



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

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

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

Agenda Item 8a (Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer BF
Dawn Mittleman Longoria, Analyst II DML
MEETING DATE: February 7, 2022
SUBJECT: Proposed S Terrace Drive Reorganization and Associated CEQA Findings

RECOMMENDATION

Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – S Terrace Drive Reorganization (Attachment One) making California Environmental Quality Act (CEQA) findings and approving the proposed reorganization for annexation to the City of Napa (“City”) and detachment from County Service Area (CSA) No. 4. Standard conditions are also recommended.

BACKGROUND AND SUMMARY

Applicant: Landowner (petition)
Proposed Actions: Annexation to the City and detachment from CSA No. 4
APN: 046-271-007
Location: 2159 S Terrace Drive
Area Size: 0.11 acres
Jurisdiction: CSA No. 4 (unincorporated Napa County)

Sphere of Influence (SOI) Consistency: Yes – City of Napa
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: City of Napa General Plan
Current Land Uses: Single-family residence

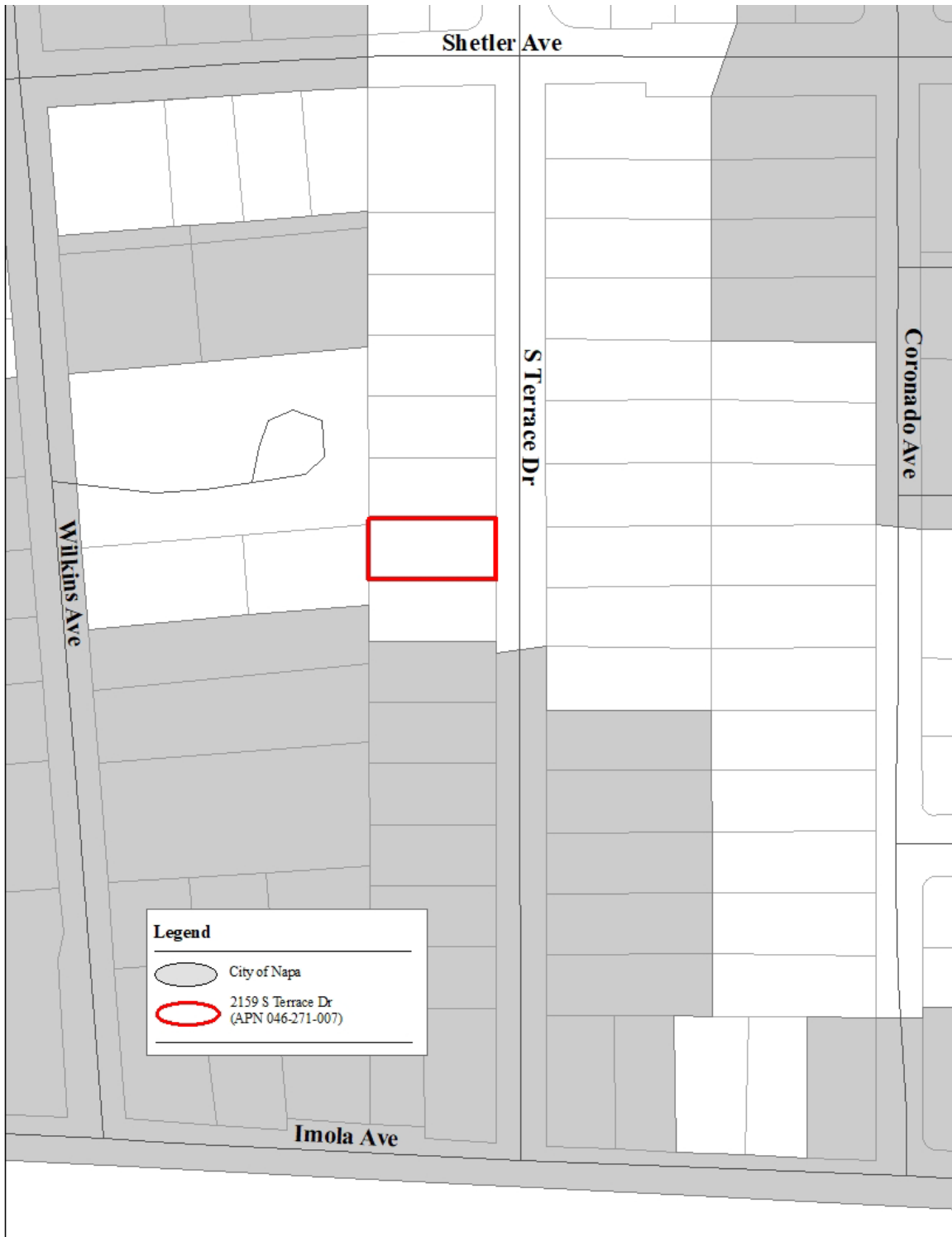
The purpose of the proposal is to receive municipal domestic water service from the City. The parcel contains one existing single-family residence. The application materials are included as Attachment Two.

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

Diane Dillon, Chair
County of Napa Supervisor, 3rd District
Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District
Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
Representative of the General Public
Eve Kahn, Alternate Commissioner
Representative of the General Public
Brendon Freeman
Executive Officer

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





DISCUSSION

The following is a discussion of key considerations that are relevant to the proposal.

Unincorporated Island

The affected territory lies within an unincorporated island referred to as “Imola/Parrish” that is substantially surrounded by the City. The island includes 213 unincorporated parcels totaling approximately 32.0 acres with an estimated 579 residents.¹ The proposed reorganization affects only one of these parcels totaling 0.11 acres. The Commission has discretion to expand the boundary of the affected territory to include additional parcels.

Toward this end, the Commission conducted a survey in 2012 to gauge the level of support for annexation among the landowners and residents within each unincorporated island surrounded by the City. Only 4.6% of landowners and residents within the Imola/Parrish island responded to the survey, with 1.8% in support of annexation to the City and 2.8% opposed to annexation. The low response rate indicates the need for public outreach before the City is prepared to annex the entire island.

Notably, the City will study the Imola/Parrish island and consider initiating outreach efforts to begin the annexation process for the entire island in the future. With this in mind, staff recommends the Commission approve the proposal without modifying the boundary of the affected territory to include additional parcels.

Policy on Concurrent Detachment from CSA No. 4

The affected territory is located in CSA No. 4’s jurisdictional boundary. The intent and function of CSA No. 4 is to sponsor a voter-approved special assessment on all assessor parcels in its jurisdiction that contain one acre or more of vineyards for purposes of funding farmworker housing services.

Section VI, Subsection C(3) of the *General Policy Determinations* (Attachment Three) requires all annexations to a city also include concurrent detachment from CSA No. 4 unless the affected territory contains, or is expected to contain, vineyards totaling one acre or more. There are no vineyards currently, nor expected to be, planted within the affected territory. Further, the affected territory is only 0.11 acres in size. Detaching the affected territory from CSA No. 4 is appropriate given the discontinuity between these lands’ current and expected future use as residential development, paired with the role of the CSA No. 4 in providing public farmworker housing services.

¹ This population estimate is based on multiplying the total number of parcels in the island (213) by the persons per household estimate (2.72) provided by the California Department of Finance.

Factors for Commission Determinations

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

Property Tax Agreement

Revenue and Taxation Code Section 99(b)(6) requires adoption of a property tax exchange agreement by affected local agencies before the Commission can consider a proposed boundary change.² With this in mind, staff provided notice to the City and the County of the proposed jurisdictional change affecting both agencies and the need to apply a property tax exchange to the proceedings. Staff has advised the City and the County of its intent to apply a master property tax exchange agreement adopted by both governing boards in 1980 unless otherwise informed during the 30 day noticing period; an agreement specifying Napa shall receive 55% of the County's existing portion of property tax revenues generated from the affected territory. Neither agency has responded with any concerns to the approach outlined by staff.

Protest Proceedings

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

ENVIRONMENTAL REVIEW

The Commission serves as Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). The City, as Lead Agency, has certified an Environmental Impact Report (EIR) for the City of Napa General Plan (City of Napa General Plan, Final Environmental Impact Report, December 1, 1998), which identifies and addresses all potential environmental impacts associated with annexation of the affected territory. Staff concurs with the findings of the City of Napa's EIR and recommends the Commission adopt the City of Napa's Findings adopted as Resolution No. 98-238 and Resolution No. 98-239. If the proposal is approved, the Commission will submit a Notice of Determination stating that it has appropriately considered the EIR prepared by the City as required by CEQA Guidelines Section 15096(i). Complete copies of the EIR and the City of Napa's resolutions including its determinations and findings are available at the Commission office at 1754 Second Street, Suite C, Napa, California 94559 and can be viewed by clicking the links on the following page.

² CSA No. 4 was formed after Proposition 13 and therefore not eligible for property tax revenues.

City of Napa General Plan Final EIR (Part One):

http://www.napa.lafco.ca.gov/uploads/documents/NapaGeneralPlan_FEIR_Part1.pdf

City of Napa General Plan Final EIR (Part Two):

http://www.napa.lafco.ca.gov/uploads/documents/NapaGeneralPlan_FEIR_Part2.pdf

City of Napa General Plan Final EIR (Part Three):

http://www.napa.lafco.ca.gov/uploads/documents/NapaGeneralPlan_FEIR_Part3.pdf

City of Napa Resolution No. 98-238 Certifying the City General Plan Final EIR:

http://www.napa.lafco.ca.gov/uploads/documents/NapaGeneralPlan_Resolution98-238.pdf

City of Napa Resolution No. 98-239 Adopting the City General Plan:

http://www.napa.lafco.ca.gov/uploads/documents/NapaGeneralPlan_Resolution98-239.pdf

ATTACHMENTS

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

RESOLUTION NO. ____

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

S TERRACE DRIVE REORGANIZATION

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

WHEREAS, the proposal seeks Commission approval to annex 0.11 acres of unincorporated land to the City of Napa along with concurrent detachment from County Service Area No. 4 and represents one entire parcel located at 2159 S Terrace Drive and identified by the County Assessor’s Office as 046-271-007; and

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

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

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

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

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

WHEREAS, the Commission determined to its satisfaction that all owners of land included in said proposal consent to the subject annexation; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission serves as Responsible Agency for the annexation and has determined the annexation is a “project” subject to CEQA.

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

1. The Commission's determinations on the proposal incorporate the information and analysis provided in the Executive Officer's written report.
2. The Commission serves as Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). The City of Napa, as Lead Agency, has certified an Environmental Impact Report (EIR) for the City of Napa General Plan (City of Napa General Plan, Final Environmental Impact Report, December 1, 1998), which identifies and addresses all potential environmental impacts associated with the proposed reorganization. The Commission hereby adopts the City of Napa's Findings adopted as Resolution No. 98-238 and Resolution No. 98-239. Complete copies of the EIR and the City of Napa's resolutions including its determinations and findings are located at the Commission office at 1754 Second Street, Suite C, Napa, California 94559.
3. The proposal is APPROVED, which includes annexation of the affected territory to the City of Napa and detachment from County Service Area No. 4, subject to completion of item number 10 below.
4. The proposal is assigned the following distinctive short-term designation:

S TERRACE DRIVE REORGANIZATION

5. The affected territory is depicted in the attached vicinity map and more precisely described in Exhibit "A".
6. The affected territory is uninhabited as defined in Government Code Section 56046.
7. The City of Napa utilizes the regular assessment roll of the County of Napa.
8. Upon effective date of the proposal, the affected territory will be subject to all previously authorized charges, fees, assessments, and taxes that were lawfully enacted by the City of Napa. The affected territory will also be subject to all of the rates, rules, regulations, and ordinances of the City of Napa.
9. The Commission authorizes conducting authority proceedings to be waived in accordance with Government Code Section 56662(a).
10. Recordation of a Certificate of Completion is contingent upon the receipt of a final map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization.
11. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be filed within one calendar year from the date of approval unless a time extension is approved by the Commission.

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

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

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Diane Dillon
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

DRAFT

EXHIBIT "A"
S TERRACE DRIVE REORGANIZATION
ANNEXATION TO THE CITY OF NAPA
DETACHMENT FROM COUNTY SERVICE AREA NO. 4
GEOGRAPHIC DESCRIPTION

All that real property being a portion of Tulocay Rancho, situate in the City of Napa, County of Napa, State of California described as follows:

COMMENCING at the Northwest corner of an existing Imola Avenue / South Terrace Drive Annexation to the City of Napa, per Resolution No. 93-097 filed in Document No. 1993-0017436 in the Office of the Napa County Recorder, more particularly described as follows:

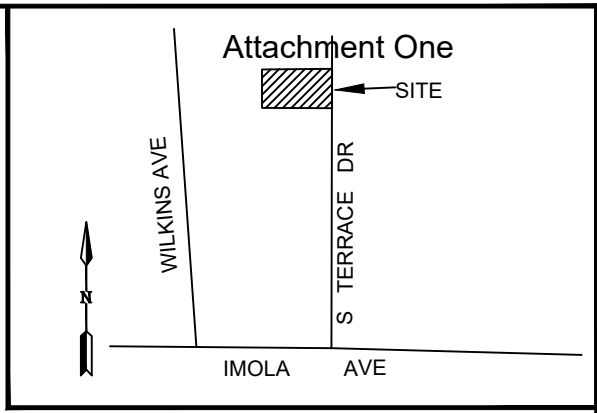
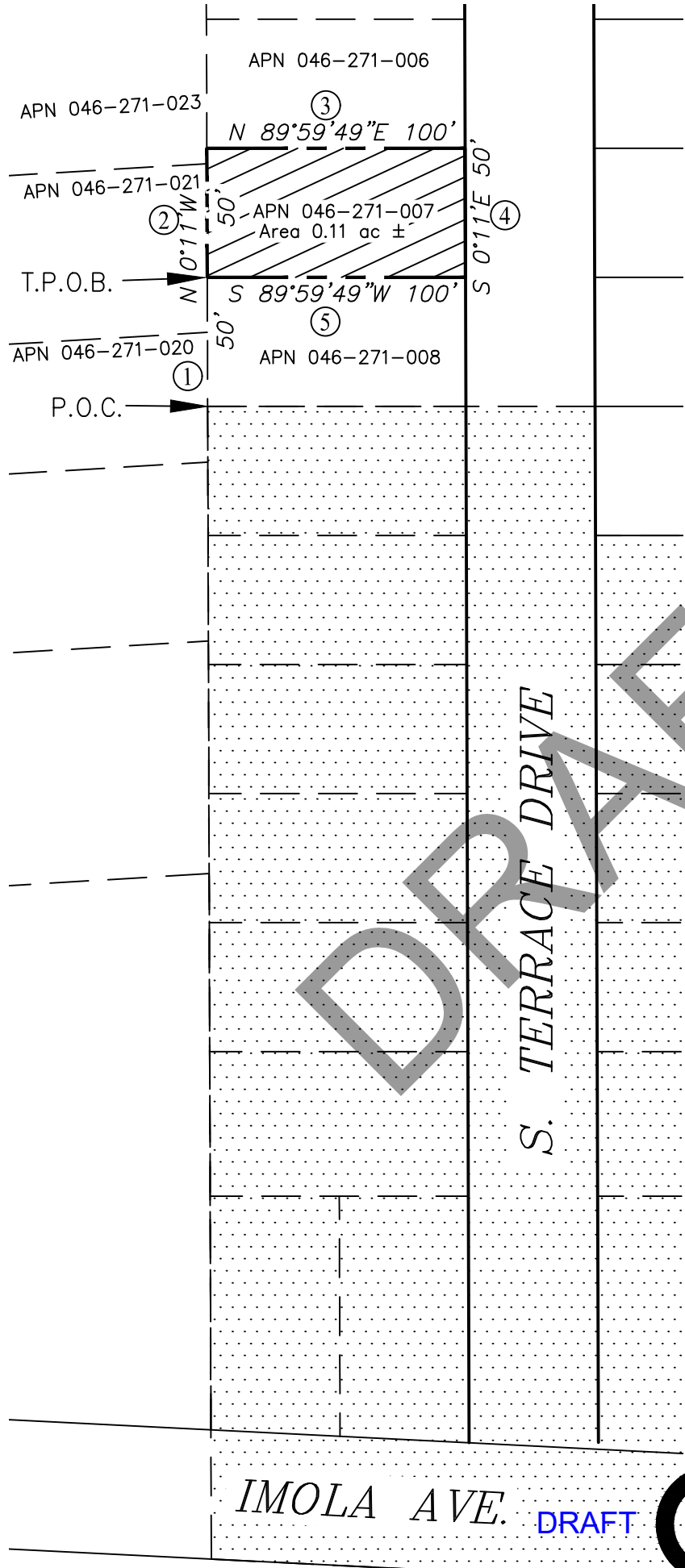
Course 1: thence; North 0° 11' West, 50 feet; to the TRUE POINT OF BEGINNING;
Course 2: thence; Continuing North 0° 11' West, 50.00 feet;
Course 3: thence; North 89° 59' 49" East, 100.00 feet to a point on the Western line of South Terrace Drive;
Course 4: thence; South 0° 11' East, 50.00 feet along said Western line of South Terrace Drive;
Course 5: thence departing from said Western line of South Terrace Drive; south 89° 59' 49" West, 100.00 feet to the POINT OF BEGINNING,

Containing 0.11 acres more or less.

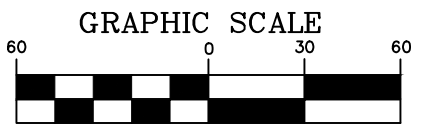
For assessment purposes only. This description of land is not a legal property description as defined the Professional Land Surveyor's Act and may not be used as the basis for an offer for sale of the land described therein.

DRAFT

\\2021\21-11-034 Clay Street LLC - Terrace Dr\DWG\01EX2111034.dwg 12-09-21 05:06:16 PM





VICINITY MAP
NO SCALE



(IN FEET)
1 inch = 60 ft.

LEGEND

-  EXISTING NAPA CITY BOUNDARY
-  PROPOSED AREA TO BE ANNEXED

- T.P.O.B. TRUE POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- ① COURSE NUMBERS

DISCLAIMER:

THIS EXHIBIT IS FOR ASSESSMENT PURPOSES ONLY AND MAY NOT BE USED AS THE BASIS FOR A SALE OF THE LAND SHOWN HERON.

THE EFFECTED TERRITORY IS SHOWN ON THE MAP AND DESCRIBED IN THE GEOGRAPHIC DESCRIPTION IN THE ATTACHED EXHIBIT "A"

EXHIBIT "B"

S TERRACE DRIVE REORGANIZATION
ANNEXATION TO THE CITY OF NAPA
BEING A PORTION OF TULOCAY RANCHO

APPLICANT
CLAY STREET, LLC
2159 S. TERRACE DRIVE
NAPA, CA 94559

IMOLA AVE. DRAFT



CHAUDHARY & ASSOCIATES, INC.
ENGINEERS SURVEYORS INSPECTORS

211 GATEWAY ROAD WEST, SUITE 204
NAPA, CALIFORNIA 94558
Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM
Page 5 of 5
December 2, 2021

For Staff Use	Attachment Two
Date Filed:	12/2/21
Proposal Name:	S Terrace Reorg

FORM B

PETITION FOR PROPOSAL

For Filing with the Local Agency Formation Commission of Napa County

A proposal for a change of organization made by a landowner or registered voter shall be initiated by petition. The petition shall state the nature of the proposal and all associated proposed changes of organization. It shall also state the reason for the proposal and enumerate and include supporting information as required under Government Code Section 56700. The petition must be submitted to the Executive Officer for filing within 60 days after the last signature is affixed. Applicants are encouraged to use this form.

Nature of Proposal and All Associated Changes of Organization:

Annex to City of Napa and Detachment from County Service Area No.4

Description of Boundaries of Affected Territory Accompanied by Map:

Yes - see attached draft map and geographic description

Reason for Proposal and Any Proposed Conditions:

Connect to City of Napa Domestic Water

Type of Petition:

Landowner

Registered Voter

Sphere of Influence Consistency:

Yes

No

If Landowner Petition, Complete the Following:

- 1) Name: Clay Street, LLC
Mailing Address: 2159 S Terrace Drive, Napa, CA 94559
Assessor Parcel: 046-271-007
Signature: _____ Date: _____

- 2) Name: _____
Mailing Address: _____
Assessor Parcel: _____
Signature: _____ Date: _____

- 3) Name: _____
Mailing Address: _____
Assessor Parcel: _____
Signature: _____ Date: _____

If Registered Voter Petition, Complete the Following:

- 1) Name: N/A
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____

- 2) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____

- 3) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____

FORM D

Date Filed:

12/2/21

Proposal Name:

S Terrace Reorg

PROPOSAL APPLICATION
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Clay Street, LLC

Contact Person: _____ Agency/Business (If Applicable): _____

Address: 2159 S Terrace Street, Napa, CA, 94559

Street Number Street Name City Zip Code

Contact: 415-730-6918 acedrillingsf@gmail.com

Phone Number Facsimile Number E-Mail Address

B. Applicant Type: (Check One)

Local Agency Registered Voter Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies:

City of Napa 1600 First Street, Napa, CA 94559

Name Address

County Service Area No. 4 1195 Third St, Napa, CA 94559

Name Address

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed)

Annexation Detachment City Incorporation District Formation

City/District Dissolution City/District Merger Service Activation (District Only) Service Divestiture (District Only)

C. Purpose Statement: (Specific)

Connect to City of Napa domestic water

III. GENERAL INFORMATION

A. Location:	2159 S Terrace Dr	046-271-007	0.11
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Total Location Size (Including Right-of-Ways)		0.11

B. Landowners:

- (1) Assessor Parcel Number : 046-271-007 Name: Clay Street, LLC
 Mailing Address: 2159 S Terrace Dr
 Phone Number: 415-730-6918 E-mail: acedrillingsf@gmail.com
- (2) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
- (3) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
- (4) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____

Use Additional Sheets As Needed

C. Population:

- (1) Total Number of Residents: 2
- (2) Total Number of Registered Voters: 2

D. Land Use Factors:

(1a) County General Plan Designation:

Rural Residential

(1b) County Zoning Standard:

Residential Single: Urban Reserve

(2a) Applicable City General Plan Designation:

Single Family Residential

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

Residential Infill (min 5,000 sq. ft. lot size)

E. Existing Land Uses:
(Specific)

Residential

F. Development Plans:

(1a) Territory Subject to a Development Project?

Yes

No

(1b) If Yes, Describe Project:

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

Existing residence

G. Physical Characteristics:

(1) Describe Topography:

Existing residence, front and back yard

landscaped

(2) Describe Any Natural Boundaries:

None

(3) Describe Soil Composition and Any Drainage Basins:

Clay

City of Napa public drainage system

(4) Describe Vegetation:

Residential landscape

H. Williamson Act Contracts
(Check One)

Yes

No

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

(1) Enumerate and Describe Services to Be Provided to the Affected Territory:

Domestic water service

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

Connect to existing water line

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

Immediately

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

No

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

Personal funds

V. ENVIRONMENTAL INFORMATION

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

(1) Lead Agency for Proposal: City of Napa
Name

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

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

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

Three horizontal lines for writing approval terms and conditions.

Use Additional Sheets As Needed

B. Identify Up to Three Agencies or Persons to Receive Proposal Correspondence:
(Does not include affected landowners or residents)

(1) Recipient Name: City of Napa
Mailing Address: 1600 First Street, Napa, CA 94559
E-Mail:

(2) Recipient Name:
Mailing Address:
E-Mail:

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

VII. CERTIFICATION

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

Signature: Seosamh O'Brian
Printed Name: Seosamh O'Brian
Title: Property Owner
Date: 12/2/21

EXHIBIT "A"
SOUTH TERRACE DRIVE REORGANIZATION
ANNEXATION TO THE CITY OF NAPA
DETACHMENT FROM COUNTY SERVICE AREA NO. 4
GEOGRAPHIC DESCRIPTION

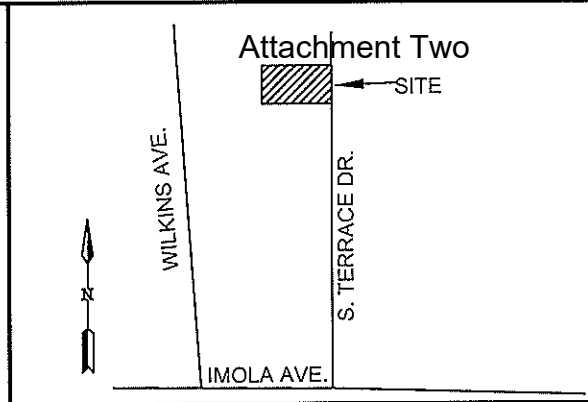
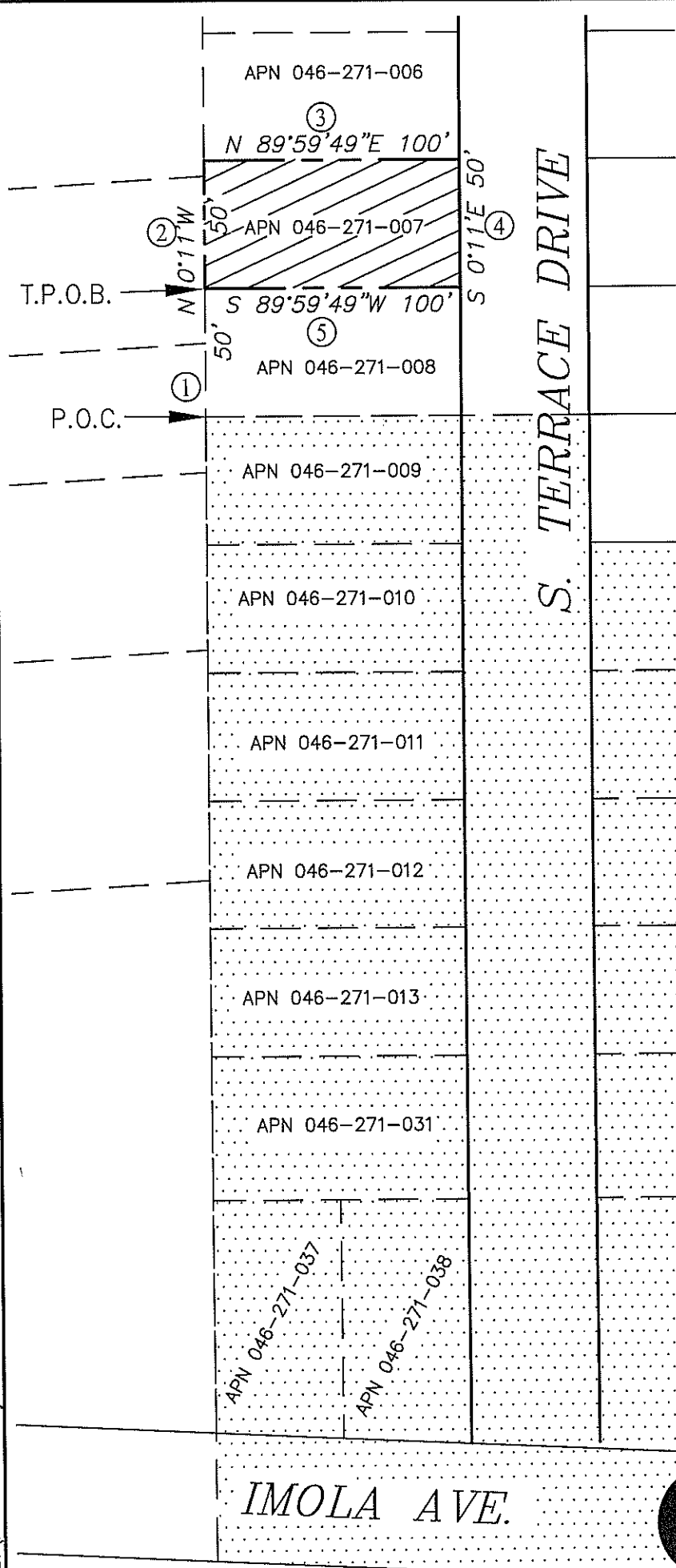
All that real property being a portion of Tulocay Rancho, situate in the City of Napa, County of Napa, State of California described as follows:

COMMENCING at the Southeast corner of an existing Imola Avenue / South Terrace Drive Annexation to the City of Napa, per Resolution No. 93-097 filed in Document No. 1993-017436 in the Office of the Napa County Recorder, more particularly described as follows:

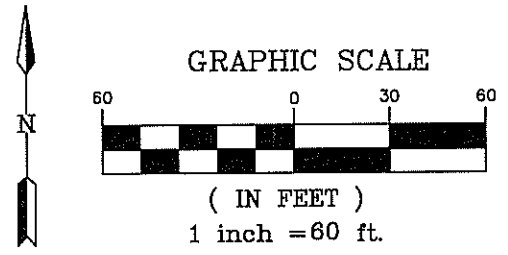
Course 1: thence; North 0° 11' West, 50 feet; to the TRUE POINT OF BEGINNING;
Course 2: thence; Continuing North 0° 11' West, 50.00 feet;
Course 3: thence; North 89° 59' 49" East, 100.00 feet;
Course 4: thence; South 0° 11' East, 50.00 feet;
Course 5: thence; south 89° 59' 49" West, 100.00 feet to the POINT OF BEGINNING,

Containing 0.11 acres more or less.

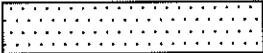
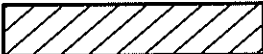
For assessment purposes only. This description of land is not a legal property description as defined the Professional land Surveyor's Act and may not be used as the basis for an offer for sale of the land described therein.



VICINITY MAP
 NO SCALE



LEGEND

-  EXISTING NAPA CITY BOUNDARY
-  PROPOSED AREA TO BE ANNEXED

- T.P.O.B. TRUE POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- ① COURSE NUMBERS

DISCLAIMER:

THIS EXHIBIT IS FOR ASSESSMENT PURPOSES ONLY AND MAY NOT BE USED AS THE BASIS FOR A SALE OF THE LAND SHOWN HERON.

THE EFFECTED TERRITORY IS SHOWN ON THE MAP AND DESCRIBED IN THE GEOGRAPHIC DESCRIPTION IN THE ATTACHED EXHIBIT "A"

EXHIBIT "B"

S. TERRACE DRIVE REORGANIZATION ANNEXATION TO THE CITY OF NAPA BEING A PORTION OF TULOCAY RANCHO

APPLICANT
 CLAY STREET, LLC
 2159 S. TERRACE DRIVE
 NAPA, CA 94559



CHAUDHARY & ASSOCIATES, INC.
 ENGINEERS SURVEYORS INSPECTORS

211 GATEWAY ROAD WEST, SUITE 204
 NAPA, CALIFORNIA 94558
 Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM
 December 2, 2021



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

General Policy Determinations

(Adopted: August 9, 1972; Last Amended: June 7, 2021)

I. Background

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

II. General Policies

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

A) Legislative Declarations

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

- (1) The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services. (G.C. §56000)
- (2) It is the intent of the Legislature that each commission, not later than January 1, 2002, shall establish written policies and procedures and exercise its powers pursuant to this part in a manner consistent with those policies and procedures, and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within those patterns. (G.C. §56300)

- (3) In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:
 - a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
 - b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency. (G.C. §56377)

B) Commission Declarations

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

- (1) Use of County General Plan Designations:
In evaluating a proposal, the Commission will use the Napa County General Plan to determine designated agricultural and open-space lands. The Commission recognizes that inconsistencies may occur between the County General Plan and the affected city general plan with respect to agricultural and open-space designations. Notwithstanding these potential inconsistencies, the Commission will rely on the Napa County General Plan in recognition of the public support expressed in both the incorporated and unincorporated areas of Napa County for the County's designated agricultural and open-space lands through enactment of Measure "J" in 1990 and Measure "P" in 2008.
- (2) Location of Urban Development:
The Commission shall guide urban development away from designated agricultural or open-space lands until such times as urban development becomes an overriding consideration as determined by the Commission.

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

III. Policies Concerning the County Of Napa

A) Location of Urban Development

- (1) Development of an urban character and nature should be located within areas designated as urban areas by the County General Plan in close proximity to a city or special district which can provide essential public services.
- (2) Urban development should be discouraged if it is apparent that essential services necessary for the proposed development cannot readily be provided by a city or special district.
- (3) The Commission shall review and comment, as appropriate, on the extension of services or the creation of new service providers to furnish services into previously unserved territory within unincorporated areas.

B) Use of County Service Areas and Community Services Districts

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

IV. Policies Concerning Cities

A) Incorporations

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

V. Policies Concerning Special Districts

A) In Lieu of New District Creation

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

B) Preference for Districts Capable of Providing All Essential Services

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

C) Establishing New Services or Divestiture of Existing Service Powers

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

VI. Policies Concerning Annexations

A) General Policies Concerning Annexations to a City

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

B) Policies Concerning Annexation of Municipally-Owned Land

- (1) Restricted Use Lands Owned by Public Agencies:
The Commission shall disapprove annexation of publicly-owned land designated agricultural or open-space or subject to a Williamson Act contract unless the land will be used for a municipal purpose and no suitable alternative site reasonably exists within the affected city's sphere of influence.
- (2) Facilities Exempt from Policy:
Municipal purpose shall mean a public service facility which is urban in nature such as water and sewage treatment facilities and public buildings, but shall not include land which is vacant or used for wastewater reclamation irrigation, a reservoir, or agricultural, watershed or open-space.

C) Concurrent Annexation Policies

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

- (1) City of Napa and Napa Sanitation District
 - a) Annexations to the District:

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

All 100% consent annexation proposals to the City of Napa located outside of the Napa Sanitation District shall be required to annex to the Napa Sanitation District if the affected territory is located within the District's sphere of influence and if sanitation service is available.
- (2) City of American Canyon and American Canyon Fire Protection District
 - a) Annexations to the District:

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

All annexation proposals to the City of American Canyon located outside of the American Canyon Fire Protection District shall be required to annex to the District if the affected territory is located within the District's sphere of influence.
- (3) County Service Area No. 4
 - a) Annexations to Cities:

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



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

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

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

**S Terrace Drive Reorganization:
 Annexation to the City of Napa and Detachment from County Service Area No. 4
 Factors for Commission Determinations**

California Government Code (G.C.) Section 56668 requires the Commission to consider the following specific factors for a change of organization or reorganization involving annexation to a city. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs with respect to considering boundary changes in context with locally adopted policies and practices.

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

Total population within the affected territory is two. The affected territory is legally uninhabited given there are fewer than 12 registered voters.¹

The affected territory is approximately 0.11 acres in size, located in unincorporated Napa County, and lies within a residential area that is designated under the City of Napa General Plan as *Terrace/Shurtleff*. The affected territory is currently developed with a single-family residence.

The current assessment value of the affected territory totals \$228,627.²

The affected territory is located within the *Napa River – Lower Napa City Reach* drainage basin and is in a groundwater deficient area. Topography is relatively level.

The affected territory has a City General Plan land use designation of SFI-178 (*Single Family Infill*) and zoning standards of RI-5 (*Residential Infill, minimum lot size 5,000 sq. ft.*).

These designations would not allow further subdivision of the parcel. Therefore, population is projected to remain low at approximately two residents. The parcel is located in the Imola/Parish unincorporated island, which is developed with residential uses. With this in mind, significant growth is unlikely within the affected territory and adjacent areas during the next 10 years.

¹ The County Assessor's Office reports there are two registered voters residing in the affected territory.

² The assessed value of the affected territory is \$95,874 for land and \$132,753 for structural improvements.

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

Core municipal services already provided or available to the affected territory include fire protection and emergency medical, law enforcement, and sewer. There is a need for public water service within the affected territory.

A review of estimated demands for municipal services within the affected territory indicates the City and the Napa Sanitation District (NSD) have sufficient capacities and controls to reasonably accommodate a full range of municipal services within the foreseeable future. This statement is based on information collected and analyzed in the Commission's *Central County Region Municipal Service Review* adopted in 2014 as well as the Commission's *Napa Countywide Water and Wastewater Municipal Service Review* adopted in 2020.³ No service deficiencies for the area were identified in the Municipal Service Reviews. Additional information regarding estimated service demands within the affected territory follows.

Water

The affected territory currently relies on a private well for water service. Proposal approval would result in new annual potable water demands totaling approximately 0.2 acre-feet or 76,650 gallons. This amount is based on the City's current average daily water demands of 210 gallons per single-family residence or apartment unit. The City has established adequate capacities and controls to accommodate these demands into the foreseeable future.

Fire Protection and Emergency Medical

Proposal approval would not result in new annual service calls related to fire protection and medical emergencies given the affected territory is built out. The City already provides first response to the affected territory based on an existing automatic aid agreement with the County of Napa. Current annual service calls within the affected territory are estimated at 0.24 based on the City's current ratio of 0.12 annual fire protection and emergency medical service calls per resident. The City has established adequate capacities and controls to continue accommodating these demands into the foreseeable future.

³ The *Central County Region Municipal Service Review* is available online at: http://www.napa.lafco.ca.gov/uploads/documents/MSR_CentralCounty_FinalReport_2014.pdf. The *Napa Countywide Water and Wastewater Municipal Service Review* is available online at: https://www.napa.lafco.ca.gov/uploads/documents/NapaCountywideWaterWastewaterMSR_Updated_10-4-21.pdf.

Law Enforcement

Proposal approval would not result in new annual law enforcement service calls given the affected territory is built out. The City already provides first response to the affected territory based on an agreement with the County of Napa. Current annual service calls within the affected territory are estimated at 1.6 based on the City's current ratio of 0.8 annual law enforcement service calls per resident. The City has established adequate capacities and controls to continue accommodating these demands into the foreseeable future.

Sewer

The affected territory is within NSD's jurisdictional boundary and currently receives public sewer service from NSD. Therefore, proposal approval would not result in new annual potable sewer demands. Current daily sewer flows are estimated at 150 gallons per day. This amount is based on current average sewer demands of approximately 150 gallons per day per single-family residence or apartment unit. NSD has established adequate capacities and controls to continue accommodating these demands into the foreseeable future.

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

The proposal would recognize and strengthen existing social and economic ties between the City and the affected territory. These ties were initially established in 1972 when the Commission included the affected territory in the City's SOI, marking an expectation the site would eventually develop for urban type uses and require a full range of public services from the City. These ties are further strengthened based on the affected territory's inclusion within the City's Rural Urban Limit (RUL) and inclusion within the City's SOI.

The proposed concurrent detachment of the affected territory from CSA No. 4 supports mutual social and economic interests. Specifically, detaching the affected territory from CSA No. 4 would recognize the discontinuity between current and planned urban uses and the role of the District in providing farmworker housing.

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

The proposal is consistent with the Commission's adopted policies based on the affected territory's urban land use designations under the City and County General Plans and consistency with the City's SOI. Further, the affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377. Specifically, the affected territory is neither substantially unimproved nor devoted to an open-space use under the County General Plan. Proposal approval would be consistent with planned, orderly, efficient patterns of urban development.

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

The affected territory does not contain any “agricultural land” as defined by G.C. Section 56016.

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

The affected territory includes all of the property identified by the County of Napa Assessor’s Office as 046-271-007. The applicant has submitted a draft map and geographic description of the affected territory that are undergoing review by the County Surveyor to ensure conformance with the requirements of the State Board of Equalization. Approval of the proposal would reduce the size of an existing unincorporated island and would not create any new islands or corridors of unincorporated territory.

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

The Metropolitan Transportation Commission’s regional transportation plan (RTP), *Plan Bay Area 2040*, was updated in 2017 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2040.⁴ No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

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

Approval of the proposal would affirm the long-term need for a full range of municipal services to the affected territory. The availability of these municipal services is consistent with the City’s General Plan, which designates and prezones the affected territory for single-family residential land use.

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

The affected territory is located entirely within the City’s SOI, which was most recently comprehensively updated by the Commission in February 2014.⁵

⁴ *Plan Bay Area 2040* is a long-range integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area. *Plan Bay Area 2040* includes the region’s Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

⁵ The *City of Napa Sphere of Influence Review and Update* adopted in 2014 is available online at: https://www.napa.lafco.ca.gov/uploads/documents/SOI_Napa_FinalReport_2014.pdf.

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

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

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

Information collected and analyzed as part of the Commission's *Napa Countywide Water and Wastewater Municipal Service Review* adopted in 2020 concluded the City has developed overall adequate financial resources and controls relative to current and projected water service commitments. The *Napa Countywide Water and Wastewater Municipal Service Review* is relied upon and sufficient for this reorganization proposal regarding the plan for services required by G.C. Section 56653.

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

Proposal approval will result in minimal new annual water demands for the City given that the affected territory is already built out. Annual water demands are estimated at 0.2 acre-feet or 76,650 gallons. This amount is based on the City's current average daily water demands of 210 gallons per single-family residence or apartment unit. The City's water supplies are generated from three sources: (1) Lake Hennessey; (2) Milliken Reservoir; and (3) State Water Project. Total supplies vary according to hydrologic conditions. A table depicting the City's existing water service demands relative to supplies follows. As reflected in the following table, adequate water supplies exist for the projected needs of the City, including the affected territory.

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

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

The proposal would be neutral for the City with respect to achieving its fair share of the regional housing needs during the foreseeable future given that the affected territory is already built out based on the City's existing land use designations.

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

The landowners of the affected territory are the interested parties seeking annexation. They are also the current residents and registered voters within the affected territory.

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

The County's General Plan designation for the entire affected territory is *Rural Residential*, which allows for residential use in neighborhoods that are in proximity to existing urbanized areas.

The County's zoning standard for 2159 S Terrace Drive is *Residential Single: Urban Reserve*, which allows for residential uses to meet the housing needs of present and future population in the unincorporated area. The *Urban Reserve* classification is intended to identify properties inside the SOI of a city and a city-adopted urban limit, such as the City of Napa's RUL, whose continued or future urbanization is contingent upon annexation to the city.

The City's General Plan land use designation for 2159 S Terrace Drive is *Single-Family Infill (SFI-178)*, which prescribes a range of development from three to seven residential units per acre. This property is rezoned *Residential Infill (RI-5)*, which allows for residential development with a minimum lot size of 5,000 square feet or 0.11 acres. The current parcel size is 0.11 acres. Therefore, additional subdivision would not be allowed.

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

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

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

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