



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

1030 Seminary Street, Suite B
Napa, California 94559
Phone: (707) 259-8645
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www.napa.lafco.ca.gov

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

Agenda Item 7d

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Analyst

MEETING DATE: December 1, 2014

SUBJECT: Airport Boulevard No. 5 Annexation to the Napa Sanitation District and California Environmental Quality Act (CEQA) findings.

RECOMMENDATION

Adopt the resolution (Attachment One) making CEQA findings and approving the proposed annexation as modified by staff. Standard approval conditions are included in the resolution.

SUMMARY

The Commission has received a proposal from a representative of a landowner requesting the annexation of an approximate 32.5 acre unincorporated parcel zoned for industrial land use to the Napa Sanitation District (NSD). The subject parcel is undeveloped and located within NSD's sphere of influence near the intersection of Airport Boulevard and State Highway 29 in the Napa County Airport Industrial area. The County Assessor identifies the parcel as 057-210-066. The purpose of the proposed annexation is to facilitate the development of the subject parcel as contemplated in the applicant's tentatively approved "Napa Commerce Center" project.

ANALYSIS

BACKGROUND

On June 18, 2010, the County approved the issuance of a use permit for the construction of a mix of buildings including warehouse, office, and commercial space totaling 490,500 square feet. Access would be provided from three new driveways located off of an extension of Devlin Road, located south of the existing intersection of Devlin Road and Airport Boulevard, as well as one right-in right-out driveway off of Airport Boulevard. Parking for up to 740 vehicles is to be provided on-site along with six loading docks. Approximately three acres of wetlands will be preserved and enhanced as a component of proposed stormwater improvements. It is anticipated the subject parcel will be further divided to include eight industrial parcels ranging in size from 0.60 to 7.18 acres as well as three wetland/drainage parcels ranging in size from 0.23 to 5.35 acres.

Joan Bennett, Vice Chair
Councilmember, City of American Canyon

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

Brian J. Kelly, Chair
Representative of the General Public

Greg Pitts, Commissioner
Councilmember, City of St. Helena

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

Gregory Rodeno, Alternate Commissioner
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Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

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

Laura Snideman
Executive Officer

As part of its approval and environmental review, the County determined that NSD would be required to provide a will serve letter and that the project would be in compliance with District master plans and all water quality discharge requirements, including Regional Water Quality Control Board standards. In its will serve letter dated July 14, 2014, NSD indicated it would be able to provide sanitary sewer service upon completion of annexation proceedings and other specified conditions and that the letter was valid until July 14, 2017. The will serve letter identifies a domestic wastewater demand of 9,960 gallons per day; the equivalent of approximately 48 single-family residences. The letter also specifies that NSD will annually provide up to five acre-feet of recycled water to the project for landscape irrigation purposes. Water service will be provided by the City of American Canyon given that the subject parcel is located within American Canyon's extraterritorial water service area.

MODIFICATION TO AFFECTED TERRITORY

In reviewing the proposal, staff identified a potential modification to expand the annexation to include approximately 0.2 acres of adjacent territory for purposes of enhanced boundary continuity. This additional territory represents a portion of public right-of-way identified as Devlin Road. Staff believes expanding the annexation territory to include this portion of public right-of-way is appropriate given that it would provide for a more logical and orderly jurisdictional boundary for NSD by eliminating a small pocket of land that would otherwise lie outside the District's boundary.

PROTEST PROCEEDINGS

Protest proceedings shall be waived in accordance with G.C. Section 56662(a) given that the affected territory is uninhabited, all landowners have provided their written consent, and no written opposition to a waiver of protest proceedings has been received by any agency.

CEQA

The County of Napa serves as lead agency for the proposal under the California Environmental Quality Act (CEQA) given it is responsible for approving the underlying activity: development of the affected territory as contemplated in the applicant's Napa Commerce Center project. The County determined the potential development of the affected territory could not have a significant effect on the environment because all potential significant effects have been adequately analyzed and addressed in its initial study of environmental significance and mitigated negative declaration specific to the Napa Commerce Center project. Of note, the County determined that there were less than significant environmental impacts arising from the Napa Sanitation District serving the project as it has adequate capacity to serve the projected wastewater treatment demands in addition to its existing commitments, and the project will not require construction of any new wastewater treatment facilities, and that its facilities have been sized to accommodate the development.

The Commission serves as responsible agency for the proposal. Staff has reviewed the aforementioned initial study and mitigated negative declaration and finds the County has made an adequate determination that the annexation tied to the underlying service plan will not introduce any significant environmental impacts.

ATTACHMENTS

- 1) Draft Resolution Approving the Proposal
- 2) Proposal Consistency with Government Code Sections 56668 and 56668.3
- 3) Application Materials

RESOLUTION NO. ____

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

**AIRPORT BOULEVARD NO. 5 ANNEXATION TO
THE NAPA SANITATION DISTRICT**

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

WHEREAS, an application by Napa One LLC, 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 32.5 acres of unincorporated land to the Napa Sanitation District and represents one entire parcel located near the intersection of Airport Boulevard and Devlin Road and identified by the County of Napa Assessor’s Office as 057-210-066; and

WHEREAS, the Executive Officer reviewed said proposal and prepared a written report, including her recommendations thereon; 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 December 1, 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 certifies, as a Responsible Agency under CEQA, that it has reviewed and considered the environmental determination prepared by the County of Napa, Lead Agency under CEQA, for the Napa Commerce Center project in accordance with Section 15164 of Title 14 of the California Code of Regulations (hereinafter “CEQA Guidelines”).

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 County of Napa serves as lead agency for the proposal under the California Environmental Quality Act (CEQA) given it is responsible for approving the underlying activity: development of the affected territory to include as contemplated in the applicant’s Napa Commerce Center project. The County determined the potential development of the affected territory could not have a significant effect on the environment because all potential significant effects have been adequately analyzed and addressed in its initial study and mitigated negative declaration specific to the Napa Commerce Center project. The County determined that there were less than significant environmental impacts arising from the Napa Sanitation District serving the project as it has adequate capacity to serve the projected wastewater treatment demands in addition to its existing commitments, and the project will not require construction of any new wastewater treatment facilities, and that its facilities have been sized to accommodate the development. The Commission certifies it has reviewed and considered the aforementioned initial study and mitigated negative declaration and supports the County’s determination that the annexation tied to the underlying service plan will not result in any significant environmental impacts. The Commission’s findings are based on its independent judgment and analysis. The records upon which these findings are made are located at the Commission office at 1030 Seminary Street, Suite B, Napa, California 94559.
3. The proposal is APPROVED subject to completion of item number 11 below.
4. This proposal is assigned the following distinctive short-term designation:

**AIRPORT BOULEVARD NO. 5 ANNEXATION TO
THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the attached map and is more precisely described in the attached Exhibit “A”.
6. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.

8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.
10. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56662(a).
11. Recordation is contingent upon receipt by the Executive Officer of the following:
 - (a) Payment of any and all outstanding fees owed to the Commission and/or other agencies involved in the processing of this proposal.
 - (b) Written confirmation by Napa Sanitation District that its terms and conditions 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 December 1, 2014, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSTAIN: Commissioners

ABSENT: Commissioners

ATTEST: Kathy Mabry
Commission Secretary

Exhibit "A"

Airport Boulevard No. 5 Annexation to the Napa Sanitation District Geographic Description

Real property in the unincorporated area of the County of Napa, State of California, described as follows:

Beginning at the northeasterly corner of the intersection of Devlin Road / (former) Aviation Way point on the corner of the Napa Commerce Center;

Thence, (1) North $00^{\circ}36'33''$ East 109.00 feet to a point on a curve concave to the Southeast and having a Radius of 966 feet;

Thence, (2) Northerly along said curve 310.03 feet through a central angle of $18^{\circ}23'18''$ to the beginning of a reverse curve concave to the West and having a Radius of 1014.00 feet;

Thence, (3) Northerly along said curve 609.22 feet through a central angle of $34^{\circ}25'25''$;

Thence, (4) North $15^{\circ}25'34''$ West 35.56 feet to a point on a curve concave to the East and having a Radius of 966.00 feet;

Thence, (5) Northerly along said curve 38.66 feet through a central angle of $02^{\circ}17'34''$ to the beginning of a compound curve concave to the Southeast and having a Radius of 48.00;

Thence, (6) Easterly along said curve 76.97 feet through a central angle of $91^{\circ}52'38''$ to the beginning of a compound curve concave to the South and having a Radius of 2182.18 feet;

Thence, (7) Easterly along said curve 296.84 feet through a central angle of $07^{\circ}47'38''$;

Thence, (8) North $87^{\circ}35'48''$ East 641.43 feet;

Thence, (9) South $48^{\circ}42'25''$ East 264.12 feet;

Thence, (10) South $03^{\circ}42'25''$ East 695.21 feet;

Thence, (11) North $86^{\circ}17'35''$ East 32.00 feet to a point on a curve concave to the Southwest and having a Radius of 10090.00 feet;

Thence, (12) Southerly along said curve 201.22 feet through a central angle of $01^{\circ}08'34''$;

Thence, (13) South $02^{\circ}53'57''$ West 50.91 feet;

Thence, (14) South $33^{\circ}17'25''$ West 79.67 feet;

Thence, (15) South $05^{\circ}25'30''$ East 34.98 feet;

Thence, (16) South $47^{\circ}27'53''$ East 3.34 feet;

Thence, (17) South $89^{\circ}23'27''$ East 1275.71 feet to the Point of Beginning, containing 32.49 acres of land more or less.

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

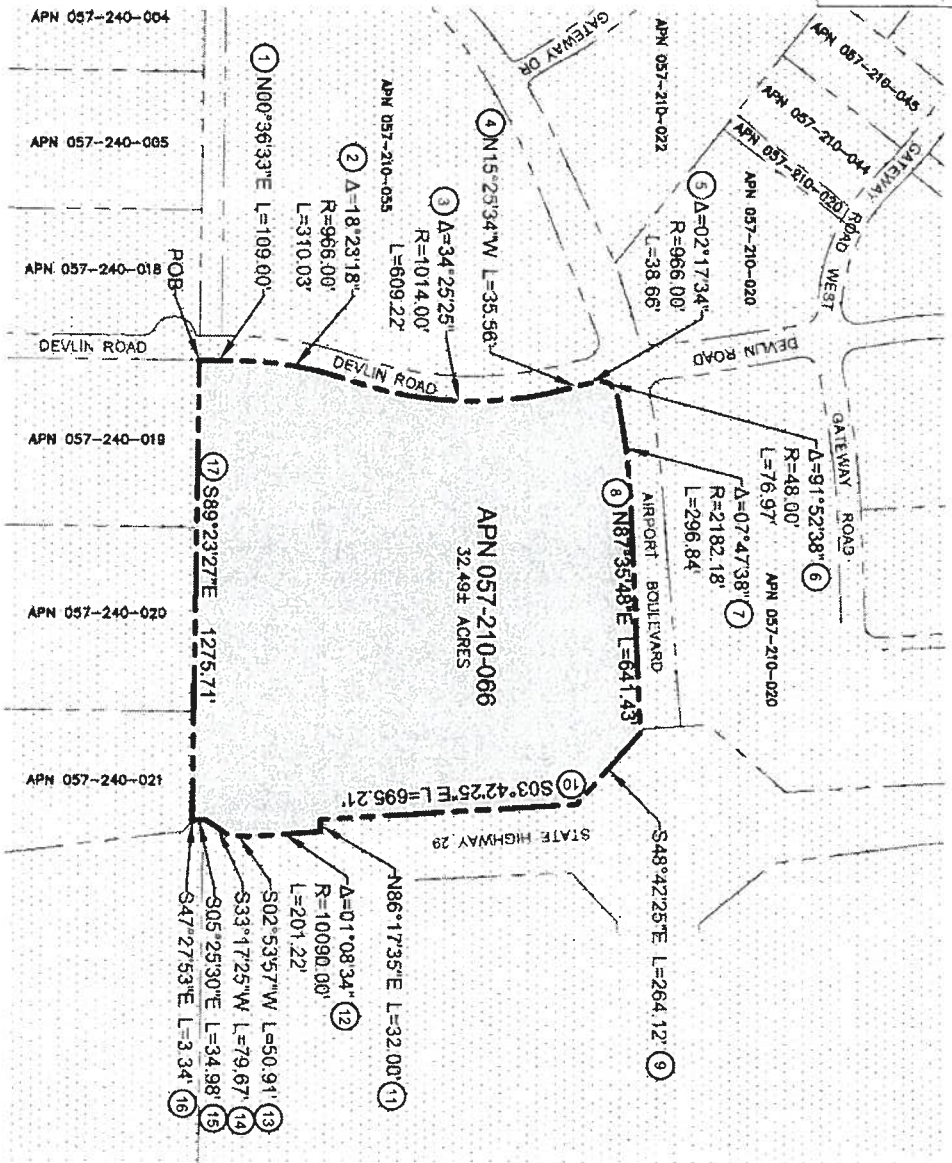


EXHIBIT "B"
**MAP DELINEATING THE BOUNDARY OF
 AIRPORT BOULEVARD NO. 5 ANNEXATION TO
 THE NAPA SANITATION DISTRICT**

LEGEND

- SUBJECT PROPERTY BOUNDARY
- AREA TO BE ANNEXED
- EXISTING NAPA SANITATION DISTRICT
- P.O.B. POINT OF BEGINNING



FINAL

PREPARED BY
TLA
 ENGINEERING & PLANNING
 1304 EUREKA ROAD, SUITE 110
 ROSSVILLE, CA 95661 916.766.0683



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ATTACHMENT TWO

Proposed Airport Boulevard No. 5 Annexation to the Napa Sanitation District:
 Proposal Consistency with Government Code §56668 and §56668.3

Factor to be Considered	Policy/Statute Consistency
§56668(a): Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, during the next 10 years.	Current and future population is zero. The County of Napa assigns an industrial General Plan and Zoning Ordinance designation for the affected territory.
§56668(b): The need for municipal services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.	The affected territory is currently undeveloped. Core municipal services needed within the affected territory based on its anticipated industrial land uses include sewer, water, fire protection/emergency medical, and law enforcement. Upon annexation and development, the affected territory will require water services from the City of American Canyon and sewer services from NSD.
§56668(c): The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.	The proposal would recognize and strengthen existing social and economic ties between NSD and the affected territory that were initially established in 1975 when the Commission included the affected territory in NSD's sphere of influence.
§56668(d): The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in G.C. §56377.	The proposal is consistent with the Commission's General Policy Determinations. This includes consistency with the industrial land use designation for the affected territory, avoidance of premature conversion of agricultural uses, and consistency with NSD's adopted sphere of influence. The affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377.
§56668(e): The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. §56016.	Proposal will have no effect given that the affected territory does not qualify as "agricultural land" under LAFCO law.

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 Councilmember, City of American Canyon

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Laura Snideman
 Executive Officer

<p>§56668(f): The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.</p>	<p>The proposal as amended by staff includes all of the property identified by the County of Napa Assessor’s Office as 057-210-066 along with a 0.2 acre portion of adjacent public right-of-way (Devlin Road).</p>
<p>§56668(g): Consistency with the city or county general plans, specific plans, and adopted regional transportation plan.</p>	<p>Consistent with its industrial County General Plan designation, Napa Valley Business Park Specific Plan, and regional transportation plans.</p>
<p>§56668(h): The sphere of influence of any local agency affected by the proposal.</p>	<p>The affected territory is located within NSD’s sphere of influence.</p>
<p>§56668(i): The comments of any affected local agency or other public agency.</p>	<p>No comments received.</p>
<p>§56668(j): The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.</p>	<p>NSD has provided assurances it can adequately serve the affected territory without impacting existing ratepayers.</p>
<p>§56668(k): Timely availability of water supplies adequate for projected needs as specified in G.C. §65352.5.</p>	<p>The City of American Canyon has provided a will serve letter committing the City to provide potable water services to the affected territory upon annexation to NSD.</p>
<p>§56668(l): The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.</p>	<p>No impact given that the development project associated with the annexation involves solely commercial land uses. No new residences will be constructed within the affected territory.</p>
<p>§56668(m): Any information or comments from the landowner or owners, voters, or residents of the affected territory.</p>	<p>The landowner is the petitioner seeking the annexation. NSD has provided a resolution of approval in support of the annexation.</p>
<p>§56668(n): Any information relating to existing land use designations.</p>	<p>County General Plan – <i>Industrial</i> County Zoning Ordinance – <i>Industrial Park: Airport Compatibility</i></p>
<p>§56668(o): The extent to which the proposal will promote environmental justice.</p>	<p>No impact.</p>
<p>§56668.3: Whether the proposed action will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed.</p>	<p>Proposal approval would help facilitate an appropriate industrial use of the affected territory as contemplated in the landowner’s tentatively approved development project.</p>
<p>Napa LAFCO Adopted Policies on Annexations Involving Special Districts</p>	<p>Consistent.</p>

FORM B

Date Filed: _____

Received By: _____

PETITION FOR PROPOSAL

For Filing with the Local Agency Formation Commission of Napa County

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

Nature of Proposal and All Associated Changes of Organization:

Annexation of approximately 34 acres, within the Napa Sanitation District sphere of influence, into the Napa Sanitation District.

Description of Boundaries of Affected Territory Accompanied by Map:

See attached map and text description of property. Territory is immediately west of Highway 29 and immedietly south of Airport Boulevard.

Reason for Proposal and Any Proposed Conditions:

Napa Sanitation District has agreed to serve the subject property to provide wastewater conveyance and treatment on the condition that the property is annexed into the district.

Type of Petition:

Landowner

Registered Voter

Sphere of Influence Consistency:

Yes

No

If Landowner Petition, Complete the Following:

1) Name: Napa One, LLC

Mailing Address: 2481 Sunrise Blvd., Suite 200, Gold River, CA 95670

Assessor Parcel: 057-210-066

Signature:  Date: 8/12/14



2) Name: _____

Mailing Address: _____

Assessor Parcel: _____

Signature: _____ Date: _____

3) Name: _____

Mailing Address: _____

Assessor Parcel: _____

Signature: _____ Date: _____

If Registered Voter Petition, Complete the Following:

1) Name: _____

Mailing Address: _____

Resident Address: _____

Signature: _____ Date: _____

2) Name: _____

Mailing Address: _____

Resident Address: _____

Signature: _____ Date: _____

3) Name: _____

Mailing Address: _____

Resident Address: _____

Signature: _____ Date: _____

FORM D

Date Filed: _____

Received By: _____

JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name	Mr. Kris Pigman	Napa One, LLC		
	Contact Person	Agency/Business (If Applicable)		
Address	2481	Sunrise Blvd.	Gold River, CA	95670
	Street Number	Street Name	City	Zip Code
Contact:	916-853-2800	916-853-2805	kris@thepigmancompanies.com	
	Phone Number	Facsimile Number	E-Mail Address	

B. Applicant Type
(Check One)

Local Agency
 Registered Voter
 Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies

Napa Sanitation District	1515 Soscol Ferry Rd.	Napa, CA
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)

The Napa Sanitation District has agreed to provide wastewater
conveyance and treatment to this property on the condition that
the property is annexed into the District.

III. GENERAL INFORMATION

A. Location:	None assigned	057-210-066	approx. 34
	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) Approx 34 acres

B. Landowners

- (1) Assessor Parcel Number : 057-210-066 Name: Napa One, LLC
 Mailing Address: 2481 Sunrise Blvd. Gold River, CA 95670
 Phone Number: 916-853-2800 E-mail: kris@thepigmancompanies.com
- (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 Zero
- (2) Total Number of Registered Voters Zero

D. Land Use Factors

(1a) County General Plan Designation: Industrial

(1b) County Zoning Standard: Industrial Park: Airport Compatibility

(2a) Applicable City General Plan Designation: _____

(2b) Applicable City Prezoning Standard: _____

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

Vacant; former rangeland

F. Development Plans

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

(1b) If Yes, Describe Project: About 490,500 square feet of new development in a mix of buildings including mostly warehouse, some office, and minor amount of commercial space.

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

G. Physical Characteristics

(1) Describe Topography: Generally flat but gently sloping from the southeast to the northwest

(2) Describe Any Natural Boundaries: There is a wetland swale running east to west in the northern third of the property.

(3) Describe Soil Composition and Any Drainage Basins: _____

(4) Describe Vegetation: Grasslands

**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:

Transportation facilities; wastewater conveyance & treatment; recycled irrigation water
potable water, fire and police protection

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

See above

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

In place; immediate

(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:

Cash

Use Additional Sheets As Needed

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

(1) **Lead Agency for Proposal:** Napa County
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:

None

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:** Mr. Kris Pigman

Mailing Address: 2483 Sunrise Blvd. Gold River, CA 95670

E-Mail: kris@thepigmancompanies.com

(2) **Recipient Name:** Mr. Brad Shirhall TLA Engineering & Planning

Mailing Address: 1504 Eureka Road, St. 110, Roseville CA 95661

E-Mail: bshirhall@tla-inc.com

(3) **Recipient Name:** _____

Mailing Address: _____

E-Mail: _____

VII. CERTIFICATION

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

Signature

Printed Name

Kris Pigman

Title

Date

8/12/14



SIGN HERE

Indemnification Agreement

Name of Proposal: Airport Boulevard No. 5 Annexation to NSD

Should the Local Agency Formation Commission of Napa County ("Napa LAFCO") be named as a party in any litigation (including a "validation" action under California Civil Code of Procedure 860 et seq.) or administrative proceeding in connection with a proposal, the applicant Napa One, LLC and/or _____ (real party in interest: the landowner) agree to indemnify, hold harmless, and promptly reimburse Napa LAFCO for:

1. Any damages, penalties, fines or other costs imposed upon or incurred by Napa LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. The Napa LAFCO Executive Officer may require a deposit of funds to cover estimated expenses of the litigation. Applicant and/or real party in interest agree that Napa LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's and/or real party in interest's obligations to indemnify and reimburse defense cost; and

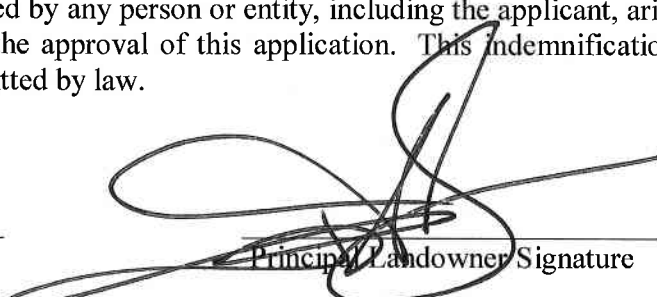
2. All reasonable expenses and attorney's fees in connection with the defense of Napa LAFCO.

This indemnification obligation shall include, but is not limited to, expert witness fees or attorney fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with, the approval of this application. This indemnification is intended to be as broad as permitted by law.

City Representative

Print Name

Date



Principal Landowner Signature

Kris Pigman

Print Name

8/12/14

Date

