



Local Agency Formation Commission
LAFCO of Napa County

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May 5, 2008
Agenda Item No. 5a

April 24, 2008

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: *Borrette Lane No. 8 District Annexation to the Napa Sanitation District*
(Consent: Action)

The Commission will consider an application to annex approximately 6.04 acres of incorporated territory to the Napa Sanitation District. The annexation is intended to facilitate the creation of four new residential lots.

Proposed is the annexation of approximately 6.04 acres of incorporated territory to the Napa Sanitation District (NSD). The subject territory comprises one incorporated parcel located in the City of Napa that includes a single-family residence, winery, and vineyard. The western border of the parcel also includes a privately owned section of Borrette Lane. The purpose of the proposal is to facilitate the division of half the parcel into four new residential lots. The remaining portion will include the existing single-family residence, winery, and an abbreviated vineyard. The parcel division and related land uses were conditionally approved by the City Planning Commission on November 16, 2006.

Proposal Summary

Applicants: Karen and Kirk Reid, Property Owners.

Purpose: The applicants propose the annexation of approximately 6.04 acres to NSD to make public sewer services available for a proposed development project to divide half of an existing parcel into four new residential lots.

Location: The subject territory comprises one parcel located at 1020 Borrette Lane in the City of Napa. The affected parcel is identified by the County of Napa Assessor's Office as 041-700-004.

Consent: This proposal has 100% consent from affected property owners. NSD is the only subject agency and has offered its consent to the waiver of protest proceedings for this annexation.

Jack Gingles, Chair
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

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

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

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

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

Discussion

This proposal was originally submitted as “Borrette Lane No. 7 District Annexation to the Napa Sanitation District” and approved by the Commission at its April 2, 2007 meeting. Commission approval was conditioned to include a standard requirement that the applicants fulfill within one year the terms NSD adopted on March 21, 2007 in conjunction with consenting to waiving their right to protest proceedings. On February 22, 2008, NSD adopted an amendment to its terms to allow wastewater generated at the winery to continue to be treated through an on-site septic system. Staff determined that this was a substantive change and required the Commission to amend its own resolution of approval to reflect NSD’s amended term. However, scheduling conflicts prohibited the Commission from considering an amendment or a time extension request before the one-year deadline. As a result, the earlier proposal was officially abandoned as of April 3, 2008 and replaced by the current application.

Analysis

The Commission is responsible under California Government Code (G.C.) Section 56375 to approve, modify, or disapprove boundary changes proposed by local governmental agencies, property owners, or registered voters. The Commission is also authorized to establish conditions in approving boundary changes as long as it does not directly regulate land uses. Underlying the Commission’s determination in approving, modifying, or disapproving proposed boundary changes is to consider the orderly and timely development of the affected agencies in context with local conditions and circumstances.

Factors Required for Consideration

G.C. Sections 56668 and 56668.3 require the Commission to consider 16 specific factors anytime it reviews proposed boundary changes involving special districts. No single factor is determinative. The purpose in considering these factors is to help inform the Commission in its decision-making process. An evaluation of these factors as it relates to the proposed boundary change follows.

- 1) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, during the next 10 years.**

The subject territory comprises one incorporated parcel located in an urbanizing area in the City of Napa and includes a single-family residence, vineyard, and a small winery facility. The subject territory is approximately 6.04 acres in size and has a current resident population of two. The annexation of the subject territory to NSD will facilitate the creation of four additional single-family residences, which will result in an anticipated total buildout population of 13.¹

¹ Population projection based on 2.62 persons per single-family residence (California Department of Finance, 2005).

Topography in the subject territory slopes modestly north to south with a peak elevation of 32 feet above sea level. An unnamed seasonal creek runs along the subject territory's southern boundary. The total current assessed value of the subject territory is \$679,361.

- 2) **The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.**

The annexation of the subject territory will facilitate the extension of public sewer service to one existing and four new single family residential lots. NSD has a current daily average sewer demand of 6.9 million gallons with a total daily system capacity of 15.4 million gallons. At an expected daily use rate of 210 gallons per residence, the underlying project facilitated by the annexation will generate a projected new daily sewer demand of 1,050 gallons within the subject territory. This projected new sewer demand can be adequately accompanied by NSD's existing facilities without impacting service levels of current ratepayers.

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

Annexation will facilitate the development of the subject territory that is consistent with the surrounding incorporated area. A substantial portion of the surrounding incorporated area is already served by NSD.

- 4) **The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in G.C. Section 56377.**

The subject territory is located within NSD's sphere of influence. The Commission recently adopted a comprehensive update to the sphere generally predicated on aligning NSD's service area with the service area of the City of Napa for the purpose of coordinating planned urban development.

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

Approximately half of the subject territory will be divided into four new residential lots upon annexation to the NSD as part of a development projected previously approved by the City of Napa. The annexation and subsequent development of this portion of the subject territory will result in the loss of approximately two acres of planted vineyards that meet the definition of "agricultural lands" under G.C. Section 56016.

- 6) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.**

The subject territory includes one parcel with boundary lines that are certain and identifiable. The annexation of the subject territory to NSD would not create any islands or conflicts in lines of assessment or ownership.

- 7) Consistency with the city and county general plan and specific plans.**

The annexation of the subject territory to NSD for the purpose of facilitating a new four-lot residential division is consistent with the City of Napa General Plan. The General Plan designates the subject territory *Single-Family Residential – 40*, which allows a density range of zero to two units per acre. The density of the proposed division will be less than one unit per acre, which conforms to the lower density range contemplated in the General Plan.

- 8) The sphere of influence of any local agency which may be applicable to the proposal.**

As mentioned, the subject territory is located entirely within NSD's sphere of influence, which was comprehensively updated by the Commission in August 2006.

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

On March 6, 2008, LAFCO staff electronically circulated copies of the application materials for review and comment to local governmental agencies. The County of Napa Department of Environmental Management recommends approval of the annexation of the subject territory to NSD with the condition that the applicants secure a permit for the onsite septic system serving the existing winery facility. Staff believes this request is appropriate and has been incorporated as a condition for approval in the attached draft resolution. No other substantive comments were received.

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

NSD attests through its resolution of consent that it is capable of extending public sewer service to the subject territory without impacting existing ratepayers.

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

The subject territory is currently connected to the City of Napa's potable water system. The City's Urban Water Management Plan shows it is capable of delivering water to the subject territory to development levels consistent with the General Plan.

- 12) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.**

The subject territory is located in the City of Napa. Annexation of the subject territory to NSD will facilitate the creation of a new four-lot residential division that will aid the City in achieving its current regional housing needs allocation.

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

The property owners of the subject territory are also residents and have consented to the annexation. No other residents reside in the subject territory at this time.

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

As mentioned, the City of Napa has designated the subject territory *Single-Family Residential – 40*. This land use designation is consistent with the provision of municipal services.

- 15) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the local of public facilities and the provision of public services.**

The proposed annexation is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

- 16) Whether the proposed annexation will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.**

The proposed annexation is intended to benefit current and future inhabitants of the subject territory by providing access to public sewer service within an incorporated community.

Property Tax Agreement

In accordance with provisions of California Revenue and Taxation Code Section 99, the County of Napa and NSD have previously agreed by resolution of their respective boards that no exchange of property taxes will occur as a result of this annexation.

Environmental Analysis

As responsible agency, staff has reviewed and considered the information included in the Initial Study and Negative Declaration prepared for the underlying development project approved by the lead agency, the City of Napa. Staff believes the extension of sewer service to the underlying project was adequately contemplated as part of the Initial Study. In approving the Negative Declaration, the City has required standard mitigation measures to address less-than significant impacts identified in the Initial Study. A copy of the Initial Study and Negative Declaration prepared by the City is attached for Commission review.

Alternatives for Commission Action

After consideration of this report, the Commission should consider taking one of the following actions:

Option A: Adopt the attached draft resolution approving the proposed *Borrette Lane No. 8 District Annexation to the Napa Sanitation District*.

Option B: If more information is required, continue this matter to a future meeting and provide appropriate direction to staff.

Recommendation

The Executive Officer recommends approving the proposal as submitted, which is identified in the preceding section as Option A. The Executive Officer also recommends the Commission waive the \$1,800 application fee associated with this proposal due to the unique circumstances outlined in the discussion section of this report.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachments:

- 1) ~~LAFCO Aerial Map~~
- 2) ~~LAFCO Draft Resolution of Approval~~
- 3) LAFCO Application
- 4) ~~NSD Resolution Waiving Protesting Hearings~~
- 5) ~~City of Napa Initial Study and Negative Declaration~~