

**ORDINANCE NO. 2019-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, CALIFORNIA,  
APPROVING BY ORDINANCE THE AC-1 DEVELOPMENT AGREEMENT FOR PROPERTY WITHIN THE  
WATSON RANCH SPECIFIC PLAN OWNED BY AMERICAN CANYON-1, LLC (AC-1, LLC). APN'S 059-  
020-039, 059-020-040 AND 059-020-031 (FILE NO. PL 16-0019)**

**WHEREAS**, American Canyon-1, LLC (AC-1) and the Newell Family were co applicants that worked cooperatively with the City in the preparation of the Watson Ranch Specific Plan which provides for the development of the approximately 309-acre Watson Ranch Specific Plan site with a mixed use community including a mixed use town center (NVRG), 1253 residential units, approximately 23 acres of improved parks, an additional 30 acres of parks, trails and open space, a 10 acre school site, roads and supporting water, wastewater, recycled water and storm drainage infrastructure; and

**WHEREAS**, the City Council of the City of American Canyon, on November 6, 2018 adopted the Watson Ranch Specific Plan by Ordinance pursuant to Municipal Code Chapter 19.12.020, establishing it as the regulating document for the development of the Watson Ranch Specific Plan site; and

**WHEREAS** AC-1, LLC has submitted an application for a Development Agreement pursuant to section 65864 *et seq.* of the Government Code of the State of California and Chapter 19.47 of the City of American Canyon Municipal Code; and

**WHEREAS**, the Watson Ranch Specific Plan includes roadways, open space, public and civic places, schools, trails, parks and other public benefits in excess of that which the City could otherwise require under controlling law, including without limitation, the dedication of a 10 acre school site and the payment of mitigation fees substantially in excess of statutory fees, the dedication and/or improvement of in excess of 50 acres of open space and parks, including a two-acre community plaza and community center site, the adaptive reuse of the Portland Cement Company ruins to a mixed-use "town center," and the investment of infrastructure substantially in excess of what could be required and these benefits provide the consideration for this Development Agreement; and

**WHEREAS**, the AC-1 Development Agreement will ensure that such benefits are properly secured by City, and ensure that, in return, AC-1 can develop the Project as planned and approved, thereby providing AC-1 with a vested right to complete the Project; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), an environmental impact report (EIR) was prepared for the Watson Ranch Specific Plan, which included the Development Agreement, having analyzed the actions contemplated by the Development Agreement and includes required mitigation measures, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the City Council held a duly-noticed public hearing on October 16, 2018, at which the City Council reviewed and Certified the Final EIR, Statement of Overriding Considerations and Mitigation monitoring Program with findings; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on October 4, 2018, at which all those in attendance were given the opportunity to be heard on the proposed Watson Ranch AC-1 Development Agreement and made recommendation to the Council to approve the Development Agreement; and

**WHEREAS**, the City Council held a duly-noticed public hearing on June 4, 2019, at which all those in attendance were given the opportunity to be heard on the proposed Watson Ranch AC-1 Development Agreement, and the City Council considered the Planning Commission recommendation and considered the written and oral testimony given at its public hearing in reaching its decision.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council approves by ordinance the AC-1 Development Agreement, included as Exhibit A to this Ordinance, as follows:

**SECTION 1: Findings Regarding Environmental Review pursuant to the California Environmental Quality Act (CEQA)**

1. The environmental impacts of the WRSP Project which included the Development Agreement were adequately considered in the certified Final EIR for the Watson Ranch Specific Plan Project (State Clearinghouse No. 2015022030) as certified by the City Council, which includes findings, a Mitigation Monitoring and Reporting Program, and a statement of overriding considerations for the Project.
2. Approval of the Development Agreement based on the Final EIR complies with CEQA.

**SECTION 2: Findings to Approve the Development Agreement in accordance with American Canyon Municipal Code Section 19.47.080**

- A. ***The proposal for which the Development Agreement is requested conforms with the maps and policies of the general plan and any applicable specific, community, or area plans because:***

When approving the Watson Ranch Specific Plan, the City Council found that the Watson Ranch Specific plan is consistent with the General Plan and implements the Policies set forth for the Town Center land use designation. The AC-1 Development Agreement is a part of the Watson Ranch Specific Plan entitlement package, serves to implement the Specific Plan and as such is consistent with the Specific Plan.

- B. ***The proposal for which the development agreement is requested complies with the requirements of California Government Code Sections 65865 through 65869.5, and any other applicable state law, because:***

The property that will be subject to the AC-1 Development Agreement is located within the Watson Ranch Specific Plan which is within municipal boundaries of the City; and the AC-1 Development Agreement will be between the City and the owner (AC-1, LLC) of the property. The form, content and adoption process for the proposed Development Agreement is consistent with California Government Code Sections 65865 through 65869.5.

- C. ***The proposal for which the development agreement is requested is consistent with the zoning ordinance and all applicable codes and ordinances because:***

When Approving the Watson Ranch Specific Plan the City Council found the Watson Ranch Specific Plan consistent with the Zoning Ordinance Chapter 19.12 (Town Center Zone); the other goals and purposes for which Municipal Code Title 19, Chapter 19.47 was enacted by the City and the City's other applicable codes and ordinances.

**D. The proposal for which the development agreement is requested will not be detrimental to or cause adverse effects on adjacent property owners, residents, or the general public because:**

The proposed Watson Ranch Specific Plan development includes roadways, open space, public and civic places, schools, trails, parks and other public benefits in excess of that which the City could otherwise require under controlling law, including without limitation, the dedication of a 10 acre school site and the payment of mitigation fees substantially in excess of statutory fees, the dedication and improvement of in excess of 50 acres of open space and parks, including a two-acre community plaza and community center site, the adaptive reuse of the Portland Cement Company ruins to a mixed-use "town center," and the investment of infrastructure substantially in excess of what could be required. The AC-1 Development Agreement would not be detrimental to or cause adverse effects on adjacent property owners, residents, or the public, and the extension of time within which the property owner is vested will ensure that such benefits are properly secured by City will not cause adverse effects.

**E. The proposal for which the development agreement is requested provides clear and substantial benefit to the residents of the city because:**

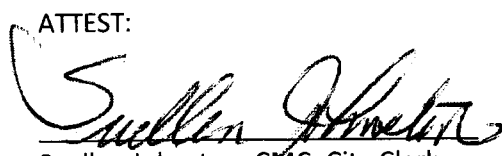
Approval of the proposed AC-1 Development Agreement would extend vesting of the project for 30 years. The extension would ensure the project benefits are properly secured by City, eliminate uncertainty in the City's land use planning for the project site and its vicinity, and will provide for orderly growth and development consistent with the City's General Plan, the Watson Ranch Specific Plan and other policies and programs; will provide critical public benefits; and will otherwise achieve the goals and purposes for which Municipal Code Title 19, Chapter 19.47 was enacted by the City.

The foregoing Ordinance was introduced at a regular meeting of the City Council held on the 4th day of June 2019, by the following vote:

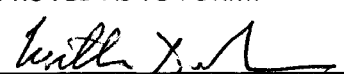
AYES: Council Members Leary, Joseph, Oro, Vice Mayor Aboudamous, and Mayor Garcia  
NOES: None  
ABSTAIN: None  
ABSENT: None

The foregoing Ordinance was adopted at a regular meeting of the City Council held on the 18<sup>th</sup> day of June 2019, by the following vote:

AYES: Council Members Leary, Joseph, Oro, Vice Mayor Aboudamous, and Mayor Garcia  
NOES: None  
ABSTAIN: None  
ABSENT: None

ATTEST:  
  
Suellen Johnston, CMC, City Clerk

  
Leon Garcia, Mayor

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