



**Local Agency Formation Commission of Napa County
LAFCO of Napa County**

1700 Second Street, Suite 268
Napa, California 94559
(707) 259-8645 Telephone
<http://napa.lafco.ca.gov>

Brian J. Kelly, Chair
Juliana Inman, Vice Chair
Lewis Chilton, Commissioner
Bill Dodd, Commissioner
Brad Wagenknecht, Commissioner
Joan Bennett, Alternate Commissioner
Mark Luce, Alternate Commissioner
Gregory Rodeno, Alternate Commissioner

SPECIAL MEETING AGENDA

2:00 P.M.

Monday, December 7, 2009

American Canyon City Hall

4381 Broadway Street, Council Chambers

American Canyon, California 94503

1. CALL TO ORDER; ROLL CALL: 2:00 P.M.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

Minutes of October 5, 2009

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 that is scheduled for hearing, action, or discussion as part of the current agenda. Individuals will be limited to a three-minute presentation. No action will be taken by the Commission as a result of any item presented at this time.

5. COMMISSION WORKSHOP

The Commission will hold a workshop to review and discuss its planning and regulatory responsibilities under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. No substantive actions will be taken. The Commission may give direction to staff to prepare items for presentation and possible action at future meetings. No written reports are associated with any workshop item.

a) Workshop Introduction

Staff will provide an overview on the topics agendized for discussion as part of the workshop.

b) Statewide LAFCO Themes and Trends

The Commission will receive a presentation from CALAFCO Executive Director Bill Chiat discussing current and emerging statewide themes and trends among LAFCOs.

c) Island Annexation Program

The Commission will receive a presentation from staff outlining an island annexation program to eliminate unincorporated areas entirely or substantially surrounded by City of Napa.

d) Proposal Review Factors and Imposing Terms and Conditions

The Commission will receive a presentation from staff discussing the factors required for review for all change of organization or reorganization proposals as well as its authority to impose terms and conditions.

e) Goals and Objectives

Commissioners will discuss their goals and objectives for the agency over the next two years.

6. CONSENT ITEMS

All items calendared as consent are considered ministerial or non-substantive. With the concurrence of the Chair, a Commissioner or member of the public may request discussion of an item on the consent calendar.

a) Approval of Meeting Calendar for First Half of 2010

The Commission will consider approving a meeting calendar for the first six months of 2010 to include February 1st, April 5th, May 3rd, and June 7th.

CONSENT ITEMS CONTINUED...

b) Amendment to Adopted Fee Schedule

The Commission will consider amendments to its adopted fee schedule to reflect new filing charges for the Department of Fish and Game for lead agencies under the California Environmental Quality Act.

c) Expiring Commissioner Terms in 2010

The Commission will receive a report identifying the Commissioner terms scheduled to expire in 2010. The report is being presented for information.

d) Designation of Chair and Vice-Chair for 2010

The Commission will receive a report regarding the designation of the Chair and Vice-Chair for the 2010 calendar year. The report is being presented for information.

7. 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) Ratification of an Outside Service Agreement Approval for the Napa Sanitation District Involving 4220 Jefferson Street in the City of Napa

The Commission will consider ratifying an outside service agreement approved by the Chair authorizing the Napa Sanitation District to provide public sewer service to 4220 Jefferson Street in Napa to address a public health threat. Staff recommends ratification approval along with waiving the application fee. The affected territory is 0.63 acres in size and identified by the County Assessor's Office as 038-581-002.

8. ACTION ITEMS

a) Trancas Crossing Park Annexation to the City of Napa (3:30 P.M.)

The Commission will consider a proposal from the City of Napa to annex 33.3 acres of unincorporated land located immediately northeast of the intersection of Old Soscol Avenue and Old Trancas Street. The proposal is intended to facilitate the planned development of a public park. Modifications to the proposal are recommended to exclude a 0.2 acre portion of the affected territory along with requiring concurrent detachment from County Service Area No. 4. The affected territory is identified by the County Assessor's Office as 038-190-020.

b) Comments on the County of Napa's Draft Environmental Impact Report on Napa Pipe

The Commission will review a draft letter prepared by staff commenting on the County of Napa's Draft Environmental Impact Report on Napa Pipe. The Commission will consider authorizing the Chair to sign the draft letter with any desired amendments.

c) Appointments to the 2010-2011 Budget Committee

The Commission will consider appointing two members to serve with the Executive Officer on the 2010-2011 Budget Committee.

d) Notice of Expiring Term: Regular Public Member

The city and county members will provide direction to staff with respect to addressing the impending expiring term of the regular public member position.

9. DISCUSSION ITEMS

a) Report from 2009 CALAFCO Annual Conference

The Commission will receive a verbal report from staff and commissioners on issues discussed at the 2009 Annual Conference of the California Association of Local Agency Formation Commissions.

b) Current and Future Proposals

The Commission will receive a report regarding current and future proposals. The report is being presented to the Commission for information.

10. EXECUTIVE OFFICER REPORT

The Commission will receive a verbal report from the Executive Officer regarding current staff activities, communications, studies, and special projects. This includes, but is not limited to, the following topics:

- Legislative Update
- City of American Canyon Sphere of Influence Update
- Lake Berryessa Region Municipal Service Review

11. CLOSED SESSION

a) Public Employee Performance Evaluation

Title: Executive Officer

12. COMMISSIONER COMMENTS; REQUEST FOR FUTURE AGENDA ITEMS

13. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING:

See Agenda Item No. 6a

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. If you intend to speak on any hearing item, please indicate in your testimony if you have made campaign contributions totaling \$250 or more to any Commissioner during the past 12 months. Any member of the public requiring special assistance with respect to attending or listening to the meeting should contact LAFCO staff 24 hours in advance at (707) 259-8645.

THIS AGENDA HAS BEEN POSTED AT THE FOLLOWING LOCATIONS:

LAFCO Office
1700 Second Street
Napa, California 94558

County Administration Office
1195 Third Street
Napa, California 94558

American Canyon Administrative Office
4381 Broadway Street
American Canyon, California 94503



Local Agency Formation Commission
LAFCO of Napa County

1700 Second Street, Suite 268
Napa, California 94559
Telephone: (707) 259-8645
Facsimile: (707) 251-1053
<http://napa.lafco.ca.gov>

December 7, 2009
Agenda Item No. 6a (Consent: Action)

November 30, 2009

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Approval of Meeting Calendar for First Half of 2010

The Commission will consider approving a meeting calendar for the first six months of 2010 to include February 1st, April 5th, May 3rd, and June 7th.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires Local Agency Formation Commissions (LAFCOs) to adopt policies and procedures with respect to conducting meetings. Government Code Section 56375(i) specifies LAFCOs must establish regulations to ensure meetings are conducted on a regular and orderly basis.

A. Discussion

LAFCO of Napa County's ("Commission") *Policy on Regular Commission Meeting Calendar* was last amended on December 1, 2009 and calls for regular meetings to be scheduled for 4:00 P.M. on the first Monday of each month as needed. All regular meetings shall be held in the Board Chambers at the County of Napa Administration Building. The Commission is directed to review and approve a meeting calendar every six months at the June and December meetings.

B. Analysis

The Commission's workload justifies scheduling meetings in February, April, May, and June. Meetings are not recommended for January or March given the majority of the current workload is dedicated to preparing municipal service reviews and sphere of influence updates consistent with the Commission's adopted study schedule. Most notably, this includes preparing a sphere of influence update on the City of American Canyon and a municipal service review on the Lake Berryessa region. Staff anticipates draft and final reports on the American Canyon sphere of influence update will be presented at the February and April meetings, respectively. A draft report on the Lake Berryessa municipal service review, which will also explore alternative governance options, is expected to be presented as early as the May meeting.

Juliana Inman, Vice Chair
Councilmember, City of Napa

Lewis Chilton, Commissioner
Councilmember, Town of Yountville

Joan Bennett, Alternate Commissioner
Councilmember, City of American Canyon

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

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

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

Brian J. Kelly, Chair
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

C. Recommendation

It is recommended the Commission take the following actions:

- 1) Adopt a regular meeting calendar for the first six months of 2010 to include February 1st, April 5th, May 3rd, and June 7th with any desired changes.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachment:

- 1) *Policy on Regular Commission Meeting Calendar*



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December 7, 2009

Agenda Item No. 6b (Consent: Action)

November 30, 2009

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Amendment to Adopted Fee Schedule

The Commission will consider amendments to its adopted fee schedule to reflect new filing charges for the California Department of Fish and Game for lead agencies under the California Environmental Quality Act.

California Government Code Section 56383 authorizes Local Agency Formation Commissions (LAFCOs) to establish a schedule of fees for the costs of administering its prescribed regulatory and planning responsibilities. This includes establishing fees to process change of organization proposals, outside service requests, and sphere of influence amendments. The fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged.

A. Discussion

LAFCO of Napa County's ("Commission") fee schedule was last amended in August 2008. The fee schedule generally assigns fixed application fees based on a pre-calculated estimate of the number of hours needed to process a specific type of proposal and multiplied by the current staff hourly rate of \$103.00. The fee schedule also identifies several other charges the Commission collects on behalf of other agencies in the course of processing applications. This includes fees required of the California Department of Fish and Game (DFG) to file notices pursuant to California Environmental Quality Act.

DFG will be increasing its filing fees to file notices of determinations by 0.9% effective January 1, 2010. These increases effect notices associated with (a) negative declarations, (b) mitigated negative declarations, and (c) environmental impact reports as listed below.

Filing Fee Type	Current	January 1, 2010
Negative Declaration	\$1,993.00	\$2,010.25
Mitigated Negative Declaration	\$1,993.00	\$2,010.25
Environmental Impact Report	\$2,768.25	\$2,792.25

Juliana Inman, Vice Chair
 Councilmember, City of Napa

Lewis Chilton, Commissioner
 Councilmember, Town of Yountville

Joan Bennett, Alternate Commissioner
 Councilmember, City of American Canyon

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

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

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

Brian J. Kelly, Chair
 Representative of the General Public

Gregory Rodeno, Alternate Commissioner
 Representative of the General Public

Keene Simonds
 Executive Officer

B. Analysis

The new fees associated with filing notices of determination with DFG will be passed on directly to applicants as needed. Accordingly, there is no new impact on the Commission.

C. Recommendation

It is recommended the Commission take the following action:

- 1) Approve the attached draft amendment to its adopted fee schedule.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachment:

- 1) Draft Amendment to the Adopted Fee Schedule



Local Agency Formation Commission of Napa County *Schedule of Fees and Deposits*

Effective Date: ~~January 1, 2010~~

Deleted: July 6

Deleted: 09

The policy of the Commission is:

1. This fee schedule shall be administered in accordance with the provisions of California Government Code Section 56383.
2. Applications submitted to the Commission shall be accompanied by a non-refundable initial fee as detailed in this schedule.
3. Applicants are responsible for any fees or charges incurred by the Commission or required by other agencies in the course of the processing of an application.
4. Initial fees include a fixed number of staff hours as detailed in the fee schedule or are designated as "at cost."
5. Additional Commission staff time shall be charged to the applicant at an hourly rate of \$103.00.
6. Applicants are responsible for any extraordinary administrative costs as determined by the Executive Officer and detailed for the applicant in a written statement.
7. Additional Commission staff time and administrative costs shall not be charged for city annexation applications that are comprised solely of one, entire unincorporated island.
8. If the Executive Officer estimates a proposal will require more than 20 hours staff time to complete, he or she shall provide a written statement to that effect to the applicant and request a deposit in an amount sufficient to cover anticipated costs. If this or any subsequent deposit proves insufficient, the Executive Officer shall provide an accounting of expenditures and request deposit of additional funds.
9. If the processing of an application requires the Commission contract from another agency or from a private firm or individual for services that are beyond the normal scope of staff work (such as the drafting of an Environmental Impact Report or Comprehensive Fiscal Analysis), the applicant shall be responsible for all costs associated with that contract. The applicant will provide the Commission with a deposit sufficient to cover the cost of the contract.
10. The Executive Officer may stop work on any proposal until the applicant submits a requested deposit.
11. Written appeal of fees and/or deposits, specifying the reason for the appeal, may be submitted to the Commission prior to the submission of an application or prior to the submission of a deposit requested by the Executive Officer. The appeal will be considered at the next regular meeting of the Commission.

12. Upon completion of a project, the Executive Officer shall issue to the applicant a statement detailing all expenditures from a deposit for additional time and materials and shall have a refund for any remaining funds issued to the applicant.

INITIAL APPLICATION FEES

Change of Organization or Reorganizations: Annexations and Detachments

Exempt from the California Environmental Quality Act

- With 100% consent of property owners and affected agencies: \$3,708 (30 hours)
- Without 100% consent of property owners and affected agencies: \$4,944 (40 hours)

Not exempt from the California Environmental Quality Act
(The Commission is a Responsible Agency; Negative Declaration)

- With 100% consent of property owners and affected agencies: \$4,326 (35 hours)
- Without 100% consent of property owners and affected agencies: \$5,562 (45 hours)

Not exempt from the California Environmental Quality Act
(The Commission is a Responsible Agency; Environmental Impact Report)

- With 100% consent of property owners and affected agencies: \$4,944 (40 hours)
- Without 100% consent of property owners and affected agencies: \$6,180 (50 hours)

- * All initial application fees for annexation and detachment proposals include a 20% surcharge to contribute to the costs in preparing municipal service reviews.
- * Annexation or detachment proposals that involve boundary changes for more than two agencies and qualify as reorganizations will be charged an additional fee of \$515 (5 hours).
- * City annexations involving entire unincorporated islands and subject to California Government Code Section 56375.3 will be charged a flat fee of \$500.
- * If the Commission is the Lead Agency and an Initial Study is needed to determine whether a Negative Declaration or Environmental Impact Report is appropriate, applicants will be charged at the hourly staff rate.

Change of Organizations or Reorganizations: Other

- Special District Formations, Consolidations, Mergers, and Dissolutions: Actual Cost
- City Incorporations or Dissolutions: Actual Cost

Special Studies

- Municipal Service Review: Actual Cost
- Sphere of Influence Review:
(Establishment, Amendment, or Update) Actual Cost

Request to Activate Latent Power \$4,944 (40 hours)

* The initial application fee for the activation of a latent power includes a 20% surcharge to contribute to the costs in preparing municipal service reviews.

Request for an Extension of Time \$515 (5 hours)

Request to Approve an Outside Service Agreement \$2,417 (20 hours)

* The initial application fee to approve an outside service agreement includes a 20% surcharge to contribute to the costs in preparing municipal service reviews.

Request for Reconsideration \$2,060 (20 hours)

Special Meeting Fee \$800

Alternate Legal Counsel Fee Actual Cost

OTHER APPLICATION FEES

Assessor Mapping Service
(Made payable to the "County of Napa") \$125

Map and Geographic Description Review
(Made payable to the "County of Napa") \$447 (3 hours)

Registered Voter List for Public Hearing Notice \$55 (1 hour)
(Made payable to the "County of Napa")

Geographic Information Service \$125 (1 hour)
(Made payable to "LAFCO of Napa County")

California Department of Fish and Game Environmental Filing Fees
(Made payable to the "County of Napa Clerk Recorder")

Commission as Lead Agency

- Environmental Impact Report: ~~\$2,792.25~~
- Negative Declaration: ~~\$2,010.25~~
- Mitigated Negative Declaration: ~~\$2,010.25~~
- Clerk-Recorder Filing Fee: \$50.00

Deleted: 2,768.25

Deleted: 1,993.00

Deleted: 1,993.00

Commission as Responsible Agency

- Notice of Determination (Represents Clerk Filing Fee): \$50.00
- Notice of Exemption (Represents Clerk Filing Fee): \$50.00

Filing of Change to Jurisdictional Boundary
(Made payable to the “State Board of Equalization”)

<u>Acre Amount</u>	<u>Fee</u>	<u>Acre Amount</u>	<u>Fee</u>
Less than 1:	\$300	51 to 100:	\$1,500
1 to 5:	\$350	101 to 500:	\$2,000
6 to 10:	\$500	500 to 1,000:	\$2,500
11 to 20:	\$800	1,000 to 2,000:	\$3,000
21 to 50:	\$1,200	2,000 and above:	\$3,5000

ADMINISTRATIVE SERVICE FEES

The following are charges to be assessed to persons or entities other than the applicant.

- Copying (no color): \$0.10 per page
- Copying (color): \$0.40 per page
- Faxing: \$1.00 service charge, plus \$0.15 per page
- Mailing: Actual Cost
- Audio Tape Recording of Meeting: Actual Cost
- Research/Achieve Retrieval: \$97 per hour (minimum of one hour)



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December 7, 2009
Agenda Item No. 6c (Consent: Information)

November 30, 2008

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Expiring Commissioner Terms in 2010

The Commission will receive a report identifying the Commissioner terms scheduled to expire in 2010. The report is being presented for information.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 states the composition of Local Agency Formation Commissions (LAFCOs) shall include two regular members representing the county, two regular members representing the cities, and one regular member representing the general public. LAFCOs may also have two regular members representing special districts. Each category represented on LAFCO also has one alternate member. Appointments for the county and city regular and alternate members are made by board of supervisors and city selection committees, respectively. Appointments for the regular and alternate public members are made by the county and city members on LAFCO. All terms on LAFCO are four years.

A. Information

LAFCO of Napa County ("Commission") has two members with terms scheduled to expire on May 3, 2010, Brian J. Kelly and Bill Dodd. Agenda Item No. 8e discusses the Commission's options with respect to the public member appointment process involving the seat currently filled by Commissioner Kelly. Staff will notify and request the Board of Supervisors make a new four-year appointment involving the county seat currently filled by Commissioner Dodd. A full listing of the expiring terms for all Commissioners follows.

<u>Commissioner</u>	<u>Appointing Authority</u>	<u>Term Expires</u>
Brian J. Kelly, Chair	Commission	May 3, 2010
Juliana Inman, Vice-Chair	City Selection Committee	May 2, 2011
Lewis Chilton	City Selection Committee	May 4, 2013
Bill Dodd	Board of Supervisors	May 3, 2010
Brad Wagenknecht	Board of Supervisors	May 7, 2012
Joan Bennett, Alternate	City Selection Committee	May 4, 2013
Mark Luce, Alternate	Board of Supervisors	May 4, 2013
Gregory Rodeno, Alternate	Commission	May 7, 2012

Attachments: none

Juliana Inman, Vice Chair
Councilmember, City of Napa

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

Brian J. Kelly, Chair
Representative of the General Public

Lewis Chilton, Commissioner
Councilmember, Town of Yountville

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

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Joan Bennett, Alternate Commissioner
Councilmember, City of American Canyon

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

Keene Simonds
Executive Officer



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LAFCO of Napa County

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December 7, 2009

Agenda Item No. 6d (Consent: Information)

November 30, 2009

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Designation of Chair and Vice-Chair for 2010

The Commission will receive a report regarding the designation of the Chair and Vice-Chair for the 2010 calendar year. The report is being presented for information.

The Commission's *Appointment of Chair and Vice-Chair* policy establishes an annual rotation system with respect to the designation of the Chair and Vice-Chair. This policy was adopted on August 3, 2004 and assigns seat designations for all five regular positions on the Commission (two city, two county, and one public). The purpose of the policy is to provide an automatic and predetermined rotation of the Chair and Vice-Chair at the beginning of each calendar year.

A. Information

The Commission's adopted policy designates Commissioners Inman and Dodd as Chair and Vice-Chair, respectively, in 2010. The complete rotation schedule for the Chair and Vice-Chair as of January 1, 2010 follows.

Chair Schedule

1. City Member I (Inman)
2. County Member I (Dodd)
3. City Member II (Chilton)
4. County Member II (Wagenknecht)
5. Public Member (Kelly)

Vice-Chair Schedule

1. County Member I (Dodd)
2. City Member II (Chilton)
3. County Member II (Wagenknecht)
4. Public Member (Kelly)
5. City Member I (Inman)

Attachment:

- 1) Commission Policy: *Appointment of Chair and Vice-Chair*

Juliana Inman, Vice Chair
Councilmember, City of Napa

Lewis Chilton, Commissioner
Councilmember, Town of Yountville

Joan Bennett, Alternate Commissioner
Councilmember, City of American Canyon

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

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

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

Brian J. Kelly, Chair
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

Local Agency Formation Commission of Napa County
Policy For the Appointment of Chair and Vice-Chair
(Adopted: August 3, 2004)

It is the policy of the Commission that:

1. This policy becomes effective January 1, 2005.
2. The terms of office of the Chair and Vice-Chair shall be one calendar year and shall begin on January 1.
3. Upon the date of adoption of this policy, for the purposes of establishing a rotational system for the appointment of the chair and vice-chair, each regular member seat on the Commission shall have a designation as indicated in the following table:

<u>Seat Designation</u>	<u>Occupant of Seat on Aug. 1, 2004</u>
City Member I	Lori Luporini
City Member II	Ken Slavens
County Member I	Mike Rippey
County Member II	Brad Wagenknecht
Public Member	Guy Kay

It shall be the responsibility of the Executive Officer to maintain a record of the seat designations and occupants.

4. The Chair on January 1, 2005 shall be the occupant of the seat designated City Member I.
5. The Vice-Chair of the Commission shall be appointed according to the following:

<u>Seat Designation of the Chair</u>	<u>Seat Designation of the Vice-Chair</u>
City Member I	County Member I
County Member I	City Member II
City Member II	County Member II
County Member II	Public Member
Public Member	City Member I

6. Upon completion of a term as Vice-Chair, that member shall be appointed to serve as the Chair of the Commission.
7. If a vacancy should be created in the office of the Chair for any reason, the members shall, at the next regular meeting, appoint the Vice-Chair to fill the vacancy for the remaining unexpired term.
8. If a vacancy should be created in the office of the Vice-Chair for any reason, the members shall, at the next regular meeting, appoint a Vice-Chair to fill the vacancy for the remaining unexpired term in accordance with the system set forth in Statement #5.
9. If a member fulfills an unexpired term of the Chair, he shall be appointed to fulfill the subsequent full term of the office.
10. The Commission may create temporary changes to the schedule in Statement #5 as part of an action item placed on the agenda.

Local Agency Formation Commission of Napa County
Policy For the Appointment of Chair and Vice-Chair

Seat Designations and Occupants
Updated: July 25, 2005

City Member I
City Member II
County Member I
County Member II
Public Member

Lori Luporini
Dr. Andrew Alexander
Bill Dodd
Brad Wagenknecht
Guy Kay



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December 7, 2009
Agenda Item No. 8a

November 30, 2009

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer
Brendon Freeman, Analyst

SUBJECT: Trancas Crossing Park Annexation to the City of Napa

The Commission will consider a proposal from the City of Napa to annex approximately 33 acres of unincorporated land located northeast of the intersection of Old Soscol Avenue and Old Trancas Street. The proposal is intended to facilitate the planned development of a public park. Modifications to the proposal are recommended to exclude a 0.2 acre portion of the affected territory along with requiring concurrent detachment from County Service Area No. 4.

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.

A. Proposal Summary

LAFCO of Napa County ("Commission") has received a proposal from the City of Napa ("Napa") requesting the annexation of 33.3 acres of unincorporated land located northeast of the intersection of Old Soscol Avenue and Old Trancas Street. The affected territory comprises one undeveloped parcel identified by the County of Napa Assessor's Office as 038-190-020. The parcel is immediately adjacent to Napa and includes a small number of improvements, including a well and pump, bridge, and gravel road. Napa purchased the parcel from the Napa County Land Trust in 2005 for \$0.21 million with 100% funding from two separate grant awards from the State. Napa is in the process of developing the site into a public park known as "Trancas Crossing" consistent with an adopted master plan. The budgeted design and construction cost of the park is \$3.69 million with nearly three-fourths of the funding expected to be drawn from two additional grant awards from the State.

Juliana Inman, Vice Chair
Councilmember, City of Napa

Lewis Chilton, Commissioner
Councilmember, Town of Yountville

Joan Bennett, Alternate Commissioner
Councilmember, City of American Canyon

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

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

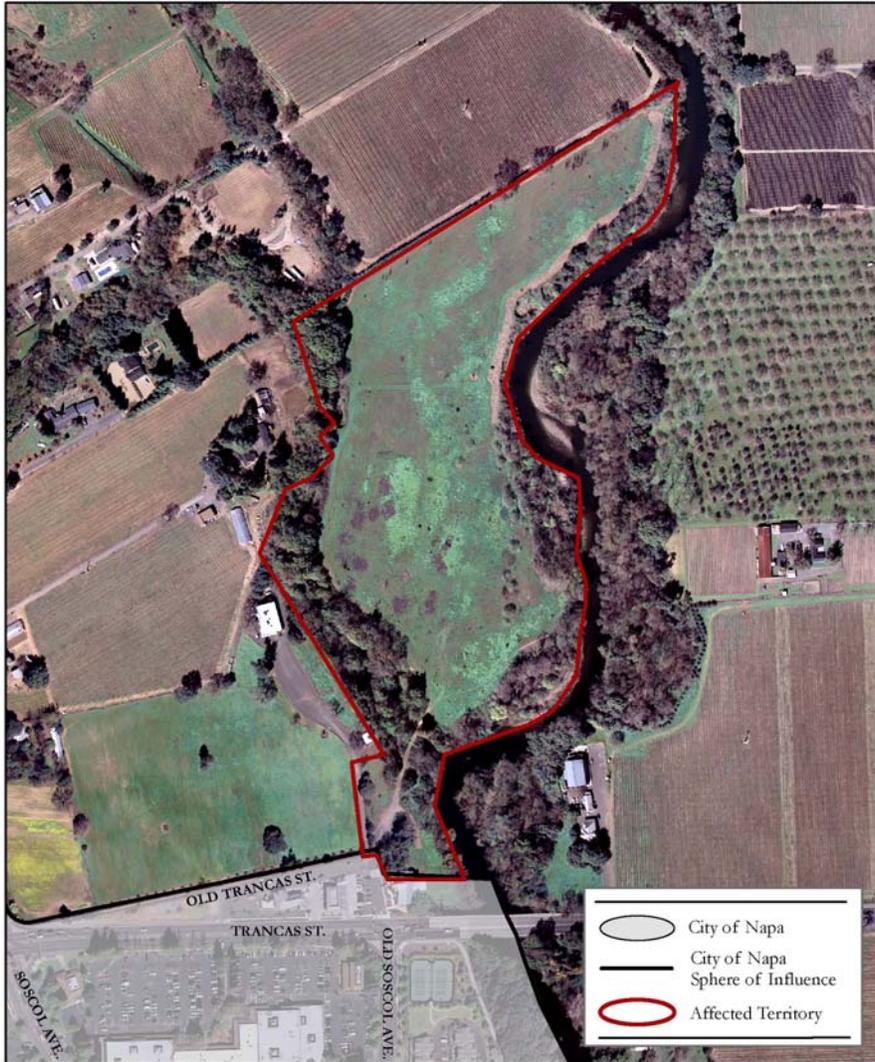
Mark Luce, Alternate Commissioner
County of Napa Supervisor, 2nd District

Brian J. Kelly, Chair
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

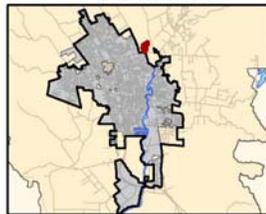
Affected Territory



Area-Wide View



City-Wide View



0.06
Miles



LAFCO of Napa County
1700 Second Street, Suite 268
Napa, California 94559
<http://napa.lafco.ca.gov>

B. Discussion

Agency Profile

Napa was incorporated in 1914 as a charter-law city. Napa provides a full range of municipal services directly or through contracts with other public or private entities with the notable exception of sewer, which is provided by the Napa Sanitation District (NSD). Napa has experienced a moderate annual growth rate of 1.0% over the last 10 years with a current estimated population of 77,831, making it the largest city in Napa County.¹

Proposal Purpose

Napa is proposing the annexation as part of the planned development of the affected territory into a public park. Napa recently adopted a master plan to guide the park's development to emphasize low density recreational and educational uses. Specific amenities identified in the master plan include walking paths, picnic areas, and nature learning stations. The planned development also includes creating a walking path to connect to the nearby Napa River Trail. Annexation will allow Napa to coordinate public safety services within the affected territory. Annexation will also provide Napa with cost-savings by no longer having to pay property taxes. The current annual property tax charge is \$6,165; an amount that represents a reduction in assessed value given the existence of a conservation easement.²

Potential Proposal Modifications

In reviewing the application materials, and based on established practices, staff has identified two potential proposal modifications for consideration by the Commission. These potential modifications are summarized below.

Excluding Portion of Proposed Annexation Area

The affected territory is located outside Napa's sphere of influence. State law generally requires consistency between changes of organization and the subject agencies' spheres of influence. A key exception is codified under Government Code (G.C.) Section 56742. This statute allows cities to bypass the referenced consistency requirement and annex non-contiguous lands lying outside their spheres of influence if certain preconditions exist. This includes land that is less than 300 acres in total size and owned and used by the city at the time of proposal initiation for municipal purposes. All these preconditions apply to the affected territory. This includes recognizing the site is currently used for municipal purposes given Napa has already initiated a comprehensive planning process to develop the site into a public park.³ Additionally, the statute includes a provision requiring automatic detachment if the land is sold by the city.

¹ Population trends and estimates based on data collected by the California Department of Finance.

² Property tax proceeds for the affected territory are currently apportioned as follows: County of Napa \$1,823 (29.6%); Napa Valley Community College \$499 (8.1%); Napa Valley Unified School District \$3,172 (51.4%); County Fire Non-Structure \$64 (1.0%); County Fire Structure \$207 (3.4%); Superintendent of Schools \$178 (2.9%); County Library \$175 (2.8%), Napa County Mosquito Abatement District \$24 (0.3%); Bay Area Air Quality Control District \$16 (0.3%); and Napa County Conservation District \$5 (0.1%).

³ It is the practice of the Commission to designate community planning as a municipal service.

Based on the foregoing factors, it appears a modification to the proposal to exclude a 0.2 acre portion of the affected territory to make it non-contiguous to Napa and therefore eligible for annexation under the referenced statute is appropriate.⁴ This modification would ensure consistency with the basic policy of the Commission to use a city's sphere of influence to designate and direct urban development. This modification would also be consistent with the previous action of the Commission in approving the annexation of the Alston Park site to Napa in 1989. No objections have been raised by Napa concerning this potential modification.

Concurrent Detachment from County Service Area No. 4

County Service Area (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 parcels within its jurisdiction containing one acre or more of planted vineyards for the purpose of funding farmworker housing services. CSA law has historically included a provision requiring land be automatically detached from a CSA upon its annexation to a municipality unless waived by LAFCO based on specific findings. This automatic detachment provision was deleted effective January 1, 2009 as part of a comprehensive rewrite of CSA law. The legislative intent in deleting the provision is to broaden LAFCO's discretion in determining whether it believes land should be detached from a CSA upon annexation to a municipality. With regards to this proposal, the affected territory is not part of the CSA No. 4 assessment and its planned land use is for a public park. Furthermore, the conservation easement on the affected territory held by the Napa County Land Trust specifically prohibits the development of any commercial or non-commercial vineyards or wineries.⁵ These factors support the Commission exercising its discretion to modify the proposal to include the concurrent detachment of the affected territory from CSA No. 4.⁶ No objections have been raised by CSA No. 4 concerning this potential modification.

C. Analysis

G.C. Section 56375 delegates LAFCOs the responsibility to approve or disapprove with or without amendment proposals for changes of organization consistent with its adopted written policies, procedures, and guidelines. LAFCOs are also authorized to establish conditions in approving proposals as long as they do not directly regulate land uses. Underlying LAFCOs' determination in approving or disapproving proposed changes of

⁴ The portion of the affected territory recommended for exclusion from the annexation encompasses a 20 foot corridor along the southern perimeter of the property lying immediately adjacent to Napa.

⁵ Uses allowed under the conservation easement include passive recreational activities. The easement defines passive recreational uses to include nature study, environmental education, running, walking, canoeing, kayaking, bicycling, picnicking, a golf driving range, wildlife observation, meditation, kite-flying, and photography.

⁶ The Commission's concurrent annexation policy involving NSD does not apply to this proposal because the affected territory is located outside the District's sphere of influence. In addition, NSD reports it does not have available capacity within its nearby transmission line to accommodate sewer demands generated from the affected territory. Consequently, Napa intends to construct two underground septic tanks as part of a planned public restroom facility, which will be pumped out monthly by a private vendor.

organization is to consider the logical and timely development of the affected agencies in context with statutory objectives and local circumstances.

Required Factors for Review

G.C. Section 56668 requires the Commission to consider 15 factors anytime it reviews proposed changes of organization involving cities. No single factor is determinative. The purpose in considering these factors is to help inform the Commission in its decision-making process. An evaluation of these factors as it relates to the 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 is undeveloped with the exception of a limited number of physical improvements, including a well and pump station, bridge, and gravel road. Transients are known to encamp in the area. The affected territory comprises two distinct areas that are separated by Salvador Creek and connected by Salvador Bridge. Lands north of Salvador Creek comprise the majority of the affected territory and generally consist of riparian vegetation and habitat with a peak elevation of six feet above sea level. These lands lie entirely within the floodplain of the Napa River and appear to have been previously utilized for agricultural purposes given the existence of a well and non-native grassland. Lands south of Salvador Creek include a gravel road connecting the affected territory to Old Trancas Street and have a peak elevation of 44 feet above sea level. The Napa River borders the entire eastern side of the affected territory. The current assessed value is \$616,553.

No new significant growth is expected within the surrounding areas over the next 10 years. Surrounding lands east, west, and north are unincorporated and consist of vineyards or low density residential uses. The County General Plan designates these surrounding lands as *Agricultural Resource*. This designation requires a minimum parcel size of 40 acres and effectively eliminates future divisions in the area given the existing lot sizes. Surrounding lands to the south are incorporated and designated under the Napa General Plan as *Community Commercial*. These incorporated lands are currently developed and include a financial institution and gasoline station with an adjoining convenience store.

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

The proposal is expected to facilitate the development of the affected territory into a public park with planned recreational amenities ranging from walking paths to canoe launches. Elevated levels of governmental services are needed to accommodate and support these intensified uses. This includes providing an appropriate level of (a) fire protection and emergency medical, (b) law enforcement, (c) potable water, and (d) park maintenance and improvement services. An analysis of the availability and adequacy of these governmental services in the affected territory follows.

Fire Protection and Emergency Medical Services

The County currently provides a basic level of fire protection and emergency medical services to the affected territory. Napa would assume these service responsibilities upon annexation with its closest station located 1.7 miles away on Park Avenue. The Commission's *Comprehensive Study of Fire Protection Services* (2006) noted Napa's average response time for all calls relating to fire protection and emergency medical services was less than five minutes from dispatch to arrival. This average response time satisfies the five minute performance standard for all high-priority public safety calls established under the Napa General Plan. No deficiencies were identified with respect to responding to service calls within the surrounding area.

Law Enforcement Service

The County currently provides a basic level of law enforcement services to the affected territory. Napa would assume these service responsibilities upon annexation with its police station located 2.2 miles away on First Street. The Commission's *Comprehensive Study of the City of Napa* (2005) noted Napa's average response time for all high-priority law enforcement calls was less than four minutes from dispatch to arrival. This average response time satisfies Napa's five minute performance standard for all high-priority public safety calls established under the General Plan. No deficiencies were identified in the report with respect to responding to service calls within the surrounding area.

Water Service

An existing on-site well is currently used to irrigate recently planted riparian vegetation. Napa's application materials note the City will extend public water service to provide potable supplies for the planned restroom facility and drinking fountains. Napa estimates the annual potable water demand for the underlying project will be minimal and total no more than 3,000 gallons or 0.01 acre-feet.⁷ Information collected and analyzed in the Commission's *Comprehensive Water Service Study* (2004) confirms Napa has adequate supplies and facilities to extend water service to the affected territory without adversely affecting existing customers. Additional analysis concerning Napa's available water supplies is provided on page 10 of this report.

⁷ This amount has been estimated based on a similar park with comparable usage.

Park Maintenance and Improvement Services

Ongoing maintenance and improvement services will be required to facilitate and support the planned development of the affected territory into a public park. This includes opening and closing the park, trash cleanup and removal, and facility repairs. Napa estimates the annual maintenance and improvement of the park will require a total of 1,265 hours, which is equivalent to a 0.6 full-time employee. Napa states the added workload will be initially absorbed with the goal of funding an additional position within the Parks and Recreation Services Department in 2011-2012. Napa estimates the total annual operating costs for the park at \$37,700.

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

The proposal would expand existing economic ties as well as establish new social interests between Napa and the affected territory. Existing economic ties were created in 2005 when Napa purchased the affected territory from the Napa County Land Trust and began planning the site's development as a public park. The proposed annexation would expand these economic ties by memorializing Napa's commitment in making facility and infrastructure improvements while providing property tax savings to the City, which will help offset maintenance and improvement expenses. Social interests would be established by helping to provide new park and recreational services within the community consistent with the goals and standards outlined in the Napa General Plan. Specifically, the proposal will assist Napa in achieving its adopted policy objective of making available 12 acres of parkland for every 1,000 residents.⁸

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.

Commission Policy Determination V(C)(1) permits annexation of publicly owned land designated agricultural or open-space to a city if it will be used for a municipal purpose and no suitable alternative site exists within its sphere. However, municipal purpose is defined under the policy to mean:

“a public service facility which is urban in nature, such as water and sewage treatment, but shall not include land that is vacant or used for wastewater reclamation irrigation, a reservoir, or agricultural, watershed, and open-space.”

⁸ Napa's current parkland ratio for every 1,000 residents is 9.9 acres. The underlying development project associated with annexation will increase Napa's parkland ratio for every 1,000 residents to 10.3 acres. The adopted General Plan Policy PR-1.1 standard is 12 acres of parkland per 1,000 residents.

This definition ostensibly makes the proposal inconsistent with Commission policy given the affected territory is substantially vacant with the exception of a well, bridge, and gravel road. Nonetheless, the Commission has approved a similar proposal involving the annexation of the Alston Park site to Napa in 1989. The proposal will not induce, facilitate, or lead to the conversion of open-space lands for urban purposes, and therefore G.C. Section 56377 does not apply.

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

The proposal and its underlying service plan (development of a public park) may indirectly effect the economic and physical integrity of adjacent agricultural lands to the north located at 2100 Big Ranch Road.⁹ This statement is based on correspondence received from the landowners, who assert Napa's service plan does not include sufficient fencing to protect against park visitors from trespassing. Markedly, it is currently proposed Napa will construct an eight-foot chain-link fence as close as reasonable to the shared property line. This planned improvement is the result of an earlier agreement between the two parties and will parallel an existing chain-linked fence on the landowner's property. The landowners, however, state the earlier agreement was reached under duress and does not provide adequate protection from park visitors from walking around the fence ends and onto their property. The landowners state they have experienced a measurable increase in trespassers since the affected territory was purchased by Napa, and believe intrusions will be exacerbated with the opening of the park without secure fencing. Staff believes the landowners have a valid concern that could be addressed with the construction of an extended fence to provide added protection against trespassers potentially cause harm to the vineyard.

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

The affected territory is parcel-specific and identified by the County Assessor's Office as 038-190-020. A map and geographic description have been prepared by the applicant identifying the boundaries of the affected territory in accordance with the requirements of the State Board of Equalization. These documents provide sufficient certainty with regards to the exact boundaries of the affected territory as proposed.

Any modifications to the affected territory made by the Commission will require revisions to both the map and geographic description prior to recordation. Potential modifications identified by staff include the exclusion of a 20 x 435 foot unincorporated corridor to make the affected territory non-contiguous to Napa.

⁹ These adjacent lands qualify as "agricultural" under G.C. Section 56016 given they currently comprise a commercial vineyard.

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

The County General Plan designates the affected territory as *Agricultural Resource*. This designation applies to the majority of the valley floor and intended to preserve and encourage agricultural uses. Additional contemplated land uses include processing of agriculture products and single-family residences. In comparison, the Napa General Plan designates the affected territory as *Greenbelt*. This designation is defined by Napa to mean “lands outside the RUL that bear a relationship to the City’s planning policies” with the intent they remain “in agricultural or very low density rural residential, public, or institutional use.” The proposed annexation and underlying service plan associated with the proposal is consistent with this designation given its intended public use.

In a related note, a ruling from the California Court of Appeal - Third District recognizes cities and counties are immune from one another’s land use regulations (*Phyllis Lawler v. City of Redding* (1992)). This includes providing immunity to cities and counties with respect to complying with other agencies’ general plans. Based on this ruling, Napa is not subject to existing County policies given it is the landowner for the affected territory.

8) The sphere of influence of any local agency applicable to the proposal.

The affected territory is located outside Napa’s sphere of influence, which was comprehensively updated by the Commission in June 2005. State law generally requires proposed boundary changes be consistent with the spheres of influence of the affected agencies. Accordingly, in order to approve the proposal as submitted, a concurrent sphere of influence amendment is necessary.

As discussed on page three of this report, the Commission may wish to consider modifying the proposed annexation to exclude an approximate 0.2 acre portion of the affected territory to make it non-contiguous to Napa. This modification would allow for the annexation of the affected territory without requiring a concurrent sphere of influence amendment under G.C. Section 56742.

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

On February 5, 2009, staff circulated copies of the application materials for review and comment to local governmental agencies. One substantive comment was received from County Public Works. Public Works notes the affected territory is located within a “floodplain” as determined by the Federal Emergency Management Agency. Towards this end, Public Works states the affected territory should not be subdivided and used for any commercial or residential uses and that all federal and local floodplain requirements should be enforced. Public Works also requests Napa provide notification if any changes occur within the affected territory that may impact surrounding unincorporated lands.

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.

Based on information collected and analyzed in the Commission's recent series of municipal service reviews, Napa has established sufficient financial resources to help ensure an appropriate level of service is provided to the affected territory consistent with its planned uses without adversely impacting existing constituents. As discussed on page seven of this report, Napa estimates the annual operating costs associated with the underlying park development is \$37,700. This cost will be partially offset by the approximate \$6,000 in savings in property taxes and represents less than 0.05% of Napa's operating budget.¹⁰

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

The affected territory will require water services upon its annexation and subsequent planned development into a public park, which will include restroom facilities. Napa's current annual water demand is approximately 14,500 acre-feet. This amount represents 49% of Napa's current available water supplies under normal conditions.¹¹ The probable annual water demand for the underlying development project is estimated at 3,000 gallons or 0.01 acre-feet.¹² This amount represents less than 0.0001% of the current annual water demand and can be adequately accommodated by Napa given existing supplies without impacting service levels of current ratepayers.

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

The proposal will not have an impact on the ability of Napa or the County in achieving their respective regional housing needs assignment given both agencies' have zoned or pre-zoned the site for non-residential uses.

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

Napa is the landowner of the affected territory and is proposing the annexation. There are no registered voters or legal residents within the affected territory. Written comments have been received from the landowners immediately north of the affected territory at 2100 Big Ranch Road, Steve and Tina Brown. The Browns

¹⁰ Napa's current adopted operating budget is \$65.74 million. In addition to operating and maintenance costs, Napa has budgeted \$3.67 million to complete the design, review, engineering, and construction expenses of the park. Of this amount, \$2.86 million will be funded by two separate grant awards from the State. The remaining \$0.81 million will be funded from Napa's Park Capital Improvement Fund.

¹¹ Current water supply figure assumes an approximate 20% reduction in contracted State Water Project supplies.

¹² This amount has been estimated based on a similar park with comparable usage.

oppose the annexation on the basis the underlying service plan will adversely impact their commercial vineyard unless two specific mitigation measures are incorporated as conditions of approval. These requested approval conditions would require Napa to (a) build a perimeter fence and (b) place the walking path 300 feet away from the shared property line. As noted on page eight of this report, staff believes the construction of an extended fence would help maintain the economic and physical integrity of the vineyard by providing enhanced protection against trespassers.¹³ The feasibility of constructing an extended fence, however, has not been adequately addressed by either Napa or the Browns in correspondence submitted to the Commission. With regard to moving the walking path, the Browns believe a 300 foot buffer is necessary to ensure the planned placement of apiaries on their property conforms to the clearance required under County Code Section 6.12.020.¹⁴ Staff does not believe the placement of apiaries has a positive or negative effect on maintaining the integrity of the vineyard and therefore is not pertinent to the Commission's review.

14) Any information relating to existing land use designations.

As discussed, Napa designates the affected territory as *Greenbelt*.

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

There is no documentation or evidence suggesting the proposal will have a measurable effect with respect to promoting environmental justice.

Terms and Conditions

The Commission's standard terms and conditions would apply to the proposal if approved. This includes requiring a final map and geographic description be prepared identifying the approved boundary changes and a signed indemnification agreement.¹⁵ Additionally, given the preceding analysis, the Commission may consider including a special condition to address the potential effect in maintaining the economic and physical integrity of the agricultural uses at 2100 Big Ranch Road. With this preface in mind, staff has drafted the following four alternative special conditions for Commission consideration.

Alternative A: Encourage Napa Meet to Negotiate an Agreement with Landowners

This alternative would include a statement in the resolution encouraging Napa to meet and negotiate an agreement with the landowners regarding the construction of an extended fence to maintain the integrity of agricultural uses at 2100 Big Ranch Road. No additional action would be required. The Executive Officer would record approval once all standard conditions are satisfied.

¹³ The Browns also state a perimeter fence is needed for public safety purposes given their family and friends routinely discharge firearms on the property for recreational sport.

¹⁴ This code section requires apiaries be placed at a minimum distance of 300 feet from any public road.

¹⁵ State law requires all terms and 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.

Alternative B: Require Napa Negotiate an Agreement with Landowners

This alternative would include a condition in the resolution requiring Napa to meet and negotiate an agreement with the landowners regarding the construction of an extended fence to maintain the integrity of agricultural uses at 2100 Big Ranch Road. The Executive Officer would not record approval until confirmation is received that the parties have met along with the satisfaction of all standard conditions.

Alternative C: Require Napa Reach an Agreement with Landowners with Waiver Provision

This alternative would include a condition in the resolution requiring Napa meet, negotiate, and reach an agreement with the landowners regarding the construction of an extended fence to maintain the integrity of the agricultural uses at 2100 Big Ranch Road. The Executive Officer would not record approval until confirmation of an agreement between the parties is received unless waived by the Commission along with the satisfaction of all standard conditions. The Commission may waive the condition if Napa demonstrates in writing it has made a good-faith effort to negotiate with the landowners, but is unable to reach an agreement.

Alternative D: Require Napa Reach an Agreement with Landowners

This alternative would include a condition in the resolution requiring Napa meet, negotiate, and reach an agreement with the landowners regarding the construction of an extended fence to maintain the integrity of the agricultural uses at 2100 Big Ranch Road. The Executive Officer would not record approval until confirmation of an agreement between the parties along with the satisfaction of all standard conditions.

All four listed special condition alternatives represent different approaches for the Commission to proactively engage the parties in addressing the natural interface tension arising between adjacent recreational and agricultural uses. None of the alternatives directly regulate land uses, but rather deal with making an improvement to the affected territory as authorized under G.C. 56886(h). All alternatives are justified given they help fulfill the Commission's statutory mandate to protect agricultural resources while accommodating orderly growth and development.

Staff believes Alternative C is the preferred selection. This alternative provides the strongest incentive for Napa to reach an agreement with the neighboring landowners on the construction of an extended fence to protect agricultural uses while allowing the City to request a waiver if good-faith efforts fail to generate a satisfactory arrangement.

Prezoning Assignment

G.C. Section 56375(3) requires cities prezone territory as a condition to annexation. Napa has prezoned the affected territory as *Parks and Open Space*. This pre zoning assignment is consistent with the Napa General Plan's designation of *Greenbelt* for the affected territory and is intended to accommodate citywide, community, and neighborhood parks, as well as trails, open space, greenways, parkways, and nature preserves. Conditional uses associated with this pre zoning assignment include agricultural or very low density rural residential, public, or institutional. Napa may not change the zoning for the affected territory in a manner that does not conform to the pre zoning at the time of annexation for a period of two years with limited exceptions.

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 55% of the County's existing portion of property tax revenues generated from the affected territory. However, as referenced, the apportionment of property tax proceeds would only become effective if the affected territory is subsequently sold by Napa.

Environmental Review

Discretionary actions by public agencies are subject to the California Environmental Quality Act (CEQA) any time an underlying activity will result in a direct or indirect physical change to the environment. A lead agency has the principal responsibility for carrying out or approving a project consistent with the provisions of CEQA. This includes determining whether the underlying activity qualifies as a project under CEQA. If the activity is a determined to be a project, the lead agency must determine if an exemption applies or if additional environmental review is needed, such as preparing an initial study. A responsible agency is accountable for approving an associated aspect of the underlying activity and must rely on the lead agency's determination in making its own CEQA finding.

Napa serves as lead agency for the proposal given it has principal authority in approving the underlying activity: the development of the affected territory into a public park. Napa has determined the development is a project under CEQA and no existing categorical or statutory exemptions apply. Accordingly, Napa prepared an initial study in conjunction with a master plan assessing the environmental impacts associated with the development, including annexation. Based on the initial study, Napa adopted a mitigated negative declaration memorializing its findings that the development will not result in significant impacts on the environment given the incorporation of certain mitigations.

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 given the incorporation of mitigated measures. A copy of the initial study is included in Attachment One.

D. Options for Commission Action

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

- Option One:** Approve the proposal as submitted with standard conditions. This option would require a concurrent sphere of influence amendment. Accordingly, if this option is preferred, the Commission should direct staff to return with draft resolutions at its next meeting to approve the proposal as submitted along with amending Napa's sphere of influence as part of a noticed public hearing.
- Option Two:** Approve the proposal as modified to (a) exclude an approximate 0.2 acre portion of the affected territory to ensure the site is non-contiguous to Napa and (b) detach the land from CSA No. 4. Special conditions may also apply as determined by the Commission.
- Option Three:** Continue consideration of the item to a future meeting if more information is required.
- Option Four:** Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year.

E. Recommendation

Staff recommends approving the proposal as modified under Option Two in the preceding section. Staff also recommends the Commission include a special condition requiring Napa reach an agreement with the landowners at 2100 Big Ranch Road concerning the construction of an extended fence to protect agricultural uses on the property. Recordation would not occur until an agreement between the two parties is reached unless Napa requests and the Commission approves a waiver. This special condition is outlined as Alternative C on page 12 of this report. A draft resolution codifying these recommendations is provided as Attachment Four.

Respectfully submitted,

Keene Simonds
Executive Officer

Brendon Freeman
Analyst

Attachments:

- ~~1) Application Materials~~
- ~~2) Correspondence from Steve and Tina Brown~~
- ~~3) Correspondence from the City of Napa~~
- ~~4) Recommended Draft Resolution of Approval~~



Local Agency Formation Commission
LAFCO of Napa County

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December 7, 2009
Agenda Item No. 8b (Action)

December 2, 2009

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Comments on the County of Napa's Draft Environmental Impact Report on Napa Pipe

The Commission will review a draft letter prepared by staff providing comments on the County of Napa's Draft Environmental Impact Report on Napa Pipe. The Commission will consider authorizing the Chair to sign the draft letter with any desired revisions.

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 services. Most notably, this includes approving, modifying, or disapproving proposals filed by local agencies, landowners, or registered voters to establish, expand, retract, or dissolve cities and special districts. LAFCOs may also initiate certain types of proposals if deemed appropriate in fulfilling its statutory mandates, including the establishment of new special districts.

A. Background

The County of Napa has prepared a Draft Environmental Impact Report (DEIR) on Napa Pipe. The project would redevelop approximately 155 acres of unincorporated territory located immediately adjacent to the City of Napa and west of the Napa Valley Corporate Park. The project site comprises two assessor parcels that have been previously used for industrial purposes ranging from ship building to steel fabrication. The project proposes to redevelop the site over three distinct phases to include:

- 2,580 attached residential units
- 150-unit senior retirement home
- 150-room cooperative condominium hotel
- 190,000 square feet of corporate park uses
- 40,000 square feet of retail uses

LAFCO of Napa County's ("Commission") review of the DEIR is predicated on addressing the agency's potential role as a responsible agency under the California Environmental Quality Act. Specifically, under the proposed project, Commission approval may be required to form a new special district to provide one or more community services to Napa

Juliana Inman, Vice Chair
Councilmember, City of Napa

Lewis Chilton, Commissioner
Councilmember, Town of Yountville

Joan Bennett, Alternate Commissioner
Councilmember, City of American Canyon

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

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

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

Brian J. Kelly, Chair
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

Pipe. Additionally, as part of a project alternative, Commission approval may be required to authorize an outside water service extension involving the City of Napa.

This report focuses on central aspects of the project along with pertinent issues the Commission would need to consider relative to its potential roles as outlined in the preceding paragraph. The underlying intent of the report is to inform the Commission in reviewing a draft comment letter on the DEIR prepared by staff. A copy of the draft letter is attached. Staff requests the Commission authorize the Chair to sign the draft letter with any desired revisions. The deadline for submitting written comments is January 21, 2010.

B. Discussion

Jurisdictional Setting

The project site comprises two unincorporated assessor parcels currently designated and zoned by the County as *Study Area* and *Industrial: Airport Compatibility*, respectively. As part of the project, the County would redesignate the site as *Napa Pipe Mixed Use* along with creating new zoning districts compatible with the proposed uses. Although the project site is located entirely outside Napa's urban growth boundary, a portion of one of the two parcels lies within the City's sphere of influence (map attached). This portion totals 18.0 acres and was included in Napa's sphere of influence at the time of its adoption in 1972 given the City was providing potable water service to the area. The Commission retained this portion of the project site in Napa's sphere of influence as part of its 2005 comprehensive update in deference to planned discussion between the City and County with regards to future development activity in the area.

In addition, the entire project site is located within the Napa Sanitation District's (NSD) sphere of influence and jurisdictional boundary. NSD has been providing sewer service to the project site for several decades, although current demands are relatively minimal according to the agency. There are also five countywide limited special districts that are authorized to provide specific services within the project site given their jurisdictional boundaries include the affected territory. These five special districts are County Service Area No. 4, Napa County Flood Control and Water Conservation District, Napa County Mosquito Abatement District, Napa County Resource Conservation District, and Napa County Regional Park and Open Space District.

Community Services

The DEIR estimates the buildout of the project would result in a population increase of approximately 5,901 persons. This anticipated buildout population would make Napa Pipe the fourth largest resident community in the county behind Napa (77,831), American Canyon (16,503), and St. Helena (5,960). It would be larger than Calistoga (5,331) and Yountville (3,263).¹ A summary of the core community services contemplated in the DEIR to support the project in terms of demands, capacities, and organizational structures follows.

¹ Current population figures are provided by the California Department of Finance as of January 1, 2009.

Water Service

The DEIR states water supplies would be drawn entirely from existing and new wells located within the project site. Overall annual demand at buildout has been calculated at 620 acre-feet, which the DEIR states can be sufficiently accommodated through groundwater withdraws with minimal impact to adjacent users.² No significant impacts have been identified. The DEIR identifies three organizational options with respect to potential service providers: investor-owned utility; private mutual water company; or a special district. Only the formation of a special district would require Commission approval. Formation of an investor-owned utility is regulated by the California Public Utilities Commission. It is staff's understanding the formation of a private mutual water company is subject only to the filing requirements of the Secretary of State.

Sewer Service

The DEIR contemplates sewer service within the project site would be provided by connecting to NSD or forming a new special district for purposes of constructing and operating a new wastewater treatment facility. The average daily dry-weather demand at buildout has been calculated at 0.51 million gallons with peak-day demand reaching 0.72 million gallons. The DEIR states NSD has not fully evaluated the capacity of its facilities with regard to serving the proposed project. The DEIR asserts any impacts, however, can be mitigated to a less-than-significant level by the applicant paying NSD connection fees to contribute toward the improvements needed to adequately serve the project. Commission approval would only be needed to form a new special district given the project site is already located within NSD.

Public Safety

The DEIR contemplates the County will continue to provide law enforcement and fire protection services within the project site. An approximate 2,700 square foot joint-use facility would be constructed by the applicant on Kaiser Road to localize public safety provision in the area. The DEIR calculates public safety service calls within the project site at buildout will range from 500 to 700 annually. The DEIR directs the County to establish a community facilities district to mitigate monetary impacts to a less-than-significant level to maintain current law enforcement and fire protection service levels through the funding of additional personnel and equipment.³ The DEIR also directs the County to re-negotiate the terms of its automatic aid agreements with Napa to mitigate impacts to a less-than-significant level involving City call volumes.

² The DEIR references an earlier water supply assessment prepared for the Napa Pipe project. This assessment states recorded groundwater withdrawals within the project site have been as high as 1,230 acre-feet annually. The assessment notes more recent withdrawals have averaged 146 acre-feet annually.

³ The DEIR states the County would need to hire seven additional sworn officers to maintain its current ratio of approximately one deputy for every 1,000 residents. The DEIR also states the County would need to hire 10 additional firefighters to provide adequate staffing levels.

C. Analysis

Staff believes it would be appropriate for the Commission to make the following comments on the DEIR.

- **Comment One**

The Utilities Section (4.13-1) contemplates three organizational options in providing water service to the project: investor-owned utility; private mutual water company; or a special district. The Report Summary (2-2), however, fails to identify a special district as a potential water service provider. This portion of the DEIR should be revised to identify all three organizational options as a possible water service provider as outlined in the Utilities Section. This portion should also be revised to accurately identify the two sewer service provider options outlined in the Utilities Section.

- **Comment Two**

The scope of the project strongly suggests a special district – and not a private entity – should be formed to provide water service to the site, either directly or through a contract with another agency. A special district would provide a more formal and transparent process for landowners and registered voters to effectively influence and tailor service operations to meet the needs of the community. A private entity in comparison, such as a mutual water company or investor-owned utility, is owned by landowners or shareholders, respectively, and would not be as accountable to all affected ratepayers. A special district could also incur long-term debt secured through voter-approved assessments to fund ongoing maintenance and capital improvement projects. A special district's boundary and infrastructure would also be regulated by the Commission to ensure its orderly development consistent with local conditions and policies. The expansion of a private entity's boundary or infrastructure is not subject to this type of third party review. Finally, forming a multi-purpose special district, such as a community service district (CSD) or county service area (CSA), could consolidate needed service provision (water, public safety, parks, roads, etc) within the site under a single public administration.

- **Comment Three**

The Utilities Section (4.13-21) contemplates two organizational options in providing sewer service to the project: connecting to NSD or forming a new special district. Formation approval of a new special district to provide sewer service to the project would concurrently require detachment of the site from NSD. This portion of the DEIR should be revised to address potential impacts to NSD as well as appropriate mitigation measures relating to detachment proceedings.

- **Comment Four**

The Alternatives Section (5-1) identifies two substitutes regarding the proposed project's intention to rely solely on groundwater. The first substitute assumes the project would rely exclusively upon water from Napa. The second substitute assumes the project would supplement its use of groundwater with water from Napa. The discussion of these two substitutes on page 5-69 states any water from Napa to serve the project may require Commission approval if it deems the service as "new" or "extended" under Government Code Section 56133. This portion of the DEIR should be revised to specify Commission approval would be needed for Napa to provide water to the project since it would constitute as an "extended" service given the redesignation and intensification of land uses.

- **Comment Five**

The County should consider and identify long-term governance objectives in managing community services for the project and make corresponding revisions to the DEIR as appropriate. If the governance objective is to maintain Napa Pipe as an unincorporated community and control service decision-making, the County should prioritize forming a CSA. If the governance objective is to maintain Napa Pipe as an unincorporated community while delegating service decision-making to registered voters, the County should prioritize forming a CSD. Last, if the governance objective is to ultimately facilitate the annexation of Napa Pipe to Napa, the County should prioritize forming a CSD and contract with the City for services to avoid the duplication of public infrastructure and facilities. This ladder governance objective could also be accomplished by adding the project site to Napa's sphere of influence for purposes of entering into outside service agreements under Government Code Section 56133.

D. Recommendation

The comments on the DEIR outlined in the preceding section have been incorporated into the attached letter addressed to the County. Staff recommends the Commission authorize the Chair to sign the letter with any desired revisions.

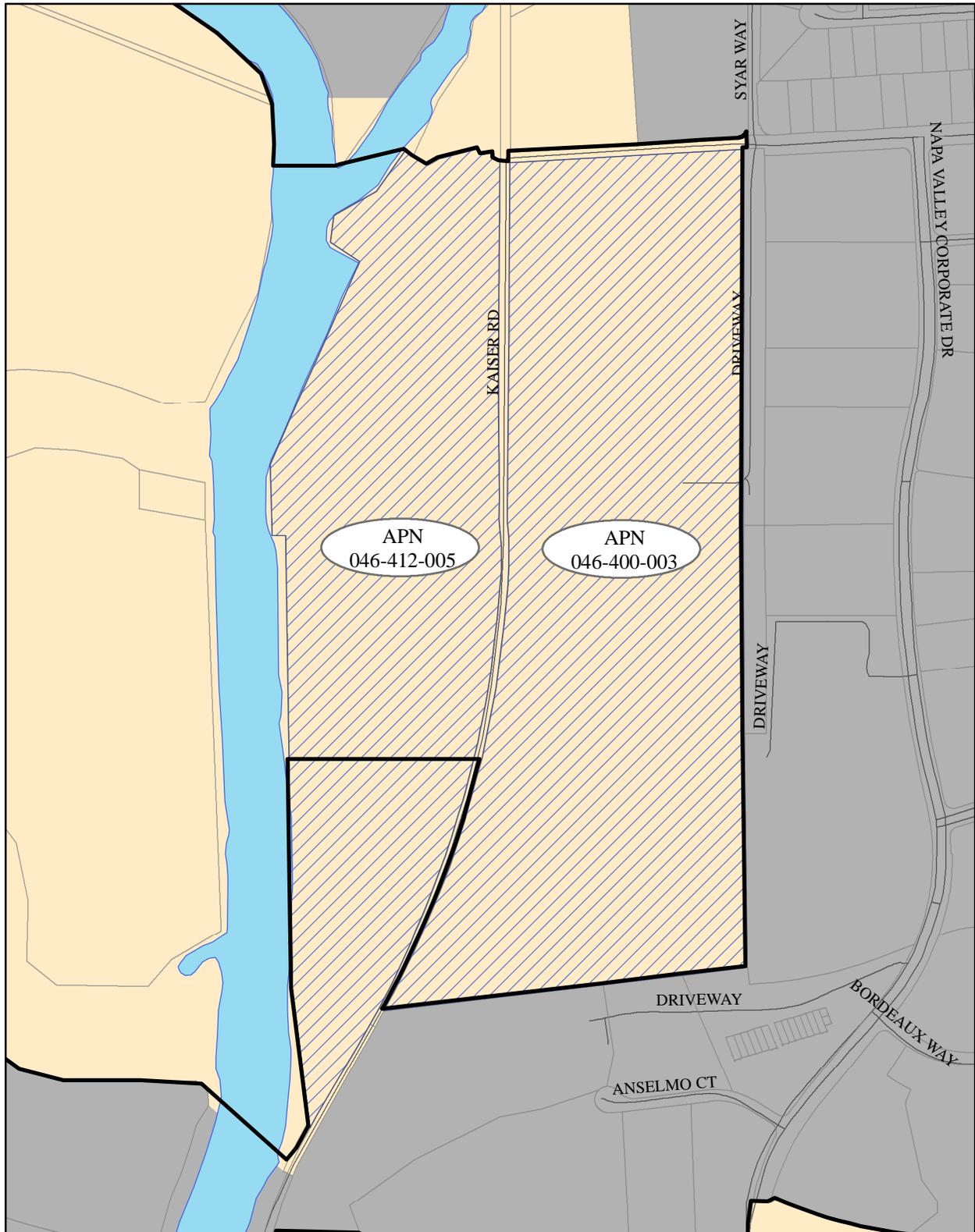
Respectfully submitted,

Keene Simonds
Executive Officer

Attachments:

- 1) Map
- 2) Draft Comment Letter

Napa Pipe Site



LEGEND

	Unincorporated Land
	City of Napa: Incorporated Boundary
	City of Napa: Sphere of Influence
	Napa Pipe Site

*Not to Scale
February 2, 2009*



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December 7, 2009

Mr. Sean Trippi, Principal Planner
 County of Napa, Conservation and Planning
 1195 Third Street, Room 210
 Napa, California 94559

SUBJECT: Draft Environmental Impact Report on Napa Pipe

Mr. Trippi:

The Local Agency Formation Commission (LAFCO) of Napa County has reviewed the County of Napa's Draft Environmental Impact Report (DEIR) on Napa Pipe. The DEIR evaluates the potential impacts associated with an application submitted by Napa Redevelopment Partners to develop an approximate 155 acre unincorporated site located immediately adjacent to the City of Napa and west of the Napa Valley Corporate Park. The project description contemplates the site will be developed to include 2,580 attached residential units. It is also contemplated the site will include 230,000 square feet of corporate and retail uses along with certain recreational amenities.

LAFCO's review of the DEIR is predicated on addressing the agency's potential role as a responsible agency under the California Environmental Quality Act. Specifically, under the proposed project, LAFCO approval may be required to form a new special district to provide one or more community services to Napa Pipe. Additionally, as part of a project alternative, LAFCO approval may be required to authorize an outside water service extension involving the City of Napa. With these factors in mind, LAFCO respectfully offers the following comments on the DEIR:

- The Utilities Section (4.13-1) contemplates three organizational options in providing water service to the project: investor-owned utility; private mutual water company; or a special district. The Report Summary (2-2), however, fails to identify a special district as a potential water service provider. This portion of the DEIR should be revised to identify all three organizational options as a possible water service provider as outlined in the Utilities Section. This portion should also be revised to accurately identify the two sewer service provider options outlined in the Utilities Section.

Juliana Inman, Vice Chair
 Councilmember, City of Napa

Lewis Chilton, Commissioner
 Councilmember, Town of Yountville

Joan Bennett, Alternate Commissioner
 Councilmember, City of American Canyon

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

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

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

Brian J. Kelly, Chair
 Representative of the General Public

Gregory Rodeno, Alternate Commissioner
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- The scope of the project strongly suggests a special district – and not a private entity – should be formed to provide water service to the site, either directly or through a contract with another agency. A special district would provide a more formal and transparent process for landowners and registered voters to effectively influence and tailor service operations to meet the needs of the community. A private entity in comparison, such as a mutual water company or investor-owned utility, is owned by landowners or shareholders, respectively, and would not be as accountable to all affected ratepayers. A special district could also incur long-term debt secured through voter-approved assessments to fund ongoing maintenance and capital improvement projects. A special district’s boundary and infrastructure would also be regulated by the Commission to ensure its orderly development consistent with local conditions and policies. The expansion of a private entity’s boundary or infrastructure is not subject to this type of third party review. Finally, forming a multi-purpose special district, such as a community service district (CSD) or county service area (CSA), could consolidate needed service provision (water, public safety, parks, roads, etc.) within the site under a single public administration.
- The Utilities Section (4.13-21) contemplates two organizational options in providing sewer service to the project: connecting to NSD or forming a new special district. Formation approval of a new special district to provide sewer service to the project would concurrently require detachment of the site from NSD. This portion of the DEIR should be revised to address potential impacts to NSD as well as appropriate mitigation measures relating to detachment proceedings.
- The Alternatives Section (5-1) identifies two substitutes regarding the proposed project’s intention to rely solely on groundwater. The first substitute assumes the project would rely exclusively upon water from Napa. The second substitute assumes the project would supplement its use of groundwater with water from Napa. The discussion of these two substitutes on page 5-69 states any water from Napa to serve the project may require Commission approval if it deems the service as “new” or “extended” under Government Code Section 56133. This portion of the DEIR should be revised to specify Commission approval would be needed for Napa to provide water to the project since it would constitute as an “extended” service given the redesignation and intensification of land uses.
- The County should consider and identify long-term governance objectives in managing community services for the project and make corresponding revisions to the DEIR as appropriate. If the governance objective is to maintain Napa Pipe as an unincorporated community and control service decision-making, the County should prioritize forming a CSA. If the governance objective is to maintain Napa Pipe as an unincorporated community while delegating service decision-making to registered voters, the County should prioritize forming a CSD. Last, if the governance objective is to ultimately facilitate the annexation of Napa Pipe to Napa, the County should prioritize forming a CSD and contract with the City for services to avoid the duplication of public infrastructure and facilities. This ladder

governance objective could also be accomplished by adding the project site to Napa's sphere of influence for purposes of entering into outside service agreements under Government Code Section 56133.

LAFCO appreciates the opportunity to comment on the DEIR. If you have any questions regarding our comments, please contact LAFCO Executive Officer Keene Simonds by telephone at (707) 259-8645 or by e-mail at ksimonds@napa.lafco.ca.gov

Sincerely,

Brian J. Kelly
Chair

Attachments: none



Local Agency Formation Commission
LAFCO of Napa County

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December 7, 2009
Agenda Item No. 8c (Action)

November 30, 2009

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Appointments to the 2010-2011 Budget Committee
The Commission will consider appointing two members to serve with the Executive Officer on the 2010-2011 Budget Committee.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 directs Local Agency Formation Commissions (LAFCOs) to annually prepare and adopt proposed and final budgets by May 1st and June 15th, respectively.

A. Discussion

It is the policy of LAFCO of Napa County (“Commission”) to establish a budget committee at its last meeting of the calendar year. The budget committee consists of two appointed Commissioners and the Executive Officer. The budget committee is responsible for preparing a draft proposed budget for review by the Commission and those entities statutorily responsible for funding the agency no less than 30 days prior to its adoption. It has been the practice of the Commission to receive a draft proposed budget from the budget committee at its February meeting. Proposed and final budgets are generally presented to the Commission for adoption at its April and June meetings. Previous appointments to the budget committee are summarized below.

Term	Appointee	Appointee
2009-2010	Brian J. Kelly	Jack Gingles
2008-2009	Brian J. Kelly	Jack Gingles
2007-2008	Brian J. Kelly	Brad Wagenknecht
2006-2007	Guy Kay	Brad Wagenknecht
2005-2006	Guy Kay	Brad Wagenknecht

B. Analysis

The 2010-2011 Budget Committee will review and make recommendations on baseline expenditures to maintain or adjust current agency service levels as deemed appropriate. It is expected the 2010-2011 Budget Committee will also review the Commission’s existing financial management policies and practices and consider possible changes. One potential change identified by staff meriting review is the establishment of a fund balance policy.

Juliana Inman, Vice Chair
Councilmember, City of Napa

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Councilmember, City of American Canyon

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County of Napa Supervisor, 4th District

Brad Wagenknecht, Commissioner
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County of Napa Supervisor, 2nd District

Brian J. Kelly, Chair
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

It is anticipated the 2010-2011 Budget Committee will conduct a noticed public meeting during the first full week of January during the early afternoon. It is expected one additional noticed public meeting will be conducted in early March.

C. Recommendation

It is recommended the Commission take the following action:

- 1) Appoint two members to serve on the 2010-2011 Budget Committee.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachment:

- 1) *Policy on Preparation of the LAFCO Budget*

Local Agency Formation Commission of Napa County

Policy on the Preparation of the LAFCO Budget
(Adopted: August 9, 2001; Last amended: January 9, 2003)

To facilitate the adoption of the LAFCO budget pursuant to Government Code §56381, it is the policy of the Commission that:

1. There shall be a LAFCO budget committee, composed of two members of the Commission and the Executive Officer. At the last regular Commission meeting of each calendar year, the Chair shall appoint two members to serve on the budget committee.
2. It is the responsibility of the budget committee to prepare a draft preliminary budget for circulation to the Commission, those agencies statutorily required to contribute to the LAFCO budget and all interested parties.
3. The draft preliminary budget shall be circulated no less than 30 days prior to the meeting at which it shall be considered and adopted.
4. Following the adoption of the preliminary budget, the Executive Officer shall prepare a draft final budget.
5. The draft final budget shall be circulated no less than 30 days prior to the meeting at which it shall be considered and adopted.



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December 7, 2009
Agenda Item No. 8d (Action)

November 30, 2009

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Notice of Expiring Term: Regular Public Member

The city and county members will provide direction to staff with respect to addressing the expiring term of the regular public member position.

California Government Code Section 56325(d) states the composition of Local Agency Formation Commissions (LAFCOs) shall include one member representing the general public, referred to as the “public member.” This code section also states that LAFCOs may designate one alternate public member. The regular and alternative public members are appointed to separate four-year terms and by statute cannot be officers or employees with a local governmental agency. Additionally, to be appointed, the regular or alternate public members must receive at least one vote from a county and city member.

A. Discussion

LAFCO of Napa County’s (“Commission”) policy regarding the appointment of the regular and alternate public members was adopted in October 2001 and most recently amended in April 2008. The policy directs the Executive Officer to notify the Commission no less than 120 days prior to an impending vacancy and whether the incumbent is eligible to seek reappointment. Upon notification, the Commission must direct the Executive Officer to (a) recruit candidates and schedule a hearing to make an appointment or (b) schedule a hearing to expedite the reappointment of the incumbent if they are eligible and have served no more than all or a portion of one term.

B. Analysis

Commissioner Brian J. Kelly’s term as regular public member expires on Monday, May 3, 2010. Commissioner Kelly has served less than one full term as the regular public member after having been appointed to the position on December 4, 2006 to fill the vacancy created with the resignation of Guy Kay. Accordingly, Commissioner Kelly is eligible for the expedited reappointment proceedings discussed in the preceding section.

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Councilmember, City of American Canyon

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Representative of the General Public

Keene Simonds
Executive Officer

C. Alternatives for Commission Action

The following alternative actions are available for consideration by the city and county members on the Commission.

Option A: Direct the Executive Officer to initiate an open recruitment for the regular public member position and schedule a future hearing date consistent with the procedures identified in Section 1(a) of the *Policy on the Appointment of a Public Member and Alternate Public Member*.

Option B: Direct the Executive Officer to schedule a future hearing date for the reappointment of the incumbent regular public member consistent with the procedures identified in Section 1(b) of the *Policy on the Appointment of a Public Member and Alternate Public Member*.

D. Recommendation

It is recommended the city and county members identify their collective preference with respect to addressing the impending vacancy of the regular public member position and provide direction to the Executive Officer as appropriate.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachment:

- 1) *Policy on the Appointment of the Public Member and Alternate Public Member*



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on the Appointment of a Public Member and Alternate Public Member

Adopted: October 11, 2001

Amended: December 5, 2005; April 7, 2008

Authority

California Government Code Section 56325(d) states the composition of the Commission shall include one member representing the general public, hereinafter referred to as “public member.” This code section also states that the Commission may designate one alternate public member. The selection of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members appointed by each of the Board of Supervisors and City Selection Committee.

Eligibility

The public member and alternate public member shall be a resident of Napa County. No person may serve as public member or alternate public member if at the same time he or she is an officer or employee of a local public agency. No person may also serve as public member or alternate public member if he or she is member of a local public board, commission, or committee with the authority to make advisory or final decisions relative to land use or the provision of municipal services.

Term of Office

The term of office for public member and alternate public member shall be four years and shall end on the first Monday in May of the year in which the term expires. The public member and alternate public member shall continue to serve until his or her successor is appointed.

Appointment Procedures

New Term for Public Member or Alternate Public Member

It is the policy of the Commission that in anticipation of the expiration of a four-year term for the public member or alternate public member, the following procedures will be taken:

1. At a regular meeting no less than 120 days prior to the scheduled expiration of public member or alternate public member’s term, the Executive Officer shall inform the Commission of the impending vacancy and whether the incumbent is eligible to seek reappointment. The Commission shall take either of the following two actions set forth in 1.a) or 1.b).

- a) Direct the Executive Officer to recruit candidates and schedule a hearing date to consider making an appointment to the position. Tasks of Executive Officer shall include the following:
 - i) Issue a notice announcing the vacancy and that the Commission is accepting applications for the position no less than 60 days prior to the scheduled hearing for the appointment. The notice shall be posted at the LAFCO office and on its website, sent to all local agencies, and published in the Napa Valley Register.¹ The notice shall indicate if the incumbent is eligible for reappointment.
 - ii) Determine the filing period to receive applications for the position. All applications shall be made available to each city and county member on the Commission no less than 14 days prior to the scheduled hearing for the appointment.
 - iii) If it becomes necessary for the Commission to cancel or reschedule the meeting at which the hearing for the appointment has been scheduled, the Executive Officer shall reschedule the hearing for the next regular meeting.

- b) If the incumbent is eligible and has served no more than all or a portion of one term, the Commission may direct the Executive Officer to schedule a public hearing to consider approving reappointment. Tasks of Executive Officer shall include the following:
 - i) Issue a notice announcing the scheduled reappointment of the incumbent. The notice shall be posted at the LAFCO office and on its website and sent to all local agencies. The notice shall be posted no less than 21 days prior to the hearing for which the reappointment has been scheduled.
 - ii) If it becomes necessary for the Commission to cancel or reschedule the meeting at which the hearing for the reappointment has been scheduled, the Executive Officer shall reschedule the hearing for the next regular meeting.

Mid-Term Vacancy for Public Member

If the position of public member becomes vacant prior to the expiration of the term, it is the policy of the Commission that it may fill the unexpired term through one of the following:

1. Choose from among the remaining applicants for the position if no more than 12 months have passed since the appointment of the public member.
2. Appoint the alternate public member.
3. Fill the position in the manner prescribed for the appointment for a public member to a new term.

¹ For purposes of this policy, notice to local agencies is fulfilled by sending a copy of the notice to the clerk or secretary of the legislative body of each local agency in Napa County.

An appointment to fill an unexpired term shall be preceded by posting a notice of vacancy. The notice will be posted at the LAFCO office and on its website and sent to all local agencies. The notice will be posted no less than 21 days prior to the meeting at which time the Commission will consider taking action to fill the unexpired term.

Mid-Term Vacancy for Alternate Public Member

If the position of alternate public member becomes vacant prior to the expiration of the term, it is the policy of the Commission that it may fill the unexpired term through one of the following:

1. Choose from among the remaining applicants for the position if no more than 12 months have passed since the appointment of the alternate public member.
2. Fill the position in the manner prescribed for the appointment of an alternate public member to a new term.

An appointment to fill an unexpired term shall be preceded by posting a notice of vacancy. The notice will be posted at the LAFCO office and on its website and sent to all local agencies. The notice will be posted no less than 21 days prior to the meeting at which time the Commission will consider taking action to fill the unexpired term.

Conducting Public Hearings for Appointing a Public Member or Alternate Public Member

It is the policy of the Commission that a public hearing to appoint either the public member or alternate public member shall be conducted as follows:

1. The Chair shall open the public hearing and first invite candidates to address the Commission. The Chair shall then invite public comments from the audience.
2. Upon the close of the public comment period, the Chair shall ask each commissioner to make one nomination. Commissioners may nominate anyone from the applicant pool, and an applicant may receive more than one nomination.
3. After each commissioner has made a nomination, the Chair shall ask if there is a second to any of the nominations. If there is a second, the Chair shall call for a vote on that nomination. If the vote is in the affirmative, the appointment is made. If the vote is not in the affirmative, the Chair shall call for a second to another of the nominations. This process shall continue until an appointment is made or all of the nominations are exhausted.
4. If all of the nominations are exhausted, the Chair may 1) begin the entire procedure again by calling for one nomination from each commissioner or 2) call for the use of the ballot system as described in Paragraph 5.

5. If the Chair calls for use of a ballot system, then the Clerk shall provide each commissioner with a ballot that has been preformatted to label their printed name. Each commissioner shall mark the ballot with the name of a candidate from among the applicants. The ballots are then submitted to the Clerk for tabulation. The Clerk determines the number of votes for each candidate. If a candidate receives at least three votes, the Clerk announces the name of the candidate and the number votes. The Commission then formally votes to appoint that candidate. If no candidate receives at least three votes, the Clerk shall announce which candidates received votes and shall provide each commissioner with a second ballot that has been preformatted to label their printed name. Each commissioner shall mark the ballot with the name of candidate from among those candidates that received votes in the previous round of voting. The ballots are then submitted to the Clerk for tabulation. The Clerk determines the number of votes for each candidate. If a candidate receives at least three votes, the Clerk announces the name of the candidate and the number votes. The Commission then formally votes to appoint that candidate. If no candidate receives at least three votes, the Clerk shall announce which candidates received votes and the Commission shall engage in another round of voting. This shall continue until a candidate is selected.

As mentioned, California Government Code Section 56325(d) specifies that the appointment of a public or alternate public member requires the vote of at least one commissioner appointed by the Board of Supervisors and one commissioner appointed by the City Selection Committee. If a candidate receives at least three votes, this requirement is fulfilled.



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December 7, 2009
Agenda Item No. 9b (Discussion)

November 30, 2009

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer
Brendon Freeman, Analyst

SUBJECT: Current and Future Proposals
The Commission will receive a report regarding current and future proposals.
The report is being presented to the Commission for information.

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 cities and special districts. This includes approving proposed jurisdictional boundary changes and requests to provide new or extended extraterritorial services. LAFCOs are also responsible for establishing, updating, and modifying cities and special districts' spheres of influence.

A. Discussion

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

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

The City of St. Helena proposes the annexation of approximately 100 acres of unincorporated territory located northwest of the intersection of Silverado Trail and Zinfandel Lane. The affected 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 affected territory is non-contiguous to its incorporated boundary and therefore eligible for annexation under G.C. 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 to be automatically detached from the city. The two subject parcels are identified by the County Assessor as 030-240-017 (portion) and 030-250-018.

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Representative of the General Public

Keene Simonds
Executive Officer

Status: Staff has completed its review of the proposal. However, the City 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 affected territory.

Linda Vista Avenue No. 20 Annexation to Napa Sanitation District

This application has been submitted by John and Kathleen Bradbury to annex 0.81 acres of incorporated territory within the City of Napa to Napa Sanitation District. The affected territory comprises one parcel identified by the County Assessor as 007-293-005 and includes a single-family residence currently dependent on an onsite septic system to hold and discharge sewage. The purpose of the proposal is to annex the affected territory into NSD to establish public sewer service for the existing single-family residence.

Status: Staff recently issued a request for review and comment to local agencies on the proposal. Staff will complete its analysis of the proposal once the comment period has ended. Staff will also prepare and circulate an initial study assessing the potential environmental impacts associated with the annexation as required under the law. Staff anticipates the proposal will be presented to the Commission for consideration at its February meeting.

Jefferson Street No. 9 Annexation to Napa Sanitation District

This application has been submitted by Tom Harding to annex 0.68 acres of incorporated territory within the City of Napa to Napa Sanitation District. The affected territory comprises one parcel and an associated right-of-way portion of Jefferson Street. The subject parcel is identified by the County Assessor as 038-581-002 and includes a single-family residence. Due to a failing septic system, the District recently requested and the Chair approved as allowed under policy an outside service agreement authorizing the agency to temporary extend public sewer service to the affected territory while annexation proceedings are completed.

Status: Staff recently issued a request for review and comment to local agencies on the proposal. Staff also recently prepared and circulated an initial study assessing the potential environmental impacts associated with the annexation as required under the law. Staff anticipates the proposal will be presented to the Commission for consideration at its February meeting.

**Big Ranch Road No. 4 Annexation to Napa Sanitation District/
Napa Sanitation District Outside Service Agreement No. 2**

An application has been submitted by Rosemary Hafeli to annex 1.1 acres of incorporated territory within the City of Napa to Napa Sanitation District. The affected territory comprises one parcel and an associated right-of-way portion of Big Ranch Road. The subject parcel is identified by the County Assessor as 038-170-006 and includes a single-family residence. The County's Environmental Management Department recently performed an onsite review and determined the septic system has failed and poses a public health risk. Given annexation proceedings require a minimum of two to three months to complete, a separate application was filed by the District to temporary extend public sewer service to the affected territory through an outside service agreement. It is

expected the Chair will approve the outside service agreement prior to the meeting as allowed under policy due to the urgent threat to public safety. The Commission will be required to ratify the Chair's approval at the next meeting.

Status: Staff recently issued a request for review and comment to local agencies on the annexation proposal. Staff will complete its analysis of the annexation proposal once the comment period has ended. Staff will also prepare and circulate an initial study assessing the potential environmental impacts associated with the annexation as required under the law. Staff anticipates the annexation proposal will be presented to the Commission for consideration at its February meeting.

Formation of the Villa Berryessa Water District

This application has been submitted by Miller-Sorg Group, Inc. The applicant proposes the formation of a new special district under the California Water District Act. The purpose in forming the new special district is to provide public water and sewer services to a planned 100-lot subdivision located along the western shoreline of Lake Berryessa. A tentative subdivision map for the underlying project has already been approved by the County. The County has conditioned recording the final map on the applicants receiving written approval from the United States Bureau of Reclamation to construct an access road and intake across federal lands to receive water supplies from Lake Berryessa. Based on their own review of the project, the Bureau is requesting a governmental agency accept responsibility for the construction and perpetual operation of the water and sewer systems serving the subdivision.

Status: Staff is currently awaiting a response to an October 2008 request for additional information.

Staff is aware of three proposals that are expected to be submitted to the Commission in the near future. A summary of these future proposals follows.

St. Regis Resort Project

The City of Napa has initiated a planning process to develop approximately 93 acres of land comprising four parcels located along Stanly Lane in the Stanly Ranch area. The proposed project is intended to accommodate a 245-room luxury resort with a commercial vineyard. Commission approval will be needed to annex the affected territory to Napa Sanitation District for the purpose of extending public sewer service.

Status: The City accepted comments on the Draft Environmental Impact Report (DEIR) prepared for the project through October 15, 2009. Staff submitted written comments on the DEIR on September 17, 2009 as previously provided to the Commission.

American Canyon High School and American Canyon Middle School Project

The Napa Valley Unified School District (NVUSD) has initiated a multi-phased planning process to construct a 2,200-student high school and 530-student middle school to serve the City of American Canyon. The project site is located at the northeast intersection of American Canyon Road and Newell Drive. NVUSD recently approved a final environmental impact report for the project. As part of the proposed project, Commission approval is required to annex the proposed high school site (45 acres) to American Canyon and the American Canyon Fire Protection District. Commission approval is also required to concurrently annex and add the proposed middle school site (17 acres) to both the City and District's spheres of influence. The Commission may also consider modifying the proposal to include the concurrent detachment of the affected territory from CSA No. 4.

Status: It appears this proposal will be brought to the Commission in phases. The first phase appears to involve NVUSD proposing annexation of the high school site to the District in the next few months. Additional phases of this project will likely be brought to the Commission over the next year.

American Canyon Town Center Project

The City of American Canyon has initiated a planning process to develop approximately 100 acres of land comprising three parcels located southeast of the intersection of Highway 29 and South Napa Junction Road. The proposed project includes the development of 600 to 650 new residential units along with a mixture of commercial, retail, and public uses. Current planning activities completed to date include the preparation of a notice of preparation for a draft environmental impact report. As part of the proposed project, Commission approval is required to annex two of the three affected parcels totaling 70 acres into American Canyon. Commission approval is also required to annex one of the three affected parcels totaling 37 acres to the American Canyon Fire Protection District. The Commission may also consider modifying the proposal to include the concurrent detachment of the affected territory from CSA No. 4.

Status: The City has placed this project on administrative hold since July 2007.

B. Commission Review

The Commission is invited to review and discuss any of the current or future proposals identified in this report.

Attachments: none