



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

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Napa, California 94559  
Phone: (707) 259-8645  
www.napa.lafco.ca.gov

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

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**Agenda Item 5c (Consent/Action)**

**TO:** Local Agency Formation Commission

**PREPARED BY:** Brendon Freeman, Executive Officer *BF*  
Dawn Mittleman Longoria, Analyst II/Interim Clerk *DML*

**MEETING DATE:** December 5, 2022

**SUBJECT:** Approval of Amendment to General Policy Determinations Changing the Name to Policy on Proposals and Making Other Changes

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**SUMMARY AND RECOMMENDATION**

This is a consent item for formal action. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair.

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County Amending its General Policy Determinations Changing the Name to Policy on Proposals and Making Other Changes, included as Attachment One.

The Policy Committee met on three occasions and agreed to recommend an amendment to the Commission's adopted *General Policy Determinations* ("the Policy"). A clean version of the proposed amendment is Exhibit "A" to the draft resolution, which is included as Attachment One. The amendment with tracked changes is included as Attachment Two.

The proposed amendment involves the following substantive changes:

- Change the name to *Policy on Proposals* in recognition of the Policy's specific orientation to proposals for changes of organization or reorganization;
- Clarify, modernize, and simplify language throughout the Policy, including deletion of confusing, irrelevant, or unnecessary language; and
- Add recognition of the importance of the Napa County Agricultural Preserve and urban growth boundaries.

**ATTACHMENTS**

- 1) Draft Resolution Amending the *General Policy Determinations* and Changing Name to *Policy on Proposals*
- 2) Proposed Amendment to *General Policy Determinations* (Tracked Changes)

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Margie Mohler, Chair  
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner  
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner  
Councilmember, City of Napa

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

Diane Dillon, Commissioner  
County of Napa Supervisor, 3rd District

Ryan Gregory, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner  
Representative of the General Public

Eve Kahn, Alternate Commissioner  
Representative of the General Public

Brendon Freeman  
Executive Officer

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

**RESOLUTION OF  
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
AMENDING ITS GENERAL POLICY DETERMINATIONS CHANGING THE NAME TO  
POLICY ON PROPOSALS AND MAKING OTHER CHANGES**

**WHEREAS**, on August 9, 1972, the Local Agency Formation Commission of Napa County (the “Commission”) adopted its *General Policy Determinations*; and

**WHEREAS**, the Commission most recently amended the *General Policy Determinations* on June 7, 2021; and

**WHEREAS**, the Commission considered a proposed amendment to the *General Policy Determinations*, including changing the name to *Policy on Proposals* and making other changes, at its regular meeting on December 5, 2022; and

**NOW, THEREFORE, BE IT RESOLVED** that the Commission hereby amends the *General Policy Determinations* and changes the name to *Policy on Proposals* and make other changes, as attached hereto as “Exhibit A”.

This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on December 5, 2022, after a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, by the following vote:

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

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

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

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

\_\_\_\_\_  
Margie Mohler  
Commission Chair

ATTEST: \_\_\_\_\_  
Brendon Freeman  
Executive Officer

Recorded by: Dawn Mittleman Longoria  
Interim Commission Clerk



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Policy on Proposals*

(Adopted: August 9, 1972; Last Amended: December 5, 2022)

#### **I. Background**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) specifies the Local Agency Formation Commission (LAFCO) of Napa County's principal objectives are discouraging urban sprawl, preserving open space and agricultural resources, and encouraging the orderly formation and development of cities, towns, and special districts and their municipal services based on local conditions.<sup>1</sup> Regulatory duties include approving or disapproving proposals involving the formation, reorganization, expansion, and dissolution of cities, towns, 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 (SOIs).<sup>2</sup>

#### **II. Purpose**

The purpose of this policy is to guide the Commission in considering proposals for changes of organization as defined under [California Government Code \(G.C.\) §56021](#) and reorganizations as defined under [G.C. §56073](#).

#### **III. Objective**

It is the objective of the Commission to acknowledge and incorporate 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 reserves discretion in administering these policies to address special conditions and circumstances as needed.

#### **IV. Commission Declarations**

The Commission declares its intent not to permit the premature conversion of 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 shall be reviewed with these policies as guidelines.

A) Use of Municipal Service Reviews:

In evaluating a proposal, the Commission will use information contained within the most recently completed Municipal Service Review (MSR) for any affected agencies. The Commission retains discretion to determine if the most recent MSR is adequate for making decisions related to proposals.

<sup>1</sup> CKH is codified under [G.C. §56000](#) et seq.

<sup>2</sup> The Commission's *Policy on Spheres of Influence* is available online at: <https://www.napa.lafco.ca.gov>.

- B) Use of County General Plan Designations:  
 In evaluating a proposal, the Commission will give great weight to 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 city or town general plans with respect to agricultural and open space designations. Notwithstanding these potential inconsistencies, the Commission will give great weight to the 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 P in 2008.<sup>3</sup>
- C) Recognition of the Napa County Agricultural Preserve:  
 The first Agricultural Preserve in the United States was created in 1968 by the Napa County Board of Supervisors. The Agricultural Preserve protects lands in the fertile valley and foothill areas of Napa County in which agriculture is, and should continue to be, the predominant land use. The Commission will consider the Agricultural Preserve in the processing of proposals.
- D) Location of Urban Development:  
 The Commission will give great weight to urban growth boundaries and guide urban development away from agricultural or open space lands until such times as urban development becomes an overriding consideration as determined by the Commission. The Commission encourages urban development be located within areas designated for urban use in the County General Plan and in close proximity to a city, town, or special district that can provide any needed public services. Urban development should be discouraged if it is apparent that any needed public services necessary for the proposed development cannot readily be provided by a city, town, or special district.
- E) Timing of Urban Development:  
 The Commission discourages proposals involving the premature annexation of undeveloped or underdeveloped lands to cities, towns, and special districts that provide potable water, sewer, fire protection and emergency response, or police protection services. This policy does not apply to proposals in which the affected lands are subject to a specific development plan or agreement under consideration by a land use authority. This policy does not apply to city or town annexation proposals in which the affected lands are part of an unincorporated island.<sup>4</sup>
- F) Encouragement of Reorganizations:  
 The Commission encourages reorganization proposals when appropriate and feasible to facilitate boundary changes involving two or more local governmental agencies. The Commission recognizes the efficiency of reorganizations to simplify and expedite logical and orderly concurrent boundary changes.

<sup>3</sup> Measure P is an extension of Measure J, which was enacted in 1990 and requires voter approval for any changes that would re-designate unincorporated agricultural and open space lands.

<sup>4</sup> The Commission's *Policy on Unincorporated Islands* is available online at: <https://www.napa.lafco.ca.gov>.

- G) Factors for Evaluating Proposals Involving Agricultural or Open Space Lands:  
 The Commission recognizes there are distinct and varying attributes and classifications associated with agricultural and open space designated lands. A proposal which includes agricultural or open space land shall be evaluated considering the following factors:
- (1) "Agricultural land", as defined by [G.C. §56016](#).
  - (2) "Prime agricultural land", as defined by [G.C. §56064](#).
  - (3) "Open space", as defined by [G.C. §56059](#).
  - (4) Land that is under contract to remain in agricultural or open space use, such as a Williamson Act Contract or Open Space Easement.
  - (5) Land with a County General Plan agricultural or open space designation (*Agricultural Resource* or *Agriculture, Watershed and Open Space*).
  - (6) The adopted general plan policies of the County and any affected city or town.
- H) Activating Latent Services and Deactivating Existing Services:  
 Commission approval is required for a special district to establish new services (i.e., activate latent service powers that were not previously authorized) or divestiture of existing services (i.e., deactivate service powers that were previously authorized) 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](#).

## V. Policies Concerning Annexations

- A) General Policies Concerning All Annexations:
- (1) Inclusion in SOI:  
 The affected territory shall be included, or the applicant has concurrently requested the affected territory be included, within the affected agency's SOI prior to issuance of the Executive Officer's certificate of filing for the subject annexation proposal. The Executive Officer may amend both an SOI amendment and annexation application for Commission consideration and action at the same meeting.
  - (2) Property Tax Exchange Agreement:  
 A property tax exchange agreement between all affected agencies should be in place prior to submittal of an annexation proposal.

(3) Inclusion of Public Rights-of-Way:

When a proposal for annexation involves territory located adjacent to a public right-of-way, the proposal should also include the adjacent portion of right-of-way to facilitate logical and orderly boundaries for any affected agencies.

(4) Boundary Modifications:

The Commission encourages modifications to proposed annexation boundaries when appropriate and feasible in order to facilitate logical and orderly boundaries for any affected local agencies. During the preliminary consultation phase, staff will encourage applicants to contact landowners of nearby properties to solicit interest in joining the annexation.

B) Policies Concerning Annexations to a City or Town:(1) General Plan Designation and Rezoning:

The territory proposed for annexation shall be included in the city or town general plan and rezoned prior to submittal of an annexation proposal.

(2) Urban Growth Boundaries:

To the extent that a city or town maintains an urban growth boundary, the affected territory proposed for annexation should be included in the urban growth boundary prior to submittal of an annexation proposal. This does not apply to proposals consistent with [G.C. §56742](#).

(3) Proposals Within Unincorporated Islands:

When a proposal for annexation involves territory within an unincorporated island, staff will encourage the affected city or town to apply for the annexation of the entire island.

C) Policies Concerning Annexation of Municipally-Owned Land:(1) Land Owned and Used by a City or Town Located Outside Their SOI:

Land that is owned by a city or town, used by the city or town for a municipal purpose, and located outside their SOI may be annexed pursuant to [G.C. §56742](#).

(2) Restricted Use Lands Owned by Public Agencies:

The Commission discourages annexation of municipally-owned land designated agricultural or open space in the County General Plan 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 agency's SOI.

(3) Municipal Purpose Defined:

Municipal purpose means a public service facility, but does not include agricultural or open space land.

D) Concurrent Annexation Policies:

The Commission encourages concurrent annexations to cities, towns, and special districts whenever appropriate and feasible.

(1) City of Napa and Napa Sanitation District (NSD):a) Annexations to NSD:

All annexation proposals to NSD involving territory located outside of the City should include annexation to the City if the affected territory is located within the City's SOI, is located within the City's Rural Urban Limit, and annexation is legally possible.

b) Annexations to the City:

All annexation proposals to the City involving territory located outside of NSD should annex to NSD if the affected territory is located within NSD's SOI and if service is available.

(2) City of American Canyon and American Canyon Fire Protection District (ACFPD):a) Annexations to ACFPD:

All annexation proposals to ACFPD involving territory located outside of the City should annex to the City if the affected territory is located within the City's SOI, is located within the City's Urban Limit Line, and annexation is legally possible.

b) Annexations to the City:

All annexation proposals to the City involving territory located outside of ACFPD should annex to ACFPD if the affected territory is located within ACFPD's SOI and if service is available.

(3) County Service Area (CSA) No. 4:a) Annexations to Cities or Towns:

All annexations to a city or town should include concurrent detachment from CSA No. 4 unless the affected territory has been, or is expected to be, developed to include planted vineyards totaling one acre or more.

**VI. Policies Concerning City or Town Incorporations**

- A) The Commission discourages proposals to incorporate communities unless substantial evidence suggests the County and any affected special districts are not effectively meeting the needs of the community.
- B) The Commission discourages proposals to incorporate communities involving land that is not already receiving essential public services from special districts.



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *General Policy Determinations on Proposals*

(Adopted: August 9, 1972; Last Amended: ~~June 7, 2024~~ December 5, 2022)

#### I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) specifies the Local Agency Formation Commission (LAFCO) of Napa County's principal objectives are discouraging urban sprawl, preserving open space and agricultural resources, and encouraging the orderly formation and development of cities, towns, and special districts and their municipal services based on local conditions.<sup>1</sup> Regulatory duties include approving or disapproving proposals involving the formation, reorganization, expansion, and dissolution of cities, towns, 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 (SOIs).<sup>2</sup>

#### II. ~~General Policies~~ Purpose

The ~~intent purpose of these policies~~ this policy is to guide the Commission ~~serve as the Commission's constitution with regards to outlining clear goals, objectives, and requirements in uniformly fulfilling its prescribed duties~~ in considering proposals for changes of organization as defined under California Government Code (G.C.) §56021 and reorganizations as defined under G.C. §56073.

#### III. Objective

It is the objective of the Commission to acknowledge and incorporate 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 reserves discretion in administering these policies, ~~however~~, to address special conditions and circumstances as needed.

#### A) ~~Legislative Declarations~~

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

<sup>1</sup> ~~The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000~~ CKH is codified under California Government Code G.C. §56000 et seq.

<sup>2</sup> The Commission's Policy on Spheres of Influence is available online at: <https://www.napa.lafco.ca.gov>.



- ~~(1) The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services. (G.C. §56000)~~
- ~~(2) It is the intent of the Legislature that each commission, not later than January 1, 2002, shall establish written policies and procedures and exercise its powers pursuant to this part in a manner consistent with those policies and procedures, and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open space lands within those patterns. (G.C. §56300)~~
- ~~(3) In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open space uses, the commission shall consider all of the following policies and priorities:~~
- ~~a) Development or use of land for other than open space uses shall be guided away from existing prime agricultural lands in open space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.~~
- ~~b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non open space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency. (G.C. §56377)~~

#### **B) IV. Commission Declarations**

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

A) Use of Municipal Service Reviews:  
~~In evaluating a proposal, the Commission will use information contained within the most recently completed Municipal Service Review (MSR) for any affected agencies. The Commission retains discretion to determine if the most recent MSR is adequate for making decisions related to proposals.~~

B) Use of County General Plan Designations:  
 In evaluating a proposal, the Commission will ~~use~~ give great weight to 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 or town~~ general plans with respect to

agricultural and open space designations. Notwithstanding these potential inconsistencies, the Commission will ~~give great weight to 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.<sup>3</sup>

C) Recognition of the Napa County Agricultural Preserve:

The first Agricultural Preserve in the United States was created in 1968 by the Napa County Board of Supervisors. The Agricultural Preserve protects lands in the fertile valley and foothill areas of Napa County in which agriculture is, and should continue to be, the predominant land use. The Commission will consider the Agricultural Preserve in the processing of proposals.

D) Location of Urban Development:

The Commission will give great weight to urban growth boundaries and ~~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. The Commission encourages urban development be located within areas designated for urban use in the County General Plan and in close proximity to a city, town, or special district that can provide any needed public services. Urban development should be discouraged if it is apparent that any needed public services necessary for the proposed development cannot readily be provided by a city, town, or special district. ~~The Commission will give great weight to adopted urban growth boundaries.~~

E) Timing of Urban Development:

The Commission discourages proposals involving the premature annexation of undeveloped or underdeveloped lands to cities, towns, and special districts that provide potable water, sewer, fire protection and emergency response, or police protection services. This policy does not apply to proposals in which the affected lands are subject to a specific development plan or agreement under consideration by a land use authority. This policy does not apply to city or town annexation proposals in which the affected lands are part of an unincorporated island.<sup>4</sup>

F) Encouragement of Reorganizations:

The Commission encourages reorganization proposals when appropriate and feasible to facilitate boundary changes involving two or more local governmental agencies. The Commission recognizes the efficiency of reorganizations to simplify and expedite logical and orderly concurrent boundary changes.

<sup>3</sup> Measure P is an extension of Measure J, which was enacted in 1990 and requires voter approval for any changes that would re-designate unincorporated agricultural and open space lands.

<sup>4</sup> The Commission's Policy on Unincorporated Islands is available online at: <https://www.napa.lafco.ca.gov>.

~~FG)~~ G) Factors for Evaluating Proposals Involving Agricultural or Open Space Lands:

The Commission recognizes there are distinct and varying attributes and classifications associated with agricultural and open space designated lands. -A proposal which includes agricultural or open space ~~designated~~ land shall be evaluated ~~in light of~~ considering the ~~existence of the~~ following factors:

~~(1)~~ (1) "Agricultural land", as defined by G.C. §56016.

~~(2)~~ (2) "Prime agricultural land", as defined by G.C. §56064.

~~(3)~~ (3) "Open space", as defined by G.C. §56059.

~~(4)~~ (4) Land that is under contract to remain in agricultural or open space use, such as a Williamson Act Contract or Open Space Easement.

~~(5)~~ (5) Land ~~which has~~ with a County General Plan agricultural or open space designation (*Agricultural Resource or Agriculture, Watershed and Open Space*).

~~(6)~~ (6) The adopted general plan policies of the County and ~~the any~~ affected city or town.

~~(7)~~ (7) ~~The agricultural economic integrity of land proposed for conversion to urban use as well as adjoining land in agricultural use.~~

~~(8)~~ (8) ~~The potential for the premature conversion of adjacent agricultural or open space designated land to urban use.~~

~~(9)~~ (9) ~~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.~~

H) Activating Latent Services and Deactivating Existing Services:

IV. Commission approval is required for a special district to establish new services (i.e., activate latent service powers that were not previously authorized) or divestiture of existing services (i.e., deactivate service powers that were previously authorized) 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.

V. Policies Concerning the County of Napa

V. A) Location of Urban Development in Unincorporated Areas

~~A) Development of an urban character and nature should be located within areas designated as urban areas by the County General Plan in close proximity to a city, town, or special district which that can provide any needed essential public services.~~

~~(1) Urban development should be discouraged if it is apparent that essential any needed public services necessary for the proposed development cannot readily be provided by a city, town, or special district.~~

~~B) The Commission shall review and comment, as appropriate, on development projects that would require the extension of any needed public services or the creation of new service providers to furnish services into previously unserved territory within unincorporated areas.~~

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

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

~~V. Policies Concerning Cities~~

~~A) Incorporations~~

~~A) 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.~~

~~B) The Commission discourages proposals to incorporate communities involving land that is not already receiving essential public services from a special district.~~

~~C) 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.~~

~~VI. Policies Concerning Special Districts~~

~~A) In Lieu of New District Creation~~

~~(1) Where a limited purpose special district exists and additional services are required for an unincorporated area designated as urban by the County General~~

~~Plan, the Commission encourages reorganizations to provide the extended services of the existing limited services special district.~~

~~B) Preference for Districts Capable of Providing All Essential Services~~

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

~~C) Establishing New Services or Divestiture of Existing Service Powers~~

- ~~(2) Commission approval is required for a special district to establish new services (i.e., activate latent service powers that were not previously authorized), or divestiture of existing services powers (i.e., deactivate service powers that were previously authorized) 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.~~

~~A) —~~

~~B) The Commission incorporates the following definitions in administering these this policies policy:~~

- ~~(3) “New” shall mean activating a latent service not previously authorized.~~

~~— “Divestiture” shall mean deactivating a service power previously authorized.~~

~~(4) — Policies Concerning Annexations~~

- ~~C) — The Commission shall consider the effect of the proposal in supporting planned and orderly growth within the affected territory.~~

~~VII. — VI. Policies Concerning Annexations~~

~~A) General Policies Concerning All Annexations:~~

~~(1) — Inclusion in SOI:~~

~~The affected territory shall be included, or the applicant has concurrently requested the affected territory be included, within the affected agency’s SOI prior to issuance of the Executive Officer’s certificate of filing for the subject annexation proposal. The Executive Officer may agendize both an SOI amendment and annexation application for Commission consideration and action at the same meeting.~~

~~(2) — Property Tax Exchange Agreement:~~

A property tax exchange agreement between all affected agencies shall should be in place prior to submittal of an annexation proposal.

(3) Inclusion of Public Rights-of-Way:

When a proposal for annexation involves territory located adjacent to a public right-of-way, the proposal should also include the adjacent portion of right-of-way to facilitate logical and orderly boundaries for any affected agencies.

(4) Boundary Modifications:

The Commission encourages modifications to proposed annexation boundaries when appropriate and feasible in order to facilitate logical and orderly boundaries for any affected local agencies. During the preliminary consultation phase, staff will encourage applicants to contact landowners of nearby properties to solicit interest in joining the annexation.

—

B) Policies Concerning Annexations to a City or Town:

(1) General Plan Designation and Rezoning:

The territory proposed for annexation shall be included in the city or town general plan and rezoned prior to submittal of an annexation proposal.

(2) Urban Growth Boundaries:

To the extent that a city or town maintains an urban growth boundary, the affected territory proposed for annexation shall should be included in the urban growth boundary prior to submittal of an annexation proposal. [This does not apply to proposals consistent with G.C. §56742.](#)

(3) Proposals Within Unincorporated Islands:

When a proposal for annexation involves territory within an unincorporated island, staff will encourage the affected city or town to apply for the annexation of the entire island.

~~General Plan Designation and Rezoning~~

~~The affected territory shall be included in the city general plan and rezoned prior to submittal of an annexation proposal.~~

CB) Policies Concerning Annexation of Municipally-Owned Land:

(1) Land Owned and Used by a City or Town Located Outside Their SOI:

Land that is both owned and used by a city or town, used by the city or town for a municipal purpose, and located outside their SOI may be annexed pursuant to G.C. §56742. [The Commission will consider the proximity of the affected territory to other cities and towns in terms of logical and orderly boundaries prior to taking action on the annexation approval proposal.](#)

~~(1)~~(2) Restricted Use Lands Owned by Public Agencies:

The Commission ~~shall disapprove~~discourages annexation of ~~publicly~~municipally-owned land designated agricultural or open space in the County General Plan 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~~agency's ~~sphere of influence~~SOI.

~~(2)~~(3) Facilities Exempt from Policy/Municipal Purpose Defined:

Municipal purpose ~~shall mean~~s a public service facility ~~which is urban in nature such as water and sewage wastewater treatment facilities and public buildings~~, but generally shall does not include agricultural or open space land ~~which is vacant or used for wastewater reclamation irrigation, a reservoir, or designated as agriculture or open space in the County General Plan as a Agricultural, Watershed and/or open Open Sspace~~.

~~DG)~~ Concurrent Annexation Policies:

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

(1) City of Napa and Napa Sanitation District (NSD):

a) Annexations to ~~the District~~NSD:

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

b) Annexations to the City:

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

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

a) Annexations to ~~the District~~ACFPD:



All annexation proposals to ~~the American Canyon Fire Protection District ACFPD~~ involving territory located outside of the City of ~~American Canyon shall be required~~should to annex to the City if the affected territory is located within the City's SOI, is located within the City's Urban Limit Line, and annexation is legally possible.~~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 involving territory of American Canyon located outside of ~~the American Canyon Fire Protection District ACFPD~~ shall be required to should annex to ~~the District ACFPD~~ if the affected territory is located within the District's ACFPD's SOI and if service is available ~~sphere of influence.~~

(3) County Service Area (CSA) No. 4:

a) Annexations to Cities or Towns:

All annexation ~~proposals~~ to a city or town shall be required to should include concurrently detachment from ~~County Service Area~~ CSA 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.~~

VI. VII. Policies Concerning City or Town Incorporations

A) The Commission discourages proposals to incorporate communities unless substantial evidence suggests the County and any affected special districts are not effectively meeting the needs of the community.

The Commission discourages proposals to incorporate communities involving land that is not already receiving essential public services from a special districts.

B)