



Solano Local Agency Formation Commission

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

STAFF REPORT

DATE: March 6, 2024
TO: Local Agency Formation Commission
FROM: Rich Seithel, Executive Officer
SUBJECT: **2023-19 Solano Irrigation District (SID) detach Nut Tree Apartment LLC (APN 0129-240-570, -580, and -590)**

Recommendation:

WAIVE the conducting authority proceedings pursuant to Government Code (GC) Section 56662.

ADOPT the LAFCO resolution to REAFFIRM the Nut Tree Apartments Modification Negative Declaration as the Responsible Agency pursuant to the California Environmental Quality Act (CEQA).

CONSIDER and ADOPT the LAFCO Resolution approving the detachment of land from Solano Irrigation District generally referred to as Nut Tree Apartments within the City of Vacaville (APN 0129-240-570, -580, and -590) (12.01 acres).

Executive Summary:

The SID has submitted a detachment request for lands generally referred to as Nut Tree Apartments LLC located at the end of Nut Tree Road behind the Nut Tree Shopping Center, within the City of Vacaville. With the detachment of the subject property, the land will be developed into a 216-unit apartment complex.

The Nut Tree area is within the jurisdiction of the City of Vacaville and therefore subject to the City's authority for land use development. Nut Tree Apartments will receive the full range of urban services from the City including potable and non-potable water services.

The proposal before the Commission is to consider detaching land from the SID's boundary and service area. Per the requirements of the Cortese-Knox-Hertzberg (CKH) Act, the Commission is required to consider seventeen factors (a-q) pursuant to GC Section 56668. Additionally, the Commission must measure a proposal's consistency with its adopted policies (Standards 1-11 per Section 56375(g)) when reviewing an application for a change of organization or reorganization.

Commissioners

Nancy Shopay, Chair • Ron Kott, Vice-Chair • John Vasquez • Mitch Mashburn • Steve Bird

Alternate Commissioners

Alma Hernandez • Wanda Williams

Staff

Rich Seithel, Executive Officer • Christina Love, Deputy Executive Officer • Tyra Hays, Project Specialist • Aaron Norman, Analyst II • Tova Guevara, Office Administrator/Clerk • Mala Subramanian, Lead Legal Counsel

I. Background:

Consistent with an existing Joint Powers Agreement (JPA) between the City of Vacaville (City) and SID, the Nut Tree Apartments area would remain in SID’s service area until development commences. With the commencement of development, SID detaches. The agreement also outlines that the landowners would be responsible for the District’s detachment fees.

The proposal before the Commission allows the City and District to comply with said detachment agreement and eliminates the potential for duplication of service providers to the proposal site. This proposal site will be the fourth of twelve villages to detach from SID for development within the Roberts’ Ranch Specific Plan area. The City of Vacaville will provide potable water, as well as other general services (sewer, fire, police, etc.).

II. Project Description:

The project consists of detaching three parcels, APN 0129-240-570, -580, and -590, from the Solano Irrigation District. The parcels are generally referred to as the Nut Tree Apartments and total approximately 12.01± acres. A map and geographical description are attached to the proposed LAFCO Resolution for approval as Exhibit A, which more specifically identifies the location.

The subject property is currently within the District and planned for residential development within the City of Vacaville. The property is vacant (uninhabited) and per City of Vacaville zoning map, is zoned CH – Highway Commercial which permits apartment development.

The request for this change of organization is made subject to GC §56650 *et seq.* by SID Resolution 23-24 (Attachment A) adopted on September 19, 2023. 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 protest hearing. Furthermore, LAFCO may waive the Conducting Authority Proceedings (protest hearing) pursuant to GC §56662.



III. Project Analysis:

California Environmental Quality Act (CEQA):

The District, as the Lead Agency, has determined the proposal to be consistent with the Nut Tree Apartments Modification Negative Declaration (SCH #20181122023), adopted by the City of Vacaville on April 13, 2022. Attachment B is the filed Notice of Determination.

According to Section 15096 of the CEQA Guidelines, LAFCO should consider and reaffirm the Nut Tree Apartments Modification Negative Declaration (SCH #20181122023).

Statutory and Policy Considerations:

Per the requirements of the Cortese-Knox-Hertzberg (CKH) Act, the Commission is required to consider seventeen factors (a-q) pursuant to GC Section 56668. Additionally, the Commission must measure a proposal's consistency with its adopted policies (Standards 1-11 per Section 56375(g)) when reviewing an application for a change of organization or reorganization.

Statutory Factors to be Considered in Review of a Proposal (GC §56668(a-q)):

CKH requires the Commission to consider seventeen factors when reviewing proposals for a change of organization.

- a. *Population and population density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; and the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.***

Population and population density within SID's boundary area will remain unchanged. This detachment is consistent with development approvals by the City of Vacaville. The City's development of the proposal area will consist of 216 apartment units and could increase the City population by 583 persons based on 2.7 persons per household. The assessed valuation as of January 1, 2023 for the three parcels is \$2,627,008.¹ There are no natural boundaries.

- b. *The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; and probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.***

The project site has been within the city limit of the City of Vacaville since before 1972. While SID has not provided water service to the site, it has remained in the District because of an agreement between the two agencies that land is not detached until development. The City's General Plan has planned to provide all community services including police, fire, sewer, parks, and other utilities to the site upon development.

- c. *The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.***

Detachment of the proposal area from SID's boundary will not affect SID's ability to serve other areas within its boundary. There are no effects on the local governmental structure of the County.

- 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.***

This factor is not applicable as the site is located within the City limits.

¹ \$1,130,914 (APN 0129-240-590) + \$748,047 (APN 0129-240-580) + \$748,047 (APN 0129-240-570)

e. *The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016².*

The request to detach land from SID is an implementation step of the City of Vacaville's development approvals under their jurisdictional authority and is not near any agricultural lands. Further, SID has not been providing water to the site. Therefore, the proposed detachment will not affect such agricultural lands.

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 map and geographic description have been reviewed and corrected by the County Surveyor per Commission policy. These two documents provide certainty of the proposed boundary of the territory. They are both attached to the resolution for approval.

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

This factor is not applicable as the site is located within the City limits and has been for substantial time.

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

The Commission considered the City's adopted General Plan as part of the reorganization proposal. This factor is not applicable as the site is located within the City limits.

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

This factor is not applicable as the site is already located within the city limits of Vacaville. The request before the Commission is detachment from SID and will concurrently remove the proposal area from their sphere of influence.

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

As of the writing of this report, staff has not received comments from any of the affected agencies or other public agencies.

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

The proposed detachment will result in a loss of \$646.38 from SID and an increase in the same amount to the City of Vacaville. Per SID, all District detachment fees have been paid by the landowner.

² "Agricultural lands" 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.

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

As noted above, the City will provide potable and non-potable water services to the site. The City of Vacaville General Plan and associated environmental reviews confirm adequate water supply to meet the projected demands for the apartment development.

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 Title 7.

This factor is not applicable as the site is already located within the City limits. The Regional Housing Needs Allocation (RHNA) was considered by the Commission at the time of the reorganization approval.

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

The Commission has received a letter of support for the proposed change of organization from the landowner.

o. Any information relating to existing land use designations.

The City has zoned the proposal site as Highway Commercial, which permits the development of apartments.

p. The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.

There are no environmental justice issues identified.

q. Information contained in a 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 determined that such information is relevant to the area that is the subject of the proposal.

This factor is not applicable as the site is located within the City limits and the Commission considered the City's General Plan Safety Element.

Adopted Policy Standards (GC §56375(g)):

Solano LAFCO has 11 locally adopted standards that must be evaluated. The following is an analysis of the proposal's consistency with those Standards 1-11.

Agenda Item 8.A SID Detach Nut Tree Apartments

Standard	Policy Consistency	Analysis
1. Consistency with Sphere of Influence (SOI) Boundaries	Consistent	Proposal is consistent with SID’s SOI; proposal area will be removed from SID’s SOI as part of the Commission’s action.
2. Change of Organization and Reorganization to the Limits of the SOI Boundaries	N/A	The area will be detached from SID boundary. The area is already located within the city limits of Vacaville.
3. Consistency with Appropriate City General Plan, Specific Plan, Area-Wide Plan, and Zoning Ordinance	Consistent	Located within Vacaville City limits, consistent with the City’s General Plan, with Vacaville zoning, and with current development plans.
4. Consistency with the County General Plan of Proposed Change of Organization or Reorganization Outside of a City’s SOI Boundary	N/A	The area is already located within the city limits of Vacaville. The change of organization is consistent with County General Plan and an SID JPA with Vacaville.
5. Requirement for Pre-Approval	Consistent	Request for detachment initiated by District Resolution 23-24 (Attachment A).
6. Effect on Natural Resources (California Environmental Quality Act – CEQA)	Consistent	<p>The detachment is consistent with the Nut Tree Apartment Modification Negative Declaration determinations and conditions as adopted by City of Vacaville.</p> <p>The complete Negative Declaration and related City documents in are available the Vacaville City Hall at 650 Merchant Street, Vacaville, CA 95688.</p>
7. Proposal Boundaries, Map and Geographic Description Requirements, Other Exhibits	Consistent	The legal description and map are attached as Exhibit A to the proposed LAFCO Resolution for approval.
8. Likelihood of Significant Growth and Effect on Other Incorporated or Unincorporated Territory	Consistent	The detachment from SID will not, on its own, affect growth. This action is consistent with a JPA between SID and Vacaville so that Vacaville can development the site under their authority.
9. Protection of Prime Agricultural Land	N/A	Proposal is located within the City; and not on or near agricultural lands.
10. Provision and Cost of Community Services	N/A	Proposal is to consider detachment from SID only; proposal site is within the City’s jurisdiction and has planned for all services.

Standard	Policy Consistency	Analysis
11. The Effect of the Proposed Action on Adjacent Areas, Mutual Social and Economic Interests, and on Local Governmental Structure	Consistent	Per SID staff, all fees have been paid consistent with the City and SID's existing joint powers agreement.

IV. Conducting Authority (Protest Hearing) Proceeding:

The proposal area is undeveloped and considered legally uninhabited per GC Section 56079.5 (there are fewer than 12 registered voters in the proposal area). Furthermore, the property owner has submitted a letter to the Commission consenting to the annexation. Therefore, staff recommends the Commission waive the conducting authority proceeding pursuant to GC Section 56662(d).

V. Summary of Findings and Determinations:

Staff recommends the following findings and determinations based on project research and analysis included in prior sections of this document, State law, and the Commission's adopted policies:

1. The subject detachment is consistent with the District's SOI; the proposal area will be removed from the District's SOI as part of the Commission's action.
2. 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 prior to development.
3. The subject detachment eliminates the potential for duplication of service providers to the subject property.
4. The subject proposal area is "uninhabited" as defined by Government Code (GC) §56079.5. 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).
5. 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.
6. The environmental documents were approved by the City of Vacaville as the lead agency on April 13, 2022 (SCH #20181122023), and are found to satisfy the requirements of the California Environmental Quality Act (CEQA). The environmental impacts of the change of organization have been disclosed and adequately addressed by the lead agency. The City of Vacaville and Solano Irrigation District have fulfilled their obligations under CEQA.
7. The subject detachment is in the best interests of the citizens within the affected area.
8. 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.

9. The subject detachment will result in a loss of \$646.38 tax base from SID and a gain of the same amount for the City of Vacaville.
10. The District has collected all applicable detachment fees per the agreement between the City and the District.

VI. Terms and Conditions of Approval per GC Sections: 56885, 56885.5, and 56886:

Staff recommends the Commission approve the proposed change of organization with the following terms and conditions of approval:

1. The Commission orders the change of organization without an election as provided by GC § 56885.5.
2. The effective date of the change of organization shall be the date of the recordation made with the County Recorder of the Certificate of Completion per GC § 57202.
3. Immediately following LAFCO approval, the District shall submit a warrant to LAFCO for the Solano County Recorder fee for the Certificate of Completion in the amount of \$384.00
4. Immediately following LAFCO approval, the District shall submit a warrant to LAFCO for the CA State Board of Equalization in the amount of \$800.00.

Attachments:

Action Item: Solano LAFCO Resolution Reaffirming the Nut Tree Apartments Modification Negative Declaration (SCH #20181122023)

Action Item: Solano LAFCO Resolution Approving the Solano Irrigation District's Detachment of Nut Tree Apartments LLC (Vacaville) with Determination and Conditions (APN 0129-240-570, -580, and -590) (LAFCO Project No. 2023-19 Exhibit A – Legal Description and Map

Attachment A: SID Resolution 23-24 Initiating the Change of Organization

Attachment B: Filed CEQA Notice of Determination for Nut Tree Apartments Modification Negative Declaration

LAFCO RESOLUTION 2023-

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF SOLANO COUNTY REAFFIRMING THE NUT TREE APARTMENTS MODIFICATION NEGATIVE DECLARATION (SCH #20181122023) FOR THE DETACHMENT OF APN 0129-240-570, -580, AND -590 COMMONLY REFERRED TO AS NUT TREE APARTMENTS LLC, FROM SOLANO IRRIGATION DISTRICT

WHEREAS, Solano Local Agency Formation Commission (LAFCO) received an application to detach approximately 12.01± acres from the Solano Irrigation District, a parcel commonly referred to as Nut Tree Apartments LLC; and

WHEREAS, the City Council of the City of Vacaville adopted the Nut Tree Apartments Modification Negative Declaration (SCH #20181122023) on April 13, 2022; and

WHEREAS, Solano LAFCO, in accordance with the California Environmental Quality Act (CEQA), finds the detachment to be consistent with the Nut Tree Apartments Modification Negative Declaration (SCH #20181122023).

NOW, THEREFORE BE IT RESOLVED that Solano LAFCO does resolve, declare, determine, and order the following:

1. Reaffirm the Nut Tree Apartments Modification Negative Declaration (SCH #20181122023) for SID's detachment of Nut Tree Apartments LLC;
2. 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.

I HEREBY CERTIFY that the foregoing resolution was duly passed and adopted by the Local Agency Formation Commission of Solano County at a regular meeting, held on the 6th day of March 2024, by the following vote:

AYES:
NOES:
ABSENT:

Ron Kott, Chair
Presiding Officer Solano LAFCO

ATTEST:

Tova Guevara, Clerk

LAFCO RESOLUTION NO. 2023-

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF SOLANO COUNTY APPROVING THE NUT TREE APARTMENTS LLC
DETACHMENT FROM SOLANO IRRIGATION DISTRICT WITH DETERMINATIONS
AND CONDITIONS (APN 0129-240-570, -580, AND -590)
(LAFCO PROJECT 2023-19)**

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, Solano Local Agency Formation Commission (LAFCO) received an application to detach approximately 12.01± acres from the Solano Irrigation District, a parcel commonly referred to as Nut Tree Apartments LLC; and

WHEREAS, the Executive Officer has examined the proposal and determined that it is complete and has accepted the proposal for filing as of December 30, 2023; 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, adopted the Nut Tree Apartments Modification Negative Declaration (SCH #20181122023) on April 13, 2022; and,

WHEREAS, the Commission received, heard, discussed, and considered all oral and written testimony related to the proposal, including but not limited to any comments and objections, the staff report and recommendation, the environmental determination and consideration, plans for providing service, spheres of influence, applicable municipal service reviews, the specific plan, and the City's general plan; and,

Commissioners

Nancy Shopay, Chair • Ron Kott, Vice-Chair • John Vasquez • Mitch Mashburn • Steve Bird

Alternate Commissioners

Alma Hernandez • Wanda Williams

Staff

Rich Seithel, Executive Officer • Christina Love, Deputy Executive Officer • Tyra Hays, Project Specialist • Aaron Norman, Analyst II • Tova Guevara, Office Administrator/Clerk • Mala Subramanian, Lead Legal Counsel

WHEREAS, the Commission has considered and made findings with respect to the reorganization's compliance with Solano LAFCO's standards for evaluation of detachment proposals; and,

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

1. The subject detachment is consistent with the District's SOI; the proposal area will be removed from the District's SOI as part of the Commission's action.
2. 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 prior to development.
3. The subject detachment eliminates the potential for duplication of service providers to the subject property.
4. The subject proposal area is "uninhabited" as defined by Government Code (GC) §56079.5. 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).
5. 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.
6. The environmental documents were approved by the City of Vacaville as the lead agency on April 13, 2022 (SCH #20181122023), and are found to satisfy the requirements of the California Environmental Quality Act (CEQA). The environmental impacts of the change of organization have been disclosed and adequately addressed by the lead agency. The City of Vacaville and Solano Irrigation District have fulfilled their obligations under CEQA.
7. The subject detachment is in the best interests of the citizens within the affected area.
8. 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.
9. The subject detachment will result in a loss of \$646.38 tax base from SID and a gain of the same amount for the City of Vacaville.
10. The District has collected all applicable detachment fees per the agreement between the City and the District.

NOW, THEREFORE, BE IT HEREBY RESOLVED, DETERMINED AND

ORDERED as follows:

1. The Nut Tree Apartments LLC 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 Negative Declaration adopted by the Lead Agency and reaffirms the CEQA determination.
4. Said territory includes approximately 12.02 acres and is found to be uninhabited, and the territory is assigned the following short form designation:
5. The proposal area shall be removed from the sphere of influence of the Solano Irrigation District concurrent with the subject detachment.
6. 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.
7. Conducting Authority proceedings are waived.

Terms and Conditions of Approval per GC Sections: 56885, 56885.5, and 56886:

1. The Commission orders the change of organization without an election as provided by GC § 56885.5.
2. The effective date of the change of organization shall be the date of the recordation made with the County Recorder of the Certificate of Completion per GC § 57202.
3. Immediately following LAFCO approval, the District shall submit a warrant to LAFCO for the Solano County Recorder fee for the Certificate of Completion in the amount of \$384.00
4. Immediately following LAFCO approval, the District shall submit a warrant to LAFCO for the CA State Board of Equalization in the amount of \$800.00.

The foregoing resolution was duly passed and adopted by the Local Agency Formation Commission of Solano County at a regular meeting, held on the 6th day of March 2024, by the following vote:

Agenda Item 8.A SID Detach Nut Tree Apartments

AYES:
NOES:
ABSENT:

Ron Kott, Chair
Presiding Officer Solano LAFCO

ATTEST:

Tova Guevara, Clerk

Attachments:

Exhibit A – Legal Description and Map Nut Tree Apartments LLC

EXHIBIT "A"
Agenda Item 8.A SID Detach Nut Tree Apartments
LAFCO PROJECT NO. 2023-19
SID DETACHMENT NUMBER 2023-325
DETACHMENT FROM THE SOLANO IRRIGATION DISTRICT

Portion of the Rancho Los Putos lying in
projected Section 15, T.6N., R.1W., M.D.M.
City of Vacaville County of Solano State of California

SURVEYOR'S STATEMENT

This legal description and map exhibit of the Solano Irrigation District Detachment 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 of sale of the land described. It is for assessment purposes only.

Prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.



Shane R. Barber L.S. 9097

23 JAN 2024

Date: _____



SOLANO IRRIGATION DISTRICT STATEMENT

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

Robert Holmes, Senior Real Estate Manager
Solano Irrigation District

Date:

COUNTY SURVEYOR'S STATEMENT

This legal description and map exhibit meet the requirements of the State Board of Equalization, the Solano County Assessor/Recorder's office, and conforms to the lines of assessment.

Chris M. Ferrucci, P.L.S 9430
County Surveyor

Date:

APPROVAL BY LOCAL AGENCY FORMATION COMMISSION

Rich Seithel, Executive Officer
Solano LAFCO

Date:

EXHIBIT "A" Agenda Item 8.A SID Detach Nut Tree Apartments
LAFCO PROJECT NO. 2023-19
SID DETACHMENT NUMBER 2023-325
DETACHMENT FROM THE SOLANO IRRIGATION DISTRICT

LEGAL DESCRIPTION

All that certain real property situate in the City of Vacaville, County of Solano, State of California, being a portion of the Rancho Los Putos lying in projected Section 15, Township 6 North, Range 1 West, Mt. Diablo Baseline and Meridian, and being All of Parcel 2A, Parcel 2B and Parcel 2C as shown on that certain Parcel Map filed for record on June 24, 2011 in Book 50 of Parcel Maps, at Page 1, Solano County Records, being more particularly described as follows:

BEGINNING at the most Northeasterly corner of said Parcel 2C;

THENCE (1) **South 76°03'21" West, 215.07 feet;**

THENCE (2) Along a non-tangent curve to the left having a **radius of 1438.33 feet**, and from which a radial line bears South 22°26'48" East, through a central angle of **15°15'37"** for an arc distance of **383.09 feet;**

THENCE (3) **South 42°40'47" East, 20.36 feet;**

THENCE (4) Along a non-tangent curve to the left having a **radius of 1055.46 feet**, and from which a radial line bears South 39°15'56" East, through a central angle of **10°00'44"** for an arc distance of **184.44 feet;**

THENCE (5) **South 33°44'42" West, 933.82 feet;**

THENCE (6) **South 64°50'55" East, 71.05 feet;**

THENCE (7) **South 25°03'50" West, 81.66 feet;**

THENCE (8) **South 44°11'10" East, 80.91 feet;**

THENCE (9) **North 45°59'45" East, 76.00 feet;**

THENCE (10) **South 44°11'10" East, 33.00 feet;**

THENCE (11) **North 45°59'45" East, 1197.18 feet;**

THENCE (12) **North 76°03'18 East, 128.58 feet;**

THENCE (13) **North 12°12'36" West, 314.65 feet;**

THENCE (14) **North 76°03'21 East, 120.60 feet;**

EXHIBIT "A"
Agenda Item 8.A SID Detach Nut Tree Apartments
LAFCO PROJECT NO. 2023-19
SID DETACHMENT NUMBER 2023-325
DETACHMENT FROM THE SOLANO IRRIGATION DISTRICT

THENCE (15) *North 13°56'39" West, 100.00 feet* to the **POINT OF BEGINNING.**


Containing 12.003 acres, more or less.

END OF LEGAL DESCRIPTION

As shown on "**SHEETS 4 THRU 6**" attached hereto and by this reference made a part hereof.

Legal Description was prepared by Barber Surveying, Inc. for Ware Malcomb.

Date 23 JAN 2024

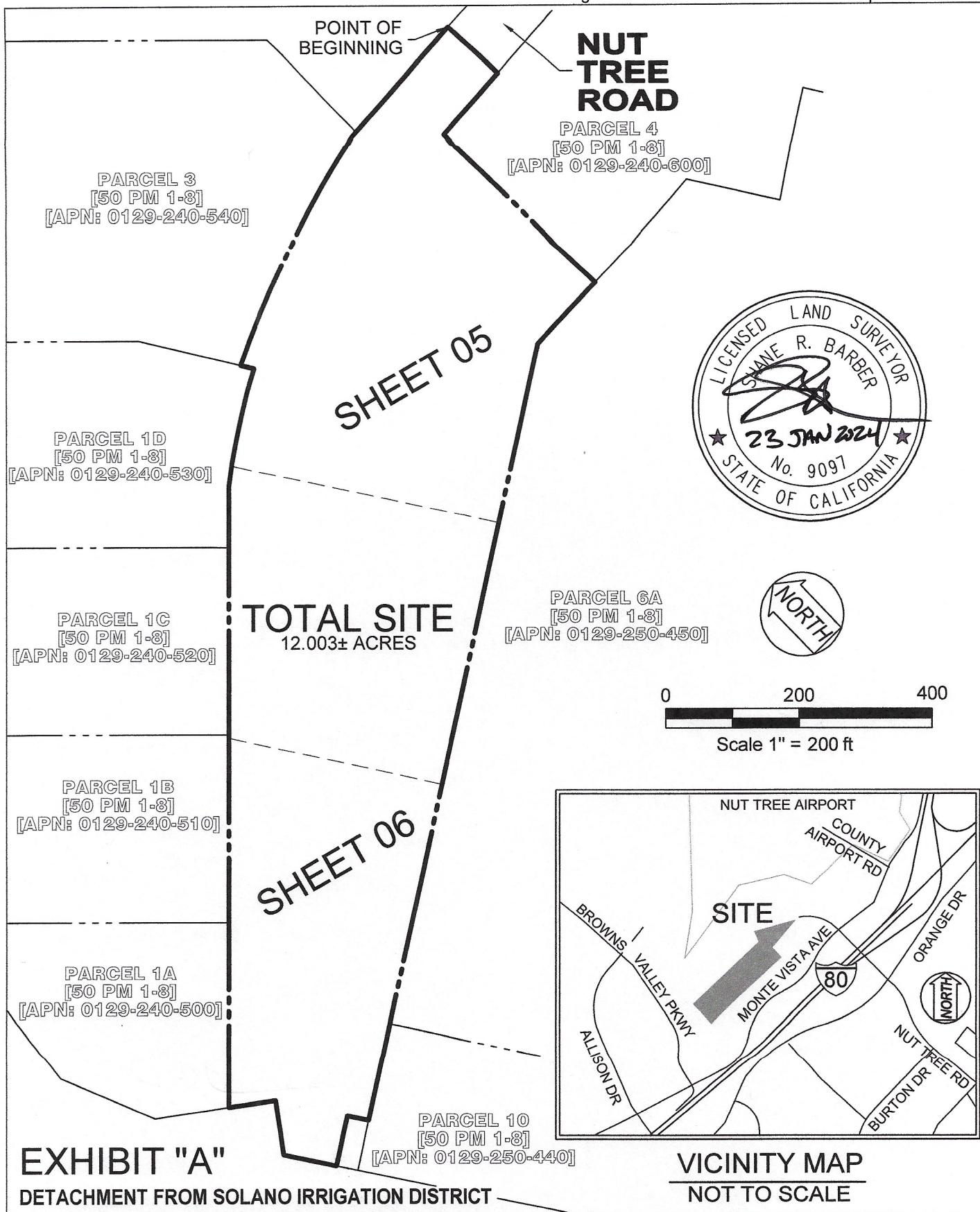


Shane R. Barber LS 9097



This legal description and map exhibit of the Solano Irrigation District Detachment Boundary is not a legal property description as defined by the Subdivision Map Act and may not be used as a basis for an offer or sale of the land described. It is for assessment purposes only.

BASIS OF BEARINGS:
The bearing of North 45°59'45" West taken on the southerly lot lines Parcel 2A and Parcel 2B as shown on that certain Parcel Map filed for record on June 24, 2011 in Book 50 of Parcel Maps, at Page 1, Solano County Records, as being the basis of all bearings shown hereon.



architecture
planning
interiors
graphics
civil engineering

WARE MALCOMB
Leading Design for Commercial Real Estate

PROJECT:
NUT TREE APARTMENTS

DATE :
JAN. 2024

SHEET

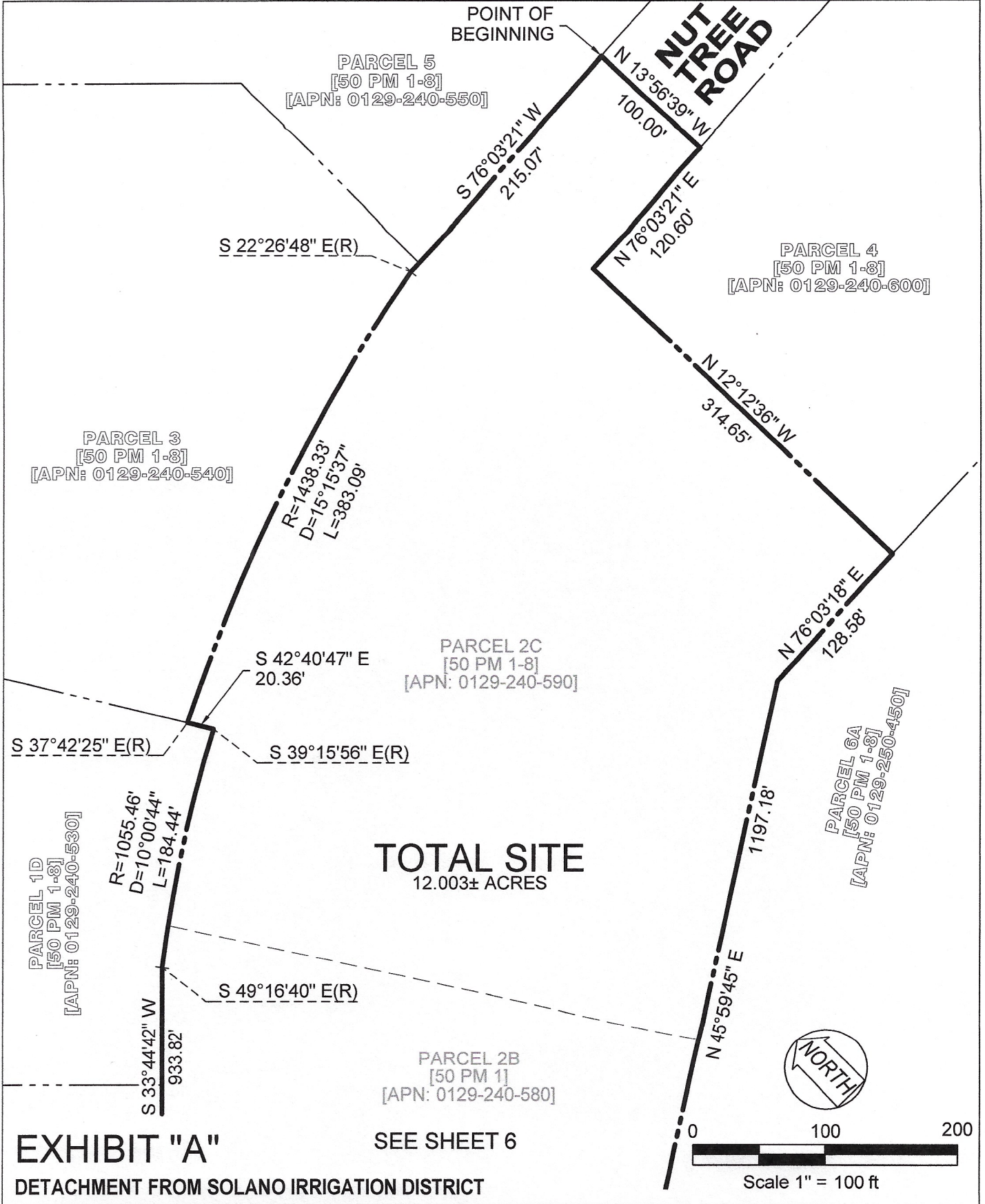
4683 chabot drive, suite 200
pleasanton, california 94588
p 925.244.9620
f 925.244.9621



JOB NO.:
SNR20-0143-00

SCALE:
1" = 200'

4 of 6



WARE MALCOMB
 planning interiors graphics civil engineering
 Leading Design for Commercial Real Estate

4683 chabot drive, suite 300
 pleasanton, california 94588
 p 925.244.9620
 f 925.244.9621

BARBER SURVEYING, INC.
 281 Boeing Court
 Livermore, CA 94551

PROJECT: NUT TREE APARTMENTS	DATE : JAN. 2024
JOB NO.: SNR20-0143-00	SCALE: 1" = 100'

SHEET 5 of 6

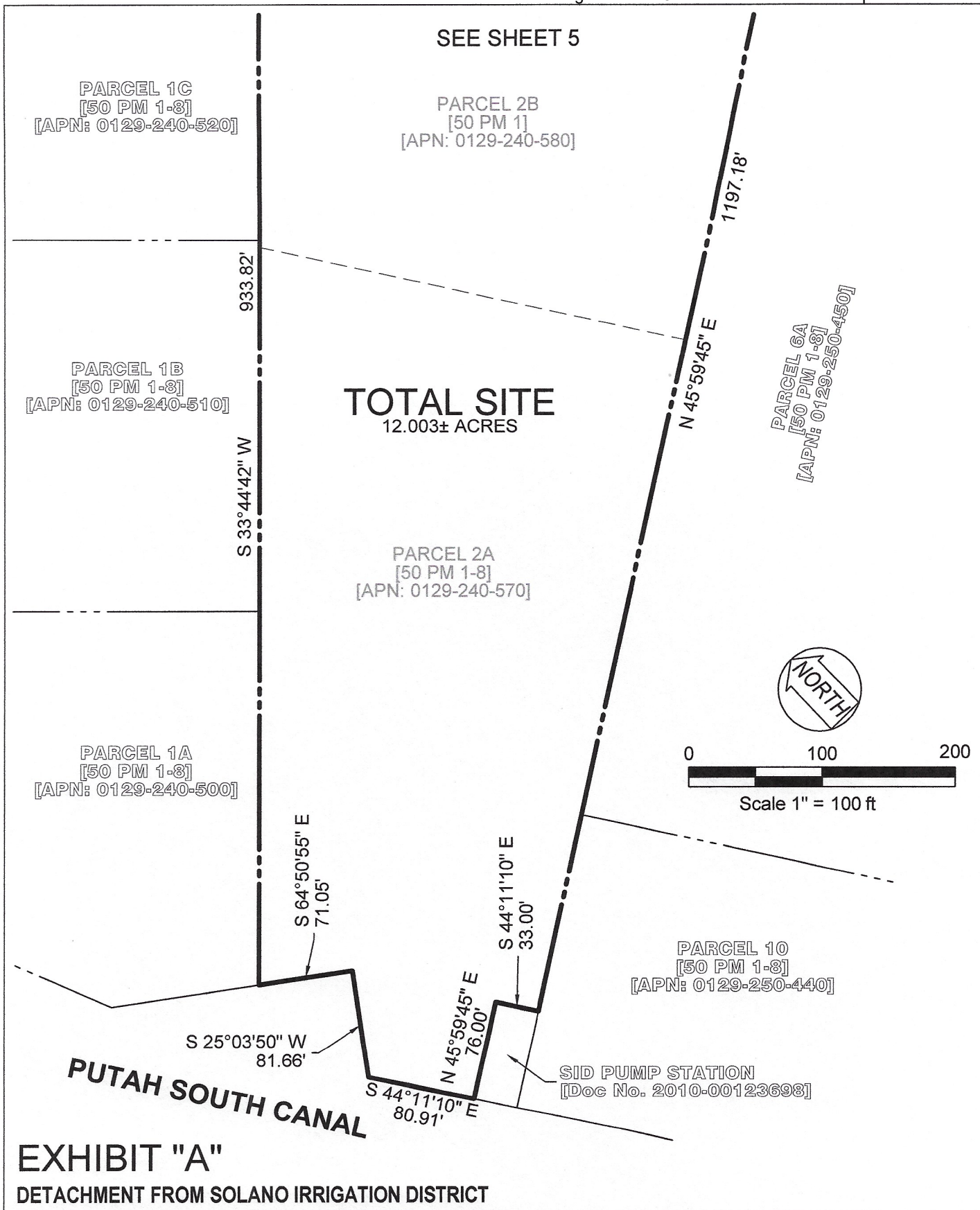


EXHIBIT "A"
DETACHMENT FROM SOLANO IRRIGATION DISTRICT

architecture
planning
interiors
graphics
civil engineering

WARE MALCOMB
Leading Design for Commercial Real Estate

4683 chabot drive, suite 300
pleasanton, california 94588
p 925-244-9620
f 925-244-9621

BARBER
SURVEYING, Inc.
281 Steeple Court (925) 344-6481
Livermore, CA 94551

PROJECT: NUT TREE APARTMENTS	DATE : JAN. 2024
JOB NO.: SNR20-0143-00	SCALE: 1" = 100'

SHEET

6 of 6



Agenda Item 8.A SID Detach Nut Tree Apartments
**SOLANO IRRIGATION DISTRICT
RESOLUTION NO. 23-24**

**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 NUT TREE APARTMENT PROJECT
DETACHMENT NO. 2023-325, CITY OF VACAVILLE**

At a regular meeting of the Board of Directors of Solano Irrigation District held at the District Office on the 19th day of September 2023, 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, This property is located within the City of Vacaville and is subject to detachment as it is developed for residential use. Water will be provided by the City and,

WHEREAS, the principal reasons for the proposed reorganization is to detach the Nut Tree Apartment Project from the Solano Irrigation District. The detachment area is made up of APNs: 0129-240-570, 580, 590, totaling 12.01 acres more or less.

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 is uninhabited, and a map and description of the boundaries of the territory are attached hereto as Exhibit "A" by this reference incorporated herein; and,

**Resolution No. 23-24: Reorganization of Territory, Nut Tree Apartments Project
Detachment No. 2023-325**

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

1. The landowner/developer has signed Work Order No. 22-3258 and has paid the estimated Detachment Fees of \$60,790.18.

Detachment fees are as follows:

Part 1: SID Fee Debt Portion: (formerly Detachment Fee)	\$	31,703.66
Part 2: SID Detachment Calculation:		11,678.52
Part 3: Agency Processing Fees:		
SID Engineering and Processing Fees		6,000.00 *
Agency Fees		
LAFCO Filing Fee	\$	10,000.00
BOE Filing Fee		800.00
County Filing Fee (NOE)		50.00
County Mapping Division		558.00
		11,408.00

Total Estimated Detachment Fees **\$ 60,790.18**

All actual costs are to be paid by developers and/or landowners, at no cost to the District.

2. The parcels and roadways whose boundaries and centerlines define the boundary of the territory being detached shall be recorded as shown in Exhibit "A" in the form required by the Solano Local Area Formation Commission and Solano County 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 Nut Tree Apartment Project's Mitigated Negative Declaration was reaffirmed on August 20, 2015, as part of extending the development approvals for the project by the City of Vacaville.

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.

**Resolution No. 23-24: Reorganization of Territory, Nut Tree Apartments Project
Detachment No. 2023-325**

PASSED AND ADOPTED the 19th day of September 2023, by the Board of Directors of the Solano Irrigation District, County of Solano, State of California, by the following vote:

AYES: Herich, Lum, Kluge, Barrett, Sanchez

NOES: None

ABSTAIN: None

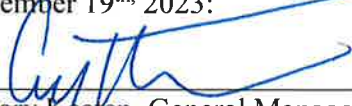
ABSENT: None

DATED: September 19th, 2023



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 September 19th, 2023:



Cary Keaten, General Manager
Solano Irrigation District

Agenda Item 8.A SID Detach Nut Tree Apartments



State of California - Department of Fish and Wildlife
2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

Agenda Item 8.A SID Detach Nut Tree Apartments

[Print](#) [StartOver](#) [Save](#)

RECEIPT NUMBER:
 48 — 04/21/2022 — 070
 STATE CLEARINGHOUSE NUMBER (if applicable)
 2018112023

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF VACAVILLE	LEAD AGENCY EMAIL	DATE 04/21/2022
COUNTY/STATE AGENCY OF FILING Solano	DOCUMENT NUMBER 04212022-070	

PROJECT TITLE

NUT TREE APARTMENTS MODIFICATION (FILE NO. 22-002)

PROJECT APPLICANT NAME MICHAEL BLATT W/ NUT TREE APARTMENTS, LLC.	PROJECT APPLICANT EMAIL	PHONE NUMBER (707) 449-5212
PROJECT APPLICANT ADDRESS 650 MERCHANT STREET	CITY VACAVILLE	STATE CA
		ZIP CODE 95688

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- | | | | |
|---|------------|----|------|
| <input type="checkbox"/> Environmental Impact Report (EIR) | \$3,539.25 | \$ | 0.00 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,548.00 | \$ | 0.00 |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,203.25 | \$ | 0.00 |

- Exempt from fee
 Notice of Exemption (attach)
 CDFW No Effect Determination (attach)
 Fee previously paid (attach previously issued cash receipt copy)

- | | | | |
|---|----------|----|-------|
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | 0.00 |
| <input checked="" type="checkbox"/> County documentary handling fee | | \$ | 50.00 |
| <input type="checkbox"/> Other | | \$ | 0.00 |

PAYMENT METHOD:

- Cash
 Credit
 Check
 Other
 TOTAL RECEIVED
 \$ 50.00

SIGNATURE 	AGENCY OF FILING PRINTED NAME AND TITLE AIMEE JOHNSON, DEPUTY
---------------	---

Check Number: 157
 Receipt Number: 1066451

Agenda Item 8.A SID Detach Nut Tree Apartments

Notice of Determination

Appendix D

To:

Office of Planning and Research
U.S. Mail: _____ Street Address: _____
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
County of: Solano
Address: 675 Texas Street, Suite 1900
Fairfield, California 94585

From:

Public Agency: City of Vacaville, Planning
Address: 650 Merchant Street
Vacaville, CA 95688

Contact: Sarah Nolan
Phone: (707) 449-5212

Lead Agency (if different from above):

Address: _____
Contact: Bill Emlen, Clerk of the
Board of Supervisors of
Phone: _____ the County of Solano,
State of California

FILED

APR 21 2022

Aimee Johnson, Deputy

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21109 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): SCH# 2018112023

Project Title: Nut Tree Apartments Modification (File No. 22-002)

Project Applicant: Michael Blatt w/ Nut Tree Apartments, LLC.

Project Location (include county): APNs:0129-240-570, 580 and 590 Vacaville, Solano County.

Project Description:
Modification to the originally approved project for the apartments. The proposal is to change the site layout and exterior elevations. The original conditions and project plans have been attached to the referral. The referral also include a response sheet to City comments from September 13, 2021.

This is to advise that the City of Vacaville has approved the above (input checked) Lead Agency or (input unchecked) Responsible Agency

described project on April 13, 2022 and has made the following determinations regarding the above (date) described project.

- 1. The project [input unchecked] will [input checked] will not] have a significant effect on the environment.
- 2. [input unchecked] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [input checked] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- 3. Mitigation measures [input checked] were [input unchecked] were not] made a condition of the approval of the project.
- 4. A mitigation reporting or monitoring plan [input checked] was [input unchecked] was not] adopted for this project.
- 5. A statement of Overriding Considerations [input unchecked] was [input checked] was not] adopted for this project.
- 6. Findings [input checked] were [input unchecked] were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
The City of Vacaville Planning Division offices, 650 Merchant Street, Vacaville, CA 95688.

Signature (Public Agency): [Signature] Title: Assistant Planner

Date: April 21, 2022 Date Received for filing at OPR: _____

Authority cited: Sections 21083, Public Resources Code. Document Posted From
Reference Section 21000-21174, Public Resources Code. 04/21/22 to _____ Revised 2011



State of California - Department of Fish and Wildlife

2018 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 01/03/18) Previously DFG 753.5a

Agenda Item 8.A SID Detach Nut Tree Apartments



RECEIPT NUMBER:
48 — 12/21/18 — 207

STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY City of Vacaville		LEAD AGENCY EMAIL	DATE 12/21/18
COUNTY/STATE AGENCY OF FILING Solano		DOCUMENT NUMBER 12211-207	
PROJECT TITLE Nut Tree Apartments (File No. 17-317)			

PROJECT APPLICANT NAME City of Vacaville		PROJECT APPLICANT EMAIL	PHONE NUMBER (707) 469-6427
PROJECT APPLICANT ADDRESS 650 Merchant Street		CITY Vacaville	STATE CA
		ZIP CODE 95688k	

PROJECT APPLICANT (Check appropriate box)

Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,168.00	\$	0.00
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,280.75	\$	2,280.75
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,077.00	\$	0.00

- Exempt from fee
 - Notice of Exemption (attach)
 - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other CHECK #6171		\$	

PAYMENT METHOD:

- Cash Credit Check Other

TOTAL RECEIVED \$ 2,330.75

SIGNATURE <i>x Sandy Hoffert</i>	AGENCY OF FILING PRINTED NAME AND TITLE Sandy Hoffert, Deputy
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Agenda Item 8.A SID Detach Nut Tree Apartments

Notice of Determination

Appendix D

To:
 Office of Planning and Research
 U.S. Mail: _____ Street Address: _____
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
 County of: Solano
 Address: 675 Texas Street, Suite 1900
Fairfield, California 94585

From:
 Public Agency: City of Vacaville, Planning
 Address: 650 Merchant Street
Vacaville, CA 95688
 Contact: Angelica Garcia
 Phone: (707) 469-6427

FILED

Lead Agency (if different from above) DEC 21 2018
 Address: _____
Birgitta E. Corsello, Clerk of
the Board of Supervisors of
the County of Solano, State of California
 Contact: _____
 Phone: _____
 Deputy: Sandy Hoffer

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): SCH# 2018112023

Project Title: Nut Tree Apartments (File No. 17-317)

Project Applicant: Nut Tree Holdings, LLC

Project Location (include county): South of Nut Tree Road, Vacaville, Solano County

Project Description:
 Project proposal is to construct a 216-unit apartment complex on a vacant 12-acre site located on Nut Tree Road, behind the Nut Tree Village Shopping Center. The apartment complex consists of 9 three-story residential buildings with patios and balconies and 1 club house building with a pool and bocce court. The site plan includes an open space area, dog park, children's play area, on-site landscaping, 20 storage enclosures, and 449 parking spaces, including carports, garages, guest parking, and RV stalls, with access along Nut Tree Road.

This is to advise that the City of Vacaville has approved the above
 Lead Agency or Responsible Agency)

described project on December 18, 2018 and has made the following determinations regarding the above
 (date)
 described project.

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

The City of Vacaville Planning Division offices, 650 Merchant Street, Vacaville, CA 95688.

Signature (Public Agency): Aselin Garcia Title: Planning Technician

Date: December 21, 2018 Date Received for filing at OPR: _____

Authority cited: Sections 21083, Public Resources Code.
 Reference Section 21000-21174, Public Resources Code.

Document Posted From
12-21-18 to 2/6/19 Revised 2011

Unato Alms
 Deputy Clerk of the Board