

## **CITY OF FAIRFIELD**

### **ORDINANCE NO. 2020-17**

#### **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD TEMPORARILY PROHIBITING THE PRE-ZONING OF TERRITORY LOCATED OUTSIDE THE CITY OF FAIRFIELD BOUNDARIES UNTIL A NEW GENERAL PLAN HAS BEEN ADOPTED**

**WHEREAS**, in June 1992, the City Council of the City of Fairfield adopted the City of Fairfield General Plan; and

**WHEREAS**, in June 2002, the City Council adopted comprehensive amendments to the General Plan, which included a reduction to the amount of land within the City's Urban Limit Line, establishment of the Travis Reserve, and certain other protections related to the Travis Air Force Base; and

**WHEREAS**, in 2003, a qualified initiative measure was submitted to the City Council that required voter approval of any changes to the Urban Limit Line, the boundaries of the Travis Reserve, or the new Travis protection policies; and

**WHEREAS**, on May 20, 2003, the City Council adopted the initiative measure by Ordinance No. 2003-10 pursuant to Elections Code Section 9215(a), rather than submit the measure to the voters for approval; and

**WHEREAS**, a referendum petition was timely submitted to the City Council seeking the repeal of the Ordinance, and the Council submitted Ordinance No. 2003-10 ("Measure L") to the voters for approval at the November 4, 2003 general municipal election; and

**WHEREAS**, in November 2003, Measure L was approved by roughly 60% of the voters; and

**WHEREAS**, by its terms, the voter approval requirements of Measure L will expire on December 31, 2020; and

**WHEREAS**, the City Council has authorized a comprehensive update to the 2002 General Plan, which will evaluate and address many of the City's land use and growth policies and will include substantial community engagement ("General Plan Update"); and

**WHEREAS**, work on the General Plan Update is expected to begin in the fall of 2020 and will be a multi-year process; and

**WHEREAS**, on July 21, 2020, the City Council determined not to submit an ordinance to extend the voter approval requirements of Measure L to the voters, and instead directed that an ordinance be prepared that would prevent changes to the City's boundaries during the time that the General Plan Update is under consideration; and

**WHEREAS**, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Gov. Code §§ 56000 *et seq.*, applications for annexation of territory outside the City's boundaries into the City are approved by the Solano County Local Agency Formation Commission ("Solano LAFCo"); and

**WHEREAS**, pursuant to Government Code Section 56375(a)(7), a LAFCo must require, as a condition to annexation, that an affected city "pre-zone the territory to be annexed or present evidence satisfactory to the commission that the existing development entitlements on the territory are vested or are already at build-out, and are consistent with the city's general plan"; and

**WHEREAS**, Solano LAFCo's Standards and Procedures similarly require that an application for annexation be accompanied by copies of the affected city's pre-zoning ordinance or a resolution of adoption of a specific plan or equivalent, providing sufficient information of the proposed land use for the affected territory; and

**WHEREAS**, Solano LAFCo's Standards and Procedures further require an applicant to submit copies of a resolution adopted by the city council of the affected city, certifying that the annexation is consistent with the applicable general plan or specific plans, area-wide plans, and zoning ordinance; and

**WHEREAS**, under Sections 25.41.1 and 25.47.6 of the Fairfield Municipal Code, the decision to pre-zone unincorporated property is subject to approval by the City Council; and

**WHEREAS**, the City Council finds that the annexation of territory into the City on a piecemeal basis during development of a new General Plan could conflict with or undermine the goals, policies, and land use designations that are ultimately adopted in the new General Plan.

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

SECTION 1. The above recitals are hereby declared to be true and correct and are incorporated by this reference.

SECTION 2. Except as provided in Section 3 below, the City Council shall not adopt any ordinance to pre-zone territory located outside of the boundaries of the City, nor shall the City Council adopt any resolution certifying that a proposed annexation is consistent with the applicable general plan or specific plans, area-wide plans, or zoning ordinance of the City.

SECTION 3. The prohibition in Section 2 above shall not apply to any applications for pre-zoning that were on file with the City as of September 1, 2020. Any such application

shall be processed in accordance with the procedures set forth in the Fairfield Municipal Code, and the City Council may, in its discretion, adopt an ordinance to pre-zone the property and/or adopt a resolution certifying that annexation of the property would be consistent with the general or specific plan, area-wide plan, or zoning ordinance.

SECTION 4. This Ordinance shall expire automatically and be of no further force and effect as of the date that the General Plan Update is completed, and the City Council has adopted the new General Plan.

SECTION 5. The City Council finds that the adoption of this Ordinance is not a “project” subject to the California Environmental Quality Act, in accordance with Sections 15060(c)(3) and 15378 of the CEQA Guidelines. Further, if the Ordinance is a “project,” it is exempt from CEQA pursuant to Section 15061(b)(3), as it can be seen with certainty that there is no possibility of the Ordinance having a significant effect on the environment. The Ordinance is a temporary prohibition on actions by the City Council that could lead to the annexation of additional territory into the City. The Ordinance prevents the approval of any proposed new development located outside the City’s current boundaries by the City Council during the time that the General Plan Update is being considered.

SECTION 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 7. This Ordinance shall be effective 30 days following its adoption by the City Council. A summary of this Ordinance shall, within 15 days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the City Councilmembers voting for and against it.

**INTRODUCED** at a regular meeting of the City Council of the City of Fairfield on the 1<sup>st</sup> day of September 2020, and

**PASSED AND ADOPTED** this 15<sup>th</sup> day of September, 2020, by the following vote:

AYES: Councilmembers: PRICE / BERTANI / MOY / TIMM / VACCARO

NOES: Councilmembers: \_\_\_\_\_

ABSENT: Councilmembers: \_\_\_\_\_

ABSTAIN: Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK