



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

1030 Seminary Street, Suite B  
Napa, California 94559  
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www.napa.lafco.ca.gov

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

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**August 6, 2012**

**Agenda Item No. 6a (Public Hearing)**

July 30, 2012

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer  
Brendon Freeman, Analyst

**SUBJECT: Devlin Road/South Kelly Road No. 2 Reorganization**

The Commission will consider a joint proposal from the City of American Canyon and American Canyon Fire Protection District to annex approximately 1.1 acres of unincorporated territory located southwest of the intersection of Devlin and South Kelly Roads. The affected territory comprises a portion of a legal lot owned and developed with a train track by Southern Pacific Railroad. Staff recommends approval of the proposal with a discretionary amendment to concurrently detach the affected territory from County Service Area No. 4. Staff also recommends approval of a fee waiver request given the limited scope of the proposal.

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Local Agency Formation Commissions (LAFCOs) are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to regulate the formation and development of local governmental agencies and their municipal services. This includes approving or disapproving proposed changes of organization, such as boundary modifications, consistent with adopted policies and procedures pursuant to California Government Code (G.C.) Section 56375. Two or more of these actions in a single proposal are referred to as a reorganization. LAFCOs are authorized with broad discretion in amending and conditioning change of organizations or reorganizations as long as the latter does not directly regulate land uses or subdivision requirements.

**A. Discussion**

*Applicants Proposal*

LAFCO of Napa County (“Commission”) has received a joint proposal from the City of American Canyon and American Canyon Fire Protection District (ACFPD) requesting approval to annex approximately 1.1 acres lying within the designated Napa County Airport Industrial Area. The applicants are also requesting a fee waiver approval from the Commission. A vicinity map depicting the affected territory follows.

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Lewis Chilton, Chair  
Councilmember, Town of Yountville

Brad Wagenknecht, Vice Chair  
County of Napa Supervisor, 1st District

Brian J. Kelly, Commissioner  
Representative of the General Public

Joan Bennett, Commissioner  
Councilmember, City of American Canyon

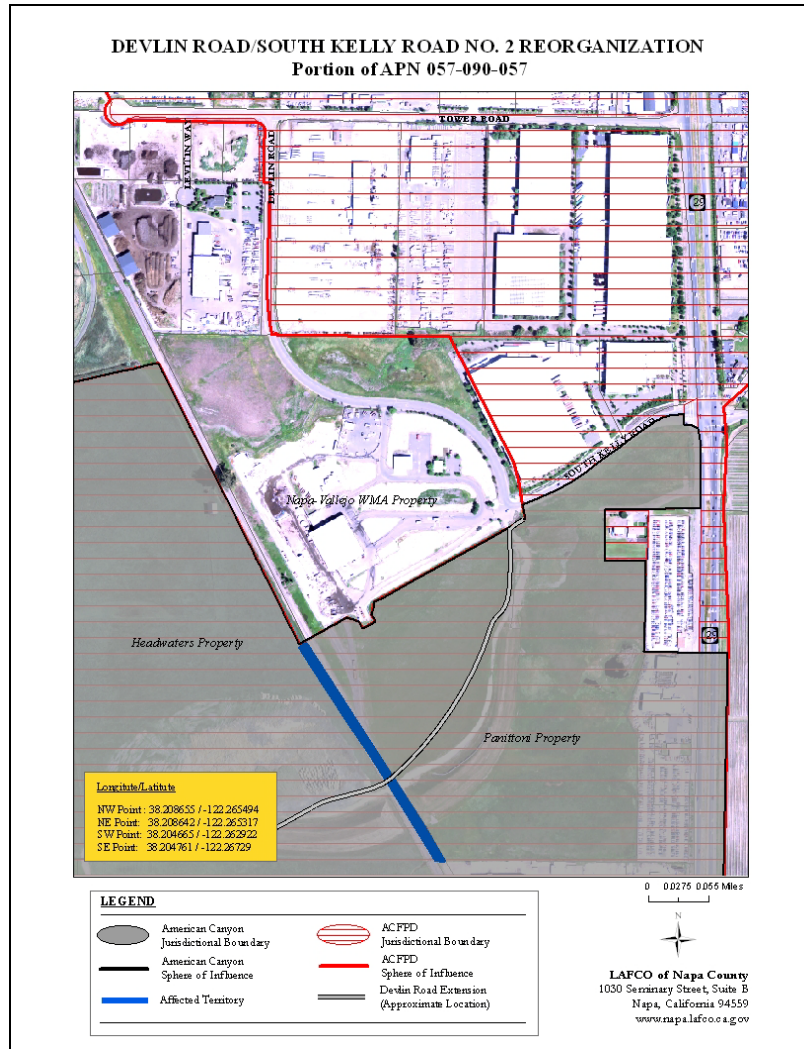
Bill Dodd, Commissioner  
County of Napa Supervisor, 4th District

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

Keene Simonds  
*Executive Officer*



The Commission added the affected territory to both agencies' spheres of influence as part of comprehensive updates completed in 2010. The affected territory consists of a portion of a legal lot owned by Southern Pacific Railroad and developed with a train track that extends north into the Napa Valley.<sup>1</sup> The approximate center portion of the affected territory now underlies an overcrossing of the train track as part of the recently completed Devlin Road southern extension.

The underlying and immediate purpose of the proposal is to eliminate an existing unincorporated corridor substantially surrounded by American Canyon and ensure the City has full control in operating and maintaining Devlin Road south of South Kelly Road.<sup>2</sup> Annexation to ACFPD, similarly, would eliminate a corridor substantially surrounded by the District and ensure the District fire protection and emergency medical services align with American Canyon as it relates to the affected territory.

<sup>1</sup> The County of Napa Assessor's Office identifies the affected lot as 057-090-057.

<sup>2</sup> Although substantially surrounded by American Canyon, the affected territory does not qualify as an "island" for purposes of expedited annexation proceedings under LAFCO law given it was created after January 1, 2000.

## **B. Analysis**

G.C. Section 56375 delegates to LAFCOs the responsibility to approve or disapprove, with or without amendments, proposals for changes of organization 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.

### ***Discretionary Considerations***

In reviewing the application materials, and in consideration of adopted policies, it appears one discretionary amendment appears appropriate with respect to the Commission's consideration of the proposal as submitted. The subject amendment would involve the Commission enforcing its policy to require all annexations to cities to be reorganized to include concurrent detachment from County Service Area (CSA) No. 4 unless waived based on specific circumstances.<sup>3</sup> The prescribed waiver involves a determination the affected territory has been, or is expected to be, developed to include planted vineyards totaling one acre or more in size. Staff has evaluated this policy relative to the proposal and concludes the waiver does not apply given there is no indication the land has or will be used for vineyard use; all of which substantiates there is no existing or expected connection between the affected territory and CSA No. 4 in providing local public farmworker housing services.

### ***Mandatory Considerations***

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, including whether special conditions to approval are merited. An evaluation of these factors as it relates to the proposal follows.

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<sup>3</sup> 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 assessment on all assessor parcels within its jurisdiction containing one acre or more of planted vineyards for the purpose of funding farmworker housing services. The referenced Commission policy to reorganize city annexations to include concurrent detachments from CSA No. 4 is provided under General Policy Determination VII/D/3(a).

- 1) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, during the next 10 years.**

The affected territory is 1.09 acres and undeveloped with respect to no buildings or structures. The affected territory, however, does include a physical improvement consisting of an active train track owned and operated by Southern Pacific Railroad and is currently used to transport freight in the immediate region. There is no expectation the affected territory will be developed for any other use in the foreseeable future. Topography is relatively flat with an elevation ranging from 42 to 46 feet above sea level. Actual slope has been calculated at less than one degree. There is no assessed value given the affected territory is owned and operated by a railroad utility and is therefore exempt from property taxes.

- 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.**

Public facilities and services currently available or provided within the affected territory are considered basic and include road, law enforcement, and fire protection, emergency medical services from the County. The affected territory also receives basic services, directly and indirectly, from several countywide special districts relating to vector control, soil conservation, parks and open-space, and flood control.

The present and future need for elevated services within the affected territory appears limited to elevated street, fire protection, and emergency medical services. These needs, in particular, appear pertinent to the portion of the affected territory that includes the recently completed Devlin Road overpass. Based on the Commission's most recent municipal service review for the southeast region, and specific to current capacities, American Canyon and ACFPD appear best positioned in providing these respective elevated services going forward.

- 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 strengthen the social and economic ties existing between the affected territory and American Canyon and ACFPD. These ties were recognized by the Commission in June and August 2010 in its decision to add the affected territory to both agencies' spheres of influence as part of comprehensive updates.

- 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 priorities set forth in G.C. Section 56377.**

The Commission has previously determined American Canyon and ACFPD are the logical land use and service providers for the affected territory by including the subject land within these agencies' spheres of influence. In particular, the annexation of the affected territory represents an orderly extension of both agencies' northern jurisdictional boundaries and eliminates existing "gaps" within their current service areas. Further, annexation is not expected to induce any new development of the affected territory within the foreseeable future nor facilitate or lead to the conversion of open-space lands as defined under G.C. Section 56377.

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

The affected territory does not qualify as agricultural land under LAFCO law pursuant to G.C. Section 56016.

- 6) **The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.**

The affected territory comprises an existing and known unincorporated corridor substantially surrounded by both the jurisdictional boundaries of American Canyon and ACFPD. The definiteness and certainty of the affected territory is reasonably depicted in the draft map and geographic description prepared by the applicant's surveyor. Proposal approval would be conditioned on the receipt of a final map and geographic description of the affected territory prepared in accordance with State Board of Equalization requirements and verified by the Executive Officer.

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

The American Canyon General Plan designates the affected territory as *Industrial*. This designation contemplates a broad range of intensive urban uses, including manufacturing, aviation, business parks, agribusiness, warehouses, professional offices, supporting retail, and restaurants. These contemplated land uses are consistent with the County General Plan, which also designates the entire affected territory as *Industrial*. The proposed annexation is also consistent with the County's Airport Industrial Area Specific Plan (AIASP) given American Canyon has adopted a rezoning assignment fully incorporating the document's development and design standards for the affected territory.

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. Significantly, the RTP includes the southern extension of Devlin Road through the affected territory. Annexation approval, accordingly, is consistent with the RTP and expected to improve traffic circulation in the south county region.

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

The affected territory was added to American Canyon and ACFPD's spheres of influence as part of comprehensive updates adopted by the Commission in June and August 2010, respectively. The proposal, accordingly, conforms to the affected agencies' existing spheres of influence designations.

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

Staff electronically circulated a summary of the applicants' proposal to annex the affected territory to American Canyon and ACFPD along with accompanying materials for review to all subject local agencies on April 5, 2012. The summary also noted the likelihood staff would recommend amending the proposal to include the concurrent detachment from CSA No. 4. One comment was received and is summarized below.

- **County of Napa**

Board Chairman Keith Caldwell filed written support for the proposed annexation and referenced the public benefit of ensuring all of the Devlin Road extension lies within one jurisdiction.

**10) The ability of the newly formed or receiving entity to provide services, including the sufficiency of revenues.**

Existing and contemplated long-term use of the affected territory is not expected to generate any new substantive financial demands on American Canyon or ACFPD. Further, information collected and analyzed in the Commission's recent municipal service review on the southeast county region indicates American Canyon and ACFPD have adequate financial resources and controls relative to their current service commitments. No additional analysis appears merited.

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

The Commission has previously designated American Canyon as the appropriate water service provider for the affected territory in conjunction with establishing extraterritorial water/sewer service areas for the City in October 2007. The existing and contemplated long-term use of the affected territory is not expected to generate any new water demands on American Canyon. No additional analysis appears merited.

**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.**

The proposal would not facilitate any new housing development based on existing and planned uses and therefore will not have an impact on American Canyon or the County in meeting their future regional housing needs.

**13) Information from landowners, voters, or residents of the affected territory.**

The affected landowner – Southern Pacific Railroad – was provided notice of the annexation proposal by way of their parent company, Union Pacific Railroad. No comments have been received.

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

The County and American Canyon both designate the affected territory as *Industrial*. The following table summarizes contemplated land uses and densities within these respective designations as set forth by their governing boards.

Category	American Canyon	County of Napa
Designation	.....Industrial	.....Industrial
Designation Uses	.....Manufacturing	.....Manufacturing
	.....Aviation	.....Warehouses
	.....Agribusiness	.....Processing Facilities
	.....Thematic Industrial	.....Administrative Facilities
	.....Business Park	.....Research Institutions
	.....Warehouses	.....Office/Commercial Uses
	.....Professional Offices	
	.....Supporting Retail	
	.....Restaurants	
	.....Financial Uses	
	Lot Density	.....Minimum: N/A
Building Density	.....Maximum Coverage: 50%	.....Maximum Coverage: 50%

**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.

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

With respect to ACFPD, the current and future landowners of the affected territory will benefit from annexing into the District in terms of having available an elevated level of fire protection and emergency medical response services.

### ***Terms and Conditions***

Staff proposes the Commission apply standard terms and conditions 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 the State Board of Equalization. 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.<sup>4</sup> No special terms or conditions are proposed.

### ***Prezoning Determination***

G.C. Section 56375(e) requires cities prezone territory as a precondition to annexation. Accordingly, American Canyon has prezoned the entire affected territory as *SP-2 Napa County Airport Industrial Area Specific Plan*. This prezoning assignment fully incorporates the development and design standards codified in the County's AIASP, including specifying a minimum lot requirement of 5.0 acres. 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 Allocation Determination***

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCO can consider any change of organization irrespective of current values.<sup>5</sup> Accordingly, American Canyon and the County have agreed by resolution of their respective boards to a property tax exchange agreement applicable to the proposed action. The agreement specifies American Canyon and the County shall each receive 47.5% of the property tax increment tied to the affected territory with the remaining 5.0% dedicated to ACFPD.

### ***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.

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<sup>4</sup> State law requires all terms and conditions be satisfied within one calendar year of approval unless a time extension is requested and approved by the Commission. There is no time limit on the length of the extension.

<sup>5</sup> California Revenue and Taxation Code Section 99(b)(6) specifies all exchanges of property tax revenues involving special districts shall be negotiated on behalf of their respective county.



In adopting a resolution of application, American Canyon and ACFPD designated the County of Napa as lead agency with respect to assessing the environmental impacts tied to the proposal's underlying activity: annexation of the affected territory to the City and District to assume ongoing maintenance of the Devlin Road overpass. This includes American Canyon/ACFPD finding the underlying activity is consistent with the *Napa Commerce Center Project Initial Study/Addendum* (January 7, 2009) to the *Beringer Wine Estates / Devlin Road Facility Environmental Impact Report* (April 9, 2002). On behalf of the Commission and its duties as a responsible agency, staff has reviewed American Canyon/ACFPD's finding and believes the agencies made an adequate determination in considering the impacts tied to the proposal. Accordingly, if the Commission approves the proposal, staff will file a notice of determination with the County Clerk-Recorder's Office.

### ***Conducting Authority Proceedings***

The affected territory qualifies as uninhabited and the affected landowner – Southern Pacific Railroad – has not provided any objection to the proposal. Importantly, the Commission is authorized to waive conducting authority proceedings (i.e., protest) for this proposal under G.C. Section 56663(c)(1) so long as the subject agencies (American Canyon, ACFPD, and CSA No. 4) do not object and the following factors are satisfied:

- The Commission has considered the proposal as part of a noticed public hearing.
- Southern Pacific Railroad has not submitted written opposition prior to the conclusion of the Commission's noticed public hearing.

### **D. Recommendation**

Staff recommends the Commission approve the proposal to annex the affected territory to American Canyon and ACFPD along with a discretionary amendment to concurrently detach the subject land from CSA No. 4. Most notably, the recommended reorganization would provide a logical and sensible northern boundary for American Canyon and ACFPD and ensure both agencies have complete control over ongoing service responsibilities for the recently completed Devlin Road extension. Staff also recommends the Commission waive its application fee as requested by the applicants. This latter recommendation is justified given the reorganization represents relatively minor boundary changes and the necessary analysis under State law and local policy has not required the same level of staff resources compared to typical proposals.

## **E. Alternatives for Commission Action**

Staff has identified three options for Commission consideration with respect to the proposal. These options are summarized below.

### **Alternative Action One (Recommended):**

Approve the proposal as submitted to annex the affected territory to American Canyon and ACFPD with an amendment to detach the affected territory from CSA No. 4 and waive the application fee. Standard approval conditions apply.

### **Alternative Action Two:**

Continue consideration of the item to a future meeting and provide direction for more information if needed.

### **Alternative Action Three:**

Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year.

## **F. Procedures for Consideration**

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

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

Respectfully submitted,

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Keene Simonds  
Executive Officer

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Brendon Freeman  
Analyst

### Attachments:

- 1) Draft Resolution of Approval
- 2) Application Materials
- 3) Letter of Support from the County of Napa
- ~~4) Environmental Documents (electronic copies)~~

**RESOLUTION NO. \_\_\_\_\_**

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

**DEVLIN ROAD/SOUTH KELLY ROAD NO. 2 REORGANIZATION**

**WHEREAS**, the City of American Canyon and American Canyon Fire Protection District, by separate resolutions of application, have filed a joint proposal with 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 approximately 1.09 acres of land to the City of American Canyon and American Canyon Fire Protection District and represents a portion of a legal lot identified by the County of Napa Assessor’s Office as 057-090-057;

**WHEREAS**, the Commission’s Executive Officer has reviewed the proposal and prepared a report with recommendations;

**WHEREAS**, the Executive Officer’s report and recommendations on the proposal 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 on August 6, 2012; and

**WHEREAS**, the Commission considered all the factors required by law under Government Code Section 56668 and adopted local policies and guidelines.

**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 designated lead agency – County of Napa – concerning potential impacts associated with the proposal in accordance with the California Environmental Quality Act (CEQA). This specifically involves consideration of County of Napa’s *Beringer Wine Estates/Devlin Road Facility Final Environmental Impact Report* (re-certified on April 9, 2002) and the associated *Napa Commerce Center Project Initial Study/Addendum* (adopted January 7, 2009); documents that collectively assessed the environmental impacts tied to the proposed annexation. The Commission adopts and incorporates by reference the County’s findings as set forth in its Resolution No. 02-72 on the identified potentially significant impacts, associated mitigation measures, and unavoidable significant impacts for the affected territory, including the statement of overriding considerations. The Commission’s findings are based on its independent judgment and analysis. The records upon which these findings are made are located at the Commission office at 1030 Seminary Street, Suite B, Napa, California 94559.
2. The proposal is APPROVED with the following amendment:

a) The affected territory (1.09 acre portion of 057-090-057) is concurrently detached from County Service Area No. 4 in accordance with Commission Policy Determination VII/D/3/a.

3. The proposal is assigned the following distinctive short-term designation:

**DEVLIN ROAD/SOUTH KELLY ROAD NO. 2 REORGANIZATION**

4. The affected territory is depicted in draft geographic description and map provided in Exhibit "A".
5. The affected territory is uninhabited as defined in Government Code Section 56046.
6. The City of American Canyon utilizes the regular assessment roll of the County of Napa.
7. 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 and American Canyon Fire Protection District. The affected territory will also be subject to all of the rates, rules, regulations, and ordinances of the City of American Canyon and American Canyon Fire Protection District.
8. The Commission authorizes conducting authority proceedings to be waived in accordance with Government Code Section 56663(c)(1).
9. The Commission waives the application fee associated with the proposal.
10. Recordation is contingent upon receipt by the Executive Officer of the following:
  - (a) A final 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 annexation to the City of American Canyon and American Canyon Fire Protection District
  - (b) Payment of any outstanding fees owed to other agencies involved in the processing of this proposal.
  - (c) An indemnification agreement signed by the City of American Canyon and American Canyon Fire Protection District in a form provided by the Commission Counsel.
11. 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 August 6, 2012, by the following vote:

AYES: Commissioners \_\_\_\_\_

NOES: Commissioners \_\_\_\_\_

ABSTAIN: Commissioners \_\_\_\_\_

ABSENT: Commissioners \_\_\_\_\_

ATTEST: Keene Simonds  
Executive Officer

Recorded by: \_\_\_\_\_  
Kathy Mabry  
Commission Secretary

#4106054.3  
May 15, 2012

**EXHIBIT A**  
**SOUTHERN PACIFIC RAILROAD**  
**ANNEXATION TO THE CITY OF AMERICAN CANYON**  
**AND AMERICAN CANYON FIRE PROTECTION DISTRICT**  
**GEOGRAPHIC DESCRIPTION**

All that certain real property situated in a portion of Section 12, Township 4 North, Range 4 West, Mount Diablo Base and Meridian, in the County of Napa, State of California described as follows:

Beginning at a northern corner point on the existing City of American Canyon and American Canyon Fire Protection District boundary, said point also being the southwest corner of the lands of South Napa Waste Management Authority, as described in the Grant Deed recorded on November 19, 1993, as Series Number 1993-37831 of Official Records of Napa County and on the northeastern right of way of the Southern Pacific Railroad of the Calistoga Branch;

thence along said district boundary (1) South 28° 53' 55" East 1,225.75 feet along said right of way;

thence leaving said right of way (2) North 89° 19' 05" West 57.49 feet to a point on the existing district boundary said point also being on the southwestern right of way of the Southern Pacific Railroad of the Calistoga Branch;

thence (3) North 28° 53' 55" West 1,197.34 feet along said southwestern right of way to the purlongation of the existing district boundary from the east;

thence along said purlongation (4) North 61° 04' 14" East 50.00 feet to the **Point of Beginning**.

END OF DESCRIPTION




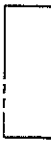
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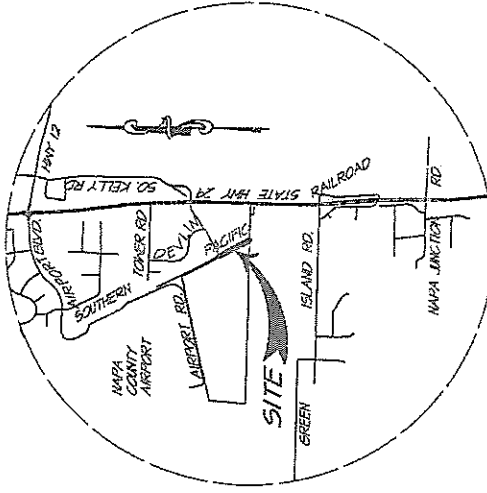
# SOUTHERN PACIFIC RAILROAD ANNEXATION TO THE CITY OF AMERICAN CANYON AND AMERICAN CANYON FIRE PROTECTION DISTRICT NAPA COUNTY CALIFORNIA

FOR ASSESSMENT PURPOSES ONLY, THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR ANY OFFER FOR SALE OF THE LAND DESCRIBED.

COURSES		
COURSE 1:	S28°53'55"E	1225.15'
COURSE 2:	N89°19'05"W	57.49'
COURSE 3:	N28°53'55"W	1197.34'
COURSE 4:	N61°04'14"E	50.00'
1.39 ACRES ±		

### LEGEND

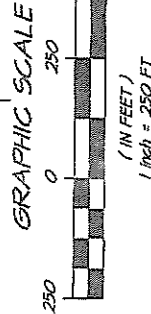
-  EXISTING CITY OF AMERICAN CANYON AND AMERICAN CANYON FIRE PROTECTION DISTRICT BOUNDARY
-  PROPOSED SOUTHERN PACIFIC RAILROAD PROPERTY ANNEXATION BOUNDARY



KEY MAP  
NO SCALE



STATE HIGHWAY 29



**RICHERS  
SPENCE  
ASSOCIATES**  
CONSULTING CIVIL ENGINEERS

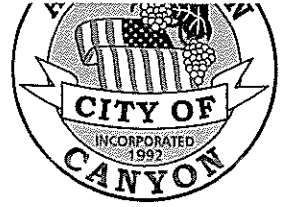
1515 Fourth Street  
Napa, Calif. 94559  
P 707.252.3301  
F 707.252.4966

4106054.3 MAY 15, 2012

DRAFT

# CITY OF AMERICAN CANYON

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April 3, 2012

Keene Simonds, Executive Officer  
Local Agency Formation Commission  
1700 Second Street, Suite 268  
Napa, CA 94559

**Subject: Submittal of Application to Annex 1.09 acres of railroad property bisected by Devlin Road in the Napa Airport Industrial Park into the City of American Canyon and the American Canyon Fire Protection District**

Dear Mr. Simonds,

It is our pleasure to submit an application to annex annexation of 1.09 acres of railroad property bisected by Devlin Road in the Napa Airport Industrial Park into the City of American Canyon. Enclosed are the application materials. Per our previous discussion, and due to the de minimus aspect of the application, I would like to respectfully request the application fees be waived for this application. If you require any further information, I may be contacted at (707) 647-4335 or by e-mail at [bcooper@cityofamericancanyon.org](mailto:bcooper@cityofamericancanyon.org).

Sincerely,  
CITY OF AMERICAN CANYON

Brent Cooper, AICP  
Community Development Director

Attachments:

1. Application
2. Resolution of Support
3. Letter of support from Napa County

cc: (Without attachments)

Supervisor Keith Caldwell  
Nancy Watt, Napa County CEO  
Dana Shigley, City Manager  
Bill Ross, City Attorney  
Doug Pope, Headwaters Development Company





**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON AUTHORIZING AN APPLICATION TO THE NAPA COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO ANNEX 1,200 FEET OF RAILROAD PROPERTY (APPROXIMATELY 1.09 ACRES) BISECTED BY DEVLIN ROAD IN THE NAPA AIRPORT INDUSTRIAL PARK (PORTION OF APN 057-090-057)**

**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**, the Union Pacific Railroad is located between the Headwaters and Panattoni property; and

**WHEREAS**, Devlin Road has been constructed across the Headwaters and Panattoni properties and an overpass has been built at the location Devlin Road crosses the railroad property; and

**WHEREAS**, annexation of 1,200 feet of railroad property would add 1.09 acres to the City and American Canyon Fire Protection District; and

**WHEREAS**, annexing the railroad property that separates the Headwaters and Panattoni property would simplify a Union Pacific Railroad agreement that allows Devlin Road to cross over railroad property by designating the City and not the County as the jurisdiction responsible for the railroad overcrossing; and

**WHEREAS**, Napa County has provided written support for the proposed annexation; and

**WHEREAS**, annexation of the railroad property is consistent with an Addendum to the Beringer Wine Estates EIR certified on 4/9/02 and 1/7/09.

**NOW, THEREFORE, the City Council of the City of American Canyon does hereby RESOLVE AS FOLLOWS:**

**SECTION 1. ANNEXATION APPLICATION**

That staff is authorized to submit an application to the Napa County Local Agency Formation Commission to request annexation of approximately 1.09 acres of Union Pacific Railroad property into the City of American Canyon (portion of APN 057-090-057).

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of American Canyon on March 20, 2012 by the following vote:

<b>MAYOR GARCIA:</b>	<u>yes</u>
<b>VICE MAYOR COFFEY:</b>	<u>yes</u>
<b>COUNCILMEMBER B. BENNETT:</b>	<u>yes</u>
<b>COUNCILMEMBER J. BENNETT:</b>	<u>yes</u>
<b>COUNCILMEMBER JOSEPH:</b>	<u>yes</u>

Leon Garcia  
Leon Garcia, Mayor

**ATTEST:**  
Rebekah Barr  
Rebekah Barr, MMC,  
City Clerk

**APPROVED AS TO FORM:**  
William D. Ross  
William D. Ross,  
City Attorney

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON SITTING EX OFFICIO AS THE BOARD OF DIRECTORS OF THE AMERICAN CANYON FIRE PROTECTION DISTRICT A SUBSIDIARY SPECIAL DISTRICT OF THE CITY OF AMERICAN CANYON AUTHORIZING AN APPLICATION TO THE NAPA COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO ANNEX 1,200 FEET OF RAILROAD PROPERTY (APPROXIMATELY 1.09 ACRES) BISECTED BY DEVLIN ROAD IN THE NAPA AIRPORT INDUSTRIAL PARK (PORTION OF APN 057-090-057)**

**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**, the Union Pacific Railroad is located between the Headwaters and Panattoni property; and

**WHEREAS**, Devlin Road has been constructed across the Headwaters and Panattoni properties and an overpass has been built at the location Devlin Road crosses the railroad property; and

**WHEREAS**, annexation of 1,200 feet of railroad property would add 1.09 acres to the City and American Canyon Fire Protection District; and

**WHEREAS**, annexing the railroad property that separates the Headwaters and Panattoni property would simplify a Union Pacific Railroad agreement that allows Devlin Road to cross over railroad property by designating the City and not the County as the jurisdiction responsible for the railroad overcrossing; and

**WHEREAS**, Napa County has provided written support for the proposed annexation; and

**WHEREAS**, annexation of the railroad property is consistent with an Addendum to the Beringer Wine Estates EIR certified on 4/9/02 and 1/7/09.

**NOW, THEREFORE**, the City Council, sitting ex-officio as the Board of Directors of the American Canyon Fire Protection District does hereby **RESOLVE AS FOLLOWS**:

**SECTION 1. ANNEXATION APPLICATION**

That staff is authorized to submit an application to the Napa County Local Agency Formation Commission to request annexation of approximately 1.09 acres of Union Pacific Railroad property into the City of American Canyon (portion of APN 057-090-057).

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of American Canyon on March 20, 2012, by the following vote:

- CHAIRMAN GARCIA:**
- VICE CHAIRMAN COFFEY:**
- BOARDMEMBER B. BENNETT:**
- BOARDMEMBER J. BENNETT:**
- BOARDMEMBER JOSEPH:**

aye  
Absent  
Aye  
Aye  
Aye

Leon Garcia  
 Leon Garcia, Chairman, Board of Directors

**ATTEST**  
Glen E. Weeks  
 Glen E. Weeks, District Clerk

**APPROVED AS TO FORM:**  
William D. Ross  
 William D. Ross, District Counsel  
 American Canyon Fire Protection District

FORM D

Date Filed: \_\_\_\_\_

Received By: \_\_\_\_\_

JUSTIFICATION OF PROPOSAL  
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: BRENT COOPER, COMMUNITY DEVELOPMENT DIRECTOR, CITY OF AMERICAN CANYON  
Contact Person Agency/Business (If Applicable)

Address: 4381 BROADWAY STREET, #201, AMERICAN CANYON CA 94503  
Street Number Street Name City Zip Code

Contact: 707-647-4352 / B.COOPER@CITYOFAMERICANCANYON.CA.GOV  
Phone Number Facsimile Number E-Mail Address

B. Applicant Type:  
(Check One)

Local Agency

Registered Voter

Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies:

CITY OF AMERICAN CANYON / 4381 BROADWAY STREET, #201, AMERICAN CANYON, CA, 94503  
Name Address

AMERICAN CANYON F.P.D. / 911 DAVENPORT WAY, AMERICAN CANYON, CA 94503  
Name Address

\_\_\_\_\_  
Name Address

Use Additional Sheets as Needed

B. Proposal Type:  
(Check as Needed)

Annexation

Detachment

City Incorporation

District Formation

City/District  
Dissolution

City/District  
Merger

Service Activation  
(District Only)

Service Divestiture  
(District Only)

C. Purpose Statement:  
(Specific)

AMERICAN CANYON PROPOSES THE CONCURRENT ANNEXATION OF AN APPROXIMATE 1.09 ACRE STRIP OF A NEAR PARCEL (#057-690-057) TO THE CITY + DISTRICT TO COORDINATE PLANNING / MAINTENANCE OF THE DEVILIN ROAD EXTENSION. AFFECTED LAND IS LOCATED IN BOTH CITY + DISTRICT'S SPHERES.

**III. GENERAL INFORMATION**

**A. Location:**

Street Address	Assessor Parcel Number	Acres
_____	PORTION OF 057-090-057	1.09 1/2
Street Address	Assessor Parcel Number	Acres
_____	_____	_____
Street Address	Assessor Parcel Number	Acres
_____	_____	_____
Street Address	Assessor Parcel Number	Acres
_____	_____	_____
Total Location Size (Including Right-of-Ways) _____		

**B. Landowners:**

(1) Assessor Parcel Number : 057-090-057 Name: SOUTHERN PACIFIC R/R  
Mailing Address: 76 BOX 2500 BLOOMFIELD CO 80038-2500  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

(2) Assessor Parcel Number : \_\_\_\_\_ Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

(3) Assessor Parcel Number : \_\_\_\_\_ Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

(4) Assessor Parcel Number : \_\_\_\_\_ Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

*Use Additional Sheets As Needed*

**C. Population:**

(1) Total Number of Residents: \_\_\_\_\_

(2) Total Number of Registered Voters: \_\_\_\_\_

D. Land Use Factors:

- (1a) County General Plan Designation: INDUSTRIAL
- (1b) County Zoning Standard: INDUSTRIAL PARK / AIRPORT COMPATIBILITY
- (2a) Applicable City General Plan Designation: INDUSTRIAL
- (2b) Applicable City Rezoning Standard: NAPA COUNTY AIRPORT INDUSTRIAL AREA

E. Existing Land Uses:  
(Specific)

ACTIVE RAILROAD TRACK  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. Development Plans:

(1a) Territory Subject to a Development Project?

Yes       No

(1b) If Yes, Describe Project:

THE CURRENT EXTENSION OF DEVLIN ROAD  
IS GOING TO PASS THROUGH AFFERED TERRITORY THROUGH A 25 FT  
BRIDGE /  
OVERCROSSING

(1c) If No, When Is Development Anticipated? \_\_\_\_\_  
\_\_\_\_\_

G. Physical Characteristics:

(1) Describe Topography:

ARTIFICIALLY RAISED FROM ADJACENT LANDS BY 5-7 FEET  
DUE TO RAILROAD TRACK; FLAT TERRAIN ON TRACK

(2) Describe Any Natural Boundaries:  
\_\_\_\_\_  
\_\_\_\_\_

(3) Describe Soil Composition and Any Drainage Basins:  
\_\_\_\_\_  
\_\_\_\_\_

(4) Describe Vegetation:

NOISE \_\_\_\_\_  
\_\_\_\_\_

H. Williamson Act Contracts  
(Check One)

Yes

No

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

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

CITY + DISTRICT WILL ASSUME LAND USE + EMS  
PROVISION FOR AFFECTED TERRITORY, INCLUDING  
25-FOOT BRIDGE THAT WILL FLY-OVER AREA AS PART  
OF THE SOUTHERN EXTENSION OF DEVLIN ROAD

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

CONSISTENT W/ EXISTING SERVICE LEVELS PROVIDED  
BY CITY + DISTRICT FOR SURROUNDING LANDS

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

IMMEDIATELY UPON ANNEXATION

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

THE PLANNED + CURRENT EXTENSION OF DEVLIN  
ROAD WILL PROVIDE THE CITY + DISTRICT WITH  
VEHICLE ACCESS TO AFFECTED TERRITORY.

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

CURRENT CONSTRUCTION OF THE DEVLIN ROAD EXTENSION -  
INCLUDING 25 FT FLY-OVER BRIDGE ON AFFECTED TERRITORY -  
← BEING FINANCED THROUGH DEVELOPER FEES.

**V. ENVIRONMENTAL INFORMATION**

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**A. Environmental Analysis**

(1) Lead Agency for Proposal: AMERICAN CANYON  
Name

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

- Environmental Impact Report w/ ADDENDUM = COUNTY EIR /
- Negative Declaration/Mitigated Negative Declaration BERNARD WINE ESTATES
- Categorical/Statutory Exemption: \_\_\_\_\_  
Type
- None

4/1/02 + 1/7/09

*Provide Copies of Associated Environmental Documents*

**VI. ADDITIONAL INFORMATION**

---

**A. Approval Terms and Conditions Requested For Commission Consideration:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Use Additional Sheets As Needed*

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

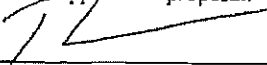
- (1) Recipient Name: BREAST COOPER, CITY OF AMERICAN CANYON  
Mailing Address: 1331 BROADWAY STREET, #29, AMERICAN CANYON, CA 94703  
E-Mail: BCOOPER@CITYOFAMERICANCANYON.CA.GOV
- (2) Recipient Name: GLENN WEEKS, AMERICAN CANYON F.D.D  
Mailing Address: 911 DAWSON WAY, AMERICAN CANYON, CA 94703  
E-Mail: GLENNW@AMCANFIRE.COM
- (3) Recipient Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

**VII. CERTIFICATION**

---

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

Signature:



Printed Name:

Brent Cooper

Title:

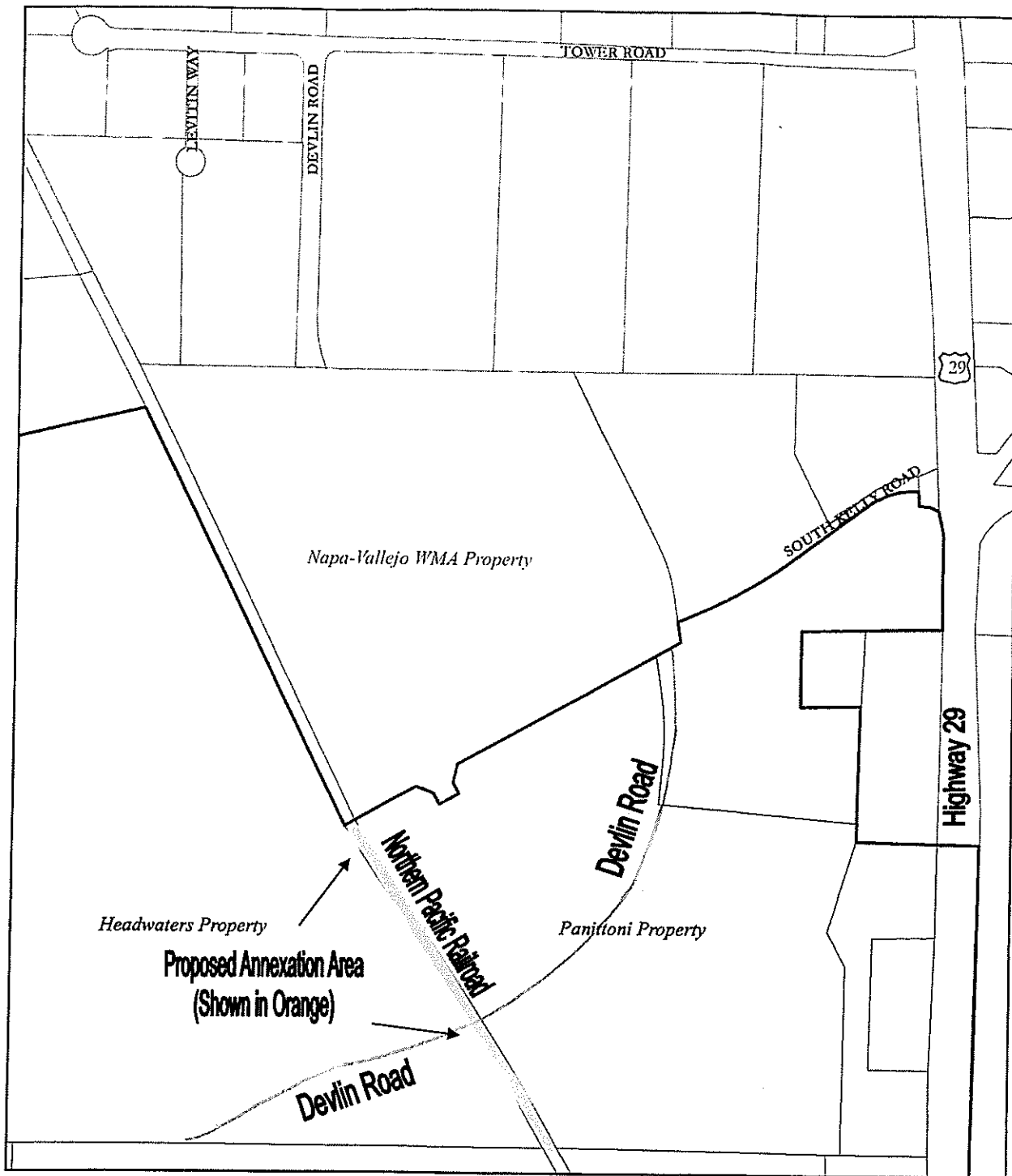
Community Development Director

Date:




1/24/12

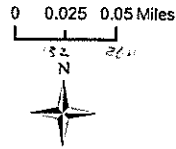
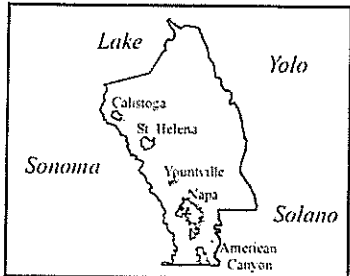


**PROPOSED ANNEXATION**  
**Portion of APN 057-090-057**



**Legend**

-  City of American Canyon Jurisdictional Boundary
-  City of American Canyon Sphere of Influence
-  Affected Territory



**LAFCO of Napa County**  
 1700 Second Street, Suite 268  
 Napa, California 94559  
<http://napa.lafco.ca.gov>

#4106054.3  
May 15, 2012

**EXHIBIT A**  
**SOUTHERN PACIFIC RAILROAD**  
**ANNEXATION TO THE CITY OF AMERICAN CANYON**  
**AND AMERICAN CANYON FIRE PROTECTION DISTRICT**  
**GEOGRAPHIC DESCRIPTION**

All that certain real property situated in a portion of Section 12, Township 4 North, Range 4 West, Mount Diablo Base and Meridian, in the County of Napa, State of California described as follows:

Beginning at a northern corner point on the existing City of American Canyon and American Canyon Fire Protection District boundary, said point also being the southwest corner of the lands of South Napa Waste Management Authority, as described in the Grant Deed recorded on November 19, 1993, as Series Number 1993-37831 of Official Records of Napa County and on the northeastern right of way of the Southern Pacific Railroad of the Calistoga Branch;

thence along said district boundary (1) South 28° 53' 55" East 1,225.75 feet along said right of way;

thence leaving said right of way (2) North 89° 19' 05" West 57.49 feet to a point on the existing district boundary said point also being on the southwestern right of way of the Southern Pacific Railroad of the Calistoga Branch;

thence (3) North 28° 53' 55" West 1,197.34 feet along said southwestern right of way to the purlongation of the existing district boundary from the east;

thence along said purlongation (4) North 61° 04' 14" East 50.00 feet to the **Point of Beginning**.

END OF DESCRIPTION



# SOUTHERN PACIFIC RAILROAD ANNEXATION TO THE CITY OF AMERICAN CANYON AND AMERICAN CANYON FIRE PROTECTION DISTRICT NAPA COUNTY CALIFORNIA

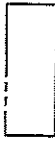
FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR ANY OFFER FOR SALE OF THE LAND DESCRIBED.

COURSES	
COURSE 1:	S28°53'55"E 1225.75'
COURSE 2:	N89°19'05"W 51.49'
COURSE 3:	N28°53'55"W 1917.34'
COURSE 4:	N61°04'14"E 50.00'
1.39 ACRES ±	

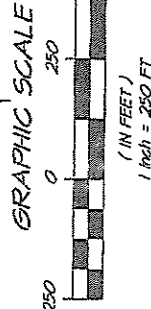
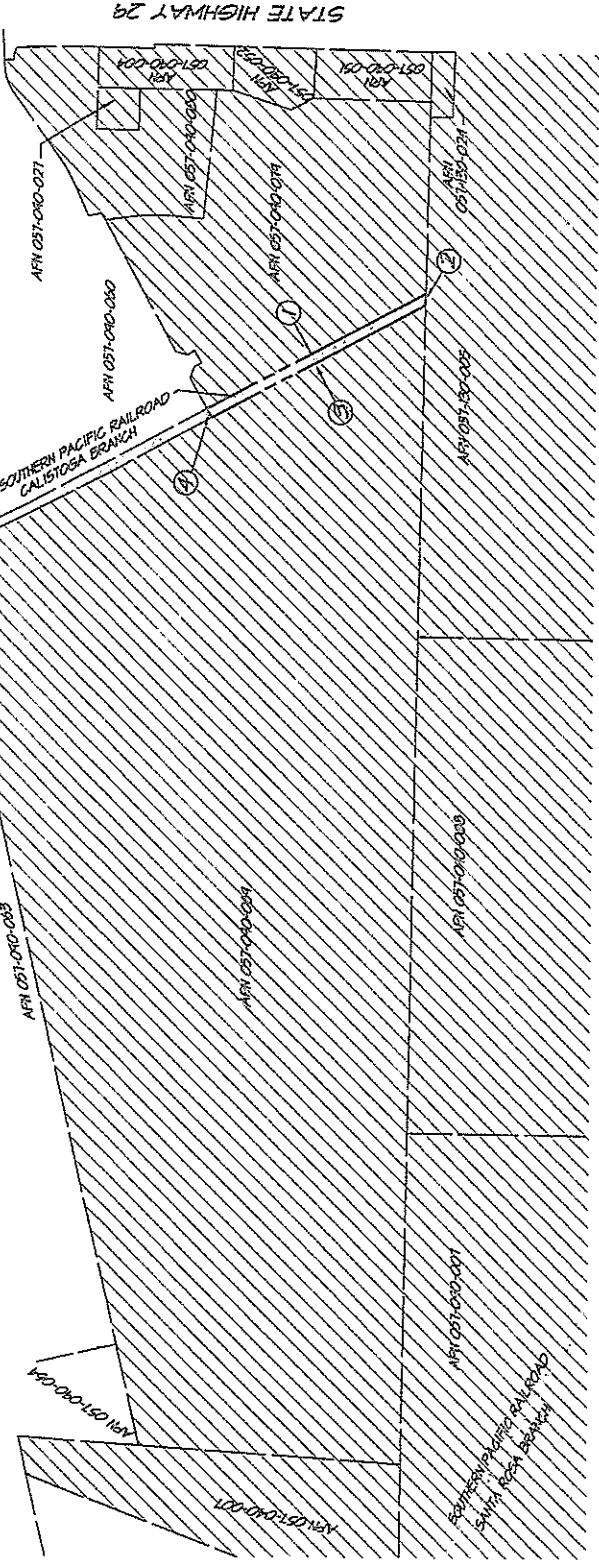
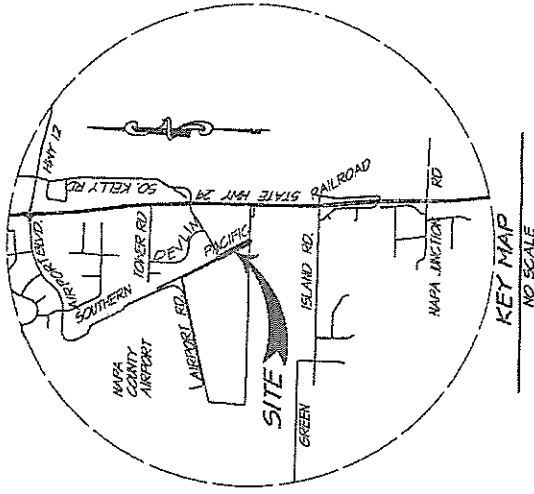
### LEGEND



EXISTING CITY OF AMERICAN CANYON AND AMERICAN CANYON FIRE PROTECTION DISTRICT BOUNDARY



PROPOSED SOUTHERN PACIFIC RAILROAD PROPERTY ANNEXATION BOUNDARY



**RIECHERS  
SPENCE  
ASSOCIATES**  
CONSULTING CIVIL ENGINEERS

1515 Fourth Street  
Napa, Calif. 94559  
P 707.252.3301  
F 707.252.4966

41060343 MAY 15, 2012



A Tradition of Stewardship  
A Commitment to Service

REC . . . . .

MAR 23 2012

NAPA COUNTY  
LAFCO

1195 Third Street, Suite 310  
Napa, CA 94559-3092  
[www.countyofnapa.org](http://www.countyofnapa.org)

Main: (707) 253-4386  
Fax: (707) 253-4176

March 20, 2012

Lewis Chilton, Chair  
Local Agency Formation Commission of Napa County  
1700 Second Street, Suite 268  
Napa, CA 94559

Dear Lewis,

I am writing to express the support of the County of Napa for the annexation of railroad property currently proposed by the City of American Canyon.

In January, 2011, your Commission certified the annexation of two properties to the City of American Canyon. Parcel 057-090-069 is owned by Napa Industrial LLC and is the subject of a proposed development known as the Headwaters project. Parcel 057-090-079 is owned by Napa Airport Corporate Centre LLC and is the subject of a proposed development known as the Panattoni project. The development of these parcels, and their annexation to the City of American Canyon, is consistent with the Rural-Urban Limit Line Agreement which was entered between the County and the City in 2008.

The developers of the Headwaters project constructed an extension of Devlin Road from South Kelly Road, to and through their site, including an overcrossing of the Southern Pacific Railroad line, which separates the Headwaters and Panattoni properties.

The railroad property which separates the Headwaters and Panattoni parcels was not included in the 2011 annexation action. However, now that the road improvements are complete, the result is that all of the new roadway except the railroad overcrossing is inside the City of American Canyon, while the overcrossing itself is in the unincorporated area. The City is now applying to LAFCO to annex the railroad property, to clear up this inconsistency. The total area to be annexed through this action is 1.09 acres, which comprises a portion of Parcel 057-090-057.


Both the Headwaters and Panattoni projects began their entitlement process through the County, while each site was still within the unincorporated area. However, due to knowledge of the impending annexation, County staff worked with staff from the City of American Canyon throughout the review and approval of both the site development and the design/construction of the road extension. Our mutual understanding throughout this process has been that the City would be responsible for operation and maintenance of the new road, beginning at the intersection of South Kelly Road and continuing to its southern terminus. American Canyon will be extending the road southerly

Lewis Chilton, LAFCO Chair  
March 20, 2012  
Page 2 of 2

from this point to Green Island Road in the future, as a function of development of land in that area which was already within the city limits. The County of Napa supports the proposed annexation of the railroad property, as it will clean up the potential problem of having the railroad overcrossing as an isolated piece of County road, detached from the rest of the County system (and providing access to no unincorporated areas).

In addition to supporting the annexation, the County of Napa is willing to enter into the process of developing a property tax sharing agreement. Property tax sharing agreement number 7070-1, entered into between American Canyon and Napa County in May 2009, will need to be amended to include this parcel.

Regards,

A handwritten signature in black ink, appearing to read "Keith Caldwell", written in a cursive style.

Keith Caldwell  
Chairman, Napa County Board of Supervisors