



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

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**April 4, 2011**  
**Agenda Item No. 7a (Action)**

March 29, 2011

**TO:** Local Agency Formation Commission

**FROM:** Policies and Procedures Committee (Luce, Rodeno and Simonds)

**SUBJECT: Proposed Revisions to the Commission's General Policy Determinations and Policy on Outside Service Agreements along with the Creation of a New Application Packet**

The Commission will consider approving revisions to the agency's *General Policy Determinations* and *Policy on Outside Service Agreements*. The Commission will also consider approving the creation of a new application packet for processing all changes of organization.

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Local Agency Formation Commissions (LAFCOs) are political subdivisions of the State of California responsible for regulating the formation and development of local governmental agencies and their municipal services under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH"). Commonly exercised regulatory powers include forming and expanding cities and special districts for purposes of facilitating orderly urban growth. LAFCOs are required to inform their regulatory actions through various planning activities, namely preparing municipal service reviews and sphere of influence updates. State law specifies all regulatory actions undertaken by LAFCOs must be consistent with their written policies and procedures. LAFCOs may also condition approval as long as they do not directly regulate land use.

**A. Background**

***Establishment of an Ad Hoc Committee***

At its May 3, 2010 meeting, the Commission established an ad hoc committee ("Committee") to comprehensively review and update the agency's written policies and procedures; documents that have not been comprehensively updated since the 1980s. This action coincided with the appointments of Commissioners Luce and Rodeno and followed comments made by several Commissioners at an earlier workshop identifying the need for clear direction in meeting the agency's directives in a manner responsive to current local conditions. In particular, the Committee was charged with reviewing and making recommendations with respect to the following four tasks:

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Lewis Chilton, Vice Chair  
Councilmember, Town of Yountville

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

Brian J. Kelly, Commission  
Representative of the General Publ

Juliana Inman, Commissioner  
Councilmember, City of Napa

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

Gregory Rodeno, Alternate Commission  
Representative of the General Publ

Joan Bennett, Alternate Commissioner  
Councilmember, City of American Canyon

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

Keene Simon  
Executive Offi

- a) Review and update the Commission's objectives and priorities
- b) Develop baseline standards with respect to the review of proposals
- c) Examine and amend Commission policies and procedures for consistency
- d) Create a codified policies and procedures document

### ***Initial Focus***

The Committee's initial focus has been directed at accomplishing the first two tasks prescribed by the Commission: (a) review and update principal agency objectives and priorities and (b) develop baseline standards with respect to the review of proposals. Specific focus has involved possible changes to the Commission's *General Policy Determinations* to help ensure it is consistent with the present preferences and objectives of the Commissioners in administering their regulatory and planning responsibilities. Markedly, the *General Policy Determinations* serves as the Commission's "general plan" and have not been comprehensively updated since the 1980s, resulting in a number of blind-spots relative to addressing the significant expansion of Commission duties and responsibilities tied to the enactment of CKH. Similarly, the Commission's existing application, titled "Justification of Proposal," was created in 1985 and has become increasingly antiquated with respect to considering the growing number of factors prescribed for review of all changes of organization.

The *General Policy Determinations* serves as the Commission's "general plan" and have not been comprehensively updated since the 1980s, resulting in a number of blind-spots relative to addressing the significant expansion of Commission duties and responsibilities tied to CKH.

### ***Presentation and Discussion on Draft Revisions to General Policy Determinations and Creation of a New Application Packet***

At the February 7, 2011 meeting, the Committee presented the Commission with draft revisions to the *General Policy Determinations*. Key revisions included in the draft are outlined below along with implementation examples.

- **Purpose Statement**

The document has been revised to include a purpose statement to clarify LAFCO's intent in considering and applying its policies. This includes explicitly stating LAFCO reserves *discretion* in administering its policies to address special conditions and circumstances as needed (emphasis added). This statement would memorialize the Commission's commitment to provide applicants the opportunity to present special conditions and circumstances with regard to justifying waiver of a particular policy. This new purpose statement is included on page one.

- **Prescribing Urban Development Timing**

The document has been revised to include an amended statement on prescribing timing factors as it relates to urban development. This revision signals LAFCO shall *discourage* proposals involving annexations of undeveloped or underdeveloped lands to cities and special districts that provide certain urban services unless subject to a known development plan or agreement (emphasis

added). Importantly, the revision would create a high threshold in approving city or water/sewer district applications involving lands that are not already developed to their maximum allowed density without an existing project approval or development agreement. The underlying goal is to improve coordination between LAFCO and affected land use authorities with respect to timing new urban growth and related environmental review. Contemplated exceptions include addressing a public health or safety issue, such as extending sewer service to underdeveloped lands in response to a failing septic system. The amended statement is included on page three and identified as II/B/3.

- **Addressing New Sphere of Influence Review and Update Responsibilities**

The document has been revised to include a new statement encouraging cities and the County to meet and agree to sphere of influence changes in anticipation of LAFCO's regular review cycle. The document has also been amended to state LAFCO shall review and update, as appropriate, each local agency's sphere of influence every five years. These revisions are consistent with recent amendments to California Government Code and reflect LAFCO's preference for the County and five cities to proactively discuss potential sphere of influence updates in anticipation of regularly scheduled updates. Notably, agreements between the County and cities on sphere of influence updates that are consistent with LAFCO policies would be given significant consideration. The new statements are included on page five and identified as III/A/3 and III/A/4.

- **Encouraging Comprehensive Sphere of Influence Updates**

The document has been revised to include a new statement discouraging proposals from residents, landowners, and agencies seeking individual amendments to spheres of influence unless justified by special conditions and circumstances. This revision would formalize LAFCO's existing preference to consider changes to spheres of influence only as part of comprehensive updates tied to the Commission's regular five year review cycle. Requests to make incremental changes to spheres of influence would be deferred and incorporated into the next scheduled update. The new statement is included on page six and identified as III/B/3.

- **Consideration of Urban Growth Boundaries in Establishing, Amending, and Updating Spheres of Influence**

The document has been revised to include a new statement directing LAFCO to *consider* adopted urban growth boundaries as one of the planning factors tied to establishing and updating spheres of influence (emphasis added). This statement reflects the recent practice of LAFCO in making changes to the Cities of American Canyon and Napa's spheres of influence and is included on page six and identified as III/B/3.

- **Establishing Criteria for Considering Sphere of Influence Reductions**  
The document has been revised to establish new criteria for LAFCO to consider the merits of reducing an agency's existing sphere of influence. This includes triggering consideration of a reduction for land lying outside an agency's jurisdictional boundary, but has been within the sphere of influence for 10 or more years. An additional trigger applies to land lying within an agency's jurisdictional boundary, but is not expected to be developed for urban uses or require urban-type services within the next 10 years based on existing land use policies. This revision would encourage cities and special districts to annex non-jurisdictional lands within their sphere of influence within a 10 year period. The revision would also affirm LAFCO's policy for spheres of influence to explicitly designate areas appropriate for urban development regardless of jurisdictional authority. Accordingly, as part of its update process, LAFCO would consider removing non-urban lands within cities from their spheres of influence to signal and facilitate future detachment proceedings. The new criteria is included on page seven and identified as III/B/5.
- **Establishing Commission Definitions**  
The document has been revised to include definitions for specific terms associated with (a) spheres of influence, (b) outside service agreements, and (c) establishing new district services or divestiture of existing district services. These definitions are intended to provide general administrative direction in processing future applications. This includes establishing criteria in identifying local service expansions triggering compliance with Government Code Section 56133. For example, "extended" under Section 56133 has been defined to correspond directly with changes in land use designations or zoning standards. Accordingly, this definition would clarify that extending service to accommodate a room addition or second unit on a lot already with service from the affected agency would not require LAFCO approval. The new definitions are included on pages 15, 16, and 17 and identified as III/B/1, V/B/2, VI/C/2, and VI/D/2.

Also presented for review at the February meeting was a new application packet for all types of change of organizations that combines under one cover all of the related materials and information needed to process a proposal with the Commission. This includes providing applicants with a sequential checklist to help identify and complete all the necessary processing steps. The application packet also incorporates a revised Justification of Proposal form addressing the expanded factors required for consideration by the Commission anytime it reviews a change of organization or reorganization.

Upon review and discussion, the Commission requested the Committee circulate the proposed revisions to the *General Policy Determinations* for comment by all local agencies. Several Commissioners also expressed interest in the Committee drafting policy language to prescribe criteria in addressing public health and safety threats specific as it relates to administering outside service agreements in Napa County under G.C. Section 56133; a section that restricts agencies in providing new or extended services outside their spheres of influence unless approved by LAFCO and in response to an

existing or impending threat to public safety or health. Specifically, Commissioners noted their interest in establishing inclusive criteria relating to public health and safety threats in order to accommodate otherwise logical extensions of services beyond agency spheres of influence given local conditions.

## **B. Discussion**

### ***Comments from Local Agencies***

At the direction of the Commission, the proposed revisions to the *General Policy Determinations* were circulated on February 15, 2011 to all local agencies (County, cities, and special districts) for their review and comment. The comment period ended on March 10, 2011 with written comments received from the County of Napa's Conservation, Development and Planning Department ("County"). In all, the County's letter includes 10 comments addressing both technical and policy related issues. Brief summaries and responses to three specific comments staff believes are particularly pertinent for the Commission's review follows:

County Comment: *"Some of the updated policy language proposed for adoption by the commission has potentially far reaching consequences, and we urge you and your Commission to reach out to all jurisdictions and districts to ensure they have reviewed and understood the proposal before the Commission takes action. There may also be community leaders, property owners, and other stakeholders with specific concerns and expertise who should be consulted in advance of any action."*

LAFCO staff agrees the proposed revisions will have significant influence in directing future growth and development in Napa County. Staff also believes sufficient outreach has been performed by providing copies of the proposed revisions to all local agencies as part of a four week comment period. Staff also notes the alternative public member – one of two positions on the Commission specifically tasked with representing the interests of the general public – serves on Committee.

County Comment: *"While the proposal acknowledges the Commission's ability to consider special conditions and circumstances as needed (Section II), it provides specific definitions that may reduce the Commission's ability to interpret State statutes as needed. For example, the definitions of "new" and "extended" proposed in Sections V(B)(2) and VI(D)(2) would have potentially precluded the Commission from taking the action in October 2007 to ensure the provision of water services within the Airport Industrial Area. We urge you to reconsider whether such specific definitions are necessary or desirable."*

LAFCO staff agrees it is important for the Commission to retain flexibility in implementing LAFCO law in Napa County to address local conditions. Accordingly, as the County references, the proposed revisions include a new statement specifying the Commission reserves discretion with respect to implementing all of its policies as needed. The definitions proposed for “new” and “extended” services are purposefully broad with the foremost goal of expediting LAFCO’s ability to confirm with agencies and parties of real interest whether approval for an outside service extension does or does not require LAFCO approval. For example, the proposed definition of extended would only apply to the intensification of uses directly tied to a redesignation or rezoning; a relatively high threshold that exempts – among other types of common requests – granny units.

County Comment: *“The new text proposed in Section III(B)(5)(b) runs counter to the philosophy espoused by the City of St. Helena’s General Plan, which designates agricultural areas within the City boundaries that are not intended for urban development. Other cities may have similar areas/policies.”*

The County references a proposed revision that, arguably, generated the most discussion within the Committee. The referenced revision establishes criteria for the Commission to consider sphere of influence reductions as part of its regular review cycle; a distinct change from practice in which the Commission generally focuses only on potential expansions. A motivating factor underlying this proposed revision is to help reinforce the meaning of spheres of influence in designating what the *Commission* believes is the appropriate future jurisdictional boundary for the affected agency while reinforcing urban services belong in urban areas (emphasis added). Additionally, the revision does not presuppose removal of non-urban lands from a sphere of influence. It would, however, engender discussion with the affected agency as to the justification for retaining non-urban lands in the agency or within their sphere of influence relative to regional growth management objectives.

County Comment: *“Section III(D)(6)(a) should be amended to acknowledge that historical service areas may extend beyond the sphere of influence of a jurisdiction (e.g. American Canyon’s water service area). Specifically, this would mean deleting “as delineated by the sphere of influence.””*

LAFCO staff agrees with the County and suggests amending the proposed revision as follows:

“The service area of a special district as delineated by the sphere of influence or other boundary adopted by the Commission should recognize and considered as part of the planning and development programs of any affected district, city and the County.”

LAFCO staff also believes it would be appropriate to include this cooperative planning comment for city spheres of influence. Accordingly, a similar new statement has been added to the criteria affecting city sphere of influence establishments, amendments, and updates.

### ***Revision to the Policy on Outside Service Agreements***

In response to Commissioner comments, the Committee has prepared a revision to the *Policy on Outside Service Agreements* to incorporate language prescribing criteria for use by cities and special districts to propose outside services beyond their spheres of influence under the public health and safety threat provision in G.C. Section 56133(c). Underlying the proposed revision is recognizing the importance of proactively addressing impending public health and safety issues as it relates to supporting existing and planned residential uses when certain criteria applies; whether it relates to providing adequate water pressure for fire protection purposes or abating future septic failures. The criteria identified by the Committee is intended to address “low-hanging fruit” in which the extension of services can be readily provided to a subject property while maintaining safeguards to protect against sprawl. This includes limiting potential extensions to residential lots contiguous to public right-of-ways in which the service line exist and were of legal record as of January 1, 2001.

Irrespective of the preceding comments, as the Commission is aware, staff has been working with CALAFCO since January 2008 to pursue an amendment to G.C. Section 56133 to provide LAFCOs flexibility in approving new or extended outside services beyond spheres of influence. On March 25, 2011, the CALAFCO Legislative Committee unanimously approved a proposal initiated by Napa LAFCO that would – among other things – make approval of outside services beyond spheres of influence permissible without making a public health or safety finding. The proposal is expected to be considered by the CALAFCO Board at its April 29, 2011 meeting. If approved by the Board, staff will work on securing an author with the goal of introducing a bill for the 2012 legislative session. In the event the amendment is enacted, staff would return to the Commission to consider striking the proposed revision to the *Policy on Outside Service Agreements* given it would become unnecessary. Further discussion on this proposed amendment to G.C. Section 56133 is provided as part of Agenda Item 8a.



### **C. Analysis**

The proposed revisions to the *General Policy Determinations* and *Policy on Outside Service Agreements* substantially improves the implementation of LAFCO law in Napa County relative to reflecting local conditions and circumstances. Revisions to the *General Policy Determinations* continue to emphasize high thresholds in protecting agricultural and open-space resources throughout the county while providing measured criteria in facilitating reasonable urban growth expansions as needed. Revisions to the *Policy on Outside Service Agreements* establishes a path in approving limited and otherwise logical extension of outside services beyond spheres of influence while transferring responsibility for defining threats to public health and safety from the local agencies to the Commission. Further, the new application packet improves customer service by establishing a user-friendly resource aimed at assisting all applicants in understanding the process and thresholds associated with processing changes of organization with the Commission.

### **D. Alternatives for Commission Action**

The following two broad actions are available for Commission consideration with respect to this report:

- 1) Approve by one or separate motions with or without changes:
  - (a) Revisions to the *General Policy Determinations* as provided in Attachment One;
  - (b) Revisions to the *Policy on Outside Service Agreements* as provided in Attachment Two; and
  - (c) Creation of a new application packet as provided in Attachment Three.
- 2) Continue consideration of the item to a future meeting while providing additional direction to the Committee as needed.

### **E. Recommendation**

The Committee recommends Alternative One as outlined in the preceding section.

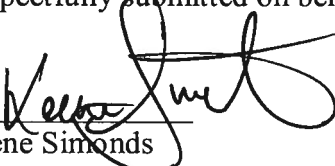


**F. Procedures for Consideration**

The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from the Committee;
- 2) Invite public comment; and
- 3) Discuss item and consider action on recommendation.

Respectfully submitted on behalf of the Committee,

  
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Keene Simonds  
Executive Officer

Attachments:

- 1) Track-Changes to *General Policy Determinations*
- 2) Track-Changes to *Policy on Outside Service Agreements*
- 3) *New Application Packet*
- 4) *Comments from the County of Napa, dated March 11, 2011*

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
POLICY DETERMINATIONS**



**LOCAL AGENCY FORMATION COMMISSION NAPA COUNTY**

**General Policy Determinations**

Adopted: August 9, 1972

Last Amended: \*\*\*\*\*

**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.

**~~I) POLICIES CONCERNING THE PRESERVATION OF AGRICULTURE AND OPEN-SPACE LANDS AND THE PROMOTION OF ORDERLY, WELL-PLANNED DEVELOPMENT~~**

**~~A) LEGISLATIVE INTENT AND DECLARATIONS~~**

**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)(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) (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.

a)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**

### **~~B) — POLICIES OF THE COMMISSION~~**

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, ~~the Agricultural Lands Preservation Initiative passed by the voters in 1990.~~

(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) ~~2)~~ Timing of Urban Development:

~~The Commission shall guide development away from designated agricultural or open-space lands until such times as urban development becomes an overriding consideration in providing for the health and welfare of the citizens of the County and the affected city. The Commission discourages proposals involving the annexation of undeveloped or underdeveloped lands to cities and special districts that provide potable water, or sewer, fire protection and emergency response, or police protection services. This policy does not apply to proposals in which the affected lands isare subject to a specific development plan or agreement under consideration by a land use authority or to a development agreement outlining land use expectations.~~  
~~without known development projects~~

(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. §Government Code Section 56064.
- b) "Open-space", as defined by G.C. §Government Code Section 56059.

- a)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 ~~Napa~~ 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.
- b)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.

3)(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

#### ~~II) 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 ~~Intent And~~ 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)~~(1) "Sphere of influence" means a plan for the probable physical boundaries and service area of a local agency, as determined by the ~~commission~~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~~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))

~~2)~~(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 ~~criteria~~ 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:

1) Land Use

- a) The present and planned land uses in the area, including designated agricultural and open-space lands.
- b) Consistency with the ~~Napa~~ 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.
- a)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:

2) Municipal Services



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, review, amendment, or update of city spheres of influence.~~

#### ~~1) General Policies Concerning City Spheres~~

~~a) **Location of Urban Development.** The basic policy of the Commission in the establishment of a city sphere of influence boundary line shall be that urban development within a city's sphere of influence shall be developed under the jurisdiction of the city. If urban development is legally required by the County, such development should conform to the applicable city standards and be the subject of a joint city-County planning effort.~~

~~b) **Use of County General Plan Agricultural and Open Space Designations.** When establishing a city sphere of influence boundary line, the Commission shall use the most recently adopted Napa County General Plan as the basis to identify designated agricultural and open space lands.~~

~~c) **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 sphere of~~

~~influence for purposes of urban development. An agricultural or open-space designation 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. Exceptions to this policy may be considered by the Commission based on information submitted to the Commission provided by the affected city that responds to criteria contained in Section B. Sphere of Influence Amendment Guidelines.~~

- ~~d) Preference for Infill. When reviewing proposals for the expansion of a city sphere of influence, the Commission will consider the amount of vacant land within the existing jurisdiction and sphere of influence of the affected city. To discourage urban sprawl and encourage the orderly formation and development of cities in Napa County, the Commission will encourage proposals that promote the infill of existing vacant or underdeveloped land thereby maximizing the efficient use of existing city services and infrastructure. The Commission will discourage proposals for development of vacant or open-space land that requires the extension of urban facilities, utilities, and services where infill is more appropriate.~~
- ~~e) Adopted Spheres of Influence as Guide for City Annexations. When municipal spheres of influence have been adopted by the Commission, they shall be used as a guide in the consideration of city annexation proposals. Adoption of such spheres shall not be construed to indicate carte blanche approval of any annexation proposal merely because the land is included within the sphere of influence.~~

## ~~2) Policies Concerning Cooperative Planning and Development Programs~~

- ~~a) Role Of Adopted Sphere Of Influence In Agency Planning. The urban area as delineated by the established sphere of influence line, having been developed by the Commission in cooperation with the affected city and County, should be recognized and considered as part of planning and development programs of the affected city, any affected special district, and the County.~~
- ~~b) Preference For Infill Within The City's Jurisdiction Or Within The City's Adopted Sphere Of Influence. To maximize the efficient use of existing city services and infrastructure and discourage the premature conversion of agricultural and open-space lands to urban uses, the Commission shall encourage the city to develop first those existing vacant and under-developed lands located within the city's jurisdiction or within the city's adopted sphere of influence. The Commission shall encourage the development of vacant or under-developed land located~~

- ~~within the city's jurisdiction before the annexation of land that requires the extension of urban facilities, utilities, and services.~~
- ~~e) Interagency Cooperation.— Urban development and utility expansion programs should be planned and programmed by the city on a staged basis in cooperation with the County and the Commission.~~
  - ~~d) Restrictions On Urban Development Approvals By County Within City Sphere Of Influence.— No urban development should be permitted by the County to occur on unincorporated land within a city's designated 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.~~
  - ~~e) Exclusion Of Unservable Areas.— Areas that cannot be provided with an urban level of essential public services, such as public water, sewer, fire protection and emergency response, shall be considered for sphere inclusion and eventual annexation and development, only on an exceptional basis. Economic and planning justification for such annexations shall be provided to the Commission by the city.~~

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.

~~1) General Policies Concerning Special District Spheres~~

~~a) Single Boundary. Only one sphere of influence boundary line will be drawn for each district.~~

~~b) Boundary to Reflect Service Capacity. The location and character of the boundary line should be responsive to existing and planned service facilities. Planned facilities are those to be constructed within a ten (10) year period.~~

~~e) Urbanizing Effect of Services. It shall be a basic policy of the Commission when considering establishment of a special district sphere of influence that extension of urban services acts to promote urban development and that urban development belongs in urban areas.~~

(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 ~~which demonstrates~~ all of the following:

a) The expansion is necessary in order to provide potable water or sewer to ~~the territory an existing parcel~~ to respond to a documented public health hazard or safety threat.

- b) The affected special district can provide adequate potable water or sewer service to the affected territory without extending any ~~water or sewer~~ mainline more than 1,000 feet.

~~The expansion will not harm land in agricultural or open space use.~~

- a)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.

~~the affected special district, but mere inclusion of land within an adopted sphere of influence shall not be construed as carte blanche approval of any annexation proposal for that land.~~

(5) Joint Applications.:

When an annexation is proposed outside a ~~special affected~~ district's adopted 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, but amendment to the sphere of influence boundary to include the affected territory 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.

~~2) Policies Concerning Cooperative Planning and Development Programs~~

- a) ~~Role Of Adopted Sphere Of Influence In Agency Planning.~~ The service area of a special district as delineated by the adopted sphere of influence boundary, having been developed by the Commission in cooperation with all affected agencies, should be recognized and considered as part of the planning and development programs of any affected district, city and the County.
- b) ~~Service Expansion Programs.~~ A district should plan and program its service expansion programs on a staged basis in cooperation with the County, any affected city, and the Commission.



~~IIIIV~~ **IV. Policies Concerning ~~t~~The County Of Napa**

**A) Location of Urban Development**

~~1)(1)~~ Land-use developments-Development of an urban character and nature should be located within areas designated as urban areas by the ~~Napa~~-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.

~~2)(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)(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 ~~property-~~landowners pay their fair and equitable share for the services received.

~~2)~~ The Commission recognizes that the formation of county services areas are subject to both the Cortese-Knox-Hertzberg Local Government Reorganization Act and County Service Area Law (G.C. §25210.1 et. seq.).

**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 Requests 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) ~~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 ~~Napa~~ County General Plan, the Commission encourages, ~~in lieu of creating a new special taxing district, reorganizations either the use of county service areas to provide the extended services or reorganization of the existing limited services special district, as a special district capable of providing multiple urban services.~~

### **B) ~~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 ~~Napa~~ 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.

**~~VII~~ VII. Policies Concerning Annexations**

**~~A)A)~~ 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. ~~For annexation proposals initiated by resolution of the city council,~~ ~~the~~ Executive Officer may amend both ~~a~~ the 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 ~~Government G.C.ode~~ §56375, the ~~subject-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.

~~a) b) The affected territory is surrounded by no less than 66.6% by the city, it is within the sphere of influence of the affected city and two thirds (66-2/3%) of its boundary, as set forth in a boundary description accepted by the Executive Officer, is surrounded by the affected city.~~

**~~B)B)~~ 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)

1)

2) 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, ~~public-potable~~ water and sanitation.

**(3) Policy Regarding Annexations Within an Identified Island Area:**

3) 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.

## **EC – Policies Concerning Annexation of Municipally-Owned Land**

### **(1) Restricted Use Lands Owned by Public Agencies:-**

- 1)** 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:-**

- 2)** 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.

## **DD 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.

### **a. (1) City of Napa and Napa Sanitation District**

#### **b. 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.

#### **c. Annexations to the City:**

- a)** 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)(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.





**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**  
*Policy on Outside Service Agreements*

Adopted: November 3, 2008

Amended:

**I. Background**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 includes provisions requiring cities and special districts to request and receive written approval from the Commission before providing new or extended services by agreements outside their jurisdictional boundaries with limited exemptions (Government Code Section 56133). The Commission may authorize a city or special district to provide new or extended service outside their jurisdictional boundary in anticipation of a subsequent change of organization, such as an annexation. The Commission may also authorize a city or special district to provide new or extended service outside their jurisdictional boundary and sphere of influence to address an existing or future threat to the public health or safety.

**II. Purpose**

The purpose of these policies is to guide the Commission in reviewing city and special district requests to provide new or extended services by agreement outside their jurisdictional boundaries. This includes making policy statements and establishing consistent procedures with respect to the form, review, and consideration of requests.

**III. Objective**

The objective of the Commission in implementing these policies is to ensure the extension of services by cities and special districts outside their jurisdictional boundaries is logical and consistent with supporting orderly growth and development in Napa County. The Commission recognizes the importance of considering local conditions and circumstances in implementing these policies.

**IV. Outside Service Agreement Policies**

**A. General Statements**

- 1) Annexations to cities and special districts involving territory located within the affected agency's sphere of influence is generally preferred to outside service agreements. The Commission recognizes, however, there may be instances when outside service agreements involving territory within the affected agency's sphere of influence is appropriate given local circumstances.
- 2) The Commission shall authorize a city or special district's request to provide new or extended services outside their jurisdictional boundary and sphere of influence only in response to either an (a1) existing or (b2) impending threat to public health or safety in accordance with Government Code Section 56133(c).



3) The Commission recognizes the importance of proactively addressing impending threats to public health and safety in considering requests for outside water and sewer services. This includes the need to protect existing and planned residential uses with reasonable access to existing infrastructure for services. Accordingly, the Commission will consider outside water and sewer service requests for purposes of addressing an impending public health or safety threat if all of the following criteria is applicable:

(a) The subject property is zoned for residential type use by the affected land use authority.

(b) —The subject property comprises a legal lot of record as of January 1, 2001.

(c) The subject property is contiguous to a public right-of-way in which the affected service line is located.

(d) The proposed service extension can be accommodated by no more than a one-inch lateral connection.

3)4) \_\_\_\_\_ The Commission authorizes the Chair to approve a city or special district's request for an outside service agreement if there is an existing and urgent public health or safety emergency. The Commission shall ratify the Chair's determination at the next regular scheduled meeting.

4)5) \_\_\_\_\_ All requests for outside service agreements are subject to the applicable provisions of the California Environmental Quality Act.

5)6) \_\_\_\_\_ Commission approval is not required for cities or special districts to provide new or extended services outside their jurisdictional boundaries if any of the following conditions apply in accordance with Government Code Section 56133(e):

(a) The agreement involves two or more public agencies where the contracted service is an alternative or substitute for public services already provided.

(b) The agreement involves the transfer of non-potable or non-treated water.

(c) The agreement involves the provision of surplus water to agricultural lands for conservation projects or to directly support agricultural industries.

(d) The agreement involves an extended service that a city or special district was providing on or before January 1, 2001.

The Commission encourages cities and special districts to work with the Executive Office in determining when the above exemptions may apply.

### **B. Form of Request**

Requests to authorize an outside service agreement shall be filed with the Executive Officer by the affected city or special district. Requests shall be made by resolution of the affected agency with a cover letter accompanying a completed application using the form provided in Attachment A. Requests shall also include a check in the amount prescribed under the Commission's adopted fee schedule along with a copy of the proposed service agreement.

### **C. Review of Request**

The Executive Officer shall review and determine within 30 days of receipt whether the request to authorize an outside service agreement is complete. If a request is deemed incomplete, the Executive Officer shall immediately notify the applicant and identify the information needed to accept the request for filing.

### **D. Consideration of Request**

Once a request is deemed complete, the Executive Officer will prepare a written report with a recommendation. The Executive Officer will present his or her report and recommendation at a public hearing for Commission consideration. The public hearing will be scheduled for the next regular meeting of the Commission for which adequate notice can be given but no later than 90 days from the date the request is deemed complete. The Executive Officer's written report will be made available to the public for review prior to the scheduled hearing and include an evaluation of the following three factors:

- 1) The ability of the applicant to extend the subject service to the affected land.
- 2) The application's consistency with the policies and general plans of all affected local agencies.
- 3) The application's effect on growth and development within and adjacent to the affected land.

The Commission may approve the request with or without conditions. If denied, the affected city or special district can ask for reconsideration within 30 days.



**APPLICATION PACKET**

Local Agency Formation Commissions (LAFCOs) are responsible under State law for approving, modifying, or disapproving changes of organization consistent with their adopted written policies, procedures, and guidelines. LAFCOs are also authorized to establish conditions in approving changes of organization as long as they do not directly regulate land uses. Underlying LAFCO’s decision-making is to consider the logical and timely development of the affected agencies in context with local circumstances and needs. Changes of organization include all of the following:

- City/District Annexations
- City/District Detachments
- City Incorporations
- District Formations
- City/District Dissolutions
- City/District Mergers
- Service Activations (District Only)
- Service Divestitures (District Only)

This application packet provides all of the information and forms needed to file a change of organization proposal with LAFCO of Napa County (“Commission”). The packet is organized into eight distinct sections as outlined in the following checklist:

**Applicant Checklist**

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- A. Notice of Intention to Circulate Petition  
(Landowner and Resident Proposals Only)
  - B. Petition for Proposal  
(Landowner and Resident Proposals Only)
  - C. Notice of Intention to Adopt Resolution of Application  
(Agency Proposals Only)
  - D. Justification of Proposal  
(All Proposals)
  - E. Political Contribution and Expenditure Disclosures  
(All Proposals)
  - F. Map and Boundary Description Requirements  
(All Proposals)
  - G. Indemnification Agreement  
(All Proposals)
  - H. Proposal Fees  
(All Proposals)
-

**FORM A**

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

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

**NOTICE OF INTENT TO CIRCULATE PETITION**  
For Filing with the Local Agency Formation Commission of Napa County

Applicants shall complete and submit a notice of intention with the Executive Officer before filing a petition proposing a change of organization. The notice shall include the name and mailing address of the applicant along with a written statement no more than 500 words in length setting forth the reasons for the proposal. The petition may be circulated for signatures after the notice has been filed. The Executive Officer shall notify the affected local agencies upon receiving the notice. Applicants are encouraged to use this form.

**Applicant Information:**

Applicant Name: \_\_\_\_\_

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

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

**Petition Proposes:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Reasons for Proposal:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**FORM B**

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

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

**PETITION FOR PROPOSAL**

For Filing with the Local Agency Formation Commission of Napa County

A proposal for a change of organization made by a landowner or registered voter shall be initiated by petition. The petition shall state the nature of the proposal and all associated proposed changes of organization. It shall also state the reason for the proposal and enumerate and include supporting information as required under Government Code Section 56700. The petition must be submitted to the Executive Officer for filing within 60 days after the last signature is affixed. Applicants are encouraged to use this form.

**Nature of Proposal and All Associated Changes of Organization:**

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**Description of Boundaries of Affected Territory Accompanied by Map:**

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**Reason for Proposal and Any Proposed Conditions:**

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**Type of Petition:**

Landowner

Registered Voter

**Sphere of Influence Consistency:**

Yes

No

**If Landowner Petition, Complete the Following:**

- 1) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Assessor Parcel: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_
- 2) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Assessor Parcel: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_
- 3) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Assessor Parcel: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**If Registered Voter Petition, Complete the Following:**

- 1) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Resident Address: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_
- 2) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Resident Address: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_
- 3) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Resident Address: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FORM C**

\_\_\_\_\_

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

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

\_\_\_\_\_

**NOTICE OF INTENTION TO ADOPT RESOLUTION OF APPLICATION**  
For Filing with the Local Agency Formation Commission of Napa County

A proposal for a change of organization made by a local agency shall be initiated by an adopted resolution of application in accordance with Government Code Section 56654. Mailed notice of a local agency's intention to adopt a resolution of application must be provided no less than 21 days in advance to the Commission and all affected agencies. The notice shall describe the proposal and the affected territory. Applicants are encouraged to use this form.

**Nature of Proposal and All Associated Changes of Organization:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Description of Boundaries of Affected Territory Accompanied by Map:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Reason for Proposal and Any Proposed Conditions:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**FORM D**

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

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

**JUSTIFICATION OF PROPOSAL**  
**Change of Organization/Reorganization**

**I. APPLICANT INFORMATION**

**A. Name:** \_\_\_\_\_  
Contact Person Agency/Business (If Applicable)

**Address:** \_\_\_\_\_  
Street Number Street Name City Zip Code

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

*Use Additional Sheets as Needed*

**B. Proposal Type:** (Check as Needed)

<input 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)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**III. GENERAL INFORMATION**

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**A. Location:**

Street Address	Assessor Parcel Number	Acres
_____	_____	_____
Street Address	Assessor Parcel Number	Acres
_____	_____	_____
Street Address	Assessor Parcel Number	Acres
_____	_____	_____
Street Address	Assessor Parcel Number	Acres
_____	_____	_____
Total Location Size (Including Right-of-Ways)		_____

**B. Landowners:**

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

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

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

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

*Use Additional Sheets As Needed*

**C. Population:**

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

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

**D. Land Use Factors:**

- (1a) County General Plan Designation: \_\_\_\_\_
- (1b) County Zoning Standard: \_\_\_\_\_
- (2a) Applicable City General Plan Designation: \_\_\_\_\_
- (2b) Applicable City Rezoning Standard: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**F. Development Plans:**

- (1a) Territory Subject to a Development Project?  Yes  No
- (1b) If Yes, Describe Project: \_\_\_\_\_  
\_\_\_\_\_
- (1c) If No, When Is Development Anticipated? \_\_\_\_\_  
\_\_\_\_\_

**G. Physical Characteristics:**

- (1) Describe Topography: \_\_\_\_\_  
\_\_\_\_\_
- (2) Describe Any Natural Boundaries: \_\_\_\_\_  
\_\_\_\_\_
- (3) Describe Soil Composition and Any Drainage Basins: \_\_\_\_\_  
\_\_\_\_\_
- (4) Describe Vegetation: \_\_\_\_\_  
\_\_\_\_\_

**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:

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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:

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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:

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*Use Additional Sheets As Needed*

**V. ENVIRONMENTAL INFORMATION**

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**A. Environmental Analysis**

(1) **Lead Agency for Proposal:** \_\_\_\_\_  
Name

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

- Environmental Impact Report
- Negative Declaration/Mitigated Negative Declaration
- Categorical/Statutory Exemption: \_\_\_\_\_  
Type
- None

*Provide Copies of Associated Environmental Documents*

**VI. ADDITIONAL INFORMATION**

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

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

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

**FORM E**

\_\_\_\_\_

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

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

\_\_\_\_\_

**POLITICAL CONTRIBUTION AND EXPENDITURE DISCLOSURES**  
For Filing with the Local Agency Formation Commission of Napa County

Contributions and expenditures for political purposes related to a change of organization proposal shall be disclosed and reported pursuant to Article 2.5 of Chapter 4 of the Political Reform Act.

Please see Forms E-1 and E-2.

# FORM E-1

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

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

## CAMPAIGN CONTRIBUTION TO COMMISSIONERS - DISCLOSURE REQUIREMENTS

LAFCOs are subject to the campaign disclosure provisions detailed in Government Code Section 84308 and the Regulations of the Fair Political Practices Commission (FPPC), 2 Cal. Adm. Code Sections 18438.1 – 18438.6.

**Please carefully read the following information to determine if the provisions apply to you. If you determine that the provisions are applicable, the Campaign Disclosure Form E-1 must be completed and returned to LAFCO of Napa County with your application.**

1. No LAFCO commissioner shall accept, solicit, or direct a contribution of more than \$250 from any party<sup>1</sup> or agent<sup>2</sup> while a change of organization proceeding is pending, and for three months subsequent to the date a final decision is rendered by LAFCO. This prohibition commences when your application has been filed, or the proceeding is otherwise initiated.

2. A party to a LAFCO proceeding shall disclose on the record of the proceeding any contribution of more than \$250 made to any commissioner by the party, or agent, during the preceding 12 months. No party to a LAFCO proceeding, or agent, shall make a contribution to a commissioner during the proceeding, and for three months following the date a final decision is rendered by LAFCO.

3. Prior to rendering a decision on a LAFCO proceeding, any commissioner who received a contribution of more than \$250 within the preceding 12 months from any party, or agent, to a proceeding shall disclose that fact on the record of the proceeding, and shall be disqualified from participating in the proceeding. However, if any commissioner receives a contribution that otherwise would require disqualification, and returns the contribution within 30 days of knowing about the contribution and the relevant proceeding, that commissioner shall be permitted to participate in the proceeding.

To determine whether a campaign contribution of more than \$250 has been made by you or your agent to a commissioner within the preceding 12 months, all contributions made by you or your agent during that period must be aggregated.

Names of current LAFCO commissioners are available [http://www.napa.lafco.ca.gov/c\\_commissioners.aspx](http://www.napa.lafco.ca.gov/c_commissioners.aspx). If you have questions about Government Code Section 84308, FPPC regulations, or the Campaign Disclosure Form, please contact the LAFCO Executive Officer at [http://www.napa.lafco.ca.gov/c\\_staff.aspx](http://www.napa.lafco.ca.gov/c_staff.aspx).

<sup>1</sup> "Party" is defined as any person who files an application for, or is the subject of, a proceeding.

<sup>2</sup> "Agent" is defined as a person who represents a party in connection with a proceeding. If an individual acting as an agent also is acting as an employee or member of a law, architectural, engineering, or consulting firm, or a similar entity or corporation, both the individual and the entity or corporation are agents. When a closed corporation is a party to a proceeding, the majority shareholder is subject to these provisions.



**ATTACHMENT: CAMPAIGN CONTRIBUTION DISCLOSURE FORM**

(a) Proposed change(s) of organization: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(b) Name and address of any party, or agent, who has contributed more than \$250 to any commissioner within the preceding 12 months:

1. \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Date and amount of contribution:

Date \_\_\_\_\_ Amount \$ \_\_\_\_\_

Date \_\_\_\_\_ Amount \$ \_\_\_\_\_

(d) Name of commissioner to whom contribution was made:

1. \_\_\_\_\_

2. \_\_\_\_\_

(e) I certify that the above information is provided to the best of my knowledge.

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_ Phone \_\_\_\_\_

**FORM E-2**

**Disclosure of Political Expenditures**

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

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

**DISCLOSURE OF POLITICAL EXPENDITURES  
FOR/AGAINST A LAFCO PROPOSAL**

Expenditures for political purposes, which are related to a change of organization or reorganization proposal that will be or has been submitted to LAFCO of Napa County, are subject to the reporting and disclosure requirements of the Political Reform Act of 1974 and the Cortese-Knox-Hertzberg Act of 2000.

**Please carefully read the following information to determine if reporting and disclosure provisions apply to you.**

1. Any person or combination of persons who for political purposes, directly or indirectly contributes \$1,000 or more, or expends \$1,000 or more, in support of or in opposition to a proposal for a change of organization or reorganization that will be submitted to the Commission, must disclose and report as required for local initiative measures under the Political Reform Act of 1974 (commencing with Government Code Section 84250) and Government Code Section 56700.1 (of the Cortese-Knox-Hertzberg Act of 2000).
2. Pursuant to Government Code Section 57009, any person or combination of persons who directly or indirectly contributes \$1,000 or more, or expends \$1,000 or more, in support of or in opposition to the conducting authority proceedings for a change of organization or reorganization, must comply with the disclosure requirements as required for local initiative measures under the Political Reform Act of 1974 (commencing with Government Code Section 84250).
3. Applicable reports must be filed with the Secretary of State and the appropriate city or county clerk. Copies of reports must also be filed with the LAFCO Executive Officer at 1700 Second Street, Suite 268, Napa, California 94559.

**ATTACHMENT: CHECKLIST FOR DISCLOSURE OF POLITICAL EXPENDITURES**

The following checklist is provided to assist you in determining if the requirements of the Political Reform Act of 1974 (Government Code Sections 81000 et seq.) apply to you. For further assistance contact the Fair Political Practices Commission at 428 J Street, Suite 450, Sacramento, CA 95814, (866) 275-3772, or at <http://www.fppc.ca.gov>.

1. Have you directly or indirectly made a contribution or expenditure of \$1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?

- Yes
- No

Date of contribution \_\_\_\_\_ Amount \$ \_\_\_\_\_

Name/Ref. No. of LAFCO proposal \_\_\_\_\_

Date proposal submitted to LAFCO \_\_\_\_\_

2. Have you, in combination with other person(s), directly or indirectly contributed or expended \$1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?

- Yes
- No

Date of contribution \_\_\_\_\_ Amount \$ \_\_\_\_\_

Name/Ref. No. of LAFCO proposal \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date proposal submitted to LAFCO \_\_\_\_\_

3. If you have filed a report in accordance with FPPC requirements, has a copy of the report been filed with LAFCO?

- Yes
- No

## **FORM F**

### **MAP AND BOUNDARY DESCRIPTION REQUIREMENTS**

Regarding a Filing with the Local Agency Formation Commission of Napa County

All change of organization applications shall include a map and geographic description of the affected territory prepared by a registered civil engineer or licensed land surveyor and conform to State Board of Equalization (SBE) standards. A completed application must include a draft map and geographic description. The draft map and geographic description will be reviewed for form, content, and accuracy by the County of Napa Surveyor. Revisions identified by the County Surveyor must be addressed and incorporated into a final map and geographic description before recording an approved change of organization. The final map and geographic description will also need to address any boundary changes made by the Commission. Applicants are responsible for covering all costs associated with (a) the County Surveyor's review and (b) filing charges with SBE as enumerated in the Commission's adopted fee schedule.

Please review the following attachments:

- 1) SBE General Requirements for Maps and Geographic Descriptions
- 2) Map and Geographic Description Example

STATE BOARD OF EQUALIZATION

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CHANGE OF JURISDICTIONAL BOUNDARY

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REQUIREMENTS FOR STATEMENTS, GEOGRAPHIC DESCRIPTIONS, MAPS AND FEES

SECTIONS 54900 THROUGH 54903, GOVERNMENT CODE

AUGUST 1, 2005

GENERAL REQUIREMENTS

The Tax-Rate Area System is administered by the State Board of Equalization (Board) and used by counties for the proper allocation of property tax revenues between counties, cities, and special tax districts. The requirements and fees described herein apply to all statements filed pursuant to sections 54900 through 54903 of the Government Code.<sup>1</sup> This document is provided as a guideline for the proper submission of geographic descriptions, maps and fees. Copies of this document, the *Statement of Boundary Change* (Form BOE-400-TA), sample map, sample geographic description, and other information are available on the Board's website at [www.boe.ca.gov](http://www.boe.ca.gov) and can be accessed by selecting Property Taxes, Tax Area Services Section.

In regard to a jurisdictional boundary change filing, please note the following:

1. The final date to file with the Board for a change of jurisdictional boundary for all special revenue districts is **on or before December 1** of the year immediately preceding the year in which the assessments or taxes are to be levied (GC § 54902).
2. **All fees shall accompany the filing.** Make checks payable to the "Board of Equalization." Please reference: Tax Area Services Section, MIC: 59.
3. Mail the completed filing to:

US Postal Delivery

State Board of Equalization  
Tax Area Services Section  
P.O. Box 942879  
Sacramento, CA 94279-0059

FedEx or UPS Delivery

State Board of Equalization  
Tax Area Services Section  
450 N Street, MIC: 59  
Sacramento, CA 95814

Inquiries concerning these requirements should be directed to the Tax Area Services Section at 916-322-7185, or by fax at 916-327-4251.

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<sup>1</sup> All references are to the Government Code unless otherwise specified.

## DOCUMENTS REQUIRED TO FILE A CHANGE OF JURISDICTIONAL BOUNDARY

*Please submit Items 1 through 9 as a single package:*

1. Statement of Boundary Change (Form BOE-400-TA)
2. Certified copy of election results
3. Certificate of Completion (if applicable)
4. Resolution(s)
5. Written geographic description of the project area
6. Maps and supporting documents
7. List of assessor's parcel numbers of the project area
8. Letter of tax-rate area assignment (if applicable)
9. Fees

**INCOMPLETE FILING PACKAGES** will delay processing and may result in the boundary change being held until the following assessment roll year.

The following information is provided to assist you in filing your jurisdictional boundary change. Fees charged for processing jurisdictional boundary changes are listed on Page 6, and definitions and special fee provisions are provided on Page 7.

### Statement of Boundary Change

Filings must be submitted on Form BOE-400-TA, *Statement of Boundary Change*. This form is available on the Board's website at <http://www.boe.ca.gov/proptaxes/pdf/400ta.pdf>.

### Certified Copy of Election Results

A certified copy of the election results authorizing the change and the resulting assessment must be submitted, pursuant to Article XIII C, Section 2 of the State Constitution (commonly referred to as Proposition 218).

### Certificate of Completion

A certificate of completion must be included for all filings submitted through the Local Agency Formation Commission. All documents must be recorded before submittal. (Conformed documents are acceptable.)

### Resolution(s)

The resolution(s) with signatures from the tax levying authority shall be submitted with the filing. Resolution(s) shall have a resolution number, the title of the project, and a detailed description of the content of the boundary change.

Written Geographic Description(s) of the Project Area(s)

Descriptions of the territory that are filed with the Board's Tax Area Services Section (TASS) are used to establish geodetic position and are not intended to establish property ownership in a court of law.<sup>2</sup> Subdivision maps, tract maps, recorded survey maps, survey monuments, and deeds are not on file with the Board. Boundary descriptions that merely cite recorded documents or refer to assessor's parcel numbers will not be accepted. Any supporting documents may be used as reference only and cannot be used as a substitution. Written geographic descriptions shall conform to the following specifications:

1. Every written geographic description (a document separate from the maps) must stand on its own without the necessity of reference to any extraneous document; a description that relies solely on the use of secondary references will not be accepted. The TASS cartographic staff must be able to plot the boundaries from the written description alone.
2. The written description shall be of the project area only. If a complete description of the special district is filed, the project area shall be clearly identified in a separate document.
3. The geographic description shall:
  - a. State the township and range, section number(s) or rancho(s)
  - b. Have a **point of beginning** (POB) referenced to a known major geographic position (e.g.; section corners, intersection of street centerlines, or the intersection of street centerline and an existing district boundary at the time of filing). A description will be rejected if the POB refers only to a tract map, a subdivision map or a recorded survey map. It is preferable that the POB be the point of departure from an existing district boundary (when applicable).
  - c. Be expressed as a specific parcel description in sectionalized land (e.g., "The SW 1/4 of Section 22, T1N, R1W") or by bearings and distances. When the description is by bearings and distances, **all courses shall be numbered and listed individually** in a consistent clockwise direction. The description shall not be written in a narrative format. All courses required to close the traverse of the project area must be stated. All curves must be described by direction of concavity. Delta, arc length, chord, and radius shall be listed, including radial bearings for all points of non-tangency.

Following are examples of unacceptable and acceptable descriptions:

Unacceptable (*This description refers only to extraneous documents and does not stand alone.*)

"From the point of beginning, northerly to the southwest corner of that certain property recorded in Book 12, Page 15 of Recorded Deeds, thence easterly to the southeast corner of that certain property recorded in Book 12, Page 16 of Recorded Deeds...."

Acceptable (*This is the same description with the courses numbered and the bearings and distances added.*)

"From the point of beginning:

Course 1. North 1° 18'56" West a distance of 150' to the southwest corner of that certain property recorded in Book 12, Page 15 of Recorded Deeds, thence,

Course 2. North 85° 7'56" West a distance of 75' to the southeast corner of that certain property recorded in Book 12, Page 16 of Recorded Deeds, thence...."

<sup>2</sup> The Board's Tax Area Service Section is not involved in issues relating to property ownership.



4. The written description shall state the acreage for each separate single area (see Definitions and Special Fee Provisions for the definition of a single area) and a combined total acreage of the project area.

Example: "Area A containing 2.50 acres, Area B containing 1.75 acres: Total computed acreage containing 4.25 acres more or less."

5. All information stated on the description must match with the map(s), such as the name of the short title, the point of beginning, the course numbers, all the bearings and distances, and the acreage(s).

#### Map(s)

**It is strongly recommended that all maps submitted to the Board be filed in electronic/digital form. Digital information will not be shared without the permission of the applicant.**

Maps submitted as part of the jurisdictional boundary change filing shall conform to the following specifications:

#### **Map Documents:**

1. All maps shall be professionally and accurately drawn or copied. Rough sketches or pictorial drawings will not be accepted. Assessor's parcel maps will not be accepted as a substitute for the project map.
2. Original or copies of the same size project map must be submitted. Reduced maps are not acceptable and will be rejected.
3. A vicinity map shall be included. The vicinity map shall show the location of the project area in relationship to a larger geographic area that includes major streets and highways or other physical features.
4. Any portion of an existing district boundary in close proximity to the project area shall be shown and identified.
5. Every map must clearly show all existing streets, roads and highways with their current names that are within and adjacent to the project area. Additionally, every map shall indicate each township and range, section lines and numbers, or ranchos that are in proximity of the project area.
6. Every map shall bear a scale and a north arrow. The **point of beginning** shall be clearly shown and match the written geographic description.
7. The boundaries of the project area shall be distinctively delineated on each map without masking any essential geographic or political features. The boundaries of the project area must be the most predominant line on the map. Boundary lines that are delineated by a line that exceeds 1.5 millimeter in width shall be rejected. The use of graphic tape or broad tip marking pens to delineate the boundary is not acceptable.
8. All dimensions needed to plot the boundaries must be given on the map of the project area. Each map shall have **numbered courses matching the written geographic description**. Index tables may be utilized.
9. All parcels within the project area that touch the new boundary shall be clearly labeled with the assessor's parcel number. Interior parcels that do not touch the boundary need not be identified on the map.

10. If the project area has an interior island(s) of exclusion or the boundary has a peninsula of exclusion (or inclusion), that area(s) should be shown in an enlarged drawing. This drawing should be of sufficient size and scale to allow TASS to plot the boundary without difficulty.
11. When it is necessary to use more than one map sheet to show the boundaries of the project area, the sheet size should be uniform. A small key map giving the relationship of the several sheets shall be furnished. Match lines between adjoining sheets must be used. While the geography on adjoining sheets may overlap, the project boundaries must stop at the match lines. TASS has standardized the D size (24" x 36") map sheet, but will accept larger or smaller map sizes depending on the size and complexity of the individual single area(s).

#### **Digital Maps:**

*Maps that are filed electronically shall conform to the same requirements as described in this section under map documents (Items 1 through 11 above). Additional items for digital maps are as follows:*

Required files – The disk or CD shall contain only the following files:

- a. Map/drawing file(s) using AutoCAD.dwg format in vector format:
  - Plotting: The map drawing file shall have the same appropriate borders, legends, title blocks, signature block and any necessary information that is required for a manually drawn map.
  - Scale: The drawing shall be at real-world scale.
  - Layers: A listing of the layers and their definitions shall be included in the "read\_me" file.
  - File Format: File shall be in vector format only. Raster files, raster-vector hybrid, .pdf, .tiff, .pcx, .eps, .gif, .jpeg or any other image formats will not be accepted.
  - Compressed Files: Files shall be uncompressed; compressed files will not be accepted.
- b. A text file labeled "read\_me" listing:
  - The name, address, and phone number of the agency/special district
  - County name and city or district name
  - Project/short title of the action
  - Name, address and phone number of office that prepared the map file
  - List of files on the disk or CD
  - Map projection and datum
  - Layer definitions
  - Sheet size
  - Plotting scale
  - Date of creation
- c. Labels: The disk or CD must have a label that identifies:
  - The agency and/or special district submitting the map
  - Name of the project/short title
  - County name(s)
  - Date of creation

List of Assessor's Parcel Numbers for the Project Area

A list of all affected assessor's parcel numbers must be submitted as part of the jurisdictional boundary change filing.

Letter of Tax-Rate Area Assignment

The jurisdictional boundary change filing must include a letter of the tax-rate area (TRA) assignment on consolidated counties only. This TRA assignment letter is provided by the county auditor's office. The current list of consolidated counties can be found on the Board's website.

Fees

All fees are required to be submitted at the time of filing. Please use the following schedule to calculate the fees. Make checks payable to the "Board of Equalization." Please reference: Tax Area Services Section, MIC: 59.

<b>Single Area Transactions</b>		<b>Special Fee Provisions</b>	
<u>Acres per Single Area</u>	<u>Mapping Fee</u>	The following transactions may supersede or combine with the fees for single area transactions:	
Less than 1 acre	\$300	Additional county, per transaction	\$300
1.00 – 5.99	\$350	Consolidation per resolution or ordinance	\$300
6.00 – 10.99	\$500	Entire district transaction	\$300
11.00 – 20.99	\$800	Coterminous transaction	\$300
21.00 – 50.99	\$1,200	District dissolution or name change	\$0
51.00 – 100.99	\$1,500		
101.00 – 500.99	\$2,000		
501.00 – 1,000.99	\$2,500		
1,001.00 – 2,000.99	\$3,000		
2,001.00 and above	\$3,500		

**Example:** A district is formed coterminous with a city boundary and contains 2 areas of exclusion of 4 and 7 acres.

Coterminous transaction	\$300	(Entire city)
Single Area #1	\$350	(4 acres)
Single Area #2	\$500	(7 acres)
<b>Total Fee</b>	<b>\$1,150</b>	

**IMPORTANT NOTE:** If you have questions regarding filing requirements and fees, please contact the Tax Area Services Section at 916-322-7185, or by fax at 916-327-4251.

Definitions and Special Fee Provisions

1. A *single area* means any separate geographical area regardless of ownership. A lot, subdivision or section could each be a single area. A geographical area that is divided into two or more parcels by a roadway, railroad right-of-way, river or stream is considered a single area. Geographic areas that are non-contiguous are not considered a single area.
2. Two areas are *contiguous* when the two polygons that define the areas share a common line segment.

3. A *concurrent transaction* is defined as:

- a) Any combination of formation, annexation or detachment of a single area under one resolution or ordinance, each independent action must be dependent on the other action(s) in order to complete concurrent transaction, e.g., a reorganization.
- b) When there are more than one resolution or ordinance that is required to complete the action, each single area must have identical boundaries, identical actions, and the multiple resolutions or ordinances shall be inter-dependent for completion.

The fee shall be according to the fee schedule provided on Page 6. There is no additional cost for the number of transactions involved.

Multiple formations, annexations, or detachments of a single area under one resolution or ordinance that are not inter-dependent, must be filed separately and fees paid accordingly.

4. *Coterminous transaction*: If an annexed or detached territory comprises an entire city, district, or zone without affecting the existence of that city, district or zone, the total processing fee is \$300. Such a transaction is completely coterminous. However, if a coterminous transaction involves areas of exclusion, each area of exclusion shall constitute a single area transaction and all fees and requirements pertaining to single area transactions apply.
5. The fee schedule assumes that an action is confined to a single county. If more than one county is involved, add \$300 for each additional county.
6. *Multiple area filings* for special revenue districts shall be calculated as a separate fee for each single area. A separate fee must be computed for each ordinance or resolution.
7. Payment of the fee for the formation of a city or district may be deferred until that city or district receives its first revenue (section 54902.5).
8. *Entire District transaction*: When the action involves the whole district and the district's boundary is not altered by the action, it is considered an entire district transaction, e.g., annexation of a county service area countywide, annexation of a zone of improvement to the entire district.
9. *Zones* include temporary zones in highway lighting districts, zones of improvement, zones of benefit, improvement districts, or any other sub-units of a county, city or parent district.

**CHECKLIST** (This checklist is for your convenience only. Please, do not submit it with your filing.)

Did you include the following items?

- Statement of Boundary Change (Form BOE-400-TA)
- Certified copy of election results (Proposition 218)
- Certificate of Completion (if applicable)
- Copy of the Resolution(s)
  
- Written geographic description:
  - Can the geographic description stand alone?
  - Is the description of the project area only?
  - Does it include the township & range, section number(s) or rancho?
  - Is there a point of beginning?
  - Are the courses numbered to follow a clockwise direction from the point of beginning?
  - Is the total acreage included?
  - Does the information on the description match with the map(s)?
  
- Map(s):
  - Is the map accurately drawn to professional standards?
  - Is it the original size copy?
  - Is a vicinity map included?
  - Are existing boundaries shown and identified?
  - Are existing streets, roads, and highways referenced with their current names?
  - Does it include the township & range, section number(s), or rancho?
  - Does it have a north arrow and scale bar?
  - Is the Point of Beginning clearly shown?
  - Is the boundary made apparent without masking adjacent background features?
  - Are all courses numbered to follow the written description?
  - Is each parcel that touches the new boundary and is within the project area labeled with an APN?
  - Is an enlarge drawing included to show smaller areas of exclusion or inclusion, if applicable?
  - Is there a key map for multiple sheets?
  - Does the electronic filing conform to TASS standards?
  
- List of assessor's parcel numbers
- Letter of tax-rate area assignment from the county auditor (consolidated counties only)
- Fee. *Make checks payable to the "Board of Equalization" with reference to Tax Area Services Section, MIC:59.*

Mail completed package to:

US Postal Delivery

State Board of Equalization  
Tax Area Services Section  
P.O. Box 942879  
Sacramento, CA 94279-0059

FedEx or UPS Delivery

State Board of Equalization  
Tax Area Services Section  
450 N Street, MIC: 59  
Sacramento, CA 95814

# **"E X A M P L E"**

**ANNEXATION NO. 2001-03**

**ANNEXATION TO CLEARWATER SANITATION DISTRICT**

## **GEOGRAPHIC DESCRIPTION**

All that certain real property, situate in portion of Section 7, Township 2 South, Range 11 East, Mount Diablo Base and Meridian, in the County of George, State of California, described as follows:

**Beginning** at the centerline of Magnolia Street and Essey Circle, 50 feet wide, also being the existing Clearwater Sanitation District boundary;

Thence, (1) South 00°05'00" West 25.00 feet along the existing boundary;

Thence, (2) South 89°15'00" East 145.00 feet;

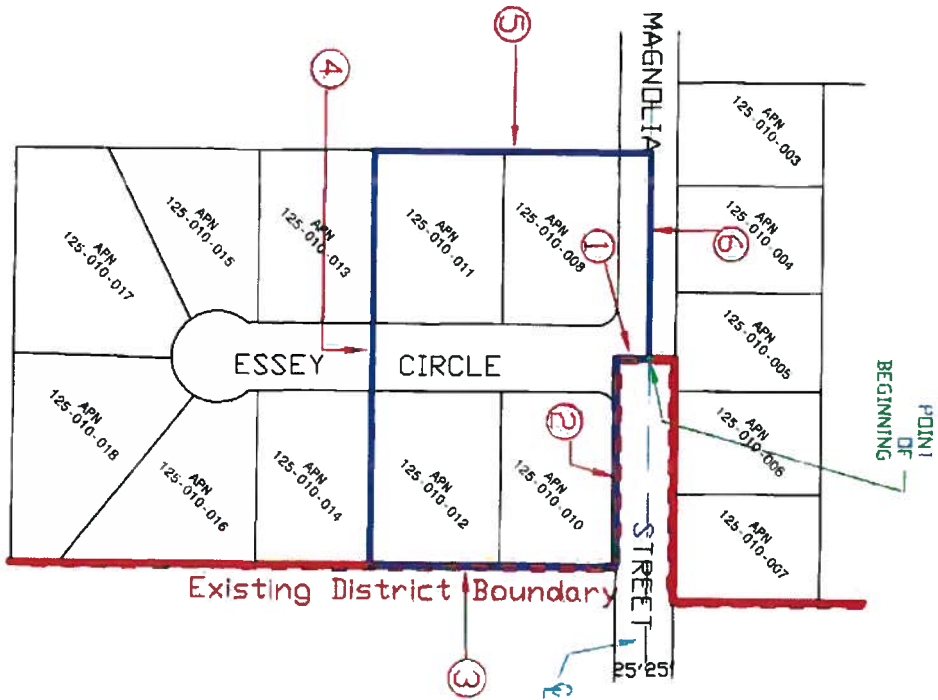
Thence, (3) South 05°25'09" West 260.00 feet;

Thence, leaving the existing district boundary, (4) North 88°45'20" West 390.00 feet;

Thence, (5) North 03°20'00" West 210.00 feet to a point on the center line of said Magnolia Street;

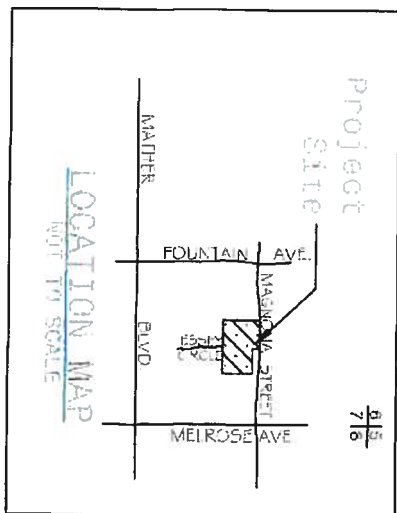
Thence, (6) North 89°15'00" East 150.00 feet to the **Point of beginning** and containing **2.75** acres of land more or less.

*For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*



- COURSES:**
1. S00°05'00"W 25.00'
  2. S89°15'00"E 145.00'
  3. S05°25'09"W 260.00'
  4. N08°45'20"W 390.00'
  5. N03°20'00"W 210.00'
  6. N89°15'00"E 150.00'

2.75 ACRES



ENGINEER: MERRILL SANGHATTON DISTRICT ENGINEER  
 PREPARED BY: PAUL W. BAKER, S.W.T. 100 025-SECT. ENGINEER

*Disclaimer:  
 For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*



ADJACENT PARCEL NUMBERS 125-010-008, 009, 010, 011	DATE OF RECONSTRUCTION 98-04	PERMIT NUMBER 2.75	DATE 03/30/04	SCALE 1"=100'
CLEARWATER ANNULATION NO 2001-03 BEING A PORTION OF SECTION 7, T. 2S, R. 11E, M.D.M. GEORGE COUNTY				
<b>SMART ENGINEERING INC.</b> 1001 DALMATIAN BLVD. SANTA CLAUDE, CA 94959 (916) 222-5757				



## **FORM G**

### **INDEMNIFICATION AGREEMENT**

Regarding a Filing with the Local Agency Formation Commission of Napa County

The Commission requires the applicant and any real party in interest to provide written indemnification to the Commission as a condition of approval for a change of organization. A real party in interest includes the landowner and/or registered voter of the affected territory subject to the change of organization application. Attached is a copy of a standard indemnification agreement approved by Commission Counsel.

**Standard Indemnification Agreement**

Should the Local Agency Formation Commission of Napa County ("Napa LAFCO") be named as a party in any litigation (including a "validation" action under California Civil Code of Procedure 860 et seq.) or administrative proceeding in connection with a proposal, the applicant \_\_\_\_\_ and/or \_\_\_\_\_ (real party in interest: the landowner/registered voter) agree to indemnify, hold harmless, and promptly reimburse Napa LAFCO for:

1. Any damages, penalties, fines or other costs imposed upon or incurred by Napa LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. The Napa LAFCO Executive Officer may require a deposit of funds to cover estimated expenses of the litigation. Applicant and/or real party in interest agree that Napa LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's and/or real party in interest's obligations to indemnify and reimburse defense cost; and
2. All reasonable expenses and attorney's fees in connection with the defense of Napa LAFCO.

This indemnification obligation shall include, but is not limited to, expert witness fees or attorney fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with, the approval of this application. This indemnification is intended to be as broad as permitted by law.

Applicant and/or real party in interest may be required by Napa LAFCO to execute an additional indemnity agreement as a condition of approval for this application. Such an agreement in no way limits the effect of obligations provided under this legal indemnity.

City or District Application

Land Owner Petition Application

\_\_\_\_\_  
City/District Representative

\_\_\_\_\_  
Land Owner Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## FORM H

### PROPOSAL FEES

Regarding a Filing with the Local Agency Formation Commission of Napa County

All change of organization proposals must be accompanied by a non-refundable fee made payable in check to the Commission. Amounts are outlined in the Commission's adopted fee schedule and are generally based on a predetermined number of staff hours required to process the proposal given the level of consent and type of environmental review needed. Additional time required to process the proposal will be billed at an hourly staff rate as needed. The Commission will also require the submittal of fees made payable to other governmental agencies in the course of processing the proposal. A summary outline of the standard fees generally associated with filing a proposal with the Commission follows:

#### Summary Outline of Standard Proposal Fees

(As of September 1, 2010)

Agency	Purpose	Type	Fee Amount
Commission	Application Fee	Non-Refundable	\$3,852 to \$6,420
County Public Works	Surveyor Review	Non-Refundable	\$447
County Recorder's Office	Environmental Filing	Refundable	\$50
Fish and Game (If Needed)	Environmental Filing	Refundable	\$2,010.25 to \$2,792.25
County Assessor's Office	Assessor Map Filing	Refundable	\$125
Commission	Digital Map Filing	Refundable	\$125
Board of Equalization	Tax Rate Filing	Refundable	\$300 to \$3,500

Attached is a copy of the Commission's current adopted fee schedule.



## **Local Agency Formation Commission of Napa County** *Schedule of Fees and Deposits*

Effective Date: January 1, 2011

The policy of the Commission is:

1. This fee schedule shall be administered in accordance with the provisions of California Government Code Section 56383.
2. Applications submitted to the Commission shall be accompanied by a non-refundable initial fee as detailed in this schedule.
3. Applicants are responsible for any fees or charges incurred by the Commission or required by other agencies in the course of the processing of an application.
4. Initial fees include a fixed number of staff hours as detailed in the fee schedule or are designated as "at cost."
5. Additional Commission staff time shall be charged to the applicant at an hourly rate of \$107.00.
6. Applicants are responsible for any extraordinary administrative costs as determined by the Executive Officer and detailed for the applicant in a written statement.
7. Additional Commission staff time and administrative costs shall not be charged for city annexation applications that are comprised solely of one, entire unincorporated island.
8. If the Executive Officer estimates a proposal will require more than 20 hours staff time to complete, he or she shall provide a written statement to that effect to the applicant and request a deposit in an amount sufficient to cover anticipated costs. If this or any subsequent deposit proves insufficient, the Executive Officer shall provide an accounting of expenditures and request deposit of additional funds.
9. If the processing of an application requires the Commission contract from another agency or from a private firm or individual for services that are beyond the normal scope of staff work (such as the drafting of an Environmental Impact Report or Comprehensive Fiscal Analysis), the applicant shall be responsible for all costs associated with that contract. The applicant will provide the Commission with a deposit sufficient to cover the cost of the contract.
10. The Executive Officer may stop work on any proposal until the applicant submits a requested deposit.

11. Written appeal of fees and/or deposits, specifying the reason for the appeal, may be submitted to the Commission prior to the submission of an application or prior to the submission of a deposit requested by the Executive Officer. The appeal will be considered at the next regular meeting of the Commission.
12. Upon completion of a project, the Executive Officer shall issue to the applicant a statement detailing all expenditures from a deposit for additional time and materials and shall have a refund for any remaining funds issued to the applicant.

## **INITIAL APPLICATION FEES**

### **Change of Organization or Reorganizations: Annexations and Detachments**

Exempt from the California Environmental Quality Act

- With 100% consent of property owners and affected agencies: \$3,852(30 hours)
- Without 100% consent of property owners and affected agencies: \$5,136 (40 hours)

Not exempt from the California Environmental Quality Act  
(The Commission is a Responsible Agency; Negative Declaration)

- With 100% consent of property owners and affected agencies: \$4,494(35 hours)
- Without 100% consent of property owners and affected agencies: \$5,778 (45 hours)

Not exempt from the California Environmental Quality Act  
(The Commission is a Responsible Agency; Environmental Impact Report)

- With 100% consent of property owners and affected agencies: \$5,136(40 hours)
- Without 100% consent of property owners and affected agencies: \$6,420 (50 hours)

- \* All initial application fees for annexation and detachment proposals include a 20% surcharge to contribute to the costs in preparing municipal service reviews.
- \* Annexation or detachment proposals that involve boundary changes for more than two agencies and qualify as reorganizations will be charged an additional fee of \$515 (5 hours).
- \* City annexations involving entire unincorporated islands and subject to California Government Code Section 56375.3 will be charged a flat fee of \$500.
- \* If the Commission is the Lead Agency and an Initial Study is needed to determine whether a Negative Declaration or Environmental Impact Report is appropriate, applicants will be charged at the hourly staff rate.

### **Change of Organizations or Reorganizations: Other**

- Special District Formations, Consolidations, Mergers, and Dissolutions: Actual Cost
- City Incorporations or Dissolutions: Actual Cost

### **Special Studies**

- Municipal Service Review: Actual Cost
- Sphere of Influence Review: Actual Cost  
(Establishment, Amendment, or Update)

<b>Request to Activate Latent Power</b>	\$5,136 (40 hours)
* The initial application fee for the activation of a latent power includes a 20% surcharge to contribute to the costs in preparing municipal service reviews.	
<b>Request for an Extension of Time</b>	\$535 (5 hours)
<b>Request to Approve an Outside Service Agreement</b>	\$2,568 (20 hours)
* The initial application fee to approve an outside service agreement includes a 20% surcharge to contribute to the costs in preparing municipal service reviews.	
<b>Request for Reconsideration</b>	\$2,140 (20 hours)
<b>Special Meeting Fee</b>	\$800
<b>Alternate Legal Counsel Fee</b>	Actual Cost
<b><u>OTHER APPLICATION FEES</u></b>	
<b>Assessor Mapping Service</b> (Made payable to the "County of Napa")	\$125
<b>Map and Geographic Description Review</b> (Made payable to the "County of Napa")	\$447 (3 hours)
<b>Registered Voter List for Public Hearing Notice</b> (Made payable to the "County of Napa")	\$55 (1 hour)
<b>Geographic Information Service</b> (Made payable to "LAFCO of Napa County")	\$125 (1 hour)
<b>California Department of Fish and Game Environmental Filing Fees</b> (Made payable to the "County of Napa Clerk Recorder")	
<u>Commission as Lead Agency</u>	
• Environmental Impact Report:	\$2,839.25
• Negative Declaration:	\$2,044.00
• Mitigated Negative Declaration	\$2,044.00
• Clerk-Recorder Filing Fee:	\$50.00
<u>Commission as Responsible Agency</u>	
• Notice of Determination (Represents Clerk Filing Fee):	\$50.00
• Notice of Exemption (Represents Clerk Filing Fee):	\$50.00



**Filing of Change to Jurisdictional Boundary**  
(Made payable to the "State Board of Equalization")

<u>Acre Amount</u>	<u>Fee</u>	<u>Acre Amount</u>	<u>Fee</u>
Less than 1:	\$300	51 to 100:	\$1,500
1 to 5:	\$350	101 to 500:	\$2,000
6 to 10:	\$500	500 to 1,000:	\$2,500
11 to 20:	\$800	1,000 to 2,000:	\$3,000
21 to 50:	\$1,200	2,000 and above:	\$3,500

**ADMINISTRATIVE SERVICE FEES**

The following are charges to be assessed to persons or entities other than the applicant.

- Copying (no color): \$0.10 per page
- Copying (color): \$0.40 per page
- Faxing: \$1.00 service charge, plus \$0.15 per page
- Mailing: Actual Cost
- Audio Tape Recording of Meeting: Actual Cost
- Research/Achieve Retrieval: \$97 per hour (minimum of one hour)

## ATTACHMENT FOUR



A Tradition of Stewardship  
A Commitment to Service

### Conservation, Development and Planning

1195 Third Street, Suite 210  
Napa, CA 94559  
[www.co.napa.ca.us](http://www.co.napa.ca.us)

Main: (707) 253-4417  
Fax: (707) 253-4336

**Hillary Gitelman**  
Director

March 11, 2011

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

Dear Mr. Simonds,

Thank you for the opportunity to review the proposed revisions to LAFCO's General Policy Determinations dated February 15, 2011. This letter contains comments and questions from the County's Departments of Conservation, Development and Planning. I would be happy to meet with you and discuss these comments and questions if you would like clarification.

### Overall Comments

- Some of the updated policy language proposed for adoption by the commission has potentially far reaching consequences, and we urge you and your Commission to reach out to all jurisdictions and districts to ensure they have reviewed and understood the proposal before the Commission takes action. There may also be community leaders, property owners, and other stakeholders with specific concerns and expertise who should be consulted in advance of any action.
- While the proposal acknowledges the Commission's ability to consider special conditions and circumstances as needed (Section II), it provides specific definitions that may reduce the Commission's ability to interpret State statutes as needed. For example, the definitions of "new" and "extended" proposed in Sections V(B)(2) and VI(D)(2) would have potentially precluded the Commission from taking the action in October 2007 to ensure the provision of water services within the Airport Industrial Area. We urge you to reconsider whether such specific definitions are necessary or desirable.
- There are several places in the proposed policy language, where the Commission is being asked to adopt a policy that does not apply to the Commission, but instead applies to the County (For

example Section III(C)(8)(c)). These may be valid characterizations of County policy, but they are probably leftovers from the days when LAFCO was part of the County, and should probably be eliminated.

#### Page Specific Comments

- Section II(B)(1): we suggest the following editorial change: "...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.*"
- Section II(B)(3): we suggest retention of the phrase "in providing for the health and welfare of the Citizens of the County and the affected area" and question whether the new text should read "potable water, sewer, fire protection, emergency response *or* [rather than "and"] police protection services."
- I believe the new text proposed in Section III(B)(5)(b) runs counter to the philosophy espoused by the City of St. Helena's General Plan, which designates agricultural areas within the City boundaries that are not intended for urban development. Other cities may have similar areas/policies.
- The phrase "with deference assigned to timing" appears at least twice (for example Section III(C)(6) and III(D)(4)) and requires clarification. Does this mean that the Commission may not reject annexation, it can only delay?
- What is the Commission's interest in limiting pipeline length when a public health or safety issue exists (Section III(D)(3))?
- Section III(D)(6)(a) should be amended to acknowledge that historical service areas may extend beyond the sphere of influence of a jurisdiction (e.g. American Canyon's water service area). Specifically, this would mean deleting "as delineated by the sphere of influence."
- We suggest that the Commission retain discretion when it comes to interpreting what is an "island" or "substantially surrounded" (Sections VII(A) & (B)) since circumstances may vary.

Thanks again for the opportunity to review the proposed policy language. If you have any questions about the comments and suggestions in this letter or would like to schedule a meeting with County staff, please don't hesitate to contact me at 253-4805.

Regards,



Hillary Gitelman