



Local Agency Formation Commission
LAFCO of Napa County

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February 5, 2007
Agenda Item No. 5a

January 29, 2007

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer
Tracy Geraghty, Analyst

SUBJECT: *Hussey Ranch District Annexation to Napa Sanitation District (Consent)*
The Commission will consider an application to annex approximately 40 acres of incorporated territory to the Napa Sanitation District. The purpose of the annexation is to facilitate the subdivision and development of the subject territory into 72 new single-family residential lots.

Proposed is the annexation of approximately 40 acres of incorporated territory to the Napa Sanitation District. The subject territory is comprised of five entire parcels and portions of three others located near the intersection of Browns Valley Road and Partrick Road in the City of Napa. The purpose of the annexation is to facilitate the subdivision and development of the subject territory into 72 new single-family residential lots. The underlying project has been approved by the City of Napa and is referred to as the "Hussey Ranch Subdivision."

The Napa Sanitation District is capable of extending services to the underlying development project without impacting service levels provided to current ratepayers. The Executive Officer recommends approval of this proposal.

GENERAL INFORMATION

Applicant: The O'Brien Group, Property Owner.

Proposal: The applicant proposes annexation of approximately 40 acres to the Napa Sanitation District in order to make sewer services available for an underlying development project. The subject territory includes a total of eight parcels. The proposal is to annex five of these parcels and portions of three others. This proposal has 100% consent from affected property owners. The District, as the subject agency, has offered its consent to the waiver of protest proceedings for this annexation.

Jack Gingles, Chair
Mayor, City of Calistoga

Cindy Coffey, Commissioner
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

Brad Wagenknecht, Vice-Chair
County of Napa Supervisor, 1st District

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

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

Brian J. Kelly, Commissioner
Representative of the General Public

Vacant, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

Location: The subject territory includes all and/or portions of eight parcels located near the intersection of Partrick Road and Browns Valley Road in the City of Napa. The County of Napa Assessor's Office identifies the affected parcel numbers as 041-073-002, 050-101-025, 050-101-026, 050-101-027, 050-101-028, 041-420-006 (portion), 050-170-010 (portion), and 050-030-007 (portion). The subject territory is represented on the attached maps prepared by LAFCO staff.

Purpose: The purpose of the annexation is to facilitate an underlying project which will subdivide and develop the subject territory into 72 new single-family residential lots.

BACKGROUND

On October 3rd, 2006, the City of Napa City Council approved the Hussey Ranch Subdivision. The subdivision, which involves all and/or portions of eight parcels comprising a total of 87.73 acres, will result in the development of 72 new single-family residential lots. As a condition of approval, the City requires annexation of the subdivision to the Napa Sanitation District (NSD).

NSD has requested the annexation be limited to only portions of the project area which will include new residential development requiring District services.

FACTORS FOR CONSIDERATION: ANNEXATION TO NAPA SANITATION DISTRICT

California Government Code §56668 et al provides a list of factors to be considered in the review of a proposal. The Commission's review shall include, but is not limited to, consideration of these factors. Additional information relating to these factors can be found in the attached *Justification of Proposal*.

<p>(a) 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 incorporated and unincorporated areas, during the next 10 years.</p>	<p>There are currently two single-family residences located in the subject territory with an estimated resident population of three. The annexation of the subject territory to the Napa Sanitation District would facilitate the development of 72 new single-family residential units located within an urbanized portion of the City of Napa. Based on the California Department of Finance's projection of 2.62 persons per household in Napa, the subject territory at project buildout will have a population of 189. This density and projected growth is consistent with adjacent areas.</p> <p>The subject territory is bordered on three sides by three creeks: Browns Valley Creek to the northeast, and unnamed creeks to the southeast and northwest. Topography within the subject area is characterized by 20 acres of relatively flat lands at the northeastern end, then 22 acres of 15-30-percent slopes moving southwest. The southwest-most 46 acres of the project area is characterized by steep slopes ranging from about 300 feet to more than 650 feet in elevation.</p> <p>The total assessed value of the subject territory is \$11,349,951.¹</p>
<p>(b) 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.</p> <p>"Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.</p>	<p>The annexation of the subject territory would facilitate the extension of public sewer service to serve 72 new single family residential units. Currently, the Napa Sanitation District has an average day sewer demand of 6.9 million gallons. At an expected use rate of 210 gallons per day (gpd) per residence, the underlying project will generate a new demand of 15,210 gpd. With a current capacity of 15.4 mgd, the Napa Sanitation District has sufficient capacity and facilities to provide service to the subject territory without impacting the service levels of current ratepayers.</p>

¹ The annexation of the subject territory to the Napa Sanitation District t will not change property taxes. Existing Tax Rate Areas (TRAs) will be matched to new TRAs. After annexation, the District will be permitted to charge property owners for services using the County's assessment rolls.

<p>(c) 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.</p>	<p>Annexation to the Napa Sanitation District would facilitate the development of the subject territory in a manner that is consistent with the surrounding area. A substantial portion of the surrounding area is already served by the District.</p>
<p>(d) The conformity of both 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 Section 56377. (Note: Section 56377 encourages preservation of agricultural and open-space lands.)</p>	<p>The annexation of the subject territory to the Napa Sanitation District is consistent with the planned, orderly, and efficient patterns of urban development within the City of Napa.</p>
<p>(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.</p>	<p>The subject territory is located within an urbanized portion of the City of Napa and is not currently in an agricultural use. Extension of sewer service to the subject territory would not result in an impact to agricultural lands.</p>
<p>(f) 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.</p>	<p>The subject territory is substantially surrounded by the existing jurisdictional boundary of the Napa Sanitation District. The proposal includes two TRA splits: one split by lot-line adjustment pursuant to the underlying project, and one split pursuant to the NSD's request to include only the land area which will be the "building pad site" and to exclude areas of land which will not require district services.</p>
<p>(g) Consistency with city or county general and specific plans.</p>	<p>The annexation of the subject territory to the NSD is consistent with the City of Napa General Plan. The City General Plan provides two distinct land use designations for the subject territory, <i>Single Family Residential – 42</i> and <i>Resource Area – 53</i>. These land use designations specify maximum densities of four units per acre and one unit per 20 acres, respectively. All but one of the 72 new residential units associated with the underlying project will be located within the portion of the subject territory designated <i>Single Family Residential – 42</i>. The City has assigned two zoning standards within this area, <i>Residential Single 20</i> and <i>Residential Single 10</i>. These zoning standards are consistent with the City General Plan and require minimum lot sizes of 20,000 and 10,000 square feet.²</p>

² The portion of the subject territory that is designated *Resource Area – 53* is zoned *Agricultural Resource* with an overlay standard of *Hillside*.

<p>(h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.</p>	<p>The subject territory lies within the adopted sphere of influence of the Napa Sanitation District. The proposal is consistent with the sphere of influence.</p>
<p>(i) The comments of any affected local agency.</p>	<p>The County of Napa Assessor's Office prefers that assessor parcels not be split within Tax Rate Area (TRA) lines. This annexation would create two splits in TRAs for the Napa Sanitation District. One split is required by a planned lot-line adjustment as part of the underlying project. The second split results from a request by NSD to exclude portions of parcels not planned for residential development. This arrangement is justified because it eliminates the need for the District to extend its sewer line to a vacant area that does not require service at this time and reserves the District's ability to establish terms and conditions relating to potential system requirements if service is eventually required.</p> <p>No other substantive comments were received from an affected local agency during the review of this proposal.</p>
<p>(j) 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.</p>	<p>The Napa Sanitation District, through its resolution of consent, attests to its ability to extend sewer service to the subject territory without impact to existing ratepayers.</p>
<p>(k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.</p>	<p>The subject territory is currently connected to the City of Napa's potable water system. The City's water management plan shows it is capable of delivering water to the subject territory to development levels consistent with the General Plan.</p>
<p>(l) 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 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.</p>	<p>The subject territory is located within the City of Napa. Annexation of the subject territory to the Napa Sanitation District will not impact the City in achieving its regional housing needs allocation.</p>
<p>(m) Any information or comments from the landowner or owners.</p>	<p>No comments were offered.</p>
<p>(n) Any information relating to existing land use designations.</p>	<p>The topography and terrain does not allow the project densities to reach the maximum 4 units/acre allowed in the City of Napa General Plan.</p>
<p>5668.3(a)1 Whether the proposed annexation will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.</p>	<p>The proposed annexation is intended to benefit future inhabitants of the subject territory by providing future access to public sewer service.</p>

ADDITIONAL BACKGROUND

The proposed annexation would create an approximate 1.35 acre pocket of land located at 1055 Partrick Road completely surrounded by the jurisdictional boundary of the Napa Sanitation District.³ In processing this proposal, LAFCO staff contacted the property owner of 1055 Partrick to determine her interest in participating in the annexation proposal. The property owner indicated interest in annexing her single family residence, but noted that the cost associated with connecting to the District's sewer system was an overriding deterrent. In contrast to city annexations, California Government Code does not restrict the Commission from approving a change in organization that would result in a pocket or island of land being completely surrounded the affected special district.

PROPERTY TAX AGREEMENT

In accordance with provisions of Revenue and Taxation Code §99, the County of Napa and the Napa Sanitation District by Resolution of the Board of Supervisors have agreed that no exchange of property taxes will occur as a result of annexation of lands to the Napa Sanitation District.

ENVIRONMENTAL ANALYSIS

LAFCO has reviewed and considered the information in the final environmental impact report prepared for the underlying development project by the City of Napa. The extension of sewer service to the underlying project was adequately contemplated as part of the environmental impact report. The Commission hereby makes and incorporates by reference the environmental findings set forth in the City of Napa Resolution No. 2006 170 as required by Section 15091 of Title 14 of the California Administrative Code for each significant effect of the project identified in the final environmental impact report. The Commission's findings are based on its independent judgment and analysis. The records upon which these findings are made are located at the LAFCO office at 1700 Second Street, Suite 268, Napa, California.

ALTERNATIVES FOR COMMISSION ACTION

After consideration of this report, the Commission should consider taking one of the following actions:

Option A: Adopt the form of the attached resolution approving the proposed *Hussey Ranch District Annexation to the Napa Sanitation District*.

Option B: If the Commission requires more information, continue this matter to a future meeting.

³ The proposed annexation does currently include annexing a portion of 1055 Partrick Road, which will ultimately be merged with a neighboring parcel owned by the O'Brien Group as part of a planned lot-line adjustment.

RECOMMENDATION

The Executive Officer recommends Option A: approval of the annexation proposal as submitted.

Respectfully submitted,

Keene Simonds
Executive Officer

Tracy Geraghty
Analyst

Attachments:

- ~~1. LAFCO Vicinity Map~~
- ~~2. LAFCO Aerial Map~~
3. Draft LAFCO Resolution of Approval
- ~~4. Justification of Proposal~~
- ~~5. NSD Resolution No. 07-003~~
- ~~6. City of Napa Resolution R2006-169 (Resolution of Application)~~
- ~~7. City of Napa Resolution R2006-170 (Certifying EIR)~~

RESOLUTION NO. ____

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

**HUSSEY RANCH DISTRICT ANNEXATION
NAPA SANITATION DISTRICT**

WHEREAS, an application by the O'Brien Group, property owner, proposing the annexation of territory to the Napa Sanitation District has been filed with the Executive Officer hereinafter referred to as "Executive Officer" of the Napa County Local Agency Formation Commission, hereinafter referred to as "the Commission", pursuant to Title 5, Division 3, commencing with Section 56000 of the California Government Code; and

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

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

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

WHEREAS, the Commission considered all the factors required by law under Section 56668 et. al. of the California Government Code; and

WHEREAS, the Commission found the proposal consistent with the sphere of influence established for the affected agency and with the Commission's adopted policy determinations; and

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

WHEREAS, the Commission, in accordance with the adopted Local Agency Formation Commission Environmental Impact Report Guidelines, and applicable provisions of the California Environmental Quality Act (CEQA), considered the determination of the County of Napa, Lead Agency under CEQA, that the final environmental impact report prepared for the underlying development project adequately discussed the impacts the project would have on the environment with or without the adoption of proposed mitigation measures.

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

1. The Commission certifies that it has reviewed and considered the information in the final environmental impact report prepared for the underlying development project by the City of

Napa. The Commission hereby makes and incorporates by reference the environmental findings set forth in the City of Napa Resolution No. 2006 169 as required by Section 15091 of Title 14 of the California Administrative Code for each significant effect of the project identified in the final environmental impact report. The Commission findings are based on its independent judgment and analysis. The records upon which these findings are made are located at the LAFCO office at 1700 Second Street, Suite 268, Napa, California.

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

**HUSSEY RANCH DISTRICT ANNEXATION
NAPA SANITATION DISTRICT**

4. The affected territory is shown on the attached map and is more precisely described in the attached Exhibit "A".
5. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
6. The Napa Sanitation District utilizes the Regular County assessment roll.
7. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
8. The proposal shall be subject to the terms and conditions specified in the attached Exhibit "B".
9. The applicant shall provide written notification to the Napa County Department of Environmental Management upon connection to the sewer line of the Napa Sanitation District.
10. The Commission authorizes conducting authority proceedings to be waived in accordance with Government Code Section 56663(c).
11. Recordation is contingent upon receipt from the Napa Sanitation District of written notification that the terms and conditions specified in the attached Exhibit "B" have been met.
12. Recordation is contingent upon receipt by the Executive Officer of a map and boundary description determined by the Executive Officer and County Surveyor to conform to the requirements of the State Board of Equalization.
13. The effective date shall be the date of recordation.

The foregoing resolution was duly and regularly adopted by the Local Agency Formation Commission of the County of Napa, State of California, at a regular meeting held on the 5th of February, 2007, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSTAIN: Commissioners _____

ATTEST: Keene Simonds
 Executive Officer

Prepared by: _____
 Kathy Mabry
 Clerk of the Commission