



Solano Local Agency Formation Commission

675 Texas St. Ste. 6700 • Fairfield, California 94533
(707) 439-3897 • FAX: (707) 438-1788

STAFF REPORT

DATE: June 8, 2020
 TO: Local Agency Formation Commission
 FROM: Michelle McIntyre
 SUBJECT: **2020-01 Casa Dei Vista Apartments Detachment from the Solano Irrigation District**

Staff Recommendation:

Staff recommends the Commission approve the proposed detachment of the Casa Dei Vista Apartments project via adoption of the attached proposed LAFCO Resolution 20-06. The proposed Resolution recommends adoption of the Lead Agency's Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act (CEQA). Furthermore, staff recommends the Commission waive the conducting authority proceeding.

The staff report below is divided into discussions of the following areas: project description, background, CEQA, summary of statutory considerations, and staff recommended findings and determinations. The statutory considerations summarize analyses that measure the proposal's consistency with the factors from the Cortese-Knox-Hertzberg Act and the Commission's written standards/policies.

PROJECT DESCRIPTION:

The Solano Irrigation District (SID) proposes to detach from their service area two parcels totaling 14.4 acres located within the City of Vacaville (City) city limits at the southwest corner of Allison Drive and Travis Way, APNs 0131-030-860 and -870. A draft map and geographical description are attached to the LAFCO resolution as Exhibit A.

Application for this change of organization is made subject to GC §56650 *et seq.* by SID Resolution 19-13 (Attachment B). The project has 100% consent of the landowner, consists only of a detachment, and is uninhabited per GC §54046, therefore; the proposal is exempt from the requirements for notice and public hearing. Furthermore, LAFCO may waive the Conducting Authority Proceedings (protest hearing) pursuant to GC §56662.

Commissioners

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

Alternate Commissioners

Ron Kott • Shawn Smith • Skip Thomson

Staff

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

BACKGROUND

In 1982, “Annexation District Number 110” was approved by the LAFCO Commission, a reorganization proposal that included annexation of the subject property to the City. According to SID records, the proposal site has not received agricultural irrigation water service, but over the years it was available upon landowner request. SID and the City has a joint powers agreement and understanding that the subject property would remain within the District’s boundary and could receive non-potable landscape irrigation water if the property remained as commercial property, however; should it be developed into residential development, the property would have to be detached from the District and pay the District’s detachment fees. Last year, the City zoned the property as “High Density Residential”. The proposal before the LAFCO Commission allows the City and District to comply with said agreement between the two agencies and eliminate the potential for duplication of two service providers to the proposal site.

Construction is under way of a 245-unit market-rate apartment complex. The project includes seven three-story buildings with thirty-five units each, an 8,400 sq. ft. clubhouse, and various other on-site amenities. The plan also includes 474 parking spaces with access on Allison Drive and secondary access on Travis Way. As noted above, the proposal before the LAFCO Commission is a detachment from SID only as the proposal site is already within the land use jurisdiction of the City.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City is the lead agency for the proposed project because the City has the principal responsibility for carrying out the planned development of the 245-unit apartment complex. As a responsible agency, LAFCO considers the Lead Agency’s CEQA documents namely the Mitigated Negative Declaration (MND) and adopts the Mitigation Monitoring and Reporting Program (MMRP) consistent with CEQA Guidelines.

The Complete MND is available via the link below for the Commission’s review and consideration while the MMRP is attached as Exhibit B to the proposed Resolution for the Commission’s adoption.

<https://permits.cityofvacaville.com/eTRAKIT3/Search/project.aspx?activityNo=18-200>

SUMMARY OF STATUTORY CONSIDERATIONS:

Please Note: This project is a straightforward detachment proceeding and appears to staff to be consistent with all policy and statutory factors. The analysis for this proposal is provided in a condensed summary format. The Commission should consider the “factors and standards analysis” as summarized in these tables and request any additional information needed prior to making the determinations and decision on the detachment.

Government Code §56668 require that the review of a proposal shall consider various factors which are summarized in the following table:

FACTOR TO CONSIDER §56668	STATUTE CONSISTENCY	COMMENT
Population	Consistent	Population within SID boundary unchanged. Development of 245 units could increase City population by 661 persons based on 2.7 persons per household.
Community services	Consistent	City will provide potable and non-potable water. Approval terms are in place to ensure funding/facilities for City services.
Effect on adjacent areas	Consistent	No effect on SID's ability to serve adjacent areas within their boundary.
Efficient patterns of urban development	Consistent	Proposal area within City limits
Effect on agricultural lands	Consistent	No agricultural impacts, per SID records, property has not received ag water.
Creation of islands	Consistent	Detachment from District will not create unincorporated islands
Regional transportation plan	Consistent	Transportation considerations in City approvals and conditions, no impact from SID detachment.
Consistency with City/County General Plans/Specific Plans	Consistent	Within City limits; consistent with the City's General Plan.
SOI of applicable local agency	Consistent	Action will remove proposal area from SID's SOI
Comments from local agencies	Consistent	None received
Sufficient revenues for services	Consistent	Per County Auditor, master property tax sharing agreement applies, detachment will result in loss of \$1,350.20 from SID, increase in the same amount to Solano County. Per SID, all District fees have been paid.
Water supplies	Consistent	City will provide water services. Per MND, an approved on-site water supply capable of supplying the required fire flow for on site fire protection shall be provided to all premises when buildings are constructed.
Regional housing needs allocation	Consistent	Not relevant for district, however; market rate units planned for this project.
Comments voters/owners	Consistent	None received
Land use designation	Consistent	City Zone: Residential High Density
Environmental Justice	Consistent	No environmental justice issues identified

SUMMARY OF SOLANO LAFCO POLICIES – WRITTEN STANDARDS

Locally adopted policies require that the review of a proposal shall consider the factors summarized in the following table:

<i>STANDARD</i>	<i>POLICY CONSISTENCY</i>	<i>COMMENT</i>
1. Consistency with sphere of influence	Consistent	Proposal consistent with SID’s SOI, will be removed as part of the Commission’s action.
2. Annexation to the limits of the SOI	N/A	Within City limits
3 & 4. Consistency with General Plan, Specific Plan, Zoning	Consistent	Located within City limits and consistent with the City’s General Plan.
5. Agency approval or pre-approval	Consistent	Request for detachment initiated by District Resolution (Attachment B)
6. Effect on natural resources, CEQA	Consistent	Effect on natural resources identified within lead agency’s CEQA documents.
7. Boundaries, roads, lines of assessment, remaining unincorporated and populated areas	Consistent	Map and geographic description attached as Exhibit A to LAFCO Resolution. These documents will be reviewed by the County Surveyor prior to recordation. County Assessor’s office have reviewed these docs.
8. Likelihood of growth & effect to other territory	Consistent	As noted, construction and development of the subject area is under way, no effect to other areas within SID’s boundary.
9. Protection of prime agricultural land	Consistent	No effect. Per SID records, no ag water services have been requested.
10. Provision & cost of community services	N/A	As noted, action before the Commission is to consider detachment from SID only; proposal site is within City jurisdiction.
11. Effect on adjacent areas, mutual social & economic interests & local gov’t structure	Consistent	Per SID staff, all fees have been paid consistent with the City and SID’s existing joint powers agreement.

STAFF RECOMMENDED FINDINGS AND DETERMINATIONS

1. The subject detachment allows the City of Vacaville and the Solano Irrigation District to comply with a joint powers agreement and understanding that the subject property shall be detached from the District’s service area and that City will provide potable and non-potable water should the City zone the subject property as residential.
2. The subject detachment eliminates the potential for duplication of two service providers to the subject property.
3. The subject proposal area is “uninhabited” as defined by Government Code (GC) §54046. Application for the subject detachment is made subject to GC §56650 et seq. by resolution of the Solano Irrigation District. All landowners have consented to the proposal therefore; the Commission waives the conducting authority

proceedings/protest hearing.

4. The boundaries are definite and certain and conform to lines of ownership and parcel lines. The detachment will provide a logical and orderly boundary for the Solano Irrigation District.
5. The Commission has considered the Mitigated Negative Declaration and the accompanying environmental documents that were prepared and approved by the City of Vacaville as the lead agency via City of Vacaville Resolution 18-200 on April 16, 2019 and adopts the City's Mitigation and Monitoring Program to satisfy the requirements of the California Environmental Quality Act.
6. The subject detachment is in the best interests of the citizens within the affected area.
7. The subject detachment will not result in negative impacts to the cost and adequacy of services otherwise provided by SID to adjacent areas within their service boundaries.

Attachments:

Attachment A – Draft LAFCO Resolution 20-06

Exhibit A – Map and Geographical Description

Exhibit B – CEQA MMRP

Attachment B – SID Resolution 19-13 Initiating the Change of Organization

LAFCO RESOLUTION NO. 20-06

RESOLUTION MAKING DETERMINATIONS, ADDING CONDITIONS, AND APPROVING

the Casa Dei Vista Apartments Detachment from Solano Irrigation District

(LAFCO PROJECT 2020-02)

WHEREAS, a resolution making application for the proposed detachment of certain territory from the Solano Irrigation District in Solano County 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 Solano Irrigation District; and

WHEREAS, the Executive Officer has examined the proposal and certified that it is complete and has accepted the proposal for filing as of June 1, 2020; and

WHEREAS, the proposal is exempt from the requirements for notice and hearing pursuant to Government Code §56663, because it consists of detachment 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 of the subject proposal has adopted a Mitigated Negative Declaration (MND) via Resolution 18-200 on April 16, 2019, the Commission, as the responsible agency, has considered the environmental documents prepared and approved by the City Vacaville including MND, the findings, the mitigation monitoring program and reporting, and related documents; 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 staff report and recommendation, the environmental document and determination, plans for providing service, spheres of influence, the City's municipal service review, and the City's general plan;

WHEREAS, the Commission has considered and made findings with respect to the reorganization's compliance with Solano LAFCO's "Standards for Evaluation of Annexation Proposals"; and,

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

1. The subject detachment allows the City of Vacaville and the Solano Irrigation District to comply with a joint powers agreement and understanding that the subject property shall be detached from the District's service area and that City will provide potable and non-potable water should the City zone the subject property as residential.
2. The subject detachment eliminates the potential for duplication of two service providers to the subject property.
3. The subject proposal area is "uninhabited" as defined by Government Code (GC)

§54046. Application for the subject detachment is made subject to GC §56650 et seq. by resolution of the Solano Irrigation District. All landowners have consented to the proposal therefore; the Commission waives the conducting authority proceedings/protest hearing.

4. The boundaries are definite and certain and conform to lines of ownership and parcel lines. The detachment will provide a logical and orderly boundary for the Solano Irrigation District.
5. The Commission has considered the Mitigated Negative Declaration and the accompanying environmental documents that were prepared and approved by the City of Vacaville as the lead agency via City of Vacaville Resolution 18-200 on April 16, 2019 and adopts the City's Mitigation and Monitoring Program to satisfy the requirements of the California Environmental Quality Act.
6. The subject detachment is in the best interests of the citizens within the affected area.
7. The subject detachment will not result in negative impacts to the cost and adequacy of services otherwise provided by SID to adjacent areas within their service boundaries.

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

1. The Casa Dei Vista Apartments detachment from SID is approved, subject to conditions listed below.
2. Said territory is detached 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.
3. Pursuant to Section 15096 of the CEQA Guidelines, LAFCO has considered the Mitigated Negative Declaration and related environmental documents adopted by the Lead Agency. LAFCO hereby adopts the Mitigation Monitoring and Reporting Program prepared and adopted by the Lead Agency marked "Exhibit B" and by this reference incorporated herein.
4. Said territory includes approximately 14.41 acres and is found to be uninhabited, and the territory is assigned the following short form designation:

Casa Dei Vista Apartments Detachment from Solano Irrigation District

5. The proposal area shall be removed from the sphere of influence of the Solano Irrigation District concurrent with the subject detachment.
6. The following changes of organization or reorganization are approved:

Detachment from Solano Irrigation District

7. All subsequent proceedings in connection with this detachment shall be conducted only in compliance with the approved boundaries and conditions set forth in the attachments and any terms and conditions specified in this resolution.

8. Conducting Authority proceedings are waived.
9. 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.
10. The effective date 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 8th day of June 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nancy Shopay, Chair
Presiding Officer Solano Local Agency
Formation Commission

ATTEST:

Michelle McIntyre, Clerk to the Commission

LAFCO PROJECT NO. 2019-___
DETACHMENT NO. 2019-311
CASA DEI VISTA APARTMENTS
DETACHMENT FROM SOLANO IRRIGATION DISTRICT

Located in Lot 37, Rancho Los Putos
City of Vacaville, County of Solano, State of California



VICINITY MAP
Not to Scale

Description consists of 3 pages.
Plat map consists of 2 page.

ENGINEER'S STATEMENT:

This legal description and exhibit of the Solano Irrigation District's 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 11/7, 2019 by or under the direction of:


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

SOLANO IRRIGATION DISTRICT:

This legal description and exhibit have been reviewed and the information provided has been verified to tie to approved existing District boundaries, prior annexations and detachments.

Dated: January 7, 2020


Frank Webel, Real Property Administrator
Solano Irrigation District

COUNTY SURVEYOR'S STATEMENT:

This legal 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: _____, 20__

Danielle Goshert, PLS 8491
Acting Solano County Surveyor

APPROVED BY LOCAL AGENCY FORMATION COMMISSION:

Dated: _____, 20__

Rich Seithel, Executive Officer
Solano LAFCO

EXHIBIT A
CASA DEI VISTA APARTMENTS DETACHMENT NO. 2019-311
DETACHMENT FROM THE SOLANO IRRIGATION DISTRICT

All that certain real property situated in the City of Vacaville, County of Solano, State of California, located in Lot 37, Rancho Los Putos and Section 22, Township 6 North, Range 1 West, Mount Diablo Base and Meridian, more particularly described as follows:

Being all of APN 0131-030-860, described as New Parcel A in the "Certificate of Compliance for Waiver of Parcel Map, Lot Line Adjustment Waiver No. 19-02", recorded on June 13, 2019, as Document No. 201900037453, Solano County Records (hereinafter referred to as New Parcel A), and more particularly described as follows:

BEGINNING at the southeasterly corner of said New Parcel A, having a State Plane Coordinate System Value of $N=1891214.16$ $E=6571773.29$, said corner lying on the boundary line of the Solano Irrigation District (hereinafter referred to as SID boundary line), as established by Detachment No. 85-195, Quail Run Development (Gilley Realty) detachment from Solano Irrigation District, LAFCO Resolution No. 85-09 dated April 1, 1985, Solano Irrigation District Resolution dated May 20, 1985, Certificate of Completion dated July 25, 1985 and recorded July 29, 1985 at Page 67093, as Instrument No. 33757, Solano County Records, State Board of Equalization letter dated August 1, 1985, (hereinafter referred to as Detachment No. 85-195), said corner being also the northeasterly corner of Parcel B, as shown on that certain Parcel Map entitled "River Oaks Apartments", filed for record in the Office of the Solano County Recorder on September 21, 1999, in Book 41 of Maps at Page 53 (hereinafter referred to as 41 PM 53); thence along the southerly line of said New Parcel A, said SID boundary line, the northerly lines of said Detachment No. 85-195 and Parcel B per said 41 PM 53, the following four (4) courses and distances:

(L01) North $64^{\circ}06'19''$ West, 175.89 feet (North $64^{\circ}00'00''$ West, 174.89 feet per said 41 PM 53);

thence (L02) South $89^{\circ}53'41''$ West, 118.00 feet (South $90^{\circ}00'00''$ West per said 41 PM 53);

thence (L03) South $32^{\circ}53'41''$ West, 177.00 feet (South $33^{\circ}00'00''$ West per said 41 PM 53);

thence (L04) South $77^{\circ}53'41''$ West, 181.00 feet (South $78^{\circ}00'00''$ West per said 41 PM 53) to the northwest corner of Parcel B per said 41 PM 53, said point also being the northeasterly corner of Parcel A, as shown on that certain Parcel Map entitled "Quail Run Parcel Map", filed for record in the Office of the Solano County Recorder on April 24, 1985, in Book 28 of Parcel Maps at Page 06 (hereinafter referred to as 28 PM 06);

thence continuing along the southerly line of said New Parcel A, said SID boundary line, the northerly lines of said Detachment No. 85-195 and Parcel A per said 28 PM 06, (L05) North $72^{\circ}38'27''$ West, 146.64 feet (North $72^{\circ}32'08''$ West per said 28 PM 06);

thence leaving said SID boundary line and the northerly lines of said Detachment No. 85-195 and Parcel A per said 28 PM 06, and along the westerly line of said New Parcel A and the easterly lines of Parcel 3 and 2 as shown on that certain Parcel Map entitled "Parcel Map for Travis Federal Credit Union:", filed for record in the Office of the Solano Recorder on December 21, 1999, in Book 41 of Parcel Maps at Page 76 (hereinafter referred to as 41 PM 76), (L06) North $00^{\circ}38'54''$ West, 617.84 feet; thence leaving the easterly lines of Parcel 3 and 2 per said 41 PM 76, and continuing along the westerly line of said New Parcel A, the following four (4) courses and distances:

(L07) North $48^{\circ}23'31''$ West, 35.71 feet;

thence (L08) North $34^{\circ}11'33''$ West, 165.23 feet;

thence (L09) North 03°18'11" East, 60.03 feet;

thence (L10) North 17°05'03" East, 72.10 feet to a point on the southerly line of Travis Way, said point also being the beginning of a non-tangent curve to the left;

thence along the northwesterly line of said New Parcel A and said southerly line, the following seven (7) arcs, courses and distances:

(C01) from a radial bearing North 47°51'23" West, having a chord bearing North 28°19'58" East and a chord distance of 23.87 feet, northerly along said curve concave to the northwest, having a radius of 50.00 feet, through a central angle of 27°37'19" and an arc distance of 24.10 feet to a point of reverse curvature; thence (C02) along said reversing curve, having a chord bearing North 33°19'32" East and a chord distance of 17.41 feet, northerly along said curve concave to the east, having a radius of 27.00 feet, through a central angle of 37°36'28" and an arc distance of 17.72 feet;

thence (L11) North 52°07'46" East, 88.34 feet;

thence (L12) South 00°38'54" East, 5.02 feet;

thence (L13) North 53°29'05" East, 190.25 feet;

thence (L14) North 52°07'46" East, 78.67 feet;

thence (L15) South 82°52'14" East, 10.34 feet to a point on the westerly right-of-way line of Allison Drive;

thence continuing along the northeasterly and easterly lines of said New Parcel A, and along said westerly right-of-way line, the following four (4) arcs, courses and distances:

(L16) South 39°18'30" East, 403.90 feet to the beginning of a curve to the right;

thence (C03) southerly along said curve having a chord bearing South 27°54'52" East and a chord distance of 365.20 feet, southerly along said curve concave to the southwest, having a radius of 926.00 feet, through a central angle of 22°44'44" and an arc distance of 367.61 feet to a point of compound curvature;

thence (C04) along said compound curve, having a chord bearing South 07°58'07" East and a chord distance of 356.58 feet, northerly along said curve concave to the northwest, having a radius of 1196.00 feet, through a central angle of 17°08'46" and an arc distance of 357.91 feet;

(L17) South 00°36'16" West, 97.44 feet to the **Point of Beginning** and the **Termination** of this description.

Containing: 14.42 Acres, more or less.

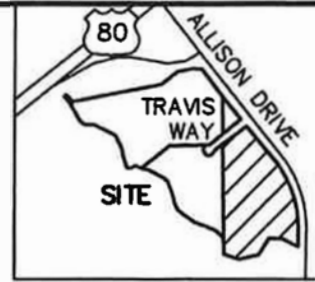
APN: 0131-030-860

End of description.

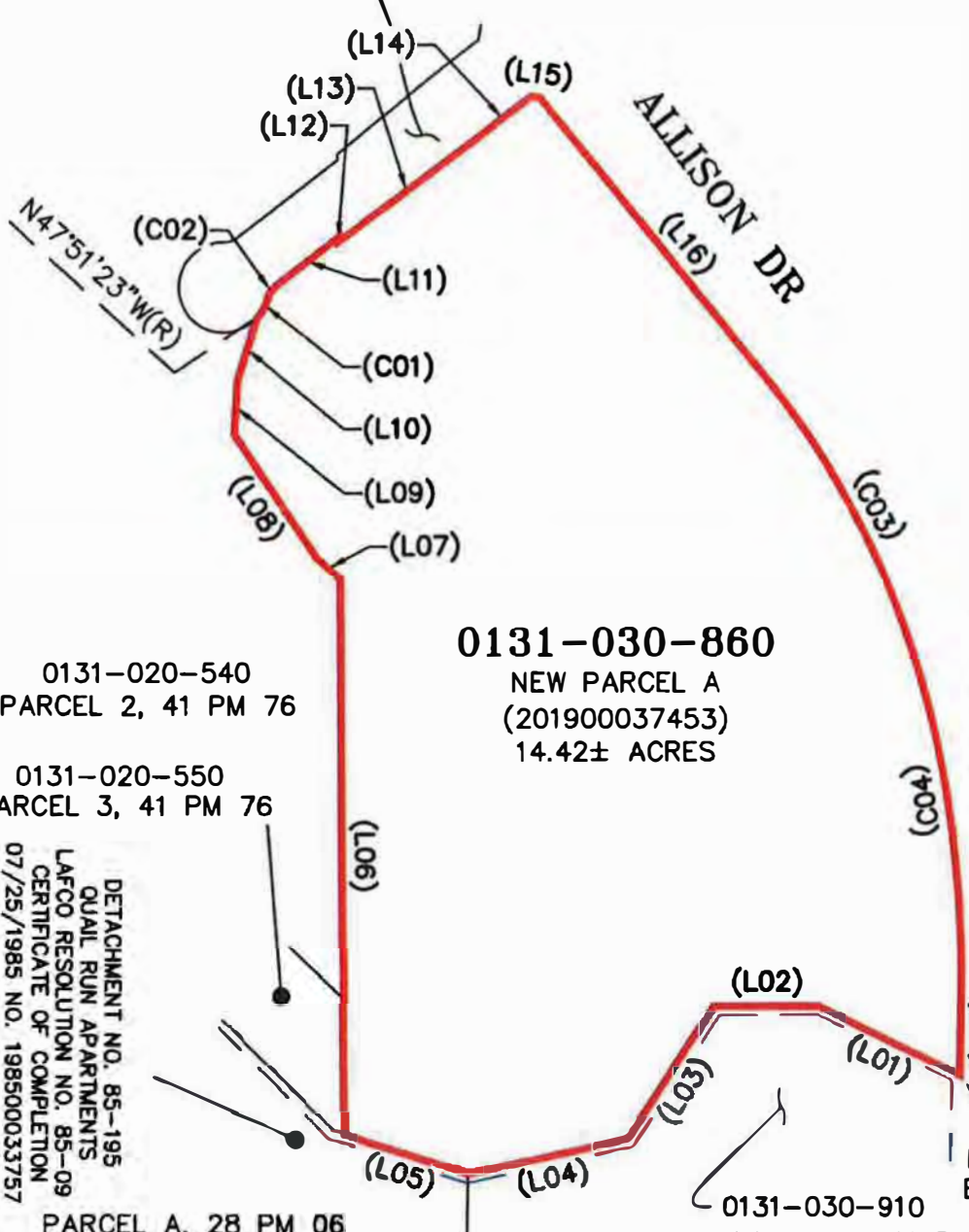
This Legal Description was prepared by or under the direction of:


Thomas A. Phillippi, RCE 32067
11/7/19
Date

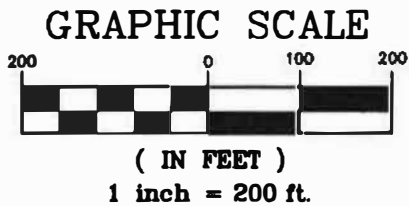




TRAVIS WAY



P.O.B.
N=1891214.16
E=6571773.29



PORTION OF LOT 37, RANCHO LOS PUTOS

— DETACHMENT AREA

- - - EXISTING SOLANO IRRIGATION DISTRICT BOUNDARY

EXHIBIT "B"
DETACHMENT NO. 2019-311
PLAT TO ACCOMPANY LEGAL DESCRIPTION
OF S.I.D. DETACHMENT OF
CASA DEI VISTA-APARTMENTS
VACAVILLE, SOLANO COUNTY, CALIFORNIA
NOVEMBER 2019

PEI PHILLIPPI ENGINEERING
CIVIL ENGINEERING - LAND SURVEYING
425 MERCHANT STREET VACAVILLE, CA 95608
P.O. BOX 8558 VACAVILLE, CA 95608
OFFICE (707) 451-6556 FAX (707) 451-6556

Curve Table					
Curve #	Delta	Length	Radius	CB	CD
C01	27°37'19"	24.10'	50.00'	N28°19'58"E	23.87'
C02	37°36'28"	17.72'	27.00'	N33°19'32"E	17.41'
C03	22°44'44"	367.61'	926.00'	S27°54'52"E	365.20'
C04	17°08'46"	357.91'	1196.00'	S07°58'07"E	356.58'

Line Table		
Line #	Direction	Length
L01	N64°06'19"W	175.89'
L02	S89°53'41"W	118.00'
L03	S32°53'41"W	177.00'
L04	S77°53'41"W	181.00'
L05	N72°38'27"W	146.64'
L06	N00°38'54"W	617.84'
L07	N48°23'31"W	35.71'
L08	N34°11'33"W	165.23'
L09	N03°18'11"E	60.03'
L10	N17°05'03"E	72.10'
L11	N52°07'46"E	88.34'
L12	S00°38'54"E	5.02'
L13	N53°29'05"E	190.25'
L14	N52°07'46"E	78.67'
L15	S82°52'14"E	10.34'
L16	S39°18'30"E	403.90'
L17	S00°36'16"W	97.44'

EXHIBIT "B"
DETACHMENT NO. 2019-311
PLAT TO ACCOMPANY LEGAL DESCRIPTION
OF S.I.D. DETACHMENT OF
CASA DEI VISTA-APARTMENTS
VACAVILLE, SOLANO COUNTY, CALIFORNIA
 NOVEMBER 2019


PHILLIPPI ENGINEERING
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 425 MERCHANT STREET VACAVILLE, CA 95688
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NO.	Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
BIO-1	<p>Prior to the commencement of construction activities, all crew members shall attend an Environmental Awareness Training focused on potentially occurring special-status species. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing work on-site. This training would instruct workers to recognize these species, their habitat(s), the nature and purpose of project protection measures, each species' legislative protection under the Federal Endangered Species Act (FESA) and/or the California Endangered Species Act (CESA), and penalties for violations of legislative protection.</p>	APPLICANT	PRIOR TO COMMENCING CONSTRUCTION	CITY OF VACAVILLE AND ON FIELD SUPERINTENDENT.
BIO-2	<p>Depending on the specific construction timeframe, to avoid disturbing nesting raptors and other migratory birds, the following measures shall be implemented:</p> <p>a. If construction activities are scheduled to occur during the nesting season (approximately February 15 through August 31), a qualified wildlife biologist shall be retained to conduct a pre-construction nesting survey within the appropriate habitat.</p> <ul style="list-style-type: none"> • Surveys shall be conducted within the project site and all potential nesting habitat within 500 feet of this area (this distance covers recommended Swainson's hawk buffers); • The surveys shall be conducted within one week before initiation of construction activities at any time between February 15 and August 31. If no active nests are detected, then no additional mitigation is required; or • If surveys indicate that migratory bird nests are found in any areas that would be directly or indirectly affected by construction activities, a no-disturbance buffer shall be established around the site to avoid disturbance or destruction of the nest site until after the breeding season or after a wildlife biologist determines that the young have fledged. The extent of these buffers shall be determined by a qualified biologist and shall depend on the special-status species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, 	APPLICANT	PRIOR TO OBTAINING BUILDING PERMITS.	CITY OF VACAVILLE

NO.	Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
	<p>ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors shall be analyzed to make an appropriate decision on buffer distances.</p> <p>b. If construction activities begin outside the breeding season (approximately September 1 through February 14) then construction may proceed until it is determined that an active migratory bird or raptor nest would be subject to abandonment as a result of construction activities. Optimally, all necessary vegetation removal shall be conducted before the breeding season so that nesting birds would not be present in the construction area during construction activities. If any bird nests are in the project site under pre-existing construction conditions, then it is assumed that they are habituated (or would habituate) to the construction activities. Under this scenario, the pre-construction survey described previously shall still be conducted on or after February 15 to identify any active nests in the vicinity. Active sites shall be monitored by a qualified biologist periodically until after the breeding season or after the young have fledged. If active nests are identified on or immediately adjacent to the project site, then all non-essential construction activities (e.g., equipment storage and meetings) shall be avoided in the immediate vicinity of the nest site, but the remainder of construction activities may proceed.</p>			
BIO-3	<p>The Project Sponsor shall implement the following measures for shrubs EB-1, EB-2 and three shrubs in cluster EB-4:</p> <p>a. Fencing – All areas to be avoided during construction activities will be fenced and/or flagged as close to construction limits as feasible.</p> <p>b. Worker education – Prior to any work on the trail, including grading or vegetation clearing, a qualified biologist will provide training for all contractors, work crews, and any onsite 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 non-compliance.</p> <p>c. Trimming – In order to avoid and minimize adverse effects to VELB when trimming elderberry shrubs, trimming will occur between November and February and will avoid the removal of any branches</p>	APPLICANT	PRIOR TO OBTAINING BUILDING PERMITS, AND DURING CONSTRUCTION	CITY OF VACAVILLE AND ON FIELD SUPERINTENDENT

NO.	Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
	<p>or stems that are ≥ 1 inch in diameter. This requirement would apply to any future trimming that may be required for maintenance purposes.</p> <p>d. Chemical Usage – Herbicides will not be used within the drip-line of the shrub. Insecticides will not be used within 30 meters (98 feet) of an elderberry shrub. All chemicals will be applied using a backpack sprayer or similar direct application method.</p> <p>e. Mowing – Mechanical weed removal within the drip-line of the shrub(s) will be limited to the season when adults are not active (August - February) and will avoid damaging the elderberry.</p> <p>f. Erosion Control and Re-vegetation – Erosion control will be implemented, and the affected area will be re-vegetated with appropriate native plants.</p> <p>g. Construction monitoring – A qualified biologist will monitor the work area during trail construction to assure that the above avoidance and minimization measures are implemented.</p> <p>h. Signage – Signs shall be placed every 50 feet along the edge of the buffer zone with the following information:</p> <p><i>“This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Federal Endangered Species Act. Violators are subject to prosecution, fines, and imprisonment.”</i></p> <p>The signs shall be clearly readable from a distance of 20 feet and must be maintained for the duration of construction.</p>			
BIO-4	<p>Plans submitted for Building Permits shall include a Tree Replacement Plan for on-site replacement trees to mitigate the removal of 68 mature trees in accordance with General Plan Policy COS-A1.10. In the event the site cannot accommodate the replacement trees, the Applicant shall purchase land from a mitigation bank located in Solano County to replant the trees. The replacement ratios are as follows:</p> <p>a. Native Trees:</p> <p>i. Native trees with a diameter at breast height (dbh) of 6 to 10 inches shall be replaced at a ratio of two replacement trees to</p>	APPLICANT	PRIOR TO OBTAINING A BUILDING PERMIT	CITY OF VACAVILLE

NO.	Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
	<p>one removed tree (2:1).</p> <ul style="list-style-type: none"> ii. Native trees with a dbh of 10.1 to 18 inches shall be replaced at a ratio of 4:1. iii. Native trees with a dbh of 18.1 to 36 inches shall be replaced at a ratio of 6:1. iv. Native trees with a dbh over 36 inches shall be replaced at a ratio of 8:1. <p>b. Non-Native Trees:</p> <ul style="list-style-type: none"> i. Trees with a dbh of 6 to 10 inches shall be replaced at a ratio of 1:1. ii. Trees with a dbh of 10.1 to 18 inches shall be replaced at a ratio of 2:1. iii. Trees with a dbh of 18.1 to 36 inches shall be replaced at a ratio of 3:1. iv. Trees with a dbh over 36 inches shall be replaced at a ratio of 4:1. 			
CUL-1	<p>Prior to the initiation of construction or ground-disturbing activities HELIX recommends that all construction personnel be trained in the protection of cultural resources, the recognition of buried cultural remains, and the notification procedures to be followed upon the discovery of archaeological materials, including Native American burials. The training should be presented by an archaeologist who meets the Secretary of Interior's Standards for Prehistoric and Historic Archaeology, and should include recognition of both prehistoric and historic resources. Personnel should be instructed that unauthorized collection or disturbance of artifacts or other cultural materials is illegal, and that violators will be subject to prosecution under the appropriate state and federal laws. Supervisors should also be briefed on the consequences of intentional or inadvertent damage to cultural resources.</p>	APPLICANT	PRIOR TO COMMENCING CONSTRUCTION	CITY OF VACAVILLE AND ON FIELD SUPERINTENDENT.
CUL-2	<p>If any cultural or archeological resources are encountered during ground disturbance or subsurface construction activities (e.g., trenching, grading), all construction activities within a 50-foot radius of the identified potential resource shall cease until a Secretary of the Interior qualified archaeologist evaluates the item for its significance and records the item</p>	APPLICANT	DURING INITIAL GROUND DISTURBING ACTIVITIES.	CITY OF VACAVILLE AND ON FIELD SUPERINTENDENT

NO.	Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
	<p>on the appropriate State Department of Parks and Recreation (DPR) 523 series forms. All forms and associated reports will be submitted to the NWIC of the California Historical Resources Information System (CHRIS). The archaeologist shall determine whether the resource requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the resource is determined to be eligible for listing on the California Register of Historical Resources or as a unique archaeological resource as defined in Public Resources Code Section 15064.5, the archaeologist shall develop a plan for the treatment of the resource. This shall contain appropriate mitigation measures, including avoidance, preservation in place, data recovery excavation, or other appropriate measures, as outlined in Public Resources Code Section 21083.2.</p>			
CUL-3	<p>In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:</p> <p>(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <ul style="list-style-type: none"> a. The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and b. If the coroner determines the remains to be Native American: <ul style="list-style-type: none"> i. The coroner shall contact the Native American Heritage Commission within 24 hours. ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98; or 	APPLICANT	DURING INITIAL GROUND DISTURBING ACTIVITIES.	CITY OF VACAVILLE AND ON FIELD SUPERINTENDENT

NO.	Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
	<p>(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p> <ul style="list-style-type: none"> a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. b. The descendant identified fails to make a recommendation; or c. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. 			
ENG-1	<p>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p>	APPLICANT	PRIOR TO OBTAINING A BUILDING PERMIT	ON FIELD SUPERINTENDENT
GEO-1	<p>A design-level geotechnical and geologic investigation report shall be completed and submitted to the City of Vacaville for review prior to issuance of grading and construction permits. The investigation shall include site-specific subsurface investigation (e.g. borings, test pits, geophysical methods, etc.) and laboratory testing sufficient to further characterize Project Area geologic materials and their anticipated response to seismic activity. The design-level geotechnical investigation report shall be signed and stamped by appropriately licensed professionals and at the City's discretion may be subject to a peer review. Construction of Project improvements shall be in compliance with the design-level geotechnical and geologic investigation report approved by the City.</p>	APPLICANT	PRIOR TO OBTAINING A BUILDING PERMIT	CITY OF VACAVILLE

NO.	Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
GEO-2	In the event that paleontological resources, including individual fossils or assemblages of fossils, are encountered during construction activities all ground disturbing activities shall halt and a qualified paleontologist shall be procured to evaluate the discovery and make treatment recommendations.	APPLICANT	DURING CONSTRUCTION ACTIVITIES.	CITY OF VACAVILLE AND ON FIELD SUPERINTENDENT
GHG-1	In accordance with Communitywide Measure EC-1 from the ECAS, the project sponsor shall use energy-efficient lighting technologies that meet or exceed Title 24 standards in the apartment buildings and clubhouse.	APPLICANT	PRIOR TO OBTAINING A BUILDING PERMIT	CITY OF VACAVILLE
GHG-2	<p>In accordance with Communitywide Measure EC-3 from the ECAS, the project sponsor shall incorporate any combination of the following strategies to reduce heat gain for fifty (50) percent of the non-roof impervious site landscape, which includes roads, sidewalks, courtyards, parking lots, and driveways:</p> <ul style="list-style-type: none"> a. Shaded within five years of occupancy; b. Paving materials with a Solar Reflectance Index (SRI) of at least 29, as determined in accordance with American Society for Testing and materials (ASTM) Standards E1918 or C1549; c. Open grid pavement system; or d. Parking spaces underground, under deck, under roof, or under a building. Any roof used to shade or cover parking must have an SRI of at least 29. 	APPLICANT	PRIOR TO OBTAINING A BUILDING PERMIT	CITY OF VACAVILLE.
GHG-3	In accordance with Communitywide Measure EC-4 from the ECAS, the project sponsor shall use LED, induction, or other energy-efficient lighting for parking lot lights.	APPLICANT	PRIOR TO OBTAINING A BUILDING PERMIT	CITY OF VACAVILLE.
GHG-4	In accordance with Communitywide Measure WW-1 from the ECAS, the project sponsor shall install water-efficient landscaping in accordance with Chapter 14.12 (Water Efficient Landscaping) of the Vacaville Municipal Code.	APPLICANT	PRIOR TO OBTAINING A BUILDING PERMIT.	CITY OF VACAVILLE

NO.	Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
GHG-5	In accordance with Communitywide Measure SW-1 from the ECAS, the project sponsor shall provide recycling areas for all residents.	APPLICANT	PRIOR TO OBTAINING A BUILDING PERMIT.	CITY OF VACAVILLE
HYD-1	A Storm Water Pollution Prevention Plan (SWPPP), prepared in accordance with the State Water Resources Control Board (SWRCB), National Pollutant Discharge Elimination System (NPDES) Construction General Permit, shall be implemented for all construction activities where required under SWRCB regulations. The SWPPP shall include Best Management Practices (BMPs) for controlling sediment, turbidity, and the release of other pollutants into aquatic habitats during construction. The SWPPP shall be subject to the approval of the Regional Water Quality Control Board (RWQCB) prior to the start of work.	APPLICANT	PRIOR TO OBTAINING A BUILDING PERMIT, AND DURING CONSTRUCTION ACTIVITIES.	CITY OF VACAVILLE
HYD-2	Seed mixes shall be composed of native or noninvasive naturalized species. No invasive exotic plant species shall be allowed, including those identified in the California Exotic Pest Plant Council's database, which is accessible at: http://www.cal-ipc.org/ip/inventory/weedlist.php .	APPLICANT	DURING CONSTRUCTION ACTIVITIES.	CITY OF VACAVILLE
HYD-3	Any concrete structures below the tops of banks of creeks, wetlands, or other aquatic habitats shall be poured in tightly sealed forms and shall not be allowed contact with surface waters until the cement has fully cured (minimum of 30 days). During that time, the poured concrete shall be kept moist, and runoff from the concrete shall not be allowed to enter aquatic habitats. Commercial sealants may be applied to the poured concrete surface in locations where the exclusion of water flow for a long period is difficult. If a sealant is used, water shall be excluded from the site until the sealant is dry and fully cured according to the manufacturer's specifications.	APPLICANT	DURING CONSTRUCTION ACTIVITIES	ON FIELD SUPERINTENDENT
HYD-4	Water that contacts wet concrete and has a pH greater than 9.0 shall be pumped out and disposed of outside an aquatic habitat.	APPLICANT	DURING CONSTRUCTION ACTIVITIES	ON FIELD SUPERINTENDENT

NO.	Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
HYD-5	No substances toxic to aquatic life shall be discharged or allowed to leach into an aquatic habitat. Every reasonable precaution to protect aquatic habitats from pollution with fuels, oils, bitumens, calcium chloride, dust suppressants, and other harmful materials shall be implemented.	APPLICANT	DURING CONSTRUCTION ACTIVITIES	ON FIELD SUPERINTENDENT.
TCR-1	The Project Sponsor shall coordinate with the Yocha Dehe Wintun Nation to have tribal cultural monitors at the site during initial ground disturbing activities.	APPLICANT	DURING CONSTRUCTION ACTIVITIES.	CITY OF VACAVILLE, YDWN AND APPLICANT.



**SOLANO IRRIGATION DISTRICT
RESOLUTION NO. 19-13**

**A RESOLUTION OF APPLICATION BY THE
SOLANO IRRIGATION DISTRICT
REQUESTING THE SOLANO LOCAL AGENCY FORMATION COMMISSION
TO INITIATE PROCEEDINGS FOR THE REORGANIZATION OF TERRITORY
FOR THE DETACHMENT OF THE
CASA DEI VISTA APARTMENTS PROPERTY
DETACHMENT NO. 2019-311, VACAVILLE**

At a regular meeting of the Board of Directors of Solano Irrigation District held at the District Office on the 19th day of November, 2019, the following resolution was approved and adopted:

WHEREAS, the Solano Irrigation District 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 detach territory from the Solano Irrigation District; and,

WHEREAS, the principal reasons for the proposed reorganization is to detach the Casa Dei Vista Apartments property (APN 0131-030-860, totaling 14.42± Acres) from the District; and,

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

<u>Agency</u>	<u>Nature of Change</u>
Solano Irrigation District	Detachment

and,

WHEREAS, the territory proposed to be reorganized both habited and inhabited, and a map and description of the boundaries of the territory are attached hereto as Exhibit "A" and Exhibit "B" by this reference incorporated herein; and,

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

- The cost to detach from the District has been paid by the landowner/developer of this development as follows:

Part 1: Detachment Fee		\$ 8,190.14
Part 2: Maintenance Detachment Fee		14,022.01
Part 3: Agency Fees		
SID Engineering & Processing Fee	\$ 6,081.50 *	
LAFCO Filing Fee	5,000.00	
State Board of Equalization	800.00	
Solano County Mapping	127.00	
County of Solano	50.00	\$ 12,058.50
Estimated Cost of Detachment Fees:		\$ 34,270.65

** SID Engineering and Processing Fee is Estimated Only. Owner to pay Actual Charges.*

*Resolution No. 19-13: Reorganization of Territory, Casa Dei Vista Apartments property,
Detachment No. 2019-311*

2. The parcels and roadways whose boundaries and centerlines define the boundary of the territory being annexed shall be recorded as described and shown in Exhibits "A" and "B" so as to ensure that the District's boundary line coincides with recorded boundaries; and,

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

WHEREAS, the Casa Dei Vista Apartments property was annexed to the City of Vacaville on December 30, 1982. There was a Mitigated Negative Declaration prepared and approved for this development, which complied with the requirements of the California Environmental Quality Act (CEQA), and as such, no further action is required under CEQA; and,

WHEREAS, this Board of Directors certifies that the Solano Irrigation District initiated the Casa Dei Vista Apartments property detachment from the District, and that the subject detachment is a ministerial act required by the regulations of the United States Bureau of Reclamation and the policies of the District, and as such, the District will file a Notice of Exemption identifying the detachment as a Ministerial act, and no further action is required under CEQA.

NOW, THEREFORE, this Resolution of Application is hereby adopted and approved by the Board of Directors of the Solano Irrigation District, and the Solano Local Agency Formation Commission is hereby requested to take proceedings for the detachment of territory as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000

PASSED AND ADOPTED the 19th day of November, 2019, by the Board of Directors of the Solano Irrigation District, County of Solano, State of California, by the following vote:


AYES: Barrett, Porter Kluge

NOES: None

ABSTAIN: None

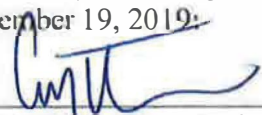
ABSENT: Colla, German

DATED: November 19, 2019



John D. Kluge, President of the Board of Directors
Solano Irrigation District

ATTEST: I hereby certify that the foregoing Resolution was duly made, seconded and adopted by the Board of Directors of Solano Irrigation District at a regular meeting of this Board held November 19, 2019.



Cary Keaten, General Manager
Solano Irrigation District