



**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  
Fax: (707) 251-1053  
www.napa.lafco.ca.gov

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

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**October 7, 2013**  
**Agenda Item No. 7a (Action)**

September 30, 2013

**TO:** Local Agency Formation Commission

**FROM:** Peter Banning, Acting Executive Officer  
Brendon Freeman, Analyst

**SUBJECT: Proposed Annexation of 820 Levitin Way to the City of Napa**

The Commission will consider a proposal filed by the City of Napa to annex approximately 19.0 unincorporated acres comprising six municipally owned lots and a private driveway located at 820 Levitin Way. Staff recommends approval of the proposal with an amendment to concurrently detach the affected territory from County Service Area No. 4 along with standard conditions.

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Local Agency Formation Commissions (LAFCOs) are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to regulate the formation and development of local governmental agencies and their municipal service areas. This includes approving or disapproving proposed changes of organization, such as boundary changes, consistent with adopted policies and procedures. Two or more of these actions tied to a single proposal are referred to as reorganizations. LAFCOs are authorized to exercise broad discretion in amending and conditioning changes of organization or reorganizations as long as such actions do not directly regulate land use or subdivision requirements.

**A. Background**

LAFCO of Napa County (“Commission”) has received a proposal from the City of Napa to annex approximately 19.0 acres comprising six entire unincorporated lots (18.6 acres) along with a private driveway (0.4 acres) located within an industrially developed area of south Napa County at 820 Levitin Way. Existing uses on the subject lots are dedicated to Napa’s materials diversion facility, which has been in operation at this location since 1994. The subject lots lie outside Napa’s adopted sphere of influence and are identified by the County of Napa Assessor’s Office as 057-110-049, 057-110-052, 057-110-065, 057-110-066, 057-110-067, and 057-110-068. The subject lots and private driveway are hereafter referred to as the “affected territory.”

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Joan Bennett, Commissioner  
Councilmember, City of American Canyon

Greg Pitts, Commissioner  
Councilmember, City of St. Helena

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

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

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

Brian J. Kelly, Vice Chair  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

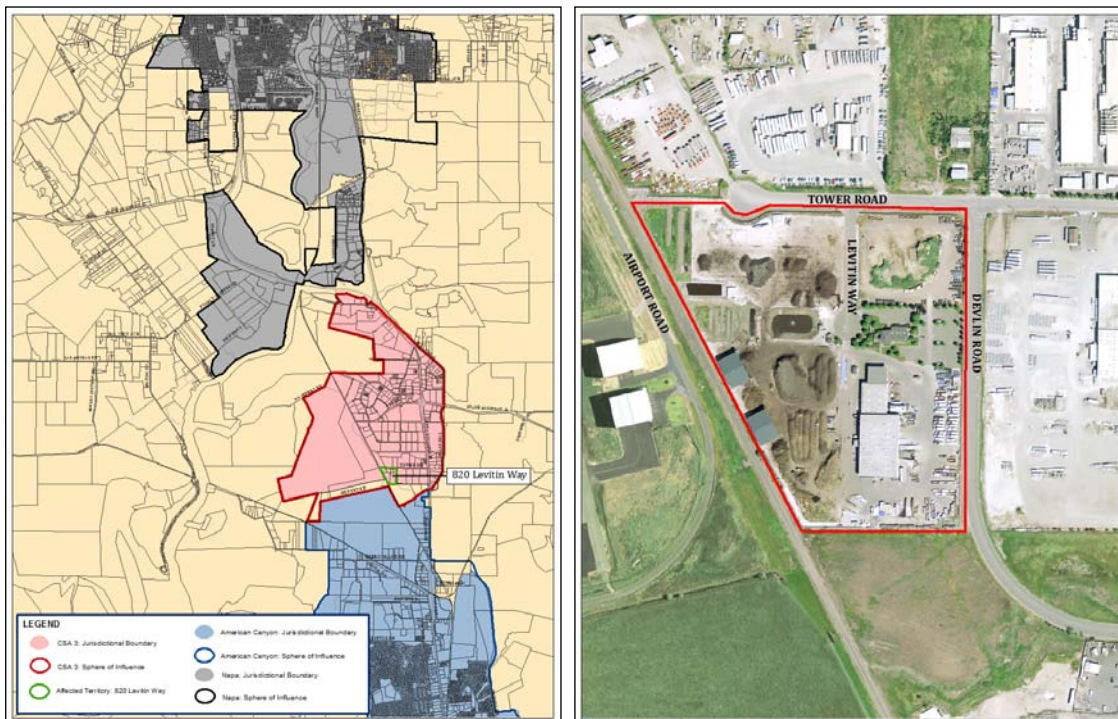
Peter Banning  
*Acting Executive Officer*

Napa has purposefully filed the proposal under the provisions of Government Code (G.C.) Section 56742. This statute provides an exemption to the general requirement that all boundary changes are consistent with the affected agencies' spheres of influence. This statute allows cities to bypass the referenced consistency requirement and annex non-contiguous lands lying outside their spheres of influence if the land is less than 300 acres in total size and owned and used by the city for municipal purposes at the time of proposal initiation. The statute also includes a provision requiring automatic detachment if the land is sold by the city. Napa attests all these preconditions apply to the affected territory given it is non-contiguous to the City and currently developed with its materials diversion facility, which is used to remove reusable materials from curbside collected refuse.

## **B. Discussion**

### *Proposal Purpose*

Napa's materials diversion facility has been in operation at its current location since 1994 and the lots were purchased by the City in 2004. There is no other existing or planned development on the subject lots. The stated purpose of the proposal is to eliminate Napa's approximate \$50,000 annual property tax obligation for the affected territory along with allowing the City to pursue additional grant funding for capital improvements.



### ***Commission Focus***

The affected territory lies outside Napa’s sphere of influence and is non-contiguous to the City, factors generally precluding lands from annexation eligibility. The affected territory, however, is owned by Napa and used by the City for a municipal purpose. The site is therefore eligible for annexation under G.C. Section 56742 as described in the preceding section. The underlying consideration of the Commission, consequently, is whether the members collectively believe the proposed boundary change and application of the referenced exemption from consistency with the sphere is justified and supported relative to the review of the factors prescribed by the Legislature and contextualized through local policy.

### **C. Analysis**

The analysis of the proposal is organized into three sections. The first section considers the proposal relative to the factors prescribed for consideration under local policy with specific focus on whether amendments are merited to comply with the established preferences in implementing LAFCO law in Napa County. The second section considers the proposal relative to the factors mandated for review by the Legislature anytime LAFCOs review boundary changes. The third section considers issues required by other applicable State statutes in processing boundary changes including a determination on environmental impacts.

### ***Local Policies / Discretionary Amendments***

A review of the submitted application materials relative to the Commission’s adopted policies indicates consideration of two distinct amendments. These amendments – which are discretionary on the part of the Commission – involve (a) detaching the affected territory from (a) County Service Area (CSA) No. 3 and (b) CSA No. 4. An evaluation of these amendments follows.

#### ***Concurrent Detachment from CSA No. 3***

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The affected territory lies within CSA No. 3’s sphere of influence and jurisdictional boundary. Inclusion in the boundary provides the affected territory with CSA No. 3’s structural fire protection and street maintenance services, with the latter involving landscaping, cleaning, and lighting.<sup>1</sup> Commission policy and practice directs the membership to consider amending proposals to detach lands from CSA No. 3 upon annexation to American Canyon given the agencies’ overlapping service

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<sup>1</sup> CSA No. 3 was formed in 1979 and is a dependent special district governed by the County Board of Supervisors. CSA No. 3 provides fire protection and miscellaneous street maintenance services through contracts with other public and private entities. These municipal services are entirely funded through two voter-approved special taxes. CSA No. 3’s jurisdictional boundary is approximately 2.7 square miles in size and comprises mostly commercial and industrial land uses along with a small number of preexisting single-family residences. The jurisdictional boundary is anchored by the Napa County Airport. CSA No. 3 has a current operating budget of \$5.4 million with an estimated 5.1 million square feet of total building space and approximately 13 residents.

responsibilities unless waived due to special circumstances. Although not explicit, it is reasonable to consider applying this policy statement to the proposal given similar circumstances if annexed to Napa. In this particular instance, while detachment from CSA No. 3 would be consistent with the stated goal of Napa to reduce its tax obligations, retaining the affected territory appears appropriate given the District remains the best and most logical provider of fire protection and street maintenance services going forward.

Recommendation: Do not amend the proposal to concurrently detach the affected territory from CSA No. 3.

#### Concurrent Detachment from CSA No. 4

The affected territory lies within CSA No. 4's sphere of influence and jurisdictional boundary. Inclusion within the boundary was established at the time of CSA No. 4's formation as a countywide mechanism to tax vineyard land for purposes of funding farmworker housing services. Commission policy requires that all annexations to cities be amended to include concurrent detachment from CSA No. 4 unless waived given special circumstances.<sup>2 3</sup> The prescribed waiver involves a determination the affected territory has been, or is reasonably expected to be, developed to include planted vineyards totaling one acre or more in size. The six subject lots along Levitin Way comprise Napa's materials diversion facility and it is unlikely vineyards will be planted in the foreseeable future. There are also no vineyards within reasonable distance to the lots. 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.<sup>4</sup>

Recommendation: Amend the proposal to concurrently detach the affected territory from CSA No. 4.

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<sup>2</sup> CSA No. 4 was formed in 2002 and includes all unincorporated territory along with certain incorporated territory located within the Cities of Calistoga, Napa, St. Helena, and Yountville. The intent and function of CSA No. 4 is to sponsor a voter-approved assessment on all assessor parcels within its jurisdiction containing one acre or more of planted vineyards to fund farmworker housing services.

<sup>3</sup> Statement references Commission General Policy Determination VII/D/3(a).

<sup>4</sup> As a supplement to the analysis, it has been the practice of the Commission to include a special approval condition to certain city annexations to require the affected city to file a proposal to re-annex land back to CSA No. 4 if a vineyard of one acre or more in size is allowed in the future. This special condition has been applied as a funding safeguard for CSA No. 4 involving lands that have been previously planted with a vineyard and/or lie in an area in which vineyards are prevalent. None of these factors apply to the recommended annexation boundary and, accordingly, a special approval condition is not needed.

### ***Legislature Policies / Mandated Factors***

G.C. Section 56668 requires the Commission to consider 15 specific factors anytime it reviews proposals for change of organization or reorganization involving cities. The majority of the prescribed factors focus on the impacts of the proposed boundary changes on the service and financial capacities of the affected agencies. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs in considering boundary changes in context of locally adopted policies and practices. Staff has incorporated into the review the recommended amendment as detailed in the preceding section to concurrently detach the affected territory from CSA No. 4.

*No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs in considering boundary changes in context to locally adopted policies and practices.*

***(1) 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.***

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The affected territory is non-contiguous to Napa and lies within the industrial area anchored by the Napa County Airport. The affected territory is 19.0 acres in total size and developed with Napa's materials diversion facility. The affected territory is legally uninhabited given there are no registered voters based on the most recent list provided by County Elections. Topography is relatively flat with a peak elevation of 53 feet above sea-level. There are no natural drainage basins within proximity of the affected territory. The current assessment value for the six subject lots totals \$4,118,904.<sup>5</sup> Neighboring uses include the Napa County Airport across the Southern Pacific Railroad tracks to the west, a vacant industrial property to the south, a concrete pipe manufacturer to the east across Devlin Road, and two trucking companies across Tower Road to the north.

Proposal approval is not expected to facilitate any new development within the affected territory given Napa's existing ownership and use of the subject lots as part of its refuse operations. Development opportunities for adjacent areas are limited to one parcel immediately north and one parcel immediately south of the affected territory given all other neighboring lots are already developed to their maximum allowance under the County's land use policies.

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<sup>5</sup> Individual assessed values for each of the six lots are as follows: 057-110-049 at \$44,533; 057-110-052 at \$17,358; 057-110-065 at \$34,118; 057-110-066 at \$27,773; 057-110-067 at \$3,892,469; and 057-110-068 at \$102,653.

***(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.***

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The core municipal services needed within the affected territory based on its present and anticipated industrial land uses are limited to sewer, water, fire protection/emergency medical, and law enforcement. An analysis of the availability and adequacy of these core municipal services relative to existing and projected needs if the proposal – with or without the recommended amendment – is approved follows.

- ***Sewer Services***

The affected territory lies within American Canyon’s Commission-defined extraterritorial sewer service area established in October 2007. American Canyon reports sewer demands generated for the affected territory are limited to domestic waste only and total approximately 1,455 gallons per day.<sup>6</sup> The Commission’s recent municipal service review on the southeast county region noted American Canyon has generally developed adequate sewer infrastructure and facility capacities in addressing current and future needs through 2020. This includes recently expanding the capacity of its treatment facility to accommodate average dry weather daily flows of 2.5 million gallons and peak wet weather daily flows of 5.0 million gallons.

- ***Water Services***

The affected territory lies within American Canyon’s Commission-defined extraterritorial potable water service area established in October 2007. American Canyon’s contracted potable water supplies currently provide a reliable annual yield of 5,351 acre-feet under normal conditions.<sup>7</sup> The current annual demand recorded and adjusted to account for recently approved annexations totals 4,660 acre-feet.<sup>8</sup> These existing demands result in an available surplus of 691 acre-feet under normal conditions. American Canyon estimates the annual potable water demand for the affected territory is 12.6 acre-feet; an amount representing approximately 11,200 gallons per day. The Commission’s recent municipal service review on the southeast county region noted American Canyon has generally developed adequate water infrastructure and facility capacities in addressing current and future needs under normal conditions through 2020.

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<sup>6</sup> The materials diversion facility includes 97 employees generating approximately 15 gallons of domestic wastewater per employee per day. The affected territory is prohibited from producing any non-domestic discharge types.

<sup>7</sup> American Canyon contracts for annual water supplies with Napa County Flood Control and Water Conservation District and City of Vallejo. The reliable yield estimate assumes American Canyon will receive 70% of its entitlement through the State Water Project and 100% of its entitlement from Vallejo.

<sup>8</sup> The most recent recorded total water demand was 3,953 acre-feet. This amount has been adjusted to account for estimated water demands associated with recent annexation approvals that are expected to generate an additional annual water demand of 707 acre-feet.

- ***Fire Protection and Emergency Medical Services***

The affected territory is located within CSA No. 3's jurisdictional boundary and presently receives structural fire protection services from the District. As recommended, annexation of the affected territory would not transfer fire protection and emergency medical service responsibilities from CSA No. 3 to Napa given that the proximity to the nearest fire station – CSA No. 3's Greenwood Ranch at 1.9 road miles from the affected territory – suggests the District is the more appropriate service provider. No deficiencies were identified in the Commission's recent municipal service review on the southeast county region with respect to CSA No. 3 responding to service calls within the affected territory and surrounding areas. Approval of the proposal would therefore have no effect on fire protection and emergency medical service provision for the affected territory.

- ***Law Enforcement Services***

The affected territory receives law enforcement services from the County Sheriff Department with its main office located approximately 2.5 road miles away at 1535 Airport Boulevard. American Canyon presently provides second-response law enforcement services to the affected territory as part a mutual aid agreement with the County with the City's police station located 3.6 miles away at 911 Donaldson Way East. No deficiencies were identified in the Commission's recent municipal service review on countywide law enforcement services with respect to the County and American Canyon responding to service calls within the affected territory and surrounding areas. Approval of the proposal would therefore have no effect on law enforcement service provision for 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.***

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The proposal would have an advantageous effect in memorializing existing social and economic ties between the affected territory and Napa. These ties are drawn from Napa owning and utilizing the affected territory since 2004 as the City's materials diversion facility. The recommendation to amend the proposal to concurrently detach the affected territory from CSA No. 4 would also reflect the social and economic ties underlying the District's operations. Detachment would support CSA No. 4's logical development by removing incorporated land designated for urban type use that does not have a substantive and direct tie to the District's role in funding public farmworker housing services.

***(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.***

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The proposal generally conforms to the adopted policies and practices of the Commission with the exception of the affected territory lying outside Napa's adopted sphere of influence, the probable future service area and jurisdictional boundary of the City as determined by the Commission. However, and as previously referenced, the affected territory is eligible for annexation without a concurrent sphere of influence amendment under G.C. Section 56742 given that it is non-contiguous to Napa and the City owns and uses it for a municipal purpose. The Commission has previously utilized this statute for similar purposes of providing cost-savings to agencies.<sup>9</sup> The affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377. Specifically, the affected territory is not substantially unimproved and devoted to an open-space use under the County or City General Plan.

The recommended amendment to concurrently detach the affected territory from CSA No. 4 enhances the conformity of the proposal relative to the directives and policies of the Commission as detailed in the preceding sections.

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

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The affected territory does not qualify as "agricultural land" under LAFCO law. Specifically, the affected territory is not used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program.

***(6) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.***

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The proposal as submitted is generally parcel-specific and includes six entire subject lots identified by the County of Napa Assessor's Office as 057-110-049, 057-110-052, 057-110-065, 057-110-066, 057-110-067, and 057-110-068 along with a private driveway identified as Levitin Way. Commission approval would include a term requiring the applicant submit a map and geographic description of the approved action in conformance with the requirements of the State Board of Equalization. The submitted map and geographic description would be subject to review and possible edits by the Executive Officer before filing.

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<sup>9</sup> The most recent application of G.C. Section 56742 applied by the Commission involved the annexation of approximately 33 acres to Napa as part of the Trancas Crossing Park Reorganization for purposes of developing a municipal park. Trancas Crossing Park Reorganization was approved by the Commission in February 2010.



***(7) Consistency with the city or county general plans, specific plans, and adopted regional transportation plan.***

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The County General Plan designation for the affected territory is *Industrial* and prescribes an environment exclusively for and conducive to the development and protection of a variety of industrial uses, such as warehouses, manufacturing, wineries, and food processing facilities that are industrial in character. Napa recently pre-zoned the affected territory *Public Quasi Public: Airport Compatibility*, which provides for public and quasi-public uses dedicated to community serving purposes, such as government offices, community service facilities, schools, and community health facilities. Existing uses associated with the affected territory are consistent with these industrial land use categories established under both the County and Napa.

The Metropolitan Transportation Commission's regional transportation plan (RTP) was updated in April 2009 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2035. No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

***(8) The sphere of influence of any local agency affected by the proposal.***

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See analysis on pages three and eight.

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

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Staff provided notice of the proposal to all subject agencies and other interested parties as required under LAFCO law on December 14, 2012. The review included a summary of potential amendments to the proposal based on the Commission's adopted policies and established practices. This included the explicit potential for amending the proposal to concurrently detach the affected territory from CSA No. 3 and/or CSA No. 4. No comments were received.

***(10) 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.***

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Information collected and analyzed in the Commission's current municipal service review on Napa indicates the City has developed adequate financial resources and controls relative to its service commitments. Additional analysis performed specific to this proposal provides reasonable assurances Napa's fiscal resources and controls would enable the agency to provide an appropriate level of services to the affected territory relative to anticipated land uses. A summary of Napa's current financial resources follows.

- **General Fund**

Napa’s total available (undesignated/emergency) balance in its General Fund at the beginning of the current fiscal year totaled \$7.6 million and equals 12% of its adopted operating costs in 2012-2013. At the time of budget adoption, Napa anticipated a \$4.0 million shortfall in operating costs for the current fiscal year and would – if realized – further reduce the available fund balance to \$3.6 million. A summary of the General Fund reserves over the last five fiscal years follows.

<b>Category</b>	<b>08-09</b>	<b>09-10</b>	<b>10-11</b>	<b>11-12</b>	<b>12-13</b>
Reserved: Reoccurring	2.127	0.509	0.509	0.509	0.509
Reserved: Non Reoccurring	--	--	0.900	0.900	0.900
Unreserved: Emergency	7.934	7.537	7.485	7.578	7.578
Unreserved: Undesignated	8.262	5.826	4.567	3.335	0.002
<i>Total</i>	<i>\$18.323</i>	<i>\$13.872</i>	<i>\$13.505</i>	<i>\$12.323</i>	<i>\$8.989</i>

*Dollars in Millions / Amounts as of July 1<sup>st</sup>*

The recent economic recession and corresponding stagnation of general tax revenues paired with increasing service costs underlie Napa’s recent and ongoing structural imbalance. Recent administrative measures taken by Napa – including reducing employment levels by 40 fulltime positions and eliminating cost-of-living adjustments over the last four years – have helped to stabilize the imbalance and decrease the demand on reserves to cover annual operating costs. Approval of the proposal is not expected to have a fiscal impact on Napa.

The recommendation to amend the proposal to also include concurrent detachment from CSA No. 4 will have no financial impact given the affected territory is not on the District’s assessment roll.

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

As noted on page six, American Canyon’s water supplies are drawn from two contracted sources: 1) State Water Project and 2) City of Vallejo. The Commission’s recent municipal service review on the southeast county region reports American Canyon’s current reliable annual water supply generated from these two sources totals 5,351 acre-feet under normal conditions. In comparison, current annual demands are projected to total 4,660 acre-feet, resulting in an available surplus of 691 acre-feet to accommodate new usage. The annual water demand tied to the affected territory is estimated at 12.6 acre-feet and represents 0.3% of the citywide amount.

***(12) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.***

The proposal would not impact any local agencies in accommodating their regional housing needs. The affected territory is designated and zoned for industrial purposes and therefore not assigned any housing units from the region’s council of governments, the Association of Bay Area Governments.

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

Napa is the landowner and applicant of the proposal. There are no registered voters or residents within the affected territory.

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

Expanded discussion on existing land use designations for the affected territory is provided on page eight of this report. The following table summarizes these designations and related zoning assignments.

Category	County of Napa	City of Napa
<b>Land Use Designation</b>	Industrial	n/a
- Minimum Lot Size	0.5 to 40 acres *	n/a
<b>Zoning Standard</b>	General Industrial: Airport Compatibility	Public-Quasi Public: Airport Compatibility
- Minimum Lot Size	0.46 acres	n/a
- Permitted Uses	warehouses manufacturing storage facilities food processing facilities	community service facilities public/private schools water/sewer treatment facilities community health facilities

\* Minimum lot size for lands zoned Industrial by the County varies based on proximity and access to utilities, airport, highways, rail service, and service roads.

***(15) The extent to which the proposal will promote environmental justice.***

Proposal approval as recommended would promote environmental justice given it would support the location and operation of refuse activities away from established population centers.

### ***Other Considerations***

- ***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 applies to this proposal even though there would be no property taxes generated for the affected territory if annexed to Napa given the City is the landowner. Accordingly, Napa and the County have agreed by resolution of their respective boards to a property tax exchange agreement applicable to the proposed action. The agreement specifies Napa shall receive 100% of the County's existing portion of property tax revenues generated from the affected territory. However, in the event the affected territory is sold by Napa, the City and the County would be required to agree by resolution of their respective boards to a renegotiated property tax exchange agreement.

- ***Environmental Review***

Napa serves as lead agency for the proposal under the California Environmental Quality Act (CEQA). Towards this end, Napa has determined the proposal qualifies as a "project" under CEQA and has accordingly prepared an initial study assessing the environmental impacts associated with the proposal given the affected territory could be further divided under the City's adopted land use policies. The initial study concludes the project will not generate any new direct or indirect significant impacts.

The Commission serves as responsible agency for the proposal. Staff has reviewed the aforementioned initial study and believes Napa has made an adequate determination the annexation tied to the underlying service plan will not introduce any significant environmental impacts. A copy of the initial study is included in Attachment One.

### **D. Recommendation**

The timing of the proposed annexation of 820 Levitin Way relative to the factors required by statute and policy for consideration appears appropriate. An amendment to detach the affected territory from CSA No. 4 would enhance the proposal consistent with local circumstances with the key premise the membership continues to believe annexing lands to cities under G.C. Section 56742 is an appropriate and logical expansion of municipal boundaries and service powers. It is also recommended the following conditions of approval be applied with delegation to the Executive Officer to determine when the requested actions have been sufficiently satisfied before proceeding with a recordation.

- Submittal of a final map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization.

- Payment of any outstanding fees owed to other agencies involved in the processing of this proposal as identified in the Commission's adopted fee schedule.

#### **E. Alternatives for Commission Action**

Staff has identified three options for Commission consideration with respect to the proposal. These options are summarized below.

##### **Alternative Action One (Recommended):**

Adopt the draft resolution identified as Attachment One approving the proposal with the recommended amendments and conditions identified in the preceding section along with any desired changes as requested by members.

##### **Alternative Action Two:**

Continue consideration of the item to the next regular meeting and provide direction to staff for additional information as needed.

##### **Alternative Action Three:**

Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year unless a request for reconsideration is filed and approved within 30 days of Commission action.

#### **F. Procedures for Consideration**

This item has been agenzized for consideration as part of a noticed public hearing. The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from staff;
- 2) Discuss item and – if appropriate – close the hearing and consider action on recommendation.

Respectfully submitted,

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Peter Banning  
Acting Executive Officer

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Brendon Freeman  
Analyst

##### **Attachments:**

- 1) Negative Declaration and Initial Study: Material Diversion Facility Annexation and Pre-Zoning
- 2) Application Materials
- 3) Draft Resolution Approving the Proposal

## NEGATIVE DECLARATION

<b>PROJECT NAME:</b>	<b>Materials Diversion Facility (MDF) Annexation &amp; Pre-Zoning</b>	<b>FILE NUMBER: 12-0005</b>
<b>SITE ADDRESS:</b>	<b>820 Levitin Way</b>	<b>APNs: 057-110-049, 057-110-052, &amp; 057-110-065, 066, 067 &amp; 068</b>
<b>GENERAL PLAN:</b>	<b>I, Industrial</b>	
<b>ZONING:</b>	<b>Existing County: GINA, Industrial: Airport Overlay District Proposed City: PQ-P:AC, Public Quasi-Public: Airport Overlay District</b>	
<b>APPLICANT:</b>	<b>City Napa Public Works Department Jeff Freitas, Real Estate Manager PO Box 660 Napa, CA 94559-0660</b>	<b>PHONE: (707) 257-9312</b>

**PROJECT DESCRIPTION:** A pre-zoning and annexation application of the six properties that comprise the existing Materials Diversion Facility (MDF) located at 820 Levitin Way. The pre-zoning and annexation includes a total of six parcels with a combined area of approximately 18.60 acres. California cities are required to pay property taxes on land they own outside their city boundaries and as such, the City of Napa is obligated to pay property taxes on the subject territory until such time as it is included within the City. Upon annexation, the City would be relieved of the expense of paying property taxes on the property. The City of Napa is proposing to pre-zone the City-owned property to PQ-P:AC, Public Quasi Public :Airport Compatibility Overlay District, consistent with LAFCO policies requiring all properties to be pre-zoned prior to annexation. No physical development or expansion of existing operations is proposed with the annexation request.

**ENVIRONMENTAL SETTING** – The 18.60 acre site is located on the southwest corner of the Tower Road and Devlin Road intersection. The facility primarily receives clean, source-separated recyclable materials. However, the Facility also receives and processes some loads of mixed construction and demolition debris for the recovery of recyclable materials. The facility also includes a composting area for yard and food waste, wood processing area, a truck washing area and a maintenance shop. The MDF is located within an industrially development area of South Napa County with neighboring uses that include: the Napa County Airport across the Southern Pacific Railroad tracks to the west; a vacant industrial property to the south; a concrete pipe manufacturer to the east across Devlin Road; and two trucking companies across Tower Road to the north. The facility has been in operation at this location since 1994 and purchased by the City in 2004.

## DECLARATION

Based on the Initial Study dated May 16, 2012 the Community Development Department staff has determined:

1. This project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effect upon human beings, either directly or indirectly.

The Initial Study and other environmental documents are available for public review at the Community Development Department. The public is hereby invited to submit written comments regarding the environmental findings and Negative Declaration determination. Such comments may be submitted prior to the Planning Commission meeting, or during the Commission's hearing.

POSTING PERIOD: May 17, 2011 through June 16, 2011

Negative Declaration Prepared By: Community Development Department, City Of Napa

Contact Person:  \_\_\_\_\_ Date 5/23/12  
Scott Klingheil  
For, Community Development Director  
Telephone: (707) 257-9530

**City Of Napa – Community Development Department**  
**1600 First Street – P.O. Box 660**  
**Napa, CA 94559**  
**(707) 257-9530**

**INITIAL STUDY OF ENVIRONMENTAL SIGNIFICANCE**

<b>PROJECT NAME:</b>	Materials Diversion Facility (MDF) Annexation & Pre-Zoning	<b>FILE NUMBER:</b> 12-0005
<b>SITE ADDRESS:</b>	820 Levitin Way	<b>APN:</b> 057-110-049, 057-110-052, & 057-110-065, 066, 067 & 068
<b>GENERAL PLAN:</b>	County Designation: I, Industrial	
<b>ZONING:</b>	Existing County: IP:AC & GI:AC Proposed City: PQ-P:AC, Public Quasi-Public: Airport Overlay District	
<b>APPLICANT:</b>	City Napa Public Works Department Jeff Freitas, Real Estate Manager PO Box 660 Napa, CA 94559-0660	<b>PHONE:</b> (707) 257-9312

**PROJECT DESCRIPTION:** A pre-zoning and annexation application of the six properties that comprise the existing Materials Diversion Facility (MDF) located at 820 Levitin Way. The pre-zoning and annexation includes a total of six parcels with a combined area of approximately 18.60 acres. California cities are required to pay property taxes on land they own outside their city boundaries and as such, the City of Napa is obligated to pay property taxes on the subject territory until such time as it is included within the City. Upon annexation, the City would be relieved of the expense of paying property taxes on the property. The City of Napa is proposing to pre-zone the City-owned property to PQ-P:AC, Public Quasi Public :Airport Compatibility Overlay District, consistent with LAFCO policies requiring all properties to be pre-zoned prior to annexation. No physical development or expansion of existing operations is proposed with the annexation request.

**ENVIRONMENTAL SETTING –** The 18.60 acre site is located on the southwest corner of the Tower Road and Devlin Road intersection. The facility primarily receives clean, source-separated recyclable materials. However, the Facility also receives and processes some loads of mixed construction and demolition debris for the recovery of recyclable materials. The facility also includes a composting area for yard and food waste, wood processing area, a truck washing area and a maintenance shop. The MDF is located within an industrially development area of South Napa County with neighboring uses that include: the Napa County Airport across the Southern Pacific Railroad tracks to the west; a vacant industrial property to the south; a concrete pipe manufacturer to the east across Devlin Road; and two trucking companies across Tower Road to the north. The facility has been in operation at this location since 1994 and purchased by the City in 2004.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages. This initial study prescribes mitigation measures to reduce all potentially significant impacts to a less than significant level.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Geology & Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials    | <input type="checkbox"/> Hydrology & Water Quality          |
| <input type="checkbox"/> Land Use & Planning      | <input type="checkbox"/> Mineral Resources                | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population & Housing     | <input type="checkbox"/> Public Services                  | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation & Traffic | <input type="checkbox"/> Utilities & Service Systems      | <input type="checkbox"/> Mandatory Findings of Significance |



**CEQA DETERMINATION:**

- The proposed project **COULD NOT** have a significant effect on the environment and a **NEGATIVE DECLARATION** will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- The proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- The proposed project **MAY** have a significant effect(s) on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

**A Notice of Negative Declaration will be prepared and posted for the period of May 18, 2012 – June 7, 2012**

Prepared by:

\_\_\_\_\_  
Signature  
Scott Klingbeil

\_\_\_\_\_  
Date  
For: Cassandra Walker, Community Development Director  
City of Napa Community Development Department

**ENVIRONMENTAL CHECKLIST:**

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS. <i>Would the project:</i></b>				
a. Have a substantial adverse effect on a scenic vista?				X
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c. Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X
<p><b>Discussion:</b> The site is currently developed with a Materials Diversion Facility and no construction or site development is proposed in conjunction with the pre-zoning and annexation request. All of the existing structures and operations will remain unchanged. If and when any additional development is proposed, it will be evaluated for its impacts on scenic vistas, scenic resources, historic buildings, and scenic highways as part of the review process.</p> <p><b>Mitigation Measures:</b> None.</p> <p><b>Conclusion:</b> No impact to aesthetics.</p>				
<b>II. AGRICULTURAL &amp; FOREST RESOURCES. <i>Would the project:</i></b>				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b. Conflict with existing zoning for agricultural use or a Williamson Act Contract?				X
c. Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?				X
d. Result in the loss of forest land or conversion of forest land to non-forest use?				X
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X
<p><b>Discussion:</b> The project site is not identified as Farmland of Statewide Importance. The site is developed as a Materials Diversion Facility and has not been used for agricultural purposes for at least 50 years. The project site is not and will not be zoned for agricultural use and no portion of the project site is currently under a Williamson Act contract. The project area contains no forest or timberland and is not zoned for forest land, timberland, or timberland production. As mentioned above, the site is currently developed and will not result in the loss of forest land or conversion of forest land to non-forest use.</p> <p><b>Mitigation Measures:</b> None.</p> <p><b>Conclusion:</b> No impact to agricultural &amp; forest resources</p>				
<b>III. AIR QUALITY. [Significance criteria established by the BAAQMD may be relied upon to make the following determinations] <i>Would the project:</i></b>				
a. Conflict with or obstruct implementation of the applicable air quality plan?				X
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d. Expose sensitive receptors to substantial pollutant concentrations?				X
e. Create objectionable odors affecting a substantial number of people?				X
<p><b>Discussion:</b> The site is currently developed and operates as a Materials Diversion Facility. No change in operations or additional development is proposed with the pre-zoning and annexation request. As such, no impacts to air quality are anticipated with the proposed pre-zoning and annexation.</p> <p><b>Mitigation Measures:</b> None.</p> <p><b>Conclusion:</b> No impact to air quality.</p>				
<b>IV. BIOLOGICAL RESOURCES. Would the proposal result in:</b>				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (CDFG) or U.S. Fish and Wildlife Service (USFWS)?				X
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFG or USFWS?				X
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
<p><b>Discussion:</b> Because the site is currently developed with an existing Materials Diversion Facility with industrial type buildings and parking lots, the site has not been identified as habitat for candidate, sensitive, or special status species. The site does not contain any known riparian habitat, wetlands, or sensitive natural communities that would be impacted with the annexation. No vegetation/trees will be removed in conjunction with the annexation or pre-zoning. In regards to "e &amp; f" the annexation/pre-zoning will not conflict with any local policies, ordinances or adopted plans protecting biological resources.</p> <p><b>Mitigation Measures:</b> None.</p> <p><b>Conclusion:</b> No impact to biological resources</p>				
<b>V. CUL URAL RESOURCES. Would the project:</b>				
a. Cause a substantial adverse change in the significance of an historical resource as defined in Sec.15064.5?				X
b. Cause a substantial adverse change in the significance of an				

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
archaeological resource pursuant to Sec. 15064.5?				X
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d. Disturb any human remains, including those interred outside of formal cemeteries?				X
<p><b>Discussion:</b> The proposed pre-zoning and annexation will not result in changes in the environment as it relates to cultural resources. The site is currently developed with industrial type buildings and parking lots and does not contain any known historic or archaeological resources. No development or construction is proposed with the pre-zoning and annexation that would impact cultural resources.</p> <p><b>Mitigation Measures:</b> None.</p> <p><b>Conclusion:</b> No impact to cultural resources</p>				
<b>VI. GEOLOGY &amp; SOILS. Would the project:</b>				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Pub. 42				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b. Result in substantial soil erosion or the loss of topsoil?				X
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse)?				X
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
<p><b>Discussion:</b> The proposed pre-zoning and annexation will not result in changes in the environment as it relates to geologic or soil related resources. The site is currently developed with industrial type buildings and parking lots, and no development or construction is proposed with this project that would impact geology or soil.</p> <p><b>Mitigation Measures:</b> None.</p> <p><b>Conclusion:</b> No impact to geology and/or soil.</p>				
<b>VII. GREENHOUSE GAS EMISSIONS. Would the project:</b>				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X
<p><b>Discussion:</b> The proposed pre-zoning and annexation will not result in changes in the environment as it relates to greenhouse gas emissions. The site is currently developed with industrial type buildings and parking lots, and no development or construction is proposed with this project that would impact greenhouse gas emissions.</p>				

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
<p><b>Mitigation Measures:</b> None.  <b>Conclusion:</b> No impact to greenhouse gas emissions.</p>				
<p><b>VIII. HAZARDS &amp; HAZARDOUS MATERIALS. Would the project:</b></p>				
a. Create a significant hazard to the public or the environment through the routing transport, use or disposal of hazardous materials?				X
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e. For a project located within an airport land use plan, would the project result in a safety hazard for people residing or working in the project area?				X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h. Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?				X
<p><b>Discussion:</b> The proposed pre-zoning and annexation will not result in changes in the environment or the existing operations as it relates to hazards and hazardous materials. The site is currently developed with industrial type buildings and parking lots and no development, construction or change in operations is proposed with the annexation or pre-zoning that would impact hazards or hazardous materials.</p> <p><b>Mitigation Measures:</b> None.  <b>Conclusion:</b> No impact to hazards or hazardous materials</p>				
<p><b>IX. HYDROLOGY &amp; WATER QUALITY. Would the project:</b></p>				
a. Violate any water quality standards or waste discharge requirements?				X
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f. Otherwise substantially degrade water quality?				X
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j. Inundation by seiche, tsunami, or mudflow?				X
<p><b>Discussion:</b> The proposed pre-zoning and annexation will not result in changes in the environment as it relates to hydrology and water quality. The site is currently developed with industrial type buildings and parking lots, and no development or construction is proposed with this request that would impact hydrology or water quality.</p> <p><b>Mitigation Measures:</b> None.</p> <p><b>Conclusion:</b> No impact to hydrology or water quality.</p>				
<p><b>X. LAND USE &amp; PLANNING.</b> <i>Would the project:</i></p>				
a. Physically divide an established community?				X
b. Conflict with any applicable land use plan, policy, or resolution of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
<p><b>Discussion:</b> The County of Napa General Plan designation for the site is I, Industrial which is intended provide an environment exclusively for and conducive to the development and protection of a variety of industrial uses such as warehouses, manufacturing, wineries and food processing facilities that are industrial in character, and research and development. Administrative facilities, research institutions, limited office and commercial uses and related facilities which are ancillary to the primary industrial uses may also be accommodated. General Uses include industry, limited commercial and related facilities which are ancillary to the primary industrial uses, agriculture, wineries, but no residential uses.</p> <p>The City is proposing to pre-zone the properties with the PQ-P:AC, Public, Quasi-Public :Airport Compatibility Overlay designation. The public, quasi-public district provides for publicly owned properties dedicated to community serving purposes, including government offices, public safety facilities and related community service facilities. The city's authority to regulate land use activities of other government entities is limited by state and federal law, thus applicability of local PQ-P zoning may only be established on a case-by-case basis. As the existing MDF is dedicated to a community serving purpose, the PQ-P, Zoning Designation is the appropriate pre-zoning designation.</p> <p>The specific purpose of the :AC Airport Compatibility Overlay regulations are to protect the public health, safety and welfare within the land use compatibility zones of the Napa County Airport identified by the Napa County <i>Airport Land Use Compatibility Plan (ALUCP)</i>. The :AC Overlay District may overlay or be combined with any zoning district consistent with the purpose and provisions of this district. Regulations established by the :AC Overlay District shall be in addition to the regulations of the principal zoning district with which they are combined, and in the event of a conflict between the two, the provisions of the :AC District shall apply.</p>				

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
<p>The pre-zoning and annexation of the property is an administrative action and policy determination and as such will not result in changes in the environment. The proposed annexation will not physically divide the existing industrial neighborhood as the existing uses will not change. No plan, policy, or resolution is conflicted by this annexation. Nor will the pre-zoning and annexation conflict with any applicable habitat conservation plan of community conservation plan.</p> <p><b>Mitigation Measures:</b> None.  <b>Conclusion:</b> No impact to land use and planning</p>				
<p><b>XI. MINERAL RESOURCES. Would the project:</b></p>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X
<p><b>Discussion:</b> The proposed pre-zoning and annexation will not result in changes in the environment as it relates to mineral resources. The site is currently developed with industrial type buildings and parking lots and no development or construction is proposed with this project that would impact mineral resources.</p> <p><b>Mitigation Measures:</b> None.  <b>Conclusion:</b> No impact to mineral resources</p>				
<p><b>XII. NOISE. Would the project result in:</b></p>				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies??				X
b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				X
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project				X
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e. For a project located within an airport land use plan, would the project expose people residing or working in the project area to excessive noise levels?				X
<p><b>Discussion:</b> The proposed pre-zoning and annexation will not result in changes in the environment as it relates to noise impacts. The site is currently developed with industrial type buildings and parking lots and no development or construction is proposed with this project that would change or impact existing noise levels.</p> <p><b>Mitigation Measures:</b> None.  <b>Conclusion:</b> No impact to noise related concerns.</p>				
<p><b>XIII. POPULATION AND HOUSING. Would the project:</b></p>				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure)?				X
b. Displacing substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
<p><b>Discussion:</b> The proposed pre-zoning and annexation will not result in changes in the environment as it relates to population and housing. The site is currently developed with industrial type buildings and parking lots and no development or construction is proposed with this project that would impact population or housing related concerns.</p> <p><b>Mitigation Measures:</b> None.</p> <p><b>Conclusion:</b> No impact to population and housing</p>				
<b>XIV. PUBLIC SERVICES. Would the project:</b>				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services including:				X
i) Fire Protection?				X
ii) Police Protection?				X
iii) Schools?				X
iv) Parks?				X
v) Other Public Facilities?				X
<p><b>Discussion:</b> All agencies referenced above have been contacted and have reviewed the proposed development plan. Adequate fire and police protection and other facilities are available to serve the project and no significant impacts have been identified by any of the above agencies. The proposed pre-zoning and annexation will not result in changes in the environment as it relates to public services. The site is currently developed with industrial type buildings and parking lots and no development or construction is proposed with this project that would impact public services.</p> <p><b>Mitigation Measures:</b> None.</p> <p><b>Conclusion:</b> No impact to public services.</p>				
<b>XV. RECREATION. Would the project:</b>				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that a substantial physical deterioration of the facility would occur or be accelerated?				X
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
<p><b>Discussion:</b> The proposed pre-zoning and annexation will not result in changes in the environment as it relates to recreational facilities. The site is currently developed with industrial type buildings and parking lots and no development or construction is proposed with this project that would impact recreation resources.</p> <p><b>Mitigation Measures:</b> None.</p> <p><b>Conclusion:</b> No impact to recreation related facilities.</p>				
<b>XVI. TRANSPORTATION &amp; TRAFFIC. Would the project:</b>				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial				X



Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersection) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity				X
g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
<p><b>Discussion:</b> The proposed pre-zoning and annexation will not result in changes in the environment as it relates to traffic related impacts. The site is currently developed with industrial type buildings and parking lots and no development, additional construction or changes in current operational levels are proposed with this project that would impact existing traffic levels.</p> <p><b>Mitigation Measures:</b> None.</p> <p><b>Conclusion:</b> No impact to transportation or traffic</p>				
<p><b>XVII. UTILITIES &amp; SERVICE SYSTEMS.</b> <i>Would the project:</i></p>				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g. Comply with federal, state, and local statutes and regulations related to solid waste?				X
<p><b>Discussion:</b> The applicable utility companies or agencies have been contacted and have received copies of the proposed development plan. No significant impacts have been identified. The proposed pre-zoning and annexation will not result in changes in the environment as it relates to utilities or service systems. The site is currently developed with industrial type buildings and parking lots and no development, additional construction or changes in existing operations are proposed with this project that would impact utilities or service systems.</p> <p><b>Mitigation Measures:</b> None.</p> <p><b>Conclusion:</b> No impact to utilities and service systems.</p>				

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				No
b. Does the project have impacts which are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in conjunction with the effects of past projects, the effects of other current projects and the effects of probable future projects.)				No
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				No
<p><b>Discussion:</b> The proposed pre-zoning and annexation does not involve any construction or changes in existing operations of the Material Diversion Facility. The City is requesting annexation of this City-owned facility to be under the City's jurisdiction for planning purposes and to relieve the City from being subject to the payment of property taxes which will not result in impacts that would degrade the quality of the environment, have cumulative related impacts or have substantial adverse environmental effects on human beings beyond those impacts already associated with the existing operations.</p>				

**SOURCES OF INFORMATION USED IN PREPARATION OF THIS INITIAL STUDY:**

**Project Specific Studies and Contacts:**

Written Project Statement (attached)  
 Location Map and Aerial Photos (attached)

**On file at the Planning Division:**

- City of Napa; *General Plan Policy Document*, Adopted December, 1998.
- City of Napa; *General Plan Background Report*, Adopted December, 1998.
- City of Napa; *General Plan Final Environmental Impact Report*, Adopted December, 1998.
- City of Napa; *Zoning Ordinance*, 1996.
- City of Napa; *Resolution 89-362* Establishing a Street Improvement Fee for all new Development within the City and subsequent Resolutions Amending this Resolution: Resolution 93-198.
- City of Napa; *Water System Optimization and Master Plan*, 1997; West Yost & Associates
- City of Napa; *Water System Optimization and Master Plan*; Final EIR; 1997
- City of Napa; *Big Ranch Specific Plan* and *Specific Plan FEIR*, October, 1996; Nichols Berman
- City of Napa; *Linda Vista Specific Plan* and *Specific Plan FEIR*; October, 1987
- County of Napa; *Napa County Airport Land Use Compatibility Plan*, April, 1991
- Bay Area Air Quality Management District, *CEQA Guidelines*, 1996
- Bay Area Air Quality Management District, *Bay Area '97 Clean Air Plan*, December, 1997
- U.S. Army Corps of Engineers, Napa River/Napa Creek Flood Protection Project General Design Manual and Supplemental EIR/EIR, December, 1997.
- State of California, Resources Agency, *Farmland Mapping and Monitoring Program*

# PLANNING COMMISSION MEETING MINUTES EXCERPTS

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June 7, 2012

## 6. CONSENT HEARINGS:

### A. MATERIALS DIVERSION FACILITY PRE-ZONING & ANNEXATION PL12-0005-PRZ, AN (City of Napa-Jeff Freitas)

A pre-zoning and annexation application of the six properties (18.60 acres) that comprise the existing Materials Diversion Facility (MDF) located at 820 Levitin Way. The City of Napa is proposing to pre-zone the City-owned property to PQ-P:AC, Public Quasi Public: Airport Compatibility Overlay District, consistent with LAFCO policies requiring all properties to be pre-zoned prior to annexation. California cities are required to pay property taxes on land they own outside their city boundaries and as such, the City of Napa is obligated to pay property taxes on the subject territory until such time as it is included within the City. Upon annexation, the City would be relieved of the expense of paying property taxes on the property. No physical development or expansion of existing operations is proposed with the annexation request. (APN 057-110-049, 057-110-052 and 057-110-065, 066, 067 & 068)

Commissioners Roosa/Huether moved and seconded to:

1. Close the public hearing.
2. Forward a recommendation to the City Council to adopt the proposed Negative Declaration for the project.
3. Forward a recommendation to the City Council to Pre-zone the MDF site at 820 Levitin Way to PQ-P:AC, Public-Quasi Public: Airport Compatibility Overlay District.

Motions carried 4-0-1 on the Consent Hearings Calendar (Murray recused).



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 8/15/2012

Agenda Placement: 8A

## Airport Land Use Commission Board Agenda Letter

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**TO:** Airport Land Use Commission

**FROM:** John McDowell for Hillary Gitelman - Director  
Planning, Building and Environmental Services

**REPORT BY:** RONALD GEE, PLANNER III - 707.253.4417

**SUBJECT:** City of Napa Annexation/Pre-Zoning of Materials Diversion Facility - Airport Compatibility  
Determination P12-00224-ALUC

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### RECOMMENDATION

#### **CITY OF NAPA ANNEXATION / PRE-ZONING OF MATERIALS DIVERSION FACILITY - AIRPORT LAND USE CONSISTENCY DETERMINATION # P12-00224-ALUC**

**Request:** Airport Land Use Compatibility Plan Consistency Determination for proposed Annexation and Pre-zoning of six contiguous parcels with an existing Materials Diversion Facility as required pursuant to the State Aeronautics Act, Public Utilities Code, Chapter 4, Article 3.5, Section 21676. The six properties are located on approximately 19 acres on the southwest corner of the intersection at Tower Road and Devlin Road, in Napa County Airport Compatibility Zone A - Runway Protection Zone, Zone B - Approach/Departure Zone and Zone D - Common Traffic Pattern. (Assessor's Parcel Numbers: 0057-110- 049, -052, -065, -066, -067 and -068) 920 Levitin Way, Napa

**Staff Recommendation:** That the Commission find the project consistent with the Airport Land Use Compatibility Plan.

**Staff Contact:** Ronald Gee, 299-1351, [ronald.gee@countyofnapa.org](mailto:ronald.gee@countyofnapa.org)

### EXECUTIVE SUMMARY

#### **Proposed Action:**

1. That the Airport Land Use Commission find and determine that the proposed City of Napa Annexation / Pre-Zoning of six contiguous properties (# P12-00224-ALUC) is consistent with the Napa County Airport Land Use Compatibility Plan (ALUCP).

**Discussion:** The proposed City of Napa action would annex and pre-zone six contiguous properties as PQ-P:AC

(Quasi-Public, Public : Airport Compatibility Overlay) District. The project site has a combined area of approximately 19-acres in size. There is an existing materials diversion facility (MDF) with a two materials recycling facility picking lines, composting and construction & demolition debris processing areas and three drainage and detention ponds. The facility was originally permitted in 1991 by the Napa County Planning Commission (Use Permit # U-90-29) and Airport Land Use Commission (Review of Local Approval # ALU-41); it has been operating at this location since 1993. No changes to existing operations or any new construction is proposed as part of this request.

Consistency Determination is required under two ALUCP policies. Under Policy 1.3.2(b), state law requires ALUC review of "[t]he adoption or approval of zoning ordinance or building regulation which (1) affects the Commission's geographic area of concern (Napa County Airport) . . . and (2) involves the types airport impact concerns (i.e., Safety, Airspace, Airspace Protection and Overflight) listed in paragraph 1.2 (Section 21676(b)). Policy 1.3.3 (a) requires the ALUC to review for "[a]ny proposed expansion of a city's or an urban service district's sphere of influence within an airport's planning area." The property annexation would transfer property jurisdiction from Napa County to the City of Napa and concurrent pre-zoning will define allowable land uses on the properties within the city.

Located towards the west end of Tower Road, the north four properties are located in Napa County Airport Influence Areas, Zone A - Runway Protection Zone and Zone B - Approach/Departure Zone, approximately 0.24 mile (1,254 feet) southeast of the centerline and east end of Runway 6/24 at their closest point. Although a small portion of the two south properties are also located in Zones A and B, the balance of those properties are located in Zone D - Common Traffic Pattern. No MDF structures are located within Zones A or B, only in Zone D. All existing MDF buildings, composting and construction & demolition debris operations do not penetrate FAR Part 77 surfaces and are located below current 20:1 and future 34:1 required approach slopes and navigable airspace thresholds for the Napa County Airport. No structures are located within Zone A or Zone B, consistent with ALUCP policies. The properties have an existing Avigation Easement recorded on April 12, 1960 prior to 1999 parcel lot line adjustment.

As detailed below, the proposed annexation and pre-zoning complies with all ALUCP Compatibility Policies regarding Noise, Safety, Airspace Protection and Overflight. No changes to existing MDF operations or new construction are proposed; all existing operating permits and conditions of approval governing MDF operations to ensure ALUCP policy compliance would be retained

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

The ALUC's Consistency Determination does not meet the definition of a "project" as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and, therefore, CEQA is not applicable. The ALUC is only making a finding of consistency with airport compatibility regulations and is not responsible for approving or undertaking the project. The City of Napa is the Lead Agency responsible for carrying out the project. On June 7, 2012, the City of Napa Planning Commission voted 4-0 to forward a recommendation to the City Council to adopt a Negative Declaration before taking final action on the project.

**BACKGROUND AND DISCUSSION****Airport Land Use Consistency Factors:**

1. **History** - The Napa County Planning Commission approved Use Permit # U-90-29 on February 20, 1991 to establish a "recyclable materials transfer center to include sorting, packing and preparation for transport of various recyclable materials from outdoor composting of organic waste and relocated existing administration facilities and truck storage/maintenance for normal collection operations on two parcels totaling 12.43 acres." As part of a "Review of Local Approval" action, on March 20, 1991, the ALUC approved # ALU-41 for Napa County Use Permit # U-90-29 as approved on February 20, 1991. On June 3, 1994, Use Permit Modification # 93530-MOD added a 0.44 acre 450,000 gallon drainage retention pond to meet the requirements of the Regional Water Quality Control Board for the compost run-off to be classified as storm water rather than waste water. Since that time, additional permits have been granted for time extension and to expand existing operations to include construction and demolition debris collection, a new materials recycling facility, daily tonnage increases and expanded composting operations. Property line adjustments and road abandonment of a portion of the Levitin Way cul-de-sac have also taken place.

The City of Napa is requesting annexation of six parcels containing the city-owned Material Diversion Facility (MDF), operated by a third party through contracts with the City and County, to place the facility under City jurisdiction and control for planning purposes. In addition, annexation into the City limits will relieve the City from being subject to the payment of property taxes to the County. No changes to existing MDF operations or any new construction is requested.

The MDF and other affected parcels are unincorporated "islands" that are not contiguous to existing city limits. Pursuant to California Government Code Section 56742, with approval of the Local Agency Formation Commission, a city may annex noncontiguous territory that does not exceed 300 acres if the territory meets all of the following criteria:

- a) It is located in the same county as that in which the city is situated;
- b) It is owned by the city; and
- c) It is being used for municipal purposes at the time proceedings are initiated.

The proposed annexation of the MDF parcels satisfies the above criteria. The above Government Code section also states that should any or all of the annexed territory be subsequently sold by the city, it shall cease to be part of city limits and return to unincorporated status.

On June 7, 2012, the City of Napa Planning Commission voted 4-0 to forward a recommendation to the City Council to adopt a Negative Declaration before taking final action on the project.

**ALUCP Consistency Determination**

The current application only considers whether proposed annexation/pre-zoning action is consistent with the ALUCP. Only the potential change of jurisdiction is addressed, not existing operations, since the Material Diversion Facility was approved as part of the ALUC's "Review of Local Approval" # ALU-41 action in 1991.

Consistency Determination is required under two ALUCP policies. Under Policy 1.3.2(b), state law requires ALUC review of "[t]he adoption or approval of zoning ordinance or building regulation which (1) affects the Commission's geographic area of concern (Napa County Airport) . . . and (2) involves the types airport impact concerns (i.e., Safety, Airspace, Airspace Protection and Overflight) listed in paragraph 1.2 (Section 21676(b)). Policy 1.3.3 (a) requires the ALUC to review for "[a]ny proposed expansion of a city's or an urban service district's sphere of influence within an airport's planning area."

In this case, the property annexation would transfer property jurisdiction from Napa County to the City of Napa which expands the city's sphere of influence in the Napa County Airport influence area. Concurrent pre-zoning will define allowable land uses on the properties within the city zoning ordinance. The Pre-zoning designation to PQ-P:AC (Quasi-Public, Public: Airport Compatibility Overlay) District will effectively retain the County's existing :AC ( Airport Compatibility Combining) District development standards. The City of Napa's General Plan policies and Zoning Ordinance standards have previously been reviewed by the ALUC and were found to be consistent with Napa County Airport Land Use Compatibility Plan requirements.

In addition, State Government Code Section 56742 requires that if any or all of the annexed territory are subsequently sold by the city, it shall cease to be part of city limits and would return to County jurisdiction. Effectively, use of the property will be limited to land uses consistent with ALUCP requirements. As detailed below, the proposed annexation and pre-zoning complies with all ALUCP Compatibility Policies regarding. No changes to existing MDF operations or new construction are proposed; all existing operating permits and conditions of approval governing MDF operations to ensure ALUCP policy compliance would be retained

**2. Location** - The MDF property is located on six parcels, approximately 19 acres total size, at 820 Levitin Way, on the both the southeast and southwest corners of the Levitin Way intersection with Tower Road, approximately 0.39 mile (2,050 feet) west of SR 29. The MDF properties are located within three Napa County Airport Influence Area Compatibility Zones: 1) Zone A - Runway Protection Zone; 2) Zone B - Approach/Departure Zone; and 3) Zone D - Common Traffic Pattern.

Zone A - Runway Protection Zone areas are regularly overflowed by aircraft below 50 feet above the ground. These areas are considered high risk with regard to accident potential and any structures, buildings, trees or obstacles may create flight hazards. These areas are also affected by high noise levels. Zone B - Approach/Departure Zone is defined as the areas where aircraft will be below 100 feet above ground level as determined by the type of approach. These areas are affected by substantial risk of accident potential due to the frequency of overflights at low altitudes. Noise levels are generally high with frequently loud single events. Zone D - Common Traffic Pattern areas are routinely overflowed by aircraft operating to and from the airport with frequent single-event noise intrusion. Overflights in these areas can range from near the traffic pattern altitude (about 1,000 feet above the ground) to as low as 300 feet above ground. Accident risk varies from low to moderate. Areas near pattern altitude (e.g., downward leg) have the lowest risk. In areas where aircraft are at lower altitudes (especially on circle-to-land instrument approaches) a moderate level of risk exists.

The northwest corner of the site is approximately 0.24 mile (1,254 feet) east of the centerline and beginning of Runway 6/24, the designated Napa County Airport crosswind runway. APNs 057-110-049, -065, the southwest quarter of -066 and northwest 20% of -068 are located within Zone A. The balance of APNs -066 and -052 are located in Zone B. The balance of -068 and -067 are located in Zone D.

Typical overflights of the project area consist of aircraft on final approach to Runway 6/24. As shown in attached Exhibits, Napa County Airport Aircraft Altitude Profiles (ALUCP, Figure 1), with the property's approximately 1,254 feet distance from the runway, the required approach slopes of the existing 20:1 Part 77 approach surface, future 34:1 Part 77 approach surface (when the new glideslope system is installed) and 3% glideslope for small jets are all located at least above 100 feet MSL.

According to the *Napa County Airport Master Plan, March 2007*, FAA design standards for ARC C-II facilities such as the Napa County Airport specify that a 400-foot wide Runway Safety Area (RSA), centered on the runway centerline, be provided throughout the entire runway length and 1,000 feet beyond each end of the runway. The east end of Runway 6/24 complies with this criteria. In addition, the Union Pacific Rail right-of-way separates the MDF properties from the airport RSA area by 80 feet.

No MDF structures are located within Zones A and B. No existing MDF buildings located in Zone D penetrate FAR Part 77 surfaces or navigable airspace thresholds. The properties have an existing Avigation Easement recorded on April 12, 1960 prior to 1999 parcel lot line adjustment. No new construction or change of use is proposed. The annexation/pre-zoning request is consistent with ALUCP policies.

**3. Land Use** – The existing MDF consists of a gatehouse, scales, administration building, 30,000 square foot materials recycling facility building with two sorting lines and source-separated container storage areas. A small amount number of electronic waste is collected at the site but is loaded into shipping containers for recycling at other facilities. There is a truck washing station, maintenance shop and spray painting facility and an on-site stormwater and leachate management system. There are separate construction, demolition debris storage and wood waste processing areas. The largest open area is used for yard waste composting with separate turned windrow, compost curing, load out and final product screening areas.

The composting operation only accepts yard waste (e.g., leaves, lawn clippings and branches) that generally do not attract hazardous wildlife. Wood chips and similar materials are not municipal solid wastes and may be used as compost bulking agents. To ensure compost quality, other municipal solid wastes are not allowed. The City and County pilot food waste composting program will contain all food wastes which will also be covered by finished compost material to prevent bird attraction.

In 1994, approval of a drainage retention pond was part of a three pond system to: 1) capture and store water for reuse in compost windrow watering; 2) settling out organic matter from compost windrow run-off; and 3) biological filtration of run-off that is released into the surface drainage off-site. In permit application comments, Caltrans Division of Aeronautics staff stated that "[t]he proposal should be consistent with the Napa County County Airport Compatibility Zone 'B'." ALUC staff stated "[p]onds are probably a compatible use of Zone A although ALUC has found a large wastewater pond and berm at the end of a runway to increase aircraft hazard (# ALU-83, City of Calistoga)," but only recommended ". . . the final site plan be transmitted to the ALUC for inclusion in the # ALU-41 file". In response to California Integrated Waste Management Board comments to the draft Negative Declaration, a mitigation measure was added which requires "[s]taff will conduct field a field investigation of the ponds at three separate times throughout the year. If a total of more that 20 birds are noticed at any time within the ponds, the applicant shall be responsible for the immediate installation of bird deterrence devices such as noisemakers and artificial predators." As required by its Composting Facility and Operations Permits, there are active bird control measures on-site, including use of monofilament lines over compost piles, falconers, noise makers and chickens (which deter sea gulls). These are all standard measures used for vector control at all solid waste facility operations, whether or not the facility is located near an airport.

The MDF does not penetrate Federal Aviation Regulations (FAR) Part 77 surfaces, is not a use that would create smoke, glare, distracting lights or electronic interference. According to the Local Enforcement Agency, which ensures compliance with the operation's MDF permits, they are not aware of any bird-related incidents with aircraft in the nearly 20 years of MDF operation.

The proposed annexation is a transfer of property jurisdiction from Napa County to the City of Napa. Pre-zoning will ensure retention of existing public/quasi-public land uses on the six parcels. With no proposed changes to existing land use or any new construction, existing operating permits and conditions of approval governing operation will ensure continued compliance with ALUCP Noise, Safety, Airspace Protection and Overflight policies.

**4. Concentration of People** – The existing MDF structures are freestanding structures located within Zone D; no structures are located or proposed with Zone A and B. Zone D allows maximum densities of 100 people/acre in structures and a total of 150 people/acre outside of structures. According to City staff, the MDF contract operator employs between 90-100 workers, including drivers who are primarily off-site. With the combined 19 acre property size, the maximum 5.26 people/acre property density falls below these thresholds. The project does not conflict or



potentially conflict with these density limitations and is fully consistent with ALUCP policies.

**5. Building Height** – No new construction is proposed as part of this application, The existing MRF buildings and accessory structures are not located in Zones A and B, are only located within Zone D, do not penetrate FAR Part 77 surfaces and are located below current 20:1 and future 34:1 required approach slopes and navigable airspace thresholds for the Napa County Airport, consistent with ALUCP policies.

**6. Lighting and Glare** – The existing MDF has a nonreflective surface and does not have existing hazardous lighting conditions. There is no uplighting or sources of glare, consistent with ALUCP policies. Off-site, there are street light located at the cul-de-sac across the street from the facility tower as part of County Service Area #3 improvements.

**7. Communications** - As proposed, Staff does not anticipate the existing MDF will affect airport communications. According to the applicant, the MDF complies with all FCC construction requirements, technical standards, interference protection, power limitations and radio frequency standards.

**8. Building Materials** – Existing MDF buildings and on-ground equipment have been on-site for nearly 20 years. No changes to existing operations or facilities are proposed as part of this request. The existing Avigation Easement incorporates standard permit conditions of approval that prohibit reflective roof materials, consistent with ALUCP policies.

**9. Overflight Easement** – The property has an existing Avigation Easement accepted by the Napa County Board of Supervisors on April 12, 1960. The easement applies to successor properties resulting from lot line adjustments. No changes to the document are required for this project.

**10. Caltrans Aeronautics** – Caltrans Division of Aeronautics staff has been sent copies of attached background information. No comments have been received regarding the project.

**11. Processing** – ALUCP Policy 2.1.8 states, "The ALUC shall not accept any plan, ordinance or regulation for review until the referring local agency has held at least one substantive local hearing or other public meeting on the proposed matter. . ." and prior to the local agency's final action. Staff believe the reason for this policy is two fold: 1) to avoid ALUC having to respond to land use issues outside of the jurisdiction of the ALUC which may occur if the project is reviewed too early in the process, before the local agency has commenced public review; and 2) to ensure that the ALUC can review the final design so that re-referral to the ALUC does not occur as a result of project design changes during the local agency public hearings. This policy is most suited for major consistency determinations (e.g., annexations, general plan amendments and rezonings) that are subject to multiple Planning Commission, City Council or Board of Supervisor hearings at the local level.

On June 7, 2012, the City of Napa Planning Commission voted 4-0 to forward a recommendation to the City Council to adopt a Negative Declaration before taking final action on the project. City Council hearing and action has not yet been scheduled.

At its July 9, 2012 meeting, the Airport Advisory Commission had no comments on the project since the annexation only involved a jurisdictional change with no changes to existing operations.

**12. Conditions** - No conditions are recommended since there is an existing Avigation Easement applicable to all affected properties addressing noise, safety, airspace protection and overflight. Existing MDF operations on-site are controlled by facility permits that incorporate effective avian hazard controls through standard vector control measures, as required by a specific permit mitigation measure adopted in 1991.

SUPPORTING DOCUMENTS

- A. Application
- ~~B. ALUC Review of Local Approval # ALU-41~~
- ~~C. City of Napa Planning Commission Staff Report~~
- ~~D. Materials Diversion Facility Operations Description~~
- ~~E. Drainage Retention Pond Comments~~
- ~~F. Avigation Easement~~
- ~~G. Graphics~~

Airport Land Use Commission: Approve

Reviewed By: John McDowell

RECEIVED

DEC 12 2012

NAPA COUNTY  
LAFCO

FORM D

Date Filed:

12/12/12

Received By:

BF

JUSTIFICATION OF PROPOSAL  
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: SCOTT KLINGBEIL CITY OF NAPA, CDD  
 Contact Person Agency/Business (If Applicable)

Address: 1600 FIRST ST NAPA 94559  
 Street Number Street Name City Zip Code

Contact: 707 257-9530 257-9522 SKLINGBE@CITYOFNAPA.ORG  
 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

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)

REQUEST ANNEXATION OF THE 18.60  
ACRES THAT COMPRISE THE MATERIALS  
DIVERSION FACILITY LOCATED AT  
820 LEVITIN WAY.

**III. GENERAL INFORMATION**

A. Location:

	<u>820 LEVITT WAY</u>	<u>BELOW</u>	<u>18.60</u>
	Street Address	Assessor Parcel Number	Acres
	<u>057.110.049, 057.110.052 AND</u>		
	Street Address	Assessor Parcel Number	Acres
	<u>057-110-065, 066, 067 AND 068.</u>		
	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 : SEE ABOVE Name: CITY OF NAPA  
Mailing Address: PO BOX 660 NAPA CA 94559  
Phone Number: 257.9520 E-mail: JFREITAS@CITYOFNAPA.ORG

(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: N/A

(2) Total Number of Registered Voters: N/A

**D. Land Use Factors:**

- (1a) County General Plan Designation: INDUSTRIAL
- (1b) County Zoning Standard: G1: AC
- (2a) Applicable City General Plan Designation: \_\_\_\_\_
- (2b) Applicable City Rezoning Standard: PQ-P: AC

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

MATERIALS DIVERSION FACILITY  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**F. Development Plans:**

- (1a) Territory Subject to a Development Project?  Yes  No
- (1b) If Yes, Describe Project: \_\_\_\_\_  
\_\_\_\_\_
- (1c) If No, When Is Development Anticipated? ALREADY DEVELOPED

**G. Physical Characteristics:**

- (1) Describe Topography: FLAT SITE THAT IS DEVELOPED WITH INDUSTRIAL BLDGS AND PAVEMENT
- (2) Describe Any Natural Boundaries: \_\_\_\_\_  
\_\_\_\_\_
- (3) Describe Soil Composition and Any Drainage Basins: \_\_\_\_\_  
\_\_\_\_\_
- (4) Describe Vegetation: N/A

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

Yes

No

**IV. GOVERNMENTAL SERVICES AND CONTROLS**

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**A. Plan For Providing Services:**

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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**V. ENVIRONMENTAL INFORMATION**

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**A. Environmental Analysis**

(1) Lead Agency for Proposal: CITY OF NAPA  
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**

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**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: JEFF FREITAS, REAL ESTATE MANAGER  
Mailing Address: PO BOX 660 NAPA CA 94559  
E-Mail: JFREITAS@CITYOFNAPA.ORG

(2) Recipient Name: KEVIN MILLER, MATERIALS DIVERSION ADMIN.  
Mailing Address: PO BOX 660, NAPA CA 94559  
E-Mail: KMILLER@CITYOFNAPA.ORG

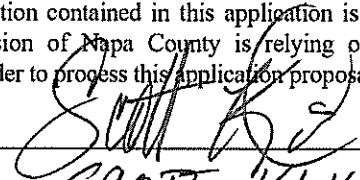
(3) Recipient Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

**VII. CERTIFICATION**

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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:

SCOTT KLINGBELL  
\_\_\_\_\_

Title:

SENIOR PLANNER  
\_\_\_\_\_

Date:

12/12/12  
\_\_\_\_\_



## GEOGRAPHIC DESCRIPTION

That portion of land within Sections 11 and 12, Township 4 North, Range 4 West, Mount Diablo Base and Meridian in the County of Napa, State of California, more particularly described as follows:

Beginning at a point on the eastern line of the Right of Way of the Napa Branch of the Southern Pacific Railroad Company as described in the Decree of Preliminary Distribution (Ex Parte) of the estate of Helen Levitin recorded October 30, 1986 in Book 1476 of Deeds at Page 610 of Official Records of Napa County, said point also being the northwesterly corner of Lot 1 as shown on the map entitled "Final Map of Epstein-Levitin Subdivision" filed May 15, 1991 in Book 18 of Maps, at pages 37-39 inclusive in the office of the Napa County Recorder, as amended by Certificate of Correction recorded July 10, 1992 as Series Number 1992 022949 of Official Records of Napa County, and as amended by Certificate of Correction recorded August 25, 1993 as Series Number 1993 026888 of Official Records of Napa County; thence

Course 1. South 88°52'35" East 306.63 feet along the northerly line of said Lot 1 to a point on the right-of-way line of Tower Road, said right-of-way line being a non-tangent curve concave easterly having a radius of 65.00 feet, a radial line to said point bears North 88°52'35" West; thence

Course 2. Southeasterly, easterly, and northeasterly along said curve and right-of-way line through a central angle of 129°16'05" an arc distance of 146.65 feet (chord bearing South 63°30'38" East a distance of 117.47 feet) to a reverse curve concave southeasterly having a radius of 90.00 feet; thence

Course 3. Northeasterly and easterly along said reverse curve and right-of-way line through a central angle of 39°16'05" an arc distance of 61.68 feet (chord bearing North 71°29'22" East a distance of 60.48 feet); thence

Course 4. South 88°52'35" East 667.17 feet along the southerly right-of way line of Tower Road to the northeasterly corner of Lot 8 as shown on said map; thence

Course 5. South 1°06'45" West 1,019.97 feet to the southeasterly corner of Lot 5 as shown on said map; thence

Course 6. North 89°20'05" West 571.82 feet to a point on said eastern line of the Right of Way of the Napa Branch of the Southern Pacific Railroad Company, said point also being the southwesterly corner of Lot 4 as shown on said map; thence

Course 7. North 27°04'15" West 1,196.51 feet along said eastern line to the point of Beginning.

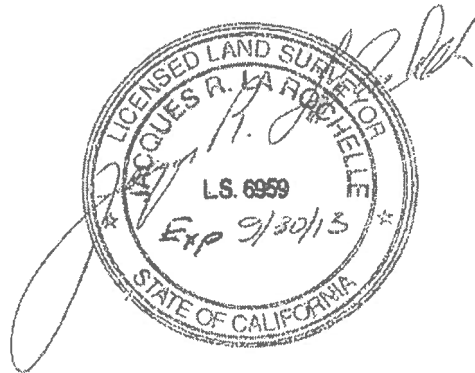
EXCEPTING THEREFROM the following:

All that portion of Lot 8 as shown on said map as granted to the County of Napa by deed recorded April 22, 1994 as Series Number 1994 013796 of Official Records of Napa County.

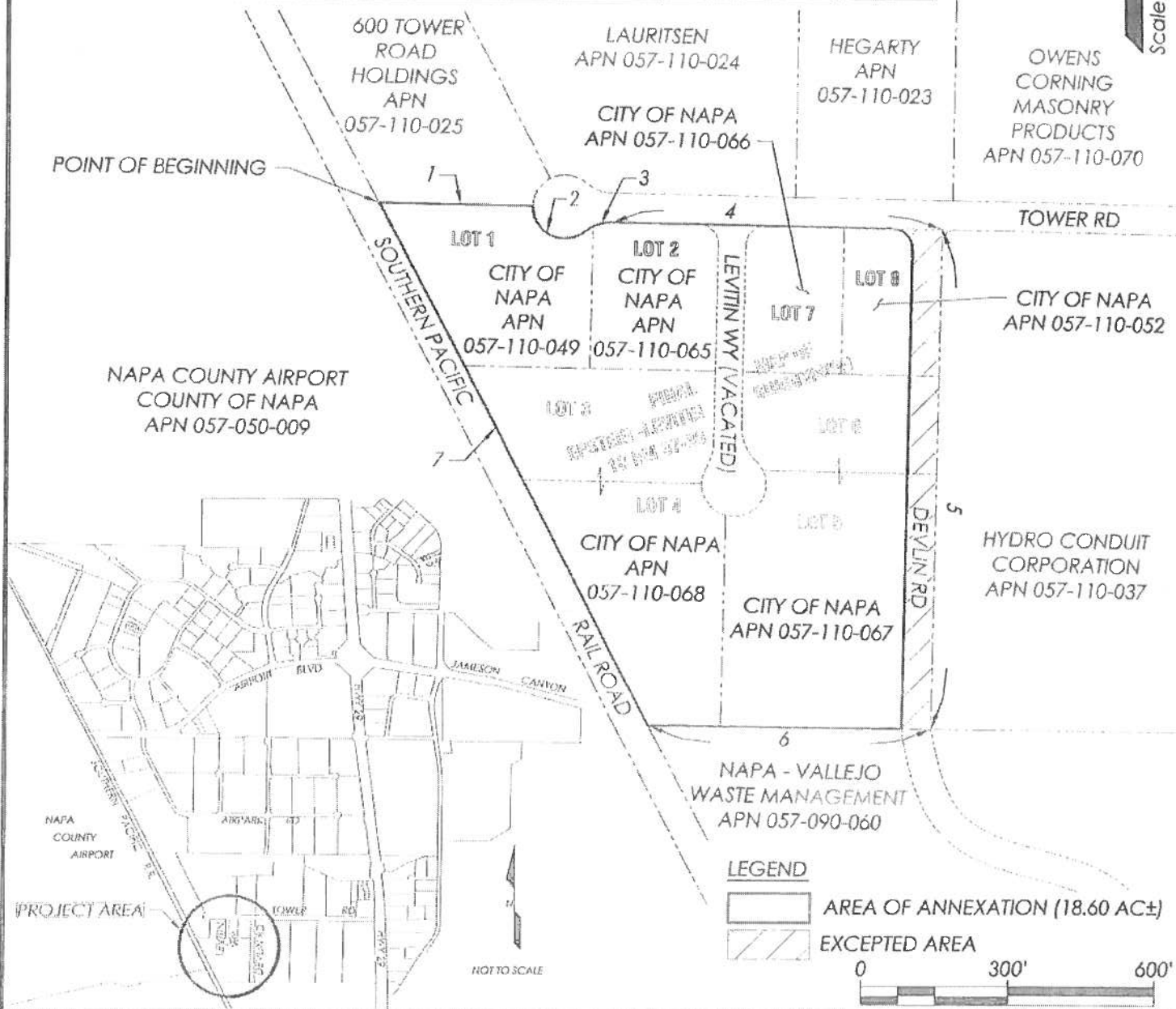
ALSO EXCEPTING THEREFROM the following:

All those portions of Lots 5 and 6 as shown on said map as offered to the County of Napa by irrevocable dedication recorded August 26, 1992 as Series Number 1992 028418 of Official Records of Napa County.

Total computed acreage containing 18.60 acres more or less.



Course #	Bearing	Delta	Radius	Length	Chord Direction	Chord
1	S88° 52' 35"E	-	-	306.63'	-	-
2	-	129° 16' 05"	65.00'	146.65'	S63° 30' 38"E	117.47'
3	-	39° 16' 05"	90.00'	61.68'	N71° 29' 22"E	60.48'
4	S88° 52' 35"E	-	-	667.17'	-	-
5	S1° 06' 45"W	-	-	1019.97'	-	-
6	N89° 20' 05"W	-	-	571.82'	-	-
7	N27° 04' 15"W	-	-	1196.51'	-	-



CITY OF NAPA

PUBLIC WORKS DEPARTMENT

TITLE  
 MATERIALS DIVERSION FACILITY LAFCO EXHIBIT  
 POR. SECTIONS 11 & 12, T.4 NORTH, R.4 WEST, M.D.B.&M

DRAWN BY: T.A.B.  
 DATE: 1/4/2012  
 SCALE: 1" = 300'  
 FIELD NOTES:

CHECKED BY: M.P.A.  
 APPROVED BY: M.P.A.  
 DRAWING NO. 1 OF 1

## Standard Indemnification Agreement

Name of Proposal: Materials Diversion Facility

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 City of Napa as the applicant and 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.

Applicant and/or real party in interest may be required by Napa LAFCO to execute an additional indemnity agreement as a condition of approval for this application. Such an agreement in no way limits the effect of obligations provided under this legal indemnity.

[Signature]  
City/District Representative

JEFF FREITAS  
Print Name

1/30/13  
Date

\_\_\_\_\_  
Principal Landowner Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

**RESOLUTION NO. \_\_\_\_\_****RESOLUTION OF  
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
MAKING DETERMINATIONS****LEVITIN WAY NO. 1 REORGANIZATION**

**WHEREAS**, an application of the City of Napa, by resolution, proposing the annexation of territory to the City of Napa has been filed with the Executive Officer of the Local Agency Formation Commission of Napa County, hereinafter referred to as the “Commission”, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, the Executive Officer reviewed the proposal and prepared a report with recommendations; and

**WHEREAS**, the proposal and the Executive Officer’s report 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 7, 2013; and

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

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

1. As responsible agency under the California Environmental Quality Act, the Commission has considered the initial study and corresponding determination by the City of Napa the proposal will not generate any new significant effects on the environment. The Commission concurs with the City’s determination and finds the annexation will not introduce any new considerations. The Commission further finds that projects, as they become known, will be subject to environmental review as they are developed. The Executive Officer, accordingly, shall file a notice of determination with the County of Napa Clerk-Recorder’s Office memorializing the findings of the Commission. The records upon which these findings and determination are made are located at the office of the Commission at 1030 Seminary Street, Suite B, Napa, California 94559.
2. The City of Napa currently owns and uses the affected territory for a municipal purpose.
3. The affected territory is non-contiguous to the City of Napa.
4. The affected territory is located outside the City of Napa’s sphere of influence.
5. The affected territory is eligible for annexation without requiring a concurrent sphere of influence amendment under Government Code Section 56742.
6. The proposal is APPROVED with the following modification:
  - a) The affected territory is concurrently detached from County Service Area No. 4.

7. The proposal is assigned the following distinctive short-term designation:

**LEVITIN WAY NO. 1 REORGANIZATION**

- 8. The affected territory is depicted in the vicinity map provided in Exhibit "A".
- 9. The affected territory is uninhabited as defined in Government Code Section 56046.
- 10. The City of Napa utilizes the regular assessment roll of the County of Napa.
- 11. 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.
- 12. The Commission authorizes conducting authority proceedings to be waived in accordance with Government Code Section 56663.
- 13. 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) Payment of any and all outstanding fees owed to the Commission and/or other agencies involved in the processing of this proposal.
- 14. The effective date shall be the date of recordation of the Certificate of Completion.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 7, 2013, by the following vote:

AYES: Commissioners \_\_\_\_\_

NOES: Commissioners \_\_\_\_\_

ABSTAIN: Commissioners \_\_\_\_\_

ABSENT: Commissioners \_\_\_\_\_

ATTEST: Peter Banning  
Acting Executive Officer

Recorded by: \_\_\_\_\_  
Kathy Mabry  
Commission Secretary

# EXHIBIT A

