

LAFCO of Napa County

Local Agency Formation Commission

1700 Second St, Suite 268
Napa, CA 94559
(707) 259-8645
FAX (707) 251-1053
<http://napa.lafco.ca.gov>

AGENDA ITEM NO. 9a

October 9, 2003

TO: Local Agency Formation Commission

FROM: Daniel Schwarz, Executive Officer

SUBJECT: *Comprehensive Study of American Canyon:*
Sphere of Influence Review

In a report presented to the Commission at its August 14, 2003 meeting, the Executive Officer stated staff's intent to deliver a draft sphere of influence review report and a draft environmental impact initial study for this meeting. These documents were to be delivered for a preliminary reading, after which they would be circulated for comment to affected agencies and interested parties. This would allow the Commission to consider the sphere review for possible action at its December 11 meeting. Staff continues to work toward a December 11 date for the Commission to consider actions relating to the sphere of influence of American Canyon. However, elements critical to staff's analysis have changed in recent weeks, presenting new issues that must be addressed. Staff is working with the Commission's consultant, Nichols-Berman, to complete both documents and release them for review and comment at the end of October or beginning of November.

Foremost of concern to staff is how to proceed subsequent to the initial study. LAFCOs are rarely the lead agency under the California Environmental Quality Act (CEQA), so there is very little precedent for the type of study being conducted. As was noted in the August 14 report on this project, staff is attempting to craft an initial study that properly considers the cumulative impacts of a sphere of influence review and update. As there are no underlying projects, the initial study must contemplate the difference in the level of impacts of the most significant development allowed by the general plans of the County of Napa and the City of American Canyon, respectively. The complexity of this analysis lies in the review of traffic impacts. The already strained circulation system in American Canyon would be significantly burdened by new development in the focus areas, regardless of whether that development occurs under the jurisdiction of the County or the City.

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Daniel Schwarz
Executive Officer

LAFCO, because it does not have regulatory authority over land use, cannot directly mitigate any impacts found by the initial study. Instead, two options are available. One approach is to craft “mitigation” measures as inquiries or mandates for further analysis that must be conducted as part of any annexation proposal. Another approach is to rely on the analyses and measures contained within other CEQA documents.

It is this latter approach that has given staff reason to pause. There is at least one impact identified by LAFCO’s initial study for which there may not be any mitigation possible. In such an instance, it is common practice to turn to the CEQA documents of other agencies to determine if an appropriate level of analysis has been conducted on the issue. As the Commission determined at the conclusion of its service review of the City of American Canyon, the American Canyon circulation element (of the General Plan) requires revising. There are no existing CEQA documents upon which the Commission can comfortably rely. Staff requires additional time to consult with the staffs of the City and the County to determine if this is indeed the case.

If it proves correct that there is an impact that cannot be mitigated to a less-than-significant level, then the Commission will face one of two choices. One option will be to fund an environmental impact review (EIR). (LAFCO staff has asked Nichols-Berman to provide an estimate of the cost of converting the completed study into an EIR and will present that estimate at the October 9 meeting.) The other option will be to declare that the sphere review cannot be completed without an update of the City’s circulation element.

While working to complete its analysis, staff is also attempting to monitor discussions between the City of American Canyon and the County of Napa with respect to regional housing needs determinations. These discussions have been between committees of the two boards and have occurred behind closed doors. Nonetheless, general details of the discussions have been released at subcommittee meetings of the Napa County League of Governments (NCLOG). Details have also appeared in the Napa Valley Register. There are indications that annexations to the City of American Canyon are part of a proposed deal between the two agencies. It is likely that these annexations involve territory that is being discussed in LAFCO’s sphere review. Staff is hoping that the details of any deal between the agencies will be made public in October, which would allow for their consideration in staff’s final analysis.

RECOMMENDATION

It is recommended for the Commission to receive and file this report.

Respectfully Submitted,

Daniel Schwarz
Executive Officer