



Local Agency Formation Commission of Napa County
Subdivision of the State of California

1030 Seminary Street, Suite B
Napa, California 94559
Phone: (707) 259-8645
Fax: (707) 251-1053
www.napa.lafco.ca.gov

We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 6a

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Interim Executive Officer

MEETING DATE: June 29, 2015

SUBJECT: Canyon Estates Reorganization

RECOMMENDATION

Adopt the resolution (Attachment One) making California Environmental Quality Act (CEQA) findings and approving the proposed annexation with one modification to also include concurrent detachment of the affected territory from County Service Area (CSA) No. 4. Standard approval conditions are included in the resolution.

SUMMARY

The Commission has received a joint proposal from the City of American Canyon and American Canyon Fire Protection District (ACFPD) requesting concurrent sphere of influence amendments and annexation of approximately 38.2 acres of unincorporated territory to each agency. Staff has modified the proposal to concurrently detach the affected territory from CSA No. 4. The affected territory comprises a portion of an undeveloped parcel owned by Edward Biggs and identified by the County Assessor as parcel number 059-040-079. The remaining 31.5 acres of the subject parcel along with additional adjacent lands to the northeast of the parcel will be entered into a permanent conservation easement to eliminate future urban development potential and therefore reduce potential growth impacts. The purpose of the proposal is to facilitate the development of the affected territory to include 38 new low density single-family residential estates.

BACKGROUND

In 2010, the Commission comprehensively updated American Canyon's sphere of influence. The affected territory was reviewed for potential inclusion within the sphere but was not added due to the lack of specification regarding land uses, densities, and potentially significant environmental impacts. American Canyon has recently amended its General Plan to re-designate the affected territory from *Special Study* to *Residential Estate* and has also rezoned the affected territory as *Rural Residential – Hillside*. The County of Napa assigns an *Agriculture, Watershed and Open Space* General Plan designation and an *Agricultural Watershed* zoning standard for the affected territory.

Juliana Inman, Chair
Councilmember, City of Napa

Greg Pitts, Commissioner
Councilmember, City of St. Helena

Joan Bennett, Alternate Commissioner
Councilmember, City of American Canyon

Diane Dillon, Vice Chair
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ANALYSIS

Proposal approval and eventual development of the affected territory as contemplated in the Canyon Estates project would result in new demands for the full range of public services; services that will be provided by American Canyon and ACFPD. An expanded discussion of existing conditions and potential future service demands is provided in Attachment Two. The Canyon Estates project is proposed to be developed in phases to include 19 units by Spring 2017, 29 units by Spring 2018, and build-out of all 38 units by Spring 2019. Additional detail is provided in the mitigated negative declaration (available on the Commission's website). All utilities and services are either currently in place, or will be provided and funded by the developer as described in the Fiscal Impact Report prepared for the project. Additionally, a property tax exchange agreement for the affected territory has been reached between the County and American Canyon.

PROPOSAL MODIFICATION

Staff has modified the proposal to include concurrent detachment of the affected territory from CSA No. 4. CSA No. 4 was formed in 2002 and includes all unincorporated territory along with certain incorporated territory located in 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 in its jurisdiction containing one acre or more of 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 city 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 city. Concurrently detaching the affected territory from CSA No. 4 is appropriate given the discontinuity between these lands' current and planned uses paired with the role of the District in providing public farmworker housing services.

PROTEST PROCEEDINGS

Protest proceedings shall be waived in accordance with G.C. Section 56662(a) given that the affected territory is uninhabited, all landowners have provided their written consent, and no written opposition to a waiver of protest proceedings has been received by any agency.

CEQA

American Canyon serves as lead agency under CEQA and has accordingly prepared an initial study and associated mitigated negative declaration addressing all potential significant impacts to the environment associated with the project. Staff has reviewed the initial study and mitigated negative declaration 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 mitigated negative declaration have been transmitted to Commissioners.

PROCEDURES FOR CONSIDERATION

This item has been agenzied for consideration as part of a noticed public hearing. The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from staff;
- 2) Open the public hearing and invite testimony (mandatory); and
- 3) Discuss item and – if appropriate – close the hearing and consider action on recommendation.

ATTACHMENTS

- 1) Draft Resolution Approving the Proposal
- 2) Proposal Consistency with Government Code Sections 56668 and 56668.3
- 3) Aerial Map of Affected Territory
- 4) Application Materials

RESOLUTION NO. _____

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

CANYON ESTATES REORGANIZATION

WHEREAS, the City of American Canyon and American Canyon Fire Protection District, hereafter referred to as “City” and “District,” respectively, have filed a proposal by resolutions of application 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 concurrent sphere of influence amendment and annexation of certain territory to the City and District, referred to as the “Canyon Estates;”

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 Sections 56668 and 56668.3; and

WHEREAS, the Commission, in accordance with California Environmental Quality Act (CEQA), has considered the adopted determinations of the lead agency, City of American Canyon, 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 effects and information set forth in the Final Initial Study and Mitigated Negative Declaration for the Canyon Estates Project certified by the City, as well as the findings adopted by the City of American Canyon as set forth in City Resolution No. 2015-05. The initial study considered the impacts of future sphere of influence amendment and annexation of Canyon Estates. The Commission has determined that the Final Initial Study and Mitigated Negative Declaration are adequate for its use in approving concurrent sphere of influence amendment and annexation.

The Commission adopts and incorporates by reference the City's findings as set forth in its resolution, incorporated herein by this reference, on the identified impacts and associated mitigation measures. 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 1030 Seminary Street, Suite B, Napa, California.

2. The Commission hereby adopts the applicable mitigation measures contained within the City's "Mitigation Monitoring and Reporting Program" (MMRP) and the MMRP itself, incorporated herein by this reference as though wholly set forth herein. The City shall be responsible for implementing all mitigation identified in the MMRP and for overall administration of the MMRP. The City will report to LAFCO on the implementation of the MMRP and all monitoring reports prepared by the City shall be provided to the Commission.
3. The proposal is APPROVED with a modification to concurrently detach the affected territory from County Service Area No. 4.
4. Pursuant to California Government Code Section 56425 of the Government Code, the Commission adopts the statement of determinations as shown in Exhibit "B."
5. The effective date of this sphere of influence update shall be immediate.
6. The Executive Officer shall revise the official records of the Commission to reflect this update of the sphere of influence.
7. The proposal is assigned the following distinctive short-term designation:

CANYON ESTATES REORGANIZATION

8. The affected territory is shown in the draft map and geographic description provided in Exhibit "A."
9. The affected territory is uninhabited as defined in Government Code Section 56046.
10. The City utilizes the regular assessment roll of the County of Napa.
11. 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 and District. The affected territory will also be subject to all of the rates, rules, regulations, and ordinances of the City and District.
12. The Commission authorizes conducting authority proceedings to be waived in accordance with Government Code Section 56663.

13. Recordation is contingent upon receipt by the Executive Officer of the following:

- (a) Final maps and geographic descriptions 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.

14. All terms and conditions shall be satisfied within one calendar year of the proposal's approval unless a request for extension of time is received and approved by the Commission.

15. 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 June 29, 2015, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSTAIN: Commissioners _____

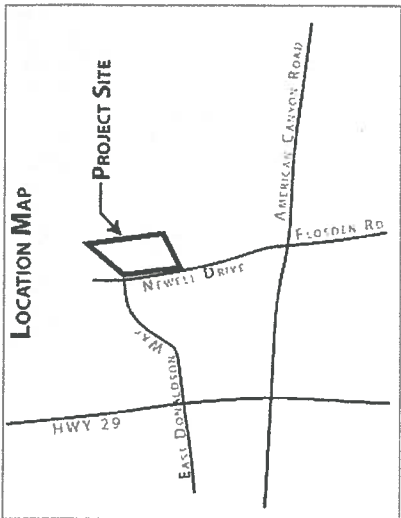
ABSENT: Commissioners _____

ATTEST: Brendon Freeman
Interim Executive Officer

Recorded by: _____
Kathy Mabry
Commission Secretary

DATE	DESCRIPTION

Scale	
North Arrow	



**CANYON ESTATES
BOUNDARY REORGANIZATION**

Courses:

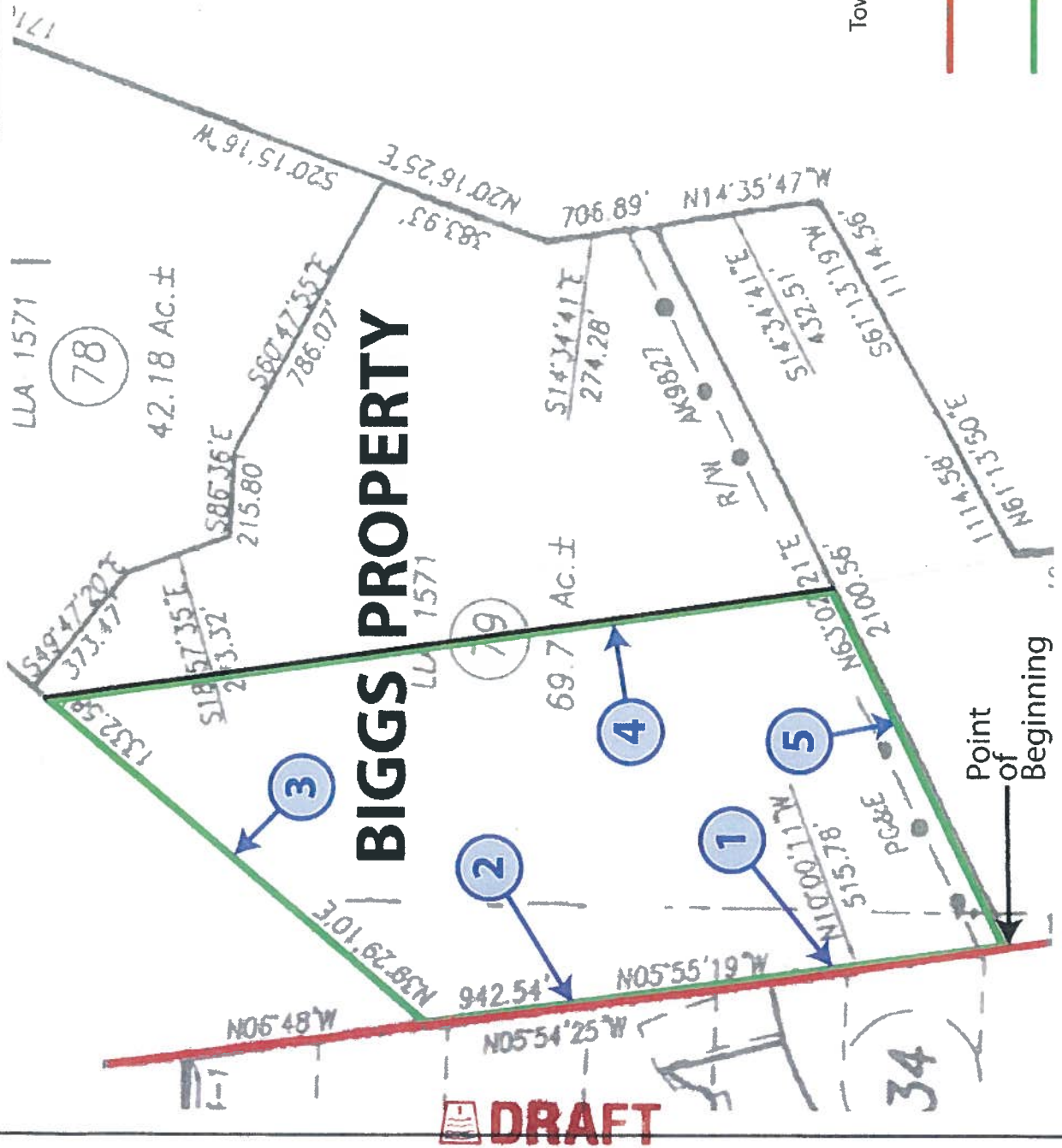
1. N 10° 00' 11" W - 515.78'
2. N 5° 55' 19" W - 942.54'
3. N 39° 29' 10" E - 1,162'
4. S 09° 56' 38" E - 1,991'
5. S 63° 02' 21" W - 1,031'

Area: 38.2 Acres

APN: 059-040-079-000

Being a Portion of Section 19,
Township 4 North, Range 3 West, MDBM
Napa County

- Existing City of American Canyon and ACFPD Boundary
- Proposed City of American Canyon and ACFPD Boundary



DRAFT

Draft CANYON ESTATES BOUNDARY REORGANIZATION

ANNEXATION No. _____

ANNEXATION TO CITY OF AMERICAN CANYON AND AMERICAN CANYON FIRE PROTECTION DISTRICT GEOGRAPHIC DESCRIPTION

All that certain property, situate in portion of Section 19, Township 4 North, Range 3 West, Mount Diablo Base and meridian, in the County of Napa, State of California, described as follows:

Beginning at a point on the Eastern line of Bella Vista Ranch as shown on the Map entitled, "Subdivision of the Bella Vista Ranch," filed December 13, 1894 in Book 1 of Maps, at Page 66 In the Office of the County Recorder of Napa, California, at the most Western corner of the 393.30-acre tract of land described in the Deed to Mary B. Richter, et al, recorded in Book 105 of Deeds, at Page 321, said Napa County Records and running thence along said Eastern line, North 10° 00' 11" West, 1073.10 feet to the true point of beginning of this description, said true point of beginning also being the most Southern corner of Parcel 1 as described in the Grant Deed recorded March 19, 2007 as Series No. 2007-0009208 in Official Records of Napa County;

Thence continuing along said Eastern line, North 10° 00' 11" West, 515.78 feet and North 5° 55' 19" West, 942.54 feet to the most Southern corner of lands described in the Deed to Charles Cantoni, recorded in Book 67 of Deeds, at Page 63, said Napa County Records;

Thence along the Southeastern line thereof, North 39° 29' 10" East, 1,162 feet to the point of intersection with the City of American Canyon Urban Limit Line;

Thence leaving said Southeastern line, along the City of American Canyon Urban Limit Line South 09° 56' 38" East, 1,991 feet to the point of intersection with the Southerly line of said Parcel 1;

Thence along the Southern line of said Parcel 1, South 63° 02' 21" West, 1,031 feet to the true **Point of beginning** and containing 38.2 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.

 **DRAFT**

EXHIBIT B

STATEMENT OF DETERMINATIONS

CITY OF AMERICAN CANYON AND AMERICAN CANYON FIRE PROTECTION DISTRICT SPHERE OF INFLUENCE AMENDMENT

CANYON ESTATES REORGANIZATION

1. Present and planned land uses in the sphere, including agricultural and open-space lands.

Lands within the City and District's updated spheres of influence are predominately developed for urban uses or expected to be developed for urban uses within the next five years. Agricultural and open-space lands in the updated sphere of influence are limited.

2. The present and probable need for public facilities and services in the sphere.

Lands within American Canyon and the American Canyon Fire Protection District's updated spheres presently need an elevated level of public services or are expected to need an elevated level of public services within the next five years to accommodate and support urban uses. The City and the District are best positioned to provide the necessary range of supporting urban services.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

The Commission's municipal service review on the southeast county region indicates the City and the District have generally established adequate administrative, service, and financial capacities to accommodate present and planned urban uses within their updated spheres of influence.

4. The existence of any social or economic communities of interest in the sphere if the commission determines that they are relevant to the agency.

Lands within the updated spheres have established social and economic interdependencies with the City and the District distinct from neighboring unincorporated areas given the extensive urban planning activities undertaken to date. The sphere amendment affirms and strengthens these established community ties.

5. The present and probable need for public sewer facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

A review of available economic data compiled as part of the most recent American Communities Survey does not identify any distinct areas within the City or District's existing spheres of influence meeting the definition of a disadvantaged unincorporated community.



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ATTACHMENT TWO

***Proposed Canyon Estates Reorganization: Concurrent Sphere of Influence
Amendments and Annexation to the City of American Canyon and
American Canyon Fire Protection District
Proposal Consistency with Government Code §56668 and §56668.3***

G.C. Sections 56668 and 56668.3 require the Commission to consider 16 specific factors anytime it reviews proposals for change of organization or reorganization involving special districts. No single factor is determinative and the intent is to provide a baseline for LAFCOs in considering boundary changes in context to locally adopted policies and practices. The 38.2 acre portion of APN 059-040-079 that is included in the proposed reorganization will hereinafter be referred to as "the affected territory."

(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.

The affected territory is currently undeveloped and has a population of zero. Sphere amendment and annexation of the affected territory would help facilitate the construction of up to 38 new single-family residences and result in a future buildout population of approximately 100. The City of American Canyon recently assigned a *Residential Estate* General Plan designation and *Rural Residential Hillside* rezoning standard for the affected territory. These land use designations restrict the potential development of the affected territory to a maximum of 38 single-family residences.

The affected territory contains slight slopes of between 0% and 15%, all of which is within American Canyon's urban limit line (ULL). The affected territory's elevation rises from 100 feet above sea level along Newell Drive to nearly 200 feet at the outer perimeter of the ULL. Newell Creek is located along the northwest boundary. A right-of-way owned by Pacific Gas & Electric forms the southern boundary. The affected territory contains non-prime soils, non-native grassland, and riparian vegetation along Newell Creek and associated drainages. The affected territory drains into Newell Creek.

All adjacent areas to the immediate north and east are unincorporated and undeveloped while also being located outside the City's sphere of influence. Adjacent lands to the immediate south of the affected territory are also unincorporated and partially developed with a 6,500 square foot single-family residence with a situs address of 4000 Newell Drive. Adjacent lands to the immediate west of the affected territory are within American Canyon's existing jurisdictional boundary and are already built-out with single-family residences. Annexation of the affected territory is not expected to induce development of adjacent lands or result in significant growth in the area.

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Brendon Freeman
Interim Executive Officer

(2) The need for municipal services; the present cost and adequacy of municipal 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 organized public services within the affected territory is limited given the lands are currently undeveloped and includes a basic level of law enforcement directly provided by the County, vector control, soil conservation, and flood control services indirectly provided by several countywide special districts. The future need for organized public services in the affected territory extending beyond the current baseline would only be triggered if the proposal is approved given the County's restrictive land use policies for the lands. Specifically, if the proposal is approved, there would be a need for elevated organized public services throughout the affected territory to accommodate the planned and expected 38 residential estate units.

A review of projected demands for the affected territory at the time of its development indicate American Canyon and ACFPD – as the principal public service providers – have sufficient capacities and controls to reasonably accommodate future needs. This statement is predicated on information collected and analyzed in the Commission's municipal service review on the southeast county region and supplemented by the application materials. An expanded review of the availability and capacity of American Canyon and ACFPD to provide core governmental services – law enforcement, fire protection, water, and sewer – to the affected territory relative to expected needs follows.

Law Enforcement

American Canyon would assume full law enforcement service responsibilities for the affected territory from the County upon proposal approval with the City's police administrative/operation facility located less than one mile away. American Canyon already serves as a second-responder to the affected territory as part a mutual aid agreement with the County. American Canyon's police department is described in detail in the Commission's municipal service review on countywide law enforcement services.

In terms of assessing proposal impacts, information collected in the municipal service review on law enforcement services does not identify any immediate deficiencies with respect to American Canyon's ability to respond to service calls within the affected territory. This statement reflects the close proximity of American Canyon's police station and assumes the volume of calls would increase as the affected territory is developed. It is reasonable to assume the majority of new law enforcement service demands tied to the affected territory would be minimal.

Fire Protection and Emergency Medical

ACFPD would assume service responsibilities for the affected territory from the County upon proposal approval with its administrative/operation facility located less than one mile away. ACFPD is a subsidiary district of American Canyon with the City Council serving as ex officio District Board members. ACFPD comprises both paid and volunteer firefighters and is licensed to administer basic life support, which consists of providing emergency first aid and cardiopulmonary resuscitation.

The Commission's municipal service review on the southeast county region noted ACFPD's average response time for emergency calls as measured by dispatch to arrival averaged just over four minutes for incidents within its jurisdictional boundary. ACFPD also responded to all emergency calls within its jurisdiction within five minutes at a rate of 90%, which satisfies its adopted response standard. ACFPD has been able to consistently satisfy its adopted response time standard.

No immediate deficiencies are identified through information collected in the municipal service review with respect to assessing ACFPD's ability to respond to emergency calls within its adopted response time standard to the affected territory. This statement reflects the close proximity of ACFPD's station and assumes the volume of emergency calls would incrementally increase over time as the affected territory is developed. It is reasonable to assume the majority of new fire protection and emergency medical service demands tied to the affected territory would be minimal.

Water Service

American Canyon would be responsible for providing water to the entire affected territory in support of its planned and expected residential estate development. Water service for homes at an elevation exceeding 150 feet above sea level will be supplemented by either (a) American Canyon Project WA070200 High Pressure Potable Water Tank (Capital Improvement Project, 2016) and/or (b) pressurized service from a City-maintained booster pump with back-up power supply. American Canyon's reliable water supplies currently total up to 8,327 acre-feet under normal conditions. The supply sources are provided below (Urban Water Management Plan):

- State Water Project: 5,200 acre-feet per year (60 percent reliability)
- Vallejo Permit Water: 500 acre-feet per year (100 percent reliability)
- Vallejo Treated Water: 3,207 acre-feet per year assuming City purchases all options in future years (100 percent reliability)
- Vallejo Emergency Water: 500 acre-feet per year (100 percent reliability under "emergency" conditions as defined in the contract)
- Recycled Water: Up to 1,000 acre-feet per year maximum delivery

American Canyon's current water demands are projected at approximately 3,900 acre-feet. The Canyon Estates project would generate an additional annual water demand of 20.6 acre-feet based on the initial study project description. However, the project would result in a net zero increase in water demand for potable water due to the implementation of mitigation measures (Initial Study Mitigation Measure UTL-2). This includes (a) reducing existing potable water demands onsite, (b) funding programs or constructing projects that would conserve an equivalent amount of water elsewhere, (c) funding of and/or constructing projects that would increase an equivalent amount of recycled water use elsewhere within the water service area where potable water is currently used, and/or (d) purchase new water supplies from other water providers.

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 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 five reservoir tanks with a combined storage capacity of 20.5 acre-feet. American Canyon's treatment and storage capacities are sufficient in meeting current and projected average day and peak day water demands at buildout of the affected territory.

Sewer Service

American Canyon's collection system is divided between three distinct basins covering the central, west, and northern portions of American Canyon's service area. Sewage 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.

American Canyon's wastewater treatment facility accommodates average dry weather flows of 2.5 million gallons and average wet weather flows of 3.75 million gallons. Projected dry weather and wet weather flows tied to the buildout of the affected territory would represent approximately 0.3% of the City's wastewater treatment plant's existing capacity and can be adequately accommodated through American Canyon's existing wastewater collection and treatment capacities.

(3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.

The proposal would strengthen economic and social ties between the affected territory and American Canyon. These ties, which also apply to ACFPD given its subsidiary status to American Canyon, were established when the affected territory was added to the City's urban limit line. The recent City General Plan amendment and rezoning of the affected territory marked an expectation that the lands be annexed and developed for residential uses.

The recommended modification to concurrently detach the affected territory from CSA No. 4 supports mutual social and economic interests. Specifically, detaching the lands would recognize the discontinuity between their present and probable urban uses and the role of the CSA No. 4 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 and priorities set forth in G.C. Section 56377.

The proposal is consistent with the Commission's General Policy Determinations. This includes consistency with the residential land use designation for the affected territory, avoidance of premature conversion of agricultural uses, and would be consistent with the spheres of influence upon proposal approval. Therefore, the proposal does not conflict with G.C. Section 56377.

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

Proposal will have no effect given that the affected territory does not qualify as “agricultural land” under LAFCO law.

(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.

The proposal includes a 38.2 acre portion of the property identified by the County of Napa Assessor’s Office as 059-040-079. The remaining portion of the parcel would be set aside in a permanent conservation easement. Annexation would not result in the creation of any islands or corridors of unincorporated territory. However, approval as proposed would create non-conformance with lines of assessment. American Canyon and ACFPD propose the proportional annexation of APN 059-040-079 to match the City General Plan designation and rezoning standards rather than lines of assessment.

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

The proposal and underlying development project are consistent with American Canyon’s General Plan designation of *Residential Estate* and zoning as *Rural Residential Hillside*. The Metropolitan Transportation Commission’s regional transportation plan (RTP) was updated in 2013 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2040. No projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

(8) The sphere of influence of any local agency affected by the proposal.

The affected territory is located outside the existing spheres of influence for American Canyon and ACFPD. However, the proposal involves concurrently amending each agency’s sphere as part of the Commission’s action and therefore would ensure sphere of influence consistency for all affected local agencies.

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

The City of American Canyon and ACFPD provided separate resolutions authorizing an application for concurrent sphere amendment and annexation. Staff issued a request for review to all affected agencies inviting comments. No comments were received.

(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 and ACFPD have developed overall adequate financial resources and controls relative to their service commitments.

Additional analysis provides reasonable assurances American Canyon and ACFPD's fiscal capacities would enable the agencies to extend services specifically to the affected territory consistent with the land use and density assumptions in the Canyon Estates project description without significant adverse impacts.

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

See water discussion under Factor Two on page three.

(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.

The proposal could potentially result in a benefit to American Canyon with respect to achieving the City's fair share of the regional housing need as a result of the development of the affected territory to include 38 residential estate units as contemplated in the Canyon Estates project description.

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

American Canyon and ACFPD provided separate resolutions authorizing an application for concurrent sphere amendment and annexation. Staff issued a request for review to all affected agencies and landowners inviting comments. No comments were received.

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

City General Plan: *Residential Estate*

City Zoning Ordinance: *Rural Residential Hillside*

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

There is no documentation or evidence suggesting the proposed annexation will have any implication for environmental justice in Napa County.

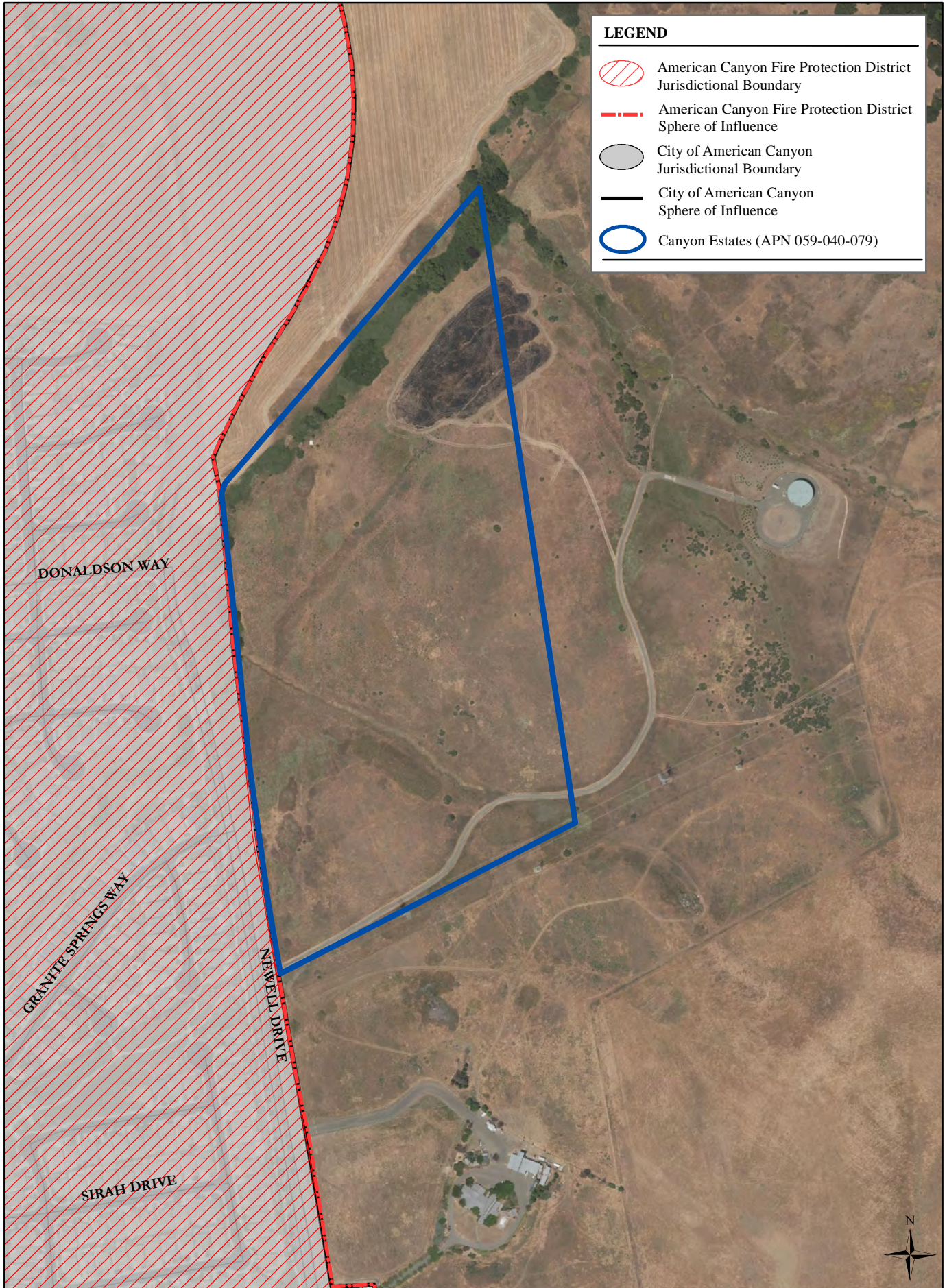
(16) For annexations involving special districts, whether the proposed action will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.

Proposal approval would help facilitate an appropriate residential use of the affected territory as contemplated in the Canyon Estates project description.

Napa LAFCO adopted policies on annexations involving special districts.

Consistent.

Canyon Estates: Proposed SOI Amendment and Annexation to the City of American Canyon and American Canyon Fire Protection District



FORM D

Date Filed: 2/26/15
 Received By: BF

JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Brent Cooper, Com. Dev. Director City of American Canyon
Contact Person Agency/Business (If Applicable)

Address: 4381 Broadway Street, Suite 201, American Canyon, CA 94503
Street Number Street Name City Zip Code

Contact: (707) 647-4335 bcooper@cityofamericancanyon.org
Phone Number Facsimile Number E-Mail Address

B. Applicant Type: (Check One) Local Agency Registered Voter Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies: City of American Canyon
4381 Broadway St. Suite 201, American Canyon, CA 94503
Name Address

American Canyon Fire Protection District
911 Donaldson Way East, American Canyon, CA 94503
Name Address

County of Napa
1195 Third Street, 2nd Floor, Napa, CA 94559
Name Address

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed) Annexation Detachment City Incorporation District Formation

City/District Dissolution City/District Merger Service Activation (District Only) Service Divestiture (District Only)

C. Purpose Statement: (Specific) SOI Amendment and annexation of land currently located outside & contiguous to the City Limits, and inside the Urban Limit Line of American Canyon to City of American Canyon and ACFPD. Please see General Plan Amendment, Rezoning Resolutions, and adopted MND for more Project specific details.

D. Land Use Factors:

- (1a) County General Plan Designation: Agriculture, Watershed & Open Space
- (1b) County Zoning Standard: Agricultural Watershed District
- (2a) Applicable City General Plan Designation: Residential Estate
- (2b) Applicable City Rezoning Standard: Rural Residential Hillside (RRH)

E. Existing Land Uses: Undeveloped Land; Currently used for cattle grazing.
(Specific)

F. Development Plans:

- (1a) Territory Subject to a Development Project? Yes No
- (1b) If Yes, Describe Project: Custom/Semi-Custom housing for 38 families; Please see project Application, and adopted MND for more Project specific details.
- (1c) If No, When Is Development Anticipated? _____

G. Physical Characteristics:

- (1) Describe Topography:
Project Site contains gentle slopes of between 0% and 15% within the 38.2 acres inside the Urban Limit Line (ULL). The Site elevation climbs from approximately 100 feet adjoining Newell Drive, to approximately 200 feet at the ULL.
- (2) Describe Any Natural Boundaries:
Newell Creek borders the site along the northwestern boundary; Newell Drive forms the western boundary; The existing Urban Growth Boundary forms the eastern boundary. A PG&E right-of-way forms the southern site boundary.
- (3) Describe Soil Composition and Any Drainage Basins:
Undeveloped land containing non-prime soils which have poor drainage; site currently drains into Newell Creek.
- (4) Describe Vegetation:
Site area is dominated by non-native grassland, with riparian vegetation limited to Newell Creek and associated drainages.

H. Williamson Act Contracts
(Check One)

Yes

No

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

- (1) Enumerate and Describe Services to Be Provided to the Affected Territory:

All City and Fire District Services, including:

1) Water, 2) Fire, 3) Police, 4) Sewer, 5) Parks, 6) and Storm Drainage (street lighting and maintenance would be by private HOA). Please see the MND for more Project specific details.

- (2) Level and Range of Services to Be Provided to the Affected Territory:

Services would be limited to those essential to the 38-home development; Please see the MND for more Project specific details.

- (3) Indication of When Services Can Feasibly Be Extended to the Affected Territory:

Project would be phased, with 19 units expected by Spring 2017 (50%), 29 units by Spring 2018 (75%), and 38 units by Spring 2019 (100%). Please see the MND for more Project specific details.

- (4) Indication of Any Infrastructure Improvements Necessary to Extend Services to the Affected Territory:

Please see the MND for more Project specific details. All utilities and services are either currently in place, or will be provided by the project. Water service for homes on lots at elevations above 150' (50% of homes) will be supplemented by either: (a) City Project WA070200 High Pressure Potable Water Tank (CIP 2016), and/or (b) Pressurized service from a City-maintained booster pump with back-up power supply.

- (5) Information On How Services to the Affected Territory Will Be Financed:

All site improvements to be developer funded. Please see Fiscal Impact Report, Project Application, and MND for more Project specific details.

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

(1) **Lead Agency for Proposal:** City of American Canyon
Name

(2) **Type of Environmental Document Previously Prepared for Proposal:**

Environmental Impact Report

Negative Declaration/Mitigated Negative Declaration

Categorical/Statutory Exemption: _____
Type

None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

Annexation is subject to Project Tax Sharing Agreement, which is to be addressed as an Amendment to the 2010 Agreement between the City of American Canyon and Napa County (#7406).

Use Additional Sheets As Needed

B. Identify Up to Three Agencies or Persons to Receive Proposal Correspondence:

(Does not include affected landowners or residents)

(1) Recipient Name: Brent Cooper, Com. Dev. Director, City of American Canyon

Mailing Address: 4381 Broadway Street, Suite 201, American Canyon, CA 94503

E-Mail: bcooper@cityofamericancanyon.org

(2) Recipient Name: Richard T. Loewke, AICP

Mailing Address: 547 Wycombe Court, San Ramon, CA 94583

E-Mail: Dick@Loewke.com

(3) Recipient Name: Edward Biggs

Mailing Address: 4271 Valley Lane, Fairfield, CA 94534

E-Mail: n/a

VII. CERTIFICATION

I certify the information contained in this application is correct. I acknowledge and agree the Local Agency Formation Commission of Napa County is relying on the accuracy of the information provided in my representations in order to process this application proposal.

Signature: 

Printed Name: Brent Cooper, AICP

Title: Community Development Director

Date: 2/24/15

Standard Indemnification Agreement

Should the Local Agency Formation Commission of Napa County ("Napa LAFCO") be named as a party in any litigation (including a "validation" action under California Civil Code of Procedure 860 et seq.) or administrative proceeding in connection with a proposal, the applicant City of American Canyon and/or Edward Biggs (real party in interest: the landowner/registered voter) agree to indemnify, hold harmless, and promptly reimburse Napa LAFCO for:

1. Any damages, penalties, fines or other costs imposed upon or incurred by Napa LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. The Napa LAFCO Executive Officer may require a deposit of funds to cover estimated expenses of the litigation. Applicant and/or real party in interest agree that Napa LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's and/or real party in interest's obligations to indemnify and reimburse defense cost; and

2. All reasonable expenses and attorney's fees in connection with the defense of Napa LAFCO.

This indemnification obligation shall include, but is not limited to, expert witness fees or attorney fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with, the approval of this application. This indemnification is intended to be as broad as permitted by law.

Applicant and/or real party in interest may be required by Napa LAFCO to execute an additional indemnity agreement as a condition of approval for this application. Such an agreement in no way limits the effect of obligations provided under this legal indemnity.

City or District Application
City of American Canyon

City/District Representative
Brent Cooper, Com. Dev. Director

Print Name

2/24/15

Date

Land Owner Petition Application

Land Owner Signature

Print Name

Date

Draft CANYON ESTATES BOUNDARY REORGANIZATION

ANNEXATION No. _____

ANNEXATION TO CITY OF AMERICAN CANYON AND AMERICAN CANYON FIRE PROTECTION DISTRICT GEOGRAPHIC DESCRIPTION

All that certain property, situate in portion of Section 19, Township 4 North, Range 3 West, Mount Diablo Base and meridian, in the County of Napa, State of California, described as follows:

Beginning at a point on the Eastern line of Bella Vista Ranch as shown on the Map entitled, "Subdivision of the Bella Vista Ranch," filed December 13, 1894 in Book 1 of Maps, at Page 66 in the Office of the County Recorder of Napa, California, at the most Western corner of the 393.30-acre tract of land described in the Deed to Mary B. Richter, et al, recorded in Book 105 of Deeds, at Page 321, said Napa County Records and running thence along said Eastern line, North 10° 00' 11" West, 1073.10 feet to the true point of beginning of this description, said true point of beginning also being the most Southern corner of Parcel 1 as described in the Grant Deed recorded March 19, 2007 as Series No. 2007-0009208 in Official Records of Napa County;

Thence continuing along said Eastern line, North 10° 00' 11" West, 515.78 feet and North 5° 55' 19" West, 942.54 feet to the most Southern corner of lands described in the Deed to Charles Cantoni, recorded in Book 67 of Deeds, at Page 63, said Napa County Records;

Thence along the Southeastern line thereof, North 39° 29' 10" East, 1,162 feet to the point of intersection with the City of American Canyon Urban Limit Line;

Thence leaving said Southeastern line, along the City of American Canyon Urban Limit Line South 09° 56' 38" East, 1,991 feet to the point of intersection with the Southerly line of said Parcel 1;

Thence along the Southern line of said Parcel 1, South 63° 02' 21" West, 1,031 feet to the true **Point of beginning** and containing 38.2 acres of land more or less.

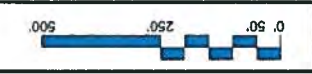
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

NO	DATE	BY	REVISION

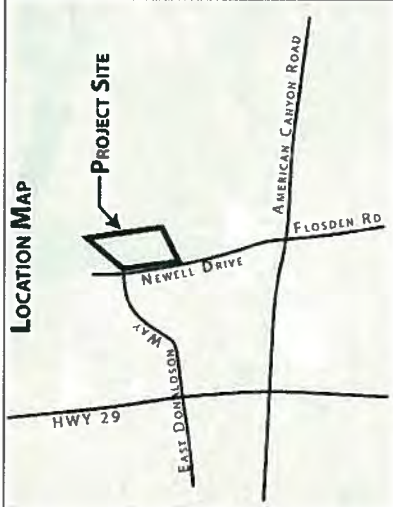
SCALE: 1" = 200'
 11-12-17
 SHEET

AMERICAN CANYON
 ENGINEERING & SURVEYING
 12500 S. BAYVIEW AVE., SUITE 100
 SAN FRANCISCO, CA 94134
 (415) 351-1111
 www.americancanyon.com

Biggs Property
 American Canyon



Date: 11/12/17
 Scale: 1" = 200'
 11-12-17
 Sheet



**CANYON ESTATES
 BOUNDARY REORGANIZATION**

- Courses:
1. N 10° 00' 11" W - 515.78'
 2. N 5° 55' 19" W - 942.54'
 3. N 39° 29' 10" E - 1,162'
 4. S 09° 56' 38" E - 1,991'
 5. S 63° 02' 21" W - 1,031'

Area: 38.2 Acres
 APN: 059-040-079-000

Being a Portion of Section 19,
 Township 4 North, Range 3 West, MDBM
 Napa County

Existing City of American Canyon
 and ACFPD Boundary

Proposed City of American Canyon
 and ACFPD Boundary

