

TO: Honorable Mayor and City Council
Attention: David J. Van Kirk, City Manager

FROM: Laura C. Kuhn, Assistant City Manager

**SUBJECT: REVIEW OF SOLANO COUNTY GENERAL PLAN STATUS AND
AUTHORIZATION FOR THE CITY TO TRANSMIT COMMENTS TO THE
SOLANO COUNTY BOARD OF SUPERVISORS**

DISCUSSION:

The purpose of this report is to update the City Council on the status of the County General Plan and to receive direction from the Council as to the City's position on the remaining issues. Based on this direction, a final letter transmitting the City's comments will be prepared.

History:

On December 7, 2007, and February 13, 2008, the City of Vacaville provided comments to the County (Attachment A and B) concerning various proposals contained in the recommended Draft General Plan. The City's key issues focus primarily on proposals for conversion of vacant and/or agricultural lands to new urban development. These proposals include approximately 343 acres of land either directly adjacent to, or near, the City of Vacaville.

The new urban development proposals stem from the County's Citizen Advisory Committee (CAC) review of economic data submitted last year. The CAC recommendations were based upon a concern over the lack of adequate, large vacant development sites, which would generate employment opportunities. In the fall of 2007, the City of Vacaville reported to the CAC that over 1,200 acres of vacant industrial and business park land was available in Vacaville alone. Of the vacant lands, there are 12 sites over 30 acres in size and two of these are over 100 acres. A copy of this information is provided in Attachment C. The County has also proposed additional Highway Commercial and Service Commercial sites. Currently Vacaville has approximately 300 acres of vacant commercially-zoned land.

In early 2008, a voter initiative was submitted to the City for the adoption of an Urban Growth Boundary around the City. This proposal was adopted by the Council on March 25, 2008. The boundary includes additional vacant lands outside of the Vacaville Sphere of Influence (SOI) that could be developed for housing, commercial, and industrial uses. This growth boundary would provide additional potential for employment opportunities beyond the over 1,200 acres currently available within the City limits.

A key distinction, however, is that the Urban Growth Boundary was also intended to provide a "limit" to development so that greenbelts and agricultural uses would be preserved in the unincorporated area. It would appear, however, that the County's urban development proposals defeat the growth boundary purpose because they provide for the potential for urban development just beyond our adopted growth boundary.

In response to the various proposals for urban development, the City transmitted a letter to the Board of Supervisors in May. This letter reviewed the agreement that had been reached between the City and County that established the "what is urban shall be municipal" policy. This agreement was the basis for the City collecting the County's Public Facilities Fee. This letter, sent on May 15, 2008, is provided as Attachment D.

In June, the Board of Supervisors commenced the public hearing process. Currently, the schedule of hearings calls for final consideration of the General Plan on August 5, 2008, with the intention to submit the updated General Plan to the voters for action on November 4, 2008. Early in June, the City was contacted by the County requesting a meeting to discuss our outstanding issues. On June 23, 2008, a meeting was held with Mayor Augustine, Vice Mayor Dimmick, City Manager Van Kirk, Board Vice Chair Vasquez, Supervisor Spering, County Administrator Johnson, and various staff involved in the General Plan Update process. Various options were discussed about how to

address the City's concerns. On July 3rd, County staff provided a list of proposed amendments (Attachment E) to the General Plan Update, which were intended to address a majority of the outstanding concerns. On July 8th, County staff presented these proposals to the Board for discussion.

While the City's concerns were raised formally in December 2007, and again in February 2008, we have not yet reached universal agreement on language which would provide a level of surety to the City that all of the issues are resolved. In addition, it is important to note that City staff has identified several other related environmental and safety concerns as part of our comments on the Environmental Impact Report (EIR) for the General Plan Update (Attachment F). The County has published notice that the Final EIR, including the responses to our comments on the Draft EIR, will be available on July 21, 2008. Staff will review the various responses to our comments after release of the Final EIR, and additional issues may still arise. Therefore, this leaves little, if any, time for staff to report to the Council on the adequacy of the Final EIR.

The City has identified several areas of benefit resulting from some elements of the General Plan Update. These include the new provisions, which have been designed to further benefit agricultural uses, agricultural processing, and related ancillary commercial sales of agricultural products. The updated General Plan policies would allow for enhancement of the agricultural industries in Solano County so that they can more ably compete with surrounding markets. Further, the General Plan, for the most part, updates policies and programs needed to bring the document into the 21st Century.

The following elements of this report highlight the outstanding issues, as identified by the City, as well as some minor clean-up items proposed by the County in their list of proposed amendments (Attachment E). It is important to note that the County proposals leave some of the issues to later analysis. This includes the development of a Policy Plan and Gateway Design Guidelines. Therefore, at this time, there is no final plan in place to ensure that the scale, type, and design of new urban development near our borders will address all of the issues.

Highway Commercial and Service Commercial Proposals Adjacent to City:

Three locations are currently zoned for Agricultural, Rural Residential and County Park uses that are outside of the Vacaville SOI and are proposed for Highway Commercial or Service Commercial development. These sites total 129 acres of land, as illustrated on the maps provided in Attachment G and H. The properties include:

1. Twenty-four (24) acres at I-80 and Cherry Glen Road (the "Pierson Property");
2. Forty (40) acres east and west of I-80 at Midway Road; and,
3. Forty-five (45) acres located southeast of I-80/north of Midway Road (the "Bray Property").

Attachment H also highlights some additional land use changes to reflect existing land uses. One site includes the 50-acre existing RV park sites on Midway Road, which are proposed to be changed from "County Park" to Commercial Recreation. The other is to reflect the existing land use. Additionally, approximately 7.5 acres on the west side of I-505 at Midway Road containing a small retail store and lounge is proposed to be designated from Rural Residential to Highway Commercial.

The Draft General Plan Public Facilities policies call for the use of wells for water service and package sewage systems for sewer service to these areas. The use of wells and package systems could present problems in the event of emergencies, as the City's Fire Department is often the first responder to fire events adjacent to or near the City. While attending to out-of-City emergencies, the Fire Department could, in turn, have a resulting negative effect on our ability to maintain service levels to meet the needs of our residents. Further, package sewer systems often rely on pumping and off-hauling of sludge to urban treatment facilities and could have impacts on groundwater quality. Some of these sites are located near the Tehama Aquifer, which is one of the three water sources for the City. The development of these sites also creates a concern about the potential for flooding from increased storm water runoff and the lack of supporting drainage systems maintained by the County. The City recommended to the County that the areas proposed

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

The County has proposed an option for one of the three sites proposed for commercial uses. This proposal affects the Pierson Property (Attachment G). The proposal includes the provision of a symbol on the General Plan Land Use Map to indicate that this area is subject to a "joint study area." This joint study area would require that the land be annexed to the City prior to development of the property for Highway Commercial uses. The proposals are provided in Attachment E, items 1 and 2. Mr. Pierson has raised concerns that his property could be put "in limbo," as there is no timing requirement to trigger the annexation. Therefore, the property could be stalled from development if annexation does not occur. At a recent Board of Supervisor's meeting, some Board members appeared to be interested in including a time limit, such as 3-5 years, so that if the property is not annexed, development could occur in the County.

Another concern is that the County has discussed the need for a truck stop along I-80 to provide services to truckers who often stop along I-80 exits to rest. Both the Bray and Pierson properties, if rezoned to Highway Commercial, would be sites for such a use. Both locations, however, are prime gateway sites that would affect the visual entry to Vacaville. In addition, the Bray property is near the Veterans Cemetery, which is a use that the City Council has specifically discussed as being sensitive to incompatible land uses.

No other land use restrictions have been proposed for the properties east and west of I-505 at Midway Road or for the Bray property at I-80 and Midway. These proposals would allow for conversion of approximately 24 acres to Highway Commercial and 11 acres to Commercial Service uses. The County has proposed that these uses be subject to the Design Guidelines discussed further below.

Limited Light Industrial Special Study Area North of Midway and East of I-505:

The recommended Draft General Plan includes an area of about 250 acres north of the City along I-505 that are proposed for Limited Light Industrial uses. There are some existing businesses in this area and the County has stated that they desire to retain an area for these existing uses and those industrial uses that require a rural setting. The City's February 2008 letter (Attachment B) to the County included a proposal to support a policy that allows these existing businesses to remain, with some limited potential for adding "rural oriented" industrial uses subject to certain limitations. The City further requested that the design and land use restrictions be codified in the County Code as mandatory development standards so that compliance with these standards could not be waived by the County. The County has offered the following proposals (listed by item number in Attachment E) in response to our concerns:

- Item 3: Create a special study area that would provide for development of a Policy Plan incorporating most of the City-requested restrictions on development, including a landscape buffer along I-505;
- Item 8: Delete the provision for "large scale administrative offices" as an allowed use in the Limited Light Industrial zone.

In addition to the above, the County has proposed that all new urban development be subject to the Design Guidelines (discussed further below) and that the zoning for the various sites not be granted until the Special Study Area Policy Plan and Design Guidelines are adopted. The Special Study Area Policy Plan is intended to ensure that the industrial uses allowed in this Special Study Area are not uses that are normally desired within cities, meaning that they are generally more suitable to a rural area. What is not known at this time is what the specific details will be in the development of the future Special Study Area Policy Plan. These details would include the specifically allowed uses and more detailed development standards. The City is concerned that the design of building architecture, as well as on and off-site improvements should be carefully evaluated. It is important that any urban development in the adjacent unincorporated areas be consistent with City standards because the lack of compatible standards may result in impacts on adjacent or nearby City services and property owners.

Design Guidelines:

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

In Attachment E, item 7, the County proposes to include provisions for the creation of Design Guidelines in conjunction with the City to aid in ensuring that development near the City would be designed to meet local development standards. Such guidelines would be developed prior to rezoning of any parcel to Highway Commercial. What is not clear however, is how the Guidelines would be applied (by either Resolution or Ordinance), the process that would be followed for City consultation, or any specific guarantee of enforcement of the development standards. Therefore, the introduction of areas of urban development around Vacaville could have negative impacts.

Status of Rural Residential Proposals in North Vacaville:

The proposed General Plan includes provisions for increasing the amount of land designated for rural residential development north of the City. The Board of Supervisors has discussed reducing the amount of newly designated Rural Residential area proposed north of Vacaville. This reduction would allow for some minor lot splits on various parcels (about 10 new lots) and for some development potential on the Pippo property. County staff estimates this new development potential to be limited to about 45 new parcels.

As has been stated previously, this area is currently served by a water district that has limited water capacity. It is also served by the Vacaville Fire Protection District. The City has questioned whether there is adequate water supply to serve additional rural residential growth and/or whether such growth may affect the water district's ability to provide water service to its customers. Further, increased development will affect the local Fire District's ability to serve the development, which does have the potential to affect the City's current level of service when providing mutual aid to the Vacaville Fire Protection District. In addition, the Vacaville Fire Department provides Emergency Medical Services (EMS) and ambulance transport to the unincorporated area surrounding the City. The City has recommended that the County investigate funding options to ensure that the additional development will not negatively affect service delivery in the area. To address this, the County has proposed adding a new policy, as shown in Attachment E, item 9, to assess the potential for creating a Community Facilities District.

Vacaville-Fairfield Greenbelt:

A minor change was requested by the City of Fairfield regarding the existing Vacaville-Fairfield Greenbelt area. This was recognized by adding additional language to the General Plan as shown in Attachment E, items 4 and 5. The City has requested that the County ensure that the boundary shown on the map is accurate. Otherwise, the addition of this information is helpful to clarify the existing Greenbelt Joint Powers Agreement.

Environmental Impact Report:

The Final EIR will be published on Monday, July 21, 2008. Therefore, the release of the Final EIR will be too late for staff to brief the Council on all of the potential remaining issues. Therefore, staff will have to evaluate that information separately and comment to the County on this element of the General Plan Update process. The City did comment on the Draft EIR on June 2, 2008. A copy of our comments is provided in Attachment F. Because of the 343 acres of proposed urban development near the City of Vacaville, there is the potential for environmental impacts.

An example of an environmental impact that could be significant to the City is the issue of protecting the Tehama Aquifer. As was previously noted in this report, there are new urban development proposals in the County that would rely on groundwater resources, which would likely access this aquifer as a sole source of water service. The Tehama Aquifer is not "adjudicated," which means that the aquifer can be tapped by landowners as a source of water. However, through the Solano County Water Agency (SCWA) there are existing policies that regulate how this

groundwater basin is managed. Solano Water Authority Project Agreement #4, approved in 1993, establishes standards for managing the aquifer. Tapping into this system to support new development could be problematic in years that the aquifer is declining. Thus, reliance on ground water systems in drought years could further make development of commercial and industrial uses difficult due to lack of adequate water supply.

Other issues regarding public safety impacts to fire and emergency medical services, traffic, sewer issues, and other related environmental concerns have been raised by the City. Staff will closely monitor the adequacy of responses to comments and determine what, if any, remaining impacts have not been resolved.

Conclusions:

Since early June, the County has taken steps to add additional policies and language for addressing some of the City's concerns. However, what remains is a proposed General Plan Update that includes the provision for 343 acres of land for urban development immediately outside of, or very near, the City of Vacaville. While the policies proposed would assist in addressing some of the issues identified, there is no final plan that can be weighed by the City now as to its ability to ensure that the scale, type and design of new urban development near our borders will address all of the potential impacts and issues. Further, it is not clear that the proposed policies are binding enough to ensure that all of our issues have, or will be, properly addressed.

Exhibit 1 is a document developed by staff in consideration of the issues identified above. It takes the County's proposals and adds additional language to address all of our concerns. It also includes a new provision that all of the policies and language proposed by the City be included in the ballot measure presented to the voters. This provision would then provide an added layer of protection to the City that would essentially require compliance with the policies or place the matter on the ballot for a vote of the people.

Staff has identified three options for the Council's consideration:

1. Propose Modifications to Support City Standards: This option would support the proposed Draft General Plan with the addition of the policies as amended in Exhibit 1. These amendments further clarify the issues and would require a vote of the people before any of the policies would be able to be modified by the County.
2. Oppose the General Plan Update: This option would be for the City to decline to support the Draft General Plan as proposed. It could result in the County moving forward without making any of the proposed amendments.
3. Support as Proposed: This option would be to approve the County's proposed amendments to the Draft General Plan. Under this option, we would have to work out the details on the Policy Plan and Guidelines with the County later, with no protection from changes by the County.

Upon receiving input from the Council, staff will draft the appropriate letter to the County for the Mayor's signature.

RECOMMENDATION:

By simple motion, that the City Council authorize the Mayor to sign a letter which includes the option of proposing modifications to the County General Plan Update as provided in Exhibit 1.

- Exhibit 1: Draft City Amendments to General Plan Policies
Attachment A: Letter Sent to Board of Supervisors (December 7, 2007) - General Plan
Attachment B: Letter Sent to Board of Supervisors (February 13, 2008) - General Plan
Attachment C: Chart of Vacant Land- Vacaville, fall 2007
Attachment D: Letter Sent to Board of Supervisors (May 15, 2008) - Impact Fees
Attachment E: Proposals from the County
Attachment F: Letter Sent to Resource Management Agency (June 2, 2008) - EIR
Attachment G: Location Map, Pierson Property
Attachment H: Commercial and Industrial Proposals along Midway Road

EXHIBIT 1
City of Vacaville Proposed Amendments to
County General Plan Update

All of the following items shall be included in the ballot measure subject to a vote of the people. By inclusion in the ballot measure, it would require that the County follow all of these provisions, or submit any amendments to these provisions to the voters.

1. Page LU-7, Figure LU-1. See accompanying maps for Vacaville, Fairfield, and Rio Vista.

Place a symbol on Pierson Property, Sengo Property, and the property north of Rio Vista Airport on the Land Use Diagram and identify in Land Use Diagram Legend as “Joint Study Area.”

If the Pierson Property is developed while in the unincorporated area for any reason, it would be subject to inclusion in the Special Study Area Policy Plan in LU-39 below.

2. Page LU-21, Table LU-5

Under Special Purpose Areas add “Joint Study Area” with the following text.

“The Joint Study Area designation is applied to specific properties within a city’s urban growth boundary or planning area. Future development of these properties would occur through city annexation dependent upon an update to the city general plan and amendment to LAFCO’s sphere of influence.”

3. Page LU-7, Figure LU-1. See accompanying map.

Change designation for Limited Industrial area east of I-505 to Specific Project Area. **This area is limited to 250 acres of land.**

4. Page LU-39, Add text to implementation program LU.I.1

Update the County Zoning Ordinance and other regulations to incorporate recommended changes in land use designations, provide performance standards for development within each designation, and define allowed uses within each designation. Develop and enforce design standards that integrate commercial and industrial development with its surrounding environment. Limit areas northeast of Dixon (identified in Figure LU-6) to industrial uses that support agriculture. The Specific Project Area north of Vacaville (see Figure LU-6a) will be subject to a policy or specific plan **and shall include all new industrial and commercial areas rezoned as a part of the 2008 General Plan.** The intention for this Specific Project Area is to provide space for large-scale users that cannot be accommodated within city industrial areas and other uses that may not be compatible within city industrial parks consistent with the Limited Industrial designation. Additionally, this plan must include:

1. a 100-foot wide landscaped buffer along I-505 for new uses such that industrial uses or areas are screened from I-505;
2. development requirements to ensure that there are no significant public safety impacts including fire, traffic, and emergency medical;
3. review of alternatives for the provision of water and wastewater in coordination with the City of Vacaville and other agencies;
4. Application of Gateway Design Guidelines to be established by the County (see Program LU.I-1a below).
5. **require all development to meet Vacaville development standards including but not limited to fire flow, water service standards, traffic and roadway design standards, public utilities standards, and related City requirements**

6. require compliance with Solano Water Authority Project Agreement #4;
7. require enforcement of conditions on development applications to ensure the projects approved and built in this area comply with the standards;
8. require financing mechanisms with each development to ensure adequate emergency services to serve the proposed development;
9. limit allowed land uses in Highway Commercial areas to avoid conflicts with the capacity of roadway systems;
10. Eliminate the potential for a truck stop on the Bray property at I-80 and Midway and the Pierson Property at I-80 and Cherry Glen Road.

5. Page LU-39, Add Implementation Program LU.I.1a under “Regulations” heading

LU.I.1a Create and adopt Gateway Design Guidelines in consultation with, and approval by, the cities consistent with adopted commercial and industrial development standards, as well as the architectural design standards of each city. These guidelines will be applicable to commercial and industrial area uses adjacent to an MSA. The guidelines will be developed concurrently with the proposed update to the County Zoning Code. These guidelines will apply to the following areas:

1. I-505 Specific Project Area north of Vacaville;
2. Limited Industrial Area northeast of Dixon;
3. Highway Commercial at I-80 and Midway Rd and I-505 and Midway Rd;
4. Service Commercial and Commercial Recreation uses along Midway Road north of Vacaville;
5. Peabody Road area;
6. Old Town Cordelia; and
7. Limited Industrial adjacent to Rio Vista.

Such Gateway Design Guidelines are subject to city approval and shall be enforced by the County as applicable to all proposed new urban development.

Related Policies: LU.P-22

Agency/Department: Department of Resource Management

Funding Source: General Fund

Time Frame: Create by 2011, concurrent with zoning update, adopted and applicable prior to any new development

6. Page LU-19, Table LU-5, Limited Industrial Designation description, 1st paragraph

Provides for industrial operations of a relatively low intensity and low polluting character that can safely operate with little water and sewer resources. Such uses include industrial operations, scientific and research institutions, warehousing and distribution, and specialized light manufacturing and assembly operations with few or no off-site effects. Outdoor storage and activities associated with the primary use are also permitted. These areas are intended to be low-scale developments that are appropriate to rural settings and do not generate significant environmental impacts. Industrial Park development should be focused within city industrial areas.

The following changes to the General Plan are clarifying in nature and would not be subject to being included in the ballot measure.

1. Page LU-7, Figure LU-1. See accompanying map.

The boundary of the Vacaville-Fairfield-Solano Greenbelt added to the Land Use Diagram as an overlay similar to the Tri-City and County Cooperative Planning area. (Note that this was a request of the City of Fairfield)

2. Page LU-24, Table LU-5

Add Vacaville-Fairfield-Solano Greenbelt Overlay designation with the following description:

Identifies the area of Solano County subject to the Vacaville-Fairfield-Solano Greenbelt Authority agreement. This overlay identifies the area between Vacaville and Fairfield to provide a permanent separation between the urban areas of Fairfield and Vacaville, maintain the area in agriculture and open space uses consistent with the provisions of the agreement.

3. Page PF-5, Add Implementation Program PF.I.1b under “Funding, Physical Improvements, and Capital Projects” heading

PF.1.1a Investigate the feasibility of additional funding mechanisms (such as a CFD) to provide fire, EMS, and other services to unincorporated areas, including rural north Vacaville area, unincorporated areas around the City of Fairfield and City of Dixon.

Related Policies: PF.P-1, PF.P-2, PF.P-5

Agency/Department: Department of Resource Management

Funding Source: General Fund

Time Frame: Ongoing