



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

1754 Second Street, Suite C
Napa, California 94559
Phone: (707) 259-8645
www.napa.lafco.ca.gov

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

Agenda Item 8b (Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer BF
Dawn Mittleman Longoria, Analyst II DML
MEETING DATE: February 7, 2022
SUBJECT: Proposed Orchard Avenue No. 5 Annexation to the Napa Sanitation District and Associated CEQA Findings

RECOMMENDATION

Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Orchard Avenue No. 5 Annexation to the Napa Sanitation District (NSD) making California Environmental Quality Act (CEQA) findings and approving the proposed annexation (Attachment One). Standard conditions are also recommended.

BACKGROUND AND SUMMARY

Applicant: Landowner (petition)
Proposed Action: Annexation to NSD
APN: 035-042-022
Location: 1065 Orchard Avenue
Area Size: 1.0 acre
Jurisdiction: City of Napa ("City")
Sphere of Influence (SOI) Consistency: Yes – NSD
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Exempt
Current Land Uses: one single-family residence, zoning allows up to six residences and six ADUs

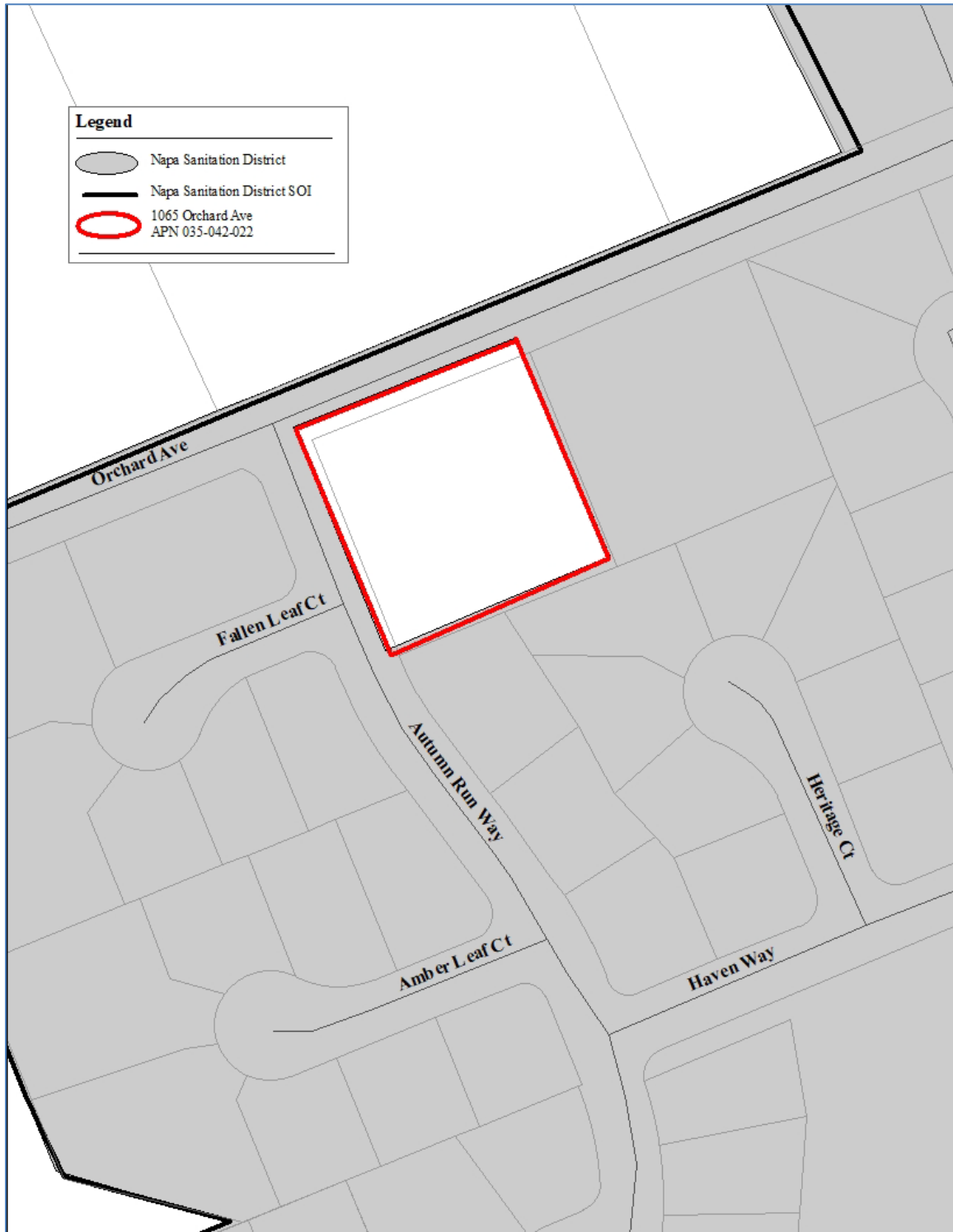
The proposed action involves a landowner petition for annexation of one incorporated parcel to NSD. The purpose of the proposal is to allow the existing single-family residence to transition from a private onsite septic system to NSD's public sewer infrastructure. The application materials are included as Attachment Two.

Margie Mohler, Vice Chair
Councilmember, Town of Yountville
Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon
Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Diane Dillon, Chair
County of Napa Supervisor, 3rd District
Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st 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

A vicinity map and an aerial map of the affected territory are provided below.





## **DISCUSSION**

### ***Factors for Commission Determinations***

See Attachment Three for an evaluation of the mandated factors for Commission determinations.

### ***Property Tax Agreement***

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCO can consider a change of organization. This statute states jurisdictional changes affecting the service areas or service responsibilities of districts must be accompanied by a property tax exchange agreement, which shall be negotiated by the affected county on behalf of the districts. In 1980, the County of Napa adopted a resolution on behalf of NSD specifying no adjustment in the allocation of property taxes shall result from annexations involving the District. This resolution has been applied to all subsequent annexations involving NSD. In processing this proposal, staff provided notice to the affected agencies that the Commission would again apply this resolution unless otherwise informed. No affected agency responded with any concerns to the approach outlined by staff.

### ***Protest Proceedings***

Protest proceedings shall be waived in accordance with G.C. Section 56662(a) given that the affected territory is legally uninhabited (i.e., under 12 registered voters), all landowners have provided their written consent, and no written opposition to a waiver of protest proceedings has been received by any agency.

## **ENVIRONMENTAL REVIEW**

The proposed annexation qualifies for a statutory exemption from further review under CEQA Guidelines Section 15282(k), which exempts the installation of new pipeline as long as the project does not exceed one mile in length. Staff believes this exemption is appropriate given any existing and future residential units within the affected territory would connect to NSD by way of a lateral connection to the existing sewer main located in Orchard Avenue, which will involve less than one total mile of new pipeline.

## **ATTACHMENTS**

- 1) Draft Resolution Approving the Proposal and Making CEQA Findings
- 2) Application Materials
- 3) Factors for Commission Determinations

RESOLUTION NO. \_\_\_\_

**RESOLUTION OF  
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
MAKING DETERMINATIONS**

**ORCHARD AVENUE NO. 5  
ANNEXATION TO THE NAPA SANITATION DISTRICT**

**WHEREAS**, an application for a proposed reorganization has been filed with the Local Agency Formation Commission of Napa County, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, the proposal seeks Commission approval to annex approximately 1.0 acre of incorporated land to the Napa Sanitation District and represents one entire parcel located at 1065 Orchard Avenue and identified by the County of Napa Assessor’s Office as 035-042-022; and

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

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

**WHEREAS**, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on February 7, 2022; and

**WHEREAS**, the Commission considered all the factors required by law under Government Code Sections 56668 and 56668.3 as well as adopted local policies and procedures; and

**WHEREAS**, the Commission finds the proposal consistent with the sphere of influence established for the Napa Sanitation District; and

**WHEREAS**, the Commission finds that all owners of land included in said proposal consent to the subject annexation; and

**WHEREAS**, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission considered available exemptions under CEQA, in accordance with Title 14 of the California Code of Regulations (hereinafter “CEQA Guidelines”); and

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

1. The Factors for Commission Determinations provided in the Executive Officer’s written report are hereby incorporated herein by this reference and are adequate.
2. The underlying activity, annexation of the affected territory, is exempt from further review pursuant to CEQA Guidelines Section 15282(k), which exempts the installation of new pipeline as long as the project does not exceed one mile in length. The records upon which these findings are made are located at the Commission’s administrative office located at 1754 Second Street, Suite C, Napa, California 94559.
3. The proposal is APPROVED subject to completion of item number 11 below.
4. This proposal is assigned the following distinctive short-term designation:

**ORCHARD AVENUE NO. 5  
ANNEXATION TO THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the map and described in the geographic description in the attached Exhibit “A”.
6. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.
10. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56662(a).
11. Recordation is contingent upon receipt by the Executive Officer of written confirmation from the Napa Sanitation District that it is acceptable to record a Certificate of Completion.
12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.

- 13. The Commission hereby directs staff to file a Notice of Exemption in compliance with CEQA.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on February 7, 2022, after a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, by the following vote:

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

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

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

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

\_\_\_\_\_  
Diane Dillon  
Commission Chair

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

DRAFT

5400  
Annex – EX-A  
01-25-2022

EXHIBIT A  
ORCHARD AVENUE NO. 5  
ANNEXATION TO NAPA SANITATION DISTRICT  
GEOGRAPHICAL DESCRIPTION

All that certain property, situated in a portion of Section 20, Township 5 North, Range 4 West, Mount Diablo Base Meridian, in the County of Napa, State of California, described as follows:

**Beginning** on the southern line of Orchard Avenue at the northwest corner of the Orchard Avenue No. 3 Annexation to Napa Sanitation District as described in the Certificate of Completion recorded March 03, 2003 as Series Number 2003-0011345, Napa County Records, State of California,

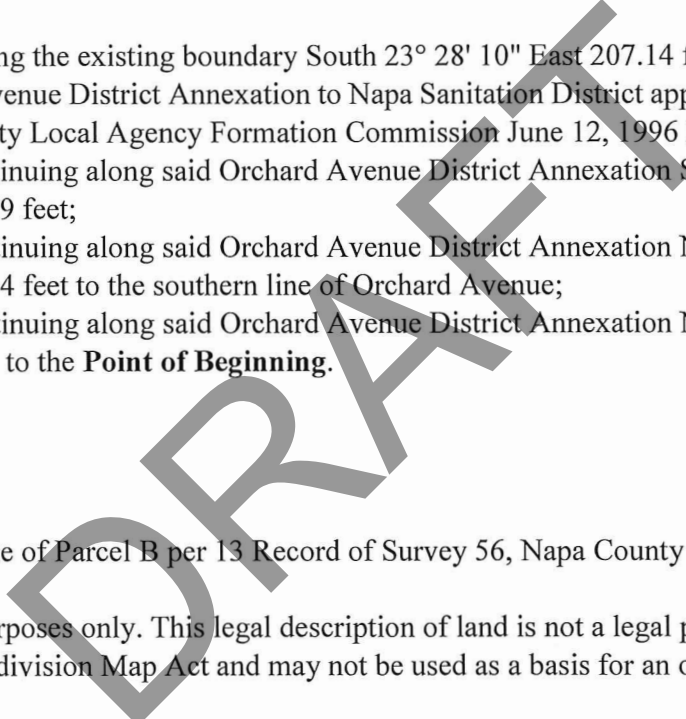
- (1) Thence along the existing boundary South 23° 28' 10" East 207.14 feet to the boundary of Orchard Avenue District Annexation to Napa Sanitation District approved by action of the Napa County Local Agency Formation Commission June 12, 1996 Resolution #96-02;
- (2) thence continuing along said Orchard Avenue District Annexation South 66° 16' 50" West 210.29 feet;
- (3) thence continuing along said Orchard Avenue District Annexation North 23° 28' 10" West 207.14 feet to the southern line of Orchard Avenue;
- (4) thence continuing along said Orchard Avenue District Annexation North 66° 16' 50" East 210.29 feet to the **Point of Beginning**.

1.0+/- Acres

Basis of Bearing

Being the north line of Parcel B per I3 Record of Survey 56, Napa County Records.

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

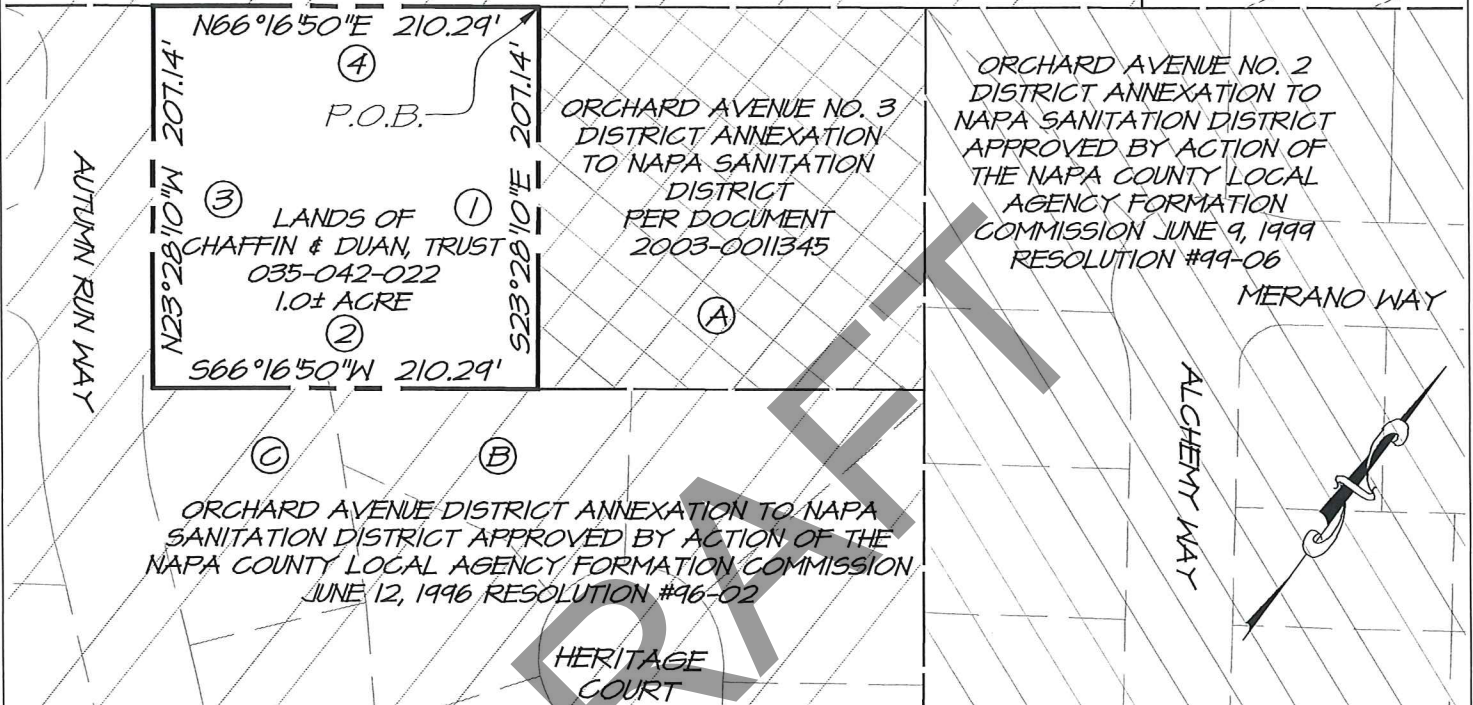




# MAP DELINEATING THE BOUNDARY OF ORCHARD AVENUE NO. 5 ANNEXATION TO NAPA SANITATION DISTRICT

SOLANO AVENUE /  
ORCHARD AVENUE  
DISTRICT ANNEXATION  
TO THE NAPA  
SANITATION DISTRICT.  
RECORDED JUNE 28,  
1990 ON BOOK 1750  
OR 301 N.C.R.

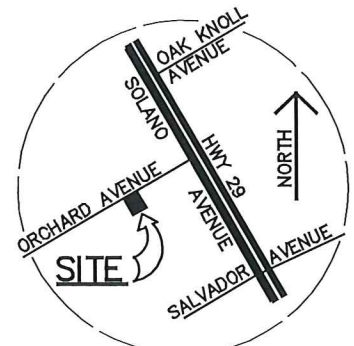
ORCHARD AVENUE



APN	PROPERTY OWNER
A 035-042-021	LAWRENCE NIBBI TR
B 035-531-005	THE NEILL J ALLEN TRUST
C 035-531-011	MARTIN & HARRIET SPITZ TR

**LEGEND**

- — — — — PROPERTY LINE
- — — — — EXISTING ANNEXATION BOUNDARIES
- — — — — ADJACENT PROPERTY LINES



LOCATION MAP

NO SCALE

GRAPHIC SCALE



1 inch = 100 FT

BEING A PORTION  
SEC. 20, T., 6 N., R. 4 W., M.D.B.#M.



1/25/22

BASIS OF BEARING  
BEING THE NORTH LINE OF PARCEL B PER 13  
RECORD OF SURVEY 56, NAPA COUNTY RECORDS.  
Resolution for Orchard Avenue No. 5 Annexation to NSD

**RSA+** 1515 FOURTH STREET  
NAPA, CALIF. 94559  
OFFICE | 707 | 252.3301  
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**FORM B**

Date Filed:

Proposal Name:

Orchard Ave #5

**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:**

Annexation to NSD

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

Orchard Ave (South side) at Autumn Run Way (East side)

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

Connection to sewer system for existing single family residence.

**Type of Petition:**

Landowner

Registered Voter

**Sphere of Influence Consistency:**

Yes

No

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

1) Name: Steven R Chaffin & Penny Y Duan Trustees  
 Mailing Address: 1065 Orchard Ave Napa, CA 94558  
 Assessor Parcel: 035-042-022  
 Signature: *Steven R Chaffin & Penny Y Duan* Trustees Date: 1/4/2022

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 D**

**PROPOSAL APPLICATION**  
 Change of Organization/Reorganization

**I. APPLICANT INFORMATION**

**A. Name:** Steven R Chaffin & Penny Y Duan Trustees

Contact Person \_\_\_\_\_ Agency/Business (If Applicable) \_\_\_\_\_

**Address:** 1065 Orchard Ave Napa 94558

Street Number \_\_\_\_\_ Street Name \_\_\_\_\_ City \_\_\_\_\_ Zip Code \_\_\_\_\_

**Contact:** 415-596-8906 schaffin2000@gmail.com

Phone Number \_\_\_\_\_ Facsimile Number \_\_\_\_\_ E-Mail Address \_\_\_\_\_

**B. Applicant Type:** (Check One)

Local Agency     
  Registered Voter     
  Landowner

**II. PROPOSAL DESCRIPTION**

**A. Affected Agencies:** NSD 1515 Soscol Ferry Road, Napa, CA

Name \_\_\_\_\_ Address \_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

*Use Additional Sheets as Needed*

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

Annexation     
  Detachment     
  City Incorporation     
  District Formation  
 City/District Dissolution     
  City/District Merger     
  Service Activation (District Only)     
  Service Divestiture (District Only)

**C. Purpose Statement:** (Specific) Connection for sewer service for existing

single family residence

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**III. GENERAL INFORMATION**

<b>A. Location:</b>	1065 Orchard Ave.	035-042-022	1
	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) 1 acre

**B. Landowners:**

- (1) Assessor Parcel Number : 035-042-022 Name: Steven R Chaffin & Penny Y Duan Living Trust  
 Mailing Address: 1819 Diamond St San Francisco, CA 94558  
 Phone Number: 415-596-8906 E-mail: schaffin2000@gmail.com
- (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: 0
- (2) Total Number of Registered Voters: 0

D. Land Use Factors:

(1a) County General Plan Designation:

City

(1b) County Zoning Standard:

\_\_\_\_\_

(2a) Applicable City General Plan Designation:

SFR-2(Single Family Residential)

(2b) Applicable City Pre-zoning Standard:  
(Required for City Annexations)

RS-10(Residential Single Family, min lot 10,000)

E. Existing Land Uses:  
(Specific)

Single family residence and garage

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

F. Development Plans:

(1a) Territory Subject to a Development Project?

Yes

No

(1b) If Yes, Describe Project:

\_\_\_\_\_

\_\_\_\_\_

(1c) If No, When Is Development Anticipated? Necessary approval required by City of Napa

\_\_\_\_\_

G. Physical Characteristics:

(1) Describe Topography: 0 to 2% slopes

\_\_\_\_\_

(2) Describe Any Natural Boundaries: Single family homes on three sides, vineyard across Orchard Ave.

\_\_\_\_\_

(3) Describe Soil Composition and Any Drainage Basins: Haire loam

Salvador channel

\_\_\_\_\_

(4) Describe Vegetation: grass, walnut and pine trees

\_\_\_\_\_

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:

Sewer

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

Sewer for existing single family residence

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

Upon annexation

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

No, there are already three sewer laterals stubbed to the parcel.

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

Financed by property owner

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V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis (City annexations require pre-zoning.)

(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: Statutory: CEQA Guidelines Section 15282(k)  
Type

None

*Provide Copies of Associated Environmental Documents*

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

Standard NSD terms and conditions

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

*Use Additional Sheets As Needed*

B. Identify Up to Three Agencies or Persons to Receive Proposal Correspondence:

(Does not include affected landowners or residents)

(1) Recipient Name: Steven Heun Coldwell Banker  
Mailing Address: 1775 Lincoln Ave Napa, CA 94558  
E-Mail: steve@cbnapavalley.com

(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:

Steven R. Chaffin & Penny Y. Duan, Trustees

Printed Name:

Steven R Chaffin & Penny Y Duan, Trustees

Title:

Landowner

Date:

12/20/21

5400  
Annex – EX-A  
12-20-2021

EXHIBIT A  
ORCHARD AVENUE NO. 4 DISTRICT  
ANNEXATION TO NAPA SANITATION DISTRICT  
GEOGRAPHICAL DESCRIPTION

All that certain property, situated in a portion of Sections 20, Township 5 North, Range 4 West, Mount Diablo Base Meridian, in the County of Napa, State of California, described as follows:

**Beginning** on the southern line of Orchard Avenue at the northwest corner of the Orchard Avenue No. 3 Annexation to Napa Sanitation District as described in the Certificate of Completion recorded March 03, 2003 as Series Number 2003-0011345, Napa County Records, State of California,

- (1) Thence along the existing boundary South 23° 28' 10" East 207.14 feet to the boundary of Orchard Avenue District Annexation to Napa Sanitation District approved by action of the Napa County Local Agency Formation Commission June 12, 1996 Resolution #96-02;
- (2) thence continuing along said Orchard Avenue District Annexation South 66° 16' 50" West 210.29 feet;
- (3) thence continuing along said Orchard Avenue District Annexation North 23° 28' 10" West 207.14 feet to the southern line of Orchard Avenue;
- (4) thence continuing along said Orchard Avenue District Annexation North 66° 16' 50" East 210.29 feet to the **Point of Beginning**.

1.0+/- Acres

Basis of Bearing

Being the north line of Parcel B per 13 Record of Survey 56, Napa County Records.



5400  
Annex Clos  
12-20-2021

North: 6692.3463' East: 8887.8111'

Segment #1 : Line

Course: S23°28'10"E Length: 207.14'

North: 6502.3425' East: 8970.3067'

Segment #2 : Line

Course: S66°16'50"W Length: 210.29'

North: 6417.7516' East: 8777.7807'

Segment #3 : Line

Course: N23°28'10"W Length: 207.14'

North: 6607.7554' East: 8695.2851'

Segment #4 : Line

Course: N66°16'50"E Length: 210.29'

North: 6692.3463' East: 8887.8111'

Perimeter: 834.86' Area: 43559.06 Sq. Ft.

Error Closure: 0.0000 Course: N90°00'00"E

Error North: 0.00000 East: 0.00000

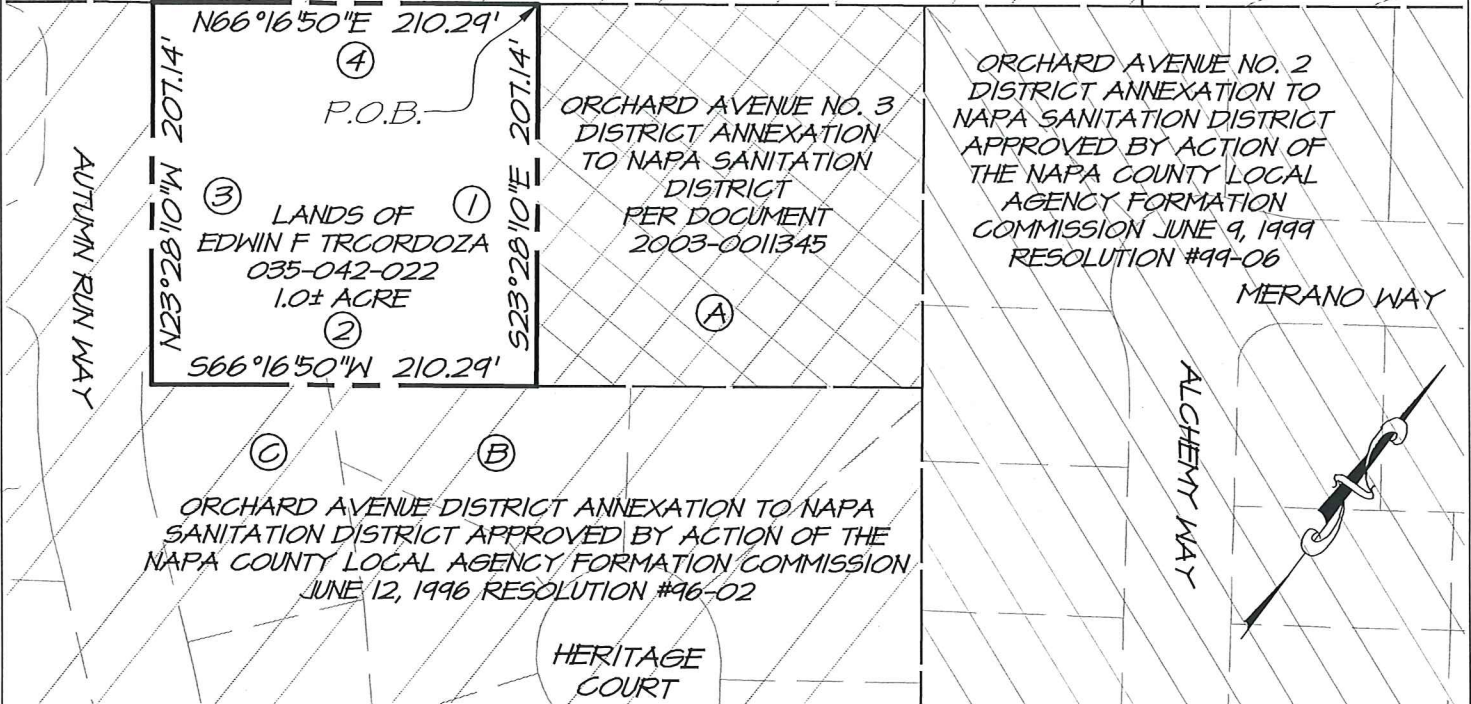
Precision 1: 834,860,000.00



# MAP DELINEATING THE BOUNDARY OF ORCHARD AVENUE NO. 4 DISTRICT ANNEXATION TO NAPA SANITATION DISTRICT

SOLANO AVENUE /  
ORCHARD AVENUE  
DISTRICT ANNEXATION  
TO THE NAPA  
SANITATION DISTRICT  
RECORDED JUNE 28,  
1990 ON BOOK 1750  
OR 301 N.C.R.

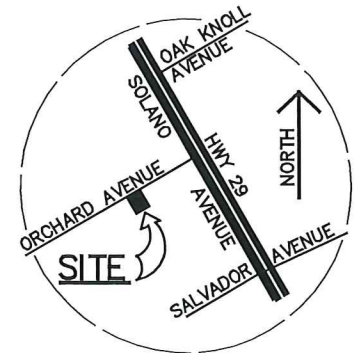
ORCHARD AVENUE



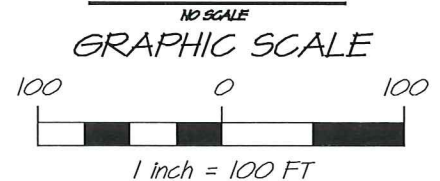
APN	PROPERTY OWNER
A 035-042-021	LAWRENCE NIBBI TR
B 035-531-005	THE NEILL J ALLEN TRUST
C 035-531-011	MARTIN & HARRIET SPITZ TR

**LEGEND**

- PROPERTY LINE
- EXISTING ANNEXATION BOUNDARIES
- ADJACENT PROPERTY LINES



**GRAPHIC SCALE**



BEING A PORTION  
SEC. 20, T., 6 N., R. 4 W., M.D.B. & M.



BASIS OF BEARING  
BEING THE NORTH LINE OF PARCEL B PER 13  
RECORD OF SURVEY 56, NAPA COUNTY RECORDS.

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### **Orchard Avenue No. 5 Annexation to the Napa Sanitation District (NSD) Factors for Commission Determinations**

California Government Code (G.C.) Sections 56668 and 56668.3 require the Commission to consider the following specific factors for a change of organization involving annexation to a special district. No single factor is determinative, and the intent is to provide a uniform baseline for LAFCOs to consider boundary changes in context with local policies.

*(1) Population and population density; land area and land use; 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.*

Total population within the affected territory is zero. The affected territory is legally uninhabited given there are fewer than 12 registered voters.

The affected territory is approximately 1.0 acre in size, incorporated within the City of Napa's jurisdictional boundary, and lies within a residential area designated under the City of Napa General Plan as *Linda Vista*. The affected territory is currently developed with one single-family residence. The current assessment value of the affected territory totals \$89,221.<sup>1</sup>

The affected territory is located within the *Salvador Channel* drainage basin. Soil within the affected territory is classified as Haire Loam, with 0 to 2 percent slopes.

The affected territory has a City General Plan land use designation of SFR-2 (*Single Family Residential, 2 to 6 units/acre*) and zoning standards of *RS-10 (Residential, minimum lot size 10,000 sq. ft.)*. The affected territory is currently developed with one single-family residence and could potentially be further built out to include up to six single-family residential units and six accessory dwelling units (ADUs) in the future.<sup>2</sup>

Adjacent lands on three sides of the affected territory are within the City's jurisdictional boundary and are developed or have residential use designations in the General Plan. The parcels to the north across Orchard Avenue are located in unincorporated Napa County.

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<sup>1</sup> The assessed value of the affected territory is divided into land at \$37,517 and structural improvements at \$58,704, minus \$7,000 homeowners' exemption.

<sup>2</sup> At buildout, the projected resident population of the affected territory is 33 based on the California Department of Finance's population per household estimate of 2.73 for the City of Napa. Maximum possible buildout is based on the City General Plan designation. These estimates do not take into account setbacks and other limitations such as topography.

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

Core municipal services already provided within the affected territory by the City include water, fire protection and emergency medical, and law enforcement. These services are provided at adequate levels for the existing single-family residence.

The need for additional municipal services for the affected territory includes the extension of public sewer from NSD to allow the existing residential unit to eliminate the existing private onsite septic system. If the proposal is approved, septic system setback requirements will be eliminated and therefore additional residential development can occur. The maximum buildout potential of the affected territory is six residential units and six ADUs with a projected population of 33 residents at maximum buildout. This report analyzes the proposal with these potential future buildout impacts in mind.

A review of estimated demands for municipal services within the affected territory indicates the City and NSD have sufficient capacities and controls to reasonably accommodate current and future needs. This statement is based on information collected and analyzed in the Commission's *Central County Region Municipal Service Review* adopted in 2014 and *Napa Countywide Water and Wastewater Municipal Service Review* adopted in 2020.<sup>3</sup> No service deficiencies for the area were identified in the Municipal Service Reviews. Additional information regarding estimated service demands within the affected territory at buildout follows.

### ***Water***

The existing residential unit within the affected territory currently receives water service from the City. City zoning of *RS-10 (Residential, minimum lot size 10,000 sq. ft.)* could allow a maximum of six single-family residences and six ADUs. Therefore, annual potable water demands within the affected territory at buildout are projected at 2.8 acre-feet or 919,800 gallons. This amount is based on the City's current average daily water demands of 210 gallons per residence. The City has established adequate capacities and controls to accommodate these demands.

### ***Fire Protection and Emergency Medical***

The affected territory currently receives fire protection and emergency medical service from the City. At buildout, annual service calls within the affected territory are projected at 4.0 based on the City's current ratio of 0.12 annual fire protection and emergency medical service calls per resident. The City has established adequate capacities and controls to accommodate these demands into the foreseeable future.

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<sup>3</sup> The *Central County Region Municipal Service Review* is available online at:

[https://www.napa.lafco.ca.gov/uploads/documents/MSR\\_CentralCounty\\_FinalReport\\_2014.pdf](https://www.napa.lafco.ca.gov/uploads/documents/MSR_CentralCounty_FinalReport_2014.pdf).

The *Napa Countywide Water and Wastewater Municipal Service Review* is available online at:

[https://www.napa.lafco.ca.gov/uploads/documents/NapaCountywideWaterWastewaterMSR\\_Updated\\_10-4-21.pdf](https://www.napa.lafco.ca.gov/uploads/documents/NapaCountywideWaterWastewaterMSR_Updated_10-4-21.pdf).

### ***Law Enforcement***

The affected territory currently receives law enforcement service from the City. At buildout, annual service calls within the affected territory are projected at 26.4 based on the City's current ratio of 0.8 annual law enforcement service calls per resident. The City has established adequate capacities and controls to accommodate these demands into the foreseeable future.

### ***Sewer***

The affected territory needs sewer service from NSD. Proposal approval would result in new immediate sewer flows totaling approximately 150 gallons per day within the affected territory. This amount is based on NSD's design standard of 150 gallons per day per residence. If six additional homes and six ADUs are constructed and all connect to NSD, the affected territory would result in sewer flows totaling approximately 1,800 gallons per day. NSD has established adequate capacities and controls to accommodate these immediate and potential buildout demands into the foreseeable future.

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

The proposal would recognize and strengthen existing social and economic ties between NSD and the affected territory. These ties were initially established in 1975 when the Commission included the affected territory in NSD's SOI, marking an expectation the site would require public sewer from the District as the region's sole service provider.

### ***(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 proposal is consistent with the Commission's adopted policies based on the affected territory's urban land use designation and consistency with NSD's SOI. Further, the affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377.<sup>4</sup> Proposal approval would be consistent with planned, orderly, efficient patterns of urban development.

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

The proposal will not have an adverse effect on agricultural lands. The affected territory is located within the City of Napa Rural Urban Limit Line (RUL) and jurisdictional boundary.

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<sup>4</sup> The affected is not devoted to an open-space use under the City General Plan.

***(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 affected territory includes all of the property located at 1065 Orchard Avenue and identified by the County of Napa Assessor's Office as 035-042-022. The applicant has submitted a map and geographic description of the affected territory in conformance with the requirements of the State Board of Equalization. Approval of the proposal would have no impact with respect to unincorporated islands or corridors of unincorporated territory.

***(7) Consistency with a regional transportation plan adopted pursuant to G.C. Section 65080.***

The Metropolitan Transportation Commission's regional transportation plan (RTP), *Plan Bay Area 2040*, was updated in 2017 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2040.<sup>5</sup> No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

***(8) Consistency with the city or county general and specific plans.***

Approval of the proposal would allow for public sewer service to be provided to the affected territory to serve existing and future planned uses. The availability and provision of this municipal service is consistent with the City's General Plan land use designation and zoning assignment for the affected territory, both of which contemplate single-family residential development.

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

The affected territory is located entirely within NSD's SOI, which was most recently reviewed and updated by the Commission in October 2015.<sup>6</sup>

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

Staff provided notice of the proposal to all affected agencies, transportation agencies, and school districts inviting comments as required under G.C. Section 56658. No comments were received.

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<sup>5</sup> *Plan Bay Area 2040* is a long-range integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area. *Plan Bay Area 2040* includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

<sup>6</sup> The *Napa Sanitation District Sphere of Influence Review and Update* adopted in 2015 is available online at: [https://www.napa.lafco.ca.gov/uploads/documents/NSD\\_SOI\\_RevisedFinalReport\\_2015.pdf](https://www.napa.lafco.ca.gov/uploads/documents/NSD_SOI_RevisedFinalReport_2015.pdf).



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

Information collected and analyzed as part of the Commission’s *Napa Countywide Water and Wastewater Municipal Service Review* adopted in 2020 concluded NSD has developed overall adequate financial resources and controls relative to current and projected service commitments. This includes regularly reviewing and amending, as needed, NSD’s two principal rates and fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) capacity charge for new connections and (b) annual service charge. The capacity charge is currently \$9,959 and serves as NSD’s buy-in charge for new customers to contribute their fair share for existing and future facilities necessary to receive sewer service. The annual service charge for a single-family unit is currently \$738.60 and intended to proportionally recover NSD’s ongoing maintenance and operation expenses. The *Napa Countywide Water and Wastewater Municipal Service Review* adopted in 2020 is relied upon and sufficient for this annexation proposal regarding the plan for services required by G.C. Section 56653.

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

The maximum future buildout of the affected territory would result in annual water demands for the City totaling approximately 2.8 acre-feet or 919,800 gallons. This amount is based on current average water demands within the City of approximately 210 gallons per day per residence. The City’s water supplies are generated from three sources: (1) Lake Hennessey; (2) Milliken Reservoir; and (3) State Water Project. Total supplies vary according to hydrologic conditions. A table depicting the City’s existing water service demands relative to supplies follows. As reflected in the following table, adequate water supplies exist for the projected needs of the City, including any planned future development of the affected territory.

<b>Baseline</b> (Amounts in Acre-Feet)			
<b>Category</b>	<b>Normal Year</b>	<b>Multiple Dry</b>	<b>Single Dry</b>
Annual Supply	39,410	26,870	18,840
Annual Demand	12,015	12,015	12,015
Total Surplus	27,395	14,855	6,825

***(13) 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.***

Approval of the proposal could facilitate achieving the City’s fair share of the regional housing needs since the affected territory could be developed with six single-family residences and six ADUs.<sup>7</sup>

<sup>7</sup> A recent report with information on local regional housing needs allocations is available online at: [https://www.napa.lafco.ca.gov/uploads/documents/10-4-21\\_7a\\_Housing-GeneralPlans.pdf](https://www.napa.lafco.ca.gov/uploads/documents/10-4-21_7a_Housing-GeneralPlans.pdf).

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

The landowners of the affected territory are the petitioners seeking annexation. No additional information or comments were submitted.

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

The affected territory has a designation within the City General Plan of *SFR-2 (Single Family Residential)* and a zoning standard of *RS-10 (Residential, minimum lot size 10,000 sq. ft.)*. The affected territory is currently developed with one single-family residence. The proposed annexation to NSD is consistent with these existing land use designations.

***(16) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.***

There is no documentation or evidence suggesting the proposal will have any implication for environmental justice in Napa County.

***(17) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.***

There is no documentation or evidence suggesting a local hazard mitigation plan or safety element of a general plan is relevant to the proposed annexation to NSD. Further, the affected territory is not located in a high fire hazard zone or a state responsibility area.

***(18) For annexations involving special districts, whether the proposed action 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.***

Proposal approval would benefit current and future landowners and residents within the affected territory by providing permanent access to public sewer service. Public sewer service eliminates the need for septic systems in an area in which any failings could pose a public health and safety threat for immediate and adjacent residents.