



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 5b

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Analyst

MEETING DATE: June 1, 2015

SUBJECT: Time Extension Request: Orchard Avenue No. 4 Annexation to the Napa Sanitation District

RECOMMENDATION

It is recommended that the Commission take formal action to approve a time extension for the completion of terms and conditions for the *Orchard Avenue No. 4 Annexation to the Napa Sanitation District* for one year effective June 2, 2015 extending to June 2, 2016.

BACKGROUND / ANALYSIS

On June 2, 2014 the Commission approved a modified proposal to annex three incorporated parcels in the City of Napa consisting of 7.7 acres to the Napa Sanitation District (NSD). The annexation is intended to facilitate the development of the subject parcels to include up to 18 total new single-family residences. Subsequent to Commission approval, the affected territory was sold to a new landowner. The new landowner has submitted the attached letter requesting a one-year time extension in order to complete the standard terms and conditions adopted by the Commission in approving the annexation. The letter states that the new landowner is currently processing the final engineering plans and is preparing the map and geographic description for the affected territory.

California Government Code Section 57001 requires a Certificate of Completion be filed within one year of annexation approval by LAFCO. This code section permits a commission to authorize an extension of time it deems reasonable for the completion of necessary terms and conditions. It has been the practice of the Commission to allow applicants a one-time extension of up to one year. The requested time extension appears reasonable given the aforementioned change in ownership for the affected territory coupled with the new landowner demonstrating a commitment to complete all outstanding terms and conditions.

ATTACHMENTS

- 1) Time Extension Request Letter from Landowner (April 15, 2015)
- 2) Resolution No. 2014-08

Juliana Inman, Chair
Councilmember, City of Napa

Greg Pitts, Commissioner
Councilmember, City of St. Helena

Joan Bennett, Alternate Commissioner
Councilmember, City of American Canyon

Diane Dillon, Vice Chair
County of Napa Supervisor, 3rd District

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

Keith Caldwell, Alternate Commissioner
County of Napa Supervisor, 5th District

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Peter Banning
Interim Executive Officer



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APR 27 2015

NAPA COUNTY
LAFCO

April 15th, 2015

LAFCO, Napa County
Attn: Mr. Brendon Freeman
1030 Seminary Street, Suite B
Napa, California 94559

SUBJECT: Extension Request, Annexation to the Napa Sanitation District, Orchard Avenue #4

Mr. Freeman,

I am writing with regards to Resolution # 2014-08, "*Orchard Avenue #4 Annexation to the Napa Sanitation District*", as approved by LAFCO Napa County at the Agency Meeting on June 2, 2014. We are requesting a twelve (12) month extension, under Government Code Section 57001, to satisfy the terms required by the Agency and/or Napa Sanitation District.

We recently purchased the property and are processing the final engineering plans and recording the final map. Due to the short amount of time between the acquisition/close of escrow on the property and the expiration of Resolution # 2014-08 for annexation, we respectfully request the extension to allow adequate time to finalize all plans and complete site improvement work.

If you have questions, or need additional documentation, please contact me at (925) 355-1305 or at swheelock@laffertycommunities.com

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "S.Wheelock".

Seth Wheelock
Development Manager
Lafferty Communities

cc: Andrew Damron, Napa Sanitation District
Mark Forster, Lafferty Communities

RESOLUTION NO. 2014-08**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MAKING DETERMINATIONS****ORCHARD AVENUE NO. 4 ANNEXATION TO
THE NAPA SANITATION DISTRICT**

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

WHEREAS, an application by Mayacamas Estates, landowner, proposing the annexation of territory to the Napa Sanitation District has been filed with the Commission's Executive Officer, hereinafter referred to as "Executive Officer," in a manner provided by law; and

WHEREAS, the proposal seeks Commission approval to annex approximately 7.0 acres of incorporated land within the City of Napa ("City") to the Napa Sanitation District (NSD) and represents a 6.5 acre portion of a parcel located at 1121 Orchard Avenue along with one entire 0.45 acre parcel with no situs address and identified by the County of Napa Assessor's Office as 035-042-020 and 035-042-045; and

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

WHEREAS, the Executive Officer modified said proposal to expand the affected territory to include one additional 0.68 acre parcel located at 4461 Solano Avenue and identified by the County of Napa Assessor's Office as 035-042-017; and

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

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

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

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

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

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter "CEQA"), the Commission considered the determinations of the City of Napa, Lead Agency under CEQA, in its Mitigated Negative Declaration based on its initial study of environmental significance for the Mayacamas Vista Estates Project and related mitigation measures and further evaluated the environmental impact of the proposal as modified in accordance with Section 15164 of Title 14 of the California Code of Regulations (hereinafter "CEQA Guidelines"); and

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

1. The Commission's determinations on the proposal incorporate the information and analysis provided in the Executive Officer's written report.
2. The Commission makes the following findings pursuant to the California Environmental Quality Act (CEQA):
 - (a) The Commission – as responsible agency – has considered the City's initial study assessing the environmental impacts associated with the project, including the development of 18 residential lots and this annexation. The initial study provides that Napa Sanitation District, as the wastewater treatment provider for the project, has adequate capacity to serve the project in addition to the provider's existing commitments and thus results in no environmental impact. Based on the initial study, the City adopted a mitigated negative declaration finding that the development with identified mitigation measures will not result in significant impacts on the environment. The Commission certifies it has reviewed and considered these environmental documents for the underlying development project.
 - (b) The Commission – as lead agency – has considered the environmental impacts associated with the Executive Officer's recommendation to expand the annexation to include 4461 Solano Avenue (035-042-017). The Commission finds the maximum allowable build out of 4461 Solano Avenue is three single-family residences as contemplated in the City of Napa's Zoning Ordinance. The Commission determines this expansion is categorically exempt from CEQA review pursuant to 14 California Code of Regulations Section 15319(b) and 15303(a), which exempt annexations of areas with a maximum allowable construction of three single family residences in an urbanized area.
 - (c) These environmental findings are based on its independent judgment and analysis. The Executive Officer is the custodian of the records upon which these determinations are based; these records are located at the Commission office - 1030 Seminary Street, Suite B, Napa, California.
3. The proposal is APPROVED with the following modification:
 - a) The affected territory is expanded to include one adjacent 0.68 acre parcel located at 4461 Solano Avenue and identified by the County Assessor as 035-042-017.

4. This proposal is assigned the following distinctive short-term designation:

**ORCHARD AVENUE NO. 4 ANNEXATION TO
THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the attached map and is more precisely described in the attached Exhibit "A".
6. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions specified in the attached Exhibit "B."
10. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56663.
11. Recordation is contingent upon receipt by the Executive Officer of the following:
 - (a) A final map and geographic description of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization.
 - (b) Payment of any and all outstanding fees owed to the Commission and/or other agencies involved in the processing of this proposal.
 - (c) Written confirmation by Napa Sanitation District that its terms and conditions outlined in Exhibit "B" have been satisfied.
12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.

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

AYES: Commissioners LUCE, PITTS, BENNETT, KELLY AND WAGENKNECHT

NOES: Commissioners NONE

ABSENT: Commissioners NONE

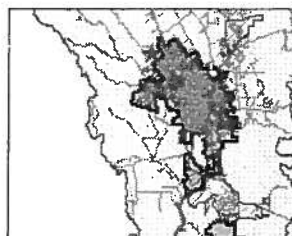
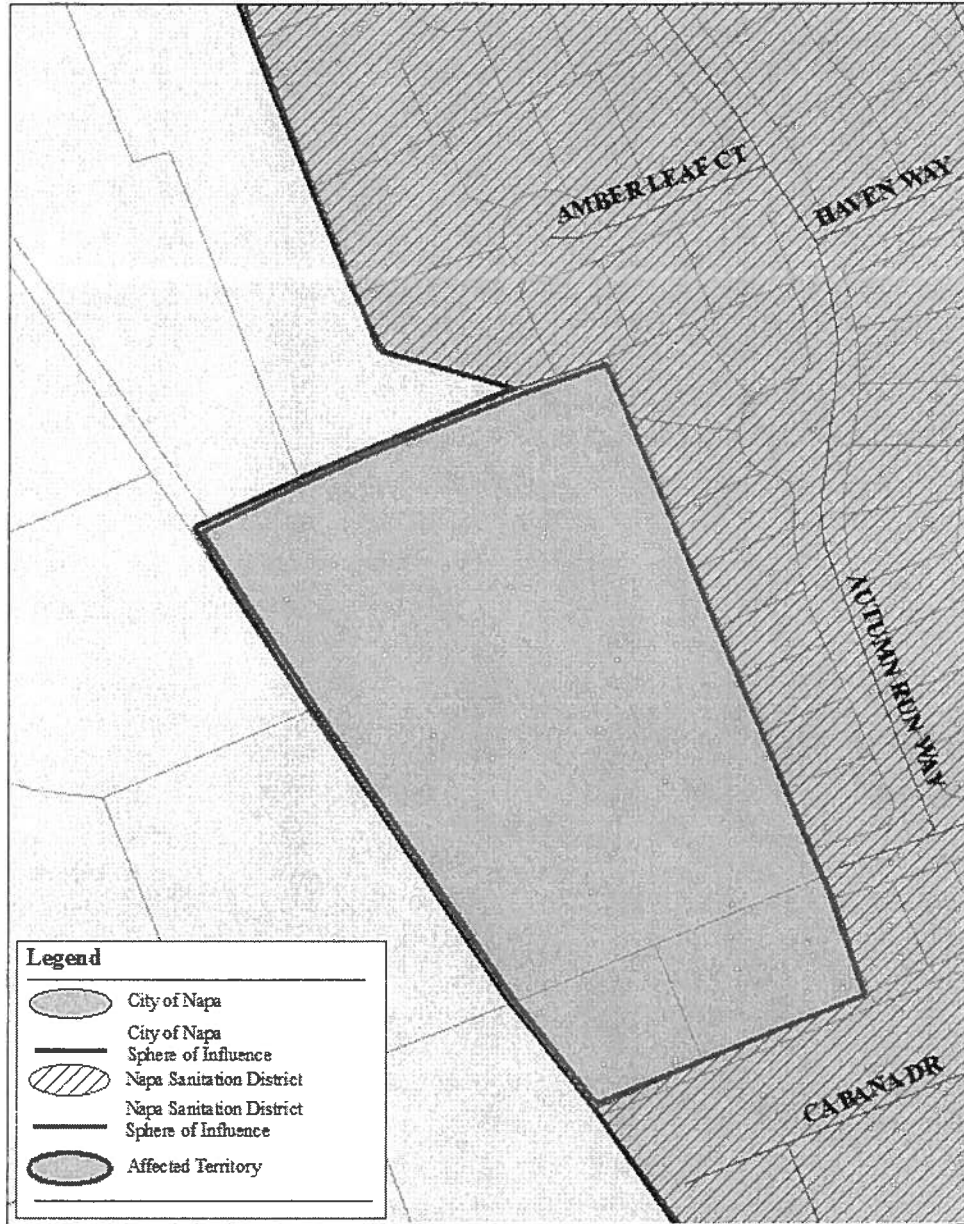
ABSTAIN: Commissioners NONE

ATTEST: Laura Snideman
Executive Officer

Recorded by: 
Kathy Mabry
Commission Secretary

EXHIBIT A

Proposed Orchard Avenue No. 4 Annexation to NSD



Miles
0 0.01 0.02 0.04

April 15, 2014
Prepared by: BF



LAFCO of Napa County
1020 Seminary Street, Suite B
Napa, California 94559
<http://www.napa.li.fc.ca.gov>

EXHIBIT "B"

TERMS AND CONDITIONS

1121 ORCHARD AVENUE - DISTRICT ANNEXATION 000008

1. Upon and after the effective date of said annexation, the Territory, all inhabitants within such Territory, and all persons entitled to vote by reason of residing or owning land with the Territory, shall be subject to the jurisdiction of the Napa Sanitation District, hereinafter referred to as "the District"; shall have the same rights and duties as if the Territory had been a part of the District upon its original formation; shall be liable for the payment of principal, interest, and any other amounts which shall become due on account of any outstanding or then authorized by thereafter issued bonds, including revenue bonds, or other contracts or obligations of the District; shall be subject to the levying or fixing and collection of any and all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all of the rates, rules, regulations and ordinances of the District, as now or hereafter amended.
2. The property owner hereby agrees to abide by all ordinances, rules and regulations of District governing the manner in which sewers shall be used, the manner of connecting thereto, and the plumbing and drainage in connection therewith.
3. In the event that pursuant to rules, regulations or ordinances of the District, as now or hereafter amended, the District shall require any payment of a fixed or determinable amount of money, either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of the District, such payment will be made to the District in the manner and at the time as provided by the rules, regulations or ordinances of the District, as now or hereafter amended.
4. The property owner agrees that prior to connection to the facilities of the District; property owner will pay all applicable fees and charges to District associated with connection of the property in accordance with the computation of regular connection fees and charges in effect at the time paid. The property owner further agrees to pay the regular permit and inspection charges in effect at the time paid for the connection to be made to the District's system.
5. The property owner shall deposit with the District an annexation fee of \$250.00 to reimburse the District engineering, legal, and all other costs incurred by the District in preparing and examining maps and plans, legal descriptions, agreements and other documents associated with processing subject annexation
6. The property owner shall file with LAFCO a check in the amount of \$350 made payable to the State Board of Equalization.
7. The property owner shall pay to the County of Napa Assessor's Office a Mapping Services Fee of \$125.
8. The property owner shall pay to LAFCO of Napa County an amount of \$125 for updating the County's GIS database.

9. The property owner further agrees to pay such annual sewer service fees to the District as may be established, from time to time, by the rules and regulations of the District which are of universal application within the District. Property owner hereby authorizes the District to collect such charges on the tax roll pursuant to California Health and Safety Code section 5473 and specifically waives any right to challenge the District's ability to do so because the Property is outside of the District Boundaries.
10. No change in the facilities to be connected to the District's system shall be made without first having given written notice to the District that such change is to be made. No additional connections shall be connected to the facilities of the Napa Sanitation District without having first given written notice to the District that such additional facilities are to be connected to the system. Prior to making any such change in facilities or to the addition of any units to the District's system, the Owner shall pay to the District such additional inspection, connection and annual fees which may then be established by the Board of Directors of the District.
11. The property owner shall eliminate any privately owned sewage disposal system(s) located on the subject property to the Napa County Division of Environmental Health requirements.
12. The property owner shall enter into an Improvement Agreement with the District for construction of public sanitary sewer facilities.
13. The property owner shall install approximately 635 linear feet of 8-inch sanitary sewer main from the existing manhole at the existing terminus of Luke Drive to the north terminus of the proposed Luke Drive extension.
14. The property owner shall submit a Plan and Profile of the aforesaid sanitary sewer improvements prepared by a registered civil engineer, conforming with District standards, and post the appropriate Labor and Materials and Faithful Performance Bonds guaranteeing said installations.
15. All sanitary sewer mains installed outside of the public right of way shall be located within 20 foot wide sanitary sewer easement centered on the mains and dedicated to the District.
16. All work sewer work performed in the public right of way shall be performed by a Class A licensed contractor who bonds the public work with the District. The contractor shall pay to the District public lateral inspection fees and sanitary sewer main inspection fees based on the inspection rates in effect at the time construction permits are issued.
17. The property owner shall pay to the District the private lateral inspection fee in effect at the time at the time of construction for each dwelling unit located on the property.
18. The property owner shall agree to conditions 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16 and 17, and fulfill conditions 5, 6, 7 and 8 prior to the District's issuance of a letter to LAFCO authorizing recordation of subject annexation, and in no case more than 1 year after LAFCO's adoption of a resolution approving subject annexation, unless extended by LAFCO. Any extensions granted shall in total not exceed 1 year.