-25 of the DEIR). The DEIR states that the likely range of scenarios for global temperature rise will depend on the range of global emissions scenarios that actually occurs (see DEIR page 6-15), and uses as an example the Intergovernmental Panel on Climate Change's (IPCC's) best-, moderate-, and worst-case scenarios to demonstrate the magnitude of different scenarios.

The studies cited by the commenter do not present information that is not sufficiently addressed in the DEIR. The DEIR acknowledges the many forms of impacts (see DEIR page 6-15) that could occur and speaks to the urgency of timing and GHG reduction in reducing impacts from climate change and the severity of those impacts.

23-9 Please refer to Responses to Comments 23-7 and 23-8.

23-10 The commenter claims that the DEIR's analysis of the GHG emissions associated with the 2008 Draft General Plan is inadequate because the DEIR's GHG assessment is based on emissions from the transportation sector and not other sectors.

The comment is noted. Please refer to Responses to Comments 26-122 and 26-123. GHG emissions from the transportation sector compose the largest economic sector of GHG emissions in the state, and would also be the primary source of GHG emissions that would occur with implementation of the 2008 Draft General Plan. Thus, transportation-related GHG emissions are emphasized as the most important source of carbon dioxide (CO<sub>2</sub>) from the 2008 Draft General Plan. Area-source emissions are also of importance and were also addressed in the DEIR and quantified in Table 6-3. Indirect emissions are calculated in Response to Comment 26-123. There would also be GHG emissions over the life cycle of the 2008 Draft General Plan that would be considered speculative and of no practical value to attempt to estimate in an environmental document prepared subject to CEQA. (Please refer to Responses to Comments 26-124 and 26-125.)

There is no required or adopted methodology for estimating GHG emissions from development projects or general plans. Thus, the County and its consultants made a good-faith effort to compile the best available methodology and models available to do so. The URBEMIS model,

which calculates CO<sub>2</sub> emissions attributable to development projects, was calibrated using data from the traffic analysis prepared for the 2008 Draft General Plan, and was used in the absence of any other applicable model to gain a general estimate of GHG emissions from the proposed new-growth area.

URBEMIS is a widely accepted air quality model and is recommended for use in CEQA analyses by the California Air Resources Board (ARB) and California air pollution control and air quality management districts. This model serves as a user-friendly interface for access to ARB's Emission Factors (EMFAC) 2007 model. Both EMFAC and URBEMIS are recommended by the California Air Pollution Control Officers Association (CAPCOA) *CEQA and Climate Change White Paper* and the Governor's Office of Planning and Research's (OPR's) technical advisory *CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review* (OPR 2008) as acceptable tools to use for modeling GHG emissions. Other modeling tools are available for this purpose, but are not free to the public or applicable statewide. Advantages to modeling GHG emission with URBEMIS are that it enables a uniform methodology for a direct comparison of one project to another among different jurisdictions and is consistent with recommended air quality modeling techniques already in use for criteria air pollutant emissions. The County and its consultants developed a methodology to calculate indirect emissions from electricity consumption and water use (please refer to Response to Comment 26-123).

2008 Draft General Plan policies and mitigation measures that would reduce GHG emissions from indirect emissions and emissions from other parts of the life cycle (e.g., energy, waste, water conveyance, water treatment) show that the County considered these other sources of GHG emissions and did not ignore them, absent an appropriate emissions calculation methodology. Proposed policies, mitigation strategies, and conclusions would remain the same (i.e., significant) with or without a quantified estimate of the smaller sources of project-related emissions. The county-specific GHG emissions inventory process would be detailed, would require necessary time to assemble county-specific activity data and county-specific emission factors, and would be an important aspect of the CAP preparation process (to be completed by 2010).

- 23-11 Please refer to Response to Comment 23-10. Consistent with the commenter's summary of CEQA's requirements, the DEIR was prepared with a sufficient degree of analysis to provide decision makers with enough information to enable them to make a decision that intelligently considers environmental consequences, including impacts from GHG emissions and the effects of global climate change on Solano County.
- 23-12 Please refer to Response to Comment 23-10 and to Master Response G, "Deferred Mitigation," in Chapter 2 of this FEIR. The County has evaluated the effects of the 2008 Draft General Plan at the earliest possible stage in the planning process and has not impermissibly deferred analysis.
- 23-13 Please refer to Response to Comment 23-10.
- 23-14 Under the heading "Baseline Emissions," the commenter contends that the DEIR's calculation of existing emissions is incomplete. The commenter states that the DEIR's analysis of existing GHG emissions is limited to emissions from on-road vehicles, natural gas use in hearths, and construction emissions.

Please refer to Responses to Comments 23-10 through 23-13, 26-122, 26-123, and 26-124.

The commenter is correct that under CEQA an "EIR must include a description of the physical environmental conditions in the vicinity of the project, as they existed at the time the notice of preparation is published" (State CEQA Guidelines, Section 15125[a].) There is, however, no

authority for the proposition that “quantification” of GHG emissions is required as part of an adequate baseline; nor does OPR recommend that climate change analyses in CEQA documents contain a quantified baseline (OPR 2008). Here, the DEIR analyzed baseline conditions using the current GHG emissions inventory data available at the time; please refer to Response to Comment 26-122. It appears that the commenter has confused baseline emissions with the analysis of project-generated emissions. The emissions that would occur as a result of the 2008 Draft General Plan were quantified in DEIR Table 6-3; further analysis is summarized in Response to Comment 26-123. As discussed in Response to Comment 26-124, the County has determined that embodied GHG emissions would exist associated with the full life cycle of the 2008 Draft General Plan, but quantifying emissions from the full life cycle of the plan was not possible based on existing calculation tools and methods, and would be of little or no practical value. Thus, the County has made a good-faith effort to calculate the majority of project-generated GHG emissions from project construction, mobile, area, and stationary sources.

23-15 The commenter asserts that the DEIR failed to include models and assumptions used in the climate change analysis. The commenter also notes that Appendix F is not posted on the County’s Web site.

The reference to Appendix F in the table was a typographical error. The reference should have been to Appendix B, “Air Quality,” which provides detailed assumptions and modeling output files for CO<sub>2</sub> emissions (among other emissions) and was made available online. Therefore, as shown in Chapter 4 of this FEIR, the footnote to Table 6-3 on page 6-33 of the DEIR is revised as follows:

Refer to Appendix ~~F~~B, “Air Quality,” for detailed assumptions and modeling output files.

With respect to the commenter’s assertion that the DEIR failed to include models and assumptions used in the climate change analysis, Section 15147 of the State CEQA Guidelines states the following:

The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

The County complied with this requirement by summarizing the methodology used in the DEIR (in DEIR Section 6.2.3, page 6-31) in a manner sufficient to permit full assessment of the 2008 Draft General Plan’s impacts on climate change and by making copies of the DEIR and each of its appendices, including Appendix B, available for review at the County Department of Resource Management’s office (675 Texas Street, Suite 550, Fairfield) and at the public libraries in Dixon, Rio Vista, Vacaville, Fairfield, Suisun City, Benicia, and Vallejo beginning April 18, 2008. The County also submitted all appendices to the State Clearinghouse of the Governor’s Office of Planning and Research (OPR).

23-16 The commenter asserts that the County should have followed methodologies set forth in the CAPCOA White Paper *CEQA and Climate Change* (CAPCOA 2008). County staff and consultants are very familiar with the types of methodologies available to measure project emissions, including CAPCOA’s recommendations. The methodology used in quantifying GHG emissions from the proposed 2008 Draft General Plan is consistent with the methodology set

forth in the CAPCOA White Paper for analyzing impacts of general plans. Specifically, that methodology recommends calibrating the URBEMIS 2007 model with data from the traffic analysis prepared for the project, and reporting the GHG emissions output from construction, mobile, and area sources. Further, the indirect emissions calculation methodology set forth in the CAPCOA White Paper is precisely that used to calculate stationary-source emissions from electricity generation in Response to Comment 26-123. The methodology for calculating GHG emissions from the proposed 2008 Draft General Plan are consistent with those recommended by CAPCOA, as cited (as “EDAW 2007”) on page 68, Table 9 in *CEQA and Climate Change* (CAPCOA 2008).

The County has made every effort to keep abreast of methodologies to analyze project emissions. Indeed, the County and its consultants developed a new methodology to calculate GHG emissions from indirect sources (i.e., electricity consumption and water use) where no such methodology previously existed. The EIR’s analysis constitutes a good-faith effort to disclose a substantial portion of the project-generated GHG emissions.

23-17 The comment provides an example of the methodology set forth by CAPCOA. Please refer to Response to Comment 23-16.

23-18 The commenter recommends other methods and software (which is not available to the public and would require the County to subscribe for a fee) for quantification of GHG emissions. Please refer to Responses to Comments 23-10, 23-14, 23-15, and 23-16. As stated previously, there is no adopted or required method or calculation tool that should be used in place of the methods employed by the County in quantifying GHG emissions from the proposed 2008 Draft General Plan. The County used a CAPCOA-recommended methodology and made a good-faith effort to disclose a substantial portion of project-generated GHG emissions.

23-19 The commenter believes that GHG emissions from cattle operations would be significant and should be quantified in the DEIR.

Emissions from cattle operations are important because of the high global warming potential (GWP) of methane emissions (GWP = 23). There are no adopted or recommended calculation tools available for modeling GHG emissions from cattle operations, and it is not anticipated that the 2008 Draft General Plan would result in an increase in cattle operations or cattle population in Solano County. Although the extent of future cattle operations is unknown, it is assumed that the cattle population would be held constant in the county during the planning horizon, and associated GHG emissions from such operations would also be held constant.

23-20 Please refer to Responses to Comments 23-10, 23-14, 23-15, 23-16, and 23-18. The County notes that the mobile-source emissions and indirect (off-the-grid) energy consumption assumptions within ICLEI-Local Governments for Sustainability’s Clean Air/Climate Protection software are not California-specific. See also *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 666, citing Section 15151 of the State CEQA Guidelines (It is “not necessary that [an EIR’s] analysis be so exhaustively detailed as to include every conceivable study or permutation of the data”).

23-21 Please refer to Responses to Comments 23-10, 23-14, 23-15, 23-16, 23-18, and 23-20. As previously noted, there is no adopted or required method or calculation tool that should be used in place of the methods employed by the County in quantifying GHG emissions from the proposed 2008 Draft General Plan. The County and its environmental consultants are familiar with UPLAN and its capabilities, and agree that it is a useful tool for comparing the relative impacts of conceptual alternatives. However, a quantitative comparison of GHG emissions between the

alternatives presented in the DEIR is not required by CEQA, as discussed in Master Response D, “Reasonable Range of Alternatives,” in Chapter 2 of this FEIR.

23-22

The commenter states that the DEIR needs to quantify GHG emissions from various project alternatives.

Please refer to Responses to Comments 23-5, 23-21, and to Master Response D, “Reasonable Range of Alternatives,” in Chapter 2 of this FEIR.

Chapter 5 of the DEIR evaluated alternatives to the proposed 2008 Draft General Plan. To comply with CEQA’s requirements, an EIR must evaluate a reasonable range of alternatives to the proposed project that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. An EIR need not evaluate the environmental effects of alternatives in the same level of detail as the proposed project, but must include enough information to allow meaningful analysis, and comparison with the proposed project. Consistent with these requirements, the DEIR evaluated four alternatives to the 2008 Draft General Plan and addressed each alternative’s potential impacts on global climate change, as compared to the 2008 Draft General Plan. As explained in Chapter 5 of the DEIR, each of the four alternatives would result in fewer GHG emissions than the 2008 Draft General Plan, primarily because of a lower level of development, which would result in fewer VMT (see pages 5-24, 5-37, 5-47, and 5-58). The information provided is sufficient to allow a meaningful analysis and comparison of the four alternatives to the 2008 Draft General Plan. (See also *Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* [1993] 18 Cal.App.4th 729, 745–746 (“The degree of specificity [in the consideration of alternatives] required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.” Thus, “an EIR for the adoption of a general plan...must focus on secondary effects of adoption, but need not be as precise as an EIR on the specific projects which might follow.”)

23-23

The commenter contends that the County used the wrong thresholds of significance for evaluating climate change impacts by focusing on AB 32’s goal of reducing GHG emissions levels to below 1990 levels and not using Executive Order S-3-05’s 2050 goals, which are beyond the 2030 time frame of the 2008 Draft General Plan, as an additional threshold of significance.

The comment is noted. As recently acknowledged on page 4 of OPR’s technical advisory *CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review* (OPR 2008):

...perhaps the most difficult part of climate change analysis will be the determination of significance. Although lead agencies typically rely on local or regional definitions of significance for most environmental issues, the global nature of climate change warrants investigation of a statewide threshold of significance for GHG emissions. To this end, OPR has asked [California Air Resources Board (ARB)] technical staff to recommend a method for setting thresholds which will encourage consistency and uniformity in the CEQA analysis of GHG emissions throughout the state.

Until such further state guidance is available on thresholds of significance, page 6 of the OPR technical advisory (OPR 2008) suggests that public agencies consider the following factors when determining a project’s significance:

- ▶ When assessing a project’s GHG emissions, lead agencies must describe the existing environmental conditions or setting without the project, which normally constitutes the baseline physical conditions for determining whether a project’s impacts are significant.

- ▶ As with any environmental impact, lead agencies must determine what constitutes a significant impact. In the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a “significant impact,” individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice.
- ▶ The potential effects of a project may be individually limited but cumulatively considerable. Lead agencies should not dismiss a proposed project’s direct and/or indirect climate change impacts without careful consideration, supported by substantial evidence. Documentation of available information and analysis should be provided for any project that may significantly contribute new GHG emissions, either individually or cumulatively, directly or indirectly (e.g., transportation impacts).
- ▶ Although climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment. CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and mitigated GHG emissions to a less than significant level as a means to avoid or substantially reduce the cumulative impact of a project.

Although OPR published its guidance document after release of the DEIR, the County’s approach in determining significance is consistent with OPR’s guidance. The DEIR described existing conditions, undertook to determine what was a significant impact, and did not dismiss the 2008 Draft General Plan’s potential to cumulatively contribute to new GHG emissions.

The County determined, on page 6-31 of the DEIR, that an impact related to global climate change would be significant if the proposed project would:

- ▶ *conflict with or obstruct state or local policies or ordinances established for the purpose of reducing GHG emissions; [italics added]*
- ▶ result in a considerable net increase in GHGs; or
- ▶ cumulatively increase the potential for adverse environmental effects associated with global climate change on natural resources.

Although the discussion following the list of thresholds of significance focuses primarily on the objectives of AB 32 (which unlike Executive Order S-3-05 was blessed by the California Legislature), that is not to say that a conflict with Executive Order S-3-05 was not considered in the DEIR’s impact analysis. (See, for example, page 6-23 of the DEIR, which notes that “[n]either state legislation *nor executive order* suggests that California intends to limit population growth to reduce the state’s GHG emission levels” [italics added].)

Based on the thresholds listed above, the DEIR concluded that implementation of the goals, policies, and programs of the 2008 Draft General Plan would reduce emissions of GHGs, but the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at this program level of analysis. Therefore, it cannot be determined whether these measures would reduce GHG levels to a less-than-significant level. As such, impacts of the 2008 Draft General Plan must conservatively be assumed to result in a considerable net increase in GHGs, and thus operational and construction-related emissions of GHGs could conflict with an existing or projected policy established to reduce GHG emissions. This impact would remain significant and unavoidable.

Even if the DEIR singled out a conflict with Executive Order S-3-05 (rather than a conflict with state or local policies generally) as its own standard of significance, the DEIR's impact conclusion would not be different than what is determined in the DEIR because the impact determination is based on the fact that it is impossible to know the degree of success of future mitigation measures for specific future projects at this program level of analysis.

23-24 Please refer to Response to Comment 23-23.

23-25 Please refer to Response to Comment 23-23.

23-26 The commenter asserts that the DEIR must be revised to compare the emissions with implementation of the 2008 Draft General Plan with the county's 1990 emissions as well as the additional reductions under Executive Order S-3-05.

The commenter is essentially suggesting that the DEIR must use 1990 emissions and the additional reductions required under Executive Order S-3-05 as a baseline against which the DEIR must evaluate emissions with implementation of the 2008 Draft General Plan. Nothing in CEQA requires such an analysis. Rather, the baseline against which to compare a project will normally be the existing environmental conditions in the vicinity of the project at the time the notice of preparation is published (State CEQA Guidelines, Section 15125).

Please note that implementation of Program HS.I-73 of the 2008 Draft General Plan would require the County to calculate GHG emissions for the base year 1990, forecast emissions in 2020 under a business-as-usual scenario, and describe the GHG reductions necessary to achieve the county's adopted target.

Please also refer to Master Response G, "Deferred Mitigation," and Master Response H, "Mitigation for Significant and Unavoidable Impacts," in Chapter 2 of this FEIR and to Response to Comment 26-122.

23-27 Please refer to Master Response D, "Reasonable Range of Alternatives," in Chapter 2 of this FEIR. This comment describes, in general terms, requirements under CEQA related to the consideration of alternatives. This comment does not address the adequacy or completeness of the DEIR. No further response is required.

23-28 The commenter proposes specific alternatives for consideration within the DEIR. Section 15126.6(f) of the State CEQA Guidelines states that the range of alternatives required by an EIR is governed by the "rule of reason." An EIR is only required to set forth those alternatives necessary to permit a reasoned choice, and the alternatives proposed must be feasible, as defined in Section 15126.6(f)(1) of the State CEQA Guidelines.

An alternative that would place all growth within the current boundaries of cities and unincorporated towns would be infeasible, as the County has no jurisdictional control over the land use decisions of cities, and such an alternative may result in inconsistencies with adopted city general plans. Furthermore, the 2008 Draft General Plan includes provisions within the Traditional Communities land use designation to facilitate infill development within unincorporated communities. The municipal service area (MSA) strategy proposed within the 2008 Draft General Plan seeks to maintain the longstanding County practice of city-centered growth, which is itself a smart growth strategy, advocating new development both within and adjacent to cities, with services provided by municipalities. Further, by definition, the 2008 Draft General Plan intends to provide for and address future growth in the unincorporated portions of the county. In planning to accommodate population growth, which would occur with or without the 2008 Draft General Plan, the County must remain mindful that it exists within a larger

regional context in which population increases are projected to occur regardless of what the County does in its long-term planning. The County has therefore determined that some of this regional growth should occur in areas subject to its control, with the significant environmental impacts of such growth being mitigated to the extent feasible. The County's willingness to accept new growth is consistent with the Planning and Zoning Law, as recently described by the California Supreme Court (*Muzzy Ranch Co. v. Solano County Airport Land Use Commission* [2007] 41 Cal.4th 372, 382–383):

The population of California is ever increasing. Our legislature has declared that “[t]he availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every California family is a priority of the highest order.” (Gov. Code, Section 65580, subd. (a).) In order to “assure that cities and counties recognize their responsibilities in contributing to the attainment of the state housing goal” (*id.*, Section 65581, subd.(a).) the Legislature requires that local jurisdictions in their land use planning “identify adequate sites for housing...and...make adequate provision for the existing and projected needs of all economic segments of the community” (*id.*, Section 65583), including “the locality’s share of the regional housing need” (*id.*, Section 65583, subd. (a)(1)). Thus, no California locality is immune from the legal and practical necessity to expand housing due to increasing population pressures.

Thus, a “very minimal growth” or “no growth” alternative would not reflect the legal reality that general plans must provide lands for a certain amount of housing (see Sections 65583[a][3] and 65583[c][1] of the California Government Code).

23-29

An alternative based on the Association of Bay Area Governments’ (ABAG’s) Smart Growth Strategy would focus new growth within incorporated cities. As described in Response to Comment 23-28, placing all or substantially all new growth in cities would be infeasible, as the County has no jurisdictional control over the land use decisions of cities, and such an alternative may result in land uses that are inconsistent with adopted city general plans. As described in the Land Use background report for the 2008 Draft General Plan, ABAG population growth and housing growth forecasts were used as a foundation for development of conceptual alternatives presented to the Citizens’ Advisory Committee, and thus the 2008 Draft General Plan. These same forecasts are used as the basis for the Smart Growth Strategy. The principles of smart growth have been incorporated throughout the 2008 Draft General Plan. The three principles of sustainability—a prosperous economy, a quality environment, and social equity—are incorporated in the County’s Vision Statement and goals. The Smart Growth Strategy envisions increasing density in already developed areas and focusing growth in existing cities and town centers, while at the same time preserving much open space, including natural resources and agricultural lands. The MSA strategy proposed within the 2008 Draft General Plan seeks to maintain the longstanding County practice of city-centered growth, advocating new development both within and adjacent to cities, with services provided by municipalities consistent with this Smart Growth Strategy. The 2008 Draft General Plan also provides for protection and maintenance of the county’s significant natural resources and agricultural lands. Please refer to Response to Comment 23-28.

23-30

Please refer to Master Response D, “Reasonable Range of Alternatives,” in Chapter 2 of this FEIR. The commenter states that another example of an alternative the commenter would like the County to consider would be an alternative that would likely result in no growth or very minimal growth in the unincorporated counties. Please refer to Responses to Comments 23-28 and 23-29.

23-31

The commenter states that the County must consider alternatives that incorporate strict energy and water conservation measures, require green building practices and mixed-use development, and place development near alternative transportation nodes.

Please refer to Responses to Comments 23-5, 23-28, 23-29, and 23-30, regarding the need to analyze alternatives to the proposed project; please also refer to Response to Comment 26-134, which explains that the proposed goals, policies, and programs of the 2008 Draft General Plan are quite consistent with OPR’s technical advisory on CEQA and climate change (OPR 2008), which represents the most current guidance on addressing climate change in EIRs.

The Draft 2008 General Plan and each of the alternatives analyzed in the DEIR incorporate the types of measures and practices described by the commenter (see pages 6-34 through 6-42 of the DEIR for a list of such measures). At the suggestion of the commenter and other commenters, and as shown in Chapter 5 of this FEIR, the County has modified several of the existing policies and programs and added new policies and programs to the 2008 Draft General Plan to further mitigate climate change impacts. Please refer to Response to Comment 23-68.

The commenter points to no particular goal, policy, or program to which a more strict practice or measure should be adopted.

- 23-32 Please refer to Responses to Comments 23-5, 23-22, 23-27, 23-28, 23-29, 23-30, and 23-31.
- 23-33 The commenter asserts that GHG emissions for each alternative need to be quantified. Please refer to Response to Comment 23-22.
- 23-34 The commenter reiterates the belief that the County should include a “low carbon” alternative in its alternative analysis. Please refer to Response to Comment 23-5, which addresses the suggestion that the EIR analyze a “low carbon” alternative.
- 23-35 Please refer to Response to Comment 23-5, which addresses the suggestion that the EIR analyze a “low carbon” alternative.
- 23-36 The commenter states that the County must explain its analysis of the alternatives in more detail. Please refer to Responses to Comments 23-5, 23-22, 23-27, 23-28, 23-29, 23-30, and 23-31; 26-126 through 26-127; and 57-4 through 57-5, and to Master Response D, “Reasonable Range of Alternatives,” in Chapter 2 of this FEIR.
- Chapter 5, “Alternatives to the Proposed Project,” of the DEIR presents four alternatives to the 2008 Draft General Plan that capture a range of feasible alternatives. The impact analysis in Chapter 5, although at a general level of detail appropriate for a countywide general plan, provides County decision makers with information about the impacts of these alternatives to consider in deciding whether to approve or modify the 2008 Draft General Plan. The setting, impacts, and mitigation discussion are all, by definition, program level. The commenter has pointed to no particular impact or section of analysis that the commenter believes to be insufficiently detailed to enable decision makers to reach an informed conclusion on whether to adopt the 2008 Draft General Plan or modification or alternative thereto.
- 23-37 The commenter describes, in general terms, global warming’s anticipated effects on California’s climate and states that the County must adequately consider these impacts in the DEIR. The County agrees with the commenter that the County must adequately consider global warming’s effects on California’s climate, which include several changes affecting water supply. Please refer to Response to Comment 23-7.
- 23-38 The commenter accuses the County of not conducting a good-faith analysis of the effects of global warming on the county and instead surveying the different climate models without analyzing how those models project impacts on areas of planning interest. The commenter states

that the DEIR must use its best efforts to disclose all it reasonably can and use that information to form an opinion about how to plan and adapt for the impacts of climate change.

The County disagrees with the commenter's characterization of the DEIR's analysis. As explained in the DEIR, there are currently no modeling techniques to measure effects of global climate change on regions as small as one particular county, such as Solano County. The commenter has pointed to no source indicating the contrary. The state of the art has simply not reached a point where global warming trends can be modeled for a region as small as Solano County. Nevertheless, in compliance with Section 15126.2(a) of the State CEQA Guidelines, the DEIR includes an exhaustive discussion of the types of trends that scientists agree California can expect to experience in the coming years as a result of global climate change. The DEIR's discussion is based on peer-reviewed scientific papers, including the Intergovernmental Panel on Climate Change's most recent climate change reports, reports prepared by the California Department of Water Resources, and studies conducted by other well-respected scientists in the field of climatology. The DEIR objectively explained the findings of these studies and in no way downplayed the impacts of global climate change. Indeed, the DEIR acknowledged that despite the numerous goals, policies, and programs included in the 2008 Draft General Plan designed to minimize risks associated with climate change, the impact of climate change on Solano County remains significant and unavoidable (DEIR page 6-49). Please also refer to Response to Comment 23-7.

23-39 Please refer to Responses to Comments 23-37 and 23-38. The County has found out and disclosed all that it reasonably can about climate change and used that information to form an educated opinion about how to plan and adapt for the impacts of climate change. These policies and programs are summarized on pages 6-34 through 6-42 of the DEIR. In addition, in consideration of comments received on the DEIR, County staff have recommended to the County Board of Supervisors the adoption of several modified and additional measures, listed in Chapter 5 of this FEIR. Please refer to Response to Comment 23-68 for a listing of specific proposed measures.

23-40 Please refer to Responses to Comments 23-6 through 23-9, 23-37 through 23-39, and 26-94 through 26-96, and to Master Response R, "Inadequate Water Supply Assessment," in Chapter 2 of this FEIR. The commenter states that the DEIR fails to address the impacts of climate change on water resources and availability for the project. The DEIR acknowledges that changes in water supply are expected to occur and that regional studies show that large changes in reliability of water yields from reservoirs can result from only minor changes in inflows (see page 6-21 of the DEIR). The DEIR also acknowledges the statewide trend of increased winter and spring runoff and decreased summer runoff (see page 6-22 of the DEIR).

Impact 6.2-2a discusses reduced water supply as one of the ways global climate change could alter the physical environment both in California and in Solano County. The DEIR specifically speaks to water issues that may affect Solano County including decreased water supply, reliability, and quality.

The DEIR further discloses the likelihood of impacts such as changes in precipitation patterns, temperature extremes, and increased risk of floods and wildfires. Thus, contrary to the assertions of the commenter, the DEIR engages in a good-faith effort to adequately disclose all potential impacts from the effects of global warming both on California as a whole and on Solano County.

23-41 Please refer to Response to Comment 23-40.

23-42 The commenter states that the DEIR must account for various factors that will affect water resources as a result of climate change, including rising temperatures, changes in seasonal precipitation patterns, altered snowpack conditions, increased evaporation and transpiration,

greater risk of fires, and sea level rise. The DEIR acknowledges each of these factors. As explained in Response to Comment 23-41 above, Program HS.I-73 would be developed and would specifically describe protection and adaptation strategies to address these factors. See also Program HS.I-1 regarding the Sea Level Rise Strategic Program.

The DEIR also speaks to the effects of climate change on groundwater. As late as 2005, very little work had been performed on the effects of climate change on specific groundwater basins and recharge characteristics. Reduced availability of groundwater supplies as a result of overdraft and contamination and saltwater intrusion into coastal reservoirs are stressors preceding climate change. The commenter points to no studies indicating the contrary. Even in the absence of such studies, the DEIR makes a good-faith effort to disclose how climate change might affect groundwater recharge and acknowledges that a change in the operating procedures for California's existing dams and conveyance facilities may be required. Determining the effects of such a change and their implementation is beyond the scope of this DEIR.

23-43 Please refer to Response to Comment 23-40 and 23-42.

23-44 Please refer to Response to Comment 23-40 and 23-42.

23-45 The commenter asserts that the County has not disclosed all that it reasonably can regarding potential impacts of sea level rise associated with climate change. Please refer to Responses to Comments 24-46 and 26-66 and to Master Response G, "Deferred Mitigation," in Chapter 2 of this FEIR. The County acknowledges that variability exists between the available estimates of sea level rise affecting the county. In response to the commenter's concern, as shown in Chapter 4 of this FEIR, the last paragraph on page 6-20 of the DEIR is revised as follows:

With respect to Solano County, certain low-lying areas are already expected to be affected by reasonably foreseeable sea level rise. Variability exists between the available estimates of sea level rise affecting the county. The chief uncertainty in predicting sea level is the melting of ice caps on polar continents, and none of the available models for evaluating sea level rise is capable of accounting for this melting.

2007 projections from the ~~International-Intergovernmental~~ Panel on Climate Change indicate that sea level could increase by 7–23 inches by 2100 (IPCC 2007a). The California Delta Vision Blue Ribbon Task Force estimates that planning for sea level rise should anticipate a sea level rise of 16 inches by 2050 and 55 inches by 2100. (California Delta Vision Blue Ribbon Task Force 2008). ~~Both moderate and high~~ These projections are expected to result in sea levels that will affect the Bay-Delta area by increasing the frequency, duration, and magnitude of extreme-water-level events. Extreme-water-level events are created by a combination of high tides, Pacific climate disturbances such as El Niño, low-pressure systems, and associated storm surges. Extreme-water-level events are expected to increase substantially with elevated sea levels. Given a 1-foot rise in sea level, as predicted in low-end sea level rise projections, the frequency of a 100-year event would increase tenfold. Additionally, elevated sea levels and increased extreme-water-level events may exacerbate flooding in Solano County and significantly expand the county's floodplains. At the opposite extreme, a sea level increase of 55 inches could overwhelm most levees in the Delta and flood low-lying urban land surrounding the Delta, including some neighborhoods, urban water intakes, sewage treatment outfalls, highways, and other utilities.

Additionally, as shown in Chapter 4 of this FEIR, the second paragraph within the discussion of Impact 6.2-2a on page 6-43 of the DEIR is revised as follows:

Although there is a strong scientific consensus that global climate change is occurring and is influenced by human activity, there is less certainty as to the timing, severity, and potential consequences of the climate phenomena. Scientists have identified several ways in which global climate change could alter the physical environment in California (IPCC 2007a, California Delta Vision Blue Ribbon Task Force 2008, CEC 2006b, DWR 2006).

It is necessary for the 2008 Draft General Plan to include strategies to allow the County to remain informed as the state of the art evolves and to be able to adapt to changes in the known science and applicable federal and state policies and regulations. The County understands that the San Francisco Bay Conservation and Development Commission (BCDC) is preparing sea level rise inundation mapping for the San Francisco Bay Area. The County has consulted with BCDC regarding the preparation of such mapping for Solano County, which is ongoing at this time. The County intends to use BCDC's mapping outcomes to delineate the area subject to the SLRSP, as described in Program HS.I-1 of the 2008 Draft General Plan, and as presented on page 6-45 of the DEIR.

As described on page 6-49 of the DEIR, implementation of the policies and programs proposed in the 2008 Draft General Plan would reduce the extent and severity of climate change-associated impacts on Solano County. However, the efficacy of such policies and programs remains uncertain. A wider variation in available estimates of sea level rise and associated impacts affecting the county does not change the DEIR's conclusion, which in the absence of a quantifiable threshold of significance, identifies a significant and unavoidable impact.

23-46 Please refer to Response to Comment 23-45.

23-47 Please refer to Response to Comment 23-45.

23-48 Please refer to Response to Comment 23-45.

23-49 The commenter asserts that the assumptions and models of sea level rise in the DEIR fail to account for the melting of ice caps on polar continents. The commenter correctly points out that none of the currently available models for sea level rise is capable of accounting for this melting. The DEIR has been modified to acknowledge the relationship between melting polar ice caps and sea level rise, as described in Response to Comment 23-45.

23-50 Please refer to Response to Comment 23-45.

23-51 Please refer to Responses to Comments 23-6 through 23-9 and Response to Comment 26-112.

23-52 By way of background, conditions conducive to pollution formation are not as related to temperature as they are to the presence of direct sunlight, which is often experienced on the warmest days of the year. Thus, the presence of criteria air pollutants (e.g., high-ozone or high-smog days) appears to be correlated to warm temperatures, but is not causal. The cause is presence of direct sunlight, which induces photochemical reactions.

The scientific evidence on the indirect effects of climate change on potential for exacerbating air quality problems (specifically, ozone formation) is still in the process of being fully understood. It is true that certain photochemical reactions that occur in the ozone formation process are temperature dependent, and these reactions will happen faster in a world that is 2–4 degrees Celsius warmer (the anticipated level of warming that would occur during the lifetime of the 2008 Draft General Plan). However, these reactions occur at a rate on the order of  $10E-34$  second and an increase in the rate of this extremely fast chemical reaction would only be detectable in a laboratory setting (IUPAC 2008). Changing the rate constant in a very fast chemical reaction will

not affect the equilibrium concentration of ozone and would not result in a cumulatively considerable incremental increase in ozone formation in Solano County. The extent to which the GHG emissions that would occur as a result of the 2008 Draft General Plan would contribute to an increase in global average temperature is already too far removed from the impact, and does not warrant inclusion in a programmatic EIR.

23-53 Please refer to Responses to Comments 23-6 through 23-9 and Response to Comment 23-52.

23-54 The commenter offers an overview of the impacts of global climate change, with particular reference to impacts on a special-status species—Edith’s checkerspot butterfly and its host plant, *Plantago erecta*. It is implied, but not specifically stated, in the text of the comment that the analysis of impacts of climate change on biological resources of Solano County may be deficient. Although precise analysis of such impacts would be very difficult given current modeling capabilities, the County does recognize the likelihood that climate change would result in severe impacts on biological resources. For this reason, the DEIR addresses the issue in the following ways. On page 6-24 the DEIR acknowledges the potential impacts on water quality and aquatic ecosystems:

Climate change could alter numerous water quality parameters in a variety of ways.... Increases in water flows can also decrease chemical reactions in streams and lakes, reduce the flushing time for contaminants, and increase export of pollutants to coastal areas (Jacoby 1990, Mulholland et al. 1997, Schindler 1997). Decreased flows can exacerbate temperature increases, increase the concentration of pollutants, increase flushing times, and increase salinity (Schindler 1997, Mulholland et al. 1997). Decreased surface-water flows can also reduce nonpoint-source runoff (Mulholland et al. 1997). Increased water temperatures can enhance the toxicity of metals in aquatic ecosystems (Moore et al. 1997).

On page 6-43 the DEIR states that “changes in the composition, health, and distribution of terrestrial and aquatic ecosystems, particularly associated with increased saltwater intrusion into the Delta,” could result in the following direct impacts of climate change: increased average temperatures; modifications to the timing, amount, and form (rain vs. snow) of precipitation; changes in the timing and amount of runoff; reduced water supply; deterioration of water quality; and elevated sea level. Pages 6-44 and 6-45 of the DEIR identify policies and programs that would help to reduce the impacts of climate change on biological resources.

On page 6-58 the DEIR acknowledges that climate change is expected to result in changes to terrestrial and aquatic ecosystems in addition to numerous other negative impacts on the county. Although implementation of the policies and programs of the 2008 Draft General Plan may serve to reduce the impacts of climate change on biological resources in the county, the efficacy of such policies and programs is uncertain. At this time it is acknowledged that no other feasible mitigation measures exist to reduce the impact to a less-than-significant level. Therefore, this impact is determined to be significant and unavoidable.

23-55 The commenter states that the DEIR must analyze and adopt all feasible mitigation measures to reduce the GHG emissions associated with the 2008 Draft General Plan. The County agrees with the commenter’s statements, and for that reason, the 2008 Draft General Plan includes numerous goals, policies, and programs designed to reduce Solano County’s impact on GHG emissions and enable the County to adapt to climate change effects on Solano County. This comment does not directly address the adequacy or completeness of the DEIR or otherwise raise significant environmental issues within the meaning of CEQA. Please refer to Master Response H, “Mitigation for Significant and Unavoidable Impacts,” and Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this DEIR.

The extent to which the proposed mitigation measures are general in nature is simply a reflection of the fact that the proposed project is a general plan. The specificity of a DEIR's discussion of mitigation measures should be proportionate to the specificity underlying the project (*Rio Vista Farm Bureau Center v. County of Solano* [1992] 5 Cal.App.4th 351, 376). If the proposed 2008 Draft General Plan is adopted, the County will have opportunities in the future, in processing future tentative subdivision maps, use permit applications, and similar entitlement requests, to translate some of the broadly framed general plan-level mitigation measures into more detailed, site-specific measures. The County will also have the opportunity, as the years pass, to keep abreast of the latest science on climate change as it considers future site-specific approvals, which is a form of adaptive management. In addition, as the statewide implementation of AB 32 progresses, it is very likely that development within Solano County, like development elsewhere in California, will be subject to new regulatory requirements and mandates developed by ARB.

In addition to the response provided above, please refer to Master Response H, "Mitigation for Significant and Unavoidable Impacts," in Chapter 2 of this DEIR.

- 23-56 The commenter states that enforceable mitigation measures must be included before the 2008 Draft General Plan can be approved and that agencies must take steps to ensure that the mitigation measures that are incorporated into a plan will actually be implemented. Consistent with Section 15097(a) of the State CEQA Guidelines, the County will prepare a mitigation monitoring and reporting plan (MMRP) concurrent with preparation of its findings for the approval of the County Board of Supervisors. As is appropriate for a general plan update, the County will prepare an MMRP that will consist of the policies and programs listed in the 2008 Draft General Plan, as well as the mitigation measures adopted as part of the Project's CEQA review. The annual report on general plan status (required by the Government Code) is one example of a reporting program for adoption of a county general plan (State CEQA Guidelines Section 15197[b]). The MMRP will ensure that the mitigation adopted for the proposed plan, including the goals, programs, and policies included in the 2008 Draft General Plan, are enforced. Further, the 2008 Draft General Plan proposes that the plan be reviewed within 5 years and amendments considered periodically as deemed necessary by the County Board of Supervisors (page IN-7 of the 2008 Draft General Plan). The County's review of the 2008 Draft General Plan would further ensure that the goals, policies, and programs identified as reducing significant or potentially significant environmental impacts have been implemented. Please refer to Master Response F, "Deferred Mitigation," and Master Response H, "Mitigation for Significant and Unavoidable Impacts," in Chapter 2 of this FEIR.
- 23-57 Please refer to Master Response F, "Deferred Mitigation," in Chapter 2 of this FEIR, and to Chapter 5 of this FEIR, which shows proposed modifications to existing policies and programs and proposed new goals and policies to be added to the 2008 Draft General Plan in consideration of comments received on the DEIR. The case *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351 (*Rio Vista Farm Bureau Center*), cited by the commenter, illustrates that a programmatic EIR, such as this EIR, may rely on general policies as mitigation, as does this EIR. In that case, the Court of Appeal upheld mitigation measures adopted as policies with a "hazardous waste management plan." The petitioners argued that the plan policies functioning as mitigation measures were "vague, inconclusive, and even inconsistent," reflecting the respondent county's intention to adopt more specific mitigation measures when individual projects were proposed in the future. The court disagreed, explaining that the EIR's discussion of mitigation measures was adequate "given the broad, nebulous scope of the project under evaluation. (*Rio Vista Farm Bureau Center*, page 376.) Here, too, as is particularly appropriate in a program EIR, the DEIR, with mitigation set forth in the DEIR, and the policies and programs included in the 2008 Draft General Plan, the County proposes to adopt performance standards to ensure the efficacy of the mitigation measures, policies, and programs. More detailed site-specific

environmental review, with site-specific mitigation may be required for future projects tiering from this program EIR. Please refer to Master Response E, “Programmatic Nature of EIR,” in Chapter 2 of this FEIR. Please also refer to Response to Comment 23-68 and Chapter 5 of this FEIR for a list of Policies and programs proposed to be modified and added in consideration of comments received on the DEIR.

23-58 The commenter states that the DEIR is deficient as an information document because it has failed to disclose and include a mitigation and monitoring plan. Contrary to the commenter’s belief, the mitigation monitoring and reporting program does not need to be in the EIR. The court in *Christward Ministry v. Superior Court* (1986) 184 Cal.App.3d 190 (*Christward I*) rejected the argument that the mitigation monitoring and reporting program should have been circulated to the public with the EIR, holding that Section 21081.6 of the Public Resources Code does not require the inclusion of such a program within a DEIR or FEIR (*Christward I*, page 49):

The law clearly contemplates otherwise, for the mitigation monitoring program is required to be adopted ‘[w]hen making the findings required’ (§ 21081.6), and those findings are made after considering the final EIR. (See § 21081; CEQA Guidelines, § 15091.) Nothing in CEQA or the Guidelines requires the mitigation and monitoring plan to be in the EIR.

Consistent with Section 15097(a) of the State CEQA Guidelines, the County will prepare a mitigation monitoring and reporting program concurrent with preparation of its findings. As is appropriate for a general plan, the County will prepare an MMRP that will consist of the policies and programs listed in the General Plan as well as the mitigation measures developed as part of this EIR. The County may use the annual report on general plan status (required pursuant to the Government Code) as an appropriate report plan. Please also refer to Response to Comment 23-55.

23-59 The commenter states that the mitigation measures included in the 2008 Draft General Plan and DEIR are not enforceable. Please refer to Responses to Comments 57-3, 23-55, 23-56, and 23-58 and to Master Response G, “Deferred Mitigation,” in Chapter 2 of this FEIR. In consideration of the commenter’s concerns and that of other commenters, and as shown in Chapter 5 of this FEIR, County staff have recommended to the County Board of Supervisors the modification of several existing policies and programs of the 2008 Draft General Plan and the adoption of several new policies and programs to reduce climate change impacts to the maximum extent feasible.

In implementing the 2008 Draft General Plan, the County would conduct site-specific planning and CEQA analysis for every major development proposal (please refer to Master Response E, “Programmatic Nature of EIR,” in Chapter 2 of this FEIR), part of which involves determining whether the proposed project is consistent with the 2008 Draft General Plan and making changes or updates as necessary. Lastly, it is worth noting that many of the examples of mitigation measures identified in OPR’s technical advisory *CEQA and Climate Change: Addressing Climate Change through CEQA Review* (OPR 2008) are drafted in purely hortatory terms (see, Attachment 3 of the technical advisory).

23-60 The commenter states that its comments will focus on the implementation programs proposed in the 2008 Draft General Plan because it believes that the goals and policies contained in the 2008 Draft General Plan would be neglected once adopted and are not enforceable. The County disagrees with the commenter’s suggestion that the County would ignore the goals and policies of the 2008 Draft General Plan, as well as with the commenter’s assertion that the goals and policies are not enforceable and cannot otherwise not be relied on as mitigation. Under state law, a general plan must consist of a “statement of development policies...setting forth objectives, principles, standards, and plan proposals” (Government Code Section 65302). By its very nature, the general

plan embodies “fundamental policy decisions that guide future growth and development” (*Citizens of Goleta Valley v. Bd. of Supervisors* [1990] 52 Cal. 3d 553, 571 [*Goleta II*]). A general plan is a “constitution” for future development “located at the top of the hierarchy of local government law regulating land use” (*DeVita v. County of Napa* [1995] 9 Cal.4th 763, 773). Although a degree of flexibility is desirable in a general plan to enable decision makers to respond to a wide variety of circumstances over a long time period, this does not mean that the County can choose to ignore its general plan’s goals or policies. Indeed, “[t]he propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.” (*Goleta II*, page 570). Thus, as guiding principles on which to base all future discretionary approvals, the goals and policies of the 2008 Draft General Plan are an appropriate and effective means to mitigate the general plan’s significant or potentially significant environmental effects. Further, in consideration of the concerns raised by the commenter, and other commenters on the DEIR, the County will modify or add several goals and policies of the 2008 Draft General Plan. Please refer to Response to Comment 23-68. The commenter’s specific suggestions are addressed in responses to individual comments below.

23-61 Please refer to Responses to Comments 23-60, 57-3, and in particular, to Master Response G, “Deferred Mitigation,” in Chapter 2 of this FEIR. Program HS.I-73 does not defer development of emission targets. Rather, the measure includes the following benchmarks:

- ▶ overall emissions reductions of at least 10% below 1990 levels by 2015,
- ▶ overall emissions reductions of at least 20% below 1990 levels by 2020, and
- ▶ reduction of total countywide energy consumption of at least 2 percent per year to achieve a minimum 20% reduction.

Consistent with the CEQA requirements set forth above, the mitigation set forth in the DEIR, and the policies and programs included in the 2008 Draft General Plan, the County proposes to adopt performance standards to ensure the efficacy of the mitigation measures, policies, and programs (*Endangered Habitats League v. County of Orange* [2005] 131 Cal.App.4th 777, 793–794).

23-62 The commenter states that many of the goals and policies and implementing programs aimed at addressing the threat of climate change are simply existing measures of the General Plan recast to meet a climate change focus. The fact that many of the measures of the 2008 Draft General Plan would also tend to reduce other impacts does not negate their ability to reduce GHG emissions. Rather, GHGs are, in large part, a product of energy consumption, particularly fossil fuels. To the extent that policies of the 2008 Draft General Plan reduce energy consumption (i.e., by reducing VMT or energy use in homes and businesses), it would also reduce GHG emissions. Please also refer to Responses to Comments 23-60, 23-61, and 57-3.

23-63 Please refer to Master Response G, “Deferred Mitigation,” and Master Response H, “Mitigation for Significant and Unavoidable Impacts,” in Chapter 2 of this FEIR and to Responses to Comments 23-56, 23-60, 26-130, and 57-3.

23-64 The commenter recommends that the 2008 Draft General Plan contain policies and programs that foster and restore forests and other terrestrial ecosystems and not permit the conversion of habitat. The commenter states that partial replacement of such habitats cannot replace the loss of overall carbon sequestration in the natural communities. The County cannot completely prevent habitat conversion within Solano County. Please see Master Response C, “Rationale for Rural Residential Land Use Designation,” in Chapter 2 of this FEIR for a discussion of the County’s housing obligations. Further, the market and demographic realities facing the County indicate that even without the new 2008 Draft General Plan, considerable amounts of land would be converted

from agricultural uses because the county's economy is increasingly dependent on diversified businesses and industries, among other factors. The 2008 Draft General Plan contains several policies and programs designed to foster and restore ecosystems, which the County believes would be consistent with the commenter's suggestion and would provide the County with the degree of flexibility necessary to implement its general plan. These policies and programs include the following:

- ▶ **Policy AG.P-21:** Promote natural carbon sequestration to offset carbon emissions by supporting sustainable farming methods (such as no-till farming, crop rotation, cover cropping, and residue farming), encouraging the use of appropriate vegetation within urban-agricultural buffer areas, and protecting grasslands from conversion to non-agricultural uses.
- ▶ **Policy RS.P-12:** Existing uses should continue in the upland grasslands and cultivated areas surrounding the critical habitats of the Suisun Marsh in order to protect the Marsh and preserve valuable marsh-related wildlife habitats. Where feasible, the value of the upland grasslands and cultivated lands as habitat for marsh-related wildlife should be enhanced.
- ▶ **Program RS.I-8:** Require the planting of shade and roadside trees in development projects for aesthetic, air quality, and other associated benefits. Encourage the use of native tree species, especially native oaks. Create development standards to ensure appropriate placement, care, and maintenance.
- ▶ **Program RS.I-9:** Together with DFG, USFWS, Solano Water Agency, and other agencies, determine and map critical wildlife movement and habitat corridors and riparian buffer areas. Ensure that the areas are sufficient in size to maintain landscape ecological functions and viable populations. Add the mapped critical corridors to the Resource Conservation Overlay.

Additionally, Mitigation Measure 4.6-1a would require not only preservation of foraging habitat, but also the preparation of a resource management plan prepared by one or more qualified persons to restore the preserved lands. For these reasons, the County believes that adoption of the commenter's recommendation would not result in a clear improvement, from an environmental standpoint, over the policies and programs of the 2008 Draft General Plan, which provide the County enough flexibility and are drafted in sufficiently clear language to allow ease of implementation by 2030, the time frame of the 2008 Draft General Plan. Please also refer to Master Response A, "Proposed Changes in Policy Language"; Master Response C, "Rationale for Rural Residential Land Use Designation"; and Master Response J, "Biological Resources Mitigation Strategies," in Chapter 2 of this FEIR.

23-65 The commenter suggests that the County adopt an implementation measure requiring the County to "[p]articipate in programs such as the 'Cities for Climate Protection' (CCP) Campaign by ICLEI." In preparation of the Climate Action Planning program, the County is seeking to work with other cities and organizations in developing and implementing programs. The ICLEI Cities for Climate Protection Campaign is one of several that may be considered. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR.

23-66 The commenter states that the County must ensure that developers and project proponents adequately consider and mitigate GHG emission in project proposals and environmental reviews. Under state planning and zoning law, the County cannot approve a project that is inconsistent with its general plan. Thus, if the County adopts the 2008 Draft General Plan, developers will need to ensure that their projects are consistent with the goals, policies, and programs included in the 2008 Draft General Plan that mitigate GHG emissions. Further, as evidenced by Section 6.2 (pages 6-12 through 6-49) of the DEIR, the County understands CEQA as requiring a good-faith, reasoned effort, based upon available information, to identify the potential significant direct,

indirect, and cumulative impacts of a proposed project or activity, including impacts related to GHG emissions and climate change. As part of this obligation, the County must consider less environmentally damaging alternatives and adopt feasible mitigation measures to reduce or avoid a project's significant impacts, including GHG emissions and climate change impacts. Please refer to Master Response E, "Programmatic Nature of EIR," in Chapter 2 of this FEIR for a discussion of how the County will evaluate future specific projects under the 2008 Draft General Plan.

23-67 Please refer to Response to Comment 23-66.

23-68 The commenter suggests that the DEIR identify land use map changes, policies, and programs as important mitigation measures to address the contribution of the 2008 Draft General Plan to climate change. Chapter 5 of the DEIR evaluated alternatives to the proposed 2008 Draft General Plan based on alternative land use designations. As explained in Chapter 5 of the DEIR, each of the four alternatives would result in fewer GHG emissions than the 2008 Draft General Plan, primarily because of a lower level of development, which would result in fewer VMT (see pages 5-24, 5-37, 5-47, and 5-58). The information provided is sufficient to allow a meaningful analysis and comparison of the four alternatives to the 2008 Draft General Plan.

Additionally, the commenter suggests that the 2008 Draft General Plan policies are purely aspirational. The 2008 Draft General Plan provides the policy-level framework for buildout of unincorporated Solano County with sufficient flexibility to define priorities and optimize resources. Please refer to Responses to Comments 23-56, 23-60, and 26-130.

Lastly, the commenter states that the County failed to consider additional mitigation measures to reduce the county's impacts on GHG emissions. In response to the concerns raised by the commenter and others, and as shown in Chapter 5 of this FEIR, County staff have recommended that the following goal, policies, and implementation programs be strengthened to more effectively reduce the county's GHG emissions and otherwise address the threat of global climate change: Goal TC.G-3 and Policies LU.P-19, RS.P-53, RS.P-55, TC.P-3, TC.P-16, and Programs RS.I-38, RS.I-44, RS.I-45, RS.I-49, RS.I-50, HS.I-7, HS.I-54, HS.I-73, TC.I-1, TC.I-17, PF.I-8, PF.I-14, and PF.I-27. County staff will provide these recommended revisions to the County Board of Supervisors for further consideration. If this proposal is accepted by the County Board of Supervisors, this goal and these policies and programs would be amended as follows:

- TC.G-3: Encourage land use patterns that maximize mobility options for commuting and other types of trips, and minimize traffic congestion, vehicle miles traveled (VMT), and greenhouse gas emissions carbon footprints.
- LU.P-19: Require ~~Locate~~ commercial development to be sited in locations that provide maximum access to the primary consumers of such services and where necessary services and facilities can be provided.
- RS.P-53: Reduce Solano County's reliance on fossil fuels for private transportation and other energy production consuming activities.
- RS.P-55: Provide information, marketing, training, and education to support reduced energy consumption, the use of alternative and renewable energy sources, ~~and~~ green building practices, recycling, and responsible purchasing.
- TC.P-3: Establish land use patterns that ~~Facilitate~~ shorter travel distances and non-auto modes of travel ~~other than the automobile, and limit the extent of additional~~

~~transportation improvements and maintenance that may be needed with a more dispersed land use pattern.~~

- TC.P-16: ~~Ensure that~~ Require major retail and employment centers and commercial and industrial centers with high levels of employment are served with to facilitate the provision of adequate public transportation opportunities.
- RS.I-38: ~~Develop and implement financially and technically feasible green building standards, including standards that exceed Title 24 state energy efficiency requirements for residential and commercial buildings by at least 20 percent, and comply with the guidelines for the California Energy Star Homes Program. Adopt energy efficiency standards for new and remodeled residential, commercial, and industrial buildings that exceed the state's minimum standards, including requiring all new commercial, industrial and institutional buildings to use energy efficient lighting that reduces electricity use by 20% more than Title 24 requirements. Require all new and remodeled residential, commercial, industrial, institutional, and civic construction to exceed current (2008) Title 24 state energy-efficiency requirements by at least 20%, and require that all new residential homes and major renovations comply with the guidelines for the California Energy Star Homes Program. If the state increases the requirements of Title 24, examine the feasibility of increasing County energy efficiency requirements.~~
- RS.I-44: Require residential development of more than six units to participate in the California Energy Commission's New Solar Homes Partnership. Require new construction or major renovation of commercial and industrial buildings over 10,000 square feet in size to incorporate renewable energy generation to provide the maximum feasible amount of the project's energy needs. Commercial buildings shall incorporate renewable energy generation to provide at least 20% of the project's needs.
- RS.I-45: ~~Require all new residences to~~ the use of Energy Star rated appliances and the most energy-efficient Energy Star rated water heaters and air conditioning systems that are feasible in the construction of new homes, in all substantial remodels when appliances are being replaced, and in any case where a permit is needed to install or replace appliances (e.g. water heaters, air conditioning).
- RS.I-49: ~~Promote Adopt a County "green building program." by adopting and supporting LEED principles in construction of public and private buildings and providing incentives for private property owners seeking LEED certification. Require all new and remodeled renovated commercial, and office, and institutional buildings located outside city MSAs over 10,000 square feet in size to meet achieve LEED certification, or meet equivalent performance standards. Defer to City building and energy efficiency standards for areas located within city MSAs. Amend the County zoning ordinance to encompass these green building requirements.~~
- RS.I-50: Require the use of landscaping and site design techniques in development projects that minimize energy use. This may include designing landscaping to shield or expose structures to maximize energy conservation or acquisition and taking advantage of orientation, sun-shade patterns, prevailing winds, landscaping, and sunscreens. Amend development standards to require such techniques.

- HS.I-7: During project review, ~~encourage~~ require the use of stormwater management techniques in developed upstream watershed areas that protect low-lying areas from flooding and incorporate appropriate measures into the development review process to mitigate flooding and prevent erosion in and around County ditches.
- HS.I-54: ~~Consider~~ Adopt a trip reduction ordinance and ~~incentives to encourage employers to increase~~ encourage employers to develop practices that reduce employees' vehicle trips such as telecommuting, ~~provide~~ provision of bicycle facilities, and ~~access shuttles~~ to public transit for employees, including County employees.
- HS.I-73: Develop and adopt a climate action plan for Solano County. The Climate Action Plan will have two primary objectives, which include: (a) reduce total greenhouse gas emissions in the county to 20 percent below 1990 levels by 2020, (b) create adaptation strategies to address the impacts of climate change on the county such as sea level rise, increased risk of flooding, diminished water supplies, public health, and local agricultural-based economy. The CAP will contain the following chapters:

Climate Change and Solano County—The first chapter of the CAP will outline the county's rationale and motivation for taking a leadership role in addressing climate change and developing and implementing the CAP. The chapter will provide a brief overview of the science behind climate change, describe the potential impacts climate change may create in Solano County, and outline state policy mandates to reduce GHG emissions.

Baseline GHG Emissions Inventory and Forecast—In this chapter the county will calculate GHG emissions for the base year 1990, forecast emissions in 2020 under a business as usual scenario, and will describe the GHG reductions necessary to achieve the county's adopted target. The County will make best efforts to evaluate all reasonable sources of GHG emissions. The chapter will identify GHG emissions and target levels per sector. Sectors to be described in the inventory will include municipal operations, residential, commercial, industrial buildings, motor vehicles, agriculture, and waste. This inventory and forecast shall provide a benchmark for planning and monitoring progress in government operations and the community. The GHG inventory ~~will~~ shall be conducted using a methodology consistent with that used by other local governments and will be completed within 1 year after the effective date of adoption of the General Plan.

GHG Emissions Policies and Measures—This chapter will describe the policies and measures that are necessary to reduce GHG emissions in the county and achieve the reduction target. Policies and measures will be created with public input from all stakeholders. Each measure will be enforceable, include a timeline, describe financing mechanisms, and assign responsibility to relevant agencies and departments. In addition to direct GHG reduction measures, the chapter will incorporate public education efforts to raise awareness on the importance of minimizing GHG emissions and methods for reducing emissions from individuals' lifestyles. ~~Policies and programs relevant to climate change contained in the 2008 General Plan will be included within the CAP. Policies, benchmarks, and measures will be reevaluated according to current State law and guidance each time the general plan is updated.~~ These policies and measures will be developed within 2 years after the effective date of adoption of the General

Plan. The effectiveness of policies and measures will be evaluated annually and will be modified as necessary to achieve the County's reduction goals.

As the CAP is to be implemented over a period of several years, it is likely that the scientific and state and federal policy framework surrounding climate change measures will evolve. The CAP will adapt its policies, measures, and programs to ensure successful GHG emissions reduction, protection of the county, and compliance with regulations.

Protection and Adaptation Strategies—The fourth chapter of the CAP will describe strategies, policies and measures that will be used to protect the county from and facilitate adaptation to the potential effects of climate change. Potential effects to be evaluated include, but are not limited to, sea level rise, saltwater intrusion, increased frequency and magnitude of flooding, diminished water supply, increased wildfire risk, habitat loss, and possible impacts to public health and the local economy, including agriculture. Each measure will include a timeline, describe financing mechanisms, and assign responsibility to relevant agencies and departments.

County and state concerns regarding sea level rise and its associated impacts led to the development of an SLRSP. The SLRSP has been included as an implementation measure in the 2008 General Plan (See Program HS.I-1). ~~The SLRSP is to be contained within the CAP after the CAP is adopted.~~

Benchmarks and Next Steps—In conclusion, the CAP will identify benchmarks, monitoring procedures and other steps needed to ensure the county achieves its GHG reduction, protection, and adaptation goals. Monitoring and verifying progress on the GHG emissions reduction measures will be conducted on an ~~ongoing~~ annual basis. Monitoring will provide important feedback that can be used to demonstrate overall progress toward emissions reduction targets and improve measures over time.

Benchmarks will be established to serve as intermediate goals and to motivate compliance with county and sector level reduction targets. While additional benchmarks will be created during CAP development, the following emissions reductions benchmarks will be included:

- ▶ Overall emissions reductions of at least 10 percent below 1990 levels by 2015.
- ▶ Overall emissions reductions of at least 20 percent below 1990 levels by 2020.
- ▶ Reductions of total countywide energy consumption of at least 2 percent per year to achieve a minimum 20 percent reduction by 2020.

Benchmarks for strategic responses to climate change impacts should be based on the expected timescale of the specific impact and will be established during the development of individual strategic plans.

As the CAP is to be implemented over a period of several years, it is likely that knowledge surrounding climate change and implementation measures will

~~evolve. The CAP will contain provisions to evaluate measures in order to ensure successful GHG emissions reduction and protection of the county.~~

CAP Relationship to the General Plan— Revisions to CAP policies and measures and subordinate strategic programs may require further General Plan amendments. Implementation strategies identified in the CAP will be incorporated as implementation measures of the General Plan through amendment within 1 year of completion. The effectiveness of policies and measures will be evaluated annually and will be modified as necessary to achieve the County’s reduction goals.

- TC.I-1: ~~Support proposals by County departments and agencies to sponsor~~ Require the purchase of energy efficient or alternative-fuel County vehicles when fleet upgrades occur.
- TC.I-17: Design, construct, and maintain bicycle routes ~~to~~ as described in the *Countywide Pedestrian and Bicycle Plan* and ensure that adequate signs and pavement markings are provided.
- PF.I-8: ~~Adopt ordinances that R~~require the use of water-efficient landscaping, water-conserving appliances, and plumbing fixtures.
- PF.I-14: Encourage water agencies to require water efficiency training and certification for landscape irrigation designers and installers, and property managers. Work with local partners and water agencies to educate the public about water conservation options, including landscaping, irrigation, low-water appliances, and other measures the public can take to reduce water use. Encourage water purveyors to provide incentives for customers that use water more efficiently.
- PF.I-27: Expand waste minimization efforts including household recycling, food waste and green waste recycling, business paper recycling, and construction and demolition recycling. Require commercial and industrial recycling. Require building projects to recycle or reuse a minimum of 50% of unused or leftover building materials.

Additionally, as shown in Chapter 5 of this FEIR, County staff have recommended and the Planning Commission has approved the addition of two new policies and 18 new implementation programs to strengthen the County’s climate change efforts. These new policies and programs will be provided to the County Board of Supervisors for further consideration. If this proposal is accepted by the County Board of Supervisors, the following policies and programs would be added to the 2008 Draft General Plan:

- LU.P-A3: Require a variety of housing types (affordable and market-rate) near jobs, services, transit, and other alternative-transportation serving locations (e.g., rideshare lots).
- LU.P-A4: Increase residential densities in Traditional Communities where new-growth, infill, or reuse opportunities near transit routes or commercial areas exist.
- LU.I-A5: Allow solar energy generation projects in open space areas where consistent with other uses and values.

- RS.I-AA: Continue to ensure compliance with existing state building requirements for energy-conserving roofing materials on nonresidential buildings in new construction and reroofing.
- RS.I-B: Require that all new County buildings and major renovations and additions achieve LEED certification or meet equivalent performance standards.
- RS.I-BB: Require residential developments of more than six units to construct LEED-certified units or meet equivalent performance standards. For new affordable housing projects, performance standards shall be established pursuant to the requirements of the funding source(s).
- RS.I-C: Require the design and orientation of all buildings to maximize passive solar heating during cool seasons, avoid solar heat gain during hot periods, enhance natural ventilation, and promote effective use of daylight. Orientation should optimize opportunities for on-site solar generation.
- RS.I-D: Provide permitting-related and other incentives for building projects that exceed the County's energy efficiency standards by greater than 5%.
- RS.I-E: Require energy and water efficiency audits for new construction or substantial remodels of commercial, industrial, and institutional buildings. Examine existing usage and potential reductions related to heating, ventilation, air conditioning, lighting, water heater equipment, insulation, weatherization, and water usage by buildings and landscaping. Require energy and water audits of all County buildings.
- RS.I-F: Partner with community services agencies to fund energy efficiency projects, including heating, ventilation, air conditioning, lighting, water heating equipment, insulation, and weatherization for low-income residents.
- RS.I-FF: Adopt an energy efficiency ordinance that requires upgrades as a condition of issuing permits for substantial remodels or additions. Require disclosure of the energy consumption of a home during the sale or lease of a residence or building.
- RS.I-G: Require environmentally responsible government purchasing. Require or give preference to the purchase of products that reduce or eliminate indirect greenhouse gas emissions (e.g., giving preference to recycled products over products made from virgin materials).
- PF.I-K: Work with the owners and operators of methane-producing facilities (e.g., landfills, dairies, wastewater treatment plants) to establish methane recovery and electricity generation systems.
- TC.I-L: Continue to support cities' efforts to locate higher density transit-oriented developments near the existing Capitol Corridor passenger rail line.
- TC.I-M: Require projects to facilitate bicycle and walking access when feasible. Adopt development standards and design guidelines that support such access.
- TC.I-N: Continue to participate in the Safe Routes to School program.

TC.I-O: Ensure that funding priorities for investment in transportation system improvements are consistent with the land use and economic development goals and policies of the General Plan, especially as these relate to transit-supportive development and are consistent with the Regional Transportation Plan.

TC.I-P: Ensure that nonmotorized transportation systems are connected and not interrupted by impassible barriers such as freeways, and include amenities such as secure bicycle parking.

TC.I-R: Work with the Solano Transportation Agency to offer financing programs for the purchase or lease of vehicles used in employee ridesharing programs.

TC.I-S: In cooperation with the Solano Transportation Agency, provide public education about options for reducing motor vehicle–related greenhouse gas emissions. Include information on trip reduction, trip linking, public transit, biking and walking, vehicle performance and efficiency, low- and zero-emissions vehicles, and ridesharing.

These additions and modifications to the policies and programs of the 2008 Draft General Plan would not result in greater environmental effects than the project as analyzed in the DEIR. Rather, the changes would enhance the existing policies and further reduce the project’s GHG emissions impacts, though not to a less-than-significant level (please refer to Master Response F, “CEQA Requirements Regarding Recirculation,” in Chapter 2 of this FEIR). The County believes that further specificity beyond these proposed changes would overly limit its discretion and ability to act in its own best interest on a case-by-case basis as competing interests arise over the life-span of the 2008 Draft General Plan. Please refer to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR for a discussion of how the County has and will consider suggestions for changes to the 2008 Draft General Plan.

23-69

The commenter states that committing to “smart growth” is one of the most important mechanisms to the County to pursue in developing its general plan.

Several policies and programs contained in the 2008 Draft General Plan evidence a strong commitment to smart growth, especially Policies LU.P-1, LU.P-19, LU.P-24, LU.P-37, TC.P-2, TC.P-3, TC.P-12, TC.P-16, PF.P-6, and PF.P-7. Additionally, in response to the concerns raised by the commenter and others, County staff have recommended the addition of several new policies and programs to the 2008 Draft General Plan. These newly proposed policies and programs (listed in Response to Comment 23-68 and in Chapter 5 of this FEIR) include the following:

- ▶ a proposed land use policy (see the proposed policy listed as Policy LU.P-A3 in Response to Comment 23-68) that would require a variety of housing types (affordable and market-rate) near jobs, services, transit, and other alternative-transportation serving locations (e.g., rideshare lots);
- ▶ a proposed land use policy (see the proposed policy listed as Policy LU.P-A4 in Response to Comment 23-68) that would increase residential densities in Traditional Communities where new-growth, infill, or reuse opportunities near transit routes or commercial areas exist; and
- ▶ a proposed transportation and circulation program (see the proposed program listed as Program TC.I-L in Response to Comment 23-68) that would continue to support cities’ efforts to locate higher density transit-oriented developments near the existing Capitol Corridor passenger rail line.

Please refer to Response to Comment 23-68 for a listing of proposed policies that target GHGs but are also smart growth-oriented.

The commenter would like the County to build upon its existing Orderly Growth Initiative to further commitment to smart growth. The commenter also states that the planned revisions to the General Plan are contrary to the objective to retain the overall function of the County's Orderly Growth Initiative because, in the commenter's view, the 2008 Draft General Plan substantially revises the initiative with disclosing the impacts. Please refer to Master Response I, "Orderly Growth Initiative," which addresses the contention that the 2008 Draft General Plan is inconsistent with the Orderly Growth Initiative.

The commenter further believes the 2008 Draft General Plan is inconsistent with the Orderly Growth Initiative because it allows conversion of agricultural lands. The 2008 General Plan incorporates the Orderly Growth Initiative policies as Policies LU.P-2 and LU.P-3 and AG.P-31 through AG.P-36 with changes in terminology to be consistent with the terminology in the 2008 Draft General Plan. The Orderly Growth Initiative does not prevent the conversion of agricultural land but rather sets forth a process for proposals for conversion of agricultural and other open space lands to another use through a vote of the people unless annexed to a city. Please refer to Master Response I, "Orderly Growth Initiative."

Lastly, the commenter states that the County fails to take a leadership role by allowing the Orderly Growth Initiative to sunset in 2010. A proposal to extend the provisions of the Orderly Growth Initiative through 2036 was placed on the ballot for renewal in 2006. Solano County voters, however, did not approve the measure; therefore the Orderly Growth Initiative is expected to sunset in 2010. The fact that the extension of the Orderly Growth Initiative was recently disapproved indicates that the extension suggested by the commenter is politically infeasible. "Feasible" is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors" (State CEQA Guidelines, Section 15364). Furthermore, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 410, 417). However, as noted, Policies LU.P-2 and LU.P-3 and Policies AG.P-31 through AG.P-36 ensure that the 2008 Draft General Plan is consistent with the Orderly Growth Initiative.

23-70

The commenter states that the DEIR is deficient for failing to address to what degree the 2008 Draft General Plan may conflict with ABAG's Smart Growth Strategy. The DEIR (page 4.1-21) analyzes consistency with ABAG's population and employment projections and concludes that the plan is consistent with the ABAG requirements. Please also refer to Response to Comment 23-29, which addresses the feasibility of establishing an alternative to the proposed project based on the ABAG Smart Growth Strategy.

ABAG's Smart Growth Strategy was the first step in ABAG's ongoing FOCUS Program. ABAG, along with the Bay Area Air Quality Management District (BAAQMD), San Francisco Bay Conservation and Development Commission (BCDC), Metropolitan Transportation Commission (MTC), and San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB), together with the economy, environment, and social equity caucuses of the Bay Area Alliance for Sustainable Communities, developed a set of smart growth policies. These policies reflect the values articulated by workshop participants in the Smart Growth Strategy/Regional Livability Footprint Project's final report (published October 2002).

The smart growth principles and policies have already been incorporated throughout the 2008 Draft General Plan. The Smart Growth Strategy is based on three key goals of sustainability for

future generations: a prosperous economy, a quality environment, and social equity. These are the same three principles of sustainability that have been incorporated into the 2008 Draft General Plan. The Smart Growth Strategy envisions increasing density in already developed areas and focusing growth in existing cities and town centers, along transit corridors, and where people can walk and bicycle to their destinations, while at the same time preserving much open space, including natural resources and agricultural lands. Like ABAG's Smart Growth Strategy, the 2008 Draft General Plan focuses on city-centered growth and preserving the county's open space and natural and agricultural resources. New, higher-density urban development is directed to the cities along the major transportation corridors of the county, with the County complementing city development in providing opportunities and rural housing and unique employment opportunities. The 2008 Draft General Plan focuses on maintaining the county's natural resources and supporting the county's agricultural economy consistent with the Smart Growth Strategy.

- 23-71 The commenter provides background information on how growth focused on compact development and community planning, such as “smart growth” and “new urbanism,” is needed to reduce GHG emissions from the transportation sector. The County agrees with the commenter and for that reason, the 2008 Draft General Plan includes several land use policies and programs that would facilitate smart growth and transit-oriented development or that would otherwise reduce GHG emissions through intelligent land use planning decisions. In addition, as shown in Chapter 5 of this FEIR, County staff have recommended that the following goal, policies, and implementation programs be strengthened to more effectively reduce the county's GHG emissions and otherwise address the threat of global climate change: Goal TC.G-3; Policies LU.P-19, RS.P-53, RS.P-55, TC.P-3, and TC.P-16; and Programs RS.I-38, RS.I-44, RS.I-45, RS.I-49, RS.I-50, HS.I-7, HS.I-54, HS.I-73, TC.I-1, TC.I-17, PF.I-8, PF.I-14, and PF.I-27. Please refer to Responses to Comments 23-68 through 23-70.
- 23-72 The commenter states that other mitigation beyond that contained in the 2008 Draft General Plan goals and policies must be included in the DEIR. The DEIR sufficiently analyzed the impacts of the proposed project and mitigated those impacts to the extent feasible pursuant to the requirements of CEQA for a program EIR (State CEQA Guidelines, Section 15168). The DEIR is intended to analyze impacts of the 2008 Draft General Plan and must identify measures to minimize any significant impacts (see Section 15121[a] of the State CEQA Guidelines). Although the 2008 Draft General Plan is intended to be, in large part, a self-mitigating document, many of the impacts remain significant and unavoidable despite the implementation of mitigating policies and implementation programs found in the 2008 Draft General Plan and those modified through the environmental analysis. Please refer to Master Response H, “Mitigation for Significant and Unavoidable Impacts,” in Chapter 2 of this FEIR. Please also refer to Response to Comment 23-68.
- 23-73 Please refer to Response to Comment 23-68. Furthermore, as stated in Response to Comment 23-69 and shown in Chapter 5 of this FEIR, County staff have proposed the adoption of an additional land use policy that would increase residential densities in Traditional Communities where new-growth, infill, or reuse opportunities near transit routes or commercial areas exist. Although most of the unincorporated county is either agricultural or rural, and infill would be inappropriate, Traditional Communities represent an opportunity for increased densities.
- 23-74 Please refer to Responses to Comments 23-68 and 23-73. In addition, although the majority of the unincorporated county is either agricultural or rural, and mixed uses would be either impractical or inappropriate, Traditional Communities represent opportunity sites for the location of a diversity of land uses in the county. Policy LU.P-37 of the 2008 Draft General Plan promotes live-work uses for professionals, artists, craftspeople, and other low-impact employment opportunities in Traditional Community areas as long as such uses are compatible with the

existing community character. Additional policies, such as LU.P-19, encourage commercial and employment uses to be sited near residential populations. Please refer to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing policies in the 2008 Draft General Plan will be considered by the County.

- 23-75 Please refer to Responses to Comments 23-73 and 23-74. The County believes that the existing policies and additions and modifications to other policies and programs approved by the Planning Commission and recommended to the County Board of Supervisors would achieve the same, or substantially the same environmental benefit as the bulleted list set forth by the commenter, but in terms that are appropriate for a general plan for a predominantly agricultural or rural area, such as Solano County.
- 23-76 The commenter states that requiring adherence to green building standards could serve as mitigation for GHG emissions. On pages 6-37 and 6-38, the DEIR identifies a wide variety of policies and implementation measures that require or encourage the use of green building techniques. Furthermore, in response to the concerns raised by the commenter and by others, including the Office of the Attorney General (Comment Letter 57), and as shown in Chapter 5 of this FEIR, County staff will be recommending to the County Board of Supervisors the revision of Programs RS.I-38, RS.I-44, RS.I-45, RS.I-49, and RS.I-50 and the addition to the 2008 Draft General Plan of new programs RS.I-B, RS.I-BB, RS.I-C, RS.I-D, RS.I-E, RS.I-F, and RS.I-FF regarding green building. Please refer to Response to Comment 23-68 and Chapter 5 of this FEIR for the text of these implementation programs.
- 23-77 The commenter states that the County’s green building policies and programs could be improved upon and that such improvements could help mitigate the significant level of GHG emissions associated with the 2008 Draft General Plan. The commenter specifically addresses Programs RS.I-38, RS.I-41, and RS.I-49. Program RS.I-38 requires all new and remodeled residential, commercial, industrial, institutional, and civic construction to exceed current (2008) Title 24 state energy-efficiency requirements by at least 20%. Although the County has considered requiring a higher level of energy efficiency, it has decided on the proposed level to avoid placing an excessive burden on homeowners and the construction industry. Program RS.I-41 requires all future County buildings to be built in accordance with standards that could achieve Leadership in Energy and Environmental Design (LEED<sup>®</sup>) certification. Although the County would prefer that all buildings be built at a LEED Silver certification level or higher, it wants to maintain flexibility with regard to building costs, and therefore requires only that buildings be built in accordance with LEED certification standards. Program RS.I-49 directs the County to adopt a County “green building program” that would require all new and renovated commercial, office, and institutional buildings more than 10,000 square feet in size to achieve LEED certification, or meet equivalent performance standards.
- 23-78 The commenter states that the standards should apply to all buildings more than 5,000 square feet in size. Although applying the standard to all buildings of more than 5,000 square feet could increase the ability of the 2008 Draft General Plan to mitigate GHG emissions, the County has chosen to focus on larger commercial buildings to avoid creating financial barriers to entry for small businesses. According to Reed Construction Data (2008), the biggest disincentive to building green is the initial cost. Currently, making a building green costs about \$3 per square foot more than constructing a conventional building. However, the savings over time is about \$73 per square foot in energy costs. As technology improves, these initial costs will become lower and may even become lower than costs associated with traditional building method. Thus, the initial costs for small businesses, which would occupy smaller spaces, would be infeasible as compared to those of larger businesses, and therefore larger buildings. The decision to establish a

10,000-square-foot threshold for LEED building requirements is consistent with the County's commitment to encouraging and supporting the viability of small businesses.

23-79

Please refer to Responses to Comments 23-77 and 23-78.

23-80

The commenter lists a series of measures that it would like the County to incorporate into the 2008 Draft General Plan. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR. Each of the suggestions provided is addressed below, with the commenter's suggestion appearing in italics and the County's response following.

*Require that all new County buildings meet a minimum LEED Silver standard (see Alameda County Administrative Code Chapter 4.38, requiring that all new County projects meet a minimum LEED Silver rating).* Please refer to Responses to Comments 23-77 and 23-78. Program RS.I-41 in the 2008 Draft General Plan requires all future County buildings to be built in accordance with standards that could achieve LEED certification. Although the County would prefer that all buildings be built at a LEED Silver certification level or higher, it wants to maintain flexibility with regard to building costs and budget constraints, and therefore requires only that buildings be built in accordance with LEED certification standards.

*Require that new residential and commercial development, as well as major remodels of homes and businesses, meet green building standards and are LEED certified and that all new buildings in the County exceed Title 24 energy standards by 25 percent (see Town of Windsor Building and Housing Code Article 13, establishing green building standards and ratings for commercial and residential buildings).* Please refer to Responses to Comments 23-77 and 23-78. Program RS.I-38 requires all new and remodeled residential, commercial, industrial, institutional, and civic construction to exceed current (2008) Title 24 state energy-efficiency requirements by at least 20%. Although the County has considered requiring a higher level of energy efficiency, it has decided on the proposed level to avoid placing an excessive burden on homeowners and the construction industry.

The County recently adopted a voluntary Green Building Code and standards. This will become a mandatory program in 2009 and is based on standards being developed by the California Building Standards Commission.

*Require building projects to recycle or reuse a minimum of 50 percent of unused or leftover building materials (Alameda County Administrative Code § 4.38.030).* As explained in Response to Comment 23-68, in consideration of the commenter's recommendations (and those of other commenters), and as shown in Chapter 5 of this FEIR, County staff have recommended that Program PF.I-27 be revised. This proposed revision will be provided to the County Board of Supervisors for further consideration. Please refer to Response to Comment 23-68 and Chapter 5 of this FEIR for the proposed revision to Program PF.I-27.

*Offer incentives to encourage green building standards and discourage business as usual construction.* As explained in Response to Comment 23-68, in consideration of the commenter's recommendations (and those of other commenters) and as shown in Chapter 5 of this FEIR, County staff have recommended that a new program, Program RS.I-D, be added to the 2008 Draft General Plan. This new program will be provided to the County Board of Supervisors for further consideration. Please refer to Response to Comment 23-68 and Chapter 5 of this FEIR for the text of the proposed Program PF.I-D.

*Provide information, marketing, training, and education to support green building.* Policy RS.P-55 and Program HS.I-73 of the 2008 Draft General Plan are consistent with the commenter's suggestion. As shown in Chapter 5 of this FEIR, County staff have recommended that Policy

RS.P-55 be revised. This proposed revision will be provided to the County Board of Supervisors for further consideration. Please refer to Response to Comment 23-68 and Chapter 5 of this FEIR for the proposed revision to Policy RS.P-55.

*Explore a regional collaboration with local governments, nonprofits and other public organizations to share resources and develop green building policies and programs that are optimized on a regional scale.* The California Building Standards Commission is adopting a voluntary green building program for 2009–2010, which will become a mandatory program in 2010. This program will be applicable statewide; thus there is no need for a local/regional program. Participation and compliance with these existing and proposed regulations would provide mitigation similar to that proposed by the commenter.

23-81 The commenter states that the County should adopt a goal stating that it shall encourage transit-oriented development in which mixed-use, medium to higher density development is located in appropriate locations along transit corridors.

The 2008 Draft General Plan contains the following policy and program that address this concern:

- ▶ **Policy TC.P-18** encourages the expansion of Capitol Corridor passenger rail service through additional trains, new stations, and faster speeds to connect the county with other communities in the Bay Area and the Sacramento area.
- ▶ **Program TC.I-13** supports the continued development of new train stations at Vacaville/Fairfield, Dixon, and Benicia to improve local access to regional rail service.

Furthermore, as shown in Chapter 5 of this FEIR, County staff have proposed the revision of Goal TC.G-3, Policy LU.P-19, and Policy TC.P-3 as shown in Response to Comment 23-68. In addition, as stated in Response to Comment 23-68 and shown in Chapter 5 of this FEIR, County staff have proposed to the County Board of Supervisors the adoption of new policies (LU.P-A3 and LU.P-A4) that would require a variety of housing types near jobs, services, transit, and other alternative transportation services and direct the County to increase residential densities in Traditional Communities where new-growth, infill, or reuse opportunities near transit routes or commercial areas exist, as well as a new implementation program that would support cities' efforts to locate higher density transit-oriented developments near the existing Capitol Corridor passenger rail line. The County believes implementation of the above described measures would be equal, in terms of environmental benefits, to the commenter's suggestion. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how the County has and will consider suggested changes to the 2008 Draft General Plan.

23-82 Please refer to Response to Comment 23-81. The commenter states that the following implementation measure should be added to the 2008 Draft General Plan:

- ▶ Work with cities and towns and the transportation authorities to identify transit nodes appropriate for mixed-use development, and promote transit-oriented development through means including:
  - rezoning of commercial properties to residential and/or mixed use;
  - expanding zoning for multifamily housing;
  - flexible parking and building height limitations;

- density bonus programs;
- design guidelines for private and public spaces, and incentives for redevelopment of underutilized areas, such as surface parking lots;
- encourage more mixed uses, and enable prototype structures for use in neighborhood center zones that can be adapted to new uses over time; and
- allow mixed use in commercial districts.

Because new transit-oriented developments would be located within cities, it is not within the County’s jurisdiction to require specific development standards or design guidelines. The County nevertheless agrees with the commenter that it is important for the County to work with cities, towns, and transportation authorities to identify and promote land use planning techniques that would minimize VMT. The 2008 Draft General Plan contains goals, policies, and programs that the County believes would achieve similar results as policy recommended by the commenter, but that better reflect the County’s realistic ability to influence other jurisdictions’ land use decisions. In addition, in consideration of recommendations received during the comment period on the DEIR, including those of the commenter, County staff have recommended modifications to existing policies of the 2008 Draft General Plan and adoption of new policies that would further promote interjurisdictional land use planning to minimize VMT. Please refer to Chapter 5 of this FEIR and Response to Comment 23-68 for the text of these proposed modifications and new policies.

Please refer to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing policies in the 2008 Draft General Plan will be considered by the County.

23-83 Please refer to Responses to Comments 23-68 and 23-69.

23-84 The commenter recommends that the County establish a permanent sustainable energy planning process that includes specific targets and timelines for reducing energy throughout the county and adopt specific policies and implementation measures that will allow the County to meet those established targets and deadlines. Program HS.I-73 would require the County to develop and adopt a climate action plan, similar to the City of Sacramento’s implementation plan, cited as an example by the commenter. Program HS.I-73 would establish a benchmark of reducing the County’s overall energy consumption by 2% per year to achieve a minimum 20% reduction by 2020. In addition, Program HS.I-73’s GHG emissions reductions would necessarily entail a decrease in consumption of nonclean energy. It should also be noted that, in consideration of comments received on the DEIR, and as shown in Chapter 5 of this FEIR, County staff have recommended and the Planning Commission has approved certain modifications to Program HS.I-73. This proposal will be provided to the County Board of Supervisors for further consideration. If this proposal is accepted by the County Board of Supervisors, Program HS.I-73 would be revised as shown in Chapter 5 of this FEIR and in Response to Comment 23-68 above.

Because the commenter’s recommendation would essentially duplicate Program HS.I-73, County staff believe that implementation of the commenter’s suggestion is not necessary to further reduce the impact of the 2008 Draft General Plan on global climate change or the County’s energy consumption. The commenter’s suggestion will, however, be provided to the County Board of Supervisors for further consideration. Please refer to Master Response A, “Proposed Changes in Policy Language,” and Master Response G, “Deferred Mitigation,” in Chapter 2 of this FEIR.

The commenter recommends that the County integrate energy efficiency and conservation requirements exceeding state standards into the development review and building permit process.

The County believes that it has already addressed the commenter's requests in the following proposed programs included in the 2008 Draft General Plan:

- ▶ **Program RS.I-38**, as stated above, requires all new and remodeled residential, commercial, industrial, institutional, and civic construction to exceed current (2008) Title 24 state energy-efficiency requirements by at least 20%.
- ▶ **Program RS.I-44** requires residential development of more than six units to participate in the California Energy Commission's New Solar Homes Partnership. The program also requires new construction or major renovation of commercial and industrial buildings more than 10,000 square feet in size to incorporate renewable-energy generation to provide the maximum feasible amount of the project's energy needs, and requires commercial buildings to incorporate renewable-energy generation to provide at least 20% of the project's needs.
- ▶ **Program RS.I-46** requires all commercial, institutional, and industrial development to reduce potential urban heat-island effects by using U.S. Environmental Protection Agency–Energy Star rated roofing materials and light-colored paint and paving materials for internal roads and parking, using shade trees to shade the south and west sides of new or renovated buildings, and achieving a minimum of 50% shading for all parking lot surfaces. The County Zoning Ordinance is to be amended to encompass these requirements.

In addition, County staff have recommended the adoption of a new implementation program (Program RS.I-E) that would require energy and water efficiency audits for new construction or substantial remodels of commercial, industrial, institutional buildings. New construction would have to examine existing usage and potential reductions related to heating, ventilation, air conditioning, lighting, water heater equipment, insulation, weatherization, and water usage by buildings and landscaping. Furthermore, the program would require energy and water audits of all County buildings.

An additional proposed program RS.I-FF would require the County to adopt an energy efficiency ordinance that requires upgrades as a condition of issuing permits for substantial remodels or additions. The program would also require the energy consumption of to be disclosed during the sale or lease of a residence or building.

County staff have also recommended the adoption of an implementation program (Program TC.I-L) that would require that the design and orientation of all buildings maximize passive solar heating during cool seasons, avoid solar heat gain during hot periods, enhance natural ventilation, and promote effective use of daylight. Orientation should optimize opportunities for on-site solar generation.

Please refer to Response to Comment 23-68 for the text of these recommended programs.

Please also refer to Response to Comment 23-86, and refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how the County has and will consider suggested changes to the 2008 Draft General Plan.

The commenter provides a list of measures that it would like the County to include in the 2008 Draft General Plan. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how the County has and will consider proposed changes to the 2008 Draft General Plan's goals, programs, and policies. Responses to each of the

commenter's specific suggestions are provided below, with the commenter's suggestion appearing in italics and the County's response following.

*Require energy efficiency and water conservation upgrades to existing residential and nonresidential buildings at the time of sale, remodeling, or addition.* In consideration of the commenter's suggestion, as shown in Chapter 5 of this FEIR, County staff have recommended that the County Board of Supervisors adopt new Program RS.I-FF, which would incorporate the commenter's suggestion. Please refer to Response to Comment 23-68 for the text of this proposed new program.

*Require new residential construction to meet specific energy efficiency standards that go beyond those mandated by California law.* In consideration of the commenter's suggestions and those of other commenters on the DEIR, and as shown in Chapter 5 of this FEIR, County staff have recommended that the County Board of Supervisors revise Program RS.I-38, which would require all new residential construction to meet energy efficiency standards beyond those mandated by California law. Please refer to Response to Comment 23-68 for the proposed revision to Program RS.I-38.

*Require that all new buildings be constructed to allow for future installation of solar energy systems.* As shown in Chapter 5 of this FEIR, County staff have recommended that the County Board of Supervisors adopt new Program RS.I-C, which would promote the future installation of solar energy systems. Please refer to Response to Comment 23-68 for the text of this proposed new program.

The County believes that further specificity about how to allow the future installation of solar energy systems (e.g., reference to specific components) would unduly tie the hands of future decision makers and builders as solar energy system technologies evolve over the time frame of the 2008 Draft General Plan.

*Adopt and implement a heat island mitigation plan that requires new residential buildings to have "cool roofs" with the highest commercially available solar reflectance and thermal emittance, and adopt a program of building permit enforcement for reroofing to ensure compliance with existing state building code "cool roof" requirements for nonresidential buildings.* Program RS.I-46 of the 2008 Draft General Plan requires all commercial, institutional, and industrial development to reduce potential urban heat island effect by using U.S. Environmental Protection Agency–Energy Star rated roofing materials and light colored paint, light colored paving materials for internal roads and parking, and shade trees to shade south and west sides of new or renovated buildings and to achieve a minimum of 50% shading for all parking lots surfaces. The County zoning ordinance is to be amended to encompass these requirements.

In addition, as shown in Chapter 5 of this FEIR, County staff have recommended that the County Board of Supervisors adopt new Program, RS.I-AA, which would provide for the installation of cool roofs. Please refer to Response to Comment 23-68 for the text of this proposed new program. Building permit enforcement and building code requirements are adopted by County ordinance. All building must comply with County Building Code requirements.

*Integrate renewable-energy requirements into development and building standards, such as requiring on-site solar generation of electricity in new retail/commercial buildings and parking lots/garages.* Program RS.I-44 of the 2008 Draft General Plan requires residential development of more than six units to participate in the California Energy Commission's New Solar Homes Partnership. The program also requires new construction or major renovation of commercial and industrial buildings over 10,000 square feet in size to incorporate renewable energy generation to

provide the maximum feasible amount of the project's energy needs and requires commercial buildings to incorporate renewable energy generation to provide at least 20% of the project's needs.

In addition, as shown in Chapter 5 of this FEIR, County staff have recommended that the County Board of Supervisors adopt new Program RS.I-E, which would set renewable energy requirements for commercial and industrial buildings. Please refer to Response to Comment 23-68 for the text of this proposed new program.

*Work with local commercial, industrial, and agricultural operations to identify opportunities for energy efficiency, and require these operations to provide energy efficiency analyses in conjunction with required County approvals.* Program RS.I-44 above and Program AG.I-22 specified below address this request for policy changes.

AG.I-22: Promote sustainable agricultural activities and practices that support and enhance the natural environment. These activities should minimize impacts on soil quality and erosion potential, water quantity and quality, energy use, air quality, and natural habitats. Sustainable agricultural practices should be addressed in the County's proposed Climate Action Plan to address climate change effects.

Furthermore, as shown in Chapter 5 of this FEIR, County staff have recommended that the County Board of Supervisors adopt new Program RS.I-E, which would require energy efficiency audits for new construction and renovation and remodeling projects. Please refer to Response to Comment 23-68 for the text of this proposed new program.

The County believes these programs would provide for mitigation similar in nature to that proposed by the commenter. Please also refer to Response to Comment 23-89.

23-87

The commenter requests that the County adopt policies that integrate energy efficiency into all County functions. Specifically, the commenter requests that the County conduct energy efficiency audits of all County and agency buildings, train County employees on energy conservation measures, and adopt a resolution or ordinance that requires the County to consider and investigate sources of renewable energy. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how the County has and will consider suggestions for changes to the goals, policies, and/or programs of the 2008 Draft General Plan.

The County believes that the following policy and programs of the 2008 Draft General Plan and newly proposed policies and programs currently being provided to the County Board of Supervisors for further consideration (please refer to Response to Comment 23-68) would achieve the commenter's desired goals:

- ▶ **Policy RS.P-48** requires the County to ensure energy conservation and reduced energy demand through required use of energy-efficient technology and practices.
- ▶ **Policy RS.P-55** directs the County to provide information, marketing, training, and education to support reduced energy consumption, the use of alternative and renewable energy sources, green building practices, recycling, and responsible purchasing.
- ▶ **Program RS.I-40** requires all County operations to use renewable energy for 50% or more of their energy needs.

Furthermore, as shown in Chapter 5 of this FEIR, County staff have recommended the adoption of the following new implementation programs (please refer to Response to Comment 23-68 for the text of these newly proposed programs):

- ▶ **Program RS.I-E** requires energy and water efficiency audits for new construction or substantial remodels of commercial, industrial, and institutional buildings.
- ▶ **Program RS.I-G** requires environmentally responsible government purchasing, and requires or gives preference to the purchase of products that reduce or eliminate indirect GHG emissions.

23-88

The commenter requests that the County adopt a policy to facilitate and encourage energy efficient technology and practices and renewable technologies through streamlined planning and development rules, codes, processing, and other incentives.

Policy RS.P-49 of the 2008 Draft General Plan directs the County to provide incentives for city and county residents and businesses to produce and use renewable sources of energy. In addition, Policy RS.P-55 directs the County to provide information, marketing, training, and education to support reduced energy consumption, the use of alternative and renewable energy sources, green building practices, recycling, and responsible purchasing.

Furthermore, as shown in Chapter 5 of this FEIR, County staff have recommended to the County Board of Supervisors the adoption of two new implementation programs. The first proposed program (RS.I-D) would provide permitting-related and other incentives for building projects that exceed the County's energy efficiency standards by greater than 5%. The second proposed program (PF.I-K) would direct the County to work with the owners and operators of methane-producing facilities (e.g., landfills, dairies, wastewater treatment plants) to establish methane recovery and electricity generation systems. Please refer to Response to Comment 23-68 for the text of these recommended programs.

23-89

The commenter states that the County should establish implementation measures to require participation with local and state programs to work to reduce energy consumption. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how the County has and will consider suggestions for changes to the 2008 Draft General Plan. The commenter's specific suggestions are addressed below, with the suggestions appearing in italics and the County's responses following.

*Require new residential developments to participate in the California Energy Commission's New Solar Homes Partnership and include on-site solar photovoltaic systems in at least 50% of the residential units.* With respect to the New Solar Homes Partnership, Program RS.I-44 would require residential development of more than six units to participate in that program. The County believes a requirement that projects smaller than six units participate in the New Solar Homes Partnership would be infeasible because it would create too large of a financial burden on individuals' (as opposed to residential developers') ability to build residential units. With respect to the commenters' recommendation regarding a requirement that 50% of residential units include onsite solar photovoltaic systems, such a policy would be infeasible. As almost all of the residential development in the unincorporated area of Solano County is initiated by individuals submitting individual building permits and not by developers doing major subdivisions, implementation of this suggestion by the County would be infeasible because there would be no way to decide which of the individual permits would be required to provide the system to meet the suggested 50% requirement.

*Work with local community organizations and utility providers to explore programs directed at educating, training and providing services for residents and businesses in energy reduction and conservation practices.* Program HS.I-73 and Policy RS.P-55 (as suggested to be modified) address the commenter's concerns. Please refer to Chapter 5 of this FEIR and to Response to Comment 23-68 for the text of the proposed revisions to Program HS.I-73 and Policy RS.P-55. Please also refer to Responses to Comments 23-85 through 23-88.

23-90 The commenter states that the County should adopt a policy identifying long-term energy strategies and programs. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR. Each of the commenter's suggestions is addressed below, with the suggestions appearing in italics and the County's responses following.

*Work with special districts, other county agencies, and local utility providers to assess and develop joint initiatives for energy and water resource planning, resource conservation, and energy development.* As shown in Chapter 5 of this FEIR, County staff have recommended to the County Board of Supervisors the adoption of a new implementation program, Program RS.I-H, to address this concern. If this proposal is accepted by the Board of Supervisors, the following program would be added to the 2008 Draft General Plan:

RS.I-H: Work with Solano Water Agency, water districts and agencies, resource conservation districts, and energy utilities and providers to develop energy and water plans that focus on increasing resource efficiency, resource conservation, and renewable energy generation.

*Commit to purchasing a percentage of the county's energy needs from renewable resources.* Program RS.I-40 of the 2008 Draft General Plan requires all County operations to use renewable energy for 50% or more of their energy needs. In addition, as shown in Chapter 5 of this FEIR, County staff have recommended to the County Board of Supervisors the adoption of a new implementation programs, Program RS.I-H, to address this concern, as shown above.

*Investigate the feasibility of developing a locally or regionally owned green utility under the Community Choice Aggregation model.* This program is not feasible at the current time. Gas and electricity are currently provided by Pacific Gas and Electric Company (PG&E), and no other utility or agency has express interest in providing these services. PG&E does offer green energy options to customers. The County believes that the stated goal of moving toward greater reliance on renewable energy sources can be accomplished through other renewable energy programs outlined within the 2008 Draft General Plan without applying the Community Choice Aggregation model.

23-91 The commenter states that the County should use all feasible mitigation measures to minimize the carbon footprint and develop renewable-energy generation. The commenter specifically states that the County should map and assess local renewable-energy resources and infrastructure opportunities and provide information, marketing, training, and education to support the use of renewable resources.

The 2008 Draft General Plan addresses the commenter's concerns as follows:

- ▶ **Policy RS.P-55** directs the County to provide information, marketing, training, and education to support reduced energy consumption, the use of alternative and renewable energy sources, green building practices, recycling, and responsible purchasing.
- ▶ **Program RS.I-37** amends the zoning ordinance to guide the siting of commercial, nonaccessory wind turbine installations. The program allows commercial wind turbine

development as an allowable use in the following districts: Exclusive Agricultural, Limited Agricultural, Water-Dependent Industrial, Limited Manufacturing, General Manufacturing, Watershed, and Conservation.

Please also refer to Response to Comment 23-68 and to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR.

23-92 Please refer to Response to Comment 23-19. There are no methodologies or modeling tools to estimate agriculture-related emissions. Please see Program AG.I-22 (summarized on page 6-37 of the DEIR) with respect to sustainable farming techniques to reduce GHG emissions, as well as Policy HS.P-47 (page 6-39 of the DEIR).

23-93 The commenter states that the County should mitigate GHG emissions from cattle and dairy operations by promoting smaller, grazing-based livestock systems as an alternative to confined animal facilities and requiring the installation of digesters and biofiltered enclosures in concentrated feedlot systems. The 2008 Draft General Plan contains policies and programs that require the County to promote sustainable agriculture, similar to those recommended by the commenter, but at a level of specificity appropriate for a general plan. A general plan functions as a kind of constitution or charter of land use, but leaves many detailed implementation criteria to subsidiary policy documents or codes. In particular, the following policies and programs would require the County to promote sustainable agriculture, but without tying the hands of future decision makers to one or two particular methods or technologies:

- ▶ **Policy AG.P-19:** Require agricultural practices to be conducted in a manner that minimizes harmful effects on soils, air and water quality, and marsh and wildlife habitat.
- ▶ **Policy AG.P-21:** Promote natural carbon sequestration to offset carbon emissions by supporting sustainable farming methods (such as no-till farming, crop rotation, cover cropping, and residue farming), encouraging the use of appropriate vegetation within urban-agricultural buffer areas, and protecting grasslands from conversion to non-agricultural uses.
- ▶ **Program AG.I-22:** Promote sustainable agricultural activities and practices that support and enhance the natural environment. These activities should minimize impacts on soil quality and erosion potential, water quantity and quality, energy use, air quality, and natural habitats. Sustainable agricultural practices should be addressed in the County’s proposed Climate Action Plan to address climate change effects.
- ▶ **Policy HS.P-47:** Promote GHG emission reductions by supporting carbon-efficient farming methods (e.g. methane capture systems, no-till farming, crop rotation, cover cropping, residue farming); installation of renewable energy technologies; protection of grasslands, open space, and farmlands from conversion to other uses; and encouraging development of energy-efficient structures.

In addition, as shown in Chapter 5 of this FEIR, County staff have recommended the adoption of a new program, Program PF.I-K, in the 2008 Draft General Plan to address the commenter’s concern. Please refer to Response to Comment 23-68 for the text of this proposed new program.

Please also refer to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing policies in the 2008 Draft General Plan will be considered by the County.

23-94 Please refer to Response to Comment 23-93.

23-95 The commenter provides background information on animal agriculture's contribution to GHG emissions and states that many promising mitigation strategies for livestock GHG reductions have been identified. The commenter's specific suggestions for climate change mitigation regarding agriculture will be addressed below, beginning with Response to Comment 23-96.

23-96 The commenter suggests that the County promote smaller, grazing-based livestock systems and support the transition to biofiltered enclosures for concentrated livestock as a means to help achieve emissions reductions.

The 2008 Draft General Plan contains policies and programs that require the County to promote sustainable agricultural policies, such as those recommended by the commenter, but at a level of specificity appropriate for a general plan. A general plan functions as a kind of constitution or charter of land use, but it leaves many detailed implementation criteria to subsidiary policy documents or codes. The commenter's suggestions can more specifically be considered in the preparation of the climate action plan pursuant to Program HS.I-73. In particular, the following policies and programs would require the County to promote sustainable agriculture, but without tying the hands of future decision makers to one or two particular methods or technologies:

- ▶ **Policy AG.P-19:** Require agricultural practices to be conducted in a manner that minimizes harmful effects on soils, air and water quality, and marsh and wildlife habitat.
- ▶ **Policy AG.P-21:** Promote natural carbon sequestration to offset carbon emissions by supporting sustainable farming methods (such as no-till farming, crop rotation, cover cropping, and residue farming), encouraging the use of appropriate vegetation within urban-agricultural buffer areas, and protecting grasslands from conversion to non-agricultural uses.
- ▶ **Program AG.I-22:** Promote sustainable agricultural activities and practices that support and enhance the natural environment. These activities should minimize impacts on soil quality and erosion potential, water quantity and quality, energy use, air quality, and natural habitats. Sustainable agricultural practices should be addressed in the County's proposed Climate Action Plan to address climate change effects.
- ▶ **Policy HS.P-47:** Promote GHG emission reductions by supporting carbon-efficient farming methods (e.g. methane capture systems, no-till farming, crop rotation, cover cropping, residue farming); installation of renewable energy technologies; protection of grasslands, open space, and farmlands from conversion to other uses; and encouraging development of energy-efficient structures.

In addition, in consideration of the commenter's suggestions, and as shown in Chapter 5 of this FEIR, County staff have recommended the adoption of a new Program PF.I-K. The text of this proposed new program is shown in Response to Comment 23-68. The Planning Commission has approved this proposed addition, which will be provided to the County Board of Supervisors for further consideration. If this proposal is accepted by the County Board of Supervisors, Program PF.I-K as shown in Response to Comment 23-68 would be added to the 2008 Draft General Plan.

Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing policies in the 2008 Draft General Plan will be considered by the County.

The commenter provides background information regarding livestock GHG emission reductions through increasing efficiency and productivity of industrial agricultural operations as well as grazing-based livestock systems. Please refer to Responses to Comments 23-95 and 23-96. Regarding the commenter's observation that it is important to include a full lifecycle analysis of

the environmental impacts resulting from the construction and operation of any individual livestock facility, please refer to Response to Comment 26-124. However, future proposed livestock facilities may be required to undergo additional environmental review that would determine the facility's climate change impacts and would be accompanied by mitigation measures for any such impacts (please refer to Master Response E, "Programmatic Nature of EIR," in Chapter 2 of this FEIR).

- 23-97 The commenter suggests that the County require all large confined-animal facilities to install anaerobic digesters to capture methane emissions for energy use. Please refer to Response to Comment 23-96. The 2008 Draft General Plan contains policies and programs that require the County to promote sustainable agricultural practices, such as those recommended by the commenter, but at a level of specificity appropriate for a general plan. A general plan functions as a kind of constitution or charter of land use, but it leaves many detailed implementation criteria to subsidiary policy documents or codes. Many of the commenter's suggestions can be more specifically considered in the preparation of the climate action plan pursuant to Program HS.I-73. Given the existing policies and program identified in Response to Comment 23-96 and proposed new Program PF.I-K, the County sees no reason to enshrine in the general plan an inflexible policy specifically requiring anaerobic digesters for all large confined-animal facilities. The methods and technologies behind methane emission reduction techniques will likely evolve during the planning period covered by the 2008 Draft General Plan, and it seems futile for current decision makers (2008) to try to direct the technical mitigation of farming practices years into the future. This is not to say that in implementing the 2008 Draft General Plan, the County would not require the use of anaerobic digesters through its obligations under Policies AG.P-21, AG.P-22, and HS.P-47, the proposed new Program PF.I-K, or as part of the climate action plan prepared pursuant to Program HS.I-73. However, the County believes the commenter's suggestion is too inflexible to be included in the 2008 Draft General Plan. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing policies in the 2008 Draft General Plan will be considered by the County.
- 23-98 The commenter suggests that the County develop incentives and financing programs for cow enclosures vented to biofilters. Please refer to Responses to Comments 23-95 and 23-99. The County believes that existing 2008 Draft General Plan policies and proposed new Policy PF.I-K would achieve the results at which the commenter's suggestion is aimed (i.e., reducing methane emissions), but without tying future decision makers to one particular technology. This is not to say that the County would not consider incentives and financing programs for biofilters on a project-by-project basis under its obligations described in Policies AG.P-21, AG.P-22, and HS.P-47, and the proposed new Program PF.I-K. Further, such incentives and financing may be included in the County's climate action plan prepared pursuant to Program HS.I-73. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing policies in the 2008 Draft General Plan will be considered by the County.
- 23-99 Please refer to Response to Comment 23-100.
- 23-100 The commenter describes how recycling and reducing waste can reduce methane emissions, which is a major contributor to global climate change. The County agrees that waste reduction and recycling are important means to reduce GHG emission and to otherwise support a sustainable environment. For that reason, the 2008 Draft General Plan includes the following program and policy designed to minimize waste and increase recycling:
- ▶ **Program PF.I-26:** Require that demolition projects submit a plan to maximize reuse of building materials at the time of permit application.

- ▶ **Policy PF.P-28:** Promote technologies that allow the use and reuse of solid waste, including biomass or biofuel as an alternative energy source.

Further, in response to comments such as those of the commenter, County staff have recommended to the County Board of Supervisors the modification of existing Program PF.I-27 and adoption of new Program PF.I-K, as shown in Response to Comment 23-68 above.

The commenter's specific suggested implementation measures regarding waste reduction will be addressed beginning with Response to Comment 23-103.

23-101 Please refer to Response to Comment 23-100.

23-102 The comment states that the County's policy to promote solid-waste reduction must be amended to eventually achieve zero waste and identifies other counties that have adopted a zero-waste goal. The County's solid-waste policies do not promote solid-waste production; rather, they seek to reduce solid waste through source reduction and recycling of solid and hazardous wastes in Solano County. See Policies PF.P-26, PF.P-27, PF.P-28, and PF.P-30 in the 2008 Draft General Plan. These policies would be implemented through the County's integrated waste management plan, and many of the programs and policies suggested by the commenter are detailed in the plan. The County is scheduled to review and update the integrated waste management plan beginning in 2008. Although the commenter has suggested a zero-waste goal, and such a goal may be considered by the County as part of the update to the integrated waste management plan, there is not such a requirement under the state's integrated waste management program. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing policies in the 2008 Draft General Plan will be considered by the County.

23-103 The commenter suggests several measures for the County to include in the 2008 Draft General Plan:

- ▶ Implement an environmentally preferred purchasing program that could include giving bid preferences to contractors and supplies that meet County-established sustainability criteria.
- ▶ Establish a program and system for reuse or recycling of construction and demolition materials for government and nongovernmental construction projects.
- ▶ Require recycling in all government buildings and public schools.
- ▶ Implement an organics and yard debris collection and composting program.
- ▶ Employ best management practices at landfill facilities and incorporate effective new practices as they become available.
- ▶ Pursue aggressive recycling, resource recovery, and composting strategies throughout the county to divert waste from landfills
- ▶ Adopt policies and economic incentives and garbage rate structures so that recycling, reusing, and composting is cheaper than throwing out or incinerating waste.
- ▶ Enact educational programs to inform residents about reuse, recycling, composting, waste-to-energy, and zero-waste programs.

- ▶ Build community alliances with residents and businesses to help design and implement a zero-waste reduction strategy, through, for example, the establishment of a zero-waste commission, as the City of Berkeley has done.

In consideration of the commenter's suggestions, and as shown in Chapter 5 of this FEIR and Response to Comment 23-68 above, County staff have recommended that Policies RS.P-55, PF.P-24, and PF.P-27 and Program PF.I-27 be revised to employ best management practices for solid-waste disposal operations, to require resource recovery, and to expand the use of recycled materials, respectively; in addition, County staff have recommended that a new Program RS.I-G, requiring environmentally responsible government purchasing, be added to the 2008 Draft General Plan. The recommended revisions and addition are shown in Response to Comment 23-68 above.

Policy PF.P-27 addresses the suggestion for an organics and yard debris collection and composting program appropriately for a policy at the general plan level of detail. The County currently collects yard debris in residentially zoned areas and provides recycling in its government buildings. Many other agencies and schools throughout the county also require recycling, but because the County does not have jurisdiction over other agencies, it cannot require them to mandate recycling. The County can most effectively expand the yard debris collection program addressed in Policy PF.P-27 and implement Program PF.I-27 for recycling by updating its integrated waste management program. In addition, given the specifics of the program suggestion, the level of detail, and the additional study that would be warranted, the County can best address the commenter's suggestion "adopt policies and economic incentives and garbage rate structures so that recycling, reusing and composting is cheaper than throwing out or incinerating waste" by updating its integrated waste management program.

The County is scheduled to review and update its integrated waste management plan beginning in 2008. The County's Integrated Waste Management Committee will guide the update. This committee is made up of representatives of waste management agencies, public agencies, private groups, and individuals within the water management, reduction, recycling and reuse field. Although the commenter has suggested a zero-waste goal, and such a goal may be considered by the County as part of the update to the integrated waste management plan, there is no such requirement under the state's integrated waste management program. Please refer to Response to Comment 23-103.

Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing policies in the 2008 Draft General Plan will be considered by the County.

23-104 Please refer to Response to Comment 23-105.

23-105 The commenter suggests that the County consider implementing a methane collection system for its landfills. Please refer to Response to Comment 23-95. In addition, in consideration of the commenter's suggestions, and as shown in Chapter 5 of this FEIR, County staff have recommended the adoption of a new Program PF.I-K. The text of this proposed new program is shown in Response to Comment 23-68. The Planning Commission has approved this proposed addition, which will be provided to the County Board of Supervisors for further consideration. If this proposal is accepted by the County Board of Supervisors, Program PF.I-K as shown in Response to Comment 23-68 would be added to the 2008 Draft General Plan.

Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing policies in the 2008 Draft General Plan will be considered by the County.

23-106 The commenter states that while the County considers several ways to mitigate the 2008 Draft General Plan's impact on water resources, several of the policies must be strengthened and more strategies should be considered. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing policies in the 2008 Draft General Plan will be considered by the County. The commenter's specific suggestions regarding water resource measures are addressed below.

23-107 The commenter suggests that the County adopt additional policies to ensure that all new development does not interfere with maintaining sustainable water supplies. The commenter states that it can implement this policy by requiring all new developments to demonstrate that the intensity and timing of the growth is consistent with available water supplies.

This comment is addressed by the following policies within the 2008 Draft General Plan:

- ▶ **Policy PF.P-9:** Actively support efforts of the Solano County Water Agency, water districts, and regional water suppliers and distributors, to ensure that adequate high-quality water supplies are available to support current and future development projects in Solano County.
- ▶ **Policy PF.P-10:** Maintain an adequate water supply by promoting water conservation and development of additional cost-effective water sources that do not result in environmental damage.
- ▶ **Policy PF.P-11:** Promote and model practices to improve the efficiency of water use, including the use of water-efficient landscaping, beneficial reuse of treated wastewater, rainwater harvesting, and water-conserving appliances and plumbing fixtures.
- ▶ **Policy PF.P-14:** In areas identified with marginal water supplies, require appropriate evidence of adequate water supply and recharge to support proposed development and water recharge.

Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing policies in the 2008 Draft General Plan will be considered by the County.

Additionally, the commenter lists several suggestions regarding water conservation measures. Each of these suggestions is addressed below, with the commenter's suggestion appearing in italics and the County's response following.

*Require new construction or users to offset demand so that there is no net increase in demand in those water districts where there is insufficient water to serve new construction or uses requiring increased water supply.* Implementation of the commenter's suggestion by the County is infeasible because individual water districts, rather than the County, would be responsible for establishing and implementing the demand offset system, and the County has no direct role in that process. The 2008 Draft General Plan includes the following policy and program that address the commenter's concern:

- ▶ **Policy PF.P-14:** In areas identified with marginal water supplies, require appropriate evidence of adequate water supply and recharge to support proposed development and water recharge.
- ▶ **Program PF.I-9:** Continue to require preparation of a water supply assessment pursuant to the California Water Code to analyze the ability of water supplies to meet the needs of regulated projects, in the context of existing and planned future water demands. Review the

availability of water to serve new developments in the unincorporated area before permitting such developments and ensure that the approval of new developments will not have a substantial adverse impact on water supplies for existing water users.

The County believes that implementation of this policy and program would achieve the same or substantial similar results, from an environmental standpoint, as the measure recommended by the commenter.

*Forbid new construction or uses requiring increased water supply unless the County specifically finds that an adequate, long-term and sustainable water supply is available to serve the project.* The commenter's suggestion is addressed by Policy PF.P-14 and Program PF.I-9 of the 2008 Draft General Plan, presented above, as well as the following implementation programs:

- ▶ **Program PF.I-10:** Continue to work with water providers to ensure adequate future water supply and delivery. Review development proposals and require necessary studies, as appropriate, and water conservation and mitigation measures to ensure adequate water service.
- ▶ **Program PF.I-11:** Require new development proposing on-site water supplies in areas identified with marginal water supplies to perform a hydrologic assessment to determine whether project plans meet the County's hydrologic standards.

The County believes that implementation of these policies and programs would achieve the same or substantially similar results, from an environmental standpoint, as the measure recommended by the commenter.

*Require documentation that new development projects with the potential to degrade or deplete surface water or groundwater resources will not adversely affect a basin or subbasin, including instream flows for aquatic habitat.* With regard to potential degradation of surface-water or groundwater resources, and as shown in Chapter 5 of this FEIR, County staff have recommended to the County Board of Supervisors that Program HS.I-7 be revised in consideration of comments received on the DEIR. Please refer to Response to Comment 23-68 for the text of the proposed revision to Program HS.I-7.

In addition, the existing Program HS.I-3 reads as follows:

HS.I-3: Revise the County zoning ordinance to:

- ▶ limit activities that contribute to increased rates of surface water runoff, such as overgrazing by livestock, clearing, and burning, which can reduce natural vegetative cover;
- ▶ promote recreational, open space, and agricultural uses of upstream watershed areas, where appropriate;
- ▶ limit the construction of extensive impermeable surfaces and promote the use of permeable materials for surfaces such as driveways, streets, parking lots, and sidewalks;
- ▶ require development in upstream watershed areas to follow best management practices for stormwater management, including on-site detention and retention basins, appropriate landscaping, and minimal use of impervious surfaces; and

- ▶ designate resource areas for preservation, including agriculture, wetlands, floodplains, recharge areas, riparian zones, open space, and native habitats.

The County believes that implementation of Program HS.I-3 and the revised Program HS.I-7 would achieve the same or substantial similar results, from an environmental standpoint, as the measure recommended by the commenter.

With regard to potential depletion of surface or groundwater resources, please refer to Master Response R, “Insufficient Water Supply Assessment,” in Chapter 2 of this FEIR. The County believes that implementation of these policies and programs would achieve the same or substantially similar results, from an environmental standpoint, as the measure recommended by the commenter.

*Minimize demand for water in new development by encouraging service providers and service districts to incorporate water, wastewater and storm water infrastructure and by considering water-based service that reduce demand and draw on alternative supplies to be equivalent to new supplies.* Water-based services include application of state-of-the-art technology and practices; matching water quality to its end use; and financing local wastewater reuse in the same way centralized water supply options are financed. The commenter’s suggestion is addressed by the following policy and program in the 2008 Draft General Plan:

- ▶ **Policy PF.P-20:** Minimize the consumption of water in all new development.
- ▶ **Program PF.I-10:** Continue to work with water providers to ensure adequate future water supply and delivery. Review development proposals and require necessary studies, as appropriate, and water conservation and mitigation measures to ensure adequate water service.

The County believes implementation of these policies and programs would achieve the same or substantially similar results, from an environmental standpoint, as the measure recommended by the commenter.

*Require water conservation on new construction.* In response to the commenter’s concern, and as shown in Chapter 5 of this FEIR, County staff have recommended to the County Board of Supervisors the addition of a new implementation program, Program RS.I-E, that the County believes will address the commenter’s suggestion. Please refer to Response to Comment 23-68 for the text of this proposed new program.

*Use reclaimed water for landscape irrigation in new developments and on public property and install the infrastructure to deliver and use reclaimed water.* The commenter’s suggestion is addressed by the following programs in the 2008 Draft General Plan:

- ▶ **Program PF.I-13:** Investigate the potential for innovative recycled water systems in Solano County, such as the use of greywater for domestic and agricultural purposes, and identify sources of funding for implementation of these systems.
- ▶ **Program PF.I-15:** Assess water use in County-operated facilities and implement programs for efficient water use and wastewater reuse. Implement water conservation programs as defined by state law and develop new measures in response to community input and changing technology.
- ▶ **Program PF.I-16:** Encourage and assist water agencies in providing incentives to encourage water conservation or reuse.

The County believes that implementation of these programs would achieve the same or substantially similar results, from an environmental standpoint, as the measure recommended by the commenter.

*Require buildings to be water-efficient and mandate water efficient fixtures and appliances in all new development and government buildings.* Consistent with the commenter's suggestion, Program PF.I-8 of the 2008 Draft General Plan would require water conservation on new construction. Consistent with the commenter's suggestion, in response to comments on the DEIR, and as shown in Chapter 5 of this FEIR, County staff have recommended to the County Board of Supervisors that Program PF.I-8 be modified and a new implementation program, Program RS.I-E, be added to the 2008 Draft General Plan. Please refer to Response to Comment 23-68 for the text of the proposed revision to Program PF.I-8 and the text of the proposed new Program RS.I-E.

The County believes that implementation of these programs would achieve the same or substantially similar results, from an environmental standpoint, as the measure recommended by the commenter.

23-108

The commenter states the County should require native and drought tolerant landscapes. County staff have recommended that Policy PF.I-8 of the 2008 Draft General Plan be revised to address the commenter's concerns. If this proposal is accepted by the County Board of Supervisors, this program would read as follows:

PF.I-8: Adopt ordinances that require the use of water-efficient native and drought tolerant landscaping, water conserving appliances and plumbing fixtures.

The commenter's more specific recommendations and County's responses to those recommendations are listed below.

The commenter recommends that the County require site-appropriate, drought-tolerant low-water-use, native landscaping, and ultra-efficient irrigation systems where appropriate for all development applications and relandscaping projects and limit the amount of water intensive landscaping to reduce the amount of water needed for irrigation. The following current policies and programs of the 2008 Draft General Plan address the commenter's concerns:

- ▶ **Policy PF.P-10:** Maintain an adequate water supply by promoting water conservation and development of additional cost-effective water sources that do not result in environmental damage.
- ▶ **Policy PF.P-11:** Promote and model practices to improve the efficiency of water use, including the use of water-efficient landscaping, beneficial reuse of treated wastewater, rainwater harvesting, and water-conserving appliances and plumbing fixtures.
- ▶ **Policy PF.P-20:** Minimize the consumption of water in all new development.
- ▶ **Program PF.I-16:** Encourage and assist water agencies in providing incentives to encourage water conservation or reuse.

In addition, as shown in Chapter 5 of this FEIR, County staff have recommended that Programs PF.I-8, PF.I-14, and PF.I-15 of the 2008 Draft General Plan be revised to further address the commenter's concerns. If this proposal is accepted by the County Board of Supervisors, these programs would read as follows:

PF.I-8: Adopt ordinances that require the use of water-efficient, native and drought tolerant landscaping, water-conserving appliances and plumbing fixtures.

PF.I-14: Encourage water agencies to require water efficiency training and certification for landscape irrigation designers and installers, and property managers. Work with local partners and water agencies to educate the public about water conservation options, including landscaping, irrigation, low-water appliances, and other measures the public can take to reduce water use. Encourage water purveyors to provide incentives for customers that use water more efficiently.

PF.I-15: Assess water use in County-operated facilities and implement programs for efficient water use and wastewater reuse. Establish landscaping programs that utilize site appropriate low-water-use and drought tolerant native plans. Implement water conservation programs as defined by state law and develop new measures in response to community input and changing technology.

The County believes that implementing Policies PF.P-10, PF.P-11, and PF.P-20 and Program PF.I-168, and amending and subsequently implementing Programs PF.I-8, PF.I-14, and PF.I-15 as described above, would provide the County with sufficient flexibility to ensure that measures for water-use reduction are implemented over the time frame of the 2008 Draft General Plan. Implementation of these measures would collectively achieve the same or substantially similar results as those of the proposed language recommended by the commenter.

The commenter further suggests that the County create a landscaping master plan for public facilities that promotes site-appropriate, low-water-use and drought tolerant native plants in public facilities and that specifies appropriate species, methods, and technologies for water-wise landscaping. County staff have recommended that Program PF.I-15 of the 2008 Draft General Plan be revised to address the commenter's concerns, as shown above.

Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing policies in the 2008 Draft General Plan will be considered by the County.

23-109

The commenter states that County should adopt more extensive implementation measures to support its policies regarding an integrated regional water master plan and water resource planning. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing policies in the 2008 Draft General Plan will be considered by the County. The commenter's suggestions appear below in italics, with the County's responses following.

*Provide a Countywide Plan buildout information to water supply purveyors to use in the development of their respective Urban Water Management Plans (UWMPs). The water shortage contingency plan portion of the UWMP would enable the County to identify shortages on a consistent basis, to define water shortage stages and appropriate response measures, and to develop necessary ordinances, resolutions or rules to manage water shortages.* The commenter's suggestion is addressed by the following program in the 2008 Draft General Plan:

PF.I-19: Cooperate with the Solano County Water Agency in the implementation of its Integrated Regional Water Management Plan and support the efforts of the Solano County Water Agency to maintain adequate water supply and high water quality. Help the Solano County Water Agency to improve water demand projections and planning. This could include updating the Urban Water Management Plan with

population projections as found in the updated general plans of cities and the County.

The County believes that implementation of this program would achieve the same or substantially similar results, from an environmental standpoint, as the measure recommended by the commenter.

*Work with water suppliers to study the efficiency and cost-effectiveness of rainwater harvesting systems and infiltration and recharging patterns of groundwater aquifers to assess the feasibility of using direct precipitation collection to supplement existing water resources.* The commenter's suggestion is addressed by the following policy in the 2008 Draft General Plan:

- PF.P-11: Promote and model practices to improve the efficiency of water use, including the use of water-efficient landscaping, beneficial reuse of treated wastewater, rainwater harvesting, and water-conserving appliances and plumbing fixtures.

The County believes that implementation of this policy would achieve the same or substantially similar results, from an environmental standpoint, as the measure recommended by the commenter.

*Work with water agencies to reduce energy use from water facilities.* The commenter's suggestion is addressed by the following policy in the 2008 Draft General Plan:

- ▶ **Policy PF.P-3:** Increase efficiency of water, wastewater, stormwater, and energy use through integrated and cost-effective design and technology standards for new development and redevelopment.

The County believes that implementation of this policy would achieve the same or substantially similar results, from an environmental standpoint, as the measure recommended by the commenter.

*Work with water agencies to resolve conflicting regulations regarding pretreated septic drip dispersal systems and appropriate graywater uses, to evaluate the potential of small-scale portable graywater convert systems as possible sources for landscaping water, and to modify regulations as necessary to encourage safe graywater use.* The commenter's suggestion is addressed by the following policies and programs in the 2008 Draft General Plan:

- ▶ **Policy PF.P-3:** Increase efficiency of water, wastewater, stormwater, and energy use through integrated and cost-effective design and technology standards for new development and redevelopment.
- ▶ **Policy PF.P-11:** Promote and model practices to improve the efficiency of water use, including the use of water-efficient landscaping, beneficial reuse of treated wastewater, rainwater harvesting, and water-conserving appliances and plumbing fixtures.
- ▶ **Program PF.I-13:** Investigate the potential for innovative recycled water systems in Solano County, such as the use of greywater for domestic and agricultural purposes, and identify sources of funding for implementation of these systems.
- ▶ **Program PF.I-14:** Work with local partners and water agencies to educate the public about water conservation options, including landscaping, irrigation, low-water appliances, and other measures the public can take to reduce water use. Encourage water purveyors to provide incentives for customers that use water more efficiently.

- ▶ **Program PF.I-15:** Assess water use in County operated facilities and implement programs for efficient water use and wastewater reuse. Implement water conservation programs as defined by state law and develop new measures in response to community input and changing technology.
- ▶ **Program HS.I-10:** During project review encourage the use of landscaping practices and plants that will reduce demand on water, retain runoff, decrease flooding, and recharge runoff.

The County believes that implementation of these policies and programs would achieve the same or substantially similar results, from an environmental standpoint, as the measure recommended by the commenter.

23-110 The commenter requests that the County adopt a strict policy to prohibit urban encroachment and development in groundwater recharge areas. The commenter’s suggestion is addressed by the following policy in the 2008 Draft General Plan:

- ▶ **Policy RS.P-67:** Protect existing open spaces, natural habitat, floodplains, and wetland areas that serve as groundwater recharge areas.

The County believes that implementation of this policy would achieve the same or substantially similar results, from an environmental standpoint, as the measure recommended by the commenter.

23-111 Please refer to Master Response R, “Inadequate Water Supply Assessment” in Chapter 2 of this FEIR and to Response to Comment 26-94.

23-112 Please refer to Response to Comment 23-111.

23-113 Please refer to Response to Comment 23-111.

23-114 Please refer to Response to Comment 23-111.

23-115 The County disagrees with the commenter’s assertion that there is not substantial evidence to support a finding of less than significant. The mitigation measures presented in the DEIR for mitigation for the various habitat types in the county (grassland, oak woodland, oak savanna, scrub/chaparral, valley floor and vernal pool grasslands, and agricultural lands) are consistent with or exceed the requirements for these habitats and associated species contained in other approved large-scale conservation plans approved in this region or current state guidelines. For example, current DFG Statewide Guidelines for Swainson’s hawk require 1:1 preservation and management of suitable agricultural habitats within 1 mile of a nest and 0.5:1 out to 10 miles from the nest. The DEIR mitigation requires 1:1 mitigation for all irrigated agricultural habitats. The *Natomas Basin Habitat Conservation Plan* requires 0.5:1 mitigation and the *San Joaquin County Habitat Conservation Plan* require 1:1 mitigation. Please also refer to Master Response J, “Biological Resources Mitigation Strategies,” in Chapter 2 of this FEIR.

23-116 The DEIR relies on the considerable background information on habitats within the county developed as part of the preparation of the Solano HCP. Although the County has chosen not to participate in the Solano HCP at this time, this effort has provided considerable information on the county’s resources as well as analyzed the efforts/acres needed to conserve and recover the various communities in the county. The county currently contains approximately 150,000 acres of suitable irrigated agriculture foraging habitat for the Swainson’s hawk and burrowing owl. The expected impact or loss of approximately 5,697 acres represents approximately 3.4% of the total irrigated agricultural habitat in the county. Even adding the projected losses and mitigation

requirements for expansion of all the cities in the county (estimated to be 5,500 acres, some of which overlaps with MSAs considered in the county impacts), the total mitigation requirement would occupy approximately 7% of the currently suitable Swainson’s hawk foraging habitat.

As shown in Chapter 4 of this FEIR, the following text is added to Mitigation Measure 4.6-1a on page 4.6-37 of the DEIR, immediately following the bulleted list that concludes measure (2). Please note that although this text is shown only for Mitigation Measure 4.6-1a, it also applies to Mitigation Measure 4.6-1b.

Based on data presented in the current working draft of the Solano HCP (Solano County Water Agency 2007), Table 4.6-4 illustrates acreages of unprotected habitat within the county potentially available for mitigation purposes.

<b>Table 4.6-4 Acreage of Unprotected Habitat in Solano County Potentially Available for Mitigation</b>			
<u>Community Type</u>	<u>Total Acreage</u>	<u>Conserved/ Protected*</u>	<u>Potential Cumulative Mitigation Need for All County Development</u>
<u>Irrigated Agriculture</u>	<u>155,000</u>	<u>5,500 (3%)</u>	<u>11,200 (7%)</u>
<u>Vernal Pool Grassland</u>	<u>35,300</u>	<u>6,400 (18%)</u>	<u>18,000 (51%)</u>
<u>Valley Floor Grassland</u>	<u>74,900</u>	<u>3,980 (5%)</u>	<u>8,000 to 12,000 (11 to 16%)</u>
<u>Oak woodland, savanna, and chaparral/scrub</u>	<u>48,300</u>	<u>6,600 (14%)</u>	<u>3,000 (6%)</u>
<u>Upland grassland</u>	<u>37,180</u>	<u>6,900 (19%)</u>	<u>6,000 (16%)</u>
<u>* Includes land with conservation easements or owned by state or environmental non-governmental organizations. Source: Solano County Water Agency 2007</u>			

Based on this analysis, considerable suitable land is available for preservation and enhancement as mitigation for future development.

23-117 The DEIR does base potential impacts on species primarily in terms of habitat loss. At this broad, general plan level of analysis, this level of information is all that is reasonably available and is suitable for consideration of impacts at this stage. Where more detailed data on species occurrences are necessary to better evaluate the impacts of specific projects, mitigation measure are presented in the DEIR that require appropriate levels of biological surveys to document baseline conditions. This tiered approach for impact assessment is consistent with the State CEQA Guidelines.

23-118 The commenter states that the DEIR fails to analyze the potential impacts of the 2008 Draft General Plan on wildlife corridors. Important corridors and linkage areas are depicted in Exhibit 4.6-2 of the DEIR. The depicted corridors are intended to identify broad areas where linkages between habitats or ecoregions of the county are present. Assessment of movement/corridors at a more local level is really dependent on site-specific characteristics and the species involved. These broader corridors are intended to highlight areas where future project assessments need to consider the effects of projects on regional movement patterns. The DEIR also discusses the importance of more localized movements and criteria for assessing important species such as callippe silverspot butterfly, California red-legged frog, and California tiger salamander.

- 23-119 As stated in Responses to Comments 23-117 and 23-118, the County believes that the level of analysis contained in the DEIR is appropriate for the level of information available at the general plan level of analysis and that this tiered approach for impact assessment is consistent with the State CEQA Guidelines. Please refer to Master Response E, “Programmatic Nature of EIR,” in Chapter 2 of this FEIR.
- 23-120 Please refer to Master Response I, “Orderly Growth Initiative,” in Chapter 2 of this FEIR.
- 23-121 Please refer to Master Response F, “CEQA Requirements Regarding Recirculation,” in Chapter 2 of this FEIR.



## **LETTER 24**

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NICOLE BYRD, FIELD REPRESENTATIVE

Greenbelt Alliance

June 2, 2008





June 2,  
2008

Mr. Jim Louie  
Senior Planner  
Department of Resource Management  
675 Texas Street  
Suite 5500  
Fairfield, CA 94533

Re: Draft Solano County General Plan and Draft Environmental Impact Report Comments

Mr. Louie,

I submit these comments to the Draft Solano County General Plan (GP) and Draft Environmental Impact Report (DEIR) on behalf of Greenbelt Alliance, the Bay Area's advocate for open spaces and vibrant places -- for 50 years. Our primary concern with the GP is the plan's inconsistency with the Orderly Growth Initiative (OGI). We are also very concerned about the timeline, which seems to be unduly focused on putting the changes on the November 2008 ballot instead of producing the best possible plan for Solano County and doing complete analysis of the impacts and alternatives for that plan. Other concerns include the many significant unavoidable impacts, especially where we have identified additional feasible mitigation, and the lack of analysis and legitimate mitigation of climate change impacts.

24-1

24-2

24-3

**Introduction:**

**Inaccuracy:** This sentence is currently incorrect: "The CAC represented....and all geographic areas of the county" (page IN-13). Please change to "...and representatives from the unincorporated county plus Vallejo, Fairfield, Vacaville and Rio Vista." Counting those members from the Citizen's Advisory Committee (CAC) that was disbanded is disingenuous. There was no representation from Dixon or Benicia on the final CAC.

24-4

**Land Use Chapter and the Orderly Growth Initiative:**

**The Draft GP is inconsistent with the Orderly Growth Initiative.** As stated in the Draft GP, "In 2005, the Board of Supervisors directed County staff to update the General Plan to reflect current values and conditions within the framework of the Orderly Growth Initiative (OGI) and longstanding county policy that "what is urban shall be municipal."" (pg IN-12) And, Impacts 4.2-2a & b state that "Conflict[s] with Other Plans" would be "less than significant."

24-5

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How is it that a plan that requires a vote to change the Orderly Growth Initiative is consistent with OGI? There is no discussion or analysis of this. How has this conflict been mitigated for? According to Table 4.1-6, Urban Residential designations have increased by 1,604 acres, Commercial designations have increased by 396 acres and Industrial designations have increased by 6,871 acres. Might these land uses require services? How would that be consistent with “what is urban shall be municipal?” How has this been analyzed in the DEIR? Please describe the mitigation.

24-6

24-7

Policy LU.P-19 provides loose direction for commercial development. Where are the primary consumers for different kinds of commercial developments? Was this analyzed in the DEIR? Per this policy, would any commercial development make sense in the County? What kind of development would be consistent with this policy and also consistent with the orderly growth principals?

24-8

**LU.P-19:** “Locate commercial development in locations that provide maximum access to the primary consumers of such services and where necessary services and facilities can be provided.”

Impacts 4.8-1a & b state that “Loss of Important Farmland” impacts would be “significant and unavoidable.” Impact 4.8-1a states that approximately 21,971 acres “would be converted to urban uses.” And Impact 4.8-1b states that approximately 32,727 acres “would be converted to urban uses.” Urban uses outside the cities are clearly inconsistent with OGI and “what is urban shall be municipal.” Conversion of such substantial acres of farmland is also inconsistent with OGI.

24-9

**The DEIR does not fully analyze or mitigate for the impacts of Municipal Service Areas and the designations within them.** Upon approval of the GP, land owners in Urban Residential designations will see their land designations change from Agriculture to Urban Residential. They may go to the Board of Supervisors (BOS) and request a general plan amendment to change Policy LU.P-6 which states “Retain existing land uses within municipal service areas until annexed to a city.” Because this change can be easily made by a majority vote of the BOS, land in these Urban Residential areas can be developed by the County. Although this would require a change in Policy LU.P-6, this represents a substantial deviation from the current plan which does not have the Urban Residential designation. How has this been analyzed? How has it been mitigated for? Have impacts caused by all of the other new designations been analyzed and mitigated for? How have impacts caused by the redesignation of land within the MSAs been analyzed? How has the change, as it relates to the landowner’s perception of his land’s development potential been analyzed? How has this been mitigated for?

24-10

When OGI expires December 31, 2010, any land owner will be able to request a change in their land use designation. A simple vote of the BOS can change any land use designation to Rural Residential, Urban Residential or any other designation. This change represents a significant shift from the current plan, which has operated within the protections of the voter ratified OGI. How has this been analyzed? How has it been mitigated for? Please describe the specific analysis that looks into this change from a voter-ratified initiative to one that can be changed through a vote of the BOS. This will be the environment in which the GP will be implemented.

24-11

**Municipal Service Area language is unclear.** The wording for Policy LU.P-7 leaves substantial gray area open for interpretation. County staff has indicated that the intent of the policy is to permit agriculture uses. If this is the case, please clarify as shown below.

24-12

Current language:

**Policy LU.P-7:** Permit temporary land uses and uses consistent with the current zoning on unincorporated lands within municipal service areas that do not conflict with planned land uses until the property is annexed to a city for urban development.

24-12  
Cont'd

Please reword to say:

Permit temporary *agriculture-related* land uses and *agriculture-related* uses consistent with the current zoning on unincorporated lands within municipal service areas that do not conflict with planned land uses until the property is annexed to a city for urban development.

**Table 4.1-6 provides Current General Plan vs. draft GP comparisons, but neglects to show comparisons to current environmental conditions.** Per *Environmental Planning & Information Council v. County of El Dorado* (“EPIC”) (1982) 131 Cal.App.3d 350, it is not appropriate for an EIR for a general plan to compare impacts of potential development of the proposed plan against the impacts from the potential development of the existing plan. Instead, CEQA requires the County to consider the impacts of the draft GP against the existing physical environment. CEQA does not require the evaluation of the impacts of a proposed project on an existing general plan; it concerns itself with the impacts of the project on the environment, defined as the existing physical conditions in the affected area. However, Table 4.1-6 makes these comparisons to the existing General Plan. This provides incomplete analysis of the draft GP and does not allow the public to make legitimate analysis of the impact of the land use designations proposed in the updated GP. Table 4.1-6 should be updated to include a column with the existing physical environment. This should be recirculated for public review and comment.

24-13

**The DEIR fails to evaluate and mitigate for the change from Agriculture to Special Study Area designation in Middle Green Valley.** The impact of changing the designation from Agriculture to Special Study Area should be addressed. There is clear wording in the plan to develop this area. How has the DEIR analyzed and mitigated for that? Future study (i.e. the project site plan) cannot serve as mitigation for the change from Agriculture to Special Study Area designation, because this change is happening as part of the plan.

24-14

**The DEIR fails to evaluate and mitigate for Middle Green Valley with a quasi - rural residential designation.** SS.I-1 states that the plan for Middle Green Valley should identify “...the number of units and/or 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, subject to further study...” The number 400 came from taking the land in the special study area and dividing it by 5 (for 5 acre parcels – which are the size of rural residential parcels). Thus, Middle Green Valley should be analyzed as a new rural residential area. How has this been addressed in the DEIR? How has this been mitigated for?

24-15

#### Climate Change:

**The DEIR fails to analyze other feasible mitigation measures for Climate Change.** Impacts 6.2-1a & b state that “Increases in Greenhouse Gas Emissions” could be “significant and unavoidable.” According to CEQA - § 21002, (Approval of projects; feasible alternative or mitigation measures), “... public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects...” However, many impacts are listed as significant and unavoidable. One feasible mitigation would be for the BOS to extend OGI and

24-16

put the extension on the ballot with the proposed changes to OGI from the draft GP. This would help to mitigate for many of the significant and unavoidable impacts.

24-16  
Cont'd

**The DEIR violates CEQA by using unenforceable policies from the draft GP as mitigation for impacts.** Many of the policies used to mitigate the increase in greenhouse gas emission use weak words such as “promote,” “encourage,” “collaborate with,” and “work with.” These programs, while well-meaning, cannot be relied on for mitigation if they are not enforceable (Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2)). Since these policies are referenced to mitigate for Impacts 6.2-1a & b (Greenhouse Gas Emissions), please explain how each policy provides substantial mitigation for Greenhouse Gas Emissions: LU.P-1, LU.P-24, LU.P-25, LU.P-37, AG.P-21, RS.P-49, RS.P-50, RS.P-52, RS.P-53, RS.P-55, HS.P-23, HS.P-43, ED.P-3, ED.P-14, TC.G-3, TC.G-4, TC.P-2, TC.P-3, TC.P-6, TC.P-14, TC.P-18, TC.P-26, PF.P-7, PF.P-10, PF.P-11. Mitigations would be substantially improved if these policies were required. Since CEQA requires that significant unavoidable impacts only be allowed if feasible mitigation is not available, please explain why it is not feasible to strengthen the policies referenced above.

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24-18

The goals, policies and implementation programs (many of which simply say “ongoing” as the time frame) have no measurable outcomes or timelines to track progress. Please clarify the measurable outcomes and the timelines for all measures listed as mitigation for the impacts referenced in this document (Impacts 4.2-2a & b, 4.2-4a & b, 4.9-1a & b, 6.2-1a & b, 6.2-2a & b). Or explain why adding measureable outcomes would be infeasible. How can these mitigations be enforceable without measureable outcomes? For instance, Policy RS.P-49 states, “Provide incentives for city and county residents and businesses to produce and use renewable sources of energy.” When will these incentives start, what will they be? How will their success be measured? This policy is referenced within many implementation programs, but the only one that relates is the incentives for Green Building. Please clarify which incentives the other programs are helping to achieve.

24-19

According to the Marin Countywide Plan (Adopted Nov 2007), “Nonbinding indicators, benchmarks, and targets will help to measure and evaluate progress.” This process will also provide a context in which to consider the need for new or revised implementation measures.” Since Impacts 6.2-1a & b (Greenhouse Gas Emissions) are significant and unavoidable, additional feasible mitigation should be explored. Consider adding a table similar to the following table in the Marin Plan. Or, please explain why this is not feasible for Solano County.

Indicators	Benchmarks	Targets
Number of days of poor air quality.	No exceedences in 2000.	No increase through 2015.
Amount of greenhouse gas emissions countywide.	2,849,000 tons CO2 in 1990.	Reduce 15% by 2015.
Amount of greenhouse gas emissions from County government sources.	15,200 tons CO2 in 1990.	Reduce 15% — 20% by 2015.

24-20

<sup>1</sup>Many factors beyond Marin County government control, including adequate funding and staff resources, may affect the estimated time frame for achieving targets and program implementation.

**The DEIR uses policies for mitigation that do not, in fact, provide mitigation for specific impacts.** For instance, how does Policy LU.P-25 mitigate for Impacts 6.2-1a & b (Greenhouse Gas Emissions)? Even if that industrial area is closer to clients (i.e. agriculture),

24-21

industrial development that is in the unincorporated area will be farther from employees, services, infrastructure, etc. This will result in increased, not decreased greenhouse gas emissions.

**Policy LU.P-25:** Promote industrial development in the unincorporated county in cases where locating such development near urban areas is not appropriate because of the potential for air pollution, odors, or noise; because such development is related to agriculture; or because the development has other specific unique site requirements that are not feasible or available in cities.

24-21  
Cont'd

### Resource Chapter

**The DEIR should strengthen language used to mitigate for climate change impacts.** For example, change “enable” to “identify and remove barriers to” in the following policy:

24-22

**Policy RS.P-52:** Enable renewable energy sources to be produced from resources available in Solano County, such as solar, water, wind, and biofuels to reduce the reliance on energy resources from outside the county.

**The DEIR relies on policies without substantial implementation programs to provide mitigation for climate change impacts.** For instance, will policy RS.P-53 only be implemented through RS.I-47 which addresses off-road diesel powered vehicles? All implementation programs address energy use through building and county vehicles. How else can the County implement the program regarding private transportation?

24-23

**Policy RS.P-53:** Reduce Solano County’s reliance on fossil fuels for private transportation and energy production.

**Mitigation from implementation programs with a timeline of “ongoing” are not guaranteed mitigation.** What is the timeline for implementation programs that show as “ongoing”? What are the benchmarks for success? How does the funding work? Does the BOS need to approve spending from the General Fund for each program before it can be instituted? How are the implementation programs different than policies in terms of BOS approval requirements? What happens in a budget crisis? If there is no money in the General Fund, how will these programs be implemented? How can they be used for mitigation if they may not be implemented?

24-24

For instance, regarding RS.1-40, when does the requirement start for all county operations to use renewable energy for 50% or more of their energy needs? What is the current % of use from renewable energy? What are the benchmarks? How will the County do this? What sources are available?

24-25

**Program RS.I-40:** Require all County operations to use renewable energy for 50% or more of their energy needs.

Another example is RS.I-42. At what rate will the vehicles be replaced? How many are there now? What is the goal for full replacement?

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**Program RS.I-42:** Replace existing County vehicles with alternative fuel vehicles such as electric, hybrids, natural gas, and fuel cell powered vehicles. New County vehicles must be alternative fuel vehicles.

**Transportation and Circulation Chapter**

**The mitigation for the Transportation and Circulation Chapter is insufficient.** Some policies have no implementation programs, like Policy TC.P-2. How will Policy TC.P-2 be implemented?. How is Policy TC.P-2 consistent with the water-based industrial land use designation in Collinsville? Although this land use designation exists in the current Solano General Plan, the DEIR must analyze build out conditions vs those conditions currently “on the ground.”

24-27

**Policy TC.P-2:** Together with other agencies and cities, continue to plan land uses and transportation systems that concentrate major employment and activity centers near major circulation systems and in proximity to residential areas.

Another example is Policy TC.P-3. How will this policy be implemented? There are no implementation programs associated with this policy. Although this policy is precisely what is needed in Solano County to combat global warming, it is difficult to see how the policy will be achieved. Please provide detailed implementation programs and include how “success” will be defined. What will a successful land use pattern look like?

24-28

**Policy TC.P-3:** Establish land use patterns to facilitate shorter travel distances and non-auto modes of travel.

Policy TC.P-6 has only one implementation program, TC.I-1: Support proposals by County departments and agencies to sponsor alternative-fuel vehicles. How will this implementation program help to achieve substantially more efficient use of energy resources, reduced greenhouse gas emissions and noise, and improved air quality? Additional implementation language is needed for this policy to be more effective.

24-29

**Policy TC.P-6:** Participate in transportation programs that promote technological solutions resulting in more efficient use of energy resources, reduced greenhouse gas emissions and noise, and improved air quality.

The sole implementation program for TC.P-14, TC.I-9, states “Support development of transit facilities in strategic locations such as at interchanges and in areas of concentrated activity.” Is this going to be a priority for the County? Can the County leverage resources to make this happen sooner? What is the timeline?

24-30

**Policy TC.P-14:** Encourage the development of transit facilities and operations along major corridors to connect the county with surrounding activity centers and regional destinations.

Please explain why the language in policy TC.P-26 can’t be stronger. The County should commit to consistency and cooperation. Additionally, evaluation is an important aspect of planning. How can Policy TC.P-26 effectively mitigate for Impacts 6.2-1a & b (Greenhouse Gas Emissions) without cooperation in evaluation efforts? Please modify to read “Coordinate air quality planning efforts with local, regional, and State agencies, and evaluate the air quality impacts of proposed plans and development projects.”

24-31

**Policy TC.P-26:** Promote consistency and cooperation in air quality planning efforts.

Explain how the following implementation programs, listed as mitigation for Impacts 6.2-1a & b (Greenhouse Gas Emissions), would provide mitigation. Please also explain how mitigation is

24-32

legitimate when the funding and timeline are determined by other programs (such as the Capital Improvement Program).

**Program TC.I-1:** Support proposals by County departments and agencies to sponsor alternative-fuel vehicles.

**Program TC.I-9:** Support development of transit facilities in strategic locations such as at interchanges and in areas of concentrated activity.

**Program TC.I-10:** Respond to transit operators' efforts when they propose changes to bus stop locations to improve rider safety or convenience, or to improve bus travel speeds or to improve paratransit services.

**Program TC.I-12:** Support responsible improvements to track capacity so that both passenger and freight rail, including transportation of hazardous materials can be operated without delays through Solano County.

**Program TC.I-13:** Support continued development of new train stations at Vacaville/Fairfield, Dixon, and Benicia to improve local access to regional rail service.

**Program TC.I-17:** Design, construct, and maintain bicycle routes to ensure that adequate signs and pavement markings are provided.

**Program TC.I-18:** Pursue roadway-improvement project funding to complete bicycle path linkages between Solano County communities.

**Program TC.I-19:** Support applications to fund new bicycle and pedestrian facilities that close gaps in the system.

Add the following policies or add the verbiage to existing policies to help mitigate for Impacts 6.2-1a & b (Greenhouse Gas Emissions). Or, explain why they are not feasible.

- Institute Transportation Control Measures. Support a transportation program that reduces vehicle trips, increases ridesharing, and meets or exceeds the Transportation Control Measures recommended by Bay Area Air Quality Management District (BAAQMD) in the most recent Clean Air Plan to reduce pollutants generated by vehicle use.
- Support Voluntary Employer-Based Trip Reduction. Provide assistance to regional and local ridesharing organizations, and advocate legislation to maintain and expand employer ridesharing incentives, such as tax deductions or credits.
- Utilize Clean Vehicle Technology. Promote new technologies and other incentives, such as allowing zero or partial zero emission vehicles rated at 45 miles or more per gallon in Solano County carpool lanes, and replacing fleet vehicles with these and similar clean vehicles.
- Consider Model Clean Vehicle Requirements. Research and consider adoption of an ordinance or standards that provide a set of voluntary measures to incorporate clean vehicles in fleets and promote the use of clean alternative fuels.

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Cont'd

24-33

- Reduce Peak-Hour Congestion. Implement recommended Bay Area Air Quality Management District (BAAQMD) Transportation Control Measures in the Clean Air Plan to reduce vehicle emissions and congestion during peak commute periods.
- Reduce Greenhouse Gas Emissions Resulting from Transportation. Increase clean-fuel use, promote transit-oriented development and alternative modes of transportation, and reduce travel demand.
- Reduce Methane Emissions Released from Waste Disposal. Encourage recycling, decrease waste sent to landfills, require landfill methane recovery, and promote methane recovery for energy production from other sources.
- Reduce County Government Contributions to Greenhouse Gas Emissions. Where feasible, replace fleet vehicles with hybrid fuel and other viable alternative fuel vehicles, increase energy efficiency of County-maintained facilities, increase renewable energy use at County maintained facilities, adopt purchasing practices that promote emissions reductions, and increase recycling at County-maintained facilities. (Note: while the County does have some policies/implementation programs that address some aspects of this program, the County policies can be improved as demonstrated in language above.)
- Work with Bay Area Governments to Address Regional Climate Change Concerns. Play a leading role to encourage other local governments to commit to addressing climate change. Participate in programs such as the Cities for Climate Protection Campaign to address local and regional climate change concerns.
- Evaluate the Carbon Emissions Impacts of Proposed Developments. Incorporate a carbon emissions assessment into land use plans and the environmental impact report for proposed projects.
- Work with Appropriate Agencies to Determine Carbon Uptake and Storage Potential of Natural Systems. Study Solano's wetlands, oak woodlands, riparian areas and agricultural lands to determine the potential to sequester carbon over time. Determine their value as carbon sinks.
- Acquire and Restore Natural Resource Systems. Take and require all technically feasible measures to avoid or minimize potential impacts on existing natural resource systems that serve as carbon sinks.
- Encourage the Planting of Trees. Adopt urban forestry practices that encourage reforestation as a means of storing carbon dioxide.
- Preserve Agricultural Lands. Protect agricultural lands and soils that serve as carbon sinks.
- Monitor for Carbon Storage Research. Monitor federal and international research on technological approaches to carbon storage.

24-33  
Cont'd

- Implement Proposed State Programs to Reduce Greenhouse Gas Emissions. Implement proposed State programs to reduce greenhouse gas emissions, including the Renewable Portfolio Standards, California Fuel Efficiency (CAFE) standards, and carbon cap and trade programs.

24-33  
Cont'd

**The DEIR fails to analyze additional alternatives for transit.** Why is there no discussion in the GP of some type of light rail or other type of transit? Was this analyzed as an alternative in the DEIR?

24-34

### **Public Facilities and Services Chapter**

**Policy PF.P-6 is inconsistent with the OGI.** Policy PF.P-6 states that “Guide development requiring urban services to locations within and adjacent to cities.” This is inconsistent with the Orderly Growth principals because of the word “adjacent”. To remove inconsistency, reword to say: “Guide development requiring urban services to locations within ~~and adjacent to~~ cities.”

24-35

**Policy PF.P-7 has insufficient implementation programs.** Implementation Program PF.I-3 requires that the County “Evaluate the level of services and funding needs of the various agencies and districts that will provide public facilities and services during project review to ensure that adequate levels of service are provided and facilities are maintained.” How will that significantly help the County implement Policy PF.P-7? Can the County set up vehicles to stay in contact with cities on this issue? What would motivate the cities to do this?

24-36

**Policy PF.P-7:** Coordinate with the cities to strongly encourage compact urban development within city urban growth areas to avoid unnecessary extension or reconstruction of roads, water mains, and services and to reduce the need for increased school, police, fire, and other public facilities and services.

**The DEIR fails to mitigate for Impacts 4.9-1a and b even though additional mitigation is available.** Impacts 4.9-1a & b are “significant and unavoidable” impacts that states that there will be “Insufficient Water Supplies to Meet the Future Water Demand in the Unincorporated Areas Served by the County.” To help mitigate for this impact, replace Program PF.I-8: “Require the use of water-efficient landscaping, water-conserving appliances and plumbing fixtures,” with these stronger and more specific programs to help mitigate for Impact 4.9-1a & b, or explain why this is not feasible. Also include dates for benchmarking purposes. (Reference: The Ahwahnee Water Principles for Resource Efficient Land Use [http://www.lgc.org/ahwahnee/h2o\\_principles.html](http://www.lgc.org/ahwahnee/h2o_principles.html)).

24-37

- Include dual plumbing that allows graywater from showers, sinks and washers to be reused for landscape irrigation in the infrastructure of new development.
- Maximize the use of recycled water for appropriate applications including outdoor irrigation, toilet flushing, and commercial and industrial processes. Purple pipe should be installed in all new construction and remodeled buildings in anticipation of the future availability of recycled water.
- Incorporate urban water conservation technologies such as low-flow toilets, efficient clothes washers, and more efficient water-using industrial equipment in all new

construction and retrofitted in remodeled buildings.

- Design all aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.

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In addition to Policy PF.P-11 which states that the County will “Promote and model practices to improve the efficiency of water use, including the use of water-efficient landscaping, beneficial reuse of treated wastewater, rainwater harvesting, and water conserving appliances and plumbing fixtures.”, the County should consider the following policies to help conserve water: If these measures are infeasible, please explain why. (Reference: Marin Countywide Plan (adopted November 2007).)

- Identify, preserve and restore natural resources such as wetlands, flood plains, recharge zones, riparian areas, open space, and native habitats. These resources are valued assets for flood protection, water quality improvement, groundwater recharge, habitat, and overall long-term water resource sustainability.
- Incorporate water holding areas such as creek beds, recessed athletic fields, ponds, cisterns, and other features that serve to recharge groundwater, reduce runoff, and improve water quality and decrease flooding in new developments.
- Utilize permeable surfaces should be used for hardscape. Minimize impervious surfaces such as driveways, streets, and parking lots so that land is available to absorb storm water, reduce polluted urban runoff, recharge groundwater and reduce flooding.
- Pursue ground water treatment and brackish water desalination when necessary to maximize locally available, drought-proof water supplies.

24-38

**The DEIR fails to analyze the impacts of Policy PF.P-21.** Policy PF.P-21 is a significant change from the current plan. How was Policy PF.P-21 (see below) been analyzed in the DEIR for its growth-inducing impacts? How have these growth inducing impacts been studied as they relate to climate change? Please explain mitigations. Additionally, sewer services are a municipal service. Allowing packaged sewer treatment plants is inconsistent with the OGI.

24-39

**Policy PF.P-21:** Sewer services for development within the unincorporated area may be provided through private individual on-site sewage disposal systems, or centralized sewage treatment systems permitted and managed by a public agency utilizing the best systems available that meet tertiary treatment or higher standards.

### Health and Safety Chapter

**The DEIR fails to adequately mitigate for Impacts 4.2-2a & b and Impact 4.2-4a & b even though additional mitigation is available.** The one goal relating to air quality states: HS.G-2: “Improve air quality in Solano County, and by doing so; contribute to improved air quality in the region.” However, Impacts 4.2-2a & b state that “Consistency with Air Quality Planning Efforts” would have “significant and unavoidable impacts.” Again, significant and unavoidable impacts are acceptable, only when feasible mitigation is not available. And Impacts

24-40

4.2-4a & b state that “Generation of Long-Term, Operational, Local Mobile-Source Emissions of CO” would have “significant and unavoidable impacts.”

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Cont'd

Add the following policies to help mitigate for Impacts 4.2-2a & b (Consistency with Air Planning Efforts) and 4.2-4a & b (Long-Term Sources of CO). Or please explain why they are not feasible. (Reference: Marin Countywide Plan (adopted November 2007).)

- Meet Air Quality Standards. Seek to attain or exceed the more stringent of federal or State Ambient Air Quality Standards for each measured pollutant.
- Require Mitigation of Air Quality Impacts. Require projects that generate potentially significant levels of air pollutants, such as quarry, landfill operations, or large construction projects, to incorporate best available air quality mitigation in the project design.

24-41

Add the following implementation programs to help mitigate for Impacts 4.2-2a & b (Consistency with Air Planning Efforts) and 4.2-4a & b (Long-Term Sources of CO). Or please explain why they are not feasible. (Reference: Marin Countywide Plan (adopted November 2007).)

- Inform Local and Regional Agencies. Notify local and regional jurisdictions of proposed projects in unincorporated areas that may affect regional air quality, as identified by project type and size thresholds in the BAAQMD CEQA Guidelines, Assessing the Air Quality Impacts of Projects and Plans.
- Evaluate Air Quality Impacts of Proposed Projects and Plans. As part of the Environmental Review Process, use the current applicable Air Quality Management District. CEQA Guidelines to evaluate the significance of air quality impacts from projects or plans, and to establish appropriate minimum submittal and mitigation requirements necessary for project or plan approval.
- Take Part in Regional Programs. Participate in the Cities for Climate Protection and Spare the Air programs.
- Cooperate to Enforce Air Quality Standards. Cooperate with the U.S. Environmental Protection Agency (EPA), the California Air Resources Board, and the applicable Air Quality Management District to measure air quality at emission sources (including transportation corridors) and to enforce the provisions of the Clean Air Act and State as well as regional policies and established standards for air quality.

24-42

**The DEIR fails to adequately mitigate for Impacts 6.2-1a & b and Impacts 6.2-2a & b even though additional mitigation is available.** How does “considering” an ordinance provide mitigation for Impacts 6.2-1a & b? Change wording to “Create and implement a trip ordinance...” or explain why this is not feasible. Also add “Provide assistance to regional and local ridesharing organizations, and advocate legislation to maintain and expand employer ridesharing incentives, such as tax deductions or credits.” Or explain why this is not feasible.

24-43

**Program HS.I-54:** Consider a trip reduction ordinance and incentives to encourage employers to increase telecommuting, provide bicycle facilities, and access to public transit for employees, including County employees.

Impacts 6.2-2a & b state that the “Impacts of Climate Change on Solano County” could be “significant and unavoidable.” Please explain how the following policy with language like “should” and “where feasible” provides mitigation for Impact 6.2-2a & b.

24-44

**Policy RS.P-12:** Existing uses should continue in the upland grasslands and cultivated areas surrounding the critical habitats of the Suisun Marsh in order to protect the Marsh and preserve valuable marsh-related wildlife habitats. Where feasible, the value of the upland grasslands and cultivated lands as habitat for marsh related wildlife should be enhanced.

Because Impacts 6.2-2a & b (Impacts of Climate Change) have been determined to be “significant and unavoidable”, the DEIR should evaluate other possible mitigations for feasibility. Consider adding the following policies/implementation programs to help mitigate for Impacts 6.2-2a & b (Impacts of Climate Change) or explain why they are not feasible. (Reference: Marin Countywide Plan (adopted November 2007).)

- Coordinate with Local and Regional Agencies. Coordinate with the U.S. Geological Survey, Bay Conservation and Development Commission, California Coastal Commission and other monitoring agencies to study near-term and long-term high probability climate change effects. Explore funding and collaborations with Bay Area partners in the Cities for Climate Protection Campaign in order to share resources, achieve economies of scale, and develop plans and programs that are optimized to address climate change on a regional scale.
- Study the Effect of Climate Change. Determine how climate change will affect the following:
  - Natural Systems: Changes in water availability, shifting fog regimes (and the effect on coastal redwoods and fire ecology), temperature changes, and shifting seasons.
  - Biological Resources: Changes in species distribution and abundance in estuary ecosystems resulting from salinity changes and flooding. For marine ecosystems, determine changes in distribution and abundance resulting from warmer waters, rising sea level, and changes in ocean currents and freshwater inflows.
  - Environmental Hazards: Runoff, fire hazards, floods, landslides and soil erosion, and the impact on coastal and urban infrastructure.
  - Built Environment: Effect of flooding and rising sea level on sewage systems, property, and infrastructure.
  - Water Resources: Runoff, changes in precipitation, increases and decreases in drought, salinity changes, sea level rise, and shifting seasons.
  - Agricultural and Food Systems: Food supply, economic impacts, and effect on grazing lands.
  - Public Health: Temperature-related health effects, air quality impacts, extreme weather events, and vector-, rodent-, water-, and food-borne diseases.
- Prepare Response Strategies. In coordination with the California Coastal Commission, the Bay Conservation and Development Commission, water districts, wildlife agencies, and flood control districts, prepare response strategies for Marin’s human and natural systems. Current response strategies include the following: Water Resources: Improve drainage systems, harvesting flows, and recharge designs in order to direct runoff to landscaped areas where the water can percolate into the soil.

24-45

- Biological Resources: Limit development such that coastal wetlands are able to migrate inland in response to sea level rise, wildlife corridors and ecotones are protected, and development impacts are minimized. Promote the restoration of wetlands and riparian areas to provide capacity for high water and flood flows.
  - Public Health: General strengthening of public health infrastructure and health-oriented environmental management, such as with air and water quality, and community and housing design.
  - Built Environment: Assess development located in coastal areas that are subject to sea level rise and increased flooding, and develop a response strategy, such as a planned retreat program, for the relocation of facilities in low-lying areas. Work with the County flood control and water districts to prepare a plan for responding to a potential rise in the sea level, consider developing flood control projects, and amend County Code Chapters 11, 22, 23, and 24 to include construction standards for areas potentially subject to increased flooding from a rise in sea level.
  - Environmental Hazards: Develop response strategies that cope with increasing storm events, flooding, fire, landslides, and soil erosion. Establish surveillance systems. With the development of advanced (spatial) surveillance technology, it is conceivable that such systems will be expanded to address forest health and productivity, monitoring biotic vectors and natural elements, as well as tree and storm responses.
- Monitor Local Climate Change. Encourage appropriate local and regional agencies to track the following environmental indicators of climate change:
    - Sea level (also see EH-3)
    - Minimum and maximum temperature
    - Precipitation
    - Timing and volume of river flow
    - River temperatures
    - Sea surface temperatures
    - Diversity and abundance of fish stocks and sea birds
  - Seek Resources for Response Strategies. Explore funding and collaborative opportunities that share resources, to develop plans and programs that are optimized on a regional scale
  - Protect and Enhance Native Habitats and Biodiversity. Effectively manage and enhance native habitat, maintain viable native plant and animal populations, and provide for improved biodiversity throughout the County. Require identification of sensitive biological resources and commitment to adequate protection and mitigation.
  - Conduct Public Outreach and Education. Increase public awareness about climate change, and encourage residents and businesses to become involved in activities and lifestyle changes that will aid in reducing greenhouse gas emissions.
  - Modify Construction Standards. Amend the Solano County Code to include construction standards for areas threatened by future sea level rise.

24-45  
Cont'd

**The DEIR fails to fully analyze Policy HS.P-9.** What about land that is designated for urban growth, but in a floodplain? Are there areas like this in the county? What areas of the

24-46

county may become part of the floodplain if the sea level rises? Has this been analyzed? Please describe mitigation.

24-46  
Cont'd

**Policy HS.P-9:** Preserve open space and agricultural areas that are subject to natural flooding and are not designated for future urban growth; prohibit permanent structures in a designated floodway where such structures could increase risks to human life or restrict the carrying capacity of the floodway.

**Alternative Analysis**

**The DEIR fails to analyze alternatives based on policy changes.** Why do the alternatives only analyze build out using the different maps? Certain policies like Policy PF.P-21 (see pg 9) increase the density allowances for Rural Residential and are growth-inducing, in addition to the map. How has this been analyzed?

24-47

In conclusion, the DEIR is significantly lacking in the following areas:

- Incomplete analysis of the issues addressed above.
- Incomplete mitigation to improve significant and unavoidable impacts (where feasible options are available).

24-48

Additionally, it is clear from the DEIR that the updated GP is not internally consistent.

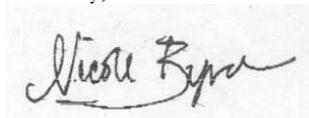
24-49

These issues will require substantial changes to the EIR and the document should be recirculated for public review.

24-50

Thank you for the opportunity to submit comments.

Sincerely,



Nicole Byrd  
Field Representative  
Greenbelt Alliance

- 24-1 The comment is noted.
- 24-2 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 24-3 The comment is noted.
- 24-4 The comment is noted. The commenter refers to a general description of the composition of the Citizens' Advisory Committee (CAC) in the Introduction chapter of the 2008 Draft General Plan. The statement is intended to broadly address the CAC as appointed by the County Board of Supervisors in 2006 and as reappointed by the board in 2007, collectively. The 2006 CAC developed the 2008 Draft General Plan's vision statement, whereas the 2007 CAC developed the goals and policies and land use plan. Thus, both parties had a role in crafting the 2008 Draft General Plan, and the statement is accurate as presented. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 24-5 Please refer to Master Response I, "Orderly Growth Initiative," in Chapter 2 of this FEIR.
- 24-6 Please refer to Master Response I, "Orderly Growth Initiative," in Chapter 2 of this FEIR.
- 24-7 Please refer to Master Response I, "Orderly Growth Initiative," in Chapter 2 of this FEIR.
- 24-8 The commenter requests clarification regarding the intent of 2008 Draft General Plan Policy LU.P-19 in locating "commercial development in locations that provide maximum access to primary consumers." The policy intends to locate commercial use in close proximity to residents or businesses that would utilize the services or facilities, namely close to cities, residentially designated areas within the unincorporated county, and near existing or proposed roadways. Such development would benefit the county by potentially reducing vehicle miles traveled, emissions, and congestion related to commercial locations.
- 24-9 Please refer to Master Response I, "Orderly Growth Initiative," in Chapter 2 of this FEIR.
- 24-10 The commenter refers to Policy LU.P-6 of the 2008 Draft General Plan, which directs the County to retain existing land uses within municipal service areas (MSAs) until annexed to a city. It should be noted that, as described in Responses to Comments 12-4 and 31-42, County staff have recommended a change to Policy LU.P-7 that clarifies the intent that temporary uses within MSAs are to be limited to agriculture. Together, these policies (as modified) describe the County's desired, contemplated, and intended outcomes for land use within MSAs, namely agricultural use before annexation for purposes of urban development. The DEIR for the 2008 Draft General Plan adequately analyzes the environmental impacts of this future condition. The commenter's observations regarding the ability of the County Board of Supervisors to amend the 2008 Draft General Plan, including Policy LU.P-6, are noted, and consistent with state law regarding general plan amendments. The premise that such amendments would occur is speculative, is not a part of the proposed project, and is not required to be analyzed in the DEIR. (State CEQA Guidelines, Section 15145; see also *Save Round Valley Alliance v. County of Inyo*

[2007] 157 Cal.App.4th 1437, 1448–1454, which rejected the argument that an EIR’s project description was inadequate because it did not account for the possibility that future lot owners might add a second dwelling unit to their lots.) Furthermore, the DEIR appropriately analyzes the environmental effects of implementation of the 2008 Draft General Plan relative to existing on-the-ground conditions, not relative to the existing General Plan policies and land use designations, as the commenter suggests. As described in Response to Comment 24-11, potential requests for land use redesignations (e.g., general plan amendment and rezone applications) inconsistent with Policies LU.P-6 and LU.P-7 would be required to conduct a project-specific environmental impact analysis under CEQA. (Please refer to Master Response E, “Programmatic Nature of EIR,” in Chapter 2 of this FEIR.)

- 24-11 As identified in the DEIR, the 2008 Draft General Plan EIR is a program EIR (see Section 1.1, “Type of EIR,” in Chapter 1, “Introduction,” of the DEIR). In addition, the EIR states that the “...analysis does not examine the effects of site-specific projects that may occur within the overall umbrella of this program in the future” (see Section 1.1 of the DEIR). Potential future development projects, including requests for land use redesignations (e.g., rezone), would be considered a “site-specific project” and, therefore, are not required to be analyzed as part of the 2008 Draft General Plan EIR. Proposed land use redesignations (e.g., rezone) would be required to conduct a project-specific environmental impact analysis under CEQA. Additionally, please refer to Master Response I, “Orderly Growth Initiative,” in Chapter 2 of this FEIR and to Response to Comment 24-10.
- 24-12 The commenter states that the wording of Policy LU.P-7 of the 2008 Draft General Plan is vague and open to interpretation. The commenter requests clarification whether temporary land uses consistent with *current* zoning or *agricultural* zoning are allowed within the MSAs before annexation by the cities.
- As shown in Chapter 5 of this FEIR, County staff have recommended a change in the language of Policy LU.P-7. This recommended change, which has been accepted by the Planning Commission, will be provided to the County Board of Supervisors for further consideration. If this proposal is accepted by the Board of Supervisors, Policy LU.P-7 would be amended as follows:
- LU.P-7: Permit temporary land uses and uses consistent with ~~the~~ current agricultural zoning on unincorporated lands within municipal service areas that do not conflict with planned land uses until the property is annexed to a city for urban development.
- 24-13 The commenter states that Table 4.1-6 of the DEIR compares the current General Plan to the 2008 Draft General Plan and neglects to show comparisons to existing land use conditions. The commenter is mistaken, as Table 4.1-6 does compare existing land use conditions to land uses proposed in the 2008 Draft General Plan. Nevertheless, to improve clarity on this important point, as shown in Chapter 4 of this FEIR, the paragraph immediately preceding Table 4.1-6 on page 4.1-7 of the DEIR is revised as follows:
- Table 4.1-6 describes the change in acreage between ~~the~~ existing land uses and the ~~proposed amendments contained in~~ land use designations proposed within the 2008 Draft General Plan Update.
- 24-14 The commenter states that the DEIR fails to evaluate and mitigate the proposed land use change from an agricultural use designation to a Special Study Specific Project Area designation that clearly indicates future development in Middle Green Valley. The DEIR for the 2008 Draft General Plan is a programmatic EIR. The proposed Middle Green Valley Special Study Area was

included in the DEIR's overall analysis of environmental impacts and mitigation programs. Agricultural lands in this portion of Middle Green Valley are included among the 21,971 acres of agricultural land potentially subject to conversion with implementation of the 2008 Draft General Plan as disclosed in the DEIR. The stated buildout potential of Middle Green Valley (approximately 400 units) was also included as part of the County's total buildout analysis in the DEIR. Mitigation measures related to agriculture would also be applicable to any development in the Middle Green Valley Specific Project Area. Please refer to Master Response E, "Programmatic Nature of EIR" in Chapter 2 of this FEIR.

- 24-15 Please refer to Response to Comment 24-14 above.
- 24-16 A proposal to extend provisions of the Orderly Growth Initiative through 2036 was placed on the ballot for renewal in 2006. It was not approved, nor would it be expected to be approved now if a new proposal were placed on the ballot. However, the 2008 Draft General Plan incorporates (with minor edits) the policies put in place by the Orderly Growth Initiative, thereby extending those policies throughout the time frame of the 2008 Draft General Plan. (Please refer to Master Response I, "Orderly Growth Initiative," in Chapter 2 of this FEIR.) Additional feasible site-specific mitigation measures for reduction of GHG emissions would be imposed for subsequent individual projects subject to environmental review that result from 2008 Draft General Plan approval. The commenter does not provide suggestions for expansion of climate change mitigation measures, so it is not possible to provide further analysis. Please refer to Response to Comment 23-68 and to Master Response H, "Mitigation for Significant and Unavoidable Impacts," in Chapter 2 of this FEIR.
- 24-17 Please refer to Response to Comment 23-55 through 23-60, 23-66, 23-68, 26-14, 26-15, and 57-3.
- 24-18 Please refer to Response to Comment 24-17.
- 24-19 Concerning Impacts 4.2-2a and 4.2-2b, timelines are not currently available because state and air district guidance documents are continually being updated with new methods and procedures. Mitigation Measures 4.2-2a and 4.2-2b are designed so that all new information and guidance can be implemented and enforced over the life of the 2008 Draft General Plan.
- Concerning Impacts 4.2-4a and 4.2-4b, carbon monoxide (CO) is a highly localized pollutant. CO should be analyzed during project-level environmental review for each individual project to ensure that the most accurate analysis is conducted. Mitigation Measures 4.2-4a and 4.2-4b require project-level CO analysis for all intersections affected by individual projects. These intersections would be subject to applicable state and air district thresholds and subsequent mitigation as necessary. See pages 4.2-31 and 4.2-32 of the DEIR for more information.
- The commenter's broader point about needing "measurable outcomes or timelines to track progress" for the goals, policies, and programs of the 2008 Draft General Plan for such measures to qualify as mitigation misunderstands to some extent the necessarily broad nature of such measures in a general plan and the accompanying analysis in the DEIR. Please refer to Master Response E, "Programmatic Nature of EIR," and Master Response G, "Deferred Mitigation," in Chapter 2 of this FEIR.
- 24-20 Please refer to Response to Comment 24-17 and to Master Response G "Deferred Mitigation." The County believes compliance with Program HIS-73 sufficiently addresses the commenter's concerns.
- 24-21 Please refer to Responses to Comments 24-17, 23-68, and 23-69.

- 24-22 Please refer to Response to Comment 24-17.
- 24-23 Please refer to Response to Comment 24-17.
- 24-24 Please refer to Response to Comment 24-17.
- 24-25 Please refer to Response to Comment 24-17.
- 24-26 Please refer to Response to Comment 24-17.
- 24-27 It is unclear what mitigation the commenter is referring to as being “insufficient.” No further response can be provided on this subject.

Regarding implementation programs, the 2008 Draft General Plan includes three implementation programs (TC.I-1 through TC.I-3) related to Policies TC.P-1 through TC.P-10 (see the section titled “General Transportation” in the Transportation and Circulation chapter of the 2008 Draft General Plan).

It is unclear at this time precisely what relationship exists between Policy TC.P-2 of the 2008 Draft General Plan and “water-based industrial land use[s]” in Collinsville. Not every policy or program of the 2008 Draft General Plan would apply to every future project that would be proposed under the new this general plan. Policy TC.P-2 provides guidance to decision makers on where “major employment and activity centers” should be developed. Decision makers hold the responsibility to determine whether a proposed, site-specific, water-based industrial land use would be considered a major employment center, and, if so, decision makers would then determine whether a water-based industrial land use is located near a major circulation system and near residential areas (in accordance with Policy TC.P-2). The EIR is not required to determine how every policy or implementation program of the 2008 Draft General Plan would be achieved. No further response is necessary.

Related to the DEIR analyzing buildout conditions versus existing conditions, the DEIR states the following on pages 4.1-2 and 3-24, respectively:

In accordance with CEQA requirements, the County has used the existing land use conditions as a baseline from which it determines the potential environmental impacts of the proposed land use amendments.

This EIR uses the existing land use conditions data as a baseline from which to determine environmental impacts of the 2008 Draft General Plan and its alternatives.

All analyses of environmental impacts conducted in the DEIR use existing land use conditions as the baseline, consistent with the recommendation of State CEQA Guidelines Section 15125. (“An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of published. This environmental setting will normally constitute the baseline conditions by which a Lead Agency determines whether an impact is significant.”).

- 24-28 The comment is noted. Regarding implementation programs, the 2008 Draft General Plan includes three implementation programs (TC.I-1 through TC.I-3) related to Policies TC.P-1 through TC.P-10 (see the section titled “General Transportation” in the Transportation and Circulation chapter of the 2008 Draft General Plan).

Related to defining a “successful land use pattern,” decision makers hold the responsibility to determine whether a proposed, site-specific development project achieves the intent of Policy TC.P-3 to establish a land use pattern that facilitates shorter travel distances and modes of travel other than by automobile. The DEIR is not required to determine how every policy or implementation program of the 2008 Draft General Plan would be achieved. The DEIR fully analyzes the potential environmental impacts associated with implementing the 2008 Draft General Plan as related to transportation and circulation (see Section 4.4, “Transportation and Circulation,” of the DEIR). No further response is necessary.

24-29 The commenter is incorrect. The 2008 Draft General Plan includes three implementation programs (TC.I-1 through TC.I-3) related to Policies TC.P-1 through TC.P-10 (see the section titled “General Transportation” in the Transportation and Circulation chapter of the 2008 Draft General Plan).

Related to defining how “substantially more efficient use of energy resources, reduced greenhouse gas emissions and noise, and improved air quality” would be achieved, decision makers hold the responsibility to determine which transportation programs the County should participate in (see Policy TC.P-6 of the 2008 Draft General Plan). The DEIR is not required to determine how every policy or implementation program of the 2008 Draft General Plan would be achieved.

Furthermore, Program TC.I-1 is not the only policy or program the County proposes to combat the problem of global warming. The DEIR fully analyzes the potential environmental impacts associated with implementing the 2008 Draft General Plan as related to global climate change (see Section 6.2 in Chapter 6, “Other CEQA Considerations,” and especially pages 6-34 through 6-42, for the full list of proposed policies and programs that are relevant to the issue of climate change). No further response is necessary.

24-30 The commenter is incorrect. The 2008 Draft General Plan includes two implementation programs (TC.I-9 and TC.I-10) related to Policies TC.P-14 through TC.P-17 (see the section titled “General Transportation” in the Transportation and Circulation chapter of the 2008 Draft General Plan).

Related to defining how “development of transit facilities and operations along major corridors” would be encouraged or achieved, decision makers hold the responsibility to determine when and what transit facilities the County should encourage (see Policy TC.P-14 of the 2008 Draft General Plan), a determination that depends in large part on where and when site-specific projects that could affect existing transit facilities are proposed in the future under the general plan. The DEIR is not required to determine how every policy or implementation program of the 2008 Draft General Plan would be achieved. The DEIR fully analyzes the potential environmental impacts associated with implementing the 2008 Draft General Plan as related to transportation and circulation (see Section 4.4, “Transportation and Circulation”). No further response is necessary.

24-31 The commenter wishes to see stronger language in Policy TC.P-26. The County assumes that the commenter is actually referring to Policy HS.P-45 in the Air Quality section of the Health and Safety chapter of the 2008 Draft General Plan, which reads: “Promote consistency and coordination in air quality planning efforts.” The commenter notes that the County should commit to consistency and coordination, rather than promote it. The proposed policy change is infeasible, as it assumes that the County has the ability to coordinate regional and state agencies’ oversight of air quality, which County cannot do.

Solano County spans two air districts (the Bay Area Air Quality Management District and the Yolo/Solano Air Quality Management District). Because of the different meteorological conditions and emissions sources in the two air basins (Sacramento Valley Air Basin and San

Francisco Bay Area Air Basin), these two districts may have different rules and regulations and air quality planning efforts. It may not always be possible to ensure coordination and consistency between these two jurisdictions, but the County wishes to promote it to the extent practicable. Thus, this policy language is appropriate for its purpose. CEQA would ensure that air quality impacts of projects and plans proposed throughout the county are evaluated. The additional language is not necessary. Please refer to Master Response D, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR.

- 24-32 The commenter wants to know how policies intended to reduce GHG emissions would serve as mitigation for climate change. These policies (related to bicycle, pedestrian, and transit infrastructure and alternative fuels/technologies) and accompanying implementation programs all address sources of GHG emissions over which the County has control. In fact, these policies are consistent with and above and beyond those types of policies recommended by the Governor’s Office of Planning and Research (OPR), the California Attorney General’s Office, and the California Air Pollution Control Officers Association (CAPCOA) for reducing GHG emissions. Please also refer to Responses to Comments 26-134 through 26-137.
- 24-33 The commenter asks that new policies be added to the 2008 Draft General Plan. The suggested policies are similar to, but less specific than, policies and programs already included in the plan. The comment is noted.
- 24-34 Please refer to Master Response D, “Reasonable Range of Alternatives,” in Chapter 2 of this FEIR.
- 24-35 The comment related to the 2008 Draft General Plan is noted. However, since this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration. See also Master Response I, “Orderly Growth Initiative.”
- 24-36 The comment related to the 2008 Draft General Plan is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 24-37 The commenter states that additional mitigation measures are available to mitigate Impacts 4.9-1a and 4.9-1b and recommends that Program PF.I-8, “Require the use of water-efficient landscaping, water-conserving appliances and plumbing fixtures,” be replaced with the following:
- ▶ Include dual plumbing that allows gray water from showers, sinks, and washers to be reused for landscape irrigation in the infrastructure of new development.
  - ▶ Maximize the use of recycled water for appropriate applications, including outdoor irrigation, toilet flushing, and commercial and industrial processes. Purple pipe should be installed in all new construction and remodeled buildings in anticipation of the future availability of recycled water.
  - ▶ Incorporate urban water conservation technologies such as low-flow toilets, efficient clothes washers, and more efficient water-using industrial equipment in all new construction and retrofitted in remodeled buildings.
  - ▶ Design all aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.

The above-mentioned policy recommendations are generally accounted for in the 2008 Draft General Plan. Specifically, the 2008 Draft General Plan would include the following programs and policies, which would achieve similar water conservation results as most of the commenter's recommendations, but in language the County believes is more appropriate for a long-term planning document, such as a general plan:

- ▶ **Policy PF.P-3:** Increase efficiency of water, wastewater, stormwater, and energy use through integrated and cost-effective design and technology standards for new development and redevelopment.
- ▶ **Policy PF.P-11:** Promote and model practices to improve the efficiency of water use, including the use of water-efficient landscaping, beneficial reuse of treated wastewater, rainwater harvesting, and water-conserving appliances and plumbing fixtures.
- ▶ **Program PF.I-13:** Investigate the potential for innovative recycled water systems in Solano County, such as the use of greywater for domestic and agricultural purposes, and identify sources of funding for implementation of these systems.
- ▶ **Program PF.I-15:** Assess water use in County operated facilities and implement programs for efficient water use and wastewater reuse. Implement water conservation programs as defined by state law and develop new measures in response to community input and changing technology.
- ▶ **Program PF.I-16:** Encourage and assist water agencies in providing incentives to encourage water conservation or reuse.
- ▶ **Policy PF.P-20:** Minimize the consumption of water in all new development.
- ▶ **Policy HS.I-10:** During project review encourage the use of landscaping practices and plants that will reduce demand on water, retain runoff, decrease flooding, and recharge runoff.

Additionally, in consideration of comments made on the DEIR and as shown in Chapter 5 of this FEIR, County staff have recommended to the County Board of Supervisors the modification of Programs PF.I-8 and PF.I-4. If this proposal is accepted by the County Board of Supervisors, Programs PF.I-8 and PF.I-14 would be amended as follows:

PF.I-8: Adopt ordinances that ~~Require~~ the use of water-efficient landscaping, water-conserving appliances and plumbing fixtures.

PF.I-14: Encourage water agencies to require water efficiency training and certification for landscape irrigation designers and installers, and property managers. Work with local partners and water agencies to educate the public about water conservation options, including landscaping, irrigation, low-water appliances, and other measures the public can take to reduce water use. Encourage water purveyors to provide incentives for customers that use water more efficiently.

The commenter's recommendation to maximize the use of recycled water and install purple pipe in all new construction in anticipation of recycled water is not currently feasible for the unincorporated portion of the county because recycled water is not available there. The feasibility of establishing recycled-water systems within the unincorporated area needs to be determined before a policy is developed to require that recycled water be used or that related infrastructure be installed. In addition, local water districts that currently service areas within unincorporated Solano County have not identified recycled water as a potential future water service option.

Further, requiring installation of purple pipe in all new construction does not ensure that property owners will use or purchase recycled water if it becomes available; therefore, this mitigation measure would not be sufficient to reduce the impacts of insufficient water supplies. Programs implemented under Program PF.I-13 would investigate the feasibility of recycled-water service within the unincorporated areas of the county. The previously mentioned policies and programs of the 2008 Draft General Plan, along with Program PF.I-8, satisfactorily address the feasible water conservation practices suggested by the commenter; therefore, the additional policies recommended by the commenter are unnecessary. Please refer to Master Response D, “Proposed Changes in Policy Language,” for a discussion of how the County has and will consider suggestions for changes to the goals, policies, and programs contained in the 2008 Draft General Plan.

24-38

The commenter recommends that, in addition to Policy PF.P-11, the County should consider several additional policies to help conserve water. The commenter provided the following examples of additional policies.

- ▶ Identify, preserve, and restore natural resources such as wetlands, floodplains, recharge zones, riparian areas, open space, and native habitats. These resources are valued assets for flood protection, water quality improvement, groundwater recharge, habitat, and overall long-term water resource sustainability.
- ▶ Incorporate water holding areas such as creek beds, recessed athletic fields, ponds, cisterns, and other features that serve to recharge groundwater, reduce runoff, and improve water quality and decrease flooding in new developments.
- ▶ Utilize permeable surfaces for hardscape. Minimize impervious surfaces such as driveways, streets, and parking lots so that land is available to absorb stormwater, reduce polluted urban runoff, recharge groundwater, and reduce flooding.
- ▶ Pursue groundwater treatment and brackish water desalination when necessary to maximize locally available, drought-proof water supplies.

The above-mentioned policy recommendations are addressed in several of the policies set forth as part of the 2008 Draft General Plan. For example, Policy RS.P-67 provides for protection of existing open spaces, natural habitat, floodplains, and wetland areas that serve as groundwater recharge areas. Policy RS.P-66 encourages new groundwater recharge opportunities. Policy RS.P-74 further requires and provides incentives for site plan elements (such as permeable pavement, swales, and filter strips) that limit runoff and increase infiltration and groundwater recharge. Under Policy PF.P-32, development projects are required to minimize pollution of stormwater, water bodies that receive runoff, and groundwater, and to maximize groundwater recharge potential by:

- ▶ implementing planning and engineering design standards that use low-impact development techniques and approaches to maintain and mimic the natural hydrologic regime;
- ▶ using “infiltration” style low-impact development technologies; and
- ▶ following stormwater best management practices (BMPs) during and after construction, in accordance with relevant state-required stormwater permits.

Program PF.I-13 within the 2008 Draft General Plan investigates the potential for innovative recycled water systems in Solano County, such as the use of gray water for domestic and agricultural purposes, and identifies sources of funding for implementation of these systems.

Program RS.I-67 would provide technical assistance to minimize stormwater pollution, support Regional Water Quality Control Board (RWQCB) requirements, manage related County programs, and consider future use of desalinization to supplement water supplies. Program PF.I-14 requires working with local partners and water agencies to educate the public about water conservation options, including landscaping, irrigation, low-water appliances, and other measures the public can take to reduce water use and encourage water purveyors to provide incentives for customers that use water more efficiently. These policies of the 2008 Draft General Plan more than satisfactorily address water conservation practices suggested in policies recommended by the commenter; therefore, including the additional water conservation policies is unnecessary. Please also refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how comments or proposed suggestions to revise the existing policies in the 2008 Draft General Plan will be considered by the County Board of Supervisors.

24-39

The commenter raises two points: (1) that the DEIR fails to analyze the growth-inducing impacts of Policy PF.P-21, particularly as these relate to climate change; and (2) that sewer services are a municipal service, and allowing packaged sewer treatment plants is inconsistent with the Orderly Growth Initiative.

Regarding the potential for growth-inducing impacts, on-site sewage disposal systems could only be sized and constructed so as to serve areas designated by the 2008 Draft General Plan for future development and would not have the potential to induce growth beyond that already permitted by the 2008 Draft General Plan and analyzed in the DEIR. The potential growth-inducing impacts of the 2008 Draft General Plan are analyzed in Section 6.3, "Growth-Inducing Impacts," of the DEIR. The potential climate change impacts of growth that could occur under the 2008 Draft General Plan are analyzed in Section 6.2 of the DEIR.

The following 2008 Draft General Plan policy and program are relevant:

- ▶ **Policy PF.P-21** states that "Sewer services for development within the unincorporated area may be provided through private individual on-site sewage disposal systems, or centralized sewage treatment systems permitted and managed by a public agency utilizing the best systems available that meet tertiary treatment or higher standards."
- ▶ **Program PF.I-22** states that "...Sewer treatment facilities shall be designed to provide sewer service to developed areas and areas designated for future development within the General Plan."

Lands in the unincorporated area within city MSAs could only develop pursuant to those cities' general plans and would be served by city wastewater treatment systems; therefore, County-approved on-site sewage disposal systems would not be located in city MSAs and would not induce growth.

According to Program PF.I-4 in the Public Facilities and Services chapter of the 2008 Draft General Plan:

PF.I-4      Coordinate with the cities and the Solano County Local Area Formation Commission to ensure that urban development in areas included within the cities' municipal service area are served by a full range of urban services (e.g., public water and sewer, public transit, safety and emergency response services, parks, trails, open spaces) through city annexation.

Policies proposed in the Land Use chapter of the 2008 Draft General Plan would further ensure that any land use change within the unincorporated portion of city MSAs would only occur

according to the cities' general plans following annexation to those cities and would not induce growth through County-approved development within these MSAs. Relevant policies from the Land Use chapter are as follows:

- ▶ **Policy LU.P-4:** Designate as municipal service areas those areas where future development is to be provided with municipal or urban type services through city annexation.
- ▶ **Policy LU.P-5:** Coordinate with cities to oversee development of lands within municipal service areas.
- ▶ **Policy LU.P-6:** Retain existing land uses within municipal service areas until annexed to a city.

On May 22, 2008, staff recommended and the County Planning Commission accepted the following revisions to the 2008 Draft General Plan. These revisions will be provided to the County Board of Supervisors for further consideration:

- ▶ *Draft General Plan at page LU-12, last paragraph, last sentence:* A change in land use of unincorporated lands within MSAs should be permitted only for ~~temporary~~ temporary agricultural uses which do not conflict with planned land uses until annexed for urban development.
- ▶ *Draft General Plan at page LU-35, Policy LU.P-7:* Permit temporary land uses and uses consistent with the current zoning on unincorporated lands within municipal service areas that do not conflict with planned land uses until the property is annexed to a city for urban development.

Regarding the comment that that sewer services are a municipal service and that allowing packaged sewer treatment plants is inconsistent with the Orderly Growth Initiative, the County Board of Supervisors must seek voter approval to amend the Orderly Growth Initiative to allow adoption and implementation of any portions of the 2008 Draft General Plan that conflict with the Orderly Growth Initiative. Please refer to Master Response I, "Orderly Growth Initiative," in Chapter 2 of this FEIR.

24-40

The commenter recommends additional mitigation for Impacts 4.2-2a and 4.2-2b. Please refer to Response to Comment 24-19 for additional information on CO impacts.

Mitigation recommended in Comment 24-42 (bullet 3), while possibly beneficial, has not been proven to be an effective form of mitigation or contribute to a substantial reduction in emissions.

The actions included in the mitigation recommended in Comment 24-41 (bullets 1 and 2) and Comment 24-42 (bullets 1, 2, and 4) are required under CEQA. Thus, no precedent exists for their inclusion as mitigation. Therefore, as shown in Chapter 4 of this FEIR, the text of Mitigation Measure 4.2-2a on page 4.2-28 of the DEIR (and Mitigation Measure 4.2-2b, also on page 4.2-28) is revised as follows. Please note that although only Mitigation Measure 4.2-2a is shown here, the revision also applies to Mitigation Measure 4.4-2b.

**Mitigation Measure 4.2-2a: Coordinate with Air Districts on Assumptions from Air Quality Plan Updates.**

The County shall coordinate with BAAQMD and YSAQMD at the earliest opportunity to ensure that all new assumptions from new air quality plan updates are implemented as part of the 2008 Draft General Plan.

The County shall also do the following:

- ▶ Meet air quality standards: Seek to attain or exceed the more stringent of federal or state ambient air quality standards for each measured pollutant.
- ▶ Require mitigation of air quality impacts: Require projects that generate significant levels of air pollutants to incorporate best available air quality mitigation in the project design.
- ▶ Inform regional and local agencies: Notify regional and local jurisdictions of proposed projects in unincorporated areas that may affect regional air quality, as identified by BAAQMD, YSAQMD, and ARB.
- ▶ Evaluate air quality impacts of proposed projects and plans: As part of the environmental review process, use the current applicable air district guidance to evaluate the significance of air quality impacts from projects or plans, and to establish appropriate minimum mitigation requirements necessary for project or plan approval.
- ▶ Assist in the enforcement of air quality standards: Assist EPA, ARB, and applicable air district with measuring emissions and enforcing the provisions of the Clean Air Act and regional rules and regulations.

24-41 Please refer to Response to Comment 24-40.

24-42 Please refer to Response to Comment 24-40.

24-43 The commenter questions the language of policies, such as statements that the County will “consider” a trip reduction ordinance. Such general language is necessary to be proportionate to the specificity of the project (i.e., general plan). Please refer to Responses to Comments 23-55 through 23-60. Please also refer to Master Response E, “Programmatic Nature of EIR,” and Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR.

24-44 The commenter questions the presence of the language “where feasible” and “should” in Policy RS.P-1 of the 2008 Draft General Plan. Please refer to Response to Comment 24-43 and to Master Response E, “Programmatic Nature of EIR,” and Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR. As noted in the conclusion of Impact 6.2-2a on page 6-49 of the DEIR, this impact would remain significant and unavoidable because of uncertainty about the effectiveness of various policies and programs. Impact 6.2-2b arrives at the same conclusion.

24-45 The commenter provides a list of additional policies and programs for the County’s consideration to add to the 2008 Draft General Plan to address the impacts of climate change. Notably, it appears that at least some of the suggestions have been cut-and-pasted from comments on a Marin County project. Some of the proposals are inapplicable to Solano County and some of the suggestions appear to ignore policies and programs already included in the 2008 Draft General Plan. Please refer to Master Response D, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR for a discussion of how the County has and will consider suggestions for changes to

the 2008 Draft General Plan. Each of the commenter's specific suggestions (identified in italics below) is addressed below.

*Coordinate with Local and Regional Agencies. Coordinate with the U.S. Geological Survey, Bay Conservation and Development Commission, California Coastal Commission and other monitoring agencies to study near-term and long-term high probability climate change effects. Explore funding and collaborations with Bay Area Partners in the Cities for Climate Protection Campaign in order to share resources, achieve economics of scale, and develop plans and programs that are optimized to address climate change on a regional scale.*

The 2008 Draft General Plan already includes implementation programs that the County believes would achieve the same result as the commenter's suggestion. These programs include: Program HS.I-1 (Develop and adopt a Sea Level Rise Strategic Program), Program HS.I-53 (Evaluate the potential effects of climate change on Solano County and natural systems and prepare strategies that allow the County to appropriately respond and adapt), and Program HS.I-73 (Develop and adopt a climate action plan for Solano County).

*Study the effects of Climate Change. Determine how climate change will affect the following:*

- ▶ *Natural Systems*
- ▶ *Biological Resources*
- ▶ *Environment Hazards*
- ▶ *Water Resources*
- ▶ *Agricultural and Food Systems*
- ▶ *Public Health*

Implementation of Programs HS.I-1 and HS.I-73 would require the County to study the effects of climate change on Solano County. Climate change protection and adaptation strategies would also be required pursuant to those programs.

*Prepare Response Strategies. In coordination with the California Coastal Commission, the Bay Area Conservation and Development Commission, water districts, wildlife agencies, and flood control districts, prepare response strategies for Marin's [sic] human and natural systems. Current response strategies include the following:*

- ▶ *Water Resources: Improve drainage systems, harvesting flows, and recharge designs in order to direct runoff to landscaped areas where the water can percolate into the soil. Policies RS.P-64, RS.P-67, RS.P-69, RS.P-70, RS.P-71, RS.P-74, HS.P-1, HS.P-2, HS.P-9, and HS.P-16 and Programs RS.I-62, RS.I-64, RS.I-65, HS.I-3, and HS.I-7 adequately address this suggestion.*
- ▶ *Biological Resources: Limit development such that coastal wetlands are able to migrate inland in response to sea level rise, wildlife corridors and ecozones are protected, and development impacts are minimized. Promote the restoration of wetlands and riparian areas to provide capacity for high water and flood flows. Policies RS.P-5 and RS.P-12 and Programs RS.I-9, HS.I-1, and HS.I-73 adequately address this suggestion.*
- ▶ *Public Health: General strengthening of public health infrastructure and health oriented environmental management, such as with air and water quality, and community and housing design. Existing 2008 Draft General Plan policies and programs, such as Programs HS.I-1 and HS.I-73, are designed to protect public health. Further, additional measures that would protect public health (along with the environment) have been proposed to the County Board of Supervisors in response to comments received on the DEIR. Please refer to pages 6-34*

through 6-42 of the DEIR and Response to Comment 23-68 for a nonexhaustive list of such policies and programs.

- ▶ *Built Environment: Assess development located in coastal areas that are subject to sea level rise and increased flooding, and develop a response strategy, such as a planned retreat program, for the relocation of facilities in low-lying areas. Work with the County flood control and water districts to prepare a plan for responding to a potential rise in the sea level, consider developing flood control projects, and amend County Code Chapters 11, 22, 23, and 24 to include construction standards for areas potentially subject to increased flooding from a rise in sea level. The County believes that Programs HS.I-1, HS.I-7, and HS.I-73 adequately address the commenter's concern. County Code Chapters 11 (Finances, Fees, Taxation and Revenue), 22 (Purchasing Agent), 23 (Refuse and Garbage), and 24 (Roads, Streets, and Other Public Property) do not set construction standards.*
- ▶ *Environmental Hazards: Develop response strategies that cope with increasing storm events, flooding, fire, landslides, and soil erosion. Establish surveillance systems. With the development of advanced (spatial) surveillance technology, it is conceivable that such systems will be expanded to address forest health and productivity, monitoring biotic vectors and natural elements, as well as tree and storm responses. The County believes that implementation of Programs HS.I-1 and HS.I-73 would adequately incorporate the commenter's suggestions.*

*Monitor Local Climate Change. Encourage appropriate local and regional agencies to track the following environmental indicators of climate change:*

- ▶ *Sea level*
- ▶ *Minimum and maximum temperature*
- ▶ *Precipitation*
- ▶ *Timing*
- ▶ *River temperatures*
- ▶ *Sea surface temperatures*
- ▶ *Diversity and abundance of fish stocks and seabirds.*

Program HS.I-1 would require monitoring procedures to ensure that the County achieves GHG reduction, protection, and adaptation goals. Further, if substantial new information regarding Solano County's climate becomes available showing that climate change effects are more significant than described in this EIR, the County would be required to consider that information in its environmental review of specific projects tiering from this EIR (please refer to Master Response B, "Programmatic Nature of EIR," in Chapter 2 of this FEIR).

*Seek Resources for Response Strategies. Explore funding collaborative opportunities that share resources, to develop plans and programs that are optimized to a regional scale. The County believes that Programs HS.I-1 and HS.I-73 would adequately incorporate the commenter's suggestion.*

*Protect and Enhance Native Habitats and Biodiversity. Effectively manage and enhance native habitat, maintain viable native plant and animal populations, and provide for improved biodiversity throughout the County. Require identification of sensitive biological resources and commitment to adequate protection and mitigation. Please refer to Section 4.6 of the DEIR for a discussion of the County's proposed approach to preserve biological resources and its commitment to adequate protection and mitigation.*

*Conduct Public Outreach and Education. Increase public awareness about climate change, and encourage residents and businesses to become involved in activities and lifestyle changes that will aid in reducing greenhouse gas emissions.* In consideration of comments received on the DEIR, including the commenter's, as shown in Chapter 5 of this FEIR, County staff have recommended that the County Board of Supervisors adopt a new implementation program that would address the commenter's suggestion. If this proposal is accepted by the County Board of Supervisors, the new implementation program would read as follows:

TC.I-S: In cooperation with the Solano Transportation Agency, provide public education about options for reducing motor-vehicle related green house gas emissions. Include information on trip reduction, trip linking, public transit, biking and walking, vehicle performance and efficiency, low and zero emissions vehicles, and care and ride sharing.

In addition, Policy RS.P-55 would require the County to provide information, marketing, training, and education to support reduced energy consumption, the use of alternative and renewable energy sources, and green building practices. Further, Program HS.I-73 would incorporate public education efforts to raise awareness on the importance of minimizing GHG emissions and methods for reducing emissions from individual's lifestyles.

*Modify Construction Standards. Amend the Solano County Code to include construction standards for areas threatened by future sea level rise.* Program HS.I-1, which would require the County to develop and adopt a Sea Level Rise Strategic Program, along with Program HS.I-73 (requiring the preparation of a climate action plan) would achieve the same environmental results as the commenter's suggestion, but would provide the County with sufficient flexibility to adapt over the time frame of the 2008 Draft General Plan and in light of new information that may become available between now and 2030 with respect to impacts of sea level rise on the county.

24-46

The commenter states that the DEIR fails to adequately analyze the impacts of Policy HS.P-9 of the 2008 Draft General Plan with regard to flooding in areas planned for future urban development, as opposed to areas planned for future open space or agricultural use. As shown in Exhibit 4.5-4 in the DEIR, a few areas that are planned for future urban or industrial development occur throughout unincorporated Solano County, including portions of the Middle Green Valley Specific Project Area (SPA), Collinsville, the Lambie Industrial Park SPA, and the proposed Light Industrial area northeast of Dixon. Pursuant to Policy HS.P-9, no permanent structures could be placed within the floodway portion of the 100-year floodplain. Development within the remainder of the 100-year floodplain would be required to comply with the current County floodplain ordinance (Chapter 12.2 of the County Code) and established building requirements for structures within the floodplain. Compliance with Policy HS.P-9 and the existing County flood protection regulations and standards would result in a less-than-significant impact.

The commenter also asks what areas of the county may become part of the floodplain following sea level rise associated with global climate change. As noted on page 6-20 of the DEIR:

With respect to Solano County, certain low-lying areas are already expected to be affected by reasonably foreseeable sea level rise. 2007 projections from the International Panel on Climate Change indicate that sea level could increase by 7–23 inches by 2100 (IPCC 2007a). Both moderate and high projections are expected to result in sea levels that will affect the Bay-Delta area by increasing the frequency, duration, and magnitude of extreme water-level events. Extreme-water-level events are created by a combination of high tides, Pacific climate disturbances such as El Niño, low-pressure systems, and associated storm surges. Extreme-water-level events are expected to increase substantially with elevated sea levels. Given a 1-foot rise in sea level, as predicted in low-end sea level rise projections, the frequency of a

100-year event would increase tenfold. Additionally, elevated sea levels and increased extreme-water-level events may exacerbate flooding in Solano County and significantly expand the county's floodplains.

At the present time, it is not possible to provide the information requested by the commenter (i.e., what specific areas of the county will be in the floodplain) because the state of the science has not evolved to the point where it is possible to know the precise areas that will be affected by sea level rise in Solano County. Such mapping is currently being completed by the San Francisco Bay Conservation and Development Commission, and it will be used in the first phase of the Sea Level Rise Strategic Program, as described in the DEIR.

Please also refer to Response to Comment 26-66.

- 24-47 The commenter states that the DEIR analyzes alternatives to the proposed project based solely on changes to the land use map, rather than proposed policy changes, citing Policy PF.P-21 as an example. Alternatives 2, 3, and 4 as analyzed in Chapter 5 of the DEIR all incorporate proposed modifications to 2008 Draft General Plan policies, including modifications to Policy PF.P-21, placing certain limits on the use of centralized sewage treatment systems (see DEIR pages 5-26, 5-27, 5-38, 5-48, and 5-49). Furthermore, the existing General Plan, described as Alternative 1 to the proposed project, would not include Policy PF.P-21 regarding centralized sewage treatment systems. Thus, a sufficient range of alternatives has been established and analyzed with regard to this policy. Please also refer to Master Response D, "Reasonable Range of Alternatives," in Chapter 2 of this FEIR.
- 24-48 Please refer to Responses to Comments 24-4 through 24-47.
- 24-49 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 24-50 The comment is noted. Please refer to Master Response F, "CEQA Requirements Regarding Recirculation," in Chapter 2 of this FEIR.



# **LETTER 25**

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**DUANE KROMM**

Solano County Orderly Growth Committee

June 2, 2008



**Solano County Orderly Growth Committee**  
4160 Suisun Valley Rd, Suite E710  
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June 2, 2008

Solano County Department of Resource Management—Planning Services  
Attn: Jim Louie  
675 Texas St., Ste. 5500  
Fairfield, CA 94533

Re: Comments on Draft Environmental Impact Report for the  
Solano County General Plan Update

Sent via EMAIL to [jalouie@solanocounty.com](mailto:jalouie@solanocounty.com)

Dear Mr. Louie:

The Solano County Orderly Growth Committee (OGC) has worked for years to help Solano County grow in an environmentally sensitive and economically prosperous manner. We wrote, gathered signatures and campaigned for the passage of Proposition A in 1984.

Proposition A reiterated the long-standing Solano County development philosophy of “What is urban shall be municipal”. In 1994 we again wrote, gathered signatures and were gratified that the Board of Supervisors passed the Orderly Growth Initiative (OGI) which strengthened that same philosophy.

Solano County has prospered under the OGI. Landmark agreements between the County and its seven cities have ensured that property tax sharing and public facility fees have been collected to bolster the County budget and provide for needed infrastructure improvements like the Downtown County Government Center, multiple libraries, a new Juvenile Hall and Health & Social Service facilities.

Solano County has consistently been one of, if not the, fastest growing counties in the Bay Area. This growth has taken place almost exclusively within the city limits of our seven cities. There are challenges, notably the lack of job producing developments in many of our cities and economic struggles within the agricultural community.

We are now troubled by the draft General Plan Update (GPU) and the related Draft Environmental Impact Report (DEIR). Both the GPU and DEIR express a philosophic interest in maintaining the County’s historic pattern of city-centered

development. However, it is abundantly clear that these documents only play lip service to that philosophy.

25-1  
Cont'd

As described in the balance of this letter the DEIR is inadequate in a variety of significant aspects. Our initial comments will be limited to the DEIR's failure to adequately analyze and mitigate impacts related to the OGI.

**1. Inconsistency with City-Centered Development**

**a. MSA's**

The GPU and DEIR muddle the discussion of County development by including land within what should be city controlled Municipal Service Areas (MSA). We concur that many of the environmental evaluations needed, should include total County build-out, including development within cities. However, for the County to include in its maps and development potential the land within city MSA's makes evaluation of County development potential exceedingly difficult.

25-2

The signer of this letter, on behalf of the OGC, is former Supervisor Duane Kromm. Mr. Kromm's personal recollection is that County development potential never previously included land within city sphere's of influence, or MSA's. There was always a clear understanding between cities and the County that cities controlled the land within their MSA's for future development potential.

25-3

The DEIR lacks clarity to show what development potential exists under current County standards, with the OGI in place, versus development potential with MSA land under the control of cities.

25-4

**b. City Centered Development**

The GPU and DEIR consistently state that the County will continue with: "Promoting city-centered development consistent with longstanding County policy that "What is urban shall be municipal" (GPU LU-1).

The actual development planned is dramatically at odds with the above policy. Table 4.1-6 in the DEIR clearly shows dramatic increases in developed acres outside city limits. For example, Rural Residential acreage increases from 5,864 (existing) to 13,721 (GPU). The DEIR and GPU mislead policy makers and the public about the true intent of this GPU. The most obvious available and feasible mitigation to reduce the 23 significant and unavoidable environmental impacts is to actually produce a plan that does what Page 1 of the GPU says is "...a basis for the basic strategies of the Land Use chapter"

25-5

**2. Failure to Fully Consider the County Commissioned Report THE FUTURE OF SOLANO COUNTY AGRICULTURE: WHAT COUNTY GOVERNMENT CAN DO, December 14, 2007, by Kurt R. Richter and Alvin D. Sokolow, University of California Agricultural Issues Center**

U.C. Davis' study provides a marvelous guide to assist with improving Solano County's agricultural economy. Interestingly, the DEIR never acknowledges:

**Recommendation Five**

*Minimize the negative impact of rural residential development in agriculturally zoned areas.*

Simply recognizing and effectively implementing the value of this recommendation as mitigation for loss of agricultural land could serve as feasible mitigation for impacts 4.1-5 and 4.8-1, among others.

25-6

**3. Inadequate Alternative Analysis**

Solano County land use is based on the long standing philosophy of What is Urban Shall be Municipal, as quoted in the GPU. The key to maintaining city centered development has been the existence of Proposition A and the OGI since 1984.

Failure to evaluate an extension of voter protection of agricultural and watershed lands leaves out a meaningful alternative that would substantially reduce the severity of impacts relative to the GPU. Such an alternative analysis should include a dramatic reduction in the acres allocated to rural residential development to be consistent with the County's current GP scenario.

25-7

**4. Failure to Analyze Environmental Impact of Likely City Reaction to GPU**

Solano County has master property tax sharing agreements with each of its cities. It also has an agreement with each city to collect Public Facility Fees for County facilities from development approved in each city.

These agreements are largely responsible for Solano County's superb fiscal health and its ability to build infrastructure for its growing population. The DEIR does not appear to acknowledge these agreements, much less their importance in providing for infrastructure in Solano County.

25-8

The Public Facilities Fee states that "...the impact fee will automatically terminate and any fee based thereon will no longer be imposed nor collected should any of the following events occur:....b. The County fails to maintain the land use policy of "what is urban shall be municipal,"...so long as existing county land uses are subject to limitations on land use development similar to those provided in County Measure "A"...."

Mr. Jim Louie, Solano County Department of Resource Management

June 2, 2008

The City of Vacaville has already begun the process to terminate their agreement with the County due to the GPU.

This is a significant impact under CEQA and must be analyzed and mitigated.

25-8  
Cont'd

The Solano County Orderly Growth Committee appreciates this opportunity to respond to the DEIR and looks forward to working with County staff and policy makers to find ways to mitigate problems contained in the General Plan Update and Draft Environmental Impact Report.

25-9

Sincerely,

Solano County Orderly Growth Committee  
Duane Kromm

- 25-1 The comment is noted.
- 25-2 The commenter alleges that the discussion of County development potential is muddled in the EIR by including Land in the City Municipal Service Areas (MSAs). However, the commenter does not specify exactly how and in which section(s) of the EIR the analysis is muddled. Please refer to Master Response I, “Orderly Growth Initiative,” section 2.9.2, in Chapter 2 of this FEIR.
- 25-3 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 25-4 The 2008 Draft General Plan presents the County’s vision for future growth in Solano County. As part of this, the DEIR fully analyzes how envisioned land uses may conflict with other plans including city general plans and municipal service areas (MSAs) (see Impacts 4.1-2a and 4.1-2b in DEIR Section 4.1, “Land Use”). In addition, the DEIR is not required to analyze development potential of land uses envisioned by cities, including areas in an MSA.
- Subsequently, the DEIR is not required to analyze environmental impacts that could occur between existing County standards and proposed standards. The DEIR analyzes environmental impacts that could occur between existing land uses (i.e., baseline) and land uses envisioned in the 2008 Draft General Plan as required by CEQA.
- 25-5 The County disagrees with the commenter’s assertion that the DEIR and the 2008 Draft General Plan are misleading. Please refer to Master Response I, “Orderly Growth Initiative,” in Chapter 2 of this FEIR, and particularly the portion of the master response (FEIR Section 2.9.2) that addresses MSAs. Please refer also to Response to Comment 22-14.
- 25-6 The DEIR fully and adequately analyzes potential impacts related to the loss of agricultural lands and recommendations for mitigation for potential impacts (see Impacts 4.8-1a and 4.8-1b in Section 4.1, “Agricultural Resources”). Please also refer to Response to Comment 22-12.
- 25-7 The commenter correctly states that the DEIR does not analyze as an alternative the extension of the Orderly Growth Initiative as a means of reducing impacts associated with the 2008 Draft General Plan. The commenter further states that such an alternative should include a dramatic reduction in the acres of land designated for Rural Residential use “to be consistent with the County’s current GP scenario.”
- Please refer to Master Response I, “Orderly Growth Initiative,” and Master Response D, “Reasonable Range of Alternatives,” in Chapter 2 of this FEIR. The concept of considering an extension of the Orderly Growth Initiative as an alternative to the proposed project is infeasible given current regulatory limitations, as well as speculative; as such an alternative would be contrary to the will of Solano County voters as expressed in 2006. Furthermore, consistency with the County’s current General Plan scenario is provided within the DEIR analysis of Alternative 1, No Project—Buildout of the Existing General Plan, beginning on page 5-4 of the DEIR.
- 25-8 The commenter states that the 2008 Draft General Plan is inconsistent with the County’s public facilities fee agreements with the cities. The DEIR’s threshold of significance states that an

impact on land use is considered significant if the proposed project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. It is unclear how the fee agreements or the City of Fairfield exert jurisdiction over the proposed project. It is also unclear how the fee agreements mitigate environmental effects, as “financial burdens” are not considered an environmental impact. Furthermore, it is unclear how the agreements would conflict with the project if such fees were to “automatically terminate” upon “unreasonable” modifications of the *Solano County General Plan*. The fee agreements only provide a method for collecting the fee. Under the agreements, the cities have agreed to collect the fee on the County’s behalf. If the agreements are terminated, the County still has the authority to collect the fee and would utilize another method to do so.

25-9

The comment is noted.

## **LETTER 26**

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**MATTHEW D. ZINN**

Shute, Mihaly & Weinberger LLP

June 2, 2008



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June 2, 2008

Solano County Department of Resource Management—Planning Services  
Attn: Jim Louie  
675 Texas St., Ste. 5500  
Fairfield, CA 94533

Re: Comments on Draft Environmental Impact Report for the Solano  
County General Plan Update

Dear Mr. Louie:

We have been retained by the Solano County Orderly Growth Committee, Greenbelt Alliance, the Green Valley Landowners' Association, and the Solano Group of the Redwood Chapter of the Sierra Club (collectively "clients") to review and comment on the environmental impact report prepared by the County for the Solano County General Plan Update ("GPU"). This letter provides our initial comments on the Draft Environmental Impact Report ("DEIR"). Due to the limited time available for our review and comment, we will likely submit additional comments on the EIR and GPU after the close of the public comment period.

Our clients have extensive experience with land use planning in Solano County, where they have worked over the years to ensure that the County plans for sensible growth that is protective of human health and the environment.

- The Solano County Orderly Growth Committee ("OG") is a grassroots political action organization dedicated to protecting Solano County's farmlands and open spaces from urban sprawl. OG sponsored the landmark Proposition A in 1984 and its extension as the Orderly Growth Initiative ("OGI") in 1994.
- Greenbelt Alliance is the Bay Area's advocate for open spaces and vibrant places. Since 1958, Greenbelt Alliance has worked to protect natural areas and

working farms while directing growth to make the region's cities better places to live, through public policy, research, and education.

- The Green Valley Landowners Association is dedicated to the protection of the unique resources and rural character of Green Valley and to upholding the integrity of the Solano County General Plan upon which it depends.
- The Sierra Club is a non-profit organization whose mission is to explore, enjoy and protect the wild places of the earth; practice and promote the responsible use of the earth's ecosystems and resources; educate and enlist humanity to protect and restore the quality of the natural and human environment; and use all lawful means to carry out these objectives.

As described below, the DEIR is insufficient in many important respects. The DEIR inadequately describes development proposed by the GPU, inadequately analyzes the impacts of that development, omits or inadequately specifies feasible mitigation for those impacts, and fails to evaluate a reasonable range of feasible alternatives that would reduce the severity of impacts. The pervasive flaws in the document demand that the DEIR be substantially modified and recirculated for review and comment by the public and public agencies.

26-1

## I. GENERAL COMMENTS

The following are our general comments on the legal inadequacies of the DEIR. More specific comments on individual sections of the document follow.

### A. The DEIR's Use of Two Development Scenarios in the Project Description and Impact Analysis Is Misleading and Unlawful.

The DEIR purports to analyze the impacts of the GPU under two "scenarios": a "Maximum Development Scenario" that describes full buildout of the GPU, and a "Preferred Plan" scenario that assumes that development will occur only at the "midpoint" of the range of densities authorized by the GPU. DEIR at 3-24. As the impacts of those "scenarios" are presented, the dual scenario approach is misleading, underestimates the impacts of the project as proposed, and is not supported by substantial evidence.

26-2

Courts have consistently held that an EIR must examine a project's *potential* to impact the environment, even if the development may not ultimately materialize. *Bozung v. Local Agency Formation Comm'n*, 13 Cal. 3d 263, 279, 282 (1975). Because general plans serve as the crucial "first step" toward approval of future development projects, a general plan EIR must evaluate the amount of development actually allowed by the plan. *City of Carmel-By-the-Sea v. Bd. of Supervisors of Monterey County*, 183 Cal. App. 3d 229, 244 (1986); *City of Redlands v. County of San*

26-3

*Bernardino*, 96 Cal. App. 4th 398, 409 (2002). Thus, an agency may not avoid analysis of such development merely because historic and projected land use trends indicate that the development might not occur. (As described below, moreover, that conclusion is not supported here.)

26-3  
Cont'd.

This firm has recently litigated a case with nearly identical facts to the present situation. In that case, *Sierra Watch v. Placer County* (Placer County Superior Court No. SCV 16652), Placer County's EIR for the Martis Valley Community Plan ("MVCP") analyzed a level of development substantially lower than the full level of development approved by the Plan. Like the DEIR here, Placer County's EIR assumed that full build-out would be unrealistic based on historic growth patterns, environmental constraints, and developer desires. See Decision Granting Writ of Mandamus ("Decision") at 7, attached hereto as Exhibit 1. The MVCP EIR thus reduced the level of development actually allowed by the MVCP to an ostensibly more "realistic" level that was likely to occur in MVCP area. Placer County even simultaneously adopted a zoning ordinance to restrict development to the amount analyzed in the EIR. The court resoundingly rejected the County's approach. In a decision issued on May 3, 2005, the court held, "The time to study the likely affects of specific and cumulative impacts is at the time that the potential for development is known, whether or not that development actually occurs." Decision at 13 (citing *Christward Ministry v. Superior Court*, 184 Cal. App. 3d 180, 194 (1986), and *Bozung*, 13 Cal. 3d at 263).

In *San Joaquin Raptor Rescue Center v. County of Merced*, 149 Cal. App. 4th 645 (2007), the Court of Appeal recently confirmed the soundness of the court's decision in *Sierra Watch*. The project at issue in *San Joaquin Raptor* was a new Conditional Use Permit ("CUP") for an existing aggregate mine and processing operation. The new CUP authorized a maximum production level of 550,000 tons per year, which was an increase over existing levels. However, historic mine production rates indicated that actual production could be less than the theoretical maximum. Based on historic rates and projected future rates, the EIR "estimated average production of about 260,000 tons per year." *Id.* at 655. The court held that the EIR's identification of the estimated average in the project description, rather than the maximum level of production authorized by the CUP, violated CEQA. The court stated: "By giving such conflicting signals to decisionmakers and the public about the nature and scope of the activity being proposed, the Project description was fundamentally inadequate and misleading." *Id.* at 655-56.

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Further, citing *Christward Ministry* for the proposition that an "EIR must analyze [the] entire development that is allowed by [the] project's approval," the court found that the EIR must analyze the full level of production authorized in the CUP. *Id.* at 660. As explained by the court, "Peak mine operations of 550,000 tons per year was an aspect of the Project itself, as well as a reasonably foreseeable use, and thus the environmental effects thereof clearly had to be analyzed in the EIR." *Id.*

The Court of Appeal in *Stanislaus Natural Heritage Project v. County of Stanislaus*, 48 Cal. App. 4th 182 (1996), reached a similar conclusion in a slightly different context. The county argued that an EIR can avoid providing a full analysis of water supply for future phases of a proposed development project because the EIR included a mitigation measure that would prevent development of those future phases until a water supply had been identified. The court rejected this argument and held that a lead agency must assume that a project will be developed *as planned* and must evaluate the impacts of the *planned* project, not a potential, more limited project. *Id.* at 205-06.

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Cont'd.

The County here cannot assume that development in fact will stop short of that which is planned. If the County would like to limit its analysis to a predicted amount of growth, it must also limit the allowable development to that lower level by placing restrictions on growth in the GPU itself. As explained by the court in *Sierra Watch*,

The County could have enacted the maximum densities [that were analyzed in the EIR] for each individual parcel as part of the MVCP. But they did not. The County could have enacted a Community Plan which set an absolute maximum figure for total residential and commercial development in the Martis Valley. But they did not. Instead, the County left the door open to increases in both residential and commercial development in conformity with the MVCP, but beyond the scope of the development described in the EIR. The MVCP builds in opportunities to create environmental mischief.

26-5

Decision at 12.

In sum, the *project* that must be analyzed in the DEIR is the Maximum Development Scenario, not the so-called "Preferred Plan."<sup>1</sup> As a result, the focus on the Preferred Plan (and indeed the name itself) is fundamentally misleading to the public and decision makers, leading both to underestimate the impacts of the project as proposed to be approved. The DEIR cannot create such fundamental confusion about what the "project" is and what its impacts are likely to be.

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Further, the DEIR's analysis of impacts is fatally flawed because the analysis of the Maximum Development Scenario is purely perfunctory. That analysis is limited to generic statements that the impact will be of the same kind as that caused by the Preferred Plan, only worse. For just one of numerous examples, Impact 4.2-2a quantifies emissions of ROGs, NOx, and PM10 under the Preferred Plan, DEIR at 4.2-26,

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<sup>1</sup> The use of the phrase "Preferred Plan" is ironic. If the density and intensity of the "Preferred Plan" are in fact preferred by the County, the GPU should only authorize that development. Instead, what the County is proposing to authorize is Maximum Development.

but the discussion of Impact 4.2-2b for the Maximum Development Scenario states only that “This impact is similar to Impact 4.2-2a for the Preferred Plan, except that anticipated population and development under the Maximum Development Scenario would be greater than that under the Preferred Plan, and therefore emissions would be equivalent or higher.” DEIR at 4.2-28. The DEIR makes no attempt to quantify those air quality impacts for the Maximum Development Scenario despite the fact that that “scenario” is *the project*. Moreover, we were unable to find *any* impact for which the DEIR identifies more or different mitigation for the Maximum Development Scenario as compared to the Preferred Plan.

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Cont'd.

Finally, the DEIR does not provide substantial evidence to support its conclusion that the Preferred Plan represents the most realistic scenario for actual development under the GPU. The sum total of the explanation for analyzing the impacts of less than full buildout of the GPU is as follows: “The use of the midpoint was based on an analysis of past developed patterns. Development in unincorporated Solano County tends to be at the midpoint or less of the permitted General Plan density/intensity ranges.” DEIR at 3-24. The document provides no substantiation for this conclusory assertion.

26-8

Putting aside the lack of evidence to support use of the midpoint, even the DEIR’s cursory explanation does not support use of the Preferred Plan scenario. The DEIR states the Preferred Plan is based on “[d]evelopment in unincorporated Solano County.” DEIR at 3-24. But the GPU also provides land use designations within Municipal Service Areas (“MSAs”), which will be developed once the land is annexed to the relevant city. The DEIR does, as it must, analyze the impacts of that future city development. Accordingly, the Preferred Plan must be based on experience with actual buildout of *both* unincorporated County land and incorporated city land. The DEIR does not support the conclusion that incorporated city land is typically developed only at “the midpoint of the permitted density/intensity range.”

26-9

Finally, assuming for purposes of argument that the Preferred Plan scenario does represent a more realistic view of development over the planning period, it is a lopsided view that only takes into account factors that tend to limit development. If the DEIR is to focus not on the plan as adopted, then it must also evaluate the potential impacts of the additional, presently-unplanned development that is likely to occur through individual general plan amendments after expiration of the OGI. Land use designations are not—absent protections such as the OGI—set in stone. Development projects are frequently built where the general plan, as adopted, would prohibit development. Indeed, the GPU implicitly acknowledges this fact, by, for example, requiring mitigation for “a general plan amendment that changes the designation of any land from an agricultural to a nonagricultural use.” GPU at AG-29 (Policy AG.P-4(a)); *see also id.* at RS-19 (Program RS.I-7, requiring findings “to allow General Plan Amendments within the Resource Conservation Overlay that redesignate land from the Agriculture, Marsh, Watershed, or Park and Recreation designations to a use other than

26-10

those listed above”). If the DEIR is to depart from the principle that the project as planned must be analyzed, it must take into account factors that would both limit *and expand* likely development.

26-10  
Cont'd.

**B. The DEIR Improperly Attempts to Avoid Analysis and Mitigation of GPU Impacts By Concluding that They Are Significant and Unavoidable.**

Where all available and feasible mitigation measures have been proposed but are inadequate to reduce an environmental impact to a less-than-significant level, an EIR may conclude that the impact is significant and unavoidable, and if supported by substantial evidence, the lead agency may make findings of overriding considerations and approve the project anyway. *See* Cal. Code Regs., tit. 14 (“CEQA Guidelines”), §§ 15091, 15093, 15126.2. Crucially, however, the lead agency cannot simply throw up its hands, conclude that an impact is significant and unavoidable and move on. A conclusion of residual significance does not excuse the agency from (1) performing an thorough evaluation and description of the impact and its severity before and after mitigation, and (2) proposing *all* feasible mitigation to “substantially lessen the significant environmental effect.” CEQA Guidelines § 15091(a)(1); *see also id.* § 15126.2(b) (requiring an EIR to discuss “any significant impacts, *including those which can be mitigated but not reduced to a level of insignificance*” (emphasis added)). “A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely.” 1 Stephen Kostka & Michael Zischke, *Practice Under the California Environmental Quality Act* § 14.6 (2d ed. 2008).

26-11

The DEIR finds a staggering 23 areas of significant and unavoidable impacts (not treating as separate impacts those of the Preferred Plan and Maximum Development Scenario). As detailed below, in numerous instances, the DEIR fails to thoroughly assess impacts deemed to be significant and unavoidable or to identify all feasible mitigation measures to reduce the severity of the impacts.

**C. Changes to the Land Use Designations and Densities and Intensities Proposed in the GPU Are Feasible Mitigation Ignored by the DEIR.**

For many of the GPU’s 23 significant and unavoidable impacts, the DEIR concludes that no feasible mitigation is available. Nevertheless, nowhere in the DEIR does the document consider changes to land use designations or densities and intensities as potential mitigation. CEQA requires the EIR to consider such mitigation.

26-12

The County cannot approve projects with significant environmental impacts if feasible mitigation measures are available to substantially lessen the severity of those effects. Pub. Res. Code § 21002; CEQA Guidelines § 15126(a). Moreover, the County is legally required to mitigate or avoid the significant effects of the projects it approves

26-13

whenever it is feasible to do so. Pub. Res. Code § 21002.1(b). “In the case of the adoption of a plan, policy, regulation, or other public project [such as the GPU], mitigation measures can be incorporated into the plan, policy, regulation, or project design.” CEQA Guidelines § 15126.4(a)(2). Mitigation is defined by CEQA to include “[m]inimizing impacts by limiting the degree or magnitude of the action and its implementation.” CEQA Guidelines § 15370(b). Nothing the statute, Guidelines, or case law limits the County to proposing new “policies” as mitigation, as opposed to proposing changes in where development is planned, what kind is planned, and how dense or intense that development is planned to be, i.e., changes to land use diagram and land use designations.

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There is no indication that the DEIR considered modifications to land use designations or densities and intensities as mitigation for GPU impacts. In fact, those changes are the easiest, most effective, and most obvious responses to many of the GPU’s impacts. For example, of the 16,698 acres of land designated in the GPU for residential development, 13,721 acres are low density Rural Residential. DEIR at tbl. 3-2. Reductions in land designated Rural Residential would go a long way toward reducing numerous GPU impacts, such as air quality, climate change, biological resources, agriculture, traffic, wildfire hazards, and flood risks.

**D. Merely Hortatory General Plan Polices Are Inadequate as Mitigation for CEQA Purposes.**

Mitigation measures proposed in an EIR must be “fully enforceable” through permit conditions, agreements, or other legally binding instruments. Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2). Many of the GPU policies and programs relied on to mitigate impacts are vague, optional, directory, or otherwise unenforceable. A few examples—out of numerous instances—include the following (emphases added):

- Policy HS.P-43—“*Support* land use, transportation management, infrastructure and environmental planning programs that reduce vehicle emissions and improve air quality.” DEIR at 4.2-27 (Impact 4.2-2).
- Program HS.I-54—“*Consider* a trip reduction ordinance and incentives to encourage employers to increase telecommuting, provide bicycle facilities, and access to public transit for employees, including County employees.” DEIR at 4.2-27 (Impact 4.2-2).
- Goal TC.G-3—“*Encourage* land use patterns which maximize mobility options for commuting . . . .” DEIR at 6-40 (Impact 6-2.1).

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- Program TC.I-1—“Support proposals by County departments and agencies to sponsor alternative fuel vehicles.” DEIR at 6-41 (Impact 6-2.1).

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Cont'd.

A general plan’s goals and policies are necessarily somewhat vague and aspirational. However, the County may rely on such policies to mitigate environmental impacts under CEQA only if they are proposed to be implemented through specific implementation programs that represent a firm, enforceable commitment to mitigate. See *Napa Citizens for Honest Gov’t v. Napa County Bd. of Supervisors*, 91 Cal. App. 4th 342, 358 (2001) (citing *Rio Vista Farm Bureau Center v. County of Solano*, 5 Cal. App. 4th 351, 377 (1992)). CEQA requires that mitigation measures actually be implemented—not merely adopted and then disregarded. *Anderson First Coalition v. City of Anderson*, 130 Cal. App. 4th 1173, 1186-87 (2005); *Fed’n of Hillside & Canyon Ass’ns v. City of Los Angeles*, 83 Cal. App. 4th 1252, 1261 (2000). By contrast, the GPU’s vague and noncommittal policies and programs (and policies for which no implementation programs are identified) allow the County to decide to take no action and thus fail to mitigate impacts.

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As a result, the DEIR cannot ensure that the policies relied on will in fact be implemented to mitigate the GPU’s impacts, and therefore they cannot serve as CEQA mitigation. See *Anderson First*, 130 Cal. App. 4th at 1186-87.

**E. The DEIR Must Be Substantially Modified and Recirculated for Public Review and Comment.**

CEQA requires recirculation of an EIR when significant new information is added to the document after notice and opportunity for public review was provided. Pub. Res. Code § 21092.1; CEQA Guidelines § 15088.5. “Significant new information” includes: (1) information showing a new, substantial environmental impact resulting either from the project or from a mitigation measure; (2) information showing a substantial increase in the severity of an environmental impact not mitigated to a level of insignificance; (3) information showing a feasible alternative or mitigation measure that clearly would lessen the environmental impacts of a project and the project proponent declines to adopt the mitigation measure; or (4) instances where the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft EIR was essentially meaningless. CEQA Guidelines § 15088.5(a); *Laurel Heights Improvement Ass’n v. Regents of the Univ. of Cal.*, 6 Cal. 4th 1112, 1130 (1993) (“*Laurel Heights II*”).

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The DEIR must be revised and recirculated. As described throughout this letter, the EIR must be revised in ways that would add significant, new information showing new, substantial environmental impacts or substantial increases in the severity of significant environmental impacts. Moreover, the flaws noted above, particularly the DEIR’s use of the Preferred Plan and Maximum Development Scenario, constitute

precisely the sort of pervasive flaws in the document that independently require recirculation under Guidelines section 15088.5(a)(4). *See Mountain Lion Coalition v. Fish & Game Comm'n*, 214 Cal. App. 3d 1043, 1052-53 (1989).

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Cont'd.

## II. PROJECT DESCRIPTION

Under CEQA, the inclusion in the EIR of a clear and comprehensive description of the proposed project is critical to accurate analysis of impacts and meaningful public review. *County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185, 193 (1977) ("*Inyo I*"). The court in *Inyo II* explained why a thorough project description is necessary:

A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance.

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71 Cal. App. 3d at 192-93. "A curtailed, enigmatic or unstable project description draws a red herring across the path of public input." *Id.* at 197-98; *see also San Joaquin Raptor Rescue Ctr.*, 149 Cal. App. 4th at 655-57 (invalidating EIR for misleading project description").

The DEIR's project description falls short of this standard in several important ways.

### A. The DEIR Does Not Sufficiently Describe the MSAs.

The DEIR's description of the MSAs is vague. The DEIR seems to imply, but never clearly states, that development in the MSAs would be prohibited under the Urban Residential, Urban Commercial, and Urban Industrial designations until the land has been annexed. It states, "Within MSAs, future development of urban land uses would be *facilitated* and served through city annexation. Existing land uses within MSAs would continue under the County's jurisdiction until the land is annexed to the city for conversion to urban uses." DEIR at 3-4 (emphasis added). The latter sentence seems to imply that urban development would be prohibited prior to annexation, but the prior sentence's uses of the word "facilitated" creates confusion. If urban development is prohibited pending annexation, why not just say that? The DEIR's creation of confusion on this critical issue is a fatal flaw in the project description. *See Joaquin Raptor Rescue Ctr.*, 149 Cal. App. 4th at 655-57.

26-18

The GPU provides some additional clarity, but the reader cannot be expected to piece together the project description from documents beyond the EIR. *See*

*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova*, 40 Cal. 4th 412, 442 (2007) . The GPU states that “A change in land use of unincorporated lands within MSAs should be permitted only for temporary uses until annexed for urban development.” GPU at LU-12. This indicates that urban uses must await annexation. But it also creates a further question that is unanswered in either the GPU or the DEIR’s project description: what are the “temporary uses” that would be allowed in MSAs? How were these uses addressed in the DEIR, if at all? We have found no description of what “temporary” uses might be. Depending on the interpretation of that term, the exception could very easily swallow the rule.

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Cont'd.

Finally, assuming urban development is prohibited until annexation, it is unclear how the zoning and entitlement process would work. How will the County amend its zoning ordinance to be made consistent with the GPU? Will the zoning ordinance state that urban uses will not be approved by the County? How would the County respond to a project application for urban uses in the MSAs prior to annexation? The response to comments should provide clear answers to these questions.

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**B. The DEIR Does Not Sufficiently Describe the Specific Project Area Designation.**

The DEIR does not describe the density and intensity of uses assumed for the specific project areas. Table 3-2 identifies total dwelling units and nonresidential floor area along with total acreage, but the document provides no way of converting to density and intensity because the reader cannot determine the relative proportions of the acreage to be dedicated to residential and nonresidential development. The discussion of individual impact areas below demonstrates the importance of an accurate understanding of the density and intensity of land uses projected to occur under the plan.

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Moreover, these appear to be substantial urban uses proposed for the unincorporated county. That fact is in stark contrast to the principle “what is urban shall be municipal” that the GPU ostensibly seeks to reflect. These urban uses demand more careful explanation.

**C. The Omissions in the Project Description Reflect the GPU’s Violations of the General Plan Law.**

When one reviews the GPU to compensate for the insufficient project description in the DEIR, it appears that the GPU fails to define uses and densities and intensities for some land uses. This violates the provisions of the Planning and Zoning Law governing general plans.

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Government Code section 65302(a) states, in part, that a general plan must include,

A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. . . . *The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan.*

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Cont'd.

Emphasis added. On its face, the italicized language prohibits cities and counties from creating “white holes” in their general plans where land use densities and intensities are not specified.

The GPU appears to do just that in two areas. First, with respect to the Specific Project Areas, the GPU indicates that the designation “Provides for future development after adoption of a specific plan. This designation is applied to areas where future development and conservation objectives have not been fully defined and will be subject to future planning studies.” GPU at LU-21. It states the densities and intensities have been “*assumed* for purposes of evaluating the environmental impacts associated with future development of these areas.” *Id.* (emphasis added). The Specific Project Area designation conflicts with the italicized language in section 65302(a) because the GPU does not establish “standards of population density and building intensity recommended for” the designated areas. *See Camp v. Bd. of Supervisors*, 123 Cal. App. 3d 334, 349-50 (1981) (general plan failed to identify densities for particular designated areas). It does not matter that the County expects to later prepare specific plans for the Specific Project Areas. The General Plan law makes no exception for areas contemplated for specific plans, and the statutes governing specific plans do not modify the requirements for a general plan.

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The MSA designations also appear to violate this provision, though we have previously noted the ambiguities in the designation. The GPU does not include “a statement of the standards of population density and building intensity” for uses prior to annexation. For example, while the GPU authorizes “temporary uses” prior to annexation, GPU at LU-12, the GPU does not identify densities and intensities for these temporary uses and thus violates section 65302(a).

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### III. SPECIFIC IMPACT COMMENTS

#### A. Land Use

##### 1. The DEIR Does Not Adequately Describe the Land Use Changes Proposed by the GPU.

The DEIR does not adequately describe where new development is proposed under the GPU. This is a flaw in both the project description and the description of the environmental setting for land use impacts. It results in an incomplete analysis of the GPU's environmental impacts.

As noted in the previous section, an accurate project description is essential to an accurate and thorough analysis of impacts. A second indispensable component of a complete assessment of project impacts is an accurate depiction of existing environmental conditions. Investigating and reporting existing conditions are "crucial function[s] of the EIR." *Save Our Peninsula Comm. v. Monterey County*, 87 Cal. App. 4th 99, 122 (2001) ("SOPC"). "[W]ithout such a description, analysis of impacts, mitigation measures and project alternatives becomes impossible." *County of Amador v. El Dorado County Water Agency*, 76 Cal. App. 4th 931, 953 (1999). Decision makers must be able to weigh the project's effects against "real conditions on the ground." *City of Carmel-by-the-Sea*, 183 Cal. App. 3d at 246. "Because the chief purpose of the EIR is to provide detailed information regarding the significant environmental effects of the proposed project on the physical conditions which exist within the area, it follows that the existing conditions must be determined." *SOPC*, 87 Cal. App. 4th at 120 (internal quotation marks omitted).

Although the DEIR provides a tabular presentation of acreage and dwelling units or floor area of existing uses and uses proposed in the GPU, the DEIR does not show or describe *where* the new uses proposed would represent changes from existing uses. The discussion of existing conditions is inadequate because the DEIR provides no map of existing land uses, only existing land use *designations* (in the discussion of the no-project alternative). See CEQA Guidelines §§ 15140, 15147. The DEIR also provides no information about the existing density and intensity of uses. Complementarily, the project description is inadequate because the DEIR does not provide a map showing where new growth is planned relative to existing development. As a result, while the reader can discern from Table 3-2, for example, that the GPU plans a massive increase in the number of dwelling units in the County, the reader is left to guess both (1) whether this increase represents an increase, decrease, or no change in the density of housing, and (2) where that new housing will be located relative to existing housing.

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This missing information is crucial to a thorough understanding of many of the GPU's impacts. Air quality, climate change, traffic, and land use inconsistency impacts are a few examples of impacts determined in part by the location and density of development. The reader cannot determine whether the GPU moves the County in the right direction with respect to these impacts—toward more compact, urban development rather than low-density sprawl—or whether it exacerbates those impacts by planning for new development distant from existing development. For example, the Land Use Diagram shows a large area of low-density Rural Residential development north of the City of Vacaville, but leaves to the imagination the extent to which (1) there is existing low density development in that area, and more importantly (2) whether the area designated for Urban Residential development in the northern portion of the City's MSA is already developed. If the latter is not true, new Rural Residential development would be inefficient, "leapfrog" development that can and should be mitigated through phasing (or by elimination from the GPU). Under CEQA, the reader—members of the public and decision makers—cannot be left to guess about these important issues.

26-26

**2. The GPU Is Inconsistent With the County's Public Facilities Fee Agreements With the Cities (Impact 4.1-2).**

The DEIR concludes that the GPU is not inconsistent with any land use plans or regulations, and thus that this impact is less than significant. In fact, the GPU is inconsistent with a series of agreements that the County has entered with cities in the County to provide for the cities' collection of public facility impact fees on the County's behalf. As an example, a copy of the agreement with the City of Fairfield is attached hereto as Exhibit 2 ("Public Facility Fee Agreements").

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The DEIR's applicable threshold of significance states that the GPU would have a significant impact if it would "conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect." DEIR at 4.1-10. The Public Facility Fee Agreements constitute "policies" for the purpose of mitigating environmental effects, specifically effects of new development on County services and facilities. *See* Public Facility Fee Agreements at 1 (fee designed to "ease some of the uncompensated financial burdens which can be attributed to the impact that growth has on County public facilities," including "regional parks and recreation, environmental resources and air quality").

26-28

The agreements state explicitly that

the impact fee will automatically terminate and any fee based thereon will no longer be imposed nor collected should any of the following events occur: . . . . b. The county fails to maintain the land use policy of "what is

urban shall be municipal,” or unreasonably modifies, amends, or alters the Solano County General Plan to increase existing densities or existing designations of residential, commercial and industrial land uses as presently in place or presently under study, and so long as existing county land uses are subject to limitations on land use development similar to those provided in County Measure “A,” whether those provisions continue in effect by act of the electorate or are imposed by the board of supervisors.

Public Facility Fee Agreement at 2-3. The GPU triggers this termination provision because it plans for a significant increase in the amount of urban uses in the unincorporated County. New commercial and industrial development, the Specific Project Areas, and low density residential development are all slated to expand significantly. DEIR at tbl. 4.1-6. This is both inconsistent with the “what is urban shall be municipal” policy and represents an “unreasonabl[e] . . . increase existing densities or existing designations of residential, commercial and industrial land uses.” Further, Measure A (the OGI) remains applicable in the County. Accordingly, the GPU violates the Agreements and will trigger their termination. This is a significant impact under the DEIR’s own significance thresholds.

26-28

**3. The DEIR Neglects Feasible Mitigation for the GPU’s Incompatibility with Established Land Uses (Impact 4.1-4).**

The DEIR notes that land uses newly designated in the GPU can be inconsistent with existing land uses, particularly agricultural land uses. The document identifies mitigation but concludes that the impact is significant and unavoidable. In violation of CEQA, the DEIR has not considered all feasible mitigation measures.

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The DEIR does not include a mandatory buffer requirement to reduce land use conflicts between agricultural and non-agricultural uses in the unincorporated County. Policy AG.P-16 addresses buffers, but only “encourages” use of buffers, and even then, only within MSAs. See GPU at AG-30. To be sure, the County could not mandate buffers on annexed land, but it can mandate buffers between agricultural and non-agricultural uses in the unincorporated County. Mandatory agricultural buffers are a common component of general plans in agricultural counties. See, e.g., Stanislaus County General Plan, *Agricultural Element*, at 7-8 & App. A (Policy 1.10 and Buffer and Setback Guidelines), excerpts of which are attached hereto as Exhibits 3 (Policy 1.10) & 4 (Appendix A); see also William C. Sullivan et al., *Agricultural buffers at the rural-urban fringe: an examination of approval by farmers, residents, and academics in the Midwestern United States*, 69 *Landscape & Urban Planning* 299 (2004), attached hereto as Exhibit 5. In addition to reducing land use conflicts, agricultural buffers may provide habitat and water quality co-benefits. *Id.* at 301 (citing studies).

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Further, the DEIR neglects mitigation to restrict the location of building envelopes on Rural Residential parcels as a means of reducing land use conflicts. See Kurt R. Richter and Alvin D. Sokolow, University of California Agricultural Issues Center, *The Future of Solano County Agriculture: What County Government Can Do; Final Report and Recommendations Solano Agricultural Futures Project* (Dec. 2007), attached hereto as Exhibit 6. Richter and Sokolow recommend the following measures:

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Options for avoiding in the future such inefficiencies and negative impacts on agricultural production include size and locational controls on new residences, confining them to parcel edges and corners—perhaps in cluster arrangements with homesites on adjacent parcels—and providing incentives for new purchasers to keep their land in agricultural production.

*Id.* at 6. Neither the GPU nor the DEIR require clustering, but rather only “encourage” it. DEIR at 4.6-38 (citing GPU Policy LU.P-17). Neither the DEIR nor the GPU appears to impose other “locational controls” on Rural Residential development as recommended by the Solano Agricultural Futures Project, which was commissioned by Solano County for the purpose of improving the agricultural economy in the County. *Id.* at 1.

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**4. The DEIR Improperly Concludes that Mitigation for Inducement of Population Growth Is Infeasible (Impact 4.1-5).**

As the DEIR acknowledges, even under the conservative assumptions of the Preferred Plan scenario, the GPU would provide a massive oversupply of housing relative to the projections of both the 2005 Housing Element and the Regional Housing Needs Assessment of the Association of Bay Area Governments (“ABAG”). It would therefore generate population growth far beyond that anticipated by ABAG. DEIR at 4.1-21. The DEIR concludes that there is no feasible mitigation for this impact under either the Preferred Plan or Maximum Development Scenario, because reduction in the number of planned residential units would increase the cost of housing and thus conflict with policies included in the Housing Element.

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This conclusion is flawed on several levels. First, the DEIR does not identify the Housing Element policies with which the mitigation is asserted to be inconsistent. As a result, there is no way for the public or decision makers to evaluate the DEIR’s claim of inconsistency.

Second, the conclusion of infeasibility is illogical. The DEIR acknowledges that the County has no unmet housing needs under the Housing Element. DEIR at 4.1-21. If the GPU plans for an enormous increase in housing beyond that identified as needed in the Housing Element, how could measures that reduce that oversupply be inconsistent with the Housing Element? Stated otherwise, if the DEIR is correct in its conclusion of infeasibility, then the Housing Element must be internally

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inconsistent, in violation of the General Planning Law, *see* Gov't Code § 65300.5, because it has planned for inadequate housing.

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Cont'd.

Finally, like all of a DEIR's conclusions, a conclusion of infeasibility must be supported by substantial evidence. *See Lincoln Place Tenants Ass'n v. City of Los Angeles*, 130 Cal. App. 4th 1491, 1509 (2005). The DEIR supplies none. It proffers no evidence for the conclusion that a reduction in supply of housing will increase the cost of housing, let alone evidence of how *much* of an increase in cost would occur. How much would a one-unit reduction of housing designated in the GPU increase the price of homes in Solano County? \$10 per unit? \$1,000 per unit? \$10,000 per unit? To support its conclusion, the DEIR must provide at least a rudimentary analysis that projects the price increases that could be expected to accompany a given decline in supply. A \$1 increase in the cost of a single family home cannot possibly be deemed such a fundamental conflict with the (unknown) Housing Element policies as to make a mitigation measure infeasible. Indeed, the mitigation discussion leads to the absurd conclusion that a reduction of designated residential land in the GPU by a single dwelling unit is inconsistent with the Housing Element policies because it would produce some (unstated, but surely de minimis) increase in home prices. If true, Alternatives 1, 2, and 4 described in the DEIR would be infeasible on their face, because they would provide less housing than the GPU, and therefore ostensibly increase the cost of housing relative to the GPU. Numerous GPU policies are also sure to raise the price of housing and thus, by the DEIR's logic, be inconsistent with the Housing Element.

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## **B. Air Quality**

### **1. The DEIR Omits Feasible Mitigation for Air Quality Impacts Due to Construction Activity (Impact 4.2-1).**

The DEIR provides two mitigation measures, including several best management practices, to reduce criteria pollutant emissions from construction equipment and fugitive dust emissions from construction sites. DEIR at 4.2-24 to -25. The document concludes, however, that the impact will remain significant and unavoidable. The DEIR neglects a more fundamental and effective mitigation measure. Reduction in the amount of construction required under the GPU, such as reducing the number of parcels designated for residential development, would reduce construction-related emissions more effectively than attempting to control emissions from equipment and fugitive sources. As described above in Section I.C, such a change in the GPU is an appropriate mitigation measure under CEQA.

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Similarly, reducing the acreage proposed for development in remote areas would reduce transportation related construction emissions, such as those associated with moving equipment to and from construction sites and hauling excavated soil away from

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construction sites.<sup>2</sup> Shorter haul routes for soil removal during grading and site preparation would also reduce fugitive dust emissions from hauled material.

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Cont'd.

**2. The DEIR Ignores Indirect Operational Emissions Associated with Energy Use (Impacts 4.2-2 and 4.2-3).**

The DEIR states that “Future changes to air pollutant emissions in Solano County were computed based on VMT estimates because most air pollutant emissions associated with land use development occur from vehicle use.” DEIR at 4.2-26. (Some area-source emissions were also apparently modeled.) While “most” (presumably meaning more than 50%) emissions may be associated with transportation, the DEIR’s focus on VMT, and to some extent area sources, ignores substantial operational emissions associated with new development, particularly in the form of emissions from power plants that will provide electricity to that new development. Over 50% of electricity used in California is generated from the combustion of natural gas or coal, *see* Exhibit 7, both of which produce emissions of criteria pollutants and ozone precursors.

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The DEIR improperly ignores these emissions. An EIR must consider both the direct and indirect impacts of a project. *See* CEQA Guidelines §§ 15064(d), 15358(a). “Indirect or secondary effects . . . are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable.” *Id.* § 15358(a)(2). Air emissions from non-transportation energy use are reasonably foreseeable indirect impacts. The DEIR should (1) identify the principal sources of electricity for the County (which are identified in the Energy section of the DEIR) and the quantities of air pollutant emissions produced per unit of electricity generated by those sources, (2) provide estimates of average electricity demand by type of land use (e.g., per dwelling unit, per 1,000 square feet of commercial or industrial development), and (3) based on the foregoing, estimate the emissions that would be generated to serve the new development contemplated by the GPU.

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The DEIR must also consider feasible mitigation measures to reduce those impacts. Although the DEIR does not address energy-related emissions, proposed Mitigation Measure 4.2-3a includes a number of measures that could reduce energy use and therefore reduce indirect emissions from energy generation (though the emission reductions from those measures are not identified). Nonetheless, additional feasible measures exist. For example, a policy and implementation program could be added to the GPU to expand installation of distributed renewable energy generation, such as PV solar, solar thermal, and small wind systems. One potential measure would require the

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<sup>2</sup> As noted elsewhere in this letter, reducing development in remote areas of the County will also serve to mitigate other impacts, such as operational emissions of criteria pollutants and greenhouse gases caused by such high vehicle-miles-traveled (“VMT”) development. It is also mandated by Policy CLP-3.

installation of a solar or equivalent wind energy system as a condition of approval for homes over a given size (e.g., 150% of the median home size in the County). The larger the home, the greater the energy demand to heat, cool, and light. See Reid Ewing & Fang Rong, *The Impact of Urban Form on U.S. Energy Use*, Hous. Policy Debate (19:1) (2008), attached hereto as Exhibit 8; Behjat Hojjati & Stephanie J. Battles, Energy Information Administration, U.S. Dep't of Energy, *The Growth in Electricity Demand in U.S. Households, 1981-2001: Implications for Carbon Emissions* (undated), available at <[http://www.eia.doe.gov/emeu/efficiency/2005\\_USAEE.pdf](http://www.eia.doe.gov/emeu/efficiency/2005_USAEE.pdf)>, attached hereto as Exhibit 9. The County could reasonably require that large homes partially or completely offset their greater energy demand by installing zero-emission energy systems.<sup>3</sup> (Many of the greenhouse gas emission reduction measures identified below in Section V.B.5 would also reduce emissions of criteria pollutants.)

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Cont'd.

More fundamentally, as discussed throughout this letter, reductions in the quantity of development authorized by the GPU in the unincorporated County and increases in density of urban development within cities would also mitigate those impacts by reducing energy demand. The reductions in energy demand produced by reductions in the aggregate amount of development authorized are obvious. Increased density also reduces energy demand by reducing the size of structures and thus their energy demand. See Ewing & Rong; Hojjati & Battles.

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**3. The DEIR Neglects Feasible Mitigation to Reduce the Severity of the GPU's Incompatibility with Applicable Air Quality Plans (Impact 4.2-2).**

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The DEIR concludes that the GPU will cause a significant and unavoidable impact by causing population growth and increases in VMT beyond those anticipated in the applicable air quality plans. The DEIR has failed to include all feasible mitigation measures to reduce the severity of those impacts.

Specifically, the conflict could be moderated significantly by reducing the GPU's substantial reliance on very low density residential development. Such development entails higher VMT than more dense urban development because residents must use motor vehicles to make most or even all trips for work, shopping, recreation, and other purposes. Dense urban development, by contrast, allows many of these trips to be made on foot, by bicycle, or public transit or requires shorter automotive trips, all involving lower emissions of air pollutants—or no emissions at all. See, e.g., *U.S. EPA, Measuring the Air Quality and Transportation Impacts of Infill Development* (2007), attached hereto as Exhibit 10. Further, as discussed elsewhere in this letter, the impact could be substantially mitigated by simply reducing the *amount* of development

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<sup>3</sup> The increased cost of such systems would also be less onerous for purchasers of large, more expensive homes than it might be for purchasers of smaller homes.

contemplated by the GPU. The DEIR has established that the level of development authorized by the GPU is out of sync with regional forecasts of population growth. *See, e.g.*, DEIR at 4.2-26 to -27. Reductions in land designated for development would reduce the extent of the inconsistency.

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Cont'd.

**4. The DEIR Proposes No Mitigation to Reduce Transportation Emissions (Impact 4.2-3).**

Despite the fact that vehicular emissions represent “most air pollutant emissions associated with land use development,” DEIR at 4.2-26, the DEIR proposes no mitigation measures that would reduce those emissions. Mitigation Measure 4.2-3a only addresses non-transportation energy emissions (ironically, the same emissions that the DEIR fails to estimate). The most practical way for the County to reduce vehicular emissions is to reduce VMT by planning for more compact urban communities, as described throughout this letter.

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Other measures will also reduce emissions, however. For example, the County could adopt an ordinance limiting idling time for commercial, industrial, and construction vehicles in the County. Such an ordinance is plainly within the County’s broad police power to regulate for public health and welfare and would reduce vehicular emissions (including, most important, toxic diesel emissions from idling trucks). *See South Coast Air Quality Management District, AQMD, EPA Announce Project to Cut Truck Idling, Emissions* (Sept. 30, 2004), attached hereto as Exhibit 11. The anti-idling program could include a truck stop electrification program to replace climate control powered by idling with plug-in climate control.

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Much more significant, however, would be an air quality impact fee imposed on new development proportional to the VMT projected to be associated with that development. Fee revenues would be used to fund local offset projects that reduce criteria pollutant emissions in the County, such as the truck stop electrification program described above and a financial incentive program to encourage existing development to install zero-emission energy systems such as solar or small wind power systems. The fee would also deter high-VMT development by increasing its cost relative to low-VMT development.<sup>4</sup>

**5. The DEIR Neglects Mitigation for Direct Operational Emissions from Residential Area Sources (Impact 4.2-3).**

The DEIR states that the URBEMIS model includes direct emissions from residential development, including natural gas and wood-fired appliances. DEIR 4.2-29.

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<sup>4</sup> Many of the greenhouse gas mitigation measures identified in the sources listed in Section V.B.5 would also have the “co-benefit” of reducing criteria pollutant emissions.

The DEIR must also identify feasible mitigation for these impacts. One feasible measure would be a GPU program requiring that newly installed wood-fired fireplaces and wood stoves in the County meet EPA standards and requiring replacement of non-conforming appliances upon a substantial remodel of existing structures. These appliances produce large quantities of PM10 emissions. See USEPA, *Standards of Performance for New Stationary Sources; New Residential Wood Heaters*, 53 Fed. Reg. 5860 (Feb. 26, 1988). Such a policy has been adopted by other jurisdictions. See, e.g., Marin County Code ch. 19.08, attached hereto as Exhibit 12.

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**6. The DEIR's Proposed Mitigation for CO Emissions Is Insufficient (Impact 4.2-4).**

CEQA Guidelines section 15370 defines "mitigation" for CEQA purposes as "Avoiding the impact," "Minimizing impacts," "Rectifying impacts," "Reducing the impact," or "Compensating for the impact." The DEIR's proposed mitigation for CO impacts, by contrast, involves none of these. It proposes "evaluating" intersections affected by new development for violations of CO thresholds and indicates that "[d]evelopment review shall focus on upgrading roads," DEIR at 4.2-32, but does not require that any *action* be taken (i.e., avoiding, minimizing, rectifying, reducing, or compensating for the impact) if the development project exceeds such thresholds. A requirement to study, without an attendant requirement to act on the results of the study, is not mitigation. *Napa Citizens for Honest Gov't*, 91 Cal. App. 4th at 366. The mitigation measure could be made effective, however, by adding a requirement that projects shown to violate CO thresholds shall not be approved without modifications to the project necessary to avoid the violation.

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Moreover, to the extent that improvement of County roads involves expansion of road capacity, the mitigation measure itself will create environmental impacts that are not evaluated in the DEIR. Expanded road capacity is growth inducing, in the sense of both encouraging new development that otherwise would not occur and encouraging additional vehicle trips along the expanded roads to and from existing development. See Sightline Institute, *Increases in Greenhouse Gas Emissions from Highway Widening Projects* (2007), attached hereto as Exhibit 13. An EIR must consider the environmental impacts of the mitigation measures it proposes. See CEQA Guidelines § 15126.4(a)(1)(D); *SOPC*, 87 Cal. App. 4th 130-31.

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Once again, the best mitigation for CO impacts is reduction of the extent of proposed development. Less development means less traffic and less CO emitted by mobile sources.

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**7. The DEIR's Air Quality Analysis Ignores the Foreseeable Future Exacerbation of Impacts from Ozone Precursor Emissions.**

The DEIR uses existing conditions as the baseline for analysis of environmental impacts. While this approach is appropriate in many or most instances, lead agencies may not slavishly adhere to the principle that existing conditions at the time of the notice of preparation constitute the baseline. *See SOPC*, 87 Cal. App. 4th at 125; *see also* CEQA Guidelines § 15125(c) (requiring that “the significant effects of the project . . . be considered *in the full environmental context*” (emphasis added)). In some contexts, other baselines may be appropriate and necessary to provide an accurate view of the true significance of project impacts “in the full environmental context.”

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Where environmental conditions are likely to change over time independent of the project, use of the existing condition as a baseline may underestimate the real significance in future years of an ongoing impact. The project here is a plan that will control new development for twenty years, with the impacts of that new development persisting for many decades thereafter.<sup>5</sup> For a project that entails impacts for decades to come, a pragmatic approach to defining the baseline is particularly appropriate. Environmental conditions will unquestionably change over that period.

Climate change is one circumstance that may significantly affect the environmental conditions of a CEQA project. Reasonably foreseeable environmental changes caused by climate change include an increase in the severity of tropospheric ozone conditions.<sup>6</sup> *See* Cal. Climate Action Team, Cal. EPA, *Climate Action Team Report to Governor Schwarzenegger and the Legislature* 25-26 (2006) (“CCAT”) (“Results from statistical analyses indicate that the number of days meteorologically conducive to pollution formation may rise by 75 to 85 percent in the high ozone areas of Los Angeles (Riverside) and the San Joaquin Valley (Visalia) by the end of the century if temperatures rise to the higher projected warming range . . .”), attached hereto as Exhibit 14; Intergovernmental Panel on Climate Change, *Fourth Assessment Report: Impacts, Adaptation and Vulnerability*, Ch. 8, at 401-02, 408-11 (2007), attached hereto as Exhibit 15. As the DEIR notes, “Generally, low wind speeds or stagnant air coupled with warm temperatures and clear skies provide the optimum conditions for formation [of

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<sup>5</sup> The GPU's environmental impacts do not stop at the 2030 planning horizon. The development put in place over the next 20 years will continue to have operational impacts for the useful life of that development. Assuming a conservative 40-year useful life for new structures, development occurring in 2030 will still be causing new operational impacts in 2070.

<sup>6</sup> This consequence of climate change is not addressed in the DEIR's climate change impact discussion.

ozone].” DEIR at 4.2-3. Climate change will increase the frequency and severity of those “optimum conditions.” See DEIR at 6-16 to -17.

Accordingly, a unit of ozone precursor emission in 2030 or 2070 is likely to have a more damaging effect on ambient conditions than the same unit of emission today. Accordingly, many of the GPU’s air quality impacts—construction emissions, operational emissions, and inconsistencies with air quality plans (Impacts 4.2-1 to -3)—will likely be more severe than acknowledged in the DEIR. While the DEIR may be unable to quantify this effect, it should explain that the significance of the impact under existing conditions may not accurately reflect the significance of the impact over time.

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**C. Noise**

**1. The DEIR’s Analysis and Mitigation of Increased Traffic Noise Are Inadequate (Impact 4.3-3).**

The DEIR concludes that the GPU will cause increases in traffic noise that are significant and unavoidable. This discussion is flawed for two reasons. First, it fails to identify the threshold of significance. It provides a range of potential increases that would be significant, depending on existing conditions, but does not identify which thresholds would apply on which road segments, despite having modeled and described the projected increases at numerous road sections in the County. DEIR at tbl. 4.3-8. Without knowing (1) what the standards of significance are for each of these modeled road segments, and thus (2) which segments will exceed the standards, the public and decision makers cannot evaluate the severity of the impact. The reader cannot determine whether the exceedances on any given road segment are minor or extreme. Given the modeling that has been performed for the DEIR, it would be feasible to provide this important omitted information.

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Second, the DEIR’s discussion of mitigation is inadequate. The DEIR concludes that despite its proposed mitigation measure, it is infeasible to mitigate the noise increases to less than significant levels. DEIR at 4.3-31. The DEIR provides no explanation for this conclusory assertion. Like its other conclusions, an EIR’s conclusion that mitigation is infeasible must be supported by substantial evidence and “[s]pecific economic, legal, social, technological, or other consideration.” CEQA Guidelines § 15091(a), (b) (emphasis added); *Lincoln Place Tenants Ass’n*, 130 Cal. App. 4th at 1509. The DEIR should explain why Mitigation Measure 4.3-3 cannot commit to implementation of measures that mitigate the impact to below the standard of significance. Further, if the DEIR does not substantiate its conclusion, the County runs the risk that its findings in certifying the EIR and approving the project will be subject to invalidation as unsupported by the requisite substantial evidence. See CEQA Guidelines § 15091(b); *Topanga Ass’n for a Scenic Cmty. v. County of Los Angeles*, 11 Cal. 3d 506 (1974).

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The noise reduction program proposed in Measure 4.3-3 also does not commit the County to implementing the program. As noted above, CEQA requires that mitigation measures actually be implemented. *Anderson First*, 130 Cal. App. 4th at 1186-87; *Fed'n of Hillside & Canyon Ass'ns*, 83 Cal. App. 4th at 1261. Accordingly, to be actual, enforceable mitigation, the Measure should require (1) that new development in the unincorporated County cannot proceed until the noise reduction program has been developed; and (2) that compliance with the provisions of the program be required as conditions of approval imposed on new development.

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#### **D. Transportation and Circulation**

##### **1. Reductions in Planned Development in the Unincorporated County Are a Feasible Mitigation Measure for Traffic Congestion (Impact 4.4-1).**

As noted repeatedly in this letter, reduction in the extent of development proposed in the GPU is a feasible mitigation measure. Because traffic congestion is caused by new development, reducing development—particularly low-density, high VMT Rural Residential development—would produce a concomitant reduction in congestion.

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The DEIR also concludes that because “[n]o feasible mitigation is available to *fully mitigate this impact to a less-than-significant level*,” DEIR at 4.4-42 (emphasis added), no further mitigation is needed. As described above, however, an EIR must propose all feasible mitigation even if that mitigation is not sufficient to eliminate the impact or reduce the impact to insignificance. *See supra* Section I.B. The DEIR should have considered lower levels of development as mitigation, regardless of whether it would be adequate to “fully” mitigate the impact.

##### **2. The DEIR Fails to Adequately Analyze Potential Conflicts of the GPU with Alternative Transportation Plans (Impact 4.4-4).**

The DEIR concludes that the GPU would not conflict with plans, policies, or programs encouraging alternative forms of transportation (e.g., public transit, carpool, bicycle), because the GPU includes a policy that recommends that the County “Facilitate shorter travel distances and modes of travel other than the automobile.” The DEIR proceeds to reach the remarkable conclusion that this aspirational policy “provides alternative transportation *equivalent standing to travel by automobile* within the 2008 Draft General Plan.” DEIR at 4.4-51 (emphasis added).

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This cursory analysis is flawed on several levels. First, the analysis ignores the fact that the GPU’s sprawling land development pattern, with an emphasis on very low density Rural Residential development, is itself inconsistent with non-automotive transportation. Low density development separates homes from other land uses,

requiring automotive transportation for most or all trips and lacks the economies of scale necessary to make public transit effective and economical. This is true regardless of whether individual GPU “policies . . . explicitly conflict with the support of alternative transportation.” DEIR at 4.4-51.

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Second, the policy relied on to mitigate the impact, TC.P-3, is vague and merely directory, requiring only that the County “facilitate” alternative transportation. *See supra* Section I.D. As a result, the DEIR lacks support for its conclusion that “if a proposed project conflicts with the support of alternative transportation, Policy TC.P-3 would ensure that the viability of alternative modes of transportation is upheld.” Such would be the case only if the policy provided specific, mandatory direction that new development support alternative transportation.

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#### **E. Hydrology and Water Resources**

##### **1. The DEIR Does Not Adequately Support Its Conclusion that the GPU’s Impact on Water Quality Will Be Less Than Significant (Impact 4.5-1).**

The DEIR concludes that the GPU’s effects on water quality will be less than significant, relying on a list of numerous GPU policies and programs. The analysis and conclusion here are both flawed.

First, the description of the GPU’s impact on water quality provides no basis for determining how severe the construction and operational pollution impacts of development authorized by the GPU are likely to be. The discussion provides only a very general qualitative discussion of the types and sources of pollution associated with the GPU. DEIR at 4.5-38 to -39. Evaluation of the *magnitude* of these effects is absent. Indeed, the description of impacts could apply as readily to a two-unit subdivision as to a general plan that plans for thousands of dwelling units, acres of commercial and industrial development, and infrastructure to support it. This omission prevents the DEIR from serving the informational function that CEQA demands of it. CEQA Guidelines §§ 15003(c), 15121(a); *Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 391 (1988) (“*Laurel Heights I*”).

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Second, the DEIR provides no analysis or evidence to support its assertion that the quoted GPU policies will be sufficient to reduce the water quality impacts of planned development to a less-than-significant level. “Such a bare conclusion without an explanation of its factual and analytical basis is insufficient.” *San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus*, 27 Cal. App. 4th 713, 736 (1994); *accord Laurel Heights I*, 47 Cal. 3d at 404. “This requirement enables the decision-makers and the public to make an ‘independent, reasoned judgment’ about a proposed

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project.” *Concerned Citizens of Costa Mesa v. 32nd Dist. Agric. Ass’n*, 42 Cal. 3d 929, 935 (1986).

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**2. The DEIR Inadequately Analyzes and Mitigates the GPU’s Exposure of People and Structures to Flood and Inundation Risks (Impact 4.5-5).**

The DEIR states that 30 to 40 percent of land in Solano County is subject to flooding, DEIR at 4.5-55, and that flood risks in parts of the County are expected to be exacerbated by climate change. The DEIR describes a Sea Level Rise Strategic Program (“SLRSP”) to be developed by the County and concludes that this program and four other minor policies and programs are sufficient to reduce the GPU’s flood hazard impacts to a less than significant level. This analysis is flawed for several reasons.

First, the DEIR inadequately describes the risks associated with sea level rise caused by climate change. A graphical representation of a range of scenarios of sea level rise could easily be overlaid onto a map of the County to show areas subject to inundation assuming various sea-level-rise scenarios. An example of such a map, showing a one-meter rise in sea level for the Bay Area as a whole, is attached hereto as Exhibit 16. (Excerpted from EDAW, *CEQA Mitigation and Planning Policy for Climate Change Response* (2008), at 24). Although this map depicts the potentially enormous impact of sea level rise on Solano County, it nevertheless fails to capture its full significance by leaving out the impact of extreme-water-level events. See DEIR at 6-20 to -21. The DEIR should provide a similar map—focused on Solano County—with multiple sea-level-rise scenarios (including extreme-water-level events) and an overlay of development planned in the GPU to show how planned land uses would be affected by rising sea levels. Without this information, the DEIR gives the reader no clue about how land uses planned in the GPU would be affected by potential sea level rise.

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Second, the DEIR does not provide the Flood Insurance Rate Map or other map of areas subject to flooding to depict *existing* flood risks and inform the reader about the location of those risks relative to the location of new development planned in the GPU. The reader thus has no way of knowing whether the GPU locates much, some, little, or none of its new development in flood plains. Such a map is a simple GIS exercise and failure to include it is particularly unjustifiable given the history of flooding in the County described in the DEIR (DEIR at 4.5-56). See California Floodplain Management Task Force. See California Floodplain Management Task Force, *Final Recommendations Report* (2002), at 31-32 (describing importance of accurate floodplain mapping), attached hereto as Exhibit 17. Without it, the public and decision makers cannot assess the significance of the impact.

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Further, the DEIR identifies no GPU policies or new mitigation to mitigate existing risks from development in the current 100-year flood hazard zone. A standard

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mitigation measure for such an impact, for example, would require that the ground floor of all dwelling structures be raised above the 100-year floodplain. Other measures are recommended in the final report of the California Floodplain Management Task Force.

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Third, the DEIR makes only cursory mention of the highly damaging floods of 2002 and 2005-06. DEIR at 4.5-56. Numerous homes were damaged and destroyed both in the Vacaville and Suisun Valley regions. The Solano County Water Agency ("SCWA") has increasingly devoted time and resources to studying how to minimize damage in these flood prone areas. The DEIR fails to analyze the SCWA studies or to even correlate proposed new County development with SCWA's data.

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Fourth, the DEIR ignores the likely effect of climate change in increasing the frequency and severity of flood events unrelated to sea level rise. That climate effect is briefly discussed in general terms in the climate change impacts discussion, DEIR at 6-18 to -20, but it must be integrated into the hydrology discussion to avoid confusing the public and decision makers. See *San Joaquin Raptor Rescue Ctr.*, 149 Cal. App. 4th at 659; *Cal. Oak Found. v. City of Santa Clarita*, 133 Cal. App. 4th 1219, 1239 (2005). Analyzing, in the hydrology section, flood risk based purely on historical experience with flooding, while describing, several hundred pages later, the potential for climate change to alter and exacerbate historic flood patterns, is confusing at the least. The DEIR cannot rely solely on existing flood risks to determine whether the GPU creates significant flood hazards by locating new land uses in areas subject to potentially serious floods.

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Fifth, the SLRSP does not support the DEIR's conclusion that GPU flood risks will be reduced to a less than significant level. The DEIR and GPU completely defer specification of the SLRSP until after approval of the GPU. This deferral is (1) irrational, because the GPU plans the location of new development, an action that must be informed by data about sea level rise and other flood risks if the impacts of those risks are to be minimized; and (2) unlawful, because the DEIR and the GPU provide neither a performance standard to be achieved by the SLRSP nor an explanation of why the SLRSP could not feasibly be developed prior to approval of the GPU. See *San Joaquin Raptor Rescue Ctr.*, 149 Cal. App. 4th at 670-71; *Sacramento Old City Ass'n v. City Council of Sacramento*, 229 Cal. App. 3d 1011, 1028-29 (1991); CEQA Guidelines § 15126.4(a)(1)(B). The time for preparation of the SLRSP is logically before or during the County's planning process for the next 20 years of growth and development, not after. The SLRSP represents a classic punting of difficult issues until after approval of the project, which CEQA forbids.

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**3. The DEIR Inadequately Analyzes the Risk of Inundation From Levee Failure and Fails to Identify Feasible Mitigation for that Risk (Impact 4.5-6).**

The DEIR finds that the risk of inundation from levee failure is significant and unavoidable and claims, without explanation, that no feasible mitigation is available to reduce the severity of that risk. The DEIR fails to sufficiently describe the magnitude of the risk and ignores feasible mitigation measures that would reduce the severity of the impact.

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From the DEIR's impact discussion, it is impossible for the reader to determine whether or how the GPU exacerbates existing inundation risk. The DEIR does not describe or depict the areas subject to inundation, nor does it describe the development proposed for those areas. We are left to guess how much and what kind of development is at risk. The DEIR mentions Collinsville, but does not distinguish between the existing community and the new development that would be authorized by the GPU. It also makes no mention of the industrial development that the GPU plans for the Collinsville area. *See* DEIR at 3-9. Given the conclusion that the impact is significant and unavoidable, it seems reasonable to assume that the GPU would lead to new development subject to inundation, but the DEIR must *describe* that inundation risk. "[T]he EIR must contain facts and analysis, not just the bare conclusions of a public agency." *Laurel Heights I*, 47 Cal. 3d at 404.

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The DEIR also fails to propose feasible mitigation for this admittedly serious risk. The following are examples of measures that could reduce the risk of exposing new development and new residents to inundation:

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- Add a land use overlay to the GPU to designate properties in the inundation zone;
- Prohibit development of more than one single family home on properties located in the inundation zone;
- Prohibit subdivision in the inundation zone;
- Establish very large minimum parcel sizes in the inundation zone;
- Require that property owners in the inundation zone obtain flood insurance; and
- Require that a notice be recorded in the title for properties in the inundation zone indicating that the property is at risk of inundation and including a copy of the report prepared pursuant to Program HS.I-11, to notify future purchasers of the risk they assume by purchasing the property.

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Instead of proposing measures such as these, the DEIR simply asserts without substantiation that no feasible mitigation is available for this impact. The DEIR must explain, based on substantial evidence, why measures such as these are infeasible. *Lincoln Place Tenants Ass'n*, 130 Cal. App. 4th at 1509. In fact, they appear on their face to be entirely feasible.

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**4. The Risk of Inundation from Dam Failure Is Not Adequately Analyzed (Impact 4.5-7).**

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Like the risk of inundation from levee failure, the DEIR fails to describe how dam failure would impact *new* development authorized by the GPU. The comments for the previous impact (Section III.E.3) thus apply here as well.

The DEIR attempts to justify its failure to provide any information about the areas at risk, by stating that, "For security reasons, maps showing dam inundation areas are not made available to the public, although the Association of Bay Area Governments found the following for Solano County: 16,766 urban acres are subject to dam inundation." DEIR at 4.5-61. CEQA does not provide an exemption for "security reasons." "Under the maxim of statutory construction, *expressio unius est exclusio alterius*, if exemptions are specified in a statute, we may not imply additional exemptions unless there is a clear legislative intent to the contrary." *Sierra Club v. State Bd. of Forestry*, 7 Cal. 4th 1215, 1230 (1994) (refusing to find implied exemptions from CEQA). In any event, mere invocation of "security reasons" does not constitute substantial evidence supporting a conclusion that it is infeasible to analyze the inundation zones of County dams.

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Further, the discussion does not provide any information to allow the public and decision makers to determine the likelihood of failures. In fact, the City of Vallejo lakes system relies on dams in Napa County over 100 years old to control Lakes Frey and Madigan, which provide water to Green Valley. These dams create inundation risks for the Middle Green Valley study area, but we are left to guess about their severity.

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Without information about the areas at risk of inundation and the magnitude of those risks, the public and decision makers cannot determine whether the GPU unreasonably directs new development into harm's way. But assuming *arguendo* that it is in fact infeasible to identify inundation zones and risks, the DEIR has provided no basis whatsoever for concluding that these risks are less than significant. Not knowing anything about the magnitude of the risk, the DEIR is engaging in pure speculation in concluding that the impact is less than significant.

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The proper approach in such circumstances is not to simply assume that the risk is less than significant. The Guidelines direct that, "If, *after thorough investigation*, a lead agency finds that a particular impact is too speculative for evaluation, the agency

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should note its conclusion and terminate discussion of the impact.” CEQA Guidelines § 15145 (emphasis added). As noted, the DEIR has not demonstrated anything close to “thorough investigation” here. But assuming that investigation were performed and documented and revealed no further information, the DEIR should describe why a conclusion of significance would be speculative. The approach taken by the DEIR misleads the public and the decision maker by suggesting that the risk is known and not significant.

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## **F. Biological Resources**

### **1. The DEIR Does Not Support Its Conclusion that Loss of Raptor Habitat Will Be Less than Significant (Impact 4.6-1).**

The DEIR concludes that the loss of 5,697 acres of raptor habitat would be a less than significant impact with the adoption of a mitigation measure that would preserve 5,697 different acres of habitat that is *not* subject to development under the GPU. All of this “preserved” land is located in the Agricultural Reserve Overlay area.

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This measure does not constitute mitigation. None of the various categories of mitigation in the CEQA Guidelines’ definition, CEQA Guidelines § 15370, applies. It does not “[c]ompensat[e] for the impact by replacing or providing substitute resources or environments” for the loss of habitat. *Id.* § 15370(e). It requires only that already existing habitat be preserved, not that new habitat be created or existing habitat be improved. Accordingly, with or without the measure, the GPU would result in a net loss of 5,697 acres of habitat.

Moreover, because the GPU already designates the Agricultural Reserve Overlay for preservation, the measure fails to preserve habitat that would otherwise be subject to conversion; the measure provides no additional protection. To allow the measure to have any effect whatsoever, it should be modified to require that land preserved and encumbered with a conservation easement be located not in the Agricultural Reserve Overlay area, but rather in an area that is otherwise subject to development under the GPU, such as an area designated for Rural Residential development.

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Because of the illusory character of the mitigation, the DEIR cannot reasonably claim that this measure reduces the impact of loss of raptor habitat to a less-than-significant level. The same amount of habitat will be lost with or without the measure, and the same amount preserved.

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**2. The DEIR Does Not Support Its Conclusion that Loss of Upland Grassland, Oak Woodland, Oak Savanna, and Scrub/Chaparral Habitat Will Be Less than Significant (Impact 4.6-2).**

The DEIR contends that “Payne’s (2002) modeling of rural residential growth suggests that incorporation of active restoration and management of preserved lands could offset or fully mitigate the effects of rural residential development.” DEIR at 4.5-40. The DEIR therefore concludes that development impacts to thousands of acres of upland grassland, oak woodland, oak savanna, and scrub/chaparral habitat would be less than significant. In fact, the DEIR’s conclusion is unsupported, and the DEIR ignores feasible mitigation that would reduce the severity of the GPU’s impacts on these habitats.

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The study relied on in the DEIR, Susan G. Payne, Master’s Thesis, *Modeling the effects of alternative rural residential patterns on vertebrate biodiversity in the Willamette River Basin, Oregon* (2002), available at <http://ise.uoregon.edu/staff/spayne/pdfs.html>, does not support the DEIR’s conclusion that the impact will be reduced to a less-than-significant level. Payne’s conclusions were expressly limited to circumstances in which rural residential development is *clustered* to maximize preservation of contiguous habitat areas and habitat is actively managed to protect habitat values. *Id.* at 5-4. Payne emphasizes the importance of clustering to provide opportunities for active management that are unavailable with small, dispersed habitat areas on smaller parcels. *Id.* Nothing in the GPU or DEIR mitigation measure requires clustered development. Rather, GPU Policy LU.P-17 only directs the County to “encourage” clustering. DEIR at 4.6-38. Indeed, the policy is a paradigmatic example of the hortatory GPU policies that do not constitute the kind of enforceable measure that CEQA requires to mitigate impacts. *See supra* Section I.D.

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By contrast, the DEIR’s impact analysis suggests a mitigation measure that *would* reduce the severity of this impact. The analysis notes that larger parcel sizes involve less disturbance of habitat values, concluding that “subdividing private land can have a substantial effect on species composition.” DEIR at 4.6-38; *see also id.* (“The results of various studies evaluating rural residential development suggest that smaller property sizes and associated disturbances likely reduce the diversity and abundance of rare bird species, particularly neotropical migrants.” (citations omitted)). That being the case, the severity of the impact could be substantially reduced by substantially increasing minimum parcel size.

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As it stands, the DEIR does not support the conclusion that the loss of these habitats is a less-than-significant impact.

**3. The DEIR's Proposed Mitigation for Impacts to Valley Floor Grassland and Vernal Pool Grassland Is Inadequate (Impact 4.6-3).**

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The DEIR concludes that these impacts are significant without mitigation, but can be mitigated to a less-than-significant level. The mitigation proposed is nevertheless inadequate to reduce the impact to insignificance.

The DEIR provides no support for the use of a 1:1 mitigation ratio. One-to-one mitigation is sufficient only where there is a certainty that mitigation acreage will be of comparable quality, function, and sustainability to the area proposed to be disturbed. With respect to manufactured habitat, these requirements cannot be guaranteed. In fact, the performance record of manufactured habitat is not strong. *See California Coastal Commission, Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone Ch. 2 (1994) ("CCC, Procedural Guidance")*, attached hereto as Exhibit 18. Accordingly, the value of mitigation habitat should be discounted to reflect the substantial likelihood that replacement habitat will not be equivalent in all respects to impacted habitat. *Id.* Indeed, the DEIR recognizes this problem with respect to mitigation for special-status plant species. DEIR at 4.6-44 ("This may require planting or restoration ratios higher than 1:1 to guarantee long-term success."). No explanation is given for the DEIR's acceptance of a 1:1 ratio for vernal pool and grassland habitat mitigation. A 2:1 mitigation ratio (mitigation area to impacted area) reflects such a discount and is therefore more appropriate given the limitations of replacement mitigation. *Cf.* DEIR at 4.6-52 (requiring 2:1 mitigation ratio for impacts to seasonal wetlands); *id.* at 4.6-55 to -56 (requiring 2:1 mitigation ratio for impacts to marsh and tidal flat habitat).

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**G. Agricultural Resources**

**1. The DEIR Neglects Feasible Mitigation for the Loss of Farmland (Impact 4.8-1).**

The DEIR concludes that the loss of agricultural land under the GPU is a significant and unavoidable impact and that no mitigation is available for this impact. The DEIR here again makes the erroneous assumption that because feasible mitigation cannot wholly eliminate the impact, the DEIR need not identify any mitigation at all. As discussed above, this conclusion is legally erroneous. *See supra* Section I.B. Indeed, the DEIR's argument leads to the absurd conclusion that the more severe the problem, the less the need for mitigation. That is not, and cannot, be the law.

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In fact, numerous feasible measures are available to reduce the severity of this impact:

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- Expanding minimum parcel size on Important Farmland in the agricultural regions;
- Restricting subdivision of Important Farmland;
- Reducing the area of Important Farmland designated for nonagricultural uses;
- Expanding the Agricultural Reserve Overlay to include additional Important Farmland; and
- Opting into the Farmland Security Zone program established by 1998 amendments to the Williamson Act (referred to as the “Super Williamson Act”), 1998 Cal. Stat. ch. 353, which provides additional incentives to preserve agricultural land by reducing property taxes.

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Further, the DEIR should propose a modification to Program AG.I-1 (as modified by Mitigation Measure 4.1-4a) to specify that conversion of farmland must be mitigated by preserving, at the applicable ratio, an area of farmland designated with the same subcategory of Important Farmland (prime farmland, unique farmland, and farmland of statewide significance). As drafted the Program would allow, for example, conversion of all farmland of statewide significance without ensuring that particular loss is mitigated.

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**2. The DEIR Does Not Support Its Conclusion that No Feasible Mitigation Exists for Loss of Agricultural Land Subject to Williamson Act Contracts (Impact 4.8-2).**

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As discussed for Impact 4.8-2, the DEIR errs in concluding that it need not propose mitigation unless that mitigation is sufficient to reduce the impact to a less-than-significant level. The DEIR also fails to support its conclusion that there is no feasible mitigation for this impact. The mitigation measures we propose for Impact 4.8-2 apply here as well. These measures encourage the preservation of a larger area of farmland in Solano County. As a result, they necessarily also provide an incentive for the retention of Williamson Act contracts on that farmland to reduce the owners' property tax liability.

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**H. Public Services**

**1. Water Supply**

**a. The DEIR's Estimates of Per Capita Water Demand Likely Significantly Underestimate Actual Demand.**

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The DEIR estimates that per capita water demand in the County will be 100 gallons per day (“gpd”). The DEIR attributes this figure to the Marin County General

Plan EIR. DEIR at tbl. 4.9-11. Reliance on data from Marin County is inappropriate. In the 1994 *California Water Plan*, the Department of Water Resources estimated that in the San Francisco hydrologic region, of which Marin and the western portion of Solano County are parts, per capita water demand would be 184 gpd in 2010. Dep't of Water Resources, *Bulletin 160-93, The California Water Plan Update*, Ch. 6, tbl. 6-8 (1994), attached hereto as Exhibit 19. By contrast, for the Sacramento River hydrologic region, of which most of Solano County is a part, DWR estimated per capita residential water demand of 277 gpd. *Id.* Because this demand is measured on a per capita, daily basis, even a modest increase in demand could produce a substantial increase in aggregate demand.

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The DEIR suggests that this increased demand might be offset, to some unknown degree, by the conversion of irrigated agricultural land to residential use, which typically involves lower demand for water. DEIR at 4.9-33 to -34. However, the DEIR also states that "a large portion of the area that is being proposed for development in the 2008 Draft General Plan is currently nonirrigated land." *Id.* at 4.9-35. The DEIR makes no effort to estimate how large this "large portion" is. Moreover, the DEIR acknowledges that the sources of agricultural water and the sources of water to serve residential demand are likely to be different in many cases. In particular, development of residential uses in the unincorporated County outside MSAs is likely to rely principally on groundwater. *Id.* at 4.9-35, -42. Even assuming the sources of domestic and agricultural water are the same, one cannot assume that the agricultural water freed up by the conversion of agricultural land will be available for domestic use. Water is allocated among users based on complex contractual arrangements, and in the final analysis, by the water law principle of prior appropriation. Given the scarcity of water in California, it is likely that many other agricultural users are already in line for water made available by conversion of agricultural land.

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The DEIR also indicates that it made no effort to estimate industrial demand because of the variability of industrial water use. While the amount of industrial demand may be difficult to estimate with precision, that does not justify ignoring it entirely.

Given these factors, the DEIR cannot assume that new residential demand under the GPU will be meaningfully offset by declining agricultural demand. In light of that fact, the DEIR's underestimate of residential demand represents a significant flaw in the analysis of the GPU's water supply impacts.

## **2. The DEIR Fails to Address the Foreseeable Impact of Climate Change on Water Supply and Demand.**

The DEIR's climate change discussion summarizes a litany of studies that indicate, on the whole, potentially significant reductions in water supply caused by a

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warmer climate. These changes are largely due to a change in the timing of precipitation and snowmelt, and the inadequacy of existing reservoir storage capacity to adapt to a diminished and faster-melting snowpack.

These findings are acutely relevant to the analysis of water supply for GPU-generated development, but the DEIR's water supply analysis ignores them completely. They must be integrated into the DEIR's water supply analysis. Climate-change-induced alterations to the project environment should be addressed as part of the baseline where necessary to a realistic assessment of project impacts. *See supra* Section III.B.7. Given the persuasive evidence that climate change is likely to lead to reductions in surface water supply, the DEIR's water supply analysis cannot simply assume that existing conditions, such as the historic levels of water deliveries from the State Water Project, will continue unchanged. Such an assumption is particularly unwarranted for a project, such as the GPU, that will continue to generate new development for 20 years and the water demand from that development for decades beyond more.

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Similarly, the DEIR's water supply analysis improperly ignores changes in water demand likely to be caused by climate change. In addition to reducing surface water supplies, climate change will also increase water demand, making past levels of demand poor predictors of future demand. Most importantly, warmer temperatures increase rates of evapotranspiration in plants. DEIR at 6-24 to -25. As a result, crops and landscaping will require more water in a warmer climate than they do at present. *Id.* Rising water demand from crops and other plants will mean (1) increasing water demand to serve new development, principally for landscaping; and (2) increasing water demand by existing and remaining agricultural uses. Rising agricultural demand will reduce somewhat the supplies available to serve new development generated by the GPU.

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The DEIR's analysis must address the contribution of climate change to the likely shortfall of supply caused by approval of the GPU.

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## I. ENERGY

As noted above, the DEIR improperly ignores the indirect impact of air emissions produced by generation of non-transportation energy to serve new development. *See supra* Section III.B.2. The energy impact discussion does not rectify that problem. That section also fails to adequately address the impact of new development on energy supplies.

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### 1. The DEIR Unjustifiably Concludes that the Impact of the GPU on Energy Demand Will Be Less than Significant (Impact 4.12-1).

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The energy impact analysis fails to quantify the potential energy demand created by the GPU. However, with some effort, information can be pieced together

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from information buried elsewhere in the DEIR. The DEIR's transportation analysis acknowledges that the GPU will add a staggering 917,786 new vehicle trips per day under the Preferred Plan and 974,572 new trips under the Buildout Scenario. DEIR at 4.4-32, -42. These trips are projected to increase daily VMT by 892,108 miles per day during peak hours<sup>7</sup> under the Preferred Plan and 930,647 miles per day during peak hours under the Maximum Development Scenario. *Id.* Current Corporate Average Fuel Economy ("CAFE") standards reflect an average fuel economy in California of 24.6 miles per gallon, including passenger cars and light trucks. *See* National Highway Traffic Safety Administration, *Automotive Fuel Economy Program Annual Update Calendar Year 2003* (Nov. 2004), attached hereto as Exhibit 20. (This excludes heavy trucks, which are likely to reflect poorer fuel economy.) Accordingly, under the Preferred Alternative, the GPU is estimated to generate consumption of an average of 36,265 gallons of gasoline per day, or 13,236,561 gallons per year. Under the Maximum Development Scenario, the GPU would generate consumption of 37,831 gallons per day, or 13,808,380 gallons per year. *Again, these figures are for the peak hours only and based on a generous estimate of fuel economy.* This represents a 44% increase over existing conditions under the Preferred Plan and a 46% increase under the Maximum Development Scenario. DEIR at 4.4-32, -42 to -43. By any measure, this is a significant increase.

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The DEIR also fails to properly estimate the energy demand created by new residences and businesses for electricity, heating, and other non-transportation purposes, beyond assuming an increase in per capita energy demand directly proportional to an increase in population. DEIR at 4.12-14. Worse still, the DEIR uses ABAG's projections of population growth (38.7% increase between 2000 and 2020), despite the fact that the DEIR elsewhere acknowledges that even under the Preferred Plan, the GPU would generate *more than double* the population in the unincorporated County that ABAG has projected for 2030. DEIR at tbl. 4.1-8. (Further, the energy analysis erroneously uses ABAG's population projections for 2020, not at buildout of the GPU in 2030.) As a result, the DEIR's conclusory treatment of increased energy demand significantly underestimates demand increases, even assuming the DEIR is correct to assume that energy use will increase directly proportional to population. The DEIR provides no explanation for its failure to quantify estimated non-transportation energy demand associated with the GPU-planned development. It must either generate that estimate or explain, based on substantial evidence, why it is infeasible. *See Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs of the City of Oakland*, 91 Cal. App. 4th 1344, 1370-71 (2001); *Citizens to Preserve the Ojai v. County of Ventura*, 176 Cal. App. 3d 421, 430 (1985).

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<sup>7</sup> As noted above, the DEIR improperly fails to consider the total daily VMT increase and focuses instead solely on peak hour trips.

Further, regardless of the DEIR's failure to properly estimate energy demand, it is clear that the energy demand generated by the GPU is unnecessarily and wastefully high. Contrary to the DEIR's peremptory assertion, the GPU does not reflect a compact development pattern that would reduce energy use. Although the GPU and DEIR make it nearly impossible to determine exactly where new development is expected to occur relative to existing development (*see supra* Section III.A.1), it is undeniable that the GPU represents just the kind of low density sprawl development that maximizes energy demand, VMT, and air pollutant emissions. While the GPU may plan for development that is mostly more or less adjacent to the spheres of influence of existing cities, that adjacency does not compact development make. The largest component of the GPU's planned development outside the MSAs is very low density rural residential development, with densities in the range of one unit per 2.5 to 10 acres. These densities are radically below those needed to create communities in which residents can rely on non-automobile transportation for daily trips. As a result, it is high-VMT, and high-fossil-fuel-consumptive development. Further, the designation keeps commercial and industrial land uses distant from residences and does not create opportunities for neighborhood commercial or mixed use development. Virtually every trip for these residents—to school, to work, to the supermarket, to the gym—will need to be an automobile trip.

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Moreover, the GPU plans significant new commercial development in the unincorporated County along I-80 in areas that are not adjacent to urban development. Customers must travel by automobile to reach such development from elsewhere in the County or beyond. (Indeed, this proposed development is facially inconsistent with Policy LU.P-21, which requires such development to be located "near ferries, rail, and ports.")

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Energy demand could be substantially reduced by reducing the area of land designated for rural residential development and focusing new residential development exclusively or nearly exclusively within city limits. Commercial development could also be directed to areas contiguous to existing urban development, rather than creating islands of development that can be reached only by customers driving on the interstate. Compact development patterns also reduce demand for electricity and heating energy. Compact residential development typically involves smaller homes on smaller lots and thus involve less demand for home heating, cooling, lighting, and landscaping. *See Ewing & Rong, The Impact of Urban Form on U.S. Energy Use; Hojjati & Battles, The Growth in Electricity Demand in U.S. Households, 1981-2001.*

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In sum, the GPU's inefficient, low-density, sprawling land use pattern cannot by any stretch of the imagination be characterized as minimizing energy demand.

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**2. The DEIR Fails to Analyze the Impacts of Developing Energy Infrastructure to Supply Demand Generated by the GPU (Impact 4.12-2).**

Despite the DEIR's description of this impact, the discussion does not address the impact of new infrastructure necessary to delivery energy necessary to meet GPU-generated demand. The discussion addresses increased energy demand in generic terms, but it does not indicate—in any respect—whether and to what extent new infrastructure would be required to serve that demand or what kind of impacts could be expected to be generated by that infrastructure. In other words, the discussion of the impact bears no relationship to the description of the impact or the threshold of significance.

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Moreover, the conclusion that the impact is less than significant does not relate to the threshold of significance: “result in the need for new systems or substantial alterations to electrical, natural gas, or communication systems infrastructure.” DEIR at 4.12-12. The conclusion states that

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Energy usage and demand would continue to increase as a consequence of future growth, and automobile travel would continue for some time to be the travel mode of choice; however, existing federal, state, and local regulations and policies would be implemented and would ensure that sufficient energy supplies are available to serve the needs of the county.

DEIR at 4.12-15. Whether “sufficient energy supplies are available” does not answer the question whether “new systems or substantial alterations to electrical, natural gas, or communication systems infrastructure” will be necessary to provide those supplies.

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Accordingly, the DEIR's conclusion that this impact is less than significant is not supported by substantial evidence.

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**J. Hazards and Hazardous Materials**

**1. The DEIR Fails to Consider the Contribution of Climate Change to the GPU's Exposure of People and Structures to Risk of Wildfire (Impact 4.13-4).**

The DEIR does not discuss the effect of climate change on the incidence and severity of wildfire, let alone the contribution of those changes to the wildfire risks to structures and people generated by the GPU. There is solid evidence that warmer temperatures during the dry months in California are likely to increase the frequency and severity of wildfires. See CCAT at 33-34 (citing Anthony Westerling & Benjamin Bryant, *Climate Change and Wildfire In and Around California: Fire Modeling and Loss Modeling* (2006)).

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Although individual wildfire events cannot be tied to climate change, the severe 2007 wildfires in Southern California have been described as consistent with the expected effects of climate change. *See Massive California Fires Consistent With Climate Change, Experts Say*, ScienceDaily (Oct. 24, 2007), attached hereto as Exhibit 21; Peter Fimrite, *The Southern California Fires—Climate Change: Hotter World May Fan Flames*, S.F. Chron. (Oct. 25, 2007), attached hereto as Exhibit 22. The damage caused by the 2007 fires is a cautionary tale for jurisdictions planning new residential development expanding outward from the urban-wildland interface. Nearly 1,500 homes were destroyed, at a potential cost of \$1 billion. *See Joseph B. Treaster, Fires' Cost to Insurers Is in Range of \$1 Billion*, N.Y. Times (Oct. 25, 2007), attached hereto as Exhibit 23.

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The Report to the Governor and Legislature developed by the California Climate Action Team recommended mitigation for the increased risk of wildfire due to climate change, including “re-evaluation of urban planning and building in the wildland-urban interface.” CCAT at 34. By planning for considerable new development in rural areas, many already at high risk for wildfire, the GPU ignores this advice and directs new development precisely to the areas that will experience greater risk of wildfire in a warmer climate.<sup>8</sup> Like so many of the impacts addressed in this letter, the appropriate mitigation for this risk is to direct new development away from these areas—particularly by reducing the area of rural residential development planned for—and to focus development within city limits.

#### **K. Recreation**

##### **1. The Fair Share Mitigation Measure for Park Facilities Is Inadequate (Impact 4.14-1).**

CEQA allows public agencies to mitigate projects’ cumulative impacts by requiring that project proponents pay “fair share” mitigation fees to be used to offset the project’s contribution to the cumulative impact. *See CEQA Guidelines § 15130(a)(3); Anderson First*, 130 Cal. App. 4th at 1188-89. The proposed park fee does not meet CEQA’s requirements for a fair share fee, however. The DEIR does not provide substantial evidence to support a conclusion that the fees will in fact be used to offset the impacts of new development on park capacity because the measure does not commit the County to spending the fees on park facilities. As with any mitigation measure, such a commitment is an indispensable requirement of reliance on a mitigation fee. *See Anderson First*, 130 Cal. App. 4th at 1186-87, 1189.

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<sup>8</sup> Here too, it is difficult to determine the extent to which the GPU puts new development in harm’s way. Like the DEIR’s treatment of the risks of flooding and sea level rise, *see supra* Section III.E, the wildfire discussion does not map planned development over areas of high fire risk.

#### IV. ALTERNATIVES

At the “core of an EIR” lies the analysis of alternatives. *Citizens of Goleta Valley v. Bd. of Supervisors*, 52 Cal.3d 553, 564 (1990).

Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process . . . . [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA’s fundamental goal that the public be fully informed as to the environmental consequences of action by their public officials.

*Laurel Heights I*, 47 Cal. 3d at 404. An EIR therefore must analyze a reasonable range of alternatives to the proposed project. *Citizens for Quality Growth v. City of Mount Shasta*, 198 Cal. App. 3d 433, 443-45 (1988). A reasonable alternative is one that would feasibly attain most of the project’s basic objectives while avoiding or substantially lessening the project’s significant impacts. See Pub. Res. Code § 21100(b)(4); CEQA Guidelines § 15126.6(a).

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The DEIR does not evaluate a reasonable range of alternatives. Indeed, the DEIR’s descriptions of the evaluated alternatives reveal that they involve merely minor tinkering around the margins of the proposed GPU rather than meaningful alternatives that would *substantially* reduce the severity of impacts relative to the GPU. For example, even Alternative 4, the reduced rural residential alternative, proposes 6,026 acres of additional rural residential development relative to existing conditions. DEIR at tbl. 5-6.

#### V. OTHER CEQA CONSIDERATIONS

##### A. Cumulative Impacts

The CEQA Guidelines define cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” CEQA Guidelines § 15355(a). “[I]ndividual effects may be changes resulting from a single project or a number of separate projects.” CEQA Guidelines § 15355(a). A legally adequate “cumulative impacts analysis” views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project at hand. *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, 721 (1990).

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The cumulative impacts concept recognizes that “[t]he full environmental impact of a proposed . . . action cannot be gauged in a vacuum.” *Whitman v. Bd. of Supervisors*, 88 Cal. App. 3d 397, 408 (1979). The requirement of a cumulative impact analysis of a project’s regional impacts is considered a “vital provision” of CEQA.

*Bozung*, 13 Cal. 3d at 283. The analysis of cumulative impacts is particularly important in the context of long-range planning documents such as general plans because the growth allowed under those plans is often substantial and because they set forth the policies that will guide the development of future, individual projects for decades to come. Accordingly, a program-level EIR for planning documents must provide a more thorough analysis of cumulative impacts than is required for individual projects. *See* CEQA Guidelines § 15168(b)(2).

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To be adequate under CEQA, the discussion of cumulative impacts must include a summary of the expected environmental effects to be produced by those projects, a reasonable analysis of the cumulative impacts, and full consideration of all feasible mitigation measures that could reduce or avoid any significant cumulative effects of a proposed project. *See* CEQA Guidelines §§ 15126.4(a)(1), 15130(b).

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The DEIR's treatment of cumulative impacts omits any discussion of mitigation measures for significant impacts to which the GPU would make a cumulatively considerable contribution. For example, in the discussion of hydrology and water quality, the DEIR concludes (erroneously) that the GPU's water quality impacts are all less than significant. *See supra* Section III.E. By contrast, the DEIR acknowledges that the GPU's contribution to cumulative water quality impacts is cumulatively considerable, but fails to propose any mitigation to address the GPU's cumulative contribution. DEIR at 6-7 to -8. The impacts to park facilities are also deemed individually less than significant but cumulatively considerable, again without specifying mitigation. *Compare id.* at 4.14-4 to -5 *with id.* at 6-12. The CEQA Guidelines explicitly require such a discussion: "An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects." CEQA Guidelines § 15130(b)(5). The DEIR's cumulative impacts discussion is therefore inadequate.

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26-121

## **B. Climate Change**

### **1. The DEIR Fails to Adequately Describe Existing GHG Emissions.**

As noted previously, CEQA requires an EIR to include an accurate description of the existing environment. *See supra* Section III.A.1. With respect to a project's impacts on climate, an important component of the description of the setting must be existing emissions of greenhouse gases ("GHGs"). The DEIR describes existing California emissions of GHGs but fails to estimate emissions from Solano County. Instead, the document relies on an estimate developed by BAAQMD for the San Francisco Bay Area Air Basin ("SFBAAB") portion of the County and notes the absence of any existing estimate for the much larger Sacramento Valley Air Basin ("SVAB") portion of the County. DEIR at 6-26.

26-122

If an existing estimate of Countywide GHG emissions was not available, the County should have attempted to develop its own estimate of existing GHG emissions. Where data or information is lacking, CEQA requires the lead agency to take reasonable steps to perform its own studies to develop that information. *See* CEQA Guidelines § 15144; *Berkeley Keep Jets Over the Bay*, 91 Cal. App. 4th at 1370-71; *Sundstrom v. Mendocino County*, 202 Cal. App. 3d 296, 311 (1988).

26-122  
Cont'd.

Without an estimate of existing Countywide emissions, the public and decision makers cannot effectively evaluate whether the GPU sets the County in the right direction or makes significant further contributions to the problem.

**2. The DEIR Improperly Ignores Indirect GHG Emissions, Particularly Emissions Generated in Energy Production and Waste Disposal (Impact 6.2-1).**

We describe in the air quality impacts section (Section III.B) how hat the DEIR fails to estimate indirect criteria pollutant emissions from the generation of electricity to serve new growth under the GPU. The climate impact analysis makes the same gross error.

Although transportation emissions comprise the largest single contribution of GHG emissions in California, electricity generation comprises approximately 20% of total emissions. *See* CCAT at 10. In fact, because of the comparative lack of heavy industry in Solano County, emissions from electricity generation may in fact comprise a larger share of emissions attributable to Solano County. *See id.* (industrial emissions estimated to account for 23% of emissions statewide).

26-123

The DEIR provides no explanation for its failure to estimate this significant quantity of emissions attributable to the GPU. Electricity demand created by the GPU can be estimated and emissions from the generation of that electricity derived. The state-of-the-art guidance for CEQA assessment of impacts on climate is the provided in the report recently released by the California Air Pollution Control Officers Association ("CAPCOA"). CAPCOA, *CEQA and Climate Change* (Jan. 2008), attached hereto as Exhibit 24. The CAPCOA report notes that the URBEMIS model (used in generating the DEIR's GHG estimates) does not address indirect emissions from electricity generation. *Id.* at 61. The report notes, however, that "The California Climate Action Registry (CCAR) Protocol v.2.2 includes methodology, which could be used to quantify and disclose a project's increase in indirect GHG emissions from energy use." *Id.*; *see also id.* at 65-66. The report goes on to describe the methodology for estimating these emissions. Other methodologies are also available to estimate indirect emissions, such as the UPlan model developed by the Information Center for the Environment at U.C. Davis. *See* Information Center for the Environment, *UPlan - Urban Growth Modeling*,

available at <<http://ice.ucdavis.edu/doc/uplan>>. This information must be generated to provide a reasonably accurate depiction of the GPU's impact on climate.

26-123  
Cont'd.

**3. The DEIR Fails to Estimate Embodied Greenhouse Gas Emissions Associated with New Development (Impact 6.2-1).**

In addition to ignoring an enormous quantity of indirect emissions associated with the GPU, the DEIR fails to account for, or even mention, "embodied" emissions associated with the GPU. Embodied emissions are those emissions generated during the course of the life cycle of products and materials. Embodied emissions are an indirect impact of the GPU and must be addressed in the DEIR. *See* CEQA Guidelines §§ 15064(d), 15358(a).

In the case of the GPU, embodied emissions include GHGs produced in the process of refining the over 13,000,000 gallons per day of transportation fuel projected to be consumed to fuel vehicle trips at buildout, the manufacture or harvesting of construction materials, and the transportation emissions of delivering these fuels and products to the County. These are, of course, only a few examples of the innumerable products and materials that generate GHG emissions that will be necessitated by the GPU.

26-124

At this point, we recognize that it is not feasible to quantify embodied emissions. However, the DEIR should nevertheless note that embodied emissions will contribute substantially to the total GHG emissions attributable to the GPU. As a result, the per capita estimate of GHG emissions provided by the DEIR (16.5 tons per year ("tpy")) under the Preferred Plan and some undisclosed larger amount for the Maximum Development Scenario) substantially underestimates the true "carbon footprint" of County residents.

The DEIR acknowledges that the estimated GHG emissions associated with the GPU are "gross" emissions and not "net" emissions, in the sense that some emissions associated with new County residents would occur regardless, only in their prior places of residence. DEIR at 6-32. The DEIR implication is that the per capita estimates of GHG emissions likely overstate actual emissions. If this unquantifiable influence on GHG emissions is worthy of comment in the DEIR, then so is the fact that the GPU's actual GHG emissions will include a vast quantity additional embodied emissions that cannot presently be quantified. To mention the one but not the other provides a skewed picture of the DEIR's emissions estimate.<sup>9</sup>

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<sup>9</sup> Moreover, the document neglects to note that the same argument can be made with respect to some amount of criteria pollutant emissions. CEQA analysis of those emissions has never worried about estimating only "net" emissions, nor does the DEIR's

**4. The DEIR Fails to Estimate Per Capita GHG Emissions for the Maximum Development Scenario (Impact 6.2-1).**

26-126

As we described previously (Section I.A), the DEIR's use of two development "scenarios" is inappropriate and misleading, particularly because the DEIR fails to provide a full analysis of the Maximum Development Scenario, i.e., the project. The climate impact analysis provides a particularly egregious example of this flaw in the document. *The DEIR supplies no estimate of GHG emissions under the Maximum Development Scenario.* Nor does the document provide any explanation for why emissions could be modeled for the artificial Preferred Plan scenario but not for the project as proposed.

26-127

Moreover, the DEIR concludes, without basis, that the climate impact under the Maximum Development Scenario "is *the same* as Impact 6.2-1a for the Preferred Plan." DEIR at 6-42 (emphasis added). Apart from being unsupported, this assertion is patently erroneous. As described above, the Maximum Development Scenario involves consumption of hundreds of thousands of gallons of transportation fuel *per day* beyond those consumed under the Preferred Plan. Similarly, the additional 22,650 residents of the County under the Maximum Development Scenario will generate additional area source emissions and indirect emissions from electricity consumption.

26-128

Without this analysis, the DEIR has failed to evaluate the impacts of the GPU as proposed, in flagrant violation of CEQA.

26-129

**5. The Mitigation Proposed for the GPU's Climate Impacts Is Inadequate (Impact 6.2-1).**

**a. The Climate Action Plan Is Improperly Deferred to 2010.**

26-130

To mitigate the substantial new contribution of the GPU to climate change, the DEIR and GPU rely almost solely on a Climate Action Plan to be developed by June 30, 2010. This measure is too little, too late.

As a general matter, a lead agency may not defer the formulation of mitigation until after project approval. *See* CEQA Guidelines § 15126.4(a)(1)(B); *Gentry v. City of Murrieta*, 36 Cal. App. 4th 1359, 1396 (1995); *Sundstrom*, 202 Cal. App. 3d at 307. An EIR may decline to specify mitigation measures in the document itself only where *all* of the following criteria are satisfied: it is impractical to formulate the measures prior to project approval, *and* a menu of potential components of or alternatives for the eventual measures are described, *and* performance standard to be achieved by the

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air quality impact analysis here find it necessary to state that estimated emissions are "gross" rather than "net."

mitigation is established prior to project approval, *and* the agency commits itself to adopting measures to achieve that standard. *See Sacramento Old City Ass'n*, 229 Cal. App. 3d at 1028-29 (citing Remy et al., *Guide to the Cal. Environmental Quality Act 200-01* (1991 ed.)); *see also San Joaquin Raptor Rescue Ctr.*, 149 Cal. App. 4th at 670-71 (invalidating EIR the deferred management plan until after project approval where no justification for the deferral was provided).

26-131  
Cont'd.

The County's deferral of the Climate Action Plan does not satisfy all of these criteria. The DEIR does not indicate why it would be infeasible to develop the plan prior to approving the GPU. In fact, it is arguably infeasible to develop a functioning plan *after* the GPU has already been approved. The sensible time to evaluate a strategy to reduce the County's contribution climate change is *during* not *after* the development of the General Plan. At present, the most important step that a local government can take to mitigate its contribution to climate change is the design of the community to reduce VMT. *See, e.g.*, CAPCOA at 79; Cal. Attorney General, *The California Environmental Quality Act—Addressing Global Warming Impacts at the Local Agency Level* (2008), at 7, attached hereto as Exhibit 25; Air Resources Board, Economic and Technology Advisory Committee, *Technologies and Policies to Consider for Reducing Greenhouse Gas Emissions in California* (2008) ("ETAC"), at 3-13 to 3-16, excerpts attached hereto as Exhibit 26. Compact, dense development that is walkable and serviceable by public transit is the surest way to reduce GHG emissions. As the "constitution" for land use in the jurisdiction, *Leshner Commc'ns, Inc. v. City of Walnut Creek*, 52 Cal. 3d 531, 539-40 (1990), the General Plan is the County's most fundamental and effective process for controlling the design of the community. Accordingly, as the CAPCOA report indicates,

26-132

The most effective way for local jurisdictions to achieve GHG emissions reductions in the medium- and long-term is through land use and transportation policies *that are built directly into the community planning document*. This involves creating land use diagrams and circulation diagrams, along with corresponding descriptive standards, that enable and encourage alternatives to travel and goods movement via cars and trucks.

26-133

CAPCOA at 69 (emphasis added); *see also* ETAC at 3-13 to 3-16. Mitigation for GHG emissions must be built into the GPU, not tacked on afterward.

Indeed, it is impossible to believe that the Climate Action Plan will be successful in achieving the performance standard set for it by the GPU—20 percent below 1990 levels of GHG emissions by 2020—when the plan itself will not be developed until 2010 and the GPU sets the County on a path in precisely the opposition direction. What measures could the Plan possibly include that would be sufficient to *cut*

*per capita emissions by more than half* over a ten year period,<sup>10</sup> given that the (low density, high-VMT) development pattern over that time period has already been established by the GPU?

26-133  
Cont'd.

**b. The DEIR Does Not Propose All Feasible Mitigation to Reduce the Severity of the GPU's Impacts on Climate.**

The DEIR identifies a variety of GPU policies to reduce GHG emissions. It can, and must, do more to reduce the severity of this significant and unavoidable impact.

26-134

This letter has repeatedly reiterated that the most effective mitigation measure for most of the GPU's impacts is a modification to the land use diagram and land use designations that reduces the amount of low density development, particularly in the Rural Residential designation. The same holds true for climate impacts. *See* CAPCOA at 69; ETAC at 3-13 to -16.

26-135

In addition, the DEIR should identify all feasible measures to reduce GHG emissions. To date, several organizations have compiled lists of mitigation measures for incorporation into individual projects and land use plans. We have attached the following compilations and incorporate them here by reference:

- Cal. Attorney General, *The California Environmental Quality Act—Addressing Global Warming Impacts at the Local Agency Level*.
- CAPCOA, App. B.
- Institute for Local Government, California Climate Action Network, *Best Practices Framework* (May 2008), attached hereto as Exhibit 27.
- Cool Counties, *Cool Counties Policies and Programs Template* (2007), attached hereto as Exhibit 28.

26-136

The DEIR should ensure that every feasible measure identified in these documents has been incorporated in the GPU or proposed in the DEIR as a mitigation measure.

26-137

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<sup>10</sup> The DEIR concludes that *under the Preferred Plan* per capita emissions will be in the neighborhood of 16.5 tpy, an estimate that, as described above, substantially underestimates actual emissions. The DEIR also estimates that the 1990 California emissions level, in per capita terms, is 9 tpy. Twenty percent below 9 tpy is 7.2 tpy.

Mr. Jim Louie, Solano County Department of Resource Management  
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**6. The DEIR Fails to Identify Most of the Studies Cited in the Climate Change Discussion.**

Where an EIR relies on documents outside of the EIR itself, such as studies or reports, those documents must be sufficiently identified in the EIR that the reader can find the documents to evaluate whether they in fact support the EIR's conclusions. *See Vineyard Area Citizens*, 40 Cal. 4th at 442. Although the climate change discussion includes parenthetical citations to a variety of studies or documents, the DEIR's list of references omits full citations to the vast majority of the cited studies. As a result, the reader is left to guess whether they actually support the DEIR's analysis.

26-138

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Thank you for your consideration of these comments. We are available to answer any questions you may have.

Very truly yours,

SHUTE, MHALY & WEINBERGER LLP



MATTHEW D. ZINN

- 26-1 Please refer to Responses to Comments 26-2 through 26-138 below. Also refer to Master Response F, “CEQA Requirements Regarding Recirculation,” in Chapter 2 of this FEIR.
- 26-2 Please refer to Master Response B, “Use of Two Development Scenarios,” in Chapter 2 of this DEIR.
- 26-3 Please refer to Master Response B, “Use of Two Development Scenarios,” in Chapter 2 of this DEIR.
- 26-4 Please refer to Master Response B, “Use of Two Development Scenarios,” in Chapter 2 of this DEIR.
- 26-5 Please refer to Master Response B, “Use of Two Development Scenarios,” in Chapter 2 of this DEIR.
- 26-6 Please refer to Master Response B, “Use of Two Development Scenarios,” in Chapter 2 of this DEIR.
- 26-7 The commenter asserts that the DEIR’s analysis of the Maximum Development Scenario is perfunctory and provides examples that it purports to substantiate that belief.

Please refer to Master Response B, “Use of Two Development Scenarios,” in Chapter 2 of this FEIR. As explained in this master response, CEQA does not require that the DEIR analyze a maximum development scenario because it is not reasonable to believe that the County will, in fact, be developed to the maximum extent permissible under the 2008 Draft General Plan. (See *Save Round Valley Alliance v. County of Inyo* [2007] 157 Cal.App.4th 1437, 1450–1454 [*Save Round Valley Alliance*], which states that an EIR need not analyze the potential that each property owner in a subdivision will add an additional dwelling unit to his or her parcel as conditionally permitted under a county’s general plan and zoning code.) It is speculative to assume that development will occur at the maximum allowable densities and intensities permitted under the 2008 Draft General Plan. (See *Save Round Valley Alliance*; see also Section 15144 of the State CEQA Guidelines.) Nevertheless, the County has gone above and beyond the requirements of CEQA, in that the DEIR addresses the theoretical impacts that would be associated with a maximum development scenario to disclose the potential impacts that could result from such development intensities and patterns. Given the unlikely and speculative nature of that scenario, however, the impacts were not analyzed to the same level of detail as the Preferred Plan, which represents the most probable level of buildout under the 2008 Draft General Plan. The analysis of the Preferred Plan provides the most accurate information available to the County regarding the environmental effects that would occur under the Draft 2008 General Plan.

As also explained in Master Response B, “Use of Two Development Scenarios,” in Chapter 2 of this FEIR, assuming that the 2008 Draft General Plan would be developed to the maximum development intensities permitted would overstate likely development impacts and would result in oversizing infrastructure, such as roadways and water and wastewater facilities. At the same time, it would also likely result in underfunding such infrastructure, since there would be less actual development to pay infrastructure impact fees.

As shown in Chapter 4 of this FEIR, the last paragraph on page 3-24 of the DEIR is revised as follows:

The Maximum Development Scenario represents the highest theoretical amount of development that would be possible under the 2008 Draft General Plan. In this scenario the development properties would occur at the highest density and intensity allowed by the plan. The Maximum Development Scenario would generate substantially more dwelling units, commercial square footage, and population growth than the Preferred Plan. ~~Although it is extremely unlikely that maximum buildout could occur, such a scenario must be analyzed to demonstrate the highest possible level of environmental impact that could result from the project. For this reason, t~~The Maximum Development Scenario is also utilized in analyses contained in Chapter 4 of this EIR.

- 26-8 Please refer to Master Response B, “Use of Two Development Scenarios,” in Chapter 2 of this DEIR.
- 26-9 Please refer to Master Response B, “Use of Two Development Scenarios,” in Chapter 2 of this DEIR.
- 26-10 Please refer to Master Response B, “Use of Two Development Scenarios,” in Chapter 2 of this DEIR.
- 26-11 Please refer to Master Response H, “Mitigation for Significant and Unavoidable Impacts,” in Chapter 2 of this FEIR.
- 26-12 The commenter states that nowhere in the DEIR does the document consider changes to land use designations or densities and intensities as potential mitigation. Please refer to Master Response H, “Mitigation for Significant and Unavoidable Impacts,” in Chapter 2 of this FEIR. An EIR must describe a reasonable range of alternatives to the project that could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of the significant effects of the project (State CEQA Guidelines Section 15126.6[a]). Consistent with this requirement, Alternatives 2, 3, and 4—the Improved Environmental Sustainability, Reduced Commercial and Industrial Development, and Reduced Rural Residential Alternatives, respectively—modify the land use designations to achieve lower levels of development and accompanying environmental impacts. Therefore, contrary to the commenter’s assertion, the DEIR did consider modifications to land use designations as a method to lessen or avoid the environmental impacts of the 2008 Draft General Plan.
- 26-13 The commenter states that the County fails to consider changes to land use designations and densities and intensities and that the County must consider changes to land use designations and densities because such changes would be feasible mitigation.
- The feasibility of mitigation measures and alternatives is a matter for the County Board of Supervisors to determine after balancing various “economic, environmental, social, and technological factors” (Public Resources Code, Section 21061.1). The concept of “feasibility” also encompasses the question of whether a particular mitigation measure promotes the underlying goals and objectives of a project (*City of Del Mar v. City of San Diego* [1982] 133 Cal. App. 3d 410, 417) (*City of Del Mar*). “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” (See *City of Del Mar*; see also *Sequoiah Hills Homeowners Assn. v. City of Oakland* [1993] 23 Cal. App. 4th 704, 715).

Unlike changes to targeted, specific goals, policies, and programs set forth in the 2008 Draft General Plan or changes to mitigation measures included in the DEIR, broad changes to the land use designations, densities, and intensities proposed in the 2008 Draft General Plan are best addressed through the analysis of alternatives to the proposed project. In this case, the DEIR analyzed four project alternatives: (1) the No Project Alternative: Buildout of the Existing General Plan; (2) the Improved Environmental Sustainability Alternative; (3) the Reduced Commercial and Industrial Development Alternative; and (4) the Reduced Rural Residential Alternative. As detailed in Chapter 5 of the DEIR, the development of the four alternatives involved significant input from the public and stakeholders. For detailed information about alternatives considered during the course of the 2008 Draft General Plan, please refer to the 2008 Draft General Plan Web site: <[www.solanocountygeneralplan.net](http://www.solanocountygeneralplan.net)>. The alternatives reports are also on file with the County Department of Resource Management.

As explained more fully in Chapter 5 of the DEIR, each of these proposed alternatives modifies the proposed land use diagram to change land use designations, densities, and intensities as suggested by the commenter. Please also refer to Master Response H, “Mitigation for Significant and Unavoidable Impacts,” in Chapter 2 of this FEIR. As explained in that master response and more fully explained in the DEIR, Alternative 2, the Improved Environmental Sustainability Alternative, seeks to improve environmental sustainability by modifying the land use diagram, certain land use designations, and certain policies and programs proposed within the 2008 Draft General Plan that are designed to achieve primarily economic or social-equity objectives. The alternative assumes reduced amounts of development of land designated Rural Residential, Limited Industrial, Water-Dependent Industrial, Service Commercial, Highway Commercial, and Agricultural Tourist Center in areas outside of established municipal service areas (MSAs), and increased amounts of land within the proposed Agricultural Reserve Overlay and Resource Conservation Overlay. (See Exhibit 5-2 for the land use diagram of the Improved Environmental Sustainability Alternative.) Please refer to pages 5-31 through 5-37 of the DEIR for an evaluation of the environmental impacts of the Improved Environmental Sustainability Alternative.

26-14 The commenter states that mitigation measures must be fully enforceable and claims that many of the policies and programs in the 2008 Draft General Plan do not comply with this standard.

In general, flexibility is desirable in general plan policies because problems will arise with site-specific proposals during implementation if the policies are overly rigid. Further, flexibility in the general plan allows the County to balance competing policy considerations as they arise over time. Policies and programs included in the 2008 Draft General Plan that require the County to “encourage” certain outcomes allow sufficient flexibility for the County to define its priorities and optimize its resources. The County believes that further specificity of policies and programs than has already been achieved through revisions during the EIR process could unreasonably limit the County’s discretion to act in its own best interests on a case-by-case basis.

26-15 The commenter claims that the County’s policies and programs allow the County to decide to take no action and thus fail to mitigate impacts.

The comment is noted. Please refer to Response to Comment 26-14. A general plan’s goals and policies are necessarily somewhat general and require flexibility. A lead agency may rely on such policies to mitigate environmental impacts if they are proposed to be implemented through enforceable programs that commit the agency to mitigate. In response to the commenter’s concerns, County staff have recommended numerous changes to the 2008 Draft General Plan to the County Board of Supervisors for further consideration during public hearings on the 2008 Draft General Plan. Please refer to Chapter 5 of this FEIR for these proposed modifications. Please also refer to Response to Comment 23-68.

- 26-16 Please refer to Master Response F, “CEQA Requirements Regarding Recirculation,” in Chapter 2 of this DEIR.
- 26-17 The commenter states that the DEIR project description does not provide sufficient detail to enable meaningful project analysis. The comment is noted. The DEIR’s project description (see Chapter 3 of the DEIR) fully complies with CEQA. Please refer to Responses to Comments 26-18 through 26-23.
- 26-18 The commenter states that the DEIR’s description of the MSAs is vague. The commenter is confused whether urban uses would or would not be prohibited within the MSAs before annexation by the cities. The commenter requests clarification.
- Please refer to Response to Comment 24-12. The proposed change to Policy LU.P-7 shown in Response to Comment 24-12 and in Chapter 5 of this FEIR would make it clear that the intent of the 2008 Draft General Plan is to prohibit urban uses within the MSAs before annexation by the cities. Please also refer to Master Response I, “Orderly Growth Initiative,” in Chapter 2 of this FEIR, particularly Section 2.9.2 regarding the function of MSAs.
- 26-19 Please refer to Master Response I, “Orderly Growth Initiative,” in Chapter 2 of this FEIR, particularly Section 2.9.2 regarding the function of MSAs.
- 26-20 The commenter states that the DEIR does not describe the density and intensity of uses assumed for specific project areas. The commenter further states that although Table 3-2 identifies total dwelling units and nonresidential floor area along with total acreage, the document provides no way of converting to density and intensity because the reader cannot determine the relative proportions of the acreage to be dedicated to residential and nonresidential development.
- The EIR for the 2008 Draft General Plan does not intend to include detailed analysis of individual projects that could be proposed for the special study areas because the planning process has not yet reached that level of detail for these areas. As noted in the 2008 Draft General Plan (page LU-44), the special study areas were identified during creation of the 2008 Draft General Plan as requiring special attention on each area’s particular issues and concerns. Goals and policies were established for each area based on extensive input from each of the affected communities (see, for example, pages LU-47 through LU-53 of the 2008 Draft General Plan [policies and goals specific to the *Middle Green Valley Land Use Plan*]). These policies would supplement the goals, programs, and policies of the 2008 Draft General Plan with respect to these areas, but they are not intended to serve the function of the more specific planning that remains to be done for these areas. (See page LU-48 of the 2008 Draft General Plan, which states: “As described in Implementation Program SS.I-1, a future specific plan will be developed to refine the preferred plan for the area.”) Thus, the level of detail with respect to density and intensity of uses that the commenter requests cannot be provided at this time, in connection with the broader, programmatic level of planning and review that is appropriate for a general plan.
- According to the State CEQA Guidelines (Section 15168[a]), a local agency may prepare a program-level EIR to address a series of actions that can be characterized as one large project and are related either geographically; as logical parts of a chain of contemplated events; through rules, regulations, or plans that govern the conduct of a continuing program; or as individual activities carried out under the same authorizing statutory or regulatory authority. A local agency may also prepare a program-level EIR if the actions have generally similar environmental effects that can be mitigated in similar ways. The EIR for the 2008 Draft General Plan was prepared as a program EIR. As a program EIR, this document serves as a “first-tier” document that assesses and documents the broad environmental impacts of a program with the understanding that a more detailed site-specific environmental review may be required to assess future projects implemented

under the program. As individual projects with specific site plans and facilities are planned, the County will evaluate each project to determine the extent to which this EIR adequately addresses the potential impact of the project and to what extent additional environmental analyses may be required for each specific future project. (See Public Resources Code Sections 21083.3, 21093, and 21094 and State CEQA Guidelines Sections 15152, 15168, and 15183.) Also refer to Master Response E, “Programmatic Nature of EIR,” in Chapter 2 of this FEIR.

26-21 The commenter states that it appears that the 2008 Draft General Plan fails to define uses and intensities for some land uses. The commenter also summarizes provisions of the California Government Code identifying that the land use element of a general plan must provide a statement of the standards for population density and building intensity recommended for various districts and other territory covered by the plan, stating that the County cannot identify such “white holes” on its 2008 Draft General Plan land use diagram. The 2008 Draft General Plan’s land use plan identifies land use designations, the planned location for each designation (shown in the land use diagram), and a description of density, intensity, and uses permitted in each designated area (see the Land Use chapter of the 2008 Draft General Plan). With respect to the commenter’s specific concerns, please refer to Responses to Comments 26-22 and 26-23.

26-22 The commenter states that provisions for Special Project Areas (SPAs) contained in the 2008 Draft General Plan and the project description for the DEIR conflict with the provisions of the California Government Code requiring identification of densities for particular areas.

The comment is noted. The Draft General Plan establishes an SPA designation that requires preparation of a specific plan to guide the type, location, and density of development in each area. Three of the six SPAs (Fairfield Train Station Specific Plan, Fairfield Nelson Hill, and Rio Vista Army Base Reuse Plan) are located within unincorporated MSAs. Table LU-6 of the 2008 Draft General Plan (provided below for reference) identifies the proposed acreages, dwelling units, population, and nonresidential square feet anticipated within each SPA. These figures are included in the line item for SPAs in Table 3-2 on page 3-25 of the DEIR.

<b>Table LU-6 Specific Project Areas</b>				
Land Use Categories/General Plan Designations	Proposed General Plan 2030			
	Acres	Dwelling Units	Population	Nonresidential Square Feet
Fairfield Train Station Specific Plan (MSA)	482	2,200	6,030	235,000
Fairfield Nelson Hill (MSA)	255	-	-	-
Middle Green Valley	1,903	400	1,051	-
Lambie Industrial Park	1,488	-	-	1,296,346
Rio Vista Army Base Reuse Plan (MSA)	32	-	-	6,490
Rio Vista Study Area	48	-	-	249,743
<b>Subtotal Special Purpose Areas</b>	<b>4,208</b>	<b>2,600</b>	<b>7,081</b>	<b>1,787,579</b>
Note: (MSA) = within municipal service area				

Additional background supporting the information provided in Table LU-6 regarding the three SPAs located in MSAs is provided below:

- For the Fairfield Train Station SPA, the proposed number of units, population and nonresidential square footage were derived from the 2006 draft specific plan for this SPA.

- ▶ The Fairfield Nelson Hill SPA is designated in the *City of Fairfield General Plan* as an SPA, and the plan text describes future park use of the area. Thus, no units, population, or nonresidential square feet are assumed for the area.
- ▶ The Rio Vista Army Base Reuse Plan is identified as an SPA in the *City of Rio Vista General Plan*. The plan does not identify the anticipated development intensity of the area. The anticipated nonresidential square footage listed in Table LU-6 was derived based on consultation with the City of Rio Vista.

Additional background supporting the information provided in Table LU-6 regarding the three SPAs not located in MSAs is provided below:

- ▶ *Middle Green Valley SPA*—The 2008 Draft General Plan requires preparation of a specific plan for the Middle Green Valley SPA. Program SS.I-1 in the 2008 Draft General Plan states the desired content of the specific plan, setting the desired development level at 400 units, dependent on a Transfer of Development Rights (TDR) program and cluster development techniques to preserve agriculture and open space within the SPA. This proposal was developed through six public workshops conducted by the County in spring and summer 2007, as described on pages LU-47 and LU-48 of the 2008 Draft General Plan. Figure SS-3 (page LU-51) of the 2008 Draft General Plan shows a conceptual land use plan for the Middle Green Valley area developed during the 2007 workshops showing the approximate locations of existing development, as well as the sending and receiving areas for the TDR program. The exact level and location of development in Middle Green Valley that would result from the specific plan is not known. However, the units and acreage established in Table LU-6 would result in a density of 0.21 unit per acre and conversion of up to 1,792 acres without the TDR or cluster techniques advocated by the 2008 Draft General Plan. This development density and agricultural conversion potential are analyzed in the DEIR. Successful incorporation of TDR and cluster provisions within the specific plan would result in greater densities and less conversion of agricultural land.
- ▶ *Lambie Industrial Park SPA*—In the County’s current General Plan, Lambie Industrial Park is designated General Industrial. The 2008 Draft General Plan anticipates a continuation of such industrial use, but designates Lambie Industrial Park as an SPA to ensure coordinated provision of infrastructure needed to serve anticipated buildout of the area. The proposed nonresidential square footage is consistent with use of the area under the General Industrial land use designation.
- ▶ *Rio Vista Study Area SPA*—The Rio Vista Study Area SPA was chosen for the SPA designation because it is already part of a city’s specific planning effort. Specifically, the Rio Vista Study Area is identified as an SPA in the *City of Rio Vista General Plan*. The plan does not identify the anticipated development intensity of the area. The anticipated nonresidential square footage listed in Table LU-6 was derived based on consultation with the City of Rio Vista.

Thus, Table LU-6 of the 2008 Draft General Plan provides the required standards for future development of SPAs in the form of acreage, development intensity, and population.<sup>1</sup> Subsequent specific plans for each area must be consistent with these provisions to be found

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<sup>1</sup> Notably, state law does not require general plans to include population densities for nonresidential uses. (See *Twain Harte Homeowners Assn. v. County of Tuolumne* [1982] 138 Cal.App.3d 664, 698. (“Given the variety of legitimate ways of interpreting the term ‘population density,’ it appears sensible to allow local governments to determine whether the statement of population is tied to residency, or . . . to the daily usage estimates for each land classification.”))

consistent with the 2008 Draft General Plan. The figures in Table LU-6 of the 2008 Draft General Plan are included in the line item for SPAs in Table 3-2 (page 3-25) of the DEIR.

26-23 The commenter states that provisions for uses within MSAs contained in the 2008 Draft General Plan and the project description for the DEIR conflict with the provisions of the California Government Code that require identification of densities for particular areas. As shown in Chapter 5 of this FEIR, since publication of the DEIR County staff have recommended and the Planning Commission accepted proposed modifications to the 2008 Draft General Plan regarding temporary uses prior to annexation. This proposed modification will be provided to the County Board of Supervisors for further consideration. If this proposal is accepted by the County Board of Supervisors, the last sentence of the last paragraph on page LU-12 of the 2008 Draft General Plan would be amended as follows:

A change in land use of unincorporated lands within MSAs should be permitted only for ~~temporary~~ agricultural uses that do not conflict with planned land uses until annexed for urban development.

Also, Policy LU.P-7 on page LU-35 of the 2008 Draft General Plan would be amended as follows:

LU.P-7: Permit temporary land uses and uses consistent with current agricultural zoning on unincorporated lands within municipal service areas that do not conflict with planned land uses until the property is annexed to a city for urban development.

As stated in this revised policy, temporary uses within unincorporated MSAs before annexation shall be limited to agriculture, in conformance with existing zoning. Proposed uses after annexation are identified using land use designations (e.g., Urban Residential, Urban Commercial, Urban Industrial) proposed within the 2008 Draft General Plan crafted to be consistent with the density and intensity ranges established in adopted city general plans in Solano County. The land use diagram in the 2008 Draft General Plan also contains a notation indicating that users should refer to the applicable city's general plan for additional detail.

26-24 The commenter states that the DEIR does not adequately describe where new development is proposed within the 2008 Draft General Plan. The commenter requests a map of existing land uses, information regarding the density and intensity of the existing land uses, and a map that shows new growth relative to existing development. As shown in Chapter 4 of this FEIR, Section 4.1, "Land Use," of the DEIR is revised to provide a map of existing land uses as Exhibit 4.1-1, and the first sentence under "Existing Land Use Patterns" on page 4.1-2 of the DEIR is revised as follows:

Exhibit 4.1-1 shows existing land uses in Solano County and Table 4.1-1 indicates the acreage of existing ~~such~~ uses in Solano County.

By comparing Exhibit 4-1 and Exhibit 3-2, it is possible to determine the location of new growth and changes in density and intensity relative to existing conditions.

26-25 Please refer to Response to Comment 26-24 above.

26-26 Please refer to Response to Comment 26-24 above.

26-27 The commenter states that the 2008 Draft General Plan is inconsistent with the County's public facilities fee agreements with the cities. The DEIR's threshold of significance states that an impact on land use is considered significant if the proposed project would conflict with any

applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. It is unclear how the fee agreements or the City of Fairfield exert jurisdiction over the proposed project. It is also unclear how the fee agreements mitigate environmental effects, as “financial burdens” are not considered an environmental impact. Furthermore, it is unclear how the agreements would conflict with the project if such fees were to “automatically terminate” upon “unreasonable” modifications of the *Solano County General Plan*. The fee agreements only provide a method for collecting the fee. Under the agreements, the cities have agreed to collect the fee on the County’s behalf. If the agreements are terminated, the County still has the authority to collect the fee and would utilize another method to do so.

26-28 Please refer to Response to Comment 26-27.

26-29 Please refer to Responses to Comments 26-30 and 26-31.

26-30 The commenter states that the DEIR neglects feasible mitigation for the incompatibility of the 2008 Draft General Plan with existing uses because it does not require a mandatory buffer requirement between existing agricultural uses and proposed nonagricultural uses. The commenter recommends that the 2008 Draft General Plan require buffers as “mandatory” between agricultural and nonagricultural land uses. A mitigation measure calling for a mandatory buffer within the MSAs is infeasible because these areas are proposed to be annexed by the cities and therefore would be outside of the County’s jurisdiction. For the County to enforce a mandatory buffer, the buffer would have to be located in the unincorporated portions of the county which would place the buffer on the agricultural property, not on the property being developed. This would further reduce productive farmland in the county and could result in a considerable impact on the existing agricultural uses. This would nullify the initial purpose of the buffer. The County appreciates the recommendation for “mandatory” buffers, and the County intends to be diligent in working with cities to encourage the use of buffers in MSAs.

26-31 The commenter states that the DEIR neglects feasible mitigation for the incompatibility of the 2008 Draft General Plan with existing uses because it does not restrict the location of building envelopes on Rural Residential parcels. As shown in Chapter 4 of this FEIR, Mitigation Measure 4.1-4 for both the Preferred Plan and the Maximum Development Scenario is revised to add an additional mitigation measure. Mitigation Measure 4.1-4a is revised as follows:

**Mitigation Measure 4.1-4a(1): Require Minimum Mitigation Ratio of 1.5:1 or Higher for Farmland Conversion.**

Program AG.I-1 of the 2008 Draft General Plan shall be amended to have a minimum mitigation ratio of 1.5:1 or higher for farmland conversion to mitigate the impacts of new nonagricultural uses on adjacent and neighboring agricultural operations. Program AG.I-1 shall be amended to read as follows.

**AG.I-1:** Create and adopt a farmland conversion mitigation program and ordinance. Require compensation for loss of agricultural land. Establish appropriate mitigation ratios for the program or utilize a graduated mitigation mechanism. The mitigation ratio shall be a minimum of 1.5:1 (1.5 acres of farmland protected through mitigation for each acre of farmland converted). The program shall not present regulatory barriers to agritourism, agricultural services, and agricultural processing in regions and within land use designations where such uses are permitted and encouraged. The program shall also establish mitigation within the same agricultural region as the proposed development project, or within the Agricultural Reserve Overlay district, as a preferred strategy. The program shall incorporate a

fee option, and shall provide an exemption for farmworker housing. Mitigation lands shall be of similar agricultural quality to the lands being converted.

**Mitigation Measure 4.1-4a(2): Require Use of Clustering and Building Envelope Size and Locational Controls.**

Policy LU.P-17 of the 2008 Draft General Plan shall be amended to require the use of clustering and building envelope size and locational controls to mitigate the impacts of new nonagricultural uses on adjacent and neighboring agricultural operations. Policy LU.P-17 shall be amended to read as follows (deletions shown in ~~strikeout text~~ and insertions shown in *italics*):

**LU.P-17: ~~Encourage~~ Require clustering of residential development and the use of building envelope size and locational controls in residential development when necessary to preserve agricultural lands, natural resource areas and environmental quality, to provide for the efficient delivery of services and utilities, and to mitigate potential health and safety hazards.**

Although Mitigation Measures 4.1-4a(1) and 4.1-4a(2) may work to reduce some portion of the impact associated with agricultural and nonagricultural use conflicts, ~~it~~ they would not reduce these impacts to below a level of significance. For this reason, the impact would remain **significant and unavoidable**.

As shown in Chapter 4 of this FEIR, Mitigation Measure 4.1-4b is revised as follows:

**Mitigation Measure 4.1-4b(1): Require Minimum Mitigation Ratio of 1.5:1 or Higher for Farmland Conversion.**

This measure is the same as Mitigation Measure 4.1-4a(1) above. For the same reasons as described above, the impact would remain **significant and unavoidable**.

**Mitigation Measure 4.1-4b(2): Require Use of Clustering and Building Envelope Size and Locational Controls.**

This measure is the same as Mitigation Measure 4.1-4a(2) above. For the same reasons as described above, the impact would remain **significant and unavoidable**.

26-32 Please refer to Response to Comment 26-31 above.

26-33 The commenter states that the DEIR improperly concludes that mitigation of inducement of population growth is infeasible. In this comment the commenter states that Impact 4.1-5 does not identify the Housing Element policies with which the mitigation is asserted to be inconsistent. The DEIR states that a reduction in acreage devoted to residential use, a decrease in residential densities to reduce the projected number of dwelling units, or the regulation of the number of residential building permits that may be issued annually could increase the cost of housing in Solano County, thereby conflicting with Objective C.1 and Policy C.1 of the County's Housing Element, which promote the production of housing for all segments of the population at all income levels. As demonstrated above, Objective C.1 and Policy C.1 of the Housing Element are identified in the impact discussion. Objective C.1 states "Provide housing to meet the needs of all economic segments of the community, including very low-, low-, moderate-, and above moderate-income households. While the County, in coordination with Solano County cities, will provide sites to accommodate its full housing need allocation for the planning period, it is recognized that the County does not directly participate in production of most new housing units and that the ultimate number of new housing units is highly dependent on factors beyond the

County's control..." Policy C.1 states, "The County shall make every effort to reduce the cost of housing to lower and moderate income groups through local, state and federal housing assistance programs."

26-34 The commenter states that Impact 4.1-5 is illogical in its claim that mitigation of inducement of population growth is infeasible. The commenter also states that if the conclusion of infeasibility is correct, the Housing Element is internally inconsistent with the 2008 Draft General Plan.

The commenter is correct in stating that the County currently has no unmet housing needs. The County has been able to meet the Regional Housing Needs Assessment allocation through partnerships with the seven cities that have accommodated the County's share of required affordable housing. Although the current housing need has been met through this agreement, it is uncertain whether such partnerships will continue in the future. If such partnerships do not continue, then the housing need will need to be achieved in unincorporated areas of the county. Additionally it is not possible to foresee how many units will be allocated to the county. It is possible that future housing allocations would require a considerable number of affordable housing units to be built in the unincorporated county.

In such a scenario, Rural Residential development would be the predominant mechanism by which the County could comply with future housing allocation requirements. Limiting the acreage devoted to residential uses, decreasing residential densities to reduce the projected number of dwelling units, or regulating the number of residential building permits that may be issued annually could have a negative impact on the affordability of housing in Solano County. Although the details of the effects of the amount of rural residential land on housing markets are complex, it is reasonable to assume that such limitations to land or housing supply could result in increased housing costs.

26-35 The commenter states that the DEIR does not provide any evidence for the conclusion that a reduction in the supply of housing will increase the cost of housing, let alone evidence of how much of an increase in cost would occur. As described in Response to Comment 26-34, analysis of the effect of land use and density designations on the county's land and housing markets is a complex matter. Furthermore, as stated in Section 15131(a) of the State CEQA Guidelines, "Economic or social effects of a project shall not be treated as significant effects on the environment." In other words, the economic or social changes that a project (in this case, the 2008 Draft General Plan) may cause are not, in and of themselves, significant environmental effects that require analysis in an EIR. It is reasonable to assume however, that such limitations to land or housing supply could result in increased costs, according to basic principles of supply and demand. For this reason, and because this comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is necessary.

26-36 The commenter suggests that as a means of reducing construction-related emissions, the amount of construction "required" under the 2008 Draft General Plan should be reduced by limiting the number of residential parcels that can be developed. First, the 2008 Draft General Plan does not "require" any particular level of development to occur. The County cannot compel any private landowner to construct new development on any particular parcel. The 2008 Draft General Plan merely designates allowable land uses across the county to guide private and government decision making for the life of the plan.

Second, although a reduction in residential construction would reduce development and emissions of air pollutants, it is unnecessary to limit growth in Solano County as proposed by the commenter when individual project mitigation would reduce most emissions to acceptable levels. Furthermore, the County did analyze the comparative environmental impacts of just such a proposal in its analysis of two alternatives that contemplate reduced levels of residential

development—Alternative 2, the Improved Environmental Sustainability Alternative; and Alternative 4, the Reduced Rural Residential Alternative. (See Chapter 5 of the DEIR.) The County Board of Supervisors may exercise its discretion to adopt any of the alternatives analyzed in the DEIR instead of the 2008 Draft General Plan, or to modify the 2008 Draft General Plan or any of the alternatives to reduce the amount of Rural Residential development.

This determination of the feasibility of reducing the amount of proposed new residential development in the county, however, must be balanced against the County's obligation under state law to accommodate its fair share of housing through the Association of Bay Area Governments' allocation process, called the regional housing needs determination (RHND). Although the County has relied on cities to accommodate a portion, but not all, of the County's RHND allocation, no guarantee exists that the cities will accommodate any or all of the County's future RHND allocations during the time frame of the 2008 Draft General Plan. The County still has an independent responsibility under state housing element law to provide adequate sites that are appropriately zoned to accommodate its RHND allocation.

- 26-37 The commenter states that reducing the acreage proposed for development in remote areas would reduce transportation-related construction emissions. Although shorter haul routes and less moving of equipment would reduce construction emissions, industrial and agricultural land uses often need to be located in remote areas to minimize conflicts with other land uses. The reduction of available acreage in remote areas may prevent these land use types from being developed, which could affect the diversity of the county. As the County creates the land use map, it often faces these kinds of trade-offs. In addition, page 5-4 of the DEIR describes Alternative 3, which proposes reduced commercial and industrial development. Relative to the 2008 Draft General Plan, this alternative assumes designation of less land as Limited Industrial, Water-Dependent Industrial, Service Commercial, Highway Commercial, and Agricultural Tourist Center in areas outside of established MSAs. The commenter's apparent preference for that alternative is noted and will be forwarded to the Board of Supervisors.
- 26-38 The comment states that the DEIR fails to analyze emissions of air pollutants associated with energy use. The analysis of criteria air pollutants was performed in accordance with applicable air district methodologies. As recommended by the Bay Area Air Quality Management District (BAAQMD), Yolo/Solano Air Quality Management District (YSAQMD), and California Air Resources Board (ARB), emissions were modeled using URBEMIS and include area-source emissions such as natural gas, hearth stoves, landscaping equipment, consumer products, and architectural coatings. The modeling was based on the land use changes projected in the Land Use chapter. Inputs include dwelling units, 1,000 square feet of industrial or commercial development, and acres of open space. Electricity-generating facilities would be considered an off-site source and are permitted individually by the applicable air district. See Impacts 4.2-3a and 4.2-3b and Appendix B of the DEIR for more information. Please also refer to Master Response Q, "Inadequate Analysis of Energy Demands," in Chapter 2 of this FEIR.
- 26-39 Please refer to Response to Comment 26-38 and Master Response Q, "Inadequate Analysis of Energy Demands," in Chapter 2 of this FEIR.
- 26-40 The mitigation measure in Comment 26-40 recommends that homes above a certain size be required to install a form of renewable energy to offset energy-related emissions. The commenter is directed to Mitigation Measure 4.2-3a on pages 4.2-30 and 4.2-31 of the DEIR, which requires that all measures recommended by the commenter (e.g., solar, wind) be applicable to homes of all sizes.
- 26-41 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further

consideration. Furthermore, two alternative land use plans contemplating reduced amounts of development within the unincorporated county were analyzed in the DEIR as Alternatives 2 and 4. The County may recommend, but has no authority to dictate, to the cities that they increase the density of urban development within their borders.

26-42 The commenter suggests that the DEIR fails to identify all feasible mitigation to address the impact of increased vehicle miles traveled (VMT) that would occur under the 2008 Draft General Plan. Please refer to Master Response H, “Mitigation for Significant and Unavoidable Impacts,” in Chapter 2 of this FEIR.

26-43 The commenter recommends reducing the proposed amount of very low-density development as a means of reducing VMT and associated emissions. Although the commenter is correct that reducing very low-density residential land uses could reduce VMT and associated emissions, the County relies on such land uses to ensure compliance with future regional housing needs assessment (RHNA) allocation requirements. If County-city partnerships with the seven cities that have accommodated the County’s share of required affordable housing were to be dissolved, Rural Residential development would be the predominant mechanism by which the County could comply with future housing allocation requirements. Limiting the acreage devoted to residential uses or regulating the number of residential building permits that may be issued annually could have a negative impact on the affordability of housing in Solano County. Please refer to Responses to Comments 26-33, 26-34, and 26-35. Additionally, the 2008 Draft General Plan does increase the amount of high-density land use relative to the existing General Plan. Furthermore, the DEIR does not establish that the 2008 Draft General Plan is out of sync with regional population growth. The commenter’s referenced population growth was previously used for population estimates in Solano County, but the population estimate used for the alternatives of the DEIR is the most current estimate.

26-44 Program HS.I-54 of the 2008 Draft General Plan would reduce emissions from mobile sources. As shown in Chapter 5 of this FEIR, County staff have recommended the following change to this program. The change was accepted by the Planning Commission and will be provided to the County Board of Supervisors for consideration. If this proposal is accepted by the County Board of Supervisors, Program HS.I-54 would be revised as follows:

HS.I-54: ~~Consider Adopt~~ a trip reduction ordinance and ~~incentives to encourage employers to increase~~ encourage employers to develop practices that reduce employees’ vehicle trips such as telecommuting, provide provision of bicycle facilities, and access shuttles to public transit for employees, including County employees.

Idling of commercial, industrial, and construction vehicles is already limited by restrictions regulated by ARB. Please see Mitigation Measures 4.2-1a and 4.2-5a.

Air quality impact fee programs are typically implemented by the presiding air district in the form of indirect source review programs. However, it is not unprecedented for counties to also implement their own programs. Therefore, as shown in Chapter 4 of this FEIR, the text of Mitigation Measure 4.2-2a on page 4.2-28 of the DEIR is revised as shown in Response to Comment 24-40.

The County does not have the necessary facilities and services to support the higher density development suggested by the commenter. Locating higher density development outside of established communities and city MSAs would be contrary to the County’s guiding principles of fostering city-centered development and “what is urban shall be municipal.” The Rural Residential land use designation complements the typically higher densities and housing types

that the cities provide, allowing for a broad range of housing types within Solano County as a whole.

26-45 Please refer to Response to Comment 26-44.

26-46 Wood-burning appliances are typically regulated by the presiding air district. However, it is not unprecedented for counties to also implement their own programs. Therefore, as shown in Chapter 4 of this FEIR, the existing Mitigation Measure 4.2-4a and Mitigation Measure 4.2-4b on pages 4.2-32 and 4.2-33, respectively, are renumbered as 4.2-4a(1) and 4.2-4b(1), and the following new mitigation measure, which serves as both Mitigation Measure 4.2-4a(2) and Mitigation Measure 4.2-4b(2), is added on page 4.2-32 of the DEIR:

**Mitigation Measure 4.2-4a(2): Implement EPA Recommendations for Wood-Burning Appliances.**

All new wood-burning appliances installed in the county shall be installed in accordance with EPA recommendations and the County shall consider a replacement program in coordination with BAAQMD and YSAQMD.

26-47 Please refer to Response to Comment 24-19. Road realignment is an example of one mitigation measure for carbon monoxide (CO) impacts. Specific mitigation would be determined by individual environmental review for subsequent projects.

26-48 Please refer to Response to Comment 24-19. Road realignment is an example of one mitigation measure for CO impacts. Specific mitigation would be determined by individual environmental review for subsequent projects.

26-49 Please refer to Response to Comment 24-19. Road realignment is an example of one mitigation measure for CO impacts. Specific mitigation would be determined by individual environmental review for subsequent projects. Furthermore, two alternative land use plans contemplating reduced amounts of development within the unincorporated county were analyzed in the DEIR as Alternatives 2 and 4.

26-50 The comment questions the use of existing conditions as a baseline for the DEIR air quality analysis. The analysis is done in the full environmental context by accounting for and modeling future years and comparing them to existing conditions. If the baseline were to be adjusted to future years, those decisions in the intervening years may be adversely affected; therefore, the baseline should be set at the beginning of the process to account for the entire life of the 2008 Draft General Plan. The policies are written to be flexible enough to change and adapt to situations throughout the life of the 2008 Draft General Plan and guide decision makers.

All analyses of environmental impacts conducted in the DEIR used existing land use conditions as the baseline, consistent with the following recommendation in Section 15125 of the State CEQA Guidelines:

An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of published. This environmental setting will normally constitute the baseline conditions by which a Lead Agency determines whether an impact is significant.

26-51 Please refer to Response to Comment 23-52.

26-52 The commenter is correct in that the thresholds for determination of a significant traffic noise level increase were not stated in the discussion of significance thresholds in Section 4.3, "Noise,"

of the DEIR although they were applied to the analysis presented in the DEIR. As shown in Chapter 4 of this FEIR, those thresholds have been included in a new section as follows:

### **Thresholds for Determination of a Significant Project-Related Noise Level Increase**

Based on studies of test subjects' reactions to changes in environmental noise levels, the Federal Interagency Commission on Noise (FICON) developed the following recommendations for thresholds to be used in assessing the significance of project-related noise level increases for transportation noise sources. Where background noise levels without the project would be less than 60 dBA  $L_{dn}$ , a 5-dBA or greater noise level increase due to the project is considered significant. Where background noise levels without the project would range from 60 to 65 dBA  $L_{dn}$ , a 3-dBA or greater noise level increase due to the project is considered significant. Finally, where background noise levels without the project would exceed 65 dBA  $L_{dn}$ , a 1.5-dBA or greater noise level increase due to the project is considered significant. This graduated scale is based on findings that people in quieter noise environments would tolerate larger increases in noise levels without adverse effects, whereas people already exposed to elevated noise levels exhibited adverse reactions to noise for smaller increases.

In addition, as shown in Chapter 4 of this FEIR, Table 4.3-8 of the DEIR has been modified to shade the specific roadway segments for which a significant project-related noise level increase is identified.

26-53

As shown in Chapter 4 of this FEIR, additional explanatory text for the finding of a significant and unavoidable noise impact (Impact 4.3-3a) on page 4.3-31 and 4.3-32 of the DEIR has been provided. The following changes have been made:

It is recognized that the above 2008 Draft General Plan policies and Mitigation Measure 4.3-4-3a, used individually or collectively, can result in a reduction of traffic noise levels at affected sensitive receptor locations. Nonetheless, despite the implementation of such a noise abatement program, it is infeasible to ensure that existing residential uses will not be exposed to future traffic noise levels exceeding the County's noise standards or significantly exceeding levels they are exposed to today. For example, it may not be possible to construct a noise barrier at an existing residence due to engineering constraints (utility easements or driveway openings), and building façade sound insulation would only benefit interior spaces, so outdoor activity areas may still be affected. It may also be infeasible to reduce speed limits in areas where speed surveys would not safely support the reduction. In addition, busy streets tend to also serve commercial uses, so restricting trucks on the busier streets may be impractical. Although a combination of the listed measures could be highly effective in reducing traffic noise levels on a countywide basis, it is not possible to state with absolute certainty that it would be possible to fully mitigate this impact at every noise-sensitive use within the County. As a result, this impact would remain **significant and unavoidable**.

26-54

Please refer to Response to Comment 26-53.

26-55

Mitigation Measure 4.4-3a in the DEIR requires that the County adopt a countywide noise reduction program to reduce traffic and other noise levels countywide. The program requires consideration of a variety of noise abatement options where reasonable and feasible. It is important to note that the intent of Mitigation Measure 4.4-3a is to utilize feasible and reasonable measures to reduce existing and future traffic noise levels at existing noise sensitive uses, and that this measure does not specifically pertain to new development. All proposed new development in potentially noise impacted areas requires a detailed analysis of the potential impacts upon that

development and that appropriate noise abatement measures be included in the new project design to achieve satisfaction with the County's noise standards.

- 26-56 Please refer to Master Response H, "Mitigation for Significant and Unavoidable Impacts," in Chapter 2 of this DEIR.
- 26-57 The comment is noted. However, it should be noted that the proposed land use designations in the 2008 Draft General Plan are not an endorsement of a particular site plan layout within those land uses. A particular site plan layout is what determines the compatibility of a land development proposal with encouraging alternative forms of transportation. This is particularly true for walking trips. The appropriate types of alternative transportation made available will vary by location in the county, proximity to transit routes, proximity to transit centers and park-and-ride lots, and orientation of the planned development. In addition, the Rural Residential development is developed to allow for some value to the land without recommending a land use pattern (similar to the patterns found in standard suburban developments) of a large quantity of housing without nearby nonresidential land uses intended to promote alternative forms of transportation. Thus, these concepts do not conflict with each other directly.
- 26-58 Policy TC.P-3 in the 2008 Draft General Plan provides direction to consider alternative modes of transportation while examining land use development proposals. Because ways to encourage alternative modes of transportation vary by development site plan layout as well as location and land use type, it is not reasonable to propose specific mandatory mitigation for this impact in a general plan DEIR.
- 26-59 The commenter indicates that the DEIR does not adequately support its conclusion that the impact on water quality would be less than significant.
- Please refer to Master Response R, "Inadequate Water Quality Impact Analysis," in Chapter 2 of this FEIR.
- 26-60 The commenter indicates that the DEIR provides no analysis or evidence to support its assertion that the quoted policies of the 2008 Draft General Plan would be sufficient to reduce the water quality impacts of planned development to a less-than-significant level.
- The comment is noted. Please refer to Master Response R, "Inadequate Water Quality Impact Analysis," in Chapter 2 of this FEIR.
- 26-61 The commenter states that the DEIR inadequately analyzes and mitigates the exposure of people and structures to flood and inundation risks and described in Impact 4.5-5. The commenter further requests that sea level rise as a result of climate change be further evaluated within the DEIR.
- Please refer to Master Response L, "Inadequate Drainage and Flooding Analysis," in Chapter 2 of this FEIR. With regard to the request regarding further analysis of sea level rise, please refer to Responses to Comments 24-46 and 26-66. The mapping presented in the attachment referenced by the commenter has been prepared for the San Francisco Bay Area as a whole. As noted in Response to Comment 24-46, more precise mapping applicable to Solano County is currently being prepared by the San Francisco Bay Conservation and Development Commission and will be used to describe the affected areas of the county within the first phase of the Sea Level Rise Strategic Program.
- 26-62 The commenter indicates that the DEIR does not provide the Flood Insurance Rate Map or other map of areas subject to flooding to depict existing flood risks.

Exhibit 4.5-4 on page 4.5-29 of the DEIR depicts areas located within the 100-year floodplain zone. Comparison of this exhibit with the proposed 2008 Draft General Plan land use map (DEIR Exhibit 3-2, page 3-5) allows for identification of proposed land use designations within the 100-year floodplain. No further response is required.

26-63 The commenter states that the DEIR does not identify any 2008 Draft General Plan policies or new mitigation of existing risks from development in the current 100-year flood hazard zone and that a standard mitigation measure for such an impact would require that the ground floor of all dwelling structures to be raised above the 100-year floodplain.

The comment is noted. Solano County Code Chapter 12.2, Article V, provides for provisions for flood hazard reductions. It requires that new construction and substantial improvements of any structure include elevating the lowest floor, including the basement, at least 1 foot above the base flood elevation. A registered professional engineer or surveyor must certify this work or the building inspector must verify it. Because specific building design standards to reduce existing flood risks have already been codified by the County, mitigation measures relating to building standards are unnecessary. Additionally, please refer to Master Response L, "Inadequate Drainage and Flooding Analysis," in Chapter 2 of this FEIR.

26-64 The commenter indicates that the DEIR fails to analyze the Solano County Water Agency (SCWA) studies on minimizing damage in flood prone areas of Solano County or to even correlate proposed new County development with SCWA's data.

Please refer to Master Response L, "Inadequate Drainage and Flooding Analysis," in Chapter 2 of this DEIR.

26-65 The commenter states that the DEIR ignores the likely effect of climate change in increasing the frequency and severity of flood events and adds that such discussions must be integrated into the hydrology discussion to avoid confusing the public and decision makers.

Please refer to Section 6.2, "Climate Change," and numerous discussions within the hydrology discussion of the DEIR. Climate change is addressed as a whole under Section 6 because significance thresholds related to climate change were not established for each individual CEQA topic, including hydrology and water resources.

Please also refer to Master Response L, "Inadequate Drainage and Flooding Analysis," in Chapter 2 of this DEIR.

26-66 The commenter indicates that the Sea Level Rise Strategic Program (SLRSP) does not support the DEIR's conclusion that flood risks would be reduced to a less-than-significant level with implementation of the 2008 Draft General Plan. The commenter states that the DEIR and the 2008 Draft General Plan completely defer specification of the SLRSP until after approval of the 2008 Draft General Plan, which CEQA forbids.

Consistent with CEQA's requirements, the County, through the CEQA process for this EIR, has investigated and disclosed all that it reasonably can at this time with respect to the effects of climate change on the project, including the effects of sea level rise (see Impacts 6.2-2a and 6.2-2b on pages 6-43 through 6-49 of the DEIR) (State CEQA Guidelines Section 15144). However, because the 2008 Draft General Plan is to be implemented over the next approximately 22 years, it is extremely probable that the scientific and state and federal policy framework surrounding sea level rise measures will evolve from where it is now. It is necessary for the County's general plan to include strategies to allow the County to remain informed as the state of the science evolves and to be able to adapt to changes in the known science and applicable federal and state policies

and regulations. Program HS.I-1 would allow the County to do just that by requiring that the County develop and adopt the SLRSP. The SLRSP, which must be prepared by 2010, would have three primary objectives:

- ▶ Investigate the potential effects of sea level rise on Solano County.
- ▶ Identify properties and resources susceptible to sea level rise to prioritize management strategies.
- ▶ Develop protection and adaptation strategies to meet the County's and region's goals.

The SLRSP is intended to protect Solano County from the impacts of flooding caused by sea level rise throughout the long-range time frame of the 2008 Draft General Plan. Moreover, the climate action plan prepared pursuant to Program HS.I-73 (as proposed to be modified in response to comments received on the DEIR) would describe strategies, policies, and measures that will be used to protect the county from and facilitate adaptation to the potential effects of climate change.

Potential effects to be evaluated include but are not limited to sea level rise, saltwater intrusion, increased frequency and magnitude of flooding, diminished water supply, increased wildfire risk, habitat loss, and possible impacts on public health and the local economy, including agriculture. Each measure would include a timeline, describe financing mechanisms, and assign responsibility to relevant agencies and departments. The climate action plan would identify benchmarks (in addition to those set forth in Program HS.I-73), monitoring procedures, and other steps needed to ensure that the County achieves its GHG reduction, protection, and adaptation goals. The GHG emissions reduction measures would be monitored and verified on an ongoing, annual basis. Monitoring would provide important feedback that can be used to demonstrate overall progress toward emissions reduction targets and improve measures over time. Benchmarks would be established to serve as intermediate goals and to motivate compliance with County and sector-level reduction targets. Revisions to climate action plan policies and measures and subordinate strategic programs may require further amendments to the 2008 Draft General Plan. The implementation strategies identified in the climate action plan would be incorporated as implementation programs of the 2008 Draft General Plan through amendment within 1 year of completion. The effectiveness of policies and measures would be evaluated annually and would be modified as necessary to achieve the County's reduction goals.

The commenter's assertion that the County relies on future implementation of the SLRSP to achieve approval of the 2008 Draft General Plan is addressed in Master Response G, "Deferred Mitigation," in Chapter 2 of this FEIR. Notably, the 2008 Draft General Plan includes numerous policies and programs (in addition to Program HS.I-1 requiring the preparation of the SLRSP), that would not defer any amount of mitigation, although some deferral is permissible, as described in Master Response G. For a list of such programs and policies, please refer to pages 6-44 through 6-49 of the DEIR and Chapter 5 of this FEIR for proposed modifications and additional policies and programs.

26-67 The commenter indicates that the DEIR inadequately analyzes the risk of inundation from levee failure and fails to identify feasible mitigation.

Please refer to Master Response N, "Risk of Levee Failure," in Chapter 2 of this DEIR.

26-68 The commenter states that the impact discussion does not clearly state how the 2008 Draft General Plan exacerbates existing inundation risk.

Please refer to Master Response N, “Risk of Levee Failure,” and Master Response L, “Inadequate Drainage and Flooding Analysis,” in Chapter 2 of this DEIR.

26-69 The commenter indicates that the DEIR does not distinguish between the inundation risks of existing communities and such risks for new development authorized by the 2008 Draft General Plan.

Please refer to Master Response L, “Inadequate Drainage and Flooding Analysis,” in Chapter 2 of this DEIR.

26-70 The commenter states that the DEIR fails to propose feasible mitigation for the risk of inundation.

Please refer to Master Response L, “Inadequate Drainage and Flooding Analysis,” in Chapter 2 of this DEIR.

26-71 The commenter provides the following examples of measures that could reduce the risk of exposing new development and new residents to inundation:

- ▶ Add a land use overlay to the 2008 Draft General Plan to designate properties in the inundation zone.
- ▶ Prohibit development of more than one single-family home on properties located in the inundation zone.
- ▶ Prohibit subdivision in the inundation zone.
- ▶ Establish very large minimum parcel sizes in the inundation zone.
- ▶ Require that property owners in the inundation zone obtain flood insurance.
- ▶ Require that the notice be recorded in the title for properties in the inundation zone indicating that the property is at risk of inundation and including a copy of the report prepared pursuant to Program HS.I-II, to notify future purchasers of the risk they assume by purchasing the property.

Please refer to Master Response N, “Risk of Levee Failure,” in Chapter 2 of this DEIR.

26-72 The commenter states that the DEIR must explain, based on substantial evidence, why mitigation measures to reduce the risk of levee failure are infeasible.

Please refer to Master Response N, “Risk of Levee Failure,” in Chapter 2 of this DEIR.

26-73 The commenter indicates that the risk of inundation from dam failure is not adequately analyzed and does not describe how dam failure would affect new development authorized by the 2008 Draft General Plan.

Please refer to Master Response M, “Risk of Dam Failure,” in Chapter 2 of this DEIR.

26-74 The commenter states that the DEIR attempts to justify its failure to provide any information about the areas at risk of dam failure by stating that maps showing dam inundation areas are not made available to the public.

Please refer to Master Response N, “Risk of Levee Failure,” and Master Response M, “Risk of Dam Failure,” in Chapter 2 of this DEIR.

26-75 The commenter states that the discussion does not provide any information to allow the public and decision makers to determine the likelihood of levee and dam failures. In addition, the City of Vallejo lakes system relies on dams in Napa County that are more than 100 years old to control Lakes Frey and Madigan, which provide water to Green Valley.

Please refer to Master Response M, “Risk of Dam Failure,” in Chapter 2 of this DEIR.

26-76 The commenter indicates that the DEIR fails to identify the areas at risk of inundation and the magnitude of those risks; therefore, the public and decision makers cannot determine whether the 2008 Draft General Plan unreasonably directs new development into harm’s way. The commenter further states, “But assuming if it is in fact infeasible to identify inundation zones and risks, the DEIR has provided no basis whatsoever for concluding that these risks are less than significant.”

Please refer to Master Response N, “Risk of Levee Failure,” and Master Response M, “Risk of Dam Failure,” in Chapter 2 of this DEIR.

26-77 The commenter indicates that if a lead agency finds that a particular impact is too speculative, the proper approach, after thorough investigation and evaluation, is for the agency to note its conclusion and terminate discussion of the impact in accordance with Section 15145 of the State CEQA Guidelines. The commenter further states that the approach taken by the DEIR misleads the public and decision makers by suggesting that the risk is known and not significant.

Please refer to Master Response N, “Risk of Levee Failure,” and Master Response M, “Risk of Dam Failure,” in Chapter 2 of this DEIR.

26-78 The commenter misinterprets or misunderstands the intention of the Agricultural Reserve Overlay (ARO) zone and the mitigation requirements for preserving Swainson’s hawk and burrowing owl foraging habitat within areas of irrigated agriculture. As stated in Response to Comment 5-15, it is unlikely that all necessary Swainson’s hawk and burrowing owl habitat mitigation for irrigated agricultural habitats will be accomplished in the Agricultural Reserve Overlay. The policies and implementation programs for this overlay also do not require restrictions and management actions that are required under Mitigation Measure 4.6-1 and that are necessary to satisfy the California Department of Fish and Game’s (DFG’s) mitigation requirements.

With respect to adequacy under CEQA, the basic requirements of Mitigation Measure 4.6-1a are consistent with or exceed the requirements for Swainson’s hawk foraging habitat mitigation contained in numerous other approved large-scale conservation plans approved in this region and current state guidelines. Current DFG statewide guidelines that have formed the basis for mitigation for Swainson’s hawk require 1:1 preservation and management of suitable agricultural habitats within 1 mile of a nest and 0.5:1 out to 10 miles from the nest. The mitigation in the DEIR requires 1:1 mitigation for all irrigated agricultural habitats. For example, the *Natomas Basin Habitat Conservation Plan* requires 0.5:1 mitigation and the *San Joaquin County Habitat Conservation Plan* requires 1:1 mitigation.

26-79 Mitigation Measure 4.6-1a does require that a conservation easement be placed on all mitigation habitat and lists a number of required restrictions that are commonly required by DFG. The County also does not believe it is necessary to restrict all Swainson’s hawk mitigation to lands outside of the Agricultural Reserve Overlay. As pointed out in this comment, the designation of this overlay does not compensate for impacts on lost foraging habitat. The requirements under

Mitigation Measure 4.6-1a that establish management and conservation easement requirements as compensation.

- 26-80 Please refer to Responses to Comments 26-79 and 28-79.
- 26-81 The commenter again does not appear to fully consider the entire analysis and relationship of applicable policies and implementation programs in the 2008 Draft General Plan and the mitigation requirements presented in the DEIR. The impact conclusion of less than significant results from the combination of factors, including requirements for clustering where applicable (see the discussion of applicable 2008 Draft General Plan policies and programs on DEIR pages 4.6-38 to 4.6-40), preservation and active management of preserves, and tree and shrub replacement requirements specified under Mitigation Measure 4.6-2a.
- 26-82 The DEIR cites several sources including Payne (2002), as well as studies conducted under Point Reyes Bird Observatory by Merenlender and Heise (1999). The County agrees with the commenter's claim that Payne's research involved clustering, but more important to the DEIR analysis were her conclusions that active management of reserves, when of sufficient size, mitigated the impacts of the rural development.
- 26-83 The study by Merenlender and Heise (1999) demonstrated, that at least for bird species in oak environments, clustering has limited positive effects for bird species except where open habitats or reserves between building clusters are on the order of 40 acres or greater in size. This is consistent with the commenter's statement that active management opportunities are typically unavailable with small, dispersed habitat areas on smaller parcels. This is the basis for the requirements in Mitigation Measure 4.6-2a for requiring larger habitat preserves (minimum of 40 acres in size) and limited development-to-preserve-edge ratios (see "(2) Habitat Mitigation" under Mitigation Measure 4.6-2a on page 4.6-41 of the DEIR). Where 40-acre minimum thresholds cannot be attained on-site or in adjacent protected areas, off-site preservation and management is required. Please also refer to Responses to Comments 26-14 and 26-15.
- 26-84 Increasing minimum parcel sizes to 40 acres would be one option for reducing impacts of development on, at least, bird species. However, using minimum 40-acre parcel sizes to accommodate the same amount of projected growth in rural residential development would substantially expand the acreage in the county affected by residential development (probably on the order of eight times the 2008 Draft General Plan area or on the order of 40,000 acres, assuming 5-acre-minimum lot sizes). Such an extension of development would likely have other significant consequences on wildlife as well as other resources. In this broader sense, the designations of these smaller areas for rural residential development in the 2008 Draft General Plan is in and of itself a broader form of clustering or limiting development to discrete areas.
- 26-85 This commenter's opinion is noted and is further addressed in Response to Comment 26-86.
- 26-86 As discussed in Response to Comment 5-26, the reference to 1:1 mitigation was inserted incorrectly by the commenter in trying to portray the need for mitigation that would result in no net loss of habitat acreage or value. It is anticipated that mitigation ratios developed under the recommended standards would range between 1:1 and 18:1 (mitigation-to-impact ratio), depending on the habitat conditions, values, location, and specific species affected at a site. Please refer to Response to Comment 5-26 for further clarification and revisions to the DEIR.
- 26-87 As identified in the DEIR (see Impacts 4.8-1a and 4.8-1b):

Because actions taken by the County, including policies and programs in the proposed 2008 Draft General Plan, would only partially offset conversions of Important Farmland associated

with urban development, full compensation for losses of Important Farmland and a net loss of Important Farmland would still occur in Solano County.

The only mitigation that would protect all agricultural resources in perpetuity would be to prevent all urban development from occurring on Important Farmland. From the County's perspective, preventing all urban development from occurring on Important Farmland is unrealistic and infeasible mitigation because implementation could result in fragmented development patterns, urban development farther from urban centers (e.g., cities), and environmental impacts on resources other than impacts on agricultural resources. Therefore, the "significant and unavoidable" conclusion made in the DEIR is plausible and supported by facts.

26-88

The suggested mitigation measures are noted. However, the mitigation measures provided by the commenter would not prevent the overall, net loss of Important Farmland, which is identified as the threshold for a significant impact in the DEIR. The commenter's mitigation measures could increase the partial offset of Important Farmland conversions associated with urban development; however, full compensation for losses of Important Farmland and a net loss of Important Farmland would still occur in Solano County as concluded in the DEIR (see Impacts 4.8-1a and 4.8-1b). Each of the commenter's specific suggestions is addressed below, with the suggestions shown in italics and the County's responses following.

*Expanding minimum parcel sizes on Important Farmland in the agricultural regions.* The Citizens' Advisory Committee and County Board of Supervisors have considered expanding minimum parcel sizes in various agricultural regions within the county throughout the process, including regions that contain Important Farmland such as the Dixon, Elmira/Maine Prairie, Ryer Island, and Pleasants/Vaca/Lagoon Valley regions. However, the County has found that the suggested mitigation measure would be infeasible to implement without concurrence of property owners in the affected area. Therefore, for the most part, the County has chosen to retain existing minimum lot sizes, as dictated by current zoning, in the defined agricultural regions. One of the key outcomes of the proposed agricultural strategic plans described in Program AG.I-17 of the 2008 Draft General Plan is the determination of appropriate lot sizes for each agricultural region, to assist in achieving economic and resource objectives to be defined in each strategic plan, including preservation of agricultural land.

*Restricting subdivision of Important Farmland.* Subdivisions of agricultural land are already adequately restricted by provisions of the Williamson Act, County zoning, and the Orderly Growth Initiative, as applicable. The County believes that these existing regulations and programs provide mitigation similar to that proposed by the commenter.

*Reducing the area of Important Farmland designated for nonagricultural uses.* The commenter's suggested mitigation has been addressed. On July 8, 2008, County staff recommended to the County Board of Supervisors several revisions to the land use map in the 2008 Draft General Plan, including redesignation of certain rural residential designations located in Suisun Valley and Pleasants Valley to agriculture. Please refer also to Master Response C, "Rationale for Rural Residential Land Use Designation," in Chapter 2 of this FEIR.

*Expanding the Agricultural Reserve Overlay to include additional Important Farmland.* The commenter's suggested mitigation has been addressed. On July 8, 2008, County staff recommended to the County Board of Supervisors a 7,388-acre expansion of the ARO to encompass the Dixon Ridge area, as described in Alternative 2 in the DEIR (page 5-25). This area consists mostly of Prime Farmland.

*Opting into the Farmland Security Zone program which provides additional incentives to preserve agricultural land by reducing property taxes.* The commenter's suggestion is already

incorporated within the 2008 Draft General Plan. Program AG.I-18 directs the County to establish programs to preserve farmland, and encourage eligible property owners to participate in a County-led preserve program. One such program listed within AG.I-18 is as follows:

- ▶ A Farmland Security Zone program (Super Williamson Act). This program, in tandem with others in this section, will encourage the consolidation of the fragmented pattern of agricultural preserves and Williamson Act contracts, and the retention of these contracts in agricultural, watershed, and marshland areas.

26-89 The commenter's recommended revision to the Program AG.I-1 is noted. Even if Program AG.I-1 were revised to require mitigated farmland to be of equal farmland designation (i.e., Important Farmland), implementation of the 2008 Draft General Plan would continue to result in the overall, net loss of Important Farmland, which is identified as the threshold for a significant impact in the DEIR. The commenter's mitigation measures could increase the partial offset of Important Farmland conversions associated with urban development; however, full compensation for losses of Important Farmland and a net loss of Important Farmland would still occur in Solano County as concluded in the DEIR (see Impacts 4.8-1a and 4.8-1b).

This suggested revision to the draft program will be provided to the County Board of Supervisors for further consideration.

26-90 As identified in the DEIR (see Impacts 4.8-2a and 4.8-2b):

Because any actions taken by the County, including policies in the proposed 2008 Draft General Plan, would only entice, but not require, property owners to continue agricultural operations of their property, full compensation for losses of agricultural operations protected by a Williamson Act contract from urban development would still occur in Solano County.

The only mitigation available to prevent conflicts with Williamson Act contracts would be to require all properties under a Williamson Act contract to continue agricultural operations in perpetuity and prevent all urban development from occurring on these properties. Preventing all urban development from occurring on properties under a Williamson Act contract is unrealistic and infeasible mitigation because Williamson Act contracts are voluntary and are not imposed on unwilling private property owners. Therefore, the "significant and unavoidable" conclusion made in the DEIR is plausible and supported by facts.

26-91 The example mitigation measures are noted. However, the mitigation measures provided by the commenter would not fully compensate for losses of agricultural operations protected by a Williamson Act contract from urban development, which is identified as the threshold for a significant impact in the DEIR. The commenter's mitigation measures could increase the partial offset of Williamson Act contract conflicts associated with urban development; however, full compensation for losses of agricultural operations would still occur in Solano County as concluded in the DEIR (see Impacts 4.8-2a and 4.8-2b). It is not the case, as suggested by the commenter, that the County has refused to address the impact with mitigation on the basis that unless the impact can be fully mitigated, no mitigation is required. Rather, as the existing discussion in the DEIR for this impact demonstrates, the County proposes several programs within the 2008 Draft General Plan, that, if adopted by the County Board of Supervisors, would encourage and support property owners' continued participation in the Williamson Act preserve program. (See page 4.8-10 of the DEIR for a discussion of Programs AG.I-6, AG.I-9, and AG.I-17.)

26-92 The commenter indicates that the DEIR inadequately estimates per-capita water demand in Solano County based on data from Marin County, which is flawed because Marin County is in a

different hydrologic region than Solano County and could require and result in different water supply and demand needs.

Please refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this DEIR. As shown there, the demand rates are now drawn from local water suppliers and DWR.

26-93 The commenter indicates that the DEIR does not correctly quantify the effects of agricultural land conversion on water supply and demand.

Please refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this DEIR.

26-94 The commenter asserts that the DEIR fails to address the foreseeable impacts of climate change on water supply and demand.

Please refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this DEIR. Please also refer to Section 6.2.1, “Existing Conditions,” of the climate change discussion in DEIR Chapter 6, “Other CEQA Considerations,” which provides evidence that there is uncertainty in future California water supply; scientific consensus that water supply will be affected by climate change impacts; an extensive discussion of the projected nature, extent, and timing of future effects on California’s water supply that are projected to accompany global climate change; and uncertainties associated with such projections. The commenter states that the water supply analysis “ignores the evidence completely.” Impact 6.6-2a of the DEIR concludes that the foreseeable impacts of climate change on the 2008 Draft General Plan would result in significant impacts on water supply and reliability. As explained in the DEIR, implementation of numerous policies and programs proposed in the 2008 Draft General Plan would reduce the extent and severity of climate change–associated impacts on Solano County, including water supply impacts. (See pages 6-44 through 6-49 of the DEIR, which list relevant policies and programs.)

An example of one such policy is Policy HS.I-1, which requires the County to develop and adopt an SLRSP for Solano County. The SLRSP would have three primary objectives:

- ▶ Investigate the potential effects of sea level rise on Solano County.
- ▶ Identify properties and resources susceptible to sea level rise in order to prioritize management strategies.
- ▶ Develop protection and adaption strategies to meet the County’s and the region’s goals.

In addition, Program HS.I-73 of the 2008 Draft General Plan requires the County to develop and adopt a climate action plan that would reduce the total greenhouse gas emissions in the county to 20% below 1990 levels by 2020, and create adoption strategies to address the impacts of climate change on the county, including sea level rise, increased risk of flooding, diminished water supplies, and the local agriculture-based economy.

The protection and adaption strategies included in the climate action plan would include a timeline, describe financing mechanisms, and assign responsibility to relevant agencies and departments. The SLRSP would be contained in the climate action plan (CAP) after the CAP is adopted. The CAP must include monitoring procedures and other steps needed to ensure that Solano County achieves its greenhouse gas (GHG) reduction, protection, and adaption goals. Monitoring and verifying progress measures would be conducted on an ongoing basis to ensure

that the emission reduction benchmarks are obtained. Under the SLRSP, land use designations and development regulations would be updated to protect public safety, welfare, and health.

In addition, the commenter states that the DEIR does not adequately address the potential for increased water demand as a result of climate change. As the commenter notes, the DEIR discusses the potential effects and uncertainties associated with changes in water demand on pages 6-24 and 6-25. Please see pages 6-36 through 6-42 of the DEIR for policies and programs proposed in the 2008 Draft General Plan that would address the need to adapt to potential changes in water demand and other impacts of climate change on the county. Specifically, the Public Facilities and Services chapter includes an array of water management and conservation policies that would enable Solano County to maintain an adequate water supply in light of potential for increased demand.

In summary, the impact analysis was based on current scientific understanding of the effects of global climate change on California's water supply, as well as the best information available on the ability of the county's proposed water supply to adapt to such changes. (See the State CEQA Guidelines, Section 15144.) The County considers climate change to be a serious threat that should be addressed at all levels of government. To that end, the 2008 Draft General Plan includes several policies and programs that set forth strategies to adapt to climate change and reduce the county's impacts on climate change. Impact 6.2-2a does not ignore the evidence on the subject of water supply impacts of global climate change, and in fact, does the opposite, which is reflected in the significant and unavoidable conclusion.

- 26-95 Please refer to Master Response R, "Inadequate Water Supply Assessment," and to Response to Comment 26-94.
- 26-96 Please refer to Master Response R, "Inadequate Water Supply Assessment," and to Response to Comment 26-94.
- 26-97 Please refer to Master Response Q, "Inadequate Analysis of Energy Demands," in Chapter 2 of this FEIR.
- 26-98 Please refer to Master Response Q, "Inadequate Analysis of Energy Demands," in Chapter 2 of this FEIR.
- 26-99 The commenter suggests that the DEIR does not quantify the energy demand created by the 2008 Draft General Plan. Please refer to Master Response Q, "Inadequate Analysis of Energy Demands," in Chapter 2 of this FEIR for an analysis of potential electricity and natural gas energy demands created through buildout of the 2008 Draft General Plan. Further, the comment concerning automobile fuel economy and associated impacts resulting from increased vehicular trips in the project area would be dealt with at the state and federal levels. The 2008 Draft General Plan addresses land use decisions that encourage reduction in VMT, renewable energy infrastructure, and energy efficiency.

As described in Impact 4.12-1a on page 4.12-12 and 4.9-13 of the DEIR:

Goals, policies, and programs in the 2008 Draft General Plan would further assist the County in reducing the amount of energy consumption caused by land use patterns. Goal LU.G-4 encourages land use development patterns and circulation and transportation systems that promote health and wellness and minimize impacts on agriculture and natural resources, energy consumption, and adverse effects on air quality.

The 2008 Draft General Plan includes the following policies and program promoting efficient land use that would reduce transportation-related energy use:

- ▶ **Policy LU.P-2:** A cornerstone principle of this General Plan is the direction of new urban development and growth toward municipal areas. In furtherance of this central goal, the people of Solano County, by initiative measure, have adopted and affirmed the following provisions to assure the continued preservation of those lands designated “~~Intensive Agriculture,~~” “~~Extensive Agriculture,~~” Agriculture, Watershed, Marsh, Park & Recreation, or Water Bodies & Courses ~~Development Strategy Policy No. 17;~~ Agricultural chapter policies AG.P-31, AG.P-32, AG.P-33, AG.P-34, AG.P-35, and AG.P-36. ~~Agricultural Lands Policies Nos. 9, 10, 11, 12 and 13; and Watershed Lands Policy No. 2.~~ The General Plan may be reorganized, and individual goals and policies may be renumbered or reordered in the course of ongoing updates of the General Plan in accord with the requirements of state law, but the provisions enumerated in this paragraph shall continue to be included in the General Plan until December 31, 2010, unless earlier repealed or amended by the voters of the County. *[Note to the reader: Policy LU.P-2 was established as part of the Orderly Growth Initiative; proposed changes to this policy are subject to voter approval and thus are indicated in strikethrough and underline format.]*
- ▶ **Policy LU.P-17:** Encourage clustering of residential development when necessary to preserve agricultural lands, natural resource areas and environmental quality, to provide for the efficient delivery of services and utilities, and to mitigate potential health and safety hazards.
- ▶ **Policy LU.P-19:** Locate commercial development in locations that provide maximum access to the primary consumers of such services and where necessary services and facilities can be provided.
- ▶ **Policy LU.P-21:** Locate, design, and site commercial and industrial development, including locations near ferries, rail, and ports, in a manner that minimizes traffic congestion and other negative effects on surrounding residential and agricultural uses.
- ▶ **Program LU.I-7:** When reviewing development proposals, work with applicants to establish development patterns that result in shorter motor vehicle trips, make alternative transit modes viable, and encourage physical activity.

Implementation of these policies and this program in the 2008 Draft General Plan would support increasing energy efficiency and would assure that implementation of the plan under the Preferred Plan would not result in increased energy demands from wasteful land use planning. This impact would be less than significant.

- 26-100 Please refer to Master Response Q, “Inadequate Analysis of Energy Demands,” in Chapter 2 of this FEIR.
- 26-101 Please refer to Master Response Q, “Inadequate Analysis of Energy Demands,” in Chapter 2 of this FEIR.
- 26-102 Please refer to Master Response Q, “Inadequate Analysis of Energy Demands,” in Chapter 2 of this FEIR.
- 26-103 Please refer to Master Response Q, “Inadequate Analysis of Energy Demands,” in Chapter 2 of this FEIR.

26-104 Please refer to Master Response C, “Rationale for Rural Residential Land Use Designation,” and Master Response Q, “Inadequate Analysis of Energy Demands,” in Chapter 2 of this FEIR, and to Response to Comment 26-106 below.

26-105 The commenter asserts that the 2008 Draft General Plan proposes significant new commercial development in the unincorporated county along Interstate 80 in areas not adjacent to urban development. The County disagrees. The 2008 Draft General Plan land use map intends to locate commercial use in close proximity to residents or businesses that would utilize the services or facilities, namely close to cities, residentially designated areas within the unincorporated county, and near existing or proposed roadways. Such development would benefit the county by potentially reducing VMT, emissions, and congestion related to isolated commercial locations. The commenter’s assertion that such development is inconsistent with Policy LU.P-21 is incorrect. Policy LU.P-21 does not require the County to locate such uses near ferries, rail, and ports. Rather, it identifies these as a subset of suitable locations, among others that may exist throughout the county. Please also refer to Response to Comment 24-8.

26-106 The commenter suggests that energy demand could be substantially reduced by reducing the area of land designated for rural residential development and focusing new residential development exclusively or nearly exclusively within city limits to reduce VMT on the interstate. Moreover, the commenter urges that the 2008 Draft General Plan provide for more compact development patterns as a means of reducing energy and resource consumption. The 2008 Draft General Plan does contain provisions and policies that address energy consumption.

Impact 4.12-1a addresses effects on energy consumption from land use location and patterns and speaks directly to issues concerning increased energy demands related to land use locations and land patterns. Specifically, it states:

Historic land use patterns have resulted in largely scattered communities. Solano County can support reductions in transportation-related energy consumption through land use planning that locates housing, jobs, and shopping close to one another and encourages transportation by bicycle, on foot, and via public transit. Replacing the import of goods and export of waste with increased production and consumption of local goods (such as locally grown food) and local waste processing (through recycling, reusing, and composting) can also help reduce vehicle miles traveled. Increasing the proportion of energy-efficient vehicles can lower vehicle energy consumption, and alternative-fuel vehicles may help to diversify the energy resources upon which the transportation sector relies. The County also has the opportunity to support further development of state laws and programs that promote infill development, transit-oriented development, smart growth, and reduced use of automobiles.

Goals, policies, and programs in the 2008 Draft General Plan would further assist the County in reducing the amount of energy consumption caused by land use patterns. Goal LU.G-4 encourages land use development patterns and circulation and transportation systems that promote health and wellness and minimize impacts on agriculture and natural resources, energy consumption, and adverse effects on air quality.

The 2008 Draft General Plan includes the following policies and program promoting efficient land use that would reduce transportation-related energy use:

- ▶ **Policy LU.P-2:** A cornerstone principle of this General Plan is the direction of new urban development and growth toward municipal areas. In furtherance of this central goal, the people of Solano County, by initiative measure, have adopted and affirmed the following provisions to assure the continued preservation of those lands designated “~~Intensive Agriculture~~,” “~~Extensive Agriculture~~,” Agriculture, Watershed, Marsh, Park &

Recreation, or Water Bodies & Courses ~~Development Strategy Policy No. 17;~~  
Agricultural chapter policies AG.P-31, AG.P-32, AG.P-33, AG.P-34, AG.P-35, and  
AG.P-36. Agricultural Lands Policies Nos. 9, 10, 11, 12 and 13; and Watershed Lands  
Policy No. 2. The General Plan may be reorganized, and individual goals and policies  
may be renumbered or reordered in the course of ongoing updates of the General Plan in  
accord with the requirements of state law, but the provisions enumerated in this  
paragraph shall continue to be included in the General Plan until December 31, 2010,  
unless earlier repealed or amended by the voters of the County. *[Note to the reader:  
Policy LU.P-2 was established as part of the Orderly Growth Initiative; proposed  
changes to this policy are subject to voter approval and thus are indicated in  
strikethrough and underline format.]*

- ▶ **Policy LU.P-17:** Encourage clustering of residential development when necessary to preserve agricultural lands, natural resource areas and environmental quality, to provide for the efficient delivery of services and utilities, and to mitigate potential health and safety hazards. [Please note that a revision to this policy is proposed, as described below.]
- ▶ **Policy LU.P-19:** Locate commercial development in locations that provide maximum access to the primary consumers of such services and where necessary services and facilities can be provided.
- ▶ **Policy LU.P-21:** Locate, design, and site commercial and industrial development, including locations near ferries, rail, and ports, in a manner that minimizes traffic congestion and other negative effects on surrounding residential and agricultural uses.
- ▶ **Program LU.I-7:** When reviewing development proposals, work with applicants to establish development patterns that result in shorter motor vehicle trips, make alternative transit modes viable, and encourage physical activity.

Note that as shown in Chapter 4 of this FEIR, Mitigation Measure 4.1-4-a(2) calls for the revision of the above-mentioned Policy LU.P-17 as follows:

**Mitigation Measure 4.1-4a(2): Require Use of Clustering and Building Envelope Size and Locational Controls.**

Policy LU.P-17 of the 2008 Draft General Plan shall be amended to require the use of clustering and building envelope size and locational controls to mitigate the impacts of new nonagricultural uses on adjacent and neighboring agricultural operations. Policy LU.P-17 shall be amended to read as follows (deletions shown in ~~strikeout text~~ and insertions shown in *italics*):

**LU.P-17:** ~~Encourage~~ *Require clustering of residential development and the use of building envelope size and locational controls in residential development when necessary to preserve agricultural lands, natural resource areas and environmental quality, to provide for the efficient delivery of services and utilities, and to mitigate potential health and safety hazards.*

The above goals and policies would affect the placement of additional residential, commercial, and industrial developments in unincorporated areas of the county and in proposed MSAs. Based on the foregoing, the DEIR concludes that land use patterns proposed by the 2008 Draft General Plan would result in a less-than-significant impact. Further changes to the development pattern would require a revision to the 2008 Draft General Plan. This comment will be provided to the County Board of Supervisors for further consideration.

- 26-107 Please refer to Response to Comment 26-106 and to Master Response Q, “Inadequate Analysis of Energy Demands,” in Chapter 2 of this FEIR.
- 26-108 Please refer to Master Response Q, “Inadequate Analysis of Energy Demands,” in Chapter 2 of this FEIR.
- 26-109 Please refer to Master Response Q, “Inadequate Analysis of Energy Demands,” in Chapter 2 of this FEIR.
- 26-110 Please refer to Master Response Q, “Inadequate Analysis of Energy Demands,” in Chapter 2 of this FEIR.
- 26-111 The commenter suggests that the DEIR’s determination of a less-than-significant impact for Impact 4.12-2, whether “new systems or substantial alterations to electrical, natural gas, or communication systems infrastructure” will be necessary, is not supported by substantial evidence.
- Please refer to Master Response Q, “Inadequate Analysis of Energy Demands,” in Chapter 2 of this DEIR.
- 26-112 The commenter asserts that the DEIR does not address the issue of contribution of climate change to increased risk of exposure to hazards from wildfire. The 2008 Draft General Plan includes several policies that promote compact development toward municipal areas and areas where existing development already exists. This urban focus for new development acts to minimize the potential for siting people in harm’s way of hazards from wildfires. Nonetheless, the evidence supporting the increase in wildfire potential associated with a warmer climate warrants the conclusions in Chapter 6 of the DEIR. Please see Impact 6.2-2 of the DEIR. Specifically, page 6-58 states:
- Climate change is expected to result in a variety of effects on Solano County: ... increased frequency and intensity of wildfire. Substantial negative effects on the county’s residents, resources, structures, and the economy could result. Implementation of the 2008 Draft General Plan policies and programs described above would serve to reduce the impacts of climate change on Solano County. However, the efficacy of such policies and programs the impact is uncertain. No other feasible mitigation measures exist to reduce the impact to a less-than-significant level. Therefore, this impact would remain significant and unavoidable.
- With regard to the suggestion that the County reduce rural residential development, the commenter is directed toward Alternative 4, Reduced Rural Residential Development, analyzed in Chapter 5 of the DEIR (see DEIR pages 5-48 through 5-58; climate change–related impacts of Alternative 4 are addressed on page 5-58). The commenter’s opinions regarding a reduced rural residential project (such as proposed by Alternative 4) will be forwarded to the County Board of Supervisors for further consideration as it weighs the potential pros and cons of the various project alternatives. As part of that process, the board, acting in a legislative capacity in which it possesses considerable policymaking discretion, will inevitably weigh and balance competing economic, social, environmental, legal, and other considerations. The County Board of Supervisors has discretion to reach conclusions consistent with the commenter’s preferences. This same discretion, however, gives the board the latitude to reach different conclusions, provided that they are supported by substantial evidence. Please refer to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this DEIR.
- 26-113 Please refer to Response to Comment 26-112.

- 26-114 The commenter states that Mitigation Measure 4.14-1a does not provide substantial evidence to support the conclusion that the impact fees will be used to offset the impacts of new development on park capacity because the measure does not commit the County to spend the fee revenue on parks and recreational facilities. As noted in Response to Comment 12-77, and as shown in Chapter 4 of this FEIR, the text of Mitigation Measure 4.14-1a on page 4.14-4 of the DEIR is revised as follows:
- The County shall develop and implement a park impact fee payment program in non-agricultural and open space zoning districts for new development. As a condition of approval of all residential development, the County shall require project developers to mitigate any adverse impacts on park and recreational facilities through the payment of a fair-share impact fee. The park mitigation impact fees shall be designed to mitigate impacts reasonably related to a proposed residential development and fees collected through the program must be used by the County to acquire or develop park and recreational facilities within 5 years of collection. “Development,” for the purposes of this measure, shall mean all single-family structures requiring a building permit, condominium and multifamily residential units, planned residential development, and all multifamily structures that require building permits, but shall exclude remodel or renovation permits that do not result in additional dwelling units. Impact fees shall be based on a fee formula developed by the County. Payment of the required impact fee shall occur before the issuance of any building permit. If the County determines that it is in the best interest of providing adequate levels of parkland provision, a developer may be given the option to dedicate parkland in lieu of the impact fee. Parkland dedication will provide the same amount of acreage as is required under the impact fee.
- 26-115 Please refer to Master Response D, “Reasonable Range of Alternatives,” in Chapter 2 of this FEIR.
- 26-116 The comment is noted. Please refer to Responses to Comments 26-117 and 26-118 below.
- 26-117 The DEIR, in Section 6.1, “Cumulative Effects,” contains a thorough discussion of potential cumulative impacts of the 2008 Draft General Plan.
- 26-118 The commenter describes CEQA’s requirements with respect to an EIR’s cumulative impact discussion. This comment does not directly address the adequacy of completeness of the DEIR or otherwise raise significant environmental issues within the meaning of CEQA. Please refer to Responses to Comments 26-119, 26-120, 26-121, and 26-122 for responses to the commenter’s specific concerns.
- 26-119 The commenter states that the treatment of cumulative impacts in the DEIR omits any discussion of mitigation measures to which the 2008 Draft General Plan would make a cumulatively considerable contribution. The comment is noted. As stated in Chapter 4 of this FEIR, each conclusion identified in DEIR Section 6.1.5, “Cumulative Effects of the 2008 Draft General Plan,” as a significant cumulative impact (DEIR pages 6-5 through 6-12) has been revised to state that a significant and unavoidable impact would occur.
- 26-120 Please refer to Responses to Comments 26-118 and 26-119.
- 26-121 The commenter’s reference to the CEQA Guidelines is noted. Please refer to Response to Comment 26-118.
- 26-122 The commenter states that it is inappropriate for the DEIR for the 2008 Draft General Plan to rely on GHG inventory data prepared for the San Francisco Bay Area Air Basin (SFBAAB) portion of Solano County from the BAAQMD. The commenter feels that a new GHG inventory should have

been prepared for Solano County to frame the existing setting. The GHG inventory data presented is the best available at this time. Please note that the GHG inventory specific for Solano County and a forecast of emissions in 2020 under a business-as-usual scenario would be prepared as part of the CAP process under Program HS.I-73. This inventory and forecast would provide a benchmark for planning and monitoring progress in government operations and the community.

Because of the relatively recent recognition that environmental documents prepared pursuant to CEQA should address GHG emissions, a recognition that was primarily prompted by the passage of Assembly Bill (AB) 32 (Chapter 488, Statutes of 2006; California Health and Safety Code Section 38500 et seq.) and of Senate Bill (SB) 97 (Chapter 185, Statutes of 2007; Public Resources Code, Sections 21083.05 and 21097), there are currently no standards in place from the Governor's Office of Planning and Research (OPR), the California Air Resources Board (ARB), BAAQMD, the Yolo-Solano Air Quality Management District (YSAQMD), or any other agency, regarding the geographic specificity that an environmental setting need include on the issue of climate change. Indeed, OPR's recent technical advisory on climate change, *CEQA and Climate Change: Address Climate Change Through California Environmental Quality Act (CEQA) Review* (OPR 2008), contains no recommendation that existing GHG emission levels be quantified. Nor is there any requirement in the CEQA statute, the State CEQA Guidelines, or case law that baseline conditions be quantified.

Because of the recent importance placed on this issue, it is a rare circumstance that any GHG inventory data are available for inclusion in an environmental setting for any jurisdiction at the current time. Preparation of a GHG inventory is a lengthy process, and will be undertaken as part of the CAP that would be prepared as a result of the 2008 Draft General Plan. This inventory would be used to determine what GHG reductions are necessary to achieve the County's objective of reducing total GHG emissions to 20% below 1990 levels by 2020. It was not feasible to complete the GHG inventory process before the 2008 Draft General Plan, because of the amount of time necessary to inventory and certify emissions estimates for a large jurisdiction such as Solano County. The GHG emission estimates contained in the BAAQMD inventory give the public a reasonable sense of the primary economic sectors (e.g., transportation and industrial/commercial) to which GHG emissions reduction policies would likely be targeted. This information also provides a reasonable estimate of what percentage of GHG emissions are attributable to those sectors throughout the county, including the portion within the Sacramento Valley Air Basin (SVAB).

Unlike impacts resulting from typical air pollutants, which occur in individual air basins, the contribution of GHGs to climate change is the result of GHG dispersion around the globe. Information specific to the SVAB's GHG inventory would not add meaningful information to the DEIR's discussion of existing conditions given the global nature of the impact and the information included in the DEIR regarding the nearby SFBAAB's GHG inventory.

As illustrated by AB 32's ambitious goal of reducing emissions levels to 1990 levels by the year 2020, time is of the essence. Delaying the 2008 Draft General Plan process until the GHG emissions inventory could be completed would further delay implementation of the 2008 Draft General Plan's GHG reduction programs, policies, and measures.

Most importantly, having knowledge of more detailed emissions estimates would not change the manner in which the 2008 Draft General Plan policies were developed, analysis conducted, mitigation proposed, or pre- and post-mitigation conclusions made in the DEIR, particularly in light of the global nature of the impact and the statewide focus of AB 32. Thus, such an estimate of countywide emissions is not needed to support the impact conclusions contained in Section 6.2 of the DEIR, and does not deprive the public or decision makers of the information needed to support those conclusions. Please refer to Section 15125(a) of the State CEQA Guidelines, which

states “the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.” Here, the County has made a good-faith, reasoned effort, based on available information, to identify the existing levels of GHG emissions by which the County may compare GHG emissions that are projected to be generated under the 2008 Draft General Plan.

26-123

The commenter states that indirect GHG emissions associated with energy consumption and waste disposal are inadequately described in the DEIR. Please note that there are no adopted or recommended methodologies for estimating GHG emissions from direct or indirect sources from development projects. Also note that GHG emissions from such facilities (e.g., public utilities) will be regulated and subject to mandatory reporting and cap and trade programs under companion legislation to AB 32.

The comment is noted. It is difficult to estimate GHG emissions from any economic sector at the level of the 2008 Draft General Plan where site design standards, building footprints, number of dwelling units, and various market and other factors are highly uncertain. (Please refer to Master Response E, “Programmatic Nature of EIR,” in Chapter 2 of this FEIR.) However, it is possible, with substantial assumptions, to calculate indirect emissions from electricity consumption associated with the net change in land uses at 2008 Draft General Plan buildout in the year 2030. As shown in Chapter 4 of this FEIR, the following information is added between the “Stationary- and Mobile-Source Measures and Regulations” and “Relevant Goals, Policies, and Programs of the 2008 Draft General Plan” sections on page 6-34 of the DEIR:

### **Estimates of Potential Greenhouse Gas Emissions**

Despite the uncertainty described above, potential emissions from residential dwelling units and nonresidential development were estimated using emission factors from the California Climate Action Registry (CCAR) General Reporting Protocol and general estimates of electrical consumption per dwelling unit, per commercial/institutional square foot, and per million gallons of water consumed, from the California Energy Commission. These calculations are presented in Table 6-5.

These emission factors are applicable to present-day emissions, and do not account for emissions reduction technologies that may become available or required for electric utilities by the year 2030 or before. For example, companion legislation to AB 32 will require public utilities to increase the renewable-energy portion of their portfolio in just a few years’ time. Thus, GHG emission factors would be reduced during the 2008 Draft General Plan buildout. Therefore, this is considered a conservative estimate of indirect emissions from electricity use. For comparison purposes, indirect emissions from energy generation would be approximately 27% of the direct emissions presented in Table 6-3.

There are currently no agency-adopted or agency-recommended emission factors or methodologies for calculating GHG emissions from off-site waste disposal or for any other GHG emission source over the life cycle of the 2008 Draft General Plan.

Please refer to Response to Comment 26-124 below for a discussion of life cycle assessment, which could be considered speculative under CEQA. (See the State CEQA Guidelines, Section 14145.)

**Table 6-5  
Estimated Greenhouse Gas Emissions from Energy Consumption and Water Use  
Associated with the 2008 Draft General Plan**

**Indirect Emissions from Energy Consumption**

<u>KWh/du/yr</u>	<u># du</u>	<u>KWh/ksf/yr</u>	<u># ksf Commercial</u>	<u>Total KWh</u>	<u>MWh</u>	<u>Region</u>	<u>Emission Factor (lb CO<sub>2</sub>/MWh)</u>	<u>GWP</u>	<u>Emission Factor (lb CH<sub>4</sub>/MWh)</u>	<u>GWP</u>	<u>Emission Factor (lb N<sub>2</sub>O/MWh)</u>	<u>GWP</u>	<u>Total CO<sub>2</sub>e (Metric Tons/yr)</u>
7000	7543	16,750	8948	202,680,000	202,680	CALI	804.54	1	0.0067	23	0.0037	296	<b>74,080</b>

**Indirect Emissions from Water Use (includes conveyance, treatment, distribution, and wastewater treatment)**

<u>KWh/million gallons/year</u>	<u>KWh/acre-ft/year</u>	<u>Net increase (acre-ft/year)</u>	<u>Total KWh</u>	<u>MWh</u>	<u>Region</u>	<u>Emission Factor (lb CO<sub>2</sub>/MWh)</u>	<u>GWP</u>	<u>Emission Factor (lb CH<sub>4</sub>/MWh)</u>	<u>GWP</u>	<u>Emission Factor (lb N<sub>2</sub>O/MWh)</u>	<u>GWP</u>	<u>Total CO<sub>2</sub>e (Metric Tons/year)</u>
3,950	1287	24,423	31,433,969	31,434	CALI	804.54	1	0.0067	23	0.0037	296	<b>11,489</b>

**Total Indirect Greenhouse Gas Emissions**

**85,569**

**Notes:**

CH<sub>4</sub> = methane; CO<sub>2</sub>e = carbon dioxide equivalent; du = dwelling unit; GWP = global warming potential; ksf = thousand square feet; kWh = kilowatt-hours; kWh/du/yr = kilowatt-hours per dwelling unit per year; kWh/ksf/yr = kilowatt-hours per thousand square feet per year; lb CH<sub>4</sub>/MWh = pounds of methane per megawatt-hour; lb CO<sub>2</sub>/MWh = pounds of carbon dioxide per megawatt-hour; lb N<sub>2</sub>O/MWh = pounds of nitrous oxide per megawatt-hour; MWh = megawatt-hours  
Water use rates are drawn from the DEIR for the 2008 Draft General Plan.  
Sources: California Energy Commission 2000, 2005; CCAR 2007

This comment argues that the County’s analysis should have included emissions from what might be called the full life cycle of the 2008 Draft General Plan—i.e., from the milling of trees for wood for framing materials to be used in the construction of homes in the county, to the manufacture and transport of goods that might be sold in stores in the retail areas of the county. Unfortunately, most of this information is simply not available for Solano County or indeed for any project subject to CEQA. Thus, any attempt to quantify emissions to the extent suggested by the commenter would include a great deal of speculation, and would be of little or no practical value. (See the State CEQA Guidelines, Section 15145.) More to the point, however, common CEQA practice, for good reason, has never included attempts to generate some of the kinds of information demanded. For example, the request for quantification of the emissions from “manufacturing and transporting building materials” assumes that the County and its consultants have knowledge of, or could obtain knowledge of, all of the following:

- ▶ the specific wholesale or retail suppliers of all of the building materials that various home builders and other construction companies would use during the lengthy buildout period for the 2008 Draft General Plan;
- ▶ the identities of the specific mills or manufacturers that would sell their products to these unknown wholesale or retail suppliers;
- ▶ the geographic areas within North America or other continents from which the raw materials for these mills or manufacturers originate; and
- ▶ the quantities of building materials of various kinds that would be used during the buildout period.

At present, the County has absolutely no way of knowing whether the lumber products to be used over the next 20 years or so would be produced in Canada, the Pacific Northwest, the southeastern United States, or somewhere else (e.g., Siberia or Southeast Asia); nor can the County reasonably ascertain the locations of the mills where the raw lumber would be turned into building materials.

Additional factors making impossible—or at least unreliable—the kind of “cradle to grave” analysis proposed by the commenter are the possibilities that:

- ▶ over the next 20 years, the manufacturers and transporters of building materials may well be subjected to direct regulation of their GHG emissions;
- ▶ the construction industry may gradually or suddenly substitute new, less environmentally damaging materials for some of the GHG-intensive materials currently in use; and
- ▶ particularly in California, where AB 32 is now the law, new fuels and power sources may replace some or all of those currently in use to the extent that such current energy sources emit unacceptable levels of GHGs.

Where the County could plausibly produce quantitative information in support of its analysis, the County has done so. The analysis includes an attempt to quantitatively include the nonspeculative (direct) sources of emissions by using conservative assumptions and the best available emission factors and methods to report the direct GHG emissions that would occur from the 2008 Draft General Plan. Given the very recent enactment of AB 32 (2006) and SB 97 (2007), there is no adopted methodology for quantification of carbon dioxide (CO<sub>2</sub>) emissions from general plans or development projects. The County and its consultants, using their professional expertise and judgment, have therefore done their best to devise their own methodology, which is intentionally

conservative because of the newness of the science at issue. The analysis in Chapter 6 of the DEIR represents a sophisticated, good-faith attempt to quantify and disclose emissions using the information that is available.

Notably, although it is certainly true that some of the activities mentioned by the commenter indeed do result in GHG emissions, the quantities at issue would be minor relative to the operational emissions associated with the project, because the lifetime of the 2008 Draft General Plan is considerable compared with the short-term duration of construction emissions that occur over a finite period of time.

In summary, although indirect, off-site emissions would occur as a result of the 2008 Draft General Plan, it is simply not possible to reliably quantify such sources, beyond what has already been set forth in the DEIR, a fact expressed by the commenter in paragraph 3 of the comment. It is true that crude and questionable assumptions could be used in the kind of analysis the commenter is seeking, but the County is unwilling to generate numbers solely for the sake of generating numbers, when the numbers might bear little or no relation to reality—to the extent that “reality” 20 years hence is even possible to ascertain with any accuracy in the present. The County has honestly and forthrightly concluded that, even with all feasible mitigation, GHG emissions would be significant and unavoidable. It is inconceivable that, even with the kind of (speculative) analysis demanded by the commenter, this bottom-line conclusion would change. Furthermore, the County lacks any power to address many of the emissions of concern to the commenter, occurring as they do in other states or countries, and involving manufacturing and milling activities outside of Solano County. Thus, it is very unlikely that any additional feasible mitigation would be derived from what the commenter regards as “missing analysis.”

26-125

Please refer to Response to Comment 26-124.

26-126

To clarify, the Maximum Development Scenario was not analyzed at the same level of detail as the Preferred Plan (i.e., the foreseeable development scenario) because it is not “reasonable” or “foreseeable” that the Maximum Development Scenario would occur. However, impacts associated with the Maximum Development Scenario are still analyzed and disclosed to the public, though not at the same level of detail as those associated with the Preferred Plan. This approach provides the public and decision makers with a general sense of the worst-case environmental consequences that could result from the 2008 Draft General Plan, although it is not reasonable to conclude that such a worst-case scenario would ever actually occur. In this instance, development under the Maximum Development Scenario would, like development under the Preferred Plan, lead to a significant and unavoidable impact with respect to GHG emissions. Please also refer to Master Response B, “Use of Two Development Scenarios,” in Chapter 2 of this DEIR.

26-127

To clarify further, the total mass of GHG emissions associated with the Maximum Development Scenario would likely be higher than that under the Preferred Plan, because the Maximum Development Scenario would accommodate more development and associated potential to emit GHGs. This scenario would also result in per-capita GHG emissions that would not be considered compatible with those levels required by AB 32, and therefore would also result in a cumulatively considerable contribution to a significant impact. The conclusion would be the same under the Maximum Development Scenario (i.e., significant) as stated in the DEIR in Impact 6.2-1b.

Please also refer to Master Response B, “Use of Two Development Scenarios,” in Chapter 2 of this DEIR. As explained in that master response, and contrary to the commenter’s assertion, the Preferred Plan represents probable development under the 2008 Draft General Plan. The Maximum Development Scenario is, to use the commenter’s terms, “artificial” because there is no reasonable likelihood that maximum development under the 2008 Draft General Plan would or

even could occur. Therefore, the Preferred Plan analysis most accurately represents the potential environmental consequences that would occur with adoption of the 2008 Draft General Plan.

26-128 Please refer to Response to Comment 26-127.

26-129 Please refer to Response to Comment 26-127.

26-130 Please refer to Master Response G, “Deferred Mitigation,” and Master Response H, “Mitigation for Significant and Unavoidable Impacts,” in Chapter 2 of this DEIR. The DEIR does not impermissibly defer mitigation. Please also refer to Response to Comment 26-122.

The commenter suggests that mitigation be included in the DEIR that would reduce VMT and provide greater transit availability. In response, it should be noted that the 2008 Draft General Plan includes numerous policies designed to create dense development, reduce VMT, and provide transit availability. The commenter has not pointed to any policies or programs in the 2008 Draft General Plan that the commenter believes could be modified to provide greater density and transit and to reduce VMT. These policies and programs include the following:

- ▶ **Policy LU.P-1:** Collaborate with cities to guide development to the county’s urban centers and promote sustainable development patterns.
- ▶ **Policy LU.P-19:** Locate commercial development in locations that provide maximum access to the primary consumers of such services and where necessary services and facilities can be provided.
- ▶ **Policy LU.P-24:** Encourage the location of industrial development in cities that have available labor and necessary facilities and services to support industry.
- ▶ **Policy LU.P-37:** Promote live-work uses for professionals, artists, craftspeople and other low impact employment opportunities in Traditional Community areas as long as such uses are compatible with existing community character.
- ▶ **Program HS.I-54:** Consider a trip reduction ordinance and incentives to encourage employers to increase telecommuting, provide bicycle facilities, and access to public transit for employees, including County employees.
- ▶ **Goal TC.G-3:** Encourage land use patterns which maximize mobility options for commuting and other types of trips, and minimize traffic congestion and carbon footprints.
- ▶ **Goal TC.G-4:** Promote alternative forms of transportation such as walking and bicycling to encourage these modes when making short-distance trips, and when pursuing recreational opportunities.
- ▶ **Policy TC.P-2:** Together with other agencies and cities, continue to plan land uses and transportation systems that concentrate major employment and activity centers near major circulation systems and in proximity to residential areas.
- ▶ **Policy TC.P-3:** Establish land use patterns to facilitate shorter travel distances and non auto modes of travel.
- ▶ **Policy TC.P-6:** Participate in transportation programs that promote technological solutions resulting in more efficient use of energy resources, reduced greenhouse gas emissions and noise, and improved air quality.

- ▶ **Policy TC.P-14:** Encourage the development of transit facilities and operations along major corridors to connect the county with surrounding activity centers and regional destinations.
- ▶ **Policy TC.P-16:** Ensure that major retail centers and commercial and industrial centers with high levels of employment are served with adequate public transportation opportunities.
- ▶ **Policy TC.P-18:** Encourage the expansion of Capitol Corridor passenger rail service through additional trains, new stations, and faster speeds to connect the county with other Bay Area and Sacramento area communities.
- ▶ **Policy TC.P-24:** In collaboration with other agencies and cities, continue to plan, design, and create additional bikeways and bikeway connections to provide intercity and intercounty access and incorporate system needs when approving adjacent developments.
- ▶ **Program TC.I-9:** Support development of transit facilities in strategic locations such as at interchanges and in areas of concentrated activity.
- ▶ **Program TC.I-10:** Respond to transit operators' efforts when they propose changes to bus stop locations to improve rider safety or convenience, or to improve bus travel speeds or to improve paratransit services.
- ▶ **Program TC.I-12:** Support responsible improvements to track capacity so that both passenger and freight rail, including transportation of hazardous materials can be operated without delays through Solano County.
- ▶ **Program TC.I-13:** Support continued development of new train stations at Vacaville/Fairfield, Dixon, and Benicia to improve local access to regional rail service.
- ▶ **Program TC.I-17:** Design, construct, and maintain bicycle routes to ensure that adequate signs and pavement markings are provided.
- ▶ **Program TC.I-18:** Pursue roadway-improvement project funding to complete bicycle path linkages between Solano County communities.
- ▶ **Program TC.I-19:** Support applications to fund new bicycle and pedestrian facilities that close gaps in the system.
- ▶ **Policy PF.P-7:** Coordinate with the cities to strongly encourage compact urban development within city urban growth areas to avoid unnecessary extension or reconstruction of roads, water mains, and services and to reduce the need for increased school, police, fire, and other public facilities and services.

Further, alternatives analyzed in the DEIR encompass the commenter's suggestion. Specifically, Alternative 4, Reduced Rural Residential Development, analyzed in the DEIR would achieve a lower level of rural residential development, thereby creating denser residential development and reducing impacts associated with rural residential development (see page 5-58 of the DEIR). Similarly, Alternative 2, Improved Environmental Sustainability, would result in designation of less land as residential, commercial, and industrial and, at buildout, would have a lower level of development than the 2008 Draft General Plan, which would result in fewer VMT (see page 5-37 of the DEIR).

As described in Master Response G, "Deferred Mitigation," in Chapter 2 of this FEIR, the CAP is by no means the only mechanism in the Draft 2008 General Plan to address climate change

concerns (please refer to pages 6-36 through 6-42 in the DEIR for a list of climate change–related goals, policies, and programs). Contrary to the commenter’s implication, several transportation policies and programs are “built into” the 2008 Draft General Plan: Policies TC.G-3, TC.G-4, TC.P-2, TC.P-3, TC.P-6, TC.P-12, TC.P-14, TC.P-16, TC.P-17, TC.P-18, TC.P-24, and TC.P-26 and Programs TC.I-1, TC.I-9, TC.I-10, TC.I-11, TC.I-12, TC.I-13, TC.I-17, TC.I-18, and TC.I-19. The commenter has provided no specific evidence as to why implementation of these policies and programs would be ineffective at reducing GHG emissions generated under the 2008 Draft General Plan.

The commenter also suggests that it would be impossible for the County to achieve its goal of reducing GHG emissions by 20% below 1990 levels by 2020. There is no question that 20% below 1990 emissions levels is an ambitious GHG reduction goal. This is an additional 20% above and beyond the requirement of AB 32, which mandates statewide emission reductions to 1990 levels by 2020. The policies and programs identified in the 2008 Draft General Plan that would reduce VMT, energy consumption, water consumption, waste, and agricultural GHG emissions would all act to further this goal. The CAP would be the method by which specific GHG reduction measures would be identified, and objectives for GHG reductions would be allocated among the economic sectors (i.e., transportation, electricity, waste, agriculture).

Further, technological innovation and legislation on the subject of climate change that is already in effect would facilitate the GHG emission reduction efforts within the county. For example, Executive Order S-1-07, Low Carbon Fuel Standard, will reduce GHG emissions associated with transportation fuels, and SB 1368 (Chapter 598, Statutes of 2006) requires the California Public Utilities Commission to increase its renewable-energy portfolio over the planning horizon. Thus, GHG emission factors will decrease over the planning horizon. The County would implement strategies contained in the 2008 Draft General Plan and in the CAP to achieve an additional level of GHG emissions reduction, while accommodating growth in the county, and working toward its emissions reduction target. There is no evidence suggesting that this goal is impossible to achieve, and much evidence supporting that the County is considering a wide range of feasible GHG emissions reductions policies, programs, and strategies that would be developed further in the CAP.

26-131 Please refer to Response to Comment 26-130.

26-132 Please refer to Response to Comment 26-130.

26-133 Please refer to Response to Comment 26-130.

26-134 Please refer to Master Response H, “Mitigation for Significant and Unavoidable Impacts,” in Chapter 2 of this DEIR. The 2008 Draft General Plan includes numerous programs and policies that would reduce Solano County’s impacts on global climate change and reduce the threats associated with global climate change on the county.

The commenter asserts that the DEIR needs to propose more mitigation measures to further reduce the impact of GHG emissions to the extent feasible. The commenter also reiterates that the 2008 Draft General Plan should modify its land use diagram to reduce impacts, particularly with respect to including fewer rural residential land uses. Alternative 4, the Reduced Rural Residential Development Alternative, analyzes a scenario requested by the commenter.

Further, although the 2008 Draft General Plan would include some new areas designated for rural residential land use, it is notable that the County’s approach was focused on urban-centered development. In other words, it was the intent of the County to cluster higher density development near urban centers and protect the rural character of Solano County. It is appropriate

to keep some residential uses near the agricultural uses that are supported by operators and landowners. In addition, the County needs to ensure that it has designated land to accommodate its share of regional housing needs under the provisions of Sections 65583 and 65584 of the California Government Code, including its share of above moderate-income needs that could be met through rural residences. Although several of the cities in Solano County have agreed to assume the majority of Solano County's share of regional housing needs in the past, there is no guarantee that they will do so in the future.

These rural residential designations should not be misconstrued as low-density development with no purpose. The County wishes to emphasize its view that higher density development clustered near urban centers and transportation corridors reduces VMT and associated GHG emissions, which the land use diagram largely supports. Further, allowing Solano County to keep its rural character by minimizing low-density development on parcels located far from urban uses, but accommodating some level of occupancy in existing rural communities to provide for a full range of housing choices in the county, is an objective of the 2008 Draft General Plan.

The commenter includes some sources of information for additional mitigation measures and policy language, such as the California Attorney General, the California Air Pollution Control Officers Association (CAPCOA), the Institute for Local Government, the California Climate Action Network, and Cool Counties. The commenter attaches these documents without identifying any specific mitigation measures that the commenter believes would be more effective than the policies and programs included in the 2008 Draft General Plan, making it difficult to formulate a specific response. CEQA does not require analysis of every imaginable alternative or mitigation measure; its concern is with feasible means of reducing environmental effects (*Concerned Citizens of South Central Los Angeles v. Los Angeles Unified School Dist.* [1994] 24 Cal.App.4th 826, 841). Thus, the County need not undertake the burden of analyzing the numerous pages of mitigation measures when the commenter has provided no specific examples or assertions as to why some or all of these measures are feasible to reduce the climate change effects of the project, or why the policies and programs already included in the 2008 Draft General Plan are insufficient compared to those contained in the documents cited by the commenter. The documents referenced are well known and familiar to the County and its environmental consultants. Indeed, the policies in the proposed 2008 Draft General Plan related to GHGs and climate change were derived from these sources, and additional policies were included above and beyond what is recommended by these sources.

Notably, the policies and programs in the 2008 Draft General Plan are strikingly consistent with the examples of mitigation measures identified in OPR's recently released technical advisory *CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review* (OPR 2008). Section I of this technical advisory explains the intent of the document as follows:

General scientific consensus and increasing public awareness regarding global warming and climate change have placed new focus on the California Environmental Quality Act (CEQA) review process as a means to address the effects of greenhouse gas (GHG) emissions from proposed projects on climate change. Many public agencies—along with academic, business, and community organizations—are striving to determine the appropriate means by which to evaluate and mitigate the impacts of proposed projects on climate change. Approaches and methodologies for calculating GHG emissions and addressing the environmental impacts through CEQA review are rapidly evolving and are increasingly available to assist public agencies to prepare their CEQA documents and make informed decisions.

The Governor's Office of Planning and Research (OPR) will develop, and the California Resources Agency (Resources Agency) will certify and adopt amendments to the Guidelines

implementing the California Environmental Quality Act (“CEQA Guidelines”), on or before January 1, 2010, pursuant to Senate Bill 97 (Dutton, 2007). These new CEQA Guidelines will provide regulatory guidance on the analysis and mitigation of GHG emissions in CEQA documents. In the interim, OPR offers the following informal guidance regarding the steps lead agencies should take to address climate change in their CEQA documents. This guidance was developed in cooperation with the Resources Agency, the California Environmental Protection Agency (Cal/EPA), and the California Air Resources Board (ARB).

As shown in Chapter 4 of this FEIR, the following text is added to the impact discussion for Impact 6.2-1 on page 6-42 of the DEIR, between the end of the bulleted list of relevant goals, policies, and programs and the impact conclusion:

The policies and programs in the 2008 Draft General Plan are strikingly consistent with the examples of mitigation measures identified in *CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review*, a technical advisory recently released by the Governor’s Office of Planning and Research (OPR 2008). Table 6-6 lists each of the mitigation measures recommended in the technical advisory and identifies which goals, policies, and programs of the 2008 Draft General Plan implement the recommended measures.

<b>Table 6-6 Implementation of Recommended Greenhouse Gas Reduction Measures by the 2008 Draft General Plan</b>	
<u>OPR Examples of GHG Reduction Measures</u>	<u>Measures in the 2008 Draft General Plan Implementing OPR’s Recommendation</u>
<u>Implement land use strategies to encourage job/housing proximity, promote transit-oriented development, and encourage high-density development along transit corridors. Encourage compact, mixed-use projects, forming urban villages designed to maximize affordable housing and encourage walking, bicycling, and the use of public transit systems.</u>	<u>Goals, Policies, and Programs LU.P-1; LU.P-19; LU.P-24; LU.P-25; LU.P-37; TC.G-3; TC.G-4; TC.P-2; TC.P-3; TC.P-6; TC.P-12; TC.P-14; TC.P-16; TC.P-17; TC.P-18; TC.P-24; LU.I-13; TC.I-9; TC.I-10; TC.I-12; TC.I-13; TC.I-17; TC.I-18; TC.I-19; PF.P-6; and PF.P-7</u> <u>Additions recommended by County staff: LU.P-A3; LU.P-A4; TC.I-L; TC.I-M; and TC.I-P</u>
<u>Encourage infill, redevelopment, and higher density development whether in incorporated or unincorporated settings.</u>	<u>Policies LU.P-1; LU.P-19; LU.P-24; and LU.P-37</u> <u>Additions recommended by County staff: LU.P-A4 and TC.I-L</u> <u>Please also refer to Master Response I, “Orderly Growth Initiative,” in Chapter 2 of this FEIR</u>
<u>Encourage new developments to integrate housing, civic and retail amenities (jobs, schools, parks, shopping opportunities) to help reduce VMT resulting from discretionary automobile trips.</u>	<u>Policies and Programs LU.P-1; LU.P-19; LU.P-24; LU.P-37; LU.I-13; PF.P-6; PF.P-7; and TC.P-3</u>
<u>Apply advanced technology systems and management strategies to improve operational efficiency of transportation systems and movement of people, goods and services.</u>	<u>Policies and Programs TC.P-3; TC.P-12; RS.I-47; HS.P-43; HS.I-54; HS.P-48; HS.I-58; HS.I-59; HS.I-60; HS.I-73; PF.P-26; PF.P-27; PF.P-28; and P.FP-27</u>
<u>Incorporate features into project design that would accommodate the supply of frequent reliable and convenient public transit.</u>	<u>Policies and Programs TC.P-17; TC.P-14; TC.P-16; TC.I-19; TC.I-12; TC.I-13; TC.I-9; and TC.I-10</u> <u>Additions recommended by County staff: LU.P-A3; TC.I-L; TC.I-M; TC.I-N; and TC.I-O</u>

<b>Table 6-6 Implementation of Recommended Greenhouse Gas Reduction Measures by the 2008 Draft General Plan</b>	
<u>OPR Examples of GHG Reduction Measures</u>	<u>Measures in the 2008 Draft General Plan Implementing OPR's Recommendation</u>
<u>Implement street improvements that are designed to relieve pressure on a region's most congested roadways and intersections.</u>	<u>Policy TC.P-12</u>
<u>Limit idling time for commercial vehicles, including delivery and construction vehicles.</u>	<u>Program HS.I-60; Mitigation Measures 4.2-1a(1) and 4.2-5a</u>
<u>Plant trees and vegetation near structures to shade buildings and reduce energy requirements for heating/cooling.</u>	<u>Programs RS.I-8; RS.I-46; and RS.I-50 Addition recommended by County staff: RS.I-C</u>
<u>Preserve or replace on-site trees (that are removed due to development) as a means of providing carbon storage.</u>	<u>Policy AG.P-21</u>
<u>Encourage public and private construction of LEED (Leadership in Energy and Environmental Design) certified (or equivalent) buildings.</u>	<u>Program RS.I-49 Additions recommended by County staff: RS.I-B and RS.I-BB</u>
<u>Recognize and promote energy-saving measures beyond Title 24 requirements for residential and commercial projects.</u>	<u>Program RS.I-38 Additions recommended by County staff: RS.I-AA; RS.I-D; and RS.I-FF</u>
<u>Where feasible, include in new buildings facilities to support the use of low/zero carbon fueled vehicles, such as the charging of electric vehicles from green electricity sources.</u>	<u>Addition recommended by County staff: RS.I-H</u>
<u>Educate the public, schools, other jurisdictions, professional associations, business, and industry about reducing GHG emissions.</u>	<u>Policy RS.P-55 Addition recommended by County staff: TC.I-S</u>
<u>Purchase Energy Star equipment and appliances for public agency use.</u>	<u>Programs RS.I-38 and RS.I-40 Addition recommended by County staff: RS.I-G</u>
<u>Incorporate on-site renewable energy production, including installation of photovoltaic cells or other solar options.</u>	<u>Policies and Programs RS.P-49; RS.P-52; RS.P-53; RS.I-40; RS.I-53; RS.I-54; and HS.I-73 Addition recommended by County staff: LU.I-A5</u>
<u>Execute an Energy Savings Performance Contract with a private entity to retrofit public buildings. This type of contract allows the private entity to fund all energy improvements in exchange for a share of the energy savings over a period of time.</u>	<u>Addition recommended by County staff: RS.I-I</u>
<u>Design, build, and operate schools that meet the Collaborative for High Performance Schools (CHPS) best practices.</u>	<u>This policy would be infeasible, as the County has no control over design and operation of schools.</u>
<u>Convert landfill gas into energy sources for use in fueling vehicles, operating equipment, and heating buildings.</u>	<u>Policy PF.P-28 Addition recommended by County staff: PF.I-K</u>
<u>Purchase government vehicles and buses that use alternatives fuels or technology, such as electric hybrids, biodiesel, and ethanol. Where feasible, require fleet vehicles to be low-emission vehicles.</u>	<u>Policy TC.P-6 and Programs RS.I-42 and TC.I-1 Addition recommended by County staff: RS.I-G</u>

<b>Table 6-6 Implementation of Recommended Greenhouse Gas Reduction Measures by the 2008 Draft General Plan</b>	
<u>OPR Examples of GHG Reduction Measures</u>	<u>Measures in the 2008 Draft General Plan Implementing OPR's Recommendation</u>
<u>Promote the use of these vehicles in the general community.</u>	
<u>Offer government incentives to private businesses for developing buildings with energy and water efficient features and recycled materials. The incentives can include expedited plan checks and reduced permit fees.</u>	<u>Programs RS.I-49 and HS.I-54 Additions recommended by County staff: RS.I-E; RS.I-F; and RS.I-FF</u>
<u>Offer government employees financial incentives to carpool, use public transportation, or use other modes of travel for daily commutes.</u>	<u>Program HS.I-54</u>
<u>Encourage large businesses to develop commute trip reduction plans that encourage employees who commute alone to consider alternative transportation modes.</u>	<u>Program HS.I-54 Addition recommended by County staff: TC.I-R</u>
<u>Develop shuttle systems around business district parking garages to reduce congestion and create shorter commutes.</u>	<u>Goals, Policies, and Programs TC.G-3; TC.G-4; TC.P-2; TC.P-3; TC.P-14; TC.P-16; and TC.I-9</u>
<u>Create an online ridesharing program that matches potential carpoolers immediately through e-mail.</u>	<u>Addition recommended by County staff: TC.I-T</u>
<u>Add residential/commercial food waste collection to existing green waste collection programs.</u>	<u>Program PF.I-27</u>

The listed measures are either drawn from the 2008 Draft General Plan, or are presented in Chapter 5 of this FEIR as revisions to the 2008 Draft General Plan that County staff will recommend to the County Board of Supervisors in response to comments received from the Office of the Attorney General (Comment Letter 57). Additionally, as shown in Chapter 5 of this FEIR, County staff will recommend to the board that the following additional implementation programs specifically corresponding to OPR examples of GHG reduction measures be added to the 2008 Draft General Plan:

RS.I-H: Where feasible, include in new buildings facilities to support the use of low/zero carbon fueled vehicles, such as the charging of electric vehicles from green electricity sources.

RS.I-I: Execute an Energy Savings Performance Contract with a private entity to retrofit public buildings. This type of contract allows the private entity to fund all energy improvements in exchange for a share of the energy savings over a period of time.

TC.I-T: Work with Solano Transportation Authority to create an online ridesharing program that matches potential carpoolers immediately.

The County believes that exhaustive policies, programs, and mitigation have been developed to reduce GHG emissions, and that all feasible (i.e., economically, technologically, and within a reasonable amount of time) mitigation has been incorporated. The fact that the County's goals, policies, programs, and mitigation measures substantially track those developed by OPR indicates that the proposed means to reduce GHG emissions associated with buildout of the 2008 Draft General Plan would be effective to mitigate climate change impacts in compliance with CEQA.

26-135 Please refer to Response to Comment 26-134.

26-136 Please refer to Response to Comment 26-134.

26-137 Please refer to Response to Comment 26-134.

26-138 As shown in Chapter 4 of this FEIR, the full reference information for missing citations has been incorporated into Chapter 8, "References," of the DEIR.

## **LETTER 27**

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KENN BROWNE, VICE CHAIR

Sierra Club/Solano Group

June 2, 2008





**SIERRA  
CLUB**  
FOUNDED 1892

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June 2, 2008

REC'D  
Resource Management  
JUN 02 2008  
AM 7:39  
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Jim Louie, Senior Planner  
County of Solano  
Resource Management Department  
675 Texas Street, Suite 5500  
Fairfield, CA 94533

RE: Draft Environmental Impact Report (DEIR) 2008 Draft Solano County General  
Plan SCH# 2007122069

Dear Mr. Louie

The Solano Group (SG) of the Sierra Club has reviewed the Draft Environmental Impact Report (DEIR) for the 2008 Draft Solano County General Plan update. The Solano Group has identified a number of concerns with the impacts resulting from changes in the General Plan that will lead to conversion of agricultural and open space lands; we submit the following comments:

27-1

INTRODUCTION

Information in the Introduction section clearly states that the DEIR is a program environmental impact report (EIR) and "many of the impacts and mitigation measures in this EIR can be described only in general or qualitative terms." However, it goes on to state that the County would use two separate California Environmental Quality Act (CEQA) processes to streamline review of projects.

27-2

It states that analysis in the program EIR is considered the first tier of environmental review to create the foundation on which future project specific CEQA documents can build and that cumulative impacts would not need to be addressed in second or third tier documents, if adequately addressed in the "first tier" EIR.

We have concerns with the statement that "the program EIR will help determine the need for subsequent environmental documentation". Since the 2008 General Plan will extend until 2030 it is probable that future proposals for rural residential, commercial

27-3

and industrial development could be of a scale that will require a full environmental impact report to disclose impacts and identify mitigation measures that might not be defined in the program EIR. We recommend that any request to streamline, or short cut the required environmental impact report process not be allowed under the excuse that the program EIR fully covers those impacts.

27-3  
Cont'd.

#### AGENCIES EXPECTED TO USE THIS EIR

The Division of Land Resources Protection, that contains the Farmland Mapping and Monitoring Program, Williamson Act Program, and the California Farmland Conservancy Program, should be included under the California Department of Conservation as an agency that will use the EIR.

27-4

#### WILLIAMSON ACT PROGRAM

Of the 365,651 acres of farmland, 215,000 acres (62%) are enrolled in Williamson Act (WA) contracts. While County estimates that the preferred plan would lead to conversion of 21,917 acres of agricultural land to urban uses, the DEIR only identifies 1,682 acres of Williamson Act contracted land as being converted under the 2008 General Plan. In order to ensure accuracy of Williamson Act land conversion figures we recommend that the County include a map in the Final Environmental Impact Report (FEIR) indicating location of Williamson Act contracts, and where nonrenewal is occurring and if the land is prime or nonprime. A map should be included indicating the location of the 1,682 acres of WA land expected to be converted and whether it is prime or nonprime land. Also a table should be included indicating the number of acres of prime and nonprime land under contract. Under the Open Space Subvention Act the County receives yearly state subvention payments for land enrolled in WA contracts. Information should be included indicating the amount of subvention payments received by the County.

27-5

27-6

The DEIR indicates that to allow for urban development the Williamson Act contract would have to be removed from existing agricultural lands. The DEIR provides information on the nonrenewal process but should emphasize that nonrenewal is the preferred method of contract termination. Information on the cancellation process should be included to emphasize that the Board of Supervisors would have to make stringent specific findings, which are reviewed by the Department of Conservation. The property owner is required to pay a cancellation fee for early termination of the contract.

27-7

#### AGRICULTURE CHAPTER

We support the policy of mitigating the loss of agricultural land. The mitigation ratio proposed is protection of 1.5 acres of agricultural land each acre converted. We recommend that this ratio be increased to 2:1 for each acre of prime agricultural land converted and that the mitigation land be Class I or II soils as defined in the Land Capability Classification. Nonprime soil types should not be used to mitigate for prime agriculture land converted to urban uses, even if the nonprime soil is producing an

27-8

agricultural commodity.

27-8  
Cont'd.

Clustering of residential development is identified in Policy LU.P-17 as follows:

“Encourage clustering of residential development when necessary to preserve agricultural lands, natural resource areas and environmental quality, to provide for the efficient delivery of services and utilities, and to mitigate potential health and safety hazards.”

Since the County encourages clustering as a method to mitigate impacts on agricultural land, the policy should be expanded to include a requirement that the remainder acres of agricultural or open space land in the residential development be protected through a conservation easement that is held by a land trust with experience in monitoring and defending easements. A homeowner’s association should never hold a conservation easement.

27-9

As detailed in the DEIR the biggest impact will be the net loss of 21,971 acres of Agriculture. This is the largest and most important impact of the proposed General Plan. The DEIR states that these impacts are unavoidable. The FEIR needs to include a study of keeping the Orderly Growth Initiative as an alternative which would avoid the serious impacts of the loss of 21,971 acres of agricultural lands. If there were an attempt to take 21,000+ acres of agricultural lands for open space, watershed and habitat protection, agricultural interests would be impacted and upset. Yet where is the concern about these 21,971 acres being taken out of agriculture in the proposed General Plan? There needs to be a detailed study of keeping the current Orderly Growth Initiative as a viable alternative which has many positive impacts on agricultural lands and their ultimate protection.

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27-11

This proposed General Plan takes out 21,971 acres of agricultural lands and open space, adds 9,820 acres of residential, adds 6,871 acres of Industrial land, while adding only 1,341 acres of park and recreation, and actually reducing marshlands by 8 acres! This is a suburban development blueprint at the expense of agriculture and wetlands! Where is the balance in a plan that negatively impacts the County and its environment by taking 10s of thousands of acres out of agriculture and adds a tiny amount of land for parks and recreation and actually decreases the wetlands? There needs to be a detailed analysis of this unbalanced plan and a discussion of the impacts of so little recreation and parklands while there will be a large increase in residential and industrial development. This General Plan proposes to turn the Orderly Growth Initiative into the Suburban-Industrial Development Plan!

27-12

#### LAND USE – PROPOSED HABITAT CONSERVATION PLAN

On p. 4.1-16 it is stated that the Plan would not conflict with an adopted habitat conservation plan because no plan has been adopted. It is stated that there is a draft habitat conservation plan that has been prepared. Is this General Plan in conflict with the proposed habitat conservation plan? A detailed study of any conflicts and impacts on the proposed Habitat Conservation Plan and mitigations should be included in the

27-13

EIR. Just because the proposed Habitat Conservation Plan has not yet been adopted, this new General Plan cannot say the impacts will be less than significant. It is legally mandated that this DEIR identify any and all environmental impacts of this proposed General Plan, and the proposed Habitat Conservation Plan needs to be included for possible impacts along with proposed mitigations.

27-13  
Cont'd.

### BIOLOGICAL RESOURCES

The discussion of impacts to the Callippe Silverspot Butterfly is incomplete. Is this species listed in the DEIR as one of the threatened species? The discussion of impacts is very vague. The habitat and range of the Callippe Silverspot Butterfly needs to be specifically identified in this DEIR. The acreage impacted needs to be specifically identified especially in the Middle Green Valley Specific Project Area and other areas of rural residential development. All habitat of this threatened species needs to be mapped with an overlay of possibly impacted habitat. It is our opinion that there should be no permanent loss of core breeding habitat for the Callippe Silverspot Butterfly. The proposed permitted loss of up to 20% of core breeding habitat of any breeding areas has the potential to disrupt and segregate and threaten the breeding viability of this species. A thorough review of impacts on the Callippe Silverspot Butterfly and the proposed impacts on its core breeding habitat is called for in the Final EIR. The cumulative effects of allowing up to 20% permanent loss of core breeding habitat needs to be studied. Also, it appears that areas of breeding habitat that are not identified as 'core breeding habitat' have no protection under this plan. All breeding habitat of this threatened species needs to be identified, with impacts studied and listed. If 100% permanent loss is allowable in non-core breeding habitat and this is added to the 20% permanent loss allowed to core breeding habitat, what is the cumulative effect on the Callippe Silverspot Butterfly? In addition, the proposed 300 foot minimum width of natural open space corridors seems to be a very fragile protection. This proposed corridor needs further study and a discussion of the possible negative impacts of such a narrow width. Is a 300 foot corridor adequate for the protection of this species? How does a 300 foot corridor compare to a 500 foot or 1000 foot corridor?

27-14

### WIND TURBINES

The Wind Energy Resource Overlay proposed in the 2008 Draft General Plan would encompass 31,737 acres within Montezuma Hills. Impact 4.6-9a recognizes that wind turbines are a well-documented source of avian (especially raptors) and bat mortality. We recommend that Policy RS.P-56 should be amended to "require" rather than just "encourage" the use of technology or siting to minimize adverse impacts from energy production facilities on the environment, including wildlife and agricultural resources.

27-15

In addition, mitigation should include 1) Reducing the number of acres of land converted to wind turbines to lessen the avian and bat mortality rates, 2) During bird migration periods turbine use should be reduced or stopped to avoid high rates of bird mortality, 3) The County should implement a program to replace the old turbines with new turbines (designed to reduce impacts and mortality) at a ratio of removing 15 old

turbines for each new, improved, turbine approved for installation, 4) The County should implement requirements that new turbines not be sited in, or near, bird nesting areas, flyway paths, and bat habitats, and 5) The County should implement a monitoring program to ensure that turbine operations meet bird and bat protection guidelines and to document the number of bird and bat fatalities resulting from turbine operation.

27-15  
Cont'd.

#### NOP COMMENTS

In our NOP comments of February 3, 2008 the Solano Group recommended that the DEIR contain information on the ten new agricultural regions which we did not see in the DEIR. Therefore we recommend that the following information be provided in the Final Environmental Impact Report:

27-16

- The Final Environmental Impact Report (FEIR) should include data on the type of agriculture (tree and row crops, cattle and sheep ranching, etc) produced in each region and the number of acres devoted to each type of agricultural commodity in each agricultural region.
- Provide a map which identifies the soil quality in each region as mapped by the Department of Conservation's Farmland Mapping and Monitoring Program.
- Identify the Williamson Act contracted land, whether it is prime or nonprime land, acreage, status (current or under nonrenewal) in each region,.
- Provide a map identifying the location and type of land (prime or nonprime) enrolled in Williamson Act contracts in the ten regions.
- Identify the agricultural land protected by current conservation easements, number of acres and soil type and location.

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27-20

We appreciate the opportunity to provide comments on the Draft Environmental Impact Report. The 2008 Solano General Plan proposes residential, commercial and industrial changes that will lead to conversion of agricultural land and open space and impact wildlife habitat and wildlife species. One way to lessen these impacts would be to reduce the number of acres of land identified for rural residential development, Promoting rural residential development is an inefficient use of land resources, and does not support the city-centered growth philosophy where urban services are more efficiently provided. We request that the Solano Group be notified when the Final Draft Environmental Impact Report (FEIR) is available for review and comment.

27-21

Sincerely,



Kenn Browne, Vice Chair  
Solano Group—Sierra Club  
P. O. Box 7323  
Vallejo, Ca 94590

27-1 The comment is noted.

27-2 The commenter questions the programmatic nature of the EIR. In particular, the commenter questions the DEIR's statement that cumulative impacts would not need to be addressed in second- or third-tier documents, if adequately addressed in the "first-tier" EIR.

The comment is noted. Please refer to Master Response E, "Programmatic Nature of EIR," in Chapter 2 of this FEIR. To make environmental review as efficient as possible, consistent with appropriate analysis, CEQA and the State CEQA Guidelines allow agencies to employ certain analytical devices and procedural methods to avoid needless redundancy and duplication. In this case, two such devices may be utilized.

First, the EIR is a program EIR that evaluates the large-scale impacts on the environment that can be expected to result from the adoption of the 2008 Draft General Plan, but it does not necessarily address potential site-specific impacts of individual development projects following and implementing the 2008 Draft General Plan. CEQA requires that each of those subsequent development projects be evaluated for its particular site-specific impacts. If the site-specific project is consistent with the 2008 Draft General Plan, the site-specific EIR may be able to incorporate this EIR's cumulative impacts analysis—which would, by definition, not be site-specific—to allow the site-specific EIR to focus on new or site-specific impacts. (See Section 15168[d] of the State CEQA Guidelines.)

Second, future environmental review can also be streamlined pursuant to Section 21083.3 of the Public Resources Code and its parallel, Section 15183 of the State CEQA Guidelines. These provisions generally limit the scope of necessary environmental review following the preparation of an EIR for a general plan. For such site-specific approvals, CEQA generally applies only to impacts that are "peculiar to the parcel or to the project" and that have not been disclosed in the general plan EIR, except where "substantial new information" shows that previously identified impacts will be more significant than previously assumed. Impacts are considered *not* to be "peculiar to the parcel or to the project" if they can be substantially mitigated pursuant to previously adopted "uniformly applied development policies or standards."

27-3 The commenter indicates concerns about the statement in the DEIR that "the program EIR will help determine the need for subsequent environmental documentation."

Please refer to Master Response E, "Programmatic Nature of EIR," in Chapter 2 of this FEIR and to Response to Comment 27-2. The commenter's concern is noted. Future discretionary approvals made by the County must comply with the requirements of CEQA, and where streamlined review would not be permissible under CEQA, the County would not permit such streamlined review.

27-4 The comment is noted. As shown in Chapter 4 of this FEIR, the following text is added as the third bullet in the bulleted list on page 1-9 of the DEIR:

- ▶ California Department of Conservation, Division of Mines and Geology (contains the Farmland Mapping and Monitoring Program, Williamson Act Program, and the California Farmland Conservancy Program)

27-5 The DEIR fully analyzes impacts associated with implementation of the 2008 Draft General Plan, specifically related to conflicts with Williamson Act contracts (see Impacts 4.8-2a and 4.8-2b). The 1,682 acres of existing agricultural land uses protected under the Williamson Act that would be converted to urban uses pursuant to the 2008 Draft General Plan was derived by overlaying the 2008 Draft General Plan land use map and information maintained by the County Department of Resource management using a geographic information system. The additional information that the commenter has asked to be included in the FEIR (i.e., location of Williamson Act contracts, location of nonrenewals, location of converted land, Prime Farmland or non-Prime Farmland) is not needed to understand and analyze the impacts associated with implementing the 2008 Draft General Plan, specifically to conflicts with Williamson Act contracts. The analysis conducted in the DEIR adequately and sufficiently reached a significance conclusion, based on the thresholds established, with the information provided in the DEIR.

27-6 The DEIR fully analyzes impacts associated with implementation of the 2008 Draft General Plan, specifically related to conflicts with Williamson Act contracts (see Impacts 4.8-2a and 4.8-2b). The additional information that the commenter has asked to be included in the FEIR (i.e., subvention payment amounts) is not needed to understand and analyze the impacts associated with implementing the 2008 Draft General Plan, specifically to conflicts with Williamson Act contracts. The analysis conducted in the DEIR adequately and sufficiently reached a significance conclusion, based on the thresholds established, with the information provided in the DEIR.

27-7 The DEIR fully analyzes impacts associated with implementation of the 2008 Draft General Plan, specifically related to conflicts with Williamson Act contracts (see Impacts 4.8-2a and 4.8-2b), and the potential conversion of agricultural land by 2030 under the Preferred Plan, regardless of whether conversion occurs through cancellation or nonrenewal of Williamson Act contracts. The commenter has asked that a policy preference be expressed by the County in the EIR (i.e., nonrenewal as preferred method). This recommendation for a policy preference will be provided to the County Board of Supervisors for further consideration, but it is not needed to understand and analyze the impacts associated with implementing the 2008 Draft General Plan, specifically conflicts with Williamson Act contracts. The following additional information on the cancellation process allowed under the Williamson Act is provided.

To cancel a Williamson Act contract, the landowner must petition the board of supervisors of the affected county for cancellation; for the board to tentatively approve the cancellation, it must find that the cancellation is consistent with the purpose of the Williamson Act and that cancellation is in the public interest (Government Code Section 51282[a]). Cancellation is consistent with the act only if the board makes all of the following additional findings (Government Code Section 51282[b]):

- ▶ The cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245 of the Government Code.
- ▶ Cancellation is not likely to result in the removal of adjacent lands from agricultural use.
- ▶ Cancellation is for an alternative use that is consistent with the applicable provisions of the city or county general plan.
- ▶ Cancellation will not result in discontinuous patterns of urban development.
- ▶ There is no noncontracted land nearby that is both available and suitable for the use to which it is proposed the contracted land be put, or development of the contracted land would provide more contiguous patterns of urban development than development of nearby noncontracted land.

Furthermore, cancellation may only be considered to be in the public interest if the Board makes both of the following findings (Government Code Section 51282[c]):

- ▶ Other public concerns substantially outweigh the objectives of Title 5, Division 1, Part 1, Chapter 7 (i.e., Sections 51200–51297.4, “Agricultural Land”) of the Government Code.
- ▶ There is no noncontracted land nearby that is both available and suitable for the use to which it is proposed the contracted land be put, or development of the contracted land would provide more contiguous patterns of urban development than development of nearby noncontracted land.

The analysis conducted in the DEIR adequately and sufficiently reached a significance conclusion, based on the thresholds established, with the information provided in the DEIR.

27-8 The commenter’s recommended revision to Program AG.I-1 to increase the mitigation ratio to 2:1 is noted. This comment will be provided to the County Board of Supervisors for further consideration.

The commenter’s requested revision to Mitigation Measure 4.1-4a could increase the partial offset of Important Farmland conversions associated with urban development; however, full compensation for losses of Important Farmland and a net loss of Important Farmland would still occur in Solano County as concluded in the DEIR (see Impacts 4.8-1a and 4.8-1b).

Related to the commenter’s concern about the class of soils for mitigation land, the commenter is further referred to pages 4.8-8 through 4.8-9 of the DEIR, wherein proposed Program AG.I-1 is discussed. As is apparent from the text of the proposed program, implementation of the program would result in the development of an ordinance requiring conservation easements to protect land of equal or greater quality than the land being converted. Thus, the commenter’s point that nonprime soil types should not be used to mitigate for prime agricultural land would be addressed through the application of this ordinance.

27-9 The commenter’s recommended revision to the Policy LU.P-17 to require agricultural or open space land in a residential development be protected through a conservation easement is noted. However, this comment does not relate specifically to the environmental impact analysis conducted in the DEIR. This comment will be provided to the County Board of Supervisors for further consideration.

27-10 The proposed changes to the policies put in place in the current *Solano County General Plan* by the Orderly Growth Initiative merely update the terminology of the policies to conform with the terminology used in the 2008 Draft General Plan. The proposed changes would not substantively change the policies set in place by the Orderly Growth Initiative, such as directing new urban development and growth to municipal areas and establishing maximum permitted densities in agricultural regions.

Because policies of the Orderly Growth Initiative would continue to be in place and direct the overall urban development in Solano County, analysis of an Orderly Growth Initiative alternative would not be necessary for analysis in the DEIR. The DEIR adequately determined and identified project alternatives to analyze in the EIR (see Section 5.2, “Alternatives Evaluated in This EIR,” of the DEIR).

27-11 Please refer to Response to Comment 27-10.

- 27-12 The commenter questions where the balance is provided in the 2008 Draft General Plan between the loss of agricultural land and gain in parks and recreation land.
- The DEIR fully analyzes impacts related to agricultural resources as a result of urban development. Specifically, the DEIR states that 21,971 acres of existing agricultural land uses, including 4,131 acres of Important Farmland, would be converted to nonagricultural land uses with implementation of the 2008 Draft General Plan (see Impacts 4.8-1a and 4.8-1b). The intent of the DEIR is to analyze environmental impacts associated with implementing the proposed project (i.e., the 2008 Draft General Plan), relative to existing conditions. The DEIR fully analyzes impacts related to the need for new or expanded parks or recreational facilities (see Impacts 4.14-1a and 4.14-1b) and the physical deterioration of parks or recreational facilities (see Impacts 4.14-2a and 4.14-2b).
- Although the 2008 Draft General Plan may appear “unbalanced” to the commenter, the DEIR is not required to analyze the land use balance of the 2008 Draft General Plan. Additionally, the DEIR analyzed several project alternatives that propose different balances of land uses (see Section 5.2, “Alternatives Evaluated in This EIR,” of the DEIR).
- 27-13 The commenter requests analysis of whether the 2008 Draft General Plan is in conflict with the proposed *Solano Multi-species Habitat Conservation Plan* (Solano HCP). At the time of writing of the DEIR, the Solano HCP had not been adopted, and therefore the DEIR is not required to analyze the potential impacts of the 2008 General Plan on the Solano HCP. Analysis of conflicts between the 2008 Draft General Plan and the Solano HCP is not required and would be premature. Please refer to Master Response K, “Solano HCP,” in Chapter 2 of this FEIR.
- 27-14 The DEIR fully analyzes impacts associated with implementation of the 2008 Draft General Plan, specifically related to potential for direct and indirect effects on callipe silverspot butterfly and its habitat (see Impacts 4.6-11a and 4.6-11b). The additional information that the commenter has asked to be included in the FEIR (i.e., acreage affected, maps of affected habitat areas) is not needed to understand and analyze the impacts associated with implementing the 2008 Draft General Plan at a programmatic level. The commenter further opines that there should be no permanent loss of core breeding habitat, that total loss of non-core breeding habitat should be addressed, and that the proposed 300-foot minimum development buffers from core breeding habitat proposed within Mitigation Measure 4.6-11a (and 4.6-11b) may offer “fragile protection.” These comments are noted. The commenter offers no specific alternative mitigation strategy. Furthermore, the County believes that, as noted on page 4.6-66 of the DEIR, implementation of Mitigation Measures 4.6-11a and 4.6-11b would reduce impacts on callipe silverspot butterfly and its habitat to a less-than-significant level. The commenter’s recommended changes to proposed buffer widths are noted, and will be provided to the County Board of Supervisors for further consideration.
- 27-15 Policy RS.P-56 in the 2008 Draft General Plan encourages the use of technology or siting to minimize adverse impacts from energy production facilities on the environment, including wildlife. Changing the language of the policy from “encourage” to “require” would require a change to the 2008 Draft General Plan. Although no further mitigation is required to reduce Impacts 4.6-9a and 4.6-9b (“Direct Mortality of Bats and Birds from Expansion of Wind Resources”) to a less-than-significant level (see pages 4.6-59 through 4.6-62 of the DEIR), the commenter’s recommendation has been forwarded to the County Board of Supervisors for consideration. Please refer to Master Response D, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR. Further, Mitigation Measure 4.6-9a, measure (b), on page 4.6-62 in the DEIR expands on the requirements in Policy RS.P-56, requiring all project proposals for the development of wind energy to implement specific avoidance measures. This mitigation measure has been modified further, based on Comment 5-6 by DFG, to require project applicants for new

wind turbine generator proposals, before and as a condition of project approval, to consult with DFG, USFWS, and species experts in the development of site-specific avoidance and minimization requirements to minimize impacts on sensitive, high-value, or protected habitats. Please refer to Responses to Comments 5-3, 5-5, 5-6, and 5-9.

- 27-16 The DEIR fully analyzes impacts associated with implementation of the 2008 Draft General Plan, specifically related to conflicts with Williamson Act contracts (see Impacts 4.8-2a and 4.8-2b). The additional information that the commenter has asked to be included in the FEIR (i.e., acreage of tree and row crops, and cattle and sheep ranching) is not needed to understand and analyze the impacts associated with implementing the 2008 Draft General Plan at a programmatic level. None of the applicable thresholds of significance requires the County to analyze impacts on specific crop types or grazing areas specifically for cattle or sheep. The analysis conducted in the DEIR adequately and sufficiently reached a significance conclusion, based on the thresholds established, with the information provided.
- 27-17 The DEIR fully analyzes impacts associated with implementation of the 2008 Draft General Plan, specifically related to conflicts with Williamson Act contracts (see Impacts 4.8-2a and 4.8-2b). The additional information that the commenter has asked to be included in the FEIR (i.e., soil quality in each agricultural region) is not needed to understand and analyze the impacts associated with implementing the 2008 Draft General Plan at a programmatic level. None of the applicable thresholds of significance requires the County to analyze impacts on specific crop types or grazing areas specifically for cattle or sheep. The analysis conducted in the DEIR adequately and sufficiently reached a significance conclusion, based on the thresholds established, with the information provided.
- 27-18 Please refer to Response to Comment 27-5.
- 27-19 Please refer to Response to Comment 27-5.
- 27-20 The DEIR fully analyzes impacts associated with implementation of the 2008 Draft General Plan, specifically related to agricultural resources (see Impacts 4.8-1a through 4.8-2b). The additional information that the commenter has asked to be included in the FEIR (i.e., current conservation easements along with acreages, soil types, and location) is not needed to understand and analyze the impacts associated with implementing the 2008 Draft General Plan at a programmatic level, specifically impacts related to the loss of agricultural resources. The analysis conducted in the DEIR adequately and sufficiently reached a significance conclusion, based on the thresholds established, with the information provided.
- 27-21 The commenter states that one way to lessen the impacts of the proposed project would be to reduce the number of acres of land identified for rural residential development.
- Please refer to Master Response H, “Mitigation for Significant and Unavoidable Impacts,” in Chapter 2 of this FEIR, and to Response to Comment 26-13. Note, too, that Alternatives 2 and 4 (the Improved Environmental Sustainability and Reduced Rural Residential Development Alternatives, respectively), which are analyzed in the DEIR, analyze the land use modifications suggested by the commenter.

## **LETTER 28**

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MARILYN FARLEY, EXECUTIVE DIRECTOR

Solano Land Trust

June 2, 2008





RESOURCE MANAGEMENT

JUN 02 2008

RECEIVED BY: \_\_\_\_\_

June 2, 2008

Jim Louie, Senior Planner  
Solano County Department of Resource Management  
Solano County  
675 Texas St., Suite 5500  
Fairfield, CA 94533

**Board Members**

**Officers**

Bob Berman  
President

Jan Anderson  
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Darrin Berardi  
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Russell Lester  
John M. Vasquez

Dear Mr. Louie,

**SUBJECT:** Comment on General Plan EIR

Solano Land Trust appreciates the opportunity to comment on the draft EIR on the Solano County General Plan.

We applaud the County for developing goals, policies and implementation programs to protect agriculture. We support the EIR requirement that mitigation be required for conversion of agricultural lands to other uses on a ratio of 1.5 acres preserved for every acre converted. We also support that the farmland be of similar quality and in a similar location.

Under our Agricultural Conservation Easement Plan which, to date, Solano Land Trust has preserved over 7,000 acres of farmland in the Montezuma Hills, Dixon Ridge, Elmira, Suisun Valley, Green Valley, Pleasants Valley and Elmira. We have a clear and abiding interest in protecting farmland in Solano County. Among land trusts in the United States, we are among the top 10% in number of acres preserved.

These comments are submitted with the intent of helping make the County Plan successful in protecting agriculture. There appear to be many references in different parts of the draft EIR to any given item. These comments attempt to identify at least one applicable reference; there may be many more.

Specific questions that we have are as follows:

- 1) Can development occur for an undetermined period of time prior to approval of implementing ordinances or is the intent to require that mitigation for conversion of agricultural lands on the basis of 1:1.5 to kick in upon adoption of the general plan? (DEIR Executive Summary, page 10, Table 2-1, Measure 4.1-4a and 4.1-4b)
- 2) What safeguards will the draft EIR put in place to ensure the mitigation mentioned in item one above occurs before the development that converts farmland to other

28-1

28-2

28-3

uses? The draft EIR is defective by not addressing this issue, particularly given the large amount of land planned for conversion and the upward pressure on prices for conservation easements the General Plan will create. As time goes on, an in-lieu fee may become increasingly unsuitable for mitigation. Why has the draft EIR not analyzed this possibility?	28-3 Cont'd
3) What specifically is meant by creating a mitigation bank in the agricultural resource overlay area? Who would create it and who would approve it? Typically, species are protected in mitigation banks while agriculture can be protected by conservation easements. (DEIR, Agricultural Resources Chapter, page 4.8-6, Policy AG.P-5)	28-4
4) May conservation easements not part of a County mandated program continue to be purchased from conservation organizations like Solano Land Trust within this overlay? Neither the draft General Plan nor the draft EIR addresses this issue.	28-5
5) Policy SS.P-9 in the draft EIR Agricultural Resources Chapter, page 4.8-6 calls for the General Plan to not allow new parcels of less than 20 acres. Why does the draft EIR not recommend/analyze a policy/program to facilitate consolidation of small parcels in the Suisun Valley (or elsewhere where fragmentation is detrimental to agricultural production)?	28-6
6) Why is there no mitigation language to require a policy to protect farmlands already protected by conservation easements or at the very least to mitigate if these protected lands are later removed by eminent domain?	28-7
7) AG.1-18 (on page 42 of the Agricultural Chapter of the General Plan) proposes to create a County-led "preserve program". It proposes to offer "conservation easements". The draft EIR is silent on this program. How would it help mitigate for loss of agricultural land? How would the County "offer conservation easements"? It further says the program shall incorporate a mechanism or strategy to provide "just compensation" for participating landowners and to prevent degraded agricultural property values". What is meant by "mechanisms or strategies"? The common mechanism is to use a qualified appraisal and to appraise the before and after condition. What is meant by preventing "degraded agricultural values"? The market is the typical mechanism used for assigning value. Is some other standard proposed? The draft EIR needs to evaluate this impact.	28-8
8) Why does mitigation not address the strange statement in Ag AG. I-18 (on page 42 of the Agricultural Chapter of the General Plan) that says, "Proposed agricultural preserves shall avoid current and future roadway and transportation alignments."? Virtually all farmland is adjacent to a road. The County's proposed Agricultural	28-9

Reserve Overlay itself lies along both sides of I-80. The County's proposed Resource Conservation Overlay lies along highways 113 and 12 and I-80. What is the intent of this statement and how will it impact the ability to obtain mitigation for loss of farmland or habitat?	28-9 Cont'd
9) Policies and Implementation programs propose to focus on areas where agriculture is the predominant agricultural use. The following areas are identified for this focus: the Dixon Ridge, Elmira / Maine Prairie, Montezuma Hills, Ryer Island, and Winters. Why are other areas, where agriculture is also a predominant use, such as western hills which is high quality and high income producing grazing land, Pleasants/Vaca Valley, and Suisun Valley not included for focus or even analyzed for inclusion? (Agricultural Resources Chapter, page 4.8-6 regarding Policy AG.P-28) This policy also states that conflicting land uses should be avoided. What land uses, specifically, are considered "conflicting"? Is rural residential a conflicting use? If so, how will it be avoided? The language suggests only that it "should" be, not that there are policies to prohibit such conflicting land uses.	28-10  28-11
10) Why does the County propose to change the existing General Plan to add significant amounts of new industrial and commercial zoning when the intent of the General Plan is to promote city-centered development? The draft EIR itself says this will undermine the stated intent to preserve and promote agriculture. What evidence is there that the cities' general plans don't already provide adequately for these needs? What evidence is there that agriculturally-based industries cannot locate in industrial parks inside city limits? This is of particular concern when conversion is proposed for prime soils, for example, in the proposed industrial area north of Dixon on the northwest side of I-80 adjacent to a Dixon-zoned industrial park. Solano Land Trust has actively worked with both the Cities of Dixon and Davis to buy conservation easements in this area; the Solano County Board of Supervisors has adopted resolutions of support for these projects. (Agricultural Resources Chapter, page 4.8-8 regarding Policy LU.P-25).	28-12  28-13  28-14
11) If impact to Swainson hawk habitat is also on farmland, would there be a mitigation requirement for both agricultural impacts and Swainson hawk impacts? (Executive Summary, page 23, Measure 4.6-1a and 4.6-1b) Could both requirements be satisfied on the same piece of land? If so, the mitigation for agriculture will be not be adequate because Swainson hawk easements restrict the agricultural capacity of the land.	28-15
12) Why are annual crops prohibited in lands to be protected for Swainson hawk? In Solano Land Trust easements cotton and rice are prohibited but other annual crops	28-16

are permitted in Swainson hawk habitat. (Executive Summary, page 24, Measure 4.6-1a and 4.6-1b)

28-16  
Cont'd

13) The draft EIR states the Resource Conservation Overlay will help reduce impacts. It cites program RSR.I-2 among others. (page 4.6-32 of Chapter 4.6 Biological Resources) It does not address the statement in RS.I-2 that the overlay shall be located ... [in areas identified by] the HCP and "deemed suitable by the Solano County Board of Supervisors". What does this statement in quotations mean and how will it alter proposed mitigation?

28-17

The Executive Committee of Solano Land Trust has reviewed and approved submittal of these comments.

Sincerely,



Marilyn Farley  
Executive Director

- 28-1 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 28-2 The commenter requests clarification regarding when activities resulting in the conversion of farmland would need to comply with the farmland mitigation requirements of Program AG.I-1 of the 2008 Draft General Plan and Mitigation Measure 4.1-4a of the DEIR. Program AG.I-1 requires a farmland mitigation program and ordinance to be created before December 31, 2010. Development projects for which applications are submitted after the adoption of the 2008 Draft General Plan, but before the creation of the ordinance, that would result in farmland conversion will be required to comply with the policies and programs contained in the 2008 Draft General Plan. Simply stated, such projects will be required to mitigate any impacts on farmland at the 1:1.5 ratio as described in Program AG.I-1 and amended by Mitigation Measure 4.1-4a.
- 28-3 Although actions identified in Mitigation Measure 4.1-4a/4.1-4b do not identify a specific timeframe for Solano County to create and adopt a farmland conversion mitigation program and ordinance (Program AG.I-1 of the 2008 Draft General Plan), the 2008 Draft General Plan includes Policy AG.P-4, which requires farmland conversion mitigation for either of the following actions:
1. A general plan amendment that changes the designation of any land from an agricultural to a nonagricultural use, or
  2. An application for a development permit that changes the use of land from production agriculture to a nonagricultural use, regardless of the General Plan designation.
- After the 2008 Draft General Plan is adopted by the County Board of Supervisors, all development projects that change an agricultural land use to a nonagricultural land use would be required to provide farmland conversion mitigation.
- Although “prices for conservation easements” could increase over time and could place pressure on the adequacy of in-lieu fees, the EIR is not required to analyze economic impacts of implementing the 2008 Draft General Plan. As stated in Section 15131(a) of the State CEQA Guidelines, “Economic or social effects of a project shall not be treated as significant effects on the environment.” In other words, the economic or social changes that a project (in this case, the 2008 Draft General Plan) may cause are not, in and of themselves, significant environmental effects that require analysis in an EIR. For this reason, and because this comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is necessary. Furthermore, the Board of Supervisors can periodically adjust the amount of the in-lieu tax as needed to account for the rising cost of purchasing conservation easements.
- 28-4 Policy AG.P-5 of the 2008 Draft General Plan directs the County to create an Agricultural Reserve Overlay designation on the Land Use Diagram that identifies an agricultural mitigation bank area in which the County will encourage private landowners to voluntarily participate in agricultural conservation easements. The intent in establishing this overlay is specifically to provide a location where agricultural mitigation lands can be concentrated, rather than dispersed throughout the County, as is currently the case. Conservation easements, as suggested by the

commenter, are incorporated within the language of the proposed policy, and are likely the most effective means for implementing it. As suggested by Policy AG.P-25, some lands within the County are located within both the Agricultural Resource Overlay and the Resource Conservation Overlay. In these cases, the County encourages partnerships between agricultural operations and habitat conservation efforts to create mutually beneficial outcomes. Policy AG.P-5 does not identify agricultural conservation easements in the Agricultural Reserve Overlay area as “mandated” but as an area to “encourage private landowners to voluntarily participate in agricultural conservation easements.”

- 28-5 Policy AG.P-5 of the 2008 Draft General Plan does not identify agricultural conservation easements in the Agricultural Reserve Overlay area as “mandated” but as an area to “encourage private landowners to voluntarily participate in agricultural conservation easements.” It is unclear how Policy AG.P-5 would prevent the Solano Land Trust from purchasing agricultural conservation easements. No further response can be provided.
- 28-6 The commenter refers to Policy SS.P-9 of the 2008 Draft General Plan. We assume the commenter is actually referring to Policy SS.P-12 of the Plan, which limits agricultural parcel sizes in the Suisun Valley to encourage viable agricultural and ranching use, and further specifies that “new parcels shall not be created which are smaller than 20 acres in size.” The commenter suggests that the County consider a program to facilitate consolidation of small parcels to further protect agricultural lands. The County agrees that this approach may be desirable, and points out that such an approach may be a desirable way to ensure parcels of sufficient size are present within the Valley to support the practice of agriculture. The suggested measure is infeasible for the County to implement, as the County currently lacks the legal authority to facilitate such consolidation, and is relying in the General Plan on creating voluntary conservation tools property owners may avail themselves of.
- 28-7 There is no apparent basis for assuming that the 2008 Draft General Plan would remove farmlands currently protected by conservation easements or would allow for removal of protected farmlands through the eminent domain process. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 28-8 Although the EIR does not identify Policy AG.I-18 of the 2008 Draft General Plan, this program is intended to “encourage maximum flexibility for agricultural operations.” Policy AG.I-18 does not identify any actions that would mitigate for the conversion of agricultural lands, or exacerbate the loss of agricultural land, as analyzed in the EIR. The remaining comments do not relate specifically to the EIR for the 2008 Draft General Plan, but they will be provided to the County Board of Supervisors for further consideration.
- 28-9 Policy AG.I-18 is intended to “encourage maximum flexibility for agricultural operations” and does not identify any actions that would “mitigate” for the conversion of agricultural lands. The comment related to the phrase “[p]roposed agricultural preserves shall avoid current and future roadway and transportation corridor alignments” included as part of Policy AG.I-18 is intended to avoid problems associated with the imposition of agricultural preserves on future roadway alignments. Agricultural preserves need not be established on the entirety of a property. The boundaries of such preserves may be established to avoid planned rights-of-way for future roadways. This would have no negative effect on the establishment of preserves on the remainder of a property.
- 28-10 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.

- 28-11 The DEIR fully analyzes potential land use conflicts in existing agricultural areas (see Impacts 4.1-4a and 4.1-4b, “Land Use,” of the DEIR). The remaining comments do not relate specifically to the EIR for the 2008 Draft General Plan, but they will be provided to the County Board of Supervisors for further consideration.
- 28-12 The comment is noted. The DEIR is not required to determine how implementation of the 2008 Draft General Plan (e.g., new industrial and commercial zoning) would achieve or “promote city-centered development” or any of the County’s other guiding principles. The purpose of the DEIR is to fully analyze the potential environmental impacts associated with implementing the 2008 Draft General Plan, including impacts related to land uses and agricultural resources (see Section 4.1, “Land Use,” and Section 4.8, “Agricultural Resources”). No further response is necessary.
- 28-13 The comment is noted. As explained above, the purpose of the DEIR is not to determine the ability of the 2008 Draft General Plan and its land use designations to affect or promote any one particular goal or principle—in this instance, to preserve and promote agriculture, including agricultural support industries. The DEIR fully analyzes the potential environmental impacts associated with implementing the 2008 Draft General Plan for Solano County, including those on agricultural resources (see Section 4.8, “Agricultural Resources”). Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- Furthermore, the EIR need not analyze whether the cities’ general plan’s adequacy provide for industrial needs, including agricultural-related industries.
- 28-14 The comment is noted. Please refer to Response to Comment 28-13. The DEIR fully analyzes the potential environmental impacts associated with implementing the 2008 Draft General Plan as related to agricultural resources, including Prime Farmland (see Section 4.8, “Agricultural Resources”).
- 28-15 Swainson’s hawk habitat could be mitigated for on the same piece of land as the requirements for impacts on agricultural land under 2008 Draft General Plan Program AG.I-1; however, it must contain the easement restrictions listed in Mitigation Measure 4.6-1a. If the agricultural land preserved as part of the mitigation requirement for Program AG.I-1 does not satisfy the additional requirements for Swainson’s hawk mitigation, then additional mitigation would need to be acquired.
- 28-16 The comment is correct; annual crops are not prohibited in lands to be protected for Swainson’s hawk, only rice and cotton. Therefore, as shown in Chapter 4 of this FEIR, the last bullet under Mitigation Measure 4.6-1a, bullet (1), on page 4.6-36 of the DEIR is revised as follows:
- ▶ provide for permanent preservation under a conservation easement that prohibits all of the following:
    - plantings of orchards and/or vineyards, except in designed farmstead areas;
    - cultivation of perennial vegetable crops, rice, and cotton ~~and annual crops~~;
    - commercial feedlots (defined as any open or enclosed areas where domestic livestock owned by other than the grantor are grouped together for intensive feeding purposes);
    - horticultural specialties, including sod, nursery stock, ornamental shrubs, ornamental trees, and flowers;

- commercial greenhouses or plant nurseries; and
- commercial aquaculture of aquatic plants and animals and their byproducts.

28-17

The commenter requests clarification on the meaning of the statement in 2008 Draft General Plan Program RS.I-2, “deemed suitable by the Solano Board of Supervisors,” and clarification as to how it will alter proposed mitigation. The Resource Conservation Overlays cover large areas of the county and the County used information collected for the *Solano Multi-Species Habitat Conservation Plan* (Solano HCP) to identify these areas. The data in the Solano HCP used to identify these areas were collected at a landscape scale (i.e., primarily from aerial photographs and/or the presence of records for special-status species). A certain level of “ground truthing” will be required on a project-by-project basis to accurately assess the biological resources present on a particular property. After further assessment of a property (i.e., does it contain the appropriate site conditions [vegetation types, soils, topography] or habitat for the target resources) it may be deemed either suitable or unsuitable for habitat preservation.

Additional information on the meaning of “deemed suitable by the Solano Board of Supervisors” can also be found in Programs RS.I-6 and RS.I-7 of the 2008 Draft General Plan. These programs are part of the development review process. Program RS.I-6 would require all discretionary development proposals (with the exception of agricultural uses) within the Resource Conservation Overlay to submit an assessment that evaluates site conditions and potential project-related impacts on the targeted resource(s) of concern. Plan Program RS.I-7 allows for the redesignation of lands within the Resource Conservation Overlay to uses other than Agriculture, Marsh, Watershed, or Park and Recreation. However, to approve such redesignation, the County Board of Supervisors must make one or more of the following findings:

- ▶ the site conditions (vegetation types, soils, topography) are not suitable as habitat for the target resource(s) identified in the Resource Conservation Overlay;
- ▶ the characteristics and size of the subject property make it unsuitable for conservation of the target resource; or
- ▶ no other lands with the requested land use classification are available for the proposed project.

Even though the boundaries of the Resource Conservation Overlay may be modified on a site-by-site basis by the Board of Supervisors, this does not alter mitigation requirements. The mitigation requirements outlined in the EIR are required of all habitat affected by development of land conversion irrespective of its designation within the Resource Conservation Overlay.

## **LETTER 29**

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**DAVID ISAAC TAM, RESEARCH AND DEVELOPMENT DIRECTOR**  
Sustainability, Parks, Recycling And Wildlife Legal Defense Fund  
(SPRAWLDEF)

June 2, 2008



**Louie, James A.**

**From:** David Tam [daviditam2@gmail.com]  
**Sent:** Monday, June 02, 2008 5:00 PM  
**To:** Louie, James A.  
**Cc:** Kelly T. Smith; n.laforce@comcast.net; Steve Lautze  
**Subject:** Solano County General Plan Update.Recycling and Solid Waste Landfill deficiencies.SPRAWLDEF.14Mar08 + BCDC Comments on PHLF RDEIR.4Feb08  
**Attachments:** General Plan Update.Recycling and Solid Waste Landfill deficiencies.SPRAWLDEF.14Mar08.doc; PHLF.4Feb08.DREIR.BCDC Comments.pdf

TO: Jim Louie, Principal Planner, Solano County General Plan Update  
FR: David Isaac Tam, Research and Development Director, SPRAWLDEF -- Sustainability, Parks, Recycling And Wildlife Legal Defense Fund  
PO Box 168, Berkeley CA 94701; 510-859-5195  
RE: Solano County General Plan Update.Recycling and Solid Waste Landfill deficiencies

Thanks for your help in finding a few useful needles in an impressive compilation of information for the Solano County General Plan Update. These are SPRAWLDEF's comments on the Draft EIR.

1. Solano County and its seven communities need to put their shoulders to the wheel by cutting way back on organics going to landfills -- and they are very likely all recycling less than half of their total generated solid wastes. Under **Remaining Capacity of Landfills, On p.4.9-10 of the DEIR,**

The California Integrated Waste Management Act requires that jurisdictions maintain a 50% or better diversion rate for solid waste....Future development is required to comply with the applicable solid waste franchise's recycling system, and thus would meet the County's and California's solid-waste diversion regulations....

COMMENT: This statement does not convey an accurate impression of the level of recycling in Solano County and its seven incorporated communities, because "diversion rate" is calculated by estimating the level of improvement from a baseline of estimated recycling tonnages in approximately 1990, when the law was enacted. The DEIR should estimate the total tons being generated by all households, businesses and institutions in Solano County, make use of the landfill tonnages from all Solano County communities as reported on the website of the California Integrated Waste Management Board, and compute the recycling level by the formula (Total Tons Generated minus Total Tons Landfilled) divided by (Total Tons Generated) = Recycling Level for each of the eight jurisdictions for the latest year for which landfill tonnages are available (2006). When this has been done, the recycling level for all eight jurisdictions will, we predict, be substantially less than 50%, indicating that the County and its Integrated Waste Management Task Force should revamp its County Integrated Waste Management Plan.

29-1

PF.I-25 should task the Integrated Waste Management Task Force with (a) making a realistic estimate from all recycling, landfilling, and collection data for Solano County of what proportion of total wastes generated in the County and its seven communities is not being landfilled, based on actual 2006 or 2007 numbers, and (b) proposing suitable alternative locations for landfill operations outside the Suisun Marsh, such as in the Maine Prairie area.

29-2

2. COMMENT: The Solano County map of Solid Waste Facilities lacks the big picture of places in the county where an environmentally acceptable landfill could be sited, namely, northeast of Vacaville and

29-3

south of Dixon in the Maine Prairie area, readily accessible by Midway Road from I-80. Visual inspection of Map AG-1 Important Farmlands (p. 5 of 42) in Agriculture, Chapter 3 of the DEIR [http://www.solanocountygeneralplan.net/GP%20Documents/03-28-08/Chapter\\_3%20-%20Agriculture.pdf](http://www.solanocountygeneralplan.net/GP%20Documents/03-28-08/Chapter_3%20-%20Agriculture.pdf), shows several grazing land parcels in the area east of State Road 113 from Pedrick Road east to the Yolo County line and from north of Midway Road to Swan Road that appear to be suitable for siting a future landfill should Potrero Hills Land Fill expansion project not be approved.

29-3  
Cont'd

3. PF.P-23 concerning buffering landfills from other developments should also embrace buffering wildlife habitat from existing (by shutting down operations, eventually) and future landfills;

I have attached the BCDC comments submitted to the County regarding the Recirculated DEIR on the Potrero Hills Landfill expansion project, where inadequacy of the alternatives section of that EIR is laid out succinctly and in a manner and level of detail that makes it apparent that prudence would dictate modifying the General Plan zoning for the Maine Prairie area of the county for a possible landfill site.

29-4

**Sustainability, Parks, Recycling And Wildlife**  
**Legal Defense Fund – SPRAWLDEF**  
P.O. Box 601, Berkeley CA 94701

14 March 2008

Jim Louie  
County of Solano Resource Management Department  
675 Texas Street, Suite 5500  
Fairfield CA 94533     **Recycling and Solid Waste Landfill deficiencies in General Plan Update**

Dear Mr. Louie and County Planning Commissioners,

Comments on Solid Waste section of Chapter 8, Public Facilities and Services (pp. PF - 19 to PF - 24)

1. On page PF - 20, (2nd paragraph), in the Planning Context subsection of the Solid Waste section, the draft asserts: "As required by state law (Assembly Bill 939), Solano County diverts at least 50 percent of its solid waste from landfills to recycling facilities." This statement has never been satisfactorily demonstrated and is highly questionable, partly because "diverts" is a term with a specialized meaning used by the California Integrated Waste Management Board (CIWMB) that -- instead of calculating what percentage of actual, measured solid waste tonnage generated in a given year by all Solano County sources is sent instead to recycling facilities -- estimates the amount of recycling tonnage (the numerator) as a percentage of the estimated solid waste tonnage in the year for which the diversion percentage is calculated (the denominator) based on the estimated landfill and recycling total tonnage was for the base year 1990 deflated for economic, population, and job growth. General consensus among knowledgeable solid waste and recycling planners and program officials is that this formula seriously overstates the fraction of all waste generated that is not sent to landfills. **Unless Solano County has publicly available information as to the actual tonnages of all solid wastes collected from all jurisdictions by all haulers, the actual tonnages being landfilled both at the two in-county landfills and in landfills in other counties, and the actual tonnages of Solano County materials recycled, the assertion is unverifiable.**

While Solano County has not made current disposal statistics publicly available, actual statewide landfilling tonnages as estimated by the CIWMB have increased from 34 million tons in 1994 to 42 millions in 2005. CIWMB estimates (not measures) statewide tonnages diverted from landfills to be 46 million tons in that year, so that the state *claims* it has met the 50% diversion required by Assembly bill 939). During that decade, Solano County's population grew very substantially, yet the programs it has instituted in its seven cities for recycling are significantly fewer than those in communities in counties like San Francisco, Marin, Sonoma, Napa, Yolo, Alameda, Santa Clara and San Mateo. Thus, there is strong reason to believe that Solano County, while "diverting" (according to the CIWMB calculation methodology, although not in reality) more than 50% of its solid waste, is actually recycling less than 50% of the actual solid wastes collected, recycled, composted, and landfilled in recent years. **This is important because the County should raise fees on the landfills substantially to achieve recycling of 50 % and much more of its solid wastes to forestall climate change particularly adverse to the Suisun Marsh. See Comment 4 (next page) on Implementation Program.**

2. Solid Waste Facilities Map (Figure PF-2, page PF - 22) does not show the Maine Prairie area of the County, north of the Hay Road Landfill (which is in the Elmira area) and of the Potrero Hills Landfill (which is in the Montezuma Hills area). This area has been discussed (inadequately) in the Recirculated Draft Environmental Impact Report (RDEIR) for the Potrero Hills Landfill expansion project as a potential alternative area for the project. Because of its clayey undersoils, predominant cattle-grazing land use, significant distance from existing cities, few rural residents, and two roads (State Road 113 and

Midway Road) that could provide good access from Interstate Highway 80 to more suitable sites. The RDEIR wrongly assumes such alternative sites would be in the Jepson Prairie area.

3. PF.P-23 (page PF - 23) states, with some foresight: "Ensure that land uses adjacent to solid waste disposal sites will not conflict with the current or possible future use of solid waste disposal sites. Keep land adjacent to disposal sites that handle toxic and hazardous wastes in compatible land uses." However, with respect to the Potrero Hills Landfill -- both the existing operation and the proposed 35-year capacity expansion at 1.4 million tons per year, approximately 85 percent imported from at least twelve other Northern California counties, an additional provision should be added: "Ensure that solid waste disposal operations will not conflict with incompatible land uses, such as the preservation of wildlife habitat in the primary and secondary management areas of the Suisun Marsh, as set forth in the Suisun Marsh Preservation Act." I have attached Bay Conservation and Development Commission comments on the RDEIR for the proposed Potrero Hills Landfill expansion project, submitted 4 February 2008. The Commission's concerns regarding the County's inadequate consideration of a reasonable range of alternatives begin on page 2 and conclude on page 3. Both I as an individual and the Sustainability, Parks, Recycling And Wildlife Legal Defense Fund (SPRAWLDEF) concur in those concerns, and we submit that the General Plan Update reflect the possibility that a replacement landfill in the Maine Prairie area of northeast of Vacaville and southerly from Dixon be considered as a possible location for a landfill to replace the Potrero Hills Landfill.

4. When, on 12 June 2007, the Solano County Board of Supervisors, in compliance with Judge Paul Beeman's 26 February 2007 decision invalidating of the County's approvals for the proposed PHLF expansion project, decertified the project FEIR and rescinded the permit, I asked Birgatta Corsello, County Resource Management Director, to include as part of her department's 2007 - 2008 work plan consideration of alternative areas for landfills in the update of the Solano County General Plan. Her response to that request was negative (presumably reflecting an optimism we believe is unfounded) that the project will be approved and hence a part of the updated Solano County Integrated Waste Management Plan. We remain concerned that failure to identify another area of Solano County than the Suisun City and Vacaville areas (Montezuma Hills and Elmira, respectively) will hinder planning for an environmentally acceptable site for any landfill capacity Solano County should need. We believe that the Solano County Resource Management Department and the Integrated Waste Management Plan Local Task Force County should make an earnest effort to supply a realistic estimate of the percentage of total wastes generated in recent years by Solano County are being diverted to recycling or composting from landfills, per Comment 1 above. The County should prepare amendments to Implementation Program PF.I - 25, initiating consideration of revisions to the County's Integrated Waste Management Plan to provide for the contingency of protracted delay and eventual disapproval of the Potrero Hills Landfill expansion project. Here is the text of the draft Implementation Program, which we believe unwisely assumes the approval of the Potrero Hills Landfill expansion project despite ongoing legal opposition to its approval:

"PF.I-25: [pages PF - 23 and 24] Amend the General Plan following completion of the update of Integrated Waste Management Plan to identify the location of solid waste disposal facilities planned for the future./Related Policies: All solid waste policies./Funding Source: General Fund/Time Frame: Ongoing"

5. Minutes for the Citizens' Advisory Committee meeting of 28 January 2008, where revisions to Chapter 8 of the updated General Plan were to be discussed, were not on the County website as of 7 pm, 13 March 2008, hindering public participation before the Solano County Planning Commission the same evening.

For sustainable resource planning,

DAVID ISAAC TAM (510-459-9518; [daviditam2@gmail.com](mailto:daviditam2@gmail.com))  
SPRAWLDEF Director of Research and Development



*Making San Francisco Bay Better*

February 4, 2008

Ron Glas  
County of Solano  
Department of Resource Management  
675 Texas Street, Suite 5500  
Fairfield, California 94533

**SUBJECT:** BCDC Staff Comments on Recirculated Draft Environmental Impact Report  
for the Potrero Hills Landfill Expansion Project dated December 21, 2007

Dear Mr. Glas:

This letter contains our staff's comments about the Draft Recirculated EIR (DREIR) and our assessment of the consistency of the amendments with the Solano County's Component of the Suisun Marsh Local Protection Program (LPP), and additional topics that we believe deserve analysis. Our Commission has not reviewed the DREIR and proposed project and, therefore, these comments are those of the Commission's staff only. However, our comments are based on the provisions of the state laws the Commission administers and the policies the Commission has adopted.

**Summary of Comments**

We have three categories of comments:

- **Alternatives Analysis.** The alternatives analysis deserves additional attention. See below for further discussion.
- **Proposed Project and Mitigation.** The proposed Phase II project and mitigation have been amended since the EIR was certified in 2005. Those changes are not evaluated in the DREIR but should be. We also have comments on the characterization of the proposed mitigation and its value; please see below.
- **Independent Science Panel Report.** The DREIR notes the receipt of new information provided by an independent science panel. However, the DREIR rejects the report's findings by applying the arguments provided to it by the project applicant, the Potrero Hills Landfill ("Landfill"). We believe the DREIR should use the information provided by the independent science panel to reevaluate the project impacts. Further, the status of the science panel report and the Landfill's rebuttal is unclear. Is the Landfill's rebuttal intended to be the DREIR's analysis of the new information?
- **Other comments.** See below for additional comments on the DREIR.

### Alternatives Analysis

1. **Maine Prairie Alternative.** The DREIR considers one additional alternative to the proposed project: the development of a new solid waste landfill in the area of Solano County known as "Maine Prairie." However, the DREIR does not consider a site-specific parcel for a landfill within the Maine Prairie area and instead generally evaluates an area of over 12,000 acres in size. The DREIR recognizes that "the environmental impacts that would occur with the development of a landfill in the Maine Prairie area are directly dependent upon the specific site selected" and that "it cannot be precisely determined whether these impacts would necessarily be more or less severe than those anticipated with the proposed project." The Maine Prairie alternative, along with other alternatives raised in the DREIR but not evaluated, are rejected as infeasible due to the timing and difficulties of the permitting process and the current available capacity of the Phase I landfill.

We question whether this analysis adequately responds to the Court's requirement that the County "include a meaningful discussion of possible sites outside the marsh area, both within and outside of Solano County". It would be helpful to examine an area more narrow in scope than the entire 12,000 acre Maine Prairie. Without a narrower scope, it would be difficult to examine with any specificity an optional location for this solid waste disposal site or to make a comparison with the proposed project site.

2. **Existing Off-Site Landfill Alternatives.** The DREIR states that "in accordance with the Court's decision and judgment, the County evaluated a wide range of potential alternatives to determine the specific alternatives suitable for a detailed discussion in the [DREIR]." One of these alternatives includes an evaluation of existing landfill sites owned and operated by other entities, within the Landfill existing service area. The DREIR includes a list of these existing alternative sites with some information on the sites' capacity and remaining site life, gathered from the County Integrated Waste Management Plans (CIWMPs) for nearby counties and the California Integrated Waste Management Board Solid Waste Information System (CIWMB) database. According to the DREIR, all these identified landfill sites were reviewed to determine if the overall proposed project purpose could be practicably achieved. These objectives, listed on page II-31 of the DREIR, include "to provide a stable, long-term source of disposal capacity for all current and anticipated landfill users." The California Integrated Waste Management Act of 1989 (CIWMA) requires all California counties to demonstrate a minimum of 15 years of assured disposal capacity in its integrated waste management plan.

Although the DREIR includes a list of existing alternative landfill sites, each of these sites is rejected primarily on the basis that the site "is currently operating and owned by a competitor of [the Landfill]" or "is not practically available for the [Landfill's] proposed project." In a separate section of the alternatives analysis, the no-project alternative, the DREIR states, "...it is not known whether regional landfills could absorb the volume of wastes currently taken in at the Potrero landfill...."

Again, we question whether this analysis adequately responds to the Court's requirement that the County "include a meaningful discussion of possible sites outside the marsh area, both within and outside of Solano County". The County should evaluate whether these existing alternative sites could absorb the wastes currently taken in at the Landfill, including the Hay Road landfill that is located within the County. Further, the DEIR should also evaluate the potential to provide Solano County with adequate volume of wastes at the Hay Road site, should the Potrero Landfill close.

3. **Suggestions for Alternatives.** Some alternatives the County could explore include a more site-specific study of the Maine Prairie area, further evaluation of the Hay Road landfill site, and a smaller Phase II footprint that would accommodate a 15-year minimum disposal capacity during which time a new landfill site could be explored and permitted. A meaningful discussion should include the assessment of the reduction in possible impacts on the Suisun Marsh as one benefit to taking solid wastes elsewhere.

The analysis of alternatives is an overarching issue that could affect the assessment of impacts on the Marsh and the need for mitigation. Unless the DREIR more fully evaluates alternatives, it will be impossible to assess whether an alternative location would, on balance, be a better location to receive solid wastes.

#### **Proposed Project and Mitigation**

The description of the Mitigation Plan modifications on page III-4 does not reflect the latest project description (from March 2007). Please resolve this difference and confirm which is the latest mitigation proposal.

The DREIR should evaluate the value of the proposed mitigation for the project. It appears that certain parcels of land would be modified somewhat to improve wetland values for certain special status species (although the final details of this plan are not yet available). Table III-1 demonstrates that the ratio of created wetlands (habitat for the California Tiger Salamander "CTS") and seasonal wetlands is less than 3:1. The proposal largely relies on the preservation of existing upland and wetlands to provide mitigation for the losses to CTS habitat and wetlands caused by the project. The value of a conservation easement within the secondary management area of the Suisun Marsh may not afford appreciably more protection than that already provided by the Marsh Act, Marsh Plan and LPP. The most meaningful use of a conservation easement would be on the East Valley parcel, also owned by the Landfill, located east of the proposed Phase II project. That parcel would be the most likely site for expansion of the Landfill beyond Phase II and therefore a conservation easement would afford real protection and ensure that the Potrero Hills valley would be returned to agricultural uses in the future. The DREIR should discuss the value of using one or more proposed conservation easements in the Marsh and to offset impacts of this project.

The Beneficial Cumulative Effect on Solano County Habitats section, page III-5, states that the expansion represents one percent of the cumulative habitat loss from projected development within the County over the next 30 years, and the project compensates by contributing to the cumulative preservation and enhancement of valuable habitat in the County within this same period. We have five comments regarding this assertion.

1. A better measure of the effect of the habitat losses would be the percent of loss of habitat within the Marsh boundaries because the Suisun Marsh's Primary and Secondary Management Areas are afforded protections from development and the policies weigh against the losses of habitats. This is not true throughout the County.
2. The losses chronicled relate only to CTS habitat, seasonal wetlands and waters of the United States. This disregards the loss of upland grasslands that the Marsh Plan and LPP identify as valuable habitat. The area of the Phase II landfill would equal about 10 percent of all the grasslands throughout the Potrero Hills, and about 50% of the habitat located within the Potrero Hills valley. This loss should be chronicled and evaluated.
3. The Marsh Act, Marsh Plan and LPP afford protections to the secondary management area habitats, with very narrow exceptions for development. See our comments above concerning the use of a conservation easement on existing land when the land cannot otherwise be developed.

4. Most of the mitigation acreage is proposed as "preserve" rather than as "create." The ratio of created wetlands which could, if successful, offset the losses, appear to be 2:1 for CTS pond habitat, 2:1 for seasonal wetlands, and 4:1 for waters of the U.S.
5. The statement implies that the protections would last only for the coming 30 years; please clarify whether the protections are proposed in perpetuity.

#### **Independent Science Panel Report**

The Independent Science Panel Report and rebuttals by the Landfill are summarized in Part III of the DREIR and attached as Exhibit C. It is unclear how the DREIR resolves the difference in opinions between the findings in the panel report and those of the project applicant. Is the County rejecting the findings of the panel report based on the rebuttals prepared by the Landfill? Is the DREIR concluding that the panel's comments do not require a re-evaluation of the impacts of the project because the panel's observations are rebutted? More discussion is needed on the findings of the science panel report and if a rebuttal has been presented, how these two differing opinions are resolved.

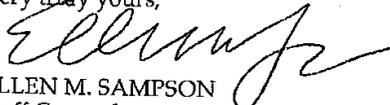
#### **Other Comments**

1. **Air Quality and Groundwater Effects.** Mitigation 4.9-1 on page II-26 of the DREIR addresses the offset of the project's increased ROG and NO<sub>x</sub> emissions below regional levels set by the Bay Area Air Quality Management District (BAAQMD). The DREIR should also evaluate the local impacts of the project's increased project emissions and evaluate whether the mitigation measures would offset air impacts locally. The Commission will be relying on its sister agencies, the BAAQMD and the RWQCB for guidance on the technical aspects regarding the air quality and groundwater effects of the project.
2. **Consistency with Zoning.** The DREIR states the project is consistent with county zoning. Currently, the area is part of the secondary management area for the Marsh that is to be used for agricultural lands with limited exceptions. Please explain why the project is consistent with current County zoning.
3. **Correction.** The second paragraph of the Section III Biological Resources Overview is incorrect. The belief that impacts in the Marsh focus only on endangered species is not correct. Instead, both the County and BCDC must evaluate the project in light of the Marsh Act and LPP policies. Those policies identify the secondary management area, including the Potrero Hills, as providing valuable habitat, and a buffer between the development in the County and the Primary Management Area of the Marsh. These areas are to be protected in order to preserve the diversity of wildlife and aquatic habitats, not just those of special-status species.
4. **Life of the Project.** The landfill manager has indicated that the top of the landfill might not close at the end of the life of Phase II, but could be used to re-handle materials, receive recyclables, or for other activities. If the landfill will not be capped and closed, except for the collection of methane and maintenance work on the cap, these activities and the length of time they will continue should be evaluated as part of the project.
5. **Revisions and Additions to the Project.** The project has been revised since the EIR was certified in 2005. In addition, discussions with the landfill indicate that additional features of Phase II may include a new road extending from the south end of Scally Road, among other developments. Perhaps other development is planned for the area located on the north slope of the Potrero Hills. The impacts of these features should be evaluated by the DREIR.

Ron Glas  
February 4, 2008  
Page 5

We appreciate the request to limit comments only to topics covered in the DREIR rather than in prior documents. However, as some of these topics overlap and the DREIR's topics may call for a reassessment of topics covered in the original EIR certified in 2005, we hereby incorporate by reference our prior comment letters both on the NOP and on the Draft EIR. Please feel free to contact Ming Yeung at (415) 352-3616 or [mingy@bcdca.gov](mailto:mingy@bcdca.gov), or Ellen Sampson at (415) 352-3610 or [ellens@bcdca.gov](mailto:ellens@bcdca.gov), if you have any questions about these comments.

Very truly yours,

  
ELLEN M. SAMPSON  
Staff Counsel

WT/ES/mm

cc: Jim Dunbar, Manager, Potrero Hills Landfill  
Steve Petersen, Environmental Stewardship and Planning  
Greg Martinelli, DFG Yountville  
Steve Chappell, SRCD  
Jolanta Uchman, RWQCB  
Beth Dyer, USACOE  
Andy Raabe, USFWS  
Tamiko Endow, BAAQMD  
Director, Solano County Land Trust  
David Lewis, Save the Bay  
Joel Jacobs, Deputy Attorney General

- 29-1            The commenter notes that the DEIR should determine whether the County is complying with the California Integrated Waste Management Act, which requires that jurisdictions maintain a 50% or better diversion rate for solid waste. The commenter further states that according to the California Integrated Waste Management Act, future development is required to comply with the applicable solid waste franchise's recycling system, and thus would meet the County's and California's solid-waste diversion regulations.
- This statement that the County is required to maintain a 50% or better diversion rate for solid waste is correct, and is described on page 4.9-26 of the DEIR.
- The commenter also requests that the DEIR calculate the amount of solid waste currently generated by residents and businesses in county, taking into account the amount actually sent to the landfill, in order to determine the percentage of solid waste that is being diverted in accordance with the state's diversion requirement described above.
- Table 4.9-14 on page 4.9-31 of the DEIR describes solid waste currently generated in the county and projected additional solid waste under the Preferred Plan and the Maximum Development Scenario. Additional information concerning solid waste generation pertaining to commercial and industrial use is provided in Response to Comment 12-53, as is information concerning the capacity of landfills that would accept the solid waste.
- The EIR is not required to assess the County's success in meeting the state's solid waste diversion requirements. No further response is required.
- 29-2            This comment on the 2008 Draft General Plan is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 29-3            The comment is noted.
- 29-4            The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.

# **LETTER 30**

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**BOB BERMAN**

June 2, 2008



**MEMORANDUM**

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**DATE:** June 2, 2008

**TO:** Michael Yankovich, Solano County Resource Management Department  
Jim Louie, Solano County Resource Management Department

**REGARDING:** Comments on Solano County 2008 Draft General Plan Draft EIR

**FROM:** Bob Berman  
250 West K Street  
Benicia, CA 94510  
bob@nicholsberman.com

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**MESSAGE:**

I have reviewed the *Solano County 2008 Draft General Plan Draft EIR* and have the following comments.

**Comment One**

One of my concerns is how the Draft EIR relies on the implementation of policies of the General Plan Update to reduce significant impacts to a less-than-significant level.

For example in the discussion of Impact 4.1-4a (Incompatibility with Established Land Uses - Preferred Plan) the Draft EIR relies on Policies LU.P-11 and AG.P-16 to minimize the impacts of land use changes and development on adjacent agricultural operations. However, Policy LU.P-11 only directs the County to “work with cities to protect ... .” and Policy AG.P-16 says to “Minimize potential conflicts between agricultural and residential uses by encouraging ... .” How can a policy that only asks the County to “work with” or “encourage” really reduce any identified impact?

30-1

Related to this is my concern on the Draft EIR’s reliance on the use of the programs to reduce significant impacts. Again in Impact 4.1-4a Program AG.I.5 is relied on to reduce impacts. According to the Draft EIR Program AG.I-5 “requires that buffers be an appropriate size to reduce potential conflicts, but in no case less than 300 feet in width”. However, Program AG-.I-5 is actually much more general -- it starts with “work with cities to establish appropriate urban-agricultural buffers ...” The funding source is listed as “development fees” and the time frame is “ongoing”. My concern is without any assurance that this program will actually be implemented (since it only requires the county to “work with cities” and since the time frame is “ongoing”) is it really proper to rely on this program to reduce the identified impact?

30-2

Rather than simply repeating the relevant policies and programs the Draft EIR must analyze the effectiveness of the specific policies and programs to reduce or avoid adverse changes to the environment resulting from the proposed land uses and development. The Draft EIR must evaluate the ability of proposed policies and programs to reduce identified impacts to a less-than-significant level.

30-3

Furthermore, I am concerned that the Draft EIR relies on proposed programs without any assurance that the program will be implemented in a timely manner. For example, if programs require additional funding or require additional steps by the Planning Commission and / or Board of supervisors how can they be relied on to reduce identified impacts?

30-4

The Draft EIR must be revised to provide the following:

30-5

- A review of each of the programs that are relied on to reduce identified impacts to provide a discussion as to the basis on which it can be certain the individual program will be implemented within five years of adoption of the General Plan Update. Please provide an identified specific funding source for those programs that require funding.

30-5  
Cont'd

- For each policy or program discussed in the impact analyses please provide an explanation of how the policy or program would actually reduce and / or address the identified impact.

30-6

**Comment Two**

Chapter 10 of the Draft Solano County 2008 General Plan Update is the County's 2003 Park and Recreation Element. The Park and Recreation Element is not part of the 2008 General Plan Update but will be included as part of the final adopted general plan document.

Chapter five of the Element includes 14 Plan Proposals and implementation recommendations. For each proposal there is a recommended time for completion. The timing ranges from "within one year of Element adoption" to "within five years of Element adoption". The Element also includes an Implementation Schedule for each proposal and a target completion date for fiscal year 2003-2004, 2004-2005, 2005-2006, 2006-2007, or 2007-2008.

The Park and Recreation Element was adopted on June 24, 2003. So, according to the Element each of the 14 proposals shall be completed and implemented by June 24, 2008.

In a memo dated April 24, 2008 sent to the County's Resources Management Department I requested a status report on each of the 14 proposals. I requested information regarding when each proposal was implemented, the outcome of the implementation, the cost of implementation, and the funding source.

30-7

To date I have not yet received the requested information.

Chapter 4.14 of the Draft EIR describes the impact of the 2008 Draft General Plan on parks and other recreational facilities in Solano County. Although there is discussion of the Park and Recreation Element in this chapter there is no discussion of the implication of the recommended 14 proposals not being implemented in accordance with the adopted Implementation Schedule.

Since it is proposed to incorporate the Park and Recreation Element into the 2008 General Plan Update it is important to know the status of each of the 14 proposals and the impact of those proposals not being implemented.

The Draft EIR must be revised to provide the following:

- A discussion of the impact on the need for new or expanded parks or recreational facilities due to the fact that all of the 14 proposals in the Park and Recreation Element will not be implemented in a timely manner.

**Comment Three**

In many instances the Draft EIR identifies an impact as "significant" and then simply says there are no feasible mitigation measures and therefore the impact would remain significant and unavoidable. One such example is Impact 4.8-1a (Loss of Important Farmland - Preferred Plan).

The Draft EIR must be revised to include mitigation measures for all identified significant impacts. If the EIR authors believe that the identified mitigation measure is not feasible then the rationale for infeasibility must be provided. Ultimately Solano County decision-makers (Planning Commission and Board of Supervisors) will need to make findings regarding the feasibility of mitigation measures.

30-8

For example, Impact 4.8-1a states that with implementation of the 2008 Draft General Plan under the Preferred Plan 21,971 acres of existing agricultural land uses, included 4,171 acres of Important Farmland, would be converted to nonagricultural land uses.

Clearly a possible mitigation measure would be to revise the land use plan so that there is no conversion of Important Farmland and to include a policy in the 2008 General Plan Update that did not allow Important Farmland to be converted to urban uses. If the EIR preparers believe that such a mitigation measure would be infeasible than those reasons should be presented in the Draft EIR.

30-9

The Draft EIR must be revised to:

- Provide mitigation measures for each and every identified significant impact, even if the mitigation does not reduce the impact to a less-than-significant level. For identified mitigation measures that may not be feasible provide the rationale as to why the measure may be infeasible.

**Comment Four**

The Draft EIR on pages 5-1 and 5-2 describes the CEQA requirements for alternatives. It clearly states that the discussion shall focus on alternatives “which are capable of avoiding or substantially lessening any significant effect of the project”.

The Draft EIR focuses on four alternatives -- the No Project Alternative and three build alternatives. Each of the three build alternatives appear to have aspects that are clearly superior to the 2008 Draft General Plan Update. However, none of the alternatives focus on what would be necessary to avoid or substantially lessen the identified significant effects of the project. The Draft EIR identifies numerous significant impacts related to land uses and development consistent with the 2008 Draft General Plan Update. Furthermore, the Draft EIR identifies many of these impacts as remaining significant and unavoidable. The Draft EIR must identify and analyze an alternative that includes a land use plan along with relevant goals, policies, and programs that would avoid or substantially lessen the significant impacts identified in the Draft EIR. For example, the Draft EIR identifies increases in greenhouse gas emissions (Impact 6.2-1a) and impacts of climate change on Solano County (Impact 6.2-2a) as significant and unavoidable. It appears that one of the main reasons for the significant increase in greenhouse gases is due to the increase in vehicle miles traveled (VMT) due to the proposed land use pattern. An alternative must be presented that directly addresses the significant increase in greenhouse gases by presenting a land use pattern that would result in no net increase in VMT.

30-10

30-11

I also note that Program HS.1-73 provides for the preparation of a climate action plan for Solano County that would reduce total greenhouse gas emissions in the County to 20 percent below 1990 levels by 2020. The Draft EIR should provide alternative land use plans, goals, policies, and programs that achieve this goal.

30-12

The Draft EIR must be revised to:

- Include an alternative that includes a land use plan along with relevant goals, policies, and programs that would avoid or substantially lessen each of the significant impacts identified in the Draft EIR for the 2008 Draft General Plan Update.

30-13

Additional comments are provided below:

30-14

Reference	Comment	
Impact 4.1-2	This impact says that certain policies ensure that the 2008 Draft General Plan is consistent with the Orderly Growth Initiative. Since the 2008 Draft General Plan will require amendments to the Orderly Growth Initiative, that will need to be approved by the voters of Solano County, clearly the 2008 Draft General Plan is inconsistent with the Orderly Growth Initiative. These inconsistencies, which will allow for additional conversion of agricultural lands to urban uses will result in adverse physical impacts. Please discuss this inconsistency.	30-14 Cont'd
Impact 4.1-4	One of the programs referred to in this section is AG.I-5 which discusses establishment of agricultural buffers within municipal service areas. Given that Solano County will have no land use authority within the municipal service areas how can it be certain that the discussed 300 foot buffers will actually occur?	30-15
Page 4.4-15	<p>There is a discussion here regarding future highway projects and a reference to Appendix D (Table 3). Table 3 is a list of proposed 2030 highway projects in Solano County. Apparently, each of these highway projects has been assumed in the Solano/Napa Travel Model. There is, however, no discussion of the feasibility of these projects and the likelihood that they will be funded and completed.</p> <p>For each highway project listed in table 3 in Appendix D please describe:</p> <ul style="list-style-type: none"> <li>a. current status -- design phase, environmental review completed, etc.</li> <li>b. anticipated costs and committed funding.</li> </ul> <p>Projects that currently are not funded should not be included in the Solano/Napa Travel Model.</p>	30-16
Appendix D	<p>In the "Future Land Use Data for Model" section in Appendix D there is a discussion of the three scenarios analyzed for 2030. It appears that ABAG's Projections 2005 is the basis of the land use data with some modifications for the Project Alternative and the Maximum Development Scenario.</p> <p>However, the Draft EIR (see page 4.1-20) clearly states that for the unincorporated area buildout of the 2008 Draft General Plan would be significantly larger than the population forecasted by ABAG.</p> <p>Table 4 in Appendix D shows proposed 2030 land use changes in Solano County. For the Project Alternative there is an increase of 453 housing units and for the Maximum Development scenario an increase of 476 housing units.</p> <p>Based on the above, it appears to me that the future land use data used for the traffic model is inconsistent with the anticipated land uses in the 2008 Draft General Plan. Please explain.</p>	30-17
Impact 4.4-1	This impact discusses significant traffic impacts on a long list of County roadways (see pages 4.4-32, 4.4-33, and 4.4-41). Although there is a list of "other projects that could mitigate congestion" there is no specific mitigation to reduce significant traffic impacts.	30-18

	For each roadway location please describe a mitigation measure to reduce the impact to less-than-significant. Identify potential costs and feasibility.	30-18 Cont'd
Impact 4.4-4	In the discussion of this impact it is stated that Policy TC.P-3 would assist in making this impact less-than-significant. Policy TC.P-3 says “facilitate shorter travel distances and modes of travel other than the automobile, and limit the extent of additional transportation improvements and maintenance that may be needed with a more dispersed land use pattern”. The implication here is that the proposed land use diagram will not result in a dispersed land use pattern. Given that the land use diagram includes more than 13,000 acres of rural residential on what basis can it be stated that there will not be a dispersed land use pattern? Please explain what this policy will accomplish and how it will assist with providing alternative modes of transportation.	30-19
Page 4.8-5	One of the thresholds of significance listed here is “involve other changes in the existing environmental that, because of their location or nature, could result in conversion of Important Farmland to nonagricultural use”. There is, however, no impact discussion of this significance criteria. Because many aspects of the 2008 Draft General Plan will result in the conversion of Important Farmland to nonagricultural uses please provide the necessary analysis.	30-20
Section 6.2	The discussion of climate change issues is inadequate.	
	Table 6-4 simply lists climate change-related policies and programs. While the policies and programs are discussed in the following pages there is no analysis of the effectiveness of the cited policies and programs to reduce greenhouse gas emissions. Please describe the effectiveness of the cited policies and programs.	30-21
	The EIR needs to evaluate feasible alternative land use patterns (for example a significant reduction in the amount of rural residential development in the unincorporated area) and additional mitigation measures to reduce greenhouse gas emissions.	30-22
	As discussed above, Program HS.1-73 provides for the preparation of a climate action plan for Solano County that would reduce total greenhouse gas emissions in the County to 20 percent below 1990 levels by 2020. What alternative land use plans, goals, policies, and programs will achieve this goal?	30-23
Section 6.3	The discussion of growth-inducing effects is inadequate.	30-24
	On page 6-50 it is stated “the County intends to locate urban development adjacent to existing urbanized area because these locations are best equipped to provide efficient water, sewer, police, and fire protection services”. What exactly does this mean? Does this indicate that cities will be asked to provide municipal services to development in the unincorporated area of Solano County? What are the growth-inducing impacts of such a proposal?	30-25
	Policy PF.P-21 permits “private individual on-site sewage disposal systems, or centralized sewage treatment systems permitted and managed by a public agency”. Please describe the growth-inducing impacts of permitting such sewer services for development in the unincorporated area.	30-26

30-1 The commenter questions the DEIR's reliance on the implementation of policies of the 2008 Draft General Plan to reduce significant impacts to a less-than-significant level. In particular, the commenter asks how Policies LU.P-11 and AG.P-16 will reduce impacts of land use changes and development on adjacent agricultural operations.

Please refer to Responses to Comments 26-14 and 26-15, explaining the desirability of flexibility in general plan policies and programs. With respect to the commenter's specific question, the commenter is incorrect that the DEIR concludes that implementation of Policies LU.P-11 and AG.P-16 would reduce Impact 4.1-4a to a less-than-significant level. Rather, the DEIR concludes that incompatibility with established land uses is a significant and unavoidable consequence of both the Preferred Plan and the Maximum Development Scenario.

Further, to the extent that the commenter is suggesting that the County believes that implementation of Policies LU.P-11 and AG.P-16 is the only available means to reduce this impact, the commenter is mistaken. As explained in the DEIR, implementation of several other goals, policies, and programs—Goal LU.G-4, Goal AR.G-5, Program AG.I-5, Policy LU.P-14, Policy AG.P-2, Policy LU.P-17, Policy AG.P-17, Program AG.I-1, Policy LU.P-21, Policy LU.P-26, Policy LU.P-20, Policy LU.P-22, Policy AG.P-15, and Policy LU.P-27—and Mitigation Measure 4.1-4a (amending Program AG.I-1 to require a minimum of a 1.5:1 mitigation ratio to compensate for the loss of agricultural land) would also serve to reduce some portion of the impact associated with conflicts between agricultural and nonagricultural uses, though not to a less-than-significant level.

30-2 The commenter expresses concern that Program AG.I-5 of the 2008 Draft General Plan would not reduce DEIR Impact 4.1-4a. The commenter claims that Program AG.I-5 is too general and that it only requires the County to “work with cities to establish appropriate urban-agricultural buffers....”

Please refer to Responses to Comments 26-14, 26-15, and 30-1. The County does not claim that this impact can be reduced to a less-than-significant level. Implementation of several of the goals, policies, and programs as well as Mitigation Measure 4.1-4a (amending Program AG.I-1) would reduce this impact, though, conservatively, not to a less-than-significant level.

With respect to Program AG.I-5, the commenter has mischaracterized that measure as only requiring the County to work with cities. In fact, the program requires that the County do the following:

Create and adopt a farmland conversion mitigation program and ordinance. Require compensation for loss of agricultural land. Establish appropriate mitigation ratios for the program or utilize a graduated mitigation mechanism. The mitigation ratio shall be a minimum of 1:1 (1 acre of farmland protected through mitigation for each acre of farmland converted) within the Agricultural Reserve Overlay areas. Higher standards may be applicable in other agricultural areas of the county. The program shall not present regulatory barriers to agri-tourism, agricultural services and agricultural processing in regions and within land use designations where such uses are permitted and encouraged. The program shall also establish mitigation within the same agricultural region as the proposed development project, or within the Agricultural Reserve Overlay district, as a preferred

strategy. The program shall incorporate a fee option, and shall provide an exemption for farmworker housing. Mitigation lands shall be of similar agricultural quality to the lands being converted.

The full text of Program AG.I-5 actually establishes a comprehensive and enforceable commitment to mitigate loss of agricultural land.

30-3 The commenter states that rather than repeating the relevant policies and programs, the DEIR must analyze the effectiveness of the specific policies and programs to reduce or avoid adverse changes to the environment from the 2008 Draft General Plan and evaluate the ability of the proposed policies and programs to reduce identified impacts to a less-than-significant level.

Contrary to the commenter's suggestion, the DEIR does in fact analyze the effectiveness of the specific identified policies and programs in reducing or avoiding adverse changes to the environment resulting from implementation of the 2008 Draft General Plan, and it analyzes their effectiveness in reducing significant or potentially significant environmental effects to less-than-significant levels. Specifically, the "Environmental Impacts and Mitigation Measures" subsection of each section of DEIR Chapter 4, "Environmental Impact Analysis," focuses on an analysis of the potential environmental impacts of the 2008 Draft General Plan. First, where applicable, the subsection describes the procedures and/or assumptions used to formulate and conduct the impact analysis. Next, it presents thresholds of significance used to identify the potential environmental impacts of the 2008 Draft General Plan under either the Preferred Plan or the Maximum Development Scenario. Following this is an analysis of the potential environmental impacts themselves based on the thresholds of significance, which takes into account whether the proposed policies or programs are sufficient to reduce potential impacts to less-than-significant levels, whether further mitigation would be required, or whether the impact is significant and unavoidable. This comment does not present specific policies or programs that the commenter believes should be further analyzed in the EIR. No further response is required.

30-4 The commenter asserts a concern that the DEIR relies on proposed programs without any assurance that the program will be implemented in a timely manner. The commenter wonders how programs can be relied on to reduce identified impacts if they require additional funding or require additional steps by the County Planning Commission and/or Board of Supervisors.

Please refer to Master Response E, "Programmatic Nature of EIR"; Master Response A, "Proposed Changes in Policy Language"; and Master Response G, "Deferred Mitigation," in Chapter 2 of this FEIR.

The commenter does not identify specific programs that the commenter believes would be unable to reduce identified impacts, making it difficult to formulate a specific response.

The 2008 Draft General Plan provides *general* policy direction for the development of Solano County over the next 22 years. General plans are typically implemented through a series of follow-up implementation steps, such as specific plans and zoning, which translate the general direction of the general plan into more specific directives and standards for development. Such future actions could include identifying sources of funding or steps by the County Planning Commission and/or Board of Supervisors, as noted by the commenter.

As acknowledged in Section 15152 of the State CEQA Guidelines, "not all effects can be mitigated at each step of the process. There will be some effects for which mitigation will not be feasible at an early step of approving a particular development project." Such is the case with implementation of a long-term planning document, such as the 2008 Draft General Plan.

Supplemental CEQA review would be required to develop the details of some mitigation consistent with the broad policy language set forth in the 2008 Draft General Plan.

30-5

The commenter states that the DEIR must be revised to review each program relied on to reduce impacts, to discuss the basis for certainty that the individual program will be implemented within 5 years of adoption of the 2008 Draft General Plan, and to provide specific funding sources for those programs that require funding.

Please refer to Master Response E, “Programmatic Nature of EIR”; Master Response A, “Proposed Changes in Policy Language”; and Master Response G, “Deferred Mitigation,” in Chapter 2 of this DEIR. Please also refer to Response to Comment 30-4.

Regarding the suggestion that the DEIR should demonstrate how each program will be implemented within 5 years, this suggestion appears to misunderstand the programmatic and long-term nature of the 2008 Draft General Plan. The 2008 Draft General Plan provides general policy direction for the development of Solano County to the year 2030. In many cases, it would not be feasible or even desirable to have each program in the plan implemented within 5 years. Rather, the 2008 Draft General Plan will be implemented through a series of follow-up implementation steps, such as specific plans, zoning, and annexations, that translate the general directions of the plan into more specific directives and standards for development. In some circumstances, these more specific steps may occur within 5 years, but many others would occur at later stages of buildout under the 2008 Draft General Plan. The programs contained in the Draft 2008 General Plan are sufficiently flexible to allow the County to define its priorities and optimize resources throughout the General Plan planning timeline, and not just the first 5 years. The County believes that requiring the DEIR to demonstrate that each program will be implemented within 5 years of General Plan adoption would potentially and unreasonably limit the County’s discretion to act in its own best interest on a case-by-case basis as buildout occurs.

Regarding the suggestion that the DEIR identify specific sources of funding for the programs that require funding, the County’s funding questions must often be answered on a case-by-case basis—for example, as impact fees are implemented and as land development projects are evaluated through project-specific plans and EIRs. For instance, developers are typically required to install major infrastructure within their project areas and, in many instances, on adjacent lands. The precise combination of funding strategies for specific programs and improvements will be developed on a project-by-project basis, and cannot be dictated in the DEIR for the 2008 Draft General Plan, as the commenter proposes.

30-6

The commenter states that the DEIR must be revised to provide to provide an explanation of how each policy or program identified in the DEIR would actually reduce and/or address the identified impact.

Please refer to Master Response E, “Programmatic Nature of EIR”; Master Response A, “Proposed Changes in Policy Language”; and Master Response G, “Deferred Mitigation,” in Chapter 2 of this FEIR. Please also refer to Responses to Comments 30-1, 30-2, 30-4, and 30-5.

The County believes that most, if not all, programs and policies identified in the DEIR as reducing environmental impacts are self-explanatory, in that the policies are specifically targeted to preserve the resource or land use that the impact in question addresses. For instance, Policy SS.P-9 is identified to help mitigate loss of important farmland. That policy requires that the County preserve agricultural production as the principal use of farmlands in the Suisun Valley. Because that policy requires preservation of agricultural production on farmlands, it is easy to understand that it would reduce impacts related to the loss of important farmland. The DEIR explains whether the listed policies are sufficient to mitigate the particular impact to a less-than-

significant level, whether greater mitigation is required, or whether the impact cannot be mitigated to a less-than-significant level. The information provided in the DEIR is sufficient to inform the public and decision makers of the environmental consequences of the project and the policies and programs that would reduce those consequences. Therefore, the County believes it need not undertake the burden of more specifically explaining why each of the numerous policies identified in the DEIR would reduce the impacts they are identified as reducing. The commenter has provided no specific examples or assertions (other than those addressed in Responses to Comments 30-1 and 30-2) as to why it is not clear why some or all of the policies and programs identified in the DEIR would reduce the impacts they are identified as reducing.

- 30-7 The commenter states that the DEIR must be revised to provide a discussion of the need for new and expanded parks or recreational facilities due to the fact that all of the 14 proposals in the Park and Recreation Element will not be implemented in a timely manner. The Park and Recreation Element of the Solano County General Plan was last adopted in 2003 and is not part of the 2008 Draft General Plan; therefore, the element's policies, programs, or proposals are not part of the project reviewed in the DEIR. Furthermore, as of 2008 the county has 213 acres of parkland and a population of 20,125. This yields a ratio of 10.6 acres per 1,000 residents, which exceeds the County's parkland provision standard of 10 acres per 1,000 residents. Therefore, while the County may not have implemented the proposals outlined in the 2003 element, no park provision deficiency exists.
- 30-8 Please refer to Master Response H, "Mitigation for Significant and Unavoidable Impacts," in Chapter 2 of this FEIR.
- 30-9 Please refer to Master Response H, "Mitigation for Significant and Unavoidable Impacts," and Master Response D, "Reasonable Range of Alternatives," in Chapter 2 of this FEIR.
- 30-10 Please refer to Master Response D, "Reasonable Range of Alternatives," in Chapter 2 of this FEIR.
- 30-11 Please refer to Response to Comment 23-34.
- 30-12 Please refer to Master Response F, "Deferred Mitigation," in Chapter 2 of this FEIR, and to Responses to Comments 23-34 and 57-6.
- 30-13 Please refer to Response to Comments 30-10, 30-11, and 30-12.
- 30-14 Please refer to Master Response I, "Orderly Growth Initiative," in Chapter 2 of this FEIR.
- 30-15 The commenter states that the County has no ability to enforce Program AG.I-5 because the buffers would be located within the municipal service areas (MSAs). As stated by the commenter, lands in the MSAs are proposed to be annexed by the cities and thus would be outside of the County's jurisdiction. Program AG.I-5 recognizes that the County does not have jurisdiction over such areas, and for this reason directs the County to work with cities to establish appropriate buffers where new residential uses within MSAs may conflict with agricultural uses. The County may also request that Solano LAFCO require a buffer inside the MSA as a condition of annexation by the City. Furthermore, the County does have the option of requiring the buffer within the unincorporated county. However, this would be infeasible, as it would place the burden of the buffer on the agricultural landowner, not the developer of the urban use. This would reduce productive farmland in the county and result in a considerable impact on the existing agricultural uses.

30-16 The commenter requests a detailed explanation of future highway projects with a reference to Appendix D of the DEIR. The commenter requests feasibility, current status, anticipated costs, committed funding, and model justification for each project.

The Solano-Napa Phase 2 travel forecasting model contains a variety of assumptions about existing roadways and future roadway projects. The list of future roadway projects to be used in the model was developed by the Solano Transportation Authority (STA). The list of new roadway projects is a compilation based on the *Solano Countywide Transportation Plan*, local circulation elements and traffic development fee programs, and specific funding provided from state and regional sources. The future-projects list in Appendix D contains projects that were included in the acceptance of the model by the STA Technical Advisory Committee and board, with the most recent approvals occurring in June 2008. Thus, the roadway projects in the model (and all other components of the model) are background information provided by another agency (i.e., STA) to the County for use in its analysis of the 2008 Draft General Plan.

Because no new roadway projects are introduced in any alternative to the 2008 Draft General Plan beyond those already included in the model (provided to the County by STA), there is no requirement for the DEIR to provide detailed information on the status and details of each highway project, which is considered part of the background condition. Although the commenter is correct that projects that are currently fully funded or under construction are more likely to be completed than projects that are only now in the planning process, the County must treat all proposed projects in STA's model as "reasonably foreseeable" and therefore appropriate for inclusion in the EIR analysis. Were the County to disregard all projects that were not funded, it would run the risk that the EIR analysis would underestimate or grossly miscalculate the potential impacts that would result if currently planned projects were to be funded and constructed during the life of the 2008 Draft General Plan.

30-17 The methods used for Traffic Analysis Zone (TAZ) assumptions and the assumptions on buildout are determined separately. The 2030 base TAZ assumptions are based on growth anticipated by each jurisdiction in Solano County. Each jurisdiction provided detailed review of the land use assumptions. These assumptions are also capped by the Association of Bay Area Governments (ABAG) control totals for Solano County. The forecasts for land use changes provided a comparison to the given baseline, as the baseline assumes some growth by 2030 (including, but not limited to the growth allowed under the current general plans of the cities and County). Also, some TAZ geography contains areas that are both within an MSA and beyond one. Further, the assumptions in the travel model are demographic assumptions (occupied households and employment, for example), where the land use assumptions are related to dwelling units, acreages, and/or square feet. Thus, the tables present different data and cannot be directly compared.

30-18 Please refer to Response to Comment 17-1.

30-19 Please refer to Responses to Comments 12-16 and 26-58.

30-20 The DEIR fully analyzes the conversion of Important Farmland to nonagricultural use (see Impacts 4.8-1a and 4.8-1b in Section 4.8, "Agricultural Resources," of the DEIR). Specifically, the DEIR identifies "[w]ith implementation of the 2008 Draft General Plan, approximately 4,131 acres of Important Farmland would be converted to urban land uses."

30-21 The commenter wishes to see a discussion of the effectiveness of policies and programs intended to address climate change. Please note that these policies and programs are strikingly similar to those recommended by the Governor's Office of Planning and Research (OPR), the California Attorney General's office, and the California Air Pollution Control Officers Association

(CAPCOA) for general plan documents. These policies are the types of policies that are known to reduce impacts of climate change and impacts on the project area from climate change. The effectiveness of such policies cannot be determined with any level of certainty at this time. However, the performance standards set for greenhouse gas (GHG) reductions by the County are ambitious and numeric (20% below Assembly Bill [AB] 32 requirements). Please see the conclusions to Impacts 6.2-1a, 6.2-1b, and 6.2-2a and 6.2-2b on pages 6-42, 6-43, and 6-49, respectively, which state that because of the uncertainty in the level of effectiveness of the policies and programs, the impact would remain significant and unavoidable.

- 30-22 Please refer to Response to Comment 23-5 and to Master Response D, “Reasonable Range of Alternatives,” in Chapter 2 of this FEIR. Alternative 4, the Reduced Rural Residential Alternative, analyzed in Chapter 5 of the DEIR addresses the commenter’s suggestion.
- 30-23 Please refer to Responses to Comments 23-5 and 23-68 and to Master Response F, “Deferred Mitigation,” in Chapter 2 of this FEIR. Please also refer to pages 6-44 through 6-49 of the DEIR and Chapter 5 of this FEIR for a list of proposed policies and programs that would reduce GHG emissions, though not necessarily to a less-than-significant level.
- 30-24 The commenter states, without elaborating further, that the discussion of growth-inducing effects in Section 6.3 of the 2008 Draft General Plan is inadequate. The County assumes that the inadequacies alluded to by the commenter relate to the topics discussed in Comments 30-25 and 30-26.
- 30-25 The commenter requests clarification of the statement on page 6-50 of the 2008 Draft General Plan EIR that “The County intends to locate urban development adjacent to existing urbanized area because these locations are best equipped to provide efficient water, sewer, police, and fire protection services.” The commenter also requests analysis of the growth-inducing impacts of this intent. This statement is a reference to a fundamental strategy of the 2008 Draft General Plan to ensure that future urban development occurs primarily within MSAs located adjacent to existing city boundaries pursuant to adopted city general plans and annexation. Exceptions to this principle are proposed by the County to:
- ▶ provide for limited amounts of additional residential development in Middle Green Valley and the English Hills area north of Vacaville,
  - ▶ accommodate industrial land uses serving Solano County’s agricultural economy that are not appropriate to locate within cities,
  - ▶ provide for agritourism uses supported by landowners in the Suisun Valley, and
  - ▶ maintain and enhance the character and vitality of established unincorporated communities throughout the county, including Collinsville and Old Town Cordelia.

The MSA and industrial development strategies are explained in greater detail in Responses to Comments 10-4 and 24-39. Growth-inducing impacts have been addressed for the entirety of the proposed land uses and other proposals in the 2008 Draft General Plan in Section 6.3 of the DEIR. Please refer to Response to Comment 24-39 for further detail on the County’s approach to growth-inducing impacts in the context of policies that would direct the overwhelming majority of urban development into city MSAs.

30-26

Please refer to Response to Comment 24-39.

# **LETTER 31**

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**BELINDA T. SMITH, AICP**

June 2, 2008



**347 Goldenslopes Court  
Benicia, CA 94510**

June 2, 2008

Jim Louie  
Solano County Department of Resource Management  
Planning Services  
675 Texas Street, Suite 5500  
Fairfield, CA 94533

Dear Mr. Louie:

The following are comments on the Draft Environmental Impact Report (EIR) for the 2008 Draft General Plan, and on the Draft General Plan. This letter presents the comments on the Draft EIR first, in the order the issues appear in the document. Comments on the Draft General Plan follow after the comments in the Draft EIR.

COMMENTS ON THE DRAFT EIR

Land Use

Incompatibility with established land uses is identified as a significant and unavoidable impact for both the Preferred Plan and Maximum Development Scenario. This impact suggests that the competing objectives of the Land Use diagram could be better balanced. The Draft EIR should consider additional mitigation measures that are feasible and effective at further reducing this impact. The following comments suggest additional or alternative mitigation measures aimed at avoiding the impact altogether by not taking a certain action or parts of an action.

31-1

Modify Program AG.I-5, second sentence, as follows: Urban-agricultural buffers shall be an appropriate size to meet desired objectives, but in no case less than 300 feet in width, *unless an existing road in Figure TC-1 (Roadway Diagram) is used.*

31-2

Roads, which are less than 300 feet wide, can be effective buffers between residential and agricultural uses. Existing roads used as buffers may reduce the maintenance costs of a buffer. The use of existing roads should be considered in establishing these buffers.

31-3

The Draft EIR indicates the proposed agritourism-oriented facilities contribute to this impact. The Draft General Plan proposes seven such areas for Suisun Valley. A mitigation measure that reduces the number of these areas should be evaluated in the EIR. The Draft General Plan proposes to include resorts as a use in the Suisun Valley. High-end resorts can attract customers with high expectation for a comfortable environment. Modifying this policy to delete resorts would help reduce incompatibility with established uses, yet still allow other visitor-serving uses to occur.

31-4

Inducement of population growth is identified as a significant and unavoidable impact for both the Preferred Plan and Maximum Development Scenario. The Draft EIR considers potential mitigation measures such as reducing the acreage devoted to residential use, decreasing residential densities or regulating the number of residential building permits that may be issued annually. However, the Draft EIR finds these mitigation measures infeasible because they could increase the cost of housing which would conflict with the Housing Element.

The information in the Draft EIR suggests that potential increases in the cost of housing may not be that great from a mitigation measure to decrease the acreage devoted to residential use or to decrease the densities for rural residential development. The tables in the Draft EIR suggest that the additional residential housing opportunities provided by the Draft General Plan significantly exceed what will be needed in the foreseeable future. At what point will a reduction in this excess supply of land for housing cause an increase in the cost of housing that would be inconsistent with the Housing Element? The market for rural residential development is generally limited to incomes well above the median for Solano County. At what point will a reduction in the excess supply of land for rural residential development cause an increase in the cost of housing that would be inconsistent with the goals of the Housing Element?

31-5

#### Air Quality

Generation of long-term operational, regional emissions of criteria air pollutants and precursors is identified as a significant and unavoidable impact for both the Preferred Plan and Maximum Development Scenario. Modifications to the Draft General Plan policies should be evaluated for the potential to provide more effective mitigation of this impact.

31-6

Modify Program HS.I-54 as follows: *Require* a trip reduction ordinance and incentives to encourage employers to increase telecommuting, provide bicycle facilities, access to public transit for employees, including County employees.

31-7

The Draft EIR indicates the Draft General Plan will provide a substantial amount of acreage and building area for non-residential development, which will have the potential to generate a significant amount of commute trips. This potential impact compels the County to go beyond mere consideration of the elements in Program HS.I-54. In fact, the Bay Area Air Quality Management District CEQA Guidelines identify elements similar to Program HS.I-54 as feasible and effective in further reducing vehicle trip generation and resulting emissions from employment-generating uses.

31-8

Transportation

The forecasts for Roadway Levels of Service may underestimate potential future congestion on rural roads and highways. Many of these rural roadways have narrow lanes and little or no shoulders. Some may go through hilly areas. These factors can significantly reduce the capacity of a road and should be considered in the evaluation of Level of Service. Modifications to the Draft General Plan policies should be evaluated for the potential to provide more effective mitigation of this impact.	31-9
Modify Policy TC.P-5 as follows: Fairly attribute to each development the cost of on- and off-site improvements needed for roads and other transportation systems to accommodate that development, including the use of development impacts fees to generate revenue.	31-10
Modify TC.I-2: <i>Adopt</i> development review <i>procedures</i> and mitigation (including the use of transportation impact fees) that focuses on upgrading roads <i>and other transportation systems</i> if the new development contributes to the need <i>for these upgrades</i> , whether the new development occurs inside or outside of a city.	31-11
The Draft EIR clearly shows that new development will contribute to reduced Levels of Service. Development fees will help fund road improvements that will mitigate these reductions in Levels of Service. Development fees are a mechanism to ensure all new development pays its fair share for road improvements.	31-12
The Draft EIR shows that new development will impact all roads, regardless of whether they are a state highway, city street, or County road. There is no need to limit development fees to fund only County roads.	31-13
The Draft EIR shows that it is unlikely that development fees alone will sufficiently mitigate reduced Levels of Service on roads. Development fees will need to fund alternative transportation modes, such as bicycle, pedestrian, and transit projects to help reduce future increases in congestion on roads. There is no need to limit development fees to fund only road improvements.	31-14
Modify TC.I-9 as follows: <i>Adopt development fees and other measures that</i> support development of transit facilities in strategic locations such as at interchanges and in areas of concentrated activity.	31-15
TC I-9 as it appears in the Draft General Plan is very similar to TC.P-14. As written it does not fulfill the intended purpose to ensure that the direction of the General Plan is translated into specific action. The impacts in the Draft EIR compel the County to review all relevant programs to ensure feasible and effective actions are taken to mitigate the future increases in traffic congestion.	31-16

Modify TC.G-3 as follows: Encourage land use patterns that maximize mobility options for commuting and other types of trips, *or reduce the number and length of vehicle trips to minimize traffic congestion and carbon footprints.* 31-17

Modify TC.P-2 as follows: In collaboration with other agencies and cities continue to plan land uses that concentrate major employment and activity centers near major transportation systems *and near where people live, where possible.* 31-18

The Draft EIR shows that demand for road capacity will be so great, that we cannot rely solely on transportation facilities to serve major employment and activity centers. Such uses should be integrated with or adjacent to residential uses where possible. Land use planning for accessibility can be a feasible and effective way to promote fewer or shorter vehicle trips. 31-19

Add the following program as a mitigation measure, it will implement TC.P-11. *Adopt road construction standards that account for the needs of pedestrians, bicyclists and transit.* 31-20

The impacts in the Draft EIR compel the County to consider additional programs to help encourage the use of alternatives to automobiles as a way to mitigate the future increases in traffic congestion. It will also help the Draft General Plan comply with mitigation for Impact 4.4-4.a and b. 31-21

#### Biological Resources

The mitigation measures for the impacts to biological resources appear to be oriented to individual species. It is my understanding that the preferred approach by resource agencies to addressing impacts to biological resources is to implement mitigation measures in a coordinated fashion among all potential impacted species for a large geographic area, such as Solano County. This apparently was one of the justifications for preparing the Solano County Habitat Conservation Plan (HCP). The Draft EIR refers to implementation of the HCP conservation measures as a potentially effective mechanism to mitigate impacts on unincorporated land within MSAs that will be annexed by cities participating in the HCP. The EIR should evaluate whether the County's participation in the HCP would be a more effective mitigation measure than the individual mitigation measures offered by the Draft EIR. If participation in the HCP has the potential for more effective mitigation, it should be proposed as a mitigation measure in lieu of the mitigation measures described in the Draft EIR for biological resources. 31-22

The Draft EIR refers to the Resource Conservation Overlay proposed by the Draft General Plan as a mechanism to help mitigate the plan's potential impacts to biological resources. The overlay appears to not include the Lambie Rd Industrial area. The Draft EIR indicates this area is rich in biological resources, particularly those associated with certain grassland communities. This area appears to be largely undeveloped, even though 31-23

is has had an industrial land use designation for many years. The tables in the Draft EIR suggest that the supply of land devoted to industrial uses far exceeds the demand for these uses in the foreseeable future. The Lambie Rd location appears integral to the surrounding areas included in the Resource Conservation Overlay. The Draft EIR should evaluate the potential for modifications to the Resource Conservation Overlay to provide a more effective mechanism for mitigating impacts to biological resources. This modification could include removal of the industrial land use designation for the undeveloped portions of the Lambie Rd industrial area and including these areas in the Resource Conservation Overlay.

31-23  
Cont'd

Loss or reduction in habitat values of valley floor grassland and vernal pool grassland habitats is identified as a significant impact for both the Preferred Plan and Maximum Development Scenario. Modifications to the Draft General Plan policies should be evaluated for the potential to avoid this impact. The Draft EIR indicates that if irrigation systems expand into the Jepson Prairie region, this could result in the conversion of an unknown amount of vernal pool grassland habitat to intensive agriculture. The Draft General Plan proposes policies that are intended to minimize impacts to this habitat, including Policy PF.P-13. This policy would support efforts to expand irrigated agricultural areas. As mitigation to this impact, the Draft EIR should consider avoiding this impact by modifying this policy as follows:

31-24

PF.P-13: Support efforts by irrigation districts and others to expand Solano County's irrigated agricultural areas, *except for efforts to expand into the Jepson Prairie region.*

#### Agricultural Resources

Loss of important farmland and conflicts with Williamson Act contracts are identified as significant and unavoidable impacts of the Preferred Plan and the Maximum Development Scenario. The Draft General Plan proposes AG.P-7 to promote the use of Transfer of Development Rights. It states "AG.P-7: Explore and if feasible implement a voluntary transfer of development rights (TDR) program to help protect agricultural resources by guiding development to more suitable areas.", but it does not define where those suitable areas are located. The unintended consequences of this policy may make it environmentally infeasible as currently proposed.

31-25

One sending area, the Agricultural Resource Overlay, is identified, but no suitable receiving areas are identified. The timeframe for the implementation of the program is listed as "ongoing". This leaves many questions unanswered and any impact of increased development in receiving areas unidentified. If as discussed above the County identifies receiving areas in the MSA's there could be growth inducing effects and substantial impacts to the delivery of public services, roadways, park facilities, etc.

31-26

#### Public Services and Utilities

31-27

Demand for additional law enforcement and emergency services facilities is identified as a less than significant impact for both the Preferred Plan and Maximum Development Scenario. It is my understanding that the California Highway Patrol (CHP) is responsible for patrolling roads in the unincorporated area and enforcing the vehicle code. This public service is not evaluated in the Draft EIR. The capabilities of the CHP to provide this service with the growth proposed in the Draft General Plan should be evaluated. If the CHP is not able to provide sufficient assurances to provide this service, the EIR should identify feasible and effective mitigation measures that the County can implement.

31-27  
Cont'd

Many of the proposed General Plan policies and related mitigation measures for public services propose to require new development to pay for the facilities needed to serve it. Similar strategies are used to address impacts to transportation and recreation facilities. However, other sections of the Draft EIR have rejected mitigation measures that could increase the cost of housing which would conflict with the Housing Element. Reducing the amount of unincorporated land proposed for residential housing was found to be an infeasible mitigation measure for induced population growth because it could increase the cost of housing.

31-28

Why is the concern about increasing the cost of housing used to override reducing some significant environmental impacts and not others? Are there any facts available to indicate that increases to the cost of housing will be greater if there is less unincorporated land proposed for residential development, than increases in housing costs from policies or measures that require new residential development to pay the cost for the public services it requires? Such information would be important to weigh the tradeoffs that are implied by the Draft EIR. Such research should also indicate if new housing in cities can be served with public services at lower costs than if the new housing were to develop in the unincorporated area. Such information would indicate if the goals of the housing element to reduce housing costs can be more effectively met by General Plan policies that encourage residential land uses in cities instead of in unincorporated areas.

31-29

#### Cultural and Paleontological Resources

Mitigation Measure 4.10-1a should be amended to include the California Historical Society and local historic preservation organizations, and Sanborn Insurance Maps as other records to search for historic significance.

31-30

It is anticipated that conflicts will occur between land development and the preservation of historic structures. Consideration should be made to protect historic structures from demolition or demolition by neglect by instituting an emergency demolition ordinance.

31-31

#### Recreation

Physical deterioration of parks or recreation facilities due to increased use is identified as a less than significant impact for both the Preferred Plan and Maximum Development

31-32

Scenario. The Draft EIR states that no policies or programs exist that describe how the parks or other recreational facilities will be maintained or how new facilities will be developed. The proposed mitigation measure would reduce impacts from overuse, but it does nothing for reducing impacts from lack of maintenance. Is this a policy issue or an environmental effect? If it is an environmental effect, the Draft EIR should identify feasible and effective mitigation.

31-32  
Cont'd

#### Alternatives

List all the significant and unavoidable impacts from the Exec Summary. Use those that speak to sustainability, and pose the question, how can the policies and programs of the Draft GP be consistent with the overarching goal of sustainable development when it causes all the significant unavoidable impacts? The Draft EIR does a good job of evaluation feasible and effective alternatives to the project that do not have as many significant and unavoidable impacts.

31-33

The Draft EIR identifies a number of land use and resource impacts that require a number of mitigation measures but still result in significant or significant unavoidable impacts. Several of the policies and mitigation measures would take a number of years to develop and put into implementation. These include amendment to the zoning ordinance, a farmland conversion mitigation program and ordinance, development of a Transfer of Development Right program, Countywide Groundwater Balance Budget and Monitoring Program, Cultural Resources Study, Historic Preservation Review Guidelines, and many more.

31-34

The General Plan becomes effective in 2010 yet proposed mitigation measures will still be in the development stage or not yet started. For the purpose of allowing time for the preparation and completion of the various mitigation measures the General Plan should consider an alternative that includes extension of the Orderly Growth Initiative so that potential impacts do not occur until all mitigation measures are ready for implementation.

31-35

The Draft EIR should also consider and an alternative, the addition of an extension of the Orderly Growth Initiative for the life of this General Plan. The Orderly Growth Initiative may provide more effective mitigation than many of those proposed in this EIR for the draft General Plan.

#### COMMENTS ON THE DRAFT GENERAL PLAN

##### Budget Impacts

Many programs proposed in the Draft General Plan will be funded by the General Fund. The Draft EIR relies on many of these programs to reduce the environmental effects of the Draft General Plan. The County should prepare a fiscal analysis of implementing the General Plan. This fiscal analysis should determine how much funding will be required

31-36

from the General Fund to develop, adopt and implement these programs. It also should determine when these funds will be needed in order to effectively mitigate the significant adverse impacts identified in the EIR. Without such an analysis, how can County taxpayers be assured that the County's fiscal health will be maintained with implementation of the Draft General Plan?

31-36  
Cont'd

This General Plan proposed to allow significant more growth in the unincorporated area that has occurred in the past. The County has does not have a track record that demonstrates such growth can be sustained without adversely impacting the General Fund. County residents who receive county services and pay county taxes need to know that adoption of this General Plan will not cause future reductions in county services or cause increases in county taxes and fees that would not otherwise occur.

31-37

PF.I-2 proposes that the County will review its current development fee schedule to reflect the facilities improvements necessary to implement the General Plan. This will be funded by the General Fund. Has the cost of this effort been estimated and will this review be completed in time to ensure new fees are in place at the time applications for new developments are received?

31-38

PF.I-3 proposes that the County will evaluate the funding needs of the various agencies and districts that provide public services to ensure that adequate levels of service are provided and maintained. This will be funded by the General Fund. Has the cost for this effort been estimated? Will this evaluation begin in a timely manner so that appropriate revenue mechanisms are in place for sufficient staffing to provide the public services needed to serve development proposed in the General Plan? Will appropriate mechanisms be in place to sufficient funds to maintain roads, parks and storm drainage facilities needed to serve development proposed in the General Plan?

31-39

PF.I-22 will allow the operation of centralized community sewage disposal systems as long as a public agency is provides and manages the system. Are such systems more likely to fail in the long term and be subject to sanctions by the Regional Water Quality Control Board? The General Plan should be evaluated and modified to ensure County taxpayers be forced to take over these centralized community sewage disposal systems.

31-40

The Draft EIR states that no policies or programs exist that describe how the parks or other recreational facilities will be maintained or how new facilities will be developed. The Draft EIR proposes a program to develop new parks, but does not propose any programs to ensure that parks needed to serve new development will be adequately maintained. A program needs to be added to the General Plan to ensure that new development will provide funding to maintain the parks needed to serve it.

31-41

#### Municipal Service Areas (MSAs)

It is my understanding that the MSA concept has not used before in Solano County. I am concerned that its implementation may result in unintended consequences, such as urban growth that is not municipal.

The policies suggest that Board of Supervisors will maintain the current land uses for unincorporated land within MSAs that are expected to be annexed. The General Plan UR designation says these areas are intended to be annexed and developed by cities with the necessary services and facilities to support development at urban densities.

31-42

However, General Plan programs such as LU.I-2, LU.I-9, and LU.I-10 suggest that the Board of Supervisors will be the lead agency in the detailed planning for MSAs that are expected to be annexed to cities. If cities only have an opportunity to review and comment on such planning, how can they be assured the future development will occur in a manner that they can accommodate without adversely affecting existing city residents? If cities are not the lead agency in the planning for their MSAs, they may choose not to annex such areas, leading to the possibility that what is urban may not be municipal. The General Plan should revise its policies and program to ensure that no urban development will occur without the consent of the affected city.

#### Special Study Areas

Page LU-55 indicates that the infrastructure problem in Suisun Valley is limited to roads. SS.:P17 should be limited to exploring road alternatives, not infrastructure alternatives. Otherwise, the General Plan should disclose the non-road infrastructure features that are of concern.

31-43

SS.P-24 seeks to provide adequate circulation for new industrial development in the Water Dependent Industrial land use designation. The need for adequate circulation is obvious given the rural nature of the infrastructure in the area and the limited capacity of the roads that connect this industrial area to the places where its workers will live. However, SS.I-7 only evaluates and upgrades the circulation system *within* the Water Dependent Industrial area. Given the size of the area and the potential for development into a significant employment center, this program should be modified to require the evaluation and upgrade of the circulation system not only within this area, but also on the roads that will connect this area to the places where its workers will live.

31-44

#### Community Separators

Several cities in Solano County used urban growth boundaries to provide community separators. The General Plan should be modified to acknowledge the role urban growth boundaries play in providing community separators and it should have policies and programs to support their use.

31-45

Mr. Louie  
June 2, 2008  
Page 10 of 10

Economic Strategies

Collinsville and Lambie Road area are two opportunity sites for employment centers in the Draft General Plan. The General Plan supports this use because it perceives the need to attract industrial uses that are not appropriate near urbanized area due to hazardous materials, noise or odors. Why would the County want to attract such undesirable uses? Can these sites be provided with public services in a cost effective manner that makes them attractive to potential business? Is a significant portion of our labor force unemployed that they would be attracted to such employment opportunities?

31-46

Collinsville and Lambie Rd area have been proposed for development for many years and there has been no indicate that there is a demand for this use. These areas would rely on workers driving their cars long distances for employment, which is becoming unsustainable for many residents. These areas require costly upgrades to convert the land to industrial uses, compared to other industrial sites that are currently or potentially available. The Draft EIR also indicates that development of the sites would create significant and unavoidable impacts on the environment. In the name of sustainability, the General Plan should remove the industrial land use designations for these sites and support their continued uses for agriculture and natural habitat.

31-47

These comments are provided to ensure a complete and adequate EIR and to ensure our Board of Supervisors fully discloses the implications of their General Plan proposal.

Sincerely,

Belinda T. Smith, AICP

- 31-1 Please refer to Responses to Comments 31-2, 31-3, 31-4, and 31-5 below.
- 31-2 The comment is noted. This comment refers to a specific implementation program from the 2008 Draft General Plan, without reference to or recommending a mitigation measure for the DEIR. However, the commenter suggests that there are additional, feasible mitigation measures available to reduce impacts. Specifically, the commenter recommends revising Program AG.I-5 to allow roads to be included as part of an urban-agricultural buffer with a minimum width of 300 feet. It is unclear how including roads would “reduce” impacts related to incompatible land uses (i.e., agricultural versus nonagricultural). Including roads as part of an urban-agricultural buffer could create conflicts between farm equipment (e.g., tractors) and urban traffic (e.g., cars). Therefore, including roads as part of an urban-agricultural buffer would create additional environmental impacts and not reduce potential environmental impacts associated with implementing the 2008 Draft General Plan. The County appreciates the commenter’s recommendation; however, the County believes that Program AG.I-5 as written provides mitigation similar to or greater than the suggested revisions.
- 31-3 Please refer to Response to Comment 31-2.
- 31-4 The commenter states that the proposed Neighborhood Agricultural/Tourism Centers in Suisun Valley would result in incompatibilities with existing land uses and requests that additional mitigation measures be created to reduce this impact. The Agricultural/Tourism Center designation was created through a series of public meetings with Suisun Valley residents, farmers, and others, and the allowable uses (including resorts) were selected to benefit the agricultural economy in the valley. Although certain conflicts may occur with existing land uses, the benefits of the Agricultural/Tourism Centers or other allowed uses for the region are expected to outweigh these potential impacts. An additional mitigation measure reducing the number of proposed centers would run counter to substantial public input received on this topic, and would therefore be infeasible. No further mitigation is necessary.
- 31-5 Please refer to Responses to Comments 26-33, 26-34, and 26-35.
- 31-6 The 2008 Draft General Plan would be used for guidance rather than to create code requirements. However, as shown in Chapter 5 of this FEIR, County staff have recommended the following change to Program HS.I-54. The change will be forwarded to the County Board of Supervisors for consideration. If this proposal is accepted by the County Board of Supervisors, Program HS.I-54 would be revised as follows:
- HS.I-54: ~~Consider~~Adopt a trip reduction ordinance and ~~incentives to encourage employers to increase~~ encourage employers to develop practices that reduce employees’ vehicle trips such as telecommuting, ~~provide~~provision of bicycle facilities, and ~~access~~shuttles to public transit for employees, including County employees.
- 31-7 Please refer to Response to Comment 31-6.
- 31-8 Please refer to Response to Comment 31-6.

- 31-9 County design standards define thresholds for number of lanes, width of lanes, and width of shoulders. These are incorporated into the DEIR by reference.
- 31-10 The commenter requests a language change to Policy TC.P-5 to require a traffic impact fee program and extend the program beyond county roads to incorporate all transportation facilities within the county. The commenter’s proposed policy language change would provide additional specificity but does not modify the intent of the original policy. Please refer to Responses to Comments 12-6, 12-19, 12-20, 12-21, and 17-2. Mitigation equivalent to that proposed by the commenter is already provided within the proposed project. No further response is required.
- 31-11 The commenter requests a change of 2008 Draft General Plan Program TC.I-2 as follows (requested changes in italics): “*Adopt development review procedures and mitigation (including the use of transportation impact fees) that focuses on upgrading roads and other transportation systems if the new development contributes to the need for these upgrades, whether the new development occurs inside or outside of a city.*”
- Development review procedures addressed within this program are targeted to roadways. The referenced program implements Policy TC.P-5 in the 2008 Draft General Plan. Policy TC.P-5 identifies that proposed transportation impact fees may be used to fund needed improvements for County roads and “other transportation systems,” which include both alternative modes and local roadways inside city jurisdiction. Please refer to Response to Comment 12-6.
- 31-12 Please refer to Response to Comment 12-6 regarding fair-share transportation impact fees.
- 31-13 Please refer to Responses to Comments 12-6 and 31-11.
- 31-14 The comment is noted. Highway design guidelines mandate consideration of bicycles, pedestrians, and transit when designing roadway facilities. Development fees must meet nexus analysis requirements, and no development fees are currently projected to solely fund projects for alternative modes of transportation. Please refer to Response to Comment 31-11.
- 31-15 The commenter requests a change in the wording of Program TC.I-9 to propose eligibility of transit projects in development mitigation fees. The current language does not preclude development mitigation fees as a funding source; adoption of new language would require the County to perform a separate development fee nexus study for transit improvements. Please refer to Response to Comment 31-11.
- 31-16 The comment is noted. Please refer to Response to Comment 31-15.
- 31-17 This comment requests a change in the language of Goal TC.G-3 of the 2008 Draft General Plan.
- The comment is noted. The proposed change does not change the intent of the goal, but does specify the shift from providing options to actually achieving a reduction in number/length of vehicle trips. As shown in Chapter 5 of this FEIR, County staff have recommended that Goal TC.G-3 be revised as suggested by the commenter. This recommended revision, which has been approved by the Planning Commission, will be provided to the Board of Supervisors for further consideration. If the Board of Supervisors accepts the change, Goal TC.G-3 would be revised as follows:
- TC.G-3: Encourage land use patterns that maximize mobility options for commuting and other types of trips, and minimize traffic congestion, vehicle miles traveled (VMT), and greenhouse gas emissions ~~carbon footprints~~.

31-18 The commenter requests a change in the language of Policy TC.P-2. Implementing a policy to concentrate employment and activity centers near where people live, as requested by the commenter, does not necessarily achieve the goal of reducing the number and length of vehicle trips. Other mitigation measures in the DEIR and policies in the 2008 Draft General Plan provide direction to promote land uses compatible with alternative modes of transportation.

31-19 The comment is noted. No change to the DEIR or further analysis is requested. The policy to promote alternative transportation methods is not directly related to land use designations, but is instead related to site plans.

31-20 The comment requests that the following text be added to Policy TC.P-11: “Adopt road construction standards that account for the needs of pedestrians, bicyclists and transit.”

The proposed change does not change the intent of the policy, but does provide additional certainty that the policy can be implemented.

As shown in Chapter 5 of this FEIR, County staff have recommended that the following new implementation program be added. This recommended addition will be provided to the County Board of Supervisors for further consideration.

TC.I-4a: Adopt road construction standards that account for the needs of pedestrians, bicyclists, and transit.

31-21 The commenter concludes that the County must consider additional programs to encourage alternative transportation because of Impacts 4.4-4a and 4.4-4b in the DEIR. Policy TC.P-3 of the 2008 Draft General Plan provides direction to consider alternative modes of transportation with examining land use development proposals. Because ways to encourage alternative modes of transportation are unique to each development site plan layout, location, and land use type, it is not reasonable to provide specific direction in a general plan DEIR.

31-22 Please refer to Master Response K, “Solano HCP,” in Chapter 2 of this FEIR.

31-23 Please refer to Master Response K, “Solano HCP,” in Chapter 2 of this FEIR.

31-24 The comment is noted. The recommendation would require a change to the 2008 Draft General Plan and will be provided to the County Board of Supervisors for further consideration.

31-25 The commenter asserts that Policy AG.P-7 of the 2008 Draft General Plan does not identify suitable receiver zones for the proposed transfer of development rights (TDR) program, thus making it environmentally infeasible. The County disagrees. As stated on page AG-14 of the 2008 Draft General Plan:

In Solano County, prime agricultural lands, habitat areas, and the sensitive delta area could be protected by diverting development toward appropriate municipal areas. The use of TDRs is especially relevant in the Green Valley region as it is included within the Middle Green Valley special study area policies, found in the Land Use chapter.

Although specific sending and receiving zones for the TDR program have not been defined, the intent of the 2008 Draft General Plan is to utilize municipal areas for such receiver zones. Figure SS-3 on page LU-51 of the 2008 Draft General Plan shows how this concept may be implemented for Middle Green Valley. As noted in Program SS.I-1 of the 2008 Draft General Plan, the specific or master plan required for the Middle Green Valley would establish a TDR program (with an implementing ordinance), including the designation 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 forgo development. The commenter shows no evidence as to why implementation of either Policy AG.I-7 or Program SS.I-1 would be environmentally infeasible.

- 31-26 Although “suitable areas” (as identified in Policy AG.P-7) have not been identified yet, any development project(s) that occur in a “suitable area” would be required to conduct a separate, project-level environmental impact analysis as required under CEQA.
- 31-27 This comment refers to the effects of the proposed 2008 Draft General Plan on the California Highway Patrol (CHP), in that CHP patrols roads and enforces the vehicle code in the unincorporated area. Section 4.9, “Public Services and Utilities,” of the DEIR describes the law enforcement services in the unincorporated areas of Solano County and identifies policies in the 2008 Draft General Plan that would ensure that sufficient law enforcement services are provided to unincorporated areas. The CHP has had the opportunity to review and comment on the 2008 Draft General Plan DEIR to determine whether any perceived inadequacies in its ability to maintain adequate patrols exist.
- 31-28 The comment is noted.
- 31-29 Please see Response to Comments 26-34 and 26-35.
- 31-30 The comment about the recommended use of “Sanborn Insurance Maps as [sic] others records to search for historic significance” is noted. Mitigation Measures 4.10-1a and 4.10-2a are revised (as shown below) to address the inclusion of local historical organizations in the review process.

As shown in Chapter 4 of this FEIR, the bulleted list on page 4.10-26 of the DEIR is revised as follows:

- ▶ The project applicant shall implement the recommendations of the NWIC as pertains to additional study. If an architectural study is recommended, the County shall require that the work be conducted for the project applicant by a qualified architectural historian. (A qualified architectural historian is defined as an individual who meets the Secretary of the Interior’s Professional Qualifications Standards in architectural history [36 Code of Federal Regulations 61].) At a minimum, the study shall enable the County to determine:
  - whether the building or structure qualifies as a historical resource (as defined at 14 CCR Section 15064.5);
  - whether there would be a substantial adverse change in the significance of the resource (if it does so qualify); ~~and~~
  - whether local historical organizations were consulted and afforded an opportunity to provide input during the architectural study; and
  - if a substantial adverse change would occur, what steps can be taken to avoid, minimize, or offset such impacts.

As shown in Chapter 4 of this FEIR, the bulleted list on page 4.10-28 of the DEIR is revised as follows:

- ▶ The project applicant shall implement the recommendations of the NWIC. If additional architectural study is recommended (either to evaluate the significance of an unevaluated

building or structure, or to develop mitigation recommendations for a previously identified historical resource), the County shall require that the work be conducted for the project applicant by a qualified architectural historian. At a minimum, the evaluation study shall enable the County to determine:

- whether the building or structure qualifies as a historical resource (as defined at 14 CCR Section 15064.5);
- whether there would be a substantial adverse change in the significance of the resource (if it does so qualify); ~~and~~
- whether local historical organizations were consulted and afforded an opportunity to provide input during the architectural study; and
- if a substantial adverse change would occur, what steps can be taken to avoid, minimize, or offset such impacts.

As shown in Chapter 4 of this FEIR, the bulleted list on page 4.10-29 of the DEIR is revised as follows:

- ▶ The project applicant shall implement the recommendations of the NWIC. If additional architectural study is recommended (either to evaluate the significance of an unevaluated adjacent building or structure, or to develop mitigation recommendations), the County shall require that the work be conducted for the project applicant by a qualified architectural historian. At a minimum, the evaluation study shall enable the County to determine:
  - whether the buildings or structures adjacent to the project site qualify as a historical resource (as defined at 14 CCR Section 15064.5);
  - whether there would be a substantial adverse change in the significance of those resources (if they do so qualify); ~~and~~
  - whether local historical organizations were consulted and afforded an opportunity to provide input during the architectural study; and
  - if a substantial adverse change would occur, what steps can be taken to avoid, minimize, or offset such impacts.

31-31 The comment is noted.

31-32 Please refer to Response to Comment 12-78 above.

31-33 Please refer to Master Response D, "Reasonable Range of Alternatives," in Chapter 2 of this FEIR.

31-34 The commenter asks how the policies and programs of the 2008 Draft General Plan can be consistent with the overarching goal of sustainable development when it causes as many significant and unavoidable impacts as it does. The commenter also notes that the DEIR does a good job of evaluating feasible and effective alternatives to the project that do not have as many significant and unavoidable environmental impacts.

Notably, the term “unavoidable,” under CEQA, does not mean “unavoidable despite all possible human efforts to avoid.” Rather, CEQA permits lead agencies to approve projects, notwithstanding their significant effects on the environment, provided that the agencies first determine that there are no feasible means of substantially lessening or avoiding such effects; and then determine that there are specific economic, social, or other considerations that make the identified, unmitigated significant effects “acceptable.” (See Sections 15091–15093 of the State CEQA Guidelines.) Any such “acceptable” significant effects are considered “unavoidable” under CEQA.

What is “unavoidable,” then, is often a function of whether mitigation or alternatives are “infeasible”; and this judgment is a matter of considerable discretion for agency policymakers. “Feasible” is defined as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors” (State CEQA Guidelines, Section 15364). Furthermore, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 410, 417).

Although the commenter may disagree, as a matter of public policy, with the 2008 Draft General Plan as proposed, the commenter does not provide any specific comment regarding the adequacy or completeness of the DEIR or otherwise raise significant environmental issues within the meaning of CEQA. This comment is noted. The commenter’s disagreement with the 2008 Draft General Plan as proposed will be provided to the County Board of Supervisors for further consideration.

- 31-35 Please refer to Master Response D, “Reasonable Range of Alternatives”; Master Response F, “Deferred Mitigation”; and Master Response I, “Orderly Growth Initiative,” in Chapter 2 of this FEIR. Please also refer to Response to Comments 25-7 and 31-34.
- 31-36 The comment is noted; however, the comment does not relate specifically to the EIR for the 2008 Draft General Plan. As stated in Section 15131(a) of the State CEQA Guidelines, “Economic or social effects of a project shall not be treated as significant effects on the environment.” In other words, the economic or social changes that a project (in this case, the 2008 Draft General Plan) may cause are not, in and of themselves, significant environmental effects that require analysis in an EIR. The commenter correctly states that a fiscal analysis of the 2008 Draft General Plan’s effects on the General Fund has not been prepared. However, the County disagrees with the assertion that this jeopardizes the County’s ability to reduce environmental impacts to significance levels specified throughout the DEIR. The 2008 Draft General Plan and its annual reporting requirements pursuant to the California Government Code serve as useful tools for the annual County budget process, which determines the programs to be funded by the General Fund in any given year. This process occurs frequently enough to consider County budget forecast and estimates for implementation of any particular General Plan programs, giving the County adequate time and flexibility to consider new revenue opportunities if necessary. As certain components of the General Plan move forward (e.g., the *Middle Green Valley Specific Plan*), commensurate programs that reduce the environmental impacts of such components (e.g., a transfer of development rights program and ordinance to preserve agricultural lands) would move forward in the same sequence. This, in turn, reinforces the self-mitigating character of a general plan.

- 31-37 The comment is noted. Although the comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration. Please refer to Response to Comment 31-36.
- 31-38 The comment and questions are noted. Although the comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration. Please refer to Response to Comment 31-36.
- 31-39 The comment and questions are noted. Although the comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 31-40 As identified in the DEIR, the 2008 Draft General Plan EIR is a program EIR (see Section 1.1, “Type of EIR,” in Chapter 1, “Introduction,” of the DEIR). In addition, the DEIR states that the “analysis does not examine the effects of site-specific projects that may occur within the overall umbrella of this program in the future” (see Section 1.1 of the DEIR). Development and operation of a “centralized community sewage disposal system” would be considered a “site-specific project” and, therefore, is not required to be analyzed as part of the 2008 Draft General Plan EIR.
- Related to funding (e.g., taxpayers) of a “centralized community sewage disposal system,” the DEIR is not required to analyze economic impacts of implementing the 2008 Draft General Plan. As stated in Section 15131(a) of the State CEQA Guidelines, “Economic or social effects of a project shall not be treated as significant effects on the environment.” In other words, the economic or social changes that a project (in this case, the 2008 Draft General Plan) may cause are not, in and of themselves, significant environmental effects that require analysis in an EIR. For this reason, and because this comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is necessary.
- 31-41 Please refer to Response to Comment 12-77 and 12-78.
- 31-42 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration. The commenter states that the municipal service area (MSA) concept has not been used before in Solano County. This is incorrect. This concept was used in the 1980 Land Use and Circulation Element. The MSA boundary in the 1980 plan was called an urban growth boundary (UGB). Within the UGB, the existing city general plans were reflected on the 1980 land use map. Under policies of the Land Use and Circulation Element, lands within the UGB will be developed and will be serviced through city annexation. Until annexation, lands within the UGB remain in agricultural use.
- The commenter suggests that under Programs LU.I-2, LU.I-9, and LU.I-10 of the 2008 Draft General Plan, the County Board of Supervisors would take the detailed lead in planning for the MSAs. The MSAs incorporated the cities’ adopted general plans. A note on the land use diagram references the individual city general plans for more specific land use designations and development policies for that area. The special project areas referenced in Program LU.I-2 are intended to apply to the special project areas outside the MSAs. As shown in Chapter 5 of this FEIR, the County has recommended a change to Program LU.I-2 of the 2008 Draft General Plan to clarify this concern. If this proposal is approved, Program LU.I-2 would be amended as follows:

LU.I-2: Provide for detailed land planning through the Specific Project Area land use designation outside of the MSAs and subsequent planning process. Specific plans required before development in these areas shall determine:

- resource or hazard areas to be avoided by development;
- techniques to ensure that development is compatible with the character of the surrounding area;
- the amount of land that will be preserved for agriculture and other resources and the methods by which such preservation will be accomplished; and
- plans describing how the proposed development will be provided with adequate levels of water and wastewater service.

Program LU.I-9 provides the opportunity for the County to work with the cities and the Solano Local Agency Formation Commission (LAFCO) in defining areas for future growth and new spheres of influence. This is consistent with the County's role in the Solano LAFCO and in negotiating with the cities on the spheres of influence as provided under state law.

Program LU.I-10 provides opportunity for cities to comment on County projects within MSAs and outside MSAs. Consistent with the agricultural zoning within the MSAs, agricultural-related uses can occur within the MSA and the County is providing an opportunity for the cities to review and comment on such uses.

31-44 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.

31-45 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.

31-46 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.

31-47 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.

## **LETTER 32**

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ERNST BAK

May 13, 2008



2008-05-13

Solano County 2008 Draft General Plan  
Department of Resource Management  
675 Texas Street, Suite 5500  
Fairfield, CA 94533



Dear Sir or Madame:

“Solano General Plan Newsletter” is an excellent publication. To make it user-friendlier please make the following two changes to the left column on page 2:

Insert:

“Comments regarding this publication please contact XXX”,  
“Suggested changes to the plan please contact YYY”.

The term “Project Manager so and so” as currently shown does not convey to the public how each project manager is specifically involved.

Also if people submit suggestions to the Draft Plan what should they expect? For example will the suggestions be distributed to the committee for consideration or rejected at the discretion of the project manager? Will contributors be informed about the disposition of their suggestions?

Also on page 4 “Get Involved,” suggests a one-way communication. You suggest that the public read your plan. But what should the public do if they have suggestions? Read the plan some more? A public relations issue.

Thank you for job well done.

Ernst Bak  
BAK Software  
529 Americano Way  
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32-1

Comment  
32  
Response

Ernst Bak  
May 13, 2008

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32-1

The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.

# LETTER 33

---

ERNST BAK

May 28, 2008



2008-05-28

**Outhouses are "In".**

Globally drinking water is becoming scarce and with growing populations water might one day cost \$4.00 per gallon.

Old fashioned, indoor bathrooms (the ones we currently use in most homes) have become obsolete because they use too much water (three to four gallons for each flush). That might one day add up to \$16.00 per flush.

Soon Californians will be required to replace their obsolete indoor, water driven, bathrooms with modern outhouses.

The first to invent, mass-produce, and service modern outhouses will become reach, very rich. If you are an inventor, here is a golden opportunity.

In the international space station there is one toilet. That toilet does not flush using four gallons of water. To save water in California, perhaps the proposed outhouses could use some of the technology currently used in the space station.

Also, astronauts do not take showers while in space. They keep themselves clean without using water. Should new space technology be installed in all our homes?

The time might be ripe for outhouses. Outhouses are "green".

Note: By the way modern outhouses can be installed inside homes.

Ernst Bak  
BAK Software  
529 Americano Way  
Fairfield, CA 94533-7213  
Phone: 707 429-9163  
Email: [baksoft@sbcglobal.net](mailto:baksoft@sbcglobal.net)

RECEIVED  
MAY 23 2008  
7:39 AM  
198456

33-1

Outhouse1

Comment  
33  
Response

Ernst Bak  
May 28, 2008

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33-1

The comments concerning bathroom facilities and outhouses are noted.

# **LETTER 34**

---

ERNST BAK

May 30, 2008



2008-05-30

**Solano County's 2008 Draft General Plan.  
Final Submission for June 2, 2008 Hearings.**

**The City of Fairfield Lacks Local Main Street(s).**

Fairfield is using Interstate 80 as the city's Main Street. The city needs broad streets that circumvent Fairfield both to the north and south of I-80. Most people living in Fairfield, who wants to go shopping, are likely to use I-80.

Fairfield, unlike Vacaville and Vallejo, lacks broad streets that can handle local traffic. Texas Street does not measure up to the description "Main Street".

There is a way this I-80 type of local traffic can be discouraged. Install cameras on all Fairfield's on- and off-ramps to I-80.

When a vehicle uses an onramp to I-80 within Fairfield's city limit a camera will record the vehicle's license plate and store the event in a computer.

1. If the same vehicle later uses a Fairfield off ramp the city will charge the driver a fee for local I-80 use (\$10.00).

There will be no charges for vehicles that either enter or leave Fairfield via I-80.

The \$10.00 can be used by Fairfield to build main streets north and south of I-80.

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34-1

Comment  
34  
Response

Ernst Bak  
May 30, 2008

---

34-1

The comment is noted. This proposal does not relate specifically to the 2008 Draft General Plan and is best addressed in transportation project EIRs; however, it will be provided to the County Board of Supervisors for further consideration.

# **LETTER 35**

---

ERNST BAK

June 2, 2008



RECEIVED  
Solano County  
Public Management

2008-06-02

JUN 04 2008

**Solano County's 2008 Draft General Plan.  
Final Submission for June 2, 2008 Hearings.**

AM 12:11 PM  
7|8|9|10|11|12|1|2|3|4|5|6  
▲

**I-80 / I-680 Interchange.  
A One, Two, or Three Billion Dollar Upgrade.**

Soaring gas prices have suddenly created a "tipping point" in Solano County.

A few months ago it was obvious that something had to be done, most urgently, to the I-80 / I-680 interchange. But suddenly soaring fuel costs have reduced the traffic flow. Since the intersection's traffic problems has been solved why spend one, two, or three billion dollars to upgrade the intersection?

It has suddenly become obvious that it is really an expanded public transportation system we need. Not an upgraded intersection.

Here is the problem. Our Federal Government works very slowly. From the time Solano County requested three billion dollars to fix the interchange it might take seven years before the money becomes available. Right now we are in the middle of that seven-year waiting period.

When the money finally arrives wouldn't it be nice if we could switch the approved funds from an unwanted interchange to a public commuter train system? Can California's representatives in Washington, show flexibility and make such a switch possible?

35-1

Ernst Bak  
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Fairfield, CA 94533-7213  
Phone: 707 429-9163  
Email: [baksoft@sbcglobal.net](mailto:baksoft@sbcglobal.net)

Comment  
35  
Response

Ernst Bak  
May 30, 2008

---

35-1

The comment is noted. This proposal does not relate specifically to the 2008 Draft General Plan and is best addressed in transportation project EIRs; however, it will be provided to the County Board of Supervisors for further consideration.

# **LETTER 36**

---

ERNST BAK

June 3, 2008



2008-06-03

RECEIVED  
Solano County  
Human Resources Department

**Solano County's 2008 Draft General Plan.  
Final Submission for June 2, 2008 Hearings.**

JUN 04 2008  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

**I-80 / I-680 Intersection.  
Combine Bridge Toll and Intersection Toll.**

We pay Bridge Tolls. Why can't we also pay Intersection Tolls?

We Solanoans are passively waiting for the Federal Government to give us 1, 2, or 3 billion dollars to fix the I-80 / I-680 intersection. The federal money might arrive three to five years from now. Instead of waiting for a federal grant why don't we grab the bull by the horns and collect the needed funds locally.

A locally collected I-80 / I-680 intersection toll could speed up the much needed improvements to the intersection.

Most cars that drive through the I-80 / I-680 intersection also drive across the Benicia bridge. I believe people pay when they drive north. If we added a couple of dollars to the Benicia bridge toll we would very soon have enough money to fix the I-80 / I-680 intersection.

That is a better and cheaper solution than patiently sit still, twiddle our thumbs, and wait for the federal government to bail us out.

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Email: [baksoft@sbcglobal.net](mailto:baksoft@sbcglobal.net)

36-1

Comment  
36  
Response

Ernst Bak  
May 30, 2008

---

36-1

The comment is noted. This proposal does not relate specifically to the 2008 Draft General Plan and is best addressed in transportation project EIRs; however, it will be provided to the County Board of Supervisors for further consideration.

# **LETTER 37**

---

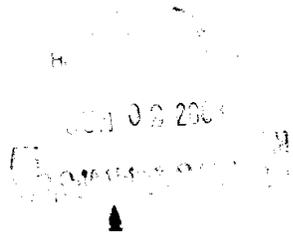
ERNST BAK

June 2, 2008



2008-06-02

**Solano County's 2008 Draft General Plan.  
Final Submission for June 2, 2008 Hearings.**



**Commuter Trains for Solano County.**

Solano County is presented with a golden opportunity to build an electric commuter train system. The trains will run along the I-80 and I-680 corridors, and connect to trains in neighboring counties.

With gas prices reaching \$5.00 and \$10.00 per gallon a growing number of people can't afford to drive privately owned cars to work. These fine workers are, or will soon be, desperate to use public transportation.

If Solano County starts an effective (money making) commuter bus system, it can save the down payment for a commuter train system.

There is no need to gauge people. A ticket must cost less than it costs to drive a car. At \$5.00 to \$10.00 for gasoline that should not be difficult.

**Note:** When people get out of their cars and into public transportation (which they will) there will be fewer cars on our roads. Consequently Solano County (or the state of California) can eliminated the need for a 1, 2, or 3 billion dollar I-80 / I-680 intersection. But more important, with the gain of electric commuter trains, Solano workers will become competitive in the 21<sup>st</sup> century global economy.

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Email: [baksoft@sbcglobal.net](mailto:baksoft@sbcglobal.net)

37-1

Comment  
37  
Response

Ernst Bak  
May 30, 2008

---

37-1

This comment is noted. This proposal does not relate specifically to the 2008 Draft General Plan and is best addressed in transportation project EIRs; however, it will be provided to the County Board of Supervisors for further consideration. The commenter is directed to Chapter 7, "Transportation and Circulation," of the 2008 Draft General Plan, which contains several goals, policies, and programs related to improved transit and coordination among jurisdictions.

# **LETTER 38**

---

**GEORGE GUYNN JR.**

June 2, 2008



**Louie, James A.**

---

**From:** george guynnjr [georgejr@hotmail.com]  
**Sent:** Monday, June 02, 2008 4:52 PM  
**To:** Louie, James A.  
**Subject:** Comments on 2008 General Plan

Dear Mr. Louie,

Before the the 5 pm deadline today, I wish to make comments on the 2008 General Plan.

1. The plan favors developers over the average citizen.
2. Can you explain overlays and why just some people, such as June Guidotti have them placed over their property.
3. I don't think that the possible breaks in the levy system was explained correctly. The report claims that this can not be corrected. I don't agree.

38-1

Thanks so much for accepting my comments.

Sincerely,

George Guynn, Jr.

1109 Pheasant Dr.  
Suisun City, Ca. 94585  
(707)429-3395  
[georgejr@hotmail.com](mailto:georgejr@hotmail.com)

06/02/2008

Comment  
38  
Response

George Guynn Jr.  
June 2, 2008

---

38-1

The comment is noted. Please refer to Master Response N, "Risk of Levee Failure," in Chapter 2 of this FEIR.

## **LETTER 39**

---

**GRANT A. KREINBERG**

May 30, 2008



**Louie, James A.**

---

**From:** elizabeth.boyd@edaw.com  
**Sent:** Friday, May 30, 2008 2:03 PM  
**To:** elizabeth.boyd@edaw.com; \JALouie@solanocounty.com  
**Subject:** Project ID: Solano County General Plan Comment

This e-mail is the result of a web survey and is intended for use with GlobalSCAPE Web Survey. You can use GlobalSCAPE Web Survey to process these results to build a database, to generate tables and charts analyzing that database and also to print out individual responses as completed questionnaires (see Database/Profile Records).

Comment = May 30, 2008

Mr. Jim Louie  
Senior Planner  
Department of Resource Management  
County of Solano  
675 Texas Street  
Suite 5500  
Fairfield, CA 94533

**Subject:** Comments on Draft Environmental Impact Report  
2008 Draft General Plan  
Solano County of Sacramento

Dear Mr. Louie:

I have read the Draft Environmental Impact Report and have the following comments.

A. Water Supply and Service

I am surprised on how superficial the analysis of the available water supply is. In the first portion of this section, you identify the existing water supplies in Solano County. In the text and Table 4.9-1, you identify Solano Project contracts by agency, and it is my understanding that these are typically long term contracts. However, in the next table, Table 4.9-2, you convert all non-urban uses of the water to "available for unincorporated areas of Solano County", without providing any explanation as to how or why it is available. This gives the impression that the water is just sitting there, waiting for development to happen. You repeat this again in Table 4.9-3, focusing on Solano Irrigation District.

39-1

In Table 4.9-6, you present the City of Vallejo's Lakes Water System Available Water Supply. From Lakes Frey and Madigan, you indicate an availability of 400 acre-feet per year, ignoring the in-stream needs of Green Valley Creek, as determined by the U.S. Fish and Wildlife Services.

39-2

In Table 4.9-11, the document gets even more creative, as follows:

1. The preface to table 4.9-11 indicates that no attempt has been made to include industrial water needs, due to the variability of industrial water needs. Nor does the table include the change in water demand resulting from converting agricultural lands to rural residential due to the variability in agricultural water needs. This is sloppy. The draft General Plan clearly identifies the lands proposed for conversion, as the owners have made application to the County for the conversion. It would not take much effort to identify the amount of water that has been historically used to irrigate these lands.
2. According to the footnotes, the projections are based on usage of 100 gallons per person per day, from the County of Marin. Solano is not Marin. We have a different climate and different topography. Solano County is much warmer than Marin. Solano is also much flatter than Marin. A more appropriate comparison to Solano County is Sacramento County and the Sacramento Valley. One hundred gallons per person per day times a typical family of three is about 1/3 of an acre foot per year. A much more representative number for urban development is 0.5 acre feet per family of 3 per year. This is for interior usage plus a minimal amount to maintain established landscaping.

39-3

39-4

If you're talking about rural residential, you need to add agricultural usage for the rural portion plus the family usage. | 39-5

3. With regard to agricultural demand, the State wide usage for agricultural usage is 3.6 acre feet per acre per year, not 1 to 2.3 afy. This information comes from the California Water Plan Update 2005. | 39-6

Right now, Table 4.9-11 is misleading. I recommend the correct information be obtained and the information included in the Final EIR. | 39-7

Under the Impact Analysis, Impact 4.9-1a is correctly stated. There is insufficient water supplies to meet future water demand, and the impact is significant. However, the impact is much greater than you describe. | 39-8

B. Fire Protection and Emergency Services

The analysis of fire protection services is flawed because it fails to evaluate the financial status and continued financial viability of the existing fire districts. Many of these, including the Cordelia Fire Protection District are woefully under funded for normal day to day operations. Typically, new growth pays for new equipment and facilities. However, growth and new development does not provide sufficient funding to cover annual operating costs. The policies contained in the draft General plan do not adequately address these issues. Therefore, the impact of the draft General Plan would be significant. | 39-9

Please send me a copy of the Response to Comments.

Sincerely,

Grant A. Kreinberg  
108 Brae Court  
Fairfield, CA  
94534

Email = Grantk@castles.com  
Name = Grant A. Kreinberg  
Phone Number = 916-874-8736  
PdcProjectID = Solano County General Plan Comment PdcAppVer = 5.2.032 HTTP\_USER\_AGENT = Mozilla/5.0 (Windows; U; Windows NT 5.1; en-US; rv:1.8.1.14) Gecko/20080404  
Firefox/2.0.0.14 REMOTE\_ADDR = 208.79.244.67 REMOTE\_HOST = 208.79.244.67 REMOTE\_USER = PdcOS = MSWin32

- 
- 39-1            The commenter states that the water supply analysis is superficial and does not clarify nonurban versus urban uses of water supply and the projected water availability to unincorporated areas of Solano County.
- The comment is noted. Please refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR for a revised analysis of water use and supply.
- 39-2            The commenter states that the City of Vallejo Lakes Water System’s projections of available water supply (400 acre-feet per year) ignores the instream needs of Green Valley Creek, as determined by the U.S. Fish and Wildlife Services.
- The comment is noted. Please refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR for a revised analysis of water use and supply.
- 39-3            The commenter asserts that the DEIR does not attempt to project industrial water needs because of the variability of industrial water needs in Table 4.9-11, and that Table 4.9-11 does not include the change in water demand resulting from converting agricultural lands to rural residential. The commenter states that the DEIR should identify the amount of water that has been historically used to irrigate lands that are identified in the 2008 Draft General Plan for conversion.
- The comment is noted. Please refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR for a revised analysis of water use and supply.
- 39-4            The commenter states that the water use projections used in the DEIR, which are based on usage of 100 gallons per person per day, from Marin County, is not appropriate to use for Solano County because of the differing hydrologic conditions, including climate and differing topography.
- The comment is noted. Please refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR for revised water usage projections.
- 39-5            The commenter suggests that water use projections in the DEIR for rural residential need to add agricultural usage plus the family usage.
- The comment is noted. Please refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR for a revised analysis of water use and supply.
- 39-6            The commenter states that regarding agricultural demand, the statewide usage for agricultural usage is 3.6 acre-feet per acre per year, not 1 to 2.3 acre-feet per year. This information comes from the *California Water Plan Update 2005*.
- The comment is noted. Please refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR for a discussion of water projections based on land use types, including agriculture.
- 39-7            The commenter suggests that Table 4.9-11 be updated with water use projections for commercial, industrial, and agricultural land uses.

The comment is noted. Please refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR for an updated Table 4.9-11.

39-8 The commenter asserts that Impact 4.9-11a is correctly stated, that water supplies are insufficient to meet future water demand and the impact is significant, but that the impact is much greater than described.

The comment is noted. Please refer to Master Response R, “Inadequate Water Supply Assessment,” for a revised analysis of water use and supply.

39-9 The comment is noted. Please refer to Response to Comment 6-10 for a discussion of impact fees required to offset costs of new fire protection and emergency medical services. The commenter also notes a need for the 2008 Draft General Plan to address annual operating costs associated with providing these services. As stated in Section 15131(a) of the State CEQA Guidelines, “Economic or social effects of a project shall not be treated as significant effects on the environment.” In other words, the economic or social changes that a project (in this case, the 2008 Draft General Plan) may cause are not, in and of themselves, significant environmental effects that require analysis in an EIR. This comment does not raise significant environmental issues related to the 2008 Draft General Plan. Physical changes to the environment from the provision of new or expanded public services facilities or utility systems that would result from development and land use activities contemplated by the 2008 Draft General Plan were assessed in the DEIR at a programmatic level, consistent with the programmatic nature of the 2008 Draft General Plan (see Section 4.9 of the DEIR). No further response is necessary.

# **LETTER 40**

---

**GERALD SHIRAR**

May 28, 2008



**Louie, James A.**

---

**From:** Gerald Shirar [j.shirar1688@gmail.com]  
**Sent:** Wednesday, May 28, 2008 11:38 AM  
**To:** Louie, James A.  
**Subject:** rezoning mix & pleasants valley west

I am apposed to the rezoning and would like it to remain a agricultural. I have lived hear for over 20 years and would like it to not become a new housing sprawl. The ground water is at best minimal.

Thank You

40-1

05/28/2008

Comment  
40  
Response

Gerald Shirar  
May 28, 2008

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40-1

The commenter expresses opposition to rezoning and would like Pleasants Valley to remain agriculture. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR.

The commenter also states that groundwater is at best minimal. Regarding impacts on groundwater, please see pages 4.5-53 through 4.5-55 of the DEIR; please also refer to Master Response R, "Inadequate Water Supply Assessment," in Chapter 2 of this FEIR. The commenter provides no input on the sufficiency of the DEIR's groundwater analysis. No further response is necessary.

# **LETTER 41**

---

**WILLIAM S. REUSTLE**

July 6, 2007



**William S. Reustle**  
Attorney & Counselor at Law  
547 Jefferson Street, Suite "C"  
Fairfield, CA 94533  
Phone: 707 425-4470  
Fax: 707 425-4458

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MAY 15 2008

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Solano County  
Planning Department

JUL 06 2007

E-mail: [wreustle@earthlink.net](mailto:wreustle@earthlink.net)  
[www.gocdmis.com/](http://www.gocdmis.com/)

County of Solano  
Department of Resource Management  
675 Texas Street, Suite 550  
Fairfield, CA 94533

RE: General Plan Update Parcel: 0046-130-070

Received

DEC 11 2007

Dear Mr. Harry L. Englebright & Citizens Advisory Committee (CAC):

June Guidotti (Bonnici) has used her property for the agricultural grazing of sheep and cows. Her future plans are to continue this practice.

In addition, she proposes to construct a research project to study the production and quality value of feed grains produced from an aerobic and/or pyrolysis system. *anaerobic*  
Feedstock to be considered in the project are sugar beets, green waste, corn, wheat, cannerly waste, brewery waste, and other available by-product or agricultural product sources. It is estimated that the research project would be sited on approximately 20 acres.

In 1993, she proposed to site a Waste To Energy (WTE) plant on her property. See Solano Garbage Company Landfill Environmental Impact Report dated January 1993, Page 3-27 (5) Bonnici Project. A portion of the reserved project will also involve the production of energy from waste by-products. This project is similar to what UC Davis is presently using.

Her property has been in her family for 5 generations. It is safe to say that her property is, and should be, considered "grandfathered" in all aspects regarding agricultural, land use, water, and no limits should be placed on this parcel. Her property is located in the buffer zone as outlined in the Suisun Marsh, as adopted by the State Legislature.

The permits, "Certification of Qualifying Status of a Small Power Production Facility" (18 C.F.R. §381.505(d)) and "Certification of Qualify Status as a Cogeneration Facility" (18 C.F.R. §381.505(a)) Ms. Guidotti is seeking may not be necessary because of research.

She requests that her land use be accordingly revised so that there will be no restrictions on her anticipated activities.

RECEIVED  
Solano County  
Planning Department

DEC 10 2007

AM 7/8/9/10/11/12/1/2/3/4/5/6 PM

Sincerely,

WILLIAM S. REUSTLE

13

3076 pages

Result # 66646. Construction of new or expanded thermal electric generating plants within sui... Page 1 of 2

*Docket Number*



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Source: Legal > / > CA - Deering's California Codes Annotated  
TOC: Deering's California Code Annotated > / > Chapter 4. Powers and Duties of the Commission > § 66646. Construction of new or expanded thermal electric generating plants within Suisun Marsh; Condition  
Terms: 66646. Construction of new or expanded thermal electric generating plants within suisun marsh; condition  
Cal Gov Code § 66646

Retrieve State Legislative Impact

Practitioner's Toolbox ?

DEERING'S CALIFORNIA CODES ANNOTATED  
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History

\*\*\* THIS DOCUMENT REFLECTS ALL URGENCY LEGISLATION ENACTED \*\*\*  
THROUGH 2007-2008 THIRD EXTRAORDINARY SESSION CH.6 AND  
CH.3 OF THE 2008 REGULAR SESSION APPROVED 3/26/08

GOVERNMENT CODE

> Title 7.2, San Francisco Bay Conservation and Development Commission  
Chapter 4, Powers and Duties of the Commission

**GO TO CALIFORNIA CODES ARCHIVE DIRECTORY**

Cal Gov Code § 66646 (2007)

> **§ 66646. Construction of new or expanded thermal electric generating plants within Suisun Marsh; Condition**

Notwithstanding any other provision of this title, except subdivisions (b) and (c) of Section 66645, and notwithstanding any provision of Division 19 (commencing with Section 29000) of the Public Resources Code, new or expanded thermal electric generating plants may be constructed within the Suisun Marsh, as defined in Section 29101 of the Public Resources Code, or the area of jurisdiction of the commission, if the proposed site has been determined, pursuant to the provisions of Section 25516.1 of the Public Resources Code, by the State Energy Resources Conservation and Development Commission to have greater relative merit than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516 of the Public Resources Code.

History:

Added Stats 1977 ch 1155 § 3.5.

*\* Public Resource Code  
Section  
25506 - 25543  
1-0728*

Hierarchy Notes:

Tit. 7.2 Note

Tit. 7.2, Ch. 4 Note

*4 of 6 pages*

1 Result - 66646. Construction of new or expanded thermal electric generating plants within sui... Page 2 of 2

Source: [Legal](#) > [/](#) > [CA - Deering's California Codes Annotated](#) 

TOC: [Deering's California Code Annotated](#) > [/](#) > [Chapter 4. Powers and Duties of the Commission](#) > [§ 66646. Construction of new or expanded thermal electric generating plants within Suisun Marsh; Condition](#)

Terms: [66646: Construction of new or expanded thermal electric generating plants within suisun marsh; condition](#)

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Date/Time: Tuesday, April 8, 2008 - 2:25 PM EDT

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5076 pages

RESOURCE MANAGEMENT

MAY 13 2008

RECEIVED BY:

Tele: (707) 427-1662

WILLIAM S. REUSTLE  
Attorney & Counselor at Law  
547 Jefferson Street, Suite "C"  
Fairfield, CA 94533

Received

MAY 13 2008

Solano County  
Board of Supervisors  
FAX: (707) 425-4488

Monday, May 12, 2008

Mr. Micheal Bledsoe  
CIWMB  
1001 Street | P.O. Box 4025 | Sacramento, CA | 95812-4025 |

VIA FAX

RE: June Guidotti

Dear Mr. Bledsoe,

Ms. Guidotti is informed that your agency is lead in siting of the agricultural waste-to-energy plant that she envisions for her property immediately adjacent to the Portrero Hills facility in Solano County.

Are there any prerequisites that my client should be preparing in order to establish a feasibility test plant? I would like to discuss this matter further with you by telephone at your convenience.

Please advise.

Sincerely,

WILLIAM S. REUSTLE

WSR:tr  
Copy: client

RECEIVED  
Solano County  
Resource

MAY 15 2008

AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

to JB page  
R 1 of 1

Comment  
41  
Response

William S. Reustle  
July 6, 2007

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41-1

The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.



# **LETTER 42**

---

**JACK BATSON**

June 2, 2008



**Louie, James A.**

**From:** Jack Batson [jsbatson@prodigy.net]  
**Sent:** Monday, June 02, 2008 4:35 PM  
**To:** Louie, James A.  
**Cc:** Jack Batson  
**Subject:** DEIR Comments

June 2, 2008

Dear Mr. Louie,

Here are my comments on the County General Plan Update, Draft Environmental Impact Report.

I would appreciate a response.

Thank you,  
Jack Batson

DEIR Comments  
Table 2-1

Pg. 2-10, 4.1-4a: Incompatibility with Established Land Uses. Mitigation for loss of farmland is inadequate in that it fails to provide for greater mitigation for Important Farmland and for land that has a conservation easement.	42-1
Pg. 2-16, 4.2-6a: Emissions of Odors. While there may be no "list of potential new major odor sources projected for the duration of the 2008 Draft General Plan," one odor source - wastewater treatment plants – is a certainty for some residential, commercial, and industrial uses. Explain why residential and industrial wastewater treatment plants are not required to have odor controls as commercial plants are.	42-2
Pg. 2-17, 4.3-2a: Development of Noise-Producing Uses near Existing Noise-Sensitive Land Uses. Mitigation inadequate without including noise of wastewater treatment plants specifically in describing the types of projects that require noise abatement.	42-3
Pg. 2-19, 4.4-1a: Degradation of Roadway Levels of Service: "No feasible mitigation." Explain why the county cannot further mitigate the effects of LOS D, E, and F.	42-4
Pg. 2-19, 4.4-2a: Adverse Effects on Emergency Access. Mitigation of roadway conditions is an inadequate response to problems of emergency response for greater levels of rural residential development. Residents should be told what response times they can expect for emergency services.	42-5
Pg. 2-22, 4.5-5a: Exposure of People or Structures to Flood Hazards. Explain why Solano County should not adopt standards to guard against the 200-year flood event.	42-6
Pg. 2-27, 4.6-2a. Loss of Value of Upland Grassland, Oak Woodland, Oak Savanna, and Scrub/Chaparral Habitats. Mitigation is inadequate insofar as there is no date of completion for RS.I-3, protection of oak woodlands and oak trees. Explain why no other types of trees are to be protected, such	42-7

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as bay, toyon, or horse chestnut.	42-7 Cont'd
Pg. 2-48, 4.8-1a, Loss of Important Farmland. Mitigation is inadequate. There is no rationale given for Rural Residential growth beyond ABAG requirements. The locations of 4171 acres of Important Farmland are not given, so it is difficult to know how to access the loss of these acres.	42-8
Pg. 4.9-29 and 4.9-33. Maximum buildout population estimates differ between Table 4.9-11 and Table 4.9-15 (62,105 vs. 59,443). Why?	42-9
Pg. 2-49, 4.9-1a and 1b. Insufficient Water Supplies. There is no rationale given as to why only projects of 500 or more housing units trigger the requirements of SB 221. Explain how large subdivisions comport with the principles of Orderly Growth.	42-10
Considering the fact that insufficient water is available for county development, add to paragraph beginning, "Before recordation of any final small-lot subdivision..." the requirement that a performance bond be posted with a strong California bank that will guarantee satisfactory operation of the subdivision water supply for a period of six years after notice of completion of the subdivision.	42-11
Pg. 2-51, 4.9-3a. Implement Measures to Ensure Sufficient Wastewater Systems for Development Projects. Because of the necessity of adequate wastewater treatment, the requirement that only a "written verification that existing treatment capacity is available and that needed physical improvements for treating wastewater will be in place" is inadequate. Stronger assurances should be required, such as a performance bond, as suggested immediately above.	42-12
Pg. 2-52, 4.9-4a. New or Expanded Wastewater Facilities. Explain why no acreage mitigation is to be required for loss of farmland.	42-13
Pg. 2-56, 4.10-2a. Alteration of Historical Build-Environmental Resources. Third bullet, "...implement feasible mitigation..." should be made more concrete.	42-14
Questions about DEIR statistics	
Explain apparent discrepancies in figures. According to page 5-21, bottom, a No Plan alternative would still see 17,655 acres (or 18,090 according to page 5-22, middle) of agricultural land lost. If the Preferred plan is to lose 21, 971 acres (Executive Summary, pg. 2-48), why is it stated that Alternative One would result in the conversion of 15,072 fewer acres of agricultural land to urban uses than the 2008 Draft General Plan?	42-15
Explain apparent discrepancies in acreage figures in Table 3-2. How was 6,878 acres of present Residential designations determined? The two figures above the total don't equate.	42-16
Explain apparent discrepancies in population figures. At Maximum buildout, Table 4.1-7 predicts 62,105 and Table 4.1-8 predicts 59,443	42-17
Table 3-2 states that there are presently 5,864 acres of Rural Residential designations, and the 2008 Draft General Plan has 13,721 acres. Provide the locations and sizes of these additional 7,857 acres of designations.	42-18
End	



- 
- 42-1 The commenter states that Mitigation Measure 4.1-4a in the DEIR is inadequate because it fails to require greater mitigation for Important Farmland and for lands that have existing conservation easements. Mitigation Measure 4.1-4a amends Program AG.I-1 of the 2008 Draft General Plan and increases the minimum mitigation ratio to 1.5:1 or higher for farmland conversion to better mitigate the impacts of new nonagricultural uses adjacent to neighboring agricultural operations. All farmland, regardless of its agricultural value or conservation status, is to be mitigated at this higher ratio. The commenter does not provide a rationale for why a higher ratio should be used for these types of land.
- 42-2 As outlined under Impact 4.2-6a, paragraph 2, in the DEIR, major sources of odor such as wastewater treatment facilities could be a significant impact. Therefore, as required under Mitigation Measure 4.2-6a (bullets 2 and 3) on page 4.2-38 of the DEIR, wastewater facilities of all types would be required to install odor control devices and locations of wastewater facilities would be reviewed for possible sensitive-receptor exposure conflicts.
- 42-3 The comment is noted. Consistent with the programmatic nature of the EIR, the discussion following Impact 4.3-2a was provided to identify typical noise sources and was not intended to be a comprehensive list of all conceivable noise-producing uses. Nonetheless, as shown in Chapter 4 of this FEIR, the first paragraph of Impact 4.3-2a on page 4.3-30 of the DEIR is modified as follows to include wastewater treatment plants within the generalized list:
- Under the Preferred Plan, future development of noise-generating uses (e.g., industries, commercial loading docks, automotive maintenance facilities, recreational areas, wastewater treatment plants), in areas containing noise-sensitive land uses (e.g., residential dwellings, schools, hospitals, parks, hotels, places of worship, libraries) could cause noise levels to exceed acceptable limits as defined in Tables 4.3-9 and 4.3-10 and described in Impact 4.3-1a above.
- 42-4 The inability to mitigate Level of Service D, E, or F (Impacts 4.4-1a and 4.4-1b) results from a combination of various situations. The amount of development contributing to increased congestion would occur within local jurisdictions, outside of the land uses proposed in the 2008 Draft General Plan. The 2008 Draft General Plan includes policies for developments in the unincorporated portion of Solano County to contribute to the fair-share impacts, but local jurisdictions would also need to participate to develop any program. Because many of the needed improvements would be funded substantially with project development fees in those other local jurisdictions, the County cannot guarantee their implementation, nor can funding for these projects be guaranteed. Therefore, the DEIR conservatively concluded that Impacts 4.1-4a and 4.4-1b would be significant and unavoidable. Please refer to Response to Comment 12-6.
- 42-5 The commenter requests an analysis of potential emergency-response times.
- The “Fire Protection and Emergency Services” section in Section 4.9, “Public Services and Utilities,” on pages 4.9-14 through page 4.9-18 of the DEIR describes emergency services in Solano County and provides response times for the agencies that provide emergency response. As noted on page 4.9-14 of the DEIR, the agencies providing emergency response services in Solano County are as follows:

- ▶ California Department of Forestry and Fire Protection (CDF)–Gordon Valley Fire Station,
- ▶ Cordelia Fire Protection District (FPD),
- ▶ Dixon FPD (under contract with City of Dixon Fire Department),
- ▶ East Vallejo FPD (under contract with the City of Vallejo Fire Department),
- ▶ Montezuma FPD,
- ▶ Suisun FPD, and
- ▶ Vacaville FPD.

The DEIR provides a discussion of service and response standards and current performance on page 4.9-16. However, in response to the commenter’s request, this discussion is reprinted below.

### **Service and Response Standards and Current Performance**

Service and response standards are the desired response rates each fire district would like to achieve. Current performance is the actual response rate that being achieved by each district. Response time designations are given to metropolitan, urban, suburban, and rural areas as guidelines to adequate service levels. A metropolitan designation (population of more than 200,000 people with more than 3,000 people per square mile) requires a response time of 4–5 minutes about 80% of the time. An urban designation (population of more than 30,000 people with a density of more than 2,000 people per square mile) requires a response time of 5–6 minutes about 80% of the time. A suburban designation (population between 10,000 and 29,999 or with a density of 1,000–2,000 people per square mile) requires a response time of 5–6 minutes 80% of the time. A rural designation (population is less than 10,000 people or with a density of less than 1,000 people per square mile) requires a response time of 8–10 minutes 70% of the time.

All of the unincorporated Solano County fire districts have a rural designation. Because CDF’s Gordon Station is composed of volunteer fighters, there is no response standard. However, the station’s response time is about 4 minutes on average (Bryden, pers. comm., 2006). East Vallejo FPD has a standard of 4 minutes or less and it is estimated that it is achieved 90% of the time (Parker, pers. comm., 2006). Montezuma FPD and Suisun FPD do not report their average response times. Cordelia FPD and Vacaville FPD have achieved their desired response times of 8–10 minutes, with a response time of 10 minutes or less and 9 minutes, 44 seconds, respectively. Dixon FPD’s average response time is 11 minutes, 1 second, exceeding the service level maximum (Solano County 2006).

Further, the DEIR provides a discussion of goals and policies in the proposed 2008 Draft General Plan included with Impact 4.9-7a on page 4.9-52 that would ensure that sufficient emergency services are provided. This discussion is excerpted below.

The 2008 Draft General Plan is intended to achieve steady and orderly growth that allows for the adequate provision of services and community facilities. To support this goal as it relates to fire protection and emergency services, the plan outlines policies to ensure the provision of adequate services in Solano County. The following goal and policies from the Public Services and Facilities chapter address potential impacts on fire protection and emergency services:

- ▶ **Goal PF.G-3:** Provide effective and responsive fire and police protection, and emergency response service.
- ▶ **Policy PF.P-1:** Provide public facilities and services essential for health, safety, and welfare in locations to serve local needs.

- ▶ **Policy PF.P-2:** Require new development and redevelopment to pay its fair share of infrastructure and public service costs.
- ▶ **Policy PF.P-36:** Ensure accessible and cost-effective fire and emergency medical service throughout the county. Facilitate coordination among city and county fire agencies and districts to improve response times, increase services levels, provide additional training, and obtain essential equipment.
- ▶ **Policy PF.P-38:** Identify and require incorporation of fire protection and emergency response measures in the review and approval of new projects.

Implementation of the goal and policies included in the 2008 Draft General Plan would address impacts on emergency services related to population growth for Solano County under buildout of the plan.

42-6 The commenter questions why the County should not adopt standards to guard against the 200-year flood event.

Consistent with Appendix G of the State CEQA Guidelines, the DEIR considered impacts of the 2008 Draft General Plan on hydrology and water resources related to flooding based on the 100-year flood event. As explained in the DEIR, impacts related to 100-year flood events would be less than significant with adoption and implementation of the proposed policies and programs in the 2008 Draft General Plan, combined with existing flood regulations. The County's approach is also consistent with the Federal Emergency Management Agency's requirement for a minimum level of flood protection for new development based on a 100-year flood event.

Furthermore, the 2008 Draft General Plan discusses the County's need to comply with Assembly Bill 162 (Chapter 369, Statutes of 2007), which establishes the urban level of flood protection at a 200-year level. Specifically, Program HS.I-2 on page HS-15 of the 2008 Draft General Plan directs the County to incorporate the California Department of Water Resources' 200-year floodplain mapping and *Central Valley Flood Protection Plan* measures once they are available, and include appropriate measures from the plan within the County's Zoning Ordinance update, to be completed after adoption of the 2008 Draft General Plan.

42-7 Mitigation Measure 4.6-2a and 4.6-2b for Impacts 4.6-2a and 4.6-2b on oak woodlands and savanna requires mitigation and management plans and replacement of native trees and shrubs independent of the future oak ordinance (Program RS.I-3). This mitigates the impact to a less-than-significant level regardless of the date of completion of the ordinance. Mitigation Measure 4.6-2a and 4.6-2b also requires replacement of "all native trees and shrubs" (DEIR page 4.6-41), not just oaks.

42-8 Please refer to Master Response C, "Rationale for Rural Residential Land Use Designation," in Chapter 2 of this FEIR.

The rationale that the County used for identifying Rural Residential growth beyond the regional housing needs allocation (RHNA) prepared by the Association of Bay Area Governments (ABAG) is a 2008 Draft General Plan program consideration that is outside the purview of the EIR. The RHNA numbers are prepared in 5-year increments as part of the Housing Element updates that are conducted every 5 years. The 2008 Draft General Plan is a long-range plan with a 2030 time horizon. ABAG will conduct housing allocations under the RHNA process several more times during this time period. The allocation for future years is unknown at this time. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.

Related to the location of Important Farmland in Solano County, the DEIR fully analyzes impacts related to the loss of Important Farmland in the county (see Impacts 4.8-1a and 4.8-1b in Section 4.8, “Agricultural Resources,” of the DEIR). The DEIR identifies 4,131 acres of Important Farmland that would be converted to urban land uses with implementation of the 2008 Draft General Plan, which is equal to approximately 2.6% of the 157,736 acres of Important Farmland in the county. Identifying the specific location of Important Farmland is not feasible at this time and would depend what market conditions will look like in 10, 15, or 20 years. The kind of analysis demanded by the commenter would of necessity include so much pure speculation as to be of little or no practical value. Further, the identification of the precise areas of farmland that would be converted is not required to assess the impact significance related to the conversion at this programmatic level.

42-9 The comment is noted. As shown in Chapter 4 of this FEIR, the existing Table 4.9-15 on page 4.9-33 of the DEIR is revised as follows to be consistent with other growth estimates in the document:

<b>Table 4.9-15 Population Forecast for Buildout of the 2008 Draft General Plan</b>			
Existing Population (2000)	Projected Population with the 2008 Draft General Plan (2030)		ABAG Projections for Unincorporated Solano County (2030)
	Growth under the Preferred Plan	Growth with Total Buildout (Maximum Development Scenario)	
19,988	39,455	<del>59,443</del> <u>62,105</u>	26,000
Note: ABAG = Association of Bay Area Governments Sources: Solano County 2006, data provided by Solano County in 2008			

42-10 The commenter states that no rationale is given as to why only projects of 500 or more housing units trigger Senate Bill (SB) 221 and would like an explanation of how large subdivisions comport with the principles of orderly growth. Housing units of 500 or more is the trigger established by SB 221, and it is the responsibility of the County to comply with this senate bill. This comment is outside of the responsibility of the DEIR.

The commenter also asks how large subdivisions comport with the principles of orderly growth. Please refer to Master Response I, “Orderly Growth Initiative,” in Chapter 2 of this FEIR. Any such subdivision would be required to comply with all provisions of the 2008 Draft General Plan and the Orderly Growth Initiative, as applicable. No specific “large subdivision” is proposed within the 2008 Draft General Plan. Rather, the plan provides land use designations that would allow for residential development at certain locations. Provisions of the 2008 Draft General Plan that would require redesignation of agricultural or open space lands to residential or Special Project Area designations are subject to voter approval, as described in Master Response I.

42-11 The commenter suggests that the DEIR require a performance bond be posted with a strong California bank that will guarantee satisfactory operation of the subdivision water supply for a period of 6 years after notice of completion of the subdivision. However, the request for a performance bond does not relate specifically to mitigate an environmental impact included in the EIR for the 2008 Draft General Plan and requests economic relief as a result of project effects. As stated in Section 15131(a) of the State CEQA Guidelines, “Economic or social effects of a project shall not be treated as significant effects on the environment.” In this regard, the economic or

social changes that a project (in this case, the 2008 Draft General Plan) may cause are not, in and of themselves, significant environmental effects that require analysis in an EIR, and an EIR is not required to implement measures, such as performance bonds, that would provide economic relief as a result of environmental effects. However, relating to insufficient water use and supply, please refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR for a revised analysis of water use and supply.

42-12 The commenter suggests that Mitigation Measure 4.9-3a on page 4.9-45 of the DEIR, which requires projects to implement measures to ensure sufficient wastewater systems for development projects, “a written verification that existing treatment capacity is available and that needed physical improvements for treating wastewater will be in place” is inadequate and that stronger assurances should be required, particularly a performance bond. However, as mentioned in Response to Comment 42-11, the request for a performance bond does not relate specifically to mitigate an environment impact included in the EIR for the 2008 Draft General Plan and requests economic relief as a result of project effects. As stated in Section 15131(a) of the State CEQA Guidelines, “Economic or social effects of a project shall not be treated as significant effects on the environment.” In this regard, the economic or social changes that a project (in this case, the 2008 Draft General Plan) may cause are not, in and of themselves, significant environmental effects that require analysis in an EIR, and an EIR is not required to implement measures, such as performance bonds, that would provide economic relief as a result of environmental effects.

Further, as shown in Chapter 4 of this FEIR, Mitigation Measure 4.9-3a on page 4.9-45 of the DEIR is revised to require that development projects must acquire permitting under applicable regulatory programs to ensure that adequate wastewater treatment is available for development projects. Please refer to Response to Comment 12-42 for the revised text.

42-13 The commenter asks why there is no mitigation for farmland lost as a result of construction of new wastewater facilities. The locations of any new wastewater treatment facilities required to serve development under the 2008 Draft General Plan have not been determined; there is no basis for assuming that farmland would be lost. Any necessary mitigation would be determined on a project-specific basis in accordance with policies in the 2008 Draft General Plan. Please refer to Master Response E, “Programmatic Nature of EIR,” in Chapter 2 of this FEIR.

42-14 The comment is noted. Mitigation Measures 4.10-1a and 4.10-2a are revised (as shown below) to specify the objectives of feasible mitigation without limiting the options available to achieve the mitigation’s intent (i.e., specific treatments are to be developed on a case-by-case basis by a qualified architectural historian depending on the nature of the resource, the qualities of its significance, and the type of impact).

As shown in Chapter 4 of this FEIR, the last bullet in the bulleted list on page 4.10-26 of the DEIR is revised as follows:

- ▶ If the building or structure qualifies as a historical resource, and a substantial adverse change in its significance would occur, the County shall require the project applicant to implement feasible mitigation as recommended by the architectural historian. The objective of the mitigation shall be to substantially lessen the material impairment of the resource’s significance in accordance with the requirements of 14 CCR Section 15041(a).

As shown in Chapter 4 of this FEIR, the last bullet in the first bulleted list on page 4.10-28 of the DEIR is revised as follows:

- ▶ If the building or structure qualifies as a historical resource, and a substantial adverse change in its significance would occur, the County shall require the project applicant to

implement feasible mitigation as recommended by the architectural historian. The objective of the mitigation shall be to substantially lessen the material impairment of the resource's significance in accordance with the requirements of 14 CCR Section 15041(a).

As shown in Chapter 4 of this FEIR, the last bullet in the bulleted list on page 4.10-29 of the DEIR is revised as follows:

- ▶ If the buildings or structures adjacent to the project site qualify as a historical resource, and a substantial adverse change in its significance would occur, the County shall require the implementation of feasible mitigation as recommended by the architectural historian. The objective of the mitigation shall be to substantially lessen the material impairment of the resources' significance in accordance with the requirements of 14 CCR Section 15041(a).

42-15

The comment is noted. As shown in Chapter 4 of this FEIR, the third and fourth paragraphs under "Impacts on Agricultural Resources" of Section 5.4.2, "Environmental Effects," of the DEIR are revised as follows:

Although fewer acres of agricultural land, including Important Farmland, would be converted to urban land uses under Alternative 1 than under the 2008 Draft General Plan, implementation of Alternative 1 would continue to result in the loss of approximately ~~17,655~~ 6,899 acres of agricultural land, of which a certain portion would be designated as Important Farmland. Because Alternative 1 would continue to result in the loss of Important Farmland from development of urban uses, this impact would be significant.

Of the ~~17,655~~ 6,899 acres that would be converted from agriculture, it is assumed that a certain percentage is protected under a Williamson Act contract. The Williamson Act is an agricultural conservation tool that allows local governments in California to enter into contracts with private-property owners to protect land for agricultural and open-space purposes. This voluntary program offers tax breaks by assessing lands based on actual use (agricultural or open space) as opposed to their potential full market value, creating a financial incentive to maintain farmland and open space, as opposed to allowing conversion to other uses.

As shown in Chapter 4 of this FEIR, the first paragraph under "Impacts on Cultural and Paleontological Resources" of Section 5.4.2, "Environmental Effects," of the DEIR is revised as follows:

A total of ~~18,090~~ 6,899 fewer acres would be converted from agricultural uses or designated as new commercial, industrial, or residential uses under Alternative 1 than under the 2008 Draft General Plan. Based on these numbers, it appears that fewer impacts on archaeological deposits and paleontological resources that may be significant under CEQA would occur. The potential for the disturbance of human remains from development-related construction would also be lower. Similarly, fewer historical built-environment resources (e.g., rural ranch houses, barns) would be subject to destruction or alteration because of the difference in acreage that would be converted.

The changes to the alternatives analysis do not affect the overall analysis because the No Project Alternative would still result in less conversion of agricultural lands than the 2008 Draft General Plan, and because the remaining chapter accurately described the 2008 Draft General Plan as resulting in 15,072 acres of agricultural conversion. Please refer to Master Response F, "CEQA Requirements Regarding Recirculation," in Chapter 2 of this FEIR.

- 42-16 The comment is noted. As shown in Chapter 4 of this FEIR, Table 3-2 in Chapter 3, “Project Description,” of the DEIR is revised to include 728 acres of Traditional Community—Residential land uses, representing currently developed rural communities such as Collinsville, Old Town Cordelia, Birds Landing, Elmira, and the unincorporated islands in Vallejo. This amount of existing residential land use was assumed in the DEIR baseline; therefore, this change does not affect the environmental analysis or conclusions reached within the DEIR. Please refer to Master Response F, “CEQA Requirements Regarding Recirculation,” in Chapter 2 of this FEIR.
- 42-17 The commenter states that discrepancies exist between the population estimates contained in Table 4.1-7 and in Table 4.1-8 of the DEIR. No such discrepancy exists. Table 4.1-7 states that 39,455 additional persons are expected to reside in the unincorporated county under the Preferred Plan and 62,105 additional persons would be expected under the Maximum Development Scenario. These values do not include the existing population. Table 4.1-8 states that the total population of the unincorporated county would be 59,443 persons at buildout. This includes the existing population of 19,988 persons and 39,455 additional residents expected under the Preferred Plan.
- 42-18 The comment is noted. As shown in Chapter 4 of this FEIR, Exhibit 4.1-1, showing existing land uses in Solano County, has been included in the DEIR. Comparing this new DEIR exhibit (i.e., existing land uses) and the existing Exhibit 3-2 (i.e., proposed land uses) (see Chapter 3, “Project Description,” of the DEIR) will show the location and size of the additional 7,857 acres of Rural Residential land use designations envisioned in the 2008 Draft General Plan.

# **LETTER 43**

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JUNE GUIDOTTI

June 1, 2008



JUNE GUIDOTTI  
3703 Scally Road  
Suisun, CA 94585

RECEIVED  
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June 1, 2008

Jim Louie, Senior Planner  
County of Solano County  
Resource Management Department  
675 Texas Street, Suite 5500  
Fair, CA 94533



ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/11/01 BY 9804/ALB

**RE: Draft 2008 Solano General Plan SCH#2007-122069 (Volume 1:DIER TEXT).  
Comments for June 2, 2008. I, request all (CAC 34 Meeting), B.O.S. Planning  
Commission meeting comments added as part of this letter.**

Dear Jim Louie, Brigitta Corsello, B.O.S., CAC, Harry Englebright, Mike Yankvich,  
(EWAW, Jeff Goldman, CICP Project Director/Principal-in-Charge).

The plan project in the General Plan is not sustainable plan for the future. Your plan is  
cloudy, the language is not clear for the public. The plan for the future is not being  
carried out in your plan. Examples below:

1. Dumping garbage in the wrong place in the marsh;
2. Contaminating the water of the Marsh; Mega dairy/ bio solids
3. The taking of agriculture land;
4. Reducing agricultural land;
5. Giving Green Valley water for the stipend and ignoring the dry area;
6. Using mitigation overlay for taking of private property rights;
7. Not using Bio Technology Trammel systems as an alternative for land filling;
8. Taking of wetland for profit and using mitigation banks so the empire builders  
can fill in the wetlands;
9. Misusing government system for a check. Selling grain for fuel not for the need of  
food for the public.

43-1

Your 2008 General Plan is out of the 1950's era. Lacking sustainable planning watering  
twice a day is that sustainable (See Page 2-1, 4.2-1a(2) 4.2-1a Dust Emissions.)  
Insufficient water supplies to meet the future water demand in unincorporated areas  
served by the County.

Policy L.U.P-2 (4.12-12)

I, June Guidotti, request you be consistent to the public where the plan project  
addendum is to be put as part of the 2008 Draft General Plan. Add superior site §66646 .

"A superior sited Environment Alternative: §66646, Construction of new or expanded  
thermal electric generating plants within Suisun Mash; (enclosed is CA Government  
Code §66646).

43-2

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CEQA requires that an environmentally Superior” alternative among the alternatives considered be selected and sited; and that the reasons for such section be disclosed. In general, the environmentally superior alternative is the alternative that would generate the fewest or least severe adverse impacts.

43-2  
Cont'd.

The design of this facility would be designed to achieve the majority of the community goals that has not been expressed throughout the 2008 Draft General Plan.

**ALTERNATIVE TO POTRERO HILLS LANDFILL EXPANSION**

The Clean Water Act 44(b) (1) Guidelines states that “no discharge or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystems, so long as the alternative does not have other significant adverse environmental consequences... (CFR 40 Part 230.10.)” A practicable alternative to the proposed expansion of the site that would have fewer impacts to the water, soil, and air has existed since approximately 1977. This alternative is the operation of a waste-to-energy plant that I request for Solano County to Amend the General Plan back as Solano County Changed the General Plan. Below listed documents are with this letter:

1. January 1976 Draft Environmental Impact Report Solano County Solid Waste Management Plan for the period of 1975-2000;
2. William S. Reustle’s July 6, 2007 Letter RE: General Plan Update Parcel: 0046-130-070;
3. William S. Reustle’s May 12, 2008 letter to Micheal Bledsoe at (CIWMB.) cc to Narisa Untal, Brigetta Corsello Mike Yanvich, Ron Glas, Harry Englebright. RE: To cite and establish a feasibility anaerobic research project;

43-3

In the 1985 Potrero Hills Sanitary Landfill Solid Facilities Permit (48-AA-0075) **REQUIRED THAT THE OPERATOR EVALUATE THE FEASIBILITY OF A WASTE-TO ENERGY PLANT** with the results of studies to be submitted to the Local Enforcement Agency and the County Resources Committee. I requested in my 8-18-2007 Letter to Elizabeth Dyer, U.S. Army Corps of Engineers that the Corps obtain the studies and evaluate the feasibility of a waste-to-energy plant vs the proposed expansion of the PHLF according to the Marsh Protection Act. The thermal electric generating plants specifically could be constructed within the Suisun Marsh if the Energy Commission determined that the site would have greater relative merit than the alternative sites. Further, I require the Board of Supervisors and the Planning Commission evaluate the feasibility of a waste-to energy plant vs the proposed expansion of the PHLF. My property is the 150 acres directly adjacent to the Solano Garbage Company, and one of the three proposed sites (Suisun Preservation Act page 19) for the expansion of the Solano Garbage Company. Siting of a waste-to-energy plant on my property would be the superior alternative to the

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expansion of the landfill, as it would have fewer environmental impacts, and it would be developed for agricultural grain production.

The Preferred Plan §66646 thermal electric generating plant would have a stack of considerable height, and it will occur a large amount of space, giving its surroundings and unmistakably heavy industrial character. The Guidotti parcel is the buffer to the marsh. This would promote sustainable agricultural activities and practices that support and enhance the natural environment. These activities should minimize impacts on soil quality and erosion, potential water quantity, and quality energy use air quality, and natural habitats. Sustainable agricultural practices should be addressed in the County's proposed Climate Action Plan to address climate changes effects. A Thermal electric plant would make Solano County a model for energy efficiency.

43-3  
Cont'd.

I recommend deleting the entire Agricultural Reserve Overlay designations. However, should this concept move forward, all sentences should be modified as follow:

▪ Be consistent with Draft General Plan Language: Is it Required or Encouraged. The word "Encouraged" should be the used term;

▪ The landowner should maintain ownership and management control;  
▪ The County holding easements would be a conflict of interest;  
▪ I am opposed to socialist policies that result in the limitation or taking of property rights and land value and results in a benefit to other property owners or redistribution of that value by local government. Property rights need to be returned to the landowner;

43-4

My project, General Plan Amendment Proposal #13, was not included in the Draft General Plan that is being reviewed by the Planning Commissioners. I request that the Planning Commissioners include my project in the appropriate location of the General Plan, as William S. Reustle's letter of July 6, letter stated "She requests that her land use be accordingly revised so that there will be no restrictions on her anticipated activities". As Harry Englebright made a typing error (he used the word pyrolysis) on the land use and Jim Spering would not change it, even when it when to the Board of Supervisors, this has become a big game with Mike Yankvich and Harry Englebright, as Dennis Bunting was asked to put it back on the agenda to the Board of Supervisors as Dale Cartwell made a mistake before he left for a new job;

43-5

▪ Agricultural Regions: I have proposed a project plan to develop a research project that would use agricultural by-products in a digester to produce high quality animal feed and also generate electricity. My application sits on Ron Glas' desk. The SID water for the project is still waiting for payment from the director, Ms. Corsello, Jim Spering, and John Sliva. The Seven Cities need to pay for the work; they need to order the work order from SID for Project 13, because the Guidotti parcel is in the SID place of use for water;

43-6

page 31  
13

- Page 4.9-49 Policy PF.P-29 Design all new landfill sites to reduce or eliminate off-site odor, leachate, transportation, vector, and other potential effects on nearby properties. Explain how you can design a building in the Potrero Hill canyon to put truck washing station a power plant building, A Visit Station building Recycling Building. ? ?????????????????????????????????  
Remember this is Agricultural land. There is not to be any building.

43-7

**Alternative Energy and Renewable Energy Resources 4-12-6**

Transformation projects (also known as resource recovery projects or “waste-to-energy” development) convert agricultural and municipal wastes, respectively, to fuel or electricity. The primary reason for most transformation projects is to dispose of wastes, and the energy produced is a useful byproduct to offset disposal costs. Landfill gas recovery systems and methane fermentation projects both produce methane gas, which can be burned in a gas turbine to generate electricity. Methane gas can be recovered from landfills and sewage treatment plants and converted to electricity. Solano County does produce large volumes of agricultural waste, much of which is disposed of by open burning. Transformation plants are an alternative method of disposing of these wastes.

Direct combustion projects, where agricultural refuse or municipal solid waste is burned to generate electricity, have greater environmental impacts and are usually more controversial than methane-producing projects. Transformation technologies are still relatively new to California. Transformation plants have been proposed statewide as a solution to the state’s diminishing landfill capacity. Proposals throughout the state have sparked public opposition over issues regarding odor, toxic wastes, air pollutant emissions, noise, and traffic.

The Potrero Hills Landfill, located outside of Suisun City, is currently working on permit applications and environmental approval to allow modifications to the existing landfill, including the addition of a landfill gas-to-energy operation involving either a power plant that generates electricity or addition of a processing unit that pressurizes the landfill gas for off-site export or for vehicle fuel. The proposed expanded operations will be located southeast of current operations on site.

43-8

- How will the (PHLF) phase 1, and 2 project change the watershed hydrology impact our ability to restore habitat for salt marsh harvest mouse (Reithrodontomys raviventris)&CA clapper rail (Rallus longirostris obsoletus), Suisun thistle (Cirsium hydrophilum with their industrial commercial road into the landfill?
- DEFINE HOW( PHLF) WILL DO MITIGATION FOR SPRING CREEK, PHASE I & 2 ,MITIGATION FOR POTRERO LANDFILL , WHEN LANFILL CANNOT DO MITIGATION UNDER THE LAW?
- Why is the Guidotti alternate project 13 that is the buffer to the marsh not a better alternate than PHLF project in the canyon?

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- Impact of climate changes 6-4 Page 6-34 Climate change among other impacts, increase storm cycles, alter temperature, increase mean sea level, industrial use location. How do the (PHLF proposed project and the project alternatives deal with possible climate issues?
- Page, 4.12-6 (Alternate Energy & Renewable Energy Resources PHLF)
- When PHLF changes their land use and zoning in 2010 (from grazing land to industrial use). How would the problem be corrected if impaired water impacts the ground water wells on the Guidotti Ranch, or impacts the fresh water ecosystem of the Suisun Marsh?
- Why have the General Plan not included the alternative for the Potereo Hills Landfill. the Trammel System that is used all over the world?
- Page 4.12-6 Define what a PHLF POWER PLANT IS?
- Define what effects PHLF new project will have to GREEN HOUSE GAS?
- Define what effect (PHLF) will have on the California tiger salamander that are planned to be mitigated on the south east of their new phase two landfill?
- Question
- Define how Potrero Hill Landfill will do any mitigation for the Actor Guild property, Tonnesen Sanitary Landfill, Tonnesen Pet Cemetery?, Griffin Ranch, when under the law landfills cannot do mitigation?
- Define how the Hay Road Landfill will do mitigation for composting that is not in the general plan? When landfills cannot do mitigation?
- Explain what effect PHLF Power Plant Building for Recycling will have on agriculture land in the Susuin Marsh?
- Define how (PHLP Power Plant & Building) will go back to agriculture use?
- Give the date that all of (PHLF) Phase 1 will go back to Agriculture use?
- Give the date (PHLF) the Joint Technical Document and the Landfill Closure Plan will be available for the public to see?
- If the Joint Technical Document for PHLF was available for the public the public would be able to see if PHLF was planning to put a Cemetery in the landfill as the general plan writes in codes in there policy, land use Public/Quasi-Public.

43-8  
Cont'd.

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- The General Plan and the local protection plan policy was changed in the Suisun Marsh Protection Plan could only have water for long term Agricultural use. It has been changed to state in the 2008 DIER, that sewer and water can be given for the health and safety of the people. (Per SID, States: Potrero Hills is not in the Place of use for SID water. There are a lot of things going on in this county, that is out of are control. This is one of them.

See :(page 4-5-18, 4-5-19) Any additional water demands beyond what is supplied by SCWA are not addressed in this report. These additional supplies would be addressed in each city's individual UWMP.

- Define why you have not included in the General Plan all the effect for all the county water and sewer needs?
- When will the public be able view the SCWA report?
- In the final EIR define & add who is in the place of use for the different parcel and area?

- Health and Safety Concern: Fire, gas spill, air quality, dust, flies, Project 13 as the Preferred Alternate would have a way of disposing of the Methane gas leaking from Potrero Hills Landfill

Why was this alternative not considered?

- Solano County would have to give (PHLF) methane gas to Project 13 Guidotti Superior Alternate as the pipe line of methane gas from (PHLF) has been proposed to go to Travis Air Force Base for the protection of the Base and to run its boilers and for the security of the United States, but PHLF and Resource Management let the methane gas leak into Marsh, lets (PHLF) haul the gas in trucks to Walters Court, this is not in their 1996 permit.

Question: Why is Paul Wiese in Transportation doing this without PHLF being permitted? These need to have a biological study do<sup>on</sup> the water of the United States, in case of a spill, When will EIR be done for the safety of the Public and of the Marsh, Please give a date?

- Question: If there was loss of agricultural land in Potrero Landfill because BCDC would give them there Marsh Development Permit to Build a Power Plant in the Canyon, and there was a 100% loss of the CTS habitat, seasonal wetlands, waters of the United States, loss of uplands that the Marsh Plan and LLP identify as valuable habitat. The area of the Phase II (PHLF) would equal 100% loss of all grasslands throughout Potrero Hills Valley.

This loss should be chronicled and evaluated because this land would never return to agricultural use.

- The Question is:
- Give me the Dollar amount to buy credits to get a conservation easement would afford real protections and ensure that the Potrero Hills Valley would return to agricultural uses in the future
- The Empire Builder would paid.....????????????????????????????????  
 \$175,000/ acre constructed vernal pools includes 404 credits & ESA credit  
 \$125,000/acre preserved vernal pools  
 \$150,000/acre CTS breeding ponds

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\$12,5000/ acre CTS uplands

- Once you receive your 404 from the Corp of Engineers and your Biological Opinion you can Fax Wetland Resource LLC the Elsie Gridley Multi North Suisun Mitigation Bank Don't forget 401 San Francisco Waterboard Money.....Total amount?.
- Add Resource Management 15 cent a ton, Plus ?
- Add Solano Land Trusts amount?????????????Is Solano Land Trust the Bank?
- Add conservation for agricultural.....Grand total is?

- The 101 Congress states that The Suisun Marsh Wetlands is irreplaceable no valuable can be placed on it: Question: What is your authority for putting a dollar amount on irreplaceable Natural Resource?

- Page 4.5-31 State Plans, Policies, Regulations, and Laws  
Porter- Cologne Water Quality Control Act  
The Porter- Cologne Water Quality Control Act is California's statutory for the protection of water quality policies, plan, and objectives that ensure that beneficial uses of water in the state are reasonably protected. The act requires the nine RWQCBs to adopt water quality control plans and establish objectives, and authorizes the SWRCB and RWQCBs to issue and enforce waste discharge requirements (WDRS) that contain terms and conditions to regulate the discharge of waste to surface waters and land.

- How is the water of the state reasonable protected, (PHLP) Tonnesen landfill is operating without any discharge requirements?

- How is the groundwater and surface water, watershed, drinking water, surrounding well protected, buy mitigations? Buy using Landfill personal water testing? Encon is who did the first ground water study, today same company different name. Encon got 50 thousands dollars for saying the clay liner was fine in 1985 to put Potrero Hills Landfill in the Valley.
- What do you think the loss of groundwater to Spring Creek is?

- Page 4-3-11 Travis Air Force Noise Contours Map:  
Public /Quasi/public shows at highway 12, and at highway 113, and at C Collinsville. What is planned for this area?

- Page 4.5-29 Map 100-Year Floodplain Zone does not show the flood zone going over Scally rd. and to east of Scally Road why?

- Page 4-5-3 Map Solano County General Plan Eir Exhibit 4-5-1 water service Areas and Facilities, Municipal Services Areas water pipeline is at Scally Rd. Why will Resource Management not give this water for project 13?

- Page 3-5 Exhibit 3-2 land use Map. How will you correct the mistake that was made on Resource Conservation Overlay on Guidotti Parcel?

43-9  
Cont'd.

43-10

43-11

43-12

43-13

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- If you do not remove the overlay that is a taking of GUIDOTTI PROPERTY VALUE how do plan on paying for the taking? You do not have the authority or permission from the Guidotti Family to make use of are Private Property as stated on are deed.. REMOVE THE OVERLAY, IT IS UNLAWFULLY.

43-13  
Cont'd.
- Page 3-5 Map Exhibit 3-2 land use Map explain how the map show on Peabody Rd Public/Quasi/Public Where Andrew, Cassil, Harper, maybe Tonnsen have a pet operating burning facility? This facility was not in are General Plan today map. It is to my understanding this has been in different place in solano county is this true? Also in Napa County? How did this come to be?

43-14
- Page 3-5 Map Exhibit 3-2 Land Use Map; This map show Kildeer Road and then access rd. going across the old Solano Garbage Company, then a Road going to PHLF site. Explain how this road came to be? This road was not on the last General Plan map, How could this be?

43-15
- Page 3-5 Map Exhibit 3-2 Land Use Map explain how the map show Public/Quasi/public behind the Guidotti Ranch this land on the last General Plan map the zoning and land use is AL-160 Grazing. Explain how Potrero Landfill came to be on land that is not Zoned Solid Waste on the last General Plan Map?

43-16
- Page 3-5 Map Exhibit 3-2 Land Use map Explain how Hay Road has the Public Quasi/public blue going to the west? Is that in San Francisco Air District?

43-17
- Page 4.6.55 Program RS.I-12 Review and update the Solano County Component of the Suisun Marsh Local Protection Program in coordination with the San Francisco Conservation Development Commission. The guidelines and standards identified in current policies should be incorporated into the County zoning ordinance and development guidelines. The update will address General Plan policies and other policies programs and regulations within the Local Protection Program.

43-18
- When Potrero Hills landfill go from agriculture use to Non agriculture use to industrial use. The proposed project and alternatives should evaluated in the final 2008 General Plan. Therefore, the impact would be significant. Please clarify that this will be done on the new project of Potrero Hills Landfill? And Clarify that the JTD will be part of the General Plan? Or Change the Public/Quasi/Public land use back to grazing land. If you do not change the land use on the General Map, Explain WHY ?

43-19
- Page 4.9.49 Policy PF.24 Ensure that disposal operations for solid waste are performed in manner compatible with surrounding lands use. Ensure that at the end of such operations the site is restored to a use compatible with surrounding land uses. Explain how PHLF industrial commercial road is compatible with surrounding agricultural use?

43-20

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Respectfully Submitted,

*June Guidotti & Family & for the need of the People*

June Guidotti and Family and  
For The Need Of The People.

*I included all laws and  
policies I have written  
not limited to this letter*

- *Enclosed.*
- 9-16-82 Garry Tonnesen Zoning and surrounding land use zoning
- Please Enclosed my Comment letters from all meeting from CAC, BOS, SPDC. to be added as part of the 2008 General Plan. Enclosed is Bill Reustle July 6, 2007 letter, his request that Guidotti land use be accordingly revised so that there will be no restrictions on her anticipated activities.
- Enclosed is May 28, 2008 North Suisun Mitigation Bank Bid for Mitigation needs. To June Guidotti. ADD TO THE General Plan..
- Golder Associates Map Figure 2 Project 2 053-7470
- Approved 3/26/08, 66646. Const ruction of New or expanded thermal electric generating plants within Suisun Marsh; Condition as alternate to PHLF.
- Wildlands, INC current pricing for North Suisun Mitigation Bank.
- The Banks is approved to sell 404 Credits for Corp of Engineers in San Francisco.
- August 18, 2007 U.S. Army Corps of Engineers Public Notice 26024N, July 20, 2007-PHLF To: Elizabeth Dyer, Question still not answered: BYPASS Lane, Increasing Voltage Current Capacity of Existing Off- Site P.G.E. Alternative to Landfill Expansion, Project impacts to Corps Jurisdiction, Extending the Landfill Horizontally, Increase the Existing Permitted Landfill Height
- August 8, 1996 TO: Will Travis. FROM: J. Williams Yeates
- November 13, 1975 TO: Dan Chapin. FROM: F.R.Henrenkin
- Solano County length of Scally and Emmington roads
- Figure 14 Potrero Hills ditch map
- Order to stop work notice grading PHLF 5-2-03, 11-17-06 Attention: Jeff Dittmer
- Scoping Report. Plan of protection for Suisun Marsh. Clearinghouse number 90030973 August 1991. California Department of Water Resources and U.S. Bureau of Reclamation. Volume 1 and 2 June Bonnici letter Dec. 27 1990

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- Figure 2 Alternative Access Road Routes to PHLF
- October 25, 1978 Dickerson Peatman and Fogarty statement
- June 22, 2004 TO: June Guidotti reference Scally Rd. FROM: Charles Lamoree
- TO: Charles Lamoree FROM: June Guidotti
- May 28, 2003 TO: June Guidotti. FROM: David Paulson. I have advised Ms. Coraello that if she believes there have been violations of law she should contact the Solano County Sheriffs Office and request an investigation.
- July 17, 2004 TO: Carl Schmit. FROM: June Guidotti
- April 29, 1997 TO: Lieutenant Colonel Richard G. Thompson. Public Notice. FROM: Jum Loben Sels. Negative impacts of corps permit. Emmington flap gate should be removed.
- December 15, 2003 TO: June Guidotti. FROM: Joseph E. Peterson. In my opinion, the portion of Potrero Hills Lane which crosses the historic tidal marsh should be placed on a bridge.
- BCDC figure 8 map. Existing and proposed projects number 13 Solnao Garbage Company and Guidotti's parcel as one project. Number 14 Envirosol inc.
- Notice of right to pass. Section 1008, Civil Code and section 813. Guidotti's parcel number 0046-130-070.
- August 18, 2008 TO: Solano Irrigation District. FROM: June Guidotti. Letter for funding agriculture biomass energy facility.
- May 13, 1996 TO: June Guidotti. FROM: Ellen Sampson. Second challenge through a lawsuit regarding the adequacy of the EIR document.
- Vested Brocco Guidotti easement for road and gas line to Travis Air Force Base map. Second map shows he sections where the road goes.
- Solano Board of Supervisors Comments. 1-21-08 comments item 38, letters 1-14-08, 9-11-07, 7-31-07, 4-7-07.
- Jim Louie Notice of Prep 1-31-08
- 5-16-97 Joe Della Zoppa. Notice of Intent has expired Solano Garbage Company and Potrero General permit to discharge storm water.

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TOC: Deering's California Code Annotated > /.../ > Chapter 4. Powers and Duties of the Commission > § 66646. Construction of new or expanded thermal electric generating plants within Suisun Marsh; Condition

Terms: 66646. Construction of new or expanded thermal electric generating plants within suisun marsh; condition  
Cal Gov Code § 66646

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DEERING'S CALIFORNIA CODES ANNOTATED

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\*\*\* THIS DOCUMENT REFLECTS ALL URGENCY LEGISLATION ENACTED \*\*\*  
THROUGH 2007-2008 THIRD EXTRAORDINARY SESSION CH.6 AND  
CH.3 OF THE 2008 REGULAR SESSION APPROVED 3/26/08

GOVERNMENT CODE

Title 7.2. San Francisco Bay Conservation and Development Commission  
Chapter 4. Powers and Duties of the Commission

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Gov Code § 66646 (2007)

§ 66646. Construction of new or expanded thermal electric generating plants within Suisun Marsh; Condition

Notwithstanding any other provision of this title, except subdivisions (b) and (c) of Section 66645, and notwithstanding any provision of Division 19 (commencing with Section 29000) of the Public Resources Code, new or expanded thermal electric generating plants may be constructed within the Suisun Marsh, as defined in Section 29101 of the Public Resources Code, or the area of jurisdiction of the commission, if the proposed site has been determined, pursuant to the provisions of Section 25516.1 of the Public Resources Code, by the State Energy Resources Conservation and Development Commission to have greater relative merit than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516 of the Public Resources Code.

History:

Added Stats 1977 ch 1155 § 3.5.

\* Public Resource Code

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Section

25500 - 25543

Hierarchy Notes:

Tit. 7.2 Note

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Tit. 7.2, Ch. 4 Note

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4 of 6 pages

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TOC: [Deering's California Code Annotated](#) > /.../ > [Chapter 4. Powers and Duties of the Commission](#) > **§ 66646. Construction of new or expanded thermal electric generating plants within Suisun Marsh; Condition**

Terms: **66646. Construction of new or expanded thermal electric generating plants within suisun marsh; condition**

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*5 of 6 pages*

August 18, 2007

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Ms. Elizabeth Dyer  
U.S. Army Corps of Engineers  
San Francisco District, Regulatory Branch  
1455 Market Street  
San Francisco, CA 94103-1398

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RE: Public Notice Number 26024N, July 20, 2007 – Potrero Hills Landfill, Inc.

Dear Ms. Dyer:

As was stated in the Public Notice, on February 26, 2007, the Solano County Superior Court invalidated the final Environmental Impact Report (FEIR) for the Phase II Expansion of the Potrero Hills Landfill. In June 2007, the Solano County Board of Supervisors vacated the resolutions certifying the EIR and directed the Department of Resource Management and County Counsel to make revisions to the FEIR in order for the Board's future consideration of another revision to the Use Permit. Prior to any decision to proceed with the Phase II Expansion Project, the lead agency is to analyze the following:

- Analyze and disclose corrected ROG levels and any additional mitigation that may be required;
- Analyze and disclose the impacts of the Project on groundwater and wells due to the proposed well installation on the Northern Portion of Potrero Hills Landfill;
- Analyze a reasonable range of project alternatives and provide a meaningful discussion of possible sites outside the marsh area, both within and outside of Solano County.

Based on the fact that the Judge vacated the FEIR and the County vacated Use Permit U-88-33, there is not an environmental document currently certified that supports the proposed Phase II expansion of the Potrero Hills Landfill as described in the Public Notice dated July 20, 2007. Additionally, potential surface and ground water quality, aesthetic, litter, odor, glare, noise, dust, fire, food and fiber production, impacts to property owners, as well as the impacts to fish and wildlife species have not been evaluated in an Environmental Impact Statement prepared in accordance with the National Environmental Policy Act. I request that an EIS be prepared and the Section 404 permit be denied for this application/project at this time.

**PROJECT PURPOSE AND NEED:**

**Project Purpose:**

I request that the Army Corps of Engineers hold a public hearing for this project in Fairfield, California so the community may participate in this process. The Suisun Marsh Preservation Act section 29007 states that "the public has a right to participate fully in

governmental decisions affecting planning, conservation, and development of the Suisun Marsh; that achievement of sound protection of the marsh is dependent upon public understanding and support; and that continuing planning and implementation of programs for marsh protection should include the opportunity for public participation.”

The public needs to understand the version of the project that the applicant has submitted to your agency. The project has changed over the last year – the project described in the EIR prepared for the local land use permit varies from the project submitted and approved for a solid waste facilities permit issued by the Solano County Local Enforcement Agency and varies from the submittal to the Bay Area Conservation and Development Commission.

Some, but not all, of the issues that I would like to have evaluated include the cumulative impact of this project to the reduction of agricultural farmland within the Marsh due to agricultural land being used as mitigation for the California tiger salamander and other species, clarification of what the project is as it has varied between agencies over the last year, a discussion on the success rate of creating replacement habitat for the tiger salamander as well as acceptable death and survival rates of relocated animals. Due to the Marsh Protection Act requirements that no project should be approved in the Marsh that would create a significant impact, how is the public assured that the project will not result in the “taking” of endangered, threatened, rare or species of interest?

I request that an Environmental Impact Statement be prepared for this project. The proposed expansion will effect every member of the community and the Suisun Marsh in perpetuity so the public should be fully informed as to what the applicant is proposing and have an opportunity to comment on how it will effect our air quality, water quality, aesthetics, local economy, property ownership, as well as the needs and welfare of the people.

**Project Need:**

The project is not needed to meet Solano County needs. The project is largely for Republic Services, Inc. to meet contract obligations. Public Notice should be rewritten and re-noticed to disclose the “real need” for this project.

Per the description in the Project Need section, the proposed project is not needed to meet the State-mandated minimum 15-years of permitted disposal capacity for Solano County and its cities through 2010, is not needed through at least 2025 with the September 2007 expansion of the Hay Road Landfill, would not be needed if the disposal fee was raised to discourage out-of-county disposal, is not needed by the Suisun Marsh and its inhabitants which have been, and will be displaced, and/or killed by the expansion, and is not needed by nearby neighbors who endure the litter, odor, vectors, noise, and glare from the site. The proposed project should therefore not be approved.

State law does not require the minimum 15-years of permitted landfill capacity to be located within each county, but rather each county must demonstrate, that it has access

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(usually demonstrated through contract agreements) to 15-years of permitted landfill capacity. This capacity can be located within the county, within other counties or within other states or a combination thereof. Many counties in the state do not have in-county capacity and send some or all of their waste to out-of-county (for example the nine counties identified in the Project Need section) permitted landfills and/or out-of-state (Nevada for example) permitted landfills. The state requires demonstration of the contracted capacity when reviewing the Countywide Integrated Waste Management Plan.

Solano County (through the Local Protection Plan) and all state and federal agencies have an obligation to protect the Suisun Marsh and the waters of the United States and I contend that the operator evaluate the feasibility of using other landfills as well as the feasibility of other technologies to determine the superior alternative.

The statement: "If the Potrero Hills Landfill expands onto the adjacent 178.34-acre expansion area (Phase II), the remaining waste disposal capacity of the landfill site would be increased and would enable Solano County and its cities to provide the State-mandated minimum 15 years of waste capacity for a much longer period of time" is an unsubstantiated statement. No calculations or assumptions of the rate of fill, amount of back up the above statement. There is no statement from the applicant that they will keep the rate of fill at a constant rate. How does the Army Corps define a "much longer period of time?"

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### 3. PROPOSED PROJECT DESCRIPTION:

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#### Extending the Landfill Horizontally

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The Project Notice states that an 11-acre portion of the 143-acre parcel north of, and adjacent to, the Phase II area (Griffith Ranch) was added to the project for related landfill activities. The hatched area shown on the Griffith Ranch in Figure 4 does not appear to be 11-acres in size. Please confirm if this is the entire 11-acre area or if there is other area not identified as hatched. I believe that the new silt control basin and road was not described and the potentially significant impacts were not analyzed in the EIR in accordance with CEQA for this project and have not been analyzed in accordance with NEPA for this project. The impacts of the road and pond construction as well as the discharge from the siltation pond must be described and analyzed within an environmental document. Please clarify if the pond will have an outlet and where any discharge, intended or unintended will be directed or flow as it may impact my property.

#### Increase the Existing Permitted Landfill Height

The increase in height of the landfill to the proposed 345 feet (Mean Sea Level) was an alternative analyzed in the EIR prepared in accordance with CEQA. Testimony from the public included that the height increase will create an aesthetic impact due to the sites proximity to a scenic highway (highway 12), glare, noise and according to the EIR the alternative to increase the permitted landfill height was not selected as this alternative

creates an unmitigatable impact to the Marsh. The Corps should not approve a permit that includes a height above the north ridge of the Potrero Hills.

#### Operating 24 Hours Per Day

While the applicant may believe the increasing the landfill operation to 24-hours per day Monday through Friday, will achieve more flexibility in waste transport and remove truck traffic from highways during daytime traffic congestion, I believe that there will be increased accidents on Potrero Hills Lane due to the increase in the speed limit on the road, as well as be a public nuisance to adjacent property owners due to the increase potential for wildfires. On July 12, 2007, the Suisun Fire District Fire Marshall investigated a fire that originated on Potrero Hills Lane and concluded that the fire that burned some of my property and 27 fence posts began from carbon from a transfer truck that ignited grass and hay bales located adjacent to Potrero Hills Lane. There have been numerous fires that have occurred along the road, and at the landfill over the last several years that are of concern and are unmitigatable due to the travel distance of the carbon and design of the road.

#### Bypass Lane

The historical existing road does not parallel a portion of Potrero Hills Lane. Potrero Hills Landfill "is one-half mile from the Solano Garbage site and is reached by passing through the existing site, proceeding south on Emmington Road and then [to the west] onto the existing road used for Delta Associates Quarry." The bypass lane should not be allowed as the applicant made a mistake in identifying the historical road as indicated in the applicant's submittal titled: *Project Description Potrero Hills Landfill Phase II Expansion Project, prepared for BCDC by Potrero Hills Landfill, March 200, pg. 44*. In addition, the aerial photo has no date, so the road is unverifiable. The trucks and the Potrero Hills Lane are not compatible with wildlife and agriculture. The traffic kills wildlife; out of control vehicles break fences, and endangers the lives of livestock. The south end of Emmington Road is a cattle right-of-way that leads into the bypass road and is not compatible with livestock. In addition, when certain levees are opened, Potrero Hills Lane at Section 4, Station 9 acts as a dam as it is under 4.5 feet of tidal action and floods 300-acres of land to the east. These are significant impacts and the area needs to be put back to full tidal action.

#### Increasing Voltage/Current Capacity of Existing Off-Site PG&E Power Lines

If the landfill has increased the voltage/current capacity of the off-site power lines then how were the on-site power lines capacity increased to be in compliance with the Utilities, Facilities and Transportation policies? The policy states the following:

"The Utilities, Facilities, and Transportation policies states that urban utilities and public services (e.g. natural gas lines, electric lines for local power distribution, domestic water mains, and sewers) should be allowed dot extend into the Suisun Marsh and the adjacent upland necessary to protect the Marsh, only to serve

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existing uses and other uses consistent with protection of the Marsh, such as agriculture. However, utilities in the secondary management area necessary for the operation of water-related industry within the area designated for such use in the Suisun Marsh Protection Plan at Collinsville would be permissible.”

*Electric line is to come off the end of the line in the Marsh*

Non-Agricultural Uses

The truck and container washing facility, the caretaker house, the visitor center, and the power plant are all non-compatible uses with the Marsh Protection Act. These are significant impacts to the Marsh and should not be approved as part of the proposed permit.

Water Use in Marsh

Importation of water into the Marsh should only be allowed for long-term agricultural use under the local protection plan unless the policies have been changed. If the policies have been changed the public should be informed during the requested public hearing for this project.

**PROJECT IMPACTS TO CORPS JURISDICTION:**

According to the Public Notice “a revised Delineation Map and letter was letter was submitted to the Corps on July 30, 2002 following a verification visit with the Corps. The revised delineation was verified by the Corps in a letter dated April 3, 2003, and depicted a total of 2.41 acres of jurisdictional areas on site (wetland/seeps =1.98 acres; other waters = 0.43 acre).” It is my understanding that the Corps requires wetland delineations to be redone every five years if they have not been approved. Please send me a copy of the approved wetland delineation map and correspondence for the approved delineation.

**ALTERNATIVE TO LANDFILL EXPANSION**

The Clean Water Act 44(b)(1) Guidelines state that “no discharge or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences... (CFR 40 Part 230.10).”

A practicable alternative to the proposed expansion of the site that would have fewer impacts to the water, soil, and air has existed since approximately 1977. This alternative is the operation of a waste-to-energy plant. In the 1985 Potrero Hills Sanitary Landfill Solid Waste Facilities Permit (48-AA-0075) required that the operator evaluate the feasibility of a waste-to-energy plant with the results of studies to be submitted to the Local Enforcement Agency and the County Resources Recovery Committee. I request the Army Corps obtain the studies and evaluate the feasibility of a waste-to-energy plant vs. the proposed expansion.

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According to the Marsh Protection Act, thermal electric generating plants specifically could be constructed within the Suisun Marsh if the Energy Commission determined that the site would have greater relative merit than the alternative sites. My property was the 150 acres adjacent to the Solano Garbage Company and one of the three sites proposed (Suisun Preservation Act page 19) for the expansion of the Solano Garbage Company. Siting of a waste-to-energy plant on my property would be the superior alternative to the expansion of the landfill as it would have fewer environmental impacts and it would be developed for agricultural grain production.

Thank you for consideration of my comments and requests.

Sincerely,

*June Guidotti & Family and for the Public*

*8/20/2007*

June Guidotti  
3703 Scally Road  
Suisun, California 94585

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Cc: Beth Dyer (e-mail) [Elizabeth.Dyer@usace.army.mil](mailto:Elizabeth.Dyer@usace.army.mil)

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4

STAFF REPORT PREPARED FOR SOLANO COUNTY ZONING ADMINISTRATOR

Application No.: U-82-42	Meeting of: September 16, 1982
Completed By: Lynda Wickersheim	Agenda Item No.: 2

APPLICANT

Name: Gary Tonnesen
Address: 3700 Scally Road, Suisun, CA 94585
Interest in Property: Owner

PROPOSAL

Action Requested: To establish and operate a cemetery for burial of small pets in common graves.
Time Period:
Purpose: Burial of small pets.

SITE INFORMATION

Size: 20 acres
Location: On east side of Scalley Rd, approx. 3,300 feet south of Hwy 12.
Zoning: "A-L-160" Limited Agricultural District
Land Use: Cattle and horse grazing
General Plan: Extensive Agriculture (Secondary Management Area-Suisun Marsh)
Soil: Class III
Ag. Pres. Status: Not under contract
Utilities:
Features: Gently sloping
Access: Scally Road

SURROUNDING ZONING AND LAND USE

North	"AL-160"	Grazing
East	"	"
South	"	"
West	"	"

SPECIAL INFORMATION

Environmental Status:	Referred to the Environmental Review committee for review August 18, 1982		
Agencies:	Notified	Response	Comments
Public Works Dept.	X		
Environmental Health	X	X	
Emergency Services/Fire Warden	X		
Animal Control	X		
COMMENTS:			
RECOMMENDATION:			

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May 28, 2008

Ms. June Guidotti  
3703 Scallay Road  
Suisun, CA 94585

SUBJECT: North Suisun Mitigation Bank

Dear Ms. Guidotti:

Thank you for calling Wildlands to discuss your mitigation needs.

Enclosed please find a company brochure for Wildlands. I've also attached a couple of pages of information from the U.S. Fish and Wildlife Service website for Conservation Banks within the Sacramento area. Wildlands owns and operates the North Suisun Mitigation Bank and Wetland Resources LLC operates the Elsie Gridley Multi-Species Conservation Bank.

Our current pricing for the North Suisun Mitigation Bank is as follows:

- \$175,000 per acre for constructed vernal pools (these pools provide both 404 credits and Endangered Species credits)
- \$125,000 per acre for preserved vernal pools
- \$150,000 per acre for California tiger salamander breeding ponds
- \$12,500 per acre for California tiger salamander upland habitat

We would appreciate an opportunity to give you a bid on providing your mitigation needs for your project. Once you receive your Section 404 permit and your Biological Opinion, please fax them or email them to Julie Maddox and she can get you a bid to provide all your mitigation needs.

Please call if you have any questions. I can be reached at (916) 435-3555 or [kerickson@wildlandsinc.com](mailto:kerickson@wildlandsinc.com). Our fax number is (916) 435-3578.

Sincerely,

*Kim C. Erickson*

Kim C. Erickson  
Senior Project Manager

Enclosures



WILDLANDS, INC.

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## North Suisun Mitigation Bank

### Contact Information:

Wildlands, Inc.

Contact Person: Julie Maddox  
3855 Atherton Rd  
Rocklin, CA 95765

Phone: (916) 435-3555

Fax: 435-3556

[www.wildlandsinc.com](http://www.wildlandsinc.com)

### Credits:

Vernal pool preservation and creation.  
Species include vernal pool fairy shrimp, vernal pool tadpole shrimp, California tiger salamander, soft bird's beak and Contra Costa goldfields.

The bank is approved to sell Corps of Engineers 404 credits.

**Total Acres:** 609

**Counties:** Colusa, Solano, Sutter, Yolo

Vernal Pools

Service Area Map

[PDF](#) | [KMZ](#) ([About KMZ Files](#))

CA Tiger Salamander

**Counties:** Colusa, Sutter, Yuba, Placer, El Dorado, Yolo

Service Area Map

[PDF](#) | [KMZ](#) ([About KMZ Files](#))

\$175,000/acre constructed vernal pools  
includes 404 credits + ESA credits

\$125,000/acre preserved vernal pools

\$150,000/acre CTS breeding ponds

\$12,500/acre CTS upland

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PM



Attorney & Counselor at Law  
547 Jefferson Street, Suite "C"  
Fairfield, CA 94533

425 4470  
Phone: 707 425-1662  
Fax: 707 425-4488

July 6, 2007

E-mail: wreustle@abcglobal.net  
www.geocities.com/wreustle@abcglobal.net

County of Solano  
Department of Resource Management  
675 Texas Street, Suite 550  
Fairfield, CA 94533

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JUL 06 2007

780 10 11 12 1 2 3 4 5 6

RE: General Plan Update Parcel: 0046-130-070

Received

DEC 11 2007

Dear Mr. Harry L. Englebright & Citizens Advisory Committee (CAC):

June Guidotti (Bonnici) has used her property for the agricultural grazing of sheep and cows. Her future plans are to continue this practice.

Solano County Board of Supervisors

In addition, she proposes to construct a research project the study the production and quality value of feed grains produced from an aerobic and/or pyrolysis system. Feedstock to be considered in the project are sugar beets, green waste, corn, wheat, cannery waste, brewery waste, and other available by-product or agricultural product sources. It is estimated that the research project would be sited on approximately 20 acres.

anaerobic

In 1993, she proposed to site a Waste To Energy (WTE) plant on her property. \*\*See Solano Garbage Company Landfill Environmental Impact Report dated January 1993, Page 3-27 (5) Bonnici Project. A portion of the reserved project will also involve the production of energy from waste by-products. This project is similar to what UC Davis is presently using.

Her property has been in her family for 5 generations. It is safe to say that her property is, and should be, considered "grandfathered" in all aspects regarding agricultural, land use, water, and no limits should be placed on this parcel. Her property is located in the buffer zone as outlined in the Suisun Marsh, as adopted by the State Legislature.

The permits, "Certification of Qualifying Status of a Small Power Production Facility" (18 C.F.R. §381.505(a); and, "Certification of Qualify Status as a Cogeneration Facility" (18 C.F.R. §381.505(a) Ms. Guidotti is seeking may not be necessary because of research.

She requests that her land use be accordingly revised so that there will be no restrictions on her anticipated activities.

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DEC 10 2007

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Sincerely,

WILLIAM S. REUSTLE

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13

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3076 pages

File

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AUG 9 1996

LAW OFFICE OF  
**J. WILLIAM YEATES**  
926 J STREET, SUITE 806  
SACRAMENTO, CA 95814

SAN FRANCISCO BAY CONSERVATION  
& DEVELOPMENT COMMISSION  
(916) 446-5475  
(916) 446-1419 FAX

J. WILLIAM YEATES  
HEATHER A. TATTERSHALL

August 8, 1996

Sent Via Facsimile & U.S. Mail

Will Travis, Executive Director  
San Francisco Bay Conservation and Development Commission  
30 Van Ness Avenue, Suite 2011  
San Francisco, CA 94102

RE: Waiver of time limits to hear appeal of Marsh Development Permit Nos. MD 90-01 and MD 91-01.

Dear Mr. Travis:

*Travis*

I represent Potrero Hills Landfill, Inc. and Solano Garbage Comapy, the applicants in the above referenced matter. I have authority from the applicants to act for them with regard to the continuance of the hearing on the appeal which is now pending before the San Francisco Bay Conservation and Development Commission ("BCDC"). This morning, after being made aware of BCDC's need to cancel the scheduled August 15, 1996, meeting in Vallejo, California, I spoke with my clients about the need for a continuance.

Potrero Hills Landfill, Inc. and Solano Garbage Company, the applicants for Marsh Development Permit Nos. MD 90-01 and MD 91-01, hereby agree to extend the time limits prescribed by statute for the hearing on the above referenced appeal until September 5, 1996. Additionally, the applicants agree that if due to unforeseen circumstances the scheduled September 5, 1996, hearing date must be changed, this waiver then authorizes rescheduling the hearing to September 19, 1996, the next available hearing date. However, applicants urge BCDC to make every effort to hold the appeal hearing at the next scheduled hearing date, which is September 5, 1996.

Sincerely,

*J. William Yeates*  
J. William Yeates

cc: Joe Della Zoppa  
Caesar Nuti  
Larry Burch

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(707) • 429-6246

TO SACRAMENTO

VACAVILLE CO  
YUBA

# SOLANO COUNTY INDUSTRIAL DEVELOPMENT AGENCY

COURT HOUSE FAIRFIELD, CALIFORNIA 94533



November 13, 1975

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NOV 17 1975

Mr. Dan Chapin  
 Suisun Resource Conservation District  
 2200 Sand Hill Road  
 Menlo Park, CA 94025

Dear Dan:

Solano Garbage Company, who have waste contracts for the City of Fairfield and Suisun have maintained a facility for handling this material on Highway 12 near Scally Road.

Mr. Ottolini is concerned with future needs and is negotiating a purchase of land from Mrs. June Bonnachi. He asked me to check with BCDC to see if it was possible to use land as he required it. The county are now conducting a solid waste management study and that location is being considered as one of the major solid waste areas to handle this part of the county. I would suggest that if you want further information to contact Mr. David Hubbell, Solano County Planning Department.

Sincerely yours,

*Rm*

F. R. HENREKIN  
 Industrial Development Consultant

FRH;ps

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COUNTY ROADS MAINTAINED AND OTHER LOCAL ROADS

YEAR 1988

ROAD NUMBER (D)	CD (E)	NAME OF ROAD OR STREET (F)	FROM NUMBER (G)	NAME (H)	TO NUMBER (I)	NAME (J)	SYS (K)	LENGTH (L)	NON ADD (M)	CONS I (N)	STAT (O)	MAP SHEET (P)	COORD (Q)	S R D (R)
3832		DENVERTON RD	SH012		2460	CREED RD	MR	1.930				06K	03C	
3410		DERONDE DR	2700	DOBE LN	2720	MARKLEY LN	MR	.490				06K11	07E	
2280		DINKELSPIEL RD	1430	COLLINSVILLE RD	END		MR	.520				06K	05D	
1360	06	DIXON AVE EAST	DXN		4650	ROBBEN RD	MR	1.410				06J42	07K	
1360	03	DIXON AVE WEST	3790	MERIDIAN RD	DXN		SRS	3.08 2.760				06J41	06J	
1360	04	DIXON AVE WEST	IN		DXN		SRS	1.800			I	06J42	07G	
1360	05	Dixon Ave West	DXN		DXN		SRS	1.800				06J42	7E	
2700		DOBE LN	FRFD		3410	DERONDE DR	MR	.060			-38	06K11	07D	
4570	05	DOYLE LN	DXN		END		MR	.190				06J42	06J	
0413		EDINBURG CT	END		1205	GLENCANNON DR	MR	.140				05K14	10C	
0104		EDWARDS ST	0105		1410		MR	.070				06J51	08K	
5029		EGGERT RD	1380		4260		MR	.500				06J	06F	
2660		ELEVATOR RD	1550		SH084		MR	2.190				06K	02H	
3890		ELIZABETH RD	VAC		3790		MR	1.270				06J41	10J	
3562		ELLSWORTH RD	3690		3697		MR	.490				06J51	03H	
1300		ELMIRA RD	VAC		1300	SO A ST	SRS	.100				06J51	09J	
2360		EMIGH RD	4795		END		MR	4.520				06K33	02J	
3310		EMMINGTON RD	3311		END		MR	.500				06K21	03C	
2850	03	ENGLISH HILLS RD	3800		END		MR	2.570				06J41	10A	

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YEAR 1988

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ITEM NUMBER (C)	ROAD NUMBER (D)	CD SEQ (E)	NAME OF ROAD OR STREET (F)	FROM NUMBER (G)	NAME (H)	TO NUMBER (I)	NAME (J)	SYS (K)	LENGTH (L)	NON ADD (M)	C (N)	CONS STAT (O)	MAP SHEET (P)	COORD (Q)	S R D (R)
	0704		REIS AVE	END		0703 WOODRUM AVE		MU	.170				05K33	09G	
	0814		RENIDA ST	0805		END		MU	.060				03K33	10J	
	0812		RIDGE AVE	0811		END		MU	.480				05K33	10J	
	2139		RITCHIE RD	1200	CORDELIA RD	FRFD		MU	.310				05K24	05G	
	2550		10 RIVERA RD	2920	LAGOON VLY RD	2550	PENA ADOBE RD	MR	.870				05K15	01H	
	1360		07 ROBBERN RD	4650	ROBBERN RD	4670	ROBBERN RD	MR	.500				06J	07E	
	4650		01 ROBBERN RD	1360	DIXON AVE EAST	2900	BROWN RD	MR	9.670				06J	08E	
	4670		ROBBERN RD	1360		1380		MR	3.000				06J	07E	
	2460		10 ROBINSON RD	SH113		2520	FLANNERY RD	MR	4.470				06K	03E	
	3940		ROBINSON RD	3535		3350		MR	1.350				06J41	10E	
	1220		ROCKVILLE RD	FRFD		URBAN LIMIT		MU	.060				05K25	01C	
	1220		10 ROCKVILLE RD	URBAN LIMIT		0407	TARTAN WAY	MR	7.140				05K25	01C	
	4030		RUNGE RD	1360		1380		MR	3.030				06J	07E	
	2330		05 RUSSELL RD	END		1220	ROCKVILLE RD	MR	.490				05K25	01A	
	3422		RUSTIC LN	END		END		MR	.290				05J55	04K	
	1550		RYER ROAD EAST	SH084		SH084		MR	10.880				06K24	08E	
	4630		05 SALEM RD	2900	BROWN RD	4630	HASTINGS RD	MR	1.500				06K	01E	
	3390		SCALLY RD	SH012		END		MR	.750				06K21	03D	

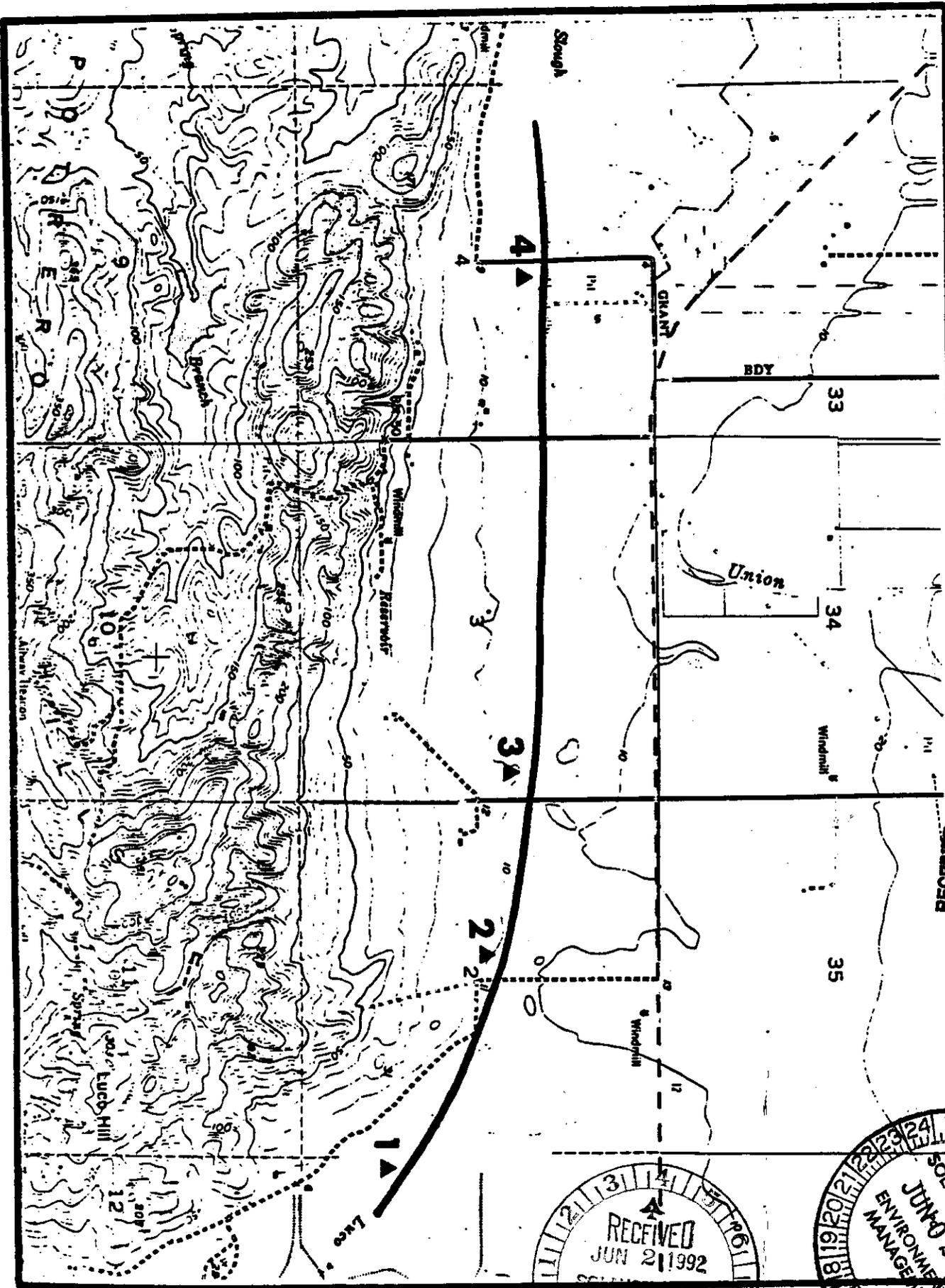
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Location of plant transsects



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MANAGEMENT

Jeff Dittner (ATTENTION)

# ORDER TO STOP WORK

## NOTICE

CORRECTIONS MUST BE MADE BEFORE ANY FURTHER WORK IS DONE

CAUSE Grading work without a permit  
(Potrero Hills)

COUNTY OF SOLANO  
DEPARTMENT OF RESOURCE MANAGEMENT  
BUILDING & SAFETY DIVISION  
675 TEXAS STREET, SUITE 5500  
FAIRFIELD, CALIFORNIA 94533  
(707) 784-6765

By Gregory L Meeks Date 11/17/06  
Title Sr Engineer Tech

707  
784-6077  
784-3155

**Do Not Remove This Notice**

Rev. 6/05

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NOV 21 2006

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NOV 17 AM 10:52

STATE OF CALIFORNIA  
COUNTY OF SOLANO  
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NOV 17 2006

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POTZERS HILLS LANE

# ORDER TO STOP WORK

## NOTICE

CORRECTIONS MUST BE MADE BEFORE ANY FURTHER WORK IS DONE  
CAUSE GRADING FOR A ROAD SECTION IN VIOLATION OF SOLANO CO. CHAPTER

31 AND SUISUN MARSH PROTECTION ACT. PLEASE CONTACT RON GLAS @  
421-6765

SOLANO COUNTY DEPT. OF ENVIRONMENTAL MANAGEMENT  
BUILDING INSPECTION DIVISION

601 Texas Street  
Fairfield, California 94533-6301  
(707) 421-6765

BY M. West DATE 5/2/03

TITLE CIVIL ENGINEER

HAND DELIVERED AND EXPUNDED  
TO RICHARD CUMPTON 2 PM

*R*

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FAIRFIELD BRANCH  
COUNTY OF SOLANO

03 MAY -5 AM 9:24

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03 MAY -5 AM 9:23  
FAIRFIELD BRANCH  
COUNTY OF SOLANO



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FEB 24 2006

Solano County  
Board of Supervisors

# SCOPING REPORT

FOR THE PROPOSED

## WESTERN SUISUN MARSH SALINITY CONTROL PROJECT

Plan of Protection for Suisun Marsh  
Phases III and IV  
Environmental Impact Statement/  
Environmental Impact Report

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JUN 02 2006

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State Clearinghouse Number 90030973

August 1991



California Department of Water Resources  
and  
U.S. Bureau of Reclamation



1

73 (continued)

Page 2  
Mr. Dwight P. Russell  
California Department of Water Resources  
December 12, 1990

- Public access to this publicly financed structure will be completely out of our control. Undoubtedly, the public will be there. This creates an extremely dangerous situation both to the public and to my members. At present, our hunters are screened as to their knowledge of guns, hunting and safety procedures. Liability insurance is both difficult and costly to obtain. A loss of liability insurance due to a rash of accidents would force me to abandon this recreational facility. I estimate at least 134 acres would be required to establish an effective safety buffer zone.
- Failure to promote habitat through irrigation during the summer months translates into a poor katio during the September through March hunting season. Our present source of water for the land along this corridor is the existing RD 2034 ditch. Any interruption in this source during the summer months would be extremely damaging.
- Recreation has become an increasingly important socio-economic factor in today's society. There is limited marginal land available so close to the centers of population for this type of enterprise. Although the alternate route to the south will present similar problems, they would not have the severe impact of the original route and could be dealt with. Therefore I must adamantly oppose the original proposed route and favor the alternate to the south.

Thank you for your consideration.

Sincerely,

*Dwight P. Russell*  
Dwight P. Russell

cc: Sam Caddle, Solano County Supervisor  
Thomas Hannigan, Assemblyman  
Thomas J. Shephard, Sr.

Received

FEB 24 2003

Solano County  
Board of Supervisors

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11:12:34 AM '03

74 - June Bonnici *Alex Bonnici*

*12-5-90*

(2)

State of California  
Department of Water Resources  
Central District  
3251 S Street  
Sacramento, CA 95916-7017

December 27, 1990

To: Suisun Marsh Technical Advisory Committee Members  
June Bonnici

From: 2963 Santa Rosa Avenue, Space B7  
Santa Rosa, CA 95407

Subject: Public Scoping Session, December 13, 1990 at Supervisors Chambers,  
Solano County Courthouse, Fairfield, California. (On the Western Marsh  
Salinity Control Project, Roynton-Cordelia Ditch, Potrero Hills Ditch, 12  
acre lake.)

Attention: Mr. Dwight P. Russell  
Kamyar Guivertcid

Technical meeting 12-27-90. I would like my concerns added to the minutes because I am unable again to be able to attend today's meeting because I have had to resort to litigation to protect my parcel from salt water and water draining into the marsh.

My concerns at this time are:

- The Potrero Hills ditch and the 12 acre lake at Hill slough concern me. How will you handle the drainage problem between Hummington Kildner and Scally Road.
- My concern is that my parcel is under tidal action above the 10 foot contour line, and this ditch is going below the 10 foot contour line.
- My concern is the 100 flood at this point.

19

- 4) I'm concerned about where you are going to put the bridge across the 90 foot channel. The bridge is 164 feet wide. How much easement will be needed to allow for the bridge?
- 5) Public access to the Potrero Hills is a concern.
- 6) Will the ranchers be able to use the water out of the ditch for irrigation for farming, and produce agriculture for the needs of the people.
- 7) It concerns me that we will be charged a large amount for the water if we will be able to do this.
- 8) My concern is that agriculture continue for the needs of the people, that shipping if needed be allowed, like during World War II. The Rush Ranch was planted in agriculture providing for the needs of the people.
- 9) It concerns me that the farmers and ranchers rights be protected for producing cattle, sheep, horses from the desires of the duck hunters and Empire builders.
- 10) My concern is that this ditch will only be for the garbage company to haul their duck clubs.
- 11) My concern is that the governor again has given all this money for just the rich, and the duck clubs.
- 12) Going back to the garbage being shipped up the ditch from San Francisco and Contra Costa, maybe this should be considered if the shipping can be done quietly and if the garbage is covered. The garbage trucks and vans are making too much impact on the wetlands and wildlife due to the importation of all garbage to this area. The garbage trucks are noisy, smelly, and are leaking.
- 13) My concern is that Easter is one of the best times in the marsh. It's important that the baby ducks make it to the slough or the Potrero Hills ditch. The garbage trucks and vans run them over and throw dust on the nesting birds.

- 14) I am concerned about the speed limit and that there is no one to police the Potrero Hills. What will you do about this?
- 15) Where is Fish and Game and BDC? It concerns me that the laws of the Suisun Marsh be protected.
- 16) I'm concerned about where Solano County is putting the Waste to Energy Recovery Plant? Is it going into the Potrero Hills? I do not want the bridge put where the pipeline to Travis Air Force Base was supposed to go. How will this be handled?
- 17) My concern is about how all this is going to work. We need food, electricity, fuel, the garbage company, agriculture, the wildlife and the marsh, wetlands and possibly shipping of fuel in time of war. We rely on seasonal fresh water.
- 18) When you put in the handicapped rest stop, I would like to see a cement ramp installed that leads down to the water.
- 19) I'm concerned about the PGE electric line in the marsh. How will this be handled?
- 20) I'm concerned about groups who want to use and control other people's property to enhance their jobs, their sports and pleasures and leaving the real owners only one civil right, that of paying confiscating taxes. Will you protect us and our land and water, or must we resort to litigation and the courts?

Thank you for allowing the above to be added to the minutes of this meeting.

*Gene Bonnicci Family*  
Gene Bonnicci

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FEB 24 2003

Solano County Board of Supervisors

- 5. Potential water fees for water flowing through proposed facilities.
- 6. Identify the involvement of BCDC and DFG.
- 7. Impacts on existing infrastructure, such as, electrical lines, roads, etc.

75. James R. Bancroft (1/2/91)

In response to SRCD's notice to Marsh landowners regarding the proposed project, Mr. Bancroft and Joice Island landowners look forward to any successful effort to improve water quality in Suisun Slough.

76. Stacy R. Mettier, M.D. (1/3/91)

With respect to the proposed project, is concerned of possible adverse impacts on water quality and other aspects related to duck hunting at the Cordelia Gun Club.

77. Paul Erman - Pierce Harbor (1/10/91)

In a telephone conversation with Michael Lewis, SRCD manager, expressed concern that Goodyear Slough water quality is currently adversely impacted by the operation of the Morrow Island Distribution System and the Goodyear Slough Outfall. Future facilities should not compound these problems.

78. William L. Frost (1/11/91)

With regard to the proposed projects for the northwestern Suisun Marsh, is concerned that water originating from Suisun Slough will be more brackish than the existing channel water.

Proposed an alternative of partially restricting flow through the west end of Montezuma Slough with rip rap to allow less Grizzly Bay water from entering the Marsh.

79. Tom Cundith (2/12/91)

With regard to the use of Cat and Volanti sloughs to transfer water from Montezuma Slough near Beldons Landing to Suisun Slough, the following concerns should be considered:

1. Natural channels and coves would be blocked from Cat and Volanti sloughs.
2. Actual and effective wetland acreage would be reduced.
3. Wetland vegetation, invertebrate and young fish habitat would be destroyed.
4. Existing water management on adjacent duck clubs would require alteration.
5. Waterfowl use and flight patterns of the adjacent Joice Island sanctuary and private duck clubs would be altered.
6. Historical duck boat access to duck club ponds/blinds via Cat and Volanti sloughs would be impossible.
7. Increased public/agency traffic in the area would be harmful.
8. Productivity and value of adjacent private wetlands would decline.

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SUMMARY OF WRITTEN COMMENTS ON THE PROPOSED  
WESTERN SUISUN MARSH SALINITY CONTROL PROJECT

INDIVIDUALS

72. Paul W. Crapuchettes (10/31/89)

With regard to the proposed project, recommends that:

1. Alternatives to actions proposed in the Plan of Protection be considered in the EIS/EIR.
2. Facilities to service Grizzly Island should be constructed next.
3. The Tree Slough alternative to the Grizzly Island Distribution System should be evaluated.
4. Relative impacts of flow improvement in Cutoff Slough versus the Potrero Hills Ditch alternative should be assessed.
5. Cutoff Slough and Frank Horan Slough alternatives should be considered.
6. A sheet piling barrier from the Tip End Club 4000 feet into Grizzly Bay should be considered.

73. Fred Tomasini (12/12/90)

With regard to the proposed northern alignment for the Boynton-Cordelia Ditch, the following should be considered:

1. The Suisun Marsh Hunting Preserve's operations and income would be irreparably harmed.
2. Increased public access to the hunting area would be unsafe for the public and hunters, and would require increased liability insurance and a safety buffer zone along the ditch.
3. Any interruption of flow in the Reclamation District 2034 ditch would obstruct or prevent irrigation of adjacent lands required during the summer.

Favors the southern alignment for the Boynton-Cordelia Ditch because it would diminish the stated impacts.

74. June Bonnici (12/27/90) *AKA Guidotti*

With respect to proposed marsh facilities, and in particular, the future assessment of the Potrero Hills Ditch, recommends that the following be considered:

1. Drainage problems and floodflow drainage.
2. Impacts on tidal action upstream of the project.
3. The extent of easements around proposed facilities and associated features such as bridges.
4. Increased public access.

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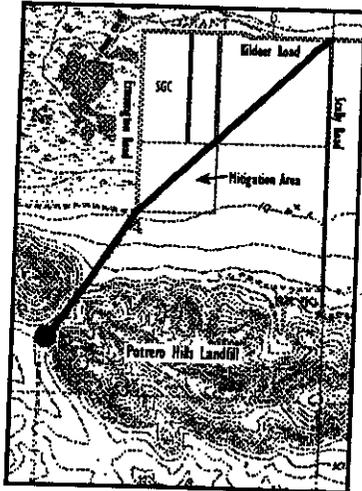
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Figure 2

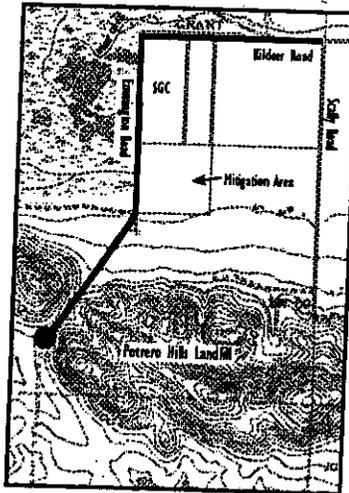
# Alternative Access Road Routes

## Potrero Hills Land Fill Area

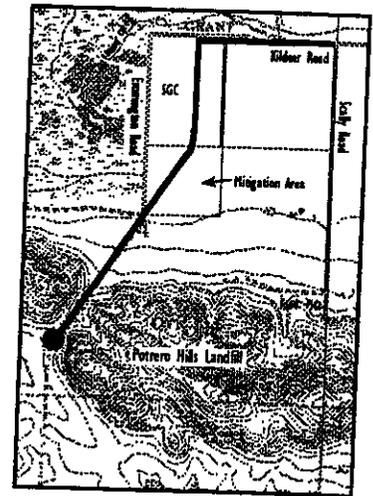
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789,10,11,12,13,14,15,16



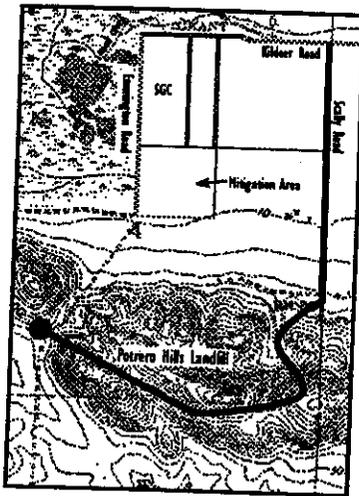
Director's Guild Alternative



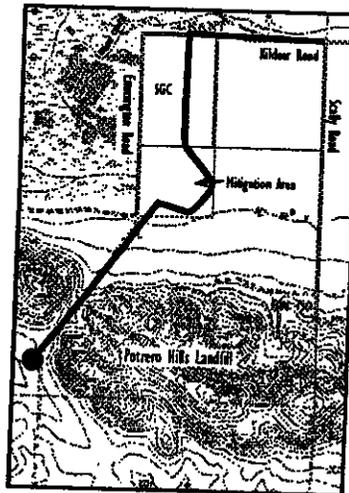
Kildeer/Emmington Road Alternative



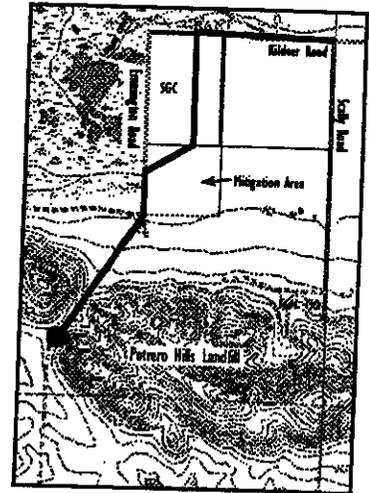
Potrero Hills Lane Alternative



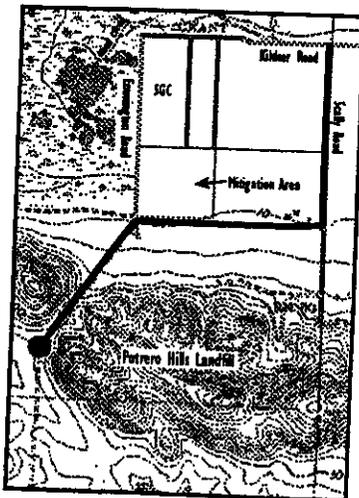
Scaly Road Alternative



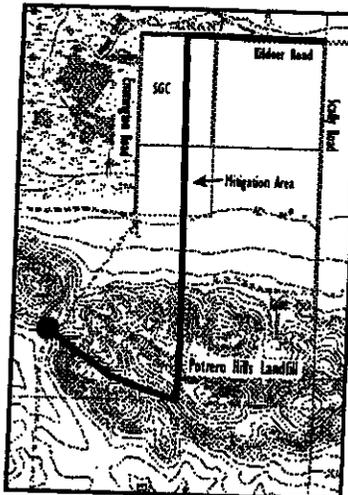
Wetlands Enhancement Alternative 1



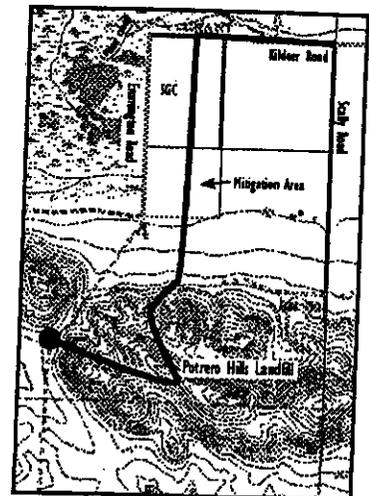
Wetlands Enhancement Alternative 2



Bonnici Property Alternative



Modified Brocco-Guidotti Alternative 2



Modified Brocco-Guidotti Alternative 1

DICKENSON, PEATMAN & FOGARTY

ATTORNEYS AT LAW  
808 COOMBS STREET  
NAPA, CALIFORNIA 94558  
TELEPHONE 707 252-7122

ST. HELENA OFFICE  
1360 ADAMS STREET  
TELEPHONE 963-7149

HOWARD DICKENSON, JR.  
JOSEPH G. PEATMAN  
WALTER J. FOGARTY, JR.  
ROGER D. PETERSON  
DAVID W. MEYERS  
EUGENE R. KIRKHAM  
DAVID B. GILBRETH  
C. RICHARD LEMON

October 25, 1978

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Solano County  
Resource Management

Mrs. June Bonnici  
Rt. 1, Box 584  
Yreka, California 96097

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STATEMENT

For Professional Services rendered  
April 4, 1978 to August 14, 1978

- April 11, 1978--Confer with J. Bonnici re offer
- July 21, 1978--Review file, review plat plan and letter from Ashley;
- July 22, 1978--Review file to gather title information, confer with J. Bonnici and Memorandum to B. Strauss;
- July 24, 1978--Confer with B. Strauss and call to Dirkes;
- July 25, 1978--Meet with Charles Lamoree, Deputy ~~County Counsel, Solano County~~; telephone conversation with Director of Public Works re dedication of easement;
- July 26, 1978--Meet with County Planning Staff and County Recorder; telephone call from Deputy County Counsel;
- July 27, 1978--Draft memorandum re circumstances surrounding road opening, refuse, plan etc.
- August 1, 1978--Research re abandonment, confer with B. Strauss, confer with J. Bonnici re abandonment of road; confer in office with J. Bonnici, attend Board of Supervisor's Meeting;
- August 3, 1978--Confer with J. Bonnici re Yreka, Ottalini title policy; research re Suisun Marsh Preservation Act, development permits, vested rights, telephone call to B.C.D.C.
- August 7, 1978--Telephone conference re B.C.D.C. regarding vested rights; confer with Tevis concerning preliminary title report;
- August 8, 1978--Attend meeting of Board of Supervisors in Fairfield and confer with J. Bonnici;
- August 14, 1978--Draft memorandum to JGP re Board of Supervisors hearing and B.C.D.C. vested rights and research re same.

TOTAL LEGAL FEES-----\$1,151.75

June 22, 2004

June Guidotti  
3703 Scally Road  
Suisun City, CA 94585

Re: Scally Road Issue

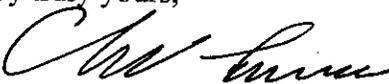
Dear Ms. Guidotti,

I've reviewed the materials you left for me at the Solano Transportation Authority. I've attached a copy of what I received as I thought I had understood from your call to me that I had written an opinion of some kind while a Deputy County Counsel. There wasn't any opinion or other document attributed to me. Rather, the only reference was a conversation I appear to have had with your lawyer on July 25, 1978.

As I told you over the phone, and which I can now confirm having looked over the material you left at STA, I have no recollection at all of the issue that occurred in 1976 nor of how that relates to the situation you now are concerned about.

I sorry I cannot be of help to you in this matter. I urge you to discuss the matter with your former attorneys (Dickenson, Peatman & Fogarty in Napa) and with the County Counsel or legal counsel with CalTrans.

Very truly yours,

  
CHARLES LAMOREE  
STA Legal Counsel  
One Harbor Centre, Suite 130  
Suisun City, CA 94585

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Solano County  
Resource Management

JUN 02 2004

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cc: Mike Duncan, STA  
Dennis Bunting, Solano County Counsel

July 17, 2004

To: Charles Lamoree  
STA Legal Counsel  
One Harbor Center, Suite 130  
Suisun City, California 94585

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From: June Guidotti  
3703 Scally Road  
Suisun, California 94585

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Dear Mr. Lamoree:

I appreciate you responding to my letter. I hear that you are stating you have no recollection of the issue that occurred in 1976, which I believe you may have meant 1978 from the papers that I left you at STA. Since you were unable to recall the information from what I had left you, I have since come across other papers that may jog your memory.

Enclosed: Memorandum dated August 3, 1978

To: Milton Goldinger, county Counsel  
From: Yourself, Charles O. Lamoree, Deputy County Counsel  
Re: Scally Road. Where you did research back to 1873 on the Right-of-Way granted to the County of Solano.  
Statement: The statement I left at STA was a statement dated July 25, 1978. The Napa Attorney Joe Peatman had Betsy Strauss meet with you and RE: Dedication of Easement.

I would greatly appreciate it if you would research it in hope that you may recall some information from another source. In 1978 The Road issue, which I'm referring to was vested with BCDC. and the County is currently not using the vested road. The County is using Scally Road, which is for Agricultural use only (under the Suisun Marsh Act STA and the County, the County did know that they can not use Scally Rd. for the garbage trucks to bring their garbage in.)

Cal-Trans is reviewing their plans to widen the Route Highway 12 at this time. STA and Solano County need to use the vested right of way for the Potrero Hills Landfill. Mr. Lamoree, Solano County is receiving a tipping fee from the landfill for using a road that is not vested with BCDC under the Laws of The Suisun Marsh Act. I would also like to bring your attention to that which the County is also using the South End of Emmington Rd., which is for agricultural use only. Also, as it is to be used only for Cattle right of way use. Dittner owns 16 ½ feet and I own 16 ½ feet. I have this information filed on my Deed to The Ranch, Parcel no. 0046-130-070.

Section 813 of the California Civil Code-The Right of the Public or any person to make any use whatsoever of the above described land or any portion there of (other than any use expressly allowed by a written or recorded map agreement Deed or Dedication is by permission and subject to control of owners, section 813 Civil Code.

Memorandum; July 24, 1978, to Betsy Strauss from the attorney in Napa, Joe Peatman could go to Solano County and find out what is going on and find out if there is anyway that Mrs. Bonnici (AKA Gudotti) can stop the use of the road. I did not tell him or my attorney Jim Fogarty as I did not trust them. It also states in the memorandum that they intend to expand the dump to Bill Smith property and he is a Director of BCDC. The only one able to get a permit in the area so you might watch for some hanky-panky.

Being that you were Deputy County Counsel at that time, I'm hoping with the enclosed letters that you would be able to remember this issue.

Today Solano County, The Landfills Board of Supervisor planning Dept., Mr. Dittner, Attorney Bill King and Attorney Gary Rees, Etc., do not have the right to use my 16-½ feet Right of Way to bring in County garbage trucks in on a Cattle Right of Way that is 4-½ feet under water in the Marsh.

I vested a Right Of Way and The Corp of Engineers with BCDC need to use it.

Sincerely,

  
June Gudotti

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Solano County  
Resource Management

Cc: Cal-Trans Legal Department

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OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SOLANO

DAVID W. PAULSON  
DISTRICT ATTORNEY

Douglas N. Keener  
Chief Deputy

L. Kathryn Coffey  
Chief Deputy

George H. Williamson  
Chief Deputy

Al Garza  
Chief Investigator

May 28, 2003

June Guidotti  
3703 Scally Road  
Suisun, CA 94585

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Solano County  
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JUN 02 2003

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Re: Concerns presented for review

Dear Ms. Guidotti:

I have had an opportunity to thoroughly review all of the documents you have referred to this office. I have also spoken, among others, with Birgitta Corsello, the Director of the Environmental Management Department.

Based on this review, it does not appear that my office has jurisdiction over any of your concerns. As a prosecuting agency, we do not commence an action until such time as a law enforcement agency forwards an investigative report which finds a violation of law and recommends prosecution. In that regard, I have advised Ms. Corsello that if she believes there have been violations of law she should contact the Solano County Sheriff's Office and request an investigation.

I am sorry that I cannot assist you at this time, however, please continue to work with the department of Environmental Management. I am convinced that Ms. Corsello and her staff are working diligently to resolve all matters consistent with applicable laws and regulations.

Please also know that I will continue to communicate with Ms. Corsello and other county officials regarding your concerns.

Very truly yours,

David W. Paulson  
District Attorney

July 17, 2004

June Guidotti  
3703 Scally Road  
Suisun, CA 94585

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Solano County  
Resource Management

Karol Schmit  
State of California  
Department of Transportation  
Legal Division  
595 Market Street, Suite 1700  
San Francisco, CA 94120

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Dear Mr. Schmit:

Per our telephone conversation, enclosed are letters wrote to Charles Lamoree, Attorney for Solano Transportation Authority.

1. My problem is I do not want Cal-Trans to widen Scally Road, as in the plans for Solano 12 Road Rehab Projects (EAOT0900-OT1010). Because of the drainage and hydraulics related problems and the safety for the public on the trucks turning and using a road that is for Agricultural use only, that is not safe.\*1
2. Second problem, for years Tom Hannington was working for Cal-Trans and his wife was on the Deed for the Gas and Oil Mineral Rights, for the Potrero Hills Landfill that use the road.
3. Third problem, Tom Hannington wanted SID Water to go up Scally Road, in the road off of Highway 12, to put a 3 million gallon water tank in the Potrero Hills. Today Bob Issac and Susan Butterfield still will not put the tank in because it has to go in the road for agricultural use only.
4. 1. Willy Brown changed-5 Senate Bill-in Solano County. 2. Solano County changed the General Plan and needs to put it back. 3. Bill King is the attorney for the Directors Guild, in Los Angeles, and was the attorney for the Lambrecht will (70 acres) Cal Trans needs to widen on to Scally Road.
5. To my understanding Cal-Trans has paid Solano County for 11 years to fix the problem on the road; the problem is still the same. Cal-Trans took the bridge out on Scally Rd. when they put Route 12 in a year ago. Enclosed is a letter from Joseph Peterson dated December 15, 2003, stating it is Solano County's problem. And in his opinion the portion of Potrero Hills Lane which crosses the Historical Tidal Marsh should have been placed on a bridge.
6. My problem is Solano County is leasing the South End of Emmington Road, which is for cattle right away only. And for Agricultural use only. Dittners owns 16 ½ feet and I own 16 ½ feet.

June Guidotti

1

---

<sup>1</sup> I am asking the 16 counties to bring their garbage in, put the bridge and an all weather road in that was vested with BCDC. In the laws of the Suisun Marsh Act.

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-6377  
FAX (510) 286-4882

Received

JAN 23 2007



Flex your power!  
Be energy efficient!

Solano Cty. CAO

December 15, 2003

Ms. June Guidotti  
3703 Scally Road  
Suisun, CA 94585

*add to BOS -  
Meeting Minutes  
1-23-07  
as part of the record  
1 of 22 pages*

Dear Ms. Guidotti:

I appreciated the opportunity to meet with you on October 29, 2003 to discuss past flooding on your property located at 3703 Scalley Road. The area in question is outside State right of way bounded by Kildeer Road and Potrero Hills Lane. Both of these roadways are Solano County facilities.

I agree with you that the extent of flooding as evidenced by the pictures you provided is most likely exacerbated by the small culvert beneath Potrero Hills Lane which currently acts as access to the Potrero Hills Landfill. This raised roadway essentially acts as a dam and has significantly reduced the natural tidal circulation from Hill Slough onto your property. Additionally, coincident with high tides and storm events, the raised roadway and culvert appear to restrict the runoff from your property back to Hill Slough. In my opinion, the portion of Potrero Hills Lane which crosses the historic tidal marsh should have been placed on a bridge.

Caltrans doesn't own, operate, or maintain the culvert beneath Potrero Hills Lane, therefore, we have no obligation or authority to address your flooding problem. If you have any questions regarding this issue please contact me at (510) 286-6377.

Sincerely,

*Joseph E. Peterson*

JOSEPH E. PETERSON  
District Office Chief  
Engineering Services II

c: Hydraulics File

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DISTRICT ATTORNEY  
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FALLENBOLD DRAKE  
COUNTY OF SOLANO

# SOLANO COUNTY WATER AGENCY



April 29, 1997

12/14/02

Lieutenant Colonel Richard G. Thompson  
District Engineer, Attn.: Regulatory Branch  
333 Market Street  
San Francisco, Ca. 94105-2197

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Resource Management

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Re: Public Notice #20527N Comments

Dear Colonel:

The Solano County Water Agency has been looking at wide spread flooding in Solano County. On behalf of Mrs. June Guidotti, adjoining land owner to the proposed project parcel of Larry Birch Solano Garbage Company, Inc./Potrero Hills Landfill, Inc., the Solano County Water Agency would like to submit the following comments for review prior to issuance of the final corps permit.

I. Review the contours and areas affected by the construction of a berm at the 4' elevation (figure 3 Public Notice 20527N). The construction of this berm may back water onto land owners other than those requesting the corps permit. Any landowners negatively impacted should be notified that their lands may be unusable as a result of the issuance of the corps permit.

II. Additionally, flooding is significant during normal rainfall events. Scally Road can go under 2-3 feet of water and becomes impassable. Please review the permit and confirm that the natural drainage pre-project has not been altered. Currently there is a flap gate at Emmington Road, this should be removed as proposed in the application. This will re-establish the natural drainage that existed prior to the construction of existing roads.

Our recommendation would be to review the permit request in order that drainage problems are not exacerbated along Scally Road any more than natural existing conditions permit. Drainage/flooding problems along Scally Road may have existed prior to the installation of Emmington or Potrero Hills Landfill roads, but certainly not to the extent of recent flooding. Please see to it that any enhancements made in this permit minimize flooding and drainage problems.

If you should have any additional questions or concerns, please call David Okita at 707-451-2904 or Jim van Löben Sels at 707-451-2852.

Sincerely,

  
Jim van Löben Sels  
Water Resources Specialist

448-6847

cc: Jane Hicks  
June Guidotti

a8014-25.let

508 Elmira Road, Vacaville, California 95687  
(707) 451-2852, FAX (707) 448-7347



Marked  
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Emmington Rd

*Solano Pipeline  
was only leasing  
150 - 200 acre  
SGC*



# EXISTING AND PROPOSED PROJECTS

- 1 Cordelia Villages
- 2 Wastewater Pilot Project
- 3 Cordelia Commerce Park
- 4 Abernathy Road Interchange
- 5 Abneuser-Busch Brewery
- 6 Fairfield Subregional Sewage Treatment Plant
- 7 Fairfield Streams Project
- 8 Suisun Pacific Marina
- 9 Suisun Villages
- 10 Laurel Estates
- 11 Cold Springs Harbor
- 12 Suisun Slough Channel
- 13 Solano Garbage Company
- 14 Envirozol, Inc.
- 15
- 16 North Bay Aqueduct
- 17 Highway 12 Improvements
- 18 East Bay Municipal Utilities District Aqueduct
- 19 Atlantic Richfield Petrochemical Plant
- 20 Dow Petrochemical Plant
- 21 PG&E Power Plant
- 22 National Steel Co.- SP Transportation Co. Property
- 23 Shell Natural Gas Pipeline
- 24 Banicia Industrial Park

- Pipeline -----
- Aqueducts - - - - -
- Highway Improvements |||||
- Present Dredged Channel & Proposed Flood Control Project - - - - -



San Francisco Bay Conservation and Development Commission

Figure 10

NOTICE

RIGHT TO PASS BY PERMISSION,  
AND SUBJECT TO CONTROL OF OWNER;

SECTION 1008, CIVIL CODE;

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Solano County  
Resource Management

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NOTICE PURSUANT TO CALIFORNIA  
CIVIL CODE SECTION 813

OFFICE OF THE CLERK  
SOLANO COUNTY CLERK  
ROBERT A. ALVAREZ  
FEE \$ 7.00

AKA GUIDOTTI

I, June Theresa Bonnici, a holder of record title to the following described land located in the County of Solano, State of California:

The Southeast one-quarter of Section Four (4), Township 4 North, Range 1 West, N.D.M.;

Excepting and reserving therefrom a small piece of said land containing 3 acres, more or less, and described as follows: Beginning at the southeast corner of said quarter section and running thence North 352 feet; thence in a southeasterly direction to the south line of said quarter section at a point 128 feet east of the point of beginning and thence to the place of beginning. Said piece of land being triangular in shape;

Also excepting from the above described land, the following piece described as follows; commencing 30 1/2 chains from the northeast corner of the Southeast 1/4 of section 4, Township 4 North, Range 1 West, thence running South 57 degrees 45 minutes West 8.71 chains; thence South 33 degrees West 1.34 chains; thence South 16 degrees West 3.85 chains; thence South 89 degrees 30 minutes East 9.14 chains; thence North 15 minutes West 9.52 chains to the place of beginning, containing 6.07 acres of land.

Parcel No. 0046-130-070

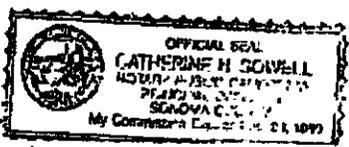
hereby provides notice pursuant to Section 813 of the California Civil Code as follows:

THE RIGHT OF THE PUBLIC OR ANY PERSON TO MAKE ANY USE WHATSOEVER OF THE ABOVE DESCRIBED LAND OR ANY PORTION THEREOF (OTHER THAN ANY USE EXPRESSLY ALLOWED BY A WRITTEN OR RECORDED MAP, AGREEMENT, DEED OR DEDICATION) IS BY PERMISSION, AND SUBJECT TO CONTROL, OF OWNER; SECTION 813, CIVIL CODE.

Dated December 28, 1990

June Theresa Bonnici  
June Theresa Bonnici

(Notary)



Attached to Notice Pursuant to Calif. CC Sec. 813



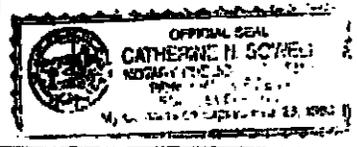
STATE OF CALIFORNIA  
COUNTY OF SOLANO

On this the 28th day of December, 1990, before me the undersigned, a Notary Public in and for said County and State, personally appeared June Theresa Bonnici

to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same.

Catherine H. Scovell  
Signature of Notary

FOR NOTARY SEAL OR STAMP



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Resource Management

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August 18, 2003

To: Solano Irrigation District  
508 Elmira Road  
Vacaville, California 95687-4999

From: June Guidotti  
3703 Scally Road  
Suisun City, California 94585

To: SID Board Members

Attention Jim Danelis;

RECEIVED  
DISTRICT ATTORNEY  
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FAIRFIELD BRANCH  
COUNTY OF SOLANO  
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COUNTY COUNSEL  
RECEIVED  
AUG 19 2003

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AUG 19 2003  
CITY OF FAIRFIELD  
HUMAN RESOURCES

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S.D.  
Received  
AUG 19 2003

Solano County  
Board of Supervisors

CITY OF SUISUN CITY

I June Guidotti came to SID Board of Directors meeting at SID Board Room Monday, August 18, 2003 7:00 P.M. meeting. The minutes will show that the SID had a list current pending annexations requests . SID Board member annex all of the 26 applicant into the Solano project place of use . My parcel 46-130-07 150.42 AC. I am dropping it from annexations of August 18, 2003 .

Please give a copy of this letter to Paul Minasian and all Board of Directors . I will have to reapply for water when Brigitta Corsello, Ron Glass, LAFCO, Solano Board Of Superviors , when they give me my permits for the Energy Element part of the general plan (page I-34) states:

“Agricultural Biomass Energy Facility- Under this study, the County would seek funding or support the attempts of others to fund a facility which would produce energy from the burning of energy crops or crop residues. Possible sources of planning money would be the State Energy Commission or the State Solid Waste Management Board.

As I stated in the meeting I can not be part of Potrero Hills Landfill getting water for there Power Plant in the Potrero Hills as they are not water related or are for long term agriculture use. They are not environmental safe.

Sincerely,

*June Guidotti*  
June Guidotti

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May 13, 1996

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FAIRFIELD BRANCH  
COUNTY OF SOLANO

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June Bonnici  
3703 Scally Road  
Suisun, California 94585

SUBJECT: Request for Appeal Form; Marsh Development Permit for Potrero Hills Landfill Co.; Potrero Hills Lane

Dear Ms. Bonnici:

Enclosed is a copy of our appeal form which you may file with BCDC once the County has made its final determination on the marsh development permit concerning Potrero Hills Lane. I have also enclosed a copy of the regulations governing your filing. Please note that section 11440 requires that BCDC must receive your form on or before the twentieth working day after receipt of the County's notice of final action.

You may wish to keep in mind that an appeal to the Commission is for the purpose of appealing the marsh development permit. A separate challenge, through a lawsuit, may be made regarding the adequacy of the environmental document. Please feel free to call if you have any questions.

Sincerely,



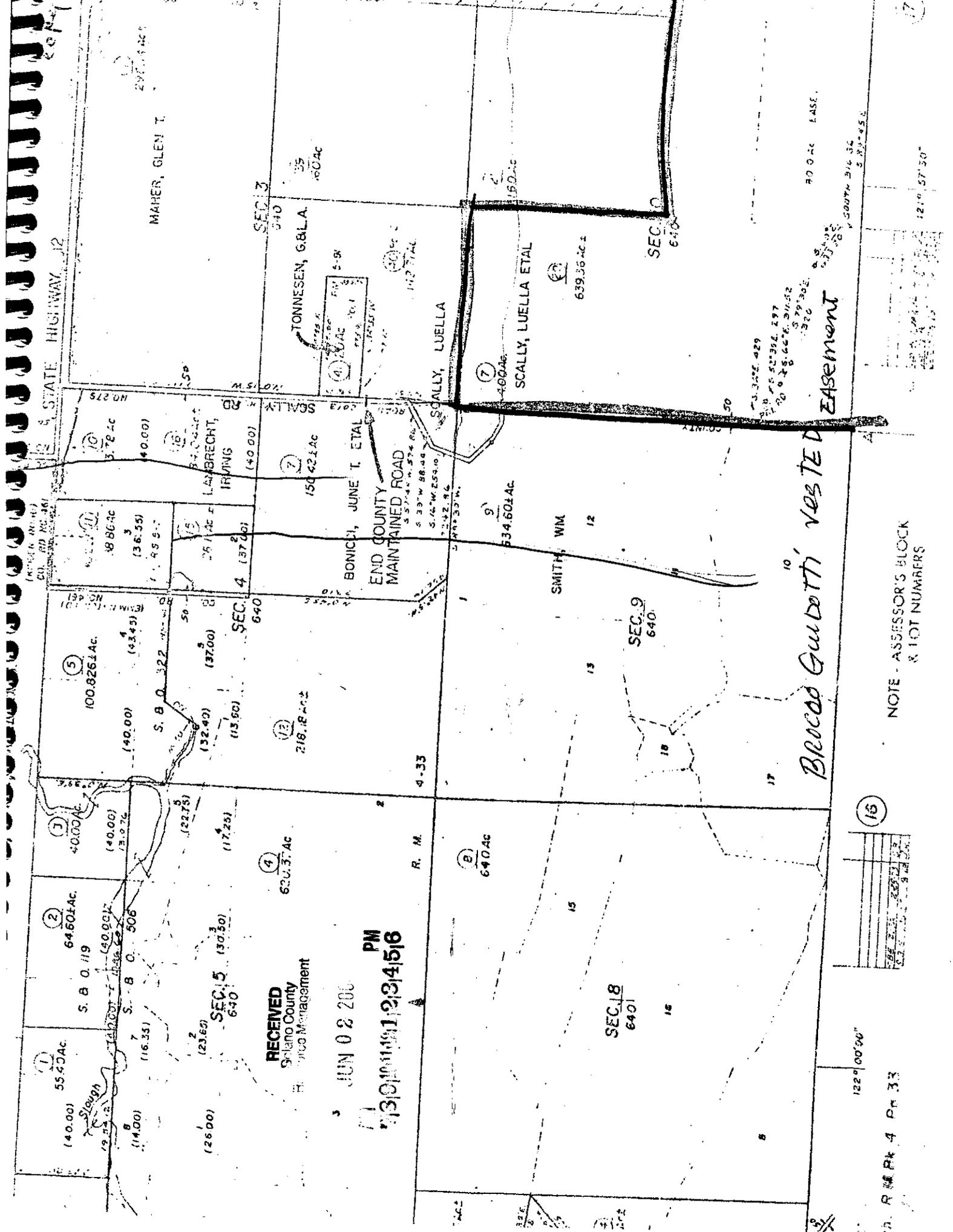
ELLEN M. SAMPSON  
Staff Counsel

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STATE HIGHWAY 12

MARER, GLEN T.

TONNESSEN, G.B.L.A. 55 160 AC

SCALLY, LUELLA

SCALLY, LUELLA ETAL 639.36 AC

BONICCI, JUNE I. ETAL

END COUNTY MAINTAINED ROAD

SMITH, WM 12

*Brocco Guibotti' Vested*

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NOTE - ASSESSOR'S BLOCK & LOT NUMBERS

R. R. 4 P. 33

15	16	17	18
19	20	21	22
23	24	25	26

122° 00' 00"

ROAD EASE.

SOUTH 314 32

S. R. 4-5

121° 57' 50"

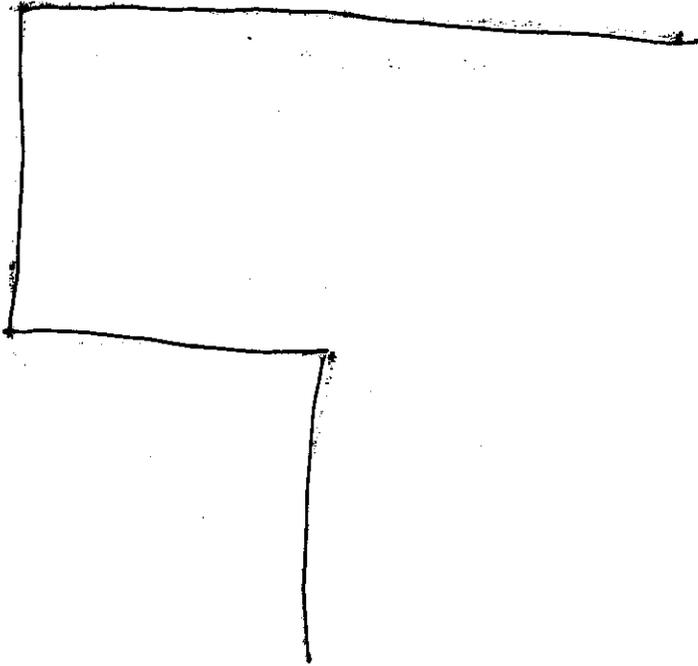
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**CERTIFICATION:**

**WDID: 248S002528**

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of the permit, including the development of and implementation of a Storm Water Pollution Prevention Plan and a Monitoring Program Plan, will be complied with."

Printed Name: JOE DELLA ZOPPA

Signature: Joe Della Zoppa Date: 5/16/97

Title: EXECUTIVE VICE PRESIDENT

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JOE DELLA ZOPPA  
SOLANO GARBAGE COMPANY  
P.O. BOX "B"  
FAIRFIELD, CA 94533

For State Water Board Use

State of California State  
Water Resources Control Board  
**NOTICE OF INTENT**



For Existing Facility Operators

TO COMPLY WITH THE TERMS OF THE  
GENERAL PERMIT TO DISCHARGE STORM WATER  
ASSOCIATED WITH INDUSTRIAL ACTIVITY (WQ ORDER No. 97-03-DWQ)

4855

This Notice of Intent (NOI) is being sent to all facility operators that were enrolled under the prior Industrial Storm Water General Permit that has now expired. A new General Permit has been adopted to replace the expired one. To enroll under the new General Permit, review this NOI (and make any necessary corrections), sign the CERTIFICATION on the reverse side, and return this original NOI within 45 days of receipt to: STORM WATER NOI PROCESSING UNIT, STATE WATER RESOURCES CONTROL BOARD, PO BOX 1977, SACRAMENTO, CA 95812-1977

**FACILITY OPERATOR INFORMATION:**

WDID: 2 48S005448

NAME: POTRERO HILLS LANDFILL

CONTACT & PHONE

STREET: P.O. BOX 68

CAESAR NUTI

(510) 282-1600

CITY, STATE, ZIP: FAIRFIELD, CA 94533

**FACILITY LOCATION:**

County: Solano

NAME: POTRERO HILLS LANDFILL

CONTACT & PHONE

STREET: 3675 POTRERO HILLS LANE

LARRY BURCH

(707) 429-9600

CITY, STATE, ZIP: SUISUN CITY, CA 94533

**FACILITY MAILING ADDRESS:** (IF DIFFERENT THAN FACILITY LOCATION)

STREET OR POST OFFICE BOX: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

**ADDRESS FOR CORRESPONDENCE - SEND TO:** (CHECK ONE)

Facility Operator Address  Facility Mailing Address  Both

**BILLING ADDRESS INFORMATION - SEND TO:** (CHECK ONE)

Facility Operator Address  Facility Mailing Address  Other (enter below)

NAME: POTRERO HILLS LANDFILL

STREET: P.O. BOX 68

CITY, STATE, ZIP: FAIRFIELD, CA 94533

CONTACT PERSON: \_\_\_\_\_ PHONE: \_\_\_\_\_

**SIC(S) OF REGULATED ACTIVITY:**

4953 Refuse Systems

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(CERTIFICATION continued on the reverse side)

January 31, 2008

Mr. Jim Louie, Senior Planner  
Solano County Resource Management  
675 West Texas Street, Suite 5500  
Fairfield, CA 94533

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**RE: Notice of Preparation (NOP) – Scope and Content of Environmental Issues for Evaluation in the Environmental Impact Report (EIR) Prepared for the 2008 Solano County General Plan**

Dear Mr. Louie:

Thank you for the opportunity to provide comments on the Scope and Content of Environmental Issues that my family, I and the public request be identified, described, and analyzed in the EIR prepared for the 2008 Solano County General Plan. This is my second comment letter submittal as I promised at the Public Scoping meeting held earlier this month.

**Public Participation**

The California Environmental Quality Act (CEQA) process, among other things, is to inform governmental decision makers and the public about the potential environmental effects of proposed activities. I request that my name and address be added to all mailing lists for the above named project and that I be notified of all meetings, hearings, and scoping sessions for the EIR prepared for the Solano County General Plan, as well as receive a copy of the draft EIR for review and comment. My name and address are located at the bottom of this letter. I do not have an e-mail address.

It appears that the lead agency is trying to coordinate the timing of the CEQA process simultaneously with the development timelines of the General Plan. It appears that the General Plan process may be slightly behind schedule as items, both scheduled and unscheduled for discussion at recent CAC and Board of Supervisor meetings, have not been available to the public prior to meetings or not provided until the meeting had started. At a recent meeting, I commented to the

Page 1

*of 12*

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Board of Supervisors that in my opinion, there has been at least one violation of the Brown Act.

While the meetings on the General Plan are not directly under the lead agency's control, I am concerned that due to timeline pressure, that both processes (development of EIR and General Plan) are being rushed/falling behind timelines and as a result, the public's opportunity to comment is being sacrificed. Both documents and processes are to include the public and in the case of the General Plan, to make sure that the needs of the citizenry are balanced and meshed. This is impossible to accomplish if the consultants do not have adequate time to complete documents and the public is not afforded full disclosure of information in a timely manner. In my opinion, the public's needs are not currently being met and I request that the CEQA process be delayed, if necessary, to allow the General Plan process to catch up.

I request that the EIR be developed based on a complete Draft 2008 General Plan which has been released to the public for review and comment prior to the release and circulation of the EIR. To do otherwise does not fully engage the public in either process as described in documents and notices published by Solano County.

**Scope and Content of Environmental Issues for Evaluation in the Environmental Impact Report (EIR)**

**Land Use**

The General Plan proposes significant changes to the Solano County Land Use designations. Please include, at a minimum, a description and analysis of the No Project Alternative, and the project with proposed land use designations minus all of the proposed land use overlays.

Please include an analysis of the growth inducing; wildlife habitat, wildlife population and migration; traffic, noise, odor, aesthetic, and water quantity/quality, and cumulative environmental impacts for areas of the county that will no longer require a minimum 40-acre, 80-acre or 160-acre minimum parcel size.

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**Framework**

Under the Framework of the 2008 Draft General Plan (page 4) it states:

**"Protection of agricultural lands and the county's rural character has been an overarching theme of the County's planning efforts for many decades. The proposed project [update of the General Plan] would continue this tradition as well as broaden the General Plan's scope to encompass sustainability as it relates to the environment, the economy, and social equity"**

Please identify in the EIR where each Element of the General Plan's scope has been broadened to "encompass sustainability as it relates to the environment, the economy and social equity", as well as describe and analyze the impacts resulting from the broadening of the General Plan's scope.

Please provide definitions in the EIR, as used in the General Plan, for the terms "sustainability", "environment", "economy" and "social equity".

Please include in the EIR a description and analysis of the impacts to the environment, the economy and social equity for those sustainable (agriculture only?) objectives, goals, programs where the scope has been broadened beyond the existing General Plan. It is not clear if this broadening of the General Plan's scope only applies to only to agriculture or all Elements/Chapters of the General Plan. I request that where the General Plan scope has been broadened these "broadened" portions be identified in the EIR and a description and analysis of impacts to the environment, economy and social equity be completed for all "broadened" Elements.

**Agriculture**

As a farmer, I believe that protecting and supporting agriculture as part of the County's economy and quality of life and protection (not preservation) of agricultural lands have been both been longstanding objectives County. What concerns me is the County's apparent

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direction in the 2008 Draft General Plan toward preservation (by use of an Overlay) of agricultural lands and the environmental injustice of only subjecting some, not all, agricultural lands to the Overlay restrictions. I prefer no Agriculture Overlay and I believe that the use of an Agriculture Overlay will create an unjust burden and hardship to the underlying land use and land owner and could impede or reduce farming and agriculture within the County.

At a minimum, please describe and analyze the environmental impacts for the following alternatives:

- No Project Alternative
- Project with No Agriculture Overlay
- Project with Agriculture Overlay Over All Solano County Agriculture Lands

### Conservation

As a farmer, I also believe in conserving resources for the protection of wildlife, habitat, and aquatic resources. However, I prefer that as stewards of the land, cooperative conservation efforts rather than Overlays and ordinances that may create an unjust burden and hardship to the underlying land use and land owner and could impede or reduce farming and agriculture within the County should be discouraged.

At a minimum, please describe and analyze the environmental impacts for the following alternatives:

- No Project Alternative
- Project with No Resource Conservation Overlay
- Project with Habitat Conservation Plan (Solano Water Agency) in place

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- Project with Resource Conservation Overlay Over All Solano County Agriculture, Industrial, Public-Quasi Public Lands or Lands over 40-acres in size

**BCDC**

Please identify in the EIR the changes proposed or made to the existing General Plan BCDC policies and describe and analyze the environmental impacts from the BCDC policies that are proposed or were changed. The public has not seen or commented on these changes.

**Solid Waste**

I have proposed a solid waste anaerobic digestion (regulated as composting in California) for inclusion in the General Plan. My project submittal was accepted but is not, to date, appearing in the Draft General Plan. I am pursuing it being added to the General Plan and request that you include the impacts from it in your environmental review.

I also request that the EIR discuss the changes proposed in solid waste system services and facilities in the County and identify the environmental impacts from these changes. At a minimum, the EIR should discuss the County's move towards a regional approach for solid waste services and the subsequent off-site impacts (air quality, climate change, traffic and circulation, odor, litter) from the transportation of waste into the County for long distances (up to 150 miles) from other Counties.

The EIR should discuss and analyze the changes to the solid waste management system and the impact, if any, on meeting the County's diversion goals in accordance with AB 939.

Thank you for the opportunity to provide comments on the scope and content of environmental issues to be evaluated in the EIR prepared for the 2008 Solano County General Plan. I look forward to receiving the EIR for review and comment.

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Sincerely,

June Guidotti for the public  
Family

June Guidotti  
3703 Scally Road  
Suisun, CA 94585  
(707) 429-0893 (phone)  
(707) 429-5054 (fax)

page 7, BCDC FED 1-2008 Letter To  
June Guidotti William F Leupfle  
Subject: Solano County Local Protection  
Plan amendment Process

page 10 Jeff Blanchfield BCDC letter  
dated Sept 25, 1997  
To June Guidotti

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Making San Francisco Bay Better

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June Guidotti  
c/o William F. Leupfle  
547 Jefferson Street, Suite C  
Fairfield, CA 94533

SUBJECT: Solano County Local Protection Plan Amendment Process  
Dear Ms. Guidotti:

This letter describes the amendment process for Suisun Marsh Local Protection Plan (LPP) components as discussed in our phone conversation on January 27, 2008. The requirements for the Local Protection Plan content may be found in the Suisun Marsh Preservation Act and regulations on the amendment process are found in the Natural Resource Code § 11210-11215.

The current Solano County Local Protection Plan was certified by the Bay Conservation and Development Commission (BCDC or Commission) in December 1982. This document includes Suisun Marsh policies contained in the Solano County General Plan and ordinances from the Solano County Code. Land use designations are created by Solano County and detailed in the County General Plan and zoning ordinances. As a result of Solano County's current General Plan update the County may need to submit an amendment to the Commission to update the Solano County LPP in the coming year.

Excerpted below are the regulations that specify submittal requirements for an amendment to the Suisun Marsh Local Protection Program:

§ 11210. Amendment Submittal Requirements.

The Commission may file for review a proposed amendment to the certified Suisun Marsh local protection program or a component thereof only if the proposed amendment is submitted pursuant to a resolution of the entity that proposes the amendment adopted after the entity held at least one (1) public hearing. The resolution of the proposed amendment shall contain the following information:

- (a) all policies, plans, standards, objectives, diagrams, drawings, maps, charts, and supplementary data related to the proposed amendment in detail sufficient to allow review of the proposed amendment for conformity with the provisions of California Public Resources Code Sections 29000 through 29612, the policies of the Suisun Marsh Protection Plan, and the policies of the San Francisco Bay Plan;
- (b) a discussion of the proposed amendment's effect on the component being amended, its relationship to and its effect on the other sections of the local protection program, and its conformity with California Public Resources Code Sections 29000 through 29612 and the policies of the San Francisco Bay Plan and the Suisun Marsh Protection Plan.

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- (c) any environmental documents required pursuant to California Public Resources Code Section 21000 through 21177 for all or any portion of the proposed amendment;
- (d) a summary of the measures taken to provide the public and any affected agency with maximum opportunity to participate in the local protection program or component amendment process, including proof that the entity proposing the amendment gave written notice of its public hearing to all other entities whose components would be affected by the amendment; and
- (e) If the proposed amendment would affect any area outside of Suisun Marsh, a statement that the entity proposing the amendment has held a public hearing for which it gave at least thirty (30) days prior notice, and had given the Commission and Solano County at least thirty (30) days prior notice of the nature and text of the proposed amendment.

§ 11211. Submittal of an Amendment.

- (a) Within ten (10) working days of receipt by the Commission of a proposed amendment to the local protection program or component thereof, the Executive Director shall determine whether the proposed amendment meets the submittal requirements of Section 11210.
- (b) If the Executive Director determines that the proposed amendment and supporting materials meet the submittal requirements of Section 11210, the Executive Director shall stamp all the materials "Filed BCDC" and the date of filing and notify the entity that submitted the proposed amendment of its filing.
- (c) If the Executive Director determines that the proposed amendment does not satisfy the requirements of Section 11210, the Executive Director shall transmit to the entity that proposed the amendment a written explanation of why the proposed amendment and supporting materials do not comply with Section 11210.
- (d) The filing of a proposed amendment and supporting materials shall constitute submittal of the amendment pursuant to California Public Resources Code Section 29410.

§ 11212. Processing Amendments to the Local Protection Program or Component Thereof.

The Commission shall process a proposed amendment to the Suisun Marsh local protection program or to any component thereof in accordance with Sections 11202 through 11208, except that amendments designated as minor by the Executive Director under Sections 11213 and 11214 shall be processed only as provided in Section 11214.

§ 11213. Definition of a Minor Amendment.

A minor amendment to the Suisun Marsh local protection program or any component thereof is an amendment that is consistent with California Public Resources Code Sections 29000 through 29612 and the Suisun Marsh Protection Plan and that is one or more of the following:

- (a) changes in wording, maps, or diagrams of any general, specific, or area plan, other policy document, zoning ordinance, zoning district map, regulation, or standard that does not change the designated, allowable, or permitted use, density, or intensity of land use or sphere of influence or boundary of any city; or

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(b) changes in any certified management plan or policy document of the Suisun Resource Conservation District or the Solano County Mosquito Abatement District that does not change the permitted or allowable use of any land and does not change any water management program or practice.

§ 11214. Designation of an Amendment as Minor.

- (a) If the Executive Director intends to determine that a proposed amendment is minor, he or she shall notify the Commission of this intent by summarizing the proposed amendment and stating the intent as part of the administrative listing of administrative permits and consistency determinations that Section 10620 requires.
- (b) The Executive Director shall send the listing to or shall otherwise notify in writing the County of Solano, the Cities of Benicia, Fairfield, and Suisun City, the Solano County Local Agency Formation Commission, the Solano County Mosquito Abatement District, the Suisun Resource Conservation District, the California Department of Fish and Game, the United States Fish and Wildlife Service, and the United States Bureau of Reclamation at least nine (9) working days before the meeting at which the Commission may comment on the listing.
- (c) If two (2) or more members of the Commission object to the Executive Director's proposed determination that the proposed amendment is minor, the determination shall not become effective and the Commission shall process the amendment pursuant to Section 11212.
- (d) If less than two (2) members of the Commission object to the Executive Director's proposed determination that the proposed amendment is minor, the proposed determination shall become effective and the amendment shall become effective on the tenth (10th) working day following the meeting at which the amendment was listed.
- (e) The Executive Director shall give written notice of final action on the proposed amendment to the entity that proposed the amendment and to all persons who have requested in writing that they receive such notice.

§ 11215. Frequency of Amendments.

No local government, district, nor the Solano County Local Agency Formation Commission shall submit an amendment to the Commission or the Executive Director for certification more frequently than three (3) times during any calendar year.

(Material referenced: Section 29148, Public Resources Code)

These are the requirements that BCDC and Solano County will follow for any updates to the County's LPP. I hope that this answers your questions regarding BCDC's involvement in the Solano County General Plan and LPP amendment process. If you have any questions please call (415) 352-3649.

Sincerely,

SAHRYE COHEN  
Coastal Planning Analyst

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*Daryl / Sonny Bell* Please call Dennis 27.07 OAC meeting  
*quitting first thing this morning*

**SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION**

THIRTY VANNESS AVENUE, SUITE 2011  
SAN FRANCISCO, CALIFORNIA 94102-6080  
PHONE: (415) 557-3686

September 25, 1997

Ms. June Guidotti  
3703 Scally Road  
Suisun, California 94585

*Cell: 707-631-9365*

**RESOURCE MANAGEMENT**

AUG 22 2007

RECEIVED BY: \_\_\_\_\_

*June*  
Dear Ms. Guidotti:

You have asked whether or not your proposal to build a sheep food processing facility and thermal electric generating co-generation plant on your Scally Road property in the Potrero Hills in Solano County is consistent with the Suisun Marsh Preservation Act. As I have discussed with you, I believe these uses would be inconsistent with Solano County's component of the Suisun Marsh local protection program.

Your property is within the secondary management area of the Suisun Marsh as defined in the Suisun Marsh Preservation Act (Public Resources Code Sections 29101 and 29103) and as shown on the map "Boundaries of the Suisun Marsh." The County of Solano has marsh development permit authority in the secondary management area and the San Francisco Bay Conservation and Development Commission's authority is limited in the secondary management area to hearing appeals of marsh development permits issued by local government. Solano County's issuance or denial of proposed projects in the secondary management area is governed by the provisions of its Suisun Marsh local protection program component. Solano County's component generally consists of amendments to its general plan and zoning ordinance. The Solano County General Plan designates the Potrero Hills and your property for extensive agriculture use. The policies of the general plan state that "[a]gricultural uses consistent with the protection of the Suisun Marsh, such as grazing and grain production, should be maintained in the Secondary Management Area. In the event such uses become infeasible, other uses compatible with protection of the Marsh should be permitted." (Solano County Policies and Regulations Governing the Suisun Marsh, page 10.)

Consistent with the general plan designation, your property is included in a Limited Agriculture (A-L) zoning district. The purpose of the A-L zoning district

is to preserve lands best suited for permanent agricultural use while limiting certain intensive agricultural practices which may conflict with adjoining sensitive lands. Types of uses encouraged within A-L districts are extensive agricultural operations consisting primarily of grain and hay crop production, irrigated and non-irrigated pasture, and grazing operations harmonious with adjoining marshes, wetlands, grasslands, or other sensitive lands. (Solano County Policies and Regulations Governing the Suisun Marsh, page 59.)

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Uses allowed in the A-L district generally include: (1) agricultural uses, with emphasis on grain and hay crop production, pasture and grazing; (2) processing of products produced on the premises; (3) buildings and uses clearly accessory or incidental to permitted uses located on the property, including a single-family house and farm buildings; and (4) signs associated with the use of the property.

Uses permitted with a use permit generally include: (1) animal feed yard, poultry operation and domestic pet kennels; (2) solid waste disposal facility; (3) stables, lodges or resorts for hunting, fishing, or similar uses as determined by the Planning Commission; (4) public service facility; (5) rural residential enterprise; (6) housing for persons employed on-site for agricultural purposes; and (7) quarries and barrow areas existing as of January 1, 1982.

The use you propose of your property is more an industrial use than an extensive agricultural use in my opinion. While the feed that would be produced at the sheep food manufacturing plant would be consumed by stock in what I suppose would be an agricultural setting, it is the manufacturing process that would be occurring on your property and the thermal production of electricity by a co-generation plant that normally occurs in an industrial area.

I have discussed your proposal and my conclusions with Mr. Chris Monske of the Solano County Environmental Management Department who concurs with me. However, because the County is the primary permitting agency for your property, I urge you to consult directly with County staff on this matter. I remain, however, always pleased to discuss any matter concerning the Suisun Marsh area with you.

Regards,

*Jeffrey S. Blanchfield*  
JEFFRY S. BLANCHFIELD  
Chief Planner

cc: Chris Monske  
Kathy Hoffman

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The Energy Commission would be required to comply with areas which BDEC designates as unsuitable for power plant facilities. BDEC would be required to hold public hearings before designating these areas, and would not be able to designate these areas as unsuitable if the site were necessary for the expansion of existing powerplant facilities, or if the area were a site for which the Energy Commission before January 1, 1978 had filed a notice of intention to apply for certification of the site as a power plant facility. Also, Thermal electric within the Susan specifically could be constructed that the Marsh. If the Energy Commission determined that the site would have greater relative merit than alternative sites. This procedure is similar to the relationship of the Energy Commission and ~~State~~ Commission established last year.

dn 25777

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Ruth Dyer

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Solano County Citizens Advisory Committee  
Department of Resource Management  
675 Texas Street, Suite 5500  
Fairfield, CA 94533

**RE: Comments and Recommendations on Public Facilities and Services,  
Air Quality, and Noise Issues and Policies to Address In County of Solano  
General Plan Update**

Dear CAC Members:

I am submitting this letter for the April 9, 2007, County of Solano General Plan Update - Citizens Advisory Committee Meeting #14. The following comments are for items on the April 9, 2007 agenda scheduled for 6:05 p.m.- 6:20 p.m. Please include my comments and recommendations in the meeting record.

**AGENDA ITEM 4. - PUBLIC FACILITIES AND SERVICES ISSUES  
AND POLICIES**

**I. Existing General Plan Policies:**

I understand that the 1995 Solano County Countywide Integrated Waste Management Plan (CoIWMP) – Siting Element is not part of the existing General Plan (page 2 of 24).

- I recommend that the new General Plan include the Siting Element, as well as the goals, policies, and strategies of the 1995 CoIWMP, and all portions of the CoIWMP that contain land use related issues.

**Pages 3 and 4 of 24 - Solid Waste Facilities/Specific Policies/Land Use and Circulation Element 111b.**

- Most of these policies are out of date, have not been followed, and do not reflect the 1995 CoIWMP or how solid waste is managed within the County. I recommend that the solid waste policies be reviewed and updated to reflect the 1995 CoIWMP.

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## II. Gaps Analysis Recommendations:

Page 14 of 24, Public Facilities and Services Recommendation No. 1 states:

"Revisit the solid waste management strategy provided in existing General Plan and incorporate current policies and recommendations from the Integrated Waste Management Plan".

- I agree that the solid waste management strategy needs to be "revisited" and updated. I am presuming the consultant and County staff will be the ones "revisiting" the solid waste management strategy, and will be bringing the revised strategy with current (1995??) policies and recommendations from the Integrated Waste Management Plan, back to the CAC and public for review and comment. When do you anticipate this topic being back on the CAC agenda? If my presumption, that the revised solid waste management strategy will be brought back to the CAC, is incorrect please inform me in writing what the "revisiting" process will include and when and where the revised solid waste management strategy will be available to the public.

## III. General Plan Issues for CAC Discussion:

Under the Public Facilities and Services Issues Section on pages 16 and 17 of 24, it states:

"There are four issues for the CAC to consider regarding Public Facilities and Services." The issues identified are:

- Issue 2-1: Fire Districts with Unsatisfactory ISO Ratings
- Issue 2-2: Library Services Below County Standards
- Issue 2-3: Remaining Capacity of Landfills
- Issue 2-4: Storm Drainage Facilities

Page 17 of 24, Issue 2-3: Remaining Capacity of Landfills paragraph 1 states:

"...Potrero Hills Landfill has 7 years left for their Phase I build-out, and 43 years for their Phase II build-out. The Hay Road Landfill has another 64 years before it reaches capacity."

Please clarify the following for the CAC, the General Plan and me:

- The 7 years of remaining capacity for the Potrero Hills Landfill is as of what date?

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- As of 4/9/2007, I believe that the Potrero Hills Landfill Phase II build-out has not been permitted, so the statement that there are 43 years for their Phase II build-out is misleading. As it is a projection at this time, it should be represented as such in the CAC Workbook and General Plan documents.
- Please clarify if Hay Road has 64 years of **permitted** capacity at this time or if this also is a projection of potential capacity? If it is a projection, it should be represented as such in the CAC Workbook and General Plan documents.

Page 17 of 24, Issue 2-3: Remaining Capacity of Landfills, paragraph 2 states:

"The County unincorporated area has now been certified as diverting 55 percent of its solid waste. Under our current reporting, the County unincorporated area is now diverting 63 percent of its waste which will be certified by the CIWMB later this year."

- Please clarify if the statement above is correct, specifically if the 55 percent and 63 percent diversion rates refer to only the **unincorporated** portions of the County or if the numbers reflect the diversion rate for the entire County (unincorporated and incorporated areas).
- If the statement is correct, and only reflects the unincorporated area of the County, what are the diversion rates for the incorporated cities, and what is the overall diversion rate for the entire County?
- I recommend that solid waste section of the General Plan include diversion rates for the entire County, as well as a breakdown for each city and the unincorporated County.

Public Facilities and Services Question 1 (page 17 of 24) from CAC Workbook:

"Should the County pursue the approaches listed above within the General Plan update?"

- I agree that the County should pursue the approaches identified for bullet 1 (Fire Districts/LAFCO), bullet 3 (Libraries), and bullet 4 (SCWA and storm drains).
- However, I recommend that the approach for the solid waste issue(s) needs to be clarified and rewritten to clearly identify the issue or issues for the CAC and the public. The link between

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Issue 2-3 and bullet 2 under the "Potential General Plan Approaches" on page 17 of 24 is not clear. The title for Issue 2-3 is "Remaining [emphasis added] Capacity of Landfills, yet the issue mentions permitted remaining capacity, un-permitted potential future capacity, a potential problem of county securing landfill capacity, and unincorporated County diversion rates. Bullet 2 describes incorporation of ColVMP provisions and other waste disposal alternatives into the General Plan.

> **AGENDA ITEM 5. - AIR QUALITY ISSUES AND POLICIES**

**II. Gaps Analysis Recommendations:**

I agree with the Air Quality recommendations on page 15 of 24 and recommend that:

- Air quality issues within Solano County be addressed in the General Plan, specifically by the addition of strategies beneficial to air quality within the Land Use, Circulation, Conservation and Public Facilities and Services Elements.
- The General Plan should provide comprehensive goals and policies pertaining to achieving and maintaining good air quality in the region for the residents of Solano County.
- I recommend that the General Plan include a discussion on how achieving and maintaining good air quality is important to reducing the high asthma rate within the County.

**III. General Plan Issues for CAC Discussion:**

**Air Quality Question 1 (page 20 of 24) from CAC Workbook:**

"From the list above, which approaches would you emphasize within the General Plan?"

- I would emphasize "Working with Yolo-Solano Air Quality Management District (YSAQMD) and Bay Area Air Quality Management District (BAAQMD) to perform air emissions modeling on land use changes"
- Specifically, I would like to see the Air Districts work with the County to address particulate and odor emissions from solid waste facilities, including both the Hay Road and Potrero Hills Landfills. The Districts and County should develop performance-based standards, as well as stiff enforceable penalties to encourage the Operators of these facilities to eliminate the off-site migration of particulates and odors.

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➤ **AGENDA ITEM 6. - NOISE ISSUES AND POLICIES**

**I. Existing General Plan Policies:**

- I recommend including all six policies for "controlling noise at the source" identified on page 10 of 24 of the CAC Workbook in the new General Plan and also recommend converting the "should" statements in policies numbered 1, 2, 3, 5, and 6 to "shall" policies.

**II. Gaps Analysis Recommendations:**

- I agree with the Noise recommendations (#6, 7, and 8) on page 15 of 24.

**III. General Plan Issues for CAC Discussion:**

- I agree with the statement that "... The [noise] problem should be defined in terms of appropriate criteria (Ldn or Leq), the location of the sensitive receiver (inside or outside) and when the problem occurs (daytime or nighttime)."

**Noise Question 1 (page 21 of 24) from CAC Workbook:**

"From the list above, which approaches would you emphasize within the General Plan update?"

- I consider the six bulleted items to be mitigation measures rather than "approaches". I would include all of the items as they provide different engineered noise mitigation options. In addition, I recommend that the CAC and staff direct the consultant to add the following to the General Plan:
- The relative effectiveness of each of the six bulleted measures (rank or list from most effective to least effective), and
- Identify in the General Plan where (land use and zoning) these measures can be used (i.e., residential, commercial, industrial, Suisun Marsh).

Additionally, I recommend not limiting the General Plan only to these six mitigation measures. I recommend the inclusion of additional engineering, administrative and policy Noise Control Measures within the General Plan. Some example measures that the CAC and staff could direct the consultant to investigate for inclusion in the General Plan:

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- Modification of noisy equipment. For example, mufflers on tractors or modification of other heavy equipment to reduce the decibel levels;
- Restrictions on Use. For example, some communities restrict the type and/or use of leaf blowers or other high decibel level equipment;
- Placement of high decibel level equipment within a structure;
- Mandatory retrofitting of adjacent property owner's residential structures by a project proponent to reduce noise levels to below a specified decibel level; and
- Identification of activities (largely industrial) that should be limited to day light hours or restricted to a certain number of hours per day.

7 Noise Question 2 (page 22 of 24) from CAC Workbook:

"Are there particular locations within the County that experience excessive noise that may require focused treatment or unique approaches?"

- Yes, there are particular locations within the County that experience excessive noise that may require focused treatment or unique approaches. Areas located adjacent to or beneath the flight paths of the airports in the County should be analyzed and potential noise reduction options described and evaluated. For example, the General Plan could review the procedures employed at several southern California airports (San Diego, Orange County, and LAX) for noise reduction ideas. In addition, activities that produce excessive and/or sustained noise within the Suisun Marsh will require focused treatment or unique approaches.

Thank you for the opportunity to present you with some of my comments on the Public Facilities and Services, Air Quality and Noise Reports. If you have any questions regarding my comments, I can be reached at the address and phone numbers below.

Sincerely,

*June Guidotti & Family and for the Republic*

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 Health & Safety Management

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March 25, 2007

Solano County Citizens Advisory Committee  
Department of Resource Management  
675 Texas Street, Suite 5500  
Fairfield, CA 94533

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**RE: Land Use Policy Issues to Address In County of Solano General Plan Update**

Dear CAC Members:

I am submitting this letter for the March 26, 2007, County of Solano General Plan Update - Citizens Advisory Committee Meeting #13. I found the Agenda a bit confusing so I am submitting my comments for both time slots - 6:05 p.m. - 6:20 p.m. - Public Comments for Items on the Agenda, as well as the 8:45 p.m. - 9:00 p.m. - Public Comments for Items not on the Agenda so my comments can be placed in the record at the appropriate location.

**AGRICULTURE ELEMENT**

According to the Land Use Background Report (page 1-3, Section 1.1. AGRICULTURE), "...agriculture takes place on 64 percent of the land in Solano County, ...". As agriculture does take place on a majority of Solano County land, and these issues are broader and more complex than portrayed in the Land Use Background Report, I am requesting that the CAC and staff consider addressing these issues in a separate Element of the General Plan.

**AGRICULTURE ISSUES AND POLICIES**

Issue 1 and Issue 5 on pages 1-55 and 1-56 of the Land Use Background Report touch on existing land use and land use policy inconsistencies, as well as some of the issues surrounding the preservation of traditional agriculture while noting that agriculture has changed and will continue to change in the County of Solano. As most farmers and ranchers today can no longer support their families solely by working their farm or ranch, and must have other sources of income to survive, I believe the General Plan policies and direction should reflect "mixed use" and or a "multiple income stream" concept of farming and ranching that exists throughout most of the world today.

I would like to have included in the Solano County General Plan a policy or policies that allows traditional agricultural land uses along with mixed (agricultural/commercial and/or agricultural/industrial/150 AG solid waste) uses. Examples could be a farmer who grows crops, grazes animals and then develops a portion of their land for a farmers market. Another example is a project that I am interested in pursuing. This project would include the development of a waste-to-energy (pyrolysis) facility on my property designed to make sheep feed and to produce power, along with the raising of sheep using my feed product.

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I have slightly revised the last sentence of the first paragraph for Issue 5: Preserving Agricultural Lands and the Economic Practice of Agriculture and ask that the CAC consider my revision for inclusion either in the Land Use Element or an Agriculture Element. Changes are noted using an underline.

"As a part of the General Plan update, the County should remove constraints to the ongoing practice of agriculture, develop, encourage, and allow the use of creative and financial incentives for the ongoing use of important agricultural land for growing crops, and animals, and accommodate growth of agriculture-related industries, as well as 150 AG solid waste, and agriculture-related commercial businesses."

GENERAL PLAN DOCUMENTS

I had difficulty in obtaining copies of documents for this meeting. I would appreciate it if staff would explain to me when (including how far in advance of the CAC meetings) materials are available to the public; what materials are available; what form the materials are available in (are all materials available in hard and electronic format?); where the materials can be obtained (Planning Dept., Library, on-line, other??); and finally, if there is a process that the public is required to follow to obtain hard copies of the various materials, please direct me to a staff person who will be able to assist me/provide me with written description of the process.

CONCLUSION

Thank you for the opportunity to present you with some of my comments on the Land Use Background Report and to request assistance with obtaining future General Plan documents prior to the meeting. If you have any questions regarding my comments, I can be reached at the address and phone numbers below.

Sincerely,

*June Guidotti and Family  
for the Public*

June Guidotti  
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Suisun, CA 94585  
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(707) 429-5054 (fax)

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*cc Deane Bushman  
Kristine Lerner  
Mike Yan Kovich  
Harry Englebright  
Bryetta Corsetto  
Ron Glass  
Paul Weese  
Copy to the Solano County Planning Commission*

*cc  
David Paulson  
cc Narcisa  
Wintal,  
Dennis Bunting  
Matt Walsh*

**FILED**

JAN 22 2008

Michael D. Johnson, Clerk of  
the Board of Supervisors of  
the County of Solano, State  
of California

Deputy: \_\_\_\_\_

January 21, 2008

Solano County Board of Supervisors  
675 Texas Street, Suite 6500  
Fairfield, California 94533-6342

**RE: Comments on Item #38 – Public Hearing to Consider  
Adoption of a Resolution Approving the Solano County Uniform  
Rules and Procedures Governing Agricultural Preserves and  
Land Conservation Contracts**

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Dear Chair Reagan and Supervisors:

I recommend that the Board of Supervisors not adopt a resolution approving the Solano County Uniform Rules and Procedures (Rules and Procedures) Governing Agricultural Preserves and Land Conservation Contracts at their meeting on January 22, 2008 and refer the item to staff for additions and CEQA review.

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The Report to the Planning Commission prepared by Matt Walsh cites a Categorical Exemption 17 as the basis for no CEQA being prepared for the proposed Rules and Procedures (regulations) before the Board on January 22, 2008. The "Open Space Contracts or Easements Exemption" (Class 17, Section 15317) reads as follows:

**"Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, or interests or easements is not included and will normally be an action subject to the CEQA process [emphasis added]."**

**Comment:**

- The proposed Rules and Procedures before the Board on January 22, 2008, do not clearly identify that the cancellation of preserves, contracts, or interests or easements are subject to the CEQA process (as stated in the Class 17 Exemption above) and in my opinion, the proposed Rules

RESOURCE MANAGEMENT

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and Procedures do not adequately disclose and describe for the landowner the requirements and costs associated with the Solano County CEQA process.

**Recommendation:**

- The Rules and Procedures should be revised to include information on the required CEQA process (second sentence of the Class 17 Exemption) to the proposed regulations. I recommend that the Board direct staff to include the requirement for CEQA evaluation and include a description of the County CEQA procedures in the proposed Rules and Procedures and then return the item to the Board of Supervisors for consideration.

**Comment:**

- The Class 17 Exemption does not appear to be an appropriate application of the CEQA Guidelines. The adoption of Rules and Procedures (regulations) that would allow the cancellation of contracts appears to be a separate discretionary action not addressed in the Class 17 Exemption. While the Class 17 Exemption (see above) addresses putting lands under contract as being a CEQA exempt activity, and the cancellation of contracts as requiring CEQA, it does not specify whether or not the preparation and revision of policies and regulations to determine when use of the property is or isn't consistent with contracts (Williamson Act) is or is not subject to CEQA review.
- Planning Staff's interpretation was that the exemption "can be interpreted to also include establishment and revisions to policies and regulations for determining when use of property is consistent with the Williamson Act". My problem with their statement is that they didn't identify WHY or HOW they came to their conclusion. I found their conclusion unsupported by facts, CEQA Guideline citations, or case law. I could make the counter argument that since the

cancellation of contracts are subject to CEQA the regulations to cancel the contracts should also be subject to CEQA.

**Recommendations:**

I recommend that the Board direct staff to complete the CEQA process on the proposed Rules and Procedures, as I believe that the regulations are a separate discretionary action not covered under the Class 17 Exemption and thus require CEQA review. This review would afford the public sufficient notice and opportunity to review and comment (one of the major purposes of the CEQA process) on the proposed regulations.

If the Board should not choose my first recommendation, I recommend/request the following:

- The Board return this item to staff for additional evaluation, analysis (perhaps consultation with the Office of Planning Research), and provide documentation to you and the public (in a revised agenda item) supporting WHY the proposed Rules and Procedures (regulations) are exempt from CEQA in accordance with the Class 17 Exemption and
- Address my opinion that the regulations are required to be analyzed in accordance with CEQA as a separate discretionary action.

Thank you for considering my comments and recommendations.

Sincerely,

*June Guidotti & Family and for the Public*

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January 14, 2008

Solano County Board of Supervisors  
675 Texas Street, Suite 6500  
Fairfield, California 94533-6342

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*Local Task Force*  
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**RE: Special Board of Supervisor Meeting to Review and Comment on :1) Preferred Agriculture Preliminary Goals, Policies, and Programs and 2) Preferred Circulation Preliminary Goals, Policies and Programs, which were recommended by the General Plan Citizens Advisory Committee and County Planning Commission**

Dear Chair Reagan and Supervisors:

The following letter contains my comments and requested changes to the Agriculture and Circulation Preliminary Goals, Policies and Programs. My suggested additions to policies are underlined and deletions are indicated by ~~strikethrough~~. Comments are identified as comments.

**Agriculture Preliminary Goals, Policies and Programs**

**Page 9, Policy AR-4 – Delete this policy**

~~Require farmland conversion mitigation for either of the following actions:~~

- ~~a. A general plan amendment that changes the designation of any land from an agricultural to a non-agricultural use;~~
- ~~or~~
- ~~b. Application for a development permit that changes the use of land from agriculture to a nonagricultural use, regardless of the General Plan designation (CAC)~~

~~(Note: This policy does not include a specific mitigation ratio. Such a standard is created through an implementing farmland mitigation ordinance – see proposed implementation program "e")~~

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**Page 9, Policy AR-5: Delete this policy**

~~Create an Agricultural Resource Overlay designation on the Land Use Diagram to identify lands in which mitigation for farmland conversion would be encouraged. (PC).~~

Comment: I am opposed to socialist policies that result in the limitation or taking of property rights and land value and results in a benefit to other property owners or redistribution of that value by local government. Property rights need to be returned to the landowner.

**Page 9, Policy AR-12: Questions**

What did staff add to this policy to reflect prior Board input? Please provide an example or two of what is meant by "agricultural services" and "compatible activities".

**Page 10, Policy AR-15: Question**

Please provide a definition or example(s) of "limited agricultural service uses" – are these the same as "agricultural services" identified in AR-12?

**Page 10, Policy AR – 23: Comment and Questions**

It is not clear in this policy what recreation and open space activities are considered "complementary" and "secondary" to the primary agricultural activities on the land. Please provide examples within the policy or define.

This policy did not appear in the Workbook for the January 3, 2008 Planning Commission meeting. Is this a new policy or a policy that was moved from another location? Please clarify in the text.

**Page 11, Policy AR-26: Proposed Revision**

Recognize that agriculture is to be the predominant land use in the Dixon Ridge, Elmira and Maine Prairie, Montezuma Hills,

Ryer Island, and Winters regions. These are agricultural areas where preservation conservation efforts should be focused and conflicting land uses avoided (CAC).

**Page 12, Policy AR- 30: Proposed Additions and Questions**

Lands within the "Agriculture" designations shown on the Land Use Diagram (Exhibit 2, dated December 21, 2007) may be redesignated to a more intensive agricultural designation, or to a rural residential designation (with a maximum density of one unit per 2.5 to 10 acres) if and only if the Board of s Supervisors makes each of the following findings....

Questions on Policy AR-30:

What would be a "more intensive agricultural designation" if intensive and extensive designations will no longer be in the proposed General Plan? Text needs to be rewritten to clarify what is meant.

**Potential Implementation Programs**

e. Delete program to preserve farmland.

~~Establish programs to preserve farmland. Such programs should encourage maximum flexibility for agricultural operations. These programs should include:~~

~~A farmland conversion mitigation program. Require compensation for loss of agricultural land as described in policy AR-4. Establish appropriate mitigation ratios for the program or utilize a graduated mitigation mechanism. The established mitigation ratio should be at least 1:1 (one acre of farmland protected through mitigation for each acre of farmland converted) (CAC).~~

~~A farmland conservancy program. Protect agricultural lands by purchasing development rights and conservation easements from willing sellers, and offer conservation easements, or other innovative programs. Coordinate efforts with conservation organizations and other municipalities and agencies. (CAC).~~

Comments: Policy AR-4 as written requires the landowner to compensate the public for converting their own farmland to another use. The County should not require the preservation of private property (farmland) unless it intends to purchase it outright. Farmers are better stewards of their own land than government.

**Page 18, Table AR-1: Agricultural Designations – Proposed Deletions**

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I recommend deleting the entire Agricultural Reserve Overlay designations. However, should this concept move forward the last sentence should be modified as follows:

**"Easements would be held by the County or relevant land trusts, while the land owner maintains ownership and management control."**

Comment: The County holding easements would be a conflict of interest.

**Page 20, Table AR-2: Agricultural Regions – Proposed Addition**

Revise the Jepson Prairie Uses to read as follows:

**Provides for agricultural and energy production.**

Comment: I have proposed a project for inclusion in the General Plan to develop a research project that would use agricultural by-products in a digester to produce high quality animal feed and generate electricity.

Request: My project (General Plan Amendment Proposal #13) was not included in the preliminary General Plan that is being reviewed by the CAC, Planning Commission and the Board of Supervisors. I request that you direct the appropriate staff to include my project in the appropriate location of the General Plan. If there are problems with my proposal I request that staff work with my attorney and BCDC to identify what is needed to include the project in the draft General Plan and that I receive this information in writing. If additional

information is needed or if my proposal is flawed I request a written explanation of what is needed or what is flawed.

**Circulation Preliminary Goals, Policies and Programs**

**Page 27, Policy CIR-9, add to the policy to read as follows:**

Plan, fund, build and improve roadways that support agriculture, including increased connectivity across I-80 and SR 12 and replace the Kildeer bridge for farmers and their equipment and grading/paving of unimproved rural roads.

**Page 27, Potential Implementation Programs**

d. Add to the Program so it reads as follows:

Create a comprehensive plan for roadway improvements that support agricultural needs. This should include increase connectivity across I-80 and SR 12 and replace the Kildeer Bridge for farmers and their equipment and grading/paving of unimproved rural roads serving agricultural areas throughout the county and agricultural-tourist centers located in Suisun and other interior valleys.

Comment: Connectivity as well as safety issues are of concern also to farmers along SR 12.

Thank you for considering my comments and requested changes to the Agriculture and Circulation Preliminary Goals, Policies and Programs and my request for staff assistance with my General Plan Amendment Proposal.

Sincerely,

*June Guidotti & Family and for the Public*

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September 11, 2007

Solano County Board of Supervisors  
675 Texas Street, Suite 6500  
Fairfield, California 94533-6342

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**RE: Comments and Recommended Changes to Proposed Ordinance Amending Chapter 25 to the Land Application of Biosolids in the Unincorporated Area of Solano County**

Dear Chair Reagan and Supervisors:

I have read Agenda Item 13 for the above item and I have asked myself the following questions:

1. Will the Ordinance as proposed result in significantly less landspreading of Class B biosolids over the next five years? The answer is no, the Ordinance does not establish a baseline for generators and does not quantify how much each generator must reduce landspreading.
2. Are there economic incentives within the proposed Ordinance to encourage alternatives to landspreading of Class B biosolids? The answer is no.
3. Are there economic disincentives or penalties to discourage landspreading of Class B biosolids or to conversely encourage the development of alternatives? The answer is no.
4. Over the next five years who will benefit most financially from the way the proposed Ordinance is written? The answer – the two landfills with pending expansions and low tipping rates have the most to gain followed by the individual farmers/property owners who accept biosolids for landspreading within Solano County.

I've concluded that the proposed Ordinance while it has been amended to clarify the biosolids program aspects such as Site Registration and Landspreading Notification Requirements the program was not revised to address the tough issue of the growing public health concerns and environmental issues related to the landspreading of biosolids. In addition the proposed Ordinance does not create incentives for the development and use of alternative technology within Solano County to replace the landspreading of Class B or A biosolids, to replace the use of biosolids as alternative daily cover or to replace the use of biosolids in compost. In other words, I've concluded that the proposed Ordinance is about the "appearance of reducing the landspreading of Class B biosolids" but not "requiring" the reduction of the landspreading of Class B biosolids. It appears that it will be "business as usual" or perhaps even an "expansion of biosolids business" for the next five years for both the farmers who receive biosolids and the landfills because the proposed Ordinance contains no incentives, performance requirements or enforcement.

I request that the Board postpone a vote and revise the proposed Biosolids Ordinance to:

1. Include criteria/definition to describe "good faith effort"
2. Develop baseline levels for biosolids generators for the five years of the local biosolids program, as well as identify baseline figures for the landfills in Solano County that receive biosolids
3. Develop economic incentives for generators that meet specific performance goals
4. Develop economic disincentives or penalties for biosolids generators that do not reach performance goals
5. Require the landfills in Solano County that accept biosolids to collect a fee in excess of their existing biosolids tipping fee to be paid to the County to offer as incentives to generators that develop alternative methods to the landspreading of biosolids, the use of biosolids as alternative daily cover or the use of biosolids as compost.

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Environmental Department

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I will briefly describe each how the proposed Ordinance could be revised to make it more effective.

### **1. "Good Faith Effort" – Develop Criteria or Definition**

The proposed Ordinance provides generators of biosolids five years to "show good faith effort" (Discussion Section - page 2 of 3) but offers no criteria to describe and evaluate what a "show of good faith effort" is or isn't, does not include economic incentives or disincentives should this "good faith effort" be met or not met.

"A good faith effort" should be quantifiable and should be demonstrated at one or more points in time. For me a "good faith effort" would be a 25 percent reduction in generator landspreading of biosolids and a 25 percent reduction in biosolids use by landfills in Solano County as alternative daily cover or a 25 percent reduction in biosolids use in compost by April 15, 2010 – the halfway point of the five year time period for the biosolids program. At the end of the five-year period, October 15, 2012, a "good faith effort" would be a 50 percent reduction of biosolids via each of the above methods. If goals are not set, measured and progress and performance evaluated, five years from now the problems will be the same as today.

### **2. Develop Baseline Levels For Biosolids Generators and Landfills in Solano County that Receive Biosolids**

The proposed Ordinance should be revised to develop baseline biosolids levels for evaluation and performance measurement purposes. Each biosolids generator, as well as each landfill in Solano County that received biosolids, should be required to provide documentation of the amount of biosolids generated and land applied or received (landfills) for the year October 15, 2006 – October 15, 2007 plus provide the projected amounts of biosolids to be generated or received by each facility for each of the next five years (October 15, 2007-October 15, 2008, etc.). These numbers could then be used as the baseline to measure and evaluate for progress over the five years of the biosolids program.

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### **3. Develop Economic Incentives for Generators That Meet Specific Performance Goals**

The proposed Ordinance should include economic incentives for generators that provide evidence on October 15<sup>th</sup> of each year that they have reduced their reliance on landspreading, use of biosolids as ADC or use of biosolids in composting. Consider for each percent the generator reduces their reliance on landspreading, use as ADC, and use in composting and incorporates an alternate technology the County reduces the program fee proportionately.

### **4. Develop Economic Disincentives Or Penalties For Biosolids Generators That Do Not Reach Performance Goals**

The proposed Ordinance should be revised to include economic disincentives, penalty or fee for generators who do not demonstrate to the County by April 15, 2010 (the half-way point) at least a 25 percent reduction (my criteria for a minimum "good faith effort") from the biosolids baseline figure. I recommend that the Board impose a penalty for generators who do not meet the 25 percent reduction in landspreading of both Class B and Class A biosolids, ADC use, or composting at the 2.5 year in the program and a larger penalty or fee if a 50 percent reduction is not met by October 15, 2012. The disincentive, penalty or fee should be sufficiently high to send the message that the County is serious about generators using alternative technologies to biosolids landspreading, biosolids use as ADC and biosolids use in compost.

### **5. Require Landfills In Solano County That Accept Biosolids To Collect An Incentive Fee In Excess of Existing Biosolids Tipping Fee**

I recommend that the proposed Ordinance be revised to require that the landfills and farmers in Solano County that accept biosolids collect a fee in excess of the their biosolids tipping fee. The fee would be paid by the generators that are not seeking alternative technologies to the use of the landfills for biosolids disposal and would be used as incentive payments to those biosolids generators

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that meet or exceed the performance criteria that the County develops to define and measure "good faith effort."

Thank you for considering my comments and recommendations. I hope that you will reconsider revising the proposed Ordinance so that it will provide goals and incentives for alternative technologies for biosolids management.

Sincerely,

*June Guidotti & Family & Public*

June Guidotti  
3703 Scally Road  
Suisun, California 94585  
(707) 429-0893 (phone)  
(707) 429-5054 (fax)

Cc: Steve Chappell - SRDC  
Duane Kromm

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Solid Waste Management

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5:30:45 PM

July 31, 2007

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DISTRICT ATTORNEY

Solano County Board of Supervisors  
675 Texas Street, Suite 6500  
Fairfield, California 94533-6342

2007 JUL 31 AM 7:59  
FAIRFIELD BRANCH  
COUNTY OF SOLANO

*June*

**RE: Comments on Preliminary Recommendations on Economic Development; Water Resources and Water Quality; and Air Quality and Noise Preliminary Goals, Policies and Programs Prepared by the General Plan Citizens Advisory Committee and County Planning Commission**

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AUG - 1 2007

Dear Chair Reagan and Supervisors:

SAN FRANCISCO BAY CONSERVATION  
& DEVELOPMENT COMMISSION

I'm submitting several requests and comments for the Board's consideration while you are reviewing the Preliminary Goals, Policies and Programs Prepared by the Citizens Advisory Committee and County Planning Commission. My requests and comments follow:

**Workbook: Water Resources and Water Quality Preliminary Goals, Policies and Proposed Implementation Programs**

**Pages 12-18 – Goals, Preliminary Polices, and Implementation Programs**

I request that your staff clarify for the Board and the public if the County anticipates future water supply problems either across the County or in localized areas. I am concerned that competition for water could become an issue between existing water uses and future water uses, or between types of water uses. For example, is there sufficient water for existing agricultural uses vs. those proposed in "A Vision for Suisun Valley in the 21<sup>st</sup> Century" submitted to the CAC on July 23, 2007? If the County anticipates that there will be future competition for water resources either countywide or in localized areas, how is this competition or need reflected in the Goals, Policies, and Implementation Programs in the July 31, 2007 Workbook? Are Implementation Programs "c" and "d" on page 13 of the Workbook intended to address this issue?

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Perhaps there should be an Implementation Program that states the following:

"Work with water supply agencies to identify competition for existing water supplies, competition for future water supplies and existing and future competition between types of water uses."

**Pages 15 and 16 -- Suisun Marsh Policies and Upcoming Discussions**

The text indicates that the existing General Plan policies that apply to the Suisun Marsh area "will be further reviewed with the Bay Conservation and Development Commission (BCDC)." I request that you direct your staff to send written notice to me seven days in advance of the date, time and location of any meetings where these policies will be discussed. In addition, I request that you direct your staff to post the information for any meetings on the Suisun Marsh policies on the meeting section of the County's General Plan website.

**Page 17- Potential Implementation Program Item X**

The CAC recommends the addition of the following item:

**"Prepare and implement a cooperative City/County program to compensate farmers and/or property owners for watershed preservation and maintenance (CAC)"**

I request that you ask your staff to summarize the CAC discussion on this topic and whether all Solano County farmers and property owners would be eligible for the program. In addition, a brief explanation on how the CAC anticipates this program will be funded and how much money would be available annually would be appreciated.

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**Attachment D – CAC Workbook Public Facilities and Services,  
Air Quality, and Noise, April 9, 2007**

**Page 31 – 1995 Solano County Countywide Integrated Waste  
Management Plan – Siting Element**

I request that staff clarify for the Board and the public if it is staff's intent to describe or summarize the goals and policies of the Countywide Integrated Waste Management Plan which has nine Elements, including an element for non-disposal facilities (transfer stations, compost facilities, transformation facilities) in this section OR if it is staff intent to describe only the Siting Element which describes the criteria and process for siting and/or expanding disposal facilities (landfills) and whether the 15 years of permitted disposal capacity is available.

I recommend that the description of the 1995 Solano County Countywide Integrated Waste Management Plan be expanded to highlight the goals identified within the nine Elements of the Plan, as well as the statewide mandated diversion requirements and the requirement that the County maintain the 15 years of combined permitted disposal capacity.

**Page 45 – Potential General Plan Approaches**

The second bullet states:

"Incorporated provisions from the Integrated Waste Management Plan including the site element provisions and other waste disposal alternatives."

I recommend that the second bullet be rewritten to read as follows:

**Incorporate provisions from the Integrated Waste Management Plan, including the Siting Element provisions, and other alternatives to waste disposal identified in the Plan.**

The 1995 Countywide Integrated Waste Management Plan (Plan) is out-of-date. I recommend that the Board of Supervisors direct staff to work with the County Local Task Force to review and revise the 1995

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Plan prior to the completion of the General Plan update. The Plan should be updated to reflect the changes to the disposal facilities within the County, as well as include Non-Disposal facility projects that are in operation (i.e., U.C. Davis - Anaerobic Digester Demonstration Project) or are proposed (Guidotti feed project) that will incorporate the use of digestion and energy technology that didn't exist at the time of the approval of the 1995 Countywide Integrated Waste Management Plan.

Thank you for considering my requests and comments.

Sincerely,

*June Guidotti & Family, and for the Public*

June Guidotti  
3703 Scally Road  
Suisun, California 94585  
(707) 429-0893 (phone)  
(707) 429-5054 (fax)

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Public Works Management

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6/2/03

- ① page 8  
where is AFB potential expansion "CCAC"
- ② when will public get Jim Sperry comments  
on water? \* if he gives no comment in  
writing? to CCAC committee

- 43-1              The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 43-2              The County interprets this comment as advocating an alternative to the project that would require construction of new or expanded thermal electric generating plants within Suisun Marsh. The project proposed is a waste-to-energy plant, and the commenter is requesting that the County and other agencies study and evaluate feasibility of the project versus expansion of the Potrero Hills Landfill. The proposed site is within the Secondary Management Area of Suisun Marsh. Development of a waste-to-energy electric generating plant at this site would be required to be consistent with the *Suisun Marsh Protection Plan* and the Suisun Marsh Protection Act. The project description would not be consistent with a number of policies under the *Suisun Marsh Protection Plan* and Suisun Marsh Protection Act.
- 43-3              The commenter discusses the Potrero Hills Landfill and the analysis of that project's environmental impacts. The landfill permit and expansion is not considered part of the 2008 Draft General Plan. For this reason, and because this comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is necessary.
- 43-4              The comment is noted. Please refer to Responses to Comments 43-2 and 43-3. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 43-5              The comment is noted. Please refer to Responses to Comments 43-2 and 43-3. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 43-6              The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how the County will consider suggestions for changes to the 2008 Draft General Plan.
- 43-7              The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 43-8              The commenter discusses the Potrero Hills Landfill and the analysis of that project's environmental impacts. The landfill permit and expansion is not considered part of the 2008 Draft General Plan. For this reason, and because this comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is necessary.
- 43-9              The commenter discusses the Potrero Hills Landfill and the analysis of that project's environmental impacts. The landfill permit and expansion is not considered part of the 2008 Draft General Plan. For this reason, and because this comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is necessary.

- 43-10 The commenter asks what uses are proposed for the Public/Quasi-Public land use designation near State Route (SR) 12 and SR 113 and in Collinsville. Page LU-21 of the 2008 Draft General Plan states that the designation “Provides for airports, schools, solid waste facilities, hazardous waste facilities, and other public and quasi-public facilities.”
- 43-11 The commenter asks why Exhibit 5.4-4 in the DEIR does not show the floodplain to the east of Scally Road. Exhibit 5.4-4 was prepared using data from the Federal Emergency Management Agency (FEMA). The FEMA data do not indicate that the floodplain extends to that area. The comment is noted.
- 43-12 The comment is noted.
- 43-13 The commenter asks why Resource Management will not provide water to Project 13. The question is not related to the analysis of environmental impacts resulting from the 2008 Draft General Plan. For this reason, no further response is necessary. The commenter also asks about a mistake made regarding the location of Resource Conservation Overlay on the Guidotti property. It is unclear as to what the commenter is referring to, as no such mistake is known to have been made.
- 43-14 The comment is noted. Although this comment does not relate specifically to the DEIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 43-15 The commenter discusses the Potrero Hills Landfill and the analysis of that project’s environmental impacts. The landfill permit and expansion is not considered part of the 2008 Draft General Plan. For this reason, and because this comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is necessary.
- 43-16 The commenter discusses the Potrero Hills Landfill and the analysis of that project’s environmental impacts. The landfill permit and expansion is not considered part of the 2008 Draft General Plan. For this reason, and because this comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is necessary.
- 43-17 The comment is noted. The commenter asks whether the Bay Area Air Quality Management District (BAAQMD) is portrayed in Exhibit 3-5 of the DEIR. The BAAQMD is not portrayed in the exhibit. The feature the commenter refers to is a water body.
- 43-18 The comment is noted.
- 43-19 The commenter discusses the Potrero Hills Landfill and the analysis of that project’s environmental impacts. The landfill permit and expansion is not considered part of the 2008 Draft General Plan. For this reason, and because this comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is necessary.
- 43-20 The commenter discusses the Potrero Hills Landfill and the analysis of that project’s environmental impacts. The landfill permit and expansion is not considered part of the 2008 Draft General Plan. For this reason, and because this comment does not raise significant environmental issues related to the 2008 Draft General Plan, no further response is necessary.

# **LETTER 44**

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**JOHN KOCOUREK**

May 28, 2008



Comments on the Draft EIR for the 2008 Draft Solano County  
General Plan

Subj: Draft EIR for Solano General Plan  
Date: May 28, 2008  
Attn: Jim Louie, Senior Planner

To Whom It May Concern,

I think there's a problem with the Solano General Plan impact on Vallejo. As you know, Vallejo's budget problems make it difficult to provide adequate services to some areas. Services would include infrastructure, road maintenance, water, sewer, fire, police, etc.. The allowable dwelling unit density is too high for the Vallejo unincorporated areas and will result in concentrating low income and disadvantaged people into areas with substandard services. Instead of 25 dwelling units per acre, it should be limited to 6 or 8.

44-1

Thanks,  
John Kocourek  
2508 Alameda St.  
Vallejo, CA 94590

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Resource Management  
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44-1

This comment relates to the location of proposed higher density residential land uses in the 2008 Draft General Plan, which is outside the purview of this DEIR. The comment also questions the County's ability to provide adequate services to some areas through buildout of the 2008 Draft General Plan.

The comment is noted. The following policies and implementation programs are included in the 2008 Draft General Plan and DEIR to ensure that adequate services are provided to proposed buildout areas included in the 2008 Draft General Plan:

- ▶ **Policy PF.P-1:** Provide public facilities and services essential for health, safety, and welfare in locations to serve local needs.
- ▶ **Policy PF.P-2:** Require new development and redevelopment to pay its fair share of infrastructure and public service costs.
- ▶ **Policy PF.P-3:** Increase efficiency of water, wastewater, stormwater, and energy use through integrated and cost-effective design and technology standards for new development and redevelopment.
- ▶ **Policy PF.P-5:** Design and locate new development to maximize the use of existing facilities and services and to coordinate with the cities the need for additional County services.
- ▶ **Policy PF.P-6:** Guide development requiring urban services to locations within and adjacent to cities.
- ▶ **Policy PF.P-7:** Coordinate with the cities to strongly encourage compact urban development within city urban growth areas to avoid unnecessary extension or reconstruction of roads, water mains, and services and to reduce the need for increased school, police, fire, and other public facilities and services.
- ▶ **Policy PF.P-36:** Ensure accessible and cost-effective fire and emergency medical service throughout the county. Facilitate coordination among city and county fire agencies and districts to improve response times, increase services levels, provide additional training, and obtain essential equipment.
- ▶ **Policy PF.P-38:** Identify and require incorporation of fire protection and emergency response measures in the review and approval of new projects.
- ▶ **Policy PF.P-43:** Coordinate with the local school districts in developing and implementing school facility mitigation plans to ensure the necessary financing for the provision of new school facilities.
- ▶ **Policy PF.P-44:** Coordinate with the local school districts and other public and private education providers to ensure that quality education is available for Solano residents of all ages.

- ▶ **Program PF.I-1:** Use the County's Capital Improvement Program to identify, plan, and provide for future public facilities and improvements. Capital Improvement Program projects shall be reviewed annually for consistency with 2008 Draft General Plan policies and coordinated with current and future development.
  
- ▶ **Program PF.I-4:** Coordinate with the cities and the Solano County Local Agency Formation Commission to ensure that urban development in areas included within the cities' municipal service areas are served by a full range of urban services (e.g., public water and sewer, public transit, safety and emergency response services, parks, trails, open spaces) through city annexation.



# **LETTER 45**

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**LAWRENCE ZINKIN**

May 27, 2008



**Louie, James A.**

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**From:** Lfzinkin@aol.com  
**Sent:** Tuesday, May 27, 2008 1:00 PM  
**To:** Louie, James A.  
**Cc:** Byrd, Nicole (external)  
**Subject:** General Plan DEIR comments

Comments on Solano County General Plan Update DEIR Section 4.2 - Air Quality

4.2-1a, page 4.2-22 and Table 4.2-3:  
Modeling assumed 20 year planning horizon, 5% per year. This assumption may not be sufficiently conservative, since growth and specific phases of construction are not linear. | 45-1

4.2-5a, page 4.2-33 "Construction-Related Emissions":  
"...use of heavy-duty diesel equipment would be temporary and would combine with the highly dispersive properties of diesel PM ..." "...would not expose sensitive receptors to substantial emissions of TACs." The first statement does not seem to support the concluding statement. | 45-2

4.2-5a, page 4.2-35 "Long Term Off-Site Rail Traffic Sources"  
Paragraph 1: "The rail traffic is variable and information concerning schedules is not available at this time."  
Paragraph 2: "However the UPRR rail lines...experience extremely light daily rail traffic..." The rail traffic needs to be quantified in order to determine its significance. | 45-3

General comments:  
Why is aircraft traffic not considered? Some aircraft traffic is above 3000 feet while some is below 3000 feet. TAFB is the most prevalent source of aircraft traffic in Solano County, but there is also commercial, private and public sector jet, turbine and piston engine aircraft traffic flying at various elevations. Aircraft on approach to Napa County Airport fly over Solano County at fairly low altitudes. | 45-4

Why is water-borne vessel traffic not considered? Vallejo ferry, various shipping and small boat traffic should be included in the analysis. | 45-5

These comments are submitted for review and response. Lawrence Zinkin, 4330 Dynasty Lane, Green Valley, CA 94534 707.864.3643.

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Get trade secrets for amazing burgers. [Watch "Cooking with Tyler Florence" on AOL Food.](#)

- 
- 45-1            The commenter states that the assumption of a 20-year planning horizon for the 2008 Draft General Plan, with construction of roughly 5% of the proposed uses in each year, in Impact 4.2-1a of the DEIR may not be sufficiently conservative.
- The comment is noted. Although growth may vary from year to year, the average rate was used to capture an overall picture of what would occur in a typical year.
- 45-2            The commenter questions a statement in Impact 4.2-5a, on page 4.2-33, of the DEIR stating that sensitive receptors would not be exposed to substantial emissions of toxic air contaminants (TACs).
- The comment is noted. “Dispersive,” as used in the preceding sentence of the DEIR cited by the commenter, refers to respirable particulate matter (PM<sub>10</sub>) dispersing and becoming inert at a relatively rapid rate and not expanding beyond a few hundred feet from the source.
- 45-3            As stated in Impact 4.2-5a, rail traffic in Solano County is not stationary, does not idle for long periods of time, or undergo engine testing. Therefore, because the rail traffic in Solano County does not operate in a way that would cause toxic air contaminant hotspots, quantification is not required.
- 45-4            The commenter requests additional air traffic analysis. Aircraft traffic is considered in the DEIR through policies and implementation programs regarding potential conflicts with airports and nearby land uses (where planes fly lower). Air traffic compatibility with land use is addressed in the County’s *Airport Land Use Compatibility Plan*. The DEIR addresses only those issues that are under the County’s control, identifies potential impacts of the 2008 Draft General Plan, and provides mitigation measures for the potential impacts. There is no reason to expect that the 2008 Draft General Plan would significantly affect aircraft traffic.
- 45-5            Waterborne vessel traffic is not considered in the DEIR because it is not a CEQA-related issue that falls under the County’s jurisdiction. The DEIR addresses only those issues that are under the County’s control, identifies potential impacts of the 2008 Draft General Plan, and provides mitigation measures for the potential impacts.

# **LETTER 46**

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**MARIME BURTON**

June 2, 2008



**Louie, James A.**

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**From:** elizabeth.boyd@edaw.com  
**Sent:** Monday, June 02, 2008 11:59 AM  
**To:** elizabeth.boyd@edaw.com; \JALouie@solanocounty.com  
**Subject:** Project ID: Solano County General Plan Comment

This e-mail is the result of a web survey and is intended for use with GlobalSCAPE Web Survey. You can use GlobalSCAPE Web Survey to process these results to build a database, to generate tables and charts analyzing that database and also to print out individual responses as completed questionnaires (see Database/Profile Records).

Comment = Write your comment here

I have grave concerns about the planned industrial development nE of Dixon along I80. I see no adequate mitigation of traffic in particular.

46-1

Also, I am concerned about the encroachment of development i.e. Rural Residential before 2010 when Measure A ends.

46-2

Email = marimeburton@sbcglobal.net

Name = Marime Burton

Phone Number =

PdcProjectID = Solano County General Plan Comment PdcAppVer = 5.2.032 HTTP\_USER\_AGENT = Mozilla/5.0 (Macintosh; U; PPC Mac OS X Mach-O; en-US; rv:1.8.1.14) Gecko/20080404 Firefox/2.0.0.14 REMOTE\_ADDR = 75.24.202.109 REMOTE\_HOST = 75.24.202.109 REMOTE\_USER = PdcOS = MSWin32

Comment  
46  
Response

Marime Burton  
June 2, 2008

- 
- 46-1            The comment expresses concerns about land use changes to industrial development northeast of Dixon. Please refer to Response to Comment 10-2.
- 46-2            Please refer to Master Response I, “Orderly Growth Initiative,” in Chapter 2 of this FEIR.

# **LETTER 47**

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**MIMI FLEIGE**

May 20, 2008



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Solano County  
Resource Management

MAY 28 2008

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7 8 9 10 11 12 1 2 3 4 5 6

Mimi Fleige  
1401 Rockville Road  
Green Valley, Ca. 4534  
May 20, 2008

▲  
Jim Louie, Senior Planner  
Dept. Of Resource Management  
675 Texas Street, Suite 5500  
Fairfield, Ca. 95433

Dear Mr. Louie:

As a member of the California Native Plant Society, California Horticultural Society, and a vice president of a wholesale horticultural supply corporation for 30 years, I maintain your DEIR, Biological Resources and Agricultural Resources sections, are both fundamentally flawed. Your proposed mitigation standards do not, and cannot compensate for the habitats that you will destroy.

47-1

Jepson Prairie is a zone 1 core area for recovery according to the California Fish and Game. Zone 1 is defined as an area that needs the upmost in habitat protection. According to California Fish and Game, sections of Vacaville, Jepson Prairie, Suisun Marsh, Collinsville and Montezuma Hills all fall within the Solano Colusa vernal pool area. According to the Multi Species Recovery Plan all these areas must all be protected from development. How can you substantiate the buildup of Collinsville and Vacaville when the Multi Species Recovery Plan states this area needs protection?; You suggest a 2:1 mitigation ratio, possibly a 15:1 ratio is feasible; but truthfully, any development in this entire vernal pool area should be avoided. According to VernalPools.Org.: "Most biologists agree that created and restored vernal pools do not fully replace the ecosystem of natural vernal pools". The whole Jepson and environs area needs to be spared from development as it is the nucleus of a natural reserve and a scientific study area. According to Fremontia, a journal of the California Native Plant society, in a article by W. James Barry, any project in the Jepson Prairie area "would be an irreplaceable loss to science and the people of California". Table 4.6-3 of the DEIR states Vernal Pools build out will include 524 acres of rural residential and 285 acres of commercial. How can the goals of the Multi Species recovery plan be met with these sorts of development? As I stated earlier this 2:1 mitigation suggestion is completely inadequate from a preservation viewpoint. Table 4.6-3 also states 71 acres of marsh will come under industrial development. Since your mitigation recommendations are inadequate and the Multi Species Recovery Plan has not been met, how can you substantiate this?

47-2

Your Impact 4.6-3a and Policies L.U.-6,7, 9 and Program SS I-6 is inadequate according to the 1973 Endangered Species Act. This act states any projects which will destroy listed species must demonstrate the project will not lead to the extinction of the species. How can you demonstrate this? The Fish and Wildlife Service must agree the projects will not affect the long term recovery of the species – the so called "Jeopardy standard". How can you assure FWS the recovery standard is adequate? The mitigation proposed does not adequately address these extinctions due to habitat loss. These areas are too fragile to mitigate.

47-3

As far as I know Solano County has not joined the HCP. You mention in Mitigation Measure 4.6-3a, section 3 "the Solano HCP". Are you planning on developing a regional Habitat Conservation Plan? If not, why not? In section 4 of this Mitigation Measure concerning special status plant species you state "This may require planting or restoration ratios higher than 1:1". What would those ratios be?

47-4

According to Table 4.8-2: Minimum Parcel Size per Agricultural Region, you quote a minimum of 20 acres for Green Valley. In other sections of the DEIR you suggest Middle Green Valley be "under study". In other words I assume you mean to allow smaller parcels than 20 acres. Is this true? How can an EIR be conclusively written if parts of the EIR are still "under study"? According to the Point Reyes Observatory and Williams Wildlife Consulting, any parcels smaller than 20 acres will negatively affect development sensitive species. These two experts actually suggest no parcels less than 40 acres be allowable in Oak Woodlands to ensure the local persistence of landscape sensitive species.

47-5

By your own admission Impacts 4.8-1a, 4.8-1b, 4.8-2a would all be significant and unavoidable. These are "Loss of Important Farmland–Preferred Plans", "Loss of Important Farmland–Maximum Development Scenarios", and "Conflict with Williamson Act Contracts" What can be done about this? My suggestion is simple, do not develop these farmlands for Rural Residential.

47-6

According to your figures 1682 acres of farmland will be converted to urban land use. These designations are totally unacceptable from an environmental viewpoint. Urban residential is not only harmful to the agricultural community but to the environmental community as well.

47-7

According to Dr. Rees of British Columbia University: "Soils and arable land is a form of productive natural capital with only limited potential for technological substitution. Agricultural land can play a role in sustaining wildlife populations"

47-8

The Delta Farmland and Wildlife Trust quotes: "The preservation and sustainability of farmland as a source of food and as a wildlife habitat starts with a commitment to environmentally and economically agricultural practices. Society as a whole must commit to the true costs of preserving farmland and the wildlife habitat it can provide. In return the farmer remains as a responsible steward of the land".

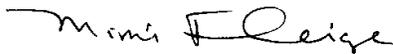
Per J. H. Kunstler, in "Home From Nowhere" he quotes: "Houses on 2 acre lots ruin rural land, especially farmland just as effectively as fifty unit housing pods. The supposed 'greenspace' they create has no civic meaning nor any rural significance – it's too big to mow and too small to plow".

In "What Farmers and Ranchers Say About The Future Of Solano County Agriculture" by Al Sokolow and Kurt Richter of UC Davis; the "Hay Crops Group", Farmers in Solano County, on November 14, 2006 say the following: "Houses are coming and farming is diminishing. This rural residential development makes it harder to farm". Also, according to the UC Davis study: "Parcelization (the division of parcels into ranchettes or other rural home sites) increase the number and severity of conflicts between agricultural producers and rural residents. This includes Green Valley, Suisun Valley, and Pleasant Valley Road The large scale productions east of Vacaville stand the most to lose from parcelization".

47-9

Simply put, according to university and other expert studies, farmland should not be developed for homes. Development is the job of the cities, not the county.

Sincerely,



Mimi Fleige

- 47-1            The commenter suggests that the proposed mitigation in the DEIR is flawed. First, as noted, Mitigation Measures 4.6-1a, 4.6-1b, 4.6-3a, and 4.6-3b in the DEIR do not simply require setting aside land to preserve. Instead, these measures require restoration, which would ensure that the developed habitat would not be “lost.” The habitat on the preserved land may not be as valuable as the habitat on land being developed, but restoration would help to improve the quality of the preserved habitat.
- The County has determined that the impacts of the 2008 Draft General Plan are satisfactorily mitigated under CEQA. Taking into consideration economic feasibility and practicality in meeting the County’s planning objectives, the County believes that the proposed mitigation strategies satisfy commenters’ concerns as well as the objectives and mandates of CEQA. Please refer to Master Response J, “Biological Resources Mitigation Strategies,” in Chapter 2 of this FEIR for additional discussion.
- 47-2            The County believes that the commenter is actually referring to the 2005 *Vernal Pool Species Recovery Plan*, prepared by the U.S. Fish and Wildlife Service (USFWS) rather than the California Department of Fish and Game. The recovery plan designates a number of areas in Solano County as recovery areas and assigns various levels of preservation as being necessary for the recovery of species. The Jepson Prairie and Collinsville Recovery Units are designated as a Zone 1 Priority for preservation, and the recovery plan generally calls for preservation of 95% of the existing habitat and generally 80–100% of the known occurrences of species addressed in the plan. However, note that not all of the lands within the boundaries of the identified recovery areas nor the high-value conservation areas for vernal pools shown in Figure RS-1 of the 2008 Draft General Plan contain vernal pool habitats.
- Also note that the comment regarding 524 acres of affected vernal pool habitat from rural residential development would occur in areas outside of any of the recovery units designated in the County in the 2005 *Vernal Pool Species Recovery Plan*.
- Mitigation Measure 4.6-3a in the DEIR specifies a minimum of no net loss of acreage or habitat value for vernal pool and valley floor grassland habitat (please refer to Response to Comment 5-26 for additional discussion), regardless of location with respect to identified recovery units. This measure also requires site-specific surveys to assess species occurrences and habitat values. The measure also notes that specific mitigation ratios need to be developed based on the characteristics of a specific project site. The 2005 *Vernal Pool Species Recovery Plan* is cited as a source document for developing mitigation criteria.
- The County and its consultants recognize and agree that created and restored vernal pools do not fully replace the ecosystem of natural pools. As such, the DEIR and 2008 Draft General Plan policies follow USFWS’s objectives for conserving vernal pool species by focusing mitigation on habitat preservation and management, with a minor level of habitat restoration incorporated to address specific issues. Please also refer to Master Response J, “Biological Resources Mitigation Strategies,” and Master Response E, “Programmatic Nature of EIR,” in Chapter 2 of this FEIR.
- 47-3            Mitigation Measure 4.6-3a requires that all applicants provide proof to the County that they have complied with all necessary federal and state authorizations, including the Endangered Species Act of 1973, as amended, before the County issues any approvals that could lead to impacts on

species listed as threatened and endangered. Thus, USFWS must determine that adequate applicable federal standards, whether jeopardy or recovery, are met before a project may proceed. Regarding the summary comments on the adequacy of the mitigation, please refer to Responses to Comments 47-1 and 47-2.

47-4 Please refer to Master Response K, “Solano HCP,” in Chapter 2 of this FEIR. The County has so far chosen not to participate in the *Solano Multi-Species Habitat Conservation Plan* (Solano HCP). A requirement to participate would require a change to the 2008 Draft General Plan. The commenter’s recommendation to participate in the Solano HCP will be provided to the County Board of Supervisors for further consideration. With respect to the question on potential planting or restoration ratios for impacts on rare plants being higher than 1:1, the exact ratio depends on numerous additional site- and species-specific considerations that would need to be determined on a project-by-project basis. Ratios, under the guidance identified in the DEIR, could range from 3:1 to as much as 19:1.

47-5 The commenter states that Table 4.8-2 in the 2008 Draft General Plan identifies the minimum lot size in Green Valley as 20 acres, and asserts that it is the County’s intent to allow parcels smaller than 20 acres in size in Green Valley, as the area is “under study.” The commenter further asserts that parcels smaller than 20 acres in size would negatively affect sensitive species and that 40-acre-minimum parcels are desirable to preserve oak woodlands.

Existing agricultural zoning in Green Valley consists of A-40 on the valley floor and A-20 in the adjacent hills. Green Valley is one of 10 agricultural regions proposed within the 2008 Draft General Plan, as shown in Exhibit 3-4 on page 3-11 of the DEIR. Table 4.8-2 of the DEIR is derived from Table AG-3 of the 2008 Draft General Plan. Both tables list the minimum lot size for Green Valley as 20 acres. As stated on page AG-21 of the 2008 Draft General Plan:

The minimum lot sizes and general uses presented in Table AG-3 should be used in conjunction with the agriculture land use description from the Land Use chapter to define the general plan land use description for agricultural lands in the county’s 10 agricultural regions.

Thus, the minimum lot size established within the 2008 Draft General Plan for Green Valley agricultural uses is 20 acres.

The proposed Middle Green Valley Specific Project Area (SPA) also encompasses the Green Valley agricultural region. The 2008 Draft General Plan requires preparation of a specific plan for the Middle Green Valley SPA by 2011. Program SS.I-1 on page LU-52 of the 2008 Draft General Plan states the desired content of the specific plan, setting the desired development level at 400 units, dependent on a Transfer of Development Rights (TDR) program and cluster development techniques to preserve agriculture and open space within the SPA. This proposal was developed through six public workshops conducted by the County in spring and summer 2007, as described on pages LU-47 and LU-48 of the 2008 Draft General Plan. Figure SS-3 (page LU-51) of the 2008 Draft General Plan shows a conceptual land use plan for the area developed during the 2007 workshops showing the approximate locations of existing development, as well as the sending and receiving areas for the TDR program.

The exact level and location of development in Middle Green Valley, and thus the resulting minimum agricultural lot sizes that would result from the specific plan, are not known at this time. However, the units and acreage established in Table LU-6 of the 2008 Draft General Plan would result in a density of 0.21 unit per acre and conversion of up to 1,792 acres without the TDR or cluster techniques advocated by the general plan. This development density and agricultural conversion potential are analyzed in the DEIR. Successful incorporation of TDR and

cluster provisions within the specific plan would result in greater densities, larger agricultural lot sizes (including potential for lots larger than 20 acres), and less conversion of agricultural land.

With regard to the potential environmental effect of 20-acre minimum lots on oak woodlands, Section 4.6, “Biological Resources,” of the DEIR contains a thorough analysis of the potential effects of the 2008 Draft General Plan. No further comment or analysis is warranted at this time.

- 47-6 The comment points out conclusions reached in the DEIR and states that farmlands should not be developed as Rural Residential. The commenter’s suggestion is reflected in Chapter 5 of the DEIR in Alternative 4 (Reduced Rural Residential Development). That alternative substantially reduces the amount of land designated as Rural Residential and would result in the conversion of 1,930 fewer acres of agricultural land to nonagricultural uses than the 2008 Draft General Plan. The complete elimination of the Rural Residential designation is not feasible or desirable because rural residential housing would provide housing opportunities within the unincorporated county to meet the state-mandated regional housing needs. The commenter’s opinion about the Rural Residential land designation will be provided to the County Board of Supervisors for further consideration as it weights the potential pros and cons of the various project alternatives. As part of that process, the board, acting in a legislative capacity in which it possesses considerable policy-making discretion, will inevitably weigh and balance competing economic, social, environmental, legal, and other considerations. Please refer to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR.
- 47-7 The commenter identifies a conclusion reached in the DEIR. The EIR fully analyzes impacts related to conflicts with properties under Williamson Act contracts (see Impacts 4.8-2a and 4.8-2b, “Agricultural Resources”).
- 47-8 The comment is noted.
- 47-9 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.



# **LETTER 48**

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**MAUREEN KOCOUREK**

May 28, 2008



May 28, 2008

Jim Louie  
Senior Planner  
Department of Resource Management  
675 Texas St., Ste. 5500  
Fairfield, CA 94533

Re: Draft EIR – Solano General Plan

Dear Mr. Louie,

I'm writing you with concerns about the impact of the proposed General Plan.

I'm particularly concerned with the possible impact to the City of Vallejo, with regards to the land use proposed in unincorporated areas. It's my understanding that the plan, as proposed, would allow for rather high density development of up to 25 units per acre.

I know I'm not alone in my concern that there may be further development in an area that is having difficulty providing services to existing units, due to current and foreseeable budget constraints. In addition to the problem with providing services, I have concerns about creating any more subsidized or "affordable" housing in Vallejo. I believe we have more than our share here, and it benefits no one to concentrate this type of housing in one area.

Thank you for your consideration in these areas.

Maureen Kocourek  
2508 Alameda St.,  
Vallejo, CA 94590

48-1

RECEIVED  
Solano County  
Resource Management

MAY 30 2008

AM 7 8 9 10 11 12 1 2 3 4 5 6 PM



Comment  
48  
Response

Maureen Kocourek  
May 28, 2008

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48-1

This comment relates to potential budget constraints. As stated in Section 15131(a) of the State CEQA Guidelines, “Economic or social effects of a project shall not be treated as significant effects on the environment.” In other words, the economic or social changes that a project (in this case, the 2008 Draft General Plan) may cause are not, in and of themselves, significant environmental effects that require analysis in an EIR. However, the comment also addresses the ability to provide services to planned buildout areas included in the 2008 Draft General Plan. Please refer to Response to Comment 44-1.

# **LETTER 49**

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**MARTIN RAMIREZ**

June 1, 2008



June 1, 2008

Martin Ramirez  
1301 Greenway Dr.  
El Sobrante CA. 94803

SOURCE MANAGEMENT

JUN 02 2008

RECEIVED BY: MP

Board of Supervisors, Solano County  
Solano County Planning Commission  
Citizens Advisory Committee (CAC)  
675 Texas Street  
Fairfield, CA 94533

Dear Board of Supervisors, Solano County,  
Subject: Request to amend general plan designation.

Dear Sirs and Madams:

This letter is to request reconsideration of my parcel number AP#105-070-450, Escrow# 604817KL from agriculture zoning into rural residential in the new general plan. Our parcel is located in the north Vacaville/English hills area and is not suitable for farming.

My 26.25 acre parcel is not suitable for farming because of types of soils and insufficient water for agriculture purposes. My brother and I would like two 10 acre parcels when it comes out of the Williamson Act in 2010 to develop two home sites for our families.

Please reconsider changing our zoning designation as it would limit us and the use of our land.

Thank you for taking another look this decision and please keep this letter in your records,

Respectfully,

*Martin Ramirez*  
Martin Ramirez

*Luis Antonio Ramirez*

49-1

Comment  
**49**  
Response

Martin Ramirez  
June 1, 2008

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49-1

The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.

# **LETTER 50**

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**ROBERTO VALDEZ JR.**

June 2, 2008



**Louie, James A.**

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**From:** elizabeth.boyd@edaw.com  
**Sent:** Monday, June 02, 2008 12:01 PM  
**To:** elizabeth.boyd@edaw.com; \JALouie@solanocounty.com  
**Subject:** Project ID: Solano County General Plan Comment

This e-mail is the result of a web survey and is intended for use with GlobalSCAPE Web Survey. You can use GlobalSCAPE Web Survey to process these results to build a database, to generate tables and charts analyzing that database and also to print out individual responses as completed questionnaires (see Database/Profile Records).

Comment = Dear Mr. Jim Louie, Senior Planner:

I am a long-time Vacaville resident who is concerned who is concerned about protecting our endangered/threatened species and their habitats in Solano County. I am also an active stakeholder in the Multi-species Habitat Conservation Plan of Solano County, representing the Friends of Lagoon Valley for the past 5 years. I have also participated in the 2008 Draft General Plan Open House on Tuesday(April 22st) in Vacaville, submitting 5 comments cards to your staff re: Solano County General Plan; In addition, i participated in the Solano County Board of Supervisors meeting on Thursday(May 15t) re: DEIR of the Solano County General Plan, submitting 6 ecological-related concerns

Responding to both the online information on the both 2008 EIR and Solano County General Plan, I am essentially very concerned that both of these documents will allow residential development within our open habitat corridors such as Lagoon Valley(Please refer to Solano County corridor map in Biological Resources in SCGP) for numerous migratory threatened/endangered species such as CRLF, CTS, etc.

50-1

Also, it is not enough for Board of Supervisors to cite the HCP of Solano County. Rather, they need to abopt it and synchronize it with the EIR and SCGP before they implement the SCGP for the next 20 years.

50-2

Thank you.

Email = robertovaldez55@hotmail.com

Name = Roberto Valdez Jr.

Phone Number = (707)4484905

PdcProjectID = Solano County General Plan Comment PdcAppVer = 5.2.032 HTTP\_USER\_AGENT =

Mozilla/5.0 (Windows; U; Windows NT 6.0; en-US; rv:1.8.1.14) Gecko/20080404

Firefox/2.0.0.14 REMOTE\_ADDR = 69.236.188.197 REMOTE\_HOST = 69.236.188.197 REMOTE\_USER =

PdcOS = MSWin32

- 50-1            The commenter expresses concern that the 2008 Draft General Plan allows development within identified corridors and linkage areas such as Lagoon Valley.
- The comment is noted. The corridors/linkages shown in Exhibit 4.6-2 in the DEIR vary substantially in their ability to function as effective corridors for many species. Most of these corridors are already significantly compromised with respect to mammal and amphibian movement because of existing roads and highways, but many still allow some connectivity for airborne dispersal (some seeds, insects, and birds). As discussed in the DEIR, the 2008 Draft General Plan contains a number of policies and programs to minimize effects on these corridors and overall movement and dispersal such as Policy LU.P-14 (maintain rural character) and Policy LU.P-17 (clustering). Where these plans and policies do not fully address avoidance or minimization of impacts, additional mitigation measures are required (e.g., Mitigation Measures 4.6-2a and 4.6-2b, 4.6-3a and 4.6-3b, 4.6-4a and 4.6-4b, 4.6-9a and 4.6-9b, 4.6-10a and 4.6-10b, and 4.6-11a and 4.6-11b) to mitigate these effects.
- 50-2            Please refer to Master Response Master Response K, “Solano HCP,” in Chapter 2 of this FEIR.

# **LETTER 51**

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JAMES D. DEKLOE

Biological Sciences and Technology, Solano Community College

June 1, 2008



# SOLANO

COMMUNITY COLLEGE

<http://www.solano.cc.ca.us>



Jim Louie  
Planner  
Solano County Department of Resource Management  
675 Texas St., Ste. 5500  
Fairfield, CA 94533

Comments on the Draft Environmental Impact Report for the Solano County  
General Plan Update  
State Clearing House # 2007122069

June 1, 2008

Mr. Louie,

Thank you for the opportunity to comment upon the Draft Environmental Impact Report for the proposed changes in the Solano County General Plan. And thank you for making the Draft EIR available in digital form in a CD and on the County website.

Since I teach biology, and have taught biology for three decades, I will mainly focus my comments on the Biological Resources element of the Draft General Plan. I have been critiquing Draft EIR's for a decade and a half; I'm afraid that this DEIR makes many key errors in its analysis of the significant environmental impacts that the proposed development will directly and indirectly cause; mainly the document offers mitigation measures that do not mitigate and then assumes that the significant environmental impacts that these measures purport to address have been mitigated to a less than significant level.

The claim that the County can convert over 30,000 acres (or 47 square miles), an area almost the size of the City and County of San Francisco's 49 square miles, from natural to residential, commercial, and industrial use without a significant impact on wildlife seems implausible. Certainly the burden of proof that the mitigation measures can reduce the impacts falls to the lead agency to prove in this document. And in this, I believe that the document fails to properly analyze impact and to offer more than cursory mitigation measures.

51-1

51-2

## General Comments

I am very disappointed by this proposed General Plan and by the Draft EIR that accompanies it. Solano County has served as a exemplar for land use planning for a long time. It's principle of focusing development into the seven cities has preserved habitat and agriculture and this approach has minimized the urban-rural interface where most environmental impacts and conflicts occur. Despite the rhetoric in these documents of continuing this approach, the specific land use changes proposed seem to constitute a significant departure from this key culture of Solano County land use planning.

51-3

## Special Study Areas

In the General Plan Land Use section it outlines four special study areas. The precise acreage and the land use designations of these areas is not clearly given. It is not clear just how much of the potential development in these areas are analyzed in the Draft EIR? It appears that the designation of these areas is a strategy for the "deferred analysis" specifically prohibited by the California Environmental Quality Act?

51-4

Especially problematic is the inclusion of Middle Green Valley as a study area for potential development. Land speculators have been trying to get the City of Fairfield to annex this area for a decade – they lobbied the City and even floated an initiative (that voters rejected) that would have forced annexation. The developers seem to have convinced the development oriented advisory committee to have this area included to be considered for development under county jurisdiction – this is a clear violation of the proven intention of the residents in the neighboring areas.

51-5

The designation of this area as a "study area" rather than as a residential site seems to skew the entire EIR document. What is the maximum number of units and what are the maximum number of acres that would be allowed to be developed here? This acreage and these units should be included as an impact in every section – and it is not clear that they have been. Where have these units and this acreage been included?

## Section 4.6 Biological Resources

### Description of the Biological Resources of Solano County

The Draft EIR should acknowledge that Solano County has extraordinarily important biological resources. Solano County contains the majority of the remaining contiguous representatives of several types wetlands in California. Especially Solano County contains extraordinarily important locations of coastal marsh, vernal pools, and native grasslands. I would especially like to take issue with the description of Solano County's grasslands in the Draft EIR:

51-6

"In spite of the large-scale introduction and spread of nonnative grasses and forbs, some native, perennial grasses are *still present in small patches or intermixed stands with the nonnative grasses.*" [emphasis mine]

As a founding member and a life member of the California Native Grasslands Association, I would have hoped that the Draft EIR would have said something like "*One of the main strengths of the biological resources of Solano County is its extensive stands of California*

*native grasses – Solano County contains some of the most valuable native grassland stands in the state.”* It was fitting that the California Native Grasslands Association had Dixon in Solano County as its headquarters when it was founded and now is run right over the county boundary out of nearby Davis in neighboring Yolo County.

51-6  
Cont'd.

Again, Solano County is known for its marshes, vernal pools, and California native grasses – while these plant communities might not seem as glamorous or charismatic as redwood forests, they define our County and their importance should not be rhetorically minimized as this document seems to do.

### **Lack of Methodology Description in the Draft EIR**

Where is the description of how the consultants writing the Draft Environmental Impact Report got their numbers and reached their conclusions? Usually Draft EIR's have an appendix that reports and explains the results of plant community field surveys, raptor studies, wetland analysis, surveys for vernal pools and searches for the (often listed) species that they contain, wetland delineation surveys, surveys for red legged frogs and other amphibians, etc., etc. I cannot find an appendix.

51-7

Apparently this Draft Environmental Impact Report uses the data collected by the developers of the Habitat Conservation Plan – but it did not include those data in an appendix. I have been following the HCP process and there is significant contention about how well the proposed HCP accomplishes its stated goal and how well environmental impact assessments of that document address the HCP's potential impact. No discussion of those controversies occurs in this document.

51-8

There is no primary data in this document. CEQA encourages and requires public involvement in the discussion of conclusions and suggested mitigation measures – but this cannot be done. As far as I can tell, the document is solely based on the HCP but does not even give a cursory discussion of which field studies the HCP drafters used to reach their conclusions and proposal. At the very least, if the HCP's data formed the basis of this Element of the DEIR, then it should have been included as an appendix for the public and decision making officials to see.

51-9

The other mystifying conclusion of the Draft EIR: even though it depends upon the behind-the-scenes data generated by the Habitat Conservation Plan process, the DEIR does not use a HCP approach and acknowledges that the General Plan and this document might be in conflict with the HCP.

51-10

The Final EIR should include the primary data: plant community surveys, field studies, etc. that were used to reach these conclusions.

51-11

### **Habitat Conservation Plan**

The Draft Environmental Impact Report acknowledges the existence of the Multispecies Habitat Conservation Plan that is near completion and utilizes the data collected by this effort. The philosophy behind a HCP is to “plan big,” that is to coordinate a planning effort over a large area rather than by using a parcel by parcel approach. Also, a HCP recognizes that it is the preservation and restoration of habitat that is the key to preserving endangered and threatened species, and that the listed species represent an entire endangered habitat that consists of many species of plant and animals that may or may not be endangered or threatened themselves.

51-12

The Draft EIR for the General Plan uses the data from the HCP effort that has been spearheaded by the Solano County Water Agency, but then appears to ignore this global approach and then go on to address biological issues of habitat avoidance and mitigation using a species by species approach.

In the Biological Resources section of the Draft EIR, it states:

“The Biological Resources Background Report prepared for the 2008 Draft General Plan (Solano County 2006) was an adaptation of the Solano HCP. Similarly, the following description of existing conditions within the county is based in large part on the information presented in the Solano HCP.”

and later in the document:

“The analysis of the effects of implementing the 2008 Draft General Plan on biological resources was based largely on the information collected for the development of the Solano HCP, which is also summarized in the Biological Resources Background Report (Solano County 2006),...”

but then the document does not, as far as I can tell, commit to follow or abide by any of the provisions of the Habitat Conservation Plans but merely states, “There is overlap between some policies and programs in the 2008 Draft General Plan as they pertain to biological resources.”

Why did the General Plan’s Draft Environmental Impact Report not follow a global approach to habitat and species conservation by coordinating the planning of the County with the agencies involved in the drafting of the Habitat Conservation Plan?

More to the point, the DEIR suggests that there is potential conflict; in the land use section it states:

**“IMPACT 4.1-3a**

**Conflict with an Adopted Habitat Conservation Plan – Preferred Plan.** *Buildout of the 2008 Draft General Plan under the Preferred Plan would not conflict with an adopted habitat conservation plan or natural community conservation plan. This impact would be less than significant.*

“The U.S. Bureau of Reclamation, Solano County Water Agency, and its eight member agency contracts (the City of Vacaville, the City of Fairfield, Suisun City, the City of Vallejo, Solano Irrigation District, and the Maine Prairie Water District) have prepared a draft habitat conservation plan to ensure the protection of threatened and endangered species and their habitat within the water agency’s contract service area, as described in Section 4.6, “Biological Resources.” The plan, however, has not been adopted. No other natural community conservation plan exists for areas within the county. Therefore, the impact of the 2008 Draft General Plan would be less than significant.”

Where is the detailed description of these potential conflicts? How would these conflicts be less than significant? When most other agencies in the County are following the habitat conservation plan, and Solano County acknowledges that it is not – but does not specifically outline just which elements of the General Plan might be in conflict with the HCP, then this seems like it should be considered a significant impact. Yet the DEIR concludes for the Preferred Plan and the Maximum Plan:

**“Mitigation Measure**

No mitigation beyond the 2008 Draft General Plan policies and programs is required.”

Again, what are these potential conflicts?

51-13

51-14

## Allowing Development within MSA's

How are the following policies not a violation of State and Federal laws that protect wildlife?:

“Policy LU.P-7: Permit temporary land uses and uses consistent with the current zoning on unincorporated lands within municipal service areas that do not conflict with planned land uses until the property is annexed to a city for urban development.

► Policy LU.P-9: Within the municipal service area in the Peabody Road area where development has already occurred and annexation does not appear likely within the foreseeable future, allow establishment of temporary uses with approval of a use permit.

► Program SS.I-6: Review and update the *Collinsville-Montezuma Hills Area Plan and Program* consistent with the Collinsville special study area land uses, policies and programs. The Area Plan policies and programs that apply to the secondary management area of the Suisun Marsh shall be reviewed and updated consistent with the *Suisun Marsh Protection Plan*.”

51-15

It appears that these policies allow development to go forward without specifying how the County will monitor compliance with the State and Federal laws to protect wildlife being discussed in this element.

## The Acreage of Land Converted from current uses to residential (including rural residential), commercial, and industrial.

The Draft EIR states that: “The largest overall effect under the 2008 Draft General Plan is the potential conversion of 23,940 acres of habitat areas to more urbanized or industrial uses. This includes lands within and outside of the MSAs. Table 4.6-3 shows the breakdown of acres of each vegetation type potentially affected by each respective land use designation under the 2008 Draft General Plan.”

51-16

Does this 23,940 acre figure include the special study areas? It should. I believe that the conversion figure is closer to 30,000 acres.

The Draft EIR concludes that there are no significant environmental impacts on wildlife generated by the conversion of 24 thousand acres of wildlife habitat. Who would believe this? When you stand in the middle of a thousand acre park, the park surrounds you essentially horizon to horizon. When you multiply this acreage by 24 to 30 times, destroy it as habitat, and then claim via the M word – mitigation (although a better M word might be magic) – that it will not make a significant impact on wildlife, it strains credibility.

51-17

Most of the mitigation measures cited in this document require a land bank that permanent preserves comparable acreage elsewhere. While this may mitigate, or lessen, the impact of the destruction of habitat, it does not in any way compensate for the fact that the habitat destroyed is gone. That is, land banks might lessen the impact but they do not mitigate the loss below significant. And this method is employed in almost every case.

51-18

## Specific Comments

### Loss of habitat for Swainson's Hawk, Other Raptors, and Burrowing Owls.

The Draft EIR concludes that 5,697 of raptor habitat would be lost. I could not see where they arrived at this acreage figure. Does it include the special study areas in Collinsville, Suisun Valley, and Middle Green Valley? Solano County contains some of the highest densities of raptor populations in California. I would be hard pressed to find a section of the 23,940 acres that will be converted that currently isn't being used as foraging habitat for one species of raptors. Why doesn't the mitigation requirement cover the whole acreage?

51-19

The mitigation ratio is given as:

**“(1) Preservation of Foraging Habitat.** Agricultural foraging habitat shall be preserved and managed at a 1:1 ratio (mitigation impact acreage), where the foraging habitat preserved is of equal or better quality than the foraging habitat affected.”

51-20

Why was the 1:1 ratio used? Usually the land used in mitigation represents poorer quality land than the land that has been lost; therefore ratios are usually higher than 1:1 and might be 2:1.

Also, how does the preservation of land really mitigate for loss? Usually mitigation means bringing land that currently is poor quality for that purpose and improving it to serve as habitat for the land lost. And isn't the land whose preservation is proposed to serve as mitigation already protected by other mitigation measures? I would suggest that the mitigation banks cannot “double dip” and count a single mitigation twice.

51-21

And what does it mean that the land would be preserved? Would it be placed in a permanent conservation easement under the control of the Solano Land Trust?

51-22

While the 1:1 land preservation goal is commendable, it seems that this impact should still be considered “significant” and not “mitigated to a less than significant level.”

51-23

### Loss of Upland Grassland, Oak Woodland, Oak Savanna, and Scrub/Chaparral Habitat

The Draft EIR concludes:

“Even though there are several policies that promote avoidance and minimization of impacts on oaks and an implementation program that specifies the need to plant replacement trees for oaks with a dbh greater than 10 inches, there are no policies specifying mitigation for direct and indirect impacts on the habitat itself. Therefore, the impact associated with the loss of this habitat type would be significant.”

51-24

Yes it would, and the document should reflect that and not assume that the later arguments of mitigation approaches can reduce the impact to less-than-significant.

51-24  
Cont'd.

The mitigation measures that are suggested represent the sort of deferred analysis prohibited by the California Environmental Quality Act:

**“Mitigation Measure 4.6-2a: Require a Habitat Inventory and Mitigation and Management Plans, and Specify a Replacement Ratio for Native Trees and Shrubs.**

**(1) Habitat Inventory and Assessment.** The County shall require all future projects to conduct, as a condition of project approval, appropriately timed biological resources inventories designed to assess the presence of wetlands, rock outcrops, serpentine or other unique edaphic substrates, and special-status species and uncommon natural habitats.

51-25

**(2) Habitat Mitigation.** Where conversion of upland grasslands, oak woodland, oak savanna, and scrub/chaparral is unavoidable as part of a project’s development, the County shall require the project applicant to prepare and implement mitigation and management plans. 4.6-1a.

**(3) Tree Replacement.** In addition to the other requirements outlined in the oak woodland protection ordinance (Program RS.1-3), the ordinance shall specify a replacement ratio for all native trees and shrubs.”

All of the above refer to mitigation measures that “shall” be determined in the future. If specific mitigation measures not in place, the document cannot reach the decision:

“With implementation of these measures, in addition to the policies and programs contained in the 2008 Draft General Plan, this impact would be reduced to a **less-than-significant** level.” This should be identified as an unmitigated significant environmental impact.

51-26

This same argument can apply to the deferred mitigation measures in:

**IMPACT 4.6-2b**

**Loss of Value of Upland Grassland, Oak Woodland, Oak Savanna, and Scrub/Chaparral**

**IMPACT 4.6-3a**

**Loss or Reduction in Habitat Values of Valley Floor Grassland and Vernal Pool Grassland Habitats**

For Impact 4.6-3a, the loss could be significant:

51-27

“Based on vegetation mapping for the Solano HCP, buildout of the 2008 Draft General Plan could result in the conversion to incompatible uses of approximately 8,389 acres of valley floor grassland habitat and 2,375 acres of vernal pool grassland habitat” and “Approximately 1,160 acres of valley floor grasslands and 596 acres of vernal pool grasslands could be affected within the MSAs of Fairfield, Suisun City, Vacaville, Vallejo, and Rio Vista.”

although again, the source of these acreage figures are not contained in the DEIR.

The document under conclusions says, “The policies above would reduce impacts on valley floor grassland and vernal pool habitat, but not to a less-than- significant level” but then it is listed as LTS on Table 2-1.

In this section

**Mitigation Measure 4.6-3a: Require a Habitat Inventory, Buffer Zones, and Appropriate Avoidance and Compensatory Measures to Mitigate Habitat Loss.**

51-28

refers to plans and actions that will be designed and taken – in the future.

**IMPACT 4.6-4a**

**Potential for Direct and Indirect Impacts on Riparian, Stream, and Open-Water Habitats – Preferred Plan.** *Buildout of the 2008 Draft General Plan under the Preferred Plan could result in direct and indirect impacts on riparian, stream, and open-water habitats. This impact would be significant.*

and yet, it isn’t in Table 2-1.

It is difficult to understand the mitigation measures that are suggested.

I have never seen mitigation measures for vernal pools to be less than 2:1; in all fairness, because the quality of set aside vernal pool habitat is typically less than that destroyed, a proper ratio might be 5:1. Likewise, the riparian ratios should be at least 2:1. Where is the rationale for the ratios that will be required by mitigation measures for the activities allowed in the General Plan?

51-29

I hate to beat a dead horse, but likewise:

**“Mitigation Measure 4.6-5a: Require Surveys for Seasonal Wetlands and Replacement at a Minimum 2:1 Ratio.**

The County shall require all future projects, as a condition of project approval, to conduct appropriately timed biological resources inventories designed to determine the presence of seasonal wetlands. The surveys shall be completed as part of a complete application for a project.

In addition, where conversion of seasonal wetlands is unavoidable as part of a project’s development, the County shall require the project applicant to prepare and implement mitigation and management plans. Seasonal wetlands shall be replaced at a minimum 2:1 ratio.

With implementation of this mitigation measure, in addition to the policies and programs contained in the 2008 Draft General Plan, this impact would be reduced to a **less-than-significant** level.”

51-30

Until the required surveys are done, the wetlands identified, and the mitigation measures and areas specifically outlined, then this Draft EIR is incomplete and the environmental impact is significant.

The DEIR should absolutely not list that the loss of any of these habitats represents a less-than-significant impact.

51-31

The DEIR document states:

**“Mitigation Measure 4.6-4b: Require an Inventory for Special-Status Species and Uncommon Habitats, and Appropriate Mitigation of Impacts on Valley Elderberry Longhorn Beetle, Salmonid, and Other Habitats.**

This measure is the same as Mitigation Measure 4.6-4a above. For the same reasons as described above, implementation of this mitigation measure under the Maximum Development Scenario would reduce the impact to a **less-than-significant** level.”

51-32

Again, this is typical of the entire document: “Implementation of this mitigation measure would reduce the impact...” – implementation of what mitigation measure? Requiring the preparation of an inventory does not mitigate for the destruction of habitat. Requiring the preparation of a mitigation measure may or may not reduce an impact – depending on what the future mitigation measure might be. The impact on Valley Elderberry Longhorn Beetle, Salmonid, and Other Habitats should be listed as significant until surveys are done and specific plans are drafted and adopted. We are many steps away from this impact, and frankly all of the identified impact, being considered mitigated below significant.

#### **OTHER AREAS OF DEFERRED ANALYSIS:**

##### **Other Species**

Solano County has one of the highest concentrations of golden eagles in California – what is the impact on these?

51-33

A significant colony of bald eagles winter in neighboring Napa County – what is the impact of the proposed development on these symbols of our heritage? While I recognize that bald eagles have been delisted, they are protected by other measures and these two eagles should be discussed.

##### **Conclusion**

The current Draft Environmental Impact Report for the Solano County General Plan update is fatally flawed in many ways. I have focused on the DEIRs analysis of Biological Resources element where the problems are especially acute. The Draft EIR minimizes the description of the impacts of the development proposed in the General Plan, fails to disclose the methodology used to reach these conclusions, defers the details of mitigation measures, and then concludes that there are no significant impacts.

51-34

When you take a step back to consider the conclusion that an area the size of the City of San Francisco can be converted to urban uses without a single significant impact on wildlife, it seems implausible. This seems even less plausible when you understand just how rare and important the habitat being converted currently is to wildlife. And every conversion can be mitigated by some plan to be determined later?

51-35

While I recognize that in the tiered approach to environmental impact analysis encouraged by the California Environmental Policy Act subsequent project level or site-specific EIRs will demand additional details, it is here at broad-scale covered by the program EIR where true and substantial mitigation methods can be planned. This is the philosophy behind the development of Habitat Conservation Plans, that mitigation measures that plan over the largest region possible and that plan over the longest time frame possible will have the best chance to truly mitigate impacts. Yet the Draft EIR that accompanies this General Plan does not take advantage of this possibility; this document defers analysis and specific decisions to the project level EIRs. I believe that this is illegal; at the very least it is unwise.

51-35  
Cont'd.

I am especially disappointed that the Draft Environmental Impact Report failed to take advantage of existence of the nearly completed Habitat Conservation Plan for the County. To the contrary, the existence of this document severely compromised the quality of the Draft EIR; because of the existence of the HCP, the Draft EIR used its findings but did not disclose those findings to the public or decision makers reading the Draft EIR. The Draft EIR included no results of field studies, no wildlife surveys, and no primary data; these data likely would have been prepared and included in a document that had been prepared for a County that did not have a HCP in preparation.

51-36

For this document to be complete, it should have included the data from the HCP. It should have included a discussion of the rationale that flowed from those data. It should have included completed mitigation measures for each habitat that will be impacted, rather than saying, "a mitigation plan shall be produced." It should have had more policies and encouraged development to avoid the sensitive areas rather than depending upon mitigation measures. And it should have honestly admitted when the mitigation measures would not be enough and a significant environmental impact is unavoidable.

51-37

Thank you for the opportunity to comment,



James D. DeKloe  
Biological Sciences and Biotechnology  
Solano College  
4000 Suisun Valley Road  
Fairfield, CA 94534

Comment  
51  
Response James D. DeKloe,  
Biological Sciences and Biotechnology,  
Solano Community College  
June 1, 2008

---

- 51-1 The commenter's remarks are introductory in nature. Detailed responses to the commenter's concerns regarding significant environmental impacts and viable mitigation strategies are offered in subsequent responses.
- 51-2 Please refer to Response to Comment 51-1.
- 51-3 The comment is noted. Although this comment does not relate specifically to the EIR for the 2008 Draft General Plan, it will be provided to the County Board of Supervisors for further consideration.
- 51-4 The commenter states that the DEIR fails to properly analyze the potential development in the Middle Green Valley. The DEIR for the 2008 Draft General Plan is a programmatic EIR. The proposed Middle Green Valley Special Study Area was included in the DEIR's overall analysis of environmental impacts and mitigation programs. Agricultural lands in this portion of Middle Green Valley are included among the 21,971 acres of agricultural land potentially subject to conversion with implementation of the 2008 Draft General Plan as disclosed in the DEIR. The stated buildout potential of Middle Green Valley (approximately 400 units) was also included as part of the County's total buildout analysis in the DEIR. Please refer to Master Response E, "Programmatic Nature of EIR," in Chapter 2 of this FEIR. For a discussion regarding the community involvement process and plans for the Middle Green Valley Special Study Area, please refer to pages LU-47 through LU-53 of the Land Use chapter of the 2008 Draft General Plan.
- 51-5 Please refer to Responses to Comments 51-4 and 26-21 through 26-23.
- 51-6 The commenter objects to the DEIR's description that native grasses are present only in small patches or intermixed stands with nonnative grasses in Solano County. This is an accurate statement and reflects conditions not only in Solano County, but throughout the valley-foothill regions of California, where native grasslands survive only as remnants in the landscape. The type conversion of native grasslands to nonnative grasslands in California in the early 1800s was one of the most extensive and severe vegetation changes in historic times throughout the world (Heady 1988). The commenter notes that Solano County supports some of the most valuable native grasslands in the state. This comment may be true, especially for valley floor and vernal pool grasslands in the vicinity of the Jepson Prairie, but these are remnants of a much larger historic native grassland, and the commenter's statement is not in conflict with the DEIR's description.
- 51-7 The DEIR relies on the considerable background information on habitats within the county developed as part of the preparation of the *Solano Multi-Species Habitat Conservation Plan* (Solano HCP). Although the County has chosen not to participate in the Solano HCP at this time, this effort has provided considerable information on the county's resources, as well as analyzed the efforts/acreages needed to conserve and recover the various communities in the county. In addition to being presented in the Solano HCP, the data and the methodology for collecting the data, used to determine the DEIR conclusions regarding biological resources, is presented in the Biological Resources background report for the project (Solano County 2006). The Solano HCP is also available for public review at Solano County Water Agency.

- 51-8 The comment is noted.
- 51-9 Please refer to Response to Comment 51-7.
- 51-10 Please refer to Responses to Comments 51-7 and 51-11.
- 51-11 Please refer to Response to Comment 51-7. The analysis of the effects of implementing the 2008 Draft General Plan on biological resources was based largely on the information collected for the development of the Solano HCP. The primary data and the methodology used to collect the data for the Solano HCP were summarized in the DEIR in Section 4.6.1, beginning on page 4.6-1. This information was incorporated within the Biological Resources background report (Solano County 2006), which is available for public review at the County Department of Resource Management. As shown in Chapter 4 of this FEIR, the second paragraph on page 4.6-1 of the DEIR is revised as follows:

Participants in the Solano HCP are Solano County Water Agency (SCWA), the City of Vacaville, the City of Fairfield, the City of Suisun City, the City of Vallejo, Solano Irrigation District (SID), Maine Prairie Water District (MPWD), the City of Rio Vista, the City of Dixon, Reclamation District 2068, Vallejo Sanitation and Flood Control District, and Fairfield-Suisun Sewer District. Although the County is not an applicant, SCWA gave the County permission to use the data developed for the Solano HCP toward the development of the 2008 Draft General Plan. The Biological Resources Background Report prepared for the 2008 Draft General Plan (Solano County 2006) ~~was an adaptation of~~ is based on the Solano HCP, is publicly available at the Solano County Department of Resource Management, and is hereby incorporated by reference. ~~Similarly, the following description summary~~ of existing conditions within the county is based ~~in large part~~ on the information presented in the Solano HCP and Biological Resources Background Report.

- 51-12 Please refer to Response to Comment 51-10. The DEIR does address biological issues on an ecosystem level, and not merely on a species-by-species approach. The following impacts and mitigation measures illustrate that approach:
- ▶ Impact 4.6-2a and 4.6-2b, “Loss of Value of Upland Grassland, Oak Woodland, Oak Savanna, and Scrub/Chaparral Habitats”; and Mitigation Measure 4.6-2a and 4.6-2b, “Require a Habitat Inventory and Mitigation and Management Plans, and Specify a Replacement Ratio for Native Trees and Shrubs”
  - ▶ Impact 4.6-3a and 4.6-3b, “Loss or Reduction in Habitat Values of Valley Floor and Vernal Pool Grassland Habitats”; and Mitigation Measure 4.6-3a and 4.6-3b, “Require a Habitat Inventory, Buffer Zones, and Appropriate Avoidance and Compensatory Measures to Mitigate Habitat Loss”
  - ▶ Impact 4.6-4a and 4.6-4b, “Potential for Direct and Indirect Impacts on Riparian, Stream, and Open-Water Habitats” and Mitigation Measure 4.6-4a and 4.6-4b, “Require an Inventory for Special-Status Species and Uncommon Habitats, and Appropriate Mitigation of Impacts on Valley Elderberry Longhorn Beetle, Salmonid, and Other Habitats”
  - ▶ Impact 4.6-5a and 4.6-5b, “Potential for Direct and Indirect Impacts on Seasonal Wetlands,” and Mitigation Measure 4.6-5a and 4.6-5b, “Require Surveys for Seasonal Wetlands and Replacement at a Minimum 2:1 Ratio”
  - ▶ Impact 4.6-6a and 4.6-6b, “Potential Direct and Indirect Impacts on Marsh and Tidal Flat Habitat,” and Mitigation Measure 4.6-6a and 4.6-6b, “Require Surveys for Wetlands and

Special-Status Species, Develop an Avoidance and Mitigation Plan, and Replace Affected Habitats at a 2:1 Ratio”

- 51-13 Please refer to Master Response K, “Solano HCP,” in Chapter 2 of this FEIR.
- 51-14 Please refer to Master Response K, “Solano HCP,” in Chapter 2 of this FEIR.
- 51-15 The commenter suggests that the County would allow development to proceed in the municipal service areas (MSAs) without specifying how it would monitor compliance with state and federal wildlife laws. With regard to development within MSAs, please refer to Response to Comment 24-12. The proposed change to Policy LU.P-7 shown in Response to Comment 24-12 and in Chapter 5 of this FEIR would make it clear that the intent of the 2008 Draft General Plan is to prohibit urban uses within the MSAs prior to annexation by the cities.
- With regard to compliance with state and federal laws regarding wildlife, Mitigation Measure 4.6-3a, measure (3), on page 4.6-44 of the DEIR addresses this comment and requires all project applicants to provide proof to the County Department of Resource Management that they have obtained all necessary state and federal authorizations (e.g., U.S. Army Corps of Engineers Section 404 permit, Regional Water Quality Control Board Section 401 certification or waste discharge requirements, and compliance with the federal and California Endangered Species Acts) before the issuance of any grading permits or other actions that could result in ground-disturbing activities.
- 51-16 The commenter questions whether special study areas were included in Table 4.6-3 of the DEIR. Special study areas were accounted for in the table. The component land uses of the proposed special study areas are contained in the table. For example, the area of the proposed Collinsville special study area is included within the 6,741 acres of potential habitat conversion that would occur if lands designated as Water Dependent Industrial were developed.
- 51-17 The commenter expresses incredulity regarding the DEIR’s significance conclusions for impacts on wildlife. Although the commenter may disagree with the DEIR’s significance conclusions, the commenter does not provide any specific basis for that disagreement, other than the posing of rhetorical questions. The comment will be provided to the County Board of Supervisors for further consideration.
- 51-18 Please refer to Master Response J, “Biological Resources Mitigation Strategies,” in Chapter 2 of this FEIR.
- 51-19 The 5,697 acres does include the special study areas, but only refers to irrigated agricultural raptor foraging habitat, which is the most valuable type for Swainson’s hawk. The mitigation requirement for loss of other types or raptor foraging habitat is covered by the mitigation measures for other habitat types listed in Response to Comment 51-12.
- 51-20 Please refer to Responses to Comments 5-23 and 5-24.
- 51-21 The loss of habitat is not mitigated only by preservation. It is mitigated by the requirement to enhance and manage the preserved habitats as discussed in the mitigation measures for each habitat. The increase in values is intended to offset the net loss of acreage. Please also refer to Response to Comment 23-115.
- 51-22 The land would be preserved in perpetuity under a conservation easement held by the Solano Land Trust or similar land trust subject to County and permitting agency approval.

- 51-23 Please refer to Responses to Comments 5-23 and 5-24.
- 51-24 Please refer to Response to Comment 5-25.
- 51-25 These mitigation measures include performance standards that would be mandatory conditions of approval and not deferred for future consideration, and thus are in accordance with CEQA.
- 51-26 The commenter's opinion that impacts are significant and unavoidable is noted.
- 51-27 Please refer to Response to Comment 51-7. The source for those figures is the Solano HCP.
- 51-28 The conclusion that 2008 Draft General Plan policies reduce impacts on valley floor grassland and vernal pool habitat, but not to a less-than-significant level, is prior to mitigation. The less-than-significant level listed in Table 2-1 refers to that impact after mitigation.
- 51-29 The mitigation measures presented in the DEIR for mitigation for seasonal wetlands at a minimum 2:1 ratio are consistent with or exceed the requirements for these habitats and associated species contained in other large-scale conservation plans approved in this region or current state guidelines. Please refer to Master Response J, "Biological Resources Mitigation Strategies," in Chapter 2 of this FEIR, and refer to Response to Comment 5-26.
- 51-30 Please refer to Response to Comment 51-29.
- 51-31 Please refer to Response to Comment 51-29.
- 51-32 This mitigation measure does not rely solely on an inventory to reduce impacts to less-than-significant levels. It includes additional measures including habitat mitigation, valley elderberry longhorn beetle and elderberry shrub mitigation, and mitigation of impacts on salmonids. These are described in detail on pages 4.6-48 through 4.6-51 of the DEIR.
- 51-33 Impacts on golden eagles are addressed under the following impact discussions:
- ▶ Impacts 4.6-1a and 4.6-1b, "Loss of Habitat for Swainson's Hawk, Other Raptors, and Burrowing Owl";
  - ▶ Impacts 4.6-2a and 4.6-2b, "Loss of Value of Upland Grassland, Oak Woodland, Oak Savanna, and Scrub/Chaparral Habitats";
  - ▶ Impacts 4.6-3a and 4.6-3b, "Loss or Reduction in Habitat Values of Valley Floor and Vernal Pool Grassland Habitats";
  - ▶ Impacts 4.6-4a and 4.6-4b, "Potential for Direct and Indirect Impacts on Riparian, Stream, and Open-Water Habitats";
  - ▶ Impacts 4.6-5a and 4.6-5b, "Potential for Direct and Indirect Impacts on Seasonal Wetlands"; and
  - ▶ Impacts 4.6-6a and 4.6-6b, "Potential Direct and Indirect Impacts on Marsh and Tidal Flat Habitat."
- Bald eagles that winter in Napa County forage primarily on fish in lakes and streams in Napa County such as Lake Hennessy and Lake Berryessa. There would be little or no impact from development in Solano County on these resources.

- 51-34 The comment is noted. This concluding comment has been addressed by the preceding responses.
- 51-35 The commenter's opinion is noted.
- 51-36 Please refer to Responses to Comments 51-7 and 51-10.
- 51-37 The comment is noted. This concluding comment has been addressed by the preceding responses.



## **LETTER 52**

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MICHELLE LAPENA

LaPena Law Corporation

April 29, 2008



**Louie, James A.**

**From:** Michelle LaPena [michelle@lapenalaw.com]  
**Sent:** Tuesday, April 29, 2008 4:17 PM  
**To:** Louie, James A.  
**Subject:** Rumsey Indian Rancheria Comment

Good Afternoon,

I believe that the Rumsey Indian Rancheria submitted written comments on the GP update, however, I have one more item that I wish to bring to your attention. As I also stated in a voicemail just a short time ago, there is one line that the Rumsey Native Cultural Renewal Committee ask to have removed or revised. On page 4.10-4, the first paragraph, third sentence. It reads: "These groups appeared to have no political unity or collective identity, but did speak dialects of the same historically related language."

It is the Committee's view that this is a Eurocentric viewpoint that is not accurate and is also irrelevant. There is no citation for this statement, but the next line references Steven Powers, the ethnographer, who was notorious for his bias in his writings, calling native people "savage", "fat" and "ugly" in various descriptions of tribal groups. We hope to avoid repeating negative stereotypes that are based on a Eurocentric, outsider's view of California Indians. So, we respectfully ask that you delete this line. Please let me know if you have any questions. Thank you.

52-1



Michelle LaPena  
LaPena Law Corporation  
2331 Capitol Avenue  
Sacramento, CA 95816  
(916) 442-9906 (voice)  
(916) 442-9907 (facsimile)  
[michelle@lapenalaw.com](mailto:michelle@lapenalaw.com)

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05/12/2008

52-1 The comment is noted. As shown in Chapter 4 of this FEIR, the first paragraph on page 4.10-4 of the DEIR is revised as follows:

Several ethnohistorical and ethnographic accounts describe the Patwin and the Miwok who were the native inhabitants of what is now Solano County (Kroeber 1925, 1932; Maloney 1943, 1944; McKern 1922, 1923; Powers 1976 [1877]). When Europeans first entered central California, the area west of the Sacramento River and north of Suisun Bay was occupied by a series of linguistically and culturally related tribelets. ~~These groups appeared to have no political unity or collective identity, but did speak dialects of the same historically related language.~~ This linguistic similarity led Powers (1877) to call the groups “Patwin,” a term each group used in reference to themselves. The Patwin, along with their neighbors the Nomlaki and Wintu, are Wintuan speakers. The Wintuan language is part of the larger Penutian language family, which also includes Miwok, Maidu, Costanoan, and Yokuts.

## **LETTER 53**

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MARK MARTINSAN

Solano Irrigation District

April 21, 2008



**Solano County 2008 General Plan  
Draft Environmental Impact Report (EIR)  
Comments**

Please complete this form with your comments and/or questions concerning the Draft EIR of the 2008 General Plan. (Name and contact information optional.)

Name (please print): Mark Mortinson Organization/Business: Solano Irrigation District  
Address: 6075 Pleasants Vly Rd. City: Yuba State: CA Zip: 95688  
Phone: 447-7860 Email: Mar1985@cwnet.com

**COMMENTS / QUESTIONS:**

Highway 12 Going right through the middle of more productive  
farmland. Why not build it alongside I-80 so as not  
to take so much land? Please bring this up to  
whomever plans traffic routes.

(Use back of sheet for additional comments if necessary.)

vv

**Solano County 2008 General Plan  
Draft Environmental Impact Report (EIR)  
Comments**

Please complete this form with your comments and/or questions concerning the Draft EIR of the 2008 General Plan. (Name and contact information optional.)

Name (please print): Mark Martinson Organization/Business: Solano Irrig. District  
Address: 6075 Pleasants Valley Rd. City: Vacaville State: CA Zip: 95688  
Phone: 447-7860 Email: Mar1985@cwnet.com

**COMMENTS / QUESTIONS:**

Who will stop the beast that is Vacaville?  
The city leaders continue to break promises and expand the  
city further and further East. I know this land is easy  
to develop because its flat and close to the sewer plant.  
However what will stop Vacaville "the Beast" from further  
expansion East.

(Use back of sheet for additional comments if necessary.)

v

**Solano County 2008 General Plan  
Draft Environmental Impact Report (EIR)  
Comments**

Please complete this form with your comments and/or questions concerning the Draft EIR of the 2008 General Plan. (Name and contact information optional.)

Name (please print): Mark Martinson Organization/Business: Solano Irrigation District  
Address: 6075 Pleasants Wy. Rd. City: Vacaville State: CA Zip: 95688  
Phone: (707) 447-7860 Email: Mat1985@cwnet.com

**COMMENTS / QUESTIONS.**

It is sad to see yet more agricultural land get developed into houses or business parks. The middle of Green Valley is not a good place to permanently destroy productive agricultural land. This land is along Green Valley Creek and will flood. The developers must be held accountable for the flooding of the neighborhoods they built.

53-3

53-4

(Use back of sheet for additional comments if necessary.)

vv

Comment      Mark Martinsan  
53              Solano Irrigation District  
Response      April 21, 2008

---

- 53-1            The comment and questions are noted.
- 53-2            The comment and questions are noted.
- 53-3            The comment and questions are noted.
- 53-4            The comment and questions are noted.

## **LETTER 54**

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**BEN DE GROOT**

De Groot Enterprises

April 21, 2008



**Solano County 2008 General Plan  
Draft Environmental Impact Report (EIR)  
Comments**

Please complete this form with your comments and/or questions concerning the Draft EIR of the 2008 General Plan. (Name and contact information optional.)

Name (please print): Ben de Groot Organization/Business: De Groot Enterprises  
Address: 7767 West Ranch Lane City: Vacaville State: CA zip: 95688  
Phone: (707) 449-1728 Email: benjamin-de-groot@yahoo.com

**COMMENTS / QUESTIONS:**

if property is currently zoned A20 and across  
the street it is R5 what are the possibilities of  
getting the A20 re-zone to R10 or R5

Does the general plan allow for re-zoning  
prior to 2D10

(Use back of sheet for additional comments if necessary.)

W

**Solano County 2008 General Plan  
Draft Environmental Impact Report (EIR)  
Comments**

Please complete this form with your comments and/or questions concerning the Draft EIR of the 2008 General Plan. (Name and contact information optional.)

Name (please print): Ben de Groot Organization/Business: De Groot Enterprises  
Address: 7767 West Ranch Lane City: Vacaville State: CA Zip: 95688  
Phone: 707 449-1728 Email: benjamin-de-groot@yahoo.com

**COMMENTS / QUESTIONS:**

What are the permit requirements to build a  
barn on my land

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Use back of sheet for additional comments if necessary.)

vv

**Solano County 2008 General Plan  
Draft Environmental Impact Report (EIR)  
Comments**

Please complete this form with your comments and/or questions concerning the Draft EIR of the 2008 General Plan. (Name and contact information optional.)

Name (please print): Ben de Groot Organization/Business: De Groot Enterprises  
Address: 7767 West Ranch Lane City: Vacaville State: CA zip: 95688  
Phone: (707) 449-1728 Email: benjam-de-groot@yahoo.com

**COMMENTS / QUESTIONS:**

How can land be Ag want there is little to no water  
and the soil is extremely rocky. It is ideal  
to build on but almost impossible to farm on

(Use back of sheet for additional comments if necessary.)

W

**Solano County 2008 General Plan  
Draft Environmental Impact Report (EIR)  
Comments**

Please complete this form with your comments and/or questions concerning the Draft EIR of the 2008 General Plan. (Name and contact information optional.)

Name (please print): Ben de Groot Organization/Business: De Groot Enterprises  
Address: 7767 West Ranch Lane City: Vacaville State: CA zip: 95688  
Phone: 707 449-1728 Email: benjamin-de-groot@yahoo.com

**COMMENTS / QUESTIONS:**

Definition of heritage oak what are the restrictions  
in Ag Area

(Use back of sheet for additional comments if necessary.)

vv

Comment  
54  
Response

Ben de Groot  
De Groot Enterprises  
April 21, 2008

---

- 54-1            The comment and questions are noted.
- 54-2            The question is noted.
- 54-3            The comment and questions are noted.
- 54-4            The comment and questions are noted.



# **LETTER 55**

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**MARGI STERN**

April 21, 2008



**Solano County 2008 General Plan  
Draft Environmental Impact Report (EIR)  
Comments**

Please complete this form with your comments and/or questions concerning the Draft EIR of the 2008 General Plan. (Name and contact information optional.)

Name (please print): Margi Stern Organization/Business: \_\_\_\_\_

Address: 7109 PVR City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: 446-0238 Email: ma<sup>53-1</sup>@gmail.com

**COMMENTS / QUESTIONS:**

PVR + Mill Canyon N - not good for  
rural residential - lack of topog +  
? poor ~~so~~ topography

(Use back of sheet for additional comments if necessary.)

vv

Comment  
55  
Response

Margi Stern  
April 21, 2008

---

55-1

The comment is noted.

## **LETTER 56**

---

ESTHER BLANCO, COMMUNITY SERVICES MANAGEMENT ANALYST  
City of Fairfield Community Services Department

June 5, 2008





Home of  
Travis Air Force Base

# CITY OF FAIRFIELD

Founded 1856

Incorporated December 12, 1903

## COUNCIL

Mayor  
Harry T. Price  
707.428.7395  
Vice-Mayor  
John Vraz  
707.429.6298  
Councilmembers  
707.429.6298  
Frank Kardos  
Chuck Timm  
Matt Garcia

•••

City Manager  
Sean Quinn  
707.428.7400

•••

City Attorney  
Greg Stepanicich  
707.428.7419

•••

City Clerk  
Arietta Cortright  
707.428.7384

•••

City Treasurer  
Oscar G. Reyes, Jr.  
707.428.7496

## DEPARTMENTS

Community Services  
707.428.7465

•••

Finance  
707.428.7496

•••

Fire  
707.428.7375

•••

Human Resources  
707.428.7394

•••

Community  
Development  
707.428.7461

•••

Police  
707.428.7551

•••

Public Works  
707.428.7485

June 5, 2008

Mike Yankovich  
Solano County Department of Natural Resources  
Planning Services Division  
675 Texas Street, Suite 550  
Fairfield, CA 94533

RE: Solano County General Plan Update - Comments from Fairfield  
Community Services Department

Dear Mr. Yankovich,

Thank you for the opportunity to review the Draft County General Plan Update. The Community Services Department has reviewed section 4.14 Recreation for the Solano County General Plan and would like to submit the following comments, corrections and questions.

1. On page 4.14-2: City Parks

- a. Please clarify that the City of Fairfield also owns and manages 1361 acres of publicly accessible open space, which includes 633 acres of Rockville Hills Regional Park. 56-1
- b. Please correct the following numbers in the text. There will be 8 (not 10) additional neighborhood parks, there will be two (not three) additional community parks which equals an additional 167 (not 400) acres to our parks system. 56-2
- c. There needs to be a paragraph after Vacaville -and beginning with the City of Vallejo. 56-3

2. On page 4.14-3: Table 4.14-1

- a. Please note that the correct name is Rockville Hills Regional Park, please add Regional to the name. 56-4
- b. There are 633 Acres in Rockville Hills Regional Park (not 1000) 56-5
- c. The uses at Rockville Hills Regional Park include hiking, biking, picnicking, nature study, fishing, bird watching. 56-6
- d. Also please add to our list of open spaces Rolling Hills, Serpas Ranch & Spy Glass Open Space Areas. 338 acres Rolling Hills +365 acres Serpas Ranch + 25 acres Spy Glass respectively; or 731 acres for all three sites. The uses include hiking. 56-7

RECEIVED  
Solano County  
Resource Management

JUN 06 2008  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

These are our comments and questions for pages 4.14-3 and 4.14-4.

Page 4.14-3

3.) What are types of projects do the County's Quimby Act Fees fund?

56-8

4.) How does the County Plan fulfill their 10 acres per 1,000 residents? i.e. what types of park/open space amenities are provided to its residents?

56-9

5.) How does the County intend to fulfill the residents' of the unincorporated areas needs for other types of recreation needs such as ball fields, basketball, volleyball courts and playgrounds?

56-10

Page 4.14-4

Mitigation Measure 4.14-1a states that: The park mitigation and impact fees shall be designed to mitigate impacts reasonably related to a proposed residential development and must be used to acquire or develop park and recreational facilities.

56-11

6.) Is the County able to provide park amenities to all residents at the 10 acre per 1,000 standard as stated on page 4.14-3? Or Is the County assuming that the Cities are to provide park amenities to those residents living in the unincorporated areas of the County?

7.) If cities are expected to provide recreational amenities to the residents in the unincorporated areas, what population growth is expected in the populations surrounding the cities (boundaries) for each city? The City of Fairfield currently plans to provide 3.5 acres per 1000 per population. We would like to know how the County's growth within our city limits and in the unincorporated area may impact future use/needs or our park systems.

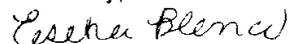
56-12

8. Is the County planning to compensate cities for providing and maintaining these necessary additional amenities?

56-13

We appreciate your consideration of our comments and questions on the issues which may impact our department.

Sincerely,



Esther Blanco,  
Community Services Management Analyst

cc: John M. De Lorenzo, Community Services Director, City of Fairfield  
Fred Beiner, Park Planning Manger, City of Fairfield  
Brian Miller, Associate Planner, City of Fairfield

56-1 The comment is noted. As stated in Chapter 4 of this FEIR, the description of parks in the city of Fairfield on page 4.14-2 of the DEIR is revised as follows:

Fairfield has 14 neighborhood parks and two community parks, totaling 233 acres. The City of Fairfield is proposing development of several new facilities, including ~~10-eight~~ additional neighborhood parks serving a half-mile radius and ~~three-two~~ additional community parks serving a 2-mile radius, which would add an additional ~~400-167~~ acres to its parks system. In addition, the City of Fairfield owns and manages 1,361 acres of publicly accessible open space, which includes 633 acres in Rockville Hills Regional Park.

56-2 Please refer to Response to Comment 56-1.

56-3 The comment is noted. As stated in Chapter 4 of this FEIR, the description of parks in the cities of Vacaville and Vallejo on page 4.14-2 of the DEIR is revised as follows to add a paragraph break between the descriptions of Vacaville parks and Vallejo parks, as recommended by the commenter:

Vacaville has more than 520 acres of parks, in addition to 1,906 acres of urban open space surrounding the city. Lagoon Valley Park, which spans about 300 acres on the western edge of Vacaville, is owned and operated by the City of Vacaville. The majority of the city's public open space is found in the hillsides around Lagoon Valley and to the west of Browns Valley (including Old Rocky and the Glen Eagle open space area).

Vallejo has approximately 145 acres of neighborhood, community, and regional parks. The Greater Vallejo Recreation District oversees the park planning for the City of Vallejo.

56-4 Please refer to Response to Comment 56-1. In addition, as shown in Chapter 4 of this FEIR, Table 4.14-1 on page 4.14-3 of the DEIR is revised as follows:

Table 4.14-1 Open-Space Resources within Solano County		
Open-Space Area	Acres	Uses
Blue Ridge Berryessa	5,000	Hiking
Grizzly Island Wildlife Area	13,250	Bird watching
Jepson Prairie	9,250	Nature study
Lagoon Valley Open Space	2,500	Hiking
Mare Island Wetlands	2,500	Bird watching, hiking
Rockville Hills <u>Regional</u> Park	<del>1,000</del> <u>633</u>	Hiking, biking, <u>picnicking</u> , nature study, <u>fishing</u> , <u>bird watching</u>
<u>Rolling Hills Open Space</u>	<u>338</u>	<u>Hiking</u>
<u>Serpas Ranch Open Space</u>	<u>365</u>	<u>Hiking</u>
<u>Spy Glass Open Space</u>	<u>25</u>	<u>Hiking</u>

Table 4.14-1 Open-Space Resources within Solano County		
Open-Space Area	Acres	Uses
Suisun Marsh	74,000	Hunting, hiking
Tri-City & County, including Lynch Canyon	14,000	Hiking, mountain biking, horse riding in Lynch Canyon
Vacaville-Dixon Separator	4,500	Hiking, mountain biking, horse riding
Vallejo Lakes	6,500	Picnicking, boating, fishing
Sources: Data provided by Solano County and the City of Fairfield in 2008		

56-5 Please refer to Response to Comment 56-4.

56-6 Please refer to Response to Comment 56-4.

56-7 Please refer to Response to Comment 56-4.

56-8 It is unclear if the commenter is questioning the type of existing projects the “County’s Quimby Act Fees” have funded or would fund with implementation of recommended mitigation in the DEIR (see Mitigation Measure 4.14-1a, “Recreation”). However, the DEIR states that Solano County has 213 acres of parkland (see Impact 4.14-1a) and identifies parks maintained by the County (see the “Solano County Parks” section in Section 4.14.1, “Recreation”).

With regard to collection and use of park impact fees, please refer to Response to Comment 12-77.

56-9 Please refer to Response to Comment 12-65.

56-10 Please refer to Responses to Comments 12-65 and 12-77.

56-11 Fees would be collected from developers of residential projects in Solano County and, therefore, these fees would be used to acquire or develop park and recreation facilities in the County’s jurisdiction. The impact analysis and recommended mitigation measure in the DEIR (see Impact 4.14-1a and Mitigation Measure 4.14-1a in DEIR Section 4.14, “Recreation”) does not assume that cities would be responsible for providing park amenities to residential projects developed in Solano County. It is assumed that park amenities to serve residential projects in Solano County would be provided within the county. Park amenities would be provided as envisioned in the Park and Recreation Element of the *Solano County General Plan*, which will be continued and folded into the 2008 Draft General Plan upon adoption.

56-12 Please refer to Response to Comment 56-11. The DEIR does not assume that cities would be responsible for providing park amenities to residential projects developed in Solano County. It is assumed that park amenities to serve residential projects in Solano County would be provided within the county. Park amenities would be provided in response to and to serve residential development in Solano County. Residential development and population growth are not anticipated to occur in response to development of a specific park or park amenities.

56-13 Please refer to Responses to Comments 56-11 and 56-12. The County would not be responsible for “compensating” cities for development of park amenities.

## **LETTER 57**

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**DEBORAH R. SLON, DEPUTY ATTORNEY GENERAL,  
FOR EDMUND G. BROWN JR., ATTORNEY GENERAL**

California Department of Justice, Office of the Attorney General

June 16, 2008



**EDMUND G. BROWN JR.**  
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June 16, 2008

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Re: Solano County General Plan Draft Environmental Impact Report  
SCH# 2007122069

Dear Mr. Louie:

Thank you for taking the time to meet with our office to discuss the Draft Environmental Impact Report ("DEIR") for the Solano County General Plan Update ("Project" or "General Plan"). As we mentioned at the meeting, we believe this DEIR shows true leadership on the part of Solano County and contains many excellent ideas for addressing some of the very serious environmental issues that will face the County in the coming decades, including global warming and water availability. We strongly support the County's stated goal of reducing Countywide greenhouse emissions to 20 percent below 1990 levels by 2020. (DEIR, Project Description at p. 3-21.)

We appreciate our discussion and your thoughts about how the DEIR might be improved. And we note that the preliminary suggestions for changes that you have made to us are well considered and wholly appropriate. As discussed below, however, some additional actions are necessary to ensure compliance with the California Environmental Quality Act ("CEQA").<sup>1</sup>

First, the global warming section of the DEIR should be amended to address adequately all sources of greenhouse gas emissions resulting from the Project, and to mitigate for these

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<sup>1</sup>The Attorney General submits these comments pursuant to his independent power and duty to protect the natural resources of the State from pollution, impairment, or destruction in furtherance of the public interest. (See Cal. Const., art. V., § 13; Cal. Gov. Code, §§ 12511, 12600-12612; *D'Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 14-15.) While this letter sets forth those deficiencies that are of particular concern, it is not intended to be an exhaustive discussion of the DEIR's compliance with CEQA.

emissions through concrete goals, policies, programs, land use designations and mitigation measures. Second, and relatedly, the DEIR should consider an adequate range of alternatives, including an alternative that is more consistent with the County's, and the State's, climate objectives. Third, to constitute permissible mitigation, the County's commitment to develop a Climate Action Plan should be further developed. Fourth, the DEIR should analyze and mitigate for the Project's impacts to water supply. Finally, the changes required to correct these deficiencies are sufficiently substantial to require recirculation under CEQA.

## **Background**

### **Purpose of the General Plan**

A general plan is a constitution for future growth. (*Napa Citizens for Honest Gov't v. Napa County* (2001) 91 Cal.App.4th 342, 355.) The Solano County General Plan Update anticipates significant future growth in Solano County. According to the DEIR, over the next two decades, the population of the County is expected to grow from 422,890 to 595,260 – an increase of approximately 171,000 people. (DEIR, Other CEQA Considerations, at p. 6-2.) Within the unincorporated County – most of which is currently designated agricultural – the number of households is expected to double, from 7,380 in 2008 to 14,290 in 2030; the population is expected to double, from 19,990 to 39,460; and employment is anticipated to double, from 3,039 jobs to 6,644 jobs. (*Ibid.*) Because the General Plan will guide the County in its development plans over the next two decades, it is critical that the DEIR adequately address the environmental impacts resulting from that development.

### **Global Warming**

The DEIR does an excellent job of describing the phenomenon of global warming and its serious repercussions for the County, California and the Nation. (DEIR, Other CEQA Considerations, at pp. 6-12 through 6-26.)

As the DEIR notes, greenhouse gases in the atmosphere trap heat near the Earth's surface. Unnaturally elevated atmospheric concentrations of these gases, emitted from human activities, cause average temperatures to increase, with adverse impacts on humans and the environment.<sup>2</sup> (DEIR, Other CEQA Considerations, at p. 6-14.) As the DEIR recognizes, the overwhelming scientific consensus is that global warming is already underway. (*Ibid.*) According to the leading experts, including the Intergovernmental Panel on Climate Change ("IPCC"), continuing the current rate of emissions will result in disastrous environmental effects, including

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<sup>2</sup>See also Intergovernmental Panel on Climate Change, Fourth Assessment Report (IPCC 4<sup>th</sup>) (2007) Working Group (WG) I, Frequently Asked Question 2.1, *How Do Human Activities Contribute to Climate Change and How Do They Compare with Natural Influences?* [http://ipcc-wg1.ucar.edu/wg1/FAQ/wg1\\_faq-2.1.html](http://ipcc-wg1.ucar.edu/wg1/FAQ/wg1_faq-2.1.html).

increasingly rapid sea level rise, increased frequency of droughts and floods, and increased stress on wildlife and plants due to rapidly shifting climate zones. To avoid the most catastrophic outcomes (so-called "dangerous climate change"), we must reduce our emissions and stabilize atmospheric levels of greenhouse gases, with emissions peaking during the 2000-2015 time period. (*Id.* at p. 6-15 [citing the IPCC].)

The DEIR discusses in some detail how global warming will affect California, resulting in warmer temperatures, more extreme weather events, decreased snowpack in the Sierras, rising sea levels, and reductions in water supply and water quality. (*Id.* at pp. 6-13 to 6-26.) The DEIR also discusses those direct and indirect impacts that are expected to have particular effects in Solano County. They include present and projected impacts to the County's low-lying areas caused by sea level rise; expansion of County floodplains; intrusion of salt water into the Delta and water supplies; and impacts to County agriculture due to reductions in water supply and water supply reliability. (*Id.* at pp. 6-20 to 6-24.)

With Executive Order S-3-05 and the California Global Warming Solutions Act of 2006 ("AB 32"), the Governor and Legislature recognized California's vulnerability to the adverse effects of increasing temperatures, the urgency of curbing greenhouse gas emissions, and California's important role as a leader in the fight against climate change. Informed by the science, California is committed to reducing total greenhouse gas emissions to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050, even as the State's population and economy grow. Addressing the problem requires prompt action at every opportunity. According to Rajendra Pachauri, Chairman of the United Nations IPCC, "If there's no action before 2012, that's too late. What we do in the next two to three years will determine our future. This is the defining moment."<sup>3</sup>

### **Global Warming Under CEQA**

CEQA requires that "[e]ach public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." (Pub. Res. Code, § 21002.1, subd. (b).) This requirement is the "core of an EIR." (*Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal.3d 553, 564-65.) Global warming is an "effect on the environment" under CEQA, and an individual project's incremental contribution to global warming can be cumulatively considerable. (See Cal. Pub. Res. Code, § 21083.05, subd. (a); see also Sen. Rules Comm., Off. Of Sen. Floor Analyses, Analysis of Sen. Bill No. 97 (2007-2008 Reg. Sess.) Aug. 22, 2007.)

By its nature, a general plan governs a large area of development over an extended period

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<sup>3</sup>Rosenthal, *U.N. Chief Seeks More Leadership on Climate Change*, N.Y. Times (November 18, 2007).

of time. Local governments in their planning documents therefore have a very important role to play in the fight against global warming. As the Attorney General's Office has noted, there are many effective measures that a local government can include in its general plan. To take just a few examples, a local agency can require water conservation measures, green building standards, building energy efficiency standards that exceed the State minimum, and land use designations that facilitate more compact development.<sup>4</sup> In the last category, the California Energy Commission ("CEC") has noted that better land use decisions are essential. According to the CEC, if we do not address growth in vehicle miles traveled ("VMT"), it will completely overwhelm the other advances that the State is making to control emissions and lower the carbon content of fuel.<sup>5</sup> But, as the California Energy Commission has found, "[l]and use choices that result in lower energy use and VMT reductions are possible and examples are beginning to emerge across the state."<sup>6</sup>

## **Discussion**

### **1. Global Warming**

#### **a. The DEIR does not adequately identify all existing greenhouse gas emissions.**

An EIR must provide an accurate depiction of existing environmental conditions. (Cal. Code Regs., tit. 14 (hereinafter "CEQA Guidelines"), § 15125, subd. (a).) "Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined." (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952.)

While the DEIR provides baseline estimates of greenhouse gas emissions for California and for the San Francisco Bay Area Basin portion of Solano County, it does not provide any estimate of emissions for the Sacramento Valley Air Basin portion of the County. (DEIR, Other CEQA Considerations, at pp. 6-25 to 6-26.) Without a complete baseline estimate, "analysis of impacts, mitigation measures, and project alternatives becomes impossible." (*County of Amador, supra*, 76 Cal.App.4th at 953.)

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<sup>4</sup>See the Attorney General's fact sheet, available at [http://ag.ca.gov/globalwarming/pdf/GW\\_mitigation\\_measures.pdf](http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf).

<sup>5</sup>California Energy Commission, *The Role of Land Use in Meeting California's Energy and Climate Change Goals*, Final Staff Report (August 2007) at pp. 10, 18.

<sup>6</sup>*Id.* at p. 10; see also *California Energy Commission, 2007 Integrated Energy Policy Report*, Committee Final Report (November 2007), Chapter 8, Mitigating Energy Needs With Smart Growth, p. 261.

The DEIR states that no greenhouse gas emissions inventory has been conducted for the Sacramento Valley Air Basin portion of Solano County. (DEIR, Other CEQA Considerations, at p. 6-26.) However, a lead agency must make reasonably conscientious efforts to collect additional data or make further inquiries of environmental or regulatory agencies having expertise in the matter. (*Berkeley Keep Jets Over the Bay Committee v. Board of Port Comm'rs* (2001) 91 Cal.App.4th 1344, 1370.) The County is not excused from determining the existing greenhouse gas emissions in the Sacramento Valley Air Basin simply because an inventory does not yet exist.

57-1  
Cont'd.

**b. The DEIR improperly excludes reasonably foreseeable sources of greenhouse gas emissions from its analysis.**

An EIR must identify and assess all significant environmental impacts of the proposed project, including direct and indirect impacts. (CEQA Guidelines, §§ 15064, 15358, subd. (a).) Here, the DEIR fails to evaluate the possibility of increased emissions from any sources other than vehicle miles traveled (VMT) and construction. (DEIR, Other CEQA Considerations, at p. 6-33). Although the DEIR acknowledges that emissions from other sectors such as energy, industry, and agriculture "should not be entirely overlooked," (*id.* at p. 6-34), it appears that the document omits any estimate of emissions from these sources. It is reasonably foreseeable that these sectors will be direct and indirect sources of greenhouse gas emissions. Consequently, the DEIR should include them in its analysis.

57-2

Because emissions from all sources are not included in the calculations, the DEIR's assessment of the greenhouse gas emissions resulting from the project may be significantly understated.<sup>7</sup> An understatement of emissions would subvert one of the basic purposes of CEQA, which is to inform the public of potential, significant environmental impacts of a proposed project. (CEQA Guidelines, § 15002, subd. (a)(1).)

**c. The DEIR does not properly mitigate the emissions resulting from the Project.**

The DEIR fails to analyze and require an adequate suite of feasible mitigation for the projected greenhouse gas emissions. The DEIR contains many pages of proposed policies and programs to reduce emissions. Some of these measures are concrete, tangible, innovative, and will reduce the County's emissions, provided they are promptly implemented on adoption of the General Plan. For example, Mitigation Measure RS I-38 provides measurable goals when it states that the County will "[d]evelop and implement financially and technically feasible green

57-3

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<sup>7</sup>Other comments have raised concerns that the DEIR does not provide an estimate of greenhouse gas emissions under the Maximum Development Scenario. (See, e.g., Shute, Mihaly & Weinberger letter at p. 43.) This would also result in substantial understatement of emissions.

building standards, including standards that exceed Title 24 state energy-efficiency requirements for residential and commercial buildings by at least 20 percent, and comply with the guidelines for the California Energy Star Homes Program."

Likewise, Mitigation Measure RS I-46 will "[r]equire all commercial, institutional, and industrial development to reduce potential urban heat island effect by using US EPA-Energy Star rated roofing materials and light colored paint, light colored paving materials for internal roads and parking, and use shade trees to shade south and west sides of new or renovated buildings and to achieve a minimum of 50% shading for all parking lots surfaces" and will "[a]mend the County zoning ordinance to encompass these requirements." This measure provides enforceable standards and, equally importantly, includes an implementation strategy. We appreciate the County's leadership by example by its inclusion of such measures.

The majority of mitigation measures in the DEIR are, however, unenforceable preferences and goals, rather than definite commitments to adopt enforceable policies or specific standards. (See DEIR at pp. 6-36 to 6-42.) The DEIR offers a menu of policies to "encourage," "promote," and "consider" means of reducing emissions, such as "encourage the location of industrial development in cities," "promote green building by adopting and supporting LEED principles," "promote alternative forms of transportation," and "consider a trip reduction ordinance and incentives." Contrary to the requirements of CEQA, these are bare policy statements, not true mitigation measures that will be implemented (e.g. through ordinances, programs, development standards, or land use designations) to reduce or avoid environmental impacts. (See CEQA Guidelines, § 15126.4, subd. (a)(2).) Each statement of policy should be paired with an enforceable, achievable standard. From our discussions, we understand – and very much appreciate – that the County is prepared to add language that make many of the proposed mitigation measures more than bare statements of intent, but we remain concerned with the lack of clear implementation strategies.

57-3  
Cont'd.

## 2. Alternatives Analysis

### a. **The DEIR does not contain an adequate range of alternatives designed to address global warming.**

An EIR is required to identify a reasonable range of alternatives and to set forth facts and meaningful analysis of these alternatives. (*Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1353 (internal citations omitted); CEQA Guidelines, § 15126.6, subd. (a).) The County in the DEIR has acknowledged the serious nature of global warming, has noted the State's emissions reductions targets, and has set its own objective of reducing greenhouse gas emissions to 20 percent below the 1990 levels by 2020 (DEIR, Project Description, at p. 3-21).

57-4

Under these circumstances, it is reasonable to expect that the County would examine an alternative designed to meet County and State climate objectives. But it does not appear that the

County has done so. According to the DEIR, AB 32's emissions targets require that per capita emissions be reduced to 9 tons of carbon dioxide equivalent per person per year. (DEIR, Other CEQA Considerations, at 6-32.) The DEIR calculates that the Project at full buildout will result in emissions of 16.5 tons per person per year; thus "[p]er capita rates of CO2 emissions would not meet the levels required to meet the goals of AB 32[.] (*Ibid.*)

The DEIR for this General Plan – which will guide development for the next two decades – should evaluate an alternative that is specifically designed to ensure that the County does its part toward cumulatively reducing greenhouse gas emissions, stabilizing atmospheric concentrations of greenhouse gases, and avoiding dangerous climate change. The DEIR does not suggest that such an alternative is unfeasible. One would expect that this alternative might explore, for example, higher density development that focuses growth within the existing city limits; the preservation of agriculture; energy and water conservation; green building practices; mixed-use development; and the promotion of alternative transportation. We urge the County to recirculate the DEIR to include such an alternative.

57-4  
Cont'd.

**b. The DEIR's alternatives analysis does not include sufficient information to allow meaningful comparison with the Project.**

An EIR must include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Project. (CEQA Guidelines, § 15126.6, subd. (d).) The DEIR describes three action alternatives to the Project. But the environmental impact analysis provided for each is insufficient to allow comparison. The DEIR's treatment of global warming impacts is illustrative. The DEIR does not quantify the greenhouse gas emissions that would result from each alternative. It is therefore impossible to know from the abbreviated discussion the amount by which emissions would be reduced in each alternative. Consequently, the public cannot meaningfully compare the emissions resulting from the alternatives to those from the Project. The EIR's "statutory goal of public information regarding a proposed project has not been met." (*Laurel Heights Improvement Ass'n v. Regents of California* (1988) 47 Cal.3d 376, 404.)

57-5

**3. As written, the DEIR's commitment to develop a Climate Action Plan to mitigate global warming resulting from the Project improperly defers analysis to the future.**

The County proposes to develop and adopt a Climate Action Plan ("CAP"). The CAP has two primary objectives: to "create adaptation strategies to address the impacts of climate change on the county, such as sea level rise, increased risk of flooding, diminished water supplies, public health, and local agricultural-based economy" and to "reduce total greenhouse gas emissions in the county to 20 percent below 1990 levels by 2020[.]" (DEIR, Other CEQA Considerations, at p. 6-47.) We understand from the County that it intends to integrate the CAP into its General Plan,

57-6

and will amend the DEIR to make that clear. This is essential if the CAP is to be enforceable.<sup>8</sup>

In stating its intent to prepare a CAP, the County has shown substantial leadership. Of particular note is the County's decision to require adaptation strategies to address potential effects of climate change. (DEIR, Other CEQA Considerations, at p. 6-47.) The DEIR notes that concerns regarding sea level rise led to the development of a Sea Level Rise Strategic Program, which has been included as an implementation measure in the General Plan Update. (*Ibid.*) We applaud the County for including this strategy as part of the General Plan Update. But sea level rise is only one of many climate related challenges the County will face. For example, as the DEIR notes, water availability will change with Solano County's changing climate; "there is likely to be less 'slack' in the system than under current operations and expectations." (DEIR, Other CEQA Considerations, at p. 6-23.) The General Plan Update should encompass similar strategic programs for other major climate changes noted in the EIR, including "increased frequency and magnitude of flooding, diminished water supply, habitat loss, and possible impacts to public health and the local economy, including agriculture." (*Ibid.*)

Turning to the planned CAP's outlined mitigation strategies, we note that many of the specifics of the CAP have yet to be developed. Under CEQA, a DEIR cannot defer development of the specifics of a mitigation measure to the future. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670 [holding that provision in EIR that allowed specifics of mitigation for biological impacts to be determined after future study violated CEQA where there were no specific criteria or standards of performance].) "CEQA's demand for meaningful information is not satisfied by simply stating information will be provided in the future." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 431 (internal quotation omitted).)

Under certain limited circumstances, a project may use a future, not yet existing "mitigation plan" as mitigation for a current project.<sup>9</sup> A mitigation plan is acceptable mitigation where the EIR includes a performance objective for the plan and the plan is sufficiently formulated that the lead agency and the public can have a level of assurance that the objective of

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<sup>8</sup>Provided that the CAP is completed and integrated into the General Plan, the County and project proponents will be able to benefit substantially from CEQA's streamlining provisions. (See, e.g., CEQA Guidelines, §§ 15152, subs. (d), (f); 15130, subs. (d), (e) [discussing tiering and cumulative impacts, respectively]; see also Pub. Res. Code, § 21081.6, subd. (b).)

<sup>9</sup>If at all possible, a fully realized CAP should be included in a general plan update, rather than being developed through a subsequent process. The Attorney General's Office acknowledges, however, that the issue of global warming has come to local governments' attention relatively recently. Where, as in Solano County's case, the general plan process was begun some time ago, we recognize that it may be necessary to complete the CAP and to integrate it into the general plan in a subsequent update.

the plan – real mitigation – will be achieved. (See, e.g., *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1020-22, 1028-30 [holding that EIR’s plan to develop parking mitigation strategy did not defer mitigation where EIR established a performance objective and set forth in detail the various mitigation strategies that would be analyzed in developing the plan, where formulation of the precise means of mitigating the impacts was impractical at the time of project approval, and where lead agency had approved funds for the required study].)

The County’s plan to develop a CAP has several attributes that will help to ensure that real mitigation will be achieved. For example, it articulates a specific performance standard: reduce Countywide emissions by 20 percent below 1990 levels by 2020. (DEIR, Other CEQA Considerations, at p. 6-47.) In addition, it requires an emissions inventory, which will assist in identifying sources and formulating appropriate emissions reduction measures. (DEIR, Other CEQA Considerations, at p. 6-47.) But these attributes, standing alone, are not sufficient to ensure mitigation. Accordingly, we urge the County to consider adding the following elements to the EIR to ensure that the County does not run afoul of CEQA’s rule against deferral:

- *Clear deadline for CAP completion.* The EIR should include reasonable deadlines for completion of the CAP and integration into the General Plan so that mitigation is not unduly delayed. We understand the County is considering adopting such deadlines.
- *Mitigation specificity.* The EIR should include a description of the specific measures the County knows will be analyzed for inclusion in the CAP.
- *Monitoring and reporting.* The EIR should require the CAP to include, as part of the enforcement process, monitoring and reporting to ensure the measures will be implemented and effective. (See *Lincoln Place Tenants Ass'n v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 446; Pub. Res. Code, § 21081.6, subd. (a), CEQA Guidelines, § 15091, subd. (3)(d).) We understand the County is developing monitoring and reporting requirements for the CAP.
- *Adaptive management.* In the face of uncertainty, adaptive management – pursuant to which mitigation measures are monitored and will be updated over time should they prove ineffective to meet the County’s climate goal – is essential. We understand that the County is considering including adaptive management as an element for the CAP. We urge it to do so.
- *Interim decisions.* The EIR should include a mechanism to ensure that no decisions made in the interim between adoption of the General Plan Update and completion and integration of the CAP will frustrate or prevent meeting the CAP’s goals.

We urge the County to consider these recommendations in order to make the CAP an effective tool for mitigating the global warming effects of the Project.

**4. The DEIR fails to adequately analyze the impacts of the project to water supplies.**

An EIR must inform decision-makers and the public of the intended source or sources of water for the project, and the environmental impacts of exploiting that source. (*Vineyard Area Citizens for Responsible Growth, Inc. v. Rancho Cordova* (2007) 40 Cal.4th 412, 431, citing *Stanislaus Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 206.) Such analysis cannot be deferred. (*Ibid.*) "An EIR evaluating a planned land use project must assume that all phases of the project will eventually be built and will need water, and must analyze, to the extent reasonably possible, the impacts of providing water to the entire proposed project." (*Ibid.*)

The DEIR does not adequately analyze the impacts of the Project on water supply. Instead, it acknowledges that insufficient water is available to meet the demands of the Project, and simply concludes that the impact of the project on water supply would be significant. "Available water sources would be insufficient to serve some of the unincorporated areas of the county with the buildout of the Preferred Plan. New methods to obtain water and additional sources of supply would be required." (DEIR, Project Description, at p. 2-49.)

57-7

The DEIR attempts to mitigate the impacts by requiring verification of sufficient water supply before new development subdivisions are approved, and by monitoring groundwater. These mitigation efforts are insufficient. "An EIR that neglects to explain the likely sources of water and analyze their impacts, but leaves long-term water supply considerations to later stages of the project, does not serve the purpose of sounding an 'environmental alarm bell' (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 392) before the project has taken on overwhelming 'bureaucratic and financial momentum.' (*Id.* at 395.)" (*Vineyard, supra*, 40 Cal.4th at 441.) Thus, the water supply analysis fails to comport with CEQA.

**5. The DEIR should be recirculated to incorporate significant new information.**

CEQA requires recirculation of an EIR when significant new information is added after notice and opportunity for public comment is provided. (Pub. Res. Code, § 21092.1; CEQA Guidelines, § 15088.5, subd. (a).) "Significant new information" includes disclosures showing 1) that a new significant environmental impact would result from the project or from a mitigation measure; 2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance; 3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project and the project proponent declines to adopt it; or 4) the draft EIR was so fundamentally inadequate and conclusory that meaningful public review and comment were precluded. (CEQA Guidelines, § 15088.5, subds. (a)(1)-(4).)

57-8

For several reasons, the DEIR must be revised and recirculated. First, as discussed above, the DEIR suffers from an inadequate description of the baseline for greenhouse gas emissions and improperly excludes reasonably foreseeable sources of emissions from its analysis. This information should be supplied, and the DEIR recirculated. Second, the global warming mitigation measures should be revised to be made enforceable and achievable, and to include implementation strategies. These revisions will add significant new information, necessitating recirculation of the DEIR. Third, the DEIR should consider an alternative designed to meet appropriate greenhouse gas emissions reduction targets. Inclusion of a new alternative would require recirculation. Fourth, the County has indicated that it is considering revising its plan to adopt a Climate Action Plan to ensure that it is an enforceable mitigation measure. The revisions are substantial enough that they require recirculation. And finally, the County should revise the DEIR to adopt a more thoughtful approach to mitigating the effects of the project on water supply.

57-8

**Conclusion**

As drafted, the DEIR does not sufficiently address the environmental impacts of the General Plan Update. We are encouraged by the County's willingness to work with us to address these concerns. We strongly urge the County to recirculate a DEIR that creates enforceable measures to mitigate global warming, that includes a discussion and analysis of an alternative that would be consistent with the State's, and the County's climate goals, and that better addresses the important issue of water supply.

57-9

Thank you for your time and consideration.

Sincerely,

/s/

DEBORAH R. SLON  
Deputy Attorney General

For EDMUND G. BROWN JR.  
Attorney General

This comment letter begins with background information not specifically related to the adequacy or completeness of the DEIR or otherwise raising a significant environmental issue within the meaning of CEQA that is not addressed in specific responses to comments below. The County responds to the specific issues raised by the commenter as follows.

- 57-1 Please refer to Responses to Comments 26-122 and 23-14.
- 57-2 The commenter states that the EIR should include projections of project emissions from nontransportation sectors of the economy. Please refer to Response to Comment 26-123. In response to the commenter's request and that of other commenters, projections of greenhouse gas (GHG) emissions from residential dwelling units and nonresidential development have been provided. Please also refer to Responses to Comments 26-122, 26-124, and 23-10.
- 57-3 The commenter opines that the majority of the mitigation measures in the DEIR are unenforceable preferences. In response to the commenter's concerns and those of other commenters that certain policies and programs may be too hortatory, the County will revise the 2008 DEIR as shown below (note that in some cases new policies or programs will be added, in other cases the wording of the policy or program will be modified).

The 2008 Draft General Plan provides the policy-level framework for buildout of unincorporated Solano County with sufficient flexibility to define priorities and optimize resources. As shown in Chapter 5 of this FEIR, in response to the commenter's concerns about the 2008 Draft General Plan and concerns raised by others regarding the DEIR, County staff have recommended modification of numerous policies and programs included in the DEIR. These proposed revisions will be provided to the County Board of Supervisors for further consideration. If this proposal is accepted by the County Board of Supervisors, these goals, policies, and programs would be revised as follows:

#### **Land Use Chapter**

- LU.P-19: ~~Locate~~ Require commercial development ~~in~~ to be sited in locations that provide maximum access to the primary consumers of such services and where necessary services and facilities can be provided.

#### **Resources Chapter**

- RS.P-53: Reduce Solano County's reliance on fossil fuels for private-transportation and energy production ~~other energy consuming activities.~~
- RS.I-38: Require all new and remodeled residential, commercial, industrial, institutional and civic construction to exceed current (2008) Title 24 state energy-efficiency requirements by at least 20 percent, and require that all new residential homes and major renovations comply with the guidelines for the California Energy Star Homes Program. If the State increases the requirements of Title 24, the County will examine the feasibility of increasing its own energy efficiency requirements. ~~Develop and implement financially and technically feasible green building standards for all new construction and major renovations and additions, including~~

~~standards that exceed Title 24 state energy efficiency requirements for residential and commercial buildings by at least 20 percent, and comply with the guidelines for the California Energy Star Homes Program. Adopt energy efficiency standards for new and remodeled residential, commercial, and industrial buildings that exceed the state's minimum standards, including requiring all new commercial, industrial and institutional buildings to use energy efficient lighting that reduces electricity use by 20% more than Title 24 requirements. [See revisions to Program RS.I-44.]~~

- RS.I-44: Require residential development of more than six units to participate in the California Energy Commission's New Solar Homes Partnership. Require new construction or major renovation of commercial and industrial buildings over 10,000 square feet in size to incorporate renewable energy generation to provide the maximum feasible amount of the project's energy needs. Commercial buildings shall incorporate renewable energy generation to provide at least 20% of the project's needs.
- RS.I-45: ~~Require all new and remodeled residences to~~ the use of Energy Star rated appliances and the most energy-efficient Energy Star rated water heaters and air conditioning systems that are feasible in the construction of new homes, in all substantial remodels when appliances are being replaced, and in any case where a permit is needed to install or replace appliances (e.g., water heaters, air conditioning).
- RS.I-49: ~~Promote Adopt a County "green building program." by adopting and supporting LEED principles in construction of public and private buildings and providing incentives for private property owners seeking LEED certification. Require all new and remodeled~~ Require all new and renovated commercial, office, and institutional buildings commercial and office buildings located outside city MSAs over 10,000 square feet in size to achieve LEED certification, or meet equivalent energy efficiency performance standards. Defer to City building and energy efficiency standards for areas located within city MSAs. Amend the County zoning ordinance to encompass these green building requirements.
- RS.I-50: Require the use of landscaping and site design techniques in development projects that minimize energy use. This may include designing landscaping to shield or expose structures to maximize energy conservation or acquisition and taking advantage of orientation, sun-shade patterns, prevailing winds, landscaping, and sunscreens. Amend development standards to require such techniques.

## Health and Safety Chapter

- HS.I-54: ~~Consider Adopt~~ a trip reduction ordinance and encourage employers to develop incentives practices that reduce employees' vehicle trips to such as encourage employers to increase telecommuting, provide provision of bicycle facilities, and shuttles access to public transit for employees, including County employees.
- HS.I-73: Develop and adopt a climate action plan for Solano County. The Climate Action Plan [CAP] will have two primary objectives, which include: (a) reduce total greenhouse gas emissions in the county to 20 percent below 1990 levels by 2020, (b) create adaptation strategies to address the impacts of climate change on the county such as sea level rise, increased risk of flooding, diminished water

supplies, public health, and local agricultural-based economy. The CAP will contain the following chapters:

Climate Change and Solano County—The first chapter of the CAP will outline the county’s rationale and motivation for taking a leadership role in addressing climate change and developing and implementing the CAP. The chapter will provide a brief overview of the science behind climate change, describe the potential impacts climate change may create in Solano County, and outline state policy mandates to reduce GHG emissions.

Baseline GHG Emissions Inventory and Forecast—In this chapter the county will calculate GHG emissions for the base year 1990, forecast emissions in 2020 under a business as usual scenario, and will describe the GHG reductions necessary to achieve the county’s adopted target. The County will make best efforts to evaluate all reasonable sources of GHG emissions. The chapter will identify GHG emissions and target levels per sector. Sectors to be described in the inventory will include municipal operations, residential, commercial, industrial buildings, motor vehicles, agriculture, and waste. This inventory and forecast shall provide a benchmark for planning and monitoring progress in government operations and the community. The GHG inventory ~~will~~ shall be conducted using a methodology consistent with that used by other local governments and will be completed within 1 year after the effective date of adoption of the General Plan.

GHG Emissions Policies and Measures—This chapter will describe the policies and measures that are necessary to reduce GHG emissions in the county and achieve the reduction target. Policies and measures will be created with public input from all stakeholders. Each measure will be enforceable, include a timeline, describe financing mechanisms, and assign responsibility to relevant agencies and departments. In addition to direct GHG reduction measures, the chapter will incorporate public education efforts to raise awareness on the importance of minimizing GHG emissions and methods for reducing emissions from individuals’s lifestyles. ~~Policies and programs relevant to climate change contained in the 2008 General Plan will be included within the CAP. Policies, benchmarks, and measures will be reevaluated according to current State law and guidance each time the general plan is updated.~~ These policies and measures will be developed within 2 years after the effective date of adoption of the General Plan. The effectiveness of policies and measures will be evaluated annually and will be modified as necessary to achieve the County’s reduction goals.

As the CAP is to be implemented over a period of several years, it is likely that the scientific and state and federal policy framework surrounding climate change measures will evolve. The CAP will adapt its policies, measures, and programs to ensure successful GHG emissions reduction, protection of the county, and compliance with regulations.

Protection and Adaptation Strategies—The fourth chapter of the CAP will describe strategies, policies and measures that will be used to protect the county from and facilitate adaptation to the potential effects of climate change. Potential effects to be evaluated include, but are not limited to, sea level rise, saltwater intrusion, increased frequency and magnitude of flooding, diminished water supply, increased wildfire risk, habitat loss, and possible impacts to public health and the local economy, including agriculture. Each measure will include a

timeline, describe financing mechanisms, and assign responsibility to relevant agencies and departments.

County and state concerns regarding sea level rise and its associated impacts led to the development of an SLRSP. The SLRSP has been included as an implementation measure in the 2008 General Plan (See Program HS.I-1). ~~The SLRSP is to be contained within the CAP after the CAP is adopted.~~

Benchmarks and Next Steps—In conclusion, the CAP will identify benchmarks, monitoring procedures and other steps needed to ensure the county achieves its GHG reduction, protection, and adaptation goals. Monitoring and verifying progress on the GHG emissions reduction measures will be conducted on an ~~ongoing~~ annual basis. Monitoring will provide important feedback that can be used to demonstrate overall progress toward emissions reduction targets and improve measures over time.

Benchmarks will be established to serve as intermediate goals and to motivate compliance with county and sector level reduction targets. While additional benchmarks will be created during CAP development, the following emissions reductions benchmarks will be included:

- ▶ Overall emissions reductions of at least 10 percent below 1990 levels by 2015.
- ▶ Overall emissions reductions of at least 20 percent below 1990 levels by 2020.
- ▶ Reductions of total countywide energy consumption of at least 2 percent per year to achieve a minimum 20 percent reduction by 2020.

Benchmarks for strategic responses to climate change impacts should be based on the expected timescale of the specific impact and will be established during the development of individual strategic plans.

~~As the CAP is to be implemented over a period of several years, it is likely that knowledge surrounding climate change and implementation measures will evolve. The CAP will contain provisions to evaluate measures in order to ensure successful GHG emissions reduction and protection of the county.~~

CAP Relationship to the General Plan—Implementation strategies identified in the CAP will be incorporated as implementation measures of the General Plan through amendment within 1 year of completion. Revisions to CAP policies and measures and subordinate strategic programs may require further General Plan amendments.

## **Transportation and Circulation Chapter**

TC.G-3: Encourage land use patterns which maximize mobility options for commuting and other types of trips, and minimize traffic congestion, vehicle miles traveled (VMT), and ~~carbon footprints~~ greenhouse gas emissions.

TC.P-3: Establish land use patterns ~~to~~ that facilitate shorter travel distances and non-auto modes of travel.

- TC.P-16: ~~Ensure~~ Require that major retail and employment centers and commercial and industrial centers with high levels of employment are to facilitate the provision of served with adequate public transportation opportunities.
- TC.I-1: ~~Support~~ Require proposals by the County departments and agencies to sponsor purchase of energy efficient or alternative-fuel County vehicles when fleet upgrades occur.
- TC.I-17: Design, construct, and maintain bicycle routes ~~throughout the county and as described in the Countywide Pedestrian and Bicycle Plan and~~ to ensure that adequate signs and pavement markings are provided.

### **Public Facilities and Services Chapter**

- PF.I-8: Adopt ordinances that ~~Require~~ the use of water-efficient landscaping, water-conserving appliances and plumbing fixtures.
- PF.I-14: Encourage water agencies to require water efficiency training and certification for landscape irrigation designers and installers, and property managers. Work with local partners and water agencies to educate the public about water conservation options, including landscaping, irrigation, low-water appliances, and other measures the public can take to reduce water use. Encourage water purveyors to provide incentives for customers that use water more efficiently.
- PF.I-27: Expand waste minimization efforts including household recycling, food waste and green waste recycling, business paper recycling, and construction and demolition recycling. Require commercial and industrial recycling.

Additionally, as shown in Chapter 5 of this FEIR, County staff have recommended and the Planning Commission has approved the addition of numerous new policies and implementation programs to strengthen the County's climate change efforts. These new policies and programs will be provided to the County Board of Supervisors for further consideration. If this proposal is accepted by the County Board of Supervisors, the following policies and programs would be added to the 2008 Draft General Plan:

### **Land Use Chapter**

- LU.P-A3: Require a variety of housing types (affordable and market-rate) near jobs, services, transit, and other alternative-transportation serving locations (e.g. rideshare lots).
- LU.P-A4: Increase residential densities in Traditional Communities where new-growth, infill, or reuse opportunities near transit routes or commercial areas exist.
- LU.I-A5: Allow solar energy generation projects in open space areas where consistent with other uses and values.

### **Resources Chapter**

- RS.I-AA: Continue to ensure compliance with existing state building requirements for energy conserving roofing materials on nonresidential buildings in new construction and reroofing.

- RS.I-B: Require that all new County buildings and major renovations and additions achieve LEED certification or meet equivalent performance standards.
- RS.I-BB: Require residential developments of more than six units to construct LEED-certified units or meet equivalent performance standards. For new affordable housing projects, performance standards shall be established pursuant to the requirements of the funding source(s).
- RS.I-C: Require the design and orientation of all buildings to maximize passive solar heating during cool seasons, avoid solar heat gain during hot periods, enhance natural ventilation, and promote effective use of daylight. Orientation should optimize opportunities for on-site solar generation.
- RS.I-D: Provide permitting-related and other incentives for building projects that exceed the County's energy efficiency standards by greater than 5%.
- RS.I-E: Require energy and water efficiency audits for new construction or substantial remodels of commercial, industrial, institutional buildings. Examine existing usage and potential reductions related to heating, ventilation, air conditioning, lighting, water heater equipment, insulation, weatherization, and water usage by buildings and landscaping. Require energy and water audits of all County buildings.
- RS.I-F: Partner with community services agencies to fund energy efficiency projects, including heating, ventilation, air conditioning, lighting, water heating equipment, insulation, and weatherization for low-income residents.
- RS.I-FF: Adopt an energy efficiency ordinance that requires upgrades as a condition of issuing permits for substantial remodels or additions. Require disclosure of the energy consumption of a home during the sale or lease of a residence or building.
- RS.I-G: Require environmentally responsible government purchasing. Require or give preference to the purchase of products that reduce or eliminate indirect greenhouse gas emissions (e.g., giving preference to recycled products over products made from virgin materials).

## **Transportation and Circulation Chapter**

- TC.I-L: Continue to support cities' efforts to locate higher density transit-oriented developments near the existing Capitol Corridor passenger rail line.
- TC.I-M: Require projects to facilitate bicycle and walking access when feasible. Adopt development standards and design guidelines that support such access.
- TC.I-N: Continue to participate in the Safe Routes to School program.
- TC.I-O: Ensure that funding priorities for investment in transportation system improvements are consistent with the land use and economic development goals and policies of the General Plan, especially as these relate to transit-supportive development and are consistent with the *Regional Transportation Plan*.
- TC.I-P: Ensure that nonmotorized transportation systems are connected and not interrupted by impassible barriers, such as freeways, and include amenities such as secure bicycle parking.

TC.I-R: Work with the Solano Transportation Agency to offer financing programs for the purchase or lease of vehicles used in employee ridesharing programs.

TC.I-S: In cooperation with the Solano Transportation Agency, provide public education about options for reducing motor vehicle–related greenhouse gas emissions. Include information on trip reduction, trip linking, public transit, biking and walking, vehicle performance and efficiency, low- and zero-emissions vehicles, and ridesharing.

### **Public Facilities and Services Chapter**

PF.I-K: Work with the owners and operators of methane-producing facilities (e.g., landfills, dairies, wastewater treatment plants) to establish methane recovery and electricity generation systems.

The County believes that further specificity would overly limit its discretion to act in its own best interest on a case-by-case basis as competing interests arise over the life span of the 2008 Draft General Plan. Please refer to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR for a discussion of how the County has and will consider suggestions for changes to the 2008 Draft General Plan.

Please also refer to Master Response H, “Mitigation for Significant and Unavoidable Impacts,” and Master Response G, “Deferred Mitigation,” in Chapter 2 of this FEIR, and to Responses to Comments 26-134, 23-55, and 23-61.

57-4

The commenter states that the County should have examined an alternative designed to meet the County’s and state’s climate objectives. Please refer to Response to Comment 23-5. Please also refer to Master Response D, “Reasonable Range of Alternatives,” in Chapter 2 of this FEIR.

As more fully explained in Response to Comment 23-5, the DEIR considered a reasonable range of alternatives to the project that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluated the comparative merits of the alternatives (State CEQA Guidelines Section 15126[a]). The County considers the commenter’s suggestion for an additional alternative infeasible; setting aside adoption of the 2008 Draft General Plan at this point in time to prepare the climate action plan, when the criteria for such plans is still evolving at the state level, would delay adoption and implementation of numerous other policies and programs throughout the 2008 Draft General that address GHG emissions both directly and indirectly.

In suggesting that the DEIR must include an alternative designed to meet Assembly Bill (AB) 32’s GHG reduction goals, the commenter appears to assume that AB 32 will not achieve those goals itself. The California Global Warming Solutions Act of 2006 (AB 32) (Health and Safety Code Section 38500 et seq.) does not require local agencies, such as Solano County, to develop strategies to achieve a reduction of GHG emissions to their 1990 levels by 2020. Rather, the California Legislature has specifically assigned that responsibility to the California Air Resources Board (ARB) (see Sections 38510 and 38560 of the Health and Safety Code). If AB 32 functions in the manner in which the legislature intended, California will achieve an overall reduction in GHG emissions to 1990 levels by 2020. In exercising its regulatory expertise, ARB may adopt regulations under AB 32 that regulate CEQA review by local agencies, or even require that cities and counties adopt general plans specifically designed to meet the statute’s targets. Alternatively, ARB might determine that other methods of reducing GHGs would be more cost effective or technologically feasible to achieve the state’s reduction targets. The County objects, however, to an interpretation of AB 32 stating that local jurisdictions must develop their own strategies and

measures designed to meet the state’s emission reduction goals, even before such strategies have been developed by ARB.

Nevertheless, in recognition of the extremely serious threat of global climate change, the County has committed itself to achieving an even greater reduction in GHGs than required by AB 32 (see Program HS.I-73 in the 2008 Draft General Plan) through implementation of measures and policies that are feasible to the County. Accordingly, there is no need to include an alternative designed to meet AB 32’s statutory goals, because the 2008 Draft General Plan and each of the alternatives evaluated in the DEIR contain policies and programs with specific performance criteria that will require the County to achieve an overall reduction in GHG emissions beyond the state’s GHG emission reduction targets.

With respect to the County’s objectives, implementation of the goals, policies, and implementation programs in the 2008 Draft General Plan, including Program HS.I-73, would ensure that the County would its targeted GHG reduction objectives. Please Refer to Master Response G, “Deferred Mitigation,” in Chapter 2 of this FEIR.

57-5 The commenter asserts that the GHG emissions of each alternative must be quantified. Please refer to Response to Comment 23-22. Please also refer to Master Response D, “Reasonable Range of Alternatives,” in Chapter 2 of this FEIR.

57-6 Please refer to Master Response G, “Deferred Mitigation”; Master Response H, “Mitigation for Significant and Unavoidable Impacts”; and Master Response A, “Suggested Changes in Policy Language,” in Chapter 2 of this FEIR. Please also refer to Response to Comment 26-130. The County has considered the commenter’s recommendation, and as shown in Chapter 5 of this FEIR, County staff have recommended to the County Board of Supervisors that Program HS.I-73 be revised. If this proposal is accepted by the County Board of Supervisors, Program HS.I-73 would be amended as follows:

HS.I-73: Develop and adopt a climate action plan for Solano County. The Climate Action Plan [CAP] will have two primary objectives, which include: (a) reduce total greenhouse gas emissions in the county to 20 percent below 1990 levels by 2020, (b) create adaptation strategies to address the impacts of climate change on the county such as sea level rise, increased risk of flooding, diminished water supplies, public health, and local agricultural-based economy. The CAP will contain the following chapters:

Climate Change and Solano County—The first chapter of the CAP will outline the County’s rationale and motivation for taking a leadership role in addressing climate change and developing and implementing the CAP. The chapter will provide a brief overview of the science behind climate change, describe the potential impacts climate change may create in Solano County, and outline state policy mandates to reduce GHG emissions.

Baseline GHG Emissions Inventory and Forecast—In this chapter the County will calculate GHG emissions for the base year 1990, forecast emissions in 2020 under a business-as-usual scenario, and will describe the GHG reductions necessary to achieve the County’s adopted target. The county will make best efforts to evaluate all reasonable sources of GHG emissions. The chapter will identify GHG emissions and target levels per sector. Sectors to be described in the inventory will include municipal operations, residential, commercial, industrial buildings, motor vehicles, agriculture, and waste. This inventory and forecast shall provide a benchmark for planning and monitoring progress in government operations and the community.

The GHG inventory ~~will~~ shall be conducted using a methodology consistent with that used by other local governments and will be completed within 1 year after the effective date of adoption of the General Plan.

GHG Emissions Policies and Measures—This chapter will describe the policies and measures that are necessary to reduce GHG emissions in the county and achieve the reduction target. Policies and measures will be created with public input from all stakeholders. Each measure will be enforceable, include a timeline, describe financing mechanisms, and assign responsibility to relevant agencies and departments. In addition to direct GHG reduction measures, the chapter will incorporate public education efforts to raise awareness on the importance of minimizing GHG emissions and methods for reducing emissions from individual's lifestyles. ~~Policies and programs relevant to climate change contained in the 2008 General Plan will be included within the CAP. Policies, benchmarks, and measures will be reevaluated according to current State law and guidance each time the general plan is updated.~~ These policies and measures will be developed within 2 years after the effective date of adoption of the General Plan. The effectiveness of policies and measures will be evaluated annually and will be modified as necessary to achieve the county's reduction goals.

As the CAP is to be implemented over a period of several years, it is likely that the scientific and state and federal policy framework surrounding climate change measures will evolve. The CAP will adapt its policies, measures, and programs to ensure successful GHG emissions reduction, protection of the county, and compliance with regulations.

Protection and Adaptation Strategies—The fourth chapter of the CAP will describe strategies, policies, and measures that will be used to protect the county from and facilitate adaptation to the potential effects of climate change. Potential effects to be evaluated include, but are not limited to, sea level rise, saltwater intrusion, increased frequency and magnitude of flooding, diminished water supply, increased wildfire risk, habitat loss, and possible impacts to public health and the local economy, including agriculture. Each measure will include a timeline, describe financing mechanisms, and assign responsibility to relevant agencies and departments.

County and state concerns regarding sea level rise and its associated impacts led to the development of an SLRSP. The SLRSP has been included as an implementation measure in the 2008 General Plan (see Program HS.I-1). ~~The SLRSP is to be contained within the CAP after the CAP is adopted.~~

Benchmarks and Next Steps—In conclusion, the CAP will identify benchmarks, monitoring procedures and other steps needed to ensure the county achieves its GHG reduction, protection, and adaptation goals. Monitoring and verifying progress on the GHG emissions reduction measures will be conducted on an ongoing annual basis. Monitoring will provide important feedback that can be used to demonstrate overall progress toward emissions reduction targets and improve measures over time.

Benchmarks will be established to serve as intermediate goals and to motivate compliance with county and sector level reduction targets. While additional benchmarks will be created during CAP development, the following emissions reductions benchmarks will be included:

- ▶ Overall emissions reductions of at least 10 percent below 1990 levels by 2015.
- ▶ Overall emissions reductions of at least 20 percent below 1990 levels by 2020.
- ▶ Reductions of total countywide energy consumption of at least 2 percent per year to achieve a minimum 20 percent reduction by 2020.
- ▶ Benchmarks for strategic responses to climate change impacts should be based on the expected timescale of the specific impact and will be established during the development of individual strategic plans.

~~As the CAP is to be implemented over a period of several years, it is likely that knowledge surrounding climate change and implementation measures will evolve. The CAP will contain provisions to evaluate measures in order to ensure successful GHG emissions reduction and protection of the county.~~

CAP Relationship to the General Plan—Revisions to CAP policies and measures and subordinate strategic programs may require further General Plan amendments. Implementation strategies identified in the CAP will be incorporated as implementation measures of the General Plan through amendment within 1 year of completion. The effectiveness of policies and measures will be evaluated annually and will be modified as necessary to achieve the County’s reduction goals.

57-7 Please refer to Master Response R, “Inadequate Water Supply Assessment,” in Chapter 2 of this FEIR, and to Response to Comment 26-94.

57-8 As noted by the commenter, “significant new information” could include any of the following scenarios:

- ▶ A new significant impact would result from the project or from a mitigation measure.
- ▶ A substantial increase in the severity of an impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance.
- ▶ A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project and the project proponent declines to adopt it.
- ▶ The DEIR was so fundamentally inadequate and conclusory that meaningful public review and comment were precluded.

Please refer to Master Response F, “CEQA Requirements Regarding Recirculation,” in Chapter 2 of this FEIR.

The County does not agree that the DEIR must be revised and recirculated, in that the County believes that both the DEIR and FEIR fully comply with CEQA and because the County knows of no “significant new information” (e.g., new significant impacts or substantial increases in the severity of previously identified significant impacts) that would trigger the need to recirculate all or some of the DEIR. (See Section 21092.1 of the Public Resources Code and Section 15088.5 of the State CEQA Guidelines.) With respect to the specific reasons the commenter believes the DEIR should be recirculated, the County responds as follows.

The commenter first asserts that the DEIR inadequately describes baseline emissions of GHGs and excludes foreseeable sources of GHG emissions from the project. Please refer to Responses to Comments 26-122, 26-123, and 23-14 through 23-22.

The commenter next asserts that proposed mitigation measures relative to global warming should be revised to be enforceable and achievable. The 2008 Draft General Plan provides the policy-level framework for buildout of unincorporated Solano County with sufficient flexibility to define priorities and optimize resources. As discussed in Responses to Comments 23-68 and 57-3, and shown in Chapter 5 of this FEIR, County staff have recommended to the County Board of Supervisors modifications to the 2008 Draft General Plan to limit the County's discretion with respect to certain policies or programs that would reduce global climate change impacts. Also as discussed in Responses to Comments 23-68 and 57-3, and shown in Chapter 5 of this FEIR, County staff have further recommended that the County Board of Supervisors approve the addition of new policies and implementation programs to the 2008 Draft General Plan to further reduce these impacts. The County believes that further specificity would overly limit its discretion and ability to act in its own best interest on a case-by-case basis as competing interests arise over the life span of the 2008 Draft General Plan. Please refer to Master Response A, "Proposed Changes in Policy Language," in Chapter 2 of this FEIR for a discussion of how the County has and will consider suggestions for changes to the 2008 Draft General Plan.

The commenter recommends that the DEIR include an alternative that is specifically designed to achieve GHG reduction targets. Please refer to Responses to Comments 57-4 and 23-5, and to Master Response D, "Reasonable Range of Alternatives," in Chapter 2 of this FEIR regarding alternatives analysis.

Lastly, the commenter states that the County should revise the DEIR to adopt a more thoughtful approach to mitigating the effects of the 2008 Draft General Plan on water supply. The commenter provides no specific details about what would constitute a more thoughtful approach. Please refer to Master Response R, "Inadequate Water Supply Assessment," in Chapter 2 of this FEIR and to Response to Comment 26-94 for the County's position on the water supply analysis.

It is particularly noteworthy that energy and water conservation policies and implementation programs were already proposed as part of the 2008 Draft General Plan (see pages 6-37, 6-38, 6-48, and 6-49 of the DEIR for a summary of energy and water conservation policies).

The County disagrees that recirculation is required. Please refer to Master Response F "CEQA Requirements Regarding Recirculation," in Chapter 2 of this FEIR. None of these conditions for recirculation are met; therefore, the DEIR is adequate and does not require recirculation.

57-9

The commenter's concluding remarks are acknowledged. Please refer to Response to Comment 57-8 and to Master Response F, "CEQA Requirements Regarding Recirculation," in Chapter 2 of this FEIR. The County does not agree that the DEIR must be recirculated, in that the County believes that both the DEIR and this FEIR fully comply with CEQA and because the County knows of no "significant new information" (e.g., new significant impacts or substantial increases in the severity of previously identified significant impacts) that would trigger the need to recirculate some or all of the DEIR. (See Section 21092.1 of the Public Resources Code and Section 15088.5 of the State CEQA Guidelines.)

## **LETTER 58**

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ELIZABETH PATTERSON, MAYOR

City of Benicia

June 4, 2008 (received by Solano County June 16, 2008)





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Office of the Mayor  
ELIZABETH PATTERSON

June 4, 2008

**Received**

JUN 16 2008

**Solano County  
Board of Supervisors**

Solano County Board of Supervisors  
675 Texas Street, Suite 6500  
Fairfield, CA 94533

Re: City of Benicia Comment on the County General Plan Draft EIR

Dear Members of the Board:

This purpose of this letter is to provide the City of Benicia's comment on the Draft Environmental Impact Report for the Draft 2008 Solano County General Plan. The City Council has concerns about growth inducing, traffic, and air quality impacts and the loss of agricultural land.

The Draft EIR identifies significant and unavoidable impacts for growth inducement and loss of agricultural land. The County Planning Commission and General Plan Citizens Advisory Committee recommended designating certain agricultural areas (including most of Benicia's Sphere of Influence) as A-160 to implement the multiple General Plan goals and policies to preserve agricultural lands and reflect the need for larger parcels to support grazing (the primary viable form of agriculture in the Benicia Sphere of Influence). Accordingly, the City Council requests an EIR mitigation measure designating agricultural land in the Benicia Sphere of Influence as A-160 to reduce these impacts locally.

58-1

The City Council also finds the Draft EIR does not adequately analyze the impacts of greenhouse gas emissions pursuant to AB 32. Especially given Vacaville's intent to opt out of its revenue sharing agreement with the County due to Draft General Plan policies encouraging non-city-centered development, the Benicia City Council recommends a Climate Action Plan and additional mitigation measures to reduce potential growth-inducing, traffic, and air quality impacts, including modified land use patterns (city-centered growth) and the use of alternative transportation modes such as bus, rail and ferry. Without such mitigation measures, the City of Benicia may also file notice to opt out of its revenue sharing agreement.

58-2

Very truly yours,

Elizabeth Patterson, Mayor  
City of Benicia

Board  
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Solano County  
Resource Management

JUN 17 2008

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ELIZABETH PATTERSON, Mayor  
Members of the City Council  
TOM CAMPBELL, Vice Mayor · MIKE IOAKIMEDES · MARK C. HUGHES · ALAN M. SCHWARTZMAN

JIM ERICKSON, City Manager  
TEDDIE BIDOU, City Treasurer  
LISA WOLFE, City Clerk

- 58-1 The commenter requests that a mitigation measure be added to the DEIR designating agricultural land A-160 within Benicia’s sphere of influence. Although A-160 is a County zoning district, it is assumed that the City of Benicia seeks a minimum 160-acre lot size for parcels designated Agriculture in this area within the 2008 Draft General Plan. The 2008 Draft General Plan land use diagram (Figure LU-1) designates the subject area as Agriculture. Figure AG-4 of the 2008 Draft General Plan places the area within the Western Hills Agricultural Region, and Figure AG-8 of the 2008 Draft General Plan establishes the minimum agricultural lot size for the area as 20 acres, which is consistent with current County zoning. The suggested mitigation measure would increase the minimum lot size from current regulatory conditions and would be infeasible to implement without concurrence of property owners in the affected area. County and City of Benicia staff have discussed the City’s request for 160-acre minimum lot sizes for the subject area, and are currently consulting with potentially affected property owners.
- 58-2 The commenter states that the DEIR does not adequately analyze the potential impacts of greenhouse gas emissions and fails to incorporate mitigation measures including “city-centered growth” and alternative transportation systems. With regard to the analysis of the potential impacts of greenhouse gas emissions, please refer to Responses to Comments 23-23 and 23-26. With regard to “city-centered growth” as a mitigation measure, please refer to Responses to Comments 23-28 and 26-43. With regard to alternative transportation systems, the commenter points to no particular goal, policy, or program for which a more strict practice or measure should be adopted. However, the 2008 Draft General Plan consists of a variety of policies and programs that would facilitate the use of alternative transportation systems in the county:
- ▶ **Policy TC.P-3:** Establish land use patterns to that facilitate shorter travel distances and non-auto modes of travel.
  - ▶ **Policy TC.P-14:** Encourage the development of transit facilities and operations along major corridors to connect the county with surrounding activity centers and regional destinations.
  - ▶ **Policy TC.P-15:** Promote the careful location and design of bus stops, transit centers, and complementary roadway projects that maximize the speed and productivity of fixed-route buses.
  - ▶ **Policy TC.P-16:** Ensure that major retail centers and commercial and industrial centers with high levels of employment are served with adequate public transportation opportunities.
  - ▶ **Policy TC.P-18:** Encourage the expansion of Capitol Corridor passenger rail service through additional trains, new stations, and faster speeds to connect the county with other Bay Area and Sacramento area communities.
  - ▶ **Policy TC.P-19:** Develop strategies to remove barriers and increase commuter ridership on Amtrak passenger rail, including, but not limited to, collector bus services, bicycle routes to and bicycle parking facilities at stations, and promotional campaigns.
  - ▶ **Policy TC.P-24:** In collaboration with other agencies and cities, continue to plan, design, and create additional bikeways and bikeway connections to provide intercity and intercounty access and incorporate system needs when approving adjacent developments.

- ▶ **Program TC.I-9:** Support development of transit facilities in strategic locations such as at interchanges and in areas of concentrated activity.
- ▶ **Program TC.I-10:** Respond to transit operators' efforts when they propose changes to bus stop locations to improve rider safety or convenience, or to improve bus travel speeds or to improve paratransit services.
- ▶ **Program TC.I-12:** Support responsible improvements to track capacity so that both passenger and freight rail, including transportation of hazardous materials. can be operated without delays through Solano County.
- ▶ **Program TC.I-13:** Support continued development of new train stations at Vacaville/Fairfield, Dixon, and Benicia to improve local access to regional rail service.

Further, in consideration of comments received on the DEIR, including those of the commenter, and as shown in Chapter 5 of this FEIR, County staff have recommended and the Planning Commission has approved the addition of the following new program. This new program will be provided to the County Board of Supervisors for further consideration. If this proposal is accepted by the County Board of Supervisors, the following programs would be added to the 2008 Draft General Plan:

TC.I-L: Continue to support cities' efforts to locate higher density transit-oriented developments near the existing Capitol Corridor passenger rail line.



## **LETTER 59**

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JENNY BARD, ASSISTANT DIRECTOR OF COMMUNICATIONS AND ADVOCACY

American Lung Association of California

May 22, 2008



115 Talbot Avenue  
Santa Rosa, CA 95404

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[www.lungusa.org](http://www.lungusa.org)



May 22, 2008

Solano County Planning Commission  
County of Solano  
675 Texas Street  
Fairfield CA, 94533

Dear Chairwoman Barton and members of the Solano County Planning Commission,

Thank you for the opportunity to comment on the proposed Solano County General Plan update. We wish to applaud the county for setting such an aggressive target to reduce greenhouse gases (GHG): 20 percent below 1990 levels by 2020. While we commend the county for this target, we are very concerned that the projected 44 percent rise in vehicle miles traveled (VMT) stated in the general plan will make it very difficult to achieve your goal. Additionally, such a high percentage increase in vehicle miles traveled will have a significant negative impact on air quality and public health.

California state law (AB 32, the Global Warming Solutions Act) and the Governor's Executive Order on greenhouse gas reduction (S-3-05) sets very aggressive greenhouse gas (GHG) targets (reduction of 25% of greenhouse gases by 2020 and 80 percent by 2050).

According to the final report of the California Energy Commission (*The Role of Land Use in Meeting California's Energy and Climate Change Goals*, August 2007, CEC-600-2007-008-SF, Page 9) unless growth in vehicle miles is constrained, programs that California has fought for will not accomplish their goals. Even with the California Air Resources Board's GHG regulations and implementation of the Low Carbon Fuel Standard, the increase in GHG emissions from increased travel will outweigh the policies' combined benefits. The state, along with regional planning organizations and local government, must address VMT growth, and the most effective way to do so is through better land use planning and development."

The 2008 Draft General Plan DEIR states that "implementation of the 2008 Draft General Plan policies and implementation programs would serve to reduce the impacts of climate change on Solano County. However, the efficacy of such policies and programs is uncertain. No other feasible mitigation measures exist to reduce the impact to a less-than-significant level." We believe that a countywide planning model could serve as a feasible alternative that could reduce the impacts from global warming and should be considered as an alternative.

A countywide model could significantly reduce GHG emissions from cars and trucks through incentives for better development patterns so that people can choose to drive less. Recognizing that not all local jurisdictions in Solano County can reduce its VMT, a countywide (and regional approach) to planning can prioritize growth in locations that reduce the need to drive, develop comprehensive alternative transportation systems and generate a housing-jobs balance. We believe that if the county and the cities came together to develop a countywide GHG reduction plan, in conjunction with a regional planning strategy, this would be a feasible mitigation measure to reduce GHG. Such an analysis could be considered under the "alternatives" section of the DEIR.

American Lung Association of California 2-2-2-2

The American Lung Association of California is playing an active role in the implementation of AB 32, because global warming is expected to worsen smog and smog related health impacts, including asthma attacks, hospitalizations and emergency room visits for lung illnesses, heart attacks and premature deaths. Solano County earned a D in particle pollution and a C in ozone pollution in the American Lung Association's 2008 *State of the Air* report released last month. Solano County has the highest asthma prevalence rate in the state of California and poor air quality is a primary contributor to breathing problems and lung disease. An estimated 33,000 residents in Solano County have asthma, including 10,000 children. Air pollution can trigger asthma attacks and visits to the hospital.

California already experiences the worst air quality in the nation, with more than 95 percent of Californians living in areas with unhealthy air, according to the California Air Resources Board. An increase in greenhouse gases is anticipated to make this worse. Global warming is expected to increase levels of emissions and accelerate ozone formation due to high temperatures. Increased emissions of smog precursors and particle pollution will result from increased use of air conditioners and power plants and increased fuel evaporation caused by global warming.

To reach your aggressive greenhouse gas reduction targets, Solano County and all of its cities will need to begin the process of conducting a greenhouse gas emission inventory soon. Cities and counties around the Bay Area, including Benicia, are well under way on this analysis and can share resources and strategies. The good news is that there are many available resources to help.

ICLEI, or Local Governments for Sustainability, can provide technical expertise and resources useful to both cities and counties. The Bay Area Air Quality Management District also has resources to assist your county. Additionally, the American Lung Association of California can refer you to other cities and counties that have been successful in developing GHG inventories and implementing GHG strategies, and can also provide information on possible financial incentives for specific strategies.

Thank you for your leadership in creating a healthier future for Solano County residents. We look forward to your responses and to working with you to reduce greenhouse gases.

Sincerely,



Jenny Bard  
Assistant Director of Communications and Advocacy

CC: Solano County Board of Supervisors  
Mayors, City Managers – Benicia, Dixon, Fairfield, Rio Vista, Suisun City, Vacaville, Vallejo  
ICLEI – Local Governments for Sustainability  
Bay Area Air Quality Management District

59-1

The commenter states that the efficacy of the 2008 Draft General Plan’s climate change policies and programs is questionable. In general, flexibility is desirable in general plan policies because problems will arise with site-specific proposals during implementation if the policies are overly rigid. Further, flexibility in the 2008 Draft General Plan allows the County to balance competing policy considerations as they arise over time. Policies and programs included in the 2008 Draft General Plan that require the County to “encourage” certain outcomes allow sufficient flexibility for the County to define its priorities and optimize its resources. The County believes that further specificity of policies and programs than has already been achieved through revisions during the EIR process could unreasonably limit the County’s discretion to act in its own best interests on a case-by-case basis. However, the County does take the threat of climate change seriously and has strengthened a number of climate change–related policies in response to the commenter’s concerns and the County’s own concerns. Please refer to Response to Comment 23-68 and to Chapter 5 of this FEIR for a list of the strengthened policies and programs. Please also refer to Master Response A, “Proposed Changes in Policy Language,” in Chapter 2 of this FEIR.

The commenter also states that a countywide climate action plan would benefit efforts to reduce emissions of greenhouse gases. The County is actively working with the seven incorporated cities to establish a partnership to address countywide greenhouse gas emissions. Beyond such voluntary partnerships, the County has no jurisdiction or authority to mandate that the cities establish or participate in a countywide plan for reduction of greenhouse gas emissions.