



Solano Local Agency Formation Commission

3700 Hilborn Rd. Ste. 600 • Fairfield, California 94534
 (707) 439-3897 • FAX: (707) 438-1788

Staff Report

DATE: April 8, 2013
 TO: Local Agency Formation Commission
 FROM: Elliot Mulberg, Interim Executive Officer
 Michelle McIntyre, Analyst
 SUBJECT: **Protest Hearing 2012-10 Core Area Annexation to the City of Fairfield**

RECOMMENDATION:

It is recommended the Commission:

1. Receive protests filed against the 2012-10 Core Area Annexation to the City of Fairfield.
2. Approve the attached Resolution which will authorize the Executive Officer to issue a Certificate of Termination, Certificate of Completion, or alternatively inform the Board of Supervisors to direct the elections official to conduct an election.

BACKGROUND:

On February 11, 2013, the LAFCO approved the reorganization proposal titled “2012-10 Core Area Annexation to the City of Fairfield” subject to the terms and conditions outlined in its Resolution No. 13-01. During the 30 days following the hearing, no requests for reconsideration were received.

The Core Area Annexation to the City of Fairfield was approved with the following conditions:

1. That the reorganization is assigned the following short term designation “2012-10 Core Area Annexation to the City of Fairfield”
2. That upon the effective date of the reorganization, the subject territories will be annexed to the City of Fairfield.
3. The Solano LAFCO will schedule a Protest Hearing in accordance with GC Section 57002 after approval and proceed with noticing, hearing, and election, if required, pursuant to the Cortese-Knox-Hertzberg Act (CKH Act).
4. That the effective date of the reorganization is the date that the signed Certificate of Completion is recorded with the Solano County Recorder’s Office pursuant to the CKH Act.
5. That upon the effective date of the reorganization, the territory will be detached from the Solano County Service Area (lighting).
6. That the Certificate of Completion documents to be recorded include the Cooperative Agreement between the County of Solano and the City of Fairfield Regarding Jurisdictional Obligations and the Exchange of Revenue Related to the Train Station Specific Plan.

7. That the Base Tax Exchange is subject to the Cooperative Agreement between the County of Solano and the City of Fairfield Regarding Jurisdictional Obligations and the Exchange of Revenue Related to the Train Station Specific Plan.
8. That upon the effective date of the re-organization, the subject territories will be annexed to the Suisun-Fairfield-Rockville Cemetery District.
9. That the Certificate of Completion documents to be recorded include the Agreement reached between the City of Fairfield and the Suisun-Fairfield-Rockville Cemetery District.
10. That upon the effective date of the reorganization the affected territories be detached from the Vacaville Fire Protection District.
11. That the City of Fairfield shall provide a twenty five year pass through equal to the amount of property tax revenue lost from the subject reorganization to the Vacaville Fire Protection District.
12. Solano LAFCO adopts the following Statement of Overriding Considerations:

Pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the State CEQA Guidelines, the Solano Local Agency Formation Commission (LAFCO) adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project.

LAFCO finds and determines that (1) the majority of the significant impacts of the project will be reduced to acceptable levels by implementation of the mitigation measures recommended in these findings; (2) LAFCO's approval of the project as proposed will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than-significant level the remaining significant environmental effects.

In light of the environmental, social, economic, and other considerations identified in the findings for the Fairfield Train Station Specific Plan, and the considerations set forth below related to this project, LAFCO chooses to approve the project because, in its view, the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

The following statements identify the reasons why, in LAFCO's judgment, the benefits of the project outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the project can be found in the preceding findings, which are herein incorporated by reference; in the project itself; and in the record of proceedings as defined above. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

LAFCO finds that the project, as conditionally approved, will have the following economic, social, technological, and environmental benefits:

- ▶ The project would further the City of Fairfield's General Plan policies and the goals for new residential land uses by providing a transit-oriented development and accommodating a broad range of housing types and densities, public, commercial, office and industrial uses. Specifically, the project includes development of a wide variety of housing types, including larger lots with large homes at low densities, small homes on smaller lots, multiple family housing, and other densities and housing types. The scale of the community would allow for great variety in the type of neighborhood amenities associated with the various housing types, providing a great deal of choice when choosing to buy, share, or rent a home in the City of Fairfield (City). Housing prices and rents would vary considerably, allowing increased housing opportunities for a variety of income levels.
- ▶ The project would also include a variety of non-residential uses. The project includes development of approximately 180,000 square feet of community commercial, approximately 127,000 square feet of commercial mixed use, approximately 55,000 square feet of neighborhood commercial, and approximately 4,600,000 square feet of employment. These non-residential uses would be expected to result in approximately 4,500 jobs within the City of Fairfield. The provision for such an amount of jobs furthers many of the objectives and policies in City's General Plan. By including planned areas of commercial and employment development to be compatible with residential uses, the Specific Plan also furthers City General Plan policies related to the relationships between planned land uses.
- ▶ The project is designed to take advantage of the new Fairfield-Vacaville Multi-Modal Train Station. One of the guiding principles of the Specific Plan is to create a transit oriented development. By fulfilling this objective, the Specific Plan also satisfies Policy HO 1.4 of the Housing Element of the City's General Plan which makes it City policy to support transit oriented development. The Specific Plan focuses residential density and nonresidential intensity in and around the planned train station site. The Specific Plan represents a master planned community that provides a variety of housing choices for Fairfield residents, including housing near the planned train station. The circulation network provided in the Specific Plan provides multi-modal connectivity with the train station site so that residents can conveniently walk or ride a bicycle to reach the train station. With the Specific Plan's transit orientation, mix and density of land uses, provision of bicycle and pedestrian facilities, and other strategies, the Specific Plan endeavors to capture vehicle trips internally, reduce vehicle trip lengths, and provide practical opportunities for non-automobile trips for future residents and employees within the Specific Plan Area.
- ▶ A major component of the Specific Plan is open space. The Specific Plan proposes to designate approximately 1,499 acres as open space (including wetlands, the Greenbelt recreation/open space areas, habitat conservation areas, mitigation banking areas, a vernal pool conservation area, and open space east of Vanden Road). The extensive preservation of natural land furthers many objectives and policies from numerous elements of the City's General Plan. The Specific Plan would create a Lake Park, a citywide amenity intended to become a gathering place for neighborhood, community and City events, as well as an amenity that residents may use for recreational purposes.
- ▶ The Specific Plan would satisfy City General Plan policies requiring establishment and preservation of a buffer between Fairfield and Vacaville by increasing the amount of land in the Greenbelt. The Specific Plan establishes a boundary and funding mechanism for permanently preserving a greenbelt between the two cities. Overall, the Specific Plan would result in a net increase of 400

acres of Greenbelt above the original greenbelt concept. Approximately 148 acres would be removed from the Greenbelt east of Vanden Road and 115 acres of land would be removed from the Greenbelt west of Vanden Road. Within the Vanden Road corridor, about 663 acres would be added to the Greenbelt.

- ▶ The creation and development of new, additional job-generating uses is crucial to achieving various goals of the City's General Plan. In addition to creating approximately 4,500 new employment opportunities through the commercial and employment components of the project, implementation of the Specific Plan would create thousands of construction jobs in addition to hundreds of jobs created by addition of schools, restaurants, retail locations, and other service-oriented establishments.
- ▶ The Specific Plan is also required to provide planning for infrastructure and public services, including a financing plan. The Specific Plan is required to provide a financing plan that defines the specific mechanisms required to fund capital costs of infrastructure necessary as a result of Specific Plan buildout. A financing plan for the Specific Plan has been prepared. The plan estimates infrastructure and public service costs associated with build-out of the Specific Plan, and summarizes financing mechanisms available to address these costs. The plan concludes, based on conservative assumptions, that the Specific Plan is feasible, and that necessary infrastructure and service costs can be financed. (See Economic & Planning Systems, Inc., Fairfield Train Station Specific Plan – Financing Plan (June 24, 2011)).
- ▶ The City's objectives for the project include the requirement that new development pay all costs associated with increased demand for municipal services. (Draft EIR, p. 3-25.) A Fiscal Impact Analysis has been prepared for the Proposed Project. The analysis concludes that, using conservative assumptions, the project will generate sufficient revenue to meet the cost of providing such services. (Economic & Planning Systems, Inc., Fairfield Train Station Specific Plan – Fiscal Impact Analysis (June 24, 2011)).
- ▶ The Specific Plan is consistent with the planning principles and strategies identified in the Climate Change Scoping Plan adopted by the California Air Resources Board to reach the greenhouse gas reduction goals required under Assembly Bill 32. The Climate Change Scoping Plan states that mixed-use and transit-oriented developments are methods to reduce greenhouse gas emissions. The Specific Plan would develop a range of residential densities, with higher-density development occurring closer to the previously approved train station. Providing these land uses within proximity of the train station provides opportunities for reduced vehicle trips and VMT in the region associated with commute, shopping, and recreational activities. The Specific Plan would accommodate office, retail, commercial services, parks, trails, and other destination land uses in proximity of residential development. The Specific Plan would also accommodate bicycle, pedestrian, and transit throughout proposed development areas.
- ▶ ABAG has identified the Fairfield/Vacaville Train Station as a Priority Development Area, which is defined as infill development opportunity area within an existing community. Developing in Priority Development Areas, such as the Fairfield/Vacaville Train Station, will assist the region to site an increased amount of housing and jobs in greenhouse gas-efficient locations.

- ▶ The Specific Plan enhances the City's ability to take better advantage of the Fairfield/Vacaville Train Station by providing the City with the ability to relocate current industrial users in the Peabody Road/Vanden Road area whose businesses are located near the new Fairfield-Vacaville Train station to the planned industrial uses. The Specific Plan provides land and the ability to relocate businesses within the same proximity.
- ▶ The Specific Plan provides the City and Solano Transportation Authority the ability to construct an important portion of the Jepson Parkway, which is designed to provide relief to other regional routes, as well as serve the needs of the Specific Plan Area.
- ▶ The Specific Plan provides the City and Travis Air Force Base the ability to an improved entrance to Travis Air Force Base, including safer travel ways and elimination of the at-grade rail crossing at Cannon and Vanden roads through the construction of New Canon Road.
- ▶ The Specific Plan provides a range of housing opportunities to serve the needs of existing and future residents of Fairfield, including employees working at Travis Air Force Base.
- ▶ The Specific Plan provides the City and Travis Air Force Base the opportunity to secure portions of the Travis Reserve in permanent open space.

DISCUSSION:

Any person registered to vote within the annexation area or who owns land within the annexation area is eligible to file a protest against the proposed reorganization by the close of the hearing. Any protests filed will be subject to verification by the Solano County Registrar of Voters Department and/or the Solano County Assessor/Recorder Department. Upon verification, the possible outcome includes:

1. If it is determined the value of valid written protests filled and not withdrawn is found to be 50% or more of the registered voters, the Executive Officer shall issue a Certificate of Termination pursuant to Government Code Section 56020.7
2. If it is determined the value of the valid written protests filled and not withdrawn is found to be 25% or more, but less than 50% of the registered voters or 25% or more of the number of owners of land who own 25% or more of the assessed value of land an election is required. The Executive Officer is directed, on behalf of the Commission, to request that the Solano County Board of Supervisors direct the elections official to conduct the necessary election.
3. If there are insufficient protests to order an election or terminate the proceedings; the Executive Officer shall issue a Certificate of Completion which shall incorporate the specified terms and conditions in the LAFCO Resolution 13-01 and record and file the reorganization pursuant to Government Code section 57000 et seq.

RESOLUTION No. _____
SOLANO LOCAL AGENCY FORMATION COMMISSION
PROTEST HEARING FOR THE LAFCO PROJECT NO. 2012-10 CORE AREA ANNEXATION TO THE
CITY OF FAIRFIELD

WHEREAS, pursuant to Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 of Title 5 of the California Government Code, LAFCO Project No. 2012-10 Core Area Annexation to the City of Fairfield was approved by the Solano Local Agency Formation Commission on February 11, 2013; and,

WHEREAS, the LAFCO adopted Resolution No. 13-01 with the following amendments and conditions:

1. That the reorganization is assigned the following short term designation “2012-10 Core Area Annexation to the City of Fairfield”
2. That upon the effective date of the reorganization, the subject territories will be annexed to the City of Fairfield.
3. The Solano LAFCO will schedule a Protest Hearing in accordance with GC Section 57002 after approval and proceed with noticing, hearing, and election, if required, pursuant to the Cortese-Knox-Hertzberg Act (CKH Act).
4. That the effective date of the reorganization is the date that the signed Certificate of Completion is recorded with the Solano County Recorder’s Office pursuant to the CKH Act.
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LAFCO finds that the project, as conditionally approved, will have the following economic, social, technological, and environmental benefits:

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- ▶ The project would also include a variety of non-residential uses. The project includes development of approximately 180,000 square feet of community commercial, approximately 127,000 square feet of commercial mixed use, approximately 55,000 square feet of neighborhood commercial, and approximately 4,600,000 square feet of employment. These non-residential uses would be expected to result in approximately 4,500 jobs within the City of Fairfield. The provision for such an amount of jobs furthers many of the objectives and policies in City's General Plan. By including planned areas of commercial and employment development to be compatible with residential uses, the Specific Plan also furthers City General Plan policies related to the relationships between planned land uses.
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employment opportunities through the commercial and employment components of the project, implementation of the Specific Plan would create thousands of construction jobs in addition to hundreds of jobs created by addition of schools, restaurants, retail locations, and other service-oriented establishments.

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- ▶ The Specific Plan provides a range of housing opportunities to serve the needs of existing and future residents of Fairfield, including employees working at Travis Air Force Base.
- ▶ The Specific Plan provides the City and Travis Air Force Base the opportunity to secure portions of the Travis Reserve in permanent open space.

WHEREAS, During the thirty days following the hearing LAFCO received no requests for reconsideration; and,

WHEREAS, the LAFCO published, posted, and mailed notices of the protest hearing pursuant to Government Code Section 57000, et.seq; and,

WHEREAS, on April 8, 2013, the Commission held a public hearing to receive protests filed against the subject proposal; and,

NOW, THEREFORE, BE IT ORDERED any protests filed will be subject to verification by the Solano County Registrar of Voters Department and/or the Solano County Assessor/Recorder Department.

NOW, THEREFORE BE IT FURTHER ORDERED as follows:

1. If it is determined the value of valid written protests filled and not withdrawn is found to be 50% or more of the registered voters, the Executive Officer shall issue a Certificate of Termination pursuant to Government Code Section 56020.7
2. If it is determined the value of the valid written protests filled and not withdrawn is found to be 25% or more, but less than 50% of the registered voters or 25% or more of the number of owners of land who own 25% or more of the assessed value of land an election is required. The Executive Officer is directed, on behalf of the Commission, to request that the Solano County Board of Supervisors direct the elections official to conduct the necessary election.
3. If there are insufficient protests to order an election or terminate the proceedings; the Executive Officer shall issue a Certificate of Completion which shall incorporate the specified terms and conditions it the LAFCO Resolution 13-01 and record and file this reorganization pursuant to Government Code section 57000 et seq.

UPON MOTION of Commissioner _____, seconded by Commissioner _____, the foregoing resolution is adopted this 8th day of April, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Saunderson, Chair
Local Agency Formation Commission
County of Solano, State of California

ATTEST:

Elliot Mulberg, Interim Executive Officer