



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

Agenda Item 8a

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: October 3, 2016

SUBJECT: Proposed Silverado Trail No. 2 Annexation to the Napa Sanitation District

RECOMMENDATION

Adopt the resolution (Attachment One) making California Environmental Quality Act (CEQA) findings and approving the proposed annexation as modified to include the adjacent portion of public right-of-way. 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 Napa Sanitation District (NSD). The territory proposed to be annexed comprises one entire parcel located at 1944 Silverado Trail and is within NSD's sphere of influence (SOI). The County Assessor identifies the parcel as 049-190-006. The subject parcel currently uses a private onsite septic system for sewer service. The purpose of the proposed annexation is to allow the landowner to remove the septic system and connect the existing single-family residence and detached second unit to NSD's public sewer system.

ANALYSIS

The County of Napa assigns a *Rural Residential* General Plan land use designation for approximately 90% of the subject parcel with the remaining 10% of the parcel designated as *Agricultural Resource*. The entire parcel has been zoned as *Residential Single* by the County. These land use designations do not allow for any additional development to occur within the subject parcel. The landowner has communicated public sewer service is needed given that the existing private onsite septic system is inadequate to serve both the existing single-family residence and detached second unit. An expansion of the septic system is infeasible due to County septic system requirements combined with a lack of adequate space for the leach fields.

Greg Pitts, Vice Chair
Councilmember, City of St. Helena

Juliana Inman, Commissioner
Councilmember, City of Napa

Joan Bennett, Alternate Commissioner
Councilmember, City of American Canyon

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

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

Keith Caldwell, Alternate Commissioner
County of Napa Supervisor, 5th District

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

The single-family residence and detached second unit would connect to NSD's public sewer system following infrastructure improvements involving the adjacent portion of public right-of-way. Extending public sewer infrastructure through Silverado Trail would involve installation of a new manhole in Silverado Trail, design of the connection by a registered engineer, and receipt of an encroachment permit from Caltrans. Further, NSD has indicated that the sewer main in this area of Silverado Trail is over capacity during wet weather flow periods due to inflow and infiltration (I&I). NSD policies relating to I&I mitigation require new connections in this area of Silverado Trail to identify and implement a project that will reduce upstream sewer flows. The landowner has indicated a commitment to establishing public sewer service and is prepared to meet all terms and conditions associated with annexation and establishing a sewer connection.

Policy Considerations

Concurrent Annexation to City of Napa

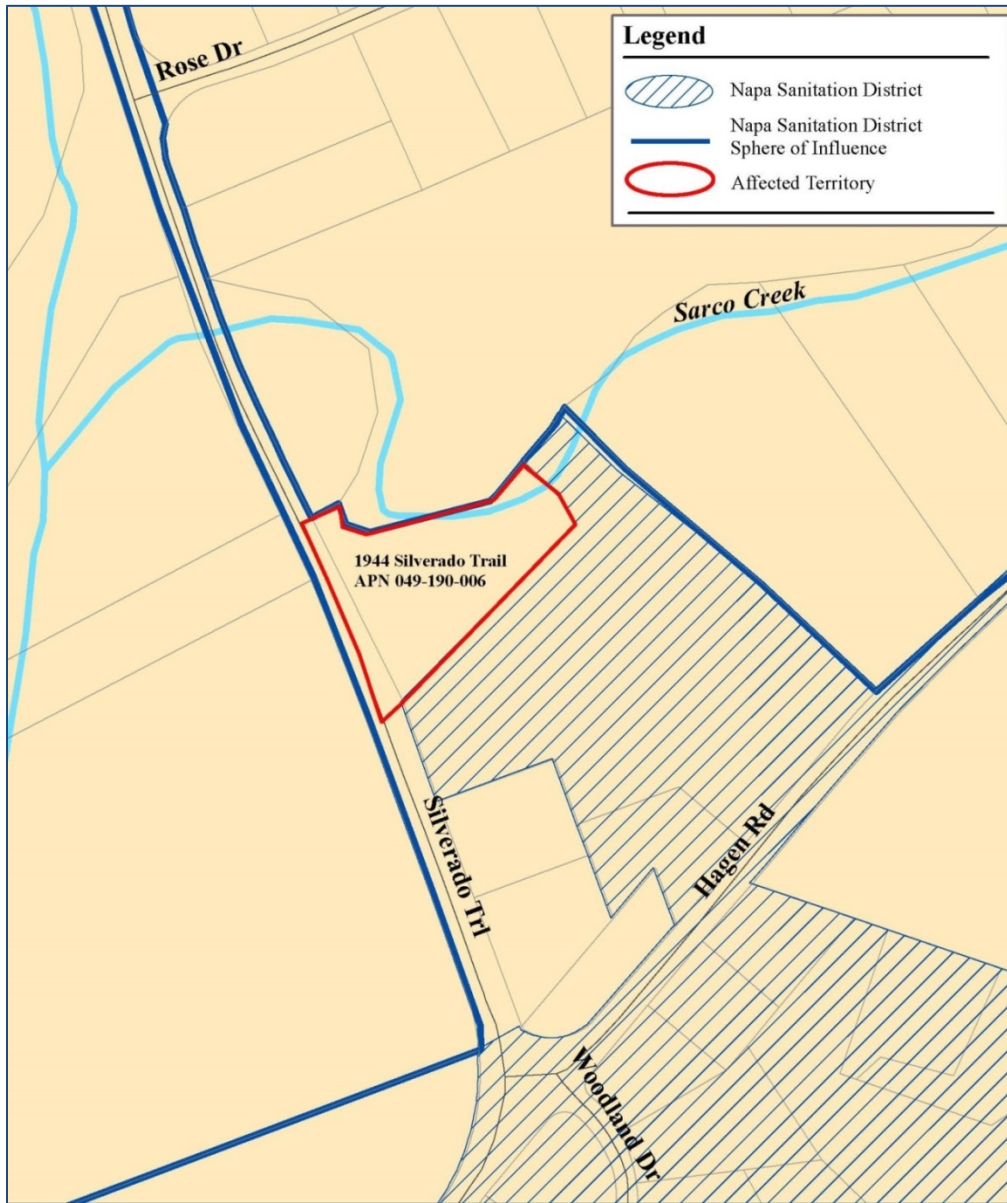
The Commission's *General Policy Determinations* Section VII(D)(1)(a) requires the Commission to consider concurrent annexation to the City of Napa ("City") whenever an application is submitted that involves annexation to NSD. However, this policy is only applicable where the territory proposed to be annexed is within the City's SOI and rural urban limit (RUL) and where annexation is legally possible. The subject parcel is located outside the City's SOI and RUL. Therefore, the referenced policy does not apply to this annexation proposal. Additionally, concurrent annexation would require the City to first prezone the subject parcel. Given these considerations, it does not appear appropriate or feasible to require concurrent annexation to the City.

Proposal Involving Agricultural Land

The Commission's *General Policy Determinations* Section II(B)(4) requires the Commission to evaluate additional factors when considering proposals involving agricultural designated land. Approximately 10% of the territory proposed to be annexed is assigned a County General Plan designation of *Agricultural Resource*. However, the subject parcel does not include prime agricultural land as defined by Government Code (G.C.) Section 56064 and is not under a Williamson Act contract or open space easement. The subject parcel is developed with a single-family residence and a detached second unit, and there are no active agricultural uses. The County General Plan assigns a minimum parcel size of 40 acres to lands designated *Agricultural Resource*. Given that the subject parcel is approximately 0.9 acres in size, the parcel cannot be further divided. All adjacent agricultural designated lands are located outside the SOIs for both NSD and the City of Napa. Therefore, there is no potential for the proposal to result in the premature conversion of agricultural designated land to urban use. Based on these collective factors, the proposal is consistent with the Commission's policies regarding annexations involving agricultural designated lands.

Proposal Modification (Recommended)

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, it is recommended the Commission modify the annexation boundary to include a 0.1 acre portion of public right-of-way immediately adjacent to the subject parcel on Silverado Trail. Inclusion of this portion of right-of-way would be consistent with previous Commission actions to ensure the physical location of NSD’s infrastructure is within the District’s jurisdiction.¹ A map of the modified annexation boundary is provided below.



¹ The recommended addition of the public right-of-way portion of Silverado Trail 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).

Factors for Commission Consideration

G.C. Sections 56668 and 56668.3 require the Commission to consider 17 specific factors anytime it reviews proposals for change of organization or reorganization involving special districts. 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 1944 Silverado Trail along with the adjacent portion of public right-of-way.

(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 to the immediate north of a residential area consisting of low to moderate density housing that is designated under the City of Napa General Plan as *Alta Heights*. The affected territory is built out and developed with one single-family residence and a detached second unit. The current assessment value of the affected territory totals \$187,952.

The affected territory is legally uninhabited given there are fewer than 12 registered voters based on the most recent list provided by County Elections.² Topography is generally flat with a peak elevation of 16 feet above sea-level in the northern portion of the affected territory. The affected territory is located within the *Napa River* drainage basin. Approximately 150 feet of Sarco Creek traverses the northeastern portion of the affected territory.

Proposal approval would not facilitate the future development of 1944 Silverado Trail or adjacent lands based on existing zoning and General Plan designations. Adjacent lands to the immediate north and west of the affected territory are unincorporated and located outside both the City and NSD’s jurisdictional boundaries and SOIs. These lands to the north and west are under the County of Napa’s land use authority and could not be further divided based on existing lot sizes and their agricultural land use designations. Adjacent lands to the immediate east and south of the affected territory are located within both the City and NSD’s jurisdictional boundaries. These lands to the east and south comprise one 4.0 acre parcel that is developed with the Creekside Community Church. Proposal approval would not result in new annexation eligibility to any adjacent lands that could potentially facilitate additional development. Therefore, proposal approval would not be growth inducing.

² The application materials identify a total population of four within the affected territory.

(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 sewer for the existing single-family residence and detached second unit within the affected territory. The affected territory currently relies on a private onsite septic system. Core municipal services already provided or available to the affected territory include water, fire, emergency medical, law enforcement, roads, and garbage collection; all at levels deemed adequate given current and planned uses. It is important to note that the affected territory has an existing outside water service connection with the City of Napa.³ While annexations are generally more preferable than outside services, annexation of the affected territory to the City of Napa is not feasible given that the affected territory is located outside the City's SOI and RUL.

Annexation to NSD would provide permanent public sewer service to the affected territory going forward. The estimated average daily sewer flow that would be generated from the affected territory is 420 gallons. This amount would be approximately 1,050 gallons during peak periods. These estimated flow amounts represent less than one one-hundredth of one percent of NSD's current system demand and – following I&I mitigation measures by the applicant – can be accommodated without measurably impacting existing ratepayers or service quality.

(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 NSD and the affected territory. These ties were initially established in 1975 when the Commission included the affected territory in NSD's SOI, marking an expectation the site would eventually develop for urban type uses and require public sewer from the District as the region's sole service provider.

³ The City of Napa began providing outside water service to the affected territory in 1955 when the water main was originally installed. This outside water service is exempt from Commission authorization under G.C. Section 56133(e)(4). This statute states that Commission authorization is not required for an extended service that a city or district was providing on or before January 1, 2001.

(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 policies as codified under its *General Policy Determinations*. This includes consistency with urban land use designations for nine-tenths of the affected territory under the County General Plan, avoidance of premature conversion of agricultural uses, and consistency with NSD's adopted SOI.⁴ 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.

(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 049-190-006 along with a 0.1 acre portion of adjacent public right-of-way. The applicant has submitted a final map and geographic description of the affected territory that has been reviewed by the County Surveyor to ensure conformance with the requirements of the State Board of Equalization.

(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 2040.⁵ No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

⁴ Approximately one-tenth of the affected territory is assigned a General Plan land use designation of *Agricultural Resource*. However, this portion of the affected territory is currently used for urban purposes as a driveway and swimming pool. It is unlikely this portion of the affected territory could be used for agriculture in the future.

⁵ Plan Bay Area is a long-range integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area. On July 18, 2013, Plan Bay Area was jointly approved by the Association of Bay Area Governments Executive Board and by the Metropolitan Transportation Commission. Plan Bay Area includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

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

The proposal would provide permanent public sewer service to the affected territory. The availability of this municipal service is generally consistent with the County of Napa's General Plan, which designates approximately nine-tenths of the affected territory for single-family residential uses (*Rural Residential*), as well as Napa's Zoning Ordinance, which designates the entire affected territory for similar residential uses (*Residential Single*). It is important to note that approximately one-tenth of the affected territory is assigned an agricultural General Plan designation (*Agricultural Resource*) by the County. However, this portion of the affected territory is currently used for urban purposes as a driveway and swimming pool. It is unlikely this portion of the affected territory could be used for agriculture in the future.

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

The affected territory is located entirely within NSD's SOI, which was comprehensively updated by the Commission in October 2015.

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

Staff provided notice of the proposal to all subject agencies and interested parties as required under G.C. Section 56658 on June 20, 2016. No comments were received.

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

Information collected and analyzed in the Commission's *Central County Region Municipal Service Review* concluded NSD has established adequate administrative controls and capacities in maintaining appropriate service levels. This includes regularly reviewing and amending, as needed, NSD's two principal user fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) connection fees and (b) user fees. The connection fee is currently \$8,950 and serves as NSD's buy-in charge for new customers to contribute their fair share for existing and future facilities necessary to receive sewer service. The annual user fee for a single-family unit is currently \$554.88 and is intended to proportionally recover NSD's ongoing maintenance and operation expenses.

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

Proposal approval would not generate new water demand given that the affected territory has an existing outside water service connection with the City of Napa. No development intensification of the affected territory is allowed under the County of Napa's land use authority.

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

The proposal would not impact any local agencies in accommodating their regional housing needs. The affected territory is located in the unincorporated area of Napa County, and as a result, all potential units tied to the land are assigned to the County by the Association of Bay Area Governments. The proposal will not facilitate the development of additional housing units given that the affected territory is already built-out under the County's land use authority.

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

The landowner of 1944 Silverado Trail is the petitioner seeking annexation.

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

County General Plan: *90% Rural Residential / 10% Agricultural Resource*

County Zoning Ordinance: *Residential Single*

The County's *Rural Residential* land use designation prescribes a minimum lot size of 10 acres. The *Agricultural Resource* land use designation prescribes a minimum lot size of 40 acres. These minimum lot sizes exceed the size of the affected territory, precluding further development.

(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.

(17) For annexations involving special districts, whether the proposed action 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.

Proposal approval would benefit current and future landowners as well as residents by providing permanent access to public sewer service. Public sewer service eliminates the need for septic systems in an area in which any failings would create a public health and safety threat for immediate and adjacent residents. Establishing permanent public sewer service would also eliminate set-aside land requirements dedicated to the existing private onsite septic system that currently serves the affected territory.

Property Tax Agreement

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCO can consider a change of organization. This statute states jurisdictional changes affecting the service areas or service responsibilities of districts must be accompanied by a property tax exchange agreement, which shall be negotiated by the affected county on behalf of the districts.

In 1980, the County adopted a resolution on behalf of NSD specifying no adjustment in the allocation of property taxes shall occur as a result of jurisdictional changes involving the District. This resolution has been applied to all subsequent changes of organization involving NSD. In processing this proposal, staff provided notice to the affected agencies the Commission would again apply this resolution unless otherwise informed. No comments were received.

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.

California Environmental Quality Act (CEQA)

The Commission serves as lead agency for the proposal. Staff has determined that the proposal with the recommended modification qualifies for a Class 19 Categorical Exemption as allowed under CEQA given that the affected territory could not be further developed based on its existing County General Plan and zoning designations.

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 modification along with standard terms and conditions.

Alternative Action Two:

Continue consideration of the proposed annexation to a 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 Modification
- 2) Aerial Map of Affected Territory
- 3) Application Materials
- 4) General Policy Determinations

RESOLUTION NO. _____

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

**SILVERADO TRAIL NO. 2 ANNEXATION TO
THE NAPA SANITATION DISTRICT**

WHEREAS, the Local Agency Formation Commission of Napa County, hereinafter referred to as the “Commission,” is responsible for regulating boundary changes affecting cities and special districts under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, an application by landowner James Fitzgibbon proposing the annexation of territory to the Napa Sanitation District has been filed with the Commission’s Executive Officer, hereinafter referred to as “Executive Officer,” in a manner provided by law; and

WHEREAS, the proposal seeks Commission approval to annex approximately 1.0 acres of unincorporated land to the Napa Sanitation District and represents one entire parcel located at 1944 Silverado Trail and identified by the County of Napa Assessor’s Office as 049-190-006 along with the adjacent portion of public right-of-way; and

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on said proposal on October 3, 2016; and

WHEREAS, the Commission considered all the factors required by law under Sections 56668 and 56668.3 of the California Government Code; and

WHEREAS, the Commission found the proposal consistent with the sphere of influence established for the Napa Sanitation District; 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. The annexation is categorically exempt from further environmental review under California Code of Regulations (CCR), Title 14, Section 15319(a). This code section exempts annexations to a city or special district from environmental review when the area(s) to be annexed contain existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities; and

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, as lead agency for the annexation, finds that the annexation is categorically exempt from further environmental review under California Code of Regulations, Title 14, Section 15319(a). This finding is based on the Commission’s independent judgment and analysis. The records upon which these findings are made are located at the Commission office at 1030 Seminary Street, Suite B, Napa, California 94559.
3. The proposal is APPROVED subject to completion of item number 11 below.
4. This proposal is assigned the following distinctive short-term designation:

**SILVERADO TRAIL NO. 2 ANNEXATION TO
THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the map and described in the geographic description in the attached Exhibit “A”.
6. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.
10. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56662(a).
11. Recordation is contingent upon receipt by the Executive Officer of written confirmation by the Napa Sanitation District that its terms and conditions have been satisfied.

12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on the October 3, 2016, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSTAIN: Commissioners

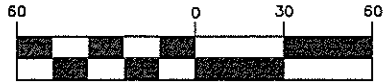
ABSENT: Commissioners

ATTEST: Kathy Mabry
Commission Secretary

DISCLAIMER:

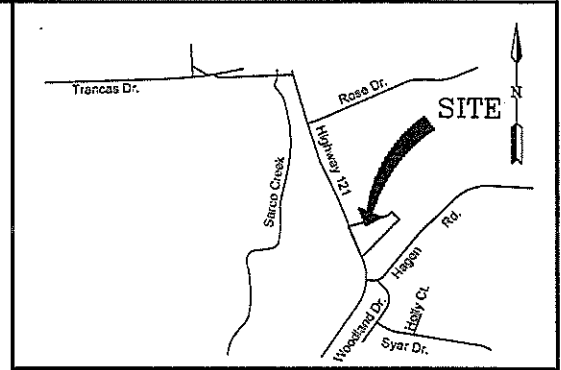
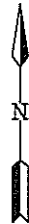
FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED BY THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR A SALE OF THE LAND DESCRIBED.

GRAPHIC SCALE

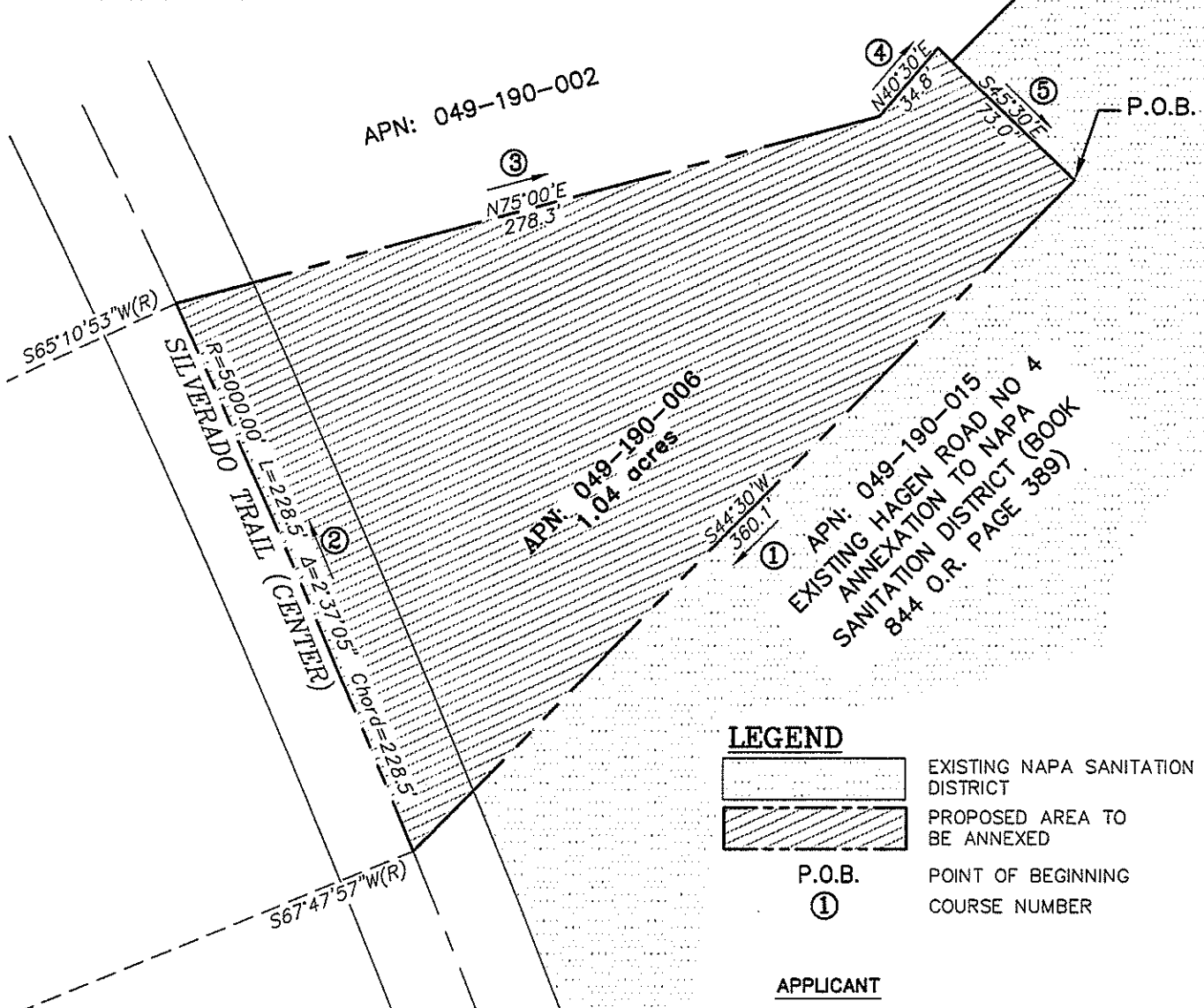


(IN FEET)


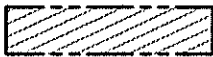


1 inch = 60 ft.



VICINITY MAP



LEGEND

-  EXISTING NAPA SANITATION DISTRICT
-  PROPOSED AREA TO BE ANNEXED
-  P.O.B. POINT OF BEGINNING
-  COURSE NUMBER

APPLICANT

JAMES FITZGIBBON
1944 SILVERADO TRAIL
NAPA, CA 94558

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



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

JUNE 30, 2016

EXHIBIT "A"
SILVERADO TRAIL NO. 2 ANNEXATION
TO THE NAPA SANITATION DISTRICT
BEING A PORTION OF YAJOME RANCHO
& TULOCAY RANCHO
(1944 SILVERADO TRAIL, NAPA, CA 94558)

FINAL

C:\2016\16-06-027 Fitzgibbon Silverado Trail\DWG\01EX06027.dwg 7-07-16 04:39:33 PM

EXHIBIT "A"
SILVERADO TRAIL NO. 2
ANNEXATION TO THE NAPA SANITATION DISTRICT
GEOGRAPHIC DESCRIPITON

All that real property situate in portions of Tulocay and Yajome Ranchos, City and County of Napa, State of California described as follows:

BEGINNING at an angle point generally on western line of the existing Hagen Road No. 4 Annexation to Napa Sanitation District filed in Book 844 Official Records Page 389 in the office of the Recorder of Napa County, more particularly described as follows:

Course 1: thence; along said district boundary S 44° 30' W, 360.1 feet to a point on the center of Silverado Trail, said point also being the beginning of a non-tangent curve;

Course 2: thence; along said curve having a radius of 5,000 feet, an arc length of 228.5 feet, a central angle of 2° 37' 05", a chord length of 228.5 feet, having a radial that bears S 67° 47' 57" W, concave to the West;

Course 3: thence; N 75° 00' E, 278.3 feet;

Course 4: thence; N 40° 30' E, 34.8 feet;

Course 5: thence; S 45° 30' E, 73.0 feet to the POINT OF BEGINNING, containing 1.04 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's Act and may not be used as the basis for an offer for sale of the land described herein.

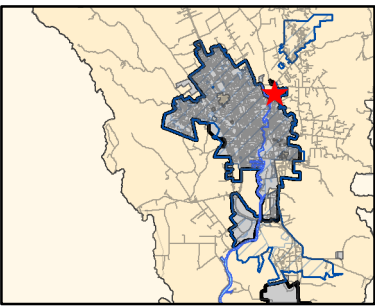
FINAL

Proposed Silverado Trail No. 2 Annexation to NSD



Legend

-  Napa Sanitation District
-  Napa Sanitation District Sphere of Influence
-  Affected Territory



0 0.004250.0085 0.017 Miles

August 30, 2016
Prepared by BF



LAFCO of Napa County
1030 Seminary Street, Suite B
Napa, California 94559
<http://www.napa.lafco.ca.gov>

FORM B

Date Filed:

6/15/16

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:

ANNEXATION TO NSD

Description of Boundaries of Affected Territory Accompanied by Map:

MAP AND DESCRIPTION WILL BE PREPARED BY A LICENSED ENGINEER

Reason for Proposal and Any Proposed Conditions:

REMOVAL OF CURRENT SEPTIC; CONNECTION TO PUBLIC SEWER TO ALLOW EXPANSION TO 3+ BEDROOMS. (MAIN HOUSE AND 2ND DWELLING)

Type of Petition:



Landowner



Registered Voter

Sphere of Influence Consistency:

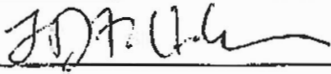


Yes



No

If Landowner Petition, Complete the Following:

- 1) Name: JAMES FITZGERALD
- Mailing Address: _____
- Assessor Parcel: APN - 049-190-006
- Signature:  Date: 6/13/16

- 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

JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: INA FITZGIBBON
Agency/Business (If Applicable)

Address: _____
Street Name City Zip Code

Contact: _____
Phone Number Facsimile Number E-Mail Address

B. Applicant Type: (Check One)
 Local Agency Registered Voter Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies: NSD 1515 SOSCOL FERRY RD NAPA CA
Name Address 94558

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)
REMOVAL OF CURRENT SEPTIC SYSTEM
AND CONNECTION TO PUBLIC SEWER
TO ALLOW EXPANSION FOR 3+ BEDROOMS
(CURRENT SEPTIC LIMITED TO 3 BEDROOM ONLY)

III. GENERAL INFORMATION

A. Location: 1944 SILVERADO TRAIL NAPA CA 94558 APN-049-190-006 1.1 acres

Street Address	Assessor Parcel Number	Acres

Total Location Size
(Including Right-of-Ways) 1.1

B. Landowners:

- (1) Assessor Parcel Number : 049-190-006 Name: JAMES FITZGIBSON
Mailing Address: _____
Phone Number: _____ E-mail: _____
- (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: 4
- (2) Total Number of Registered Voters: 4

D. Land Use Factors:

(1a) County General Plan Designation:

90% Rural Residential / 10% Agricultural Resource

(1b) County Zoning Standard:

RS-B5

(2a) Applicable City General Plan Designation:

N/A

(2b) Applicable City Rezoning Standard:

N/A

E. Existing Land Uses:
(Specific)

SINGLE FAMILY RESIDENCE AND DETACHED
2nd UNIT

F. Development Plans:

(1a) Territory Subject to a Development Project?

Yes

No

(1b) If Yes, Describe Project:

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

G. Physical Characteristics:

(1) Describe Topography:

RELATIVELY FLAT

(2) Describe Any Natural Boundaries:

CREEK BORDERS PROPERTY TO NORTH

(3) Describe Soil Composition and Any Drainage Basins:

NON-AGRICULTURAL SOILS AND CREEK
TO THE NORTH

(4) Describe Vegetation:

REDWOOD TREES, SHRUBS

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:

PUBLIC SEWER SERVICE FROM NSD

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

SUFFICIENT TO SERVE BOTH UNITS

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

AS EARLY AS PROJECT IS APPROVED
AND WHEN NSD CAN CONNECT

- (4) Indication of Any Infrastructure Improvements Necessary to Extend Services to the Affected Territory: CONSTRUCTION OF SANITARY SEWER LATERAL CONNECTION, PUBLIC LATERAL WOULD REQUIRE CONSTRUCTION BY A CLASS A LICENSED CONTRACTOR AND A BOND FOR WORK IN THE PUBLIC RIGHT-OF-WAY

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

LANDOWNER WILL FINANCE.

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

(1) **Lead Agency for Proposal:** LAFCO
Name

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

- Environmental Impact Report
- Negative Declaration/Mitigated Negative Declaration
- Categorical/Statutory Exemption: CLASS 19 Categorical
Type
- None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

Use Additional Sheets As Needed

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

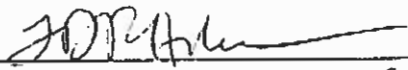
(1) Recipient Name: _____
Mailing Address: _____
E-Mail: _____

(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: 
Printed Name: JAMES FITZGIBBON
Title: PROPERTY OWNER
Date: 6/13/16

Indemnification Agreement

Name of Proposal: Silverado Trail No. 2 Annexation to Napa Sanitation District

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 James Fitzgibbon and/or _____ (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

Print Name

Date



Principal Landowner Signature

JAMES FITZGIBBON

Print Name

6/13/16

Date



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

General Policy Determinations

Adopted on August 9, 1972
Last Amended on October 3, 2011

I. Background

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

II. General Policies

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

A) Legislative Declarations

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

- (1) The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services. (G.C. §56000)

- (2) It is the intent of the Legislature that each commission, not later than January 1, 2002, shall establish written policies and procedures and exercise its powers pursuant to this part in a manner consistent with those policies and procedures, and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within those patterns. (G.C. §56300)
- (3) In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:
 - a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
 - b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency.
(G.C. §56377)

B) Commission Declarations

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

- (1) Use of County General Plan Designations:
In evaluating a proposal, the Commission will use the Napa County General Plan to determine designated agricultural and open-space lands. The Commission recognizes that inconsistencies may occur between the County General Plan and the affected city general plan with respect to agricultural and open-space designations. Notwithstanding these potential inconsistencies, the Commission will rely on the Napa County General Plan in recognition of the public support expressed in both the incorporated and unincorporated areas of Napa County for the County's designated agricultural and open-space lands through enactment of Measure "J" in 1990 and Measure "P" in 2008.

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

(5) Encouragement of Reorganizations:

The Commission encourages reorganization proposals as a means of coordinating actions of local governmental agencies involving, but not limited to, annexation of land to two or more public agencies. The Commission recognizes the usefulness of the reorganization concept as a vehicle designed to simplify and expedite such actions.

III. Policies Concerning Spheres of Influence

It is the intent of the Commission to establish spheres of influence that promote the orderly expansion of cities and special districts to ensure effective, efficient and economic provision of essential public services, including public sewer and water, fire protection and emergency response, and police protection.

A) Legislative Declarations

The Commission acknowledges and incorporates into its own policies, the policies of the Legislature as they relate to spheres of influence. The Commission wishes to specifically note the following declarations and policies contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000:

- (1) "Sphere of influence" means a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission. (G.C. §56076)
- (2) In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities, the Commission shall develop and determine the sphere of influence of each local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere. (G.C. §56425(a)).
- (3) The Commission encourages cities and the County to meet and agree to sphere of influence changes. The Commission shall give "great weight" to these agreements to the extent they are consistent with its policies. (G.C. §56425(b) and (c))
- (4) On or before January 1, 2008, and every five years thereafter, the Commission shall, as necessary, review and update each sphere of influence. (G.C. §56425(g))

B) General Guidelines for the Review of Spheres of Influence

It is the intent of the Commission to consider the following factors whenever reviewing a proposal that includes the adoption, amendment, or update of a sphere of influence.

- (1) The Commission incorporates the following definitions:
 - a) An “establishment” refers to the initial development and determination of a sphere of influence by the Commission.
 - b) An “amendment” refers to a limited change to an established sphere of influence typically initiated by a landowner, resident, or agency.
 - c) An “update” refers to a comprehensive change to an established sphere of influence typically initiated by the Commission.
- (2) The Commission discourages proposals from residents, landowners, and agencies proposing amendments to spheres of influence unless justified by special conditions and circumstances.
- (3) The Commission shall consider the following land use criteria in establishing, amending, and updating spheres of influence:
 - a) The present and planned land uses in the area, including designated agricultural and open-space lands.
 - b) Consistency with the County General Plan and the general plan of any affected city.
 - c) Adopted general plan policies of the County and of any affected city that guide future development away from designated agricultural or open-space land.
 - d) Adopted policies of affected agencies that promote infill of existing vacant or underdeveloped land.
 - e) Amount of existing vacant or underdeveloped land located within any affected agency’s jurisdiction and current sphere of influence.
 - f) Adopted urban growth boundaries by the affected land use authorities.

- (4) The Commission shall consider the following municipal service criteria in establishing, amending, and updating spheres of influence:
 - a) The present capacity of public facilities and adequacy of public services provided by affected agencies within the current jurisdiction and the adopted plans of these agencies to improve any municipal service deficiency, including adopted capital improvement plans.
 - b) The present and probable need for public facilities and services within the area proposed for inclusion within the sphere of influence and the plans for the delivery of services to the area.
- (5) The Commission shall endeavor to maintain and expand, as needed, spheres of influence to accommodate planned and orderly urban development. The Commission, however, shall consider removal of land from an agency's sphere of influence if any of the two conditions apply:
 - a) The land is outside the affected agency's jurisdictional boundary but has been within the sphere of influence for 10 or more years.
 - b) The land is inside the affected agency's jurisdictional boundary, but is not expected to be developed for urban uses or require urban-type services within the next 10 years.

C) City Spheres of Influence

The Commission shall adhere to the following policies in the establishment, amendment, or update of a city's sphere of influence.

- (1) Location of Urban Development:
It shall be a basic policy of the Commission is that the sphere of influence shall guide and promote the affected city's orderly urban growth and development.
- (2) Sphere of Influence to Reflect Service Capacities:
A city's sphere of influence should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission.
- (3) Use of County General Plan Agricultural and Open-Space Designations:
The Commission shall use the most recently adopted County General Plan as the basis to identify designated agricultural and open-space lands in establishing, amending, and updating a city's sphere of influence.

- (4) Avoidance of Inclusion of Agricultural and Open-Space Lands:
Land specifically designated as agricultural or open-space lands shall not be approved for inclusion within any city's sphere of influence for purposes of urban development unless exceptions are warranted based on the criteria outlined in Section B(3) and (4).
- (5) Preference for Infill:
The Commission will consider the amount of vacant land within the established sphere of influence of a city when considering amendments and updates. The Commission encourages sphere of influence proposals that promote the infill of existing vacant or underdeveloped land thereby maximizing the efficient use of existing city services and infrastructure as well as discouraging urban sprawl. Conversely, the Commission discourages sphere of influence proposals involving vacant or underdeveloped land that requires the extension of urban facilities, utilities, and services where infill is more appropriate.
- (6) Spheres of Influence as Guides for City Annexations:
A city's sphere of influence shall generally be used to guide annexations within a five-year planning period. Inclusion of land within a sphere of influence shall not be construed to indicate automatic approval of an annexation proposal; an annexation will be considered on its own merits with deference assigned to timing.
- (7) Joint Applications:
When an annexation is proposed outside a city's sphere of influence, the Commission may consider both the proposed annexation and the necessary change in the sphere of influence at the same meeting. The change to the sphere of influence to include the affected territory, however, shall be considered and resolved prior to Commission action on the annexation.
- (8) Cooperative Planning and Development:
Spheres of influence shall be developed by the Commission in cooperation with input from the cities and the County.
- a) The urban areas as delineated by the spheres of influence or other boundary adopted by the Commission should be recognized and considered as part of planning and development programs of the affected cities as well as any affected special districts and the County.
- b) The Commission shall encourage cities to first develop existing vacant and underdeveloped infill lands located within their jurisdictions and spheres of influence to maximize the efficient use of available services and infrastructure and discourage the premature conversion of agricultural and open-space lands to urban uses. The Commission shall encourage the development of vacant or underdeveloped infill

lands located within cities' jurisdictions before the annexation of lands requiring the extension of urban facilities, utilities, and services.

- c) No urban development should be permitted by the County to occur on unincorporated lands within a city's sphere of influence. If approval of urban development in such areas is legally required of the County, such development should conform to applicable city standards and be the subject of a joint city-County planning effort.

D) Special District Spheres of Influence

The Commission shall adhere to the following policies in the establishment, review, amendment, or update of a special district's sphere of influence.

- (1) Urbanizing Effect of Services:
It shall be a basic policy of the Commission that the establishment, amendment, or update of a special district's sphere of influence serves to promote urban development with limited exceptions.
- (2) Sphere of Influence to Reflect Service Capacities:
A special district's sphere of influence should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission.
- (3) Exclusion of Agricultural and Open-Space Lands:
Land designated agricultural or open-space by the applicable city or County general plan shall not be approved for inclusion within any special district's sphere of influence for purposes of urban development through the extension of essential public services. Such designations shall be recognized by the Commission as designating the land as non-urban in character in regard to the existing use of the area or its future development potential. The Commission may consider exceptions to this policy based on evidence provided by the affected special district demonstrating all of the following:
 - a) The expansion is necessary in order to provide potable water or sewer to the territory to respond to a documented public health or safety threat.
 - b) The affected special district can provide adequate potable water or sewer service to the affected territory without extending any mainline more than 1,000 feet.
 - c) The expansion will not promote the premature conversion of agricultural or open-space land to urban use.

- (4) Sphere of Influence as a Guide to Special District Annexations:
A special district's sphere of influence shall generally be used to guide annexations within a five-year planning period. Inclusion of land within a sphere of influence shall not be construed to indicate automatic approval of an annexation proposal; an annexation will be considered on its own merits with deference assigned to timing.
- (5) Joint Applications:
When an annexation is proposed outside a special district's sphere of influence, the Commission may consider both the proposed annexation and the necessary change in the sphere of influence at the same meeting. The change to the sphere of influence to include the affected territory, however, shall be considered and resolved prior to Commission action on the proposed annexation.
- (6) Cooperative Planning and Development Programs:
Spheres of influence shall be developed by the Commission in cooperation with any affected cities and the County.
 - a) The service area of a special district as delineated by the sphere of influence or other boundary adopted by the Commission should be recognized and considered as part of the planning and development programs of any affected district, city, and the County.

IV. Policies Concerning the County Of Napa

A) Location of Urban Development

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

B) Use of County Service Areas and Community Services Districts

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

V. Policies Concerning Cities

A) Incorporations

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

B) Outside Service Agreements

- (1) Commission approval is needed for a city to provide new or extended services outside its jurisdictional boundary by contracts or agreements. A Request by a city shall be made by resolution of application and processed in accordance with G.C. §56133.
- (2) The Commission shall incorporate the following definitions in administering these policies:
 - a) “Services” shall mean any service provided by a city unless otherwise exempted under G.C. 56133.
 - b) “New” shall mean the actual extension of a municipal service to previously unserved non-jurisdictional land. Exceptions include non-jurisdictional land in which the city or County has adequately contemplated the provision of the subject service on or before January 1, 2001 as determined by the Commission.

- c) “Extended” shall mean the intensification of an existing municipal service provided to non-jurisdictional land associated with a land use authority’s redesignation or rezoning after January 1, 2001 as determined by the Commission.
- (3) The Commission shall establish policies and procedures in the review of outside service agreement requests involving a city.

VI. Policies Concerning Special Districts

A) In Lieu of New District Creation

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

B) Preference for Districts Capable of Providing All Essential Services

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

C) Establishing New Services or Divestiture of Existing Service Powers

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

D) Outside Service Agreements

- (1) Commission approval is needed for a special district to provide new or extended services outside its jurisdictional boundary by contracts or agreements. Requests made by special districts shall be made by resolution of application and processed in accordance with G.C. §56133.
- (2) The Commission shall incorporate the following definitions in administering these policies:
 - a) “Services” shall mean any service provided by a special district subject to the jurisdiction of the Commission unless otherwise exempted under G.C. 56133.
 - b) “New” shall mean the actual extension of a municipal service to previously unserved non-jurisdictional land. Exceptions include non-jurisdictional land in which the special district or land use authority has adequately contemplated the provision of the subject service on or before January 1, 2001 as determined by the Commission.
 - c) “Extended” shall mean the intensification of an existing municipal service provided to non-jurisdictional land associated with a land use authority’s redesignation or rezoning after January 1, 2001 as determined by the Commission.
- (3) The Commission shall establish policies and procedures in the review of outside service agreement requests involving a special district.

VII. Policies Concerning Annexations

A) General Policies Concerning Annexations to a City

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

- (2) Substantially surrounded:
For the purpose of applying the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act, most notably G.C. §56375, the affected territory of an annexation proposal shall be deemed “substantially surrounded” if the following two conditions apply:
- a) The affected territory lies within the city’s sphere of influence.
 - b) The affected territory is surrounded by no less than 66.6% by the city, as set forth in a boundary description accepted by the Executive Officer.

B) Policies Concerning Island Annexations

- (1) Boundary of Areas Not 100% Surrounded by City:
The outside boundary of an unincorporated island less than 100% surrounded shall be the affected city sphere of influence boundary line.
- (2) Criteria for Determining a Developed Island:
A developed island shall substantially meet all the following criteria:
- a) The island shall have a housing density of at least 0.5 units per gross acre.
 - b) All parcels within the island can readily receive from the affected city or any affected special district basic essential services including but not limited to police protection, fire protection, potable water and sanitation.
- (3) Policy Regarding Annexations Within an Identified Island Area:
When an annexation proposal includes territory within a developed island, the Commission shall invite the affected city to amend the boundary of the proposed annexation to include the entire island. To the extent permitted by law, the Commission reserves the right to expand the boundaries of the proposed annexation to include the entire island.

C) Policies Concerning Annexation of Municipally-Owned Land

- (1) Restricted Use Lands Owned by Public Agencies:
The Commission shall disapprove annexation of publicly-owned land designated agricultural or open-space or subject to a Williamson Act contract unless the land will be used for a municipal purpose and no suitable alternative site reasonably exists within the affected city’s sphere of influence.

- (2) Facilities Exempt from Policy:
Municipal purpose shall mean a public service facility which is urban in nature such as water and sewage treatment facilities and public buildings, but shall not include land which is vacant or used for wastewater reclamation irrigation, a reservoir, or agricultural, watershed or open-space.

D) Concurrent Annexation Policies

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

(1) City of Napa and Napa Sanitation District

a) Annexations to the District:

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

b) Annexations to the City:

All 100% consent annexation proposals to the City of Napa located outside of the Napa Sanitation District shall be required to annex to the Napa Sanitation District if the affected territory is located within the District's sphere of influence and if sanitation service is available.

(2) City of American Canyon and American Canyon Fire Protection District

a) Annexations to the District:

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

b) Annexations to the City:

All annexation proposals to the City of American Canyon located outside of the American Canyon Fire Protection District shall be required to annex to the District if the affected territory is located within the District's sphere of influence.

(3) County Service Area No. 4

a) Annexations to Cities:

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