



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

1030 Seminary Street, Suite B
Napa, California 94559
Phone: (707) 259-8645
Fax: (707) 251-1053
www.napa.lafco.ca.gov

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

Agenda Item 5c (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: October 2, 2017

SUBJECT: Time Extension Request: Silverado Trail No. 2 Annexation to the Napa Sanitation District

RECOMMENDATION

Approve a time extension for the completion of terms and conditions for the *Silverado Trail No. 2 Annexation to the Napa Sanitation District* for three years effective October 2, 2017 extending to October 2, 2020.

BACKGROUND AND SUMMARY

On October 3, 2016 the Commission approved a proposal for the annexation of approximately 1.0 acres of unincorporated territory to the Napa Sanitation District (NSD). The affected territory comprises one entire parcel along with the adjacent public right-of-way portion of Silverado Trail. The subject parcel is located at 1944 Silverado Trail immediately north of the City of Napa's jurisdictional boundary and sphere of influence. The annexation is intended to allow the landowner to remove the private onsite septic system and connect the existing single-family residence and detached second unit to NSD's public sewer system.

California Government Code Section 57001 requires a Certificate of Completion be filed within one year of annexation approval by LAFCO. This statute permits LAFCO to authorize an extension of time it deems reasonable for the completion of necessary terms and conditions. The landowners of 1944 Silverado Trail have submitted a letter (Attachment One) requesting a three-year time extension in order to complete the terms and conditions adopted by the Commission in approving the annexation. The letter states there have been unforeseen setbacks involving the coordination of projects with the various agencies involved as well as challenges receiving bids from contractors for the lateral sewer connection and manhole rehabilitation. The requested time extension appears reasonable given the landowners are committed to the permitting process and public sewer service is needed for the subject parcel.

ATTACHMENTS

- 1) Time Extension Request Letter from Landowner (August 15, 2017)
- 2) Resolution No. 2016-11

Juliana Inman, Commissioner
Councilmember, City of Napa

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Kenneth Leary, Alternate Commissioner
Councilmember, City of American Canyon

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

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Brian J. Kelly, Vice Chair
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

August 15, 2017

Brendon Freeman
Executive Officer
Local Agency Formation Commission of Napa County
1030 Seminary Street, Ste B
Napa CA 94559

Re: Silverado Trail No. 2 Annexation to the Napa Sanitation District

Dear Mr. Freeman,

We are writing to request for a time extension to complete the terms and conditions required for annexation, with a set deadline of October 2, 2017. We are asking for an extension period of up to three (3) years, if possible. Our request for the extension is based on the following reasons:

- Coordination between the different agencies involved – Napa Sanitation District (NSD), Cal Trans (CT) governing that portion of Silverado Trail, Contractors, has proved to be challenging because of respective schedules
- Contractors identified for the lateral sewer connection and manhole rehabilitation (as required by NSD) are very busy and swamped. We started request for bids in June 2017, and to date, I have only received two bids – which seemed to be higher bids than anticipated because of premium rates. Some of the companies we have called have stated that they are even too busy to do bids and their work schedules are so full that they are tied up for years.
- Review and approval of Cal Trans Encroachment Permit can take up to two (2) months. We, along with the engineering firm we engaged, Chaudhary & Associates, are doing everything we can to expedite the process; however, there is a sixty (60) calendar day period to grant or deny a permit from the time of submittal – expected in beginning of September 2017. NSD just finished reviewing the plans for sewer connection and verbal approval was given 8/11/2017 which was required before plans for CT can be prepared.

We have been working on this project continuously since approval of the proposed annexation on the LAFCO October 3, 2016 meeting. Unfortunately, with all the terms and conditions required and the processes involved to meet them plus all the coordination involved between the different agencies, it has been difficult meeting the October 2, 2017 deadline.

We very much appreciate your consideration in this matter.

Sincerely,

James & Ina Fitzgibbon
1944 Silverado Trail Napa CA 94558

RESOLUTION NO. 2016-11

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

**SILVERADO TRAIL NO. 2 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 landowner James Fitzgibbon 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 1.0 acres of unincorporated land to the Napa Sanitation District and represents one entire parcel located at 1944 Silverado Trail and identified by the County of Napa Assessor's Office as 049-190-006 along with the adjacent portion of public right-of-way; and

WHEREAS, the Executive Officer reviewed said proposal and prepared a written report, including his 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 October 3, 2016; 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 serves as lead agency for the annexation. The annexation is categorically exempt from further environmental review under California Code of Regulations (CCR), Title 14, Section 15319(a). This code section exempts annexations to a city or special district from environmental review when the area(s) to be annexed contain 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; 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, as lead agency for the annexation, finds that the annexation is categorically exempt from further environmental review under California Code of Regulations, Title 14, Section 15319(a). This finding is based on the Commission's 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:

**SILVERADO TRAIL NO. 2 ANNEXATION TO
THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the map and described in the geographic description 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 written confirmation by the 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 October 3, 2016, by the following vote:

AYES: Commissioners INMAN, KELLY, DILLON, PITTS AND WAGENKNECHT

NOES: Commissioners NONE

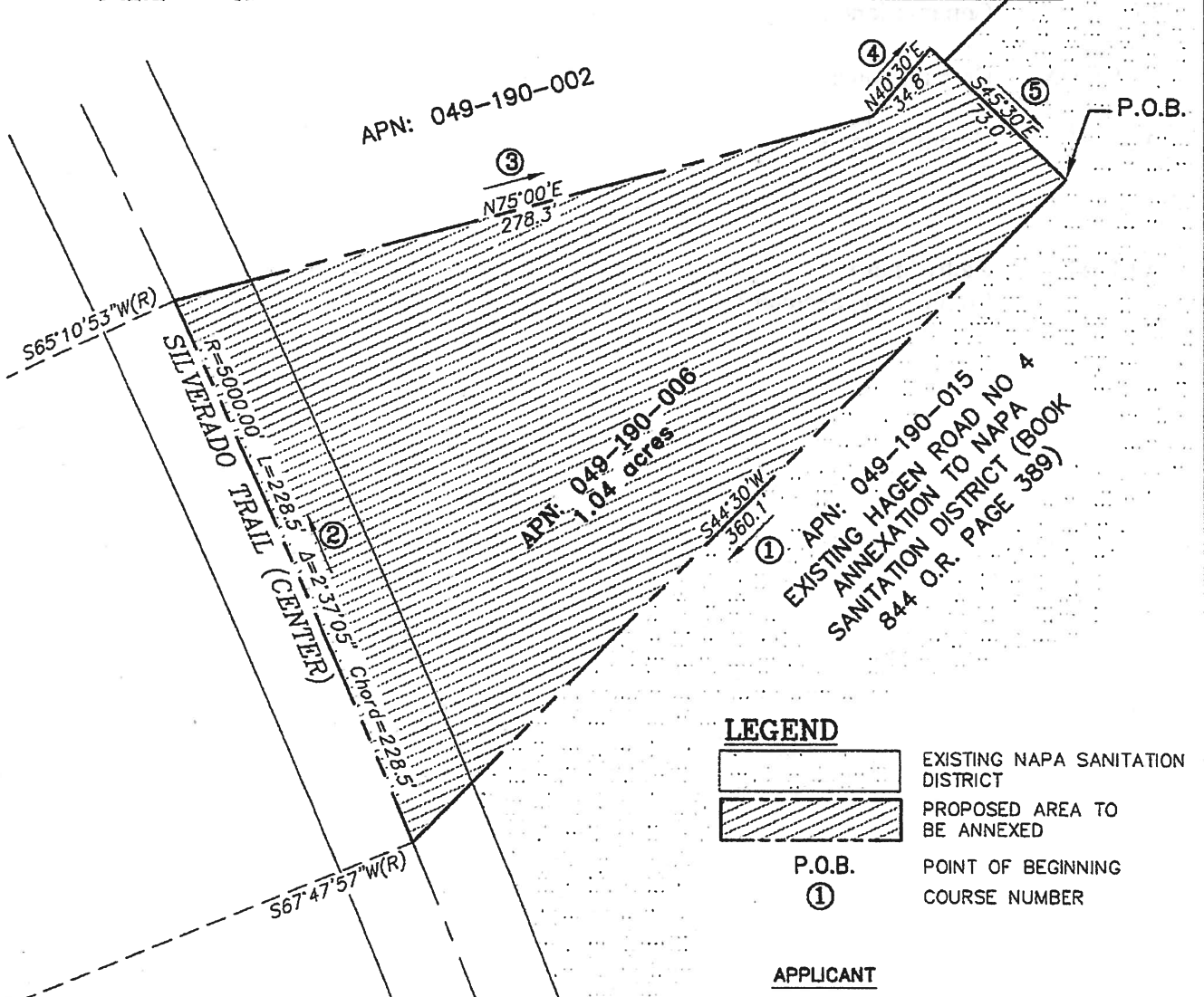
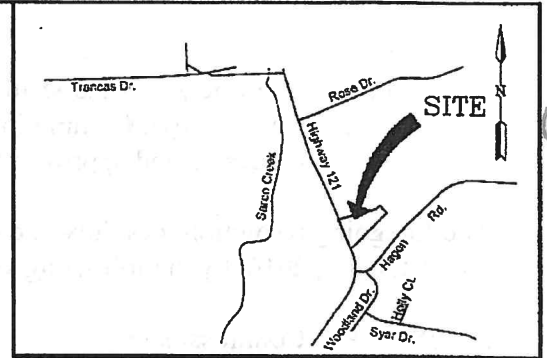
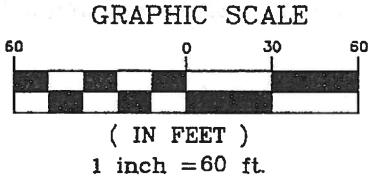
ABSTAIN: Commissioners NONE

ABSENT: Commissioners CALDWELL


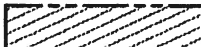



ATTEST: Kathy Mabry
Commission Secretary

DISCLAIMER:

FOR ASSESSMENT 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 A SALE OF THE LAND DESCRIBED.



LEGEND

-  EXISTING NAPA SANITATION DISTRICT
-  PROPOSED AREA TO BE ANNEXED
-  P.O.B.
-  POINT OF BEGINNING
-  COURSE NUMBER

APPLICANT

JAMES FITZGIBBON
1944 SILVERADO TRAIL
NAPA, CA 94558

EXHIBIT "A"

SILVERADO TRAIL NO. 2 ANNEXATION
TO THE NAPA SANITATION DISTRICT
BEING A PORTION OF YAJOME RANCHO
& TULOCAY RANCHO
(1944 SILVERADO TRAIL, NAPA, CA 94558)

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



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
JUNE 30, 2016

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FINAL

EXHIBIT "A"
SILVERADO TRAIL NO. 2
ANNEXATION TO THE NAPA SANITATION DISTRICT
GEOGRAPHIC DESCRIPITON

All that real property situate in portions of Tulocay and Yajome Ranchos, City and County of Napa, State of California described as follows:

BEGINNING at an angle point generally on western line of the existing Hagen Road No. 4 Annexation to Napa Sanitation District filed in Book 844 Official Records Page 389 in the office of the Recorder of Napa County, more particularly described as follows:

Course 1: thence; along said district boundary S 44° 30' W, 360.1 feet to a point on the center of Silverado Trail, said point also being the beginning of a non-tangent curve;

Course 2: thence; along said curve having a radius of 5,000 feet, an arc length of 228.5 feet, a central angle of 2° 37' 05", a chord length of 228.5 feet, having a radial that bears S 67° 47' 57" W, concave to the West;

Course 3: thence; N 75° 00' E, 278.3 feet;

Course 4: thence; N 40° 30' E, 34.8 feet;

Course 5: thence; S 45° 30' E, 73.0 feet to the POINT OF BEGINNING, containing 1.04 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's Act and may not be used as the basis for an offer for sale of the land described herein.

FINAL