ORDINANCE NO. 1447

AN INTERIM ORDINANCE OF THE COUNTY OF SOLANO
DECLARING A MORATORIUM ON SUBDIVISIONS
WITHIN A SPECIFIED PORTION OF THE ENGLISH HILLS
SPECIFIC PLAN AREA

The Board of Supervisors of the County of Solano, State of
California, does ordain as follows:

SECTION I. - FINDINGS

A. Background.

Solano County prepared a comprehensive study of rural residential
land called the Rural Residential Land Use Update. This study was
completed in 1987 and was a response to a perceived need to
increase the amount of land designated for rural residential use by
the County General Plan. This planning effort led to the adoption
of several changes to the County General Plan by the Board of
Supervisors in 1988, specifically relating to rural residential
land use.

At the same time, several hundred acres that were then designated
for agricultural use were proposed for conversion to rural residential. A policy question arose as to whether the proposed
changes were consistent with the new regulations governing the
conversion of agricultural lands that were adopted by the voters by
adoption of Proposition "A". The proposals to create additional
rural residential land were eventually rejected by the Board of

There continues to be one area in the County where a high demand
for rural residential parcels remains undiminished. This area lies
generally north of the city of Vacaville, in an area commonly known
as English Hills, and consists of approximately 12,000 acres, more
or less. There are in this area a large number of legal building
sites that are undeveloped. In addition, there is the potential
for numerous subdivisions within this area which could be
accomplished without the necessity of a General Plan amendment.

It was recognized by the County Board of Supervisors that the
pressure which existed for the creation of additional building
sites raised some important issues regarding public health, safety
and welfare, including the adequacy of public services to the area,
B. Specific Plan

To address these concerns, the County Board of Supervisors authorized the preparation of a specific plan covering this geographical area. The preparation of this plan was authorized in December 1989. The purpose of this plan was to look at issues pertaining to land use, circulation, water, public services and capital improvements.

A draft specific plan was prepared by Crawford Multari & Starr. This draft was completed in March 1992. The draft identified that there are currently 1,200 dwelling units within the study area, and another 500 could be built on lands currently designated rural residential by the County General Plan. The draft also concluded that there could be added approximately 650 new home sites. There was considerable time devoted to the gathering of information, the evaluation of the properties and identifying physical constraints on development. There were numerous public meetings on the various issues raised in the development of the plan. This number could be increased, by approval of subdivisions, to 2,434 parcels if the larger parcels within the study area were subdivided to 5 acres (R-R5), and to 4,868 if the parcel sizes were subdivided to 2.5 acres (R-R2 1/2). That is providing that all of the land could be developed.

C. Constraints

The draft specific plan identified various constraints that could limit development potential or otherwise cause problems on the parcels eligible for subdivision under the existing County General Plan and Proposition A. These constraints consisted of (1) access; (2) fire hazard; (3) flood hazard; (4) geologic hazard; (5) land conservation act status (Williamson Act Contracts); (6) land use element designation; (7) rural character and visual resources; (8) septic leach field performance; (9) slope; (10) soils; and (11) water. A brief description of the constraints follows:

(1) Access. Long private roads which may not be constructed to County road standards or be consistent with fire access requirements may hinder emergency vehicles.

(2) Fire hazards. The western portion of the study area has a high wildfire/grassland fire hazard potential, as identified in the County Health and Safety Element of its General Plan.

(3) Flood hazards. There are very few parcels affected by potential flooding caused by a 100 year storm.

(4) Geologic hazards. Many parcels in the study area have severe slope instability, landslide and surface fault problems, which create health and safety hazards, as identified in the County Health and Safety Element of its General Plan.

(5) Land use element designation. Consideration needs to be given to a balance between the desire to create rural
residential home sites, and the Land Use policy that encourages preservation of productive agricultural lands.

(6) Rural character. The residents desire to maintain the rural character of the area.

(7) Septic systems. The majority of the parcels will be acceptable for on-site sewage disposal systems, except such systems may not be sited on a slope of greater than 25 percent.

(8) Slope. Areas with steep slopes are more difficult to develop, and were identified from the Health and Safety Element of the General Plan of the County.

(9) Soils. Certain types of soils are unsuitable for development or for septic systems. Additionally, prime agricultural soil is to be protected for agricultural uses.

(10) Water. This constraint was identified as the most important constraint in the study area, resulting in a groundwater investigation.

D. Water.

The primary source of water for the study area is groundwater obtained from private on-site wells. This area has, as has most of this part of the State, suffered and continues to suffer from a seven year drought. In a study conducted by surveying the homeowners in the area in October 1990, of the 750 respondents from a total population estimated to be 2,800, 43 had wells that had failed and nearly 300 had experienced a water shortage during the life of their well. The data of two other water studies was available to the Board of Supervisors. The first is the Dewante and Stowell report done in 1988, which dealt with alternatives to groundwater. The second was done by Borcalli and Associates in 1991 for the specific plan, and is entitled English Hills Specific Plan Groundwater Investigation. The draft specific plan concluded that although adequate groundwater resources exist in the area to serve existing and projected demand in the study area, a public water system will very likely be needed for the westerly portion of the study area, which has the highest likelihood for well failure.

In addition to the various studies that have been provided to the Board of Supervisors, the Board has conducted several public hearings on various issues concerning English Hills wherein water, and the shortage thereof, has been discussed. There has been conflicting testimony given, but it is apparent that even if some parcels have more than enough water, there are other parcels that have insufficient water.

It has been determined in the draft study that there is a difference in the amounts and availability of water within the overall study area itself. The draft specific plan study concludes that in general terms the entire planning area can be divided into two distinct geographical sections. The Board of Supervisors has elected to define the two distinct areas by using the Borcalli and Associates study map entitled "Plan Area Soil Associations and
Observation Wells, "based on soil association types, a copy of which is attached hereto as Exhibit A, and made a part hereof. The shaded section of Exhibit A, or that area to the east, consisting of approximately 5,000 acres, more or less, does not have a potential well failure problem. The unshaded section of Exhibit A, or that area to the west, consisting of approximately 7,000 acres, more or less, has been identified as where the likely well failure problem will occur.

**THIS ORDINANCE PERTAINS TO THAT PORTION OF THE ENGLISH HILLS SPECIFIC PLAN DRAFT, DATED MARCH 1992, DEPICTED ON EXHIBIT A, WITHIN THE UNSHADED SECTION ONLY, AND DOES NOT APPLY TO THE SHAD ED SECTION ON THE EAST SIDE OF EXHIBIT A.**

**E. Land uses.**

The specific plan addressed the issue of potential maximum build out within the specific plan area. This maximum build out can be accomplished by new construction on existing parcels, and by subdividing larger parcels within the study area into 2 1/2, 5 or 10 acre parcels. The construction of homes on existing parcels that are currently zoned R-R 2 1/2 or R-R 5 does not lead to increased density. The creation of new home sites through the subdivision process does create increased density.

**F. Specific Plan Review.**

The draft specific plan was started in July 1990 and completed in March 1992. The Environmental Impact Report in support of the plan is currently being prepared for circulation and public comment, and should be ready for circulation by mid-October, 1992. Once the EIR process is completed, the specific plan must be reviewed by both the Planning Commission and the Board of Supervisors, at noticed public hearings. It is anticipated that the entire process for the review and adoption of the EIR and Specific Plan will be completed by April 1, 1993.

**G. Interim Permits and Approvals.**

Based upon all of the recitals above, the Solano County Board of Supervisors hereby finds that permits and approvals for construction of single family residences on existing 2 1/2 or 5 acre parcels will not change the known number of potential water users in the study area, and will continue to be permitted. The Board also finds that permits and approvals which are filed after the effective date of this ordinance for subdivisions will add new potential water users to those already identified, above those existing and known. Permits and approvals for new subdivisions within the identified area of potential well failures (Exhibit A) of the draft specific plan shall not be granted pending the completion of the English Hills Specific Plan process, in order not to frustrate the purposes of that study, in order to provide for
the orderly completion of the specific plan process and for the reasons set forth in Paragraph H. immediately below.


Based upon all of the recitals above, the Solano County Board of Supervisors hereby finds that, in order to protect the public health, safety and welfare, the potential subdivision of land within the identified area of potential well failures (Exhibit A) of the draft specific plan must be limited in order not to frustrate the comprehensive planning and land use study presently underway as part of the English Hills Specific Plan process. It is therefore necessary to adopt those regulations set forth in Section II of this ordinance on an interim basis. In adopting this ordinance, the Board of Supervisors finds that there is a current and immediate threat to public health, safety and welfare and that the approval of additional subdivisions after the effective date of this ordinance within the identified area would result in a threat to the public health, safety and welfare by further reducing the ability to address the various constraint issues identified herein, and such additional subdivisions should not be permitted or allowed until the specific plan process is completed and its policies are adopted and implemented, or until November 23, 1992, whichever occurs first.

SECTION II. - INTERIM ORDINANCE REGULATING CONSIDERATION OF SUBDIVISIONS WITHIN A SPECIFIED PORTION OF THE AREA OF THE ENGLISH HILLS SPECIFIC PLAN

A. Purpose.

In accordance with the provisions of Government Code Sections 65858(b), this ordinance is being enacted to protect the public health, safety and welfare, and is enacted to limit those uses which may be in conflict with the findings of the English Hills Specific Plan process, presently being prepared and scheduled for completion approximately April 1, 1993. The Board of Supervisors finds that there is an immediate and current threat to the public health, safety and welfare and that the approval of additional subdivisions would harm the public health, safety and welfare.

B. Interim Regulations.

Pursuant to the provisions of this Ordinance and during the time when it is in full force and effect; to wit: from 30 days after the second reading of this ordinance, or approximately October 9, 1992, until November 23, 1992, a period of 45 days, unless earlier terminated or amended, the following interim regulations shall apply:

1. No application for a subdivision or permit for a subdivision of a parcel within the identified area of potential
well failure (Exhibit A) of the English Hills Specific Plan draft area shall be accepted, processed, or issued for such a subdivision.

2. Unless superseded by a subsequently enacted ordinance, which may extend this ordinance for a period of an additional 22 months and 15 days, the Director of Environmental Management shall commence accepting, processing and issuing applications or permits for subdivisions in the identified area on or after November 23, 1992.

SECTION III. - EFFECTIVE DATE AND DURATION

A. This Ordinance is adopted pursuant to the provisions of Government Code § 65858(b), after notice pursuant to Government Code § 65090, upon the affirmative approval of four-fifths of the members of the Board of Supervisors, and shall become effective on October 9, 1992, or thirty days after the second reading of the ordinance, whichever is later in time.

B. In accordance with the provisions of Government Code Section 65858(b), this Ordinance shall be of no further force and effect after November 23, 1992, unless extended pursuant to the provisions of Government Code Section 65858(b).

C. Any extension enacted pursuant to provisions of Government Code Section 65858(b) shall be effective for no longer than 22 months and 15 days.

SECTION IV. - ENVIRONMENTAL ANALYSIS

A. With respect to compliance with the California Environmental Quality Act, the Board of Supervisors finds as follows:

1. Compliance with the California Environmental Quality Act appears not necessary for an interim ordinance pursuant to Government Code Section 65858 as said section allows adoption of such an ordinance without following the procedures otherwise required prior to the adoption of a zoning ordinance.

2. The Board of Supervisors finds that while adoption of said interim ordinance is a discretionary action of the County of Solano, it does not have a significant effect on the environment and thus does not constitute a project under the California Environmental Quality Act.

3. To the extent any environmental analysis would be necessary, said environmental analysis of the present physical conditions affecting the County of Solano can be found in the either the Final EIR for Rural Residential Land Use Update, of July 1988 or the Final EIR for the Land Use and Circulation Element of
the General Plan, of September 1980.

SECTION V. - SEVERABILITY

If any provision, clause sentence, or paragraph of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this ordinance which can be given effect without the invalid provisions or application and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION VI. PUBLICATION

Pursuant to provisions of Government Code Section 25124(b)(1), a Summary of this Ordinance shall be published once, at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading), and a Summary of this Ordinance, with the vote of the members of the Board of Supervisors thereon, shall also be published once before the expiration of FIFTEEN (15) DAYS after adoption of the Ordinance. Both publications shall be in the FAIRFIELD DAILY REPUBLIC, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

A certified copy of the full text of the proposed Ordinance shall be posted in the office of the Clerk of the Board of Supervisors at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading). A certified copy of the final Ordinance shall be posted in the office of the Clerk of the Board of Supervisors within FIFTEEN (15) DAYS after adoption of the Ordinance, and the posting shall include the vote of the Supervisors for or against the Ordinance.

ATTEST:

LINDA L. TERRA, Clerk of the Board of Supervisors

I, LINDA TERRA, Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held this 25th day of August, 1992.

On the motion of Supervisor Stewart and the second of Supervisors Carroll, this Ordinance was adopted at a
regular meeting of said Board on the 8th day of September, 1992, by the following vote:

AYES: SUPERVISORS: Caddle, Carroll, Davis, Stewart and Chairwoman Simmons

NOES: SUPERVISORS: None

ABSTAINED: SUPERVISORS: None

ABSENT: SUPERVISORS: None

WITNESS my hand and the Seal of said Board this 8th day of September, 1992.

LINDA L. TERRA, Clerk of the Board of Supervisors

By [Signature]
EXHIBIT A

SOURCES
2. U.S. Department of Agriculture
   Soil Conservation Service (1972)

Solano County
Department of Environmental Management
English Hills Specific Plan
Plan Area Soil Associations
and Observation Wells
Morrell & Associates
Environmental Consultants