



Local Agency Formation Commission of Napa County

Subdivision of the State of California

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

Brad Wagenknecht, Chairman ■ Brian J. Kelly, Vice Chairman ■ Joan Bennett ■ Bill Dodd ■ Gregory Pitts
Juliana Inman, Alternate ■ Mark Luce, Alternate ■ Gregory Rodeno, Alternate

Administrative Office
1030 Seminary Street, B
Napa, California 94559
Telephone: 707-259-8645
www.napa.lafco.ca.gov

REGULAR MEETING AGENDA

Monday, October 7, 2013

County of Napa Administration Building
1195 Third Street, Board Chambers, 3rd Floor
Napa, California 94559

1. CALL TO ORDER BY CHAIR; ROLL CALL: 4:00 P.M.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

The Chair will consider a motion to approve the agenda as prepared by the Acting Executive Officer with any requests to remove or rearrange items by members or staff.

4. PUBLIC COMMENTS

In this time period anyone may comment to the Commission regarding any subject over which the agency has jurisdiction. No comments will be allowed involving any subject matter scheduled for hearing, action, or discussion as part of the current agenda other than to request discussion on a specific consent item. Individuals will be limited to three minutes. No action will be taken by the Commission as a result of any item presented at this time.

5. CONSENT ITEMS

All items calendared as consent are considered ministerial or non-substantive and subject to single motion approval. With the concurrence of the Chair, a Commissioner may request discussion of an item on the consent calendar.

a) Cancellation of November Meeting (Action)

The Commission will consider cancelling the November meeting. The intent of the meeting was to accommodate a potential sphere of influence discussion for the City of Napa. This expectation has not been realized.

b) Approval of Meeting Minutes (Action)

The Commission will consider approving summary minutes prepared by staff for the regular August 5, 2013 meeting; and for the special meetings of August 26, 2013 and September 23, 2013.

c) Current and Future Proposals (Information)

The Commission will receive a report summarizing current and future proposals. The report is being presented for information. No new proposals not scheduled for action as part of this regular meeting have been submitted since the August 5, 2013 meeting.

6. PUBLIC HEARING ITEMS

Any member of the public may address the Commission with respect to a scheduled public hearing item. Comments should be limited to no more than five minutes unless additional time is permitted by the Chair.

a) Adoption of a Negative Declaration and Consideration of the Proposed Annexation of 3174 Valley Green Lane to Napa Sanitation District (Public Hearing)

The Commission will consider two separate and related actions involving a proposal from a landowner to annex approximately 2.2 acres of incorporated territory to Napa Sanitation District (NSD). The affected territory is located at 3174 Valley Green Lane in the City of Napa and the purpose of annexation is to establish permanent public sewer service to an existing single-family residence; a residence currently receiving public sewer from NSD through a temporary outside service extension previously approved by the Commission. Pursuant to the California Environmental Quality Act (CEQA), as Lead Agency, the Commission prepared an Initial Study contemplating the impact of the proposed annexation. The first recommended action is for the Commission to adopt a Negative Declaration resolution consistent with the findings of the Initial Study concluding the proposed annexation will not have any significant impacts on the environment. The second recommended action is for the Commission to continue the proposal to the December meeting.

7. ACTION ITEMS

Items calendared for action do not require a public hearing before consideration by the Commission. Any member of the public may receive permission to provide comments on an item at the discretion of the Chair.

a) Proposed Annexation of 820 Levitin Way to the City of Napa (Action)

The Commission will consider a proposal filed by the City of Napa to annex approximately 19.0 unincorporated acres comprising six municipally owned lots (057-110-049, 057-110-052, 057-110-065, 057-110-066, 057-110-067, and 057-110-068) and a private driveway located at 820 Levitin Way. Pursuant to CEQA, as a Responsible Agency, the Commission will also review and consider the Negative Declaration resolution prepared by the City of Napa, as Lead Agency, consistent with the findings of the Initial Study concluding the proposed annexation will not have any significant impacts on the environment. Staff recommends adoption of a resolution to approve the proposal with an amendment to concurrently detach the affected territory from County Service Area No. 4.

b) Approval of Budget Amendment for Executive Officer Recruitment (Action)

The Commission will consider an amendment to the current fiscal year budget to increase appropriations for the Special Departmental Expense Account (Account No. 56300) by \$14,000 using available fund balance monies from prior years to cover the recruitment costs for the agency's Executive Officer position.

c) Approval of Budget Amendment for a Contract for Interim Executive Officer Services (Action)

The Commission will consider reallocating appropriations in the amount of \$48,000 from the Salaries and Wages Account (Account No. 51100) to the Consulting Services Account (Account No. 52310) for purposes of entering contracting with Peter Banning to provide interim Executive Officer services.

8. DISCUSSION ITEMS

A member of the public may receive permission to provide comments on any item calendared for discussion at the discretion of the Chair. General direction to staff for future action may be provided by Commissioners.

a) Municipal Service Review on Central County Region: Draft Section on City of Napa (Discussion)

The Commission will review a draft section of its scheduled municipal service review on the central county region specific to the City of Napa. The draft section examines the availability and adequacy of municipal services provided by Napa relative to the Commission's mandates to facilitate orderly growth and development and will serve as the source document to inform a pending sphere of influence update. The draft section is being presented for discussion and feedback in anticipation of preparing a final version for future action.

b) Legislative Report (Information)

The Commission will receive a status report on the first half of the 2013-2014 session of the California Legislature as it relates to items directly or indirectly effecting Local Agency Formation Commissions. The report includes an update from the most recent CALAFCO Annual Conference. The report is being presented for information only.

c) Presentation from the County Auditor-Controller on Taxability of Commissioner Stipends (Information)

The Commission will receive a verbal report from the County Auditor-Controller relating to the taxability of Commissioner stipends beginning January 1, 2014.

9. EXECUTIVE OFFICER REPORT

The Commission will receive a verbal report from the Executive Officer regarding current and pending staff activities.

a) 2013 CALAFCO Annual Conference in Squaw Creek

10. CLOSED SESSION

None

11. COMMISSIONER COMMENTS; REQUEST FOR FUTURE AGENDA ITEMS

12. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING: December 2, 2013

Materials relating to an item on this agenda that have been submitted to the Commission after distribution of the agenda packet are available for public inspection at the LAFCO office during normal business hours. Commissioners are disqualified from voting on any proposals involving entitlements of use if they have received campaign contributions from an interested party. The law prohibits a Commissioner from voting on any entitlement when he/she has received a campaign contribution(s) of more than \$250 within 12 months of the decision, or during the proceedings for the decision, from any interested party involved in the entitlement. An interested party includes an applicant and any person with a financial interest actively supporting or opposing a proposal. All questions should be directed to Commission Counsel Jacqueline M. Gong at jgong@napa.lafco.ca.gov or 707-259-8249.



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

October 7, 2013

Agenda Item No. 5a (Consent/Action)

September 30, 2013

TO: Local Agency Formation Commission

FROM: Peter Banning, Acting Executive Officer

SUBJECT: Cancellation of November 4, 2013 Regular Meeting

The Commission will consider canceling its next scheduled regular meeting for November 4, 2013 due to the lack of an anticipated special request. The next scheduled regular meeting is December 2, 2013.

Staff believes it would be appropriate for the Commission to cancel its next scheduled regular meeting for Monday, November 4, 2013. The intended purpose of the meeting was to accommodate a potential sphere of influence discussion for the City of Napa per the prior Executive Officer's expectation; an expectation that has not been realized. The next scheduled meeting of the Commission following November 4th is Monday, December 2, 2013.

A. Recommendation

It is recommended that the Commission take the following action:

- 1) Cancel its scheduled regular meeting for November 4, 2013

Respectfully submitted,

Peter Banning
Acting Executive Officer

Joan Bennett, Commissioner
Councilmember, City of American Canyon

Greg Pitts, Commissioner
Councilmember, City of St. Helena

Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

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

Peter Banning
Acting Executive Officer



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

October 7, 2013

Agenda Item No. 5b (Consent/Action)

September 30, 2013

TO: Local Agency Formation Commission

FROM: Kathy Mabry, Commission Secretary

SUBJECT: Approval of Meeting Minutes

The Commission will consider approving summary minutes prepared by staff for the August 5, 2013 regular meeting, and for the August 26, 2013 and September 23, 2013 special meetings.

A. Discussion and Recommendation

Attached are summary minutes prepared for the Commission's August 5, 2013 regular meeting, and for the August 26, 2013 and September 23, 2013 special meetings. Staff recommends approval.

Respectfully submitted,

Kathy Mabry
Commission Secretary

Attachments: as stated

Joan Bennett, Commissioner
Councilmember, City of American Canyon

Gregory Pitts, Commissioner
Councilmember, City of St. Helena

Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

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

Peter Banning
Acting Executive Officer



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MEETING MINUTES OF AUGUST 5, 2013**

1. CALL TO ORDER BY CHAIR; ROLL CALL 4:00 P.M.

Chair Wagenknecht called the regular meeting of August 5, 2013 to order at 4:00 pm.

At the time of roll call, the following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Brad Wagenknecht, Chair	Juliana Inman	Keene Simonds, Executive Officer
Brian J. Kelly, Vice-Chair	Gregory Rodeno	Jackie Gong, Commission Counsel
Joan Bennett		Brendon Freeman, Analyst
Bill Dodd		Kathy Mabry, Secretary
<i>Excused: Greg Pitts and Mark Luce</i>		

2. PLEDGE OF ALLEGIANCE

Chair Wagenknecht led the Pledge of Allegiance.

3. APPROVAL OF AGENDA

Chair Wagenknecht asked if there were any changes to the prepared agenda.

Staff requested Agenda Item #8a be removed from today's agenda for placement at a future meeting.

The Commission unanimously approved a motion to accept the agenda as modified.

4. PUBLIC COMMENTS

Chair Wagenknecht invited members of the audience to provide public comment. There were no comments received.

5. CONSENT ITEMS

a) Fourth Quarter Budget Report for 2012-2013

The Commission reviewed a fourth quarter budget report comparing budgeted versus actual transactions for 2012-2013. The report noted the Commission eliminated its budgeted funding gap of (\$8,811) and finished with an overall operating surplus of \$19,101; the latter amount increasing the agency's available fund balance to \$137,623.

b) Authorization to Approve Audit Expenditure

The Commission considered authorizing the Executive Officer to approve an expenditure in the amount of \$4,725 to Gallina LLP to prepare an independent audit of the agency's financial statements for 2012-2013.

The agenda report included an attachment from the Auditor-Controller's Office outlining their own RFP process for selecting an outside auditor, which was requested when the Commission took up this matter last year.

c) Approval of Meeting Minutes

The Commission considered the minutes prepared by staff for the June 3, 2013 meeting.

5. CONSENT ITEMS – continued:

d) Current and Future Proposals

The Commission received a report summarizing current and future proposals.

One new proposal has been received since the last meeting involving a landowner request to annex 2.2 acres of incorporated territory to the Napa Sanitation District for purposes of providing long-term sewer service to an existing single family residence at 3174 Valley Green Lane. (The filing of this proposal satisfies a condition tied to the outside service extension separately agendaized for this meeting as Agenda Item #6b.)

e) CALAFCO Quarterly Report

The Commission received the most recent quarterly report prepared by the California Association of Local Agency Formation Commissions.

Upon motion by Commissioner Dodd and second by Commissioner Bennett, the consent items were approved.

6. PUBLIC HEARING ITEMS

a) Spanish Flat Water District Sphere of Influence Update

The Commission considered taking two separate actions relating to the agency's scheduled sphere of influence update on the Spanish Flat Water District. The first proposed action involved formally receiving and filing a final report on the sphere update. The second proposed action involved adopting a draft resolution enacting the final report's central recommendation to affirm and expand the District's sphere designation to include additional land identified as Study Area A.

Staff summarized the report and noted it was nearly identical to the draft presented back in June and circulated for public review with the key recommendation to add two developed lots immediately adjacent to the existing sphere for the Berryessa Pines service area and identified in the report as Study Area A; both lots already receive water and sewer from SFWD through grandfathered outside service agreements. Additionally, the final report had been slightly amended from the June meeting to include more discussion on previous zoning standards in and around the District's two service areas as requested by the Commission.

Staff recommended approval as presented.

Chair Wagenknecht opened the public hearing. No comments were received.

Chair Wagenknecht closed the public hearing.

Upon motion by Commissioner Kelly and second by Commissioner Bennett, Alternative One of the staff report was approved to (a) accept and file the final report as presented and (b) adopt the resolution confirming the determinative statements therein updating SFWD's sphere as specified (**Resolution No. 2013-08**).

b) Ratification of Outside Service Agreement for the Napa Sanitation District Involving 3174 Valley Green Lane

The Commission considered a recommendation to ratify an outside service agreement approved by the Chair authorizing the Napa Sanitation District to provide temporary public sewer service to an incorporated property at 3174 Valley Green Lane (APN: 050-400-005) to address a public health threat. This request was made due to a failing septic system with the need under LAFCO law for these actions to be approved by the Commission.

Staff noted Chair Wagenknecht's earlier approval was conditioned on the landowner filing an annexation application, which was satisfied as noted in Agenda Item #5d.

b) Ratification of Outside Service Agreement for the Napa Sanitation District Involving 3174 Valley Green Lane – *continued*:

Staff recommended approval as presented.

Chair Wagenknecht opened the public hearing. No comments were received.

Chair Wagenknecht closed the public hearing.

Following discussion, the Commission determined there was sufficient evidence that authorizing Napa Sanitation District to provide temporary public sewer service would address an existing and pending threat to public health and safety.

Chair Wagenknecht opened the public hearing. No comments were received.

Chair Wagenknecht closed the public hearing.

Upon motion by Commissioner Dodd and second by Commissioner Inman, the Commission approved the resolution ratifying the Chair's approval of the outside service agreement (**Resolution No. 2013-09**).

7. ACTION ITEMS

There were no action items.

8. DISCUSSION ITEMS

a) Municipal Service Review on Central County Region: Draft Section on City of Napa *

As recommended by staff, the Commission pulled this item for discussion at a future meeting.

*** *Staff recommended removal of this item from the agenda for placement at a future meeting.***

b) Legislative Report

The Commission received a status report on the first year of the 2013-2014 session of the California Legislature as it relates to items directly or indirectly effecting Local Agency Formation Commissions. The report also updated the Commission on potential changes to the section of law involving outside municipal service extensions.

Staff provided a brief overview of the report. Only one bill of local interest to Napa LAFCO is making its way through the first year of the 2013-2014 session: AB 743. This would eliminate the existing January 1, 2014 sunset date tied to using the expedited island annexation proceedings. Staff noted the Commission is on record as supporting this bill along with the City of Napa.

Staff asked Commissioner Inman who is on the CALAFCO Board for a verbal report.

Commissioner Inman affirmed that CALAFCO has formally changed its course as it relates to sponsoring amendments to G.C. Section 56133; the Board is no longer – and in contrast to what Napa proposed - willing to accommodate extensions outside spheres that would produce new development under certain local conditions.

Commissioners discussed its preferences going forward with respect to G.C. Section 56133 and directed staff to work with the County Legislative Committee on possible joint venture and report back.

9. EXECUTIVE OFFICER REPORT

There was no report.

10. CLOSED SESSION

There was no closed session.

11. COMMISSIONER COMMENTS

Commissioner Kelly asked if there was a date set for the Commission's retreat (Biennial Strategic Planning Session). Staff noted there is no official date yet, but asks the Commission to hold January 6, 2014 in anticipation of adopting a new meeting calendar in December 2013.

12. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING

The meeting was adjourned at 4:47 p.m. The next regular LAFCO meeting is scheduled for Monday, October 7, 2013 at 4:00 p.m.

Brad Wagenknecht, Chair

ATTEST:

Keene Simonds, Executive Officer

Prepared by:

Kathy Mabry
Commission Secretary



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
SPECIAL MEETING
MINUTES OF AUGUST 26, 2013**

1. CALL TO ORDER BY CHAIR; ROLL CALL 4:00 P.M.

Chair Wagenknecht called the special meeting of August 26, 2013 to order at 4:00 pm. At the time of roll call, the following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Brad Wagenknecht, Chair	Juliana Inman	Jackie Gong, Commission Counsel
Brian J. Kelly, Vice-Chair	Gregory Rodeno	Kathy Mabry, Secretary
Joan Bennett		<i>Excused: Keene Simonds</i>
Bill Dodd		<i>and Brendon Freeman</i>
<i>Excused: Mark Luce</i>		

2. PLEDGE OF ALLEGIANCE

Chair Wagenknecht led the Pledge of Allegiance.

3. PUBLIC COMMENTS

Chair Wagenknecht invited members of the audience to provide public comment. There were no comments were received.

4. CLOSED SESSION

a) Public Employee Appointment – Executive Officer (Government Code Section 54957(b)(1))
There was nothing to report from the closed session, per County Counsel, Jackie Gong.

5. DISCUSSION ITEMS

a) Recruitment for Executive Officer – Procedural Direction

County Counsel, Jackie Gong, provided a verbal report to the Commission affirming that Executive Officer Keene Simonds has announced he is leaving Napa LAFCO for a position as Executive Director of Marin County LAFCO. Ms. Gong informed the Commission that under a Support Services Agreement between LAFCO and Napa County, the County Human Resources department provides recruitment services. Ms. Gong then introduced the Napa County Human Resources Staff Director, Suzanne Mason, and Heather Ruiz, Deputy Director for a brief presentation.

Ms. Mason and Ms. Ruiz outlined for the Commission the County's recruitment process, options and recommendations for the staffing of the Executive Officer position, including the option of hiring an outside recruiter. Ms. Mason presented draft recruitment fliers to the Commission and suggested that they be distributed at the annual CALAFCO conference taking place this week in Lake Tahoe and at the CA League of Cities' annual conference, September 18-20 in Sacramento. Chair Wagenknecht and the Commission thanked Ms. Mason and Ms. Ruiz for their presentation. Following discussion, the Commission unanimously agreed it would be more fitting to utilize the services of Napa County's Human Resources department for recruitment of a new Executive Officer, rather than using outside recruitment services.

6. ACTION ITEMS

a) Request to Form a Committee for the Recruitment of the Executive Officer

The Commission considered a request from the Chair and LAFCO staff to form an advisory committee to oversee the recruitment process and provide ongoing direction to LAFCO staff.

Chair Wagenknecht suggested that he and Commissioner Inman form an ad-hoc advisory committee.

Upon a motion from Commissioner Dodd and second by Commissioner Kelly, the Commission appointed Chair Wagenknecht and Commissioner Inman to be on the advisory committee to oversee the recruitment process of the Executive Officer. All Commissioners voted in favor of the committee appointment, except Commissioner Bennett, who voted no.

7. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING

The special meeting was adjourned at 4:46 p.m. The next regular LAFCO meeting is scheduled for Monday, October 7, 2013 at 4:00 p.m.

Brad Wagenknecht, Chair

ATTEST:

Jackie Gong, County Counsel

Prepared by:

Kathy Mabry
Commission Secretary



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
SPECIAL MEETING
MINUTES OF SEPTEMBER 23, 2013**

1. CALL TO ORDER BY CHAIR; ROLL CALL 4:07 P.M.

Chair Wagenknecht called the special meeting of September 23, 2013 to order at 4:07 pm. At the time of roll call, the following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Brad Wagenknecht, Chair	Juliana Inman	Jackie Gong, Commission Counsel
Brian J. Kelly, Vice-Chair	Mark Luce	Kathy Mabry, Secretary
Joan Bennett	Gregory Rodeno	<i>Excused: Brendon Freeman</i>
Bill Dodd		
Greg Pitts		

2. PLEDGE OF ALLEGIANCE

Chair Wagenknecht led the Pledge of Allegiance.

3. PUBLIC COMMENTS

Chair Wagenknecht invited members of the audience to provide public comment. There were no comments were received.

4. CLOSED SESSION

a) Public Employee Appointment – Executive Officer (Government Code Section 54957(b)(1))
There was nothing to report from the closed session, per County Counsel, Jackie Gong.

5. DISCUSSION ITEMS

a) Recruitment for Executive Officer – Procedural Direction

County Counsel, Jackie Gong provided a verbal report to the Commission on the continued efforts to replace the Executive Officer, and obtain Interim Executive Officer services during the recruitment process.

Chair Wagenknecht reported that the Commission's Advisory Committee (Chair Wagenknecht and Commissioner Inman) have met a couple times and stated the committee would like to recommend a candidate to fill the interim position until January 2014.

Ms. Gong then informed the Commission that the recruitment committee explored possible options and recommends retaining Peter Banning, the recently retired Executive Officer of Marin County LAFCO, to assist during this transition period. Mr. Banning was present at the meeting.

Ms. Gong introduced Suzanne Mason, Human Resources Staff Director, who provided an update on the search efforts for a permanent Executive Officer, and requested input and direction from the Commission. Ms. Mason presented a draft work plan/timeline to the Commission which was prepared by Heather Ruiz, plus recruitment fliers describing the ideal candidate, noting they were distributed at the annual CALAFCO conference in August which provided a few leads.

Fliers/brochures will also be distributed and at the CA League of Cities' annual conference held September 18-20 in Sacramento, as well as to other related organizations such as the CA Special Districts Association, City of Berkeley Planning Dept. Cal Berkeley's Public Policy Program, etc. Chair Wagenknecht and the Commission thanked Ms. Mason for her presentation.

6. ACTION ITEMS

a) Authorization of Commission Counsel to Approve Personnel and Other Office Transactions (Action)

The Commission considered giving authority to Commission Counsel to approve personnel and other office transactions, as needed, including staff payroll timesheets and expense reimbursements, effective until the appointment of an Executive Officer and further ratifying any approvals of the Commission Counsel, dated September 7, 2013 to September 23, 2013.

Upon a motion from Commissioner Pitts and second by Commissioner Kelly, the Commission unanimously agreed to give authority to Commission Counsel to approve various office transactions from September 7, 2013 through September 23, 2013.

b) Approval of Contract for Consultant to Perform Interim Executive Officer Services

The Commission considered the approval of a contract with Peter Banning to provide Interim Executive Officer services for the term of September 24, 2013 through January 31, 2014, and to appoint him as the Acting Executive Officer.

County Counsel, Jackie Gong presented a verbal report regarding the contract for consultant services, along with a copy of the contract to the Commission. Ms. Gong then informed the Commission that Mr. Banning is present and available for questions.

Peter Banning introduced himself to the Commission, and provided a history of his experience with LAFCO's.

After a general question and answer period from the Commission, Chair Wagenknecht thanked Mr. Banning for attending the meeting and speaking to the Commission.

Upon a motion from Commissioner Kelly and second by Commissioner Bennett, the Commission unanimously agreed to contract with Peter Banning as a Consultant to perform Interim Executive Officer services from September 24, 2013 through January 31, 2014, and to appoint him as the Acting Executive Officer.

Chair Wagenknecht congratulated Mr. Banning on his appointment and welcomed him to Napa LAFCO.

7. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING

The special meeting was adjourned at 5:07 p.m. The next regular LAFCO meeting is scheduled for Monday, October 7, 2013 at 4:00 p.m.

Brad Wagenknecht, Chair

ATTEST:

Jackie Gong, County Counsel

Prepared by:

Kathy Mabry
Commission Secretary



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October 7, 2013

Agenda Item No. 5c (Consent/Information)

September 30, 2013

TO: Local Agency Formation Commission

FROM: Brendon Freeman, Analyst

SUBJECT: Current and Future Proposals

The Commission will receive a report summarizing current and future proposals. The report is being presented for information. No new proposals have been submitted since the August 5, 2013 meeting.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 delegates Local Agency Formation Commissions (LAFCOs) with regulatory and planning duties to coordinate the logical formation and development of local governmental agencies. This includes approving or disapproving proposals involving the formation, expansion, merger, and dissolution of cities and special districts.

A. Information

There are currently four active proposals on file with LAFCO of Napa County (“Commission”). A summary of these active proposals follows.

Proposed Annexation of 3174 Valley Green Lane to Napa Sanitation District

An interested landowner of a 2.2 acre incorporated property located at 3174 Valley Green Lane has filed an annexation application to connect to Napa Sanitation District. The subject territory is approximately 2.2 acres and comprises one entire incorporated parcel located at 3174 Valley Green Lane in the City of Napa. The intent of annexation is to transition the subject territory from a temporary outside service agreement approved by the Commission in June to a permanent public sewer service connection.



Status: The Commission is expected to consider the proposal as part of public hearing item 6a on today’s meeting agenda.

Joan Bennett, Commissioner
Councilmember, City of American Canyon

Greg Pitts, Commissioner
Councilmember, City of St. Helena

Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

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

Peter Banning
Acting Executive Officer

Silverado Trail/Zinfandel Lane Annexation to the City of St. Helena

The City of St. Helena filed a proposal with the Commission on November 19, 2008 to annex approximately 100 acres of unincorporated territory located northwest of the intersection of Silverado Trail and Zinfandel Lane. The subject territory consists of one entire parcel and a portion of a second parcel, which are both owned and used by St. Helena to discharge treated wastewater from an adjacent treatment plant through a spray irrigation system. Both subject parcels are located outside the City's sphere of influence. Rather than request concurrent amendment, St. Helena is proposing only the annexation of a portion of the second parcel to ensure the subject territory is non-contiguous to its incorporated boundary and therefore eligible for annexation under Government Code Section 56742. This statute permits a city to annex non-contiguous land it owns and uses for municipal purposes without consistency with its sphere of influence. However, if sold, the statute requires the land be automatically detached. The two subject parcels are identified by the County Assessor as 030-240-017 (portion) and 030-250-018.



Status: St. Helena has filed a request with the Commission to delay consideration of the proposal in order to explore a separate agreement with the County to extend the current Williamson Act contract associated with the subject territory. The negotiation remains pending completion.

There are four potential new proposals that may be submitted to the Commission in the near future based on extensive discussions with proponents. A summary of these anticipated proposals follows.

Sibsey Annexation to the City of Napa

A representative for an interested landowner of a 0.77 acre unincorporated property located at 2138 Wilkins Avenue has inquired about re-initiating annexation to the City of Napa. This property was conditionally approved for annexation by the Commission on February 2, 2009. The conditions, however, were never satisfied and annexation proceedings were formally abandoned on April 5, 2010. Staff is working with the landowner's representative and the City to discuss resuming annexation proceedings. This includes preparing a new application in consultation with the City.



Formation of a Community Services District at Capell Valley

An interested landowner has inquired about the formation of a new special district for purposes of assuming water responsibilities from an existing private water company. The subject area includes the 58-space mobile home park adjacent to Moskowitz Corners as well as two adjacent parcels that are zoned for affordable housing by the County. Staff has been working with the landowner in evaluating governance options as well as other related considerations under LAFCO law. This includes presenting at a



community meeting earlier this year. The meeting was attended by approximately 25 residents and provided staff the opportunity to explain options and processes available to residents with respect to forming a special district as well as to answer questions. Commissioner Dodd was also in attendance. The landowner subsequently requested a fee waiver for the cost of submitting an application to form a new special district at the Commission's June 4th meeting. The Commission denied the request without prejudice and noted the opportunity exists for the landowner to return at a future date with additional information to justify a fee waiver request as well as the underlying action: forming a new special district.

Airport Industrial Area Annexation to County Service Area No. 3

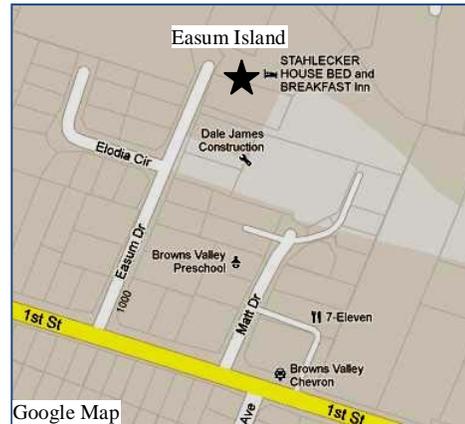
LAFCO staff recently completed a sphere of influence review and update for County Service Area (CSA) No. 3. This included amending CSA No. 3's sphere to add approximately 125 acres of unincorporated territory located immediately north of the City of American Canyon in the Airport Industrial Area. The County of Napa is expected to submit an application to annex the 125 acres to CSA No. 3 by the end of the fiscal year. The subject territory is



completely uninhabited and includes seven entire parcels along with a portion of an eighth parcel. This eighth parcel, notably, comprises a railroad track owned and operated by Southern Pacific. The subject territory also includes segments of Airport Drive, Devlin Road, and South Kelly Road. Annexation would help facilitate the orderly extension of street and fire protection services to the subject territory under the land use authority of the County.

Stahlecker Annexation to the City of Napa

An interested landowner within a completely surrounded unincorporated island located near Easum Drive in the City of Napa has inquired about annexation. The landowner owns and operates a bed and breakfast and is interested in annexation in response to an informational mailer issued by LAFCO outlining the cost benefits to annexation. Subsequent follow up indicates one of the other two landowners within the island is also agreeable to annexation if there is no financial obligation. Staff is working with the City on its interest/willingness to reduce or waive fees associated with adopting a resolution of application in order to initiate “island proceedings”.



B. Commission Review

This item has been agendaized as part of the consent calendar for information only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair.

Attachments: none



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

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

October 7, 2013

Agenda Item No. 6a (Public Hearing)

September 30, 2013

TO: Local Agency Formation Commission

FROM: Peter Banning, Acting Executive Officer
Brendon Freeman, Analyst

**SUBJECT: Proposed Annexation of 3174 Valley Green Lane to
Napa Sanitation District**

The Commission will consider two related actions concerning a proposal from an interested landowner to annex approximately 2.2 acres of incorporated territory to Napa Sanitation District. The affected territory is located at 3174 Valley Green Lane in the City of Napa. The purpose of annexation is to establish permanent public sewer service to an existing single-family residence currently receiving public sewer from the District through a temporary outside service extension previously approved by the Commission. The first recommended action is for the Commission to adopt a negative declaration consistent with the findings of an initial study concluding the annexation will not have any significant impacts on the environment. The second recommended action is for the Commission to continue the proposal to the next regular meeting.

Local Agency Formation Commissions (LAFCOs) are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to regulate the formation and development of local governmental agencies and their municipal services. This includes approving or disapproving proposed changes of organization, such as boundary changes, consistent with adopted policies and procedures pursuant to California Government Code (G.C.) Section 56375. LAFCOs are authorized to exercise broad discretion in establishing conditions in approving changes of organization as long as they do not directly regulate land use, property development, or subdivision requirements.

A. Background

LAFCO of Napa County (“Commission”) has received a proposal from landowner Dale James requesting the annexation of approximately 2.2 acres of incorporated territory in the City of Napa (“City”) to the Napa Sanitation District (NSD). The subject lot

Joan Bennett, Commissioner
Councilmember, City of American Canyon

Greg Pitts, Commissioner
Councilmember, City of St. Helena

Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

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

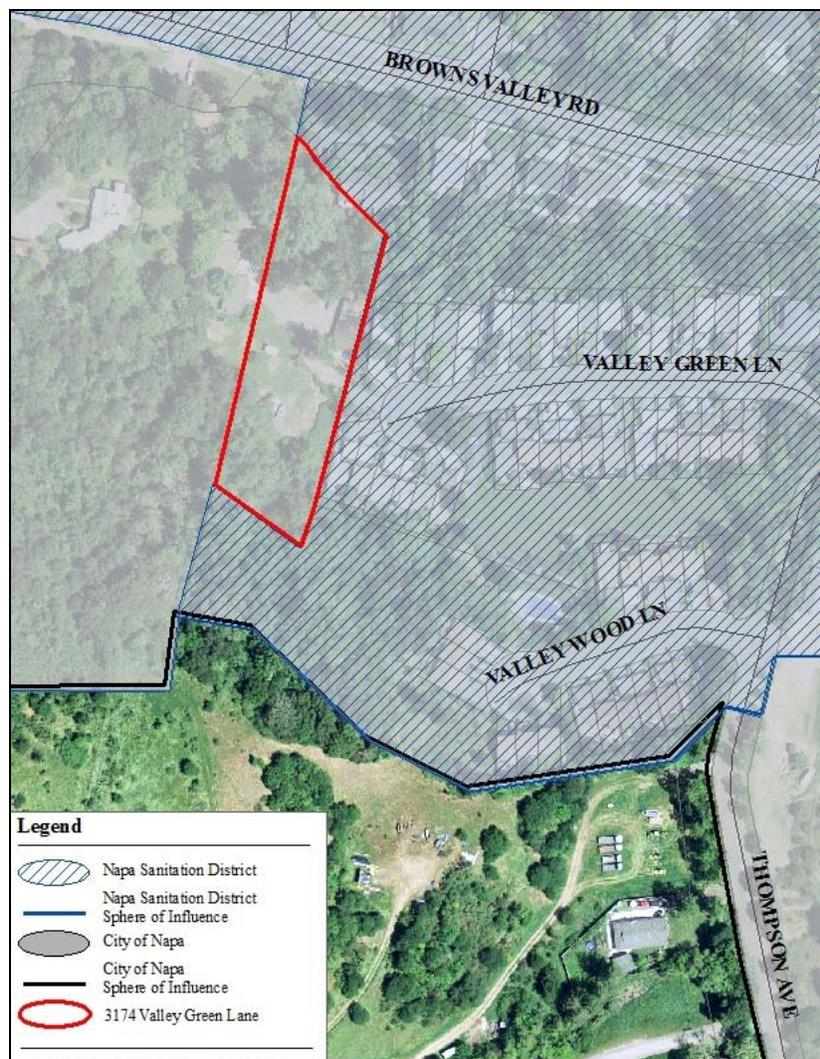
Brian J. Kelly, Vice Chair
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Peter Banning
Acting Executive Officer

comprises one residential parcel located at 3174 Valley Green Lane near Browns Valley Road. Existing development includes a 1,500 square foot two-unit single-family residence with three total bedrooms built in 1938. The County Assessor's Office identifies the affected parcel as 050-400-005.

As detailed in the following section, the single-family residence occupying the affected territory currently receives public sewer service from NSD through a temporary outside service extension formally ratified by the Commission in August 2013.¹ Annexation would provide permanent public sewer service to the single-family residence as well as be made available to the rest of the subject lot if and when it is further developed to include up to a total of 13 units as contemplated under the City Zoning Ordinance. An aerial map of the subject lot is provided below.



¹ The outside service extension expires on July 19, 2014.

B. Discussion

Agency Profile

NSD was formed in 1945 as a dependent enterprise district to provide public sewer service for the City and the surrounding unincorporated area. NSD presently provides sewer service to most of Napa along with several surrounding unincorporated areas, including Silverado, Napa State Hospital, and the Napa County Airport. NSD currently serves 31,830 residential customers with an estimated resident service population of 84,381.²

Proposal Purpose

The underlying purpose of the proposal before the Commission is to provide permanent public sewer service to a residential parcel located in the Browns Valley neighborhood. As mentioned in the preceding section, the single-family residence occupying the subject lot currently receives public sewer service from NSD through a temporary outside service extension that was approved by the Chair on June 21, 2013 and ratified by the Commission on August 5, 2013. The Chair's approval was conditioned on the landowner first submitting an application to annex the entire residential parcel; a condition satisfied on June 26, 2013. Additionally, though no development plans presently exist, the annexation of the entire residential parcel could facilitate the future division of the subject lot to include up to 13 lots under the City Zoning Ordinance. Consideration of the service needs and related impacts associated with the future potential development of the subject lot are incorporated into the following analysis section.

C. Analysis

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

² The resident service projection based on the 2013 California Department of Finance population per household estimate (2.651) assigned to Napa County and multiplied by the number of residential sewer connections within NSD (31,830). NSD also serves 4,409 non-residential customers, including industrial and commercial users.

Local Policies / Discretionary Amendments

A review of the submitted application materials relative to the Commission's adopted policies does not indicate that the Commission should consider any amendments given the subject lot already lies within NSD's sphere of influence and within Napa's jurisdictional boundary.

Legislative Policies / Mandated Factors for Consideration

G.C. Sections 56668 and 56668.3 require the Commission to consider 16 specific factors anytime it reviews proposals for change of organization or reorganization involving special districts. The majority of the prescribed factors focus on the impacts of the proposed boundary changes on the service and financial capacities of the affected agencies. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs in considering boundary changes in context to locally adopted policies and practices. The subject lot shall be identified as the "affected territory" hereafter. Towards this end, consideration of these factors relative to the proposal 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 affected territory lies within a developing area predominately consisting of moderate to high density housing and part of a neighborhood designation under the City General Plan known as "Browns Valley." The area's median household income is \$46,917 compared to \$80,783 for the City.³ The affected territory is partially developed with a single-family residence and an attached second unit. The current assessment value of the affected territory totals \$168,815.

The affected territory is legally uninhabited given there are under 12 registered voters based on the most recent list provided by County Elections. Topography within the affected territory slopes upward to the south with a peak elevation of 162 feet above sea-level. Browns Valley Creek traverses the affected territory from east to west.

Proposal approval is expected to facilitate the future development of the affected territory to include – and based on existing zoning requirements – up to a total of 13 residential lots and produce an estimated buildout population of 34.^{4 5} Further, three lots immediately adjacent to the north, south, and west are also eligible for further division and could accommodate up to a total of 48 lots, though no development inquiries have been made to the City as of the date of this report.⁶

³ American Community Survey, 2007-2011.

⁴ The estimated buildout population for the affected territory assumes a per unit factor of 2.651 based on calculations performed by the California Department of Finance specific to the City.

⁵ City zoning allows for accessory second units - "granny units" - on residential lots subject to certain restrictions and cannot exceed 640 square feet unless permitted by special allowance.

⁶ Incorporated lands to the east of the affected territory are already developed to their maximum allowable extents.

(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.

The present need for municipal services within the affected territory is limited to public sewer for the existing single-family residence located at 3174 Valley Green Lane. This residence is currently receiving public sewer from NSD through a temporary outside service agreement, which was initially approved by the Chair in June 2013 in response to the home's septic system failing. The outside service agreement expires July 19, 2014. Annexation to NSD would provide permanent public sewer to the affected territory going forward. Core municipal services already provided or available to the affected territory directly or indirectly by the City include fire, emergency medical, police, roads, and garbage collection; all at levels deemed adequate given current and planned uses.⁷

There may be additional demand for municipal services in the future as a result of the eventual development of up to a total of 13 lots as allowed under the City Zoning Ordinance. Most notably, and in addition to sewer, this includes elevated water, fire protection/emergency medical, and law enforcement. An analysis of the availability and adequacy of these core municipal services needed to accommodate and support current and probable future needs within the affected territory follows.

- ***Sewer Service***

The affected territory currently receives sewer service from NSD through a temporary outside service agreement. It is estimated the current daily sewer flow generated from the affected territory is 210 gallons on average and increases by two and one-half to 525 gallons during peak periods. These current flow estimates represent less than one one-hundredth of a percent of NSD's current system demand. Furthermore, if developed to its maximum allowance under the City Zoning Ordinance, the estimated daily sewer flows would only increase to 2,730 gallons on average and 6,825 gallons during peak periods. These buildout estimates would have negligible impacts on NSD's sewer system as depicted in the following table.

⁷ The term "planned" for purposes of this section refers to the City's General Plan and Zoning Ordinance.

NSD Baseline Without Annexation of the Affected Territory (Amounts in Gallons)			
System Avg. Day Capacity	Average Day Demand	Peak Day Demand	System Peak Day Capacity
15,400,000	6,702,400	33,706,000	126,200,000

NSD Adjusted With Annexation/Buildout of the Affected Territory (Amounts in Gallons)			
System Avg. Day Capacity	Average Day Demand	Peak Day Demand	System Peak Day Capacity
15,400,000	6,705,130	33,712,825	126,200,000

- * Assumes the buildout of the affected territory will result in 13 total single-family residences with combined average and peak day demands at 2,730 and 6,825 gallons, respectively.
- * Capacity during peak-day incorporates 340 acre-feet (110,806,000 gallons) of adjacent pond storage.

- **Water Service**

The affected territory receives water service from the City and currently generates an average day demand of 250 gallons. If developed to its maximum allowance under the City Zoning Ordinance, the estimated daily average water demand at buildout – and assuming current usage patterns – would increase to 3,250 gallons.⁸ These buildout estimates would have negligible impacts to Napa’s existing water system infrastructure as measured by supply, storage, and treatment capacities as discussed in the following subsections.

Water Supply and Demand

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

⁸ This projected daily water demand would be the equivalent of 3.6 acre-feet per year.

Baseline Conditions Without Annexation of the Affected Territory
 (Amounts in Acre-Feet)

Category	Normal	Multiple Dry Year	Single Dry Year
Annual Supply	31,340	19,896	13,533
Annual Demand	13,877	13,877	13,877
Difference	17,463	6,019	(344)

Adjusted Conditions With Annexation/Buildout of the Affected Territory
 (Amounts in Acre-Feet)

Category	Normal	Single Dry Year	Multiple Dry Year
Annual Supply	31,340	19,896	13,533
Annual Demand	13,881	13,881	13,881
Difference	17,459	6,015	(348)

Water Treatment and Storage

Napa operates treatment facilities for each of its three water sources. These three facilities provide a combined daily treatment capacity of 135 acre-feet.⁹ This combined treatment amount is more than three times greater than the current average day water demand (38 acre-feet) and nearly two times greater than the current estimated peak day water demand (76 acre-feet).¹⁰ Furthermore, Napa’s combined treated water storage capacity overlaying its five pressure zones – including clearwell tanks – is 86 acre-feet. This combined storage amount accommodates current estimated peak day water demands in Napa.

Baseline Conditions Without Annexation of the Affected Territory
 (Amounts in Acre-Feet)

Treatment Capacity	Average Day Demand	Peak Day Demand	Storage Capacity
135.0	38.0	76.0	86.2

Adjusted Conditions With Annexation/Buildout of the Affected Territory
 (Amounts in Acre-Feet)

Treatment Capacity	Average Day Demand	Peak Day Demand	Storage Capacity
135.0	38.0	76.0	86.2

⁹ The combined daily treatment capacity for Napa is divided between the Milliken facility at 4.0, Jamieson facility at 20.0, and Hennessey facility at 20.0 million gallons, respectively.

¹⁰ Based on recent usage records, the estimated peak day demand factor for Napa is 2.0.

- ***Fire Protection and Emergency Medical Services***
The affected territory receives fire protection and emergency medical services from the City. Annexation and buildout of the affected territory to include up to a total of 13 units as contemplated under the City Zoning Ordinance would increase the need for fire protection and emergency medical services moving forward. Information generated from the Commission's draft municipal service review on the City noted that Napa has generally developed sufficient capacities and controls to serve existing and anticipated demands for these services. It is important to note the current draft municipal service review on the City identifies certain areas along the western perimeter of Browns Valley are subject to response times exceeding Napa's adopted five minute standard. The affected territory, however, appears to be located well within a reasonable proximity of the City's nearest fire station – Fire Station One at 930 Seminary Street – to be adequately served within the adopted response time standard.
- ***Law Enforcement Services***
The affected territory receives law enforcement services from the City. Approval of the proposal and subsequent development of the affected territory to include up to a total of 13 units as contemplated under the City Zoning Ordinance would increase demand for law enforcement services moving forward. The Commission's draft municipal service review on the City notes Napa has developed sufficient capacities and controls to serve existing and anticipated demands. The municipal service review also notes no service deficiencies within the area surrounding the affected territory.

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

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 sphere of influence, marking an expectation the site would eventually develop for urban type uses and require public sewer from the region's sole service provider, the District. These ties were further formalized earlier this year with the Commission authorizing NSD to provide public sewer to the affected territory through an outside service agreement in explicit expectation of a future annexation.

No alternative boundaries – specifically as it relates to expansions – are warranted given the affected territory is surrounded on three sides by NSD's jurisdictional boundary with the property located immediately to the west already developed with a fully operational private septic system.

(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 generally consistent with the Commission's policies as codified under its General Policy Determinations. This includes consistency with urban land use designations for the affected territory under the County and City General Plans, avoidance of premature conversion of agricultural uses, and consistency with NSD's adopted sphere of influence. The proposal is inconsistent, however, with the General Policy Determination II(B)(3) in prescribing the timing of urban development. This provision discourages annexing undeveloped or underdeveloped lands to cities or special districts providing water, sewer, emergency response, or police and fire protection unless subject to a specific development plan or agreement under consideration by a land use authority. The affected territory, notably, is not subject to a known development project or agreement and could be divided to include up to a total of 13 residential lots under the City Zoning Ordinance.

In reviewing the proposal, it appears appropriate for the Commission to waive General Policy Determination Section II(B)(3) given the following considerations:

- The affected territory is located within a developing residential area of Napa and surrounded on three sides by NSD's jurisdictional boundary. Connection to public sewer systems are generally preferred alternatives to maintaining septic tanks in protecting public health given the increased susceptibility of leakage and breakdowns associated with the latter option.
- The affected territory already receives public sewer service from NSD through a temporary outside service extension approved by the Commission in June 2013 and ratified in August 2013; an action taken by the Commission to abate a public health and safety threat given the home's septic system had failed despite corrective actions taken by the landowner.
- Annexations are inherently preferred alternatives to outside service extensions in terms of memorializing an agency's long-term service commitment to affected lands in an accountable and transparent manner.

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

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

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

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

The proposal as submitted is parcel-specific and includes all of the property identified by the County of Napa Assessor’s Office as 050-400-005. Commission approval would include a condition requiring the applicant to submit a map and geographic description of the approved action in conformance with the requirements of the State Board of Equalization. The submitted map and geographic description would be subject to review and possible edits by the Executive Officer before filing.

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

The proposal would provide permanent public sewer service to the affected territory. The availability of this municipal service is consistent with Napa’s General Plan, which designates the affected territory for moderately dense single-family residential uses (*Single-Family Residential – 42*).

The Metropolitan Transportation Commission’s regional transportation plan (RTP) was updated in April 2009 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2035. No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

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

The affected 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.

Staff provided notice of the proposal to all subject agencies and other interested parties as required under LAFCO law on July 12, 2013. No 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.

Information collected and analyzed in the Commission's most recent municipal service review on NSD concluded the District has established adequate administrative controls and capacities in maintaining appropriate service levels. This includes regularly reviewing and amending – as needed – NSD's two principal user fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) connection fees and (b) user fees. The connection fee is currently \$5,660 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 user fee for a single-family unit is currently \$435 and is intended to proportionally recover NSD's ongoing maintenance and operation expenses. The landowner of the affected territory has already paid a connection fee as a result of the earlier outside service extension and the user fee will be pro-rated and billed at the end of the calendar year.

Additional analysis performed subsequent to the filing of the proposal provides reasonable assurances NSD's fiscal resources and controls would enable the agency to provide an appropriate level of services to the affected territory relative to anticipated land uses. NSD's current operating budget includes \$13.6 million in approved expenses. NSD anticipates collecting \$19.2 million in general revenues resulting in an operating surplus of \$5.6 million. NSD's fund balance as of the beginning of the fiscal year totaled \$9.5 million.¹¹ Markedly, this unrestricted fund balance is sufficient to cover over eight months of operating expenses.

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

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

¹¹ NSD expects its operating fund balance to increase at the end of the fiscal year from \$9.5 million to \$15.1 million following all budgeted transfers.

Information provided in the UWMP identifies Napa's available water supplies are more than sufficient in accommodating both current annual demands – 13,877 acre-feet – and the projected buildout demands within the affected territory – 3.6 acre-feet – during normal and multiple dry year conditions. Napa's available water supplies, however, are deficient under current estimated single dry years; a deficit that would be slightly increased with approval of the proposal along with the potential development of up to 13 lots under the City Zoning Ordinance. Napa, accordingly, has established conservation efforts within its UWMP to address the projected deficiency during single dry years. These factors provide reasonable assurances of Napa's ability to effectively accommodate water demands with the minimal increases tied to the affected territory in accordance with G.C. Section 65352.5.

(12) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.

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

The proposal could potentially result in a benefit to Napa with respect to achieving the City's fair share of the regional housing need as a result of the eventual development of the affected territory to include up to a total of 13 lots as allowed under the City Zoning Ordinance.

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

The landowner of the affected territory is the petitioner seeking the annexation to NSD. There are no other residents occupying with affected territory.

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

See analysis on pages four and nine of this report.

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

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

(16) 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 as well as residents by providing permanent access to public sewer service. Most notably, establishing

permanent public sewer eliminates the need for a septic system in an urbanizing area in which any failings would create a public health and safety threat for immediate and adjacent residents. Establishing permanent public sewer service also eliminates set-aside land requirements previously dedicated to the septic system, which will assist in intensifying future residential development opportunities within the site.

Other Considerations

- ***Property Tax Agreement***

Revenue and Taxation Code Section 99(b)(6) requires adoption of a property tax exchange agreement by affected local agencies before the Commission can consider a proposed boundary change.¹² With this in mind, staff provided notice to NSD and the County of the proposed jurisdictional change affecting both agencies and the need to apply a property tax exchange to the proceedings. Both agencies confirmed a master property tax agreement adopted in 1980 shall apply to the proposal if approved by the Commission. This master property tax agreement specifies no exchange or redistribution of property tax revenues will occur as a result of annexations to NSD.

- ***Environmental Review***

The Commission serves as lead agency for the proposal under the California Environmental Quality Act (CEQA) given it is solely responsible for approving the underlying activity: annexation. Staff has determined the activity is a project under CEQA and no existing categorical or statutory exemptions apply. Accordingly, staff has prepared an initial study to assess the environmental impacts associated with the annexation. The initial study identifies the annexation may generate future indirect impacts given it does remove an obstacle in accommodating the future division and development of the site to include up to 13 total single-family lots as allowed under the City Zoning Ordinance. None of the indirect impacts identified with the annexation, however, are deemed significant and therefore a draft negative declaration has been prepared.

A copy of the initial study and notice of intent to adopt a negative declaration were circulated for a 21-day review period to local agencies as well as all adjacent neighbors to the affected territory. No comments were received. A copy of the initial study is attached for Commission review along with a draft resolution adopting a negative declaration.

¹² Revenue and Taxation Code (b)(5) states property tax exchanges for jurisdictional changes affecting the service areas or service responsibilities of districts shall be negotiated by the affected county on behalf of the districts.

- ***Conducting Authority Proceedings***

The affected territory is uninhabited under LAFCO law and the sole landowner has consented to the proposal. NSD has also consented to the annexation. Conducting authority proceedings, accordingly, may be waived under G.C. Section 56663.

D. Recommendation

The timing of the proposed annexation of 3174 Valley Green Lane to NSD relative to the factors required by statute and policy for consideration appears appropriate. However, the Commission's practice is to first allow NSD to adopt a resolution that specifies terms and conditions applicable to the proposed annexation. It is anticipated NSD will adopt terms and conditions specific to the proposal at the District's October 16, 2013 meeting. Staff recommends adoption of the environmental determination (Option 1A) and continuance on the proposal to the next regular Commission meeting (Option 2A).

It is also recommended the following conditions of approval be applied with delegation to the Executive Officer to determine when the requested actions have been sufficiently satisfied before proceeding with a recordation.

- Submittal of a map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization.
- Payment of any outstanding fees owed to other agencies involved in the processing of this proposal as identified in the Commission's adopted fee schedule.
- An indemnification agreement signed by the applicant in a form provided by the Commission Counsel.

E. Alternatives for Commission Action

The following alternative actions are available for Commission consideration with respect to (a) making an environmental determination and (b) considering the proposed annexation.

Environmental Determination

- Option 1A: Adopt the draft resolution identified as Attachment Three approving a negative declaration for the proposed annexation. If this option is selected, the Commission can consider making a determination on the proposed annexation.

Option 1B: Continue consideration of the negative declaration for the proposed annexation to a future meeting. If this option is selected, the Commission cannot consider making a determination on the proposed annexation.

Proposal Determination

Option 2A: Continue consideration of the proposal to the next regular meeting and provide direction to staff for additional information as needed.

Option 2B: Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year unless a request for reconsideration is filed and approved within 30 days of Commission action. The existing outside service agreement will expire on July 19, 2014.

Option 2C: Adopt the draft resolution identified as Attachment Four approving the proposal with the conditions identified in the preceding section along with any desired changes as requested by members.

F. Procedures for Consideration

This item has been agenzized for consideration as part of a noticed public hearing. The following procedures are recommended with respect to the Commission’s consideration of this item:

- 1) Receive verbal report from staff;
- 2) Open the public hearing and invite testimony (mandatory); and
- 3) Discuss item and – if appropriate – close the hearing and consider action on recommendation.

Respectfully submitted,

Peter Banning
Acting Executive Officer

Brendon Freeman
Analyst

Attachments:

- 1) Initial Study: Proposed Annexation of 3174 Valley Green Lane to Napa Sanitation District
- 2) Application Materials
- 3) Draft Resolution Approving the Negative Declaration
- 4) Draft Resolution Approving the Proposal
- 5) Commission General Policy Determinations



Local Agency Formation Commission of Napa County

1030 Seminary Street, Suite B
Napa, California 94559

<http://www.napa.lafco.ca.gov>

September 5, 2013

INITIAL STUDY OF ENVIROMENTAL SIGNIFICANCE

1. **Project Title:** Proposed Annexation of 3174 Valley Green Lane to Napa Sanitation District
2. **Lead Agency:** Local Agency Formation Commission (LAFCO) of Napa County
1030 Seminary Street, Suite B
Napa, California 94559
3. **Contact Person:** Brendon Freeman, Analyst
LAFCO of Napa County
(707) 259-8645
bfreeman@napa.lafco.ca.gov
4. **Background/
Project Description:** LAFCO has received an application from a property owner proposing the annexation of a single residential lot located at 3174 Valley Green Lane to the Napa Sanitation District (NSD). The purpose of the annexation is to establish permanent public sewer service to an existing single-family residence and a detached second unit, which are already connected to NSD as a result of a recently approved outside service agreement (OSA). LAFCO approved the OSA to expedite sewer service to the residential property given the affected home's septic system had failed causing a public health threat as verified by the County of Napa Environmental Management Division. The OSA expires on July 19, 2014.

This initial study contemplates the impact of the proposed annexation as described given an exemption was not identified as an available alternative.
5. **Project Location:** The project location consists of 2.2 acres of incorporated territory near the intersection of Browns Valley Road and Thompson Avenue in the City of Napa. It includes one entire residential lot with a situs address of 3174 Valley Green Lane, hereinafter referred to as the "project site." The County of Napa Assessor's Office identifies the affected residential lot as 050-400-005. A map showing the project site is depicted in Figure "A" on page four of this initial study.

**6. Project Sponsor/
Applicant:**

Dale James, Property Owner
1030 Easum Drive
Napa, California 94558

**7. General Plan
Designations:**

The City of Napa is the existing land use authority and designates the entire project site as *Single Family Residential – 42* with a minimum lot size requirement of 0.25 acres.

8. Zoning Standards:

The City of Napa is the land use authority and zones the project site as *Residential Single – 7* with a minimum lot size requirement of 0.16 acres. (As a charter-law city, Napa may adopt zoning standards that are inconsistent with general plans.)

**9. Surrounding
Land Uses:**

The project site is completely surrounded by incorporated lands within the City of Napa comprising single-family residential uses.

**10. Other Agency
Approval:**

NSD (permanent sewer service connection)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below potentially would be significantly affected by this project, as indicated by the checklist on the following pages.

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

DETERMINATION:

On the basis of information analyzed in this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis described in the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project. Nothing further is required.



September 5, 2013

Signature

Date

Brendon Freeman
Preparer's Name

LAFCO of Napa County
Lead Agency

ENVIRONMENTAL CHECKLIST

The following is the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the potential environmental impacts of the proposed project with respect to 17 factors prescribed for consideration. A brief discussion follows each environmental issue identified in the checklist. For this checklist, the following four designations are used:

- **Potentially Significant Impact:** An impact that may be significant, and for which no mitigation has been identified.
- **Potentially Significant Unless Mitigation Incorporated:** An impact that requires mitigation measures to reduce the effect to a less-than-significant level.
- **Less-Than-Significant Impact:** Any impact that may not be considered significant under CEQA relative to baseline conditions.
- **No Impact.** Baseline conditions remain unchanged.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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1. AESTHETICS

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion/Analysis:

The project will not directly impact aesthetics with regard to effecting scenic vistas, damaging scenic resources, degrading visual character, or creating new sources of light given no physical changes to the environment shall occur as a result of the annexation. Making available permanent public sewer service, however, does remove an obstacle in accommodating the future division and development of the project site to potentially include up to a total of 13 single-family lots as allowed under the City’s Zoning Ordinance. This accommodation highlights the potential the project may generate future indirect impacts on aesthetics due to the construction of additional structures and facilities. An assessment on aesthetic impacts relating to planned citywide development was addressed in the FEIR prepared for the City General Plan on pages 3.6-1 to 3.6-5. Pertinent mitigating policies and implementation measures to manage citywide aesthetic impacts and relevant to this project are outlined in the General Plan’s Land Use, Housing, and Natural Resources Elements and include: LU-1.2; LU-1.4; LU-1.5; LU-1.8; LU-1.B; LU-1.C; LU-4.10; LU-4.11; LU-4.A; LU-4.B; LU-10.1; LU-10.2; LU-10.3; LU-10.4; LU-10.5; LU-10.A; LU-10.C; H-3.1; H-3.2; H-3.3; H-3.7; H-3.A; H-3.B; H-3.C; H-3.I; H-3.J; NR-1.6; NR-1.7; NR-1.C; and NR-1.E. This document provides sufficient and reasonable assurances any potential future indirect impacts on aesthetics associated with the project have been adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (a, b, c, and d).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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2. AGRICULTURE RESOURCES

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Involve other changes in the existing environment which, due to their location or nature, could result in loss of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not have direct or indirect impacts on agricultural resources. The project site is identified as urban land by the California Natural Resources Agency (a). The project site is not subject to an agricultural zoning standard or a Williamson Act contract or involves any other changes that could result in prime, unique, or statewide important farmland losses (b and c).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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3. AIR QUALITY

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion/Analysis:

The project will not directly impact air quality with regard to conflicting with applicable air quality plans and standards or cause objectionable odors and pollutants given no physical changes to the environment shall occur as a result of the annexation. Making available permanent public sewer service, however, does remove an obstacle in accommodating the future division and development of the project site to potentially include up to a total of 13 single-family lots as allowed under the City’s Zoning Ordinance. This accommodation highlights the potential the project may create future indirect impacts during construction phases as well as from additional vehicular emissions to and from the project site. An assessment on air quality impacts relating to planned citywide development was addressed in the FEIR prepared for the City General Plan on pages 3.10-1 to 3.10-5. Pertinent mitigating policies and implementation measures to manage citywide air quality impacts consistent with Bay Area Air Quality Management District standards and germane to this project are outlined in the General Plan’s Natural Resources and Transportation Elements and include: NR-5.1; NR-5.2; NR-5.3; NR-5.4; NR-5.5; NR-5.6; T-1.1; T-5.1; T-5.2; T-5.13; T-5.B; T-6.1; T-6.2; and T-6.10. These documents provide sufficient and reasonable assurances any potential future indirect impacts on air quality associated with the project have been adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (a, b, c, d, and e).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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4. BIOLOGICAL RESOURCES

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the State Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by State Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Have a substantial adverse effect on federally protected wetlands as defined by the Clean Water Act through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Conflict with an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not have any direct or indirect impacts on biological resources. There are no endangered, sensitive, or special status species, riparian habitat, sensitive communities, or protected wetlands within the project site listed in federal, state, or local agency indices (a, b, and c). The project would not substantially effect in impeding the movement of any habitat within the project site (d). The project does not conflict with any local policies or ordinances protecting biological resources or the provisions of a habitat conservation plan or natural community conservation plan (e and f).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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5. CULTURAL RESOURCES

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Disturb any human remains, including those interred outside of formal cemeteries. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not have direct or indirect impacts on cultural resources. No historical, archeological, or paleontological resources have been identified within the project site in state or local registries (a, b, c, and d).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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6. GEOLOGY AND SOILS

Would the project:

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

Discussion/Analysis:

The project will not directly impact geology and soils given no physical changes to the environment shall occur as a result of the annexation. Making available permanent public sewer service, however, does remove an obstacle in accommodating the future division and development of the site to potentially include up to a total of 13 single-family lots as allowed under the City’s Zoning Ordinance. This accommodation highlights the potential the project may create future indirect geology and soil impacts due to soil erosion and topsoil losses due to grading activities associated with new development along with damage to man-made structures

due to the presence of expansive soils. An assessment on all geology and soil impacts relating to planned citywide development has been addressed in the FEIR prepared for the City General Plan on pages 3.8-1 to 3.8-3. Pertinent mitigating policies and implementation measures to manage citywide impacts on soil erosion and topsoil losses relevant to the project are outlined in the General Plan's Health and Safety Element and include: HS-2.1; HS-2.2; and HS-2.A. This document provides sufficient and reasonable assurances any potential future indirect impacts relating to soil erosion, top soil losses, and damages tied to expansive soils associated with the project have been adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (b and d). The project site is not located within an Alquist Priolo Earthquake Fault Zone, which protects against soil liquefaction, subsidence, and landslide, nor underlain by an unstable geological unit or soil (a and c). Public sewer service is currently available and provided to the project site by NSD through an OSA (e).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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7. HAZARDS & HAZARDOUS MATERIALS

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not directly create impacts in terms of emitting or transporting hazards or hazardous materials. Making available permanent public sewer service, however, does remove an obstacle in accommodating the future division and development of the site to potentially include up to 13 single-family lots as allowed under the City's Zoning Ordinance. This accommodation highlights the potential the project may create future indirect impacts in creating, emitting, or transporting hazards or hazardous materials due to their handling during construction, such as storing diesel fuel for ancillary equipment. However, preexisting local and state regulations concerning the use and storage of these materials result in a less-than significant impact (a and b). The project site is not included in a list of hazardous material sites compiled by the California Department of Toxic Substances Control, commonly known as the "Cortese List" (d). The project site is not located within a quarter mile of an existing or proposed school (c). The project site is also not located in a high wildland fire risk area or near a private or public airstrip or physically interferes with an adopted emergency plan (e, f, g, and h).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
8. HYDROLOGY & WATER QUALITY				
Would the project:				
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or-offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems to control?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Analysis:

The project will not directly or indirectly impact hydrology and water quality as it relates to violating or degrading water quality standards or waste discharge requirements (a and f). The project will also not directly or indirectly impact hydrology and water quality as it relates to altering a stream or river and is not located within reasonable distance of a dam or levee (i and j). Making available permanent public sewer service, however, does remove an obstacle in accommodating the future division and development of the site to potentially include up to a total of 13 single-family lots as allowed under the City's Zoning Ordinance. This accommodation highlights the potential the project may create future indirect hydrology and water quality impacts with regard to increasing groundwater withdraws, increasing surface runoff that could contribute to on or offsite flooding, adding demands on the storm water drainage system due to the construction of impervious surfaces, and placing housing within a 100-year floodplain. An assessment on all hydrology and water quality impacts relating to planned citywide development has been addressed in the FEIR prepared for the City General Plan on pages 3.9-1 to 3.9-3. Pertinent mitigating policies and implementation measures to manage citywide impacts on groundwater, runoff, storm water drainage systems, and the 100-year floodplain germane to this project are outlined in the General Plan's Community Services, Natural Resources, and Health and Safety Elements and include: CS-11.1; CS-11.2; CS-11.3; CS-11.4; CS-11.5; CS-11.6; CS-11.7; CS-11.A; NR-1.4; NR-4.1; NR-4.7; HS-3.2; HS-3.4; and HS-3.5. These documents provide reasonable assurances any potential future indirect impacts on groundwater, storm water drainage systems, runoff, and the 100-year floodplain tied to the project have already been adequately assessed for purposes of avoidance and mitigation, and therefore deemed less-than-significant (b, c, d, e, g, and h).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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9. LAND USE PLANNING

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not have direct or indirect impacts on land use planning. The project does not physically divide an established community; project site is substantially surrounded by both NSD and the City’s jurisdictional boundary and access is entirely dependent on City roads (a). The project is consistent with the City’s land use policies as well as LAFCO’s adopted sphere of influence for NSD (b). The project does not conflict with any applicable conservation plan (c).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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10. MINERAL RESOURCES

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not have direct or indirect impacts on mineral resources. There are no known mineral resources of value or locally important within the project site as delineated under the City or County General Plans (a and b).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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11. NOISE

Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not directly create noise impacts given no physical changes to the environment shall occur as a result of the annexation. Making available permanent public sewer service, however, does remove an obstacle in accommodating the future division and development of the site to potentially include up to a total of 13 single-family lots as allowed under the City’s Zoning Ordinance. This accommodation highlights the potential the project may create future indirect impacts involving temporary or periodic increases in noise levels and groundborne vibrations as a result of a future development approval. An assessment on all noise related impacts associated with planned citywide development has been addressed in the FEIR prepared for the City General Plan on pages 3.11-1 to 3.11-9. Pertinent mitigating policies and implementation measures to manage citywide impacts relating to noises and relevant to this project are outlined in the General Plan’s Health and Safety Element and include: HS-9.1; HS-9.2; HS-9.3; HS-9.4; HS-9.5; HS-9.6; HS-9.7; HS-9.8; HS-9.9; HS-9.10; HS-9.11; HS-9.12; HS-9.13; HS-9.14; HS-9.A; and HS-9.B. This document provides sufficient and reasonable assurances any potential future indirect impacts on creating noises and groundborne vibrations associated with the project have been adequately assessed for purposes of avoidance and/or

mitigation, and therefore deemed less than significant (a, b, and d). The project site is substantially surrounded by existing urban uses with typical residential noise environment, and therefore potential new permanent noises associated with its development would be considered non-substantial (c). The project is not located within an airport land use plan or in the vicinity of a private airstrip, and thereby negating any potential direct or indirect noises associated with aircraft (e and f).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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12. POPULATION AND HOUSING

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Induce substantial growth in an area, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not directly create impacts on population and housing given no physical changes to the environment shall occur as a result of the annexation. Making available permanent public sewer service, however, does remove an obstacle in accommodating the future division and development of the site to potentially include up to a total of 13 single-family lots as allowed under the City’s Zoning Ordinance. This accommodation highlights the potential the project may create future indirect impacts in terms of fostering new growth. An assessment on growth impacts associated with planned citywide development has been addressed in the FEIR prepared for the City General Plan on pages 3.2-1 to 3.2-8. Pertinent mitigating policies and implementation measures to manage growth impacts are outlined throughout the General Plan’s Land Use and Housing Elements. These documents provide sufficient and reasonable assurances any potential future indirect impacts on growth associated with the project have been adequately assessed for purposes of mitigation, and therefore deemed less than significant (a). There is no evidence to suggest the project will directly or indirectly displace substantial numbers of existing housing or people either in the short or long term (b and c).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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13. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Analysis:

The project will not directly create impacts on public services given no physical changes to the environment shall occur as a result of the annexation. Making available permanent public sewer service, however, does remove an obstacle in accommodating the future division and development of the site to potentially include up to a total of 13 single-family lots as allowed under the City’s Zoning Ordinance. This accommodation highlights the potential the project may create future indirect impacts on public fire, police, schools, park, and emergency medical services as a result of a future development approval. An assessment on public service impacts associated with planned citywide development has been addressed in the FEIR prepared for the City General Plan on pages 3.4-1 to 3.4-17. Pertinent mitigating policies and implementation measures to manage impacts on these public services and germane to this project are outlined in the General Plan’s Community Services Element and include: CS-1.1 through CS-1.7; CS-1.A through CS-1.B; CS-2.1 through CS-2.2; CS-3.1 through CS-3.3; CS-4.1 through CS-4.4; CS-4.A through CS-4.D; CS-5.1 through CS-5.8; CS-5.A through CS-5.C; CS-6.1 through CS-6.8; CS-6.A through CS-6.B; CS-7.1 through CS-7.5; CS-7.A; CS-8.1 through CS-8.3; CS-9.1 through CS-9.9; CS-9.A; CS-10.1 through CS-10.3. This document provides sufficient and reasonable assurances any potential future indirect impacts on these public services associated with the project have been adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (a, b, c, d, and e).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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14. RECREATION

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not directly impact recreational resources given no physical changes to the environment shall occur as a result of the annexation. Making available permanent public sewer service, however, does remove an obstacle in accommodating the future division and development of the site to potentially include up to a total of 13 single-family lots as allowed under the City’s Zoning Ordinance. This accommodation highlights the potential the project may create future indirect impacts on recreational resources in terms of increasing the use of existing parks and related facilities as a result of a future development approval. An assessment on all recreational related impacts associated with planned citywide development was addressed in the City General Plan’s Parks and Recreation Element FEIR. Pertinent mitigating policies and implementation measures to manage citywide impacts on existing parks and related facilities relevant to this project are outlined in the General Plan’s Parks and Resources Element and include: PR-1.1 through PR-1.24; PR-1.A through PR-1.G; PR-2.1 through PR-2.15; PR-2.A through PR-2.D; PR-3.1 through PR-3.11; PR-3.A; PR-4.1 through PR-4.17; PR-4.A through PR-4.C; PR-5.1 through PR-5.19; PR-5.A; PR-7.1 through PR-7.10; and PR-7.A through PR-7.C. This document provides sufficient and reasonable assurances any potential future indirect impacts on parks and related facilities associated with the project have been already adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (a). The project does not include any recreational facilities nor would it require construction or expansion of existing facilities (b).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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15. TRANSPORTATION AND TRAFFIC

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Exceed, either individually or cumulatively, a level of service standard established by the County Congestion Management Agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Substantially increase hazards due to a design? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g. Conflict with adopted policies supporting alternative transportation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not directly impact transportation or traffic given no physical changes to the environment shall occur as a result of the annexation. Making available permanent public sewer service, however, remove an obstacle in accommodating the future division and development of the project site to potentially include up to a total of 13 single-family lots as allowed under the City’s Zoning Ordinance. This accommodation highlights the potential the project may create future indirect impacts on roadway traffic in terms of increasing vehicle trips to and from the site over current conditions as a result of a future development approval. An assessment on all transportation and traffic impacts relating to planned citywide development has been addressed in the FEIR prepared for the City General Plan on pages 3.3-1 to 3.3-15. Pertinent mitigating policies and implementation measures to manage citywide impacts on traffic trips and capacities as well as parking capacity relevant to the project are outlined in the General Plan’s Transportation Element and include: T-1.1 through T-1.11; T-1.B through T-1.E; T-1.G; T-2.1 through T-2.7; T-4.1 through T-4.5; and T-4.A through T-4.C. This document provides sufficient and reasonable assurances any potential future indirect impacts on vehicle trips associated with the project have been already adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (a and b). The project would not result in any direct or indirect changes in air traffic patterns (c). The project would not directly or indirectly create a design hazard, impede emergency access, generate inadequate parking capacity, or conflict with any policies promoting alternative transportation given the site is located within an existing urbanized area (d, e, f, and g).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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16. UTILITIES & SERVICE SYSTEMS

Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Analysis:

The project will not directly impact water, sewer, and solid waste service utilities given no substantive physical changes to the environment shall occur as a result of the annexation. Making available permanent public sewer service, however, does remove an obstacle in accommodating the future division and development of the site to potentially include up to a total of 13 single-family lots as allowed under the City's Zoning Ordinance. This accommodation highlights the potential the project may create future indirect and cumulative impacts on water, sewer, solid waste, and storm drainage service utilities in terms of increasing uses as a result of a future development approval. An assessment on water, sewer, and solid waste service utility impacts relating to planned citywide development have been addressed in the FEIR prepared for the City General Plan on pages 3.4-2 through 3.4-15. An assessment on impacts on storm drainage service relating to planned citywide growth and development is

addressed on pages 3.9-1 to 3.9-3 in the FEIR. Pertinent mitigating policies and implementation measures to manage impacts on water, sewer, solid waste, and storm drainage service utilities are outlined in the General Plan's Community Service Element and include: CS-9.1 through CS-9.10; CS-9.A; CS-10.1 through CS-10.3; CS-11.1 through CS-11.9; CS-11.A; CS-12.1 through CS-12.2; and CS-12.A. Further, NSD also has prepared a recent master plan to inform current and future capital improvement planning activities through 2030, which markedly contemplates serving the project site at its maximum assigned densities allowed under the City's General Plan and Zoning Ordinance. These documents provide sufficient reasonable assurances any potential indirect impacts on the referenced service utilities tied to the project have been adequately assessed for purposes of avoidance, mitigation, and accommodation, and therefore deemed less-than-significant (a, b, c, d, e, f, and g).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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17. MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples major periods of state history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Analysis:

The project will not have direct or indirect impacts on biological resources, such as fish or wildlife species, as analyzed on page nine of this initial study. The potential future development of the project site aided by making permanent public sewer available to include up to a total of 13 single-family lots as allowed under the City’s Zoning Ordinance may result in individually limited impacts on humans as well as on aesthetics, air quality, biological resources, hydrology, noise, population, public services, recreation, traffic, and utilities. These individual impacts would not be substantial or cumulatively considerable given any future development of the project site will need to comply with previously approved mitigating policies and programs of the City as the land use authority, and therefore result in de minimis contributions (a, b, and c).

SOURCES

Documents

- City of Napa, *General Plan Policy Document*, December 1998
- City of Napa, *General Plan Final Environmental Impact Report*, December 1998
- City of Napa, *Parks and Recreation Element Final Environmental Impact Report*, October 1993
- City of Napa, Municipal Code: Section 17.08, *Residential Zoning Districts*, 2008
- City of Napa, *Combined Historic Resources List*, January 2000
- County of Napa, *Napa County Baseline Data Report*, November 2005
- LAFCO of Napa County, *Sphere of Influence Update: Napa Sanitation District*, August 2006
- LAFCO of Napa County, *Municipal Service Review and Sphere of Influence Update of the City of Napa*, June 2005
- LAFCO of Napa County, *Comprehensive Study of Sanitation and Wastewater Treatment Providers*, 2005-2006
- Bay Area Air Quality Management District, *CEQA Guidelines*, Prepared December 1999
- State of California, Natural Resources Agency, *Napa County Important Farmland Map*, 2010.

These documents are available for review at the LAFCO administration office located at 1030 Seminary Street, Suite B, Napa, California 94559.

Websites

- State of California: California Environmental Resources Evaluation System; Environmental Information by Geographic Area; Napa County; Historical and Cultural Resources: "California Historical Landmarks in Napa County," http://ceres.ca.gov/geo_area/counties/Napa/landmarks.html
- State of California: California Environmental Protection Agency; Cortese List of Hazardous Material Sites, <http://www.calepa.ca.gov/sitecleanup/corteselist/default.htm>
- State of California: California Geological Survey; Alquist-Priolo Earthquake Fault Zones; <http://www.consrv.ca.gov/CGS/rghm/ap/index.htm>
- County of Napa GIS Parcel Mapping application <http://2kgisweb/gisweb/InteractiveMap3.asp>
- State of California: Department of Fish and Wildlife, California Natural Diversity Database <http://www.dfg.ca.gov/biogeodata/cnddb/> (Accessed through County of Napa)

- State of California: Department of Toxic Substances Control, Toxic Substance Database
<http://www.dtsc.ca.gov>
- State of California: Department of Toxic Substances Control, Cortese Hazardous Waste and Substances Sites List Database
<http://www.envirostor.dtsc.ca.gov>
- State of California: State Water Resources Control Board, GeoTracker Database
<http://www.geotracker.swrcb.ca.gov>
- State of California: Department of Resources Recycling and Recovery, Solid Waste Information System Database
<http://www.calrecycle.ca.gov>

FORM B

Date Filed:	6/26/13
Received By:	BF

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:

ANEXATION TO NAPA SANITATION DISTRICT

Description of Boundaries of Affected Territory Accompanied by Map:

3174 VALLEY GREEN / MAP TO BE SUBMITTED AT LATER DATE;

Reason for Proposal and Any Proposed Conditions:

FOR CONNECTION FOR PUBLIC SEWER SYSTEM

Type of Petition:

Landowner

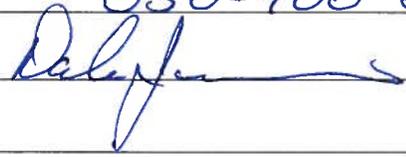
Registered Voter

Sphere of Influence Consistency:

Yes

No

If Landowner Petition, Complete the Following:

- 1) Name: DALE JAMES
Mailing Address: 1030 EASUM DR
Assessor Parcel: 050-400-005
Signature:  Date: 6-26-13
- 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: _____

III. GENERAL INFORMATION

A. Location:

3174 VALLEY GREEN 050-400-005 2.2
 Street Address Assessor Parcel Number Acres

Total Location Size
 (Including Right-of-Ways) _____

B. Landowners:

(1) Assessor Parcel Number : 050-400-~~000~~⁰⁰⁵ Name: DALE JAMES
 Mailing Address: 1030 EASUM DR, NAPA, CA
 Phone Number: 707-226-1516 E-mail: DJAMES@DALEJAMES
 CONSTRUCTION.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: _____
 (2) Total Number of Registered Voters: _____

FORM D

Date Filed: 6/26/13
Received By: BF

JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: DALE JAMES
Contact Person Agency/Business (If Applicable)
Address: 1030 EASUM DR NAPA 94558
Street Number Street Name City Zip Code
Contact: 707-494-1516 707-251-1516 DJAMES@DALEJAMESCONSTRUCTION.COM
Phone Number Facsimile Number E-Mail Address

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

II. PROPOSAL DESCRIPTION

A. Affected Agencies: NAPA SANITATION DISTRICT
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)
TO DISCONNECT FROM PRIVATE SEPTIC SYSTEM AND CONNECT TO PUBLIC SEWER SYSTEM

D. Land Use Factors:

- (1a) County General Plan Designation: Cities
- (1b) County Zoning Standard: Napa
- (2a) Applicable City General Plan Designation: SFR-42
- (2b) Applicable City Rezoning Standard: RS-7

E. Existing Land Uses:
(Specific)

SINGLE FAMILY RESIDENTIAL
2- UNITS CONNECTED

F. Development Plans:

- (1a) Territory Subject to a Development Project? Yes No
- (1b) If Yes, Describe Project: _____
- (1c) If No, When Is Development Anticipated? NOT AT THIS TIME

G. Physical Characteristics:

- (1) Describe Topography: 1/2 ACRE FLAT, 1/4 ACRE SLIGHT SLOPE
WITH VEGETATION ON SOME OF THAT
- (2) Describe Any Natural Boundaries: CREEK
- (3) Describe Soil Composition and Any Drainage Basins: N/A
- (4) Describe Vegetation: ALONG CREEK STANDARD,
SOME TREES ON SLIGHT SLOPE

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:

PUBLIC SEWER SYSTEM TO 2 UNITS

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

SERVICE 2 R-1 (-1-2BDR, 1-1BDR)

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

IMMEDIATELY

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

ONSITE INSTALLATION OF SEWER LINE

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

UPON COMPLETION

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

(1) **Lead Agency for Proposal:** LAFLO
Name

- (2) **Type of Environmental Document Previously Prepared for Proposal:**
- Environmental Impact Report
 - Negative Declaration/Mitigated Negative Declaration
 - Categorical/Statutory Exemption: _____
Type
 - None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

Use Additional Sheets As Needed

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

(1) Recipient Name: DALE JAMES

Mailing Address: 1030 EASUM DR

E-Mail: ~~DA~~ DJAMES@DALEJAMESCONSTRUCTION.COM

(2) Recipient Name: _____

Mailing Address: _____

E-Mail: _____

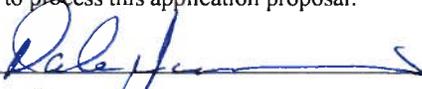
(3) Recipient Name: _____

Mailing Address: _____

E-Mail: _____

VII. CERTIFICATION

I certify the information contained in this application is correct. I acknowledge and agree the Local Agency Formation Commission of Napa County is relying on the accuracy of the information provided in my representations in order to process this application proposal.

Signature: 
Printed Name: DAVE JAMES
Title: OWNER
Date: 6-26-13

RESOLUTION NO. _____

**RESOLUTION OF THE
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MAKING DETERMINATIONS AND
ADOPTING A NEGATIVE DECLARATION PURSUANT TO THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

VALLEY GREEN LANE NO. 1 ANNEXATION TO THE
NAPA SANITATION DISTRICT**

WHEREAS, the Local Agency Formation Commission of Napa County, hereinafter referred to as the “Commission,” is responsible for regulating boundary changes affecting cities and special districts under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, an application by Dale James, landowner, proposing the annexation of territory to the Napa Sanitation District has been filed with the Commission’s Executive Officer, hereinafter referred to as “Executive Officer,” in a manner provided by law; and

WHEREAS, the Executive Officer has assigned the said annexation proposal the short-term designation of Valley Green Lane No. 1 Annexation to the Napa Sanitation District; and

WHEREAS, annexations are projects and subject to the provisions of the California Environmental Quality Act (CEQA); and

WHEREAS, the Commission has determined that, pursuant to CEQA, it is the lead agency for the proposed annexation, hereinafter referred to as the “project”; and

WHEREAS, in accordance with Title 22 of the California Code of Regulations Section 15074, the Commission has been presented with and duly considered an initial study assessing the impact of the project on the environment; and

WHEREAS, the Commission held a duly noticed public hearing on October 7, 2013 to consider the initial study and has determined that the project could not have a significant effect on the environment.

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

1. The Commission has read and considered the Executive Officer’s report and initial study prepared for the project in accordance with the provisions of CEQA.

2. The Commission finds the initial study shows there is no substantial evidence in the record as a whole that the project shall have any significant environmental impact. Any future indirect impacts identified in the initial study are reduced to less than significant environmental impact given existing mitigation measures adopted by the City of Napa as the affected land use authority and as specified in the initial study. The Commission therefore adopts each of the environmental findings set forth in the initial study and finds there is no significant impact on the environment that will result from the project.
3. The Commission hereby adopts a negative declaration for the project and finds this is based on its independent judgment and analysis.
4. The Executive Officer is the custodian of the records of these environmental proceedings on which this determination is based. The records upon which these findings and determination are made are located at the office of the Commission at 1030 Seminary Street, Suite B, Napa, California.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on October 7, 2013, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSTAIN: Commissioners

ABSENT: Commissioners

ATTEST: Peter Banning
Executive Officer

Recorded by: _____
Kathy Mabry
Commission Secretary

RESOLUTION NO. ____

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

**VALLEY GREEN LANE NO. 1 ANNEXATION TO THE
NAPA SANITATION DISTRICT**

WHEREAS, the Local Agency Formation Commission of Napa County, hereinafter referred to as the “Commission,” is responsible for regulating boundary changes affecting cities and special districts under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, an application by Dale James, landowner, proposing the annexation of territory to the Napa Sanitation District has been filed with the Commission’s Executive Officer, hereinafter referred to as “Executive Officer,” in a manner provided by law; and

WHEREAS, the Executive Officer reviewed said proposal and prepared a written report, including his recommendations thereon; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on said proposal; and

WHEREAS, the Commission considered all the factors required by law under Sections 56668 and 56668.3 of the California Government Code; and

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

WHEREAS, the Commission determined to its satisfaction 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, the Commission determined there to be no significant effect to the environment from the proposed annexation and adopted a negative declaration concerning this project at a hearing held on October 7, 2013.

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

1. The proposal is APPROVED.
2. This proposal is assigned the following distinctive short-term designation:

**VALLEY GREEN LANE NO. 1 ANNEXATION TO THE
NAPA SANITATION DISTRICT**

3. The affected territory is shown on the attached map and is more precisely described in the attached Exhibit "A".
4. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
5. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
6. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
7. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56663(c).
8. Recordation is contingent upon receipt by the Executive Officer of the following:
 - (a) A final map and geographic description of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization.
 - (b) Payment of any and all outstanding fees owed to the Commission and/or other agencies involved in the processing of this proposal.
 - (c) An indemnification agreement signed by the landowner in a form provided by Commission Counsel.
9. 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.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on the October 7, 2013, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSTAIN: Commissioners

ABSENT: Commissioners

ATTEST: Peter Banning
Executive Officer

Recorded by: _____
Kathy Mabry
Commission Secretary



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

General Policy Determinations

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

I. Background

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

II. General Policies

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

A) Legislative Declarations

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

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

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

B) Commission Declarations

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

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

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

(5) Encouragement of Reorganizations:

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

III. Policies Concerning Spheres of Influence

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

A) Legislative Declarations

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

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

B) General Guidelines for the Review of Spheres of Influence

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

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

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

C) City Spheres of Influence

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

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

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

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

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

D) Special District Spheres of Influence

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

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

- (4) Sphere of Influence as a Guide to Special District Annexations:
A special district's sphere of influence shall generally be used to guide annexations within a five-year planning period. Inclusion of land within a sphere of influence shall not be construed to indicate automatic approval of an annexation proposal; an annexation will be considered on its own merits with deference assigned to timing.

- (5) Joint Applications:
When an annexation is proposed outside a special district's sphere of influence, the Commission may consider both the proposed annexation and the necessary change in the sphere of influence at the same meeting. The change to the sphere of influence to include the affected territory, however, shall be considered and resolved prior to Commission action on the proposed annexation.

- (6) Cooperative Planning and Development Programs:
Spheres of influence shall be developed by the Commission in cooperation with any affected cities and the County.
 - a) The service area of a special district as delineated by the sphere of influence or other boundary adopted by the Commission should be recognized and considered as part of the planning and development programs of any affected district, city, and the County.

IV. Policies Concerning the County Of Napa

A) Location of Urban Development

- (1) Development of an urban character and nature should be located within areas designated as urban areas by the County General Plan in close proximity to a city or special district which can provide essential public services.

- (2) Urban development should be discouraged if it is apparent that essential services necessary for the proposed development cannot readily be provided by a city or special district.

- (3) The Commission shall review and comment, as appropriate, on the extension of services or the creation of new service providers to furnish services into previously unserved territory within unincorporated areas.

B) Use of County Service Areas and Community Services Districts

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

V. Policies Concerning Cities

A) Incorporations

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

B) Outside Service Agreements

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

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

VI. Policies Concerning Special Districts

A) In Lieu of New District Creation

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

B) Preference for Districts Capable of Providing All Essential Services

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

C) Establishing New Services or Divestiture of Existing Service Powers

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

D) Outside Service Agreements

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

VII. Policies Concerning Annexations

A) General Policies Concerning Annexations to a City

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

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

B) Policies Concerning Island Annexations

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

C) Policies Concerning Annexation of Municipally-Owned Land

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

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

D) Concurrent Annexation Policies

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

(1) City of Napa and Napa Sanitation District

a) Annexations to the District:

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

b) Annexations to the City:

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

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

a) Annexations to the District:

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

b) Annexations to the City:

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

(3) County Service Area No. 4

a) Annexations to Cities:

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



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

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Phone: (707) 259-8645
Fax: (707) 251-1053
www.napa.lafco.ca.gov

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

October 7, 2013
Agenda Item No. 7a (Action)

September 30, 2013

TO: Local Agency Formation Commission

FROM: Peter Banning, Acting Executive Officer
Brendon Freeman, Analyst

SUBJECT: Proposed Annexation of 820 Levitin Way to the City of Napa

The Commission will consider a proposal filed by the City of Napa to annex approximately 19.0 unincorporated acres comprising six municipally owned lots and a private driveway located at 820 Levitin Way. Staff recommends approval of the proposal with an amendment to concurrently detach the affected territory from County Service Area No. 4 along with standard conditions.

Local Agency Formation Commissions (LAFCOs) are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to regulate the formation and development of local governmental agencies and their municipal service areas. This includes approving or disapproving proposed changes of organization, such as boundary changes, consistent with adopted policies and procedures. Two or more of these actions tied to a single proposal are referred to as reorganizations. LAFCOs are authorized to exercise broad discretion in amending and conditioning changes of organization or reorganizations as long as such actions do not directly regulate land use or subdivision requirements.

A. Background

LAFCO of Napa County (“Commission”) has received a proposal from the City of Napa to annex approximately 19.0 acres comprising six entire unincorporated lots (18.6 acres) along with a private driveway (0.4 acres) located within an industrially developed area of south Napa County at 820 Levitin Way. Existing uses on the subject lots are dedicated to Napa’s materials diversion facility, which has been in operation at this location since 1994. The subject lots lie outside Napa’s adopted sphere of influence and are identified by the County of Napa Assessor’s Office as 057-110-049, 057-110-052, 057-110-065, 057-110-066, 057-110-067, and 057-110-068. The subject lots and private driveway are hereafter referred to as the “affected territory.”

Joan Bennett, Commissioner
Councilmember, City of American Canyon

Greg Pitts, Commissioner
Councilmember, City of St. Helena

Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

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

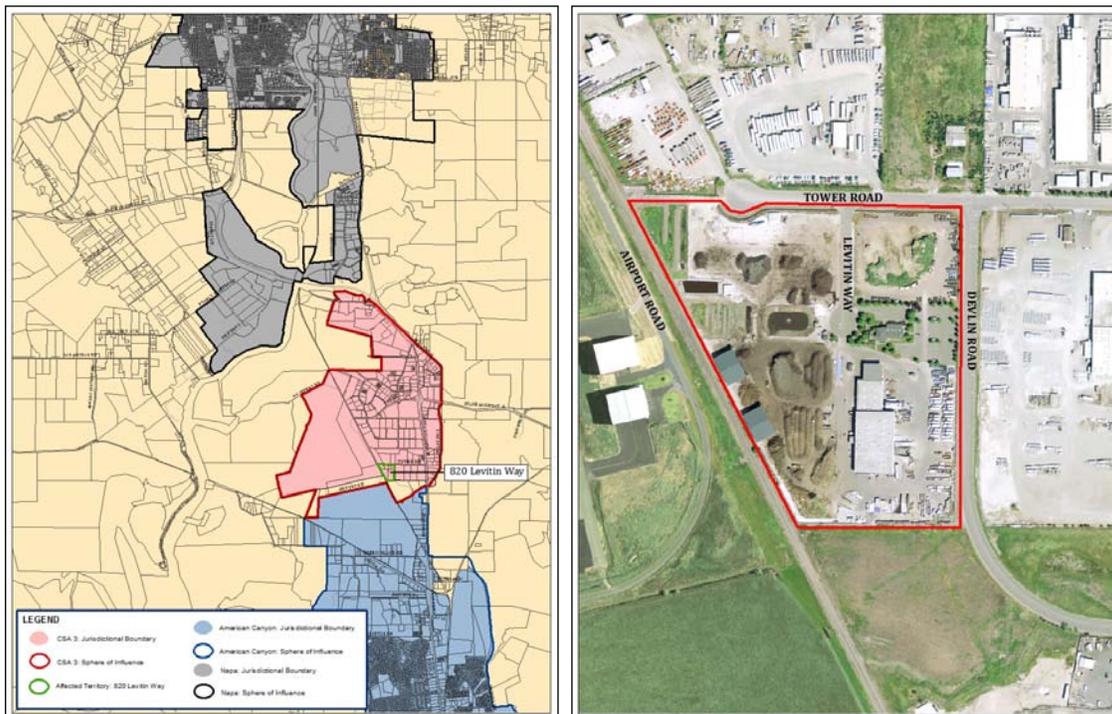
Peter Banning
Acting Executive Officer

Napa has purposefully filed the proposal under the provisions of Government Code (G.C.) Section 56742. This statute provides an exemption to the general requirement that all boundary changes are consistent with the affected agencies' spheres of influence. This statute allows cities to bypass the referenced consistency requirement and annex non-contiguous lands lying outside their spheres of influence if the land is less than 300 acres in total size and owned and used by the city for municipal purposes at the time of proposal initiation. The statute also includes a provision requiring automatic detachment if the land is sold by the city. Napa attests all these preconditions apply to the affected territory given it is non-contiguous to the City and currently developed with its materials diversion facility, which is used to remove reusable materials from curbside collected refuse.

B. Discussion

Proposal Purpose

Napa's materials diversion facility has been in operation at its current location since 1994 and the lots were purchased by the City in 2004. There is no other existing or planned development on the subject lots. The stated purpose of the proposal is to eliminate Napa's approximate \$50,000 annual property tax obligation for the affected territory along with allowing the City to pursue additional grant funding for capital improvements.



Commission Focus

The affected territory lies outside Napa’s sphere of influence and is non-contiguous to the City, factors generally precluding lands from annexation eligibility. The affected territory, however, is owned by Napa and used by the City for a municipal purpose. The site is therefore eligible for annexation under G.C. Section 56742 as described in the preceding section. The underlying consideration of the Commission, consequently, is whether the members collectively believe the proposed boundary change and application of the referenced exemption from consistency with the sphere is justified and supported relative to the review of the factors prescribed by the Legislature and contextualized through local policy.

C. Analysis

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

Local Policies / Discretionary Amendments

A review of the submitted application materials relative to the Commission’s adopted policies indicates consideration of two distinct amendments. These amendments – which are discretionary on the part of the Commission – involve (a) detaching the affected territory from (a) County Service Area (CSA) No. 3 and (b) CSA No. 4. An evaluation of these amendments follows.

Concurrent Detachment from CSA No. 3

The affected territory lies within CSA No. 3’s sphere of influence and jurisdictional boundary. Inclusion in the boundary provides the affected territory with CSA No. 3’s structural fire protection and street maintenance services, with the latter involving landscaping, cleaning, and lighting.¹ Commission policy and practice directs the membership to consider amending proposals to detach lands from CSA No. 3 upon annexation to American Canyon given the agencies’ overlapping service

¹ CSA No. 3 was formed in 1979 and is a dependent special district governed by the County Board of Supervisors. CSA No. 3 provides fire protection and miscellaneous street maintenance services through contracts with other public and private entities. These municipal services are entirely funded through two voter-approved special taxes. CSA No. 3’s jurisdictional boundary is approximately 2.7 square miles in size and comprises mostly commercial and industrial land uses along with a small number of preexisting single-family residences. The jurisdictional boundary is anchored by the Napa County Airport. CSA No. 3 has a current operating budget of \$5.4 million with an estimated 5.1 million square feet of total building space and approximately 13 residents.

responsibilities unless waived due to special circumstances. Although not explicit, it is reasonable to consider applying this policy statement to the proposal given similar circumstances if annexed to Napa. In this particular instance, while detachment from CSA No. 3 would be consistent with the stated goal of Napa to reduce its tax obligations, retaining the affected territory appears appropriate given the District remains the best and most logical provider of fire protection and street maintenance services going forward.

Recommendation: Do not amend the proposal to concurrently detach the affected territory from CSA No. 3.

Concurrent Detachment from CSA No. 4

The affected territory lies within CSA No. 4's sphere of influence and jurisdictional boundary. Inclusion within the boundary was established at the time of CSA No. 4's formation as a countywide mechanism to tax vineyard land for purposes of funding farmworker housing services. Commission policy requires that all annexations to cities be amended to include concurrent detachment from CSA No. 4 unless waived given special circumstances.^{2 3} The prescribed waiver involves a determination the affected territory has been, or is reasonably expected to be, developed to include planted vineyards totaling one acre or more in size. The six subject lots along Levitin Way comprise Napa's materials diversion facility and it is unlikely vineyards will be planted in the foreseeable future. There are also no vineyards within reasonable distance to the lots. There is no existing or expected tie between the affected territory and CSA No. 4's role in providing public farmworker housing services in Napa County.⁴

Recommendation: Amend the proposal to concurrently detach the affected territory from CSA No. 4.

² CSA No. 4 was formed in 2002 and includes all unincorporated territory along with certain incorporated territory located within the Cities of Calistoga, Napa, St. Helena, and Yountville. The intent and function of CSA No. 4 is to sponsor a voter-approved assessment on all assessor parcels within its jurisdiction containing one acre or more of planted vineyards to fund farmworker housing services.

³ Statement references Commission General Policy Determination VII/D/3(a).

⁴ As a supplement to the analysis, it has been the practice of the Commission to include a special approval condition to certain city annexations to require the affected city to file a proposal to re-annex land back to CSA No. 4 if a vineyard of one acre or more in size is allowed in the future. This special condition has been applied as a funding safeguard for CSA No. 4 involving lands that have been previously planted with a vineyard and/or lie in an area in which vineyards are prevalent. None of these factors apply to the recommended annexation boundary and, accordingly, a special approval condition is not needed.

Legislature Policies / Mandated Factors

G.C. Section 56668 requires the Commission to consider 15 specific factors anytime it reviews proposals for change of organization or reorganization involving cities. The majority of the prescribed factors focus on the impacts of the proposed boundary changes on the service and financial capacities of the affected agencies. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs in considering boundary changes in context of locally adopted policies and practices. Staff has incorporated into the review the recommended amendment as detailed in the preceding section to concurrently detach the affected territory from CSA No. 4.

No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs in considering boundary changes in context to locally adopted policies and practices.

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

The affected territory is non-contiguous to Napa and lies within the industrial area anchored by the Napa County Airport. The affected territory is 19.0 acres in total size and developed with Napa's materials diversion facility. The affected territory is legally uninhabited given there are no registered voters based on the most recent list provided by County Elections. Topography is relatively flat with a peak elevation of 53 feet above sea-level. There are no natural drainage basins within proximity of the affected territory. The current assessment value for the six subject lots totals \$4,118,904.⁵ Neighboring uses include the Napa County Airport across the Southern Pacific Railroad tracks to the west, a vacant industrial property to the south, a concrete pipe manufacturer to the east across Devlin Road, and two trucking companies across Tower Road to the north.

Proposal approval is not expected to facilitate any new development within the affected territory given Napa's existing ownership and use of the subject lots as part of its refuse operations. Development opportunities for adjacent areas are limited to one parcel immediately north and one parcel immediately south of the affected territory given all other neighboring lots are already developed to their maximum allowance under the County's land use policies.

⁵ Individual assessed values for each of the six lots are as follows: 057-110-049 at \$44,533; 057-110-052 at \$17,358; 057-110-065 at \$34,118; 057-110-066 at \$27,773; 057-110-067 at \$3,892,469; and 057-110-068 at \$102,653.

(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.

The core municipal services needed within the affected territory based on its present and anticipated industrial land uses are limited to sewer, water, fire protection/emergency medical, and law enforcement. An analysis of the availability and adequacy of these core municipal services relative to existing and projected needs if the proposal – with or without the recommended amendment – is approved follows.

- ***Sewer Services***

The affected territory lies within American Canyon’s Commission-defined extraterritorial sewer service area established in October 2007. American Canyon reports sewer demands generated for the affected territory are limited to domestic waste only and total approximately 1,455 gallons per day.⁶ The Commission’s recent municipal service review on the southeast county region noted American Canyon has generally developed adequate sewer infrastructure and facility capacities in addressing current and future needs through 2020. This includes recently expanding the capacity of its treatment facility to accommodate average dry weather daily flows of 2.5 million gallons and peak wet weather daily flows of 5.0 million gallons.

- ***Water Services***

The affected territory lies within American Canyon’s Commission-defined extraterritorial potable water service area established in October 2007. American Canyon’s contracted potable water supplies currently provide a reliable annual yield of 5,351 acre-feet under normal conditions.⁷ The current annual demand recorded and adjusted to account for recently approved annexations totals 4,660 acre-feet.⁸ These existing demands result in an available surplus of 691 acre-feet under normal conditions. American Canyon estimates the annual potable water demand for the affected territory is 12.6 acre-feet; an amount representing approximately 11,200 gallons per day. The Commission’s recent municipal service review on the southeast county region noted American Canyon has generally developed adequate water infrastructure and facility capacities in addressing current and future needs under normal conditions through 2020.

⁶ The materials diversion facility includes 97 employees generating approximately 15 gallons of domestic wastewater per employee per day. The affected territory is prohibited from producing any non-domestic discharge types.

⁷ American Canyon contracts for annual water supplies with Napa County Flood Control and Water Conservation District and City of Vallejo. The reliable yield estimate assumes American Canyon will receive 70% of its entitlement through the State Water Project and 100% of its entitlement from Vallejo.

⁸ The most recent recorded total water demand was 3,953 acre-feet. This amount has been adjusted to account for estimated water demands associated with recent annexation approvals that are expected to generate an additional annual water demand of 707 acre-feet.

- ***Fire Protection and Emergency Medical Services***

The affected territory is located within CSA No. 3's jurisdictional boundary and presently receives structural fire protection services from the District. As recommended, annexation of the affected territory would not transfer fire protection and emergency medical service responsibilities from CSA No. 3 to Napa given that the proximity to the nearest fire station – CSA No. 3's Greenwood Ranch at 1.9 road miles from the affected territory – suggests the District is the more appropriate service provider. No deficiencies were identified in the Commission's recent municipal service review on the southeast county region with respect to CSA No. 3 responding to service calls within the affected territory and surrounding areas. Approval of the proposal would therefore have no effect on fire protection and emergency medical service provision for the affected territory.

- ***Law Enforcement Services***

The affected territory receives law enforcement services from the County Sheriff Department with its main office located approximately 2.5 road miles away at 1535 Airport Boulevard. American Canyon presently provides second-response law enforcement services to the affected territory as part a mutual aid agreement with the County with the City's police station located 3.6 miles away at 911 Donaldson Way East. No deficiencies were identified in the Commission's recent municipal service review on countywide law enforcement services with respect to the County and American Canyon responding to service calls within the affected territory and surrounding areas. Approval of the proposal would therefore have no effect on law enforcement service provision for the affected territory.

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

The proposal would have an advantageous effect in memorializing existing social and economic ties between the affected territory and Napa. These ties are drawn from Napa owning and utilizing the affected territory since 2004 as the City's materials diversion facility. The recommendation to amend the proposal to concurrently detach the affected territory from CSA No. 4 would also reflect the social and economic ties underlying the District's operations. Detachment would support CSA No. 4's logical development by removing incorporated land designated for urban type use that does not have a substantive and direct tie to the District's role in funding public farmworker housing services.

(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 generally conforms to the adopted policies and practices of the Commission with the exception of the affected territory lying outside Napa's adopted sphere of influence, the probable future service area and jurisdictional boundary of the City as determined by the Commission. However, and as previously referenced, the affected territory is eligible for annexation without a concurrent sphere of influence amendment under G.C. Section 56742 given that it is non-contiguous to Napa and the City owns and uses it for a municipal purpose. The Commission has previously utilized this statute for similar purposes of providing cost-savings to agencies.⁹ The affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377. Specifically, the affected territory is not substantially unimproved and devoted to an open-space use under the County or City General Plan.

The recommended amendment to concurrently detach the affected territory from CSA No. 4 enhances the conformity of the proposal relative to the directives and policies of the Commission as detailed in the preceding sections.

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

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

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

The proposal as submitted is generally parcel-specific and includes six entire subject lots identified by the County of Napa Assessor's Office as 057-110-049, 057-110-052, 057-110-065, 057-110-066, 057-110-067, and 057-110-068 along with a private driveway identified as Levitin Way. Commission approval would include a term requiring the applicant submit a map and geographic description of the approved action in conformance with the requirements of the State Board of Equalization. The submitted map and geographic description would be subject to review and possible edits by the Executive Officer before filing.

⁹ The most recent application of G.C. Section 56742 applied by the Commission involved the annexation of approximately 33 acres to Napa as part of the Trancas Crossing Park Reorganization for purposes of developing a municipal park. Trancas Crossing Park Reorganization was approved by the Commission in February 2010.

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

The County General Plan designation for the affected territory is *Industrial* and prescribes an environment exclusively for and conducive to the development and protection of a variety of industrial uses, such as warehouses, manufacturing, wineries, and food processing facilities that are industrial in character. Napa recently pre-zoned the affected territory *Public Quasi Public: Airport Compatibility*, which provides for public and quasi-public uses dedicated to community serving purposes, such as government offices, community service facilities, schools, and community health facilities. Existing uses associated with the affected territory are consistent with these industrial land use categories established under both the County and Napa.

The Metropolitan Transportation Commission's regional transportation plan (RTP) was updated in April 2009 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2035. No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

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

See analysis on pages three and eight.

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

Staff provided notice of the proposal to all subject agencies and other interested parties as required under LAFCO law on December 14, 2012. The review included a summary of potential amendments to the proposal based on the Commission's adopted policies and established practices. This included the explicit potential for amending the proposal to concurrently detach the affected territory from CSA No. 3 and/or CSA No. 4. No 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.

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

- **General Fund**

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

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

Dollars in Millions / Amounts as of July 1st

The recent economic recession and corresponding stagnation of general tax revenues paired with increasing service costs underlie Napa’s recent and ongoing structural imbalance. Recent administrative measures taken by Napa – including reducing employment levels by 40 fulltime positions and eliminating cost-of-living adjustments over the last four years – have helped to stabilize the imbalance and decrease the demand on reserves to cover annual operating costs. Approval of the proposal is not expected to have a fiscal impact on Napa.

The recommendation to amend the proposal to also include concurrent detachment from CSA No. 4 will have no financial impact given the affected territory is not on the District’s assessment roll.

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

As noted on page six, American Canyon’s water supplies are drawn from two contracted sources: 1) State Water Project and 2) City of Vallejo. The Commission’s recent municipal service review on the southeast county region reports American Canyon’s current reliable annual water supply generated from these two sources totals 5,351 acre-feet under normal conditions. In comparison, current annual demands are projected to total 4,660 acre-feet, resulting in an available surplus of 691 acre-feet to accommodate new usage. The annual water demand tied to the affected territory is estimated at 12.6 acre-feet and represents 0.3% of the citywide amount.

(12) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.

The proposal would not impact any local agencies in accommodating their regional housing needs. The affected territory is designated and zoned for industrial purposes and therefore not assigned any housing units from the region’s council of governments, the Association of Bay Area Governments.

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

Napa is the landowner and applicant of the proposal. There are no registered voters or residents within the affected territory.

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

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

Category	County of Napa	City of Napa
Land Use Designation	Industrial	n/a
- Minimum Lot Size	0.5 to 40 acres *	n/a
Zoning Standard	General Industrial: Airport Compatibility	Public-Quasi Public: Airport Compatibility
- Minimum Lot Size	0.46 acres	n/a
- Permitted Uses	warehouses manufacturing storage facilities food processing facilities	community service facilities public/private schools water/sewer treatment facilities community health facilities

* Minimum lot size for lands zoned Industrial by the County varies based on proximity and access to utilities, airport, highways, rail service, and service roads.

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

Proposal approval as recommended would promote environmental justice given it would support the location and operation of refuse activities away from established population centers.

Other Considerations

- ***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 applies to this proposal even though there would be no property taxes generated for the affected territory if annexed to Napa given the City is the landowner. Accordingly, Napa and the County have agreed by resolution of their respective boards to a property tax exchange agreement applicable to the proposed action. The agreement specifies Napa shall receive 100% of the County's existing portion of property tax revenues generated from the affected territory. However, in the event the affected territory is sold by Napa, the City and the County would be required to agree by resolution of their respective boards to a renegotiated property tax exchange agreement.

- ***Environmental Review***

Napa serves as lead agency for the proposal under the California Environmental Quality Act (CEQA). Towards this end, Napa has determined the proposal qualifies as a "project" under CEQA and has accordingly prepared an initial study assessing the environmental impacts associated with the proposal given the affected territory could be further divided under the City's adopted land use policies. The initial study concludes the project will not generate any new direct or indirect significant impacts.

The Commission serves as responsible agency for the proposal. Staff has reviewed the aforementioned initial study and believes Napa has made an adequate determination the annexation tied to the underlying service plan will not introduce any significant environmental impacts. A copy of the initial study is included in Attachment One.

D. Recommendation

The timing of the proposed annexation of 820 Levitin Way relative to the factors required by statute and policy for consideration appears appropriate. An amendment to detach the affected territory from CSA No. 4 would enhance the proposal consistent with local circumstances with the key premise the membership continues to believe annexing lands to cities under G.C. Section 56742 is an appropriate and logical expansion of municipal boundaries and service powers. It is also recommended the following conditions of approval be applied with delegation to the Executive Officer to determine when the requested actions have been sufficiently satisfied before proceeding with a recordation.

- Submittal of a final map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization.

- Payment of any outstanding fees owed to other agencies involved in the processing of this proposal as identified in the Commission's adopted fee schedule.

E. Alternatives for Commission Action

Staff has identified three options for Commission consideration with respect to the proposal. These options are summarized below.

Alternative Action One (Recommended):

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

Alternative Action Two:

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

Alternative Action Three:

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

F. Procedures for Consideration

This item has been agenzized for consideration as part of a noticed public hearing. The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from staff;
- 2) Discuss item and – if appropriate – close the hearing and consider action on recommendation.

Respectfully submitted,

Peter Banning
Acting Executive Officer

Brendon Freeman
Analyst

Attachments:

- ~~1) Negative Declaration and Initial Study: Material Diversion Facility Annexation and Pre-Zoning~~
- 2) Application Materials
- 3) Draft Resolution Approving the Proposal

All attachments are available under "Staff Reports"

RECEIVED

DEC 12 2012

NAPA COUNTY
LAFCO

FORM D

Date Filed:

12/12/12

Received By:

BF

JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization

I. APPLICANT INFORMATION

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

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

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

B. Applicant Type:
(Check One)

Local Agency

Registered Voter

Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies:

Name	Address

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)

REQUEST ANNEXATION OF THE 18.60
ACRES THAT COMPRISE THE MATERIALS
DIVERSION FACILITY LOCATED AT
820 LEVITIN WAY.

III. GENERAL INFORMATION

A. Location:

	<u>820 LEVITT WAY</u>	<u>BELOW</u>	<u>18.60</u>
	Street Address	Assessor Parcel Number	Acres
	<u>057.110.049,</u>	<u>057.110.052</u>	<u>AND</u>
	Street Address	Assessor Parcel Number	Acres
	<u>057-110-065,</u>	<u>066,</u>	<u>067 AND 068.</u>
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres

Total Location Size
(Including Right-of-Ways) _____

B. Landowners:

(1) Assessor Parcel Number : SEE ABOVE Name: CITY OF NAPA
 Mailing Address: PO BOX 660 NAPA CA 94559
 Phone Number: 257.9520 E-mail: JFREITAS@CITYOFNAPA.ORG

(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: N/A

(2) Total Number of Registered Voters: N/A

D. Land Use Factors:

- (1a) County General Plan Designation: INDUSTRIAL
- (1b) County Zoning Standard: GI: AC
- (2a) Applicable City General Plan Designation: _____
- (2b) Applicable City Rezoning Standard: PQ-P: AC

E. Existing Land Uses:
(Specific)

MATERIALS DIVERSION FACILITY

F. Development Plans:

- (1a) Territory Subject to a Development Project? Yes No
- (1b) If Yes, Describe Project: _____

- (1c) If No, When Is Development Anticipated? ALREADY DEVELOPED

G. Physical Characteristics:

- (1) Describe Topography: FLAT SITE THAT IS DEVELOPED WITH INDUSTRIAL BLDGS AND PAVEMENT
- (2) Describe Any Natural Boundaries: _____

- (3) Describe Soil Composition and Any Drainage Basins: _____

- (4) Describe Vegetation: N/A

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:

N/A

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

N/A

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

N/A

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

N/A

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

N/A

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

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

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

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

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

Use Additional Sheets As Needed

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

(1) Recipient Name: JEFF FREITAS, REAL ESTATE MANAGER
Mailing Address: PO BOX 660 NAPA CA 94559
E-Mail: JFREITAS@CITYOFNAPA.ORG

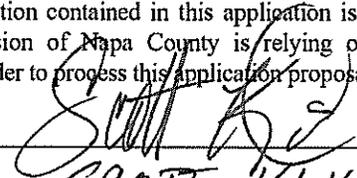
(2) Recipient Name: KEVIN MILLER, MATERIALS DIVERSION ADMIN.
Mailing Address: PO BOX 660, NAPA CA 94559
E-Mail: KMILLER@CITYOFNAPA.ORG

(3) Recipient Name: _____
Mailing Address: _____
E-Mail: _____

VII. CERTIFICATION

I certify the information contained in this application is correct. I acknowledge and agree the Local Agency Formation Commission of Napa County is relying on the accuracy of the information provided in my representations in order to process this application proposal.

Signature:



Printed Name:

SCOTT KLINGBELL

Title:

SENIOR PLANNER

Date:

12/12/12

GEOGRAPHIC DESCRIPTION

That portion of land within Sections 11 and 12, Township 4 North, Range 4 West, Mount Diablo Base and Meridian in the County of Napa, State of California, more particularly described as follows:

Beginning at a point on the eastern line of the Right of Way of the Napa Branch of the Southern Pacific Railroad Company as described in the Decree of Preliminary Distribution (Ex Parte) of the estate of Helen Levitin recorded October 30, 1986 in Book 1476 of Deeds at Page 610 of Official Records of Napa County, said point also being the northwesterly corner of Lot 1 as shown on the map entitled "Final Map of Epstein-Levitin Subdivision" filed May 15, 1991 in Book 18 of Maps, at pages 37-39 inclusive in the office of the Napa County Recorder, as amended by Certificate of Correction recorded July 10, 1992 as Series Number 1992 022949 of Official Records of Napa County, and as amended by Certificate of Correction recorded August 25, 1993 as Series Number 1993 026888 of Official Records of Napa County; thence

Course 1. South 88°52'35" East 306.63 feet along the northerly line of said Lot 1 to a point on the right-of-way line of Tower Road, said right-of-way line being a non-tangent curve concave easterly having a radius of 65.00 feet, a radial line to said point bears North 88°52'35" West; thence

Course 2. Southeasterly, easterly, and northeasterly along said curve and right-of-way line through a central angle of 129°16'05" an arc distance of 146.65 feet (chord bearing South 63°30'38" East a distance of 117.47 feet) to a reverse curve concave southeasterly having a radius of 90.00 feet; thence

Course 3. Northeasterly and easterly along said reverse curve and right-of-way line through a central angle of 39°16'05" an arc distance of 61.68 feet (chord bearing North 71°29'22" East a distance of 60.48 feet); thence

Course 4. South 88°52'35" East 667.17 feet along the southerly right-of way line of Tower Road to the northeasterly corner of Lot 8 as shown on said map; thence

Course 5. South 1°06'45" West 1,019.97 feet to the southeasterly corner of Lot 5 as shown on said map; thence

Course 6. North 89°20'05" West 571.82 feet to a point on said eastern line of the Right of Way of the Napa Branch of the Southern Pacific Railroad Company, said point also being the southwesterly corner of Lot 4 as shown on said map; thence

Course 7. North 27°04'15" West 1,196.51 feet along said eastern line to the point of Beginning.

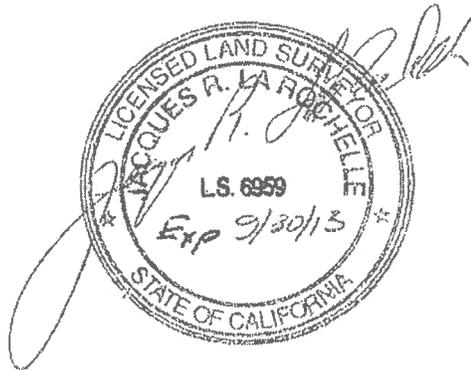
EXCEPTING THEREFROM the following:

All that portion of Lot 8 as shown on said map as granted to the County of Napa by deed recorded April 22, 1994 as Series Number 1994 013796 of Official Records of Napa County.

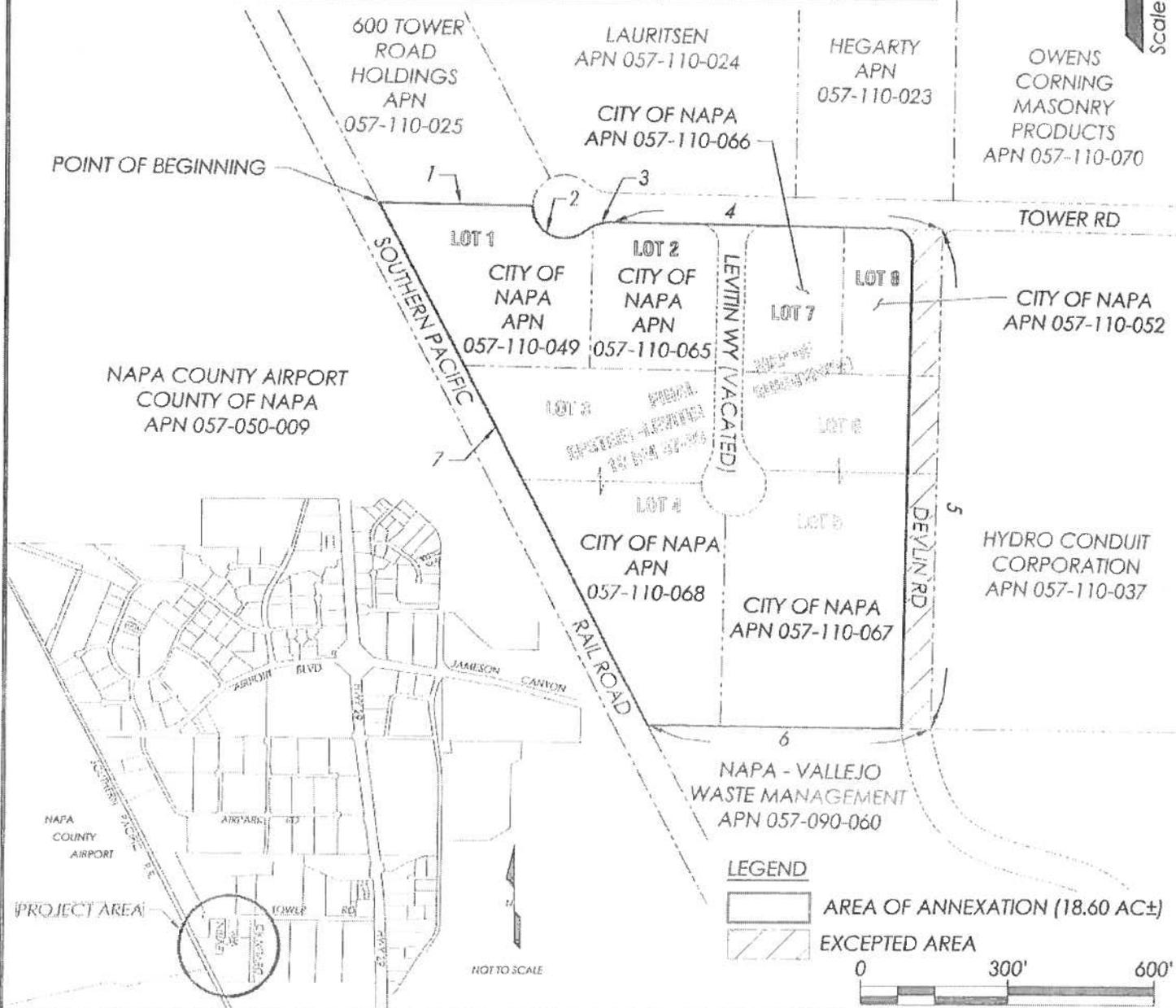
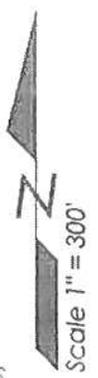
ALSO EXCEPTING THEREFROM the following:

All those portions of Lots 5 and 6 as shown on said map as offered to the County of Napa by irrevocable dedication recorded August 26, 1992 as Series Number 1992 028418 of Official Records of Napa County.

Total computed acreage containing 18.60 acres more or less.



Course #	Bearing	Delta	Radius	Length	Chord Direction	Chord
1	S88° 52' 35"E	-	-	306.63'	-	-
2	-	129° 16' 05"	65.00'	146.65'	S63° 30' 38"E	117.47'
3	-	39° 16' 05"	90.00'	61.68'	N71° 29' 22"E	60.48'
4	S88° 52' 35"E	-	-	667.17'	-	-
5	S1° 06' 45"W	-	-	1019.97'	-	-
6	N89° 20' 05"W	-	-	571.82'	-	-
7	N27° 04' 15"W	-	-	1196.51'	-	-



CITY OF NAPA

PUBLIC WORKS DEPARTMENT

TITLE
MATERIALS DIVERSION FACILITY LAFCO EXHIBIT
 POR. SECTIONS 11 & 12, T.4 NORTH, R.4 WEST, M.D.B.&M

DRAWN BY: T.A.B.
 DATE: 1/4/2012
 SCALE: 1" = 300'
 FIELD NOTES:

CHECKED BY: M.P.A.
 APPROVED BY: M.P.A.
 DRAWING NO. 1 OF 1

Standard Indemnification Agreement

Name of Proposal: Materials Diversion Facility

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

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

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

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

[Signature]
City/District Representative

JEFF FREITAS
Print Name

1/30/13
Date

Principal Landowner Signature

Print Name

Date

RESOLUTION NO. _____**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MAKING DETERMINATIONS****LEVITIN WAY NO. 1 REORGANIZATION**

WHEREAS, an application of the City of Napa, by resolution, proposing the annexation of territory to the City of Napa has been filed with the Executive Officer of the Local Agency Formation Commission of Napa County, hereinafter referred to as the “Commission”, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the Executive Officer reviewed the proposal and prepared a report with recommendations; and

WHEREAS, the proposal and the Executive Officer’s report 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 October 7, 2013; and

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

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

1. As responsible agency under the California Environmental Quality Act, the Commission has considered the initial study and corresponding determination by the City of Napa the proposal will not generate any new significant effects on the environment. The Commission concurs with the City’s determination and finds the annexation will not introduce any new considerations. The Commission further finds that projects, as they become known, will be subject to environmental review as they are developed. The Executive Officer, accordingly, shall file a notice of determination with the County of Napa Clerk-Recorder’s Office memorializing the findings of the Commission. The records upon which these findings and determination are made are located at the office of the Commission at 1030 Seminary Street, Suite B, Napa, California 94559.
2. The City of Napa currently owns and uses the affected territory for a municipal purpose.
3. The affected territory is non-contiguous to the City of Napa.
4. The affected territory is located outside the City of Napa’s sphere of influence.
5. The affected territory is eligible for annexation without requiring a concurrent sphere of influence amendment under Government Code Section 56742.
6. The proposal is APPROVED with the following modification:
 - a) The affected territory is concurrently detached from County Service Area No. 4.

7. The proposal is assigned the following distinctive short-term designation:

LEVITIN WAY NO. 1 REORGANIZATION

- 8. The affected territory is depicted in the vicinity map provided in Exhibit "A".
- 9. The affected territory is uninhabited as defined in Government Code Section 56046.
- 10. The City of Napa utilizes the regular assessment roll of the County of Napa.
- 11. Upon effective date of the proposal, the affected territory will be subject to all previously authorized charges, fees, assessments, and taxes that were lawfully enacted by the City of Napa. The affected territory will also be subject to all of the rates, rules, regulations, and ordinances of the City of Napa.
- 12. The Commission authorizes conducting authority proceedings to be waived in accordance with Government Code Section 56663.
- 13. Recordation is contingent upon receipt by the Executive Officer of the following:
 - (a) A final map and geographic description of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization.
 - (b) Payment of any and all outstanding fees owed to the Commission and/or other agencies involved in the processing of this proposal.
- 14. The effective date shall be the date of recordation of the Certificate of Completion.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 7, 2013, by the following vote:

AYES:	Commissioners	_____	ATTEST:	Peter Banning Acting Executive Officer
NOES:	Commissioners	_____		
ABSTAIN:	Commissioners	_____	Recorded by:	_____
ABSENT:	Commissioners	_____		Kathy Mabry Commission Secretary



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Subdivision of the State of California

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

October 7, 2013

Agenda Item No. 7b (Action)

October 1, 2013

TO: Local Agency Formation Commission

FROM: Jacqueline Gong, LAFCO Counsel

SUBJECT: Approval of Budget Amendment for Executive Officer Recruitment

At its August 26, 2013 special meeting, the Commission discussed options to fill the vacancy in the agency's Executive Officer position and ultimately determined to retain Napa County Human Resources to conduct the recruitment, which is estimated to cost approximately \$14,000. The Commission ended the 2012-2013 fiscal year with a \$19,101 operating surplus which was carried over into the agency reserve fund, resulting in an available reserve fund balance totaling \$137,623. Monies may be appropriated from the reserve fund to cover the recruitment costs.

A. Alternatives for Action

The following alternative actions are available to the Commission.

Alternative Action One:

Approve an amendment to the current fiscal year budget to increase appropriations for the Special Departmental Expense Account (Account No. 56300) by \$14,000 using available fund balance from prior years to cover the recruitment costs for the Executive Officer position and direct Commission Counsel to pursue with the County Auditor-Controller the necessary steps for implementing this budget appropriation.

Alternative Action Two:

Continue the item to the next regular meeting and provide direction to staff with respect to providing additional information as needed.

B. Recommendation

It is recommended the Commission take the actions provided in Alternative One above.

Respectfully submitted,

Jacqueline Gong
Commission Counsel

Joan Bennett, Commissioner
Councilmember, City of American Canyon

Greg Pitts, Commissioner
Councilmember, City of St. Helena

Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

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

Peter Banning
Acting Executive Officer



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

October 7, 2013
Agenda Item No. 7c (Action)

October 1, 2013

TO: Local Agency Formation Commission

FROM: Jacqueline Gong, LAFCO Counsel

SUBJECT: **Approval of Budget Amendment for a Contract for Interim Executive Officer Services**

At its September 23, 2013 special meeting, the Commission contracted with Peter Banning to provide interim Executive Officer services. The Commission will consider reallocating appropriations in the amount of \$48,000 from the Salaries and Wages Account to the Consulting Services Account to cover the payment of contract costs.

A. Alternatives for Action

The following alternative actions are available to the Commission.

Alternative Action One:

Approve an amendment to the current fiscal year budget to reallocate appropriations in the amount of \$48,000 from the Salaries and Wages Account (Account No. 51100) to the Consulting Services Account (Account No. 52310) to cover the estimated costs associated with the contract for Peter Banning and direct Commission Counsel to pursue with the County Auditor-Controller the necessary steps for implementing this budget appropriation.

Alternative Action Two:

Continue the item to the next regular meeting and provide direction to staff with respect to providing additional information as needed.

B. Recommendation

It is recommended the Commission take the action provided in Alternative One above.

Respectfully submitted,

Jacqueline Gong
Commission Counsel

Joan Bennett, Commissioner
Councilmember, City of American Canyon

Greg Pitts, Commissioner
Councilmember, City of St. Helena

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

October 7, 2013

Agenda Item No. 8a (Discussion)

September 30, 2013

TO: Local Agency Formation Commission

FROM: Peter Banning, Acting Executive Officer
Brendon Freeman, Analyst

**SUBJECT: Municipal Service Review on the Central County Region:
Draft Section on City of Napa**

The Commission will review a draft section of its scheduled municipal service review on the central county region specific to the City of Napa. The draft section examines the availability and adequacy of municipal services provided by Napa in the context of the Commission's mandates to facilitate orderly growth and development and will serve as the source document to inform a pending sphere of influence update. The draft section is being presented for discussion and feedback in anticipation of preparing a final version for future action.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") directs Local Agency Formation Commissions (LAFCOs) to prepare municipal service reviews every five years to inform their other planning and regulatory activities. This includes, most notably, preparing and updating all local agencies' spheres of influence as needed. Municipal service reviews vary in scope and can focus on a particular agency, service, or geographic region as defined by LAFCOs. Municipal service reviews may also lead LAFCOs to take other actions under its authority such as forming, consolidating, or dissolving one or more local agencies. Municipal service reviews culminate with LAFCOs making determinations on a number of factors that include addressing infrastructure needs or deficiencies, growth and population trends, and financial standing as required by California Government Code (G.C.) Section 56430.

A. Discussion

Central County Region Study

Consistent with LAFCO of Napa County's ("Commission") adopted study schedule, staff has initiated work on a municipal service review focusing on the central county region; an area defined by the Executive Officer to encompass all lands extending south to Soscol Ridge, west to Congress Valley, north to Oak Knoll, and east to Silverado. The

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County of Napa Supervisor, 1st District

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Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Peter Banning
Acting Executive Officer

principal objective of the municipal service review is to develop and expand the Commission's knowledge and understanding of the current and planned provision of municipal services provided within the region relative to present and projected needs throughout the county. This includes evaluating the availability and adequacy of municipal services provided – directly or indirectly – by the four principal local service providers operating in the central county region subject to Commission oversight. These agencies include: (a) City of Napa; (b) Napa Sanitation District; (c) Congress Valley Water District; and (d) Silverado Community Services District. The Commission will use the municipal service review to inform its decision-making as it relates to performing future individual sphere updates for each of the affected agencies as well as evaluating future jurisdictional changes throughout the county.

Preparation of Central County Region Study

It was staff's original intention to prepare a complete draft report on the municipal service review – including a regional overview paired with individual profiles on all four affected agencies – for Commission and public review. However, and in consultation with the affected agencies, staff has revised its initial work plan to prepare and present the report in two distinct and sequential phases. The first phase involves preparing the municipal service review section specific to the City of Napa. The second phase involves preparing the municipal service review sections specific to Napa Sanitation District, Congress Valley Water District, and Silverado Community Services District. The underlying purpose in phasing the municipal service review is to enable the Commission to focus its attention first on the service and governance issues tied to Napa given that its subsequent sphere of influence update will presumably help inform the updates of the other three regional agencies included in the study. Phasing also accommodates an anticipated joint request from the County and Napa to add the Napa Pipe site to the City's sphere of influence by or near the new calendar year.

Draft Section on Napa

Consistent with the preceding comments, the first phase of the municipal service review is attached to this agenda report and represents the draft section on Napa. The draft section is divided into eight subsections – overview, formation and development, adopted jurisdictional boundary, sphere of influence, demographics, organizational structure, municipal services, and financial standing – and culminating with determinative statements addressing all of the factors required for consideration under CKH. The draft section is being presented to the Commission for their initial review and feedback before a formal public review period commences and a final document is presented for action as early as the December meeting.

B. Summary

With regard to central issues identified in the draft section, information independently collected and analyzed indicates Napa's municipal services appear effectively managed and largely responsive to meeting current and projected community needs. Specific areas of interest to the Commission relative to its mandates and policy interests are memorialized in the determinations section and include the following pertinent conclusions.

- Napa has experienced a moderate growth rate of 5.3% over the last 10 years, producing an overall population of 77,881. It is reasonable to assume this recent rate will continue going forward and raise Napa's population to 81,771 by 2023; an amount that falls nearly 10% below the 90,000 amount contemplated in the Napa General Plan by 2020.
- Napa's housing supply has exceeded demand over the last 10 years based on a one-third increase in vacancy rate from 7.8% to 10.7%. This escalating vacancy rate, nonetheless, remains relatively low compared to similarly sized cities in the greater region and suggests Napa has a reasonable balance in its housing supply and demand.
- Development activity in Napa is steadily rising as measured by the one-fifth increase in applications filed with the Planning Division over the last five years. This increase in activity suggests Napa may need to revisit its earlier decision to decrease staffing within its Planning and Building Divisions to appropriately accommodate and guide development going forward.
- Napa's existing water supplies appear collectively reliable in meeting the City's current and projected demands under normal and multiple dry year conditions, but insufficient by a small margin during critical single dry year conditions. The current annual deficit is estimated at 158 acre-feet or 51.5 million gallons for single dry year conditions.
- Napa requires the addition of 20 acre-feet or 6.5 million gallons of potable storage capacity to independently meet current and projected maximum day demands in its service area to protect against pressure losses and service interruptions during high usage periods.
- Public safety service provision appears adequate based on response times and other quantifiable measurements detailed in the draft section. Notable exceptions involve fire and emergency medical responses where service demands in the outer Browns Valley area are approaching and – depending on traffic demands – exceeding the five minute standard adopted by the City Council.

- Napa has finished the last fiscal year in relatively good financial standing as measured by its high liquidity and capital ratios. These ratios provide assurances Napa has sufficient resources to meet short- and near-term financial obligations as highlighted by net assets exceeding long-term liabilities by over seven-to-one.
- Napa has reduced its structural budget deficit over the last five years by 90% as shown by a reduction of its operating margin from (12.8%) in 2008 to (1.4%) in 2012.
- There is an existing governance disconnect between the boundary of the City of Napa and its historical water service area given that the latter extends significantly beyond the City's incorporated area and sphere of influence. The Commission should consider options to reconcile this existing disconnect relative to local conditions as part of a future sphere of influence review either in the pending or subsequent update cycle.

C. Commission Review

Commissioners are encouraged to discuss and provide feedback on the draft section prepared on Napa. Specific feedback is respectfully requested as it relates to areas of additional analysis. Unless otherwise directed, staff will initiate a 30-day public comment period on the Napa section with the expectation of returning with a complete and final section for approval by the Commission as early as its next regular meeting.

Attachment:

~~1) Central County Region Municipal Service Review: Draft Section on City of Napa~~

Attachment available on "Staff Reports" page



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

October 7, 2013

Agenda Item No. 8b (Information)

September 30, 2013

TO: Local Agency Formation Commission
FROM: Peter Banning, Acting Executive Officer
SUBJECT: Legislative Report

The Commission will receive a status report on the first half of the 2013-2014 session of the California Legislature as it relates to items directly or indirectly effecting Local Agency Formation Commissions. The report is being presented for information only.

Local Agency Formation Commissions (LAFCOs) are political subdivisions of the State of California tasked with providing regional growth management services in all 58 counties. LAFCOs' duties and powers have increasingly expanded since their creation in 1963 as more than 200 bills have been subsequently enacted and resulting in two distinct responsibilities: regulating the physical development of cities and special districts and informing such decisions through mandated planning activities.

A. Background

The California Association of LAFCOs or "CALAFCO" was established in 1971 to assist all 58 commissions in fulfilling their prescribed regulatory and planning duties. This includes serving as an advocacy resource in proposing and/or reviewing new legislation and facilitated through an appointed 16-member Legislative Committee. The Committee meets on a regular basis to review, discuss, and offer recommendations to the CALAFCO Board of Directors with regard to new legislation that would have either a direct impact on LAFCO law or laws LAFCO helps to administer. Committee actions are guided by the Board's adopted policies, which are annually reviewed and amended to reflect current year priorities. LAFCO of Napa County ("Commission") currently has one appointed representative on the Committee: Juliana Inman.

B. Commission Review

Attached is a legislative report from CALAFCO summarizing proposed legislation that may be pertinent to LAFCOs.

Attachments:

- 1) CALAFCO Legislative Update and Policies

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Councilmember, City of American Canyon

Greg Pitts, Commissioner
Councilmember, City of St. Helena

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Councilmember, City of Napa

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Peter Banning
Acting Executive Officer

Assembly Local Government Committee
Assembly Member Katcho Achadjian, Chair

LEGISLATIVE UPDATE FROM SACRAMENTO
2013 CALAFCO ANNUAL CONFERENCE
August 30, 2013

Life After Redevelopment – Are Infrastructure Financing Districts (IFDs) the Solution?

- AB 1080 (Alejo) – would allow local governments to establish a Community and Revitalization and Investment Authority (Authority) in a disadvantaged community to fund specified activities, and allows an Authority to collect tax increment. **SENATE APPROPRIATIONS.**
- AB 229 (Assembly Speaker Perez) – would create infrastructure and revitalization financing districts (modeled after IFDs in existing law), authorizes a military base reuse authority to form a district, and allows these districts to finance a broader range of projects and facilities to clean-up and develop former military bases. **ASSEMBLY FLOOR.**
- AB 243 (Dickinson) - would create infrastructure and revitalization financing districts (modeled after IFDs in existing law), broadens the range of projects and facilities they can finance, lowers the voter approval threshold necessary to form a district and issue bonds to 55%, and extends the life of districts to 40 years. **SENATE FLOOR.**
- SB 1 (Senate President Pro Tem Steinberg) - would allow local governments to establish Sustainable Communities Investment Authorities (Authorities) to finance specified activities within a Sustainable Communities Investment Area. **ASSEMBLY APPROPRIATIONS.**
- SB 33 (Wolk) – would eliminate the voter approval requirement for a city or county to create an IFD and would expand the type of projects that could be financed by an IFD, including watershed lands, flood management, habitat restoration, cleanup and development of brownfield properties (Polanco Act), projects that implement a transit priority project, or regional transportation plan. **ASSEMBLY FLOOR.**
- SB 628 (Beall) – would allow a city or county to create an IFD to implement a transit priority project without having to hold an election and would require the local entity to use 25% of the tax increment revenues for affordable housing. **SENATE FLOOR.**

LAFCO-Related Bills

- AB 453 (Mullin) – would add LAFCOs to the list of eligible applicants for financial assistance grants and loans made by the Strategic Growth Council for planning purposes and would require that LAFCOs consider greenhouse gas emissions associated with development when reviewing proposals for a change of organization. **SENATE APPROPRIATIONS.**
- AB 678 (Gordon and Dickinson) – would require a healthcare district that leases or transfers its assets to a corporation to conduct a community health needs assessment, and places new requirements on LAFCOs to consider these community health needs assessment in their municipal service reviews. **SENATE APPROPRIATIONS.**
- AB 743 (Logue) – would delete the sunset date that allowing a LAFCO to waive the protest hearing for the annexation of unincorporated islands of 150 acres or less, subject to specific requirements, thereby making the provisions permanent. **SIGNED – Chapter 138, Statutes of 2013.**
- AB 1427 (Assembly Local Government Committee) - annual Assembly Local Government Committee Omnibus bill that makes several minor noncontroversial changes to the Cortese-Knox-Hertzberg Act. **SIGNED - Chapter 87, Statutes of 2013.**
- SB 56 (Roth) – would reallocate vehicle license fee revenue to recently incorporated cities and to cities that annexed inhabited territory to fix the consequences of a budget bill, SB 89 (Budget Committee, Chapter 35, Statues of 2011). **SENATE APPROPRIATIONS.**
- SB 772 (Emmerson) – would require a LAFCO, as part of a municipal service review, to request specified information from entities that provide wholesale or retail supply of drinking water. **2 YEAR BILL.**

CONTACT INFORMATION: Assembly Local Government Committee – (916) 319-3958

Misa Yokoi-Shelton

Debbie Michel

Associate Consultant

Chief Consultant

Assembly Local Government Committee

Assembly Local Government Committee

misa.yokoi-shelton@asm.ca.gov

debbie.michel@asm.ca.gov

CALAFCO Legislative Update
August 30, 2013
(Updates as of August 22, 2013)

AB 1427 – Local Government Committee Omnibus Bill
Status; Signed by Governor on 8/12/13
CALAFCO Sponsored

1. Independent vs. dependent special district definition. Existing law defines an “independent district” or “independent special district” to include any special district that has a legislative body, whose members are elected by registered voters or landowners within the district or whose members are appointed to fixed terms. This bill clarifies that difference between an independent district and a dependent district.
2. Landowner definition. Existing law defines a “landowner” as any of the following:
 - A person shown as the landowner on the last equalized assessment roll by the county at the time the determination is required to be made;
 - Any person shown in the recorded written agreement of sale as the purchase; or
 - Any public agency owning land other than highways, rights-of-way, easements, waterways, or canals.This bill adds the plural forms of “person” in the definition.
3. Independent special district selection committee. Existing law specifies the makeup, meeting requirements, and election proceedings of an independent special district selection committee. Existing law also requires that the selection committee to appoint two regular members and one alternate member to the commission. This bill clarifies that appointed and elected commissioners are members of an independent special district’s legislative body.
4. Santa Clara County. Santa Clara County has special provisions regarding reorganization proposals. Existing law prohibits the LAFCO from reviewing a reorganization that includes an annexation to any city in Santa Clara County that is within the urban service area of the city and the annexation is initiated by resolution. Instead, the city council must be the conducting authority for the reorganization and must make specified findings in adopting a resolution approving the reorganization. This bill clarifies that this provision of law applies to city annexations and reorganizations involving city annexations.
5. Petitions for a merger of a district. Existing law specifies procedures for petitions for a merger or establishment of a subsidiary district. This bill corrects the typo, “resident voter district,” to “registered voter district.”
6. Protest hearing notice. Existing law requires a LAFCO executive office to give notice of the protest hearing, and sets forth procedures for those notice requirements. A protest hearing must be held within 60 days from the date specified for the hearing in the notice. If inhabited territory is proposed to be annexed to a city with more than 100,000 residents in the County of Los Angeles, the protest hearing date must be at least 90 days, but not more than 105 days, after the adoption date of the resolution initiating the proceeding. This bill repeals the extended protest period.
7. Dissolution. Existing law sets forth procedures for dissolution. This bill corrects a wording error, changing “consolidation” to “dissolution” in the relevant section.
8. Election location. For a change of organization or reorganization that is subject to voter confirmation, a LAFCO must determine where the election will be held.

AB 743 (Logue) – Island Annexations
Status: Awaiting Governor’s signature
CALAFCO Support

The bill was originally introduced to remove the sunset date provision to waive protest proceedings for certain island annexations and increase the size of the islands from 150 to 300 acres. After considering the feedback from several member LAFCOs and external stakeholders, the bill was amended to remove the increase in acreage (keeping it at 150 acres), and to reset the effective island creation date from January 1, 2000 to January 1, 2014, thus allowing



CALAFCO 2013 Legislative Policies

As amended by the Board of Directors on 3 May 2013

1. LAFCo Purpose and Authority

- 1.1. Support legislation which enhances LAFCo authority and powers to carry out the legislative findings and authority in Government Code §56000 et. seq.
- 1.2. Support authority for each LAFCo to establish local policies to apply Government Code §56000 et. seq. based on local needs and conditions, and oppose any limitations to that authority.
- 1.3. Oppose additional LAFCo responsibilities which require expansion of current local funding sources. Oppose unrelated responsibilities which dilute LAFCo ability to meet its primary mission.
- 1.4. Support alignment of responsibilities and authority of LAFCo and regional agencies which may have overlapping responsibilities in orderly growth, preservation, and service delivery, and oppose legislation or policies which create conflicts or hamper those responsibilities.
- 1.5. Oppose grants of special status to any individual agency or proposal to circumvent the LAFCo process.
- 1.6. Support individual commissioner responsibility that allows each commissioner to independently vote his or her conscience on issues affecting his or her own jurisdiction.

2. LAFCo Organization

- 2.1. Support the independence of LAFCo from local agencies.
- 2.2. Oppose the re-composition of any LAFCo to create special seats and recognize the importance of balanced representation provided by cities, the county, the public, and special districts in advancing the public interest.

- 2.3. Support representation of special districts on all LAFCos in counties with independent districts and oppose removal of special districts from any LAFCo.
- 2.4. Support communication and collaborative decision-making among neighboring LAFCos when growth pressures and multicounty agencies extend beyond a LAFCo's boundaries.

3. Agricultural and Open Space Protection

- 3.1. Support legislation which clarifies LAFCo authority to identify, encourage and insure the preservation of agricultural and open space lands.
- 3.2. Encourage a consistent definition of agricultural and open space lands.
- 3.3. Support policies which encourage cities, counties and special districts to direct development away from prime agricultural lands.
- 3.4. Support policies and tools which protect prime agricultural and open space lands.
- 3.5. Support the continuance of the Williamson Act and restoration of program funding through State subvention payments.

4. Orderly Growth

- 4.1. Support the recognition and use of spheres of influence as a management tool to provide better planning of growth and development, and to preserve agricultural, and open space lands.
- 4.2. Support recognition of LAFCo spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.

Water Availability Promote adequate water supplies and infrastructure planning for current and planned growth. Support policies that assist LAFCo in obtaining accurate and reliable water supply information to evaluate current and cumulative water demands for service expansions and boundary changes including impacts of expanding water company service areas on orderly growth, and the impacts of consolidation or dissolution of water companies providing services.

annexation of contiguous disadvantaged unincorporated communities under study and watch by the CALAFCO Legislative Committee and Board of Directors. Through efficient and effective updates of Municipal Service Reviews, Spheres of Influence, and other studies, promote adequate and sustainable levels of service delivery.

Issues of Interest

Housing Provision of territory and services to support housing plans consistent with regional land use plans and local LAFCo policies.

Transportation Effects of Regional Transportation Plans and expansion of transportation systems on future urban growth and service delivery needs, and the ability of local agencies to provide those services.

Flood Control The ability and effectiveness of local agencies to maintain and improve levees and protect current infrastructure. Carefully consider and value of uninhabited territory, and the impact to public safety of uninhabited territory proposed for annexation to urban areas which is at risk for flooding. Support legislation that includes assessment of agency viability in decisions involving new funds for levee repair. Support efforts that encourage the creation of habitat conservation plans.

Adequate Municipal Services in Inhabited Territory Expedited processes for inhabited annexations should be consistent with LAFCo law and be fiscally viable. Promoting environmental justice for underserved inhabited communities, funding sources should be identified for extension of municipal services to these communities, including options for