



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

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

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**June 2, 2014**

**Agenda Item No. 7b (Action)**

May 22, 2014

**TO:** Local Agency Formation Commission

**FROM:** Brendon Freeman, Analyst

**SUBJECT: Big Ranch Road No. 5 Annexation to the Napa Sanitation District**

The Commission will consider a proposal to annex approximately 6.0 acres of incorporated territory to the Napa Sanitation District. The proposed annexation encompasses three entire parcels located near Big Ranch Road in the City of Napa. The purpose of the proposed annexation is to facilitate the subdivision of the two larger parcels as contemplated in the applicant's tentatively approved development project. The City of Napa serves as lead agency under CEQA and has determined the underlying project could not have a significant effect on the environment because all potential significant effects have been adequately analyzed and addressed in the City General Plan as well as the Big Ranch Specific Plan. The recommended action is for the Commission to approve the proposal with one amendment to include an adjacent 0.5 acre incorporated parcel located at 2123 Big Ranch Road.

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Local Agency Formation Commissions (LAFCOs) are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") to regulate the formation and development of local governmental agencies and their municipal services. This includes approving or disapproving proposed changes of organization, such as boundary changes, consistent with adopted policies and procedures pursuant to California Government Code (G.C.) Section 56375. LAFCOs are authorized to exercise broad discretion in establishing conditions in approving changes of organization as long as they do not directly regulate land use, property development, or subdivision requirements.

**A. Recommendation**

Staff recommends approving the proposed annexation of 2091, 2097, and 2125 Big Ranch Road to the Napa Sanitation District (NSD) with one amendment to include an additional parcel located at 2123 Big Ranch Road for purposes of providing for a more logical and orderly District boundary. Standard approval conditions are also recommended and are outlined in the draft resolution included as Attachment One to this staff report.

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Joan Bennett, Vice Chair  
Councilmember, City of American Canyon

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

Brian J. Kelly, Chair  
Representative of the General Public

Greg Pitts, Commissioner  
Councilmember, City of St. Helena

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

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

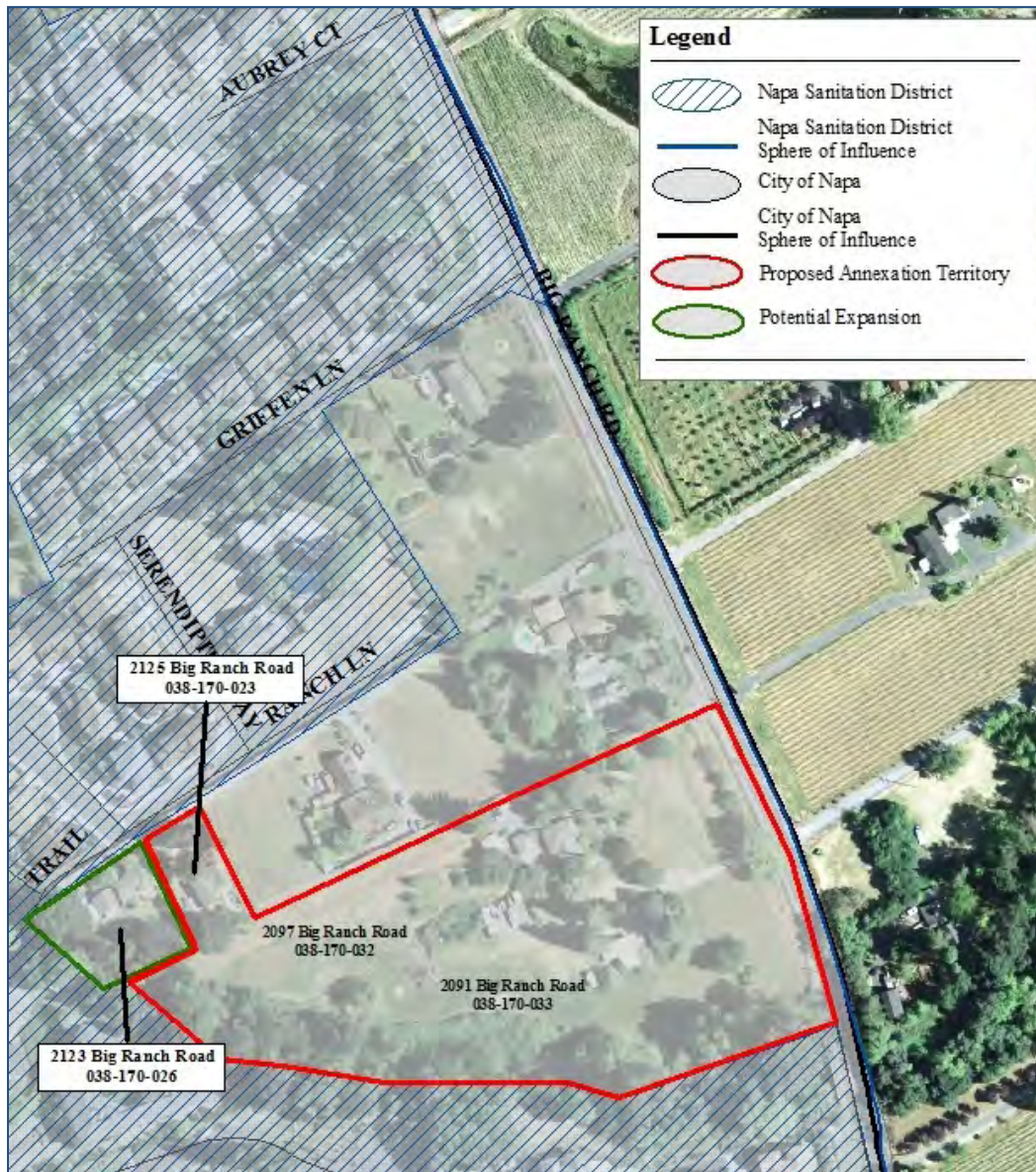
Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

Laura Snideman  
Executive Officer

## B. Background

LAFCO of Napa County (“Commission”) has received a proposal from Lafferty Communities requesting the annexation of approximately 6.0 acres of incorporated territory within the City of Napa (“City”) to NSD. The subject territory comprises three entire residential parcels located at 2091 Ranch Road (2.7 acres), 2097 Ranch Road (3.0 acres), and 2125 Big Ranch Road (0.3 acres) and identified by the County Assessor’s Office as 038-170-033, 038-170-032, and 038-170-023, respectively. The proposed annexation territory is currently partially developed with three total single-family residences. An aerial map of the proposed annexation territory follows.



## **C. Discussion**

### ***Agency Profile***

NSD was formed in 1945 as a dependent enterprise district to provide public sewer service for the City and the surrounding unincorporated area. NSD provides sewer service to most of Napa along with several surrounding unincorporated areas, including Silverado, Napa State Hospital, and the Napa County Airport. NSD currently serves 31,830 residential customers with an estimated resident service population of 86,896.<sup>1</sup>

### ***Proposal Purpose***

The underlying purpose of the proposal before the Commission is to facilitate the subdivision of 2091 and 2097 Big Ranch Road to include 17 single-family residential lots as contemplated under the City Zoning Ordinance and the applicant's tentatively approved development project. Existing NSD sewer infrastructure is located in close proximity to the two larger parcels along Ranch Lane. A lateral connection through 2125 Big Ranch Road is required for the larger parcels to access the existing sewer line. The landowner of 2125 Big Ranch Road has provided a public sewer easement and consented to the annexation to allow NSD to extend its infrastructure to the two larger parcels. Consideration of the service needs and related impacts associated with the future development of the subject parcels are incorporated into the following analysis section.

## **D. 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 making a determination on environmental impacts.

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

A review of the submitted application materials relative to the Commission's adopted policies indicates that the Commission should consider one discretionary amendment that would expand the boundary of the proposed annexation. Approval of the proposal without amendment would create a "special district pocket" comprising a single 0.5 acre parcel to the immediate west of the proposed annexation territory that would be surrounded on all sides by NSD's jurisdictional boundary.<sup>2</sup>

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<sup>1</sup> The resident service projection based on the 2014 California Department of Finance population per household estimate (2.73) assigned to Napa County and multiplied by the number of residential sewer connections within NSD (31,830). NSD also serves 4,409 non-residential customers, including industrial and commercial users.

<sup>2</sup> "Special district pocket" is not defined under CKH.

This remaining parcel is located at 2123 Big Ranch Road and is identified by the County Assessor's Office as 038-170-026. Although public sewer service is not needed at this time, staff recommends amending the proposal to include 2123 Big Ranch Road to eliminate the pocket. This recommended amendment is not required by statute or policy as it is for eliminating islands within cities, but would provide a more orderly boundary for the District.<sup>3</sup> There are currently no known plans to further develop 2123 Big Ranch Road. However, and subject to separate approval from the City, this parcel could potentially be further developed in the future to include up to three total residential lots as contemplated in the City Zoning Ordinance. NSD and the landowner of the remaining parcel have provided their consent to staff's recommended amendment following the official filing of the proposal.

### ***Legislative Policies / Mandated Factors for Consideration***

G.C. Sections 56668 and 56668.3 require the Commission to consider 16 specific factors anytime it reviews proposals for change of organization or reorganization involving special districts. 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. Staff has incorporated into the review the recommended amendment as detailed in the preceding section. Consequently, references to the "affected territory" hereafter include 2091, 2097, 2123, and 2125 Big Ranch Road.

***(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 lies within a residential area consisting of low to moderate density housing and part of the "Vintage" neighborhood designation under the City General Plan. The affected territory is partially developed with four single-family residences. The current assessment value of the affected territory totals \$1,967,057.<sup>4</sup>

The affected territory is legally uninhabited given there are under 12 registered voters based on the most recent list provided by County Elections. Topography within the affected territory slopes slightly upward to the west with a peak elevation of 14 feet above sea-level. Salvador Creek runs along the west and south properties of the affected territory.

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<sup>3</sup> G.C. Section 56375.3 outlines procedures for cities to propose annexations for purposes of eliminating entirely or substantially surrounded islands. Commission policies also include directives to modify city annexation proposals for eliminating islands whenever possible. These statutes and policies do not apply to special district annexations.

<sup>4</sup> Individual property assessed values are as follows: 2091 Big Ranch Road at \$690,000; 2097 Big Ranch Road at \$745,000; 2123 Big Ranch Road at \$286,436; and 2125 Big Ranch Road at \$245,621.

Proposal approval is expected to facilitate the future development of 2091 and 2097 Big Ranch Road to include 17 residential lots based on the applicant's tentatively approved development project. 2123 Big Ranch Road is already developed to its maximum buildout potential. While there are currently no development plans associated with 2125 Big Ranch Road, the parcel could potentially be further developed – subject to separate approval from the City – to include up to three lots based on the City Zoning Ordinance. The affected territory therefore has the potential to be further developed to include a maximum of 21 total residential lots and produce an estimated buildout population of 57.<sup>5</sup>

*(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 present need for municipal services within the affected territory is limited to public sewer for the existing single-family residences within the affected territory; residences that currently rely on onsite septic systems. Annexation to NSD would provide permanent public sewer service to the affected territory going forward. Core municipal services already provided or available to the affected territory directly or indirectly by the City include water, fire, emergency medical, police, roads, and garbage collection; all at levels deemed adequate given current and planned uses.

There is expected to be additional demand for municipal services in the future as a result of the buildout of the affected territory to include up to 21 total lots as contemplated in the applicant's tentatively approved development project and City Zoning Ordinance. Most notably, and in addition to sewer, this includes elevated water, fire protection/emergency medical, and law enforcement. An analysis of the availability and adequacy of these core municipal services needed to accommodate and support current and probable future needs within the affected territory follows.

- *Sewer Service*

The affected territory currently receives sewer service through onsite septic systems. It is estimated the current daily sewer flow generated from the affected territory is 820 gallons on average and increases by two and one-half to 2,050 gallons during peak periods. These current flow estimates represent less than one one-hundredth of a percent of NSD's current system demand. Furthermore, if developed as contemplated in the applicant's tentatively approved development project and City zoning to include 21 total lots, the estimated daily sewer flows would only increase to 4,410 gallons on average and 11,025 gallons during peak periods. These buildout estimates would have negligible impacts on NSD's sewer system as depicted in the following table.

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<sup>5</sup> The estimated buildout population for the affected territory assumes a per unit factor of 2.72 based on calculations performed by the California Department of Finance specific to the City.

**NSD Baseline Without Annexation of the Affected Territory**  
 (Amounts in Gallons)

<b>System Avg. Day Capacity</b>	<b>Average Day Demand</b>	<b>Peak Day Demand</b>	<b>System Peak Day Capacity</b>
15,400,000	6,705,130	33,712,825	126,200,000

**NSD Adjusted With Annexation/Buildout of the Affected Territory**  
 (Amounts in Gallons)

<b>System Avg. Day Capacity</b>	<b>Average Day Demand</b>	<b>Peak Day Demand</b>	<b>System Peak Day Capacity</b>
15,400,000	6,709,540	33,723,850	126,200,000

- \* Assumes the buildout of the affected territory will result in 21 total single-family residences with combined average and peak day demands at 4,410 and 11,025 gallons, respectively.
- \* Capacity during peak-day incorporates 340 acre-feet (110,806,000 gallons) of adjacent pond storage.

- **Water Service**

The affected territory currently receives water service through onsite wells. However, the affected territory is eligible to receive water service from the City. If developed to its maximum allowance under the City Zoning Ordinance, the estimated daily average water demand at buildout – and assuming current usage patterns – would total 5,250 gallons.<sup>6</sup> These buildout estimates would have negligible impacts to Napa’s existing water system infrastructure as measured by supply, storage, and treatment capacities as discussed in the following subsections.

**Water Supply and Demand**

Napa’s water supplies are derived from three distinct sources: Lake Hennessey, Milliken Reservoir, and the State Water Project. These three sources collectively provide Napa with 31,340 acre-feet of raw water for treatment during normal year conditions based on historical patterns. These historical patterns also indicate Napa’s annual water supply decreases during multiple and single dry year conditions to 19,896 and 13,533 acre-feet, respectively. Conversely, Napa’s most recently recorded annual water demand totals 13,877 acre-feet; an amount representing an average daily use of 38 acre-feet. These current demands result in an available supply surplus during normal and multiple dry year conditions. Further, the existing shortfall projected during single dry years is relatively minimal and would be likely offset by voluntary and mandatory water conservation measures that could be adopted by the City Council consistent with their Urban Water Management Plan (UWMP).

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<sup>6</sup> This projected daily water demand would be the equivalent of 5.9 acre-feet per year.

Baseline Conditions <u>Without</u> Annexation of the Affected Territory (Amounts in Acre-Feet)			
Category	Normal	Multiple Dry Year	Single Dry Year
Annual Supply	31,340	19,896	13,533
Annual Demand	13,877	13,877	13,877
Difference	17,463	6,019	(344)

Adjusted Conditions <u>With</u> Annexation/Buildout of the Affected Territory (Amounts in Acre-Feet)			
Category	Normal	Single Dry Year	Multiple Dry Year
Annual Supply	31,340	19,896	13,533
Annual Demand	13,883	13,883	13,883
Difference	17,457	6,013	(350)

### ***Water Treatment and Storage***

Napa operates treatment facilities for each of its three water sources. These three facilities provide a combined daily treatment capacity of 135 acre-feet.<sup>7</sup> This combined treatment amount is more than three times greater than the current average day water demand (38 acre-feet) and nearly two times greater than the current estimated peak day water demand (76 acre-feet).<sup>8</sup> Furthermore, Napa’s combined treated water storage capacity overlaying its five pressure zones – including clearwell tanks – is 86 acre-feet. This combined storage amount accommodates current estimated peak day water demands in Napa.

Baseline Conditions <u>Without</u> Annexation of the Affected Territory (Amounts in Acre-Feet)			
Treatment Capacity	Average Day Demand	Peak Day Demand	Storage Capacity
135.0	38.0	76.0	86.2

Adjusted Conditions <u>With</u> Annexation/Buildout of the Affected Territory (Amounts in Acre-Feet)			
Treatment Capacity	Average Day Demand	Peak Day Demand	Storage Capacity
135.0	38.0	76.0	86.2

<sup>7</sup> The combined daily treatment capacity for Napa is divided between the Milliken facility at 4.0, Jamieson facility at 20.0, and Hennessey facility at 20.0 million gallons, respectively.

<sup>8</sup> Based on recent usage records, the estimated peak day demand factor for Napa is 2.0.

- ***Fire Protection and Emergency Medical Services***  
The affected territory receives fire protection and emergency medical services from the City. Annexation and buildout of the affected territory to include up to a total of 21 units would increase the need for these services moving forward. Information generated from the Commission's recent municipal service review on the Central County region noted that the City has generally developed sufficient capacities and controls to serve existing and anticipated demands for these services. The municipal service review also notes no service deficiencies within the area surrounding the affected territory.
- ***Law Enforcement Services***  
The affected territory receives law enforcement services from the City. Annexation and buildout of the affected territory to include up to a total of 21 units would increase demand for these services moving forward. The Commission's recent municipal service review on the Central County region notes that the City has developed sufficient capacities and controls to serve existing and anticipated demands. The municipal service review also notes no service deficiencies within the area surrounding the affected territory.

***(3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.***

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The proposal would recognize and strengthen existing social and economic ties between NSD and the affected territory. These ties were initially established in 1975 when the Commission included the affected territory in NSD's sphere of influence, marking an expectation the site would eventually develop for urban type uses and require public sewer from the region's sole service provider, the District. The recommended amendment to expand the affected territory to include an adjacent parcel would further strengthen these ties by avoiding the creation of a new "special district pocket" that is completely surrounded by NSD's jurisdictional boundary.

***(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 is consistent with the Commission's policies as codified under its General Policy Determinations. This includes consistency with urban land use designations for the affected territory under the County and City General Plans, avoidance of premature conversion of agricultural uses, and consistency with NSD's adopted sphere of influence. The affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377. Specifically, the affected territory is not substantially unimproved and devoted to an open-space use under the County or City General Plan.



***(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 amended by staff is parcel-specific and includes all of the property identified by the County of Napa Assessor’s Office as 038-170-023, 038-170-026, 038-170-032, and 038-170-033. Commission approval would include a condition requiring the applicant to 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.

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

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The proposal would provide permanent public sewer service to the affected territory. The availability of this municipal service is consistent with Napa’s General Plan, which designates the entire affected territory for single-family residential uses (*Single-Family Residential – 33*), as well as Napa’s Zoning Ordinance, which designates the affected territory for similar residential uses (*Residential Single – 7*). 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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The affected territory is located entirely within NSD’s sphere of influence, which was comprehensively updated by the Commission in August 2006.

***(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 interested parties as required under LAFCO law on April 8, 2014. 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 recent municipal service review on NSD concluded the District has established adequate administrative controls and capacities in maintaining appropriate service levels. This includes regularly reviewing and amending – as needed – NSD's two principal user fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) connection fees and (b) user fees. The connection fee is currently \$8,300 and serves as NSD's buy-in charge for new customers to contribute their fair share for existing and future facilities necessary to receive sewer service. The annual user fee for a single-family unit is currently \$458 and is intended to proportionally recover NSD's ongoing maintenance and operation expenses.

Additional analysis performed subsequent to the filing of the proposal provides reasonable assurances NSD'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. NSD's current operating budget includes \$13.6 million in approved expenses. NSD anticipates collecting \$19.2 million in general revenues resulting in an operating surplus of \$5.6 million. NSD's fund balance as of the beginning of the fiscal year totaled \$9.5 million.<sup>9</sup> Markedly, this unrestricted fund balance is sufficient to cover over eight months of operating expenses.

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

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Proposal approval and the probable development of the affected territory to include up to 21 single-family residences would generate new water demand for Napa. As previously referenced, Napa's available water supplies are drawn from three separate sources: 1) Lake Hennessey; 2) Milliken Reservoir; and 3) the State Water Project. Napa's most recent Urban Water Management Plan (UWMP) was adopted in 2011 and estimates the total annual water supply generated from these three sources during normal conditions and based on historical patterns is 31,340 acre-feet. These historical patterns also indicate the total annual water supply decreases to 19,896 and 13,533 acre-feet during multiple and single dry year conditions, respectively.

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<sup>9</sup> NSD expects its operating fund balance to increase at the end of the fiscal year from \$9.5 million to \$15.1 million following all budgeted transfers.

Information provided in the UWMP identifies Napa's available water supplies are more than sufficient in accommodating both current annual demands – 13,877 acre-feet – and the projected buildout demands within the affected territory – 5.9 acre-feet – during normal and multiple dry year conditions. Napa's available water supplies, however, are deficient under current estimated single dry years; a deficit that would be slightly increased with approval of the proposal along with the potential development of up to 21 total lots as contemplated in the applicant's tentatively approved development project and City Zoning Ordinance. Napa, accordingly, has established conservation efforts within its UWMP to address the projected deficiency during single dry years. These factors provide reasonable assurances of Napa's ability to effectively accommodate water demands with the minimal increases tied to the affected territory in accordance with G.C. Section 65352.5.

*(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.*

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The proposal would not impact any local agencies in accommodating their regional housing needs. The affected territory is already located entirely within Napa's jurisdictional boundary, and as a result, all potential units tied to the land are assigned to the City by the Association of Bay Area Governments.

The proposal could potentially result in a benefit to Napa with respect to achieving the City's fair share of the regional housing need as a result of the eventual buildout of the affected territory to include a total of 21 lots as contemplated in the applicant's tentatively approved development project and City Zoning Ordinance.

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

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The landowner of 2091 and 2097 Big Ranch Road is the petitioner seeking the annexation to NSD. The landowners of 2123 and 2125 Big Ranch Road have provided their written consent supporting their inclusion within the affected territory.

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

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See analysis on pages four and nine of this report.

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

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There is no documentation or evidence suggesting the proposed annexation will have any implication for environmental justice in Napa County.

***(16) For annexations involving special districts, whether the proposed action will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.***

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Proposal approval would benefit current and future landowners as well as residents by providing permanent access to public sewer service. Establishing permanent public sewer service helps facilitate the development of up to 21 single-family residences. Public sewer service also eliminates the need for septic systems in an urbanizing area in which any failings would create a public health and safety threat for immediate and adjacent residents. Finally, establishing permanent public sewer service eliminates set-aside land requirements previously dedicated to the septic system, which will assist in intensifying future residential development opportunities within the site.

### ***Other Considerations***

- ***Property Tax Agreement***

Revenue and Taxation Code Section 99(b)(6) requires adoption of a property tax exchange agreement by affected local agencies before the Commission can consider a proposed boundary change.<sup>10</sup> With this in mind, staff provided notice to NSD and the County of the proposed jurisdictional change affecting both agencies and the need to apply a property tax exchange to the proceedings. Both agencies confirmed a master property tax agreement adopted in 1980 shall apply to the proposal if approved by the Commission. This master property tax agreement specifies no exchange or redistribution of property tax revenues will occur as a result of annexations to NSD.

- ***Environmental Review***

The City serves as lead agency for the proposal under the California Environmental Quality Act (CEQA) given it is responsible for approving the underlying activity: subdividing 2091 and 2097 Big Ranch Road to include up to 17 total single-family residential lots.<sup>11</sup> The City determined the potential development of the affected territory could not have a significant effect on the environment because all potential significant effects have been adequately analyzed and addressed in the Final Environmental Impact Report (FEIR) prepared for the City General Plan as well as the Big Ranch Specific Plan FEIR. The FEIRS also adequately analyze and address potential environmental impacts associated with the future development of 2123 Big Ranch Road. There is no potential for any further development associated with 2125 Big Ranch Road. As responsible agency, LAFCO has reviewed the referenced documents and believes the City has made an adequate determination the annexation will not introduce any new considerations with respect to the FEIRs.

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<sup>10</sup> Revenue and Taxation Code 99(b)(5) states property tax exchanges for jurisdictional changes affecting the service areas or service responsibilities of districts shall be negotiated by the affected county on behalf of the districts.

<sup>11</sup> It is important to note that the City serving as lead agency is not in compliance with the Commission's adopted CEQA Policy Section 4.1(1). This local policy states the Commission shall assume the lead agency role when a petitioner submits an application to LAFCO.

- **Conducting Authority Proceedings**

The affected territory is uninhabited under LAFCO law and all landowners have consented to the proposal. NSD has also consented to the annexation. Conducting authority proceedings, accordingly, may be waived under G.C. Section 56663.

## **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 amendment along with standard terms and conditions.

### **Alternative Action Two:**

Adopt the draft resolution identified as Attachment One with any desired amendments or modifications as identified by members.

### **Alternative Action Three:**

Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year.

## **F. Procedures for Consideration**

This item has been agenized for action. The following procedures are recommended with respect to the Commission's continued consideration of this item:

- 1) Receive verbal report from staff;
- 2) Invite comments from any interested audience members (voluntary); and
- 3) Discuss item and consider action on recommendation.

Respectfully submitted,

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Brendon Freeman  
Analyst

### **Attachments:**

- 1) Draft Resolution Approving the Proposal
- 2) Application Materials
- 3) Landowner Consent Form: 2123 Big Ranch Road (Paula Duncan)
- 4) City of Napa Resolution Approving a Use Permit, Design Review Permit, and Tentative Subdivision Map

**RESOLUTION NO. \_\_\_\_**

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

**BIG RANCH ROAD NO. 5 ANNEXATION TO  
THE NAPA SANITATION DISTRICT**

**WHEREAS**, the Local Agency Formation Commission of Napa County, hereinafter referred to as the “Commission,” is responsible for regulating boundary changes affecting cities and special districts under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, an application by Lafferty Communities, landowner, proposing the annexation of territory to the Napa Sanitation District has been filed with the Commission’s Executive Officer, hereinafter referred to as “Executive Officer,” in a manner provided by law; and

**WHEREAS**, the proposal seeks Commission approval to annex approximately 6.0 acres of incorporated land within the City of Napa to the Napa Sanitation District and represents three entire parcels located at 2091, 2097, and 2125 Big Ranch Road and identified by the County of Napa Assessor’s Office as 038-170-033, 038-170-032, and 038-170-023, respectively; and

**WHEREAS**, the Executive Officer reviewed said proposal and prepared a written report, including her recommendations thereon; and

**WHEREAS**, the Executive Officer modified said proposal to expand the affected territory to include one additional 0.5 acre parcel located at 2123 Big Ranch Road and identified by the County of Napa Assessor’s Office as 038-170-026; and

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

**WHEREAS**, the Commission heard and fully considered all the evidence presented at a public meeting held on said proposal on June 2, 2014; and

**WHEREAS**, the Commission considered all the factors required by law under Sections 56668 and 56668.3 of the California Government Code; and

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

**WHEREAS**, the Commission determined to its satisfaction that all owners of land included in said proposal consent to the subject annexation; and

 **DRAFT**

**WHEREAS**, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission considered the determinations of the City of Napa, Lead Agency under CEQA, based on its City General Plan Final Environmental Impact Report (FEIR) and Big Ranch Specific Plan FEIR to provide further evaluation of the environmental impact of the proposal before the Commission in accordance with Section 15164 of Title 14 of the California Code of Regulations (hereinafter “CEQA Guidelines”); and

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

1. The Commission’s determinations on the proposal incorporate the information and analysis provided in the Executive Officer’s written report.
2. The City of Napa serves as lead agency under the California Environmental Quality Act (CEQA) for the proposal given it has principal authority in approving the underlying activity: subdividing 2091 Big Ranch Road and 2097 Big Ranch Road to include 17 single-family residential lots as contemplated in the applicant’s tentative development plan approval. The City has determined the development is a project under CEQA but is exempt from further review pursuant to California Government Code Section 65457, which provides that any residential development project, including any subdivision, that is undertaken to implement and is consistent with an adopted Specific Plan for which an Environmental Impact Report has been certified (Big Ranch Specific Plan FEIR dated August 1996). The Commission hereby certifies its review, consideration and concurrence with the City’s determination that the project is exempt from further CEQA review and that the Big Ranch Specific Plan FEIR adequately assesses and mitigates impacts to the environment associated with the underlying activity, including the modification to expand the affected territory to also include 2123 Big Ranch Road. The Commission’s findings are based on its independent judgment and analysis. The records upon which these findings are made are located at the Commission office at 1030 Seminary Street, Suite B, Napa, California 94559.
3. The proposal is APPROVED with the following modification:
  - a) The affected territory is expanded to include one adjacent 0.5 acre parcel located at 2123 Big Ranch Road and identified by the County Assessor as 038-170-026.
4. This proposal is assigned the following distinctive short-term designation:

**BIG RANCH ROAD NO. 5 ANNEXATION TO  
THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the attached map and is more precisely described in the attached Exhibit “A”.
6. The affected territory so described is uninhabited as defined in California Government Code Section 56046.

7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions specified in the attached Exhibit "B."
10. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56663(c).
11. 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.
  - (c) Written confirmation by Napa Sanitation District that its terms and conditions outlined in Exhibit "B" have been satisfied.
12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on the June 2, 2014, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSTAIN: Commissioners

ABSENT: Commissioners

ATTEST: Laura Snideman  
Executive Officer

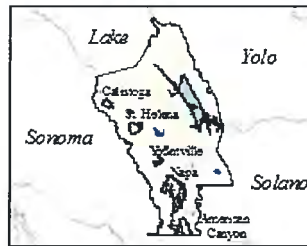
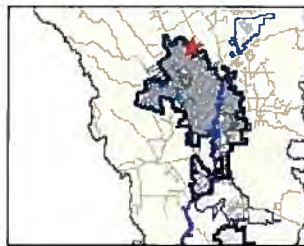
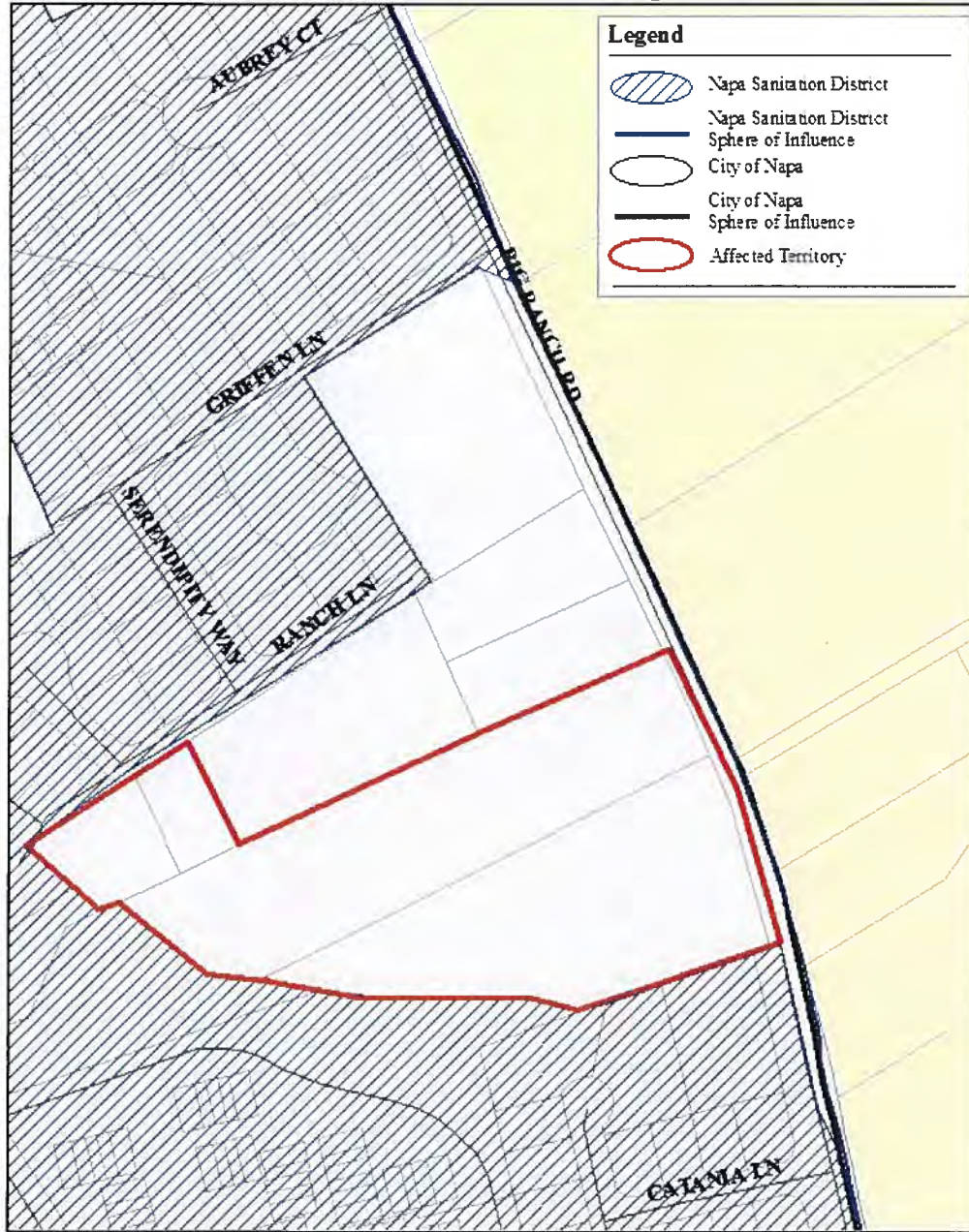
Recorded by: \_\_\_\_\_  
Kathy Mabry  
Commission Secretary

 **DRAFT**



# EXHIBIT A

## Big Ranch Road No. 5 Annexation to Napa Sanitation District



0 0.0125 0.025 0.05 Miles  
May 15, 2014  
Prepared by: BF

LAFCO of Napa County  
1020 Seminary Street, Suite B  
Napa, California 94919  
www.napa.lafco.ca.gov

EXHIBIT "B"

TERMS AND CONDITIONS

BIG RANCH ROAD NO. 5 - DISTRICT ANNEXATION 000010

APN NO'S: 038-170-023, 038-170-026, 038-170-032 AND 038-170-033

DESCRIPTION: 2125, 2123, 2097 AND 2091 BIG RANCH ROAD

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1. Upon and after the effective date of said annexation, the Territory, all inhabitants within such Territory, and all persons entitled to vote by reason of residing or owning land with the Territory, shall be subject to the jurisdiction of the Napa Sanitation District, hereinafter referred to as "the District"; shall have the same rights and duties as if the Territory had been a part of the District upon its original formation; shall be liable for the payment of principal, interest, and any other amounts which shall become due on account of any outstanding or then authorized by thereafter issued bonds, including revenue bonds, or other contracts or obligations of the District, shall be subject to the levying or fixing and collection of any and all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all of the rates, rules, regulations and codes of the District, as now or hereafter amended.
2. The property owners hereby agree to abide by all codes, rules and regulations of District governing the manner in which sewers shall be used, the manner of connecting thereto, and the plumbing and drainage in connection therewith.
3. In the event that pursuant to rules, regulations or codes of the District, as now or hereafter amended, the District shall require any payment of a fixed or determinable amount of money, either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of the District, such payment will be made to the District in the manner and at the time as provided by the rules, regulations or codes of the District, as now or hereafter amended.
4. The property owners agree that prior to connection to the facilities of the District; property owners shall pay all applicable fees and charges to District associated with connection of the property in accordance with the computation of regular capacity charges and charges in effect at the time paid. The property owners further agree to pay the regular permit and inspection charges in effect at the time paid for the connection to be made to the District's system.
5. The property owners shall deposit with the District an annexation fee of \$850.00 to reimburse the District engineering, legal, and all other costs incurred by the District in preparing and examining maps and plans, legal descriptions, agreements and other documents associated with processing subject annexation

6. The property owners shall file with LAFCO a check in the amount of \$500 made payable to the State Board of Equalization.
7. The property owners shall pay to the County of Napa Assessor's Office a Mapping Services Fee of \$125.
8. The property owners shall pay to LAFCO of Napa County an amount of \$125 for updating the County's GIS database.
9. The property owners further agree to pay such annual sewer service fees to the District as may be established, from time to time, by the rules and regulations of the District which are of universal application within the District. Property owners hereby authorize the District to collect such charges on the tax roll pursuant to California Health and Safety Code section 5473 and specifically waive any right to challenge the District's ability to do so because the Property is outside of the District Boundaries.
10. No change in the facilities to be connected to the District's system shall be made without first having given written notice to the District that such change is to be made. No additional connections shall be connected to the facilities of the Napa Sanitation District without having first given written notice to the District that such additional facilities are to be connected to the system. Prior to making any such change in facilities or to the addition of any units to the District's system, the property owners shall pay to the District such additional inspection, connection and annual fees which may then be established by the Board of Directors of the District.
11. The property owners shall eliminate any privately owned sewage disposal system(s) located on the subject property to the Napa County Division of Environmental Health requirements.
12. The property owners shall enter into an Improvement Agreement with the District for construction of public sanitary sewer facilities.
13. The property owners shall install approximately 363 linear feet of 8-inch sanitary sewer main from the existing manhole at the existing terminus of Ranch Court to the north terminus of the proposed Serendipity Way extension.
14. The property owners shall submit a Plan and Profile of the aforesaid sanitary sewer improvements prepared by a registered civil engineer, conforming to District standards, and post the appropriate Labor and Materials and Faithful Performance Bonds guaranteeing said installations.
15. All sanitary sewer mains installed outside of the public right of way shall be located within 20 foot wide sanitary sewer easement centered on the mains and dedicated to the District.
16. All sewer work performed in the public right of way shall be performed by a Class A licensed contractor who bonds the public work with the District. The contractor shall pay to the District

public lateral inspection fees and sanitary sewer main inspection fees based on the inspection rates in effect at the time construction permits are issued.

17. The property owners shall pay to the District the private lateral inspection fee in effect at the time at the time of construction for each dwelling unit located on the property.

18. The property owners shall agree to conditions 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16 and 17, and fulfill conditions 5, 6, 7 and 8 prior to the District's issuance of a letter to LAFCO authorizing recordation of subject annexation, and in no case more than 1 year after LAFCO's adoption of a resolution approving subject annexation, unless extended by LAFCO. Any extensions granted shall in total not exceed 1 year.

FORM B

Date Filed:	4/2/14
Received By:	BF

PETITION FOR PROPOSAL

For Filing with the Local Agency Formation Commission of Napa County

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

Nature of Proposal and All Associated Changes of Organization:

ANNEXATION OF 3 PARCELS INTO NAPA SANITATION DISTRICT.

Description of Boundaries of Affected Territory Accompanied by Map:

THE 3 PARCELS ARE BOUNDED BY EXISTING RESIDENCE TO THE NORTH, WEST & SOUTH & BIG RANCH ROAD TO THE EAST. SALVADOR CHANNEL ALSO RUNS ALONG THE WEST & SOUTH PROPERTY LINES.

Reason for Proposal and Any Proposed Conditions:

DEVELOPMENT OF THE TWO LARGE PARCELS INTO 17 SINGLE FAMILY HOMES REQUIRES MSD ANNEXATION.

Type of Petition:

Landowner

Registered Voter

Sphere of Influence Consistency:

Yes

No

**If Landowner Petition, Complete the Following:**

- 1) Name: LAFFERTY COMMUNITIES  
Mailing Address: 5000 EXECUTIVE PARKWAY, No. 530, SAN RAMON, CA  
Assessor Parcel: 038-170-032, 038-170-033 94583  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_
- 2) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Assessor Parcel: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_
- 3) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Assessor Parcel: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**If Registered Voter Petition, Complete the Following:**

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

Date Filed:

4/2/14

Received By:

BF

JUSTIFICATION OF PROPOSAL  
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: MARK FORSTER LAFFERTY COMMUNITIES  
 Contact Person Agency/Business (If Applicable)

Address: 5000 EXECUTIVE PKWY, #530 SAN RAMON 94583  
 Street Number Street Name City Zip Code

Contact: (925) 838-2603 (925) 275-1238 MFORSTER@LAFFERTYCOMMUNITIES.COM  
 Phone Number Facsimile Number E-Mail Address

B. Applicant Type (Check One)

Local Agency  Registered Voter  Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies: NAPA SANITATION DISTRICT 1515 SUSCOL FERRY RD., NAPA  
 Name Address

Name Address

Name Address

Use Additional Sheets as Needed

B. Proposal Type (Check as Needed)

Annexation  Detachment  City Incorporation  District Formation

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

C. Purpose Statement: (Specific) ANNEXATION OF 3 PARCELS INTO  
THE NAPA SANITATION DISTRICT FOR  
DEVELOPMENT OF 17 LOTS ON  
BIG CANCH ROAD

### III. GENERAL INFORMATION

A. Location:	Street Address	Assessor Parcel Number	Acres
	2097 BIG RANCH RD	038-170-032	2.99
	2091 BIG RANCH RD	038-170-033	2.80
	2125 BIG RANCH RD	038-170-023	0.27
	Street Address	Assessor Parcel Number	Acres

Total Location Size  
(Including Right-of-Ways) \_\_\_\_\_

#### B. Landowners:

- (1) Assessor Parcel Number : 038-170-032 Name: NIKKANY, LLC  
 Mailing Address: 5000 EXECUTIVE PARKWAY, #530, SAN RAMON, CA 94583  
 Phone Number: (925) 830-2603 E-mail: MFORSTER@LAFFERTYCOMMUNITIES.COM
- (2) Assessor Parcel Number : 038-170-033 Name: NIKKANY, LLC  
 Mailing Address: 5000 EXECUTIVE PARKWAY, #530, SAN RAMON, CA 94583  
 Phone Number: (925) 830-2603 E-mail: MFORSTER@LAFFERTYCOMMUNITIES.COM
- (3) Assessor Parcel Number : 038-170-023 Name: ROBERT MCGAHEY  
 Mailing Address: 2125 BIG RANCH RD, NAPA CA 94558  
 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 1 or 2. Two VACANT HOMES EXIST, ONE HOME OWN PARCEL 023 IS OCCUPIED BY 1 or 2 PEOPLE (UNKNOWN)
- (2) Total Number of Registered Voters 1 or 2



**D. Land Use Factors:**

- (1a) County General Plan Designation: \_\_\_\_\_
- (1b) County Zoning Standard: \_\_\_\_\_
- (2a) Applicable City General Plan Designation: SFR 33I, SFR 33J, SFR 33K
- (2b) Applicable City Prezoning Standard: RS 7, RS 10, RS 20

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

THE TWO LARGER PARCELS ARE MAINLY  
VACANT WITH THE EXCEPTION OF 2 VACANT HOUSES  
AND A FEW DILAPIDATED SHEEDS. THE SMALLER PARCEL  
HAS AN OCCUPIED SINGLE FAMILY RESIDENCE.

**F. Development Plans:**

- (1a) Territory Subject to a Development Project?  Yes  No

(1b) If Yes, Describe Project: THE TWO LARGER PARCELS ARE PROPOSING  
TO SUBDIVIDE INTO 17 UNITS. ANNEXATION OF THE SMALLER PARCEL IS

(1c) If No, When Is Development Anticipated? \_\_\_\_\_

*NEEDED FOR  
A SEWER  
CONNECTION*

**G. Physical Characteristics:**

(1) Describe Topography: THE SITE IS MAINLY FLAT WITH SLOPES DIRECTED  
GENTLY TO THE CREEK TO THE SOUTH.

(2) Describe Any Natural Boundaries: SALVADOR CHANNEL BOUNDS THE SITE TO THE SOUTH  
& WEST

(3) Describe Soil Composition and Any Drainage Basins: SOILS ON-SITE ARE CLAY (QUATERNARY-AGED ALLUVIUM).  
DRAINAGE FLOWS OVERLAND TOWARDS SALVADOR CHANNEL.

(4) Describe Vegetation: BUSHES & SMALL TREES ALONG SALVADOR CHANNEL. VARIOUS  
SPECIES OF VARIOUS AGES LITTERED THROUGHOUT THE SITE.  
SITE IS MAINLY OPEN GRASSY AREA.

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

- Yes
- No

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

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

A NEW 8" SEWER MAIN WILL BE EXTENDED FROM THE EXISTING SERVICE <sup>ON</sup> RANCH LANE. THE NEW MAIN WILL RUN DOWN THE NEW ROAD IN THE 17 LOT SUBDIVISION & WILL PROVIDE 17 NEW SEWER LATERALS, PLUS AN 18<sup>TH</sup> SERVICE

- (2) Level and Range of Services to Be Provided to the Affected Territory: <sup>TO THE SMALLER PARCEL 038-170-023.</sup>

NEW SEWER MAIN & SEWER LATERALS WITH ABILITY TO CONNECT AND DRAW TO NSD FACILITIES.

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

PROJECT WILL START CONSTRUCTION IN SPRING/SUMMER 2014. SEWER WILL BE INSTALLED MOST LIKELY IN EARLY/MID SUMMER 2014

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

A NEW SEWER MAIN WILL BE INSTALLED. ADDITIONALLY A NEW ROAD WILL BE CONSTRUCTED AS WELL.

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

PRIVATELY FINANCED BY DEVELOPER OF 17-LOT SUBDIVISION

**V. ENVIRONMENTAL INFORMATION**

---

**A. Environmental Analysis**

(1) Lead Agency for Proposal: CITY OF NADA  
Name

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

- Environmental Impact Report
- Negative Declaration/Mitigated Negative Declaration
- Categorical/Statutory Exemption: \_\_\_\_\_  
Type
- None

*Provide Copies of Associated Environmental Documents*

**VI. ADDITIONAL INFORMATION**

---

**A. Approval Terms and Conditions Requested For Commission Consideration:**

APPROVE ANNEXATION OF 3 PARCELS AT 2091, 2097 & 2125  
BIG RANCH ROAD INTO THE BOUNDARY OF THE NADA  
SANITATION DISTRICT

*Use Additional Sheets As Needed*

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

(Does not include affected landowners or residents)

- (1) Recipient Name: MARK FORSTER - LAFFERTY COMMUNITIES  
Mailing Address: 5000 EXECUTIVE PARKWAY, # 530, SAN RAMON, CA 94583  
E-Mail: MFORSTER@LAFFERTYCOMMUNITIES.COM
- (2) Recipient Name: JEREMY SILL - RIECHELS SPENCE & ASSOC.  
Mailing Address: 1515 4<sup>th</sup> ST. NADA CA 94559  
E-Mail: JSILL@RSACIVIL.COM
- (3) Recipient Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

**VII. CERTIFICATION**

---

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

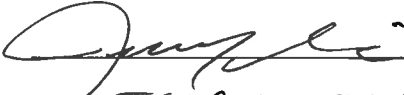
Signature:   
Printed Name: JEREMY SILL  
Title: PROJECT MANAGER  
Date: 3/22/14

EXHIBIT "A"  
Big Ranch Road Reorganization

Annexation to Napa Sanitation District

Beginning at a point on the southern boundary of "Big Ranch Road No. 1 Reorganization Area B" annexation to the City of Napa, recorded March 16, 2009 in Series Document Number 2009-0006022 Napa County Records, said point being South 76° 45' West 60.00 feet from the southeast corner of said existing district boundary and also being on the west right of way line of Big Ranch Road 60 feet wide;

Thence, (1) South 70° 15' West 247.36 feet along said existing City boundary;

Thence, (2) North 73° 52' West 81.22 feet along said existing City boundary;

Thence, (3) North 89° 56' West 227.26 feet along said existing City boundary;

Thence, (4) North 80° 44' West 239.92 feet along said existing City boundary;

Thence, (5) North 50° 47' West 151.74 feet along said existing district boundary;

Thence leaving said existing district boundary, (6) North 64° 20' East 92.98 feet;

Thence, (7) North 26° 12' West 154.38 feet to said existing district boundary;

Thence, (8) North 57° 18' East 79.87 feet along said existing district boundary;

Thence leaving said existing district boundary, (9) South 22° 54' East 164.35 feet;

Thence, (10) North 64° 20' East 638.31 feet to said west right of way line of Big Ranch Road;



Thence, (11) South 25° 00' East 302.47 feet along said west right of way line of Big Ranch Road;

Thence (12) South 13° 06' 30" East 149.44 feet along said west right of way line of Big Ranch Road to the Point of Beginning.

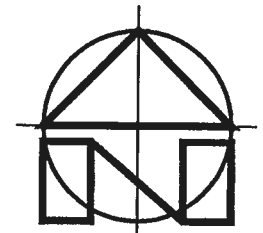
Containing 6.06 acres of land.

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

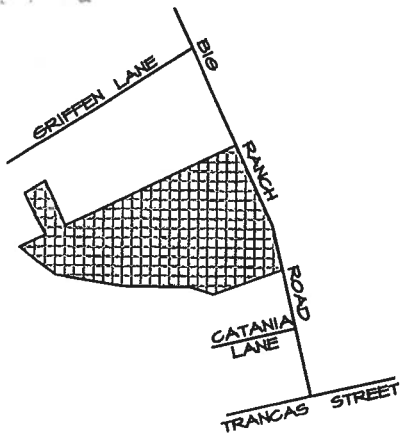
**LEGEND**

- APN ASSESSOR'S PARCEL NUMBER
- P.O.B. POINT OF BEGINNING
-  EXISTING CITY ANNEXATION
-  PROPOSED ANNEXATION TO NAPA SANITATION DISTRICT

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



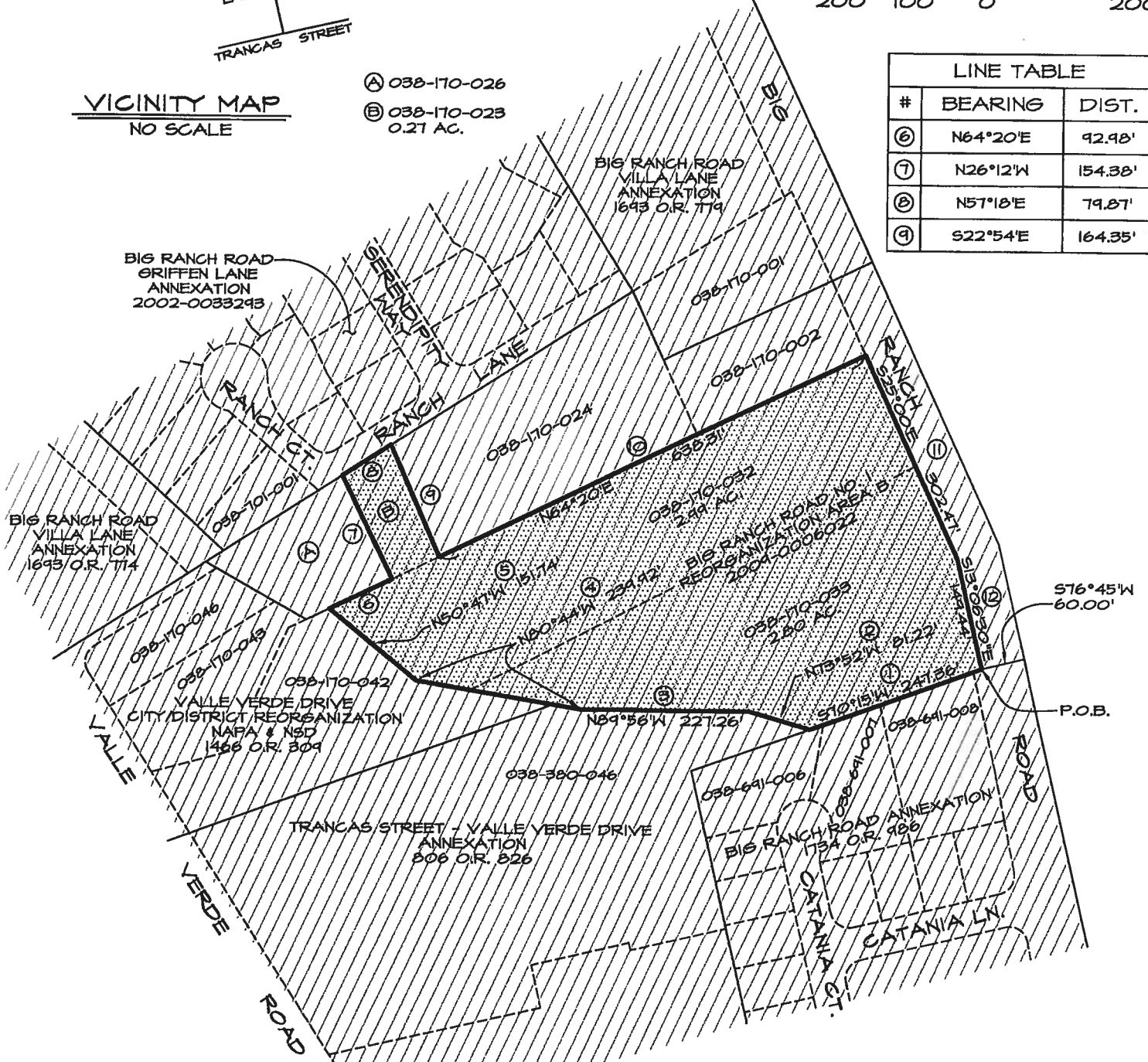
SCALE: 1" = 200'



**VICINITY MAP**  
NO SCALE

- Ⓐ 038-170-026
- Ⓑ 038-170-023  
0.27 AC.

LINE TABLE		
#	BEARING	DIST.
Ⓒ	N64°20'E	42.98'
Ⓓ	N26°12'W	154.38'
Ⓔ	N57°18'E	79.87'
Ⓕ	S22°54'E	164.35'



ZONING: R57, R510, R520  
 TOTAL AREA: 6.06 AC.

**EXHIBIT "B"**  
**MAP DELINEATING**  
**THE BOUNDARY OF**  
**BIG RANCH ROAD NO. 179**  
**ANNEXATION TO NAPA SANITATION DISTRICT**  
**BEING A PORTION OF NAPA RANCHO**



**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

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

RECEIVED

APR 30 2014

NAPA COUNTY  
LAFCO

**LANDOWNER CONSENT FORM**

I am the legal owner of property as described below and hereby voluntarily consent to the annexation of my land to the Napa Sanitation District as part of the proposal proceedings undertaken by Lafferty Communities. In providing consent, and with the qualification that all related annexation costs be the responsibility of Lafferty Communities, I acknowledge the Commission may proceed with considering the proposal without notice, hearing, or protest proceedings under Government Code Section 56663.

**Landowner Name: Paula Duncan**

**Property Address: 2123 Big Ranch Road, Napa, CA 94558**

**Property APN: 038-170-026**

*Paula Duncan*  
Landowner

4/26/14  
Date

Joan Bennett, Vice Chair  
Councilmember, City of American Canyon

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

Brian J. Kelly, Chair  
Representative of the General Public

Greg Pitts, Commissioner  
Councilmember, City of St. Helena

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

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

Laura Snideman  
Executive Officer

RESOLUTION R2010 159

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A USE PERMIT, DESIGN REVIEW PERMIT AND TENTATIVE SUBDIVISION MAP FOR THE BIG RANCH ROAD SUBDIVISION (#09-0113)

WHEREAS, Jeremy Sill (the Applicant's Representative) submitted an application for Mr. John Bowman (the Applicant) for a Use Permit to authorize the flag lot development standards; a Design Review Permit for the tentative subdivision map and house plans and a Tentative Subdivision Map to subdivide the 5.79 acre property at 2019 & 2097 Big Ranch Road into 17 single family residential lots (APN 038-170-032 & 033); and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City staff, and any information provided during public meetings including the reports and minutes of the Planning Commission meeting of July 22, 2010.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Napa, as follows:

Section 1. The City Council hereby finds that the facts set forth in the recitals to this resolution are true and correct, and establish the factual basis for the City Council's adoption of this resolution.

Section 2. The City Council hereby finds that this project is exempt from CEQA pursuant to Government Code Section 65457, which provides that any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with an adopted Specific Plan for which an Environmental Impact Report has been certified, (Big Ranch Specific Plan Final Environmental Impact Report dated August, 1996) is exempt from the requirements of CEQA.

Section 3. The City Council hereby makes the following Use Permit findings:

- 1. The proposed use, building, structure, or development is consistent with the General Plan, applicable specific plans, the objectives of the Zoning Ordinance and the purposes of the district and overlay district in which the site is located.*

The proposed subdivision map is consistent with the Single Family Residential General Plan designation of the property, and the specified residential density. The proposed flag lot is consistent with the Zoning Ordinance and the flag lot development standards.



***2. The proposed use or structure will not be detrimental to the health, safety and welfare of the community.***

The proposed flag lot design of Lot 17 will not cause any health, safety and/or general welfare hardship to the community.

***3. The proposed use complies with each of the applicable provisions of the Zoning Ordinance.***

The project has been reviewed for compliance with the standards of Section 17.08, Residential Districts, and has been found to meet all applicable standards including lot size, access and parking.

Section 4. The City Council hereby makes the following Design Review Permit findings:

***1) The project design is in accord with the General Plan and any applicable Specific Plan design policies.***

The proposed tentative subdivision map improvements and single family use of the property are consistent with the Single Family Residential General Plan designation and the prescribed General Plan density. The General Plan allows for a density range of 7 to 18 units on this 5.79 acre property. The project has an overall density of 2.9 units per acre. The project is also consistent with General Plan policies regarding neighborhood compatibility as the proposed single family use and lot sizes are similar to other recently constructed subdivisions in the vicinity.

***2) The project design is consistent with applicable Design Review Guidelines adopted by the City Council.***

The proposed subdivision design, site layout and architecture are consistent with the goals, policies and recommendations outlined in the Residential Design Guidelines, which encourage developments that incorporate natural features with an emphasis on pedestrian friendly design.

***3) The Design Review permit is in accord with provisions of this Title and will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.***

The Design Review permit is consistent with Title 17 of the Municipal Code (Zoning Ordinance), and staff has determined through the preparation of the Initial Study that the creation of 17 single family lots will not have an adverse affect on public health, safety or welfare. All potential impacts have been mitigated to a less than significant level with the incorporation of the appropriate mitigation measures identified in the Big Ranch Road Specific Plan EIR.

**Section 5. The City Council hereby makes the following Tentative Subdivision Map findings:**

- 1) The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan.***

The proposed subdivision, improvements and single family use of the property are consistent with the Single Family Residential General Plan designation which allows for single family development with a density between 7 to 18 units. The project has an overall density of 2.93 units per acre. The project is also consistent with General Plan policies regarding neighborhood compatibility as the proposed single family use and one-acre lot sizes are similar to existing uses and lot sizes in the vicinity.

- 2) The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any guidelines promulgated by the Council.***

The proposed lot sizes and configuration allow for passive heating and cooling opportunities with building orientation, retention of existing vegetation, and landscaping.

**Section 6. The City Council hereby approves the requested Use Permit, Design Review Permit, and Tentative Subdivision Map subject to compliance with the following conditions:**

**SPECIAL CONDITIONS:**

**Planning Commission:**

- 1. The proposed house on Lot 6 shall be a one story design. In the event the developer is unable to produce a one story design that is appropriate within the lot setbacks, then a two story design may be considered and shall require design review approval by the Planning Commission.**

- 2. The City accepts the applicant's offer to provide an eight foot tall fence along the length of the northern property line, consisting of six feet solid boards and two feet of lattice.**

**Community Development Department - Planning Division:**

- 3. The final map and improvement plans submitted for review and approval to the Public Works Department shall show modified building envelopes for Lots 1 and 7 which reflects a 30 foot side setback from the Big Ranch Road right-of-way.**

- 4. Because of the required 10' additional side setback for Lots 1 and 7, the proposed carports shown on the Plan A model homes will need to be eliminated or relocated consistent with the side yard building requirements.**

5. The applicant shall provide a temporary public access easement over Lot 17 which will allow a pedestrian connection from the pedestrian trail adjacent to Salvador Channel to the new public street. The applicant shall construct an all weather access connecting the pedestrian trail to the all weather access required by Napa Sanitation District and the paved driveway serving Lots 16 and 17. This easement shall remain in place until the pedestrian trail along Salvador Channel is connected over the neighboring property to the north.

6. The plans submitted for building permit for the Plan B model home shall include an enlarged porch design that extends the width of the porch a minimum of three feet in order to achieve the desired five foot garage offset.

7. The subdivision improvement plans submitted for review and approval to the Public Works Department shall include a tree preservation plan, prepared by a certified arborist which includes measures for protection of root structures, trunks and limbs during construction and any additional measures necessary for the continued health of the trees to remain. This report shall evaluate the status of the trees and include recommendations for the optimum location, and configuration of the improvements in the interest of creating minimal impact on the subject trees. The tree preservation plan shall identify for the trees to be retained the specific amount of pruning necessary to insure the continued health of trees.

8. A plan review letter shall be submitted by the tree preservation plan preparer which indicates whether or not the recommended measures have been satisfactorily included in the improvement plans.

9. The tree preservation plan preparer or other certified arborist, shall be retained during the construction process to make sure that the procedures specified in the preservation plan are followed. A final project review letter shall be submitted to the City by the tree preservation plan preparer, prior to the issuance of a certificate of occupancy, which reviews the final status of the trees and provides any additional recommendations for the continued protection upon occupancy of the dwelling unit.

10. All trees shown to be retained on the tentative map shall be retained. Should any tree noted as remaining need to be removed or pruned beyond that required for continued health, City approval shall be required prior to the commencement of any work. In the event that any of the trees recommended to be saved are removed, the tree(s) shall be replaced on site, provided to the City for planting within a community area at a ratio of 10 new trees for each tree lost, or pay the appropriate in-lieu fee to the Community Resources Department. Per the Napa Municipal Code, an in-lieu fee of \$300.00 per tree may be paid to the city for planting a tree on public land. The replacement trees shall be native trees and subject to the review and approval of the Community Development Department.

11. A plan review letter shall be submitted by the tree preservation plan preparer which indicates whether or not the recommended measures have been satisfactorily included in the improvement plans.

12. The tree preservation plan preparer or other certified arborist shall be retained during the construction process to make sure that the procedures specified in the preservation plan are followed. A final project review letter shall be submitted to the City by the tree preservation plan preparer, prior to the issuance of a certificate of occupancy, which reviews the final status of the trees and provides any additional recommendations for the continued protection upon occupancy of the dwelling units.

13. The plans submitted for improvement plan review shall include a landscape plan which addresses the removal of non-native species within the existing riparian zone. Discretion shall be taken on the removal of many of the invasive species (i.e. large eucalyptus) as they may be providing bank stability or increasing project aesthetics. Care shall also be taken to save and reuse existing willows that are currently entangled in blackberry bushes, for bank stabilization if any is necessary.

14. The plans submitted for Building Permits shall include a final landscape plan that shows the locations of the required 75 replacement trees or payment of the in-lieu fee consistent with the Protected Native Tree Ordinance (NMC 12.45.020).

15. Final Landscape Plans for the proposed development shall be reviewed and approved by the Planning Manager prior to issuance of a Building Permit. All Landscaping shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy for corresponding units.

16. Prior to the issuance of a Certificate of Occupancy the developer shall install all front yard and required side-on landscaping for all future dwellings within the development.

17. All proposed and required fencing shall be installed prior to the issuance of a Certificate of Occupancy for the corresponding unit.

18. Prior to the issuance of a Certificate of Occupancy for the first residence, the developer shall construct at a minimum an eight foot tall perimeter fence adjacent to the northern boundary of the site. A split rail fence shall be required along the southern and western property lines or adjacent to Salvador Channel.

19. The future single family homes on Lots 1 and 7 shall be designed to reduce interior noise levels to below an Ldn of 45 dBA. Architectural drawings for the proposed homes shall be reviewed by a qualified acoustical engineer or plan check engineer, and the necessary noise control treatments incorporated into the plans. Recommendations could include use of sound rated windows and doors, forced air mechanical ventilation systems so that windows can be kept closed to control the traffic noise, etc. Project applicants shall prepare and submit to the City a report following the requirements of Title

24, Part 2, of the California Code of Regulations for single family housing within the 60 dBA (Ldn) noise contour.

20. The plans submitted for improvement plan and final map review shall include a notice (to run with the land) that the properties within the subdivision may be subjected to noise, odors, pests, spraying and other potential nuisance problems associated with normal agricultural practices of adjacent properties. The notice shall also indicate that pursuant to state law the framer/rancher/grower has the right to farm and the adjacent property owners may not sue to prevent such activities normally associated with agricultural activities.

21. All future property owners within the Big Ranch Road Subdivision shall be informed of the potential for occasional helicopter flights over the area by requiring a notice be recorded for the all properties created by the subdivision.

22. The project developer shall follow all recommendations and conclusions contained in the "Hydrology Study" prepared for the Big Ranch Road Subdivision by Riechers Spence and Associates, Inc.

23. The developer shall install and maintain landscaping around the perimeter of project sites as an initial phase of project implementation or, if not feasible at the outset, immediately after final grading.

24. The improvements plans submitted for review and approval shall include, wherever feasible, grass-lined swales shall be provided to transport lot runoff rather than delivering all runoff to street drainage systems.

25. The developer shall install a street sign at the stub end of the new public street indicating that the public street may be extended in the future.

**Public Works – Development Engineering Division:**

26. Prior to approval of the Improvement Plans, the Applicant shall:

a. Submit plans and supporting calculations prepared by a registered Civil Engineer (Engineer of Record) in accordance with the City's "Initial Submittal Checklist", "Improvement Plan Checklist", and the "Subdivision Map Checklist". All improvements shall be designed in accordance with City of Napa Standard Specifications and Standard Plans, City of Napa Post-Construction Storm Water Pollution Prevention Design Standards, and the Big Ranch Area Specific Plan.

b. Prepare a Public Street Repair Plan, Utility Plan, Storm Water Pollution Prevention Plan, Post-Construction Storm Water Runoff Management Plan, and Construction Traffic Control Plan.

c. Submit a Geotechnical Report.

d. Pothole or otherwise physically determine the actual horizontal location and vertical depth of all existing underground utilities throughout the proposed area of work and provide the design of all new utility installations required to serve the project including a schedule for implementation of such work as to prevent disrupting of utility service to adjacent properties.

e. Obtain written acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.

f. Provide stamped acknowledgment by the Geotechnical Engineer of Record that the Plans incorporate all design and construction criteria specified in the Geotechnical Report.

g. Furnishing proof of the acquisition of all rights of entry and/or temporary and permanent easements necessary to construct the project and the location of all such rights on the Plans.

h. Furnish proof that all permits required by the California Department of Fish & Game, State and Regional Water Quality Control Board, US Army Corps of Engineers and any other regulatory agencies with jurisdiction over the proposed construction have been obtained.

27. Prior to commencing any work, the Applicant shall:

a. Pay of all current account balances and provide a payment equal to 2% of Engineer's Estimate for On-Site Improvements.

b. Submit a copy of their Notice of Intent (NOI) for coverage under the State Water Resources Control Board General Construction Permit (Order 2009-0009-DWQ).

c. Provide a Storm Water Pollution Prevention Plan (SWPPP) that incorporates Best Management Practices (BMP) to ensure that all activities are conducted in a manner that prevents the discharge of pollutants to the storm drains, ground water, and/or waterways to the maximum extent practicable and a schedule for BMP implementation. The SWPPP shall include a plan to handle, store and dispose of all waste, and shall incorporate spill prevention, cleanup measures, protected and designated equipment cleanup and fueling areas.

d. Conduct a pre-construction meeting with representatives of the City whereby the Applicant provides (6) full-size bond copies of the approved Improvement Plans for the City's use and their Contractor provides (1) job-site copy of the latest edition of the City of Napa Public Works Department Standard Specifications and Standard Plans and (1) job-site copy of the approved SWPPP for their use.

28. The Applicant shall construct all of the "On-Site Improvements" generally shown on the Tentative Map and more specifically described below:

a. Construct pavement, curb, gutter, 4-foot wide sidewalk, 6-foot wide planter strip and various drainage facilities, street lighting, and signing/stripping improvements for the new public street (Haeleys Way).

b. Construct pavement widening, curb, gutter, 4-foot wide sidewalk, 6-foot wide planter strip and various drainage facilities, street lighting, signing/stripping improvements, pavement transitions and repairs along the projects' Big Ranch Road frontage. The back of walk shall be coincident with the widened right of way.

c. Provide striping for a dedicated left-turn lane and appurtenant transitions and channelization from north-bound Big Ranch Road to the new public street (Haeley's Way).

d. Install sidewalk barricades at the northern and southern terminus of the Big Ranch Road improvements and the northwest terminus of the new public street (Haeleys Way) improvements.

e. Install all new utilities required to serve the project underground and relocate underground the existing overhead utilities along the project frontage to the near poles lying offsite.

f. Construct a City Standard PL-10 shared trail along Salvador Creek.

g. Construct a 12-foot wide driveway and any necessary longitudinal and/or transverse drainage facilities to serve Lots 16 and 17.

h. Install drainage facilities to collect and conveyed all surface drainage to a public street, storm drain or approved outfall. Any new storm drain outlets discharging to Salvador Creek shall be located at or near the creek bottom to limit discharge flow contact with the creek bank to minimize bank erosion and the need for erosion protection.

i. Grade each newly created parcels to drain independently from each of the other newly created parcels.

j. Construct detention system improvements as required to maintain post development project runoff flows at pre-development levels for the 10 year, 25 year and 100 year storms with inlets sized to pass at a minimum the 100-year storm flows.

k. Construct water quality treatment system improvements for runoff from storms with an intensity of 0.2 inches per hour.

29. Prior to recordation of the Final Map, the Applicant shall:

a. Construct all of the On-Site Improvements to the satisfaction of the City Engineer. Alternatively, the Applicant and Property Owner may enter into an Improvement Agreement with the City to construct all of the On-Site Improvements at their expense prior to Temporary Occupancy. Such an Agreement will require the Applicant and Property Owner to provide bonds, proof of workers compensation insurance, and general liability insurance in the forms and amounts as proof satisfactory in form to the City.

b. Generally convey of all easements and dedication, public and private, for the construction, use and/or maintenance of roads or other access, drainage facilities, utilities and post-construction storm water management facilities on the Final Map. Separate dedication instruments will be necessary for easements in favor of agencies or utilities other than the City of Napa, or those that are off-site. Plats & legal descriptions shall be prepared by a Surveyor and accompanied by a current (within the last 60 days) title report. Specific conveyances required include:

(i) Convey to the City, by Offer of Dedication fifty-six (56) feet of right of way for a new public road (Haeleys Way) with appurtenant knuckle per Standard Drawing S-28.

(ii) Convey to the City, by Offer of Dedication Twenty (20) feet of right of way for a trail easement, the north line of said easement being coincident with the north line of the "Riparian Zone" of Salvador Creek.

(iii) Convey to the City, by Offer of Dedication Twelve (12) feet of right of way for widening of Big Ranch Road along the project frontage.

(iv) Relinquish abutter's rights of access along the project frontage of Big Ranch Road with the exception of the intersection with the new public street (Haeley's Way).

(v) Dedicate a private access and utility easement in over the common driveway serving Lots 16 and 17 in favor of Lot 16.

c. Obtain approval of street name(s) from the City Engineer and Fire Marshal.

d. Establish an incorporated homeowner's association with recorded Codes, Covenants, & Restrictions (CC&R) that are satisfactory to the City Engineer to provide long-term maintenance of the post-construction storm water improvements identified above. Alternatively, the Applicant may establish an incorporated maintenance association and their attendant satisfactory CC&R's to provide said long-term maintenance in lieu of a homeowner's association.



e. Furnish proof of the payment of the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.

f. The Applicant shall mitigate traffic impacts on Big Ranch Road south of Salvador Creek (which generally include widening Big Ranch Road to four lanes, and constructing new curb, gutter, sidewalk, median, drainage, street lighting, and signing/stripping improvements, "Off-Site Improvements") by paying the required impact fees for the Street Improvement Fee and the Big Ranch Specific Plan Area Development Impact Fee, and by constructing the Off-Site Improvements if the City acquires sufficient property interests on land needed to construct the Off-Site Improvements as identified in this condition. Neither the Applicant nor the City currently has sufficient property interests on land needed to construct the Off-Site Improvements; however, the City is currently evaluating the feasibility of acquiring the necessary property interests consistent with the planned construction of the Off-Site Improvements, as set forth in the Big Ranch Specific Plan.

If the City has acquired sufficient property interests to construct the Off-Site Improvements prior to approval of the Final Map, the City may elect to require the Applicant (as a condition of approval of the Final Map) to enter into an agreement with the City by which: (a) the Applicant agrees to complete construction of the Off-Site Improvements (pursuant to improvement plans approved by the City Engineer) as a condition of approval of occupancy of the first residential unit, (b) the Applicant provides bonds and proof of insurance (consistent with NMC Chapter 16.40), and (c) the City agrees to reimburse the Applicant for its costs in accordance with the Big Ranch Specific Plan Area Development Impact Fee program.

If the City has not acquired sufficient property interests to construct the Off-Site Improvements prior to approval of the Final Map, the City may elect to require the Applicant (as a condition of approval of the Final Map) to: (a) enter into an agreement with the City by which the land needed to construct the Off-Site Improvements is acquired at the City's cost consistent with the requirements of California Government Code Section 66462.5, and (b) enter into an agreement with the City to complete construction of the Off-Site Improvements upon acquisition of the land needed, under the terms set forth in this condition, above.

30. Prior to approval of a Building Permit, the Applicant shall:

a. Construct all of the "On-Site Improvements" to the satisfaction of the City Engineer or enter into an Improvement Agreement with the City.

b. Record the Final Map.

c. Pay of all current fees and account balances. The fee amounts listed below are for informational purposes only as they are updated periodically. The owner shall pay all of the fees based on the rate in effect at the time of payment. These fees include, but may not be limited to the following:

- (i) Street Improvement Fee: \$3,796 per single family residential unit
- (ii) Street Improvement Fee: \$1,896 per "granny" unit
- (iii) Big Ranch Specific Plan Area Development Impact Fee: \$10,590 per single family residential unit

31. Prior to occupancy of the first residential unit, the Applicant shall:
- a. Submit an inspector's punch list indicating that all of the "On-Site Improvements" are constructed to the satisfaction of the City Engineer and open the new public road (Haeley's Way) to the public.
  - b. Restore all adjacent off-site road surfaces to pre-project conditions.
  - c. Submit a certification by the Geotechnical Engineer of Record that all the work has been completed in conformance with the recommendations in Soils Investigation/Geotechnical Report.
  - d. Submit a certification by the Engineer of Record that all of the "On-Site Improvements" have been completed in conformance with the approved Improvement Plans.
  - e. Provide a digital copy of the Improvement Plans that include all as-built or field changes, in digital AutoCAD format, compatible with the City's current version, and tied to the City's coordinate system.

**Public Works Water Department**

32. Structural walls and private storm drainage systems should be kept out of all Public Utility Easements. These easements usually lie within the first ten feet adjacent to the public right-of-way.

33. Locations for proposed and protected trees conflict with several of the proposed utility installations (including but not limited to sewer, water, and storm drainage facilities). Conflicts should be reviewed prior to final determination of the utility design, protection of existing trees, and location of proposed trees.

34. Prior to approval of the improvement plans:
- a. The Developer shall provide a set of engineered improvement plans to the Water Division that satisfies all of the following conditions. The improvement plans shall meet City of Napa Public Works Standards and shall be approved by the Water Division prior to the final approval of the improvement plans.

b. The plans shall show all existing and proposed public water facilities and easements within a minimum of 100 feet of the proposed project boundaries.

c. All services to the project shall be served off of the new 8" water main on the new public street (Haeleys Way). No water services shall come off of the 16" transmission main on Big Ranch Road.

d. If frontage improvements move the curb line or if new curb is installed along the property frontage, existing water facilities fronting the project shall be relocated to the new back of curb.

e. New water mains shall be installed within the public street section at a minimum of 5-feet from the face of curb.

f. Water mains subject to be extended in the future shall be installed with a tee at the end serving a fire hydrant as a temporary blow-off and an MJ cap at the end for future connection. These water mains shall be restrained per the required length noted in the Public Works Standards.

g. A new fire hydrant shall be installed at the end of all proposed water mains and used as the blow-off for the mains.

h. City water mains shall not be installed within private drives. Water meters shall be placed within the public right-of-way at the back of curb with private service laterals installed within a dedicated private easement to each parcel.

i. As part of the soils analysis for the project, the Developer shall include, at a minimum, the following corrosivity tests: Chlorides (ASTM D4327), pH (ASTM D4972), resistivity at 100% saturation (ASTM G57), Sulfate (ASTM D4327), and REDOX Potential (ASTM D1498). The results of these tests shall be provided to the Water Division to determine the corrosivity of the soil. If the soil is determined to be corrosive, the Developer shall install additional corrosion protection for the new water facilities, as approved by the Water Division.

j. All new and existing public water facilities, including but not limited to water meters, backflow devices, services laterals, and fire hydrants, shall be located outside of all driveways and driveway approaches.

k. Approved backflow prevention devices shall be installed on all new and existing domestic water services.

l. If a new fire hydrant is required by the Fire Department on a private drive, the new hydrant shall be served by a dedicated fire service with an AWWA approved backflow device installed behind the back of sidewalk. The backflow device shall be serviced and maintained annually by a Homeowner's Association or other designated party.

m. No signs, fences, trees, foundations, streetlights, or other permanent structures shall be installed within 10 feet of a City water main or water facility, or within a public water utility easement.

n. Fire hydrants shall be kept a minimum of 5-feet from driveways and driveway approaches.

o. Proposed separations between public water facilities and other utilities shall meet the required minimum separations as specified by the Department of Health and the City of Napa Public Works Standards and shall be approved by the City of Napa Water Division.

p. New and existing water facilities shall be potholed at possible conflict locations.

q. Pothole information shall be verified by the City of Napa Water Division and shall be identified on the plans with the date of the potholing and depth of the existing facilities. Any conflicts identified from the potholing shall be corrected on the improvement plans specifying any necessary utility offsets or relocations.

r. Water services may not be shared across property boundaries per 13.04:230 of the Municipal Code. Each parcel shall be served by a separate water meter and service from the City main.

s. All proposed hot taps to an existing City water main shall be marked out as "Hot Tap by City Forces at Contractor's Expense".

35. The Developer shall pay all water connection fees to the Water Division prior to the approval of the improvement plans. No inspections or water service from the Water Division will be initiated until all connection fees for the project have been paid. Fees can be paid at the Water Division office, 1340 Clay Street, in Napa.

36. Prior to recordation of the final map the Developer shall record all "Private Water Easements" necessary to extend private services behind the public water meter over neighboring properties, to the properties of which they serve, as approved by the Water Division.

37. Prior to occupancy of the individual dwelling units the Developer shall complete the water demand mitigation requirements of this project as specified by the City of Napa Water Division. The Developer will be contacted by the City of Napa Water Division after obtaining a building permit specifying the requirements for the proposed project.

38. Prior to initiation of water service the Developer shall have all backflow devices installed. The Developer shall have all backflow devices tested by an AWWA certified tester from a list of testers provided by the City of Napa. The test results shall be submitted by the Developer to the City of Napa Water Division.

39. The Developer shall pay all meter set fees and hot tap fees to the Water Division at the time of installation. Fees shall be paid at the Water Division office, 1340 Clay Street, in Napa.

**Fire Department**

40. In accordance with the Standard Mitigation Measures and conditions of approval set forth in the City of Napa Policy Resolution 27, and the Standard Fees and Charges (Policy Resolution 16), the developer shall pay the Fire and Paramedic Impact Fee prior to the issuance of any building permits.

41. The proposed street name of "Haeleys Way" is inconsistent with the proposed through connection to Serendipity Way. The plans submitted for improvement plan review shall list the street name as Serendipity Way.

42. Fire apparatus access shall be provided to within 150 feet of the most remote exterior portion of all buildings as measured by an approved route around the exterior of the building or facility.

43. Access roads shall be completed with all-weather surfaces prior to the stockpiling of combustible materials or beginning combustible construction.

44. When required by the chief, fire apparatus access roads shall be designated as Fire Lanes and appropriate signs and/or markings installed in accordance with the California Vehicle Code and approved City standards.

45. An approved turnaround area shall be provided for any access road or driveway exceeding 150 feet in length.

46. All streets (and driveways exceeding 150 feet in length) shall be along a through route or shall end with an approved turn around area (to provide for forward entry and exit). Street access will be reviewed and approved by the Fire Chief and City Engineer based on site constraints in accordance with the hierarchy outlined in the City of Napa Public Works Standards (§3.04, pg. 76)

47. Alternate Turnaround – For residential development streets, when through access is not available, and a standard turnaround is not feasible, alternate turnarounds will be based on evidence supplied by the developer in the form of a design exception that is approved by the Fire Chief and City Engineer. Refer City of Napa Public Works Standards (§3.04, pg. 76) for additional information.

48. All projects shall provide adequate fire flow in accordance with Appendix B and C of the California Fire Code.

49. The plans submitted for improvement plan review shall relocate the hydrant shown on the tentative map in front of lots 3 and 4 to across the street to an approved location in front of lots 10 and 11.

50. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the City and the applicable National Fire Protection Association Standard 13D. All plans and calculations shall be submitted and approved prior to the issuance of a building permit.

51. New buildings and additions to existing buildings shall conform to requirements set forth in the locally adopted editions of the California Building Code and California Fire Code as set forth in Napa Municipal Code Title 15, adopted City Standards and nationally recognized standards.

52. The roof covering applied in the alteration, repair or replacement of the roof of every existing structure, and the roof applied to all new structures shall be a fire retardant roof covering assembly that is at least Class A.

#### **Parks and Recreation**

53. The landscape plans submitted in conjunction with the improvements plan and /or building permit review shall not include the following ornamental trees, *Pyrus kawakamii* and *Magnolia grandiflora* as these species that are known to cause root damage, develop poor structure and create issues as they mature.

54. The required street trees on the new public street and along Big Ranch Road shall be approved species from most current Master Street Tree list.

55. The plans submitted for improvement plan review shall include a detail for the required bike path that is constructed to City standard PL -10 – asphalt trail.

56. The plans submitted for building permit review shall include a plan for maintenance of all street and back-on landscaping.

57. The plans submitted for improvement plan review shall include a plan for the maintenance of the pedestrian trail and riparian corridor.

#### **Napa Sanitation District**

58. The two subject parcels are currently outside of the boundaries of the Napa Sanitation District. Annexation of the subject parcels will be required prior to the recordation of the final map.

59. Neighboring parcel to the north APN 038-170-023 is currently outside of the boundaries of the Napa Sanitation District. Annexation of the subject parcel will be required if connecting to sanitary sewer as part of the project prior to the recordation of the final map.

60. Proposed Lots 7 thru 15 and the proposed granny units shall be have an NSD approved overflow device installed on the house cleanout.

61. The proposed sanitary sewer main shall be installed a minimum of 8 feet from the face of curb and a minimum of 10 feet from the proposed water main.

62. Sanitary sewer facilities are required to have a minimum of 24" of cover at all points within the public right of way and within sanitary sewer easements. Sanitary sewer facilities with less than 3 feet of cover shall be constructed using C900 Class 150 PVC. The proposed sanitary sewer facilities shall be designed and constructed to meet this requirement.

63. Each parcel shall be served by a separate sanitary sewer lateral.

64. A 20 foot wide sanitary sewer easement shall be granted to the District for the portion of main located on APN 038-170-023. A 20 foot wide sanitary sewer easement shall be granted to the District for the portion of main running along the northwest property line of the project. No trees or other permanent structures will be allowed within this easement area. No roof overhangs will be allowed within the easement area. An all weather access drive and turn around area shall be provided to the proposed manhole located in the driveway serving lots 16 and 17. This easement shall be shown on the final map.

65. A plan showing the required sanitary sewer improvements shall be prepared by a registered civil engineer conforming to NSD standards, and shall be submitted to the District for approval in conjunction with the improvement plan review.

66. The owner/developer shall enter into an improvement agreement with the District, and post the appropriate bonds covering the sanitary sewer work in conjunction with the improvement plan review.

67. The proposed development shall pay to the following fees at issuance of a Building Permit, based on the rates in effect at the time they are paid:

a. Annexation Fees (presently \$100.00 per acre plus any portion thereof plus \$150.00)

b. Plan Check Fees (presently \$40.00 per lot)

c. Inspection Fees (presently \$1.25 per lineal foot for main lines and \$35.00 per each 4" street lateral and \$35.00 per each 4" onsite lateral)

d. Connection Fees (presently \$5,660.00 per single family dwelling, including granny units)

#### **CITY GENERAL CONDITIONS:**

68. The plans submitted for improvement plan review and building permit review shall include a written analysis specifying how of each of the conditions of approval have been addressed or incorporated into either the improvement plan set or building plan set.

69. Unless otherwise specifically provided, each condition of this approval shall be satisfied prior to issuance of a building permit, or if a building permit is not required, prior to the commencement of use; however, in the event the subject approval is for a tentative subdivision map or parcel map, each condition shall be satisfied prior to final map approval. Applicant's (and land owner, if different) execution of the City's improvement agreement with required security may be accepted in lieu of condition completion.

70. No use authorized by a use permit or planned development permit may commence until after the Developer executes any required permit agreement.

71. Developers shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment.

72. Developer shall design and construct all improvements and facilities shown on any approved tentative map, site plan, or other documents submitted for permit approval, all representations made by Developer, and with the plans and specifications submitted to and approved by City, to comply with the General Plan, any applicable Specific Plan, the Napa Municipal Code (NMC), City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, as well as any approved tentative map, site plan or other documents submitted for permit approval, all representations made by Developer, and with the plans and specifications submitted to and approved by City.

73. The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.

74. To the full extent permitted by law, the Developer shall indemnify, defend, release and hold City, its agents, officers, and employees from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including Developer, for any injury (including death) or damage to person or property or to set aside, attack, void or annul any actions of City, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of project improvements and regardless whether the actions or omissions are alleged to be caused by City or Developer so long as City promptly notifies Developer of any such claim, etc., and the City cooperates in the defense of same.



75. If the Developer is not the owner of the subject property, all agreements required to be executed by the City must be executed by the Owner(s) as well as the Developer.

76. The conditions (and mitigations) of project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions (and mitigations) constitute written notice of the statement of the amount of such fees and a description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions has begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.

77. Violation of any term, condition, mitigation measure or project description relating to this approval is unlawful, prohibited and a violation of the Napa Municipal Code and can result in revocation or modification of this approval and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.

78. Project approval would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if any one or more of such conditions and mitigations is found to be invalid by a court of law, this project approval would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.

Section 7. This Resolution shall take effect immediately upon its adoption.


I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the 19th day of October, 2010, by the following roll call vote:

AYES: Krider, van Gorder, Mott, Inman, Techel  
NOES: None  
ABSENT: None  
ABSTAIN: None

ATTEST:

  
Dorothy Roberts  
City Clerk

Approved as to form:

  
Michael W. Barrett  
City Attorney