



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

1754 Second Street, Suite C
Napa, California 94559
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www.napa.lafco.ca.gov

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

Agenda Item 7a (Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer BF
Dawn Mittleman Longoria, Analyst II/Interim Clerk DML
MEETING DATE: October 3, 2022
SUBJECT: Proposed Penny Lane No. 5 Reorganization and Associated CEQA Findings

RECOMMENDATION

Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Penny Lane No. 5 Reorganization (Attachment One) making California Environmental Quality Act (CEQA) findings and approving the proposed reorganization for annexation to the City of Napa (“City”) and detachment from County Service Area (CSA) No. 4. Standard conditions are also recommended.

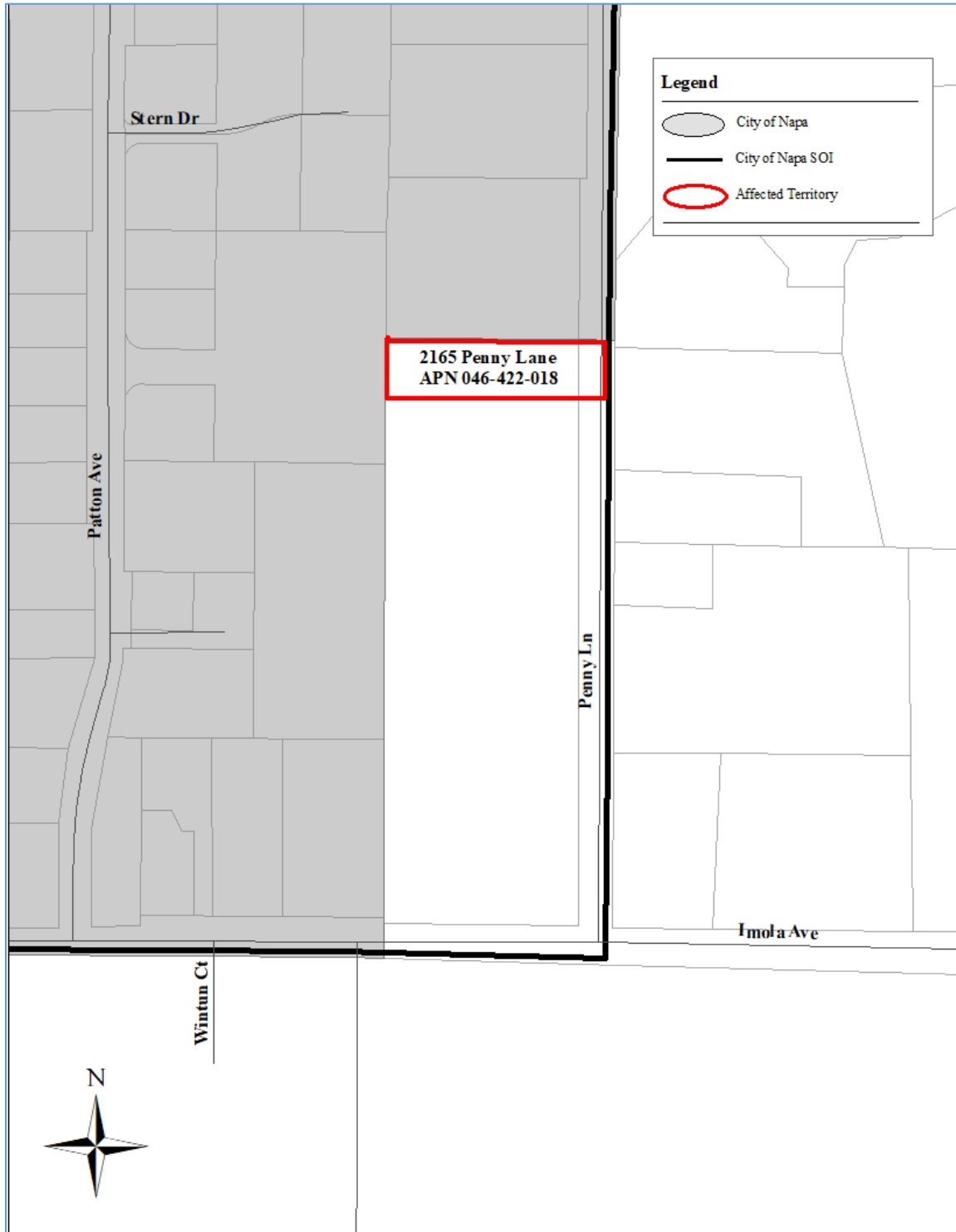
BACKGROUND AND SUMMARY

Applicant: Landowner (petition)
Proposed Actions: Annexation to the City and detachment from CSA No. 4
Assessor Parcel Number: 046-422-018
Location: 2165 Penny Lane and adjacent portion of public right-of-way
Area Size: 0.37 acres
Jurisdiction: Unincorporated
Sphere of Influence Consistency: Yes
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Exempt
Current Land Uses: Residential
Purpose: Permanent connection to water service
Development Plans: None at this time
Application: Attachment Two
Maps of Affected Territory: Following pages

Margie Mohler, Chair
Councilmember, Town of Yountville
Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon
Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District
Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District
Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
Representative of the General Public
Eve Kahn, Alternate Commissioner
Representative of the General Public
Brendon Freeman
Executive Officer





DISCUSSION

Policy on Concurrent Detachment from CSA No. 4

The affected territory is located in CSA No. 4's jurisdictional boundary.¹ Local policy requires that all annexations to a city also include concurrent detachment from CSA No. 4 unless the affected territory contains, or is expected to contain, vineyards totaling one acre or more. Detaching the affected territory from CSA No. 4 is appropriate.

Factors for Commission Determinations

Mandated Factors: Attachment Three²

Property Tax Agreement

Master Property Tax Agreement: The City shall receive 55% of the County's existing portion of property tax revenues generated from the affected territory.³

Protest Proceedings

Waived: Legally uninhabited with 100% consent of property owners⁴

ENVIRONMENTAL REVIEW

Exemptions:

1. Installation of new pipeline less than one mile⁵
 - a. Current and future residential units would connect via water main and/or laterals from existing water main
2. Existing structures developed to density allowed in current zoning⁶
 - a. Any future development would require review and approval by the City

ATTACHMENTS

- 1) Draft Resolution Approving the Modified Proposal and Making CEQA Findings
- 2) Application Materials
- 3) Factors for Commission Determinations

¹ The intent and function of CSA No. 4 is to sponsor a voter-approved special assessment on all parcels in its jurisdiction containing one acre or more of vineyards to fund farmworker housing services.

² California Government Code section 56668

³ CSA No. 4 was formed after Proposition 13 and therefore not eligible for property tax revenues.

⁴ California Government Code section 56662(a): fewer than 12 registered voters

⁵ CEQA Guidelines section 15282(k)

⁶ CEQA Guidelines section 15319

RESOLUTION NO. ____

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

PENNY LANE NO. 5 REORGANIZATION

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

WHEREAS, the proposal seeks Commission approval to annex 0.37 acres of unincorporated land to the City of Napa along with concurrent detachment from County Service Area No. 4 and represents one entire parcel located at 2165 Penny Lane and identified by the County Assessor’s Office as 046-422-018 along with the adjacent portion of public right-of-way on Penny Lane; 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 October 3, 2022; 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, the Commission determined to its satisfaction that all owners of land included in said proposal consent to the subject annexation; and

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, FIND, 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 underlying activity, annexation of the affected territory, is exempt from further review pursuant to CEQA Guidelines Section 15282(k), which exempts the installation of new pipeline as long as the project does not exceed one mile in length. The proposed annexation also qualifies for the statutory exemption from further review under CEQA Guidelines Section 15319, which exempts annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or rezoning of either the gaining or losing environmental agency, whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. The records upon which these findings are made are located at the Commission's administrative office located at 1754 Second Street, Suite C, Napa, California 94559.
3. The proposal is APPROVED subject to completion of item number 10 below.
4. The proposal is assigned the following distinctive short-term designation:

PENNY LANE NO. 5 REORGANIZATION

5. The affected territory is depicted in the attached vicinity map and more precisely described 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 waives conducting authority proceedings in accordance with Government Code section 56662(a).
10. Recordation is contingent upon receipt by the Executive Officer of all outstanding Commission fees.
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.

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 public meeting held on October 3, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Dawn Mittleman Longoria
Interim Commission Clerk

DRAFT

EXHIBIT "A"
PENNY LANE NO. 5 REORGANIZATION
ANNEXATION TO THE CITY OF NAPA AND DETACHMENT AND DETACHMENT FROM COUNTY
SERVICE AREA NO. 4

GEOGRAPHIC DESCRIPTION

All that real property situate in portions of Tulocay Rancho, in the County of Napa, State of California described as follows:

BEGINNING at a point on the easterly right of way line of Penny Lane, said point also being at the Southeast corner of an existing Penny Lane No. 4 Annexation District to the City of Napa, per Resolution No. 2017-05, recorded on 9-06-2017 in Document No. 2017-0020143 more particularly described as follows:

Course 1: thence from said Point of Beginning and along said easterly right of way line of Penny Lane, South, 61.00 feet;

Course 2: thence; West, 266.88 feet; to a point on the easterly boundary of the Patton Avenue and Stern Drive Annexation No.2;

Course 3: thence along said Patton Avenue / Stern Drive, Annexation No.2 to the southwest corner of said Penny Lane No. 4 Annexation; North, 61.00 feet;

Course 4: thence along the southerly line of said Penny Lane No. 4 Annexation; East 265.18 feet to the POINT OF BEGINNING,

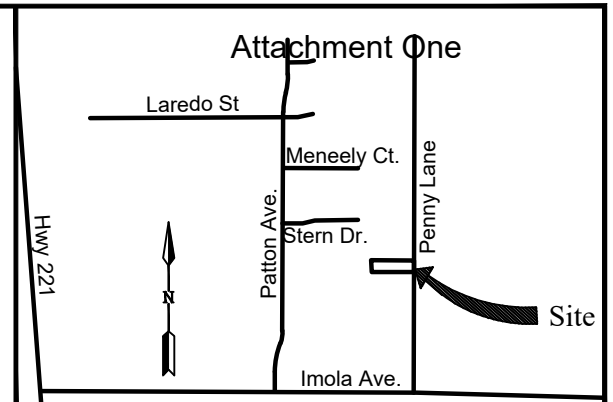
Containing 16,280 Square Feet, more or less.

For assessment purposes only. This description of land is not a legal property description as defined the Professional land Surveyor's Act and may not be used as the basis for an offer for sale of the land described herein.

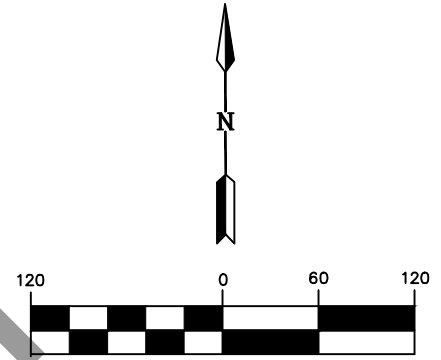
FINAL

DISCLAIMER:

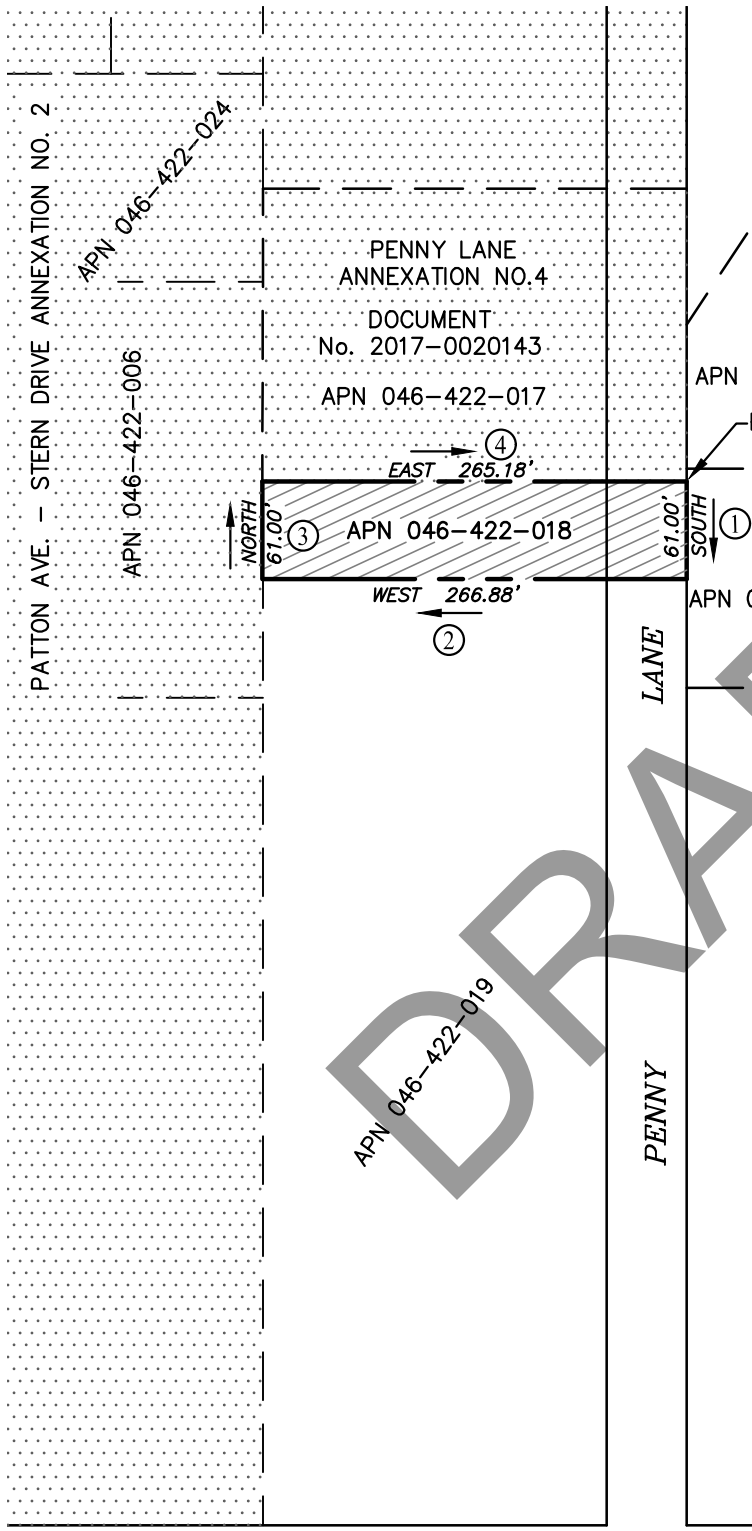
THIS EXHIBIT IS FOR ASSESSMENT PURPOSES ONLY AND MAY NOT BE USED AS THE BASIS FOR A SALE OF THE LAND SHOWN HERON.



VICINITY MAP
NO SCALE



(IN FEET)
1 inch = 120 ft.
GRAPHIC SCALE



LEGEND

- EXISTING NAPA CITY BOUNDARY
- PROPOSED AREA TO BE ANNEXED (16,280±SF)

- P.O.B. POINT OF BEGINNING
- ① COURSE NUMBER

APPLICANTS

Ronald Sheffer & RAE J TRUST
2165 PENNY LANE
NAPA, CA 94559

THE EFFECTED TERRITORY IS SHOWN ON THE MAP AND DESCRIBED IN THE GEOGRAPHIC DESCRIPTION IN THE ATTACHED EXHIBIT "A"

EXHIBIT "A"

**PENNY LANE NO. 5 REORGANIZATION
ANNEXATION TO THE CITY OF NAPA AND
DETACHMENT FROM COUNTY SERVICE**

**AREA NO. 4
BEING A PORTION OF TULOCAY RANCHO**

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CHAUDHARY & ASSOCIATES, INC.
ENGINEERS SURVEYORS INSPECTORS

211 GATEWAY ROAD WEST, SUITE 204
NAPA, CALIFORNIA 94558
Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM

FINAL

FORM D

Date Filed: 8/16/22
Proposal Name: Penny Lane #5

PROPOSAL APPLICATION
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Ron Sheldor
Contact Person Agency/Business (If Applicable)
Address: 2165 Penny Ln. Napa 94559
Street Number Street Name City Zip Code
Contact: 707-266-8799 rsheldor@aol.com
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
Name Address
County Service Area No. 4
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)
Annex to the City of Napa to receive
public water service ~~substant~~
~~substant~~

III. GENERAL INFORMATION

A. Location: 2165 Penny Lane 046-422-018 0.33
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) Approx. 0.40

B. Landowners:

(1) Assessor Parcel Number : 046-422-018 Name: Ron Shetler
Mailing Address: 2145 Penny Ln. Napo CA 94559
Phone Number: 707-266-8799 E-mail: rshetler@aol.com

(2) Assessor Parcel Number : ~~046-422-018~~ 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
(2) Total Number of Registered Voters: 2

D. Land Use Factors:

- (1a) County General Plan Designation: AWOS
- (1b) County Zoning Standard: RS:UR
- (2a) Applicable City General Plan Designation: SFR-179
- (2b) Applicable City Pre-zoning Standard:
(Required for City Annexations) RS 7

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

One residence and detached garage

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? Not anticipated

G. Physical Characteristics:

(1) Describe Topography: 2 to 5 % slopes

(2) Describe Any Natural Boundaries: None

(3) Describe Soil Composition and Any Drainage Basins: Soil: Coombs gravelly loam
drainage: Cayetano Creek

(4) Describe Vegetation: Monterey trees, peach tree, walnut tree,
apricot tree

**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:

City water

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

Residential use

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

Immediately upon annexation

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

Connect to existing water line

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

By landowners

V. ENVIRONMENTAL INFORMATION

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

(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: Categorical exemption 15319 and
Type statutory exemption 15282(k)

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: _____

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: _____

Ron Shelton

Printed Name: _____

Ron Shelton

Title: _____

Date: _____

Aug 16, 2022

FACTORS FOR COMMISSION CONSIDERATION

Government Code §56668 requires the review of a proposal to include the following factors:

FACTOR TO CONSIDER	COMMENT
1. Population and density [§56668(a)]	Consistent: Population two (legally uninhabited)
2. Land area and land use [§56668(a)]	Consistent: 0.37 acres, single-family residence Jurisdiction: unincorporated County, included in City's <i>Terrace/Shurtleff</i> Planning Area
3. Assessed valuation [§56668(a)]	Consistent: Land: \$126,610 Structural improvements: \$158,269
4. Topography, natural boundaries and drainage basins [§56668(a)]	Consistent: Relatively flat: 2 to 5 percent slopes Drainage basin: <i>Cayetano Creek</i>
5. Proximity to other populated areas [§56668(a)]	Consistent: Adjacent lands to north and west are in the City and developed with residential uses. Adjacent lands to east and south are unincorporated and developed with, or planned for, rural residential uses.
6. Likelihood of significant growth in the area, adjacent areas during next 10 years [§56668(a)]	Consistent: City General Plan designation and zoning could allow up to two total residential lots within affected territory. No development plans at this time. Adjacent areas are planned for low density residential development.
7. Need for government services [§56668(b)]	Consistent: Existing City services provided at adequate levels: Sewer, fire and emergency protection, law enforcement Additional service: Connection to water to reduce dependence on private well
8. Government services present cost, adequacy and controls in area [§56668(b)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21

<p>9. Government services probable future needs and controls in area [§56668(b)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>10. Government services effect of proposal on cost, adequacy and controls in area and adjacent areas [§56668(b)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>11. Effects on adjacent areas, on mutual social and economic interests, and on local governmental structure in the County [§56668(c)]</p>	<p>Consistent: Area included in City's SOI since 1975</p>
<p>12. Effects on planned efficient patterns of urban development [§56668(d)]</p>	<p>Consistent: City General Plan land use designation: <i>SFR-179 (Single Family Residential, 2 to 7 lots per acre)</i></p>
<p>13. Effects on maintaining physical and economic integrity of agricultural lands [§56668(e)]</p>	<p>Consistent: Within City RUL, not designated for agricultural or open space use</p>
<p>14. Boundaries: logical, contiguous, not difficult to serve, definite and certain [§56668(f)]</p>	<p>Consistent: Located within City's SOI and RUL, water service infrastructure located near</p>
<p>15. Conformance to lines of assessment, ownership [§56668(f)]</p>	<p>Consistent: One parcel identified as APN 046-422-018 along with the adjacent portion of public right-of-way</p>
<p>16. Creation of islands, corridors, irregular boundaries [§56668(f)]</p>	<p>Consistent: Would reduce the size of an existing pocket of territory surrounded on two sides by the City's boundary</p>
<p>17. Consistency with regional transportation plan [§56668(g)]</p>	<p>Consistent: No specific projects in regional transportation plan (RTP), <i>Plan Bay Area 2050</i></p>

<p>18. Consistency with city or county general and specific plans [§56668(h)]</p>	<p>Consistent: City General Plan designation: <i>SFR-179 (Single Family Residential, 2 to 7 lots per acre)</i> City Zoning: <i>RS-7 (Single Family Residential, minimum lot size 7,000 sq. ft.)</i></p>
<p>19. Consistency with spheres of influence [§56668(i)]</p>	<p>Consistent: Within City's SOI since 1975</p>
<p>20. Comments from affected agencies and other public agencies [§56668(j)]</p>	<p>Consistent: No comments received</p>
<p>21. Ability of agency to provide service including sufficiency of revenues [§56668(k)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>22. Timely availability of adequate water supply [§56668(l)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>23. Fair share of regional housing needs [§56668(m)]</p>	<p>Consistent: Neutral</p>
<p>24. Information or comments from landowners, voters, or residents in proposal area [§56668(n)]</p>	<p>Consistent: 100% consent of landowners</p>
<p>25. Existing land use designations [§56668(o)]</p>	<p>Consistent: City General Plan designation: <i>SFR-179 (Single Family Residential, 2 to 7 lots per acre)</i> City Zoning: <i>RS-7 (Single Family Residential, minimum lot size 7,000 sq. ft.)</i></p>
<p>26. Effect on environmental justice [§56668(p)]</p>	<p>Consistent: No documentation or evidence suggesting the proposal will have any implication</p>
<p>27. Safety Element of GP concerns; identified as very high fire hazard zone [§56668(q)]</p>	<p>Consistent: Not located in a high fire hazard zone or a state responsibility area</p>