



Local Agency Formation Commission

LAFCO of Napa County

1700 Second Street, Suite 268
Napa, California 94559
Telephone: (707) 259-8645
Facsimile: (707) 251-1053
<http://napa.lafco.ca.gov>

October 4, 2010
Agenda Item No. 7a (Action)

September 27, 2010

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer
Brendon Freeman, Analyst

SUBJECT: Proposed Annexation of the Eucalyptus Grove and American Canyon High School Properties to the City of American Canyon

The Commission will consider a proposal from the City of American Canyon to annex 156.1 acres of unincorporated territory comprising two non-contiguous areas. Staff recommends approval of the proposal with modifications to concurrently include annexation to the American Canyon Fire Protection District and detachment from County Service Area No. 4.

The Commission is responsible under California Government Code (G.C.) Section 56375 to approve, modify, or disapprove boundary changes consistent with its adopted written policies, procedures, and guidelines. The Commission is also authorized to establish conditions in approving boundary changes as long as it does not directly regulate land uses. Underlying the Commission's determination in approving, modifying, or disapproving proposed boundary changes is to consider the logical and timely development of the affected agencies in context with local circumstances and needs.

A. Overview

Proposal Description

LAFCO of Napa County ("Commission") has received an application by resolution from the City of American Canyon proposing the annexation of approximately 156 acres of unincorporated territory. The affected territory consists of two non-contiguous areas comprising two assessor parcels. These areas are commonly referred to as "Eucalyptus Grove" and "American Canyon High School" properties and are summarized below.

- The Eucalyptus Grove property is 106.6 acres in size and includes one entire assessor parcel. The property is located immediately adjacent to American Canyon north of Eucalyptus Drive's intersection with Wetlands Edge Road. The affected assessor parcel is identified as 058-030-056.
- The American Canyon High School property is 49.5 acres in size and includes one entire assessor parcel. The property is located immediately adjacent to American Canyon northeast of American Canyon Road's intersection with Newell Drive. The affected assessor parcel is identified as 059-040-077.

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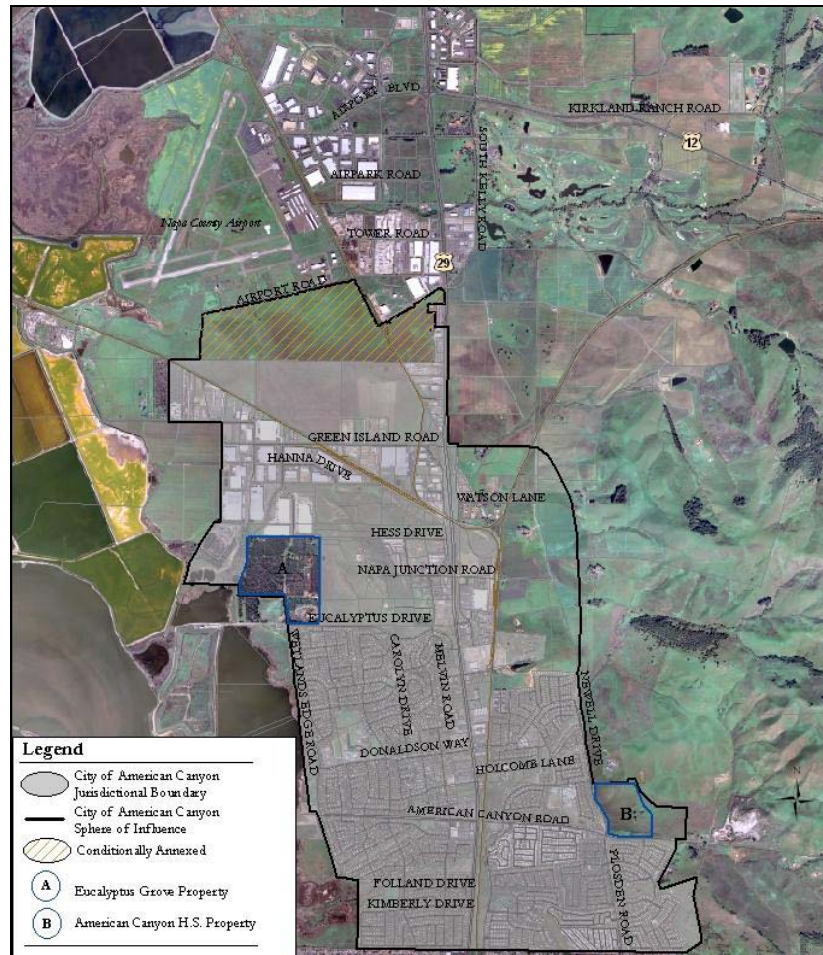
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Representative of the General Public

Keene Simonds
Executive Officer



Proposal Review

Staff recommends approval of the proposal with modifications to concurrently include annexation to the American Canyon Fire Protection District (ACFPD) and detachment from County Service Area (CSA) No. 4. Approval as modified would be consistent with the Commission's policies and practices in supporting the orderly growth and development of American Canyon relative to local needs and circumstances. Staff also believes it would be appropriate to include a special approval condition requiring American Canyon to concurrently annex the Eucalyptus Grove property back into CSA No. 4 if vineyard planting is permitted as currently authorized under the American Canyon General Plan. A summary of key issues evaluated in the review of the proposal follow.

- Concurrent annexation to ACFPD is appropriate to help ensure the delivery of coordinated public safety services to the affected territory. An expanded discussion evaluating this modification is detailed on page three of this report.
- Concurrent detachment from CSA No. 4 is appropriate given the discontinuity between the affected territory's existing and expected uses and the role of the District in providing public farmworker housing services. An expanded review of potential service impacts is detailed on page four of this report.

- No significant deficiencies have been identified relative to American Canyon's ability to effectively extend and maintain an appropriate level of municipal services to the affected territory. An expanded review of potential service impacts is detailed on pages five to fifteen of this report.

B. Discussion

Agency Profile

American Canyon is approximately 4.9 square miles in size and provides a full range of municipal services directly or through contracts with outside contractors with limited exceptions. American Canyon is the second largest municipality in Napa County and has been one of the fastest growing communities in the entire San Francisco Bay Area with an average annual population increase of 7.3% over the last 10 years. The Department of Finance estimates the current population at 16,836 as of January 1, 2010. American Canyon's adopted operating budget is \$15.3 million and intended to cover all general expenditures in 2010-2011. American Canyon's unrestricted/undesignated fund balance is \$1.8 million as of July 1, 2010.

Proposal Purpose

The purpose of the proposal is to (a) the existing use of the American Canyon High School property and (b) facilitate the future development of the Eucalyptus Grove property under the service and land use authority of American Canyon.

Potential Proposal Modifications

In reviewing the application materials, staff has identified two potential modifications to the proposal appearing appropriate given the Commission's policies and practices. These potential modifications are labeled "One" and "Two" and summarized below.

Modification One: Concurrent Annexations of the Affected Territory into the American Canyon Fire Protection District

The affected territory is currently dependent on a basic level of fire protection and emergency medical services provided by the County. The affected territory was previously added to American Canyon Fire Protection District's (ACFPD) sphere of influence as part of a comprehensive update to coordinate public safety services in expectation of the lands' future annexation to American Canyon. Commission policy states all annexations to American Canyon located outside of ACFPD shall be required to concurrently annex to the District if the affected territory lies within its sphere of influence unless waived based on special conditions.¹ Staff has not identified any special conditions meriting a waiver and therefore recommends the two properties be concurrently annexed into ACFPD. No objections have been raised by ACFPD concerning this modification. Further, this type of modification was contemplated in American Canyon's application materials.

¹ Refer to Commission Policy Determination V/(D)(2)(b).

Modification Two: Concurrent Detachment from County Service Area No. 4

County Service Area (CSA) No. 4 was formed in 2002 and includes all unincorporated territory along with certain incorporated territory located within the Cities of Calistoga, Napa, St. Helena, and Yountville. The intent and function of CSA No. 4 is to sponsor a voter-approved special assessment on all assessor parcels within its jurisdiction containing one acre or more of bearing vineyards for the purpose of funding farmworker housing services. CSA law has historically included a provision requiring land be automatically detached from a CSA upon its annexation to a municipality unless waived by LAFCO based on specific findings. This automatic detachment provision was deleted effective January 1, 2009 as part of a comprehensive rewrite of CSA law. The legislative intent in deleting the provision is to broaden LAFCO's discretion in determining whether it believes land should be detached from a CSA upon annexation to a municipality.

With regards to this proposal, both properties comprising the affected territory are in CSA No. 4, but outside its special assessment zone. Vineyard development is contemplated under American Canyon's land use policies for the Eucalyptus Grove property, although unlikely given the City's stated intent of developing the site for commercial recreational uses. American Canyon's land use policies do not contemplate vineyard development for the American Canyon High School property. These factors support the Commission exercising its discretion to modify the proposal to include the concurrent detachment of the affected territory from CSA No. 4. However, given the existing land use allowance, it would be appropriate to condition approval to require American Canyon file a proposal to annex the Eucalyptus Grove property back into CSA No. 4 if vineyard development is permitted in the future. No objections have been raised concerning this modification by CSA No. 4.

C. Analysis

G.C. Section 56375 delegates LAFCOs the responsibility to approve or disapprove with or without amendment proposals for changes of organization consistent with its adopted written policies, procedures, and guidelines. LAFCOs are also authorized to establish conditions in approving proposals as long as they do not directly regulate land uses. Underlying LAFCOs' determination in approving or disapproving proposed changes of organization is to consider the logical and timely development of the affected agencies in context with statutory objectives and local circumstances.

Required Factors for Review

G.C. Section 56668 requires the Commission to consider certain factors anytime it reviews proposed changes of organization. No single factor is determinative. The purpose in considering these factors is to help inform the Commission in its decision-making process. An evaluation of these factors as it relates to the proposal follows.

1) 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 areas, during the next 10 years.

- **Eucalyptus Grove Property**

This property is 106.6 acres in size and generally undeveloped with no registered voters. An approximate 700 square-foot single-family residence is located in the northwest portion of the property and is believed to be presently occupied. It is also believed there are an unknown number of persons residing on the property in trailers and other make-shift dwelling structures. The remaining and majority of the property is presently used by two separate paintball operations (Paintball Jungle and Sherwood Forest Paintball). These operations have been operating onsite since the mid-1990s despite expired use permits. The property has also been subject to past code enforcement issues ranging from court-ordered cleanup to rooster fighting.

No known projects are currently tied to the property. American Canyon contemplates the property will be eventually developed for private or public commercial recreational uses consistent with its land use designation as detailed on page 12 of this report. These contemplated uses are not expected to result in significant urban-type growth in the area. Significant new growth is also not expected within adjacent lands given existing and planned uses. Specifically, adjacent lands to the south across from Eucalyptus Drive are incorporated and already developed with single-family residences as part of the Waterton subdivision. Adjacent lands to the north, northwest, and east are also incorporated and generally already developed with industrial and public-type uses, including American Canyon's Wastewater Treatment Plant. Adjacent lands to the southeast comprise an unincorporated property known as "Clarke Ranch West," which is subject to a pending annexation proposal.

Topography within the property slopes modestly west to northeast with an elevation range of 6 to 95 feet above sea level. Actual slope has been calculated at two degrees. American Canyon's jurisdictional boundary borders the property to the north and east.² Seasonal wetlands lie to the west and south of the property. The total assessed value is \$172,522.

- **American Canyon High School Property**

This property is 49.5 acres in size with no registered voters. The property was recently developed into a 2,200 student high school operated by Napa Valley Unified School District (NVUSD). This existing use is consistent with American Canyon's land use designation as detailed on page 12 of this report.

² The affected territory is 74% surrounded by American Canyon. The property does not qualify as an "island" for purposes of applying the expedited annexation proceedings under G.C. Section 56375.3 given a portion of the land qualifies as prime agriculture and it does not meet the Commission's criteria for "developed" or "developing."

No significant growth is anticipated within adjacent lands given existing and planned uses. Adjacent lands to the west across Newell Drive and south of American Canyon Road are incorporated and already developed with single-family residences as part of the Vintage Ranch and La Vigne subdivisions, respectively. Adjacent lands to the north are unincorporated and undeveloped and designated for non-urban uses by the County. Adjacent lands to the east are also unincorporated, but subject to an approved 530 student middle school expected to be completed by August 2012. These adjacent eastern lands are also subject to a pending annexation proposal on file with the Commission.

Topography slopes modestly from the south to north with an elevation ranging from 77 to 142 feet above sea level. Actual slope has been calculated at one degree. The property is surrounded to the west and south by American Canyon. The southern portion of the property is traversed by American Canyon Creek, trending east to west. The property is publicly owned and therefore not assigned as a taxable value.

- 2) **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.**

The present need for elevated services within the affected territory is limited to the American Canyon High School property given the recent development of a 2,200 student high school. A more limited range of elevated services would also be needed in the Eucalyptus Grove property *if* annexed to American Canyon based on the City's quasi-urban land use policies for the lands (emphasis added).

The Commission's recent municipal service review on the southeast county region along with American Canyon's application materials indicate the City – as principal urban service provider for the area – has sufficient capacities and controls to reasonably accommodate current and projected demands within the two properties. Actual demands within the two properties relative to the adequacy of core governmental services provided by American Canyon follow.

Law Enforcement Service

American Canyon would formally assume law enforcement service responsibilities for the affected territory from the County upon annexation with the City's police station located between 0.9 and 1.5 miles away at 911 Donaldson Way. (American Canyon presently provides second-response law enforcement services to the property as part a mutual aid agreement with the County.) The Commission's recent municipal service review on the southeast county region noted American Canyon's average response time for all high-priority law enforcement calls was approximately two minutes from dispatch to arrival. This average response time satisfies American Canyon's five minute performance standard for all high-priority public safety calls

established under the City General Plan. No deficiencies were identified in the report with respect to American Canyon responding to service calls within the surrounding areas to the affected territory. The non-residential uses targeted for the affected territory would not impact American Canyon's current ratio of 1.4 sworn officers for every 1,000 residents.

Water Service

Water service is currently provided by American Canyon to both properties comprising the affected territory. Water service to the Eucalyptus Grove property was established by the American Canyon County Water District and assumed by American Canyon at the time of its incorporation in January 1992. Water service to the American Canyon High School property was established in August 2010 through an outside service agreement. In assessing current and future water service needs for the affected territory, it is assumed demands will be entirely dependent on potable supplies given non-potable supplies are not currently available to either site.³ Specific analysis relating to the availability and adequacy of water service in the affected territory is summarized below.

Supply and Demand

American Canyon's contracted potable water supplies currently provide a reliable annual yield of 5,316 acre-feet under normal conditions.⁴ The current annual demand recorded for 2009 and adjusted to account for conditionally approved annexations totals 4,166 acre-feet. These existing demands result in an available surplus of 1,150 acre-feet. The adjusted peak day demand is 17.7 acre-feet.⁵

The affected territory's buildout under American Canyon is projected to generate an additional annual water demand of 76.2 acre-feet.⁶ This demand amount is sufficiently contemplated under American Canyon's Urban Water Management Plan (UWMP) and would consume 6.6% of the City's available supply surplus under normal conditions. American Canyon's peak day demand would also increase to 18.0 acre-feet.⁷

³ American Canyon has established a recycled water service program providing tertiary treated supplies for landscape irrigation. This program currently provides 100 acre-feet per year to one customer, Green Island Vineyards. It is expected the affected territory will receive recycled water as part of American Canyon's planned expansions, although no timetable currently exists.

⁴ American Canyon contracts for annual water supplies with Napa County Flood Control and Water Conservation District and City of Vallejo. The reliable yield estimate assumes American Canyon will receive 70% of its entitlement through the State Water Project and 100% of its entitlement from Vallejo.

⁵ American Canyon's current annual water demand is 3,953 acre-feet with a peak day demand of 16.8 acre-feet. These amounts have been adjusted to reflect the recent annexation approval of 267.6 acres of undeveloped land known as Headwaters and Panattoni. Buildout of these properties is expected to generate an additional demand of 213.3 acre-feet and raise the peak day demand to 17.7 acre-feet.

⁶ Projected annual water use for the Eucalyptus Grove property is 29.9 acre-feet. This amount has been calculated by staff based on a comparable use at Kennedy Park in the City of Napa. Projected annual water use for the American Canyon High School property totals 46.3 acre-feet. This amount has also been calculated by staff based on comparable use at Vintage High School.

⁷ Estimate reflects a peak day demand factor of 1.55 based on current usage.

Buildout of the affected territory would intensify American Canyon’s existing water supply shortfall under single and multiple dry year conditions. American Canyon, however, has recently adopted a water conservation plan to help mitigate existing and projected dry year supply shortfalls. This includes establishing a four-tiered program to reduce demands during dry years through volunteer and mandatory measures.

Baseline Conditions

(Assumes Normal Conditions; Amounts in Acre Feet)

Annual Supply	Annual Demand	Peak-Day Demand	Available Surplus
5,316	4,166	17.7	1,150

Post-Annexation with Buildout of Affected Territory

(Assumes Normal Conditions; Amounts in Acre Feet)

Annual Supply	Annual Demand	Peak-Day Demand	Available Surplus
5,316	4,242	18.0	1,074

Treatment and Storage

American Canyon is responsible for treating three-fourths of its contracted water supplies at its treatment facility located off of Jamieson Canyon Road. (The remaining one-fourth amount is pre-treated by Vallejo.) The treatment facility was recently upgraded and is capable of treating up to 16.8 acre-feet of water daily. Treated water enters and pressurizes American Canyon’s distribution system by collecting within one of four reservoir tanks with a combined storage capacity of 14.4 acre-feet. Significantly, as noted in the municipal service review, American Canyon’s water treatment and storage facilities have surpassed their capacities in independently accommodating current peak day demands. Buildout of the affected territory under American Canyon is expected to raise the peak day water demand by 1.8% to 18.0 acre-feet.

Current Treatment Capacity	Current Storage Capacity	Current Peak Day Demand	Peak Day Demand with Buildout of Affected Territory
16.8	14.4	17.7	18.0

Amounts are in acre-feet

Buildout of the affected territory would exacerbate American Canyon’s existing water treatment and storage deficiencies with respect to independently accommodating peak day demands. The latter deficiency is expected to be addressed with the planned construction of a 2.0 million gallon steel storage tank to be located adjacent to the American Canyon High School property. The construction of the new storage tank was negotiated as part of the underlying development project and will increase American Canyon’s available storage capacity to 20.5 acre-feet; an amount that will satisfy the City’s projected peak day demands upon buildout of the affected territory. American Canyon anticipates completing construction of the new storage tank no later than 2014.

Sewer Service

American Canyon began providing sewer service to the American Canyon High School property as of August 2010. The Eucalyptus Grove property is served by a private septic system. Specific analysis relating to the availability and adequacy of sewer service in the affected territory is summarized below.

Collection and Treatment

American Canyon’s collection system is divided between three distinct basins covering the central, west, and northern portions of American Canyon’s service area. Wastewater collected in the central basin is primarily generated from residential users and represents approximately four-fifths of the total average demand. The remaining amount is generated by commercial and industrial users in the western and northern basins. Each basin includes its own pump station and conveys raw sewage to American Canyon’s wastewater treatment facility located at the western terminus of Eucalyptus Drive northwest of the Eucalyptus Grove property.

American Canyon recently upgraded its wastewater treatment facility to accommodate average dry weather flows of 2.5 million gallons and peak wet weather flows of 5.0 million gallons. American Canyon also has an approximate 5.0 million gallon adjacent earthen basin to temporarily store excessive flows before returning for treatment. The current average dry and wet weather daily flows, which are adjusted to account for conditionally approved annexations, are estimated at 1.6 and 4.0 million gallons, respectively.⁸ These daily flow amounts represent 64% and 80% of the treatment plant’s design capacity.

The buildout of the affected territory is expected to generate on average additional dry weather and peak weather daily flows of 0.05 and 0.07 million gallons.⁹ These projected amounts will consume 6.0% and 6.8% of the available dry weather and wet weather treatment capacity. This indicates American Canyon’s sewer collection and treatment facilities are sufficient to accommodate demands within the affected territory.

Baseline Conditions

Dry Weather Capacity	Dry Weather Demand	Available Dry Weather Capacity	Wet Weather Capacity	Wet Weather Demand	Available Wet Weather Capacity
2.5	1.6	0.9	5.0	4.0	1.0

⁸ The 2.5 to 1 ratio between dry weather and peak wet weather flows is attributed to high inflow/infiltration in the western and northern basins due to aging infrastructure.

⁹ Average dry weather daily flows have been calculated at 80% of the affected territory’s potable water demands at buildout. Wet weather daily flows have been calculated by applying an infiltration factor of 1.25 to the dry weather estimate consistent with industry standards.

Post-Annexation With Buildout of the Affected Territory

Dry Weather Capacity	Dry Weather Demand	Available Dry Weather Capacity	Wet Weather Capacity	Wet Weather Demand	Available Wet Weather Capacity
2.5	1.7	0.8	5.0	4.1	0.9

Sewer amounts are in million gallons per day

Discharge

American Canyon pumps treated wastewater into adjacent earthen storage basins with a combined capacity of 6.0 million gallons to complete the chlorination and suspension process prior to discharge. American Canyon is authorized by the California State Water Resources Control Board to discharge finished tertiary wastewater into the Napa River through the North Slough between November 1st and April 30th. American Canyon discharges finished tertiary wastewater during the remainder of the year into adjacent wetlands owned by the City. This dry-season discharge effectively provides American Canyon with unlimited disposal capacity and is part of a long-term effort to restore the adjacent wetlands given their prior use as salt ponds.

With regard to other pertinent considerations, the Commission’s municipal service review on the southeast county region also noted ACFPD has developed sufficient capacities and controls in providing an adequate level of fire protection, rescue, and emergency medical within its jurisdictional boundary. This includes presently serving lands that are adjacent to the affected territory. No deficiencies were identified in the municipal service review with respect to ACFPD responding to calls within these surrounding lands. These factors support the recommendation to reorganize the proposal to include the concurrent annexation of the affected territory into ACFPD for purposes of accommodating the present and probable need for elevated fire-related services.

3) 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.

The proposal would recognize and strengthen existing economic and social ties between American Canyon and the affected territory. American Canyon established these ties in 1997 when the City included both properties comprising the affected territory into its original urban limit line (ULL). Significantly, the addition of these properties in the ULL marked a standing expectation the lands be eventually annexed and developed for urban-type uses by American Canyon. The Commission has also recognized and strengthened these ties in adding the properties to the sphere of influence as part of a recent comprehensive update. Annexation of the properties would strengthen these economic and social ties by directly supporting the planned development of the lands consistent with the American Canyon General Plan and ULL.

With respect to the two recommended modifications, concurrently annexing the affected territory into ACFPD would support existing social and economic ties. Specifically, the reorganization would recognize the governance relationship between American Canyon and ACFPD while helping to coordinate the provision of all necessary supporting public services to the affected territory as it intensifies in use. Concurrently detaching the affected territory from CSA No. 4 would recognize the discontinuity between the lands' present and probable uses and the role of the District in providing farmworker housing.

4) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies set forth in G.C. Section 56377.

The Commission has previously determined American Canyon is the logical land use and service provider for the affected territory by previously adding the lands to the City's sphere of influence. Adding these properties to the sphere of influence marked an explicit Commission determination that the future annexation and urban development of the lands represent an orderly extension of American Canyon relative to local needs and subject to timing considerations.

Both properties comprising the affected territory qualify as open-space given the lands' designation under the County General Plan. Further, a small portion of the Eucalyptus Grove property qualifies as prime agricultural land under LAFCO law.¹⁰ This potential loss of prime agricultural land was previously contemplated by the Commission in adding the land to the sphere of influence and is deemed acceptable given local conditions and circumstances.

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

The affected territory does not qualify as agricultural land under LAFCO law pursuant to G.C. Section 56016.

6) 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.

Draft maps and geographic descriptions have been prepared by the applicant identifying the boundaries of the affected territory in accordance with the requirements of the State Board of Equalization. These documents provide sufficient certainty regarding the exact boundaries of the affected territory as

¹⁰ G.C. Section 56064 defines prime agricultural land to mean any area that has not been developed other than for an agricultural use and meets certain criteria. This includes land that qualifies, if irrigated, for a Class I or II rating by the United States Department of Agriculture. Staff has confirmed that approximately 1.8% of the Eucalyptus Grove property comprises Class II soil (Clear Lake Clay). (Class II soil underlies the American Canyon High School property but does not qualify as prime agricultural land given it has already been developed.)

proposed and are assessor parcel specific to include 058-030-056 and 059-040-077. Any modifications to the affected territory's physical boundaries made by the Commission will require revisions to the maps and geographic descriptions prior to recordation. Other recommended modifications that would require revisions to the map and geographic description include concurrently annexing the affected territory to ACFPD.¹¹

7) Consistency with the city or county general plans, specific plans, and adopted regional transportation plan.

The American Canyon General Plan assigns distinct quasi-urban designations for each property comprising the affected territory. These designations contrast with the County General Plan, which designates both properties as *Agriculture, Watershed, and Open Space* with the expectation the land be generally used for agriculture, processing of agricultural products, and single-family dwelling units on minimum lot sizes of 160 acres. The American Canyon General Plan designates the Eucalyptus Grove property as *Commercial Recreation* and contemplates a broad range of quasi-urban uses, including interpretive nature centers, educational conference facilities, recreation vehicle parks, overnight camping, day use and picnicking, and similar recreation and resource oriented facilities. Explicit development contemplated includes golf courses, hotels/motels, supporting facilities, and certain residential uses.¹² A master or specific plan would be required prior to development and would address densities. The American Canyon General Plan designates the American Canyon High School property as *Public* and contemplates a specific range of governmental uses, including schools, libraries, and public safety facilities. Significantly, the Commission considered the inconsistencies in land use designations between the American Canyon and County General Plans prior to adding the lands to the City's sphere of influence in deference to local conditions.

The Metropolitan Transportation Commission's regional transportation plan (RTP) was updated in April 2009 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2035. No specific projects are included in the RTP involving the affected territory. The RTP, however, does include the extension of Devlin Road from Fagan Creek to Green Island Road. This project lies within the vicinity of the Eucalyptus Grove property, and accordingly anticipates the intensification of land uses in the area.

8) The sphere of influence of any local agency applicable to the proposal.

Both properties comprising the affected territory are already within American Canyon's sphere of influence, which was comprehensively reviewed and updated in June 2010. The recommended modification to concurrently annex the affected territory to ACFPD is also consistent with the District's sphere of influence.

¹¹ The recommendation to concurrently detach the affected territory from CSA No. 4 would not require a separate map and geographic description given LAFCO does not file boundary changes involving the District with SBE.

¹² Refer to American Canyon Land Use Element Policies 1.21.1 through 1.21.3.

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

On August 16, 2010, LAFCO staff electronically circulated copies of the application materials for review and comment to local governmental agencies.¹³ One written comment was received from County Environmental Management recommending approval of the proposal with no requested terms or conditions. No other written comments were received by the September 6, 2010 deadline.

10) 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.

Information collected and analyzed in the Commission’s recent municipal service review on the southeast county region indicates American Canyon has developed adequate financial resources and controls relative to its service commitments. Additional analysis provides reasonable assurances American Canyon can (a) continue to provide an appropriate level of services to the American Canyon High School property and (b) extend an appropriate level of new services to the Eucalyptus Grove property consistent with its current land use assignments.

American Canyon’s unreserved/undesignated balance in the General Fund at the beginning of the fiscal year totaled \$1.8 million and equals one-tenth of its adopted operating costs in 2010-2011.¹⁴ This amount has been significantly reduced over the last fiscal year by more than one-half due to operating shortfalls caused by declining property and sales tax revenues. American Canyon recently implemented a 36-month strategy to eliminate its structural imbalance within the General Fund and is highlighted by eliminating nine full-time positions and instituting 15 staff furlough days. A summary of American Canyon’s General Fund balance over the last five fiscal years follows.

American Canyon’s General Fund Balance

(Source: City of American Canyon)

Category	2005-06	2006-07	2007-08	2008-09	2009-10
Reserved	1.376	2.913	2.077	2.990	4.260
Unreserved/Designated	5.569	3.795	4.020	4.040	3.606
Unreserved/Undesignated	1.174	1.255	4.880	4.297	1.803
<i>Total</i>	<i>\$8.119</i>	<i>\$7.963</i>	<i>\$10.977</i>	<i>\$11.327</i>	<i>\$9.669</i>

*Dollars in Millions
 Amounts as of July 1st*

¹³ Staff originally circulated a notice of review pertaining to this proposal on March 25, 2010. This earlier notice of review contemplated the annexation of 500 total acres to American Canyon and included lands commonly referred to as the “Atkins,” “Headwaters,” “Panattoni,” “Clarke Ranch West,” and “American Canyon Middle School” properties. The original proposal was subsequently divided into three distinct proposals with the first (Atkins, Headwaters, and Panattoni) was presented to the Commission at its August 2, 2010 meeting. The third proposal (Clarke Ranch West and American Canyon Middle School) is expected to be presented to the Commission at its December 6, 2010 meeting.

¹⁴ American Canyon’s adopted general fund expenses in 2010-2011 total \$15.3 million.

With respect to overall operations, American Canyon maintains relatively strong liquidity and capital within all governmental accounts given the City's current assets total more than eight times its current liabilities and it has less than a tenth of debt relative to equity. These factors reflect prudent financial management and provide reasonable assurances American Canyon is capable of providing general operating services, such as law enforcement and public works, to the affected territory without adversely impacting current constituents. Additionally, non-general services, such as water and sewer, are self-funded through (a) connection fees and (b) usage charges. These revenue sources serve as American Canyon's buy-in charge for new customers to contribute their fair share for existing and future facilities necessary to receive water and sewer services as well as fund ongoing maintenance expenses.

11) Timely availability of water supplies adequate for projected needs as specified in G.C. Section 65352.5.

As noted on page six, American Canyon has previously established water service to both properties comprising the affected territory through outside user agreements. American Canyon's water supplies are drawn from two contracted sources: 1) State Water Project and 2) City of Vallejo. The Commission's recent municipal service review on the southeast county region reports American Canyon's current reliable annual water supply generated from these two sources totals 5,316 acre-feet under normal conditions. In comparison, current annual demands total 4,166 acre-feet, resulting in an available surplus of 1,150 acre-feet to accommodate new usage. American Canyon may purchase additional annual entitlements from Vallejo over the course of three designated planning periods: 2007-2011 (722 acre-feet); 2012-2016 (566 acre-feet); and 2017-2021 (566 acre-feet). These contractual arrangements provide American Canyon sufficient supplies to accommodate planned future demands on these water supplies associated with the proposal consistent with G.C. Section 65352.5.

12) 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 of Chapter 3 of Division 1 of Title 7.

The proposal will have an indirect positive impact on the County in meeting its future regional housing needs. This indirect impact is tied to a 2004 agreement in which American Canyon agreed to a modified urban limit line in exchange for the County supporting the annexation of the affected territory. The 2004 agreement also established a framework leading to separate agreements in 2008 and 2010 in which American Canyon assumes a substantial portion of the County's regional housing needs assignment over the next two planning periods. It is reasonable to assume the proposal will increase American Canyon's future regional housing

needs due to the job creation potential tied to the affected territory. The increase and the extent of the impact on American Canyon is not known at this time.¹⁵

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

The affected landowners have consented to the proposal. There are no registered voters within the affected territory.

14) Any information relating to existing land use designations.

The County designates the entire affected territory as *Agriculture, Watershed, and Open Space*. American Canyon designates the Eucalyptus Grove and American Canyon High School properties as *Commercial Recreation* and *Public*, respectively. The following table summarizes contemplated land uses and densities within these respective designations.

City of American Canyon		
	Eucalyptus Grove	American Canyon High School
Designation	.....Commercial Recreation	.....Public
General Uses	.....Recreation vehicle parks, interpretative nature centers and conference facilities, and similar uses.	.....Governmental administrative and related facilities, public utilities, schools, public parking, parks, landfills, and similar uses.
Lot Density	.....Minimum: TBD	.....Minimum: TBD
Building Density	.....Maximum Coverage: TBD	.....Maximum Coverage: TBD

County of Napa		
	Eucalyptus Grove	American Canyon High School
Designation	.....Agriculture, Watershed, and Open Space	..... Agriculture, Watershed, and Open Space
General Uses	Agriculture, processing of agricultural products, single-family dwellings	Agriculture, processing of agricultural products, single-family dwellings
Lot Density	.....Minimum: 160 acres	.....Minimum: 160 acres
Building Density	.....Maximum Coverage: One dwelling per parcel Non-Residential: N/A	.....Maximum Coverage: One dwelling per parcel Non-Residential: N/A

15) The extent to which the proposal will promote environmental justice.

There is no documentation or evidence suggesting the proposal would have a measurable effect with respect to promoting environmental justice.

¹⁵ American Canyon does not currently have a certified housing element for the 2008-2014 cycle. American Canyon reports it is working with Housing Community Development and anticipates receiving certification within the next several months.

Terms and Conditions

The Commission’s standard terms and conditions would apply to the proposal if approved. This includes requiring the applicant to prepare a final map and geographic description identifying the approved boundary changes consistent with the requirements of the State Board of Equalization. Other standard conditions include the applicant submitting a signed indemnification agreement and paying all outstanding fees tied to the proposal. A certificate of completion would not be recorded until all terms are satisfied.

Staff also believes it would be appropriate for the Commission to include a special approval condition to require American Canyon file a future proposal to annex the Eucalyptus Grove property back into CSA No. 4 *if* vineyard development of one or more acres occurs within the land at a future date (emphasis added). This special condition responds to allowable uses under the American Canyon General Plan and is appropriate given the Commission’s interest in helping to ensure all vineyard development pays an equitable share in supporting public farmworker housing services. This type of condition is authorized pursuant to G.C. Section 56885.5(a)(2).

Prezoning Assignment

G.C. Section 56375(3) requires cities prezone territory as a precondition to annexation. A description of American Canyon’s prezoning assignments for the two properties comprising the affected territory follows:

City of American Canyon		
	Eucalyptus Grove	American Canyon High School
Prezoning	.....Recreation	.....Public
Permitted Uses	.....Animal husbandry, crop production, passive recreation, horticulture, and detached single-family residence	.....Public and passive recreation facilities, community center, conference center, government facility, public information center
Lot Density	.....Minimum: TBD	.....Minimum: TBD

These prezoning assignments are consistent with the American Canyon General Plan’s designations for the affected territory as noted on the previous page. The prezoning assignments are intended to accommodate intensified commercial, recreational, and public institutional uses. Conditional uses associated with these prezoning assignments include passive recreational public parks, public or private recreational facilities, wineries, campgrounds, educational facilities, animal shelters, cemeteries, schools, and day care centers. American Canyon may not change the zoning for the affected territory in a manner that does not conform to the prezoning at the time of annexation for a period of two years unless the City Council makes special findings at a noticed public hearing.

Property Tax Agreement

Revenue and Taxation Code Section 99(b)(6) requires adoption of a property tax exchange agreement by affected local agencies before LAFCO can consider a change of organization. This statute applies regardless of private or public ownership. With respect to this proposal, American Canyon and the County have previously agreed by resolution to a property tax exchange agreement applicable to the affected territory. The agreement was codified in 2004 and specifies American Canyon and ACFPD shall receive 75% and 5% of the County's existing portion of property tax revenues, respectively.

Environmental Review

Discretionary actions by public agencies are subject to the California Environmental Quality Act (CEQA) any time an underlying activity will result in a direct or indirect physical change to the environment. A lead agency has the principal responsibility for carrying out or approving a project consistent with the provisions of CEQA. This includes determining whether the underlying activity qualifies as a project under CEQA. If the activity is determined to be a project, the lead agency must determine if an exemption applies or if additional environmental review is needed, such as preparing an initial study. A responsible agency is accountable for approving an associated aspect of the underlying activity and must rely on the lead agency's determination in making its own CEQA finding.

The proposal on file with the Commission is unique under CEQA given there are two distinct lead agencies: American Canyon and NVUSD. American Canyon is the lead agency for considering the environmental impacts tied to the annexation of the Eucalyptus Grove property given the underlying activity is to transfer land use and service control to the City. American Canyon previously contemplated the potential impacts tied to the proposed annexation and future development of the territory in preparing an initial study as part of rezoning the land as *Commercial Recreation* in September 2009. Based on the initial study, American Canyon adopted a mitigated negative declaration memorializing its findings the development contemplated by the rezoning will not result in significant environmental impacts with the incorporation of certain mitigations. Staff has reviewed the initial study and believes American Canyon has made an adequate determination relative to the purview of the Commission as a responsible agency. Copies of the initial study and adopted mitigated negative declaration were previously transmitted to Commissioners.

NVUSD is the lead agency for considering the environmental impacts tied to the annexation of the American Canyon High School property given it is a subset of the District's planned development and use of the site.¹⁶ NVUSD previously contemplated the potential impacts tied to the proposed annexation and development of the property into a 2,200 student high school as part of an environmental impact report (EIR). NVUSD certified the EIR in February 2008 with the incorporation of mitigation measures to help limit significant impacts along with a statement of overriding

¹⁶ NVUSD is immune from local zoning ordinances pursuant to G.C. Section 53094.

considerations to address certain significant and unavoidable effects, including changes in land use and aesthetics. Staff has reviewed the EIR and believes NVUSD has made an adequate determination relative to the purview of the Commission as a responsible agency. Copies of the EIR were previously transmitted to Commissioners.

Conducting Authority Proceedings

The affected territory qualifies as uninhabited and the affected landowners have consented to the proposal. No subject agency has requested a protest hearing. Conducting authority proceedings, accordingly, are waived under G.C. Section 56663.

D. Options for Commission Action

Staff has identified five broad options for Commission consideration with respect to the proposal. These options are summarized below.

- Option One:** Approve the proposal as submitted with standard conditions.
- Option Two:** Approve the proposal as modified to include concurrent (a) annexation to ACFPD and (b) detachment From CSA No. 4 with standard conditions.
- Option Three:** Approve the proposal as outlined under Option Two with a special condition requiring American Canyon to file a future proposal with the Commission to annex the Eucalyptus Grove property back into CSA No. 4 if vineyard development is permitted.
- Option Four:** Continue consideration of the item to a future meeting if more information is required.
- Option Five:** Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year.

E. Recommendation

Staff recommends the Commission take actions consistent with Option Three outlined in the preceding section.

Respectfully submitted,

Keene Simonds
Executive Officer

Brendon Freeman
Analyst

Attachments:

- 1) Draft Resolution of Approval (Option Three)
- 2) Application Materials
- 3) American Canyon's Resolution Adopting a Mitigated Negative Declaration for Eucalyptus Grove Property
- 4) NVUSD's Resolution Adopting and Certifying an Environmental Impact Report Involving the American Canyon High School Property

Note: The environmental documents associated with attachments three and four were separately transmitted to Commissioners. Contact staff if additional copies are needed.

RESOLUTION NO. _____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MAKING DETERMINATIONS**

**EUCALYPTUS GROVE AND AMERICAN CANYON HIGH SCHOOL
REORGANIZATION**

WHEREAS, the City of American Canyon, by resolution of application, has filed a proposal with the Executive Officer of the Local Agency Formation Commission of Napa County, hereinafter referred to as the "Commission," pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000;

WHEREAS, the proposal seeks annexation of two non-contiguous areas to the City of American Canyon, referred to as "Eucalyptus Grove" and "American Canyon High School;"

WHEREAS, the Executive Officer reviewed the proposal and prepared a report with recommendations;

WHEREAS, the proposal and the Executive Officer's report have been presented to the Commission in the manner provided by law;

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal;

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668; and

WHEREAS, the Commission, in accordance with California Environmental Quality Act (CEQA), has considered the adopted determinations of the lead agencies, City of American Canyon and Napa Valley Unified School District, concerning the potential environmental impacts associated with the proposal.

**NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE,
DETERMINE, AND ORDER** as follows:

1. The Commission, as responsible agency, certifies it has reviewed and considered the environmental determinations prepared by the lead agencies concerning potential impacts associated with the proposal in accordance with CEQA. The City of American Canyon serves as lead agency for considering the impacts tied to the annexation of the Eucalyptus Grove property and has adopted a mitigated negative declaration on October 20, 2009 as part of the rezoning of the affected land as *Recreation*. The adopted mitigated negative declaration is codified in Resolution No. 2009-116 and confirms no significant affects will occur relating to the annexation and planned development of the affected land with the incorporation of certain mitigation measures. Napa Valley Unified School District serves as lead agency for considering the impacts tied to the annexation of the American Canyon High School property and has adopted a final environmental impact report on

February 28, 2008. The adopted final environmental impact report is codified in Resolution No. GSM-49.42-05 and includes incorporating mitigation measures to help limit significant impacts along with a statement of overriding considerations to address certain significant and unavoidable effects. The Commission hereby makes and incorporates by reference the environmental determinations of the City of American Canyon and Napa Valley Unified School District as set forth in the referenced resolutions, including approval to incorporate associated mitigation measures for the subject properties. The Commission's findings are based on its independent judgment and analysis. The records upon which these findings are made are located at the Commission office at 1700 Second Street, Suite 268, Napa, California.

2. The proposal is APPROVED with the following modifications:
 - a) The Eucalyptus Grove (058-030-056) and American Canyon High School (059-040-077) properties are concurrently annexed to the American Canyon Fire Protection District.
 - b) The Eucalyptus Grove (058-030-056) and American Canyon High School (059-040-077) properties are concurrently detached from County Service Area No. 4.

3. The proposal is assigned the following distinctive short-term designation:

**EUCALYPTUS GROVE AND AMERICAN CANYON HIGH SCHOOL
REORGANIZATION**

4. The affected territory is shown in the draft maps and geographic descriptions provided in Exhibits "A" and "B," respectively.
5. The affected territory is uninhabited as defined in Government Code Section 56046.
6. The City of American Canyon utilizes the regular assessment roll of the County of Napa.
7. Upon effective date of the proposal, the affected territory will be subject to all previously authorized charges, fees, assessments, and taxes that were lawfully enacted by the City of American Canyon. The affected territory will also be subject to all of the rates, rules, regulations, and ordinances of the City.
8. The Commission authorizes conducting authority proceedings to be waived in accordance with Government Code Section 56663(c).
9. Recordation is contingent upon receipt by the Executive Officer of the following:
 - (a) A final map and geographic description of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization.
 - (b) Payment of any outstanding fees owed to the Commission and/or other agencies involved in the processing of this proposal.

- (c) An indemnification agreement signed by the City of American Canyon in a form provided by the Commission Counsel.
10. Approval is conditioned on the City of American Canyon filing a future proposal with the Commission to annex the Eucalyptus Grove property back into County Service Area No. 4 if vineyard development one acre or more in size is permitted and occurs within the affected land.
11. The effective date shall be the date of recordation of the Certificate of Completion.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 4, 2010, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSTAIN: Commissioners _____

ABSENT: Commissioners _____

ATTEST: Keene Simonds
Executive Officer

Recorded by: _____
Kathy Mabry
Commission Secretary

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

LEGEND:

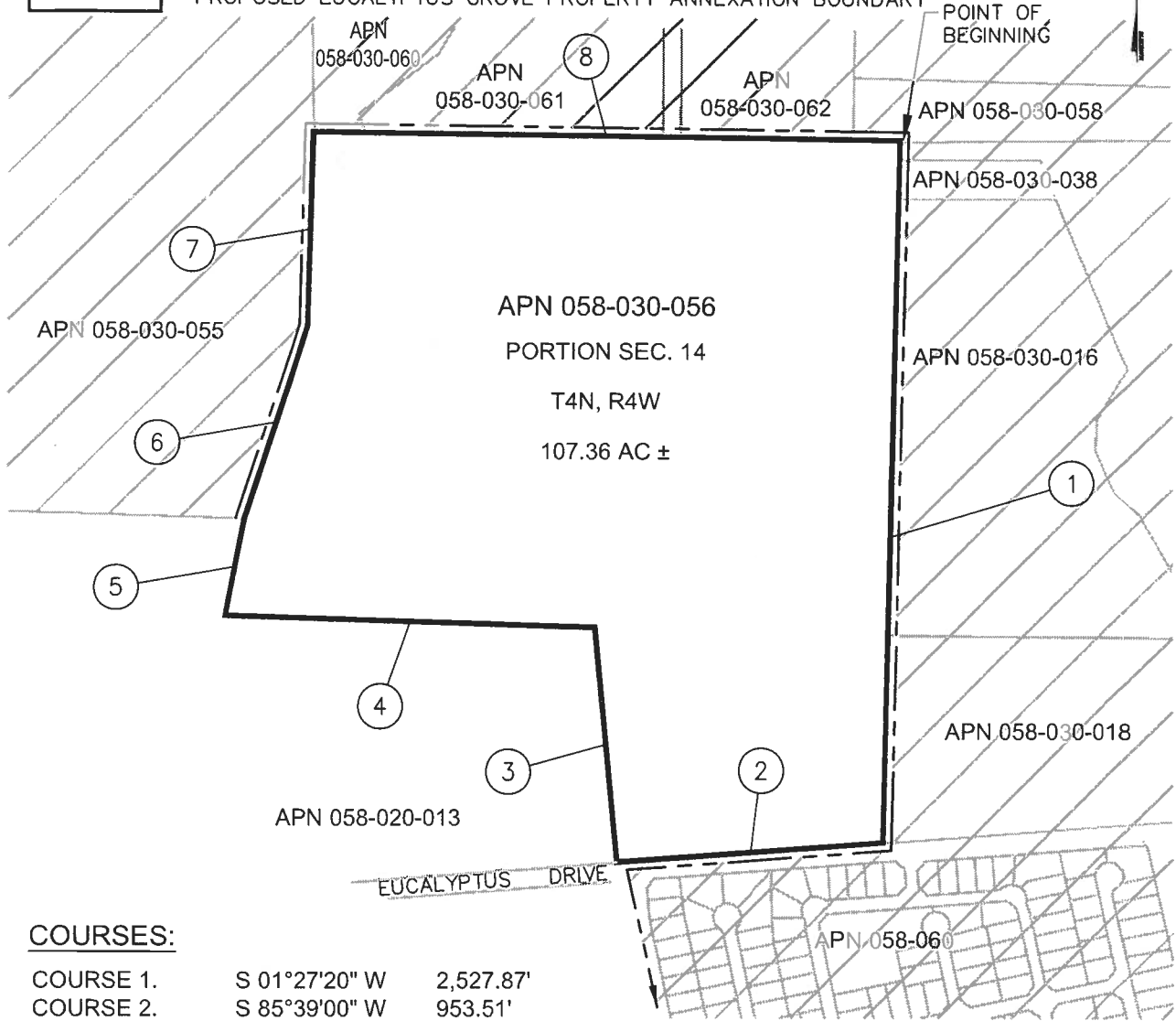


EXISTING CITY OF AMERICAN CANYON AND AMERICAN CANYON FIRE PROTECTION DISTRICT BOUNDARY



PROPOSED EUCALYPTUS GROVE PROPERTY ANNEXATION BOUNDARY

DRAFT



COURSES:

COURSE 1.	S 01°27'20" W	2,527.87'
COURSE 2.	S 85°39'00" W	953.51'
COURSE 3.	N 05°19'00" W	844.27'
COURSE 4.	N 88°15'00" W	1,329.59'
COURSE 5.	N 10°57'20" E	357.25'
COURSE 6.	N 17°54'40" E	728.11'
COURSE 7.	N 01°32'20" E	700.00'
COURSE 8.	S 89°19'01" E	2,111.71'

107.36 ACRES ±

GRAPHIC SCALE:



DATE	9/27/10
SCALE	1" = 6,000'
DRAWN BY	E.A.
CHECKED BY	J.I.

**EUCALYPTUS GROVE PROPERTY
ANNEXATION TO THE CITY OF AMERICAN CANYON
AND AMERICAN CANYON FIRE PROTECTION DISTRICT
BEING A PORTION OF SEC. 14, T4N, R4W, M.D.B.&M.
NAPA COUNTY**

JOB NO.	091-0015.01
SHEET	1
	OF 1

EXHIBIT 'A'
EUCALYPTUS GROVE PROPERTY
ANNEXATION TO THE CITY OF AMERICAN CANYON
GEOGRAPHIC DESCRIPTION

All that certain real property situated in a portion of Section 14, Township 4 North, Range 4 West, Mount Diablo Base and Meridian, in the County of Napa, State of California described as follows:

Beginning at a point being on the existing City of American Canyon and American Canyon Fire Protection District boundary, also said point being the northeastern corner of the land described in Document No. 2009R0006789 recorded March 23, 2009, of Official Records of Napa County;

Thence, (1) South 01°27'20" West 2,527.87 feet along said existing district boundary;

Thence, (2) South 85°39'00" West 953.51 feet;

Thence, leaving said existing district boundary, (3) North 05°19'00" West 844.27 feet along west line of said land;

Thence, (4) North 88°15'00" West 1,329.59 feet to a point being the westerly corner of said land;

Thence, (5) North 10°57'20" East 357.25 feet;

Thence, (6) North 17°54'40" East 728.11 feet;

Thence, (7) North 01°32'20" East 700.00 feet to the northwestern corner of said land;

Thence, (8) South 89°19'01" East 2,111.71 feet along the north line of said land to the **Point of Beginning**.

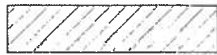

Containing 107.36 acres of land more or less.

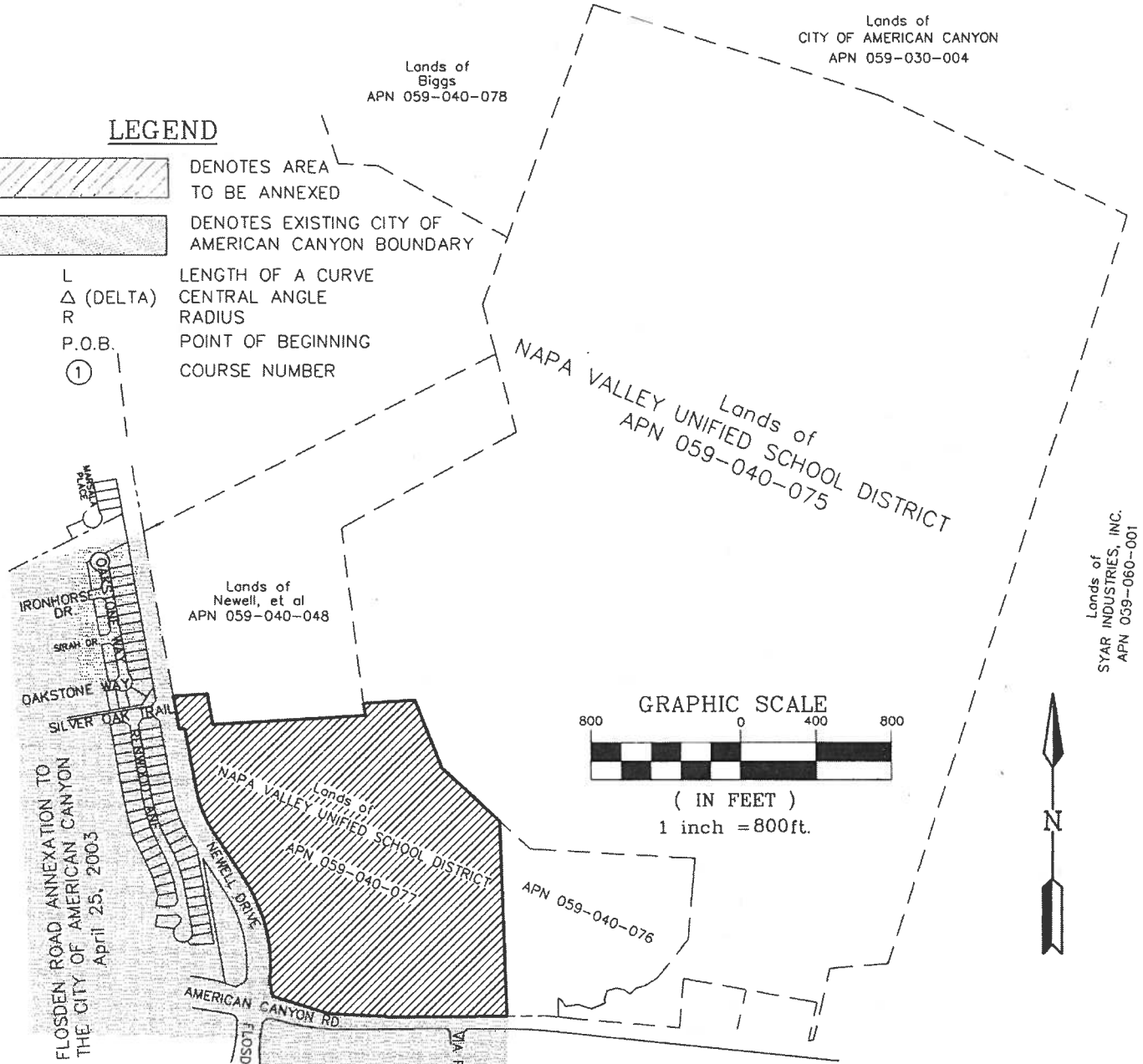
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

DISCLAIMER:

For assessment purposes: this description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for sale of the land described.

LEGEND

-  DENOTES AREA TO BE ANNEXED
-  DENOTES EXISTING CITY OF AMERICAN CANYON BOUNDARY
- L LENGTH OF A CURVE
- Δ (DELTA) CENTRAL ANGLE
- R RADIUS
- P.O.B. POINT OF BEGINNING
- ① COURSE NUMBER



FLOSDEN ROAD ANNEXATION TO THE CITY OF AMERICAN CANYON April 25, 2003

AMERICAN CANYON RD./FLOSDEN RD. ANNEXATION TO CITY OF AMERICAN CANYON May 4, 1998

APPLICANT

City of American
4381 Broadway, Ste # 201
American Canyon, CA 94503
TEL #: (707) 643-4336
Attn: Mr. Brent Cooper

September 28, 2010

PREPARED BY:

CHAUDHARY & ASSOCIATES, INC.
ENGINEERS SURVEYORS INSPECTORS
851 NAPA VALLEY CORPORATE WAY, SUITE G
NAPA, CALIFORNIA 94558
Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM

Plat to Accompany Geographic Description
BEING A PORTION OF SECTION 30, T4N, RANGE 3
EXHIBIT "B"
Eucalyptus Grove & American Canyon High School
Annexation to the City of American Canyon

EXHIBIT "B"
Eucalyptus Grove & American Canyon High School
Annexation to the City of American Canyon

Geographic Description

All that certain property situate in a portion of Section 30, Township 4 North, Range 3 West, County of Napa, State of California, described as follows:

Beginning at point on the East side of "Flosden Road Reorganization/Annexation to the City of American Canyon", recorded _____, 2003 in Document No. _____ filed in the Office of Napa county Recorder;
thence leaving the said Flosden Road Reorganization/Annexation; (1) N 86° 27' 39" E, 179.8 feet;
thence (2) S 09° 59' 51" E, 166.1 feet;
thence (3) N 86° 27' 39" E, 814.5 feet;
thence (4) S 09° 56' 14" E, 65.4 feet;
thence (5) N 86° 27' 39" E, 277.2 feet;
thence (6) S 21° 28' 07" E, 392.6 feet;
thence (7) S 46° 59' 55" E, 415.1 feet;
thence (8) S 01° 56' 58" E, 1,029.8 feet;
thence (9) S 01° 59' 08" E, 11.6 feet; to a point on the North side of "American Canyon Road/Flosden Road Annexation to City of American Canyon Recorded _____, 1998 in Document No. _____, filed in the Office of Napa County Recorder;
thence (10) S 89° 38' 46" W, 640.0 feet, along said American Canyon Road/Flosden Road Annexation;
thence (11) N 01° 29' 13" E, 5.2 feet;
thence (12) N 87° 28' 53" W, 309.67 feet;
thence (13) N 73° 07' 20" W, 295.5 feet; to a point on the East side of the above said Flosden Road Reorganization/Annexation;
thence (14) along a tangent curve to the right, concave to the northeast, with a radius of 30.0 feet, central angle of 68° 11' 11" and an arc length of 35.7 feet;
thence (15) N 04° 56' 09" W, 44.3 feet;
thence (16) S 85° 03' 51" W, 7.4 feet;
thence (17) along a nontangent curve to the left, concave to the west, having a radial bearing N 82° 56' 46" W, with a radius of 832.0 feet; a central angle of 40° 15' 14" and an arc length of 584.5 feet;
thence (18) N 33° 11' 14" W, 302.0 feet;
thence (19) along a tangent curve to the right, concave to the northeast, with a radius of 626.0 feet, a central angle of 23° 12' 32" an arc length of 253.6 feet
thence (20) N 09° 58' 43" W, 323.3 feet;
thence (21) S 86° 27' 39" W, 30.2 feet;
thence (22) N 09° 59' 51" W, 181.1 feet; to the **POINT OF BEGINNING** and containing 49.8 acres, more or less.

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

**CITY COUNCIL
RESOLUTION 2010-**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON AUTHORIZING A SEPARATE ANNEXATION APPLICATION TO THE NAPA COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) FOR THE EUCALYPTUS GROVE AND AMERICAN CANYON HIGH SCHOOL SITE FROM THE ANNEXATION APPLICATION FOR CLARKE RANCH WEST AND AMERICAN CANYON MIDDLE SCHOOL SITE

WHEREAS, In July 2008, the City of American Canyon and Napa County entered into an agreement whereby the City of American Canyon agreed to streamline its water service regulations in return for the County's agreement to amend the City's Rural-Urban Limit Line and support City annexation of the Panattoni, Headwaters, and Atkins properties; and

WHEREAS, In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the City must approve zoning regulations for the property before the property is annexed into the City; and

WHEREAS, the Clarke Ranch West, Eucalyptus Grove, and American Canyon High School and Middle School sites were rezoned; and

WHEREAS, this Resolution supersedes City Council Resolution 2009-142 that authorized a combined annexation application for Clarke Ranch West, Eucalyptus Grove, and American Canyon High School and Middle School sites; and

WHEREAS, on September 21, 2010 a duly-noticed public meeting was held by the City of American Canyon City Council at which time all those in attendance were given the opportunity to speak on the proposal; and

WHEREAS, the City Council considered all of the written and oral testimony presented at the public hearing in making its decision.

NOW, THEREFORE, the City Council does hereby RESOLVE AS FOLLOWS:

SECTION 1. ANNEXATION APPLICATION

That staff is authorized to submit an application for the Eucalyptus Grove and American Canyon High School site separately from the Clarke Ranch West and Middle School sites.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of American Canyon on September 21, 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Staff has confirmed this draft resolution has been adopted as submitted by the American Canyon City Council at its 9/21/10 meeting. A certified copy was not available at the time of the agenda mailout.

Leon Garcia, Mayor

ATTEST:

APPROVED AS TO FORM:

Rebekah Barr, CMC, City Clerk

William D. Ross, City Attorney

RESOLUTION 2009-142

AUTHORIZING AN APPLICATION TO THE NAPA COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO ANNEX THE CLARKE RANCH WEST, EUCALYPTUS GROVE, AND AMERICAN CANYON HIGH SCHOOL AND MIDDLE SCHOOL SITES

WHEREAS, in July 2008, the City of American Canyon and Napa County entered into an agreement whereby the City of American Canyon agreed to streamline its water service regulations in return for the County's agreement to amend the City's Rural-Urban Limit Line and support City annexation of the Panattoni, Headwaters, and Atkins properties; and

WHEREAS, in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the City must approve zoning regulations for the property before the property is annexed into the City; and

WHEREAS, the Clarke Ranch West, Eucalyptus Grove, and American Canyon High School and Middle School sites were rezoned; and

WHEREAS, on December 15, 2009 a duly-noticed public meeting was held by the City of American Canyon City Council at which time all those in attendance were given the opportunity to speak on the proposal; and

WHEREAS, the City Council considered all of the written and oral testimony presented at the public meeting in making its decision.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of American Canyon authorizes staff to submit an application to the Clarke Ranch West, Eucalyptus Grove, and American Canyon High School and Middle School sites.

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council of the City of American Canyon on the 15th day of December, 2009, by the following vote:

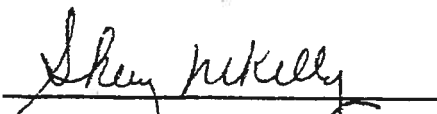
AYES: Councilmembers Bennett, Coffey, West, Vice Mayor Callison and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: None



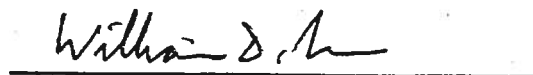
Leon Garcia, Mayor

ATTEST:

APPROVED AS TO FORM:



Sherry M. Kelly, Interim City Clerk



William D. Ross, City Attorney

ANNEXATION

**JUSTIFICATION OF PROPOSAL
FOR REVIEW BY THE
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**
1700 Second St., Suite 268 Napa, California 94559-2409
Telephone (707) 259-8645

APPLICANT(S): City of American Canyon and American Canyon Fire District

NAME OF PROPOSAL: American Canyon High School and Middle School Annexation to the City of American Canyon Fire Protection District and the City of American Canyon

PRINCIPAL JURISDICTION INVOLVED:

City of American Canyon and the American Canyon Fire Protection District
Affected County(ies) County of Napa: x Other: None

TYPE: (Check the method by which this application was initiated)

- Resolution of application
 Petition of landowners
 Petition of registered voters

STATUTORY PROVISIONS UNDER WHICH THIS MATTER IS PROPOSED:

The Cortese/Knox Local Government Reorganization Act of 1985
Commencing with California Government Code Section 56000

In accordance with applicable provisions of the California Government Code, the Commission must review specific factors in its consideration of this proposal. In order to facilitate the Commission's review, it will be necessary to respond to the following questions listed in this justification of proposal.

PROJECT DESCRIPTION: (include the total underlying project):
Construction of the new American Canyon High School by the Napa Valley USD.

GENERAL INFORMATION:

1. Population in the subject area: 0 (in parcels to be annexed)
2. Anticipated future population in the subject area: 0
3. Population density (i.e., per square miles, per acre): 0
4. Number of registered voters: 0
5. Number of dwelling units: 0
6. Proximity to other populated areas or communities:
Immediately adjacent to existing residential portions of American Canyon.
7. Is there a good likelihood of a significant increase in population in the subject area within the next 10 years: Yes___ No x

8. Is there a good likelihood of a significant increase in population of adjacent areas within the next 10 years:
 a. In unincorporated areas: Yes___ No x
 b. In incorporated areas: Yes___ No x
9. Present Assessor's tax rate code(s) in the subject area: Tax Exempt Property
10. Present tax rate in the subject area: None: Tax Exempt Property
11. Change in tax rate as a result of this proposal: None: Tax Exempt Property
12. Total assessed valuation of subject territory:
 Land n/a Imp. n/a
13. Assessor's Parcel information:
 059-040-057* 49.49 ac
 *APN may be redesignated as a result of lot line adjustments.
14. Total number of Assessor's Parcels: 2
15. Total land area: 67.02 acres Total street Area: NA

SERVICES:

1. Indicate essential urban services provided to subject area:

<u>Service</u>	<u>Agency Providing Services:</u>	
	<u>Now</u>	<u>After Annexation</u>
<u>Water</u>	<u>City of American Canyon</u>	<u>Same</u>
<u>Sewage Disposal</u>	<u>City of American Canyon</u>	<u>Same</u>
<u>Fire</u>	<u>Calfire</u>	<u>AmCanyon Fire Protection District</u>
<u>Sheriff/Police</u>	<u>County Sheriff</u>	<u>Same</u>

2. Estimate probable future needs for new or increased governmental services or controls in the area: The High School will require water, sewer, fire and police services, as more fully described in the adopted EIR for the Project.
3. Describe the effects that this proposal will have on the cost and adequacy of governmental services in the subject area and adjacent areas, if any: The Project will have an unquantified effect on the cost of governmental services. The adequacy of such services was affirmed in the EIR.
4. Describe the effects that fees received by affected local agencies may have in enabling such agencies to extend their service(s) to other areas: Such effects are currently unquantified.
5. Estimate the effect of the proposed action and of alternative actions on the following:
- a. Mutual social and economic interests:
The City of American Canyon has grown to a size that needs its own High School today and will need a new Middle School in the foreseeable future. The High School site is within the Sphere of Influence for both the City and the Fire Protection District. The Middle School is outside the City's Sphere of Influence, but within the Sphere of Influence for the Fire District.
- b. The Local governmental structure in the County: None.

BOUNDARIES:

1. Does this proposal split lines of assessment: Yes___ No x
2. Is the subject territory a portion of an existing island of unincorporated territory? Yes___ No x
3. Do the boundaries of the subject territory create an island of unincorporated territory? Yes___ No x
4. Describe any natural or man-made features which act as a boundary:
Newell Road and American Canyon Road create boundaries on the west and south respectively. Pre existing property and fence lines create a boundary on the north. The eastern boundary will be defined by a Biological Preserve, being created as part of this Project.

GENERAL AND SPECIFIC PLANS:

1. General Plan designation of the affected city: Public
2. Does the proposal conform to the City's Plan: Yes x No
3. General Plan designation of the County:
Agricultural Watershed and Open Space (AWOS)
4. Does the proposal conform to the County's Plan: Yes X No See EIR
5. Is the subject territory within a sphere of influence established by LAFCO for the affected local agency: Yes X No X (If no, attach justification).
6. Existing land use: Educational Facility under construction
7. Proposed land use: Educational Facility
8. Existing zoning: Public
9. Proposed zoning: Public
10. Has the area been rezoned: Yes x No
11. Is a development project currently under consideration or has such been approved. Yes x No___ If yes, indicate type of development, agency, project title and file number and attach copies of applications, approved permits and environmental documents.
"American Canyon High School" DSA File No 01-109131, in accordance with EIR certified by NVUSD in March 2008. All EIR Documents, including Notice of Determination, are available at NVUSD Office of School Planning and Construction, 2425 Jefferson St., Napa CA 94558.

SITE:

1. Is the site classed as prime agricultural soils: Yes___ No x
2. Will the project decrease the amount of land available for agriculture or Open Space? Yes___ No x If yes, explain:
The site is currently being used to construct a High School.
3. Will the project effect any agricultural preserves either directly or indirectly: Yes No x If yes, explain:_____
4. Will the project require the extension or expansion of public utilities including fire, sewer, or water: Yes x No _ If yes, explain: The application includes annexing the American Canyon Fire District into the school site. The City of American Canyon would provide sewer and water service to the High School. The EIR concluded that the project would not cause a significant impact to the Fire District or to demand for sewer treatment. Water service has been accommodated by securing water from the City of Vallejo until a new water storage tank is constructed to serve the school.

5. Will the project require public services from any agency or district which is currently operating at or near capacity, including sanitation, police, schools, fire, or water: Yes ___ No x If yes, indicate which agency and justify:
The City's Urban Water Master Plan and 10-year CIP includes this property. Temporary water service has been accommodated by securing water from the City of Vallejo until a new water storage tank is constructed to serve the school. No other public services serving the site are at or near capacity.
6. Describe topography and soils: The site slopes gently down from the north east to the American Canyon Creek corridor at the south end of the subject property. The soils are expansive and have historically supported light grazing.
7. Describe drainage basins, rivers, flood control channels:
The southern edge of the property is bounded by American Canyon Creek and its intermittent tributary drainage channels.
8. Describe vegetation and wildlife:
The majority of the property is grazing grassland, with riparian vegetation along American Canyon Creek. The upper tributaries have been identified as habitat for the American Red-Legged Frog. The EIR discusses existing vegetation and wildlife in greater detail, including mitigation required as part of this Project.
9. Describe air, water and noise quality:
As more fully discussed in the adopted EIR, the Project will have
a) an overall beneficial effect on air quality, in that it reduces the number of daily car and bus trips to the City of Napa.
b) no net effect on water quality or runoff quantity, due to the design of the storm water management plan, and
c) a limited effect on noise quality, including intermittent factors such as events at the stadium, as mitigated by EIR requirements.
10. Indicate known archaeological or historical site:
As identified in the "Cultural Resources" study, and in the EIR, there is a Native American *in situ* mortar shaped into a rock outcropping in American Canyon Creek near the eastern edge of the property. This rock mortar is outside the area of improvements, and will be unaffected and protected through both construction and future school use.
11. Describe major access routes serving the area:
Newell Road and American Canyon Road are the principal routes serving the High School.
12. Could the project serve to encourage development of presently undeveloped areas, or increase intensity of development of already developed areas:
Yes ___ No x If yes, discuss:
The EIR concludes that the Project is not growth inducing. An Urban Limit line adopted by the City of American Canyon and Napa County limit urban growth boundaries.

LIST OF ALL STATE AND LOCAL AGENCIES WHICH HAVE PERMIT APPROVAL OVER THE TOTAL PROJECT

<u>AGENCY</u>	<u>TYPE OF PERMIT</u>
1. Division of the State Architect	On Site Construction
2. City of American Canyon	Encroachment & Utility Permits
	Off-Site Construction
3. US Army Corp/USFWS	Streambed Alterations
4. Cal. Fish & Game	Biological Permitting
5. CRWQB	Stormwater Management & Discharge
6. Cal Dept of Education	Site Approval
7. DTSC	NOA Abatement
8. AmCyn Fire District	Access and Fire Flow
9. County of Napa	Food Service and Pool.
10. BAAQMD	Air Quality

BONDED INDEBTEDNESS AND TAXING ZONES

1. Does the annexing agency have any outstanding bonded indebtedness?
(Please list) No.
2. Will the annexed territory be liable for its share of existing bonded indebtedness?
N/A
(If yes, please indicate manner in which the bond(s) will be retired.)
3. Will the annexed territory be included within any particular Division or Zone of the annexing agency? No.

NAMES AND ADDRESSES OF THE OFFICERS OR PERSONS (NOT TO EXCEED THREE) WHO ARE TO BE FURNISHED WITH COPIES OF THE EXECUTIVE OFFICER'S REPORT AND WHO ARE TO BE GIVEN MAILED NOTICE OF HEARING. (PLEASE PRINT OR TYPE)

<u>NAME</u>	<u>ADDRESS</u>
Mr. Don Evans, NVUSD Napa Valley USD	2425 Jefferson St. Napa CA 94558
City Manager Richard Ramirez City of American Canyon	4381 Broadway, Suite 201 American Canyon CA 94503
Chief Glen Weeks American Canyon Fire Protection District	911 Donaldson Way E. American Canyon, CA 94503

NAME, ADDRESS AND TELEPHONE NUMBER OF CONTACT PERSON(S)

<u>Applicant/Agent</u>	<u>Address</u>	<u>Telephone No.</u>
1. Don Evans, NVUSD	Above	707.253.6281
2. Brent Cooper, Comm. Dev. Director	Above	707.647.4335
3. Glen Weeks, Fire Chief	Above	707.551.0651

NAMES AND ADDRESSES OF ALL LANDOWNERS WITHIN THE SUBJECT TERRITORY AS SHOWN ON THE MOST RECENT COUNTY ASSESSMENT ROLLS. (PLEASE PRINT OR TYPE)

Napa Valley Unified School District
2425 Jefferson Street
Napa, CA 94558

2/11/18 _____
(Date) Signature of Applicant
or Authorized Agent

(Date) Signature of Applicant
or Authorized Agent

Filed in the office of the Napa
Local Agency Formation Commission

Check# _____
Amount\$ _____ Received by _____
Date _____

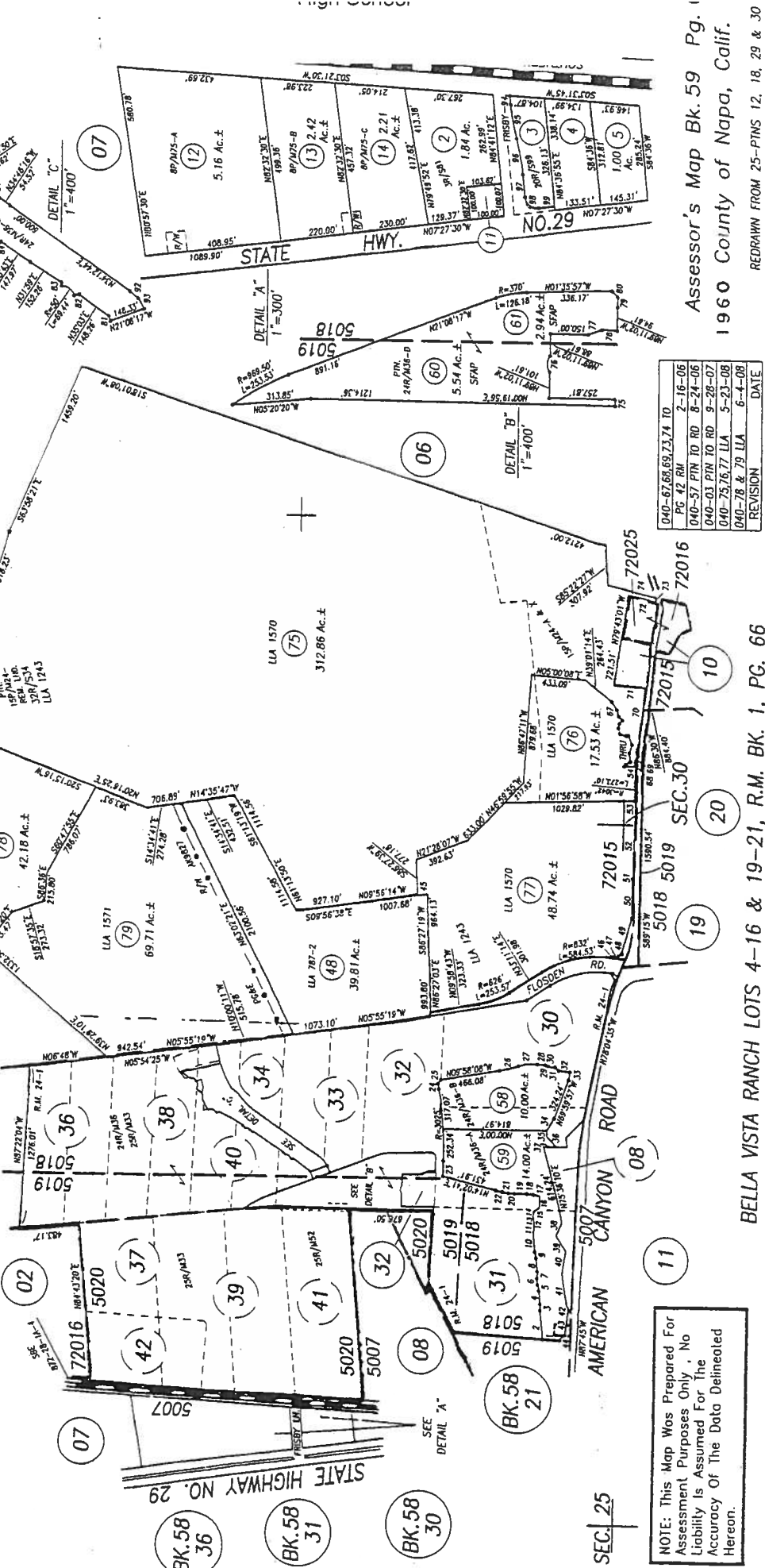
(For Office Use Only)

JustPro.Anx.doc
Revised 6/01

1" = 80'

1	119.351	24	N40°01'32"E		70	N05°04'25"W	551.18	82	N13°59'W	44.33	71	S05°00'00"W	264.82	81	N08°21'2"E	11.09	82	S04°48'48"W	25.39
2	226.54	25	N01°50'00"W		71	S05°00'00"W	264.82	81	N08°21'2"E	11.09	82	S04°48'48"W	25.39	81	N08°21'2"E	11.09	82	S04°48'48"W	25.39
3	102.00	27	R=100'		72	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	84	N19°41'W	13.09	85	S04°48'48"W	25.39
4	51.28	28	N00°51'43"E		73	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	85	S04°48'48"W	25.39	86	N02°08'8"E	12.05
5	51.28	29	R=10'		74	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	86	N02°08'8"E	12.05	87	S04°48'48"W	25.39
6	N00°55'46"E				75	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	87	S04°48'48"W	25.39	88	N02°08'8"E	12.05
7	102.00	30	R=100'		76	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	88	N02°08'8"E	12.05	89	S04°48'48"W	25.39
8	N01°57'54"E				77	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	89	S04°48'48"W	25.39	90	N02°08'8"E	12.05
9	N07°29'23"E				78	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	90	N02°08'8"E	12.05	91	S04°48'48"W	25.39
10	N05°52'34"E				79	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	91	S04°48'48"W	25.39	92	N02°08'8"E	12.05
11	N05°29'34"E				80	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	92	N02°08'8"E	12.05	93	S04°48'48"W	25.39
12	N05°14'44"E				81	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	93	S04°48'48"W	25.39	94	N02°08'8"E	12.05
13	N04°10'44"E				82	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	94	N02°08'8"E	12.05	95	S04°48'48"W	25.39
14	N03°17'17"W				83	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	95	S04°48'48"W	25.39	96	N02°08'8"E	12.05
15	N02°17'01"W				84	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	96	N02°08'8"E	12.05	97	S04°48'48"W	25.39
16	N01°15'21"W				85	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	97	S04°48'48"W	25.39	98	N02°08'8"E	12.05
17	N00°15'21"W				86	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	98	N02°08'8"E	12.05	99	S04°48'48"W	25.39
18	N00°15'21"W				87	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	99	S04°48'48"W	25.39	100	N02°08'8"E	12.05
19	N00°15'21"W				88	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	100	N02°08'8"E	12.05	101	S04°48'48"W	25.39
20	N00°15'21"W				89	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	101	S04°48'48"W	25.39	102	N02°08'8"E	12.05
21	N00°15'21"W				90	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	102	N02°08'8"E	12.05	103	S04°48'48"W	25.39
22	N00°15'21"W				91	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	103	S04°48'48"W	25.39	104	N02°08'8"E	12.05
23	N00°15'21"W				92	S17°26'33"W	211.54	84	N19°41'W	13.09	85	S04°48'48"W	25.39	104	N02°08'8"E	12.05	105	S04°48'48"W	25.39

SEC. 24



SEC. 25

NOTE: This Map Was Prepared For Assessment Purposes Only. No Liability Is Assumed For The Accuracy Of The Data Deinked Hereon.

BELLA VISTA RANCH LOTS 4-16 & 19-21, R.M. BK. 1, PG. 66

Assessor's Map Bk. 59 Pg. 1
 1960 County of Napa, Calif.

REDRAWN FROM 25-PINS 12, 18, 29 & 30

040-67,65,69,73,74 TO	DATE
PG 42 RM	2-16-06
040-57 PIN TO RD	8-24-06
040-03 PIN TO RD	9-28-07
040-75,76,77 IIA	5-23-08
040-78 & 79 IIA	6-4-08
REVISION	

ANNEXATION

**JUSTIFICATION OF PROPOSAL
FOR REVIEW BY THE
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**
1700 Second St., Suite 268 Napa, California 94559-2409
Telephone (707) 259-8645

APPLICANT(S): City of American Canyon, American Canyon Fire District

NAME OF PROPOSAL: Eucalyptus Grove Annexation to American Canyon Fire Protection District and the City of American Canyon

PRINCIPAL JURISDICTION INVOLVED:

City of American Canyon and the American Canyon Fire Protection District
Affected County(ies) County of Napa: x Other: None

TYPE: (Check the method by which this application was initiated)

- Resolution of application
 Petition of landowners
 Petition of registered voters

STATUTORY PROVISIONS UNDER WHICH THIS MATTER IS PROPOSED:

The Cortese/Knox Local Government Reorganization Act of 1985
Commencing with California Government Code Section 56000

In accordance with applicable provisions of the California Government Code, the Commission must review specific factors in its consideration of this proposal. In order to facilitate the Commission's review, it will be necessary to respond to the following questions listed in this justification of proposal.

PROJECT DESCRIPTION: (include the total underlying project):
The use of the site is for commercial recreation and agriculture.

GENERAL INFORMATION:

1. Population in the subject area: 0 (in parcels to be annexed)
2. Anticipated future population in the subject area: 3
3. Population density (i.e., per square miles, per acre): 0
4. Number of registered voters: 0
5. Number of dwelling units: 0
6. Proximity to other populated areas or communities:
Immediately adjacent to existing residential portions of American Canyon.
7. Is there a good likelihood of a significant increase in population in the subject area within the next 10 years: Yes No
8. Is there a good likelihood of a significant increase in population of adjacent areas within the next 10 years:
 - a. In unincorporated areas: Yes No

- b. In incorporated areas: Yes_ No x
9. Present Assessor's tax rate code(s) in the subject area: 072-015
10. Present tax rate in the subject area: Eucalyptus Grove: 1.0986
11. Change in tax rate as a result of this proposal: None
12. Total assessed valuation of subject territory (Eucalyptus Grove):
Land \$141,358 Imp. \$31,164
13. Assessor's Parcel information:
058-030-056 106.57 ac
14. Total number of Assessor's Parcels: 1
15. Total land area: 106.57 acres Total street Area: NA

SERVICES:

1. Indicate essential urban services provided to subject area:

<u>Service</u>	<u>Agency Providing Services:</u>	
	<u>Now</u>	<u>After Annexation</u>
<u>Water</u>	<u>City of American Canyon</u>	<u>Same</u>
<u>Sewage Disposal</u>	<u>City of American Canyon</u>	<u>Same</u>
<u>Fire</u>	<u>Cal Fire</u>	<u>AmCanyon Fire Protection District</u>
<u>Sheriff/Police</u>	<u>City of American Canyon</u>	<u>Same</u>

2. Estimate probable future needs for new or increased governmental services or controls in the area: No change from current status for the Eucalyptus Grove.
3. Describe the effects that this proposal will have on the cost and adequacy of governmental services in the subject area and adjacent areas, if any: The proposal will have no significant impact on the cost and adequacy of governmental services. The adequacy of such services was affirmed in a Mitigated Negative Declaration.
4. Describe the effects that fees received by affected local agencies may have in enabling such agencies to extend their service(s) to other areas: Such effects are currently unquantified.
5. Estimate the effect of the proposed action and of alternative actions on the following:
- a. Mutual social and economic interests:
The Eucalyptus Grove property is surrounded by the City of American Canyon on three sides. The City owns an easement through the property that may serve as an emergency detour in the event of a traffic accident on Highway 29.
- b. The Local governmental structure in the County: None.

BOUNDARIES:

1. Does this proposal split lines of assessment: Yes___ No x
2. Is the subject territory a portion of an existing island of unincorporated territory? Yes X No
3. Do the boundaries of the subject territory create an island of unincorporated territory? Yes___ No x
4. Describe any natural or man-made features which act as a boundary:
The surrounding properties include the Napa River wetlands and the City's waste treatment facility to the west, the Green Island Industrial park to the north, the base of Oat Hill to the east, and the single family detached residential neighborhood of Waterton Homes and Napa River wetlands to the south.

GENERAL AND SPECIFIC PLANS:

1. General Plan designation of the affected city: Commercial Recreation
2. Does the proposal conform to the City's Plan: Yes x No
3. General Plan designation of the County: Agricultural Watershed and Open Space (AWOS)
4. Does the proposal conform to the County's Plan: Yes x No
5. Is the subject territory within a sphere of influence established by LAFCO for the affected local agency: Yes x No___ (If no, attach justification).
6. Existing land use: Vacant/Recreation
7. Proposed land use: Recreation
8. Existing zoning: Recreation
9. Proposed zoning: Recreation
10. Has the area been rezoned: Yes x No
11. Is a development project currently under consideration or has such been approved. Yes ___ No X If yes, indicate type of development, agency, project title and file number and attach copies of applications, approved permits and environmental documents.

SITE:

1. Is the site classed as prime agricultural soils: Yes___ No x
2. Will the project decrease the amount of land available for agriculture or Open Space? Yes___ No X If yes, explain:
The Eucalyptus Grove property has been designated and used for Commercial Recreation for many years.
3. Will the project effect any agricultural preserves either directly of indirectly: Yes No x If yes, explain:_____
4. Will the project require the extension or expansion of public utilities including fire, sewer, or water: Yes x No ___ If yes, explain: The application includes annexing the American Canyon Fire District into the site. The site is presently served by the American Canyon Water and Sewer District.
5. Will the project require public services from any agency or district which is currently operating at or near capacity, including sanitation, police, schools, fire, or water: Yes___ No x If yes, indicate which agency and justify:

The City's Urban Water Master Plan and 10-year CIP includes this property. No other public services serving the site are at or near capacity.

6. Describe topography and soils: The site slopes gently down from the north east toward the Napa River.
 7. Describe drainage basins, rivers, flood control channels: The southern edge of the property is bounded by American Canyon Creek and its intermittent tributary drainage channels.
 8. Describe vegetation and wildlife: The majority of the property is covered by eucalyptus trees and non native grassland.
 9. Describe air, water and noise quality: As commercial recreation and agriculture, the property is not anticipated to significantly impact air, water and noise quality.
 10. Indicate known archaeological or historical site: As identified in the "Cultural Resources" study, and in the EIR, there is a Native American *in situ* mortar shaped into a rock outcropping in American Canyon Creek near the eastern edge of the property. This rock mortar is outside the area of improvements, and will be unaffected and protected through both construction and future school use.
 11. Describe major access routes serving the area: Eucalyptus Drive and Wetlands Edge are the principal routes serving the property.
12. Could the project serve to encourage development of presently undeveloped areas, or increase intensity of development of already developed areas:
 Yes ___ No x If yes, discuss:
The Negative Declaration concludes that the Project is not growth inducing.

LIST OF ALL STATE AND LOCAL AGENCIES WHICH HAVE PERMIT APPROVAL OVER THE TOTAL PROJECT

<u>AGENCY</u>	<u>TYPE OF PERMIT</u>
1. City of American Canyon	On Site Construction
2. City of American Canyon	Encroachment & Utility Permits Off-Site Construction
3. US Army Corp/USFWS	Streambed Alterations
4. Cal. Fish & Game	Biological Permitting
5. CRWQB	Stormwater Management & Discharge
6. City of American Canyon	Site Approval
7. AmCyn Fire District	Access and Fire Flow
8. BAAQMD	Air Quality

BONDED INDEBTEDNESS AND TAXING ZONES

1. Does the annexing agency have any outstanding bonded indebtedness?
(Please list) No.
2. Will the annexed territory be liable for its share of existing bonded indebtedness?
N/A
(If yes, please indicate manner in which the bond(s) will be retired.)
3. Will the annexed territory be included within any particular Division or Zone of the annexing agency? No.

NAMES AND ADDRESSES OF THE OFFICERS OR PERSONS (NOT TO EXCEED THREE) WHO ARE TO BE FURNISHED WITH COPIES OF THE EXECUTIVE OFFICER'S REPORT AND WHO ARE TO BE GIVEN MAILED NOTICE OF HEARING. (PLEASE PRINT OR TYPE)

<u>NAME</u>	<u>ADDRESS</u>
Richard Ramirez City of American Canyon	4381 Broadway, Suite 201 American Canyon, CA 94503
Chief Glen Weeks American Canyon Fire Protection District	911 Donaldson Way E, American Canyon, CA 94503

NAME, ADDRESS AND TELEPHONE NUMBER OF CONTACT PERSON(S)

<u>Applicant/Agent</u>	<u>Address</u>	<u>Telephone No.</u>
1. Brent Cooper, Comm. Dev. Director	Above	707.647.4335
2. Glen Weeks, Fire Chief	Above	707.551.0651

NAMES AND ADDRESSES OF ALL LANDOWNERS WITHIN THE SUBJECT TERRITORY AS SHOWN ON THE MOST RECENT COUNTY ASSESSMENT ROLLS. (PLEASE PRINT OR TYPE)

NORD JIM TR ETAL
COUCH ROBERT L JR FBO
Napa, CA 94558

(Date) _____
Signature of Applicant
or Authorized Agent

(Date) _____
Signature of Applicant
or Authorized Agent

Filed in the office of the Napa
Local Agency Formation Commission

Check#
Amount\$
Date

Received by

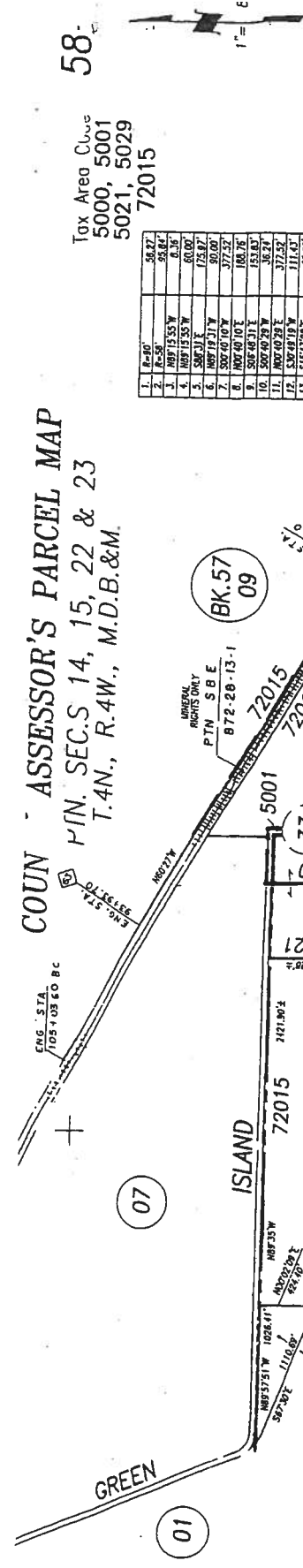
(For Office Use Only)

COUNTY ASSESSOR'S PARCEL MAP

Tax Area Code
5000, 5001
5021, 5029
72015

58-

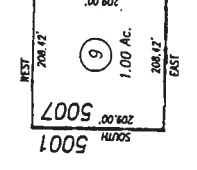
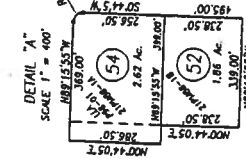
1.	P=80'	56.27'
2.	R=58'	58.84'
3.	H871535 W	6.36'
4.	H871535 W	60.00'
5.	H871535 W	175.87'
6.	H871535 W	50.00'
7.	S2024010 W	50.00'
8.	H074010 W	188.32'
9.	S0814831 E	188.32'
10.	S0074029 W	36.74'
11.	H074029 E	372.32'
12.	S3074819 W	111.03'
13.	S151728 E	62.68'
14.	H871535 W	176.17'



1" = 1" E

113

115



REVISION	DATE
0.30-57 58 & 59 LLA 6-3-02	
0.30-60,61,62 PM 6-24-03	
0.30-42 TRA CHG 12-31-04	
0.30-55 RS (Ref Only) 7-12-05	
0.30-55 TRA CHG 12-31-05	
0.30-42 TO PG. 33 PM 10-12-06	
PTN 030-41 & 55 RS 3-26-08	
030-63 PM 8-28-08	

NOTE: This Map Was Prepared For Assessment Purposes Only. No Liability is Assumed For The Accuracy Of The Data Delineated Hereon.

58-03

REDRAWN FROM OLD 25-43 & PTN 04 & 10

RESOLUTION 2009-116

APPROVING A MITIGATED NEGATIVE DECLARATION FOR A GENERAL PLAN AMENDMENT TO DESIGNATE CLARKE RANCH WEST AS OPEN SPACE AND FOR A ZONE CHANGE TO PREZONE CLARKE RANCH WEST AS OPEN SPACE, PREZONE THE EUCALYPTUS GROVE AS RECREATION, AND ESTABLISH DEVELOPMENT STANDARDS FOR THE OPEN SPACE AND RECREATION ZONING DISTRICTS

WHEREAS, in July 2008, the City of American Canyon and Napa County entered into an agreement whereby the City of American Canyon agreed to streamline its water service regulations in return for the County's agreement to amend the City's Rural-Urban Limit Line and include Clarke Ranch West within the City's Urban Limit Line; and

WHEREAS, the City's Urban Limit Line was amended to include Clarke Ranch West; and

WHEREAS, in accordance with State planning law, each jurisdiction must establish a land use designation for all land within its planning boundaries; and

WHEREAS, the city City's Urban Limit Line agreement with Napa County designates Clarke Ranch West as Open Space; and

WHEREAS, in accordance with State regulations that oversee annexation procedures, (the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), the City must approve zoning regulations for the property before it is annexed into the City ; and

WHEREAS, pursuant to the California Environmental Quality Act, Section 15150, a Mitigated Negative Declaration has been prepared for the project. The public review period was from September 16, 2009 through October 5, 2009; and

WHEREAS, a duly-noticed public hearing was held by the City of American Canyon City Council on October 20, 2009, at which time all those in attendance were given the opportunity to speak on the proposal; and

WHEREAS, the City Council considered all of the written and oral testimony presented at the public hearing in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of American Canyon hereby finds as follows:

1. An Initial Study was prepared for the project and proper notice was provided in accordance with CEQA and local guidelines.

An Initial Study/ Negative Declaration was prepared and circulated with a 20-day review period, and proper notice was provided.

2. Based upon the Initial Study, there is no substantial evidence that supports a fair argument that the project, as conditioned, would have a significant effect on the environment.

There is no substantial evidence that the project, as conditioned, would have a significant effect on the environment.

3. The project does not have the potential to have a significant adverse impact on wildlife resources as defined in the State Fish and Game Code, either individually or cumulatively as a result of mitigation measures that are agreed to.

The Clarke Ranch West and Eucalyptus Grove sites are not identified as locations of special status species or riparian communities. Therefore, the agreement will not result in impacts to wildlife or sensitive habitats.

4. The project is not located on a site listed on any Hazardous Waste Site List compiled by the State pursuant to Section 65962.5 of the California Government Code.

The project consists of rezoning Clarke Ranch West and Eucalyptus Grove sites to open space and recreation. These uses do not typically involve significant amounts of routine transport, use or disposal of hazardous materials. The Clarke Ranch West and Eucalyptus Grove sites are not included in a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

5. The City Council has reviewed the Initial Study and considered public comments before making a decision on the project.

The City Council has reviewed the document and has considered all public comments prior to making an independent decision on the draft Mitigated Negative Declaration.

6. The record of proceedings of the decision on the project is available for public review at the City of American Canyon Community Development Department, 4381 Broadway, Suite 201, American Canyon, CA.

The administrative record is available for public review at the above address.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of American Canyon does hereby accept the Initial Study and Mitigated Negative Declaration as complete and adequate; and

BE IT FURTHER RESOLVED, that the City Council of the City of American Canyon does hereby adopt and approve the Initial Study and Mitigated Negative Declaration.

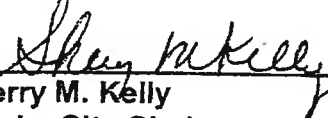
PASSED, APPROVED and ADOPTED at a regular meeting of the City Council of the City of American Canyon on the 20th day of October 2009, by the following vote:

AYES: Councilmembers Bennett, Coffey, West, Vice Mayor Callison and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: None



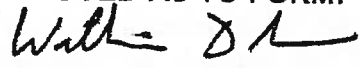
Leon Garcia, Mayor

ATTEST:



Sherry M. Kelly
Interim City Clerk

APPROVED AS TO FORM:



William D. Ross
City Attorney

RESOLUTION NO. GSM-49.42-05

**RESOLUTION OF THE GOVERNING BOARD OF THE NAPA VALLEY
UNIFIED SCHOOL DISTRICT
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR
THE AMERICAN CANYON HIGH SCHOOL AND MIDDLE SCHOOL
AND CITY OF AMERICAN CANYON HIGH PRESSURE WATER
STORAGE TANK PROJECT,
ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT,
STATEMENT OF OVERRIDING CONSIDERATIONS, AND
MITIGATION MONITORING AND REPORTING PROGRAM**

WHEREAS, the Napa Valley Unified School District (the "District") proposes to develop a portion of an approximately 379.87-acre site located at the northeast intersection of American Canyon Road and Newell Drive in the City of American Canyon, County of Napa ("Property"); and

WHEREAS, the District proposes to construct a new high school and middle school and associated facilities on approximately 67.02 acres pg the Property, comprised of two parcels located on Newell Drive at the northwest corner of the Property. The high school will serve approximately 2,200 students in grades 9 through 12 on the larger 49.49-acre western parcel and the future middle school is projected to serve approximately 530 students in grades 6 through 8 on the remaining 17.53-acre eastern parcel; and

WHEREAS, in addition to construction of the high school and middle school, the District will take appropriate measures for the creation of seasonal wetlands and waters of the U.S. and the dedication of a preserve to protect biological resources along with hydrologic improvements to American Canyon Creek on approximately 310.70 acres of the Property (collectively, the "Preserve"); and

WHEREAS, the City of American Canyon ("City") is proposing to construct a 20-million gallon high pressure water storage tank on approximately 2.15 acres of the Property. The District's high school and middle school, the Preserve and the water storage tank will be referred to herein collectively as the "Project;" and

WHEREAS, the District is the lead agency for the Project, and has caused to be prepared the Draft Environmental Impact Report ("Draft EIR," SCH No. 22007092014) for the Project, including a Notice of Preparation, which was available for review from September 9, 2007 to October 31, 2007; and

WHEREAS, the Draft EIR for the Project was prepared pursuant to and in accordance with the California Environmental Quality Act (Public Resources Code, § 21000 *et seq.*, "CEQA") and the Guidelines for Implementation of the California Environmental Quality Act (Title 14, Cal. Code of Regs., § 15000 *et seq.*, the CEQA "Guidelines"); and

WHEREAS, pursuant to California Public Resources Code Section 21082.1, the Governing Board of the District ("Board") has independently reviewed and analyzed the

information contained in the Draft EIR which contains the Technical Appendices and the Final Environmental Impact Report which includes the Staff Initiated Text Changes, Comments, Responses to Comments, and Mitigation Monitoring/Reporting Program ("MMRP"), ("Final EIR." SCH No. 22007092014), and the conclusions of the Final EIR reflect the independent judgment of the Board; and

WHEREAS, the District posted a Notice of Availability of the Draft EIR at the Project site, at the Napa City/County Library and City of American Canyon County Library, at the School District Office at 2425 Jefferson Street, Napa, CA 94558, and at the office of the Napa County Recorder-County Clerk; and

WHEREAS, the District caused the Notice of Availability to be published in the Napa Valley Register on December 20, 2007 and December 27, 2007; and

WHEREAS, the District caused the Notice of Availability to be mailed to the owners and occupants of contiguous property and to any other persons who filed a request for notice; and

WHEREAS, three (4) written comments on the Draft EIR were received from the public and reviewing public agencies before and during the 45-day public review period from December 13, 2007, through January 28, 2008; and

WHEREAS, Public Resources Code Section 21092.5(a) requires that the District provide a written response to any public agency that commented on the Draft EIR, and the Responses to Comments are included in the Final EIR; and

WHEREAS, the District responded to all comments through a Response to Comments document, and said document was made available in a manner prescribed by CEQA and the CEQA Guidelines; and

WHEREAS, all actions required to be taken by applicable law related to the preparation, circulation, and review of the Draft and Final EIR have been taken, and

WHEREAS, the CEQA Findings of Fact included as Exhibit "A," attached hereto and incorporated herein, identify the following impacts: the Project will not result in any significant impacts for the topical areas of Hydrology and Water Quality, Public Services and Utilities and Air Quality, therefore no mitigation is required for these areas; significant impacts will be reduced to a less than significant level with incorporation of mitigation measures for some of the effects in Biological Resources and Cultural Resources, and the mitigation measures for these areas are set forth in Exhibit "B"; and some significant impacts will be unavoidable for the topical areas of Land Use and Planning, Visual Resources, Noise and Traffic and Circulation, and a Statement of Overriding Considerations is included in Exhibit "A"; and

WHEREAS, the Board has reviewed and considered the Final EIR and MMRP with respect to the Project, including all comments and responses thereto.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Napa Valley Unified School District at the meeting held on February 21, 2008, the following:

SECTION 1:

That the above recitals are true and correct.

SECTION 2

The Draft and Final Environmental Impact Report for the Project is an adequate and complete document completed in accordance with CEQA and the CEQA Guidelines.

SECTION 3

The Governing Board hereby certifies that all public comments received and responses thereto have been considered by the Board, which comments and responses are included in the Final EIR; that the District is the lead agency for the Project, that the Board, as the governing board of the lead agency, has reviewed and considered the Final EIR and the information contained therein prior to deciding whether to approve the proposed Project, including all comments received thereon and responses thereto; and the Board finds that the Final EIR reflects the independent judgment and analysis of the Board of Education.

SECTION 4:

The Governing Board hereby makes and adopts the CEQA Findings of Fact and mitigation measures set forth in Exhibit "A."

SECTION 5:

The Project will have significant, unavoidable impacts in the areas of Land Use and Planning, Visual Resources, Noise, and Traffic and Circulation, as described in detail in the Final EIR and Findings of Fact. As a result, the Board must make a statement of overriding considerations pursuant to State CEQA Guidelines Sections 15043 and 15093. This statement allows a lead agency to cite a Project's general economic, legal, social, technological or other benefits as a justification for choosing to allow the occurrence of specified significant environmental effects that have not been avoided. The Board hereby makes and adopts the Statement of Overriding Considerations as set forth in Exhibit "A."

SECTION 6:

A mitigation monitoring and reporting program has been prepared to meet the requirements of Public Resources Code Section 21081.6. This program is designed to ensure compliance with project changes and mitigation measures imposed to avoid or substantially lessen the significant effects identified in the Final EIR. The Board of Education hereby makes and adopts the MMRP, as set forth in the mitigation monitoring and reporting program, as set forth in Exhibit "B."

SECTION 7:

The Board finds that the Project alternatives identified in the Draft EIR would not achieve the primary objectives of the Project. Accordingly, and for reasons set forth herein, in the Final EIR

and the Findings of Fact in Exhibit "A," the Board of Education hereby rejects such alternatives and finds that the Project is the only alternative that meets the project objectives.

SECTION 8:

These actions having been taken and findings having been made, the Governing Board of the Napa Valley Unified School District hereby approves, certifies, and adopts the Final EIR for the Project.

SECTION 9:

The Final Environmental Impact Report, is on file and available at the administrative office of the Napa Valley Unified School District, 2425 Jefferson Street, Napa, California 94558

SECTION 10:

The Board hereby authorizes the President of the Board to execute this resolution and a Notice of Determination, and the Secretary to attest and certify to the passage and adoption thereof and those officers and the District's Superintendent and the Superintendent's designees to execute all documents and perform all actions necessary to carry out the intent of this resolution.

SECTION 11:

The Board directs District staff to file with the Napa County Recorder-County Clerk a Notice of Determination pursuant to CEQA Guidelines, Section 15094.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Napa Valley Unified School District on this 21st day of February, 2008, by the following vote:

AYES:


6

NOES:

ABSTENTIONS:

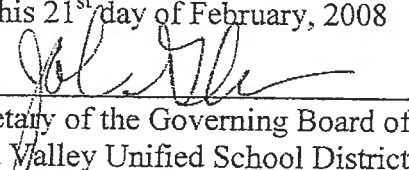
ABSENT:

1



President of the Governing Board of
Napa Valley Unified School District

Attested to this 21st day of February, 2008



Secretary of the Governing Board of
Napa Valley Unified School District