

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

AMERICAN CANYON FIRE PROTECTION DISTRICT: SPHERE OF INFLUENCE REVIEW AND UPDATE

Final Report

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Committed to serving the citizens and government agencies of its jurisdiction by encouraging the preservation of agricultural lands and open-space and coordinating the efficient delivery of municipal services.

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I. INTRODUCTION

A. Local Agency Formation Commissions

Local Agency Formation Commissions (LAFCOs) are political subdivisions of the State of California and are responsible for administering a section of Government Code codified as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”). LAFCOs are located in all 58 counties and are delegated regulatory responsibilities to coordinate the logical formation and development of local governmental agencies and municipal services. Specific regulatory duties include approving or disapproving proposals involving (a) city incorporations and disincorporations, (b) special district formations, consolidations, and dissolutions, and (c) city and special district annexations and detachments. LAFCOs inform their regulatory duties through a series of planning activities, namely preparing municipal service reviews and sphere of influence updates. Underlying LAFCOs regulatory and planning responsibilities is fulfilling certain objectives outlined by the California Legislature under Government Code (G.C.) Section 56301, which states:

“Among the purposes of the commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing governmental services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances.”

LAFCOs are generally governed by a five-member commission comprising two county supervisors, two city councilmembers, and one representative of the general public.¹ Members must exercise their independent judgment on behalf of the interests of residents, landowners, and the public as a whole. LAFCOs have sole authority in administering their legislative responsibilities and its decisions are not subject to an outside appeal process.

B. Spheres of Influence

A central planning responsibility for LAFCO is the determination of a sphere of influence (“sphere”) for each city and special district under its jurisdiction.² LAFCO establishes, amends, and updates spheres to designate the territory it believes represents the appropriate and probable future service area and jurisdictional boundary of the affected agency. All jurisdictional changes, such as annexations and detachments, must be consistent with the spheres of the affected local agencies with limited exceptions.³

“Sphere” means a plan for the probable physical boundary and service area of a local agency, as determined by LAFCO.

There are several important and distinct policy considerations underlying sphere determinations. For example, inclusion within a multiple-purpose agency’s sphere, such as a city or community services district, generally indicates an expectation by LAFCO the territory should be developed for urban uses. Alternatively, inclusion of territory within a limited-purpose agency’s sphere, such as a hospital or mosquito abatement district, may be intended to support both urban and non-urban uses. It is also important to note inclusion within a sphere does not provide any guarantees the territory will be annexed. Jurisdictional

¹ Several LAFCOs also have two members from independent special districts within their county. Each category represented on LAFCO has one alternate member.

² LAFCOs have been required to determine spheres for cities and special districts within their jurisdictions since 1972.

³ A prominent exception involves land owned and used by cities for municipal purposes that are non-contiguous to their incorporated boundary (G.C. Section 56742).

changes must be considered on their own merits with particular attention focused on assessing whether the timing of the proposed action is appropriate.

Sphere determinations may also lead LAFCO to take other actions under its authority. This may include initiating the formation, consolidation, or dissolution of local agencies. Further, an increasingly important role involving sphere determinations relates to their use by regional councils of governments as planning areas in allocating housing need assignments for counties and cities, which must be addressed by the agencies in their housing elements. LAFCO must review and update each local agency's sphere every five years as necessary.

In making a sphere determination, LAFCO is required to prepare written statements addressing four specific planning factors listed under G.C. Section 56425. These factors range from evaluating current and future land uses to the existence of pertinent communities of interest. The intent in preparing the written statements is to focus LAFCO in addressing the core principles underlying the sensible development of each local agency consistent with the anticipated needs of the affected community. The four factors are outlined below.

1. Present and planned land uses in the area, including agricultural and open-space.
2. Present and probable need for public facilities and services in the area.
3. Present capacity of public facilities and adequacy of public services the agency provides or is authorized to provide.
4. Existence of any social or economic communities of interest in the area if the commission determines they are relevant to the agency.

LAFCOs inform their sphere determinations by preparing municipal service reviews to evaluate the level and range of governmental services provided in the region. Municipal service reviews vary in scope and can focus on a particular agency, service, or geographic area. Municipal service reviews culminate with LAFCO making determinations on a number of governance related factors. This includes infrastructure needs or deficiencies, growth and population projections, and financial standing. LAFCOs may also consider additional factors if required by local policy. LAFCOs must complete the municipal service review process prior to making related sphere determinations.

C. American Canyon Fire Protection District

This report represents LAFCO of Napa County's ("Commission") scheduled sphere review and update of the American Canyon Fire Protection District (ACFPD). The report supersedes the last comprehensive sphere review of ACFPD adopted by the Commission in October 2007. The report draws on information collected and analyzed in the Commission's recently completed municipal service review on the southeast county region, which included evaluating the availability, adequacy, and capacity of services provided by ACFPD. Other governmental agencies evaluated in the municipal service review were the City of American Canyon and County Service Area (CSA) No. 3, whose spheres have or will be updated as part of separate reports. The municipal service review's executive summary is attached and includes the written determinations adopted by the Commission in June 2009. The report includes amendment recommendations to ACFPD's sphere aimed at fulfilling the Commission's mandate to coordinate the orderly development of the District consistent with local circumstances and conditions.

II. AGENCY OVERVIEW

A. Background

ACFPD was formed as an independent special district in 1957. ACFPD’s formation was initiated by local landowners to provide an elevated level of fire protection, rescue, and emergency medical services within the unincorporated community of American Canyon. Prior to ACFPD’s formation, the community received a basic level of fire related services from the County of Napa with their closest station located at the intersection of Jefferson and Trancas Streets in the City of Napa. This basic level of fire related services, however, was deemed insufficient for the community as it began developing and transitioning from rural to urban land uses beginning in the early 1950s.

ACFPD was originally structured as an all-volunteer agency and entirely dependent on landowners, residents, and local workers to organize and respond to service calls as needed. Initial funding was entirely dependent on an apportionment of local property tax proceeds. ACFPD transitioned to a combination paid-volunteer agency with the hiring of fulltime

American Canyon Fire Protection District

Date Formed	1957
Enabling Legislation	Health and Safety Code 13800-13970
Services Provided	Fire Protection Rescue Emergency Medical

firefighters beginning in the 1960s. This transition immediately preceded and facilitated ACFPD entering into an agreement with the County to provide first response services for the entire southeast county region south of Soscol Ridge and east of the Napa River. ACFPD continued to provide first response within the contracted service area until 1978 when the County terminated the agreement in conjunction with forming CSA No. 3. Notably, the termination of its agreement with the County coupled with the concurrent loss in property tax proceeds tied to Proposition 13 undermined ACFPD’s solvency until voters approved an annual service fee beginning in 1980.

In 1992, the Commission reorganized ACFPD into a subsidiary special district to American Canyon as part of the incorporation process. This reorganization was permissible given more than 70% of ACFPD’s jurisdiction was included in American Canyon’s incorporated boundary.⁴ The reorganization transitioned ACFPD’s governance from an independent board consisting of locally elected residents to the American Canyon City Council.

B. Current Profile

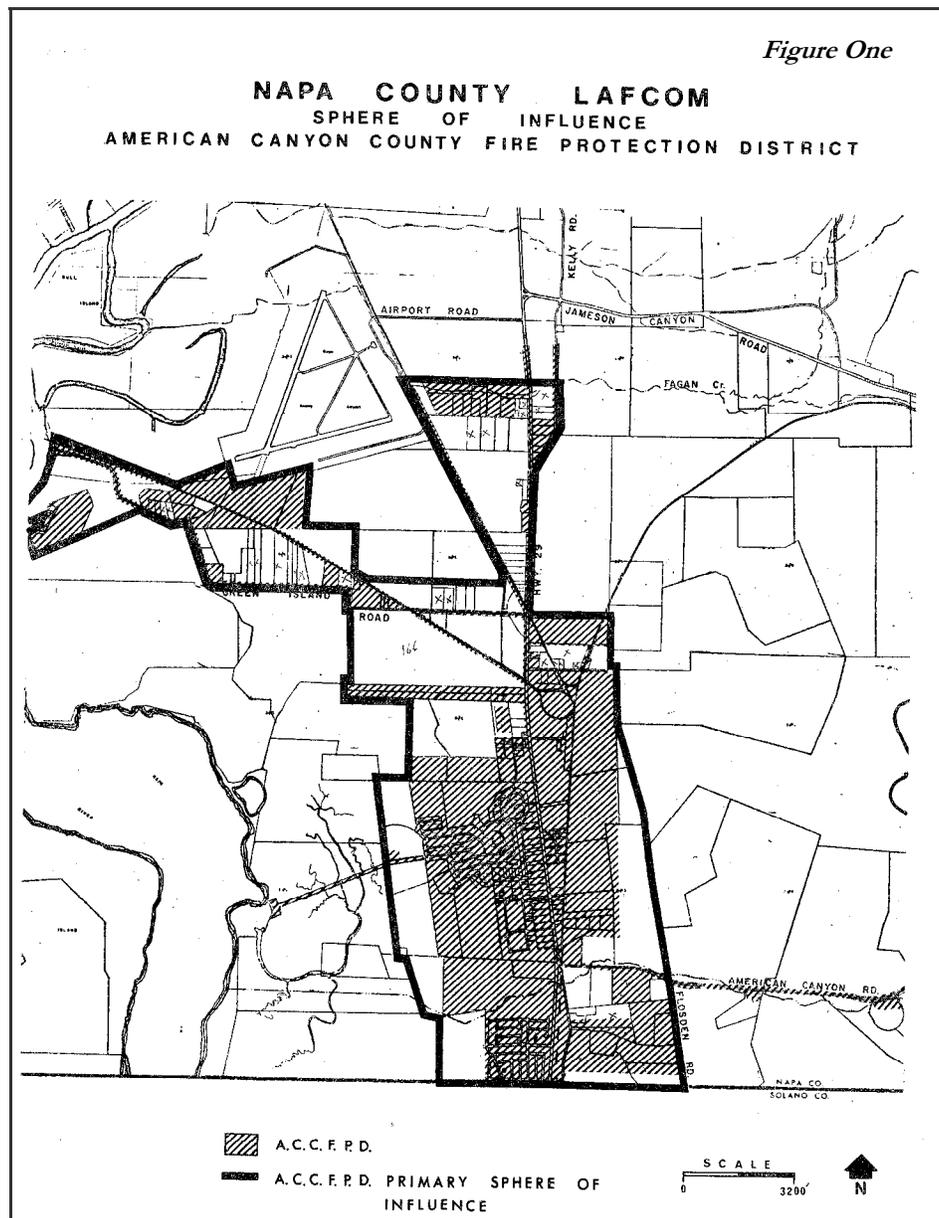
ACFPD is currently responsible for providing fire protection, rescue, and emergency medical services within an approximate 6.0 square mile jurisdictional boundary. The jurisdictional boundary includes all of American Canyon and surrounding unincorporated lands extending as far north as Fagan Creek. The estimated resident service population is approximately 16,877. Staff includes 17 fulltime and 20 volunteer firefighters. ACFPD’s current operating budget is \$4.2 million with an unrestricted fund balance of \$2.8 million.

⁴ A subsidiary district is defined under Government Code Section 56708 as a district of limited powers in which a city council is designated as, and empowered to act as, the ex officio board of directors of the agency. At the time of its formation, the subsidiary district must either (a) lie entirely within the boundaries of the affected city or (b) have 70 percent or more of its land area and registered voters located within the affected city.

C. Sphere of Influence

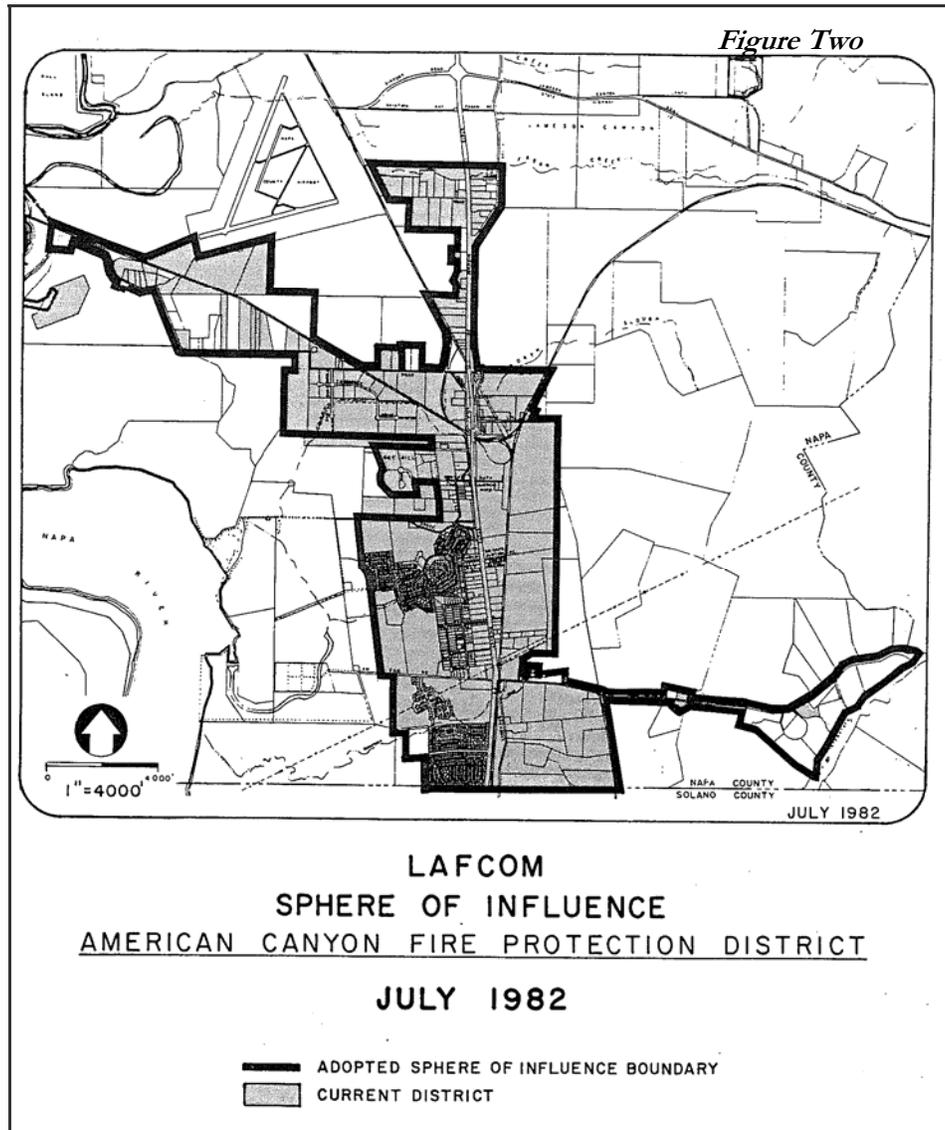
Establishment

ACFPD's sphere was established by the Commission in 1975. The Commission initially designated the sphere to comprise two distinct zones termed primary and secondary. The primary zone included all lands already in ACFPD along with surrounding lands that were either developed or expected to develop within the next 10 years. The secondary zone included all extraterritorial lands contractually served by ACFPD under its agreement with the County extending north to Soscol Ridge, west to the Napa River, and east and south to Solano County. Markedly, in adopting the two-zoned sphere, the Commission emphasized the role of ACFPD as an urban service provider and correlated the extension of its services with promoting urban development. A map of the 1975 sphere is depicted in Figure One.



Updates, Amendments, and Current Composition

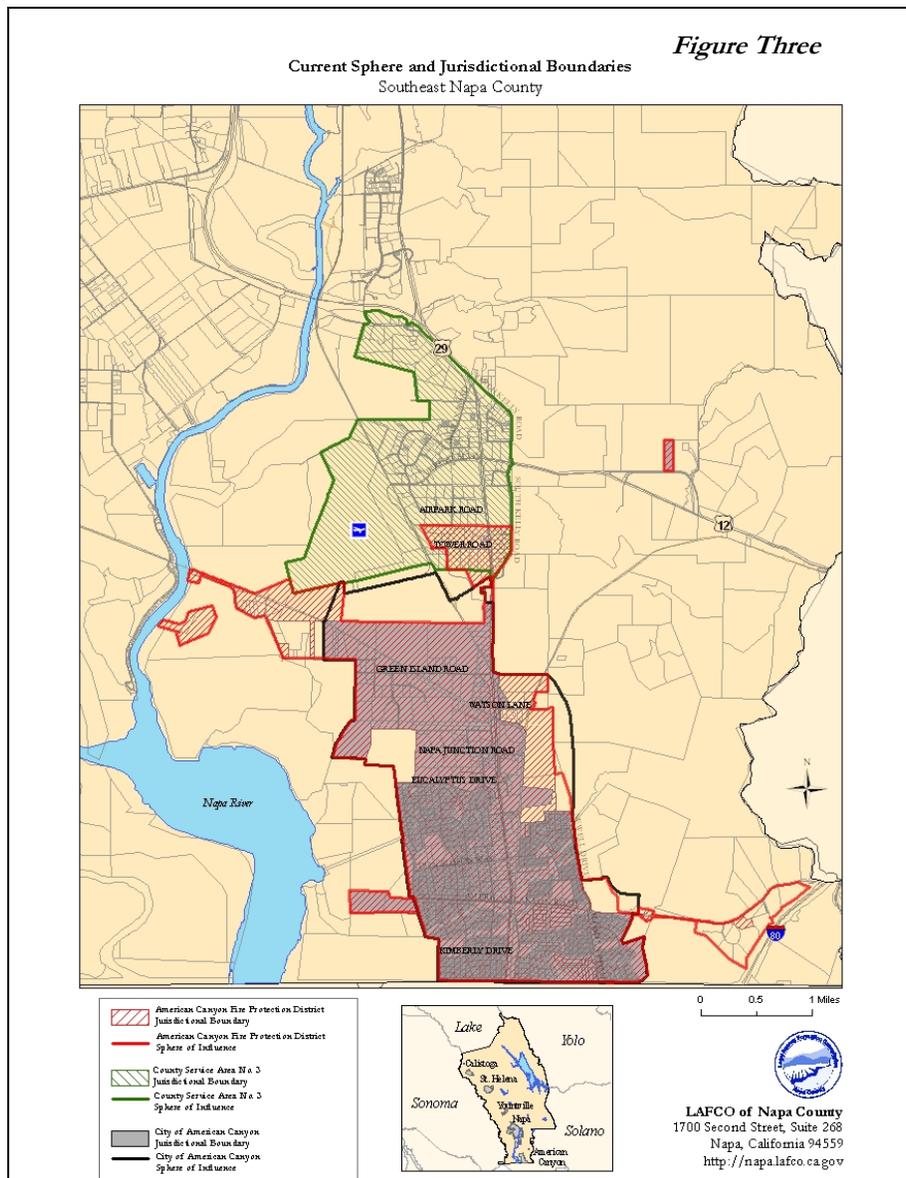
The Commission adopted its first update to ACFPD’s sphere in 1982. The update eliminated the use of primary and secondary zones by establishing a single sphere boundary. ACFPD’s updated sphere continued to include only lands already in the District as well as surrounding lands that were either developed or expected to develop in the next 10 years. Excluded from the sphere were lands that formerly comprised the secondary zone, which were no longer being served by ACFPD following the termination of its service agreement with the County in 1978. The Commission also reemphasized ACFPD’s role as an urban service provider and established a new policy requiring all annexations to the District concurrently annex to the American Canyon County Water District (ACCWD).⁵ Figure Two depicts the first update.



⁵ ACCWD was merged into American Canyon at the time of the City’s incorporation in 1992. Following the merger, the Commission’s dual annexation policy was amended to require all annexations to ACFPD concurrently annex to American Canyon if the affected area is located within the City’s sphere and is legally possible.

Following the first update, the Commission approved 10 individual amendments to ACFPD’s sphere through 2004. All of the amendments involved expansions of the sphere totaling 1,630 acres and generally petitioned by landowners to facilitate industrial development projects mostly along Green Island Road and tied to concurrent ACFPD annexations. Amendments following American Canyon’s 1992 incorporation were also generally tied to reorganizations involving concurrent annexations to ACFPD and the City.

In 2007, as part of its expanded review requirements under CKH, the Commission adopted a second update to ACFPD’s sphere adding an additional 214 acres. The second update expanded ACFPD’s sphere to encompass all lands within American Canyon’s sphere. The second update also reaffirmed the inclusion of several areas lying outside American Canyon’s sphere, but within ACFPD’s sphere. These areas were reaffirmed within ACFPD’s sphere given the affected areas were either already in the District or expected to require an elevated level of fire protection services due to their planned or existing uses. No changes have been made to the sphere since the second update. Figure Three depicts the current sphere.



ACFPD’s sphere is currently 4,202 acres or 6.5 square miles in size. Close to 10% of the sphere encompasses lands lying outside ACFPD. These non-jurisdictional lands total 431 acres and are concentrated in seven areas as depicted in Figure Four.

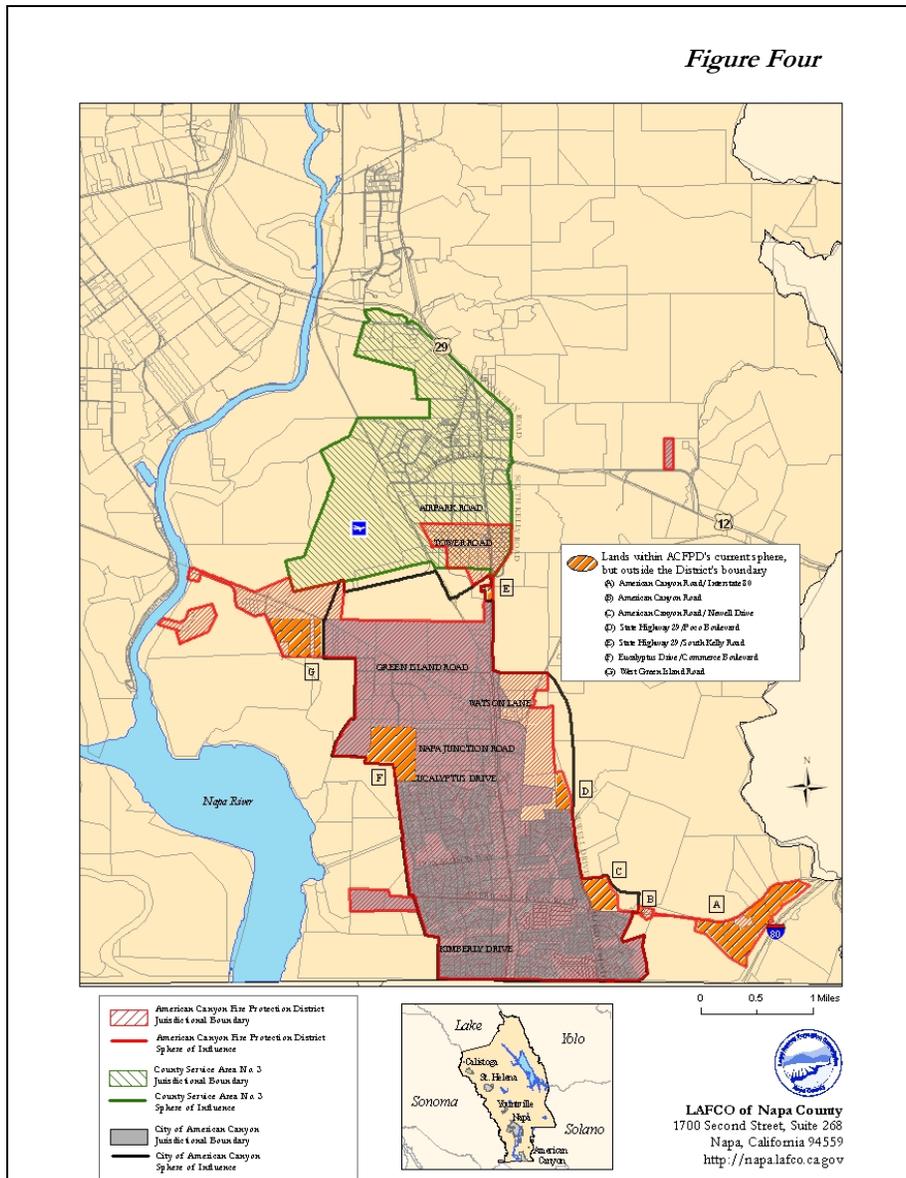


Table One

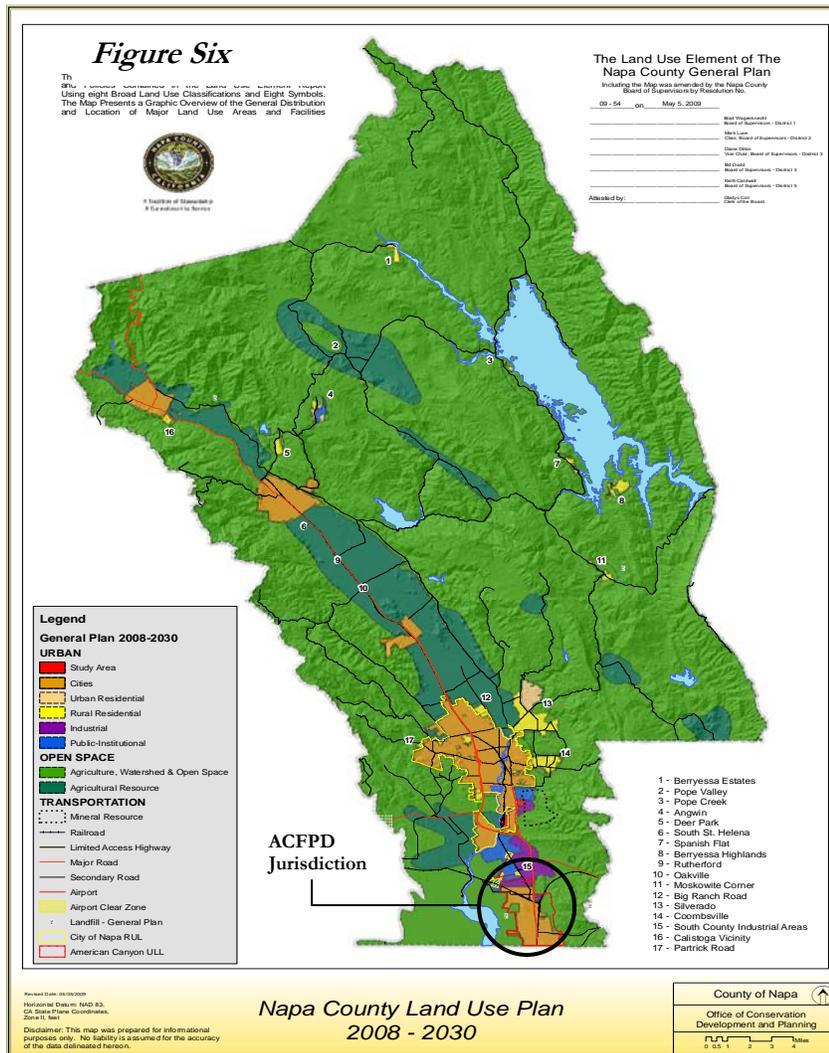
Non-Jurisdictional Areas in ACFPD’s Current Sphere

(Source: LAFCO)

Location Description	Acres	Predominant Land Use
American Canyon Road/Interstate 80	146	Rural Residential
American Canyon Road	2	Undeveloped
American Canyon Road/Newell Drive	49	Public School
State Highway 29/Poco Lane	37	Undeveloped
State Highway 29/South Kelly Road	11	Light Industrial
Eucalyptus Drive/Commerce Boulevard	107	Private Recreation
West Green Island Road	81	Light Industrial

County

The County General Plan was updated in 2008 and designates nearly all adjacent lands east and west of ACFPD’s jurisdictional boundary as *Agriculture, Watershed and Open Space*. This designation supports the preservation of existing agricultural and open-space land uses characterizing most of the area by requiring minimum lot densities of 160 acres. Contemplated uses include agriculture, processing of agricultural products, and single-family residences with or without detached second units.⁸ Adjacent lands immediately north of ACFPD are designated under the County General Plan as *Industrial*. This designation specifies minimum lot densities between 0.5 to 40 acres based on proximity to utilities and is intended to support various industrial uses, including warehouses, manufacturing facilities, and wineries.⁹ Figure Six depicts the County’s General Plan Land Use Map.



⁸ The County zones these lands as *Agricultural Watershed*. Specific uses allowed without a permit include agriculture, wineries, family daycare, residential care, and one single-family residence per legal lot with or without a second unit.

⁹ Maximum building density coverage is 50%. The County zones the majority of these lands as *General Industrial*. Specific uses allowed without permit include agriculture, bakeries, creameries, storage yards, assembly and packing facilities, and electrical, plumbing, heating, welding, and sheet metal shops.

III. DISCUSSION

A. Objectives

The basic objective of this report is to identify and evaluate areas warranting consideration for inclusion or removal from ACFPD's sphere as part of a comprehensive review. Underlying this effort is to designate the sphere to facilitate the sensible and timely development of ACFPD consistent with the provisions of CKH. Specific goals under this legislation include discouraging urban sprawl, preserving open-space and prime agricultural lands, and providing for the efficient extension of governmental services.

The Commission's "Policy Determinations" were last amended in 2003 and provide general prescription in fulfilling its legislative objectives. The Policy Determinations highlight the Commission's commitment to avoid the premature conversion of agricultural or open-space lands to urban uses through a series of restrictive allowances. This includes a determination to exclude lands designated as agricultural or open-space from city and district spheres for purposes of accommodating urban development with limited exceptions. An additional determination states the Commission will support Measure "J" by deferring to the County General Plan in determining agricultural and open-space land use designations.¹⁰

B. Timeframe

State law requires LAFCOs review and update each local agency's sphere by January 1, 2008 and every five years thereafter as needed. Accordingly, it has been the practice of the Commission to update each local agency's sphere in a manner emphasizing a probable five-year annexation area. This update's analysis is consistent with this practiced timeframe.

IV. STUDY CATEGORIES

A. Criteria and Selection

This report emphasizes consistency between ACFPD's sphere and the American Canyon and County General Plans with respect to planned urban uses in identifying study categories. This approach is consistent with the provisions of CKH and the adopted policies and practices of the Commission, which as previously noted, includes classifying ACFPD as an urban service provider. Consideration is also given to ACFPD's service capacity based on information collected and analyzed as part of the Commission's recent municipal service review on the southeast county region.

Three study categories are identified and evaluated in this report based on the criteria outlined in the preceding paragraph. These study categories are evaluated for purposes of considering the merits of adding the affected lands to ACFPD's sphere. Study Category "A" encompasses 376 total acres that were recently added to American Canyon's sphere. Study Category "B" encompasses 26 total acres lying outside American Canyon's sphere, but anticipated to require elevated governmental service levels under the City General Plan. Study Category "C" encompasses 87 total acres lying outside American Canyon's sphere, but expected to require elevated governmental service levels under the County General Plan.

¹⁰ Measure J was enacted by Napa County voters in 1990 and prohibits the amendment of agricultural or open-space land use designations in unincorporated areas without electorate approval through 2020. This initiative was extended in 2008 through 2050 through Measure "P."

A potential fourth study category was also considered for inclusion in this review and update. This category comprises approximately 147 acres of non-jurisdictional lands lying in ACFPD’s current sphere, but outside American Canyon’s sphere and designated for a non-urban use by the County. The affected lands have been in the sphere for over 30 years without annexing to ACFPD, which suggests removal may be warranted given the apparent lack of landowner interest in receiving an elevated level of fire related services. However, the Commission discussed the merits of removing the affected lands from the sphere as part of the previous update. The Commission concluded retention was appropriate given nearly all of the affected lands are already developed with single-family residences and an elevated level of fire related services was merited in support of these existing uses. With this previous conclusion in mind, and in the absence of new Commission direction, reducing the sphere to exclude the affected lands is not further considered as part of this review.

Figure Seven

