ORDINANCE NO. 2008-1694

AN ORDINANCE OF THE SOLANO COUNTY BOARD OF SUPERVISORS, ORDERING A SPECIAL ELECTION AND CONSOLIDATING IT WITH THE NOVEMBER 4, 2008, GENERAL ELECTION FOR THE PURPOSE OF ENABLING THE PEOPLE OF SOLANO COUNTY TO VOTE ON THE QUESTION OF WHETHER TO AMEND THE 1994 ORDERLY GROWTH INITIATIVE TO UPDATE CERTAIN PROVISIONS OF THE GENERAL PLAN LAND USE AND CIRCULATION ELEMENT RELATING TO AGRICULTURE OR OPEN SPACE POLICIES AND LAND USE DESIGNATIONS, AND TO EXTEND THE AMENDED INITIATIVE, INCLUDING THE VOTER APPROVAL REQUIREMENT, UNTIL DECEMBER 31, 2028

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

Section 1. Recitals. The Board finds that:

a. In December 1980, the Solano County Board of Supervisors adopted a General Plan Land Use and Circulation Element that established a development policy of city-centered growth. Under the 1980 General Plan, urban development was to be confined to patterns that did not conflict with essential agricultural lands, while rural and suburban development was to be confined to non-essential marginal agricultural lands. The 1980 General Plan was intended to provide policy guidance for shaping growth and development within the unincorporated areas of Solano County, and for protecting its agricultural and natural resources, until the year 1995.

b. Proposition A, an initiative measure passed by the voters of Solano County in June 1984, reaffirmed the General Plan's cornerstone policies of city-centered growth and farmland protection, and imposed strict limitations on the County Board of Supervisor's ability to allow new residential, commercial, or industrial development in agricultural and open-space areas. Proposition A was a limited-term measure that was to expire in December 1995.

c. In 1994, the voters of Solano County proposed the Orderly Growth Initiative in order to extend the protections of Proposition A until December 31, 2010. In response to broad public support for that proposal, the Solano County Board of Supervisors adopted the Orderly Growth Initiative as its Resolution No. 94-170 on July 26, 1994.

d. For 28 years, the 1980 General Plan, Proposition A, and the Orderly Growth Initiative have protected working farms, ranches, and watershed areas in Solano County by directing urban growth and development into our cities. The cornerstone policies of city-centered growth and farmland protection have:
   • Provided each city in Solano County the opportunity to develop with its own unique character;
   • Reduced flood risks, improved air quality, and protected our water quality;
   • Prevented poorly-planned growth and development; and
   • Assured the continued preservation of working farms, ranches, and watershed areas between the cities of Solano County.
e. Although the 1980 General Plan was originally intended to be updated in 1995, the Orderly Growth Initiative prevents the County from adopting a comprehensive update to the 1980 General Plan unless the voters amend the language of the land use and development policies set forth in the Orderly Growth Initiative.

f. Solano County's current General Plan does not accurately reflect existing and planned land uses of Solano County's seven cities, nor does it adequately provide for modern farming practices that Solano County's farmers need to employ in order to survive in today's regional, national, and global economies. Solano County cannot effectively plan and manage 21st century land uses and development if its guiding policy document is a 20th century General Plan.

g. Solano County has completed a multi-year process of updating its General Plan. This process was necessary to keep the General Plan current to comply with state law and with changing conditions. The new 2008 General Plan reaffirms the County's commitment to a city-centered development pattern and the protection of agricultural and open-space area. The new 2008 General Plan is intended to serve as the guide for both development and conservation within the unincorporated portion of Solano County through the year 2030.

h. While the 1980 General Plan divided Solano County's agricultural area into two large regions, identified as "Extensive Agriculture" and "Intensive Agriculture," the new 2008 General Plan identifies ten distinct agricultural regions based on soil types and farming practices, and establishes unique development policies for each region. In addition, the new General Plan allows for agricultural processing and service uses in areas northeast of the City of Dixon to serve the farming community, and limited industrial development adjacent to the City of Vacaville, but restricted to uses that cannot be accommodated in city industrial areas.

i. The Solano County General Plan's Land Use and Circulation Map, as reaffirmed by Solano County voters as part of the Orderly Growth Initiative in 1994 and as amended since then consistent with policies of that Initiative, is shown in Exhibit A to this ballot measure. The Solano County 2008 General Plan's Land Use and Circulation Diagram is shown in Exhibit B to this ballot measure.

j. Solano County's 2008 General Plan involves only minor amendments to the Orderly Growth Initiative.

k. This ballot measure will continue to protect Solano County's working farms, ranches and watershed areas by extending the essential provisions of the Orderly Growth Initiative for the anticipated duration of the new 2008 Solano County General Plan. This measure will:

- Readopt the Orderly Growth Initiative's policies that strictly limit the Board of Supervisor's ability to change the designation of "Agriculture" or "Open Space" lands through the year 2028.

- Update the Orderly Growth Initiative's density standards for development of "Agriculture" or "Open Space" lands and extend the effect of those density standards through the year 2028. This will prevent poorly planned growth in the unincorporated lands of Solano County.
I. This ballot measure and the 2008 Solano County General Plan will:

- Maintain the current development strategy of city-centered growth;
- Retain the overall function of the Orderly Growth Initiative, while updating and refining the Initiative’s policies and land use designations;
- Protect and support agriculture as an important component of Solano County’s economy and quality of life;
- Provide an opportunity for farm-based, businesses, such as wineries, to develop successfully within Solano County;
- Encourage the location of need new industrial and agricultural processing facilities;
- Sustain and enhance Solano County’s natural environment, including its diverse species, watersheds, natural communities, and wildlife corridors;
- Ensure sufficient opportunities for residential, commercial, and industrial development within areas served by the cities, in order to provide all Solano County’s residents with a vibrant economy and affordable housing options;
- Protect the health, safety, and welfare of Solano County’s residents by avoiding more air pollution, water pollution, water shortages, traffic congestion, noise and other adverse environmental impacts from urban sprawl;
- Prevent costly and inefficient extensions of urban services and infrastructure to rural areas of the County;
- Permit Solano County to continue to bear its fair share of regional growth and provide safe, decent affordable places for people to live in our cities;
- Prevent piecemeal amendments of the Solano County General Plan that would allow development on agricultural and open space lands;
- Help increase our supply of good jobs by encouraging job development in our growing agriculturally-based industries; and
- Allow the County to update and amend its General Plan periodically as necessary to comply with State law and changing conditions, while requiring that any such amendments be consistent with the cornerstone policies of city-centered growth and protection of farmlands and open space.

m. It is appropriate for the voters of Solano County to decide whether this change to the 1994 Orderly Growth Initiative should occur.

n. The Board certified an Environmental Impact Report for the 2008 Solano County General Plan and made findings as required by the California Environmental Quality Act as part of its adoption of the 2008 General Plan. The Environmental Impact Report does not identify any environmental impacts that would be caused by the proposed amendments to the 1994
Orderly Growth Initiative. To the extent the Board's submission of the proposed amendments to the voters could cause impacts to the environment, the Board of Supervisors makes, and incorporates by this reference, the relevant CEQA findings it made when adopting the 2008 General Plan.

Section 2. Approval or Rejection of the Proposed Amendment to the 1994 Orderly Growth Initiative by the People. The Board proposes to provide that the voters of Solano County the opportunity to adopt Ordinance No. 2008-01, a copy of which is attached as Attachment "B" and incorporated by this reference, which would amend the 1994 Orderly Growth Initiative to reflect the agricultural land use designations, the development densities for agricultural and open space lands, and the Land Use Diagram used in the updated 2008 Solano County General Plan, and to extend the effectiveness of that Initiative, as amended, through December 31, 2028.

Section 3. Calling the Special Election. The Board calls a special election for the purpose of submitting to the voters the question of whether Ordinance No. 2008-01 should be adopted. The Board further orders and declares that:

a. Pursuant to the 1994 Orderly Growth Initiative and Elections Code sections 9140 and 12001, the Board orders and proclaims that the question of whether to amend the 1994 Orderly Growth Initiative to reflect the updated land use designations, development densities, and Land Use Diagram used in the 2008 Solano County General Plan, be extended through 2028, shall be submitted to the voters of the County of Solano at a special election as County Measure "T," to be held and conducted on the 4th day of November, 2008, and the Registrar of Voters is instructed to place the matter on the November 4, 2008 ballot and include the full text of Ordinance 2008-01 in the official ballot materials as the proposition to be voted on at the election. The statement of the question to appear on the ballot shall be in substantially the following form:

Yes ☐

Shall Ordinance No. 2008-01 to amend the 1994 Orderly Growth Initiative to reflect agriculture and open space policies, land use designations, and the Land Use Diagram in the 2008 Solano County General Plan and to extend the amended Initiative until December 31, 2028 be adopted?

No ☐
b. The special election is consolidated with the general election to be held on November 4, 2008, and all precincts established and all election officers appointed for the statewide general election shall be the precincts and election officers for the special election, and the election officers shall conduct the election and make return of it according to law.

c. Elections Code section 9160 et seq., shall apply to this special election.

d. The polls shall be open from the hours of 7:00 a.m. to 8:00 p.m. on the election day, and the manner of holding the election and the procedure for voting for and against the question presented shall be as set forth in the Elections Code for a local county special election which is consolidated with a statewide general election.

e. Notice is given that the final date for submission to the Registrar of Voters of arguments not to exceed 300 words in length for or against the measure shall be on August 15, 2008, and that such arguments shall be submitted to the Registrar of Voters, 675 Texas Street, Suite 2600, Fairfield, California, 94533, no later than 5:00 p.m.

f. The final date for submission to the Registrar of Voters of rebuttal arguments for or against the measure, to the extent rebuttal arguments are permitted by Elections Code section 9167, shall be on August 25, 2008 and that such arguments shall be submitted to the Registrar of Voters, 675 Texas Street, Suite 2600, Fairfield, California, 94533, no later than 5:00 p.m.

g. The impartial analysis by the County Counsel in the form required by Elections Code section 9160, subdivision (b) shall be prepared on or before August 18, 2008 and filed with the Registrar of Voters, 675 Texas Street, Suite 2600, Fairfield, California, 94533, no later than 5:00 p.m.

h. A fiscal impact statement by the County Auditor-Controller as authorized by Elections Code section 9160, subdivision (c) is not required.

i. Pursuant to Elections Code section 12001 a Proclamation of Election is issued for the election and the proposition to be voted on in accordance with the terms stated in this ordinance.
Section 4. Effective Date. Pursuant to Elections Code section 9141 and Government Code section 25123, this ordinance shall take effect immediately as an ordinance calling or otherwise relating to an election.

The Solano County Board of Supervisors introduced and adopted this ordinance at its regular meeting on August 5, 2008, by the following vote:

AYES: SUPERVISORS  Kondylis, Reagan, Spering,
                                Vasquez, and Chair Silva

NOES: SUPERVISORS  None

EXCUSED: SUPERVISORS  None

Attest:
Michael D. Johnson, Clerk
Board of Supervisors

By: Patricia J. Crittenden, Chief Deputy Clerk

Attachment B: Ordinance No. 2008-01
ORDINANCE NO. 2008-01

AN ORDINANCE OF THE PEOPLE OF THE COUNTY OF SOLANO, ADOPTING AN AMENDMENT TO THE 1994 ORDERLY GROWTH INITIATIVE TO UPDATE CERTAIN PROVISIONS OF THE GENERAL PLAN LAND USE AND CIRCULATION ELEMENT RELATING TO AGRICULTURE OR OPEN SPACE POLICIES AND LAND USE DESIGNATIONS, AND TO EXTEND THE AMENDED INITIATIVE, INCLUDING THE VOTER APPROVAL REQUIREMENT, UNTIL DECEMBER 31, 2028

The people of the County of Solano ordain as follows:

Section 1. Purposes and Findings

A. In December 1980, the Solano County Board of Supervisors adopted a General Plan Land Use and Circulation Element that established a development policy of city-centered growth. Under the 1980 General Plan, urban development was to be confined to patterns that did not conflict with essential agricultural lands, while rural and suburban development was to be confined to non-essential marginal agricultural lands. The 1980 General Plan was intended to provide policy guidance for shaping growth and development within the unincorporated areas of Solano County, and for protecting its agricultural and natural resources, until the year 1995.

B. Proposition A, an initiative measure passed by the voters of Solano County in June 1984, reaffirmed the General Plan's cornerstone policies of city-centered growth and farmland protection, and imposed strict limitations on the County Board of Supervisor's ability to allow new residential, commercial, or industrial development in agricultural and open-space areas. Proposition A was a limited-term measure that was to expire in December 1995.

C. In 1994, the voters of Solano County proposed the Orderly Growth Initiative in order to extend the protections of Proposition A until December 31, 2010. In response to broad public support for that proposal, the Solano County Board of Supervisors adopted the Orderly Growth Initiative as its Resolution No. 94-170 on July 26, 1994.

D. For 28 years, the 1980 General Plan, Proposition A, and the Orderly Growth Initiative have protected working farms, ranches, and watershed areas in Solano County by directing urban growth and development into our cities. The cornerstone policies of city-centered growth and farmland protection have:

- Provided each city in Solano County the opportunity to develop with its own unique character;
- Reduced flood risks, improved air quality, and protected our water quality;
- Prevented poorly-planned growth and development; and

Attachment B
• Assured the continued preservation of working farms, ranches, and watershed areas between the cities of Solano County.

E. Although the 1980 General Plan was originally intended to be updated in 1995, the Orderly Growth Initiative prevents the County from adopting a comprehensive update to the 1980 General Plan unless the voters amend the language of the land use and development policies set forth in the Orderly Growth Initiative.

F. Solano County's current General Plan does not accurately reflect existing and planned land uses of Solano County's seven cities, nor does it adequately provide for modern farming practices that Solano County's farmers need to employ in order to survive in today's regional, national, and global economies. Solano County cannot effectively plan and manage 21st century land uses and development if its guiding policy document is a 20th century General Plan.

G. Solano County has completed a multi-year process of updating its General Plan. This process was necessary to keep the General Plan current to comply with state law and with changing conditions. The new 2008 General Plan reaffirms the County's commitment to a city-centered development pattern and the protection of agricultural and open-space area. The new 2008 General Plan is intended to serve as the guide for both development and conservation within the unincorporated portion of Solano County through the year 2030.

H. While the 1980 General Plan divided Solano County's agricultural area into two large regions, identified as "Extensive Agriculture" and "Intensive Agriculture," the new 2008 General Plan identifies ten distinct agricultural regions based on soil types and farming practices, and establishes unique development policies for each region. In addition, the new General Plan allows for agricultural processing service uses in areas northeast of the City of Dixon to serve the farming community, and limited industrial development adjacent to the City of Vacaville, but restricted to uses that cannot be accommodated in city industrial areas.

I. The Solano County General Plan's Land Use and Circulation Map, as reaffirmed by Solano County voters as part of the Orderly Growth Initiative in 1994 and as amended since then consistent with policies of that Initiative, is shown in Exhibit A to this ballot measure. The Solano County 2008 General Plan's Land Use Diagram is shown in Exhibit B to this ballot measure.

J. Solano County's 2008 General Plan involves only minor amendments to the Orderly Growth Initiative, as reflected in Exhibits C and D to this ballot measure.

K. This ordinance will continue to protect Solano County's working farms, ranches and watershed areas by extending the essential provisions of the Orderly Growth Initiative for the anticipated duration of the new 2008 Solano County General Plan. This measure will:

• Readopt the Orderly Growth Initiative's policies that strictly limit the Board of Supervisor's ability to change the designation of "Agriculture" or "Open Space" lands through the year 2028.
• Update the Orderly Growth Initiative's density standards for development of "Agriculture" or "Open Space" lands and extend the effect of those density standards through the year 2028. This will prevent poorly planned growth in the unincorporated lands of Solano County.

L. This ordinance and the 2008 Solano County General Plan will:

• Maintain the current development strategy of city-centered growth;

• Retain the overall function of the Orderly Growth Initiative, while updating and refining the Initiative's policies and land use designations;

• Protect and support agriculture as an important component of Solano County's economy and quality of life;

• Provide an opportunity for farm-based, businesses, such as wineries, to develop successfully within Solano County;

• Encourage the location of need new industrial and agricultural processing facilities;

• Sustain and enhance Solano County's natural environment, including its diverse species, watersheds, natural communities, and wildlife corridors;

• Ensure sufficient opportunities for residential, commercial, and industrial development within areas served by the cities, in order to provide all Solano County's residents with a vibrant economy and affordable housing options;

• Protect the health, safety, and welfare of Solano County's residents by avoiding more air pollution, water pollution, water shortages, traffic congestion, noise and other adverse environmental impacts from urban sprawl;

• Prevent costly and inefficient extensions of urban services and infrastructure to rural areas of the County;

• Permit Solano County to continue to bear its fair share of regional growth and provide safe, decent affordable places for people to live in our cities;

• Prevent piecemeal amendments of the Solano County General Plan that would allow development on agricultural and open space lands;

• Help increase our supply of good jobs by encouraging job development in our growing agriculturally-based industries; and

• Allow the County to update and amend its General Plan periodically as necessary to comply with State law and changing conditions, while requiring that any such amendments be consistent with the cornerstone policies of city-centered growth and protection of farmlands and open space.
Section 2. Orderly Growth Initiative Amendment

The Solano County Land Use and Circulation Element, as amended by the 1994 Orderly Growth Initiative, as part of the Solano County General Plan, is amended as follows:

A. Development Strategy Policy No. 16 (General Plan Land Use and Circulation Element, Chapter II, page 23,) is renumbered as Land Use Policy LU.P-2 and amended to read:

A cornerstone principle of this General Plan is the direction of new urban development and growth toward municipal areas. In furtherance of this central goal, the People of Solano County, by initiative measure, have adopted and affirmed the following provisions to assure the continued preservation of those lands designated Agriculture, "Watershed", "Marsh", "Park & Recreation", or "Water Bodies & Courses": Land Use Policy LU.P-3; Agricultural Policies AG.P-31, AG.P-32, AG.P-33, AG.P-34, AG.P-35, and AG.P-36. The General Plan may be reorganized, and individual goals and policies may be renumbered or reordered in the course of ongoing updates of the General Plan in accord with the requirements of state law, but the provisions enumerated in this paragraph shall continue to be included in the General Plan until December 31, 2028, unless earlier repealed or amended by the voters of the County.

B. Development Strategy Policy No. 17 (General Plan Land Use and Circulation Element, Chapter II, page 23a) is renumbered as Land Use Policy LU.P-3 and amended to read:

The designation of specific lands and water bodies as "Agriculture," "Watershed," "Marsh," "Park & Recreation," or "Water Bodies & Courses" on the Solano County Land Use Diagram, adopted by the Solano County Board of Supervisors on December 19, 1980, and as amended subsequently consistent with Proposition A and the Orderly Growth Initiative, shall remain in effect until December 31, 2028, except lands designated "Agriculture" may be re-designated pursuant to the procedure specified in Agricultural Policies AG.P-32 through AG.P-36 (providing for re-designation upon the making of specific findings, or as necessary to comply with state law requirements regarding provision of low and very low income housing, or permitting certain re-designations to open space).

In addition, these agricultural and open space lands may also be re-designated after a final judgment by a court of competent jurisdiction determining that the absence of a re-designation would constitute an unauthorized taking of private property or is otherwise unconstitutional, but only to the minimum geographical extent and intensity of use necessary to avoid such unconstitutional result. Any such re-designation shall be designed to carry out the goals and provisions of this policy to the maximum extent possible.

Attachment B
Further, the precise boundaries of land use designations may be subject to minor adjustment and refinement prior to development, or upon request of an affected landowner, provided such refinements reflect the overall boundaries indicated on the General Plan Land Use Diagram and are consistent with all other General Plan policies, in particular, the General Plan policies prohibiting piecemeal conversions of agricultural lands to non-agricultural uses.

C. Agricultural Lands Policy 9 (General Plan Land Use and Circulation Element, Chapter III, pp. 37-37a) is renumbered as Agriculture Policy AG.P-31 and amended to read:

*Define parcel size of Agriculture designated lands based on the “Agriculture Regions” section as described in this chapter and presented in Table AG-3.*

One residence and a permitted secondary unit may be built on a lot of record existing as of January 1, 1984, designated “Agriculture” provided however that (i) the owner demonstrates compliance with all other applicable County requirements, and (ii) before such exemption is granted, the lot has first been merged with contiguous parcels to the maximum extent possible consistent with State law.

D. Table AG-3, as referenced in Agricultural Policy AG.P-31, is added:

**Table AG-3**

**Agricultural Regions**

<table>
<thead>
<tr>
<th>Agricultural Region</th>
<th>Minimum Lot Size</th>
<th>General Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Winters</td>
<td>40 acres</td>
<td>Provides for agricultural production, agricultural processing facilities, facilities to support the sale of produce, and tourist services that are ancillary to agricultural production</td>
</tr>
<tr>
<td>Dixon Ridge</td>
<td>40 acres</td>
<td>Provides for agricultural production, agricultural processing facilities, and agricultural services</td>
</tr>
<tr>
<td>Elmira and Maine Prairie</td>
<td>40 acres - northwest portion (Elmira) 80 acres - southeast portion (Maine Prairie) See Figure AG-5</td>
<td>Provides for agricultural production, agricultural processing facilities, and agricultural services</td>
</tr>
<tr>
<td>Montezuma Hills</td>
<td>160 acres</td>
<td>Provides for agricultural and energy production</td>
</tr>
<tr>
<td>Ryer Island</td>
<td>80 acres</td>
<td>Provides for agricultural production</td>
</tr>
</tbody>
</table>

Attachment B
<table>
<thead>
<tr>
<th>Location</th>
<th>Acres</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suisun Valley</td>
<td>20</td>
<td>Provides for agricultural production, agricultural processing facilities, facilities to support the sale of produce, and tourist services that are ancillary to agricultural production</td>
</tr>
<tr>
<td>Green Valley</td>
<td>20</td>
<td>Provides for agricultural production. A future Specific Plan required for Middle Green Valley will further detail desired agricultural uses and lot sizes</td>
</tr>
<tr>
<td>Pleasants, Vaca, and Lagoon Valleys</td>
<td>40</td>
<td>Provides for agricultural production and facilities to support the sale of produce, and tourist services that are ancillary to agricultural production</td>
</tr>
<tr>
<td>Jepson Prairie</td>
<td>160</td>
<td>Provides for agricultural production</td>
</tr>
<tr>
<td>Western Hills</td>
<td>160</td>
<td>Provides for agricultural production and tourist services that are ancillary to agricultural production</td>
</tr>
</tbody>
</table>

E. Agricultural Lands Policy 10 (General Plan Land Use and Circulation Element, Chapter III, pp. 37a-37b) is renumbered as Agriculture Policies AG.P-32 and amended to read:

Lands within the “Agriculture” designations as shown on the Land Use Diagram may be re-designated to a more intensive agricultural designation, or to a rural residential designation (with a maximum density of one unit per 2.5 to 10 acres) if the Board of Supervisors makes each of the following findings:

(a) That the approval will not constitute part of, or encourage, a piecemeal conversion of a larger agricultural area to residential or other non-agricultural uses, and will not alter the stability of land use patterns in the area;

(b) That no land proposed for re-designation is prime agricultural land as defined pursuant to California Government Code section 51201 (the California Land Conservation Act of 1965, also known as the Williamson Act);

(c) That the subject land is unsuitable for agriculture due to terrain, adverse soil conditions, drainage, flooding, parcel size or other
physical facts, such that it has no substantial market or rental value under the "Agriculture" designation;

(d) That the use and density proposed are compatible with agricultural uses and will not interfere with accepted farming practices;

(e) That the land is immediately adjacent to existing comparably developed areas and the applicant for the re-designation has provided substantial evidence that the Fire District, School District, County Sheriff, \textit{the area road system, and the proposed water supplier} have adequate capacity to accommodate the development and provide it with adequate public services; and

(f) That annexation to a city or incorporation is not appropriate or possible based on the following factors: nearby cities' designated sphere of influence boundaries, cities' general plan growth limits and projections, and comprehensive annexation plans.

All re-designations pursuant to this policy shall be limited to a maximum of 160 acres for any one landowner in any calendar year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.

F. Agricultural Lands Policy 11 (General Plan Land Use and Circulation Element, Chapter III, p. 37b) is renumbered as Agriculture Policy AG.P-33 and amended to read:

To comply with state law regarding the provision of low and very low income housing, as those terms are or may be defined by state law, lands within the "Agriculture" designations on the Land Use \textit{Diagram} may be changed to a residential designation. No more than 50 acres of land may be re-designated for this purpose in any calendar year. Such re-designation may be made only upon each of the following findings:

(a) The findings stated in subparagraphs (e) and (f) in Policy \textit{AG.P-32}, above, are met;

(b) Use of the land re-designated under this policy will be limited to low and very low income housing development, pursuant to a legally valid Housing Element of this General Plan;

(c) There is no existing residentially designated land available for the low and very low income housing; and

(d) The re-designation of lands, and construction of low and very low income housing on those lands, is required to comply with state law requirements for provision of such housing."

Attachment B
Section 3. Policies of the Orderly Growth Initiative Not Being Amended

The 1994 Orderly Growth Initiative provides that its policies may be renumbered and that such renumbering shall not constitute an amendment of the Initiative. The policies identified in this section are being renumbered without amendment in the 2008 Solano County General Plan as follows:

A. Agricultural Lands Policy 12 (General Plan Land Use and Circulation Element, Chapter III, p. 37c) is renumbered as Agriculture Policy AG.P-34. That policy provides as follows:

Lands within the "Agriculture" designations may be re-designated to "Park & Recreation" only for public recreation and public open space uses and only if the uses permitted by the new designation will not interfere with or be in conflict with agricultural operations.

B. Agricultural Lands Policy 13 (General Plan Land Use and Circulation Element, Chapter III, p. 37c) is renumbered as Agriculture Policy AG.P-35. That policy provides as follows:

Lands within the "Agriculture" designations may be re-designated to "Watershed" or "Marsh."

C. Watershed Lands Policy 2 (General Plan, Land Use and Circulation Element, Chapter III, page 39) is renumbered as Agriculture Policy AG.P-36. That policy provides as follows:

Lands designated Watershed.

a. Within the "Watershed" land use designation, the maximum permitted residential density is one dwelling unit per one hundred sixty (160) acres.

b. Notwithstanding the preceding paragraph, one residence may be built on a lot of record existing as of January 1, 1984, designated "Watershed" provided however that (i) the owner demonstrates compliance with all other applicable County requirements, and (ii) before such exemption is granted, the lot has first been merged with contiguous parcels to the maximum extent possible consistent with state law.

Section 4. Effective Date

This ballot measure shall take effect ten days after the date on which the election results are declared by the Solano County Board of Supervisors. Upon the effective date of this ordinance, and not sooner, the 2008 Solano County General Plan becomes effective, provided it includes amendments to the various policies of the 1994 Orderly Growth Initiative as set forth in Sections 2 and 3 of this ordinance.

Attachment B
Section 5. Exemptions for Certain Projects

This ordinance shall not apply to any of the following: (1) any project that has obtained as of the effective date of the Initiative a vested right pursuant to state or local law; (2) any land that, under state or federal law, is beyond the power of the local voters to affect by the initiative power reserved to the people via the California Constitution. Nothing in this ballot measure shall be applied to preclude the County’s compliance with housing obligations under state law or the use of density bonuses where authorized by state law.

Section 6. Severability and Interpretation

This ordinance shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this ordinance is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of it. The voters declare that this ordinance, and each section, sub-section, sentence, clause, phrase, part, or portion of it, would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this ordinance is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this ordinance that can be given effect without the invalid application. This ordinance shall be broadly construed in order to achieve its purposes.

Section 7. Amendment or Repeal

Except as otherwise provided, only the voters of Solano County may amend or repeal the policies set forth in Sections 2 and 3 of this ordinance.

This ordinance was passed by a vote of the people of the County of Solano, on November 4, 2008, by the following vote:

Yes: _________

No: __________

The vote on this ordinance was declared by the Board of Supervisors on ______________________, 2008.

John F. Silva, Chair
Solano County Board of Supervisors

Attest:
Michael D. Johnson, Clerk
Board of Supervisors

By: Patricia J. Crittenden, Chief Deputy Clerk

Attachment B
Ordinance No. 2008-01

Exhibits:

Exhibit A: Solano County Land Use and Circulation Map, a part of the 1980 Solano County General Plan.

Exhibit B: Solano County Land Use Diagram, figure LU-1 of the 2008 Solano County General Plan.

Exhibit C: Agricultural and Open Space Land Use Designation Changes from 1980 General Plan

Exhibit D: Sections 2 and 3 of Ordinance No 2008-01 with revised text.
Solano County
Existing 1980 General Plan

Legend

- Residential
  - Rural (0.5 to 10 acres per unit)
  - Suburban (1 to 4 units per acre)
  - Low (2 to 7 units per acre)
  - Medium (8 to 15 units per acre)
  - High (16 to 25 units per acre)
- Commercial
  - Neighborhood Commercial
  - Community Commercial
  - Commercial Service
  - Commercial Service-Light Industrial
  - Business & Administrative Office
  - Highway Commercial
  - Commercial Recreation
- Industrial
  - Limited Industrial
  - General Industrial
  - Water Dependent Industrial
  - Water Dependent Industrial Reserve
- Agriculture
  - Intensive Agriculture
  - General Agriculture
- Open Space
  - Waterfront
  - Industrial
  - Park & Recreation
  - Water Bodies & Canals
- Public
  - Local
- Major Arterial
- Minor Arterial
- Collector
- Local Growth Line

General Plan Land Use Designations

EXHIBIT 4
2008 Solano County General Plan
Agriculture and Open Space Changes from the 1980 General Plan Land Use Map

Legend
Change Areas
- Redesignations outside MSAs
- Technical Adjustments outside MSAs
- All Adjustments within MSAs
  - Proposed Agricultural Tourism Center
  - Proposed Joint Study Area
Basemap Layers
- Roadways
- Railroads
- Streams and Creeks
- Major Water Features
- Municipal Service Areas
- Adjacent Counties

Notes
1. Change areas within the MSAs reflect changes to be consistent with the city general plans.

2. Change areas outside the MSAs reflect changes from 1980 agriculture or open space land use designations to proposed public, residential, commercial, industrial or special project area uses on the 2008 Draft General Plan Land Use Diagram.

3. Technical adjustments include adjustments to existing land use designations to more accurately reflect the existing development pattern and zoning and adjustments to reflected land use designations described in the 1980 Land Use Element text but were too small to be reflected on the 1980 Land Use Map.


EXHIBIT C
Exhibit D: Sections 2 and 3 of Ordinance 2008-01 with revised text.

Portions of text of the Orderly Growth Initiative, a part of the current Solano County General Plan's Land Use and Circulation Element, as amended by proposed Ordinance 2008-01. Text to be inserted in the General Plan is indicated in bold italic type, while text to be deleted is indicated in strikeout type. Text in standard type currently appears in the General Plan and to be readopted and reaffirmed by the voters.

Section 2. Orderly Growth Initiative Amendment

The Solano County Land Use and Circulation Element, as amended by the 1994 Orderly Growth Initiative, as part of the Solano County General Plan, is amended as follows:

A. Development Strategy Policy No. 16 (General Plan Land Use and Circulation Element, Chapter II, page 23) is renumbered as Land Use Policy LU.P-2 and amended to read:

A cornerstone principle of this General Plan is the direction of new urban development and growth toward municipal areas. In furtherance of this central goal, the People of Solano County, by initiative measure, have adopted and affirmed the following provisions to assure the continued preservation of those lands designated “Extensive Agriculture,” “Intensive Agriculture,” “Watershed,” “Marsh,” “Park & Recreation,” or “Water Bodies & Courses”: Development Strategy Land Use Policy No. 17 LU.P-3; Agricultural Lands Policies Nos. 9, 10, 11, 12, and 13; and Watershed Lands Policy No. 2 AG.P-31, AG.P-32, AG.P-33, AG.P-34, AG.P-35, and AG.P-36. The General Plan may be reorganized, and individual goals and policies may be renumbered or reordered in the course of ongoing updates of the General Plan in accord with the requirements of state law, but the provisions enumerated in this paragraph shall continue to be included in the General Plan until December 31, 2028, unless earlier repealed or amended by the voters of the County.

B. Development Strategy Policy No. 17 (General Plan Land Use and Circulation Element, Chapter II, page 23a) is renumbered as Land Use Policy LU.P-3 and amended to read:

The designation of specific lands and water bodies as “Extensive Agriculture,” “Intensive Agriculture,” “Watershed,” “Marsh,” “Park & Recreation,” or “Water Bodies & Courses” on the Solano County Land Use and Circulation Map Diagram, adopted by the Solano County Board of Supervisors on December 19, 1980, as readopted and reaffirmed by the voters of Solano County in Proposition A in June 1984, and as amended subsequently consistent with Proposition A and the Orderly Growth Initiative, shall remain in effect until December 31, 2040, 2030, except lands designated “Agriculture” may be re-designated pursuant to the procedure specified in the Land Use and Circulation Element, Chapter III, Agricultural Land Use Policies Nos. 10 through 13, Agricultural Policies AG.P-32 through AG.P-36 (providing for re-designation upon the making of specific findings, or as necessary to comply with state law
requirements regarding provision of low and very low income housing, or permitting certain re-designations to open space).

In addition, these agricultural and open space lands may also be re-designated after a final judgment by a court of competent jurisdiction determining that the absence of a re-designation would constitute an unauthorized taking of private property or is otherwise unconstitutional, but only to the minimum geographical extent and intensity of use necessary to avoid such unconstitutional result. Any such re-designation shall be designed to carry out the goals and provisions of this policy to the maximum extent possible.

Further, the precise boundaries of land use designations may be subject to minor adjustment and refinement prior to development, or upon request of an affected landowner, provided such refinements reflect the overall boundaries indicated on the General Plan Land Use and Circulation Map and are consistent with all other General Plan policies, in particular, the General Plan policies prohibiting piecemeal conversions of agricultural lands to non-agricultural uses.

C. Agricultural Lands Policy 9 (General Plan Land Use and Circulation Element, Chapter III, pp. 37-37a) is renumbered as Agriculture Policy AG.P-31 and amended to read:

Define parcel size of Agriculture designated lands based on the “Agriculture Regions” section as described in this chapter and presented in Table AG-3. Lands Designated Intensive Agriculture or Extensive Agriculture. (a) Within the “Intensive Agriculture” land-use designation, the maximum permitted residential density is one dwelling unit per eighty (80) acres, except that if a landowner demonstrates that a particular parcel is capable of highly productive agricultural use such as orchard and vineyard lands, prime agricultural land, then a maximum permitted residential density of one dwelling unit per forty (40) acres may be applied. Within the “Extensive Agriculture” designation, the maximum permitted residential density is one dwelling unit per one hundred and sixty (160) acres. However, in non-essential agricultural areas which have limited viability for agricultural uses, a maximum permitted residential density of one dwelling unit per twenty (20) acres may be applied. Nothing in this policy shall be interpreted to prevent the provision of farmworker housing pursuant to state law.

(b) Notwithstanding the preceding paragraph, one One residence and a permitted secondary unit may be built on a lot of record existing as of January 1, 1984, designated “Agriculture” provided however that (i) the owner demonstrates compliance with all other applicable County requirements, and (ii) before such exemption is granted, the lot has first been merged with contiguous parcels to the maximum extent possible consistent with State law.
D. Table AG-3, as referenced in Agricultural Policy AG.P-31, is added:

### Table AG-3
Agricultural Regions

<table>
<thead>
<tr>
<th>Agricultural Region</th>
<th>Minimum Lot Size</th>
<th>General Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Winters</td>
<td>40 acres</td>
<td>Provides for agricultural production, agricultural processing facilities, facilities to support the sale of produce, and tourist services that are ancillary to agricultural production</td>
</tr>
<tr>
<td>Dixon Ridge</td>
<td>40 acres</td>
<td>Provides for agricultural production, agricultural processing facilities, and agricultural services</td>
</tr>
<tr>
<td>Elmira and Maine Prairie</td>
<td>40 acres - northwest portion (Elmira) 80 acres - southeast portion (Maine Prairie) See Figure AG-5</td>
<td>Provides for agricultural production, agricultural processing facilities, and agricultural services</td>
</tr>
<tr>
<td>Montezuma Hills</td>
<td>160 acres</td>
<td>Provides for agricultural and energy production</td>
</tr>
<tr>
<td>Ryer Island</td>
<td>80 acres</td>
<td>Provides for agricultural production</td>
</tr>
<tr>
<td>Suisun Valley</td>
<td>20 acres</td>
<td>Provides for agricultural production, agricultural processing facilities, facilities to support the sale of produce, and tourist services that are ancillary to agricultural production</td>
</tr>
<tr>
<td>Green Valley</td>
<td>20 acres</td>
<td>Provides for agricultural production. A future Specific Plan required for Middle Green Valley will further detail desired agricultural uses and lot sizes.</td>
</tr>
<tr>
<td>Pleasants, Vaca, and Lagoon Valleys</td>
<td>40 acres - Parcels with current A-40 zoning 20 acres - Parcels with current A-20 zoning See Figure AG-6</td>
<td>Provides for agricultural production and facilities to support the sale of produce</td>
</tr>
<tr>
<td>Jepson Prairie</td>
<td>160 acres</td>
<td>Provides for agricultural production</td>
</tr>
<tr>
<td>Western Hills</td>
<td>160 acres - West of Pleasant Valley Road 20 acres - East of Pleasant Valley Road and in the Tri-City and County area See Figures AG-7 and AG-8</td>
<td>Provides for agricultural production and tourist services that are ancillary to agricultural production</td>
</tr>
</tbody>
</table>
E. Agricultural Lands Policy 10 (General Plan Land Use and Circulation Element, Chapter III, pp. 37a-37b) is renumbered as Agriculture Policies AG.P-32 and amended to read:

Lands within the "Agriculture" designations as shown on the Land Use and Circulation Diagram Map adopted by the Board of Supervisors on December 19, 1980 as readopted and reaffirmed by the voters of Solano County in Proposition A in June, 1984, and as amended subsequently consistent with Proposition A, may be re-designated to a more intensive agricultural designation, or to a rural residential designation (with a maximum density of one unit per 2.5 to 10 acres) if and only if the Board of Supervisors makes each of the following findings:

(a) That the approval will not constitute part of, or encourage, a piece-meal conversion of a larger agricultural area to residential or other non-agricultural uses, and will not alter the stability of land use patterns in the area;

(b) That no land proposed for re-designation is prime agricultural land as defined pursuant to California Government Code section 51201 (the California Land Conservation Act of 1965, also known as the Williamson Act);

(c) That the subject land is unsuitable for agriculture due to terrain, adverse soil conditions, drainage, flooding, parcel size or other physical facts, such that it has no substantial market or rental value under the "Agriculture" designation;

(d) That the use and density proposed are compatible with agricultural uses and will not interfere with accepted farming practices;

(e) That the land is immediately adjacent to existing comparably developed areas and the applicant for the re-designation has provided substantial evidence that the Fire District, School District, County Sheriff, and County Transportation Department the area road system, and the proposed water supplier have adequate capacity to accommodate the development and provide it with adequate public services; and

(f) That annexation to a city or incorporation is not appropriate or possible based on the following factors: nearby cities’ designated sphere of influence boundaries, cities’ general plan growth limits and projections, and comprehensive annexation plans.

All re-designations pursuant to this policy shall be limited to a maximum of 160 acres for any one landowner in any calendar year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.

Exhibit D
F. Agricultural Lands Policy 11 (General Plan Land Use and Circulation Element, Chapter III, p. 37b) is renumbered as Agriculture Policy AG.P-33 and amended to read:

To comply with state law regarding the provision of low and very low income housing, as those terms are or may be defined by state law, lands within the "Agriculture" designations on the Land Use and Circulation Map Diagram may be changed to a residential designation. No more than 50 acres of land may be re-designated for this purpose in any calendar year. Such re-designation may be made only upon each of the following findings:

(a) The findings stated in subparagraphs (e) and (f) in Policy 10 AG.P-32, above, are met;
(b) Use of the land re-designated under this policy will be limited to low and very low income housing development, pursuant to a legally valid Housing Element of this General Plan;
(c) There is no existing residentially designated land available for the low and very low income housing; and
(d) The re-designation of lands, and construction of low and very low income housing on those lands, is required to comply with state law requirements for provision of such housing.”

Section 3. Policies of the Order Growth Initiative Not Being Amended

The Orderly Growth Initiative provides that its policies may be renumbered and that such renumbering shall not constitute an amendment of the Initiative. The policies identified in this section are being renumbered without amendment in the 2008 Solano County General Plan as follows:

A. Agricultural Lands Policy 12 (General Plan Land Use and Circulation Element, Chapter III, p. 37c) is renumbered as Agriculture Policy AG.P-34. That policy provides as follows:

Lands within the “Agriculture” designations may be re-designated to “Park & Recreation” only for public recreation and public open space uses and only if the uses permitted by the new designation will not interfere with or be in conflict with agricultural operations.

B. Agricultural Lands Policy 13 (General Plan Land Use and Circulation Element, Chapter III, p. 37c) is renumbered as Agriculture Policy AG.P-35. That policy provides as follows:

Lands within the “Agriculture” designations may be re-designated to “Watershed” or “Marsh.”
C. Watershed Lands Policy 2 (General Plan, Land Use and Circulation Element, Chapter III, page 39) is renumbered as Agriculture Policy AG.P-36. That policy provides as follows:

Lands designated Watershed.

a. Within the "Watershed" land use designation, the maximum permitted residential density is one dwelling unit per one hundred sixty (160) acres.

b. Notwithstanding the preceding paragraph, one residence may be built on a lot of record existing as of January 1, 1984, designated "Watershed" provided however that (i) the owner demonstrates compliance with all other applicable County requirements, and (ii) before such exemption is granted, the lot has first been merged with contiguous parcels to the maximum extent possible consistent with state law.