



Local Agency Formation Commission
LAFCO of Napa County

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April 5, 2010

Agenda Item No. 6a (Consent: Action)

March 29, 2010

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer
Brendon Freeman, Analyst

SUBJECT: Abandonment of Wilkins Avenue Reorganization Approval
Commission will receive a report from staff confirming the conditions associated with the Wilkins Avenue Reorganization proposal have not been satisfied within the statutory deadline and the proceedings have been abandoned. The report is being presented to receive and file.

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, modifying, or disapproving proposed changes of organization or reorganization. LAFCOs are also authorized to establish conditions in approving changes of organization or reorganization as long as they do not directly regulate land uses, property development, or subdivision requirements. All conditions must be satisfied within one calendar year unless a time extension is requested and approved by LAFCO.

A. Background

At its February 2, 2009 meeting, LAFCO of Napa County (“Commission”) approved an application from the City of Napa (“City”) annexing 0.77 acres of unincorporated territory located along Wilkins Avenue north of Imola Avenue. The affected territory consists of one parcel developed with a single-family residence and detached garage that has been converted into a second residence. The City General Plan allows the affected territory to be divided and developed into a total of five residential lots. The subject parcel is identified by the County of Napa Assessor’s Office as 046-271-023.

The Commission’s approval included reorganizing the proposal to concurrently detach the affected territory from County Service Area No. 4. The Commission also conditioned its approval to require standard conditions. This includes requiring a final map and geographic description be prepared identifying the approved boundary changes and a signed indemnification agreement. State law requires all conditions be satisfied within one calendar year of approval unless a time extension is requested and approved by the Commission. There is no time limit on the length of the extension.

Juliana Inman, Chair
Councilmember, City of Napa

Lewis Chilton, Commissioner
Councilmember, Town of Yountville

Joan Bennett, Alternate Commissioner
Councilmember, City of American Canyon

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County of Napa Supervisor, 2nd District

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

B. Discussion/Analysis

Staff has sent written communications on three separate occasions to the City and the underlying applicant, Clarence Sibsey, identifying the outstanding conditions necessary to complete the annexation proceedings involving the affected territory. Staff's most recent written communication was sent on January 4, 2010 and advised the proceedings would be abandoned if the outstanding conditions were not satisfied by February 2, 2010 or an extension is requested and approved by the Commission. No responses were received from either the City or Mr. Sibsey.

The applicant's failure to satisfy the outstanding conditions or request a time extension by the referenced deadline has caused the proposal to be abandoned in accordance with Government Code Section 57001. A new application is now required to consider a future request to annex the affected territory.

C. Recommendation

It is recommended the Commission receive and file the report.

Respectfully submitted,

Keene Simonds
Executive Officer

Brendon Freeman
Analyst

Attachments:

- ~~1) Resolution of Approval, Dated February 2, 2009~~
- ~~2) Government Code Section 57001~~
- ~~3) Letter to Applicant, Dated February 3, 2009~~
- ~~4) Letter to Applicant, Dated September 14, 2009~~
- ~~5) Letter to Applicant, Dated January 4, 2010~~

Attachments are available by contacting staff