



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
www.napa.lafco.ca.gov

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

Agenda Item 8a (Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer
Dawn Mittleman Longoria, Analyst II
MEETING DATE: June 1, 2020
SUBJECT: Silver Trail No. 10 Annexation to the Napa Sanitation District and
Associated CEQA Findings

RECOMMENDATION

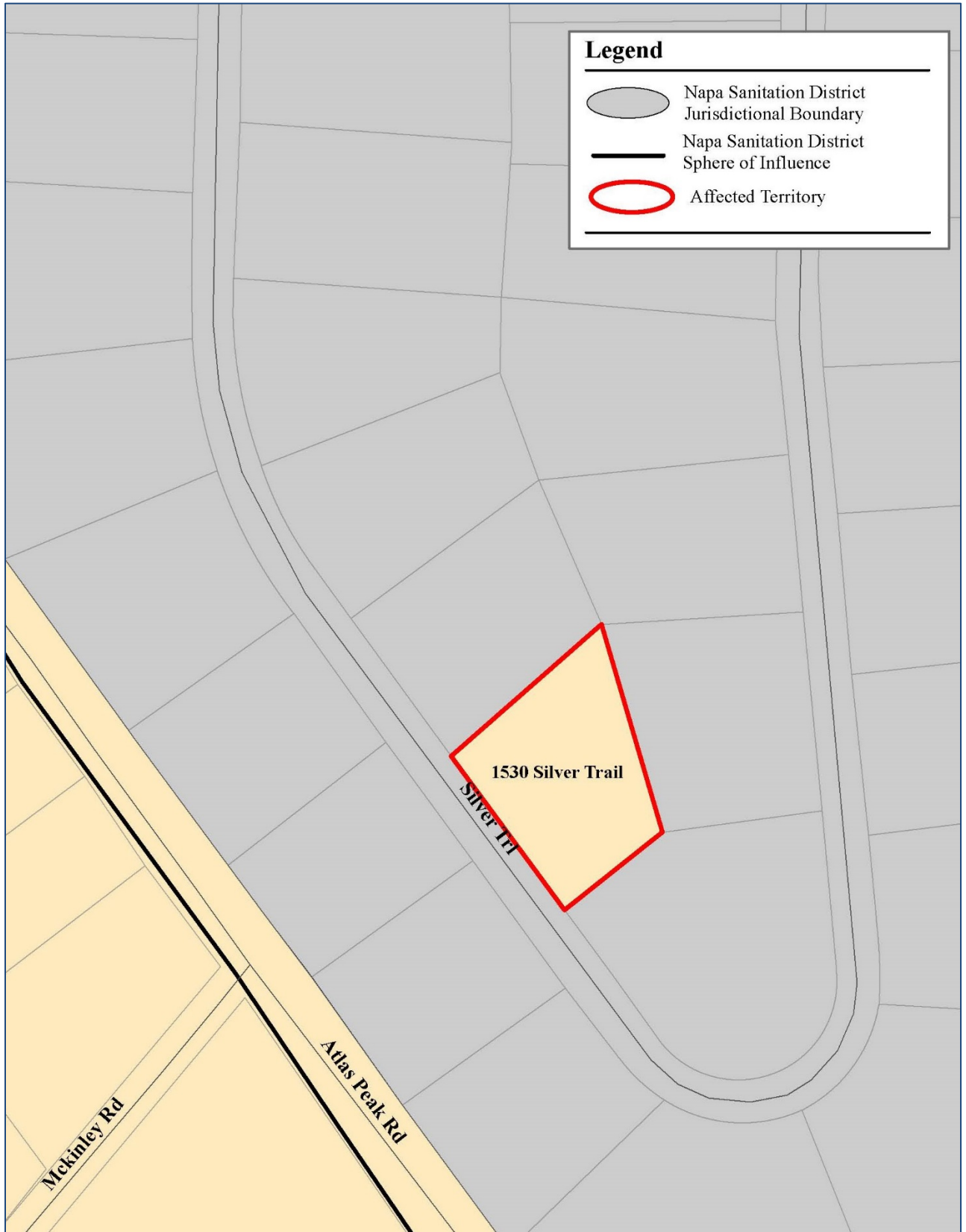
Adopt the Resolution of the Local Agency Formation Commission of Napa County Making
Determinations – Silver Trail No. 10 Annexation to the Napa Sanitation District (NSD)
making California Environmental Quality Act (CEQA) findings and approving the
proposed annexation (Attachment One). Standard conditions are also recommended.

BACKGROUND AND SUMMARY

Applicant: Landowner petition
Proposed Action: Annexation to NSD
APNs: 060-342-004
Location: 1530 Silver Trail
Area Size: 0.5 acres
Jurisdiction: Unincorporated County
Sphere of Influence Consistency: Yes
NSD
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax
exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Exempt
Current Land Uses: Developed, single
family residence

The purpose of annexation is to eliminate the existing private septic system serving the
single-family residence and to facilitate connection to NSD’s public sewer infrastructure.
Based on the size of the parcel, annexation to NSD could not facilitate further development
of the affected territory. The application materials are included as Attachment Two.

An aerial map of the affected territory is included as Attachment Three and a vicinity map
is provided on the following page.



## **DISCUSSION**

### ***Factors for Commission Determinations***

See Attachment Four for staff analysis of the mandated factors for Commission determinations in evaluation annexation proposals.

### ***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 of Napa adopted a resolution on behalf of NSD specifying no adjustment in the allocation of property taxes shall result from annexations involving the District. This resolution has been applied to all subsequent annexations involving NSD. In processing this proposal, staff provided notice to the affected agencies that the Commission would again apply this resolution unless otherwise informed. No affected agency 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 legally uninhabited (less than 12 registered voters), all landowners have provided their written consent, and no written opposition to a waiver of protest proceedings has been received by any agency.

## **ENVIRONMENTAL REVIEW**

The proposed annexation qualifies for a statutory exemption from further review under Title 14, California Code of Regulations Section 15319(a), which exempts annexations of areas containing existing structures developed to their maximum allowable density.

## **ATTACHMENTS**

- 1) Draft Resolution Approving the Proposal and Making CEQA Findings
- 2) Application Materials
- 3) Aerial Map of Affected Territory
- 4) Factors for Commission Determinations

RESOLUTION NO. \_\_\_\_

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

**SILVER TRAIL NO. 10  
ANNEXATION TO THE NAPA SANITATION DISTRICT**

**WHEREAS**, an application for a proposed reorganization 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 approximately 0.5 acres of unincorporated land to the Napa Sanitation District and represents one entire parcel located at 1530 Silver Trail and identified by the County of Napa Assessor’s Office as 060-342-004; and

**WHEREAS**, the Commission’s Executive Officer has reviewed the 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 June 1, 2020; and

**WHEREAS**, the Commission considered all the factors required by law under Government Code Sections 56668 and 56668.3 as well as adopted local policies and procedures; and

**WHEREAS**, the Commission finds the proposal consistent with the sphere of influence established for the Napa Sanitation District; and

**WHEREAS**, the Commission finds 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 considered available exemptions under CEQA, in accordance with Title 14 of the California Code of Regulations (hereinafter “CEQA Guidelines”); and

**NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER** as follows:

1. The Factors for Commission Determinations provided in the Executive Officer’s written report are hereby incorporated herein by this reference and are adequate.
2. The underlying activity, annexation of the affected territory, is exempt from further review pursuant to CEQA Guidelines Section 15319(a), which provides a categorical exemption for annexations of areas containing existing structures developed to their maximum allowable density. The Commission’s findings are based on its 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:

**SILVER TRAIL NO. 10  
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 the following:
  - (a) A final map and geographic description of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization.
  - (b) 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.
- 13. The Commission hereby directs staff to file a Notice of Exemption in compliance with CEQA.

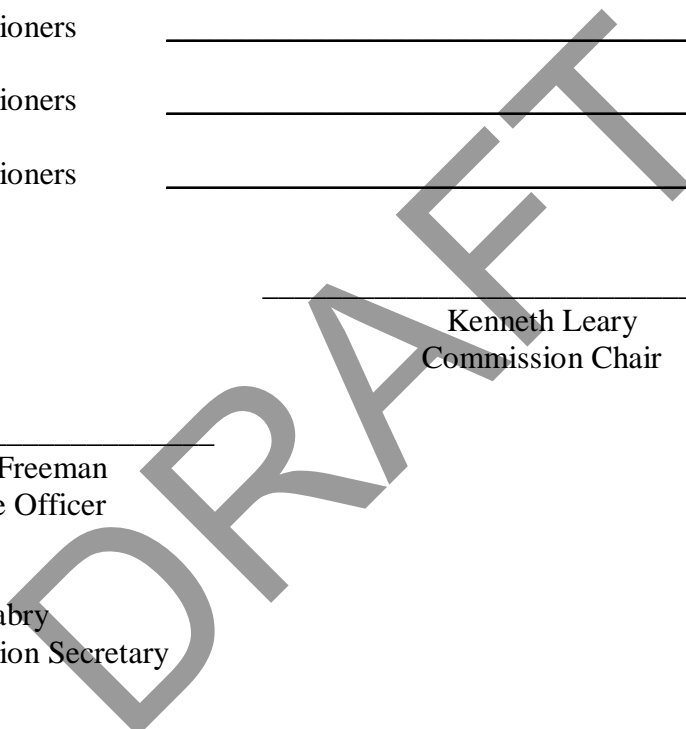
The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on June 1, 2020, after a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, by the following vote:

AYES: Commissioners \_\_\_\_\_  
NOES: Commissioners \_\_\_\_\_  
ABSENT: Commissioners \_\_\_\_\_  
ABSTAIN: Commissioners \_\_\_\_\_

\_\_\_\_\_  
Kenneth Leary  
Commission Chair

ATTEST: \_\_\_\_\_  
Brendon Freeman  
Executive Officer

Recorded by: Kathy Mabry  
Commission Secretary



## PROPOSED ANNEXATION TO THE NAPA SANITATION DISTRICT

**GEOGRAPHIC DESCRIPTION**  
**SILVER TRAIL NO. 10 ANNEXATION TO THE**  
**NAPA SANITATION DISTRICT**

A.P.N. 060-342-004

All that certain real property, situate in the County of Napa, State of California, being more particularly described as follows:

BEGINNING at the northwesterly corner of the Silver Trail No. 5 District Annexation (2003-6) to the Napa Sanitation District per District Resolution No. 03-012 dated April 16, 2003, said corner also being the southwestery corner of the Hale Annexation (1971 No. 15) to the Napa Sanitation District per District Resolution No. 3321 dated December 14, 1971;

Thence (1) along the westerly line of said Silver Trail No. 5 District Annexation, South 20°52'50" East 176.35 feet to an angle point in the boundary of the Moore Annexation to the Napa Sanitation District per District Resolution No. 1890 dated March 9, 1966;

Thence (2) along the northwesterly line of said Moore Annexation, South 53°41'50" West 102.73 feet to the most northeasterly line of the Silver Trail No. 2 District Annexation (1988-4) to the Napa Sanitation District per District Resolution No. 7004 dated May 18, 1988;

Thence (3) along said most northeasterly line, North 36°18'10" West 76.93 feet to an angle point in the boundary of the Silver Trail No. 6 District Annexation (2005-4) to the Napa Sanitation District per District Resolution 05-010 dated March 2, 2005;

Thence (4) along said boundary of said Silver Trail No. 6 District Annexation, North 36°18'10" West 93.07 feet to an angle point in said boundary;

Thence (5) continuing along said boundary, North 53°41'50" East 149.63 feet to the POINT OF BEGINNING.

Containing 0.49 acres of land, more or less.

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

1804 Soscol Avenue, Suite 202, Napa, CA 94559

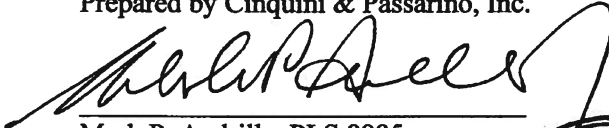
Tel: (707) 690-9025 Fax: (707) 542-2106

www.cinquinipassarino.com

CPI No.: 8946-20

Page 1 of 3

Prepared by Cinquini & Passarino, Inc.



Mark P. Andrilla, PLS 8985

4.27.20

Date

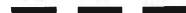




DRAFT

1804 Soscol Avenue, Suite 202, Napa, CA 94559  
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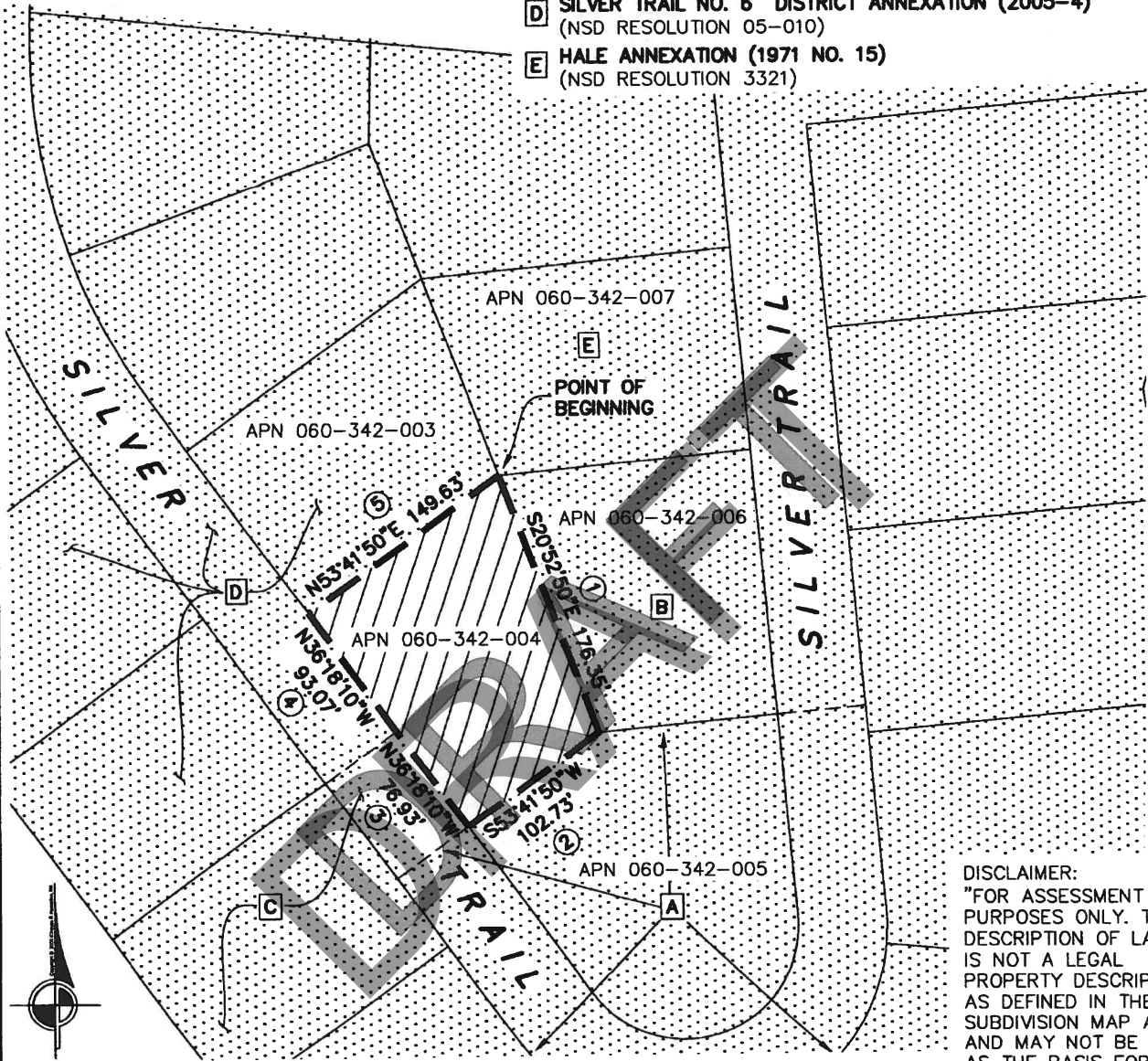


**LEGEND**

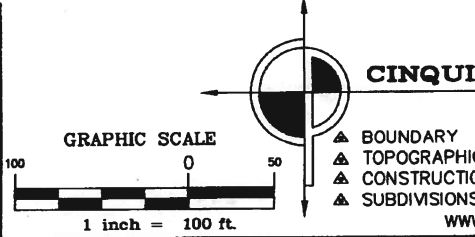
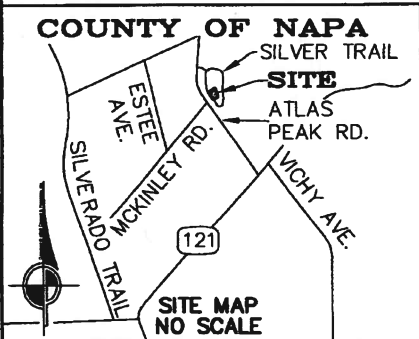
-  EXISTING NSD BOUNDARY
-  PROPOSED NSD ANNEXATION (±0.49 ACRES)
-  EXISTING NSD AREA

**ANNEXATION DISTRICTS**

- A** MOORE ANNEXATION (NSD RESOLUTION 1890)
- B** SILVER TRAIL NO. 5 DISTRICT ANNEXATION (2003-6) (NSD RESOLUTION 03-012)
- C** SILVER TRAIL NO. 2 DISTRICT ANNEXATION (1988-4) (NSD RESOLUTION 7004)
- D** SILVER TRAIL NO. 6 DISTRICT ANNEXATION (2005-4) (NSD RESOLUTION 05-010)
- E** HALE ANNEXATION (1971 NO. 15) (NSD RESOLUTION 3321)



DISCLAIMER:  
 "FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE AREA DESCRIBED."



**CINQUINI & PASSARINO, INC.**

**LAND SURVEYING**

1804 Soscol Avenue, Suite 202  
 Napa, CA. 94559  
 Phone: (707) 690-9025  
 Fax: (707) 542-2106

WWW.CINQUINIPASSARINO.COM

APN 060-342-004	DRAWN BY: CAF	CHECKED BY: MPA
SILVER TRAIL NO. 10 ANNEXATION TO THE NAPA SANITATION DISTRICT	SCALE: 1"=100'	DATE: 4/24/20
	JOB #: 8946-20	PAGE: 3 OF 3

Y:\8946\Cad\8946 SILVER TRAIL NO 10 NSD ANNEX PLAT.dwg  
 Apr 27, 2020 - 12:25pm

FORM B

Date Filed: 4/16/2020  
 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 Napa Sanitation District  
No changes of Organization

**Description of Boundaries of Affected Territory Accompanied by Map:**

None other than shown in the required map & descriptions to be provided.

**Reason for Proposal and Any Proposed Conditions:**

Connection to the Napa County Sewer System

**Type of Petition:**
 Landowner

 Registered Voter
**Sphere of Influence Consistency:**
 Yes

 No

**If Landowner Petition, Complete the Following:**

- 1) Name: Ernest & Okhoo Hanes  
Mailing Address: 1530 Silver Trail  
Assessor Parcel: 080-342-004-000  
Signature: [Signature] Date: April 15, 2020
- 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: 4/16/2020  
Received By: BF

JUSTIFICATION OF PROPOSAL  
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: ERNEST & OKWOOD HANES  
Contact Person Agency/Business (If Applicable)  
Address: 1530 SILVER TRAIL Napa 94558  
Street Number Street Name City Zip Code  
Contact: 707-815-0681 hanesok17@gmail.com  
Phone Number Facsimile Number E-Mail Address  
707-337-2246 ernesthanes502@yahoo.com  
B. Applicant Type: Local Agency Registered Voter Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies: Napa Sanitation District 1515 Soscol Ferry Road  
Name Address Napa, CA 94558  
Name Address  
Name Address

Use Additional Sheets as Needed

B. Proposal Type: Annexation Detachment City Incorporation District Formation  
(Check as Needed)  
City/District Dissolution City/District Merger Service Activation (District Only) Service Divestiture (District Only)

C. Purpose Statement: Annexation to connect to public sewer infrastructure

**III. GENERAL INFORMATION**

**A. Location:**

1530 Silver Trail	060-342-004	0.5
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)		0.5

**B. Landowners:**

(1)	Assessor Parcel Number :	060-342-004	Name:	Ernest and Okhoo Hanes
	Mailing Address:	1530 Silver Trail, Napa, CA 94558		
	Phone Number:	707-815-0681	E-mail:	hanesok17@gmail.com
(2)	Assessor Parcel Number :	707-337-2246	Name:	ernesthanes502@yahoo.com
	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:	2
(2)	Total Number of Registered Voters:	2

**D. Land Use Factors:**

- (1a) County General Plan Designation: Urban Residential
- (1b) County Zoning Standard: RS: B-2 (Residential Single)
- (2a) Applicable City General Plan Designation: N/A
- (2b) Applicable City Rezoning Standard: N/A

**E. Existing Land Uses:**  
(Specific)

Single-family residence and a detached storage shed

**F. Development Plans:**

- (1a) Territory Subject to a Development Project?  Yes  No
- (1b) If Yes, Describe Project: N/A
- (1c) If No, When Is Development Anticipated? Already developed

**G. Physical Characteristics:**

- (1) Describe Topography: Flat
- (2) Describe Any Natural Boundaries: None
- (3) Describe Soil Composition and Any Drainage Basins:  
Soil: Coombs gravelly loam, 2 to 5 % slopes  
Drainage: Milliken Creeke - Main Fork
- (4) Describe Vegetation: A few trees along perimeter of property

**H. Williamson Act Contracts**  
(Check One)

Yes  No

**IV. GOVERNMENTAL SERVICES AND CONTROLS**

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**A. Plan For Providing Services:**

- (1) Enumerate and Describe Services to Be Provided to the Affected Territory:

Public sewer

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

One single-family residence

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

Immediately following annexation

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

Lateral connection

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

By landowner following annexation:

Napa Sanitation District capacity charge (one time)  
and sewer service charge (annually billed  
on property tax)

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**V. ENVIRONMENTAL INFORMATION**

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**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: ~~15282(k)~~ 15282(k)  
Type

None

*Provide Copies of Associated Environmental Documents*

**VI. ADDITIONAL INFORMATION**

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**A. Approval Terms and Conditions Requested For Commission Consideration:**

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*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: \_\_\_\_\_





**Indemnification Agreement**

Name of Proposal: Silver Trail No. 10 Annexation to NSD

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 Ernest and Okhee Hanes 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~~

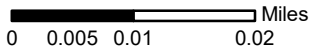
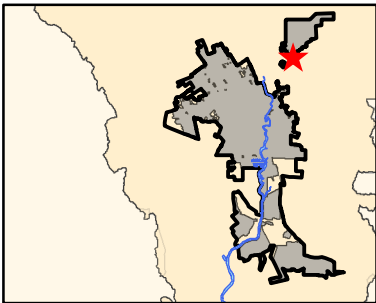
~~\_\_\_\_\_  
Date~~

  
Principal Landowner Signature

Ernest C. Hanes  
Print Name

April 15, 2020  
Date

# Silver Trail No. 10 Annexation to the Napa Sanitation District



Prepared by LAFCO Staff  
June 1, 2020



**LAFCO of Napa County**  
1030 Seminary Street, Suite B  
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[www.napa.lafco.ca.gov](http://www.napa.lafco.ca.gov)



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 Subdivision of the State of California

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

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**Silver Trail No. 10 Annexation to the Napa Sanitation District (NSD)**  
**Factors for Commission Determinations**

California Government Code (G.C.) Sections 56668 and 56668.3 require the Commission to consider the following specific factors for a change of organization involving annexation to a special district. 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.

*(1) Population and population density; land area and land use; 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.*

Total population within the affected territory is two. The affected territory is legally “uninhabited” given there are fewer than 12 registered voters.

The affected territory is approximately 0.5 acres in size, unincorporated within Napa County’s jurisdictional boundary, and lies within a residential area designated under the County General Plan as *Urban Residential*. The affected territory is currently developed with one single-family residence.

The current assessment value of the affected territory totals \$492,966.<sup>1</sup>

The affected territory is located within the *Milliken Creek - Main Fork* drainage basin. Topography includes 2-5% slopes.

The proposal is not expected to induce growth since the parcel is fully developed and lies within a subdivision of existing homes in the Silverado community. The property is the last parcel within the subdivision to connect to sewer. The previous annexation in the area occurred in 2014 titled “Silver Trail Annexation No. 9” which included six parcels. Staff attempted to amend the boundary to include the existing parcel since it was the only remaining property on septic. However, the property owners did not respond at that time.

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<sup>1</sup> The assessed value of the affected territory is divided into land at \$288,093, structural improvements at \$344,310, and homeowner exemption at (\$139,437).

***(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.***

Core municipal services already provided within the affected territory by the County include fire protection and emergency medical, and law enforcement. In addition, the City of Napa provides water service to the affected territory through an existing outside service agreement. These services are deemed adequate given current and planned uses as contemplated in the County's General Plan and Zoning Ordinance.

The need for additional municipal services for the affected territory is limited to public sewer for the existing single-family residence. The affected territory currently receives sewer service through a private onsite septic system. It is estimated the current daily sewer flow generated from the one residence within the affected territory is 150 gallons on average and increases to 375 gallons during peak periods. These current flow estimates represent less than one one-hundredth of a percent of NSD's current system demand. These estimates would have negligible impacts on NSD's sewer system.

***(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 amended NSD's sphere of influence (SOI) to include the affected territory, 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.

***(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 adopted *General Policy Determinations*. This includes consistency with the County General Plan designation of *Urban Residential* for the affected territory, avoidance of premature conversion of agricultural uses, and consistency with NSD's adopted sphere of influence. 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 not substantially unimproved and 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 proposal is parcel-specific and includes all of the property identified by the County of Napa Assessor’s Office as 060-342-004. The applicant has submitted a draft map and geographic description of the affected territory. Commission approval would include a condition requiring the applicant to submit a final map and geographic description that have 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 2040*, was updated in 2017 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2040.<sup>2</sup>

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 permanent public sewer service to the affected territory. The availability of this municipal service is consistent with the County’s General Plan, which designates the affected territory for single-family residential uses (*Urban Residential*), as well as the County’s Zoning Ordinance, which assigns a zoning standard of *Residential Single: Building Overlay (RS:B-2)*.

***(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.

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<sup>2</sup>*Plan Bay Area 2040* is a long-range integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area. *Plan Bay Area 2040* includes the region’s Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

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

Staff provided notice of the proposal to all affected agencies, transportation agencies, and school districts inviting comments as required under G.C. Section 56658. 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 as part of the Commission's *Central County Region Municipal Service Review* adopted in 2014 concluded NSD has developed overall adequate financial resources and controls relative to current and projected service commitments. This includes regularly reviewing and amending, as needed, NSD's two principal rates and fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) capacity charge for new connections and (b) annual service charge. The capacity charge 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. Both charges for industrial users are calculated based on the number of equivalent sewer service units pursuant to NSD's *Title 5 – Rates and Charges*. The 2014 *Central County Region Municipal Service Review* is relied upon and sufficient for this annexation proposal regarding the plan for services required by G.C. Section 56653.

***(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 one existing single-family residence is currently served by the City of Napa through an existing outside service agreement and no further development is allowed based on existing uses coupled with the County's General Plan and Zoning Ordinance.

***(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 already built out and no additional housing units are permitted.

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

The landowners of the affected territory are the petitioners seeking annexation. No additional information or comments were submitted.

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

The County's General Plan land use designation for the affected territory is *Urban Residential*, which provides for single-family residential development at densities of up to two units per acre.

The affected territory is zoned by the County as *Residential Single*, which permits one single-family dwelling unit per legal lot as well as a second unit either attached or detached from an existing legal residential dwelling unit.

The proposed annexation to NSD is consistent with these existing land use designations.

***(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 proposal will have any implication for environmental justice in Napa County.

***(17) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.***

There is no documentation or evidence suggesting a local hazard mitigation plan or safety element of a general plan is relevant to the proposed annexation to NSD. Further, the affected territory is not located in a very high fire hazard zone or a state responsibility area.

***(18) 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 the future landowners and residents within the affected territory by providing permanent access to public sewer service. Public sewer service eliminates the need for septic systems in an area in which any failings could pose a public health and safety threat for immediate and adjacent residents.