



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, Interim Executive Officer

MEETING DATE: June 29, 2015

SUBJECT: Draft Sphere of Influence Update for the Napa Sanitation District:
Response to Comments on Staff Report and Recommendation of
April 6, 2015

BACKGROUND

In its draft report of April 6, 2015, staff recommended that the Commission amend Napa Sanitation District's (NSD) sphere of influence to (a) remove the Browns Valley Study Area and (b) add a portion of the County Jail Study Area (western parcel) as well as the entire Cuttings Wharf Study Area. The purpose of this memo is to provide staff responses to questions and comments raised during the April 6th meeting or written comments that were subsequently received.

QUESTIONS AND COMMENTS OF COMMISSIONERS

Commissioner Dillon asks that staff provide more explicit detail on what would be required under the California Environmental Quality Act (CEQA) in order to add any or all of the study areas to NSD's sphere. Staff submitted Commissioner Dillon's question to the Commission's CEQA consultant and has received the following information:

Coombsville Road Study Area

Information provided by the County of Napa suggests that amending NSD's sphere to include the Coombsville Road Study Area may ultimately lead to significant new development given that the area's current development potential is restricted due to the need for sewage capacity reserve areas associated with private septic systems. Due to the potential for further development with possible environmental impacts that have not yet been contemplated, no exemptions under CEQA would be available for a sphere amendment. An environmental document (an EIR or mitigated negative declaration) from the County of Napa would represent the appropriate analysis by the relevant planning agency to evaluate a future proposal involving the amendment of NSD's sphere as a key component. For LAFCO to

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

Brendon Freeman
Interim Executive Officer

amend the NSD sphere prior to such action by the County would require that the Commission assume the lead agency role under CEQA and conduct the environmental analysis of the full scope of potential environmental impacts of the eventual buildout and associated service demands for the entire area.

County Jail Study Area

The approved County Jail Project was evaluated and approved in the final environmental impact report (FEIR) adopted by the County of Napa in 2014. The FEIR for the new County Jail Project did not include a description of development of the eastern parcel (“Boca property”) except for use as part of the new County Jail. No other potential impacts were evaluated. Since the new County Jail will be constructed on the western parcel only, the potential environmental impacts of unknown redevelopment of the eastern parcel have not been analyzed. Once a development application or plan is brought forward, the appropriate environmental analysis can be conducted, which could presumably include amendment to NSD’s sphere as part of the approval process.

If only the connection of existing uses on the Boca property are contemplated, such connection is still a project under CEQA unless it can be shown that no other expanded uses of the area would be facilitated by extension of sewer service. An initial study or supplemental EIR may be sufficient to establish a lack of significant environmental effects. If it can be shown without further study that the Boca property is already developed to the fullest extent or to the maximum density allowed by the current zoning ordinance, amendment of the sphere and/or annexation of the area to NSD would not be defined as a project under CEQA and the Commission’s action would qualify for exemption from CEQA under Section 15319 of the State CEQA Guidelines.

Alternatively, since the County Jail Project FEIR considered a sphere expansion and infrastructure expansion to the Boca property as an optional configuration for the new County Jail, it could be argued that the environmental impacts associated with sphere expansion at the Boca property have been adequately evaluated as part of the Napa County Jail FEIR. In this instance, as a responsible agency, the Commission could consider the analysis in the FEIR pertaining to the Boca property and certify the County’s FEIR for the limited purpose of the NSD sphere amendment. In addition, because significant impacts were identified associated with utility expansion, the Commission would need to prepare and consider the adoption of CEQA Findings and a Statement of Overriding Considerations. The Commission would also be required to adopt a Mitigation Monitoring and Reporting Program, and any future annexation of the Boca property could be conditioned on the satisfaction of any adopted mitigation measures. However, even under this alternative, additional environmental review would still be required prior to annexation of the Boca site, once a development proposal for the Boca property was defined for study.

Cuttings Wharf Study Area

Given that the Cuttings Wharf Study Area is primarily developed as allowed under the County's General Plan and zoning land use designations, the Commission could apply the exemption provided under Class 19 of the State CEQA Guidelines which allows exemption from environmental review for the following cases:

(a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.

Monticello Road Study Area

Information provided by the County of Napa suggests that amending NSD's sphere to include the Monticello Road Study Area may ultimately lead to significant new development given that the area's current development potential is restricted due to the need for sewage capacity reserve areas associated with private septic systems. Due to the potential for further development with possible environmental impacts that have not yet been contemplated, no exemptions under CEQA would be available for a sphere amendment. An environmental document (an EIR or mitigated negative declaration) from the County of Napa would represent the appropriate analysis by the relevant planning agency to evaluate a future proposal involving the amendment of NSD's sphere as a key component. For LAFCO to amend the NSD sphere prior to such action by the County would require that the Commission assume the lead agency role under CEQA and conduct the environmental analysis of the full scope of potential environmental impacts of the eventual buildout and associated service demands for the entire area.

Solano Avenue Study Area

The Solano Avenue study area is the site of a development application to expand existing entitlements (50-seat restaurant) to include the development of a 50-room hotel, a 100-seat restaurant, a spa, and a delicatessen. The area is unincorporated and located approximately 1,900 feet north of NSD's existing infrastructure and jurisdictional boundary.

The area is surrounded on the east, south, and west by vineyards. Lands located immediately north are rural residential. The development application would represent a substantial change in land use and zoning designation. Significant infrastructure extension, including expansion of existing water service by the City of Napa, would be required to serve the project. On July 18, 2014, the County Planning Department completed its initial review and deemed the application incomplete pending submittal of information pertaining to several specific items.

Amending NSD's sphere to include the Solano Avenue Study Area would not qualify for any exemption under the State CEQA Guidelines. Further, the project could potentially undermine existing agricultural land uses located to the immediate south, indicating potential environmental impacts that further study may show to be subject to mitigation requirements.

In November, 2013, the NSD Board issued a "conditional will-serve letter," a statement of the District's ability and willingness to provide sewer service to the area, if project proponents are successful in their effort to amend the District's sphere of influence and annex the territory to NSD. The District took this action without environmental analysis. An environmental document (an EIR or mitigated negative declaration) from the County of Napa would represent the appropriate analysis by the relevant planning agency to evaluate this proposal, including amendment of NSD's sphere as a key component of the project. The application process the developer has initiated with the County should include a CEQA analysis of the proposed project, and Commission staff can work with the County to ensure that any environmental analysis prepared includes the necessary information for a sphere update and annexation, as appropriate.

For LAFCO to amend the NSD sphere prior to such action by the County would require that the Commission assume the lead agency role under CEQA and conduct the environmental analysis of the full scope of the project.

Commissioners Caldwell and Kelly asked staff to confer with the County concerning compliance with State septic regulations pertaining to the health and safety of residents and the environment. Staff has conferred with the County and received the following information:

The Onsite Wastewater Treatment System (OWTS) Policy was approved by the State Water Quality Control Board in May 2013. County of Napa Environmental Health staff is currently working on a Local Area Management Program (LAMP) to submit to the Regional Water Quality Control Board early next year. The LAMP has to show how the county's program meets the intent of the policy, namely to protect water quality and public health. The County's existing program substantially complies with the OWTS Policy, but the existing language in County code needs to be updated as it relates to the septic program and add technical information that was not in the code before. County staff will perform additional monitoring of septic system complaints, failures, and possibly groundwater quality to comply with the OWTS policy, in addition to submitting annual reports to the Regional Water Quality Control Board about the program. County staff does not anticipate that the changes proposed will affect the process for development. The County has its first stakeholder meeting tentatively scheduled for July 20, 2015, at which staff will present the proposed changes and receive feedback from the regulated community. Following the stakeholder meeting, County staff will be presenting to the Board of Supervisors. County Planning will need to review the code changes for compliance with CEQA. The County's LAMP is due in May 2016.

In the absence of adding the entire Monticello Road Study Area to NSD's sphere, Commissioner Caldwell asked staff to consider including a portion of land known as "Monticello Park" given that the septic systems within Monticello Park will require upgrades or replacement within the foreseeable future.

As part of the final report, staff will consider recommending the Commission add just the portion of the Monticello Road Study Area known as "Monticello Park" to NSD's sphere of influence to address a potential health and safety threat associated with aging septic systems within the unincorporated neighborhood.

Commissioner Kelly asked staff to reconsider its recommendation for the County Jail Study Area to include both parcels in NSD's sphere.

Adding the eastern parcel to NSD's sphere would represent a project under CEQA for which no exemptions are available. The EIR for the County Jail Project only contemplates environmental impacts associated with the development of the jail facility as well as the public services that would be required to maintain the jail. The EIR does not contemplate additional development or service impacts for the eastern parcel and therefore a supplemental EIR would be required if the Commission amends NSD's sphere to include both parcels.

Commissioner Kelly also requested more clear maps depicting the parcels within each study area.

Staff has updated the maps for each study area to better depict individual parcels. This includes additional detail where needed regarding existing land uses and land use designations.

QUESTIONS AND COMMENTS OF LOCAL AGENCIES

Staff has received written comments from the Napa Sanitation District. The responses from staff are provided below.

Coombsville Road Study Area

NSD has indicated that the District has no immediate plans to perform a study evaluating service to this area. This comment suggests the timing may not be appropriate to amend NSD's sphere of influence for purposes of including the Coombsville Road Study Area as part of the current sphere update for the District.

County Jail Study Area

NSD has recommended inclusion of both parcels to properly plan for adequate sewer service during planning and design of the utility system highway crossings for the County Jail project. However, as referenced earlier, amending NSD's sphere to include the eastern parcel (Boca property) would trigger the need for an

initial study or supplemental EIR to establish a lack of significant environmental effects. No such environmental review and analysis currently exists that would be adequate to allow the Commission to amend NSD's sphere to include the Boca property.

Monticello Road Study Area

NSD has commented that further definition of the study area is needed prior to the District performing a feasibility study or determining the cost to extend sewer service to the area. In particular, NSD referenced potential additional development within Silverado Resort. LAFCO staff has conferred with the County and confirmed that the Silverado Resort has expressed interest in eventually expanding existing facilities, which would likely include new public sewer connections. However, no formal application for development entitlements has been submitted to the County on behalf of the Silverado Resort. It would be appropriate to consider potential future development and environmental impacts within the Monticello Road Study Area as specific projects become known.

City of Napa Councilmember Scott Sedgley provided verbal comments suggesting that LAFCO ought to work in tandem with the City with respect to promoting logical extensions of municipal boundaries and services. In particular, Councilmember Sedgley recommended that staff coordinate with the City to move towards a more comprehensive and collaborative approach to expanding NSD's sphere.

Staff has provided the City with ample opportunity to provide input on the draft sphere update for NSD. LAFCO's responsibility is to promote the logical and orderly extension of governmental boundaries and service areas. Staff will continue to involve the City at each stage of LAFCO's planning activities.

Councilmember Sedgley further commented that the Browns Valley Study Area ought to remain within NSD's sphere given that it may eventually be further developed with public restrooms that would be connected to the District's public sewer infrastructure. City of Napa Senior Planner, Scott Klingbeil, also commented that the Browns Valley Study Area should remain in NSD's sphere based on its land use designation and zoning assignments under the City's land use authority. Mr. Klingbeil recommended that LAFCO discontinue its use of the City's rural urban limit (RUL) as a guide for sphere considerations involving NSD. Mr. Klingbeil also suggested that the Commission retain lands within NSD's sphere if they are already within the City's jurisdictional boundary, such as the Browns Valley Study Area.

Staff respectfully disagrees with the recommendation to retain the Browns Valley Study Area within NSD's sphere. The Browns Valley Study Area is partially developed with a public park and open space land use and has been in NSD's sphere since 1975. It is unlikely there will ever be a need for public restrooms based on a comparison of similarly-sized parks that are operated and maintained by the City. Further, the Commission's policy on updating spheres states:

The Commission, however, shall consider removal of land from an agency's sphere of influence if any of the two conditions apply:

(a) The land is outside the affected agency's jurisdictional boundary but has been within the sphere of influence for 10 or more years.

(b) The land is inside the affected agency's jurisdictional boundary, but is not expected to be developed for urban uses or require urban-type services within the next 10 years.

The Browns Valley Study Area has been located within NSD's sphere but outside its jurisdictional boundary for over 10 years. Further, the area is not expected to be developed for urban uses or require urban-type services within the next 10 years. Based on local policies, it would be appropriate to remove the Browns Valley Study Area from NSD's sphere.

QUESTIONS AND COMMENTS OF LANDOWNERS AND OTHER INTERESTED PARTIES

Ms. Renee Carter, landowner of the Boca property within the County Jail Study Area, verbally commented at the April 6th meeting that there are several existing businesses operating on the Boca property that currently rely on a private onsite septic system of undeterminable age and operability and these businesses would benefit from public sewer service. Ms. Carter further commented that she would like to see current uses properly maintained without jeopardizing existing users, which would be supported by including the Boca property within NSD's sphere.

Ms. Carter subsequently submitted a comment letter dated April 30, 2015 (Attachment Two) that further describes reasons why the Boca property requires public sewer service from NSD for purposes of replacing the existing private onsite sewer system. The letter states that the existing private onsite septic system poses a potential health and safety threat for the approximately 100 employees currently working for the various business tenants within the Boca property. Ms. Carter's letter also asserts that any future impact on NSD's public sewer infrastructure will be minimal in comparison to the impacts associated with the existing County Jail project, which will be located on the western parcel within the County Jail Study Area.

Ms. Carter's comments regarding the Boca property relying on a private onsite septic system of undeterminable age and functionality are correct and relevant to LAFCO's responsibilities. This includes ensuring the logical and orderly extension of public services in response to health and safety threats.

However, and as discussed earlier, the EIR for the County Jail Project only contemplates development potential and municipal service impacts for the jail and related facilities. An amendment to NSD's sphere to include the Boca property would represent a new project under CEQA and require a supplemental EIR

before the Commission can make its required findings. Given the lack of an adequate environmental planning process for the Boca property, amending staff's recommendation for the County Jail Study Area to also add the eastern parcel to NSD's sphere is not appropriate at this time.

Mr. Brian Russell, representing the Solano Avenue Study Area, provided the following comments in a letter dated April 6, 2015 (Attachment One) and also delivered the comments at the April 6th meeting:

1. The report states that no development project currently exists. Mr. Russell comments that the property is currently entitled for a 290-seat restaurant and 16,800 square feet of retail space plus additional uses. Mr. Russell comments that he has submitted a use permit modification for a hotel with 50 rooms and a 100 seat restaurant.

In staff's estimation, no official development project currently exists. No approvals have been provided by the County of Napa for the conceptual project and therefore no entitlements are in place to allow for the proposed 50-room hotel. However, staff recognizes that Mr. Russell has taken several pertinent steps towards ensuring the conceptual project is eventually processed with the County Planning Department.

2. The report incorrectly speculates that the existing development application to construct a 50-room hotel and a 100-seat restaurant is unlikely to be approved by the County of Napa in the near future. Mr. Russell comments that he has met with the County Planning Director and expects the project to be approved in 2016.

To date, LAFCO has not received any communication from the County or otherwise indicating that Mr. Russell's proposed project will be approved within the foreseeable future. However, staff has met with the County Planning Department and Mr. Russell to discuss possible timelines for future project approvals. County Planning has verified they are willing to process a viable development project as soon as a complete application is submitted that addresses various outstanding issues.

3. The report notes that an environmental impact report (EIR) is required to support the proposed development. Mr. Russell comments that a limited scope EIR will be conducted for the hotel project (the restaurant component is already allowed based on existing zoning and land use entitlements).

The limited scope EIR will need to address cumulative impacts associated with the project as well as potential impacts on agricultural land and municipal utilities such as water and sewer service. The EIR will help address LAFCO's concerns regarding the lack of a service plan for the proposed project.

4. The report states that the project would utilize public sewer infrastructure. Mr. Russell comments that a private force main will be installed and connected to the existing public sewer infrastructure located within the City of Napa.

The extension of public sewer services to the site from NSD through a private force main represents an extension of municipal services and would require either annexation or an outside service agreement.

5. The report states that a will serve letter from the City of Napa would be required for extension of public water service. Mr. Russell comments that the property already receives water service from the City and that the report is considering extension of sewer, not water.

The comment in the report regarding City of Napa water is intended to provide additional context with respect to other agencies with a direct role in the proposed project. Given that the City of Napa would be the water service provider, it is important that the proposed project receives a commitment from the City for future public water service delivery prior to any approvals from the County or sphere amendments from LAFCO.

6. The report states that a new will serve letter from NSD would be required for extension of public sewer service. Mr. Russell comments that the property's existing will serve letter from NSD dated December 5, 2013 is sufficient and that the District's Board of Directors has already supported the property's inclusion within NSD's sphere.

The existing conditional will serve letter from NSD entitles the proposed project to public sewer service for a proposed hotel/spa, restaurant, laundry, and delicatessen facility through December 5, 2016, which was supported by the District's Board of Directors with the understanding that the site would be added to NSD's sphere and annexed prior to the letter's expiration. If the proposed project hasn't obtained its required connection permits from NSD by December 5, 2016, the will serve letter will expire and a new will serve letter will be needed.

7. The report states that additional detail is needed regarding the location and improvements associated with the proposed off-site private force main. Mr. Russell comments that this detail has already been provided to staff and also that this issue is irrelevant when considering if the property should be added to NSD's sphere.

Staff has considered Mr. Russell's comment and agrees that discussion of the location of the private force main ought to be removed from the report given that this is not a factor for consideration in approving sphere of influence amendments for local agencies.

8. Mr. Russell comments that the property has been considered for inclusion within NSD's sphere for several cycles and there is now a proposed hotel project.

The Commission most recently reviewed the site for potential inclusion within NSD's sphere of influence as part of a comprehensive sphere update for the District in 2006. The 2006 sphere update concluded that inclusion was not appropriate at the time given that its inclusion within NSD's sphere would promote the extension of an urban service in a manner that has not been contemplated by the affected land use authority: the County. Further, inclusion within the sphere would also be inconsistent with the adopted policy of the Commission to guide urban services away from agricultural or open-space designated lands. These factors continue to be true today. The proposed hotel project has not been approved by the County as of date.

9. The report states that NSD's capacity is inadequate to serve the property. Mr. Russell comments that NSD has provided a conditional will serve letter and that the District has enough capacity to include the property in the sphere.

NSD currently does not currently have adequate capacity to serve the proposed project without an extension of the District's existing sewer infrastructure (i.e. private force main extension to the site). However, the existing will serve letter provides a temporary entitlement sufficient to serve a 50-room hotel and 100-seat restaurant with daily wastewater flows of approximately 9,850 gallons through December 15, 2016.

10. The report states that the property is located one mile north of the existing sewer main. Mr. Russell comments that the property is only located 1,900 feet north of where the NSD line should be located based on a deferred installation agreement from 1980 with the mobile home park located to the south.

Staff will revise the language in the final report to clarify the location of the site relative to NSD's existing infrastructure.

11. Mr. Russell comments that extension of public sewer service is not being sought, but rather a private six-inch force main that will be sized such that it can only serve the property.

The private nature of the proposed force main would ensure no additional properties located adjacent to the site could connect to NSD and would also ensure the agricultural uses on the property to the immediate south are not undermined.

The Napa County Farm Bureau (NCFB) submitted a letter dated May 6, 2015 (Attachment Three) questioning how LAFCO can add the Cuttings Wharf Study Area to NSD's sphere when the expansion appears to be in conflict with the Commission's policy regarding the addition of agricultural lands to a special district's sphere. The letter also cautions against adverse impacts and premature conversion of agricultural watershed lands surrounding the area.

The Commission's policy on sphere amendments states:

“Land designated agricultural or open-space by the applicable city or County general plan shall not be approved for inclusion within any special district's sphere of influence for purposes of urban development through the extension of essential public services. The Commission may consider exceptions to this policy based on evidence provided by the affected special district demonstrating all of the following:

- *The expansion is necessary in order to provide potable water or sewer to the territory to respond to a documented public health or safety threat.*
- *The affected special district can provide adequate potable water or sewer service to the affected territory without extending any mainline more than 1,000 feet.*
- *The expansion will not promote the premature conversion of agricultural or open-space land to urban use.”*

The recommended inclusion of the Cuttings Wharf Study Area would be for purposes of extended public sewer services to the existing occupied residences. Adding the Cuttings Wharf Study Area to NSD's sphere would not be for purposes of urban development and therefore is not in conflict with the Commission's policies. Further, the area is already substantially built-out as allowed under the County's General Plan designation (Agricultural Resource) and Zoning assignment (Single-family Residential, Airport Compatibility Zone D) for the area.

No surrounding agricultural watershed lands would be impacted by the expansion of NSD's sphere to include the Cuttings Wharf Study Area. The sphere expansion would be parcel-specific and would not undermine existing or planned land uses for adjacent territories.

CONCLUSION

The comments received to date on the draft sphere update for NSD have identified several issues and required staff to clarify some of the report's assertions. The testimony of the affected agencies and landowners has been helpful to staff and to the Commission in this process. However, some differences remain between the views of the affected parties and staff's report and recommendations. Issues identified in the comments and corrected in the response above do not significantly affect the staff report's conclusions or recommendations.

ATTACHMENTS

- 1) Letter of Brian Russell (April 6, 2015)
- 2) Letter of Renee Carter (April 30, 2015)
- 3) Letter of Napa County Farm Bureau (May 6, 2015)
- 4) Letter of the Napa Sanitation District (May 18, 2015)

RECEIVED

APR 6 2015

NAPA COUNTY
LAFCO

April 6, 2015

Mr. Brendon Freeman

Local Agency Formation Commission

1030 Seminary Street, Suite B

Napa, CA 94559

RE: Draft Sphere of Influence Update: Napa Sanitation District

Dear Mr. Freeman,

I am writing as an owner of the property located at 5091 Solano Avenue in Napa County ("Solano Avenue" or "property"). In LAFCO's April 6, 2015 draft report that analyzes whether certain properties should be annexed into Napa Sanitation District's ("NSD") sphere of influence ("SOI"), you examined whether the Solano Avenue property should be included in NSD's SOI.

We are writing this letter because we disagree with several aspects of your analysis. In your report you stated facts and conclusion that are incorrect. We are communicating with you, and the Commission, to clarify the misinformation stated in the report, so that the LAFCO Commissioners are able to make a properly informed decision when determining whether to include the Solano Avenue property into the NSD SOI.

Our comments are as follow:

- The report states "No development project currently exists". This statement is false. A project does currently exist. The property is currently entitled for a 290 seat restaurant and 16,800 sf of retail space plus other existing uses. We have submitted a use permit modification for a hotel with 50 rooms and a 100 seat restaurant.
- The report states that: "The development application is unlikely to be approved within the next five years..." This statement is untrue and purely speculative. Per our meeting with the Planning Director, we plan to have a hearing for approval in 2016.
- "(a) An environmental impact report is required to support the proposed development" We will conduct a limited scope EIR for the hotel project.
- "(b) public sewer infrastructure improvements in support of a commercial use located on land designated as Agricultural Resource would likely be subject to voter approval under the County's Measure J and P. " We are not installing a public sewer infrastructure on the land, we are installing a private force main that connects to a public sewer within the city of Napa, similar to any outside service extension.

- “(c) a will serve letter from the City of Napa would be required for extension of public water service.” This is incorrect. The property already receives municipal water from the City of Napa. Further, the consideration here is regarding NSD, not water.
- “(d) a new will serve letter from NSD would be required for extension of public sewer service” This is incorrect. The property received a conditional will serve letter from NSD on December 5, 2013. NSD’s board has already approved bringing this property into the NSD SOI.
- “(e) additional detail of the location and improvements of a proposed off-site force main is needed” This detail has provided to staff and needs to be properly reviewed. At the same time, this fact is irrelevant when considering if the property should be annexed into the SOI.

Additional comments regarding the report:

- The report is inconsistent. This property has been on the books for inclusion into the SOI for several cycles, and there is now a proposed hotel project.
- Capacity- the report states that NSD’s capacity is inadequate to serve this property, but NSD has provided a conditional will serve letter to include the property into the SOI. NSD does have enough capacity to include this property in the SOI.
- This property is not located one mile north of the existing sewer main. The property is 1900 feet north of where the NSD line should be located per a deferred installation agreement from 1980 with the mobile home park located to the south.
- We are not seeking the extension of a public sewer. We would install a 6 inch private forced sewer main that no one else will be able to connect to. Further, it will be sized such that it can only serve our property.

We request that the report should be updated to implement our comments, so that the Commissioners are properly informed when they are making a decision whether our Solano Avenue property should be included in the NSD Sphere of Influence.

Very truly yours,



Brian Russell

Freeman, Brendon

From:	OCARTEROJN@aol.com	APR 30 2015
Sent:	Thursday, April 30, 2015 10:34 AM	NAPA COUNTY
To:	Freeman, Brendon	LAFCO
Cc:	joecarter1@sbcglobal.net	
Subject:	Written Comments re: Proposed Sphere of Influence Update for Napa Sanitation:	

Dear Brendon Freeman, Analyst, LAFCO of Napa County:

RE: Proposed Sphere of Influence Update for Napa Sanitation:

Following up on my comments at the April 7, 2015 LAFCO meeting, I offer the following additional information.

According to statute, LAFCO of Napa County is responsible for "planning and shaping logical and orderly development ...to provide for present and future needs of its community." To that end, LAFCO is required to update the Sphere of Influence (SOI) for, in this case, Napa Sanitation District.

In order to meet the aforementioned responsibilities LAFCO of Napa County is well within their calling to plan for orderly development and to recognize the future needs of the large 55 ac. BOCA parcel and its need to be brought into the domestic sewer system if not for new structures to be built on said parcel; but to simply upgrade services to the existing 120,000 sq feet of industrial facilities and its approximately 100 workers who are onsite and currently served by a septic system that should in the near future be upgraded and served by the domestic sewer system to avoid the possible ill effects on a major redevelopment project (Jail facility) on the adjoining parcel by said leach lines and septic system that are located directly next to the shared property line.

The BOCA parcel should be included in this updating of the SOI as included with the jail parcel, as it is adjoining said parcel that will be developed into a major sewer impact project. What the BOCA parcel will add to the domestic sewer system is small in comparison to the jail's impacts given its 24/7 occupancy by hundreds of inmates and correctional staff.

The adjoining BOCA and Jail parcels were once one parcel and it would be short sighted to bring the sewer lines under the highway to a massive jail project, without the forethought as to the only other adjoining parcel that is developed, that is currently only served by a septic system with possible future health and safety issues.

The BOCA parcel currently has approximately 100 personal working for the various tenants on site and it should be anticipated by LAFCO that the parcel will need to be upgraded to domestic sewer in the near future in conjunction with the jail construction. EIR have already been completed for the BOCA parcel as part of the jail siting research.

We strongly support the BOCA parcel be included along with the Jail parcel in the SOI update for Napa Sanitation.

If you have any questions, please do not hesitate to contact me.

Kindest Regards,

Renee Carter
GM, BOCA Company
916-333-5070
mailing address:
511 Houston Street
West Sacramento, CA 95691



NAPA COUNTY FARM BUREAU

811 Jefferson Street Napa, California 94559 Telephone 707-224-5403 Fax 707-224-7836

MAY 8 2015
NAPA COUNTY
LAFCO

May 6, 2015

Mr. Brendon Freeman
Napa County LAFCO
1030 Seminary St., Suite B
Napa, CA 94559

via email: bfreeman@lafco.napa.ca.us

RE: Comments on Napa Sanitation District Sphere of Influence Review & Update Report

Dear Mr. Freeman,

On behalf of the 775 members of Napa County Farm Bureau (NCFB), we offer the following comments on the Napa Sanitation District (NSD) Sphere of Influence (SOI) Review and Update Report. We appreciate the opportunity to comment and also the efforts of the LAFCO staff in carefully assessing the multiple study areas for potential inclusion in the NSD's SOI.

NCFB's mission is to promote and protect Napa County agriculture, and as such we fully support the LAFCO policies and the Commission's commitment to discourage urban sprawl, preserve agricultural and open space lands and provide for the efficient extension of local government services.

Of the six specific areas reviewed in the report, we agree with five of the staff recommendations:

- Removal of the Browns Valley Study area from the current SOI;
- Taking no action to include the Coombsville Road Study Area in the SOI;
- Amending the SOI to include the western parcel of the County Jail Study Area;
- Taking no action to include the Monticello Rd Study Area in the SOI;
- Taking no action to include the Solano Ave Study Area in the SOI;

For the Cuttings Wharf Study area, we acknowledge the health and safety concern due to an inadequate evaporative pond system for waste disposal services to serve the current development. We also note that the land is designated Agricultural Resource and zoned Residential Single; Airport Compatibility. As stated on page five of the report, LAFCO regulations preclude extension of services to lands designated agriculture or open space by the applicable city or County General Plan unless evidence can be provided demonstrating three specific findings. We question how the second finding can be met, as it states the affected special district can provide adequate potable water or sewer service to the affected territory without extending any mainline more than 1,000 feet. Yet page 16 of the report states that NSD's existing sewer infrastructure is located approximately one mile northeast of the Cuttings Wharf Study area.

We question the extension of services to the Cuttings Wharf Study area and note a caution about avoiding any adverse impacts and premature conversion of agricultural watershed lands surrounding the Cuttings Wharf Study area.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Cio Perez".

Cio Perez
Napa County Farm Bureau Land Use Committee Chairperson



Dedicated to Preserving the Napa River for Generations to Come

May 18, 2015

RECEIVED

MAY 20 2015

**NAPA COUNTY
LAFCO**

Mr. Brendon Freeman
Analyst
LAFCO of Napa County
1030 Seminary Street
Napa CA 94559

SUBJECT: Sphere of Influence Update for the Napa Sanitation District

Dear Mr. Freeman:

Napa Sanitation District (NSD) has completed a review of the Napa Sanitation District Sphere of Influence Review and Update Draft Report dated April 2015.

NSD has the following comments:

Coombsville Road Study Area (Inclusion)

Page 11, Paragraph 5 includes *"Staff recommends that the Commission take no action on NSD's sphere of influence with respect to the Coombsville Road Study Area until the District has performed the necessary cost and environmental analysis."* NSD does not have immediate plans to perform a study that evaluates service to the Coombsville Road Study Area.

County Jail Study Area (Inclusion)

Page 14, Paragraph 2 includes *"It would be appropriate to allow the County the opportunity to process a specific development project and perform the necessary environmental review before extending NSD's sphere of influence to include the eastern parcel."* NSD recommends inclusion of both parcels to properly plan for adequate sewer service during planning and design of the utility system highway crossings for the jail project.

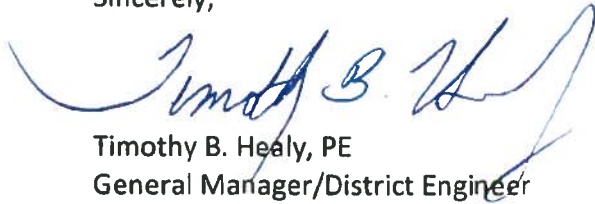
Montecello Road Study Area (Inclusion)

Prior to study of feasibility and cost of sewer service to the Montecello Road Study Area by NSD, further definition of the study area is needed. Direction is needed from LAFCO and/or Napa County to define the additional service area (i.e. will service be provided to additional development within Silverado Resort?; are any parcels within the study area excluded?)

Mr. Freeman
May 18, 2015
Page 2

If you have questions, please contact Andrew Damron at (707) 258-6007 or
adamron@napasan.com.

Sincerely,



Timothy B. Healy, PE
General Manager/District Engineer