



Solano Local Agency Formation Commission

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Staff Report

DATE: December 8, 2014
TO: Local Agency Formation Commission
FROM: Elliot Mulberg, Executive Officer
Michelle McIntyre, Analyst
SUBJECT: **2014-11 335 Hamilton Drive Reorganization**

RECOMMENDATION:

Staff recommends the Commission:

1. Approve the reorganization subject to the terms and conditions outlined in the attached resolution.
2. Approve the attached Notice of Exemption as the Lead Agency as required by the California Environmental Quality Act
3. Waive the protest hearing proceedings.
4. Charge applicant deposit of \$3,000 and waive additional LAFCO costs associated with processing reorganization.

PROPOSAL: 2014-11 335 Hamilton Drive Reorganization - Annexation to the City of Fairfield and the Fairfield-Suisun Sewer District, and Detachment from the Suisun Fire Protection District and County Service Area (APN: 0028-191-010)

Proposal Summary:

The Solano LAFCO Commission has received a reorganization application by petition from the property owners of 335 Hamilton Drive for annexation of their 0.20 acre parcel to the City of Fairfield. The proposed reorganization also involves concurrent annexation to the Fairfield-Suisun Sewer District, detachment from the Suisun Fire Protection District, and detachment from the County Service Area (lighting). The project area is generally located north of Highway 12 and south of Interstate 80. The purpose of the proposal is so that the property owners can receive city services including a sewer connection.

BACKGROUND:

Local Agency Formation Commissions (LAFCOs) are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) to regulate the formation and development of local governmental agencies and their municipal services. This includes approving or disapproving

proposed changes of organization, such as boundary changes, consistent with adopted policies and procedures pursuant to California Government Code Section (GC §) 56375.

GC §56700(a) allows for property owners to submit a petition directly to the Commission for a change of organization/reorganization. The process is nearly identical when the Commission considers a petition submitted by the owners of land or from an affected agency by resolution. With both processes, the Commission is required to make certain considerations consistent with CKH and the proposal must still be in compliance with the Commission's adopted standards.

As previously noted, the property owners desire to connect to the Fairfield-Suisun Sewer District (FSSD). FSSD was organized under the FSSD Act Chapter 303, Statutes of 1951. The FSSD Act specifies that the District's boundary includes all of the Cities of Suisun City and Fairfield and any territory annexed to either City shall be annexed to the District. The FSSD Act also allows the District to be able to contract with Solano County or another public entity for services outside the District.

In the spring of 2014, the land owners contacted the Solano County Environmental Health Division who determined that the landowner's septic system is in a state of failure and poses a public health risk. The property owners were advised by the County, the City of Fairfield, and the Fairfield-Suisun Sewer District that they may be able to connect to the Sewer District through annexation to the City. Should the property not be annexed to the City and consequently FSSD, the property owners will have to repair the existing septic system in compliance with Solano County Code.

Alternatively, as a health and safety risk, the property owners could have requested the FSSD to request and out of area service agreement following the procedure in GC §56133. However the FSSD principal act specifically states that only the County can request an out of area service agreement for the district. In this case County staff felt that annexation to the City of Fairfield was the more appropriate way to resolve the septic tank issue.

The property owners then submitted an application to the Commission for their consideration for the purpose of annexing to the City of Fairfield in order to connect the FSSD. Additionally, the applicants have submitted letters of consent to the annexation from the City and FSSD and both agencies have included conditions of approval which are included in the attached proposed resolution.

The applicant has submitted a deposit of \$3,000 towards the cost of processing their application. As of the writing of this report, the cost has exceeded the deposit by \$670. The applicants will be responsible for additional County and State Board of Equalization fees associated with processing their application. Additionally the applicants will also be responsible for City and the Sewer District connection fees. The Commission's fee policy allows the Commission to waive or reduce its fees. Based on total fees already paid and that this is a single parcel, staff is recommending the Commission reduce its fees and only charge the applicants the \$3,000 deposit.

ANALYSIS:

California Environmental Quality Act (CEQA)-

As the lead agency, the Commission may adopt the attached Notice of Exemption. A project may be exempt under CEQA Categorical Exemption Class 19 (section 153199(a)) for annexations to a city for areas containing existing private structures developed to the density allowed by the current zoning of either the gaining or losing governmental agency. As required, the Notice of Exemption will be filed with the County Clerk if approved by the Commission.

GC §56668 – Factors to be Considered in Review of a Proposal:

The Commission is required to consider 16 (a-p) specific factors when reviewing proposals for a change of organization to help inform the Commission in its decision making process. An evaluation of these factors follows:

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

No.	APN	Acreage	Land Use*	Value Unrestricted	Values Full Cash
1	0028-191-010	.20	RTC/AC	89739	89739

*Land Use information source <http://www.solanocounty.com/depts/ar/viewpropertyinfo.asp>

The proposal area is considered uninhabited since there are less than 12 registered voters within the proposal area. The proposal area is bordered on three sides by the City of Fairfield. The property appears to be flat with no natural boundaries or draining basins. It is surrounded by an existing residential development; no further development is anticipated in the adjacent areas.

(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; 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.

Fire Protection and Emergency Medical Service

The Suisun Fire Protection District is currently responsible for providing fire protection to the affected territory. Upon approval, the City of Fairfield Fire Department will be responsible for fire suppression and paramedic services. The Suisun Fire Protection District will lose approximately \$69.51 per year based on the 2014-2015 tax revenues.

The City of Fairfield has a policy that states the City will provide enough staffing and fire stations to ensure that at least 80 percent of the residential dwelling units in any response area are located within five minutes maximum travel time of a station. Currently the City has five fire stations located throughout Fairfield, however upon buildout of the General Plan area, the City anticipates a sixth station will be needed in order to meet the fire response time of less than five minutes. Funding from new development is expected to provide the new station and needed facilities.

Law Enforcement Service

The Solano County Sheriff's Office is currently the agency responsible for providing law enforcement services to the affected territory. Upon approval, the City of Fairfield Police Department will become the agency responsible for law enforcement.

The City of Fairfield has a policy that states the City shall maintain an average emergency response time of under five minutes and an average non-emergency response time of under 20 minutes. The City has established a Police Services Mello-Roos District to ensure that new development helps fund police operations as a result of population growth.

Sewer Service

Upon annexation, the applicant will be able receive on-site sewage disposal in accordance with Fairfield City code standards and requirements. The applicant has received a letter of consent for annexation from the Fairfield Suisun Sewer District provided the applicant pays all of the connection fees of \$5,943.

FSSD's collection system and treatment plant are shared by and serve the cities of Fairfield and Suisun City and parts of Solano County. The FSSD's Master Plan includes projects to meet the needs of potential annexations anticipated by cities' general plans (FSSD Sewer System Management Plan, 2013). The City's General Plan designates the subject parcel as Low Density Residential. The City's 2012 Municipal Service Review (MSR) includes this parcel within the City's short term (within 1-5 years) annexation plan. The City's 2012 MSR found no sewer service capacity issues for FSSD.

Water Service

According to City staff, the parcel is currently receiving City water services. There will be no change to the water services should the Commission approve the reorganization.

All water the City presently delivers is surface water. The primary water supply comes from the Solano Project and the State Water Project through contracts with the Solano County Water Agency. As previously noted in the 2013 Solano Irrigation District MSR, the City of Fairfield has an agreement with the Solano Irrigation District that provides the City with a specified amount of SID Solano Project water. The MSRs for the City of Fairfield and the Solano Irrigation District found no water service capacity issues.

Parks and Recreation

There will be no change to the parks and recreation services should the Commission approve the reorganization.

The subject parcel is located approximately .47 miles from Alan Witt Park, a Community Park that includes a Community Swim Center on 46.6 acres. The City of Fairfield has approximately 296 acres of community, neighborhood, and other parks available to the public.

Public Works

The Fairfield General Plan Circulation Element and the City's AB 1600 Transportation Funding Program identify several large scale transportation infrastructure projects for the City. As noted in the City's Circulation Element of the General Plan, funding for transportation improvements come from a variety of sources including: State and Federal revenue sources, Senate Bills 235 and 325, Senate Bill 140, AB1600 Fees, and developer fees.

(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.

Upon annexation, the County will lose approximately \$12.07 of property tax revenue while the Suisun Fire Protection District will lose \$69.51 annually based on fiscal year 2014-2015 tax revenues. If the proposal is denied, the applicant will have to repair or replace the existing septic system and must comply with Solano County Code.

(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 set forth in Section 56377.

Annexation of this parcel meets the Commission's policy in providing planned, orderly, efficient patterns of urban development in that the subject parcel is within the City of Fairfield's Sphere of Influence. Additionally, the parcel is listed within the City's anticipated short-term annexation projects within their current MSR. The proposal area is surrounded on three sides by the City.

Section 56377 requires the Commission to consider guiding development away from existing prime agricultural lands in open space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.

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

The proposal area does not meet the definition of 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.

Maps and legal boundary descriptions were prepared identifying the boundaries of the affected territory in accordance with the requirements of the State Board of Equalization, Solano County Assessor's Office, and LAFCO.

While the proposal area does not create an island, it does not eliminate an existing island within the City. The parcel directly south of the subject area (339 Hamilton Drive) will remain within the County's jurisdiction.

(g) A regional transportation plan adopted pursuant to Section 65080.

In July 2013, MTC and ABAG approved the Plan Bay Area which includes the 2040 Regional Transportation Plan. Additionally, there are a number of transportation improvement projects within the City of Fairfield such as the I-80/I-680/SR-12 Interstate Project, Train Station (Vanden Road and New Canon Road), Jepson Parkway, etc., however; this proposal will have no effect on the City's planned transportation improvements.

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

The proposal is consistent with the City's General Plan. As previously noted the property is designated Low Density Residential.

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

As previously noted, the parcel is located within the City of Fairfield's Sphere of Influence. The Fairfield-Suisun Sewer District Act specifies that all territory annexed to the City of Fairfield or Suisun shall also be annexed to the Sewer District.

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

The City of Fairfield and the Fairfield Suisun-Sewer District have submitted a letter of consent for the annexation provided the applicant pays all applicable fees. The County has in summary informed the applicants their options are to annex to the City and consequently connect to the FSSD or alternatively, repair/replace their existing septic system in compliance with County Code.

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

As previously noted, the City of Fairfield will provide urban services upon approval of the reorganization. The Fairfield 2012 Municipal Service Review found the City of Fairfield has sufficient capacity to provide urban services. Additionally, the MSR found no revenue issues. The FSSD has indicated it has capacity to serve the parcel.

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

According to City staff, the landowners are currently receiving City water services. There will be no change to the water services should the Commission approve the reorganization.

(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.

As previously noted there is an existing home on the parcel, no new development is proposed.

(n) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

The landowners submitted a signed application and consent to the reorganization. The surrounding landowners and registered voters were noticed and a notice was published in the Fairfield newspaper. Staff has not received a comment as of the writing of this report.

(o) Any information relating to existing land use designations.

No.	APN	Existing County Land Use
1	0028-191-010	Rural Residential

Land Use information source <http://www.solanocounty.com/depts/ar/viewpropertyinfo.asp>

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

At this time, there is no documentation or evidence suggesting the proposal will have a measurable

effect for or against promoting environmental justice.

SOLANO LAFCO POLICIES AND STANDARDS

GC §56375(g) Written Standards:

LAFCOs are required to adopt written procedures for the evaluation of proposals, including written definitions consistent with existing state law. The following is an analysis of the proponent's submitted responses to the LAFCO's adopted standards.

Mandatory Standards:

As previously noted, LAFCO must make determinations of full compliance with the mandatory Standards to approve a proposal.

STANDARD NO. 1: CONSISTENCY WITH SPHERE OF INFLUENCE (SOI) BOUNDARIES

Explanation: An area proposed for change of organization or reorganization shall be within the affected agency's Sphere of Influence. An application for change of organization or reorganization for lands outside an adopted Sphere of Influence may be considered concurrently with a request for amendment to the Sphere of Influence, at LAFCO's discretion.

Analysis: In 2012 the Commission approved an update to the City's municipal service review and sphere of influence as part of the train station reorganization consistent with the Commission's adopted policies and CKH. The proposed annexation is consistent with the sphere of influence of the City of Fairfield and the Fairfield-Suisun Sewer District. The proposal meets this standard.

STANDARD NO. 2: ANNEXATION TO THE LIMITS OF THE SPHERE OF INFLUENCE (SOI) BOUNDARIES

Explanation: Annexation to the limits of the SOI boundary shall not be allowed if the proposal includes land designated for open space use by the affected city's general plan for city change of organization or reorganization or County General Plan for district change of organizations or reorganization unless such open space logically relates to existing or future needs of the agency. Open space uses which may be located within agency limits include but are not limited to community and city-wide parks, recreation facilities, permanently protected open space lands, reservoirs, and storm water detention basins.

Analysis: The project area is not designated as Open Space in Fairfield's General Plan. This standard has been met.

STANDARD NO. 3: CONSISTENCY WITH APPROPRIATE CITY GENERAL PLAN, SPECIFIC PLAN, AREA-WIDE PLAN AND ZONING ORDINANCE

Explanation: An application for a city change of organization or reorganization which involves the conversion of open space lands to urban use shall be denied by LAFCo if the proposed conversion is not consistent with appropriate city plans (general plans, specific plans, area-wide plans and associated zoning ordinance). The determination of consistency shall be the responsibility of the affected agency, and shall be met by a resolution approved by the agency council certifying that the proposed change of organization or reorganization meets all applicable consistency requirements of State Law, including internal consistency between the agency's adopted plans and the zoning ordinance. In the event that plan consistency is contested, LAFCo shall retain the discretion to determine the consistency question and may require additional environmental information.

Analysis: This proposal does not involve conversion of open space lands. Additionally, this project is consistent with the City's General Plan. This standard has been met.

STANDARD NO. 4: CONSISTENCY WITH THE COUNTY GENERAL PLAN OF PROPOSED CHANGE OF ORGANIZATION OR REORGANIZATION OR REORGANIZATION OUTSIDE OF A CITY'S SPHERE OF INFLUENCE BOUNDARY

Explanation: An application for a change of organization or reorganization for lands outside an adopted city Sphere of Influence boundary in unincorporated territory, shall be denied by LAFCo if the land use proposed within the affected territory is not consistent with the Solano County General Plan and Zoning Ordinance. A determination of consistency shall be the responsibility of the County, and shall be met by a resolution of the Board of Supervisors certifying that the proposed change of organization or reorganization meets all applicable consistency requirements of State Law, including internal consistency between the County's General Plan and Zoning Ordinance. This Standard shall also be made to apply to proposals for the formation or the incorporation of new agencies within unincorporated territory which lies outside adopted city Sphere of Influence boundaries.

Analysis: This proposal is within the City's Sphere of Influence. This standard is not applicable.

STANDARD NO. 5: REQUIREMENT FOR PRE-APPROVAL

Explanation: Prior to approval by LAFCo of a city change of organization or reorganization, the affected agency shall have approved, a specific plan, pre-zoning or an equivalent providing similar detail of information on the proposed land use for the affected territory and where the change of organization or reorganization process is clearly described. Prior to approval by LAFCo of a district change of organization or reorganization, the affected agency shall pass a resolution supporting the proposal.

Prior to approval of annexation by LAFCO, the affected agency shall have granted one or more of the following development approvals: (a) rezoning, (b) area-wide plan, (c) specific plan, or (d) development agreement.

Analysis: Government Code Section 56375(a)(7) allows the Commission to waive this requirement if the existing entitlements on the territory are vested or are already at build-out, and are consistent with the City's general plan. As previously noted, there is an existing home on the property and the proposal consistent with the City's General Plan. Furthermore, no new development is proposed. This standard has been met.

STANDARD NO. 6: EFFECT ON NATURAL RESOURCES

Explanation: An application for annexation shall describe the amount of land involved, and the land, water, air, and biological resources affected, including topography, slope, geology, soils, natural drainage, vegetative cover, and plant and animal populations. Effects to be covered include those which will be both positive and negative and the means proposed to offset potential negative impact. LAFCO shall certify that provisions of the Solano LAFCO Environmental Guidelines for the implementation of the California Environmental Quality Act have been complied with.

Analysis: As the lead agency, the Commission may adopt the attached Notice of Exemption. A project may be exempt under CEQA Categorical Exemption Class 19 (section 153199(a)) for annexations to a city or of areas containing existing private structures developed to the density allowed by the current zoning of either the gaining or losing governmental agency. As required, the Notice of Exemption will be filed with the County Clerk if approved by the Commission. This standard has been met.

DISCRETIONARY STANDARDS

**STANDARD NO. 7: RELATIONSHIP TO ESTABLISHED BOUNDARIES
STREETS AND ROADS, LINES OF ASSESSMENT, REMAINING
UNINCORPORATED TERRITORY; PROXIMITY TO OTHER POPULATED
AREAS, ASSESSED VALUATION**

Explanation: LAFCO shall, where possible, avoid irregularities and overlapping of established boundaries in the annexation process which would otherwise create problems for taxing districts, including the loss of tax revenues required for district operation. City boundaries at County roads and city streets shall be delineated to provide an orderly division of road maintenance, and law enforcement responsibilities between cities and counties.

Analysis: If approved, the proposal area has regular defined boundaries that do not overlap established boundaries. As previously noted, if approved the newly annexed area does not create an island, however it does not eliminate an existing island within the City. This standard has been

met.

STANDARD NO. 8: LIKELIHOOD OF SIGNIFICANT GROWTH AND EFFECT ON OTHER INCORPORATED OR UNINCORPORATED TERRITORY

Explanation: Prior to approving an annexation, LAFCO shall make a determination that the proposed conversion of open space lands to urban use is justified by probable urban growth within a 10-year period of time. A determination on the likelihood of significant growth justifying the conversion shall be based on an analysis of local and regional demand for the proposed use.

Analysis: This standard is not applicable, there is no conversion of open space lands to urban use.

STANDARD NO. 9: PROTECTION OF PRIME AGRICULTURAL LAND

Explanation: Urban growth shall be guided away from prime agricultural land unless such action would not promote planned, orderly, and efficient development for the agency. Development of existing vacant or non-prime agricultural lands within the agency limits should be encouraged before any proposal is approved for urbanization outside of the agency limits.

Analysis: This standard is not applicable as there is no prime agricultural land within the proposal area.

STANDARD NO. 10. PROVISION AND COST OF COMMUNITY SERVICES

Explanation: Adequate urban services shall be available to areas proposed for a change of organization or reorganization.

Analysis: As previously noted the City of Fairfield provided a letter of consent that the City of Fairfield can provide urban services to the proposal area. This standard has been met.

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

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

Analysis:

Base Tax Exchange:

<u>Fund No.</u>	<u>Fund Name</u>	<u>Add to Base</u>	<u>Deduct from Base</u>
077	City of Fairfield	\$ 111.73	
276	Fairfield-Suisun Sewer District	\$ 0	
001	General County		\$12.07
132	Suisun Fire Protection District		\$ 69.51
046	County Service Area		\$ 0
108	Special Road		\$30.15

(Please note the tax exchange will be made in accordance with the Solano County Master Tax Sharing Agreement. Current and future annual tax increments will be distributed according to the ratio of equivalent tax rates for all jurisdictions serving the new tax rate area.)

If approved, the Suisun Fire Protection District will lose their share of property tax revenue from the proposal area of approximately \$69.51 annually. While in the past, staff has recommended the applicant and the affected agency agree to mitigation, for this project, mitigation may not be the best course of action given that there is no new development proposed and upon approval of the reorganization, the property owners will be required to annex into the City’s Communities Facilities District and pay an on-going annual assessment to pay for services including fire protection. Should the Commission impose mitigation, the property owners would be paying twice for fire protection. The Suisun Fire Protection District agrees this Standard should not be imposed. Standard 11 is a discretionary standard and staff does not recommend the Commission impose mitigation.

GC §56662 Protest Hearing Proceeding:

The subject property is considered uninhabited (there are less than 12 registered voters) and the affected landowners have submitted a letter to LAFCO in support of the change of organization. Staff recommends the Commission waive protest proceedings pursuant to GC §56662.

RECOMMENDED CONDITIONS OF APPROVAL:

Staff recommends the Commission approve the reorganization with the following conditions of approval:

1. That the proposed reorganization is assigned the following short term designation “2014-11 335 Hamilton Drive Reorganization”
2. That upon the effective date of the reorganization the subject proposal area will be annexed to the City of Fairfield and their Sphere of Influence be amended to reflect the reorganization.
3. That upon the reorganization the subject proposal area will be annexed to the Fairfield-Suisun Sewer District.
4. That upon the effective date of the reorganization the subject proposal area will be detached

from the Suisun Fire Protection District.

5. That upon the effective date of the reorganization the subject proposal area will be detached from the County Service Area.
6. The applicant is subject to the Fairfield-Suisun Sewer District fees and must pay all applicable fees and submit proof of payment prior to the Executive Officer issuing a Certificate of Completion.
7. The applicant is subject to the City of Fairfield fees and must pay all applicable fees and submit proof of payment prior to the Executive Officer issuing a Certificate of Completion.
8. The applicant is subject to the California State Board of Equalization fee of \$300.
9. The applicant is subject to the County Assessor-Recorder fee of \$117.
10. The Commission shall waive additional processing costs, the applicant shall be responsible for the \$3,000 paid as the deposit.
11. The proposed reorganization is subject to the following Conditions of Approval from affected agencies:

City of Fairfield

- Prior to beginning construction of public improvements, the owner or his contractor shall obtain an encroachment permit from the City. The owner or his contractor shall furnish the necessary insurance, bonds and pay all fees associated with the encroachment permit. A field investigation fee shall be charged if any work within the right-of-way is performed either without or prior to securing an encroachment permit.
- All new and existing development within the City of Fairfield is required to annex to Community Facilities District No. 2012-2, A Mello Roos Open Space, Public Safety and Park Maintenance District. Property owners within the District will be required to pay special on-going assessments to be used for the following:
 - Purchase of Open Space
 - Police and Fire Protection, including but not limited to expenses for personnel, equipment, and supplies
 - Ongoing Maintenance of Neighborhood ParksThe owner shall furnish the necessary processing fees, documents and boundary map required to form the District prior to the issuance of the encroachment permit. The owner agrees to vote to annex the property within the District.
- All existing well(s) and septic system(s) shall be abandoned per the requirements of the Solano County Department of Resource Management, Environmental Health Division.

Fairfield-Suisun Sewer District

- The Sewer District will provide sewer service to the proposed annexation consistent with District ordinances provided the property has been annexed and all connection fees have been paid (\$5,943).

RESOLUTION NO. 14-___

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF SOLANO COUNTY APPROVING THE REORGANIZATION OF LANDS
KNOWN AS 335 HAMILTON DRIVE ANNEXATION TO THE CITY OF FAIRFIELD
(PROponents – LAND OWNERS BY PETITION)**

WHEREAS, an application duly executed requesting reorganization of certain lands known as 335 Hamilton Drive Reorganization including concurrent annexation to the City of Fairfield and Fairfield Suisun Sewer District, and detachment from the Suisun Fire Protection District, and detachment from the Solano County Service Area (APN 0028-191-010) has been duly received and filed with the Local Agency Formation Commission of Solano County, California; and

WHEREAS, it has been determined by this Commission that the proposed boundaries involved in said reorganization are definite and certain; and,

WHEREAS, the proposed annexation is consistent with the sphere of influence of the City of Fairfield and the Fairfield-Suisun Sewer District; and,

WHEREAS, this matter was noticed in the Daily Republic for public hearing on December 8, 2014 at 1:30 p.m. at which time full and impartial public hearings were held; and,

WHEREAS, each registered voter and landowner within 300 feet of the subject property were mailed a notice of the public hearing; and,

WHEREAS, a notice of the public hearing was mailed to each affected agency that contains territory or whose sphere of influence contains territory with the proposed annexation area; and

WHEREAS, this Commission has received an Executive Officer's Report which analyzes each of the Factors to be Considered (GC§56668); and,

WHEREAS, a full and impartial public hearing was held on December 8, 2014, at which time the Commission received and considered public testimony on the proposed annexation; and,

WHEREAS, this Commission has considered said Factors in review of the subject proposal (GC§56668); and,

WHEREAS, this 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, a master tax sharing agreement exists between the City of Fairfield and Solano County; and,

WHEREAS, the subject property is considered uninhabited, the affected landowners have submitted a letter to the LAFCO in support of the change of organization; and,

WHEREAS, this Commission shall waive the protest hearing proceedings pursuant to GC§56662; and,

WHEREAS, as the lead agency, as defined by the California Environmental Quality Act (CEQA), the Solano LAFCO finds this project is exempt under CEQA Categorical Exemption Class 19 (section 153199(a)) for annexations to a city or of areas containing existing private structures developed to the density allowed by the current zoning of either the gaining or losing governmental agency and as required and adopts the Notice of Exemption (NOE) prepared for the reorganization; and,

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Local Agency Formation Commission of Solano County that the reorganization of land known as 335 Hamilton Drive Reorganization described in the attached map and legal boundary description attached and made part hereof, is approved with the following conditions:

1. That the proposed reorganization is assigned the following short term designation “2014-11 335 Hamilton Drive Reorganization”
2. That upon the effective date of the reorganization the subject proposal area will be annexed to the City of Fairfield and their Sphere of Influence be amended to reflect the reorganization.
3. That upon the reorganization the subject proposal area will be annexed to the Fairfield-Suisun Sewer District.
4. That upon the effective date of the reorganization the subject proposal area will be detached from the Suisun Fire Protection District.
5. That upon the effective date of the reorganization the subject proposal area will be detached from the County Service Area.
6. The applicant is subject to the Fairfield-Suisun Sewer District fees and must pay all applicable fees and submit proof of payment prior to the Executive Officer issuing a Certificate of Completion.
7. The applicant is subject to the City of Fairfield fees and must pay all applicable fees and submit proof of payment prior to the Executive Officer issuing a Certificate of Completion.
8. The applicant is subject to the California State Board of Equalization fee of \$300.
9. The applicant is subject to the County Assessor-Recorder fee of \$117.
10. The Commission shall waive additional processing costs, the applicant shall be for the \$3,000 paid as the deposit.

11. The proposed reorganization is subject to the following Conditions of Approval from affected agencies:

City of Fairfield

- Prior to beginning construction of public improvements, the owner or his contractor shall obtain an encroachment permit from the City. The owner or his contractor shall furnish the necessary insurance, bonds and pay all fees associated with the encroachment permit. A field investigation fee shall be charged if any work within the right-of-way is performed either without or prior to securing an encroachment permit.
- All new and existing development within the City of Fairfield is required to annex to Community Facilities District No. 2012-2, A Mello Roos Open Space, Public Safety and Park Maintenance District. Property owners within the District will be required to pay special on-going assessments to be used for the following:
 - Purchase of Open Space
 - Police and Fire Protection, including but not limited to expenses for personnel, equipment, and supplies
 - Ongoing Maintenance of Neighborhood Parks

The owner shall furnish the necessary processing fees, documents and boundary map required to form the District prior to the issuance of the encroachment permit. The owner agrees to vote to annex the property within the District.

- All existing well(s) and septic system(s) shall be abandoned per the requirements of the Solano County Department of Resource Management, Environmental Health Division.

Fairfield-Suisun Sewer District

- The Sewer District will provide sewer service to the proposed annexation consistent with District ordinances provided the property has been annexed and all connection fees have been paid (\$5,943).

UPON MOTION of Commissioner _____ seconded by Commissioner _____, the foregoing resolution is adopted this 8th day of December, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTEST:

Elliot Mulberg, Executive Officer

Project Name

Annexation to
City of Fairfield
Gilberto and Josafina
Rodriguez
APN 0028-191-010

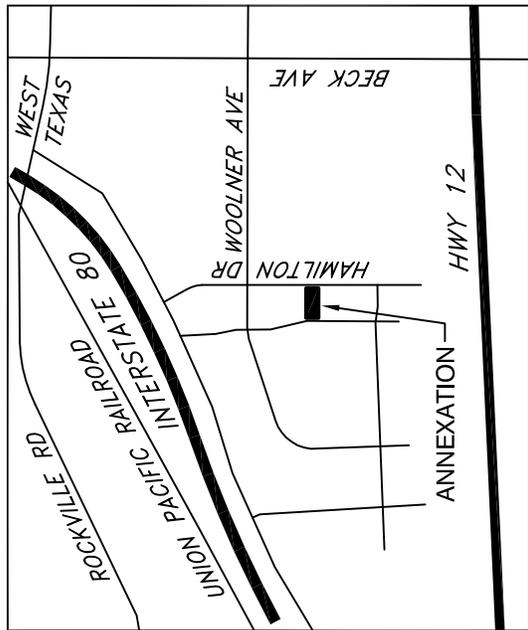
Sheet Title

Rodriguez
Annexation

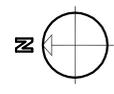
No.	Revision/Issue

Drawn By J. Sullivan
Checked By F. Weber
Approved By

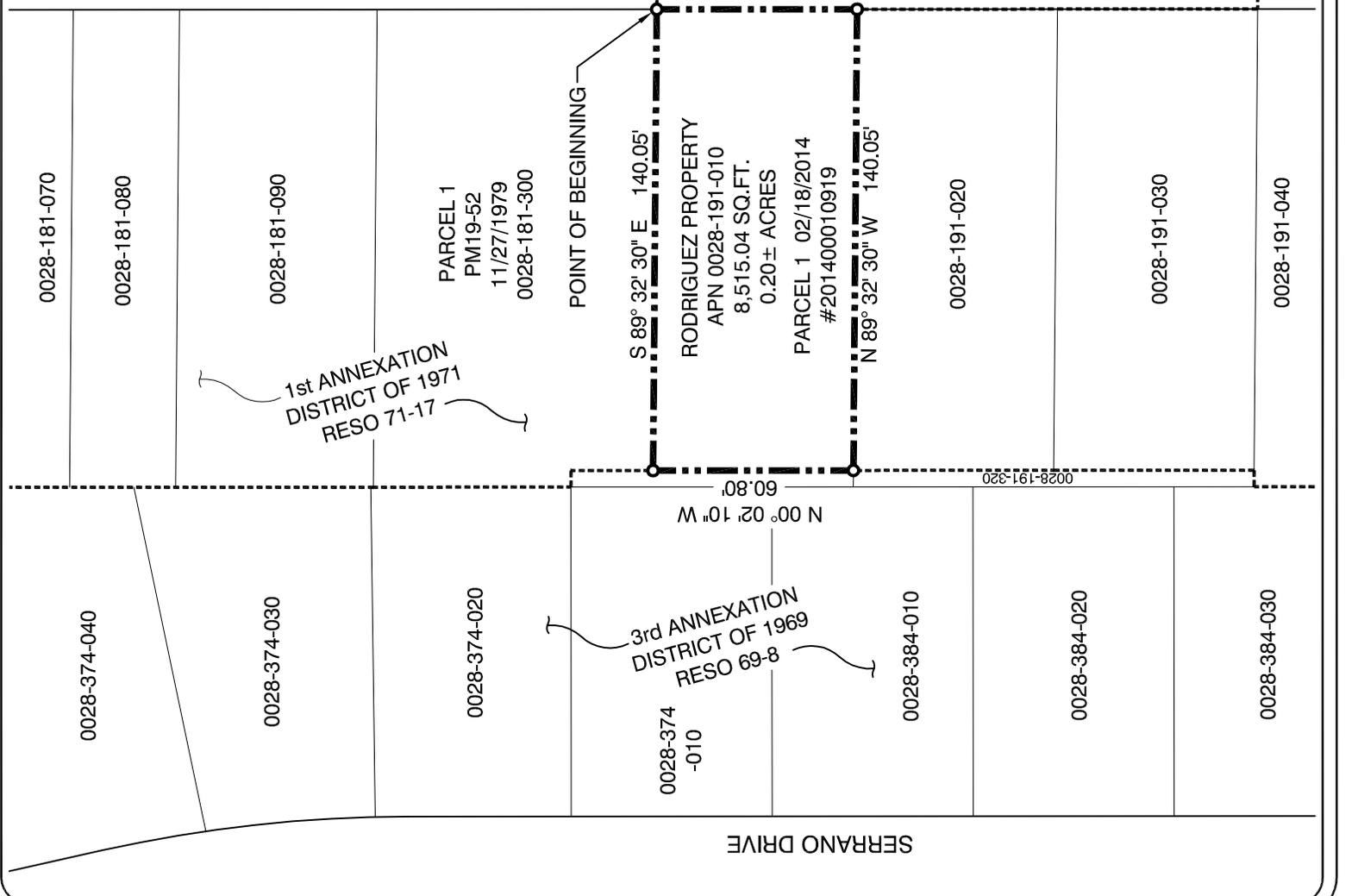
Project Number	Sheet
Date	Nov 6, 2014
Scale	1:50
	1



LOCATION MAP
(N.T.S.)



PORTION OF LOT 37,
SUISUN RANCHO
N.E.1/4 OF SECTION 34
T.5N, R.2W
M.D.B.&M.



POINT OF BEGINNING

S 89° 32' 30" E 140.05'
 RODRIGUEZ PROPERTY
 APN 0028-191-010
 8,515.04 SQ.FT.
 0.20± ACRES
 PARCEL 1 02/18/2014
 #201400010919
 N 89° 32' 30" W 140.05'

1st ANNEXATION
 DISTRICT OF 1971
 RESO 71-17

3rd ANNEXATION
 DISTRICT OF 1969
 RESO 69-8

HAMILTON DRIVE

BOWLAND
ANNEXATION

SERRANO DRIVE

**Annexation to City of Fairfield
Gilberto and Josefina Rodriguez
APN 0028-191-010**

All that certain real property located in the County of Solano, State of California, being a portion of Lot 37, Suisun Rancho, located in the Northeast ¼ of Section 34, Township 5 North, Range 2 West, Mount Diablo Base and Meridian, and described as Parcel One in the Grant Deed from Jose Carmen Rodriguez and Manuela Rodriguez, husband and wife to Gilberto Rodriguez and Josefina Rodriguez, husband and wife as Community Property with Right of Survivorship, dated January 22, 2014, and filed for record in the Office of the Solano County Recorder on February 18, 2014, as Document No. 201400010919 (hereinafter referred to as Rodriguez property), more particularly described as follows:

BEGINNING at a point of intersection of the Northeast corner of said Rodriguez property and the Southeast corner of Parcel 1, as shown on that certain Parcel Map entitled "Parcel Map, Antonio Barajas Property", filed for record in the Office of the Solano County Recorder on November 27, 1979, in Book 19 of Parcel Maps, at Page 52 (hereinafter referred to as Parcel 1), said point also lying on the intersection of the South line of the 1st Annexation District of 1971, City of Fairfield Resolution No. 71-17 (hereinafter referred to as 1st Annexation) and the most Westerly line of the Hamilton Drive Annexation by Arthur Bowland (hereinafter referred to as Bowland Annexation), said points of intersection also lying on the Westerly right-of-way line of Hamilton Drive; thence from said Point of Beginning, leaving said Parcel 1 and the South line of said 1st Annexation, along the Easterly line of said Rodriguez property, the Westerly line of said Bowland Annexation and the Westerly right-of-way line of said Hamilton Drive, South 00° 02' 10" East, a distance of 60.80 feet to the Southeast corner of said Rodriguez property; thence leaving the Westerly line of said Bowland Annexation and the Westerly right-of-way line of said Hamilton Drive, and along the South line of said Rodriguez property, North 89° 32' 30" West, a distance of 140.05 feet to the Southwest corner of said Rodriguez property, said point lying on the Easterly line of the 3rd Annexation District of 1969, City of Fairfield Resolution No. 69-8 (hereinafter referred to as 3rd Annexation); thence along the West line of said Rodriguez property and the Easterly line of said 3rd Annexation, North 00° 02' 10" West, a distance of 60.80 feet to the Northwest corner of said Rodriguez property, said point being the Southwest corner of said Parcel 1 and lying on the South line of said 1st Annexation; thence leaving the Easterly line of said 3rd Annexation, and along the North line of said Rodriguez property, the South line of said Parcel 1, and the South line of said 1st Annexation, South 89° 32' 30" East, a distance of 140.05 feet to the **POINT OF BEGINNING** and the **TERMINATION** of this description.

Containing: 8,515.04 square feet, 0.20 acres, more or less of APN 0028-191-010.

Legal Description prepared by:



Frank Weber

November 6, 2014

This description 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.

Notice of Exemption

Form D

To: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) Solano LAFCO
3700 Hilborn Rd. Ste. 600
Fairfield CA 94534

County Clerk
County of Solano
675 Texas St
Fairfield CA 94533

(Address)

Project Title: 2014-11 335 Hamilton Drive Reorganization

Project Location - Specific:

335 Hamilton Drive

Project Location - City: Fairfield

Project Location - County: Solano

Description of Nature, Purpose and Beneficiaries of Project:

Annexation to the City of Fairfield and the Fairfield Suisun-Sewer District and detachment from the Suisun Fire Protection District and the County Service Area for the purpose of the single parcel receiving city services including sewer services.

Name of Public Agency Approving Project: Solano Local Agency Formation Commission

Name of Person or Agency Carrying Out Project: Solano Local Agency Formation Commission

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: 15319(a)
Statutory Exemptions. State code number:

Reasons why project is exempt:

No new development is proposed. Parcel has an existing private residence.

Lead Agency Contact Person: Elliot Mulberg Area Code/Telephone/Extension: 707-439-3897

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: [Signature] Date: 12-8-2014 Title: Executive Officer

- [X] Signed by Lead Agency Date received for filing at OPR:
Signed by Applicant

Revised 2005