



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
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www.napa.lafco.ca.gov

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

Agenda Item 7c

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Analyst

MEETING DATE: December 1, 2014

SUBJECT: Mallard Court No. 1 Reorganization and California Environmental Quality Act (CEQA) findings.

RECOMMENDATION

Adopt the resolution (Attachment One) making CEQA findings and approving the reorganization involving the annexation of 52 Mallard Court to the City of Napa and concurrently detaching the land from County Service Area (CSA) No. 4. Standard approval conditions are included in the resolution.

SUMMARY

The Commission has received a proposal from a landowner requesting the annexation of an approximate 0.2 acre unincorporated parcel located at 52 Mallard Court to the City of Napa. The subject parcel is developed with two single-family residential structures consistent with its residential infill development designation under the City Zoning Ordinance. The subject parcel is located within an unincorporated island and thus is inside the City's sphere of influence. The County Assessor identifies the parcel as 046-142-006. The purpose of the proposed annexation is to allow the existing residential structures to connect to the City's public water distribution system.

ANALYSIS

California Government Code Section 56668: Factors to be Considered

Staff has undertaken a review of all factors to be considered and found the proposal to be consistent with State legislature and local policy (included as Attachment Two).

Island Annexation

In May 2012, the Commission directed staff to proactively pursue opportunities to annex the 20 unincorporated islands in the City of Napa. Staff circulated informational letters and flyers to each landowner and resident within all 20 islands seeking feedback on their potential level of interest in being part of a future annexation proposal. Two of the three remaining landowners within the island expressed either written or verbal opposition to being included in a future annexation proposal. Recent correspondence with these neighbors has confirmed they remain opposed and would not consent to joining the annexation proposal. Therefore, expanding the annexation boundary to include the entire unincorporated island is not recommended.

Joan Bennett, Vice Chair
Councilmember, City of American Canyon

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County of Napa Supervisor, 1st District

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County of Napa Supervisor, 2nd District

Laura Snideman
Executive Officer

Detach from County Service Area No. 4

Commission policy requires all annexations to cities be reorganized to include concurrent detachment from CSA No. 4 unless waived based on special circumstances. The prescribed waiver applies when it has been determined that the affected territory has been, or is expected to be, developed to include planted vineyards totaling one acre or more in size. The subject lot comprising the affected territory is currently developed with two single-family residences and the landowner's stated intent is to retain existing land uses. These factors substantiate there is no existing or expected tie between the affected territory and CSA No. 4's role in providing public farmworker housing services in Napa County.

Protest Proceedings

Protest proceedings shall be waived in accordance with G.C. Section 56662(a) given that the affected territory is uninhabited, all landowners have provided their written consent, and no written opposition to a waiver of protest proceedings has been received by an affected agency.

CEQA

The Commission serves as lead agency for the annexation as it relates to complying with the provisions of CEQA. Staff has determined the annexation is a "project" subject to CEQA and has reviewed available exemptions for applicability. The annexation is categorically exempt from further environmental review under Title 14, California Code of Regulations Section 15319(a). This code section exempts annexations of areas containing existing structures developed to their maximum allowable density. 52 Mallard Court is already fully developed under both the City and County's General Plan and zoning designations.

ATTACHMENTS

- 1) Resolution of the Local Agency Formation Commission of Napa County Making Determinations
- 2) Proposal Consistency with Government Code Section 56668
- 3) Application Materials

RESOLUTION NO. ____**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MAKING DETERMINATIONS****PROPOSED ANNEXATION OF 52 MALLARD COURT TO THE CITY OF NAPA**

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 0.2 acres of unincorporated land to the City of Napa and represents one entire parcel located at 52 Mallard Court and identified by the County of Napa Assessor’s Office as 046-142-006; 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 December 1, 2014; and

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 and adopted local policies and procedures; and

WHEREAS, the Commission found the proposal consistent with the sphere of influence established for the City of Napa; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission serves as lead agency for the annexation and has determined the annexation is a “project” subject to CEQA.

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

1. The Commission’s determinations on the proposal incorporate the information and analysis provided in the Executive Officer’s written report.
2. The Commission serves as lead agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). The Commission has determined that the proposed annexation qualifies for a Class 19 categorical exemption under CEQA given that 52 Mallard Court is already substantially developed and could not be further developed following annexation. These environmental findings are based on the Commission’s independent judgment and analysis. The records upon which these findings are made are located at the Commission office at 1030 Seminary Street, Suite B, Napa, California 94559.

3. The proposal is APPROVED with the following amendment subject to completion of item number 10 below:
 - a) The affected territory is concurrently detached from County Service Area No. 4.
4. The proposal is assigned the following distinctive short-term designation:

MALLARD COURT NO. 1 REORGANIZATION

5. The affected territory is depicted in the vicinity map provided in Exhibit "A".
6. The affected territory is uninhabited as defined in Government Code Section 56046.
7. The City of Napa utilizes the regular assessment roll of the County of Napa.
8. Upon effective date of the proposal, the affected territory will be subject to all previously authorized charges, fees, assessments, and taxes that were lawfully enacted by the City of Napa. The affected territory will also be subject to all of the rates, rules, regulations, and ordinances of the City of Napa.
9. The Commission authorizes conducting authority proceedings to be waived in accordance with Government Code Section 56662(a).
10. Recordation of a Certificate of Completion is contingent upon the satisfaction of the following conditions as determined by the Executive Officer:
 - (a) A map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization for annexation of the affected territory to the City of Napa.
11. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be filed within one calendar year from the date of approval unless a time extension is approved by the Commission.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on the December 1, 2014, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSTAIN: Commissioners

ABSENT: Commissioners

ATTEST: Kathy Mabry
Commission Secretary

EXHIBIT "A"
Mallard Court No. 1 Reorganization
Annexation to the City of Napa
Detachment from County Service Area No. 4

All that real property situate in a portion of Tulucay Rancho, County of Napa, State of California described as follows:

Beginning at the north end of the 392.25 feet long west line of the Saratoga Avenue / Terrace Drive Annexation District as shown in the map entitled "Map Delineating the Boundary of Saratoga Avenue / Terrace Dr." Recorded March 04, 2003, in Series Number 2003-0011346, Napa County Records;

Thence, (1) South 0° 30' 51" West 78.75 Feet along existing district boundary;

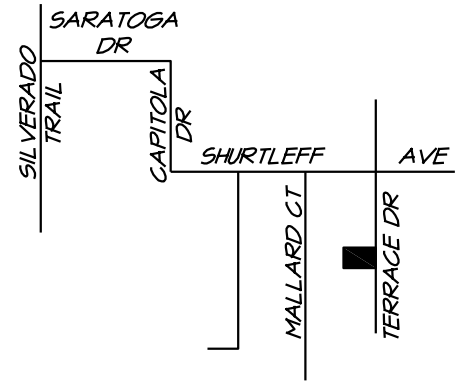
Thence, (2) North 89° 38' 47" West 125.00 Feet;

Thence, (3) North 0° 30' 51" East 78.75 Feet to the south line of existing district boundary;

Thence, (4) South 89° 38' 47" East 125.00 Feet along existing district boundary to the **Point of Beginning**.

Containing 0.23 Acres of land, more or less.

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



VICINITY MAP
NO SCALE

- ① SOUTH 00° 30' 51" WEST
78.75 FEET
- ② NORTH 89° 38' 47" WEST
125.00 FEET
- ③ NORTH 00° 30' 51" EAST
78.75 FEET
- ④ SOUTH 89° 38' 47" EAST
125.00 FEET

LEGEND

- ② COURSE NUMBER
- P.O.B. POINT ON BEGINNING
- EXISTING CITY BOUNDARY
- PROPOSED ANNEXATION TO CITY OF NAPA

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

MAP DELINEATING THE BOUNDARY OF
MALLARD COURT NO. 1 REORGANIZATION
ANNEXATION TO THE CITY OF NAPA
AND DETACHMENT FROM COUNTY SERVICE AREA NO. 4
CONTAINING APPROXIMATELY 0.23 ACRES
BEING A PORTION OF TULUCAY RANCHO, CITY OF NAPA



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ATTACHMENT TWO

Mallard Court No. 1 Reorganization:
 Proposal Consistency with Government Code §56668

Factor to be Considered	Policy/Statute Consistency
<p>§56668(a): Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, during the next 10 years.</p>	<p>Current and maximum future population is estimated at three given that the subject parcel is already entirely developed with two single-family residences. The City of Napa assigns a single family infill General Plan designation and residential infill rezoning assignment for the parcel. The subject parcel is located within an entirely surrounded unincorporated island. All adjacent incorporated areas are already developed. All adjacent unincorporated areas are part of the island, the majority of which could potentially be further developed if annexed to the City in the future.</p>
<p>§56668(b): 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.</p>	<p>The affected territory is currently developed with two occupied single-family residences. Core municipal services needed within the affected territory based on its residential land use is limited to water from the City of Napa. Annexation of the affected territory would not reduce existing service levels or impact existing ratepayers. No service deficiencies for the area were identified in the Commission's recent Central County Region Municipal Service Review.</p>
<p>§56668(c): The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.</p>	<p>The proposal would have an advantageous effect in memorializing existing social and economic ties between the affected territory and the City. These ties are drawn from the affected territory's inclusion in the sphere of influence adopted for the City; inclusion approved by the Commission in 1972 and marking an expectation the site should eventually develop for urban uses under the City's land use and service authority.</p>

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 Executive Officer

<p>§56668(d): 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. §56377.</p>	<p>The proposal is consistent with the Commission’s General Policy Determinations. This includes consistency with the industrial land use designation for the affected territory, avoidance of premature conversion of agricultural uses, and consistency with Napa’s sphere of influence. The affected territory does not qualify as “open-space” under LAFCO law and therefore does not conflict with G.C. Section 56377.</p>
<p>§56668(e): The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. §56016.</p>	<p>Proposal will have no effect given that the affected territory does not qualify as “agricultural land” under LAFCO law.</p>
<p>§56668(f): 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.</p>	<p>The proposal includes all of the property identified by the County of Napa Assessor’s Office as 046-142-006.</p>
<p>§56668(g): Consistency with the city or county general plans, specific plans, and adopted regional transportation plan.</p>	<p>Consistent with its residential City and County General Plan designation, residential City and County zoning assignments, and regional transportation plans.</p>
<p>§56668(h): The sphere of influence of any local agency affected by the proposal.</p>	<p>The affected territory is located within Napa’s sphere of influence.</p>
<p>§56668(i): The comments of any affected local agency or other public agency.</p>	<p>No comments received.</p>
<p>§56668(j): The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.</p>	<p>Napa has provided assurances it can adequately serve the affected territory without impacting existing ratepayers.</p>
<p>§56668(k): Timely availability of water supplies adequate for projected needs as specified in G.C. §65352.5.</p>	<p>The City has adequate water supplies relative to recent and projected future annual demands to serve its existing service areas as well as the subject parcel upon its annexation.</p>
<p>§56668(l): The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.</p>	<p>Annexation would have no impact on the City in terms of achieving its fair share of regional housing needs given that the subject parcel is already fully developed.</p>

§56668(m): Any information or comments from the landowner or owners, voters, or residents of the affected territory.	The landowner is the petitioner seeking the annexation. Napa has provided written support for the annexation.
§56668(n): Any information relating to existing land use designations.	City General Plan: <i>Single Family Infill – 171</i> City Prezoning: <i>Residential Infill – 5</i>
§56668(o): The extent to which the proposal will promote environmental justice.	No impact.
Napa LAFCO Adopted Policies on Annexations Involving Cities	Consistent.

FORM B

Date Filed:

10/13/14

Received By:

BF

PETITION FOR PROPOSAL

For Filing with the Local Agency Formation Commission of Napa County

A proposal for a change of organization made by a landowner or registered voter shall be initiated by petition. The petition shall state the nature of the proposal and all associated proposed changes of organization. It shall also state the reason for the proposal and enumerate and include supporting information as required under Government Code Section 56700. The petition must be submitted to the Executive Officer for filing within 60 days after the last signature is affixed. Applicants are encouraged to use this form.

Nature of Proposal and All Associated Changes of Organization:

To annex to city water

Description of Boundaries of Affected Territory Accompanied by Map:

Map and description to be prepared by RSA

Reason for Proposal and Any Proposed Conditions:

Connect to City water, no conditions proposed

Type of Petition:



Landowner



Registered Voter

Sphere of Influence Consistency:



Yes



No

If Landowner Petition, Complete the Following:

1) Name: Chris Kuhn
Mailing Address: 52 Malbard Ct. Napa Ca 94559
Assessor Parcel: 046-142-07006
Signature: Chris Kuhn Date: 10.2.14

2) Name: _____
Mailing Address: _____
Assessor Parcel: _____
Signature: _____ Date: _____

3) Name: _____
Mailing Address: _____
Assessor Parcel: _____
Signature: _____ Date: _____

If Registered Voter Petition, Complete the Following:

1) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____

2) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____

3) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____

FORM D

Date Filed: 10/13/14
Received By: BF

JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Chris Kuhn
Contact Person Agency/Business (If Applicable)
Address: 52 Mallard Ct. Napa Ca. 94559
Street Number Street Name City Zip Code
Contact: 224-6229 cell 260-9320 n/A
Phone Number Facsimile Number E-Mail Address

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

II. PROPOSAL DESCRIPTION

A. Affected Agencies: City of Napa 955 School Street, Napa, CA 94559
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)
Annexation is needed to connect to City water for fire sprinklers

III. GENERAL INFORMATION

A. Location:

Street Address	Assessor Parcel Number	Acres
52 Mallard Ct. Napa Ca. 94559	046-142-07006	1/4 acre. (0.23 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 : 046-142-07006 Name Chris Kuhn
Mailing Address: 52 Mallard Ct. Napa Ca. 94559
Phone Number: Home 224-6229 E-mail: n/A
cell 260-9320
(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: 3
(2) Total Number of Registered Voters: 2

D. Land Use Factors:

- (1a) County General Plan Designation: Cities
- (1b) County Zoning Standard: RS:UR
- (2a) Applicable City General Plan Designation: SFI-171
- (2b) Applicable City Rezoning Standard: Residential Infill

E. Existing Land Uses:
(Specific)

2 residential structures

F. Development Plans:

- (1a) Territory Subject to a Development Project? Yes No
- (1b) If Yes, Describe Project: n/a

- (1c) If No, When Is Development Anticipated? conversion of existing space near completion

G. Physical Characteristics:

- (1) Describe Topography: Flat - surrounded by existing residential - some hills in area.

- (2) Describe Any Natural Boundaries: 4 parcels so. a creek

- (3) Describe Soil Composition and Any Drainage Basins: No ag lands, no water bodies; drainage basins constr

- (4) Describe Vegetation: 3 small redwood trees some landscaping.

with subdivision across street

H. Williamson Act Contracts
(Check One)

Yes

No

Blank

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

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

water -
existing sewer connection.

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

city water for residential use.

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

asap

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

none/minimal

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

personally financed.

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

(1) Lead Agency for Proposal:

LAFCO

Name

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

Environmental Impact Report

Negative Declaration/Mitigated Negative Declaration

Categorical/Statutory Exemption:

Class 19: annexation of existing facilities
Type developed to allowable extent

None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

n/a

Use Additional Sheets As Needed

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

(Does not include affected landowners or residents)

(1) Recipient Name:

Chris Fuhn

Mailing Address:

52 Mallard Ct. Napa Ca. 94559

E-Mail:

none ph. 224-6229 cell 200-9320

(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: Chris Kuhn
Printed Name: Chris Kuhn
Title: Land Owner
Date: 10.2.14

Indemnification Agreement

Name of Proposal: Mallard Court No. 1 Annexation to the City of Napa

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 Chris Kuhn 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.

~~_____
City Representative~~

~~_____
Print Name~~

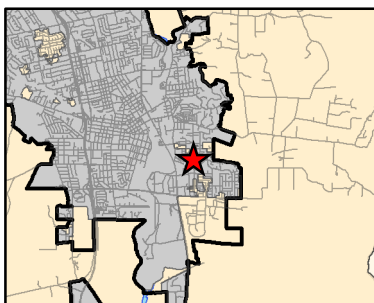
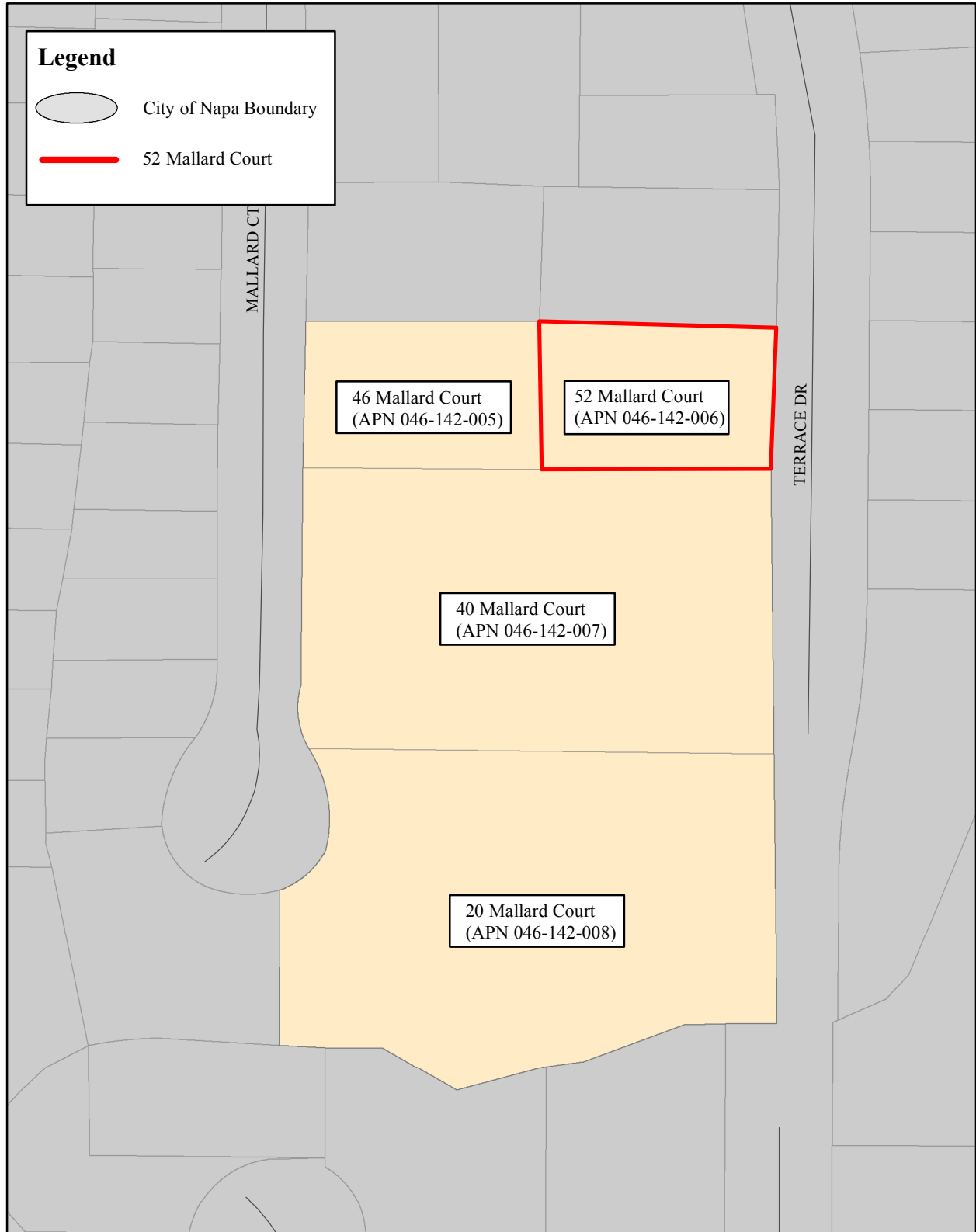
~~_____
Date~~

Chris Kuhn
Principal Landowner Signature

Chris Kuhn
Print Name

10.2.14
Date

Mallard Court No. 1 Annexation to the City of Napa



Not to Scale
October 13, 2014
Prepared by BF



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