



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Policy on Unincorporated Islands

(Adopted: *****)

State Law

Several Government Code (G.C.) Sections of State law (Cortese-Knox-Hertzberg Act) are applicable to unincorporated islands. State law discourages the creation of new islands and has attempted to streamline their annexation. Applicable sections are summarized below.

Creation of New Islands Prohibited (G.C. §56744)

G.C. Section 56744 prohibits creation of new unincorporated islands. An exception can only be made if the Commission finds that it would be detrimental to the orderly development of the community and that the area is located such that it could not reasonably be annexed to another city or incorporated as a new city.

Streamlined Annexation of Existing Islands (G.C. §56375.3)

The California Legislature enacted special legislation, originally adopted in 1977 and subsequently expanded, that made it possible for certain unincorporated islands to be annexed *without* a protest hearing or election. In approving this legislation, the Legislature recognized:

- Unincorporated islands continue to represent a serious and unnecessary statewide governmental inefficiency and that this inefficiency would be resolved if these islands were annexed into the appropriate surrounding city.
- Property owners' ability to vote on boundary changes is a statutory privilege and not a constitutional right.
- Unincorporated islands are inherently inefficient and that these inefficiencies affect not just residents within islands, but also those residing throughout the city and the county.

To qualify for the streamlined annexation process pursuant to G.C. §56375.3, the proposal must be initiated by resolution adopted by the city/town and the proposal must include an entire island or several entire islands. State law also provides that the Commission *shall* approve the annexation proposal. This provides certainty to the city/town that the annexation will occur.

Ability to Require Entire Island (G.C. §56375(a)(5))

As a condition of annexation to a city/town that includes territory located within an island, the Commission may require that the annexation include the *entire* island.

Local Policy Definition of “Island”

The Commission defines an “island” in Napa County to include unincorporated territory that meets all of the following criteria:

- a) Located within a city or town’s sphere of influence;
- b) Does not exceed 150 acres in size;
- c) Does not contain prime agricultural land as defined in the Cortese-Knox-Hertzberg Act (G.C. §56064);
- d) Designated for urban development in the general plan of the annexing city/town;
- e) ~~Includes privately owned lands, publicly owned lands, state owned lands, and associated rights of way including roads, railroads, and deeded easements~~ May include privately or publicly owned lands;
- f) “Substantially surrounded” applies to unincorporated territory with an outer boundary that is ~~greater more~~ than ~~or equal to two thirds (66.7%)~~ 50% contiguous to a city/town’s jurisdictional boundary;
- g) The outer boundary is the city/town’s jurisdictional boundary, the city/town’s sphere of influence, and/or property owned by the State of California;
- h) The territory is developed or developing based on the availability of public utilities, presence of public improvements, or the presence of physical improvements on the parcels within the area; and
- i) The territory is currently receiving benefits from the annexing city/town or would benefit from the city/town following annexation.