



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 7b (Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer BF
Dawn Mittleman Longoria, Analyst II DML
MEETING DATE: June 7, 2021
SUBJECT: Proposed Somky Ranch Annexation to the Napa Sanitation District and Associated CEQA Findings

RECOMMENDATION

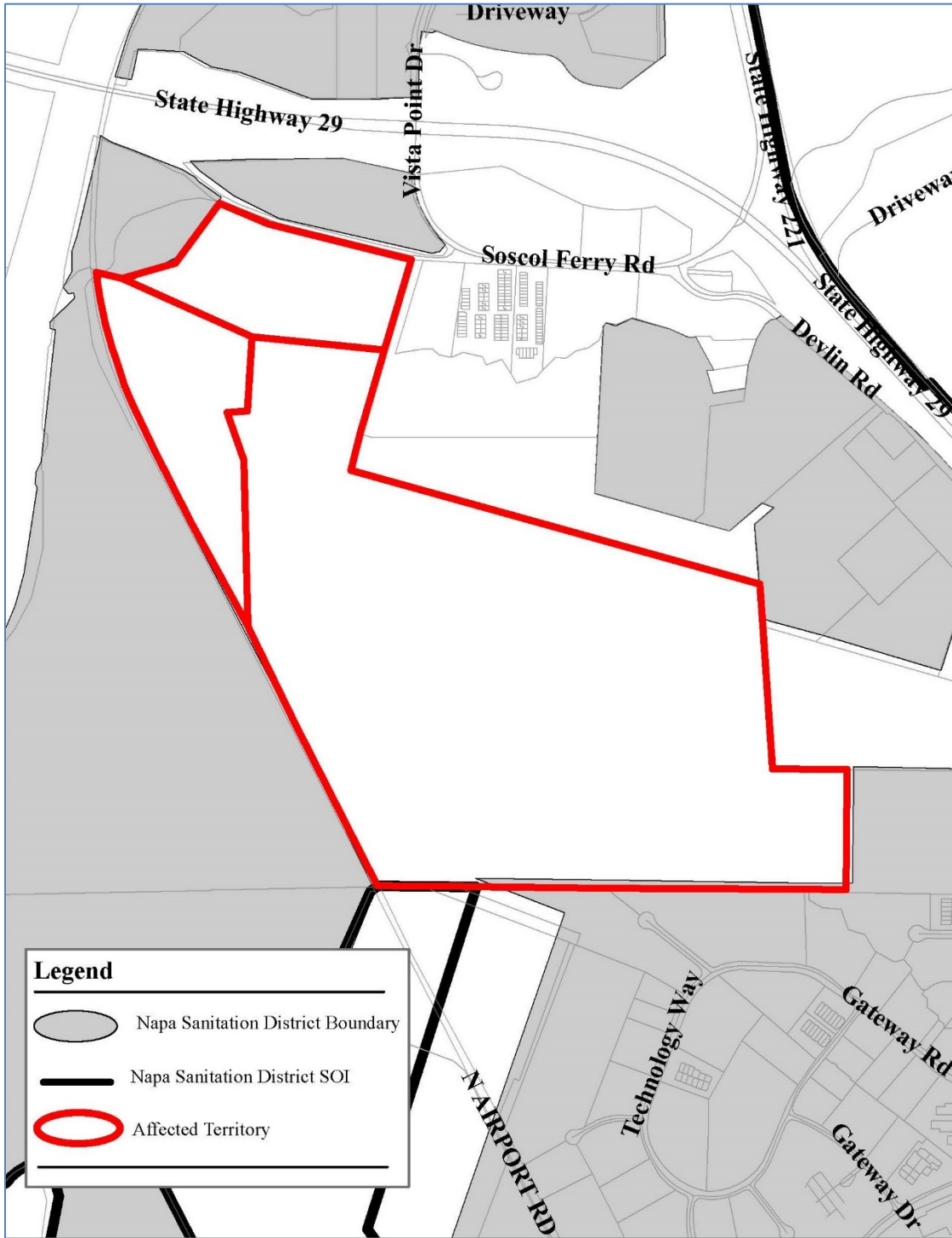
Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Somky Ranch Annexation to the Napa Sanitation District (NSD) approving the proposed annexation with standard conditions and making California Environmental Quality Act (CEQA) findings (Attachment One).

BACKGROUND AND SUMMARY

Applicant: Napa Sanitation District (Resolution)
Proposed Action: Annexation to NSD
APN: as 057-010-038, 057-010-039, and 046-400-016
Area Size: Approx. 303.5 acres
Location: Adjacent to the NSD offices and treatment plant on Soscol Ferry Rd.(no situs address)
Jurisdiction: Unincorporated County
Sphere of Influence Consistency: Yes
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement, Property removed from County tax roll
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Exempt
Current Land Uses: NSD recycled water infrastructure and agricultural reuse

The proposed action involves a resolution of application from NSD for annexation to the District of three unincorporated parcels that are owned by the District. The purpose of the proposal is to reduce NSD’s annual property tax burden through the annexation of property owned by the District. The application materials are included as Attachment Two.

An aerial map of the affected territory is included as Attachment Three. A vicinity map showing the affected territory, NSD’s jurisdictional boundary, and NSD’s sphere of influence, and is provided on the following page.



DISCUSSION

Factors for Commission Determinations

See Attachment Four for an evaluation of the mandated factors for Commission determinations.

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.

The current proposal seeks to remove property owned by NSD from the County property tax rolls. NSD will not be provided an exchange of property tax upon annexation, instead the District will be released of property tax obligation to the County. 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, all landowners (i.e., NSD) have provided their written consent, and no written opposition to a waiver of protest proceedings has been received by any agency.

ENVIRONMENTAL REVIEW

The Commission serves as Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). NSD as Lead Agency has determined that the project is categorically exempt pursuant to CEQA Guidelines Section 15319(a), which exempts the annexation of existing structures without development potential. Staff believes this exemption is appropriate given the entire affected territory belongs to NSD and there will be no expansion of capacity, extension of utilities or development.

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**

**SOMKY RANCH
ANNEXATION TO THE NAPA SANITATION DISTRICT**

WHEREAS, an application for a proposed annexation has been filed with the Local Agency Formation Commission of Napa County, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the proposal seeks Commission approval to annex approximately 303.5 acres of unincorporated land to the Napa Sanitation District and represents three entire parcels with no situs addresses and identified by the County of Napa Assessor’s Office as 046-400-016, 057-010-038, and 057-010-039; and

WHEREAS, the Commission’s Executive Officer has reviewed the proposal and prepared a report with recommendations; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on June 7, 2021; 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 serves as Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). The Napa Sanitation District, as Lead Agency, has determined the annexation is exempt from CEQA pursuant to CEQA Guidelines Section 15319(a); 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 Commission finds the annexation is exempt from CEQA pursuant to CEQA Guidelines Section 15319(a), which exempts existing structures developed to the density allowed by the current zoning. The records upon which these findings are made are located at the Commission’s administrative office located at 1030 Seminary Street, Suite B, Napa, California 94559.
3. The proposal is APPROVED subject to completion of item number 10 below.
4. This proposal is assigned the following distinctive short-term designation:

**SOMKY RANCH
ANNEXATION TO THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the draft map and described in the draft 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 proposal shall be subject to the terms and conditions of the Napa Sanitation District.
9. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56662(a).
10. 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 from the Napa Sanitation District that it is acceptable to record a Certificate of Completion.
11. 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.
12. 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 regular meeting held on June 7, 2021, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Diane Dillon
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Secretary

DRAFT

EXHIBIT A
SOMKY RANCH DISTRICT
ANNEXATION TO NAPA SANITATION DISTRICT
GEOGRAPHICAL DESCRIPTION

All that certain property, situated in a portion of Sections 2, Township 4 North, Range 4 West, and a portion of Section 34 & 35 Township 5 North, Range 4 West, and Mount Diablo Base Meridian, in the County of Napa, State of California, described as follows:

Beginning at the Southwest corner of the existing boundary of the Devlin Road District Annexation – Napa Sanitation District, per document recorded December 13, 1984 in Book 1367 at Page 699, Official Records of Napa County:

Thence (1) South 3° 57' 48" East 1015.88 feet;

Thence (2) South 89° 15' 07" East 543.18 feet to the northwest corner of the existing boundary of the Montalcino Resort District Annexation – Napa Sanitation District, per document recorded April 12, 2006 as Series Number 2006-0012793, Napa County Records;

Thence (3) South 0° 32' 53" West 853.83 feet along the west line of said Montalcino Resort District Annexation to the north line of the existing boundary of the Airport Boulevard #3 District Annexation – Napa Sanitation District, per document recorded February 16, 1996 as Series Number 1996-003853, Napa County Records;

Thence (4) North 89° 12' 07" West 3351.64 feet along a portion of said north line to the east line of the railroad;

Thence (5) along the east line of said railroad North 27° 05' 17" West 3699.17 feet;

to the beginning of a curve concave to the east having a radius of 2845.00 feet; thence (6) 1092.40 feet along said curve through a central angle of 22° 00' 00";

to the beginning of a curve concave to the east having a radius of 3799.92 feet; thence (7) 7.53 feet along said curve through a central angle of 0° 06' 49" to the southwest corner of the Soscol Ferry Road No. 1 Annexation – Napa Sanitation District, Dated December 2 1977, LAFCO Resolution 77-209;

Thence (8) leaving said railroad line and along the southern and eastern line of said Soscol Ferry Road No. 1 Annexation South 73° 44' 41" East 188.52 feet;

Thence (9) North 74° 00' 19" East 396.01 feet;

Thence (10) North 36° 30' 19" East 528.01 feet to the south line of Soscol Ferry Road;

5280
NapaSan Annex
03-23-2021

Thence (11) along said south line South 67° 02' 42" East 379.37 feet;

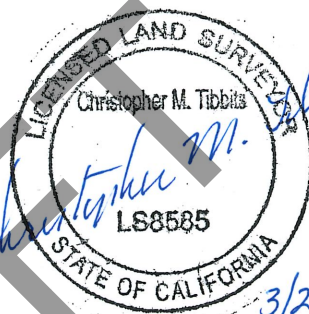
Thence (12) South 76° 02' 42" East 1046.53 feet;

Thence (13) leaving said south line of Soscol Ferry Road South 16° 32' 12" West 1551.19 feet;

Thence (14) South 74° 27' 48" East 3022.52 feet to the west line of said Devlin Road District Annexation;

Thence (15) along said west line South 3° 57' 48" East 300.96 feet to the **Point of Beginning**.

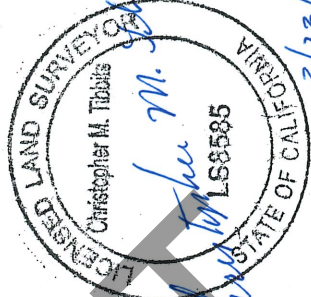
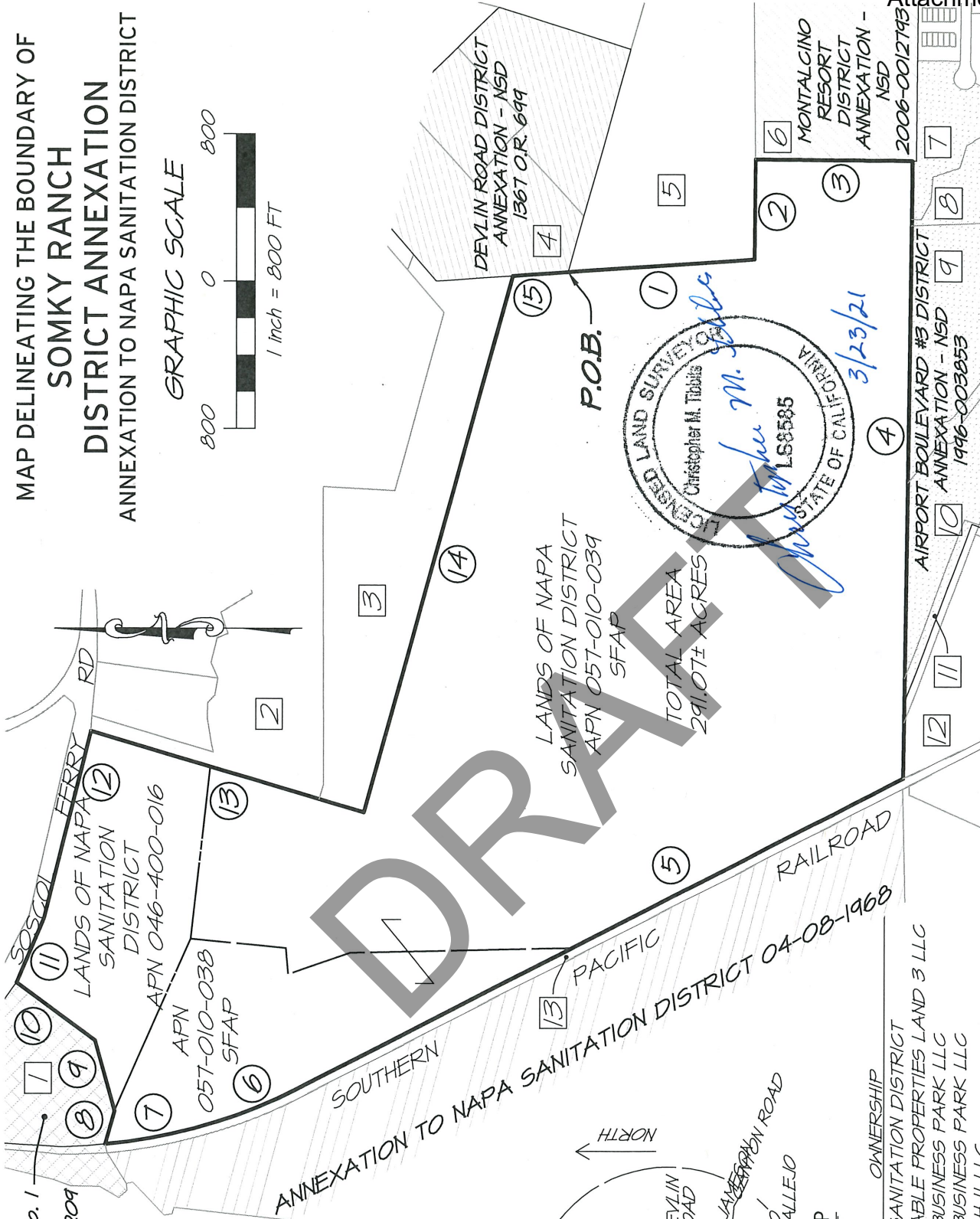
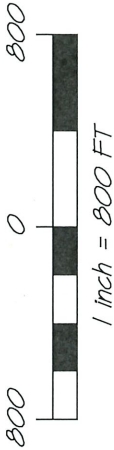
Containing 291.07 Acres, more or less.



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MAP DELINEATING THE BOUNDARY OF
SOMKY RANCH
 DISTRICT ANNEXATION
 ANNEXATION TO NAPA SANITATION DISTRICT

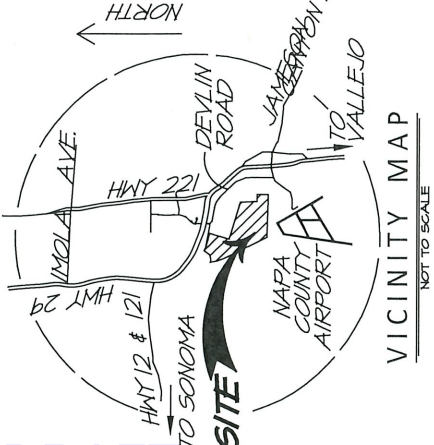
GRAPHIC SCALE



SUSCOL FERRY ROAD No. 1
 ANNEXATION - NSD
 LAFCO RESOLUTION TT-209

No. BEARING & DISTANCE

- 1 53°57'48" E 1015.83'
- 2 58°15'07" E 543.18'
- 3 50°32'53" W 853.83'
- 4 N89°12'07" W 3351.64'
- 5 N27°05'17" W 3699.17'
- 6 R=2845.00'
D=22°00'00"
- 7 L=1092.40'
R=3799.92'
D=0°06'49"
L=7.53'
- 8 573°44'41" E 188.52'
- 9 N74°00'19" E 396.01'
- 10 N36°30'19" E 528.01'
- 11 S67°02'42" E 379.37'
- 12 S76°02'42" E 1046.53'
- 13 S16°32'12" W 1551.19'
- 14 S74°27'48" E 3022.52'
- 15 S3°57'48" E 300.96'



| No. | APN | OWNERSHIP |
|-----|-------------|--------------------------------------|
| 1 | 046-400-015 | NAPA SANITATION DISTRICT |
| 2 | 057-170-001 | RENEWABLE PROPERTIES LAND 3 LLC |
| 3 | 057-170-010 | NOVA BUSINESS PARK LLC |
| 4 | 057-020-036 | NOVA BUSINESS PARK LLC |
| 5 | 057-020-017 | NAPA LH II LLC |
| 6 | 057-210-002 | NAPA LH II LLC |
| 7 | 057-250-025 | NAPA VALLEY TRANSPORTATION AUTHORITY |
| 8 | 057-250-031 | TECHNOLOGY WAY HOLDINGS LLC |
| 9 | 057-250-030 | CHANNEL LUMBER COMPANY INC |
| 10 | 057-250-029 | GATEWAY WINERY LLC |
| 11 | 057-210-059 | COUNTY OF NAPA |
| 12 | 057-210-029 | COUNTY OF NAPA |
| 13 | 057-050-006 | SOUTHERN PACIFIC R/R |

BEING A PORTION
 SEC. 2, T. 4 N., R. 4 W., & A
 PORTION OF SEC. 34 & 35
 T. 5 N., R. 4 W., M.D.B.#M,
 THOMPSON RANCH
 DISTRICT ANNEXATION



1515 FOURTH STREET
 NAPA, CALIF. 94559
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FORM D

For Staff Use

Attachment Two

Date Filed: 3/29/2021

Proposal Name: BF

**PROPOSAL APPLICATION
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 Pre-zoning Standard:
(Required for City Annexations) _____

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:

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis (City annexations require pre-zoning.)

(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:

(Does not include affected landowners or residents)

(1) Recipient Name: _____

Mailing Address: _____

E-Mail: _____

(2) Recipient Name: _____

Mailing Address: _____

E-Mail: _____

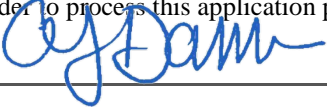
(3) Recipient Name: _____

Mailing Address: _____

E-Mail: _____

VII. CERTIFICATION

I certify the information contained in this application is correct. I acknowledge and agree the Local Agency Formation Commission of Napa County is relying on the accuracy of the information provided in my representations in order to process this application proposal.

Signature:  _____

Printed Name: _____

Title: _____

Date: 03/26/2021

Indemnification Agreement

Name of Proposal (assigned by staff): Somky Ranch 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 _____ 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



Principal Landowner Signature

Print Name

Print Name

Date

03/26/2021
Date

EXHIBIT A
SOMKY RANCH DISTRICT
ANNEXATION TO NAPA SANITATION DISTRICT

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Thence (5) along the east line of said railroad North 27° 05' 17" West 3699.17 feet;

to the beginning of a curve concave to the east having a radius of 2845.00 feet; thence (6) 1092.40 feet along said curve through a central angle of 22° 00' 00";

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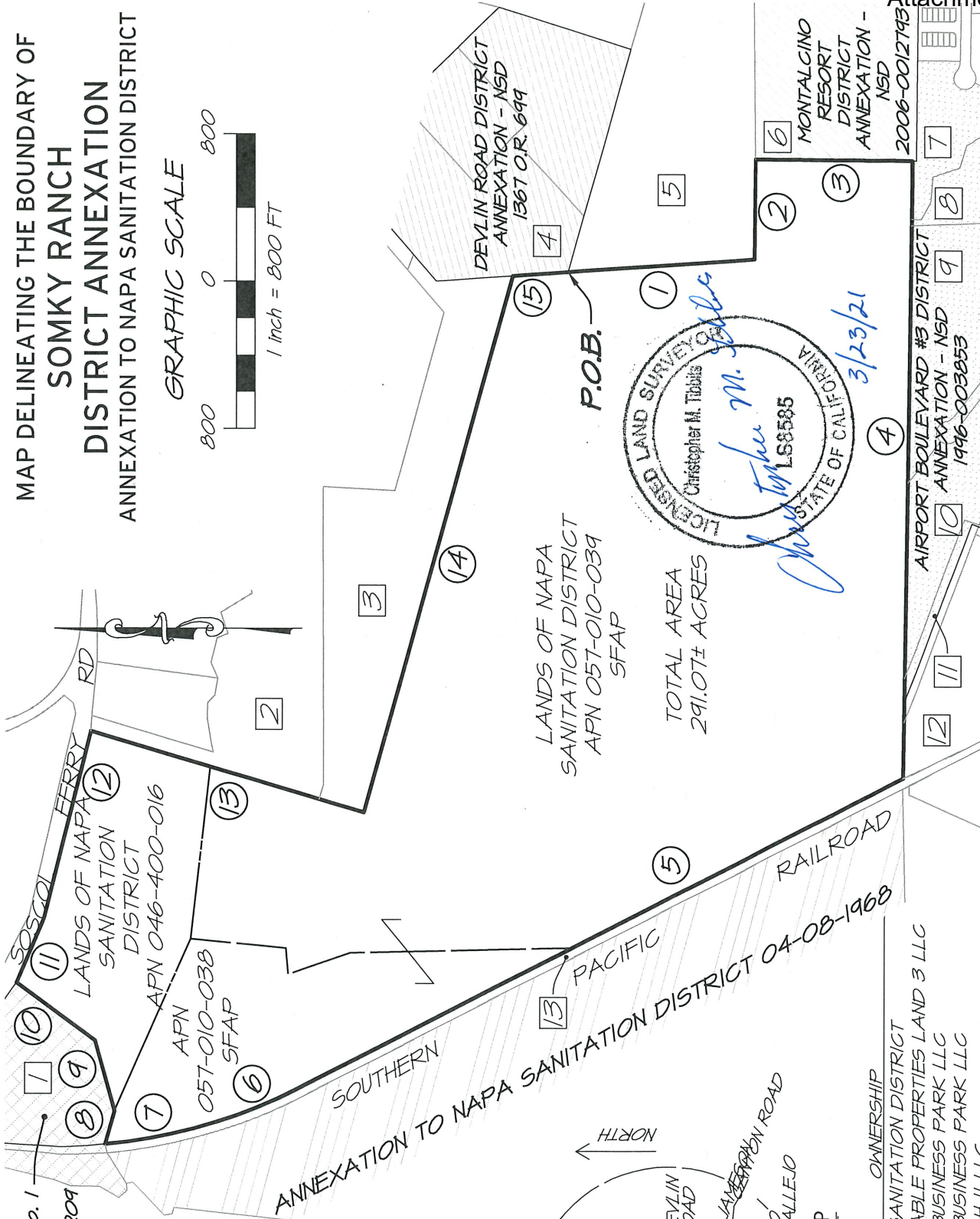
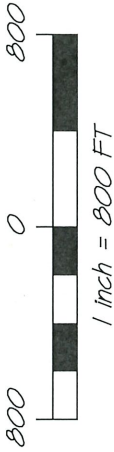
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Containing 291.07 Acres, more or less.



MAP DELINEATING THE BOUNDARY OF
SOMKY RANCH
DISTRICT ANNEXATION
 ANNEXATION TO NAPA SANITATION DISTRICT

GRAPHIC SCALE

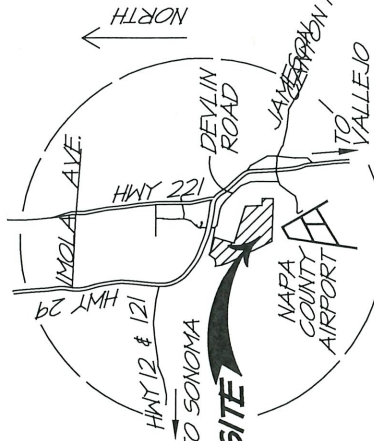


SUSCOL FERRY ROAD No. 1
 ANNEXATION - NSD
 LAFCO RESOLUTION TT-209

No. BEARING & DISTANCE

| | | |
|----|-------------|----------|
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VICINITY MAP

NOT TO SCALE

| No. | APN | OWNERSHIP |
|-----|-------------|--------------------------------------|
| 1 | 046-400-015 | NAPA SANITATION DISTRICT |
| 2 | 057-170-001 | RENEWABLE PROPERTIES LAND 3 LLC |
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| 11 | 057-210-059 | COUNTY OF NAPA |
| 12 | 057-210-029 | COUNTY OF NAPA |
| 13 | 057-050-006 | SOUTHERN PACIFIC RR |

BEING A PORTION
 SEC. 2, T., 4 N., R. 4 W., & A
 PORTION OF SEC. 34 & 35
 T., 5 N., R. 4 W., M.D.B. & M.,
 THOMPSON RANCH
 DISTRICT ANNEXATION



1515 FOURTH STREET
 NAPA, CALIF. 94559
 OFFICE | 707 | 252.3301
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MAR 2021 5280_ANEX_BASE 1 of 1

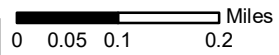
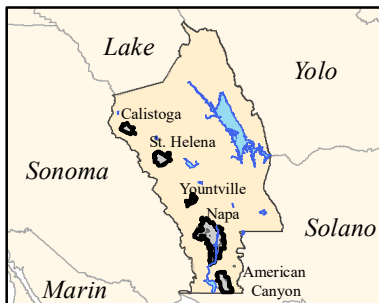
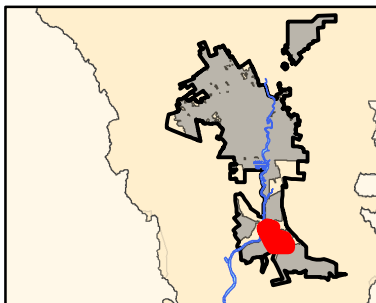
Attachment Three

Somky Ranch Annexation to the Napa Sanitation District



Legend

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



June 7, 2021
Prepared by LAFCO Staff



LAFCO of Napa County
1030 Seminary Street, Suite B
Napa, California 94559
www.napa.lafco.ca.gov



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

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

Somky Ranch 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 to consider boundary changes in context with local policies.

(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 zero. The affected territory is legally uninhabited given there are fewer than 12 registered voters.

The affected territory is approximately 303.5 acres in size, located within unincorporated County of Napa's ("the County") jurisdictional boundary, and has a designation within the County General Plan of *Public Institutional* and a zoning standard of *Public Lands: Airport Compatibility*. The affected territory is currently undeveloped and located West of Soscol Ferry Road, across from the NSD headquarters and treatment facility (no situs addresses). The affected territory will not be developed since it is used for recycled water and conveyance as well as agricultural/beneficial reuse of recycled water and biosolids.

The current assessment value total is \$1,412,143 (land without structures).

Topography is relatively flat with 0 to 5 percent slopes.

The location is within the *Mouth of the Napa River* watershed and *Suscol Creek* drainage basin.

The project for the affected territory will consist of annexation of NSD owned property for the purpose of saving ratepayers the expense of County property tax.

(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.

Approval of the proposed annexation to NSD would not generate new municipal service demands. The purpose of the annexation is to remove District owned facilities and land from the County tax roll. The use of the property will remain the same; recycled water facility and agricultural/beneficial reuse of recycled water and biosolids. Current municipal services provided by the County include fire and police protection. The Commission's *Municipal Service Reviews: Napa Countywide Water and Wastewater adopted in 2020, South County Region adopted in 2018 and Central County Region Municipal Service Review completed in 2014* determined that no service deficiencies for the area were identified.¹

Sewer

Sewer service is not currently provided to the affected territory. In the future, the District may add a small office and restroom for one to two employees. The impact on NSD's sewer system would be negligible.

Water

No potable water is provided to the existing recycled storage and conveyance facility. The facility is located across the road from the NSD headquarters and treatment facility. In the future NSD may construct a small office space for one to two employees which would require minimal potable water. The impact on water service would be negligible.

The City of American Canyon has been identified as the water service provider for the project. The affected territory is located within an area designated for public institution land use. Given its inclusion within American Canyon's extraterritorial water service area (ETSA) as approved by the Commission in 2007, Commission approval is not required to extend water service to the affected territory under G.C. Section 56133.

Fire Protection and Emergency Medical

The affected territory currently receives fire protection and emergency medical service from the County. No additional services are anticipated upon annexation of the existing facilities.

¹ Sources: *Municipal Service Reviews: [Napa Countywide Water and Wastewater adopted in 2020](#), [South County Regional 2018](#) and [Central County Region 2014](#)*

Law Enforcement

The affected territory receives law enforcement services from the County. No additional services are anticipated upon annexation of the affected territory and its existing facilities and use. Information generated from the Commission's municipal service review on the *Comprehensive Study on Countywide Law Enforcement Services (2012)* noted that the County has generally developed sufficient capacities and controls to serve existing and anticipated demands for these services. The municipal service review also notes no service deficiencies within the area surrounding the affected territory.

(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 when the Commission included the affected territory within NSD's SOI in 1975, marking an expectation the site would eventually annex into the District.

(4) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in G.C. Section 56377.

The proposal is consistent with the Commission's adopted policies based on the affected territory's Public/Institutional land use designation and consistency with NSD's SOI. Further, the affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377. The affected territory is not located in an area designated as open space in the County General Plan. Approval would be consistent with planned, orderly, efficient patterns of urban development.

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

The proposal is consistent with the Commission's policies as codified under its General Policy Determinations. This includes consistency with the industrial land use designation for the affected territory under the County General Plan, avoidance of premature conversion of agricultural uses, and consistency with NSD's adopted sphere of influence. One parcel (APN 046-400-016) does have a County land use designation of *Agricultural Watershed: Airport Compatibility (AW:AC)*. The current and future use of the property is consistent with this designation. The parcel is used for agricultural/beneficial reuse of water and biosolids; as well as, harvesting of agricultural products. 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 devoted to open-space use under the County General Plan. Proposal approval would be consistent with planned, orderly, efficient patterns of urban development.

(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 046-400-016, 057-010-038, and 057-010-039. The applicant has submitted a draft map and geographic description of the affected territory that are undergoing review by the County Surveyor to ensure conformance with the requirements of the State Board of Equalization. Approval of the proposal would have no impact with respect to unincorporated islands or corridors of unincorporated territory.

(7) Consistency with a regional transportation plan adopted pursuant to G.C. Section 65080.

The Metropolitan Transportation Commission's current regional transportation plan (RTP) was adopted in 2017 and is titled *Plan Bay Area 2040*. The RTP outlines specific goals and objectives to direct public transportation infrastructure in the San Francisco Bay Area through 2040.² 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 proposed annexation of NSD owned treatment property would not change the existing County General and Specific plans. The current and continued use of the property is consistent the County General Plan, which assigns an *Public Lands: Airport Compatibility (PL:AC)* and *Airport Compatibility: Agricultural Watershed (AC:AW)* land use designation for the affected territory.

(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 last comprehensively updated by the Commission in 2015. Therefore, no additional Commission action is required.

(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

² *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. It is important to note the Metropolitan Transportation Commission and the Association of Bay Area Governments are currently updating the RTP. It is anticipated a draft environmental impact report for *Plan Bay Area 2050* will be released in Spring 2021.

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 *Napa Countywide Water and Wastewater Municipal Service Review* completed in 2020 concluded NSD has developed overall adequate financial resources and controls relative to current and projected service commitments. The proposed annexation of NSD owned property would not increase service provision. Removing the property from the County tax roll would provide financial benefits to NSD.

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

The affected territory is not located in a groundwater deficient area. No potable water is provided to the existing recycled storage and conveyance facility. The facility is located across the road from the NSD headquarters and treatment facility. In the future NSD may construct a small office space for one to two employees which would require minimal potable water. The impact on water service would be negligible.

The City of American Canyon has been identified as the water service provider for the project. The affected territory is located within an area designated for public institution land use. The property is located in American Canyon's extraterritorial water service area (ETSA) as approved by the Commission in 2007, Commission approval is not required to extend water service to the affected territory under G.C. Section 56133.

(13) The 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 proposal will not facilitate the development of housing units given that the affected territory is designated for a non-residential land use and is already used for recycled water storage and conveyance, as well as, agricultural/beneficial reuse of recycled water and biosolids.

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

NSD is the owner of the affected territory and proposed the 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 *Public Institutional*. Specific zoning further refines the type of land use as *Public Lands: Airport Compatibility (PL:AC)* and *Agricultural Watershed: Airport Compatibility (AW:AC)*. These designations allow for areas where public lands appropriately provide government services to the general public.

(16) The extent to which the proposal will promote environmental justice. As used in this

subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.

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.

The affected territory is not located in a High Fire Hazard Severity (SRA) zone. The affected territory is included in a FEMA flood zone.

(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 present and future inhabitants within NSD since the annexation would result in financial savings to the District and its ratepayers.