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## 2. RESPONSES TO COMMENTS ON THE DRAFT EIR

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After completion of the Draft EIR, the Lead Agency (the County of Solano) is required under CEQA Guidelines sections 15086 and 15088 to consult with and obtain comments from other public agencies having jurisdiction by law with respect to, or otherwise potentially affected by, the project, and to provide the general public with an opportunity to comment on the Draft EIR. Under CEQA Guidelines section 15088, the Lead Agency is also required to respond in writing to substantive environmental points raised in this Draft EIR review and consultation process.

The Draft EIR was distributed for public review and comment on December 28, 2009. The County was required to provide a minimum 45-day public review period under CEQA Guidelines sec. 15105, but provided 60 days. The 60-day public review period on the Draft EIR ended on February 25, 2010.

Comments received on the Draft EIR during the DEIR public comment period were submitted in the form of nineteen (19) letters, memoranda and e-mails received by the County, and public hearing testimony before the Solano County Planning Commission.

CEQA Guidelines section 15132 (Contents of Final Environmental Impact Report), subsection (b), requires that the Final EIR include the full set of "comments and recommendations received on the Draft EIR either verbatim or in summary"; section 15132, subsection (c), requires that the Final EIR include "a list of persons, organizations, and public agencies commenting on the Draft EIR"; and section 15132, subsection (d), requires that the Final EIR include "the responses of the Lead Agency to significant environmental points raised in the review and consultation process." In keeping with these guidelines, this Responses to Comments section includes the following subsections:

- a **list of commenters on the Draft EIR** (section 2.1) which lists each public agency, organization, and individual who submitted written comments to the Lead Agency during and immediately after the Draft EIR public review period;
- a set of **master responses** (section 2.2) which have been formulated to address multiple comments received during the Draft EIR comment period that address the same issues;
- a **responses to written comments** section (section 2.3), which includes verbatim copies of the 19 letters received, followed by a summary of, and the response of the Lead Agency to, each comment therein pertaining to EIR content or adequacy; and
- a **responses to public hearing comments** section (section 2.4), which includes the minutes of the January 28, 2010 special meeting of the Solano County Planning Commission where a public hearing was conducted on the Draft EIR, followed by a summary of, and the Lead Agency to, each comment therein pertaining to EIR content or adequacy.

## **2.1 LIST OF COMMENTERS ON THE DRAFT EIR**

The responsible and interested agencies, organizations and individuals who commented on the Draft EIR during the 60-day comment period, including the January 28, 2010 public hearing, are listed below. Each commenter is also identified by a code number (1, 2, 3, etc. for written comments; PC 1, PC 2, PC 3, etc. for Planning Commission public hearing comments), which corresponds to the number assigned to each commenter in subsection 2.2 (Responses to Written Comments) and subsection 2.3 (Responses to Planning Commission Public Hearing Comments).

### **2.1.1 Responsible and Interested Agencies**

Charles Armor, Regional Manager, Bay Delta Region, State of California Department of Fish and Game (18)  
Stan M. Barankiewicz II, Philip J. Henderson; Orbach, Huff & Suarez LLP, on behalf of Fairfield-Suisun Unified School District (10)  
Erin L. Beavers, Director of Community Development, Planning Division, Community Development Department, City of Fairfield (11)  
Lisa Carboni, District Branch Chief, Local Development-Intergovernmental Review, State of California Department of Transportation (17)  
Jacki Coltingim-Dias, Ph.D., Superintendent, Fairfield-Suisun Unified School District (5)  
Jay Huyssoon, Fire Chief, Cordelia Fire Protection District (9)  
Scott Morgan, Acting Director, State Clearinghouse, State of California Governor's Office of Planning and Research (4 and 6)  
Dan Otis, Program Manager, Williamson Act Program, Division of Land Resource Protection, State of California Department of Conservation (1)

### **2.1.2 Organizations and Individuals**

Bob Berman, 250 West K Street, Benicia (PC 3)  
Larry Burch, P.E., 6 Spring Lane, Green Valley (12 and PC 1)  
Lawrence Clement, Principal, Ag Consultants International, on behalf of "several landowners" in Green Valley (13)  
James D. Dekloe, 665 Oakbrook Drive, Fairfield (14)  
Mimi Fleige, 1401 Rockville Road, Green Valley (19)  
Herbert D. Hughes, 4317 Green Valley Road, Fairfield, CA 94534; member of the MGV Specific Plan CAC (8 and PC 2)  
Ernest Kimme, Co-Chair, and Jack Batson, Co-Chair, Solano County Orderly Growth Committee (3 and 7)  
Duane Kromm, Coventry Lane, Fairfield (PC 4)  
Jude Lamare, President, Friends of the Swainson's Hawk (15)  
Sarah Lindemann, 1744 Mason Road, Fairfield (PC 5)  
Nancy Nelson, 1800 Cravea Lane, Fairfield (PC 6)  
Reed Onate, 5180 Lakeshore Drive, Fairfield (PC 7)  
Roberto Valdez, Solano Resident (16)  
Bryant Washburne, 1934 Vintage Lane, Fairfield (2)

## 2.2 MASTER RESPONSES

Many of the comments and responses received during the DEIR public review period address the same issues. Thirteen specific areas of concern fall into this category. These 13 issues are listed below, followed by the Master Response of the Lead Agency to comments pertaining to the issue--i.e., Master Responses A through N. These various Master Responses are then referenced where applicable throughout sections 2.3 and 2.4 of this response-to-comments document.

**Master Response A: Comments Pertaining to Project Merits, Project Objectives, Project Specifics, and Other Non-Environmental Points.** Many of the comments received during the Draft EIR comment period pertain to the merits of the “project” or other aspects of the Specific Plan rather than to the sufficiency of the DEIR--i.e., have expressed support for, advocated aspects of, asked questions about, or expressed opinions regarding, the content of the Preliminary Draft Specific Plan. The focus of the responses to comments in this document is on the sufficiency of the DEIR and related environmental points, and in particular on the adequacy of the DEIR regarding identification of environmental impacts and methods to avoid impacts (CEQA Guidelines secs. 15088 and 15204). Comments received during the DEIR comment period pertaining to the merits of the project rather than the adequacy of the DEIR will be considered by the County decision-makers in their future deliberations and actions on the proposed specific Plan but, unless they raise a specific environmental point, do not require and have not received a written response in this Final EIR other than reference to this Master Response.

**Master Response B: Program EIR Approach and Related Comments Pertaining to General Adequacy and Specificity of Draft EIR Impact and Mitigation Discussions.** As described on DEIR p. 1-3 and further explained in DEIR Appendix 23.2, the Middle Green Valley Specific Plan EIR has been prepared as a “program EIR,” pursuant to CEQA Guidelines sec. 15168 (Program EIR). As a program EIR, the document is designed to describe the environmental consequences of the “first tier” of this project--the land use and circulation layout set forth in the Public Review Draft Middle Green Valley Specific Plan, December 2009, and associated development tools such as development clustering, a Transfer of Development Rights (TDR)/conservation easement program, and a land conservation trust. A program EIR may be used in a tiering situation (see CEQA Guidelines sec. 15152[h][3]). “Tiering” or “tier” means the coverage of general matters and environmental effects in an environmental impact report prepared for a policy, plan, program or ordinance followed by narrower or site-specific CEQA documentation which incorporate by reference the discussion in any prior CEQA documentation and which concentrate on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior environmental impact report.” (Pub. Resources Code sec. 21068.5; and CEQA Guidelines secs. 15152 and 15185).

Where a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand. (CEQA Guidelines sec. 15152[c]).

The following aspects of a program-level EIR are pertinent to numerous comments made during the DEIR comment period regarding the specificity of mitigations and deferral of mitigation:

- An agency may choose to prepare a program EIR to analyze the environmental impacts of a series of actions that are part of one large project, undertaken by the same governmental authority and having similar environmental effects (CEQA Guidelines sec. 15168[a]). A program EIR can avoid duplication, increase efficiency and provide a more comprehensive understanding of the impacts of a large, long-term plan or project (CEQA Guidelines sec. 15168[b]).
- The degree of specificity required in an EIR corresponds to the degree of specificity of the underlying project (14 C.C.R. §15146). Environmental analysis in a program EIR must be “appropriately tailored to the current first-tier stage of the planning process, with the understanding that additional detail will be forthcoming when specific second-tier projects are under consideration.” *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4<sup>th</sup> 1143, 1172.
- Therefore, the level of detail for a conceptual plan will be lesser than the level of detail in subsequent environmental analyses that evaluate specific construction projects. Thus, where future development is as yet unspecified and uncertain, requiring an EIR to engage in sheer speculation regarding future environmental consequences would serve no purpose. *Atherton v. Board of Supervisors* (1983) 146 Cal.App.3d 346, 350-351.
- An EIR is not required to provide information about a speculative future project, where nothing meaningful can be said; instead an EIR may properly commit the agency to perform further analysis in the future, when a specific project is proposed. *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4<sup>th</sup> 351, 373; *Towards Responsibility in Planning v. City Council of the City of San Jose* (1988) 200 Cal.App.3d 671, 681.
- Accordingly, the DEIR for the Middle Green Valley Specific Plan has limited its scope to describing the project-related impacts and mitigation measures that can be identified at this time, without being highly speculative. (Draft EIR p. 1-3).
- As indicated on DEIR p. 1-3, the County will undertake “second-tier,” project-specific evaluation of subsequent discretionary development activities in the plan area, such as residential, agricultural tourism, agricultural production, public/community and neighborhood commercial development projects. The County will determine whether future projects are: (1) fully covered by this program EIR; (2) exempt from CEQA; (3) should be reviewed in a negative declaration or mitigated negative declaration; or (4) warrant preparation of a focused, tiered EIR to address site-specific issues and mitigation measures not addressed in this first-tier program EIR.

Consistent with the concept of “tiering,” the DEIR provides information, analysis, and conclusions appropriate to the Specific Plan stage of the planning and development process.

The DEIR requires that, when future site specific analysis stages of the process are reached, environmental site assessment will occur consistent with applicable law. Several comments have called for a step to occur now that is not required now but is instead appropriate and meaningful to a later stage of the land use process.

**Master Response C: Comments Pertaining to Future Approvals and Mitigation Deferral.**

In general formulation of mitigation measures should not be deferred to some future time. 14 C.C.R. §15126(a)(1)(B). However:

- “[D]eferral of the specifics of mitigation is permissible where the local entity commits itself to mitigation and lists the alternatives to be considered, analyzed and possibly incorporated in the mitigation plan.” *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4<sup>th</sup> 1261, 1275.
- “Impermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR.” *City of Long Beach v. Los Angeles Unified School District* (2009) 176 Cal.App.4<sup>th</sup> 889, 915.
- An EIR may legally delay defining the specifics of a mitigation measure until after a permit or other regulatory approval is obtained. See *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4<sup>th</sup> 777, 794-795, *Defend the Bay, supra*, 119 Cal.App.4<sup>th</sup> at 1274 (upholding mitigation measures for species impacts that required project to consult in the future with wildlife agencies and to obtain agency approval of management and monitoring programs).
- In addition, some courts have required that an additional, independent performance standard must be imposed, in addition to the requirement that a project obtain permits or regulatory approval. *Californians for Alternatives to Toxics v. Dept. of Food and Agriculture* (2005) 136 Cal.App.4<sup>th</sup> 1, 20 n.9.

Several mitigation measures in the Draft EIR anticipate and require that future, second-tier discretionary projects developed under the Specific Plan, when they are sufficiently detailed and brought forward as site-specific development applications, will undergo analysis to determine the need for regulatory permits, and obtain such permits if necessary. See Mitigations 6-4, 6-5, 15-2, 16-3. Consistent with the mitigation standards outlined above and the first-tier, program-level analysis in this program EIR, these measures appropriately do not define the exact measure that will be undertaken to obtain such regulatory approvals.

However, in compliance with CEQA, these measures do establish additional, independent “performance standards” that future projects must meet. For example, Mitigation 3-1 requires “demonstration to the satisfaction of the Middle Green Valley Conservancy Design Review committee, County staff and County Planning Commission that future development designs” effectively incorporate a combination of the listed mitigation standards; Mitigation 6-4 requires jurisdictional agency approval for any impacts to riparian vegetation communities, and independently requires in-kind mitigation of direct impacts onsite or at an approved mitigation bank, minimum setbacks, road standards, specific mitigation for any impacts to Hennessey Creek riparian communities, and measures for the control of invasive species; similarly, Mitigation 6-9 requires implementation of the identified mitigation “to the satisfaction of the listing jurisdictional agency (CDFG);” Mitigation 10-3 requires mitigation implementation “to the satisfaction of the County, combined with conformance to the Uniform Building Code and other applicable regulations;” Mitigation 13-1 requires implementation in final designs sufficient “to meet State and County noise standards.”

## **Master Response D: Comments Pertaining to School Facilities:**

(1) Adequacy of DEIR Regarding Plan-Designated School Site and Environmental Implications. During the course of the Specific plan formulation, County staff has and will continue to coordinate with the Fairfield-Suisun Unified School District with regard to Specific Plan-related public education needs, consistent with Solano County General Plan Policies PF.P-42 through PF.P-45 and PF.P-47 (see DEIR pp. 16-57 and 16-58).

The December 21, 2009 version of the Specific Plan indicated a possible 10-acre public elementary school site in the Nightingale Neighborhood. Location of a possible future 10-acre public elementary school site within the plan area is no longer proposed.

The draft version of the Specific Plan evaluated in the December 2009 DEIR included a *Community Services*-designated area in the proposed Nightingale Neighborhood (southern part of the plan area) totaling up to 16 acres “possibly containing a public or private elementary school site (325-student enrollment; 10 acres).” The final version of the Specific Plan will be revised to update the Community Services designation description of a possible public or private elementary school (325-student enrollment) with reference to a **private** school use (up to 100-student enrollment) within the Nightingale Neighborhood *Community Services* designation.

The private school designation in the Nightingale Neighborhood is permissive, not compulsory. The Community Services-designated property is privately-owned. No aspect of the Specific Plan, Master Development Agreement, or related documents requires that the landowner or an educational institution come forward with a specific proposal to acquire or build a school on the site.

The County’s actions at this stage of the land use process would make the use of a portion of the Nightingale Neighborhood Community Services designation for a private school allowable. However, neither the landowner nor the County has entered into any agreement with a school district or other educational institution for the institution to acquire or construct a school within the plan area. No educational entity has formally informed the County that it has determined it is even potentially interested in the site.

Accordingly, the DEIR’s general treatment of related environmental implications is appropriate to the practical circumstances of the present stage of planning. The DEIR informs the reader that a site within the Specific Plan Community Services designation in the Nightingale Neighborhood may potentially be used as a private school (100 student maximum).

Regardless of whether the Specific Plan includes a public or private school designation, associated environmental implications are adequately addressed in the DEIR. In particular, as is appropriate to this program EIR:

- the DEIR identification of potentially significant impacts on scenic vistas (Impact 3-1) and associated mitigation is sufficient to address a possible public or private school;
- the DEIR identification of potential nighttime lighting and glare impacts and associated mitigations is sufficient to address a possible public or private school;
- the DEIR discussion of construction-related air quality impacts (Impact 5-1) and associated mitigation measure is sufficient to address a possible public or private school;

- the DEIR discussion of potential odor impacts on “sensitive receptors” (Impact 5-2) and associated mitigation measures is sufficient to address a possible public or private school;
- the DEIR discussion of the plan’s long-term regional air emissions increase impact (Impact 5-3) and associated mitigation measure includes full consideration of the potential “worst case” traffic contribution of a possible public or private school;
- the DEIR discussion of the plan’s cumulative greenhouse gas emissions impacts (Impact 7-1) and associated mitigation measures include full consideration of the potential “worst case” traffic contribution of a possible public or private school;
- the DEIR discussion of potential landslide and erosions hazards, expansive soil hazards, and groundwater from impacts associated with the Specific Plan-designated development areas (Impacts 10-1, 10-2 and 01-3) and associated mitigation measures is sufficient to address a possible public or private school;
- the DEIR discussion of potential flooding impacts, including the potential impacts of 100-year storm creek overspill and dam failure inundation (Impact 11-3) and associated mitigation measure is sufficient to address a possible public or private school;
- the potential new Specific Plan-facilitated noise-generating land uses such as agricultural activities, or Specific Plan-facilitated construction activities, on a possible noise-sensitive adjacent public or private school use, and associated mitigation needs, are sufficiently addressed under Impacts 13-2 and 13-3, respectively;
- the potential public health and safety impacts associated with possible location of a future public or private school in the Nightingale neighborhood, close to existing and potential future agricultural activities, is sufficiently addressed under impact 15-1;
- the wildfire hazard impacts of Specific-Plan-introduced Community Service use (including possible public or private school) within or adjacent to areas where the wildland fire danger is considerable (i.e., “moderate” to “very high”), and associated mitigation needs, are sufficiently addressed under Impact 16-9; and
- the potential “worst case” contribution of a possible public or private school in the Nightingale Neighborhood to daily and peak hour traffic conditions in the plan area and surrounding roadway system have been sufficiently addressed in the DEIR (e.g., see Table 17.5, Specific Trip Generation Characteristics, which includes a possible new public elementary school of up to 300 students); and
- Green Valley Road traffic noise impacts discussed in the DEIR under Impact 13-1 would potentially affect noise-sensitive land uses in the adjacent Three Creeks neighborhood only, where no Community Services uses and, in particular, no possible public or private school, would be permissible under the plan.

The DEIR also adequately informs the reader that a hazard to school children may be posed by past contamination as follows:

- “The Specific Plan area and surrounding vicinity may contain areas of contamination from past agricultural pesticide use or other sources that could pose a safety hazard for workers,

residents, *school children*, or other occupants of the plan area.” (DEIR, § 15.3.3, p. 15-6 (emphasis added).)

In connection with this potential contamination, the DEIR requires developers to comply with all applicable requirements, specifically including those for site assessment, and those under the regulation of the State Department of Toxic Substances Control (DTSC), as follows:

- “Each developer of a site in the Specific Plan area would be required to comply with all applicable existing state- and county-mandated site assessment, remediation, removal, and disposal requirements for soil, surface water, and/or groundwater contamination. In particular, these include the requirements of Solano County, the Regional Water Quality Control Board (RWQCB), and the California Department of Toxic Substances Control (DTSC). Compliance with these established requirements would be expected to assure that this possible health and safety impact would be *less-than-significant*.” (DEIR, § 15.3.3, p. 15-6.)

The DEIR concludes that, as to any mitigation that may be needed for potential exposure to existing hazardous materials contamination:

- “No significant additional adverse impact has been identified; no additional mitigation is required.” (DEIR, § 15.3.3, p. 15-7.)

The DEIR says that “typically” meeting “all applicable . . . site assessment . . . requirements [etc.] . . .” will include investigation to determine whether the site “has a record of hazardous material discharge into soils.”

The DEIR goes on to say that “[t]ypically, implementation of these measures would involve the following steps” for soil contamination and surface or groundwater contamination: “developers would complete the following steps for each site proposed for disturbance as part of a Specific Plan-facilitated construction activity in the plan area . . . . Step 1. Investigate the site to determine whether it has a record of hazardous material discharge into soils, and if so, characterize the site according to the nature and extent of soil contamination that is present before development activities proceed at that site.” (DEIR, § 15.3.3(a) & (b), pp. 15-6 to 15-7 (emphasis added).)

The above language, in essence, points to the requirement for a Phase 1 Environmental Site Assessment to be conducted by the proponent of a development project at the site-specific level, in cases where that would be required.

Relating to construction and acquisition of school sites in California, the definition of “Phase 1 Environmental Site Assessment” is

- “a preliminary assessment of a property to determine whether there has been or may have been a release of a hazardous material, or whether a naturally occurring hazardous material is present, based on reasonably available information about the property and the area in its vicinity.” (Cal. Ed. Code, §17210(g).)

In California, school districts are required to prepare a Phase I Environmental Site Assessment for proposed new or expanding school properties that will be financed using state bonds. (Cal. Ed Code, §§17210, 17210.1 & 17213.1.) The Education Code requires that a Phase I



Environmental Site Assessment be prepared in accordance with the American Society for Testing and Materials standards and any regulations promulgated by DTSC.

DTSC has developed regulations pertaining to preparation of Phase I Environmental Site Assessments at school sites prior to acquisition of a school site, or where the school district owns or leases a school site, prior to the construction of a project. (Cal. Code Regs., tit. 22, §69100.) Those regulations point to and incorporate by reference ASTM Standard E-1527-05, for the conduct of Phase 1 Environmental Site Assessments. (Cal. Code Regs., tit. 22, §69103(a)(1).)

Because the DEIR requires that “Each developer of a site in the Specific Plan area would be required to comply with all applicable existing state- and county-mandated site assessment . . . requirements for soil, surface water, and/or groundwater contamination” including “the requirements of . . . the California Department of Toxic Substances Control (DTSC),” the DEIR requires preparation of a Phase 1 Environmental Site Assessment for the potential school site in accordance with, and at the time required by, applicable law. (DEIR, § 15.3.3, p. 15-6.)

Pursuant to DTSC regulations, therefore, for a school site, the preparation of a Phase 1 Environmental Assessment is appropriate to the stage in the land use process shortly before a school district’s acquisition or construction of a school site. While the assessment could be performed earlier in the land use process, applicable law indicates that the information to be obtained thereby is appropriate to the later site-specific evaluation stage of the overall process, when the decisions being made are something more than a plan-level land use designation allowing for such a use.

The DEIR description of potential conflicts between residential uses in the Nightingale and Three Creeks neighborhoods and nearby or adjacent existing Prime Farmland agricultural activity (Impact 4-2) has been revised in this Final EIR to include reference to both Residential and Community Services (e.g., private school) uses. Similarly, the associated mitigation description (Mitigation 4-2) has been revised in this Final EIR to include reference to both Residential or Community Services (e.g., private school) uses. See the revised version of DEIR pp. ES-13, ES-14, and 4-13, in section 3 (Revisions to the Draft EIR, herein).

(2) Adequacy of DEIR Determination that State-mandated Fees Would Address Specific Plan Impacts on School Services. The DEIR correctly states on p. 16-59 that the permitted method of addressing school enrollment increase impacts is limited to the State-authorized statutory authority of a school district to impose impact fees. Specifically, Government Code section 65996 limits methods of addressing impacts on school facilities to State-authorized development impact fees and interim school facility provisions. Therefore, under current statutes and case law, payment of the required school impact fees would address the Specific Plan’s impact on school services to the furthest extent permitted by law.

Generally, the “exclusive methods of considering and mitigating impacts on school facilities that occur or might occur” as a result of a planning, land use or development approval are set forth in the fee provisions authorized by SB 50 (Ch. 407, Stats. 1998), provisions that are located in Section 17620 of the Education Code and Chapter 4.7, Division 1 of Title 7 to the Government Code. Govt. Code § 65996(a). Fulfillment of the requirements under SB 50 “provide full and complete school facilities mitigation” and a state or local agency is prohibited by law from denying a planning, land use or development application on the basis that school facilities are inadequate to serve the proposed project. Govt. Code § 65996(b). However, after 2012, a development project may be disapproved on the basis of inadequate school facilities if

California voters reject a statewide general obligation bond measure for school facilities construction. § 65996(c).

(3) Latest F-SUSD School Facility Needs Analysis and School Facility Fees Update. State law gives school districts the authority to charge fees on new residential developments if those developments generate additional students and cause a need for additional school facilities. All districts with a demonstrated need may collect fees pursuant to Education Code Section 17620 and Government Code Section 65995 (referred to as Level I fees). Level I fees are currently capped at \$2.97 per square foot of new residential development. Government Code Sections 65995.5 and 65995.7 authorize districts to collect fees (referred to as Level II and Level III fees) in excess of Level I fees, provided that the districts meet certain conditions. Government Code Section 66001 requires that a reasonable relationship exists between the amount and use of developer fees and the developments on which they are to be charged.

The DEIR states on p. 16-59 that, “Based on the Fairfield-Suisun Unified School District’s current school impact fees, developers in the Specific Plan area would be required to pay \$3.66 per square foot of residential development...when building permits are issued.” On May 28, 2009, the F-SUSD approved and updated (March 2009) School Facilities Needs Analysis (School Facilities Needs Analysis and Justification Study for the Fairfield-Suisun Unified School District, March 2009, prepared by School Facilities Consultants), and approved updated School Facilities Fees (F-SUSD Board Resolution No. 38-0809). The analysis confirmed that the District meets the eligibility requirements in Government Code Section 65995.5(b) regarding the collection of Level II and III fees and the District is authorized to collect \$3.32 per square foot of residential development pursuant to Government Code Section 65995.5 and \$6.64 per square foot of residential floor area pursuant to Government Code Section 65995.7 (also known as Level II and III fees, respectively). Based on the analysis, the new Level II fee set by this action was \$3.32 per square foot for every residential building permit issued. Level III fees do not currently apply.

**Master Response E: Comments Pertaining to Trails.** CEQA-based environmental impact significance criteria pertaining to trails, as reflected in the DEIR, are limited to whether the project would: (1) require construction of new or altered public service facilities, including trails, the construction of which would cause significant environmental impacts; (2) would increase the use of existing trail facilities such that substantial physical deterioration of the facility would occur; or (3) include trail facilities or require the construction of trail facilities which might have an adverse physical impact on the environment (see these three criteria under DEIR section 16.4.3, “Significance Criteria” for Parks and Recreation Impacts, on DEIR p. 16-53); or (4) conflict with adopted policies, plans, or programs supporting alternative transportation (see criterion [b] under DEIR section 17.3.1, “Significance Criteria” for Transportation and Circulation Impacts, on DEIR p. 17-20).

The concerns and questions raised by many commenters regarding trails pertain to the non-environmental issues of trail advocacy rather than to the potential “environmental impacts” of trails based on the four applicable CEQA-based CEQA criteria listed above.

The Specific Plan includes substantial provisions calling for phased implementation of a plan area trail system as future development occurs, including the following:

- A description of two designated trailheads, one at the “Green at Three Creeks” and one just south of the Elkhorn Main Green area,” which would “provide parking areas with a range of 8-10 parking spaces...for trail use” on SP page 4-45.

- A description of the plan-specified onsite system of “multi-use trails,” “pathways,” “rambles,” “foothill trails,” “emergency access” roads (that “may also be used to complement the trail network”) and “trailheads” on SP pp. 3-43 through 3-45. These trails occur along the Rural Collector, Local Road, Neighborhood Road Types 1-3 and the Neighborhood Green Road. Trails are also located off roads in Open Lands areas, foothills and agricultural areas, such as the Foothill Trails and Rambles. More detailed Specific Plan trail information is provided in Sections 5.7.3 – Roundabout and Street Standards and Section 5.7.4 – Trail Network – Hiking, Biking and Pedestrian Connectivity.
- Onsite “potential trail connections” delineation within the western foothills (SP Figure 3-23 on SP p. - 3-36).
- “Foothill trail” and “emergency access” road cross-sections on Figures 3-40 and 3-41 on SP p. 3-45.

The Specific Plan includes no provisions or actions that would substantially preclude future regional trail system implementation in the broader plan area vicinity.

The Specific plan intent is to conceptually indicate possible westward trail connections in the future. The trail connections diagrammed outside of the plan area are not part of the project and are not identified in the DEIR as mitigation measures. A DEIR timeline for their development is not required and would be overly speculative. With regard to the specific parking requirements for possible future trailheads, the degree of specificity in the DEIR for trail provisions corresponds to the degree of specificity for the underlying “first tier” trail indications, with the understanding that additional detail on associated parking demands and provisions will be forthcoming when specific second-tier trail projects are under consideration (see Master Response B). Where future trail development is as yet unspecified and uncertain, requiring the DEIR to address specific trailhead parking requirements would involve engaging in excessive speculation regarding future environmental consequences, which would serve no current purpose. Under County standard trail implementation practice, there is reasonable assurance that such further analysis would be completed in the future, when specific trail projects are proposed.

All trails along roads within neighborhoods (see Specific Plan pp. 3-36 through 3-42) would be built as part of the Specific Plan-required overall road and community infrastructure, as described in Specific Plan section 4.5, Development Sequencing, and as illustrated on Specific Plan Figure 4-6, Phasing Plan. All trails that are not part of the road infrastructure would be built as part of the overall improvements for the particular neighborhood. Financing mechanisms for public infrastructure, which includes trails, are discussed in Specific Plan section 4.6, Financing.

As stated on Specific Plan pp. 3-45 and 5-103, and on Specific Plan Figure 3-23, “Gray Fabric,” Specific Plan p. 3-36, “those “Foothill Trails” that are labeled “potential trail connections” would be subject to future jurisdictional permit and/or land use restrictions as agreed upon by the landowner, County, and applicable State and Federal permitting jurisdictions. Trails indicated along Neighborhood-Type 3 roadways (Specific Plan Figure 3-23) would be constructed incrementally when those particular roads are phased in with the overall common infrastructure for those areas, as currently proposed in “Phase 2B” for the Elkhorn Foothills and Phase 4B for the Three Creeks neighborhood. Those trails occurring alongside Neighborhood Roads Type 3 are NOT “potential trails connections” and Specific Plan Figure 3-23 is being corrected to reflect that.

DEIR Figure 2.11, Proposed Specific Plan Circulation System, was reproduced from Figure 3-23, Gray Fabric, in the September 21, 2009 Preliminary Draft Specific Plan. The "Potential Trail Connections" illustrated on the two maps parallel to "Neighborhood Road-Type 3" along the west boundary of the plan area that show connections to foothill areas outside the plan area are currently being corrected. These trails would be built as part of the overall road infrastructure of those roads, and were erroneously identified as "potential" trail connections. The other trails within the western foothills (not along Neighborhood Type 3 roads) indicated as "potential trails connections" are correct and are subject to future jurisdictional permit and/or land use restrictions as agreed upon by the landowner, County, and applicable State and Federal permitting jurisdictions as stated above. In addition, because no feasible Specific Plan-linked mechanism has been identified to implement such connections through private property beyond the western plan area boundary, these trails have been called out as "Potential Trail Connections."

The corrected Figure 3-23 will be included on a master list of Specific Plan/clarifications and revisions that will be included with the Staff Report to be forwarded by staff to the Planning Commission and Board of Supervisors for their final review. All of these corrections/errata/clarifications have been reviewed by staff to verify that none results in the identification of a significant new environmental impact, a substantial increase in the severity of an identified impact, or an additional feasible project alternative or mitigation considerably different from others previously analyzed in the Draft EIR.

**Master Response F: Comments Pertaining to the Project-Proposed Master Development Agreement.** The Master Development Agreement (MDA) will incorporate the Specific Plan by reference, including all Specific Plan development regulations and physical actions described in the Draft EIR Project Description (DEIR section 2.4). The MDA will not include any land use or other physical development actions not contemplated in the Specific Plan. The MDA will not expand or change the physical scope of the Specific Plan.

CEQA Guidelines sec. 15124 (Project Description) sets forth applicable rules for what must be included in a draft EIR project description. Among those requirements, the section stipulates that the

*"description of the project shall contain the following information, but should not supply extensive detail beyond that needed for evaluation and review of environmental impacts:*

*(d) A statement briefly describing the intended uses of the EIR.*

*(1) This statement shall include, to the extent that the information is known to the lead agency,*

*(A) A list of the agencies that are expected to use the EIR in their decision-making, and*

*(B) A list of Permits and other approvals required to implement the project....*

*(2) If a public agency must make more than one decision on a project, all its decisions subject to CEQA should be listed, preferably in the order in which they will occur."*

*Consistent with this section, the proposed MDA is properly and adequately described for CEQA purposes in section 2.5, Required Jurisdictional Approvals, of the DEIR Project Description as one of the County approvals necessary to implement the Specific Plan. The DEIR says the following under section 2.5, subsection for "2.5.1 County Approvals":*

*"Approval of a Master Development Agreement between County and property owners within the plan area. The Master Development Agreement would specify property owner obligations imposed by the County as conditions of development and would provide the property owners with certain vested development rights."*

Further, CEQA Guidelines sec. 15378 (Project), subsection (a), states that the "project" is the "whole of an action" which has the potential for resulting in a physical change in the environment. Subsection (c) emphasizes that: "The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies." Subsection (d) says that "Where the Lead Agency could describe the project as either the adoption of a particular regulation under subdivision (a)(1) or as a development proposal which will be subject to several governmental approvals under subdivision (a)(2) or (a)(3), the Lead Agency shall describe the project as the development proposal for the purpose of environmental analysis."

In *Native Sun/Lyon Communities v. City of Escondido*, 15 Cal.App.4<sup>th</sup> 892, a petitioner challenged an EIR saying it was inadequate because it failed to adequately identify and analyze the development agreement which was part of the project description, and was, therefore, an indisputable component of the proposed project. The court in that case concluded that "Under these circumstances, it is clear that the EIR's straightforward reference to the development agreement alerted the person interested in that document to its relevance in the decision-making process." CEQA, as the trial court stated, does not require an analysis in the EIR of each and every activity carried out in conjunction with a project. The Draft EIR gave adequate notice of the existence of the development agreement and provided a means for determining the terms of that document. The project description in the Draft EIR is adequate with respect to the development agreement. The Court found that the EIR "adequately appraises all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project." The Guidelines include a requirement that the description of the project include a list of the approvals for which the EIR will be used. (Guidelines sec. 15124, subd. [d][1][B]). The Draft EIR comports with this requirement.

The Specific Plan, MDA and Final EIR are scheduled to be made available for public review (including web-posting) in early May and will be forwarded at that time for consideration and simultaneous action by the Planning Commission at the Commission's regular meeting of May 20, 2010, and by simultaneous consideration and action by the Board of Supervisors at the Board's regular meeting of June 8, 2010. Both the Commission and Board will conduct a public hearing on these items at these meetings prior to final deliberation and action on the items.

**Master Response G: Comments Pertaining to the Project-Proposed County Services Area.** The County Service Area Law (Government Code §25210 et seq.) was created in the 1950s to provide a means of providing expanded service levels in areas where residents are willing to pay for the extra service. Establishment of a viable County Services Area (CSA), pursuant to State Government Code 25210.1 et seq., is proposed by the draft Specific Plan to provide the overall operational and management structure for bringing roadway, water, sewer, storm drainage, recycled water, and parks and recreation services to Specific Plan development

areas. The CSA will then sponsor a Mello-Roos Community Facilities District (CFD) to fund the infrastructure improvements.

The County Service Area Law (Government Code sections 25210 et seq.; "CSA Law"), which was significantly revised last year, provides a method for counties to finance and provide public facilities and services in unincorporated areas. Specifically, the CSA Law allows for the creation of "county service areas" ("CSAs") which may provide "any governmental services and facilities within the CSA that the county is authorized to perform and that the county does not perform to the same extent on a countywide basis." (Gov't Code §25213.) Such services and facilities could be in the areas of police and fire protection, parks and recreation, libraries, animal control, wastewater treatment, and garbage collection, to name only a few.

Although they are distinct entities, CSAs are nonetheless governed by their respective county boards of supervisors. In the parlance of the CSA Law, a CSA is a "special district whose affairs and finances are under the supervision and control of the board." (Gov't Code §25214(b).) County boards have been granted broad powers regarding government CSAs. The formation of a CSA is also subject to approval by the county's LAFCo.

When a CSA exists, the property owner will pay taxes and fees to the CSA instead of the County for the services provided.

In 1982, the Mello-Roos Community Facilities Act of 1982 (Government Code §53311-53368.3) was also created to provide an alternate method of financing needed improvements and services. The Act allows any county, city, special district, school district or joint powers authority to establish a Mello-Roos Community Facilities District (CFD) which allows for financing of public improvements and services. The services and improvements that Mello-Roos CFDs can finance include streets, sewer systems and other basic infrastructure, police protection, fire protection, ambulance services, schools, parks, libraries, museums and other cultural facilities. By law, the CFD is also entitled to recover expenses needed to form the CFD and administer the annual special taxes and bonded debt. A CFD is typically created to finance public improvements and services when no other source of money is available. CFDs are normally formed in undeveloped areas and are used to build roads and install water and sewer systems so that new homes or commercial space can be built.

A CFD is created by a sponsoring local government agency, in this case, the Solano County Board of Supervisors. The proposed district would include all properties that will benefit from the improvements to be constructed or the services to be provided. A CFD cannot be formed without a two-thirds majority vote of qualified electors (residents or registered voters, as legally required) living within the proposed boundaries.

Once approved, a special tax lien is placed against each property in the CFD. Property owners then pay a special tax each year. If the project cost is high, municipal bonds will be sold by the CFD to provide the large amount of money initially needed to build the improvements or fund the services.

If bonds are issued by the CFD, special taxes will be charged annually until the bonds are paid off in full. Often, after bonds are paid off, a CFD will continue to charge a reduced fee to maintain the improvements.

**Master Response H: Comments Pertaining to the Project-Proposed Conservancy and Design Review Committee.** DEIR pp. 2-36 through 2-37 describe the Specific Plan-proposed

establishment of a Green Valley Conservancy as “a condition of approval of any subdivision map proposed in the plan area” (underline added). This condition of approval would require formation of the Conservancy “before recordation of the final subdivision map” within the plan area. The Conservancy would be a non-profit, tax-exempt organization that would be responsible for developing and managing the “Green Valley Farm” within the plan area; oversee the management, stewardship, restoration, and access easements for all conservation lands; and provide input to the County’s design review process for the plan area consistent with the Specific Plan, Section 5.9. As explained on DEIR p. 2-37, the proposed design review process for the plan area development would include establishment of a Green Valley Conservancy Design Review Committee (CRC) that would provide advisory input to the County-implemented design review process for discretionary development approvals in the plan area.

As also explained on DEIR p. 2-37, the Conservancy would prepare a Resource Management Plan that would outline management standards and performance guidelines for natural resources in Specific Plan-designated “Open Lands” consistent with the County General Plan, the Specific Plan, and the EIR-identified mitigation program, and consistent with all applicable State and Federal permit requirements.

The Conservancy and CRC functions would be in addition to all standard applicable County, State and Federal jurisdictional review and permitting procedures. The Specific Plan requires, and the DEIR anticipates, that the Conservancy would be formed before recordation of final subdivision maps in the plan area. The established Conservancy management, stewardship and monitoring responsibilities would incorporate mitigation concepts identified in the EIR in its advisory role to the County. The ultimate responsibility for implementing and monitoring the DEIR mitigations would be the County’s, not the Conservancy’s.

The Conservancy functions, structure and establishment procedure are described on pp. 4-10 through 4-14 of the Specific Plan. The proposed Conservancy Board membership characteristics are described on p. 4-13 of the Specific Plan. The CRC functions, structure, establishment procedure and proposed membership characteristics are described on pp. 5-124 through 5-128 of the Specific Plan, particularly under sections 5.9.2 , CRC Organization, and 5.9.3 , Design Review Process Guidelines.

### **Master Response I: Response to Comments Pertaining to the Project-Proposed Groundwater Withdrawal (Water Supply Option B):**

(1) Water Supply Adequacy to Option B. DEIR section 16.1.1 includes an extensive discussion of existing groundwater conditions in the plan area based on existing data available from the California Department of Water Resources. The discussion explains that the valley includes an intermediate layer of older alluvium and a surface layer of younger alluvium more recently deposited on top of the older alluvium. The discussion also explains that the most easily recoverable groundwater in the region is contained within the older alluvium, which varies in thickness from 0 to as much as 200 feet. The younger surface layer is thought to contribute relatively little to well yields in the valley, although it appears to effectively transmit percolated water to the older alluvium.

The discussion explains that existing yield data for wells in the plan area vicinity is limited, and high well yield verifications (defined as well yields exceeding 500 gph) were only obtained from wells that extended several hundred feet into the saturated volcanic rock that exists beneath the alluvial layers described above.

As explained on DEIR p. 16-15, under water supply Option B, the proposed onsite water supply infrastructure system would consist of three groundwater wells with a preliminary yield (sustained flow) projection of 100 gallons per minute each, which would feed two 500,000-gallon storage tanks. The DEIR explains on p. 16-15 that these wells would draw water from the Green Valley-Suisun aquifer of the Suisun-Fairfield Groundwater Basin, which has an estimated saturated thickness of in excess of 400 feet. The water "would probably be treated" by small treatment facilities at each well, providing infiltration and disinfection to CCR Title 22 standards prior to being pumped to an onsite storage facility.

As a standard condition of approval of any subdivision within the plan area under water supply Option B (i.e., before recordation of the first final subdivision map), the County would require completion of a detailed hydrological study and approval of a Water Master Plan. The Water Master Plan would be required to include engineering specifications regarding well locations and depths; water pumping, filtration and disinfection specifications; and water storage and distribution facilities and sizing. Water supply Option B would also be required to comply with current CCR Title 22 Waterworks Standards and associated California Department of Public Health (CDPH) regulatory oversight. This established County and State review and approval process would ensure that, under water supply Option B, the project would result in a **less-than-significant environmental impact** pertaining to water supply adequacy (see criterion [b] in section 16.1.3, "Significance Criteria," above).

(2) Required Conditions of Future Subdivision Approval Under Water Supply Option B. Under currently established County and State water system regulations and review procedures, the County would require implementation of the following as standard conditions of any future subdivision approval within the plan area under water supply Option B:

- Prior to subdivision map approval, as a possible supplement to this EIR (SEIR), County preparation and approval of a water supply assessment that, consistent with State SB 610, verifies sufficient water supply availability and recharge to meet the requirements of maximum development area buildout during normal conditions and during single-year and multiple year drought conditions (pursuant to General Plan Implementation Program PF.I-11).
- Prior to subdivision map approval, the County would also require completion of a detailed Water Master Plan for Option B describing how the proposed Specific Plan development program will be provided with adequate water service (pursuant to General Plan Policy LU.I-6 and Implementation Program PF.I-12).
- Prior to subdivision map approval, the County would also perform or require performance of a hydrologic assessment to determine whether the proposed Water Master Plan meets the County's hydrologic standards (pursuant to GP Implementation Program PF.I-13). As part of the hydrological study process, the County would require implementation of a well monitoring and reporting program by a County-approved professional groundwater consultant which to jurisdictional satisfaction (i.e., to County satisfaction with regulatory oversight as required by the California Department of Public Health) verifies that the aquifer is responding as expected, and as appropriate, and formulate any additional design recommendations necessary to ensure the long-term operation of the water supply system. Such monitoring programs typically include a jurisdictional-specified pre-construction testing and monitoring period (e.g., 12-months) to establish a baseline for measure of future effects from project well operations, and typically continue beyond system



installation for a jurisdictional-specified minimum period (e.g., 9 years) to ensure adequate and safe well performance.

- Prior to subdivision map approval, the required Water Supply Master Plan must be designed to provide water service only to the Specific Plan designated development areas, and to prevent any growth-inducing impacts on adjoining designated agricultural and open space lands (pursuant to GP Housing Element Policy G.2).
- Prior to subdivision map approval, the County would require Cordelia Fire Protection District (CFPD) input into the Water Master Plan formulation process to ensure that the plan meets District fire flow rate and duration standards (pursuant to General Plan Policy Implementation Program HS.I-28).
- Prior to subdivision map approval, the County would require completion of the California Department of Public Health (CDPH) water system initial operating permit issuance process, which requires demonstration to County and CDPH satisfaction that the proposed water system (Water Master Plan) well, pumping, storage and distribution component meet County and State (Title 22) requirements.

(3) Explanation for “Less-than-Significant Impact” Conclusion for Water Supply Option B. The DEIR concludes that the standard County and State conditions of approval listed above for any future second-tier subdivision approval within the plan area would provide reasonable assurance that plan area development under water supply option B would not result in a significant environmental impact. With respect to the CEQA significance criteria listed in DEIR section 16.1.3 pertaining to water supply impacts: construction of new water facilities under water supply Option B would not cause significant environmental effects or result in a water supply condition that is inconsistent with applicable Solano County and State plans, policies and regulations adopted for the purpose of avoiding or mitigating adverse environmental effects.

The Specific Plan proposes establishment of a County Service Area (CSA) to provide the financial and management structure for plan area water system (see Master Response G). The CSA would be responsible for providing the anticipated minor level of treatment necessary to meet safe standards for residential (domestic) use. The DEIR clearly states that, at this preliminary point (i.e., at this first-tier program EIR phase), no hydrologic studies have been completed or test wells drilled for Option B planning purposes. Although the local recharge volume for this aquifer (from rain infiltration, irrigation, and stormwater detention ponds) would be expected to substantially exceed maximum project demands, a detailed hydrological analysis would be necessary when the proposed plan area well locations are more precisely determined, to demonstrate whether the proposed well system is capable of delivering sustained supply rates sufficient to meet County and State standards for the Specific Plan proposed development program.

To comply with CEQA, the scope of the DEIR assessment of the environmental impacts of the Specific Plan-proposed water supply Option B has been limited to the following concerns derived from CEQA Guidelines Appendix G and listed on DEIR p. 16-12:

- will construction of the new water facilities under this groundwater withdrawal option cause significant environmental effects;
- will this water supply option require new or expanded entitlements; or

- will this water supply option result in a public service condition that is inconsistent with applicable local plans and policies, including the Solano County General Plan, adopted for the purpose of avoiding or mitigating an environmental effect.

It is the role of the EIR to address the environmental effects of water supply Option B, based on these criteria.

Under related policies of the Solano County General Plan and the proposed Specific Plan, implementation of water supply Option B, and as described on DEIR page 16-18, would require completion of “a detailed hydrological analysis...when the proposed plan area well locations are more precisely determined demonstrating that the proposed well system is capable of delivering sustained water supply rates sufficient to meet County and State standards for the Specific Plan proposed well program.

On DEIR p. 16-18, the DEIR also explains that:

The Water Master Plan would be required to include engineering specifications regarding well locations and depths; water pumping, filtration and disinfection specifications; and water storage and distribution facilities and sizing. Water supply Option B would also be required to comply with current CCR Title 22 Waterworks Standards and associated California Department of Public Health (CDPH) regulatory oversight. This established County and State review and approval process would ensure that, under water supply Option B, the project would result in a ***less-than-significant environmental impact*** pertaining to water supply adequacy (see criterion [b] in section 16.1.3, "Significance Criteria," above).

Such a mitigation approach is permissible and appropriate for a “first tier” program EIR for the Specific Plan stage of the planning and development process. As indicated under Master Response B:

The degree of specificity required in an EIR corresponds to the degree of specificity of the underlying project (14 C.C.R. §15146). Environmental analysis in a program EIR must be “appropriately tailored to the current first-tier stage of the planning process, with the understanding that additional detail will be forthcoming when specific second-tier projects are under consideration.” *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4<sup>th</sup> 1143, 1172.

An EIR is not required to provide information about a speculative future project, where nothing meaningful can be said; instead an EIR may properly commit the agency to perform further analysis in the future, when a specific project is proposed. *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4<sup>th</sup> 351, 373; *Towards Responsibility in Planning v. City Council of the City of San Jose* (1988) 200 Cal.App.3d 671, 681.

Where a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand. (CEQA Guidelines, §15152(c).)

As indicated under Master Response C:

“[D]eferral of the specifics of mitigation is permissible where the local entity commits itself to mitigation and lists the alternatives to be considered, analyzed and possibly incorporated in the mitigation plan.” *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4<sup>th</sup> 1261, 1275.

An EIR may legally delay defining the specifics of a mitigation measure until after a permit or other regulatory approval is obtained. See *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4<sup>th</sup> 777, 794-795, *Defend the Bay, supra*, 119 Cal.App.4<sup>th</sup> at 1274 (upholding mitigation measures for species impacts that required project to consult in the future with wildlife agencies and to obtain agency approval of management and monitoring programs).

(4) Water Treatment Needs for Water Supply Option B. As described on DEIR p. 16-8, the Solano County Environmental Health Services Division is responsible for permitting and implementing County water systems and wells programs, including small public water systems like Specific Plan-proposed water supply Option B. Specific water treatment requirements would ultimately be determined by County-required site-specific water quality sampling of existing or new wells to determine whether California Drinking Water Standards described on DEIR pp. 16-5 through 16-8 are met. Depending on the sampling results, only chlorination may be required or a more complex treatment process may be required in order to meet these State standards (esp. see DEIR subsections 16.1.2[a], [b] and [c]).

The County’s Environmental Health Division conducts and oversees site evaluation, plan review, permit issuance, and construction inspection for onsite wells pursuant to California Well Standards and Solano County Code Well Standards. As explained on DEIR pp. 16-17 and 16-8, water supply Option B would receive its primary water supply from a series of three or more onsite deep wells. The water would be treated by small treatment facilities at each well to provide filtration and disinfection to current California Code of Regulations (CCR) title 22 Waterworks standards prior to being pumped to an onsite storage facility. The CSA would be responsible for providing the level of treatment necessary to meet these standards.

(5) Impacts of Water Supply Option B on Existing Wells. As indicated in the DEIR, the groundwater basin underlying the plan area is one of few in California that is not in overdraft, most likely because of the use of SID water. There is no known current well adjudication activity in area and no existing restrictions on groundwater pumping or withdrawals. Therefore, a groundwater user in the plan area is permitted to withdraw whatever the user needs from wells on the user’s property. The only regulation required with regard to groundwater pumping or withdrawal volume would be associated with the County well permit issued in accordance with the County Code chapter 13.10 (Well Standards), as described on DEIR p. 16-17 (specifically, sections 13.10-10 through 13.10-17). If a property owner can prove through hydrogeologic investigation, groundwater modeling or legal action that the property owners’ existing well production is negatively affected by the development of additional wells, then the property owner can apply to the State Department of Water Resources, the State Department of Public Health, and/or the County to have the basin adjudicated or regulated.

**Master Response J:** Master Response J has been eliminated.

**Master Response K: Comments Pertaining to the Project-Proposed Water Supply and Wastewater Treatment Options.** The proposed project (Specific Plan), not the DEIR, identifies two or more options each for providing water and wastewater services to plan area

development. More than one option is described by the Specific Plan for these services to provide adequate planning and CEQA compliance coverage in the event that one of the preferred options, plan area connection to the City of Fairfield municipal water system and/or to the Fairfield Suisun Sewer District sewer system, are not approved. This options evaluation approach is considered appropriately tailored to the current first-tier stage of the planning and CEQA process, with the understanding that additional evaluation detail will be forthcoming when specific second-tier water and sewer service determinations have been made. Consistent with CEQA Guidelines sec. 15152(c), the County is using a tiering process in connection with this Specific Plan EIR and has properly determined that the development of detailed, site-specific information for water and sewer service can be deferred until the first more detailed subdivision application is formulated and associated definitive City of Fairfield and Fairfield Suisun Sewer District decisions are made regarding possible provision of related water and sewer needs.

**Master Response L: Comments Pertaining to Voter-Approved Measure L.** CEQA Guidelines sec. 15125(d) states that the EIR shall discuss any inconsistencies between the proposed project and applicable general plan and regional plans. CEQA Guidelines Appendix G, which has been generally applied in the DEIR as CEQA based “significance criteria,” indicates under section IX(b) that a project conflict with any applicable land use plan, policy or regulation of any agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect should be identified as a significant impact.

The City of Fairfield General Plan is not a regional plan, and it is not a general plan directly applicable to the unincorporated Specific Plan area. The City does not have jurisdiction over the plan area.

Fairfield General Plan Policy LU3.1 does stipulate that any urban development requiring basic municipal services shall occur only within the urban limit line established by the City’s General Plan. By passing local Measure L, the voters of Fairfield reaffirmed and readopted this policy. The policy pertains to the feasibility of Specific Plan water service Option A, connection to the Fairfield municipal water supply. Both the City’s initiative measures and City’s general plan are matters for implementation by the City. City of Fairfield decision-makers will ultimately determine whether water supply Option A is possible for the City. The City’s SB 610 Water Supply Assessment included in DEIR Appendix 23.4 does not “express any opinion regarding...the legal or policy decisions that would be necessary for the City to become the developer’s water supplier.” Similarly, the Fairfield-Suisun Sewer District will consider its own adopted policies and regulations in deciding whether to provide sewer service to the plan area.

Solano County LAFCO jurisdiction and associated requirements pertaining to project-proposed municipal water and sewer district service area extensions are described in the DEIR in section 2.5.2 on p. 2-41, section 12.1.3 on DEIR p. 12-11, subsection (h) on DEIR p. 16-8. Please also see Master Response M which follows.

**Master Response M: Comments Pertaining to LAFCO and Related State-Mandated Limitations on Service Extensions.** Several comments on the DEIR have suggested that the Specific Plan-proposed water service Option A (connection to the City of Fairfield municipal water system) and/or Specific Plan-proposed wastewater service Option A (connection to the Fairfield-Suisun Sewer District) do not comply with the state authorized circumstances under which the County’s Local Agency Formation Commission (LAFCO) may give its approval. Some comments have also specifically suggested that an agreement by the City of Fairfield to sell surplus water to the Specific Plan-proposed County Service Area (CSA) (water supply Option A) or an agreement by the Fairfield-Suisun Sewer District to accept wastewater from the

CSA and to then treat and dispose of that wastewater (wastewater Option A) would be inconsistent with the extension of service provisions of Government Code Section 56133. These subjects are legal issues regarding project design and feasibility rather than environmental impact or mitigation issues. Please see a related memorandum from James Laughlin of the Office of County Counsel *re: Middle Green Valley Specific Plan, Formation of County Service Area (CSA)* reproduced in Appendix 4.1 of this FEIR document for a complete County response to these comments.

In summary, the memo explains that a County proposal to form a CSA in order to provide water and sewer service to the plan area would be subject to LAFCO review and approval. Subdivision (a) of section 56133 states that a city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from LAFCO. The remaining subdivisions of that section describe the circumstances under which LAFCO may give its approval, as well as the exceptions under which LAFCO's approval is not required. Although it is clear that the CSA will be providing new water and sewer service within the plan area, the Office of the County Counsel has determined that section 56133 is not applicable to the CSA because the CSA will be providing these services within its jurisdictional boundaries. Like every other district formation proposal, LAFCO would need to consider whether the proposed CSA will have the financial and physical capability of providing the proposed services to the intended service area. If the CSA proposes to utilize water and wastewater treatment it purchases from the City and/or Sewer District, respectively, at wholesale, LAFCO will need to review the adequacy of the agreements and the physical capacity of those other entities' facilities. If the CSA proposes to utilize its own wells and other facilities to provide service within its boundaries, LAFCO will need to review the adequacy of those facilities.

It is the opinion of the Office of the County Counsel that agreements between the CSA on the one hand and the City and Sewer District on the other, that would enable the CSA to provide reliable water and sewer service to the CSA's customers within the plan area, would not conflict with section 56133. LAFCO would have an opportunity to exercise the full extent of its jurisdiction over the CSA's proposal to provide water and sewer services to the plan area during its consideration of the CSA formation proposal.

**Master Response N: Comments Pertaining to Overall EIR Adequacy and Recirculation.**

Criteria are identified in CEQA Guidelines sec. 15088.5 (Recirculation of an EIR Prior to Certification) for determining whether a lead agency is required to recirculate an EIR after public notice has been given of the availability of the Draft EIR for public review but before certification. Under this CEQA section, a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review but before certification (CEQA Guidelines sec. 15088.5[a]). The term "information" as used in this CEQA section can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR, including information added in response to comments received during the Draft EIR comment period, is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponents have declined to implement.

None of the criteria listed in CEQA Guidelines section 15088.5 indicating the need for recirculation of the Draft EIR has been met as a result of the revisions which have been

determined necessary by the Lead Agency in response to comments received during the DEIR comment period (see section 3, Revisions to the Draft EIR, herein). In particular:

- no new significant environmental impact due to the project or due to a new mitigation measure has been identified;
- no substantial increase in the severity of an environmental impact has been identified;
- no additional feasible project alternative or mitigation measure considerably different from others previously analyzed in the DEIR has been identified that would clearly lessen the significant environmental impacts of the project; and
- no substantial evidence has been presented demonstrating that the DEIR is so fundamentally flawed and basically inadequate and conclusory in nature that meaningful public review and comment have been precluded.

The comments received during the DEIR comment period do not support with substantial evidence such as data, references, expert opinion, or other facts, an argument for recirculation.

The adequacy of an EIR is determined in terms of what is reasonable. CEQA does not require a Lead Agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. (CEQA Guidelines secs. 15151 and 15204).

## 2.3 RESPONSES TO WRITTEN COMMENTS ON THE DRAFT EIR

The following section includes copies of nineteen (19) letters, memoranda and e-mails received by the County pertaining to the Draft EIR during the Draft EIR comment period, each immediately followed by the EIR authors' written response to comments therein pertaining to the content and adequacy of the Draft EIR. CEQA Guidelines sec. 15132 (Contents of Final Environmental Impact Report) states that the Final EIR shall include: "Comments and recommendations received on the Draft EIR either verbatim or in summary" (sec. 15132[b]); and "The responses of the Lead Agency to significant environmental points raised in the review and consultation process" (sec. 15132[d]). Pursuant to these requirements, this section of the Final EIR document includes both: (a) the verbatim version of each letter, memorandum and e-mail received by the County during the Draft EIR public comment period; and (b) a written summary or paraphrasing by the EIR authors of each environmental point raised in the letter, memorandum or e-mail.

Each verbatim letter, memorandum or e-mail is assigned a number which generally corresponds to the chronological order in which it was received (i.e., 1, 2, 3, 4, etc.), and each environmental point raised in the verbatim letter, memorandum or e-mail is coded in the right-hand margin (e.g., 1.01, 1.02, 1.03; 2.01, 2.02, 2.03, 2.04; 3.01, 3.02, 3.03; etc.). Each verbatim letter, memorandum and e-mail is immediately followed by the EIR authors' summary listing of each coded environmental point raised, and each summarized environmental point is followed by the written response of the EIR authors. The environmental point summaries are intended to generally indicate the gist of the comment. Please refer to the corresponding verbatim version of the letter, memorandum or e-mail for the full comment.



# 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](http://conservation.ca.gov)

February 8, 2010

**VIA FACSIMILE (707) 784-4805**

Matt Walsh  
Solano County  
675 Texas St, #5500  
Fairfield, CA 94533

RECEIVED  
Solano County  
Conservation Department

FEB 09 2010

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



Dear Mr. Walsh:

Subject: Solano Middle Green Valley Specific Plan Draft Environmental Impact Report; **SCH# 2009062048**

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report (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. We offer the following comments and recommendations with respect to the project's impacts on agricultural land and resources.

### Project Description:

The purpose of the Middle Green Valley Specific Plan project is the development of 400 new residential units, agricultural tourism uses, and small amounts of public and commercial uses on approximately 1,900 acres. The project site is in Solano County and is located north of the Fairfield city limits along Green Valley Road and at the eastern edge of the western hills. The project area does not appear to contain lands under Williamson Act contracts. However, the project would, over time, convert up to approximately 123 acres of Prime Farmland to non-agricultural use. Therefore, the Division recommends that any subsequent California Environmental Quality Act (CEQA) document address the following items to provide a comprehensive discussion of potential impacts of the project on agricultural land and activities:

### Agricultural Setting of the Project

- Current and past agricultural use of the project area. Please include data on the types of crops grown, and crop yields and farm gate sales values. 1.01



Matt Walsh  
February 8, 2010  
Page 2 of 3

To help describe the full agricultural resource value, the Department recommends the use of economic multipliers to assess the total contribution of the site's potential or actual agricultural production to the local, regional and state economies. Two sources of economic multipliers can be found at the University of California Cooperative Extension Service and the United States Department of Agriculture (USDA).

1.02

#### Project Impacts on Agricultural Land

- Type, amount, and location of farmland conversion resulting directly and indirectly from project implementation and growth inducement, respectively.
- Impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, vandalism, etc.
- Incremental project impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from likely projects in the future.

Under California Code of Regulations section 15064.7, impacts on agricultural resources may also be both quantified and qualified by use of established thresholds of significance. As such, the Division has developed a California version of the USDA Land Evaluation and Site Assessment (LESA) Model. The California LESA model is a semi-quantitative rating system for establishing the environmental significance of project-specific impacts on farmland. The model may also be used to rate the relative value of alternative project sites. The LESA Model is available on the Division's website at:

[http://www.consrv.ca.gov/DLRF/qh\\_lesa.htm](http://www.consrv.ca.gov/DLRF/qh_lesa.htm)

#### Mitigation Measures

1.03

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department recommends the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. If growth inducing and/or cumulative agricultural impacts are involved, the Department recommends that this ratio of conservation easements to lost agricultural land be increased. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guideline section 15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate

Matt Walsh  
February 8, 2010  
Page 3 of 3

mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence the search for replacement lands can be conducted regionally or statewide, and need not be limited strictly to lands within the project's surrounding area.

The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the email address or phone number below. General information about agricultural conservation easements, the Williamson Act, and provisions noted above is available on the Department's website:

<http://www.conservation.ca.gov/clrp/index.htm>

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

Thank you for giving us the opportunity to comment on this DEIR. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Elliott Lum, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, CA 95814; phone: (916) 324-0869; email: Elliott.Lum@conservation.ca.gov.

Sincerely,



Dan Otis  
Program Manager  
Williamson Act Program

cc: State Clearinghouse

**1. Dan Otis, Program Manager, Williamson Act Program, Division of Land Resource Protection, State of California Department of Conservation; January 8, 2010**

- 1.01 Agriculture--Setting--under the DEIR discussion of current and past ag. uses in the area, data should be included on the types of crops grown, yields, and sales values. Use of economic multipliers is recommended to describe the site's total contribution to local, state and regional economies. Two sources of suggested economic multiplier info. are cited.

*Response:* The economic issues and concerns raised in this comment are not "environmental" factors warranting evaluation in an EIR under CEQA, but may be considered by County decision-makers in their deliberations on the project. A primary objective of the Specific Plan is to restore viable agricultural activity to the plan area.

- 1.02 Agriculture--project impacts on ag. land--more detail suggested re: type, amount, location, impacts on ag. operations, incremental impacts leading to cum. impacts; use of the Division's version of the USDA Land Evaluation and Site Assessment (LESA) Model ("a semi-quantitative rating system") is suggested.

*Response:* The DEIR complies with CEQA requirements and guidelines pertaining to the evaluation of project agricultural impacts. As indicated under Impact 4-2 on DEIR page 4-13, the large size of most draft Specific Plan-proposed residential lots adjacent to existing or potential Prime Farmland agricultural activity would allow for substantial setbacks from adjacent ag. activities. In addition, the proposed "Community Plan" component of the draft Specific Plan incorporates a gradual transition between residential and agricultural areas to minimize associated land use conflicts by applying the concept of the "Transect," as described in Specific Plan section 5.3 (The Regulating Plan and Zones). Through the "Transect" approach, residential development is minimized along the direct-edges of agricultural lands, and in most cases is separated from the agricultural edge by a roadway.

The draft Specific Plan includes many policies that protect the viability of agriculture and that advocate enhanced agricultural activity as the prominent "amenity," aesthetic component, and foundation of the community image as a whole (esp. see SP section 4.2.2, SP Principal #2, SP Policies OL-4, OL-10, OL-11, OL-14, IM-1, LUC-5, and NP-4). Also, under SP Policies OL-13 and OL-14, the Conservancy is required to prepare an Agricultural Business Plan (AGP). SP section 4.2.1 (SP p. 4-13) sets forth general requirements for best management and sustainable agricultural practices (HS-I-58), which could include buffer zones.

The plan area includes approximately 700 acres of state-designated "Prime Farmland." Implementation over time of the proposed Specific Plan land use layout could convert up to approximately 123 acres of this total to non-agricultural use; thus the DEIR conservatively identifies a significant environmental impact under a literal interpretation of significance criterion (a) on DEIR p. 4-11.

A principal goal of the Specific Plan, implemented through the combination of the plan-proposed Green Valley Agricultural Conservancy, Agricultural Conservancy, Agricultural Business Plan, Resource Management Plan, and Transfer of Development Rights program, is to return a substantial portion of this 700-acre "Prime Farmland" total that has not been in recent cultivation, back to cultivated agricultural use, likely

amounting to substantially more "Prime Farmland" returned to civilization than the approximately 123 acres of "Prime Farmland" potentially converted.

- 1.03 Agriculture--Mitigation--Dept. recommends use of permanent ag. conservation easement on lands of at least equal quality and size as partial compensation for direct loss of ag land; ratio should be increased if growth-inducing or cum. ag. impacts are involved. Dept. "highlights" conserv. easement measure "because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA." Two alternative conserv. easement implementation measures are suggested--outright purchase or donation of mitigation fees; search for replacement lands can be conducted regionally; Dept. listing of 30 "conservation tools" cited.

*Response:* Please see response to comment 1.02. Please also see Master Response H pertaining to the Specific Plan-proposed Conservancy and Conservation Easement provisions.

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

February 8, 2010

RECEIVED  
 Solano County  
 Resource Management

FEB 16 2010

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

Attn: Mike Yankovich,

Dear Sir,

I am writing you to express my disagreements with the Executive Summary of the DEIR for the Middle Green Valley Specific Plan.

I take exception to Impact 16-1 , Option B and its' corresponding Mitigation 16-1. In summary they conclude that the Green Valley aquifer can support the proposed 400 home development in addition to the existing 100 or so homes in the valley which now use well water without significant impact and I assume this assessment takes into consideration the additional 370 homes proposed for the Rockville Trails Estates development..

2.01

My experience of 34 years living on well water in Green Valley is counter to the claims of the DEIR I have found that the aquifer level fluctuates dramatically in drought years. During the mid eighties drought my well level dropped so much I was forced to drill a deeper well to obtain enough water to live on. Other drought periods have affected the flow rates of the well supplying water to the people living on Spring Lane and Oak Lane. To contemplate increasing the water draw from the aquifer by a factor of eight is unthinkable.

As to the solutions offered up in paragraph, Mitigation 16-1., to state that the proposed mitigating actions reduce the impact on the affected parties to a condition of less -than-significant nature is ludicrous. Having no water for household use, losing your immediate fire protection capabilities, packing up and moving to another residence, enduring the financial burden of fighting the county bureaucracy to obtain a new well, etc., may be insignificant to an outsider but not to the individual concerned.

2.02

I ask that the paragraphs relating to Option B be rewritten to reflect the possible negative affects on the Green Valley aquifer and that these affects be recognized as SIGNICANT and that they cannot be mitigated to a less- than- significant condition.

2.03

Respectfully yours,



Bryant Washburne  
 1934 Vintage Lane  
 Fairfield, CA 94534  
 Ph: (707) 864-1123  
 e-mail: bryantw1@att.net

**2. Bryant Washburne, 1934 Vintage Lane, Fairfield, CA 94534; January 8, 2010**

- 2.01 Public Services and Utilities--Water--Groundwater--Impact 16-1, Project Domestic Water Facilities Impacts on Existing Wells--Option B (Onsite Groundwater): disagree with DEIR conclusion that Green Valley aquifer can support proposed 400 homes in addition to 100 or so existing homes in valley that now use well water; assume assessment takes into consideration the additional 370 Rockville Trails Estates homes; commenter's 34 years of well water use experience in Green Valley inconsistent with DEIR claims; aquifer level fluctuates dramatically in drought years; had to drill deeper during mid-80s drought; other drought periods have affected homes on Spring Lane and Oak Lane; proposed increase in water draw unthinkable.

*Response:* Please see Master Response I.

- 2.02 Public Services and Utilities--Water--Groundwater--Mitigation 16-1--statement that these mitigation actions will reduce impacts on existing wells to less-than-significant levels is ludicrous--Option B would result in no water in existing wells for household uses and fire protection; financial/bureaucratic burden of obtaining new well not insignificant.

*Response:* Please see Master Response I.

- 2.03 Public Services and Utilities--Water--Groundwater--DEIR findings related to Option B impacts should be rewritten to adequately reflect potentially significant negative effects on Green Valley aquifer--cannot be mitigated to a less-than-significant condition.

*Response:* Please see Master Response I.



**Solano County Orderly Growth Committee**  
359 Grandview Dr, Vacaville 95688  
707-447-1555

Ms. Brigitta Corsello  
Department of Resource Management  
675 W. Texas Street – Suite 5500  
Fairfield, CA 94533

RECEIVED  
Solano County

January 12, 2010

JAN 15 2010

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

Re: Middle Green Valley Specific Plan

Dear Ms. Corsello:

We are writing this letter to inquire about the public review of the Middle Green Valley Specific Plan and related documents. In short, what is the proposed schedule for the public review of the *Green Valley Specific Plan* and its *EIR*, and when will Planning Commission and Board of Supervisors hearings be held?

3.01

More specifically, in regard to the *Draft Environmental Impact Report for the Middle Green Valley Specific Plan*: what is the closing date for public comments? It is understood that the Planning Commission will hold a public hearing on the adequacy of the draft *EIR* on January 28, 2009. Will this be the only public hearing on the draft *EIR*? After the close of the public review period, when do you anticipate that the final *EIR* will be available? What will be the format of the public review of the final *EIR*? Will both the Planning Commission and Board of Supervisors hold public hearings on the adequacy for the final *EIR*? When are these hearings anticipated?

In regard to the *Middle Green Valley Specific Plan* what is the proposed public review process? Have any public meetings or public hearings been set to review the *Specific Plan*? Will both the Planning Commission and Board of Supervisors conduct a series of public meetings to review and consider the *Specific Plan*?

3.02

We want to go on record that we do not support the simultaneous review of the *EIR* (draft and/or final) with the review of the *Specific Plan*. That is, both the *EIR* and the *Specific Plan* should not be considered by the Planning Commission and/or Board of Supervisors at the same meeting. It is suggested that the final *EIR* be completed and certified by the Board of Supervisors before the Planning Commission begins its official review of the *Specific Plan*. It is very likely that comments and responses to the draft *EIR* will result in revisions to the draft *Specific Plan*. Furthermore, the Planning Commission should have the benefit of the final *EIR* before it begins its consideration of the *Specific Plan*. We are not, however, opposed to Planning Commission conducting study sessions prior to certification of the final *EIR*.

3.03

Finally, it is understood that as part of this planning process the landowners and Solano County will execute a *Development Agreement* approved by the Board of Supervisors. When will the proposed *Development Agreement* be available for the public to review? What will be the process used by the Planning Commission and Board of Supervisors in reviewing and approving of the *Development Agreement*?

Thanks you for your prompt response to the above questions.

Sincerely yours,



Ernest Kimme, Co-Chair



Jack Batson, Co-Chair

### **3. Ernest Kimme, Co-Chair, Jack Batson, Co-Chair, Solano County Orderly Growth Committee; January 12, 2010**

- 3.01 CEQA and Specific Plan Process--Comments on EIR process--questions asked regarding public review period--when does it end; will January 28, PC hearing be only public hearing on DEIR? When will FEIR be available; what will be format of public review on DEIR? Will both the Planning Commission (PC) and Board of Supervisors (BOS) hold hearings on adequacy of FEIR? When? These questions should be responded to immediately; should not wait till release of FEIR.

*Response:* As indicated on page 1-1 of this FEIR document, after completion of the Draft EIR, the Lead Agency (Solano County) is required to consult with and obtain comments from other public agencies and to provide the general public with an opportunity to comment on the DEIR (CEQA Guidelines secs. 15086 and 15088). The Lead Agency is also required to respond in writing to all substantive environmental points raised in this DEIR review and consultation process (CEQA Guidelines sec. 15088). The DEIR dated December 21, 2009, was distributed by the County for public review and comment, and the DEIR public comment period officially began on Tuesday, December 28, 2009 when the DEIR was received by the State Clearinghouse. The State-required minimum review period of 45 days was extended by the County to 60 days, i.e., to Friday, February 25, 2010. CEQA does not require a public hearing on DEIRs (CEQA Guidelines sec. 15087(l)), although in practice most Lead Agencies, including Solano County, routinely conduct such hearings. Most Lead Agencies, including Solano County, typically hold one public hearing for the Lead Agency to receive comments on the DEIR; such DEIR public hearings are not evidentiary hearings and the Lead Agency is not required to respond to questions or comments raised at the hearing. The County Planning Commission conducted a public hearing to review and receive public comments on the DEIR and the proposed Specific Plan at a special meeting conducted for this purpose at 7:00 PM Thursday, January 28, 2010.

The County also typically conducts one public hearing on the FEIR document. The Final EIR will be made available to the public in early May. The public hearing on the FEIR for the Middle Green Valley Specific Plan will be conducted by the Planning Commission on May 20, 2010.

As indicated on page 1-1 herein, this FEIR document includes verbatim copies of all written comments received during the 60-day DEIR public review period, minutes from the January 28, 2010 Planning Commission public hearing on the DEIR, and the written responses of the EIR authors to environmental issues raised in these written and oral comments.

At the close of the May 20, 2010 Planning Commission public hearing on the FEIR, the Planning Commission will forward a recommendation to the Board of Supervisors on whether to certify the FEIR as adequate under and in compliance with CEQA. The Board of Supervisors can take no formal action on the proposed Specific Plan until it certifies the FEIR as adequate under and in compliance with CEQA. Board action on the DEIR and Specific Plan had not been formally scheduled as of this writing, but was anticipated to occur in early June.



- 3.02 CEQA and Specific Plan Process--Sim. questions asked about Specific Plan public review process.

*Response:* Please see response to comment 3.01.

- 3.03 CEQA and Specific Plan Process--Planning Commission study sessions on the Specific Plan before FEIR certification OK, but commenter does not support simultaneous review of DEIR and/or FEIR with review of Specific Plan--two should not be considered at same Planning Commission and Board of Supervisors meetings; FEIR should be certified before PC and BOS begin official review of the Specific Plan. When will proposed Development Agreement be available for public review? What Planning Commission and Board of Supervisors process will be used in reviewing and approving Development Agreement?

*Response:* It is common lead agency (and Solano county) practice to conduct simultaneous actions on the environmental review adequacy (certification) and on whether to carry out or approve a project. The CEQA Guidelines encourage simultaneous public hearings on the merits of the project and the DEIR. CEQA Guidelines sec. 15202(b) states that "If an agency provides a public hearing on its decision to carry out or approve a project, the agency should include environmental review as one of the subjects for the hearing." The Planning Commission and Board of Supervisors may not take formal action on the project (the proposed Specific Plan) until they determine that the EIR is adequate and in compliance with CEQA.

This inquiry has been responded to in a subsequent letter from County staff to the Committee. In summary, it is anticipated that certification of the FEIR may occur at the same meeting as the first County action on the Specific Plan, an approach which is consistent with CEQA and common practice, provided that the FEIR is certified in advance of County action on the Specific Plan. Regarding the process to be followed by the County for the proposed Master Development Agreement (MDA), please see Master Response F. In summary, following standard practice, the Specific Plan, MDA and FEIR, and associated Staff Report are scheduled to be made available for public review (including web posting) in early May, 2010, and will be forwarded at that time for consideration and simultaneous action by the Planning Commission at the Commission's regular meeting of May 20, 2010, and by simultaneous action by the Board of Supervisors in early June. Both the Commission and Board will conduct a public hearing on these items at these meetings prior to their final deliberation and action on the items.



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

4

February 11, 2010

Matt Walsh  
Solano County  
675 Texas Street, #5500  
Fairfield, CA 94533

Subject: Middle Green Valley Specific Plan  
SCH#: 2009062048

Dear Matt Walsh:

RECEIVED  
Solano County  
Resource Management  
FEB 25 2010  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on February 10, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly-

4.01

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Acting Director, State Clearinghouse

Enclosures  
cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

*SCH#* 2009062048  
*Project Title* Middle Green Valley Specific Plan  
*Lead Agency* Solano County

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*Type* EIR Draft EIR  
*Description* A Specific Plan, providing for 400 new residential units, agricultural tourism uses, and small amounts of public/community and commercial uses on approximately 1900 acres of land. The Plan would establish a land use and circulation layout, associated land use tools such as development clustering, transfer of development rights (TDR)/conservation easement program, and a land conservancy. The Plan also includes an implementation and financing program, in addition to architectural design standards.

---

**Lead Agency Contact**

*Name* Matt Walsh  
*Agency* Solano County  
*Phone* 707-784-6765 *Fax*  
*email*  
*Address* 675 Texas Street, #5500  
*City* Fairfield *State* CA *Zip* 94533

---

**Project Location**

*County* Solano  
*City* Fairfield  
*Region*  
*Lat / Long*  
*Cross Streets* Green Valley Road  
*Parcel No.*  

<i>Township</i>	<i>Range</i>	<i>Section</i>	<i>Base</i>
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**Proximity to:**

*Highways* I-80  
*Airports*  
*Railways*  
*Waterways*  
*Schools*  
*Land Use* Agricultur, Rural residential; Zoning; A-40, RR2.5, RR5; Gp; Specific Project Area.

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*Project Issues* Agricultural Land; Air Quality; Biological Resources; Archaeologic-Historic; Geologic/Seismic; Water Quality; Landuse; Noise; Population/Housing Balance; Other Issues; Public Services; Traffic/Circulation

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*Reviewing Agencies* Resources Agency; Colorado River Board; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Department of Housing and Community Development; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; Public Utilities Commission; Department of Conservation

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*Date Received* 12/28/2009      *Start of Review* 12/28/2009      *End of Review* 02/10/2010

**4. Scott Morgan, Acting Director, State Clearinghouse, State of California Governor's Office of Planning and Research; January 11, 2010**

- 4.01 CEQA Process--SCH requirements met--State Clearinghouse has submitted the DEIR to selected state agencies for review; state review period closed on February 10, 2010; letter acknowledges County compliance with State Clearinghouse review requirements.

*Response:* The comment letter from the State Clearinghouse verifies that the County has complied with state requirements for review of environmental documents. A "Document Details Report, State Clearinghouse Data Base" enclosure attached to the letter indicates that the DEIR state review period started on December 28, 2009 and ended on February 10, 2010 (45 days). Considering the SCH receipt date of Tuesday, December 28, 2009 occurred during the traditional year-end holiday period, the County extended the review period to Friday, February 25, 2010--i.e., 60 days.



# Fairfield-Suisun Unified School District

2490 Hilborn Road • Fairfield, California 94534 • Telephone (707) 399-5148  
FAX: (707) 399-5162 • www.fsusd.k12.ca.us

**RECEIVED**

FEB 18 2010

COUNTY OF SOLANO  
RESOURCE MANAGEMENT

February 16, 2010

Governing Board

Charles B. Wood  
Board President

Pat Shamansky  
Vice President

Dave Gaut  
Clerk

Susan Heumphreus  
Gary Laski  
Kathy Marianno  
Helen Tilley

Superintendent

Jacki Cottingim-Dias, Ph.D.

Matt Walsh  
Principal Planner  
Solano County  
675 Texas Street, Suite #5500  
Fairfield, CA 94533

Re: **Middle Green Valley Specific Plan Draft EIR  
(State Clearinghouse #2009062048) – Request for Public Comment  
Period Extension and Notices**

Dear Mr. Walsh:

On the afternoon of January 4, 2010, the Fairfield-Suisun Unified School District ("District") received the Middle Green Valley Specific Plan ("Project") Draft Environmental Impact Report ("EIR") dated December 21, 2009. As you may know, the District's Winter Break runs from December 21, 2009, through January 1, 2010. Thus, District staff was not able to even begin evaluating the Draft EIR until returning on Monday, January 4, 2010. Reviewing the Draft EIR is a rather daunting task as it is extremely large consisting of 567 pages and references 71 other documents.

The Draft EIR contains a section on the Project's impact to school facilities and identifies many other potential impacts that are important to the District. Unfortunately, the District has not had sufficient time to fully analyze the Draft EIR's impact analyses and suggested mitigation measures and will not be able to complete our review by the end of the comment period currently set for February 25, 2010. In light of the truncated review time afforded to the District and the complexities of the potential impacts of the Project, the District hereby respectfully requests that the public comment period be extended for an additional 30 days to allow the District to complete its review and to informally consult with the County and the Project Applicant.

5.01

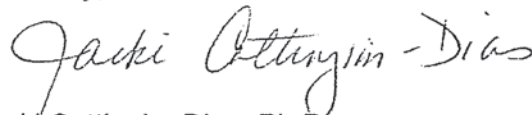
Further, we wish to be kept fully apprised of the process. As authorized by Public Resources Code section 21092.2, the District also requests that it be provided all California Environmental Quality Act notices issued pursuant to Public Resources Code sections 21080.4, 21083.9, 21092, 21108 or 21152 for the Project. Please also provide us with a copy of the Final Environmental Impact Report for the Project once prepared.

Matt Walsh, Principal Planner  
Solano County  
Middle Green Valley Specific Draft EIR  
February 16, 2010  
Page 2

Furthermore, as authorized by Government Code section 65092, the District requests to receive any public hearing notices issued pursuant to Government Code sections 65090 or 65091 for the Project.

We look forward to your response.

Sincerely,



Jacki Cottingim-Dias, Ph.D.  
Superintendent

cc: Phil Henderson, Orbach, Huff & Suarez LLP  
Kelly Morgan, Assistant Superintendent, Business Services  
Kim Van Gundy, Director, Facilities and Construction  
Scott Sheldon, Terra Realty Advisors, Inc.

**5. Jacki Coltingim-Dias, Ph.D., Superintendent, Fairfield-Suisun Unified School District; January 16, 2010**

- 5.01 CEQA Process--longer DEIR review period requested--District's Winter Break (December 21, 2009 to January 4, 2010) overlapped DEIR public review period. District will not be able to complete review of DEIR by February 25, 2010. District requests additional 30 days to review DEIR.

*Response:* The DEIR was sent to the State Clearinghouse (SCH) for review and was received by the State Clearinghouse on December 28, 2009. When a DEIR is sent to the SCH for review, the public review period must be 45 days unless a shorter period of not less than 30 days is approved by the SCH. Any agency or member of the public may request an extension in the Draft EIR comment period. Although the Lead Agency (County) is not required to extend the comment period beyond that required by CEQA (in this case, 45 days), in practice, the County will extend the comment period if a reasonable request is made (RRC sec. 21091, CEQA Guidelines secs. 15087 and 15105). Considering the SCH receipt date of Tuesday, December 28, 2009 occurred during the traditional year-end holiday period, the County extended the review period to Friday, February 25, 2010--i.e., 60 days. The County has determined that this 15 day extension of the comment period beyond that required by CEQA was reasonable and adequate.





STATE OF CALIFORNIA  
 GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
 STATE CLEARINGHOUSE AND PLANNING UNIT



6

ARNOLD SCHWARZENEGGER  
 GOVERNOR

CYNTHIA BRYANT  
 DIRECTOR

February 17, 2010

Matt Walsh  
 Solano County  
 675 Texas Street, #5500  
 Fairfield, CA 94533

Subject: Middle Green Valley Specific Plan  
 SCH#: 2009062048

RECEIVED  
 Solano County  
 Resource Management  
 FEB 25 2010  
 AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

Dear Matt Walsh:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on February 10, 2010. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

6.01

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2009062048) when contacting this office.

Sincerely,

Scott Morgan  
 Acting Director, State Clearinghouse

Enclosures  
 cc: Resources Agency



**6. Scott Morgan, Acting Director, State Clearinghouse, State of California Governor's Office of Planning and Research; January 17, 2010**

- 6.01 CEQA Process--transmittal of state agency letters received after February 10, 2010 close of DEIR public review period.

*Response:* As indicated in response to comment 4.01, the DEIR comment period was extended by the County from the state-required 45-day minimum duration to 60 days. The state agency letter transmitted with this SCH letter (letter 18 from the California Department of Fish and Game, dated February 9, 2010) was received within the extended 60-day comment period, and is responded to in this FEIR document.

RECEIVED

FEB 24 2010

7

COUNTY OF SOLANO  
RESOURCE MANAGEMENT

**Solano County Orderly Growth Committee**

359 Grandview Dr, Vacaville 95688  
707-447-1555

February 24, 2010

Ms. Birgitta Corsello  
Department of Resource Management  
675 W. Texas Street – Suite 5500  
Fairfield, CA 94533

Re: Middle Green Valley Specific Plan Draft Environmental Impact Report

Dear Ms. Corsello:

The Solano County Orderly Growth Committee is a consistent supporter of Solano County's cornerstone policies of city-centered growth and farmland protection. We actively participated in the 2008 General Plan update and the passage of Measure T renewing the Orderly Growth Initiative until 2028.

We recognized and accepted that a condition of the General Plan update was a specific plan process for Middle Green Valley (MGV). We have followed that process and sincerely appreciate the hard work contributed by MGV landowners and the Green Valley Landowners Association.

In many ways the specific plan now being analyzed by this Draft Environmental Impact Report (DEIR) is a model for how a rural residential project can potentially preserve and enhance surrounding agricultural lands.

We offer our comments on the DEIR with the hope that they will help to formulate an even better plan. Recognizing that much has been accomplished is not in itself enough for us to simply endorse the plan or the DEIR. There are numerous shortcomings that still must be addressed before the Orderly Growth Committee can consider supporting this plan.

We thank County staff and consultants for the time and energy they have already expended, and will continue to expend responding to DEIR comments.

Our comments follow.

<i>Reference</i>	<i>Comment</i>
Page 1-3	Section 1.4 describes CEQA requirements for subsequent actions. Given the lack of detail regarding certain aspects of the Specific Plan (for example the provision of water supply and wastewater facilities) it seems clear that subsequent environmental review will be required.  Section 4.4-2 of the Specific Plan also discusses subsequent environmental review.

7.01

<i>Reference</i>	<i>Comment</i>	
	<p>The two sections seem to describe similar but also somewhat different processes to determine the need for subsequent environmental review. For example, different sections of the State CEQA Guidelines are cited. Please provide one consistent discussion of the required subsequent environmental review.</p> <p>Also despite the title of Section 4.4.2 of the Specific Plan (Subsequent Entitlement Process) it should be made clear in the EIR that all discretionary actions (such as the provision of a water supply) will be subject to subsequent CEQA review.</p>	
Project Description	<p>The draft EIR Project Description appears to be based on a Preliminary Draft of the Middle Green Valley Specific Plan dated October 28, 2009 (see footnote 1 on page 2-9 and subsequent footnotes). However, since that time a Preliminary Draft Middle Green Valley Specific Plan dated December 21, 2009 has been published.</p> <p>A basic principle of CEQA is that an <b>accurate, stable and finite</b> project description is required for an informative and legally sufficient EIR. With at least two versions of the Draft Middle Green Valley Specific Plan in circulation clearly the project description is not accurate, stable, and finite.</p> <p>Please:</p> <p>Describe differences between the October 28, 2009 and December 21, 2009 versions of the specific plan.</p> <p>Revise the draft EIR to reflect the December 21, 2009 version.</p>	7.02
Project Description	<p>The Specific Plan (on page 4-37) states that a development agreement will be approved by the Board of Supervisors. The Development Agreement is also mentioned on page 2-39 of the draft EIR.</p> <p>The Development Agreement, however, is not included in the Project Description.</p> <p>CEQA states that a “project” means the whole of the action. The Development Agreement, therefore, is a part of the proposed project.</p> <p>Please revise the Project Description to include the proposed Development Agreement. Furthermore, please revise the draft EIR to include the appropriate environmental analysis of the Development Agreement.</p>	7.03
Mitigation Measures	<p>CEQA requires that mitigation measures be specific, feasible actions that will actually improve adverse environmental conditions. Mitigation measures should be measurable to allowing monitoring of their implementation. Unfortunately many of the mitigation measures in this draft EIR do not meet this standard.</p> <p>For example. Mitigation 3-1 uses words such as “sufficiently protects ...” or “emphasizes building forms ...” without providing standards to measure the effectiveness of the measure.</p> <p>Mitigation 6-1 says “The County shall encourage ....”</p> <p>Mitigation 10-1 says “At County discretion ....”</p> <p>These are examples of inadequate mitigation. Please review each mitigation measure and revise to ensure that each measure is a specific, feasible action that meets the requirements of CEQA.</p>	7.04

Reference	Comment
	<p>Another problem with the mitigation measures is that in some instances they rely on future actions with no assurance that such action will occur.</p> <p>Mitigation 6-2 states that "This mitigation measure is intended to incorporate the final HCP, once adopted".</p> <p>Mitigation 6-12 says "Appropriate construction Best Management Practices such as those recommended in this EIR or in the anticipated Solano HCP to minimize impacts on Steelhead shall also be implemented."</p> <p>What assurance is there that the HCP will be adopted and what is the mechanism to ensure that the relevant aspects of the HCP will be incorporated into these mitigation measures?</p>
Page 2.2-8	<p>Describes Open Lands – Natural. States Conservation Easement holder would monitor and manage lands.</p> <p>Describes – Agricultural Watershed. States Conservation Easement holder would monitor and manage lands.</p> <p>Describes – Agricultural – Preserve. States Conservation Easement holder would monitor and manage lands.</p> <p>This language is confusing given that the Specific Plan describes creation of a Conservancy to monitor and manage lands. A Conservancy is different from an "easement holder". The "Conservancy" has a role. The Conservation Easement holder has a separate role. What is the role assigned to each?</p> <p>Typically, a group such as the Conservancy could manage lands it owns or controls. This same organization, however, would be prohibited from holding a Conservation Easement on these lands. An independent third party (which would likely be a land trust), could hold the easement. Its role would be to monitor for compliance with terms of the conservation easement. Conservation easements typically protect farmlands, in perpetuity, and prohibit development on these lands. Through mutual agreement with the Conservancy, the easement holder could monitor other terms for compliance.</p>
Page 2.3-1,3 & 4	<p>Figures 2.8 (Elkhorn), 2.9 (Nightingale) and 2.10 show houses in the foothills and on the valley floor. The plan states that these houses, in particular, the houses in the hills, will not be visible from Green Valley Rd. Particularly for the hilly grassland areas, this seems implausible. Where is this shown by computer simulations on the actual landscape? If not shown, can it be shown as part of this EIR?</p>
Page 2.3-5	<p>Figure 2.11 shows the trail system. Why would the trails leading to the regional trails be shown only as "potential"? If they are not required as part of the development agreement, when will they be built?</p>
Page 2.3-7	<p>Section 2.4.4 (c) proposes a hierarchy of trails, including hiking trails "within foothill, agricultural and open land areas". Figure 2.11 shows three of them, one leaving each neighborhood and extending into the hills.</p>

7.05

7.06

7.07

7.08



Reference	Comment	
	Are these “proposed trails” required or are they optional? Who will pay for the trails? Who will build the trails? Who will maintain the trails?	
Page 2.4-5	Section 2.4.9 calls for the creation of a Green Valley Conservancy. Will this Conservancy be “required” through the EIR or a development agreement? What powers and revenue sources will it have to ensure that a valid attempt to create a viable agricultural operation will be undertaken? How will Board members be selected? What means will be established to ensure that they serve the Conservancy as a whole and not an individual landowner or developer interest? How will community voices be reflected on the Board?	7.09
Page 3-4	Section 3.1.2 (last paragraph), states: “The plan area is highly valued for these rural scenic qualities; however, the agricultural viability that has contributed substantially to these visual values has been in substantial decline throughout the County.” What has been the value of Solano County agriculture in the five most recent years? Do these statistics bear out this statement? If not, please revise.	7.10
Page 3-16	Impact 3.1 on Scenic Vistas. Left to future review. Mitigation requires future plans to have “sufficient detail” to demonstrate that there won’t be a significant impact on scenic vistas. Could the plan require computer-generated development drawings superimposed over the then existing landscape? Could the plan prohibit development in areas which are then shown to not be “screened” from Green Valley Rd. and other significant viewpoints? What criteria will be used to decide if the impact on scenic vistas is “significant”? How will the Design Review committee be selected to ensure that landowners and developers aren’t approving their own projects?	7.11
Page 4-6	States that the 2008 General Plan Ag subcommittee specifically called for “preserving additional values of agricultural land, including important scenic value within the rural environment, providing habitat, <i>providing options for recreation...</i> ” (Italics added). Completion of trails leading to the Bay Area Ridge Trail west of the project boundary would provide such recreation. Will they be required?	7.12
Page 4-10	Quotes the General Plan Ag chapter as follows: “Support recreation and open space activities that are complementary and secondary to the primary agricultural activities on the land. (Policy AG.P-23) Trails are a very complementary activity on grazing lands. Will the EIR require these trails and actually support recreation and open space activities?”	7.13
Page 4-11 and 4-12	Impact 4.1 states 123 acres of prime farmland would be converted to non-agricultural uses (primarily residential). Mitigation 4.1 states there is no feasible mitigation; therefore the impact is “significant and unavoidable”. Why has the draft EIR not examined and then required available mitigation measures for such a loss, such as requiring protection an equivalent or greater amount of prime farmland elsewhere? This is a feasible and common mitigation for loss of prime farmland. The City of Fairfield, for example, has such a program. At the very least, the transfer of development rights program could be credited as helping mitigate by protecting agricultural lands permanently under a conservation easement and required as mitigation.	7.14

<i>Reference</i>	<i>Comment</i>	
Page 7-16	<p>The discussion under Impact 7-1 does acknowledge that there will be an increase in daily vehicle miles traveled (VMT) associated with development in Middle Green Valley. This increase in VMTs will contribute to an annual long-term increase in greenhouse gases.</p> <p>Mitigation measure 7-1, however, does not provide for any mechanism to reduce VMTs associated with the project. Table 7.3 indicates that there are very little, if any, measures in the Middle Green Valley Specific Plan that will reduce VMT that would be normally associated with typical suburban development.</p> <p>Please describe measures in the Specific Plan that will reduce VMT and please private a mitigation measure that will achieve reduced VMTs.</p>	7.15
Chapter 10, Geology and Soils	<p>Chapter 10 includes a considerable discussion of the Green Valley fault, its location through the project area and further discussions about soil stability.</p> <p>Why is there no discussion of water lines and water storage tanks that may be sited on or near the fault line or on unstable hills and slopes?</p> <p>Why does the DEIR completely avoid any discussion or analysis of potential sites for water storage tanks, and the corresponding risks entailed with water lines potentially crossing the fault line or unstable slopes?</p> <p>Why does Mitigation 10-2 defer geotechnical analysis to a later date?</p> <p>Why is Mitigation 10-2 silent about utility lines and storage tanks?</p> <p>Has there been any analysis for risk in case of leaks, spills or catastrophic failure?</p>	7.16
Page 11-14	<p>Impact 11-3 acknowledges that residential development is proposed within the Lakes Madigan &amp; Frey Dam Inundation Areas and Green Valley Creek 100-year flood zone. Yet the EIR fails to provide any meaningful analysis of this impact "since there are as yet no specific development proposals associated with these residential land use designations, direct flooding impacts cannot be determined". This simply does not make sense. Why designate residential development within a 100-year flood zone or a dam inundation area? Why not simply only designate residential development outside of either the flood zone or the dam inundation area? Mitigation 11-3 states that compliance with County policies will mitigate this impact to a less-than-significant level. There is, however, no analysis of the effectiveness of the county policies or the impacts of implementing such policies. For example if it is necessary to elevate the lowest floor of a structure above the 100-year flood surface elevation (as implied by policy HS.P-5) how much grading would be required and would this exacerbate flooding someplace else?</p>	7.17
Page 12-12	<p>There is a discussion here titled "consistency with applicable Land Use Plan, Policies, and Regulations". This discussion, however, only provides policies and programs from the 2008 Solano County General Plan. What about other applicable land use plans, policies, and programs?</p> <p>On page 2-41 it is stated that implementation of the water supply and wastewater system would require voter, City of Fairfield, Fairfield-Suisun Sewer District, and Solano County Local Agency Formation Commission approvals.</p>	7.18



<i>Reference</i>	<i>Comment</i>	
	Please provide the relevant goals and policies of the City of Fairfield, Fairfield-Suisun Sewer District, and Solano County LAFCO, plus any other relevant agencies, and assess consistency of the Specific Plan with those goals and policies.	
Page 14-7	<p>In the discussion of Housing Supply Impact it is stated that “The contribution to the ABAG-identified housing need for each income category (“very low,” “low,” “moderate,” and “above moderate”) has not been established”.</p> <p>What exactly does this mean? What are the requirements of the County’s housing element in regard to this Specific Plan? What is the purpose of allowing for 100 secondary housing units? What requirements will there be for the provision of “affordable housing” in Middle Green Valley”. Will the employees of the various community services (the chapel, farm stand, elementary school, land conservancy office) or the neighborhood commercial be able to afford to either rent or buy a home in Middle Green Valley? What plans are made for farm worker housing?</p>	7.19
Page 15-4	<p>Page 15-4 refers to compliance with General Plan policies that:</p> <p>“Promote patterns of development that encourage physical activity to reduce obesity, cardiovascular disease, asthma, diabetes, or injury; and that contribute to a ‘sense of place’ and emotion well being. (policy LU.P-34</p> <p>“Integrate public health concerns into land use planning and decision making. (Policy HS.P-38)”</p> <p>Here is a prime opportunity to link improved health and health outcomes with the designed environment that Dr. Richard Jackson advocated for in a health conference sponsored by the County several years ago and obviously incorporated into General Plan policies. Again, will the draft EIR turn this into reality by requiring completion of trails linking to the Bay Area Ridge Trail west of the project?</p>	7.20
Pages 15-8 and 9	<p>CEQA requires that where mitigation measures may cause significant effects in addition to those that would be caused by the project the effects of the mitigation measure shall be discussed. The draft EIR does not do this.</p> <p>One example is Mitigation 15-1.</p> <p>Impact 15-1 refers to storage of agricultural products. Mitigation 15-1 requires a 200-foot buffer between residential and school uses within the plan area and existing Green Valley neighborhoods to the north and agricultural lands. How many acres would this buffer consist of? Where on a map would they be located? Who would own these acres? How would they be landscaped? How would they be maintained? Who would pay for landscaping and maintenance? How much would agricultural lands be reduced to provide this buffer? How many of them are on prime farmland or other lands of importance for farming? How will this additional loss of farmland be mitigated? How will mitigation prevent these areas from becoming sources of noxious weeds that infiltrate agricultural areas and significantly add to the cost of farming?</p>	7.21

<i>Reference</i>	<i>Comment</i>	
Chapter 16, Public Services and Utilities	<p>Why does the project DEIR not specify and fully analyze one system for domestic water service and one system for sewage disposal?</p> <p>In County of Inyo v. City of Los Angeles/ (3d Dist. 1977) 71 Cal. App. 3d 185, 193 {139 Cal. Rptr: 396} the court held that "An accurate, stable, and finite project description is the sine qua non of an informative and legally sufficient EIR". We contend that this DEIR fails to meet the test of a "stable and finite" project description.</p> <p>The Project must provide adequate detail about "the" proposed methods of providing domestic water and sewage treatment. None of the alternatives are fully analyzed, nor can the reader or policy makers evaluate the impact as no preferred alternative has been recommended.</p> <p>CEQA does not allow an EIR to defer decisions of this magnitude until a future date.</p>	7.22
Page 16-7 and appendix 23.4, discussion of Fairfield's Water Supply Assessment	<p>Water Supply Option A assumes that the City of Fairfield can supply water for project domestic consumption. Why has there been no analysis of the constraints imposed by Fairfield's voter approved Urban Limit Line initiative, known as Measure L?</p> <p>Section 2. B. 1. Policy LU 3.1 of Measure L states: "What is urban shall be municipal, and what is rural shall be within the County. Any urban development requiring basic municipal services shall occur only with the incorporated City and within the urban limit line established by the General Plan."</p> <p>This policy can only be changed by another initiative measure.</p> <p>Is domestic water not considered a "basic municipal service"?</p>	7.23
Page 16-8, (h) Solano County Local Agency Formation Commission	<p>Why does the DEIR only provide a cursory and misleading overview, of Government Code Section 56133?</p> <p>The complete Code Section is attached to this letter as an appendix. The Section provides for three possible ways a city or district can provide service outside its jurisdictional boundaries.</p> <p>Subsection (b): When the area to be served is "...within its sphere of influence in anticipation of a later change of organization." Does the DEIR suggest that MGV is within Fairfield's sphere in anticipation of annexation?</p> <p>Subsection (c): If the area to be served is "...outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory..." Does the DEIR suggest that current residents suffer public health or safety problems?</p> <p>Subsection (e): This section discusses agreements between two or more public agencies for provision of service. The critical language states: "...where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider." If this section is what the Project is relying upon, please explain who the current "public service provider" is and what "public services" are already being provided?</p>	7.24



<i>Reference</i>	<i>Comment</i>	
Page 16-11, Policies PF P-18 & 19	These two policies from the General Plan discuss minimum lot sizes and distinguish between on-site wells and individual septic systems versus public water systems. Depending on the mix of services minimum parcel sizes can vary from 1 to 5 acres. Please explain how these policies are being complied with under the preferred methods of providing for water and sewage disposal?	7.25
Page 16-11, Policy PF I- 13	If on-site water supply is what is being proposed, why has there not been a hydrologic assessment consistent with this policy?	7.26
Page 11-6, 11.1.4.(b), Middle Green Valley Groundwater Characteristi cs	This section states: "This basin is not used in a significant capacity because of low yields and poor water quality. Groundwater levels in the basin drop in dry years, but rebound in wet years." Has there been any hydrologic testing to support this statement, or contradict it if on-site water supply is needed?	7.27
Pages 16-15 through 16- 17. Water supply Option A	We acknowledge that the City of Fairfield has an adequate water supply to serve the project. However, as discussed earlier, how can this project overcome the limitations imposed by State Government Code Section 56133 and Fairfield's voter approved Measure L?	7.28
Pages 16-17- 20, Water Supply Option B	This section is replete with speculative assertions and proposed deferred studies. Has there been any current study to support the assertion that the aquifer is in excess of 400 feet thickness? How can this plan be thoroughly evaluated when hydrologic studies are called for at a future time? On what basis can it be claimed that a future Water Master Plan would result in "less-than-significant environmental impact"? How can Mitigation 16-1 be considered mitigation when only speculative measures are being considered? What is there for readers or policy makers to objectively evaluate for mitigation measures, other than speculation?	7.29
Pages 16-24 through 25. Other Water Construction Activities	The discussion for both alternatives A & B cover the need for two 250,000 gallon water storage tanks and approximately 4.5 to 9 miles of new onsite pipeline. Once again, deferred studies are proposed to eventually show that there is adequate water and pressure to meet fire district standards. How can the reader or policy makers evaluate this lack of specificity and particularly make a judgment that these proposed, future studies will result in a finding of less than significant?	7.30
Page 16-29, Paragraph 16.2.4 (c) Specific Plan	Here again the DEIR lacks specificity in defining the project. Which of the three wastewater options is being proposed, and which is being fully analyzed for its environmental impacts?	7.31

Reference	Comment	
Proposed Wastewater Treatment Options	<p>Wastewater is even more amorphous than domestic water provision analysis in this EIR. We now have three options, none of which are fully analyzed. Why is this DEIR incapable of committing to an “accurate, stable, and finite” project description?</p> <p>On the bottom of page 16-32 is a intriguing comment: “...options B and C would also include a back-up connection of the onsite recycling system to the Fairfield-Suisun Sewer District wastewater treatment system in response to <i>anticipated</i> (italics added) County and RWQCB requirements.” If you anticipate requirements, does not CEQA require that you analyze such reasonably anticipated requirements?</p>	7.32
Page 16-30, (1)	<p>Option A suggests that a “blue pipe” system could be used for toilet flushing, but then goes on to say that option A would have no wastewater recycling? Which is it, wastewater recycling or not? On page 16-13 (b) the DEIR shows a strong preference for “onsite water recycling would supply water to most development area toilets.” Why now is there not a complete description of how this recycling program will work?</p>	7.33
Page 16-30 (2)	<p>Option B for wastewater treatment anticipates a local collection and treatment system. This leads to a series of unanswered questions.</p> <p>Has the location of the proposed wastewater treatment plant been subjected to geotechnical analysis for its proximity to the Green Valley fault line?</p> <p>Do the sewage lines cross the fault line or other unstable hills and slopes, and how are the lines protected from seismic failure?</p> <p>Has there been any meaningful analysis of the “approximately 60 percent” of waste water diverted to agricultural and other irrigation users? Who will use this water? How will it be distributed? If there is a desire for organic farming in the area, can treated wastewater be used while still maintaining an organic status?</p> <p>How would the wet weather diversion to the Fairfield Suisun Sewer District be handled?</p> <p>Will any connection to the FSSD system be allowed under the City, LAFCO and State guidelines cited earlier?</p>	7.34
Page 16-32 (3)	<p>Option C is proposed to be a hybrid of the grossly unanalyzed options A &amp; B. The recommendation for a County Service Area lacks any meaningful fiscal analysis.</p> <p>What would happen if the project were approved, sales were slower than anticipated and a CSA with some undefined budget cannot manage its affairs?</p> <p>The proposed CSA should include at least a rudimentary budget and financing structure to allow the reader and policy makers to determine if such a proposal has any chance of long term financial stability. What is the proposed budget and financing structure of the CSA?</p> <p>Has there been any contact with the Regional Water Quality Control Board to see if they have an opinion of the feasibility of this, or any of the other proposed options?</p>	7.35



<i>Reference</i>	<i>Comment</i>	
Page 16-32 (d)	The recycled wastewater will need a 250,000 gallon storage tank. Where will this tank be located? Has the location be analyzed for seismic safety? Has there been any analysis for risk in case of leaks, spills or catastrophic failure?	7.36
Page 16-33	What analysis has been done to support the contention that whatever this system is, will be "...expected to produce less sludge than from more conventional treatment plants..."? This is yet another example of pure speculation that is pervasive in this DEIR. Where is the quantitative and qualitative analysis that this sludge would be safe and appropriate for use as compost and fertilizer?	7.37
Page 16-33 (e)	A Wastewater Master Plan is proposed to be completed at a later date.  Why is a significant component necessary for analysis of this project put off for a future study? A master plan is needed as a critical element of this DEIR for complete understanding and analysis of the project.  How can any reader or policy maker make any sense of this project's wastewater disposal system when there is no specific method identified, no funding or management system identified, and no means of ultimately disposing of the effluent or sludge identified?	7.38
Page 16-34, Mitigation 16-4	Four very complex measures are proposed that would reduce the impact to less than significant. The analysis is lacking any serious credibility.  Where is the CSA fully analyzed? Where is the "proposed" Wastewater Master Plan?  Where is the proposed agreement with FSSD? What are the projected connection and user fees needed to fund this system?  What the potential cost per unit necessary to finance all of the above?	7.39
Page 16-35, Impact 16-5	Why have the project proponents not proposed a single preferred treatment option, complete with scientific and fiscal analysis? Are the three different treatment options intended to work independently or separately? Again, there is no cogent or complete analysis of the wastewater treatment options. We appreciate that at least the crafters of this so called plan recognize that this is a <b>potentially significant impact</b> .	7.40
Page 16-48	Mitigation 16.9 requires management of fire danger, specifically by "fuel modification and/or brush clearance in adjacent areas". How will this fuel modification or brush clearance impact the visibility of structures from Green Valley Rd. and other locations? Which housing areas will be affected as shown on a project map? How will this requirement be reconciled with the protection of vistas called for in the chapter on aesthetics (mentioned above) so that mitigation in both cases remains valid?	7.41
Page 16-52	Cites General Plan policies that would:  "Provide trail links and an integrated trail system to connect people to accessible open spaces and to regional trail routes (Policy RS.P-41)  "Encourage the use of existing natural and human-made corridors, such as creeks, railroad rights of way, and corridors when creating future bike path and trail alignments (Policy RS.P-42)	7.42

<i>Reference</i>	<i>Comment</i>
	<p>“Support the provision of public lands for use in a trail network and where private land is necessary for creating connections for bike path or trail alignments. Work collaboratively with property owners to secure easements across private lands. (Policy RS.P-44)</p> <p>“Support the completion of regional trails that link within destinations within Solano County and beyond, including the San Francisco Bay Trail, the Bay Area Ridge Trail and Carquinez Trust Trail Plan. (Policy RS.P.45)”</p> <p>Figure 2.11 shows two secondary Access/Emergency Vehicle Access roads leading into adjacent agricultural lands outside of and to the west of the study area boundary from the Neighborhood Roads Type 3 coming from the Three Creeks and the Elkhorn neighborhoods. They also show potential trails following the paths of these two roads as well as potential trails from the Nightingale Neighborhood heading west then north to connect to the Three Creeks Trails.</p> <p>To achieve the provision of trail links identified in the General Plan policies cited above to regional trails routes, these emergency roads could be designated as trails and required to be open to the public. Would the policy makers consider this as a feasible way to achieve the goal of linking with a planned segment of the Bay Area Ridge Trail?</p> <p>It could be done at minimal additional cost for signage. Existing trails frequently are located on lands with active cattle-grazing operations without detrimental impact to the public or to grazing. The County could accomplish this by negotiating with the landowner or requiring dual use as a condition of development. At the same time, it appears that the trails alongside of the Neighborhood Roads to hillside residences aren't to be built at the same time as the roads are.</p> <p>Why are these links for residents living in exclusive hillside areas not being required as part of the specific plan?</p> <p>Won't these residents want this amenity if those living on the valley floor have a system of trails?</p> <p>If they aren't part of the project, when will they ever be built?</p> <p>All of the General Plan policies cited above and part of the Draft EIR are tacit evidence that the authors understand there is a nexus between the General Plan and implementation through this Specific Plan. The Specific Plan itself, Section 5.7.4 states, “A network of trails, paths and trailheads are to knit the community together and provide links to regional open space and adjacent residential areas.” Maps of the trails in the DEIR show how trails ALREADY exist in the area: a segment of the Bay Area Ridge Trail leads from Rockville Hills Park into Eastridge where a City trail continues down to Green Valley Rd. The Green Valley Rd. trail leads up into Green Valley where they connect with the trails proposed for the Specific Plan.</p> <p>Will these proposed trails be built as part of the project? Will they be required?</p> <p>If not, how can the Specific Plan be consistent with all of the policy language in the General Plan?</p>



Reference	Comment	
	<p>If there are trails in the hills, will they be a part of the Conservation Easement where they cross agricultural lands?</p> <p>Open Space trails may be various widths (single track to approximately one car lane) but a 50-foot easement allows flexibility for contouring to avoid steep slopes, various land features, and erosion, once an initial corridor has been identified. Can this be made part of the Conservation Easement?</p>	
Page 16-53	<p>Page 53 cites General Plan policy that says: "The County shall encourage development of linkages (such as riding, hiking and biking trails) between population centers and regional recreation facilities.... (Policy 7B)."</p> <p>See comments in reference to Page 16-52 and 16-55 below; they apply to these policies also.</p>	7.43
Page 16-54	<p>The Specific Plan would set aside areas for passive and active recreation by designating approximately 24 acres as <i>Open Lands-Passive and Active</i>. Page 55 estimates 25 acres. Is it 24 or 25 acres set aside for recreation? Text on page 54 identifies 1-1.5 acres at Elkhorn as a green, 5 acres at Nightingale as sports fields and .75 acres in Three Creeks as a green for a total of 6.75 acres. Where are the other 24-5 acres?</p> <p>Is the rebuilding of the Green Valley Rd. trail included?</p> <p>If yes, why is it eligible for inclusion as it is a replacement of an existing amenity?</p>	7.44
Page 16-55	<p>In the discussion of the impact of Specific Plan Parks and Recreation facilities it is simply stated "the parks and recreation components proposed by the Specific Plan are not expected to have any additional specific adverse physical (environmental) effects". Please provide the analysis and / or evidence for this conclusion.</p> <p>In addition, Impact 16-11 is missing the elephant in the room. It talks about "coordination" with the Bay Area Ridge Trail ONLY in terms of making sure that trails WITHIN the project area meet BART standards. This is only of concern if the trails are to link. Nowhere does the draft EIR state that there will be an impact if the trails don't link. Impact 16-11 also fails to identify which trails are required to be built. Which trails are required? When must they be built?</p> <p>The planned segment of the BART would run along the ridge to the west of the Specific plan area, connecting Lynch Canyon Open Space to the southernmost Vallejo Lakes property. The emergency roads leaving the Specific Plan area head west. Where do they go?</p> <p>How far are they from the vicinity of the planned BART segment?</p> <p>When will these emergency roads be built?</p> <p>Is there any reason they can't be designated as part of the trail system?</p>	7.45
Page 16-56	<p>It is stated here that the cumulative parks and recreation impact would be less than significant.</p> <p>A visit to Rockville Hills park would demonstrate that this park clearly attracts more uses (hikers, off-road bicycles, etc.) than the park can comfortably accommodate. It is likely that future residents of Middle Green Valley will also want to use the trails and</p>	7.46

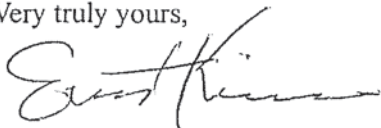
Reference	Comment	
	other amenities at Rockville Hills park. What evidence is there that Middle Green Valley residents will not contribute to an increase in demand for facilities at Rockville Park?	
Mitigation 17-1(1)	<p>The DEIR states that traffic at Green Valley Road and Westlake Drive would change from LOS C to LOS E with the addition of the project; however, the DEIR states that since it only happens once a day and drivers can avoid the congestion by using other streets, there is no mitigation required. This is a violation of both the intent and language of State CEQA Guidelines Section 15126.4 "Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects." It should be assumed that some level of mitigation will be required, and the funds will be collected from the start of building, rather than from "subsequent individual subdivision map approvals in the plan area."</p> <p>What mitigations are planned to reduce the LOS back to pre-project levels at Green Valley Road and Westlake Drive?</p> <p>How will the traffic improvements be funded from the start of the project?</p>	7.47
Mitigation 17-1(2)	<p>The DEIR calls for the proportional sharing of costs to improve the Green Valley/I-80 interchange, including the associated intersection of Green Valley and Business Center Drive. However, since the Green Valley/I-80 Eastbound on-ramps are already at LOS F, there is no indication how that proportionality will be determined. Other measures than LOS will need to be used, such as wait time at the intersection or number of cars waiting to pass through the intersection. The mitigation should be based on whatever it takes to bring that measure of congestion back to pre-project levels. Secondly, the DEIR needs to address when that proportionality will be addressed, so that assessments can be made over the entire lifetime of the project, not just on the latter end of the project.</p> <p>What other measures of congestion can be used to determine the amount of congestion at the Green Valley/I-80 interchange?</p> <p>How will the proportionality be assessed, and more importantly, when will it be assessed?</p>	7.48
Mitigation 17-1(3)	<p>The DEIR claims that there is no feasible way to make interim improvements to the Green Valley/I-80 interchange that would significantly improve traffic congestion at those intersections. It also claims that because the effected intersections are in another agency's (the City of Fairfield) jurisdiction, any mitigations considered might not be implemented. These are not valid reasons under CEQA to not conduct an analysis or not propose mitigation. Interim mitigations could include a temporary traffic signal that is only operational during peak hours, or even a non-engineered solution: the presence of a traffic policeman to direct traffic.</p> <p>What are the interim and final improvements that will be made to the Green Valley and I-80 interchange and related intersections?</p> <p>How and when will an agreement be made with the City of Fairfield to make those improvements to the Green Valley/I-80 interchange?</p>	7.49



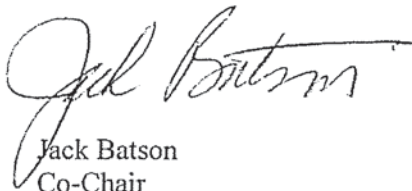
<i>Reference</i>	<i>Comment</i>	
Page 17-17	Transportation and Circulation Element goals and policies also promote trails, including “Encourage the use of alternative forms of transportation such as transit, walking and bicycling to alleviate congestion and promote recreation. (Goal TC.G-4)” Again, will this general plan goal lead to connections to the Bay Area Ridge Trail?	7.50
Page 17-19	Further policies cited here include the following: “Encourage access to open space and recreation through the development of safe, convenient, and connected walking paths, trails, bicycles and neighborhood-based parks and recreation options. (Policy TC.P-25)  Accommodate pedestrians and bicyclists in the design and construction of roadway improvements on public facilities. (Policy TC.P-26)  Require projects to facilitate bicycle and walking access when feasible. Adopt development standards and design guidelines that support such access. (Policy TC.I-25)  A regional trail system, significant parts of which already exist in the area, provides these recreational options. Access to them, however, is dependent on the Specific Plan and the EIR having teeth. Will the EIR require these connections, as Policy TC.I-25 immediately above suggests should be done?	7.51
Page 17-20	The EIR analysis for the pedestrian system assumes that “a significant impact would occur if the project would result in substantial overcrowding on sidewalks, create potentially hazardous conditions for pedestrians, or otherwise interfere with pedestrian accessibility to the site and adjoining areas.” How can the project avoid this impact if it doesn’t require trails to be completed?	7.52
Page 17-21	The EIR for the bicycle systems likewise assumes “a significant impact would occur if the project would create potentially hazardous conditions for bicyclists or otherwise interfere with bicycle accessibility to the site and adjoining areas.” How can the project avoid this impact if it doesn’t require trails to be completed?	7.53
Page 20-1 and 2	The discussion of growth-inducing effects refers to “water and sewer user connection prohibitions set forth in the proposed County Service Area formation and proposed by the Fairfield Municipal Water and FSSD”. These prohibitions, however, are not discussed. Please provide the proposed prohibitions and any pertinent analysis.  Growth inducement can occur in many ways. One type of growth inducement would be the setting of precedents that could allow similar development to occur in the future. It seems that the establishment of a County Service Area with the provision of municipal water by the City of Fairfield and wastewater facilities by the Fairfield-Suisun Sewer District would set a precedent that could be used to facilitate growth in other portions of the unincorporated County. This would be a significant adverse growth inducing impact.  Please explain what assurances there are that the establishment of a CSA and the provision of municipal services would not be able to be done in other portions of unincorporated Solano County and therefore encourage similar urban development.	7.54

The Orderly Growth Committee thanks you again for the opportunity to make these comments. We hope that in responding to these comments the project will be stronger and more viable. We believe the Specific Plan has merit, and again applaud those people who worked so diligently to create it.

Very truly yours,



Ernest Kimme  
Co-Chair



Jack Batson  
Co-Chair



## Government Code 56133.

(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county.

(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.

(c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:

(1) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

(d) The executive officer, within 30 days of receipt of a request for approval by a city or district of a contract to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of those requests to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the contract for extended services. If the contract is disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.

(e) This section does not apply to contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider. This section does not apply to contracts for the transfer of nonpotable or nontreated water. This section does not apply to contracts or agreements solely involving the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county. This section does not apply to an extended service that a city or district was providing on January 1, 1994. This section does not apply to a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.

**7. Ernest Kimme, Co-Chair, and Jack Batson, Co-Chair, Solano County Orderly Growth Committee; February 24, 2010**

- 7.01 Introduction--CEQA Requirements for Subsequent Actions--DEIR p. 1-3, section 1.4-- seems clear that subsequent environmental review will be required. Section 4.4-2 of Specific Plan describes similar, but somewhat different process for subsequent environmental review (cites Public Resources Code Section 21000 et seq.) [note: PRC sec 21000 reference includes entire California Environmental Quality Act]--one consistent discussion should be provided. Also, should be made clear that all discretionary actions (such as provision of water supply) will be subject to subsequent CEQA review.

*Response:* The description of anticipated "second tier" environmental review procedures on DEIR p. 1-3 is correct and is consistent with Public Resources Code Section 21000 et seq. The explanation of the County treatment of subsequent discretionary actions within the plan area is accurately described in DEIR section 1.4. As explained, it may be determined through this process that some subsequent discretionary actions are fully covered within the scope of this program DEIR or may be exempt from CEQA under CEQA secs. 21086 et al.

Please see Master Response C.

- 7.02 Project Description--DEIR project description based on October 28, 2009 version of Specific Plan (footnote 1 on DEIR p. 2-9). Should describe differences between October 28 and December 21, 2009 versions of plan; should revise DEIR to reflect December 21 version of Specific Plan.

*Response:* There are no differences between the October 29 and December 21 versions of the plan that would result in a new significant environmental impact, a substantial increase in the severity of an impact already identified, or an additional feasible project alternative or mitigation measure considerably different from those analyzed in the DEIR. The Staff Report that goes to the Planning Commission and Board of Supervisors with this Final EIR will include an attachment that lists the key differences between the two plan versions and will verify this conclusion.

- 7.03 Project Description--Development Agreement--project description should include proposed Development Agreement and DEIR should be revised to address Development Agreement.

*Response:* The DEIR incorporates the Master Development Agreement (MDA) into the Project Description by reference on DEIR p. 2-29. The MDA does not expand on the physical scope of the proposed Specific Plan. Please see Master Response F.

- 7.04 General Comment on DEIR Adequacy--mitigation measure adequacy--mitigations are not all measurable, allowing monitoring; some provide no standards to measure effectiveness and are therefore inadequate. For example, Measure 3-1 uses terms "sufficiently protects," and "emphasizes building forms"; Mitigation 6-1 uses term "County shall encourage"; Mitigation 10-1 uses term "at County discretion"; these are examples of inadequate (immeasurable) mitigation; other mitigations rely on future actions with no assurance that action will occur (e.g., Mitigation 6-2 says "incorporate in the Final HCP, once adopted").

*Response:* Please see Master Responses B and C.

- 7.05 Project Description--Table 2.2 on DEIR p. 2-18--role of conservation easement holder under Conservancy confusing--language regarding conservation easement holder responsibilities confusing and possibly inconsistent with Specific Plan description of Conservancy role. Easement holder and Conservancy have separate roles--what role is assigned to each?

*Response:* Please refer to Master Response H for more detailed information on the project-proposed Conservancy. The Conservancy oversees the management of Specific Plan-designated Open Lands by the landowner and Conservation Easement holder to ensure consistent management throughout the plan area, as indicated on Specific Plan pages 4-7, "Connecting on Many Levels" and 4-18, Section 4.32.3, "Transfer of Development Rights." The final version of the Specific Plan will include added language to further clarify these roles.

- 7.06 Project Description--Figures 2.8, 2.9 and 2.10 show houses in foothills. Plan states these houses would not be visible from Green Valley Rd. Seems implausible. Can EIR show with computer simulations?

*Response:* As part of Specific Plan preparation, the designation of "Land Visible from Green Valley Road" as reproduced on DEIR Figure 3.2, was prepared to identify those lands visible from Green Valley Road, consistent with Specific Plan Policy P-1, that were not screened by landforms, or woodland/riparian vegetation. This computer-based analysis utilized existing contours, vegetative buffers (in particular the riparian buffer along Green Valley Creek), and existing woodland tree clusters in the hillsides. All proposed development in the hillsides was located in those areas not visible from Green Valley Road. Nevertheless, for purposes of conservative "worst case" visual impact assessment, DEIR Impact 3-1, as described on DEIR pp. 3-15 and 3-16, does not rely entirely on the Figure 3.2 indications, but rather assumes that, until individual project-specific applications are submitted with associated detailed design information sufficient to verify to the Conservancy Design Review Committee (CRC) and County staff satisfaction, "adequate protection of scenic vistas and screening from Green Valley Road, it is assumed that future individual development projects...would have the potential to alter foreground and middle ground views from Green Valley Road." This possibility is identified as a "potentially significant impact." Accordingly, Mitigation 3-1 requires demonstration to the satisfaction of the CRC, County staff, and County Planning Commission, "Prior to County approval of any future plan area subdivision or other discretionary application," that the development design "sufficiently protects existing visual access from Green Valley Road...towards foreground and middle-ground rural landscapes and the Western Hills background..., [and] maintains building rooflines that do not exceed existing landforms and vegetative screening."

- 7.07 Project Description--Trail System--DEIR Figure 2.11; why are regional trails shown as "potential"; when will they be built?

*Response:* Please see Master Response E.

- 7.08 Project Description--Trail System--Figure 2.11--are "proposed trails" required or optional? Who will pay for trails?

*Response:* Please see Master Response E.

- 7.09 Project Description--proposed agricultural/open space protection--DEIR sec. 2.4.9--questions regarding proposed Conservancy--required through EIR or Development Agreement?; what powers and revenue sources are identified to ensure creation of viable ag. operation; how will Board members be selected; how will service to Conservancy as a whole (not individual landowners or developer interests) be ensured; how will community voices be reflected on Board?

*Response:* Please see response to comment 7.05 and Master Responses A and H.

- 7.10 Aesthetics--Middle Green Valley visual characteristics--section 3.1.2 on DEIR p. 3-4 says ag. viability has been in substantial decline in County; what has been value of County ag. in five most recent years; do such statistics support this statement?

*Response:* The reference to the decline in agricultural viability throughout the County on DEIR p. 3-4 was reiterated from the adopted Solano County General Plan. The question of agricultural viability is not an environmental issue that warrants evaluation under CEQA.

- 7.11 Aesthetics--Mitigation 3.1, Impacts on Scenic Vistas--DEIR p. 3-16--left to future review; could plan require future computer simulations; could plan prohibit development in areas not "screened" from Green Valley Road and other significant viewpoints; what criteria will be used to decide if impact on scenic vista is "significant"; how will Design Review committee be selected?

*Response:* Please see response to comment 7.06. Also, as re-explained under Master Response H, the Conservancy Design Review Committee (CRC) will be an advisory group only, providing input to the established County-implemented design review process for discretionary development approvals in the plan area.

- 7.12 Agriculture--Solano County General Plan--DEIR p. 4-6--will completion of trails leading to Bay Area Ridge Trail west of project boundaries be required?

*Response:* Please see Master Response E. The Specific Plan has no regulatory authority over properties outside the plan area, including properties between the west boundary of the plan area and the Ridge Trail. There is no General Plan policy or implementation program calling for specific linkages between Middle Green Valley and the Ridge Trail. The "potential trails" indication was intended to retain the potential for possible links in event that related future permit restrictions could be agreed upon between affected private property owners outside the plan area and interested State and Federal jurisdictional agencies.

- 7.13 Agriculture--Solano County General Plan--DEIR p. 4-10--Policy AG.P-23--will EIR require these trails and actually support recreation and open space activities?

*Response:* Please see Master Response E. Implementation of Specific Plan trail provisions as proposed would inherently advance County General Plan and proposed Specific Plan recreational and trail objectives.

- 7.14 Agriculture--Impact 4.1, Impact on Prime Farmland--DEIR pp. 4-11 and 4-12--DEIR describes this impact as unavoidable--why has DEIR not required protection of equivalent or greater amount elsewhere? City of Fairfield program cited. At least the project TDR program could be credited with helping to mitigate by requiring protection of ag. lands permanently under conservation easement.

*Response:* The plan area includes approximately 700 acres of state-designated "Prime Farmland." Implementation over time of the proposed Specific Plan land use layout could convert up to approximately 123 acres of this total to non-agricultural use; thus the DEIR conservatively identifies a significant environmental impact under a literal interpretation of significance criterion (a) on DEIR p. 4-11.

A principal goal of the Specific Plan, implemented through the combination of the plan-proposed Green Valley Agricultural Conservancy, Agricultural Conservancy, Agricultural Business Plan, Resource Management Plan, and Transfer of Development Rights program, is to return a substantial portion of this 700-acre "Prime Farmland" total that has not been in recent cultivation, back to cultivated agricultural use, likely amounting to substantially more "Prime Farmland" returned to civilization than the approximately 123 acres of "Prime Farmland" potentially converted. Please also see response to comment 1.02.

- 7.15 Climate Change--Mitigation 7-1, Specific Plan-Related and Cumulative Increase in Greenhouse Gas Emissions--DEIR p. 7-16--mitigation provides no mechanism for reducing project VMT. Table 7.3 indicates very little in Plan to reduce VMT normally associated with suburban development; DEIR should describe measures in Specific Plan that will reduce VMT and DEIR should provide mitigation that will reduce VMT.

*Response:* The commenter is correct that the DEIR includes no mitigation mechanism for reducing "business-as-usual" plan area generated VMT. The semi-rural location of the plan area and associated relatively low levels of transit service limit the feasibility of substantial trip diversion to transit. The DEIR explains on p. 7-15 that project-related transportation emission rates will likely decrease in future years due to increased fuel efficiency and lower carbon content in fuels. In addition, Mitigation 7-1 on DEIR p. 7-16 calls for Specific Plan-related second-tier discretionary approvals to incorporate features in the project design that would accommodate convenient public transit and promote direct access for plan area bicyclists and pedestrians to major destinations. Fundamentally, however, while the Specific Plan would provide for relatively compact housing development, it would not promote the true "transit-oriented" or "mixed use development" land use strategies promoted by the State of California Governor's Office of Planning and Research (OPR)--see DEIR Table 7.3, "Specific Plan Consistency with Applicable State OPR-Identified GHG Reduction Measure Examples," on DEIR pp. 7-18 and 7-19.

- 7.16 Geology and Soils--Green Valley fault--Mitigation 10-2, Expansive Soil Hazards--mitigation deferral--water lines and storage tanks--no discussion of water lines and water storage tanks that may be sited on or near Green Valley fault; why does DEIR avoid analysis of potential water tank sites and corresponding risk of water lines potentially crossing fault line or unstable slopes? Why does Mitigation 10-2 defer mitigation to a later date? Why does Mitigation 10-2 not address utility lines and storage tanks? Any analysis of risk from leaks, spills or catastrophic failure.

*Response:* By law, all project water system and wastewater system treatment, system, pipe system, and other engineered components would be required to be designed according to comply with the 2006 International Building Code, Chapter 16, and as amended in the future, which sets forth current, state-of-the art engineering design requirements for ground failure and lateral forces due to such as earthquakes for all utility structures. All plan area water and wastewater infrastructure systems would need to be designed and built to this periodically updated code, similar to all permitted structures in California.

- 7.17 Hydrology and Water Quality--Impact and Mitigation 11-3, Flooding Impacts--DEIR p. 11-4--why not designate residential development outside 100-year flood zone or dam inundation area? What assurance is there that compliance with County policies will mitigate this impact? How much grading would be required to comply with policy HS.P-5?

*Response:* Only one residential lot, an existing "Compound Lot," is proposed within the designated 100-year flood plain (within the "Green Valley Road Corridor" area). The EIR authors have determined that future residential subdivision compliance with the specific Solano County General Plan policies and requirements related to flood hazard protection listed under Mitigation 11-3 (i.e., requiring appropriate elevation and flood proofing, stipulating requirements to bring the risks of dam failure inundation to a reasonable level, and requiring preparation of engineering reports for new development for human occupancy in designated dam failure inundation areas), provide reasonable assurance that this potential impact would be reduced to a less-than-significant level. Any future subdivision approval in the plan area will be conditioned upon County staff verification of General Plan and Specific Plan EIR mitigation compliance, including compliance with all policies and all required measures pertaining to the 100-year flood zone.

- 7.18 Land Use and Open Space--Consistency with Applicable Land Use Plans, Policies and Regulations--DEIR p. 12-12--Only General Plan is discussed. What about other applicable plans, policies and programs--e.g., City of Fairfield, Fairfield-Suisun Sewer District; Solano Co. LAFCO, and others?

*Response:* CEQA Guidelines 15125(a) states that "the EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans." CEQA Guidelines Appendix G, section IX(b), indicates that the CEQA review should consider whether the Project would "conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project...adopted for the purpose of mitigating an environmental effect."

The DEIR includes a chapter specifically devoted to discussion of project consistency with local and regional plans. DEIR chapter 18, "Project Consistency with Local and Regional Plans," discusses project consistency with the Solano County 2008 General Plan, Solano County Zoning Ordinance, ABAG's Regional Land Use Policy Framework, ABAG's Regional Housing Needs Allocation, BAAQMD plans and policies, and Regional Water Quality Control Board plans and policies.

The City of Fairfield General Plan is not a regional plan, specific plan or general plan applicable to Middle Green Valley. The provisions of the City's General Plan are not

“applicable” to Middle Green Valley or any other incorporated area of the County where the City is not intending to annex the area. City of Fairfield General Plan Policy LU3.1, which was reaffirmed and readopted by the City voters by passing Measure L, stipulates that any urban development requiring basic municipal services shall occur only within the incorporated City and within the urban limit line established by the General Plan. As explained under Master Response L herein, this City General Plan policy and the related provisions of Measure L are not “applicable” to the unincorporated plan area. This is a policy for implementation by the City, not the County. The City will make the determination whether Specific Plan water supply Option A (connection to the City water system) is possible for the City. If water supply Option A is determined by the City to be not workable for any reason, water supply Option B (onsite groundwater withdrawal) would be pursued.

Similarly, policies of the Fairfield-Suisun Sewer District that may have been adopted for an environmental purpose are not “applicable” to the plan area. Such District policies may be considered by the District, not the County. The District will make the determination whether Specific Plan wastewater service Option A (connection to the District system) is possible for the District. If wastewater service Option A is determined by the District to be not workable for any reason, wastewater supply Option B (onsite treatment) would be pursued. Future discretionary development cannot occur in the plan area unless adequate water and wastewater service is demonstrated. Please also see Master Response M.

LAFCO authority and responsibilities are summarized on DEIR pp. 12-11 and 16-8. Consistency of Specific Plan-proposed municipal water and sewer connections with any LAFCO policies adopted for an environmental purpose will be considered by LAFCO in its deliberations on these two proposals.

- 7.19 Population and Housing--Housing Supply Impact--DEIR p. 14-7--affordable housing--what County Housing Element affordable housing policies apply to Specific Plan?; what is purpose of allowing 100 secondary units; what requirements will there be for affordable housing provision in Valley; will homes in project area be affordable to project area employees; what plans are made for farm worker housing?

*Response:* The housing needs allocation of the current Sonoma County General Plan Housing Element (Regional Housing Needs Allocation or RHNA) has already been met. The RHNA completed by the County for its proposed Housing Element update identifies need thresholds for the entire unincorporated County and not for the Middle Green Valley plan area specifically. There is no County or State requirement that the proposed Specific Plan must include provisions for very low or low income housing.

The 100 secondary housing units allowed under the proposed Specific Plan (see DEIR p. 2-29) would permit construction of such alternative housing types as rental units, employee housing, student housing, farmworker housing or family housing. Farmworker housing is a proposed permitted use in the Specific Plan-proposed AG-R (Agriculture-Residential) land use designation. In addition, any permitted secondary housing unit could also be occupied by farmworkers and their families.

- 7.20 Public Health and Safety--Solano County General Plan compliance--DEIR p. 15-4--will DEIR implement Policy LU.P-34

*Response:* The Specific Plan has not been found to be inconsistent with GP Policy LU.P-34 (see DEIR p. 15-4).

- 7.21 Public Health and Safety--Impact and Mitigation 15-1, Future Storage and Use of Agricultural Chemicals--DEIR pp. 15-8/15-9--this mitigation is example of DEIR not describing secondary impacts of identified mitigations--implications of 200-foot buffer requirement not described--e.g., acres, locations, ownership, landscaping and maintenance, loss of agricultural lands, involvement prime farmland or other lands of importance, how will associated additional loss of farmland be mitigated, how will associated noxious weed infiltration into ag. areas add to farming costs?

*Response:* In response to this comment, the Mitigation 15-1 language on DEIR page 15-9 has been revised to clarify that the proposed buffer is not intended to be the distance between the overall land uses, but instead a separation between the sensitive non-agricultural uses and locations on adjacent agricultural properties within or adjoining the plan area where agricultural pesticides or other hazardous substances may be stored or used. Please see this revision to DEIR p. 15-19 in section 3, Revisions to the Draft EIR, herein. There is no evidence presented by the commenter that implementation of Mitigation 15-1 as revised would have a significant secondary environmental impact. The secondary effects generally suggested in this comment would not be significant.

- 7.22 Public Services and Utilities--Water/Wastewater--DEIR does not specify and fully analyze one water and one wastewater system. None of the alternatives are fully analyzed; no preferred alternative has been recommended--CEQA does not allow EIR to defer decisions of this magnitude.

*Response:* Please see Master Responses K and B.

- 7.23 Public Services and Utilities--Water--Water Supply Option A (Municipal Connection)--DEIR pp. 16-7 and Appendix 23.4 (Fairfield's Water Supply Assessment)--no analysis of Fairfield's Urban Limit Line initiative (Measure L)--Measures L Section 2.B.1, Policy LU 3.1, stipulates that any urban development requiring basic municipal services shall occur only within incorporated City and within urban limit line established by the General Plan."

*Response:* Please see Master Response L.

- 7.24 Public Services and Utilities--Water--Solano Co. LAFCO description--DEIR p. 16-8-- cursory and misleading overview of Government Code Section 56133--is MGV in Fairfield's sphere of influence in anticipation of later change in organization; do current MGV residents suffer public health or safety problems; who is current "public service provider"; what "public services" are already being provided?

*Response:* Please see Master Response M.

- 7.25 Public Services and Utilities--Water--General Plan Policies PF.P-18 & 19--DEIR p. 16-11--minimum parcel sizes for properties served by individual on-site sewage disposal systems and public water systems can vary from 1 to 5 acres--how are these policies being complied with under preferred methods for providing sewage disposal and water?



*Response:* The cited General Plan policies do not apply to the types of wastewater service options proposed by the draft Specific Plan. None of the Specific Plan-proposed methods for providing wastewater service, Wastewater Options A, B, or C, would involve individual on-site septic systems.

- 7.26 Public Services and Utilities--Water--Water Supply Option B (Onsite Groundwater)--Hydrology and Water Quality section of DEIR on DEIR p. 11-6, section 11.1.4(b), describes low groundwater yields, poor water quality, and groundwater level fluctuations between dry and wet years--has there been any hydrologic testing to support or contradict this statement if on-site groundwater is to be used?

*Response:* Please see Master Response I.

- 7.27 Hydrology and Water Quality--Middle Green Valley Groundwater Characteristics--DEIR p. 11-6, sec. 11.1.4(b)--has there been any hydrologic testing to support statement that "This basin is not used in a significant capacity because of low yields and poor water quality. Groundwater levels in the basin drop in dry years, but rebound in wet years."

*Response:* Please see Master Response I.

- 7.28 Public Services and Utilities--Water--Water Supply Option A (Municipal Connection)--DEIR pp. 16-15 through 16-17--City of Fairfield water supply adequacy acknowledged, but how does project comply with State Government Code section 56133 and Fairfield's Measure L?

*Response:* For a description of the project relationship to Government Code section 56133, please see Master Response M. For a description of the project relationship to City of Fairfield voter-approved Measure L, please see Master Response L.

CEQA Guidelines sec. 15124 stipulates that the "description of the project" [in an EIR] shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of environmental impact: ..."A list of agencies that are expected to use the EIR in their decision-making"... The DEIR states on p. 2-41, under section 2.5.2 (Other Jurisdictional Approvals), that "The proposed establishment of a plan area County Services Area to fund and operate all Specific Plan-proposed water and wastewater system options would require Solano County LAFCO approval."

- 7.29 Public Services and Utilities--Water--Water Supply Option B (Onsite Groundwater)--DEIR pp. 16-17 through 16-20--mitigation 16-1--speculative assertions and deferred studies--has there been any current study to support DEIR assertion that aquifer is in excess of 400 feet in thickness; how can plan be evaluated when hydrologic studies are deferred to future time; on what basis can claim be made that future Water Master Plan would result in less than significant impact; Mitigation 16-1 relies on speculative measures; how can speculative mitigation measure effectiveness be objectively evaluated by readers and policy makers?

*Response:* See Master Response C and Master Response I. DEIR-required Mitigation 16-1 provides an adequate response. DEIR compliance with Senate Bill

610 water supply assessment requirements provides adequate "first tier" mitigation assurance. SB 610 requires that before a project subject to CEQA and consisting of more than 500 single-family dwelling units is approved, the project must have an adopted Water Supply Assessment from a water purveyor. The City of Fairfield's water supply assessment for water supply Option A satisfies this requirement (see DEIR pp. 16-16 and 16-17). SB 610 does not require that the EIR include a water supply assessment for more than one supplier. For water supply Option B, the DEIR correctly explains on the bottom of p. 16-18 that under currently established County and State water system regulation and review procedures, as a standard condition of any future subdivision within the plan area under water supply Option B, County preparation and approval of a water supply assessment for that option would also be required.

- 7.30 Public Services and Utilities--Water--Water Supply Options A and B--future study requirement for storage tank and onsite pipeline does not provide adequate assurance to readers/decision-makers that there will be adequate water and pressure to meet fire district standards.

*Response:* As indicated on DEIR p. 16-25, prior to issuance of an initial water system operating permit, the "second-tier" applicant would be required to demonstrate to the County and CFPD that "the proposed project water storage and distribution system, including storage tank size and location and associated distribution and fire hydrant locations, meet the specific fire flow, residual pressure, and other operational standards of the County, CDPH and Cordelia Fire Protection District (CFPD)"..."The required Master Plan for water will be required to comply with CFPD water supply, fire flow and fire suppression requirements as a condition of County approval, pursuant to General Plan Policies PF.I-36 and HS.P-23." These requirements will provide reasonable assurance that future discretionary development in the plan area cannot occur unless adequate water service meeting CFPD standards is demonstrated.

Please also see Master Response C.

- 7.31 Public Services and Utilities--Wastewater--lack of needed DEIR specificity--which of three options is being proposed and is being fully analyzed for its environmental impacts?

*Response:* Please see Master Response K.

- 7.32 Public Services and Utilities--Wastewater--DEIR p. 16-29--analysis includes three options--none fully analyzed--why is DEIR incapable of "accurate, stable, finite" project description? DEIR should analyze "anticipated" recycling system back-up connection to FSSD wastewater treatment system. (DEIR p. 16-29)

*Response:* Please see Master Response K.

- 7.33 Public Services and Utilities--Wastewater--DEIR p. 16-30--DEIR suggests "blue pipe" system for toilet flushing for Option A, but then says Option A would have no wastewater recycling--which is it? DEIR should include complete description of how onsite water recycling system will work.

*Response:* DEIR p. 16-29 is correct as written. DEIR p. 16-29 states that (underlines added) "Wet weather diversion of collected plan area stormwater to cisterns for use in a "blue pipe" system for toilet flushing and other wet period uses. Option A would include no onsite wastewater recycling." Stormwater and wastewater are two different items.

7.34 Public Services and Utilities--Wastewater--DEIR p. 16-30--unanswered questions for Option B, local collection and treatment:

-- has location of wastewater treatment plant been subjected to geotechnical analysis given proximity to Green Valley fault;

-- how are sewer lines crossing fault line or unstable hills and slopes protected from seismic failure?

-- need for analysis of proposed diversion of "approx. 60 percent" of wastewater to ag. and other irrigation users--who will use it, how will it be distributed, can it be used for organic farming while still maintaining organic status?

-- How would wet weather diversion to FSSD be handled?

-- Will connection to FSSD be allowed under City, LAFCO, and State Guidelines?

*Response:* By law, all water system Option B and wastewater system Option B treatment, system, pipe system, and other engineered components would be required to be designed to comply with the 2006 International Building Code, Chapter 16, which sets forth current, state-of-the art engineering design requirements for ground failure and lateral forces due to earthquakes for all utility structures. All plan area water and wastewater infrastructure systems would need to be designed and built to this periodically updated code, similar to all permitted structures in California.

The questions asked in this comment pertaining to who will use diverted wastewater to ag. and other irrigation uses, how it will be distributed, and whether it can be used for organic farming, do not pertain to the environmental impacts of the project--i.e., are not related to the CEQA-based significant environmental impact criteria for wastewater listed in DEIR section 16.2.3. Such detailed information would be forthcoming if and when a specific, second tier, wastewater Option B system design comes under consideration. The system design, including technical aspects referenced in this comment, would be required to comply with all applicable State and County regulations, design code specifications, and ongoing monitoring requirements.

7.35 Public Services and Utilities--Wastewater--DEIR p. 16-32--CSA feasibility--Option C is hybrid of unanalyzed Options A and B. Recommended CSA lacks meaningful fiscal analysis. What would happen if sales were slower than anticipated and CSA with undefined budget could not manage its affairs? Proposed CSA should include at least rudimentary budget/financing structure analysis to all reader/policy maker determination of long term financial feasibility. What is proposed CSA budget and financing structure? Has there been any contact with Water Board to see if they have opinion on feasibility of this or other options?

*Response:* Please see Master Response G.

- 7.36 Public Services and Utilities--Wastewater--DEIR p. 16-32--where will 250,000-gal. recycled wastewater storage tank be located; has location been analyzed for seismic safety; has there been any analysis for risk of leaks, spills or catastrophic failure?

*Response:* Please see response to similar comment 7.34.

- 7.37 Public Services and Utilities--Wastewater--DEIR p. 16-33--"less sludge" statement another example of speculation without needed quantitative and qualitative analysis of sludge use safety and appropriateness for use as compost and fertilizer.

*Response:* In California, the beneficial reuse of *treated municipal sewage sludge* (a.k.a. *biosolids*) generally must comply with the California Water Code in addition to meeting the requirements specified in Part 503 in Title 40 of the Code of Federal Regulations. Code of Federal Regulations Title 40, Part 503, establishes pollutant limitations, operational standards for pathogen and vector attraction reduction, management practices, and other provisions, intended to protect public health and the environment from any reasonably anticipated adverse conditions from potential waste constituents and pathogenic organisms.

- 7.38 Public Services and Utilities--Wastewater--DEIR p. 16-33--why is significant Wastewater Master Plan put off to later date; how can readers/policy makers understand project wastewater disposal system without identification of specific method, funding, management system, or effluent or sludge disposal means?

*Response:* Regarding deferral of Wastewater Management Plan formulation to a later date, please see response to comment 7.39 which follows. Regarding deferral of project wastewater disposal system details, please see response to comments 7.37 and 7.39, and Master Response C.

- 7.39 Public Services and Utilities--Wastewater--DEIR p. 16-34--Mitigation 16-4--four very complex measures proposed with inadequate analysis--analysis lacking any serious credibility; where is CSA fully analyzed; where is proposed Wastewater Master Plan; where is proposed agreement with FSSD; what are projected connection and user fees needed to fund systems; what is potential cost be unit need to finance all of the above?

*Response:* Please see Master Responses B, C, and G. The Specific Plan proposes establishment of a County Services Area (CSA) to fund and oversee water, wastewater, storm drainage and parks and recreation facility construction and provide necessary ongoing financial and management structure for these plan area facilities. Establishment of the CSA could be a "second tier" implementation phase anticipated by this "first tier" program EIR. As explained on DEIR p. 16-15, the CSA would be required by law to adhere to the federal, state, regional and local water supply and wastewater treatment standards described in sections 16.1.2 and 16.2.2 of the DEIR.

Similarly, as explained on DEIR p. 16-33, the Specific Plan contains a provision requiring County approval of a Wastewater Management Plan "prior to recordation of the first Final Subdivision Map in the plan area." The DEIR explains here that "The Wastewater Management Plan would include information on the conveyance and disposal of effluent, the sizing facilities, the mapping of sewer systems, updated cost

estimates, and wastewater system management.” The degree of specificity in the DEIR with respect to these CSA and Wastewater Management Plan descriptions corresponds to the degree of specificity of the underlying project (CEQA Guidelines sec. 15146).

Environmental analysis has been provided in this program EIR appropriately tailored to the current first-tier stage of the planning process, with the understanding that additional detail will be forthcoming when specific second tier subdivision plans are under consideration, and provide the level of development plan detail--e.g., the sizing of facilities, the mapping of facilities layouts, associated construction cost estimates, etc.--necessary to formulate specific information on facility construction and ongoing financial and management specifics. The current first tier Specific Plan does not and is not intended to provide such development design detail. The Specific Plan and EIR properly commit the County to perform such more detailed analysis in the future when specific development projects are proposed and the development of such detailed information is feasible. Any future CSA or Wastewater Management Plan for the plan area will be subject to its own “second tier” public review process. Such deferral has not prevented adequate identification of significant “programmatic” effects of the planning approval at hand--i.e., the Specific Plan.

- 7.40 Public Services and Utilities--Wastewater--DEIR p. 16-35--Impact 16-5--why isn't a single preferred treatment option proposed complete with scientific and fiscal analysis? Are three different options intended to work independently or separately? No cogent or complete analysis of wastewater treatment options.

*Response:* Please see Master Response 7.39.

- 7.41 Public Services and Utilities--Fire Protection and Emergency Services--fuel management visual impacts--DEIR p. 16-48--Mitigation 16-9--visual impacts of proposed fuel management (brush clearance) including impact on visibility of structures from Green Valley Road and other locations? which housing locations on map would be affected? how will this mitigation be reconciled with vista protection called for in Aesthetics chapter so that both mitigations remain valid?

*Response:* The Specific Plan-proposed development areas are located in areas indicated on DEIR Figure 3.2 (Plan Area Visibility from Green Valley) as not visible from Green Valley Road due to intervening riparian vegetation and land forms. The brush clearing described under Mitigation 16-9 would not affect these intervening riparian and topographic elements.

- 7.42 Public Services and Utilities--Parks and Recreation--Trails--DEIR p. 16-52--could policy makers consider designation of emergency roads as public trails to achieve General Plan goal and policies (4 listed) of linking with planned segment of Bay Area Ridge Trail? Could be done at minimal added cost (signage); frequently done on open grazing lands without adverse impacts to public or grazing. Why aren't trails alongside "Neighborhood Roads" to hillside residences not being required to be built as same time as roads and as specific plan requirement? Won't hillside residents want same trail amenity as valley floor trail system serving valley floor residents? When will trails ever be built? Nexus required between General Plan trail requirements and Specific Plan. Will construction of Specific Plan-described trail system (SP Section 5.7.4), and DEIR-mapped trails be required as part of the project? If not, how can Specific Plan

be consistent with all policy language in General Plan? Will trails in hills be part of Conservation Easement where they cross ag. lands? Can 50-foot trail easement (allows needed alignment flexibility) be made part of Conservation Easement?

*Response:* Please see Master Responses A and E.

The Specific Plan does show use of emergency access roads within the plan area as trails. The plan has no implementation ability for trails or any other provisions on private lanes outside the plan area. As explained in Master Response E, construction of all trails and other pedestrian provisions associated with various Specific Plan roadway types is being required with incremental (phased) roadway construction. Hillside residents will have trail provisions, as indicated on the corresponding roadway type cross-sections cited in Master Response E. As also indicated in Master Response E, the Development Sequencing description in Specific Plan section 4.5 and Phasing Plan description on Specific Plan Figure 4.6 shows where plan area trails are proposed to be built.

Plan area trails described in the Specific Plan will be implemented as part of the proposed Specific Plan ordinance and standards. Implementation of trails designated as “potential trails” connecting to foothill regional trails outside the plan area would be constrained as noted in Master Response E and as described on Specific Plan p. 5-105. The version of Specific Plan Figure 5-77 as brought forward for Planning Commission and Board of Supervisors action will not include the “potential connections” indication along Neighborhood Road #3.

Regarding the possible 50-foot trail easement referenced in this comment, there are Specific Plan statements that provide for such trail provisions--i.e., statements that each easement will be tailored to the particular site and function of the location consistent with State and Federal jurisdictional requirements and limitations.

- 7.43 Public Services and Utilities--Parks and Recreation--trails--DEIR p. 16-58--General Plan Policy 7B cited--comments 7.42 and 7.45 apply to this policy also.

*Response:* Please see responses to comments 7.42 and 7.45.

- 7.44 Public Services and Utilities--Parks and Recreation--trails--DEIR p. 16-54--Specific Plan designates 24 acres as Open Space-Passive and Active; DEIR p. 16-55 estimates 25 acres; which is it? Where are these acres, beyond Elkhorn (1 to 1.5 ac.), Nightingale (5 ac.), and Three Creeks (0.75) neighborhoods? Is the Green Valley Road trail rebuilding included; and if yes, why is it eligible when it replaces an existing amenity?

*Response:* The correct acreage figure is 25 acres (see Table 2.1 on DEIR p. 2-16). DEIR p. 16-54 has been corrected to indicate 25 acres. Trailheads and the trail corridors generally indicated on Figure 2.5 (DEIR p. 2-14) are included in these acreages. The existing Green Valley Road trail is included in the “Roads and Infrastructure” acreage total indicated in Table 2-16 on DEIR p. 2-16. These designated Open Space-Passive and Active areas correspond to the designated Open Space-Natural and Open Space-Recreation designations on Figure 2.5 (DEIR p. 2-14).

- 7.45 Public Services and Utilities--Parks and Recreation--parks and trail physical impacts--DEIR p. 16-55 states Specific Plan parks and recreation components not expected to have specific adverse physical (environmental) effects. Provide analysis/evidence of this conclusion.

Impact 16-11 conspicuously missing discussion of impact if trails fail to link with Bay Area Ridge Trail (BART) (only impacts of trails that do link are discussed). Impact 16-11 also fails to identify which trails are required to be built and when.

Planned BART segment could run along ridge west of Specific Plan area, connecting Lynch Canyon Open Space with southernmost Vallejo Lakes property. Where do emergency roads shown leaving Specific Plan area westward go, how far are they from planned BART segment, when will they be built, and why can't they be designed as part of trail system?

*Response:* Failure of the project trail system to link through private property outside the plan area boundaries to the Bay Area Ridge Trail system would not constitute a significant "environmental impact" under CEQA, as further explained under Master Response E. With regard to trail implementation phasing, please see response to comment 7.42 and Master Response E. The suggestions by the commenter regarding a possible BART trail alignment along the ridge west of the Specific Plan area do not fall within the scope or feasible control of the proposed Specific Plan. Plan-designated emergency access road alignments, destinations and trail use allowances would be finalized in coordination with the CFPD, CDF, and other interested State and Federal jurisdictional agencies.

- 7.46 Public Services and Utilities--Parks and Recreation--cumulative impacts--DEIR p. 16-56--DEIR says cumulative parks and rec. impacts less than significant. Rockville Hills Park overused. Specific Plan area residents would add to this demand. What evidence is there that Specific Plan area residents will not contribute to increase in Rockville Park use demand?

*Response:* As indicated on the top of DEIR p. 16-55, the proposed Specific Plan designates approximately 25 acres for recreational uses, an amount that exceeds the Solano County General Plan requirement of 10 acres of local regional parkland per 1,000 residents (development in accordance with the Specific Plan would add an estimated 1,485 residents at buildout).

- 7.47 Transportation and Circulation--Mitigation 17.1(1)--Green Valley Rd./Westlake Dr. intersection--lack of mitigation violates CEQA Guidelines sec. 15126.4--some level of required mitigation should be required and associated funds collected from start of building, rather than from "subsequent individual subdivision map approvals in the plan area." What mitigations are planned to bring LOS back to pre-project levels? How will traffic improvements be funded from start of project?

*Response:* In response to this comment, Mitigation 17.1(1) has been revised to provide for future plan area development fair share contribution to any City-County established signalization funding program for this intersection. With regard to mitigation timing, please see Master Response C.

- 7.48 Transportation and Circulation--Mitigation 17.1(2)--Green Valley Rd./I-80 Interchange and Green Valley Rd./Business Center Drive--DEIR calls for fair share cost sharing; ramps already as LOS F; no indication of how proportionality will be determined; other measures than LOS will be needed such as wait time or number of cars waiting to pass through intersection. Mitigation should describe whatever it takes to bring congestion level back to pre-project levels; and DEIR needs to address when proportionality will be addressed, so that assessments can be made over project lifetime rather than at latter end.

What other measures of congestion can be used for this intersection?

*Response:* There are a variety of other ways to measure congestion, including quantification of intersection queuing effects, quantification of intersection volume-to-capacity ratios, and quantification of delays for specific intersection turning movements. All of these factors were all examined as part of the DEIR traffic impact analysis evaluation. City LOS standards for intersections were applied as the primary basis for overall average intersection delay.

How will proportionality be assessed and when?

*Response:* Mitigation 17-1 on DEIR pp. 167-26 and 17-27 has been revised in response to this comment to provide for future plan area development fair share contribution to any City-County established mitigation funding program for intersections (5), (7) and (9). With regard to mitigation timing, please see Master Response C. Proportionality--i.e., individual development project fair share mitigation responsibility--will be calculated before the project is approved. Such calculations are likely to be based on the Caltrans' "Methodology for Calculating Equitable Mitigation Measures" which is included in the Caltrans' "Guide for the Preparation of Traffic Impact Studies."

- 7.49 Transportation and Circulation--Mitigation 17-1(3)--Green Valley/I-80 interchange--reason for not conducting an analysis or proposing a mitigation for the Green Valley Rd./I-80 interchange (no feasible interim improvement; in City of Fairfield jurisdiction) not valid under CEQA. Interim mitigations could include temporary signal operational during peak hours only, or non-engineered solution (traffic policeman to direct traffic).

What interim and final improvements will be made to Green Valley Rd./I-80 interchange and related intersections; how and when will agreement be made with City of Fairfield to make these improvements to the interchange?

*Response:* The interim improvements to be made at this intersection will be determined by the City of Fairfield. These interim improvements will be necessary regardless of whether or not the proposed Specific plan is implemented. A temporary traffic signal that operates only during peak hours, or stationing a policeman at the intersection, would be non-standard traffic engineering solutions that are unlikely to be acceptable to Caltrans. Caltrans has jurisdiction over any improvements in this interchange area; Solano County and/or the City of Fairfield cannot unilaterally implement non-standard improvements to components of this interchange system.



- 7.50 Transportation and Circulation--trails--DEIR p. 17-17--GP Transportation and Circulation Element goals and policies also promote trails (e.g., Goal TC.G-4). Will this GP goal lead to connections to BART?

*Response:* Please see Master Response E. For the purposes of this environmental review, it was not assumed that any new connections from the plan area to BART would be in place in the future.

- 7.51 Transportation and Circulation--trails--DEIR p. 17-19--further GP trail policies cited--TC.P-25, TC.P-26, TC.I-25--regional trail system, including parts already existing in area, provide for these GP-cited objectives. Access to these trails dependent upon needed Specific Plan requirements; will EIR require these connections as called for under GP Policy TC.I-25?

*Response:* Please see Master Response E.

- 7.52 Transportation and Circulation--trails--DEIR p. 17-20--how can project avoid substantial overcrowding on sidewalks, potentially hazardous conditions for pedestrians, or interference with bicycle accessibility if it doesn't require trails to be completed?

*Response:* There are many trail and path improvements required by the Draft Specific Plan (DSP), as described in Master Response E and as enumerated in Sections 5.7.3 and 5.7.4 of the DSP. This includes replacing the multi-use trail along Green Valley Road (see Figure 5-70 of the DSP) to include a landscape treatment and improved shoulder to increase safety. There is no evidence to indicate the proposed project would create capacity problems on any sidewalks or trails that would be considered to represent significant environmental impacts under CEQA. There is no reason to believe that the traffic or physical improvements associated with the project would create hazardous conditions or interfere with bicycle access regardless of whether or not the project constructs additional trails. As long as any new trails are properly constructed, there would be no significant adverse effects on sidewalk capacity, pedestrian safety, or bicycle accessibility.

- 7.53 Transportation and Circulation--trails--DEIR p. 17-53--how can project avoid creating potentially hazardous conditions for bicyclists or other interference with bicycle accessibility to the site and adjoining areas if it doesn't require trails to be completed?

*Response:* There are many trail and path improvements required by the Draft Specific Plan (DSP), as described in Master Response E and as enumerated in Sections 5.7.3 and 5.7.4 of the DSP. This includes replacing the multi-use trail along Green Valley Road (see Figure 5-70 of the DSP) to include a landscape treatment and improved shoulder to increase safety. There is no evidence to indicate the proposed project would create significant safety or operational impacts for bicyclists (as defined under CEQA). There is no reason to believe the traffic or physical improvements associated with the project would create hazardous conditions or cause significant interference with bicycle accessibility regardless of whether or not the project constructs additional trails. As long as any new trails are properly constructed there would be no significant adverse impacts in this area.

- 7.54 CEQA Conclusions--growth-inducing effects--cited water and sewer use connection prohibitions not discussed; describe proposed prohibitions and pertinent analysis.

Precedent-setting effect of Specific Plan-proposed CSA with provision of municipal (City) water and FSSD wastewater facilities would represent significant adverse growth-inducing impact.

What assurances that the proposed provisions would not be able to be provided in other portions of unincorporated Solano County and thereby encourage similar urban development?

*Response:* Any such precedent-following future proposals to provide municipal water or municipal sewer service to other incorporated areas would be subject to their own environmental review process. There are no assurances that such precedent-following proposals will not occur; however, unlike such other possible precedent-following proposals, the adopted Solano County General Plan contains specific policies and implementation programs calling for adoption of “a plan (either a specific plan or master plan)...for Middle Green Valley” that “should specify...the details how the development would be served within water...and...wastewater service through a cooperative effort of property owners, residents, the County and the City of Fairfield (Implementation Program SS.I-1). The General Plan does not include such programs for other unincorporated areas of the County.

Feb. 24, 2010

Re: Middle Green Valley – Draft EIR

Written Comments submitted by

Herbert D. Hughes, 4317 Green Valley Road, Fairfield, CA 94534

tel 707 864 0862, e-mail: katkreek@comcast.net

The following comments concerning the MGV Draft EIR are substantially what I stated at the January 28, 2010 special public meeting of the Solano County Planning Commission:

As a Green Valley resident, and as a GVLA appointed member of the CAC, I wish to express my support for the Specific Plan and the Draft EIR. These have been derived by an exemplary planning process with extraordinary in-depth planning efforts and professional skill.

8.01

The MGV Specific Plan and EIR will provide a very comprehensive framework to protect open space, rural character, and agricultural soils from overdevelopment or creeping parcel-by-parcel exploitation. Agriculture is encouraged and supported, open space is protected by conservation easements...in perpetuity, and land owners may benefit from guided development of appropriate areas; with very specific development standards and strict guidelines.

Under Hart-Howerton's (Brendan Kelly) guidance this Draft EIR has evolved as a comprehensive and inclusive process...without the rancor and impasse that some expected. It may not be a perfect plan, but I believe this is really an outstanding achievement. This plan likely provides for the best possible future of the MGV special study planning area...and the surrounding hills, parklands, and neighboring community.

My greatest concerns are:

1. Assure that the Specific Plan shall be executed according to the defined conservation objectives and guidelines of the Specific Plan.

8.02

2. I am a strong advocate for the EIR option wherein municipal water serving the new development in the MGV Special Study Area shall be provided from a municipal source.

8.03

3. The non-profit Agricultural Conservancy described in the Specific Plan shall (must) be soon established and then managed in accordance with the referenced Land Trust Alliance standards.

8.04

4. With respect to "public trails"... including hiking trail access to Rockville Park ... and hiking trail access from the valley floor to the western hills ridgeline, there certainly needs to be more specific and accommodating language included in the final EIR.

8.05

These comments are submitted for your consideration and actions.

Thank you,

Herbert D. Hughes

**8. Herbert D. Hughes, 4317 Green Valley Road, Fairfield, CA 94534; member of the MGV Specific Plan CAC; January 24, 2010**

8.01 Specific Plan Comment--Support for Specific Plan and Draft EIR.

*Response:* Please see Master Response A.

8.02 Specific Plan Comment--Plan concern: assurance that conservation objectives and guidelines are executed.

*Response:* Please see Master Response A.

8.03 Specific Plan Comment--preference: Specific Plan-described municipal water option advocated.

*Response:* Please see Master Response A.

8.04 Specific Plan Comment--need: Specific Plan-described non-profit ag. conservancy shall be established soon and managed in accordance with referenced Land Trust Alliance standards.

*Response:* Please see Master Responses A and H.

8.05 Public Services and Utilities--Parks and Recreation--trails--Final EIR needs more specific and accommodating public trail language, including hiking trail access to Rockville Park and between valley floor and western hills ridgeline.

*Response:* The concept of a possible trail connection to Rockville Park may warrant consideration by the County in its deliberations regarding the Specific Plan, but does not pertain to a CEQA-identified environmental topic or significance criterion.



CORDELIA FIRE DISTRICT  
2155 CORDELIA ROAD, FAIRFIELD, CA 94534

TEL: 707-864-0468 • FAX: 707-864-8607

February 24 2010

Mr. Matt Walsh  
Principal Planner  
Solano County  
675 Texas Street, Suite#5500  
Fairfield, California 94533

RECEIVED

FEB 25 2010

COUNTY OF SOLANO  
RESOURCE MANAGEMENT

Mr. Walsh,

Last meeting of the Community Advisory Committee held at the County Administration Building, the Fire District again raised concerns that the 675 page Middle Green Valley Specific Plan Draft Environmental Report (EIR) did not reflect the requests of the Fire District. At a meeting held at the Cordelia Fire Protection District Office, with both Fire District employees and CAC Members, the District stated that the project would need to provide, as well as establish, for the continuous maintenance program of an emergency water delivery system. This system would insure that hydrants are capable of delivering a minimum 1250 gallons per minute with 20 pounds per square inch of residual pressure for a minimum of 120 minutes for residential properties. Current hydrant spacing requires that hydrants are no more than 300 feet from a structure designed for human habitat. The District also contends that there must be continuous access to the wildland areas during and after all phases of construction. Additionally, the year around road infrastructure and hydrant systems must be in place prior to the first delivery of combustible building materials to the construction site. 9.01

The Fire District advised the Community Advisory Committee that the Fire District required both Residential Sprinklers to the current, at the time of construction, NFPA 13D and Commercial Sprinklers to the NFPA 13 level plus the current regulations of the District and the County. The Fire District told the Committee members that Cordelia Fire Protection District had a "0" Tolerance when it dealt with sprinklers and the proximity to a Fire Station had no exemption for sprinkler or water supply requirements. 9.01

The Fire District informed the members of the CAC that CAL- Fire would also have requirements for structures built in the Urban/Wildland Interface. 9.02

Since the Fire District has no permanent Fire Station in the area with the possibility of 500 new residents and a town center for this project alone, there was a requirement of a permanent "turn-key" Fire Station in the project complete with a Type 1 Structure Fire Engine and a Type 3 Fire Engine engineered for the needs of the Fire District. The current Station 29 at 1624 Rockville Road is a 20-year lease contract with a 30 day vacate clause. At the last CAC meeting when the concern arose, the Committee informed the District that there were plans to update current Station 29 at its current location with a new and 9.03



CORDELIA FIRE DISTRICT  
2155 CORDELIA ROAD, FAIRFIELD, CA 94534

TEL: 707-864-0468 • FAX: 707-864-8607

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permanent 8730 square foot station as per our requirement for a 50-year station constructed to current, at the time of construction, Fire Service Fire Station Industry Standards. A meeting this date with the Fairfield-Suisun Unified School District and the Cordelia Fire Protection District led to the conclusion that such an easy resolution will not be as simple as presented at the last CAC meeting. Therefore, the District requires a more definitive mitigation procured incorporated into the EIR to eliminate misconceptions of any parties in the future.

The Middle Green Valley Specific Plan Draft Environmental Report (EIR) does mention that the District has required similar requirements from the 370 home Rockville Trails Estates Project on Rockville Road across from the Rockville Park. The Fire District Station 29 is not a permanent station site at this moment and the service levels warrant a permanent presence in the area. The addition of either proposed project(White Wing/Rockville Trails Estates and Middle Green Valley Specific Plan Draft) will jeopardize the safety of the current residents should the School District need to reopen Falls School and need the current station site as per current contract. Not only would the District be unable to serve the new and current residents adequately, but also a secondary effect would be the ISO ratings would drop and the Homeowners' Insurance would rise significantly. The Fire District is not requiring two new stations, at this time, to serve the area, instead the District is looking for a permanent station site in the area, that is ready to operate prior to the closure of it current facility.

9.04

The Cordelia Fire Protection District requires that the concerns in this correspondence be put into the EIR and establish open and definitive mitigation proposals of the document Middle Green Valley Specific Plan Draft Environmental Report (EIR) prior to approval. If the project is to occur in phases, the District needs the construction of the fire station and the purchase of the equipment prior to the occupancy of the first structure. All construction will be to the Fire District, Uniform Fire Code, Uniform Building Code, and Cal- Fire standards at the time of construction.

9.05

Respectfully submitted,

Jay Huyssoon  
Fire Chief

Cordelia Fire Protection District



## **9. Jay Huyssoon, Fire Chief, Cordelia Fire Protection District; January 25, 2010**

- 9.01 Public Services and Utilities--Fire Protection and Emergency Services--emergency water delivery system and wildland area access needs--CPD-recommended emergency water delivery system maintenance program and performance needs, and wildland area access needs, and implementation timing requirements described--year-round road infrastructure and hydrant systems must be in place prior to delivery of combustible building materials to the construction site.

*Response:* Comment acknowledged. The DEIR clearly acknowledges that the project in combination with other anticipated development in the area will require a new station, added personnel and related fire protection facilities (equipment, etc.) in the plan area vicinity and identifies the need for associated mitigation as a condition of the first Tentative Subdivision Map approval in the plan area.

The Specific Plan includes extensive fire suppression provisions including: a system of rural collector, neighborhood roads, and secondary access/emergency access roads, all designed to meet CDFP access requirements; a requirement that all plan area buildings designed for human occupancy larger than 500 square feet, including garages, be equipped with interior residential fire sprinkler systems; and a provision for 500,000 gallons of onsite emergency water storage (for fire hydrants and sprinklers) in two water storage tanks at elevation. In addition, the proposed Specific Plan Community Services land use designation includes fire stations as an allowable use; however, the Specific Plan does not propose development of a fire station within the plan area.

The DEIR adequately acknowledges under Impacts 16-7 (Project Impact on Fire Protection and Emergency Medical Services), 16-8 (Project Impacts on Emergency Response, Evacuation, and Access), and 16-9 (Project Wildfire Impact--Ongoing), that development in accordance with the Specific Plan will increase demands for fire protection and emergency medical services "sufficient to create a need for new or altered services" (Impact 16-7) and "additional fire protection personnel and facilities" (Impact 16-9). The DEIR also specifically states under Mitigation 16-7 that, before approval of the first Tentative Subdivision Map application in the plan area, the County shall obtain written verification from the CDFP that either (1) the District's need for a new fire station in the general vicinity has been met, or (2) a new station is needed within the plan area. If the latter is verified, Mitigation 16-7 states that "the County shall require plans for construction of a new fire station in the plan area as a condition of Tentative Subdivision Map approval."

These DEIR provisions have been tailored to the current first-tier stage of the planning process, with the understanding that additional detail will be forthcoming when specific second-tier projects are under consideration. The mitigation requirements described above properly commit the County to perform further analysis of this issue in the future, when a specific project is proposed. Development of more detailed, site-specific fire station development information was considered infeasible at the first-tier Specific Plan formulation stage and has been properly deferred until such time as the County and District can formulate a more detailed plan for CDFP facilities expansion (see Master Responses B and C).

Future individual subdivision map approval would be subject to CFPD and Cal-Fire conditions of approval as agreed upon between the County, the District and Cal-Fire. Please also see Master Responses B and C.

- 9.02 Public Services and Utilities--Fire Protection and Emergency Services--CAC informed that CAL-Fire would also have requirements for structures built in Urban/Wildland Interface area.

*Response:* Comment acknowledged. Please see response to comment 9.01 above.

- 9.03 Public Services and Utilities--Fire Protection and Emergency Services--requirement for "turn-key" fire station in the project described; CAC-described plan to update current Station 29; F-SUSD/CDD meeting concluded that this solution not simple; therefore, District requires more definitive mitigation description in EIR to eliminate misconceptions.

*Response:* Please see response to comment 9.01 above.

- 9.04 Public Services and Utilities--Fire Protection and Emergency Services--Station 29 not a permanent station site at this time; service levels warrant permanent presence in the area; White Wing, Rockville Trails Estates and/or Middle Green Valley projects will jeopardize safety of current residents if district needs to reopen Falls School and use the current Station 29 site as per current contract; District would be unable to serve new and current residents adequately and as secondary effect, ISO ratings would drop and insurance rates would increase.

*Response:* Please see response to comment 9.01.

- 9.05 Public Services and Utilities--Fire Protection and Emergency Services--CPD concerns expressed here should be incorporated into EIR; EIR should establish "open and definitive" mitigation proposals prior to approval. If project is constructed in phases, fire station and equipment be needed prior to occupancy of first structure. All project construction will be to CFD, Uniform Fire Code, UBC, and Cal-Fire standards at the time of construction.

*Response:* Please see response to comment 9.01.