

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of October 1, 2015

The regular meeting of the Solano County Planning Commission was called to order at 7:00 p.m. in the Board of Supervisors' Chambers, Fairfield, California.

PRESENT: Commissioners Cayler, Walker, Hollingsworth, Castellblach, and Chairperson Rhoads-Poston

EXCUSED: None

STAFF PRESENT: Bill Emlen, Director; Mike Yankovich, Planning Program Manager; Jim Laughlin, Deputy County Counsel; Matt Tuggle, Engineering Manager; and Kristine Letterman, Planning Commission Clerk

Approval of the Agenda

The Agenda was approved with no additions or deletions.

Approval of the Minutes

There were no minutes for approval.

Items from the Public:

There was no one from the public wishing to speak.

1. **PUBLIC HEARING** to consider Lot Line Adjustment Application No. LLA-15-05 and Certificate of Compliance No. CC-15-07 of **Marcus Mager** to reconfigure interior property lines between three adjacent parcels under common ownership. The property is zoned Exclusive Agriculture "A-20" and entered into an active land conservation contract, Williamson Act Contract No. 73. The property is located off Cantelow Road, 1.5 miles northwest of the City of Vacaville; APNs 0105-100-040, 12, and 13. Lot line adjustments are ministerial projects, and therefore are not held to the provisions and requirements of CEQA per CEQA Section 21080 (b)(1).

Eric Wilberg briefly reviewed staff's written report. The report stated that the result of the lot line adjustment would better align parcel boundaries with an existing private roadway that traverses the site in a south-north direction. In addition, the parcels are entered into an active Williamson Act Contract, therefore requiring action to be taken by the planning commission.

Commissioner Castellblanch asked for a clarification regarding the CEQA statement that the project is ministerial in nature, and also inquired about the purpose of the lot line adjustment.

Mr. Wilberg explained that the statement means the project does not need further environmental review or the need to go through an initial study process. He said the purpose for the adjustment is to clean up the alignment of the existing roadway because it does not follow the parcel lines as they are currently configured, and it would make each lot more agriculturally viable.

Since there were no further questions, Chairperson Rhoads-Poston opened the public hearing. There were no speakers either for or against this matter therefore the public hearing was closed.

A motion was made by Commissioner Walker and seconded by Commissioner Cayler to adopt the resolution with respect to the mandatory and suggested findings, and approve Lot Line Adjustment Application No. LLA-15-05 subject to the recommended conditions of approval. The motion passed unanimously. (Resolution No. 4628)

2. **PUBLIC HEARING** to consider a continued public hearing to consider the **Woodcreek66 project** which would permit 66 residential lots on 33 acres of land southwest of the intersection of Rockville Road and Suisun Valley Road. The project includes consideration of a Final Environmental Impact Report, a Rezoning Petition (Z-11-01) to rezone 33 acres from R-TC-1AC to R-TC-10, with a Policy Plan Overlay District (PP-11-01) and a 66 lot Major Subdivision Application (No. S-11-01) (Project Planner: Jim Leland)

Matthew Gerken, Consultant, AECOM, provided the commission with an outline on the project's CEQA review. His presentation highlighted the findings of the environmental documentation including the project description, what environmental review is required, the type of environmental analysis, alternatives to the project, and the public review period.

Commissioner Hollingsworth referred to the EIR's 60-day public review period. He stated that as late as this afternoon the commission received additional information and he questioned if changes can be made at this point.

Jim Laughlin, Deputy County Counsel, stated that the information provided to the commission were not changes to the EIR, they were changes to the proposed CEQA Findings. They are the county's response to the information contained in the EIR. He did note that the EIR is not technically final until it is certified by the Board of Supervisors. He said that it is still a document that is open to some change and revision although once certified the language is locked into place and becomes the official county document.

Commissioner Hollingsworth stated that if changes are made then those changes should go back through public review.

Mr. Laughlin stated that the public review period provides the public a chance to review the document to see whether they have questions or corrections or to point out mistakes; they are in a sense the editors of the document. Once the public review period closes the consultant goes back and makes appropriate revisions based on the public's comments and then the document moves forward for agency action.

Commissioner Castellblanch spoke on the subject of human remains. He believed the Native American population of Solano County 200 years ago was heavily concentrated in the area where this project will be located.

Mr. Gerken said that staff was aware of that issue from the beginning of this process and certain extraordinary measures were included such as having the representatives of the potentially

affected Native American community walk the site with the project archeologists, and be present when trenching took place on the site to provide direction and supervision. He noted that no remains were discovered. The tribe who participated was the Yocha Dehe Wintum Nation. Mr. Gerken commented that this is somewhat unusual to do prior to approving a development project like this but they determined that based on the area's sensitivity it would be appropriate in this instance.

Commissioner Castellblanch asked if the Wintum Tribe have come to the conclusion that this is not a concern or that the mitigating measures being put into place are satisfactory.

Mr. Leland stated that the only reason this is still an impact is because the entire site has not been trenched. Only nine different locations were sampled so there is a chance that something could be found during the construction of the project. He said that there are mitigation measures that would take affect if something is found, construction would stop and allow for the Native American community representatives to determine what should be done with the remains.

Commissioner Castellblanch inquired about the flood issue. Mr. Gerken stated that flooding is addressed in the EIR as it relates to the drainage improvements that are required for the project. In this case the drainage requirements address stormwater runoff, but there are also benefits for the surrounding area relative to existing drainage conditions on the site. He said one important aspect is the 100 year flood, but there are also other flood events that dictate the county stormwater drainage criteria.

Commissioner Castellblanch wanted to know if the area is affected by liquefaction. Mr. Gerken said that this is part of the analysis in the EIR. He said that it is also addressed by requirements of the building code that take into account different measures that have to be used with many different soil and geologic constraints. He said the initial study dealt with all soil and geologic constraints except landslide risk. He noted that at the time they were preparing the initial study, they were not confident about what they could say regarding landslide risk so that was included as a section in the EIR, but the other soils and geologic constraints were dealt with in the initial study including liquefaction.

Mr. Laughlin spoke briefly with regard to a couple of legal issues that the commission are likely to hear by giving them a frame of reference for considering the issues when raised; the first being general plan issues. He spoke of the two general plans that may be discussed which are the county's general plan and the City of Fairfield's general plan. He addressed the ordinance known as Measure T and how it relates in this proceeding. He said that page 4 of that document refers to Land Use Policy No. 2 and that policy begins with a statement that is a cornerstone principle of the county's general plan. It states how the county is going to implement that principle by protecting certain land use designations in the general plan.

Mr. Laughlin referred to the letter distributed to the commission by the attorneys Shute, Mihaley, and Weinberger and how it related to Measure T. Mr. Laughlin stated that the project site and the surrounding area are not designated agriculture in the county's general plan. They have been designated for suburban residential development since 1980 or longer. He explained that the purpose of the traditional community residential land use designation in the general plan is to recognize that the county has several existing suburban communities in the unincorporated

area and that all of these communities have some room for infill development. The designation is to both recognize what already exists and to allow infill development within the vacant parcels inside those designated areas. When looking at general plan consistency for this project the rule is to look at consistency with the overall general plan. It may not be in full alignment with a particular policy in the general plan, but the general plan needs to be viewed as a whole and decide whether the project meets the overall intent of the overall general plan.

Mr. Laughlin stated that the other general plan issue that may be brought up is City of Fairfield Measure L which is a part of the city's general plan. Because it is a part of their plan, it does not apply to SID or the Fairfield-Suisun sewer district; those two entities are independent special districts that are not bound by the city's general plan arguments that Measure L would prevent the city from entering into a water treatment agreement discussed for this project. He stated that it is somewhat of an open question and is a question that the city will need to address when they consider the agreement. The county can offer an opinion but cannot make a final decision on whether the city has the ability to enter into that agreement. Mr. Laughlin stated that he prepared a memo that is included in the EIR that goes deeper into the issue with a lot more detail. He said the purpose of the memo is in response to a California Supreme Court case known as the Vineyard case. In order to address this, Mr. Laughlin stated that Condition 5 was revised to add language that it is clear that there is no impact on the environment until the water and sewer issues are firmly resolved.

Mr. Laughlin stated that Shute, Mihaley and Weinberger also asked that the county condition the proposed zoning amendment and add a condition that the zoning does not become effective until the agreements are signed. Mr. Laughlin stated that he strongly recommends against doing that. He explained that every law has both an effective date and an operative date. He said that the attorney has asked for the county to make it non-operative until these agreements are signed by the city, sewer district and SID. Mr. Laughlin said that the county cannot do that because they cannot give up their legislative power to control when statutes or ordinances become effective. He said if the county was to put such a provision in their local ordinance that would mean the City of Fairfield, the sewer district, or SID would have power to decide when the county's ordinances become operative.

Commissioner Castellblanch referred to Measure L and stated that the language seems specific to say that the City of Fairfield cannot supply water or sewage services outside of city limits if it is for urban development. He referred to the past court decision and asked why the county would approve something if it is going to get hung up in court later. He said that it seems to be a waste of county resources. Mr. Castellblanch referred to the revision of Condition No. 5 and said that it appears to be an effort to get around the Measure L issue, but then it was explained that the county cannot make a decision contingent on what the city does because then they are letting the city govern the county. He said he was not clear how revising Condition No. 5 fixes the problem.

Mr. Laughlin stated that the court decision mentioned is a lawsuit that was filed against the county by property owners on a different project. The city was not involved in that lawsuit, so the judge was very careful about his wording and said he was not deciding whether Measure L prevents the city from entering into whatever they were going to do in that case. In that case the judge thought it was uncertain how water would be provided to the project site, it may not get

fully developed and so he ordered that the county look at an alternative water source. Mr. Laughlin explained that in this project, staff added the condition that there will be no environmental impact if the city water source does not come about. If there is an inability of the city to provide service, either because they legally cannot or politically decide not to, this project will not go forward and there will be no impact on the environment.

Also in response to Commissioner Castellblanch, Mr. Laughlin said that it makes the developer, not the county, dependent on the city's decision. The county can approve the project but there are a lot of unforeseen things that the county does not have control over such as the developer may not get financing for the project and for that reason it may not move forward. In these situations where the county is acting as a lead agency and there are various responsible agencies that will act after the county does, the county does not have control over what those responsible agencies do.

Commissioner Hollingsworth pointed out that he spent a lot of time reading through Measure T. He stated that 70 percent of the voters in Solano County agreed that the measure readopts the Orderly Growth Initiative current city center development policy of relocating residential growth in the county's seven cities and not in the unincorporated areas.

Jim Leland provided a brief description of the project and depicted the location of the area by way of PowerPoint presentation. He stated that staff is recommending approval of the project including that the commission recommend to the Board of Supervisors that they find the FEIR adequate and certify it, adopt the CEQA findings, approve the ordinance to rezone the property, approve the proposed policy plan overlay, and adopt the resolution approving the tentative subdivision map.

Commissioner Hollingsworth asked if the sewer and water line that runs from the college to the project site will also be available to the residents who live on either side of that road.

Mr. Leland stated that some of the landowners on Suisun Valley Road already have sanitary services from the district. There is an existing agreement between the county and the sanitary district to provide sewer service to those homes under the process where a public health hazard was identified. He stated that this is the agreement that will be proposed for modification should the Board approve this project, in order to provide sanitary sewer to the Woodcreek subdivision. At that time the consideration for other properties who meet the public health test can be brought forward. Mr. Leland said that it is not an obligation of Woodcreek to either bring those properties in nor preclude them from coming in. That will be something the county will examine as they work with Woodcreek to put together the proposal for the amendment to the sanitary sewer agreement and proposal for water service.

Mr. Leland said Woodcreek will be asked to provide stub-outs for water toward Oakwood Drive and toward the pocket of lots on the north side of Woodcreek that have access off Rockville Road between Woodcreek and the commercial development at the corner. Mr. Leland presumed lot owners along Suisun Valley Road will be able to talk to SID and inquire under what conditions they could ask for domestic water since the water main will be running up Suisun Valley Road.

In response to Commissioner Castellblanch's inquiry with regard to the financial district, Mr. Laughlin stated that some of the costs that will need to be paid in connection with this project are infrastructure, and at some point in time that will require maintenance, repair, and possibly replacement. He commented that there is a state law provision that says the county can provide sewer service in the unincorporated county, however the cost of providing that service need to be paid by those who are receiving the service. The sewer district for various reasons cannot expand their territory to include this project area however they can take the sewage that is produced by this project and treat it, but the sewer pipes themselves serving this project will be a piece of county infrastructure. The county will be responsible for maintaining that infrastructure in the future so that is one of the main purposes of the financial district to accumulate a fund that the county can afford to pay for these sewer improvements in the years to come. It will also pay for other things like the public landscaping and other pieces of public infrastructure that will impose costs on the county over the years. It will be to collect enough money from this project to pay for those costs that are generated by the project area.

Commissioner Castellblanch inquired about funding for social services and recreational services such as parks. Mike Yankovich stated that Rockville Regional Park is located up the street on Rockville Road and provides recreational activities for the surrounding residents. Commissioner Castellblanch commented that Rockville Road is not a favorable road for taking a walk on especially with children. He inquired if there is public transit in that area. Mr. Yankovich responded that there is no public transportation available. He mentioned that the community college is located down the street as well as other open areas relatively close to the proposed development.

Commissioner Castellblanch spoke about his experience in getting a community center built in the City of Benicia where he lives. He asked if this neighborhood would have something similar for its residents. Mr. Yankovich said that a portion of the development fees will go toward a capital improvement fund which helps pay for such structures. He noted that specifically speaking there is no community center planned for this area, but county facilities are provided for as part of the capital improvement fee.

Commissioner Castellblanch asked about retail services in the area. Mr. Yankovich stated that there are some shops at the northwest corner of Suisun Valley and Rockville Road including a restaurant. He said a larger shopping center exists further down the road in the City of Fairfield.

Jim Grassi appeared before the commission and spoke on behalf of the applicant. He depicted the project site on the area map and stated that he has been involved with this development for the past 13 years. He said the project has a general plan land use designation of 4 units per acre and they are proposing 66 lots. He said that the developer is proposing to bring sewer and water service to the Oakwood Drive area and are working with SID to try to resolve some of the issues. The applicant has done extensive flood and hydrology studies and runoff filtration studies to solve some of the localized problems. A 100 year flood plain was well studied and a hydrology study for existing and proposed conditions to a 10 year storm, as required by the county ordinance. Mr. Grassi noted that in 1980 this property had a designation of 2 to 7 units to the acre which would allow 231 units; in 2002 it was 148 units; and from 2008 until current it is 132 units. He said that they have done a number of other studies such as hydraulics, traffic, cultural and archeological.

With regard to archeological studies, Mr. Grassi stated that recently SID replaced the young lateral which is along the north end of the property. They did archeological reconnaissance and had tribal observers on the property when they dug the area and no human remains were found. Also done were a rock fall and landslide analysis, soils and geotechnical report, and a water supply assessment that is required by the State and was approved by the SID Board of Directors. Mr. Grassi further depicted on the area map the proposed unit sites, the vineyards, park areas, and utility locations. He spoke about storm drainage and said that they are proposing to put a new culvert under Oakwood Drive and a channel that ties into the SID channel to reroute the flood flow that comes down Oakwood.

With regard to the conditions of approval, Mr. Grassi stated that if the developer opts to go with a homeowner's association (HOA), Section 12 prohibits second dwelling units. They would like to amend that language because they plan on putting in second units due to the large lot sizes. Mr. Grassi also referred to Section 62 and the requirement for 5 foot sidewalks along the smaller streets. He stated that they had not planned on that and wanted to see less concrete in those three cul-de-sacs. He noted that they are going to put a path all the way through the project and are already widening the streets to allow for parking and traffic.

Commissioner Castellblanch said that it appears this is going to be similar to that of a gated community because it seems a bit closed off to the neighbors. Mr. Grassi said that there are no gates on either end of the project. He said that when the developer went through this process three years ago for a smaller project, it was proposed to put a street off of Oakwood Drive but due to neighborhood opposition the street was removed from the plan. Mr. Grassi stated that they are going to widen that area based on the request from county staff so that the development does not have an enclosed look.

Commissioner Castellblanch wanted to know who would be managing the proposed vineyard. Mr. Grassi said that they are still working on that piece but have contacted a reputable vineyard manager and are currently working with them. He said that they have been in discussions with staff because they have the same concern about the standards of performance over the long term, and are looking into the possibility of making the vineyard use subject to a use permit so that the county has control over the operation. He said that they have not worked through how exactly ownership will be handled, whether through a homeowners association or finance district, but it would be a part of the final map process.

Commissioner Castellblanch asked if the grapes will be sold for wine or would be for aesthetic purposes. Mr. Grassi responded that it will be a commercial operation and will consist of 5 acres of vineyards. He said that the vineyards are a major focus of this project and numerous lots will back up to the vineyard with open wire fencing so as to be part of the aesthetics of the project.

Commissioner Castellblanch inquired about affordability of the homes. Mr. Grassi commented that they have been working on this project for many years and not knowing when the project would be built they would not be able to estimate the price of the homes. Mr. Grassi said they believe it will be a viable project with a reasonable cost but the improvements will not be cheap because they will include county, development, sewer connection, and water fees.

Commissioner Walker said that he believed that it would be safe to assume that insofar as affordability and prices, these homes would most likely be in the above moderate income category which is defined at 120% or beyond the average median income. Mr. Grassi agreed that that was probably an accurate statement.

Since there were no further questions or presentations, Chairperson Rhoads-Poston opened the public hearing.

Bruce Gross, 2215 Rockville Road, Fairfield, stated that he is a longtime area resident. He said this project is proposed to be built right across the street from his home. He spoke to his experience with traffic on Rockville Road, the excessive speed of motorists, and the near misses he has experienced when exiting his driveway. He said the traffic on Suisun Valley Road is horrific as well. Mr. Gross stated that Rockville Road is dangerous for bicyclists. He noted that a lot of the open space areas mentioned by county staff is private property and not accessible to the public, such as the case with the proposed vineyards. Mr. Gross noted that there are already an inadequate number of law enforcement officers available to patrol the area so response times will be even slower.

Frank Ascariz, 4091 Suisun Valley Road, Fairfield, said that his property is nearest to the proposed development. He said that he has a beautiful view from his backyard and with this project that view will vanish. He stated that he also purchased the property next door to his residence with the intention of building a home and spoke of his experience with county requirements and having to build a retention pond on the plot. He said the size of the pond was extremely large and yet it was not adequate enough for him to build his home. He questioned the small size of the proposed retention ponds required for the project and did not believe they would be adequate.

Michael McKown, 4147 Oakwood Drive, Fairfield, stated that when he read the general plan it said that development was not to change the nature of the community. He commented that if 66 homes are going to be built that will be a significant change and negatively impact the community. Mr. McKown spoke to the issue of water and said that because of the way the water approaches, during a wet season, water percolates up out of the ground so no matter what is used to try and divert it, there will still be a buildup of water. He said that the way he reads the state law it says the Fairfield-Suisun sewer district is not to service homes outside their boundaries except in a bonafide public emergency. He did not understand how this law can just be ignored.

David Martin, 4064 Suisun Valley Road, Fairfield, stated that just because we have the right to do something does not mean that it is the right thing to do, and in this case it is not the right thing to do. He said that he opposes the rezoning request. He asked the commission to focus on the history of the development. He said there was considerable opposition to the original application, the Board approved the project for a 33 home subdivision on the site and the project was subsequently abandoned by the applicant and the entitlements were surrendered. Mr. Martin speculated that the developer abandoned the project because it was obvious that the conclusion was since the housing market collapsed it was not a good time to proceed, however now that the housing market has substantially improved the applicant is no longer satisfied with 33 homes. Mr. Martin said that the project has doubled in size and is not a good fit for the area.

He stated that this is an economic situation to the developer but to the people who live in the area it is a lifetime situation.

Larry Welch, 2266 Rockville Road, Fairfield, spoke with regard to safety. He said the Putah Creek south canal runs underneath the proposed project. He said to allow 66 homes to be built around this canal which is subject to earthquake would be disastrous if the canal should break. Luke Sortor, 4105 Oakwood Drive, Fairfield, said that he and his wife left the Bay Area to get away from the urban lifestyle. They found a home on Oakwood Drive and fell in love with the property because of the natural beauty surrounding it. Mr. Sortor said that one of his main concerns is with the wall that is going to be built that will essentially block their home. He said that when he looks out into his front yard he has a view of a pasture with horses and cows and with this development he will be gazing at a wall and that is something that is very hard for him to accept. He said there are no sidewalks in the area for which to stroll, and the commercial center consists of a gas station, two small restaurants and a couple of mom/pop stores. He did not consider this much of a commercial center. Mr. Sortor commented that there is a lot of wildlife in the area and the animals use the project site as a thoroughfare to come and go from the park. He said if the county continues on developing these types of areas there will not be anything left and once it is done, it cannot be undone.

Jerry Moore, 4129 Oakwood, Fairfield, said that it appears that a lot of work has gone into designing these plans and they look good, but this is not the place for this project. He stated that water is an issue. He commented that the proposed project needs water, Green Valley needs water, and the housing development the City of Fairfield is building in the area needs water. Mr. Moore stated that farmers have to give up some of their water for these projects.

Judy Barone, 4113 Oakwood Drive, Fairfield, stated that she is a longtime resident. She said that her backyard is adjacent to Rockville Park. She commented that over the many years she has lived on the property she has encountered different kinds of wildlife. Ms. Barone said that she has received a number of mailings from the county over the years and recited a quote from one of those mailings by stating, "...normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector...". She said that she took that to mean if one chooses to live in the county's unincorporated area, agriculture is a part of that lifestyle and it is to live in unison with nature. Ms. Barone also noted that there are flooding problems in the area every time it rains.

Roy Pearson, Oakwood Drive, Fairfield, stated that he has been living in the area for almost 50 years. He said that this is a rural area and the county is trying to make it an urban area. He said that no one has mentioned that SID water runs right through the subject property and at one time that property was a lake. He questioned the size of the pipe that runs from the top of the hill through that property and into the SID culvert. Mr. Pearson stated that a rupture to that pipe, possibly by an earthquake will cause incredible flooding and that the county has not addressed that aspect. Mr. Pearson stated that the Woodcreek developer is an unfriendly neighbor and misrepresented the project to area landowners.

Trudy Weins, 4121 Oakwood Drive, Fairfield, stated that it is not right that the developer was allowed 15 minutes to speak on this project, but the neighborhood residents who are affected by the project are only allowed 3 minutes for their testimony. Ms. Weins stated that no one has

addressed the fact that there is a medical marijuana dispensary located right down the road from this subdivision. She commented about the sketchy clientele who patronize the dispensary and worried for the children in the area. Ms. Weins agreed to the fact that water is an important issue.

Jim Weins, 4121 Oakwood Drive, Fairfield, spoke about the comment made at the beginning of this meeting that changes were made to the EIR report. He stated that if the commission had an issue with changes being made at such a late date, then the report is not complete. Mr. Weins spoke to aesthetics stating that diminished value of the views is what is going to happen.

John Silva, 4089 Oakwood Drive, Fairfield, stated that the Tower Mart gas station at Rockville Corners was enlarged several years ago and when that project was excavated by Solano Archeological Services they found numerous human remains. He noted that the Tower Mart is located approximately 100 feet from the Woodcreek site. Mr. Silva commented that the subject of overcrowding of schools has not been addressed. He said the residents of the Woodcreek subdivision would be located within the Nelda Mundy school district and that school is at full capacity. Mr. Silva stated that the county's general plan represents the sentiment of the entire county and the county operates from that plan. He stated that public sentiment has been expressed and the voters have spoken in the way of Measure C, Measure E, Measure L, Measure N, and Measure T. Those measures all limit what can be done around urban limit lines. Those are fixed policies and cannot be changed without voter approval yet the developer is asking for an exception.

Lawrence Herzig, 4094 Oakwood Drive, Fairfield, said that one thing not mentioned is the value of Rockville Park. He said that Rockville Park is the most premiere park in the area. It is open 7 days a week and brings people to Solano County. He said this project in combination with the Green Valley special project occurring on the other side of the park will prohibit the view of a sunrise or sunset from the park. Mr. Herzig read from a publication entitled Solano Living where it stated that Solano County residents retain a rural feel. A voter passed law funnels most of the growth into the county's seven cities. Fairfield has established open space buffers between Vacaville, north and south Benicia and Vallejo. He said it also spoke to the open space such as Rockville Park. Mr. Herzig said that the county's rural areas also provide places for recreation where people can boat and fish in local sloughs, hunt in the Suisun Marsh, and hike Lynch Canyon, Rockville Hills and Lagoon Valley Park. He said that Rockville Park is the jewel of the area.

Duane Kromm, 827 Coventry Lane, Fairfield, spoke on behalf of the Solano County Orderly Growth Committee. He spoke of the committee's accomplishments whereas the committee wrote and passed Proposition A in 1984; wrote and passed the Orderly Growth Initiative Renewal in 1994; and were heavily engaged in the update of the County's General Plan in 2008. He provided the commission, through county staff, with a copy of Measure T which was part of a Tolling Agreement that the Orderly Growth Committee entered into with the county to make sure that the protections of the Orderly Growth Initiative were enforced when the general plan was renewed. Mr. Kromm noted that the Committee also wrote Measure L.

Mr. Kromm stated that what the commission is being asked to do is to put an urban development in Solano County. He said that it violates both the precepts of Measure T and

directly violates the provisions of Measure L. With regard to Measure T, Mr. Kromm directed the commission to page 3 where there are 13 bullet points listing the principles of the General Plan of Solano County. He said that 6 of those bullet points are directly opposed to what the commission is being asked to do for Woodcreek66. He stated that there is not one bullet point that says a project like Woodcreek66 is consistent with the county's general plan. He stated that this is what the voters approved for Solano County; non-urban development in the county. Mr. Kromm explained that the courts have already come close to ruling on Measure L. Twice the Solano County Superior Court has taken a look at the Middle Green Valley project that expects to get water in the exact same fashion that is being proposed for Woodcreek66, and the court said that we have not been asked to rule on the constitutionality, but however the very existence of this measure and its clear restriction against providing basic municipal services beyond city boundaries without voter approval creates significant legal uncertainty as to whether the city can directly or even indirectly supply water to the subject project. Mr. Kromm stated that the recommended language to be included as conditions of approval is abundantly clear this project has to go through the City of Fairfield, through LAFCO, SID, and the Fairfield/Suisun Sewer Treatment District. He urged the commission to recognize that these requirements are necessary.

Esther Pryor, 4089 Oakwood Drive, Fairfield, pointed out that not one speaker other than the developer has supported the acceptance of the Woodcreek project. She noted that she is a small business owner of a bike shop on Rockville Road and also a recreational cyclist. She stated that Suisun Valley and Green Valley Roads are cycling destinations. She believed that the Woodcreek project EIR does not adequately address the issue of traffic and in particular how the increase in traffic is going impact bicycle safety. She said Suisun Valley Road is a highly used corridor for road biking. She noted that the issue of bicycle safety begins at the end of the city limits across from the college up to Rockville Road, during that stretch there are no shoulders on either side of the road and there are large trucks and recreational vehicles that travel that road regularly. Ms. Pryor stated that the Woodcreek proposal indicates there is going to be an entrance into the development at that point so that is going to increase the number of cars on the road and increase the risk to bicyclists. She noted that Rockville Road is another favorite cycling corridor and is a route that mountain bikers use to access the park. She said the road has a shoulder on each side however the speed limit poses great safety risk, and the proposed entrance along that stretch of road will also cause further problems.

Linda Ellis, 4157 Oakwood Drive, Fairfield, clarified some comments that were made by the applicant in reference to the previous development and opposition because of the plan to have access onto Oakwood Drive. She said the reason for most of that opposition was because there would be no improvements made to Oakwood Drive which is a one lane road. Ms. Ellis said that as a resident on Oakwood Drive she did not want to look out her front door and see a fence. The way it is planned the developer is boxing in the residents who live on that road. Ms. Ellis stated that in the case of an emergency there is only one way into and out of the Oakwood subdivision. She spoke with regard to the SID canal saying that it is a federally protected waterway and if there were to be an earthquake those homes would be devastated.

John Nelson, 68 Willotta Drive, Suisun Valley, stated that his property is located in a flood zone and his property is level with where the development is going to be built. He said the drainage from the development will be flowing into Dan Wilson creek which is 12 feet from his back fence.

He said that he has seen the water come up out of the creek and come close to his yard. In reference to the drainage outlets in the neighborhood he said the water comes up out of the drain, it does not go down. He spoke about traffic saying that Willotta Drive is a horseshoe shape road which comes off of Rockville Road. Mr. Nelson said that this area is a county speed trap and there have been numerous occasions when he has been almost broadsided when driving out of his neighborhood. Mr. Nelson spoke of the wildlife that roams the area and how those animals will be negatively impacted. He also spoke to understaffing in the Sheriff's department how adding new residents to the area will reduce emergency response times.

David Marianno, 3915 Denverton Road, Suisun, stated he is a lifetime resident of the area and a member of the Orderly Growth Committee. He stated that he was appearing before the commission in support of the residents of Rockville. Mr. Marianno did not believe that the Woodcreek project was a fit for the area. He said that it is a political ploy by the county to go into urban development from pressures from property owners and this is one of the locations, the next will be Middle Green Valley which right now has been developed quite a bit. Mr. Marianno voiced his concern about infrastructure and spoke of the two schools in the area, Suisun Valley and Nelda Mundy, and how the school district does not provide bussing for those children.

Vince Guisande, 2148 Rockville, Road, Fairfield, said that he is a 5 year resident of the area. He grew up in San Francisco but has lived in Fairfield for the past 40 years. He stated that he moved here to this area because it is rural and the proposed development will impact the neighborhood in a negative way. Mr. Guisande stated that safety is a huge concern with regard to cyclists and increased speeds on the road. He stated that quality of life is very important and this project is a threat to his quality of life.

John Alfiers, 4151 Oakwood Drive, Fairfield, stated that this discussion has been about the EIR and how the project will impact the environment, but he suggested looking at how the environment is going to impact the project. Mr. Alfiers noted that this area sits directly on the Green Valley Fault and is a serious safety issue. He stated that he wanted to make sure the commission was aware of the location of the fault and warned that there could be serious consequences in the future. Mr. Alfiers noted that when it rains ponds develop on the land where the project is proposed for development.

Since there were no further speakers, Chairperson Rhoads-Poston closed the public hearing.

Commissioner Castellblanch asked staff to comment on the Statement of Overriding Considerations to help explain the thinking with regard to the environmental, social and economic issues. Mr. Laughlin spoke to the financial aspect saying that a study has not been done on whether the county would be ahead or behind financially because of this project. On the specific issue about the sewer infrastructure and the landscaping infrastructure costs, there will be some type of finance, assessment, or tax district that will make sure the county does not lose money because of those features, but as far as the overall county costs such as sheriff, library, courts, etc., the county has not engaged in that level of study. A public facilities fee is imposed on all new development throughout the county that helps offset those costs.

Chairperson Rhoads-Poston asked about the drainage into the Dan Wilson creek, stating that it was her understanding after reading many of the reports that some of the drainage is going to be improved.

Mr. Leland explained that projects of this scale and magnitude are approved in a sequence of approvals that move from conceptual and general, toward very specific. He stated that drainage was looked at in a conceptual way at this level of review. There was an area wide drainage study done by the applicant's engineer and whatever exists now in the undeveloped state cannot be made worse by the development. That is why there are retention basins and other conveyance means to help moderate the flow of stormwater so it does not increase from what is natural. The developer has also volunteered to examine some of the conditions where the drainage conveyances that currently exist in the neighborhood do not work well and where they might be able to improve it while they are constructing their subdivision. There is some drainage along the northern boundary of Woodcreek on other property that is problematic and they may be able to address this when they develop their final engineered drainage plans. Those plans would be developed at a later date only if the Board approves the subdivision. Mr. Leland stated that the subdivision is approved in two stages; tentative and final. If the Board approves this project the developer would then start to create improvement plans that would be very detailed and would have to accommodate for potential flooding and identify what mitigation measures will be incorporated.

Mr. Leland mentioned the inconsistency in some documents about second units and wanted to make it clear that the policy plan overlay that the applicant is seeking allows for second units. He asked the commission to direct staff to fix the inconsistency by removing the ban on second units that is embedded in the HOA language.

Commissioner Walker asked if it were correct that within the zoning districts in the unincorporated territory where residential is allowed that second units are also allowed regardless of the specific name for the zoning district. Mr. Leland stated that all single family and agricultural districts that allow single family homes also allow second units.

Commissioner Walker remarked that the secondary units are often used to accommodate the county's state mandated Housing Needs Assessment and noted the success in the last number of years in reaching those needs by having those secondary units, in most cases, by right.

Commissioner Walker commented that the questions he had with regard to this project had been answered in the large volume of reading materials the commission received for this item. He said that he appreciated staff's commentary and response to the many questions that were received from the public and other agencies. He said that he also appreciated the residents who showed up at the hearing and provided comments. Mr. Walker stated that he supports the concept that what is urban shall be municipal, understanding of course that the county did create six areas with this land use designation, particularly in Rockville, Green Valley, Willotta Oaks, and portions of unincorporated islands within the cities of Vallejo and Fairfield that already have suburbanized development at a higher density than the rural residential areas seen in most of the unincorporated county. He said certainly higher density areas are and should be located within the individual cities because that is where the services are. Mr. Walker said that these areas have already been built bigger than most of the agricultural areas

throughout the county so this is where what little development we are going to have in the unincorporated county is going to be located.

A motion was made by Commissioner Walker and seconded by Commissioner Cayler to recommend that the Board of Supervisors certify the Final EIR, adopt the proposed CEQA findings, approve the Tentative Map subject to the recommended conditions of approval and waivers of road improvement standards, adopt an Ordinance rezoning the property from R-TC-1AC to R-TC-10, impose a Policy Plan Overlay District, and include County Counsel's recommendation modifying Condition of Approval No. 5 with respect to the commencement of development as incorporated.

Commissioner Castellblanch thanked Duane Kromm on the enlightenment with respect to Measure T, stating that he found it very convincing. He said that in looking at the bullet points that were referenced he can see a fair number which call for Solano County to protect the natural environment, health and safety, prevent costly and inefficient extension of urban services, and prevent piecemeal amendments to the county's plan to allow development of agricultural and open space lands. He commented that there have been two public hearings with regard to this project and absolutely no one from the public has come forward to support the proposal. Commissioner Castellblanch stated that he will not be supporting the motion.

Chairperson Rhoads-Poston stated that it is the commission's purpose to decide whether or not this project fits within the scope of the county's general plan. She said this area has been zoned specifically for this kind of development for over 25 years. The fact that the developer has not developed it does not take away his rights to develop. She said that it is a real estate agent's job to inform potential buyers that adjacent land can be developed, just as when moving next to a commercial area, it needs to be disclosed that the property can be developed. Ms. Rhoads-Poston commented with regard to the statement that no one from the public has spoken in support of the project. She said that it has been her experience in attending various public meetings that she finds people do not speak up if the issue does not affect them. She said that this property is an infill property. She noted that she has driven the area and commented that .4 miles down the road is the Oakwood subdivision and .8 miles down the road is the Willotta Oaks subdivision. Ms. Rhoads-Poston said that she too grew up in this area and has also hiked Rockville Park. She said she believed the project is well within the scope of the general plan and of the adjacent subdivisions, and it is in conformity with the proposed lot sizes. She stated that she would be supporting the motion.

The motion passed 3-2 with Commissioners Hollingsworth and Castellblanch dissenting.

3. **ANNOUNCEMENTS and REPORTS**

There were no announcements or reports.

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