



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

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**February 2, 2009**  
**Agenda Item No. 7a (Action)**

January 26, 2009

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer  
Brendon Freeman, Analyst

**SUBJECT: Wilkins Avenue Reorganization**

The Commission will consider a proposal from the City of Napa to annex approximately 0.77 acres of unincorporated territory. The affected territory consists of one developed parcel located along Wilkins Avenue north of its intersection with Imola Avenue. Staff is recommending the Commission approve the proposal with a modification to also include the concurrent detachment of the affected territory from County Service Area No. 4.

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The Commission is responsible under California Government Code (G.C.) Section 56375 to approve, modify, or disapprove boundary changes consistent with its adopted written policies, procedures, and guidelines. The Commission is also authorized to establish conditions in approving boundary changes as long as it does not directly regulate land uses. Underlying the Commission's determination in approving, modifying, or disapproving proposed boundary changes with or without conditions is to consider the logical and timely development of the affected agencies in context with local conditions.

**A. Proposal Summary**

The Commission has received an application from the City of Napa ("City") proposing the annexation of approximately 0.77 acres of unincorporated territory. The affected territory consists of one parcel developed with a single-family residence and detached garage that has been converted into a second residence. The affected territory is part of an approximate 33.7 acre unincorporated island substantially surrounded by the City. The subject parcel is identified by the County of Napa Assessor's Office as 046-271-023.

**B. Discussion**

***Proposal Purpose***

The purpose of the proposal is to facilitate the future division and development of the affected territory under the land use authority of the City. The City General Plan designates the affected territory for relatively dense single-family residential uses and could accommodate up to five total lots. No projects exist at this time given it is City policy not to accept a development application unless the subject land is already within its

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Representative of the General Public

Keene Simonds  
Executive Officer

jurisdictional boundary. However, the landowner has expressed his intent to seek the development of the affected territory immediately upon its annexation to the City.

### ***Potential Modifications***

In reviewing the application materials, staff believes it is appropriate to modify the proposal into a reorganization to include the concurrent detachment of the affected territory from County Service Area (CSA) No. 4. 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 serve as a governmental sponsor for a voter approved assessment on all parcels within its jurisdiction containing one acre or more of planted vineyard 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 a commission 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 a commission'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 current and planned land uses are residential. The affected territory is also less than the one acre minimum size requirement for a planted vineyard to be subject to the CSA No. 4 assessment. 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.

## **C. Analysis**

### ***Required Factors for Review***

G.C. Section 56668 requires the Commission consider 15 specific factors anytime it reviews proposed boundary changes. 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 0.77 acres in size and includes one unincorporated parcel developed with a single-family residence and a detached garage that has been converted into a second residence. There are currently four residents within the affected territory, which produces a population density of 5.2 persons per acre. If annexed, it is expected the affected territory will be developed during the next 10 years in a manner consistent with the City General Plan. The City General Plan allows the affected territory to be divided into a maximum total of five lots. This maximum development would generate an estimated 13 total residents and produce

a population density of 16.9 persons per acre.<sup>1</sup> Topography slopes modestly west to east as well as north to south with a peak elevation of 53 feet above sea level. There are no notable natural boundaries or drainage basins. The total current assessed value of the affected territory is \$69,521.

The potential for new growth adjacent to the affected territory is limited. The affected territory is part of an unincorporated island that includes 219 total parcels and is approximately 33.7 acres in size. Nearly all of the remaining parcels in the unincorporated island are developed with single-family residences and could not be further divided under the County or City given their current lot sizes.<sup>2</sup>

**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 future division and development of the affected territory during the next 10 years in a manner consistent with the City General Plan to include up to five total residential units. Governmental services will be needed to accommodate and support the intensified urban uses. Most notably, this includes providing an appropriate level of (a) fire protection and emergency medical, (b) law enforcement, (c) sewer, and (d) water services. An analysis of the availability and adequacy of these governmental services in the affected territory follows.

**Fire Protection and Emergency Medical Service**

The County is currently the legal entity responsible for providing fire protection and emergency medical services to the affected territory. However, given the affected territory is part of an unincorporated island, the City is already the probable first-responder based on an established mutual aid agreement with the County. Annexation would eliminate any duplication and/or inefficiencies associated with the City providing fire protection and emergency medical services to the affected territory.

**Law Enforcement Service**

The County is currently the entity legally responsible for providing law enforcement services to the affected territory. However, given the affected territory is within an unincorporated island, the City is already the probable first-responder based on an established mutual aid agreement with the County. Annexation would eliminate any duplication and/or inefficiencies associated with the City providing law enforcement services to the affected territory.

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<sup>1</sup> The California Department of Finance currently estimates a population factor of 2.62 per residence in the City. The current population density within the City is 6.7 persons per acre.

<sup>2</sup> It is estimated the remaining 218 parcels in the unincorporated island have a current population of 571 which produces a population density of 17.3 persons for every acre.

### **Sewer Service**

The affected territory is already within and currently receives public sewer service from the Napa Sanitation District (NSD). NSD's Sewer Master Plan indicates it has sufficient capacities and facilities to accommodate the development of the affected territory consistent with the City General Plan without adversely affecting existing customers.

### **Water Service**

The affected territory currently receives water through a private onsite well. The City will be responsible for extending public water service upon development. The City's Urban Water Management Plan indicates the City has adequate supplies and facilities to extend water service to the affected territory at its maximum contemplated development without adversely affecting existing customers. An expanded review of the City's water services are addressed on page six of this report.

**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 recognize and strengthen the social and economic ties existing between the affected territory and the City. These ties are drawn from the landowner and residents utilizing commercial, social, recreational, and public services provided by and or within the City. Modification of the proposal to include the concurrent detachment of the affected territory from CSA No. 4 would support its logical development by removing incorporating land designated for urban use that does not have an economic or social tie to the District.

**4) The conformity of the proposal and its anticipated effects with both the adopted commission policies and the policies set forth in G.C. Section 56377.**

As mentioned, the affected territory is part of an unincorporated island substantially surrounded by the City. It is the policy of the Commission to consider expanding the proposal to include the remaining parcels within the unincorporated island for the purpose of its elimination. Based on the results of the previous survey conducted by the City, it is reasonable to assume such an expansion would draw considerable opposition from landowners and residents. Furthermore, the opposition engendered as a result of the expansion would likely be sufficient to cause an election or outright terminate the proceedings during the protest hearing.

The above circumstances highlight a policy conflict for the Commission with regard to considering proposals that would reduce rather than eliminate unincorporated islands. Specifically, this policy conflict is drawn from the Commission's equal desire to (a) support infill-oriented annexations while (b) seeking the elimination of unincorporated islands and the service inefficiencies they perpetuate.

In reviewing this proposal, staff communicated to the City the Commission's interest in working together to actively eliminate unincorporated islands. City staff has responded favorably and has pledged its commitment to partner with the Commission on an island annexation program. The program would include public outreach to help inform affected island landowners and residents of the benefits of annexation as well as addressing common misconceptions. The underlying aim of the program would be to utilize G.C. Section 56375.3, which offers a streamlined process for cities to annex entire islands that are less 150 acres in size and do not include prime agriculture land. Most notably, this includes waiving protest proceedings. Staff believes this commitment provides sufficient assurances the Commission's interest in annexing the remaining parcels in the unincorporated island will be addressed in the near future. This commitment was also referenced by the Commission in approving a similar proposal seeking the reduction rather than the elimination of an unincorporated island in December 2008.<sup>3</sup>

**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 qualify as agricultural land as defined under 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.**

A map and geographic description have been prepared by a licensed surveyor 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.

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

The City General Plan designates the affected territory as *Single Family Infill – 178*, which allows for the development of up to five total lots. This designation is consistent with the Commission's policies and practices to permit annexations to cities for the purpose of facilitating planned orderly urban development. The designation is also consistent with the County General Plan, which designates the affected territory as *Cities*.

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<sup>3</sup> *Silverado Trail Reorganization* (LAFCO Resolution No. 08-16)

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

The affected territory is located within the City's sphere of influence and therefore consistent with the proposal. The affected territory is also located within CSA No. 4's sphere of influence, which has been designated to include all lands in Napa County. Given its countywide designation, amending CSA No. 4's sphere of influence to remove the affected territory if concurrently detached as part of the proposal is infeasible.

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

On July 31, 2008, LAFCO staff circulated copies of the proposal's application materials for review and comment to local governmental agencies. No substantive comments were received.

**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.**

The City has adequate service capacities, financial resources, and administrative controls to serve the affected territory. The City will also receive 55% of the County's proportional share of property tax proceeds to help offset new service-related costs as part of a master tax exchange agreement.

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

The City's water supplies are drawn from three sources: 1) Lake Hennessey; 2) Milliken Reservoir; and 3) the State Water Project. The City's most recent Urban Water Management Plan (UWMP) estimates its total annual water supply generated from these three sources during normal and multiple-dry years is 29,296 and 16,957 acre-feet, respectively.<sup>4</sup>

The City's current annual water demand is approximately 14,500 acre-feet. As mentioned, the affected territory is currently dependent on groundwater. It is anticipated the annexation of the affected territory and its subsequent maximum development under the City General Plan would generate a new annual water demand on the City of 1.9 acre-feet.<sup>5</sup> This amount can be reasonably accommodated by the City based on its existing supplies.

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<sup>4</sup> The City's UWMP defines a multiple-dry year period as a period generally considered to have the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903.

<sup>5</sup> Maximum allowable units for the affected territory under the City General Plan is five and has been multiplied by the average annual water demand of 0.38 acre-feet per single-family residence in estimating the potential new water demand associated with the proposal.

- 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 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.**

The proposal makes no significant impact on the ability of the County or City in achieving their respective regional housing needs assignment as determined by the Association of Bay Area Governments (ABAG). Based on the methodology used by ABAG, the potential housing stock associated with the affected territory has been fully allocated to the City in determining its housing need assignment given its location within its urban limit line.

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

The landowner of the affected territory has provided his written consent to the proposal as well as its possible modification to include concurrent detachment of the land from CSA No. 4. Accordingly, if the proposal is approved with or without the referenced modification, the Commission may waive protest proceedings pursuant to G.C. Section 56663.

- 14) Any information relating to existing land use designations.**

As mentioned, the City General Plan designates the affected territory as *Single-Family Infill 178* and permits a maximum division and development of up to five total units. Uses contemplated under this designation include detached and attached single family homes, duplexes, triplexes, mobile homes, manufactured housing, and compatible uses such as day care and residential care facilities.

- 15) 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 local of public facilities and the provision of public services.**

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

### ***Prezoning Assignment***

G.C. Section 56375(3) requires cities prezone territory as a condition to annexation. The City has prezoned the affected territory as *Residential Infill – 5*. This prezoning assignment requires a minimum lot size of 0.1 per acre and permits single family residences, family day care homes, or small residential care facilities. Conditional uses associated with this prezoning assignment include multi-family residences and mobile home parks. The City may not change the zoning for the affected territory in a manner that does not conform to the prezoning at the time of annexation for a period of two years with limited exceptions.

### ***Property Tax Agreement***

In accordance with provisions of California Revenue and Taxation Code Section 99, the County of Napa and the City of Napa have previously agreed by resolution of their respective boards to a master property tax exchange agreement applicable to the proposal. The agreement specifies the City shall receive 55% of the County's existing portion of property tax revenues generated from the affected territory.

### ***Environmental Review***

The City serves as lead agency for the proposal under the California Environmental Quality Act (CEQA). In adopting its resolution of application, the City concluded the Final Environmental Impact Report (FEIR) prepared for its General Plan adequately discusses the impacts and outlines mitigating policies for the future development of the affected territory at assigned densities. As responsible agency, the Commission is required to rely on the City's environmental documentation in acting on the proposal, but must prepare and issue its own findings. Staff believes the City has made an adequate determination that the annexation will not introduce any new considerations with respect to the FEIR. In addition, development projects, as they become known, will be subject to additional review pursuant to CEQA.

### **D. Alternatives for Commission Action**

Staff has identified four alternative actions for Commission consideration with respect to the proposal. These alternatives are:

- Option One:** Approve the proposal as submitted authorizing the annexation of the affected territory to the City with standard terms and conditions while waiving protest proceedings under G.C. Section 56663.
- Option Two:** Approve a modified proposal authorizing the annexation of the affected territory to the City and the concurrent detachment of the land from CSA No. 4 with standard terms and conditions while waiving protest proceedings under G.C. Section 56663.
- Option Three:** Continue consideration of the proposal to a future meeting.
- Option Four:** Deny the proposal.



**E. Recommendation**

Staff recommends the Commission approve the proposal with a modification to include the concurrent detachment of the affected territory from CSA No. 4, which is identified in the preceding section as Option Two. This reorganization will facilitate orderly and infill-oriented growth and will not induce the premature conversion of any agricultural or open-space land. The City's written commitment to working on an island annexation program provides sufficient assurances the Commission's interest in annexing the remaining island parcels associated with the affected territory will be addressed in the near future.

Respectfully submitted,

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Keene Simonds  
Executive Officer

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Brendon Freeman  
Analyst

Attachments:

- 1) LAFCO: Aerial Map
- 2) LAFCO: Draft Resolution of Approval
- 3) City of Napa: Application Materials
- 4) City of Napa: Letter