



Local Agency Formation Commission
LAFCO of Napa County

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Napa, California 94559
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Facsimile: (707) 251-1053
<http://napa.lafco.ca.gov>

August 2, 2010
Agenda Item No. 5d (Consent: Action)

July 30, 2010

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Request from the City of American Canyon for a Time Extension to Meet Approval Conditions in LAFCO Resolution No. 10-13

The Commission will consider a written request from the City of American Canyon to receive an extension of time to complete conditions associated with the approval to add certain territory to the City's sphere of influence included in LAFCO Resolution No. 10-13. The request would extend the time to complete approval conditions from August 2, 2010 to August 4, 2010. This item was added to the agenda following the regular posting and is expected to be considered by the Commission upon a determination by a majority of members the underlying request requires immediate action as provided under Government Code Section 54954.2.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 directs Local Agency Formation Commissions (LAFCOs) to review and update each local agency's sphere of influence every five years as needed. LAFCO updates spheres to designate the territory it believes represents the appropriate and probable service area and jurisdictional boundary of the affected agency within a given timeframe. All jurisdictional changes, such as annexations and detachments, must be consistent with the spheres of the affected local agencies with limited exceptions.

A. Background

At its June 7, 2010 meeting, LAFCO of Napa County ("Commission") conducted a noticed public hearing to consider approving a comprehensive update to the City of American Canyon's sphere of influence. As part the approved update, the Commission added territory to the sphere of influence identified in the accompanying written report from the Executive Officer as Study Area A, which includes properties commonly referred to as "Atkins," "Headwaters," and "Panattoni." The Commission conditioned this approval on the execution and recording of industrial easements for the affected lands as set forth in an earlier agreement between American Canyon and the County. The Commission specified the deadline for meeting the condition as August 2, 2010.

Juliana Inman, Chair
Councilmember, City of Napa

Lewis Chilton, Commissioner
Councilmember, Town of Yountville

Joan Bennett, Alternate Commissioner
Councilmember, City of American Canyon

Bill Dodd, Vice Chair
County of Napa Supervisor, 4th District

Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

Mark Luce, Alternate Commissioner
County of Napa Supervisor, 2nd District

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

B. Discussion/Analysis

The Commission has received a written request from American Canyon seeking a two-day time extension to satisfy the approval conditions outlined in the preceding section. The requested extension appears warranted given the County cannot meet to accept the executed easements from American Canyon until August 3, 2010. Staff has confirmed the County has agendaized an item to accept the executed easements as part of the regular consent calendar for its August 3rd meeting.

Please note staff did not receive the time extension request from American Canyon until after the regular agenda was posted. As a result, this item has been added to an amended agenda and posted 48 hours in advance of the regular meeting. Government Code Section 54954.2 allows public agencies to consider items not included in their original posting under special circumstances. This includes circumstances in which there is a need to take immediate action and that the need for action came to the attention of the agency after the agenda posting. This circumstance applies to this item. An extension of time must be granted before the end of August 2, 2010 to avoid terminating the sphere of influence update as it relates to Study Area A. Staff was also not aware at the time of the agenda posting of the need for the County Board of Supervisors to accept the executed easements as part of the recording process and therefore the issue of a time extension was not discussed with American Canyon.

C. Alternatives for Commission Action

The following two alternative actions are available for Commission consideration today.

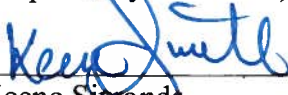
- Option One:**
- (a) Determine the need to address American Canyon's request to extend its deadline for completing the conditions outlined in LAFCO Resolution No. 10-13 is immediate and was not previously known at the time of the regular agenda posting; and
 - (b) Approve the request by American Canyon to extend the deadline for completing the conditions outlined in LAFCO Resolution No. 10-13 from August 2, 2010 to August 4, 2010.

Option Two: Take no action.

D. Recommendation

Staff recommends the Commission take actions consistent with Option One as summarized in the preceding section.

Respectfully submitted,


Keene Simonds
Executive Officer

Attachments:

- 1) Written Request from American Canyon
- 2) LAFCO Resolution No. 10-13

Simonds, Keene

From: Kypros Hostetter [khostetter@lawross.com]
Sent: Thursday, July 29, 2010 8:01 PM
To: Simonds, Keene
Cc: Darbinian, Silva; William Ross
Subject: City of American Canyon Sphere of Influence Update Conditions
Attachments: Simonds (Sphere of Influence Amendment Approval; request for extenstion; conditions) 072810.pdf

Dear Mr. Simonds,
Attached is a communication requesting an item to be placed on the August 2, 2010 LAFCO Agenda. Please let me know if you have difficulty opening the attachment.
thank you
Kypros Hostetter

Kypros G. Hostetter
Law Offices of William D. Ross
A Professional Corporation
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Los Angeles, CA 90071-2610
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THANK YOU.

William D. Ross
Kypros G. Hostetter
Karin A. Briggs
Isabel Birrueta
Matthew S. Schuman

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File No: 199/6.22

July 29, 2010

VIA ELECTRONIC & U.S. MAIL

Keene Simonds
Executive Officer
Napa County LAFCO
1700 Second Street, Suite 268,
Napa, California 94559

Re: August 2, 2010 LAFCO Meeting; Request for Extension of Time to Meet
Conditions of Approval to American Canyon Sphere of Influence Amendment
Approval;

Dear Mr. Simonds:

On June 7, 2010 the Local Agency Formation Commission of Napa County ("NAPA") approved the Sphere of Influence Update ("SOI") for the City of American Canyon ("City") which included the addition to the SOI of City Study Areas A, D, F, and the portion of E designated and zoned by the City as Town Center. LAFCO conditioned the addition of Study Area A by requiring that the granting and recording of the industrial easements as set forth in the Agreement between the County of Napa ("County") and the City of American Canyon, dated July 3, 2008 be accomplished on or before August 2, 2010 (the, "Conditions").

To accomplish the Conditions, the City respectfully requests that LAFCO grant a two (2) day extension to fulfill the Conditions, as the County Board of Supervisors ("Board") does not meet until August 3, at which time they are expected to accept the easements. The City requests two days to allow for time for the Board to grant the referenced easements and to record the grant documents with the County Recorder's office.

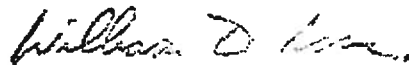
We are informed the LAFCO Executive Officer's Office will request the Board to clarify its intention as to how to proceed if all the easements required by the Conditions may not be granted—will only the property for which an easement is not granted be omitted from the City SOI, or will all the property subject to the easements be omitted? As such, we request that the City's request to extend the time by which to comply with the Conditions be agendized along

Keene Simonds
Executive Officer
Napa County LAFCO
July 29, 2010
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with the referenced clarification on the LAFCO August 2, 2010 Agenda.

Please inform the undersigned if this will be acceptable.

Very truly yours,

A handwritten signature in black ink, appearing to read "William D. Ross". The signature is written in a cursive style with a horizontal line at the end.

William D. Ross

WDR:sf

cc: Silva Darbinian, Esq.
Deputy County Counsel, County of Napa
sdarbinian@co.napa.ca.us

RESOLUTION NO. 10-13

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

**CITY OF AMERICAN CANYON
SPHERE OF INFLUENCE UPDATE**

STUDY AREA A

WHEREAS, the Local Agency Formation Commission of Napa County, hereinafter referred to as “the Commission”, adopted a schedule to conduct studies of the provision of municipal services in conjunction with reviewing the spheres of influence of the local governmental agencies whose jurisdictions are within Napa County; and

WHEREAS, the Executive Officer of the Commission, hereinafter referred to as “the Executive Officer”, prepared a comprehensive review of the sphere of influence of the City of American Canyon pursuant to said schedule and California Government Code Section 56425; and

WHEREAS, the Executive Officer prepared a written report of the review, including his recommendation to add three distinct areas to the sphere of influence, including lands designated for review as Study Area “A”; and

WHEREAS, said Executive Officer’s report has been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at public meetings held on April 5, 2010, May 3, 2010, and June 7, 2010; and

WHEREAS, the Commission considered all the factors required by law under California Government Code Section 56425.

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

1. American Canyon’s sphere of influence is updated to include Study Area A as depicted in the attached Exhibit “One” subject to the granting and recording on or before August 2, 2010 of the industrial easements as set forth in the Agreement between the County of Napa and the City of American Canyon, dated July 3, 2008.
2. The Commission, as lead agency, hereby determines the approved update to American Canyon’s sphere is exempt from further review under the California Environmental Quality Act pursuant to California Code of Regulations Section 15061(b)(3). This exemption is based

3. This sphere of influence update is assigned the following distinctive short-term designation:

**CITY OF AMERICAN CANYON
SPHERE OF INFLUENCE UPDATE
STUDY AREA A**

4. Pursuant to California Government Code Section 56425 of the Government Code, the Commission makes the statements of determinations in the attached Exhibit "Two."
6. The effective date of this sphere of influence update shall be immediate.
7. The Executive Officer shall revise the official records of the Commission to reflect this update of the sphere of influence.

The foregoing resolution was duly and regularly adopted by the Commission at a meeting held on June 7, 2010 by the following vote:

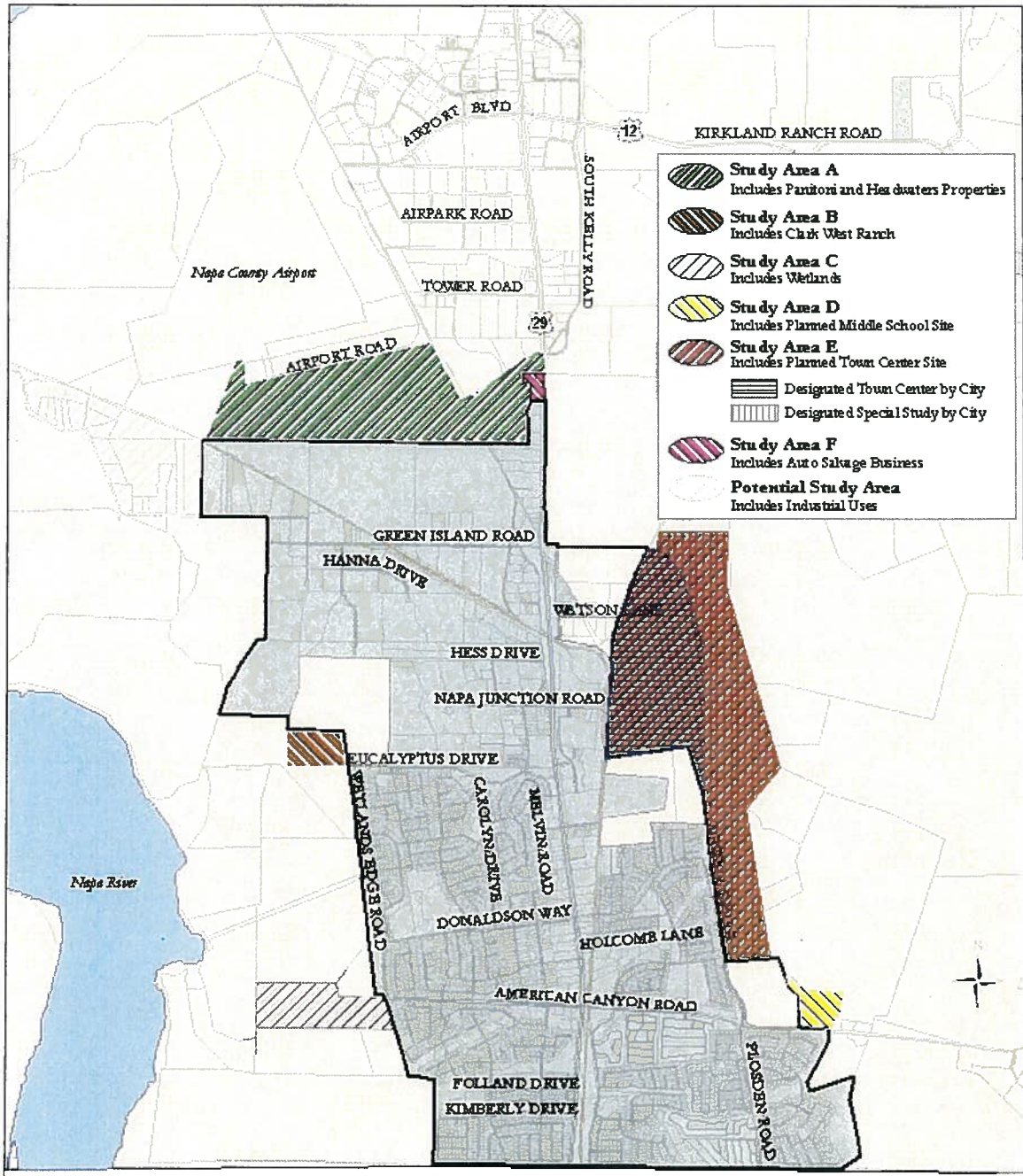
AYES:	Commissioners	<u>WAGENKNECHT, CHILTON, INMAN, KELLY AND LUCE.</u>
NOES:	Commissioners	<u>NONE</u>
ABSENT:	Commissioners	<u>DODD</u>
ABSTAIN:	Commissioners	<u>NONE</u>

ATTEST: Keene Simonds
Executive Officer




Recorded by: Kathy Mabry
Kathy Mabry
Commission Secretary

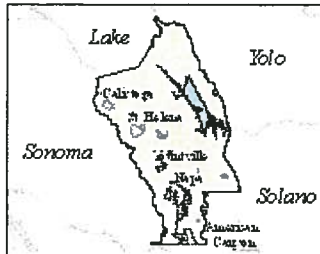
EXHIBIT ONE

Study Areas



Legend

-  City of American Canyon Jurisdictional Boundary
-  City of American Canyon Sphere of Influence
-  Unincorporated Land



0 0.25 0.5 Miles



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EXHIBIT TWO
STATEMENT OF DETERMINATIONS

CITY OF AMERICAN CANYON
SPHERE OF INFLUENCE UPDATE

STUDY AREA A

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

Lands within American Canyon's updated sphere are predominately developed for urban uses or expected to be developed for urban uses within the next five years. Agricultural and open-space lands in the updated sphere are relatively limited.

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

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

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

The Commission's recently completed municipal service review on the southeast county region indicates American Canyon has generally established adequate administrative, service, and financial capacities to accommodate present and planned urban uses within the updated sphere.

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

Lands within the updated sphere have established social and economic interdependencies with American Canyon distinct from neighboring unincorporated areas. The update affirms and strengthens these established community ties.