



Local Agency Formation Commission
LAFCO of Napa County

1700 Second Street, Suite 268
Napa, California 94559
Telephone: (707) 259-8645
Facsimile: (707) 251-1053
<http://napa.lafco.ca.gov>

August 4, 2008
Agenda Item No. 5a

July 25, 2008

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer
Brendon Freeman, Analyst

SUBJECT: *Silver Trail No. 8 District Annexation to the Napa Sanitation District*
(Consent: Action)

The Commission will consider an application to annex approximately 0.75 acres of unincorporated territory to the Napa Sanitation District. The annexation is intended to facilitate the extension of public sewer service to an existing single-family residence and guest house.

The Commission is responsible under California Government Code (G.C.) Section 56375 to approve, modify, or disapprove boundary changes proposed by local governmental agencies, property owners, or registered voters. The Commission is also authorized to establish conditions in approving boundary changes as long as it does not directly regulate land uses. Underlying the Commission's determination in approving, modifying, or disapproving proposed boundary changes is to consider the logical and timely development of the affected agencies in context with local conditions and needs.

A. Discussion

The Commission has received an application from Chester and Marcella Herrod proposing the annexation of approximately 0.75 acres of unincorporated territory to the Napa Sanitation District (NSD). The subject territory is within NSD's sphere of influence and comprises one parcel developed with a single-family residence and guest house in the community of Silverado. The subject territory is located at 1551 Silver Trail and is identified by the County of Napa Assessor's Office as 060-341-010.

The applicants have petitioned for annexation to extend public sewer service to their residence and guest house, which are currently served by a septic system. Notably, the County of Napa's Department of Environmental Management recently performed an on-site inspection and has determined the septic system has failed. Environmental Management recommends the property be connected to NSD as soon as possible.

Jack Gingles, Commissioner
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

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

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

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

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

B. Analysis

Required Factors for Review

G.C. Sections 56668 and 56668.3 require the Commission to consider 16 specific factors anytime it reviews proposed boundary changes involving special districts. No single factor is determinative. The purpose in considering these factors is to help inform the Commission in its decision-making process. An evaluation of these factors as it relates to the proposed boundary change follows.

- 1) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, during the next 10 years.**

The subject territory comprises one unincorporated parcel located in an urbanized area northeast of the City of Napa and includes a single-family residence and guest house. It is approximately 0.75 acres in size and has a current resident population of two. The build-out population of the subject territory is 10 based on County of Napa land use policies.¹

Topography in the subject territory slopes modestly west to east with a peak elevation of 84 feet above sea level. Milliken Creek runs along the eastern boundary. The total current assessed value of the subject territory is \$143,974.

- 2) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.**

The annexation of the subject territory will facilitate the extension of public sewer service to an existing single-family residence and guest house. NSD has a current daily average sewer demand of 6.9 million gallons with a total daily system capacity of 15.4 million gallons. With an expected annual use rate of 76,650 gallons, the annexation and subsequent extension of sewer service to the subject territory can be adequately accommodated by NSD without impacting service levels of current ratepayers.

- 3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.**

Adjacent areas to the subject territory are already in NSD.

¹ Build-out projection based on the County of Napa's zoning standard for the subject territory of *Residential Single*, which requires a minimum lot size of 0.18 acres. This projection assumes a per unit occupancy rate of 2.6.

- 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 subject territory is located within NSD's sphere of influence. The Commission recently adopted a comprehensive update to the sphere of influence generally predicated on aligning NSD's service area with urban land use designations under the County of Napa and City of Napa General Plans. The annexation and subsequent extension of public sewer service to the subject territory will not conflict with G.C. Section 56377 with respect to inducing, facilitating, or converting existing open-space lands.

- 5) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.**

The subject territory does not qualify as agricultural land under G.C. Section 56016.

- 6) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.**

The subject territory includes one parcel with boundary lines that are certain and identifiable. The annexation of the subject territory to NSD would not create any islands or conflicts with lines of assessment or ownership.

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

The subject territory is under the land use authority of the County of Napa. The County General Plan designates the subject territory *Rural Residential*, which require a minimum parcel size of 0.18 acres. Accordingly, the subject territory could be divided into a total of four residential lots notwithstanding other restrictions, such as setback requirements. The annexation and subsequent extension of public sewer service to the subject territory is consistent with the County General Plan.

- 8) The sphere of influence of any local agency which may be applicable to the proposal.**

As mentioned, the subject territory is located entirely within NSD's sphere of influence, which was comprehensively updated in August 2006.

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

On June 26, 2008, LAFCO staff electronically circulated copies of the application materials for review and comment to local governmental agencies. NSD provided written comments advising the map and geographic description submitted with the application be modified to reflect the adjacent assessor parcels to the north and south of the subject territory are in the District. These affected assessor parcels are identified as 060-341-009 and 060-341-011. This request has been incorporated as a condition for approval in the attached draft resolution.

Additionally, as previously stated, County of Napa's Department of Environmental Management issued a letter dated April 30, 2008 advising they had performed an on-site inspection of the subject territory and have determined the septic system has failed. Environmental Management recommends the annexation and extension of public sewer service to the subject territory as soon as possible.

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

NSD attests through its resolution of consent that it is capable of extending public sewer service to the subject territory without impacting existing ratepayers.

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

The subject territory is currently connected to the City of Napa's potable water system through an outside service agreement between the City and the Silverado Community Services District.

12) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.

The subject territory is located in unincorporated Napa County. Annexation of the subject territory to NSD will not affect the County of Napa as it relates to achieving its regional housing needs allocation.

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

The property owners of the subject territory are also residents and have consented to the annexation. If the annexation is approved, protest proceedings shall be waived pursuant to G.C. Section 56663.

14) Any information relating to existing land use designations.

As mentioned, the County of Napa designates the subject territory *Rural-Residential*. This land use designation is consistent with the provision of municipal services.

15) The extent to which the proposal will promote environmental justice. As used in this subdivision, “environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the local of public facilities and the provision of public services.

The proposed annexation is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

16) Whether the proposed annexation will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.

The proposed annexation is intended to benefit current and future inhabitants of the subject territory by providing access to public sewer service within a developed unincorporated community.

Property Tax Agreement

In accordance with provisions of California Revenue and Taxation Code Section 99, the County of Napa and NSD have previously agreed by resolution of their respective boards that no exchange of property taxes will occur as a result of this annexation.

Environmental Analysis

The Commission serves as lead agency for the annexation as it relates to complying with the provisions of the California Environmental Quality Act (CEQA). Staff has determined the annexation is a “project” subject to CEQA and has reviewed available exemptions for applicability. Staff believes the annexation is statutorily exempt from further environmental review under Public Resources Code §21080(b)(4). This code section exempts projects deemed necessary to prevent or mitigate an emergency, such as addressing a public health threat associated with a failed septic system.

C. Alternatives for Commission Action

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

Option One: Adopt the attached draft resolution approving the proposed *Silver Trail No. 8 District Annexation to the Napa Sanitation District*.

Option Two: If more information is required, continue this matter to a future meeting and provide appropriate direction to staff.

D. Recommendation

The Executive Officer recommends the Commission approve the proposal as submitted, which is identified in the preceding section as Option One.

Respectfully submitted,

Keene Simonds
Executive Officer

Brendon Freeman
Analyst

Attachments:

- ~~1) LAFCO Aerial Map~~
- ~~2) LAFCO Draft Resolution of Approval~~
- ~~3) LAFCO Application~~
- ~~4) NSD Resolution Waiving Protesting Hearings~~
- ~~5) Letter from County of Napa Department of Environmental Management, Dated April 30, 2008~~