



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

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

Agenda Item 7b (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: August 7, 2017

SUBJECT: Proposed Penny Lane No. 4 Reorganization

RECOMMENDATION

Adopt the draft resolution (Attachment One) making California Environmental Quality Act findings and approving the proposed annexation as modified to include (1) 2137 Penny Lane and 2139 Penny Lane, (2) the adjacent portions of public right-of-way, and (3) concurrent detachment from County Service Area No. 4. Standard conditions are also recommended.

SUMMARY

The Commission has received a proposal from a landowner requesting the annexation of approximately 0.9 acres of unincorporated territory to the City of Napa (“City”). The territory proposed to be annexed comprises one entire parcel located at 2159 Penny Lane and is within the City’s sphere of influence (SOI). The County Assessor identifies the parcel as 046-422-017. The subject parcel currently uses a private well for potable and irrigation water supply.

The purpose of the proposal is to allow the landowner to further develop the subject parcel under the City’s land use authority to include a detached second residential unit, connect both residential units to the City’s public water system, and receive all other municipal services provided by the City.

Staff is proposing three modifications to the proposal. The first modification would expand the annexation territory to include two additional parcels with situs addresses of 2137 Penny Lane and 2139 Penny Lane. The second modification would expand the annexation territory to include the adjacent portions of public right-of-way fronting all three parcels. The third modification would concurrently detach the entire annexation territory from County Service Area (CSA) No. 4.

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Councilmember, City of Napa

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Kenneth Leary, Alternate Commissioner
Councilmember, City of American Canyon

Brad Wagenknecht, Chair
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Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Brian J. Kelly, Vice Chair
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Proposal Modifications

Modification One: Expansion of Annexation Boundary to Include Additional Parcels

The Legislature directs the Commission to consider boundary alternatives – expansions or reductions – any time it reviews change of organization or reorganization proposals to provide a more orderly and logical designation. Toward this end, and following the submittal of the original proposal by the landowner of 2159 Penny Lane, staff met with several additional landowners of parcels on Penny Lane to discuss their interest in annexation. The landowners of 2137 and 2139 Penny Lane indicated they would support being included in the annexation proceedings. Therefore, it is recommended the Commission modify the annexation boundary to include 2137 and 2139 Penny Lane. 2137 and 2139 Penny Lane are each approximately 0.5 acres in size and are identified by the County Assessor as 046-481-029 and 046-481-030, respectively. The landowners of 2137 and 2139 Penny Lane have each provided their written consent to being included in the annexation boundary (Attachments Five and Six).

Modification Two: Expansion of Annexation Boundary to Include Right-of-Way

It is recommended the Commission modify the annexation boundary to include approximately 0.2 acres of additional territory representing the portions of public right-of-way immediately adjacent to the three subject parcels on Penny Lane. Inclusion of these portions of right-of-way would be consistent with previous Commission actions to ensure the physical location of the City's public water infrastructure is within the City's jurisdiction.¹

Modification Three: Concurrent Annexation to County Service Area No. 4

Staff recommends modifying the proposal to include the concurrent detachment of the modified territory proposed to be annexed from County Service Area (CSA) No. 4, consistent with the Commission's adopted policies regarding concurrent annexations to cities. CSA No. 4 was formed in 2002 and includes all unincorporated territory along with certain incorporated territory located in the Cities of Calistoga, Napa, St. Helena, and Yountville. The intent and function of CSA No. 4 is to sponsor a voter-approved special assessment on all assessor parcels in its jurisdiction containing one acre or more of vineyards to fund farmworker housing services. Concurrently detaching the modified territory proposed to be annexed from CSA No. 4 is appropriate given the discontinuity between these lands' current and planned uses, paired with the role of the District in providing public farmworker housing services.

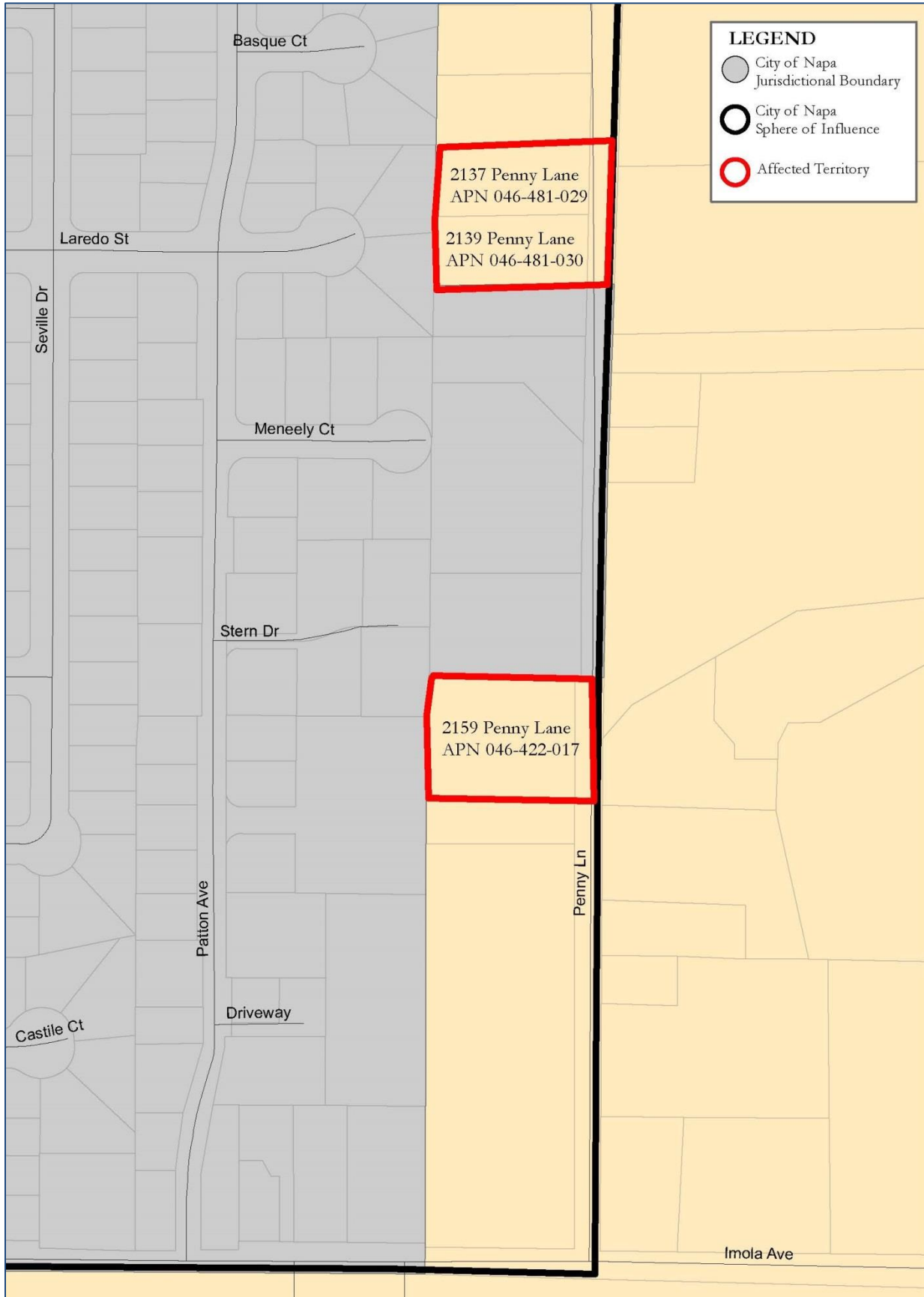
A map of the modified annexation boundary is provided on the following page.

¹ The recommended addition of the public right-of-way portions of Penny Lane would not trigger protest proceedings. Public agencies are not defined as landowners under LAFCO law when the subject land involves highways, rights-of-way, easements, waterways, or canals under G.C. Section 56048(c).

Proposed Penny Lane No. 4 Reorganization

August 7, 2017

Page 3 of 11



Factors for Commission Consideration

G.C. Section 56668 requires the Commission to consider 16 specific factors anytime it reviews proposals for 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. References to the “affected territory” hereafter include 2137, 2139, and 2159 Penny Lane along with the adjacent portions of public right-of-way. The following analysis also incorporates the recommended modification for concurrent detachment from CSA No. 4.

(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 unincorporated and lies within a residential area consisting of low to moderate density housing that is designated under the City of Napa General Plan as *Terrace/Shurtleff*. The affected territory is developed with three single-family residences, one detached garage, one small barn, and one storage shed. The current assessment value of the affected territory totals \$1,286,214.²

The affected territory is legally uninhabited given there are fewer than 12 registered voters. Topography is relatively flat with a peak elevation of 109 feet above sea-level. The affected territory is located within the *Cayetano Creek* drainage basin. Soils within the affected territory are classified as Coombs gravelly loam and Haire loam with two to five percent slopes.

Proposal approval could potentially facilitate the future development of the affected territory to include a maximum of 11 total single-family residences based on existing City of Napa General Plan and zoning designations.³ Given that proposal approval could directly facilitate the future development of up to eight new residential units within the affected territory, Commission approval of the proposal is considered negligibly growth inducing.

Adjacent lands to the north of 2159 Penny Lane, south of 2139 Penny Lane, and west of the affected territory are already incorporated. Lands to the immediate south of 2159 Penny Lane and north of 2137 Penny Lane include seven unincorporated parcels located within the City’s sphere of influence that could be annexed and subsequently divided to include up to approximately 32 total residential lots. Lands to the east of the affected territory are all unincorporated, outside the City’s sphere of influence, and could not be further divided under the County of Napa’s land use authority based on existing lot sizes and agricultural land use designations.

² The assessed value of the affected territory is \$631,295 for land and \$661,919 for structural improvements.

³ Buildout of the affected territory would result in three dwelling units on 2137 Penny Lane, three dwelling units on 2139 Penny Lane, and five dwelling units on 2159 Penny Lane. At buildout, the affected territory would be expected to include a resident population of approximately 30 based on the California Department of Finance’s population per household estimate of 2.73 for the City of Napa.

(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.

The present need for municipal services within the affected territory is limited to public water for the three existing single-family residences. The affected territory currently relies on private onsite wells for its potable and irrigation water supply. Core municipal services already provided or available to the affected territory include sewer, fire, emergency medical, law enforcement, roads, and garbage collection.

The future need for additional and elevated public services extending beyond the baseline would be triggered if the proposal is approved. Annexation to the City and eventual buildout of the affected territory to include 11 residential units would marginally increase demands on each of the aforementioned municipal services. A review of projected demands for the affected territory at buildout indicates the City of Napa and Napa Sanitation District (NSD) have sufficient capacities and controls to reasonably accommodate future needs. This statement is predicated on information collected and analyzed in the Commission's *Central County Region Municipal Service Review*. No service deficiencies for the area were identified in the municipal service review. Additional information regarding projected service demands associated with the buildout of the affected territory is provided below.

Water

Proposal approval and buildout of the affected territory would result in new annual potable water demands totaling approximately 2.4 acre-feet or 766,792 gallons. This amount is based on the City's current average daily water demands of 262.6 gallons per single-family residence. The City has established adequate capacities and controls to accommodate these new demands.

Fire Protection and Emergency Medical

Proposal approval and buildout of the affected territory would result in approximately three new annual service calls related to fire protection and medical emergencies. This amount is based on the City's ratio of 92.8 fire protection and emergency medical service calls per 1,000 residents over the last five years. The City has established adequate capacities and controls to accommodate these new demands.

Law Enforcement

Proposal approval and buildout of the affected territory would result in approximately 25 new annual law enforcement service calls. This amount is based on the City's current ratio of 826.1 law enforcement service calls per 1,000 residents over the last five years. The City has established adequate capacities and controls to accommodate these new demands.

Sewer

The affected territory is located entirely within NSD's jurisdictional boundary and sphere of influence. The existing single-family residence already receives public sewer service from NSD. Proposal approval and buildout of the affected territory would result in new sewer flows totaling approximately 1,200 gallons per day. This amount is based on current average single-family residential sewer demands within NSD of approximately 150 gallons per day per residence. NSD has established adequate capacities and controls to accommodate these new demands without impacting existing service commitments or ratepayers.

(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).

The recommended modification to concurrently detach the affected territory from CSA No. 4 supports mutual social and economic interests. Specifically, detaching the affected territory would recognize the discontinuity between present and probable urban uses and the role of the CSA No. 4 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 consistency with its urban land use designations pursuant to the City and County General Plans, avoidance of premature conversion of agricultural uses, 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 qualify as "agricultural land" under LAFCO law. Specifically, the affected territory is not used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program.

(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 046-422-017, 046-481-029, and 046-481-030 along with the adjacent portions of public right-of-way on Penny Lane. The landowners have submitted a draft map and geographic description of the affected territory that is undergoing review by the County Surveyor to ensure conformance with the requirements of the State Board of Equalization. Annexation approval would not result in the creation of any unincorporated 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*, was updated in 2013 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.

The proposal would provide a full range of permanent public 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 uses.

(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.

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

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

⁴ Plan Bay Area is a long-range integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area. On July 26, 2017, the Association of Bay Area Governments and the Metropolitan Transportation Commission certified Plan Bay Area's Final Environmental Impact Report. Plan Bay Area includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

(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 in the Commission’s *Central County Region Municipal Service Review (2014)* concluded the City and NSD have developed overall adequate financial resources and controls relative to their service commitments. Additional analysis provides reasonable assurances the City and NSD’s fiscal capacities would enable the agencies to extend services consistent with the land use and density assumptions in the annexation proposal without significant adverse impacts.

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

Proposal approval is expected to generate approximately 2.4 acre-feet of new annual water demands for the City at buildout. 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 water service demands associated with eventual buildout of the affected territory relative to the City’s existing supplies and demands follows. As shown below, adequate water supplies exist for the projected needs of the City, including the affected territory.

Baseline Without Annexation of the Affected Territory (Amounts in Acre-Feet)			
Category	Normal Year	Multiple Dry	Single Dry
Annual Supply	39,410	26,870	18,840
Annual Demand	12,013	12,013	12,013
Difference	27,397	14,857	6,827

Adjusted With Annexation/Buildout of the Affected Territory (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 could result in a benefit to the City with respect to achieving its fair share of the regional housing needs during the foreseeable future as a result of the potential development of up to 11 residential units as contemplated in the City General Plan.

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

The landowner of 2159 Penny Lane is the petitioner seeking annexation. The landowners of 2137 Penny Lane and 2139 Penny Lane have submitted written consent to be included in annexation proceedings.

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

County General Plan: *Agriculture, Watershed and Open Space*
County Zoning Ordinance: *Residential Single: Urban Reserve*
City General Plan: *Single-Family Residential (SFR-179)*
City Rezoning: *Residential Single*

The County General Plan land use designation for the affected territory prescribes a minimum lot size of 160 acres. This minimum lot size exceeds the size of the affected territory, precluding further development. However, the zoning for the affected territory contemplates single-family residential land uses. Further, County General Plan Policies AG/LU-12 and AG/LU-26 identify single-family residential uses as consistent with the *Agriculture, Watershed and Open Space* land use designation. Therefore, the County's General Plan and zoning assignments for the affected territory are consistent with current and future single-family residential land uses.

The City General Plan land use designation for the affected territory prescribes a range of development from two to seven residential units per acre. Further, the City's rezoning assignment for the affected territory contemplates a minimum lot size of 7,000 square feet or 0.16 acres. Following annexation, these development standards would allow the affected territory to be further developed under the City's land use authority to include a maximum of 11 total residential units at buildout.

(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 proposed annexation will have any implication for environmental justice in Napa County.

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.⁵ With this in mind, staff provided notice to the City and the County of the proposed jurisdictional change – including the aforementioned modifications – 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 uninhabited, all landowners have provided their written consent, and no written opposition to a waiver of protest proceedings has been received by any agency. This statement applies to the proposal with or without the recommended modifications given that public rights-of-way are not defined as having landowners under LAFCO law, and CSA No. 4 did not file opposition after having been provided notice of the recommended modification.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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 the proposed annexation, including the modifications recommended by staff. Staff concurs with the findings of the City of Napa's EIR and hereby adopts the City of Napa's Findings adopted as Resolution No. 98-238 and Resolution No. 98-239. If the project 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 1030 Seminary Street, Suite B, Napa, California 94559 and can be viewed by clicking the links on the following page.

⁵ 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

ALTERNATIVES FOR COMMISSION ACTION

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

Alternative Action One (Recommended):

Adopt the draft resolution identified as Attachment One approving the proposal with the recommended modifications along with standard terms and conditions.

Alternative Action Two:

Continue consideration of the proposed annexation to a specified future meeting.

Alternative Action Three:

Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year.

ATTACHMENTS

- 1) Draft Resolution Approving the Proposal with Recommended Modifications
- 2) Application Materials
- 3) 2137 Penny Lane Landowner Consent Form
- 4) 2139 Penny Lane Landowner Consent Form
- 5) Aerial Maps of Affected Territory

RESOLUTION NO. ____

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

PENNY LANE NO. 4 REORGANIZATION

WHEREAS, an application for a proposed annexation 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 0.9 acres of unincorporated land to the City of Napa and represents one entire parcel located at 2159 Penny Lane and identified by the County of Napa Assessor’s Office as 046-422-017; 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 August 7, 2017; 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 lead 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 annexation, including the modifications recommended by staff. Staff concurs with the findings of the City of Napa's EIR and hereby adopts the City of Napa's Findings adopted as Resolution No. 98-238 and Resolution No. 98-239. If the project 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 located at the Commission office at 1030 Seminary Street, Suite B, Napa, California 94559.
3. The proposal is APPROVED with the following modifications subject to completion of item number 10 below:
 - a) The affected territory is expanded to include 2137 Penny Lane and 2139 Penny Lane identified by the County of Napa Assessor's Office as 046-481-029 and 046-481-030, respectively, as well as all of the adjacent portions of public right-of-way on Penny Lane that are adjacent to all three subject parcels.
 - b) The affected territory is concurrently detached from County Service Area No. 4.
4. The proposal is assigned the following distinctive short-term designation:

PENNY LANE NO. 4 REORGANIZATION

5. The affected territory is depicted in the vicinity maps 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 satisfaction of the following conditions as determined by the Executive Officer:
 - (a) A map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization for annexation of the affected territory to the City of Napa.

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.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on August 7, 2017 by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

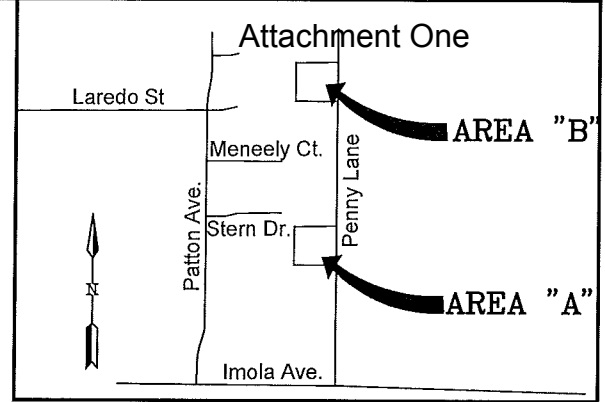
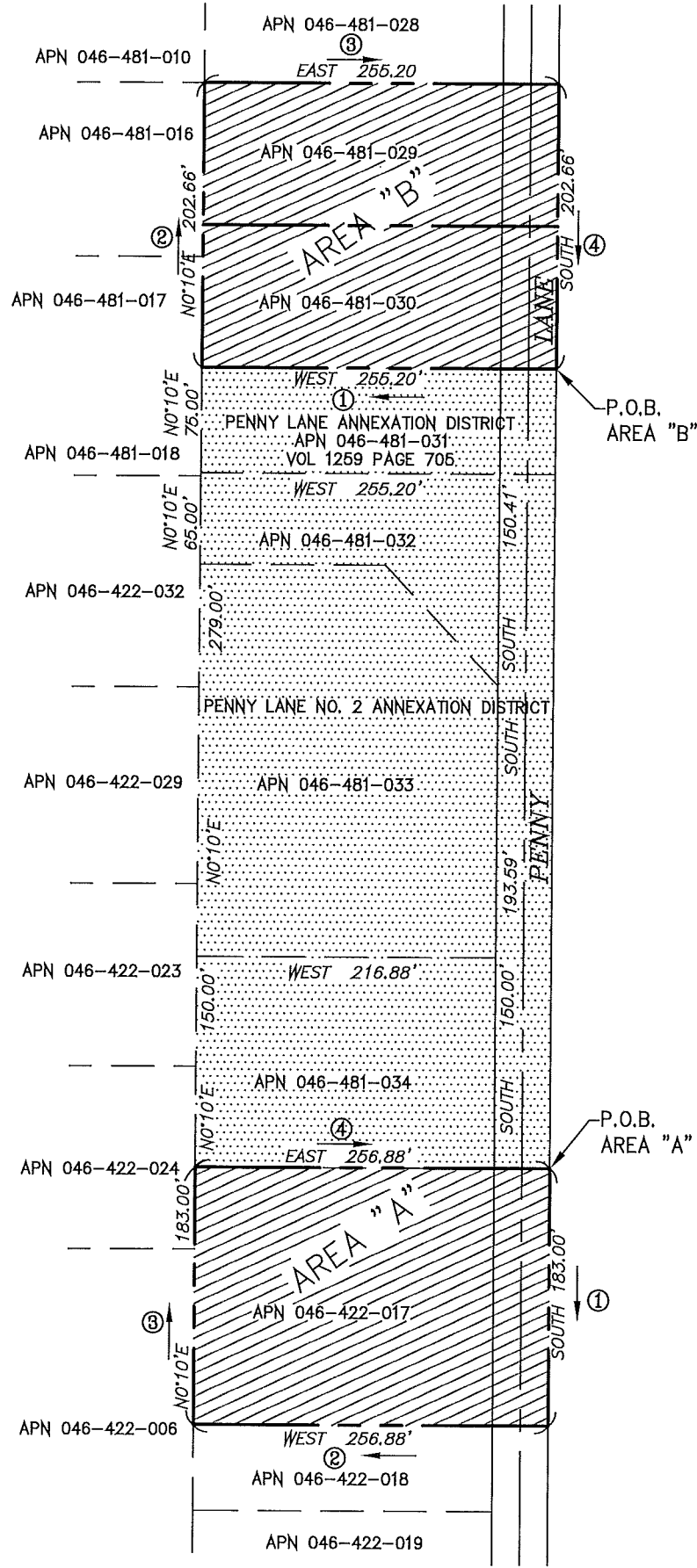
ABSTAIN: Commissioners _____

Brad Wagenknecht
Commission Chair

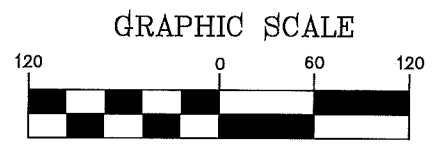
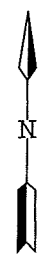
ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Secretary

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VICINITY MAP



(IN FEET)
1 inch = 120 ft.

LEGEND

- EXISTING NAPA CITY BOUNDARY
- PROPOSED AREA TO BE ANNEXED

- P.O.B. POINT OF BEGINNING
- ① COURSE NUMBER

APPLICANTS

- PHIL SHENK
2137 PENNY LANE
NAPA, CA 94559
- CHAD A. McCOMBER
2139 PENNY LANE
NAPA, CA 94559
- SHARON J. FRY
2159 PENNY LANE
NAPA, CA 94559

DRAFT

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 "A"
PENNY LANE REORGANIZATION NO. 4
ANNEXATION TO THE CITY OF NAPA
BEING A PORTION OF TULOCAY RANCHO
(2137 PENNY LANE, NAPA, CA 94559)
(2139 PENNY LANE, NAPA, CA 94559)
(2159 PENNY LANE, 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
Penny Lane No. 4 Reorganization July 28, 2017

EXHIBIT "A"
PENNY LANE No. 4
ANNEXATION TO THE CITY OF NAPA
GEOGRAPHIC DESCRIPTION AREA "B"

All that real property situate in portions of Tulocay Rancho, in the County of Napa, State of California described as follows:

BEGINNING at the Northeast corner of an existing Penny Lane No. 3 Annexation to the City of Napa filed in Vol. 1259 Page 705 O.R. in the Office of the Recorder of Napa County, more particularly described as follows:

Course 1: thence; East along said City of Napa boundary 255.22 feet;
Course 2: thence; N 0° 10' E, 202.66 feet;
Course 3: thence West, 255.22 feet;
Course 4: thence South, 202.66 feet to the POINT OF BEGINNING,

Containing 1.2 acres more or less.

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

EXHIBIT "A"
PENNY LANE No. 4
ANNEXATION TO THE CITY OF NAPA
GEOGRAPHIC DESCRIPTION AREA "A"

All that real property situate in portions of Tulocay Rancho, in the County of Napa, State of California described as follows:

BEGINNING at the Southeast corner of an existing Penny Lane No. 2 Annexation District to the City of Napa, more particularly described as follows:

Course 1: thence; South, 183.00 feet;
Course 2: thence; West, 256.88 feet;
Course 3: thence N 0° 10' E, 183.00 feet;
Course 4: thence East, 256.88 feet to the POINT OF BEGINNING,

Containing 1.08 acres more or less.

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

FORM B

Date Filed:	8/6/17
Received By:	BF

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:

Proposal for annexation to City of Napa for Assessor's Parcel 046-422-017-000, located at
2159 Penny Lane.

Description of Boundaries of Affected Territory Accompanied by Map:

See attached Map and Geographic Description

Reason for Proposal and Any Proposed Conditions:

Landowners would like to annex to the City of Napa in order to connect to City water (the property already has City sewer). There are no other conditions to the proposal.

Type of Petition:

Landowner

Registered Voter

Sphere of Influence Consistency:

Yes

No

If Landowner Petition, Complete the Following:

- 1) Name: Sharon J. Fry and Russell P. Herschelmann
Mailing Address: 2159 Penny Lane, Napa, CA 94559
Assessor Parcel: 046-422-017-000
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: _____
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:

6/6/17

Received By:

BF

**JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization**

I. APPLICANT INFORMATION

A. Name: Sharon J. Fry and Russell P. Herschelmann
 Contact Person Agency/Business (If Applicable)

Address: 2159 Penny Lane Napa 94559
 Street Number Street Name City Zip Code

Contact: (707) 332-1916 sjfry33@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	955 School Street, Napa, CA 94559
Name	Address
_____	_____
Name	Address
_____	_____
Name	Address

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed)

<input checked="" type="checkbox"/> Annexation	<input type="checkbox"/> Detachment	<input type="checkbox"/> City Incorporation	<input type="checkbox"/> District Formation
<input type="checkbox"/> City/District Dissolution	<input type="checkbox"/> City/District Merger	<input type="checkbox"/> Service Activation (District Only)	<input type="checkbox"/> Service Divestiture (District Only)

C. Purpose Statement: (Specific)

Proposal for annexation to City of Napa for Assessor's Parcel 046-422-017-000,
 located at 2159 Penny Lane.

III. GENERAL INFORMATION

A. Location:	2159 Penny Lane	046-422-017-000	.89
	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) _____		

B. Landowners:

- (1) Assessor Parcel Number : 046-422-017-000 Name: Sharon J. Fry and Russell P. Herschelmann
 Mailing Address: 2159 Penny Lane, Napa, CA 94559
 Phone Number: (707) 332-1916 E-mail: sjfry33@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: 3
- (2) Total Number of Registered Voters: 2

D. Land Use Factors:

- (1a) County General Plan Designation: Rural Residential
- (1b) County Zoning Standard: RS:UR (residential single; urban reserve)
- (2a) Applicable City General Plan Designation: SFR-179 (single family residence)
- (2b) Applicable City Rezoning Standard: RS-7

E. Existing Land Uses:
(Specific)

At 2159 Penny Lane there is a residence, plus a 12x20 storage shed, a 20x20 storage shed, a covered work area/carport between the residence and the 12x20 shed, a 76x25 covered work area/barn, and a 30x50 garage with work area.

F. Development Plans:

- (1a) Territory Subject to a Development Project? Yes No

(1b) If Yes, Describe Project: _____

(1c) If No, When Is Development Anticipated? The landowners at 2159 Penny Lane are planning to subdivide the property and convert the 30x50 garage with work area into a residence, once annexed.

G. Physical Characteristics:

(1) Describe Topography: Relatively flat

(2) Describe Any Natural Boundaries: The property at 2159 Penny Lane has fruit trees planted around the perimeter of the property. Otherwise, there is nothing of note to signify the property boundaries.

(3) Describe Soil Composition and Any Drainage Basins: The Cayetano Creek is the drainage basin located to the North of the property. The soil composition is Coombs gravelly loam with a 2-5 percent slope.

(4) Describe Vegetation: Fruit trees, herbs, vegetables, flowers, along with natural grass/weeds

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:

City water and all other city services are to be provided. The property already has City sewer.

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

City water for existing residences as well as for any future development.

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

After annexation.

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

According to the City's Water Division, after annexation, the Department will schedule to install pipeline from its current termination point, in front of 2147 Penny Lane. to the South end of the property.

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

The City Water Division will pay to bring the pipeline to the North end of 2159 Penny Lane, the property owner will pay for the pipeline installed in their parcel frontage and the water service fees using their own funds.

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

(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: _____
Type
- None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

None

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:** _____
Mailing Address: _____
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: Sharon J. Fry

Printed Name: Sharon J. Fry

Title: Landowner

Date: _____

Indemnification Agreement

Name of Proposal: Penny Lane No. 4 Annexation to the City of Napa

Should the Local Agency Formation Commission of Napa County ("Napa LAFCO") be named as a party in any litigation (including a "validation" action under California Civil Code of Procedure 860 et seq.) or administrative proceeding in connection with a proposal, the applicant Sharon J. Fry and/or Russell P. Herschelmann (real party in interest: the landowner) agree to indemnify, hold harmless, and promptly reimburse Napa LAFCO for:

1. Any damages, penalties, fines or other costs imposed upon or incurred by Napa LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. The Napa LAFCO Executive Officer may require a deposit of funds to cover estimated expenses of the litigation. Applicant and/or real party in interest agree that Napa LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's and/or real party in interest's obligations to indemnify and reimburse defense cost; and
2. All reasonable expenses and attorney's fees in connection with the defense of Napa LAFCO.

This indemnification obligation shall include, but is not limited to, expert witness fees or attorney fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with, the approval of this application. This indemnification is intended to be as broad as permitted by law.

Agency Representative Signature



Principal Landowner Signature

Print Name

Sharon J. Fry

Print Name

Date

June 6, 2017

Date



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

1030 Seminary Street, Suite B
Napa, California 94559
Phone: (707) 259-8645
Fax: (707) 251-1053
www.napa.lafco.ca.gov

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

LANDOWNER CONSENT FORM

We are the legal owners of property as described below and hereby voluntarily consent to the annexation of our land to the City of Napa as part of the proposal proceedings undertaken by Sharon Fry. In providing consent, and with the qualification that all related annexation costs be the responsibility of Sharon Fry, we acknowledge the Commission may proceed with considering the proposal without notice, hearing, or protest proceedings under Government Code Section 56662(a).

Landowner Names: Philip Shenk

Property Address: 2137 Penny Lane, Napa, CA 94559

Property APN: 046-481-029

Philip Shenk

Landowner

7/18/2017

Date

Juliana Inman, Commissioner
Councilmember, City of Napa

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Kenneth Leary, Alternate Commissioner
Councilmember, City of American Canyon

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

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Brian J. Kelly, Vice Chair
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



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Subdivision of the State of California

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Landowner Names: Chad Andrew McComber

Property Address: 2139 Penny Lane, Napa, CA 94559

Property APN: 046-481-030



Landowner

7-18-17

Date



LEGEND

- City of Napa Jurisdictional Boundary
- City of Napa Sphere of Influence
- 2159 Penny Lane







LEGEND

- City of Napa Jurisdictional Boundary
- City of Napa Sphere of Influence
- 2137 Penny Lane

