Full Text of Measure J

The people of the City of American Canyon ordain as follows:

Section 1: Statement of Purpose.

The purpose of this Initiative is to include an approximately 157 acre parcel of unincorporated County land within the City of American Canyon’s Urban Limit Line, thereby starting the legal process to allow this blighted property to be put to good use for the benefit of the residents of the City. The Initiative would:

(a) Allow vacant and blighted land immediately West of the current City boundary, owned by Green Island Property, LLC (“Green Island”), which is no longer suitable for agriculture, to be put to productive use for the benefit of the City, the County and their residents;

(b) Generate hundreds of thousands of dollars in tax revenue for the City, the American Canyon Fire Protection District and the County as well as jobs for City residents;

(c) Provide additional financial support for contemplated regional transportation improvement projects; and

(d) Extend the City’s existing Urban Limit Line to include property that logically should be a part of the City of American Canyon.

Section 2: Findings and Declarations.

The People of the City of American Canyon find and declare that:

(a) Land That Logically Should Be Part of the City: The City’s existing General Plan does not provide for the productive use of the Green Island land and this land, immediately adjacent to current City property used for industrial purposes, should ultimately be part of the City.

(b) No Impact On Housing: The Initiative does not in any way negatively impact the City’s ability to provide adequate housing as required by State or any other law.

(c) No Conflict with Federal or State Law: The Initiative is consistent with both Federal and State Law and expressly provides that it should be harmonized with both if any conflict is alleged in the future.

(d) Property is Logical Candidate for Inclusion Within City’s Urban Limit Line: It is logical to include the Green Island land with the City’s Urban Limit Line and, eventually, within the City boundary through annexation, because the property is immediately adjacent to industrial properties within the City and should be developed and used in ways that complement and support existing land uses. Agencies associated with the City already provide fire, police and water service to the property. Napa County supplies no services to the property and is never expected to provide any services to the property. The Napa County Local Agency Formation Commission (LAFCO) possesses the exclusive authority under State law to make a sphere of influence determination.
regarding this property. This Initiative is not intended to impinge on LAFCO’s authority over the Green Island land in any way.

Section 3: Title.

This Initiative shall be known and may be cited as “Let the Voters Decide The Green Island Property Highest and Best Use Initiative.”

Section 4: Amendment of The City General Plan.

The provisions in the Appendix included with this Initiative are hereby added to the City’s General Plan. The sections shall be codified in the Plan in the locations the City Attorney deems appropriate to further the purposes of the Initiative and make it consistent with the General Plan.

Section 5: Initiative Area.

(a) This Initiative applies to land in the parcel listed in Section 11(e) (the “Initiative Area”). The map in Appendix “A” depicts approximately the Initiative Area, which is the land bounded by the Napa River on the West, the City of American Canyon and unincorporated Napa County on the South, the City of American Canyon on the East, and the City of American Canyon and unincorporated Napa County on the North. The map is illustrative only. It is not enacted by the Initiative and should not be codified in the General Plan. The legal description of the Green Island land is set forth in Appendix “B.”

(b) The Initiative Area shall be designated “Green Island Industrial” in the General Plan, including its maps, figures and tables.

Section 6: Compliance with Law.

The provisions of this Initiative are not intended, and should not be interpreted, to conflict with federal or state law if the provisions may reasonably be harmonized.

Section 7: State Housing Requirements.

This Initiative in intended to have no impact on any housing requirement of State law.

Section 8: City of American Canyon General Plan Amendments.

The General Plan is hereby amended as shown in Appendix C. Text to be inserted into the General Plan is indicated in bold and underlined text. Text to be deleted from the General Plan is indicated in strikethrough text. Text that appears in standard, bold, or italicized type that currently appears in that fashion in the General Plan on the Filing Dates remains unchanged by this Initiative and is shown for reference purpose only.

Section 9: Applicability.

(a) Parcels, structures, uses, or surface alterations to the extent that they existed legally as of the effective date of this Initiative remain valid, except if their authorized time limit expires,
they may not be reestablished to the extent inconsistent with this Initiative, they are eliminated voluntarily or abandoned, or a use is contrary to Section 8. Parcels, structures, surface alterations or uses may not be changed or expanded to the extent that would cause a violation of any provision of this Initiative, or would augment or make more serious what would have been a violation if created or done after the Initiative became effective.

(b) This Initiative shall be applied to any proposed parcels, development and uses that have not received all required City discretionary approvals and authorizations prior to the Initiative’s effective date, except to the degree application would be contrary to Federal or State law.

Section 10: Implementation.

The City may clarify, interpret or make specific any provision of this Initiative by adopting ordinances, resolutions or regulations to further its purposes.

Section 11: Definitions.

For purposes of this Initiative, the following definitions shall apply:

(a) “Building” means any structure under a roof supported by one or more walls, columns, poles or other means.

(b) “City” means the City of American Canyon.

(c) “City Council” means the elected governing body of the City.

(d) “Development” means the construction, erection, placement or appreciable alteration of a structure, including mobile dwelling units; it also means appreciable land alteration, including grading, surfacing, excavation, or deposition of material.

(e) “Initiative Area” means the approximately 157 acre parcel of land commonly known as 1661 Green Island Road and designated as Napa County Assessor’s Parcel Number APN 058-030-041.

(f) “Plan” means the General Plan of the City of American Canyon.

(g) “Structure” includes any building, tower, utility line, tank, pole or other object constructed, erected or placed on a parcel, the existence and use of which requires location on the ground or attachment to something located directly or indirectly on the ground.

Section 12: Amendment.

(a) After its effective date, this Initiative may be amended to further its purposes, by a 4/5 vote of the City Council, using a rolcall vote entered into the meeting minutes, at a regular meeting of the City Council. The Initiative may not be amended at an emergency or special meeting.
(b) No ordinance or resolution enacted after March 1, 2022, but prior to the effective date of this Initiative, which would constitute an amendment of this Initiative, shall be operative after the effective date of this Initiative, unless enacted in accordance with the requirements of Subdivision (a).

Section 13: 2022 Amendment to 2008 Urban Limit Line.

The location of the Urban Limit Line enacted by the City of American Canyon City Urban Limit Line and Prezoning Act of 2008 until January 1, 2030 shall be amended by extending the City’s 2008 Urban Limit Line to include the Green Island land as reflected in Exhibit A to this Initiative and may be changed only by the voters.

Section 14: Effective Date.

This Initiative shall become effective on January 1 of the year immediately following its enactment.

Section 15: Severability.

The provisions of this Initiative are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word or application of this chapter is for any reason held to be invalid by any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Initiative. The People of the City of American Canyon hereby declare that they would have adopted this chapter and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word and application not declared invalid without regard to whether any other portion of this chapter or application thereof would be subsequently declared invalid.

Section 16: Conflicting Initiatives.

In the event this Initiative and another initiative dealing with the same Initiative Area, in whole or in part, directly or indirectly, appear on the same ballot, the other initiative shall be deemed in conflict with this measure. If this Initiative receives a greater number of affirmative votes, this Initiative shall prevail in its entirety, and the other initiative shall be null and void.

Section 17: Liberal Construction.

This Initiative shall be liberally construed to effectuate its purposes.