



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

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

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**February 4, 2013**  
**Agenda Item No. 7b (Action)**

January 29, 2013

**TO:** Local Agency Formation Commission

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

**SUBJECT: Proposed Annexation of 29 Forest Drive to the City of Napa**

The Commission will consider a proposal filed by the City of Napa on behalf of interested landowners to annex an approximate 6.0 acre unincorporated lot at 29 Forest Drive (041-720-003). Staff recommends approval of the proposal with two discretionary amendments to expand the proposed annexation boundary to include an additional 0.4 acre portion of adjacent right-of-way and concurrent detachment of the affected territory from County Service Area No. 4. Conditions are also recommended.

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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 changes, 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. Background**

*Applicant Request*

LAFCO of Napa County (“Commission”) has received a proposal from the City of Napa (“City”) on behalf of the affected landowners to annex an approximate 6.0 acre unincorporated lot located at 29 Forest Drive. The subject lot lies entirely within the adopted sphere of influence for the City and is identified by the County of Napa Assessor’s Office as 041-720-003. The subject lot is partially developed with a 3,000 square foot occupied single-family residence and an adjacent guest house. The remainder of the subject lot is undeveloped and now unimproved after having been formerly planted with grape vines up until 2011.

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Lewis Chilton, Commissioner  
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County of Napa Supervisor, 1st District

Brian J. Kelly, Vice Chair  
Representative of the General Public

Joan Bennett, Commissioner  
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County of Napa Supervisor, 4th District

Gregory Rodeno, Alternate Commissioner  
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Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

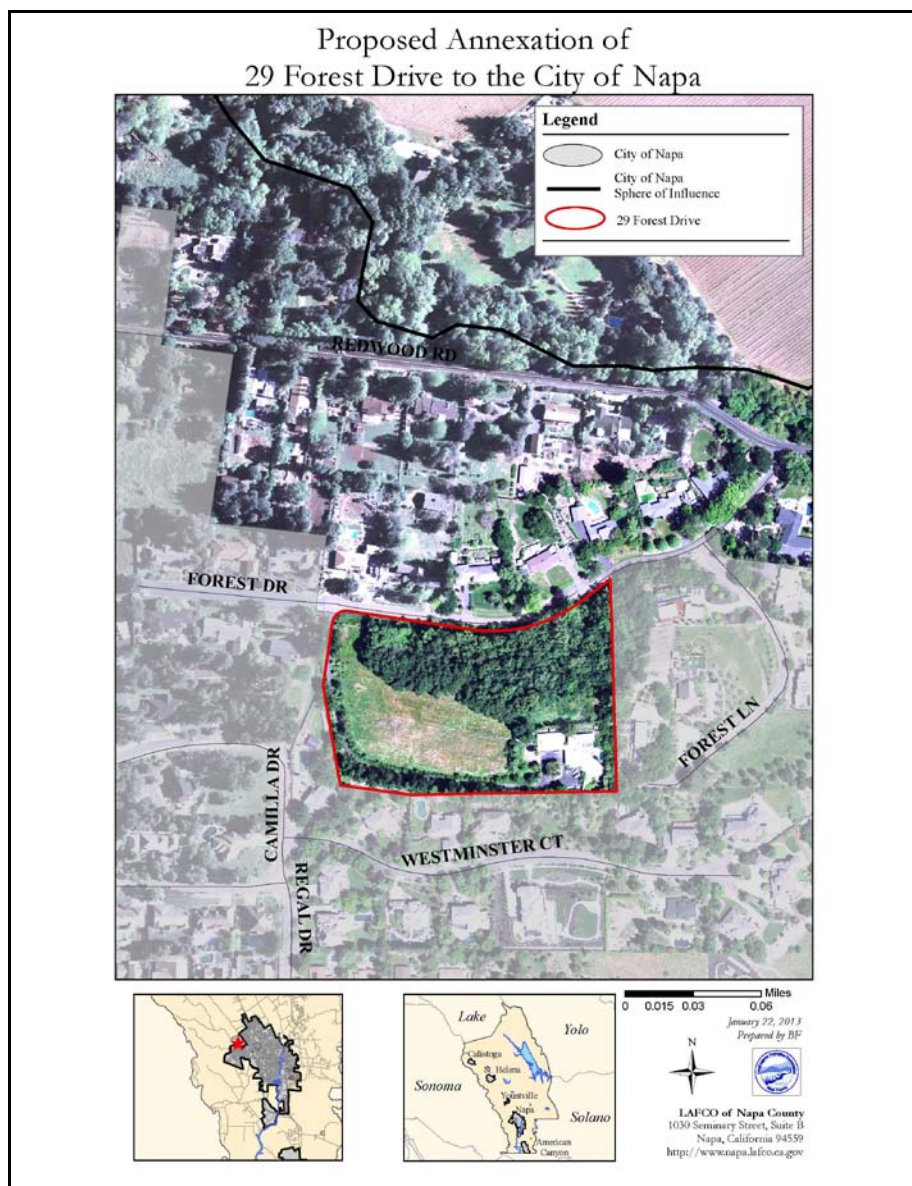
Mark Luce, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Keene Simonds  
*Executive Officer*

## B. Discussion

### *Proposal Purpose*

The subject lot was purchased by the affected landowners – Norman and Yvonne Alumbaugh – in 2007 and currently serves as the couple’s primary residence. The purpose of the proposal is to enable the Alumbaughs to file a future development application with the City, which by practice does not accept project filings for lands lying outside its jurisdictional boundary. The City’s land use policies would allow the subject lot to be divided into a maximum of five single-family residential lots. The Alumbaughs have retained Riechers and Spence Engineering to represent the couple with the Commission and in anticipation of filing a future development application with the City.



### ***Commission Focus***

The Commission added the subject lot to the City's sphere of influence in 1978 as part of an approved amendment request involving several other properties lying within the Redwood Road/Forest Drive area. The existing inclusion of the subject lot in the sphere of influence, importantly, reflects a standing Commission expectation the lands be annexed into the City to facilitate orderly urban development when the *timing* is deemed appropriate (emphasis added). Accordingly, the underlying consideration of the Commission is whether the members collectively believe the timing of the proposed boundary change is justified relative to its review of the factors prescribed by local policies and the Legislature.

### **C. Analysis**

The analysis of the proposal is organized into three distinct sections. The first section considers the proposal relative to the factors prescribed for consideration under local policy with specific focus on whether amendments are merited to comply with the established preferences in implementing LAFCO law in Napa County. The second section considers the proposal relative to the factors mandated for review by the Legislature anytime LAFCOs review boundary changes. The third section considers issues required by other applicable State statutes in processing boundary changes and highlighted by making a determination on environmental impacts.

### ***Local Policies / Possible Amendments***

A review of the submitted application materials identify three possible amendments the Commission is directed to consider based on its adopted policies. These amendments involve (a) expanding the annexation boundary, (b) detaching the affected territory from County Service Area (CSA) No. 4, and (c) annexing the affected territory from the Napa Sanitation District (NSD). An evaluation of these amendments specific to the proposal follows along with possible approval conditions.

#### ***Expansion of Annexation Boundary***

Commission policy orients members to consider alternative boundaries anytime it reviews a change of organization or reorganization to provide a more orderly and logical jurisdictional designation for the affected agencies. Towards this end, staff has evaluated the merits of expanding the proposed annexation boundary to include up to approximately 32 additional acres that along with the subject lot are all part of the same unincorporated corridor lying within the City's sphere of influence; a corridor that ideally would be annexed all at once to provide a clean and complete boundary for the City within the affected area. Surveys of the neighboring landowners, however, indicate limited support for voluntarily joining the annexation, and none among properties that are immediately adjacent to the subject lot; the latter comment being particular pertinent given contiguity requirements for city annexations. The lack of support for neighboring landowners to voluntarily join the

annexation indicates expanding the proposal to include one or more of the adjacent unincorporated properties would likely trigger successful protest proceedings.<sup>1</sup>

While the expansion of the annexation boundary to eliminate the surrounding unincorporated corridor is not advised, an amendment to include the entire public right-of-way portion immediately adjacent to the subject lot on Forest Drive appears merited. The affected right-of-way portion is approximately 0.4 acres in size and its inclusion in the annexation boundary would ensure the City's jurisdiction over the lone and immediate access point to the subject lot going forward.<sup>2</sup> Expansion of the annexation boundary to include the right-of-way would be consistent with Commission practice and would not trigger protest proceedings under LAFCO law.

Recommendation: Amend the proposal to include an approximate 0.4 acre portion of the adjacent public right-of-way on Forest Drive.

#### ***Concurrent Detachment from CSA No. 4***

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Commission policy requires all annexations to cities be amended and reorganized to include concurrent detachment from CSA No. 4 unless waived given special circumstances.<sup>3 4</sup> The prescribed waiver involves a determination the affected territory has been, or is reasonably expected to be, developed to include planted vineyards totaling one acre or more in size. The subject lot was previously improved with planted grapes, but these uses were entirely removed in 2011 leaving only an existing single-family residence and adjacent guest house. The landowners' stated intent is to divide the subject lot into five single-family lots as allowed under City land use policies. These combined factors substantiate there is no existing or expected tie between the affected territory and CSA No. 4's role in providing public farmworker housing services in Napa County.

Recommendation: Amend the proposal to concurrently detach the affected territory from CSA No. 4. However, as a safeguard in affirming the funding relationship between vineyards and public farmworking housing services, a special approval condition should be included to require the City to file a proposal to reannex the affected territory to CSA No. 4 if a vineyard of one acre or more in size is allowed.

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<sup>1</sup> Protest proceedings – also known as conducting authority proceedings – are required any time the Commission approves a boundary change without notice and written consent of landowners and, if applicable, registered voters unless a waiver is specifically authorized.

<sup>2</sup> The recommended addition of the public right-of-way portion of Forest Drive would not trigger protest proceedings. Public agencies are not defined as landowners under LAFCO law when the subject land involves highways, rights-of-way, easements, waterways, or canals under G.C. Section 56408(c).

<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 to fund farmworker housing services.

<sup>4</sup> Statement references Commission General Policy Determination VII/D/3(a).

### ***Concurrent Annexation to NSD***

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Commission policy requires all annexations to the City be amended and reorganized to include concurrent annexation to NSD if the affected territory lies in the District's sphere of influence and sewer service is available unless waived given special circumstances. The underlying objective of this policy, notably, is to discourage the use of private septic systems within urban developing areas given the elevated public health and safety concerns tied to their ongoing maintenance. The subject lot – which currently utilizes a private septic system – does lie in NSD's sphere of influence and is surrounded to the immediate west (partially), south, and east by the District's jurisdictional boundary. The nearest NSD sewer main is within reasonable proximity with the closest access point to the subject lot distanced approximately 300 feet.

Irrespective of the preceding comments, and in consultation with NSD and the Alumbaugh's, it appears reasonable to waive the concurrent annexation requirement to the District in deference to three related factors. First, the Alumbaugh's are only interested in connecting the subject lot to NSD if the City approves a future development application to divide the property into five residential lots; the outcome of which is not presently known. Second, NSD prefers only to annex lands when service is being established given the District utilizes the property assessment roll to collect its annual user charge. Third, NSD prefers to only annex undeveloped or underdeveloped lands when there is a known development project in order to inform the District's process in establishing user terms of service consistent with expected uses (i.e., specifying applicant infrastructure improvements).

Given the referenced considerations, it appears a reasonable alternative to accomplishing the Commission's objective (i.e. promoting public sewer in urban areas) while responding to the preferences of the affected parties is to substitute the imposition of an immediate amendment in favor of requiring subsequent action through a special condition of approval. In particular, it appears appropriate to waive the concurrent annexation policy in deference to establishing a special approval condition to require the City to term any future development approval on the subject lot annexing to NSD. This condition, pertinently, would provide explicit insurance for the Commission that any future new urban uses facilitated by annexation approval would be tied to extending public sewer service to the affected territory while affirmatively responding to the preferences/concerns of NSD and the Alumbaugh's.

**Recommendation:** Waive the concurrent annexation requirement involving NSD in favor of conditioning approval on requiring the City to term any future development approval involving the subject lot to include annexation to the District. A subsequent waiver of this condition may be approved only upon prior authorization by the Commission.



### ***Legislature Policies / Mandated Factors***

G.C. Section 56668 requires the Commission to consider 15 specific factors anytime it reviews proposals for change of organization or reorganization involving cities. The majority of the prescribed factors focus on the impacts of the proposed boundary changes on the service and financial capacities of the affected agencies. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs in considering boundary changes in context to locally adopted policies and practices. To this end, consideration of these factors relative to the proposal filed by the City follows. Staff has incorporated into the review the recommended amendments and conditions as detailed in the preceding section. Consequently, references to the “affected territory” hereafter include both the subject lot and the adjacent public right-of-way on Forest Drive.

***(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 lies within a developing low density residential area and part of a neighborhood designation under the City General Plan known as “Browns Valley.” The affected territory is predominantly undeveloped with no physical improvements with the exceptions of an approximate 3,000 square foot single-family residence and adjacent guest house along with auxiliary uses (pool, etc.). A paved right-of-way portion of Forest Drive also lies within the affected territory. The existing single-family residence is currently occupied by the husband and wife landowners, who purchased the subject lot in 2007 and is currently assessed at \$2,536,174. The affected territory’s slope increases to the south with a peak terrain point at 240 feet above sea-level. Redwood Creek is the closest waterway with its nearest crossing point located approximately 500 feet to the north.



Proposal approval is expected to facilitate the near-term development of the subject lot to include – and based on existing zoning requirements – a total of five residential lots and produce an estimated buildout population of 13.<sup>5</sup> Development opportunities for adjacent areas to the affected territory – again based on existing zoning – are generally limited to lots to the north that are part of the same unincorporated corridor. The intensity of any new development in the referenced corridor, further, appears modest given only two of the 24 lots are either undeveloped or underdeveloped.

<sup>5</sup> The estimated buildout population for the affected territory assumes a per unit factor of 2.65 based on calculations performed by the California Department of Finance specific to the City.

*(2) The need for municipal services; the present cost and adequacy of municipal 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.*

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The core municipal services needed within the affected territory based on its planned and anticipated residential land use includes water, sewer, fire protection/emergency medical, and law enforcement. An analysis of the availability and adequacy of these core municipal services relative to projected needs if the proposal – with or without the recommended amendments – is approved follows.

- *Water Service*

The subject lot currently utilizes an onsite groundwater well to support the existing single-family residence and adjacent guest house. The current estimated average daily water demand for the subject lot – including landscaping uses for ornamental vegetation surrounding the residence – is 340 gallons or 0.38 acre-feet annually. The landowners’ report they have not experienced any problems with the capacity or quality of the groundwater, and do not intend to connect to the City’s water system unless as part of a future development project involving the subject lot.

Physical access to the City’s water system is readily available to the subject lot through an adjacent main located along the public right-of-way on Forest Drive. The planned and expected development of the subject lot to accommodate a total of five residential lots suggests the anticipated water demand generated from the affected territory would total 1,700 gallons on average daily and would be equivalent to 1.9 acre-feet annually. This anticipated demand at buildout would have minimal impacts to the City’s existing water system infrastructure as measured by supply, storage, and treatment capacities as detailed in the following subsections.

#### *Water Supply and Demand*

Napa’s water supplies are derived from three distinct sources: Lake Hennessey, Milliken Reservoir, and the State Water Project. These three sources collectively provide Napa with 31,340 acre-feet of raw water for treatment during normal year conditions based on historical patterns. These historical patterns also indicate Napa’s annual water supply decreases during multiple and single dry year conditions to 19,896 and 13,533 acre-feet, respectively. Conversely, Napa’s most recently recorded annual water demand totals 13,877 acre-feet; an amount representing an average daily use of 38 acre-feet. These current demands result in an available supply surplus during normal and multiple dry year conditions. Further, the existing shortfall projected during single dry years is relatively minimal and would be likely offset by voluntary and mandatory

water conservation measures that could be adopted by the City Council consistent with their Urban Water Management Plan (UWMP).

The annual water demand associated with the annexation and buildout of the affected territory – 620,500 gallons or 1.9 acre-feet – would represent only one hundredth of a percent of the current demand commitments for the City.<sup>6</sup> Annexation and buildout of the affected territory, accordingly, would have no measurable impact on existing or future water demands on the City as depicted in the following tables.

<b>Baseline Without Annexation of the Affected Territory</b> (Amounts in Acre-Feet)			
<b>Category</b>	<b>Normal Year</b>	<b>Multiple Dry</b>	<b>Single Dry</b>
Annual Supply	31,340	19,896	13,533
Annual Demand	13,877	13,877	13,877
Difference	17,463	6,019	(344)

<b>Adjusted With Annexation/Buildout of the Affected Territory</b> (Amounts in Acre-Feet)			
<b>Category</b>	<b>Normal Year</b>	<b>Multiple Dry</b>	<b>Single Dry</b>
Annual Supply	31,340	19,896	13,533
Annual Demand	13,879	13,879	13,879
Difference	17,461	6,017	(346)

#### **Water Treatment and Storage**

Napa operates treatment facilities for each of its three water sources. These three facilities provide a combined daily treatment capacity of 135 acre-feet.<sup>7</sup> This combined treatment amount is more than three times greater than the current average day water demand (38 acre-feet) and nearly two times greater than the current estimated peak day water demand (76 acre-feet).<sup>8</sup> Furthermore, Napa’s combined treated water storage capacity overlaying its five pressure zones – including clearwell tanks – is 86 acre-feet. This combined storage amount accommodates current estimated peak day water demands in Napa.

Average day water demands associated with the annexation and buildout of the affected territory – 1,700 gallons or 0.005 acre-feet – would have no measurable impact on the City’s existing water treatment and storage capacities as depicted in the following tables.

<sup>6</sup> The amount provided as the current annual water demand commitments for the City includes the most recent calendar year totals plus projected increases associated the recent annexation approval of 1101 Grandview Drive.

<sup>7</sup> The combined daily treatment capacity for the City is divided between the Milliken facility at 4.0, Jamieson facility at 20.0, and Hennessey facility at 20.0 million gallons, respectively.

<sup>8</sup> Statement references recent usage records, the estimated peak day demand factor for the City’s 2.0.



<b>City Baseline Without Annexation of the Affected Territory</b> (Amounts in Acre-Feet)			
<b>Treatment Capacity</b>	<b>Average Day Demand</b>	<b>Peak Day Demand</b>	<b>Storage Capacity</b>
135.0	38.0	76.0	86.2

<b>City Adjusted With Annexation/Buildout of the Affected Territory</b> (Amounts in Acre-Feet)			
<b>Treatment Capacity</b>	<b>Average Day Demand</b>	<b>Peak Day Demand</b>	<b>Storage Capacity</b>
135.0	38.0	76.0	86.2

- **Sewer Service**

The subject lot currently relies on an onsite private septic system to support the existing single-family residence. It is estimated the current daily sewer flow generated from the subject lot is 272 gallons on average and increases by two and one-half to 680 gallons during peak periods. The landowners' report they have not experienced any problems with the septic system, and do not intend to connect to the NSD sewer system unless as part of a future development project involving the subject lot.

Physical access to NSD's sewer system is available to the subject lot by connecting to an existing main located approximately 300 feet in distance. The planned and expected development of the subject lot to accommodate a total of five residential lots suggests the estimated daily sewer flows would increase to 1,360 gallons on average and 3,400 gallons during peak periods. These buildout estimates – under existing conditions – would have negligible impacts on NSD's sewer system as depicted in the following table.

<b>NSD Baseline Without Annexation of the Affected Territory</b> (Amounts in Gallons)			
<b>System Avg. Day Capacity</b>	<b>Average Day Demand</b>	<b>Peak Day Demand</b>	<b>System Peak Day Capacity</b>
15,400,000	6,701,040	33,702,600	126,200,000

<b>NSD Adjusted With Annexation/Buildout of the Affected Territory</b> (Amounts in Gallons)			
<b>System Avg. Day Capacity</b>	<b>Average Day Demand</b>	<b>Peak Day Demand</b>	<b>System Peak Day Capacity</b>
15,400,000	6,702,400	33,706,000	126,200,000

\* Capacity during peak-day incorporates 340 acre-feet (110,806,000 gallons) of adjacent pond storage.

- ***Fire Protection and Emergency Medical Services***  
Annexation of the affected territory would immediately transfer fire protection and emergency medical service responsibilities from the County to the City. Proximity of the affected territory, however, suggests the City is already the probable first-responder for fire protection and emergency medical service calls based on an established mutual aid agreement with the County. Approval of the proposal would eliminate any duplication and related inefficiencies associated with the City providing fire protection and emergency medical services to the affected territory. Further, information generated from the Commission's earlier municipal service review on countywide fire protection services noted the City has generally developed sufficient capacities and controls to serve existing and anticipated demands. This includes noting the affected territory is located within an adequately served area in which the City is reasonably expected to respond within its adopted five minute standard time. Additional analysis indicates this information remains valid and applicable to this proposal.
- ***Law Enforcement Services***  
Annexation of the affected territory would immediately transfer law enforcement service responsibilities from the County to the City. However, and similar to fire protection, the affected territory's proximity suggests the City is already the probable first-responder for emergency law enforcement service calls based on an established mutual aid agreement with the County. Approval of the proposal would eliminate any duplication and related inefficiencies associated with the City already providing law enforcement services to the affected territory. The Commission's recently completed municipal service review on countywide law enforcement services also notes the City has developed sufficient capacities and controls to serve existing and anticipated demands. The municipal service review also notes no service deficiencies within the area surrounding the affected territory.

***(3)The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.***

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The proposal would have an advantageous effect in memorializing existing social and economic ties between the affected territory and the City. These ties are drawn from the affected territory's standing inclusion into the sphere of influence adopted for the City; inclusion approved by the Commission in 1978 and marking an expectation the site should eventually develop for urban uses under the City's land use and service authority. The recommendation to amend the proposal to concurrently detach the affected territory from CSA No. 4 would also reflect the social and economic ties underlying the District's operations. Detachment would support CSA No. 4's logical development by removing incorporated land designated for urban type use that does not have a substantive and direct tie to the District's role in funding public farmworker housing services by taxing vineyards.

***(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 policies and priorities set forth in G.C. Section 56377.***

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The proposal generally conforms with the adopted policies of the Commission and is highlighted by the affected territory lying entirely within the adopted sphere of influence for the City; a demarcation outlining the probable future service area and jurisdictional boundary of the City as determined by the Commission. The recommended amendments to expand the annexation boundary to include an adjacent right-of-way portion and concurrent detachment from CSA No. 4 further enhance the conformity of the proposal relative to the directives and policies of the Commission as detailed in the preceding sections. An additional amendment to expand the annexation boundary to include concurrent annexation to NSD would further conform to Commission policies, but is not recommended in deference to the preferences of NSD and the affected landowners to tie this change to a future development project. As a timing alternative, staff recommends a special condition to require the City to term any future development approval on the subject lot annexing to NSD.

One notable exception to the preceding comments relates to an inconsistency between the proposal and the Commission's policy to discourage boundary changes involving underdeveloped properties without known development plans or agreements.<sup>9</sup> The intent of this policy statement is to create a quantifiable measurement in helping the Commission determine when it is appropriate for lands to become urbanized; it also encourages applicants to bundle boundary change proposals with development projects to provide the Commission more certainty and accuracy in assessing impacts. Staff believes, however, three factors specific to the proposal filed by the City provide reasonable justification for the Commission to proceed and approve the annexation of the affected territory to the City and with the referenced amendments. These justifying factors follow.

- ***Scope of Potential Development is Limited and Reasonably Fixed***  
The potential development of the affected territory under existing City rezoning is limited to a total five residential units and parallels existing uses/densities in the surrounding incorporated area. LAFCO law precludes the City from changing the rezoning assignment for the affected territory for no less than 24 months from the date in which the annexation is approved and recorded by the Commission.

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<sup>9</sup> Statement references Commission General Policy Determination II/B/3.

- ***Assurances Tied to Expanded Project Description***  
At the request of the Executive Officer, the City has included an expanded project description in their proposal filing outlining notional development expectations for the affected territory based on existing City policies and regulations. This includes the City attesting to the (a) actual number of expected units, (b) anticipated infrastructure improvements and dedications, and (c) probable infrastructure funding requirements and sources. The information provided in the expanded project description is incorporated into the analysis of this report and leads to reasonable assurances the City has adequate controls and capacities to accommodate future new growth within the affected territory.
- ***Condition for Future Annexation to NSD***  
As referenced, it is recommended the Commission condition approval to require the City term any future development approval for the affected territory to require annexation to NSD. This assures the Commission will retain an approval authority specific to the extension of public sewer if and when new development is proposed for the affected territory.

The affected territory does not qualify as “open-space” under LAFCO law and therefore does not conflict with G.C. Section 56377. Specifically, the affected territory is not substantially unimproved and devoted to an open-space use under the County or City General Plan.

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

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The affected territory does not qualify as “agricultural land” under LAFCO law. Specifically, the affected territory is not used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program.

***(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.***

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The proposal as submitted is parcel-specific and includes all of the property identified by the County of Napa Assessor’s Office as 041-720-003. The recommended amendment modifies the affected territory to also include the public right-of-way portion of Forest Drive immediately adjacent to the subject lot. Commission approval would include a term requiring the applicant submit a map and geographic description of the approved action in conformance with the requirements of the State Board of Equalization. The submitted map and geographic description would be subject to review and possible edits by the Executive Officer before filing.

The affected territory lies within an existing unincorporated corridor consisting of a total of 24 lots along with public right-of-ways that collectively total approximately 32 acres.<sup>10</sup> Surveys of the adjacent landowners suggest expanding the annexation boundary to reduce and/or eliminate the unincorporated island would likely trigger successful protest proceedings and is not recommended.

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

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The affected territory is similarly planned – albeit at different intensities – for single-family residential uses under both the County and City General Plans. The County General Plan designation is *Rural Residential* and it prescribes a minimum lot size of 10 acres; a threshold that precludes any new intensive development given a guest cottage already exists. The City General Plan designation is *Single-Family Residential* – 44 and it prescribes a minimum lot size of 0.50 acres; a threshold that on its own allows the affected territory to be further divided into a maximum of 12 lots. The application of rezoning requirements, however, reduces the development potential of the affected territory under the City to a total of five lots.

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. No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

***(8) The sphere of influence of any local agency affected by the proposal.***

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See analysis on page 10.

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

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Staff provided notice of the proposal to all subject agencies and other interested parties as required under LAFCO law on December 17, 2012. The review included a summary of potential amendments to the proposal based on the Commission’s adopted policies and established practices. This included the potential for amending the proposal to (a) expand the annexation boundary to include the adjacent right-of-way portion of Forest Drive, (b) concurrent detachment from CSA No. 4, and (c) concurrent annexation to NSD. No formal comments were received.

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<sup>10</sup> The affected territory is not part of an unincorporated island based on Commission policies; policies that define a substantially surrounded island as having 66.6% or more of its perimeter surrounded by a city.



***(10) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.***

Information collected and analyzed in the Commission’s last municipal service review on the City concluded Napa had developed adequate financial resources and controls relative to its service commitments. Additional analysis performed subsequent to the filing of the proposal provides reasonable assurances the City’s fiscal resources and controls would enable the agency to provide an appropriate level of services to the affected territory relative to anticipated land uses. A summary of the City’s current financial resources follows.

- ***General Fund***

The City’s total available (undesignated/emergency) balance in its General Fund at the beginning of the current fiscal year totaled \$7.6 million and equals 12% of its adopted operating costs in 2012-2013. At the time of budget adoption, the City anticipated a \$4.0 million shortfall in operating costs for the current fiscal year and would – if realized – further reduce the available fund balance to \$3.6 million. A summary of the General Fund reserves over the last five fiscal years follows.

<b>Category</b>	<b>08-09</b>	<b>09-10</b>	<b>10-11</b>	<b>11-12</b>	<b>12-13</b>
Reserved: Reoccurring	2.127	0.509	0.509	0.509	0.509
Reserved: Non Reoccurring	--	--	0.900	0.900	0.900
Unreserved: Emergency	7.934	7.537	7.485	7.578	7.578
Unreserved: Undesignated	8.262	5.826	4.567	3.335	0.002
<b>Total</b>	<b>\$18.323</b>	<b>\$13.872</b>	<b>\$13.505</b>	<b>\$12.323</b>	<b>\$8.989</b>

*Dollars in Millions / Amounts as of July 1<sup>st</sup>*

The recent economic recession and corresponding stagnation of general tax revenues paired with increasing service costs underlie the City’s recent and ongoing structural imbalance. Recent administrative measures taken by the City – including reducing employment levels by 40 fulltime positions and eliminating cost-of-living adjustments over the last four years – have helped to stabilize the imbalance and decrease the demand on reserves to cover annual operating costs. Markedly, and assuming these administrative controls continue to be employed going forward, the relatively minor general service demands (i.e. public safety) anticipated and associated with the annexation and probable development of the affected territory is not expected to have an adverse fiscal impact on the City.<sup>11</sup>

<sup>11</sup> Additional services to be extended to the subject lot upon annexation and development, such as water, are self-funded through (a) connection fees and (b) usage charges. These revenue sources serve as the City’s buy-in charge for new customers to contribute their fair share for existing and future facilities necessary to receive water services as well as fund ongoing maintenance expenses. Accordingly, these other services would not generate any new unfunded demands on the City.

The recommendation to amend the proposal to also include concurrent detachment from CSA No. 4 will produce a modest financial impact given the subject lot has remained on the District's assessment roll. The current assessment for the subject lot is \$15; an amount representing only three one-thousands of a percent of the operating budget. It is important to note, and irrespective of the recommendation to detach the affected territory from the District, the current assessment will be removed from the subject lot given the grape vines are no longer planted.

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

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Proposal approval and the probable development of the affected territory to include a total of five single-family residences would generate a new water demand for the City. As previously referenced, the City's available water supplies are drawn from three separate sources: 1) Lake Hennessey; 2) Milliken Reservoir; and 3) the State Water Project. The City's most recent Urban Water Management Plan (UWMP) was adopted in 2011 and estimates the total annual water supply generated from these three sources during normal conditions and based on historical patterns is 31,340 acre-feet. These historical patterns also indicate the total annual water supply decreases to 19,896 and 13,533 acre-feet during multiple and single dry year conditions, respectively.

Information provided in the UWMP identifies the City's available water supplies are more than sufficient in accommodating both current annual demands – 13,877 acre-feet – and the projected buildout demands within the affected territory – 1.9 acre-feet – during normal and multiple dry year conditions. The City's available water supplies, however, are deficient under current estimated single dry years; a deficit that would be insignificantly increased with approval of the proposal along with the associated planned development of a single-family residence. The City, accordingly, has established conservation efforts within its UWMP to address the projected deficiency during single dry years. These factors provide reasonable assurances of the City's ability to effectively accommodate water demands with the minimal increases tied to the affected territory in accordance with G.C. Section 65352.5.

***(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.***

---

The proposal would not impact any local agencies in accommodating their regional housing needs. The affected territory is already located within the City's sphere of influence, and as a result, all potential units tied to the land are assigned to Napa by the Association of Bay Area Governments.

***(13) Any information or comments from the landowner or owners, voters, or residents of the affected territory.***

The landowners of the subject lot have provided their written consent to the proposal. Notice of the recommended amendments to modify the proposal to (a) expand the annexation boundary to include the adjacent right-of-way portion of Forest Drive and (b) concurrent detachment from CSA No. 4 were also provided to the subject agencies. No comments were received.

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

Expanded discussion on existing land use designations for the affected territory is provided on page 12 of this report. The following table summarizes these designations and related zoning assignments.

Category	County	City
<b>Land Use Designation</b>	Rural Residential	Single-Family Residential - 44
- Minimum Lot Size	10 acres	0.5 acres
<b>Zoning Standard</b>	Residential Country	Residential Single – 40
- Minimum Lot Size	10 acres	0.9 acres *
- Permitted Uses	single-family residence detached second unit family care / day facility guest cottage private school farmworker housing	single-family residence detached second unit family care / day facility public/private school
<b>Overlay Zoning</b>	Urban Reserve	Hillside

\* Minimum lot size for the City applies the restrictions tied to the Hillside overlay zoning.

***(15) The extent to which the proposal will promote environmental justice.***

There is no documentation or evidence suggesting proposal approval would have a measurable effect with respect to promoting environmental justice. There is also no documentation or evidence suggesting the recommended amendments to also include the adjacent right-of-way portion and detachment from CSA No. 4 will measurably effect environmental justice.

### ***Other Considerations***

- ***Property Tax Agreement***

Revenue and Taxation Code Section 99(b)(6) requires adoption of a property tax exchange agreement by affected local agencies before the Commission can consider a proposed boundary change.<sup>12</sup> With this in mind, and upon receipt of the applicant's proposal, staff provided notice to the City and the County of the proposed jurisdictional change affecting both agencies and the need to apply a property tax exchange to the proceedings.

Staff has advised the City and the County of its recommendation to amend the proposal and intent to apply a master property tax exchange agreement adopted by both governing boards in 1980 unless otherwise informed; an agreement specifying Napa shall receive 55% of the County's existing portion of property tax revenues generated from the affected territory. The County Auditor's Office estimates the affected portion of the property tax subject to the negotiated exchange would result in a baseline year transfer to the City of \$3,781.25. Neither agency objects to the application of the referenced agreement.

- ***Environmental Review***

The City serves as lead agency for the proposal under the California Environmental Quality Act (CEQA) given it is the initiating entity with sole responsibility for approving the underlying purpose of this action: annexation of the subject lot. The City has determined the proposal qualifies as a "project" under CEQA and has accordingly prepared an initial study assessing the environmental impacts associated with the proposal given the land could be further divided under the City's adopted land use policies. The initial study concludes the project will not generate any new direct or indirect significant impacts that have not already been adequately addressed and, as needed, mitigated in the Final Environmental Impact Report adopted for the City General Plan (1998). On behalf of the Commission in its role as responsible agency under CEQA, staff has independently reviewed this matter and believes the City has made an appropriate determination.

- ***Conducting Authority Proceedings***

All change of organizations and reorganizations approved by the Commission are subject to conducting authority proceedings unless waived in accordance with criteria outlined under G.C. Section 56663. Staff has reviewed this section and confirms approval of the proposal with or without the recommended amendments is not subject to conducting authority proceedings given (a) all affected landowners have provided their written consent and (b) no subject agencies have filed written opposition to the waiver.

---

<sup>12</sup> CSA No. 4 was formed after Proposition 13 and therefore not eligible for property tax revenues.

#### **D. Recommendation**

Staff recommends approving the submitted proposal to annex the subject lot to the City with two distinct amendments. These amendments include an expansion of the annexation boundary to include an additional 0.4 acre portion of adjacent right-of-way on Forest Drive and concurrent detachment from CSA No. 4 for reasons detailed in this report. It is also recommended the following conditions of approval be applied with delegation to the Executive Officer to determine when the requested actions have been sufficiently satisfied before proceeding with a recordation.

- Submittal of a map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization.
- Payment of any outstanding fees owed to other agencies involved in the processing of this proposal as identified in the Commission's adopted fee schedule.
- An indemnification agreement signed by the City in a form provided by the Commission Counsel.
- A letter signed by the City agreeing to term future development approval involving the affected territory in which additional lots are created on annexation to NSD.
- A letter signed by the City agreeing to file a proposal with the Commission to annex the affected territory into CSA No. 4 if vineyard development one acre or more in size is allowed.

#### **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):**

Adopt the draft resolution identified as Attachment One approving the proposal with the recommended amendments and conditions identified in the preceding section along with any desired changes as requested by members.

##### **Alternative Action Two:**

Continue consideration of the item to the next regular meeting and provide direction to staff for additional information as needed.

##### **Alternative Action Three:**

Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year unless reconsideration is filed and approved in 30 days.



**F. Procedures for Consideration**

This item has been agenzized for action. The following procedures are recommended with respect to the Commission's continued consideration of this item:

- 1) Receive verbal report from staff;
- 2) Invite comments from any interested audience members (voluntary); and
- 3) Discuss item and consider action on recommendation.

Respectfully submitted,

---

Keene Simonds  
Executive Officer

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Brendon Freeman  
Analyst

Attachments:

- 1) Draft Resolution of Approval
- 2) Application Materials
- 3) Correspondence from 56 Forest Drive
- 4) Commission General Policy Determinations

**RESOLUTION NO. \_\_\_\_****RESOLUTION OF  
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
MAKING DETERMINATIONS****PROPOSED ANNEXATION OF 29 FOREST DRIVE TO THE CITY OF NAPA**

**WHEREAS**, the City of Napa, by resolution of application, has filed a proposal with the Local Agency Formation Commission of Napa County, hereinafter referred to as "Commission," pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, the proposal seeks Commission approval to annex approximately 6.0 acres of unincorporated land to the City of Napa and represents an entire legal lot identified by the County of Napa Assessor's Office as 041-720-003; and

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

**WHEREAS**, the Executive Officer's report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

**WHEREAS**, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on February 4, 2013;

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

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

1. The Commission's determinations on the proposal incorporate the information and analysis provided in the Executive Officer's written report.
2. As responsible agency under the California Environmental Quality Act, the Commission has considered the initial study and corresponding determination by the City of Napa the proposal will not generate any new significant effects that have not already been adequately addressed as part of the Environment Impact Report (EIR) prepared for the City General Plan, certified December 1, 1998. The Commission has considered the EIR and finds that it makes land use assignments for the subject territory and adequately discusses the environmental impacts of development of the affected territory to the assigned densities. The Commission concurs with the City's determination and finds the annexation will not introduce any new considerations with respect to this EIR, and probable future projects are adequately addressed by it. The Commission further finds that projects, as they become known, will be subject to environmental review as they are developed. The Executive Officer, accordingly, shall file a notice of

determination with the County of Napa Clerk-Recorder's Office memorializing the findings of the Commission. The records upon which these findings and determination are made are located at the office of the Commission at 1030 Seminary Street, Suite B, Napa, California.

3. The proposal is APPROVED with the following amendments:
  - a) The affected territory is expanded to include an approximate 0.4 acre public right-of-way portion of Forest Drive immediately adjacent to 041-720-003.
  - b) The affected territory is concurrently detached from County Service Area No. 4.
4. The proposal is assigned the following distinctive short-term designation:

**FOREST DRIVE NO. 2 REORGANIZATION**

5. The affected territory is depicted in the vicinity map provided in Exhibit "A".
6. The affected territory is uninhabited as defined in Government Code Section 56046.
7. The City of Napa utilizes the regular assessment roll of the County of Napa.
8. 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 Napa. The affected territory will also be subject to all of the rates, rules, regulations, and ordinances of the City of Napa.
9. The Commission authorizes conducting authority proceedings to be waived in accordance with Government Code Section 56663.
10. Approval is contingent upon the satisfaction of following conditions as determined by the Executive Officer:
  - (a) A map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization for annexation of the affected territory to the City of Napa.
  - (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 Napa in a form provided by the Commission Counsel.
  - (d) A letter of acknowledgment from the City of Napa agreeing to file a future proposal with the Commission to annex the affected territory into County Service Area No. 4 if vineyard development one acre or more in size is permitted.
  - (e) A letter of acknowledgement from the City of Napa agreeing to term any future development approvals for the affected territory in which new lots are created on annexation to the Napa Sanitation District.

11. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be filed within one calendar year from the date of approval unless a time extension is approved by the Commission.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on February 4, 2013, by the following vote:

Yes: \_\_\_\_\_

No: \_\_\_\_\_

Abstain: \_\_\_\_\_

Absent: \_\_\_\_\_

Attest: Keene Simonds  
Executive Officer

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

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# EXHIBIT A



RECEIVED

FORM D

DEC 12 2012

NAPA COUNTY  
LAFCO

Date Filed: 12/12/12  
Received By: BF

JUSTIFICATION OF PROPOSAL  
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: SCOTT KLINGBEIL CITY OF NAPA, CDD  
 Contact Person Agency/Business (If Applicable)

Address: 1600 FIRST ST NAPA 94559  
 Street Number Street Name City Zip Code

Contact: 707 257-9530 257-9522 SKLINGBEE@CITYOFNAPA.ORG  
 Phone Number Facsimile Number E-Mail Address

B. Applicant Type: (Check One)  Local Agency  Registered Voter  Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies:

Name	Address
Name	Address
Name	Address

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed)

<input checked="" type="checkbox"/> Annexation	<input type="checkbox"/> Detachment	<input type="checkbox"/> City Incorporation	<input type="checkbox"/> District Formation
<input type="checkbox"/> City/District Dissolution	<input type="checkbox"/> City/District Merger	<input type="checkbox"/> Service Activation (District Only)	<input type="checkbox"/> Service Divestiture (District Only)

C. Purpose Statement: (Specific) REQUEST ANNEXATION OF SIX ACRE  
PROPERTY AT 29 FOREST DRIVE

**III. GENERAL INFORMATION**

A. Location:

	<u>29 FOREST DRIVE</u>	<u>041-720-003</u>	<u>6</u>
	Street Address	Assessor Parcel Number	Acres
<hr/>			
	Street Address	Assessor Parcel Number	Acres
<hr/>			
	Street Address	Assessor Parcel Number	Acres
<hr/>			
	Street Address	Assessor Parcel Number	Acres

Total Location Size  
(Including Right-of-Ways) \_\_\_\_\_

**B. Landowners:**

(1) Assessor Parcel Number : 041-702-003 Name: ALUMBAUGH, NORM  
 Mailing Address: 29 FOREST DRIVE, NAPA, CA 94558  
 Phone Number: 252-7966 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

(2) Total Number of Registered Voters: 2

**D. Land Use Factors:**

- (1a) County General Plan Designation: \_\_\_\_\_
- (1b) County Zoning Standard: \_\_\_\_\_
- (2a) Applicable City General Plan Designation: SFR-44
- (2b) Applicable City Rezoning Standard: RS-40:HS

**E. Existing Land Uses:**  
(Specific)

SINGLE FAMILY RESIDENCE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**F. Development Plans:**

- (1a) Territory Subject to a Development Project?  Yes  No
- (1b) If Yes, Describe Project: APPLICANT WOULD LIKE TO SUBDIVIDE PROPERTY INTO NO MORE THAN 5 PARCELS
- (1c) If No, When Is Development Anticipated? \_\_\_\_\_  
\_\_\_\_\_

**G. Physical Characteristics:**

- (1) Describe Topography: RATHER STEEP PROPERTY THAT RISES UP FROM FOREST DRIVE
- (2) Describe Any Natural Boundaries: FOREST DRIVE ON THE SOUTH
- (3) Describe Soil Composition and Any Drainage Basins: \_\_\_\_\_  
\_\_\_\_\_
- (4) Describe Vegetation: 50% WOODED 50% GRASSES THAT WAS ONCE A VINEYARD

**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 WATER WILL BE PROVIDED  
NAPA SANITATION WILL ALSO PROVIDE SEWER  
SERVICE

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

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

WATER SERVICE WILL BE WITHIN FOREST DRIVE.

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

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

PROPERTY OWNER / DEVELOPER

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**V. ENVIRONMENTAL INFORMATION**

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**A. Environmental Analysis**

(1) Lead Agency for Proposal: CITY OF NAPA  
Name

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

Environmental Impact Report

Negative Declaration/Mitigated Negative Declaration

Categorical/Statutory Exemption: SECTIONS 15063 AND 15162  
Type

None

*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: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

E-Mail: \_\_\_\_\_

(2) Recipient Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

E-Mail: \_\_\_\_\_

(3) Recipient Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

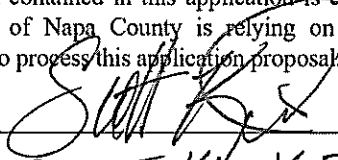
E-Mail: \_\_\_\_\_

**VII. CERTIFICATION**

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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: \_\_\_\_\_

SCOTT KLINGBELL

Title: \_\_\_\_\_

SENIOR PLANNER

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

12/10/12

CITY OF NAPA CITY COUNCIL  
AGENDA REPORT

CONSENT HEARING  
AGENDA ITEM 26.A.  
Date: December 04, 2012

To: Honorable Mayor and Members of City Council  
From: Rick Tooker, Community Development Director  
Prepared by: Scott Klingbeil, Senior Planner  
Subject: Alumbaugh Annexation of a six acre parcel at 29 Forest Drive

**ISSUE STATEMENT:**

Adopt a resolution requesting that the Local Agency Formation Commission (LAFCO) initiate proceedings for the annexation of the Alumbaugh property at 29 Forest Drive.

**DISCUSSION:**

Ryan Gregory, on behalf of the property owner Norm Alumbaugh, requests an annexation of a six acre parcel at 29 Forest Drive. The parcel is located within an unincorporated "island" substantially surrounded by the City and is within the City's Rural Urban Limit line (RUL) and the LAFCO Sphere of Influence. The exhibits included in Attachment 2 identify the project site. During review of this application staff surveyed 23 owners of adjacent parcels within the unincorporated "island" for their interest in also being included in the annexation. Three property owners expressed support or were neutral regarding also annexing into the City and nine property owners specifically opposed inclusion of their properties in the annexation. No response was received from the other 11 property owners.

In the past, the City's general policy has been to respect the interests of property owners and generally included only those willing property owners in an annexation request to LAFCO. However, in this case the inclusion of the three property owners in support of or neutral to the annexation would create an illogical annexation resulting in three to four distinctively new unincorporated islands. LAFCO staff has advised the City that the California Government Code discourages LAFCO from approving annexations resulting in the creation of new unincorporated islands; therefore, this annexation proposal does not include any additional property owners other than Norm Alumbaugh. However, LAFCO reserves the right to expand the boundaries of the Alumbaugh annexation to include the entire island if it determines this is appropriate upon its review of the application.

The proposed annexation was reviewed by City staff and other associated agencies at an interdepartmental meeting on July 10, 2012. Napa Sanitation District staff commented that specific conditions of approval for development will be established when future applications for development are received. The subject parcel is rezoned

RS 40: HS (Single Family Residential 40,000 sq. ft. minimum lot size District; Hillside Overlay District). The Hillside Overlay District reduces densities based on hillside slopes, requires a use permit for any additional units beyond one unit. Design criteria and standards also guide development of the property in a HS Overlay District. This six acre property has the potential to be subdivided into five one acre lots where just one single family residence presently exists on the site.

Approval of an annexation of the subject parcel requires that the City Council adopt a Resolution of Application requesting that LAFCO initiate proceedings to complete the annexation. This is an annexation request only; any future development proposal would occur after completion of annexation of the parcel into the City.

**FINANCIAL IMPACTS:**

There would be slight increases in City revenues due to property tax reapportionment and paramedic fees, as well as corresponding increases in City service costs to the existing single family residence.

**CEQA:**

City staff recommends that the City Council determine that the potential environmental effects of the Recommended Action described in this Agenda Report were adequately examined by the Environmental Impact Report (EIR) for Envision Napa 2020, the City's General Plan, certified on December 1, 1998, pursuant to CEQA Guidelines Sections 15063 and 15162. As documented in a subsequent Initial Study prepared for the Alumbaugh Annexation (Project No. 12-0093), the EIR adequately identifies the density ranges for the subject parcel and adequately analyzes at a program level the environmental and mitigating policies and programs for future development at assigned density ranges.

**DOCUMENTS ATTACHED:**

- 1.Attachment 1: Resolution with associated exhibits requesting that LAFCO initiate proceedings for the annexation of the Alumbaugh property at 29 Forest Drive.
- 2.Attachment 2: Applicant's written statement and location map.

**NOTIFICATION:**

The following were notified of this application:

- Norm Alumbaugh, Applicant
- Ryan Gregory, Applicant Representative
- Kristof & Jennifer Anderson, 68 Forest Drive, Napa, CA 94558
- Richard & Carol Eyheralde, 62 Forest Drive, Napa, CA 94558
- Francis Healy & Ann Ferrigan, 56 Forest Drive, Napa, CA 94558
- Ray Mitchell Evensen & Marie Rossi, 44 Forest Drive, Napa, CA 94558
- Loren Kroeger, 32 Forest Drive, Napa, CA 94558
- David & Brenda Dugan, 22 Forest Drive, Napa, CA 94558
- Bret & Kelly Hyatt, 11 Forest Drive, Napa, CA 94558

Garrett Murphy & Kim Erasmy-Murphy, 2122 Second Street, Napa, CA 94558  
Elizabeth Yarris, 2841 Redwood Road, Napa, CA 94558  
Barbara Kinder, 2477 Southern Oak Road, Ramona, CA 92065  
Glen & Betty Carr, 2835 Redwood Road, Napa, CA 94558  
Robert David Poppe Jr., 2855 Redwood Road, Napa, CA 94558  
Michael & Carolyn Lombardi, 2873 Redwood Road, Napa, CA 94558  
Phoebe Dinsdale, 2873 Redwood Road, Napa, CA 94558  
Jay & Susan Hanson, 2877 Redwood Road, Napa, CA 94558  
Robert & Sue Osborn, 2883 Redwood Road, Napa, CA 94558  
Daniel & Donna Brown, 2866 Redwood Road, Napa, CA 94558  
Richard & Anna Jetton, 2890 Redwood Road, Napa, CA 94558  
Tyler Dann II, 2590 Pine Street, San Francisco, CA 94115  
Robert Jones, 2930 Redwood Road, Napa, CA 94558  
Napa Valley Unified School District  
Local Agency Formation Commission  
Napa County Planning  
Napa Sanitation District

Legal notice of public hearing was also published in the Napa Valley Register on November 20, 2012.

**RECOMMENDED ACTION:**

Staff recommends that the City Council move, second and approve each of the actions set forth below, in the form of the following motion. Move to:

Adopt a resolution requesting that the Local Agency Formation Commission (LAFCO) initiate proceedings for the annexation of the Alumbaugh property at 29 Forest Drive.

**RESOLUTION R2012 155**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, REQUESTING THAT THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) INITIATE PROCEEDINGS FOR THE ANNEXATION OF THE ALUMBAUGH PROPERTY AT 29 FOREST DRIVE**

**WHEREAS, this annexation request is in accordance with applicable provisions of the California Environmental Quality Act (CEQA), pursuant to the Environmental Impact Report (EIR) for Envision Napa 2020, the City of Napa's General Plan, that establishes future land use and densities for the subject territory and adequately analyzes at a program level the environmental impacts and mitigating policies for such development at 29 Forest Drive and throughout the city; and**

**WHEREAS, factors identified in Government Code Section 56668 have been identified and shall be considered by the Napa County Local Agency Formation Commission (LAFCO) in review of the proposal; and**

**WHEREAS, the City of Napa desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for the annexation of the Alumbaugh Property, and**

**WHEREAS, the parcel proposed to be annexed is within the City's Rural Urban Limit (RUL) and is coterminous LAFCO Sphere of Influence, the territory is inhabited (per LAFCO law), and a description of the boundaries of the territory is set forth in the location map attached hereto as Exhibit C, and incorporated herein by reference; and**

**WHEREAS, the territory proposed to be annexed has been pre-zoned in accordance with the City of Napa General Plan, which land use map (portion) and Zoning Map (portion) are set forth in Exhibits A and B, attached hereto and incorporated herein by reference; and**

**WHEREAS, the chief petitioner for the Alumbaugh Annexation, Norman Alumbaugh located at 29 Forest Drive, Napa, CA 94559, has signed the petition for annexation; and**

**WHEREAS, the reasons for annexation include development of land in accordance with the City's General Plan and providing for logical boundaries and service provision in the area; and**

**WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City staff, and any information provided during public meetings.**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Napa as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.

2. This Resolution is hereby adopted and LAFCO is hereby requested to initiate proceedings for the annexation of territory as shown in Exhibit "C" including parcel APN 041-720-003, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

3. The City Council finds that the parcel has been rezoned and will have the RS 40:HS District (Single Family Residential District: Hillside Overlay District) designation upon annexation.

4. Pursuant to Government Code Section 56663, the City Council hereby consents to annexation of the subject territory as submitted.

5. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the 4<sup>th</sup> day of December, 2012, by the following roll call vote:

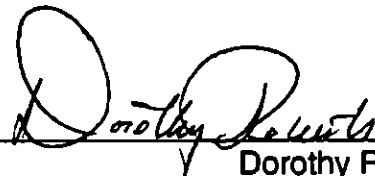
AYES: Mott, Inman, Pedroza, Sedgley, Techel

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:



Dorothy Roberts  
City Clerk

Approved as to form:



Michael W. Barrett  
City Attorney



EXHIBIT "A"

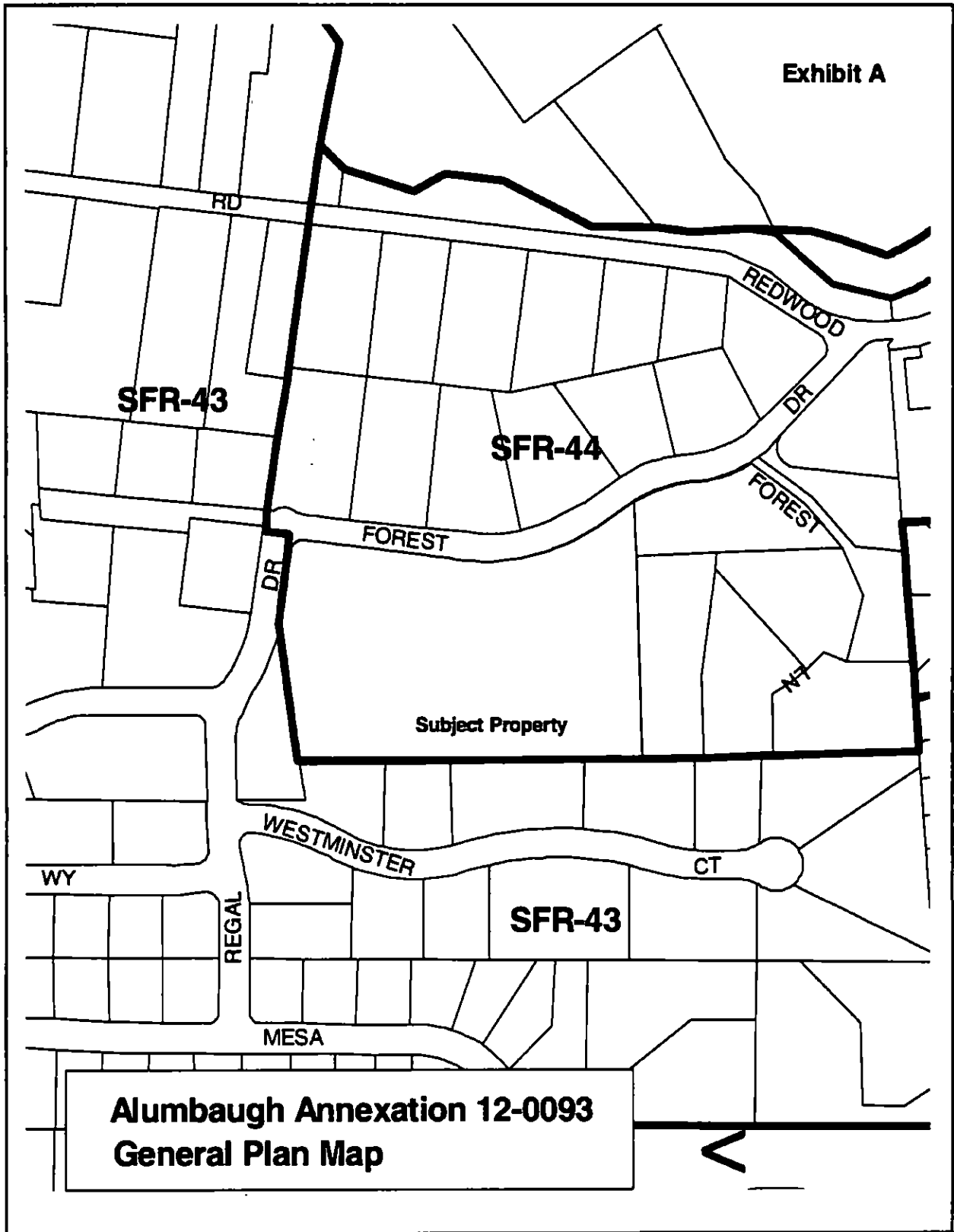


Exhibit A

SFR-43

SFR-44

Subject Property

SFR-43

**Alumbaugh Annexation 12-0093  
General Plan Map**

EXHIBIT "B"

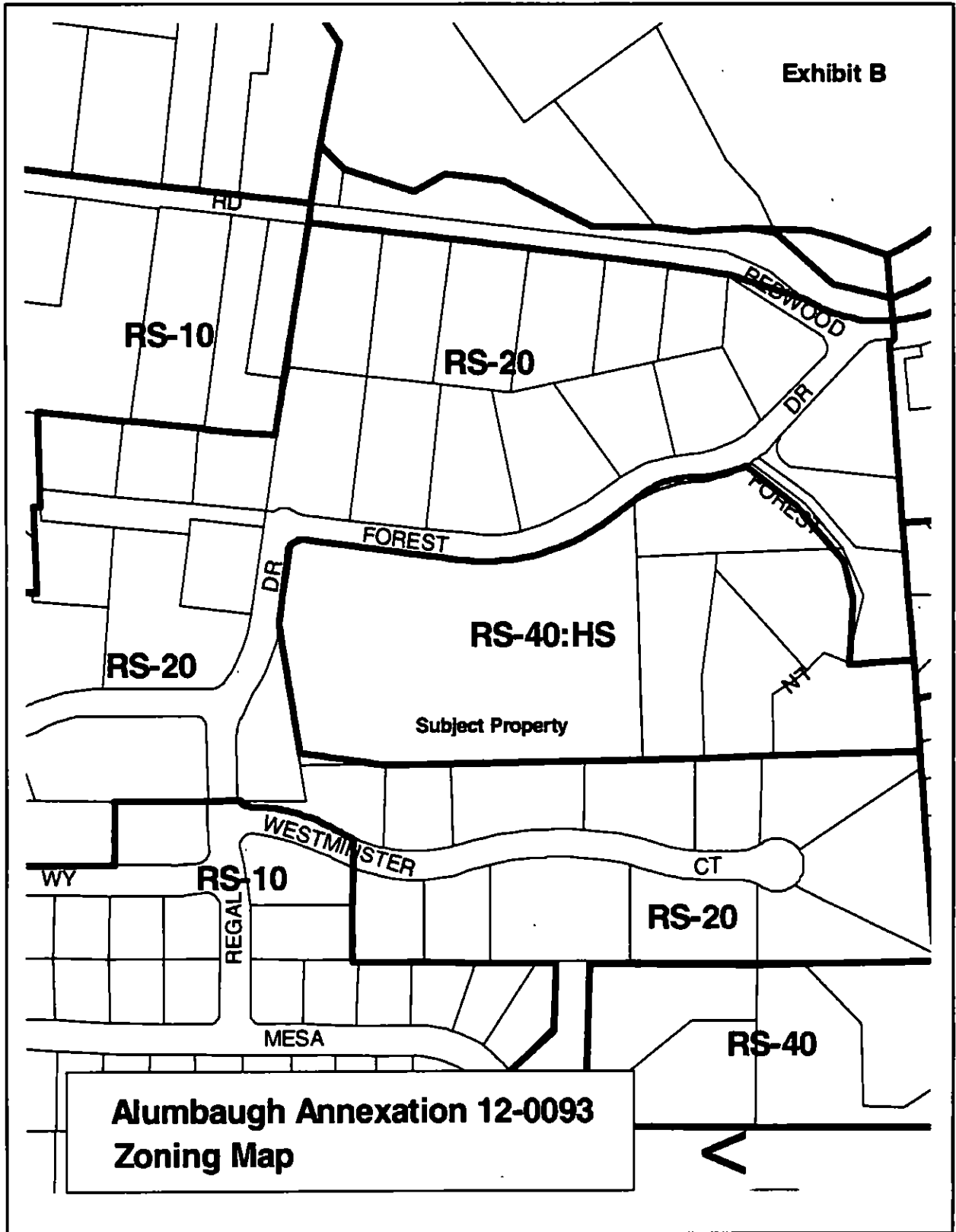
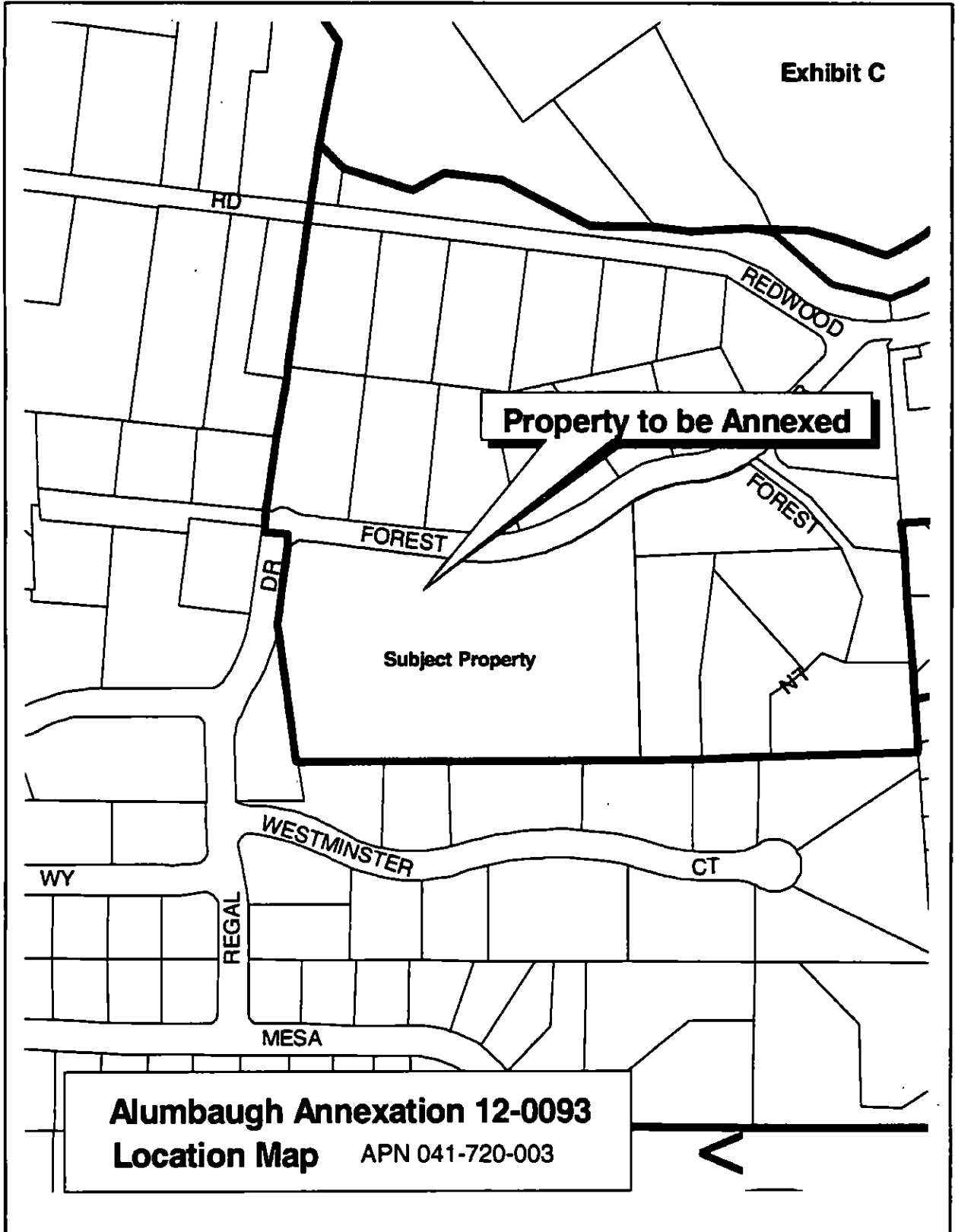


EXHIBIT "C"



**Lands of Alumbaugh  
City of Napa Annexation Application**

**Site Development Narrative**

The Alumbaugh's have filed an application with the City of Napa to annex their property at 29 Forest Drive into the City of Napa. The subject property was added to the City's sphere of influence in June 1978 reflecting LAFCO's long-standing policy that the affected territory should eventually be annexed into the City for purposes of facilitating orderly urban development.

Given that the subject property is within the City's sphere, it is considered in the City's current General Plan and has been pre-zoned accordingly. The property has a General Plan designation of SFR 44 which allows for 0-2 dwelling units per acre (du/acre). And, the property is pre-zoned with a designation of RS 40 with the Hillside (HS) Overlay. The HS Overlay requires that the allowable General Plan densities be reduced according to the topography and slopes that exist on site. According to this calculation and as shown on the attached exhibit entitled "Slope Analysis Map", the maximum density is reduced to 0.86 du/acre resulting in a maximum yield of 5 residential lots.

In terms of infrastructure, there are existing City-owned water and storm drain facilities as well as existing electric, phone, cable and gas facilities within Forest Drive which is a public right-of-way. A Napa Sanitation District-owned sanitary sewer main is available within the public right-of-way of Camilla Drive which abuts the north boundary of the subject property.

It is expected that all costs for future on-site improvements, as well as off-site improvements if any, will be borne by a future developer of a project on the subject property.

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City Of Napa – Community Development Department  
1600 First Street – P.O. Box 660  
Napa, CA 94559  
(707) 257-9530

## INITIAL STUDY OF ENVIRONMENTAL SIGNIFICANCE

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<b>PROJECT NAME:</b>	<b>Alumbaugh Annexation</b>	<b>FILE NUMBER: 12-0093</b>
<b>SITE ADDRESS:</b>	<b>29 Forest Drive</b>	<b>APN: 041-720-003</b>
<b>GENERAL PLAN:</b>	<b>SFR-44, Single Family Residential</b>	
<b>PREZONING:</b>	<b>RS:40;HS, Single Family Residential:Hillside Overlay District</b>	
<b>APPLICANT:</b>	Riechers Spence and Associates Ryan Gregory 1515 Fourth Street Napa, CA 94559	<b>PHONE: (707) 252-3301</b>

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**PROJECT DESCRIPTION:** An annexation application of the six acre parcel at 29 Forest Drive. The parcel is located within an unincorporated "island" substantially surrounded by the City and is within the City's Rural Urban Limit line (RUL) and the LAFCO Sphere of Influence. The property is currently developed with a single family residence. No physical development is proposed with the annexation request.

**ENVIRONMENTAL SETTING** – The City of Napa is a 150 year old community of approximately 76,700 people (State Dept. of Finance 1/06 estimate) located in the north part of the San Francisco Bay region. Napa is a largely developed city, surrounded by a Rural Urban Limit (RUL) line designed to contain urban development and protect important agricultural lands outside the city. The six acre property is within the City's RUL and LAFCO Sphere of Influence, substantially surrounded by the City. The property is located on the south side of Forest Drive approximately 500 feet west of Redwood Road and is currently developed with a single family residence. The property contains a mix of mature trees and grasses, although portions of the property were previously planted in vineyard.

### **OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (E.G., PERMITS, FINANCING APPROVAL, OR PARTICIPATION AGREEMENT.**

The Napa Local Agency Formation Commission (LAFCO) has the authority to act on any annexation application.

### **GUIDELINES DOCUMENTS, GENERAL PLAN DOCUMENTS AS PART OF CEQA DOCUMENTATION.**

CEQA Guidelines Section 15150 recognizes the desirability of reducing the volume of documentation necessary for environmental review and authorizes the use of *incorporation by reference* of any portion of relevant documents that provide general background to the environmental document. As such, this Initial Study incorporates the City of Napa *General Plan Policy Document and Background Report* (Adopted 12/1/98, as it has been most recently amended), as well as the *Final EIR SCH #95-03-3060* certified for the General Plan and the CEQA Findings (CC Reso. 98-238 and 239); the *Housing Element General Plan Amendment and Negative Declaration*, adopted 12/4/2001 (CC Reso. 2001/272-274) and amended in 2004; the *Zoning Ordinance and Negative Declaration*, adopted 8/12/2003 (CC Reso. 2003/187; Ordinance 2003 12 as most recently amended). These documents are available for review at the City of Napa Community Development Department, 1600 First Street, Napa, CA (707) 257-9530.

### **PURPOSE OF INITIAL STUDY**

The purpose of this Initial Study is to evaluate the environmental impacts of the annexation project. This analysis incorporates analysis and conclusions from the General Plan FEIR by reference. Future development applications will require additional project level CEQA analysis.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages. This initial study prescribes mitigation measures to reduce all potentially significant impacts to a less than significant level.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Geology & Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials    | <input type="checkbox"/> Hydrology & Water Quality          |
| <input type="checkbox"/> Land Use & Planning      | <input type="checkbox"/> Mineral Resources                | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population & Housing     | <input type="checkbox"/> Public Services                  | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation & Traffic | <input type="checkbox"/> Utilities & Service Systems      | <input type="checkbox"/> Mandatory Findings of Significance |


**CEQA DETERMINATION:**

- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Prepared by:



Signature  
Scott Klingbeil



Date  
For: Cassandra Walker, Community Development Director  
City of Napa Community Development Department



**ENVIRONMENTAL CHECKLIST:**

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS. <i>Would the project:</i></b>				
a. Have a substantial adverse effect on a scenic vista?				X
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c. Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X
<p><u>Discussion:</u> Visual quality is assessed in the General Plan FEIR on pages 3.6-1 through 3.6-5 and S-17. Environmental analysis and conclusions related to the aesthetic character of urban development generally, enhancement of the visual setting along key corridors, and protection of scenic resources are specifically discussed in items 1, 2 and 4 on pages 3.6-2, 3.6-3, and 3.6-5 and include references to applicable mitigating policies in the General Plan. Future projects would need to address City design policies and guidelines.</p> <p><u>General Plan Mitigating Policies and implementing programs:</u> LU-1, LU-1.2, LU-1.4, LU-1.5, LU-1.6, LU-1.8, LU-1.A, LU-1.C, LU-4.1, LU-4.5, LU-4.11, LU-4.A, , LU-4.B, LU-7.4, LU-8.A, LU-10.1, LU-10.2, LU-10.3, LU-10.4, LU-10.5, H-3.1, H-3.A, H-3.B, H-3.C, H-3.D NR 1.7, NR-1.C, NR-1.E</p> <p><u>Conclusion:</u> The proposed annexation will not result in changes in the environment. The proposed annexation (and potential future development consistent with the General Plan) will not result in significant new aesthetic impacts that are not already analyzed adequately in the General Plan FEIR and such potential impacts will be avoided or mitigated in accordance with that earlier EIR when a development project is proposed by applying mitigating policies of the General Plan (that include implementing programs and ordinances) as well as City Policy Resolution 27 standard conditions and mitigation measures and the City's Residential Design Guidelines.</p>				
<b>II. AGRICULTURAL &amp; FOREST RESOURCES. <i>Would the project:</i></b>				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b. Conflict with existing zoning for agricultural use or a Williamson Act Contract?				X
c. Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?				X
d. Result in the loss of forest land or conversion of forest land to non-forest use?				X
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X
<p><u>Discussion:</u> The proposed annexation does not affect new agricultural lands that were not already assessed in the General Plan FEIR on pages 3.2-3 through 3.2-8 and on pages 4-1 through 4-2. The State Farmland Mapping Program identifies the six acre parcel as "Urban and Built Up Land". In the General Plan FEIR, loss of small agricultural plots not on prime agricultural soils when contiguous with urban development within the RUL was not considered significant while conversion of prime soils (identified as Classes I and II) within the RUL was considered significant but offset in part by General Plan policies that focus development within the RUL, thereby protecting significant tracts of agricultural land and open space outside the RUL from development. Findings of overriding consideration were made in the FEIR regarding the loss of some prime agricultural soils within the city to allow land within the RUL to be used for urban uses to accommodate housing growth consistent with local</p>				

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
<p>and regional projections. A primary goal of the City's General Plan is to contain urban development within the City's Rural Urban Limit to minimize disturbance to the region's rich agricultural resources outside the RUL.</p> <p><u>General Plan Mitigating Policies:</u> LU-2.1, LU-2.2, LU-3.1, LU-10.2, LU-10.5, LU-3.1, LU-3.2</p> <p><u>Conclusion:</u> The proposed annexation (and potential future development consistent with the General Plan) will not result in significant impacts related to conversion of mapped Farmland or significant impacts on prime soils that were not already evaluated in the General Plan FEIR and addressed by the mitigating policies of the General Plan as well as City Policy Resolution 27 standard conditions and mitigation measures.</p>				
<p><b>III. AIR QUALITY. [Significance criteria established by the BAAQMD may be relied upon to make the following determinations] <i>Would the project:</i></b></p>				
a. Conflict with or obstruct implementation of the applicable air quality plan?				X
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d. Expose sensitive receptors to substantial pollutant concentrations?				X
e. Create objectionable odors affecting a substantial number of people?				X
<p><u>Discussion:</u> Air Quality is assessed in the General Plan FEIR on pages 3.10-1 through 3.10-5 and S-22-23. Impact discussion items in this section are at a program level, city-wide basis and include references to applicable mitigating policies in the General Plan. The proposed annexation (and subsequent potential development) do not alter the overall area land use assumptions used for analysis of these impacts in the General Plan FEIR.</p> <p><u>General Plan Mitigating Policies:</u> NR-5, NR-5.1, NR-5.2, NR-5.3, NR-5.4, NR-5.5, NR-5.6; T-1.1, T-5.1, T-5.2, T-5.4, T-5.12, T-5.13T-6.1, T-6.2, T-6.8, T-6.9, T-6.D, T-6.E, T-7.1, T-7.2, T-7.A, T-8.1, T-8.2, T-8.A and B, T-9.2 T-9.8, PR 5.2, PR-5.4, PR-5.7, LU-3.1, LU-3.2, LU-5.3, LU-5.7, LU-7.3, LU-7.4.</p> <p><u>Conclusion:</u> The proposed annexation (and potential future development consistent with the General Plan) will not result in significant new air quality impacts that are not already evaluated in the General Plan FEIR and addressed by the mitigating policies of the General Plan as well as City Policy Resolution 27 standard conditions and mitigation measures.</p>				
<p><b>IV. BIOLOGICAL RESOURCES. <i>Would the proposal result in:</i></b></p>				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (CDFG) or U.S. Fish and Wildlife Service (USFWS)?				X
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFG or USFWS?				X
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e. Conflict with any local policies or ordinances protecting biological				

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
resources, such as a tree preservation policy or ordinance?				X
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

**Discussion:** Biological resources are assessed in the General Plan FEIR on pages 3.7-1 through 3.7-10, S-18-19. Page 4-1 also provides discussion regarding endangered species and the potential for an unavoidable impact that may unknowingly result, regardless of mitigating policies, from future development that is enabled by the General Plan. The 2003 Zoning Ordinance updated and strengthened ordinance provisions relating to riparian habitat and wetland identification and protection to help implement these mitigating policies, and also references City native tree protection requirements. The subject parcel is sloping open grasslands with mature trees, some of which are likely to be oak trees that receive protection under the City's tree ordinance. The California Native Diversity Database 1998 map for the Napa Quad does not identify any species of concern anywhere close to the site. Potential future development consistent with the General Plan will be subject to General Plan and zoning ordinance provisions, as well as CEQA requirements to address and mitigate impacts on site resources. There are no applicable habitat or conservation plans.

**General Plan Mitigating Policies:** LU-10.1, LU-10.2, LU-10.3, LU-10.4, LU-10.5, NR-1.1, NR-1.2, NR-1.3, NR-1.4, NR-1.5, NR-1.6, NR-1.7, NR-1.8, NR-1.10, NR-1.11, NR-1.12, NR-1.13, NR-1.A, NR-2.1, NR-2.3, NR-2.4, NR-2.A, NR-2.B, NR-3.3, NR-4.1, NR-4.2, NR-4.4, NR-4.5, NR-4.7

**Conclusion:** The proposed annexation by itself does not result in changes in the environment. The proposed annexation (and potential future development consistent with the General Plan) will not result in significant new biologic impacts that are not already analyzed adequately in the General Plan FEIR and such potential impacts will be avoided or mitigated in accordance with that earlier EIR when a development project is proposed by applying mitigating policies of the General Plan (that include implementing programs and ordinances) as well as City Policy Resolution 27 standard conditions and mitigation measures.

**V. CULTURAL RESOURCES. *Would the project:***

a. Cause a substantial adverse change in the significance of an historical resource as defined in Sec.15064.5?				X
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Sec. 15064.5?				X
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d. Disturb any human remains, including those interred outside of formal cemeteries?				X

**Discussion:** Historic/cultural resources are assessed in the General Plan FEIR on pages 3.5-1 through 3.5-4 and S-16 Impact discussion items in this section are at a program, citywide level and include references to applicable mitigating policies in the General Plan. This area is outside of the Citywide survey of historic resources, but it does not contain buildings more than 50 years old. A planning area-wide *Archaeological Sensitivity Survey* was compiled in 2001; this survey identifies the parcels as having low to medium sensitivity. The environmental review for future master planning or specific planning of the site will further evaluate site archaeological resources. No human remains or unique paleontological resources or unique geologic feature have been identified in overall city surveys.

**General Plan Mitigating Policies:** HR-1.1, HR-1.2, HR-1.3, HR-1.8, HR-1.15, HR-1.18, HR-1.19, HR-1.20, HR-1.B, HR-1.C, HR-1.P; HR-6.1 through 6.4.

**Conclusion:** The proposed annexation will not result in changes in the environment. The proposed annexation (and potential future development consistent with the General Plan) will not result in significant new cultural resource impacts that are not already analyzed adequately in the General Plan FEIR and such potential impacts will be avoided or mitigated in accordance with that earlier EIR when a development project is proposed by applying mitigating policies of the General Plan (that include implementing programs, guidelines and ordinances)

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
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as well as City Policy Resolution 27 standard conditions and mitigation measures.

**VI. GEOLOGY & SOILS. Would the project:**

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Pub. 42				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b. Result in substantial soil erosion or the loss of topsoil?				X
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse)?				X
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

Discussion: Geologic and soils-related impacts are assessed in the General Plan FEIR on pages 3.8-1 through 3.8-3 and S-20. Impact discussion items in this section are at a program, citywide level and include references to applicable mitigating policies in the General Plan. The sites proposed for annexation are for the most part gently sloping or flat. The site is not within an Alquist Priolo Earthquake Fault Zone. All of Napa is subject to earthquake risk and risks in this general area are considered moderate.

General Plan Mitigating Policies: HS-1.1 through 1.5, HS-2.1 through 2.

Conclusion: The proposed annexation will not result in changes in the environment. The proposed annexation (and potential future development consistent with the General Plan) will not result in significant new geologic and soils-related impacts that are not already analyzed adequately in the General Plan FEIR and such potential impacts will be avoided or mitigated in accordance with that EIR when development is proposed by applying mitigating policies of the General Plan (that include implementing programs and ordinances) as well as City Policy Resolution 27 standard conditions and mitigation measures, including building codes for construction.

**VII. GREENHOUSE GAS EMISSIONS. Would the project:**

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

Discussion: The proposed annexation will not result in changes in the environment as it relates to greenhouse gas emissions. The site is currently developed with a single family residence and no development or construction is proposed with this project that would impact greenhouse gas emissions.

General Plan Mitigating Policies: None.

Conclusion: No impact to greenhouse gas emissions.

**VIII. HAZARDS & HAZARDOUS MATERIALS. Would the project:**

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routing transport, use or disposal of hazardous materials?				X
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e. For a project located within an airport land use plan, would the project result in a safety hazard for people residing or working in the project area?				X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h. Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?				X
<p><b>Discussion:</b> Hazardous materials-related impacts are assessed in the General Plan FEIR in the "Health and Safety" section on pages 3.12-1 through 3.12-3, S-23; fire and emergency preparedness and response impact assessments are found on pages 3.4--6, and 4-8. Impact discussion of these subjects are at a program, citywide level and include references to applicable mitigating policies from the Health and Safety Element of the General Plan. The parcels to be annexed are not near private airstrips or the Napa County Airport and are not on a hazardous materials list. The parcel appears to be near but not within a wildland-urban interface fire hazard area on General Plan maps.</p> <p><b>General Plan Mitigating Policies:</b> Hazardous Materials: HS-7.1 through 7.2; Emergency Preparedness and Response: HS-8.1 through 8.19; Wildland Fire hazards: HS-5.1 through 5.3, H-5.A; Aircraft Hazards: Not Applicable.</p> <p><b>Conclusion:</b> The proposed annexation will not result in changes in the environment. The proposed annexation (and potential future development consistent with the General Plan) will not result in significant new hazard/hazardous materials impacts that are not already analyzed adequately in the General Plan FEIR and such potential impacts will be avoided or mitigated in accordance with that earlier EIR when a development project is proposed by applying mitigating policies of the General Plan (that include implementing programs and ordinances) as well as City Policy Resolution 27 standard conditions and mitigation measures.</p>				
<p><b>IX. HYDROLOGY &amp; WATER QUALITY. <i>Would the project:</i></b></p>				
a. Violate any water quality standards or waste discharge requirements?				X
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-				X

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
site?				
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f. Otherwise substantially degrade water quality?				X
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j. Inundation by seiche, tsunami, or mudflow?				X
<p><b>Discussion:</b> Hydrology and water quality-related impacts are assessed in the General Plan FEIR on pages 3.9-1 through 3.9-3; S-20-21. Impact discussion of this subject is at a program, citywide level and includes references to applicable mitigating policies from both the Community Services and Natural Resource Chapters of the General Plan. Such policies are implemented by the City's Floodplain Management Ordinance, storm drainage master plan, drainage and best management practices programs (the National Pollutant Discharge Elimination System (NPDES) program) called for by the General Plan and Standard Policy Resolution 27 conditions and mitigation measures.</p> <p><b>General Plan Mitigating Policies:</b> Water Quality: NR-4.1 through 4.7; Hydrology/Storm Drainage: CS-11.1 through 11.9, CS-11.A; H-3.1 through 3.9, H-4.1 and 4.2</p> <p><b>Conclusion:</b> The proposed annexation will not result in changes in the environment. The proposed annexation (and potential future development consistent with the General Plan) will not result in significant new hydrology and water quality impacts that are not already analyzed adequately in the General Plan FEIR and such potential impacts will be avoided or mitigated in accordance with that earlier EIR when development is proposed by applying mitigating policies of the General Plan (that include implementing programs and ordinances) as well as City Policy Resolution 27 standard conditions and mitigation measures.</p>				
<p><b>X. LAND USE &amp; PLANNING. Would the project:</b></p>				
a. Physically divide an established community?				X
b. Conflict with any applicable land use plan, policy, or resolution of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
<p><b>Discussion:</b> Annexation will allow eventual future development consistent with land uses and amounts identified in the General Plan.</p> <p><b>General Plan Mitigating Policies:</b> All of the policies in the General Plan.</p> <p><b>Conclusion:</b> The proposed annexation (and potential subsequent development) will not result in new land use impacts not already evaluated in the General Plan FEIR and addressed by the mitigating policies of the General Plan.</p>				
<p><b>XI. MINERAL RESOURCES. Would the project:</b></p>				



Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X
<p><u>Discussion:</u> Based on information compiled as part of the city General Plan and its FEIR, there are no known mineral resource sites within the City or its RUL.</p> <p><u>General Plan Mitigating Policies:</u> None needed</p> <p><u>Conclusion:</u> The proposed annexation will not result in any impacts related to mineral resources as there are no known mineral resource sites in the City or its RUL.</p>				
<b>XII. NOISE. <i>Would the project result in:</i></b>				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies??				X
b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				X
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project				X
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e. For a project located within an airport land use plan, would the project expose people residing or working in the project area to excessive noise levels?				X
<p><u>Discussion:</u> Noise related impacts are assessed in the General Plan FEIR on pages 3.11-1 through 3.11-9 and S-23. Impact discussion of this subject is at a program, citywide level and includes references to applicable mitigating policies in the Health and Safety Chapter of the General Plan.</p> <p>The proposed annexation area has been planned for eventual urban development; ambient noise levels would in the long term be consistent with typical residential use and would not be a substantial increase over existing levels in this infill area. The site is outside of the Airport Land Use Plan area.</p> <p><u>General Plan Mitigating Policies:</u> HS-9.1 through 9.14, HS-9.A and the noise level standards shown in Table 8-1.</p> <p><u>Conclusion:</u> As with other topic areas, the proposed annexation will not result in changes in the environment. The proposed annexation (and potential future development consistent with the General Plan) will not result in significant new noise impacts that are not already analyzed adequately in the General Plan FEIR and such potential impacts will be avoided or mitigated in accordance with that earlier EIR when a development project is proposed by applying mitigating policies of the General Plan (that include implementing programs and ordinances) as well as City Policy Resolution 27 standard conditions and mitigation measures, including measures relating to temporary construction noise that may be anticipated with development.</p>				
<b>XIII. POPULATION AND HOUSING. <i>Would the project:</i></b>				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure)?				X
b. Displacing substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
<p><u>Discussion:</u> The General Plan identifies this area for residential use. While the annexation has no impact on population and housing; any eventual future development must occur consistent with land uses and densities called for by the General Plan. The City also carefully monitors residential development pacing as it relates to the</p>				



Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
<p>city's "even rate of growth" policies and to date, the pace of development has been within that planned by the General Plan; if it were not, the city has a draft pacing ordinance to address that eventuality.</p> <p><u>General Plan Mitigating Policies:</u> All of the policies in the Land Use and Housing Elements of the General Plan.</p> <p><u>Conclusion:</u> The proposed annexation (and potential subsequent development) will not result in new population and housing impacts not already evaluated in the General Plan FEIR and addressed by the mitigating policies of the General Plan.</p>				
<p><b>XIV. PUBLIC SERVICES. <i>Would the project:</i></b></p>				
<p>a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services including:</p>				X
<p>i) Fire Protection?</p>				X
<p>ii) Police Protection?</p>				X
<p>iii) Schools?</p>				X
<p>iv) Parks?</p>				X
<p>v) Other Public Facilities?</p>				X
<p><u>Discussion:</u> Public Service-related impacts are assessed in the General Plan FEIR in the "Community Services and Utilities" section on pages 3.4-1 to 4-2; 3.4-5 to 3.6 and 3.4-16 to 3.4-17. Impact discussion of this subject is at a program, citywide level and includes references to applicable mitigating policies from relative sections of the Community Services chapter of the General Plan. The proposed annexation (and any subsequent potential development) do not alter the overall assumptions used for analysis of these impacts in the General Plan FEIR.</p> <p><u>General Plan Mitigating Policies:</u> All police, fire and emergency medical policies in the Community Services Element of the General Plan CS1.1 through 1.5, CS-1.7; CS-2.1-2.2; CS-3.1-3.3; CS-4.1-4.4; CS-5.1-5.8; CS-6.1-6.8; CS-7.1-7.5; CS-8.1-8.3 and all parks policies found in the Parks and Recreation Element.</p> <p><u>Conclusion:</u> The proposed annexation will not result in changes in the environment. The proposed annexation (and potential future development consistent with the General Plan) will not result in significant new public services impacts that are not already analyzed in the General Plan FEIR and such potential impacts will be avoided or mitigated in accordance with that earlier EIR when a development project is proposed by applying mitigating policies of the General Plan (that include implementing programs and ordinances) as well as City Policy Resolution 27 standard conditions and mitigation measures, including payment of fire and paramedic, park and school fees.</p>				
<p><b>XV. RECREATION. <i>Would the project:</i></b></p>				
<p>a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that a substantial physical deterioration of the facility would occur or be accelerated?</p>				X
<p>b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</p>				X
<p><u>Discussion:</u> The Parks and Recreation Element of the General Plan was carried forward in the 1988 General Plan. A separate Parks and Recreation Element EIR, referenced in the General Plan FEIR, evaluated and addressed impacts in the category of recreation, including discussion on p. S-15.</p> <p><u>General Plan Mitigating Policies:</u> All policies in the Parks and Recreation Element of the General Plan and Appendix D Trails Alignment Recommendations.</p> <p><u>Conclusion:</u> The proposed annexation will not result in changes in the environment. The proposed annexation (and potential future development consistent with the General Plan) will not result in significant new recreation</p>				

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
impacts that are not already analyzed in the General Plan FEIR and such potential impacts will be avoided or mitigated in accordance with that earlier EIR when a development project is proposed by applying mitigating policies of the General Plan (that include implementing programs and ordinances) as well as City Policy Resolution 27 standard conditions and mitigation measures , including park dedication and improvement fees.				
<b>XVI. TRANSPORTATION &amp; TRAFFIC. <i>Would the project:</i></b>				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersection) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity				X
g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
<p><u>General Plan Discussion:</u> Transportation-related impacts are assessed in the General Plan FEIR on pages 3.3-1 through 3.3-15 and S-11 and 12. Impact discussion of this subject is at a program, citywide level and includes references to applicable mitigating policies from relevant sections of both the Land Use and Transportation Elements of the General Plan, including establishment of level of service standards. Any new development projects require evaluation of traffic impacts in accordance with the City's <i>Traffic Impact Analysis</i> policy guidelines. Further, city policies encourage pedestrian and bicycle connections within new development and to surrounding areas when development is proposed, and ordinances require onsite parking to meet needs of the development. The City will continue to require mitigation measures from future new development to implement major road improvements identified in the transportation section of the Plan including assessing traffic impact fees on new development sufficient to cover the fair share of that development's impacts; requiring that new developments reserve right of ways for widening projects and other road improvements, and other measures related to the specific project's impacts. In addition, City plans call for seeking additional funding for transportation system improvements.</p> <p><u>General Plan Mitigating Policies:</u> All policies in the Transportation Element of the General Plan.</p> <p><u>Conclusion:</u> The proposed annexation will not result in changes in the environment and any subsequent potential development will not alter the overall area land use assumptions used for analysis of these impacts in the General Plan FEIR. The proposed annexation and any potential future development consistent with the General Plan will not result in significant new transportation impacts that are not already analyzed adequately in the General Plan FEIR. Potential impacts of any future development will be required to be avoided or mitigated in accordance with the earlier EIR when a development project is proposed by applying mitigating policies of the General Plan (and implementing ordinances and programs, such as the City's <i>Policy Guidelines: Traffic Impact Analysis for Private Development Review</i>) as well as City Policy Resolution 27 standard conditions and mitigation measures, including traffic mitigation fees.</p>				
<b>XVII. UTILITIES &amp; SERVICE SYSTEMS. <i>Would the project:</i></b>				

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g. Comply with federal, state, and local statutes and regulations related to solid waste?				X

Discussion: Water supply and distribution, wastewater, and solid waste impacts are assessed in the General Plan FEIR in the "Community Services and Utilities" section on pages 3.4-2 through 3.4-15., while drainage is discussed in the hydrology and water quality section on pages 3.9-1 through 3.9-3. Impact discussion of this subject is at a program, citywide level and includes references to applicable mitigating policies from relative sections of the Community Services chapter of the General Plan. About the same time as General Plan adoption, the County approved a contract amendment with the State to accelerate the City's North Bay Aqueduct water entitlement, to provide sufficient water supplies for General Planned development through the planning period. A more recent LAFCO 2050 Napa Valley Water Resources Study confirmed sufficient supplies through 2020 and, except for a slight shortage under a single dry year scenario, through 2050. The proposed annexation (and subsequent potential development) do not alter the overall area land use assumptions used for analysis of these impacts in the General Plan FEIR.

The Water Division and Stormwater drainage division indicated no concerns with the proposed annexation. The City of Napa Water and Drainage Divisions, NSD and solid waste companies coordinate with City Community Development to serve planned development within the City when development proposals are submitted. .

General Plan Mitigation Policies: CS-9.1 through 9.10; CS-10.1 through 10.3; CS 11.1 through 11.9, CS-12.1 and 12.2, S-12 through 15, S-20-21

Conclusion: The proposed annexation will not result in changes in the environment. The proposed annexation (and potential future development consistent with the General Plan) will not result in significant new utilities and service impacts that are not already analyzed adequately in the General Plan FEIR and such potential impacts will be avoided or mitigated in accordance with that earlier EIR when a development project is proposed by applying mitigating policies of the General Plan (such as best management practices, drainage system master plan, drainage studies and other implementing programs and ordinances) as well as City Policy Resolution 27 standard conditions and mitigation measures.

#### XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	No
b. Does the project have impacts which are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in conjunction with the effects of past projects, the effects of other current projects and the effects of probable future projects.)	No

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				No
<p><u>Discussion:</u> The proposed annexation does not create any changes to the environment. The proposed annexation (and subsequent potential development) do not alter the overall area land use assumptions used for analysis of these impacts in the General Plan FEIR or raise new issues related to fish and wildlife habitat, endangered plants, historic resources, cumulative impacts or environmental effects on human beings not already addressed by the prior General Plan FEIR.</p> <p>Submittal of this annexation application to LAFCO (and any potential subsequent development consistent with the General Plan) will not affect the application of project-specific CEQA requirements, General Plan mitigating policies and their implementing programs or ordinances, and City standards and conditions contained in Policy Resolution 27 during master planning of the site or other development project review.</p>				

**SOURCES OF INFORMATION USED IN PREPARATION OF THIS INITIAL STUDY:**

On file at the Planning Division:

- City of Napa; *General Plan Policy Document*, Adopted December, 1998.
- City of Napa; *General Plan Background Report*, Adopted December, 1998.
- City of Napa; *General Plan Final Environmental Impact Report*, Adopted December, 1998.
- City of Napa; *Zoning Ordinance*, 1996.
- City of Napa; *Resolution 89-362* Establishing a Street Improvement Fee for all new Development within the City and subsequent Resolutions Amending this Resolution: Resolution 93-198.
- City of Napa, *Water System Optimization and Master Plan*, 1997; West Yost & Associates
- City of Napa; *Water System Optimization and Master Plan*; Final EIR; 1997
- City of Napa; *Big Ranch Specific Plan and Specific Plan FEIR*, October, 1996; Nichols Berman
- City of Napa; *Linda Vista Specific Plan and Specific Plan FEIR*; October, 1987
- County of Napa; *Napa County Airport Land Use Compatibility Plan*, April, 1991
- Bay Area Air Quality Management District, *CEQA Guidelines*, 1996
- Bay Area Air Quality Management District, *Bay Area '97 Clean Air Plan*, December, 1997
- U.S. Army Corps of Engineers, *Napa River/Napa Creek Flood Protection Project General Design Manual and Supplemental EIR/EIR*, December, 1997.
- State of California, Resources Agency, *Farmland Mapping and Monitoring Program*

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SEP 17 2012

COMMUNITY DEVELOPMENT  
DEPARTMENT

September 5, 2012

Scott Klingbeil  
City of Napa Planning Division  
PO Box 660  
Napa, CA 94559-0660

RE: Forest Drive Annexation

Dear Mr. Klingbeil:

Thank you for your letter dated August 29 regarding annexation into the City of Napa. As we have indicated on the enclosed form, we strongly oppose the annexation of our property located at 56 Forest Drive. While we appreciate there is greater development potential with annexation, we are not interested in developing our property. We are not sure how increased development would "work" with our neighborhood, which was established in the 1950's as a collection of ranch-style homes along a narrow access (Forest Drive).

Your August 29 letter states that the owner of 29 Forest Drive has requested annexation. Our understanding is that Napa LAFCO has not received an application to date. If an application is submitted by the City or the owner, we would be very interested in reviewing it to understand the annexation's proposed development and the impact such development may have on our neighborhood's environment.

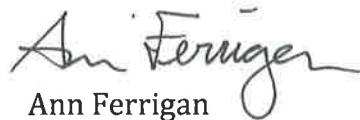
Our previous experience with the Forest Lane development has been that building multiple homes on steep hillsides can pose dangers to downhill neighbors such as ourselves. Additionally, Forest Drive is a narrow road constrained by a seasonal stream on one side. We would oppose any development requiring expansion of Forest Drive that results in the taking of our property.

Thank you again for your letter and for your attention to our concerns.

Sincerely,



Francis Healy, M.D.



Ann Ferrigan

56 Forest Drive  
Napa, California 94558  
APN 041-101-011

cc: Keene Simonds



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *General Policy Determinations*

Adopted: August 9, 1972  
Last Amended: October 3, 2011

#### **I. Background**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 specifies the Commission's principal objectives are discouraging urban sprawl, preserving open-space and agricultural resources, and encouraging the orderly formation and development of cities and special districts and their municipal services based on local conditions. Regulatory duties include approving or disapproving proposals involving the formation, reorganization, expansion, and dissolution of cities and special districts. The Commission's regulatory actions must be consistent with its adopted written policies and procedures. The Commission must also inform its regulatory duties through a series of planning activities, which includes establishing and updating spheres of influence.

#### **II. General Policies**

The intent of these policies is to serve as the Commission's constitution with regards to outlining clear goals, objectives, and requirements in uniformly fulfilling its prescribed duties. The Commission reserves discretion in administering these policies, however, to address special conditions and circumstances as needed.

##### **A) Legislative Declarations**

The Commission acknowledges and incorporates into its own policies, the policies of the Legislature regarding the promotion of orderly, well-planned development patterns that avoid the premature conversion of agricultural and open-space lands and ensure effective, efficient, and economic provision of essential public services. The Commission wishes to specifically note the following declarations and policies contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000:

- (1) The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services. (G.C. §56000)

- (2) It is the intent of the Legislature that each commission, not later than January 1, 2002, shall establish written policies and procedures and exercise its powers pursuant to this part in a manner consistent with those policies and procedures, and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within those patterns. (G.C. §56300)
- (3) In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:
  - a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
  - b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency.  
(G.C. §56377)

## **B) Commission Declarations**

The Commission declares its intent not to permit the premature conversion of designated agricultural or open-space lands to urban uses. The Commission shall adhere to the following policies in the pursuit of this intent, and all proposals, projects, and studies shall be reviewed with these policies as guidelines.

- (1) Use of County General Plan Designations:  
In evaluating a proposal, the Commission will use the Napa County General Plan to determine designated agricultural and open-space lands. The Commission recognizes that inconsistencies may occur between the County General Plan and the affected city general plan with respect to agricultural and open-space designations. Notwithstanding these potential inconsistencies, the Commission will rely on the Napa County General Plan in recognition of the public support expressed in both the incorporated and unincorporated areas of Napa County for the County's designated agricultural and open-space lands through enactment of Measure "J" in 1990 and Measure "P" in 2008.



- (2) Location of Urban Development:  
The Commission shall guide urban development away from designated agricultural or open-space lands until such times as urban development becomes an overriding consideration as determined by the Commission.
- (3) Timing of Urban Development:  
The Commission discourages proposals involving the annexation of undeveloped or underdeveloped lands to cities and special districts that provide potable water, sewer, fire protection and emergency response, or police protection services. This policy does not apply to proposals in which the affected lands are subject to a specific development plan or agreement under consideration by a land use authority. This policy does not apply to city annexation proposals in which the affected lands are part of an unincorporated island.
- (4) Factors for Evaluating Proposals Involving Agricultural or Open-Space Lands:  
The Commission recognizes there are distinct and varying attributes associated with agricultural and open-space designated lands. A proposal which includes agricultural or open-space designated land shall be evaluated in light of the existence of the following factors:
- a) "Prime agricultural land", as defined by G.C. §56064.
  - b) "Open-space", as defined by G.C. §56059.
  - c) Land that is under contract to remain in agricultural or open-space use, such as a Williamson Act Contract or Open-Space Easement.
  - d) Land which has a County General Plan agricultural or open-space designation (Agricultural Resource or Agriculture, Watershed and Open-Space).
  - e) The adopted general plan policies of the County and the affected city.
  - f) The agricultural economic integrity of land proposed for conversion to urban use as well as adjoining land in agricultural use.
  - g) The potential for the premature conversion of adjacent agricultural or open-space designated land to urban use.
  - h) The potential of vacant non-prime agricultural land to be developed with a use that would then allow the land to meet the definition of prime agricultural land under the Williamson Act.

(5) Encouragement of Reorganizations:

The Commission encourages reorganization proposals as a means of coordinating actions of local governmental agencies involving, but not limited to, annexation of land to two or more public agencies. The Commission recognizes the usefulness of the reorganization concept as a vehicle designed to simplify and expedite such actions.

### **III. Policies Concerning Spheres of Influence**

It is the intent of the Commission to establish spheres of influence that promote the orderly expansion of cities and special districts to ensure effective, efficient and economic provision of essential public services, including public sewer and water, fire protection and emergency response, and police protection.

#### **A) Legislative Declarations**

The Commission acknowledges and incorporates into its own policies, the policies of the Legislature as they relate to spheres of influence. The Commission wishes to specifically note the following declarations and policies contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000:

- (1) "Sphere of influence" means a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission. (G.C. §56076)
- (2) In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities, the Commission shall develop and determine the sphere of influence of each local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere. (G.C. §56425(a)).
- (3) The Commission encourages cities and the County to meet and agree to sphere of influence changes. The Commission shall give "great weight" to these agreements to the extent they are consistent with its policies. (G.C. §56425(b) and (c))
- (4) On or before January 1, 2008, and every five years thereafter, the Commission shall, as necessary, review and update each sphere of influence. (G.C. §56425(g))

## **B) General Guidelines for the Review of Spheres of Influence**

It is the intent of the Commission to consider the following factors whenever reviewing a proposal that includes the adoption, amendment, or update of a sphere of influence.

- (1) The Commission incorporates the following definitions:
  - a) An “establishment” refers to the initial development and determination of a sphere of influence by the Commission.
  - b) An “amendment” refers to a limited change to an established sphere of influence typically initiated by a landowner, resident, or agency.
  - c) An “update” refers to a comprehensive change to an established sphere of influence typically initiated by the Commission.
- (2) The Commission discourages proposals from residents, landowners, and agencies proposing amendments to spheres of influence unless justified by special conditions and circumstances.
- (3) The Commission shall consider the following land use criteria in establishing, amending, and updating spheres of influence:
  - a) The present and planned land uses in the area, including designated agricultural and open-space lands.
  - b) Consistency with the County General Plan and the general plan of any affected city.
  - c) Adopted general plan policies of the County and of any affected city that guide future development away from designated agricultural or open-space land.
  - d) Adopted policies of affected agencies that promote infill of existing vacant or underdeveloped land.
  - e) Amount of existing vacant or underdeveloped land located within any affected agency’s jurisdiction and current sphere of influence.
  - f) Adopted urban growth boundaries by the affected land use authorities.

- (4) The Commission shall consider the following municipal service criteria in establishing, amending, and updating spheres of influence:
  - a) The present capacity of public facilities and adequacy of public services provided by affected agencies within the current jurisdiction and the adopted plans of these agencies to improve any municipal service deficiency, including adopted capital improvement plans.
  - b) The present and probable need for public facilities and services within the area proposed for inclusion within the sphere of influence and the plans for the delivery of services to the area.
- (5) The Commission shall endeavor to maintain and expand, as needed, spheres of influence to accommodate planned and orderly urban development. The Commission, however, shall consider removal of land from an agency's sphere of influence if any of the two conditions apply:
  - a) The land is outside the affected agency's jurisdictional boundary but has been within the sphere of influence for 10 or more years.
  - b) The land is inside the affected agency's jurisdictional boundary, but is not expected to be developed for urban uses or require urban-type services within the next 10 years.

### **C) City Spheres of Influence**

The Commission shall adhere to the following policies in the establishment, amendment, or update of a city's sphere of influence.

- (1) Location of Urban Development:  
It shall be a basic policy of the Commission is that the sphere of influence shall guide and promote the affected city's orderly urban growth and development.
- (2) Sphere of Influence to Reflect Service Capacities:  
A city's sphere of influence should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission.
- (3) Use of County General Plan Agricultural and Open-Space Designations:  
The Commission shall use the most recently adopted County General Plan as the basis to identify designated agricultural and open-space lands in establishing, amending, and updating a city's sphere of influence.

- (4) Avoidance of Inclusion of Agricultural and Open-Space Lands:  
Land specifically designated as agricultural or open-space lands shall not be approved for inclusion within any city's sphere of influence for purposes of urban development unless exceptions are warranted based on the criteria outlined in Section B(3) and (4).
- (5) Preference for Infill:  
The Commission will consider the amount of vacant land within the established sphere of influence of a city when considering amendments and updates. The Commission encourages sphere of influence proposals that promote the infill of existing vacant or underdeveloped land thereby maximizing the efficient use of existing city services and infrastructure as well as discouraging urban sprawl. Conversely, the Commission discourages sphere of influence proposals involving vacant or underdeveloped land that requires the extension of urban facilities, utilities, and services where infill is more appropriate.
- (6) Spheres of Influence as Guides for City Annexations:  
A city's sphere of influence shall generally be used to guide annexations within a five-year planning period. Inclusion of land within a sphere of influence shall not be construed to indicate automatic approval of an annexation proposal; an annexation will be considered on its own merits with deference assigned to timing.
- (7) Joint Applications:  
When an annexation is proposed outside a city's sphere of influence, the Commission may consider both the proposed annexation and the necessary change in the sphere of influence at the same meeting. The change to the sphere of influence to include the affected territory, however, shall be considered and resolved prior to Commission action on the annexation.
- (8) Cooperative Planning and Development:  
Spheres of influence shall be developed by the Commission in cooperation with input from the cities and the County.
- a) The urban areas as delineated by the spheres of influence or other boundary adopted by the Commission should be recognized and considered as part of planning and development programs of the affected cities as well as any affected special districts and the County.
- b) The Commission shall encourage cities to first develop existing vacant and underdeveloped infill lands located within their jurisdictions and spheres of influence to maximize the efficient use of available services and infrastructure and discourage the premature conversion of agricultural and open-space lands to urban uses. The Commission shall encourage the development of vacant or underdeveloped infill

lands located within cities' jurisdictions before the annexation of lands requiring the extension of urban facilities, utilities, and services.

- c) No urban development should be permitted by the County to occur on unincorporated lands within a city's sphere of influence. If approval of urban development in such areas is legally required of the County, such development should conform to applicable city standards and be the subject of a joint city-County planning effort.

#### **D) Special District Spheres of Influence**

The Commission shall adhere to the following policies in the establishment, review, amendment, or update of a special district's sphere of influence.

- (1) Urbanizing Effect of Services:  
It shall be a basic policy of the Commission that the establishment, amendment, or update of a special district's sphere of influence serves to promote urban development with limited exceptions.
- (2) Sphere of Influence to Reflect Service Capacities:  
A special district's sphere of influence should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission.
- (3) Exclusion of Agricultural and Open-Space Lands:  
Land designated agricultural or open-space by the applicable city or County general plan shall not be approved for inclusion within any special district's sphere of influence for purposes of urban development through the extension of essential public services. Such designations shall be recognized by the Commission as designating the land as non-urban in character in regard to the existing use of the area or its future development potential. The Commission may consider exceptions to this policy based on evidence provided by the affected special district demonstrating all of the following:
  - a) The expansion is necessary in order to provide potable water or sewer to the territory to respond to a documented public health or safety threat.
  - b) The affected special district can provide adequate potable water or sewer service to the affected territory without extending any mainline more than 1,000 feet.
  - c) The expansion will not promote the premature conversion of agricultural or open-space land to urban use.

- (4) Sphere of Influence as a Guide to Special District Annexations:  
A special district's sphere of influence shall generally be used to guide annexations within a five-year planning period. Inclusion of land within a sphere of influence shall not be construed to indicate automatic approval of an annexation proposal; an annexation will be considered on its own merits with deference assigned to timing.
  
- (5) Joint Applications:  
When an annexation is proposed outside a special district's sphere of influence, the Commission may consider both the proposed annexation and the necessary change in the sphere of influence at the same meeting. The change to the sphere of influence to include the affected territory, however, shall be considered and resolved prior to Commission action on the proposed annexation.
  
- (6) Cooperative Planning and Development Programs:  
Spheres of influence shall be developed by the Commission in cooperation with any affected cities and the County.
  - a) The service area of a special district as delineated by the sphere of influence or other boundary adopted by the Commission should be recognized and considered as part of the planning and development programs of any affected district, city, and the County.

#### **IV. Policies Concerning the County Of Napa**

##### **A) Location of Urban Development**

- (1) Development of an urban character and nature should be located within areas designated as urban areas by the County General Plan in close proximity to a city or special district which can provide essential public services.
  
- (2) Urban development should be discouraged if it is apparent that essential services necessary for the proposed development cannot readily be provided by a city or special district.
  
- (3) The Commission shall review and comment, as appropriate, on the extension of services or the creation of new service providers to furnish services into previously unserved territory within unincorporated areas.

**B) Use of County Service Areas and Community Services Districts**

- (1) In those unincorporated urban areas where essential urban services are being provided by the County, the Board of Supervisors should consider the establishment of county service areas or community services districts so that area residents and landowners pay their fair and equitable share for the services received.

**V. Policies Concerning Cities**

**A) Incorporations**

- (1) The Commission discourages proposals to incorporate communities unless substantial evidence suggests the County and any affected special district are not effectively meeting the needs of the community.
- (2) The Commission discourages proposals to incorporate communities involving land that is not already receiving essential public services from a special district.
- (3) Any community proposed for incorporation in Napa County shall have at least 500 registered voters residing with the affected area at the time proceedings are initiated with the Commission as required under G.C. §56043.

**B) Outside Service Agreements**

- (1) Commission approval is needed for a city to provide new or extended services outside its jurisdictional boundary by contracts or agreements. A Request by a city shall be made by resolution of application and processed in accordance with G.C. §56133.
- (2) The Commission shall incorporate the following definitions in administering these policies:
  - a) “Services” shall mean any service provided by a city unless otherwise exempted under G.C. 56133.
  - b) “New” shall mean the actual extension of a municipal service to previously unserved non-jurisdictional land. Exceptions include non-jurisdictional land in which the city or County has adequately contemplated the provision of the subject service on or before January 1, 2001 as determined by the Commission.



- c) “Extended” shall mean the intensification of an existing municipal service provided to non-jurisdictional land associated with a land use authority’s redesignation or rezoning after January 1, 2001 as determined by the Commission.
- (3) The Commission shall establish policies and procedures in the review of outside service agreement requests involving a city.

## **VI. Policies Concerning Special Districts**

### **A) In Lieu of New District Creation**

- (1) Where a limited-purpose special district exists and additional services are required for an unincorporated area designated as urban by the County General Plan, the Commission encourages reorganizations to provide the extended services of the existing limited services special district.

### **B) Preference for Districts Capable of Providing All Essential Services**

- (1) All new special districts proposed for formation in the unincorporated urban areas as designated under the County General Plan should be capable of providing essential urban type services which include, but are not limited to, water, sanitation, fire protection, and police protection.

### **C) Establishing New Services or Divestiture of Existing Service Powers**

- (1) Commission approval is required for a special district to establish new services or divest existing service powers within all or parts of its jurisdictional boundary. Requests by a special district shall be made by adoption of a resolution of application and include all the information required and referenced under G.C. §56824.12.
- (2) The Commission incorporates the following definitions in administering these policies:
  - a) “New” shall mean activating a latent service not previously authorized.
  - b) “Divestiture” shall mean deactivating a service power previously authorized.
- (3) The Commission shall consider the effect of the proposal in supporting planned and orderly growth within the affected territory.

## **D) Outside Service Agreements**

- (1) Commission approval is needed for a special district to provide new or extended services outside its jurisdictional boundary by contracts or agreements. Requests made by special districts shall be made by resolution of application and processed in accordance with G.C. §56133.
- (2) The Commission shall incorporate the following definitions in administering these policies:
  - a) “Services” shall mean any service provided by a special district subject to the jurisdiction of the Commission unless otherwise exempted under G.C. 56133.
  - b) “New” shall mean the actual extension of a municipal service to previously unserved non-jurisdictional land. Exceptions include non-jurisdictional land in which the special district or land use authority has adequately contemplated the provision of the subject service on or before January 1, 2001 as determined by the Commission.
  - c) “Extended” shall mean the intensification of an existing municipal service provided to non-jurisdictional land associated with a land use authority’s redesignation or rezoning after January 1, 2001 as determined by the Commission.
- (3) The Commission shall establish policies and procedures in the review of outside service agreement requests involving a special district.

## **VII. Policies Concerning Annexations**

### **A) General Policies Concerning Annexations to a City**

- (1) Inclusion in Sphere of Influence:  
The affected territory shall be included within the affected city sphere of influence prior to issuance of the Executive Officer's certificate of filing for the subject annexation proposal. The Executive Officer may amend both a sphere of influence amendment and annexation application for Commission consideration and action at the same meeting.

- (2) Substantially surrounded:  
For the purpose of applying the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act, most notably G.C. §56375, the affected territory of an annexation proposal shall be deemed “substantially surrounded” if the following two conditions apply:
- a) The affected territory lies within the city’s sphere of influence.
  - b) The affected territory is surrounded by no less than 66.6% by the city, as set forth in a boundary description accepted by the Executive Officer.

**B) Policies Concerning Island Annexations**

- (1) Boundary of Areas Not 100% Surrounded by City:  
The outside boundary of an unincorporated island less than 100% surrounded shall be the affected city sphere of influence boundary line.
- (2) Criteria for Determining a Developed Island:  
A developed island shall substantially meet all the following criteria:
- a) The island shall have a housing density of at least 0.5 units per gross acre.
  - b) All parcels within the island can readily receive from the affected city or any affected special district basic essential services including but not limited to police protection, fire protection, potable water and sanitation.
- (3) Policy Regarding Annexations Within an Identified Island Area:  
When an annexation proposal includes territory within a developed island, the Commission shall invite the affected city to amend the boundary of the proposed annexation to include the entire island. To the extent permitted by law, the Commission reserves the right to expand the boundaries of the proposed annexation to include the entire island.

**C) Policies Concerning Annexation of Municipally-Owned Land**

- (1) Restricted Use Lands Owned by Public Agencies:  
The Commission shall disapprove annexation of publicly-owned land designated agricultural or open-space or subject to a Williamson Act contract unless the land will be used for a municipal purpose and no suitable alternative site reasonably exists within the affected city’s sphere of influence.

- (2) Facilities Exempt from Policy:  
Municipal purpose shall mean a public service facility which is urban in nature such as water and sewage treatment facilities and public buildings, but shall not include land which is vacant or used for wastewater reclamation irrigation, a reservoir, or agricultural, watershed or open-space.

**D) Concurrent Annexation Policies**

It is the intent of the Commission to promote concurrent annexations to cities and special districts whenever appropriate. The Commission may waive its concurrent annexation policies based on unique conditions or circumstances surrounding the annexation proposal which make application of the policy impractical and will not result in the annexation of lands designated agricultural or open-space by the applicable city or County General Plan.

(1) City of Napa and Napa Sanitation District

a) Annexations to the District:

All annexation proposals to the Napa Sanitation District located outside of the City of Napa shall first be required to annex to the City if the affected territory is located within the City's sphere of influence as adopted by the Commission, is located within the City Residential Urban Limit Line (RUL) as adopted by the City, and annexation is legally possible.

b) Annexations to the City:

All 100% consent annexation proposals to the City of Napa located outside of the Napa Sanitation District shall be required to annex to the Napa Sanitation District if the affected territory is located within the District's sphere of influence and if sanitation service is available.

(2) City of American Canyon and American Canyon Fire Protection District

a) Annexations to the District:

All annexation proposals to the American Canyon Fire Protection District located outside of the City of American Canyon shall be required to annex to the City if the affected territory is located within the City's sphere of influence as adopted by the Commission and if annexation is legally possible.

b) Annexations to the City:

All annexation proposals to the City of American Canyon located outside of the American Canyon Fire Protection District shall be required to annex to the District if the affected territory is located within the District's sphere of influence.

(3) County Service Area No. 4

a) Annexations to Cities:

All annexation proposals to a city shall be required to concurrently detach from County Service Area No. 4 unless the affected territory has been, or is expected to be, developed to include planted vineyards totaling one acre or more in size.