

ORDINANCE NO. 2010-_____

**AN ORDINANCE ADOPTING
THE MIDDLE GREEN VALLEY SPECIFIC PLAN AND REZONING THE
MIDDLE GREEN VALLEY SPECIFIC PLAN AREA**

The Board of Supervisors of the County of Solano ordains as follows:

Section 1. Findings:

The Solano County Board of Supervisors (Board) finds and determines, based on the entire administrative record, that:

1.1. On August 5, 2008, the County of Solano adopted a General Plan pursuant to Government Code section 65300 et seq., which contained a General Plan Goal, Policies and Implementing Program that directed that the County prepare a specific plan or master plan for the Middle Green Valley Special Study Area.

1.2. Between February 2009 and May 2010, a Citizen's Advisory Committee appointed by the Board held twelve publicly noticed meetings with County staff and the County's land planning consultant Hart Howerton and developed a draft Middle Green Valley Specific Plan (Specific Plan) for the County's consideration.

1.3. The Specific Plan refines the goal, policies, and implementation programs of the 2008 General Plan to provide more detailed guidance and a framework for future conservation and development of the Middle Green Valley Specific Plan, as is more fully described in the Middle Green Valley Specific Plan document set forth in **Exhibit A** to this Ordinance.

1.4. The Specific Plan is consistent with the goals, policies, implementation programs, and other provisions of the 2008 General Plan for the reasons set forth in: (1) the Staff Report for the July 27, 2010 meeting of the Board of Supervisors; (2) the Final Environmental Impact Report for the Middle Green Valley Specific Plan Project (State Clearinghouse No. 2009062048) (EIR); (3) Appendix C of the Specific Plan (General Plan Consistency Reference); and (4) other provisions throughout the Specific Plan describing the relationship between the Specific Plan and the General Plan.

1.5. A Notice of Public Hearing was duly posted, mailed and published for consideration of the Specific Plan and related matters at the Solano County Planning Commission (Planning Commission) hearing on May 20, 2010, and on that date the public hearing was opened, held and closed and the Planning Commission recommended, by adoption of Resolution No. 4529, that the Board approve the Specific Plan.

1.6. A Notice of Public Hearing was duly posted, mailed and published for consideration of the Specific Plan and related matters at the Board hearing of July 27, 2010 and on that date, the public hearing required by Government Code section 65453 was opened, held and closed.

1.7. Prior to taking action on the Middle Green Valley Specific Plan, the Board adopted Resolution No. 2010- , certifying an Environmental Impact Report, which analyzes the environmental impact of the Middle Green Valley Specific Plan Project (Specific Plan), and adopting Findings of Fact, a Statement of Overriding Considerations, and a Mitigation

Monitoring and Reporting Program.

1.8. The Specific Plan has been prepared, processed, reviewed, heard, and approved in accordance with applicable law, including but not limited to Section 65450 of the Government Code.

Section 2. Adoption of the Middle Green Valley Specific Plan; Rezoning; Mitigation Measures

2.1. The Middle Green Valley Specific Plan, attached to this Ordinance as Exhibit A and incorporated herein by this reference, is adopted and shall be applicable to the area of the County of Solano as described in the Specific Plan.

2.2. The "Middle Green Valley Specific Plan" is the Middle Green Valley Specific Plan dated December 2009, including the revisions recommended by Attachment G to the July 27, 2010 Staff Report "Recommended Text Amendments, Amended Figures, and Amended TDR Table," both of which together constitute **Exhibit A** to this Ordinance.

2.3. Following execution of the Master Development Agreement by and Among the Middle Green Valley Landowners and County of Solano for the Middle Green Valley Specific Plan Area (Master Development Agreement), the Department of Resource Management is authorized and directed to revise and correct Specific Plan Table 4-1, Unit Allocation, to reflect and summarize the allocation of units among the landowners within the Specific Plan area to be consistent with the final signatories of the Master Development Agreement.

2.4. The Board of Supervisors authorizes staff to prepare a final version of the Specific Plan that incorporates the recommended changes, as well as to prepare final exhibits, figures, maps, diagrams, legal descriptions, and similar matters necessary to fully reflect the action of the Board of Supervisors in adopting the Specific Plan. The Department of Resource Management is authorized and directed to make all necessary and appropriate clerical, typographical, and formatting corrections to the adopted Middle Green Valley Specific Plan. Any such corrections shall not alter the substance, effect, or effective date of any action taken by the Board of Supervisors in adopting the Specific Plan. The Department of Resource Management shall provide a report and a copy of the final corrected Specific Plan to the Board.

2.5. Uses of land located within the area subject to the Middle Green Valley Specific Plan are rezoned to conform to the Specific Plan Land Use Figure 3-44 and shall be governed by, and shall conform to, the Middle Green Valley Specific Plan.

2.6. The Department of Resource Management is authorized and directed to amend the Zoning Maps within which the Specific Plan area is located (Zoning Maps 11N and 11S) to be consistent with the Middle Green Valley Specific Plan Land Use Figure 3-44.

2.7. The Solano County Board of Supervisors directs County staff, in carrying out the Project, to implement and carry out: (1) the Mitigation Measures, which are referenced and described in Resolution No. 2010-_____ (Resolution Certifying the Final Environmental Impact Report, Making Findings Of Fact, Adopting a Statement of Overriding Considerations and Adopting the Mitigation Monitoring and Reporting Program for the Middle Green Valley Specific Plan Project, with Exhibits) and further described in the Final Environmental Impact Report for the Middle Green Valley Specific Plan Project; and (2) the Mitigation Monitoring and Reporting Program. All Mitigation Measures shall be implemented through a combination of one or more of the

following, as appropriate to the nature of the measure: (1) incorporation into the Specific Plan, the plan's policies, or regulations; (2) implementation through ordinances, policies, conditions of approval, project designs, permits, entitlements, and agreements with contractors and other parties concerning plan implementation; or (3) carried out directly by County staff.

Section 3. Fees

3.1. Pursuant to Government Code section 65456, subdivision (a), the Board of Supervisors, after adopting a specific plan, may impose a specific plan fee upon persons seeking governmental approvals which are required to be consistent with the specific plan. The fees shall be established so that, in the aggregate, they defray but as estimated do not exceed, the cost of preparation, adoption, and administration of the specific plan, including costs incurred pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code (the California Environmental Quality Act). As nearly as can be estimated, the fee charged shall be a prorated amount in accordance with the applicant's relative benefit derived from the specific plan. Section 65456 states the intent of the Legislature in providing for such fees to charge persons who benefit from specific plans for the costs of developing those specific plans which result in savings to them by reducing the cost of documenting environmental consequences and advocating changed land uses which may be authorized pursuant to the specific plan.

3.2. After adoption of the Middle Green Valley Specific Plan by this Ordinance, the County shall establish and impose a fee or fees upon persons seeking governmental approvals which are required to be consistent with the Middle Green Valley Specific Plan. The amount of the fee or fees shall defray the costs of preparing, adopting, and administering the specific plan, including costs incurred pursuant to the California Environmental Quality Act.

3.3. The Department of Resource Management shall prepare and submit for action by the Board of Supervisors a proposed fee amount. The fee may be established and the amount of the fee may be adopted by appropriate action of the Board of Supervisors by ordinance or by resolution, or combination thereof, from time to time. The fee or fees shall consist of at least two components, separately stating amounts corresponding to (1) costs of preparation and adoption, and (2) administration. The component relating to costs of preparation and adoption shall not be applied to Developers who execute the Master Development Agreement and pay the amount established pursuant to Section 3.12 of the Master Development Agreement.

Section 4. Applications and Forms

Applications to the County for land use entitlements, permits, or other approvals contemplated by the Middle Green Valley Specific Plan shall be in a form prescribed by the Department of Resource Management, and shall be accompanied by such supporting documentation as the Department of Resource Management may specify in order to implement the Specific Plan and other provisions of law.

Section 5. Severability

If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, including but not limited to being preempted by state law, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof nor other applications of the ordinance which can be given effect without the invalid provision or application.

Section 6. Effective Date

This ordinance shall be effective thirty (30) days after its passage.

Section 7. Publication

A summary of this ordinance shall be published once within fifteen (15) days after its adoption, in the Fairfield Daily Republic, a newspaper of general circulation in the County of Solano.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on _____ by the following vote:

AYES:

NOES:

EXCUSED:

John M. Vasquez, Chair
Solano County Board of Supervisors

ATTEST:

Michael D. Johnson, Clerk
Solano County Board of Supervisors

By: _____
Patricia J. Crittenden, Chief Deputy Clerk

Introduced:

Adopted:

Effective: