

3. REVISIONS TO THE DRAFT EIR

The following section includes all revisions to the Draft EIR since its release in December 2009, including revisions made in response to comments received during the Draft EIR comment period. Some of the revisions herein are the result of County staff clarifications to existing Draft EIR text, or corrections of typographical errors in the Draft EIR discovered during preparation of this Responses to Comments document, and some have been made in responses to the comments received. All text revisions are indicated by a "|" in the left margin next to each revised line. All of the revised pages supersede the corresponding pages in the December 2009 Draft EIR. None of the criteria listed in CEQA Guidelines section 15088.5 (Recirculation of an EIR Prior to Certification) indicating the need for recirculation of the December 2009 Draft EIR has been met as a result of these Draft EIR revisions. 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; and
- no additional feasible project alternative or mitigation measure considerably different from others previously analyzed in the Draft EIR has been identified that would clearly lessen the significant environmental impacts of the project.

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
<p>per acre) and Rural Mixed-Use Center (4 to 8 units per acre) categories within these neighborhoods, totaling roughly 123 acres, would preclude continued high-yield agricultural production. The DSP would therefore, over time, convert up to approximately 123 acres of Prime Farmland to non-agricultural use. Although this DSP-related Prime Farmland loss would constitute a small (0.08 percent) portion of the County's total "Important Farmland" inventory, and would be offset by the DSP measures to return other plan area Prime Farmlands to high-yield agricultural production, it would nevertheless represent a significant environmental impact under CEQA.</p>				
<p>Impact 4-2: Indirect Impacts on Prime Farmland. DSP-facilitated development in the Elkhorn, Nightingale and Three Creeks neighborhoods could cause conflicts between new, project-facilitated Residential or Community Services (e.g., private school) uses and adjacent or nearby Prime Farmland agricultural activity. The large size of most DSP-proposed residential lots would allow substantial building setbacks from this property line, which would reduce the possibility for conflicts. Nevertheless, the introduction of new residential uses near existing Prime Farmland operations could result in land use compatibility</p>	S	<p>Mitigation 4-2: Chapter 2.2 of the Solano County Code protects farm operations from nuisance complaints associated with residential uses located next to active agricultural operations. The County's "right-to-farm ordinance," as it is commonly known, guarantees existing farm owners the right to continue agricultural operations, including, but not limited to, cultivating and tilling the soil, burning agricultural byproducts, irrigating, raising crops and/or livestock, and applying approved chemicals in a proper manner to fields and farmland. The ordinance limits the circumstances under which agriculture may be considered a nuisance. To prevent future residential/agriculture conflicts in the County,</p>	County	LS

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<p>problems for the existing farmland operations, such as nuisance complaints from new residents, livestock disturbance by domestic pets, trespassing, and vandalism. Nuisance complaints can potentially cause farm operators to curtail operations, and can deter additional investment in farm-related improvements that support the county's agriculture economy. This potential conflict between DSP-facilitated existing farmland operations, residential development and existing agricultural uses represents a potentially significant impact.</p>		<p>notice of this ordinance is currently required to be given to purchasers of real property. Consistent with the Solano County Code, and as a condition of future subdivision and other discretionary development approvals in the plan area, the County shall require the development applicant/developer to provide notification in writing to all prospective purchasers of Residential or Community Services property of the potential nuisances associated with adjacent and nearby farm operations and the existence of the County right-to-farm ordinance.</p> <p>Implementation of this measure would reduce the potential for project indirect impacts on Prime Farmland to a less-than-significant level.</p>		
AIR QUALITY				
<p>Impact 5-1: Construction-Related Air Quality Impacts. Construction or demolition activities permitted and/or facilitated by the proposed Specific Plan may generate construction-period exhaust emissions and fugitive dust that could temporarily but noticeably affect local air quality. This would represent a potentially significant impact.</p>	S	<p>Mitigation 5-1. The County shall require construction contractors to comply with Solano County General Plan Implementation Program HS.I-59 (best management practices) and Implementation Program RS.I-49 (requirements for diesel vehicles). In addition, for all discretionary grading, demolition, or construction activity in the Specific Plan area, the County shall require implementation of the following measures by construction contractors, where applicable:</p>	County	LS

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		<p>remain technically inconsistent with the current CAP.</p> <p>In addition, however, Specific Plan-facilitated development would likely exceed the proposed BAAQMD significance threshold for ROG, should that threshold be adopted. Since no additional feasible full mitigation has been identified, the Specific Plan's effect on long-term regional emissions increases, as reflected in these administrative provisions, would therefore represent a significant and unavoidable impact.</p>		
BIOLOGICAL RESOURCES				
<p>Impact 6-1: General Areawide Impacts on Biological Resources. The Draft Specific Plan (DSP) neighborhood and open lands framework (DSP sections 3.2.1 and 3.3.2), street network (DSP section 3.4.3) and associated environmental stewardship provisions and habitat protection objectives (DSP sections 3.3.4 and 5.5.6) have been formulated with the intent to avoid and protect mixed oak woodland forest, grassland pockets, and Hennessey Creek and Green Valley Creek riparian corridors, and to minimize biological resource impacts in general. The Draft Specific Plan also specifically acknowledges the framework that would be established by the Bureau of Reclamation and Solano County Water Agency's proposed Solano Multi-</p>	S	<p>Mitigation 6-1. The County shall encourage avoidance, minimization and compensatory mitigation of identified biological resources, including careful consideration by prospective individual project applicants of the biological resource constraint information provided in this EIR during the pre-application project design phase. In addition, prior to County approval of any future plan area subdivision or other discretionary development application, the project proponent shall submit a <i>biological resources assessment report</i> prepared by a qualified biologist for County review and approval. The <i>biological resources assessment report</i> shall contain a focused evaluation of project-specific impacts on biological resources, including any protocol</p>	County	LS

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<p>Species Habitat Conservation Plan (HCP) (DSP section 2.4.3) for complying with federal and state regulations for special-status species while accommodating future urban growth. In addition, the tree and habitat protection objectives identified in the DSP (section 5.5.6) specifically call for the protection of existing mature hardwood and oak trees; preservation, conservation and enhancement of open lands that provide wildlife habitat; minimization of tree and shrub removal in foothill areas; and repair of environmental degradation that has previously occurred. Nevertheless, based on the evaluation of biological resources occurring or potentially occurring within or in the vicinity of the DSP-designated development areas by the EIR consulting biologist, it has been determined that future individual development projects undertaken in accordance with the DSP may result in potential site-specific impacts on biological resources including sensitive vegetation and aquatic communities, special-status plant species, and special-status wildlife species, due to future individual project-level residential, commercial and mixed- use development, landscaped parkland construction, active open space land uses, and associated road and utility/infrastructure construction activities. This possibility represents a potentially significant impact.</p>		<p>level surveys for biological resources that have been performed as may be necessary for temporary and indirect impacts, as well as all related biological impact avoidance, minimization, and compensatory mitigation measures included in the project. If the assessment results in a determination that: (a) no oak woodland area, potentially jurisdictional wetland area, or riparian habitat or other stream features would be affected; and (b) no special-status plant or animal species habitat known to occur or potentially occur on or in the vicinity of the project would be affected; no further mitigation would be necessary. If the assessment results in a determination that one or more of these features would be affected, the assessment shall identify associated avoidance, minimization, and/or compensatory mitigation measures shall be consistent with the requirements of corresponding Mitigation 6-2 through 6-13 which follow in this EIR chapter, as well as all other applicable state and federal laws and regulations.</p> <p>Prior to project approval, the County shall also confirm that project-level development has received the necessary permits, approvals, and determinations from applicable biological resource agencies as identified under Mitigations 6-2 through 6-13 which follow.</p>		

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		Implementation of these measures would reduce the potential impact to a <i>less-than-significant level.</i>		

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<p>Impact 6-2: Potential Conflict with Solano County Multispecies Habitat Conservation Plan. The Draft Specific Plan includes substantial measures intended to minimize potential conflicts between future individual developments undertaken under the Specific Plan with the policies of the Bureau of Reclamation and Solano County Water Agency's Administrative Draft Solano County Multispecies Habitat Conservation Plan (HCP). Nevertheless, if future individual project-level development undertaken under the Specific Plan includes aspects, or proposes special-status species impact avoidance, minimization and/or compensatory mitigation measures, that are not consistent with the HCP as ultimately adopted, the individual project would conflict with the provisions of an adopted Habitat Conservation Plan. This possibility represents a potentially significant impact.</p>	S	<p>Mitigation 6-2. The County shall ensure that, prior to construction, project-level applicants implement (a) multispecies impact avoidance, minimization and compensatory mitigation measures consistent with the Solano HCP (even if the individual project-level application does not require a jurisdictional approval from an HCP implementing agency such as the SCWA, City of Fairfield Municipal Water, or SID); or (b) comparable measures approved by applicable resource agencies. This measure would reduce the potential impact to a less-than-significant level. <i>[Note: This mitigation measure is intended to incorporate the final HCP, once adopted.]</i></p>	County	LS
<p>Impact 6-3: Impact on Oak Woodlands. The Draft Specific Plan includes land use and circulation configurations and associated measures intended to avoid or minimize potential impacts on existing oak woodlands. Nevertheless, future individual project-level development undertaken in accordance with the Specific Plan may result in direct, temporary and/or indirect impacts on oak woodland communities, representing a potentially significant impact.</p>	S	<p>Mitigation 6-3. Prior to approval of future individual, site-specific development projects within the plan area, the project proponent shall submit an <i>oak woodland management plan</i>, prepared by a trained arborist or forester, which is consistent with the requirements of the Specific Plan and this EIR (see below). The <i>oak woodland management plan</i> may be integrated into the <i>biological resources assessment report</i> (see <i>Mitigation 6-1</i>).</p>	County	LS

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		Direct impacts on oak woodland shall be mitigated by (a) conservation of oak woodland		

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		<p>through the proposed Transfer of Development Rights program (or other method if necessary) at a minimum of a 1:1 ratio by acreage, and (b) replanting of removed heritage oaks at a 1:1 ratio. Transplantation of existing oaks would not require compensatory mitigation, unless subsequent monitoring shows that the transplanted oak has not survived the process.</p> <p>Implementation of this measure, combined with the detailed mitigation provisions included in the Specific Plan (see below), would reduce the potential impact to a less-than-significant level.</p>		
<p>Impact 6-4: Impacts on Riparian Communities. The Draft Specific Plan includes land use and circulation configurations and associated measures intended to avoid or minimize potential impacts on Green Valley Creek and Hennessey Creek riparian communities. Nevertheless, future, individual project-level development undertaken in accordance with the Specific Plan may result in direct, temporary, indirect impacts on riparian communities in the plan area, representing a potentially significant impact.</p>	S	<p>Mitigation 6-4. Proponents of projects that have been determined through <i>Mitigation 6-1</i> (biological resource assessment report) to involve potential impacts on riparian vegetation communities shall:</p> <p>(a) contact the California Department of Fish and Game (CDFG) to determine whether a Lake and Streambed Alteration Agreement is necessary; and</p> <p>(b) provide a detailed description of the potential riparian habitat impacts and proposed mitigation program to the Regional Water Quality Control Board (Water Board) as part of the project's Water Quality Certification application.</p>	County	LS

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		Final mitigation for direct and permanent impacts on riparian vegetation/habitat would be		

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<p>Impact 6-7: Impacts on Special-Status Plant Species with Potential Habitat in the Plan Area. Development undertaken in accordance with the Specific Plan may result in direct, temporary or indirect impacts on special-status plant species that have not yet been observed or are not yet known to occur, but could potentially occur, based on habitat conditions in the plan area, including CNPS List 1B species (Alkali milk-vetch, Big-scale balsamroot, Big tarplant, Narrow-anthered California brodiaea, Mt. Diablo fairy lantern, Tiburon paintbrush, Holly-leaved ceanothus, Pappose tarplant, Western leatherwood, Adobe lily, Diablo helianthella, Brewer's westernflax, Robust monardella, Baker's navarretia, Snowy Indian clover, and Saline clover) and CNPS List 2 species (Dwarf downingia, Rayless ragwort, and Oval-leaved viburnum). This possibility represents a potentially significant impact.</p>	S	<p>Implementation of these measures to the satisfaction of the listing jurisdictional agency would reduce the potential impact to a less-than-significant level. The listing jurisdictional agency is the federal, state and/or local agency--i.e., the USFWS, or CDFG, CNPS, or County--that has recognized (i.e., listed) the species as a special status species deserving special consideration because of its rarity or vulnerability.</p> <p>Mitigation 6-7. Implement <i>Mitigation 6-6</i>. Implementation of this measure as a condition of future individual discretionary project approvals, to the satisfaction of the listing jurisdictional agency (CDFG), would reduce this potential impact to a less-than-significant level.</p>	County	LS

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<p>Impact 6-8: Impacts on Special-Status Wildlife Species Observed or Known to Occur in the Plan Area. Development undertaken in accordance with the Specific Plan may result in direct, temporary or indirect impacts on special-status wildlife species observed or known to occur in the plan area, including CDFG Species of Special Concern (Loggerhead Shrike, Grasshopper Sparrow, and Western Pond Turtle), a USFWS Bird of Conservation Concern (Lewis's Woodpecker), a Federal Threatened Species (Steelhead) and a CDFG Protected Species (Monarch Butterfly). This possibility represents a potentially significant impact.</p>	S	<p>Mitigation 6-8. The <i>biological resources assessment reports</i> submitted by applicants for project-level developments in the plan area shall evaluate the potential for special-status wildlife species to occur in the proposed project areas and shall identify appropriate avoidance, minimization and/or compensatory measures. In accordance with <i>Mitigation 6-2</i>, the <i>biological resources assessment reports</i> shall refer to the anticipated Solano HCP for appropriate avoidance and minimization measures. Impacts on avian species protected by the Migratory Bird Treaty Act (MBTA) shall be avoided through preconstruction breeding bird surveys and avoidance of occupied nests. Implementation of this measure as a condition of individual discretionary project approval, to the satisfaction of the listing jurisdictional agency(ies), would reduce this potential impact to a less-than-significant level.</p>	County	LS
<p>Impact 6-9: Impacts on Special-Status Wildlife Species with Potential Habitat in the Plan Area. Development undertaken in accordance with the Specific Plan may also result in direct, temporary or indirect impacts on special-status species that have not yet been observed or are not yet known to occur, but could potentially occur, based on habitat conditions in the plan area, including CDFG Species of Special Concern (Pallid Bat, various Western Bat species, American Badger, and Northern Harrier), CDFG Fully Protected</p>	S	<p>Mitigation 6-9. Implement <i>Mitigation 6-8</i>. Implementation of this measure as a condition of future individual discretionary project approvals, to the satisfaction of the listing jurisdictional agency (CDFG), would reduce this potential impact to a less-than-significant level.</p>	County	LS

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<p>Species (Golden Eagle and White-Tailed Kite), State Threatened Species (Swainson's Hawk), and a USFWS Bird of Conservation Concern (Golden Eagle). This possibility represents a <i>potentially significant impact</i>.</p> <p>Impact 6-10: Impact on Loggerhead Shrike, Lewis's Woodpecker, Grasshopper Sparrow and Other Protected Bird Species. Future, individual project-level development undertaken in accordance with the Specific Plan may result in direct, temporary, and/or indirect impacts on nesting and foraging habitat for protected bird species known to occur in the plan area, including Loggerhead Shrike, Lewis's Woodpecker, and Grasshopper Sparrow, as well as other special-status and Migratory Bird Treaty Act-protected bird species with the potential to occur in the plan area, representing a <i>potentially significant impact</i>.</p>	S	<p>Mitigation 6-10. If construction or other disturbance to suitable nesting habitat for these and other potential special-status bird species is conducted between February 1 and August 31, pre-construction breeding bird surveys shall be conducted by a qualified biologist no later than 30 days prior to the anticipated start of construction. Construction and removal of suitable nesting vegetation may be initiated without pre-construction surveys if removal and disturbance of suitable nesting habitat is conducted between September 1 and January 31.</p> <p>If breeding birds are observed during pre-construction surveys, disturbance to active nests shall be avoided by establishment of a buffer between the nest and construction activities. Appropriate buffer distances are species- and project-specific but shall follow the guidelines of the ADHCP: for example, a minimum of 500 feet would be required for Swainson's Hawk and a minimum of 250 feet for Special Management Species (Loggerhead Shrike, Grasshopper Sparrow, and Tricolored Blackbird). For all other special-status bird</p>	County	LS

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		species, a minimum buffer distance of at least 50 feet shall be required.		

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<p>biological resources impacts, including cumulative losses of special-status species, Heritage Trees, and other vegetation and wildlife. These cumulative impacts have been considered in the preparation and adoption of the Solano County General Plan and County-certified General Plan EIR, as well as in similar documents prepared for and adopted in other jurisdictions. The Specific Plan's potential contribution to cumulative effects on biological resources would represent a potentially significant cumulative impact.</p> <p><i>CLIMATE CHANGE</i></p> <p>Impact 7-1: Specific Plan-Related and Cumulative Increase in Greenhouse Gas Emissions. Construction and ongoing operation of Specific Plan-facilitated development would result in a net increase in carbon dioxide and other greenhouse gas emissions.</p> <p>The Specific Plan contains guidelines and principles for encouraging energy efficiency in new development within the plan area. In addition, Specific Plan-facilitated new building construction and other improvements would be required to meet California Energy Efficiency Standards for Residential and Nonresidential Buildings, helping to reduce associated future energy demand and associated Specific Plan</p>		<p>resources impact would be reduced to a less-than-significant level.</p> <p>Mitigation 7-1. The proposed Specific Plan contains measures to encourage energy efficiency in new Specific Plan-facilitated development. To further ensure that the proposed Specific Plan facilitates growth in a manner that reduces the rate of associated greenhouse gas emissions increase, discretionary approvals for Specific Plan-related individual residential, commercial, agricultural, and public services projects in the Specific Plan area shall be required to comply with the Climate Action Plan to be developed and adopted by the County. In the interim, Specific Plan-related discretionary approvals shall incorporate an appropriate combination of the following greenhouse gas emissions reduction measures (from Table 7.3):</p>	County	SU

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<p>contributions to cumulative regional greenhouse gas emissions.</p> <p>Nevertheless, conservatively assuming construction emissions of 66 to 1,443 tons per year and an estimated ongoing "worst case" net increase in greenhouse gas emissions of approximately 10,779 metric tons per year (or 6.65 metric tons per year per capita), the proposed Specific Plan could be expected to result in a significant project and cumulative global climate change impact.</p>		<ul style="list-style-type: none"> ▪ features in the project design that would accommodate convenient public transit and promote direct access for pedestrians and bicyclists to major destinations; ▪ adoption of a project design objective for residential and commercial buildings to achieve Leadership in Energy and Environmental Design (LEED) New Construction "Silver" Certification or better, in addition to compliance with California Code of Regulations Title 24 Energy Efficient Standards; ▪ planting of trees and vegetation near structures to shade buildings and reduce energy requirements for heating and cooling; ▪ preservation or replacement of existing onsite trees; ▪ construction and demolition waste recycling (see <i>Mitigation 16-12</i> of this EIR); and ▪ preference for replacement of project exterior lighting, street lights and other electrical uses with energy efficient bulbs and appliances. <p style="text-align: center;">Implementation of appropriate combinations of these mitigation measures in individual Specific</p>		

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<i>HYDROLOGY AND WATER QUALITY</i>				
<p>Impact 11-1: Construction-Period Impacts on Water Quality. Surface water pollutants associated with Specific Plan-facilitated construction activity, including soil disturbance associated with grading activities, could significantly degrade the quality of receiving waters in Hennessey Creek, Green Valley Creek and, ultimately, Suisun Bay, representing a <i>potentially significant impact</i>.</p>	S	<p>Mitigation 11-1. The County shall ensure that the developer of each future Specific Plan-facilitated discretionary development in the plan area complies where applicable with all current state, regional, and County water quality provisions, and in particular, complies with the process of development plan review established in the County's Storm Water Management Plan (SWMP), and associated County NPDES permit issuance requirements instituted to address short-term and long-term water quality issues, including construction period activities. Implementation of this requirement would reduce this impact to a <i>less-than-significant level</i>.</p>	County	LS
<p>Impact 11-2: Ongoing Impacts on Water Quality. Ongoing activities associated with project-facilitated development could increase the level of contaminants in receiving waters. Sources of pollutants could include (a) runoff from new roadways, parking areas, and other paved areas; (b) increased soil disturbance, erosion and sedimentation in surface waters due to expanded and new agricultural activities; and (c) herbicides, pesticides, and fertilizers used in expanded and new agricultural activities and new domestic landscaping. These factors could combine to significantly reduce drainage channel</p>	S	<p>Mitigation 11-2. As a condition of future discretionary development approvals in the plan area, the County shall ensure that developers comply with applicable Solano County Storm Water Management Plan and NPDES permit requirements, including implementation of erosion and sediment control measures for farming activities in accordance with Solano County Storm Water Management Plan requirements and best management practices. In addition, as recommended in the County General Plan under Implementation Program RS.I-67, the minimum riparian buffer width to protect water quality and ecosystem</p>	County	LS

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capacities and degrade the quality of receiving waters in Hennessey Creek, Green Valley Creek, and ultimately, Suisun Bay, representing a <i>potentially significant impact</i> .		function shall be determined according to existing parcel size. For parcels more than 2 acres in size, a minimum 150- foot development setback shall be provided. For parcels of 0.5-2.0 acres, a minimum 50-foot setback shall be provided. For		

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		Implementation of these measures would reduce this impact to a less-than-significant level .		
Impact 13-4: Specific Plan-Facilitated and Cumulative Traffic Noise Impacts on Green Valley Road. Traffic from Specific Plan-facilitated development would increase traffic noise levels on Green Valley Road by 3 to 4 dB above existing levels. While the Specific Plan-related traffic noise increase alone would not represent a significant impact, its contribution to the cumulative traffic noise increase on Green Valley Road south of Eastridge Drive would represent a significant cumulative impact .	S	Mitigation 13-4. To reduce the traffic noise increase along Green Valley Road, the County should consider the use of noise-reducing pavement, along with traffic calming measures (which could achieve noise reductions of approximately 1 dBA for each 5 mile-per-hour reduction in traffic speed). These measures may not be feasible, however, and may not be directly applicable to the Specific Plan, particularly since the segment of Green Valley Road where the highest traffic noise increase is expected (the northbound segment south of Eastridge Drive) is not within the Specific Plan area. The Specific Plan's contribution to the cumulative traffic noise increase along Green Valley Road is therefore considered a significant unavoidable impact .	County	SU
PUBLIC HEALTH AND SAFETY				
Impact 15-1: Future Storage and Use of Agricultural Chemicals. In all four Draft Specific Plan-designated neighborhoods, the plan would permit residential development adjoining agricultural uses, some of which may store and/or use pesticides or other hazardous substances. Agricultural uses allowed by the Draft Specific Plan would also adjoin certain offsite residential areas, such as the upper Green Valley neighborhood north of the	S	Mitigation 15-1. As an amendment to the proposed Specific Plan (Policy OL-11) and/or as part of the proposed Resource Management Plan and/or Agricultural Business Plan, the County shall require a minimum 200-foot-wide buffer between residential and school uses and locations on agricultural properties within and adjoining the Specific Plan area where agricultural pesticides or other hazardous substances may be stored or used. In addition,	County	LS

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		the County shall ensure that agricultural operators within the Specific Plan area comply with all		

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		<p>(2) formulate and adopt the Specific Plan-proposed Wastewater Master Plan for the development area;</p> <p>(3) establish agreement with the FSSD to serve the ultimate development area wastewater treatment need identified in the Wastewater Master Plan; and</p> <p>(4) establish associated wastewater system connection and user fees sufficient to fund the ultimate development area wastewater treatment facility needs identified in the Wastewater Master Plan, including purchase of required FSSD treatment capacity and construction of associated sewer system infrastructure--e.g., onsite collection system, offsite parallel municipal sewer main installation, associated capacity upgrades to the Cordelia Pump station, etc. (CSA Responsibility).</p> <p>Incorporation of these measures as Specific Plan policy would reduce this potential impact to a <i>less-than-significant level</i>.</p>		
<p>Impact 16-5: Potential Project Inconsistency with State Tertiary Wastewater Discharge Standards--Options B (Onsite Treatment) and C (FSSD Connection/Onsite Treatment Combination). Under proposed wastewater service Option B (onsite wastewater treatment system),</p>	S	<p>Mitigation 16-5: Prior to County approval of any future residential subdivision map or discretionary non-residential development application in the plan area under wastewater treatment option B or C, implement the following:</p>	County	LS

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		the County shall require plans for construction of a fire station within the plan area as a condition of Tentative Subdivision Map approval, and confirm that any necessary additional environmental review is conducted. Incorporation of these measures as Specific Plan policy would reduce the impact to a less-than-significant level .		
Impact 16-8: Project Impacts on Emergency Response, Evacuation, and Access. Development in accordance with the Specific Plan would cause traffic increases and congestion on Green Valley Road, possibly delaying emergency response and evacuation, representing a potentially significant impact .	S	Mitigation 16-8. Implement mitigation measures identified in chapter 17, Transportation and Circulation, to reduce the impacts of Specific Plan-related traffic on Green Valley Road and other local roads. In addition, before approval of each Tentative Subdivision Map in the Specific Plan area, the County shall obtain written verification from the CFPD and Cal-Fire that proposed emergency access provisions meet CFPD and Cal-Fire road design and emergency access standards and require any necessary changes as a condition of map approval. Incorporation of these measures as Specific Plan policy would reduce impacts on emergency response, evacuation, and access to a less-than-significant level .	County	LS
Impact 16-9: Project Wildfire Hazard Impact--Ongoing. The Specific Plan would introduce residential (Rural Meadow, Rural Neighborhood and Agriculture-Residential) and residential/commercial (Rural Neighborhood/	S	Mitigation 16-9. Implement <i>Mitigation 16-7</i> and <i>Mitigation 16-8</i> . In addition, as a condition of Certificate of Occupancy approval, each individual discretionary development project in the Specific Plan area shall meet all applicable	County	LS

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Community Service) land within or adjacent to areas where wildland fire danger is "moderate"		California Building Code and California Uniform Fire Code standards (including standards for		

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
<i>TRANSPORTATION AND CIRCULATION</i>				
<p>Impact 17-1: Baseline Plus Project Impacts on Intersection Operations. The project would contribute significantly to baseline level of services impacts (i.e., intersection turning movement volumes) at the following local intersections during typical weekday peak hours:</p> <p><i>Weekday AM Peak Hour:</i></p> <p>(Intersection #9) Green Valley Road at the I-80 Westbound On-Ramp (project-generated traffic would exacerbate already unacceptable baseline operations [LOS F] by increasing the overall intersection traffic volume by more than one percent at this stop-sign controlled intersection)</p> <p>(Intersection #10) Green Valley Road at the I-80 Eastbound Ramps (project-generated traffic would exacerbate already unacceptable baseline operations [LOS F] by increasing the overall intersection traffic volume by more than one percent at this signalized intersection)</p> <p><i>Weekday PM Peak Hour:</i></p> <p>(Intersection #5) Green Valley Road at Westlake Drive (project-generated traffic would result in an LOS change from C under baseline</p>	S	<p>Mitigation 17-1:</p> <p>(1) Baseline plus project impacts on stop sign controlled intersection 5, Green Valley Road at Westlake Drive, would trigger the need for mitigation sufficient to bring project-plus-baseline operations back to LOS B and C in the AM and PM peak hours, respectively. If the City of Fairfield determines in the future that a traffic signal is warranted at this intersection, the City and County shall agree on a fair-share portion of the signal installation cost to be assigned to the plan area, and the County shall identify an associated fair share per residential unit contribution as a condition of subsequent individual subdivision map approvals in the plan area.</p> <p>Implementation of this measure would reduce this particular intersection impact to a <i>less-than-significant level</i>.</p> <p>(2) For project impacts on intersections 7 and 9, the City and County shall agree on a proportionate fair-share of the cost of planned interim improvements to the Green</p>	County	SU

S = Significant	NA = Not applicable
LS = Less than significant	County = Solano County
SU = Significant unavoidable impact	

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
<p>conditions to E under baseline plus project conditions at this stop sign controlled intersection)</p> <p>(Intersection #7) Green Valley Road at Business Center Drive (project-generated traffic would result in an LOS change from E under baseline conditions to F under baseline plus project conditions at this signalized intersection)</p> <p>(Intersection #9) Green Valley Road at the I-80 Westbound On-Ramp (project-generated traffic would exacerbate already unacceptable baseline operations [LOS F] by increasing the overall intersection traffic volume by more than one percent at this stop-sign controlled intersection)</p> <p>(Intersection #10) Green Valley Road at the I-80 Eastbound Ramps (project-generated traffic would result in an LOS change from E under baseline conditions to F under baseline plus project conditions at this signalized intersection)</p> <p>These project-generated intersection LOS changes would represent a significant impact.</p>	S	<p>Valley Road/I-80 interchange that have been identified by the City of Fairfield to be assigned to future subdivision and other discretionary development approvals in the area, including:</p> <ul style="list-style-type: none"> ▪ At signalized intersection 7, Green Valley Road at Business Center Drive, improvement plans are being developed to allow for free right-turn movements on the northbound and southbound approaches to the intersection. The southbound free right-turn would also include construction of a separate right-turn lane for the southbound Green Valley Road approach to Business Center Drive. ▪ At unsignalized intersection 9, Green Valley Road at the I-80 Westbound on-ramp, the on ramp leg of the intersection is to be realigned to allow for the addition of a separate left-turn lane for northbound Green Valley Road, along with a new traffic signal. <p>The County and City shall agree on a fair-share cost to be assigned to the plan area for these improvements, and the County shall identify an associated fair share per residential unit contribution as a condition of subsequent individual subdivision map approvals in the plan area.</p>		S

S = Significant
 LS = Less than significant
 SU = Significant unavoidable impact

NA = Not applicable
 County = Solano County

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
		(3) For project impacts on signalized intersection 10, Green Valley Road at the I-80 Eastbound Ramps, the planned reconstruction of the Green Valley Road/I-80 interchange would ultimately mitigate the anticipated AM and PM peak hour baseline plus project operational impacts; however, no feasible interim improvements to the interchange have been identified to mitigate this impact		

S = Significant
 LS = Less than significant
 SU = Significant unavoidable impact

NA = Not applicable
 County = Solano County

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
		<p>(mitigation would ultimately require reconstruction--i.e., widening--of the overpass).</p> <p>Implementation of the mitigation measures identified above for intersections 7 and 9 would substantially reduce the amount of peak hour delay per vehicle at these two intersections, but not to less than significant levels. The projected background plus project peak hour ratings at study intersections 7, 9, and 10 would remain at LOS E or F. In addition, because the County does not have jurisdiction over any of these study intersections within the City of Fairfield, implementation of the mitigation measures listed above for intersections 5, 7 and 9 cannot be assured. Therefore, until the proposed City/County fair-share funding program for intersections 5, 7 and 9 is established, and the planned I-80/I-680/SR 12 Interchange Improvement Project (the planned reconstruction of the I-80/I-680/SR 12 and Green Valley Road interchange, as described in section 17.1.3 herein) is funded and implemented, the projected interim baseline plus project intersection impacts on intersections (5), (7), (9) and (10) are considered to be significant and unavoidable.</p>		
Impact 17-2: Cumulative Plus Project Impacts on Intersection Operations. Under projected cumulative (2030) plus project conditions, the project would contribute	S	Mitigation 17-2: The cumulative plus project condition at this intersection would not warrant installation of a traffic signal. It is recommended that this intersection remain in	County	SU

S = Significant
 LS = Less than significant
 SU = Significant unavoidable impact

NA = Not applicable
 County = Solano County

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
significantly to further deterioration of traffic operations at intersection 5, Green Valley Road at Westlake Drive, in the PM peak hour,		its current unsignalized condition, since the project-related significant delay would be limited to the left-turn movement at the side		

S = Significant
 LS = Less than significant
 SU = Significant unavoidable impact

NA = Not applicable
 County = Solano County

(8) Summary of Alternatives Evaluation. To provide a basis for further understanding of the environmental effects of the proposed Project and possible approaches to reducing identified significant impacts, and to comply with section 15126.6 of the CEQA Guidelines (Consideration and Discussion of Alternatives to the Proposed Project), chapter 19 of this EIR identifies and discusses six alternatives to the proposed action. The six identified alternatives are summarized below:

(9) Alternatives Evaluation Conclusion--Environmentally Superior Alternative. CEQA Guidelines (section 15126[e][2]) stipulates, "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Table 19.1 in chapter 19 (Alternatives to the Proposed Action) herein provides a summary comparison of the environmental implications of the various identified project alternatives for all of the environmental issues considered in this EIR. When viewed together, Table 19.1 indicates that, of the various alternatives evaluated in this chapter, **Alternative 19.4: Alternative Specific Plan--Reduced Development Capacity ("200/200 Plan")**, a plan with up to 200 new primary residential units and up to 200 associated new secondary residential units, would result in the least adverse combination of environmental impacts and would therefore represent the "environmentally superior alternative" under CEQA. However, this "environmentally superior alternative" would be substantially less effective than the proposed project in attaining the economic balance between compatible development and sustained farming and ranching, open space preservation, and natural resource management through viable development rights transfer and conservancy mechanisms, and therefore may not constitute a feasible project.

(10) Mitigation Implementation. For those mitigation measures identified in this Draft EIR that are adopted by the County, a mitigation monitoring program will be undertaken to verify mitigation implementation pursuant to CEQA Guidelines section 15097 (Mitigation Monitoring and Reporting). Implementation of most of the mitigation measures recommended in this Draft EIR will be effectively implemented through incorporation into the Specific Plan itself and monitored through normal subsequent County development review procedures. However, to satisfy CEQA, a documented record of mitigation implementation will be necessary. Chapter 21 of this Draft EIR includes a suggested Mitigation Monitoring Checklist form for County use in meeting the requirements of CEQA; i.e., in establishing the "who, what, when, and how" aspects for each mitigation measure from this Draft EIR that is ultimately adopted as a condition of project approval.

- approximately 10 miles of internal local roads ranging from paved county roads to privately-maintained ranch roads.

As diagrammed on Figures 3.2, 3.3 and 3.4, the plan area is visually dominated by the following combination of hillside oak woodland, hillside grassland, hillside woodland scrub, and valley floor "visual units":

- The predominant Green Valley Road viewshed (see Figure 3.2), which includes the Green Valley Creek riparian corridor as a key visual feature in the western foreground. The existing riparian growth along Green Valley Creek screens the majority of the western valley floor from the roadway view. The background slopes of the Western Hills and Rockville Hills rise above the riparian foreground. These Green Valley Road viewshed riparian and hillside elements are primary contributors to the visual character and identity of Middle Green Valley.
- The pristine and highly scenic eastern slopes of the Western Hills--i.e., the Three Creeks Foothills, Elkhorn Foothills and Nightingale Hills--including oak woodland and grassland hillsides and hilltops rising to high points of approximately 450 to 850 feet above the valley floor along the western boundary of the plan area.
- The west slopes of the Rockville Hills east of Green Valley Road, including oak woodland and scrub covered hillsides and ridgelines rising to high points of approximately 150 to 250 feet above the valley floor, with concentrations of hillside rural residential development visually punctuating the hillside landscape along Vintage Lane and De Leu Drive.
- The rural agricultural landscape of the flat, north-south valley floor, including open pasture, vineyards, and row crops; the serpentine Green Valley Creek riparian corridor; and Green Valley Road itself as defining visual features; and including small, isolated concentrations of rural residential development along Jeni Lane and along the east side of the Green Valley Road approach to Jeni Lane.

The plan area is highly valued for these rural scenic qualities; however, in recent decades, the agricultural viability that has contributed substantially to these visual values has been in substantial decline throughout the County.

3.1.3 Surrounding Viewshed

The visual image of the plan area is also highly affected by the greater viewshed immediately surrounding the plan area boundary, including:

- views to the west from throughout the plan area of the scenic and pristine slopes and ridges of the Western Hills rising above the plan area boundary towards Elkhorn Peak (elevation: 1,330 feet), including extensive hillside grassland and hillside oak woodland;
- views to the east from throughout the plan area of the lower ridges and western slopes of the Rockville Hills rising above the plan area boundary, including pristine oak woodland and scrub landscapes; and

one overlap in the northeast portion east of Green Valley Road and south of Rockville Road, and two overlaps north of Reservoir Lane.

These three MRZ-3 overlaps into the plan area are generally shown on the map of geologic subunits in the County General Plan Draft EIR (Exhibit 4.7-1) as underlain by the "Sonoma Volcanics" geologic subunit, a rock unit that is extensively exposed in the southwestern portion of the county. This igneous (i.e., formed by the solidification of magma) rock unit consists predominantly of andesite (dark grayish rock) and rhyolite (a lava form of granite).

4.2 PERTINENT PLANS AND POLICIES

CEQA requires an EIR to identify the plan and policy setting within which the project is proposed and discuss any inconsistencies between the proposed project and these applicable plans and policies [CEQA Guidelines section 15125(d)]. CEQA also indicates that this plan and policy consistency discussion should be limited to the context of evaluation and review of environmental impacts [CEQA Guidelines section 15124(b)].

4.2.1 Solano County General Plan

Those policies and implementation programs from the adopted 2008 Solano County General Plan that are pertinent to consideration of the proposed Specific Plan and its potential impacts on Middle Green Valley agricultural and mineral resources are listed below. Where any proposed Specific Plan land use and development policy or standard is found in this EIR to be potentially inconsistent with one or more of these County-adopted policies or implementation programs, a potentially significant environmental impact has been identified, and one or more mitigations have been identified for incorporation into the Specific Plan to reduce the impact and better implement the General Plan. Otherwise, the proposed Specific Plan is considered consistent with the goals, policies and implementation programs listed below.

The Agricultural Subcommittee to the Citizens' Advisory Committee for the 2008 Solano County General Plan update drafted a vision statement that specifically addressed the agricultural industry's importance to the county and called for its protection and preservation. The vision statement specifically called for:

- ensuring that agriculture endures as an essential part of Solano County's identity and lifestyle;
- maintaining and promoting agriculture as an important business and major contributor to Solano County's economy;
- preserving additional values of agricultural land, including important scenic value within the rural environment, providing habitat, providing options for recreation, and serving as a community separator defining the county's distinct cities; and
- providing opportunities for agriculture to serve as an educational tool and tourist draw.

During the six General Plan update public workshops conducted by the County in 2007 for the Middle Green Valley Special Study Area, discussion focused on the need to resolve desires to maintain the Valley's rural character and on "keeping agriculture viable" while deciding how or

Impact 4-2: Indirect Impacts on Prime Farmland. DSP-facilitated development in the Elkhorn, Nightingale and Three Creeks neighborhoods could cause conflicts between new, project-facilitated Residential or Community Services (e.g., private school) uses and adjacent or nearby Prime Farmland agricultural activity. The large size of most DSP-proposed residential lots would allow substantial building setbacks from this property line, which would reduce the possibility for conflicts. Nevertheless, the introduction of new residential uses near existing Prime Farmland operations could result in land use compatibility problems for the existing farmland operations, such as nuisance complaints from new residents, livestock disturbance by domestic pets, trespassing, and vandalism. Nuisance complaints can potentially cause farm operators to curtail operations, and can deter additional investment in farm-related improvements that support the county's agriculture economy. This potential conflict between DSP-facilitated existing farmland operations, residential development and existing agricultural uses represents a **potentially significant impact** (see criteria [b] and [c] in subsection 4.3.1, "Significance Criteria," above).

Explanation:

Nuisance effects resulting from residential development in or adjacent to agricultural areas can include noise (from farm equipment and crop dusting), dust, odors, and drift of agricultural chemicals. These effects could interfere with residential activities and be bothersome to new residents. For the existing agricultural operations within or adjoining the new residential development, such conflicts could include pressures to restrict use of agricultural chemicals and noise- or dust-producing equipment.

Mitigation 4-2: Chapter 2.2 of the Solano County Code protects farm operations from nuisance complaints associated with residential uses located next to active agricultural operations. The County's "right-to-farm ordinance," as it is commonly known, guarantees existing farm owners the right to continue agricultural operations, including, but not limited to, cultivating and tilling the soil, burning agricultural byproducts, irrigating, raising crops and/or livestock, and applying approved chemicals in a proper manner to fields and farmland. The ordinance limits the circumstances under which agriculture may be considered a nuisance. To prevent future residential/agriculture conflicts in the County, notice of this ordinance is currently required to be given to purchasers of real property. Consistent with the Solano County Code, and as a condition of future subdivision and other discretionary development approvals in the plan area, the County shall require the development applicant/developer to provide notification in writing to all prospective purchasers of Residential or Community Services property of the potential nuisances associated with adjacent and nearby farm operations and the existence of the County right-to-farm ordinance.

Implementation of this measure would reduce the potential for project indirect impacts on Prime Farmland to a **less-than-significant level**.

- Changes in habitat function as a result of indirect impacts from changes in land use. Common examples of indirect impacts include changes in hydrology as a result of topographical changes and increases in impervious surface, introduction of non-native invasive species, nighttime lighting, and pet presence/predation for wildlife species.

Mitigation 6-1. The County shall encourage avoidance, minimization and compensatory mitigation of identified biological resources, including careful consideration by prospective individual project applicants of the biological resource constraint information provided in this EIR during the pre-application project design phase. In addition, prior to County approval of any future plan area subdivision or other discretionary development application, the project proponent shall submit a *biological resources assessment report* prepared by a qualified biologist for County review and approval. The *biological resources assessment report* shall contain a focused evaluation of project-specific impacts on biological resources, including any protocol level surveys for biological resources that have been performed as may be necessary for temporary and indirect impacts, as well as all related biological impact avoidance, minimization, and compensatory mitigation measures included in the project. If the assessment results in a determination that: (a) no oak woodland area, potentially jurisdictional wetland area, or riparian habitat or other stream features would be affected; and (b) no special-status plant or animal species habitat known to occur or potentially occur on or in the vicinity of the project would be affected; no further mitigation would be necessary. If the assessment results in a determination that one or more of these features would be affected, the assessment shall identify associated avoidance, minimization, and/or compensatory mitigation measures shall be consistent with the requirements of corresponding Mitigation 6-2 through 6-13 which follow in this EIR chapter, as well as all other applicable state and federal laws and regulations.

Prior to project approval, the County shall also confirm that project-level development has received the necessary permits, approvals, and determinations from applicable biological resource agencies as identified under Mitigations 6-2 through 6-13 which follow.

Implementation of these measures would reduce the potential impact to a ***less-than-significant level***.

Project-level permits, approvals, and determinations related to biological resources that may be required for individual projects within the plan area include:

- (1) Permit approval, as necessary,¹ from federal and state biological resource regulatory agencies including:

¹Permit approval from these regulatory agencies may not be necessary in all cases. If project-level plans avoid habitats within agency jurisdiction as determined by protocol level surveys, a permit may not be necessary. See impacts and mitigation measures that follow for further descriptions of species and habitats that may require protocol-level surveys. Decisions regarding final permitting requirements can only be made by the respective agency with jurisdiction over a particular resource.

Impact 6-3: Impact on Oak Woodlands. The Draft Specific Plan includes land use and circulation configurations and associated measures intended to avoid or minimize potential impacts on existing oak woodlands. Nevertheless, future individual project-level development undertaken in accordance with the Specific Plan may result in direct, temporary and/or indirect impacts on oak woodland communities, representing a ***potentially significant impact*** (see criteria [b] and [e] under subsection 6.3.1, "Significance Criteria," above).

Development in accordance with the Specific Plan may directly affect oak woodlands (Mixed Oak Woodland, Coast Live Oak Woodland, Blue Oak Woodland) through future construction within one or more of the Specific Plan-proposed development areas. Based on the currently proposed land use diagram, the Draft Specific Plan includes approximately 51 acres of oak woodlands within designated potential development areas (see Table 6.4). This preliminary estimate would need to be confirmed through review of project-level development plans. Potential temporary construction impacts may also occur, depending on project-level construction plans. Indirect impacts on oak woodland may include disturbance of root zones during construction, and pruning or trimming oaks as part of routine maintenance.

Mitigation 6-3. Prior to approval of future individual, site-specific development projects within the plan area, the project proponent shall submit an *oak woodland management plan*, prepared by a trained arborist or forester, which is consistent with the requirements of the Specific Plan and this EIR (see below). The *oak woodland management plan* may be integrated into the *biological resources assessment report* (see *Mitigation 6-1*).

Direct impacts on oak woodland shall be mitigated by (a) conservation of oak woodland through the proposed Transfer of Development Rights program (or other method if necessary) at a minimum of a 1:1 ratio by acreage, and (b) replanting of removed heritage oaks at a 1:1 ratio. Transplantation of existing oaks would not require compensatory mitigation, unless subsequent monitoring shows that the transplanted oak has not survived the process.

Implementation of this measure, combined with the detailed mitigation provisions included in the Specific Plan (see below), would reduce the potential impact to a ***less-than-significant level***.

(a) Oak Woodland Measures Included in Specific Plan. The currently proposed Draft Specific Plan includes the following measures to protect and mitigate for potential impacts on oak woodland communities:¹

- Prior to siting any buildings, driveways, or other improvements, an *oak woodland management plan* is to be developed along with, or integrated into, an arborist's report. The plan should address tree health and structural stability for all Heritage Trees located within the building envelope. In addition, all trees within 30 feet of all built improvements,

¹Solano County, *Middle Green Valley Specific Plan, Preliminary Draft*, October 28, 2009, pages 5-70 through 5-71.

- All affected heritage oaks (as defined by Solano County) shall be replaced with native oaks at a minimum ratio of 1:1.
- No more than 20 percent of the proposed mitigation shall be implemented through the planting of seedlings.
- The remaining replacement oaks shall be planted from deepots or treepots using local stock.
- Monitoring of planted mitigation oaks shall be conducted by a qualified biologist, to be retained by the applicant and subject to County approval. Monitoring shall take place annually for a minimum of seven years.

Impact 6-4: Impacts on Riparian Communities. The Draft Specific Plan includes land use and circulation configurations and associated measures intended to avoid or minimize potential impacts on Green Valley Creek and Hennessey Creek riparian communities. Nevertheless, future, individual project-level development undertaken in accordance with the Specific Plan may result in direct, temporary, indirect impacts on riparian communities in the plan area, representing a ***potentially significant impact*** (see criterion [b] under subsection 6.3.1, "Significance Criteria," above).

Development in accordance with the Specific Plan may directly affect riparian vegetation (Great Valley Mixed Riparian Forest, Central Coast Arroyo Willow Riparian Forest) due to future, individual project-level construction activities within Specific Plan-proposed development areas. Based on the currently proposed land use diagram, the Specific Plan would place roughly 1.4 acres of riparian vegetation within land use designations in which some form of development might occur (see Table 6.4). This preliminary estimate would need to be confirmed through review of project-level development plans. Potential temporary impacts on riparian communities may result from construction access and staging and infrastructure development, depending on project-specific construction plans. Potential indirect impacts may include trimming of riparian vegetation, such as during routine road and utility maintenance, potential introduction of invasive species, and potential streambank erosion due to increased stormwater runoff.

Impact 6-7: Impacts on Special-Status Plant Species with Potential Habitat in the Plan Area. Development undertaken in accordance with the Specific Plan may result in direct, temporary or indirect impacts on special-status plant species that have not yet been observed or are not yet known to occur, but could potentially occur, based on habitat conditions in the plan area, including CNPS List 1B species (Alkali milk-vetch, Big-scale balsamroot, Big tarplant, Narrow-anthered California brodiaea, Mt. Diablo fairy lantern, Tiburon paintbrush, Holly-leaved ceanothus, Pappose tarplant, Western leatherwood, Adobe lily, Diablo helianthella, Brewer's westernflax, Robust monardella, Baker's navarretia, Snowy Indian clover, and Saline clover) and CNPS List 2 species (Dwarf downingia, Rayless ragwort, and Oval-leaved viburnum). This possibility represents a **potentially significant impact** (see criteria [a], [b], [f], and [g] under subsection 6.3.1, "Significance Criteria," above).

Mitigation 6-7. Implement *Mitigation 6-6*. Implementation of this measure as a condition of future individual discretionary project approvals, to the satisfaction of the listing jurisdictional agency (CDFG), would reduce this potential impact to a **less-than-significant level**.

Impact 6-8: Impacts on Special-Status Wildlife Species Observed or Known to Occur in the Plan Area. Development undertaken in accordance with the Specific Plan may result in direct, temporary or indirect impacts on special-status wildlife species observed or known to occur in the plan area, including CDFG Species of Special Concern (Loggerhead Shrike, Grasshopper Sparrow, and Western Pond Turtle), a USFWS Bird of Conservation Concern (Lewis's Woodpecker), a Federal Threatened Species (Steelhead) and a CDFG Protected Species (Monarch Butterfly). This possibility represents a **potentially significant impact** (see criteria [a], [b], [f], and [g] under subsection 6.3.1, "Significance Criteria," above).

Figure 6.8 shows specialized wildlife habitat areas within Specific Plan-proposed development areas.

Future biological assessments prepared for project-specific development should review the status of wildlife species to determine if consideration of impacts and mitigation is necessary based on best available science.

Mitigation 6-8. The *biological resources assessment reports* submitted by applicants for project-level developments in the plan area shall evaluate the potential for special-status wildlife species to occur in the proposed project areas and shall identify appropriate avoidance and minimization measures. In accordance with *Mitigation 6-2*, the *biological resources assessment reports* shall refer to the anticipated Solano HCP for appropriate avoidance, minimization and/or compensatory measures. Impacts on avian species protected by the Migratory Bird Treaty Act (MBTA) shall be avoided through preconstruction breeding bird surveys and avoidance of occupied nests. Implementation of this measure as a condition of individual discretionary project approval, to the satisfaction of the listing jurisdictional agency(ies), would reduce this potential impact to a ***less-than-significant level***.

Examples of avoidance and minimization measures for special-status wildlife species are provided in *Mitigation 6-10* through *Mitigation 6-13* below. Specific avoidance and minimization measures would be project-specific and therefore which of these measures, and combinations of measures, would be applied to particular project-specific development proposals cannot be assigned in detail as part of this program-level evaluation.

For avian species, the impacts and mitigations listed below include species covered under the Federal Endangered Species Act (FESA) and California Endangered Species Act (CESA), and those designated as California Fully Protected Species (CFP), CDFG Species of Special Concern (SSC), and/or USFWS Birds of Conservation Concern (BCC). A wide variety of non-special-status native bird species not specifically addressed below are protected by the Migratory Bird Treaty Act (MBTA). Impacts on these species should be avoided through preconstruction breeding bird surveys and avoidance of occupied nests.

Impact 6-9: Impacts on Special-Status Wildlife Species with Potential Habitat in the Plan Area. Development undertaken in accordance with the Specific Plan may also result in direct, temporary or indirect impacts on special-status species that have not yet been observed or are not yet known to occur, but could potentially occur, based on habitat conditions in the plan area, including CDFG Species of Special Concern (Pallid Bat, various Western Bat species, American Badger, and Northern Harrier), CDFG Fully Protected Species (Golden Eagle and White-Tailed Kite), State Threatened Species (Swainson's Hawk), and a USFWS Bird of Conservation Concern (Golden Eagle). This possibility represents a ***potentially significant impact*** (see criteria [a], [b], [f], and [g] under subsection 6.3.1, "Significance Criteria," above).

Mitigation 6-9. Implement *Mitigation 6-8*. Implementation of this measure as a condition of future individual discretionary project approvals, to the satisfaction of the listing jurisdictional agency (CDFG), would reduce this potential impact to a ***less-than-significant level***.

This review should include species addressed as well as species not specifically addressed under *Impact/Mitigation 6-10* through *Impact/Mitigation 6-13* below. For example, Figure 4-8

The URBEMIS2007 model was used to provide preliminary estimates of construction-related emissions. The URBEMIS2007 model can be used to estimate the emissions associated with construction equipment and vehicle activity. However, there are no reliable methods to estimate construction-related emissions associated with the manufacturing of project materials.

The predictions assume a highly aggressive buildout schedule of 3 years. This assumption likely results in an overestimate of annual construction GHG emissions, particularly since, as described in chapter 2, Project Description, of this EIR, development within the plan area is expected to be completed within 8 to 12 years after approval of the final subdivision map for the first phase of development.

There are no existing or proposed federal, State, regional, or local thresholds for construction emissions of GHGs. Therefore, the emissions shown in Table 7.2 are provided for informational purposes only.

Mitigation 7-1. The proposed Specific Plan contains measures to encourage energy efficiency in new Specific Plan-facilitated development. To further ensure that the proposed Specific Plan facilitates growth in a manner that reduces the rate of associated greenhouse gas emissions increase, discretionary approvals for Specific Plan-related individual residential, commercial, agricultural, and public services projects in the Specific Plan area shall be required to comply with the Climate Action Plan to be developed and adopted by the County. In the interim, Specific Plan-related discretionary approvals shall incorporate an appropriate combination of the following greenhouse gas emissions reduction measures (from Table 7.3):

- features in the project design that would accommodate convenient public transit and promote direct access for pedestrians and bicyclists to major destinations;
- adoption of a project design objective for residential and commercial buildings to achieve Leadership in Energy and Environmental Design (LEED) New Construction "Silver" Certification or better, in addition to compliance with California Code of Regulations Title 24 Energy Efficient Standards;
- planting of trees and vegetation near structures to shade buildings and reduce energy requirements for heating and cooling;
- preservation or replacement of existing onsite trees;
- construction and demolition waste recycling (see *Mitigation 16-12* of this EIR); and

(continued)

Impact 11-2: Ongoing Impacts on Water Quality. Ongoing activities associated with project-facilitated development could increase the level of contaminants in receiving waters. Sources of pollutants could include (a) runoff from new roadways, parking areas, and other paved areas; (b) increased soil disturbance, erosion and sedimentation in surface waters due to expanded and new agricultural activities; and (c) herbicides, pesticides, and fertilizers used in expanded and new agricultural activities and new domestic landscaping. These factors could combine to significantly reduce drainage channel capacities and degrade the quality of receiving waters in Hennessey Creek, Green Valley Creek, and ultimately, Suisun Bay, representing a **potentially significant impact** (see criteria [a], [b], and [d] under subsection 11.3.1, "Significance Criteria," above).

Explanation:

Increased uses of herbicides, pesticides, and fertilizers associated with new, project-facilitated agricultural activities and domestic landscaping could add to contamination of receiving waters. In the newly developed neighborhood areas, urban debris and oil and grease that collect on new paved surfaces could be washed into drainages and further impair runoff water quality and ultimately water quality in downstream receiving waters.

Mitigation 11-2. As a condition of future discretionary development approvals in the plan area, the County shall ensure that developers comply with applicable Solano County Storm Water Management Plan and NPDES permit requirements, including implementation of erosion and sediment control measures for farming activities in accordance with Solano County storm water management requirements and best management practices. In addition, as recommended in the County General Plan under Implementation Program RS.I-67, the minimum riparian buffer width to protect water quality and ecosystem function shall be determined according to existing parcel size. For parcels more than 2 acres in size, a minimum 150-foot development setback shall be provided. For parcels of 0.5-2.0 acres, a minimum 50-foot setback shall be provided. For parcels less than 0.5 acre a minimum 20-foot setback shall be provided. Exceptions to these development setbacks apply to parcels where a parcel is entirely within the riparian buffer setback or development on the parcel entirely outside of the setback is infeasible or would have greater impacts on water quality and wildlife habitat. Implementation of this measure would reduce the impact to a **less-than-significant level**.

Pursuant to the federal Clean Water Act, the quality of stormwater runoff discharging into creeks and sloughs is governed by the *National Pollutant Discharge Elimination System* (NPDES). NPDES permits are required in the county for construction projects disturbing more than 1 acre of soil, mining operations, animal feedlots and agricultural facilities above certain thresholds, industrial and municipal discharges, discharges from storm sewer systems in larger cities, and discharges associated with numerous kinds of industrial activity. Permit issuance requires the preparation of a storm water pollution prevention plan (SWPPP). A SWPPP is an operational plan that identifies and describes the best management practices

(BMPs) to be implemented by the NPDES permit holder to reduce impacts on water quality and aquatic habitat.

Solano County's Storm Water Management Plan (SWMP) is consistent with NPDES requirements and procedures. The SWMP establishes a process for the review of

Mitigation 15-1. As an amendment to the proposed Specific Plan (Policy OL-11) and/or as part of the proposed Resource Management Plan and/or Agricultural Business Plan, the County shall require a minimum 200-foot-wide buffer between residential and school uses and locations on agricultural properties within and adjoining the Specific Plan area where agricultural pesticides or other hazardous substances may be stored or used. In addition, the County shall ensure that agricultural operators within the Specific Plan area comply with all applicable local, state, and federal regulations regarding hazardous materials, including Solano County General Plan provisions, Solano County Code requirements, and the permitting processes of the Solano County Department of Resource Management and Solano County Agriculture Department. These measures would reduce the impact to a *less-than-significant level*.

Other jurisdictions, such as Contra Costa County and Mendocino County, have required buffers of 200 to 500 feet between agricultural uses and urban uses. These buffers supplement other requirements, including restrictions such as those imposed by the Solano County Agriculture Department on agricultural spraying near residential areas.¹

All hazardous materials are required to be stored and handled according to manufacturer's directions and local, state, and federal regulations. Some of these regulations may include posting of signs, Fire District notification, and specialized containment facilities.

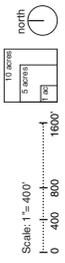
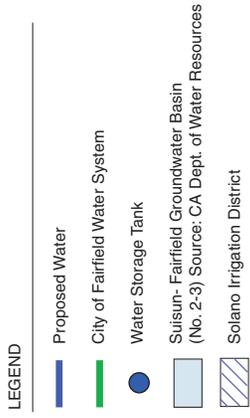
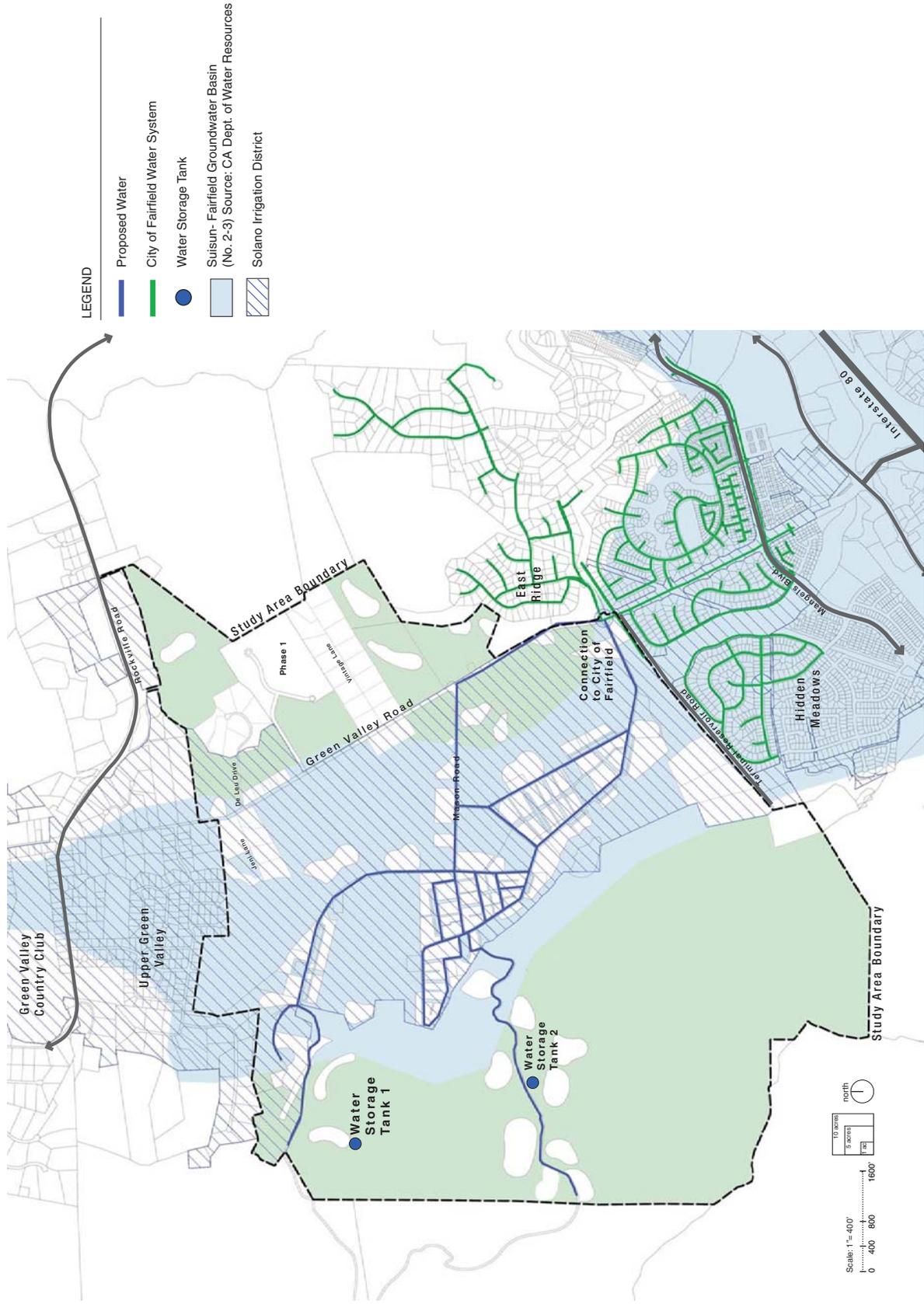
The County would require all agricultural and commercial uses within and adjoining the plan area to follow applicable regulations and guidelines regarding the storage and handling of hazardous materials, including General Plan and County Code requirements and the permitting processes of the Solano County Department of Resource Management and the Solano County Agriculture Department (see subsection 15.2 above). These established measures would help to reduce the potential for health and safety effects associated with potential exposure to agricultural chemicals and other hazardous materials.

Potential Asbestos and PCB Exposure. If development in accordance with the Specific Plan includes alteration, renovation, or demolition of existing structures in the plan area, removal or disturbance of asbestos-containing material (ACM) and/or transformers could expose construction workers and the general public to friable asbestos and/or PCBs. Therefore, as a condition of Specific Plan-facilitated alteration, renovation, or demolition permit approval for buildings within the plan area, the County would routinely require project applicants to coordinate with the Bay Area Air Quality Management District (BAAQMD) to determine if asbestos or PCBs are present.

Ensuring proper identification and removal of ACM and/or PCBs requires each project applicant to complete the following steps:

Step 1. Thoroughly survey the project site and existing structures for the presence of asbestos-containing material. The survey shall be performed by a person who is

¹Leonard Charles and Associates, Southwest Dixon Specific Plan Draft Environmental Impact Report, prepared for the City of Dixon, April 2003, pages 204-208.



SOURCE: Hart Howerton, Planners and Architects

Figure 16.1
**PROPOSED SPECIFIC PLAN WATER SUPPLY FEATURES--
 OPTION A (MUNICIPAL CONNECTION) AND OPTION B (ONSITE GROUNDWATER)**

(g) Solano County Division of Environmental Health. The Solano County Environmental Health Services Division is responsible for permitting and implementing County water systems and wells programs, including the small public water systems. The Environmental Health Services Division is responsible for granting groundwater well permits in unincorporated areas of the county. The County's Environmental Health Division conducts and oversees site evaluations, plan reviews, permit issuance, and construction inspection for onsite wells pursuant to the California Well Standards and Solano County Code Chapter 13.10 (Well Standards).

The Division's well permitting process varies depending on the availability of groundwater at the location of the proposed well. The County's standards for groundwater well permits in a given area govern the physical design and location of wells. The standards do not control the use or quantity of water extracted, however, nor do they currently address the sustainable capacity of the underlying aquifer to supply groundwater. The County Code also does not contain detailed procedures for determining potential well interference effects (i.e., the interference of a proposed well on the pumping rate, drawdown, or long-term supply of an adjacent well).

(h) Solano County Local Agency Formation Commission. The Solano County Local Agency Formation Commission (LAFCO) is responsible for administering extension of existing service areas in the County. Formation of the Specific Plan-proposed County Service Area (CSA) would be subject to LAFCO approval. To approve the CSA, LAFCO must find that the CSA will have the financial and physical capability to carry out its proposed water service, sewer service, and other purposes.

(i) Solano County General Plan. Policies and implementation programs from the 2008 Solano County General Plan that are pertinent to consideration of proposed Specific Plan and its potential water service impacts are listed below. Where the proposed Specific Plan is found in this EIR to be potentially inconsistent with one or more of these County-adopted water service policies or implementation programs, a potentially significant environmental impact and one or more associated mitigations has been identified in section 16.1.5 herein for incorporation into the Specific Plan to better implement the General Plan. Otherwise, the proposed Specific Plan is considered consistent with the Pertinent General Plan water service policies and implementation programs listed below.

(1) General Plan Policies and Programs Pertinent to All Public Services and Utilities. The Solano County General Plan contains the following policies and implementation programs relevant to all public service provisions, including water service:

- *Assign priority for development countywide to vacant lands where public facilities and services are currently provided. (Policy LU.P-38)*
- *Phase future residential development, giving first priority to those undeveloped areas zoned and designated for rural residential use and where rural residential development has already been established; second priority to undeveloped areas designated but not zoned for rural residential use and where rural residential development has already been established; and third priority to those undeveloped areas designated for rural residential use. Also give priority to lands where public facilities and services are currently provided. (Implementation Program LU.I-8)*
- *Provide public facilities and services essential for health, safety, and welfare in locations to serve local needs. (Policy PF.P-1)*

Mitigation 16-5: Prior to County approval of any future residential subdivision map or discretionary non-residential development application in the plan area under wastewater treatment option B or C, implement the following:

- (1) establish the Specific Plan-proposed CSA for the Specific Plan development area;
- (2) formulate and adopt the Specific Plan-proposed Wastewater Master Plan for the proposed development areas (CSA responsibility);
- (3) establish associated wastewater system connection and user fees sufficient to fund ultimate Specific Plan development area wastewater treatment facility needs identified in the Wastewater Master Plan, including construction and ongoing operation, monitoring and maintenance of the onsite wastewater treatment and disposal system (CSA responsibility); and
- (4) complete the RWQCB Discharge Permit process for the proposed irrigation in designated areas, and CDPH permit procedures pursuant to CCR Title 22 standards for the proposed use of tertiary treated wastewater for irrigation (CSA responsibility).

Impact 16-6: Potential Project Inconsistencies with SID Standards--Options B (Onsite Treatment) and C (FSSD Treatment Combination/Onsite Treatment).

The Specific Plan proposes that, under wastewater treatment Options B or C, tertiary-treated wastewater would be reused onsite for agricultural and domestic irrigation purposes in conjunction with Solano Irrigation District (SID) water. The Solano Irrigation District (SID) may determine that delivery of tertiary effluent from the onsite MBR treatment plant via the existing SID conveyance system for agricultural and domestic irrigation purposes may be unsuitable for certain types of irrigation and therefore undesirable to the District. This proposed aspect of Wastewater treatment Options B and C may therefore be infeasible, representing a **potentially significant impact** (see criterion [c] under subsection 16.2.3, "Significance Criteria," above).

According to SID, tertiary-treated effluent may be unsuitable for certain types of agricultural irrigation, such as food crops. SID staff have also indicated that use of the SID system for conveyance and delivery of tertiary-treated effluent "is probably undesirable from the District's point of view," and that instead "a non-potable distribution system delivering effluent would likely be privately owned and operated, perhaps by the proposed Community Services District." SID staff have indicated that, if needed to supplement the effluent, SID could deliver raw water to a single point to a single customer, such as a community services district. This

Development in the Specific Plan area could create the need for a new fire station if the development occurs before construction of the proposed new fire station in the Rockville Trails Estates project is assured. As noted in subsection 16.3.4 above, the *Community Services* land use designation proposed by the Specific Plan would allow development of a fire station within the Specific Plan area.

Mitigation 16-7. Before approval of the first Tentative Subdivision Map application in the Specific Plan area, the County shall obtain written verification from the Cordelia Fire Protection District (CFPD) that either (1) the CFPD's need for a new fire station in the general vicinity has been met (e.g., by plans for a new station on the Rockville Trails Estates site), or (2) a new fire station is needed within the Specific Plan area. If the latter is verified, the County shall require plans for construction of a fire station within the plan area as a condition of Tentative Subdivision Map approval, and confirm that any necessary additional environmental review is conducted. Incorporation of these measures as Specific Plan policy would reduce the impact to a ***less-than-significant level***.

Impact 16-8: Project Impacts on Emergency Response, Evacuation, and Access. Development in accordance with the Specific Plan would cause traffic increases and congestion on Green Valley Road, possibly delaying emergency response and evacuation, representing a ***potentially significant impact*** (see criteria [b] and [c] under subsection 16.3.3, "Significance Criteria," above).

As discussed in subsection 16.3.1 above, the CFPD would require that roads in the Specific Plan area be a minimum of 18 feet wide, with maximum slopes of 12 percent. As indicated in subsection 16.3.4 above, the emergency vehicle access roads (fire roads) proposed by the Specific Plan would have 16-foot-wide pervious travel ways plus one-foot shoulders on each side, thereby meeting the 18-foot minimum width requirement of the CFPD.

Mitigation 16-8. Implement mitigation measures identified in chapter 17, Transportation and Circulation, to reduce the impacts of Specific Plan-related traffic on Green Valley Road and other local roads. In addition, before approval of each Tentative Subdivision Map in the Specific Plan area, the County shall obtain written verification from the CFPD and Cal-Fire that proposed emergency access provisions meet CFPD and Cal-Fire road design and emergency access standards and require any necessary changes as a condition of map approval. Incorporation of these measures as Specific Plan policy would reduce impacts on emergency response, evacuation, and access to a ***less-than-significant level***.

- (a) result in substantial adverse physical impacts associated with the need for or provision of new or physically altered parks and recreation facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives;¹
- (b) increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated;² or
- (c) include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.³

16.4.4 Relevant Project Characteristics

The Specific Plan would set aside areas for passive and active recreation by designating approximately 25 acres as *Open Lands-Passive and Active*. Land uses allowed in areas designated *Open Lands-Passive and Active* would include trails, neighborhood parks, greens, trailheads and parking, playfields, and supporting recreational buildings and improvements. The Specific Plan further defines seven types of “open lands” in the plan area (neighborhood greens, playgrounds/pocket parks, rambles, playfields, community gardens, agricultural lands, and meadows) and specifies design requirements for these areas.

Recreational facilities envisioned for areas designated *Open Lands-Passive and Active* include:

- In the Elkhorn Neighborhood: a 1.0- to 1.5-acre main green along with a network of smaller greens, rambles, community gardens and a trailhead;
- In the Nightingale Neighborhood: greens, rambles, and community gardens, along with a minimum of five acres of sports fields, consisting of a sports field area at the northern edge of the neighborhood and a more casual field area on the south side of Hennessey Creek. (A community recreation center and a spa and fitness facility, designated *Community Services*, are also envisioned for this neighborhood.)
- In the Three Creeks Neighborhood: an approximately 0.75-acre central green with a trailhead.

As shown on Figure 2.9 (Proposed Specific Plan Circulation System) in chapter 2, Project Description, the Specific Plan would designate trails along the west side of Green Valley Road, throughout the Nightingale, Elkhorn, and Three Creeks neighborhoods, and extending into the foothills in the western part of the plan area.

16.4.5 Impacts and Mitigation Measures

Project Demand for Parks and Recreational Facilities. Development in accordance with the Specific Plan would bring an estimated 1,485 residents and 136 employees to the plan area,

¹CEQA Guidelines, Appendix G, item XIII(d).

²CEQA Guidelines, Appendix G, item XIV(a).

³CEQA Guidelines, Appendix G, item XIV(b).

Table 17.1
SIGNALIZED INTERSECTION LEVELS OF SERVICE DEFINITIONS

<u>Level of Service</u>	<u>Description of Operations</u>	<u>Average Delay (sec/veh)</u>
A	Insignificant Delays: No approach phase is fully used and no vehicle waits longer than one red indication.	≤ 10
B	Minimal Delays: An occasional approach phase is fully used. Drivers begin to feel restricted.	> 10 to 20
C	Acceptable Delays: Major approach phase may become fully used. Most drivers feel somewhat restricted.	> 20 to 35
D	Tolerable Delays: Drivers may wait through no more than one red indication. Queues may develop but dissipate rapidly without excessive delays.	> 35 to 55
E	Significant Delays: Volumes approaching capacity. Vehicles may wait through several signal cycles and long vehicle queues from upstream.	> 55 to 80
F	Excessive Delays: Represents conditions at capacity, with extremely long delays. Queues may block upstream intersections.	> 80

SOURCE: *Highway Capacity Manual*, Transportation Research Board, 2000.

approach. Table 17.2 summarizes the correlation between LOS designation and average vehicle delay at unsignalized intersections.

Six (6) of the 13 "study" intersections are currently signalized and seven (7) are controlled by stop signs.

(d) Existing Intersection Operations. AM and PM peak hour turning movement counts were conducted at all 13 study intersections in May and September of 2009 when local schools were in session. Figure 17.2 presents the existing lane configurations at the 13 study intersections and Figure 17.3 presents the existing traffic volumes (traffic count results). Table 17.3 summarizes the associated LOS computation results for the existing weekday AM and PM peak hour. Corresponding more detailed lane configuration information, traffic count data, and LOS analysis computation sheets are available for review at the Solano County Department of Resource Management, Planning Division.

For intersections and roadway segments in unincorporated Solano County, the minimum acceptable level of service is LOS C. For intersections and roadway segments in the City of Fairfield that are not Solano Transportation Authority (STA)-identified *routes of regional significance* (see section 17.2.1 herein), the minimum acceptable level of service is LOS D. For STA intersections, roadway segments, and freeway segments, the minimum acceptable level of service is LOS E.

As shown in Table 17.3, all signalized study intersections currently operate at acceptable conditions (LOS D or better) during the weekday AM and PM peak hours. For the unsignalized study intersections, the worst approaches all currently operate at LOS B or better. Overall, all

Impact 17-1 (continued):

(Intersection #9) Green Valley Road at the I-80 Westbound On-Ramp (project-generated traffic would exacerbate already unacceptable baseline operations [LOS F] by increasing the overall intersection traffic volume by more than one percent at this stop-sign controlled intersection)

(Intersection #10) Green Valley Road at the I-80 Eastbound Ramps (project-generated traffic would result in an LOS change from E under baseline conditions to F under baseline plus project conditions at this signalized intersection)

These project-generated intersection LOS changes would represent a **significant impact** (see criteria [a][1], [b][1] and [b][2] under subsection 17.3.1, "Significance Criteria," above).

Mitigation 17-1:

(1) Baseline plus project impacts on this stop sign controlled intersection 5, Green Valley Road at Westlake Drive, would trigger the need for mitigation sufficient to bring project-plus-baseline operations back to LOS B and C in the AM and PM peak hours respectively. If the City of Fairfield determines in the future that a traffic signal is warranted at this intersection, the City and County shall agree on a fair-share portion of the signal installation cost to be assigned to the plan area, and the County shall identify an associated fair share per residential unit contribution as a condition of subsequent individual subdivision map approvals in the plan area.

Implementation of this measure would reduce this particular intersection impact to a **less-than-significant level**.

(2) For project impacts on intersections 7 and 9, the City and County shall agree on a proportionate fair-share of the cost¹ of planned interim improvements to the Green Valley Road/I-80 interchange that have been identified by the City of Fairfield to be assigned to future subdivision and other discretionary development approvals in the plan area, including:

(continued)

¹California Assembly Bill 1600 (AB 1600), the "Enforced Master Plan Act of 1988" (CGC sections 66000-66009) establishes legal procedures for charging development impact fees (DIFs) in California. The codified legislation provides a fair means of distributing development-generated capital infrastructure capital costs between various types of development on a fair share basis, based on plan formulated to indicate the infrastructure needs to serve anticipated private sector development proposals. The plan must be based on the City or County's adopted land use map, the existing level of service currently provided, identification of the capital facilities necessary to maintain this level of service with the anticipated additional development, identification of the level of responsibility for the identified additional capital facilities needs, and distribution of this capital cost responsibility to differing additional land uses based on relative (or proportional) use.

Mitigation 17-1 (continued):

- At signalized intersection 7, Green Valley Road at Business Center Drive, improvement plans are being developed to allow for free right-turn movements on the northbound and southbound approaches to the intersection. The southbound free right-turn would also include construction of a separate right-turn lane for the southbound Green Valley Road approach to Business Center Drive.
- At unsignalized intersection 9, Green Valley Road at the I-80 Westbound on-ramp, the on ramp leg of the intersection is to be realigned to allow for the addition of a separate left-turn lane for northbound Green Valley Road, along with a new traffic signal.

The County and City shall agree on a fair-share cost to be assigned to the plan area for these improvements, and the County shall identify an associated fair share per residential unit contribution as a condition of subsequent individual subdivision map approvals in the plan area.

(3) For project impacts on signalized intersection 10, Green Valley Road at the I-80 Eastbound Ramps, the planned reconstruction of the Green Valley Road/I-80 interchange would ultimately mitigate the anticipated AM and PM peak hour baseline plus project operational impacts; however, no feasible interim improvements to the interchange have been identified to mitigate this impact (mitigation would ultimately require reconstruction--i.e., widening--of the overpass).

Implementation of the mitigation measures identified above for intersections 7 and 9 would substantially reduce the amount of peak hour delay per vehicle at these two intersections, but not to less than significant levels. The projected background plus project peak hour ratings at study intersections 7, 9, and 10 would remain at LOS E or F. In addition, because the County does not have jurisdiction over any of these study intersections within the City of Fairfield, implementation of the mitigation measures listed above for intersections 5, 7 and 9 cannot be assured. Therefore, until the proposed City/County fair-share funding program for intersections 5, 7 and 9 is established, and the planned I-80/I-680/SR 12 Interchange Improvement Project (the planned reconstruction of the I-80/I-680/SR 12 and Green Valley Road interchange, as described in section 17.1.3 herein) is funded and implemented, the projected interim baseline plus project intersection impacts on intersections (5), (7), (9) and (10) are considered to be **significant and unavoidable**.

17.3.6 Cumulative (2030) Plus Project Roadway Conditions

The 2030 Cumulative Scenario assumes build-out of the area under the currently adopted Solano County and City of Fairfield General Plans. Roadway system improvements assumed under this 2030 scenario include the planned I-80/I-680/SR 12 Interchange Project, including reconstruction of the Green Valley Road/I-80 interchange, as described in section 17.1.3 herein (i.e., reconfiguration of the I-80/I-680/SR 12/Green Valley Road interchange). These improvements would substantially improve operations on the subregional freeway system, as well as on the local street system.

APPENDIX 4.1:

**MEMO FROM OFFICE OF COUNTY COUNSEL
RE: MIDDLE GREEN VALLEY SPECIFIC PLAN,
FORMATION OF COUNTY SERVICE AREA (CSA)**

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DEPUTY COUNTY COUNSEL

To: Michael Yankovich

From: James Laughlin 

Date: April 27, 2010

**Re: Middle Green Valley Specific Plan,
Formation of a County Service Area**

Several comments on the Draft Environmental Impact Report (DEIR) for the Middle Green Valley Specific Plan project (MGV-SP) have asked whether the project complies with Government Code section 56133. This is a legal issue regarding project design and feasibility rather than a question regarding potential environmental impacts and mitigation measures. We have previously provided advice to staff on this issue during formulation of the MGV-SP project and drafting of the DEIR. The purpose of this memorandum is to reiterate that prior advice and explain the supporting rationale.

The MGV-SP proposes that the County form a County Service Area (CSA) to provide potable water and sewer services within the project area, utilizing new water distribution and waste water collection systems. The potable water supplied by the CSA to customers within its service area could come from either of two sources: new wells and a water treatment facility owned by the CSA or surplus water from the City of Fairfield's existing facilities. Likewise, sewage treatment services provided by the CSA to customers within its service area could be provided at either of two facilities: a new waste water treatment facility owned by the CSA or the Fairfield-Suisun Sewer District's existing facility.

The comments on the DEIR suggest that an agreement by the City of Fairfield to sell surplus water to the CSA, and an agreement by the Fairfield-Suisun Sewer District to accept waste water from the CSA and to then treat and dispose of that waste water, would conflict with the extension of service provisions in Government Code section 56133.

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 the Local Agency Formation Commission (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.

It is clear that the CSA will be providing new water and sewer service within the MGVS-SP area, but section 56133 is not applicable to the CSA because the CSA will be providing these services within its jurisdictional boundaries. Formation of the CSA is subject to LAFCo approval. (Gov. Code, §§ 25211.4 & 56036.) LAFCo is not to approve formation of the CSA unless it finds that the CSA will have the financial capability to carry out its purposes as well as the physical capability to provide water and sewer services to the MGVS-SP area. (Gov. Code, §§ 25211.4(b) & 56668(j)).

If the CSA enters into an agreement with the City for potable water, and an agreement with the Sewer District for waste water treatment and disposal, the CSA would provide water service and sewer service at retail to consumers within the MGVS-SP area, while the City and Sewer District would provide water and waste water treatment at wholesale to the CSA. Although the CSA would clearly be a provider of water and sewer services within the MGVS-SP area, the issue is whether the City and the Sewer District should be characterized as co-providers of services within the MGVS-SP area, in conjunction with the CSA, under such an arrangement. In other words, under a wholesale-retail arrangement, does section 56133 apply only to the retail service provider, or does it apply to both the wholesaler and the retailer?

The Cortese-Knox-Hertzberg Act includes a definition of "service" at section 56074, but that definition does not provide any guidance on this issue. Therefore, we look to other provisions in section 56133 and the Cortese-Knox-Hertzberg Act, as well as the legislative history, to determine whether the Legislature intended for section 56133 to apply to wholesale-retail arrangements between two or more public agencies.

In 1967, the Legislature gave LAFCo jurisdiction over the formation of, and changes to, county service areas. (Stats. 1967, ch. 920, § 28.) In 1993, the Legislature added section 56133 to the Cortese-Knox Act. (Stats. 1993, ch. 1307, § 2 (AB 1335).) The 1993 version of section 56133 stated, "This section does not apply to contracts or agreements solely involving two or more public agencies." Therefore, to extent that the City and the Sewer District might be characterized as co-providers of services within the MGVS-SP area and therefore potentially subject to section 56133, contracts between the CSA on the one hand and the City and Sewer District on the other were squarely within section 56133's exemption for inter-agency contracts as enacted in 1993.

The Legislative Counsel's analysis of AB 1335 explained that then-existing law prohibited a county board of supervisors from providing extended services to unincorporated areas through the establishment of county service areas without LAFCo approval. Under section 56133 as added by AB 1335 in 1993, a city or district would also be prohibited from providing new or extended services outside its jurisdiction without prior written approval from LAFCo. In other words, the purpose behind section

56133 was to give LAFCo jurisdiction over the provision of services in previously-unserved areas, regardless of whether the services would be provided by a county service area (as covered by then-existing law) or by a city or district (as covered by AB 1335). Section 56133 assisted LAFCo in fulfilling its over-arching objectives of preventing urban sprawl and encouraging the orderly formation and development of local agencies. (Gov. Code, § 56301.)

Section 56133 was amended in 2000 as part of the redrafting of the Cortese-Knox Act as the new Cortese-Knox-Hertzberg Act. (Stats. 2000, ch. 761, § 47 (AB 2838).) The previous exception for contracts or agreements between public agencies became the first sentence of subdivision (e) of that revised section and was rewritten as follows: “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.”

AB 2838 was drafted based on recommendations made in a report prepared by the Commission on Local Governance for the 21st Century, entitled Growth Within Bounds. At pages 97 through 98, the Report provides a detailed explanation of the pre-existing situation that was intended to be remedied by the redrafted sentence in subdivision (e) of section 56133, stating as follows:

Public agency projects, especially those involving institutional facilities, often have growth implications that should be considered by LAFCO. One instance in which a service extension may involve only public agencies, but may nevertheless be growth-inducing and may impact the orderly extension of public services generally, occurs when a new school site is proposed on agricultural lands or open-space lands. Generally speaking, a city or special district must extend service to the site to enable development of the school. Currently, LAFCO has no authority to review such extension.

The two examples cited by the Commission in its Report both involved the construction of school district facilities on agricultural land. In one case, located in an unincorporated area, a nearby water district had entered into an agreement with the school district to provide water service to the new school site. In the other case, located within a city’s greenbelt area, an adjoining city had agreed to provide water and sewer service to the school district to serve the new school site. In both cases, LAFCo had no jurisdiction to review the proposals to provide services to previously-unserved areas because the agreements were between two public agencies rather than a public agency and a private party. In proposing that section 56133 be amended, the Commission sought to give LAFCo jurisdiction to review these types of inter-agency agreements. The Commission expressed no opinion as to whether LAFCo should approve or disapprove a particular contract or agreement between two or more public agencies; the Commission left that determination to be made by LAFCo, based on the facts presented in each case.

The Legislature's 2000 amendment to section 56133 should not be interpreted more broadly than intended by the Commission on Local Governance for the 21st Century, as explained in its Report. The Commission was clearly focused on situations where one public agency was acting as a retailer providing services to another public agency acting as consumer. In both examples cited by the Commission in its Report, a school district was the consumer of the services. It does not matter that the school district's employees and guests were the people who actually drank the water and flushed the toilets. The situation is no different that a city public works department providing water and sewer service to a private business located within the city; although the business' employees and guests are the ultimate users of the services, the business itself is the city's customer for service and billing purposes.

The County's proposal to form a CSA in order to provide water and sewer service to the MGVS-SP area will be subject to LAFCo review. Just like every other district formation proposal, LAFCo will 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 its own wells and other facilities to provide services within its boundaries, LAFCo will need to review the adequacy of those facilities. If the CSA proposes to utilize water and waste water treatment it purchases from the City and Sewer District, respectively, at wholesale, LAFCo will need to review the adequacy of the agreements and the physical capacity of those other entities' facilities. The absence of LAFCo jurisdiction that the 2000 amendment to section 56133 was intended to address does not exist in this CSA formation situation.

Based on this background, it is our opinion that agreements between the CSA on the one hand and the City and Sewer District on the other, that enable the CSA to provide reliable water and sewer service to the CSA's customers within the MGVS-SP area, would not conflict with section 56133. LAFCo will have an opportunity to exercise its full extent of jurisdiction over the CSA's proposal to provide water and sewer services to the MGVS-SP area during its consideration of the CSA formation proposal.