

APPENDICES

APPENDIX A

NOP AND SCOPING COMMENTS

NOTICE OF PREPARATION (NOP)

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

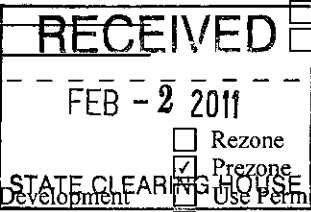
Project Title: Vanden Meadows Specific Plan and Development Project

Lead Agency: The City of Vacaville Contact Person: Fred Buderl
 Mailing Address: 650 Merchant Street Phone: (707) 449-5140
 City: Vacaville Zip: 95688 County: Solano

Project Location: County: Solano City/Nearest Community: Vacaville
 Cross Streets: Nut Tree Road and Opal Drive Zip Code: 95688
 Longitude/Latitude (degrees, minutes and seconds): 38 ° 18 ' 45.6 " N / 121 ° 56 ' 56.5 " W Total Acres: 238
 Assessor's Parcel No.: See Project Description Section: 2 Twp.: 5 N Range: 1 W Base: Mt Diablo
 Within 2 Miles: State Hwy #: Interstate 80 Waterways: Alamo Creek and the Ulatis Creek Watershed
 Airports: Travis Air Force Base Railways: Union Pacific RR Schools: Sierra Vista Elementary

Document Type:

CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) Draft EIS Other: _____
 Mit Neg Dec Other: _____



Local Action Type:

General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other: _____

Development Type:

Residential: Units 939 Acres _____
 Office: Sq.ft. _____ Acres _____ Employees _____ Transportation: Type _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ MW _____
 Educational: 28 acre school site Waste Treatment: Type _____ MGD _____
 Recreational: 7 acres of park Hazardous Waste: Type _____
 Water Facilities: Type _____ MGD _____ Other: _____

Project Issues Discussed in Document:

<input checked="" type="checkbox"/> Aesthetic/Visual	<input type="checkbox"/> Fiscal	<input checked="" type="checkbox"/> Recreation/Parks	<input checked="" type="checkbox"/> Vegetation
<input checked="" type="checkbox"/> Agricultural Land	<input checked="" type="checkbox"/> Flood Plain/Flooding	<input checked="" type="checkbox"/> Schools/Universities	<input checked="" type="checkbox"/> Water Quality
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Forest Land/Fire Hazard	<input checked="" type="checkbox"/> Septic Systems	<input checked="" type="checkbox"/> Water Supply/Groundwater
<input checked="" type="checkbox"/> Archeological/Historical	<input checked="" type="checkbox"/> Geologic/Seismic	<input checked="" type="checkbox"/> Sewer Capacity	<input checked="" type="checkbox"/> Wetland/Riparian
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Minerals	<input checked="" type="checkbox"/> Soil Erosion/Compaction/Grading	<input checked="" type="checkbox"/> Growth Inducement
<input type="checkbox"/> Coastal Zone	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Solid Waste	<input checked="" type="checkbox"/> Land Use
<input checked="" type="checkbox"/> Drainage/Absorption	<input checked="" type="checkbox"/> Population/Housing Balance	<input checked="" type="checkbox"/> Toxic/Hazardous	<input checked="" type="checkbox"/> Cumulative Effects
<input type="checkbox"/> Economic/Jobs	<input checked="" type="checkbox"/> Public Services/Facilities	<input checked="" type="checkbox"/> Traffic/Circulation	<input type="checkbox"/> Other: _____

Present Land Use/Zoning/General Plan Designation:

Junior high and Estaste

Project Description: *(please use a separate page if necessary)*

Parcel Numbers: 136-110-130 and -140; 136-140-010, -020, -090, -120, -130, and -140

The proposed project to be evaluated in the EIR would result in the development of 939 single-family, clustered and multi-family units within an approximately 238 acre project site located between Leisure Town Road to the east, Nut Tree Road to the West, and the proposed extension of Foxboro Parkway to the South (with 68 of the proposed residential units located south of the proposed extension of Foxboro Parkway, west of the existing detention pond). The Vanden Meadows Project also includes a 28-acre school site, 7-acres of park, connecting pedestrian trails, and a bike station on Leisure Town Road within a 500-foot agricultural buffer along the southeastern boundary of the proposed project site.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

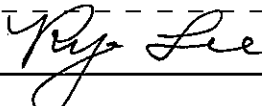
- | | |
|---|--|
| <input checked="" type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Emergency Services |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Office of Public School Construction |
| <input checked="" type="checkbox"/> Caltrans District #4 | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input checked="" type="checkbox"/> Regional WQCB #5 |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Quality |
| <input checked="" type="checkbox"/> Fish & Game Region #3 | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> General Services, Department of | <input checked="" type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Housing & Community Development | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Integrated Waste Management Board | |
| <input checked="" type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date February 2, 2011 Ending Date March 3, 2011

Lead Agency (Complete if applicable):

Consulting Firm: <u>Analytical Environmental Services</u>	Applicant: <u>City of Vacaville</u>
Address: <u>1801 7th Street, Suite 100</u>	Address: <u>650 Merchant Street</u>
City/State/Zip: <u>Sacramento, CA 95811</u>	City/State/Zip: <u>Vacaville, CA 95688</u>
Contact: <u>Ryan Lee</u>	Phone: <u>(707) 449-5140</u>
Phone: <u>916-447-3479</u>	

Signature of Lead Agency Representative:  Date: 2-2-11

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



NOTICE OF PREPARATION

DATE: February 2, 2011

TO: Responsible Agencies, Trustee Agencies, and Interested Parties

FROM: The City of Vacaville
650 Merchant Street
Vacaville, CA 95688

Attention: Fred Buder
Planning Division
(707) 449-5140
fbuderi@cityofvacaville.com

SUBJECT: Notice of Preparation (NOP) of an Environmental Impact Report
Vanden Meadows Specific Plan and Development Project

PUBLIC COMMENT PERIOD: February 2nd – March 3rd, 2011

The City of Vacaville (City) is the lead agency for the preparation of an Environmental Impact Report (EIR) for the Vanden Meadows Specific Plan and Development Project (Vanden Meadows Project) in compliance with the California Environmental Quality Act (CEQA). The purpose of this NOP is to describe the Vanden Meadows Project and potential environmental effects in order to allow agencies and interested parties to provide input on the scope and content of the EIR. Comments on this NOP are due to the City of Vacaville by 5:00 p.m. on March 3rd, 2011.

PROJECT SUMMARY

The proposed project to be evaluated in the EIR would result in the development of 939 single-family, clustered and multi-family units within an approximately 238 acre project site located between Leisure Town Road to the east, Nut Tree Road to the West, and the proposed extension of Foxboro Parkway to the South (with 68 of the proposed residential units located south of the proposed extension of Foxboro Parkway, west of the existing detention pond). The Vanden Meadows Project also includes a 28-acre school site, 7-acres of park, connecting

pedestrian trails, and a bike station on Leisure Town Road within a 500-foot agricultural buffer along the southeastern boundary of the proposed project site.

PROJECT ACTION

The required action is approval by the City Council of the pre-zoning for the property and authorization of staff to proceed with the annexation of the project site into the City. The project also requires a Specific Plan, Planned Development, Tentative Map, and Development Agreement approval by the City Council.

PROJECT LOCATION

The project site consists of 238-acres, including a 28-acre property currently owned by the Travis Unified School District, located within unincorporated Solano County adjacent to the southern boundary of the City. The property is located approximately 3.6 miles southeast of central Vacaville and 35 miles southwest of Sacramento (**Figure 1 – Regional Location & Figure 2 – Site and Vicinity**). The property is situated southeast of Interstate 80 and east of Nut Tree and south of Fry Road. The property is surrounded on the west and north by residential development and on the east and south by agricultural land.

Project Address: 5642 Vanden Road, Vacaville, California 95687

County: Solano County

APNs: 136-110-130 and -140; 136-140-010, -020, -090, -120, -130, and -140

USGS Quad: Elmira USGS 7.5-minute topo quadrangle (1980).

Long./Lat.: Centroid of the study area: 38.31269 degrees North, 121.94903 degrees West.

PROJECT BACKGROUND

The primary objective of the Vanden Meadows Specific Plan is to create development standards and a land use plan for the Vanden Meadows area that will satisfy the overall goals of the City while recognizing and tying into the Southtown Project and its design theme. The Vanden Meadows project site is located within the Urban Growth Boundary of the City and is identified within the City's Municipal Service Review and Comprehensive Annexation Plan (City of Vacaville, 2004) as Site K – Vanden South of the identified near-term growth areas of the City.

PROJECT DESCRIPTION

The proposed project to be evaluated within the EIR consists of the annexation of the 238-acre project site and the approval and implementation of a specific plan for the property that would result in the development of 939 single-family, clustered and multi-family units, a 28-acre school site, 7-acres of park, connecting pedestrian trails, and a bike station. An aerial photograph showing the existing land uses within the project site with an overlay of the proposed site plan is presented in **Figure 3**. The proposed land uses are summarized below.

Residential Units

The Vanden Meadows development proposes 939 single-family, clustered and multi-family units. The City of Vacaville General Plan policies indicate that development in outlying areas must provide a minimum of 25% moderate density housing to increase the City's existing moderate density which is currently at approximately 20%. The Vanden Meadows development proposes a total of approximately 33% moderate density units, including a cluster/courtyard development and other small lot single family residential units. The Vanden Meadows project will also provide approximately 21% high density housing with the inclusion of an apartment site.

School Facilities

The Travis Unified School District has acquired a 28 acre site in the Vanden Meadows area and identified it as the future site of 1 or possibly 2 schools. The School District is currently conducting studies to determine if they will build a middle school and an elementary school or one K-8 school. The District master plan calls for this school to be built in 3-5 years (approximately 2012 – 2014) depending on rate of build out of the Southtown Project and the Vanden Meadows Project.

City Park

Development of the Vanden Meadows area will result in the construction of a new 7 acre park adjacent to the proposed school site. A joint use agreement between the Travis Unified School District and the City regarding this park may be implemented to increase its usability and functionality.

Trail System

Approximately four miles of trails will be constructed throughout the project site provide a pedestrian friendly connection between the residential areas, park, school(s) and the Southtown Trail system. These trails along with the park and landscaping comprise 30.38 acres of dedicated open space and recreational area.

ENVIRONMENTAL EFFECTS

The City has determined that an EIR is the appropriate environmental document for the project and that the EIR should address the following issues:

- Aesthetics – The EIR will address the potential impacts to the visual character of the project site and surrounding public view areas. Potential impacts to ambient lighting conditions will also be addressed.
- Air Quality – The EIR will address the project’s potential fugitive dust impacts, odor impacts, and regional air pollutant impacts, including green house gas emissions. Potential impacts to sensitive receptors will also be addressed. The analysis will address both short-term impacts from construction and long-term impacts from operation.
- Biological Resources – The EIR will analyze the project’s short-term (construction) and long-term (operation) impacts on threatened and endangered species, migratory birds, habitats, and other biological resources in light of applicable state and federal regulatory frameworks.
- Cultural Resources – The EIR will evaluate the potential for impacts to cultural resources based on record searches, Native American Heritage Commission consultation, and field survey.
- Geology and Soils – The EIR will assess the proposed project’s potential for soil erosion during construction and the level of geologic and seismic risks. The level of risk to people and property will be determined based on analysis of the project site’s soil properties and seismic hazard potential.
- Greenhouse Gas Emissions – The EIR will assess the proposed project’s potential for impacts to greenhouse gas emissions in relation to applicable and adopted plans, policies, and regulations.
- Hazards – The EIR will evaluate potential impacts from the use of chemicals and practices common to construction of residential areas as well as address the increase in use of residential hazardous substances.
- Hydrology and Water Quality – The EIR will analyze the project’s impacts to surface and groundwater on a local and regional level. Potential impacts to surface water quality and changes in local hydrological conditions will be addressed.
- Land Use, Planning, and Agriculture – The EIR will evaluate the consistency of the proposed project with the adopted plans and policies of the City and Solano County, including but not limited to the respective General Plans and Zoning Ordinances. The EIR will also analyze the proposed project’s compatibility with surrounding land uses.
- Noise/Vibration – The EIR will evaluate the potential impacts on ambient noise levels from construction-related and operation-related noise. Primary issues include short-term increase in noise and vibration that may impact sensitive receptors and the creation of land use conflicts regarding noise.
- Traffic and Circulation – The EIR will address the potential impacts to surrounding roadways resulting from the increase in motor vehicle traffic along roadways during construction (short-term, temporary increase) and operations (long-term increase from residences, schools, and parkways).

- Growth-Inducing and Cumulative Effects – The EIR will analyze potential growth-inducing and cumulative impacts resulting from the proposed project pursuant to CEQA Guidelines 15126(d) and 15130, respectively.

DISCUSSION OF ALTERNATIVES

CEQA Guideline 15126.6(a) requires that an EIR describe a range of reasonable alternatives for the project. The EIR will evaluate the comparative merits of the alternatives, including the No-Project alternative. The alternatives will be determined, in part, by public input received during the NOP comment period. To ensure that the Environmental Impact Report adequately addresses the full range of issues and alternatives related to the proposed project and that all significant issues are identified, comments and suggestions are invited from all interested parties.

SCOPING MEETING

A scoping meeting will be held on February 28, 2011 at 6:30 pm to solicit input from interested agencies and members of the public. A project overview will be presented followed by a public comment period. The meeting will occur at the following location:

City Council Chambers
650 Merchant St
Vacaville, CA 95688

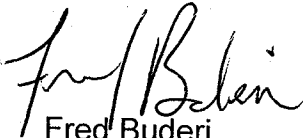
NOP SCOPING COMMENTS

Written comments regarding the scope of the EIR should be addressed to:

City of Vacaville
c/o: Fred Buderer, City Planner
650 Merchant St.
Vacaville, CA 95688
(707) 449-5140
fbuderer@cityofvacaville.com

The close of the scoping and comment period is at 5:00 PM on March 3, 2011.

Date: February 2, 2011

By: 
Fred Buderer
City Planner
City of Vacaville

COMMENT LETTERS RECEIVED DURING SCOPING



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

RECEIVED

FEB 22 2011

City of Vacaville
Planning Division

REPLY TO
ATTENTION OF

February 15, 2011

Regulatory Division SPK-2011-00151

Mr. Fred Buder
650 Merchant Street
Vacaville, CA 95688

Dear Mr. Buder:

We are responding to your Notice of Preparation request for comments on the Vanden Meadows Project. The project is located in Section 35, Township 6 North, Range 1 West, Mount Diablo Meridian, Latitude 38.3221788°, Longitude -121.943052°, Vacaville, Solano County, California. Your identification number is SPK-2011-00151.

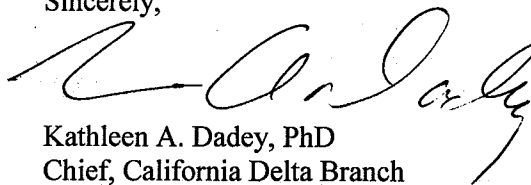
The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

To ascertain the extent of waters on the project site, the applicant should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetland Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location.

The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

Please refer to identification number SPK-2011-00151 in any correspondence concerning this project. If you have any questions, please contact Julie Dickinson at 1325 J Street, Room 1480, Sacramento, CA 95814, via email Julie.E.Dickinson@usace.army.mil, or by telephone 916-557-5254. For more information regarding our program, please visit our website at www.spk.usace.army.mil/regulatory.html.

Sincerely,



Kathleen A. Dadey, PhD
Chief, California Delta Branch



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.dfg.ca.gov

EDMUND G. BROWN, Jr., Governor
JOHN McCAMMAN, Director



February 18, 2011

Mr. Fred Buderl
City of Vacaville
650 Merchant Street
Vacaville, CA 95688

Dear Mr. Buderl:

Subject: Vanden Meadows Specific Plan, Notice of Preparation of a Draft Environmental Impact Report, SCH #2011022008, City of Vacaville, Solano County

The Department of Fish and Game (DFG) has reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) for the Vanden Meadows Specific Plan (Plan). DFG is providing comments on the NOP as a Trustee Agency and Responsible Agency. As Trustee for the State's fish and wildlife resources, DFG has jurisdiction over the conservation, protection, and management of the fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species for the benefit and use by the people of California.

Project Description

The proposed Plan area is approximately 238 acres in size, and located in the southeastern portion of the City of Vacaville (south of Interstate 80) between Leisure Town Road to the east and Nut Tree Road to the west. The east side of the Plan area borders the Union Pacific Railroad. The Plan proposes the development of 939 single-family, clustered and multi-family units, and includes a 28-acre school, 7-acre park, 4 miles of connecting pedestrian trails, and a bike station. The proposed trails, park and landscaping would comprise approximately 30 acres of dedicated open space and recreational areas. Land uses surrounding the Plan area include residential development to the west and north, and agriculture to the east and south.

Biological Resources

The draft EIR should include a complete assessment (including but not limited to type, quantity and locations) of the habitats, flora and fauna within and adjacent to the Plan area, including endangered, threatened, and locally unique species and sensitive habitats. Rare, threatened and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, Section 15380). The assessment should include the reasonably foreseeable direct and indirect changes (temporary and permanent) that may occur with implementation of project (pursuant to CEQA, Section 15355).

In order for DFG to adequately assess Plan-related impacts, the draft EIR should provide a detailed description of both aquatic and upland biological resources, including breeding, nesting, foraging and dispersal habitats. Results of protocol-level plant and wildlife surveys should be presented in the draft EIR. DFG-recommended wildlife survey and monitoring protocols and guidelines are available at http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html. DFG protocols for surveying and evaluating impacts to rare plants are available at <http://dfg.ca.gov/habcon/plant/plants.html>. Botanical surveys should be conducted throughout

the blooming period for plant species potentially occurring within the proposed Plan area. Protocol-level surveys for special-status species should also be conducted prior to approval of future individual project-level development plans.

Special-status wildlife species with known or potential habitat within the Plan area include Swainson's hawk (*Buteo swainsoni*) and western burrowing owl (*Athene cunicularia*). California tiger salamander (*Ambystoma californiense*) and Contra Costa goldfields (*Lasthenia conjugens*) have been documented within 1.4 miles of the Plan area. Swainson's hawk and California tiger salamander are listed as threatened under the California Endangered Species Act (CESA). Contra Costa goldfields as well as the salamander are also federally-listed by the U.S. Fish and Wildlife Service (Service). Western burrowing owl is a State Species of Special Concern. Birds in the Order Falconiformes and Strigiformes and their nests are protected under Fish and Game Code Section 3503.5. It is also unlawful to take, possess, or destroy the nest or eggs of any bird pursuant to Fish and Game Code Section 3503. Migratory raptors are also protected under the federal Migratory Bird Treaty Act. Take avoidance and minimization measures for listed species should be determined in consultation with the Service and DFG, and fully disclosed in the draft EIR.

Please be advised that a CESA Permit must be obtained if the Plan has the potential to result in take of species of plants or animals listed under CESA, either during construction of individual future projects or over the life of the Plan. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the EIR must specify impacts, mitigation measures, and mitigation monitoring and reporting programs. If the proposed Plan will impact CESA-listed species, early consultation is encouraged, as significant modification to the Plan and mitigation measures may be required in order to obtain a CESA Permit.

To avoid adverse impacts to Swainson's hawk, DFG recommends avoiding project-related activities within a minimum of 0.25 miles of nesting hawks between March 1 and September 15. Swainson's hawk nests are generally found in scattered trees or along riparian systems adjacent to agricultural fields or pastures. The draft EIR should include measures to avoid or minimize loss of Swainson's hawk habitat, and full mitigation to offset any unavoidable losses. Compensatory lands should be protected in perpetuity and provide for long-term management of the hawk's habitat. Lands designated for public use such as recreational parks and trails should not be included as mitigation for project-related impacts to wildlife habitat. The extent of compensatory mitigation for any loss of nest trees should be determined by the project proponent in consultation with DFG. For loss of Swainson's hawk foraging habitat, DFG recommends that the mitigation be based on the following ratios:

- For projects within one mile of an active nest tree, provide one acre of land for each acre of development authorized (1:1 ratio).
- For projects within 5 miles of an active nest tree but greater than one mile from the nest tree, provide 0.75 acres of land for each acre of development authorized (0.75:1 ratio).
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, provide 0.5 acres of land for each acre of development authorized (0.5:1 ratio).

Mr. Fred Buderl
February 18, 2011
Page 3

DFG recommends that burrowing owl surveys be conducted by a qualified biologist during the peak nesting (April 15 through July 15) season. Winter-season (December 1 through January 31) surveys are also recommended. These surveys should take place from one hour before to two hours after sunrise, as well as two hours before to one hour after sunset. Surveys should be conducted on multiple days during each of the above mentioned seasons. Additional surveys should be conducted prior to construction of individual projects to identify occupied burrows within the impact area and avoid direct take of owls. If burrowing owls are documented within the Plan area, DFG views this as a significant impact and recommends the conservation of extant burrowing owl habitat. If avoidance is not possible, loss of suitable burrowing owl habitat should be mitigated acre-for-acre with suitable, occupied habitat at a DFG-approved location. The site should provide permanent protection for the burrowing owl.

Lake and Streambed Alteration Agreement

Please be advised that for any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river, stream or lake, or use material from a streambed, DFG will require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to CEQA. DFG, as a responsible agency under CEQA, will consider the EIR for the project. The draft EIR should fully identify the potential impacts to streams or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact the Lake and Streambed Alteration Program at (707) 944-5520.

If you have any questions, please contact Ms. Brenda Blinn, Environmental Scientist, at (707) 944-5541; or Mr. Liam Davis, Habitat Conservation Supervisor, at (707) 944-5529.

Sincerely,



Scott Wilson
Acting Regional Manager
Bay Delta Region

cc: State Clearinghouse

Mr. Ryan Olah
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W2605
Sacramento, CA 95825-1888

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 3, 2011

Fred Buderl
City of Vacaville
650 Merchant Street
Vacaville, CA 95688

Re: Notice of Preparation, Draft Environmental Impact Report (DEIR)
Vanden Meadows Specific Plan and Development Project
SCH# 2011022008

Dear Mr. Buderl:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The CPUC recommends the DEIR Transportation/Circulation section specifically evaluate traffic safety issues to the at-grade railroad crossings and rail corridor located in proximity to the proposed project site. Any increase in traffic by this project needs to be evaluated for potential impacts.

In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians. Measures to reduce adverse impacts to rail safety need to be considered in the DEIR. General categories of such measures include:

- Installation of grade separations at crossings , i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossings
- Installation of additional warning devices
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption
- Installation of median separation to prevent vehicles from driving around railroad crossing gates

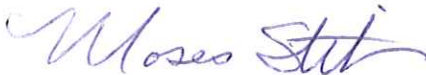
Fred Buderl
City of Vacaville
SCH # 2011022008
March 3, 2011
Page 2 of 2

- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices, channelization and sidewalks
- Construction of pull out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing.

Thank you for your consideration of these comments. If you have any questions, please contact me at (415) 713-0092 or email at ms2@cpuc.ca.gov.

Sincerely,



Moses Stites
Rail Corridor Safety Specialist
Consumer Protection and Safety Division
Rail Transit and Crossings Branch
180 Promenade Circle, Suite 115
Sacramento, CA 95834-2939



February 23, 2011

Fred Buderl
City Planner
City of Vacaville, Planning Division
650 Merchant Street
Vacaville, CA 95688

RECEIVED

FEB 24 2011

**City of Vacaville
Planning Division**

Re: Notice of Preparation – Vanden Meadows Specific Plan and Development Project

Dear Mr. Buderl:

The Yolo Solano Air Quality Management District (District) has received the Notice of Preparation (NOP) for the project referenced above (Project), and is submitting comments. The Project would develop 939 residential units on a 238 acre project site. The development would also include a school site, and a seven-acre park.

The District would like to make the following comments:

1. Instructions on how to quantify and mitigate project emissions can be found in the District's *Handbook for Assessing and Mitigating Air Quality Impacts* guidance document. This document also includes the District's thresholds of significance for criteria air pollutants.
2. Based on the project description in the NOP, it appears that the project's operational emissions would exceed the District's threshold of significance for particulate matter (PM), reactive organic gases (ROG), and nitrogen oxides (NOx). The project applicant should ensure that operational emissions are adequately quantified in the environmental impact report (EIR). Outputs for any emissions modeling performed for the EIR should be included as an appendix. Any changes to modeling defaults should be clearly noted.

The EIR should also evaluate all feasible mitigation measures to reduce operational emissions from the Project. Mitigation measures could include the following:

- Site design measures to reduce vehicle miles traveled by increasing convenience for bikes and pedestrians.
- Increasing connectivity for bikes and pedestrians within the Project and between the Project and adjacent development.
- Energy efficiency measures for new development.

- Promoting transit where feasible and designing the project to support transit in the future.
- Promoting the use of electric landscaping equipment instead of gasoline-fueled equipment within the Project.

District staff is available to meet with the project applicant to discuss site-design measures that can help to reduce vehicle trips and overall operational emissions. Since site-design measures can be more easily included earlier in the development process, the District encourages the project applicant to contact staff as early as possible for these discussions.

3. The construction phase of the proposed Project would also likely exceed the District's thresholds of significance for PM, ROG and NOx. As with operational emissions, construction emissions should be accurately quantified. The District requests that a proposed construction schedule and equipment list, if available, be included in the EIR. Construction emissions should be mitigated where feasible. To reduce PM emissions the Project should implement, at a minimum, the best management practices found in the District's *Handbook for Assessing and Mitigating Air Quality Impacts* document. Diesel PM and NOx emissions from construction equipment can be reduced through the use of newer equipment or the use of equipment with repowered engines or installed retrofit devices. Other measures may also be feasible for the reduction of criteria pollutants during construction.
4. The EIR for the proposed project should evaluate any potential impact from sources of toxic air contaminants (TAC) that may be located in proximity to proposed sensitive receptors. At a minimum, the EIR should discuss any TAC impacts related to the existence of the Union Pacific railroad line on the southeastern border of the project site. If other TAC sources are identified in the area, these should be acknowledged in the EIR as well.
5. Over the past several years, the California Attorney General's office has consistently commented on projects that did not adequately address climate change impacts in their CEQA analyses. While the District does not have thresholds of significance for greenhouse gases at this time, the EIR for the proposed project should still include a discussion of the climate change impacts that will result from the proposed development.
6. Cumulative impacts to air quality as a result of the proposed project will need to be addressed. The EIR should discuss whether the proposed project is consistent with the local general plan and any applicable regional plans that cover the project area, such as the Metropolitan Transportation Plan.

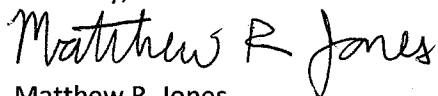
7. The District's *Handbook for Assessing and Mitigating Air Quality Impacts* includes guidance on how to assess other potential impacts, such as carbon monoxide hotspots and odors. Please consult the Handbook for instructions on how to prepare a complete air quality analysis.

The District would like to add that the following District Rules and Regulations may apply to the project:

- Portable diesel fueled equipment greater than 50 horsepower (HP), such as generators or pumps, must be registered with either the Air Resources Board's (ARB's) Portable Equipment Registration Program (PERP) (<http://www.arb.ca.gov/perp/perp.htm>) or with the District.
- Architectural coatings and solvents used at the project shall be compliant with District Rule 2.14, ARCHITECTURAL COATINGS.
- All stationary equipment, other than internal combustion engines less than 50 horsepower, emitting air pollutants controlled under District rules and regulations require an Authority to Construct (ATC) and Permit to Operate (PTO) from the District.

In conclusion, the District appreciates receiving the project and the opportunity to discuss the recommendations presented in this letter. If you require additional information or would like to discuss the project, please contact Matt Jones at (530) 757-3668.

Sincerely,



Matthew R. Jones
Supervising Air Quality Planner



Solano Local Agency Formation Commission

744 Empire St., Suite 216 • Fairfield, California 94533
(707) 439-3897 • FAX: (707) 438-1788

February 28, 2011

Mr. Fred Buderl
Planning Division
The City of Vacaville
650 Main Street
Vacaville CA 95688

RE: Notice of Preparation of an Environmental Impact Report Vanden Meadows Specific Plan and Development Project

Dear Mr. Buderl:

Below are my comments with respect to the above proposed project:

1. Include LAFCo as a Responsible Agency as the project is located outside the City's boundary.
2. Include the Vacaville Fire Protection District (VFPD) as an affected agency. As required, the proposal area will have to be detached from the VFPD concurrently with the City Annexation. In December 2007, LAFCo amended its' policy (LAFCo Standard 11 - attached) that requires financial mitigation for negative impacts to Special Districts. The standard requires the applicant, at minimum, make a good faith effort to reach an agreement with the affected agencies prior to the LAFCo hearing. Attached is a recent example of an agreement between the City of Dixon and the Dixon Fire Protection District.
3. Include the Vacaville Cemetery District as an affected agency. The proposal area is within the Sphere of Influence of the Vacaville Cemetery District and therefore the proposal must also include annexation to the District. Again, an agreement for financial mitigation must be reached with this District. Attached for your reference is an agreement from the Madison and Discovery II/III at Goldridge Annexations whereby an annual funding source was established to fund the Cemetery District's operations to service the annexed area. I encourage the City to work with Mike Harden, District Manager (707)448-7206 in the establishment of an agreement.

Commissioners

John Saunderson, Chairperson • Harry Price, Vice-Chairperson
Jack Batchelor • Linda Seifert • Jim Spering

Alternate Commissioners

John Vasquez • Nancy Shopay • Jan Vick

Staff

Shaun Pritchard, Executive Officer • Michelle McIntyre, Commission Clerk

4. Include the Solano Irrigation District (SID) as an affected agency. The proposal is within the boundary of SID and therefore the proposal must also include detachment from the District where non-urban irrigation water is no longer needed. I encourage the City to work with Mr. Frank Weber, Real Property Administrator (707)455-4032 in the establishment of a detachment plan.
5. Address the County's current effort to establish a Countywide Transportation Impact Fees. The County recently raised its concerns to LAFCo over the impact of municipal development to the County's transportation system. While a transportation impact fee has yet to be officially adopted, LAFCo has determined in past annexations that mitigation must be provided for impacts to the County's transportation system. LAFCo's last Resolution of Approval for an annexation carried the following condition:

Prior to completion of the annexation to the County, the City and the developers shall work to identify the impacts of final map subdivisions (5 or more parcels) of the property within the annexation area on the County transportation system and enter into an agreement to provide for mitigation of those impacts.

I encourage the City contact Paul Wiese of Solano County Resource Management to discuss the potential need for county transportation mitigation. Mr. Weise can be reached at (707)784-6765.

If you have any questions regarding these issues, please do not hesitate to contact me.

Sincerely,



Shaun Pritchard, Executive Officer
Solano Local Agency Formation Commission

cc: LAFCo Commissioners
Chief Howard Wood, Vacaville Fire Protection District
Mick Harden, Vacaville Cemetery District
Frank Weber, Solano Irrigation District
Paul Weise Solano County Resource Management
Scott Browne, LAFCo Legal Counsel

Attachments: LAFCo Standard 11
Example Cemetery District Agreement/District Map
Example Fire Protection District Agreement/District Map

Commissioners

John Saunderson, Chairperson • Harry Price, Vice-Chairperson
Jack Batchelor • Linda Seifert • Jim Spering

Alternate Commissioners

John Vasquez • Nancy Shopay • Jan Vick

Staff

Shaun Pritchard, Executive Officer • Michelle McIntyre, Commission Clerk

STANDARD NO. 11: THE EFFECT OF THE PROPOSED ACTION ON ADJACENT AREAS, MUTUAL SOCIAL AND ECONOMIC INTERESTS, AND ON LOCAL GOVERNMENTAL STRUCTURE

The application shall describe the effect which the annexation could have on adjacent areas and outside the agency. It shall also describe any social and economic benefits, or detriments, which will accrue to the agency and other affected agencies. The proposal should not be motivated by inter city rivalry, land speculation, or other motivates not in the public interest, and should create no significant negative social or economic effects on the County or neighboring agencies.

Explanation and Discussion

This Standard responds to the Cortese-Knox-Hertzberg factor listed under Section 56668(c). As worded in the law, the factor is somewhat vague and tends to overlap with the purpose of several other Standards, including those pertaining to the protection of agricultural land, meeting needs of the housing market, orderly growth, and the provision of urban services. Consequently, meeting this Standard requires placing in perspective the overall beneficial consequences of a proposal as compared to potential negative impacts, through qualitative analysis.

Examples of mutual social and economic benefits include achieving a balanced housing supply within the community, the provision of commercial areas where existing commercial development does not meet the needs residents, the creation of new employment opportunities to meet the needs of the unemployed or under-employed, protecting sensitive resources, advancing the time when public improvements needed by the larger community may be provided, improvement of levels of service within the community without incurring additional costs or harming other public service providers and protection of communities of regional/national economic and social importance, such as Travis Air Force Base, through the utilization of permanent open space and reserve areas.

These types of benefits may, in a given case, argue for a project as off-setting negative consequences or negative determinations identified in responding to other Discretionary Standards. The written response to this standard provides the opportunity to make a case for a proposal which, based on other standards, might appear to be questionable.

Potential negative impacts upon the County and neighboring agencies will also be considered. Examples include proposals that negatively impact Special District budgets or service provision or proposals that demand Special District services without the provision of adequate funding, threaten major employers, alter current/future military missions or otherwise cause hardship to communities of regional/national economic and social importance.

Required Documentation

In cases where Special Districts might be harmed, either through detachment or annexation, the applicant should work with the Executive Director to identify the affected agencies and work with those agencies to identify and mitigate the impacts. *LAFCo, will not normally approve detachments from special districts or annexations that fail to provide for adequate mitigation of the adverse impacts on the district. Where the adverse impact is fiscal, adequate mitigation will normally include a permanent, funding source for lost revenues or increased costs to the affected Special District.* Where potential impacts on other agencies

have been identified, the application may be deemed incomplete or the LAFCo hearing continued, until the applicant has met with the affected agencies and made a good faith effort to reach agreement with those agencies on appropriate mitigation.

This standard requires that an application for a change of organization or reorganization show the inter-relationship and effect of the proposed project on adjacent areas, both within and outside the boundaries of the affected agency, and to weigh the overall beneficial aspects of a proposal as compared to the potential negative impacts. The application shall provide a written response to this standard and all supporting documentation regarding mitigation.

LAFCo Action

If the applicant and the affected agencies have reached agreement on *permanent, annual* mitigation for the impacts to affected agencies, LAFCo will normally include the mitigation measures in its terms and conditions approving the change of organization. If the parties have failed to reach agreement, LAFCo shall hear from both sides and determine an appropriate mitigation, if any, and impose that mitigation to the extent it is within its powers. If the needed mitigation is not within LAFCo's authority and approval would, in the determination of the Commission, seriously impair the District's operation, the Commission may choose to deny the application.

**CEMETERY DISTRICT
FUNDING AGREEMENT**

**CITY OF FAIRFIELD, A MUNICIPAL CORPORATION; CONTRA COSTA LAND
INVESTMENT COMPANY LLC; SUISUN FAIRFIELD CEMETERY DISTRICT, A PUBLIC
CEMETERY DISTRICT**

NOVEMBER 30, 2006

CEMETERY DISTRICT FUNDING AGREEMENT

This CEMETERY DISTRICT FUNDING AGREEMENT ("**Agreement**") is made and entered into on November ____, 2006 ("**Effective Date**"), by and between the City of Fairfield, a municipal corporation and general law city ("**City**"); Contra Costa Land Investment Company LLC, a California limited liability company ("**Developer**"); and the Suisun Fairfield Cemetery District, a public cemetery district ("**District**"). This Agreement is predicated on the following facts, which are incorporated into and made a part of this Agreement.

RECITALS

A. On November 15, 2005, the City Council of the City of Fairfield approved the development of a 221-unit residential project by Developer, commonly known as the Madison Project, as shown and more particularly described on attached Exhibit 1 ("**Project**").

B. On January 9, 2006, in Resolution No. 06-02, the Solano Local Agency Formation Commission ("**LAFCO**") approved the reorganization proposal for the Project, including the annexation of the Project, along with additional City-owned property (for a total of 152 acres), to the City of Fairfield and the Suisun Fairfield Cemetery District ("**District**") (collectively, "**Madison Annexation**"). As a condition of LAFCO's approval of the Madison Annexation, LAFCO required that Developer "agree[] to finalize an agreement with the Fairfield-Suisun Cemetery District for the provision of a one-time payment to mitigate the financial impact of the annexation to the District...." ("**LAFCO Condition**").

C. City, Developer and District desire to enter into this Agreement for the purpose of satisfying the LAFCO Condition and fully mitigating any financial impact of the Madison Annexation to District.

NOW, THEREFORE, City, Developer and District agree as follows:

Section 1 Developer Funding. Within thirty (30) days of the Effective Date, Developer shall deposit the sum of One Hundred Fifty-One Thousand Five Hundred Dollars (\$151,500) in an account to be held in trust by City for the benefit of District ("**District Fund**"). The parties agree that the purpose of the District Fund is to provide monies to the District to fully mitigate any financial impact of the Madison Annexation to the District and to satisfy the LAFCO Condition.

Section 2 Investment of District Fund. City shall invest the monies in the District Fund in the same manner as it invests City funds and shall make reasonable efforts to secure the greatest return on its investment; provided, however, that nothing in this Section shall be construed to make City liable to Developer or District for the results of City's investment of the monies in the District Fund unless it fails to make such reasonable efforts.

Section 3 Transfer of Funds to District. City shall pay to the District monies from the District Fund pursuant to this Section 3. On November 1 of the fiscal year (July 1 through June 30) following the fiscal year in which City issues the first building permit for the Project

(projected to be in 2006-07), City shall pay to the District the full amount of any return on its investment of the monies in the District Fund from the date the District Fund is established to October 31 of the fiscal year in which City issues the first building permit for the Project. For each successive fiscal year, on November 1 City shall pay to District the full amount of any return on its investment of the monies in the District Fund during the preceding fiscal year. In the event of a loss with regard to the investment of the District Fund monies for any fiscal year, City shall make no payment to District, unless requested to do so pursuant to Section 6 of this Agreement. City shall continue to pay to the District monies from the District Fund in this fashion until such time as the District Fund is depleted or until another Alternative Funding Mechanism is agreed upon pursuant to Section 4 below. If and to the extent such depletion or agreement occurs, the parties agree that neither City nor Developer shall have any further financial obligations to the District under this Agreement.

Section 4 Return of District Fund to Developer. In the event that within five (5) years of the Effective Date: (a) City and Solano County agree to include the District as a recipient in the revenue exchange that occurs as part of the Master Tax Transfer Agreement, or (b) some other acceptable funding mechanism is established that provides a long-term revenue stream to the District to cover its service provision costs specifically within the Madison Annexation area (based on the current tax rate of .005478 per \$100.00 assessed valuation) (collectively, "**Alternative Funding Mechanism**"), then District shall so promptly notify City and once the District has begun receiving payments from such Alternative Funding Mechanism, City shall release to Developer the amount remaining in the District Fund as of the date agreement is reached regarding such Alternative Funding Mechanism, including any interest earned thereon. In the event that agreement is reached regarding an Alternative Funding Mechanism that partially, although not fully, funds District's service provision costs specifically within the Madison Annexation area (based on the current tax rate of .005478 per \$100.00 assessed valuation), then District shall promptly instruct City to release to Developer its proportionate share of the amount remaining in the District Fund (including any interest earned thereon), thereby reflecting the monies that the District ultimately will receive from the Alternative Funding Mechanism. City agrees to adhere to the release provisions set forth in this Section 4; provided, however, that if an Alternative Funding Mechanism is implemented and District either fails to provide such instruction, or said instruction appears inconsistent with the terms of the Alternative Funding Mechanism, then following a consultation with District and Developer, City shall release all or part of the funds which, in accordance with its reasonable judgment, reflects the terms of the Alternative Funding Mechanism, and Developer and District agree to abide by City's decision in this regard. For purposes of this Section, Alternative Funding Mechanism shall not include any general funding source District may obtain or become entitled to that is District-wide in its application and scope (i.e., District-wide development impact fees).

Section 5 Assignment. City shall have the right to assign its rights and obligations under this Agreement to Solano County at any time during the term of this Agreement so long as all parties give prior written consent to such assignment, which consent shall not be unreasonably withheld.

Section 6 Termination of District Fund. At any time after five (5) years from the Effective Date, District may request in writing that City terminate the District Fund and pay out the full amount of the District Fund (including all of the remaining principal and interest) to District. In the event District submits such a request to City, City shall terminate the

District Fund and pay out the full amount of the District Fund as requested. Once District receives this final payout, City's obligations under this Agreement shall cease permanently.

Section 7 District Support of Madison Annexation. Developer's payment into the District Fund of the amount set forth in Section 1 above shall constitute full mitigation of any financial impact of the Madison Annexation to District. District shall not oppose the Madison Annexation and shall inform Solano County LAFCO in writing on or before the LAFCO public hearing on this matter on November 13, 2006 that Developer has fully complied with the LAFCO Condition.

Section 8 Notices. All notices, demands or other communications given hereunder shall be in writing and shall be deemed to have been duly delivered upon personal delivery, or on transmission of a facsimile, with receipt electronically confirmed, or on the first business day after deposit with Federal Express or other overnight courier service if specified for next business day delivery and delivered in time to such courier to accomplish such delivery in a timely manner, or as of the second business day after mailing by United States registered or certified mail, return receipt requested, postage prepaid, addressed as follows:

If to District:

Sulsun Fairfield Cemetery District
1707 Union Avenue
P.O. Box 3314
Fairfield, CA 94533
Attn: District Manager

With a copy to:

Solano County Counsel
675 Texas St., Suite 6600
Fairfield, CA 94533
Attn: Special Districts

If to City:

City of Fairfield
Fairfield City Hall
1000 Webster Street
Fairfield, California 94533
Attn: Planning Director, Director of Finance

With a copy to:

Fairfield City Attorney
1000 Webster Street
Fairfield, CA 94533

If to Developer:

Contra Costa Land Investment Company LLC
1785 Arnold Drive, Suite 100
Martinez, CA 94533
Attn: Dan Nicolaus

With a copy to:

Bingham McCutchen LLP
1333 North California Blvd., Suite 210
Walnut Creek, CA 94596
Attn: Nadia Costa

Section 9 Entire Agreement. This Agreement contains the entire agreement between the parties respecting the matters herein and supersedes all prior agreements, whether written or oral, between the parties respecting such matters. Any amendments or modifications hereto in order to be effective shall be in writing and executed by the parties hereto.

Section 10 Attorneys' Fees. The prevailing party in any legal action or other proceeding brought to enforce rights hereunder shall recover its reasonable attorneys' fees and costs from the losing party. As used herein the term "prevailing party" means the party whom the court determines in the proceeding to have prevailed or who prevails by dismissal, default or otherwise.

Section 11 Construction of Agreement. The parties mutually acknowledge that they and their respective attorneys have participated in the preparation and negotiation of this Agreement. In cases of uncertainty, this Agreement shall be construed without regard to which of the parties may have caused the uncertainty to exist.

Section 12 Governing Law. This Agreement shall be governed by the laws of the State of California.

Section 13 Time is of the Essence. Time is of the essence in the performance of each party's respective obligations under this Agreement.

Section 14 Counterparts. This Agreement may be executed simultaneously in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

CITY OF FAIRFIELD

By: [Signature]
Name: Kevin O'Rourke
Its: City Manager

CONTRA COSTA LAND INVESTMENT COMPANY LLC

By: [Signature]
Name: Dan Nicolaus
Its: Authorized Officer

SUISAN FAIRFIELD CEMETERY DISTRICT

By: [Signature]
Name: RUCENE DOLIGHTFOOT
Its: Chairman Board of Trustees

**AGREEMENT AMONG THE COUNTY OF SOLANO,
THE CITY OF DIXON AND DAN FIGUEROA REGARDING THE
WEST PARKWAY INFILL PROJECT**

This Agreement ("Agreement") is made the 4th day of May, 2010, among the County of Solano, a political subdivision of the State of California (the "County"), the City of Dixon, a municipal corporation (the "City"), and Dan Figueroa (the "Applicant"). The County, City and Applicant are, from time to time, referred to individually in this Agreement as a "Party" and collectively as the "Parties."

RECITALS

- A. The Applicant wishes to have certain real property in unincorporated Solano County, located south of the City of Dixon near Porter Road and South Lincoln Road ("Property") annexed to the City of Dixon, with the intent of developing it in the future. The annexation is known as the West Parkway Infill Project ("Project"), and is more particularly described and depicted in Exhibits A and B, attached and incorporated by this reference. The City has approved this annexation.
- B. Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code § 56000 *et seq.*), the Local Agency Formation Commission of Solano County ("LAFCo") held a noticed public hearing on the proposed annexation on December 14, 2009. Subsequently, LAFCo adopted Resolution No. 09-16 approving the annexation subject to a number of conditions ("Resolution").
- C. Condition No. 13 of the Resolution provides as follows:

"Prior to completion of the annexation to the City, the City and the developers shall work to identify the impacts of final map subdivisions (5 or more parcels) of the property within the annexation area on the County transportation system and enter into an agreement to provide for mitigation of those impacts."
- D. Residents and businesses within the City frequently use County roads, causing a significant impact to the County transportation system.
- E. The Parties recognize that the development of the Property will cause increased impacts to the County road system, and agree to work cooperatively to mitigate those impacts, as specified in this agreement and as required by the Resolution.
- F. Pursuant to the Mitigation Fee Act (Government Code § 66000 *et seq.*), the County has implemented a Public Facilities Fee to mitigate for the impact of development in the City and other incorporated and unincorporated areas of the County on the County's public facilities, except for roads. The Public Facilities Fee is collected by the City on behalf of the County pursuant to Chapter 11, Article X of the Solano County Code and a separate agreement between the County and the City.

- G. The County has adopted a fee to mitigate for the impact of the development of specific portions of the unincorporated area on the County road system, as provided in Chapter 11, Article XV of the County Code, but has not yet adopted a transportation impact fee for the portion of the unincorporated area in which the Project is located.
- H. On December 9, 2008, the County's Board of Supervisors received a draft report entitled Solano County Transportation Impact Fee Report ("Fee Report"), dated December 2008, which identified the impact of development in incorporated and unincorporated areas throughout the County, including in the City, on the County road system and recommended a fee to mitigate those impacts. The Fee Report is being circulated for public review, but has not yet been adopted by the County. The transportation impact fee would most likely be collected as a component of the Public Facilities Fee.

In consideration of the mutual covenants and promises contained in this Agreement and other valuable consideration, the Parties agree as follows:

AGREEMENT

1. Recitals. The above recitals are incorporated by reference as if fully set forth in this Agreement.
2. Imposition of Transportation Impact Fee. In the event an application is made to the City prior to July 1, 2012 for the issuance of a Final Subdivision Map for a subdivision of five or more parcels within the Property, in accordance with the Subdivision Map Act (Government Code § 66410 *et seq.*), the City on behalf of the County shall impose, as a condition of approval, the transportation impact fee described in Section 3 below ("Transportation Impact Fee"), to be payable to the County upon the issuance of a building permit(s) by the City for said subdivision.
3. Amount of Transportation Impact Fee. The Applicant shall not object to payment of the Transportation Impact Fee in amounts set forth in Exhibit C, attached and incorporated by this reference. The Transportation Impact Fee has been set at one-half (1/2) of the amount recommended in the Fee Report, in recognition of the fact that the Fee Report has not been adopted by the County. Should the County adopt a transportation impact fee by July 1, 2012, no additional payments shall be made in accordance with this Agreement, and instead the impact of development on the County road system will be mitigated by the payment of the County's transportation impact fee. If the County does not adopt a transportation impact fee by July 1, 2012, no further payments shall be made in accordance with this Agreement. In no event shall the County refund any payments made in accordance with this Agreement as a result of the later adoption or non-adoption of a transportation impact fee by the County.
4. Applicability of Other Taxes, Assessments, Fees. This Agreement does not in any way limit the County's ability to collect any existing tax, assessment, fee, or other payment, including the Public Facilities Fee, nor does this Agreement in any way limit the County's ability to collect any tax, assessment, fee, or other payment validly adopted subsequently to the execution of this Agreement.

5. Default.
 - A. The breach of, failure, or delay by any Party to perform any term or condition of this Agreement shall constitute a default. In the event of any alleged default of any term, condition, or obligation of this Agreement, the Party alleging such default shall give the defaulting Party notice in writing specifying the nature of the alleged default and the manner in which such default may be satisfactorily cured. The defaulting Party shall cure the default within thirty (30) days following receipt of such notice.
 - B. The Parties agree to discuss and attempt to amicably resolve any issues or disputes that arise from this Agreement within the thirty-day cure period.
 - C. If, after notice and expiration of the cure period, the defaulting Party is still in default, then the Party alleging such default may terminate this Agreement and/or institute a legal action to cure, correct or remedy any default.
6. Termination. This Agreement is terminable: (i) by mutual written consent of the Parties, and approval by LAPCO or (ii) by any Party following an uncured default as provided in Section 5. Upon termination of this Agreement, a written statement acknowledging such termination shall be recorded with the County Recorder.
7. Indemnification. The Applicant, the County and the City, shall each indemnify and hold harmless the other parties to this Agreement, their officers, employees, agents and elective and appointive boards from all claims, losses, damages, including property damages, personal injury, death and liability of every kind, directly or indirectly arising from the indemnifying Party's operations or from any persons directly or indirectly employed by, or acting as agent for, the indemnifying Party, excepting the sole negligence or willful misconduct of the non-indemnifying Party. In addition, the Applicant hereby waives any claim that the imposition of the fee is invalid or in violation of Government Code section 66000 *et seq.*
8. Independent Contractor. The Parties specifically acknowledge that the Project is a private development, that no Party to this Agreement is acting as the agent of any other in any respect, and that each Party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. None of the terms or provisions of this Agreement shall be deemed to create a partnership between or among the Parties in the businesses of the Applicant, the affairs of the County, or otherwise, or cause them to be considered joint venturers or members of any joint enterprise.
9. Notice. Any notice demand, request, report, or other communication required or permitted to be given or made to a party to this Agreement shall be in writing and shall be deemed to be given on the date of service if served personally (including commercial courier services) and upon the second business day after mailing, if mailed by first-class United States mail, postage prepaid, and properly addressed as set forth below or at such other address as such party may give notice in accordance with the provisions of this section:

County: Paul Wiese
Engineering Manager
675 Texas Street, Suite 5500
Fairfield, CA 94533

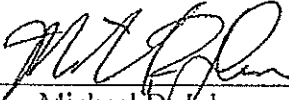
City: Dave Dowswell, Community Development Director
City of Dixon
600 East A Street
Dixon, CA 95620

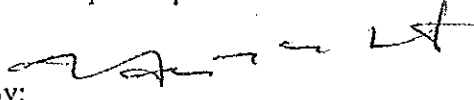
Applicant: Dan Figueroa
P.O. Box 805
Dixon, CA 95620

10. Entire Agreement; Amendment. This Agreement constitutes the entire understanding and agreement between the Parties and supersedes all previous negotiations between them pertaining to the subject matter of it. This Agreement shall not be amended or modified except by a written agreement executed by the Parties.
11. Compliance With Laws. Each Party, at its sole cost and expense, shall comply with all local state and federal law applicable to its performance under this Agreement.
12. Severability. If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a specific situation, is found to be invalid, or unenforceable, in whole or in part for any reason, the remaining terms and provisions of this Agreement shall continue in full force and effect unless an essential purpose of this Agreement would be defeated by loss of the invalid or unenforceable provisions, in which case any Party may terminate this Agreement.
13. Signature Authority. The individuals executing this Agreement certify that they have the proper authority to bind their respective entities to all terms and conditions set forth in this Agreement.
14. Choice of Law. The parties have executed and delivered this Agreement in the County of Solano, State of California. The laws of the State of California shall govern the validity, enforceability or interpretation of this Agreement. Solano County shall be the venue for any action or proceeding, in law or equity that may be brought in connection with this Agreement.
15. Waiver. Any failure of a Party to assert any right under this Agreement shall not constitute a waiver or a termination of that right under this Agreement.
16. Execution in Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

COUNTY OF SOLANO,
a political subdivision of the State of California

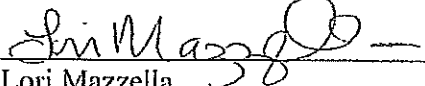
CITY OF DIXON,
a municipal corporation


By: 
Michael D. Johnson
County Administrator

By: 
Nancy Huston
City Manager

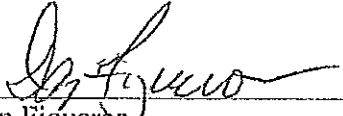
Approved as to form:

Approved as to form:

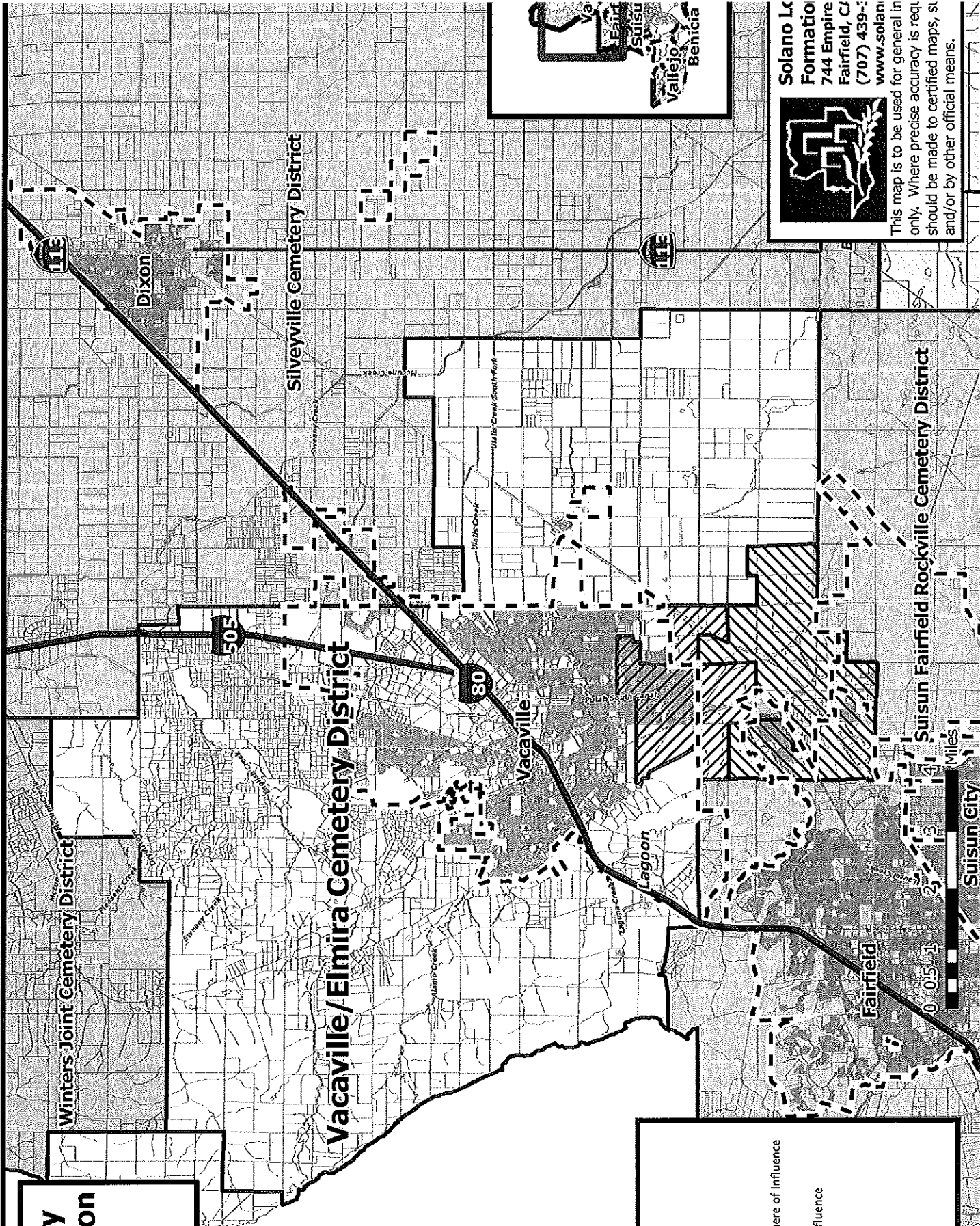

Lori Mazzella
Deputy County Counsel


Michael F. Dean
City Attorney

APPLICANT

By: 
Dan Figuerda

Local Agency in Commission ville/Elmira tery District ne 15, 2010

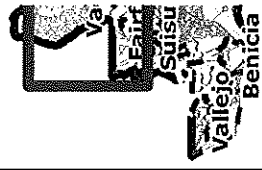


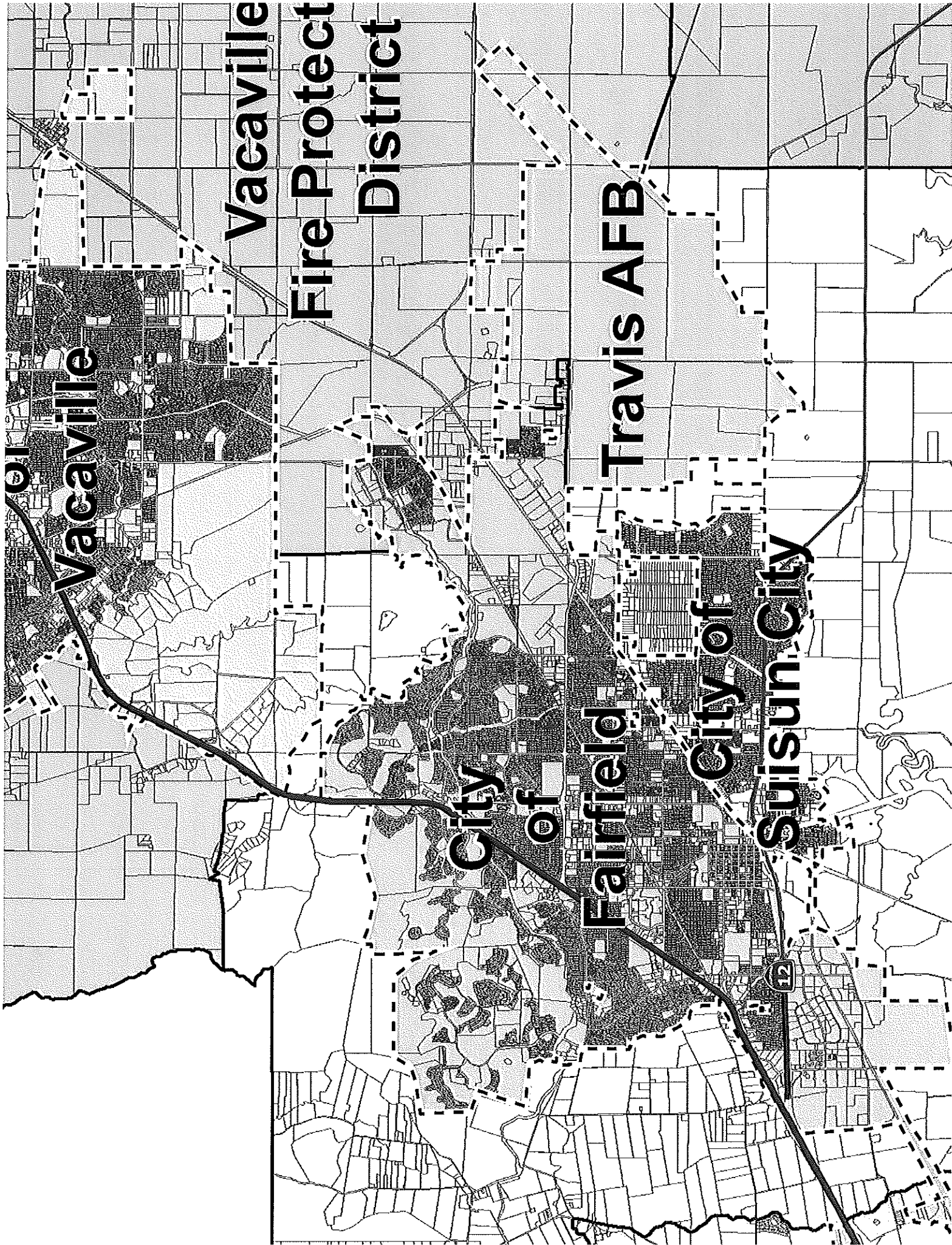
Legend

- Spheres of Influence
- ◻ ezuma Cemetery
- ◻ atery District
- ◻ Rockville Cemetery District
- ◻ Rockville Cemetery District Sphere of Influence
- ◻ a Cemetery District
- ◻ a Cemetery District Sphere of Influence
- ◻ cemetery District

Solano Local Agency Formation
744 Empire
Fairfield, CA
(707) 439-3333
www.solano.gov

This map is to be used for general information only. Where precise accuracy is required, this map should be made to certified maps, surveys, and/or by other official means.





Vacaville Fire Protect District

Vacaville

City
of

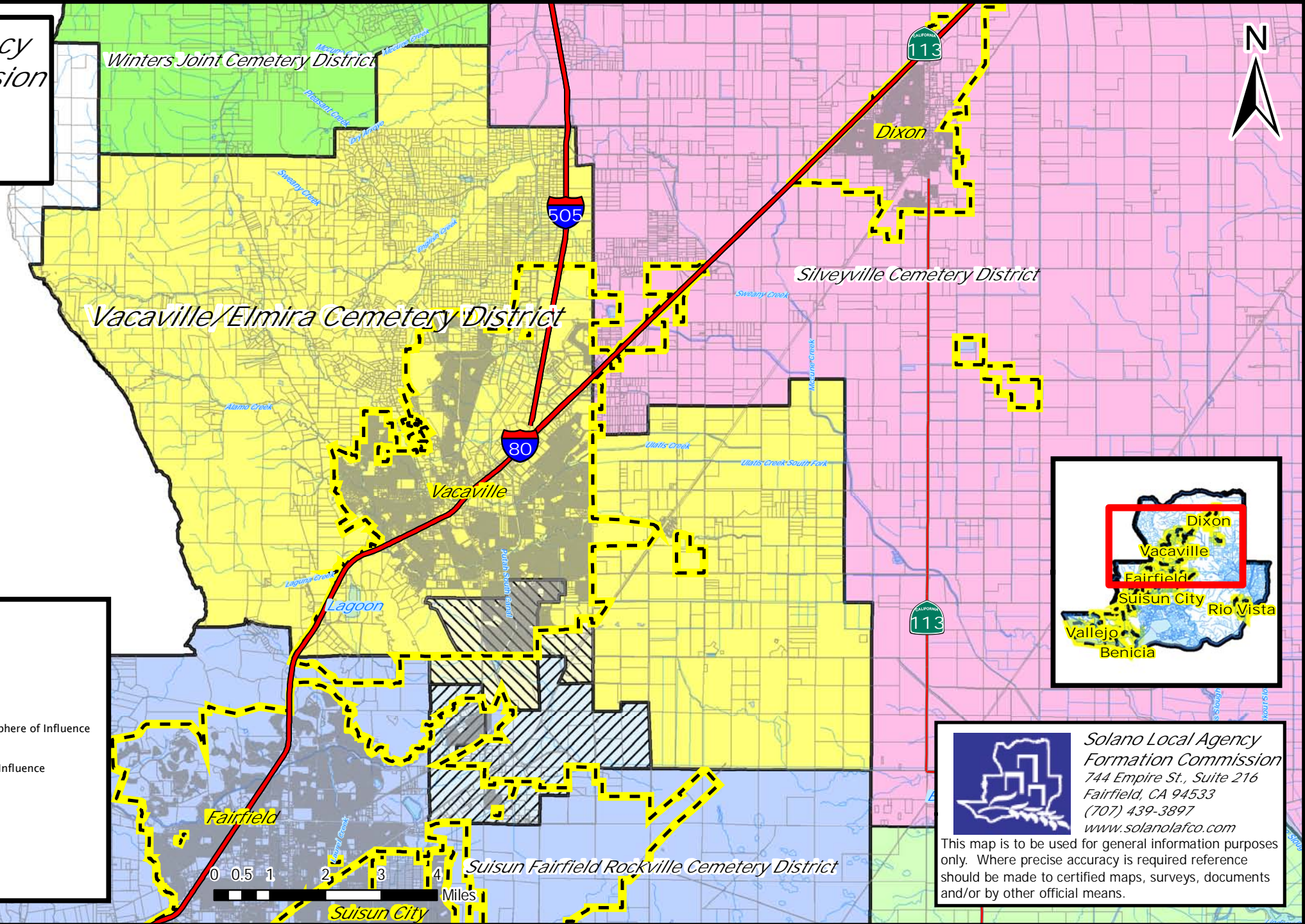
Fairfield

City of

Suisun City

Travis AFB

*Solano Local Agency
Formation Commission
Vacaville/Elmira
Cemetery District
June 15, 2010*

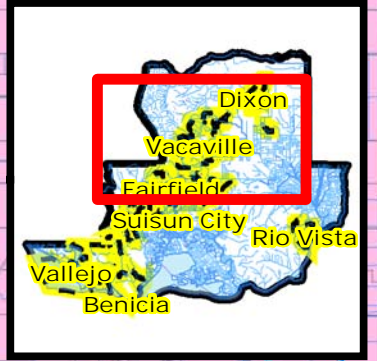



Legend

Cemetery Districts & Spheres of Influence

- Rio Vista-Montezuma Cemetery
- Silveyville Cemetery District
- Suisun Fairfield Rockville Cemetery District
- Suisun Fairfield Rockville Cemetery District Sphere of Influence
- Vacaville/Elmira Cemetery District
- Vacaville/Elmira Cemetery District Sphere of Influence
- Winters Joint Cemetery District

- Interstate
- State Highway
- City Limits
- County Parcels
- Major Water Bodies

*Solano Local Agency
Formation Commission
744 Empire St., Suite 216
Fairfield, CA 94533
(707) 439-3897
www.solanolafco.com*

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City of Vacaville
c/o Fred Buderer, City Planner
650 Merchant St.
Vacaville, CA 95688
via email to fbuderer@cityofvacaville.com

A. Peter Blicher
214 Somerville Drive
Vacaville, CA 95687-6807
707-469-9655
BLICHER@COMCAST.NET

February 9, 2011

Dear Mr. Buderer:

This is a formal comment regarding the scoping for the Environmental Impact Report for the Vanden Meadows Specific Plan and Development Project, as per your Notice of Preparation of February 2, 2011.

Although the items I mention here are subsumed in the general categories of study mentioned in the above Notice, I wish to point out specific aspects that might not ordinarily be included in the general categories.

There are two main areas for my comments,

- Issues occasioned by the adjacency of an active railroad right of way,
- Issues related to traffic.

1. Railroad issues

- a. **Noise.** Long freight trains often traverse the tracks. Because of the length of such trains in comparison to the distance to nearby homes, these noise sources cannot be correctly treated as point sources of noise. While a point source of noise attenuates approximately by an inverse square law, a line source, such as a long train, may be better modelled with an inverse linear law, resulting in greater noise intensity at comparable distances.

The EIR should take into account the noise characteristics of long freight trains, which can be of length on the order of a mile.

- b. **Characteristics of Railroad Traffic.** It is difficult to predict what the train traffic will be in the future. In view of policies encouraging mass transit, rising costs of fuel, increased traffic congestion on freeways, imposition of tolls on freeways, and policies restricting greenhouse gas emissions, it is possible that there will be a considerable increase in both passenger and freight traffic on the adjacent railroad. The EIR should consider worst-case scenarios.

Currently, this section of railroad is not electrified, and is therefore a significant emitter of diesel exhaust. Worst case scenarios should be investigated for the long term effects of housing proximity to diesel pollution.

This section of railroad carries Amtrak service. It is possible that some time in the future, the right of way will be upgraded to carry higher-speed service, such as the Acela service which Amtrak provides on the east coast. Note that this is not the kind of high-speed rail envisioned for the SF-LA route, but rather an enhanced right of way allowing moderately faster travel. The consequence of the higher speed is higher noise and greater emissions per load mile. The EIR should consider the effects of an upgrade to service similar to the Acela service.

It is also possible that the railroad will be electrified in the future. Electrification brings other potential environmental effects on nearby inhabitants. These include RF interference from arcing, ozone generation, and strong electromagnetic fields simply from current along the conductors. These potential effects should also be considered by the EIR.

2. Traffic.

- a. In the past, EIRs prepared for Vacaville have used trip generation assumptions with a trips per dwelling unit parameter significantly lower than that used by nearby communities or the generally accepted standard for the US from the Institute of Transportation Engineers handbook, resulting in significantly lower estimates of traffic impact. The traffic component of the EIR should make estimates using the industry standard values of parameters in parallel to any parameters that Vacaville deems to be appropriate for its specific situation. In addition, if trip generation parameters are used which puport to take into account transit-oriented housing, any estimates based on such parameters should also be made using parameters that do not assume an effect from transit-oriented housing. The kind of discipline suggested here will serve to inform readers of the EIR of the potential consequences should the assumptions behind adjusted parameters prove to be inaccurate.

Thank you for your consideration of these scoping suggestions for the Vanden Meadows EIR.



A. Peter Blicher

NOP Email Comments:

EC#1:

From: Dg4913@aol.com [<mailto:Dg4913@aol.com>]

Sent: Wednesday, March 02, 2011 8:27 AM

To: Fred Buder

Subject: Comments on NOP for Vanden Meadows project

Mr. Buder, I have been a resident of Vacaville on and off for over 35 years and would like to make just a few comments on the Vanden Meadows NOP

1. The map sent with the notice is way out of date and does not show a lot of the Southtown project progress which is still ongoing. At best, this is misleading to the folks in this area that have been sent the flyers. There are many new homes in that development which are still empty and have been for many months/years. Why are we looking at a huge new development with the current real estate market in the dumps, including numerous foreclosed empty homes in the area, and forecast to stay that way for the foreseeable future.
2. The City of Vacaville currently has way too many vacant homes, store shells, strip malls, and office buildings to even consider this proposal. Trying to Increase the Vacaville city tax base with large new developments just does not seem prudent at the current time. Why is the EIR not addressing "economic concerns" as part of it's process. A floundering economy has a larger impact on the environment and future environment than all of the other issues combined. At least cut the proposed development by two thirds to allow the area to absorb the new homes so the impact on current residents is reduced.
3. When we bought our current home on Stillspring Ct., our development was zoned for at least 10,000 sq. ft. lots and we were promised that any new developments would continue this requirement. If this new development is approved, and I'm sure it will regardless of the impact on the surrounding community, at least keep the promise to extend the sq ft. requirement to part of the area to protect what little real estate value we have left.

There are many more concerns, but I'm sure they've been pointed out by other impacted residents.

Thank You for at least reading these issues.

Darrell Green
919 Stillspring Ct.
Vacaville, CA

EC#2:

Hi Christina,

Here is another comment on the scope of the Vanden Meadows EIR. Would you create a file for these and then also forward on to AES.

Thanks.
Fred

From: Jody Miller [<mailto:mjmmil@googlemail.com>]
Sent: Friday, February 11, 2011 3:19 PM
To: Fred Buderer
Subject: Vanden Meadows

Dear Sir,

I am greatly concerned about the proposed project for Vanden Meadows. There are many new homes for sale in the adjacent community to the proposed site. These new homes have not all sold. There are many older homes listed for sale in Vacaville. The newspaper recently reported that 2010 was the lowest year for new home sales in over a decade. WHY are we proposing building another 939 single family homes in the same area, during a time of depressed housing market?? This seems absurd.

The other concern is that Vacaville has very recently voted regarding the possible closure of 2 elementary schools due to budget constraints and deficits. Teachers have taken forced furlough days in the past school year. And we propose building yet another school? What tax dollars will fund the building, staffing, and running of a new school?

Is there solid evidence that 1000 families are waiting to move into Vacaville and unable to find homes to buy? The entire project seems fiscally irresponsible in a time of national recession. If I should attend the meeting to address the above comments please let me know and I will attend.

Thank you kindly
Jody Miller