



Local Agency Formation Commission
LAFCO of Napa County

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February 7, 2011
Agenda Item No. 7a (Action)

January 31, 2011

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer
Brendon Freeman, Analyst

SUBJECT: Annexation of the American Canyon Middle School and Clarke Ranch West Properties to the City of American Canyon

The Commission will consider a proposal from the City of American Canyon to annex approximately 52.5 acres of unincorporated territory. The affected territory comprises two non-contiguous areas and includes all or portions of three parcels. Staff recommends approving the proposal with modifications to include concurrent annexation to the American Canyon Fire Protection District and detachment from County Service Area No. 4. It is also recommended the Commission exclude a portion of one of the affected areas to make it non-contiguous to American Canyon for purposes of applying a special statute that does not require sphere of influence consistency.

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. This includes ensuring consistency between boundary changes and adopted spheres of influence with limited exceptions. 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. Summary

Proposal Description

LAFCO of Napa County ("Commission") has received an application by resolution from the City of American Canyon proposing the annexation of approximately 52.5 acres of unincorporated territory. The affected territory comprises two non-contiguous areas commonly referred to as the "American Canyon Middle School" and "Clarke Ranch West" properties. The former property was added to American Canyon's sphere of influence as part of a comprehensive update completed in June 2010. The latter property was excluded from the sphere of influence as part of the referenced update process given its non-urban land use designation, but is eligible for annexation if modified as detailed in a succeeding section. A brief description of the two properties follows.

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Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

- The American Canyon Middle School property is approximately 22.1 acres in size and includes one entire assessor parcel and a portion of a second assessor parcel identified as 059-040-076 and 059-040-075 (portion). The property is uninhabited and located near American Canyon Road's intersection with Newell Road along the south-east border of American Canyon. The property is undeveloped and recently purchased by Napa Valley Unified School District (NVUSD) for purposes of building a 530-student middle school.



- The Clarke Ranch West property is approximately 30.4 acres in size and includes a portion of an assessor parcel identified as 058-020-013. The property is uninhabited and located near the intersection of Eucalyptus Drive and Wetlands Edge Road at the west-central border of American Canyon. The property is substantially undeveloped with the exception of the far eastern portion including a small number of temporary structures and equipment associated with the American Canyon 4-H Club, which houses small farm animals on site.



Proposal Purpose

American Canyon is proposing annexation to facilitate the future use and development of the affected territory as contemplated under the City General Plan. The American Canyon Middle School property is already subject to a vested project approved by NVUSD in February 2008. The vested project involves constructing a 530-student middle school and auxiliary facilities with core municipal services expected to be provided by American Canyon. Construction on the middle school has commenced with grading and is expected to be completed in August 2012.

No specific development projects exist at this time with regards to the Clarke Ranch West property. American Canyon purchased the property in 1999 and anticipates developing the site into a public passive recreational park within the next five years. This anticipated use may also include building a public safety facility to accommodate both a park ranger and fire station. The fire station, if built, would be used and operated by American Canyon Fire Protection District (ACFPD).

Proposal Review

Staff recommends approval of the proposal with three modifications: (a) exclude a 1.1 acre portion of the Clarke Ranch West property to make it non-contiguous to American Canyon; (b) concurrently annex to ACFPD; and (c) concurrently detach from County Service Area No. 4. The approval of the proposal as modified to incorporate the referenced changes would be consistent with the Commission's policies and practices in supporting the orderly growth and development of southeast region relative to local circumstances. It would also be appropriate to include a special approval condition to require American Canyon concurrently annex the Clarke Ranch West property back into CSA No. 4 *if* vineyard planting is permitted as currently authorized under the American Canyon General Plan (emphasis added). A summary of key issues addressed in the proposal analysis follows.

- The analysis indicates American Canyon has sufficient capacities and controls to extend and maintain an appropriate level of municipal services to the affected territory relative to its expected land uses.
- American Canyon's contract with Vallejo provides reasonable controls to manage its existing water supply shortfalls during dry year conditions; shortfalls that would be incrementally intensified upon proposal approval and the expected development of the affected territory.
- Direct new operating costs to American Canyon tied to proposal approval and the development of the affected territory appears principally limited to establishing and maintaining park maintenance services for the Clarke Ranch West property. Staff projects the direct new cost at \$23,800 and represents less than 0.1% of American Canyon's general operating budget.
- Reorganizing the proposal to include the concurrent annexation of the affected territory to ACFPD would help coordinate the extension of public safety services consistent with the planned urban and quasi-urban uses of the American Canyon Middle School and Clarke Ranch West properties, respectively. This type of reorganization is explicitly contemplated under Policy Determination V/D/2 and is not expected to have an adverse impact on ACFPD based on the assumptions incorporated into the staff report.
- Reorganizing the proposal to include the concurrent detachment of 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. This type of reorganization has been a standard practice of the Commission and is not expected to have an adverse impact on CSA No. 4 based on the assumptions incorporated into the staff report.

B. Discussion

Affected Agency Profiles

American Canyon

Provides a range of municipal services directly or through contracts with outside entities within its approximate 5.9 square mile jurisdictional boundary. This includes water, sewer, and law enforcement services. American Canyon's current resident population is estimated at 16,836. The adopted operating budget is \$16.4 million and intended to cover all discretionary expenditures in 2010-11. American Canyon's unreserved/undesignated fund balance totaled \$3.0 million as of July 1, 2010.

ACFPD

Directly provides fire protection, rescue, and emergency medical services within an approximate 6.5 square mile jurisdictional boundary. The jurisdictional boundary includes all of American Canyon and surrounding unincorporated lands extending as far north as Fagan Creek. The estimated resident service population is approximately 16,877. The adopted operating budget is \$4.2 million and intended to cover all discretionary expenditures in 2010-11. ACFPD's unreserved/undesignated fund balance totaled \$1.2 million as of July 1, 2010.

CSA No. 4

Provides public farmworker housing services with a jurisdictional boundary that includes all unincorporated lands as well as certain incorporated lands within the Cities of Calistoga, St. Helena, Yountville, and Napa. CSA No. 4's services currently involve funding three farmworker housing centers with a combined capacity of 180 beds through a voter-approved special assessment on vineyards that are one acre or more in size. CSA No. 4's current adopted operating budget is \$451,469 with an undesignated fund balance of \$86,711 as of June 30, 2010.

Potential Proposal Modifications

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

Modification One: Excluding Portion of the Clarke Ranch West Property

The Clarke Ranch West property is located entirely outside American Canyon's sphere of influence. State law generally requires consistency between changes of organization and the subject agencies' spheres of influence. Consistent with the recommendation of staff, the Commission decided against adding the Clarke Ranch West property to American Canyon's sphere of influence as part of a recent update given the affected territory is designated by the City as *Open Space* and expected to be developed into a passive public recreational park. This planned use is inconsistent with the basic policy of the Commission to use city spheres of influence as explicit guides to urban-type development, which by practice has not been defined to include public parks. However, also consistent with the recommendation of staff, the Commission expressed general support for American Canyon to annex this property consistent with Government Code (G.C.) Section

56742. This statute allows cities to bypass the referenced consistency requirement and annex non-contiguous lands lying outside their spheres of influence if certain preconditions exist. This includes land that is less than 300 acres in total size and owned and used by the city at the time of proposal initiation for municipal purposes. All these preconditions apply to this property. This includes recognizing the property is currently used for municipal purposes given American Canyon has already initiated a planning process to develop the property into a public park.¹ Additionally, the statute includes a poison-pill requiring automatic detachment if the land is sold by the city.

Based on the preceding factors, it appears a modification to the proposal to exclude a 1.1 acre portion of the Clarke Ranch West property to make it non-contiguous to American Canyon and therefore eligible for annexation under the referenced statute is appropriate.² This modification would ensure consistency with the Commission's basic policy to use a city's sphere of influence to designate and direct urban development. This modification would also be consistent with the previous actions of the Commission in approving the annexations of the Alston Park and Trancas Crossing Park sites to Napa in 1989 and 2010, respectively. No objections have been raised by American Canyon to this modification.

Modification Two: Concurrent Annexation of the Affected Territory into ACFPD

The affected territory is currently dependent on a basic level of fire protection and emergency medical services provided by the County. Both properties were recently added into ACFPD's sphere of influence as part of a comprehensive update completed in August 2010 to coordinate public safety services within the subject lands. 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.³ 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, the modification is contemplated in American Canyon's application materials.

Modification Three: Concurrent Detachment from CSA No. 4

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 planted 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.

¹ It is the practice of the Commission to designate community planning as a municipal service.

² The portion of the affected territory recommended for exclusion from the annexation encompasses a 20 foot corridor along the northern and eastern perimeter of the property lying immediately adjacent the Eucalyptus Grove property.

³ Refer to Commission Policy Determination V/(D)(2)(b).

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 Clarke Ranch West property, although unlikely given the City's stated intent of developing the site as a public park. American Canyon's land use policies do not contemplate vineyard development for the American Canyon Middle 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. 4.⁴

C. Analysis

G.C. Section 56375 delegates LAFCOs the responsibility to approve or disapprove, with or without amendment, proposals for boundary changes 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.

- **American Canyon Middle School Property**

This property is 22.5 acres in size with no registered voters. It is currently uninhabited and undeveloped. Although previous attempts have been made, there is no documentation indicating the property has been developed or utilized in the past except perhaps for livestock and grazing.⁵ NVUSD recently approved developing the property into a 530-student middle school. Construction on the project was initiated in 2010 with area grading and is expected to be completed by August 2012. This planned use is consistent with American Canyon's land use policies as detailed on page 22 of this report.

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 Clarke Ranch West property back into CSA No. 4 if vineyard development is permitted in the future; a condition particularly relevant given the Commission is not be able to initiate the annexation on its own. No objections have been raised concerning the modification by CSA No. 4.

⁵ In 1989, the property's former landowner proposed developing the site along with adjacent lands into a country club anchored by an 18-hole golf course. The proposed project was eventually withdrawn by 1996.

It is reasonable to presume the likelihood of significant growth adjacent to the American Canyon Middle School property within the next 10 year period is limited. Adjacent lands to the east and south are already incorporated and include the 2,200-student American Canyon High School and the La Vigne residential subdivision, respectively. Adjacent lands to the north and east are unincorporated and predominantly undeveloped with the nearest uses consisting of rural single-family residences and an inactive rock quarry site. Urban intensification of these unincorporated lands is not expected given existing County land use policies.

Topography slopes modestly from the west to the east portion of the property with an elevation ranging from 87 to 138 feet above sea level. Actual slope has been calculated at one degree. The southwest portion of the property is traversed by American Canyon Creek. The current assessed value of the property is \$0.⁶

- **Clarke Ranch West Property**

This property is 30.4 acres and generally undeveloped with no permanent structures or registered voters. The far eastern portion does include a small number of temporary facilities and equipment associated with the American Canyon 4-H Club, which houses small farm animals onsite. This property was formerly part of a large commercial cattle ranch.

No known projects are currently tied to the property. American Canyon contemplates the property will eventually develop into a passive public recreational park consistent with its land use designation as detailed on page 22 of this report. This contemplated use is considered non-urban based on Commission practices and policies.

It is reasonable to presume the likelihood of significant growth adjacent to the Clarke Ranch West property within the next 10 year period is limited. Adjacent lands to the north and east are already incorporated and include the built-out Waterton residential subdivision and the currently undeveloped “Eucalyptus Grove” property; the latter site being designated and zoned for commercial recreational uses. Adjacent lands to the west and south remain unincorporated and entirely comprise seasonal wetlands under public ownership.

Topography slopes modestly from the west to the east portion of the property with an elevation ranging from 2 to 22 feet above sea level. Actual slope has been calculated at less than one degree. The total assessed value is \$107,392.⁷

⁶ The property is publicly owned a unified school district and therefore non-taxable.

⁷ Amount calculated by staff based on the total assessed value of \$402,013 for the entire assessor parcel minus the proportional amount not included in the proposed annexation and has been reduced to reflect the affected territory comprises only 26.7% of the parcel. The property is publicly owned and therefore non-taxable.

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 organized public services within the affected territory is limited given the lands are substantially undeveloped. The organized public services that are currently available are generally considered basic. This includes fire protection and law enforcement directly provided by the County and vector control, soil conservation, and flood control indirectly provided by several countywide special districts.

The pending development of the American Canyon Middle School property into a 530-student facility will necessitate a full range of elevated public services regardless of jurisdictional authority due to NVUSD's autonomy to local zoning ordinances. A more limited range of elevated services – principally public safety and park maintenance – will also be needed for the Clarke Ranch West property given American Canyon's ownership and stated intent to develop the site into a public passive recreational park.

With the preceding factors incorporated, a review of projected demands for the affected territory indicates American Canyon has adequate capacities and controls to reasonably accommodate future needs at buildout. This statement is predicated on information collected and analyzed in the Commission's recent municipal service review on the southeast county region along with American Canyon's application materials. Anticipated demands in the affected territory relative to specific public services needed – law enforcement, water, sewer, park maintenance, and fire protection – follow.

Law Enforcement Service

American Canyon would assume law enforcement service responsibilities for the affected territory from the County upon proposal approval with the City's police station located less than two miles away from either property. American Canyon already serves as a second responder through a mutual aid agreement with County Sheriff. American Canyon's Police Department (ACPD) comprises contracted sworn officers from the County Sheriff and provides regular patrol, traffic enforcement, vehicle abatement, and criminal investigations. A lieutenant or captain with County Sheriff is mutually selected by the Sheriff-Coroner and City Council to serve as ACPD Police Chief. The current ratio of sworn officers for every 1,000 residents is 1.4.

The Commission's recent municipal service review on the southeast county region noted ACPD'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. The municipal service review also noted annual reported crimes in American Canyon have slightly declined over the previous five years from 2,352 to 2,013 despite an

approximate one-third increase in population. The municipal service review attributed the decline in reported crimes primarily to enhanced community policing practices such as coordinating neighborhood watch programs.

In terms of assessing proposal impacts, information collected in the municipal service review does not identify any immediate deficiencies with respect to ACPD's ability to respond to *high-priority calls* within the affected territory (emphasis added). This statement is supported by the relative close proximity of American Canyon's police station and assumes the volume of high-priority calls for both subject properties will be relatively limited given their planned uses. Further, the non-residential uses planned for the affected territory would not impact American Canyon's current ratio of 1.4 sworn officers for every 1,000 residents and therefore not necessitate any direct cost increases related to new personnel expenditures.

Water Service

American Canyon would be responsible for providing water to the affected territory upon proposal approval. No water service – public or private – has been previously established within the affected territory to date. American Canyon's water system operates as a self-sufficient enterprise unit with user charges funding operations and maintenance. Any new demands to the water system would pay their fair share in connection fees as well as ongoing user charges to match associated cost increases to the system. Specific analysis relating to the availability and adequacy of water service within the affected territory is summarized below.⁸

Supply and Demand

American Canyon's contracted potable water supplies currently provide a reliable annual yield of 5,351 acre-feet under normal conditions.⁹ The current annual demand recorded and adjusted to account for conditionally approved annexations totals 4,640 acre-feet.¹⁰ These existing demands result in an available surplus of 711 acre-feet under normal conditions. The adjusted peak day demand is 19.7 acre-feet.¹¹

⁸ In assessing future needs for the two subject properties, it is assumed water demands will be entirely dependent on potable supplies given non-potable resources are not currently available to the site. 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 eventually receive recycled water as part of American Canyon's planned expansions, although no timetable currently exists.

⁹ 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.

¹⁰ The recorded total water demand for 2009-2010 was 3,953 acre-feet. This amount has been adjusted to account for estimated water demands associated with recent annexation approvals that are expected to generate an additional annual water demand of 687.2 acre-feet.

¹¹ American Canyon's recorded peak day demand in 2009-2010 was 16.8 acre-feet. This amount has been adjusted to account for additional demands associated with recent annexation approvals that are expected to raise the peak day demand from 16.8 to 19.7 acre-feet.

If the proposal is approved, and based on previously outlined assumptions, the buildout of the two subject properties comprising the affected territory would generate an additional annual water demand of 19.6 acre-feet under normal conditions with over one-half tied to the American Canyon Middle School property.¹² Buildout would also be expected to slightly increase American Canyon’s peak day demand from 19.7 to 19.8 acre-feet.¹³

As outlined in the preceding paragraphs, American Canyon’s existing water supplies are sufficient to accommodate projected demands within the affected territory at its expected buildout under normal conditions. The additional demands would intensify American Canyon’s existing supply shortfall to (1,130) acre-feet and (601) acre-feet under single dry and multiple dry years, respectively, as summarized below.¹⁴

Baseline Conditions
 (Amounts in Acre-Feet)

Category	Normal	Single Dry Year	Multiple Dry Year
Annual Supply	5,351	2,598	3,546
Annual Demand	4,640	3,712	4,130
	711	(1,114)	(584)

Post-Annexation With Buildout of the Affected Territory
 (Amounts in Acre-Feet)

Category	Normal	Single Dry Year	Multiple Dry Year
Annual Supply	5,351	2,598	3,546
Annual Demand	4,660	3,728	4,147
	691	(1,130)	(601)

Supply Factors/Assumptions

- * Normal supply assumes 70% of SWP entitlement and 100% of Vallejo entitlement
- * Single dry year supply assumes 7% of SWP entitlement and 100% of Vallejo entitlement
- * Multiple dry year supply assumes 34% of SWP entitlement and 100% of Vallejo entitlement
 (SWP entitlement assumptions based on DWR 2009 Reliability Report)

Demand Factors/Assumptions

- * Normal reflects current demand adjusted to incorporate recent conditionally approved annexations
- * Single dry year demand reflects a 20% overall reduction
- * Multiple dry year demand reflects a 11% overall reduction
 (Demand reductions based on American Canyon’s UWMP 2005 Report)

With regards to immediate steps to address the supply shortfall, American Canyon has recently established a four-tiered conservation plan to further reduce demands during dry years through volunteer and mandatory measures. American Canyon’s application materials also believe the extent of the shortfall during single dry years will be measurably diminished and eliminated during multiple dry years based on forecasting an overall 20% decline in demands due to declining consumption rates. This latter assumption appears reasonable, but dependent on several external and unknown factors relative to the review of this proposal.

¹² Estimate projects a daily non-residential use factor of 1,125 gallons per acre.

¹³ Estimate incorporates a peak factor of 1.55 based on the difference between average and peak day demands in 2009.

¹⁴ Existing and projected shortfalls during single dry and multiple dry years incorporate delivery estimates prepared by the Department of Water Resources for the State Water Project as of August 2010.

In terms of long-term steps to address the supply shortfall, American Canyon is authorized to purchase additional annual entitlements from Vallejo through 2021 totaling 1,855 acre-feet. This additional entitlement is available in three incremental purchases beginning with 723 acre-feet by May 2011.¹⁵ Exercising this initial increment purchase would entirely mitigate the projected shortfall calculated by staff under multiple dry year conditions while addressing three-fifths of the shortfall under single dry year conditions.

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.

American Canyon's treatment and storage capacities are sufficient in independently meeting current and projected average day water demands at buildout of the affected territory. These capacities, however, are insufficient in meeting American Canyon's current peak day demand of 19.7 acre-feet, which is expected to increase to 19.8 acre-feet with the buildout of the affected territory. Storage shortfalls are expected to be addressed with the budgeted construction of a new 2.0 million gallon steel storage tank to be located adjacent to the recently annexed American Canyon High School property. Construction of the new storage tank 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. The following table summarizes current and post-annexation demands relative to American Canyon's treatment and storage capacities.

Baseline Conditions

Treatment Capacity	Storage Capacity	Avg Day Demand	Peak Day Demand
16.8 Acre-Feet	14.4 Acre-Feet	12.7 Acre-Feet	19.7 Acre-Feet

Post-Annexation with Buildout of the Affected Territory

Treatment Capacity	Storage Capacity	Avg Day Demand	Peak Day Demand
16.8 Acre-Feet	20.5 Acre-Feet	12.8 Acre-Feet	19.8 Acre-Feet

* Storage capacity assumes American Canyon will complete construction on a new 2.0 million gallon storage tank by buildout of the affected territory.

¹⁵ Subsequent annual supply entitlement purchases from Vallejo would be available to American Canyon in the amount of 566 acre-feet by May 2016 and 566 acre-feet by May 2021.

Sewer Service

American Canyon would be responsible for providing public sewer service to the entire affected territory upon proposal approval. No sewer service – private or public – has been previously established within the affected territory to date. American Canyon’s sewer system operates as a self-sufficient enterprise unit with user charges funding operations and maintenance. Any new demands to the sewer system would pay their fair share in connection fees as well as ongoing user charges to match associated cost increases to the system. Specific analysis relating to the availability and adequacy of sewer service within 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. 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 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.¹⁶ The current average dry and peak wet weather daily flows, which are adjusted to account for conditionally approved annexations, are estimated to be 2.0 and 4.6 million gallons, respectively.¹⁷ These current amounts represent 80% and 92% of the treatment facility’s design capacities.

Projected dry-weather and peak wet-weather flows tied to the buildout of the affected territory can be adequately accommodated through American Canyon’s existing wastewater collection and treatment capacities. Specifically, the affected territory’s buildout will generate an additional demand on average dry weather and peak wet weather flows of 0.008 and 0.010 million gallons, respectively. These added amounts tied to existing demands would not measurably change the existing available capacity within the treatment facility as previously identified.

¹⁶ American Canyon also has an approximate 5.0 million gallon adjacent earthen basin to temporarily store excessive flows before returning for treatment.

¹⁷ The current wet-weather peaking factor is 2.5 and is attributed to high inflow/infiltration in the western and northern basins due to aging infrastructure. Staff has reduced the wet weather peaking factor for the buildout of the affected territory to 1.25 given the site would be served by new collection infrastructure.

Baseline Conditions

(Amounts in Million Gallons Per Day)

Average Dry-Weather

Total Capacity	Total Demand	Available Capacity
2.5	2.0	0.5

Peak Wet-Weather

Total Capacity	Total Demand	Available Capacity
5.0	4.6	0.4

Annexation With Buildout of the Affected Territory

(Amounts in Million Gallons Per Day)

Average Dry Weather

Total Capacity	Total Demand	Available Capacity
2.5	2.0	0.5

Peak Wet Weather

Total Capacity	Total Demand	Available Capacity
5.0	4.6	0.4

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 (emphasis added).

Park Maintenance and Improvement Services

Unique to the Clarke Ranch West property, ongoing maintenance and improvement services will be required to facilitate and support its planned development into a public passive recreational park. This includes opening and closing the park, trash cleanup and removal, and facility repairs. Staff estimates the annual maintenance and improvement of the park will require a total of 520 hours, which is equivalent to a 0.25 full-time employee. Based on current budget information, this would result in a new direct cost to American Canyon of \$23,800.

Fire Protection and Emergency Medical Service

The County would continue to be responsible for providing fire protection and emergency medical services to the affected territory upon proposal approval. As noted, the level of these County services is considered basic and would not be appropriate in meeting the elevated needs at buildout within the two subject properties. ACFPD currently provides elevated fire protection and emergency medical services throughout American Canyon as well as unincorporated lands immediately adjacent to the affected territory. The Commission's municipal service review on the southeast county region noted ACFPD has developed

sufficient capacities and controls to accommodate additional service demands within American Canyon's ULL. These factors support reorganizing 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 protection and emergency medical 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 both properties comprising the affected territory. American Canyon established social ties with the American Canyon Middle School property in 1997 when the City included the site into its original ULL. This action marked a long-standing planning assumption the property would eventually become part of American Canyon. Social ties have been strengthened and expanded to include economic interests with the pending development of the property into a middle school to serve the greater American Canyon community. The Commission recognized these existing relationships by adding the property to American Canyon's sphere of influence in June 2010. Proposal approval would strengthen these existing ties and interests and memorialize a basic determination that the urban development and use of the property under the land use and service authority of American Canyon is both orderly and logical.

American Canyon established economic and social ties with the Clarke Ranch West property in 1999 when the City purchased the land with the expectation of developing a public passive recreational park. These ties were expanded in 2006 when American Canyon formalized its quasi-urban development plans when it added the land to its Urban Limit Line (ULL) and designated and rezoned the site *Open Space* and *Open Space – Clarke Ranch West*, respectively. The Commission acknowledged these existing relationships in preparing a recent sphere of influence update before ultimately deferring to other policy considerations in choosing to exclude the property from the sphere of influence. Proposal approval as modified to comply with the special annexation proceedings outlined under G.C. Section 56742 would strengthen the existing relationships and memorialize a basic determination that the quasi-urban development and use of the property under the land use and service authority of American Canyon is logical based on local conditions.

With respect to the three recommended modifications, concurrently annexing the both subject properties comprising the affected territory into ACFPD would support existing social and economic ties with the District. 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. Similarly, 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. Finally, excluding a portion of the Clarke Ranch West property to make it non-contiguous to American Canyon for purposes of complying with G.C. Section 56742 avoids the need for a concurrent sphere of influence amendment; an amendment that would be inconsistent with the Commission's policies and practices.

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 American Canyon Middle School property by adding the site to the City's sphere of influence in June 2010 as part of a comprehensive update. Adding the property to the sphere of influence marked an explicit Commission determination that the future annexation and urban development of the lands represent an orderly and logical extension of American Canyon relative to local conditions and subject to timing considerations.

The Commission did not add the Clarke Ranch West property to American Canyon's sphere of influence as part of its June 2010 update given its policy to use these designations as explicit guides to urban development, which by practice has not applied to public parks lying along city perimeters. Nonetheless, the recommended modification to remove a portion of Clarke Ranch West to make it non-contiguous to American Canyon for purposes of complying with G.C. Section 56742 would be consistent with local conditions as well as Commission practices relative to the previous annexations of Alston and Trancas Crossing Parks to the City of Napa.

Both properties qualify as open-space given their *Agriculture, Watershed, and Open Space* designations under the County General Plan. Further, a sizeable portion of the American Canyon Middle School property qualifies as prime agricultural land under LAFCO law.¹⁸ The annexation and planned development of the affected territory, accordingly, would facilitate the loss of existing open-space uses that include prime agricultural land specifically relating to the American Canyon Middle School property. To help offset this loss of prime agricultural land, NVUSD has dedicated over 300 acres of adjacent land to the north into a permanent conservation easement. This dedication serves as a reasonable mitigation measure for purposes of the Commission considering policies and priorities set forth in G.C. Section 56377.

¹⁸ 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 specified 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 over two-thirds of the American Canyon Middle School property comprises Class II soil (Clear Lake Clay).

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 given it is not used for commercial farming or left fallow or enrolled in an agricultural-related program.

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.

A map and geographic description was prepared by American Canyon depicting the location of both subject properties comprising the affected territory as part of a 2008 update to the City's ULL. These documents provide sufficient certainty regarding the exact boundaries of the affected territory as proposed. Proposal approval would include a standard term requiring American Canyon prepare separate maps and geographic descriptions for both properties in conformance with the requirements of the State Board of Equalization (SBE).

Additionally, any modifications made to the physical boundaries of the affected territory would need to be incorporated into the maps and geographic descriptions. This includes staff's recommendation to exclude an approximate 20 x 2,400 foot portion of the Clarke Ranch West property to make it non-contiguous to American Canyon to comply with the aforementioned G.C. Section 56742.¹⁹

Approval as proposed would create non-conformance with lines of assessment. This non-conformance relates to the proposed annexation of portions of two assessor parcels – which parallel legal lots – identified as 058-020-013 and 059-040-075. American Canyon proposes the proportional annexation of these assessor parcels to match their respective designations and rezoning standards rather than lines of assessment. (Staff's recommendation to reduce the annexation boundary involving the Clarke Ranch West property would not significantly add to the non-conformance issues with lines of assessment.) A review of options to mitigate against creating non-conforming annexation boundaries with lines of assessment is provided on page four of this report.

¹⁹ Staff's modification to exclude the 20 x 2,400 foot strip from the Clarke Ranch West property would create an unincorporated corridor.

7) Consistency with the city and county general plan and specific plans.

The County of Napa General Plan designates both subject properties comprising the affected territory as *Agriculture, Watershed, and Open Space*. This designation contemplates the lands will be generally used for agriculture, processing of agricultural products, and single-family dwelling units on minimum lot sizes of 160 acres. This is consistent with the *Open Space* designation for the Clarke Ranch West property under the American Canyon General Plan, which outlines a limited range of open space uses ranging from passive recreation to resource management with a 10 acre minimum lot allowance. The County's designation, however, contrasts with the *Public* designation for the American Canyon Middle School property under the American Canyon General Plan; a designation that contemplates a specific range of governmental uses, including schools, libraries, and utilities with no specific density allowances. The Commission did consider the inconsistencies in land use designations between American Canyon and the County relative to the American Canyon Middle School property as part of its recent sphere of influence update for the City. The Commission ultimately deferred to American Canyon's General Plan in adding the property to the City's sphere of influence given NVUSD's existing development plans for the site and need for a new school in the community.

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. Accordingly, the proposal impact is neutral with respect to the RTP.

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

As addressed earlier, only one of the two subject properties comprising the affected territory is located in American Canyon's sphere of influence. The American Canyon Middle School property was added to the sphere of influence in June 2010 as part of a comprehensive update. The Clarke Ranch West property was excluded from the sphere of influence as part of the referenced update given its non-urban uses under both the County and American Canyon General Plans.

State law generally requires proposed boundary changes be consistent with the spheres of influence of the affected agencies. Accordingly, in order to approve the proposed annexation of the Clarke Ranch West property as submitted, a concurrent sphere of influence amendment is necessary. However, as discussed and recommended on page four of this report, the Commission may modify the proposed annexation site to exclude an approximate 1.1 acre portion of the affected territory to make it non-contiguous to American Canyon. This modification would allow for the annexation of the Clarke Ranch West property without requiring a concurrent sphere of influence amendment under G.C. Section 56742. The recommended modification to concurrently annex the affected territory to ACFPD is also consistent with the District's sphere of influence, which was comprehensively updated in August 2010.

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

LAFCO staff electronically circulated copies of the application materials for review and comment to local governmental agencies.²⁰ No written comments have been received specific to this proposal.

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's fiscal capacities would enable the agency to provide an appropriate level of services to the affected territory consistent with the land use and density assumptions outlined on page 22 of this report without adverse impacts.

American Canyon's unreserved/undesignated balance in its General Fund at the beginning of the fiscal year totaled \$3.0 million and equals one-fifth of its adopted operating costs in 2010-2011.²¹ This balance has been significantly reduced over the end of the last fiscal year by nearly one-third due to budgeted operating shortfalls caused by declining property and sales tax revenues. At the time of budget adoption, American Canyon anticipated a (\$0.8 million) shortfall in operating costs, which would further reduce the unreserved/undesignated fund balance to \$2.2 million.

In order to help eliminate the structural imbalance within the General Fund, American Canyon has implemented a 36-month strategy to reduce discretionary expenses highlighted by eliminating nine full-time positions and instituting 15 staff furlough days. The strategy also assumed successful passage of an increase in the transient-occupancy tax from 10 to 12%. The tax increase was approved in November 2010 and is expected to generate an additional \$120,000 in discretionary revenues. A summary of American Canyon's General Fund balance over the last five fiscal years follows.

²⁰ 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 High School," and "American Canyon Middle School" properties. The original proposal was subsequently divided into three distinct proposals with the first (Atkins, Headwaters, and Panattoni) and second (Eucalyptus Grove and American Canyon High School) presented to the Commission at its August 2 and October 4, 2010 meetings, respectively. This proposal is the third and final division.

²¹ American Canyon's adopted amended general fund expenses in 2010-2011 total \$16.4 million.

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	4.287
Unreserved/Designated	5.569	3.795	4.020	4.040	2.762
Unreserved/Undesignated	1.174	1.255	4.880	4.297	3.024
<i>Total</i>	<i>\$8.119</i>	<i>\$7.963</i>	<i>\$10.977</i>	<i>\$11.327</i>	<i>\$10.074</i>

Dollars in Millions / Amounts as of July 1st

Proposal approval is not expected to have a significant adverse impact on American Canyon with respect to generating additional demands on the City's discretionary revenues given the current and anticipated development within the affected territory. Specifically, direct discretionary expenditures associated with the development of the affected territory will be presumably limited to additional maintenance costs associated with the Clarke Ranch West property's anticipated development as a public passive recreational park.²² It is reasonable to assume the annual operating cost associated with maintaining the property as a public passive recreational park will be \$23,800.²³ This cost represents approximately 0.1% of American Canyon's operating budget and will also be partially offset by the approximate \$1,100 in savings in property taxes.²⁴

Other core public services needed within the affected territory upon buildout, 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. Accordingly, these other services would not generate any new unfunded demands on American Canyon.

Finally, the recommended modifications to concurrently annex the affected territory to ACFPD while detaching from CSA No. 4 is not expected to generate any direct significant impacts on these agencies' discretionary funding. New demands on ACFPD as a result of proposal approval will be presumably limited to additional traffic incidents tied to the development and use of the American Canyon Middle School property. However, based on existing capacities outlined in preceding sections, the new demands generated are not expected to directly necessitate ACFPD requiring additional resources, such as apparatus and personnel. Further, this statement is supported based on ACFPD's relatively strong financial standing as measured by its unreserved/undesignated fund balance of \$1.2 million at the beginning of the 2010-2011 fiscal year; an amount equaling over one-third of its current operating budget.²⁵ No new demands would be incurred by CSA No. 4

²² No direct discretionary expenditures are tied to the development and use of American Canyon Middle School.

²³ The annual estimated operating cost of the Clarke Ranch West property has been calculated to reflect one-quarter of a full-time employee within American Canyon's Parks and Recreation Department based on the 2010-2011 budget.

²⁴ American Canyon's current adopted operating budget is \$16.4 million.

²⁵ ACFPD's adopted amended general operating expenses in 2010-2011 total \$4.3 million.

given the development and uses within the affected territory would not result in additional demand for farmworker housing services.

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

As noted on page 10, 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 5,351 acre-feet under normal conditions. In comparison, current annual demands as well as expected demands tied to recently approved annexations are projected to total 4,640 acre-feet, resulting in an available surplus of 711 acre-feet to accommodate new usage. The projected annual water demand tied to the annexation and planned development of the affected territory is expected to total 19.6 acre-feet and represents 2.7% of the available surplus.

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.

Neither the County nor American Canyon contemplates housing within the affected territory. However, 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 impact on American Canyon is not known at this time.²⁶

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

The affected landowners (American Canyon and NVUSD) have consented to the proposal. There are no registered voters within the affected territory.

²⁶ American Canyon is in the process of certifying its housing element for the 2008-2014 cycle. American Canyon reports it has received approval from Housing Community Development (HCD) as well as its City Council and anticipates HCD certification within the next several weeks.

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 Clarke Ranch West and American Canyon Middle School properties as *Open Space* and *Public*, respectively. The following table summarizes contemplated land uses and densities within these respective designations.

City of American Canyon		
	Clarke Ranch West	American Canyon Middle School
Designation	.....Open Space	.....Public
Designation Uses	.....Private or Public Open Space	.....Governmental Admin Facilities
	.....Passive Recreational	.....Public Utilities
	.....Resource Management	.....Schools
		.....Public Parking
		.....Parks
		.....Landfills
Lot Density	.....Minimum: 10 Acres	.....Minimum: N/A

County of Napa		
	Clarke Ranch West	American Canyon Middle School
Designation	Agriculture, Watershed, Open Space	Agriculture, Watershed, Open Space
Designation Uses	.....Agriculture	.....Agriculture
	...Processing of Agricultural Products	....Processing of Agricultural Products
	.....Single-Family Residence	.....Single-Family Residence
Lot Density	.....Minimum: 160 Acres	.....Minimum: 160 Acres

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.

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 SBE. 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.

Additionally, staff 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 Clarke Ranch West 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) and has been previously applied by the Commission.

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		
	Clarke Ranch West	American Canyon Middle School
Prezoning	.....Open Space – Clarke Ranch West	.....Public
Permitted Uses	.....Animal Husbandry	..Public and Passive Recreation Facilities
	.....Crop Production	.....Community Center
	.....Passive Recreation	.....Conference Center
	.....Horticulture	.....Government Facility
	...Detached Single-Family Residence	.....Public Information Center
Lot Density	.....Minimum: 10 Acres	.....Minimum: TBD

Staff confirms these prezoning assignments are consistent with the American Canyon General Plan’s designations for the affected territory. The prezoning assignments are intended to accommodate intensified public recreational (Clarke Ranch West) and public institutional (American Canyon Middle School) uses. Importantly, 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 the Commission 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 a 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 Clarke Ranch West 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 *Open Space – Clarke Ranch West* in 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 Middle School property given it is a subset of the District's planned development and use of the site.²⁷ NVUSD previously contemplated the potential impacts tied to the proposed annexation and development of the property into a 530-student middle 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 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 in anticipation of the October 2010 meeting.

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.

²⁷ NVUSD is immune from local zoning ordinances pursuant to G.C. Section 53094.

D. Options for Commission Action

Staff has identified four specific options for Commission consideration with respect to the proposal. These options, beginning with the recommendation, are summarized below.

Option One/Recommendation:

Approve the proposal with the following modifications:

- a) Exclude a 1.1 acre portion of the Clarke Ranch West property to make it non-contiguous to American Canyon and therefore eligible for annexation under G.C. Section 56742.
- b) Concurrently annex all of the affected territory to ACFPD.
- c) Concurrently detach all of the affected territory from CSA No. 4.

Approval would be subject to standard conditions as well as the following special term:

- a) Require American Canyon to file a future proposal with the Commission to annex the Clarke Ranch West property back into CSA 4 if vineyard development is permitted.

Option Two/Alternative:

Approve the proposal without modification (b) and/or (c) listed under Option One. Special term (a) listed under Option One could also be retained or removed.

Option Three/Alternative:

Continue consideration of the item if more information is required. Continuation would also be needed if it is the preference of the Commission to amend American Canyon's sphere of influence to process the annexation of Clark Ranch West, which would necessitate a noticed public hearing.

Option Four/Alternative:

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 One outlined in the preceding section, which would be accomplished by adopting the draft resolution.”

Respectfully submitted,

Keene Simonds
Executive Officer

Brendon Freeman
Analyst

Attachments:

- 1) Draft Resolution of Approval (Option One)
- 2) Application Materials
 - Resolution of Application
 - Justification of Proposal for American Canyon Middle School Property
 - Justification of Proposal for Clarke Ranch West
 - ~~- American Canyon Resolution 2009-116 (Initial Study/Mitigated Negative Declaration for Clarke Ranch West)~~
 - American Canyon Map and Description for ULL
- 3) NVUSD Resolution GSM-49.42-05 (FEIR for American Canyon Middle School)

RESOLUTION NO. _____

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

**AMERICAN CANYON MIDDLE SCHOOL/CLARKE RANCH WEST
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 the "American Canyon Middle School" and "Clarke Ranch West," properties, which represent all or portions of lands identified by the County of Napa Assessor's Office as 059-040-076, 059-040-075, and 058-020-013;

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 two 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 Clarke Ranch West property and has adopted a mitigated negative declaration on October 20, 2009 as part of the rezoning of the affected land as *Open Space-Clarke Ranch West*. 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 Middle 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. American Canyon currently owns and uses the Clarke Ranch West property for a municipal purpose.
3. The proposal is APPROVED with the following modifications:
 - a) The annexation of the Clarke Ranch West (058-020-013) property to American Canyon is reduced to exclude an approximate 20 x 2,400 foot strip along the eastern and northern border to ensure it is legally non-contiguous to the City and eligible for annexation without requiring a concurrent sphere amendment under Government Code Section 56742.
 - b) The Clarke Ranch West (058-020-013) and American Canyon Middle School (059-040-076 and 059-040-075) properties are concurrently annexed to the American Canyon Fire Protection District.
 - c) The Clarke Ranch West (058-020-013) and American Canyon Middle School (059-040-076 and 059-040-075) properties are concurrently detached from County Service Area No. 4.
4. The proposal is assigned the following distinctive short-term designation:

**AMERICAN CANYON MIDDLE SCHOOL/CLARKE RANCH WEST
REORGANIZATION**
5. The affected territory is shown in the vicinity maps provided in Exhibits "A" (American Canyon Middle School) and "B," (Clarke Ranch West) respectively.
6. The affected territory is uninhabited as defined in Government Code Section 56046.
7. The City of American Canyon utilizes the regular assessment roll of the County of Napa.
8. 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.
9. The Commission authorizes conducting authority proceedings to be waived in accordance with Government Code Section 56663(c).

10. Recordation is contingent upon receipt by the Executive Officer of the following:
 - (a) A map and geographic description of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization for annexations to American Canyon and the American Canyon Fire Protection District.
 - (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.
11. Approval is conditioned on the City of American Canyon filing a future proposal with the Commission to annex the Clarke Ranch West property back into County Service Area No. 4 if vineyard development of one acre or more in size is permitted and occurs within the affected land.
12. 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 February 7, 2011, by the following vote:

AYES:	Commissioners	_____
NOES:	Commissioners	_____
ABSTAIN:	Commissioners	_____
ABSENT:	Commissioners	_____

ATTEST: Keene Simonds
Executive Officer

Recorded by: _____
Kathy Mabry
Commission Secretary

EXHIBIT A

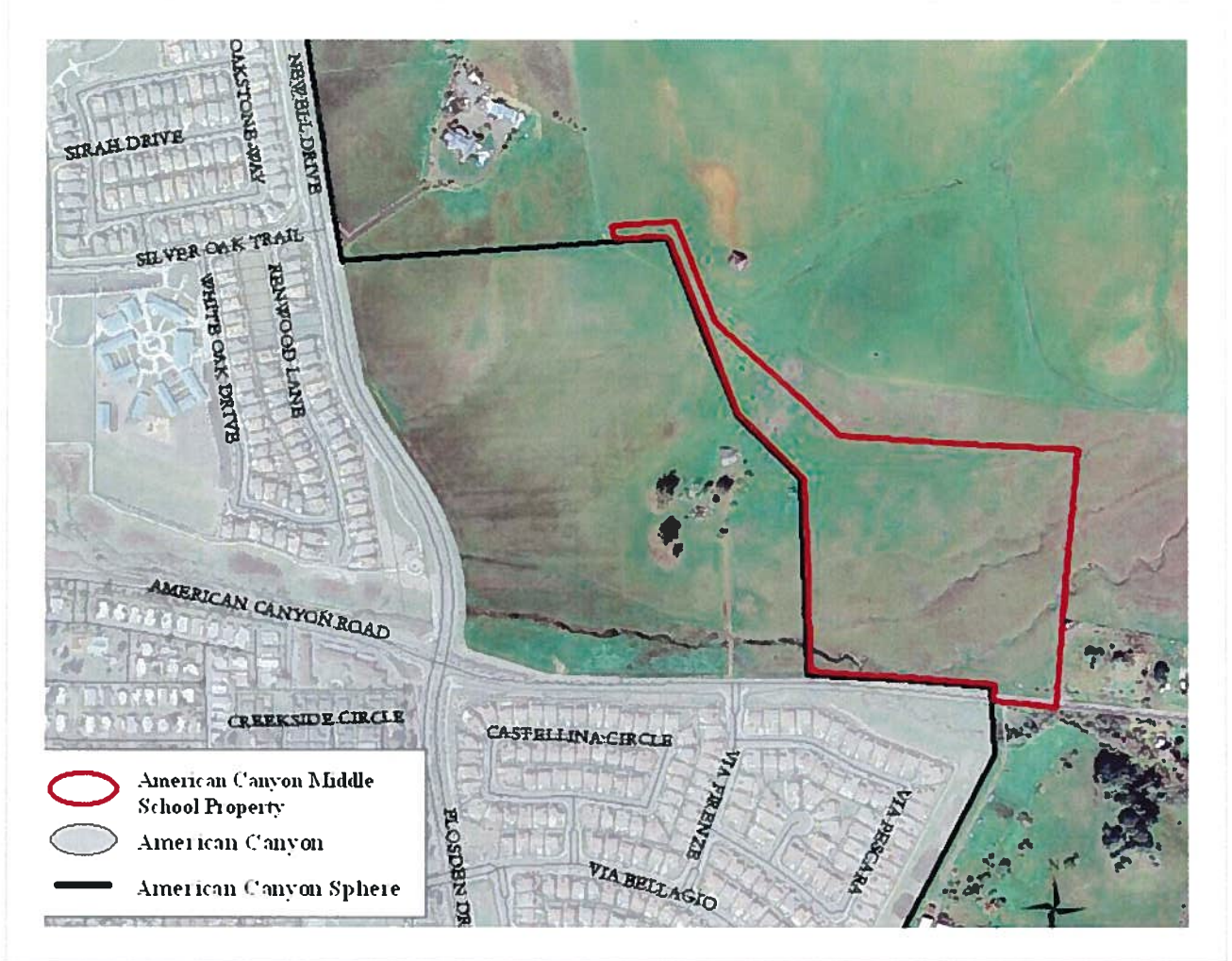


EXHIBIT B



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:

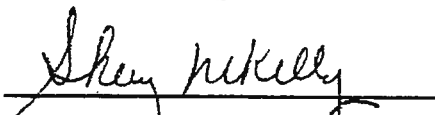
AYES: Councilmembers Bennett, Coffey, West, Vice Mayor Callison and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: None



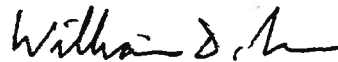
Leon Garcia, Mayor

ATTEST:

APPROVED AS TO FORM:



Sherry M. Kelly, Interim City Clerk



William D. Ross, City Attorney

**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

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

8. Is there a low 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 prezoned: 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

- Does the annexing agency have any outstanding bonded indebtedness? (Please list) No.
- 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.)
- 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

2/14/18 (Date) [Signature] Signature of Applicant
or Authorized Agent

____ (Date) [Signature] 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)

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Revised 6/01

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: Clarke Ranch West 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

 x 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 open space and public recreation.

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 g likelihood of a significant increase in r 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: 072-015
10. Present tax rate in the subject area: 1.0986
11. Change in tax rate as a result of this proposal: The portion of Clarke Ranch West that is annexed into the City will become non-taxable public property.
12. Total assessed valuation of subject territory:
 Land \$386,852 Imp. \$15,161 (This valuation applies to the entire 190 acre parcel. Only 30.39 acres is proposed to be annexed into the City.)
13. Assessor's Parcel information:
 058-020-013* 30.39 ac (Clarke Ranch West)
 Portion of APN
14. Total number of Assessor's Parcels: 1
15. Total land area: 30.39 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: Clarke Ranch West is anticipated to become passive or active open space and park space.
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 City of American Canyon has owned Clarke Ranch West since 1999.
- 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:
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: Open Space
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_ No x (If no, attach justification).
6. Existing land use: Vacant
7. Proposed land use: Open Space/Recreation
8. Existing zoning: Open Space – Clarke Ranch West/Recreation
9. Proposed zoning: Open Space – Clarke Ranch West/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:
Clarke Ranch West will be retained as active or passive recreation and open space through a Conservation Easement.
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 within 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 is flat with a gentle slope toward the Napa River.
7. Describe drainage basins, rivers, flood control channels:
The property is a portion of a larger parcel that encompasses Napa River wetlands.
8. Describe vegetation and wildlife:
The majority of the property is disturbed non native grassland.
9. Describe air, water and noise quality:
As open space and recreation, the property is not anticipated to significantly impact air, water and noise quality.
10. Indicate known archaeological or historical site:
The site contains no known archaeological or historical resources. Environmental protocols would necessitate surveys for archaeological or historical resources at the time a specific use is proposed for the property.
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:

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)

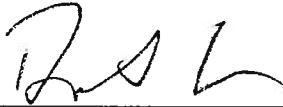
<u>NAME</u>	<u>ADDRESS</u>
Richard Ramirez City of American Canyon	4381 Broadway, Suite 201 American Canyon, CA 94503
Chief Glen Weeks American Canyon Fire Protection District	911 Donaldson Way E, American Canyon, CA 94503

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)

City of American Canyon
4381 Broadway, Suite 201
American Canyon, CA 94503

_____ 
(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)

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.

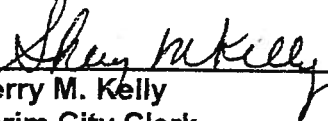
PASSED, APPROVED and ADOPTED at a regular meeting of the City Council of the City of American Canyon on the 20th day of October 2009, by the following vote:

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



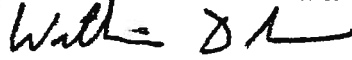
Leon Garcia, Mayor

ATTEST:

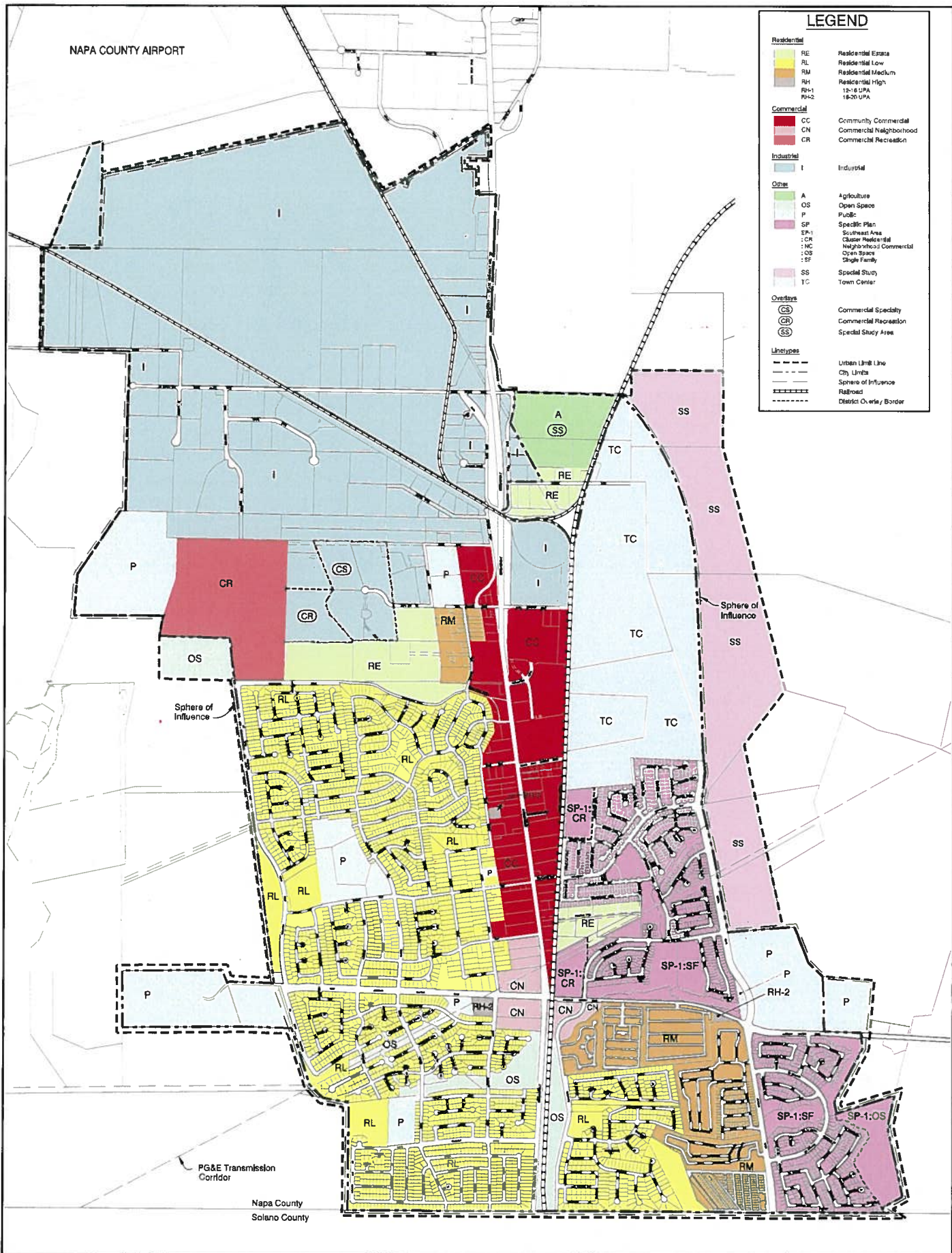


Sherry M. Kelly
Interim City Clerk

APPROVED AS TO FORM:



William D. Ross
City Attorney



LEGEND

Residential	RE	Residential Estate
	RL	Residential Low
	RM	Residential Medium
	RH	Residential High
	RH-1	18-20 UPA
	RH-2	18-20 UPA
Commercial	CC	Community Commercial
	CN	Commercial Neighborhood
	CR	Commercial Recreation
Industrial	I	Industrial
Other	A	Agriculture
	OS	Open Space
	P	Public
	SP	Specific Plan
	SP-1	Southwest Area
	CR	Cluster Residential
	NC	Neighborhood Commercial
	OS	Open Space
	SF	Single Family
	SS	Special Study
	TC	Town Center
Overlays	CS	Commercial Specialty
	CR	Commercial Recreation
	SS	Special Study Area
Linetypes	- - - - -	Urban Limit Line
	— — — — —	City Limits
	— · — · —	Sphere of Influence
	— + — + —	Railroad
	- · - · -	District Overlay / Border



**CITY OF AMERICAN CANYON
GENERAL PLAN MAP
DECEMBER 2010**



EXHIBIT D

Legal Description - Proposed Urban Limit Line for American Canyon, CA

AREA #1:

A portion of Township 4 North, Range 3, 4, and 5 West, Mount Diablo Base and Meridian (and also being shown on the attached plat entitled "Plat of Description - Proposed American Canyon, CA. Urban Limit Line" attached hereto, for illustrative purposes only, as EXHIBIT "D-1"), more particularly described as follows:

BEGINNING at a t-bar and tag stamped "R.C.E. 6250", marking the westernmost corner of Parcel B-1, as shown on the map entitled "Survey and Division of the Madigan Ranch in Napa County and Solano County, California", filed December 17, 1971 in Book 3 of Parcel Maps at Page 67-68 in the office of the County Recorder of Napa County, California, all further references to filing or recording being made to said Napa County Recorder unless otherwise stated for purposes of this description; said Point of Beginning being a point on the Napa - Solano County line; thence westerly along said Napa - Solano County line 9460± feet to the southwest corner of Parcel A as shown on the map entitled "Final Map of Napa Meadows Unit 8" filed July 27, 2000 in Book 22 of Record Maps at Page 10-15 in the office of the County Recorder of Napa County, California; thence northerly along the extended westerly line of Parcels A, C & B as shown on said "Final Map of Napa Meadows Unit 8" 1900± feet to the southeast corner of the lands known as "Napa Meadows Unit 7" as shown on the map entitled "Final Map of Napa Meadows Unit 7" filed October 26, 2000 in Book 22 of Record Maps at Page 27-33 in the office of the County Recorder of Napa County, California; thence westerly and northwesterly along the southerly and extended westerly lines of said "Napa Meadows Unit 7" to a t-bar and tag stamped "R.C.E. 6250" at the easterly terminus of a line labeled "N87°45'00"W 187.83'" marking a point on the easterly line of the lands of Pauline Burastero, et al, as shown on the map entitled "Record of Survey of the lands of American Canyon Sanitary Land Fill Co., Inc., and the lands of Pauline Burastero, et al" filed May 31, 1974 in Book 18 of Surveys at Page 71; thence westerly, northerly and westerly along the lines of said lands of Pauline Burastero, et al 9700± feet to a ¾" iron pipe stamped "R.C.E. 3389" marking the northwest corner thereof, said point being also the southwest corner of the 58.49 acre parcel of land described in the Judgment and Final Order of Condemnation filed February 15, 2006 and recorded as Document No. 2006-0005485; thence northerly and easterly along the lines of said 58.49 acre parcel of land 2016± feet to a ¾" iron pipe stamped "R.C.E. 11649" marking the southwest corner of Parcel 1 as shown on the map entitled "Parcel Map of the lands of Louis O. Wurz Jr., et al and Covenant Presbyterian Church of Napa" filed December 1, 1986 in Book 15 of Parcel Maps at Page 20; thence northerly along the westerly line of said Parcel 1, 2280± feet to the northwest corner thereof, said northwest corner being also the southwest corner of Parcel One as shown on the map entitled "Parcel Map of the Lands of Napa Mill Development Company..." filed October 12, 2006 in Book 25 of Parcel Maps at Page 29-32; thence northerly along the West line of said Parcel One 575± feet to the southerly right of way line of Green Island Road; thence westerly along said southerly right of way line of Green Island Road 1510± feet to the intersection with the extended westerly line of the lands of All Technical Engineering & Construction, Inc, as shown on the map entitled "Record of Survey of the lands of All Technical Engineering & Construction, Inc.", filed October 6, 1978 in Book 20 of Surveys at Page 88; thence northerly along the extended westerly line of said lands of All Technical Engineering & Construction, Inc. 1820± feet to the southerly line of the lands described in the Grant Deed filed October 11, 2005 and recorded as Document No. 2005-0041461; thence northwesterly and northeasterly along said lands 2010± feet to the northwest corner thereof; thence northeasterly along the northerly line of said lands 282± feet to the northeast corner thereof; thence southerly along the easterly line of said lands 545± feet to the northwest corner of the lands described in the Grant Deed filed September 7, 2006 and recorded as Document No. 2006-0031319; thence northeasterly along the northerly line of said lands 4510± feet to the northeastern corner thereof; said

corner being a point on the southwesterly right of way line of the Napa Valley Branch of the Southern Pacific Railroad right of way; thence southeasterly along said southwesterly right of way line 1510± feet to the intersection with the extended southerly line of the lands of S.N.W.M.A. as shown on the map entitled "Record of Survey of South Napa Waste Management Authority..." filed February 25, 1997 in Book 31 of Surveys at Page 8-10; thence northeasterly along said southerly line 1250± feet to the southerly right of way line of Kelly Road South, as shown on the same map entitled "Record of Survey of South Napa Waste Management Authority..."; thence northeasterly along said southerly right of way line 850± feet to the westerly right of way line of State Highway 29; thence southerly along said westerly right of way line 350± feet to the northeast corner of the lands described in the Grant Deed filed August 16, 2007 and recorded as Document No. 2006-0028706; thence westerly along the northerly line of said lands 225± feet to the northwestern corner thereof; said northwestern corner being also the northeastern corner of the lands described in the Grant Deed filed November 13, 1961 and recorded in Book 640 at Page 583; thence westerly along the northerly line of said lands 208± feet to the northwestern corner thereof; thence southerly 208± feet to the southwesterly corner thereof; thence easterly 208± feet to the southeasterly corner thereof, said southeasterly corner being also a point on the westerly line of the aforementioned lands described in the Grant Deed filed August 16, 2007 and recorded as Document No. 2006-0028706; thence southerly along said westerly line 468± feet to the southwestern corner thereof; thence easterly along the extended southerly line of said lands 380± feet to a point on the easterly right of way line of State Highway 29, said easterly right of way line of State Highway 29 being also the westerly line of Parcel C as shown on the map entitled "Parcel Map of the lands of Security Owners Corporation..." filed August 24, 1995 in Book 21 of Parcel Maps at Page 50-51; thence southerly along said westerly line of Parcel C 3460± feet to the southwestern corner thereof; thence easterly along the southerly line of said Parcel C 2500± feet to the southeastern corner thereof, said southeastern corner being also a point on the westerly line of Parcel One as described in the Corporation Grant Deed filed December 31, 1997 and recorded as Document No. 1997-031470; thence northerly along said westerly line 375± feet to the northwestern corner thereof; thence easterly along the northerly line of said Parcel One 1678± feet to the northeastern corner thereof; thence southerly along the extended easterly line of said Parcel One 3580± feet to the a point on the northerly line of the lands of John D. & Lorraine D. Cantoni as shown on the map entitled "Record of Survey of the lands of John D. & Lorraine D. Cantoni" filed April 23, 1980 in Book 21 of Surveys at Page 69; thence leaving said northerly line 2200± feet to a nail and tag stamped "R.C.E. 15390" in a corner post at the northerly terminus of a line labeled "N40°13'46"E 2463.39'" on said map; thence southwesterly along the last mentioned line 1300± feet to the point of intersection with the northerly extension of the line labeled "N9°56'50"W 1007.63'" shown on the map entitled "Record of Survey of the lands of Amcan Land Holdings Inc..." filed February 18, 1999 in Book 32 of Surveys at Page 34; thence southerly along said extended line labeled "N9°56'50"W 1007.63'" 3460± feet to the southerly terminus thereof, said line terminus being also a point on the easterly line of Parcel One as described in the Grant Deed filed January 25, 2007 and recorded as Document No. 2007-0002762; thence southeasterly along said easterly line 2600± feet to a point on the southerly line of said Parcel One, said point being also the northwest corner of the lands of Palm, marked by a 1/2" rebar and tag stamped "L.S. 4510" as shown on the map entitled "Parcel Map of the lands of a portion of the lands of Mary C. Avilla" filed December 10, 1986 in Book 15 of Parcel Maps at Page 23-24; thence southerly along the extended westerly line of said lands of Palm 350± feet to the southerly right of way line of American Canyon Road; thence westerly along said southerly right of way line of American Canyon Road 170± feet to a t-bar and tag stamped "R.C.E. 6250", marking the northeastern corner of Parcel B, as shown on the map entitled "Survey and Division of the Madigan Ranch in Napa County and Solano County, California", filed December 17, 1971 in Book 3 of Parcel Maps at Page 67-68; thence southwesterly, northeasterly, southerly and southwesterly along the eastern line of said Parcel B 5100± feet to a t-bar and tag stamped "R.C.E. 6250", marking the westernmost corner of Parcel B-1 as shown on said map entitled "Survey and Division of the Madigan Ranch in Napa County and Solano County, California", said point being the TRUE POINT OF BEGINNING.

AREA #2 :

BEING that 62.779 acre parcel designated "American Canyon County Water District" as shown on the map entitled "Record of Survey of the lands of American Canyon Sanitary Land Fill Co., Inc., and the lands of Pauline Burastero, et al" filed May 31, 1974 in Book 18 of Surveys at Page 71 in the office of the County Recorder at Napa County, California.

AREA #4 :

A portion of the lands of Pauline Burastero, et al as the same is shown on the map entitled "Record of Survey of the lands of American Canyon Land Fill Co. ...and of the lands of Pauline Burastero, et al" filed May 31, 1974 in Book 18 of Surveys at Page 71 in the office of the Recorder of Napa County, California, more particularly described as follows:

BEGINNING at a ¾" iron pipe tagged "R.C.E. 3389" marking the northeast corner of the lands of Pauline Burastero, et al as shown on the map entitled "Record of Survey of the lands of American Canyon Land Fill Co. ...and of the lands of Pauline Burastero, et al" filed May 31, 1974 in Book 18 of Surveys at Page 71 in the office of the Recorder of Napa County, California; thence along the northerly line of said lands of Burastero N 89°14'40" W 1318.94 feet to an angle point on said northerly line; thence leaving said northerly line S 3°46'32" E 790.22 feet to a point on the northerly right of way line of Eucalyptus Drive; thence along said northerly right of way line of Eucalyptus Drive S 89°46'10" E 1365.83 feet to the intersection of the northerly right of way line of Eucalyptus Drive with the easterly line of said lands of Burastero; thence along the easterly line of the lands of Burastero N 7°16'00" W 782.90 feet to the POINT OF BEGINNING.

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 of 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:

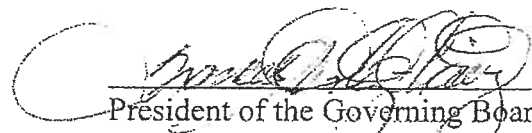
The Board hereby authorizes the President of the Board to execute this resolution and a Notice of Determination, and the Secretary to attest and certify to the passage and adoption thereof and those officers and the District's Superintendent and the Superintendent's designees to execute all documents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

SECTION 11:

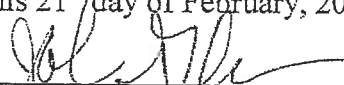
The Board directs District staff to file with the Napa County Recorder-County Clerk a Notice of Determination pursuant to CEQA Guidelines, Section 15094.

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