



Local Agency Formation Commission
LAFCO of Napa County

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February 7, 2011
Agenda Item No. 8b (Discussion)

January 31, 2011

TO: Local Agency Formation Commission

FROM: Policies and Procedures Committee (Luce, Rodeno and Simonds)

SUBJECT: Proposed Revisions to the Commission's General Policy Determinations and Creation of a New Application Packet

The Commission will review proposed revisions to the agency's *General Policy Determinations* as well as the creation of a new application packet. These items are being presented for Commission review and discussion.

Local Agency Formation Commissions (LAFCOs) are political subdivisions of the State of California responsible for regulating the formation and development of local governmental agencies and their municipal services under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Commonly exercised regulatory powers include creating and expanding cities and special districts for purposes of facilitating orderly urban growth. LAFCOs are required to inform their regulatory actions through various planning activities, namely preparing municipal service reviews and sphere of influence updates. All regulatory actions undertaken by LAFCOs must be consistent with their written policies and procedures. LAFCOs may also condition approval as long as they do not directly regulate land use.

A. Background

At its May 3, 2010 meeting, the Commission established an ad hoc committee ("Committee") to comprehensively review and update the agency's written policies and procedures; documents that have not been comprehensively updated since the 1980s. This action coincided with the appointments of Commissioners Luce and Rodeno and followed comments made by several Commissioners at an earlier workshop identifying the need for clear direction in meeting the agency's directives in a manner responsive to current local conditions. In particular, the Committee was charged with reviewing and making recommendations with respect to the following four tasks.

- a) Review and update the Commission's objectives and priorities
- b) Develop baseline standards with respect to the review of proposals
- c) Examine and amend Commission policies and procedures for consistency
- d) Create a codified policies and procedures document

Lewis Chilton, Vice Chair
Councilmember, Town of Yountville

Juliana Inman, Commissioner
Councilmember, City of Napa

Joan Bennett, Alternate Commissioner
Councilmember, City of American Canyon

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

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

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

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

B. Discussion

The Committee has convened a total of four meetings between June and December 2010. Meetings have focused on accomplishing the first two tasks prescribed by the Commission: (a) review and update principal agency objectives and priorities and (b) develop baseline standards with respect to the review of proposals. Specific focus has involved possible changes to the Commission's *General Policy Determinations* to help ensure it is consistent with the present preferences and objectives of the Commissioners in administering their regulatory and planning responsibilities. Key revisions made by the Committee to the *General Policy Determinations* are summarized below for Commission review and comment. A track-change version is also attached.

- **Purpose Statement**

The document has been revised to include a purpose statement to clarify the Commission's intent in considering and applying the policies. This includes explicitly stating the Commission reserves *discretion* in administering its policies to address special conditions and circumstances as needed (emphasis added). This new purpose statement is included on page one.

- **Prescribing Urban Development Timing**

The document has been revised to include an amended statement on prescribing timing factors as it relates to urban development. This revision signals the Commission shall *discourage* proposals involving the annexation of undeveloped or underdeveloped lands to cities and special districts that provide certain urban services unless subject to a known development plan or agreement (emphasis added). This revision is included on page three and identified as II/B/3.

- **Addressing New Sphere of Influence Review and Update Responsibilities**

The document has been revised to include a statement encouraging cities and the County to meet and agree to sphere of influence changes in anticipation of the Commission's regular review cycle. The document has also been amended to state the Commission shall, as necessary, review and update each local agency's sphere of influence every five years. These revisions are consistent with recent amendments to California Government Code and included on page five and identified as III/A/3 and III/A/4.

- **Encouraging Comprehensive Sphere of Influence Updates as Opposed to Individual Amendments**

The document has been revised to include a statement discouraging proposals from residents, landowners, and agencies proposing individual amendments to spheres of influence unless justified by special conditions and circumstances. This statement reflects the current Commission practice to address individual sphere of influence amendment requests as part of comprehensive reviews undertaken by the agency and is included on page six and identified as III/B/3.

- **Consideration of Urban Growth Boundaries in Establishing, Amending, and Updating Spheres of Influence**

The document has been revised to include a statement directing the Commission to *consider* adopted urban growth boundaries in the establishment, amendment, and update of an agency's sphere of influence (emphasis added). This statement reflects the recent action of the Commission in making changes to the City of American Canyon's sphere of influence and is included on page six and identified as III/B/3.

- **Establishing Criteria for Considering Sphere of Influence Reductions**

The document has been revised to establish criteria for the Commission to consider the merits of reducing an agency's existing sphere of influence. This includes triggering consideration of a reduction for land lying outside an agency's jurisdictional boundary, but has been within the sphere of influence for 10 or more years. An additional trigger applies to land lying within an agency's jurisdictional boundary, but is not expected to be developed for urban uses or require urban-type services within the next 10 years. The criteria is included on page seven and identified as III/B/5.

- **Establishing Commission Definitions**

The document has been revised to include definitions for specific terms associated with (a) spheres of influence, (b) outside service agreements, and (c) establishing new district services or divestiture of existing district services. These definitions are intended to provide general administrative direction in processing future applications and are included on pages 15, 16, and 17 and identified as III/B/1, V/B/2, VI/C/2, and VI/D/2.

In addition to revisions to the Commission's *General Policy Determinations*, the Committee has prepared a new application packet. The application packet is intended to be user-friendly by combining under one cover all of the related materials and information needed to process a proposal with the Commission. This includes providing applicants with a sequential checklist to help identify and complete all the necessary processing steps. The application packet also incorporates a revised justification of proposal form addressing the expanded factors required for consideration by the Commission anytime it reviews a change of organization or reorganization. A copy of the proposed new application packet is attached.

C. Commission Review

The Committee respectfully requests the Commission review and discuss both the (a) proposed changes to the *General Policy Determinations* and (b) creation of a new application packet. Specific comments on potential changes are particularly welcomed. The Committee is also seeking direction from the Commission with respect to next steps; specifically whether to return first with any updates or changes to the documents as identified by Commissioners before initiating a public review process.

Attachments:

- 1) Track-Changes to *General Policy Determinations*
- 2) Proposed New Application Packet

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
POLICY DETERMINATIONS**



LOCAL AGENCY FORMATION COMMISSION NAPA COUNTY

General Policy Determinations

Adopted: August 9, 1972

Last Amended: *****

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.

~~**I) POLICIES CONCERNING THE PRESERVATION OF AGRICULTURE AND OPEN SPACE LANDS AND THE PROMOTION OF ORDERLY, WELL-PLANNED DEVELOPMENT**~~

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~~**A) LEGISLATIVE INTENT AND DECLARATIONS**~~

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A) Legislative Declarations

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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)~~ (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)

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2) (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)

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(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:

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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

~~B) POLICIES OF THE COMMISSION~~

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 "JP," the Agricultural Lands Preservation Initiative passed by the voters in 19902008.

(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.

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~~(3)2) —~~ Timing of Urban Development:

~~The Commission shall guide development away from designated agricultural or open-space lands until such times as urban development becomes an overriding consideration in providing for the health and welfare of the citizens of the County and the affected city. The Commission discourages proposals involving the annexation of undeveloped or underdeveloped lands to cities and special districts that provide potable water, or sewer, fire protection and emergency response, and 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 or to a development agreement outlining land use expectations, without known development projects.~~

(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:

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a) "Prime agricultural land", as defined by G.C. §Government Code Section 56064.

b) "Open-space", as defined by G.C. §Government Code Section 56059.

a)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 Napa-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.

3)(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.

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III. Policies Concerning Spheres of Influence

H) 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 Intent And Declarations

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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~~(1) "Sphere of influence" means a plan for the probable physical boundaries and service area of a local agency, as determined by the ~~commission~~Commission. (G.C. §56076)

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(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~~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)).

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~~(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))~~

~~2~~(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))

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B) General Guidelines for the Review of Spheres of Influence

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It is the intent of the Commission to consider the following factors ~~eriteria~~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:

1) Land Use

- a) The present and planned land uses in the area, including designated agricultural and open-space lands.
- b) Consistency with the Napa–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.
- a)f) Adopted urban growth boundaries by the affected land use authorities.

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(4) The Commission shall consider the following municipal service criteria in establishing, amending, and updating spheres of influence:

2) Municipal Services

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.

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C) City Spheres of Influence

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~~The Commission shall adhere to the following policies in the establishment, review, amendment, or update of city spheres of influence.~~

~~1) General Policies Concerning City Spheres~~

~~a) Location of Urban Development. The basic policy of the Commission in the establishment of a city sphere of influence boundary line shall be that urban development within a city's sphere of influence shall be developed under the jurisdiction of the city. If urban development is legally required by the County, such development should conform to the applicable city standards and be the subject of a joint city-County planning effort.~~

~~b) Use of County General Plan Agricultural and Open Space Designations. When establishing a city sphere of influence boundary line, the Commission shall use the most recently adopted Napa County General Plan as the basis to identify designated agricultural and open space lands.~~

~~c) 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 sphere of~~

~~influence for purposes of urban development. An agricultural or open space designation 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. Exceptions to this policy may be considered by the Commission based on information submitted to the Commission provided by the affected city that responds to criteria contained in Section B.— Sphere of Influence Amendment Guidelines.~~

- ~~d) Preference for Infill. When reviewing proposals for the expansion of a city sphere of influence, the Commission will consider the amount of vacant land within the existing jurisdiction and sphere of influence of the affected city. To discourage urban sprawl and encourage the orderly formation and development of cities in Napa County, the Commission will encourage proposals that promote the infill of existing vacant or underdeveloped land thereby maximizing the efficient use of existing city services and infrastructure. The Commission will discourage proposals for development of vacant or open space land that requires the extension of urban facilities, utilities, and services where infill is more appropriate.~~
- ~~e) Adopted Spheres of Influence as Guide for City Annexations. When municipal spheres of influence have been adopted by the Commission, they shall be used as a guide in the consideration of city annexation proposals. Adoption of such spheres shall not be construed to indicate carte blanche approval of any annexation proposal merely because the land is included within the sphere of influence.~~

~~2) Policies Concerning Cooperative Planning and Development Programs~~

- ~~a) Role Of Adopted Sphere Of Influence In Agency Planning. The urban area as delineated by the established sphere of influence line, having been developed by the Commission in cooperation with the affected city and County, should be recognized and considered as part of planning and development programs of the affected city, any affected special district, and the County.~~
- ~~b) Preference For Infill Within The City's Jurisdiction Or Within The City's Adopted Sphere Of Influence. To maximize the efficient use of existing city services and infrastructure and discourage the premature conversion of agricultural and open space lands to urban uses, the Commission shall encourage the city to develop first those existing vacant and under developed lands located within the city's jurisdiction or within the city's adopted sphere of influence. The Commission shall encourage the development of vacant or under developed land located~~

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~~within the city's jurisdiction before the annexation of land that requires the extension of urban facilities, utilities, and services.~~

- ~~e) Interagency Cooperation.— Urban development and utility expansion programs should be planned and programmed by the city on a staged basis in cooperation with the County and the Commission.~~
- ~~d) Restrictions On Urban Development Approvals By County Within City Sphere Of Influence.— No urban development should be permitted by the County to occur on unincorporated land within a city's designated 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.~~
- ~~e) Exclusion Of Unservable Areas.— Areas that cannot be provided with an urban level of essential public services, such as public water, sewer, fire protection and emergency response, shall be considered for sphere inclusion and eventual annexation and development, only on an exceptional basis. Economic and planning justification for such annexations shall be provided to the Commission by the city.~~

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 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

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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.

1) General Policies Concerning Special District Spheres

- a) Single Boundary. Only one sphere of influence boundary line will be drawn for each district.
- b) Boundary to Reflect Service Capacity. The location and character of the boundary line should be responsive to existing and planned service facilities. Planned facilities are those to be constructed within a ten (10) year period.
- e) Urbanizing Effect of Services. It shall be a basic policy of the Commission when considering establishment of a special district sphere of influence that extension of urban services acts to promote urban development and that urban development belongs in urban areas.

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(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 ~~which~~ demonstratinges all of the following:

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- a) The expansion is necessary in order to provide potable water or sewer to ~~the territory an existing parcel~~ to respond to a documented public health ~~hazard~~ or safety threat.

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b) The affected special district can provide adequate potable water or sewer service to the affected territory without extending any ~~water or sewer~~ mainline more than 1,000 feet.

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~~The expansion will not harm land in agricultural or open space use.~~

a)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.

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~~the affected special district, but mere inclusion of land within an adopted sphere of influence shall not be construed as carte blanche approval of any annexation proposal for that land.~~

(5) Joint Applications:

When an annexation is proposed outside a ~~special affected~~ district's adopted 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, but amendment to the sphere of influence boundary to include the affected territory~~ shall be considered and resolved prior to Commission action on the proposed annexation.

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(6) Cooperative Planning and Development Programs:

Spheres of influence shall be developed by the Commission in cooperation with any affected cities and the County.

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a) The service area of a special district as delineated by the sphere of influence should be recognized and considered as part of the planning and development programs of any affected district, city, and the County.

~~2) Policies Concerning Cooperative Planning and Development Programs~~

- a) ~~Role Of Adopted Sphere Of Influence In Agency Planning.~~
~~The service area of a special district as delineated by the adopted sphere of influence boundary, having been developed by the Commission in cooperation with all affected agencies, should be recognized and considered as part of the planning and development programs of any affected district, city and the County.~~
- b) ~~Service Expansion Programs.~~ A district should plan and program its service expansion programs on a staged basis in cooperation with the County, any affected city, and the Commission.

~~III)~~ **IV. Policies Concerning ~~the~~ County Of Napa**

A) Location of Urban Development

~~1)~~ (1) Land use developments Development of an urban character and nature should be located within areas designated as urban areas by the Napa 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.

~~2)~~ (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)~~ (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 property-landowners pay their fair and equitable share for the services received.

2) ~~The Commission recognizes that the formation of county services areas are subject to both the Cortese Knox Hertzberg Local Government Reorganization Act and County Service Area Law (G.C. §25210.1 et. seq.).~~

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IV) **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.

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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 Requests 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.

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VI. Policies Concerning Special Districts

A) ~~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 Napa County General Plan, the Commission encourages ~~in lieu of creating a new special taxing district, reorganizations either the use of county service areas to provide the extended services or reorganization of the existing limited services special district, as a special district capable of providing multiple urban services.~~

~~B) B)~~ Preference ~~f~~For Districts Capable ~~o~~f Providing All Essential Services

(1) All new special districts proposed for formation in the unincorporated urban areas as designated under the Napa 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.

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2. The Commission shall incorporate the following definitions in administering these policies:

a)d) “Services” shall mean any service provided by a special district subject to the jurisdiction of the Commission unless otherwise exempted under G.C. 56133.

e) “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.

b)f) “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.

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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. ~~For annexation proposals initiated by resolution of the city council,~~ The Executive Officer may agendize both a the 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 Government Code §56375, the ~~subject-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.

~~a) b) The affected territory is surrounded by no less than 66.6% by the city, it is within the sphere of influence of the affected city and two thirds (66 2/3%) of its boundary, as set forth in a boundary description accepted by the Executive Officer, is surrounded by the affected city.~~

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)

~~2)~~ 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, public-potable water and sanitation.

(3) Policy Regarding Annexations Within an Identified Island Area:

~~3)~~ 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

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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.

a) City of Napa and Napa Sanitation District

b. 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.

c. 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.

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

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a) Annexations to the District:

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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.

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b) Annexations to the City:

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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

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a) Annexations to Cities:

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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.

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Local Agency Formation Commission

LAFCO of Napa County

APPLICATION PACKET

Local Agency Formation Commissions (LAFCOs) are responsible under State law for approving, modifying, or disapproving changes of organization consistent with their adopted written policies, procedures, and guidelines. LAFCOs are also authorized to establish conditions in approving changes of organization as long as they do not directly regulate land uses. Underlying LAFCO's decision-making is to consider the logical and timely development of the affected agencies in context with local circumstances and needs. Changes of organization include all of the following:

- City/District Annexations
- City/District Detachments
- City Incorporations
- District Formations
- City/District Dissolutions
- City/District Mergers
- Service Activations (District Only)
- Service Divestitures (District Only)

This application packet provides all of the information and forms needed to file a change of organization proposal with LAFCO of Napa County ("Commission"). The packet is organized into eight distinct sections as outlined in the following checklist:

Applicant Checklist

- A. Notice of Intention to Circulate Petition
(Landowner and Resident Proposals Only)
 - B. Petition for Proposal
(Landowner and Resident Proposals Only)
 - C. Notice of Intention to Adopt Resolution of Application
(Agency Proposals Only)
 - D. Justification of Proposal
(All Proposals)
 - E. Political Contribution and Expenditure Disclosures
(All Proposals)
 - F. Map and Boundary Description Requirements
(All Proposals)
 - G. Indemnification Agreement
(All Proposals)
 - H. Proposal Fees
(All Proposals)
-

FORM A

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NOTICE OF INTENT TO CIRCULATE PETITION

For Filing with the Local Agency Formation Commission of Napa County

Applicants shall complete and submit a notice of intention with the Executive Officer before filing a petition proposing a change of organization. The notice shall include the name and mailing address of the applicant along with a written statement no more than 500 words in length setting forth the reasons for the proposal. The petition may be circulated for signatures after the notice has been filed. The Executive Officer shall notify the affected local agencies upon receiving the notice. Applicants are encouraged to use this form.

Applicant Information:

Applicant Name: _____

Mailing Address: _____

Telephone: _____ E-Mail: _____

Petition Proposes:

Reasons for Proposal:

Signature: _____ Date: _____

FORM B

Date Filed: _____

Received By: _____

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:

Description of Boundaries of Affected Territory Accompanied by Map:

Reason for Proposal and Any Proposed Conditions:

Type of Petition:

Landowner

Registered Voter

Sphere of Influence Consistency:

Yes

No

If Landowner Petition, Complete the Following:

- 1) Name: _____
Mailing Address: _____
Assessor Parcel: _____
Signature: _____ Date: _____
- 2) Name: _____
Mailing Address: _____
Assessor Parcel: _____
Signature: _____ Date: _____
- 3) Name: _____
Mailing Address: _____
Assessor Parcel: _____
Signature: _____ Date: _____

If Registered Voter Petition, Complete the Following:

- 1) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____
- 2) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____
- 3) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____

FORM C

Date Filed: _____

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NOTICE OF INTENTION TO ADOPT RESOLUTION OF APPLICATION
For Filing with the Local Agency Formation Commission of Napa County

A proposal for a change of organization made by a local agency shall be initiated by an adopted resolution of application in accordance with Government Code Section 56654. Mailed notice of a local agency's intention to adopt a resolution of application must be provided no less than 21 days in advance to the Commission and all affected agencies. The notice shall describe the proposal and the affected territory. Applicants are encouraged to use this form.

Nature of Proposal and All Associated Changes of Organization:

Description of Boundaries of Affected Territory Accompanied by Map:

Reason for Proposal and Any Proposed Conditions:

FORM D

Date Filed: _____

Received By: _____

JUSTIFICATION OF PROPOSAL Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: _____
Contact Person _____ Agency/Business (If Applicable) _____

Address: _____
Street Number _____ 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: _____
Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Use Additional Sheets as Needed

B. Proposal Type (Check as Needed) Annexation Detachment City Incorporation District Formation

City/District Dissolution City/District Merger Service Activation (District Only) Service Divestiture (District Only)

C. Purpose Statement: (Specific) _____

III. GENERAL INFORMATION

A. Location:

Street Address	Assessor Parcel Number	Acres
_____	_____	_____
Street Address	Assessor Parcel Number	Acres
_____	_____	_____
Street Address	Assessor Parcel Number	Acres
_____	_____	_____
Street Address	Assessor Parcel Number	Acres
_____	_____	_____
Total Location Size (Including Right-of-Ways)		_____

B. Landowners

(1) Assessor Parcel Number : _____ Name: _____
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: _____

(2) Total Number of Registered Voters: _____

D. Land Use Factors:

- (1a) County General Plan Designation: _____
- (1b) County Zoning Standard: _____
- (2a) Applicable City General Plan Designation: _____
- (2b) Applicable City Rezoning Standard: _____

E. Existing Land Uses:

(Specific)

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: _____

- (2) Describe Any Natural Boundaries: _____

- (3) Describe Soil Composition and Any Drainage Basins: _____

- (4) Describe Vegetation: _____

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:

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

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

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

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

Use Additional Sheets As Needed

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

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

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

Environmental Impact Report

Negative Declaration/Mitigated Negative Declaration

Categorical/Statutory Exemption: _____
Type

None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

Use Additional Sheets As Needed

B. Identify Up to Three Agencies or Persons to Receive Proposal Correspondence:

(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: _____

Title: _____

Date: _____

FORM E

Date Filed: _____

Received By: _____

POLITICAL CONTRIBUTION AND EXPENDITURE DISCLOSURES
For Filing with the Local Agency Formation Commission of Napa County

Contributions and expenditures for political purposes related to a change of organization proposal shall be disclosed and reported pursuant to Article 2.5 of Chapter 4 of the Political Reform Act.

Please see Forms E-1 and E-2.

Date Filed: _____

Received By: _____

CAMPAIGN CONTRIBUTION TO COMMISSIONERS - DISCLOSURE REQUIREMENTS

LAFCOs are subject to the campaign disclosure provisions detailed in Government Code Section 84308 and the Regulations of the Fair Political Practices Commission (FPPC), 2 Cal. Adm. Code Sections 18438.1 – 18438.6.

Please carefully read the following information to determine if the provisions apply to you. If you determine that the provisions are applicable, the Campaign Disclosure Form E-1 must be completed and returned to LAFCO of Napa County with your application.

1. No LAFCO commissioner shall accept, solicit, or direct a contribution of more than \$250 from any party¹ or agent² while a change of organization proceeding is pending, and for three months subsequent to the date a final decision is rendered by LAFCO. This prohibition commences when your application has been filed, or the proceeding is otherwise initiated.
2. A party to a LAFCO proceeding shall disclose on the record of the proceeding any contribution of more than \$250 made to any commissioner by the party, or agent, during the preceding 12 months. No party to a LAFCO proceeding, or agent, shall make a contribution to a commissioner during the proceeding, and for three months following the date a final decision is rendered by LAFCO.
3. Prior to rendering a decision on a LAFCO proceeding, any commissioner who received a contribution of more than \$250 within the preceding 12 months from any party, or agent, to a proceeding shall disclose that fact on the record of the proceeding, and shall be disqualified from participating in the proceeding. However, if any commissioner receives a contribution that otherwise would require disqualification, and returns the contribution within 30 days of knowing about the contribution and the relevant proceeding, that commissioner shall be permitted to participate in the proceeding.

To determine whether a campaign contribution of more than \$250 has been made by you or your agent to a commissioner within the preceding 12 months, all contributions made by you or your agent during that period must be aggregated.

Names of current LAFCO commissioners are available http://www.napa.lafco.ca.gov/c_commissioners.aspx. If you have questions about Government Code Section 84308, FPPC regulations, or the Campaign Disclosure Form, please contact the LAFCO Executive Officer at http://www.napa.lafco.ca.gov/c_staff.aspx.

¹ "Party" is defined as any person who files an application for, or is the subject of, a proceeding.

² "Agent" is defined as a person who represents a party in connection with a proceeding. If an individual acting as an agent also is acting as an employee or member of a law, architectural, engineering, or consulting firm, or a similar entity or corporation, both the individual and the entity or corporation are agents. When a closed corporation is a party to a proceeding, the majority shareholder is subject to these provisions.

ATTACHMENT: CAMPAIGN CONTRIBUTION DISCLOSURE FORM

(a) Proposed change(s) of organization: ____

(b) Name and address of any party, or agent, who has contributed more than \$250 to any commissioner within the preceding 12 months:

1. _____

2. _____

(c) Date and amount of contribution:

Date _____ Amount \$ _____

Date _____ Amount \$ _____

(d) Name of commissioner to whom contribution was made:

1. _____

2. _____

(e) I certify that the above information is provided to the best of my knowledge.

Printed Name _____

Signature _____

Date _____ Phone _____

FORM E-2
Disclosure of Political Expenditures

Date Filed: _____

Received By: _____

**DISCLOSURE OF POLITICAL EXPENDITURES
FOR/AGAINST A LAFCO PROPOSAL**

Expenditures for political purposes, which are related to a change of organization or reorganization proposal that will be or has been submitted to LAFCO of Napa County, are subject to the reporting and disclosure requirements of the Political Reform Act of 1974 and the Cortese-Knox-Hertzberg Act of 2000.

Please carefully read the following information to determine if reporting and disclosure provisions apply to you.

1. Any person or combination of persons who for political purposes, directly or indirectly contributes \$1,000 or more, or expends \$1,000 or more, in support of or in opposition to a proposal for a change of organization or reorganization that will be submitted to the Commission, must disclose and report as required for local initiative measures under the Political Reform Act of 1974 (commencing with Government Code Section 84250) and Government Code Section 56700.1 (of the Cortese-Knox-Hertzberg Act of 2000).
2. Pursuant to Government Code Section 57009, any person or combination of persons who directly or indirectly contributes \$1,000 or more, or expends \$1,000 or more, in support of or in opposition to the conducting authority proceedings for a change of organization or reorganization, must comply with the disclosure requirements as required for local initiative measures under the Political Reform Act of 1974 (commencing with Government Code Section 84250).
3. Applicable reports must be filed with the Secretary of State and the appropriate city or county clerk. Copies of reports must also be filed with the LAFCO Executive Officer at 1700 Second Street, Suite 268, Napa, California 94559.

ATTACHMENT: CHECKLIST FOR DISCLOSURE OF POLITICAL EXPENDITURES

The following checklist is provided to assist you in determining if the requirements of the Political Reform Act of 1974 (Government Code Sections 81000 et seq.) apply to you. For further assistance contact the Fair Political Practices Commission at 428 J Street, Suite 450, Sacramento, CA 95814, (866) 275-3772, or at <http://www.fppc.ca.gov>.

1. Have you directly or indirectly made a contribution or expenditure of \$1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?

- Yes
- No

Date of contribution _____ Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

2. Have you, in combination with other person(s), directly or indirectly contributed or expended \$1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?

- Yes
- No

Date of contribution _____ Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

3. If you have filed a report in accordance with FPPC requirements, has a copy of the report been filed with LAFCO?

- Yes
- No

FORM F

MAP AND BOUNDARY DESCRIPTION REQUIREMENTS

Regarding a Filing with the Local Agency Formation Commission of Napa County

All change of organization applications shall include a map and geographic description of the affected territory prepared by a registered civil engineer or licensed land surveyor and conform to State Board of Equalization (SBE) standards. A completed application must include a draft map and geographic description. The draft map and geographic description will be reviewed for form, content, and accuracy by the County of Napa Surveyor. Revisions identified by the County Surveyor must be addressed and incorporated into a final map and geographic description before recording an approved change of organization. The final map and geographic description will also need to address any boundary changes made by the Commission. Applicants are responsible for covering all costs associated with (a) the County Surveyor's review and (b) filing charges with SBE as enumerated in the Commission's adopted fee schedule.

Please review the following attachments:

- 1) SBE General Requirements for Maps and Geographic Descriptions
- 2) Map and Geographic Description Example

FORM G

INDEMNIFICATION AGREEMENT

Regarding a Filing with the Local Agency Formation Commission of Napa County

The Commission requires the applicant and any real party in interest to provide written indemnification to the Commission as a condition of approval for a change of organization. A real party in interest includes the landowner and/or registered voter of the affected territory subject to the change of organization application. Attached is a copy of a standard indemnification agreement approved by Commission Counsel.

FORM H

PROPOSAL FEES

Regarding a Filing with the Local Agency Formation Commission of Napa County

All change of organization proposals must be accompanied by a non-refundable fee made payable in check to the Commission. Amounts are outlined in the Commission's adopted fee schedule and are generally based on a predetermined number of staff hours required to process the proposal given the level of consent and type of environmental review needed. Additional time required to process the proposal will be billed at an hourly staff rate as needed. The Commission will also require the submittal of fees made payable to other governmental agencies in the course of processing the proposal. A summary outline of the standard fees generally associated with filing a proposal with the Commission follows:

Summary Outline of Standard Proposal Fees

(As of September 1, 2010)

Agency	Purpose	Type	Fee Amount
Commission	Application Fee	Non-Refundable	\$3,852 to \$6,420
County Public Works	Surveyor Review	Non-Refundable	\$447
County Recorder's Office	Environmental Filing	Refundable	\$50
Fish and Game (If Needed)	Environmental Filing	Refundable	\$2,010.25 to \$2,792.25
County Assessor's Office	Assessor Map Filing	Refundable	\$125
Commission	Digital Map Filing	Refundable	\$125
Board of Equalization	Tax Rate Filing	Refundable	\$300 to \$3,500

Attached is a copy of the Commission's current adopted fee schedule.