



Local Agency Formation Commission of Napa County

Subdivision of the State of California

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

■ Margie Mohler, Chair ■ Anne Cottrell, Vice Chair ■ Kenneth Leary ■ Beth Painter ■ Belia Ramos
■ Mariam Aboudamous, Alternate ■ Joelle Gallagher, Alternate ■ Eve Kahn, Alternate

Administrative Office
1754 Second Street, Suite C
Napa, California 94559
Telephone: 707-259-8645
www.napa.lafco.ca.gov

REGULAR MEETING AGENDA

Monday, December 4, 2023, 2:00 PM

County of Napa Administration Building

1195 Third Street, Board Chambers, 3rd Floor

Napa, California 94559

1. CALL TO ORDER BY CHAIR; ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

The Chair will consider approving the Agenda as prepared by the Executive Officer with any requests to remove or rearrange items by members of the Commission or staff.

4. PUBLIC COMMENTS

The public may address the Commission concerning any matter not on the Agenda. The Commission is prohibited from discussing or taking action on any item not appearing on the posted Agenda.

5. CONSENT ITEMS

Action Items:

- a) **Approval of Meeting Minutes:** October 2, 2023 Regular Meeting
- b) **Approval of Meeting Calendar for 2024**
- c) **Approval of Work Program Amendment Rescheduling Future Agenda Items**
- d) **Establishing Matching Retirement Savings Contributions for the Executive Officer and Assistant Executive Officer in 2024**
- e) **Direction for Alternate Public Member Appointment Procedure**

Receive Report for Information Only:

- f) **First Quarter Budget Report for Fiscal Year 2023-24**
- g) **Current and Future Proposals**
- h) **Update on Selection of Consultant for Countywide Fire and Emergency Medical Services Municipal Service Review and Sphere of Influence Reviews**
- i) **Legislative Report**
- j) **Expiring Commissioner Terms in 2024**

6. PUBLIC HEARING ITEMS

A member of the public may receive permission to provide comments on any item calendared for information at the discretion of the Chair.

a) Sphere of Influence Amendment Requests Involving 1130 Trower Avenue, the City of Napa, and the Napa Sanitation District; Proposed Trower Avenue No. 5 Annexation to the Napa Sanitation District; Outside Water Service Agreement Involving 1130 Trower Avenue and the City of Napa; and Associated CEQA Findings

The Commission will consider the following actions involving one parcel located at 1130 Trower Avenue and identified as Assessor Parcel Number 038-240-020: (1) amend the spheres of influence of the City of Napa and the Napa Sanitation District to include the entirety of 1130 Trower Avenue; (2) proposed annexation of 1130 Trower Avenue to the Napa Sanitation District; and (3) approve an outside water service agreement involving the City of Napa and 1130 Trower Avenue. The Commission will also consider the Initial Study, Mitigated Negative Declaration, and Addendum to the Initial Study and Mitigated Negative Declaration prepared and certified by the Napa Valley Unified School District, serving as the lead agency for the project under the California Environmental Quality Act.

7. ACTION ITEMS

Items calendared for action do not require a public hearing before consideration by the Commission. Applicants may address the Commission. Any member of the public may provide comments on an item.

a) Financial Audit for Fiscal Year Ending June 30, 2023

The Commission will receive and file a financial audit prepared by Brown Armstrong for the fiscal year ending June 30, 2023.

b) Proposed Sierra Avenue/Villa Lane Annexation to the Napa Sanitation District and Associated CEQA Findings

The Commission will consider a proposal for the annexation of two parcels totaling approximately 10.45 acres in size to the Napa Sanitation District. The affected territory is located at 1185 Sierra Avenue and identified as Assessor Parcel Numbers 038-250-035 and 038-250-037. The Commission will also consider making a finding that the project, including the proposed annexation, is within the scope of the City of Napa General Plan Update Final Environmental Impact Report, certified by the City Council on September 20, 2022, and that the City of Napa General Plan Update Final Environmental Impact Report adequately describes the proposed annexation for purposes of the California Environmental Quality Act.

c) Consider Options to Amend the Agreement for the Provision of Support Services

The Commission will receive an update on its existing Support Services Agreement with the County of Napa and consider providing direction to staff and the ad hoc subcommittee with respect to pursuing any amendments to the Agreement.

d) Consider Subcommittee Appointments

The Commission will consider the membership of its Fiscal Year 2024-25 Budget Committee, Legislative Committee, and Support Services Agreement Committee.

8. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

This is an opportunity for Commissioners to comment on issues not listed on the Agenda, provided that the subject matter is within the jurisdiction of the Commission. No discussion or action may occur or be taken, except to place the item on a future Agenda if approved by a majority of the Commission.

9. RECOGNITION: CALAFCO 2023 Annual Conference Summary and Celebration

10. ADJOURNMENT TO NEXT SCHEDULED MEETING

Monday, February 5, 2024, at 2:00 P.M. at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3rd floor, Napa, CA 94559.

MEETING INFORMATION

AGENDA ITEMS: The Commission may reschedule items on the Agenda. The Commission will generally hear uncontested matters first, followed by discussions of contested matters, and staff announcements in that order.

CONDUCT OF HEARINGS: A contested matter is usually heard as follows: (1) discussion of the staff report and any related environmental document(s); (2) testimony of proponent; (3) public testimony; (4) rebuttal by proponent; (5) provision of additional clarification by staff as required; (6) close of the public hearing; (7) Commission discussion and Commission vote.

ADDRESSING THE COMMISSION: The Local Agency Formation Commission (LAFCO) of Napa County welcomes and encourages participation in its meetings. Any person who wishes to address the Commission should move to the front of the chambers when an item is called and, when recognized by the Chair, state their name, address, and affiliation. Please attempt to make your statements concise and to the point. It is most helpful if you can cite facts to support your contentions. Groups of people with similar viewpoints should appoint a spokesperson to represent their views to the Commission. The Commission appreciates your cooperation in this matter.

PUBLIC COMMENT TIME LIMITS: The Commission will hear public comment prior to the consideration of any item. (1) A principal proponent will be allowed up to a 5-minute statement; (2) other proponents will be allowed up to a 3-minute statement; (3) opponents are allowed up to a 3-minute statement with the exception of spokespersons for any group who shall be permitted up to 5-minutes; (4) the principal proponent shall have up to a 3-minute rebuttal; (5) staff will provide clarification, as required.

SUBMITTING WRITTEN COMMENTS TO BE READ AT THE MEETING: Any member of the public may submit a written comment to the Commission before the meeting by email to info@napa.lafco.ca.gov or by mail to Napa LAFCO at 1754 Second Street, Suite C, Napa, CA 94559-2450. If you are commenting on a particular item on the Agenda, please identify the Agenda item number and letter. Any comments of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes “COMMENT TO COMMISSION – PLEASE READ”; and (2) it is received by the Commission prior to the deadline of **December 4, 2023, at 10:00 A.M.**

SUBMITTING SUPPLEMENTAL WRITTEN COMMENTS: Any member of the public may submit supplemental written comments to the Commission, beyond the 500-word limit for comments read into the record, and those supplemental written comments will be made a part of the written record.

VOTING: A quorum consists of three members of the Commission. No action or recommendation of the Commission is valid unless a majority of the quorum of the Commission concurs therein.

OFF AGENDA ITEMS: Matters under the jurisdiction of the Commission and not on the posted Agenda may be addressed by the public under “Public Comments” on the Agenda. The Commission limits testimony on matters not on the Agenda to 500-words or less for a particular subject. The Commission cannot take action on any unscheduled items.

SPECIAL NEEDS: Meetings are accessible to persons with disabilities. Requests for assistive listening devices or other considerations should be made 72 hours in advance through LAFCO staff at (707) 259-8645 or info@napa.lafco.ca.gov.

POLITICAL REFORM ACT: Pursuant to Government Code Sections 56700.1 and 81000 et seq., any person or combination of persons who directly or indirectly contributes \$1,000 or more or expends \$1,000 or more in support of or in opposition to a change of organization or reorganization that will be, or has been, submitted to LAFCO must comply, to the same extent as provided for local initiative measures, with reporting and disclosure requirements of the California Political Reform Act of 1974. Additional information can be obtained by contacting the Fair Political Practices Commission. Pursuant to Government Code Section 84308, if you wish to participate in the proceedings indicated on this Agenda, you or your agent is prohibited from making a campaign contribution of \$250 or more to any Commissioner or Alternate Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until 12 months after a final decision is rendered by LAFCO. If you or your agent has made a contribution of \$250 or more to any Commissioner or Alternate Commissioner during the 12 months preceding the decision, that Commissioner or Alternate Commissioner must disqualify themselves from the decision in the proceeding. However, disqualification is not required if the Commissioner or Alternate Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings.

MEETING MATERIALS: Any writings or documents provided to a majority of the members of the Commission regarding any item on this Agenda after the posting of the Agenda and not otherwise exempt from disclosure will be made available for public review at www.napa.lafco.ca.gov or by contacting LAFCO staff at info@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645. If supplemental materials are made available to the members of the Commission at the meeting, a copy will be available for public review at www.napa.lafco.ca.gov. Staff reports are available online at www.napa.lafco.ca.gov/staff-reports-2023 or upon request to LAFCO staff at info@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645.

VIEWING RECORDING OF MEETING: The Commission's meeting will be recorded. Members of the public may access the meeting and other archived Commission meetings by going to <https://napa.lafco.ca.gov/2023-agendas-and-minutes>. Please allow up to one week for production time. Meetings are also broadcast on Napa TV on the second and fourth Tuesdays of each month at 8pm and second and fourth Wednesdays at 1pm (<http://napavalleytv.org/channel-28>).



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

Agenda Item 5a (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Stephanie Pratt, Clerk/Jr. Analyst *SP*

MEETING DATE: December 4, 2023

SUBJECT: Approval of Meeting Minutes: October 2, 2023

SUMMARY AND RECOMMENDATION

This is a consent item for formal action. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair.

The Commission will consider approving the draft meeting minutes prepared by staff for the October 2, 2023 regular meeting, included as Attachment One.

Staff recommends approval of draft meeting minutes.

ATTACHMENTS

- 1) Draft Minutes for October 2, 2023 Regular Meeting

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MEETING MINUTES OF OCTOBER 2, 2023**

1. WELCOME AND CALL TO ORDER; ROLL CALL

Chair Mohler called the regular meeting of October 2, 2023, to order at 2:01 PM. At the time of roll call, the following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Margie Mohler, Chair	Joelle Gallagher (<i>absent</i>)	Brendon Freeman, Executive Officer
Anne Cottrell, Vice Chair	Eve Kahn	Dawn Mittleman Longoria, Asst. Executive Officer
Beth Painter	Mariam Aboudamous (<i>absent</i>)	Gary Bell, Commission Counsel
Kenneth Leary		Stephanie Pratt, Clerk/Jr. Analyst
Belia Ramos (<i>departed 2:40pm</i>)		

2. PLEDGE OF ALLEGIANCE

Chair Mohler led the Pledge of Allegiance.

3. APPROVAL OF AGENDA

Chair Mohler asked if there were any requests to rearrange the agenda.

EO Freeman recommended Item 7a (Supplemental Items 1 and 2) be removed from the agenda after receiving request for removal from applicant and information that statutory provisions render consideration of this matter at this meeting premature.

Upon motion by Vice Chair Cottrell and second by Commissioner Painter, the agenda was approved with the agreement that Item 7a be removed from this agenda, by the following vote:

VOTE:

AYES: MOHLER, COTTRELL, LEARY, PAINTER, RAMOS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

4. PUBLIC COMMENTS

Chair Mohler invited members of the audience to provide public comment. No comments were received.

5. CONSENT ITEMS

Action Items:

- a) **Approval of Meeting Minutes: August 7, 2023, Regular Meeting and September 11, 2023 Special Meeting**
- b) **Budget Adjustments for Fiscal Year 2023-24 and Release of Restricted Fund Balance into Reserves**

Receive Report for Information Only:

- a) **Current and Future Proposals**
- b) **Legislative Report**

Chair Mohler asked for any public comment, no comments were received. Upon motion by Commissioner Painter and Vice Chair Cottrell, the Consent items were approved.

VOTE:

AYES: MOHLER, COTTRELL, LEARY, PAINTER, RAMOS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

6. PUBLIC HEARING ITEMS

a) Final Municipal Service Review and Sphere of Influence Review for the Napa County Resource Conservation District

The Commission received and discussed the final Municipal Service Review and Sphere of Influence Review for the Napa County Resource Conservation District. The Commission considered adopting a resolution confirming the determinative statements and making no changes to the District's sphere.

Commissioner Painter requested that the wording "logical and orderly" be added in order to clarify the need to annex the City of Napa as follows:

"Annexation of this area is considered logical and orderly development and would allow for Napa RCD's boundary to accurately reflect the geographical scope of current programming ..."

Upon Motion by Vice Chair Cottrell and second by Commissioner Painter, the Commission adopted a resolution confirming the determinative statements, making no changes to the District's sphere, and included the language recommended by Commissioner Painter.

VOTE:

AYES: MOHLER, COTTRELL, LEARY, PAINTER, RAMOS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

7. ACTION ITEMS

a) Browns Valley Road Reorganization and Associated CEQA Findings (Removed)

b) Adoption of Strategic Plan 2023-2025

The Commission adopted the Strategic Plan 2023-2025 by resolution, outlining core agency priorities and objectives over the next two years.

Upon motion by Commissioner Leary and second by Vice Chair Cottrell, the Commission unanimously approved and adopted the Strategic Plan 2023-2025 by resolution.

VOTE:

AYES: MOHLER, COTTRELL, LEARY, PAINTER, RAMOS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

c) Consider Authorizing Selection of Consultant for Countywide Fire and Emergency Medical Services Municipal Service Review and Sphere of Influence Reviews

The Commission received a status update on proposals received in response to a Request for Proposals (RFP) for a consultant to prepare the Countywide Fire and Emergency Medical Services Municipal Service Review and Sphere of Influence Reviews. The Commission considered two actions as part of this item: (1) authorize the ad hoc RFP Committee (Vice Chair Cottrell and Commissioner Painter) to select a preferred consultant and negotiate a contract; and (2) authorize the Commission Chair to sign the contract.

The Commission discussed the “needs assessment” portion of the Scope of Services. The decision was to give direction to the ad hoc committee and staff to clarify the depth and range of this analysis when negotiating the contract. The Commission also emphasized the need for the consultant to include existing studies in their analysis.

Upon motion by Vice Chair Cottrell and second by Commissioner Leary, the Commission authorized the ad hoc RFP Committee to select a preferred consultant and negotiate a contract.

VOTE:

AYES: MOHLER, COTTRELL, LEARY, PAINTER
NOES: NONE
ABSENT: RAMOS
ABSTAIN: NONE

Upon motion by Vice Chair Cottrell and second by Commissioner Leary, the Commission authorized the Chair Mohler to sign the contract once the consultant is selected by the ad hoc RFP Committee.

VOTE:

AYES: MOHLER, COTTRELL, LEARY, PAINTER
NOES: NONE
ABSENT: RAMOS
ABSTAIN: NONE

d) Consider Options to Amend the Agreement for the Provision of Support Services

The Commission considered providing formal direction to staff with respect to pursuing any amendments to the Agreement for the Provision of Support Services with representatives of the County of Napa and established an ad hoc subcommittee with two appointed members to assist staff in this process that the Commission appointed the subcommittee to be comprised of Commissioner Ramos and Commissioner Leary. The Commission appointed Vice Chair Cottrell as the alternate if a member is not available. Upon motion by Commissioner Leary and second by Chair Mohler, the Commission this action was unanimously approved.

VOTE:

AYES: MOHLER, COTTRELL, LEARY, PAINTER
NOES: NONE
ABSENT: RAMOS
ABSTAIN: NONE

e) Consider Adjustment to Executive Officer’s Compensation

The Commission approved a resolution adjusting the Executive Officer’s compensation based on the performance evaluation initiated during the Commission’s August 7, 2023 regular meeting. The recommended new annual salary of \$176,934.13 will be effective October 14, 2023. Legal Counsel Bell reported that the slight difference between the amount on the agenda and resolution are due to a minor math calculation.

Upon motion by Commissioner Painter and second by Vice Chair Cottrell, the Commission this action was unanimously approved.

VOTE:

AYES: MOHLER, COTTRELL, LEARY, PAINTER

NOES: NONE

ABSENT: RAMOS

ABSTAIN: NONE

8. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

No discussion or action occurred.

9. ADJOURNMENT TO NEXT SCHEDULED MEETING

The meeting was adjourned at 3:19 PM. The next regular LAFCO meeting is scheduled for Monday December 4, 2023 at 2:00 PM. The meeting location will be at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3rd floor, Napa, CA 94559.

Margie Mohler, LAFCO Chair

ATTEST:

Brendon Freeman, Executive Officer

Prepared by:

Stephanie Pratt, Clerk/Jr. Analyst



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Agenda Item 5b (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Stephanie Pratt, Clerk/Jr. Analyst *SP*

MEETING DATE: December 4, 2023

SUBJECT: Approval of Meeting Calendar for 2024

SUMMARY AND RECOMMENDATION

This is a consent item for formal action. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair.

It is recommended the Commission approve a meeting calendar for 2024 consisting of the following dates: February 5; April 1; June 3; August 5; October 7; and December 2.

The Commission's *Policy on Scheduling of Commission Meetings*, included as Attachment One, states the Commission shall meet on the first Monday of all even-numbered months at 2:00 PM in the Napa County Board of Supervisors Chambers located at 1195 Third Street, Third Floor. Special meetings may also be scheduled as needed.

It is recommended the Commission schedule six regular meetings in 2023 at 2:00 PM in the Board of Supervisors Chambers on February 5; April 1; June 3; August 5; October 7; and December 2.

ATTACHMENT

- 1) Policy on Scheduling of Commission Meetings

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Policy on Scheduling of Commission Meetings

(Adopted: June 14, 2001; Last Amended: August 1, 2022)

I. BACKGROUND

Meetings of the Local Agency Formation Commission (LAFCO) of Napa County will be noticed and conducted in accordance with the Ralph M. Brown Act, [California Government Code \(G.C.\) §54950 et seq.](#) In response to [G.C. §54954](#), this policy establishes the time and place for regular meetings and additionally establishes how a special meeting may be scheduled.

II. PROCEDURES

A. Regular Meetings

- 1) The regular meeting day of the Commission is the first Monday of each even-number month (February, April, June, August, October, and December) at 2:00 PM. The location will be the County of Napa Board of Supervisors Chambers located at 1195 Third Street, Third Floor, Napa, California 94559.
- 2) The Chair may cancel a regular meeting if he or she determines the Commission cannot achieve a quorum or there is a lack of business. Regular meetings may also be canceled with the consent of a majority of the regular members of the Commission. For the purpose of this policy, a majority includes at least one member representing the cities and one member representing the county.

B. Special Meetings

- 1) Special meetings may be scheduled in accordance with the Ralph M. Brown Act which at the time of the adoption of this policy allows the Commission Chair to schedule special meetings as needed. The Chair shall consult with the Executive Officer in scheduling special meetings to ensure a quorum is available at a specified place and time.
- 2) Requests from outside parties for special meetings must be made in writing and submitted to the Executive Officer. If approved and scheduled by the Chair, the affected outside party requesting the special meeting will be responsible for any related charges pursuant to the Commission's *Schedule of Fees and Deposits*.



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Agenda Item 5c (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: December 4, 2023

SUBJECT: Approval of Work Program Amendment Rescheduling Future Agenda Items

SUMMARY AND RECOMMENDATION

This is a consent item for formal action. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair.

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County Amending the Work Program for Fiscal Year 2023-24, included as Attachment One.

Local policy directs the Commission to annually adopt a work program for purposes of scheduling key activities over the course of the fiscal year. Notably, this includes the scheduling of municipal service reviews (MSRs) and sphere of influence (SOI) reviews.

On June 5, 2023, the Commission adopted the Work Program for Fiscal Year 2023-24, included as Attachment Two.

On July 11, 2023, the Commission conducted a strategic planning workshop to consider its priorities and opportunities over the next two years.

On August 7, 2023, the Commission discussed a draft strategic plan and directed staff to return with several changes to both the strategic plan and work program.

On October 2, 2023, the Commission adopted the Strategic Plan 2023-2025, included as Attachment Three.

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Staff recommends the Commission amend the Work Program for Fiscal Year 2023-24 to emphasize the Strategic Plan 2023-2025 goals and related activities. Due to the required staff resources to accomplish these goals, changes are needed to some of the scheduled MSRs and SOI reviews. The following is a summary of key future agenda items that staff recommends be rescheduled:

- County Service Area No. 4 MSR & SOI:
Adopted Work Program for Fiscal Year 2023-24: Draft report in October 2023
Proposed amendment: Draft report in April 2024
Justification: County of Napa is conducting a Farmworker Housing & Community Needs Assessment that will inform the LAFCO study

- Napa Sanitation District SOI:
Adopted Work Program for Fiscal Year 2023-24: Draft report in February 2024
Proposed amendment: Draft report in June 2024
Justification: Staff is working closely with Napa Sanitation District staff, County of Napa staff, and interested community members to determinate appropriate SOI study areas and timing for the LAFCO study

- City of St. Helena MSR & SOI:
Adopted Work Program for Fiscal Year 2023-24: Draft report in April 2024
Proposed amendment: Remove from Work Program for Fiscal Year 2023-24; include as part of for Fiscal Year 2024-25
Justification: Staff lacks needed resources to work on this in fiscal year 2024-25

The proposed amendment to the Work Program for Fiscal Year 2023-24 is included as an exhibit to the draft resolution (Attachment One).

ATTACHMENTS

- 1) Draft Resolution Amending the Work Program for Fiscal Year 2023-24
- 2) Work Program for Fiscal Year 2023-24 Adopted on June 5, 2023
- 3) Strategic Plan 2023-2025 Adopted on July 11, 2023

RESOLUTION NO. _____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
AMENDING THE WORK PROGRAM FOR FISCAL YEAR 2023-24**

WHEREAS, on June 5, 2023, the Local Agency Formation Commission of Napa County (the “Commission”) adopted the Work Program for Fiscal Year 2023-24; and

WHEREAS, the Commission considered a proposed amendment to the Work Program for Fiscal Year 2023-24 at its regular meeting on December 4, 2023; and

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby amends the Work Program for Fiscal Year 2023-24 as attached hereto as “Exhibit A”.

This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on December 4, 2023, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Stephanie Pratt
Clerk/Jr. Analyst

Napa LAFCO Work Program for Fiscal Year 2023-24			
		Timeline	Comments
STUDIES	Napa County Resource Conservation District MSR & SOI	Draft report in Aug 2023	COMPLETE: final report adopted in October 2023
	County Service Area No. 4 MSR & SOI	Draft report in April 2024	Previous MSR & SOI completed in 2017; will initiate following completion of County report on farmworker housing needs
	Napa Sanitation District SOI	Draft report in June 2024	Previous MSR completed in 2014 (Central County Region MSR), previous SOI completed in 2015; staff has engaged District staff, County staff, and interested community members to identify potential SOI study areas
	Countywide Fire & EMS MSR	Draft report in June 2024	Previous Countywide Fire MSR completed in 2006; ad hoc subcommittee selected AP Triton to prepare the report; June 2024 completion date for draft report is tentative
ADMINISTRATION	Audit	Annual	Presented by the County Auditor–Controller annually in December
	Budget	Annual	Proposed budget must be adopted by May 1; final budget must be adopted by June 15; as hoc Budget Committee appointed annually in December; staff prepares quarterly budget reports
	Legislation	Annual	Ad hoc Legislative Committee appointed annually in December to review state legislation and recommend formal positions
	New Commissioner Orientation	Ongoing	Discussed during strategic planning; create mandatory in-person orientation process for new commissioners, develop commissioner handbook
	Policies	Ongoing	Policy amendments will be proposed as needed and Policy Manual updated accordingly
	Proposals	Ongoing	See "Current and Future Proposals" staff report on each meeting agenda for a status update
	Staff Training	Ongoing	Clerk/Jr. Analyst requires ongoing training on LAFCO's administrative functions and application processing
	Website/Document Management	Ongoing	Staff continuously updates information on website including agendas, minutes, meeting recordings, audits, budgets, etc.; website host changed to Streamline on July 1, 2023
OTHER	Strategic Planning (Yountville Town Hall)	July 10, 2023	Strategic planning is recommended every 2 years; Commission conducted a strategic planning workshop on July 10, 2023 in Yountville with Pamela Miller as facilitator
	Special Projects & Studies	TBD	To be determined in budget cycle and strategic planning; typically involves a contract with a consultant to be funded with reserves; see Countywide Fire & EMS MSR in "Studies"
	Support Services Agreement with County of Napa	ASAP	Staff will work with ad hoc subcommittee and County staff on amendments for purposes of LAFCO independence consistent with strategic plan; amendments will require formal approval from both the Commission and County Board of Supervisors
	Education & Outreach to Stakeholders & Public	Ongoing	Discussed during strategic planning; increase proactive engagement with local agencies, conduct regular presentations, leverage new website & webinar capabilities
	Climate Resiliency in LAFCO's Work	Ongoing	Discussed during strategic planning; research policies & best practices of other LAFCOs, consider adopting additional local policies, lead roundtable discussions with other LAFCOs
	Coordination & Provision of Broadband Services	TBD	Discussed during strategic planning; participate in the North Bay Broadband Consortium, coordinate with other LAFCOs
	2023 CALAFCO Annual Conference	October 18 - 20, 2023	Monterey; 5 Commissioners and 1 staff attended; Napa LAFCO won 3 achievement awards: (1) Assistant EO - Lifetime Achievement; (2) Counsel (CHW) - Outstanding Associate Member; (3) Commission - Mike Gotch Ag Preservation
	2024 CALAFCO Staff Workshop	April 24 - 26, 2024	Pleasanton; all staff encouraged to attend
Amended Work Program presented on December 4, 2023			

Napa LAFCO Work Program for Fiscal Year 2023-24			
		Timeline	Comments
STUDIES	Napa County Resource Conservation District MSR & SOI	Draft report in Aug 2023	Previous MSR & SOI completed in 2016
	County Service Area No. 4 MSR & SOI	Draft report in Oct 2023	Previous MSR & SOI completed in 2017
	Napa Sanitation District SOI	Draft report in Feb 2024	Previous MSR completed in 2014 (Central County Region MSR), previous SOI completed in 2015
	City of St. Helena MSR & SOI	Draft report in April 2024	Previous MSR & SOI completed in 2008
	Countywide Fire & EMS MSR	Draft report in June 2024	Previous Countywide Fire MSR completed in 2006, Commission agreed to allocate \$100,000 for a consultant in FY 23-24
ADMINISTRATION	Audit	Annual	Presented by the County Auditor-Controller annually in December
	Budget	Annual	Proposed budget must be adopted by May 1; final budget must be adopted by June 15; Budget Committee appointed annually in December; staff prepares quarterly budget reports
	Legislation	Annual	Legislative Committee appointed every 2 years to review state legislation and recommend formal positions
	Policies	Ongoing	Policy amendments will be proposed as needed and Policy Manual updated accordingly
	Proposals	Ongoing	See "Current and Future Proposals" staff report on each meeting agenda for a status update
	Staff Training	Ongoing	New Clerk/Jr. Analyst requires comprehensive training on LAFCO's administrative functions and application processing
	Website/Document Management	Ongoing	Staff continuously updates information on website including agendas, minutes, meeting recordings, audits, budgets, etc.; website host will change to Streamline beginning July 1, 2023; staff is also working on migrating all electronic documents from Laserfiche system to County-hosted network
OTHER	Strategic Planning (Yountville Town Hall)	July 10, 2023	Strategic planning is recommended every 2 years; Commission will conduct a strategic planning workshop on July 10, 2023 in Yountville with Pamela Miller as facilitator
	Special Projects and Studies	TBD	To be determined in budget cycle and strategic planning; typically involves a contract with a consultant to be funded with reserves; see Countywide Fire & EMS MSR in "Studies"
	Support Services Agreement with County of Napa	TBD	Staff working with County to amend agreement for purposes of modernization and possible further LAFCO independence; amendments will require formal approval from both the Commission and County Board of Supervisors
	2023 CALAFCO Annual Conference	October 18 - 20, 2023	Monterey; all Commissioners and staff encouraged to attend
	2024 CALAFCO Staff Workshop	April 2024	TBD (Coastal Region will host); all staff encouraged to attend
Final Work Program adopted on June 5, 2023			



**LOCAL AGENCY FORMATION COMMISSION
OF NAPA COUNTY**

**TWO YEAR STRATEGIC PLAN
JULY 1, 2023 – JUNE 30, 2025**

ADOPTED ON OCTOBER 2, 2023



MISSION STATEMENT OF THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

The **Local Agency Formation Commission of Napa County** is committed to serving the citizens and government agencies of its jurisdiction by encouraging the preservation of agricultural lands and open-space and coordinating the efficient delivery of municipal services.





VALUES OF THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

The *Local Agency Formation Commission of Napa County* is deeply invested in the communities we serve. We are committed to the mission of LAFCO and place high value in that which allows us to successfully partner with all stakeholders in service to the communities of Napa County.





FY 2023-24 / 2024-25

Napa LAFCO Goals

Goal: Understand how the 2020 Water-Wastewater Municipal Service Review may benefit the region



Assess & prioritize
recommendations



Engage stakeholder
partners

Goal: Initiate & complete the countywide Fire-EMS Municipal Service Review



Initiate & complete the
Municipal Service Review



Goal: Continue gaining greater LAFCO independence
(Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000)



Amend the agreement between
LAFCO & County to create greater
independence



The Commission

Margie Mohler, Chair
City Member (Town of Yountville)

Anne Cottrell, Vice Chair
County Member (Third Supervisorial District)

Kenneth Leary, Commissioner
Public Member

Beth Painter, Commissioner
City Member (City of Napa)

Belia Ramos
County Member (Fifth Supervisorial District)

Mariam Aboudamous, Alternate Commissioner
City Member (City of American Canyon)

Joelle Gallagher, Alternate Commissioner
County Member (First Supervisorial District)

Eve Kahn, Alternate Commissioner
Public Member

The Commission Staff

Brendon Freeman, Executive Officer
Dawn Mittleman Longoria, Assistant Executive Officer
Stephanie Pratt, Clerk/Jr. Analyst
Gary Bell, Legal Counsel (Colantuono, Highsmith & Whatley)





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

Agenda Item 5d (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer B F

MEETING DATE: December 4, 2023

SUBJECT: Establishing Matching Retirement Savings Contributions for the Executive Officer and Assistant Executive Officer in 2024

SUMMARY AND RECOMMENDATION

This is a consent item for formal action. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair.

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County Consenting to the Participation of LAFCO Management Staff in the County of Napa 401(a) Retirement Savings Plan and Establishing the LAFCO Match for the 2024 Calendar Year, included as Attachment One, establishing \$1,600 matching 401(a) retirement contributions for each the Executive Officer and Assistant Executive Officer in calendar year 2024.

Management employees with the County of Napa are eligible for a \$1,600 annual employer contribution to a 401(a) retirement savings account. This amount has already been budgeted for the Executive Officer and Assistant Executive Officer for the current fiscal year. Additionally, the Executive Officer and Assistant Executive Officer have already been authorized to participate in the 401(a) retirement savings plan. Consistent with prior years, the annual contributions need to be designated as matching contributions in calendar year 2024 by way of the Commission adopting a new resolution.

ATTACHMENT

- 1) Resolution Consenting to the Participation of LAFCO Management Staff in the County of Napa 401(a) Retirement Savings Plan and Establishing the LAFCO Matches for the 2024 Calendar Year

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

RESOLUTION NO. _____

**THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
CONSENTING TO THE PARTICIPATION OF LAFCO MANAGEMENT STAFF
IN THE COUNTY OF NAPA 401(a) RETIREMENT SAVINGS PLAN AND
ESTABLISHING THE LAFCO MATCH FOR THE 2024 CALENDAR YEAR**

WHEREAS, the Executive Officer and Assistant Executive Officer of the Napa County Local Agency Formation Commission (hereinafter “LAFCO” and “Employer”) are management employees of the County of Napa whose services are contracted out to LAFCO; and

WHEREAS, in 2002 LAFCO consented to the participation of LAFCO in the 401(a) Retirement Savings Plan (hereinafter “Plan”) established by Napa County, which provides in part that LAFCO shall determine, in its sole discretion, the amount of the Employer contribution to be made to the Plan during each Plan year and that the amount of the Employer contribution for each calendar year, if any, shall be established annually on or before January 1st of that calendar year by a duly adopted Resolution of the Employer, a copy of which shall be delivered to the Napa County Deferred Compensation Board of Control (hereinafter “Board of Control”); and

WHEREAS, the Plan also provides that upon the adoption of a Resolution identifying the amount of the Employer contribution for the next succeeding calendar year, the Employer shall, during said next succeeding calendar year, make a contribution in an amount equal to the contribution each Management, Confidential, and Non-Classified officer and/or employee who is a Participant in the Plan makes to the Employer's 457 Deferred Compensation Plan during that same calendar year (hereinafter the “Match”); provided, however, the Employer contribution to the 401(a) deferred compensation account of each Management, Confidential, and Non-Classified officer and/or employee who is a Participant in the Plan during any calendar year shall not exceed the amount set forth in said Resolution; and

WHEREAS, during fiscal year 2023-2024, LAFCO hereby agrees to establish a Match for calendar year 2024 pursuant to section 4.02-1 of the Plan.

NOW THEREFORE BE IT RESOLVED by LAFCO that, for calendar year 2024, it hereby approves up to a \$1,600 “Match” for each Management staff of LAFCO (presently the LAFCO Executive Officer and Assistant Executive Officer) who are or become Participants in the Plan during 2024.

BE IT FURTHER RESOLVED that the Clerk of the Commission is directed to deliver a copy of this Resolution to the Board of Control.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on December 4, 2023, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____
NOES: Commissioners _____
ABSENT: Commissioners _____
ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Stephanie Pratt
Clerk/Jr. Analyst

DRAFT



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

Agenda Item 5e (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: December 4, 2023

SUBJECT: Direction for Alternate Public Member Appointment Procedure

SUMMARY AND RECOMMENDATION

This is a consent item for formal action. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair.

It is recommended the Commission direct the Executive Officer to recruit candidates and schedule a public hearing to consider making an appointment or reappointment to the Alternate Public Member position currently held by Eve Kahn. Approval of this item as part of the consent calendar on the Agenda will suffice for purposes of providing direction to the Executive Officer.

California Government Code section 56325(d) states the composition of LAFCOs shall include one Public Member representing the general public. This statute also states that LAFCOs may designate one Alternate Public Member. The Public Member and Alternate Public Member are each appointed to four-year terms and cannot be officers or employees with local governmental agencies.

The Commission's *Policy on the Appointment of a Public Member and Alternate Public Member* ("the Policy") is included as Attachment One. The Policy directs the Executive Officer to notify the Commission no less than 120 days prior to an impending vacancy and whether the incumbent is eligible to seek reappointment. Upon notification, the Commission must direct the Executive Officer to (a) recruit candidates and schedule a hearing to make an appointment or (b) schedule a hearing to expedite the reappointment of the incumbent if they are eligible and have served no more than one term.

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

The Commission originally appointed Commissioner Kahn as the Alternate Public Member beginning in August 2019 to fill an unexpired term. In February 2020, the Commission reappointed Commissioner Kahn to a full four-year term beginning May 4, 2020 and expiring on May 6, 2024.

Commissioner Kahn is eligible to seek reappointment but is not eligible for the expedited reappointment described in the Policy due to having served more than one term. Therefore, an open recruitment is required.

Staff recommends the Commission direct the Executive Officer to initiate an open recruitment for the Alternate Public Member position and schedule a public hearing date consistent with the procedures identified in the Policy. An example application form for Alternate Public Member candidates is included as Attachment Two. Staff will post the application form on the LAFCO website and issue a press release inviting interested members of the public to apply for the position.

The formal appointment or reappointment will be scheduled as part of a noticed public hearing for the Commission's regular meeting on April 1, 2024.

ATTACHMENTS

- 1) Policy on the Appointment of a Public Member and Alternate Public Member
- 2) Application for LAFCO Alternate Public Member



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on the Appointment of a Public Member and Alternate Public Member

(Adopted: October 11, 2001; Last Amended: November 18, 2019)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization (CKH) Act of 2000 includes provisions for the composition of the Commission including the Public Member as follows:

The composition of the Commission shall include one member representing the general public, hereinafter referred to as “public member.” The Commission may designate one alternate public member. The selection of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members appointed by each of the appointing authorities ([California Government Code \(G.C.\) §56325\(d\)](#)).

II. Purpose

It is the intent of the Commission to establish a policy for the appointment of a public member and alternate public member which is consistent with CKH. This policy also includes procedures to address a vacancy in the position and other relevant matters.

III. Eligibility

The public member and alternate public member shall be a resident of Napa County. No person may serve as public member or alternate public member if at the same time they are an officer or employee of the County, a city, town or district within Napa County.¹ For purposes of this policy, an officer of a local government agency is a member of a local public board, commission, committee, or council with the authority to make advisory or final decisions relative to land use or the provision of municipal services.

IV. Term of Office

The term of office for Public Member and Alternate Public Member shall be four years and shall end on the first Monday in May of the year in which the term expires. The Public Member and Alternate Public Member shall continue to serve until a successor is appointed.

¹ The term “district” is defined in [G.C. §56036](#).

V. Appointment Procedures

A) New Term for Public Member or Alternate Public Member

It is the policy of the Commission that in anticipation of the expiration of a four-year term for the Public Member or Alternate Public Member, the following procedures will be taken:

At a regular meeting at least 120 days prior to the scheduled expiration of the Public Member or Alternate Public Member's term, the Executive Officer shall inform the Commission of the impending vacancy and whether the incumbent is eligible to seek reappointment. The Commission shall take one of the following two actions as set forth in the following subsection 1 or 2 below.

- 1) Direct the Executive Officer to recruit candidates and schedule a public hearing to consider making an appointment to the position. Tasks of the Executive Officer shall include, but not limited to, the following:
 - (a) At least 60 days prior to the scheduled hearing for the appointment, issue a notice announcing the vacancy and that the Commission is accepting applications for the position. The notice shall be posted at the LAFCO office and on its website, sent to all local agencies, and published in a newspaper of general circulation in Napa County.² The notice shall indicate if the incumbent is eligible for reappointment.
 - (b) Determine the filing period to receive applications for the position. All applications shall be made available to each city and county member on the Commission at least 14 days prior to the scheduled hearing for the appointment.
 - (c) If it becomes necessary for the Commission to cancel or reschedule the meeting at which the hearing for the appointment has been scheduled, the Executive Officer shall reschedule the hearing for the next regular meeting.
- 2) If the incumbent is eligible and has served no more than one four-year term, the Commission may direct the Executive Officer to schedule a public hearing to consider approving reappointment. Tasks of the Executive Officer shall include, but not limited to, the following:
 - (a) Issue a notice announcing the scheduled reappointment of the incumbent. The notice shall be posted at the LAFCO office and on its website and sent to all local agencies. The notice shall be posted at least 21 days prior to the hearing for which the reappointment has been scheduled.
 - (b) If it becomes necessary for the Commission to cancel or reschedule the meeting at which the hearing for the reappointment has been scheduled, the Executive Officer shall reschedule the hearing for the next regular meeting.

² For purposes of this policy, notice to local agencies is fulfilled by sending a copy of the notice to the clerk or secretary of the legislative body of each local agency in Napa County. Publishing in a newspaper of general circulation in Napa County shall be conducted by publishing, at minimum, a prominently placed display ad.

B) Mid-Term Vacancies

An appointment to fill an unexpired term for the position of Public Member or Alternate Public Member shall be preceded by posting a notice of vacancy. The notice will be posted at the LAFCO office and on its website and sent to all local agencies. The notice will be posted at least 21 days prior to the meeting at which time the Commission will consider taking action to fill the unexpired term. An appointment to fill an unexpired term will occur as follows:

- 1) Public Member: If the position of Public Member becomes vacant prior to the expiration of the term, it is the policy of the Commission that it may fill the unexpired term through one of the following:
 - (a) Appoint the Alternate Public Member.
 - (b) Fill the position in the manner prescribed in Section V(A) “New Term for Public Member or Alternate Public Member” for the appointment of the Public Member to a new term.
- 2) Alternate Public Member: If the position of Alternate Public Member becomes vacant prior to the expiration of the term, it is the policy of the Commission that it may fill the unexpired term in the manner prescribed in Section V(A) “New Term for Public Member or Alternate Public Member” for the appointment of the Alternate Public Member to a new term.

C) Conducting Public Hearings for Appointing a Public Member or Alternate Public Member

It is the policy of the Commission that a public hearing to appoint either the Public Member or Alternate Public Member shall be conducted as follows:

The Chair shall open the public hearing and first invite candidates to address the Commission. The Commission may ask questions of the candidates. The Chair shall then invite public comments from the audience. Upon the close of the public comment period, the Public Member or Alternate Public Member will be selected based upon a motion and second followed by an affirmative vote.



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

APPLICATION FOR LAFCO ALTERNATE PUBLIC MEMBER

The Local Agency Formation Commission (LAFCO) of Napa County is accepting applications for its Alternate Public Member position. The position involves an appointment made by the city and county members on LAFCO. The term commences on May 6, 2024, and expires on May 1, 2028. The Alternate Public Member is expected to actively participate in LAFCO meetings with respect to providing input on all regulatory and planning matters before the agency. The Alternate Public Member is also expected to vote in place of the regular Public Member at meetings during which the regular Public Member is absent or otherwise excused.

Eligibility

Applicants must be a resident of Napa County. Applicants also must not be currently employed by a local public agency or serving as a member on a local public body with the authority to make final or advisory decisions relative to land use or municipal service.

Time Commitments

LAFCO currently meets on the first Monday of every even-numbered month unless otherwise scheduled. Regular meetings are calendared to begin at 2:00 P.M. in the County of Napa Administration Building located at 1195 Third Street in Napa. Special meetings and subcommittee meetings are calendared as needed. All members, including alternate members, are expected to attend each meeting unless excused. All members, including alternate members, currently receive a \$150.00 per diem for each regular, special, and subcommittee meeting attended.

Deadline for Applications

Completed applications must be received by LAFCO by **5:00 P.M. on Friday, March 15, 2024**. The city and county members on LAFCO are expected to consider making an appointment for the Alternate Public Member position as part of a public hearing item at LAFCO's regular meeting on April 1, 2024. Letters of recommendation and references are not required but will be accepted and should be attached to the completed application at the time of submission. Questions should be directed to LAFCO Executive Officer Brendon Freeman at (707) 259-8645 or bfreeman@napa.lafco.ca.gov.



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Agenda Item 5f (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Stephanie Pratt, Clerk/Jr. Analyst *SP*

MEETING DATE: December 4, 2023

SUBJECT: First Quarter Budget Report for Fiscal Year 2023-24

SUMMARY

This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

Consistent with local policy, the Commission will receive a first quarter budget report that shows all budgeted and actual operating revenue and expenditure accounts for the 2023-24 fiscal year through September 30, 2023, included as Attachment One.

When the year is closed, all year-end numbers will be finalized and presented to the Commission at its December 2, 2024 regular meeting as part of the annual audit report.

ATTACHMENT

- 1) FY 2023-24 Revenue & Expense Report through September 30, 2023

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
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Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



Statement of Revenues and Expenses Budget vs. Actual

Fiscal Year: 2024 Through Period: 03

Fund: 8400 - Local Agency Formation Comm

Object	Budget			Encumbrances	Actuals	Available Budget	% of Budget
	Adopted	Adjustments	Revised				
License, Permits and Franchises							
42690 - Permits Other/Application Fees	22,950.00	-	22,950.00	-	5,270.00	17,680.00	22.96 %
Total License, Permits and Franchises	22,950.00	-	22,950.00	-	5,270.00	17,680.00	22.96 %
Intergovernmental Revenues							
43910 - County of Napa	339,738.00	-	339,738.00	-	339,738.00	-	100.00 %
43950 - Other - Governmental Agencies	339,738.00	-	339,738.00	-	319,396.00	20,342.00	94.01 %
Total Intergovernmental Revenues	679,476.00	-	679,476.00	-	659,134.00	20,342.00	97.01 %
Revenue from Use of Money and Property							
45100 - Interest	6,500.00	-	6,500.00	-	7,191.23	(691.23)	110.63 %
Total Revenue from Use of Money and Property	6,500.00	-	6,500.00	-	7,191.23	(691.23)	110.63 %
Charges for Services							
46800 - Charges for Services	510.00	-	510.00	-	4,150.00	(3,640.00)	813.73 %
Total Charges for Services	510.00	-	510.00	-	4,150.00	(3,640.00)	813.73 %
Salaries and Employee Benefits							
51210 - Director/Commissioner Pay	15,000.00	-	15,000.00	-	2,700.00	12,300.00	18.00 %
51300 - Medicare	250.00	-	250.00	-	39.13	210.87	15.65 %
51305 - FICA	600.00	-	600.00	-	111.60	488.40	18.60 %
Total Salaries and Employee Benefits	15,850.00	-	15,850.00	-	2,850.73	12,999.27	17.99 %

Fund: 8400 - Local Agency Formation Comm

Object	Budget			Encumbrances	Actuals	Available Budget	% of Budget
	Adopted	Adjustments	Revised				
Services and Supplies							
52100 - Administration Services	548,598.00	-	548,598.00	-	141,123.57	407,474.43	25.72 %
52125 - Accounting/Auditing Services	7,500.00	-	7,500.00	4,200.00	1,206.00	2,094.00	72.08 %
52130 - Information Technology Svcs	34,309.00	-	34,309.00	-	8,577.25	25,731.75	25.00 %
52131 - ITS Communication Charges	2,000.00	-	2,000.00	-	500.00	1,500.00	25.00 %
52140 - Legal Services	35,000.00	-	35,000.00	28,948.36	7,286.46	(1,234.82)	103.53 %
52310 - Consulting Services	105,000.00	-	105,000.00	-	3,415.39	101,584.61	3.25 %
52345 - Janitorial Services	300.00	-	300.00	300.00	-	-	100.00 %
52515 - Maint - Software	3,062.00	-	3,062.00	1,762.00	1,762.00	(462.00)	115.09 %
52600 - Rents/Leases - Equipment	3,500.00	-	3,500.00	1,797.06	1,273.71	429.23	87.74 %
52605 - Rents/Leases - Buildings/Land	26,775.00	-	26,775.00	17,915.00	8,860.00	-	100.00 %
52700 - Insurance - Liability	716.00	-	716.00	-	-	716.00	0.00 %
52800 - Communications/Telephone	3,000.00	-	3,000.00	1,950.00	272.96	777.04	74.10 %
52830 - Publications and Legal Notices	750.00	-	750.00	-	-	750.00	0.00 %
52835 - Filing Fees	150.00	-	150.00	-	-	150.00	0.00 %
52900 - Training/Conference Expenses	15,000.00	-	15,000.00	-	5,685.00	9,315.00	37.90 %
52905 - Business Travel/Mileage	3,000.00	-	3,000.00	-	-	3,000.00	0.00 %
53100 - Office Supplies	2,000.00	-	2,000.00	-	747.78	1,252.22	37.39 %
53110 - Freight/Postage	100.00	-	100.00	-	-	100.00	0.00 %
53115 - Books/Media/Subscriptions	119.00	-	119.00	-	-	119.00	0.00 %
53120 - Memberships/Certifications	3,332.00	-	3,332.00	-	3,332.00	-	100.00 %
53205 - Utilities - Electric	2,400.00	-	2,400.00	-	-	2,400.00	0.00 %
53415 - Computer Software/Licnsng Fees	225.00	-	225.00	-	-	225.00	0.00 %
53650 - Business Related Meals/Supply	260.00	-	260.00	-	361.57	(101.57)	139.07 %
Total Services and Supplies	797,096.00	-	797,096.00	56,872.42	184,403.69	555,819.89	30.27 %

33100 - Beginning Available Fund Balance	392,300.60
---	-------------------

Total Revenues	709,436.00	709,436.00		<u>675,745.23</u>	33,690.77	95.25 %
Total Expenditures	812,946.00	812,946.00	<u>56,872.42</u>	<u>187,254.42</u>	568,819.16	30.03 %
Net Surplus / (Deficit)	(103,510.00)	-	(103,510.00)	488,490.81		
33100 - Current Available Fund Balance				880,791.41		

32100 - FB - Des - Capital Replacement

19,656.50



Agenda Item 5g (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Stephanie Pratt, Clerk/Jr. Analyst *SP*

MEETING DATE: December 4, 2023

SUBJECT: Current and Future Proposals

SUMMARY

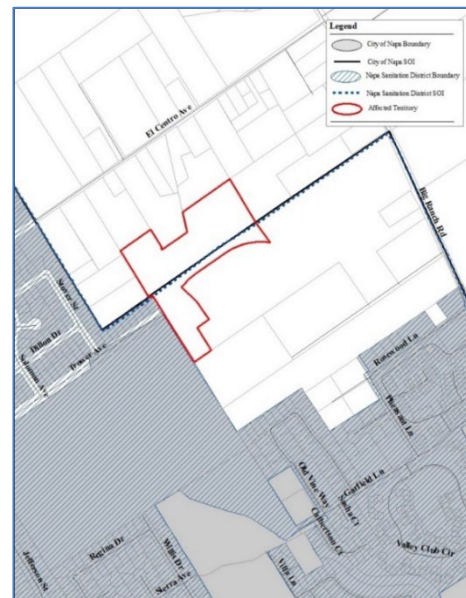
This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

This report summarizes all current and future boundary change proposals. There are currently five active proposals on file and eight anticipated new proposals that are expected to be submitted in the future. A summary follows.

Active Proposals

Trower Avenue No. 5 Annexation to NSD

The Napa Valley Unified School District (NVUSD) has submitted an application to annex approximately 12.8 acres of unincorporated territory to the Napa Sanitation District (NSD). The territory is located at 1130 Trower Avenue and identified as APN 038-240-020. The parcel is currently undeveloped and designated for residential land use under the County of Napa General Plan. The purpose of the annexation is to facilitate the NVUSD's planned Vintage High School Farm Project. The project will also involve sphere of influence (SOI) amendments for the City of Napa and NSD, as well as an outside water service agreement with the City. The proposed SOI amendments, annexation, and outside service agreement are on today's agenda as item 6a.



Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

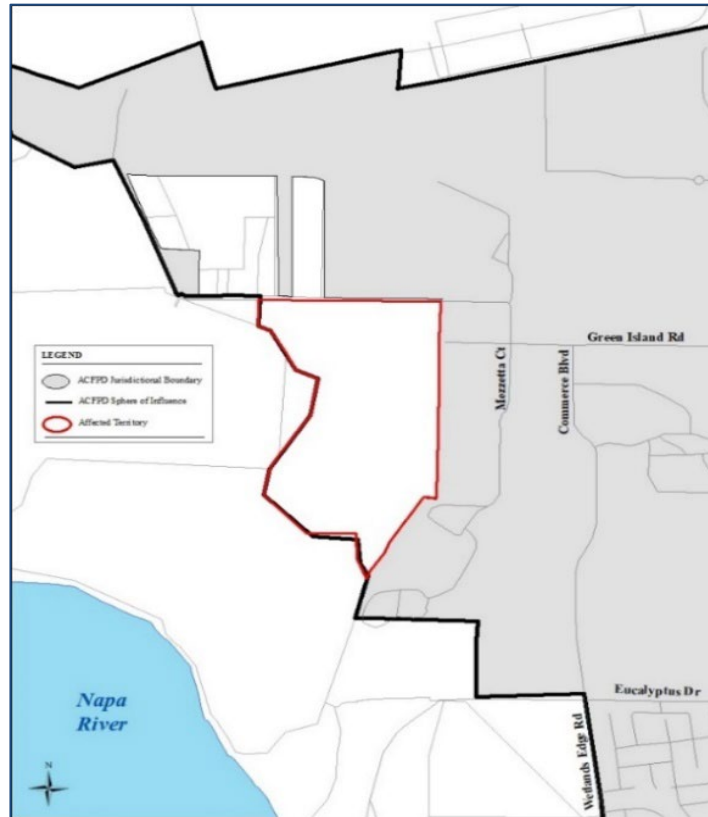
Sierra Avenue/Villa Lane Annexation to NSD

A representative for the landowner of two parcels located at 1185 Sierra Avenue in the City of Napa submitted an application to annex the parcels to NSD. The parcels are identified as APNs 038-250-035 & -037 and total approximately 10.5 acres in size. The parcels were previously used as the Vintage High School's former farm site. The purpose of the annexation is to facilitate the planned Vintage Ranch Subdivision residential project. The annexation proposal is on today's agenda as item 7b.



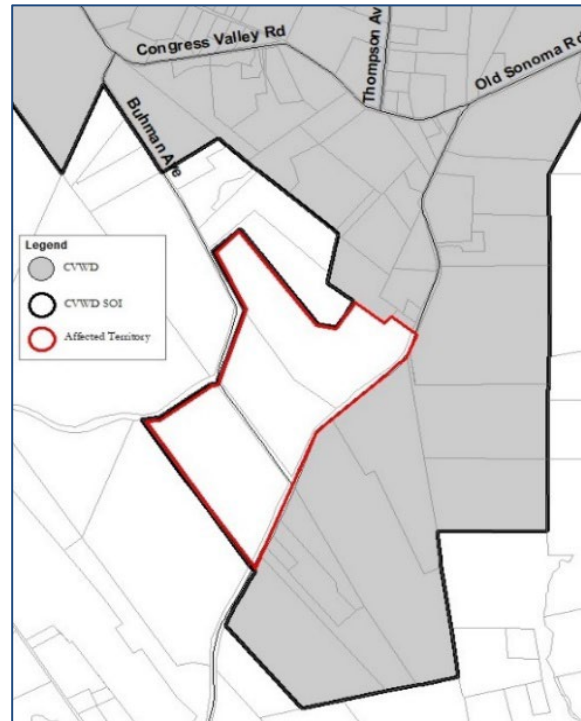
Green Island Road No. 3 Annexation to ACFPD

The American Canyon Fire Protection District (ACFPD) has adopted a resolution initiating annexation proceedings involving one unincorporated parcel located at 1661 Green Island Road (west of the City of American Canyon's boundary), approximately 157.1 acres in size, and identified as APN 058-030-041. Current land uses within the parcel are limited to a commercial vineyard. Annexation would formally recognize ACFPD's longstanding status as the primary fire service provider for the parcel. Annexation to ACFPD would grant no new land use potential. The annexation proposal will be on a future Commission meeting agenda following the adoption of a property tax exchange agreement between the County of Napa and ACFPD.



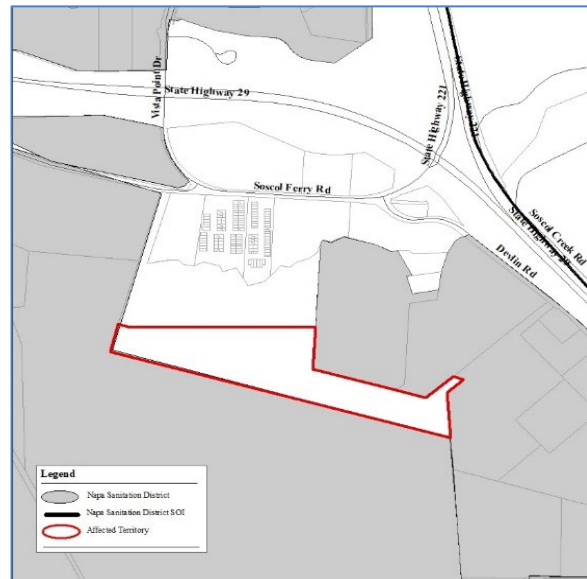
Old Sonoma Road/Buhman Avenue Annexation to CVWD

A landowner previously submitted a proposal to annex three unincorporated parcels totaling approximately 141.5 acres in size to the Congress Valley Water District (CVWD). The parcels are located along the northwestern side of Old Sonoma Road at its intersection with Buhman Avenue and identified as APNs 047-030-005, 047-030-020, and 047-080-001. Current land uses include two single-family residences and commercial vineyards with auxiliary structures and facilities. Two of the parcels already receive water service through grandfathered outside service agreements. Annexation would establish permanent water service to all three parcels. CVWD has requested, and the landowners have agreed, to postpone LAFCO action. There is no current timetable.



Devlin Road No. 6 Annexation to NSD

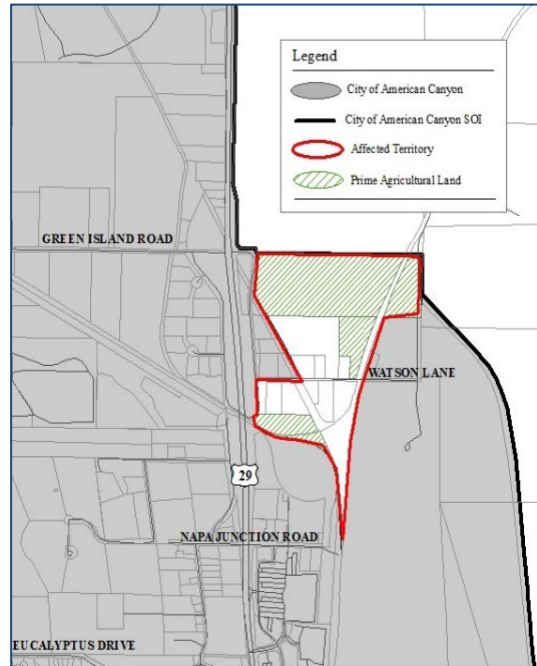
A representative for the landowner of one unincorporated parcel submitted an application to annex the parcel to NSD. The parcel is undeveloped, identified as APN 057-170-024, has no situs address, and is approximately 27.5 acres in size. Annexation to NSD would facilitate the Nova Business Park North project, which will include industrial land uses. The proposal is on hold until CEQA requirements related to the proposed annexation have been satisfied.



Anticipated Proposals

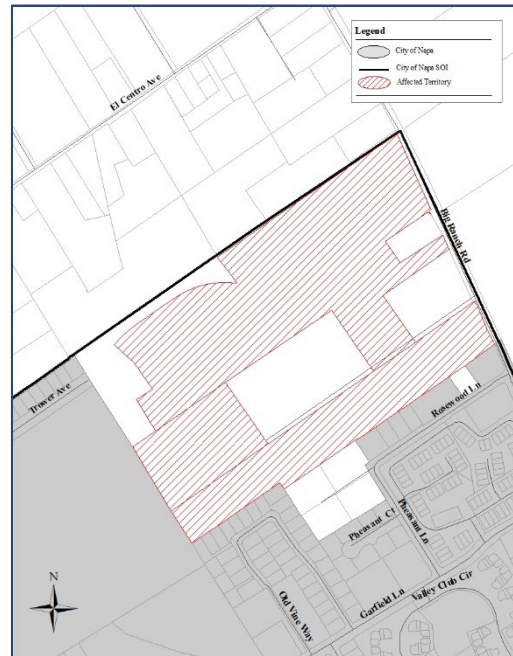
Watson Lane/Paoli Loop Annexation to the City of American Canyon

The City of American Canyon is expected to submit an application to annex 16 parcels and a portion of railroad totaling approximately 77.7 acres of unincorporated territory. The area is located within the City's SOI near Watson Lane and Paoli Loop and identified as APNs 057-120-014, -015, -017, -028, -034, -036, -041, -045, -047, -048, -049, -050, & -051, 057-180-014 & -015, and 059-020-036. The purpose of annexation is to allow development of the area for industrial and residential purposes as well as help facilitate the extension of Newell Drive to South Kelly Road. The City recently certified a Final Environmental Impact Report for the Paoli/Watson Lane Annexation Project. It is anticipated a proposal for annexation will be submitted in the foreseeable future.



Big Ranch Road/Trower Avenue Annexation to the City of Napa

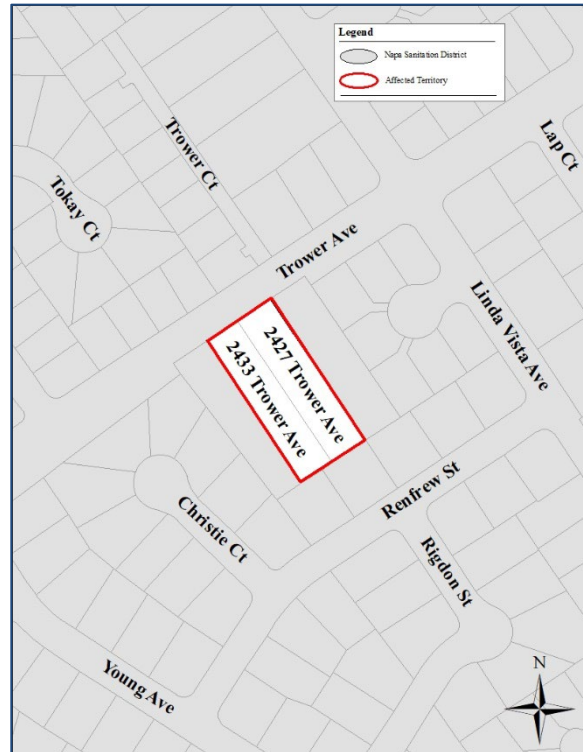
A landowner has submitted a preliminary application to the City of Napa for the annexation of three unincorporated parcels totaling approximately 46 acres. The parcels are located within the City's SOI near Big Ranch Road and Trower Avenue and identified as APNs 038-240-005, -014, & -022. Annexation to the City would allow the parcels to be developed consistent with the City's adopted Big Ranch Road Specific Plan. Annexation to NSD will also be recommended consistent with LAFCO policies. The preliminary application is under review by the City and considered incomplete at this time. Notably, the annexation as proposed can't be approved due to a statutory provision that prohibits the creation of new, entirely surrounded islands.¹ It is anticipated a proposal for annexation will be submitted to LAFCO in the foreseeable future, but there is no specific timetable.



¹ See [California Government Code §56744](#).

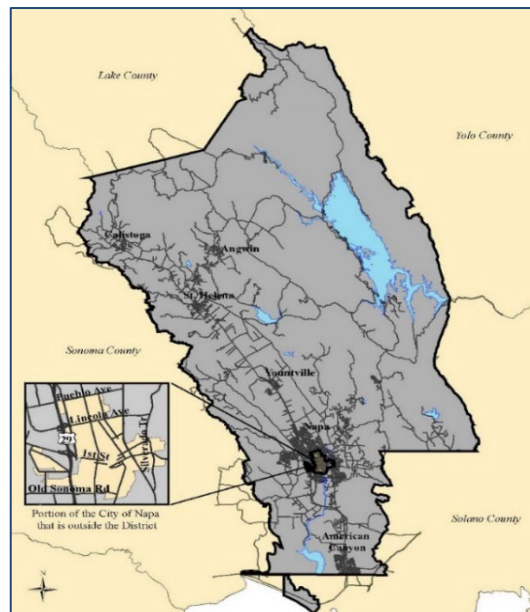
Trower Avenue No. 6 Annexation to NSD

A landowner has submitted a preliminary application to LAFCO staff for the annexation of two incorporated parcels to NSD. The parcels are located at 2427 and 2433 Trower Avenue in the City of Napa, approximately 1.01 (0.47 and 0.54 respectively) acres in size and identified as APNs 007-172-019 & -020. Current land uses within the parcel are limited to three existing single-family residences and one proposed residential unit that currently depend on a private onsite septic system for sewage disposal. Annexation would facilitate the connection of the existing residences and proposed residential unit to NSD’s public sewer infrastructure. The preliminary application is deemed incomplete pending submittal of additional items. The proposal is on hold until these additional items related to the proposed annexation have been satisfied.



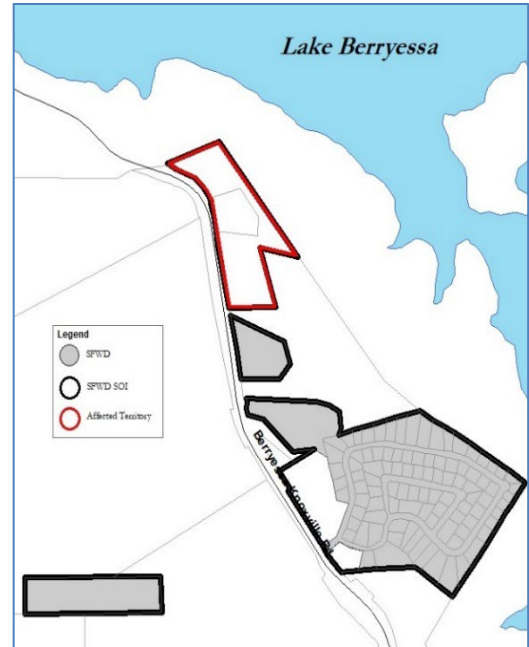
NCRCD Donut Hole Annexation

Staff from the Napa County Resource Conservation District (NCRCD) has inquired about annexation of approximately 1,300 acres of incorporated territory located in the City of Napa. This area comprises the only remaining territory located within NCRCD’s SOI but outside its jurisdictional boundary and is commonly referred to as a “donut hole”. The purpose of annexation would be to allow NCRCD to expand its service programs and hold public meetings within the affected territory; activities that are currently prohibited within the area. In February 2020, the Commission approved a request for a waiver of LAFCO’s proposal processing fees. The Commission recently completed a Municipal Service Review for NCRCD that includes a recommendation for the District to annex the donut hole. It is anticipated a proposal for annexation will be submitted in the foreseeable future, but there is no specific timetable.



7140 & 7150 Berryessa-Knoxville Road Annexation to SFWD

A landowner has inquired about annexation of one entire unincorporated parcel and a portion of a second unincorporated parcel totaling approximately 7.9 acres in size to the Spanish Flat Water District (SFWD). The parcels were added to SFWD’s SOI in 2021, are located at 7140 and 7150 Berryessa-Knoxville Road, and identified as APNs 019-280-004 (entire) and 019-280-006 (portion). Current land uses within the parcels include a commercial boat and recreational vehicle storage facility (Lakeview Boat Storage), approximately 6,000 square feet of enclosed storage structures, an administrative office, and a detached single-family residence. The parcels are currently dependent on private water and septic systems to support existing uses. Annexation would facilitate the connection of existing uses to SFWD’s water and sewer services. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



Materials Diversion Facility Annexation to the City of Napa

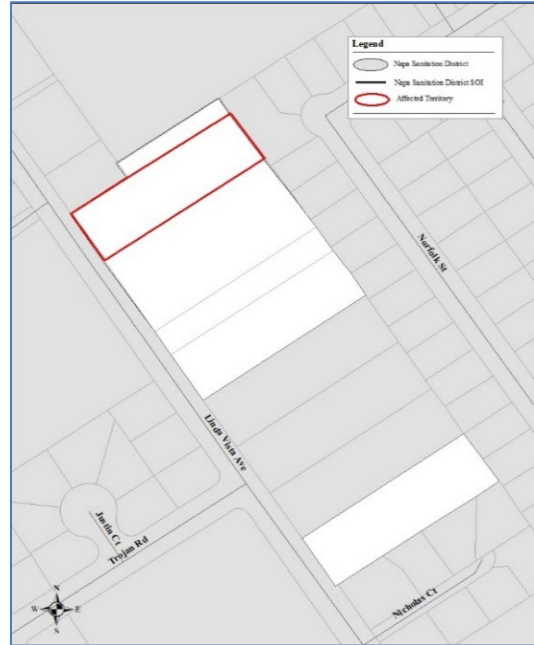
Staff from the City of Napa has inquired about annexation of approximately 2.9 acres of unincorporated territory comprising a portion of a parcel owned by the Napa-Vallejo Waste Management Authority. The APN of the entire parcel is 057-090-060. A property sale and a lot line adjustment are planned to create new parcels. The purpose of the property acquisition and future annexation is to expand the City’s existing materials diversion facility operations. The property is located outside the City of Napa’s SOI near the City of American Canyon. Annexation to the City of Napa is allowed given the property is owned by the City and soon will be used by the City for municipal purposes.² It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



² See [California Government Code §56742](#).

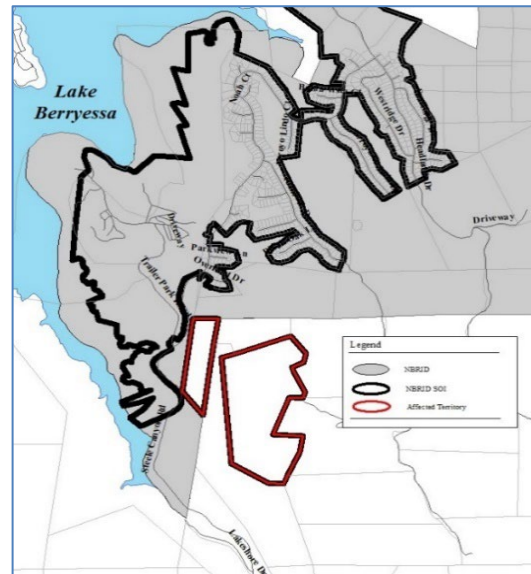
3776 Linda Vista Avenue Annexation to NSD

A landowner has inquired about annexation of one incorporated parcel to NSD. The parcel is located at 3776 Linda Vista Avenue in the City of Napa, approximately 0.8 acres in size, and identified as APN 007-231-007. Current land uses within the parcel are limited to one single-family residence that currently depends on a private onsite septic system for sewage disposal. Annexation would facilitate the connection of the existing residence to NSD's public sewer infrastructure. Staff will pursue expanding the annexation boundary to include additional parcels that are contiguous and also outside NSD's boundary. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



Wastewater Treatment Plant Annexation to NBRID

Staff from the Napa Berryessa Resort Improvement District (NBRID) has inquired about annexation of two unincorporated parcels totaling approximately 101 acres in size that serve as the location of the District's wastewater treatment plant facilities. The parcels were recently added to NBRID's SOI, are owned by NBRID, and are identified as APNs 019-220-028 & -038. Annexation would be for purposes of reducing NBRID's annual property tax burden. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.





Agenda Item 5h (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Dawn Mittleman Longoria, Assistant Executive Officer *DML*

MEETING DATE: December 4, 2023

SUBJECT: Update on Selection of Consultant for Countywide Fire and Emergency Medical Services Municipal Service Review and Sphere of Influence Reviews

BACKGROUND AND SUMMARY

This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

On October 2, 2023, the Commission took the following actions:

- 1) Authorized the ad hoc Request for Proposals (RFP) Committee to select a preferred consultant and negotiate a contract to prepare the Countywide Fire and Emergency Medical Services (EMS) Municipal Service Review (MSR) and Sphere of Influence (SOI) Reviews; and
- 2) Authorized the Commission Chair to sign a contract with the preferred consultant.

On October 16, 2023, the two consultants were interviewed by a panel consisting of staff, the RFP Committee, the Calistoga City Manager, the Napa County Fire Chief, the City of Napa Fire Chief, and the American Canyon Fire Protection District Chief. Following the conclusion of interviews, the panel discussed its preference and made a recommendation for a preferred consultant. The recommendation was not unanimous, however a majority of the panel recommended AP Triton Consulting firm.

On November 2, 2023, the RFP Committee and staff confirmed AP Triton as the chosen consulting firm. Various matters were discussed for inclusion in the professional services agreement (“contract”). Counsel reviewed and assisted with finalizing the contract.

On November 28, 2023, the Commission Chair signed the contract.



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

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Napa, California 94559
Phone: (707) 259-8645
www.napa.lafco.ca.gov

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

Agenda Item 5i (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Dawn Mittleman Longoria, Assistant Executive Officer ^{DML}

MEETING DATE: December 4, 2023

SUBJECT: Legislative Report

BACKGROUND AND SUMMARY

This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

During the 2023 legislative year, the California Association of LAFCOs (CALAFCO) tracked 21 total bills that are directly relevant to LAFCOs. Key legislative outcomes related to LAFCOs are summarized below.

1. Recommend to CALAFCO Board that revisions be made to CALAFCO's Legislative Committee Policies to address quorum issues that have occurred.
2. Bills passed that affect LAFCOs:
 - a. AB 1753 was CALAFCO's Omnibus bill, which inserted a cross reference in GC §56658 to existing R&T Code 99, while also replacing the word "mail" with the word "transmit" in GC §56882. https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1753
 - b. AB 557 (Hart) eliminates the sunset date on the emergency remote meeting procedures that were added to GC 54953 during the pandemic. AB 557 also increases the timeframe for the adoption of resolutions renewing the local emergency from 30 days to 45 days. https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB557

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
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Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
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Brendon Freeman
Executive Officer



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

Agenda Item 5j (Consent/Information)

TO: Local Agency Formation Commission
PREPARED BY: Stephanie Pratt, Clerk/Jr. Analyst SP
MEETING DATE: December 4, 2023
SUBJECT: Expiring Commissioner Terms in 2024

SUMMARY

This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

All Commissioner terms are four years, pursuant to California Government Code section 56334. The Commission has two members with terms scheduled to expire on May 6, 2024: Anne Cottrell (County Member) and Eve Kahn (Alternate Public Member).

Appointments of county members to the Commission are the sole jurisdiction of the Board of Supervisors. Staff will notify the Board of Supervisors and request they make a new four-year appointment or reappointment for the affected seat before May 6, 2024. Appointments to the Commission involving public members are the sole discretion of the Commission. An action item related to the expiring Alternate Public Member term is on today's agenda as consent item 5e.

A full listing of all Commissioners and term expiration dates follows:

Table with 3 columns: Member, Position, Term Expires. Rows include Anne Cottrell (Vice Chair), Eve Kahn, Margie Mohler (Chair), Joelle Gallagher, Belia Ramos, Kenneth Leary, Mariam Aboudamous, and Beth Painter.

Margie Mohler, Chair
Councilmember, Town of Yountville

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Kenneth Leary, Commissioner
Representative of the General Public

Beth Painter, Commissioner
Councilmember, City of Napa

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Eve Kahn, Alternate Commissioner
Representative of the General Public

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Brendon Freeman
Executive Officer



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

Agenda Item 6a (Public Hearing)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: December 4, 2023

SUBJECT: Sphere of Influence Amendment Requests Involving 1130 Trower Avenue, the City of Napa, and the Napa Sanitation District; Proposed Trower Avenue No. 5 Annexation to the Napa Sanitation District; Outside Water Service Agreement Involving 1130 Trower Avenue and the City of Napa; and Associated CEQA Findings

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Open the public hearing and take testimony;
- 2) Close the public hearing;
- 3) Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Sphere of Influence Amendment Involving the City of Napa and 1130 Trower Avenue (Attachment One) making California Environmental Quality Act (CEQA) findings and approving the sphere of influence (SOI) amendment request with standard conditions;
- 4) Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Sphere of Influence Amendment Involving the Napa Sanitation District and 1130 Trower Avenue (Attachment Two) making CEQA findings and approving the SOI amendment request with standard conditions;
- 5) Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Trower Avenue No. 5 Annexation to the Napa Sanitation District (Attachment Three) making CEQA findings and approving the proposed annexation with standard conditions; and
- 6) Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Outside Service Agreement Involving the City of Napa and 1130 Trower Avenue (Attachment Four) making CEQA findings and approving the outside service agreement (OSA) request with standard conditions.

Margie Mohler, Chair
Councilmember, Town of Yountville

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Kenneth Leary, Commissioner
Representative of the General Public

Beth Painter, Commissioner
Councilmember, City of Napa

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Eve Kahn, Alternate Commissioner
Representative of the General Public

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Brendon Freeman
Executive Officer

BACKGROUND AND SUMMARY

Applicant: Napa Valley Unified School District (NVUSD) – landowner

Proposed Actions:

- (1) SOI amendment involving the City of Napa (“City”)
- (2) SOI amendment involving the Napa Sanitation District (NSD)
- (3) Annexation to NSD
- (4) OSA for water from City

Location: 1130 Trower Avenue

Assessor Parcel Number: 038-240-020

Area Size: 12.8 acres

Jurisdiction: County of Napa (“County”)

SOI Consistency: No – SOI amendments are being requested

Policy Consistency: Yes

Tax Sharing Amount: \$0 to NSD

Landowner Consent: 100%

Protest Proceedings: Waived

CEQA: IS/MND, Addendum to IS/MND & MMRP

Current Land Uses: Vacant

Purpose: NVUSD Vintage High School Farm project

Executive Summary: Attachment Five

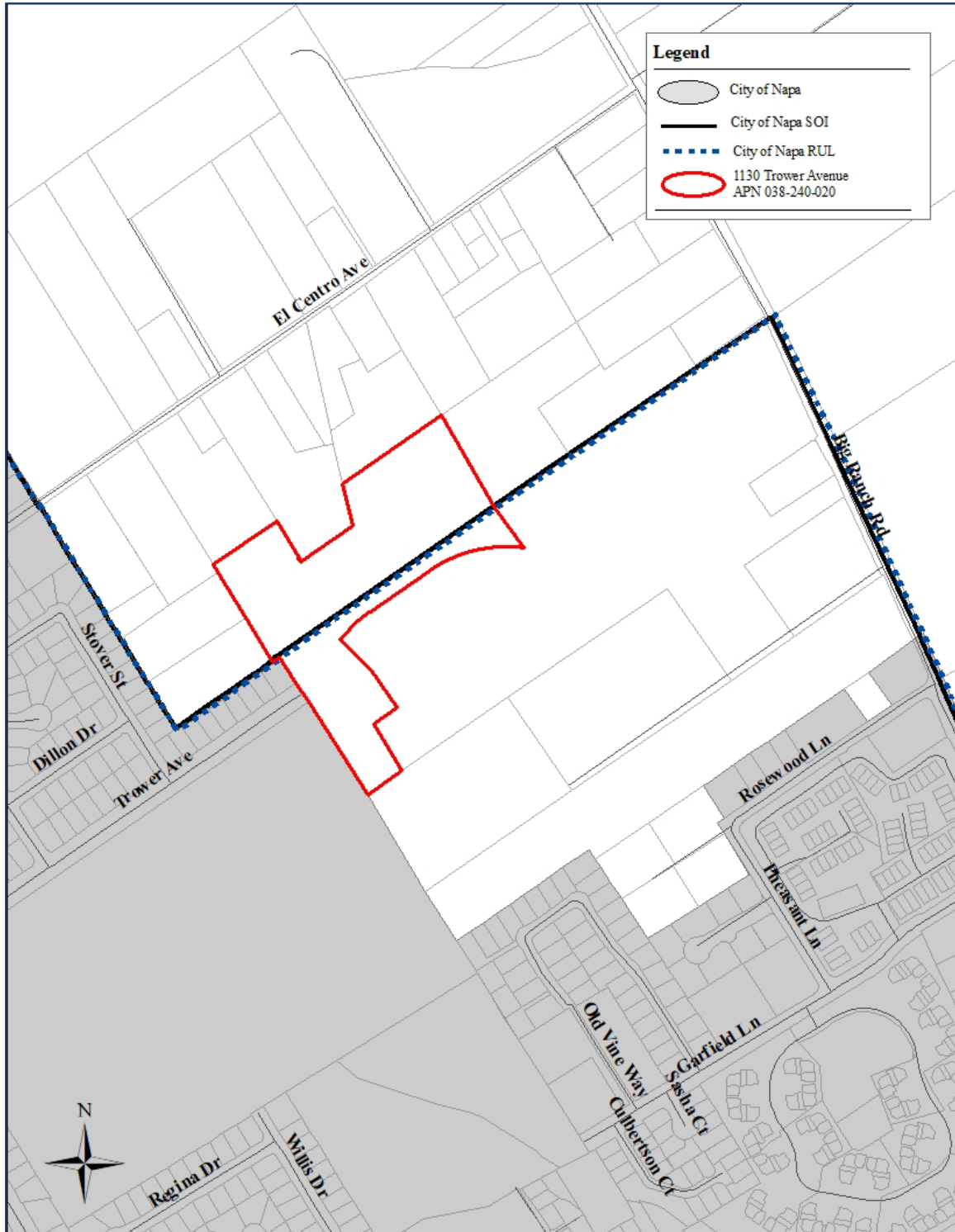
Application: Attachment Five

Maps of Affected Territory: Following pages

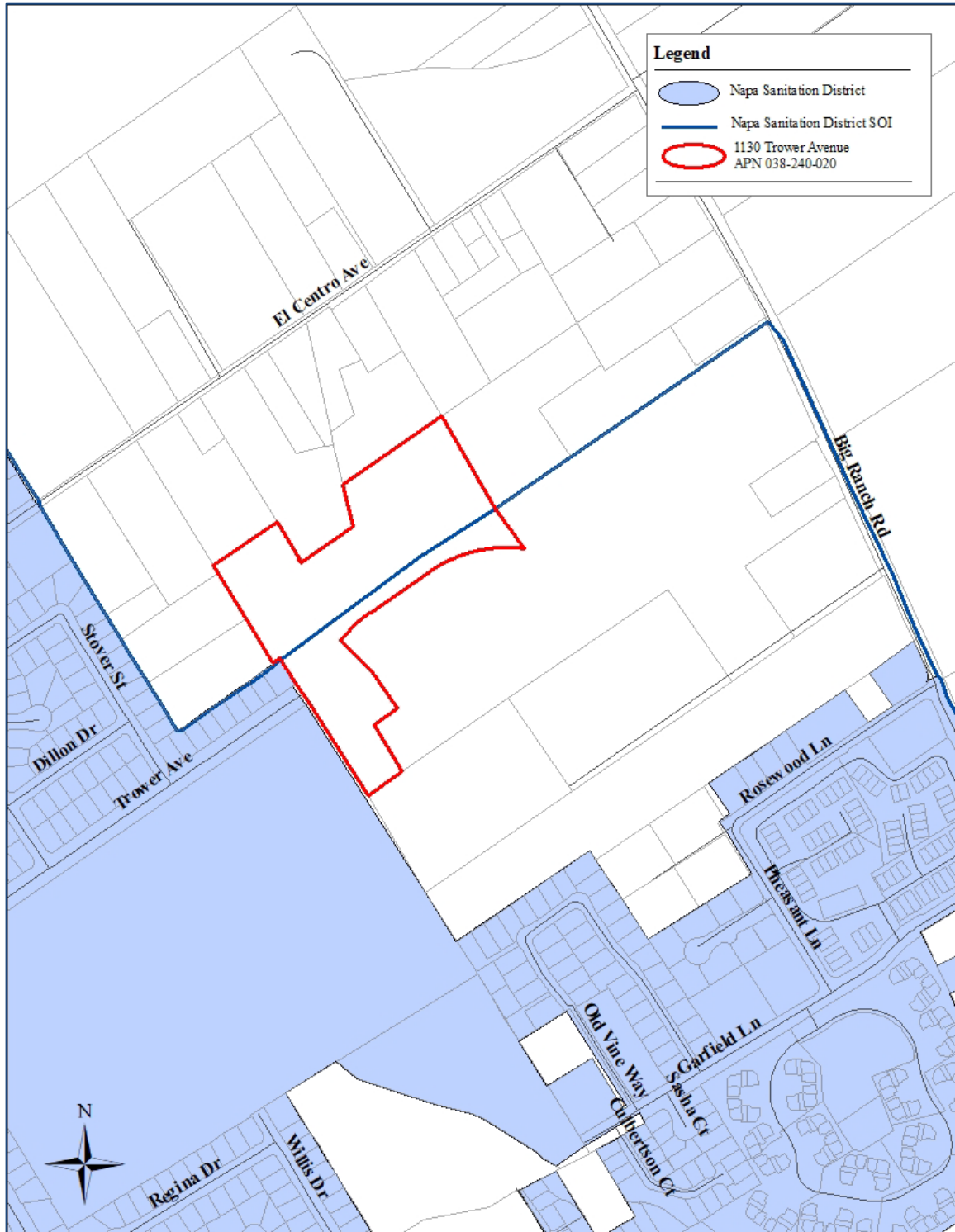
Aerial map showing affected territory:



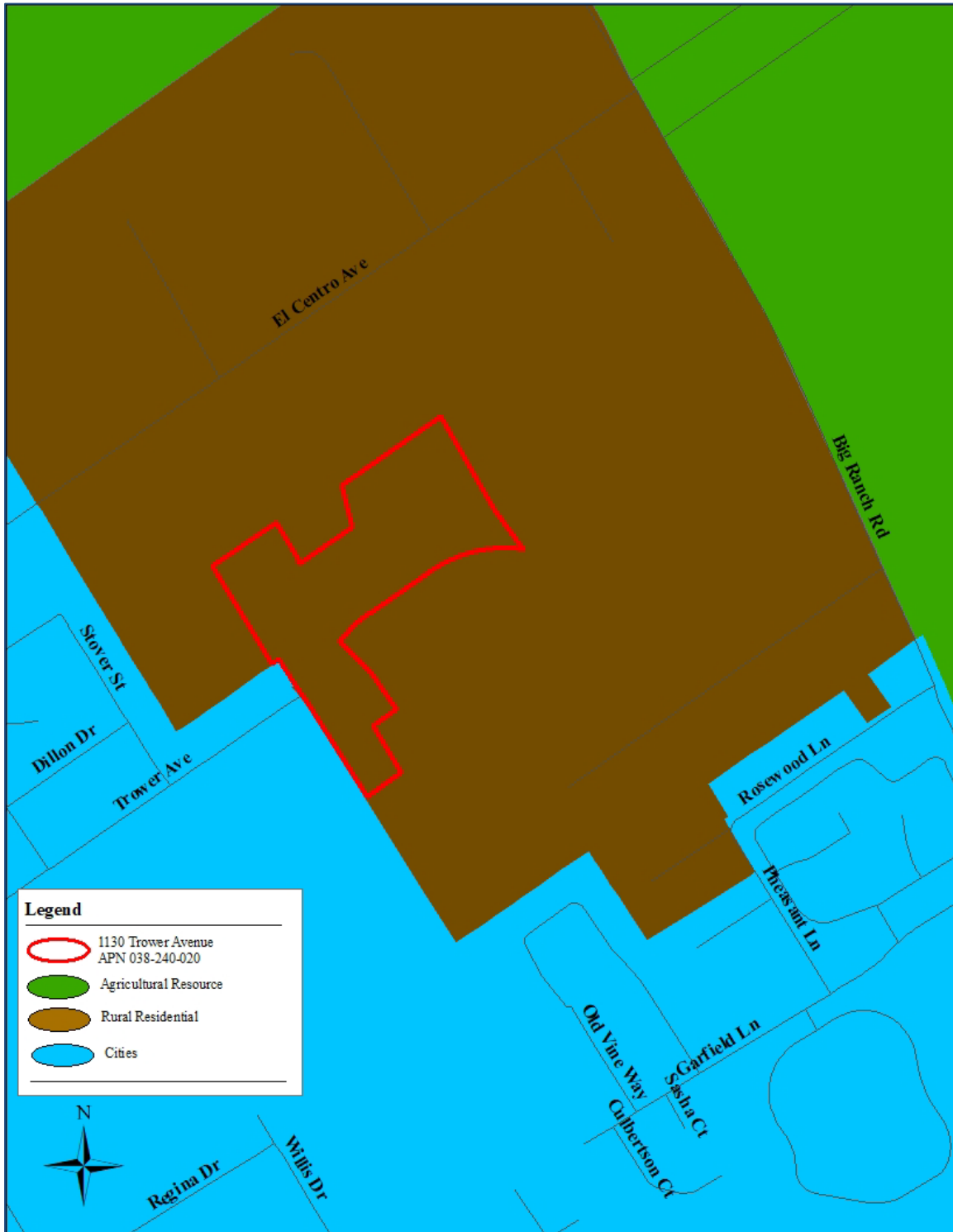
Map showing affected territory, City boundary, City SOI, and City rural urban limit (RUL):



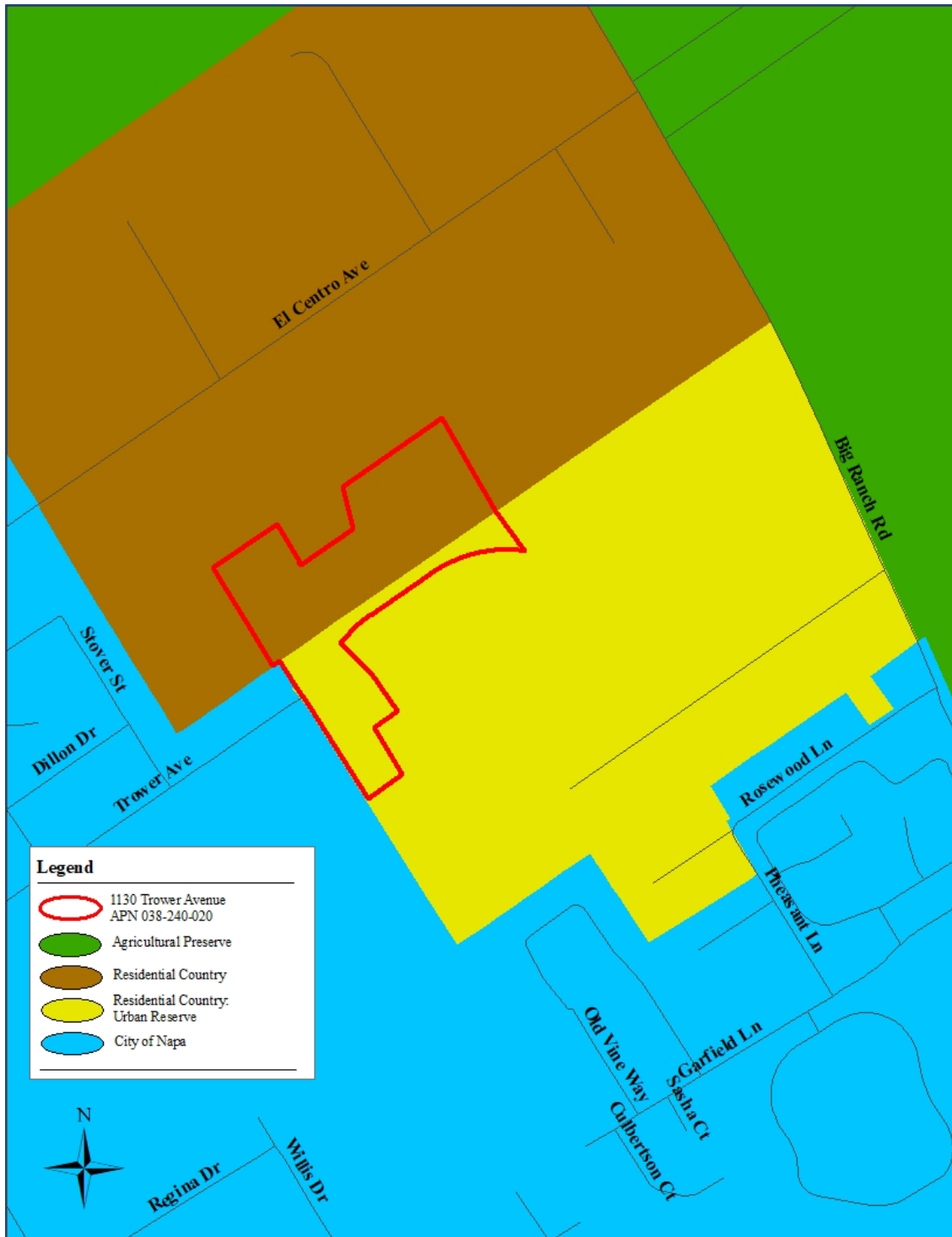
Map showing affected territory, NSD boundary, and NSD SOI:



Map showing affected territory and County General Plan land use designations:



Map showing affected territory and County zoning assignments:¹



¹ The Urban Reserve classification is intended to identify those properties inside the SOI of a city as adopted by LAFCO and a city-adopted urban limit, such as the City of Napa's RUL, whose continued or future urbanization is contingent upon annexation to the city, as indicated in Napa County general plan policies.

DISCUSSION

Sphere of Influence Amendment Requests Involving the City and NSD

NVUSD submitted formal requests to include the entirety of the affected territory within the City's SOI and NSD's SOI, included as part of Attachment Five. Staff recommends approval of both SOI amendment requests.

In determining the SOI of each agency, the Commission is required to consider five specific factors pursuant to California Government Code section 56425. These factors are addressed for the City and NSD as exhibits in the draft resolutions included as Attachments One and Two, respectively.

The Commission's *Policy on Spheres of Influence* is included as Attachment Six. The following is a summary of key considerations related to the *Policy on Spheres of Influence*.

- Section III: It is the intent of the Commission to determine appropriate SOIs that promote the orderly expansion of cities, towns, and special districts in a manner that ensures the protection of the environment and agricultural and open space lands while also ensuring the effective, efficient, and economic provision of essential public services, including public water, wastewater, fire protection and emergency response, and law enforcement.
 - Staff response: The SOI amendments are consistent based on the environmental and agricultural components of the planned Agricultural Science Innovation Center project, which requires public water and sewer services.
- Section IV(F): "Vacant land" is defined as land that has no structure(s) on it and is not being used. Agricultural and open space uses are considered a land use and therefore the underlying land is not considered vacant land.
 - Staff response: The affected territory is presently vacant under this definition.
- Section V(A)(8): A local agency's SOI should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission. This includes information contained in current MSRs.
 - Staff response: The Commission's *Napa Countywide Water and Wastewater MSR* adopted in 2020 indicates the City and NSD have established sufficient capacities and controls to reasonably accommodate future water and sewer service needs, respectively, within their existing SOIs as well as projected demands at buildout within the affected territory.

- Section V(A)(9): The Commission shall consider, at a minimum, the following land use criteria in determining SOIs:
 - a) The present and planned land uses in the area, including lands designated for agriculture and open-space.
 - Staff response: The affected territory is vacant and planned for NVUSD's Agricultural Science Innovation Center project.
 - b) Consistency with the County General Plan and the general plan of any affected city or town.
 - Staff response: The County General Plan land use designation for the affected territory is *Rural Residential*.
 - c) Adopted general plan policies of the County and of any affected city or town that guide future development away from lands designated for agriculture or open-space.
 - Staff response: Not relevant to the affected territory.
 - d) Adopted policies of affected local agencies that promote infill development of existing vacant or underdeveloped land.
 - Staff response: There are no suitable alternative locations for the underlying project.
 - e) Amount of existing vacant or underdeveloped land located within any affected local agency's jurisdiction and current SOI.
 - Staff response: There is minimal vacant or underdeveloped land available within the City's jurisdiction and SOI for infill purposes.
 - f) Adopted urban growth boundaries by the affected land use authorities.
 - Staff response: A portion of the parcel is within the City's RUL. The portion that is proposed to be included in the City's SOI and NSD's SOI is located outside the City's RUL.

Proposed Trower Avenue No. 5 Annexation to NSD

NVUSD applied for the annexation of the entire parcel to NSD, included as part of Attachment Five. Annexation approval is contingent upon the Commission concurrently approving the NSD SOI amendment as part of this agenda item. Staff recommends approval of the annexation.

Protest proceedings are waived pursuant to G.C. section 56662(a) given the affected territory is legally uninhabited (i.e., fewer than 12 registered voters) and 100% property owners and affected located agencies consent to annexation.

The affected territory is subject to a master property tax exchange. NSD will receive no additional property tax allocation following annexation.

In the evaluation of any annexation proposal involving a special district, the Commission is required to consider the factors under G.C. sections 56668 and 56668.3. These factors are addressed in Attachment Seven.

The Commission's *Policy on Proposals* is included as Attachment Eight. The following is a summary of key considerations related to the *Policy on Spheres of Proposals*.

- Section V(A)(1): The affected territory shall be included, or the applicant has concurrently requested the affected territory be included, within the affected agency's SOI prior to issuance of the Executive Officer's certificate of filing for the subject annexation proposal. The Executive Officer may agendaize both an SOI amendment and annexation application for Commission consideration and action at the same meeting.
 - Staff response: The applicant has complied by requesting a concurrent SOI amendment involving NSD.

- Section V(D)(1)(a): All annexation proposals to NSD involving territory located outside of the City should include annexation to the City if the affected territory is located within the City's SOI, is located within the City's Rural Urban Limit, and annexation is legally possible.
 - Staff response: The portion of the affected territory that requires services from the City is outside the RUL and therefore can't be annexed to the City. It serves no beneficial purpose to annex only the portion of the affected territory that is located within the RUL.

Outside Water Service Agreement Involving the City

The City applied for an OSA involving public water service to the affected territory pursuant to G.C. section 56133(b), included as part of Attachment Five, which relates to territory within an affected agency's SOI in anticipation of future annexation. Approval of the OSA request is contingent upon the Commission concurrently approving the SOI amendment for the City of Napa as part of this agenda item. Staff recommends approval of the OSA request.

The City's application was submitted consistent with the Commission's *Policy on Outside Service Agreements*, included as Attachment Nine. The *Policy on Outside Service Agreements* includes one key consideration as summarized below.

- Section V(B): Annexations to cities, towns, and special districts involving territory located within the affected agency's SOI are preferred to OSAs. The Commission recognizes, however, that there may be instances when OSAs involving territory within the affected agency's SOI are appropriate given unique local circumstances. When submitting an application under G.C. section 56133(b), the city, town, or district must state with specificity the nature and timing of the anticipated later change of organization for the area affected by the potential OSA.
 - Staff response: The portion of the affected territory that requires water service from the City is located outside the City's RUL and thus ineligible for annexation. In the event this portion of the affected territory is included within the RUL in the future, the draft resolution included as Attachment Four includes a condition that the City must submit an application to annex the affected territory within one year of its inclusion within the RUL. With this in mind, the requested OSA appears consistent with the Commission's adopted policies pursuant to G.C. section 56133(b).

ENVIRONMENTAL REVIEW

NVUSD, serving as lead agency under the California Environmental Quality Act (CEQA), prepared and certified an Initial Study and Mitigated Negative Declaration for the Vintage High School Farm Project dated November 2018, as well as an Addendum to the Initial Study and Mitigated Negative Declaration dated October 2023. NVUSD also adopted a Mitigation Monitoring and Report Program in November 2018, and all monitoring reports prepared by NVUSD shall be provided to LAFCO. The Commission has considered the Initial Study, Mitigated Negative Declaration, Addendum, and Mitigation Monitoring and Reporting Program prepared by the Lead Agency in accordance with CEQA Guidelines section 15096.² Links to view these CEQA documents online are available below:

- Initial Study and Mitigated Negative Declaration:
<https://napa.lafco.ca.gov/files/ff0d5e410/Vintage+Farm+IS-MND+November+2018.pdf>
- Addendum to the Initial Study and Mitigated Negative Declaration:
<https://napa.lafco.ca.gov/files/06bd8bed1/Vintage+Farm+IS-MND+Addendum+October+2023.pdf>
- Mitigation Monitoring and Report Program:
<https://napa.lafco.ca.gov/files/f7a8fd8b4/Vintage+Farm+MMRP+November+2018.pdf>

ATTACHMENTS

- 1) Draft Resolution Approving the City SOI Amendment and Making CEQA Findings
- 2) Draft Resolution Approving the NSD SOI Amendment and Making CEQA Findings
- 3) Draft Resolution Approving the Annexation to NSD and Making CEQA Findings
- 4) Draft Resolution Approving the City Water OSA and Making CEQA Findings
- 5) Executive Summary and Application Materials
- 6) Policy on Spheres of Influence
- 7) G.C. §56668 & §56668.3 Factors for Commission Determinations
- 8) Policy on Proposals
- 9) Policy on Outside Service Agreements

² Reviewed by Napa LAFCO Legal Counsel

RESOLUTION NO. ____

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

**SPHERE OF INFLUENCE AMENDMENT INVOLVING
THE CITY OF NAPA AND 1130 TROWER AVENUE**

WHEREAS, the Napa Valley Unified School District has requested an amendment to the sphere of influence for the City of Napa and filed an application with the Local Agency Formation Commission of Napa County, hereinafter referred to as “Commission”, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the application seeks Commission approval to amend the sphere of influence of the City of Napa to include approximately 8.5 acres of territory comprising a portion of one parcel owned by the Napa Valley Unified School District and identified by the County of Napa Assessor’s Office as Assessor’s Parcel Number (APN) 038-240-020; and

WHEREAS, the Commission’s Executive Officer has reviewed the application and prepared a report with recommendations in accordance with Government Code section 56428; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public hearing held on December 4, 2023; and

WHEREAS, the Commission considered all the factors required by law under California Government Code section 56425; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (Public Resources Code section 21000, et seq.) (hereinafter “CEQA”), the Commission serves as Responsible Agency for the sphere of influence amendment pursuant to section 15051(b)(2) of the CEQA Guidelines (California Code of Regulations, Title 14, section 15000, et seq.).

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

1. The Commission, as responsible agency, certifies that it has reviewed and considered the initial study and mitigated negative declaration (IS/MND) prepared and certified for this project by the Napa Valley Unified School District (NVUSD) acting as lead agency (Vintage High School Farm Project, November 2018), as well as the findings adopted by NVUSD as set forth in its resolution in January 2019, as well as the addendum to the IS/MND prepared and certified for this project by NVUSD (October 2023), as well as the findings adopted by NVUSD as set forth in its resolution in November 2023. The Commission has determined that the IS/MND and addendum are adequate for its use in approving the sphere of influence amendment request.
2. The Commission adopts and incorporates by reference NVUSD's findings as set forth in its resolution incorporated herein by this reference, on the identified impacts and associated mitigation measures. 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 1754 Second Street, Suite C, Napa, California.
3. The Commission further adopts the applicable mitigation measures contained within NVUSD's "Mitigation Monitoring and Reporting Program" (MMRP), incorporated herein by this reference as though wholly set forth herein. The Commission finds that changes or alterations to the project and mitigation measures to lessen environmental effects to less than significant levels as identified in the IS/MND are within the responsibility of NVUSD and not LAFCO. NVUSD, therefore, shall be responsible for implementing all mitigation identified in the MMRP and for overall administration of the MMRP. NVUSD will report to LAFCO on the implementation of the MMRP and all monitoring reports prepared by NVUSD shall be provided to the Commission.
4. The sphere of influence of the City of Napa is hereby amended to include all areas within the current sphere of influence of the City of Napa plus the area shown in Exhibit One.
5. Pursuant to California Government Code section 56425, the Commission adopts the statement of determinations as shown in Exhibit Two.
6. The Commission hereby directs staff to file a Notice of Determination in compliance with CEQA Guidelines sections 15094 and 15096(i).
7. The effective date of this sphere of influence amendment shall be immediate upon the adoption of this resolution.
8. The Executive Officer shall revise the official records of the Commission to reflect this sphere of influence amendment.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on December 4, 2023, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Stephanie Pratt
Clerk/Jr. Analyst

DRAFT

EXHIBIT ONE

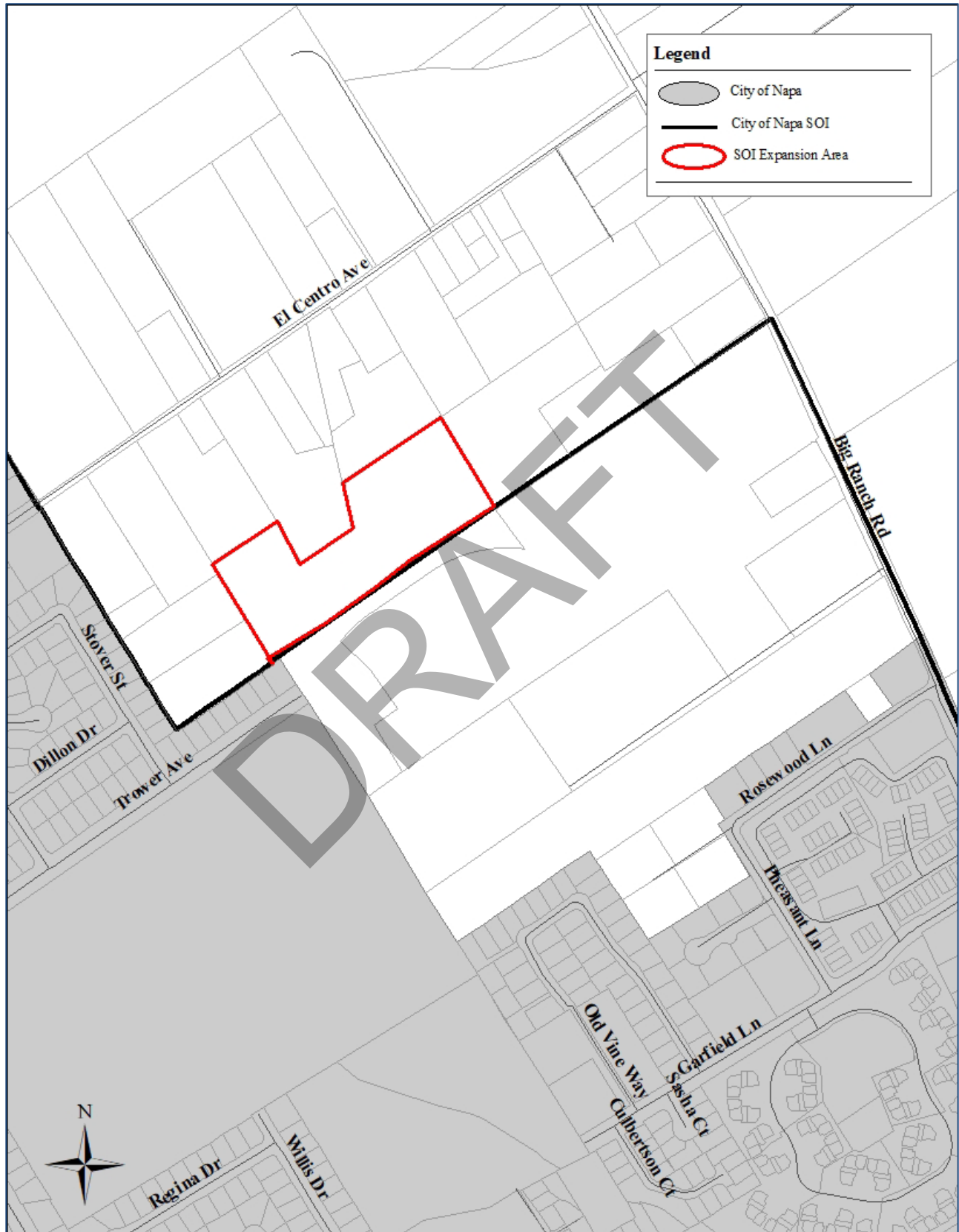


EXHIBIT TWO

STATEMENT OF DETERMINATIONS

**SPHERE OF INFLUENCE AMENDMENT INVOLVING
THE CITY OF NAPA AND 1130 TROWER AVENUE**

1. Present and planned land uses, including agricultural and open-space lands (Government Code §56425(e)(1)):

The affected territory is owned by NVUSD and currently vacant. The County of Napa has zoned the affected territory as *Residential Country*. NVUSD plans to develop the affected territory consistent with the Vintage High School Farm Project.

2. The present and probable need for public facilities and services (Government Code §56425(e)(2)):

The affected territory has a need for public water and sewer facilities consistent with the planned Vintage High School Farm Project. The City of Napa is the only public water service provider within reasonable proximity of the affected territory. The Napa Sanitation District is the only public sewer service provider within reasonable proximity of the affected territory. There are no other present or probable needs for other public facilities or services.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide (Government Code §56425(e)(3)):

The City of Napa has established sufficient capacities and controls to reasonably accommodate future water service needs within the City's existing sphere of influence, including projected demands at buildout within the affected territory. This statement is predicated on information collected and analyzed in the Commission's *Napa Countywide Water and Wastewater Municipal Service Review* adopted in 2020 and updated in 2021. No service deficiencies for the area were identified in the Municipal Service Review.

4. The existence of any social or economic communities of interest if the Commission determines that they are relevant to the agency (Government Code §56425(e)(4)):

There are no current or planned residents within the affected territory. The planned land uses consistent with NVUSD's Vintage High School Farm Project would serve high school students who would benefit from public water and wastewater facilities.

5. Present and probable need for public services for disadvantaged unincorporated communities (Government Code §56425(e)(5)):

Inclusion of the affected territory within the City of Napa's sphere of influence is not related to the need for public services for disadvantaged unincorporated communities.

RESOLUTION NO. ____

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

**SPHERE OF INFLUENCE AMENDMENT INVOLVING
THE NAPA SANITATION DISTRICT AND 1130 TROWER AVENUE**

WHEREAS, the Napa Valley Unified School District has requested an amendment to the sphere of influence for the Napa Sanitation District and filed an application with the Local Agency Formation Commission of Napa County, hereinafter referred to as “Commission”, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the application seeks Commission approval to amend the sphere of influence of the Napa Sanitation District to include approximately 8.5 acres of territory comprising a portion of one parcel owned by the Napa Valley Unified School District and identified by the County of Napa Assessor’s Office as Assessor’s Parcel Number (APN) 038-240-020; and

WHEREAS, the Commission’s Executive Officer has reviewed the application and prepared a report with recommendations in accordance with Government Code section 56428; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public hearing held on December 4, 2023; and

WHEREAS, the Commission considered all the factors required by law under California Government Code section 56425; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (Public Resources Code section 21000, et seq.) (hereinafter “CEQA”), the Commission serves as Responsible Agency for the sphere of influence amendment pursuant to section 15051(b)(2) of the CEQA Guidelines (California Code of Regulations, Title 14, section 15000, et seq.).

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

1. The Commission, as responsible agency, certifies that it has reviewed and considered the initial study and mitigated negative declaration (IS/MND) prepared and certified for this project by the Napa Valley Unified School District (NVUSD) acting as lead agency (Vintage High School Farm Project, November 2018), as well as the findings adopted by NVUSD as set forth in its resolution in January 2019, as well as the addendum to the IS/MND prepared and certified for this project by NVUSD (October 2023), as well as the findings adopted by NVUSD as set forth in its resolution in November 2023. The Commission has determined that the IS/MND and addendum are adequate for its use in approving the sphere of influence amendment request.
2. The Commission adopts and incorporates by reference NVUSD's findings as set forth in its resolution incorporated herein by this reference, on the identified impacts and associated mitigation measures. 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 1754 Second Street, Suite C, Napa, California.
3. The Commission further adopts the applicable mitigation measures contained within NVUSD's "Mitigation Monitoring and Reporting Program" (MMRP), incorporated herein by this reference as though wholly set forth herein. The Commission finds that changes or alterations to the project and mitigation measures to lessen environmental effects to less than significant levels as identified in the IS/MND are within the responsibility of NVUSD and not LAFCO. NVUSD, therefore, shall be responsible for implementing all mitigation identified in the MMRP and for overall administration of the MMRP. NVUSD will report to LAFCO on the implementation of the MMRP and all monitoring reports prepared by NVUSD shall be provided to the Commission.
4. The sphere of influence of the Napa Sanitation District is hereby amended to include all areas within the current sphere of influence of the Napa Sanitation District plus the area shown in Exhibit One.
5. Pursuant to California Government Code section 56425, the Commission adopts the statement of determinations as shown in Exhibit Two.
6. The Commission hereby directs staff to file a Notice of Determination in compliance with CEQA Guidelines sections 15094 and 15096(i).
7. The effective date of this sphere of influence amendment shall be immediate upon the adoption of this resolution.
8. The Executive Officer shall revise the official records of the Commission to reflect this sphere of influence amendment.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on December 4, 2023, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Stephanie Pratt
Clerk/Jr. Analyst

DRAFT

EXHIBIT ONE

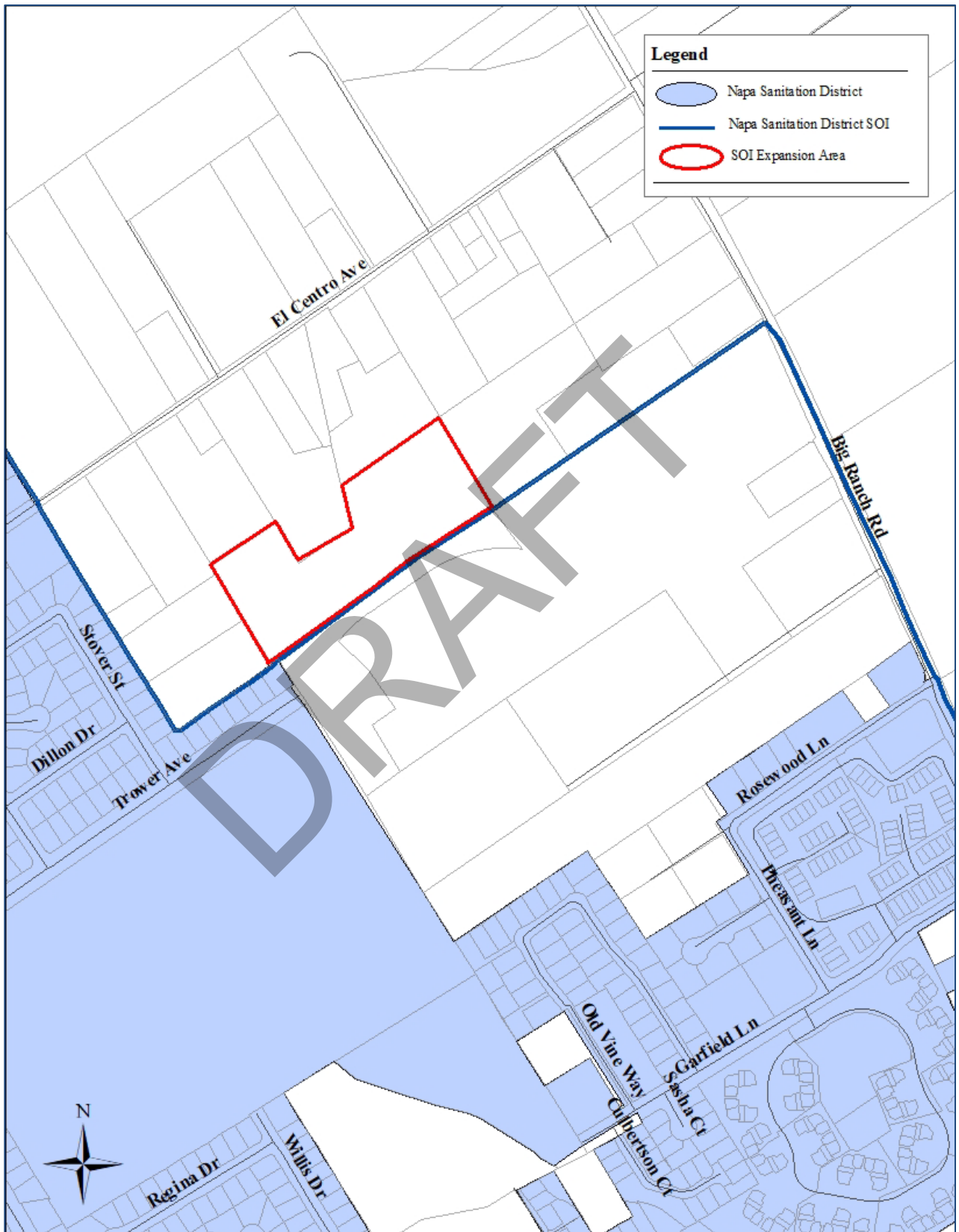


EXHIBIT TWO

STATEMENT OF DETERMINATIONS

**SPHERE OF INFLUENCE AMENDMENT INVOLVING
THE NAPA SANITATION DISTRICT AND 1130 TROWER AVENUE**

1. Present and planned land uses, including agricultural and open-space lands (Government Code §56425(e)(1)):

The affected territory is owned by NVUSD and currently vacant. The County of Napa has zoned the affected territory as *Residential Country*. NVUSD plans to develop the affected territory consistent with the Vintage High School Farm Project.

2. The present and probable need for public facilities and services (Government Code §56425(e)(2)):

The affected territory has a need for public water and sewer facilities consistent with the planned Vintage High School Farm Project. The City of Napa is the only public water service provider within reasonable proximity of the affected territory. The Napa Sanitation District is the only public sewer service provider within reasonable proximity of the affected territory. There are no other present or probable needs for other public facilities or services.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide (Government Code §56425(e)(3)):

The Napa Sanitation District has established sufficient capacities and controls to reasonably accommodate future sewer service needs within the District's existing sphere of influence, including projected demands at buildout within the affected territory. This statement is predicated on information collected and analyzed in the Commission's *Napa Countywide Water and Wastewater Municipal Service Review* adopted in 2020 and updated in 2021. No service deficiencies for the area were identified in the Municipal Service Review.

4. The existence of any social or economic communities of interest if the Commission determines that they are relevant to the agency (Government Code §56425(e)(4)):

There are no current or planned residents within the affected territory. The planned land uses consistent with NVUSD's Vintage High School Farm Project would serve high school students who would benefit from public water and wastewater facilities.

5. Present and probable need for public services for disadvantaged unincorporated communities (Government Code §56425(e)(5)):

Inclusion of the affected territory within the Napa Sanitation District's sphere of influence is not related to the need for public services for disadvantaged unincorporated communities.

RESOLUTION NO. ____

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

**TROWER AVENUE NO. 5
ANNEXATION TO THE NAPA SANITATION DISTRICT**

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

WHEREAS, the proposal seeks Commission approval to annex approximately 12.8 acres of unincorporated land to the Napa Sanitation District and represents one entire parcel located at 1130 Trower Avenue and identified by the County of Napa Assessor’s Office as Assessor’s Parcel Number (APN) 038-240-020; and

WHEREAS, the Commission’s Executive Officer has reviewed the proposal and prepared a report with recommendations in accordance with Government Code section 56665; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public meeting held on the proposal on December 4, 2023; and

WHEREAS, the Commission considered all the factors required by law under Government Code sections 56668 and 56668.3 as well as adopted local policies and procedures; and

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

WHEREAS, the Commission finds that all owners of land affected by the proposal consent to the subject annexation; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (Public Resources Code section 21000, et seq.) (hereinafter “CEQA”), the Commission serves as Responsible Agency for the sphere of influence amendment pursuant to section 15051(b)(2) of the CEQA Guidelines (California Code of Regulations, Title 14, section 15000, et seq.).

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

1. The Factors for Commission Determinations provided in the Executive Officer’s written report are hereby incorporated herein by this reference and are adequate.
2. The Commission, as responsible agency, certifies that it has reviewed and considered the initial study and mitigated negative declaration (IS/MND) prepared and certified for this project by the Napa Valley Unified School District (NVUSD) acting as lead agency (Vintage High School Farm Project, November 2018), as well as the findings adopted by NVUSD as set forth in its resolution in January 2019, as well as the addendum to the IS/MND prepared and certified for this project by NVUSD (October 2023), as well as the findings adopted by NVUSD as set forth in its resolution in November 2023. The Commission has determined that the IS/MND and addendum are adequate for its use in approving the sphere of influence amendment request.
3. The Commission adopts and incorporates by reference NVUSD’s findings as set forth in its resolution incorporated herein by this reference, on the identified impacts and associated mitigation measures. 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 1754 Second Street, Suite C, Napa, California.
4. The Commission further adopts the applicable mitigation measures contained within NVUSD’s “Mitigation Monitoring and Reporting Program” (MMRP), incorporated herein by this reference as though wholly set forth herein. The Commission finds that changes or alterations to the project and mitigation measures to lessen environmental effects to less than significant levels as identified in the IS/MND are within the responsibility of NVUSD and not LAFCO. NVUSD, therefore, shall be responsible for implementing all mitigation identified in the MMRP and for overall administration of the MMRP. NVUSD will report to LAFCO on the implementation of the MMRP and all monitoring reports prepared by NVUSD shall be provided to the Commission.
5. The proposal is APPROVED subject to completion of item number 13 below.
6. This proposal is assigned the following distinctive short-term designation:

**TROWER AVENUE NO. 5
ANNEXATION TO THE NAPA SANITATION DISTRICT**

7. The affected territory is described in the geographic description in the attached Exhibit “A” and shown on the map in the attached Exhibit “B”.
8. The affected territory so described is uninhabited as defined in California Government Code section 56046.
9. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
10. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
11. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.

- 12. The Commission waives conducting authority proceedings in accordance with California Government Code section 56662(a)(1).
- 13. Recordation is contingent upon receipt by the Executive Officer of written confirmation from the Napa Sanitation District that it is acceptable to record a Certificate of Completion.
- 14. 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.
- 15. The Commission hereby directs staff to file a Notice of Determination in compliance with CEQA Guidelines sections 15094 and 15096(i).
- 16. The Commission hereby directs staff to mail a copy of this resolution as required by Government Code section 56882.

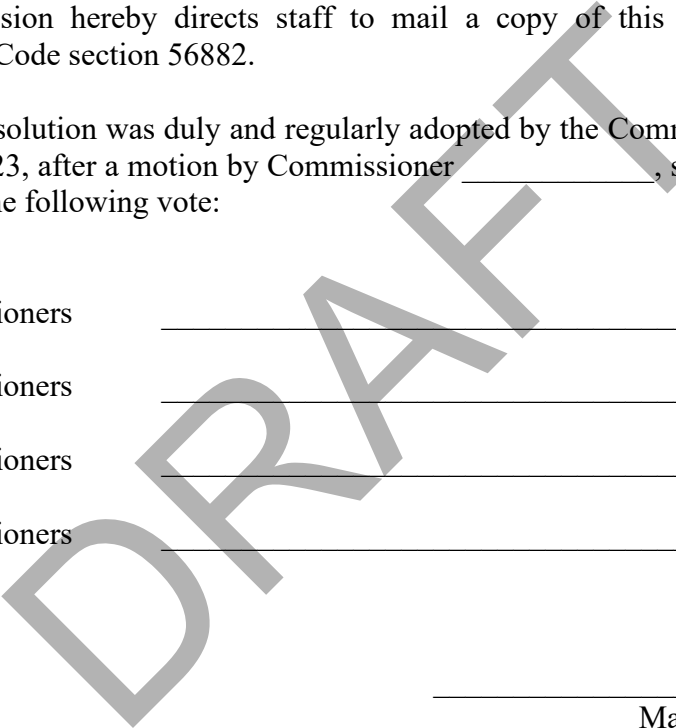
The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on December 4, 2023, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____



 Margie Mohler
 Commission Chair

ATTEST: _____
 Brendon Freeman
 Executive Officer

Recorded by: Stephanie Pratt
 Clerk/Jr. Analyst

#16-10-042 (L)

EXHIBIT "A"
TROWER AVENUE, NO. 5 ANNEXATION
TO THE NAPA SANITATION DISTRICT
GEOGRAPHIC DESCRIPTION

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

Beginning at the northeasterly property corner of lot 27 as shown on a Parcel Map filed in Book 4 of Parcel Maps at Page 94 filed in the office of Recorder of Napa County, said point also being on the existing Napa Sanitation District boundary,

Course 1: Thence, along the District boundary South 55° 17' 13" West, 37.24 feet;
 Course 2: Thence, leaving the said District boundary North 31° 35' 34" West, 422.28 feet;
 Course 3: Thence, North 55° 25' 59" East, 282.95 feet;
 Course 4: Thence, South 31° 35' 34" East 161.94 feet;
 Course 5: Thence, South 55° 25' 59" West, 5.01 feet;
 Course 6: Thence, South 31° 35' 35" East, 13.93 feet;
 Course 7: Thence, North 55° 25' 59" East, 236.95 feet;
 Course 8: Thence, North 12° 15' 13" West, 165.10 feet;
 Course 9: Thence, North 55° 26' 01" West, 447.11 feet;
 Course 10: Thence, South 30° 12' 34" East, 399.96 feet;
 Course 11: Thence, South 34° 13' 03" East, 182.63 feet;
 Course 12: Thence, North 84° 26' 44" West 21.82 feet
 Course 13: Thence, to the beginning of tangent curve to the left having a radius of 482.00 feet an arc length of 337.52 feet, a central angle of 40° 07' 19" and a chord length of 330.67 feet;
 Course 14: Thence, South 55° 25' 58" West, 274.79 feet
 Course 15: Thence, to the beginning of a tangent curve to the left having a radius of 482.00 feet, an arc length of 103.12 feet, a central angle of 12° 15' 29" and a chord length of 102.92 feet;
 Course 16: Thence, South 43° 10' 29" West, 53.01 feet;
 Course 17: Thence, South 47° 23' 11" East, 155.77 feet;
 Course 18: Thence, South 34° 39' 31" East, 175.62 feet;
 Course 19: Thence, South 55° 20' 00" West, 109.69 feet;
 Course 20: Thence, South 31° 48' 31" East, 205.51 feet;
 Course 21: Thence, South 55° 20' 21" West, 157.22 feet; to the existing district boundary;
 Course 22: Thence, along the said District boundary North 31° 48' 21" West, 611.32 feet; to the POINT OF BEGINNING.

Containing 12.80 acres more or less.

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

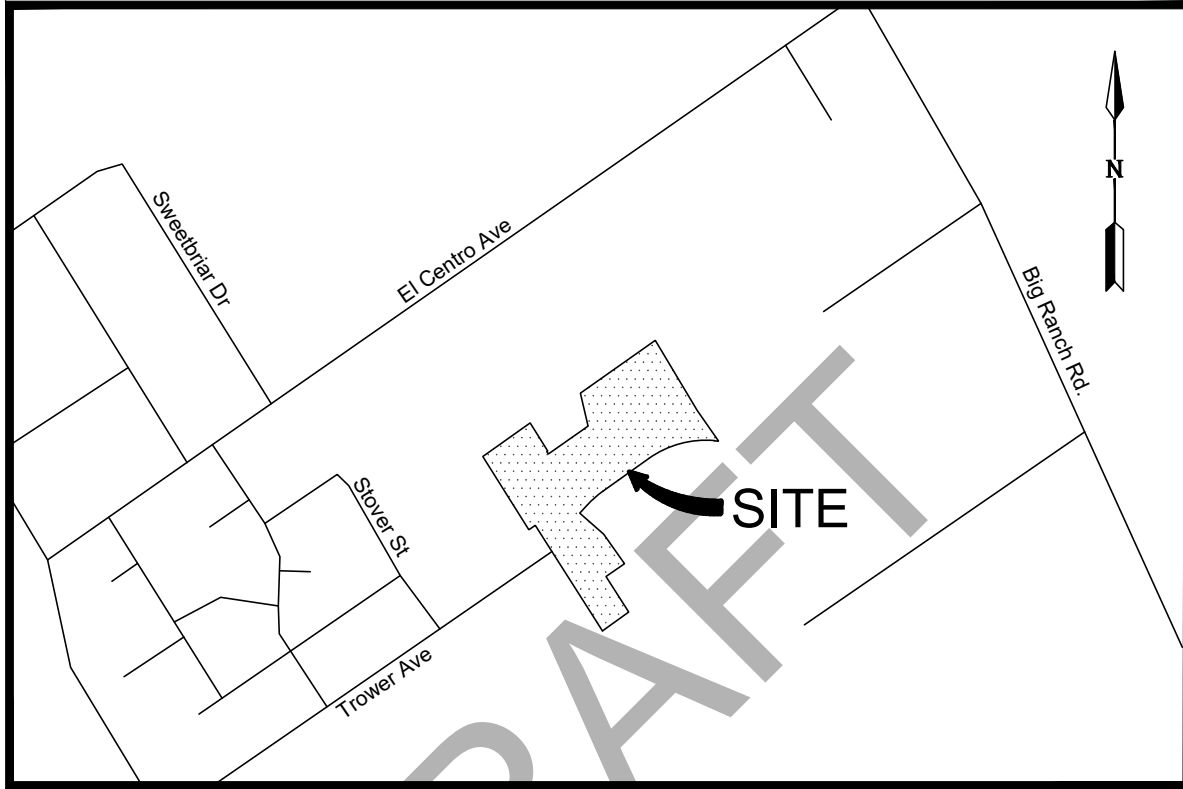
DISCLAIMER:

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

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







EXHIBIT "B"

Attachment Three



VICINITY MAP
NO SCALE

LEGEND

-  PROPOSED AREA TO BE ANNEXED
-  NAPA SANITATION DISTRICT
-  NAPA SANITATION DISTRICT BOUNDARY
-  PARCEL BOUNDARY
-  ADJOINING PARCEL BOUNDARY
-  EASEMENT LINE

- P.O.B. POINT OF BEGINNING
- ① COURSE NUMBER SEE EXHIBIT A

APPLICANT

NAPA VALLEY UNIFIED SCHOOL DISTRICT
2525 JEFFERSON ST
NAPA, CA 94558



CHAUDHARY & ASSOCIATES, INC.
ENGINEERS SURVEYORS INSPECTORS

211 GATEWAY ROAD WEST, SUITE 204
NAPA, CALIFORNIA 94558

Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM

Resolution for Trower Avenue No. 5 Annexation to NSD

01-LAFCO16-10-042L.DWG

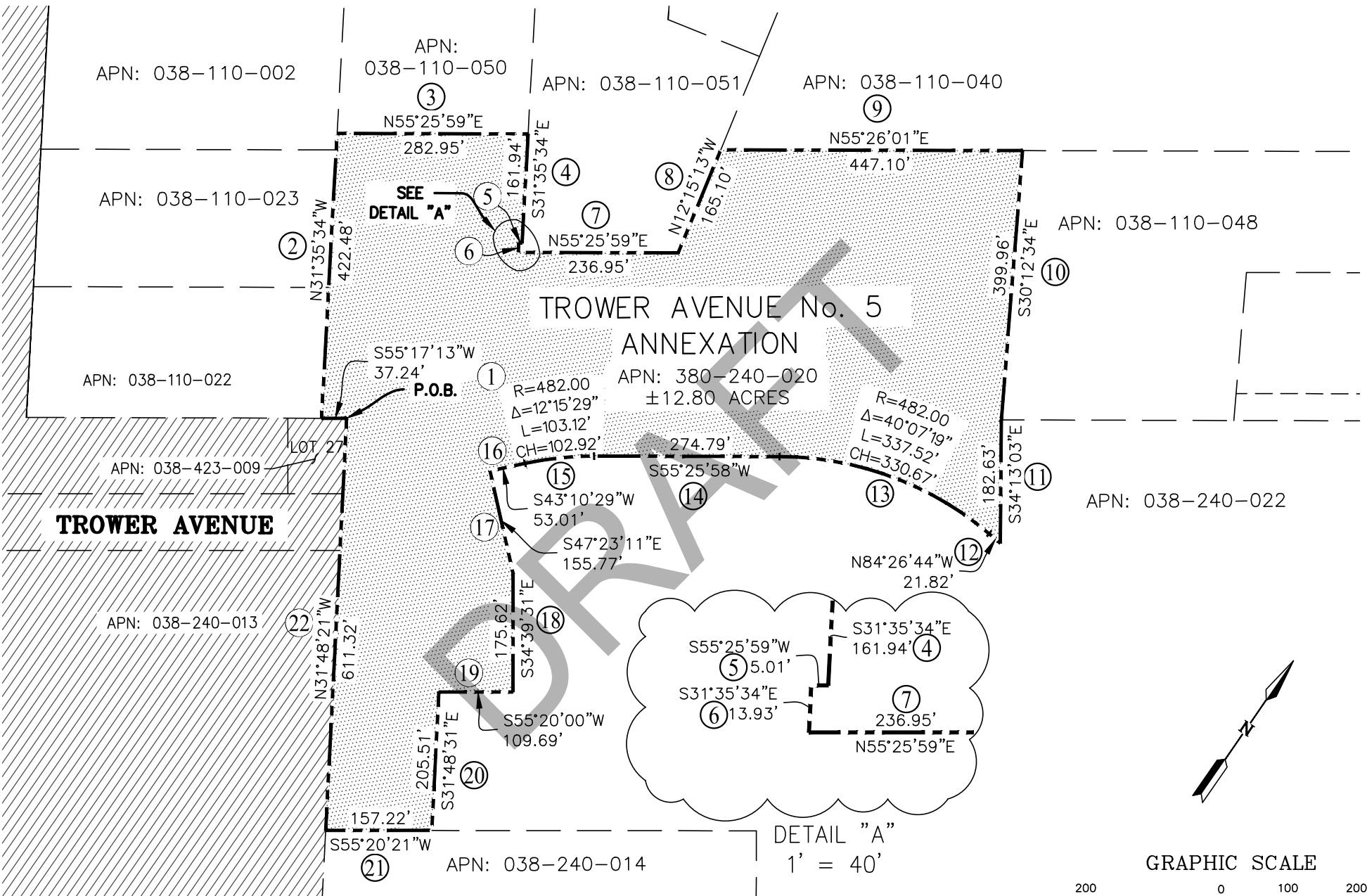
AUGUST 29, 2023

FINAL

EXHIBIT "B"
TROWER AVENUE No. 5
ANNEXATION
TO THE NAPA SANITATION DISTRICT
BEING A PORTION OF NAPA RANCHO

Q:\2016\16-10-042 NVUSD Bond Projects\Phase L-Vintage High School Farm\LAFCO\01-LAFCO16-10-042L.dwg 8-29-23 01:55:21 PM

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CHAUDHARY & ASSOCIATES, INC.
 ENGINEERS SURVEYORS INSPECTORS
 211 GATEWAY ROAD WEST, SUITE 204
 NAPA, CALIFORNIA 94558
 Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM
 Resolution for Trower Avenue No. 5 Annexation to NSD
 AUGUST 29, 2023

EXHIBIT "B"
 TROWER AVENUE No. 5
 ANNEXATION
 TO THE NAPA SANITATION DISTRICT
 PORTION OF NAPA RANCHO

GRAPHIC SCALE
 200 0 100 200
 (IN FEET)
 1 inch = 200ft.

RESOLUTION NO. ____

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

**OUTSIDE SERVICE AGREEMENT INVOLVING
THE CITY OF NAPA AND 1130 TROWER AVENUE**

WHEREAS, the Local Agency Formation Commission of Napa County, hereinafter referred to as the “Commission,” administers California Government Code section 56000 et. seq., known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the Commission is responsible for authorizing cities and special districts to enter into outside service agreements in accordance with California Government Code section 56133; and

WHEREAS, the Commission received an application from the City of Napa requesting the approval of an outside water service agreement involving unincorporated territory located at 1130 Trower Avenue, identified by the County of Napa Assessor’s Office as Assessor’s Parcel Number (APN) 038-240-020; and

WHEREAS, the Executive Officer prepared and presented a written report to the Commission on the outside service agreement application in the manner provided by law and adopted policy; and

WHEREAS, the Commission heard and fully considered all the evidence presented on the outside service agreement application at a noticed public hearing held on December 4, 2023.

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

1. The Commission, as responsible agency, certifies that it has reviewed and considered the initial study and mitigated negative declaration (IS/MND) prepared and certified for this project by the Napa Valley Unified School District (NVUSD) acting as lead agency (Vintage High School Farm Project, November 2018), as well as the findings adopted by NVUSD as set forth in its resolution in January 2019, as well as the addendum to the IS/MND prepared and certified for this project by NVUSD (October 2023), as well as the findings adopted by NVUSD as set forth in its resolution in November 2023. The Commission has determined that the IS/MND and addendum are adequate for its use in approving the outside water service agreement request.
2. The Commission adopts and incorporates by reference NVUSD’s findings as set forth in its resolution incorporated herein by this reference, on the identified impacts and associated mitigation measures. 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 1754 Second Street, Suite C, Napa, California.

3. The Commission further adopts the applicable mitigation measures contained within NVUSD’s “Mitigation Monitoring and Reporting Program” (MMRP), incorporated herein by this reference as though wholly set forth herein. The Commission finds that changes or alterations to the project and mitigation measures to lessen environmental effects to less than significant levels as identified in the IS/MND are within the responsibility of NVUSD and not LAFCO. NVUSD, therefore, shall be responsible for implementing all mitigation identified in the MMRP and for overall administration of the MMRP. NVUSD will report to LAFCO on the implementation of the MMRP and all monitoring reports prepared by NVUSD shall be provided to the Commission.

4. The request for an outside water service agreement is APPROVED with a condition requiring the City of Napa to propose annexation of the subject property within one year of its inclusion within the City’s rural urban limit.

5. The Commission hereby directs staff to file a Notice of Determination in compliance with CEQA Guidelines sections 15094 and 15096(i).

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on December 4, 2023, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

 Margie Mohler
 Commission Chair

ATTEST: _____
 Brendon Freeman
 Executive Officer

Recorded by: Stephanie Pratt
 Clerk/Jr. Analyst



TO: LAFCO Commissioners and Executive Director Brendon Freeman

FROM: Dr. Rosanna Mucetti, Superintendent, Napa Valley Unified School District

DATE: November 28, 2023

RE: Sphere of Influence Amendment Requests Involving 1130 Trower Avenue, the City of Napa, and the Napa Sanitation District; Proposed Trower Avenue No. 5 Annexation to the Napa Sanitation District; Outside Water Service Agreement Involving 1130 Trower Avenue and the City of Napa; and Associated CEQA Findings

The Napa Valley Unified School District (NVUSD) is nearing the start of construction on a new district Agriculture Science/Technology Innovation Center/Farm facility on a property located at the eastern end of Trower Avenue in Napa, CA, which is near the current Vintage High School campus. This project will replace the current Farm facility at the eastern end of Sierra Avenue in Napa, CA, which has recently entered escrow and will close in early January 2024.

The Agriculture Science/Technology Innovation Center/Farm will be a state-of-the-art facility that will provide students of Vintage High School with the opportunity to grow their interest and skills in vineyard/produce/vegetable farming, production, management, and technology. Additionally, the facility will teach students skills to service and maintain agriculture and other associated equipment, plus the facility will serve as a resource to students across NVUSD and Napa's Future Farmers of America program, which emphasizes leadership development through a variety of activities. Most importantly, the new facility will provide educational space for our Career Technical Education program (CTE) which will train students for career readiness specifically in agriculture/vineyard practices, culinary arts, environmental science, and the role technology plays in these fields. The facility will also promote rich and robust business partnerships with the heart of the industry in Napa Valley.

In designing and constructing the Agriculture Science/Technology Innovation Center/Farm, the regulatory body of California school construction, the Division of State Architects (DSA), requires a myriad of requirements to ensure the safety of students and staff. Among many requisite actions, the plans for this new facility include the access to fire suppression water sources. To comply with the DSA requirements for fire suppression, without a city municipal water source, the architect for the project is required to design a water storage system dependent on multiple water storage tanks, pumps, and a generator to move water in the event of a fire combined with power outage. Additionally, state best practices suggest the water storage tanks should be drained twice a year. This system is extremely costly and not environmentally friendly due to the amount of groundwater that will be released and then replenished using the already fragile aquifers in the Napa Valley. Furthermore, the well water will need to be regularly tested for human consumption and most likely will result in having to be treated to be used in the culinary arts program.

Additionally, since the property resides outside the Rural Urban Line (RUL) in the County of Napa, the sewer system designed for the Agriculture Science/Technology Innovation Center/Farm is an engineered septic system, which is also prohibitively expensive and not entirely environmentally friendly since gray water will be released back into the soil.

As we designed the facility and researched the property where the new facility will be located, we learned that there is a Napa Sanitation Sewer line that runs almost directly through the property running north from El Centro Avenue in Napa, CA and continuing south under the facility and beyond. NVUSD staff had previously provided this information to LAFCO commissioners at a meeting back in January 2020 to propose allowing the district annexation to the sewer system. NVUSD staff did not follow up with an official request to annex the sewer system due to the recent pandemic.

However, since the pandemic has passed and the start of the project is ready to commence, NVUSD would like to now officially request the following: amend the Napa Sanitation District's Sphere of Influence and Annex the entire parcel to Napa Sanitation District since the sewer line does run through the facility. Also, since learning about the expense to construct the fire suppression system for the project and the compliance measures required, plus the unpredictability of the groundwater levels and water quality, NVUSD would like to request LAFCO to amend the City of Napa sphere of influence (SOI) and to permit an outside water service from the City of Napa to provide clean water for instructional purposes and a reliable water source for fire suppression. NVUSD staff and City of Napa staff have already reached an agreement to provide the facility with an outside water service agreement that was unanimously approved by the City of Napa City Council on November 7, 2023.

The vision of the new Agriculture Science/Technology Innovation Center/Farm serves as an example of our hopes and dreams for our students' futures. With this new facility, we are focused on connecting students with real-world learning experiences directly linked to the world-class industry that is the staple of the local economy and much of the workforce in Napa Valley. Moreover, we are deeply committed to ensuring our students' educational experience includes more relevant learning opportunities related to the role of agriculture in Napa Valley and the importance of land stewardship of the land and our valley. By approving our requests, these goals will span multiple generations of NVUSD students.

In conclusion, we respectfully recommend your approval of this request as we advance and implement this integrated facilities and educational vision in NVUSD.

BOARD OF TRUSTEES

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2425 Jefferson St., Napa, CA 94558
(707) 253-3511
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Local Agency Formation Commission of Napa County
1754 Second Street, Suite C
Napa, California 94559
(707) 259-8645 Telephone
<https://www.napa.lafco.ca.gov>

Questionnaire for Amending a Sphere of Influence
City of Napa

1. Applicant information:

Name: Napa Valley Unified School District

Address: 1616 Lincoln Avenue; Napa, CA 94558

Telephone Number: 707-253-6281 (Primary) 707-695-1603 (Secondary)

E-Mail Address: spc@nvusd.org

2. What is the purpose for the proposed sphere of influence amendment?

The subject property is proposed to construct a new agricultural innovation center complex/farm. The subject property borders the access to City of Napa water. Currently there is an 8" water line at the end of Trower Avenue that can be tied into, for water service for the new facility. Access to the City of Napa's domestic water would secure a reliable and sustainable water source for daily classroom activities and fire suppression.

3. Describe the affected territory in terms of location, size, topography, and any other pertinent characteristics.

Please see attached property description and parcel map for more details. The site is currently a blank field. The topography is flat. The property is approximately 12.8 acres. The property is located at 1130 Trower Ave. Napa CA. No buildings currently exist on the site. The property is adjacent to the eastern dead-end of Trower Avenue near Vintage High School. The request for sphere change is associated with the planned project referenced above.

4. Describe the affected territory's present and planned land uses.

Currently, the property is a vacant land. It has been used historically for animal grazing. The proposed project will provide Vintage High School students a new agricultural hands on learning experience. It will construct a facility consistent with the goals and requirements for developing outside the Rural Urban Line (RUL), as well as secure property for rural use and limit development. The project will include culinary classrooms and agricultural classrooms, as well as barns, vineyard production/management space, agricultural equipment shop, areas for growing produce, and short-term animal grazing.

5. Identify the current land use designation and zoning standard for the affected territory.

The property resides in the County and is designated as:
General Plan Designation: Rural Home Site
County Zoning Standard: RC-UR

6. Is the affected territory subject to a Williamson Act contract? If yes, please provide a copy of the contract along with any amendments.

NA

7. If applicable, identify the governmental agencies currently providing the listed municipal services to the affected territory.

Water: None

Sewer: None

Fire: Cal Fire

Police: Napa County Sheriff

Print Name: Michael Pearson, Napa Valley Unified School District

Date: 5/17/2023

Signature: 

Local Agency Formation Commission of Napa County
1754 Second Street, Suite C
Napa, California 94559
(707) 259-8645 Telephone
<https://www.napa.lafco.ca.gov>

Questionnaire for Amending a Sphere of Influence
Napa Sanitation District

1. Applicant information:

Name: Napa Valley Unified School District
Address: 1616 Lincoln Avenue; Napa, CA 94558
Telephone Number: 707-253-6281 (Primary) 707-695-1603 (Secondary)
E-Mail Address: spc@nvusd.org

2. What is the purpose for the proposed sphere of influence amendment?

The subject property is proposed to construct a new agricultural innovation center complex/farm. A main line for Napa Sanitation District (NSD) runs through the site of the new facility. The District requests to connect sanitary sewer services to existing NSD sanitary sewer system.

3. Describe the affected territory in terms of location, size, topography, and any other pertinent characteristics.

Please see attached property description and parcel map for more details. The site is currently a blank field. The topography is flat. The property is approximately 12.8 acres. The property is located at 1130 Trower Ave. Napa CA. No buildings currently exist on the site. The property is adjacent to the eastern dead-end of Trower Avenue near Vintage High School. The request for sphere change is associated with the planned project referenced above.

4. Describe the affected territory's present and planned land uses.

Currently, the property is a vacant land. It has been used historically for animal grazing. The proposed project will provide Vintage High School students a new agricultural hands on learning experience. It will construct a facility consistent with the goals and requirements for developing outside the Rural Urban Line (RUL), as well as secure property for rural use and limit development. The project will include culinary classrooms and agricultural classrooms, as well as barns, vineyard production/management space, agricultural equipment shop, areas for growing produce, and short-term animal grazing.

5. Identify the current land use designation and zoning standard for the affected territory.

The property resides in the County and is designated as:
General Plan Designation: Rural Home Site
County Zoning Standard: RC-UR

6. Is the affected territory subject to a Williamson Act contract? If yes, please provide a copy of the contract along with any amendments.

NA

7. If applicable, identify the governmental agencies currently providing the listed municipal services to the affected territory.

Water:	None
Sewer:	None
Fire:	Napa County Sheriff
Police:	Cal Fire

Print Name: Michael Pearson, Napa Valley Unified School District

Date: 5/17/2023

Signature: 

FORM D

PROPOSAL APPLICATION
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Michael Pearson, Napa Valley Unified School District

Contact Person Agency/Business (If Applicable)

Address: 1616 Lincoln Avenue; Napa, CA 94558

Street Number Street Name City Zip Code

Contact: 707-253-6281 spc@nvusd.org

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 Soscol Ferry Rd, Napa, CA 94558

Name	Address
<u>City of Napa</u>	<u>1541 Second St. Napa CA 94558</u>
Name	Address
Name	Address

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed)

<input checked="" type="checkbox"/> Annexation	<input type="checkbox"/> Detachment	<input type="checkbox"/> City Incorporation	<input type="checkbox"/> District Formation
<input type="checkbox"/> City/District Dissolution	<input type="checkbox"/> City/District Merger	<input type="checkbox"/> Service Activation (District Only)	<input type="checkbox"/> Service Divestiture (District Only)

C. Purpose Statement: (Specific)

Subject property is proposed to construct a new Vintage High School Farm to provide a new agricultural innovation center/farms with hands on learning experience. The existing NSD sanitary sewer line runs through the subject site, providing an opportunity for easy tie into the NSD system. Securing outside services for City of Napa water will provide portions of the property with a stable and sustainable water source for daily classroom instruction activities, as well as fire suppression.

III. GENERAL INFORMATION

A. Location:	1130 Trower Ave. Napa CA	038-240-020-000	
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Total Location Size (Including Right-of-Ways)		

B. Landowners:

(1) Assessor Parcel Number :	038-240-020-000	Name:	Napa Valley Unified School District
Mailing Address:	1616 Lincoln Avenue; Napa, CA 94558		
Phone Number:	707-253-6280	E-mail:	spc@nvusd.org
(2) Assessor Parcel Number :		Name:	
Mailing Address:			
Phone Number:		E-mail:	
(3) Assessor Parcel Number :		Name:	
Mailing Address:			
Phone Number:		E-mail:	
(4) Assessor Parcel Number :		Name:	
Mailing Address:			
Phone Number:		E-mail:	

Use Additional Sheets As Needed

C. Population:

(1) Total Number of Residents:	0
(2) Total Number of Registered Voters:	0

D. Land Use Factors:

(1a) County General Plan Designation: Rural Home Site

(1b) County Zoning Standard: RC-UR

(2a) Applicable City General Plan Designation: _____

(2b) Applicable City Pre-zoning Standard: _____
(Required for City Annexations)

E. Existing Land Uses:
(Specific)

Vacant Land

F. Development Plans:

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

(1b) If Yes, Describe Project: The site is a part of the Vintage High School curriculum: therefore it is under the Division of the State Architect (DSA) jurisdiction. The construction documents are approved by this state agency.

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

G. Physical Characteristics:

(1) Describe Topography: the site topography is very flat with an average slope of 0.3%

(2) Describe Any Natural Boundaries: The site is immediately adjacent to the city limit line to the west, vacant lands to the south and east, and single home sites to the north.

(3) Describe Soil Composition and Any Drainage Basins: the site consists of sandy clay, and is in the Salvador Channel drainage basin.

(4) Describe Vegetation: native grasses

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:

Sanitary sewer services

City Water Service, for fire suppression and classroom activities.

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

Public: Two 6" diameter sanitary sewer services, approximately 12' long to be provided.

Private: The upper sewer services will extend westerly and northeasterly approximately 900'.

Public: connect to and extend existing 8" water main for 220'.

Private: 3" line on site connecting to classroom buildings and hydrants

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

Summer 2024

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

Curb, gutter, driveway, sidewalk, and utility connections.

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

State Grants for Career Technical Education (CTE), property sales.

V. ENVIRONMENTAL INFORMATION

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

(1) Lead Agency for Proposal: Napa Sanitation District & City of Napa
Name

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

Environmental Impact Report

Negative Declaration/Mitigated Negative Declaration

Categorical/Statutory Exemption: _____
Type

None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

The subject site must be completely constructed by 2026 to maintain grant funding for the project.

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: Andrew Damron, Napa Sanitation District

Mailing Address: 1515 Soscol Ferry Road, Napa CA 94558

E-Mail: adamron@NapaSan.com

(2) Recipient Name: Vincent Smith, City of Napa

Mailing Address: 1600 1st St, Napa, CA 94559

E-Mail: vsmith@cityofnapa.org

(3) Recipient Name: Phil Brun, City of Napa

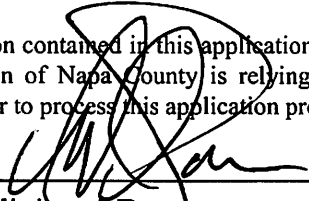
Mailing Address: 1700 Second Street, Suite 100, Napa, CA 94559

E-Mail: pbrun@cityofnapa.org

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:

Michael Pearson

Title:

Assistant Superintendent of Operational Services, NVUSD

Date:

July 12, 2023



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

**APPLICATION
OUTSIDE SERVICE AGREEMENT**

A. Applicant Information

- 1) Agency Name: City of Napa
- 2) Contact Person and Title: Phil Brun, Utilities Director 11/21/2023
- 3) Contact Information: (707) 257-9316 Telephone pbrun@cityofnapa.org E-Mail
- 4) Mailing Address: P.O. Box 660 Address Napa, CA 94559 City, State, Zip Code

B. Type of Outside Service Agreement

- 1) New Extended
- 2) Water Sewer Other: _____

C. Location of Territory to be Served
(attach additional sheets if necessary)

- 1) Assessor Parcel Number: 038-040-020
Size: 12.8 acres Current Use: Vacant/Animal Grazing
- 2) Assessor Parcel Number: _____
Size: _____ Current Use: _____
- 3) Assessor Parcel Number: _____
Size: _____ Current Use: _____

D. Service Information

- 1) Describe how the agency would provide the proposed new or extended service to the subject territory. Please identify any necessary infrastructure or facility improvements and associated funding requirements necessary to provide service to the subject territory.

The City has an existing 8-inch water main in Trower Avenue which terminates at the end of Trower Avenue adjacent to the site. A new 8" public water main will connect to the existing 8-inch line and be extended to the east approximately 100-feet along the alignment of the future extension of Trower Avenue. A new 3-inch domestic water service and 8-inch fire water service will be installed from the new water main to serve the subject parcel. Napa Valley Unified School District (NVUSD) will install all new water improvements at their expense and are required to pay the City's standard connection fees and installation fees for the new services.

- 2) If the proposed new or extended service involves water or sewer, identify the anticipated demand in terms of use (i.e., gallons) associated with serving the subject territory.

Per NVUSD's CEQA documents, the project will use an estimated 1.08 acre-feet (351,919 gallons) of water per year.

- 3) Does the agency have sufficient capacities to provide the proposed new or extended service to the subject territory without adversely effecting existing service levels?

The City has sufficient supply, treatment, storage, and conveyance capacity to accommodate the new water services without adversely effecting existing service levels.

- 4) What services, if any, are currently provided to the subject territory?

No City services are currently provided to the subject parcel.

E. Additional Information

- 1) Identify the subject territory's land use designation and zoning standard along with the minimum parcel density requirements.

County Zoning: RC-UR

- 2) Are there any proposed or approved, but not yet built, development projects involving the subject territory?

Yes No

If yes, describe the proposed projects or the approved permits/land use entitlements.

NVUSD is proposing to develop a culinary and agricultural facility for Vintage High students to replace the existing Vintage High Farm.

- 3) The Commission's action regarding this request by the agency to provide new or extended services outside its jurisdictional boundary is subject to the requirements of the California Environmental Quality Act (CEQA). Has the agency conducted any CEQA reviews for any projects associated with this application?

Yes No

If yes, please provide copies of the environmental documentation, including the Notice of Exemption or Notice of Determination as well as proof of payment of applicable California Department of Fish & Game fees.

Attached City Council Resolution No. R2023-124 identifies the CEQA determinations made for the City actions approved by City Council on November 7, 2023.

- 4) Is the subject territory located within the agency's sphere of influence?

Yes No

If no, please identify whether there is an existing or impending threat to public health and safety or to the residents in support of the application.

No, there is not an existing or impending threat to public health and safety. This application for Outside Service Agreement is contingent upon the subject territory being located within the City of Napa's sphere of influence.



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Spheres of Influence

(Adopted on June 7, 2021)

I. BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, beginning with [California Government Code \(G.C.\) §56425](#), requires the Local Agency Formation Commission (LAFCO or “Commission”) to establish and maintain spheres of influence for all local agencies within its jurisdiction. A sphere of influence (SOI) is defined by statute as a “plan for the probable physical boundary and service area of a local government agency as determined by the commission” ([G.C. §56076](#)). Every determination made by LAFCO shall be consistent with the SOIs of the local agencies affected by that determination ([G.C. §56375.5](#)). The Commission encourages cities, towns, and the County of Napa (“County”) to meet and agree to SOI changes. The Commission shall give “great weight” to these agreements to the extent they are consistent with its policies ([G.C. §56425\(b\) and \(c\)](#)). Local agency SOIs are established and changed in part based on information in municipal service reviews, including adopted determinative statements and recommendations ([G.C. §56430](#)).

II. PURPOSE

The purpose of these policies is to guide the Commission in its consideration of SOI amendment requests as well as SOI reviews and updates initiated by LAFCO. This includes establishing consistency with respect to the Commission’s approach in the scheduling, preparation, and adoption of SOI reviews and updates. Requests to amend an SOI may be made by any person or local agency as described in Section VI of this policy. Requests to amend an SOI are encouraged to be filed with LAFCO’s Executive Officer as part of the Commission’s municipal service review (MSR) and SOI review process.

III. OBJECTIVE

It is the intent of the Commission to determine appropriate SOIs that promote the orderly expansion of cities, towns, and special districts in a manner that ensures the protection of the environment and agricultural and open space lands while also ensuring the effective, efficient, and economic provision of essential public services, including public water, wastewater, fire protection and emergency response, and law enforcement. The Commission recognizes the importance of considering local conditions and circumstances in implementing these policies. An SOI is primarily a planning tool that will:

- Serve as a master plan for the future organization of local government within the County by providing long range guidelines for the efficient provision of services to the public;
- Discourage duplication of services by two or more local governmental agencies;
- Guide the Commission when considering individual proposals for changes of organization;
- Identify the need for specific reorganization studies, and provide the basis for recommendations to particular agencies for government reorganizations.

IV. DEFINITIONS

Recognizing that an SOI is a plan for the probable physical boundary and service area of a local government agency as determined by LAFCO, the Commission incorporates the following definitions:

- A. “Agricultural lands” are defined as set forth in [G.C. §56016](#).
- B. “Open space” are defined as set forth in [G.C. §56059](#).
- C. “Prime agricultural land” is defined as set forth in [G.C. §56064](#).
- D. “Infill” is defined as set forth in [Public Resources Code §21061.3](#).
- E. “Underdeveloped land” is defined as land that lacks components of urban development such as utilities or structure(s).
- F. “Vacant land” is defined as land that has no structure(s) on it and is not being used. Agricultural and open space uses are considered a land use and therefore the underlying land is not considered vacant land.
- G. “SOI establishment” refers to the initial adoption of a city or special district SOI by the Commission.
- H. “SOI amendment” refers to a single change to an established SOI, typically involving one specific geographic area and initiated by a landowner, resident, or local agency.
- I. “SOI review” refers to a comprehensive review of an established SOI conducted as part of an MSR. Based on information collected in the SOI review component of an MSR, the Commission shall determine if an SOI update is needed.
- J. “SOI update” refers to a single change or multiple changes to an established SOI, typically initiated by the Commission and based on information collected in the SOI review.
- K. “Zero SOI” when determined by the Commission, indicates a local agency should be dissolved and its service area and service responsibilities assigned to one or more other local agencies.
- L. “Study area” refers to territory evaluated as part of an SOI update for possible addition to, or removal from, an established SOI. The study areas shall be identified by the Commission in consultation with all affected agencies.

V. LOCAL CONSIDERATIONS

A. General Guidelines for Determining Spheres of Influence

The following factors are intended to provide a framework for the Commission to balance competing interests in making determinations related to SOIs. No single factor is determinative. The Commission retains discretion to exercise its independent judgment as appropriate:

- 1) Land defined or designated in the County of Napa General Plan land use map as agricultural or open space shall not be approved for inclusion within any local agency's SOI for purposes of new urban development unless the action is consistent with the objectives listed in Section III of this policy.
- 2) The Commission encourages residents, landowners, and local agencies to submit requests for changes to SOIs to the LAFCO Executive Officer as part of the LAFCO-initiated MSR and SOI review process.
- 3) The first Agricultural Preserve in the United States was created in 1968 by the Napa County Board of Supervisors. The Agricultural Preserve protects lands in the fertile valley and foothill areas of Napa County in which agriculture is and should continue to be the predominant land use. Measure J was passed by voters in 1990 and Measure P was passed by voters in 2008 and requires voter approval for any changes that would re-designate unincorporated agricultural and open-space lands. The Commission will consider the Agricultural Preserve and intent of voters in passing Measure J and Measure P in its decision making processes to the extent they apply, prior to taking formal actions relating to SOIs.
- 4) In the course of an SOI review for any local agency as part of an MSR, the Commission shall identify all existing outside services provided by the affected agency. For any services provided outside the affected agency's jurisdictional boundary but within its SOI, the Commission shall request the affected agency submit an annexation plan or explanation for not annexing the territory that is receiving outside services. For any services provided outside an agency's jurisdictional boundary and SOI, the Commission encourages a dialogue between the County and the affected agency relating to mutually beneficial provisions.
- 5) In the course of reviewing a city or town's SOI, the Commission will consider the amount of vacant land within the affected city or town's SOI. The Commission discourages SOI amendment requests involving vacant or underdeveloped land that requires the extension of urban facilities, utilities, and services where infill development is more appropriate.

- 6) A local agency's SOI shall generally be used to guide annexations within a five-year planning period. Inclusion of land within an SOI shall not be construed to indicate automatic approval of an annexation proposal.
- 7) When an annexation is proposed outside a local agency's SOI, the Commission may consider both the proposed annexation and SOI amendment at the same meeting. The SOI amendment to include the affected territory, however, shall be considered and resolved prior to Commission action on the annexation.
- 8) A local agency's SOI should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission. This includes information contained in current MSRs. The Commission shall consider the following municipal service criteria in determining SOIs:
 - a) The present capacity of public facilities and adequacy of public services provided by affected local agencies within the current jurisdiction, and the adopted plans of these local agencies to address any municipal service deficiency, including adopted capital improvement plans.
 - b) The present and probable need for public facilities and services within the area proposed or recommended for inclusion within the SOI, and the plans for the delivery of services to the area.
- 9) The Commission shall consider, at a minimum, the following land use criteria in determining SOIs:
 - a) The present and planned land uses in the area, including lands designated for agriculture and open-space.
 - b) Consistency with the County General Plan and the general plan of any affected city or town.
 - c) Adopted general plan policies of the County and of any affected city or town that guide future development away from lands designated for agriculture or open-space.
 - d) Adopted policies of affected local agencies that promote infill development of existing vacant or underdeveloped land.
 - e) Amount of existing vacant or underdeveloped land located within any affected local agency's jurisdiction and current SOI.
 - f) Adopted urban growth boundaries by the affected land use authorities.

B. Scheduling Sphere of Influence Reviews and Updates

[G.C. §56425\(g\)](#) directs the Commission to update each SOI every five years, as necessary. Each year, the Commission shall adopt a Work Program with a schedule for initiating and completing MSRs and SOI reviews based on communication with local agencies. This includes appropriate timing with consideration of city, town, and County general plan updates. The Commission shall schedule SOI updates, as necessary, based on determinations contained in MSRs.

C. Environmental Review

SOI establishments, amendments, and updates will be subject to the review procedures defined in the California Environmental Quality Act (CEQA) and the Napa LAFCO CEQA Guidelines. If an environmental assessment or analysis is prepared by an agency for a project associated with an SOI establishment, amendment, or update, and LAFCO is afforded the opportunity to evaluate and comment during the Lead Agency's environmental review process, then LAFCO can act as a Responsible Agency under CEQA for its environmental review process. All adopted environmental documents prepared for the project, a copy of the filed Notice of Determination/Notice of Exemption, and a copy of the Department of Fish and Wildlife fee receipt must be submitted as part of the application. Completion of the CEQA review process will be required prior to action by the Commission.

VI. REQUESTS FOR SPHERE OF INFLUENCE AMENDMENTS

A. Form of Request

Any person or local agency may file a written request with the Executive Officer requesting amendments to an SOI pursuant to [G.C. §56428\(a\)](#). Requests shall be made using the form provided in Attachment A and be accompanied by a cover letter and a map of the proposed amendment. Requests shall include an initial deposit as prescribed under the Commission's adopted Schedule of Fees and Deposits. The Executive Officer may require additional data and information to be included with the request. Requests by cities, towns, and special districts shall be made by resolution of application.

B. Review of Request

The Executive Officer shall review and determine within 30 days of receipt whether the request to amend an agency's SOI is complete. If a request is deemed incomplete, the Executive Officer shall immediately notify the applicant and identify the information needed to accept the request for filing.

C. Consideration of Request

Once a request is deemed complete, the Executive Officer will prepare a written report with a recommendation. The Executive Officer will present his or her report and recommendation at a public hearing for Commission consideration. The public hearing will be scheduled for the next meeting of the Commission for which adequate notice can be given. The Commission may approve, approve with conditions, or deny the request for an SOI amendment. The Commission's determination and any required findings will be set out in a resolution that specifies the area added to, or removed from, the affected agency's SOI. While the Commission encourages the participation and cooperation of the subject agencies, the determination of an SOI is a LAFCO responsibility and the Commission is the sole authority as to the sufficiency of the documentation and consistency with law and LAFCO policy.

Local Agency Formation Commission of Napa County
1754 Second Street, Suite C
Napa, California 94559
(707) 259-8645 Telephone
www.napa.lafco.ca.gov

Questionnaire for Amending a Sphere of Influence

1. Applicant information:

Name: _____

Address: _____

Telephone Number: _____ (Primary) _____ (Secondary)

E-Mail Address: _____

2. What is the purpose for the proposed sphere of influence amendment?

3. Describe the affected territory in terms of location, size, topography, and any other pertinent characteristics.

4. Describe the affected territory's present and planned land uses.

5. Identify the current land use designation and zoning standard for the affected territory.

6. Is the affected territory subject to a Williamson Act contract? If yes, please provide a copy of the contract along with any amendments.

7. If applicable, identify the governmental agencies currently providing the listed municipal services to the affected territory.

Water: _____

Sewer: _____

Fire: _____

Police: _____

Print Name: _____

Date: _____

Signature: _____

FACTORS FOR COMMISSION CONSIDERATION

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

FACTOR TO CONSIDER	COMMENT
1. Population and density [§56668(a)]	Consistent: Population 0
2. Land area and land use [§56668(a)]	Consistent: 12.8 acres Vacant land, County of Napa Zoning: <i>Napa City Planning Area</i>
3. Assessed valuation [§56668(a)]	Consistent: Land: \$0.00 (Exempt school property) Structural improvements: None
4. Topography, natural boundaries and drainage basins [§56668(a)]	Consistent: Relatively flat Drainage basin: <i>Napa River – Salvador Channel</i>
5. Proximity to other populated areas [§56668(a)]	Consistent: Adjacent to City of Napa residential area and Garfield Park. Surrounded on three sides by County designated <i>Residential County</i> and <i>Residential County: Urban Reserve</i> .
6. Likelihood of significant growth in the area, adjacent areas during next 10 years [§56668(a)]	Consistent: Adjacent to City of Napa residential and Garfield Park. Surrounded on three sides by County designated <i>Residential County</i> and <i>Residential County: Urban Reserve</i>
7. Need for government services [§56668(b)]	Consistent: Vacant land. Existing County services provided at adequate levels: Fire and emergency protection, law enforcement Additional service: Annexation to NSD for sewer service. Water service provided City via OSA
8. Government services present cost, adequacy and controls in area [§56668(b)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21
9. Government services probable future needs and controls in area [§56668(b)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21

<p>10. Government services effect of proposal on cost, adequacy and controls in area and adjacent areas</p> <p>[§56668(b)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>11. Effects on adjacent areas, on mutual social and economic interests, and on local governmental structure in the County</p> <p>[§56668(c)]</p>	<p>Consistent: NSD - adjacent to existing boundary and portion of parcel located within SOI</p> <p>Proposal includes amendment to SOI and annexation to NSD of total parcel</p> <p>City of Napa - adjacent to existing boundary and portion of parcel located in SOI and RUL</p> <p>Proposal includes amendment to SOI and extension of water service via OSA</p>
<p>12. Effects on planned efficient patterns of urban development</p> <p>[§56668(d)]</p>	<p>Consistent: County General Plan land use designation: <i>Rural Residential</i></p> <p>County Zoning: <i>Residential County and Residential County: Urban Reserve</i></p>
<p>13. Effects on maintaining physical and economic integrity of agricultural lands</p> <p>[§56668(e)]</p>	<p>Consistent: County General Plan land use designation: <i>Rural Residential</i></p> <p>County Zoning: <i>Residential County and Residential County: Urban Reserve</i></p>
<p>14. Boundaries: logical, contiguous, not difficult to serve, definite and certain</p> <p>[§56668(f)]</p>	<p>Consistent: One total parcel, adjacent to City of Napa and Trower Avenue</p>
<p>15. Conformance to lines of assessment, ownership</p> <p>[§56668(f)]</p>	<p>Consistent: One parcel: APNs 038-240-020</p>
<p>16. Creation of islands, corridors, irregular boundaries</p> <p>[§56668(f)]</p>	<p>Consistent: No effect</p>
<p>17. Consistency with regional transportation plan</p> <p>[§56668(g)]</p>	<p>Consistent: No specific projects in regional transportation plan (RTP), <i>Plan Bay Area 2050</i></p>
<p>18. Consistency with city or county general and specific plans</p> <p>[§56668(h)]</p>	<p>Consistent: County General Plan land use designation: <i>Rural Residential</i></p> <p>County Zoning: <i>Residential County and Residential County: Urban Reserve</i></p>

19. Consistency with spheres of influence [§56668(i)]	Consistent: Proposal includes amendment to NSD SOI and City of Napa SOI
20. Comments from affected agencies and other public agencies [§56668(j)]	Consistent: No comments received
21. Ability of agency to provide service including sufficiency of revenues [§56668(k)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21
22. Timely availability of adequate water supply [§56668(l)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21
23. Fair share of regional housing needs [§56668(m)]	Consistent: No effect
24. Information or comments from landowners, voters, or residents in proposal area [§56668(n)]	Consistent: 100% consent of landowners
25. Existing land use designations [§56668(o)]	Consistent: County General Plan land use designation: <i>Rural Residential</i> County Zoning: <i>Residential County</i> and <i>Residential County: Urban Reserve</i>
26. Effect on environmental justice [§56668(p)]	Consistent: No documentation or evidence suggesting the proposal will have any implication
27. Safety Element of GP concerns; identified as very high fire hazard zone [§56668(q)]	Consistent: Not located in a high fire hazard zone or a state responsibility area
28. Special district annexations: for the interest of landowners or inhabitants within the district and affected territory [§56668.3(a)(1)]	Consistent: Annexation to NSD would allow for sewer service to Vintage Farm High School site and require improvements to be paid by the Napa Valley Unified School District.



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Proposals

(Adopted: August 9, 1972; Last Amended: December 5, 2022)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) specifies the Local Agency Formation Commission (LAFCO) of Napa County's principal objectives are discouraging urban sprawl, preserving open space and agricultural resources, and encouraging the orderly formation and development of cities, towns, and special districts and their municipal services based on local conditions.¹ Regulatory duties include approving or disapproving proposals involving the formation, reorganization, expansion, and dissolution of cities, towns, and special districts. The Commission's regulatory actions must be consistent with its adopted written policies and procedures. The Commission must also inform its regulatory duties through a series of planning activities, which includes establishing and updating spheres of influence (SOIs).²

II. Purpose

The purpose of this policy is to guide the Commission in considering proposals for changes of organization as defined under [California Government Code \(G.C.\) §56021](#) and reorganizations as defined under [G.C. §56073](#).

III. Objective

It is the objective of the Commission to acknowledge and incorporate the policies of the Legislature regarding the promotion of orderly, well-planned development patterns that avoid the premature conversion of agricultural and open space lands and ensure effective, efficient, and economic provision of essential public services. The Commission reserves discretion in administering these policies to address special conditions and circumstances as needed.

IV. Commission Declarations

The Commission declares its intent not to permit the premature conversion of agricultural or open space lands to urban uses. The Commission shall adhere to the following policies in the pursuit of this intent, and all proposals shall be reviewed with these policies as guidelines.

A) Use of Municipal Service Reviews:

In evaluating a proposal, the Commission will use information contained within the most recently completed Municipal Service Review (MSR) for any affected agencies. The Commission retains discretion to determine if the most recent MSR is adequate for making decisions related to proposals.

¹ CKH is codified under [G.C. §56000](#) et seq.

² The Commission's *Policy on Spheres of Influence* is available online at: <https://www.napa.lafco.ca.gov>.

- B) Use of County General Plan Designations:
In evaluating a proposal, the Commission will give great weight to the Napa County General Plan to determine designated agricultural and open space lands. The Commission recognizes that inconsistencies may occur between the County General Plan and city or town general plans with respect to agricultural and open space designations. Notwithstanding these potential inconsistencies, the Commission will give great weight to the County General Plan in recognition of the public support expressed in both the incorporated and unincorporated areas of Napa County for the County's designated agricultural and open space lands through enactment of Measure P in 2008.³
- C) Recognition of the Napa County Agricultural Preserve:
The first Agricultural Preserve in the United States was created in 1968 by the Napa County Board of Supervisors. The Agricultural Preserve protects lands in the fertile valley and foothill areas of Napa County in which agriculture is, and should continue to be, the predominant land use. The Commission will consider the Agricultural Preserve in the processing of proposals.
- D) Location of Urban Development:
The Commission will give great weight to urban growth boundaries and guide urban development away from agricultural or open space lands until such times as urban development becomes an overriding consideration as determined by the Commission. The Commission encourages urban development be located within areas designated for urban use in the County General Plan and in close proximity to a city, town, or special district that can provide any needed public services. Urban development should be discouraged if it is apparent that any needed public services necessary for the proposed development cannot readily be provided by a city, town, or special district.
- E) Timing of Urban Development:
The Commission discourages proposals involving the premature annexation of undeveloped or underdeveloped lands to cities, towns, and special districts that provide potable water, sewer, fire protection and emergency response, or police protection services. This policy does not apply to proposals in which the affected lands are subject to a specific development plan or agreement under consideration by a land use authority. This policy does not apply to city or town annexation proposals in which the affected lands are part of an unincorporated island.⁴
- F) Encouragement of Reorganizations:
The Commission encourages reorganization proposals when appropriate and feasible to facilitate boundary changes involving two or more local governmental agencies. The Commission recognizes the efficiency of reorganizations to simplify and expedite logical and orderly concurrent boundary changes.

³ Measure P is an extension of Measure J, which was enacted in 1990 and requires voter approval for any changes that would re-designate unincorporated agricultural and open space lands.

⁴ The Commission's *Policy on Unincorporated Islands* is available online at: <https://www.napa.lafco.ca.gov>.

- G) Factors for Evaluating Proposals Involving Agricultural or Open Space Lands:
The Commission recognizes there are distinct and varying attributes and classifications associated with agricultural and open space designated lands. A proposal which includes agricultural or open space land shall be evaluated considering the following factors:
- (1) "Agricultural land", as defined by [G.C. §56016](#).
 - (2) "Prime agricultural land", as defined by [G.C. §56064](#).
 - (3) "Open space", as defined by [G.C. §56059](#).
 - (4) Land that is under contract to remain in agricultural or open space use, such as a Williamson Act Contract or Open Space Easement.
 - (5) Land with a County General Plan agricultural or open space designation (*Agricultural Resource* or *Agriculture, Watershed and Open Space*).
 - (6) The adopted general plan policies of the County and any affected city or town.
- H) Activating Latent Services and Deactivating Existing Services:
Commission approval is required for a special district to establish new services (i.e., activate latent service powers that were not previously authorized) or divestiture of existing services (i.e., deactivate service powers that were previously authorized) within all or parts of its jurisdictional boundary. Requests by a special district shall be made by adoption of a resolution of application and include all the information required and referenced under [G.C. §56824.12](#).

V. Policies Concerning Annexations

- A) General Policies Concerning All Annexations:
- (1) Inclusion in SOI:
The affected territory shall be included, or the applicant has concurrently requested the affected territory be included, within the affected agency's SOI prior to issuance of the Executive Officer's certificate of filing for the subject annexation proposal. The Executive Officer may amend both an SOI amendment and annexation application for Commission consideration and action at the same meeting.
 - (2) Property Tax Exchange Agreement:
A property tax exchange agreement between all affected agencies should be in place prior to submittal of an annexation proposal.

(3) Inclusion of Public Rights-of-Way:

When a proposal for annexation involves territory located adjacent to a public right-of-way, the proposal should also include the adjacent portion of right-of-way to facilitate logical and orderly boundaries for any affected agencies.

(4) Boundary Modifications:

The Commission encourages modifications to proposed annexation boundaries when appropriate and feasible in order to facilitate logical and orderly boundaries for any affected local agencies. During the preliminary consultation phase, staff will encourage applicants to contact landowners of nearby properties to solicit interest in joining the annexation.

B) Policies Concerning Annexations to a City or Town:

(1) General Plan Designation and Rezoning:

The territory proposed for annexation shall be included in the city or town general plan and rezoned prior to submittal of an annexation proposal.

(2) Urban Growth Boundaries:

To the extent that a city or town maintains an urban growth boundary, the affected territory proposed for annexation should be included in the urban growth boundary prior to submittal of an annexation proposal. This does not apply to proposals consistent with [G.C. §56742](#).

(3) Proposals Within Unincorporated Islands:

When a proposal for annexation involves territory within an unincorporated island, staff will encourage the affected city or town to apply for the annexation of the entire island.

C) Policies Concerning Annexation of Municipally-Owned Land:

(1) Land Owned and Used by a City or Town Located Outside Their SOI:

Land that is owned by a city or town, used by the city or town for a municipal purpose, and located outside their SOI may be annexed pursuant to [G.C. §56742](#).

(2) Restricted Use Lands Owned by Public Agencies:

The Commission discourages annexation of municipally-owned land designated agricultural or open space in the County General Plan or subject to a Williamson Act contract unless the land will be used for a municipal purpose and no suitable alternative site reasonably exists within the affected agency's SOI.

(3) Municipal Purpose Defined:

Municipal purpose means a public service facility, but does not include agricultural or open space land.

D) Concurrent Annexation Policies:

The Commission encourages concurrent annexations to cities, towns, and special districts whenever appropriate and feasible.

(1) City of Napa and Napa Sanitation District (NSD):a) Annexations to NSD:

All annexation proposals to NSD involving territory located outside of the City should include annexation to the City if the affected territory is located within the City's SOI, is located within the City's Rural Urban Limit, and annexation is legally possible.

b) Annexations to the City:

All annexation proposals to the City involving territory located outside of NSD should annex to NSD if the affected territory is located within NSD's SOI and if service is available.

(2) City of American Canyon and American Canyon Fire Protection District (ACFPD):a) Annexations to ACFPD:

All annexation proposals to ACFPD involving territory located outside of the City should annex to the City if the affected territory is located within the City's SOI, is located within the City's Urban Limit Line, and annexation is legally possible.

b) Annexations to the City:

All annexation proposals to the City involving territory located outside of ACFPD should annex to ACFPD if the affected territory is located within ACFPD's SOI and if service is available.

(3) County Service Area (CSA) No. 4:a) Annexations to Cities or Towns:

All annexations to a city or town should include concurrent detachment from CSA No. 4 unless the affected territory has been, or is expected to be, developed to include planted vineyards totaling one acre or more.

VI. Policies Concerning City or Town Incorporations

A) The Commission discourages proposals to incorporate communities unless substantial evidence suggests the County and any affected special districts are not effectively meeting the needs of the community.

B) The Commission discourages proposals to incorporate communities involving land that is not already receiving essential public services from special districts.



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Outside Service Agreements

(Adopted: November 3, 2008; Last Amended: February 5, 2018)

I. BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 includes provisions requiring cities, towns, and special districts to request and receive written approval from the Commission before providing new or extended services by agreements outside their jurisdictional boundaries with limited exemptions pursuant to Government Code (G.C.) Sections 56133, 56133.5, and 56134.

The Commission may authorize a city, town, or special district to provide new or extended service outside its jurisdictional boundary, but within its sphere of influence, in anticipation of a subsequent change of organization, such as an annexation. The Commission may also authorize a city, town, or special district to provide new or extended service outside its jurisdictional boundary *and* sphere of influence (a) to address an existing or impending threat to public health or safety or (b) if the Commission makes the determinations set forth in Section V(A)(4) of this policy at a noticed public hearing.

II. PURPOSE

The purpose of these policies is to guide the Commission in reviewing city, town, and special district requests to provide new or extended services by agreement outside their jurisdictional boundaries. This includes making policy statements and establishing consistent procedures with respect to the form, review, and consideration of requests.

III. OBJECTIVE

The objective of the Commission in implementing these policies is to ensure the extension of services by cities, towns, and special districts outside their jurisdictional boundaries is logical and consistent with supporting orderly growth and development in Napa County, and to prevent the circumvention of the LAFCO process by providing services by contract instead of through the annexation of territory. The Commission recognizes the importance of considering local conditions and circumstances in implementing these policies.

From LAFCO's perspective, an Outside Service Agreement can:

- 1) Protect the public from threats to health and safety.
- 2) Impose restrictions that limit development to existing intensities.
- 3) Permit a city or town to plan for future development in an orderly manner through the use of traditional zoning or specific plans.
- 4) Discourage premature development of fringe properties.

IV. DEFINITIONS

The Commission shall incorporate the following definitions in administering this policy:

- A. “Services” shall mean any municipal service provided by a city, town, or special district unless otherwise exempted under G.C. Section 56133.
- B. “New” shall mean the extension of a service to previously unserved non-jurisdictional land.
- C. “Extended” shall mean the intensification of existing services.
- D. “Outside Service Agreement” shall mean an agreement contemplated by G.C. Sections 56133, 56133.5, or 56134.

V. LOCAL CONSIDERATIONS

A. Consideration of New or Extended Services Outside a Jurisdictional Boundary and Outside the Sphere of Influence (G.C. Sections 56133(c) or 56133.5)

When considering any proposed Outside Service Agreement pursuant to G.C. Section 56133(c) or the Pilot Program under G.C. Section 56133.5, the Commission will consider the following, which will be addressed in the Executive Officer’s written report:

- 1) The ability of the applicant to extend the subject service to the affected territory.
- 2) The application’s consistency with the policies and general plans of all affected local agencies.
- 3) The application’s effect on growth and development within and adjacent to the affected territory.
- 4) The documentation presented pursuant to G.C. Section 56133(c)(1), which must provide substantial evidence to support a finding by the Commission of an impending threat to the health or safety of the public or the residents of the affected territory.
- 5) The application’s potential impacts on prime agricultural or open space lands.
- 6) The application’s consistency with the Commission’s adopted municipal service review determinations and recommendations.
- 7) The application’s potential impacts with respect to supporting affordable or farmworker housing.

B. Consideration of New or Extended Services Outside the Jurisdictional Boundary but within the Sphere of Influence in Anticipation of a Later Change of Organization (G.C. Section 56133(b))

Annexations to cities, towns, and special districts involving territory located within the affected agency's sphere of influence are preferred to Outside Service Agreements. The Commission recognizes, however, that there may be instances when Outside Service Agreements involving territory within the affected agency's sphere of influence are appropriate given unique local circumstances.

When submitting an application under G.C. Section 56133(b), the city, town, or district must state with specificity the nature and timing of the anticipated later change of organization for the area affected by the potential Outside Service Agreement.

C. Environmental Review

The review of a proposed Outside Service Agreement will be subject to the review procedures defined in the California Environmental Quality Act (CEQA) and the Napa LAFCO CEQA Guidelines. Napa LAFCO will act as the Lead Agency under CEQA for its environmental review of any Outside Service Agreement request.

If an environmental assessment/analysis was prepared for the project associated with the service extension request (i.e. the County or agency's environmental analysis for a project) and LAFCO was afforded the opportunity to evaluate and comment during the Lead Agency's environmental review process, then LAFCO can act as a Responsible Agency under CEQA for its environmental review of an Outside Service Agreement.

A complete set of the adopted environmental documents prepared for the project, a copy of the filed Notice of Determination/Notice of Exemption, and a copy of the Department of Fish and Wildlife fee receipt must be submitted as part of the application. Completion of the CEQA review process will be required prior to action by the Executive Officer or the Commission.

VI. FORM OF REQUEST

The Commission encourages cities, towns, and special districts to coordinate with the Executive Officer prior to filing a request under G.C. Sections 56133 or 56134 in order to determine if the Pilot Program under G.C. Section 56133.5 or the exemptions under G.C. Section 56133(e) may apply.

Requests to authorize an Outside Service Agreement shall be filed with the Executive Officer by the affected city, town, or special district. Requests shall be made by resolution of application with a cover letter accompanying a completed application using the form provided in Attachment A. Requests shall identify any assurances that the Outside Service Agreement would not induce growth or result in the premature conversion of agricultural or open space lands to an urban use.

Requests shall include a check in the amount prescribed under the Commission's adopted fee schedule along with a copy of the proposed Outside Service Agreement. The application shall be signed by an authorized representative of the city, town, or special district.

VII. REVIEW OF REQUEST

The Executive Officer shall review and determine within 30 days of receipt whether the request to authorize an Outside Service Agreement is complete. If a request is deemed incomplete, the Executive Officer shall immediately notify the applicant and identify the information needed to accept the request for filing.

VIII. CONSIDERATION OF REQUEST

Once a request is deemed complete, the Executive Officer will prepare a written report with a recommendation.

In the case of a request involving an existing or impending public health or safety emergency, the Executive Officer will consult with the Chair regarding the request. If the Chair agrees that the request should be granted, then the Executive Officer may approve the request. The Commission shall ratify the approval at the next scheduled meeting. If the Chair does not agree, then the request will be presented at the Commission's next meeting.

For requests not involving an existing or impending public health or safety threat, the Executive Officer will present his or her report and recommendation at a public hearing for Commission consideration. The public hearing will be scheduled for the next meeting of the Commission for which adequate notice can be given but no later than 90 days from the date the request is deemed complete.

The Commission may approve, approve with conditions, or deny the request for an Outside Service Agreement. The Commission's determination and any required findings will be set out in a resolution that specifies the property or area to be served, the services to be provided, and the authority of the agency to provide its services outside its boundaries.

If the request is approved, the Commission's approval shall expire within one year from approval unless a contract has been executed and the construction of any needed infrastructure improvements has commenced. A one-time extension may be requested by the applicant for a period of time that is necessary to complete the Commission's conditions. Time extension requests shall include a check in the amount prescribed under the Commission's adopted fee schedule.

D. Service Information

1) Describe how the agency would provide the proposed new or extended service to the subject territory. Please identify any necessary infrastructure or facility improvements and associated funding requirements necessary to provide service to the subject territory.

2) If the proposed new or extended service involves water or sewer, identify the anticipated demand in terms of use (i.e., gallons) associated with serving the subject territory.

3) Does the agency have sufficient capacities to provide the proposed new or extended service to the subject territory without adversely effecting existing service levels?

4) What services, if any, are currently provided to the subject territory?

E. Additional Information

- 1) Identify the subject territory’s land use designation and zoning standard along with the minimum parcel density requirements.

- 2) Are there any proposed or approved, but not yet built, development projects involving the subject territory?

Yes No

If yes, describe the proposed projects or the approved permits/land use entitlements.

- 3) The Commission’s action regarding this request by the agency to provide new or extended services outside its jurisdictional boundary is subject to the requirements of the California Environmental Quality Act (CEQA). Has the agency conducted any CEQA reviews for any projects associated with this application?

Yes No

If yes, please provide copies of the environmental documentation, including the Notice of Exemption or Notice of Determination as well as proof of payment of applicable California Department of Fish & Game fees.

- 4) Is the subject territory located within the agency’s sphere of influence?

Yes No

If no, please identify whether there is an existing or impending threat to public health and safety or to the residents in support of the application.



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

Agenda Item 7a (Action)

TO: Local Agency Formation Commission

PREPARED BY: Tracy A. Schulze, County of Napa Auditor-Controller

MEETING DATE: December 4, 2023

SUBJECT: Financial Audit for Fiscal Year Ending June 30, 2023

RECOMMENDATION

Receive and file the financial audit report for the fiscal year ending June 30, 2023.

SUMMARY

Brown Armstrong was retained to conduct an independent audit of the agency's financial statements for the 2022-23 fiscal year. Brown Armstrong completed their audit in November 2023 and found no material misstatements. The audit also found no instances of significant or unusual changes in reporting practices and does not include any suggestions for improvements (Attachments 1 and 2).

Brown Armstrong's audit provides an unqualified opinion that the Commission's financial statements are reliable representations of the agency's financial position as of June 30, 2023. This "clean" opinion affirms the Commission maintains an effective level of internal control in managing its financial records and transactions which helps to ensure maximum accountability with respect to the agency's use of public funds. The audit also affirms that the Commission is in relatively strong financial position given it finished the fiscal year with an available/unrestricted fund balance of \$411,957; an amount representing approximately 73.8% of the agency's actual expenditures for the 2022-23 fiscal year and 50.6% of the fiscal year 2023-24 adopted budget.

A financial summary chart (Attachment 3) depicts changes in the Commission's audited fund balance for the past 15 fiscal years, beginning with 2008-09.

ATTACHMENTS

- 1) LAFCO Financial Audit Report for the Fiscal Year Ended June 30, 2023
- 2) Communications Letter from Brown Armstrong to the Commissioners
- 3) LAFCO Financial Summary Chart Fiscal Years 2008-09 to 2022-23

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

**LOCAL AGENCY FORMATION
COMMISSION OF NAPA COUNTY**

**FINANCIAL STATEMENTS
AND
INDEPENDENT AUDITOR'S REPORT**

**FOR THE YEAR ENDED
JUNE 30, 2023**

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
JUNE 30, 2023**

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**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
COMMISSION MEMBERSHIP
FOR THE YEAR ENDED JUNE 30, 2023**

<u>Name</u>	<u>Title</u>	<u>Term Expiration</u>
Margie Mohler	Chair City Selection Committee	May 2025
Anne Cottrell	Vice Chair Napa County Board of Supervisors	May 2024
Belia Ramos	Commissioner Napa County Board of Supervisors	May 2026
Kenneth Leary	Commissioner Public Member	May 2026
Beth Painter	Commissioner City Selection Committee	May 2027
Mariam Aboudamous	Alternate Commissioner City Selection Committee	May 2027
Joelle Gallagher	Alternate Commissioner Napa County Board of Supervisors	May 2025
Eve Kahn	Alternate Commissioner Public Member	May 2024

FINANCIAL SECTION



www.ba.cpa
661-324-4971

INDEPENDENT AUDITOR'S REPORT

Board of Commissioners
Local Agency Formation Commission of Napa County
Napa, California

Report on the Audit of the Basic Financial Statements

Opinions

We have audited the accompanying basic financial statements of the governmental activities and the major fund of the Local Agency Formation Commission of Napa County (the Commission), as of and for the year ended June 30, 2023, and the related notes to the basic financial statements, which collectively comprise the Commission's basic financial statements as listed in the table of contents.

In our opinion, the basic financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and the major fund of the Commission, as of June 30, 2023, and the respective changes in financial position thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Basic Financial Statements section of our report. We are required to be independent of the Commission and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Basic Financial Statements

Management is responsible for the preparation and fair presentation of the basic financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of basic financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the basic financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Commission's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Basic Financial Statements

Our objectives are to obtain reasonable assurance about whether the basic financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the basic financial statements.

In performing an audit in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the basic financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the basic financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the basic financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Commission's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages 4–7 and 20–21 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 29, 2023, on our consideration of the Commission's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Commission's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Commission's internal control over financial reporting and compliance.

BROWN ARMSTRONG
ACCOUNTANCY CORPORATION

Brown Armstrong
Accountancy Corporation

Bakersfield, California
November 29, 2023

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2023**

The Local Agency Formation Commission of Napa County (the Commission) administers a section of California Government Code known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The Commission is delegated regulatory and planning responsibilities to coordinate the logical formation and development of local agencies in a manner preserving agricultural and open-space resources, promoting the orderly extension of municipal services, and discouraging urban sprawl. Key duties include regulating boundary changes through annexations or detachments; approving city incorporations or disincorporations; and forming, consolidating, or dissolving special districts. The Commission is also responsible for preparing studies in order to knowledgeably perform its regulatory activities, including establishing and updating spheres of influence for all cities and special districts within its jurisdiction. Spheres are planning tools used by the Commission to designate the territory it believes represents the appropriate and probable future service area of the affected agency. All jurisdictional changes, such as annexations, must be consistent with the spheres of the affected agencies with limited exceptions. As of June 30, 2023, there are currently 23 total cities and special districts subject to Commission jurisdiction in Napa County (the County).

The Commission was first established in 1963 as an office within the County. From 1963 to 2000, 100% of the Commission's annual budget was funded by the County. On July 1, 2001, in conjunction with the enactment of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the Commission became autonomous of the County in terms of fulfilling its statutory duties and responsibilities. This transition was highlighted by the Commission appointing its own executive officer and counsel as well as altering its funding to include contributions from the cities of American Canyon, Calistoga, Napa, and St. Helena and the Town of Yountville. The County is now responsible for funding 50% of the Commission's annual budget with the remaining portion divided among the four cities and town based on a locally adopted formula as provided under Government Code Section 56381.

This narrative overview and analysis of the financial activities for the fiscal year ending June 30, 2023, is offered by the Commission's manager, the Executive Officer, to provide greater context to the audit performed by the Commission's independent auditor, Brown Armstrong Accountancy Corporation. Please read it in conjunction with the Commission's basic financial statements, which follow this section.

OVERVIEW OF THE BASIC FINANCIAL STATEMENTS

This discussion and analysis are intended to serve as an introduction to the Commission's basic financial statements. The following Statement of Net Position and Governmental Fund Balance Sheet, and the Statement of Activities and Governmental Fund Statement of Revenues, Expenditures, and Changes in Fund Balance, provide information about the activities of the Commission. The financial statements also include various note disclosures, which further describe the Commission's activities.

Government-Wide Statements

The government-wide financial statements are designed to provide readers with a broad overview of the Commission's finances, in a manner similar to a private sector business.

The Statement of Net Position presents information on all of the Commission's assets and liabilities, with the difference between the two reported as net position.

The Statement of Activities presents information showing how the Commission's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in the statement for some items that will only result in cash flows in future fiscal periods (e.g., earned but unused vacation leave).

Fund Financial Statements

A fund is a grouping of related accounts used to maintain control over resources segregated for specific activities or objectives. The Commission, like other local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. Fund financial statements report essentially the same functions as those reported in the government-wide financial statements. However, unlike the government-wide financial statements, fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year.

Because the focus of governmental funds is narrower than government-wide financial statements, it is useful to compare the information presented. Both the Governmental Fund Balance Sheet and the Governmental Fund Statement of Revenues, Expenditures, and Changes in Fund Balance provide reconciliations to facilitate the comparison between governmental funds and government-wide statements.

Notes to the Basic Financial Statements

The notes provide additional information essential to a full understanding of the data provided in the government-wide and fund financial statements.

Required Supplementary Information (RSI)

RSI is presented concerning the Commission's General Fund budgetary comparison schedule. The Commission adopts an annual appropriated budget for its General Fund. A budgetary comparison schedule has been provided for the General Fund to demonstrate compliance with this budget.

FINANCIAL ANALYSIS OF THE COMMISSION

Net Position

The Commission has presented its basic financial statements under the reporting model required by Governmental Accounting Standards Board (GASB) Statement No. 34, *Basic Financial Statements – and Management's Discussion and Analysis (MD&A) – for State and Local Governments*.

	<u>2023</u>	<u>2022</u>	<u>Variance</u>
Assets			
Current Assets	\$ 413,711	\$ 301,290	\$ 112,421
Noncurrent assets	82,961	110,019	(27,058)
Total Assets	<u>496,672</u>	<u>411,309</u>	<u>85,363</u>
Liabilities			
Current Liabilities	1,754	432	1,322
Long-Term Liabilities	87,755	113,770	(26,015)
Total Liabilities	<u>89,509</u>	<u>114,202</u>	<u>(24,693)</u>
Net Position			
Net Investment in Capital Assets (Leased Assets)	(4,794)	(3,751)	(1,043)
Unrestricted	411,957	300,858	111,099
Total Net Position	<u>\$ 407,163</u>	<u>\$ 297,107</u>	<u>\$ 110,056</u>

Net position may serve over time as a useful indicator of a government's financial position. In the case of the Commission, total assets exceeded total liabilities by \$407,163 as of June 30, 2023, due to revenues exceeding projected expenses.

Changes in Net Position

The government-wide financial statement presented below represents an analysis of the Commission's governmental activities.

Condensed Statement of Activities For the Year Ended June 30, 2023

	2023	2022	Variance
Revenues:			
Intergovernmental	\$ 627,588	\$ 509,670	\$ 117,918
Charges for Services	32,777	31,599	1,178
Interest Income	7,243	5,418	1,825
Total Revenues	667,608	546,687	120,921
Expenses:			
Contracted Administrative Services	442,964	444,598	(1,634)
Services and Supplies	112,651	93,224	19,427
Debt Service:			
Interest	1,937	2,001	(64)
Total Expenses	557,552	539,823	17,729
Change in Net Position	110,056	6,864	103,192
Net Position - Beginning of Year	297,107	290,243	6,864
Net Position - End of Year	\$ 407,163	\$ 297,107	\$ 110,056

Financial Analysis of the Commission's Governmental Fund

As noted earlier, fund accounting is used by the Commission to ensure and demonstrate compliance with finance-related legal requirements.

For the year ending June 30, 2023, the Commission reported an ending fund balance of \$411,957, for an increase of \$111,099 from the prior year.

BUDGETARY HIGHLIGHTS

The Commission practices bottom-line accounting, giving management the discretion to use excess funds in one account to offset deficits in other accounts. This allows management to minimize the fiscal impact of unanticipated increases in contracted administrative services by controlling spending in other accounts.

State law requires that the County, and the four cities and town within the County, fund the Commission's budget each year. The Commission is also authorized to establish and collect fees for purposes of offsetting agency contributions. It is also the practice of the Commission to make use of its unrestricted fund balance to help cover operating costs to help minimize the fiscal impact on local agencies as long as the balance does not fall below the equivalent of four months of operating expenses. This practice of using the unrestricted fund balance to help cover operating costs occasionally results in budgeting an

operating shortfall. For the year ending June 30, 2023, the Commission budgeted an operating shortfall of \$0. The actual change in fund balance was a surplus of \$111,099, primarily due to the increase in charges for services and decrease in contracted administrative expenditures (most notably an extended vacancy in the Commission Clerk position), legal expenditures, rent and lease expenditures, and training expenditures.

It should be noted that Intergovernmental Revenues represent the amount each agency was required to contribute to the Commission's budget.

CAPITAL ASSETS

During fiscal year 2008-09, the Commission purchased an electronic document management system with a cost of \$19,657. This asset was depreciated over an estimated useful life of 5 years, using the straight-line depreciation method, and therefore, was fully depreciated as of fiscal year 2013-14.

The Commission has an assigned fund balance of \$19,657 for the eventual replacement of the document management system.

During fiscal year 2021-22, the Commission implemented GASB Statement No. 87, *Leases*. The Commission recognized two (2) right-to-use leased assets for a building lease and a Xerox copier machine. Right-to-use leased assets totaled \$82,961 (net of accumulated amortization) as of June 30, 2023. Refer to Note 3 for additional details.

DEBT ADMINISTRATION

The Commission's long-term obligations were for lease liabilities. The Commission's obligations totaled \$87,755 as of June 30, 2023. Refer to Note 4 for additional details.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET

The Commission is committed to fulfilling its state-mandated mission with as little fiscal impact on local agencies as possible. In preparing the budget for fiscal year 2023-24, the Commission used a spending baseline to estimate how much it would cost to continue the level of its activities and services at next year's price for labor and supplies. The Commission's adopted fiscal year 2023-24 budget is \$812,946, an overall percentage increase of 22.5% from prior year's original adopted budget. This increase is due to administrative cost increases involving the new full-time Clerk/Jr. Analyst staff position, expenses related to a countywide study of fire and emergency medical services, a half-day strategic planning workshop with an outside facilitator, increased legal service needs, and anticipated conference attendance.

CONTACTING THE COMMISSION

These financial statements are designed to provide a general overview of the Commission's finances for all those interested. Through a memorandum of understanding, the County provides certain management and administrative functions, including financial management and accounting. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to:

Local Agency Formation Commission of Napa County
1754 Second Street, Suite C
Napa, California 94559

BASIC FINANCIAL STATEMENTS

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
STATEMENT OF NET POSITION
JUNE 30, 2023**

Assets	
Cash in County Treasury	\$ 411,425
Deposits with Others	2,200
Prepays	86
Leased Assets	
Right-to-Use Assets, Net of Accumulated Amortization	<u>82,961</u>
Total Assets	<u>496,672</u>
Liabilities	
Accounts Payable	966
Accrued Salaries and Benefits	788
Long-Term Liabilities	
Due Within One Year:	
Lease Liability	27,301
Due in More Than One Year:	
Lease Liability	<u>60,454</u>
Total Liabilities	<u>89,509</u>
Net Position	
Net Investment in Capital Assets (Leased Assets)	(4,794)
Unrestricted	<u>411,957</u>
Total Net Position	<u><u>\$ 407,163</u></u>

The accompanying notes are an integral part of these financial statements.

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2023**

Program Expenses	
Contracted Administrative Services	\$ 442,964
Services and Supplies	112,651
Debt Service:	
Interest	<u>1,937</u>
Total Program Expenses	<u>557,552</u>
Program Revenues	
Intergovernmental Revenues:	
County of Napa	313,794
Other Governmental Agencies	313,794
Charges for Services	<u>32,777</u>
Total Program Revenues	<u>660,365</u>
Net Program Revenue	102,813
General Revenues	
Interest Income	<u>7,243</u>
Change in Net Position	110,056
Net Position - Beginning of Year	<u>297,107</u>
Net Position - End of Year	<u><u>\$ 407,163</u></u>

The accompanying notes are an integral part of these financial statements.

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
BALANCE SHEET
GOVERNMENTAL FUND
JUNE 30, 2023**

Assets	
Cash in County Treasury	\$ 411,425
Deposits with Others	2,200
Prepays	<u>86</u>
Total Assets	<u>\$ 413,711</u>
Liabilities	
Accounts Payable	\$ 966
Accrued Salaries and Benefits	<u>788</u>
Total Liabilities	<u>1,754</u>
Fund Balance	
Assigned	19,657
Unassigned	<u>392,300</u>
Total Fund Balance	<u>411,957</u>
Total Liabilities and Fund Balance	<u>\$ 413,711</u>

The accompanying notes are an integral part of these financial statements.

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
RECONCILIATION OF THE GOVERNMENTAL FUND
BALANCE SHEET TO THE STATEMENT OF NET POSITION
JUNE 30, 2023**

Reconciliation of the Balance Sheet to the Statement of Net Position

Total fund balance - governmental fund (page 10)	\$ 411,957
Amounts reported for governmental activities in the statement of net position are different because:	
Right-to-use leased assets used for governmental activities are not reported as assets in the governmental fund.	82,961
Lease liability is not reported in the governmental fund.	<u>(87,755)</u>
Net position of governmental activities (page 8)	<u><u>\$ 407,163</u></u>

The accompanying notes are an integral part of these financial statements.

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCE
GOVERNMENTAL FUND
FOR THE YEAR ENDED JUNE 30, 2023**

Revenues

Intergovernmental Revenues:

County of Napa	\$ 313,794
Other Governmental Agencies	313,794
Charges for Services	32,777
Interest Income	<u>7,243</u>
Total Revenues	<u><u>667,608</u></u>

Expenditures

Contracted Administrative Services	442,964
Services and Supplies	85,593
Debt Service:	
Principal	26,015
Interest	<u>1,937</u>
Total Expenditures	<u><u>556,509</u></u>

Change in Fund Balance	111,099
Fund Balance - Beginning of Year	<u>300,858</u>
Fund Balance - End of Year	<u><u>\$ 411,957</u></u>

The accompanying notes are an integral part of these financial statements.

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
RECONCILIATION OF THE GOVERNMENTAL FUND STATEMENT OF REVENUES,
EXPENDITURES, AND CHANGES IN FUND BALANCE TO THE STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2023**

**Reconciliation of Statement of Revenues, Expenditures, and
Changes in Fund Balance to the Statement of Activities**

Net change in fund balance - governmental fund (page 12)	\$ 111,099
Amounts reported for governmental activities in the statement of activities are different because:	
Lease amortization expense does not use current financial resources but has an effect on net position.	(27,058)
Lease principal payments on long-term debt use current financial resources but have no effect on net position.	<u>26,015</u>
Change in net position of governmental activities (page 9)	<u><u>\$ 110,056</u></u>

The accompanying notes are an integral part of these financial statements.

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
NOTES TO THE BASIC FINANCIAL STATEMENTS
JUNE 30, 2023**

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Reporting Entity

The Local Agency Formation Commission of Napa County (the Commission) was created in 1963 by the California Legislature to encourage the orderly formation and development of local agencies, promote the efficient extension of municipal services, and protect against the premature conversion of agricultural and open-space lands. In 2001, following the enactment of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the Commission became an independent agency separate from the County of Napa (the County). As of June 30, 2023, there are 23 cities and special districts under the jurisdiction of the Commission in the County.

The Board of Commissioners is comprised of five regular and three alternate members. Each member is appointed pursuant to California Government Code Section 56000 et. seq. and represents one of the following three interests:

- **County Members:** Two regular and one alternate member represent the County. These members are members of the County Board of Supervisors. Appointments are made by the Board of Supervisors.
- **City Members:** Two regular and one alternate member represent the four cities and town in the County. The members are mayors or council members. Appointments are made by the City Selection Committee.
- **Public Members:** One regular and one alternate member represent the general public. Appointments are made by the County and City Members on the Commission.

The Commission includes all activities (operations of its administrative staff and commission officers) considered to be a part of the Commission. The Commission reviewed the criteria developed by the Governmental Accounting Standards Board (GASB) in its issuance of Statement No. 14 and amended by Statement No. 61, relating to the financial reporting entity, to determine whether the Commission is financially accountable for other entities. The Commission has determined that no other outside entity meets the above criteria and, therefore, no agency has been included as a component unit in the financial statements. In addition, the Commission is not aware of any entity that would be financially accountable for the Commission that would result in the Commission being considered a component unit of that entity.

B. Basis of Presentation and Accounting

Government-Wide Financial Statements

The Statement of Net Position and Statement of Activities display information about the primary government (the Commission). These statements include the financial activities of the overall Commission.

The Statement of Activities presents a comparison between direct expenses and program revenues for the Commission's governmental activity. Direct expenses are those that are specifically associated with the Commission's governmental activity. Program revenues include grants and contributions that are restricted to meeting the operational or capital requirements of the Commission. Revenues that are not classified as program revenues, including all taxes and investment income, are presented as general revenues.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**B. Basis of Presentation and Accounting (Continued)***Government-Wide Financial Statements (Continued)*

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of when the related cash flows take place. Nonexchange transactions are those in which the Commission gives (or receives) value without directly receiving (or giving) equal value in exchange, including grants. Revenues from grants are recognized in the fiscal year in which all eligible requirements have been satisfied. No grants have been received or are anticipated to be received in the near future.

When both restricted and unrestricted net position are available, restricted resources are used before non-restricted resources.

Fund Financial Statements

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized when measurable and available ("susceptible to accrual"). Taxes, interest, certain state and federal grants, and charges for services revenues are accrued when their receipt occurs within sixty days after the end of the accounting period so as to be measurable and available. Expenditures are generally recorded when a liability is incurred, as under the accrual basis of accounting. However, debt service expenditures, as well as expenditures related to compensated absences, are recorded only when payment is due.

The General Fund is the Commission's primary operating fund. It accounts for all financial resources of the general government.

C. Capital Assets

Capital assets are recorded at historical cost or estimated historical cost if actual historical cost is not available. Contributed capital assets are valued at their estimated fair market value on the date contributed. The Commission defines capital assets as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of one year. Capital assets used in operations are depreciated using the straight-line method over their estimated useful lives in the government-wide statements. Depreciation begins on the first day of the fiscal year following the period the asset is placed in service and ends in the fiscal year that it is retired from service or is fully depreciated.

D. Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

E. Lease Assets

Right-to-use leased assets are recorded at the amount of the initial measurement of the lease liabilities and modified by any lease payment made to the lessor at or before the commencement of the lease term, less any lease incentives received from the lessor at or before the commencement of the lease term along with any direct costs that are ancillary charges necessary to place the leased assets into service in accordance with GASB Statement No. 87, *Leases*.

Right-to-use leased assets are amortized using the straight-line method over the shorter of the lease term or the useful life on the underlying asset, unless the lease contains a purchase option that the Commission has determined is reasonably certain of being exercised.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**F. New Accounting Pronouncements Implemented**

GASB Statement No. 91 – Conduit Debt Obligations. The requirements of this statement are effective for fiscal years beginning after December 15, 2021. Earlier application is encouraged. This statement does not impact the financial statements or disclosures of the Commission as the Commission does not have these types of transactions.

GASB Statement No. 94 – Public-Private and Public-Public Partnerships and Availability Payment Arrangements. The requirements of this statement are effective for fiscal years beginning after June 15, 2022, and all fiscal years thereafter. This statement does not impact the financial statements or disclosures of the Commission as the Commission does not have these types of transactions.

GASB Statement No. 96 – Subscription-Based Information Technology Arrangements. The requirements of this statement are effective for fiscal years beginning after June 15, 2022, and all reporting periods thereafter. This statement does not impact the financial statements or disclosures of the Commission as the Commission does not have these types of transactions.

GASB Statement No. 99 – Omnibus 2022. The requirements of this statement are effective as follows:

- The requirements related to extension of the use of the London Interbank Offered Rate (LIBOR), accounting for Supplemental Nutrition Assistance Program (SNAP) distributions, disclosures of nonmonetary transactions, pledges of future revenues by pledging governments, clarification of certain provisions in GASB Statement No. 34, as amended, and terminology updates related to GASB Statement No. 53 and GASB Statement No. 63 are effective upon issuance.
- The requirements related to leases, public-private and public-public partnerships (PPPs), and subscription-based information technology arrangements (SBITAs) are effective for fiscal years beginning after June 15, 2022, and all reporting periods thereafter.
- The requirements related to financial guarantees and the classification and reporting of derivative instruments within the scope of GASB Statement No. 53 are effective for fiscal years beginning after June 15, 2023, and all fiscal years thereafter.

This statement does not impact the financial statements or disclosures of the Commission as the Commission does not have these types of transactions.

G. Future Accounting Pronouncements

GASB Statement No. 100 – Accounting Changes and Error Corrections—an Amendment of GASB Statement No. 62. For fiscal years beginning after June 15, 2023, and all reporting periods thereafter. Earlier application is encouraged. The Commission has not fully judged the impact of implementation of this standard on the financial statements.

GASB Statement No. 101 – Compensated Absences. The requirements of this statement are effective for fiscal years beginning after December 15, 2023, and all reporting periods thereafter. Earlier application is encouraged. The Commission has not fully judged the impact of implementation of this standard on the financial statements.

NOTE 2 – CASH

Cash at June 30, 2023, consisted of the following:

Cash in County Treasury	\$ 411,425
	\$ 411,425

NOTE 2 – CASH (Continued)

The Commission maintains all of its cash and investments with the County Treasurer in an investment pool. On a quarterly basis, the Treasurer allocates interest to participants based upon their average daily balances. Required disclosure information regarding categorization of investments and other deposit and investment risk disclosures can be found in the County's financial statements. The County's financial statements may be obtained by contacting the County's Auditor-Controller's Office at 1195 Third Street, Room B-10, Napa, California 94559. The County Treasury Oversight Committee oversees the Treasurer's investments and policies.

Required disclosures for the Commission's deposit and investment risks at June 30, 2023, were as follows:

Credit risk	Not rated
Custodial risk	Not applicable
Concentration of credit risk	Not applicable
Interest rate risk	Not available

Investments held in the County's investment pool are available on demand and are stated at cost plus accrued interest, which approximates fair value. The Commission has no deposit or investment policy that addresses a specific type of risk.

NOTE 3 – CAPITAL ASSETS AND RIGHT-TO-USE LEASED ASSETS

Capital assets and right-to-use leased assets activity at June 30, 2023, were as follows:

	Balance July 1, 2022	Additions	Retirements	Balance June 30, 2023
Capital assets being depreciated:				
Equipment	\$ 19,657	\$ -	\$ -	\$ 19,657
Total capital assets being depreciated	19,657	-	-	19,657
Less accumulated depreciation:				
Equipment	(19,657)	-	-	(19,657)
Total accumulated depreciation	(19,657)	-	-	(19,657)
Capital assets, net	-	-	-	-
Right-to-use leased assets being amortized:				
Building	125,943	-	-	125,943
Equipment	9,033	-	-	9,033
Total right-to-use leased assets being amortized	134,976	-	-	134,976
Less accumulated amortization:				
Building	(23,090)	(25,189)	-	(48,279)
Equipment	(1,867)	(1,869)	-	(3,736)
Total accumulated amortization	(24,957)	(27,058)	-	(52,015)
Right-to-use leased assets, net	110,019	(27,058)	-	82,961
Total capital assets and right-to-use leased assets, net	\$ 110,019	\$ (27,058)	\$ -	\$ 82,961

Amortization for right-to-use leased assets (see Note 4) for the fiscal year ended June 30, 2023, was \$27,058.

NOTE 4 – LONG-TERM LIABILITIES

The Commission has entered into two (2) lease agreements as follows:

The Commission has entered into a lease agreement, with a recognized inception date of August 1, 2021, as lessee for the use of 1754-C 2nd St. The lease term ends on July 31, 2026. An initial lease liability of \$125,943 was recorded on August 1, 2021. As of June 30, 2023, the value of the lease liability was \$82,360. The Commission recorded \$24,179 as the principal portion of the lease payments for the year ended June 30, 2023. The Commission has a fixed base rent schedule, ranging from \$1,850 a month on August 1, 2021, to \$2,350 a month ending July 1, 2026. The Commission is utilizing the County's incremental borrowing rate of 1.9%.

The Commission has entered into a lease agreement, with a recognized inception date of July 1, 2021, as lessee for the use of a Xerox copier machine. The lease term ends on April 28, 2026. An initial lease liability of \$9,033 was recorded on July 1, 2021. As of June 30, 2023, the value of the lease liability was \$5,395. The Commission recorded \$1,836 as the principal portion of the lease payments for the year ended June 30, 2023. The Commission has a fixed base rent of \$163 a month through the end of the term on April 28, 2026. The Commission is utilizing the County's incremental borrowing rate of 1.9%.

Principal and interest payments to maturity are as follows:

Year Ending June 30,	Principal	Interest
2024	\$ 27,301	\$ 1,432
2025	28,626	902
2026	29,485	346
2027	2,343	4
Total	<u>\$ 87,755</u>	<u>\$ 2,684</u>

NOTE 5 – NET POSITION/FUND BALANCE**Net Position**

Net position comprises the various net earnings from operating and nonoperating revenues, expenses, and capital contributions. Net position is classified in the following three components: net investment in capital assets, net position – restricted, and net position – unrestricted. The Commission reports net investment in capital assets and net position – unrestricted balances. Net investment in capital assets consists of all capital and right-to-use leased assets, net of accumulated depreciation/amortization and reduced by outstanding debt that is attributable to the acquisition, construction, and improvement of those assets. Unrestricted net position consists of all other net position not included in the above categories.

Fund Balance

Governmental funds report fund balance in classifications based primarily on the extent to which the Commission is bound to honor constraints on the specific purposes for which amounts in the funds can be spent. As of June 30, 2023, fund balances for governmental funds are made up of the following:

- *Nonspendable fund balance* – amounts that are not in spendable form (such as inventory) or are required to be maintained intact.
- *Restricted fund balance* – amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation.

NOTE 5 – NET POSITION/FUND BALANCE (Continued)**Fund Balance** (Continued)

- *Committed fund balance* – amounts constrained to specific purposes by the Commission itself, using its highest level of decision-making authority. To be reported as committed, amounts cannot be used for any other purpose unless the Commission takes the same highest level of action to remove or change the constraint.
- *Assigned fund balance* – amounts the Commission intends to use for a specific purpose. Intent can be expressed by the Board of Commissioners or by an official or body to which the Board of Commissioners delegates the authority.
- *Unassigned fund balance* – amounts that are available for any purpose. Positive amounts are reported only in the General Fund.

The Board of Commissioners establishes (and modifies or rescinds) fund balance commitments by adopting a final budget no later than June 15th and approving amendments as needed throughout the year. A fund balance commitment is further indicated in the budget document as a designation or commitment of the fund (such as for special incentives).

In circumstances when an expenditure is made for a purpose for which amounts are available in multiple fund balance classifications, fund balance is generally depleted in the order of restricted, committed, assigned, and unassigned.

The Commission strives to maintain an unassigned fund balance to be used for unanticipated emergencies of approximately four months of expenditures.

NOTE 6 – RELATED PARTY TRANSACTIONS

During the year ended June 30, 2023, the Commission paid the County, a related party, \$458,718 for personnel and other support services.

In addition, the Commission received \$313,794 during the year ended June 30, 2023, from the County, a related party, pursuant to Government Code Section 56381. The County provides half of the intergovernmental revenue to the Commission. The other half is funded by the City of Napa, City of St. Helena, City of American Canyon, City of Calistoga, and Town of Yountville.

NOTE 7 – RISK MANAGEMENT

The Commission is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The Commission participates in the County's risk pool. Information about coverage can be found in the County's basic financial statements.

NOTE 8 – SUBSEQUENT EVENTS

Subsequent events have been evaluated through November 29, 2023, which is the date the basic financial statements were available to be issued. No events have occurred that would require disclosure.

REQUIRED SUPPLEMENTARY INFORMATION

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
BUDGETARY COMPARISON SCHEDULE
FOR THE YEAR ENDED JUNE 30, 2023**

	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Variance with Final Budget</u>
Revenues				
Intergovernmental Revenues	\$ 627,588	\$ 627,588	\$ 627,588	\$ -
Charges for Services	26,000	26,000	32,777	6,777
Interest Income	6,000	6,000	7,243	1,243
Miscellaneous	4,000	4,000	-	(4,000)
Total Revenues	<u>663,588</u>	<u>663,588</u>	<u>667,608</u>	<u>4,020</u>
Expenditures				
Contracted Administrative Services	525,794	525,794	442,964	82,830
Services and Supplies	109,842	109,842	85,593	24,249
Debt Service:				
Principal	27,952	27,952	26,015	1,937
Interest	-	-	1,937	(1,937)
Total Expenditures	<u>663,588</u>	<u>663,588</u>	<u>556,509</u>	<u>107,079</u>
Change in Fund Balance	<u>\$ -</u>	<u>\$ -</u>	111,099	<u>\$ 111,099</u>
Fund Balance - Beginning of Year			<u>300,858</u>	
Fund Balance - End of Year			<u>\$ 411,957</u>	

See accompanying note to the required supplementary information.

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
NOTE TO THE REQUIRED SUPPLEMENTARY INFORMATION
FOR THE YEAR ENDED JUNE 30, 2023**

BUDGET AND BUDGETARY REPORTING

The Local Agency Formation Commission of Napa County (the Commission) prepares and legally adopts a final budget on or before June 15th of each fiscal year.

After the budget is approved, the appropriations can be added to, subtracted from, or changed only by Board of Commissioners resolution. All such changes must be within the revenues and reserves estimated as available in the final budget or within revised revenue estimates as approved by the Commission.

An operating budget is adopted each fiscal year on the modified accrual basis of accounting. Additionally, encumbrance accounting is utilized to assure effective budgetary control. Encumbrances outstanding at year-end represent the estimated amount of the expenditures ultimately to result if the unperformed contracts in process at year-end are completed or purchase commitments satisfied. Such year-end encumbrances are reported as reservations of fund balances and do not constitute expenditures or liabilities because the commitments will be honored during the subsequent year and included in the subsequent year's budget. Unencumbered appropriations lapse at year-end. Budgets are prepared using accounting principles generally accepted in the United States of America.

The legal level of budgetary control (the level on which expenditures may not legally exceed appropriations) is at the object level. Object levels of expenditures are as follows: salaries and benefits, services and supplies, and other charges.

OTHER REPORT



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661-324-4971

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN
ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

Board of Commissioners
Local Agency Formation Commission of Napa County
Napa, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the basic financial statements of the governmental activities and the major fund of the Local Agency Formation Commission of Napa County (the Commission), as of and for the year ended June 30, 2023, and the related notes to the basic financial statements, which collectively comprise the Commission's basic financial statements, and have issued our report thereon dated November 29, 2023.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the basic financial statements, we considered the Commission's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the basic financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, we do not express an opinion on the effectiveness of the Commission's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the Commission's basic financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Commission's basic financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the basic financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Commission's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Commission's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

BROWN ARMSTRONG
ACCOUNTANCY CORPORATION

Brown Armstrong
Accountancy Corporation

Bakersfield, California
November 29, 2023



Board of Commissioners
 Local Agency Formation Commission of Napa County
 Napa, California

We have audited the financial statements of the governmental activities and the major fund of the Local Agency Formation Commission of Napa County (the Commission) for the year ended June 30, 2023. Professional standards require that we provide you with information about our responsibilities under auditing standards generally accepted in the United States of America and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated July 5, 2023. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Matters

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Commission are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year. We noted no transactions entered into by the Commission during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the County's financial statements were:

Management's estimate of the discount rate for the purpose of calculating the right-to-use leased assets and lease liabilities relating to leases. We evaluated the key factors and assumptions used to develop the estimate of the discount rate for the purpose of calculating the right-to-use leased assets and lease liabilities relating to leases in determining that it is reasonable in relation to the financial statements taken as a whole.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the financial statements were:

- The disclosure of right-to-use leased assets and long-term liabilities in Notes 3 and 4, respectively, to the financial statements.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. No such misstatements were identified.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated November 29, 2023.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Commission's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Commission's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to Management's Discussion and Analysis and the Budgetary Comparison Schedule, which are required supplementary information (RSI) that supplement the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

Restriction on Use

This information is intended solely for the information and use of the Board of Commissioners and management of the Commission and is not intended to be, and should not be, used by anyone other than these specified parties.

BROWN ARMSTRONG
ACCOUNTANCY CORPORATION

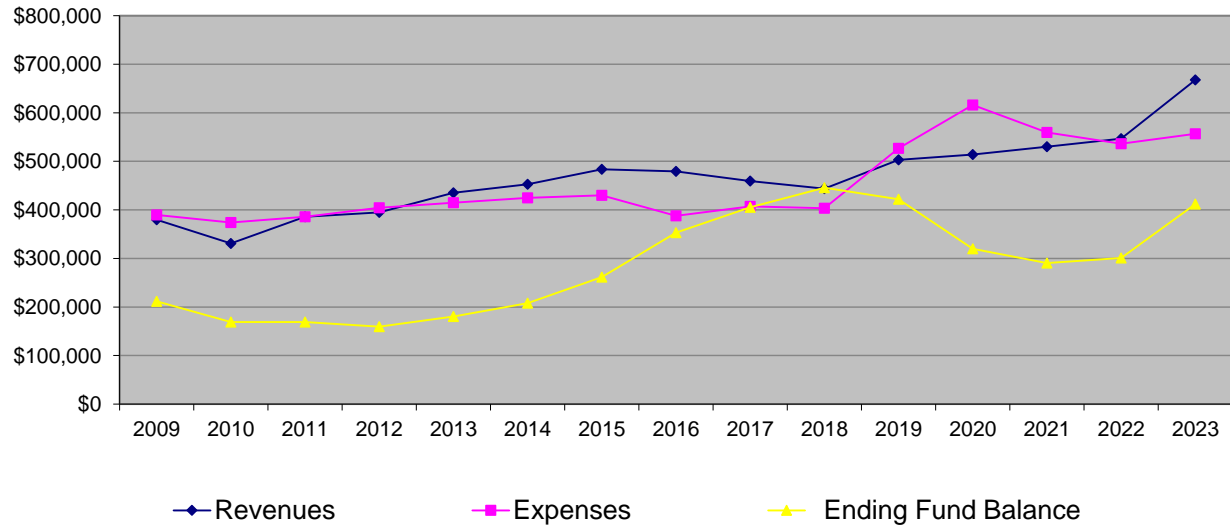
Brown Armstrong
Accountancy Corporation

Bakersfield, California
November 29, 2023

LAFCO Financial Summary
For the Past 15 Years

ATTACHMENT THREE

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Revenues	\$ 379,499	\$ 330,942	\$ 386,070	\$ 394,658	\$ 435,317	\$ 452,727	\$ 483,743	\$ 479,137	\$ 459,555	\$ 443,870	\$ 503,137	\$ 514,135	\$ 530,167	\$ 546,687	\$ 667,608
Expenses	389,688	373,993	385,677	404,358	414,578	424,924	430,146	387,701	407,207	403,630	526,982	616,203	559,686	536,072	556,509
Surplus/Deficit	\$ (10,189)	\$ (43,051)	\$ 393	\$ (9,700)	\$ 20,739	\$ 27,803	\$ 53,597	\$ 91,436	\$ 52,348	\$ 40,240	\$ (23,845)	\$ (102,068)	\$ (29,519)	\$ 10,615	\$ 111,099
Fund Balance:															
Beginning Fund Balance	\$ 222,059	\$ 211,870	\$ 168,819	\$ 169,212	\$ 159,512	\$ 180,251	\$ 208,054	\$ 261,651	\$ 353,087	\$ 405,435	\$ 445,675	\$ 421,830	\$ 319,762	\$ 290,243	\$ 300,858
Surplus/Deficit 6/30	(10,189)	(43,051)	393	(9,700)	20,739	27,803	53,597	91,436	52,348	40,240	(23,845)	(102,068)	(29,519)	10,615	111,099
Ending Fund Balance	\$ 211,870	\$ 168,819	\$ 169,212	\$ 159,512	\$ 180,251	\$ 208,054	\$ 261,651	\$ 353,087	\$ 405,435	\$ 445,675	\$ 421,830	\$ 319,762	\$ 290,243	\$ 300,858	\$ 411,957
Breakdown of Fund Balance:															
Petty Cash Reserve	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100
Equipment Replacement Reserve	-	3,931	7,862	11,793	15,724	19,557	19,557	19,557	19,557	19,557	19,557	19,557	19,557	19,557	19,557
Available Fund Balance	211,870	164,788	161,250	147,619	164,427	188,397	241,994	333,430	385,778	426,018	402,173	300,105	270,586	281,201	392,300
Total Fund Balance	\$ 211,970	\$ 168,819	\$ 169,212	\$ 159,512	\$ 180,251	\$ 208,054	\$ 261,651	\$ 353,087	\$ 405,435	\$ 445,675	\$ 421,830	\$ 319,762	\$ 290,243	\$ 300,858	\$ 411,957





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

1754 Second Street, Suite C
Napa, California 94559
Phone: (707) 259-8645
www.napa.lafco.ca.gov

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

Agenda Item 7b (Action)

TO: Local Agency Formation Commission
PREPARED BY: Dawn Mittleman Longoria, Assistant Executive Officer
Stephanie Pratt, Clerk/Jr. Analyst
MEETING DATE: December 4, 2023
SUBJECT: Proposed Sierra Avenue/Villa Lane Annexation to the Napa Sanitation District and Associated CEQA Findings

RECOMMENDATION

Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Sierra Avenue/Villa Lane Annexation to the Napa Sanitation District (NSD) making California Environmental Quality Act (CEQA) findings and approving the proposed annexation (Attachment One). Standard conditions are also recommended.

BACKGROUND AND SUMMARY

Applicant: Landowner (petition)
Proposed Action: Annexation to NSD
APNs: 038-250-035 and 038-250-037
Location: 1185 Sierra Avenue
Area Size: 10.45 acres
Jurisdiction: City of Napa ("City")
Sphere of Influence (SOI) Consistency: Yes – NSD
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Exempt
Current Land Uses: Vintage High School portable classrooms recently approved zoning could allow 53 single family homes (SFHs) and 13 accessory dwelling units (ADUs).

The proposed action involves a landowner petition for annexation of two incorporated parcels to NSD. The purpose of the proposal is to allow subdivision for the construction of 53 SFHs and 13 ADUs, as approved by the City of Napa. The application materials are included as Attachment Two.

A vicinity map of the affected territory showing NSD’s jurisdictional boundary with the City’s jurisdictional boundary and an aerial map are provided on the following page.

Margie Mohler, Chair
Councilmember, Town of Yountville

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Kenneth Leary, Commissioner
Representative of the General Public

Beth Painter, Commissioner
Councilmember, City of Napa

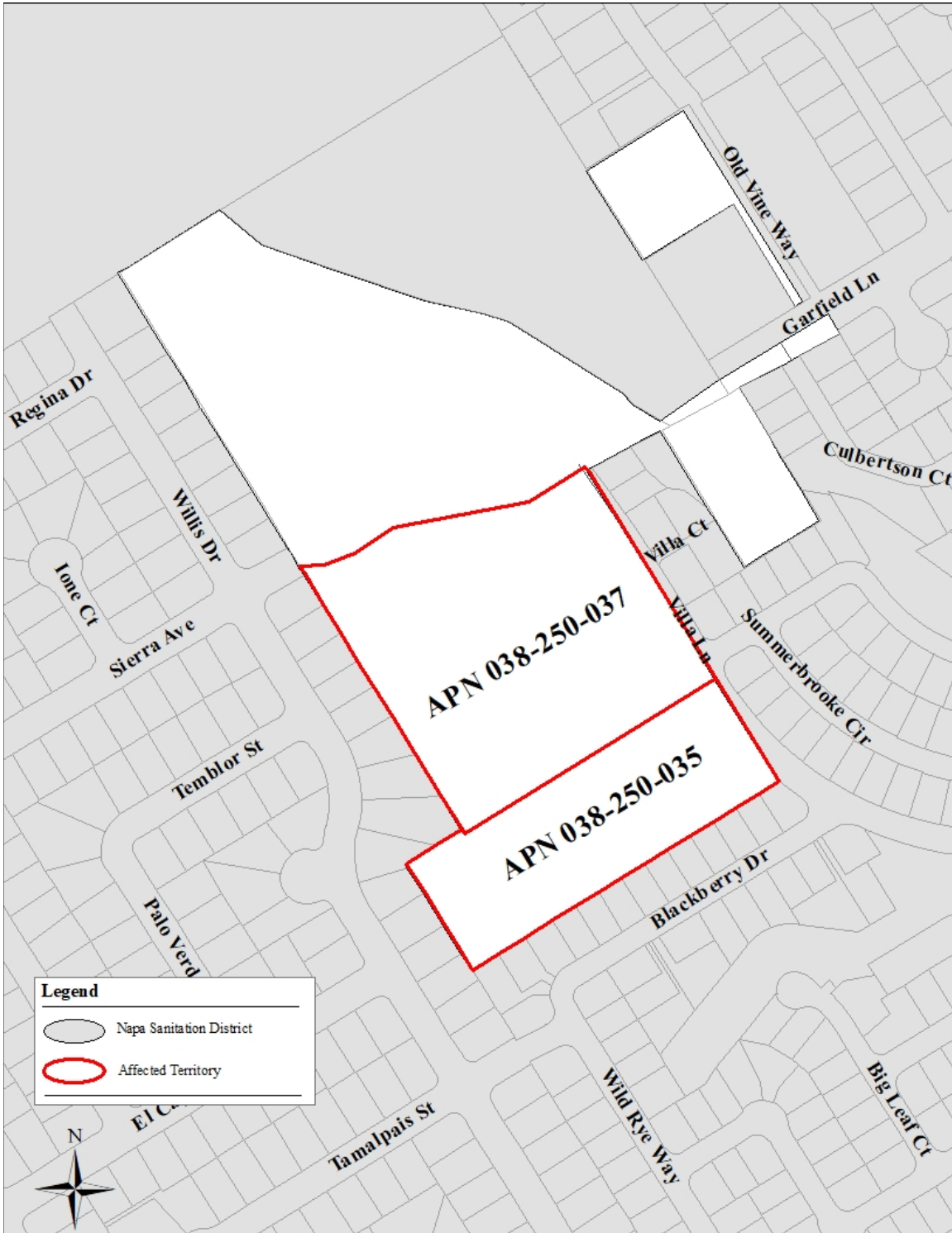
Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Eve Kahn, Alternate Commissioner
Representative of the General Public

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Brendon Freeman
Executive Officer





DISCUSSION

Factors for Commission Determinations

Mandated Factors: Attachment Three¹

Property Tax Agreement

Master Property Tax Agreement: No additional allocation for annexations to NSD²

Protest Proceedings

Waived: Legally uninhabited (less than 12 registered voters) with 100% consent of property owners³

ENVIRONMENTAL REVIEW

Lead Agency: City of Napa

Project Title: Vintage Farm Residential Subdivision

CEQA Determination: Negative Declaration. Pursuant to CEQA Guidelines Section 15168, the City Council of the City of Napa, serving as the lead agency, determined based on substantial evidence that the proposed Vintage Farm Residential Subdivision Project is within the scope of the City of Napa General Plan Update Final Environmental Impact Report (General Plan FEIR) certified by the City Council of the City of Napa on September 20, 2022 (SCH # 2021010255). As described in the Environmental Checklist submitted by LSA Associates, Inc. on September 21, 2023, adopted by the City Council of the City of Napa on November 7, 2023 and attached hereto as Exhibit 4, the Vintage Farm Residential Subdivision Project would not result in the increase in significance of environmental impacts or in new, unstudied environmental impacts. None of the conditions described in CEQA Guidelines Section 15162 for preparation of a subsequent environmental impact report or addendum would occur as a result of the Project. LAFCO, as the responsible agency, considered the documentation prepared by the City of Napa, the lead agency, and has concluded the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15183 as the Project would have no environmental impacts (1) peculiar to the Project or parcel; (2) unaddressed by the General Plan FEIR; (3) resulting in off-site or cumulative impacts which were not discussed in the General Plan FIER; or (4) with a more severe adverse impact than discussed in the General Plan FIER.

Documentation: California Environmental Quality Act Memorandum for the Vintage Farm Residential Subdivision Project, Napa, California (Attachment Four)

¹ California Government Code sections 56668 & 56668.3

² California Revenue and Taxation Code Section 99(b)(6)

³ California Government Code section 56662(a): fewer than 12 registered voters

ATTACHMENTS

- 1) Draft Resolution Approving the Proposal and Making CEQA Findings
- 2) Application Materials
- 3) Factors for Commission Determinations
- 4) California Environmental Quality Act Memorandum for the Vintage Farm Residential Subdivision Project, Napa, California

RESOLUTION NO. ____

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

**SIERRA AVENUE/VILLA LANE
ANNEXATION TO THE NAPA SANITATION DISTRICT**

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

WHEREAS, the proposal seeks Commission approval to annex approximately 10.45 acres of incorporated land to the Napa Sanitation District and represents two entire parcels located at 1185 Sierra Avenue, and identified by the County of Napa Assessor’s Office as 038-250-035 and 038-250; and

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on December 4, 2023; and

WHEREAS, the Commission considered all the factors required by law under Government Code sections 56668 and 56668.3 as well as adopted local policies and procedures; and

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

WHEREAS, the Commission finds that all owners of land included in said proposal consent to the subject annexation; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission considered available exemptions under CEQA, in accordance with 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 Factors for Commission Determinations provided in the Executive Officer’s written report are hereby incorporated herein by this reference and are adequate.

2. The Project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) as it is consistent with the City of Napa General Plan Update Final Environmental Impact Report (General Plan FIER) certified by the City Council of the City of Napa on September 20, 2022 (SCH # 2021010255) and would have no environmental impacts (1) peculiar to the Project or parcel; (2) unaddressed by the General Plan FEIR; (3) resulting in off-site or cumulative impacts which were not discussed in the General Plan FIER; or (4) with a more severe adverse impact than discussed in the General Plan FIER .
3. The proposal is APPROVED subject to completion of item number 11 below.
4. This proposal is assigned the following distinctive short-term designation:

**SIERRA AVENUE/VILLA LANE
ANNEXATION TO THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the map and described in the geographic descriptions 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 of the Napa Sanitation District.
10. The Commission waives conducting authority proceedings in accordance with California Government Code section 56663.
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) All outstanding Commission fees.
 - (c) Written confirmation from the Napa Sanitation District that it is acceptable to record a Certificate of Completion.
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.

- 13. The Commission hereby directs staff to file a Notice of Exemption in compliance with CEQA.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on December 4, 2023, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Stephanie Pratt
Clerk/Jr. Analyst

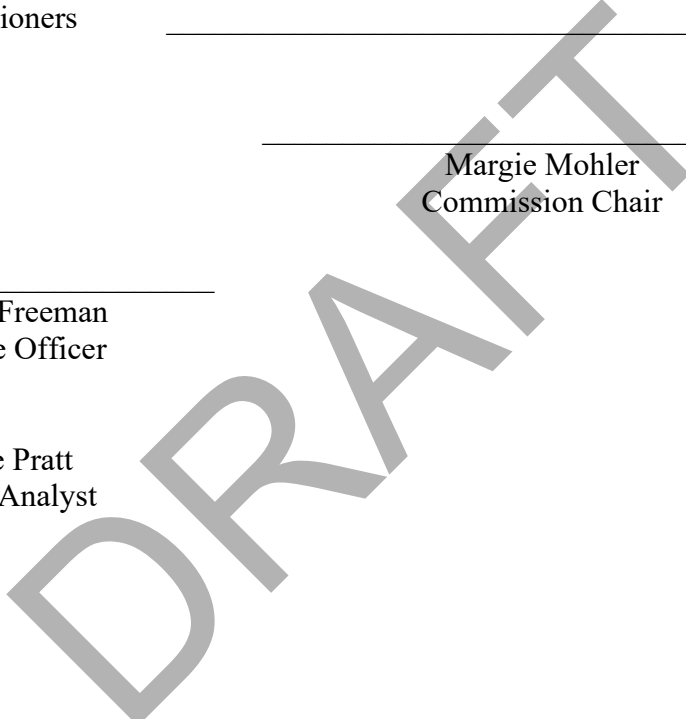


EXHIBIT 'A'
VINTAGE FARM
ANNEXATION TO NAPA SANITATION DISTRICT
GEOGRAPHICAL DESCRIPTION

All that certain property, situated in the City of Napa, State of California, described as follows:

PARCEL ONE:

Commencing at the most eastern corner of Lot No. 29 as the same is shown map No. 453 entitled, "Final Map of Sierra Estates", filed November 19, 1959 in Book 6 of Maps, Pages 96-97, Napa County records; thence along the northeasterly projection of the northwestern line of Sierra Avenue North $58^{\circ} 24' 30''$ East 90.00 feet; thence South $31^{\circ} 35' 30''$ East 30.00 feet; thence from a tangent that bears North $58^{\circ} 24' 30''$ East on a curve to the right through an angle of $27^{\circ} 00'$, with a radius of 500.00 feet, for a distance of 235.62 feet; thence from a tangent that bears North $85^{\circ} 24' 30''$ East, on a curve to the left, through an angle of $27^{\circ} 24'$, with a radius of 500.00 feet, for a distance of 239.11 feet; thence North $58^{\circ} 00' 30''$ East 2.49 feet, thence South $31^{\circ} 35' 30''$ East 479.69 feet to a point on the northwestern line of the 93.82 acre tract of land described in the deed to Albert Gasser et ux of record in Book 168 of official records, page 466 said Napa County records; thence along said northwestern line South $58^{\circ} 19' 05''$ West 550.00 feet to the most eastern corner of the 12.33 acre tract of land described in the deed to Joseph H. Hill et ux, of record in Book 634 of official records, Page 951, said Napa County records; thence along the northeastern line of said 12.33 acre tract and along the northeastern line of Lot 'B' as shown on said Map No. 453 above referred to North $31^{\circ} 35' 30''$ West 619.48 feet to the point of commencement.

APN: 038-250-037

PARCEL TWO:

Commencing at a point on the northwestern line of the 93.82 acre tract of land described in the deed to Albert Gasser et ux of record in Book 168 of official records at Page 466, Napa County records; said point being distant thereon North $58^{\circ} 19' 05''$ East 831.47 feet from the most western corner thereof; thence South $31^{\circ} 55' 55''$ East 230.00 feet; thence North $58^{\circ} 19' 05''$ East 669.89 feet; thence North $31^{\circ} 35' 30''$ West 230.00 feet to the northwestern line of said 93.82 acre tract; thence along said northwestern line South $58^{\circ} 19' 05''$ West 671.20 feet to the point of commencement.

APN: 038-250-035

10.4+/- Acres

The Basis of Bearings used for this Geographical Description is taken as north $58^{\circ} 24' 30''$ East between two found monuments on Sierra Avenue alignment, as shown in 6 RM 97. This bearing is on the California State Plane Coordinate System, Zone 2.

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

EXHIBIT 'B' ATTACHED HERETO AND MADE A PART HEREOF

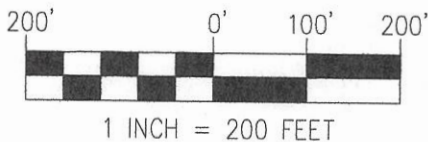
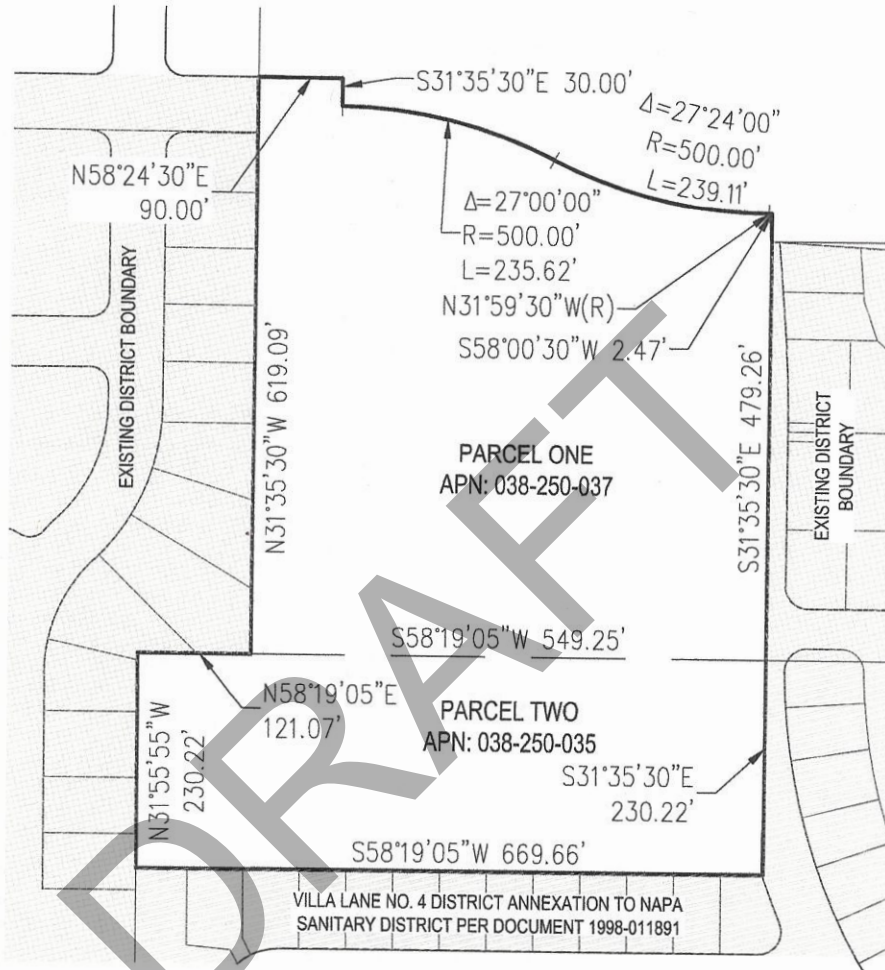
PREPARED BY:

_____ DANIEL DRUMMOND, LS 6333

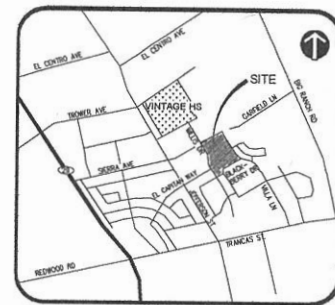
_____ DATE

DRAFT

MAP DELINEATING THE BOUNDARY OF
 VINTAGE FARM
 ANNEXATION TO NAPA SANITARY DISTRICT
 SEPTEMBER 2022



BASIS OF BEARING:
 N58°24'30"E BETWEEN 2 FOUND
 MONUMENTS ON SIERRA AVE ALIGNMENT,
 AS SHOWN IN 6 RM 97.



VICINITY MAP
 NOT TO SCALE



1931 SAN MIGUEL DRIVE, SUITE 100, WALKIT CREEK, CA 94596
 WWW.ENGNR.COM (925) 932-6888

PROPOSAL APPLICATION
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Steve Abbs, Davidon Homes
 Contact Person Agency/Business (If Applicable)

Address: 1600 S. Main Street, Ste 150, Walnut Creek, CA 94596
 Street Number Street Name City Zip Code

Contact: (925) 945-8000 ; SAbbs@davidonhomes.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

Name	Address
_____	_____
Name	Address
_____	_____
Name	Address
_____	_____

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed)

<input checked="" type="checkbox"/> Annexation	<input type="checkbox"/> Detachment	<input type="checkbox"/> City Incorporation	<input type="checkbox"/> District Formation
<input type="checkbox"/> City/District Dissolution	<input type="checkbox"/> City/District Merger	<input type="checkbox"/> Service Activation (District Only)	<input type="checkbox"/> Service Divestiture (District Only)

C. Purpose Statement: (Specific)

Annexation into Napa Sanitation District for the provision
of sanitary sewer service to a planned subdivision project.

III. GENERAL INFORMATION

A. Location:	1185 Sierra Ave	038-250-035 &	
	Street Address	Assessor Parcel Number	Acres
		038-250-037	10.45
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
			Total Location Size (Including Right-of-Ways) 10.45 ac

- B. Landowners:**
- (1) Assessor Parcel Number : 038-250-035 Name: NVUSD
 Mailing Address: 2425 Jefferson St Napa CA 94558
 Phone Number: 707-253-3715 E-mail: _____
 - (2) Assessor Parcel Number : 038-250-037 Name: NVUSD
 Mailing Address: 2425 Jefferson St Napa CA 94558
 Phone Number: 707-253-3715 E-mail: _____
 - (3) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
 - (4) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____

Use Additional Sheets As Needed

- C. Population:**
- (1) Total Number of Residents: _____
 - (2) Total Number of Registered Voters: _____

D. Land Use Factors:

- (1a) County General Plan Designation: n/a
- (1b) County Zoning Standard: n/a
- (2a) Applicable City General Plan Designation: Low Density Res (new GP)
- (2b) Applicable City Pre-zoning Standard:
(Required for City Annexations) TBD

E. Existing Land Uses: NVUSD student farm site
(Specific)

F. Development Plans:

- (1a) Territory Subject to a Development Project? Yes No
- (1b) If Yes, Describe Project: 53-lot single-family residential subdivision
- (1c) If No, When Is Development Anticipated? _____

G. Physical Characteristics:

- (1) Describe Topography: relatively flat
- (2) Describe Any Natural Boundaries: none
- (3) Describe Soil Composition and Any Drainage Basins: Salvador Channel drainage basin
- (4) Describe Vegetation: largely grasses and scattered trees

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:

Connection to existing sanitary sewer main in
Villa Lane, new on-site sewer mains and
53 new sanitary sewer services.

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

n/a

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

Upon approval of construction plans

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

none

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

privately

V. ENVIRONMENTAL INFORMATION

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

(1) Lead Agency for Proposal: City of Napa
Name

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

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

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

Three horizontal lines for text entry.

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: Ricky Caperton
Mailing Address: 1600 1st Street, Napa, CA 94559
E-Mail: rcaperton@cityofnapa.org

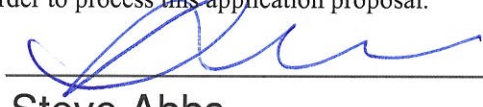
(2) Recipient Name:
Mailing Address:
E-Mail:

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

VII. CERTIFICATION

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

Signature:



Printed Name:

Steve Abbs

Title:

VP, Land Acquisition and Development

Date:

November 10, 2022

FACTORS FOR COMMISSION CONSIDERATION

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

FACTOR TO CONSIDER	COMMENT
1. Population and density [§56668(a)]	Consistent: Population 0 (legally uninhabited)
2. Land area and land use [§56668(a)]	Consistent: 10.45 acres Jurisdiction: City of Napa, <i>Vintage</i> Planning Area #2
3. Assessed valuation [§56668(a)]	Consistent: Land: \$0.00 (Exempt school property) Structural improvements: \$275 (Portable classrooms)
4. Topography, natural boundaries and drainage basins [§56668(a)]	Consistent: Relatively flat Drainage basin: <i>Napa River – Salvador Channel</i>
5. Proximity to other populated areas [§56668(a)]	Consistent: Surrounded on three sides by residential property. Remaining side is park and open space.
6. Likelihood of significant growth in the area, adjacent areas during next 10 years [§56668(a)]	Consistent: Recently approved zoning will allow 53 single family homes (SFHs) and 13 accessory dwelling (ADUs); Surrounded on three sides by residential property. Remaining side is Garfield Park.
7. Need for government services [§56668(b)]	Consistent: Existing City services provided at adequate levels: Water, fire and emergency protection, law enforcement Additional service: Connection to sewer to accommodate approved subdivision.
8. Government services present cost, adequacy and controls in area [§56668(b)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21
9. Government services probable future needs and controls in area [§56668(b)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21

<p>10. Government services effect of proposal on cost, adequacy and controls in area and adjacent areas [§56668(b)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>11. Effects on adjacent areas, on mutual social and economic interests, and on local governmental structure in the County [§56668(c)]</p>	<p>Consistent: Area included in NSD SOI since 1975</p>
<p>12. Effects on planned efficient patterns of urban development [§56668(d)]</p>	<p>Consistent: City General Plan land use designation: Low Residential Density (3.0 to 8.0 units per acre)</p>
<p>13. Effects on maintaining physical and economic integrity of agricultural lands [§56668(e)]</p>	<p>Consistent: Within City RUL, not designated for agricultural or open space use</p>
<p>14. Boundaries: logical, contiguous, not difficult to serve, definite and certain [§56668(f)]</p>	<p>Consistent: Two total parcels</p>
<p>15. Conformance to lines of assessment, ownership [§56668(f)]</p>	<p>Consistent: Two parcels: APNs 038-250-037, 038- 250-035</p>
<p>16. Creation of islands, corridors, irregular boundaries [§56668(f)]</p>	<p>Consistent: Surrounded on three sides by NSD's boundary. Remaining side is Garfield Park.</p>
<p>17. Consistency with regional transportation plan [§56668(g)]</p>	<p>Consistent: No specific projects in regional transportation plan (RTP), <i>Plan Bay Area 2050</i></p>
<p>18. Consistency with city or county general and specific plans [§56668(h)]</p>	<p>Consistent: City General Plan land use designation: Low Residential Density (3.0 to 8.0 units per acre) City Zoning: RI 4, Single-Family Infill Zoning District (minimum lot size of 4,000 square feet)</p>

<p>19. Consistency with spheres of influence [§56668(i)]</p>	<p>Consistent: Within NSD SOI since 1975</p>
<p>20. Comments from affected agencies and other public agencies [§56668(j)]</p>	<p>Consistent: No comments received</p>
<p>21. Ability of agency to provide service including sufficiency of revenues [§56668(k)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>22. Timely availability of adequate water supply [§56668(l)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>23. Fair share of regional housing needs [§56668(m)]</p>	<p>Consistent: Approved city tentative map will provide 53 single family homes and 13 accessory dwelling units.</p>
<p>24. Information or comments from landowners, voters, or residents in proposal area [§56668(n)]</p>	<p>Consistent: 100% consent of landowners</p>
<p>25. Existing land use designations [§56668(o)]</p>	<p>Consistent: City General Plan land use designation: Low Residential Density (3.0 to 8.0 units per acre) City Zoning: RI 4, Single-Family Infill Zoning District (minimum lot size of 4,000 square feet)</p>
<p>26. Effect on environmental justice [§56668(p)]</p>	<p>Consistent: No documentation or evidence suggesting the proposal will have any implication</p>
<p>27. Safety Element of GP concerns; identified as very high fire hazard zone [§56668(q)]</p>	<p>Consistent: Not located in a high fire hazard zone or a state responsibility area</p>
<p>28. Special district annexations: for the interest of landowners or inhabitants within the district and affected territory [§56668.3(a)(1)]</p>	<p>Consistent: Proposal would allow for sewer service to approved subdivision and require improvements to be paid by developer. Future landowners will be required to pay all applicable fees and bonds.</p>

MEMORANDUM

DATE: September 21, 2023

To: Ryder Dilley, Associate Planner, City of Napa

FROM: Kyle Simpson, Principal
Matthew Wiswell, AICP, Project Manager

SUBJECT: California Environmental Quality Act Memorandum for the Vintage Farm Residential Subdivision Project, Napa, California

This memorandum and attachments provide a description of the proposed Vintage Farm Residential Subdivision Project (proposed project) and substantial evidence to confirm that no further environmental review is required under the California Environmental Quality Act (CEQA) per Section 15168(c) of Title 14 of the California Code of Regulations (the CEQA Guidelines). The approximately 10.45-acre project site is located at 1185 Sierra Avenue in Napa. The proposed project would result in the demolition of the existing structures on the project site and the construction of 53 single-family residential units, and 13 accessory dwelling units (ADUs).

Attachment A provides a description of the proposed project. This attachment includes a description of the project location, existing site characteristics, the proposed project, and required approvals and entitlements. The City of Napa (City) is the CEQA lead agency for the proposed project.

The responses in the environmental checklist (included in Attachment B to this memorandum) prepared for the project demonstrate for each CEQA topic, that because the proposed project was evaluated and impacts were mitigated to the degree possible as part of the Napa 2040 General Plan (General Plan) Final Environmental Impact Report (General Plan FEIR) certified by the City Council on September 20, 2022 (SCH #2021010255), no additional CEQA review is required pursuant to Public Resources Code Section 21166 and Sections 15162 and 15168(c) of the CEQA Guidelines. CEQA Guidelines Section 15168(c)(4) recommends using a written checklist or similar device to confirm whether the environmental effects of a subsequent activity were adequately covered in a program EIR. The responses contained in the checklist confirm that the project was considered within the scope of the evaluation within the General Plan FEIR and no new impacts were identified and no new mitigation measures are required. Based on this analysis, the City can approve the proposed project as being within the scope of the General Plan covered by the General Plan FEIR, and no new environmental document for the purposes of CEQA clearance is required. Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15168, the proposed project is within the scope of the General Plan FEIR and no further review is required under CEQA.

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ATTACHMENT A PROJECT DESCRIPTION

The following describes the proposed Vintage Farm Residential Subdivision Project (proposed project) submitted by Davidon Homes (the project sponsor) that would result in the redevelopment of the approximately 10.45-acre project site with 53 single-family homes, and 13 accessory dwelling units (ADUs). The project site is located within the planning area for the Napa 2040 General Plan (General Plan).¹ In addition to the description of the proposed project itself, the following includes a summary description of the proposed project's location and existing site characteristics, a summary of the General Plan buildout in relation to the proposed project, and required approvals and entitlements.

The City of Napa (City) is the lead agency for review of the proposed project under the California Environmental Quality Act (CEQA). As demonstrated in Attachment B, the proposed project is within the scope of the certified City of Napa General Plan Update Final Environmental Impact Report (SCH #2021010255) certified by the City Council on September 20, 2022 (General Plan FEIR)² pursuant to Public Resources Code Section 21166 and Sections 15162 and 15168(c) of the CEQA Guidelines.

PROJECT SITE

The following section describes the location and site characteristics for the project site and provides a brief overview of the existing land uses within and in the vicinity of the project site.

Location and Surrounding Land Uses

The project site is located in the northern portion of the City of Napa, east of State Route 29 (SR 29). The approximately 10.45-acre project site is made up of two parcels located at 1185 Sierra Avenue (Assessor's Parcel Numbers [APNs] 38-250-035 and 38-250-037). The project site is located within an area characterized by a mix of residential, commercial, and institutional uses. The project site is bordered by the Austin Miller Memorial Bike Path to the north, Villa Lane and residential uses to the east, and residential uses to the west and south.

Regional vehicular access to the project site is provided by SR 29, located approximately 0.75 miles west of the project site. Figure 1 shows the project site's regional and local context. Figure 2 shows an aerial view of the existing site and surrounding land uses.

¹ Napa, City of. 2022. *City of Napa 2040 General Plan*. October 2022.

² Napa, City of. 2022. *City of Napa General Plan Update Final Environmental Impact Report (SCH# 2021010255)*. September.

Site Characteristics and Current Site Conditions

The generally-level project site is currently used by the nearby Vintage High School for agriculture coursework and is developed with various barns and other structures on the northern half of the project site, while the southern half is undeveloped. Vehicular access to the project site is provided by a driveway from Sierra Avenue at the northwest corner. As noted above, the Austin Miller Memorial Bike Path, which connects Sierra Avenue to Garfield Lane to the east, runs along the northern boundary of the project site. A total of 37 mature trees are located on the project site.³ Existing conditions on the project site are shown in Figure 3.

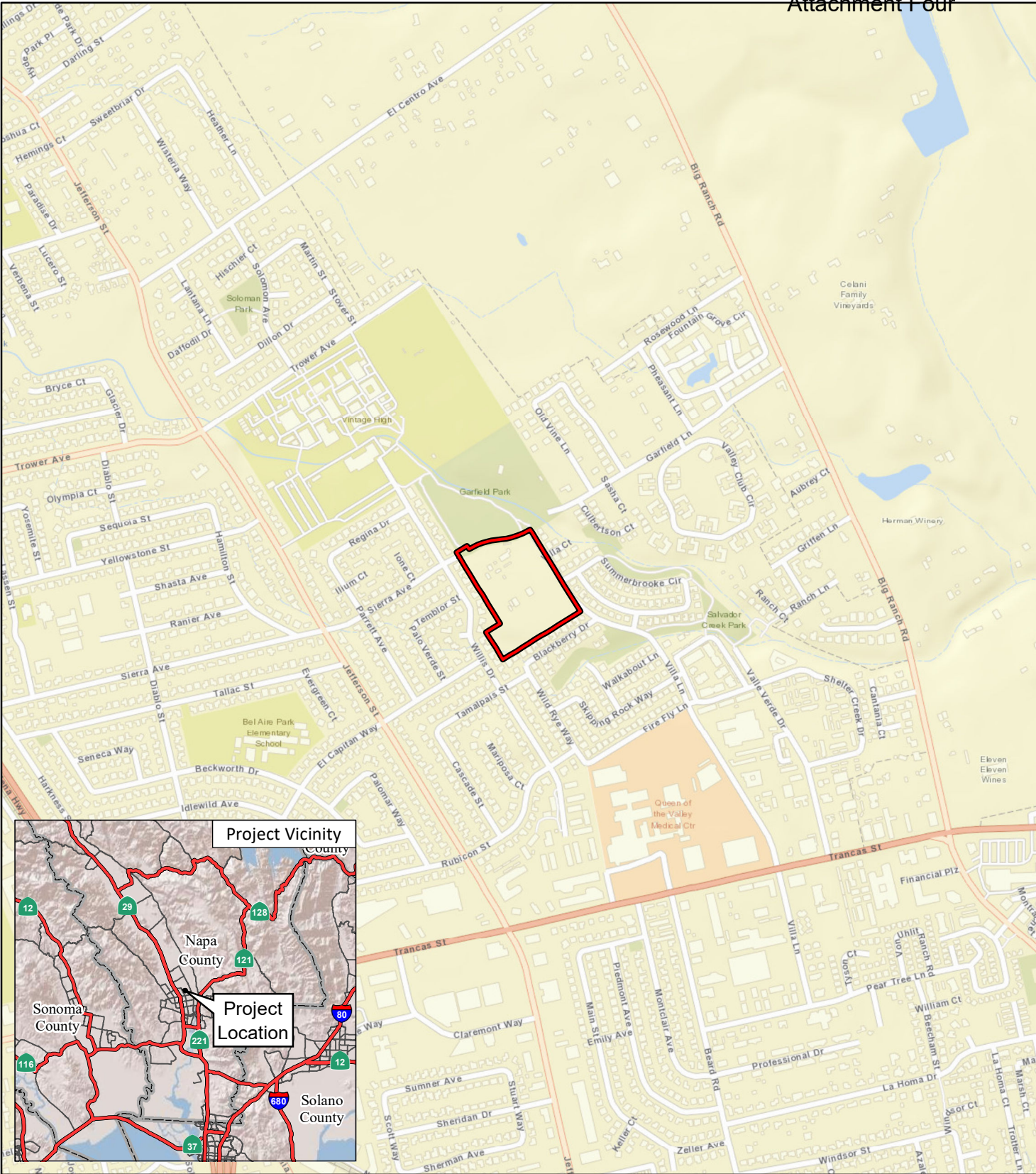
Existing General Plan and Zoning

The project site is designated Low Density Residential in the General Plan. This designation consists of single-family residential development with densities ranging from 3.0 to 8.0 units per gross acre. The project site is located within the Single-Family Infill (RI-4) zoning district. Single-family residential uses are an allowable use within the Single-Family Infill district.

Surrounding Land Uses

As shown in Figure 2, the project site is generally surrounded by residential, commercial, institutional, and recreational uses. North of the project site is a vacant parcel, past which is Vintage High School, the Napa Valley Tennis Association, and Garfield Little League Park. Single-family residential uses are located to the east and west of the project site, with Salvador Creek also running in a northwest-southeast direction just east of the project site. Residential uses also border the project site to the south, past which are commercial and medical uses, including the Providence Queen of the Valley Medical Center.

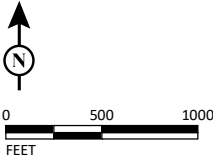
³ HortScience | Bartlett Consulting. *Arborist Report, Vintage Farm, Napa, CA*. April.



LSA

LEGEND
 Project Location

FIGURE 1



SOURCE: Esri World Street Map (2022)
 J:\20230914\GIS\MXD\ProjLocation_USGS.mxd (2/22/2023)

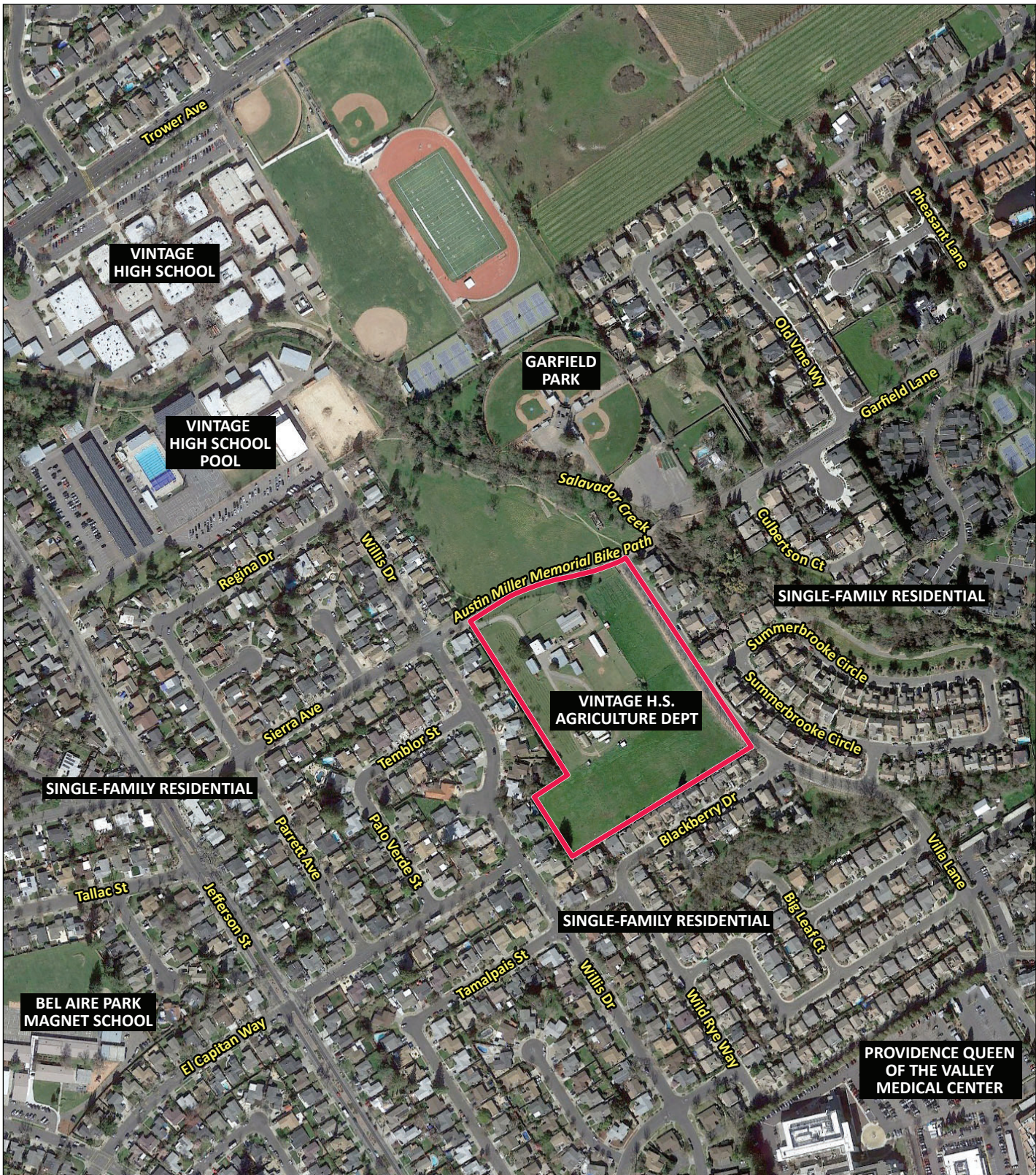
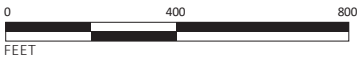


FIGURE 2

LSA

 Project Site Boundary



SOURCES: Google Earth, 2/16/2022; LSA, 2023

I:\20230914\G\Aerial Photo of Site & LU.ai (2/22/2023)

Vintage Farm Residential Subdivision Project
Aerial Photograph of the Project Site and Surrounding Land Uses

NAPA 2040 GENERAL PLAN

In 2022, the City adopted the 2040 General Plan. The General Plan is comprehensive long-range plan that will be used to direct the City’s land use planning decisions through the year 2040. The General Plan FEIR was certified in 2022 and evaluates the environmental impacts of 3.55 million square feet of commercial building space, 11,500 new jobs, 7,800 new residential units, and 17,900 new residents. The Planning Area for the General Plan FEIR includes all of the land within the City limits (including the project site) and land within the City’s Sphere of Influence (SOI). Table A shows the total development assumptions relevant to the proposed project evaluated within the General Plan EIR and the development totals of projects that have either been approved or are currently under review, not including the proposed project.

Table A: Existing General Plan Buildout

Land Use	Evaluated within the General Plan FEIR	Approved Projects	Projects Under Review	Remaining Development Available
Housing Units	7,800	168	173	9,459
Population	17,900	420	433	17,047

Source: Napa, City of. (2023)

PROPOSED PROJECT

This section provides a description of the proposed project as identified in the materials provided by the project sponsor, dated November 7, 2022.⁴ The proposed project would result in the demolition of the existing structures on the project site, the subdivision of the site into 53 lots and the construction of 53 single-family residential units and 13 ADUs. Individual project components are further discussed below.

Building Program

As previously discussed, the proposed project would result in the construction of a total 53 single-family residential units that would be located on individual lots that range in size from 4,823 to 8,246 square feet with floor plans that range in size from approximately 1,870 to 2,862 square feet. The residential units would contain three to five bedrooms, depending on the floor plan, and attached garages. The construction will vary between one-story and two-story with building heights that range between 17’-6” and 27’-5”. In addition, 13 of the single-family lots would include ADUs as one plan option on the first floor. The ADUs are attached studio-style units approximately 406 square feet in size. Figure 4 shows the conceptual site plan for the proposed project. As shown in Figure 4, the residential units would front to a new U-shaped internal roadway that would be accessed from an extension of Sierra Avenue, as discussed below.

⁴ Davidon Homes. 2022. Preliminary and Final Development Plan, Vintage Farm. November 7.

Table B shows the total development assumptions evaluated within the General Plan FEIR and the development totals of projects, including the proposed project, that have either been approved or are currently under review.

Table B: General Plan Buildout with Proposed Project

Land Use	Evaluated within the General Plan FEIR	Remaining Development Available	Proposed Project	Future Development Available
Housing Units	7,800	7,459	66	7,393
Population	17,900	17,047	165	16,882

Source: Napa, City of. (2023)

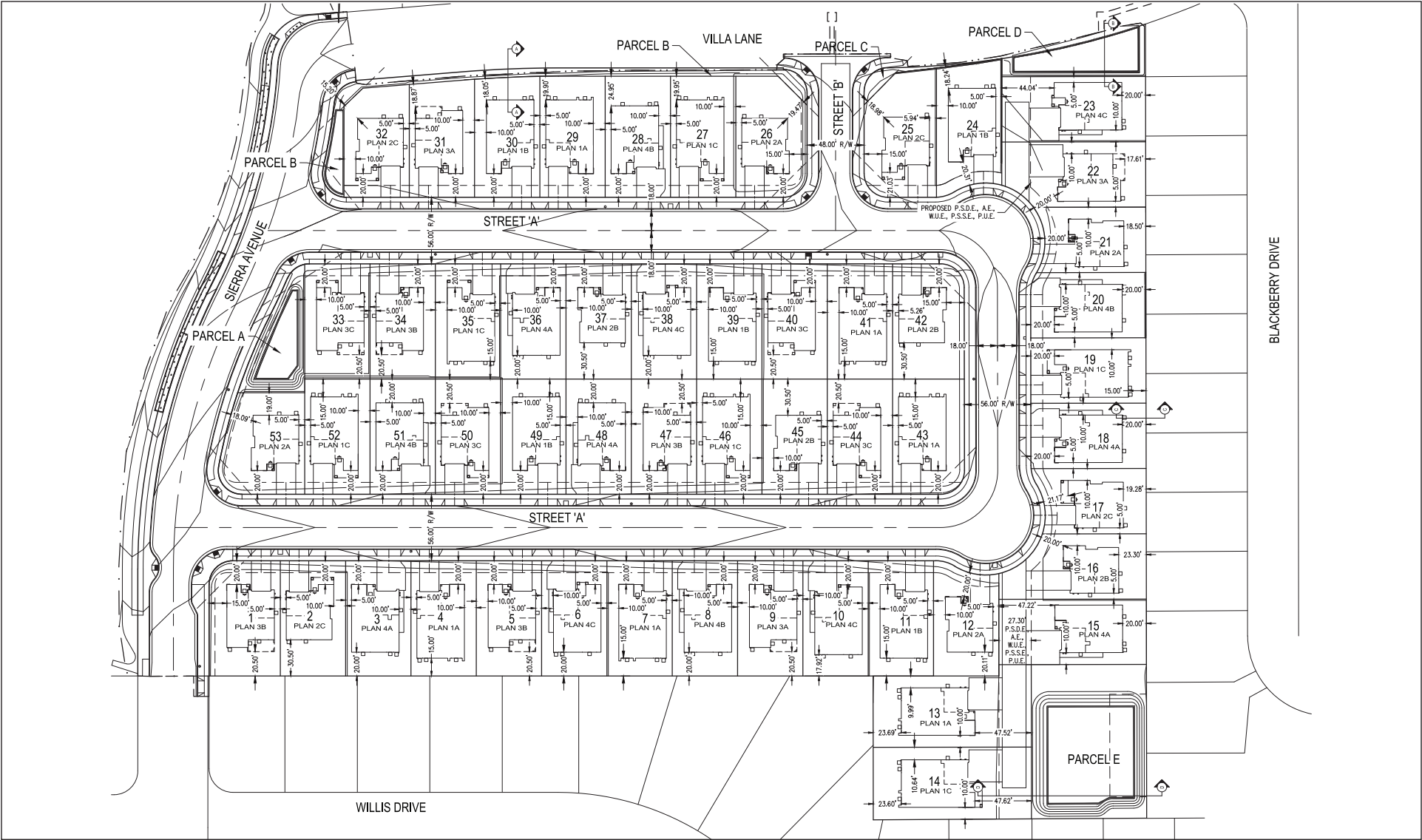
Open Space and Landscaping

Each of the residential units on the project site would include private backyards that would be an average of approximately 1,160 square feet. In addition, the proposed project would include approximately 0.55 acres of open space split between five spaces along the northern, eastern, and southern boundaries of the project site. These spaces would include four bio-retention facilities and landscape planter strips consisting of a mixture of trees and small shrubs. The existing 36 trees on the project site would be removed and approximately 133 new trees would be planted.

Access, Circulation, and Parking

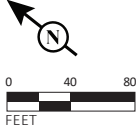
As shown on Figure 3, the proposed project would include an extension of Sierra Avenue that would connect to Villa Lane. Consistent with the extension that was considered as part of the 2040 General Plan, the extension of Sierra Avenue would be designed wide enough to permit dual direction vehicle and bicycle (Class II) traffic, and on-street parking for the future site of Garfield Park along the northwest side of Sierra Avenue. Austin Miller Memorial Bike Path would also be reconstructed north of the street frontage and the proposed bio-retention facility improvements.

This Sierra Avenue street extension would provide two vehicular access points to the U-shaped internal street. The internal streets would provide access to each of the residential units. An additional connection to Villa Lane would be provided along the eastern border of the project site in line with Villa Lane's existing intersection with Summerbrooke Circle. Each of the residential units would include an attached parking garage, for a total of 228 off-street parking spaces. An additional 54 on-street parking spaces would also be provided within the project site, for a total of 282 spaces.



LSA

FIGURE 4



Utilities and Infrastructure

The project site is located in an urban area that is currently served by existing utilities, including water, sanitary sewer, storm drainage, electricity, gas, and telecommunications infrastructure. Existing and proposed utility connections are discussed below.

Water

Water service is provided by the City of Napa. The proposed project would include the installation of new water lines on the project site that would connect to the existing 12-inch main located within Sierra Avenue and runs along the northern boundary of the project site.

Wastewater

Wastewater service is provided by the Napa Sanitation District. The proposed project would include the installation of new wastewater lines on the project site that would connect to the existing 12-inch main location within Villa Lane.

Stormwater

The existing buildings, paving, concrete, and other impervious surfaces account for approximately 1.24 acres (12 percent) of the 10.45-acre project site. The remaining 9.21 acres (88 percent) are covered by pervious surfaces, largely consisting of grasses. There are currently no stormwater connections on the project site, however, an existing 48-inch stormwater main runs through the southwest corner of the project site. The proposed project would include the installation of new stormwater infrastructure that would connect to the existing 48-inch stormwater main. In addition, the existing 48-inch stormwater main would be slightly realigned on the project site, but no changes to the capacity would be made.

Upon construction of the proposed project, approximately 6.51 acres (62 percent) of the project site would be covered by impervious surfaces and approximately 3.94 acres (38 percent) would be covered by pervious surfaces, consisting of landscaped areas with lawns, shrubs, and trees. Additionally, for hydromodification purposes, the proposed project would include two bioretention areas within the open spaces. Separate 18-inch stormwater mains would connect the proposed bioretention basins vaults to the existing 48-inch stormwater main at the southwest corner of the project site and an additional existing stormwater main within Villa Lane.

Electricity and Gas

Electricity and gas service is provided by Pacific Gas & Electric. Both electricity and gas will be utilized on this site for all homes. The services will connect to existing adjacent facilities.

Demolition, Grading, and Construction

The proposed project would include demolition of the approximately 17,512 square feet of existing structures and approximately 41,000 square feet of asphalt lots on the project site. Construction debris, such as old foundations, pavements, and structures, would be collected and hauled off site for disposal.

The proposed project would require approximately 19,724 cubic yards of cut earthwork, all of which would be balanced on the project site. The maximum depth of excavation on the project site would be approximately 10.3 feet for a bioretention basin located on Parcel E.

If approved, construction of the proposed project is anticipated to begin in November 2023 and occur over approximately 36 months, ending in November 2026 (the anticipated completion date).

PERMITS AND APPROVALS

A number of permits and approvals would be required to allow development of the proposed project. As lead agency for consideration of the proposed project, the City of Napa would be responsible for the majority of the approvals required for project development. Other agencies also may have some authority related the proposed project and its approvals. A list of required permits and approvals, including the discretionary actions described above, which may be required by the City and other agencies, is provided in Table C.

Table C: Anticipated Permits and Approvals for Project Implementation

Lead Agency	Permit/Approval
City of Napa	<ul style="list-style-type: none"> • Environmental Review • Tentative Subdivision Map • Design Review Permit • Use Permit • Approval of Improvement Plans and Final Map • Approval of Fire Protection service requirements
Responsible Agencies/Entities	
Pacific Gas & Electric	<ul style="list-style-type: none"> • Reconnection of electricity and gas service
Local Agency Formation Commission of Napa County	<ul style="list-style-type: none"> • Annexation of parcels into Napa Sanitation District
Napa Sanitation District	<ul style="list-style-type: none"> • Approval of Improvement Plans

Source: LSA (2023).

ATTACHMENT B ENVIRONMENTAL CHECKLIST PURSUANT TO CEQA GUIDELINES SECTION 15168

CEQA Guidelines 15168(c)(4) recommends using a written checklist or similar device to confirm whether the environmental effects of a subsequent activity were adequately covered in a program EIR. This checklist confirms that the proposed Vintage Farm Residential Subdivision Project is within the scope of the City of Napa General Plan Update¹ (General Plan) Final Environmental Impact Report² (General Plan FEIR) and would have no new adverse environmental effects and no new mitigations are required, and as such, the City can approve the proposed project as being within the scope of the General Plan and covered by the General Plan FEIR. Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15168 and 15162, no further environmental review is required for the proposed project.

The following checklist addresses each of the environmental topics required under CEQA, and for each topic, identifies whether or not the proposed project would: 1) include substantial changes or be substantially affected by a change in circumstances that would require major revisions to the General Plan FEIR; 2) result in new or increased significant impacts as a result of new information; 3) result in less-than-significant impacts or have no new changes or information that would require the preparation of a subsequent IS/MND or EIR; or 4) result in no impact.

Each discussion topic begins with a list of the applicable General Plan and General Plan policies followed by an overview of the impacts identified in the General Plan FEIR. A discussion of the proposed project impacts, as compared to those impacts identified in the General Plan FEIR is then followed by identification of applicable General Plan mitigation measures and/or recommended conditions of approval. The summary conclusion at the end of each checklist topic identifies whether or not the proposed project falls within the scope of the General Plan FEIR. Unless specifically noted, the analysis and conclusions provided for each checklist topic would apply to both project variants described in Attachment A, Project Description.

In accordance with the CEQA Guidelines, the City has determined that no new environmental document is required for the proposed project. As previously stated, the purpose of this document is to review the proposed project and examine whether, as a result of any changes or new information, a subsequent EIR may be required. This examination includes an analysis of the provisions of CEQA Section 21166 (Subsequent or Supplemental Impact Report; Conditions) and their applicability to the proposed project in each topical section. Similarly, each section also includes an evaluation of CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) and their applicability to the proposed project. This document relies on the environmental analysis below which addresses CEQA Guidelines Appendix G, Environmental Checklist, topics section by section pursuant to CEQA Guidelines Section 15168(c)(4). The

¹ Napa, City of. 2022. *City of Napa 2040 General Plan*. October 2022.

² Napa, City of. 2022. *City of Napa General Plan Update Final Environmental Impact Report (SCH# 2021010255)*. September.

environmental checklist includes findings as to the physical environmental impacts of the proposed project in comparison with the findings of the General Plan FEIR, consistent with Sections 15162 and 15168 of the CEQA Guidelines.

1. AESTHETICS

	Substantial Changes in Project/Circumstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicable Policies

General Plan Policies. The following General Plan policies are applicable to the proposed project.

- Goal LUCD-1: Maintain a compact urban form to promote a distinct community identity and protect open space and natural and agricultural resources surrounding the community.
- Policy LUCD 1-1: Focus urban development to be within the voter-approved Rural Urban Limit (RUL) to provide for the protection of the surrounding open space and agriculture uses.
- Goal LUCD-2: Enhance the urban form and visual quality of the City’s overall urban structure – Downtown, corridors, and neighborhoods.
- Goal LUCD-3: Enhance Napa’s community character by promoting walkability, inclusivity, inclusivity, and connections between neighborhoods, key centers, and the Napa River.
- Policy LUCD 3-1: Promote development that fosters a sense of community by providing safe, pedestrian-friendly, tree-lined streets; walkways to everyday destinations such as schools,

bikeways, trails, parks and stores; buildings that exhibit visual diversity, pedestrian-scale, and street orientation; central gathering places; and recreational amenities for a variety of age groups.

- Policy LUCD 3-6: Where feasible, incorporate the following design strategies into new development to support multimodal transportation, community cohesion, and connectivity:
 - Locate commercial buildings close to the streets with parking tucked behind to present a cohesive street appearance and enable better pedestrian and transit accessibility.
 - Provide greater street, pedestrian, and bicycle connectivity with connections to adjacent developments, trails, bicycle and pedestrian paths, and transit stops.
 - Share design features between adjacent developments, such as shared parking and cross access (to reduce curb cuts), shared building design features, shared signing, consistent landscape treatments across frontages, and other integrating features.
 - Avoid exclusive development typologies such as gated, walled, or fenced-off developments which do not support a cohesive neighborhood environment.
- Goal LUCD-10: Enhance the City’s character and image as a desirable residential, active, and sustainable community, and celebrate the diversity of residents.
- Policy LUCD 23-3: Promote clustered development to minimize grading, preserve landforms, and minimize visual impacts.
- Goal CCS-9: Celebrate Napa as a Tree City USA and focus efforts to maintain and expand the urban forest.
- Policy SN 6-7: Seek to reduce light pollution in Napa by incorporating dark sky initiatives, such as lights that cast little or no light upwards in public areas or roadways and turning off lights in empty buildings at night.

General Plan FEIR Impacts

The following provides an overview of impacts to aesthetics and required mitigation measures as identified in the General Plan FEIR.

Scenic Vistas. The General Plan FEIR determined that no scenic vistas are associated with the Planning Area. Therefore, the General Plan FEIR found that there would be no impact related to scenic vistas.

Scenic Highways. The General Plan FEIR determined that no officially designated federal, state, or local scenic routes are associated with the Planning Area. Therefore, the General Plan FEIR found that there would be no impact related to scenic highways.

Visual Character. The General Plan FEIR determined that implementation of General Plan would not result in large-scale land use changes that would create substantial changes in aesthetic and visual resources and General Plan policies would ensure that existing visual conditions in the City are improved through renovations, infill, and blight reduction. Additionally, the General Plan policies listed above would ensure that new development would be designed in a manner that is aesthetically pleasing and sensitive to adjacent land uses, including the natural and historic contexts. Implementation of the General Plan would result in higher densities for residential, commercial, and mixed-use development which would create a visual environment that is more concentrated, with a more urbanized appearance compared to the existing visual environment that contains lower densities.

However, compliance with the General Plan policies listed above would ensure that new development would achieve a high standard of visual quality that would be consistent with existing regulations governing scenic quality. In addition, because most of the new development would occur within or adjacent to City limits, in areas that are already developed to some extent, the General Plan FEIR concluded that impacts would be less than significant, and no mitigation is necessary.

Light and Glare. The General Plan FEIR determined that development under the General Plan could increase light and glare in the Planning Area by removing vegetation that provides shade, introducing reflective surfaces, supporting higher density development, increasing the number of cars traveling in the Planning Area, and increasing interior and exterior nighttime lighting that would affect daytime and nighttime views. However, under California's 2022 Building Energy Efficiency Standards, all new or altered residential and nonresidential buildings in California must meet a set of mandatory requirements for lighting systems and lighting controls that are designed to help limit light pollution and ensure light levels are appropriate for the area served (e.g., undeveloped, rural, parks/open space, or urban). In addition to these requirements, the General Plan policies listed above would reduce light and glare and the areas where development is proposed are already built environments, so increases in light and glare would not create substantial changes.

The General Plan FEIR determined that glare would result from increases in reflective surfaces such as building and car windows, lighting, and replacement of vegetation with built features. Windows in multi-level and high-rise buildings would introduce large reflective surfaces that could affect passing traffic and nearby viewers. Streetscaping and residential landscaping—required by General Plan policies—would help by planting trees and shrubs that can help to partially filter light and glare. However, such plantings would not fully offset the increases in light and glare that would occur as a result of the General Plan. The General Plan also includes policies that seek to reduce the impacts of lighting by incorporating dark sky initiatives and address appropriate lighting standards in the City's Municipal Code for streetlights and all residential and commercial artificial outdoor lighting. The General Plan FEIR concluded that impacts associated with light and glare from future development as a result of the General Plan would be minimized through implementation of these policies and the impact would be less than significant.

Project Impacts

Scenic Vistas. As previously discussed, there are no scenic vistas associated with the Planning Area. The project site is located within an urbanized area and the proposed uses would be consistent in character and scale with surrounding residential development. Therefore, consistent with the findings of the General Plan FEIR, the proposed project would result in no impacts related to scenic vistas.

Scenic Highways. As previously discussed, there are no officially designated federal, state, or local scenic routes within the City of Napa. The nearest officially designated State Scenic Highway is State Highway 12 in Sonoma County, located approximately 10 miles west of the project site.³ Therefore, consistent with the findings of the General Plan FEIR, the proposed project would result in no impacts related to scenic highways.

Visual Character. As defined in the *State CEQA Guidelines*, an “urbanized area” is an incorporated city that either by itself or in combination with two contiguous incorporated cities has a population of at least 100,000 persons.⁴ As of April 2020, the City of Napa had a population of 79,251 persons⁵ and the adjacent City of American Canyon had a population of 21,843 persons⁶. Therefore, the City of Napa meets the definition of an urbanized area and the project site is located within an urbanized area. As previously discussed in Attachment A, Project Description, the project site is designated Low Density Residential in the General Plan, which allows densities ranging from 3.0 to 8.0 units per gross acre and is within the RI-4 zoning district, which allows single-family development. As previously discussed, the proposed project would result in the construction of a total 53 single-family residential units that would be located on individual lots that range in size from 4,823 to 8,246 square feet. In addition, 13 of the single-family uses would include ADUs as one plan option on the first floor, for a total of 5 units per acre. The construction would vary between one-story and two-story with building heights that range between 17 feet and 6 inches to 27 feet and 5 inches in height. Each of the residential units on the project site would include private backyards that would be an average of approximately 1,160 square feet. The RI-4 zoning district allows a building height of 30 feet, requires a minimum lot area of 4,000 square feet, and usable outdoor area of 400 square feet. Therefore, the proposed development would be consistent with Low Density Residential land use requirements and RI-4 zoning requirements.

³ California Department of Transportation (Caltrans), 2018. *California State Scenic Highway System Map*. Website: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa> (accessed May 15, 2023).

⁴ Association of Environmental Professionals, 2023. *California Environmental Quality Act Statute and Guidelines*.

⁵ U.S. Census Bureau, 2020. *QuickFacts, Napa city, California*. April. Website: <https://www.census.gov/quickfacts/fact/table/napacitycalifornia/PST045222> (accessed July 2023).

⁶ U.S. Census Bureau, 2020. *QuickFacts, American Canyon city, California*. April. Website: <https://www.census.gov/quickfacts/fact/table/americancanyoncitycalifornia/PST045222> (accessed July 2023).

The proposed project would be subject to the City of Napa Residential Design Guidelines and would require approval of a Design Review Permit, which implements General Plan policies concerning the environment and design by guiding the location and appearance of development. Therefore, because the proposed project would be consistent with the development standards set forth by the City's Zoning Ordinance and site-specific review of the proposed buildings, including height, would be required as part of this process, the proposed project would not conflict with applicable zoning or other regulations governing scenic quality, and this impact would be less than significant, consistent with the findings of the General Plan FEIR.

Light and Glare. The project site is located in an urban area with a variety of existing light sources including street lights, interior and exterior building lighting, and light associated with traffic on nearby roadways. The proposed project would result in an increase in intensity of uses on-site that could result in new sources of light and glare compared to existing conditions. However, new sources of light and glare associated with the project would not be substantial in the context of existing lighting sources and the land use associated with the proposed project would be consistent with surrounding residential uses. Additionally, the proposed project would be subject to California's 2022 Building Energy Efficiency Standards, General Plan policies that seek to reduce the impacts of lighting by incorporating dark sky initiatives, and lighting standards in the City's Municipal Code for streetlights and all residential and commercial artificial outdoor lighting. Therefore, the proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area and impacts would be less than significant, consistent with the General Plan FEIR.

Applicable Mitigation

The General Plan FEIR did not identify any mitigation measures related to aesthetics. No substantial changes in environmental circumstances have occurred for this topic, and there is no new information that could not have been known at the time the General Plan FEIR was certified leading to new or more severe significant impacts; therefore, no new mitigation measures are required.

Conclusion

The General Plan FEIR adequately evaluated the aesthetic impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.



2. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

	Substantial Changes in Project/Circu mstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicable Policies

General Plan Policies. The following General Plan policies are applicable to the proposed project.

- Goal LUCD-1: Maintain a compact urban form to promote a distinct community identity and protect open space and natural and agricultural resources surrounding the community.

- LUCD 1-1: Focus urban development to be within the voter-approved Rural Urban Limit (RUL) to provide for the protection of the surrounding open space and agriculture uses.
- Goal LUCD-13: Promote housing and business growth as infill development in Focus Areas in keeping with the City's scale, services, and environment.

General Plan FEIR Impacts

Conversion of Farmland to Non-Agricultural Use. The General Plan FEIR determined that there are 473 acres of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance mapped by the California Department of Conservation FMMP within the Planning Area. However, policies and goals associated with the General Plan intend to concentrate infill growth along major corridors and the proposed land use designations associated with the General Plan largely maintain existing land use/zoning designations. Additionally, the General Plan includes various policies intended to preserve existing agricultural uses (Goals and Policies NRC 4-3, LUCD 1-1, LUCD 1-3, CSPR-4, ED-3, ED 3-2, and ED 3-3). However, the General Plan does include planned residential development in an area designated as Farmland of Statewide Importance; therefore, the General Plan FEIR concluded that implementation of the General Plan would result in significant and unavoidable impacts related to the conversion of farmland to non-agricultural uses.

Conflict with Existing Zoning or Williamson Act Contract. The General Plan FEIR determined that there are no Williamson Act contracts within the Planning Area. Policies and goals associated with the General Plan intend to concentrate infill growth along major corridors and the proposed land use designations associated with the General Plan largely maintain existing land use/zoning designations. Additionally, zoning would be updated to be consistent with the General Plan, as required by State law. Given that the General Plan supports agricultural uses as permitted by existing zoning and that the Planning Area does not include any Williamson Act contract lands, the General Plan FEIR concluded that this impact would be less than significant, and no mitigation measures are required.

Conflict with Zoning of Forestland or Timberland. The General Plan FEIR determined that no areas within the Planning Area are zoned as forest land, timberland, or Timberland Production Districts. Therefore, there would be no impact with result to conflicts with existing zoning for forest land, timberland, or Timberland Production Districts in the Planning Area.

Result in the Loss of or Conversion of Forestland. The General Plan FEIR determined that most of the existing forest land in the Planning Area is located within parks, open space, and natural areas such as along creeks and Goals NRC-1 and NRC-3 and policies NRC 1-1, NRC 1-8, and NRC 4-3 of the General Plan protect these areas and the resources within them. Therefore, the General Plan FEIR concluded that forest lands would be preserved to the greatest extent feasible and impacts would be less than significant.

Other Changes in the Existing Environment. The General Plan FEIR determined that implementation of the General Plan has the potential to introduce non-agricultural uses such as higher density residential uses on or near farmland and that implementation of the General Plan would convert agricultural uses of Farmland of Statewide Importance to residential uses in some areas. While

concentrated infill development within the Planning Area sites would reduce changes to existing environments adjacent to or near existing farmland or forest land and thereby reduce the likelihood of conversion of these lands to non-agricultural or non-forest use, the conversion of Farmland of Statewide Importance to residential uses constitutes a significant and unavoidable impact, with no feasible mitigation measures.

Project Impacts

The project site is located within the RI-4 zoning district. Although the project site is currently used by the nearby Vintage High School for agriculture coursework, it is not used for active agricultural production. The project site is designated as Urban and Built-Up Land by the California Department of Conservation.⁷ Additionally, the project site is not located on or adjacent to forest land or timberland and would not result in the loss of forest land or conversion of forest land to non-forest uses. Therefore, the proposed project would not result in any new or more significant impacts to agriculture and forestry resources beyond the impacts identified in the General Plan FEIR.

Applicable Mitigation

The General Plan FEIR did not identify any mitigation measures related to agricultural or forestry resources. No substantial changes in environmental circumstances have occurred for this topic, and there is no new information that could not have been known at the time the General Plan FEIR was certified leading to new or more severe significant impacts; therefore, no new mitigation measures are required.

Conclusion

The General Plan FEIR adequately evaluated the agriculture and forestry impacts of the proposed project. Potential impacts would be less than significant and additional mitigation is not required.

⁷ California Department of Conservation. 2016. California Importation Farmland Finder. Website: <https://maps.conservation.ca.gov/dlrp/ciff/> (accessed May 15, 2023).

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

	Substantial Changes in Project/Circumstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project is located in the City of Napa, and is within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin. The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency and the California Air Resources Board (CARB) have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_x), particulate matter (PM₁₀), sulfur dioxide (SO₂), and lead (Pb). Secondary criteria pollutants include ozone (O₃), and fine particulate matter (PM_{2.5}).

Based on the BAAQMD attainment status and ambient air quality monitoring data, ambient air quality in the vicinity of the project site has basically remained unchanged since approval of the General Plan FEIR. However, since the General Plan FEIR was certified, the BAAQMD adopted the 2022 CEQA Guidelines. These changes in the project circumstances as well as the proposed project itself are discussed and evaluated in the following section.

Applicable Policies

General Plan Policies. The following General Plan policies are applicable to the proposed project.

- Goal CCS-1: Further the City’s sustainability initiatives to reduce the community’s GHG emissions, and foster green development patterns – including buildings, sites, and landscapes.

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- Policy CCS 1-1: Seek to achieve net zero climate pollutants from public and private operations within the City by 2030 and carbon neutrality by 2040, which is five years sooner than what is established under Executive Order B-55-18.
 - Goal CCS-2: Promote Napa as a network of interconnected neighborhoods with compact, walkable development patterns that are integrated with a sustainable mobility system that emphasizes walking, biking, or taking transit.
 - Policy CCS 2-1: Support programs to reduce auto-dependency and GHG emissions from personal vehicles. Efforts for this include:
 - Establish regulations to limit uses of drive-through windows, including limitations on drive through restaurants.
 - Initiate programs that encourage car-free tourism through incentives, outreach, awareness, and by creating a bicycle and pedestrian-friendly environment.
 - Establish programs to reduce vehicle miles traveled (VMT), such as transportation demand management.
 - Support the expansion of Park and Ride areas and other support facilities to encourage use of public transportation, including Napa Valley Transportation Authority's (NVTA) on demand service, and car and van pooling. Expand programs that encourage the installation of electric vehicle charging infrastructure.
 - Support programs to install bike racks in new developments, commercial areas, and within Downtown Napa and the Oxbow district.
 - Goal CCS-4: Further the City's Solid Waste & Recycling Division goals to promote recycling, composting, and source reduction services for residential and commercial uses to divert 75 percent (or more) of waste from landfills by 2035 and maintain diversion at 75 percent or greater through 2040.
 - Goal CCS-5: Ensure that Napa residents are prepared for climate change-induced drought conditions by reducing water consumption and promoting resilient water supplies.
 - Goal CCS-6: Considering power shutdowns that affect the Napa community, promote sustainable energy generation practices and further develop energy security that is resilient to wildfire and related climate disasters.
 - Policy CCS 6-2: Promote renewable energy generation and storage to decrease reliance on outside sources, and minimize impacts from public safety power shutdowns.
 - Goal CCS-7: Implement programs and work with jurisdictional partners to increase sustainable energy production and energy security.
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- Policy CCS 7-10: Incentivize the use of on-site renewable energy generation for new and existing buildings.
- Goal CCS-8: Support Napa’s vision of a sustainable community by promoting efforts to reduce energy demand and resource conservation through improved building design.
- Policy CCS 8-1: Support use of the California Green Building Standards Code (CALGreen) to reduce energy demand and promote resource conservation through improved building design. Encourage existing buildings to adapt to CALGreen sustainability practices.
- Policy CCS 8-3: Encourage roofing design and surface treatments (e.g., “cool roofs”) that reduce the heat island effect of new development, and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs for new and retrofitted roofs through City outreach efforts.
- Goal CCS-9: Celebrate Napa as a Tree City USA and focus efforts to maintain and expand the urban forest.
- Goal NRC-5: Protect air quality within the City and support efforts for enhanced regional air quality.
- Policy NRC 5-2: Require that development projects incorporate all applicable BAAQMD Construction Mitigation Measures to reduce construction and operational emissions for reactive organic gases (ROG), nitrogen oxides (NOX), and particulate matter (PM10 and PM2.5).
- Policy NRC 5-3: Require contractors to use best management practices (BMPs)— including regular materials and vehicle tire watering, covering of stockpiles, phasing or extension of grading operations, suspension of grading during high wind periods, and revegetation of graded areas—to reduce particulate emissions (including PM10 and PM2.5) and dust associated with construction activities.
- Policy NRC 5-4: Require all construction equipment to be maintained and tuned to meet appropriate EPA and CARB emission requirements, including use of Tier 4 engines in off-road equipment and cleaner heavy-duty trucks to reduce NOX and PM exhaust emission levels.
- Goal NRC-6: Through various sustainability measures, reduce greenhouse gas (GHG) emissions, fine particulate matter, and black carbon emissions into the air.
- Policy NRC 6-1: Encourage new developments to incorporate sustainable construction and building practices to reduce their pollutant emissions, carbon footprint, and impact on the environment, as outlined in the Green Buildings Standards Code, BAAQMD rules, and the Napa Municipal Code.
- Policy NRC 6-2: Implement regulations that will contribute to an improvement in air quality, and reduction of gases that are harmful to the environment and that cause climate change. Example

regulations include eliminating fossil fuels (natural gas) in heating spaces and water for new and significantly renovated buildings.

- Goal NRC-7: Seek to reduce mobile sources of air pollution by creating denser and walkable neighborhoods, promoting transit-oriented development, and improving bicycle infrastructure, with the goals to reduce the number of miles traveled in cars and improve regional air quality.
- Goal NRC-8: Protect sensitive receptors from exposure to substantial concentrations of toxic air contaminants (TACs) and associated health risks.
- Policy NRC 8-3: Consider proximity to the nearest sensitive receptors when reviewing potential siting of new land uses within the Planning Area that may emit TAC emissions or odors.
- Policy PHE 3-1: Protect sensitive receptors such as schools, childcare centers, senior living facilities, and residences from the impacts of stationary and non-stationary sources of pollution by ensuring adequate buffers or mitigation measures.
- Goal TE-1: Foster a comprehensive network of accessible roads, trails, sidewalks, and pathways that emphasize a Complete Streets approach, while reducing vehicle miles traveled (VMT) and dependence on single-occupancy vehicles.
- Goal TE-3: Promote active transportation, support active lifestyles, and encourage physical activity by providing, safe pedestrian and bicycle infrastructure citywide.
- Goal TE-10: Reduce reliance on fossil fuels and reduce non-point-source pollution by supporting sustainable infrastructure and promoting alternative modes of travel.
- Policy TE 10-1: Promote personal use of electric vehicles by providing or promoting adequate publicly-accessible charging stations and designated parking at City facilities, multi-family housing, and commercial developments.

General Plan FEIR Impacts

The following provides an overview of impacts to air quality and required mitigation measures as identified in the General Plan FEIR.

Clean Air Plan. The General Plan FEIR determined that the General Plan would incorporate applicable control measures of the 2017 Clean Air Plan and would not disrupt or hinder implementation of any of these control measures. In addition, the General Plan FEIR determined that the increase in vehicle trips associated with resident and service populations is lower than the rate of their projected increases. However, because implementation of the General Plan would result in an increase in criteria pollutant emissions, the General Plan FEIR found that implementation of the General Plan would conflict with the primary goals of the 2017 Clean Air Plan. As identified in the General Plan FEIR, given that the General Plan already includes policies that would help reduce impacts to the maximum extent feasible, implementation of the General Plan was determined to have a significant and unavoidable impact.

Criteria Pollutants. The General Plan FEIR determined that although the construction emission impacts associated with each new individual development would be short-term in nature (relative to the buildout year) and limited to the period of time when construction activity is taking place for that particular development, the concurrent construction of a multitude of individual development projects that could occur at any one time under the General Plan FEIR would generate combined criteria pollutant emissions on a daily basis that would exceed the BAAQMD's project-level thresholds. In addition, depending on the size and scale of an individual development project, along with its construction schedule and other parameters, there may also be instances where the daily construction emissions generated by a single development project within the could also exceed the BAAQMD's criteria pollutant thresholds. The General Plan FEIR found that implementation of General Plan policies NRC 5-2, NRC 5-3, NRC 5-4, NRC 6-1, and compliance with CALGreen and BAAQMD best management practices would reduce construction-related emissions; however, impacts related to air quality due to construction were found to be significant and unavoidable.

In addition, the General Plan FEIR determined that unmitigated operational sources under the General Plan would result in a net reduction in all criteria pollutants, without assuming implementation of proposed policies that would further improve air quality such as solid waste reduction (Goal CCS-4), water and energy conservation (goals CCS-5, CCS-6, and CCS-7) and green/sustainable design practices (Goal CCS-8). The General Plan FEIR also found that emissions of NO_x and CO associated with the implementation of the General Plan would not exceed BAAQMD's project-level thresholds and therefore would not cumulatively contribute to impact on regional air quality; however, net emissions of ROG, PM₁₀, and PM_{2.5} exceed BAAQMD thresholds. The General Plan FEIR found that all feasible mitigation measures would be applied through implementation of General Plan policies; however, because the effect of these reductions cannot be quantified impacts were found to be significant and unavoidable.

Exposure of Sensitive Receptors to Pollutant Concentrations. As discussed in the General Plan FEIR, implementation of the General Plan would allow growth of residential land uses that would be new sensitive receptors and non-residential land uses that are a potential for new emissions sources, as well as increase traffic volumes that exacerbate existing mobile sources. The General Plan EIR found that General Plan policies would establish buffers between potential air pollution sources and sensitive receptors and limit pollution during construction. The General Plan EIR also found that other exposure reduction strategies including requirement of air filters, expansion of urban forestry, speed reduction, and traffic management, would minimize contribution to existing sources as well as protect future sensitive receptors. The General Plan EIR determined that future development would be subject to individual review; new sources would be evaluated through the BAAQMD permit process and/or the CEQA process to identify and mitigate any significant exposures. As such, the General Plan FEIR concluded that sensitive receptors from exposure to substantial pollutant concentrations would thus be minimized to the maximum extent feasible with implementation of the General Plan; however, uncertainty regarding the effects of individual projects allowed under the General Plan during construction and the cumulative contribution of operational emissions within an already-significant context would make the Project's impact significant and unavoidable overall.

Odors. The General Plan FEIR found that construction-related activities near existing receptors would be temporary in nature, and construction activities would not result in nuisance odors. In addition, the General Plan FEIR determined that the proposed General Plan's land use designations, including residential, commercial, retail, light industrial, public/institutional, and office, are not associated with the odor-generating land uses. The General Plan FEIR concluded that although brief exhaust- and paint-related odors may be considered adverse, they would not be atypical of developed urban areas and would not affect a substantial number of people or result in a significant impact.

Project Impacts

Clean Air Plan Consistency. An air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a non-attainment area. The main purpose of an air quality plan is to bring an area into compliance with the requirements of federal and State air quality standards.

The 2017 Clean Air Plan provides a regional strategy to protect public health and protect the climate. To protect public health, the plan describes how the BAAQMD will continue progress toward attaining all State and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious greenhouse gas reduction targets for 2030 and 2050, and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve greenhouse gas (GHG) reduction targets.

The 2017 Clean Air Plan includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants. It also includes control measures to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

Consistency with the Clean Air Plan can be determined if a project does the following: (1) supports the goals of the Clean Air Plan; (2) includes applicable control measures from the Clean Air Plan; and (3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan. Because the 2017 Clean Air Plan is the most current clean air plan applicable to the region, the proposed 2017 project is evaluated for compliance with this plan below.

Clean Air Plan Goals. The primary goals of the Clean Air Plan are to: attain air quality standards; reduce population exposure and protect public health in the Bay Area; and reduce greenhouse gas emissions and protect climate.

The BAAQMD has established significance thresholds for project construction and operational impacts at a level at which the cumulative impact of exceeding these thresholds would have an adverse impact on the region's attainment of air quality standards. The health and hazards thresholds were established to help protect public health.

As discussed in more detail in the analysis below, implementation of the proposed project would result in less-than-significant construction- and operation-period emissions. Therefore, the project would not conflict with the Clean Air Plan goals.

Clean Air Plan Control Measures. The control strategies of the Clean Air Plan include measures in the following categories: Stationary Source Measures, Transportation Measures, Energy Measures, Building Measures, Agriculture Measures, Natural and Working Lands Measures, Waste Management Measures, Water Measures, and Super-GHG Pollutants Measures. The proposed project's consistency with each of these strategies is discussed below.

Stationary Source Control Measures. The Stationary Source Measures, which are designed to reduce emissions from stationary sources such as metal melting facilities, cement kilns, refineries, and glass furnaces, are incorporated into rules adopted by the BAAQMD and then enforced by BAAQMD Permit and Inspection programs. Since the proposed project would not include any such stationary sources, the Stationary Source Measures of the Clean Air Plan are not applicable to the project.

Transportation Control Measures. The BAAQMD identifies Transportation Measures as part of the Clean Air Plan to decrease emissions of criteria pollutants, TACs, and GHGs by reducing demand for motor vehicle travel, promoting efficient vehicles and transit service, decarbonizing transportation fuels, and electrifying motor vehicles and equipment. The project site is located in an area with a mix of land uses, including residential, commercial, institutional, and recreational uses, reducing the demand for travel by single occupancy vehicles. Additionally, the proposed project would provide adequate bicycle and pedestrian infrastructure and would represent an overall improvement to bicycle and pedestrian access and circulation. Furthermore, as detailed in the Transportation Impact Study, existing transit routes are adequate to accommodate project-generated transit trips and existing stops are within an acceptable walking distance of the site. As such, the project would not conflict with BAAQMD initiatives to reduce vehicle trips and vehicle miles traveled (VMT) and would increase the use of alternate means of transportation.

Energy Control Measures. The Clean Air Plan also includes Energy Measures, which are designed to reduce emissions of criteria air pollutants, TACs, and GHGs by decreasing the amount of electricity consumed in the Bay Area, as well as decreasing the carbon intensity of the electricity used by switching to less GHG-intensive fuel sources for electricity generation. Since these measures apply to electrical utility providers and local government agencies (and not individual projects), the Energy Control Measures of the Clean Air Plan are not applicable to the proposed project.

Building Control Measures. The BAAQMD has authority to regulate emissions from certain sources in buildings such as boilers and water heaters, but has limited authority to regulate buildings themselves.

Therefore, the strategies in the control measures for this sector focus on working with local governments that do have authority over local building codes, to facilitate adoption of best GHG control practices and policies. Therefore, the Building Control Measures of the Clean Air Plan are not applicable to the proposed project.

Agriculture Control Measures. The Agriculture Control Measures are designed to primarily reduce emissions of methane. Since the project does not include any agricultural activities, the Agriculture Control Measures of the Clean Air Plan are not applicable to the project.

Natural and Working Lands Control Measures. The Natural and Working Lands Control Measures focus on increasing carbon sequestration on rangelands and wetlands, as well as encouraging local governments to adopt ordinances that promote urban tree plantings. Since the proposed project does not include the disturbance of any rangelands or wetlands, the Natural and Working Lands Control Measures of the Clean Air Plan are not applicable to the project.

Waste Management Control Measures. The Waste Management Measures focus on reducing or capturing methane emissions from landfills and composting facilities, diverting organic materials away from landfills, and increasing waste diversion rates through efforts to reduce, reuse, and recycle. The proposed project would comply with local requirements for waste management (e.g., recycling and composting services). Therefore, the project would be consistent with the Waste Management Control Measures of the Clean Air Plan.

Water Control Measures. The Water Control Measures focus on reducing emissions of criteria pollutants, TACs, and GHGs by encouraging water conservation, limiting GHG emissions from publicly owned treatment works (POTWs), and promoting the use of biogas recovery systems. Since these measures apply to POTWs and local government agencies (and not individual projects), the Water Control Measures are not applicable to the proposed project.

Super GHG Control Measures. Super GHGs include GHGs with very high global warming potential, such as methane, black carbon, and fluorinated gases. The Super-GHG Control Measures are designed to facilitate the adoption of best GHG control practices and policies through the BAAQMD and local government agencies. Since these measures do not apply to individual projects, the Super-GHG Control Measures are not applicable to the proposed project.

Clean Air Plan Implementation. As discussed above, the proposed project would generally implement the applicable measures outlined in the Clean Air Plan, including Transportation Control Measures. Therefore, the proposed project would not disrupt or hinder implementation of a control measure from the current Clean Air Plan, and the proposed project would not result in impacts more severe than impacts identified in the General Plan FEIR.

Criteria Pollutant Analysis. Both State and federal governments have established health-based Ambient Air Quality Standards for six criteria air pollutants: CO, ozone (O₃), NO₂, SO₂, Pb, and suspended particulate matter (PM). These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety. As identified above, the Air Basin is under State non-attainment status for ozone, PM₁₀, and PM_{2.5} standards. The Air Basin is also classified as non-attainment for both the federal ozone 8-hour standard and the federal PM_{2.5} 24-hour standard.

Air quality standards for the proposed project are regulated by the BAAQMD CEQA Air Quality Guidelines. According to the BAAQMD CEQA Air Quality Guidelines, to meet air quality standards for operational-related criteria air pollutant and air precursor impacts, the project must not:

- Contribute to CO concentrations exceeding the State ambient air quality standards;
- Generate average daily construction emissions of reactive organic gases (ROG), nitrogen oxides (NO_x) or PM_{2.5} greater than 54 pounds per day or PM₁₀ exhaust emissions greater than 82 pounds per day; or
- Generate average operational emissions of ROG, NO_x or PM_{2.5} of greater than 10 tons per year or 54 pounds per day or PM₁₀ emissions greater than 15 tons per year or 82 pounds per day.

The following sections describe the proposed project's construction- and operation-related air quality impacts and CO impacts.

Construction-Related Impacts. Similar to construction activities associated with the General Plan FEIR, during construction of the proposed project, short-term degradation of air quality may occur due to the release of particulate emissions generated by demolition, grading, building, paving, and other activities. Emissions from construction equipment are also anticipated and would include CO, NO_x, ROG, directly emitted particulate matter (PM_{2.5} and PM₁₀), and TACs such as diesel exhaust particulate matter.

Project construction activities would include demolition, site preparation, grading, building, paving, and architectural coating (painting). Construction-related effects on air quality from the proposed project would be greatest during the site preparation phase due to the disturbance of soils. If not properly controlled, these activities would temporarily generate particulate emissions. Sources of fugitive dust would include disturbed soils at the construction site. Unless properly controlled, vehicles leaving the site would deposit dirt and mud on local streets, which could be an additional source of airborne dust after it dries. PM₁₀ emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. PM₁₀ emissions would depend on soil moisture, silt content of soil, wind speed, and the amount of operating equipment. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site.

Water or other soil stabilizers can be used to control dust, resulting in emission reductions of 50 percent or more. The BAAQMD has established standard measures for reducing fugitive dust

emissions (PM₁₀). With the implementation of these Basic Construction Mitigation Measures, fugitive dust emissions from construction activities would not result in adverse air quality impacts.

In addition to dust-related PM₁₀ emissions, heavy trucks and construction equipment powered by gasoline and diesel engines would generate CO, SO₂, NO_x, ROG, and some soot particulate (PM_{2.5} and PM₁₀) in exhaust emissions. If construction activities were to increase traffic congestion in the area, CO and other emissions from traffic would increase slightly while those vehicles idle in traffic. These emissions would be temporary in nature and limited to the immediate area surrounding the construction site.

The California Emissions Estimator Model version 2022.1 (CalEEMod) was used to calculate emissions from on-site construction equipment and emissions from worker and vehicle trips to the site. This analysis assumes construction would begin November 2023 and would occur for 36 months, ending in November 2026. The proposed project would include demolition of the approximately 17,512 square feet of existing structures and approximately 41,000 square feet of asphalt lots on the project site, which was included in CalEEMod. The proposed project would require approximately 19,724 cubic yards of cut earthwork, all of which would be balanced on the project site. This analysis assumes the use of Tier 4 Final construction equipment, consistent with the requirements of General Plan policy NRC 5-4, which requires all construction equipment to be maintained and tuned to meet appropriate EPA and CARB emission requirements, including use of Tier 4 engines in off-road equipment and cleaner heavy-duty trucks to reduce NO_x and PM exhaust emission levels (also a BAAQMD-recommended mitigation measure). Other detailed construction information is currently unavailable; therefore, this analysis uses CalEEMod default assumptions. Construction-related emissions are presented in Table A, below. CalEEMod output sheets are included in Appendix A.

Table A: Project Construction Emissions (in Pounds Per Day)

Project Construction	ROG	NO _x	Exhaust PM ₁₀	Fugitive Dust PM ₁₀	Exhaust PM _{2.5}	Fugitive Dust PM _{2.5}
Average Daily Emissions	1.6	2.1	<0.1	0.5	<0.1	0.2
BAAQMD Thresholds	54.0	54.0	82.0	BMP	54.0	BMP
Exceeds Threshold?	No	No	No	No	No	No

Source: Compiled by LSA (June 2023).

BAAQMD = Bay Area Air Quality Management District

BMP = best management practices

NO_x = nitrogen oxides

PM_{2.5} = particulate matter 2.5 microns or less in diameter

PM₁₀ = particulate matter 10 microns or less in diameter

ROG = reactive organic gases

As shown in Table A, construction emissions associated with the project would not exceed the BAAQMD's thresholds for ROG, NO_x, CO, exhaust PM₁₀, and exhaust PM_{2.5} emissions. In addition to the construction period thresholds of significance, the BAAQMD requires the implementation of Basic Construction Mitigation Measures to reduce construction fugitive dust impacts to a less than significant level. General Plan policy NRC 5-2 requires the implementation of BAAQMD's Basic Construction Mitigation Measures, which would ensure that short-term construction period air quality impacts would be less than significant. Therefore, construction of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State ambient air quality standards (AAQS). The proposed project would not result in any construction-related air quality impacts that are new or more significant than those analyzed in the General Plan FEIR.

Operation-Related Impacts. Similar to buildout of the General Plan FEIR, long-term air pollutant emission impacts are those associated with mobile sources (e.g., vehicle trips), energy sources (e.g., natural gas), and area sources (e.g., architectural coatings and the use of landscape maintenance equipment) related to the proposed project.

PM₁₀ emissions result from running exhaust, tire and brake wear, and the entrainment of dust into the atmosphere from vehicles traveling on paved roadways. Entrainment of PM₁₀ occurs when vehicle tires pulverize small rocks and pavement, and the vehicle wakes generate airborne dust. The contribution of tire and brake wear is small compared to the other PM emission processes. Gasoline-powered engines have small rates of particulate matter emissions compared with diesel-powered vehicles.

Energy source emissions result from activities in buildings that use natural gas. The quantity of emissions is the product of usage intensity (i.e., the amount of natural gas) and the emission factor of the fuel source. Major sources of energy demand for the proposed project could include building mechanical systems, such as heating and air conditioning and lighting. Greater building or appliance efficiency reduces the amount of energy for a given activity and thus lowers the resultant emissions. The emission factor is determined by the fuel source, with cleaner energy sources, like renewable energy, producing fewer emissions than conventional sources.

Area source emissions associated with the project would include emissions from the use of landscaping equipment.

Emission estimates for operation of the project were calculated using CalEEMod. The proposed project is expected to generate 500 average daily trips, which was included in CalEEMod. Where project-specific data were not available, default assumptions (e.g., energy usage, water usage, and solid waste generation) from CalEEMod were used to estimate project emissions. The daily and annual emissions associated with project operational trip generation, energy, and area sources are identified in Table B for ROG, NO_x, PM₁₀, and PM_{2.5}. CalEEMod output sheets are included in Appendix A.

Table B: Project Operational Emissions

	ROG	NO _x	PM ₁₀	PM _{2.5}
Pounds per Day				
Mobile Source Emissions	1.9	1.6	1.9	0.5
Area Source Emissions	2.9	0.2	<0.1	<0.1
Energy Source Emissions	<0.1	0.5	<0.1	<0.1
Total Emissions	4.8	2.3	1.9	0.5
BAAQMD Thresholds	54.0	54.0	82.0	54.0
Exceeds Threshold?	No	No	No	No
Tons per Year				
Mobile Source Emissions	0.3	0.3	0.3	0.1
Area Source Emissions	0.5	<0.1	<0.1	<0.1
Energy Source Emissions	<0.1	0.1	<0.1	<0.1
Total Emissions	0.8	0.4	0.4	0.1
BAAQMD Thresholds	10.0	10.0	15.0	10.0
Exceeds Threshold?	No	No	No	No

Source: Compiled by LSA (June 2023).

BAAQMD = Bay Area Air Quality Management District

NO_x = nitrogen oxides

PM_{2.5} = particulate matter 2.5 microns or less in diameter

PM₁₀ = particulate matter 10 microns or less in diameter

ROG = reactive organic gases

The results shown in Table B indicate the proposed project would not exceed the significance criteria for daily or annual ROG, NO_x, PM₁₀, and PM_{2.5} emissions; therefore, operation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State AAQS. The proposed project would not result in any operational air quality impacts that are new or more significant than those analyzed in the General Plan FEIR.

Localized Carbon Monoxide Impacts. Emissions and ambient concentrations of CO have decreased dramatically in the Bay Area with the introduction of the catalytic converter in 1975. No exceedances of the State or federal CO standards have been recorded at Bay Area monitoring stations since 1991. A screening level analysis using guidance from the BAAQMD CEQA Guidelines was performed to determine the impacts of the project. The screening methodology provides a conservative indication of whether the implementation of a proposed project would result in significant CO emissions. According to the BAAQMD's CEQA Guidelines, a proposed project would result in a less-than-significant impact to localized CO concentrations if the following screening criteria were met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, and the regional transportation plan and local congestion management agency plans.
- Project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.

- The project would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, or below-grade roadway).

Implementation of the proposed project would not conflict with the Napa Valley Transportation Authority requirement for designated roads or highways, a regional transportation plan, or other agency plans. The project site is not located in an area where vertical or horizontal mixing of air is substantially limited. In addition, the project would not increase traffic volumes at intersections to more than 44,000 vehicles per hour. Therefore, the proposed project would not result in localized CO concentrations that exceed State or federal standards. The proposed project would not result in any CO impacts that are new or more significant than those analyzed in the General Plan FEIR.

Health Risk on Nearby Sensitive Receptors. Sensitive receptors are defined as residential uses, schools, daycare centers, nursing homes, and medical centers. Individuals particularly vulnerable to diesel particulate matter include children, whose lung tissue is still developing, and the elderly, who may have serious health problems that can be aggravated by exposure to diesel particulate matter. Exposure from diesel exhaust associated with construction activity contributes to both cancer and chronic non-cancer health risks.

The project site is surrounded by existing residential, commercial, institutional, and recreational uses. The closest sensitive receptors to the project site include residential uses located immediately adjacent to the project site boundary to the east, west, and south. In addition, the Vintage High School is located near the project site. The following sections describe the potential impacts on sensitive receptors from construction and operation of the proposed project.

LSA performed a construction HRA, which evaluates construction-period health risk to off-site receptors, for the proposed project. The analysis is presented below. Table C, below, identifies the results of the analysis assuming the use of Tier 4 Final construction equipment, consistent with the requirements of General Plan policy NRC 5-4, at the maximally exposed individual (MEI), which is the nearest sensitive receptor. Model snapshots of the sources and results are shown in Appendix B.

Table C: Inhalation Health Risks from Project Construction to Off-Site Receptors

	Carcinogenic Inhalation Health Risk in One Million	Chronic Inhalation Hazard Index	Acute Inhalation Hazard Index	Annual PM_{2.5} Concentration (µg/m³)
Residential Receptor MEI	4.08	0.007	0.000	0.008
School Receptor MEI	0.47	0.001	0.000	0.006
Threshold	10.0	1.0	1.0	0.3
Exceeds Threshold?	No	No	No	No

Source: Compiled by LSA (June 2023).

µg/m³ = micrograms per cubic meter

PM_{2.5} = particulate matter less than 2.5 microns in size

As shown in Table C, the risk associated with project construction at the residential receptor MEI would be 4.08 in one million and the risk at the school receptor MEI would be 0.47 in one million, which would be below the BAAQMD cancer risk threshold of 10 in one million. The total chronic hazard index at the residential receptor MEI would be 0.007 and the total chronic hazard index at the school receptor MEI would be 0.001, which are below the threshold of 1.0. In addition, the total acute hazard index would be nominal (0.0), which would also not exceed the threshold of 1.0. The results of the analysis indicate that the total PM_{2.5} concentration would be 0.008 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) at the residential receptor MEI and 0.06 ($\mu\text{g}/\text{m}^3$) at the school receptor MEI, which would also exceed the BAAQMD significance threshold of 0.3 $\mu\text{g}/\text{m}^3$. Therefore, construction of the proposed project would not exceed BAAQMD thresholds and would not expose nearby sensitive receptors to substantial pollutant concentrations.

Once the proposed project is constructed, the proposed project would not be a source of substantial emissions. Therefore, implementation of the proposed project would not result in new sources of TACs. Therefore, the project would not expose sensitive receptors to substantial levels of TACs. The proposed project would not result in any health risk impacts that are new or more significant than those analyzed in the General Plan FEIR.

Objectionable Odors. Similar to the General Plan FEIR, during construction, the various diesel-powered vehicles and equipment in use on site would create localized odors. These odors would be temporary and are not likely to be noticeable for extended periods of time beyond the project site. Additionally, the proposed uses that would be developed within the project site are not expected to produce any offensive odors that would result in frequent odor complaints. The proposed project would not result in any odor impacts that are new or more significant than those analyzed in the General Plan FEIR.

Applicable Mitigation

The General Plan FEIR did not identify any mitigation measures related to air quality. No substantial changes in environmental circumstances have occurred for this topic, and there is no new information that could not have been known at the time the General Plan FEIR was certified leading to new or more severe significant impacts; therefore, no new mitigation measures are required.

Conclusion

The General Plan FEIR adequately evaluated the air quality impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

4. BIOLOGICAL RESOURCES

	Substantial Changes in Project/Circu mstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicable Policies

General Plan Policies. The following General Plan policies are applicable to the proposed project.

- Policy LUCD 1-1: Focus urban development to be within the voter-approved Rural Urban Limit (RUL) to provide for the protection of the surrounding open space and agriculture uses.
- Policy NRC.1-7: Identify and protect wildlife habitat corridors from being severed or significantly obstructed. Prioritize the re-establishment of disconnected habitat corridors wherever feasible, including in conjunction with stormwater management improvements.

- **Policy NRC.1-8:** Require development projects to provide protection for significant on-site natural habitat whenever feasible, and protect significant species and groves or clusters of trees on project sites. Establish and support citywide training and support programs that provide the tools to help existing homeowners associations and residents accomplish habitat protection.
- **Policy NRC.2-2:** As part of development review on sites with sensitive species, require project proponents to either conserve any habitat areas, or identify any feasible means of avoiding any net loss of habitat or habitat value for endangered, threatened, and rare species. Establish programs that provide for the use of off-site mitigation when in the best interest of the public.

City of Napa Municipal Code. The following City of Napa Municipal Code policies are applicable to the proposed project.

- **Section 12.44.030 Planting and Removal of Street Trees:** Under Section 12.44.030 Planting and Removal of Street Trees, it shall be unlawful for any person to plant, injure, or to remove a street tree without a valid permit for such work issued by the director. Any person who desires a permit shall apply to the department on the designated form. All tree removal and tree planting shall conform to specifications established by the department.
- **Chapter 12.45 Trees on Private Property:** Under Chapter 12.45, Trees on Private Property, specific species of trees are protected by the City if located on private property over one acre in size zoned for residential or agricultural purposes or on property zoned for commercial or industrial purposes. These trees include blue oak (*Quercus douglasii*) with a diameter at breast height (DBH) 6 inches or greater, coast redwood (*Sequoia sempervirens*) with a DBH 36 inches or greater, valley oak (*Quercus lobata*) with a DBH 12 inches or greater, coast live oak (*Quercus agrifolia*) with a DBH 12 inches or greater, black oak (*Quercus kelloggii*) with a DBH 12 inches or greater, California bay (*Umbellularia californica*) with a DBH 12 inches or greater, and black walnut (*Juglans hindsii*) with a DBH 12 inches or greater. This regulation requires protection of significant trees during construction activity; permits for activities affecting significant trees; replacement, protection, and maintenance of replacement trees; and safeguarding of protected native trees.

General Plan FEIR Impacts. The following provides an overview of impacts to biological resources and required mitigation measures as identified in the General Plan FEIR.

Protected Plants and Wildlife. The General Plan FEIR determined that 28 special-status plant species and 20 special-status wildlife species have moderate or high potential to be in the Planning Area. Special-status plant and animal species and their potential habitat could be affected by future development under updated General Plan land use designations. However, planned changes in land use would be minimal as compared to existing land uses, and future development under the General Plan would occur primarily within previously disturbed areas; therefore, impacts on special-status plants and animals would not be substantial. Additionally, the General Plan includes goals and policies that emphasize the conservation and protection of biological resources (LUCD-1, NRC-1, NRC.1-1, NRC.1-2, NRC.1-3, NRC.1-4, NRC.1-5, NRC.1-6, NRC.1-8, NRC.1-9, NRC-2, NRC.2-2, NRC.2-3, NRC.2-4, NRC-4, NRC.4-1, NRC.4-2, NRC.4-3). Furthermore, future development would be subject to

review under CEQA and permitting requirements for impacts on special-status plants and animals. Therefore, the General Plan FEIR concluded that implementation of the General Plan would result in less than significant impacts to special-status plant and animal species and no mitigation is required.

The General Plan FEIR determined that 11 special-status fish species have a moderate or high potential to be in the study area. Five of these fish species —fall-run Chinook salmon, steelhead, green sturgeon, and delta and longfin smelt—are listed as threatened or endangered under ESA or CESA. Special-status fish and their habitat could be affected by future development under updated General Plan land use designations. Planned changes in land use along the Napa River would be minimal in area as compared to existing land uses and land uses approved under the existing General Plan, and future development under the General Plan would occur primarily within previously disturbed areas. In addition, the General Plan includes several goals and policies that emphasize the conservation and protection of biological resources. Furthermore, future development would be subject to review under CEQA and permitting requirements for impacts on special-status fish. Therefore, the General Plan FEIR concluded that implementation of the General Plan would result in less than significant impacts to special-status fish and no mitigation is required.

Riparian Habitat or Other Sensitive Natural Community. The General Plan FEIR determined that valley foothill riparian and sensitive oak woodland (blue oak, coast live oak, and valley oak) communities in the study area are primarily in parks or previously developed areas that would not be affected by General Plan land use changes. However, some riparian and oak woodland habitat in areas planned for development could be affected under the General Plan. Future development under the General Plan would occur primarily within previously disturbed areas. In addition, the General Plan includes goals and policies that emphasize the conservation and protection of biological resources (LUCD-1, LUCD.1-1, NRC-1, NRC.1-1, NRC.1-2, NRC.1-3, NRC.1-4, NRC.1-5, NRC.1-6, NRC.1-8, NRC.1-9, NRC-2, NRC.2-1, NRC-4, NRC.4-1, NRC.4-2, NRC.4-3). Furthermore, future development would be subject to review under CEQA and permitting requirements for impacts on oak woodlands and valley foothill riparian communities. Therefore, the General Plan FEIR concluded that implementation of the General Plan would result in less than significant impacts to riparian habitat or other sensitive natural communities and no mitigation is required.

Federally Protected Wetlands. The General Plan FEIR determined that State and federally protected wetlands and nonwetland waters (riverine, freshwater emergent wetlands, saltwater emergent wetlands) in the study area are primarily in conservation areas, parks or previously developed areas that would not be affected by General Plan land use changes. However, some wetlands and nonwetland waters in areas planned for development could be affected under the General Plan. Planned changes in land use would primarily in previously disturbed areas. In addition, the General Plan includes goals and policies that emphasize the conservation and protection of biological resources (LUCD-1, LUCD.1-1, NRR-1, NRC.1-1, NRC.1-2, NRC.1-3, NRC.1-4, NRC.1-5, NRC.1-6, NRC.1-8, NRC.1-9, NRC-2, NRC.2-1, NRC-4, NRC.4-1, NRC.4-2, NRC.4-3).

The General Plan FEIR concluded that implementation of these updated policies, as well as the required project-level review under CEQA and permitting requirements, would reduce the potential effects of the General Plan on state and federally protected wetlands and non-wetland waters to a less-than-significant level, and no mitigation is required.

Wildlife Movement Corridors. The General Plan FEIR determined that the proposed land use changes and subsequent development under the General Plan could interfere with the movement of native wildlife species, particularly in the south portion of the study area where an ECA has been identified. Proposed land use designations would result in small areas of vineyard, grassland, oak woodland, and riverine areas that are within the designated ECA being converted to hospitality commercial and business park. Although the corridor would be reduced from these land use changes, most of the existing corridor immediately to the north and south of these areas would be maintained as open space areas, and the corridor would not be fragmented or blocked by the proposed changes. Planned changes in land use would occur primarily within previously disturbed areas.

Native wildlife nursery sites (e.g., nest or roost sites, burrows) could be removed or disturbed by development that is conducted as a result of land use changes. Removal or disturbance of nursery areas could result in injury and mortality of special-status species, as well as disruption of normal behaviors that could reduce reproductive output and overall survivorship. Proposed land use designations would result in small areas of vineyard, grassland, oak woodland, and riverine areas being converted to other uses. However, most of the large natural and open space areas, including riparian corridors and wetland areas, would not be affected.

The proposed land use changes and subsequent development would not create a physical or water quality barrier or impediment that would interfere with the movement or migration of fish because no new structures would be constructed, nor would any water quality degradation occur, that would have the capacity to interrupt or impede the movement or migration of fish in the area.

The General Plan includes goals and policies that emphasize the conservation and protection of biological resources (LUCD-1, LUCD.1-1, NRC-1, NRC.1-1, NRC.1-2, NRC.1-3, NRC.1-4, NRC.1-5, NRC.1-6, NRC.1-7, NRC.1-8, NRC.1-9, NRC-2, NRC.2-1, NRC.2-2, NRC.2-3, NRC.2-4, NRC-4, NRC.4-1, NRC.4-2, and NRC.4-3). Implementation of these policies under the General Plan would reduce the potential effects on fish and wildlife movement and the use of native wildlife nursery sites. In addition, all future developments under the General Plan would be subject to review under CEQA for impacts on wildlife corridors. The General Plan FEIR concluded that with implementation of these policies and adherence to Project-level CEQA analysis, this impact would be less than significant, and no mitigation is required.

Local Policies and Ordinances. The General Plan FEIR determined that the proposed policies in the General Plan would not conflict with any existing City policies or ordinances protecting biological resources; rather they would expand the existing policies to better address sensitive biological resources.

In addition, new development would still need to be constructed in compliance with existing codes. Therefore, the General Plan FEIR concluded that there would be no impact, and no mitigation is required.

Local, Regional, or State Habitat Conservation Plan. The General Plan FEIR determined that no HCPs or natural community conservation plans have been adopted in the study area or in Napa County; therefore, there would be no impacts, and no mitigation is required.

Project Impacts

Project-specific impacts related to biological resources are discussed below.

Protected Plants and Wildlife. According to the Biological Resources Assessment⁸ completed for the proposed project, a total of 13 special status wildlife species and 18 special status plant species are known to occur within 5 miles of the project site. Although the project site provides potentially suitable habitat for many of the special status plant species known from the region, none of these species are likely to occur on the project site. No special status plant species were observed within the project site during the site survey, nor are there any recorded observations of special status plant species within the project site. Additionally, the dominance of non-native annual grassland species on the site and the intense level of activity from grazing and agriculture make it unlikely that special status plant species would occur on the project site. Therefore, implementation of the proposed project would result in no impacts to special-status plant species and no mitigation is required.

The majority of the special status wildlife species that have recorded CNDDDB observations in the region around the project site are unlikely to occur on the project site due to the absence of suitable habitat. Only the pallid bat (*Antrozous pallidus*) has the potential to occur on the project site, and the foothill yellow-legged frog (*Rana boyleii*), western pond turtle (*Actinemys marmorata*), and white-tailed kite (*Elanus leucurus*) have potential to occur in the region directly around the project site. The project site also has the potential to support nesting raptor species or other nesting migratory birds. Because the project site contains potentially suitable habitat for the pallid bat and the area around the project site contains potential nesting habitat for the white-tailed kite, pre-construction surveys for these species shall be completed to ensure that they are not adversely impacted by the proposed project. Pursuant to General Plan Policy NRC.2-2, the proposed project would be required to implement Condition of Approval (COA) BIO-1 and BIO-2, which require the completion of pre-construction surveys for nesting birds and bat habitat and species. With implementation of these COAs, impacts to special-status wildlife species would be less than significant.

Riparian Habitat or Other Sensitive Natural Community. According to the Biological Resources Assessment completed for the proposed project, there is no riparian habitat or other sensitive natural communities at the project site. Therefore, there would be no impacts and no mitigation is required. The proposed project would not result in any impacts related to riparian habitat that are new or more significant than those analyzed in the General Plan FEIR.

⁸ Zentner Planning and Ecology, 2022. *Vintage Farm Biological Resources Assessment*. March.

Federally Protected Wetlands. According to the Biological Resources Assessment completed for the proposed project, there are no jurisdictional wetlands on the project site. Therefore, there would be no impacts and no mitigation is required. The proposed project would not result in any impacts related to wetlands that are new or more significant than those analyzed in the General Plan FEIR.

Wildlife Movement Corridors. According to the Biological Resources Assessment completed for the proposed project, the project site is unlikely to be used as a wildlife movement corridor because it is surrounded on three sides by residential development and by a frequently utilized pedestrian trail on the fourth side. Additionally, the project site has been modified and was previously heavily used as an agriculture education center, making conditions less favorable to wildlife.

Salvador Creek is located northeast of the project site and provides a wildlife movement corridor through the area. Salvador Creek provides a water source and contains relatively dense riparian vegetation that provides shelter, shade, and cover for wildlife moving through the area. At its closest point, Salvador Creek is located approximately 150 feet away from the project site; however, there is a significant developed buffer in between Salvador Creek and the project site to the east of the site and the proposed project would not result in any changes to the creek such as vegetation removal or modifications to any crossings. Therefore, it is unlikely to affect wildlife movement through Salvador Creek. Therefore, there would be no impacts and no mitigation is required. The proposed project would not result in any impacts related to wildlife movement corridors that are new or more significant than those analyzed in the General Plan FEIR.

Local Policies and Ordinances. According to the Arborist Report⁹ completed for the proposed project, the project would result in the removal of 36 trees, 6 of which are considered Native Protected trees. Consistent with Municipal Code Chapter 12.45 Trees on Private Property, a permit would be required prior to removal of these trees and the applicant would comply with any applicable tree preservation guidelines. Additionally, 133 new trees would be planted at the project site. Therefore, the proposed project would not conflict with any local policies or ordinances protecting biological resources and there would be no impact. The proposed project would not result in any impacts related to local policies or ordinances protecting biological resources that are new or more significant than those analyzed in the General Plan FEIR.

Local, Regional, or State Habitat Conservation Plan. The project site is not subject to any HCPs or natural community conservation plans; therefore, there would be no impacts, and no mitigation is required. The proposed project would not result in any impacts related to an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan that are new or more significant than those analyzed in the General Plan FEIR.

⁹ HortScience and Bartlett Consulting, 2021. *Arborist Report, Vintage Farm, Napa, CA*. April.

Applicable Mitigation

The General Plan FEIR did not identify any mitigation measures related to biological resources. However, pursuant to General Plan Policy NRC.2-2, the proposed project would be required to implement the following COAs to reduce impacts to special-status wildlife species to less-than-significant levels:

COA BIO-1:

If construction related work would commence anytime during the nesting/breeding season of raptors or other bird species listed in the Migratory Bird Treaty Act (typically February through September 15), a pre-construction survey of the Property for nesting birds should be conducted. This survey should be conducted by a qualified biologist (experienced with the nesting behavior of bird species of the region) within 7 days prior to the commencement of construction activities that would occur during the nesting/breeding season. The intent of the survey should be to determine if active nests are present within or adjacent to the construction zone, that is within approximately 250 feet of the work areas. If ground disturbance activities are delayed following a survey, then an additional pre-construction survey should be conducted such that no more than one week will have elapsed between the last survey and the commencement of ground disturbance activities.

If active nests are found in areas that could be directly or indirectly affected by the project, a no-disturbance buffer zone should be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them should be determined through consultation with the CDFW depending on the species, taking into account factors such as the following:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
- Distance and amount of vegetation or other screening between the construction site and the nest; and
- Sensitivity of individual nesting species and behaviors of the nesting birds.

The buffer zone around an active nest should be established in the field with orange construction fencing or another appropriate barrier and construction personnel should be instructed on the sensitivity of nest areas. The qualified biologist should serve as a construction monitor during those periods when construction activities would occur near active nest areas of special status bird species to ensure that no impacts on these nests occur.

COA BIO-2:

For construction activities between October 16 and August 14: Prior to the commencement of construction activities, a qualified biologist shall conduct a focused survey to determine the presence/absence of any special status bat species. If bats are found then a plan for removal or exclusion between October 16 and August 14 will be developed by a qualified biologist and in consultation with CDFW.

For construction activities between August 15 and October 15: If trees are to be removed between August 15 and October 15, they will be trimmed and removed in a two-phased system conducted over two consecutive days under the supervision of a qualified biologist. The first day (afternoon), limbs, branches and trunks without cavities, crevices, and deep bark fissures are removed by chainsaw. Limbs and trunks with cavities, crevices, and bark fissures would be avoided. On the second day, the remainder of the tree may be removed.

Conclusion

Because the project site contains potentially suitable habitat for the pallid bat and the area around the project site contains potential nesting habitat for the white-tailed kite, pre-construction surveys for these species shall be completed to ensure that they are not adversely impacted by the proposed project, as detailed in COAs BIO-1 and BIO-2 above. With implementation of these COAs, the proposed project would result in less-than-significant impacts to biological resources.

5. CULTURAL RESOURCES

	Substantial Changes in Project/Circumstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicable Policies

General Plan Policies. The following General Plan policies are applicable to the proposed project.

- **Goal HCR-1:** Preserve and enhance Napa’s historic resources. Encourage rehabilitation and adaptive reuse, as well as sensitive, context-compatible infill design.
- **Goal HCR-14:** Protect and preserve important archaeological resources.
- **Policy HCR 14-1:** Consider federal and State procedures and requirements relating to the preservation and protection of archeological resources and sites, such as the National Historic Preservation Act’s Section 106 process and the National Environmental Policy Act, when evaluating applications for development projects.
- **Policy HCR 14-2:** For development and redevelopment proposals in archaeologically or tribal culturally sensitive areas of Napa, require an assessment of the potential presence of archaeological and tribal cultural resources, including a site survey and a records search of the California Historical Resources Information System at the Northwest Information Center. As warranted by the results of the assessment, require additional studies to identify and address project-specific impacts on archaeological and tribal cultural resources.
- **Goal HCR-15:** Recognize the Tribal Nations who first lived in the Napa area and preserve their identity, culture, and artifacts.
- **Policy HCR 15-1:** Work with local Tribal Nations on development projects to avoid known cultural sites and resources to the extent feasible.

- Policy HCR 15-2: Establish City policies and procedures that require development projects to comply with state and Federal law that upon discovery of Native American remains or archaeological artifacts during construction, all activity will cease until qualified professional archaeological examination and reburial in an appropriate manner is accomplished.
- Policy HCR 15-3: Collaborate with local Tribal Nations on treatment protocols for handling human remains and cultural items affiliated with affected Tribal Nations.

General Plan FEIR Impacts

The following provides an overview of impacts to cultural resources and required mitigation measures as identified in the General Plan FEIR.

Historic Resources. The General Plan FEIR determined that although the concentration of future development in already urbanized areas and circulation improvements may indirectly increase the number of projects entailing the demolition, alteration, or relocation of CEQA historical resources, implementation of the General Plan would not substantially alter City policies regarding the significance of impacts on historical resources. Furthermore, the General Plan provides additional goals and policies intended to encourage rehabilitation, sensitive use adaptations, and flexible reuse to minimize adverse changes to historical resources (HCR 1-1, HCR 1-2, HCR 1-3, HCR 2-1, HCR 2-2, HCR 2-3, and HCR 2-4). Prior to commencement of any action, development, or land use changes on lands subject to federal jurisdiction, or for projects involving federal funding, a cultural resource survey and an environmental analysis must be prepared. Any projects resulting from the promotion of increased urban density, or the improvement of transportation networks would continue to require project-level review. Therefore, the General Plan FEIR concluded that the impact of implementation of the General Plan on historical resources would be less than significant with implementation of existing regulations and the proposed goals and policies.

Prehistoric and Historic Archaeological Resources. The General Plan FEIR determined that archaeological resources are known to be present in the plan area as identified through the NWIC record search results. Consequently, it is possible that future development, redevelopment, and construction activities proposed under the General Plan may result in direct or indirect impacts on both prehistoric and historic archaeological resources. If archaeological resources are present in the areas where development is planned, they could be damaged by earth-disturbing construction activities, such as excavation for foundations, placement of fill, trenching for utility systems, and grading for roads and staging areas. However, project-specific analysis would be required under CEQA when individual projects are proposed. The General Plan FEIR concluded that implementation of the policies under Goal HCR-14 of the General Plan, potential impacts to archaeological resources would be reduced to less-than-significant levels.

Human Remains. The General Plan FEIR determined that the Planning Area is located in an area that was inhabited by Native Americans during pre-European times. Accordingly, Native American burials may be found in the future on sites where no record of such burials exists. Buried human remains that were not identified during previous research and field studies could be inadvertently unearthed during ground-disturbing activities, possibly resulting in damage to the human remains. Accordingly,

human remains could be damaged or destroyed by future development related to buildout under the General Plan.

The treatment of Native American human remains is regulated by Public Resources Code Section 5097.98, as amended by Assembly Bill 2641, which addresses the disposition of Native American burials, protects remains, and appoints the NAHC to resolve disputes. In addition, California Health and Safety Code Section 7050.5 includes specific provisions for the protection of human remains in the event of discovery, and Section 7052 makes the willful mutilation, disinterment, or removal of human remains a felony. The Health and Safety Code is applicable to any project where ground disturbance would occur. Additionally, the General Plan includes policies aimed at protecting Native American remains and archaeological artifacts (HCR 15-2 and HCR 15-3). Therefore, the General Plan FEIR determined that impacts to human remains would be less than significant.

Project Impacts

Project-specific impacts related to cultural resources are discussed below.

Historic Resources. The Cultural Resources Evaluation¹⁰ completed for the proposed project concluded that there are no known historical resources located on the project site. The existing structures on-site did not meet the definition of a historical resource because of their age and previous uses. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource and there would be no impact. The proposed project would not result in any impacts related to historical resources that are new or more significant than those analyzed in the General Plan FEIR.

Prehistoric and Historical Archaeological Resources. The Cultural Resources Evaluation completed for the proposed project determined that the project site does not contain any archaeological resources that warrant a finding of significance, nor will the proposed project have any impact upon the known archaeological resources of the area. However, pursuant to General Plan Policy HCR 14-2, the proposed project would be required to implement COA CUL-2, which requires that work cease and a qualified archaeologist be notified and an evaluation performed if a concentration of artifacts over fifty years in age is encountered during earth disturbing activities. With implementation of this COA, impacts to prehistoric and historic archaeological resources would be less than significant.

Disturbance of Human Remains. As described above, all development within the Planning Area must conform to State laws pertaining to the discovery of human remains. If human remains of Native American origin are discovered during project construction, the developer and/or Planning Department would be required to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission, consistent with Section 5097 of the Public Resources Code and Section 7050.5 of the Health and

¹⁰ Archaeological Resource Service, 2022. *A Cultural Resources Evaluation of the Proposed Vintage Farm Residential Development and Subdivision at 1185 Sierra Avenue, Napa, Napa County, California (APNs 38-250-037 and 38-250-035)*. May 13.

Safety Code. Therefore, the proposed project would not result in any new or more significant impacts related to historic resources than those analyzed in the General Plan FEIR.

General Plan EIR Mitigation Measures

The General Plan FEIR did not identify any mitigation measures related to cultural resources. However, pursuant to General Plan Policy HCR 14-2, the proposed project would be required to implement the following COA to reduce potential impacts to archaeological resources to less-than-significant levels:

COA CUL-1:

The applicant shall inform its contractor(s) of the sensitivity of the project site for archaeological deposits, and include the following directive on the project grading plans:

“The subsurface of the construction site is sensitive for archaeological deposits. If archaeological deposits are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist shall assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any archaeological materials. Archaeological deposits can include, but are not limited to, shellfish remains; bones, including human remains; flakes of, and tools made from, obsidian, chert, and basalt; mortars and pestles; historical trash deposits containing glass, ceramics, and metal artifacts; and structural remains, including foundations and wells.”

The City shall verify that the language has been included in the grading plans prior to issuance of a grading permit or other permitted project action that includes ground-disturbing activities on the project site.

If a concentration of artifacts over fifty years in age is encountered during earth disturbing activities, work should cease in that area and a qualified archaeologist should be notified and an evaluation performed. If the deposits are uncovered on the site and found to be significant (i.e., eligible for listing in the California Register of Historical Resources), the applicant shall be responsible for funding and implementing appropriate mitigation measures. Mitigation measures may include recordation of the archaeological deposit, data recovery and analysis, and public outreach regarding the scientific and cultural importance of the discovery. Upon completion of the selected mitigations, a report documenting methods and findings shall be prepared, and the final report shall be

submitted to the Northwest Information Center at Sonoma State University.

Significant archaeological materials shall be submitted to an appropriate curation facility and used for public interpretive displays, as appropriate and in coordination with a local Native American tribal representative.

Conclusion

Because the project site may contain undiscovered archaeological resources, an archaeologist should be notified and an evaluation performed if a concentration of artifacts over fifty years in age is encountered during earth disturbing activities, as stipulated by COA CUL-1. With implementation of this COA, the proposed project would result in less-than-significant impacts to cultural resources.

6. ENERGY

	Substantial Changes in Project/Circumstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Would the project:				
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicable Policies

General Plan Policies. The following General Plan policies are applicable to the proposed project.

- **Goal CCS-1:** Further the City’s sustainability initiatives to reduce the community’s GHG emissions, and foster green development patterns – including buildings, sites, and landscapes.
- **Policy CCS 1-1:** Seek to achieve net zero climate pollutants from public and private operations within the City by 2030 and carbon neutrality by 2040, which is five years sooner than what is established under Executive Order B-55-18.
- **Goal CCS-2:** Promote Napa as a network of interconnected neighborhoods with compact, walkable development patterns that are integrated with a sustainable mobility system that emphasizes walking, biking, or taking transit.
- **Policy CCS 2-1:** Support programs to reduce auto-dependency and GHG emissions from personal vehicles. Efforts for this include:
 - Establish regulations to limit uses of drive-through windows, including limitations on drive-through restaurants.
 - Initiate programs that encourage car-free tourism through incentives, outreach, awareness, and by creating a bicycle and pedestrian-friendly environment.
 - Establish programs to reduce vehicle miles traveled (VMT), such as transportation demand management.
 - Support the expansion of Park and Ride areas and other support facilities to encourage use of public transportation, including Napa Valley Transportation Authority’s (NVTA) on-

- demand service, and car and van pooling. Expand programs that encourage the installation of electric vehicle charging infrastructure.
- Support programs to install bike racks in new developments, commercial areas, and within Downtown Napa and the Oxbow district.
 - Policy CCS 2-5: Establish programs for the public street system to reduce VMT and promote more sustainable modes of transportation. Consider VMT and alternative modes of transportation in the design of street extensions, connections, and right-of-way controls at intersections, and when monitoring and adjusting traffic signals.
 - Goal CCS-6: Considering power shutdowns that affect the Napa community, promote sustainable energy generation practices and further develop energy security that is resilient to wildfire and related climate disasters.
 - Policy CCS 6-2: Promote renewable energy generation and storage to decrease reliance on outside sources, and minimize impacts from public safety power shutdowns.
 - Goal CCS-7: Implement programs and work with jurisdictional partners to increase sustainable energy production and energy security.
 - Policy CCS 7-7: Increase installation of electric vehicle charging stations with funding from State and federal sources.
 - Policy CCS 7-10: Incentivize the use of on-site renewable energy generation for new and existing buildings.
 - Goal CCS-8: Support Napa’s vision of a sustainable community by promoting efforts to reduce energy demand and resource conservation through improved building design.
 - Policy CCS 8-1: Support use of the CALGreen Building Standards Code (CALGreen) to reduce energy demand and promote resource conservation through improved building design. Encourage existing buildings to adapt to CALGreen sustainability practices.
 - Policy CCS 8-3: Encourage roofing design and surface treatments (e.g., “cool roofs”) that reduce the heat island effect of new development, and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs for new and retrofitted roofs through City outreach efforts.

General Plan FEIR Impacts

Construction-Period Energy Use. The General Plan FEIR determined that construction associated with future developments would consume gasoline and diesel fuel through operation of heavy-duty, off-road construction equipment and on-road vehicles. Because construction emissions from both mobile and stationary sources are considered to be relatively short-term emissions that would cease

once construction of a project is complete, they would represent a relatively short demand on local and regional fuel supplies that would be easily accommodated.

Additionally, Executive Order (EO) N-79-20 establishes a goal to transition to 100 percent zero-emission off-road vehicles and equipment by 2035 where feasible. EO N-79-20 directs CARB to develop regulations that will help achieve these goals. The City would require developers to adhere to EO N-79-20 for future development.

Therefore, the General Plan EIR concluded that construction activities associated with the General Plan would not result in a wasteful, inefficient, and unnecessary usage of direct or indirect energy and impacts would be less than significant.

Operational Energy Use. The General Plan EIR determined that future development under the General Plan would generate vehicle trips once operational, which would consume gasoline and diesel. Future development would also result in the consumption of electricity and natural gas for power, heating, and cooking. While the number of residential units and commercial and industrial square footage would increase between 2018 and 2040, total energy use is anticipated to decrease, primarily due to Napa's delivery of energy through Marin Clean Energy, which has much higher goals for renewable energy than PG&E, and the increase in fuel efficiency for vehicles that would result as more vehicles are designed to meet stricter Pavley standards come into use. Additionally, the General Plan includes various goals and policies in the Climate Change and Sustainability Element aimed at reducing energy consumption that would help decrease GHG emissions. By decreasing demand for energy- and fuel-related energy resources both overall and on a per service population basis, operation of future land uses associated with the General Plan would not result in a wasteful, inefficient, and unnecessary usage of direct or indirect energy. Therefore, the General Plan EIR concluded that operational energy use impacts would be less than significant.

Conflict or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency. The General Plan EIR determined that all future development under the General Plan would be required to comply with the latest California Building Code (CBC) requirements, including CBC Energy Efficiency Standards, as well as all federal, state, and local rules and regulations pertaining to energy consumption and conservation. Additionally, the General Plan includes policies that emphasize energy reduction strategies and does not contain policies that would conflict with existing energy conservation regulations. General Plan policies would support the CARB passenger vehicle GHG emissions reduction targets through measures that would reduce VMT in the Planning Area and CARB's low carbon fuels standard, which aims to reduce the full fuel-cycle, carbon intensity of the transportation fuel pool used in California, would further assist in meeting established energy reduction goals and GHG emission reduction targets. Therefore, the General Plan EIR concluded that the General Plan would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency and impacts would be less than significant.

Project Impacts

Result in Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources. Similar to buildout of the General Plan, the proposed project would increase the demand for energy through day-to-day operations and fuel consumption associated with project construction, as further discussed below.

Construction-Period Energy Use. The proposed project would require demolition, grading, site preparation, building, paving, and architectural coating activities during construction.

Construction of the proposed project would require energy for the manufacture and transportation of construction materials, preparation of the site for grading activities, and construction of the proposed residential buildings and associated amenity building and other improvements.

Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. In order to increase energy efficiency on the site during project construction, the idling times for construction vehicles would be restricted to 5 minutes or less and construction workers would be required to shut off idle equipment, as required by the BAAQMD Basic Construction Mitigation Measures and General Plan policy NRC 5-2. In addition, construction activities are not anticipated to result in an inefficient use of energy as gasoline and diesel fuel would be supplied by construction contractors who would conserve the use of their supplies to minimize their costs on the project. Energy usage on the project site during construction would be temporary in nature and would be relatively small in comparison to the State's available energy sources. Therefore, construction energy impacts would be less than significant. The proposed project would not result in any construction-related energy impacts that are new or more significant than those analyzed in the General Plan FEIR.

Operational Energy Use. Energy use consumed by the proposed project would be associated with natural gas use, electricity consumption, and fuel used for vehicle trips associated with the project. Energy and natural gas consumption was estimated for the project using default energy intensities by building type in CalEEMod. In addition, the proposed buildings would be constructed to California Green Building Standards Code (CALGreen) standards, which was included in CalEEMod inputs. Electricity and natural gas usage estimates associated with the proposed project are shown in Table D.

In addition, the proposed project would result in energy usage associated with gasoline to fuel project-related trips. Based on the CalEEMod analysis, the proposed project would result in approximately 937,903 VMT per year. The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 14.9 miles per gallon (mpg) in 1980 to 22.9 mpg in 2020.¹¹ The average fuel economy for heavy-duty trucks in the United

¹¹ United States Department of Transportation (USDOT). 2017. "Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles." Website: <https://www.bts.gov/content/average-fuel-efficiency-us-light-duty-vehicles> (accessed June 2023).

States has also steadily increased, from 5.7 mpg in 2013 to a projected 8.0 mpg in 2021.¹² Therefore, based on the default vehicle fleet mix assumed in CalEEMod and using the U.S. Environmental Protection Agency (USEPA) fuel economy estimates for 2020, the proposed project would result in the consumption of approximately 32,447 gallons of gasoline per year and 24,359 gallons of diesel fuel per year.

Table D, below, shows the estimated potential increased energy usage associated with the proposed project.

Table D: Estimated Annual Energy Use of Proposed Project

Electricity Use (kWh per year)	Natural Gas Use (therms per year)	Gasoline (gallons per year)	Diesel (gallons per year)
389,689	20,002	32,447	24,359

Source: LSA (June 2023).
kWh = kilowatt-hours

As shown in Table D, the estimated potential increased electricity demand associated with the proposed project is 389,689 kilowatt-hours (kWh) per year. In 2021, California consumed approximately 280,738 gigawatt-hours (GWh) or 280,738,376,720 kWh.¹³ Of this total, Napa County consumed 1,021 GWh or 1,020,648,880.¹⁴ Therefore, electricity demand associated with the proposed project would be approximately 0.04 percent of Napa County's total electricity demand.

The estimated potential increased natural gas demand associated with the proposed project is 20,002 therms per year, as shown in Table D. In 2021, California consumed approximately 11,922 million therms or 11,922,705,640 therms, while Napa County consumed approximately 38 million therms or approximately 37,706,460 therms.¹⁵ Therefore, natural gas demand associated with the proposed project would be approximately 0.05 percent of Napa County's total natural gas demand.

In addition, the proposed project would result in energy usage associated with gasoline and diesel to fuel project-related trips. As shown above in Table D, vehicle trips associated with the proposed project would consume approximately 32,447 gallons of gasoline per year and 24,359 gallons of diesel fuel per year. Based on fuel consumption obtained from EMFAC2021, approximately 52.2 million gallons of gasoline and approximately 13.2 million gallons of diesel fuel will be consumed from vehicle trips in Napa County in 2023. Therefore, gasoline and diesel fuel demand generated by vehicle trips associated with the proposed project would be a minimal fraction of gasoline and diesel fuel consumption in Napa County. Fuel consumption associated with vehicle

¹² California Energy Commission (CEC). 2015. Medium and Heavy-Duty Truck Prices and Fuel Economy 2013–2026. Website: efiling.energy.ca.gov/getdocument.aspx?tn=206180 (accessed June 2023).

¹³ CEC. 2022a. Energy Consumption Data Management Service. Electricity Consumption by County. Website: www.ecdms.energy.ca.gov/elecbycounty.aspx (accessed June 2023).

¹⁴ Ibid.

¹⁵ CEC. 2022b. Energy Consumption Data Management Service. Gas Consumption by County. Website: www.ecdms.energy.ca.gov/gasbycounty.aspx (accessed January 2023).

trips generated by project operations would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region.

In addition, proposed new development would be constructed using energy efficient modern building materials and construction practices, and the proposed project also would use new modern appliances and equipment, in accordance with the Appliance Efficiency Regulations (Title 20, CCR Sections 1601 through 1608). The expected energy consumption during construction and operation of the proposed project would be consistent with typical usage rates for residential uses.

Pacific Gas & Electric (PG&E) is the private utility that would supply the proposed project's electricity and natural gas services. In 2021, a total of 50 percent of PG&E's delivered electricity came from renewable sources, including solar, wind, geothermal, small hydroelectric and various forms of bioenergy.¹⁶ PG&E reached California's 2020 renewable energy goal in 2017, and is positioned to meet the State's 60 percent by 2030 renewable energy mandate set forth in Senate Bill (SB) 100. In addition, PG&E plans to continue to provide reliable service to their customers and upgrade their distribution systems as necessary to meet future demand.

Therefore, the proposed project would not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy and would incorporate renewable energy or energy efficiency measures into building design, equipment use, and transportation. Construction and operation period impacts related to consumption of energy resources would be less than significant. The proposed project would not result in any operational energy impacts that are new or more significant than those analyzed in the General Plan FEIR.

Conflict or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency. In 2002, the State Legislature passed SB 1389, which required the California Energy Commission (CEC) to develop an integrated energy plan every 2 years for electricity, natural gas, and transportation fuels for the California Energy Policy Report. The plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero emission vehicles and their infrastructure needs, and encouragement of urban designs that reduce VMT and accommodate pedestrian and bicycle access.

The most recently adopted CEC energy report is the *2023 Integrated Energy Policy Report*. As indicated above, energy usage on the project site during construction would be temporary in nature. In addition, energy usage associated with operation of the proposed project would be relatively small in comparison to the State's available energy sources, and energy impacts would be negligible at the regional level. Because California's energy conservation planning actions are conducted at a regional level, and because the project's total impact to regional energy supplies would be minor, the proposed project would not conflict with California's energy conservation plans.

¹⁶ Pacific Gas & Electric (PG&E). 2021. *Exploring Clean Energy Solutions*. Website: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page?WT.mc_id=Vanity_cleanenergy (accessed January 2023).

In addition, similar to buildout of the General Plan, the proposed project would comply with the latest CBC requirements, including CBC Energy Efficiency Standards, as well as all federal, state, and local rules and regulations pertaining to energy consumption and conservation. Additionally, the proposed project would be required to comply with the applicable General Plan policies listed above, which emphasize energy reduction strategies and support the CARB passenger vehicle GHG emissions reduction targets and CARB's low carbon fuels standard, which would further assist in meeting established energy reduction goals and GHG emission reduction targets.

Therefore, the proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency, and this impact would be less than significant. The proposed project would not result in any impacts that are new or more significant than those analyzed in the General Plan FEIR.

Applicable Mitigation

The General Plan FEIR did not identify any mitigation measures related to energy. No substantial changes in environmental circumstances have occurred for this topic, and there is no new information that could not have been known at the time the General Plan FEIR was certified leading to new or more severe significant impacts; therefore, no new mitigation measures are required.

Conclusion

The General Plan FEIR adequately evaluated the energy impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

7. GEOLOGY AND SOILS

	Substantial Changes in Project/Circumstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicable Policies

General Plan Policies. The following General Plan policies are applicable to the proposed project.

- Goal SN-1: Minimize the risk to life and property caused by seismic activity, soil erosion, and landslides.
- Policy SN 1-1: Investigate and mitigate geologic and seismic hazards, or establish regulations to provide for appropriate setbacks from such hazards, in order to preserve life and protect property, especially in areas that are prone to earthquakes and landslides, such as along the West Napa fault zone.

- **Policy SN 1-3:** Identify appropriate legislative action by City Council to establish soil and geotechnical studies for significant new development in undeveloped areas within or proximate to fault zones, such as the southwestern area in City's Rural Urban Limit (RUL) along Foster Road, developments that have a sensitive population (like schools or nursing homes), and buildings over three stories tall.

Such studies should determine the actual extent of the seismic hazards, optimum location for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location. Mitigation measures can be incorporated as conditions of any project approval.

City of Napa Municipal Code. The following City of Napa Municipal Code policies are applicable to the proposed project.

- **Chapter 8.36:** This chapter of the City's Municipal Code describes construction requirements that relate to stormwater control. Specifically, any project 1 acre or greater or is part of a larger common plan of development or sale of 1 or more acres must have an approved grading permit and comply with the Construction General Permit. In addition, such development requires completion of an erosion and sediment control plan. These requirements include a requirement to document BMPs to be followed to preserve water quality and minimize erosion.
- **Chapter 15.04:** This chapter of the City's Municipal Code adopts the 2022 edition of the California Building Standards Code with additional amendments.
- **Section 16.20.010:** This section of the City's Municipal Code states that unless the City Engineer determines that due to the City's knowledge of the soils condition of a project, a soils and/or geotechnical report may be required by the Chief Building Official upon application for a building permit.
- **Section 16.36.200:** This section of the City's Municipal Code states that a geotechnical report shall include the nature and extent of any seismic or geologic hazard, the effect of the seismic or geologic conditions on the proposed development, and an assessment of the risk such hazards pose on the occupants of the proposed project. The report must include an assessment of existing slope stability as well as measures needed to mitigate seismic or geologic hazards and to reduce identified hazards, recommendations for grading procedures and design criteria for erosion control, and recommendations for site design to minimize seismic or geologic hazards and erosion.

General Plan FEIR Impacts

The following provides an overview of impacts related to geology and soils and required mitigation measures as identified in the General Plan FEIR.

Seismicity and Seismic Hazards. The General Plan FIER determined that the West Napa fault zone crosses the western portion of the Planning Area. However, development conducted under the General Plan would not increase seismic stresses by either introducing a substantial load to seismic

faults or by introducing a lubricant, such as water in a reservoir, thereby exacerbating risk of surface fault rupture, strong seismic ground shaking, seismic-related ground failure, or seismic-related landslide.

In addition, Policy SN 1-1 of the General Plan would require setbacks from seismic hazards, especially in areas that are prone to earthquakes and landslides. Policy SN 1-3 of Goal SN-1 of the General Plan would require that a geotechnical report be prepared, and its mitigation measures be incorporated into the design. These policies would be implemented through the regulation and development review process, which requires that all construction comply with the CBC. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Erosion/Loss of Top Soil. The General Plan FEIR determined that ground-disturbing earthwork associated with projects constructed under the General Plan may increase erosion rates, potentially causing accelerated erosion. However, Section 8.36.120 of the City's Municipal Code requires compliance with the City's grading ordinance and NPDES permit, ensuring preparation of a SWPPP and issuance of a grading permit for all construction projects, as required by the San Francisco Bay Regional Water Board and the City's municipal code. Therefore, the General Plan FEIR concluded that compliance with existing federal and local erosion-related regulations would ensure that construction activities as a result of the implementation of the General Plan would result in less than significant impacts to erosion.

Unstable Soils. The General Plan FEIR determined that construction in areas with the potential to exacerbate risk of nonseismic-related landsliding caused by heavy precipitation or improper grading or cuts could also expose people or structures to potential substantial adverse effects. However, the Planning Area is fairly level; moreover, Policy S-3.2 of the General Plan would require that a geotechnical report be prepared, and its mitigation measures be incorporated into the design. The General Plan FEIR determined that subsidence has not occurred in the Planning Area. Furthermore, future development under the General Plan would not include groundwater extraction or substantial dewatering that would result in subsidence. Therefore, the General Plan FIER concluded that construction activities as a result of the implementation of the General Plan would result in less than significant impacts related to unstable soils.

Expansive Soils. The General Plan FEIR determined that expansive soils occur in the Planning Area, and structures built on expansive soils would be subject to the expansion and contraction of these soils, which could cause structural damage if the subsoil, drainage, and foundation are not properly engineered. However, soil sampling and treatment procedures for expansive soils, as well as other soil-related issues, are addressed by the CBC and compliance with the CBC would create conditions suitable for construction. Therefore, the General Plan FEIR concluded that impacts related to expansive soil would be less than significant.

Septic Tanks/Wastewater Disposal. The General Plan FEIR determined that improperly located or designed septic systems could cause water quality issues and most soils in the Planning Area are not suitable for use of septic tanks or alternative wastewater disposal systems. However, Napa Sanitation District owns and operates the sanitary sewer collection system and wastewater treatment plant that serves the City and all future development under the General Plan would be

served by Napa Sanitation District and would not involve installation of septic systems or other alternative wastewater disposal systems. Therefore, the General Plan FEIR concluded that there would be no impact.

Paleontological Resources. The General Plan FEIR determined that the surficial Holocene deposits in the Planning Area have a low sensitivity for paleontological resources but the Sonoma Volcanics and Great Valley Sequence present in the margins of Napa are highly sensitive for paleontological resources. If fossils are present where development is planned, they could be damaged by earth-disturbing activities during construction, such as excavation for foundations, placement of fills, trenching for utility systems, and grading for roads and staging areas. However, Implementation of Mitigation Measure (MM) GEO-6 would reduce the potential impact on paleontological resources by requiring worker awareness training for any projects that would disturb previously undisturbed geologic units with high paleontological sensitivity, a stop-work order within 25 feet of the paleontological resources find, and development of a Paleontological Mitigation and Monitoring Plan (PMMP) if the Qualified Paleontologist determines that the find is important to the scientific record. The General Plan FEIR concluded that impacts would be less than significant with mitigation due to the implementation of MM GEO-6.

Project Impacts

Project-specific impacts related to geology and soils are discussed below. Unless otherwise noted, the following analysis is based on the Geotechnical Investigation prepared for the proposed project.¹⁷

Seismicity and Seismic Hazards. The following section analyzes impacts related to seismicity and seismic hazards that could result from fault rupture, seismic ground shaking, ground failure, and landslide.

Fault Rupture. Fault rupture is generally expected to occur along active fault traces that have exhibited signs of recent geological movement (i.e., within the past 11,000 years). Alquist-Priolo Earthquake Fault Zones delineate areas around active faults with potential surface fault rupture hazards that would require specific geological investigations prior to approval of certain kinds of development within the delineated area. There are no mapped faults within or adjacent to the project site, and the project site is not located within an Alquist-Priolo zone. Therefore, the proposed project would not directly or indirectly cause substantial adverse effects related to fault rupture and there would be no impact. The proposed project would not result in any impacts related to fault rupture that are new or more significant than those analyzed in the General Plan FEIR.

Strong Seismic Ground Shaking. The project site is located in a seismically active area that could be susceptible to strong seismic ground shaking. The intensity of ground shaking would depend on the characteristics of the fault, distance from the fault, the earthquake magnitude and duration, and site-specific geologic conditions. Conformance with the California Building Code (CBC) and

¹⁷ Berlogar Stevens & Associates, 2021. *Design Level Geotechnical Investigation, Vintage Farm, Napa, California*. March 15.

recommendations included in the Geotechnical Investigation completed for the proposed project would ensure potential adverse effects associated with strong seismic ground shaking would be reduced to less-than-significant levels.

The proposed project would not result in any impacts related to seismic ground shaking that are new or more significant than those analyzed in the General Plan FEIR.

Seismic-Related Ground Failure. Liquefaction is the temporary transformation of saturated, loose to medium dense, sandy soils into a viscous liquid during strong ground shaking from a major earthquake. Calculations completed as part of the Geotechnical Investigation for liquefaction induced settlement range between approximately 1 and 1 ½ inches at the project site. Conformance with the CBC and recommendations included in the Geotechnical Investigation completed for the proposed project would ensure potential adverse effects associated with liquefaction would be reduced to less-than-significant levels. The proposed project would not result in any impacts related to seismic-related ground failure that are new or more significant than those analyzed in the General Plan FEIR.

Landslide. A landslide generally occurs on relatively steep slopes and/or on slopes underlain by weak materials. Therefore, adverse effects associated with potential exposure of people or structures to landslides would not occur and there would be no impact. The proposed project would not result in any impacts related to landslide that are new or more significant than those analyzed in the General Plan FEIR.

Erosion/Loss of Topsoil. Topsoil is defined as the upper part of the soil profile that is relatively rich in humus and is technically known as the A-horizon of the soil profile. Grading and earthmoving during project construction has the potential to result in erosion and loss of topsoil. Exposed soils could be entrained in stormwater runoff and transported off the project site. However, this impact would be reduced to a less-than-significant level through compliance with water quality control measures, which include preparation of a Stormwater Pollution Prevention Plan (SWPPP) and compliance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (refer to Section 10, Hydrology and Water Quality). Although designed primarily to protect stormwater quality, the SWPPP would incorporate Best Management Practices (BMPs) to minimize erosion and the Municipal Regional Stormwater NPDES Permit requires the incorporation of low impact development design principles to protect water quality. Additional details regarding the SWPPP and the Municipal Regional Stormwater NPDES Permit are provided in Section 10, Hydrology and Water Quality. The proposed project would not result in any impacts related to erosion that are new or more significant than those analyzed in the General Plan FEIR.

Unstable Soils. The following section analyzes impacts related to unstable soils that could result in landslides, liquefaction, subsidence, and lateral spreading.

Landslides and Liquefaction. As discussed above, the project site would not be subject to landslides, but does have the potential for liquefaction-induced settlement. However, conformance with the CBC and recommendations included in the Geotechnical Investigation completed for the proposed

project would ensure potential adverse effects associated with liquefaction would be reduced to less-than-significant levels.

Subsidence. Subsidence can result from the removal of subsurface water resulting in either gradual depression or catastrophic collapse of the ground surface. Groundwater is estimated to occur at a depth of approximately 17 feet below ground surface; however, groundwater may fluctuate due to seasonal fluctuation, underground drainage patterns, and other factors. The maximum depth of excavation on the project site would be approximately 10.3 feet. Therefore, dewatering may be required in isolated areas of the project site during construction. Construction-related dewatering would not be expected to result in subsidence or soil collapse as the dewatering activities would be temporary, localized, and affect only the uppermost water-bearing zone. Therefore, the potential for impacts related to subsidence is less than significant. The proposed project would not result in any impacts related to subsidence that are new or more significant than those analyzed in the General Plan FEIR.

Lateral Spreading. Lateral spreading is lateral movement of liquefiable soil towards a free face (such as an incised river channel or open body of water) during a seismic event. The nearest free face to the project site is Salvador Creek located approximately 150 feet northeast of the project site. The creek is estimated to be approximately 5 feet deep. Test pits and cone penetration tests that were excavated as part of the Geotechnical Investigation determined that the upper 8 feet of the project site generally consist of sandy clays and very dense/stiff soil and clays were encountered below 8 feet. Therefore, the Geotechnical Investigation concluded that the potential for lateral spreading is low. The proposed project would not result in any impacts related to lateral spreading that are new or more significant than those analyzed in the General Plan FEIR.

Expansive Soils. Expansive soils are characterized by the potential for shrinking and swelling as the moisture content of the soil decreases and increases, respectively. Shrink-swell potential is influenced by the amount and type of clay minerals present and can be measured by the percent change of the soil volume. Soils onsite generally consist of sandy clay with gravel and silty clays. Therefore, soils on-site may have the potential to be expansive. However, conformance with the CBC and recommendations included in the Geotechnical Investigation completed for the proposed project would ensure potential adverse effects associated with expansive soils would be reduced to less-than-significant levels. The proposed project would not result in any impacts related to expansive soils that are new or more significant than those analyzed in the General Plan FEIR.

Septic Tanks/Wastewater Disposal. The proposed project would include connections to the Napa Sanitation District’s wastewater conveyance system. On-site treatment and disposal of wastewater is not included in the proposed project; therefore, the proposed project would have no impacts associated with soils incapable of supporting alternative wastewater disposal systems. The proposed project would not result in any impacts related to septic tanks and wastewater disposal that are new or more significant than those analyzed in the General Plan FEIR.

Paleontological Resources. Although no paleontological resources or unique geological features are known to exist within or near the already disturbed project site, construction of the proposed project would require excavation to a maximum depth of approximately 10.3 feet, and therefore could unearth previously unknown paleontological resources. Implementation of General Plan FEIR Mitigation Measure GEO-6 would reduce impacts to previously unidentified paleontological resources to a less-than-significant level.

This measure applies to the entirety of the Plan Area, including the project site, and requires the preparation of a Paleontological Monitoring and Mitigation Plan in the event that previously undisturbed paleontological resources are discovered. Therefore, implementation of the proposed project would not result in any new or more significant impacts related to paleontological resources that are new or more significant than those analyzed in the General Plan FEIR.

Applicable Mitigation

The following mitigation measures from the General Plan FEIR would be apply to the proposed project:

MM GEO-6: Provide Worker Awareness Training, Stop Work in Case of Unanticipated Discovery of Paleontological Resources During Construction, and As Appropriate, Prepare a Paleontological Monitoring and Mitigation Plan (PMMP). For any proposed development in the City that would disturb previously undisturbed surficial or subsurface geologic units with high paleontological sensitivity, the following procedures must be undertaken. High sensitivity geologic units in the City are Sonoma Volcanics and Great Valley Sequence.

Prior to commencing ground disturbance of previously undisturbed native sediments in areas where geologic units at the surface or subsurface have high paleontological sensitivity, the project applicant shall engage a Qualified Paleontologist, as defined by the Society of Vertebrate Paleontology (SVP) 2010, to provide worker awareness training to ensure that all project construction workers are trained on recognition of paleontological resources. In addition, the project applicant shall inform the contractor and construction personnel of the immediate stop work procedures to be followed.

In case of discovery of a paleontological resource during construction, ground-disturbing activities shall temporarily be halted within 25 feet of the

find until the discovery is examined by a Qualified Paleontologist. Work within the sensitive area shall resume only when deemed appropriate by the Qualified Paleontologist. The Qualified Paleontologist shall determine whether the discovery is scientifically significant, how to involve other responsible or resource agencies and stakeholders, and what methods to follow for resource recovery.

If the Qualified Paleontologist determines that the resource is not scientifically important, the conclusion shall be documented in a letter to the City of Napa to demonstrate compliance with applicable statutory requirements.

If the Qualified Paleontologist determines that the paleontological resource is of scientific importance and there are no feasible measures to avoid disturbing this paleontological resource, the Qualified Paleontologist shall prepare a PMMP. The PMMP shall include measures to fully document and recover the resource of scientific importance. The Qualified Paleontologist shall submit the PMMP to the City for review and approval within 10 business days of the discovery.

Upon approval by the City, ground-disturbing activities in the project area shall resume and be monitored as determined by the Qualified Paleontologist for the duration of such activities. The PMMP shall include measures for a preconstruction survey, a training program for construction personnel, paleontological monitoring, fossil salvage, curation, and final reporting, as applicable.

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the General Plan FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Conclusion

The General Plan FEIR adequately evaluated the potential impacts related to geology and soils resulting from the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

8. GREENHOUSE GAS EMISSIONS

	Substantial Changes in Project/Circu mstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Greenhouse gases (GHGs) are present in the atmosphere naturally, are released by natural sources, or are formed from secondary reactions taking place in the atmosphere. The gases that are widely seen as the principal contributors to human-induced global climate change are:

- Carbon dioxide (CO₂);
- Methane (CH₄);
- Nitrous oxide (N₂O);
- Hydrofluorocarbons (HFCs);
- Perfluorocarbons (PFCs); and
- Sulfur Hexafluoride (SF₆).

Over the last 200 years, humans have caused substantial quantities of GHGs to be released into the atmosphere. These extra emissions are increasing GHG concentrations in the atmosphere and enhancing the natural greenhouse effect, believed to be causing global warming. While manmade GHGs include naturally-occurring GHGs such as CO₂, methane, and N₂O, some gases, like HFCs, PFCs, and SF₆ are completely new to the atmosphere.

Certain gases, such as water vapor, are short-lived in the atmosphere. Others remain in the atmosphere for significant periods of time, contributing to climate change in the long term. Water vapor is excluded from the list of GHGs above because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation.

These gases vary considerably in terms of Global Warming Potential (GWP), a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to another gas. The GWP is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and length of time that the gas remains in the atmosphere (“atmospheric lifetime”).

The GWP of each gas is measured relative to CO₂, the most abundant GHG. The definition of GWP for a particular GHG is the ratio of heat trapped by one unit mass of the GHG to the ratio of heat trapped by one unit mass of CO₂ over a specified time period. GHG emissions are typically measured in terms of pounds or tons of “CO₂ equivalents” (CO₂e).

Applicable Policies

General Plan Policies. The following General Plan policies are applicable to the proposed project.

- Goal TE-2: Keep Napa moving with livable streets that provide a balanced, cost-effective, multimodal transportation system (vehicles, pedestrians, bikes, transit), accommodating the mobility needs of all ages and abilities.
- Goal TE-7: Maintain parking standards that balance parking demand with urban design goals and do not negatively impact pedestrians, bicyclists, and transit users in development areas throughout the City.
- Goal CCS-1: Further the City’s sustainability initiatives to reduce the community’s GHG emissions, and foster green development patterns – including buildings, sites, and landscapes.
- Policy CCS 1-1: Seek to achieve net zero climate pollutants from public and private operations within the City by 2030 and carbon neutrality by 2040, which is five years sooner than what is established under Executive Order B-55-18.
- Policy CCS 1-4: Expand local awareness of actions that residents and businesses can take to reduce climate impacts. Actively seek grants, and continue to provide community outreach and robust education through partnership opportunities with City residents. Develop an open data Community Climate Dashboard to engage residents in progress and accomplishments toward goals.
- Goal CCS-2: Promote Napa as a network of interconnected neighborhoods with compact, walkable development patterns that are integrated with a sustainable mobility system that emphasizes walking, biking, or taking transit.
- Policy CCS 2-1: Support programs to reduce auto-dependency and GHG emissions from personal vehicles. Efforts for this include:
 - Establish regulations to limit uses of drive-through windows, including limitations on drive-through restaurants.

- Initiate programs that encourage car-free tourism through incentives, outreach, awareness, and by creating a bicycle and pedestrian-friendly environment.
- Establish programs to reduce vehicle miles traveled (VMT), such as transportation demand management.
- Support the expansion of Park and Ride areas and other support facilities to encourage use of public transportation, including Napa Valley Transportation Authority's (NVTA) on-demand service, and car and van pooling. Expand programs that encourage the installation of electric vehicle charging infrastructure.
- Support programs to install bike racks in new developments, commercial areas, and within Downtown Napa and the Oxbow district.
- Goal CCS-5: Ensure that Napa residents are prepared for climate change-induced drought conditions by reducing water consumption and promoting resilient water supplies.
- Goal CCS-6: Considering power shutdowns that affect the Napa community, promote sustainable energy generation practices and further develop energy security that is resilient to wildfire and related climate disasters.
- Policy CCS 7-6: Partner with the County of Napa to implement an AB 811 program that makes funding available to residential and commercial property owners seeking to improve their properties to conserve energy and water, and/or install solar systems to generate solar energy.
- Policy CCS 7-10: Incentivize the use of on-site renewable energy generation for new and existing buildings.
- Policy CCS 8-1: Support use of the California Green Building Standards Code (CALGreen) to reduce energy demand and promote resource conservation through improved building design. Encourage existing buildings to adapt to CALGreen sustainability practices.
- Policy CCS 8-3: Encourage roofing design and surface treatments (e.g., "cool roofs") that reduce the heat island effect of new development, and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs for new and retrofitted roofs through City outreach efforts.
- Policy CSPR 8-7: Strive to reach the statewide goal of ensuring that 75 percent of solid waste generated is either reduced at source, recycled, or composted from the year 2020 forward, per AB 341, SB 1383, and the City's own Disposal Reduction Policy (R2012-100).
- Policy NRC 5-4: Require all construction equipment to be maintained and tuned to meet appropriate EPA and CARB emission requirements, including use of Tier 4 engines in off-road equipment and cleaner heavy-duty trucks to reduce NOX and PM exhaust emission levels.

- **Goal PHE-6:** Continue to support stable and integrated communities through housing opportunities that provide safe, high quality, and affordable housing for all segments of the community in locations near amenities, public transportation, parks, and recreation opportunities.

General Plan FEIR Impacts

Generation of Greenhouse Gas Emissions. As discussed in the General Plan FEIR, quantified estimates of the General Plan’s operational emissions would result in a significant impact. The General Plan FEIR also found that unquantified construction emissions would further contribute to the overall total, though qualitatively less-than-significant when considered alone. As such, the General Plan FEIR determined that would be necessary to adopt a climate action plan as a Qualified GHG Reduction Strategy in order to ensure that the City and the General Plan, if adopted, would further the State’s and region’s GHG reduction goals. General Plan Policy CCS 1-5 would require the City to work with BAAQMD and other relevant agencies and partners to adopt a climate action plan as a Qualified GHG Reduction Strategy to address the GHG reduction goals of EO B-55-18, Senate Bill (SB) 32, and EO S-03-05. The General Plan FEIR concluded that implementation of this policy would lower the project’s impacts below both BAAQMD’s current and proposed plan-level significance thresholds for GHG. However, the General Plan FEIR determined that because implementation of this policy (i.e., adoption of a Qualified GHG Reduction Strategy) cannot be guaranteed, impacts would be significant and unavoidable.

Consistency with Greenhouse Gas Reduction Plans. The General Plan FEIR determined that the project includes numerous policies that support all applicable Plan Bay Area strategies, and proposed policies would achieve net reductions in GHG emissions and otherwise implement a Qualified GHG Reduction Strategy to meet targets established by EO S-3-05 and EO B-55-18. However, due to the scale of emissions reductions needed to comply with these targets and given that adoption of a Qualified GHG Reduction Strategy cannot be guaranteed, the General Plan FEIR found that this impact would be significant and unavoidable.

Project Impacts

Generation of Greenhouse Gas Emissions. Similar to implementation of the General Plan, the proposed project would generate construction- and operational-related GHG emissions and contribution to global climate change. The BAAQMD has not addressed emission thresholds for construction in their CEQA Guidelines; however, the BAAQMD encourages quantification and disclosure. Thus, construction emissions are discussed in this section.

Construction GHG Emissions. Construction activities associated with the proposed project would produce combustion emissions from various sources. During construction, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically use fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO₂, CH₄, and N₂O. Furthermore, CH₄ is emitted during the fueling of

heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change.

The BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. However, lead agencies are encouraged to quantify and disclose GHG emissions that would occur during construction. Using CalEEMod, it is estimated that construction of the proposed project would generate approximately 1,164.6 metric tons of CO₂e.

Implementation of BAAQMD Basic Construction Mitigation Measures and General Plan policy NRC 5-2 would reduce GHG emissions by reducing the amount of construction vehicle idling and by requiring the use of properly maintained equipment. In addition, the proposed project would also be required to implement General Plan policy CCS 1-2, which calls for City to develop plans to reduce fossil fuel consumption in construction and requires that construction for municipal projects use sustainable construction practices and General Plan policy CCS 8-1, which calls for green building practices, construction debris and waste diversion, and demonstrate high performance building standards. Therefore, project construction impacts associated with GHG emissions would be less than significant. The proposed project would not result in any construction-related GHG impacts that are new or more significant than those analyzed in the General Plan FEIR.

Operational GHG Emissions. Similar to buildout of the General Plan, long-term GHG emissions associated with the proposed project would typically be generated from mobile sources (e.g., cars, trucks and buses), area sources (e.g., maintenance activities and landscaping), indirect emissions from sources associated with energy consumption, waste sources (land filling and waste disposal), and water sources (water supply and conveyance, treatment, and distribution). Mobile-source GHG emissions would include project-generated vehicle trips to and from the project. Area-source emissions would be associated with activities such as landscaping and maintenance on the project site. Energy source emissions would be generated at off-site utility providers as a result of increased electricity demand generated by the project. Waste source emissions generated by the proposed project include energy generated by land filling and other methods of disposal related to transporting and managing project generated waste. In addition, water source emissions associated with the proposed project are generated by water supply and conveyance, water treatment, water distribution, and wastewater treatment.

The General Plan FEIR found that changes in land use and transportation activity under the General Plan (unmitigated scenario) would result in a per capita emissions of 3.0 metric tons of CO₂e and a per service population emissions of 1.8 metric tons of CO₂e. Per capita, the Project outperforms the region and is in line with the linearly interpolated State target of 4.0 metric tons of CO₂e in 2040.

However, the General Plan FEIR also determined that with respect to overall mass emissions, implementation of the General Plan would achieve less reductions than the regional plan (23 percent versus 38 percent in 2040 for the project and the region, respectively) and would not be on target with the 2017 Scoping Plan (60 percent in 2040). Moreover, the General Plan would not meet the City-specific target of 154,433 metric tons of CO₂e needed to achieve long-term State goals.

As discussed in the General Plan FEIR, the City has determined that it is necessary to adopt a climate action plan as a Qualified GHG Reduction Strategy in order to ensure that the City and the Project, if adopted, would further the State’s and region’s GHG reduction goals. General Plan policy CCS 1-5 would require the City to work with BAAQMD and other relevant agencies and partners to adopt a climate action plan as a Qualified GHG Reduction Strategy to address the GHG reduction goals of EO B-55-18, SB 32, and EO S-03-05. The General Plan EIR found that implementation of this policy would lower impacts below both BAAQMD’s current and proposed plan-level significance thresholds for GHG.

However, because implementation of this policy (i.e., adoption of a Qualified GHG Reduction Strategy) cannot be guaranteed, this impact was determined to be significant and unavoidable.

Consistent with the General Plan FEIR, GHG emissions were estimated using CalEEMod. Table E shows the calculated GHG emissions for the proposed project. CalEEMod output sheets are included in Appendix A.

Table E: GHG Emissions (Metric Tons Per Year)

Emissions Source	CO ₂	CH ₄	N ₂ O	CO ₂ e	Percent of Total
Mobile Sources	351.0	<0.1	<0.1	358.0	69
Area Sources	1.6	<0.1	<0.1	1.6	<1
Energy Sources	142.0	<0.1	<0.1	143.0	28
Water Sources	5.5	0.1	<0.1	7.4	1
Waste Sources	3.0	0.3	0.0	10.4	2
Total				520.4	100
Total Annual Service Population Emissions (Metric Tons/Year/Service Population)				3.6	-

Source: Compiled by LSA (June 2023).

BAAQMD = Bay Area Air Quality Management District

BMP = best management practices

NO_x = nitrogen oxides

PM_{2.5} = particulate matter 2.5 microns or less in diameter

PM₁₀ = particulate matter 10 microns or less in diameter

ROG = reactive organic gases

As shown in Table E, the proposed project would generate approximately 520.4 metric tons of CO₂e. As discussed in Section 14, Population and Housing, the proposed project would result in the demolition of the existing structures on the project site and the construction of 53 single-family residential units, 13 of which would include ADUs. Based on the City’s average household size of 2.71 persons per household,¹⁸ the proposed project would increase the local population by approximately 144 persons. Therefore, the total service population (residents plus employees) would be 144 people. As such, the project’s GHG emissions would result in a GHG efficiency of 3.6 metric tons CO₂e per service population, which would be below the linearly interpolated State target of 4.0 metric tons CO₂e in 2040 identified in the General Plan FEIR. Therefore, the proposed

¹⁸ U.S. Census Bureau, 2021. *QuickFacts, Napa city, California*. Website: <https://www.census.gov/quickfacts/napacitycalifornia> (accessed May 30, 2023).

project would still contribute to the significant and unavoidable impacts identified in the General Plan FEIR, but would not result in any operational GHG impacts that are new or more significant than those analyzed in the General Plan FEIR.

Consistency with Greenhouse Gas Reduction Plans. The following discussion evaluates the proposed project according to the goals of the 2022 Scoping Plan, EO B-30-15, SB 32, and Assembly Bill (AB) 197.

EO B-30-15 added the immediate target of reducing GHG emissions to 40 percent below 1990 levels by 2030. CARB released a second update to the Scoping Plan, the 2017 Scoping Plan, to reflect the 2030 target set by EO B-30-15 and codified by SB 32. SB 32 affirms the importance of addressing climate change by codifying into statute the GHG emissions reductions target of at least 40 percent below 1990 levels by 2030 contained in EO B-30-15. SB 32 builds on AB 32 and keeps us on the path toward achieving the State's 2050 objective of reducing emissions to 80 percent below 1990 levels. The companion bill to SB 32, AB 197, provides additional direction to the CARB related to the adoption of strategies to reduce GHG emissions. Additional direction in AB 197 intended to provide easier public access to air emissions data that are collected by CARB was posted in December 2016.

In addition, the 2022 Scoping Plan assesses progress toward the statutory 2030 target, while laying out a path to achieving carbon neutrality no later than 2045. The 2022 Scoping Plan focuses on outcomes needed to achieve carbon neutrality by assessing paths for clean technology, energy deployment, natural and working lands, and others, and is designed to meet the State's long-term climate objectives and support a range of economic, environmental, energy security, environmental justice, and public health priorities.

The 2022 Scoping Plan focuses on building clean energy production and distribution infrastructure for a carbon-neutral future, including transitioning existing energy production and transmission infrastructure to produce zero-carbon electricity and hydrogen, and utilizing biogas resulting from wildfire management or landfill and dairy operations, among other substitutes. The 2022 Scoping Plan states that in almost all sectors, electrification will play an important role. The 2022 Scoping Plan evaluates clean energy and technology options and the transition away from fossil fuels, including adding four times the solar and wind capacity by 2045 and about 1,700 times the amount of current hydrogen supply. As discussed in the 2022 Scoping Plan, EO N-79-20 requires that all new passenger vehicles sold in California will be zero-emission by 2035, and all other fleets will have transitioned to zero-emission as fully possible by 2045, which will reduce the percentage of fossil fuel combustion vehicles.

Energy efficient measures are intended to maximize energy efficiency building and appliance standards, pursue additional efficiency efforts including new technologies and new policy and implementation mechanisms, and pursue comparable investment in energy efficiency from all retail providers of electricity in California. In addition, these measures are designed to expand the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings. The proposed project would comply with the CALGreen Code, regarding energy conservation and green building standards and would be required to implement General Plan policies related to energy reduction, including conservation strategies such as community outreach

programs, renewable energy generation, and building electrification (goals CCS-6, CCS-7, and CCS-8). Therefore, the proposed project would comply with applicable energy measures.

Water conservation and efficiency measures are intended to continue efficiency programs and use cleaner energy sources to move and treat water. Increasing the efficiency of water transport and reducing water use would reduce GHG emissions. As noted above, the project would comply with the CALGreen Code, which includes a variety of different measures, including the reduction of wastewater and water use. In addition, the proposed project would be required to comply with the California Model Water Efficient Landscape Ordinance. Therefore, the proposed project would not conflict with any of the water conservation and efficiency measures.

The goal of transportation and motor vehicle measures is to develop regional GHG emissions reduction targets for passenger vehicles. Specific regional emission targets for transportation emissions would not directly apply to the proposed project. The second phase of Pavley standards will reduce GHG emissions from new cars by 34 percent from 2016 levels by 2025, resulting in a 3 percent decrease in average vehicle emissions for all vehicles by 2020. Vehicles traveling to the project site would comply with the Pavley II (LEV III) Advanced Clean Cars Program. Therefore, the proposed project would not conflict with the identified transportation and motor vehicle measures.

Therefore, the proposed project would comply with existing State regulations adopted to achieve the overall GHG emissions reduction goals identified in EO B-30-15, SB 32, AB 197, and would be consistent with applicable plans and programs designed to reduce GHG emissions. Therefore, the proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG emissions. The proposed project would not result in any impacts that are new or more significant than those analyzed in the General Plan FEIR.

Applicable Mitigation

The General Plan FEIR did not identify any mitigation measures related to greenhouse gas emissions. No substantial changes in environmental circumstances have occurred for this topic, and there is no new information that could not have been known at the time the General Plan FEIR was certified leading to new or more severe significant impacts; therefore, no new mitigation measures are required.

Conclusion

The General Plan FEIR adequately evaluated the greenhouse gas emissions impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.



9. HAZARDS AND HAZARDOUS MATERIALS

	Substantial Changes in Project/Circumstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicable Policies

Napa General Plan. The following General Plan policy is applicable to the proposed project.

- **Goal SN-2:** Protect Napa residents from health and safety impacts related to the use, storage, manufacture, and transport of hazardous materials.
- **Policy SN 2-1:** Promote cleanup of hazardous sites and safe disposal of hazardous materials.
- **Goal SN-5:** Work to prevent urban fires and exposure to wildfires, as well as protect life and property from fire dangers.

- Policy SN 5-4: Ensure that future development plans provide adequate evacuation routes, vegetation management policies, and fire-reduction design measures, as appropriate.
- Policy SN 5-5: Regularly assess adequacy of emergency response and evacuation routes and identify any need for road extensions to serve neighborhoods that do not have sufficient evacuation routes or access for emergency services.
- Policy PHE 3-1: Protect sensitive receptors such as schools, childcare centers, senior living facilities, and residences from the impacts of stationary and nonstationary sources of pollution by ensuring adequate buffers or mitigation measures.

City of Napa Municipal Code. The following City of Napa Municipal Code policies are applicable to the proposed project.

- Section 15.04.010: This Section of the City’s Municipal Code adopts the 2022 edition of the California Building Standards Code and the California Fire Code as amended, which regulates fire safety for existing and new construction.

General Plan FEIR Impacts

The following provides an overview of impacts related to hazards and hazardous materials and required mitigation measures as identified in the General Plan FEIR.

Transport, Use, Storage, and Disposal of Hazardous Materials The General Plan FEIR determined that future land use changes and development under the General Plan, involve, or could involve the transport, use, storage, generation, and disposal of hazardous materials, including lead and asbestos from building materials, chemicals from commercial uses, or fertilizers and pesticides from agricultural uses. Hazardous materials are regulated by the Napa County Planning Building and Environmental Services under state and federal laws and regulations, including DTSC, which regulates the generation, transport, and disposal of hazardous waste, and the State Water Resources Control Board, which enforces the Clean Water Act and protects the quality of ground and surface waters. Routine transport of hazardous materials on State Routes 29 and 121 are regulated and monitored by USDOT, Caltrans, and the California Highway Patrol. Agricultural transport and use of pesticides, which takes place on most agricultural use-designated land within and adjacent to the Planning Area, is regulated by CCR Title 3, which mitigates risks of hazard through routine use. Additionally, General Plan Policy SN 2-1 promotes the cleanup of hazardous sites and safe disposal of hazardous materials in the City, and Policy SN 2-2 would require the City to evaluate new uses that rely extensively on the use of hazardous materials to weigh their public health risks against their benefit. General Plan Policies SN 2-3 and SN-6.3 address the education of Napa households regarding LUSTs and natural hazards and safety procedures. Therefore, the General Plan FEIR concluded that the requirements of existing regulatory programs combined with implementation of General Plan policies would reduce potential impacts of routine transport, use, or disposal of hazardous materials and reasonably foreseeable upset or accident conditions to a less-than-significant level.

Release of Hazardous Materials and Risk of Upset. The General Plan FEIR determined that additional development under the General Plan would require construction that has the potential to release oils, greases, solvents, and other finishing materials through accidental spills.

Given the nature of hazardous materials that would be used, stored, or disposed of (e.g., materials for construction equipment, contaminated soil), there is a possibility for upset and accident conditions involving the release of hazardous materials into the environment. Accidental releases of small quantities of these substances could contaminate soils and degrade the quality of surface water and groundwater, resulting in a public safety hazard. However, the handling and disposal of these materials would be governed according to regulations enforced by the Napa Fire Department, CUPA, Cal/OSHA, and DTSC. In addition, regulations under the federal Clean Water Act require contractors to avoid allowing the release of materials into surface waters as part of their SWPPP and National Pollutant Discharge Elimination System (NPDES) permit requirements. In addition, reasonably foreseeable spills under operational conditions would be handled according to the specifications of the Napa County Area Plan. Because compliance with the existing regulatory scheme would be required for all future development to avoid or minimize impacts related to the release of hazardous materials into the environment, the General Plan FEIR concluded that this impact would be less than significant, and no mitigation is required.

Emission of Hazardous Materials within 0.25 miles of a School. The General Plan FEIR determined that implementation of the General Plan would lead to urban development and the intensification of land uses that could result in the release of hazardous emissions or entail the handling of hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. The General Plan does not explicitly incorporate policies to limit the use of hazardous materials near school sites or limit the development of proposed schools near existing contamination; however, Policy PHE 2-1 in the Public Health and Equity Element of the General Plan calls for the protection of sensitive receptors such as schools from impacts of stationary and non-stationary sources of pollution. The City also routinely consults with the school district prior to discretionary approval of new businesses and industry that use hazardous materials near existing school sites as part of the project review process. Additionally, school siting regulations implemented by the Department of Education prohibit locating proposed schools near existing contamination. Therefore, the General Plan FEIR concluded that this impact would be less than significant, and no mitigation is required.

Hazardous Materials Site Pursuant to Government Code Section 65962.5. The General Plan FEIR determined that no hazardous material release sites have been identified on the most recent Cortese List in the Planning Area. There are 6 open LUST sites, 21 cleanup sites, and 6 SWIS sites in the Planning Area. The Planning Area is not located on a Superfund or other NPL site; therefore, it would not result in a significant hazard to the public or the environment through exposure to such sites. Additionally, all future projects would be required to be consistent with the General Plan and would be subject to environmental review under CEQA. Existing regulations would ensure that sites containing hazardous materials be cleaned up to existing standards for the proposed land use prior to development. Therefore, the General Plan FEIR concluded that impacts would be less than significant, and no mitigation is required.

Aviation Hazards. The General Plan FEIR determined that the closest public airport is the Napa County Airport located approximately 5 miles south of the City of Napa, outside the perimeter of the Planning Area. The very southern portions of the Planning Area are in Zones D and E of the ALUCP. In Zone D, aircraft can range from 300 to 1,000 feet above the ground, and residential uses, as well as uses hazardous to flights, are prohibited in this zone.

Finally, in Zone E, the zone farthest from the airport, there is a low risk of accident, and noise impacts are much less and classified as overflight annoyance. The only prohibited uses in this zone are noise-sensitive outdoor uses. Overflight easements or deed notices may be required for other development uses in this zone. The General Plan FEIR concluded that implementation of the General Plan would not change any of the land uses within the ALUP or otherwise alter safety conditions for people within the Planning Area. The impact is less than significant, and no mitigation is required.

Emergency Response or Evacuation Plan. The General Plan FEIR determined that development under the General Plan, including new land uses and increased densities, has the potential to create obstacles to the implementation of emergency response or evacuation plans adopted for the City of Napa including the Napa County Emergency Operations Plan and the Napa County Operational Area Hazard Management Plan. However, the General Plan includes policies and implementing actions that would address the reduction of risk due to hazards which would reduce the impact of new development on emergency response plans (Policies SN 5-1, SN 5-2, SN 5-4, SN 5-5). Therefore, the General Plan FEIR concluded that adherence to existing regulations and the policies in the General Plan would reduce potential impacts to emergency response plans or emergency evacuation plans to less than significant and no mitigation is required.

Wildland Fire. The General Plan FEIR determined that CAL FIRE has designated the Planning Area as NON-VHFHSZ. This indicates that the Planning Area is a non-very high fire hazard severity zone, and that the probability of a wildfire affecting the incorporated City is very low. The western and southeastern borders of the Planning Area are adjacent to moderate fire hazard severity zones, while the remaining northern, eastern, and southern portions of the Planning Area are undesignated. Implementation of the General Plan could create a significant impact if future development were located in areas that exacerbated the potential wildfire risk. However, Chapter 15.04.010 of the City of Napa Municipal Code adopts the California Fire Code as amended, which regulates fire safety for existing and new construction. The California Strategic Fire Plan also reduces the fire risk of new development by focusing on fire suppression and prevention efforts, including hazard and risk assessment, land use planning, cooperation between fire protection jurisdictions, fire-resistant development, and postfire recovery efforts. Furthermore, the General Plan includes various policies that address potential fire hazards (Policies SN 5-1, SN 5-2, SN 5-3, SN 5-4, SN 5-5, and SN 5-6). The General Plan FEIR concluded that implementation of these policies combined with the CBC standards and the review of all new structures and land uses in the Planning Area, by the Napa Fire Department would ensure that hazards from wildfire associated with future development would be less than significant, and no mitigation is required.

Project Impacts

Project-specific impacts related to hazards and hazardous materials are discussed below.

Transport, Use, Storage, and Disposal of Hazardous Materials The proposed project involves the demolition of the existing structures on the project site and the construction of 53 single-family residential units, 13 of which would include ADUs. Because the proposed project is for private residential use, it would generally not involve transport, use, or disposal of significant quantities of hazardous materials; only small quantities of chemicals would be used for routine maintenance that would not pose a significant threat to human or environmental health.

Construction of the proposed project would involve the use and transport of hazardous materials. These materials could include fuels, oils, paints, and other chemicals used during construction activities. Handling and transportation of hazardous materials could result in accidental releases or spills and associated health risks to workers, the public, and environment.

Transport and use of hazardous materials would be subject to all applicable State and federal laws, such as Hazardous Materials Transportation Act, the Resource Conservation and Recovery Act, the California Hazardous Materials Management Act, California Health and Safety Code, and California Code of Regulations Title 8 and Title 22. Therefore, compliance with existing regulations would ensure that the proposed project would not create a significant hazard to the public or the environment associated with the routine transport, use, or disposal of hazardous materials by ensuring these materials are properly handled during construction of the proposed project. Therefore, this impact would be less than significant. The proposed project would not result in any impacts related to the transport, use, storage, or disposal of hazardous materials that are new or more significant than those analyzed in the General Plan FEIR.

Release of Hazardous Materials and Risk of Upset. The public and/or the environment could be affected by the release of hazardous materials from the proposed project into the environment by exposing workers, the public, or the environment to potentially contaminated soil and groundwater during construction and/or operation of the project. As described above, small quantities of common hazardous materials would be used at the project site during construction and operation of the proposed project. Improper use, storage, or handling could result in a release of hazardous materials into the environment which could pose a risk to construction workers and the public. However, the project applicant would be required to comply with existing government regulations during the use and disposal of these materials, and such materials would not be used in sufficient strength or quantity to create a substantial risk to human or environmental health. Furthermore, the site history and adjoining and surrounding property histories do not indicate the potential for the existence of significant contaminants at the project site and it is unlikely the soil and groundwater is contaminated with significant toxic or hazardous materials that would be released during construction. Compliance with the regulations described above would ensure that the proposed project would not create a significant hazard to the public or the environment through accident conditions involving the release of hazardous materials into the environment during transport, use, or disposal of hazardous materials by ensuring that these materials are properly handled during construction of the proposed Project. Therefore, this impact would be less than significant and the proposed project would not result in any impacts related to the release of hazardous materials into the environment that are new or more significant than those analyzed in the General Plan FEIR.

Emission of Hazardous Materials within 0.25 miles of a School. The project site is approximately 0.1 mile from Vintage High School. However, compliance with federal, State, and local regulations for the management of hazardous materials as discussed above would ensure that potential impacts to nearby schools associated with hazardous materials emissions and use at the project site would be less than significant. The proposed project would not result in any impacts related to the emission of hazardous materials within 0.25 miles of a school that are new or more significant than those analyzed in the General Plan FEIR.

Hazardous Materials Site Pursuant to Government Code Section 65962.5. The project site is not included on any list of hazardous materials site compiled pursuant to Government Code Section 65962.5,¹⁹ and no impact would occur. The proposed project would not result in any impacts related to a hazardous material site pursuant to Government Code Section 65962.5 that are new or more significant than those analyzed in the General Plan FEIR.

Aviation Hazards. The project site is located approximately 7.3 miles north of the Napa County Airport. The project site is not located within the airport impact area or subject to any development conditions per the ALUPC.²⁰ Therefore, the proposed project would not result in a safety hazard to people working or residing in the area due to the proximity of an airport and there would be no impact. The proposed project would not result in any impacts related to aviation hazards that are new or more significant than those analyzed in the General Plan FEIR.

Emergency Response or Evacuation Plan. As previously discussed, the proposed project involves the demolition of the existing structures on the project site and the construction of 53 single-family residential units, 13 of which would include ADUs. The proposed project would not alter or block adjacent roadways and implementation of the proposed project would not be expected to impair the function of nearby emergency evacuation routes. Additionally, the proposed project would be subject to General Plan Policies SN 5-4 and SN 5-5, which require development plans to provide adequate evacuation routes and the assessment of the adequacy of emergency response and evacuation routes and identification of the need for any road extensions to serve neighborhoods that do not have sufficient evacuation routes or access for emergency services. Therefore, the proposed project would have a less than significant impact on the implementation of an adopted emergency response plan or emergency evacuation plan. The proposed project would not result in

¹⁹ California Environmental Protection Agency (CalEPA). 2020. Cortese List Data Resources. Website: calepa.ca.gov/sitecleanup/corteselist/ (accessed May 22, 2023).

²⁰ Napa County Airport Land Use Commission, 1999. *Airport Land Use Compatibility Plan*. December 15.

any impacts related to emergency response or evacuation plans that are new or more significant than those analyzed in the General Plan FEIR.

Wildland Fire. The project site is in an urban area and is not within or adjacent to a wildland fire hazard area.²¹ Therefore, the proposed project would not expose people or structures to a significant loss, injury or death involving wildland fires and there would be no impact.

Applicable Mitigation

The General Plan FEIR did not identify any mitigation measures related to hazards and hazardous materials. No substantial changes in environmental circumstances have occurred for this topic, and there is no new information that could not have been known at the time the General Plan FEIR was certified leading to new or more severe significant impacts; therefore, no new mitigation measures are required.

Conclusion

The General Plan FEIR adequately evaluated the potential hazards and hazardous materials impacts of the proposed project. Therefore, potential impacts would be less-than-significant and additional mitigation is not required.

²¹ Office of the State Fire Marshal (OSFM). Fire Hazard Severity Zones (FHSZ). Website: <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildfire-preparedness/fire-hazard-severity-zones/> (accessed May 22, 2023).

10. HYDROLOGY AND WATER QUALITY

	Substantial Changes in Project/Circumstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicable Policies

Napa General Plan. The following General Plan policy is applicable to the proposed project.

- Policy CSPR 5-1: Safely manage the water supply and services, wastewater, sewer, recycled water, and storm drain infrastructure in a manner that provides for future growth of the City.
- Policy CSPR 5-3: Develop and maintain a safe, attractive, and environmentally-sensitive drainage system for handling runoff due to seasonal rainstorms, especially runoff in creeks and the Napa River.
- Goal NRC-9: Protect and enhance the City’s potable water, surface water, and groundwater quality.

- Policy NRC.9-1: Continue to participate in regional efforts to proactively manage surface and groundwater resources and ensure their long-term health and viability, including implementation of the Napa-Sonoma Valley Groundwater Subbasin Groundwater Sustainability Plan being prepared by the Napa County Sustainability Agency.
- Goal NRC-10: Promote utilization of green infrastructure and Low Impact Development (LID) strategies; water conservation, reuse, and collection; and other sustainability measures to limit pollution runoff.
- Policy NRC.10-2: Explore options for water saving and treatment technology when planning future developments to conserve water and keep the City's water safe and clean.
- Policy NRC.10-3: Preserve natural drainage courses in their natural state wherever feasible.
- Policy NRC.10-4: Whenever feasible, incorporate the use of pervious surfaces in public spaces to permit the percolation of urban runoff while implementing best practices for stormwater pollution prevention.
- Policy NRC.10-5: Facilitate groundwater recharge by encouraging development projects to use LID practices such as bioretention, porous paving, and rainwater harvesting systems, and by encouraging private property owners to design or retrofit landscaped or impervious areas to better capture stormwater runoff.
- Policy NRC.10-6: Reduce stormwater runoff and pollution by incorporating green infrastructure and sustainability strategies for new development and redevelopment, such as trash capture technology in stormwater systems.
- Goal SN-3: Reduce risk to life and property due to flooding, including inundation resulting from the failure of water supply reservoir dams.
- Policy SN 3-3: Limit development in the 100-year floodplain to development which represents an acceptable use of the land in relation to the hazards involved and the costs of providing flood control facilities. Locate critical facilities, such as hospitals, fire stations, police stations, public administration buildings, and schools outside of flood hazard areas, to the extent feasible.
- Policy SN 3-4: Require that all projects in floodplains, to the extent feasible, to adhere to strict design guidelines that ensure any proposed development will withstand a flooding event, and will not jeopardize the existing surrounding or downstream structures.
- Policy CCS 3-1: Study and incorporate green infrastructure practices to reduce pollution runoff into the Napa River, reduce stress on stormwater systems, recharge underground aquifers, and reduce urban heat island effects, while promoting greenery in the community.
- Policy CCS 3-2: Require stormwater management techniques that minimize surface water runoff in public and private developments. Utilize low impact development techniques such as

bioswales and other best management practices to manage stormwater. Promote technologically advanced stormwater management systems and practices where land area is limited.

- Policy CCS 3-4: Develop standards for and encourage, recycled (grey) water use and stormwater capture systems in new and existing developments, and in areas that do not impact groundwater quality.
- Policy CCS 9-4: Utilize trees and vegetation as part of green infrastructure strategies along major roadways and areas with large impervious pavement surfaces to slow rainwater discharge in the Napa River watershed, provide flood-hazard reduction benefits, and help clean the stormwater.

City of Napa Municipal Code. The following sections of the City of Napa Municipal Code are applicable to the proposed project.

- Chapter 8.36 Storm Water Quality Control: The purposes of this chapter are to protect the public health, safety and general welfare; to protect water resources and to improve storm water quality within the MS4 and receiving waters; to cause the use of management practices by the city (and its residents, businesses, and property owners) that will reduce the adverse effects of polluted runoff discharges on waters of the state; to secure benefits from the use of storm water as a resource; and to ensure the city is compliant with applicable state and federal law.

General Plan FEIR Impacts

The following provides an overview of impacts related to hydrology and water quality and required mitigation measures as identified in the General Plan FEIR.

Water Quality Standards. The General Plan FEIR determined that project construction activities subsequent to the General Plan could result in short-term water quality degradation associated with soil erosion and subsequent sediment transport to adjacent properties, roadways, or watercourses via storm drains. Construction activities could also generate dust, settlement, litter, oil, and other pollutants that could temporarily contaminate water runoff from a construction site. However, projects that would disturb more than 1 acre of land are required to prepare a SWPPP as part of compliance with the NPDES Construction General Permit. The SWPPP would emphasize standard temporary erosion control measures to reduce sedimentation and turbidity of surface runoff from disturbed areas within the Planning Area. If dewatering for an individual project site is required, the SWPPP would include a dewatering plan, which would establish measures to prevent and minimize sediment and contaminant releases into groundwater during excavation. Dewatering activities would be required to comply with the NPDES Construction General Permit, San Francisco Bay Regional Water Board Waste Discharge Requirements for discharges of groundwater (Order No. R2-2018-0026), and local dewatering requirements to prevent potential water quality impacts on surface waters or ensure proper treatment measures are implemented prior to discharge. Additionally, construction projects would comply with other federal and State regulations, City standards, and other local ordinances. Therefore, the General Plan FEIR concluded that potential

construction-related water quality impacts, such as violations of water quality objectives, would be less than significant.

The General Plan FEIR determined that implementation of the General Plan would accommodate about 7,811 new housing units and up to 3,784,298 square feet of commercial and industrial uses. The intensification of land uses by implementation of the General Plan may increase impervious surface area and introduce new or additional pollutants to an existing area. Any increase in impervious areas that may occur as a result of the General Plan would increase the volume of runoff during a storm, which would more effectively transport pollutants generated during operation into receiving waters. In addition, as the amount of impervious surface and runoff increases, less water would be able to infiltrate into the ground, and the velocity of flows to nearby waterbodies would be increased. However, the City of Napa's MS4 system often requires retention of runoff to avoid increasing downstream creek flows and associated erosion. The San Francisco Regional Water Quality Control Board (San Francisco Regional Water Board) also requires treatment of stormwater runoff for new developments, utilizing LID measures to treat and infiltrate stormwater runoff prior to discharging into waterways. Additionally, the General Plan includes implementation programs that would improve stormwater management in the City and reduce impacts on water quality (Policies NRC.10-6, CSS 3-2). Therefore, the General Plan FEIR concluded that potential operation-related water quality impacts would be less than significant.

Deplete Groundwater Supplies. The General Plan FEIR determined that any dewatering required during construction would be conducted on a one-time or temporary basis during the construction phase and would not result in a loss of water that would substantially deplete groundwater supplies. Additionally, dewatering activities would be required to comply with the NPDES Construction General Permit, San Francisco Bay Regional Water Board Waste Discharge Requirements for discharges of groundwater (Order No. R2-2018-0026), and local dewatering requirements to prevent potential water quality impacts on surface waters or ensure proper treatment measures are implemented prior to discharge. After dewatering activities are completed, water levels would return to pre-construction conditions. Additionally, the water supply for construction activities would likely come from nearby hydrants and existing surface supplies and/or would be trucked to the site. Therefore, the General Plan FEIR concluded that potential construction-related impacts to groundwater supplies would be less than significant.

The General Plan FEIR determined that changes in land use designations under the General Plan could result in increased water supply demand. However, the City does not rely on groundwater and would continue to meet water supply demands three surface water sources. The intensification of land uses by implementation of the General Plan may also increase impervious surface area and thereby interfere with groundwater recharge. However, new development would be required to implement LID measures to treat and infiltrate stormwater runoff prior to discharging into waterways, as stipulated by the MS4 Permit and policies within the General Plan (Policies NRC 10-5 and CSS 3-1). Therefore, the General Plan FEIR concluded that the potential for substantial groundwater depletion as a result of the land use designation changes and proposed growth of the General Plan would be less than significant, and no mitigation is required.

Drainage Patterns. The General Plan FEIR determined that construction activities could concentrate and redirect existing runoff patterns that could lead to erosion of temporarily exposed areas of bare soil during rainfall events with subsequent sedimentation onsite or offsite.

However, compliance with grading permits and the NPDES Construction General Permit would require use of BMPs to restrict soil erosion and sedimentation and restrict non-stormwater discharges from construction sites as well as release of hazardous materials. The intensification of land uses by implementation of the General Plan may increase impervious surface area and introduce new or additional pollutants to an existing area or result in increased runoff that could cause flooding. However, the General Plan includes implementation programs that would improve stormwater management in the City and reduce impacts on water quality and flooding (Policies NRC.10-3, NRC.10-6, CSS 3-2, CSPR 6-3, and SN 3-2). The City would prepare storm drain capacity evaluations and storm drain replacement predesign evaluations to identify the required storm drain improvements to provide a 10-year level of drainage service for Opportunity Areas. Therefore, the General Plan FEIR concluded that implementation of the General Plan would not substantially alter the existing drainage pattern of the area resulting in erosion, flooding, polluted runoff, or inadequate drainage systems and impacts would be less than significant.

Inundation by Flooding, Tsunami, or Seiche. The General Plan FEIR determined that much of the City is within the 100-year floodplain due to proximity to the Napa River. Therefore, there would be a potential impact of new growth being located in a floodplain. However, this would be a temporary impact, because the Napa River/Napa Creek Flood Protection Project is estimated to be completed in 2027, which would protect the City and proposed future growth from flooding from the Napa River. Additionally, stormwater BMPs would be implemented, as required by federal, county, and local policies to minimize degradation of water quality associated with stormwater runoff or construction-related pollutants. In addition, construction and maintenance activities would be subject to local stormwater ordinances, stormwater requirements established by San Francisco Bay Phase I MS4 Permit requirements, and regional WDRs. The General Plan also includes policies that would increase the emphasis on flood control and dam inundation related to new development (Policies LUCD-3, SN 3-3, SN 3-4, SN 3-5, and SN 3-6). There is minimal to no risk of inundation from a tsunami or seiche in the Planning Area. Therefore, the General Plan FEIR concluded that impacts related to a risk of release of pollutants due to Project inundation in a flood hazard, tsunami, or seiche zone would be less than significant, and no mitigation is required.

Conflict with Water Quality Control Plan or Sustainable Groundwater Management Plan. The General Plan FEIR determined that implementation of the General Plan would not obstruct implementation of a water quality control plan or sustainable groundwater management plan due to existing regulatory requirements that would prevent the pollution of water resources and the depletion of groundwater supplies (Construction General Permit, Small MS4 permit, General Dewatering Permit, City standards, local ordinances, and General Plan policies). Furthermore, implementation of the General Plan would not substantially deplete groundwater resources from increased groundwater pumping or result in over-withdrawal as the City relies on surface water for its municipal drinking supply. Therefore, the General Plan FEIR concluded that impacts would be less than significant, and no mitigation is required.

Project Impacts

Project-specific impacts related to hydrology and water quality are discussed below.

Water Quality Standards. The following section analyzes impacts related to water quality standards that could result from construction and operation of the proposed Project.

Construction. Pollutants of concern during construction include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. During construction activities, excavated soil would be exposed, and there would be an increased potential for soil erosion and sedimentation compared to existing conditions. In addition, chemicals, liquid products, petroleum products (e.g., paints, solvents, and fuels), and concrete-related waste may be spilled or leaked, and they have the potential to be transported via stormwater runoff into receiving waters. Because construction of the proposed project would disturb greater than 1 acre of soil, the project is subject to the requirements of the CGP, which requires preparation of a SWPPP and implementation of construction BMPs during construction activities, as discussed above. Construction BMPs would include, but are not limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into receiving waters.

According to the Geotechnical Investigation²² prepared for the proposed project, groundwater is estimated to occur at a depth of approximately 17 feet below ground surface; however, groundwater may fluctuate due to seasonal fluctuation, underground drainage patterns, and other factors. Therefore, dewatering of groundwater may be required during construction activities involving excavation. Release of dewatered groundwater to surface waters can introduce total dissolved solids and other constituents to surface waters and could cause degradation of the receiving water quality. In the event that groundwater is encountered during construction and groundwater dewatering is necessary, any groundwater dewatering during excavation would be conducted in accordance with the requirements of the Construction General Permit and San Francisco Bay Regional Water Board Waste Discharge Requirements for discharges of groundwater (Order No. R2-2018-0026), as discussed above.

Adherence with the CGP, including implementation of the required SWPPP, Construction BMPs, and dewatering requirements would ensure construction impacts related to surface water quality standards, waste discharge requirements, and surface water quality would be less than significant. The proposed project would not result in any impacts related to water quality standards or waste discharge requirements that are new or more significant than those analyzed in the General Plan FEIR.

Operation. After the completion of project construction, operation of the proposed project would result in an increase in impervious surfaces on the project site that would result in a net increase in stormwater runoff that can lead to downstream erosion in receiving waters, flooding, and discharge

²² Berlogar Stevens & Associates, 2021. *Design Level Geotechnical Investigation, Vintage Farm, Napa, California*. March 15.

of polluted runoff. Pollutants of concern from long-term operations include pathogens (bacteria/viruses), metals, nutrients, motor vehicle lubricants, toxic organic compounds, pesticides/herbicides, sediments/total suspended solids, trash and debris, and oil and grease. However, in compliance with the MS4 permit and General Plan policies, as discussed above, the proposed project would implement LID techniques including five bioretention facilities that would be used for stormwater control, infiltration, and treatment. Therefore, operation of the proposed project would result in less than significant impacts to surface water quality standards, waste discharge requirements, and surface water quality. Impacts would be less than significant and the proposed project would not result in any impacts related to water quality standards or waste discharge requirements that are new or more significant than those analyzed in the General Plan FEIR.

Deplete Groundwater Supplies. As noted above, dewatering may be performed during construction activities involving excavation. If performed, construction-related dewatering would be temporary and limited to areas of excavation on the project site and would not substantially contribute to depletion of groundwater supplies.

Potable water would be provided to the project site by the City, which sources water from local surface water (Lake Hennessey and Milliken Reservoir) and imported water from the State Water Project, which diverts water from the Sacramento-San Joaquin Delta and conveys it to Napa and Solano counties via the North Bay Aqueduct.²³ Therefore, operation of the proposed project would not require the consumption of groundwater resources and therefore would not contribute to depletion of groundwater supplies.

Development of the proposed project would result in an increase in impervious surfaces on the project site which could reduce groundwater recharge compared to existing conditions. However, in compliance with the MS4 permit and General Plan policies, as discussed above, the proposed project would implement LID techniques including five bioretention facilities and one detention basin that would be used for stormwater control, infiltration, and treatment. Therefore, the proposed project would not result in a significant decrease in groundwater recharge that would result in a net deficit in aquifer volume or a lowering of the local groundwater table level.

For the reasons listed above, impacts related to the decrease of groundwater supplies or interference with groundwater recharge would be less than significant. The proposed project would not result in any impacts related to the depletion of groundwater supplies that are new or more significant than those analyzed in the General Plan FEIR.

Drainage Pattern and Surface Run-Off. The following section analyzes impacts related to drainage patterns and surface run-off that could result from erosion or siltation, as well as impacts related to stormwater drainage capacity.

²³ Napa, City of. 2022. *2020 Urban Water Management Plan*. January.

Erosion or Siltation and Polluted Runoff. Although soil would be disturbed during construction and there would be an increased potential for soil erosion and siltation and discharge of other pollutants, the proposed project would be subject to the CGP and a SWPPP which would specify BMPs to be implemented to control the discharge of pollutants in stormwater runoff as a result of construction activities. After the completion of project construction, operation of the proposed project would result in an increase in impervious surfaces on the project site that would result in a net increase in stormwater runoff that can lead to downstream erosion in receiving waters. However, in compliance with the MS4 permit and General Plan policies, as discussed above, the proposed project would implement LID techniques including five bioretention facilities that would be used for stormwater control, infiltration, and treatment. Therefore, due to compliance with the requirements of the CGP, MS4 permit, and General Plan policies, project impacts related to on- or off-site erosion and polluted runoff would be less than significant and the proposed project would not result in any impacts that are new or more significant than those analyzed in the General Plan FEIR.

Flooding and Stormwater Drainage System Capacity. The following analysis is based on the Hydrologic and Hydraulic Analyses²⁴ completed for the proposed project, unless otherwise noted. Under existing conditions, the project site has three drainage areas that drain to three separate storm drain systems that flow into the Salvador Drainage Canal. The proposed project would not result in the alteration of the course of a stream or river. The proposed project would generally maintain the three existing drainage areas with slight area diversions that would require a detention basin to mitigate the peak flows down to pre-development levels. The Hydrology Report concluded that the existing downstream system is adequate to receive runoff from the development of the proposed project and post-development flows would not exceed pre-development flows due to the incorporation of bioretention basins and a detention basin. The proposed drainage facilities and BMPs needed to accommodate stormwater runoff would be appropriately sized such that drainage facility capacity would not be exceeded during a design storm and flooding would not occur. Therefore, impacts related to flooding and the existing stormwater drainage system capacity would be less than significant and the proposed project would not result in any impacts that are new or more significant than those analyzed in the General Plan FEIR.

Inundation by Flooding, Tsunami, or Seiche. The majority of the project site is not located within a Federal Emergency Management Agency (FEMA) designated 100-year or 500-year floodplain.²⁵

The majority of the project site is within an area of minimal flood hazard, however, small portions of the northern and eastern edges of the project site are located within Zone X and Zone AE, defined as 0.2 Percent Annual Chance Flood Hazard, and Special Flood Hazard Areas with Base Flood Elevation, respectively.

²⁴ DK Engineering, 2022. *Vintage Farm Hydrologic & Hydraulic Analyses*. November 7.

²⁵ Federal Emergency Management Agency (FEMA), 2010. Flood Insurance Rate Map (FIRM) No. 06055C0508F, effective September 29. Website: <https://msc.fema.gov/portal/search?AddressQuery=1185%20sierra%20ave%2C%20napa%2C%20ca#searchresultsanchor> (accessed May 24, 2023).

Consistent with the General Plan FEIR, stormwater BMPs would be implemented, as required by federal, county, and local policies to minimize degradation of water quality associated with stormwater runoff or construction-related pollutants. In addition, construction and maintenance activities would be subject to local stormwater ordinances, stormwater requirements established by San Francisco Bay Phase I MS4 Permit requirements, and regional WDRs. There are no nearby enclosed bodies of water that could produce a seiche and the project site is not located within a tsunami hazard zone. Therefore, impacts related to a risk of release of pollutants due to project inundation in a flood hazard, tsunami, or seiche zone would be less than significant, and the proposed project would not result in any impacts that are new or more significant than those analyzed in the General Plan FEIR.

Conflict with Water Quality Control Plan or Sustainable Groundwater Management Plan. Similar to the General Plan FEIR, the proposed project would not obstruct implementation of a water quality control plan or sustainable groundwater management plan due to existing regulatory requirements that would prevent the pollution of water resources and the depletion of groundwater supplies (Construction General Permit, Small MS4 permit, General Dewatering Permit, City standards, local ordinances, and General Plan policies). Furthermore, implementation of the proposed project would not substantially deplete groundwater resources from increased groundwater pumping or result in over-withdrawal as the City relies on surface water for its municipal drinking supply. Therefore, the impacts would be less than significant, and the proposed project would not result in any impacts that are new or more significant than those analyzed in the General Plan FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the General Plan FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Conclusion

The General Plan FEIR adequately evaluated the potential hydrology and water quality impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

11. LAND USE AND PLANNING

	Substantial Changes in Project/Circumstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Would the project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicable Policies

Napa General Plan. The following General Plan policy is applicable to the proposed project.

- **Goal LUCD-3:** Enhance Napa’s community character by promoting walkability, inclusivity, and connections between neighborhoods, key centers, and the Napa River.
- **Policy LUCD 3-6:** Where feasible, incorporate the following design strategies into new development to support multimodal transportation, community cohesion and connectivity:
 - Locate commercial buildings close to the streets with parking tucked behind to present a cohesive street appearance and enable better pedestrian and transit accessibility.
 - Provide greater street, pedestrian, and bicycle connectivity with connections to adjacent developments, trails, bicycle and pedestrian paths, and transit stops.
 - Share design features between adjacent developments, such as shared parking and cross access (to reduce curb cuts), shared building design features, shared signing, consistent landscape treatments across frontages, and other integrating features.
 - Avoid exclusive development typologies such as gated, walled, or fenced-off developments which do not support a cohesive neighborhood environment.
- **Policy LUCD 18-2:** Analyze opportunities to extend existing streets in the street grid to improve connectivity and accessibility as new development occurs.
- **Goal TE-1:** Foster a comprehensive network of accessible roads, trails, sidewalks, and pathways that emphasize a Complete Streets approach, while reducing vehicle miles traveled (VMT) and dependence on single-occupancy vehicles.

- Policy TE 1-2: Foster a more connected system of streets, pedestrian facilities, and bicycle facilities as new development and redevelopment is undertaken, or as opportunities are presented.
- Goal TE-2: Keep Napa moving with livable streets that provide a balanced, cost-effective, multimodal transportation system (vehicles, pedestrians, bikes, transit), accommodating the mobility needs of all ages and abilities.
- Goal NRC-2: Recognize and support the preservation of rare, endangered, and threatened species.
- Policy NRC 2-2: As part of development review on sites with sensitive species, require project proponents to either conserve any habitat areas or identify any feasible means of avoiding any net loss of habitat or habitat value for endangered, threatened, and rare species. Establish programs that provide for the use of off-site mitigation when in the best interest of the public.
- Goal NRC-10: Promote utilization of green infrastructure and Low Impact Development (LID) strategies; water conservation, reuse, and collection; and other sustainability measures to limit pollution runoff.
- Policy NRC 10-4: Whenever feasible, incorporate the use of pervious surfaces in public spaces to permit the percolation of urban runoff while implementing best practices for stormwater pollution prevention.
- Policy NRC 10-6: Reduce stormwater runoff and pollution by incorporating green infrastructure and sustainability strategies for new development and redevelopment, such as trash capture technology in stormwater systems.
- Goal SN-3: Reduce risk to life and property due to flooding, including inundation resulting from the failure of water supply reservoir dams.
- Goal SN-4: Protect public health and welfare by minimizing exposure of sensitive uses to noise and preventing significant degradation of the acoustic environment.
- Goal SN-5: Work to prevent urban fires and exposure to wildfires, as well as protect life and property from fire dangers.

General Plan FEIR Impacts

The following provides an overview of impacts related to land use and planning and required mitigation measures as identified in the General Plan FEIR.

Divide an Established Community. The General Plan FEIR determined that implementation of the General Plan would revise some land use designations to provide for more intensive levels of development. However, implementation of the General Plan would help improve community cohesion and connectivity to the existing road network and includes numerous policies intended to

avoid dividing established communities and ensure that new development remains interconnected (Policies LUCD 3-6, LUCD 9-1, LUCD 18-2, TE 1-2, TE 2-2, TE 3-2, TE 3-3, TE 3-5, and SN 4-3). Therefore, the General Plan FEIR concluded that implementation of the General Plan would not result in the physical division of existing communities and impacts would be less than significant.

Conformance with Land Use Plans. The General Plan FEIR determined that implementation of the General Plan would require preparing zoning and subdivision ordinance amendments, reviewing development applications, conducting investigations, and making reports and recommendations on planning and land use, zoning, subdivisions, development plans, and environmental regulations. Additionally, the City's Zoning Ordinance would be revised to implement the General Plan, as required by State Law. The General Plan FEIR determined that the General Plan is consistent with regional and local plans including the Napa County General Plan, Napa County Code of Ordinances, the City of Napa Hillside Overlay District requirements, the Napa County Airport Land Use Compatibility Plan, and the RTP/SCS and that it would not conflict with any existing specific plans in Napa or regulations that protect the environment. Additionally, the General Plan includes various policies that protect the environment (Policies CSS 1-1, CSS 1-2, CSS 1-3, CSS 1-4, NRC 1-1, NRC 1-2, NRC 1-3, NRC 1-4, NRC 1-5, NRC 1-6, NRC 1-7, NRC 1-8, NRC 2-1, NRC 2-2, NRC 3-1, NRC 3-2, NRC 4-1, NRC 4-2, NRC 4-3, NRC 10-3, NRC 10-4, NRC 10-6, SN 3-1, and SN 5-1). The General Plan FEIR concluded that with implementation of these policies in future development projects, implementation of the General Plan would not conflict with any applicable land use plans, policies, or regulations intended to protect the environment and impacts would be less than significant.

Project Impacts

Project-specific impacts related to land use and planning are discussed below.

Divide an Established Community. Projects that have the potential to physically divide an established community include projects such as new freeways and highways, major arterials, streets, and railroad lines. The project site is located in an urban area in the City of Napa and is surrounded primarily by existing residential uses. The proposed project would result in the demolition of the existing structures on the project site and the construction of 53 single-family residential units, 13 of which would include ADUs. Redevelopment of the project site would represent a general continuation of the residential uses found adjacent to the project site and would be consistent with the type and intensity of development in the area. The proposed project would include an extension of Sierra Avenue that would connect to Villa Lane. This extension would provide two vehicular access points to the U-shaped internal street. The internal street would provide access to each of the residential units. An additional connection to Villa Lane would be provided along the eastern border of the project site in line with Villa Lane's existing intersection with Summerbrooke Circle. The proposed project would not require the construction of any new infrastructure that would divide an established community and would not remove any means of access. The proposed project would not result in a physical division of an established community or adversely affect the continuity of land uses in the vicinity. Therefore, this impact would be less than significant. Implementation of proposed project would not result in any new or more significant impacts related to the division of an established community than those analyzed in the General Plan FEIR.

Conformance with Land Use Plans. The project site is designated Low Density Residential in the General Plan. This designation consists of single-family residential development with densities ranging from 3.0 to 8.0 units per gross acre. The project site is located within the RI-4 zoning district, which allows single-family residential uses. As previously discussed, the project is consistent with the existing General Plan Land Use designation of Low Density Residential and RI-4 zoning district. In addition, the proposed project would also require building permits, a development permit, and vesting tentative map approval.

The proposed project would be subject to design and development review as required by the General Plan and must demonstrate compliance with the General Plan, including the applicable development standards and design guidelines. As stated above, the proposed project would be consistent with the existing land use and zoning designations of the project site. The development associated with the proposed project is within the amount of growth evaluated and cleared within the General Plan FEIR and is compatible with existing and future uses in the vicinity of the project site. Therefore, the density and intensity of the proposed project would not result in any new or more significant impacts regarding conformance with land use plans than those already identified in the General Plan FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the General Plan FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Conclusion

The General Plan FEIR adequately evaluated the potential land use impacts of the proposed project. Therefore, potential impacts would be less-than-significant and additional mitigation is not required.



12. MINERAL RESOURCES

	Substantial Changes in Project/Circumstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicable Policies

The General Plan FEIR did not identify any policies related to mineral resources that would be applicable to the proposed project.

General Plan FEIR Impacts

The General Plan FEIR found that the City of Napa Planning Area does not contain any known mineral resource land uses or mineral extraction operations. Therefore, the General Plan FEIR determined that there would be no impact related to mineral resources, and no mitigation measures were required.

Project Impacts

The project site located within the Planning Area and does not contain any known mineral exploration or extraction activities. Therefore, the proposed project would not result in any impacts related to mineral resources that are new or more significant than those analyzed in the General Plan FEIR.

Conclusion

The General Plan FEIR adequately evaluated the mineral resource impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

13. NOISE

	Substantial Changes in Project/Circu mstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Noise is usually defined as unwanted sound. Noise consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, or sleep. Several noise measurement scales exist that are used to describe noise in a particular location. A decibel (dB) is a unit of measurement that indicates the relative intensity of a sound. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a 10-fold increase in acoustic energy, while 20 dB is 100 times more intense and 30 dB is 1,000 times more intense. Each 10 dB increase in sound level is perceived as approximately a doubling of loudness; and similarly, each 10 dB decrease in sound level is perceived as half as loud. Sound intensity is normally measured through the A-weighted sound level (dBA). This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. The A-weighted sound level is the basis for 24-hour sound measurements that better represent human sensitivity to sound at night.

As noise spreads from a source, it loses energy so that the farther away the noise receiver is from the noise source, the lower the perceived noise level would be. Geometric spreading causes the sound level to attenuate or be reduced, resulting in a 6 dB reduction in the noise level for each doubling of distance from a single point source of noise to the noise sensitive receptor of concern.

There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level (L_{eq}) is the total sound energy of time varying noise over a sample period. However, the predominant rating scales for human communities in the State of California are the L_{eq} , the community noise equivalent level (CNEL), and the day-night average level (L_{dn}) based on A-weighted decibels (dBA). CNEL is the time varying noise over a 24-hour period, with a 5 dBA weighting factor

applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours).

L_{dn} is similar to the CNEL scale, but without the adjustment for events occurring during the evening relaxation hours. CNEL and L_{dn} are within one dBA of each other and are normally exchangeable. The noise adjustments are added to the noise events occurring during the more sensitive hours.

A project would have a significant noise effect if it would substantially increase the ambient noise levels for adjoining areas or conflict with adopted environmental plans and goals of applicable regulatory agencies, including, as appropriate, the City of Napa.

Certain land uses are considered more sensitive to noise than others. Examples of these include residential areas, educational facilities, hospitals, childcare facilities, and senior housing. The project site is located within an area characterized by a mix of residential, commercial, and institutional uses. The project site is bordered by the Austin Miller Memorial Bike Path to the north, Villa Lane and residential uses to the east, and residential uses to the west and south. The closest sensitive receptors include the single-family residences located approximately 15 feet west and south of the project site boundary.

Applicable Goals and Policies

General Plan Goals and Policies. The following General Plan policies are applicable to the proposed project.

- Goal SN-4: Protect public health and welfare by minimizing exposure of sensitive uses to noise and preventing significant degradation of the acoustic environment.
- Policy SN 4-1: Use the noise and land use compatibility matrix (Table 8-5 of the General Plan) and Future Noise Contours map (Figure 8-4 of the General Plan) as criteria to determine acceptability of a proposed land use. Seek to limit new noise-sensitive uses—including schools, hospitals, places of worship, and homes—where noise levels are “normally unacceptable” or higher, if alternative locations are available for the uses in the City.
- Policy SN 4-2: For all projects that have noise exposure levels that exceed the standards in Table 8-3, site planning and architecture should incorporate noise-attenuating features. With mitigation, development should meet the allowable outdoor and indoor noise exposure standards in Table 8-4, or California Building Code, whichever is stricter. When a building’s openings to the exterior are required to be closed to meet the interior noise standard, then mechanical ventilation should be provided.
- Policy SN 4-3: Discourage the use of berms and sound walls for noise mitigation; rather, encourage the use of project design techniques such as increasing the distance between the noise source and the noise sensitive receiver and use non-noise sensitive structures (e.g., a garage) to shield noise-sensitive areas. If a berm or wall is determined necessary to mitigate

noise, discourage exclusive use of walls in excess of six feet in height and encourage use of natural barriers such as site topography or constructed earthen berms. When walls are determined to be the only feasible solution to noise mitigation, then the walls shall be designed to limit aesthetic impacts.

- Policy SN 4-4: Ensure that new development does not generate noise in excess of the performance standards outlined in Table 8-4, whenever feasible.
- Policy SN 4-7: Address appropriate construction noise and vibration control measures, standards, and monitoring procedures for future development in the City’s Municipal Code to reduce impacts to nearby uses.

See 8.08.025 Noise—Construction activity in the Municipal Code for additional information.

- Policy SN 4-8: Require all construction within 1,000 feet of noise-sensitive uses to undertake measures to reduce noise impacts. Within 100 feet of pile driving locations and 25 feet of construction sites using other impact or non-impact equipment (e.g., dozers, excavators, etc.), require all construction to undertake measures to prevent possible exposure of vibration sensitive buildings and receptors to substantial ground borne vibration levels.

General Plan FEIR Impacts

Construction The General Plan FEIR determined that temporary or periodic increases in ambient noise levels would result from construction activities associated with development activity under the General Plan. Construction would result in increased noise levels in the short-term. The General Plan FEIR determined that compliance with the time-of-day restrictions (construction is allowed between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday; and 8:00 a.m. to 4:00 p.m. on weekends and holidays) and noise muffling requirements for construction activity in the City’s noise ordinance, as well as the noise-reducing policies included in the General Plan update, would reduce impacts on sensitive receptors. Because measures to reduce noise would be implemented, the increases in noise from construction activities would not be considered substantial, and this impact would be less than significant.

Traffic Noise The General Plan EIR determined that the addition of traffic from buildout of the General Plan would not cause noticeable increases in traffic noise at any roadway segment relative to 2040 no Project conditions. Although four segments would experience noticeable noise increases relative to existing conditions, these increases would occur in 2040 with or without the Project. For these reasons, there would be no substantial permanent increase in traffic noise, and the impact would be less than significant.

Train Noise The General Plan EIR determined that according to the California Supreme Court conclusion in the California Building Industry Association vs. Bay Area Air Quality Management District (CBIA v. BAAQMD) decision, “CEQA generally does not require an analysis of how existing environmental conditions will impact a project’s future users or residents.” Because noise from

trains is an existing condition in the Planning Area, and the implementation of the General Plan update would not increase train operations, this impact is not significant under CEQA.

Stationary Source Noise The General Plan FEIR determined that development of new residences close to existing noise-generating land uses could cause exposure to noise that exceeds the City's existing noise standards. Stationary noise sources from land uses include car washes, recycling yards, and heating, ventilation, and air conditioning (HVAC) systems. Noise generated by residential or small commercial uses is generally short and intermittent, and these uses are not a substantial source of noise.

In addition, the General Plan FEIR determined that implementation of General Plan Policies SN 4-2 and SN 4-3 as well as Municipal Code Sections 17.52.310.D.2 and 17.52.310.D.3 would ensure that stationary noise sources associated with development of future projects under the General Plan would not result in significant permanent increases in the ambient noise level. Therefore, the impact in regard to stationary noise sources was considered to be less than significant.

Stationary Source Vibration The General Plan FEIR evaluated vibration related to operations. As discussed in the General Plan FEIR, the vast majority of uses in the Planning Area are land use types that are not typically associated with substantial groundborne vibration (e.g., residential units, commercial space, parks). Given the specific and unlikely circumstances required for vibration to be more than barely perceptible to sensitive land uses, it is unlikely that there would be adverse effects from stationary source-generated groundborne vibration. Stationary source vibration impacts would be less than significant.

Construction Vibration The General Plan FEIR evaluated potential vibration impacts associated with short-term construction. The General Plan FEIR found that activities such as pile driving, blasting, drilling, and excavation have the highest potential for creating groundborne vibration impacts. The General Plan FEIR found that in general, construction would be localized, occur intermittently and variably, and only occur for relatively short periods of time. However, the General Plan FEIR acknowledged that there are circumstances that could occur where noise-sensitive uses are exposed to distinctly perceptible vibration or greater. Therefore, groundborne vibration from construction was determined to result in a potentially significant impact with respect to perception and annoyance. However, the General Plan FEIR determined that compliance with General Plan Policies SN 4-7 and SN 4-8 would ensure impacts would be less than significant.

Traffic Vibration The General Plan FEIR evaluated vibration related to on-road vehicles and determined that roadways in the Planning Area would not likely have substantial settling or cracking and would be reasonably maintained with no severe discontinuities. Additionally, truck traffic on the roadways in Napa is estimated to be a minimal portion of total vehicle volumes. Therefore, any

potential for significant vibration impacts from on-road vehicles would not occur and impacts would be less than significant.

Train Vibration The General Plan FEIR determined that in general, noise- and vibration-sensitive land uses located adjacent or close to railroad tracks can be exposed to vibration levels in excess of FTA vibration standards. The vibration level at 50 feet produced by a light rail train traveling at 50 miles per hour (mph) is about 73 VdB. However, the Napa Valley Wine Train is a low-speed leisure train and thus travels at speeds well below 50 mph through Napa. Because vibration from passing trains is an existing condition in the Planning Area, and the implementation of the General Plan update would not increase train operations, this impact is less than significant.

Aircraft Noise The General Plan FEIR determined that occasional aircraft overflight noise may be audible to people in the Planning Area; however, 24-hour average noise levels from airport operations in the Planning Area are compatible with the ALUCP. Additionally, no other public or private airfields are within 2 miles of the Planning Area. Implementation of the General Plan update would not worsen the levels of noise that residents and employees within the Planning Area would be exposed to. The impact would be less than significant.

Ambient Noise Measurements

Long-term (24-hour) noise level measurements were conducted on June 21 and 22, 2023, using two Larson Davis Spark 706RC Dosimeters. Table F provides a summary of the measured hourly noise levels from the long-term noise level measurements. Hourly noise levels at surrounding sensitive uses are as low as 36.8 dBA L_{eq} during nighttime hours and 45.3 dBA L_{eq} during daytime hours. Long-term noise monitoring data results are provided in Appendix C. Figure 13-1 shows the long-term monitoring locations.

Table F: Long-Term Ambient Noise Level Measurements

Location		Daytime Noise Levels ¹ (dBA L_{eq})	Evening Noise Levels ² (dBA L_{eq})	Nighttime Noise Levels ³ (dBA L_{eq})	Daily Noise levels (dBA CNEL)
LT-1	Near northwest corner of project site, on a tree across from Napa Vintage High School Agricultural Department. Approximately 140 ft east of Willis Drive centerline.	46.5 – 54.0	41.6 – 47.4	37.4 – 53.1	53.4
LT-2	Near southwest corner of project site, on a tree by light pole on Villa Lane. Approximately 30 ft west of Villa Lane centerline.	45.3 – 58.6	44.9 – 48.7	36.8 – 44.8	53.3

Source: Compiled by LSA (2023).

Note: Noise measurements were conducted from June 21 to June 22, 2023, starting at 10:00 a.m.

¹ Daytime Noise Levels = Noise levels during the hours from 7:00 a.m. to 7:00 p.m.

² Evening Noise Levels = Noise levels during the hours from 7:00 p.m. to 10:00 p.m.

³ Nighttime Noise Levels = Noise levels during the hours from 10:00 p.m. to 7:00 a.m.

CNEL = Community Noise Equivalent Level

dBA = A-weighted decibels

L_{eq} = equivalent continuous sound level

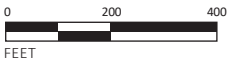


FIGURE 13-1

LSA

LEGEND

- Project Site Boundary
- LT-1 - Long-term Noise Monitoring Location



SOURCES: Google Earth, 2/16/2022; LSA, 2023

I:\20230914\G\Noise_Locs.ai (7/7/2023)

Vintage Farm Residential Subdivision Project
Noise Monitoring Locations

Project Impacts

Construction-Period Impacts Similar to construction activities associated with the General Plan, construction of the proposed project would result in short-term noise impacts. Maximum construction noise would be short-term, generally intermittent depending on the construction phase, and variable depending on receiver distance from the active construction zone. The duration of noise impacts generally would be from one day to several days depending on the phase of construction. The level and types of noise impacts that would occur during construction are described below.

Short-term noise impacts would occur during grading and site preparation activities. Table G lists typical construction equipment noise levels (L_{max}) recommended for noise impact assessments, based on a distance of 50 feet between the equipment and a noise receptor, obtained from the FHWA Roadway Construction Noise Model. Construction-related short-term noise levels would be higher than existing ambient noise levels currently in the project area but would no longer occur once construction of the project is completed.

Table G: Typical Construction Equipment Noise Levels

Equipment Description	Acoustical Usage Factor (%)	Maximum Noise Level (L_{max}) at 50 Feet ¹
Backhoes	40	80
Compactor (ground)	20	80
Compressor	40	80
Cranes	16	85
Dozers	40	85
Dump Trucks	40	84
Excavators	40	85
Flat Bed Trucks	40	84
Forklift	20	85
Front-end Loaders	40	80
Graders	40	85
Impact Pile Drivers	20	95
Jackhammers	20	85
Pick-up Truck	40	55
Pneumatic Tools	50	85
Pumps	50	77
Rock Drills	20	85
Rollers	20	85
Scrapers	40	85
Tractors	40	84
Welder	40	73

Source: Roadway Construction Noise Model (FHWA 2006).

Note: Noise levels reported in this table are rounded to the nearest whole number.

¹ Maximum noise levels were developed based on Spec 721.560 from the Central Artery/Tunnel (CA/T) program to be consistent with the City of Boston's Noise Code for the "Big Dig" project.

L_{max} = maximum instantaneous sound level

Two types of short-term noise impacts could occur during construction of the proposed project. The first type involves construction crew commutes and the transport of construction equipment and materials to the site, which would incrementally increase noise levels on roads leading to the site. As shown in Table G, there would be a relatively high single-event noise exposure potential at a maximum level of 84 dBA L_{max} with trucks passing at 50 feet.

The second type of short-term noise impact is related to noise generated during demolition, grading, and construction on the project site. Construction is performed in discrete steps, or phases, each with its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on site. Therefore, the noise levels vary as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase.

Table G lists maximum noise levels recommended for noise impact assessments for typical construction equipment, based on a distance of 50 feet between the equipment and a noise receptor. Typical maximum noise levels range up to 87 dBA L_{max} at 50 feet during the noisiest construction phases. The site preparation phase, including excavation and grading of the site, tends to generate the highest noise levels because earthmoving machinery is the noisiest construction equipment. Earthmoving equipment includes excavating machinery such as backfillers, bulldozers, draglines, and front loaders. Earthmoving and compacting equipment includes compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full-power operation followed by 3 or 4 minutes at lower power settings.

The closest sensitive receptors would be the single-family residences located approximately 220 feet west from the center of project site. The 220-foot distance would decrease the noise level by approximately 22 dBA compared to the noise level measured at 50 feet from the construction activity. Therefore, the closest off-site receptors may be subject to short-term construction noise levels of 76 dBA L_{eq} when construction is occurring at the center of project site. All other receptors are further away and would be exposed to lower short-term construction noise levels.

The proposed project would be consistent with the buildout projected for the General Plan, and would implement the policies identified in the General Plan FEIR to reduce potential noise impacts to less-than-significant levels. Construction of the project would adhere to the noise standards and requirements set forth in the City's Municipal Code and General Plan, including Municipal Code Section 8.08.025, which restricts construction noise to the following hours: Monday through Friday 8:00 a.m. to 5:00 p.m.; Weekends and Holidays 8:00 a.m. to 4:00 p.m. Through the implementation of applicable regulations, temporary or periodic impacts to ambient noise levels from construction activities related to future construction under the Specific Plan Update would be minimized to the maximum extent feasible. Therefore, implementation of the proposed project would not result in any new or more significant impacts related to construction-period noise than those analyzed in the General Plan FEIR.

Traffic Noise Impacts A significant noise impact would occur if traffic generated by the project would substantially increase noise levels in the project vicinity. This analysis considers that the proposed project would make a significant contribution if the proposed project would increase ambient noise levels by:

- Any amount where the project's increase causes the General Plan noise standard for Normally Acceptable noise levels of 60 dBA CNEL to be exceeded;
- 3.0 dBA or more where the ambient noise level is between 60 and 80 dBA CNEL; or
- 1.5 dBA or more where the ambient noise level is between 80 and 85 dBA CNEL; or
- Any measurable amount where the ambient noise level is greater than 85 dBA CNEL.

The FHWA Highway Traffic Noise Prediction Model (FHWA RD-77-108) was used to evaluate traffic-related noise conditions along roadway segments in the project vicinity. This model requires various parameters, including traffic volumes, vehicle mix, vehicle speed, and roadway geometry, to compute typical equivalent noise levels during daytime, evening, and nighttime hours. The resulting noise levels are weighted and summed over 24-hour periods to determine the CNEL values. Table H shows the existing and future with and without project traffic noise levels along the studied roadway segments.

These noise levels represent the worst-case scenario, which assumes that no shielding is provided between the traffic and the location where the noise contours are drawn. As detailed in Table H, the project-related noise increases would be up to 9.6 dBA on Sierra Avenue to reach a level of approximately 42 dBA CNEL. This level is well below the existing ambient noise level at the site of 53.4 dBA CNEL and would be within the normally acceptable noise levels for residential uses. The noise increase resulting from project traffic are below the significance criteria for off-site noise-sensitive receptors. Therefore, off-site traffic noise impacts would be less than significant.

Table H: Traffic Noise Levels Without and With Proposed Project

Roadway Segment	Existing – Without Project		Existing – With Project			Future – Without Project		Future – With Project		
	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	Increase from Existing Conditions (dBA)	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	Increase from Existing Conditions (dBA)
Jefferson Street South Sierra Avenue	10,270	59.0	10,420	59.0	0.0	10,900	59.2	10,980	59.2	0.0
Jefferson Street North Sierra Avenue	10,340	59.0	10,870	59.2	0.2	11,670	59.5	11,700	59.5	0.0
Sierra Avenue East of Willis Drive	20	32.5	180	42.1	9.6	210	42.7	370	45.2	2.5
Sierra Avenue West of Willis Drive	1,170	50.2	1,460	51.1	0.9	1,990	52.5	2,150	52.8	0.3
Willis Drive South of Sierra Avenue	710	48.0	710	48.0	0.0	750	48.3	750	48.3	0.0
Willis Drive North of Sierra Avenue	190	42.3	190	42.3	0.0	390	45.4	390	45.4	0.0
Villa Lane North of Trancas Street	3,400	54.8	3,740	55.2	0.4	4,460	56.0	4,800	56.3	0.3
Trancas Street West of Villa Lane	20,040	63.7	20,310	63.8	0.1	20,990	63.9	21,260	64.0	0.1

Source: Compiled by LSA (2023).

Note: Shaded cells indicate roadway segments adjacent to the project site.

ADT = average daily traffic

CNEL= Community Noise Equivalent Level

dBA = A-weighted decibels

ft = foot/feet

Stationary Noise Source Impacts The General Plan FEIR determined that future projects would be subject to project-level design and environmental review to ensure that any stationary noise sources would comply with the applicable policies from the City's General Plan and Municipal Code performance standards. Similar to implementation of the General Plan, stationary noise sources associated with the proposed project include mechanical equipment.

The City of Napa's General Plan Noise Element establishes the acceptable daytime and nighttime maximum noise levels at receiving land uses. Daytime is considered to be between the hours of 7:00 a.m. and 10:00 p.m., and nighttime hours are between 10:00 p.m. and 7:00 a.m. The maximum allowable noise exposure during daytime hours is 55 dBA L_{eq} and 75 dBA L_{max} and the maximum allowable noise exposure during nighttime hours is 45 dBA L_{eq} and 65 dBA L_{max} at the property line of the receiving land use. It is expected that the equipment installed at each home would comply with the City's noise standards. Therefore, implementation of the proposed project would not result in any new or more significant impacts related to stationary noise impacts than those analyzed in the General Plan FEIR.

Construction Vibration This construction vibration impact analysis discusses the level of human annoyance using vibration levels in RMS (VdB) and assesses the potential for building damages using vibration levels in PPV (in/sec). This is because vibration levels calculated in RMS are best for characterizing human response to building vibration, while calculating vibration levels in PPV is best for characterizing the potential for damage.

The Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment guidelines indicate that the threshold at which vibration levels would result in annoyance would be 78 VdB for daytime residential uses. FTA guidelines show that a vibration level of up to 0.5 in/sec in PPV is considered safe for buildings consisting of reinforced concrete, steel, or timber (no plaster) and would not result in any construction vibration damage. For non-engineered timber and masonry buildings, the construction building vibration damage criterion is 0.2 in/sec in PPV.

Table I shows the PPV and VdB values at 25 feet from a construction vibration source. As shown in Table I, bulldozers and other heavy-tracked construction equipment (except for pile drivers and vibratory rollers) generate approximately 87 VdB of groundborne vibration when measured at 25 feet, based on the FTA manual. At this level, groundborne vibration would result in potential annoyance to residents and workers, but would not cause any damage to the buildings. Construction vibration, similar to vibration from other sources, would not have any significant effects on outdoor activities (e.g., those outside of residences and commercial/office buildings in the project vicinity). Site preparation for the proposed project is expected to include the use of bulldozers and loaded trucks. The greatest levels of vibration are anticipated to occur during the site preparation phase. All other phases are expected to result in lower vibration levels. The reference distance for vibration annoyance is associated with the average condition, identified by the distance from the center of construction activities to surrounding uses. The distance to the nearest buildings for vibration damage impact analysis is measured between the nearest off-site buildings and the project boundary (assuming the construction equipment would be used at or near the project boundary) because vibration impacts occur normally within the buildings. The formula for vibration transmission is provided below.

$$L_{\text{vdB}}(D) = L_{\text{vdB}}(25 \text{ ft}) - 30 \log(D/25)$$

$$PPV_{\text{equip}} = PPV_{\text{ref}} \times (25/D)^{1.5}$$

Table I: Vibration Source Amplitudes for Construction Equipment

Equipment	Reference PPV/L _v at 25 feet	
	PPV (in/sec)	L _v (VdB) ^a
Pile Driver (Impact), Typical	0.644	104
Pile Driver (Sonic), Typical	0.170	93
Vibratory Roller	0.210	94
Hoe Ram	0.089	87
Large Bulldozer	0.089	87
Caisson Drilling	0.089	87
Loaded Trucks	0.076	86
Jackhammer	0.035	79
Small Bulldozer	0.003	58

Sources: *Transit Noise and Vibration Impact Assessment* (FTA 2006).

^a RMS vibration velocity in decibels (VdB) is 1 μ in/sec.

μ in/sec = micro-inches per second

FTA = Federal Transit Administration

in/sec = inches per second

L_v = velocity in decibels

PPV = peak particle velocity

RMS = root-mean-square

VdB = vibration velocity decibels

The closest surrounding land uses to the project site consist of single-family residences located approximately 220 feet west from the center of project site. Based on the 220-foot distance, vibration levels are expected to approach 59 VdB, which is below the 78 VdB threshold for annoyance.

The closest existing buildings include single-family residences located west and south of the project site. Based on building setbacks, these buildings are located approximately 15 feet from the project site boundary. At 15 feet, these buildings would experience vibration levels of up to 0.191 in/sec PPV. This vibration level at the nearest buildings from construction equipment would not exceed the FTA threshold of 0.2 in/sec PPV for building damage. Although construction vibration levels at the nearest buildings would have the potential to result in annoyance, these vibration levels would no longer occur once construction of the project is completed. Therefore, implementation of the proposed project would not result in any new or more significant impacts related to construction vibration than those analyzed in the General Plan FEIR.

Traffic Vibration The General Plan FEIR determined that roadways in the Planning Area would not likely have substantial settling or cracking and would be reasonably maintained with no severe discontinuities. The project is expected to have smooth and paved roadways. Therefore, any potential for significant vibration impacts from on-road vehicles would not occur. The proposed project would be consistent with the buildout projected for the General Plan, and impacts would remain less than significant.

Aircraft Noise Source Impacts The Napa County Airport is located approximately 7.8 miles south of the project site. Based on General Plan FEIR, 24-hour average noise levels from airport operations in the Planning Area are compatible with the ALUCP. Additionally, no other public or private airfields are within 2 miles of the project site. Therefore, implementation of the proposed project would not result in any new or more significant impacts related to aircraft noise than those analyzed in the General Plan FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the General Plan FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Conclusion

The General Plan FEIR adequately evaluated the potential impacts associated with noise resulting from the proposed project. Therefore, potential impacts would be less than significant and no additional mitigation is required.

14. POPULATION AND HOUSING

	Substantial Changes in Project/Circumstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicable Policies

Napa General Plan. The following General Plan policies are applicable to the proposed project.

- **Goal LUCD-6:** Promote a balanced land use program and ensure the City remains a “complete community” with a diverse array of uses, housing types, and employment opportunities, while recognizing the City’s linkages to the broader Bay Area region.
- **Policy LUCD 6-1:** Maintain a balance of land uses, including residential and commercial uses, and—given the city’s position as the principal urban center of Napa County—industrial and service commercial uses that support the broader Napa Valley economic needs.
- **Policy LUCD 6-3:** Foster production of a range of housing types to meet the needs of the City’s increasingly diverse and changing population and enable a greater share of the workforce to live in the community.
- **Policy LUCD 6-5:** Strive to achieve a jobs/housing balance by prioritizing workforce housing for local workers and the creation of job opportunities.
- **Goal LUCD-10:** Enhance the City’s character and image as a desirable residential, active, and sustainable community, and celebrate the diversity of residents who reside in Napa.
- **Policy LUCD 10-2:** Provide balanced neighborhoods that accommodate a variety of housing types and density ranges to meet the diverse demographic, economic, and social needs of residents.

- **Goal PHE-6:** Continue to support stable and integrated communities through housing opportunities that provide safe, high-quality, and affordable housing for all segments of the community in locations near amenities, public transportation, parks, and recreational opportunities.

General Plan FEIR Impacts

The following provides an overview of impacts related to population and housing and required mitigation measures as identified in the General Plan FEIR.

Unplanned Population Growth. The General Plan FEIR determined that implementation of the General Plan would result in approximately 7,800 new housing units, which would increase the city's population by approximately 17,900 to 97,200 by 2040. This increase in population would be accompanied by an increase in employment opportunities to expand the city's employment base, providing an additional 10,800 jobs by 2040. New homes and business developed in the Planning Area as a result of the General Plan would accommodate growth in Napa that is commensurate with the city's size, growth rate, and place in the region. The General Plan anticipates all growth within Napa's existing Rural Urban Limit and encourages infill development that is designed to focus on redevelopment and revitalization of areas already served by infrastructure that would not require extensions of roads or other infrastructure. Although some road extensions and improvements are anticipated, this work is largely to improve connectivity within the existing city structure and would not result in unplanned growth. Areas outside the Focus Areas that are planned for growth would include the necessary street and infrastructure improvements to accommodate planned growth. Thus, no new road extensions, improvements, or infrastructure would indirectly result in substantial unplanned population growth. Therefore, the General Plan FEIR concluded that implementation of the General Plan would not induce substantial unplanned population growth, either directly or indirectly, and impacts would be less than significant.

Displacement of People or Housing. The General Plan FEIR determined that a substantial portion (about 50 percent) of developed land in the Planning Area consists of residential uses, which are not anticipated to undergo significant land use changes under the General Plan. Additionally, the General Plan concentrates new high-density and mixed-use development in downtown, in Focus Areas located along major corridors, and in opportunity sites in different parts of the city. Overall, the General Plan focuses on providing infill development housing opportunities while seeking to preserve existing housing and neighborhoods. Additionally, new land use classifications included in the General Plan introduce greater flexibility of uses and allow a higher intensity of residential uses in more areas of the city. Therefore, implementation of the General Plan is projected to increase the overall number of housing units and provide additional housing opportunities to serve the diverse needs of the community at various socioeconomic levels. Furthermore, the Public Health and Equity Element of the General Plan includes policies to prevent displacement (Policies PHE 4-4 and PHE 6-7). Therefore, the General Plan FEIR concluded that any displacement impact on existing housing units or people would be less than significant with no mitigation required.

Project Impacts

Project-specific impacts related to land use and planning are discussed below.

Unplanned Population Growth. CEQA Guidelines Section 15126.2[d] identifies a project as growth inducing if it fosters economic or population growth, or the construction of additional housing either directly or indirectly in the surrounding environment. Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. Typically, the growth-inducing potential of a project would be considered substantial if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies.

The proposed project would result in the demolition of the existing structures on the project site and the construction of 53 single-family residential units, 13 of which would include ADUs. Based on the City's average household size of 2.71 persons per household,²⁶ the proposed project would increase the local population by approximately 144 persons. The population of the City was 79,246 persons as of April 1, 2020.²⁷ The anticipated population growth associated with the proposed project represents less than a one percent increase to the City's current population. The City's population is projected to grow by 17,954 to a total population of 97,200 by 2040 according to projections in the General Plan. The proposed project represents less than one percent of the population growth anticipated through 2040. Therefore, the proposed project would not result in any new or more significant population growth than was previously analyzed and described in the General Plan FEIR.

Displacement of People or Housing. As previously described, the project site is currently used by the nearby Vintage High School for agriculture coursework and is developed with various barns and other structures on the northern half of the project site, while the southern half is undeveloped. Under existing conditions, the project site does not contain any residential uses. As such, the proposed project would not require the displacement of existing housing or people or the construction of replacement housing elsewhere. Therefore, implementation of the proposed project would not result in any impacts related to the displacement of housing or people that are new or more significant than those analyzed in the General Plan FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the General Plan FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

²⁶ U.S. Census Bureau, 2021. *QuickFacts, Napa city, California*. Website: <https://www.census.gov/quickfacts/napacitycalifornia> (accessed May 30, 2023).

²⁷ Ibid.

Conclusion

The General Plan FEIR adequately evaluated the potential population and housing impacts of the proposed project. Therefore, potential impacts would be less-than-significant and additional mitigation is not required.



15. PUBLIC SERVICES

	Substantial Changes in Project/Circumstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicable Policies

Napa General Plan. The following General Plan policies are applicable to the proposed project.

- Goal CSPR-1: Maintain safety services that are responsive to community needs and provide a safe and secure environment for people and property in the City.
- Policy CSPR 1-1: Provide responsive, efficient, and effective police and fire services that promote a high level of public safety.
- Policy CSPR 1-2: Provide fire prevention and emergency response services that minimize fire risks and protect life and property, including fire prevention, fire-related law enforcement, and public education and information programs.
- Policy CSPR 1-3: Locate and maintain police and fire equipment, facilities, and staffing at locations and levels that facilitate effective service delivery.
- Policy CSPR 1-4: Require that new development contributes funds to offset the proportionate impact of development on the provision of City facilities needed to provide adequate police and fire services.
- Policy CSPR 1-5: Continue to incorporate input from the police and fire departments in the development review process to include requirements for development projects to be designed

and operated in a manner that minimizes the potential for criminal activity and fire hazards, and maximizes the potential for responsive police and fire services.

- Goal CSPR-2: Reduce and prevent crime through the use of community-oriented education and involvement programs, including techniques developed through Crime Prevention Through Environmental Design (CPTED).
- Policy CSPR 2-1: Apply CPTED principles in the design of new development in order to enhance public safety and reduce calls for service. Encourage the provision of adequate public lighting, windows overlooking streets or parking lots, and paths to increase pedestrian activity within private development projects and public facilities.
- Policy CSPR 3-1: Maintain mutual aid agreements and communication links with the CAL FIRE, Napa County Fire Department, and other surrounding jurisdictions that allow for supplemental aid from other police, fire, and public works personnel in the event of emergencies.
- Goal CSPR-9: Provide, improve, and maintain a comprehensive system of City parks, trails, and recreational facilities to meet the needs of the City's current and future residents, businesses, property owners and visitors.
- Policy CSPR 9-1: Maintain a parkland provision standard of 10.0 acres of overall parkland per 1,000 residents, 1.5 acres of Community Parks & Facilities per 1,000 residents, and 0.5 acres of Neighborhood Parks per 1,000 residents. Overall parkland includes Natural Areas & Open Space, Community Parks & Facilities, Neighborhood Parks, Mini Parks, Special Use Parks & Facilities, Civic Spaces, Trails, and School Sites.
- Policy CSPR 9-2: Strive to ensure that all residents are within a 1.5- to two-mile radius of a community-serving park, which includes the Community Park & Facility or Natural Area & Open Space categories.
- Policy CSPR 9-3: Given that the City has sufficient parkland to meet the needs of the City's existing and projected population, focus capital projects on sustaining or improving existing parks and facilities to ensure long-term services to the community.
- Goal CSPR-14: Seek funding and distribution mechanisms to support the City's existing and future parks and recreational needs.
- Policy CSPR 14-5: Continue identifying adequate and diverse funding sources for developing and maintaining parks and recreational facilities and programming.
- Policy CSPR 14-6: Update the City's park development and parkland dedication impact fee ordinances to reflect the City's new policy direction of prioritizing park improvements, updated park access guidelines, and consideration of impact fees for commercial and industrial development.

City of Napa Municipal Code. The following chapters of the Municipal Code are applicable to the proposed project.

- **Chapter 15.68:** This chapter of the City’s Municipal Code requires the developer of each new dwelling unit to dedicate land and/or pay fees into a special City fund used to provide park and recreational facilities reasonably related to serving the park and recreational needs generated by the development.
- **Chapter 15.78:** This chapter of the City’s Municipal Code requires the developer of each new dwelling unit to pay the fire and paramedic development impact fee for the purpose of funding public facilities that mitigate the impacts of development projects on the City’s ability to provide Citywide fire and paramedic services.
- **Chapter 15.80:** This chapter of the City’s Municipal Code requires all owners of real property in the City who are issued a building permit for a new dwelling unit to pay fees into a school fund to be used by the Napa Valley Unified School District to alleviate over-crowded conditions caused by the dwelling units.
- **Chapter 15.84:** This chapter the City’s Municipal Code requires every person, firm, or corporation constructing new development to pay a street improvement fee to pay for street improvements.
- **Chapter 15.04:** This chapter of the City’s Municipal Code adopts by reference the 2022 edition of the California Building Standards Code, as adopted by the California Building Standards Commission, and published in California Code of Regulations, Title 24. The chapter includes amendments to the Building Code, Residential Code, Electrical Code, Mechanical Code, Plumbing Code, Fire Code, and Green Building Standards Code.

General Plan FEIR Impacts

The following provides an overview of impacts related to public services and required mitigation measures as identified in the General Plan FEIR.

Fire Protection. The General Plan FEIR determined that buildout under the General Plan would increase the population of the City by approximately 17,900 residents by 2040, which would likely increase the demand on fire protection and emergency services and may require new or expanded fire stations that would have the potential to result in adverse environmental impacts. Future new or expanded fire protection facilities would be subject to CEQA Analysis and the potential environmental impacts associated with the construction of new fire stations or operation of fire stations can usually be mitigated to a less-than-significant level. The mitigation measures for impacts of the General Plan would further ensure that impacts of construction and operation of new fire stations would be less than significant.

Furthermore, the General Plan includes goals and policies to ensure adequate levels of service and funding are available for fire protection services as development occurs (CS-1, CS-1.1, CS-1.2, CS-1.4, CS-1.7, CS-2, SC-2.1, CS-2.2, CS-5, CS-5.1, CS-5.3, CS-6, CS-6.1 through CS-6.10, CS-7, CS-7.1, CS-7.2, and CS-7.3). The General Plan also includes various goals and policies that would support adequate infrastructure, services, and facilities relevant to fire protection services (CSPR-1, CSPR 1-1, CSPR 1-3, CSPR 1-4, CSPR 1-5, CSPR 1-7, CSPR 1-11, CSPR-3, and CSPR 3-1). Additionally, Chapter 15.78 of the City's Municipal Code requires that the developer of each new dwelling unit would pay a fire and paramedic development impact fee that would finance new facilities and/or enhanced staffing and equipment associated with the increased service demands from the new development. Therefore, the General Plan FEIR concluded that impacts related to fire protection services would be less than significant and no mitigation measures would be required.

Police Protection. The General Plan FEIR determined that buildout under the General Plan would increase the population of the City by approximately 17,900 residents by 2040, which would likely increase the demand on police protection services and decrease current service level ratios. At the time of the General Plan FEIR, Napa Police Department (NPD) was staffed with 9.5 sworn personnel per 10,000, below the 16.6 sworn personnel per 10,000 national average. The 2040 population of 97,200 projected by the General Plan would further reduce this ratio to 7.8 sworn personnel per 10,000, likely resulting in reduction to response times, necessitating an increase in staffing and the expansion of future police facilities or the construction of new facilities. Future new or expanded police facilities would be subject to CEQA analysis and the potential environmental impacts associated with the construction of new police facilities or operation of police facilities can usually be mitigated to a less-than-significant level. The mitigation measures for impacts of the General Plan would further ensure that impacts of construction and operation of new police facilities would be less than significant. Furthermore, the General Plan includes goals and policies to ensure adequate levels of service and funding are available for police protection services as development occurs (CS-1, CS-1.1, CS-1.2, CS-1.4, CS-1.7, CS-2, SC-2.1, CS-2.2, CS-5, CS-5.1, CS-5.3, CS-6, CS-6.1 through CS-6.10, CS-7, CS-7.1, CS-7.2, CS-7.3, CS-3, CS-3.1, CS-3.2, CS-3.3, CS-4, CS-4.1, CS-4.2, and CS-4.3). The General Plan also includes various goals and policies that would support adequate infrastructure, services, and facilities relevant to police protection services (CSPR-1, CSPR 1-1, CSPR 1-3, CSPR 1-4, CSPR 1-5, CSPR 1-6, CSPR 1-7, CSPR 1-9, and CSPR 1-11). Therefore, the General Plan FEIR concluded that impacts related to police protection services would be less than significant and no mitigation measures would be required.

Schools. The General Plan FEIR determined that the projected population of 97,200 in 2040 would yield a projected student population of approximately 11,920 total students in the Planning Area (1.4% more than the 2020 total enrollment), which would put pressure on Napa Valley Unified School District (NVUSD) to create new or expanded facilities. However, the General Plan includes goals and policies to support schools and education within the City (CS-8, CS-8-1, and CS-8.3) and NVUSD collects fees levied on developers, which future development would be subject to.

Developer fees are deemed by law to fully mitigation impacts of new development on school districts. Future new or expanded public schools would be subject to CEQA analysis by the school district and because new schools often require an EIR, implying the potential for significant impacts, this impact is foreseeably significant.

However, the General Plan FEIR concluded that because public school approval is outside the authority of the City, construction of public schools is not a component of the General Plan and impacts would be less than significant and no mitigation measures would be required.

Parks. The General Plan FEIR determined that the City of Napa currently exceeds the existing General Plan service standard of 12 acres of active and passive parkland per 1,000 residents. The projected population increase of 17,900 residents by 2040 would reduce the current service ratio from the current 18.1 acres per 1,000 people to approximately 14.8 acres per 1,000 people, which would still be above the existing General Plan service standard. The General Plan includes policy CSPR 9-1, which would set the General Plan park standard at a lower 10.0 acres of parkland per 1,000 residents. Therefore, the General Plan FEIR concluded that impacts would be less than significant because the projected population in 2040 would still exceed the parkland service ratio and no mitigation measures would be required.

Other Public Facilities. The General Plan FEIR determined that the Napa County Library system currently serves a population of approximately 131,643, providing approximately 0.24 square foot per capita, below the APA minimum suggested size. Additionally, the library currently lacks services in the north part of the City. The projected increase in population of the City by 17,900 residents by 2040 would further strain library services and further diminish the ratio pertaining to square footage per service population. Therefore, it is reasonably foreseeable that the provision of new or physically altered library facilities could be required, with the potential to result in adverse environmental impacts. Future new or expanded public libraries would be subject to CEQA analysis and the potential environmental impacts associated with the or operation of new libraries can usually be mitigated to a less-than-significant level. The mitigation measures for impacts of the General Plan would further ensure that impacts of construction and operation of new libraries would be less than significant. Therefore, the General Plan FEIR concluded that impacts associated with other public facilities would be less than significant and no mitigation measures would be required.

Project Impacts

Project-specific impacts related to public services are discussed below.

Fire Protection. As discussed above in Section 14, Population and Housing, the proposed project would result in an incremental increase in the population of the City and therefore incrementally increase the demand for emergency fire services and emergency medical services. However, the proposed project would be required to comply with all applicable codes for fire safety and emergency access. In addition, the Fire Department would review the site plans, fire truck access, and site fire flow design for the proposed project to ensure that adequate emergency access is provided prior to issuance of a building permit.

The Fire Department would continue providing services to the project site and would not likely require additional firefighters to serve the proposed project. The construction of a new or expanded fire station would also not be required. The potential increase in demand for service is not expected to adversely affect existing response times to the site or within the City.

Additionally, as required by Chapter 15.78 of the City’s Municipal Code, the project applicant would be required to pay a fire development impact fee which would be directed towards maintaining adequate service levels, ensuring that any impact to fire protection that could result from the proposed project would be offset by development fees, and in effect, reduce potential impacts to a less-than-significant level. Therefore, implementation of the proposed project would not result in any impacts related to fire protection services that are new or more significant than those analyzed in the General Plan FEIR.

Police Protection. As previously discussed, development of the proposed project would increase the population on the project site and incrementally increase demand for emergency police services to the project site. However, in accordance with General Plan Policy C SPR 2-1, the proposed project would be required to apply Crime Prevention Through Environmental Design principles, such as the provision of adequate public lighting, windows overlooking streets, and paths to increase pedestrian activity, to enhance public safety and reduce calls for service. Additionally, in accordance with Policy C SPR 1-5 of the General Plan, input from the police department would be required as part of the development review process to ensure the proposed project is designed in a manner that minimizes the potential for criminal activity and maximizes the potential for responsive police services. The Police Department would continue to provide service to the project site and would likely not require additional officers to serve the project. The construction of new or expanded police facilities would not be required. Additionally, the project applicant would be required contribute funds to offset the proportionate impact of the proposed development on the provision of City facilities needed to provide adequate police services, in accordance with General Plan Policy C SPR 1-4. Therefore, impacts to police protection services would be less than significant and no mitigation would be required. Implementation of the proposed project would not result in any impacts related to police protection services that are new or more significant than those analyzed in the General Plan FEIR.

Schools. The estimated number of students the proposed project would generate is derived by multiplying the number of students per dwelling unit (the student yield factor) by the number of dwelling units in the proposed project (53 new units). The California State Allocation Board Office of Public School Construction reports that the Statewide student yield factor of 0.7 students per dwelling unit is applicable for unified school districts.²⁸ Applying the Statewide average student yield factor, the proposed project would generate 37 students.

Senate Bill (SB) 50, which revised the existing limitation on developer fees for school facilities, was enacted as urgency legislation which became effective on November 4, 1998, as a result of the California voters approving a bond measure (Proposition 1A).

SB 50 established a 1998 base amount of allowable developer fees (Level One fee) for residential construction (subject to adjustment) and prohibits school districts, cities, and counties from imposing school impact mitigation fees or other requirements in excess or in addition to those provided in the statute.

²⁸ California Office of Public School Construction. 2019. *School Facility Program Handbook*. January.

The NVUSD requires payment of a school impact fee of \$4.79 per square foot of residential development.²⁹ The project sponsor would be required to pay this fee, prior to issuance of a certificate of occupancy. The NVUSD is responsible for implementing the specific methods for mitigating school impacts under the Government Code. These fees would be directed towards maintaining adequate service levels, which would ensure that any impact to schools that could result from the proposed project would be offset by development fees, and in effect, reduce potential impacts to a less than significant level. Therefore, implementation of the proposed project would not result in any impacts related to schools that are new or more significant than those analyzed in the General Plan FEIR.

Parks. As discussed above, the General Plan FEIR determined that full build out of the Planning Area, including the proposed project, would not result in the need for new or expanded parks or recreational facilities. As previously discussed, the proposed project would be consistent with the land use designation on the project site and would fit into the total amount of development analyzed within the General Plan FEIR. The proposed project would include modifications to the Austin Miller Memorial Bike Path. However, the potential impacts of this modification are analyzed throughout this document. The proposed project would not require the construction of any new parks, or additional modifications of any existing parks beyond those previously described. Therefore, the proposed project would not result in any new or more significant impacts related to parks than was previously analyzed and described in the General Plan FEIR.

Other Public Facilities. Development of the proposed project could also increase demand for other public services, including libraries, community centers, and public health care facilities. As discussed above, the existing City library serves a population of approximately 131,643, providing approximately 0.24 square foot per capita and is below the APA minimum suggested size. The increase in population that would result from the proposed project (144 persons), would maintain the existing ratio pertaining to square footage per service population. Due to the minimal increase in population, the proposed project would not result in a substantial increase in the use of these facilities, such that new facilities would be needed to maintain service standards. Therefore, impacts to other public facilities would be less than significant. The proposed project would not result in any new or more significant impacts related to parks than was previously analyzed and described in the General Plan FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the General Plan FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

²⁹ Napa Valley Unified School District, 2022. *Developer Fees*. Website: <https://www.nvusd.k12.ca.us/developerfees> (accessed June 2, 2023).

Conclusion

The General Plan FEIR adequately evaluated the potential public services impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.



16. RECREATION

	Substantial Changes in Project/Circumstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Applicable Policies

Napa General Plan. The following General Plan policy is applicable to the proposed project.

- **Goal C SPR-9:** Provide, improve, and maintain a comprehensive system of City parks, trails, and recreational facilities to meet the needs of the City’s current and future residents, businesses, property owners and visitors.
- **Policy C SPR 9-1:** Maintain a parkland provision standard of 10.0 acres of overall parkland per 1,000 residents, 1.5 acres of Community Parks & Facilities per 1,000 residents, and 0.5 acres of Neighborhood Parks per 1,000 residents. Overall parkland includes Natural Areas & Open Space, Community Parks & Facilities, Neighborhood Parks, Mini Parks, Special Use Parks & Facilities, Civic Spaces, Trails, and School Sites.
- **Policy C SPR 9-2:** Strive to ensure that all residents are within a 1.5 to two-mile radius of a community-serving park, which includes the Community Park & Facility or Natural Area & Open Space categories.
- **Policy C SPR 9-3:** Given that the City has sufficient parkland to meet the needs of the City’s existing and projected population, focus capital projects on sustaining or improving existing parks and facilities to ensure long-term services to the community.
- **Policy C SPR 9-9:** Provide Neighborhood Parks that offer close-to-home recreation opportunities to surrounding neighborhoods and are designed primarily for non-supervised, non-organized recreation activities, supported by facilities such as playground equipment, outdoor courts, picnic tables, pathways, and multi-use open grass areas or small sport fields. These parks are generally two to 10 acres in size, though some existing neighborhood park sites cover a smaller acreage, and serve residents within a quarter- to half-mile distance. The target standard for

provision of neighborhood parkland shall be 0.5 acre per 1,000 residents. Neighborhood park service may also be provided by community parks, or located on schools or other property where appropriate joint-use agreements exist.

General Plan FEIR Impacts

Physical Deterioration of Recreational Facilities. The General Plan FEIR determined that the City's existing park acreage would meet the needs of its estimated buildout population such that existing facilities are not subject to physical deterioration. The General Plan includes goals and policies that prioritize improvements and maintenance of existing parks (CSPR 10-3, CSPR 12-1, CSPR 12-3, and CSPR 15-6), ensure park and facility improvements are reflective of the needs and desires of Napa's community through 2040 (CSPR-12, CSPR 12-4, CSPR 12-5, and CSPR 15-2), and prioritize widely accessible parks (CSPR 13, CSPR 13-2, and CSPR 13-3). The General Plan additionally updates the City's park distribution system with new standards, requiring all residents be within a 1.5- to 2-mile radius of a Community Park and a 0.25- to 0.5-mile distance of a Neighborhood Park (Policies CSPR 10-2, 10-8, 10-9, and 10-10). Therefore, the General Plan FEIR concluded that implementation of the General Plan would not result in the substantial deterioration or the acceleration of the deterioration of existing parks and recreational facilities and impacts would be less than significant.

Construction or Expansion of Recreational Facilities. The General Plan FEIR determined that the City currently exceeds its park service standards and is projected to continue to meet these standards under buildout of the General Plan. Therefore, implementation of the General Plan would not result in a need for the construction of new parks or recreational facilities. Nevertheless, construction of any future parks has the potential to negatively affect the environment. The General Plan includes goals and policies that aim to maintain and protect existing publicly owned parks and land designated as open space (NRC 3-1, NRC 4-2, CSPR 10-7, and CSPR 12-2), mitigate environmental impacts associated with the construction of development projects (NRC 10-2 through 10-6, CCS 3-1, CCS 3-1, NRC 201 through NRC 2-4), and enhance and protect natural resources (CSPR 14-1, NRC 1-6, NRC 1-2, NRC 1-5, NRC 2-2). Because the projected population growth under the General Plan would result in a service ratio that meets the City's park service standards and General Plan policies, laws, codes, and programs would protect sensitive resources and habitats, the General Plan FEIR concluded that the implementation of the General Plan would not result in a significant impact from construction or expansion of recreational facilities, and no mitigation would be necessary.

Project Impacts

Physical Deterioration of Recreational Facilities. As discussed above, the General Plan FEIR determined that full build out of the General Plan Area, including the proposed project, would not result in the need for new or expanded parks or recreational facilities. As previously discussed, the proposed project would be consistent with the land use designation on the project site and would fit into the total amount of development analyzed within the General Plan FEIR. As such, the proposed project would not result in the substantial deterioration or the acceleration of the deterioration of existing parks and recreational facilities and impacts would be less than significant. Therefore, the proposed project would not result in any new or more significant impacts related to parks than was previously analyzed and described in the General Plan FEIR.

Construction or Expansion of Recreational Facilities. The proposed project would involve development of the project site with residential uses. As discussed previously, the proposed project would include modifications to the Austin Miller Memorial Bike Path, but would not include or require the construction or expansion of any other existing public recreational facilities. Modifications to the Austin Miller Bike Path were not specifically considered in the General Plan FEIR. However, the modifications are included in the proposed project and evaluated throughout this document. As discussed in each topical section, the proposed project would not result in any new or more severe environmental impacts beyond those described in the General Plan FEIR. Therefore,

development of the proposed project and associated recreational opportunities for use by project residents would not result in additional environmental effects beyond those described in this document, and this impact would be less than significant.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the General Plan FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Conclusion

The General Plan FEIR adequately evaluated the potential recreation impacts of the proposed project. Therefore, potential impacts would be less-than-significant and additional mitigation is not required.

17. TRANSPORTATION

	Substantial Changes in Project/Circumstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Would the project:				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicable Policies

Napa General Plan. The following General Plan policies are applicable to the proposed project.

- **Goal TE-1:** Foster a comprehensive network of accessible roads, trails, sidewalks, and pathways that emphasize a Complete Streets approach, while reducing vehicle miles traveled (VMT) and dependence on single-occupancy vehicles.
- **Policy TE 1-2:** Foster a more connected system of streets, pedestrian facilities, and bicycle facilities as new development and redevelopment is undertaken, or as opportunities are presented.
- **Policy TE 2-3:** Apply traffic calming principles where appropriate with consideration of functional classification, emergency access, and vehicular traffic volumes to support livable and complete streets.
- **Goal TE-5:** Maintain levels of traffic service that provides for efficient movement of people, goods, and services within the City, and adequate connections to the region and state.
- **Policy TE 5-4:** Maintain the automobile Level of Service (LOS) performance targets described herein as a local standards to determine where transportation improvements may be needed or required as part of the development approval process. Automobile LOS should not be below a mid-range LOS D, with the following exceptions. A mid-range LOS E is permitted in the Downtown area bounded by Soscol Avenue, First Street, California Boulevard, and Third Street; on Jefferson Street between Third Street and Old Sonoma Road; and on Silverado Trail between

Soscol Avenue and First Street. LOS E is also permitted for signalized intersections on State Highway facilities within Napa.

- Goal TE-9: Provide safe evacuation routes in case of emergencies and natural disasters, including flooding, earthquake, and fire.

General Plan FEIR Impacts

The following provides an overview of impacts related to transportation and required mitigation measures as identified in the General Plan FEIR.

Conformance with Transportation Policies. The General Plan FEIR determined that the General Plan is consistent with the Plan Bay Area 2020 Final Plan and supports and expands upon the improvements identified in the City of Napa Bicycle Plan as well as the Napa Countywide Bicycle Plan. The Transportation Element of the General Plan focuses on enhancing transportation options for Napa residents, workers, and visitors and improving mobility through increased connectivity and efficient management of existing infrastructure. The Transportation Element looks at improving transportation options and connectivity within the City, as well as furthering the goals of the Napa Vision and Guiding Principles, including environmental sustainability, connected neighborhoods, increased travel options, balancing tourism and local needs, and achieving a healthy and safe community for all. The General Plan FEIR concluded that implementation of the General Plan would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and impacts would be less than significant.

Vehicle Miles Traveled. The General Plan FEIR determined that VMT per capita for the City under the No Project conditions is 11.3 and under the With Project conditions VMT per capita would decrease to 9.03 in the City. As such, implementation of the General Plan would decrease VMT per capita from No Project conditions to With Project conditions. In addition, VMT per capita under the With Project conditions would be 15 percent below the baseline. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Site Access and Circulation. The General Plan FEIR determined that implementation of the General Plan would increase traffic levels in the Planning Area and introduce new intersections and traffic signals to the existing street system. However, these new roadways and traffic signals would be designed to City Design standards and, therefore, should not substantially increase hazards due to a design feature. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Emergency Access. The General Plan FEIR determined that implementation of the General Plan would increase land uses in the Planning Area, which would require additional emergency access to respond to emergencies. However, these new roadways and intersections would be designed to City design standards that account for emergency access and, therefore, should not result in inadequate emergency access. Construction of these new roadways and intersection would have the potential to result in impacts related to emergency service; nevertheless, these projects would be required to comply with CEQA and avoid or minimize such impacts as needed. Additionally, the General Plan includes Goal TE-9 to ensure that there are safe evacuation routes in case of emergencies and

natural disasters. Therefore, the General Plan EIR concluded that impacts would be less than significant.

Project Impacts

Project-specific impacts related to transportation are discussed below. Unless otherwise noted, the following is based on the Transportation Impact Study³⁰ prepared for the proposed project, which is included in Appendix D. The trip generation for the proposed project, which is based on land use code 210 (Detached Single Family Housing) from the Institute of Transportation Engineers, is shown in Table J below.

Table J: Proposed Project Trip Generation

Land Use	Units	Daily Trips		AM Peak Hour				PM Peak Hour			
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Single Family Homes	53 du	943	500	0.70	37	10	27	0.94	50	31	19

Source: W-Trans (2022).
du = dwelling unit

Conformance with Transportation Policies. As previously described, the proposed project would be consistent with the type and intensity of development allowed on the project site by the General Plan. As part of the City’s entitlement process, the proposed project would be required to comply with existing regulations, including General Plan policies and zoning regulations. The proposed project would be reviewed in accordance with the City’s Public Works standards and guidelines, and the department would provide oversight engineering review to ensure that the project is constructed according to City specifications.

The proposed project would provide adequate bicycle and pedestrian infrastructure and would represent an overall improvement to bicycle and pedestrian access and circulation. The project as proposed would extend Sierra Avenue east to connect to Villa Lane with sidewalks to be provided on the south side of Sierra Avenue. The proposed project would include the relocation of a portion of the Austin Miller Memorial Bike Path to the north side of the proposed extension. The extension of Sierra Avenue would include striping for a Class II bike lane, which would conform with the existing Class II bike lane on Villa Lane. Existing bicycle facilities, including bike lanes on Garfield Lane, Villa Lane, and Jefferson Street, together with shared use of minor streets provide adequate access for bicyclists. Internal streets within the project site would include sidewalks to provide access to the proposed residences. Per City of Napa Municipal Code 17.54.060, residential uses are not required to provide any bicycle parking or storage facilities. As detailed in the Transportation Impact Study, existing transit routes are adequate to accommodate project-generated transit trips and existing stops are within an acceptable walking distance of the site.

³⁰ W-Trans, 2022. *Transportation Impact Study for the Vintage Farms Project*. November 4.

The proposed project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and impacts would be less than significant.

The proposed project would not result in any new or more significant impacts related to transportation plans and policies than was previously analyzed and described in the General Plan FEIR.

Vehicle Miles Traveled. The City of Napa adopted VMT thresholds in 2021 and specified that residential uses that generate at least 15 percent less than the regional per capita VMT would be considered to have a less-than-significant impact. The countywide average of 14.18 VMT per capita was derived from the 2015 Solano-Napa Activity-Based Model (SNABM) and used as a baseline for assessing VMT; this translates to a significance threshold of 12.05 miles per capita. The SNABM includes traffic analysis zones (TAZ) covering geographic areas throughout Solano and Napa Counties, including the City of Napa. The proposed project is located within TAZs 20, 22, and 23, which have a VMT per capita of 9.31, 11.23, and 11.17, respectively. The VMT for all three zones is below the significance threshold of 12.05 miles. Therefore, because the three project TAZs all have VMTs per capita that are more than 15 percent below the countywide average, impact to VMT would be less than significant. The proposed project would not result in any new or more significant impacts related to VMT than was previously analyzed and described in the General Plan FEIR.

Site Access and Circulation. The project site would be accessed via three proposed intersections with new internal roadways A1, A2, and B. Two access points are proposed along Sierra Avenue at the intersections with Streets A1 and A2, approximately 300 feet and 100 feet west of Villa Lane, respectively. The third access point is proposed along Villa Lane at the intersection with Street B and Summerbrooke Circle, approximately 300 feet south of the proposed Sierra Avenue/Villa Lane intersection. As detailed in the Transportation Impact Study, proposed sight distances at the Sierra Avenue/Street A1 and Villa Lane/Street B-Summerbrooke Circle intersections would be adequate as proposed. However, vegetation could hinder sight lines at the Sierra Avenue/Street A2 and Street A2/Street B intersections. Therefore, the proposed project would be required to implement COA TRA-1, which requires that vegetation adjacent to these intersections is trimmed such that bushes and shrubs are kept under three feet in height, and that trees and hanging branches are trimmed to a minimum height of seven feet. According to the Transportation Impact Study, all-way stop control and two-way stop control would not be warranted at any of the proposed new intersections.

All reconfigured and new roadways are required to be designed and constructed to the General Plan/City guidelines. The project would not substantially alter the layout or design of any major city road or intersection that could result in hazardous circulation conditions. Additionally, all new bicycle facilities, sidewalks, crosswalks, and other pedestrian amenities (such as street trees, pedestrian-scaled lighting, street furniture, etc.) would be required to be designed and constructed in substantial conformance to the General Plan/City standards. Therefore, based on the above, the proposed project would not result in any new or more significant impacts related to site access and circulation than were previously analyzed and described in the General Plan FEIR.

Emergency Access. Chapter 15.04 of the Napa Municipal Code provides requirements to ensure that developments provide adequate access for emergency vehicles. The proposed project would be constructed consistent with these requirements and therefore would be adequately equipped to accommodate access by emergency vehicles. The nominal expected change in intersection delay would not be expected to result in an increase in emergency response times as emergency responders traveling with their lights and sirens engaged are given priority and would continue to do so with the project. Therefore, the proposed project would have a less than significant impact on emergency access and response and no mitigation would be required. The proposed project would not result in any new or more significant impacts related to emergency access than were previously analyzed and described in the General Plan FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the General Plan FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required. However, the proposed project would be required to implement the following COA to reduce potential impacts to sight lines to less-than-significant levels:

COA TRA-1: The applicant shall maintain and trim vegetation adjacent to the Sierra Avenue/Street A2 and Street A2/Street B intersections such that bushes and shrubs are kept under three feet in height, and that trees and hanging branches are trimmed to a minimum height of seven feet.

Conclusion

The General Plan FEIR adequately evaluated the potential transportation impacts for the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

18. TRIBAL CULTURAL RESOURCES

	Substantial Changes in Project/Circumstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Would the project:				
e. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? Or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicable Policies

Napa General Plan. The following General Plan policies are applicable to the proposed project.

- **Goal HCR-14:** Protect and preserve important archaeological resources.
- **Policy HCR.14-1:** Consider federal and State procedures and requirements relating to the preservation and protection of archeological resources and sites, such as the National Historic Preservation Act’s Section 106 process and the National Environmental Policy Act, when evaluating applications for development projects.
- **Policy HCR.14-2:** For development and redevelopment proposals in archaeologically or tribal cultural sensitive areas of Napa, require an assessment of the potential presence of archaeological and tribal cultural resources, including a site survey and a records search of the California Historical Resources Information System at the Northwest Information Center. As warranted by the results of the assessment, require additional studies to identify and address project-specific impacts on archaeological and tribal cultural resources.

The City should incorporate the study recommendations as project conditions of approval to ensure that impacts on archaeological and/or tribal cultural resources are mitigated to the extent possible. Studies should be prepared according to National Register Bulletin 24: Guidelines for Local Surveys: A Basis for Preservation Planning and the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

- Goal HCR-15: Recognize the Tribal Nations who first lived in the Napa area and preserve their identity, culture, and artifacts.
- Policy HCR.15-1: Work with local Tribal Nations on development projects to avoid known cultural sites and resources to the extent feasible.
- Policy HCR.15-2: Establish City policies and procedures that require development projects to comply with state and federal law that upon discovery of Native American remains or archaeological artifacts during construction, all activity will cease until qualified professional archaeological examination and reburial in an appropriate manner is accomplished.
- Policy HCR.15-3: Collaborate with local Tribal Nations on treatment protocols for handling human remains and cultural items affiliated with affected Tribal Nations.

General Plan FEIR Impacts

During the tribal consultation process completed for the General Plan FEIR the Yocha Dehe Wintun Nation requested that the City include additional goals and policies in the General Plan to recognize, work with, and promote educational opportunities with Tribal Nations. These goals and policies have been included in the Historic & Cultural Resources Element of the Draft General Plan (HR-14, HR-15, and TE-25). Consultation on future individual projects subject to the general plan will provide further protections for any tribal cultural resources identified through the CEQA AB 52 process. Additionally, Mitigation Measure TCR-1 would be required, which includes the implementation of measures recommended in Public Resources Code Section 21084.3 to avoid damaging effects on tribal cultural resources. Therefore, the General Plan FEIR concluded that impacts to tribal cultural resources would be less than significant with mitigation incorporated.

Project Impacts

As discussed in Section 5, Cultural Resources, there are no known cultural resources located on the project site. The General Plan FEIR found that implementation of general plan policies under Goal HCR-14 and Public Resources Code Section 5097.98 would reduce impacts to previously unidentified archaeological resources to a less-than-significant level. This finding applies to tribal cultural resources. Additionally, the proposed project would be subject to Mitigation Measure TCR-1, which requires the implementation of measures recommended in Public Resources Code Section 21084.3.

Therefore, the proposed project would not result in any new or more severe impacts to tribal cultural resources than were identified in the General Plan FEIR.

Applicable Mitigation

The following mitigation measures from the General Plan FEIR would apply to the proposed project:

Mitigation Measure TCR-1:

Implement mitigation measures recommended in Public Resources Code Section 21084.3 to avoid damaging effects on tribal cultural resources:

1. Avoidance and preservation of the resources in place, including planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
2. Treating the resource with culturally appropriate dignity, considering the tribal cultural values and meaning of the resource, including the following.
 - a. Protecting the cultural character and integrity of the resource.
 - b. Protecting the traditional use of the resource.
 - c. Protecting the confidentiality of the resource.
3. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
4. Protecting the resource.

Conclusion

The General Plan FEIR adequately evaluated the potential tribal cultural resources impacts for the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.



19. UTILITIES AND SERVICE SYSTEMS

	Substantial Changes in Project/Circumstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicable Policies

Napa General Plan. The following General Plan policies are applicable to the proposed project.

- **Goal NRC-10:** Promote utilization of green infrastructure and Low Impact Development (LID) strategies; water conservation, reuse, and collection; and other sustainability measures to limit pollution runoff.
- **Policy NRC 10-1:** Support the continuation and expansion of existing recycled water systems into the City limits. Seek incentive programs to encourage usage of recycled water systems.
- **Policy NRC 10-2:** Explore options for water saving and treatment technology when planning future developments to conserve water and keep the City’s water safe and clean.
- **Policy CCS 3-4:** Develop standards for, and encourage, recycled (grey) water use and stormwater capture systems in new and existing developments and in areas that do not impact groundwater quality.

- Goal CCS-5: Ensure that Napa residents are prepared for climate change-induced drought conditions by reducing water consumption and promoting resilient water supplies.
- Policy CCS 5-1: Continue efforts toward water conservation and recycling to meet the City’s SB 606/AB 1668 Urban Water Use Objective (2018 Making Water Conservation a California Way of Life legislation). Although Napa does not rely on groundwater and projects adequate supplies to meet growth needs, ensuring that development does not reach the limits of potential supply would ensure resiliency.
- Policy CCS 5-2: Strengthen water conservation measures and water conservation education that result in significant reductions in local water use and the protection of local water resources.
- Policy CCS 5-6: Continue to reduce energy use by promoting domestic water conservation and requiring water-efficient landscape improvements associated with new construction.
- Policy CCS 5-7: Encourage responsible and sustainable agricultural and landscaping practices.
- Goal CCS-1: Further the City’s sustainability initiatives to reduce the community’s GHG emissions, and foster green development patterns – including buildings, sites, and landscapes.
- Goal CCS-4: Further the City’s Solid Waste & Recycling Division goals to promote recycling, composting, and source reduction services for residential and commercial uses to divert 75 percent (or more) of waste from landfills by 2035 and maintain diversion at 75 percent or greater through 2040.
- Goal CSPR-5: Support utilities and infrastructure that deliver safe and reliable services for current and future residents and businesses.
- Policy CSPR 5-1: Safely manage the water supply and services, wastewater, sewer, recycled water, and storm drain infrastructure in a manner that provides for future growth of the City.
- Policy CSPR 5-2: Work with power and dry utility providers, property owners, and developers to underground service lines in existing neighborhoods and require undergrounding service lines for new projects where feasible.
- Policy CSPR 5-3: Develop and maintain a safe, attractive, and environmentally sensitive drainage system for handling runoff due to seasonal rainstorms, especially runoff in creeks and the Napa River.
- Goal CSPR-6: Improve programs to conserve water, especially during drought.
- Policy CSPR 6-1: Promote and continue to implement water conservation programs and sustainability measures for businesses and residents to reduce water consumption. Encourage water recycling, reduced water runoff, and low-impact development strategies, and other programs that show promise of saving significant amounts of water at a reasonable cost.

- Policy CSPR 6-5: Through a partnership with the Napa Sanitation District (NapaSan), promote utilization of recycled water for non-potable water needs.
- Policy CSPR 6-6: Reduce demands on the NapaSan wastewater system through efficient water use strategies, including:
 - Requiring water-conserving design and equipment in new construction.
 - Encouraging retrofitting with water-conserving devices.
 - Requiring Low Impact Development principles and guidelines during site design.
- Goal CSPR-7: Provide for solid waste and recycling services to meet the needs of current and future residents and businesses.
- Policy CSPR 7-1: Safely manage solid waste management services in a manner that provides for future growth of the City.
- Policy CSPR 8-1: Promote sustainability measures for businesses and residents to reduce waste, such as municipal composting, recycling, and expanded education on the benefits of the green waste recycling program.
- Policy CSPR 8-5: Implement all aspects of SB 1383 (Mandatory Organics) including collection and capture of compostable and recyclable materials from residential, commercial and industrial generators within the City. SB 1383 is broad-reaching in scope with requirements for auditing, enforcement, edible food recovery and local use of organic products like compost and mulch.
- Policy CSPR 8-7: Strive to reach the statewide goal of ensuring that 75 percent of solid waste generated is either reduced at source, recycled, or composted from the year 2020 forward, per AB 341, SB 1383, and the City's own Disposal Reduction Policy

City of Napa Municipal Code. The following municipal code chapters are applicable to the proposed project.

- Municipal Code Chapter 15.04: Under the Buildings and Construction code, several of CALGreen's voluntary provisions are locally mandatory, including lower kitchen faucet flow rates, Energy Star appliance requirements, and lower maximum water pressure for residential projects. For nonresidential projects, the code requires an additional 12 percent reduction in indoor water use; tighter specifications for clothes washers, dishwashers, ice makers, and food steamers; and the same lower maximum water pressure as residential projects.
- Municipal Code Chapter 15.32: The construction and demolition (C&D) debris recycling ordinance aims to redirect C&D materials away from landfills. The ordinance requires that 100 percent of "designated" materials be site separated onsite and recycled. For projects that exceed \$100,000 or 5,000 square feet, a minimum overall salvage or recycle rate of 50 percent

of all C&D debris generated must be achieved, and a Waste Reduction and Recycling Plan (WRRP) must be submitted and approved prior to issuance of a building or demolition permit. Noncompliance with a WRRP plan may result in a fine ranging from 1 to 5 percent of project valuation.

- **Municipal Code Section 13.09.010:** The Water Offset Program allows approved projects to offset the projected water demand of some new projects (e.g., hotels, housing subdivisions) by reducing demand elsewhere in the City. Historically, these offsets were achieved through replacement of older high-water-use toilets in existing buildings. More recently, some offsets have been achieved through recycled water conversions for existing irrigation systems. An offset in-lieu fee option is also available, which funds an array of City programs to help existing customers conserve water.

General Plan FEIR Impacts

The following provides an overview of impacts related to utilities and service systems and required mitigation measures as identified in the General Plan FEIR.

Relocation or Construction of Utility Facilities. The following section provides an overview of impacts related to the relocation or construction of utility facilities as identified in the General Plan FEIR including water system infrastructure; wastewater infrastructure; electric power, natural gas, and telecommunication facilities; and stormwater drainage facilities.

Water. The General Plan FEIR determined that if the existing water system infrastructure is not updated or expanded, a deficit in potable and fire service water supplies could occur. However, the City's 2020 Urban Water Management Plan (UWMP), adopted in 2021, establishes the infrastructure necessary to provide the storage, treatment, and transmission facilities to serve future development, maintain overall service reliability, and honor existing export agreements through 2045. Also, any future proposed projects in the City would be required to undergo the City's project approval process (including CEQA), would be required to comply with existing regulations (including policies and zoning regulations to promote water conservation and green building best practices), and would have to comply with SB 610 and SB 221 to ensure that adequate water supplies are available before approval of certain development. Furthermore, the General Plan includes goals and policies regarding water conservation and efficiency and recycled water use that would reduce the consumption of water for both potable uses and irrigation (NRC-9, NRC 9-1, NRC-10, NRC 10-1, NRC 10-2, NRC 10-5, CCS-3, CCS 3-4, CCS-5, CCS 5-1, CCS 5-2, CCS 5-3, CCS 5-4, CCS 5-5, CCS 5-6, CCS 5-7, CCS 5-8, and CCS 7-6). Therefore, the General Plan FEIR concluded that the implementation of the General Plan would result in a less than significant impact regarding the need for relocation or construction of new or expanded water facilities and no mitigation measures were required.

Wastewater. The General Plan FEIR determined that the future population of Napa is expected to grow, causing increased demand on the current infrastructure and system operated by Napa Sanitation District (NapaSan), where all wastewater is treated. If demand on the NapaSan system increases such that the facility must be expanded, the expansion could result in significant impacts. However, the General Plan states that City staff shall coordinate with NapaSan when NapaSan

updates its planning documents to ensure that the sewer collection system and existing wastewater treatment plant (WWTP) can accommodate future growth within the City.

Furthermore, NapaSan is planning for or in the process of updating some of its facilities to improve capacity and these improvements are already underway. Additionally, water conservation actions may result in a reduction in per capita water consumption, and the City and NapaSan are collaborating on opportunities to increase the use of recycled water, both of which would ease some demand on the existing system. Furthermore, General Plan Policy CS-10.3 prevents issuance of a building permit or similar ministerial entitlement unless NapaSan provides a will-serve letter and the General Plan includes various other goals and policies that would help reduce the amount of wastewater generated and requiring treatment (CCS-3, CCS 3-4, CCS-5, CCS 5-5, and CCS 7-8). Therefore, the General Plan FEIR concluded that the implementation of the General Plan would result in a less than significant impact regarding the need for relocation or construction of new or expanded wastewater treatment facilities and no mitigation measures were required.

Electric Power, Natural Gas, and Telecommunications. The General Plan FEIR determined that Napa's population is expected to continue growing, which will increase the demand on current infrastructure for electricity, natural gas, and telecommunications. If demand increases to the extent that infrastructure or a facility of a service provider, such as that of PG&E, the Western Area Power Administration, or telecommunications providers, must be relocated or expanded, the expansion could result in significant impacts on the environment. Future expansion or construction projects of electric, natural gas, and telecommunications lines and facilities would be required by law to operate in compliance and under permits of the City, and/or the governing bodies of those utilities, such as the Federal Energy Regulatory Commission, California Public Utilities Commission, and FCC, prior to approvals. Current state and local codes address energy conservation in general and efficiency in new buildings, which further reduces wasteful energy use and relieves the systems of some demand. Current city, state, and federal rebate and incentive programs on energy efficient products and measures also contribute to efforts to reduce energy consumption and demand. Furthermore, the General Plan contains goals and policies related to utilities and energy savings that would reduce impacts to electricity, natural gas, and telecommunications providers (CCS-1, CCS 1-1, CCS 1-2, CCS 1-3, CCS 2-4, CCS 4-4, CCS-6, CCS 6-2, CCS 6-4, CCS 6-5, CCS7, CCS 7-1, CCS 7-2, CCS 7-3, CCS 7-6, CCS 7-8, CCS 7-10). Therefore, the General Plan FEIR concluded that the implementation of the General Plan would result in a less than significant impact regarding the need for relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities and no mitigation measures were required.

Stormwater Drainage Facilities. The General Plan FEIR determined that the projected population growth would potentially increase demand on the current infrastructure and stormwater drainage system operated by the City, as well as NapaSan, where all wastewater is treated. If demand on the City's stormwater system and/or NapaSan's system increases such that a facility must be expanded, the expansion could result in significant impacts. However, the City would require all future developments to comply with the requirements of the Napa Countywide Stormwater Pollution Prevention Program and the General Plan supports and promotes the use of green infrastructure which reduces and treats stormwater at its source, thus reducing strain on infrastructure.

The General Plan includes goals and policies that would support the City's ability to maintain an adequate level of service, would potentially reduce the demand on existing stormwater drainage facilities, and would ensure that future development prioritizes the use of green infrastructure in its stormwater management design (NRC-10, NRC 10-3, NRC 10-4, NRC 10-5, NRC 10-6, CCS-3, CCS 3-1, CCS 3-2, CCS 3-4, CCS 7-8, CCS-9, CCS 9-1, CCS 9-4, CCS 9-5, CCS-10, CCS 10-2, CCS 10-3).

Additionally, the City is actively working to improve the City's stormwater infrastructure via its Storm Drainage Master Plan and CIP and continuing coordination efforts with the District. Recommended improvements are already underway and would likely occur regardless of the General Plan. Construction or renovation of future stormwater drainage facilities would be subject to CEQA analysis. Potential impacts would be disclosed, and site- and project-specific mitigation measures would be developed as new projects are put forward. Therefore, the General Plan FEIR concluded that the implementation of the General Plan would result in a less than significant impact related to the construction of new stormwater drainage facilities and no mitigation measures were required.

Water Supply. The General Plan FEIR determined that the City would need additional water supplies to accommodate projected growth during drought years; however, with public participation in water-saving measures, the local water offset program for new development, recycled water policies, and increased use of recycled water for nonpotable uses, the City would be able to maintain its demand for water until 2045 under normal, dry and multiple dry year scenarios. The 2020 UWMP includes demand management measures and water shortage contingency plans that would be implemented by the City. Additionally, prior to project approval, future proposed projects would be required to undergo CEQA review and to comply with all federal, state, and local water supply regulations including SB 610 and SB 221 (which determine if a project would be required to complete a WSA prior to project approval). The City would require all new development to comply with all drought and water conservation requirements set forth under state and local regulations and the General Plan includes goals and policies regarding water use conservation and efficiency policies that would help ensure that adequate water supplies are available to serve existing and planned development (NRC-9, NRC 9-1, NRC-10, NRC 10-1, NRC 10-2, NRC 10-5, CCS-3, CCS 3-4, CCS-5, CCS 5-1, CCS 5-2, CCS 5-3, CCS 5-4, CCS 5-5, CCS 5-6, CCS 5-7, CCS 5-8, and CCS 7-6). Therefore, the General Plan FEIR concluded that the General Plan's potential to result in insufficient water supplies during normal, dry, and multiple dry years would be less than significant and no mitigation measures were required.

Wastewater Treatment Requirements, Facilities, and Capacity. The General Plan FEIR determined that due to completed upgrades to the WWTP system in the past 10 years the existing WWTP has capacity to handle projected residential, commercial, and industrial water demands through 2030. Furthermore, publicly adopted water conservation actions, state and local water conservation mandates, and increased use of recycled water would continue to reduce demand on the current WWTP system.

Also, prior to project approval, future proposed projects would be required to undergo CEQA review and the City would require all new development to comply with all drought and water conservation requirements set forth under state and local regulations, which would further reduce wastewater generation in NapaSan's service area.

The General Plan includes goals and policies relevant to water conservation and wastewater system maintenance that would help reduce the amount of wastewater generated and reduce the demand on existing service (NRC 9-1, NRC-10, NRC 10-1, NRC 10-2, CCS 3-4, CCS-5, CCS 5-1, CCS 5-2, CCS 5-3, CCS 5-5, CCS 5-6, CCS 5-7, CCS 5-8, CCS 7-6, CCS-3, CCS 3-4, CCS-5, CCS 5-5, and CCS 7-8). Therefore, the General Plan FEIR found that impacts related to wastewater treatment requirements, wastewater facilities, and wastewater capacity would be less than significant, and no mitigation measures were required.

Solid Waste. The General Plan FEIR determined that projected population growth would lead to additional demands for solid waste disposal services. However, the Potrero Hills Landfill in Suisun City is expected to have adequate capacity until at least 2044. In addition, implementation of state laws and policies to reduce the waste stream and extend the lifespan of the landfill, such as AB 341, are expected to extend the capacity. Furthermore, the General Plan includes goals and policies that support efforts to achieve a high level of waste diversion, minimize the generation of waste, increase recycling, encourage composting, and provide for the collection and disposal of solid waste (CCS 1-2, CCS-4, CCS 4-1, CCS 4-2, CCS 4-3, CCS 4-4, CSPR-7, CSPR 7-1, CSPR 7-2, CSPR-8, CSPR 8-1, CSPR 8-2, CSPR 8-3, CSPR 8-4, CSPR 8-5, CSPR 8-6, and CSPR 8-7). Also, future development in the City would be required to undergo separate environmental review under CEQA to ensure adequate landfill capacity to serve new development prior to approval. Therefore, the General Plan FEIR determined that impacts related to solid waste would be less than significant and no mitigation was required.

Project Impacts

Project-specific impacts related to utilities and service systems are discussed below.

Relocation or Construction of Utility Facilities. The project site is located in an urban area that is currently served by existing utilities, including water, sanitary sewer, storm drainage, electricity, gas, and telecommunications infrastructure. The proposed project would include the following utility improvements:

- Installation of new water lines on the project site that would connect to the existing 12-inch main located within Sierra Avenue and runs along the northern boundary of the project site.
- Installation of new wastewater lines on the project site that would connect to the existing 12-inch main location within Villa Lane.
- Installation of new stormwater infrastructure that would connect to the existing 48-inch stormwater main. In addition, the existing 48-inch stormwater main would be slightly realigned on the project site, but no changes to the capacity would be made.
- For hydromodification purposes, the proposed project would include two bioretention areas within the open spaces. Separate 18-inch stormwater mains would connect the proposed bioretention basins vaults to the existing 48-inch stormwater main at the southwest corner of the project site and an additional existing stormwater main within Villa Lane.

- All homes will include electricity and gas facilities that would connect to existing adjacent facilities.

The proposed utility improvements are considered part of the proposed project and the impacts associated with these improvements are evaluated throughout this document. The proposed utility connections would be completed in conformance with City standards and their construction would not cause significant environmental effects. Therefore, the proposed project would not result in any new or more severe impacts to water supply infrastructure than were identified in the General Plan FEIR.

Water Supply. As described above, the General Plan FEIR determined that there would be sufficient water supplies to serve the buildout of the General Plan during normal years, dry years, and multi-dry year events. The proposed project would not result in greater growth on the project site than anticipated by the General Plan FEIR. In addition, the proposed project would comply with all drought and water conservation requirements set forth under state and local regulations in addition to the General Plan goals and policies discussed above regarding water use conservation and efficiency policies that would help ensure that adequate water supplies are available to serve existing and planned development. Therefore, the proposed project would not result in any new or more severe impacts to water supply than were identified in the General Plan FEIR.

Wastewater Treatment Requirements, Facilities, and Capacity. As described above, the General Plan FEIR determined that the existing WWTP has capacity to handle projected residential, commercial, and industrial water demands through 2030. The proposed project would not result in greater growth on the project site than anticipated by the General Plan FEIR. In addition, the proposed project would be required to comply with all drought and water conservation requirements set forth under state and local regulations, which would further reduce wastewater generation, and would comply with the goals and policies of the General Plan discussed above that are relevant to water conservation and wastewater system maintenance that would help reduce the amount of wastewater generated and reduce the demand on existing service. Therefore, the proposed project would not result in any new or more severe impacts to wastewater treatment, facilities, or capacity than were identified in the General Plan FEIR.

Solid Waste. As described above, the General Plan FEIR concluded that the Potrero Hills Landfill in Suisun City is expected to have adequate capacity until at least 2044. The proposed project would be consistent with the type of development allowed on the project site under the General Plan and would not result in greater growth on the project site than anticipated by the General Plan FEIR. Therefore, the proposed project would not result in any new or more severe impacts to solid waste than were identified in the General Plan FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the General Plan FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Conclusion

The General Plan FEIR adequately evaluated the potential utilities and service systems impacts for the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

20. WILDFIRE

	Substantial Changes in Project/Circumstances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicable Policies

Napa General Plan. The following General Plan policies are applicable to the proposed project.

- Goal SN-5: Work to prevent urban fires and exposure to wildfires, as well as protect life and property from fire dangers.
- Policy SN 5-4: Ensure that future development plans provide adequate evacuation routes, vegetation management policies, and fire-reduction design measures, as appropriate.
- Policy SN 5-5: Regularly assess adequacy of emergency response and evacuation routes and identify any need for road extensions to serve neighborhoods that do not have sufficient evacuation routes or access for emergency services.

General Plan FEIR Impacts

Emergency Response or Evacuation Plan. The General Plan FEIR determined that development under the General Plan, including new land uses and increased densities, has the potential to create obstacles to the implementation of emergency response or evacuation plans adopted for the City of Napa including the Napa County Emergency Operations Plan and the Napa County Operational Area Hazard Management Plan. However, the General Plan includes policies and implementing actions

that would address the reduction of risk due to hazards which would reduce the impact of new development on emergency response plans (Policies SN 5-1, SN 5-2, SN 5-4, SN 5-5). Therefore, the General Plan FEIR concluded that adherence to existing regulations and the policies in the General Plan would reduce potential impacts to emergency response plans or emergency evacuation plans to less than significant and no mitigation is required.

Exacerbate Wildfire Risks. The General Plan FEIR determined that the Planning Area has been designated as a non-very high fire hazard severity zone (non-VHFHSZ). Given that the Planning Area is largely urbanized and paved, wildfire threats within City limits are minimal. Additionally, the General Plan includes several policies that would address potential fire hazards (SN 5-1, SN 5-2, SN 5-3, SN 5-4, SN 5-5, and SN 5-6). Furthermore, development projects would be subject to CBC standards and undergo review by the Napa Fire Department. Therefore, the General Plan FEIR concluded that the exacerbation of wildfire risks, including exposure of project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire would not occur and impacts would be less than significant.

Associated Infrastructure that may Exacerbate Fire Risk. The General Plan FEIR determined that the planning Area is in a non-VHFHSZ. Although implementation of the General Plan would allow future development that may require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk, future discretionary projects would be evaluated for project-specific wildfire impacts at the time they are proposed. Additionally, as discussed above, there are several General Plan policies that address potential fire hazards and development projects would be subject to CBC standards and undergo review by the Napa Fire Department. Therefore, the General Plan FEIR concluded that impacts from associated infrastructure would not exacerbate fire risk or result in temporary or ongoing impacts to the environment and impacts would be less than significant.

Expose People or Structures to Significant Risks. The General Plan FEIR determined that the City's topography is relatively flat with the eastern and western sides increasing in elevation into the foothills. Although the Planning Area is not designated as being located within a VHFHSZ by CAL FIRE, some densely developed areas along the perimeter of the Planning Area are particularly susceptible to damage from wildfires. However, the General Plan seeks to concentrate new development along key corridors, in Downtown, and selected additional opportunity sites while infusing existing neighborhoods with focused infill development. Future development as a result of the General Plan would not exacerbate downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or other related risks as development would not be encouraged in areas susceptible to these risks. Additionally, as discussed above, there are several General Plan policies that address potential fire hazards and development projects would be subject to CBC standards and undergo review by the Napa Fire Department. Therefore, the General Plan FEIR concluded that risks from downslope or downstream flooding or landslides, because of runoff, post-fire slope instability, or drainage changes would be less than significant, and no mitigation would be required.

Project Impacts

Emergency Response or Evacuation Plan. As discussed above, the General Plan FEIR determined that the Planning Area, including the project site, has been designated as a non-VHFHSZ. The proposed project would not alter or block adjacent roadways and implementation of the proposed project would not be expected to impair the function of nearby emergency evacuation routes.

Additionally, the proposed project would be subject to General Plan Policies SN 5-4 and SN 5-5, which require development plans to provide adequate evacuation routes and the assessment of the adequacy of emergency response and evacuation routes and identification of the need for any road extensions to serve neighborhoods that do not have sufficient evacuation routes or access for emergency services. Therefore, the proposed project would have a less than significant impact on the implementation of an adopted emergency response plan or emergency evacuation plan. The proposed project would not result in any impacts related to emergency response or evacuation plans that are new or more significant than those analyzed in the General Plan FEIR.

Exacerbate Wildfire Risks. The project site is generally level and is bound by existing development on three sides. Additionally, the proposed project would be subject to several General Plan policies that would address potential fire hazards (SN 5-1, SN 5-2, SN 5-3, SN 5-4, SN 5-5, and SN 5-6), would be subject to CBC standards, and would undergo review by the Napa Fire Department. Therefore, the proposed project would not exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, and this impact would be less than significant. The proposed project would not result in any impacts related to wildfire risks that are new or more significant than those analyzed in the General Plan FEIR.

Associated Infrastructure that may Exacerbate Fire Risk. The proposed project would include the construction of a new internal roadway but would not require the installation or maintenance of any other associated infrastructure. The proposed project would be subject to several General Plan policies that would address potential fire hazards (SN 5-1, SN 5-2, SN 5-3, SN 5-4, SN 5-5, and SN 5-6), would be subject to CBC standards, and would undergo review by the Napa Fire Department. Therefore, wildfire impacts associated with the installation or maintenance of associated infrastructure would be less than significant and the proposed project would not result in any impacts that are new or more significant than those analyzed in the General Plan FEIR.

Expose People or Structures to Significant Risks. The project site is relatively flat and would not exacerbate downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or other related risks as development would not occur in areas susceptible to these risks. Therefore, impacts would be less than significant and the proposed project would not result in any impacts that are new or more significant than those analyzed in the General Plan FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the General Plan FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Conclusion

The General Plan FEIR adequately evaluated the potential impacts related to wildfire of the proposed project and no new impacts would result.

LIST OF PREPARERS

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Local Agency Formation Commission of Napa County
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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 7c (Action)

TO: Local Agency Formation Commission

FROM: Dawn Mittleman Longoria, Assistant Executive Officer *DML*

MEETING DATE: December 4, 2023

SUBJECT: Consider Options to Amend the Agreement for the Provision of Support Services

RECOMMENDATION

It is recommended the Commission provide formal direction to staff with respect to pursuing any amendments to the Agreement for the Provision of Support Services (“the Agreement”) with representatives of the County of Napa. It is also recommended the Commission consider giving direction to the ad hoc subcommittee which is composed of two appointed Commission members.

BACKGROUND AND SUMMARY

Recent Background

The Commission has recognized the need for LAFCO to become more independent. The Commission has discussed and recognized the limitations of the current Support Services Agreement (SSA) with the County. Issues leading to this need include the inability of the Commission to hire necessary staff and inability to provide appropriate benefits to staff. The Commission took action on these matters, including allocation of budget funds for these purposes. It has been recognized that the original 2003 SSA clearly anticipated regular review, but review has not occurred with the exception of regular amendments for adjusting the rates charged by County Information Technology Services.

The Commission conducted a Strategic Planning workshop as part of a special meeting on July 10, 2023. The Plan was adopted October 2, 2023. One of the goals of that plan is LAFCO’s independence from the County. An ad hoc committee was established to work with staff and County representatives to resolve the SSA issue. Staff was given direction to research alternatives.

Margie Mohler, Chair
Councilmember, Town of Yountville

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Kenneth Leary, Commissioner
Representative of the General Public

Beth Painter, Commissioner
Councilmember, City of Napa

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Eve Kahn, Alternate Commissioner
Representative of the General Public

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Brendon Freeman
Executive Officer

Alternatives for the provision of administrative services

LAFCO staff has researched the approach used by various LAFCOs to address the functions that allow them to be independent. Also, staff researched the approach taken by independent special districts. The focus has been determining the most efficient and cost-effective methods to comply with all necessary legal requirements in the administration of an agency.

Essentially, there are two acceptable methods. One method is a short-term solution while the other method is long-term. The short-term method addresses some of the existing personnel issues but does not address other issues in the existing SSA.

Short-term solution:

Commission actions regarding staff and related budget approvals do not comply with County Personnel rules. It has been difficult for staff to obtain clear guidance from the County regarding the nature of the Personnel rules and budgeting requirements as it relates to staff compensation. Although the Commission has approved staff salary increases and adopted a budget supporting these actions, County staff rejected the Commission's actions.

One option would be for LAFCO staff to be placed in a separate bargaining unit. It would be expected that with this change the Commission would have the authority over LAFCO staff. The goal would be for the Commission's approved actions to move through the County system without opposition and delays.

This option is considered temporary because interpretation of the SSA changes as administration and staff changes occur at the County. The current Agreement states that LAFCO is an independent agency, that the County is required to provide the staff that the Commission approves and allocates appropriate funds to cover. However, the last approved LAFCO staff additions took nearly a year of meetings with County staff to resolve. The transition of County staff required starting over on numerous occasions. LAFCO has significant responsibilities, an expanding role with limited staff time to accomplish these goals.

It is understandable that the size of the County's operations and number of employees requires robust auditing and employee systems to address these increased needs. It is also understandable that it is difficult for County staff to consider the needs of a small independent agency such as LAFCO.

Long-term solution:

Various LAFCOs and independent agencies have established systems that address their needs. These agencies have worked with legal counsel to develop their own employee handbook with job descriptions, salary scales, rules, and regulations. Employee benefits are available through various state organizations. Insurance coverage is also available through state organizations.

Bookkeeping and auditing functions are achieved with recognized firms. These functions are designed to comply with all legal requirements. The Commission would have the authority to establish and amend, as necessary, their budget policies.

ATTACHMENT

- 1) Agreement for the Provision of Support Services with County of Napa and 10 Amendments

NAPA COUNTY AGREEMENT NO. 4433

LAFCO OF NAPA COUNTY AGREEMENT NO. 03-02

**AGREEMENT FOR THE PROVISION OF SUPPORT SERVICES
BY THE COUNTY OF NAPA TO THE NAPA COUNTY
LOCAL AGENCY FORMATION COMMISSION**

THIS AGREEMENT is entered into as of this 1st day of July, 2003, by and between the COUNTY OF NAPA (hereinafter "County"), a political subdivision of the State of California, and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, pursuant to Government Code Section 56380 of the Cortese-Knox-Hertzberg Local Government Reorganization Act (enacted effective January 1, 2001 and hereinafter referred to as "Act"), LAFCO is authorized to contract with any public agency for necessary personnel, facilities, and equipment to carry out and effect its functions and responsibilities; and

WHEREAS, pursuant to Government Code Section 56380, LAFCO must make its own provisions for independent staffing and operations; and

WHEREAS, LAFCO has need of specified personnel, accounting and legal services for its independent operations which County is willing and able to provide under the terms and conditions set forth herein below; and

WHEREAS, the County and LAFCO have entered into agreements for the provision of support services for fiscal years 2001-2002 and fiscal year 2002-2003;

TERMS

NOW THEREFORE, in consideration of the foregoing and the mutual promises hereinafter expressed, the parties mutually agree as follows:

1. **TERM.** The term of this Agreement shall become effective upon the date first written above and shall expire on June 30, 2004, unless terminated earlier in accordance with Paragraph 14 (Termination); except that the obligations of the parties under Paragraph 8 (Indemnification) and 10 (Confidentiality) shall continue in full force and effect after said expiration date or early termination in relation to acts or omissions occurring prior to such dates during the term of the Agreement. The term of this Agreement shall be automatically renewed for an additional year at the end of each fiscal year, under the same terms and conditions, unless terminated pursuant to Paragraph 14. For purposes of this Agreement, "fiscal year" shall mean the period commencing on July 1 and ending on June 30.

2. SERVICES TO BE PROVIDED BY COUNTY. County shall provide the following services subject to LAFCO abiding by County policies and procedures governing such services, except that whenever such policies and procedures provide for the Board of Supervisors to approve the appropriation of funds, or to approve the acquisition of services, goods or assets, or to make any other legislative decisions to carry out such services, the LAFCO Commission shall act in lieu of the Board of Supervisors:

(a) **Executive Officer.** County shall designate its at-will employee Daniel Schwarz to serve as LAFCO Executive Officer (hereinafter "Executive Officer"). The Executive Officer shall perform the duties as specified in the Act and other applicable laws and such other duties as specified by LAFCO. County agrees that the LAFCO Commission, as the appointing authority of the LAFCO Executive Officer, shall have the responsibility for evaluating the performance and setting compensation for the Executive Officer, so long as these actions are implemented in a manner consistent with County personnel policies, rules and regulations. The duties to be provided by the Executive Officer shall include, but not be limited to:

- Preparing staff analyses, reports, proposed findings and other agenda materials for LAFCO relating to boundary proposals, contracts for provision of new and extended services outside city and district jurisdictional boundaries, sphere of influence amendments, periodic review of sphere of influence designations and any other matters that are within LAFCO's authority under the Act.
- Calling and noticing LAFCO meetings in accordance with the Act and LAFCO policies and procedures.
- Preparing, mailing, filing, publishing and keeping records of agendas, notices and other required official documents on behalf of LAFCO.
- Responding to inquiries and providing information and technical assistance to interested public agencies and individuals.
- Providing supporting fiscal services such as the development of the annual LAFCO budget, management of LAFCO financial accounts, including the processing of LAFCO fees and charges, the processing of payment of LAFCO charges and expenses, and the preparation of required fiscal reports.
- Informing LAFCO Commissioners of new legislation, correspondence to LAFCO, CALAFCO activities, current events and matters of interest relating to LAFCO.

(b) **Support Staff.** County shall provide part-time clerical staff (.5 F.T.E.) and one full-time analyst to assist the Executive Officer in carrying out the day-to-day operations of

LAFCO and such other staff as the LAFCO Commission deems necessary, appropriates funds for, and directs County to provide, as set forth in (c).

(c) **Additional Services.** County, through its departments and divisions, shall further provide LAFCO those services set forth in Attachments "A" through "G", attached hereto and incorporated by reference as if set forth herein. It is the intention of both parties that the level of service provided shall be at least equal to that provided in County fiscal year 2002-2003 unless otherwise specifically agreed to by LAFCO and County.

3. **OFFICE SPACE.** It is the understanding of the parties that LAFCO has made direct arrangements with third parties to secure and maintain office space and such services are therefore not included within this Agreement.

4. **REIMBURSEMENT.**

(a) **Rates.** In consideration of County's fulfillment of the promised services and personnel, LAFCO shall reimburse County for the actual costs (including the costs of labor, equipment, supplies, materials, and incidental travel/transportation) incurred by County and its departments and divisions in providing these services. The rates shall be determined and mutually agreed to by the parties as follows:

(1) **FY 2003-2004.** The rates for fiscal year 2003-2004 are set forth in Attachment "AA" and hereby attached and incorporated by reference.

(2) **Procedure for Subsequent Annual Determination of Rates.** During the fourth quarter of each fiscal year of this Agreement the County Executive Officer, or his designee, and the Executive Officer of LAFCO shall meet prior to adoption of the respective annual County and LAFCO budgets to determine and calculate the proposed rates for County staff and services to be furnished during the succeeding fiscal year which will be necessary to achieve the cost reimbursement provided for in (a), subject to the additional factors set forth in (b) through (f), below. The annual adjustment of these reimbursement rates so determined shall be approved in writing by the County Executive Officer and the Executive Officer of LAFCO and when so approved shall become effective for the subsequent fiscal year unless this Agreement is not renewed or otherwise terminated by the County and/or LAFCO.

(b) **LAFCO Staffing Reimbursement.** LAFCO shall reimburse County for the salary and benefits of County staff primarily assigned to serve LAFCO, including any increases in salary and benefits that County provides such staff during the term of this Agreement.

(c) **LAFCO-Requested Travel Expense Reimbursement.** LAFCO shall reimburse County for expenses incurred by County departments and divisions for travel by their assigned personnel when such travel has been requested by LAFCO in writing. Such reimbursement shall be in accordance with the travel expense policy approved by County's Board of Supervisors in effect on the date of the travel. Notwithstanding the foregoing, travel costs incurred through use of a County vehicle shall be reimbursed in accordance with the County Equipment Pool rates in effect at the time of the travel.

(d) **Bank Analysis Pass-through Charge.** LAFCO shall reimburse County on a pass-through basis for the costs incurred by County for bank charges relating to LAFCO activities.

(e) **General Liability Coverage/Workers' Compensation Coverage:** LAFCO shall reimburse County for general liability coverage and workers' compensation coverage at the rates established by County each fiscal year.

(f) **Adjustment for Additional LAFCO-Requested Services.** LAFCO shall reimburse County for the actual costs (including the costs of labor, equipment, supplies, materials, and incidental travel/transportation) incurred by County in providing any new or increased services requested by LAFCO. Such additions or increases in services shall be permitted only if approved in writing by the County Executive Officer and LAFCO Executive Officer, including approval of the applicable reimbursement rates.

5. METHOD OF REIMBURSEMENT. Reimbursement for the costs of services, related supplies, and authorized travel incurred by County under this Agreement shall be made only upon presentation by the performing County department or division to LAFCO of an itemized billing invoice in a form acceptable to the Executive Officer of LAFCO and to the Napa County Auditor which indicates, at a minimum, an itemization of the services provided, the costs of any LAFCO-requested travel, and any documentation relating to adjustments in maximum compensation authorized in the manner provided in Paragraph 4 above. If the Executive Officer of LAFCO requires further information regarding the invoice, County shall make a good faith effort to provide such information, including documentation that the Executive Officer requests to justify the invoice charges. County shall submit such invoices quarterly to the Executive Officer of LAFCO who shall review each invoice for compliance with the requirements of this Agreement and shall, within ten working days of receipt, either approve or disapprove the invoice in light of such requirements. If the invoice is approved, the Executive Officer of LAFCO shall direct reimbursement be made by journal entry from the LAFCO Operations Fund to the account designated by the submitting County department or division as of the first day of the County fiscal year quarter immediately succeeding the quarter in which the services were rendered. Notwithstanding the foregoing, the final quarterly invoices for the fourth quarter reimbursement shall be submitted no later than the first working day following the close of the County fiscal year (June 30) and, if approved, shall be paid on or before July 15 of the next County fiscal year.

6. ADMINISTRATION OF SERVICES. The provision of services under this Agreement shall be under the administrative supervision and direction of the Executive Officer of LAFCO on behalf of LAFCO, and the County Executive Officer on behalf of County.

7. APPROPRIATIONS. LAFCO shall be responsible for operating within the appropriations budgeted for the current fiscal year. The process for reimbursement of expenses that exceed the given appropriation shall involve review and approval by LAFCO prior to County approval by the Board of Supervisors of a contingency transfer. Any County appropriations in

excess of LAFCO's budget for the current fiscal year shall be charged as an expense in LAFCO's current fiscal budget and shall be reimbursed to County in the following fiscal year.

8. TAXES. As between LAFCO and County, County agrees to be solely liable and responsible for all required tax withholdings and other obligations including, without limitation, those for state and federal income and FICA taxes relating to employees or subcontractors retained by County to provide the services provided to LAFCO under this Agreement. County agrees to indemnify and hold LAFCO harmless from any liability either may incur to the United States or the State of California as a consequence of County's failure to withhold or pay such amounts when due. In the event that LAFCO is audited for compliance regarding any such withholding or payment of taxes, County agrees to furnish LAFCO with proof of the withholding or payment action by County.

9. ACCESS TO RECORDS/RETENTION. LAFCO shall have access to any books, documents, papers and records of County which are directly pertinent to the subject matter of this Agreement for the purpose of making audit, examination, excerpts and transcriptions. Except where longer retention is required by any federal or state law, County shall maintain all required records for seven (7) years after LAFCO makes final reimbursement for any of the services provided hereunder and all pending matters are closed, whichever is later. County shall cooperate with LAFCO in providing all necessary data in a timely and responsive manner to comply with all LAFCO reporting requirements.

10. CONFLICT OF INTEREST. The parties to the Agreement acknowledge that they are aware of the provisions of the Government Code Section 1090 et seq., and Section 87100 et seq., relating to conflict of interest of public officers and employees. During the term of this Agreement, the Executive Officer of LAFCO and all other LAFCO staff shall not perform any work under this Agreement that might reasonably be considered detrimental to LAFCO's interests. LAFCO staff shall take such measures as are deemed necessary in the performance of this Agreement to prevent actual conflicts of interest. County hereby covenants that it presently has no interest not disclosed to LAFCO and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services or confidentiality obligation hereunder, except such as LAFCO may consent to in writing.

11. COMPLIANCE WITH LAWS. In providing the services required by this Agreement, County shall observe and comply with all applicable federal, state and local laws, ordinances, codes, and regulations. Such laws shall include, but not be limited to, the following, except where prohibited by law:

(a) **Non-Discrimination.** During the performance of this Agreement, County and its subcontractors shall not deny the benefits thereof to any person on the basis of sex, race, color, ancestry, religion or religious creed, national origin or ethnic group identification, sexual orientation, marital status, age (over 40), mental disability, physical disability or medical condition (including cancer, HIV and AIDS), nor shall they discriminate unlawfully against any employee or applicant for employment because of sex, race, color, ancestry, religion or religious creed, national origin or ethnic group identification, sexual orientation, marital status, age (over

40), mental disability, physical disability or medical condition (including cancer, HIV and AIDS), or use of family care leave. County shall ensure that the evaluation and treatment of employees and applicants for employment are free of such discrimination or harassment. In addition to the foregoing general obligations, County shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900, et seq.), the regulations promulgated thereunder (Title 2, California Code of Regulations, section 7285.0, et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (sections 11135-11139.5) and any state or local regulations adopted to implement any of the foregoing, as such statutes and regulations may be amended from time to time. To the extent this Agreement subcontracts to County services or works required of LAFCO by the State of California pursuant to agreement, state or federal regulations or statutes, the applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12990 (a) through (f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of regulations are expressly incorporated into this Agreement by reference and made a part hereof as if set forth in full, and County and any of its subcontractors providing services under this Agreement shall give written notice of their obligations thereunder to labor organizations with which they have collective bargaining or other MOUs.

(b) **Documentation of Right to Work.** County agrees to abide by the requirements of the Immigration and Control Reform Act pertaining to assuring that all newly-hired employees of County performing any services under this Agreement have a legal right to work in the United States of America, that all required documentation of such right to work is inspected, and that INS Form 1-9 (as it may be amended from time to time) is completed and on file for each employee. County shall make the required documentation available upon request to LAFCO for inspection.

(c) **Inclusion in Subcontracts.** To the extent any of the services required of County under this Agreement are subcontracted to a third party, County shall include the provisions of (a) and (b), above, in all such subcontracts as obligations of the subcontractor.

12. INDEPENDENT CONTRACTOR. County shall perform this Agreement as an independent contractor. While the County employee assigned to serve as the Executive Officer of LAFCO shall operate as an officer of LAFCO, County and its officers, agents and employees are not, and shall not be deemed, LAFCO employees for any purpose, including workers' compensation and employee benefits. County shall determine, at its own risk and expense, the method and manner by which duties imposed on County in general and its officers, agents and employees in particular by this Agreement shall be performed, provided, however, that LAFCO may monitor the work performed, and LAFCO rather than County shall be responsible for directing the actions of the Executive Officer of LAFCO when such person is acting on behalf of LAFCO. LAFCO shall not deduct or withhold any amounts whatsoever from the reimbursement paid to County, including, but not limited to amounts required to be withheld for state and federal taxes or employee benefits. County alone shall be responsible for all such payments.

13. INDEMNIFICATION. County and LAFCO shall each defend, indemnify and hold harmless each other as well as those of their respective officers, agents and employees who

perform any services or duties under this Agreement from any claims, loss or liability, including without limitation, those for personal injury (including death) or damage to property, arising out of or connected with any aspect of the performance by that party or its officers, agents, or employees, of the services or obligations required of that party under this Agreement.

Notwithstanding the foregoing, LAFCO shall defend, indemnify and hold harmless County from any claims, loss or liability, including those for personal injury (including death) or damage to property, arising out of or connected with any act or omission of the Executive Officer of LAFCO when such act or omission is the pursuant to specific direction by LAFCO.

14. TERMINATION. This Agreement may be terminated prior to the expiration date only with the mutual written consent of both County and LAFCO. The sole remedy for default by County relating to provision of the services required under this Agreement shall be through the equitable remedy of specific performance and the sole remedy for default by LAFCO relating to reimbursement for the cost of the services provided shall be through legal action for damages.

15. WAIVER. Waiver by either party of any breach or violation of any requirement of this Agreement shall not be deemed to be a waiver of any such breach in the future, or of the breach of any other requirement of this Agreement.

16. NOTICES. All notices required or authorized by this Agreement shall be in writing and shall be delivered in person; or by deposit in the United States mail, first class postage, prepaid; or by deposit in a sealed envelope in County's internal mail system, when available; or by fax transmission; or by electronic mail. Such notices shall be addressed as noted below, in accordance with the mode of communication selected or, where desired to be sent to a specific County department or division, at the address noted in the applicable Attachment. Either party may change its addresses by notifying the other party of the change. Any notice delivered in person shall be effective as of the date of delivery. Any notice sent by fax transmission or electronic mail shall be deemed received as of the recipient's next working day. Any notice sent by U.S. mail or County internal mail shall be deemed to have been received as of the date of actual receipt or five days following the date of deposit, which ever is earlier.

LAFCO

County

Mail: LAFCO Executive Officer
1804 Soscol Ave., Suite 205A
Napa CA. 94559-1346

Napa County Executive Officer
1195 Third Street, Suite 310
Napa CA. 94559

Fax: (707) 251-1053

(707) 253-4176

E-Mail: dschwarz@napa.lafco.ca.gov

bchiat@co.napa.ca.us

17. CONFIDENTIALITY. Confidential information is defined as all information disclosed to either party by the other in the course of County's performance of services under this Agreement, where such information relates to that party's past, present, and future activities, as well as activities under this Agreement. Each party and its officers, agents and employees

providing services or performing activities under this Agreement shall use their best efforts to hold all such information as they may receive, if any, in trust and confidence, except with the prior written approval of each party's Executive Officer. Notwithstanding the foregoing, nothing in this Paragraph or Agreement shall be construed to abrogate the independent authority and responsibilities of the County, any of its elected or appointed officers and the members of their respective County departments or divisions.

18. ASSIGNMENTS AND DELEGATION. Neither party may delegate its obligations hereunder, either in whole or in part, without the prior written consent of the other party; provided, however, that obligations undertaken by County pursuant to this Agreement may be carried out by means of subcontract, provided such subcontracts are approved in writing by LAFCO, meet the requirements of this Agreement as they relate to the service or activity under subcontract, and include any other provision that LAFCO may require. No subcontract shall terminate or alter the responsibilities of either party pursuant to this Agreement. LAFCO may not assign its rights hereunder, either in whole or in part, without prior written consent of the County.

19. AUTHORITY TO CONTRACT. LAFCO and County each warrant hereby that they are respectively legally permitted and otherwise have the authority to enter into and perform this Agreement.

20. THIRD PARTY BENEFICIARIES. Nothing contained in this Agreement shall be construed to create any rights in third parties and the parties do not intend to create such rights.

21. ATTORNEY'S FEES. In the event that either party commences legal action of any kind or character to either enforce the provisions of this Agreement or to obtain damages for breach thereof, the prevailing party in such litigation shall be entitled to all costs and reasonable attorney's fees incurred in connection with such action.

22. AMENDMENT/MODIFICATION. Except as otherwise provided herein, this Agreement may be modified or amended only in writing and with the prior written consent of both parties. Except where otherwise provided in this Agreement only LAFCO, through its Chair or, where permitted by law and LAFCO policy, through its Executive Officer, in the form of an amendment of this Agreement, may authorize extra or changed work if beyond the scope of services prescribed by this Agreement. Failure of County to secure such authorization in writing in advance of performing any such extra or changed work shall constitute a waiver of any and all rights to a corresponding adjustment in the reimbursement maximum or rates and no reimbursement shall be due and payable for such extra work.

23. INTERPRETATION. The headings used herein are for reference. The terms of the Agreement are set out in the text under the headings. This Agreement shall be governed by the laws of the State of California. The venue for any legal action filed by either party in state Court to enforce any provision of this Agreement shall be Napa County, California. The venue for any legal action filed by either side in federal court to enforce any provision of this Agreement lying within the jurisdiction of the federal courts shall be the Northern District of California. The

appropriate venue for arbitration, mediation or similar legal proceedings under this Agreement shall be Napa County, California; however, nothing in this sentence shall obligate either party to submit to mediation or arbitration any dispute arising under this Agreement.

24. SEVERABILITY. If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.

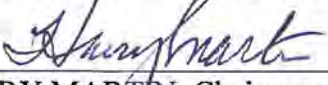
25. DUAL REPRESENTATION. LAFCO consents to the Napa County Counsel's dual representation of both the County and LAFCO with regards to the preparation of this Agreement.

26. ENTIRE AGREEMENT. This Agreement contains the entire and complete understanding of the parties and supersedes any and all other agreements, oral or written, with respect to the provision of administrative services under this Agreement.

IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date first above written.

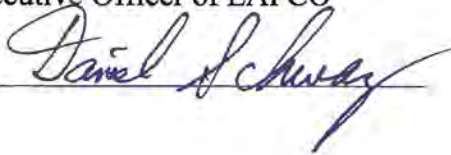
"LAFCO":

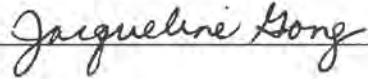
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

By 
HARRY MARTIN, Chairman of the Local Agency Formation Commission

ATTEST: DANIEL SCHWARZ,
Executive Officer of LAFCO

APPROVED AS TO FORM:
LAFCO Legal Counsel

By 

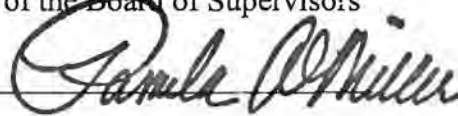
By 

"County":

COUNTY OF NAPA, a political subdivision of the State of California

By 
Mark Luce, Chair of the Board of ~~Supervisors~~

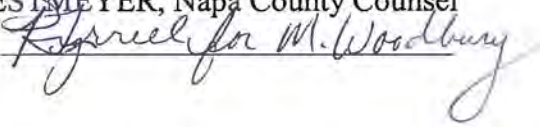
ATTEST: PAMELA A. MILLER,
Clerk of the Board of Supervisors


By 

APPROVED BY THE BOARD
OF SUPERVISORS:

Date 1-27-04

APPROVED AS TO FORM: ROBERT
WESTMEYER, Napa County Counsel

By  for M. Woodbury

Processed by: 
Deputy Clerk of the Board

ATTACHMENT A

PROVISION OF STAFFING, INSURANCE, PURCHASING, ADMINISTRATION, SUPERVISION, COORDINATION AND MANAGEMENT ASSISTANCE SERVICES TO LAFCO BY THE NAPA COUNTY EXECUTIVE OFFICER

1. SCOPE OF SERVICES

The Napa County Executive Officer (NCEO) shall provide, at a minimum, the following services to LAFCO under this Attachment:

(a) **Administration and Supervision:** NCEO shall administer and supervise all County departments or divisions providing services to LAFCO.

(b) **Purchasing:** Upon request by the LAFCO Executive Officer or his duly-authorized representatives, NCEO shall provide purchasing services for LAFCO, including solicitation and evaluation of proposals for goods and services, issuance of purchase orders and/or development of purchase agreements, and processing of payment upon receipt of the purchased good/services. LAFCO will abide by County purchasing policies and procedures when using such services, except that LAFCO, in lieu of the County Board of Supervisors, shall appropriate funds for and approve the acquisition of goods and services, including fixed assets. County shall purchase and provide LAFCO at cost with copier paper in the same manner as such material is purchased and supplied to County departments and divisions. Nothing in this section shall preclude LAFCO from purchasing goods or services without utilizing the services of NCEO or County.

(c) **Insurance:** NCEO shall obtain for LAFCO, its Commissioners, staff and operations the same type and level of insurance coverage provided by County for its own boards, commissions, staff and operations, and shall provide claims/litigation administration. General liability coverage shall be provided for LAFCO and its employees under County's currently existing self insurance and liability insurance program with LAFCO allocated and obligated to reimburse County for the portion of the total net premium as determined by County for the then current Fiscal Year . Workers' compensation coverage shall be obtained through County's carrier and program, with the cost thereof payable each pay period at the rate/\$100 of covered payroll for LAFCO Budget Unit employees as established by County's Board of Supervisors for the County workers' compensation program generally, including the costs of self-insurance, excess insurance coverage premiums, and claims management.

2. STAFFING

In providing the above services, County shall provide LAFCO with the services of the following specific County staff or positions:

- **Administration and Supervision:** County Executive Officer and Assistant County Executive Officer

- **Coordination/Management:** Principal Management Analyst
- **Purchasing:** Purchasing Agent and/or Assistant Purchasing Agent.

3. **NCEO CONTACT:**

Mail: Napa County Executive Office
Suite 310, Co. Admin. Bldg.
1195 Third Street
Napa, California 94559

Fax: (707) 253-4176

Email: mstoltz@co.napa.ca.us

ATTACHMENT B

PROVISION OF SERVICES TO LAFCO BY THE NAPA COUNTY AUDITOR-CONTROLLER

1. SCOPE OF SERVICE

Under the financial and policy direction of LAFCO, County (through the Napa County Auditor-Controller, hereinafter referred to as "Auditor") shall provide LAFCO with the following services relating to LAFCO financial operations:

- Accounts payable, purchasing and contract payment processing services
- Accounts receivable (deposit) services
- Services relating to preparation, adoption and administration of LAFCO's budget
- Accounting services
- Payroll services
- Audit services upon request by LAFCO
- Assistance in determining the apportionment of costs and collection of payments in support of LAFCO pursuant to Government Code Section 56831.
- Audit services requested by LAFCO

2. LEVEL AND MANNER OF SERVICE

The foregoing services shall be provided in accordance with the following provisions:

(a) The LAFCO Operations Fund shall be administered in accordance with all applicable provisions of the Government Code.

(b) All expenditures made from this Fund shall be made only at the direction of LAFCO's Executive Officer or designee with no requirement for approval by County's Board of Supervisors.

(c) At LAFCO's request, Auditor shall make diligent efforts to assist in the development of accounting policies and procedures that increase the efficiency and effectiveness of the administration of LAFCO, including policies and procedures including the electronic interchange of data and efforts to minimize reliance on County services.

(d) Auditor shall provide LAFCO with all requested revenue and expenditure information necessary to effectively manage LAFCO's fiscal affairs and perform all financial reporting to LAFCO and other applicable agencies. Such information shall be provided in a responsive and timely manner and include clear and concise cash flow reporting.

(e) All needed corrections to financial reports shall be completed within two working days of notification of Auditor. Auditor shall correct all payroll errors within one working day. For purposes of this Attachment B, "working days" shall mean Monday through Friday, 8:00 a.m. to 5:00 p.m., County holidays excluded.

(f) Auditor shall provide all necessary equipment and electronic interface to fully utilize Auditor's financial systems, including electronic access to view and print all requested financial reports.

3. **AUDITOR CONTACT:**

Mail: Pamela Kindig
Napa County Auditor-Controller
1195 Third Street, Suite B-10
Napa, California 94559

Fax: (707) 226-9065

E-mail: pkindig@co.napa.ca.us

ATTACHMENT C

PROVISION OF LEGAL SERVICES TO LAFCO BY THE NAPA COUNTY COUNSEL

1. SERVICES TO BE PROVIDED BY COUNTY COUNSEL

County, through the Napa County Counsel ("County Counsel"), shall provide legal services to LAFCO including, but not necessarily limited to, legal advice, document drafting, and representation of LAFCO in its operations pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.). County Counsel hereby designates Jacqueline M. Gong to serve as LAFCO Counsel for fiscal year 2003-2004. Upon written notification to and assent by the governing board of LAFCO, County Counsel may designate other attorney members of his office to serve as LAFCO Counsel.

2. LEGAL SERVICES COUNTY COUNSEL SHALL NOT PROVIDE

County Counsel shall not provide legal services to LAFCO in the following situations, County and LAFCO understanding that in such situations LAFCO will obtain the necessary legal assistance at LAFCO's own expense from other legal counsel retained directly by LAFCO:

- Legal services to LAFCO regarding contracts to which LAFCO and County are both parties unless LAFCO's Executive Officer and Chair have given express written consent to dual representation of County and LAFCO by County Counsel.
- Legal services determined by LAFCO to present a conflict of interest for its LAFCO Counsel (in accordance with LAFCO Policy for the Appointment of Counsel).

3. COUNTY COUNSEL CONTACT:

Mail: Napa County Counsel
Suite 301, Co. Admin. Bldg.
1195 Third Street
Napa, California 94559

Fax: (707) 259-8245

Email: rwestmey@co.napa.ca.us

ATTACHMENT D

PROVISION OF TELECOMMUNICATIONS, MAIL, INFORMATION TECHNOLOGY SERVICES AND RECORD MANAGEMENT SERVICES TO LAFCO BY THE NAPA COUNTY EXECUTIVE OFFICER

1. TELECOMMUNICATION SERVICES

The Napa County Executive Officer, through the Communications Division shall provide LAFCO with installation, maintenance and repair of, and maintenance of service records and inventory for, all telecommunications equipment involved in any of the following systems used by LAFCO:

- telephone systems, including voice mail
- data cabling and terminations
- CCTV monitors and cameras
- intercom and PA systems
- all wireless communications, i.e. pagers, cellular phones, two way radios, security alarm systems

2. MAIL SERVICES

The Napa County Executive Officer shall provide the following mail services to LAFCO:

- Pickup, delivery of all interdepartmental (LAFCO) and County/LAFCO internal mail
- Pickup, metering and delivery to the Post Office of all LAFCO outgoing USPS mail

3. RECORDS MANAGEMENT SERVICES FOR LAFCO RECORDS

The Napa County Executive Officer, through the records management division, shall provide LAFCO with records management services for LAFCO records, including storage, retrieval and interfiling of LAFCO records at the Napa County Records Center; destruction of LAFCO records stored at the Napa County Records Center when such destruction is authorized by LAFCO; and shall assist LAFCO in developing policies and procedures that increase the efficiency and effectiveness by which LAFCO records are archived, retrieved and disposed.

4. INFORMATION TECHNOLOGY SERVICES

The Napa County Executive Officer, through the Information Technology Services (ITS) division, shall provide LAFCO with information technology services at a level at least equivalent to that by provided by County on February 15, 2001. The services shall include installation, maintenance, upgrades and repair of hardware and software provided by County to LAFCO, including, but not limited to: Geographic Information Systems, Financial Information Systems, Personnel Systems and the electronic mail service, calendaring, and task manager systems

maintained by the County. LAFCO shall have access to County's Helpdesk for information technology assistance and to computer training offered by County. Special projects outside the scope of routine information technology services shall be provided only upon request by LAFCO and prior approval by the Director of the Information Technology Services Division. Use of the systems, hardware, and software provided by County to LAFCO under this Attachment shall be subject to compliance by LAFCO and its officers, agents, employees and consultants with the Napa County Information Technology Use and Security Policy in effect at the time of the use.

5. SUPPLIES AND EQUIPMENT TO BE DIRECTLY PURCHASED

There shall be no separate reimbursement for supplies and equipment provided under this Attachment because LAFCO shall be responsible for directly purchasing any systems and equipment to be installed by the foregoing departments and divisions (other than fixtures which shall remain owned by County).

6. NCEO/DIVISION CONTACT:

Mail: Napa County Executive Officer
Suite 310, Co. Admin. Bldg.
1195 Third Street
Napa, California 94559

Fax: (707) 253-4176

Email: mstoltz@co.napa.ca.us

ATTACHMENT E**PROVISION OF PERSONNEL SERVICES TO LAFCO
BY THE HUMAN RESOURCES DIVISION OF THE
NAPA COUNTY EXECUTIVE OFFICE****1. SCOPE OF SERVICES**

The Human Resources division ("HR") of the Napa County Executive Office shall provide the following services to LAFCO within the financial, personnel and policy guidelines established by the LAFCO Commission, so long as such guidelines are not in conflict with County personnel policies, rules and regulations. The HR Director shall act to oversee and carry out the following services upon direction by the LAFCO Commission:

- ***Recruitment and selection:*** shall include consultation regarding hiring procedures, advertising (costs of certain advertisements will be the responsibility of LAFCO), screening of applications, and development of a hiring list.
- ***Personnel transactions:*** shall include implementation of PARs (hires, releases, promotions, salary increases, etc.), benefit sign-ups and coordination (health, wellness program, dental, etc.); as authorized and directed by the LAFCO Commission, HR shall implement salary surveys and adjustments, job allocations, reclassifications, performance review processes, and changes (including increases) in personnel staffing appointed to serve LAFCO, so long as such implementation is consistent with and not in conflict with County policies and regulations. County agrees that the LAFCO Commission, as the appointing authority of the LAFCO Executive Officer, shall have the responsibility for evaluating the performance and setting compensation for the LAFCO Executive Officer.
- ***Labor Relations:*** shall include implementing salaries and other terms and conditions of compensation and performance established for LAFCO staff by the LAFCO Commission, so long as such implementation is consistent with and not in conflict with County policies and regulations; negotiations with employee union representatives regarding wages, hours, terms and conditions of employment; consultation and assistance with disciplinary and grievance issues; administration and coordination of worker's compensation cases.
- ***Training:*** shall include County workshops for employees and supervisors when attended at LAFCO direction by LAFCO employees or by County employees whose primary responsibilities involve providing services to LAFCO.
- ***Staffing:*** HR shall provide staffing as requested by LAFCO and agreed to by County, including staff as described in Paragraph 2 of the Agreement.

2. **HR CONTACT:**

Mail: Human Resources Director
Suite 110, Co. Admin.Bldg.
1195 Third Street
Napa, California 94559

Fax: (707) 259-8189

Email: dmorris@co.napa.ca.us

ATTACHMENT F

PROVISION OF CLERKING SERVICES TO LAFCO BY THE CLERK OF THE NAPA COUNTY BOARD OF SUPERVISORS

1. SCOPE OF SERVICES

As requested by the LAFCO Executive Officer, the Clerk of the Napa County Board of Supervisors ("COTB"), or her designee, shall serve as Clerk to the LAFCO Commission. Services shall include, but not be limited to, maintaining records of all LAFCO meetings, hearings and other proceedings and minutes for such proceedings as directed by LAFCO.

2. COTB CONTACT:

Mail: Pamela Miller
Napa County Clerk of the Board of Supervisors/
Rm. 310, Co. Admin. Bldg.
1195 Third Street
Napa, California 94559

Fax: (707) 253-4176

Email: pmiller @co.napa.ca.us

ATTACHMENT G

PROVISION OF SERVICES TO LAFCO BY THE NAPA COUNTY TREASURER-TAX COLLECTOR

1. SERVICES TO BE PROVIDED

(a) The Napa County Treasurer-Tax Collector ("Treasurer") shall provide LAFCO with banking and investment services at a level of service at least equivalent to that provided to LAFCO during County fiscal year 2001-2002, except that bank processing services shall be provided by County's banking provider on a cost pass-through basis. The scope of services shall include:

- Banking services for LAFCO funds, including warrant processing and bank reconciliation.
- Portfolio Management for all LAFCO accounts, including receipt, safeguarding, investment and disbursement.

(b) The services shall be provided in accordance with the following provisions:

(1) Treasurer shall notify LAFCO within three (3) working days of receipt of all funds received and deposited into the LAFCO Operations Fund. For purposes of this Attachment, "working days" shall mean Monday through Friday, 8 a.m. to 5 p.m., County holidays excluded.

(2) LAFCO shall be permitted electronic access through County's PeopleSoft computerized systems to all reports detailing deposits received and interest earned. These reports shall specify amount and source of revenue, as well as the date of deposit.

2. STAFFING TO BE PROVIDED

Treasurer the staffing in order to provide the foregoing services:

<u>Service</u>	<u>Position</u>
Banking Services	Account Clerk I-II
Portfolio Mgmt	Treas/Tax Collector Treasury Supervisor Senior Account Clerk Account Clerk II

3. TREASURER CONTACT:

Mail: Marcia Humphrey Hull
Napa County Treasurer-Tax Collector
1195 Third Street, Room 108
Napa, California 94559

Fax: (707) 253-4337

Email: mhumphre@co.napa.ca.us

ATTACHMENT AA

SERVICES REIMBURSEMENT RATES FOR FISCAL YEAR 2003-2004

Services of the Napa County Executive Office:

- Executive Officer's hourly rate: \$159.50
- Assistant Executive Officer's hourly rate: \$126.10
- Principal Management Analyst's hourly rate: \$ 81.12
- Assistant Purchasing Agent's hourly rate: \$ 55.70
- Telecommunications staff:
 - Hourly rate: \$ 58.73
 - Plus actual cost of materials
- Mail Service staff:
 - Hourly rate: \$ 49.39
 - Postage shall be recovered at cost.
- Records Management staff:
 - Hourly rate: \$ 49.39
 - Document Shredding is \$1.75 per box (1 cubic foot) plus \$0.10 per pound.
- Personnel (Human Resources) staff:
 - Human Resource Director: \$ 97.37
 - Human Resource Principal Analyst: \$ 75.81
 - Benefits Administrator: \$ 62.30
 - Other Human Resource Services;
 - Recruitment Advertisement shall be recovered at cost
 - Training services shall be prorated by the ratio of the attendees who are LAFCO employees or County employees primarily providing LAFCO services to the total number of attendees during each training hour for which reimbursement is sought.]
- Deputy Clerk of the Board's hourly rate: \$ 64.42

Services of the County Auditor-Controller:

1. Hourly labor rates, by position:
 - Auditor-Controller: \$ 96.00
 - Assistant Auditor-Controller (Step 5) \$ 91.00
 - Assistant Auditor-Controller (Step 1) \$ 74.00
 - Supervising Accountant-Auditor (Step 5 – CPA) Audits \$ 65.00
 - Supervising Accountant-Auditor (Step 5) Acctg. \$ 62.00
 - Accountant-Auditor III (Step 5) Acctg. \$ 56.00
 - Accountant-Auditor III (Step 4) Acctg. \$ 54.00
 - Accountant-Auditor II (Step 5) Acctg. \$ 54.00
 - Accountant-Auditor II (Step 3) Audits \$ 48.00
 - Accountant-Auditor I (Step 2) Acctg \$ 40.00

• Accounting Technician (Step 5) Acctg.	\$ 46.00
• Administrative Secretary I (Step 4) Adm.	\$ 35.00
2. <u>Weighted hourly labor rates by service:</u>	
• Administration	\$74.00
• Audits	\$53.00
• Accounting	\$52.00
3. <u>Unit Rates:</u>	
• Per Voucher	\$0.83
• Per Payroll Warrant	\$5.15
<u>Services of the County Counsel:</u>	
• Deputy County Counsel – Jacqueline Gong’s hourly rate:	\$107.15
<u>Services of the Treasurer-Tax Collector:</u>	
• Account Clerk II’s hourly rate:	\$ 37.55
• Treasurer/Tax Collector’s hourly rate:	\$114.87
• Treasury Manager’s hourly rate:	\$ 68.59
• Senior Account Clerk’s hourly rate:	\$ 40.91
<u>Services of Information Technology (annual rate):</u>	\$12,900.00

AMENDMENT NO. 1 OF

**NAPA COUNTY AGREEMENT NO. 4433
LAFCO OF NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 1 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of September, 2007, by and between the COUNTY OF NAPA, a political subdivision of the State of California, hereinafter referred to as "County", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, on or about July 1, 2003, County and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA") for the provision by County of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the scope of the information technology services provided under the MA and make corresponding changes in the compensation for such services, and to make technical corrections to the provisions relating to term and executive officer;

TERMS

NOW, THEREFORE, County and LAFCO hereby amend the Agreement as follows:

1. Paragraph 1 of the Agreement is hereby amended to read in full as follows:
 1. **TERM.** The term of this Agreement shall become effective on July 1, 2003 and shall expire on June 30, 2004, unless terminated earlier in accordance with Paragraph 14 (Termination); except that the obligations of the parties under Paragraph 8 (Indemnification) and 10 (Confidentiality) shall continue in full force and effect after the date of expiration or early termination in relation to acts or omissions occurring prior to such dates during the term of the Agreement or any extension thereof. The term of this Agreement shall be automatically renewed for an additional year at the end of each fiscal year, under the terms and conditions then in effect, unless either party gives written notice to the other, no less than thirty (30) days prior to the end of the fiscal year, of that party's intention not to renew the Agreement. For purposes of this Agreement, "fiscal year" shall mean the year beginning on July 1 and ending on the succeeding June 30.

2. The first sentence of subparagraph (a) of Paragraph 2 of the Agreement is hereby amended to read in full as follows:

(a) Executive Officer. County shall designate and make available to LAFCO the services of an at-will employee of County for appointment by LAFCO as its LAFCO Executive Officer (hereinafter "Executive Officer").

3. Section 4 of Attachment D is hereby amended to read in full as follows for information technology services provided by County to LAFCO on and after September 1, 2007:

4. INFORMATION TECHNOLOGY SERVICES

County shall provide LAFCO with County personnel to perform the following information technology services and functions for LAFCO:

a. **In general.** County's ITS Department ("ITS") shall provide LAFCO with a total information technology support package. This includes technical support, development, technology evaluation, RFPs, project management and consulting services on an as needed basis during the term of this Agreement in order to provide a reliable, cost effective as well as innovative technology infrastructure. All service requests for existing products and services shall be managed through SRMS (Service Request Management Systems). Any requests for new products and services shall be handled through in ITS' normal project architecture for County ITS projects, but ITS shall create a requirements document for LAFCO approval prior to ITS performing any significant work on such new projects.

b. **Description of Specific Services:**

Countywide network connectivity: high-speed local area networking and wide area network digital access to each major County and LAFCO location.

Infrastructure support: data and phone wiring/cabling, full copper and fiber warranty/ troubleshooting, and repair/replacement service.

Network & Server Administration and Monitoring: 24/7 automated network monitoring with on call emergency technician to respond to critical service outages.

File Services: File system server storage space and management. IE, H: etc drives. Daily tape backup, fault tolerance, and data recovery services.

Desktop and Server Virus scanning: automated virus updates will be enabled to the desktop and servers. Monitoring of services for reliability, performance, and updates.

Print Services: Printer and print queue management.

Email/Scheduling Service: Includes Countywide (including LAFCO) Exchange/Outlook email and scheduling system, Remote WEB access, resource scheduling, Internet email connectivity, and countywide address book.

Security/Firewall Services: Firewall, proxy services, intrusion detection system, reporting system, and monitoring software on Windows 2000/2003 Servers.

Internet Access: High speed Internet access from all County and LAFCO facilities.

Enterprise Resource Planning (ERP): Access to PeopleSoft Financial and HRMS (Human Resource Management Systems), including time and labor, project costing, purchasing, etc.

Enterprise Content Management: Access to document management systems to manage digital content. This includes eform solutions to automate internal and external forms.

Remote Access: Remote modem dial-in, and Internet VPN (Virtual Private Network) access for mobile/remote workers and third party vendor support.

Helpdesk: Provide a dedicated full time person on Helpdesk phone from 7:00 a.m. to 5:00 p.m., Monday thru Friday. On call emergency technician available 24/7 via after-hours voice mail/pager. Expanded IS Helpdesk Intranet site for problem reporting, system status, product purchasing, training class registration and self-help resources.

Training Center: Dedicated 12 seat plus instructor PC training room. Fully multimedia with overhead projector, DVD and VCR for multimedia training/presentations. AGENCY can schedule and use the facility for any type of training/meetings/etc.

Internet site hosting and development: Hosting Services for Internet and Intranet Web Sites. Access to Chardonay for enterprise intranet, Sharepoint "My Site" for personalized information. Full backup and recover services, security, virus/phishing, and firewall services. WEB monitoring, filtering, reporting and statistics.

User Account administration: End user account setup and administration. Security and all core services accounts.

Access to Enterprise Systems and data: Property, permitting, recorded documents, code compliance, etc.

Server management and hosting services: Physical Server management, HW (Hardware) management, Operating System management, virus protection, version maintenance, patches, service packs, tape backup, disaster recovery, third party vendor coordination, uninterruptible battery backups, 24/7 SNMP (Simple Network Managed Protocol) monitoring and pager alarms.

Geographical Information Systems (GIS): Turn key GIS services including training, user support, and access to the enterprise spatial data warehouse and web applications. Limited map production services. Large-format plotters. Data hosting, management and distribution.

4. "Services of the Information Technology (annual rate)" of Attachment AA is hereby amended to read in full as follows:

Services of Information Technology (annual rate):

- a. Calculation of Annual Fee and Method of Payment. The parties acknowledge that compensation of County by LAFCO for the information technology services provided by County under Section 4 of Attachment D of this Agreement are calculated utilizing the ITS Cost Allocation Method for County's own departments and agencies which was approved by the Napa County Board of Supervisors on June 19, 2001, a copy of which is attached to Amendment No. 1 of the Agreement as Attachment "BB". At the option of LAFCO, the Annual Fee shall be payable either in advance in a single payment due on or before July 1 of the applicable fiscal year or in monthly payments in arrears, each payment due on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the Annual Fee then in effect.
- b. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate (payable in advance on July 1)</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
Beginning 2007-2008*	\$16,387.00

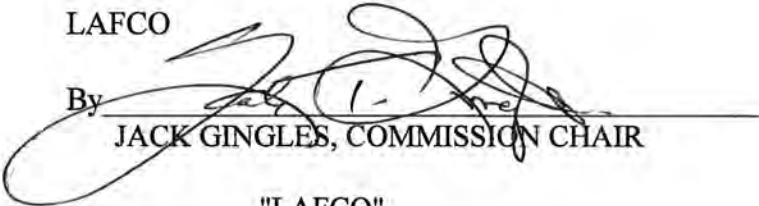
- * Future Modifications. Notwithstanding the foregoing, it is anticipated that County and LAFCO may need to amend this Agreement to conform subsequent fiscal year compensation amounts beginning with Fiscal Year 2008-2009 to the above-referenced Cost Allocation Method or such other Method as the parties may have agreed to by amendment, or may amend this Agreement within Fiscal Year 2007-2008 or any subsequent fiscal year during the term of this Agreement or extension thereof to reflect additional services requested by LAFCO.

5. This Amendment No. 1 of the MA shall be effective as of September 1, 2007.

6. Except as provided in (1) through (5), above, the terms and provisions of the MA shall remain in full force and effect as originally approved.

IN WITNESS WHEREOF, the parties hereto have approved this Amendment No. 1 of Napa County Agreement No. 4433 through their duly authorized representatives as of the date first above written.

LAFCO

By  _____
JACK GINGLES, COMMISSION CHAIR

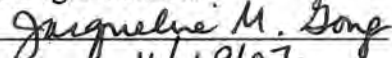
ATTEST:

"LAFCO"

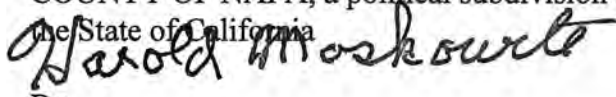
By _____

APPROVED AS TO FORM:

LAFCO Legal Counsel

By: 
Date: 11/19/07

COUNTY OF NAPA, a political subdivision of
the State of California


By _____

HAROLD MOSKOWITE, Chair of the Board of
Supervisors

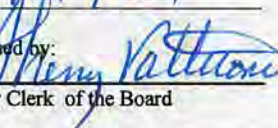
"County"

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: 

APPROVED AS TO FORM
Office of County Counsel

By: *Margaret L. Woodbury*,
Chief Deputy County Counsel
(by e-signature)
Date: August 31, 2007

**APPROVED BY THE NAPA COUNTY
BOARD OF SUPERVISORS**
Date: 12-4-07
Processed by: 
Deputy Clerk of the Board

ATTACHMENT BB**ITS COST ALLOCATION METHOD**

In 2001, the Napa County Board of Supervisors approved a comprehensive cost allocation method prepared by an independent auditing agency, Bartig, Basler & Ray, for the calculation of ITS charges. This method, used for all departments, is based on a formula that incorporates ten ITS functional categories and the client usage associated with them. These categories include: Network Services, Financials, Human Resources, CJIMS, Helpdesk, Departmental Services, Overhead, Administrative Services, Assigned Staff and Training. Usage charges are reviewed annually for the purpose of determining appropriate cost allocation.

ITS uses four factors in its cost allocation plan used to determine an Agency's share of the ITS budget:

- Number of agency personnel (# of Napa County payroll checks)
- Size of agency's last fiscal years expenditure
- Number of ITS managed agency personal computers
- Number of hours enhanced support for last fiscal year (usually application development of an agency specific program)

ITS collects and distributes its costs in the following service areas:

Service Area	Distribute Cost to	Cost Factor
Network Services-Communication lines and equipment, remote access, internet access, email, etc. and staff	All agencies	Number of personal computers
Financials-including PS intranet, budget module, etc. HW/SW and staff	All agencies who utilize financial services	Percentage of total budget
HR-HW/SW and staff	All agencies receiving Napa County payroll checks	Number of staff
CJIMS-HW/SW and staff	Criminal justice agencies	Number of PCs and staff
Help Desk-staff and supplies	All agencies	Number of PCs
Departmental Services-HW/SW and staff for non-Enterprise applications (Megabyte, HMS, etc.)	Individual agencies utilizing the application	Actual expenditures: material, services and labor
Overhead-non project/service related expenses (vacation, training, expenses, etc.)	All agencies	Number of PCs

Administrative Services-IT support activities: contracts, asset mgmt, policies, etc.	All agencies	Number of PCs
Assigned Staff-ITS staff assigned reporting to departmental locations	Agency where staff is assigned	Actual personnel cost
Training-Training room and instruction	All agencies	Number of staff

Sample Cost Drivers and Calculations

Cost Drivers	County	Sample Agency
Number of PCs	1050	20
Staff	1400	25
Actual Expenditures	\$175,000,000	\$500,000
Departmental Services	n/a	40 hours
ITS Budget	\$6,000,000	n/a
Application Maintenance	\$250,000	n/a
Assigned Staff	\$250,000	0

ITS Service Spread (Sample) in Hours (65,000 total)

Network Services	15,000
Financials	5,000
Human Resources	4,300
Criminal Justice Applications	4,500
Help Desk	10,000
Departmental Services	8,900
Training	1,800
Overhead	8,000
Administrative Services	7,500

Total dollars to spread = 6,000,000 - 250,000 (maintenance) - 250,000 (assigned) = \$5,500,000

Sample Agencies ITS Charges

Service Area	Cost	Calculation
Network Services	\$24,175	15000hrs/65000hrs*20pc/1050pc15,500,000
Financials	\$12,088	5000hrs/65000hrs*\$500000/\$17500000015500000
HR	\$6,497	4300hrs/65000hrs*25fte/1400fte*\$5500000
Criminal Justice	\$0	
Help Desk	\$16,117	10000hrs/65000hrs*20pc/1050pc*\$5500000
Dept Services	\$3,385	40hrs/8900hrs*8900hrs/65000hrs15500000
Overhead	\$12,894	8000hrs/65000hrs*20pc/1050pc*\$5500000
Admin Services	\$12,088	7500hrs/65000hrs*20pc/1050pc15500000
Assigned Staff	0	
Training	\$2,720	1800hrs/65000hrs*25fte/1400fte15500000

Total ITS Charges=\$89,964

AMENDMENT NO. 2 OF
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 2 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2008 by and between the COUNTY OF NAPA, a political subdivision of the State of California, hereinafter referred to as "County", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, on or about July 1, 2003, County and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), subsequently amended on or about September 1, 2007, for the provision by County of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to County for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to County to provide such services;

TERMS

NOW, THEREFORE, County and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**

- a. **Calculation of Annual Fee and Method of Payment.** The parties acknowledge that reimbursement of County by LAFCO for the costs of providing the information technology services required of County under Section 4 of Attachment D of this Agreement are calculated utilizing the ITS Cost Allocation Method for County's own departments and agencies which was approved by the Napa County Board of Supervisors on June 19, 2001, a copy of which is attached to Amendment No. 1 of the Agreement as Attachment "BB". At the option of LAFCO, the Annual Fee shall be payable either in advance in a single payment due on or before July 1 of the applicable fiscal year or in monthly payments in arrears, each payment due on

or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the Annual Fee then in effect.

- b. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
Beginning 2008-2009*	\$17,768.00

* Future Modifications. Notwithstanding the foregoing, it is anticipated that County and LAFCO may amend this Agreement, beginning with Fiscal Year 2009-2010, to conform subsequent fiscal year compensation amounts to the above-referenced Cost Allocation Method or such other Method as the parties may subsequently agree to by amendment, or may amend this Agreement within Fiscal Year 2008-2009 or any subsequent fiscal year during the term of this Agreement or extension thereof to reflect additional services requested by LAFCO.

2. This Amendment No. 2 of the MA shall be effective as of July 1, 2008.
3. Except as provided in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as originally approved.

IN WITNESS WHEREOF, this Amendment No. 2 of Napa County Agreement No.

////

4433 as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY

By *Brad Wagenknecht*
BRAD WAGENKNECHT, Chair of the Local Agency
Formation Commission of Napa County

ATTEST: KEENE SIMONDS,
Executive Director/Clerk of LAFCO

"LAFCO"

By: *Keene Simonds*

APPROVED AS TO FORM:
Commission Counsel
By: Jacqueline M. Gong
(By e-signature)
Date: 5/23//08

COUNTY OF NAPA, a political subdivision of
the State of California

By *Brad Wagenknecht*
BRAD WAGENKNECHT, Chair of the Board of
Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: *Gladys I. Coil*

APPROVED AS TO FORM
Office of County Counsel
By: *Margaret L. Woodbury*,
Chief Deputy
(by e-signature)
Date: May 23, 2008

**APPROVED BY THE NAPA COUNTY
BOARD OF SUPERVISORS**
Date: *6-17-08*
Processed by: *Sherry Patterson*
Deputy Clerk of the Board

**AMENDMENT NO. 3 OF
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 3 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2009 by and between the COUNTY OF NAPA, a political subdivision of the State of California, hereinafter referred to as "County", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, on or about July 1, 2003, County and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, and amended on June 17, 2008, for the provision by County of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to County for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to County to provide such services;

TERMS

NOW, THEREFORE, County and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**

- a. **Calculation of Annual Fee and Method of Payment.** The parties acknowledge that reimbursement of County by LAFCO for the costs of providing the information technology services required of County under Section 4 of Attachment D of this Agreement are calculated utilizing the ITS Cost Allocation Method for County's own departments and agencies which was approved by the Napa County Board of Supervisors on June 19, 2001, a copy of which is attached to Amendment No. 1 of the Agreement as Attachment "BB". At the option of LAFCO, the Annual Fee shall be payable either in advance in a single payment due on or before July 1 of

the applicable fiscal year or in monthly payments in arrears, each payment due on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the Annual Fee then in effect.

- b. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
Beginning 2009-2010*	\$18,705.00

* Future Modifications. Notwithstanding the foregoing, it is anticipated that County and LAFCO may amend this Agreement, beginning with Fiscal Year 2010-2011, to conform subsequent fiscal year compensation amounts to the above-referenced Cost Allocation Method or such other Method as the parties may subsequently agree to by amendment, or may amend this Agreement within Fiscal Year 2009-2010 or any subsequent fiscal year during the term of this Agreement or extension thereof to reflect additional services requested by LAFCO.

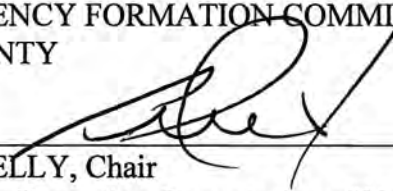
2. This Amendment No. 3 of the MA shall be effective as of July 1, 2009.
3. Except as provided in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as originally approved.

IN WITNESS WHEREOF, this Amendment No.3 of Napa County Agreement No.

/////

4433 as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY

By 
BRIAN J. KELLY, Chair
Local Agency Formation Commission of Napa County

ATTEST: KEENE SIMONDS,
Executive Director/Clerk of LAFCO

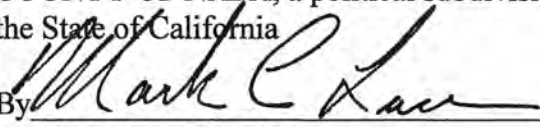
"LAFCO"

By: 

APPROVED AS TO FORM:
Commission Counsel
By: E-Signature Jackie Gong

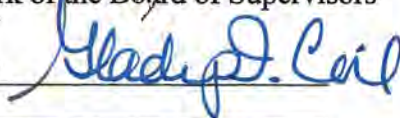
Date: 6/17/09

COUNTY OF NAPA, a political subdivision of
the State of California


By 
MARK LUCE, Chair
Napa County Board of Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: 

APPROVED AS TO FORM
Office of County Counsel
By: P. Tyrrell (by e-signature)
Date: June 11, 2009

**APPROVED BY THE NAPA COUNTY
BOARD OF SUPERVISORS**
Date: 8-11-09
Processed by: 
Deputy Clerk of the Board

AMENDMENT NO. 4 OF

**NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 3 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2010 by and between the COUNTY OF NAPA, a political subdivision of the State of California, hereinafter referred to as "County", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, on or about July 1, 2003, County and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, and amended on July 1, 2009 for the provision by County of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to County for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to County to provide such services;

TERMS

NOW, THEREFORE, County and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**

- a. Calculation of Annual Fee and Method of Payment. The parties acknowledge that reimbursement of County by LAFCO for the costs of providing the information technology services required of County under Section 4 of Attachment D of this Agreement are calculated utilizing the ITS Cost Allocation Method for County's own departments and agencies which was approved by the Napa County Board of Supervisors on June 19, 2001, a copy of which is attached to Amendment No. 1 of the Agreement as Attachment "BB". At the option of LAFCO, the Annual Fee shall be payable either in advance in a single payment due on or before July 1 of

the applicable fiscal year or in monthly payments in arrears, each payment due on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the Annual Fee then in effect.

- b. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011*	\$14,945.00

* Future Modifications. Notwithstanding the foregoing, it is anticipated that County and LAFCO may amend this Agreement, beginning with Fiscal Year 2010-2011, to conform subsequent fiscal year compensation amounts to the above-referenced Cost Allocation Method or such other Method as the parties may subsequently agree to by amendment, or may amend this Agreement within Fiscal Year 2009-2010 or any subsequent fiscal year during the term of this Agreement or extension thereof to reflect additional services requested by LAFCO.


2. This Amendment No. 4 of the MA shall be effective as of July 1, 2010.
3. Except as provided in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as originally approved.

IN WITNESS WHEREOF, this Amendment No.4 of Napa County Agreement No.

//////

4433 as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY

By 
JULIANA INMAN, Chair of the Local Agency
Formation Commission of Napa County

ATTEST: KEENE SIMONDS,
Executive Director/Clerk of LAFCO

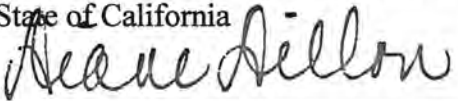
"LAFCO"

By: Jackie Gong (E-Signature)
Date: 6/3/10

APPROVED AS TO FORM:
Commission Counsel
By:


Date:

COUNTY OF NAPA, a political subdivision of
the State of California


By 
DIANE DILLON, Chair
Napa County Board of Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: 

APPROVED AS TO FORM
Office of County Counsel
By: 
Date: 8/9/10

**APPROVED BY THE NAPA COUNTY
BOARD OF SUPERVISORS**
Date: 8-10-10
Processed by: 
Deputy Clerk of the Board

AMENDMENT NO. 5 OF

**NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 5 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2011 by and between the COUNTY OF NAPA, a political subdivision of the State of California, hereinafter referred to as "County", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

RECITALS

WHEREAS, on or about July 1, 2003, County and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, July 1, 2009, and amended on July 1, 2010 for the provision by County of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to County for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to County to provide such services;

TERMS

NOW, THEREFORE, County and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**

a. Calculation of Annual Fee and Method of Payment. The parties acknowledge that reimbursement of County by LAFCO for the costs of providing the information technology services required of County under Section 4 of Attachment D of this Agreement are calculated utilizing the ITS Cost Allocation Method for County's own departments and agencies which was approved by the Napa County Board of Supervisors on June 19, 2001, a copy of which is attached to Amendment No. 1 of the Agreement as Attachment "BB". At the option of LAFCO, the Annual Fee shall be payable either in advance in a single payment due on or before July 1 of

the applicable fiscal year or in monthly payments in arrears, each payment due on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the Annual Fee then in effect.

- b. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011	\$14,945.00
2011-2012	\$20,261.00

* Future Modifications. Notwithstanding the foregoing, it is anticipated that County and LAFCO may amend this Agreement, beginning with Fiscal Year 2011-2012, to conform subsequent fiscal year compensation amounts to the above-referenced Cost Allocation Method or such other Method as the parties may subsequently agree to by amendment, or may amend this Agreement within Fiscal Year 2010-2011 or any subsequent fiscal year during the term of this Agreement or extension thereof to reflect additional services requested by LAFCO.

2. This Amendment No. 5 of the MA shall be effective as of July 1, 2011.
3. Except as provided in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as originally approved.

IN WITNESS WHEREOF, this Amendment No.5 of Napa County Agreement No.

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4433 as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY

By *Bill Dodd*
BILL DODD, Chairman of the Local Agency
Formation Commission of Napa County

ATTEST: KEENE SIMONDS,
Executive Director/Clerk of LAFCO

"LAFCO"

By: *Keene Simonds*

APPROVED AS TO FORM:
Commission Counsel
By: Jackie Gong (E-Signature)

Date: 3/28/11

COUNTY OF NAPA, a political subdivision of
the State of California

By *Bill Dodd*
BILL DODD, Chairman
Napa County Board of Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: *Gladys I. Coil*

APPROVED AS TO FORM
Office of County Counsel
By: *Thomas S. Capriola*
(by e-signature)
Date: *March 28, 2011*

**APPROVED BY THE NAPA COUNTY
BOARD OF SUPERVISORS**
Date: *6-21-11*
Processed by *Sherry Valtiron*
Deputy Clerk of the Board

**AMENDMENT NO. 6
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY FORMATION
COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 6 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2012, by and between NAPA COUNTY, a political subdivision of the State of California, hereinafter referred to as "COUNTY", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000et.seq.);

RECITALS

WHEREAS, on or about July 1, 2003, COUNTY and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, July 1, 2009, July 1, 2010 and amended on July 1, 2011 for the provision by COUNTY of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the scope of the Information Technology Services provided under the MA and to modify annual rates of compensation to COUNTY for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to COUNTY to provide such services;

TERMS

NOW, THEREFORE, COUNTY and LAFCO hereby amend the Agreement as follows:

1. Section 4 of Attachment D is hereby amended to read in full as follows for those Information Technology Services and functions to be provided to LAFCO on and after July 1, 2012:

4. INFORMATION TECHNOLOGY SERVICES

COUNTY shall provide LAFCO with COUNTY personnel to perform the following services and functions for LAFCO, including access to the products and product licenses noted:

Napa County ITS shall provide a total information technology support package. This includes technical support, development, technology evaluation, RFPs, project management and consulting services on an as needed basis during the term of this Agreement in order to provide a reliable, cost effective as well as innovative technology infrastructure. All service requests for existing products and services shall be managed through SRMS (Service Request Management Systems) and request for new products and services in ITS project architecture. ITS shall create a requirements document for customer approval prior to ITS performing any significant work. Purchases of products or licenses for applications not noted in this Exhibit shall be made by LAFCO by separate agreement with COUNTY or third parties unless this Agreement is expressly amended to add such items to this Scope of Services.

Included services:

Countywide network connectivity: existing County local area networking and wide area network digital access to appropriate County location. COUNTY reserves the right to restrict internet access to appropriate uses. Examples of inappropriate uses included, but are not limited to, activities that would weaken the COUNTY's security or increases in the use of COUNTY bandwidth that results in impacts to COUNTY's services, including additional costs, slower

access to users of the COUNTY system, or impacts of similar magnitude. LAFCO is responsible for any cost associated with connection from LAFCO to COUNTY infrastructure (LAN/WAN).

Infrastructure Support: Troubleshooting and support of LAFCO access and use of COUNTY LAN/WAN.

COUNTY Network & Server Administration and Monitoring: 24/7 automated network monitoring with on call emergency technician to respond to critical service outages of COUNTY LAN/WAN.

File Services: File system server storage space and management. IE, H: etc drives. Daily tape backup of supported data and systems, fault tolerance, and data recovery services of all servers located at COUNTY Data Center(s).

Desktop and Server Virus scanning: Automated virus updates will be enabled to the COUNTY supported desktop and servers. Monitoring of services for reliability, performance, and updates.

Print Services: Printer and print queue management of COUNTY supported printers.

Email/Scheduling Service: Includes Countywide Exchange/Outlook email and scheduling system, Remote WEB access, resource scheduling, Internet email connectivity, and countywide address book.

Security/Firewall Services: Firewall, proxy services, intrusion detection system, reporting system, and monitoring software on COUNTY supported Servers.

Internet Access: Minimum 10/100 Internet access from appropriate COUNTY facilities (County Data Center to ISP). Access to the Internet will be restricted to business use only. Non business sites and activity including access to sites that may possibly contain improper content, deemed a security or privacy risk, or other such designations will be restricted.

Enterprise Resource Planning (ERP): Access to PeopleSoft Financial and HRMS (Human Resource Management Systems), including time and labor, project costing, purchasing, etc.

Enterprise Content Management: Access to document management systems to manage digital content. This includes eform solutions to automate internal and external forms.

Remote Access: Internet VPN (Virtual Private Network or other COUNTY ITS approved method) access for mobile/remote workers and limited access of third party vendor support. Remote access user must meet all COUNTY security and privacy policies and agreements and abide by its user defined processes and practices.

Helpdesk: Provide Helpdesk phone access from 7:00 a.m. to 5:00 p.m., Monday thru Friday. Limited on call phone access will be available 24/7 via after-hours via voice mail. COUNTY will provide a (non-emergency) IS Helpdesk Intranet site for problem reporting, system status, product purchasing, training class registration and self-help resources.

Training Center: Dedicated 16 seat plus instructor PC training room. Multimedia room with overhead projector for training/presentations. LAFCO can schedule and use the facility for any type of training/meetings/etc. Training courses and associated costs are not included in this agreement.

Internet Site Hosting and Development: Hosting Services for Napa 'ITS developed' Internet and Intranet Web Sites. Access to Chardonnay for enterprise intranet, SharePoint "My Site" for

personalized information. Full backup and recovery services, security, virus/phishing, and firewall services of Hosted Web Sites. WEB monitoring, filtering, reporting and statistics.

User Account Administration: End user account setup and administration within County Active Directory system. Security and all core services accounts.

Access to Enterprise Systems and Data: Property, permitting, recorded documents, code compliance, etc.

Server management and hosting services for servers hosted at COUNTY Data Center(s): Physical Server management, HW (Hardware) management, Operating System management, virus protection, version maintenance, patches, service packs, tape backup, disaster recovery, third party vendor coordination, uninterruptible battery backups, 24/7 SNMP (Simple Network Managed Protocol) monitoring.

Geographical Information Systems (GIS): Turnkey GIS services including training, user support, and access to the enterprise spatial data warehouse and web applications. Limited map production services. Large-format plotters. Data hosting, management and distribution.

Pre-approval of Technology Purchases: All LAFCO technology systems intended to be installed within COUNTY technology assets and supported by COUNTY must be reviewed and pre-approved by COUNTY prior to LAFCO purchase.

Limitations to this agreement: Services provided by COUNTY are limited to only those technologies that COUNTY is deemed capable and trained to provide and that is residing on or connected to the COUNTY network infrastructure. Any LAFCO technology assets not deemed to be sufficiently secure and not placed on COUNTY network will be excluded from this agreement. Additionally, any services, hardware, process, or system implemented by LAFCO that does not meet and/or comply with any 'in effect' standards and/or COUNTY prescribed best practices will be excluded from this agreement. COUNTY will, unilaterally, have final authority on any discussions regarding the meaning of any terms contained within this agreement.

What is not included in the services contracted unless specifically addressed in the agreement and the cost allocation method:

Because physical location is not at the discretion of the County Board of Supervisors, connectivity installation costs such as T-1 connection will be solely the responsibility of LAFCO.

COUNTY will not support nor install any non-COUNTY standard technology deployed by LAFCO independent from COUNTY ITS approval and acceptance.

LAFCO will not deploy non-COUNTY approved and/or non-COUNTY standard technology, software, database, peripheral devices, mobile device, wireless devices, or any other technology asset on COUNTY owned equipment without approval of COUNTY ITS. Any deviation from this requirement will be considered a material breach of this agreement.

Servers hosted at LAFCO or LAFCO servers that are non-COUNTY standard operating systems and applications will not be supported by COUNTY ITS nor will they be physically connected to COUNTY infrastructure without written approval from COUNTY ITS.

COUNTY ITS will disconnect and/or make any LAFCO device, software, or device/software configurations that attached to or communicate through the COUNTY network unusable if COUNTY ITS deems such action necessary to protect the security and/or integrity of COUNTY operational assets including any device or software that impact the operational status of COUNTY users, as a whole. This is at the sole discretion of COUNTY ITS.

COUNTY ITS does not service any non-COUNTY asset including non-COUNTY PC's and printers nor allow non-COUNTY assets to be physically connected to COUNTY infrastructure. ITS may supply LAFCO with software such as VPN or Terminal software that allows secure connection through the Internet to COUNTY network in support of the agreement.

Web sites developed and supported by outside vendors will not be allowed to be hosted on COUNTY Web servers.

LAFCO must provide their own DSL (or other type connection) outside of COUNTY network traffic for any bandwidth intensive processes or applications such as video conferencing.

Training course costs and other associated training costs are not included in this agreement.

LAFCO is responsible for all data and telecom wiring at their location. If COUNTY ITS is available to provide such services then materials and labor will be billed to LAFCO outside of this agreement.

2. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. Services of Information Technology (annual rate):

a. Background. County allocates Internet Technology Service (ITS) costs to all of the County's internal departments each year as part of its budgeting process. The County performs this task by breaking out all ITS costs – into subdivisions, which align with the major services being provided: Administration, Land Use Application, Network Operations, Development, Help Desk, Enterprise Resource Planning, Customer Management and Enterprise Architecture. County then allocates ITS costs throughout the County's departments based on either the number of personal computers ("PCs") or full-time equivalent employees ("FTE"). It is the intent and understanding of the parties that County shall calculate LAFCO's Annual Fee by multiplying the total costs per PC or FTE County utilized for setting the County's own departmental budgets by the number of LAFCO's PCs or FTE.

b. Payment. The Annual Fee shall be payable in arrears on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the annual rate in effect on the first date of the month of service.

c. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011	\$14,945.00
2011-2012	\$20,261.00
2012-2013	\$22,009.00


The Annual Fee for Fiscal Year 2013-2014 and thereafter shall remain \$22,009.00 until this Agreement is amended.

3. This Amendment No. 6 of the MA shall be effective as of July 1, 2012.

4. Except as set forth in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as previously approved.


IN WITNESS WHEREOF, this Amendment No. 6 of Napa County Agreement No. 4433 was executed by the parties hereto as of the date first above written.

**LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY**

By 
LEWIS CHILTON, Chair of the Agency Board

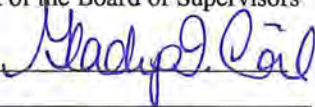
"LAFCO"

**COUNTY OF NAPA, a political subdivision of
the State of California**


By 
KEITH CALDWELL, Chairman of the Board of
Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL,
Clerk of the Board of Supervisors

By: 

<p>APPROVED AS TO FORM Office of County Counsel By: <u>Thomas S. Capriola</u> Date: <u>May 25, 2012</u></p>
<p>APPROVED AS TO FORM Commission Counsel By: <u>Jackie Gong</u> Date: <u>May 29, 2012</u></p>

<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: <u>June 26, 2012</u> Processed by: <u></u> Deputy Clerk of the Board</p>

**AMENDMENT NO. 7
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 7 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2013, by and between NAPA COUNTY, a political subdivision of the State of California, hereinafter referred to as "COUNTY", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000et.seq.);

RECITALS

WHEREAS, on or about July 1, 2003, COUNTY and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, July 1, 2009, July 1, 2010, July 1, 2011 and amended on July 1, 2012 for the provision by COUNTY of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to COUNTY for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to COUNTY to provide such services;

TERMS

NOW, THEREFORE, COUNTY and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**

- a. **Background.** County allocates Internet Technology Service (ITS) costs to all of the County's internal departments each year as part of its budgeting process. The County performs this task by breaking out all ITS costs – into subdivisions, which align with the major services being provided: Administration, Land Use Application, Network Operations, Development, Help Desk, Enterprise Resource Planning and Customer Management. County then allocates ITS costs throughout the County's departments based on either the number of personal computers ("PCs") or full-time equivalent employees ("FTE"). It is the intent and understanding of the parties that County shall calculate LAFCO's Annual Fee by multiplying the total costs per PC or FTE County utilized for setting the County's own departmental budgets by the number of LAFCO's

PCs or FTE.

b. Payment.

The Annual Fee shall be payable in arrears on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the annual rate in effect on the first date of the month of service.

c. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011	\$14,945.00
2011-2012	\$20,261.00
2012-2013	\$22,009.00
2013-2014	\$22,374.00

The Annual Fee for Fiscal Year 2014-2015 and thereafter shall remain \$22,374.00 until this Agreement is amended.

2. This Amendment No. 7 of the MA shall be effective as of July 1, 2013.

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3. Except as set forth in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as previously approved.

IN WITNESS WHEREOF, this Amendment No. 7 of Napa County Agreement No. 4433 was executed by the parties hereto as of the date first above written.

**LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY**

By *Brad Wagenknecht*
BRAD WAGENKNECHT, Chair of the Agency Board

"LAFCO"

**NAPA COUNTY, a political subdivision of
the State of California**

By *Brad Wagenknecht*
BRAD WAGENKNECHT, Chairman of the Board of
Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL,
Clerk of the Board of Supervisors

By: *Gladys I. Coil*

APPROVED AS TO FORM
Office of County Counsel
By: *Thomas S. Capriola*
Date: *March 4, 2013*

**APPROVED BY THE NAPA
COUNTY
BOARD OF SUPERVISORS**
Date: *6/13/2013*
Processed by: *[Signature]*
Deputy Clerk of the Board

APPROVED AS TO FORM
Commission Counsel
By: *Jichui Song*
Date: *6/3/13*

**AMENDMENT NO. 8
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY
FORMATION COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 8 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2014, by and between NAPA COUNTY, a political subdivision of the State of California, hereinafter referred to as "COUNTY", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000et.seq.);

RECITALS

WHEREAS, on or about July 1, 2003, COUNTY and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, July 1, 2009, July 1, 2010, July 1, 2011, July 1, 2012 and amended on July 1, 2013 for the provision by COUNTY of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to COUNTY for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to COUNTY to provide such services;

TERMS

NOW, THEREFORE, COUNTY and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**

- a. **Background.** County allocates Internet Technology Service (ITS) costs to all of the County's internal departments each year as part of its budgeting process. The County performs this task by breaking out all ITS costs – into subdivisions, which align with the major services being provided: Administration, Land Use Application, Network Operations, Development, Help Desk, Enterprise Resource Planning and Customer Management. County then allocates ITS costs throughout the County's departments based on either the number of personal computers ("PCs") or full-time equivalent employees ("FTE"). It is the intent and understanding of the parties that County shall calculate LAFCO's Annual Fee by multiplying the total costs per PC or FTE County utilized for setting the County's own departmental budgets by the number of LAFCO's

PCs or FTE.

b. Payment.

The Annual Fee shall be payable in arrears on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the annual rate in effect on the first date of the month of service.

c. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011	\$14,945.00
2011-2012	\$20,261.00
2012-2013	\$22,009.00
2013-2014	\$22,374.00
2014-2015	\$23,663.00

The Annual Fee for Fiscal Year 2015-2016 and thereafter shall remain \$23,663.00 until this Agreement is amended.

2. This Amendment No. 8 of the MA shall be effective as of July 1, 2014.

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3. Except as set forth in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as previously approved.

IN WITNESS WHEREOF, this Amendment No. 8 of Napa County Agreement No. 4433 was executed by the parties hereto as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY


By 
BRIAN J. KELLY, Chair of the Agency Board
"LAFCO"

NAPA COUNTY, a political subdivision of the State of California

By 
MARK LUCE, Chairman of the Board of Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL,
Clerk of the Board of Supervisors

By: 

APPROVED AS TO FORM
Office of County Counsel
By: Thomas S. Capriola
Date: March 17, 2014

APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS
Date: 6/10/14
Processed by: 
Deputy Clerk of the Board

APPROVED AS TO FORM
Commission Counsel
By: Jackie Gong
(E-Signature)
Date: 3/18/14

**AMENDMENT NO. 9
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY NAPA COUNTY TO THE LOCAL AGENCY FORMATION
COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 9 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2015, by and between NAPA COUNTY, a political subdivision of the State of California, hereinafter referred to as "COUNTY,, and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000et.seq.).

RECITALS

WHEREAS, on or about July 1, 2003, COUNTY and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), amended on or about September 1, 2007, June 17, 2008, July 1, 2009, July 1, 2010, July 1, 2011, July 1, 2012, July 1, 2013 and amended on July 1, 2014 for the provision by COUNTY of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rates of compensation to COUNTY for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to COUNTY to provide such services;

TERMS

NOW, THEREFORE, COUNTY and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**

- a. **Background.** County allocates Internet Technology Service (ITS) costs to all of the County's internal departments each year as part of it budgeting process. The County performs this task by breaking out all ITS costs – into subdivisions, which align with the major services being provided: Administration, Land Use Application, Network Operations, Development, Help Desk, Enterprise Resource Planning and Customer Management. County then allocates ITS costs throughout the County's departments based on either the number of personal computers ("PCs") or full-time equivalent employees ("FTE"). It is the intent and understanding of the parties that County shall

calculate LAFCO's Annual Fee by multiplying the total costs per PC or FTE County utilized for setting the County's own departmental budgets by the number of LAFCO's PCs or FTE.

b. Payment.

The Annual Fee shall be payable in arrears on or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the annual rate in effect on the first date of the month of service.

c. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
2008-2009	\$17,768.00
2009-2010	\$18,705.00
2010-2011	\$14,945.00
2011-2012	\$20,261.00
2012-2013	\$22,009.00
2013-2014	\$22,374.00
2014-2015	\$23,663.00
2015-2016	\$24,052.00

The Annual Fee for Fiscal Year 2016-2017 and thereafter shall remain \$24,052.00 until this Agreement is amended.

2. This Amendment No. 9 of the MA shall be effective as of July 1, 2015.
3. Except as set forth in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as previously approved.

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IN WITNESS WHEREOF, this Amendment No. 9 of Napa County Agreement No. 4433 was executed by the parties hereto as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

By *Joan Bennett*
JOAN BENNETT, Chair of the Agency Board

"LAFCO"

NAPA COUNTY, a political subdivision of the State of California

By *Diane Dillon*
DIANE DILLON, Chair of the Board of Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL,
Clerk of the Board of Supervisors

By: *Gladys I. Coil, Deputy*

APPROVED AS TO FORM
Office of County Counsel
By: *Janice Killion (e-sign)*
Date: March 10, 2015

APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS
Date: *6/9/15*
Processed by: *[Signature]*
Deputy Clerk of the Board

APPROVED AS TO FORM
Commission Counsel
By: *Silva Darbinian (e-sign)*
Date: *March 26, 2015*

Napa County Agreement No. 190289B

AMENDMENT NO. 10
NAPA COUNTY AGREEMENT NO. 4433
LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY AGREEMENT NO. 03-02

**SUPPORT SERVICES BY NAPA COUNTY TO THE LOCAL AGENCY FORMATION
COMMISSION OF NAPA COUNTY**

THIS AMENDMENT NO. 10 OF NAPA COUNTY AGREEMENT NO. 4433 is made and entered into as of this 1st day of July, 2018, by and between NAPA COUNTY, a political subdivision of the State of California (hereinafter referred to as "COUNTY"), and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter referred to as "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000, *et seq.*).

RECITALS

WHEREAS, COUNTY and LAFCO entered in an agreement on or about July 1, 2003 – Napa County Agreement No. 4433 (hereinafter referred to as "MA") which has subsequently been amended on nine occasions – for COUNTY to provide support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

WHEREAS, the parties now desire to amend the MA to modify the annual rate of compensation to COUNTY for services provided by its Information Technology Services Division ("ITS") to reflect changes in the costs to COUNTY to provide such services.

TERMS

NOW, THEREFORE, COUNTY and LAFCO hereby amend the MA as follows:

1. Section 4 of the MA is hereby amended to read in full as follows:

4. REIMBURSEMENT

(a) **Rates**. In consideration of County's fulfillment of the promised services and personnel, LAFCO shall reimburse County for the actual costs (including the costs of labor, equipment, supplies, materials, and incidental travel/transportation) incurred by County and its departments and divisions in providing these services. The rates shall be determined and mutually agreed to by the parties in accordance with Attachment "AA" of the Agreement, including any and all amendments.

(b) **LAFCO Staffing Reimbursement**. LAFCO shall reimburse County for the salary and benefits of County staff primarily assigned to serve LAFCO, including any

increases in salary and benefits that County provides such staff during the term of this Agreement.

(c) **LAFCO-Requested Travel Expense Reimbursement.** LAFCO shall reimburse County for expenses incurred by County departments and divisions for travel by their assigned personnel when such travel has been requested by LAFCO in writing. Such reimbursement shall be in accordance with the travel expense policy approved by County's Board of Supervisors in effect on the date of the travel. Notwithstanding the foregoing, travel costs incurred through use of a County vehicle shall be reimbursed in accordance with the County Equipment Pool rates in effect at the time of the travel.

(d) **Bank Analysis Pass-through Charge.** LAFCO shall reimburse County on a pass-through basis for the costs incurred by County for bank charges relating to LAFCO activities.

(e) **General Liability Coverage/Workers' Compensation Coverage.** LAFCO shall reimburse County for general liability coverage and workers' compensation coverage at the rates established by County each fiscal year.

(f) **Adjustment for Additional LAFCO-Requested Services.** LAFCO shall reimburse County for the actual costs (including the costs of labor, equipment, supplies, materials, and incidental travel/transportation) incurred by County in providing any new or increased services requested by LAFCO. Such additions or increases in services shall be permitted only if approved in writing by the County Executive Officer and LAFCO Executive Officer, including approval of the applicable reimbursement rates.

2. The portion entitled "Services of Information Technology (annual rate)" of Attachment "AA" of the MA is hereby amended to read in full as follows:

1. Services of Information Technology (annual rate):

- a. **Annual Fee.** The Parties acknowledge that compensation of COUNTY under this Agreement is calculated utilizing the ITS Cost Allocation Method for COUNTY's own departments and agencies. On or before April 1 of each year during which the MA is in effect, COUNTY shall provide to LAFCO an invoice setting forth the Annual Fee for the following fiscal year. COUNTY allocates Internet Technology Service ("ITS") costs to all of COUNTY's internal departments each year as part of its budgeting process. COUNTY performs this task by breaking out all ITS costs – into subdivisions, which align with the major services being provided: Administration, Land Use Application, Network Operations, Development, Help Desk, Enterprise Resource Planning and Customer Management. COUNTY then allocates ITS costs throughout COUNTY's departments based on either the number of personal computers ("PCs") or full-time equivalent employees ("FTE"). It is the intent and understanding of the parties that COUNTY shall calculate LAFCO's Annual Fee by multiplying the total costs per PC or FTE COUNTY utilized for setting COUNTY's own departmental budgets by the number

of LAFCO's PCs or FTE.

b. Payment.

The Annual Fee shall be payable on or before the first of the month preceding the quarter of service, with the payable quarterly rate being 1/4 of the annual rate in effect on the first date of the quarter of service.

c. Future Modifications

(1) Procedure for Subsequent Annual Determination of Rates. During the fourth quarter of each fiscal year of this Agreement, the County Executive Officer, or designee, and the Executive Officer of LAFCO shall meet prior to adoption of the respective annual County and LAFCO budgets to determine and calculate the proposed rates for County staff and services to be furnished during the succeeding fiscal year. The rates shall be those necessary to achieve the cost reimbursement provided for in Paragraph 4(a) of the Agreement, subject to the additional factors set forth in Paragraph 4(b) through 4(f) of the Agreement. The annual adjustment of these reimbursement rates so determined shall be approved in writing by the County's Chief Information Officer and the Executive Officer of LAFCO. When so approved, these rates shall become effective for the subsequent fiscal year unless this Agreement is not renewed or otherwise terminated by the County and/or LAFCO.

(2) Modification of Annual Fee Only. The Parties agree and understand that the Annual Fee may fluctuate from fiscal year to fiscal. Based on this understanding, the Parties agree that the Annual Fee each fiscal year shall be determined by the formula specified in Paragraph (c)(1) of this Attachment. This annual fluctuation of the Annual Fee shall not alter, amend, negate, or otherwise affect any other provision or term of the MA, amendments to the MA, or any of the exhibits attached to the MA. Any amendment or alteration to any other provision or term of the MA, its amendments, and/or its exhibits must be done pursuant to Section 22 of the MA.

3. This Amendment No. 10 of the MA shall be effective as of July 1, 2018.

4. Except as set forth in (1) through (3), above, the terms and provisions of the MA shall remain in full force and effect as previously approved.

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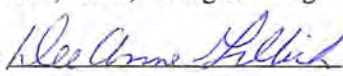
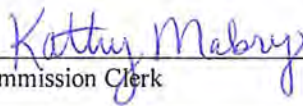

SIGNATURE PAGE FOLLOWS

^(new) **IN WITNESS WHEREOF**, this Amendment No. 10 of Napa County Agreement No. 4433 was executed by the parties hereto as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF
NAPA COUNTY

By 
MARGIE MOHLER, Chair of LAFCO

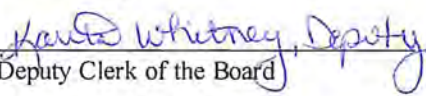
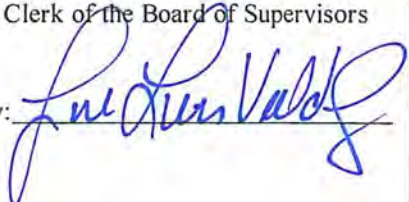
“LAFCO”

<p>APPROVED AS TO FORM Sloan, Sakai, Yeung & Wong</p> <p>By: <u></u></p> <p>Date: <u>8/21/18</u></p>	<p>APPROVED BY LAFCO</p> <p>Date: <u>8/8/18</u></p> <p><u></u> Commission Clerk</p>	<p>ATTEST: BRENDON FREEMAN LAFCO Executive Officer</p> <p>By: <u></u></p>
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NAPA COUNTY, a political subdivision of
the State of California

By 
~~BRAD WAGENKNECHT, Chair~~ Ryan Gregory,
Board of Supervisors Vice Chair

“COUNTY”

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>John L. Myers (e-sign)</u> County Counsel</p> <p>Date: <u>7/13/18</u></p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: <u>9/11/18</u></p> <p>Processed By: <u></u> Deputy Clerk of the Board</p>	<p>ATTEST: JOSE LUIS VALDEZ Clerk of the Board of Supervisors</p> <p>By: <u></u></p>
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Local Agency Formation Commission of Napa County
Subdivision of the State of California

1754 Second Street, Suite C
Napa, California 94559
Phone: (707) 259-8645
www.napa.lafco.ca.gov

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

Agenda Item 7d (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer B F

MEETING DATE: December 4, 2023

SUBJECT: Consider Subcommittee Appointments

RECOMMENDATION

It is recommended the Commission make appointments to the Fiscal Year 2024-25 Budget Committee and the Legislative Committee. It is also recommended the Commission discuss the membership of the Support Services Agreement Committee and consider making any desired changes.

SUMMARY

The Commission will consider the membership of three ad hoc subcommittees. Commissioners appointed to a subcommittee receive per diems for each subcommittee meeting attended. A summary of the subcommittees and recommended actions follows.

Fiscal Year 2024-25 Budget Committee

The Commission establishes an ad hoc Budget Committee each year consistent with the adopted *Budget Policy*, included as Attachment One. The Budget Committee includes two Commissioners to advise the Executive Officer in preparing a budget for review and adoption by the Commission. The Budget Committee is also tasked with considering the Commission's fee schedule and work program. The Budget Committee automatically terminates with the adoption of a final budget. For reference, Commissioners Mohler and Leary served on the most recent Budget Committee. Staff recommends the Commission appoint two members to the Fiscal Year 2024-25 Budget Committee.

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Legislative Committee

The Commission establishes an ad hoc Legislative Committee each year consistent with the adopted *Legislative Policy*, included as Attachment Two. The Legislative Committee includes two Commissioners to advise the Executive Officer in the review of proposed legislation related to LAFCOs and making recommendations to the full Commission to take positions on pertinent bills. The Legislative Committee automatically terminates at the end of the calendar year. For reference, Commissioners Aboudamous and Painter serve on the Legislative Committee for calendar year 2023. Staff recommends the Commission appoint two members to the Legislative Committee for calendar year 2024.

Support Services Agreement Committee

The Commission recently established an ad hoc subcommittee and appointed Commissioners Leary and Ramos to advise staff in the review of, and recommending amendments to, the Commission's existing Support Services Agreement with the County of Napa. There are no local policies that guide this activity. Due to the complex and sensitive nature of existing issues surrounding the Support Services Agreement, staff believes this process will be more effective with two willing county members as the subcommittee advising staff. With this in mind, staff recommends the Commission discuss the existing membership of the Support Services Agreement Committee and consider making any desired changes.

ATTACHMENTS

- 1) Budget Policy
- 2) Legislative Policy



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Budget Policy

(Adopted: August 9, 2001; Last Amended: November 18, 2019)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization (CKH) Act of 2000 includes provisions for establishing a budget and for the receipt of funds. [Government Code \(G.C.\) §56381](#) establishes that the Commission shall annually adopt a budget for the purpose of fulfilling its duties under CKH.

II. Purpose

It is the intent of the Commission to adopt a policy for budget purposes which establishes procedures for compiling, adopting and administering the budget. The Commission is committed to providing transparency of its operations including its fiscal activities. The Commission follows recognized accounting principles and best practices in recognition of its responsibility to the public.

III. Preparation of Annual Budget

- A) An annual budget shall be prepared, adopted and administered in accordance with [\(G.C.\) §56381](#).
- B) The Commission should annually consider the Fee Schedule, including any anticipated changes, and Work Program in conjunction with the budget process.
- C) The Commission is committed to ensuring the agency is appropriately funded each fiscal year to effectively meet its prescribed regulatory and planning responsibilities. The Commission is also committed to controlling operating expenses to reduce the financial obligations on the County of Napa, the cities and town, hereafter referred to as the “funding agencies,” whenever possible and appropriate.
- D) The budget shall include an undesignated/unreserved fund balance equal to a minimum of one-third (i.e., four months) of annually budgeted operating expenses.
- E) The Commission shall establish an ad-hoc budget committee at the last meeting of each calendar year comprising of two Commissioners which will terminate with the adoption of the final budget. Commissioners appointed to a budget committee shall receive a regular per diem payment for each meeting attended.
- F) The adopted final budget should be posted on the Commission’s website for public viewing for a minimum of five years.
- G) The Executive Officer shall provide quarterly budget reports to the Commission for informational purposes.

IV. Budget Contributions and Collection of Funds

[G.C. §56381](#) establishes that the Commission shall adopt annually a budget for the purpose of fulfilling its duties under CKH. It further establishes that the County Auditor shall apportion the operating expenses from this budget in the manner prescribed by [G.C. §56381\(b\)](#), or in a manner mutually agreed upon by the agencies responsible for the funding of the Commission's budget [G.C. §56381\(c\)](#) states that:

After apportioning the costs as required in subdivision (b), the auditor shall request payment from the Board of Supervisors and from each city no later than July 1 of each year for the amount that entity owes and the actual administrative costs incurred by the auditor in apportioning costs and requesting payment from each entity. If the County or a city does not remit its required payment within 60 days, the Commission may determine an appropriate method of collecting the required payment, including a request to the auditor to collect an equivalent amount from the property tax, or any fee or eligible revenue owed to the County or city. The auditor shall provide written notice to the County or city prior to appropriating a share of the property tax or other revenue to the Commission for the payment due the Commission pursuant to this section.

It is the intent of the Commission that all agencies provide the costs apportioned to them from the LAFCO budget. Pursuant to [G.C. §56381\(c\)](#), the policy of the Commission is:

- A) If the County or a city or a town does not remit its required payment within 45 days of the July 1 deadline, the County Auditor shall send written notice to the agency in question that pursuant to [G.C. §56381\(c\)](#) and this policy, the Auditor has the authority to collect the amount of the Commission's operating expenses apportioned to that agency after 60 days from the July 1 deadline.
- B) If the County or a city or a town does not remit its required payment within 60 days of the July 1 deadline, the County Auditor shall collect an amount equivalent to the cost apportioned to that agency from the property tax owed to that agency, or some other eligible revenue deemed appropriate or necessary by the County Auditor. The County Auditor shall send written notice of the action taken to the agency and to the Commission.

V. Executive Officer Purchasing and Budget Adjustment Authority

Pursuant to [G.C. §56380](#), the Commission shall make its own provision for necessary quarters, equipment, supplies, and services. The associated operating costs are provided for through the Commission's adoption of its annual budget in the manner prescribed in [G.C. §56381](#).

It is the intent of the Commission to charge the LAFCO Executive Officer with the responsibility and authority for coordinating and managing the procurement of necessary quarters, equipment, supplies, and services, and to adjust the annual budget as necessary under certain circumstances. The policy of the Commission is:

- A) The Executive Officer is charged with the responsibility and authority for coordinating and managing the procurement of necessary quarters, equipment, supplies, and services in accordance with applicable laws, regulations and policies.
- B) The Executive Officer is authorized to act as the agent for LAFCO in procuring necessary quarters, equipment, supplies, and services.
- C) Only the Commission itself or the Executive Officer may commit LAFCO funds for the purchase of any necessary quarters, equipment, supplies, or services for LAFCO use.
- D) The Executive Officer is delegated purchasing authority on behalf of LAFCO for necessary quarters, equipment, supplies, and services not to exceed \$5,000 per transaction. The Commission must approve any purchase of necessary quarters, equipment, supplies, and services that exceed the monetary limits set forth in this policy.
- E) Following review and approval by the Chair, the Executive Office is authorized to make adjustments and administrative corrections to the budget without Commission action provided the adjustments and corrections are within the total budget allocations adopted by the Commission.
- F) Following review and approval by the Chair, the Executive Officer is authorized to adjust the budget for purposes of carrying over to the new fiscal year any encumbered funds that have been approved by the Commission in a prior fiscal year and involve unspent balances. Said funds include committed contracts for services that were not completed in the prior fiscal year and must be re-encumbered by way of a budget adjustment in the new fiscal year.



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Legislative Policy

(Adopted: December 4, 2017; Last Amended: April 3, 2023)

- 1) The Local Agency Formation Commission (LAFCO) of Napa County (“the Commission”) shall annually establish an ad hoc committee, which shall terminate at the end of the calendar year, and appoint two members (“Legislative Committee”) to advise staff as described in this policy.
- 2) The Legislative Committee shall, at least annually, review this policy, the Commission’s adopted legislative platform, and the California Association of Local Agency Formation Commissions (CALAFCO)’s legislative policies. Based on communication with the Legislative Committee, staff shall present recommendations to the full Commission with respect to any appropriate amendments to this policy or the local legislative platform.
- 3) The Legislative Committee shall, at least annually, review proposed legislation affecting LAFCO. Based on communication with the Legislative Committee, staff shall continue monitoring proposed legislation and present recommendations to the full Commission with respect to formal positions on proposed legislation.
- 4) In the event that proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer and Assistant Executive Officer are authorized to submit written correspondence to the appropriate entity regarding the Commission’s position if the position is consistent with the local legislative platform. The Chair, or the Vice Chair if the Chair is unavailable, shall review and approve the written correspondence prior to submittal by the Executive Officer or Assistant Executive Officer.
- 5) All submitted correspondence pursuant to this policy will be included on the next available Commission agenda.



Local Agency Formation Commission of Napa County
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Phone: (707) 259-8645
www.napa.lafco.ca.gov

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

Agenda Item 9 (Recognition)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*
Dawn Mittleman Longoria, Assistant Executive Officer *DML*

MEETING DATE: December 4, 2023

SUBJECT: CALAFCO Annual Conference Report

SUMMARY

LAFCO's state organization, CALAFCO, held their Annual Conference on October 18-20 in Monterey. It provided an excellent opportunity to network and learn from each other. Representing Napa LAFCO were five Commissioners, one staff member, and counsel.

Recognition

Chair Mohler and Commissioner Leary were both appointed to two-year terms on the CALAFCO Board of Directors representing the Coastal Region. In addition, the Commission and members of staff received the following achievement awards:

- Assistant Executive Officer Dawn Mittleman Longoria – Lifetime Achievement Award
- Colantuono, Highsmith & Whatley – Associate Member Achievement Award
- Napa LAFCO Commission – Mike Gotch Excellence in Public Service: Protection of agricultural and open space lands and prevention of sprawl for actions related to the Green Island Vineyard (special recognition to former Commissioners Diane Dillon, Brad Wagenknecht, and Ryan Gregory for their contributions to this project)

The press release announcing the two successful Board elections and three achievement awards is included as Attachment One. The CALAFCO 2023 annual conference program with speaker bios is included as Attachment Two. Notably, Assistant Executive Officer Longoria serves as CALAFCO Deputy Executive Officer for the Coastal Region and was responsible for facilitating regional roundtable discussions and assist with regional elections. In addition, Executive Officer Freeman contributed to two of the conference sessions titled “What’s New with New or Extended Services Outside Jurisdictional Boundaries?” and “LAFCO Dynamics”.

ATTACHMENTS

- 1) Press Release
- 2) CALAFCO 2023 Annual Conference Program with Speaker Bios

Margie Mohler, Chair
Councilmember, Town of Yountville

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Kenneth Leary, Commissioner
Representative of the General Public

Beth Painter, Commissioner
Councilmember, City of Napa

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Eve Kahn, Alternate Commissioner
Representative of the General Public

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Brendon Freeman
Executive Officer



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PRESS RELEASE

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
 WINS BIG AT CALAFCO ANNUAL CONFERENCE**

The Local Agency Formation Commission (LAFCO) of Napa County was honored for exceptional achievement in multiple areas at the California Association of LAFCO's (CALAFCO) annual meeting on October 19, 2023, winning three notable awards and reigning triumphant in the election of two commissioners to the CALAFCO Board of Directors.

Napa LAFCO's distinguished day began with two of the commissioners winning their elections for seats on the CALAFCO Board of Directors. Napa LAFCO Chair Margie Mohler was reelected to her fourth term as a city member and was also elected as Chair of the CALAFCO Board. Napa LAFCO Commissioner Ken Leary won his first term on the CALAFCO Board as a public member. Both of their two-year terms commence immediately and expire in October 2025.

Napa LAFCO's success continued into the evening by winning a prestigious award for agricultural preservation and excellence in public service for their actions related to Green Island Vineyard.

The second recognition was the Associate Member Achievement Award for Colantuono, Highsmith & Whatley, PC (CHW), a longstanding Associate Member whose attorneys routinely volunteer for all things CALAFCO. Their insight, assistance, and contributions to CALAFCO improve the work, education, and problem solving of all 58 LAFCOs throughout California. Napa LAFCO's legal counsel, Gary Bell with CHW, was on hand to accept the award.

The third award of note is the Lifetime Achievement Award for Dawn Mittleman Longoria, Napa LAFCO's Assistant Executive Officer. Her career spanning over four decades is a testament to an unwavering dedication to LAFCO's mission and willingness to spearhead important work contributing to LAFCO operations and the broader CALAFCO community. Dawn's work as a consultant for fire districts and her many other accomplishments validate her expertise in facilitating local government improvements. Dawn's experience, skills, and desire to contribute meaningfully have benefitted all regions throughout California.

For additional information, please contact Napa LAFCO staff by email at info@napa.lafco.ca.gov or telephone at 707-259-8645.

Margie Mohler, Chair
 Councilmember, Town of Yountville

Beth Painter, Commissioner
 Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
 Councilmember, City of American Canyon

Anne Cottrell, Vice Chair
 County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
 County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
 County of Napa Supervisor, 1st District

Kenneth Leary, Commissioner
 Representative of the General Public

Eve Kahn, Alternate Commissioner
 Representative of the General Public

Brendon Freeman
 Executive Officer



Dawn Mittleman Longoria
Receiving her Lifetime Achievement Award



The Napa LAFCO Commissioners and Assistant Executive Officer
Dawn Mittleman Longoria celebrating their win.



Commissioner Mariam Aboudamous



CHW Legal Counsel to Napa LAFCO Gary Bell.

Join Us at the
2023 CALAFCO ANNUAL CONFERENCE

Hyatt Regency Monterey Hotel And Spa On Del Monte Golf Course
 1 Old Golf Course Road, Monterey, CA 93940

TUESDAY – OCTOBER 17, 2023

2:00 p.m. Monterey Bay Coastal Bike Tour

WEDNESDAY – OCTOBER 18, 2023

7:00 a.m. Registration Opens

7:15 a.m. Mobile Workshop

10:00 a.m. LAFCo 101: Building on the Basics of LAFCo

1:30 p.m. Conference Opening

2:00 p.m. General Session: What's New with New Or Extended Services Outside Jurisdictional Boundaries?

3:15 p.m. Break

3:30 p.m. General Session: Reimagining LAFCo: Staying Relevant in Changing Times

5:30 p.m. CALAFCO Reception

7:00 p.m. Dinner on Your Own

THURSDAY – OCTOBER 19, 2023

7:00 a.m. Breakfast

8:00 a.m. Regional Caucus Meetings and Elections

9:15 a.m. CALAFCO Annual Business Meeting

10:30 a.m. Break

10:45 a.m. Attorney and Regional Roundtables

12:00 p.m. Lunch

1:45 p.m. BREAKOUT SESSIONS

1) LAFCo Dynamics

2) Your Community's Fire Service: Top Notch or Ticking Time Bomb?

3:15 p.m. Break

3:30 p.m. BREAKOUT SESSIONS

1) When the Crystal Ball Hits the Wall

2) Guiding Adrift Agencies Back on Course

6:00 p.m. Pre-dinner Reception

7:00 p.m. Dinner and Awards

FRIDAY – OCTOBER 20, 2023

7:00 a.m. Breakfast

7:30 a.m. CALAFCO Board of Directors Meeting

9:00 a.m. General Session: Municipal Services in the 21st Century

10:15 a.m. Break

10:30 a.m. General Session: LAFCOs and Special Districts: A Look at the History, Current Challenges, and Future Opportunities Among These Agencies

12:00 p.m. Conference Adjourns

REGISTRATION IS NOW OPEN. Visit
<https://bit.ly/23Conference> today!

ABOUT THE SPEAKERS

Gary Bell — Shareholder, Colantuono, Highsmith, and Whatley

Gary is a Shareholder of Colantuono, Highsmith, and Whatley law firm. He currently serves as City Attorney for multiple Northern California Cities and towns as well as General Counsel for LAFCo of Napa County, Upper Valley Waste Management Agency, Garden Valley Fire PD, Pine Grove CSD, River Pines PUD, and the First 5 Yuba Commission. His practice covers municipal law and public law, including matters involving LAFCos. Before joining CH&W, Gary served as City Attorney for the City of Firebaugh and advised municipal clients throughout California on a wide range of issues, including counties, cities, school districts, and special districts. Gary graduated from UC Santa Cruz with a B.A. in psychology. He received his J.D. in 2012 from the UC Davis School of Law. While at Davis, Gary worked as a law clerk in the Governor's Office of Legal Affairs and as a legal extern at the Placer County Superior Court.

Bob Braitman — Retired Executive Officer, Ventura LAFCo

Bob specializes in the provision of services by local agencies, fiscal analysis, local government reorganizations and jurisdictional relations. He began his public service career working for 24 years in the Ventura County Executive Office providing budget review and administrative analysis. He is one of LAFCos' longest serving Executive Officers, having served as an Executive Officer in four counties for a total of 40 years.

Jaron Brandon — Supervisor, County of Tuolumne

Jaron Brandon, one of our state's youngest county leaders, serves as the District 5 Supervisor for Tuolumne County, California, a region nestled in the Sierra Nevada foothills that encompasses the towns of Columbia and Jamestown. Brandon focuses on key issues

such as affordable housing, economic development, citizen access to government, public safety, and forest management, always looking to prepare and empower his community for the next generation. Brandon has also served on the Tuolumne County LAFCo for two years.

Marsha Burch — Attorney, Law Office of Marsha A. Burch

Marsha is an attorney representing a wide range of public and private clients, environmental groups, tribes, special districts, agricultural growers, developers, citizen groups and individuals. Her focus lies in matters involving natural resource and environmental law, water rights, water quality, and land use under municipal, state, and federal laws. She has been advising LAFCos and special districts for over 15 years and has significant experience with CEQA compliance and litigation.

Shannon Costa — Deputy Executive Officer, Butte LAFCo

Shannon serves as the Deputy Executive Officer of Butte LAFCo. She has 10 years of planning experience, including time with the City of Chico and the County of Tehama. Shannon graduated from CSU Chico with a Bachelor's degree in Human Geography with an Option in Planning. In her personal life, Shannon enjoys golfing and house projects with her husband and young daughter.

Paula De Sousa — Partner, Best Best & Krieger LLP's Special District Practice Group

Paula is a partner in Best Best & Krieger LLP's Special District practice group, based out of the firm's San Diego office. Paula joined BBK upon graduating from the University of the Pacific, McGeorge School of Law. Paula practices in most areas of public agency representation, including the CKH Act. Paula serves as legal counsel to San Bernardino LAFCo, assistant legal counsel to Orange LAFCo,

and serves as general counsel to several special districts in San Diego County (agencies providing sewer and water services). She advises CALAFCo as assistant general counsel, assists in drafting legislation on CALAFCo's behalf, and regularly advises other public agency clients with respect to LAFCo-related issues. She is the primary author of several "white papers" utilized by LAFCos and public agencies throughout the state on changes in law impacting changes of organization and reorganizations.

Ron Duncan — General Manager, Soquel Creek Water District

Ron has served as the General Manager (GM) of the Soquel Creek Water District for eight years, and as the Conservation Manager before that. Ron also sits as a Trustee of the WaterReuse California (WRCA) Board of Trustees, and sits on the American Water Works Association Utility Council. Ron's professional career has always focused on water and spans both the private and public sectors. He holds a B.S. in Geology, an M.S. in Hydrology, an MBA, and has completed a fellowship in an Executive Master's program for organizational leadership titled "Positive Leadership and Strategy." In 2018, Ron received the recognition of Certified Special District Manager from the Special District Leadership Foundation.

Brendon Freeman — Executive Officer, Napa LAFCo

Brendon is a Napa native who served as LAFCo Analyst from 2008 to 2015 before being appointed as Executive Officer. Brendon earned an undergraduate degree in economics with a minor in statistics from UC Davis. Brendon is a graduate of Leadership Napa Valley Class 33 and is an active member of the Napa Sunrise Rotary Service Club. Brendon is married and has one son.

Jason Fried — Executive Officer, Marin LAFCo

Jason is the Executive Officer for Marin LAFCo and before that, he served as Executive Officer for the San Francisco LAFCo. Prior to working for LAFCo, he worked in Washington, D.C., at the White House, Department of Interior, and on Capitol Hill. Jason has worked on land use issues in the California desert.

Leslie J. Girard — County Counsel and Risk Manager, County of Monterey

Leslie serves as the Monterey County Counsel and County Risk Manager, a position that he has held since October 2019. Prior to that appointment, he also held positions as the Chief Assistant County Counsel and Assistant County Counsel. As Chief Assistant County Counsel, he assisted County Counsel in overseeing operations of the office and advising Monterey County LAFCo, and other special districts. Leslie received his B.A. from San Diego State University in 1978, majoring in Political Science with a minor in Economics, and his J.D. from Georgetown University Law Center in 1981.

Brian Helmick — Deputy Fire Chief, Contra Costa County Fire Protection District

As the Deputy Chief of the Contra Costa County Fire Protection District (CCCFPD), Brian possesses over 27 years of experience in fire protection and emergency response. His leadership role in successful fire reorganization and involvement in various statewide service agencies provide unique insights into the importance of MSRs for fire agencies.

Uma Hinman — Executive Officer, Mendocino LAFCo

Uma is the President of Hinman & Associates Consulting, Inc., as well as the Executive Officer for Mendocino LAFCo. She brings over 20 years of experience as a land use and environmental planner in Northern California,

ABOUT THE SPEAKERS

and is an accomplished project manager, consistently demonstrating her ability to work collaboratively with clients, agencies and stakeholders. Uma's broad experience includes land use and water planning for local government agencies, LAFcos, special districts, and Integrated Regional Water Management (IRWM) groups; grant management and administration; emergency action planning; and regulatory compliance. Additionally, Uma's background includes watershed research, biological and water quality monitoring field work, and firefighting for CALFIRE. With a B.S. in Environmental Science from Humboldt State University (emphasis in Watershed Management), she continues to hone her skills through continuing education courses, workshops and conferences.

**Carolanne Ieromnimon —
Local Government Analyst II,
San Diego LAFCo**

Carol Ieromnimon has been an Analyst with San Diego LAFCo since November 2021. She is a Master of Public Administration graduate from Cal State University Long Beach and a UCR alumni. Outside of work, she enjoys reading, exercising and cooking.

**Peter Johnson — Commissioner,
San Joaquin LAFCo**

In addition to being a LAFCo Commissioner, Peter also serves as the Director of both the Westgate Center for Leadership and Management Development and the Institute for Family Business in the Eberhardt School of Business at the University of the Pacific. He founded the Institute for Family Business in 1997. Prior positions include Executive Vice President of Marketing and Sales for a national financial services firm, Executive Director of The Business Incubator, and founder and owner of several businesses in California. Peter is an educator, consultant and speaker, who works with for-profit, nonprofit, government

agencies and family businesses throughout North America to develop leadership solutions to business challenges. He is often quoted in the media and for seven years wrote a monthly leadership article for The Business Journal. Peter received his MBA from the University of the Pacific and a B.S. in Management from San Diego State University.

**SR Jones — Executive Officer,
Nevada LAFCo**

SR Jones has worked with Nevada LAFCo since 1992 and has served as the Executive Officer of Nevada LAFCo since 1993. SR has also been involved with CALAFCO since 1994, serving on the Legislative Committee and several Program Committees. In 1997, and again in 2008, she was appointed Deputy Executive Officer. She served as Executive Officer of CALAFCO from 1998 until 2000, and again from 2009 to 2011. She received a degree in History from UC San Diego and currently resides near Nevada City.

**Michael Kelley — Commissioner,
Imperial LAFCo**

Mike is a lifelong resident of Imperial County and a graduate of Imperial Valley College and San Diego State University, Imperial Valley Campus. He has been employed by the County of Imperial for the past 49 years; 10 years at Probation and Corrections as Juvenile Detention Officer, Deputy Probation Officer, Assistant Superintendent Juvenile Hall, Superintendent Juvenile Hall, and Director of Juvenile Facilities, and 10 years as Court Administrator/Jury Commissioner for Superior and Municipal Courts of Imperial County, 17 years as Chief Probation Officer, and 12 years as a member of the Board of Supervisors for District 3. Mike has served four terms on the Board of Supervisors, including three times as Chairman of the Board. He serves as Board Director for California Association Local Agency Formation Commissions (CALAFCO) and Commissioner

for the Imperial Local Agency Formation Commission.

**Yoriko Kishimoto — Commissioner,
Santa Clara LAFCo**

Santa Clara LAFCo Commissioner Yoriko Kishimoto has served on Santa Clara LAFCo since 2013 and chairs the Technical Advisory Committee for its Countywide Fire Service Review. She is also the current president of the Midpeninsula Regional Open Space District and the former Mayor of the City of Palo Alto. Over her tenure in public service, Yoriko has served on the Board of Directors for the Santa Clara Valley Transportation Authority and on the Bay Area Air Quality Management District that oversees clean air regulations in the 9-county Bay Area region. She holds an MBA from Stanford University. Yoriko's extensive experience in public service, climate protection, and innovative approaches to building a green economy makes her an invaluable addition to the panel.

**Kurt Latipow — Vice President
Emeritus, AP Triton**

With 40 years in Public Safety and over 27 years in Public Administration as a Fire Chief and Chief Officer, Kurt Latipow brings extensive expertise to the table. His experience in developing and implementing emergency and strategic plans, Standards of Cover Analysis, and other vital processes will offer valuable guidance during the session.

**Kenneth Leary — Commissioner,
Napa LAFCo**

Ken was first elected to the American Canyon City Council in 2012 and reelected in 2016. He received a B.S. in Recreation and Leisure Studies, as well as an MPA in Public Policy from California State University East Bay. His professional employment history includes the Naval Air Station Alameda, City of Oakland Parks and Recreation, and the Town of Yountville, where he served as Community Services Director.

In 2016, Ken was appointed to Napa LAFCo as a City Member. He went on to serve on the ad hoc Budget and Outreach subcommittees. He served as Napa LAFCo Chair in 2020. When he chose not to seek a third term on City Council in American Canyon, he left the Commission temporarily and returned in 2021 when he was appointed as the Public Member. While on the City Council, Ken was an active member of the League of California Cities, Mayors, and Council Members Department, North Bay Division. He also served on the Community Services Policy Committee and the African American Caucus.

**Stephen Lucas — Executive Officer,
Butte LAFCo**

Stephen is the Executive Officer for Butte LAFCo and has more than 27 years of LAFCo and land use planning experience. He is the CALAFCO Executive Officer on the CALAFCO Legislative Committee, serves on numerous other CALAFCO workgroups, and holds a Bachelor of Arts in Geography and a Master of Arts in Geography and Urban Planning from the California State University of Chico. Before joining LAFCo, he worked as a Land Use Planner for the County of Butte, serving as staff to the Planning Commission and Airport Land Use Commission. Aside from his professional pursuits, he has served his community for eight years on the City of Chico Airport & Parks Commission, as well as on the board of several local leadership development programs, and has served for three years as the Board Chair of a K-8 charter school.

**Kai Luoma — Executive Officer,
Ventura LAFCo**

Kai joined the Ventura LAFCo in 2007 and has served as Executive Officer since 2014. Before joining LAFCo, Kai was a senior planner for the City of Santa Clarita, where one of his responsibilities was overseeing the city's frequent annexation proposals. He has also been

ABOUT THE SPEAKERS

a planner with the City of Roseville, Nevada County, and San Joaquin County. Kai holds a Bachelor's degree in geography and a Master's degree in public administration.

**Russ Melton —
Chair, Santa Clara LAFCo**

Russ is the Chairperson of the Santa Clara LAFCo, where he has served since 2017. He has also served on the Sunnyvale City Council since 2016, where he was Vice Mayor in 2018. Prior to that, Russ served on the Sunnyvale Planning Commission for 4 1/2 years, including 2 1/2 years as Chairperson. Consequently, he has a deep appreciation for land-use planning as a critical tool in public policy. Russ also serves as board Chairperson for the Silicon Valley Regional Interoperability Authority (SVRIA), a JPA that owns and operates the interoperable regional communications system used by first responders and emergency personnel throughout Santa Clara County. Russ worked for 20 years in various finance and management roles in the high-tech industry and prior to that served in the United States Navy. Russ has an MBA from Santa Clara University and an undergraduate degree from Cal Poly - San Luis Obispo.

Joshua Nelson — Partner, Best Best & Krieger LLP

Josh is a member of Best Best & Krieger LLP's Municipal Law practice group and provides city attorney and general counsel services to cities, special districts and joint powers authorities. Representative clients include Santa Cruz LAFCo, North Tahoe Public Utility District, Sonoma Clean Power and Soquel Creek Water District. In addition to his general counsel practice, Josh assists public agency clients with proceedings before local agency formation commissions. This includes annexations, detachments, consolidations and other reorganizations. Josh also serves

as the office managing partner for Best Best & Krieger LLP's Sacramento office.

**Thomas Nisbet — Associate Partner,
IBM Cognitive and Advanced Analytics
in State and Local Governments**

Thomas leads IBM Cognitive and Analytics offerings for IBM Consulting Public Markets. His experience and focus are concentrated on assisting Government entities in AI-driven customer service transformations and advanced analytics. With over 15 years of experience, he prioritizes leading teams to deliver business and technical results through partnership-driven governance models.

**Paul Novak — Executive Officer,
Los Angeles LAFCo**

Paul Novak is the Executive Officer for Los Angeles LAFCo, a position he has held since January 2011. He served as the Planning Deputy to Los Angeles County Supervisor Michael Antonovich from 2003 to 2010. Mr. Novak has over 30 years of experience in local government and land-use planning, is a Consulting Zoning Hearing Officer for the City of Pasadena, and teaches land-use planning for several universities. He has a B.A. in Political Science from Claremont McKenna College and a Master of Real Estate Development from the University of Southern California.

**Kyle Packham — Advocacy & Public
Affairs Director, California Special
Districts Association**

Kyle joined the California Special Districts Association (CSDA) in 2010. As Advocacy and Public Affairs Director, Kyle oversees CSDA's lobbying, grassroots, and public relations efforts on behalf of its more than 1,300 members who provide essential local services to millions of Californians. Before coming to CSDA, Kyle served on staff in the State Capitol, working in both the Assembly and Senate. Kyle also gained local government

experience with Eastern Municipal Water District, where he worked in legislative affairs — among other departments. Kyle is an alumnus of the Jesse M. Unruh Assembly Fellowship; he possesses a Master of Public Administration degree from the University of Southern California and a B.A. in Political Science and Speech Communication from Pepperdine University.

**Joe Serrano — Executive Officer,
Santa Cruz LAFCo**

Joe earned a double major in Finance & Accounting from Cal State University, Fullerton, and has over 14 years of LAFCo experience. He began his LAFCo career as an intern for Orange LAFCo in 2008 and was their analyst until 2013 before he started expanding his LAFCo knowledge with other LAFCos, including San Bernardino, San Diego, and Monterey. Today, he is now the Executive Officer of Santa Cruz LAFCo.

**Keene Simonds — Executive Officer,
San Diego LAFCo**

Keene was appointed LAFCo Executive Officer in September 2017 and is responsible for overseeing the agency's regulatory and planning responsibilities consistent with Commission policies. Keene previously served as LAFCo Executive Officer in the San Francisco Bay Area (Marin and Napa Counties) along with holding different positions with a private consulting firm in Beverly Hills, California and a non-profit organization in Philadelphia, Pennsylvania. Keene holds undergraduate and graduate degrees from Pepperdine University and University of Southern California, respectively. Previous activities also include serving as a Board member for Marin Space and the California Urban Forest Council. Keene and his family live in Old Escondido.

**Jennifer Stephenson — Co-founder/
Principal, Policy Consulting Associates
(PCA)**

Jennifer is a co-founder and principal of Policy Consulting Associates (PCA) where she is responsible for the overall direction of the projects, regional and municipal research analysis, and financial analysis. Her technical expertise includes benchmarking, performance evaluation, municipal budgeting, survey design, statistics, and economic modeling. She has also co-authored incorporation studies, annexation studies, and infrastructure needs assessments. Prior to establishing PCA, Jennifer was a research associate with Burr Consulting where she conducted performance evaluation studies of fire, water, and wastewater providers in Amador, Butte, Calaveras, and Yuba counties. She has analyzed transportation, air quality, water quality, open space, and park infrastructure needs in the 187-city Southern California region. Jennifer has served as an education analyst in the City of Los Angeles Mayor's Office and a statistical analyst at the UCLA Research Center. Jennifer earned her Master's degree in Public Policy from Pepperdine University where she was a Frostmann Scholar.

**Dr. Keith Taylor — Assistant
Professor of Cooperative Extension
& Community Economic Development,
UC Davis**

Dr. Keith Taylor is an Assistant Professor of Cooperative Extension & Community Economic Development at UC Davis. He works directly and co-creatively with changemakers, urban planners and economic developers, and a range of business development interests to build community solutions to bring about communal economic development policies and hybrid enterprises, such as co-operatives, nonprofits, B-corps, small businesses, and associations.