



## **Solano Local Agency Formation Commission**

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### **STAFF REPORT**

DATE: February 11, 2019

TO: Local Agency Formation Commission

FROM: Michelle McIntyre

SUBJECT: **LAFCO Project No. 2018-06: The Farm at Alamo Creek Annexation to the City of Vacaville and Sphere Update to Move A Portion of the Project into the Near Term Sphere**, together with concurrent detachment from the Vacaville Fire Protection District and the Solano County Lighting Service Area. Located east of Leisure Town Rd, south of Hawkins Rd, north of Elmira Rd, and west of the PG&E transmission lines. 211 acres consisting of APNs: 0138-010-010, -020, -030, and a portion of -050.

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### **Project Background**

The City has submitted a resolution requesting reorganization of approximately 210 acres, actions include: annexation to the City of Vacaville, and detachments from the Vacaville Fire Protection District and Solano County Lighting Service Area. (Request for detachment from Solano Irrigation District will follow prior to development). Because a portion of the project was designated “Urban Reserve” in the Vacaville General Plan and placed in the Long Term Portion of the City Sphere of Influence (SOI), the SOI must concurrently be updated to move that portion into the Short Term Sphere to make it eligible for annexation as part of this proposal.

The following analysis measures the subject proposed reorganization against the Cortese-Knox-Hertzberg (CKH) Act and the Solano LAFCO’s adopted policies and standards. The staff report below includes six sections (A-F); A) Introduction; B) Statutory requirements; C) Local policies and written standards; D) Summary of findings and determinations; E) Summary of conditions of approvals; and, F) Staff recommendation.

### **A. Introduction**

#### **Applicant**

The City of Vacaville (City) provides a full range of municipal services directly or via contract including fire protection, law enforcement, animal control, parks and recreation,

#### **Commissioners**

Harry Price, Chair • Jim Spering, Vice-Chair • Ron Rowlett • Nancy Shopay • John Vasquez

#### **Alternate Commissioners**

Ron Kott • Shawn Smith • Skip Thomson

#### **Staff**

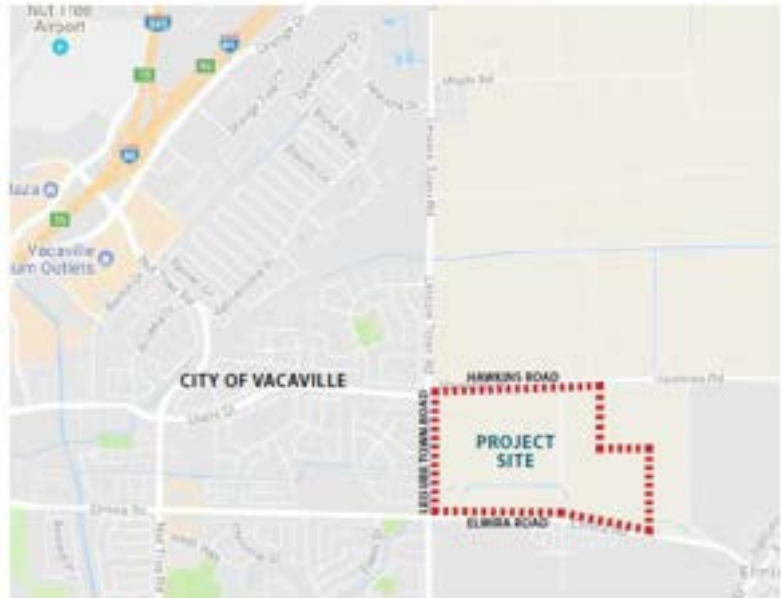
Rich Seithel, Executive Officer • Michelle McIntyre, Sr. Analyst • P. Scott Browne, Legal Counsel

public works, solid waste, stormwater, wastewater, and water. The City encompasses an area of about 29 square miles and according to the California Department of Finance Vacaville's population as of January 2018 is 98,977, making it the third most populous city in Solano County and 75<sup>th</sup> in California.<sup>1</sup> The City's General Plan, which was adopted in 2015, projects that by 2035 the City will add an additional 26,500 new residents. This translates to an annual population growth rate of 1.2 percent.<sup>2</sup>

### Project Location

The project site is located east of Leisure Town Road and the City of Vacaville city limits, north of Elmira Road and the Vacaville city limits, south of Hawkins Road, west of the PG&E transmission lines in unincorporated Solano County.

A map and geographic description, which has been reviewed by the Solano County Surveyor, are attached to the draft LAFCO Resolution 19-02 as Exhibits A and B.



### Project Purpose

The purpose of the reorganization and Sphere Update is to facilitate the development of the Farm at Alamo Creek Specific Plan project. Development includes 768 single family homes (attached and detached units), 26.6 acres in five parks (including the Play-4-All park, a community center clubhouse, pool, and other amenities), 5.1 acres of trails, 13.4 acres of open space including an agricultural buffer, 7.4 acres of neighborhood commercial areas, a potable-water well site, a detention basin, and various roadway improvements including the widening of Leisure Town Road/Jepson Parkway.

Concurrent with the reorganization, the property owner of Assessor Parcel Number (APN) 0138-010-050, located within the easternmost area of the proposal, has submitted a Lot Line Adjustment (LLA) with Solano County. The subject APN currently encompasses nearly 100 acres, 60 acres of which are within the reorganization proposal while balance of 40 acres will remain unincorporated. Solano County has requested LAFCO place a condition of approval on the subject reorganization that requires the LLA to be finalized prior to the reorganization, see Factors to be Considered GC Section 56668 (j) for the description and recommended condition of approval below. Solano County staff notes the LLA is tentatively scheduled for their March 21, 2019 Zoning Administrator meeting.

<sup>1</sup> <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/> , as of Jan 2019 availability.

<sup>2</sup> <https://www.ci.vacaville.ca.us/government/community-development/advanced-planning/adopted-plans/general-plan/general-plan-documents> , Vacaville General Plan adopted 2015

### Exchange of Property Tax

The City and Solano County have agreed use the Master Property Tax Transfer Agreement as authorized pursuant to California Revenue and Tax Code Section 99(d); letters reflecting the agreement, County Resolution 2000-72, and City Resolution 2000-32 are enclosed as Attachment B.

## B. Statutory Requirements – Cortese-Knox-Hertzberg (CKH) Act

### Municipal Service Review and Sphere of Influence

On May 8, 2017 LAFCO updated the City's Municipal Service Review/Comprehensive Annexation Plan (MSR/CAP), and Sphere of Influence (SOI)<sup>3</sup>. The City's SOI exhibit (enclosed as Attachment B) identifies the proposal area as within the sphere of influence of the City of Vacaville, however; a portion of the property was designated for the Long Term Sphere, to be annexed in 5-20 years. A Sphere Update is necessary to move it to the Short Term Sphere so that it is eligible for annexation as part of this proposal and consistent with the Commission's policies.

Staff Recommended Determination: The Commission determines the proposal consistent with the City's MSR/CAP and will be consistent with the sphere of influence of the City of Vacaville after the Sphere Update is approved.

### Factors To Be Considered:

The Commission is required consider all of the factors pursuant to §56668 (a-q).

a.

<b>Population and population density</b>	At build out, the proposal is expected to increase the City's population by 2,104 residents. (768 units x 2.74 persons/single family resident, City's General Plan EIR)
<b>Assessed Valuation</b>	Total assessed valuation is \$3,710,005 per the Solano County Assessor's Office dated 1/10/2019.
<b>Topography</b>	The proposal area is generally flat with the elevation ranging from 94 feet above sea level in the southwestern corner of the proposal area to approximately 80 feet at the eastern end, along Old Alamo Creek.
<b>Natural boundaries</b>	Old Alamo Creek bisects the southern portion of the proposal area. No other natural boundaries exist.

<sup>3</sup> City of Vacaville's 2017 MSR/CAP can be found via this link <http://solanolafco.com/studies.htm>

<b>Land area and land use</b>	<p>The City’s Ordinance 1932 (enclosed as Attachment C) pre-zoned the proposal area with the following land use designations:</p> <table><tr><td><b>Land Use Type</b></td><td><b>Acres</b></td><td><b>Housing Units</b></td></tr><tr><td><b>Residential - Single-Family Units</b></td><td></td><td></td></tr><tr><td>Low Density (RLD)</td><td>74.4</td><td>334</td></tr><tr><td>Low-Medium Density (RLMD)</td><td>41.6</td><td>250</td></tr><tr><td>Medium High Density (RMHD)</td><td>13.0</td><td>184</td></tr><tr><td><i>Sub-total Single Family Units</i></td><td><i>129.0</i></td><td><i>768</i></td></tr><tr><td><b>Non-Residential</b></td><td></td><td></td></tr><tr><td>Public/Institutional (P/INST)</td><td>34.2</td><td>0</td></tr><tr><td>Neighborhood Commercial (CN)</td><td>7.4</td><td>0</td></tr><tr><td>Park (P)</td><td>26.6</td><td>0</td></tr><tr><td>Public Open Space (Public OS)</td><td>9.1</td><td>0</td></tr><tr><td>Agricultural Buffer (AB)</td><td>4.3</td><td>0</td></tr><tr><td><i>Sub-total Non-Residential</i></td><td><i>81.6</i></td><td><i>0</i></td></tr><tr><td><b>TOTAL PROPOSED DEVELOPMENT</b></td><td><b>210.6</b></td><td><b>768</b></td></tr></table>	<b>Land Use Type</b>	<b>Acres</b>	<b>Housing Units</b>	<b>Residential - Single-Family Units</b>			Low Density (RLD)	74.4	334	Low-Medium Density (RLMD)	41.6	250	Medium High Density (RMHD)	13.0	184	<i>Sub-total Single Family Units</i>	<i>129.0</i>	<i>768</i>	<b>Non-Residential</b>			Public/Institutional (P/INST)	34.2	0	Neighborhood Commercial (CN)	7.4	0	Park (P)	26.6	0	Public Open Space (Public OS)	9.1	0	Agricultural Buffer (AB)	4.3	0	<i>Sub-total Non-Residential</i>	<i>81.6</i>	<i>0</i>	<b>TOTAL PROPOSED DEVELOPMENT</b>	<b>210.6</b>	<b>768</b>
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<b>Proximity to other populated areas</b>	<p>Existing single-family homes and light industrial uses are located west of the proposal area across Leisure Town Rd.</p> <p>The Brighton Landing Specific Plan, which was annexed to the City in 1972, consists of 780 residential units at build-out. The project is currently under construction south of the proposal area across Elmira Rd.<sup>4</sup> (LAFCO approved detachment of Phase 4 from SID’s service area August 2018 and anticipates processing subsequent detachments of the remaining area in the upcoming months)</p> <p>The Roberts’ Ranch Specific Plan annexation, consisting of 785 residential units at build-out, was approved by LAFCO in June 2017 and is located south of Brighton Landing. Construction is anticipated to begin in 2019.<sup>5</sup> LAFCO staff anticipates processing SID detachment in phases prior to construction in the upcoming months.</p> <p>The unincorporated town of Elmira, located east of the proposal site and the PG&amp;E transmission lines, is not expected to annex to the City because it is outside the City’s SOI and General Plan planning area.</p>																																										

<sup>4</sup> Brighton Landing Specific Plan <https://www.ci.vacaville.ca.us/government/community-development/advanced-planning/major-development-projects/brighton-landing>

<sup>5</sup> Roberts' Ranch Specific Plan <https://www.ci.vacaville.ca.us/government/community-development/advanced-planning/major-development-projects/roberts-ranch>

<p><b>Drainage basins</b></p>	<p>Currently there is a Solano Irrigation (SID) right-of-way that borders the site on the west and north and traverses the middle of the property from north to south that is used to convey irrigation water through an earthen-lined ditch.</p> <p>A 9.6 acre 15' deep Detention Basin will be constructed off Alamo Creek for high storm water flows. Year-round water amenity is expected to be 7-9' deep with aeration fountain and landscaping to create a park like setting. While the detention basin will be constructed during the first phase of development, the landscaping and park-like setting will be constructed at phase two.</p> <p>In addition to on-site improvements, the project includes off-site improvements designed to improve downstream drainage and existing flooding in the unincorporated town of Elmira. (Figure 8.31 below from the Specific Plan shows the planned drainage improvements)</p>
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Figure 8.3.1: Off-site Storm Drain Improvements

Section 56668 a continues below



<p><b>Likelihood of significant growth in the area and in adjacent areas during the next 10 years</b></p>	<p>Undeveloped ag use is located north and east of the site. The ag land to the north is within Vacaville's Long Term SOI and could develop within the next five to twenty years.</p> <p>The area to the east (east of the PG&amp;E transmission line) is not within Vacaville's SOI or General Plan (GP) planning area.</p>
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**b. The need for organized services, the present cost and adequacy of governmental services and controls in the area, probable future needs for those services and controls, probable effect of the proposed reorganization, alternative courses of action on the cost and adequacy of services and controls in this area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.**

The City provides a full range of municipal services directly or via contract including: fire protection, law enforcement, animal control, parks and recreation, public works, solid waste, stormwater, wastewater, and water; these services are detailed below:

- **Fire protection** – The proposal area is currently served by the Vacaville Fire Protection District. Upon annexation, the Vacaville Fire Department (VFD) will provide these services. VFD provides fire and emergency medical services within the City and areas surrounding Vacaville. They have mutual aid agreements with all county fire agencies and auto aid agreements with the Cities of Dixon and Fairfield, and the Vacaville Fire Protection District.<sup>6</sup> At the time the Commission adopted the City's MSR and SOI in May 2017, VFD employed 93 personnel consisting of fire provision, suppression, investigation, and administrative personnel. The City has established a response time standard of 7 minutes 90 percent of the time, which refers to the time period between VFD notification and arrival on scene of the incident. VFD is able to meet this goal in most areas of the City.<sup>7</sup>

The closest VFD station to the proposed project is Station 72 located on Ulatis Drive, approximately one mile west of the site. Station 75 is the second closest and is located on 111 Cogburn Circle, approximately 2.3 miles southwesterly of the site. Given the proximity of the proposal site to Stations 72 (one mile) and 75 (2.3 miles), it is reasonable to expect VFD can meet the service standard at the project site.

<sup>6</sup> Per City of Vacaville Deputy Fire Chief email correspondence dated 1-30-2019

<sup>7</sup> City of Vacaville MSR/CAP Adopted May 2017 <http://solanolafo.com/studies.htm>

Mitigation for the Vacaville Fire Protection District is discussed under Section C Local Policies, Standard 11.

- **Law enforcement** – The proposal area is currently served by the Solano County Sheriff's Office, upon annexation the proposal will be served by the Vacaville Police Department (VPD). VPD standards for average response times are: six minutes and one second for Priority I calls and sixteen minutes and twenty eight seconds for Priority II calls. The VPD has an average response time of six minutes for Priority I calls and fifteen minutes for Priority II calls.<sup>8</sup>

The City's General Plan (GP) Environmental Impact Report (EIR) determined that in order to maintain the City's existing staffing ratios and adopted standards; the VPD will need to add thirty officers, with associated equipment and vehicles to serve the City's new growth areas including the Farm at Alamo Creek. (Per GP EIR, the existing VPD facility is sufficient to support additional officers and serve future development.) The City's GP requires new development to pay a fair and equitable impact fee to offset the cost of the additional law enforcement services.

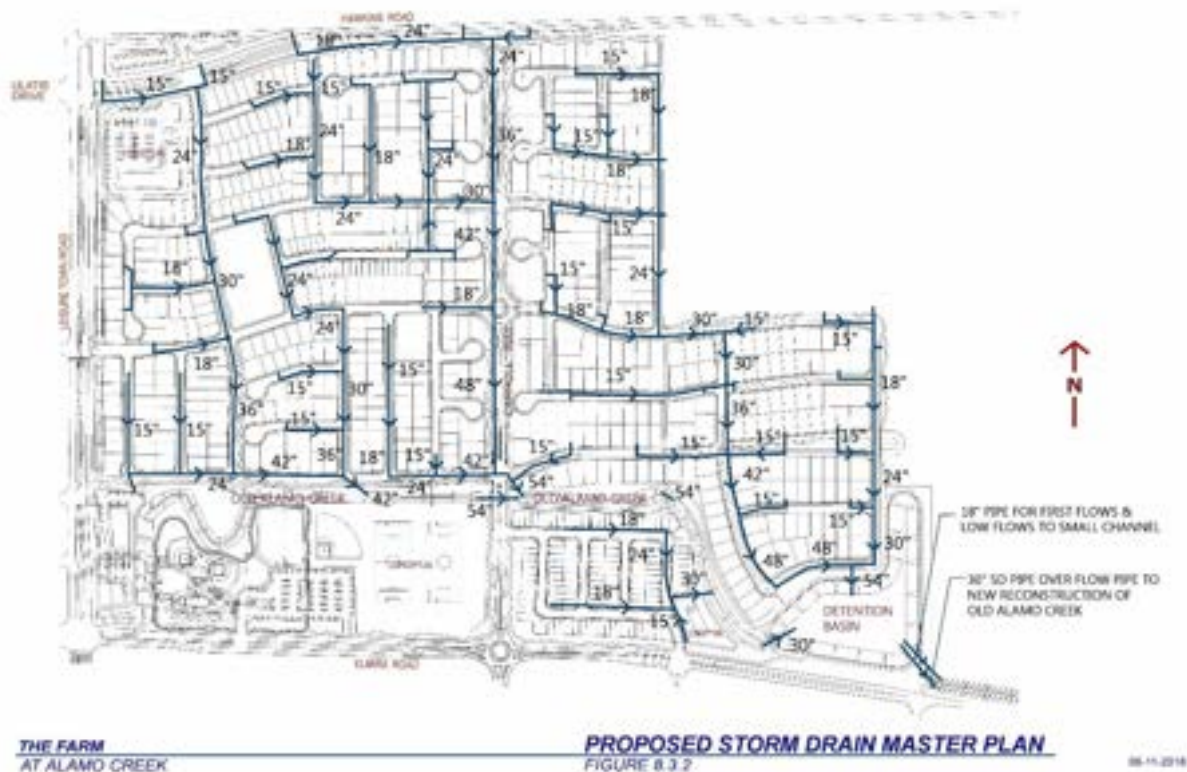
- **Animal control** – Vacaville is one of five cities in Solano County that contracts with Humane Animal Services, a non-profit organization for animal control. The City's 2017 adopted MSR/CAP determined that animal control services are adequately provided by the City.
- **Parks and Recreation** – The proposal will result in the construction of numerous public and private recreational facilities and parks including:
  - A centrally located private neighborhood park that will incorporate a private clubhouse and pool facility for all residents.
  - Two private neighborhood pocket parks.
  - An 8.2-acre "Play-4-All" park privately funded on Elmira Rd designed for children of all abilities and disabilities.
  - A large multi-use public community park with two soccer fields and a baseball diamond and off-street parking shared with the Play-4-All Park
  - A public linear open space along Old Alamo Creek, incorporating the existing vegetation and the restoration of approximately 800 feet of creek east of Carrol Way.
  - A public detention basin with surrounding landscape improvements and trail.
  - A large public orchard along the east side of Leisure Town Rd, providing a green buffer between the community and the vehicular artery. (The public orchard will be maintained through a HOA.)
- **Solid waste** – Recology has the exclusive right to provide collection and hauling services for solid waste, recyclables, and yard waste as well as street sweeping services in the City through a franchise agreement.

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<sup>8</sup> Info taken from The Farm at Alamo Creek Specific Plan Project DEIR page 2-14 and the City's GP

- **Stormwater** – During major storm events Alamo Creek at the unincorporated town of Elmira can overtop banks. The project developer commissioned West Yost Associates to conduct a comprehensive review of Alamo Creek including improvements necessary to adequately convey existing flows through the town of Elmira. The consultant has determined that one culvert will need to be removed near the corner of B Street and Water Street at the cost of the developer for the Farm. As previously noted above a detention basin will be constructed on the southeasterly area of the project site. (Exhibit map showing the location and the storm drain improvements can be located above, see “Drainage basins”)

Figure 8.3.2 below illustrates how the storm water runoff within the proposal site will be collected and discharged in the proposed detention basin.



- **Wastewater** – The City’s General Plan requires a 42” sewer main in Carroll Way that will connect to the 36” existing sewer Line in Leisure Town Rd at the Ulatis Drive intersection. The line will then travel from the Leisure Town Rd/Ulatis Dr/Hawkins intersection east to Carroll Way. From here the line will become a 42” or 48” line (size to be determined by City upon subsequent analysis) and travel south along Carroll Way to Elmira Rd. At Elmira Rd, the line will then travel east to a junction box installed with the Brighton Landing Development.



An 18" line in Carroll Way will be installed to serve Phase 1 development. Ultimately with completion of the 42" or 48" sewer main, this 18" line will be abandoned. The City notes that, in general, the remaining streets will have a minimum of an 8" line within a small number of streets, 10" and 12" lines will be installed. Sewer sizes in each street will be determined by the City via a subsequent sewer analysis.



Figure 8.2.1: Sewer Collection System Plan

The City's 2017 MSR notes that flow to the Easterly Waste Water Treatment Plant (WWTP) is expected to increase as development allowed by the General Plan occurs. Capacity is 15 MGD and current flows are 7.5 MGD. The City states that the flows drastically declined during the drought which led to reduced flows and increased capacity. The Easterly WWTP is considered to have sufficient capacity to serve anticipated growth in the community for 16 years without the need for expansion, although upgrades are currently underway.

In relation to the City's Near Term and Long Term SOI, the Easterly WWTP has capacity for the Near Term SOI planned annexation areas, but may not have capacity for the Long Term areas as the General Plan projects that at buildout the sanitary base flow would be 16.2 MGD, exceeding the 15 MGD capacity. The City anticipates the need for additional analysis in 5-10 years.

- **Water** – The proposal area is currently served by the Solano Irrigation District (SID). The proposal site is currently being farmed and the applicant and SID have agreed that SID will continue to serve the proposal area until subdivision. Prior to subdivision and construction, the developer will request detachment from

the District via SID in phases consistent with past reorganization projects. (SID has submitted a request for a condition of approval as noted within 56668 subsection j below.)

**c. The effect of the proposed action and of alternative actions, on local governmental structure of the county.**

The proposed development cannot receive municipal services from Solano County per the Solano County General Plan and Measure T.<sup>9</sup> There is no other nearby municipality that could provide services to the proposal area.

In May 2017 the Commission approved the City's MSR/CAP and SOI and determined the City is able to provide services to the proposal area and other areas within the City's planned annexation areas.

**d. The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377.**

In summary GC §56377 requires the Commission to consider two policies and priorities. The first is that the Commission shall guide development away from existing prime ag lands toward areas containing non-prime ag lands unless such action would not promote the planned, orderly, efficient development of an area. The second consideration is development of areas that are within the agency's SOI should be encouraged prior to development of other areas outside an agency's SOI.

The proposal area is one of four areas identified in the City's 2017 MSR/SOI that would likely be annexed in the next five years. As noted above, Roberts' Ranch was the first project that was annexed post adoption the the City's MSR/CAP. Roberts' Ranch is expected to generate 716 low-density residential and 69 low medium-density residential. A second area is the Farmstead area which the City has been submitted to LAFCO for annexation. Farmstead is expected to generate 130 detached single family units. A third area is the Pierson property which is zoned highway Commercial. Consistent with the other three areas noted, the Farm at Alamo Creek is adjacent to existing City limits including development and infrastructure.

**e. The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.**

GC §56016 includes the definition for "agricultural lands" which means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set aside program.

Most of the proposal site (170 acres) is actively being used for producing crops, mainly alfalfa. As noted above, SID will continue to serve the proposal area until construction.

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<sup>9</sup> See Solano County General Plan [https://www.solanocounty.com/depts/rm/planning/general\\_plan.asp](https://www.solanocounty.com/depts/rm/planning/general_plan.asp)

Upon development of the Specific Plan, the site will be removed from active agricultural production. The City has a number of policies via their General Plan to mitigate for the loss of agricultural lands including placing conservation easements on other agricultural lands. Mitigations are detailed within the Commission's adopted standards; see Section C of this report: Local Policies, Standard 9. As a result of these mitigation measures, Staff believes the impacts on agricultural lands have been mitigated.

**f. The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.**

The proposed boundary does not create an island or corridors of unincorporated territory. As noted, a lot line adjustment (LLA) has been submitted to Solano County for the most easterly parcel. The LLA will be finalized prior to completion of the subject reorganization as detailed in subsection j below. The map and geographic description of the subject reorganization has been reviewed by the Solano County surveyor. A second review will take place prior to recordation of the Certificate of Completion as recommended in the condition of approval.

**g. A regional transportation plan adopted pursuant to Section 65080.**

GC §65080 states, "each transportation planning agency shall prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, including, but not limited to, mass transportation, highway, railroad, maritime, bicycle, pedestrian, goods movement, and aviation facilities and services."

A regional transportation plan has been adopted and can be accessed via this link

<https://mtc.ca.gov/our-work/plans-projects/plan-bay-area-2040/transportation-2035>

Solano Transportation Authority (STA) staff notes that updates to the regional transportation plan are currently underway. The existing plan identified transportation projects by county. The Solano County projects are included below with some projects highlighted in the City that may help alleviate traffic impacts on Interstate-80. Note project Reference Number 94151 Jepson Parkway construction of 4 lanes is immediately west of the proposal site.

*Section 56668 g continues below*

## Solano County

Reference Number	Project/Program	(in millions of year-of-expenditure dollars)			Project Notes
		Total Project Cost	Committed Funds <sup>1</sup>	Discretionary Funds <sup>2</sup>	
21341	Construct new Fairfield/Vacaville multimodal train station for Capitol Corridor intercity rail service (Phases 1, 2 and 3)	\$ 39.6	\$ 29.6	\$ 10.0	Partially funded with Regional Measure 2 Toll Bridge Program funds.
22629	Construct new Vallejo Baylink Ferry Terminal (includes additional parking, upgrade of bus transfer facilities and pedestrian access improvements)	\$ 85.6	\$ 75.6	\$ 10.0	Partially funded with Regional Measure 2 Toll Bridge Program funds.
22630	Improve Parkway Boulevard overcrossing over Union Pacific Railroad tracks	\$ 12.4	\$ 12.4	\$ 0.0	
22631	Construct Route 12 westbound truck climbing lane at Red Top Road	\$ 13.2	\$ 13.2	\$ 0.0	State Highway Operation and Protection Program (SHOPP) project
22632	Widen American Canyon Road overpass at I-80	\$ 10.7	\$ 10.7	\$ 0.0	
22633	Widen Azuar Drive/Cedar Avenue from 2 to 4 lanes between P Street and Residential Parkway (includes bicycle lanes, railroad signals and rehabilitation improvements)	\$ 11.7	\$ 11.7	\$ 0.0	
22634	Construct an adjacent 200-space, at-grade parking lot at the Vacaville Intermodal Station (Phase 1)	\$ 12.9	\$ 12.9	\$ 0.0	Partially funded with Regional Measure 2 Toll Bridge Program funds; for Phase 2, see Solano project #230635
22700	Construct parallel corridor north of I-80 from Red Top Road to Abernathy Road	\$ 69.0	\$ 60.5	\$ 8.5	Regional Measure 2 Toll Bridge Program and 2000 Traffic Congestion Relief Program (TCRP) project
24151	Construct 4-lane Jepson Parkway from Route 12 to Leisure Town Road	\$ 194.0	\$ 134.0	\$ 60.0	
230311	Widen and improve Peterson Road with the addition of a truck-stacking lane (includes drainage improvements)	\$ 2.6	\$ 2.6	\$ 0.0	
230322	Rebuild and relocate eastbound Cordelia Truck Scales Facility (includes a new 4-lane bridge across Suisun Creek and new ramps at eastbound Route 12 and eastbound I-80)	\$ 100.9	\$ 100.9	\$ 0.0	Proposition 1B Trade Corridors Improvement Fund (TCIF) project
230326	Improve I-80/I-680/Route 12 interchange, including connecting I-680 northbound to Route 12 westbound (Jamieson Canyon), adding connectors and reconstructing local interchanges (Phase 1)	\$ 487.9	\$ 134.4	\$ 353.5	Partially funded with Regional Measure 2 Toll Bridge Program funds.
230468	Provide auxiliary lanes on I-80 in eastbound and westbound directions from I-680 to Air Base Parkway (includes a new eastbound mixed-flow lane from Route 12 east to Air Base Parkway)	\$ 50.0	\$ 0.0	\$ 50.0	

<sup>1</sup> Committed Funds have been reserved by law for specific uses or allocated by MTC either prior to the development of the Transportation 2035 Plan.

<sup>2</sup> Discretionary Funds are flexible funds available to MTC and not already programmed in Committed Funds for assignment to projects via the Transportation 2035 Plan planning process.

METROPOLITAN TRANSPORTATION COMMISSION					
Reference Number	Project/Program	(in millions of year-of-expenditure dollars)			Project Notes
		Total Project Cost	Committed Funds <sup>1</sup>	Discretionary Funds <sup>2</sup>	
230435	Construct new 400-space parking garage at the Vacaville Intermodal Station (Phase 2)	\$ 10.0	\$ 0.0	\$ 10.0	For Phase 1, see Solano project #22634
230450	Widen I-80 from Red Top Road to Air Base Parkway to add HOV lanes in both directions (includes pavement rehabilitation and ramp metering)	\$ 94.9	\$ 94.9	\$ 0.0	
230499	Local streets and roads maintenance	\$ 2,559.0	\$ 716.0	\$ 524.0	Shortfall remains.
230708	Improve local interchanges and auxiliary lanes and make local streets and roads improvements (includes street channelization, overcrossings, bicycle and pedestrian access, and safety improvements)	\$ 15.0	\$ 15.0	\$ 0.0	

### h. The proposal's consistency with city or county general plan and specific plans.

The City's Resolution 2018-132 (enclosed as Attachment I) approved the Farm at Alamo Creek Specific Plan and found proposal to be consistent with the City's General Plan.

### i. The sphere of influence of any local agency which may be applicable to the proposal being reviewed.

The proposed reorganization is not within the SOI of another municipality.

**j. The comments of any affected local agency or other public agency.**

The Solano County Department of Resource Management is concurrently processing a Lot Line Adjustment application for APN 0138-010-050. County Resource Management has submitted a comment letter, (enclosed as Attachment E), requesting the LLA is finalized prior to LAFCO action. LAFCO staff concurs with this request and recommends the Commission include a condition of approval as detailed below:

**Staff Recommended Condition of Approval:**

The Executive Officer shall not sign and record the Certificate of Completion until after receipt of confirmation from the Solano County Resource Management Department that the Lot Line Adjustment has been finalized for Assessor Parcel Number (APN) 0138-010-050, and after the Solano County Surveyor has reviewed the map and geographic description to ensure the proposed city boundary correctly depicts the newly created property line for the subject APN.

Solano Irrigation District (SID) - The proposal site will remain within the boundaries of SID until prior to construction. SID staff has provided the following comment via email:

*“The project will have to detach as it develops in phases using the criteria established in the latest amended 1995 Master Water Agreement between the Solano Irrigation District and the City of Vacaville.”*

**Staff Recommended Condition of Approval:**

Prior to construction and recordation of final maps, The Farm at Alamo Creek Specific Plan area shall detach from the Solano Irrigation District (SID) using the criteria established in the latest amended 1995 Master Water Agreement between SID and the City of Vacaville.

Vacaville Fire Protection District (VFPD) – VFPD was notified of this project and VFPD has reached an agreement with the Developer to mitigate impacts as discussed in Section C Local Policies, Standard 11 below.

**Staff Recommended Condition of Approval:**

The Reorganization is approved in reliance on the expected compliance by the Developer with the terms of the Vacaville Fire Protection District Mitigation Agreement, Attachment L to the Staff Report.



**k. The ability of newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.**

As noted the City of Vacaville has adopted policies that require new development to pay fair and equitable impact fees to offset the cost of the new development. More specifically, the development agreement between the City and the Developer, requires the proposal area to annex to a Community Facility District prior to the recordation of the final maps.

**l. Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.**

The Water Supply Assessment Report (WSAR) completed for The Farm Specific Plan confirms city water supply to meet the projected demands of the proposal area. Specifically, the WSAR states, “groundwater and surface water supplies are projected to meet or exceed projected water demands even during extended drought conditions. Demonstrated reliability of the City’s conjunctive water supply strategy, future water supply will be adequate to offset future water demands during normal, single, and multiple dry years.” (Water Supply Assessment, Modeling Study, and WSAR enclosed as Attachment F).

**Groundwater Management**

The Sustainable Groundwater Management Act (SGMA) applies to basins or sub-basins that DWR designates as medium or high priority basins. The proposal site is located within the Solano Sub-basin which was ranked medium priority. SGMA required that groundwater sustainability agencies (GSAs) were designated by June 30, 2017 and groundwater plans (GSPs) are adopted by January 31, 2022.

The City, as a GSA, cooperates with Solano County Water Agency (SCWA) (the designated Monitoring Entity for the Solano Sub-basin) by coordinating and reporting water level data for eight active monitoring wells within the City on a semi-annual basis.

The WSAR states the following:

*Groundwater levels associated with local pumping depressions have been managed and have remained stable relative to “base year” groundwater conditions established in 1992-1993 for the Elmira well field area. Based on information in the Groundwater Supply Sufficiency Technical Memorandum (May 2016), there is land subsidence occurring in and around Solano County, though at relatively low rates (between 0.00195 to 0.03238 ft/yr, or 0.594 to 9.869 millimeters per year over about the last eleven years. The locations selected for new wells will be critical to minimize level declines, particularly to ensure groundwater levels remains at elevations above historical levels to avoid potential for further land subsidence.*

### Note on Future SID Detachment(s)

The City and SID are GSAs and while LAFCO is not empowered to modify the GSA boundaries, upon detachment from SID, LAFCO will require the GSAs to modify their boundaries with the Department of Water Resources to reflect the SID detachment(s).

### Potable water supply –

Figure 8.1.1 of the Specific Plan shows the proposed water distribution system with existing and proposed water line sizes. In general Leisure Town Rd will have an 12" water transmission main with 12" water mains in all arterials and collectors. In addition 12" water mains will be adjacent to and through higher density areas to ensure adequate fire flow. All other streets will contain an 8" or 12" water lines with domestic services and fire hydrants.



The City approved the Specific Plan with a new potable water well site for the City. Final design and construction of the site will be done by the City and paid for through payment of water impact fees. The site is proposed west of the detention basin, east of Carroll Way and north of Elmira Road. The conceptual site plan is enclosed for reference.



Figure 8.1.2 shows the proposed non-potable water distribution system plan with existing and proposed water line sizes. Per the City, in general, 8" water mains will be installed in all arterials and Carroll Way creating a non-potable looped system within the proposal area. Six inch and eight inch lines are to be located internally as necessary. The City notes that final design shall conform to their specifications.



**m. The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of the Title 7.**

This project will contribute to the City's supply of upper and moderate income housing but does not help nor hinder the City meeting its RHNA requirements for low income family housing.

**n. Any information or comments from the landowner or landowners, voters, residents of the affected territory.**

Staff received two signed consent to the reorganization from landowners dated 12-21-2018 and 12-27-2018. As of the writing of this report, no other information or comments have been received.

**o. Any information relating to existing land use designations.**

Solano County's 2008 General Plan designates the area as Agriculture and zoned A-40, Exclusive Agriculture 40 acres.

**p. The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.**

There is no evidence the proposal will/will not promote environmental justice. Future residents will benefit from the public services provided by the City.

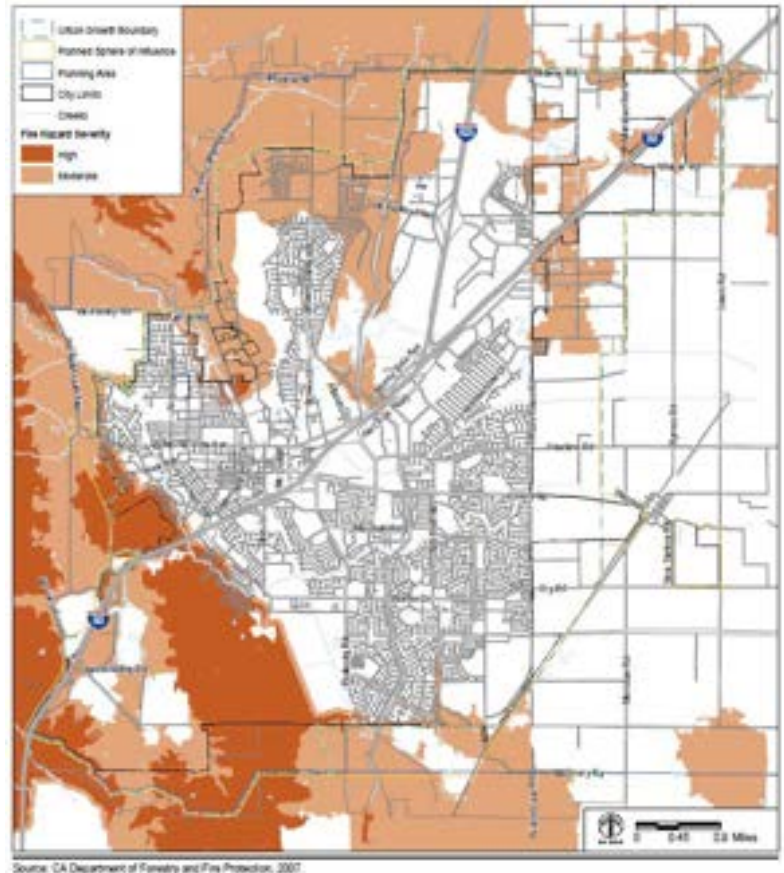
*Section 56668 q can be found on the following page*

**q. Information contained in the local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determine that such information is relevant to the area that is subject of the proposal.**

The City's General Plan EIR, includes an identification of Moderate and High Fire Severity Zone (HFSZ). The nearest HSFZ is located approximately four miles west of the site. The City's adopted General Plan includes policies to address fire hazard zones including:

***Policy SAF-P5.2:*** *Require that all development in areas of potential wildland fire hazards, including agricultural areas east of Leisure Town Rd, include the following:*

- *Fire breaks adjoining open space areas;*
- *Adequate emergency access to adjoining open spaces;*
- *Clearance around structures;*
- *Fire-resistant ground cover;*
- *Fire-resistant roofing materials; and*
- *Adequate emergency water flow.*



The City's Resolution 2018-132 (enclosed) found that the Specific Plan is consistent with their adopted policies including those related to Moderate and High Fire Severity Zones.

Staff Recommended Determination: The Commission has considered the factors in the review of a proposal pursuant to GC §56668 a-q.

### **Notice and Hearing, and Conduction Authority Proceeding**

Pursuant to GC §56662, the Commission may waive notice and hearing, and the conducting authority proceeding for the following reasons:

- The proposal site is “uninhabited” meaning there are fewer than twelve registered voters. The Solano County Registrar of Voters certified that there are three registered voters within the proposal site.
- The Commission has received consent to the reorganization from all of the landowners.

Staff Recommended Determination: The Commission waives the Conducting Authority Proceeding pursuant to GC §56662.

### **C. Local Policies and Written Standards**

The Commission has adopted eleven written standards as required by GC §56375. The Commission’s policy requires that the application is consistent with Standards 1-6, and may be less than consistent with Standards 7-11. (The Commission retains the authority to make determinations for applications that are less than consistent for Standards 7-11.) The subject reorganization is consistent with the Commission’s adopted written Standards as detailed below:

#### **Standard 1**

##### **Consistency with the Sphere of Influence**

As noted above the proposal consistent with the City’s MSR/CAP and will be consistent with the sphere of influence of the City of Vacaville after the Sphere Update is approved.

#### **Standard 2**

Standard Two only applies to proposals located outside the City’s SOI.

#### **Standard 3**

##### **Consistency with City General Plans, Specific Plan, and Zoning Ordinance**

The City determined the reorganization is consistent with the Vacaville General Plan and Vacaville Land Use & Development Code via City Resolution 2018-134 (enclosed as Attachment G).

On November 13, 2018, the Vacaville City Council adopted Resolution No. 2018-131 (enclosed as Attachment H) which Certified the Environmental Impact Report for The Farm at Alamo Creek Specific Plan and Development Project. Resolution 2018-132 adopted The Farm at Alamo Creek. Ordinance 1932 rezoned The Farm at Alamo Creek Specific Plan and Development project area with the following zoning districts:

- RL-6 (Residential Low Density – 6,000 sq. ft. minimum lot size)



- RL-5 (Residential Low Density – 5,000 sq. ft. minimum lot size)
- RLM-4.5 (Residential Low Medium Density - 4,500 sq. ft. minimum lot size)
- RLM-3.6 (Residential Low Medium Density – 3,600 sq. ft. minimum lot size)
- RMH (Residential Medium High Density – 14.1 to 20.0 du/gdac)
- CN (Neighborhood Commercial)
- CF (Community Facility – for park, well site, detention basin, roads)
- PARK (Special zoning for the public and private park sites within the Specific Plan)
- OS (Open Space)
- AB (Agricultural Buffer Overlay)

The Ordinance stated that those properties to be zoned AG- Agriculture is used as an interim zoning designation as specified in Chapter 11, Table 11-1 of the General Plan.

Further, the Ordinance states:

Vacaville Land Use and Development Code 14.09.071.120(A) Findings Required for Approval

1. That the proposed amendment is internally consistent with the goals, objectives, and policies of the General Plan, the Zoning Ordinance, and the Development Code;

*Finding: The pre-zoning designations for the Farm at Alamo project are consistent with the planned land uses as designated by the City's General Plan Land Use Element, as amended by Resolution No. 2018-132. The General Plan land use diagram as modified is consistent with the goals and policies of the General Plan, including Goal LU-17 and policies LU-P17.2 requiring lands east of Leisure Town Road to include a mixture of housing densities. It includes the Agricultural Buffer designated in the General Plan. Appendix A of the Specific Plan contains findings addressing applicable land use policies.*

2. That the proposed zone change would not be detrimental to the public health, safety, or welfare of the community;

*Finding: The zone change would maintain public health, safety, and welfare of the community. The zone change provides a diversity of single-family lot sizes and duet lots. The zone change assists with the implementation of the City's General Plan Land Use Plan and Land Use policies that support the orderly development of the East of Leisure Town Growth Area. The zone change fulfills pressing land use needs in the City, namely the provision of additional housing and additionally the provision of appropriate environments for moderate- and above-moderate-income housing*

*and including housing designed to attract business executives and professionals. The zone change includes parks and trails to promote healthy recreational activities. The zone change includes two neighborhood commercial sites to allow close shopping opportunities so residents can access basic services with minimal travel, promoting healthy lifestyles and reducing needs for vehicle trips. The amendment is being done in conjunction with a specific plan, development agreement, tentative map, and EIR that address the provision of utilities, public safety services, street layouts, and emergency access to ensure public health and safety are maintained in the project development.*

3. That the proposed zone change would maintain the appropriate balance of land uses within the City;

*Finding: The proposed zone change is in keeping with the total number of dwelling units allowed in General Plan policies. The zone change provides for a variety of housing types, including approximately 24 percent attached units in keeping with General Plan housing mix policies. The zone change is in keeping with the general percentage of each land use type shown in the General Plan. The amendment maintains neighborhood commercial land to serve the local area. These maintain the appropriate balance of land uses within the City.*

4. That the anticipated land uses on the subject site would be compatible with existing and future surrounding uses;

*Finding: Adjoining uses include crop farming across Hawkins Road within the Urban Growth Boundary to the north, crop farming outside the Urban Growth Boundary to the east, the developing Brighton Landing residential and school project to the south across Elmira Road, and single-family and industrial park uses to the west across Leisure Town Road. The zone change on the west side of the Farm at Alamo Creek is generally consistent with planned land uses in the current General Plan, so compatibility is not changed with the amendment. Collector or arterial streets separate the project site from adjoining land uses on the north, west, and south, which are currently in or planned for future urban uses. An agricultural buffer and power transmission line easement separate the project site from agricultural uses to the east. Deed notices are required to inform future residents of nearby agricultural operations. These provisions maintain the compatibility of the proposed land uses with existing and future adjoining uses.*

5. The potential impacts to the City's inventory of residential lands have been considered;

*Finding. The zone change and annexation would add 768 potential dwelling units to the City's inventory of residential lands. This number is consistent with the limits on residential dwelling units in the East of Leisure Town Growth Area established by the adopted General Plan and consistent with the anticipated dwelling units by the 2035 Horizon Year. The plan provides 24 percent attached dwelling units, which is consistent with the mix of single family and attached dwelling units established in the General Plan. The Planning Commission and City Council considered these impacts in adopting the pre-zoning.*

6. That the proposed zone change is consistent with the development related application that is being processed and approved concurrently with the Specific Plan and other project applications.

*Finding: The proposed zoning is consistent with the land uses and zonings identified in the Farm at Alamo Creek Specific Plan. The requested zone change is consistent with the Tentative Map application and consistent with the vision of the overall project under consideration by the City.*

## Standard 4

Standard Four only applies to proposals located outside the City's SOI.

## Standard 5

### Requirement for Pre-Approval

On November 13, 2018, the Vacaville City Council adopted the following:

- Resolution 2018-131 - Resolution Certifying the Environmental Impact Report for the Farm at Alamo Creek Specific Plan and Development Project;
- Resolution 2018-134 - Resolution of the City Council of the City of Vacaville Amending the Comprehensive Annexation Plan and Requesting the Solano Local Agency Formation Commission to Initiate Proceedings for the Reorganization of Territory – Annexation of The Farm at Alamo Creek Specific Plan Properties;
- Resolution 2018-132 – Resolution of the City Council of the City of Vacaville Amending the General Plan Land Use Diagram and Approving the Farm at Alamo Creek Specific Plan;
- Ordinance No. 1932- Ordinance Amending the Municipal Code by Change of Zoning Map for the Farm at Alamo Creek Specific Plan and Development Project Area;
- Ordinance No. 1931 – Ordinance Adopting the Development Agreement between the City of Vacaville and the Vacaville S2 Investors, LLC for the Farm at Alamo Creek Specific Plan and Development Project.

The above City Resolutions and Ordinances are enclosed as previously noted.

## **Standard 6**

### **Effect on Natural Resources – California Environmental Quality Act (CEQA)**

The City of Vacaville certified an environmental impact report (EIR) (State Clearing House #25017062068), adopted Findings of Fact, Mitigation Measures, rejecting alternatives, and adopting a Statement of Overriding Considerations on November 13, 2018 via City Resolution 2018-131 (enclosed) for the Farm at Alamo Creek Specific Plan project. LAFCO, the Responsible Agency, will consider the CEQA documents prepared by the Lead Agency. Consistent CEQA Guidelines, the Commission adopts the City's adopted Statement of Overriding Consideration and Mitigation Monitoring Program which are enclosed as Exhibit C to LAFCO's draft Resolution 19-02 as part of this action. The complete DEIR, FEIR, and related CEQA documents in their entirety are provided electronically for the Commission's review via this link:

<https://www.ci.vacaville.ca.us/government/community-development/advanced-planning/development-projects/the-farm-at-alamo-creek>

## **Standard 7**

### **Relationship to Established Boundaries**

As required by Standard Seven, the annexation request will not result in any islands or disconnected areas. It will allow the City of Vacaville to provide logical services. For example, the annexation will result in a clear division of road maintenance (all of Elmira Road east of Leisure Town Road to the power lines and all of Leisure Town Road between Elmira and Hawkins will now be maintained by the City of Vacaville) and law enforcement responsibilities between the City and Solano County. Annexation will allow for the realignment of Hawkins Road to align with Ulatis Drive on the west side of Leisure Town Road. This will result in a much safer road configuration. The annexation is also accompanied by a concurrent detachment from the Vacaville Fire Protection District, which will also result in a clearer division of fire protection responsibilities for the City and Solano County. Detachment from S.I.D. will occur prior to recordation of the Final Maps for the proposal area.

Standard Seven requires several maps and exhibits for the Commission's review. Some exhibits required by Standard Seven are also required by GC §56668 and those exhibits are provided above (vicinity, water distribution, sewer distribution, and storm drain exhibits). To comply with Standard Seven, the following maps are enclosed:

Figure 1.3 Ownership Map (from the Specific Plan) illustrates the ownership interests in the property.

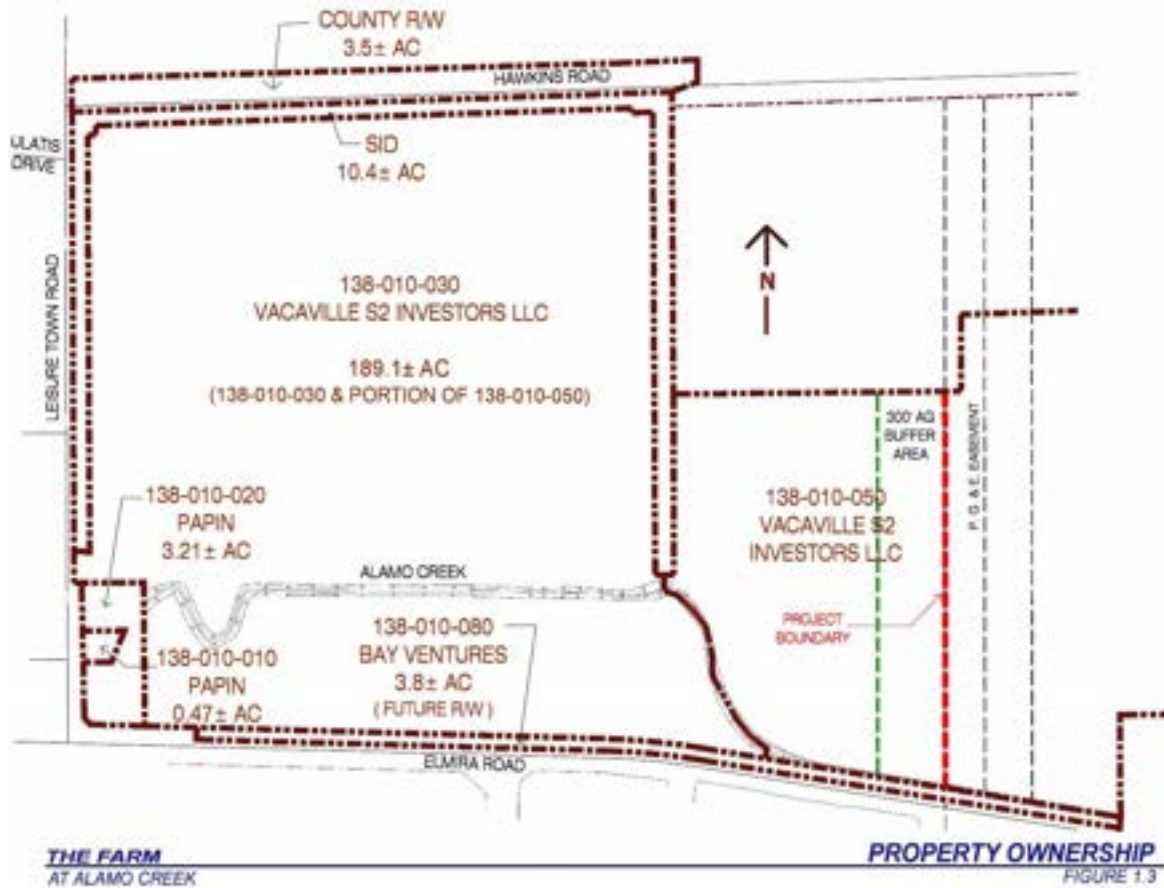




Figure 1.4 Satellite Photo of area to be annexed (from the Specific Plan) – This map illustrates how the annexation fits with the surrounding development.



THE FARM  
AT ALAMO CREEK

AERIAL PHOTO  
FIGURE 1.4

Figure 4.2 Proposed Zoning Plan (from the Specific Plan) – This Map illustrates the proposed zoning within the project area.



- Figure 6.1 below, Vehicular Circulation, below illustrates the various street sections and how they tie into the existing transportation network.



Figure 6.1: Vehicular Circulation System

Several key transportation elements will be constructed with The Farm at Alamo Creek. Frontage improvements for Leisure Town Road, Elmira Road and Hawkins Road will all be completed with this project. In addition Hawkins Road will be realigned to align with Ulatis Drive. This will eliminate the unsafe situation of two intersections in close proximity on Leisure Town Road. This intersection will also be signalized further improving safety.

Carroll Way will also be constructed from Elmira Road to Hawkins Road. This minor arterial will serve as an important parallel reliever to Leisure Town Road.

## Standard 8

### Likelihood of significant growth and effect on adjacent areas

Standard Eight requires the applicant to prepare a professional Market Study. The Market Study (enclosed as Attachment J) requires analysis with respect to subsections a-d below; only conclusions are provided as excerpts below:

- a) Provide data supporting the proposed conversion of open space to urban use by analyzing the appropriate factors of supply and demand, and the Municipal Service Review where applicable.

*This report has evaluated short-to medium-term and long-term residential development trends in Vacaville, residential growth projections, and the City's supply of land for residential development. All of the data point to the potential for substantial continuing residential growth in the next 10 years.*

- b) Discuss all lands currently within the City's jurisdiction which are intended for, of committed to similar land uses and how the proposal relates to them.

*This report has identified the lands within the City's jurisdiction which are available to accommodate residential development and evaluated how the proposed annexation would affect the supply of land available for residential development as ongoing housing construction reduces the supply.*

- c) Submit data to explain how the annexation will not significantly inhibit the timely development of existing vacant land currently within the City limits or inhibit the City's ability to meet its infill goals.

*This report has analyzed the projected supply/demand balance for the City's residential land, assuming the annexation of the proposed project, and found that the annexation would result in only a slight increase in the City's supply/demand ratio in the year it is annexed and then each year thereafter, the supply/demand ratio would decrease, unless additional annexations of residential land are completed.*

*Additionally, this report has provided discussion of how The Farm at Alamo Creek area has been identified as a near-term annexation area since 2014.*

- d) Submit data that supports a determination that the conversion of the land to urban

use within the 10-year period of time is justified.

*In sum, the data and analysis presented in this study justified the conversion of The Farm at Alamo Creek area to urban use, consistent with anticipated market demand, and the annexation and growth strategy detailed in the City's [2017] MSR/CAP.*

Standard Eight also requires a copy of the Development Agreement; this is enclosed as Attachment K.

## Standard 9

### Protection of Prime Agricultural Land

Figure 5 Farmland Classifications below illustrates the soils classifications for the property.



Most of the property is considered prime agricultural land as defined by GC §56064. There is an existing residence, business, SID right of way, and Old Alamo Creek that is designated as “Other Land” and not considered Prime Ag Land. With development of the site there will be a loss of approximately 170 acres of Prime Ag Land. The City’s General Plan includes a policy that requires developers to permanently protect



agricultural lands of equal or greater value at a ratio of one acre of conserved agricultural land per one acres of developed land. Specifically:

***Policy LU-P2.4: Require that development on any prime farmland, farmland of statewide importance, or unique farmland (as classified by the California Department of Conservation) purchase conservation easements to permanently protect agricultural lands of equal or greater value at a ratio of 1 acre of conserved agricultural land per 1 acre of developed agricultural land.***

The Farm at Alamo Creek EIR analyzes the loss of prime ag lands, below is an excerpt:

*The proposed project would convert approximately 170-acres of Prime Farmland to developed uses. The project applicant proposes to protect lands of equal or greater value through the mitigation strategies identified in the General Plan. These strategies would be implemented through the project's conditions of approval and/or a Development Agreement between the project applicant and the City. The project applicant would either purchase conservation easements to permanently protect agricultural lands of equal or greater value at a ratio of 1 acre of conserved agricultural land per 1 acre of developed agricultural land to preserve 178 acres of Prime Farmland in compliance with Policy LU-P2.4, or fund the creation of new irrigated farmland that includes Prime Farmland. Impacts to farmland have been adequately addressed in the General Plan EIR and the project would not result in a significant impact not previously identified in the General Plan EIR.*

The development agreement (enclosed) addresses the loss of prime ag land under Section 5M: Agricultural Land Mitigation. In order to comply with the agreement between the developer and the City, the developer is proposing to preserve agriculture lands through conservation easements or the payment of a mitigation fee. The eastern portion of the property (not included in the 177.9 number above) consists of 55.7 acres of prime ag land that will be preserved through a conservation easement. 10.8 acres of the 177.9 acres will be retained as urban agriculture until the City is ready to develop the site as a park. Therefore, 111.40 acres will be preserved through the purchase of existing fee credits, payment of a fee established by the City of Vacaville, or through the creation of new agricultural mitigation credits. On the eastern edge of the property, between the development and agricultural lands, there will be a 300-foot ag buffer. This area is designed to ensure that there are no conflicts between the development and the agricultural uses. Within the buffer there will be a drainage detention basin and neighborhood gardens.



## Standard 10

This Standard only applies to changes of organizations or reorganizations that have been initiated by petition.

## Standard 11

### **Local Government Mutual Social and Economic Interest**

#### Property Tax Sharing

The City and Solano County have agreed use the Master Property Tax Transfer Agreement.

#### Vacaville Fire Protection District

The landowners have reached an agreement with the Vacaville Fire Protection, (enclosed as Attachment L) whereby the landowners will mitigate for 25 years times the current tax roll of the proposal site and will pay in three lump sum payments; one payment at recordation of the reorganization, one payment one year after recordation, and the final payment two years after recordation.

#### Air Port Land Use Commission (ALUC) and Travis Air Force Base (TAFB) Land Use Compatibility Plan

The TAFB Airport Land Use Compatibility Plan sets forth land use compatibility policies applicable to future development in the vicinity of TAFB. These policies are designed to ensure that future land uses in the surrounding area will be compatible with existing and future aircraft activity at the base, including the potential for bird strike hazards to be created.

On May 10, 2018 the ALUC held a public hearing and made the following determinations with respect to the proposal:

- That the Specific Plan for the Farm at Alamo Creek Project is consistent with the Travis Air Force Base Land Use Compatibility Plan, because no direct conflicts exist between the specific plan and the Travis Air Force Base Land Use Compatibility Plan and the mechanisms for assurance of compliance with applicable capability criteria are in place; and
- That the Pre-Zoning Action for the Farm at Alamo Creek Project is consistent with the Travis Air Force Base Land Use Compatibility Plan, because it is consistent with the regulations for height and the prohibitions on “Other Hazards to Flight” contained within Compatibility Zone D.”<sup>10</sup>

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<sup>10</sup> There are no land use limitations within Compatibility Zone D; only “Height Limitations and Other Development Conditions” including height review for objects in excess of 200 feet in height, wind turbines in excess of 100 feet in height, and projects within either the Bird Strike Hazard Zone or the Outer Perimeter Area. |

Staff Recommended Determination: The Commission determines the Farm at Alamo Creek Specific Plan reorganization is consistent with the Commission's adopted written Standards.

#### **D. Summary of Staff recommended Findings and Determinations**

1. The proposal is consistent with the City's municipal service review and comprehensive annexation plan, and with the concurrent update to the sphere of influence, is consistent with the sphere of influence of the City of Vacaville.
2. The Commission has considered the factors in the review of a proposal pursuant to California Government Code Section 56668 subsections a-q.
3. The Commission determines the Farm at Alamo Creek Specific Plan reorganization is consistent with the Commission's adopted written Standards.
4. The Commission waives the Conducting Authority Proceeding pursuant to GC §56662.

#### **E. Summary of Staff Recommended Conditions of Approval**

1. The Executive Officer shall not sign and record the Certificate of Completion until after receipt of confirmation from the Solano County Resource Management Department that the Lot Line Adjustment has been finalized for Assessor Parcel Number (APN) 0138-010-050, and after the Solano County Surveyor has reviewed the map and geographic description to ensure the proposed city boundary correctly depicts the newly created property line for the subject APN.
2. Prior to construction and recordation of final maps, The Farm at Alamo Creek Specific Plan area shall detach from the Solano Irrigation District (SID) using the criteria established in the latest amended 1995 Master Water Agreement between SID and the City of Vacaville.
3. The Reorganization is approved in reliance on the expected compliance by the Developer with the terms of the Vacaville Fire Protection District Mitigation Agreement, Attachment L to the Staff Report.

#### **F. Staff Recommendation**

Staff recommends the Commission approve the proposed Farm at Alamo Creek Annexation to the City of Vacaville adopting the enclosed Draft Resolution 19-02 making findings and determinations, and adding conditions of approval.

Attachments:

Attachment A – Draft LAFCO Resolution 19-02

Exhibit A – Map and Geographical Description

Exhibit B – CEQA Summary of Impacts and Mitigation Measures, and Statement of Overriding Considerations

Attachment B – Property Tax Transfer Agreement between County and City

Attachment C – City SOI Exhibit

Attachment D – City Ordinance 1932

Attachment E – Letter from Solano County Resource Management re LLA Condition

Attachment F – Water Supply Assessment Report [\[available upon request\]](#)

Attachment G – City Resolution 2018-134

Attachment H – City Resolution 2018-131

Attachment I – City Resolution 2018-132

Attachment J – Market Study [\[available upon request\]](#)

Attachment K – Development Agreement [\[available upon request\]](#)

Attachment L – Agreement between developer and Vacaville Fire Protection District

Attachment M – The Farm at Alamo Creek Specific Plan [\[available upon request\]](#)

LAFCO RESOLUTION NO. 19-02

**RESOLUTION MAKING DETERMINATIONS, ADDING CONDITIONS, AND  
APPROVING**

**The Farm at Alamo Creek Annexation to the City of Vacaville  
(LAFCO PROJECT 2018-06)**

**WHEREAS**, a resolution making application for the annexation of certain territory to the City of Vacaville was filed with the Executive Officer of this Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act, commencing with Section §56000, et seq. of the Government Code by the City of Vacaville; and

**WHEREAS**, the Executive Officer has examined the proposal and certified that it is complete and has accepted the proposal for filing as of February 4, 2019; and

**WHEREAS**, the proposal is exempt from the requirements for notice and hearing pursuant to Government Code §56662 because it consists of annexations and detachments only, and 100% of landowners have given their written consent to the proposal; and

**WHEREAS**, the Executive Officer, pursuant to Government Code §56665 has reviewed this proposal and prepared a report including his recommendations, and has furnished a copy of this report to each person entitled to a copy; and

**WHEREAS**, the City of Vacaville, as lead agency for The Farm at Alamo Creek Specific Plan has certified an environmental impact report (EIR) (State Clearing House #2017062068) on November 13, 2018, the Commission, as the responsible agency, has considered the environmental documents prepared and approved by the City of Vacaville including the EIR, findings, overriding considerations, mitigations and mitigation monitoring plans, and related documents; and

**WHEREAS**, the City of Vacaville has determined to amend its General Plan to redesignate a portion of the property from “Urban Reserve”/Long Term SOI to Near Term SOI, and LAFCO concurs that an update the SOI to reflect moving it from the Long Term Sphere to the Near Term Sphere is appropriate; and

**WHEREAS**, the Commission has received, heard, discussed and considered all oral and written testimony related to the proposal, including but not limited to comments and objections, the Executive Officer’s report and recommendation, the environmental document and determination, plans for providing service, spheres of influence, and applicable general and specific plans;

**WHEREAS**, the Commission does hereby make the following findings and determinations regarding the proposal:

5. The proposal is consistent with the City's municipal service review and comprehensive annexation plan, and with the concurrent update to the sphere of influence, is consistent with the sphere of influence of the City of Vacaville.
6. The Commission has considered the factors in the review of a proposal pursuant to California Government Code Section 56668 subsections a-q.
7. The Commission determines the Farm at Alamo Creek Specific Plan reorganization is consistent with the Commission's adopted written Standards.
8. The Commission waives the Conducting Authority Proceeding pursuant to Government Code Section 56662.

**NOW, THEREFORE, BE IT HEREBY RESOLVED AND ORDERED** as follows:

1. The Sphere of Influence for the City of Vacaville is hereby updated to move the property designated in Exhibit A to this Resolution, of approximately 60 acres of APN 0138-010-050 from the Long Term area of the City Sphere to the Near Term Sphere.
2. The Farm at Alamo Creek Annexation to the City of Vacaville is approved, subject to conditions listed below:
  - a. The Executive Officer shall not sign and record the Certificate of Completion until after receipt of confirmation from the Solano County Resource Management Department that the Lot Line Adjustment has been finalized for Assessor Parcel Number (APN) 0138-010-050, and after the Solano County Surveyor has reviewed the map and geographic description to ensure the proposed city boundary correctly depicts the newly created property line for the subject APN.
  - b. Prior to construction and recordation of final maps, The Farm at Alamo Creek Specific Plan area shall detach from the Solano Irrigation District (SID) using the criteria established in the latest amended 1995 Master Water Agreement between SID and the City of Vacaville.
  - c. The Reorganization is approved in reliance on the expected compliance by the Developer with the terms of the Vacaville Fire Protection District Mitigation Agreement, Attachment L to the Staff Report.



3. Said proposal is assigned the following short form designation:

The Farm at Alamo Creek Annexation to the City of Vacaville

4. Pursuant to Section 15096 of the CEQA Guidelines, LAFCO has considered the environmental documents adopted by the Lead Agency, which contains measures that mitigate all potentially significant environmental impacts except for those impacts identified in the EIR for which a Statement of Overriding Considerations has been made. LAFCO hereby adopts such mitigation measures and adopts the Statement of Overriding Considerations attached hereto as Exhibit C.
5. Said territory is annexed as proposed and as set forth and described in the attached descriptive map and geographical description marked "Exhibit A" and by this reference incorporated herein.
6. The following concurrent actions are hereby approved:

Update of the City SOI  
Annexation to the City of Vacaville  
Detachment from the Vacaville Fire Protection District  
Detachment from the Solano County Lighting Service Area

7. The proposal area shall be removed from the spheres of influence of the: City of Vacaville, the Vacaville Fire Protection District, and Solano County Lighting Service Area concurrent with the subject reorganization.
8. The Detachment from the Vacaville Fire District is approved in reliance on the agreement between the Developer and the District to pay a detachment fee in mitigation to the District for the detachment.
9. All subsequent proceedings in connection with this reorganization shall be conducted only in compliance with the approved boundaries, conditions, and terms specified in this resolution.
10. The Executive Officer is hereby directed to file a Notice of Determination in compliance with the California Environmental Quality Act.
11. The effective date of said reorganization shall be the date of recording of the Certificate of Completion.

The foregoing resolution was duly passed and adopted by the Local Agency Formation Commission of Solano County at a regular meeting, held on the 11th day of February, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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James Spering, Chair

Presiding Officer Solano Local Agency  
Formation Commission

ATTEST:

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Michelle McIntyre, Clerk to the Commission

**EXHIBIT A**

**LAFCO PROJECT NO. 2018-06  
THE FARM AT ALAMO CREEK  
ANNEXATION TO THE CITY OF VACAVILLE  
GEOGRAPHIC DESCRIPTION**

Being a portion of Sections 13 & 24, Township 6 North, Range 1 West,  
Mount Diablo Base and Meridian  
City of Vacaville, County of Solano, State of California

Description consists of 2 pages.  
Plat maps consists of 1 page.

**ENGINEER'S STATEMENT:**

This description and exhibit of "The Farm" boundary is not a legal property description as defined in the Subdivision Map Act and may not be used as a basis for an offer for sale of the land described. It is for assessment purposes only.

Prepared on \_\_\_\_\_, 2019 by or under the direction of:

\_\_\_\_\_  
Thomas A. Phillippi, RCE 32067  
Phillippi Engineering, Inc.

**COUNTY SURVEYOR'S STATEMENT:**

This description and exhibit meets the requirements of the State Board of Equalization, the Solano County Assessor/Recorder's Office and confirms to the lines of assessment.

Dated: \_\_\_\_\_, 2019

\_\_\_\_\_  
Danielle L. Goshert, PLS 8491  
Acting Solano County Surveyor

**APPROVED BY LOCAL AGENCY FORMATION COMMISSION:**

Dated: \_\_\_\_\_, 2019

\_\_\_\_\_  
Rich Seithel, Executive Officer  
Solano LAFCO

## EXHIBIT A

### LAFCO PROJECT NO. 2018-06 THE FARM AT ALAMO CREEK ANNEXATION TO THE CITY OF VACAVILLE GEOGRAPHIC DESCRIPTION

The land referred to is situate in the unincorporated area of the County of Solano, State of California, and is described as follows:

Being a portion of Sections 13 & 24, Township 6 North, Range 1 West, Mount Diablo Base and Meridian, and being all that land lying east of Leisure Town Road, north of Elmira Road, west of the westerly line of that Pacific Gas & Electric Right-Of-Way described in Book 268 of Deeds, Page 328, Solano County Official Records, and lying south of the north line of Hawkins Road, further described as follows:

**Beginning** at a point on the City of Vacaville/Solano County Limit line, said point being the intersection of the east line of Leisure Town Road with the north line of Hawkins Road, also being a point on the easterly line of the Leisure Town Road, Annexation #118, Resolution No. 1987-E-4; thence leaving said City/County Limit Line, east along said north line, as said north line is described in the Quitclaim Deed recorded as Document #201100102692, Solano County Official Records,

(C01) North 88°14'59" East, 2664.26 feet to a point of intersection with the northerly prolongation of the east line of the Lands of Solano Irrigation District (SID) described in Book 1146, Page 363, said Solano Records; thence south along said northerly prolongation and the east line thereof,

(C02) South 00°19'47" East, 1312.73 feet to the northwest corner of Parcel Four as described in that Grant Deed recorded as Document #201400023688, Solano County Official Records; thence along the north line thereof,

(C03) North 89°28'47" East, 1206.45 feet to a point of intersection with the west line of that Pacific Gas & Electric Right-Of-Way described in Book 268 of Deeds, Page 328, Solano County Official Records; thence south along said Right-Of-Way,

(C04) South 00°02'07" East, 1655.62 feet to a point on the north line of the old Southern Pacific Railroad right-of-way, now owned by Bay Ventures per Document #1996-00010327, Solano County Official Records, said north line also being the City of Vacaville & County of Solano Limit Line as shown on the Elmira Road, Addition No. 4, Annexation #70, Resolution No. 1972-P-4; thence westerly and northerly along said Limit Line, the following three (3) arcs, courses and distances:

(C05) North 81°08'57" West, 1096.88 feet to the beginning of a curve to the left; thence

(C06) westerly along said curve, having a radius of 3334.00 feet, through a central angle of 07°21'47" and an arc distance of 428.45 feet, said curve subtended by a chord bearing North 84°49'51" West, 428.16 feet; thence

(C07) North 88°30'44" West, 2286.37 feet; thence

(C08) North 44°40'11" West, 38.44 feet to a point on the east line of Leisure Town Road, being the Vacaville & County of Solano Limit Line as shown on the Leisure Town Road Annexation #134, Resolution No. 1992-X-7 (Cooper Station) & Leisure Town Road Annexation #118, Resolution No. 1987-E-4 (Hilden);

Thence along said east line, the following three (3) courses and distances:

(C09) North 01°09'00" West, 563.50 feet; thence

(C10) South 89°43'16" West, 34.23 feet; thence

(C11) North 00°17'12" West, 1963.73 feet to the point of intersection with the south line of Hawkins Road;

Thence continuing northerly along said City/County Limit line,

(C12) North 00°13'37" East, 55.03 feet to the **Point of Beginning**.

Containing 206.61 Acres, more or less.

*See Exhibit, plat to accompany description, attached hereto and made a part hereof.*

This Legal Description was prepared by or under the direction of:

\_\_\_\_\_  
Thomas A. Phillippi, RCE 32067      Date



For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.



LAFCO PROJECT NO. 2018-06

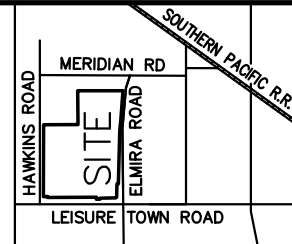
"THE FARM AT ALAMO CREEK

ANNEXATION TO THE CITY OF VACAVILLE"

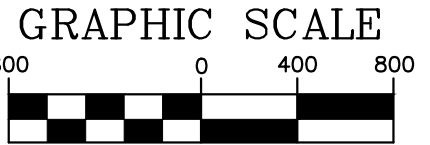
CITY OF VACAVILLE, COUNTY OF SOLANO, STATE OF CALIFORNIA  
PORTION OF SECTIONS 13 & 24, T.6 N., R.1 W., M.D.B.& M.

DISCLAIMER:

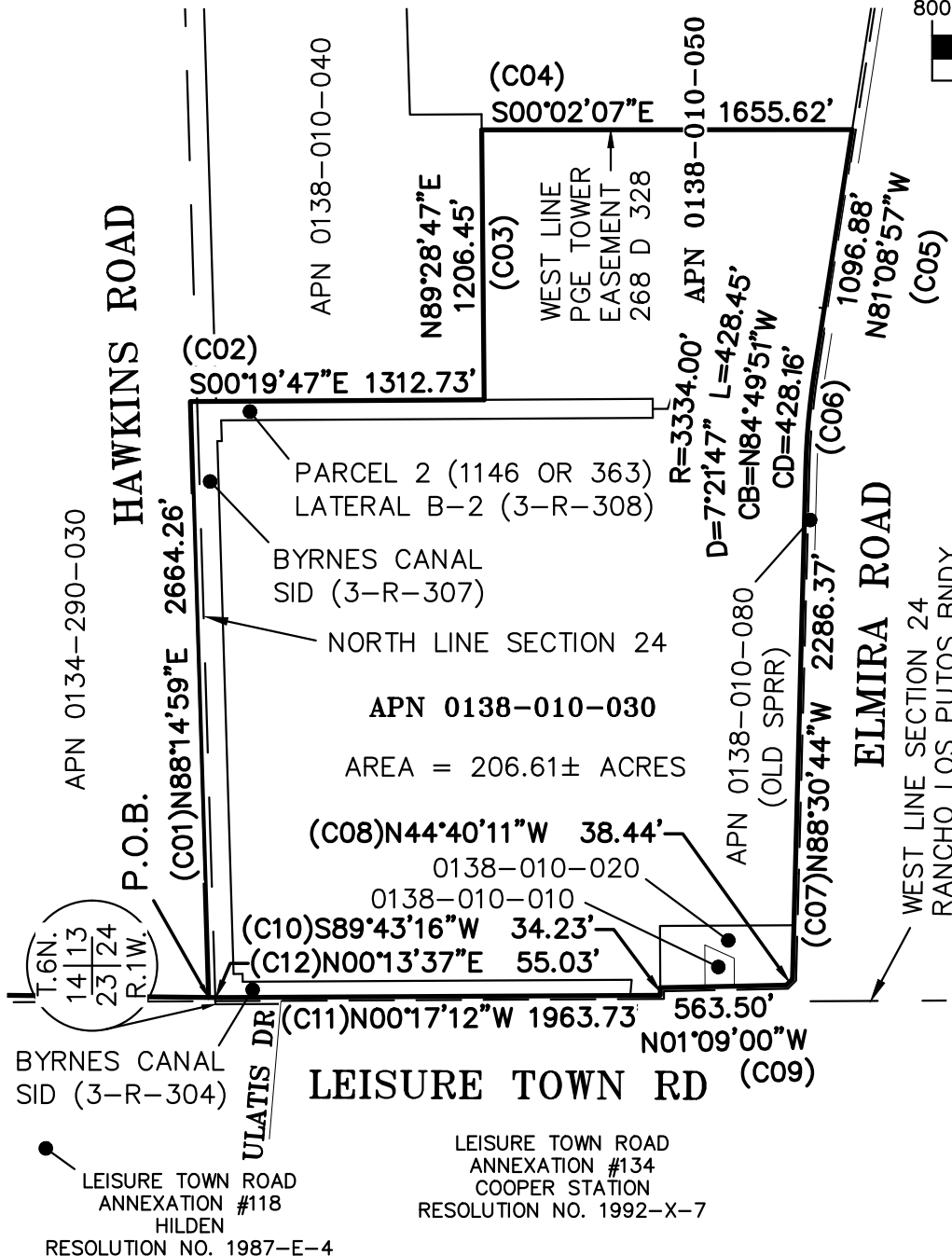
"FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS OF AN OFFER FOR SALE OF THE LAND DESCRIBED"



VICINITY MAP  
NOT TO SCALE



( IN FEET )  
1 inch = 800 ft.



ELMIRA ROAD  
ADDITION NO. 4 ANNEXATION #70  
BRIGHTON LANDING  
RESOLUTION NO. 1972-P-4

LEGEND

PROPOSED CITY LIMIT LINE  
EXISTING CITY LIMIT LINE



SHEET 1 OF 1

PROJECT NAME/LOCATION:

**THE FARM AT ALAMO  
CREEK ANNEXATION**

DRAFTED BY: GJM  
CHECKED BY: SWT  
PROJECT NO.: 20150030  
DWG NAME: 20150030 Ann  
ISSUE DATE: 01/17/19



**PHILLIPPI ENGINEERING**  
CIVIL ENGINEERING - LAND SURVEYING  
425 MERCHANT STREET VACAVILLE, CA 95688  
P.O. BOX 6556 VACAVILLE, CA 95696  
OFFICE (707) 451-6556 FAX (707) 451-6555

## **MITIGATION MONITORING AND REPORTING PROGRAM**

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### **INTRODUCTION**

Section 15097 of the California Environmental Quality Act (CEQA) Guidelines requires that, whenever a public agency approves a project based on a Mitigated Negative Declaration or an Environmental Impact Report (EIR), the public agency shall establish a mitigation monitoring or reporting program to ensure that all adopted mitigation measures are implemented.

The mitigation monitoring and reporting program (MMRP) contained herein is intended to satisfy this requirement of the CEQA Guidelines as it relates to The Farm at Alamo Creek Specific Plan Project (proposed project). This MMRP is intended to be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the Draft EIR prepared for the proposed project.

The Draft EIR for the proposed project presents a detailed set of mitigation measures required for implementation. As noted above, the intent of the MMRP is to ensure the effective implementation and enforcement of all adopted mitigation measures. The MMRP will provide for monitoring of construction activities, as necessary, and in the field identification and resolution of environmental concerns.

### **MITIGATION MONITORING AND REPORTING PROGRAM DESCRIPTION**

#### **Compliance**

The City of Vacaville will coordinate monitoring activities and document the implementation of mitigation measures. The table below identifies the mitigation measures, the monitoring actions, the implementing entities, the responsible parties for monitoring actions, and the timing of mitigation actions. The entity identified as having implementing responsibility has the primary duty to execute the mitigation measures. The “applicant” shall refer to the entity seeking entitlements for development of the project in the project area. In some instances this may require contracting for specialized consultant services. In instances where the implementing responsibility is shared between the City and construction contractors, the City would be responsible for ensuring that the mitigation requirements are implemented.

#### **Field Monitoring of Mitigation Measures**

Prior to the issuance of grading and building permits, while detailed development plans are being prepared for approval by City staff, City staff will be responsible for ensuring compliance with mitigation monitoring applicable to the project design phase. The City staff will consult with other agencies or experts as needed or specified in the mitigation monitoring plan program before approving construction plans.

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## MITIGATION MONITORING AND REPORTING PROGRAM

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During construction and following the project, the City's Public Works Department will assign inspectors who will be responsible for monitoring the implementation of the mitigation measures. The inspectors will report to the City's Public Works Department and will be thoroughly familiar with the mitigation measures in the MMRP. In addition, the inspectors will be familiar with construction contract requirements, schedules, standard construction practices, and mitigation techniques. The City will be responsible for on-site, day-to-day monitoring of construction activities, reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures. The City will also have the authority to enforce mitigation measures by suspending particular construction activities.

Once construction has been completed, the City will monitor the project as necessary.

If any mitigation measures are not being implemented, the City may pursue corrective action. Penalties that may be applied include, but are not limited to, the following: (1) a written notification and request for compliance; (2) withholding of permits; (3) administrative fines; (4) a stop-work order; (5) criminal prosecution and/or administrative fines; (6) forfeiture of security bonds or other guarantees; (7) revocation of permits or other entitlements.

### **Changes to Mitigation Measures**

Any substantive change in the monitoring plan made by City Staff shall be reported in writing to the Planning Department. Modifications to the mitigation may be made by City staff subject to one of the following findings, documented by evidence included in the record:

- a. The mitigation measure included in the Final EIR and MMRP is no longer required because the significant environmental impact identified in the Final EIR has been found not to exist or to occur at a level which makes the impact less than significant as a result of changes in the project, changes in conditions of the environment or other factors.

Or

- b. The modified or substitute mitigation measure to be included in the MMRP provides a level of environmental protection equal to or greater than that afforded by the mitigation included in the Final EIR and the MMRP; and the modified or substitute mitigation measures do not have significant adverse effects on the environment in addition to or greater than those which were considered by the responsible hearing bodies in their decisions on the Final EIR and the proposed project; and the modified or substitute mitigation measures are feasible, and the City through measures included in the MMRP or other City procedures can ensure their implementation.

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## MITIGATION MONITORING AND REPORTING PROGRAM

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Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the project file with the MMRP and shall be made available to the public upon request.

### **Mitigation Monitoring and Reporting Program**

The table presented on the following pages provides the MMRP for the proposed project. The MMRP identifies the following:

1. the full text of the mitigation measure(s) applicable to each impact statement;
2. the party responsible for ensuring implementation of each mitigation measure;
3. the timing of implementation of each mitigation measure;
4. the agency responsible for reviewing and/or monitoring; and
5. the monitoring action and frequency.

Following completion of the monitoring and reporting process, the final monitoring results will then be entered into the City's Mitigation Monitoring and Reporting database maintained by the City's Environmental Coordinator.

The City of Vacaville must adopt this MMRP, or an equally effective program, if it approves The Farm at Alamo Creek Specific Plan with the mitigation measures that were adopted or made conditions of project approval.

**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Reviewing/ Monitoring	Monitoring Action
<b>Air Quality</b>				
<b>AQ-1a</b> The project applicant shall implement Best Management Practices and shall submit a construction dust control plan for the project prior to receiving a grading permit that includes the following conditions: <ul style="list-style-type: none"> <li>• During grading and other earthmoving activities, water all active construction sites at least twice daily. Frequency shall be based on the type of operation, soil, and wind exposure.</li> <li>• Ensure haul trucks maintain at least 2 feet of freeboard.</li> <li>• Cover all trucks hauling dirt, sand, or loose materials.</li> <li>• Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area.</li> <li>• Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).</li> <li>• Plant vegetative ground cover in disturbed areas as soon as possible.</li> <li>• Cover inactive storage piles.</li> <li>• All construction equipment vehicle tires shall be inspected and washed as necessary to be cleaned free of dirt prior to entering paved public roadways.</li> <li>• Sweep streets if visible soil material is carried out from the construction site.</li> <li>• Treat project accesses to a distance of 100 feet from the paved road with either a 6-inch layer of gravel, or a 6- to 12-inch layer of wood chips or mulch to prevent track-out to public roadways.</li> <li>• No vehicle shall exceed 15 miles per hour on unpaved areas within the construction site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as speeds do not create visible dust emissions. Visible speed limit signs shall be posted at the construction site entrances.</li> </ul>	Project applicant and contractor	Prior to issuance of grading permit & during construction	City of Vacaville Community Development & Public Works Departments	City review and acceptance of the dust control plan and site inspections to ensure BMPs and the dust control plan are implemented and equipment is properly maintained. Periodic site inspections to ensure equipment idling does not exceed 5 minutes, dirt is minimized on public roadways, inactive storage piles are covered, and watering is occurring for dust control.



**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Reviewing/ Monitoring	Monitoring Action
<b>AQ-1b</b> All off-road heavy-duty equipment and on-road heavy-duty trucks shall be properly maintained with the engines tuned to the engine manufacturer's specifications, and shall comply with the In-Use Off-Road Diesel-Fueled Fleets Regulation and the In-Use On-Road Diesel-Fueled Vehicles Regulation, respectively. This includes limits on idling of all construction equipment and heavy-duty on-road trucks to 5-minutes or less, except as permitted by the California Air Resources Board.	Project applicant and contractor	During construction	Public Works Departments	Periodic City site inspections to ensure equipment is properly maintained and idling does not exceed 5 minutes.
<b>AQ-2 Operational Emission Reduction Measures.</b> The project applicant shall incorporate the following measures to reduce emissions associated with vehicle trip generation and area sources from the proposed project, <u>consistent with the ECAS that encourages the use of electric vehicles:</u> <ul style="list-style-type: none"> <li>• Equip all residential garages, as well as parking lots at parks, with infrastructure to install electric vehicle charging outlets and equipment.</li> <li>• Where feasible, provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and the existing community-wide trail network.</li> <li>• The Farm at Alamo Creek Specific Plan shall be modified to include bicycle parking standards as follows:               <ul style="list-style-type: none"> <li>○ For residential development, one, sheltered, secure bicycle parking space per dwelling unit shall be required. Garages, storage sheds, utility rooms, or similar areas that can be secured from unauthorized access and are sheltered from sun and rain would satisfy this requirement without the addition of special improvements or racks. Additional convenience bicycle parking may be provided with exterior racks but does not count toward the sheltered bicycle parking requirement.</li> <li>○ New parking areas created to serve nonresidential uses (neighborhood commercial uses) shall provide one bicycle parking space for every 20 vehicle parking spaces, with a minimum of four bicycle spaces.</li> </ul> </li> </ul>	Project applicant or contractor	Prior to approval of subdivision improvement plans and prior to issuance of building permits for residential structures.	City of Vacaville Community Development & Public Works Departments	City to review all final maps/ subdivision improvement plans, residential construction plans, and the Specific Plan to ensure all the items identified have been included and site inspections to confirm the required modifications have been provided.

**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Reviewing/ Monitoring	Monitoring Action
<ul style="list-style-type: none"><li>All wood burning devices shall be prohibited in residential units. Only natural gas fueled hearths shall be permitted.</li><li>During the Design Review process for each home design application, the City shall confirm compliance with measures incorporated into the City's Energy &amp; Conservation Action Strategy (ECAS), through use of a checklist identifying the residential design measures feasible for residential structures.</li></ul>				
AQ-3 Implement Mitigation Measure AQ-2.				
Biological Resources				
VELB BIO-1a All elderberry shrubs (which are defined as those with stems greater than 1 inch in diameter) shall be avoided completely during project construction. Prior to commencing construction activities, a qualified biologist shall flag each elderberry shrub and using construction fencing shall establish a buffer of at least 20 feet around the shrub. The following avoidance and minimization measures shall be implemented for all work within 165 feet of a shrub: <ul style="list-style-type: none"><li>All areas to be avoided during construction activities shall be fenced and/or flagged as close to construction limits as feasible.</li><li>Activities that could damage or kill an elderberry shrub (e.g., trenching, paving, etc.) shall not occur within 20 feet from the drip-line of any elderberry shrub.</li><li>A qualified biologist shall provide training for all contractors, work crews, and any on-site personnel on the status of the VELB, its host plant and habitat, the need to avoid damaging the elderberry shrubs, and the possible penalties for noncompliance.</li><li>A qualified biologist shall monitor the work area at project appropriate intervals to assure that all avoidance and minimization measures are implemented.</li><li>As much as feasible, all activities within 165 feet of an elderberry shrub shall be conducted between August and February.</li></ul>	Project applicant/biologist	Prior to any construction activities, a biologist shall flag each elderberry shrub and install construction fencing around each flagged shrub. Requirement to be noted on grading plans prior to issuance of grading permit.	City of Vacaville Community Development Department & Public Works Department	Confirm avoidance and minimization measures are noted on construction plans. City to Conduct periodic site surveys to confirm these measures are being implemented.

**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Reviewing/ Monitoring	Monitoring Action
<ul style="list-style-type: none"> <li>Elderberry shrubs shall not be touched or trimmed.</li> <li>Herbicides shall not be used within the drip-line of the shrub and insecticides shall not be used within 100 feet of an elderberry shrub.</li> <li>Mechanical weed removal within the drip-line of the shrub shall be limited to the season when adults are not active (August - February) and shall avoid damage ng the elderberry.</li> <li>If either a 20-foot diameter avoidance area around any elderberry shrub is found later to not be feasible or an elderberry shrub must be removed to accommodate construction, then the applicant shall notify the City and implement additional mitigation measures required by the City designed to reduce impacts to a less-than-significant level and based on the <i>Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle</i> (USFWS 2017b) after consultation with USFWS.</li> </ul>				
<b>Western Pond Turtle</b> <b>BIO-1b</b> Prior to commencing any vegetation clean up and removal along Old Alamo Creek, including any work in the creek downstream of the project site as part of the project's off-site improvements, a qualified biologist shall conduct a western pond turtle survey of the creek and any adjacent riparian areas where work shall occur within 48 hours prior to construction. If no western pond turtles or nests are found, no further mitigation is necessary. The impenetrable vegetation in and around the portion of Old Alamo Creek south of Elmira Road renders access to this area quite limited, and the results of any survey of this area may be inconclusive. Therefore, if the biologist cannot conduct a comprehensive survey, a biological monitor shall be present during vegetation thinning along this stretch of Old Alamo Creek. If a western pond turtle is observed within the proposed impact area, a qualified biologist shall relocate the individual to another portion of the creek outside of the proposed impact area prior to construction. If an active western pond turtle nest is observed within the proposed impact area, the	Project applicant/biologist	Prior to initial site clearing along Old Alamo Creek	City of Vacaville Community Development Department & Public Works Department	Conduct western pond turtle surveys. If turtles are present they shall be relocated. If a turtle nest is observed it shall be fenced and avoided, if possible. If not, the biologist shall consult with City staff to determine appropriate next steps.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Reviewing/ Monitoring	Monitoring Action
nest shall be fenced off and avoided until hatching if possible. If avoidance is not possible, the project applicant and the biologist shall consult with City staff to determine appropriate mitigation.				
<b>Burrowing Owl</b> <b>BIO-1c</b> Mitigation Measures BIO-1c through BIO-1d are consistent with Avoidance and Minimization Measures BO 1, BO 3 and BO 4 in Section 6.4.9 of the Draft Solano HCP (Solano County Water Agency 2012) and recommendations detailed in the Department of Fish and Game <i>Staff Report on Burrowing Owl Mitigation</i> (CDFWG 2012). The project applicant shall conduct breeding season surveys (a), non-breeding season surveys (b), and, if necessary, a take avoidance survey (c) prior to construction. a. <u>Breeding Season Survey (February 1 – August 31): Conduct four survey visits as follows: (1) at least one survey shall be conducted between February 15 and April 15, and (2) a minimum of three survey visits shall occur, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Surveys shall follow the methodology of Department of Fish and Game <i>Staff Report on Burrowing Owl Mitigation</i>, Appendix D for breeding season surveys.</u> b. <u>Non-Breeding Season Survey (September 1 - January 31): Follow same methodology as above in a) Breeding Season Survey, but conduct at least four visits, spread evenly, throughout the non-breeding season. Surveys shall follow the methodology of Department of Fish and Game <i>Staff Report on Burrowing Owl Mitigation</i>, Appendix D for non-breeding season surveys.</u> c. <u>Take Avoidance Survey: If the breeding season surveys or non-breeding season surveys have been completed less than 14 days prior to construction, no further preconstruction surveys for burrowing owl are necessary. If more than 14 days have elapsed since one of the breeding season or non-breeding season surveys have occurred within 14 days prior to the anticipated start of construction, a qualified biologist meeting requirements listed in the Department of Fish and Game <i>Staff Report on Burrowing Owl Mitigation</i> survey methodology shall conduct take avoidance preconstruction surveys within the project site within 14 days prior</u>	Project applicant/biologist (approved by CDFW)	Requirement to be noted on grading plans prior to issuance of grading permit.  14 days prior to any grading activities, if a lapse of 15 days or longer occurs during the nesting season additional surveys are required.	City of Vacaville Community Development & CDFW	Confirm procedures are noted on construction plans.  Conduct surveys for burrowing owl nest sites. If nests are identified the protocol outlines in the mitigation measure is required to be followed.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Reviewing/ Monitoring	Monitoring Action
<p>to construction to identify burrowing owls or their nesting areas. This survey shall follow survey protocols outlined in the most current draft of the Solano HCP and as developed by the Burrowing Owl Consortium in consultation with CDFW (Solano County Water Agency 2012; CDFW 2012). If no active burrows or burrowing owls are observed, no further mitigation is required. If a lapse in construction of 15 days or longer occurs during the nesting season, additional <del>preconstruction</del> <u>take avoidance</u> surveys shall be repeated before work may resume.</p> <p>d. If burrowing owls or active burrows are identified within the project site during the <del>preconstruction</del> surveys described in (a), (b), and (c) above, the following measures shall be implemented. <u>While minimum buffers are suggested below, appropriate buffers shall be determined in consultation with CDFW:</u></p> <ol style="list-style-type: none"> <li>1. During the non-breeding season for burrowing owls (September 1 through January 31), exclusion zones shall be established around any active burrows identified during the <del>preconstruction</del> survey. The exclusion zone shall be no less than 160 feet in radius centered on the active burrow. With approval from the City after consultation with CDFW, burrowing owls shall be passively evicted and relocated from the burrows using one-way doors. The one-way doors shall be left in place for a minimum of 48 hours and shall be monitored daily to ensure proper function. Upon the end of the 48-hour period, the burrows shall be excavated with the use of hand tools and refilled to discourage reoccupation.</li> <li>2. During the breeding season (February 1 through August 31), a qualified biologist familiar with the biology and behavior of this species shall establish exclusion zones of at least 250 feet in radius centered on any active burrow identified during the <del>preconstruction</del> survey. No construction activities shall occur within the exclusion zone as long as the burrow is active and young are present. Once the breeding season is over and young</li> </ol>				

**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Reviewing/ Monitoring	Monitoring Action
<p>have fledged, passive relocation of active burrows may proceed as described in measure b.1, above.</p> <p>3. The buffer widths may be with the following measures:</p> <ul style="list-style-type: none"> <li>• A site specific analysis, reviewed and approved by the City after consultation with CDFW, shall be prepared that documents and describes how the nesting or wintering owls would not be adversely affected by construction activities;</li> <li>• Monitoring shall occur by a qualified biologist for a minimum of 10 consecutive days following initiation of construction indicating that the owls do not exhibit adverse reactions to construction activities;</li> <li>• Burrows are not in danger of collapse due to equipment traffic; and</li> <li>• Monitoring is continued at least once a week through the nesting/wintering cycle at the site and no change in behavior by owls is observed; biological monitoring reports shall be submitted to CDFW.</li> </ul> <p><u>This measure may be accomplished in conjunction with Swainson's hawk Mitigation Measure BIO-4d, provided that the project applicant submits a Burrowing Owl Mitigation and Monitoring Plan for review by CDFW and to the City of Vacaville Community Development Director for approval by the City. The Burrowing Owl Mitigation and Monitoring Plan shall include the following components, which require that additional measures are implemented. A Habitat Maintenance Plan shall be prepared and implemented to ensure open space lands within the project site (if habitat remains) and offsite mitigation agriculture mitigation lands are maintained, to the extent feasible, to be compatible with use by tricolored blackbird, northern harrier, white-tailed kite, and loggerhead shrike.</u></p>				
<p><b>BIO-1d</b> Mitigation for the permanent loss of burrowing owl foraging habitat, and potential nesting habitat, for urban development or other permanent facilities shall be provided at a 1:1 land/area ratio. <u>Mitigation for nesting habitat shall be provided only if pre-construction surveys (Mitigation Measure BIO-1c) indicate that</u></p>	Project applicant/biologist (approved by CDFW)	Prior to issuance of grading permits	City of Vacaville Community Development Department	The City shall ensure the project applicant purchases foraging habitat, or obtains conservation



MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Reviewing/ Monitoring	Monitoring Action
<p><u>active burrowing owl burrows are present on the project site. If mitigation for nesting habitat is required, the applicant or their designee shall preserve and manage one active burrowing owl nest for each known burrowing owl nest on the project site. This shall be accomplished through the two-stage process described under Objective SH 2.2 of the Draft Solano HCP, through targeted acquisition, defined term contracts or agreements, and conservation easements of known active nesting habitat.</u> The irrigated agriculture preserve mitigation provided for Swainson's hawk Mitigation BIO-1f, below, may satisfy the requirements for preserved foraging habitat under Mitigation Measure BIO-1d, provided the following additional measures are implemented on the Swainson's hawk irrigated agriculture mitigation lands: that the applicant submits a Burrowing Owl Mitigation and Monitoring Plan for review by CDFW and to the City of Vacaville Community Development Director for approval by the City. The Burrowing Owl Mitigation and Monitoring Plan shall include the following components, which require that:</p> <ul style="list-style-type: none"> <li>• <u>Grasses and forbs within the owl habitat shall maintain an average effective vegetation height less than or equal to 6 inches from February 1 to April 15, when owls typically select mates and nest burrows. In addition, tree and shrub canopy cover shall be limited to the edges of the set aside area and shall not be within 200 feet of the artificial burrows</u></li> <li>• No more than 20 percent of the mitigation area may support tree and shrub canopy or tall, dense grass cover.</li> <li>• <u>At least 5 acres of mitigation area shall be permanently not used for agricultural production to provide suitable nesting habitat and cover for burrowing owls.</u></li> <li>• Burrowing owl habitat mitigation areas shall be subject to deed restrictions that would limit future urban development.</li> <li>• A Habitat Maintenance Plan shall be prepared and implemented to ensure open space lands within the project site (if habitat remains) and the irrigated agriculture mitigation lands are maintained, to the extent feasible, to be compatible with burrowing owl use.</li> </ul>				<p>easements for land deemed suitable for foraging habitat and complies with the additional requirements listed in the mitigation measure, including preparing a Habitat Maintenance Plan</p>

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<ul style="list-style-type: none"> <li>Adequate funding shall be provided to manage the owl mitigation area in perpetuity <u>as specified in the Burrowing Owl Mitigation and Monitoring Plan.</u></li> </ul> <p>If mitigation for impacts to occupied nesting habitat is required, the mitigation lands shall have the following characteristics: Two additional acres (in addition to the 5 acres noted above) of preserve land shall be permanently set aside to provide suitable nesting habitat and cover for burrowing owls. This two-acre mitigation area for nesting habitat shall consist of one continuous block of habitat and shall not be located adjacent to a County road, highway, or within 650 feet of active Swainson's hawk nesting. If natural burrows are not present in sufficient density on the two-acre area to support nesting burrowing owls as determined by a qualified biologist based on a review of the Draft HCP, at least two burrow complexes (three burrows per complex) shall be installed and maintained in perpetuity within the two-acre nesting habitat set aside for burrowing owls. Artificial burrows shall be monitored annually for effectiveness. Biological monitors shall report to the City on the colonization of the nest burrows by owls and the number of owls fledged per nest. Within any nesting habitat set aside for burrowing owls, management measures shall be implemented and adequately funded to maintain an average effective vegetation height less than or equal to 6 inches from February 1 to April 15). In addition, the preserved nesting habitat must be kept free of tree and shrub canopy cover in perpetuity.</p>				
<p><b>Swainson's Hawk</b></p> <p><b>BIO-1e</b> This Mitigation Measure is consistent with Avoidance and Minimization Measures SH-1 through SH-5 in the <u>Draft Solano HCP</u> (Solano County Water Agency 2012), as well as the <u>Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</u> methodology.</p> <p>a. <u>A qualified biologist with a minimum of two years of experience implementing the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley methodology shall conduct Swainson's hawk nest</u></p>	Project applicant/biologist	Prior to issuance of grading permits if issued during the nesting season. Surveys shall occur 15 days prior to any construction activities, if a lapse of 15 days or longer occurs during the nesting	City of Vacaville Community Development Department	Confirm nest surveys completed and if nests are identified an exclusion buffer is to be established in consultation with the biologist and CDFW. The area is to be avoided until the nesting cycle has completed.

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<u>surveys. If it has been longer than 15 days from the last survey when construction will occur, an additional pre-construction survey shall be conducted. The following table outlines the required survey windows and timing, as well as the number or surveys to occur during each survey window, consistent with the protocol-level surveys. To meet the minimum level of protection, surveys must be completed for at least the two survey periods immediately prior to construction.</u>				season additional surveys are required.		
<u>Survey Dates</u>	<u>Survey Time</u>	<u>Number of Surveys</u>				
<u>January 1 - March 20</u>	<u>All Day</u>	<u>1</u>				
<u>March 20 - April 5</u>	<u>Sunrise to 10:00 am, 4:00 pm to sunset</u>	<u>3</u>				
<u>April 5 -April 20</u>	<u>Sunrise to 12:00 pm, 4:30 pm to sunset</u>	<u>3</u>				
<u>April 21 - June 10</u>	<u>Monitoring known nests only</u>	<u>N/A</u>				
<p>a. <del>If construction occurs during the nesting season for Swainson's hawk (March 1 through August 31), a qualified biologist shall conduct preconstruction surveys no more than 15 days prior to construction to identify nesting Swainson's hawk within 0.25 mile of the project site. If a lapse in project related construction activities of 15 days or longer occurs, additional preconstruction surveys shall be conducted prior to reinitiating work.</del></p> <p>b. If an active Swainson's hawk nest is identified within 0.25 mile of the project site, an exclusion buffer shall be established in consultation with the biologist and CDFW. No construction work such as grading, earthmoving, or any operation of construction equipment shall occur within the</p>						

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<p>buffer zone except as provided below in mitigation measure BIO-51f and in consultation with CDFW. Construction may commence normally in the buffer zone if the nest becomes inactive (e.g., the young have fully fledged), as determined by the qualified biologist.</p> <p>c. <u>Any trees removed under the project shall be removed outside of migratory bird nesting season, including the nesting season for Swainson's hawk.</u></p>				
<p><b>BIO-1f</b> The project applicant shall mitigate for the loss of Swainson's hawk irrigated foraging habitat by preserving a minimum of 1:1 land/area ratio of similar habitat. The final acreage for mitigation calculations shall be determined based on final design of the open space areas within the project site. The preservation of the mitigation area shall be accomplished through purchase of credits from a bank approved by the CDFW to provide such credits, such as the Elsie Gridley Mitigation Bank or the Burke Ranch Conservation Bank (CDFW 2016) or through preservation of <u>lands within the Solano HCP Irrigated Agriculture Reserve Area</u> <del>irrigated agricultural lands</del> protected in perpetuity by a conservation easement or City approved in-lieu fee program established to preserve irrigated agricultural lands protected in perpetuity by a conservation easement at a minimum of 1:1 land/area ratio, <u>or other areas approved by the City after consultation with CDFW.</u> Such an easement or fee program shall include provisions that provide for agricultural uses that are compatible with Swainson's hawk foraging needs. Agricultural foraging habitats shall consist of alfalfa, tomatoes, other annual vegetable row crops, and grain. The mitigation area shall not include crop types and land uses incompatible with Swainson's hawk foraging. The following additional restrictions and prohibited uses, at a minimum, shall also be noted as forbidden within the conservation easement:</p> <ul style="list-style-type: none"> <li>• Commercial feedlots, which are defined as any open or enclosed area where domestic livestock are grouped together for intensive feeding purposes.</li> <li>• Horticultural specialties, including sod, nursery stock,</li> </ul>	Project applicant	Prior to the issuance of grading permits	City of Vacaville Community Development Department & CDFW	The City shall ensure the project applicant purchases foraging habitat, obtains conservation easements, or purchase credits from an approved mitigation bank for land deemed suitable for foraging habitat and complies with the additional requirements listed in the mitigation measure.

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<p>ornamental shrubs, ornamental trees, Christmas trees, or flowers.</p> <ul style="list-style-type: none"> <li>• Commercial greenhouses or plant nurseries.</li> <li>• Commercial aquaculture of aquatic plants, animals, and their byproducts.</li> <li>• Planting orchards or vineyards for the production of fruits, nuts, or berries except in designated farmstead areas.</li> <li>• Cultivation of perennial vegetable crops such as artichokes and asparagus, as well as annual crops such as cotton or rice.</li> <li>• Construction, reconstruction, or placement of any building, billboard or sign, antennas, towers, and facilities for generation of electrical power, or any other structure or improvement of any kind, except as may be specifically permitted in site-specific management plan. Acreage occupied by any such existing facilities may not be counted toward mitigation requirements.</li> </ul> <p>The City shall consult with CDFW prior to approving the site, conservation easement, and conservation easement holder.</p>				
<p><b>Tricolored Blackbird, Northern Harrier, White-Tailed Kite, Loggerhead Shrike</b></p> <p><b>BIO-1g</b> Mitigation for the permanent loss of foraging habitat for northern harrier, white-tailed kite, loggerhead shrike, and tricolored blackbird from project urban development or other permanent facilities shall be provided at a 1:1 land/area ratio. The irrigated agriculture preserve mitigation provided for Swainson's hawk Mitigation BIO-1f, above, may satisfy the requirements for BIO-1g, provided the following additional measure is implemented on the Swainson's hawk irrigated agriculture mitigation lands.</p> <p>a) A Habitat Maintenance Plan shall be prepared and implemented to insure open space lands within the project site (if habitat remains) and the irrigated agriculture mitigation lands are maintained, to the extent feasible, to be compatible with use by tricolored blackbird, northern harrier, white-tailed kite, and loggerhead shrike.</p>	Project applicant/biologist	Prior to construction activities	City of Vacaville Community Development	Confirm pre-construction surveys were completed and a Habitat Maintenance plan prepared, if required.

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<p>b) <u>A qualified biologist shall conduct a pre-construction bird survey for nesting within 14 days prior to commencement of construction activities if anticipated to commence during the nesting season (between March 1 and September 15). The survey shall be conducted within the project area and a 500-foot buffer surrounding the project area. The qualified biologist shall document and submit the results of the pre-construction survey in a letter to CDFW and the City within 30 days following the survey. The letter shall include: a description of the methodology including dates of field visits, the names of survey personnel, a list of references cited and persons contacted, and a map showing the location(s) of any bird nests observed on the project site. If no active nests are identified during the pre-construction survey, then no further mitigation is required. Evidence, in the form of a letter report documenting the results of the survey, shall be submitted to the City of Vacaville Community Development Department prior to the issuance of any grading or building permits within the project site.</u></p> <p><u>If any active nests are identified during the preconstruction survey within the project site, a buffer zone shall be established around the nests. A qualified biologist shall monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. The biologist shall delimit the buffer zone with construction tape or pin flags within 250 feet of the active nest and maintain the buffer zone until the end of the breeding season or until the young have fledged. Guidance from CDFW shall be requested if establishing a 250-foot buffer zone is impractical. Guidance from CDFW shall also be requested if the nestlings within the active nest appear disturbed.</u></p> <p><u>Trees anticipated for removal shall be removed outside of the nesting season. The nesting season occurs between March 1</u></p>				



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<p>and September 15. If trees are anticipated to be removed during the nesting season, a pre-construction survey shall be conducted by a qualified biologist. If the survey shows that there is no evidence of active nests, then the tree shall be removed within ten days following the survey. If active nests are located within trees identified for removal, a 250-foot buffer shall be installed around the tree. Guidance from CDFW will be requested if the 250-foot buffer is infeasible.</p> <p>In addition to trees, blackberry thickets onsite shall be evaluated for the presence of nesting colonies of the CESA-listed threatened tricolored blackbird prior to site clearing activities. These thickets are located in riparian understory and are thus marginal habitat and unlikely to be used by tricolored blackbird. Nonetheless, if during pre-construction surveys a colony is discovered within the blackberry thicket no construction shall proceed within 250 feet of that location until City approval of appropriate mitigation after consultation with CDFW. Possible forms of mitigation for removal of the colony include: purchase of credits in an approved mitigation bank, offsite preservation of a tricolored blackbird colony of equal or greater size, contribution to an in-lieu fee program established to mitigate impacts to tricolored blackbird, or other mitigation approved by CDFW.</p>				
<p><b>Bats</b></p> <p><b>BIO-1h</b> Pre-construction roosting bat surveys and evaluation of roosting habitat suitability for pallid bat, western red bat, hoary bat, or silver-haired bat shall be conducted by a qualified bat biologist familiar with these species within 14 30 days prior to any tree removal or construction activities along Old Alamo Creek <del>that occurs during the breeding season (April through August).</del> A qualified bat biologist shall have experience performing roosting bat surveys, and be able to identify guano and urine stains at a minimum. Roosting habitat characteristics to be determined by the qualified bat biologist would be height and structure of the tree, presence of obscuring foliage,</p>	Project applicant/biologist	Prior to any tree removal or construction activities along Old Alamo Creek	City of Vacaville Community Development/CDFW	<p>Confirm surveys were completed by a bat biologist within 14 days prior to tree removal or construction along Old Alamo Creek.</p> <p>If bats were located confirm exclusionary measures were</p>

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<p>peeling or loose bark, cracks or gaps within the trunk or crotch of the tree, and/or presence of woodpecker holes. If the qualified biologist determines that the tree does not provide potential roosting habitat for the four species listed above <del>If pre-construction surveys indicate that no roosts of special status bats are present, or that roosts are inactive or potential habitat is unoccupied</del>, no further mitigation is required.</p> <p><del>If roosting bats are found, exclusionary measures approved by the City shall be installed by a qualified bat biologist. Once the bats have been excluded, tree removal may occur. If these actions do not result in exclusion, a qualified biologist in possession of an applicable California Department of Fish and Wildlife Memorandum of Understanding shall consult with CDFW to determine appropriate relocation methods. Trees determined to have potential roosting habitat shall be removed after the time when bat maternity roosts would be vacated (typically beginning in July/August), but before hibernation begins (typically in October/November). For the four bat species potentially impacted by the project, this would limit tree removal to the time period from September to early October (Western Bat Working Group 2018). The trees shall be removed in the late afternoon hours or close to dusk so that any bats potentially using a tree as a day roost will be active and able to leave the roost, and if so, will be minimally impacted by thermal stress and able to locate an alternative roost nearby.</del></p>				installed.
<p><b>BIO-2a</b> The following Best Management Practices shall be implemented during all site preparation and construction activity within the project site, especially in those areas adjacent to Old Alamo Creek to control pollutant sources associated with the handling and storage of construction materials and equipment, as well as waste management and disposal.</p> <p>a. Construction raw materials (e.g., dry materials such as concrete mix, paints, petroleum products) shall be stored in designated areas that are located at least 100 feet away from the top of bank of Old Alamo Creek and are surrounded by earthen berms or other barriers, if necessary. Construction</p>	Project applicant/contractor	<p>During site clearing and construction.</p> <p>Requirements shall be noted on all subdivision construction plans.</p>	City of Vacaville Community Development & Public Works Department	Confirm BMPs are implemented during all phases of project construction. City to conduct periodic inspections to ensure all the BMPs outlined are followed.

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<p>employees working on the site shall be trained in proper materials handling practices to ensure that, to the maximum extent practicable, construction materials are properly stored.</p> <p>b. Year-round, install temporary barriers around soil stockpile perimeters to prevent contact with stormwater when required. Temporary barriers can be berms, dikes, silt fences, straw bales, or sandbag barriers. During the rainy season (generally December to April), cover inactive soil stockpiles or protect them with soil stabilization at all times. During the non-rainy season, cover inactive soil stockpiles or protect them with linear barriers prior to rain events.</p> <p>c. Whenever possible, wash out concrete trucks off site in City designated areas. If the trucks are washed on site, contain the wash water in a temporary pit adjacent to the construction activity where waste concrete can harden for later removal, no nearer than 100 feet from the top of bank of Old Alamo Creek. Place sign at the designated washout locations and instruct drivers of the washout locations. Avoid washing fresh concrete from the trucks, unless the runoff is drained to a berm or level area, at least 100 feet away from the top of bank of Old Alamo Creek.</p> <p>d. Collect non-hazardous waste construction materials (e.g., wood, paper, plastic, cleared trees and shrubs, scrap metal, rubber, glass) and deposit in covered dumpsters at a designated waste storage area on-site at least 100 feet away from the top of bank of Old Alamo Creek. Recyclable construction materials shall be stored separately for recycling.</p> <p>e. Hazardous materials shall be stored in portable metal sheds with secondary containment. The quantities of these materials stored on-site shall reflect the quantities needed for site construction.</p> <p>Avoid over-application of fertilizers, herbicides, and pesticides. Do not mix hazardous waste with other waste produced on site. Contract with a Certified Waste Collection contractor to collect hazardous wastes for disposal at an approved</p>				

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hazardous waste facility. f. Waste oil and other equipment maintenance waste shall be properly disposed of in compliance with federal, State and local laws, regulations and ordinances.				
<b>BIO-2b</b> To protect the existing trees along Old Alamo Creek from damage associated with construction activities and to avoid soil compaction in the root zone, the project applicant shall do the following: <ul style="list-style-type: none"> <li>No vehicles, construction equipment, mobile offices, or materials shall be parked, stored or located within the driplines of any oak trees.</li> <li>Install 4-foot tall, orange, synthetic mesh fencing outside the dripline of all trees greater than 6" dbh (diameter at breast height), or 10" dbh aggregate for multi-trunked trees. If site constraints do not allow for protection of a tree's entire dripline, fence off as much of the dripline as possible.</li> <li>If work or traffic must proceed within the driplines, one of the following techniques shall be followed: (1) place 6-12 inches of mulch in the work or traffic area; (2) place at least 4 inches of mulch in the work or traffic area and then place sheets of ¾ inch plywood or 4x4 inch lumber; or (3) place 4 – 6 inches of gravel with geotextile fabric beneath; <u>or (4) hand excavate.</u></li> <li>Soil surface removal greater than one foot shall not occur within the driplines of oak trees. No cuts shall occur within five feet of their trunks.</li> <li>If roots are encountered during soil excavation, they shall be carefully pruned rather than left torn or crushed. Roots greater than 1 inch in diameter must always be pruned, and finer roots shall ideally also be pruned. Cut roots as far away from the trunk as possible. Use loppers, a handsaw, or a small chain saw to make a clear vertical cut. Leave adjacent root bark intact.</li> <li>To the extent feasible, earthen fill greater than one foot deep shall not be placed within the driplines of oak trees, and no fill shall be placed within five feet of their trunks.</li> </ul>	Project applicant/contractor	<p>During site clearing and construction.</p> <p>Requirements shall be noted on all subdivision construction plans.</p>	City of Vacaville Community Development & Public Works Department	Confirm fencing is installed around protected trees, during all phases of project construction. City to conduct periodic inspections to ensure all the measures outlined are being followed.

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<ul style="list-style-type: none"> <li>No paving shall be permitted in the vicinity of oak trees.</li> <li>Underground utility line trenching shall not be placed within the driplines of oak trees. If it is absolutely necessary to install underground utilities within the driplines of preserved oak trees, the trench shall either be bored or drilled but not within five feet of the trunk.</li> </ul>				
<b>BIO-2c</b> Implement Mitigation Measure BIO-3.	See below			
<p><b>BIO-3</b> To mitigate for the loss of potentially jurisdictional waters of the United States and/or waters of the State, the project applicant shall <u>purchase credits at an agency-approved mitigation bank with a service area that includes the Project site, participate in the U.S. Army Corps of Engineers Sacramento District's in-lieu fee program by paying required fees, and/or mitigate through permittee-responsible mitigation create, preserve, or restore jurisdictional waters to the extent</u> as required under the Clean Water Act or Waste Discharge Requirements (WDRs), as applicable. If Section 404, 401, WDR authorizations are required, mitigation acreage requirements shall be determined in consultation with the U.S. Army Corps of Engineers and the Regional Water Quality Control Board and as outlined in the U.S. Army Corps of Engineers 2008 Mitigation Rule.</p> <p>In addition, if construction activities will impact CDFW jurisdictional resources, the applicant shall obtain, and comply with, a Lake and Streambed Alteration Agreement from CDFW, <u>including any required mitigation. Mitigation for the loss of riparian woodland shall occur at a minimum ratio of 1:1 (by acreage), or as otherwise required by CDFW in a Streambed Alteration Agreement. This mitigation may occur on-site within the Old Alamo Creek corridor, in other on-site open space, at a mitigation bank, or as otherwise approved by CDFW and the City. To mitigate for the loss of native riparian vegetation, plantings will occur at the ratios outlined consistent with Mitigation Measure RSM 1 in the Solano HCP, including applicable tables detailing mitigation acreage and mitigation planting ratios. If permittee-responsible mitigation is</u></p>	Project applicant	Prior to issuance of grading permits	City of Vacaville Community Development & USFWS/CDFW	The City shall ensure the project applicant has created, preserved, or restored an equivalent amount of jurisdictional waters and obtained any required permits.

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<u>utilized, a Riparian Restoration Plan shall be prepared consistent with the mitigation components and performance standards of Mitigation Measures RSM 1 and approved by the City. The goal of the riparian vegetation replacement is to contribute to the establishment of a multi-store riparian community with a variety of native riparian species appropriate for the mitigation site.</u>				
BIO-4 Implement Mitigation Measures BIO-1d and BIO-1f.	See above			
BIO-5 Implement Mitigation Measures BIO-1c, BIO-1d, BIO-1e, and BIO-1f.	See above			
Cultural Resources				
CUL-1 If deposits of prehistoric or historical archaeological materials are encountered during construction activities, all work within 25 feet of the discovery shall be redirected until an archaeologist is contracted to assess the finds, consult with agencies and descendant communities (as appropriate), and make recommendations for the treatment of the discovery. If preservation in place is not feasible, an archaeologist that meets the secretary of the interior standards shall evaluate the deposit for its eligibility for listing in the California Register of Historical Resources. If the deposit is not eligible, mitigation is not necessary. If the deposit is eligible, mitigation shall include excavation of the archaeological deposit in accordance with a data recovery plan (see CEQA Guidelines Section 15126.4(b)(3)(C)). The City of Vacaville shall ensure that descendant communities are consulted for their input and concerns during the development and implementation of any mitigation plan.  Upon completion of the evaluation and/or mitigation, the report shall be submitted to the City of Vacaville, the applicant, the Northwest Information Center at Sonoma State University, and descendant communities.	Project applicant/archeologist	Requirements shall be noted on all subdivision construction plans.  During site grading/trenching	City of Vacaville Community Development/ archeologist	City to confirm project plans include the required notes.  Construction work will stop within 25-feet (and be redirected) if any subsurface archeological resources are unearthed. An archeologist is required to assess the resource, consult with the appropriate entities and recommend treatment. The archeologist is to prepare a report to be provided to the City once mitigation has been



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				completed.
<b>CUL-2</b> In the event that human remains are encountered, the on-site construction foreman shall stop all work within 25 feet of the discovery and shall immediately contact the City's Community Development Department and the County Coroner. At the same time, an archaeologist that meets the secretary of the interior standards shall be contacted to assess the situation and consult with agencies as appropriate. On-site construction workers shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission shall identify a Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate, and in coordination with the recommendations of the Most Likely Descendant. The report shall be submitted to the City of Vacaville Community Development Department and the Northwest Information Center, and descendant communities.	Project applicant/contractor/archeologist	During site grading/trenching  Requirements shall be noted on all subdivision construction plans.	City of Vacaville Community Development & Public Works Departments. County Coroner/ project archeologist	All construction work will stop within 25-feet (and be redirected) if any human remains are unearthed. The County Coroner t is required to assess the resource, and consult with an archeologist to handle contacting the appropriate entities if the remains are Native American. The archeologist is to prepare a report to be provided to the City once mitigation has been completed.
<b>CUL-3</b> While no Tribal Cultural Resources (TCRs) have been identified that may be affected by the project, the following approach for the inadvertent discovery of TCRs has been prepared to ensure there are no impacts to unanticipated resources. <ul style="list-style-type: none"> <li>Should a potential TCR be inadvertently encountered, construction activities near the encounter shall be temporarily halted and the City's Community Development Department notified. The City shall immediately notify the Yocha Dehe Wintun Nation to evaluate the resource. If the unanticipated resource is archaeological in nature, appropriate management requirements shall be implemented as outlined in Mitigation Measure CUL-1. If the City determines that the potential</li> </ul>	Project applicant/contractor/archeologist	During site grading/trenching  Requirements shall be noted on all subdivision construction plans.	City of Vacaville Community Development & Public Works Departments. Project archeologist	If during construction a TCR is unearthed all work near the find shall stop and the City contacted. The City will contact the Yocha Dehe Wintun Nation to evaluate the resource and make recommendations if

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resource appears to be a tribal cultural resource (as defined by PRC Section 21074), the Yocha Dehe Wintun Nation shall be provided a reasonable period of time to conduct a site visit and make recommendations regarding future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources. Depending on the nature of the potential resource and Tribal recommendations, review by a qualified archaeologist may be required. Implementation of proposed recommendations shall be made based on the determination of the City that the approach is reasonable and feasible. All activities shall be conducted in accordance with regulatory requirements.				it is a TCR.
CUL-4 Implement Mitigation Measures CU-1 and CUL-2.	See above			
Land Use and Planning				
LU-1 The project applicant shall design the detention basin and the area surrounding the basin to minimize attractiveness for waterfowl. This shall include the following: <ul style="list-style-type: none"><li>The basin shall be configured to reduce the line of sight for birds.</li><li>The basin shall be designed with a slope of not less than 2:1.</li><li>A water aerator (fountain) shall be included in the basin.</li><li>Educational signage shall be included in areas around the basin stating no feeding of birds is allowed.</li></ul>	Project applicant	To be included on project site plans	City of Vacaville Community Development & Public Works Departments.	City to confirm these requirements have been included on all project site plans.

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<b><i>Transportation and Circulation</i></b>				
<b>TRAFF-1a</b> At the Leisure Town Road and Elmira Road (#6) intersection, the project applicant shall install the following improvements or pay in-lieu traffic fees to the City:  Westbound – Provide west bound approach with three lanes as follows: West Bound Left Turn Lane, West Bound Through Lane, and West Bound Right Turn Lane, and provide an additional through lane for the northbound and southbound approaches.  At the Nut Tree Road and Ulati Drive (#10) and Depot Street at Mason Street (I-80 ramps) (#20) intersections there are no feasible mitigation measures due to operational and right-of-way restrictions.	Project applicant	Prior to issuance of building permits	City of Vacaville Community Development & Public Works Departments	The City shall ensure the required in-lieu traffic fees have been paid or confirm the applicant is intending on making the improvements to this intersection.
<b>TRAFF-3</b> Roundabouts and traffic circles shall be designed to accommodate fire trucks and other large vehicles to travel through the intersection at an appropriate speed for emergency response. On-street parking shall be prohibited near the traffic circles to ensure clear passage. All traffic calming devices shall be designed in accordance with City standards and be approved by the City.	Project applicant	To be included on the final improvement plans	City of Vacaville Community Development & Public Works Departments	The City shall ensure the final improvement plans have been designed to City and fire standards to address fire truck access and traffic calming elements.
<b>TRAFF-4</b> The project-level site plan shall be submitted for each phase of the project development for review and approval by the City to ensure safe and direct facilities for pedestrians, bicyclists, and transit riders are provided and the design does not conflict with adopted plans, policies, and programs related to such facilities.	Project applicant	To be included on the final site improvement plans for each project phase.	City of Vacaville Community Development & Public Works Departments	The City shall ensure the site/improvement plans include safe access for pedestrians, bicyclists and transit riders and does not conflict with city policies.

**MITIGATION MONITORING AND REPORTING PROGRAM**

<b>Mitigation Measure</b>	<b>Party Responsible for Implementation</b>	<b>Implementation Timing</b>	<b>Agency Responsible for Reviewing/ Monitoring</b>	<b>Monitoring Action</b>
<b>TRAFF-5a</b> At the Leisure Town Rd at Sequoia Drive (#4) intersection, the project applicant shall install the following improvements or pay in-lieu traffic fees to the City: <ul style="list-style-type: none"> <li>Southbound Approach – Add a through lane on southbound Leisure Town Road to provide one left-turn lane, one through lane and one shared through-right lane on the southbound approach.</li> <li>Southbound Departure – Widen the south leg of the intersection to provide a corresponding receiving lane.</li> </ul>	Project applicant	Prior to issuance of building permits	City of Vacaville Public Works Department	The City shall ensure the required in-lieu traffic fees have been paid or confirm the applicant is intending on making the improvements to this intersection.
<b>TRAFF-5b</b> At the Leisure Town Rd at Elmira Road (#6) intersection, the project applicant shall install the following improvement or pay in-lieu traffic fees to the City: <ul style="list-style-type: none"> <li>Restripe the west bound approach within existing pavement to accommodate dual West Bound Left Through Lanes, West Bound Through Lane, and a West Bound Through/ Right Turn Lane (expand from three lanes to a four lane approach).</li> </ul> At the Nut Tree Road and Ulatis Drive (#10) and Peabody Road at Elmira Road (#17) intersections there are no feasible mitigation measures due to operational and right-of-way restrictions.	Project applicant	Prior to issuance of building permits	City of Vacaville Public Works Department	The City shall ensure the required in-lieu traffic fees have been paid or confirm the applicant is intending on making the improvements to this intersection.
<b>TRAFF-6a</b> At the Leisure Town Road and Ulatis Drive / Hawkins Road (#5) intersection, the project applicant shall install the following improvements: <ul style="list-style-type: none"> <li>Westbound – Add a separate West Bound Right turn pocket on the westbound approach of Ulatis Drive / Hawkins Road.</li> </ul>	Project applicant	Prior to issuance of building permits	City of Vacaville Public Works Department	The City shall ensure the required improvements have been made to this intersection.
<b>TRAFF-6b</b> At the Leisure Town Road and Elmira Road (#6) intersection, the project applicant shall install the following improvements: <ul style="list-style-type: none"> <li>Westbound – Restripe the West Bound approach within existing pavement to accommodate a dual West Bound Lane, West Bound Through Lane, and West Bound Through/Right Turn Lane (expand from three lanes to a four lane approach).</li> </ul>	Project applicant	Prior to issuance of building permits	City of Vacaville Public Works Department	The City shall ensure the required improvements have been made to this intersection.

**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Reviewing/ Monitoring	Monitoring Action
<p><b>TRAFF-6c</b> At the Allison Drive and Elmira Road (#16) intersection, the project applicant shall install the following improvements or pay in-lieu traffic fees to the City:</p> <ul style="list-style-type: none"> <li>Westbound – Restripe the westbound approach of Elmira Road to add an additional westbound through lane.</li> </ul> <p>Due to operational, and right-of-way restrictions, there is no feasible mitigation for the following intersections: Leisure Town Road at I-80 EB Ramps (#1), Nut Tree Road at Ulatis Drive (#10), and Allison Drive at Nut Tree Parkway (#12).</p>	Project applicant	Prior to issuance of building permits	City of Vacaville Public Works Department	The City shall ensure the required in-lieu traffic fees have been paid or confirm the applicant is intending on making the improvements to this intersection.

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**MITIGATION MONITORING AND REPORTING PROGRAM**

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## EXHIBIT A

### **TO THE RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VACAVILLE CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED FARM AT ALAMO CREEK SPECIFIC PLAN PROJECT, ADOPTING FINDINGS OF FACT, ADOPTING MITIGATION MEASURES, REJECTING ALTERNATIVES AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS**

#### **I. INTRODUCTION**

The approximately 210-acre Farm at Alamo Creek Ranch Specific Plan and development project (proposed project) is located in northern Solano County adjacent to the southeastern corner of the City of Vacaville approximately four miles from Downtown Vacaville. The project site is located inside of the City of Vacaville's proposed Sphere of Influence and the City's Urban Growth Boundary (UGB), as amended in December 2017.

The project site is bounded by Leisure Town Road on the west, Elmira Road on the South, the City's Agricultural Buffer land on the east, and Hawkins Road to the north.

Adjacent land uses include a single-family residential development directly west of the project site across Leisure Town Road. The recently approved Brighton Landing project currently under construction is located directly south across Elmira Road, north and east of the project site, is undeveloped land currently primarily in agricultural use.

The project site is part of the East of Leisure Town Road Growth Area as defined in the City's General Plan. This is one of two New Growth Areas identified in the General Plan for future development. However, the project site is located within unincorporated Solano County and, as part of this project, would be annexed to the City. The East of Leisure Town Road Growth Area is within the City's UGB, which limits the location of urban development within the City until 2028.

The project site is designated as a future Specific Plan area in the City's General Plan and is also designated as a growth area as part of the East of Leisure Town Road Growth Area (City of Vacaville 2015). The City's Land Use Designations figure (City of Vacaville 2015, Figure LU-6) designates various portions of the project site Residential Low Density (3.1- 5.0 units/acre), Residential Low-Medium Density (5.1-8.0 units/acre), Residential Medium Density units/acre), Residential High Density (20.1-24.0 du/acre), Neighborhood Commercial, Agricultural Buffer, and Park. The project site does not currently include City of Vacaville zoning because it is located outside of the City limits. The project applicant is requesting the site be pre-zoned RL-6 (Residential Low Density – 6,000 sq. ft. minimum lot size), RL-5 (Residential Low Density – 5,000 sq. ft. minimum lot size), RLM-4.5 (Residential Low Medium Density - 4,500 sq. ft. minimum lot size), RLM-3.6 (Residential Low Medium Density – 3,600 sq. ft. minimum lot size), RMH (Residential Medium High Density – 14.1 to 20.0 du/gdac), CN (Neighborhood Commercial), CF (Community Facility – for park, well site, detention basin, roads), PARK (Special zoning for the public and private park sites within the Specific Plan), OS (Open Space), and AB (Agricultural Buffer Overlay).

The proposed project would include discretionary approvals by the City of Vacaville including the following:

- Amend the General Plan land use diagram;



- Adopt the Farm at Alamo Creek Specific Plan;
- (Pre) Zone the project site, including approval for annexation;
- Approve the tentative subdivision map creating the subdivision of land;
- Adopt the Development Agreement; and
- Amend the Comprehensive Annexation Plan and agree to annex the project site into the Vacaville city limits.

## II. FINDINGS FOR CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE FARM AT ALAMO CREEK SPECIFIC PLAN PROJECT

The City Council finds, based on substantial evidence in the record of this proceeding, that the Final EIR for the Farm at Alamo Creek Specific Plan, which consists of the Draft EIR and technical appendices, and the Final EIR, has been completed in accordance with the requirements of the CEQA, the CEQA Guidelines, the Vacaville Land Use and Development Code and all other applicable laws and regulations.<sup>1</sup>

Specifically, the City Council finds, based on substantial evidence in the record of this proceeding, that:

1. The City of Vacaville caused the EIR for the proposed project to be prepared pursuant to CEQA, the CEQA Guidelines, and the City of Vacaville Land Use and Development Code.

2. A Notice of Preparation (NOP) of the Draft EIR was filed with the Governor's Office of Planning and Research on June 28, 2017 and was circulated for public comments from June 28, 2017 to July 27, 2017. Notices for the NOP were mailed to other agencies (local and Federal) and to interested persons and adjacent property owners. Notices for the NOP were also posted on Leisure Town Road, in and near the project area, at the County Clerk's Office and in Vacaville City Hall. Comments were received on the NOP and were subsequently incorporated into the Draft EIR.

3. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the State Clearinghouse on June 28, 2017 to those public agencies that have jurisdiction by law with respect to the project and to other interested parties and agencies. The comments of such persons and agencies were sought, including by direct communication to agency staff. Additional copies of the Draft EIR were distributed (delivered or mailed) by the City to persons and agencies who requested them.

4. A Notice of Availability (NOA) for the Draft EIR was distributed to all responsible and trustee agencies, other local and Federal agencies, interested groups, organizations, adjacent property owners and businesses, and individuals on March 7, 2018 for the Draft EIR. Copies of the NOA were posted in and around the project area on March 7, 2018. The NOA

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<sup>1</sup> CEQA is codified at sections 21000, et seq. of the California Public Resources Code. The CEQA Guidelines are set forth at California Code of Regulations, Title 14, sections 15000, et seq. The Vacaville Land Use and Development Code is set forth at Title 14 of the Vacaville Municipal Code. The custodian of the record of this proceeding is the City of Vacaville, Community Development Department, 650 Merchant Street, Vacaville, California.

stated that the City of Vacaville had completed the Draft EIR and that copies were available at the City of Vacaville, Planning Division, 650 Merchant Street, Vacaville, at the Solano County Library, 1000 Ulatis Drive, Vacaville and that the document was posted on the City of Vacaville website. The notice also indicated that the official public review period for the Draft EIR would be from March 7, 2018 to April 20, 2018.

A copy of the NOA was posted with the Solano County Clerk/Recorder's Office on March 7, 2018. The NOA was also posted at Vacaville City Hall on March 7, 2018.

5. An official forty-five (45) day public review period for the Draft EIR was established by the State Clearinghouse. The official public review period began on March 7, 2018. The public review period thus ended on April 20, 2018.

6. On March 20, 2018, the City Planning Commission held a public hearing to accept verbal comments on the Draft EIR. Comments received at that hearing are included and responded to in the Final EIR.

7. On September 21, 2018, the City mailed notices to interested persons, adjacent and nearby property owners, State, Federal and local agencies advising that the Final EIR would be available on September 27, 2018 and advising of a Planning Commission meeting and public hearing to discuss the project and EIR on October 2, 2018. The City posted notices advising of the Final EIR availability at the County Clerk, in Vacaville City Hall and on the City website. On September 27, 2018, the City made the Responses to Comments and Final EIR available to the public at the City's offices, on the City's website, at the Town Square Library in downtown Vacaville, and at the Solano County Library, 1000 Ulatis Drive, Vacaville and delivered or sent by email the Final EIR response to the Solano Irrigation District, Solano County Planning, Solano County Local Agency Formation Commission, the Yolo-Solano Air Quality Management District, and the State Regional Water Quality Control Board (the agencies who had commented on the Draft EIR). The Final EIR was also posted on the City's website. On September 21, 2018 notices were posted on the site advising of the public hearing on October 2, 2018. A notice for the Planning Commission hearing and indicating the availability of the Final EIR was placed in The Reporter newspaper on September 22, 2018.

8. On October 12, 2018 the City mailed notices to interested persons, adjacent and nearby property owners, State, Federal and local agencies advising that the City Council would hold a public hearing to consider the Farm at Alamo Creek Specific Plan project actions on October 23, 2018. The City posted notice of the City Council hearing and of the availability of all environmental documents at Vacaville City Hall, and on the City website. The EIR and project information was previously posted on the City website. Signs advising of the public hearing were posted on and near the site on October 13, 2018. On October 13, 2018, the City Council continued the hearing to November 13, 2018.

9. The following information is incorporated by reference and made part of the record supporting these findings:

A. The Draft and Final EIR, and their appendixes and all documents referenced in, relied upon or incorporated by reference in those documents.

B. The Mitigation Monitoring and Reporting Program attached hereto as Exhibit C to the resolution certifying the Farm at Alamo Creek EIR, and the Findings of Fact, Statement of

Overriding Considerations, and Mitigation Monitoring and Reporting Program for the 2015 Vacaville General Plan Update attached as Exhibit A to said resolution.

C. Testimony, documentary evidence, and all correspondence submitted or delivered to the City in connection with the Planning Commission and City Council hearings on this project and the associated EIR.

D. All staff reports, memoranda, maps, letters, minutes of meetings, and other documents relied upon or prepared by City staff relating to the project, including but not limited to, City of Vacaville General Plan and Draft and Final Environmental Impact Report for the City of Vacaville General Plan Update and Energy and Conservation Strategy (ECAS), City of Vacaville, 2015, and the Initial Study for the Farm at Alamo Creek Specific Plan Project.

Based on the foregoing, and all substantial evidence in the record of this proceeding, the City Council hereby finds, declares, and certifies that:

1. The EIR was prepared, published, circulated and reviewed and completed in accordance with the requirements of CEQA, the CEQA Guidelines and the Vacaville Land Use and Development Code, and constitutes an adequate, accurate, objective and complete Final EIR in accordance with the requirements of CEQA, the CEQA Guidelines and the Vacaville Land Use and Development Code.

2. The EIR consists of the Draft EIR, the Final EIR, appendices, and any documents or materials cited or incorporated by reference in the EIR and its appendices.

3. The EIR has been presented to the City Council and that the City Council has reviewed it, and considered the information contained therein prior to acting on the proposed project and finds that the EIR reflects the independent judgment and analysis of the City of Vacaville.

4. The EIR reflects the best efforts of the City of Vacaville to undertake all reasonably feasible and prudent actions to discover, analyze, disclose and mitigate all potentially significant environmental impacts of the proposed project.

5. The changes and additions to the Draft EIR made in Response to Comments do not constitute "significant new information" within the meaning of Public Resources Code section 21092.1, and therefore recirculation of the Draft EIR and/or Responses to Comments for public review and comment is not required.

6. The EIR has been presented to the City Council and that the City Council has reviewed and considered the information contained therein and in the record supporting the EIR prior to making these findings or taking action on the proposed Farm at Alamo Creek Specific Plan and applications related thereto.

7. The City Council hereby adopts the following Findings of Fact and Statement of Overriding Considerations, and a Mitigation Monitoring Plan to require and ensure that all mitigation measures found to be reasonably feasible and effective are implemented as conditions of project approval.

### III FINDINGS OF FACT REGARDING THE POTENTIAL ENVIRONMENTAL IMPACTS ADEQUATELY ANALYZED IN THE GENERAL PLAN ENVIRONMENTAL IMPACT REPORT

On August 11, 2015, the City of Vacaville City Council certified the General Plan EIR (SCH # 2011022043) and approved the City of Vacaville General Plan. A Modified Initial Study has been prepared (Appendix B to the Draft EIR) to identify and assess the anticipated environmental impacts of the proposed project that were not adequately covered by the General Plan EIR. The environmental analysis in the Modified Initial Study is based on CEQA Section 21094 and Sections 15168 and 15183 of the CEQA Guidelines, which governs program EIRs and projects consistent with a general plan or community plan. Under these sections, the program EIR, in this case the General Plan EIR, serves as a basis for the Modified Initial Study to determine if project-specific impacts would occur that are not adequately covered in the previously certified EIR. Here, the proposed project's land uses and development assumptions are consistent with the City's General Plan and the General Plan EIR and therefore the project is within the scope of the General Plan and the General Plan EIR. The Modified Initial Study provides an analysis of whether the General Plan EIR adequately analyzes the environmental impacts of the proposed project. The Modified Initial Study indicates whether the proposed project would result in significant impacts that: (1) are peculiar to the project or the project site; (2) were not identified as a significant effect in the General Plan EIR; or (3) are previously identified significant effects which as a result of substantial new information that was not known at the time that the General Plan EIR was certified, and are determined to have a more severe adverse impact than discussed in the General Plan EIR. Such impacts are evaluated in the Draft EIR. Pursuant to CEQA Section 21094, if approved, the project would be required to be conditioned or otherwise obligated to mitigate to the extent feasible, the significant environmental effects identified in the General Plan EIR that are not further analyzed in this EIR. The Modified Initial Study identifies the policies and mitigation measures developed during the environmental review of the General Plan and discusses how the proposed project would comply with those policies and measures.

Based on the analysis found in the Modified Initial Study, the project's potential environmental impact related to the following topics were determined to be adequately covered in the General Plan EIR and the City Council hereby reaffirms the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the 2015 Vacaville General Plan Update and Energy and Conservation Strategy (ECAS) related to the following impacts for the reasons described in the Section 2.3 of the EIR:

- Aesthetics
- Agricultural and Forestry Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Mineral Resources
- Noise
- Population and Housing
- Public Services

- Recreation

Findings of fact regarding potential environmental impacts identified in the Environmental Impact Report for the proposed Farm at Alamo Creek Specific Plan

*Significant or potentially significant impacts that are avoided or reduced to a less-than-significant level.*

*Finding:* As authorized by Public Resources Code section 21081 and CEQA Guidelines 15091, 15092, and 15093, the City finds that, unless otherwise stated, all of the changes or alterations to the proposed project listed below have been required in, or incorporated into, the project which mitigate or avoid the significant or potentially significant environmental impacts listed below, as identified in the EIR, that these mitigation measures will be effective to reduce or avoid the potentially significant impact as described in the EIR, and that these mitigation measures are feasible to implement and are within the responsibility and jurisdiction of the City of Vacaville to implement or enforce. These Findings of Fact are supported by substantial evidence in the record of proceedings before the City, including the analysis for each impact set forth in the EIR which is incorporated herein by this reference

- Air Quality Impact 4.1-1
- Biological Resources Impact 4.2-1
- Biological Resources Impact 4.2-2
- Biological Resources Impact 4.2-3
- Biological Resources Impact 4.2-5
- Biological Resources Impact 4.2-6
- Cultural Resources Impact 4.3-1
- Cultural Resources Impact 4.3-3
- Cultural Resources Impact 4.3-4
- Cultural Resources Impact 4.3-5
- Transportation and Circulation Impact 4.7-1
- Transportation and Circulation Impact 4.7-3
- Transportation and Circulation Impact 4.7-4
- Transportation and Circulation Impact 4.7-5, except at Leisure Town Road at I-80 EB Ramps (#1), Nut Tree Road at Ulatis Drive (#10), Allison Drive at Nut Tree Parkway (#12), and Peabody Road at Elmira Road (#17) intersections.

*Significant or potentially significant impacts that cannot be avoided*

*Finding:* The City Council finds that the following impacts are significant and unavoidable for those reasons set forth in the EIR.

- Air Quality Impact 4.1-2
- Air Quality Impact 4.1-5
- Transportation and Circulation Impact 4.7-5 at Leisure Town Road at I-80 EB Ramps (#1), Nut Tree Road at Ulati Drive (#10), Allison Drive at Nut Tree Parkway (#12), and Peabody Road at Elmira Road (#17) intersections.

### Evaluation of Alternatives

CEQA mandates that an EIR evaluate a reasonable range of alternatives to the project or the project location that generally reduce or avoid potentially significant impacts of the project. CEQA requires that every EIR evaluate a “No Project” alternative. Alternatives provide a basis of comparison to the project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible options for minimizing environmental consequences of a project.

Alternatives to the proposed project are:

Alternative 1: No Project/No Development Alternative – Which assumes the project site would remain in its current undeveloped condition.

Alternative 2: No Project/Existing General Plan Land Use Alternative - This alternative assumes the project would be developed consistent with the current General Plan land use designation which includes a designation of Urban Reserve on approximately one third of the project site. Under this alternative approximately 488 residential units would be developed in the western portion of the site while 252 residential units and the detention basin would not be developed in the eastern portion of the site. This area would remain consistent with existing agricultural use, as shown in Figure 6-1 of the EIR.

Alternative 3: Reduced Intensity Alternative – This alternative assumes a reduction in the total number of residential units to a total of 676 (514 residential low-density, 162 residential medium-high density), 6.5 acres in neighborhood commercial uses and 17 acres in parks, as shown in Figure 6-2 of the EIR.

#### *Alternative 1: No Project/No Development Alternative*

The No Project/No Development Alternative considers the effects of forgoing the project entirely, and leaving the project site in its current, undeveloped condition. Under the No Project/No Development Alternative, the proposed project would not be adopted. The approved buildout for the Specific Plan area as set forth in the General Plan would not be developed and the project site would not be annexed into the City. In addition to not providing up to 768 residential units, over 40 acres of parks, open space and trails, and improvements to the transportation network, the No Project/No Development Alternative would not provide a Community park or a Play-4-All park. Under this alternative, the project site would not be zoned and developed in a manner consistent with the General Plan land use designations.

#### *Findings*

Specific economic, social, or other considerations make infeasible the No Project/No Development Alternative identified in the EIR as described below, each of which is an independent basis to reject Alternative 1.



- Alternative 1 would fail to meet any of the basic objectives of the project or of the City's General Plan.
- Alternative 1 would not meet the City's policies, General Plan or project objectives, or State policies of promoting the development of new housing.
- Alternative 1 would not meet the City's policies, General Plan or project objectives of providing neighborhood commercial sites to ensure easy access from nearby residential areas to daily commercial and service needs.
- Alternative 1 would not provide a site for a community park as contained in the City's General Plan.
- Alternative 1 would not support the City's General Plan's Land Use Plan.

#### *Alternative 2: No Project/Existing General Plan Land Use Alternative*

Under the No Project/Existing General Plan Land Use Alternative, approximately 60 acres currently designated as Urban Reserve in the eastern portion of the site would not be developed with 252 low-density residential units and a detention basin, as proposed under the project. Consistent with the General Plan the western portion of the site would be developed with approximately 488 residences that would include a mix of low-density residential, residential low-medium density, residential medium-density, neighborhood commercial and parks. A total of 252 residences would be developed in the western portion of the site including 26.6 acres in parks, 7.4 acres in neighborhood commercial, and a smaller detention basin would be included within one of the fields in the Community park.

#### *Findings*

Specific economic, social, or other considerations make infeasible the No Project/Existing General Plan Land Use Alternative identified in the EIR as described below, each of which is an independent basis to reject Alternative 2.

- Because fewer housing units would be developed, Alternative 2 would not provide housing at a scale to support the creation of public amenities including the "Play-4-All" park, open space, trails, and a community park, private amenities such as the clubhouse site, pocket parks, orchard buffer on Leisure Town Road, or be capable of attracting commercially reasonable financing
- Alternative 2 would eliminate potential housing units and bring the total number of housing units allowed in East of Leisure Town Growth area to a number below that allowed in General Plan policies and reduce housing options for potential residents.
- Alternative 2 would divide property that is under a single ownership such that part would be developed and the remainder would remain undeveloped until such time the undeveloped portion is converted from Urban Reserve and approved for development. The City Council previously acknowledged with Resolution 2017-127 that dividing the land use designations of this property was inadvertent. This would result in the owner having to propose two projects: one now and one at a later date. This would result in economic impacts of doubling processing time and costs. It also would not allow for comprehensive planning of the entire project site at one time.

#### *Alternative 3: Reduced Intensity Alternative*

The Reduced Density Alternative would reduce the total number of residential units to be developed to 676 units (a reduction of 92 units). Under this alternative there would be 514 single family units, 162 medium high density units, 6.5 acres of neighborhood commercial, and 17

acres in parks, as shown in Figure 6-3 of the EIR. The detention basin would remain in the southeast portion of the project site.

### *Findings*

Specific economic, social, or other considerations make infeasible the No Project/Existing General Plan Land Use Alternative identified in the EIR as described below, each of which is an independent basis to reject Alternative 3.

- Alternative 3 would result in generally the same amount of land disturbance as the proposed project, and would fail to avoid or lessen several of the project's impacts.
- By reducing the overall density across the project site and reducing the acreage of neighborhood commercial and parks uses, the Alternative 3 would not meet the project's objectives of providing for orderly and well-planned development and housing at a scale and density appropriate to the project site and that supports the creation of public amenities.
- As the reduced density of residential units would allow for less available acreage for parks uses (because a smaller number of units would be spread over a greater amount of land area), the Alternative 3 would not include a density that also provides the amount of public amenities included within the proposed project.
- Alternative 3 would not be consistent with the land use designations for the project site in the City's General Plan and would require an amendment to the General Plan.

### Absence of New Information

The City recognizes the Final EIR incorporates information obtained and produced after the Draft EIR was completed, and that the Final EIR contains additions, clarifications, and modifications to the Draft EIR. The City has reviewed and considered the Final EIR and all of this information. The Final EIR does not add significant new information to the Draft EIR that would require recirculation of the Draft EIR under CEQA. The new information added to the Final EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. Thus, recirculation of the DEIR is not required. The City finds that the changes and modifications made to the Draft EIR after the DEIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or the CEQA Guidelines section 15088.5.

### IV. STATEMENT OF OVERRIDING CONSIDERATIONS

As explained above, the City has required changes or alterations to the project, and has incorporated these as conditions of approval, to mitigate or avoid the project's potentially significant impacts. To the extent those changes or alterations are within the responsibility or jurisdiction of the City of Vacaville to implement or enforce, and the City finds them to be feasible and effective, the City has found that the potentially significant impacts will be reduced to a less-than-significant level. In some cases, however, there are no feasible measures available or measures are not within the City's jurisdiction to avoid or reduce the potential impacts to a less-than-significant level. Accordingly, the City finds above that certain impacts of the proposed project will remain significant and unavoidable.



Pursuant to CEQA section 21081 and CEQA Guideline 15093, however, the City hereby finds that the specific overriding economic, legal, social, technological, and other benefits of the project outweigh these significant and unavoidable impacts. The specific reasons for this finding, based on substantial evidence in the record constitute the following "Statement of Overriding Considerations."

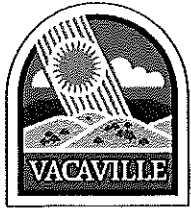
On the basis of the above findings and the substantial evidence in the record of this proceeding, the City specifically finds, and therefore makes this Statement of Overriding Considerations, that as a part of the process of obtaining project approval, all significant effects on the environment with implementation of the project have been eliminated or substantially lessened where feasible. Furthermore, the City has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following overriding considerations, each of which is an independent and sufficient basis to override the project's significant and unavoidable impacts:

1. The proposed project assists with the implementation of the City's General Plan Land Use Plan and Land Use policies that support the orderly development of the East of Leisure Town Growth Area.
2. The proposed project fulfills pressing land use needs in the City, namely the provision of additional housing, neighborhood commercial uses, an additional community park, pocket parks, and open space.
3. The proposed project provides appropriate environments for housing for households of a variety of incomes, including potentially low, moderate- and above-moderate-income households, and including housing designed to attract business executives and professionals.
4. The proposed project provides a diversity of single family lot sizes consistent with General Plan goals of providing a diversity of housing types.
5. The proposed project provides for attached duet lots, which is a housing product that is in short supply in the community and would be help meet pressing housing needs for residents of a variety of income levels and household sizes.
6. The project provides community features such as a clubhouse facility, trails, an orchard buffer, open spaces, and a community garden area that are of superior quality to standard residential developments and that are consistent with the General Plan vision of high quality design.
7. The proposed project provides neighborhood commercial sites that will provide close convenient services to the residents of the project and the surrounding area. This will help the City meet goals of reducing the distances residents need to travel for basic services.
8. The proposed project would include creation of a new parks and recreational areas to serve new residents of the development as well as residents of existing homes in the area and throughout the City, and incorporates a plan for development of the open space areas in a timely manner and with a financing plan that will assist the City in providing additional city-wide recreational resources effectively.

9. The project provides for improvements to existing streets that will improve safety for pedestrians, bicyclists, and vehicle travel.
10. The project provides for utility facilities that are envisioned in the General Plan.
11. The project provides a site for a new well-site for the City's municipal water supply.

V. Environmental Review Conclusion

Based on the facts and findings above, the project meets the specific plan criteria.



## CITY OF VACAVILLE

650 MERCHANT STREET  
VACAVILLE, CALIFORNIA 95688-6908  
www.cityofvacaville.com  
707-449-5100

ESTABLISHED 1850

RON ROWLETT  
Mayor

MITCH MASHBURN  
Vice Mayor

RAYMOND BEATY  
Councilmember

DILENNA HARRIS  
Councilmember

NOLAN SULLIVAN  
Councilmember

February 4, 2019

Rich Seithel  
Solano LAFCO  
675 Texas St, 6<sup>th</sup> Floor  
Fairfield, CA 94533

**SUBJECT: LAFCO Project No. 2018-06 - The Farm at Alamo Creek**

Dear Rich,

The City has proposed annexation of the Farm at Alamo Creek property.

For purposes of your determination under California Government Code Section 56658 and Revenue & Tax Code Section 99(b)(6), enclosed please find a copy of City Resolution No. 2000-32 approving the Master Property Tax Agreement as authorized under California Revenue & Tax Code Section 99 (d), between the City of Vacaville and the County of Solano that will apply to this annexation.

Please do not hesitate to contact me should you have any questions or need additional information.

Sincerely,

Jeremy Craig  
City Manager

Enc.

**RESOLUTION NO. 2000-32**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VACAVILLE APPROVING  
AN AMENDED MASTER PROPERTY TAX TRANSFER AGREEMENT BETWEEN  
THE CITY OF VACAVILLE AND THE COUNTY OF SOLANO UPON  
JURISDICTIONAL CHANGE**

**WHEREAS**, the City of Vacaville and each of the six cities located in the County, and the County of Solano, adopted a Master Property Tax Transfer Agreement in 1993 to be used upon jurisdictional change, pursuant to the provisions of Revenue and Taxation Code Section 99(d); and

**WHEREAS**, said agreement expired January 1, 2000, and the City of Vacaville and the other six cities of Solano County and the County of Solano agree to continue the same Master Property Tax Agreement as updated to reflect changes in distribution of property tax revenues resulting from the state's enactment of Education Relief Augmentation Fund (ERAF); and

**WHEREAS**, the City of Vacaville and the other six Solano cities, and the County of Solano have indicated their willingness to enter into the amended Master Property Tax Transfer Agreement, which sets forth a proportional "sharing the pain" formula as it relates to ERAF.


**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Vacaville that the amended Master Property Tax Transfer Agreement implementing the provisions of Revenue and Taxation Code Section 99(d) is hereby adopted by the City of Vacaville and shall become effective upon the receipt by the County of Solano of corresponding resolutions of approval from each of the seven cities of the County.

**IT IS FURTHER RESOLVED** that the City Clerk of the City of Vacaville is hereby directed to send a certified copy of this Resolution, once adopted, to the County of Solano and that the City Council authorizes the City Manager to execute said agreement on its behalf.


**I HEREBY CERTIFY** that this resolution was adopted and passed at a regular meeting of the Vacaville City Council on March 28, 2000, by the following vote:

<b>AYES:</b>	Council members Augustine, Clancy, Slade, Vice Mayor Wood and Mayor Fleming
<b>NOES:</b>	None
<b>ABSENT:</b>	None

**ATTEST:**

  
Kathleen M. Andronico  
City Clerk

I hereby certify that the foregoing instrument is a true copy of the original instrument on file in my office.

  
City Clerk of the City of Vacaville, California

**BIRGITTA E. CORSELLO**  
County Administrator  
becorsello@solanocounty.com  
(707) 784-6100  
**NANCY HUSTON**  
Asst. County Administrator  
nlhuston@solanocounty.com  
(707) 784-6107

**COUNTY ADMINISTRATOR'S OFFICE**



**SOLANO  
COUNTY**

675 Texas Street, Suite 6500  
Fairfield, CA 94533-6342  
(707) 784-6100  
Fax (707) 784-7975  
[www.solanocounty.com](http://www.solanocounty.com)

February 1, 2019

Rich Seithel, Executive Director  
Solano LAFCO  
675 Texas St, 6<sup>th</sup> Floor  
Fairfield, CA 94533

Re: LAFCO PROJECT NO. 2018-06  
The Farm at Alamo Creek

Dear Rich:

The County is in receipt of LAFCO Application No. 2018-06 proposing to annex the Farm at Alamo Creek to the City of Vacaville.

For purposes of your determination under Cal. Government Code section 56658 and Rev. & Tax Code section 99(b)(6), enclosed is a copy of County Resolution 2000-72 approving the Master Property Tax Transfer Agreement, as authorized under Cal. Rev. & Tax Code section 99(d), between the County of Solano and the seven cities in the County that is still in effect and will apply to this annexation.

Please do not hesitate to contact me if you have any questions or required additional information.

Sincerely,

Nancy L. Huston  
Assistant County Administrator

Enc.

**MASTER PROPERTY TAX TRANSFER AGREEMENT FOR ALLOCATION  
OF PROPERTY TAX BETWEEN THE COUNTY OF SOLANO  
AND THE SEVEN CITIES OF THE COUNTY  
UPON JURISDICTIONAL CHANGE  
[ REVENUE AND TAXATION CODE SECTION 99 (d) ]**

By Resolution No. 2000-72, adopted by the Board of Supervisors of the County of Solano, and by a Resolution adopted by the City Councils of each of the seven Cities of Solano County, the County of Solano (COUNTY) and the Cities (CITIES) agree as follows:

1. This Agreement is a master property tax transfer agreement, under authority of California Revenue and Taxation Code Section 99 (d), between the COUNTY and the seven CITIES of Solano County for the purpose of specifying the allocation of property tax revenues upon a jurisdictional change in which any one of the CITIES is an affected City and COUNTY is an affected County.

2. Except for the exclusions specified in this Paragraph 2, the jurisdictional changes governed by this Agreement are all those local agency boundary changes defined in Revenue and Taxation Code Section 95 (e) as jurisdictional changes, occurring during the applicable period of the Agreement, where COUNTY is the affected County and one of the CITIES is an affected City. The following types of jurisdictional changes are to be excluded from this Agreement:

a) Boundary changes involving a city incorporation or formations of districts (e.g., reorganizations involving concurrent formation of a special district and annexation to a city);

b) Jurisdictional changes which would result in a special district providing one or more services to an area where such services have not been previously provided by any local agency and to which Section 99.1 of the Revenue and Taxation Code applies.

c) Any one of the CITIES or the COUNTY may notify the other affected party that for any specific annexation proposal, the party providing notice is invoking Paragraph 2 (c) of this Agreement, to exclude the specific annexation proposal from the Agreement. This notice shall state the reason that the Master Agreement is unacceptable, and be provided by the party requesting an exception pursuant to this paragraph 2 within FIFTEEN (15) working days from the date the petition is accepted for filing by the Local agency Formation Commission. The notice shall be provided to either the County Administrator, if instituted by a City, or to the City Manager, if instituted by the County. This provision is designed to provide for a case by case negotiation of specific tax sharing provisions in an annexation that would create significant impacts due to the shift in service costs or lost revenue. Significant impacts based upon lost revenue shall not include revenue anticipated from future development of the annexed area. When this section is invoked by any party, both affected parties agree that they shall negotiate in good faith for an equitable and timely agreement, that shall apply solely to that specific annexation. In no event shall the negotiation period exceed the THIRTY (30) days provided for as the maximum under provisions of Revenue and Taxation Code section 99 (b) (1) (B) (6).

**RESOLUTION NO. 2000-72**

**RESOLUTION OF THE SOLANO COUNTY BOARD OF SUPERVISORS  
APPROVING AN AMENDED MASTER PROPERTY TAX TRANSFER AGREEMENT  
BETWEEN THE COUNTY AND THE SEVEN CITIES OF THE COUNTY  
UPON JURISDICTIONAL CHANGE**

WHEREAS, the County of Solano and each of the seven cities located in the County adopted a Master Property Tax Transfer Agreement in 1993 to be used upon jurisdictional change, pursuant to the provisions of Revenue and Taxation Code section 99(d); and

WHEREAS, said agreement expired January 1, 2000, and the seven cities of Solano County and the County of Solano agree to continue the same Master Property Tax Agreement as updated to reflect changes in distribution of property tax revenues resulting from the state's enactment of Education Relief Augmentation Fund (ERAF); and

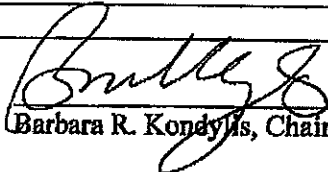
WHEREAS, each of the seven cities of Solano County have indicated their willingness to enter into the amended Master Property Tax Transfer Agreement, which sets forth a proportional "sharing the pain" formula as it relates to ERAF.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of Solano County that the amended Master Property Tax Transfer Agreement implementing the provisions of revenue and Taxation Code section 99 (d) is hereby adopted by the County, and shall become effective upon the receipt of corresponding resolutions of approval from each of the seven cities of the County.

IT IS FURTHER RESOLVED that the Clerk of the Board of Supervisors is directed to send a certified copy of this Resolution, once adopted, to the City Clerk of each of the cities of Solano County.

On motion of Supervisor Silva, and second of Supervisor Thomson, the Solano County Board of Supervisors adopted this resolution on April 4, 2000, by the following vote:

AYES: Supervisors Carroll, Kromm, Silva, Thomson,  
and Chairwoman Kondylis  
NOES: Supervisors None  
EXCUSED: Supervisors None

  
Barbara R. Kondylis, Chairwoman

ATTEST:  
Michael D. Johnson, Clerk  
Board of Supervisors

By:   
Maggie Jimenez, Deputy Clerk

masprop2.res

Attachment: Exhibit A (outlines revised Property Tax Transfer rates)

3. The allocations specified in Paragraph 7, herein below, and in Exhibit "A" attached hereto, shall be made for any jurisdictional change governed by this Agreement as specified in Paragraph 2, herein above, if proceedings for the jurisdictional change have been or are completed after March 1, 2000.

4. For any property tax allocation to be made under this Agreement, the Auditor-Controller of Solano County shall first apply Paragraph 7, below, and Exhibit "A", to allocate the property tax revenues thereunder for the fiscal year for which the State Board of Equalization makes the tax rate area change (s) for the jurisdictional change. Such allocation shall continue indefinitely thereafter unless changed by agreement of both affected parties hereto or until changed under the terms of this Agreement upon a subsequent jurisdictional change involving one or more of the tax rate area (s) within the affected territory of the prior jurisdictional change.

5. The following definitions shall apply to this Agreement:

a) "Base tax" shall mean those property tax revenues specified as being subject to allocation in Revenue and Taxation Code section 96 (a) and 96 (d) for fiscal year 1979-80 and Revenue and Taxation Code Section 97 (a) and (b) for fiscal year 1980-81 and all subsequent fiscal years.

b) "Annual tax increment" shall mean those property tax revenue specified as being subject to allocation in Revenue and Taxation Code Section 96 (c) for fiscal year 1979-80 and Revenue and Taxation Code Section 97 (c) for fiscal year 1980-81 and all subsequent fiscal years. Annual tax increment shall include revenues accruing due to the increase in assessed valuation for the preceding fiscal year because of changes of ownership and new construction and because of the inflation adjustment authorized by Section 2 (b) of Article XIII A of the California Constitution

c) "Annual tax increment allocation factor" shall mean the numerical factor, expressed as a percent, that is used to accomplish the proportionate allocation of the annual tax increment, as specified in Revenue and Taxation Code Section 98 (e).

d) "Proceedings" means those actions taken pursuant to Government Code Sections 57000-57090.

e) "Affected territory" shall be as specified in Government Code Section 57015.

f) "Affected City or Cities" shall be as specified in Government Code Section 57011.

g) "Affected County" shall be as specified in Government Code Section 57012.

h) "Affected District" shall be as specified in Government Code Section 57013.

6. Insofar as not inconsistent with the foregoing definitions or any other provisions of the Agreement, the definitions of Section 95 and 2215 of the Revenue and Taxation Code shall apply to this Agreement.

7. For a jurisdictional change for which the allocation of taxes is made under this Agreement, such allocation shall be made in accordance with the following:



(a) Initial Year.

(1) Base tax. Except as provided in Paragraph 7 (a) (3) of this Agreement, an affected CITY shall be allocated the base tax from revenue generated from within the subject territory which would otherwise be allocated to the affected special districts. Annexations or other included changes in organization which occur during the year shall be prorated, utilizing a monthly calculation, between the affected CITY and the affected special districts.

(2) Annual tax increment. Except as provided in Paragraph 7 (a) (3) of this Agreement, each CITY shall have an annual tax increment allocation factor established for each tax rate area in the affected territory equal to that outlined in the table set forth in Exhibit "A", attached hereto, and made a part hereof, and made a part hereof as though set forth fully herein. The COUNTY'S new annual tax increment allocation factor shall be its former factor minus the affected CITY'S factor as derived in the preceding sentence, and shall include the taxes previously allocated to special districts no longer providing services to the affected territory.

(3) For a jurisdictional change in which a special district, such as Solano Irrigation District, which usually detached from incorporated territory does not detached, but continues to provide services within the jurisdiction, the allocation to the affected CITY as specified in Paragraphs 7 (a) (1) (Base tax) and 7 (a) (2) (Annual tax increment) shall be reduced by the base tax and tax rate allocation factor of that special district.

(b) Subsequent years. In each subsequent year, the affected CITY'S and COUNTY'S allocation of property taxes from the affected territory will be made as set forth in Revenue and Taxation Code Sections 97 and 98. Each agency allocated its base tax each year (i.e., the tax allocated to the agency in the preceding year) including the previous year's annual tax increment for the affected territory, such share being calculated by multiplying the tax resulting from growth in assessed valuation in the affected territory during the year times the agency's annual tax increment allocation factor (s) for that territory as determined in Paragraph 7 (a) (2) or 7 (a) (3), above. The result (i.e., base plus increment) becomes the base tax for the next year's tax allocation calculations. Each agency's base tax and annual tax increment allocation factors may be subsequently modified only through negotiated exchanges in accordance with Revenue and Taxation Code Sections 99 and/or 99.1 for subsequent jurisdictional changes or as otherwise may be directed by a change in law.

8. For any jurisdictional change in which there are existing sources of taxes as specified in this paragraph exceeding Five Thousand Dollars (\$5,000.00) in the aggregate for any of the three preceding complete fiscal years prior to the filing of the certificate of completion, the COUNTY shall receive that tax, adjusted annually based upon the percentage change in the CPI, plus any increase in the rates of those taxes.

The Five Thousand Dollar (\$5,000.00) base and protected amount shall be increased annually commencing March 1, 2000, based upon the San Francisco Bay Area CPI-U for the preceding year. Those taxes shall be:

- (a) Sales and Use Tax
- (b) Transient Occupancy Tax
- (c) Hazardous Waste License Tax
- (d) Deed Transfer Tax
- (e) Franchise Taxes

This provision shall remain in effect as long as the original source continues to generate at least the base amount. Alternatively, an affected CITY or the COUNTY shall have the option of declaring this Agreement inapplicable to any jurisdictional change which would be subject to this Paragraph 8.

9. It is the intent of the CITY and the COUNTY that the COUNTY continue to receive the same percentage of CHP fines and forfeitures in relation to a CITY as COUNTY received in FY 1983-84, notwithstanding any jurisdictional changes under the provisions of this Agreement. A formula to implement this intent shall be negotiated and agreed to by CITY and COUNTY at the time of the implementation of this Agreement. Should the State adopt legislation prohibiting the COUNTY from collecting and retaining any CHP fines and forfeitures, the CITY may seek to obtain or retain those affected CHP fines and forfeitures from the State, notwithstanding any other provisions of this Agreement.

10. The provisions of this Agreement, relative to allocation of property taxes shall neither apply to, nor supersede, any agreements for the allocation of tax increment funds within any existing redevelopment projects; or any distribution of taxes pursuant to provisions of Health and Safety Code Section 33670.

11. Either party may terminate this Agreement upon providing the other party written notice of termination at least ninety (90) days prior to the termination becoming effective. Notice of termination shall be delivered as follows:

COUNTY OF SOLANO

Clerk to the Board  
of Supervisors  
580 Texas Street  
Fairfield, CA 94533

CITY OF BENICIA

City Clerk  
City of Benicia  
250 East L Street  
Benicia, CA 94510

CITY OF DIXON

City Clerk  
City of Dixon  
600 East A Street  
Dixon, CA 95620

CITY OF FAIRFIELD

City Clerk  
City of Fairfield  
1000 Webster Street  
Fairfield, CA 94533

CITY OF RIO VISTA

City Clerk  
City of Rio Vista  
1 Main Street  
Rio Vista, Ca 94571

CITY OF SUISUN CITY

City Clerk  
City of Suisun City  
701 Civic Center Blvd.  
Suisun City, CA 94585

CITY OF VACAVILLE

City Clerk  
City of Vacaville  
650 Merchant Street  
Vacaville, CA 95688

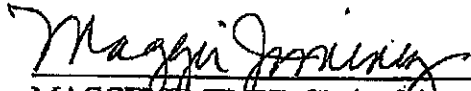
CITY OF VALLEJO

City Clerk  
City of Vallejo  
555 Santa Clara Street  
Vallejo, CA 94590

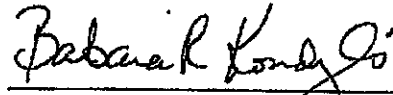
Such termination shall not act to affect any proposed jurisdictional change for which a Certificate of Filing has been issued by LAFCO or its Executive Officer prior to the termination date.


Dated: April 4, 2000

ATTEST:

  
MAGGIE JIMENEZ, Clerk of the  
Board of Supervisors

COUNTY OF SOLANO, a Political  
Subdivision of the State of California

  
BARBARA R. KONDYLIS  
Chairwoman of the Board  
of Supervisors

  
OTTO WM. GIULIANI  
City Manager  
City of Benicia

1 DIRECTORY = A:\AB 8  
2 FILE NAME = CITIESANEXCALC199800  
3 SHEET = ERAFIMPACTCOCITIES

EXHIBIT A  
NEW

DATE 14-Mar-00  
TIME 04:10:59 PM

**ERAF IMPACTS ON SOLANO COUNTY AND ALL SEVEN CITIES**

**PROPORTIONATE "SHARING THE PAIN" ERAF ADJUSTMENTS**

CITY	FY-1999/00 ERAF ADJUSTMENT	FY-1999/00 AB 8 ALLOCATION	FY-1999/00 CITY ERAF LOSS RATE	FY-1999/00 COUNTY ERAF LOSS RATE	TOTAL COUNTY & CITY ERAF LOSS RATE	FY-1992/93 ADJUSTED ERAF LOSS	AVERAGE ERAF LOSS RATE	FY-1992/93 PROPERTY TAX TRANSFER RATE	REDUCTIONS	NEW ADJUSTED PROPERTY TAX TRANSFER RATE
	A	B	C (A/B)	D	E (C+D)	F	G ((E-F)/2)	H	I (GxH)	J (H-I)
BENICIA	1,440,207	6,476,786	0.199920	0.358514	0.528434	0.105000	0.211717	0.208000	0.044248	0.164751
DIXON	494,176	2,187,745	0.227988	0.358514	0.586502	0.105000	0.240741	0.215000	0.051759	0.163241
FAIRFIELD	2,180,585	10,971,402	0.198752	0.358514	0.557266	0.105000	0.228133	0.181000	0.038407	0.124593
RIO VISTA	110,382	448,132	0.246271	0.358514	0.604785	0.105000	0.248893	0.162000	0.037984	0.114016
SUISUN	218,399	1,885,458	0.129578	0.358514	0.488092	0.105000	0.191546	0.178000	0.034287	0.144713
VACAVILLE	1,793,609	10,885,329	0.164784	0.358514	0.523298	0.105000	0.208139	0.188000	0.039527	0.149473
VALLEJO	2,519,683	11,531,019	0.216512	0.358514	0.577026	0.105000	0.236013	0.147000	0.034684	0.112306

**1999/00 ERAF RATE FOR FUND 1 - GENERAL FUND**

1999/00 ERAF ADJUSTMENT	=	25,578,431	=	0.358514
1999/00 AB 8 ALLOCATION		71,345,778		

**RESOLUTION NO. 2000-32**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VACAVILLE APPROVING  
AN AMENDED MASTER PROPERTY TAX TRANSFER AGREEMENT BETWEEN  
THE CITY OF VACAVILLE AND THE COUNTY OF SOLANO UPON  
JURISDICTIONAL CHANGE**

**WHEREAS**, the City of Vacaville and each of the six cities located in the County, and the County of Solano, adopted a Master Property Tax Transfer Agreement in 1993 to be used upon jurisdictional change, pursuant to the provisions of Revenue and Taxation Code Section 99(d); and

**WHEREAS**, said agreement expired January 1, 2000, and the City of Vacaville and the other six cities of Solano County and the County of Solano agree to continue the same Master Property Tax Agreement as updated to reflect changes in distribution of property tax revenues resulting from the state's enactment of Education Relief Augmentation Fund (ERAF); and

**WHEREAS**, the City of Vacaville and the other six Solano cities, and the County of Solano have indicated their willingness to enter into the amended Master Property Tax Transfer Agreement, which sets forth a proportional "sharing the pain" formula as it relates to ERAF.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Vacaville that the amended Master Property Tax Transfer Agreement implementing the provisions of Revenue and Taxation Code Section 99(d) is hereby adopted by the City of Vacaville and shall become effective upon the receipt by the County of Solano of corresponding resolutions of approval from each of the seven cities of the County.

**IT IS FURTHER RESOLVED** that the City Clerk of the City of Vacaville is hereby directed to send a certified copy of this Resolution, once adopted, to the County of Solano and that the City Council authorizes the City Manager to execute said agreement on its behalf.

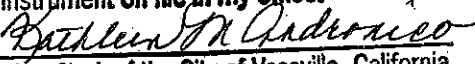
**I HEREBY CERTIFY** that this resolution was adopted and passed at a regular meeting of the Vacaville City Council on March 28, 2000, by the following vote:

<b>AYES:</b>	Council members Augustine, Clancy, Slade, Vice Mayor Wood and Mayor Fleming
<b>NOES:</b>	None
<b>ABSENT:</b>	None

**ATTEST:**

  
Kathleen M. Andronico  
City Clerk

I hereby certify that the foregoing instrument is a true copy of the original instrument on file in my office.

  
Kathleen M. Andronico  
City Clerk of the City of Vacaville, California

**RESOLUTION NO. 17-08**  
**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF SOLANO COUNTY**  
**AMENDING AND UPDATING THE SPHERE OF INFLUENCE OF**  
**THE CITY OF VACAVILLE**

-----  
**WHEREAS**, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act, commencing with §56000, et seq. of the Government Code, and specifically in accordance with §56425 and the adopted Sphere of Influence (SOI) Policy of the Solano; and

**WHEREAS**, a comprehensive municipal services review has been completed as of May 8, 2017 and is found by LAFCO to be adequate and complete for review and update of the city SOI; and

**WHEREAS**, and the municipal service review describes and discloses the information required for the review and update of Sphere of Influence of the City of Vacaville; and

**WHEREAS**, the update and amendment of the sphere of influence is initiated by the City of Vacaville pursuant to adopted Resolution 2017-026, with changes as shown in the attached Map (Exhibit A); and

**WHEREAS**, land under active Williamson Act contract, APN: 0141010090, are included in the proposed sphere amendment area and designated by the City of Vacaville as part of its long term sphere of influence; and

**WHEREAS**, the City of Vacaville acting as the lead agency under the California Environmental Quality Act prepared and certified the Final Environmental Impact Report (State Clearing House #2011022043 for the General Plan Update, which discloses and addresses potential environmental impacts within the proposed sphere area, adopted a Statement of Overriding Considerations and approved a Mitigation Monitoring and Reporting Program in Resolution Aug 11, 2015 and filed a Notice of Determination; and,

**WHEREAS**, at the times and in the form and manner required by law, Executive Officer has given notice of the hearing by this Commission, and

**WHEREAS**, upon the date, time and place specified in said notice of hearing and in any order or orders containing such hearing, the Commission has received, heard, discussed and considered all oral and written testimony related to the sphere of influence, including but not limited to comments, objections, the Executive Officer's written and oral report and recommendation, the environmental documents and determination, and the municipal services review.

**NOW, THEREFORE, BE IT HEREBY RESOLVED, DETERMINED AND ORDERED** as follows:

1. Pursuant to Section 15096 of the CEQA Guidelines, LAFCO has considered the environmental documents adopted by City of Vacaville as the Lead Agency, which contain measures that fully mitigate all potential negative environmental impacts except for those impacts for which a Statement of Overriding Considerations has been made. LAFCO hereby adopts such mitigation measures and Statement of Overriding Considerations as approved by the Lead Agency and the Statement of Overriding Considerations, mitigations, mitigation monitoring plans and conditions of approval are made a part of this action.
2. The sphere of influence of the City of Vacaville is determined and approved as shown on the attached map marked "Exhibit A", and includes all territory within the City's boundaries.
3. Determinations with respect to the Sphere of Influence for the City of Vacaville are set forth and described in the attached "Exhibit B" and are incorporated herein by this reference.
4. Any roadway segments adjoining and contiguous with the sphere of influence line are included within the sphere amendment to allow subsequent annexation of the roads into the City of Vacaville.
5. The Executive Officer is hereby directed to file a Notice of Determination in compliance with the California Environmental Quality Act and local ordinances implementing the same.

The foregoing resolution was duly passed and adopted by the Local Agency Formation Commission of the County of Solano at a regular meeting thereof, held on the 8th day of May, 2017, by the following vote:

AYES: Len Augustine, Harry Price, Nancy Shopay, Jim Spering, and John Vasquez

NOES: none

ABSENT: Pete Sanchez

ABSTAIN: none

  
Nancy Shopay, Chair  
Presiding Officer

ATTEST:

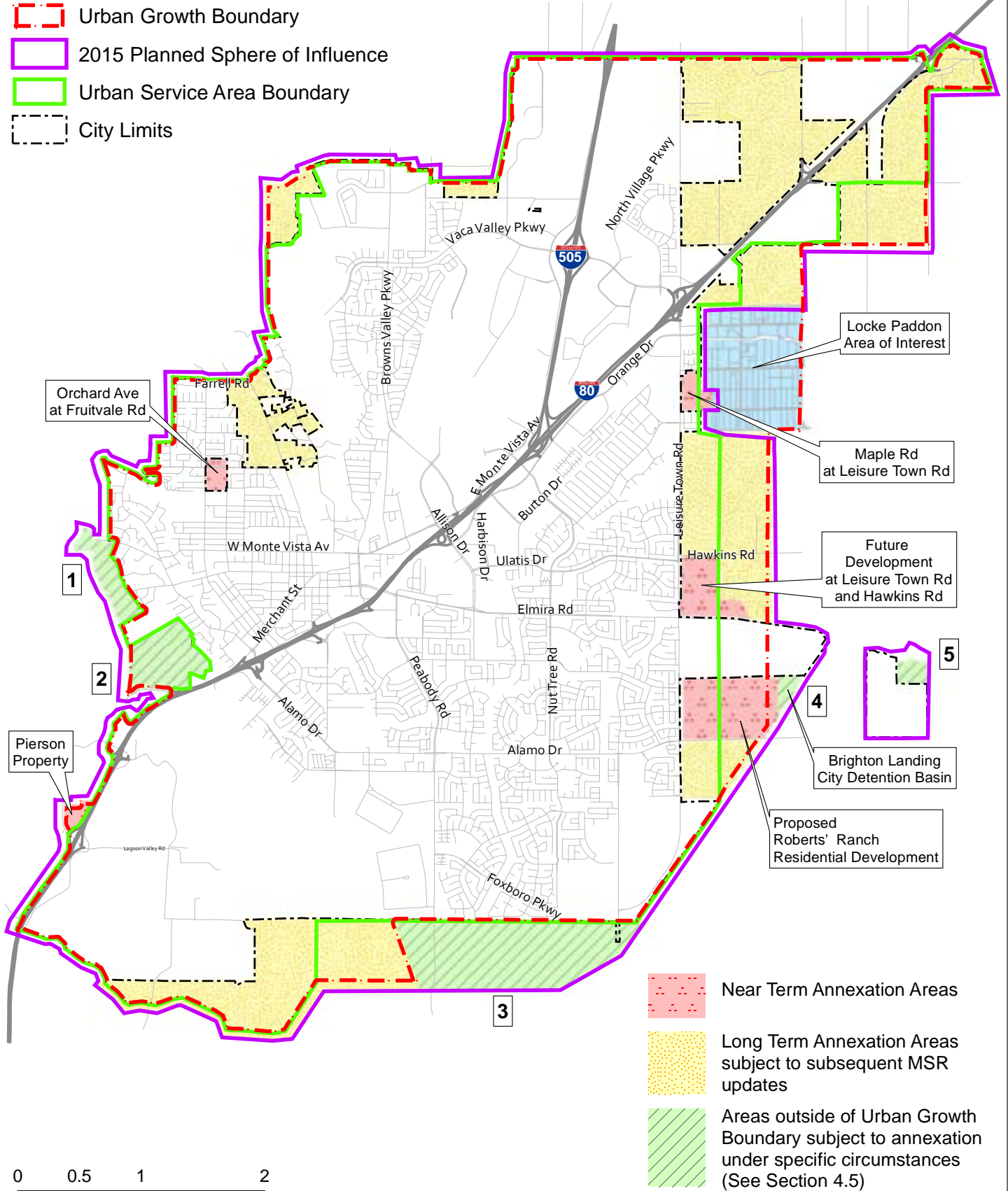
  
Michelle McIntyre, Commission Clerk  
Solano Local Agency Formation Commission



**Figure 4.4-4: Annexation Areas**

**Boundaries**

- Urban Growth Boundary
- 2015 Planned Sphere of Influence
- Urban Service Area Boundary
- City Limits



0 0.5 1 2  
Miles

Source: City of Vacaville



**RESOLUTION NO. 17- 08  
EXHIBIT B - DETERMINATIONS**

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION  
OF SOLANO AMEDING AND APPROVING THE SPHERE OF INFLUENCE UPDATE OF THE CITY OF  
VACAVILLE**

**1. The present and planned land uses in the area, including agricultural and open space lands.**

The present and planned land uses within the area for the sphere of influence the City of Vacaville City are consistent with the city's land use vision as contained in the city's General Plan documents. Lands included within the sphere of influence are designated agriculture by Solano County and are expected to continue in agricultural uses until annexed. Lands designated open space and non-urban open space are, including greenbelt areas within the sphere, remain unchanged and are appropriately included in the city's sphere and will continue in open space use.

The Commission recognizes that Williamson Act lands are included within the city's sphere of influence. Lands subject to active Williamson Act Contract, including APN: 0141010090 are added to the City's long term sphere of influence. The landowner does not object to the parcel being included within the long-term sphere. Including this territory to the sphere will facilitate planned, orderly, and efficient patterns of land use or provision of services, and the public interest in the change substantially outweighs the public interest in the current continuation of the contract beyond its current expiration date. The change is not likely to adversely affect the continuation of the contract beyond its current expiration date. Policies and implementation measures adopted by the city or county relative to the continuation of agriculture or other uses allowable under the contract will ensure the continuation of agriculture during the contract period.

**2. The present and probable need for public facilities services in the area.**

The municipal service review, the City's General Plan and related specific plans identify the likelihood of substantial growth in and around Vacaville in the coming 5-10 years and beyond. The sphere amendment will assist the City to maintain an adequate supply of developable residential land, including residential uses. Proposed and anticipated development will require municipal services from the City of Vacaville.

**3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.**

The City has the capacity to provide services within the sphere of influence, including the proposed sphere amendment area.

**4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.**

Communities of social and economic interest include the Locke Paddon area, English Hills, Elmira, and Allendale are noted and not determined to be relevant to the sphere of influence. The sphere will not affect these communities.

**5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.**

The proposed unincorporated sphere area does not include, and is not contiguous to, disadvantaged unincorporated communities.

**ORDINANCE NO. 1932**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VACAVILLE AMENDING  
THE MUNICIPAL CODE BY CHANGE OF ZONING MAP FOR THE FARM AT ALAMO  
CREEK SPECIFIC PLAN AND DEVELOPMENT PROJECT AREA**

**WHEREAS**, the City Council of the City of Vacaville desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Act of 2000, commencing with the Section 56000 of the California Government Code, to prezone and annex the Farm at Alamo Creek Specific Plan area, bordered by Leisure Town Road on the west, Elmira Road on the south, Hawkins Road on the north, and City of Vacaville Agriculture Buffer on the east (APNs: 0138-010-010, -020, -030, -050 and -080); and

**WHEREAS**, the City Council of the City of Vacaville finds that the foregoing changes of zoning, as shown in Exhibit B, are necessary to reflect the planned uses as shown in the General Plan and to be the most beneficial to the City as a whole; and

**WHEREAS**, the Farm at Alamo Creek Specific Plan area is located within the City of Vacaville planned Sphere of Influence (SOI) as identified on the City of Vacaville General Plan land use diagram and as adopted by the Solano Local Area Formation Commission; and

**WHEREAS**, the City Council certified the Farm at Alamo Creek Specific Plan and Development project Environmental Impact Report in accordance with the findings in City Council Resolution 2018-131.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VACAVILLE DOES  
ORDAIN AS FOLLOWS:**

**Section 1:** The findings of fact shown in Exhibit A, which is attached to and incorporated herein, are hereby adopted.

**Section 2:** The Vacaville Zoning Map is hereby amended to prezone the Farm at Alamo Creek Specific Plan and Development project area as shown in Exhibit B, which is attached to an incorporated herein, with the following zoning districts:

- RL-6 (Residential Low Density – 6,000 sq. ft. minimum lot size)
- RL-5 (Residential Low Density – 5,000 sq. ft. minimum lot size)
- RLM-4.5 (Residential Low Medium Density - 4,500 sq. ft. minimum lot size)
- RLM-3.6 (Residential Low Medium Density – 3,600 sq. ft. minimum lot size)
- RMH (Residential Medium High Density – 14.1 to 20.0 du/gdac)
- CN (Neighborhood Commercial)
- CF (Community Facility – for park, well site, detention basin, roads)
- PARK (Special zoning for the public and private park sites within the Specific Plan)
- OS (Open Space)
- AB (Agricultural Buffer Overlay)

**Section 3:** The City Council has reviewed the rezoning request to establish the RL-6, RL-5, RLM-4.5, RLM-3.6, RMH, CN, CF, OS and AB-Overlay Zoning Districts on properties within the Farm at Alamo Creek Specific Plan and Development Area with findings hereto attached as Exhibit A and as shown on Exhibit B hereto attached.

**Section 4:** The City Council of the City of Vacaville finds that the foregoing changes of zoning, as shown in Exhibit B, are necessary to ensure that said lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the City as a whole.

**Section 5:** If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more section, subsection, phrases or clauses be declared unconstitutional.

**Section 6:** Effective Date.

This ordinance shall take effect thirty (30) days after passage thereof.

The rezoning shall become effective when the annexation of these properties becomes effective, except the rezoning of the CN-Neighborhood Commercial site at the northeast corner of Leisure Town Road and Elmira Road, shown as Area 12 on Exhibit B, shall further be effective when the property owner enters into an agreement as described in the Farm at Alamo Creek Specific Plan.

**Section 7:** Publication.

This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

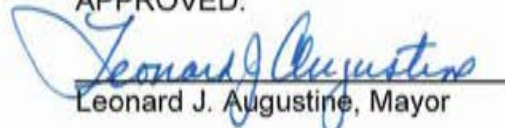
**I HEREBY CERTIFY** that this ordinance was **INTRODUCED** at a regular meeting of the City Council of the City of Vacaville, held on the 13th day of November, 2018, and **ADOPTED** and **PASSED** at a regular meeting of the City Council of the City of Vacaville held on the 11<sup>th</sup> day of December, 2018 by the following vote:

AYES: Councilmembers Harris; Hunt; Radlett; Vice Mayor Mashburn  
Council Mayor Augustine  
NOES: NONE  
ABSENT: NONE

ATTEST:

  
Michelle A. Thornbrugh, City Clerk

APPROVED:

  
Leonard J. Augustine, Mayor

Date: December 11, 2018

Exhibit A – Findings

Exhibit B – The Farm at Alamo Creek Specific Plan and Development Area Rezoning Map

## **Exhibit A to Farm at Alamo Creek Rezoning Ordinance: Findings**

### **SUMMARY OF EVIDENCE**

The City Council bases its decision on the following information: (1) the project application, including attachments and related studies; (2) the staff reports, City files, records and other documents prepared for and/or submitted to the City relating to the environmental review and the project itself; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) The Vacaville General Plan, the Vacaville Land Use and Development Code and other applicable plans, codes and resolutions of the City of Vacaville; (5) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the project or the environmental review; (6) the minutes and recordings of the Planning Commission and City Council hearings; and (7) all other matters of common knowledge to the to the City, including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas.

### **PREZONING FINDINGS**

Vacaville Land Use and Development Code 14.09.071.120(A) Findings Required for Approval

1. That the proposed amendment is internally consistent with the goals, objectives, and policies of the General Plan, the Zoning Ordinance, and the Development Code;

*Finding: The pre-zoning designations for the Farm at Alamo project are consistent with the planned land uses as designated by the City's General Plan Land Use Element, as amended by Resolution No. 2018-132. The General Plan land use diagram as modified is consistent with the goals and policies of the General Plan, including Goal LU-17 and policies LU-P17.2 requiring lands east of Leisure Town Road to include a mixture of housing densities. It includes the Agricultural Buffer designated in the General Plan. Appendix A of the Specific Plan contains findings addressing applicable land use policies.*

2. That the proposed zone change would not be detrimental to the public health, safety, or welfare of the community;

*Finding: The zone change would maintain public health, safety, and welfare of the community. The zone change provides a diversity of single-family lot sizes and duet lots. The zone change assists with the implementation of the City's General Plan Land Use Plan and Land Use policies that support the orderly development of the East of Leisure Town Growth Area. The zone change fulfills pressing land use needs in the City, namely the provision of additional housing and additionally the provision of appropriate environments for moderate- and above-moderate-income housing and including housing designed to attract business executives and professionals. The zone change includes parks and trails to promote healthy recreational activities. The zone change includes two neighborhood commercial sites to allow close shopping opportunities so residents can access basic services with minimal travel, promoting healthy lifestyles and reducing needs for vehicle trips. The amendment is being done in conjunction with a specific plan, development agreement, tentative map, and EIR that*



*address the provision of utilities, public safety services, street layouts, and emergency access to ensure public health and safety are maintained in the project development.*

3. That the proposed zone change would maintain the appropriate balance of land uses within the City;

*Finding: The proposed zone change is in keeping with the total number of dwelling units allowed in General Plan policies. The zone change provides for a variety of housing types, including approximately 24 percent attached units in keeping with General Plan housing mix policies. The zone change is in keeping with the general percentage of each land use type shown in the General Plan. The amendment maintains neighborhood commercial land to serve the local area. These maintain the appropriate balance of land uses within the City.*

4. That the anticipated land uses on the subject site would be compatible with existing and future surrounding uses;

*Finding: Adjoining uses include crop farming across Hawkins Road within the Urban Growth Boundary to the north, crop farming outside the Urban Growth Boundary to the east, the developing Brighton Landing residential and school project to the south across Elmira Road, and single-family and industrial park uses to the west across Leisure Town Road. The zone change on the west side of the Farm at Alamo Creek is generally consistent with planned land uses in the current General Plan, so compatibility is not changed with the amendment. Collector or arterial streets separate the project site from adjoining land uses on the north, west, and south, which are currently in or planned for future urban uses. An agricultural buffer and power transmission line easement separate the project site from agricultural uses to the east. Deed notices are required to inform future residents of nearby agricultural operations. These provisions maintain the compatibility of the proposed land uses with existing and future adjoining uses.*

5. The potential impacts to the City's inventory of residential lands have been considered;

*Finding. The zone change and annexation would add 768 potential dwelling units to the City's inventory of residential lands. This number is consistent with the limits on residential dwelling units in the East of Leisure Town Growth Area established by the adopted General Plan and consistent with the anticipated dwelling units by the 2035 Horizon Year. The plan provides 24 percent attached dwelling units, which is consistent with the mix of single family and attached dwelling units established in the General Plan. The Planning Commission and City Council considered these impacts in adopting the pre-zoning.*

6. That the proposed zone change is consistent with the development related application that is being processed and approved concurrently with the Specific Plan and other project applications.

*Finding: The proposed zoning is consistent with the land uses and zonings identified in the Farm at Alamo Creek Specific Plan. The requested zone change is consistent with the Tentative Map application and consistent with the vision of the overall project under consideration by the City*

Prezoning Conclusion

Based on the facts and findings above, the project meets the pre-zoning criteria.

# ZONING KEY:

- 1 RL- 6
- 2 RLM - 3.6
- 3 CN
- 4 RLM - 3.6
- 5 RLM - 4.5
- 6 RLM - 4.5
- 7 RLM - 3.6
- 8 RL- 5
- 9 RMH
- 10 RMH
- 11 CF
- 12 CN\*
- 13 RMH
- 14 PARK
- 15 PARK
- 16 OPEN SPACE
- 17 PARK
- 18 PARK
- 19 OPEN SPACE
- 20 CF
- 21 CF
- 22 CF
- 23 CF
- 24 RL - 5
- 25 RL - 6
- 26 OPEN SPACE

\*Contingent on agreement. See Specific Plan.



Exhibit B to Farm at Alamo Creek Prezoning Ordinance - Zoning Map





BILL EMLIN  
Director  
TERRY SCHMIDTBAUER  
Assistant Director  
MIKE YANKOVICH  
Planning Services Manager

DEPARTMENT OF RESOURCE MANAGEMENT



SOLANO  
COUNTY

Planning Services Division

675 Texas Street, Suite 5500  
Fairfield, CA 94533-6342  
(707) 784-6765  
Fax (707) 784-4805

[www.solanocounty.com](http://www.solanocounty.com)

January 31, 2019

Rich Seithel, Executive Director  
Solano LAFCO  
675 Texas St., Ste. 6700  
Fairfield, CA 94533

**Re: Farm at Alamo Creek Annexation Proposal**

Rich,

The City's request includes the annexation of APN 138-010-03 and a portion of APN 138-010-05 for urban development. The existing parcels are zoned A-40 and consist of 148 acres and 100 acres in size respectively. The proposed annexation line will roughly bisect APN 138-010-05 as it does not follow established property lines. This would result in the creation of a new remnant parcel in the unincorporated County of about 60 acres without County approval of a subdivision map. County policy is to encourage annexation lines to follow existing property lines.

City staff has been made aware of this concern. As a result, the project proponent has filed a lot line adjustment application (LLA) with the County to move the common property line to align with the proposed annexation boundary. Once the LLA application has been approved and the Certificate of Compliance (CC) recorded, the annexation boundary will follow the property line, as it should. Staff anticipates approval in March.

After speaking with LAFCO staff, the following wording has been proposed to add as a condition of approval for the annexation:

*The Executive Officer shall not sign and record the Certificate of Completion until after receipt of confirmation from the Solano County Resource Management Department that the Lot Line Adjustment has been finalized for Assessor Parcel Number (APN) 0138-010-050, and after the Solano County Surveyor has reviewed the map and geographic description to ensure the proposed city boundary correctly depicts the newly created property line for the subject APN.*

The County is supportive of the incorporation of this condition and requests that it be included with any annexation approval, should the consideration of the annexation by LAFCO predate the recording of the LLA/CC.

Thank you for the opportunity to comment. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Matt Walsh".

Matt Walsh  
Principal Planner

**RESOLUTION NO. 2018-134**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VACAVILLE  
AMENDING THE COMPREHENSIVE ANNEXATION PLAN AND REQUESTING THE  
SOLANO LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR  
THE REORGANIZATION OF TERRITORY – ANNEXATION OF THE FARM AT ALAMO  
CREEK SPECIFIC PLAN PROPERTIES (APNs: 138-010-010, -020, -030, -050, -080)**

**WHEREAS**, the City Council of the City of Vacaville desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Act of 2000, commencing with Section 56000 of the California Government Code, for a reorganization which would concurrently prezone and annex territory to the City of Vacaville and detach territory from the Solano Irrigation District (SID) and the Vacaville Rural Fire Protection District located:

Bordered by Leisure Town Road on the west, Elmira Road on the south, Hawkins Road on the north, and City of Vacaville Agriculture Buffer on the east.  
(APNs: 0138-010-010, -020, -030, -050 and -080); and

**WHEREAS**, the City Council of the City of Vacaville desires to prezone the Farm at Alamo Creek Specific Plan area to be consistent with the City of Vacaville General Plan land use diagram and the Farm at Alamo Creek Specific Plan land use designations of Residential Low Density, Residential Low-Medium Density, Residential Medium-High, Neighborhood Commercial, Park, Community Facility, Open Space, and Agricultural Buffer; and

**WHEREAS**, the City Council of the City of Vacaville recognizes that the western portion of the site is designated a near-term annexation area and hereby amends the Comprehensive Annexation Plan to redesignate the current Urban Reserve-designated eastern portion of the site as near term annexation area; and

**WHEREAS**, a 1/8<sup>th</sup> page public hearing notice for the City Council public hearing was published in *The Reporter*, a newspaper of general circulation, and notices were mailed to property owners within 600-feet of the Project site; and

**WHEREAS**, the City Council of the City of Vacaville conducted a public hearing on November 13, 2018, to consider the amendment to the Comprehensive Annexation Plan and initiation of annexation of the Farm at Alamo Creek Specific Plan area; and

**WHEREAS**, the Farm at Alamo Creek Specific Plan area is located within the City of Vacaville Sphere of Influence (SOI) as adopted by the Solano Local Agency Formation Commission; and

**WHEREAS**, consistent with General Plan Policy LU-P5.1, the Farm at Alamo Creek project is consistent with the City of Vacaville planning goals related to the City's Urban Growth Boundary as amended; and

**WHEREAS**, notice of intent to adopt this resolution of application has been given, and the City Council of the City of Vacaville has conducted a public hearing based upon this notification; and



**WHEREAS**, the following agency or agencies would be affected by the proposed jurisdictional changes:

<u>Agency</u>	<u>Nature of Change</u>
City of Vacaville	Annexation
Solano Irrigation District	Detachment
Vacaville Rural Fire District	Detachment

and

**WHEREAS**, the territory proposed to be reorganized is uninhabited with the exception of one home, and a map and description of the boundaries of the territory are attached hereto as Exhibit B and by this reference incorporated herein; and

**WHEREAS**, it is desired to provide that the proposed reorganization be subject to the following terms and conditions: ("None"); and

**WHEREAS**, this proposal is consistent with the adopted spheres of influence for the agencies subject to this reorganization; and

**WHEREAS**, this City Council certifies that an Environmental Impact Report (EIR) has been completed and certified in compliance with CEQA, including adopting Findings of Fact, adopting a Mitigation Monitoring and Reporting Plan (MMRP), and adopting a Statement of Overriding Considerations.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Vacaville as follows:

Section 1. The City Council hereby finds and declares that the foregoing recitals are true and correct and adopts the Findings of Fact shown in Exhibit A, which is attached and incorporated herein.

Section 2. The entire Farm at Alamo Creek project area as shown in Exhibit B, including the eastern 60 acres formerly designated as Urban Reserve, is hereby designated a near-term annexation area.

Section 3. The City Council initiates the annexation of the Farm at Alamo Creek Specific Plan area, as described and shown in Exhibits B and C incorporated herein, and authorizes and directs the Community Development Director or his designee to submit an annexation application to the Solano Local Agency Formation Commission.


I HEREBY CERTIFY that the foregoing resolution was introduced and passed at a regular meeting of the City Council of the City of Vacaville, held on the 13th day of November, 2018 by the following vote:

AYES: Council Members Harris, Hunt, Rowlett, Vice Mayor Mashburn and Mayor Augustine

NOES: None

ABSENT: None

ATTEST:

  
Michelle A. Thornbrugh, City Clerk

List of Exhibits:

Exhibit A – Findings

Exhibit B – Map of Territory to be Reorganized

Exhibit C - Description of Boundaries

## **Exhibit A to Farm at Alamo Creek Annexation Resolution: Findings**

Code sections referenced below are from Vacaville Land Use and Development Code (LUDC), unless otherwise specified.

### **SUMMARY OF EVIDENCE**

The City Council bases its decision on the following information: (1) the project application, including attachments and related studies; (2) the staff reports, City files, records and other documents prepared for and/or submitted to the City relating to the environmental review and the project itself; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) The Vacaville General Plan, the Vacaville Land Use and Development Code and other applicable plans, codes and resolutions of the City of Vacaville; (5) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the project or the environmental review; (6) the minutes and recordings of the Planning Commission and City Council hearings; and (7) all other matters of common knowledge to the to the City, including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas.

### **ANNEXATION FINDINGS**

LUDC 14.05.042.010 Processing of New Residential Development Applications.

The following limitations on the processing of new development applications shall apply.

A. Lands Outside the City Limits. Residential development applications for lands outside the City limits as of January 13, 2000 shall be accepted for processing with the following provisions:

1. A site requiring annexation to the City shall be identified as a near-term annexation area in the Vacaville Comprehensive Annexation Plan, or there shall be the initiation of an amendment to the Comprehensive Annexation Plan by the City Council to identify the site as a near-term annexation area in the Comprehensive Annexation Plan.

*Finding: The Farm at Alamo Creek project site is identified as a near-term annexation area in the Vacaville Comprehensive Annexation Plan. The eastern 60 acres is being changed to a near-term annexation area with this resolution.*

2. Any person seeking annexation to the City shall first submit a proposal for annexation in a format consistent with the administrative procedures established by the Director, and approved by the City Council;

3. Thereafter, the proposal shall be reviewed by the City Council within its sole discretion, and, if determined appropriate, may be allowed to proceed with a formal application to the Solano County Local Agency Formation Commission for annexation;

4. Approval by the City Council of an applicant's ability to proceed with a formal annexation application shall not constitute, nor shall it be, a limitation of the ability of the City Council to fully exercise its discretion to deny a proposed annexation.

*Finding: The applicant, Vacaville S2 Investors, submitted the proposed annexation request. The City Council allows this annexation to proceed to the Solano County Local Agency Formation Commission for annexation;*

5. Lands designated within the General Plan as required Specific Plan or Policy Plan areas shall be subject to residential Phasing Plans to regulate the rate of growth within the individual project.

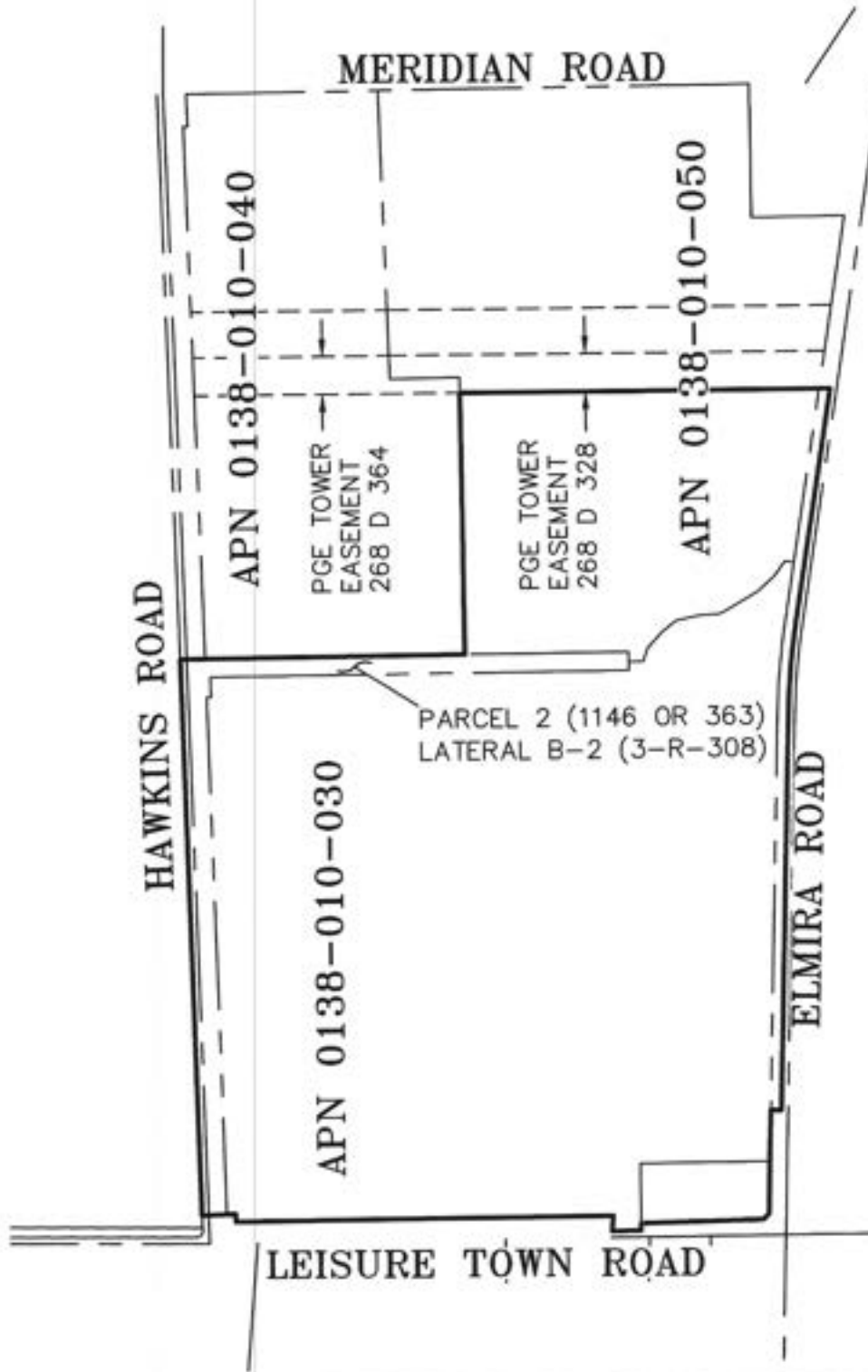
6. Lands not designated within the General Plan as required Specific Plan or Policy Plan areas are subject to the allocation provisions of this Division, provided that as an alternative, a Phasing Plan may be proposed by the developer.

*Finding: The project is subject to a phasing plan as outlined in the Farm at Alamo Creek Development Agreement.*

Annexation Conclusion

Based on the facts and findings above, the project meets the applicable annexation criteria.

**EXHIBIT B**  
ANNEXATION  
SOLANO COUNTY TO CITY OF VACAVILLE



PROJECT NAME/LOCATION:

**ANNEXATION EXHIBIT**

DRAFTED BY: GJM  
CHECKED BY: TAP  
PROJECT NO.: 20150030  
DWG NAME: ANNEX EXH  
ISSUE DATE: 10/11/18



**PHILLIPPI ENGINEERING**  
CML ENGINEERING - LAND SURVEYING  
425 MERCHANT STREET VACAVILLE, CA 95688  
P.O. BOX 6556 VACAVILLE, CA 95696  
OFFICE (707) 451-6556 FAX (707) 451-6556

**LEGAL DESCRIPTION  
ANNEXATION – SOLANO COUNTY TO CITY OF VACAVILLE**

The land referred to is situate in the unincorporated area of the County of Solano, State of California, and is described as follows

**Beginning** at a point on the City of Vacaville/Solano County Limit line, said point being the intersection with the north line of Hawkins Road; thence from said **Point of Beginning**, southerly along said Limit line, along the easterly line of Leisure Town Road to a point of intersection with the northerly line of Elmira Road; thence continuing along said Limit line, easterly along said northerly line to a point of intersection with the westerly line of that Right-Of-Way described in Book 268 of Deeds, Page 328, Solano County Official Records; thence northerly along said westerly line to a point on the common line between the Lands of G & W Holdings, LLC (APN 0138-010-040) and the Lands of Vacaville S2 Investors, LLC (APN 0138-010-050); thence westerly along said common line to the easterly line of the Lands of Solano Irrigation District (SID) described in Book 1146, Page 363, said Solano Records; thence northerly along said easterly line to a point of intersection with the aforementioned north line of Hawkins Road; thence westerly along said north line to the **Point of Beginning**.

Containing 207.29 Acres, more or less.

*See Exhibit, plat to accompany description, attached hereto and made a part hereof.*

This Legal Description was prepared by or under the direction of:



Thomas A. Phillippi, RCE 32067      Date





**RESOLUTION NO. 2018-131**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VACAVILLE CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE FARM AT ALAMO CREEK SPECIFIC PLAN AND DEVELOPMENT PROJECT, ADOPTING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING A MITIGATION MONITORING AND REPORTING PLAN (MMRP)**

**WHEREAS**, the City of Vacaville received an application for the Farm at Alamo Creek Specific Plan and Development Project, which consists of 562 detached single-family homes, 184 Duet homes, 19.4 acres of community park including an 8.2 acre Play-4-All park, 7.4 acres of neighborhood commercial use, and public open spaces and trails, including a 300-foot agricultural buffer along a portion of the eastern boundary of the project. The project area is described as:

Bordered by Leisure Town Road on the west, Elmira Road on the south, Hawkins Road on the north, and City of Vacaville Agriculture Buffer on the east.

APNs: 0138-010-010, -020, -030, -050 and -080

**WHEREAS**, the Planning Commission of the City of Vacaville has conducted a public hearing on October 2, 2018, regarding the proposed Environmental Impact Report (Exhibit B attached), Adoption of Findings of Fact and Statement of Overriding Considerations (Exhibit A, attached), Mitigation Monitoring and Reporting Plan (Exhibit C, attached), Annexation Request, Pre-zoning, Specific Plan, Development Agreement, and Tentative Map, and voted 5 – 0 – 2 to recommend that the City Council approve said actions; and

**WHEREAS**, the City Council conducted a public hearing on the EIR and project on November 13, 2018 and received testimony from staff, applicants and all interested persons, and reviewed the information contained in the Final EIR and project record; and

**WHEREAS**, the City Council conducted a public hearing on the EIR and project on November 13, 2018 and received testimony from staff, applicants and all interested persons, and reviewed the information contained in the Final EIR and project record and finds that:

1. Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment and as incorporated into the Mitigation Monitoring and Reporting Plan to be adopted for the project; and
2. Those changes or alterations that are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; and
3. That specific economic, legal, social, technological, or other considerations identified in detail in the attached Exhibit A, Findings of Fact and Statement of Overriding Considerations, make infeasible certain mitigation measures or the alternatives identified in the Final EIR; and
4. The benefits of the proposed project outweigh the unavoidable adverse environmental effects; thus, the adverse effects of the project are found to be acceptable as detailed in the attached Exhibit A, Findings of Fact and Statement of Overriding Considerations; and;

5. Reasons why the significant effects which cannot be mitigated are found to be acceptable to support approval of the project are based upon information provided in the EIR and information in the project record as described in Exhibit A, Findings of Fact and Statement of Overriding Considerations; and

**NOW, THEREFORE BE IT RESOLVED** that the Vacaville City Council:

1. Adopts the Findings of Fact and Statement of Overriding Considerations as set forth in Exhibit A, which is attached and incorporated herein; and
2. Certifies that The Farm at Alamo Creek Specific Plan Project Final EIR, as set forth in Exhibit B, which is attached and incorporated herein, has been completed in compliance with CEQA; and
3. Certifies that The Farm at Alamo Creek Specific Plan Project Final EIR was presented to the City Council, and the City Council has reviewed and considered the information contained in the EIR prior to approving The Farm at Alamo Creek Specific Plan and Development Project and related approvals; and
4. Certifies the Final EIR for The Farm at Alamo Creek Specific Plan and Development Project reflects the independent judgment of the City of Vacaville acting as lead agency for the project; and
5. Adopts the Mitigation, Monitoring, and Reporting Program as set for in Exhibit C, which is attached and incorporated herein.

**I HEREBY CERTIFY** that the foregoing resolution was introduced and passed at a regular meeting of the City Council of the City of Vacaville, held on the 13th day of November, 2018, by the following vote:

AYES: Council Members Harris, Hunt, Rowlett, Vice Mayor Mashburn and Mayor Augustine

NOES: None

ABSENT: None

ATTEST:

  
Michelle A. Thornbrugh, City Clerk

List of Exhibits:

Exhibit A – The Farm at Alamo Creek Findings of Fact and Statement of Overriding Considerations  
Exhibit B – The Farm at Alamo Creek Draft and Final EIR  
Exhibit C – The Farm at Alamo Creek Mitigation Monitoring and Reporting Program



**RESOLUTION NO. 2018-132**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VACAVILLE AMENDING THE  
GENERAL PLAN LAND USE DIAGRAM AND APPROVING  
THE FARM AT ALAMO CREEK SPECIFIC PLAN**

**WHEREAS**, the City of Vacaville has received an application for a Specific Plan and General Plan Amendment in relation to the following property described as The Farm at Alamo Creek:

Bordered by Leisure Town Road on the west, Elmira Road on the south, Hawkins Road on the north, and City of Vacaville Agriculture buffer on the east.

APNs: 0138-010-010, -020, -030, -050 and -080

**WHEREAS**, the Planning Commission of the City of Vacaville has conducted a public hearing on October 2, 2018, regarding the proposed Environmental Impact Report, Adoption of Findings of Fact, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Plan, Annexation Request, Pre-zoning, Specific Plan, Development Agreement, and Tentative Map, and voted 5 – 0 – 2 to recommend that the City Council approve said actions; and

**WHEREAS**, the City Council conducted a public hearing and heard testimony from staff and other interested parties at a public hearing on November 13, 2018, and has considered the factual information, as contained in the written record and in the testimony given at the public meetings and hearings.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Vacaville:

1. The findings shown in Exhibit A, which is attached to and incorporated herein, are hereby adopted.
2. The General Plan land use diagram is hereby amended as shown in Exhibit B, which is attached to and incorporated herein.
3. The Farm at Alamo Creek Specific Plan is hereby adopted as shown in Exhibit C and further amended as shown in Exhibit D, which exhibits are attached to and incorporated herein.
4. Approval is subject to the mitigation measures and conditions of approval adopted for The Farm at Alamo Creek Specific Plan Environmental Impact Report and development project actions.

**I HEREBY CERTIFY** that the foregoing resolution was introduced and passed at a regular meeting of the City Council of the City of Vacaville, held on the 13th day of November, 2018, by the following vote:

AYES: Council Members Harris, Hunt, Rowlett, Vice Mayor Mashburn and Mayor Augustine

NOES: None

ABSENT: None

ATTEST:

  
Michelle A. Thornbrugh, City Clerk

List of Exhibits:

Exhibit A – Findings

Exhibit B – General Plan Map for the Farm at Alamo Creek area

Exhibit C – The Farm at Alamo Creek Specific Plan

Exhibit D – Modifications to the Specific Plan

## **Exhibit A to Farm at Alamo Creek Development Agreement Ordinance: Findings**

Code sections referenced below are from Vacaville Land Use and Development Code (LUDC), unless otherwise specified.

### **SUMMARY OF EVIDENCE**

The City Council bases its decision on the following information: (1) the project application, including attachments and related studies; (2) the staff reports, City files, records and other documents prepared for and/or submitted to the City relating to the environmental review and the project itself; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) The Vacaville General Plan, the Vacaville Land Use and Development Code and other applicable plans, codes and resolutions of the City of Vacaville; (5) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the project or the environmental review; (6) the minutes and recordings of the Planning Commission and City Council hearings; and (7) all other matters of common knowledge to the to the City, including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas.

### **DEVELOPMENT AGREEMENT FINDINGS**

#### **LUDC 14.17.214.030(B) Findings Required for Approval**

1. That the development agreement is consistent with the goals, objectives, and policies of the General Plan, and any applicable specific plan or policy plan;

*Finding: The development agreement is consistent with the goals, objectives, and policies of the General Plan for those reasons stated in Appendix A of the Specific Plan. The development agreement is consistent with The Farm at Alamo Creek Specific Plan because it facilitates construction of the plan's housing, commercial uses, parks, and other uses, and provides for provision of utilities and services consistent with the plan.*

2. That the development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use districts in which the real property is or will be located;

*Finding: The development agreement would not change the uses, densities, or land use controls that are otherwise applicable through the General Plan, Specific Plan, or Zoning Ordinance. It facilitates the construction of the plan's housing, commercial uses, parks, and other uses, and provides for provision of utilities and services consistent with the plan. It is therefore compatible with the land use districts.*

3. That the development agreement would not be detrimental to the public health, safety, or welfare of the community; for example,

*Finding: The development agreement would maintain public health, safety, and welfare of the community by requiring that public facilities are provided in conjunction with each phase*

*of development. It would implement the Farm at Alamo Creek Specific Plan. The Specific Plan provides a diversity of single-family lot sizes and duet lots. The Specific Plan assists with the implementation of the City's General Plan Land Use Plan and Land Use policies that support the orderly development of the East of Leisure Town Growth Area. The Specific Plan fulfills pressing land use needs in the City, namely the provision of additional housing and additionally the provision of appropriate environments for moderate- and above-moderate-income housing and including housing designed to attract business executives and professionals. The plan includes parks and trails to promote healthy recreational activities. The plan includes two neighborhood commercial sites to allow close shopping opportunities so residents can access basic services with minimal travel, promoting healthy lifestyles and reducing needs for vehicle trips. The development agreement is being done in conjunction with a specific plan, tentative map, and EIR that address the provision of utilities, public safety services, street layouts, and emergency access to ensure public health and safety are maintained in the project development.*

4. That the development agreement would promote the public convenience, general welfare, and good land use practices, and is in the best interest of the community;

*Finding: The project provides a diversity of single-family lot sizes and attached housing. The Specific Plan assists with the implementation of the City's General Plan Land Use Plan and Land Use policies that support the orderly development of the East of Leisure Town Growth Area. The project fulfills pressing land use needs in the City, namely, the provision of additional housing and additionally, the provision of appropriate environments for moderate- and above-moderate-income housing and including housing designed to attract business executives and professionals. The agreement requires that adequate public facilities be provided for each phase of development. It facilitates conveyance of land for parks, roads, and needed utilities. All these promote public convenience, general welfare, and good land use practices, and is in the best interest of the community.*

5. That the development agreement would not adversely affect the orderly development of property or the preservation of property values;

*Finding: The project vested by the development agreement would be consistent with the General Plan's land use diagram as amended that the City has determined represents an appropriate balance of land uses, including providing sufficient land designated for residential uses to accommodate anticipated growth. The development agreement would provide certainty in the orderly development in the East of Leisure Town New Growth Area, and the development agreement's growth management provisions would address proper absorption rates of housing stock to avoid contributing to adverse impacts on property values.*

6. That the development agreement would promote and encourage the development of the proposed project by providing a greater degree of requisite certainty,

*Finding: Because buildout of the project would occur over multiple years, the development agreement will provide certainty that later phases of the project required to support major backbone infrastructure and open space development would have vested rights.*

Development Agreement Conclusion

Based on the facts and findings above, the project meets the development agreement criteria and is in the best interest of the community.

January 31, 2019

Chief Wood  
Vacaville Fire Protection District  
Station 64 (Admin)  
420 Vine Street  
Vacaville, CA 95688

Dear Chief Wood:

Thank you for discussing the fire mitigation fee relative to the detachment of the Farm at Alamo Creek project from the Vacaville Fire Protection District ("District") (affecting APNs 0138-010-010, 020, 030, and a portion of 050) with Tom Phillippi. To summarize our understanding, we agree to the following terms:

- Financial Mitigation calculated as: 25 years times the current roll for APNs 0138-010-010, 020 and 030 and 39.89% of APN 0138-010-050 (the remainder of that parcel will remain in the District). This equates to  $\$2,844.48 \times 25 = \$71,112.00$ . The \$2,844.48 figure is the difference of the total current assessment for the four parcels minus the \$475.36 that will continue to be paid to the District by the portion of the -050 parcel that will remain in the District.
- Payment term: three lump sum payments of **\$23,704.00**. The first payment would be due upon annexation of the project, the second payment would be 12 months after annexation of the project, and the third payment would be due 24 months after annexation of the project. The third payment would complete any obligation for financial mitigation. Any late payment would be subject to a 5% late fee of \$1,185.20.

If you agree with these terms, please sign on the space provided below. Please contact Tom at (707) 451-6556 if you have any questions.

Sincerely,

Vacaville S2 Investors

By:  \_\_\_\_\_

Its:  \_\_\_\_\_

ACCEPTED AND AGREED

Vacaville Fire Protection District

By:  \_\_\_\_\_  
Chief Woods

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