



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
www.napa.lafco.ca.gov

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

Agenda Item 7a (Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer
Dawn Mittleman Longoria, Analyst II
MEETING DATE: August 3, 2020
SUBJECT: Proposed Los Robles Drive No. 2 Annexation to the Napa Sanitation District and Associated CEQA Findings

RECOMMENDATION

Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Los Robles Drive No. 2 Annexation to the Napa Sanitation District (NSD) making California Environmental Quality Act (CEQA) findings and approving the proposed annexation (Attachment One). Standard conditions are also recommended.

BACKGROUND AND SUMMARY

Applicant: Landowner (petition)
Proposed Action: Annexation to NSD
APNs: 046-180-008, -009, -016 (no situs address), and -017
Location: 21, 33 and 45 Los Robles Drive
Area Size: 15.38 acres
Jurisdiction: City of Napa (“City”)
Sphere of Influence (SOI) Consistency: Yes – NSD
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Exempt
Current Land Uses: three single-family residences

The purpose of the proposal is to facilitate two planned subdivisions involving 21 Los Robles Drive and 45 Los Robles Drive. The subdivisions would result in a total of 11 single-family residences on the two existing parcels and the extension of Los Robles Drive. There are currently no plans to subdivide the other two parcels in the affected territory.

The application materials are included as Attachment Two.

Kenneth Leary, Chair
Councilmember, City of American Canyon

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

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

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

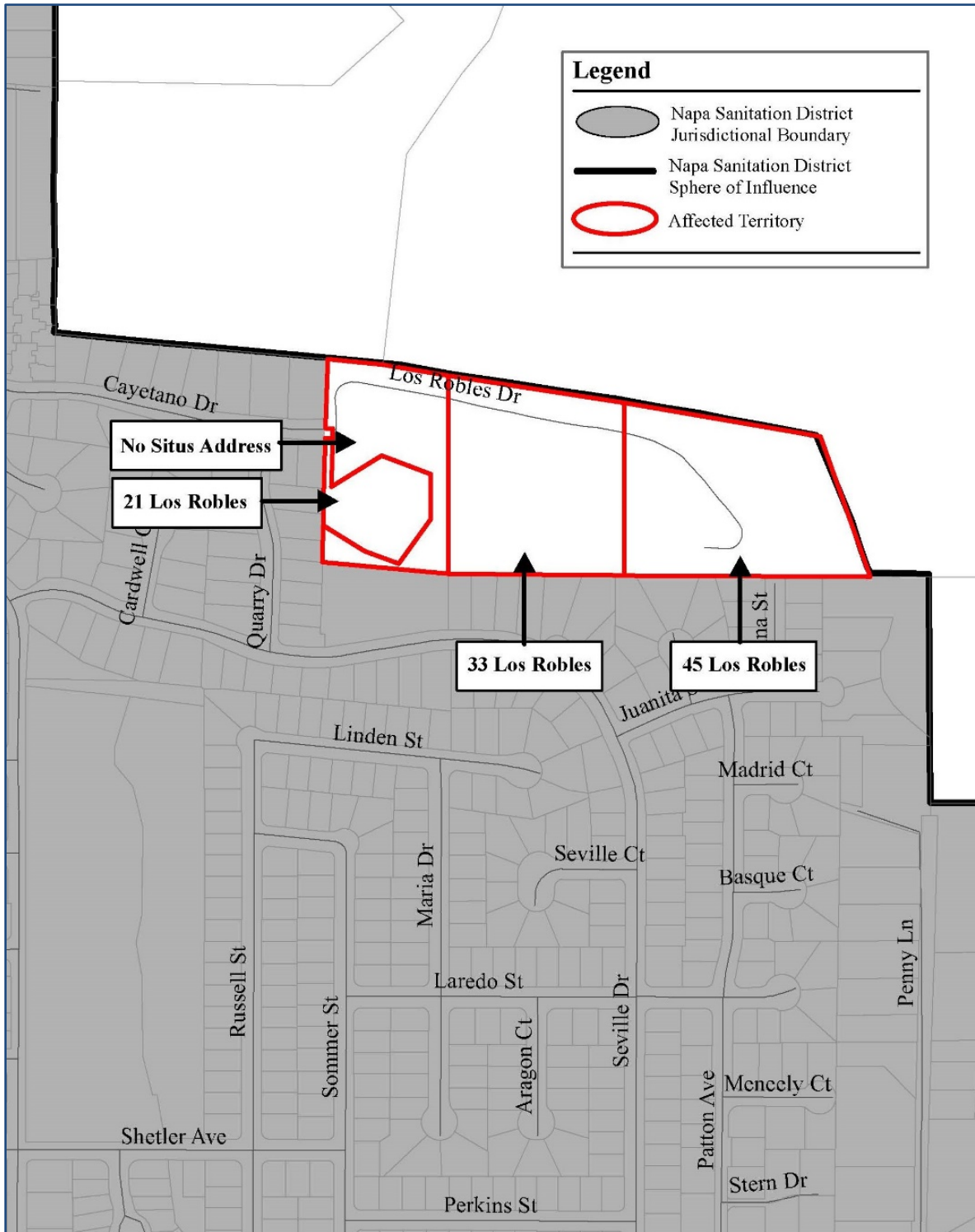
Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Gregory Rodeno, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

An aerial map of the affected territory is included as Attachment Three. A vicinity map of the affected territory showing NSD's boundaries is provided below.



DISCUSSION

Factors for Commission Determinations

See Attachment Four for an evaluation of the mandated factors for Commission determinations.

Property Tax Agreement

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCO can consider a change of organization. This statute states jurisdictional changes affecting the service areas or service responsibilities of districts must be accompanied by a property tax exchange agreement, which shall be negotiated by the affected county on behalf of the districts. In 1980, the County of Napa adopted a resolution on behalf of NSD specifying no adjustment in the allocation of property taxes shall result from annexations involving the District. This resolution has been applied to all subsequent annexations involving NSD. In processing this proposal, staff provided notice to the affected agencies that the Commission would again apply this resolution unless otherwise informed. No affected agency responded with any concerns to the approach outlined by staff.

Protest Proceedings

Protest proceedings shall be waived in accordance with G.C. Section 56662(a) given that the affected territory is legally uninhabited (less than 12 registered voters), all landowners have provided their written consent, and no written opposition to a waiver of protest proceedings has been received by any agency.

ENVIRONMENTAL REVIEW

The proposed annexation qualifies for a statutory exemption from further review under CEQA Guidelines Section 15282(k), which exempts the installation of new pipeline as long as the project does not exceed one mile in length. Staff believes this exemption is appropriate given any existing and future residential units within the affected territory would connect to NSD by way of installing sanitary sewer main from the existing manhole at the existing terminus of Cayetano Drive to the east terminus of the proposed Los Robles Drive extension, which will involve less than one mile of new pipeline.

ATTACHMENTS

- 1) Draft Resolution Approving the Proposal and Making CEQA Findings
- 2) Application Materials
- 3) Aerial Map of Affected Territory
- 4) Factors for Commission Determinations

RESOLUTION NO. ____

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

**LOS ROBLES DRIVE NO. 2
ANNEXATION TO THE NAPA SANITATION DISTRICT**

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

WHEREAS, the proposal seeks Commission approval to annex approximately 15.38 acres of incorporated land to the Napa Sanitation District and represents four entire parcels located at 21, 33, and 45 Los Robles Drive and identified by the County of Napa Assessor’s Office as 046-180-008, 046-180-009, 046-180-016 (situs address not yet assigned) and 046-180-017; and

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on August 3, 2020; and

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

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

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

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission serves as Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). The City of Napa, as Lead Agency, has determined the annexation is exempt from CEQA pursuant to CEQA Guidelines Section 15332; and

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

1. The Factors for Commission Determinations provided in the Executive Officer’s written report are hereby incorporated herein by this reference and are adequate.
2. The Commission finds the annexation is exempt from CEQA pursuant to CEQA Guidelines Section 15282(k), which exempts the installation of new pipeline as long as the project does not exceed one mile in length. The records upon which these findings are made are located at the Commission’s administrative office located 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:

**LOS ROBLES DRIVE 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 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) Written confirmation by the Napa Sanitation District that it is acceptable to record a Certificate of Completion.

- 12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.
- 13. The Commission hereby directs staff to file a Notice of Exemption in compliance with CEQA.

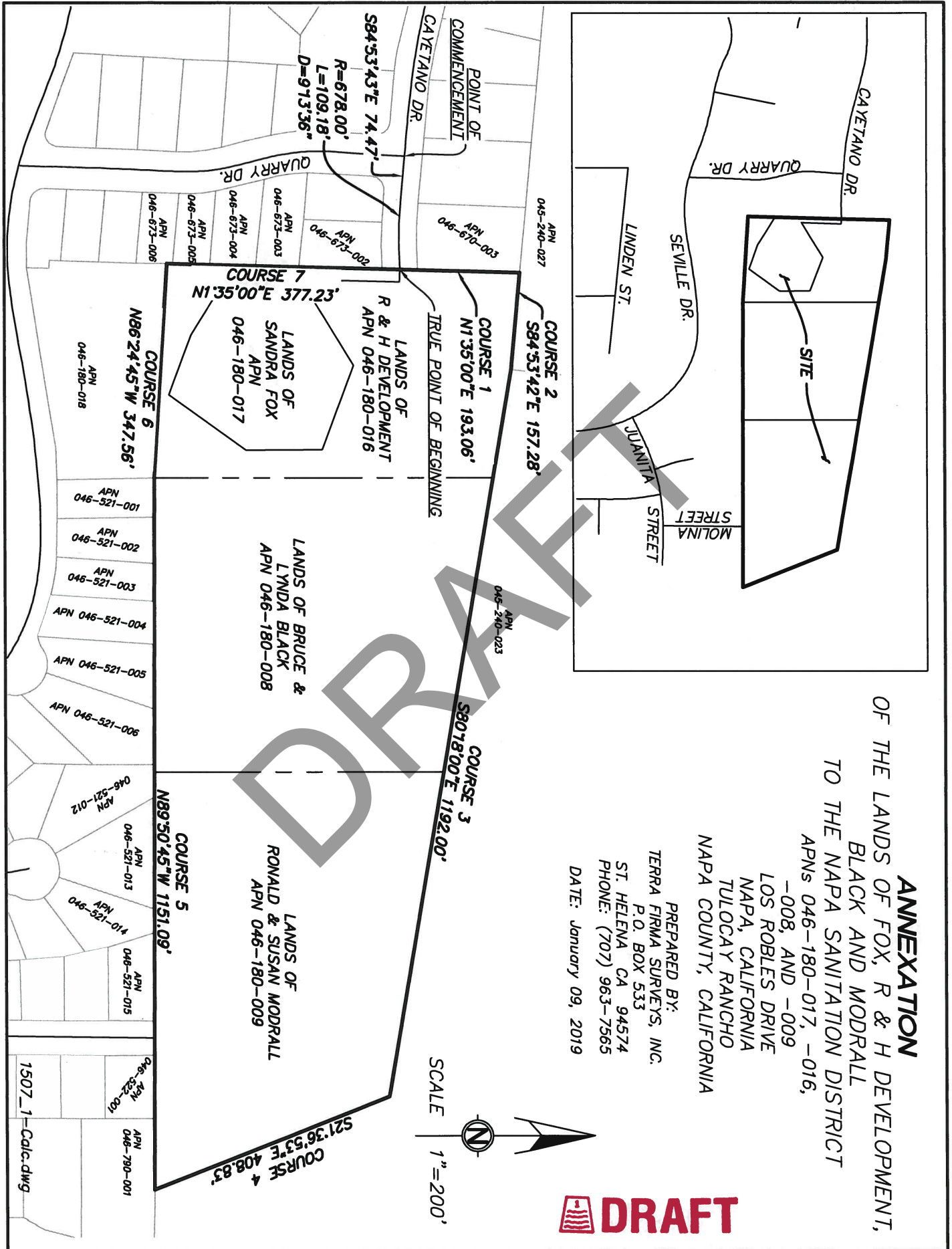
The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on August 3, 2020, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

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

Kenneth Leary
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Secretary



Written Description
 For the
 Annexation of the Lands of Sandra Fox, R & H development, Bruce D. Black and Lynda
 C. Black and Ronald Modrall & Susan Modrall
 To the
 Napa Sanitation District

Napa County APNs:
 046-180-017, 21 Los Robles Drive
 046-180-016, No address
 046-180-008, 33 Los Robles Drive
 046-180-009, 45 Los Robles Drive

The real property located in the City of Napa, Tulocay Rancho, County of Napa, State of California, described as follows:

Commencing at the centerline intersection of Quarry Drive and Cayetano Drive as shown on the Map entitled "Final Map of the Quarry Subdivision" filed July 19, 1993 in Book 19 of Record Maps at pages 55-57 in the Office of the Napa County Recorder; thence along the centerline of said Cayetano Drive South 84°53'43" East for 74.47 feet; along a curve, concave to the north, having a radius of 678.00 feet through a central angle of 9°13'36" for 109.18 feet to the easterly terminus thereof and the TRUE POINT OF BEGINNING; said easterly terminus also being on the westerly line of the parcel labeled "Remaining Lands" as shown on the Map entitled "Final Map of Fox Subdivision Phase I" filed September 11, 1997 in Book 20 of Record Maps at pages 92 and 93 in said Recorder's Office; thence along the following seven courses:

1. North 1° 35' 00" East for 193.06 feet;
2. South 84° 53' 42" East for 157.28 feet;
3. South 80° 18' 00" East for 1192.00 feet;
4. South 21° 36' 53" East for 408.83 feet;
5. North 89° 50' 45" West for 1151.09 feet;
6. North 86° 24' 45" West for 347.56 feet;
7. North 1° 35' 00" East for 377.23 feet to the centerline of Cayetano Drive and the True Point of Beginning;

Containing 15.69 acres of land, more or less.

 **DRAFT**

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 APNs 046-180-016, 046-180-017, 046-180-008, and 046-180-009 into The Napa Sanitation District in order to receive sanitary sewer services

Description of Boundaries of Affected Territory Accompanied by Map:

APNs 046-180-016, 046-180-017, 046-180-008, and 046-180-009. See Accompanying "Written Description for The Annexation of The Lands of Sandra Fox, R:H Development, Bruce & Lynda Black, and Ronald & Susan Modrall".

Reason for Proposal and Any Proposed Conditions:

The applicant and other land owners stated above request annexation into The Napa Sanitation District in order to receive sanitary sewer services.

Type of Petition:

Landowner

Registered Voter

Sphere of Influence Consistency:

Yes

No

If Landowner Petition, Complete the Following:

- 1) Name: R+H Development c/o Thomas Hodge
Mailing Address: PO Box 6942 Napa CA 94581
Assessor Parcel: 046-180-016
Signature: [Handwritten Signature] Date: 4/22/20
- 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: N/A
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____
- 2) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____
- 3) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: [Handwritten Checkmark] Date: _____



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LANDOWNER CONSENT FORM

We are the legal owners of property as described below and hereby voluntarily consent to the annexation of my land to the Napa Sanitation District as part of the proposal proceedings titled "Los Robles Drive No. 2 Annexation". In providing consent, we acknowledge the Commission may proceed with considering the proposal without notice, hearing, or protest proceedings under Government Code Section 56662(a).

Landowner Names: Bruce and Lynda Black

Property Address: 33 Los Robles Drive, Napa, CA 94559

Property APN: 046-180-008

Bruce Black
Lynda Black
Landowner

July 22, 2020
Date

Kenneth Leary, Chair
Councilmember, City of American Canyon

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Gregory Rodeno, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



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Landowner Names: Sandra Fox

Property Address: 21 Los Robles Drive, Napa, CA 94559

Property APN: 046-180-017

Sandra J. Fox
Landowner

7-22-20
Date

Kenneth Leary, Chair
Councilmember, City of American Canyon

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

Gregory Rodeno, Commissioner
Representative of the General Public

Margie Mohler, Commissioner
Councilmember, Town of Yountville

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Landowner Names: Ronald and Susan Modrall

Property Address: 45 Los Robles Drive, Napa, CA 94559

Property APN: 046-180-009

Ronald Modrall
Susan Modrall
Landowner

07/21/20
Date

Kenneth Leary, Chair
Councilmember, City of American Canyon

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

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

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

Gregory Rodeno, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

FORM D

Date Filed: _____

Received By: _____

JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Thomas Hodge (managing member of RiH Development)
 Contact Person Agency/Business (If Applicable)

Address: PO Box 6942 Napa, CA 94581
 Street Number Street Name City Zip Code

Contact: (707) 501-8550 n/a thomas@northbaycivil.com
 Phone Number Facsimile Number E-Mail Address

B. Applicant Type: Local Agency Registered Voter Landowner
 (Check One)

II. PROPOSAL DESCRIPTION

A. Affected Agencies: Napa Sanitation District 1515 Soscol Ferry Road
 Name Address Napa, CA 94558

Name Address

Name Address

Use Additional Sheets as Needed

B. Proposal Type: Annexation Detachment City Incorporation District Formation
 (Check as Needed)

City/District Dissolution City/District Merger Service Activation (District Only) Service Divestiture (District Only)

C. Purpose Statement: Annexation of APNs 046-180-016, 046-180-017,
046-180-008, and 046-180-009 into The Napa
Sanitation District in order to receive
Sanitary Sewer Services.

III. GENERAL INFORMATION

A. Location:	Street Address	Assessor Parcel Number	Acres
	<u>(not yet assigned)</u>	<u>046-180-016</u>	<u>2.83±</u>
	<u>21 Los Robles Drive</u>	<u>046-180-017</u>	<u>1.50±</u>
	<u>33 Los Robles Drive</u>	<u>046-180-008</u>	<u>5.52±</u>
	<u>45 Los Robles Drive</u>	<u>046-180-009</u>	<u>5.53±</u>
Total Location Size (Including Right-of-Ways)			<u>15.38±</u>

B. Landowners:

- (1) Assessor Parcel Number : 046-180-016 Name: R:H Development (C/o Thomas Hodge)
Mailing Address: PO Box 6942 Napa, CA 94501
Phone Number: (707) 501-8550 E-mail: Thomas@northbaycivil.com
- (2) Assessor Parcel Number : 046-180-017 Name: Sandra Fox
Mailing Address: 21 Los Robles Drive Napa, CA 94559
Phone Number: (707) 254-0233 E-mail: sjfox707@yahoo.com
- (3) Assessor Parcel Number : 046-180-008 Name: Bruce & Lynda Black
Mailing Address: 33 Los Robles Drive Napa, CA 94559
Phone Number: (707) 738-1199 E-mail: bdblack@ix.netcom.com
- (4) Assessor Parcel Number : 046-180-009 Name: Ronald & Susan Modrall
Mailing Address: 45 Los Robles Drive Napa, CA 94559
Phone Number: (707) 815-2872 E-mail: rsmodrall@sbcglobal.net

Use Additional Sheets As Needed

C. Population:

- (1) Total Number of Residents: 6
- (2) Total Number of Registered Voters: 6

D. Land Use Factors:

- (1a) County General Plan Designation: n/a , city of Napa
- (1b) County Zoning Standard: n/a , city of Napa
- (2a) Applicable City General Plan Designation: SFR-183
- (2b) Applicable City Rezoning Standard: RS 20

E. Existing Land Uses:
(Specific)

046-180-016 , vacant land

046-180-017/000/009 , single-family Residential

F. Development Plans:

- (1a) Territory Subject to a Development Project?



Yes



No

- (1b) If Yes, Describe Project:
- Residential Subdivisions as approved in both the Los Robles and Modrall Tentative Maps (city of Napa)

- (1c) If No, When Is Development Anticipated?
- n/a

G. Physical Characteristics:

- (1) Describe Topography:
- Hillside , slopes northward 15-20%

- (2) Describe Any Natural Boundaries:
- none within the locations of Landowner's parcels.

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

Rock

- (4) Describe Vegetation:
- Grasses , Limited Trees (oaks) , and other natural vegetation.

H. Williamson Act Contracts
(Check One)

Yes



No

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

- (1) Enumerate and Describe Services to Be Provided to the Affected Territory:

Sanitary sewer services for existing and approved/new single-family residences. It is estimated that a total of 9 total sanitary sewer services to be connected.

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

Full/complete sanitary sewer services to be provided to the affected territory.

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

Sanitary sewer services anticipated to be provided to affected territory by October 2021.

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

Extension of a public (8") sanitary sewer main from the terminus of Cayetano Drive.

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

Private finance through the development and installation of private/public improvements associated with the Los Robles and Madraal approved Tentative Maps.

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

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

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

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

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

n/a

Use Additional Sheets As Needed

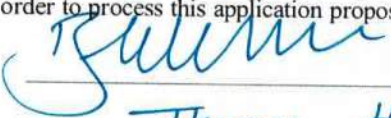
B. Identify Up to Three Agencies or Persons to Receive Proposal Correspondence:

(Does not include affected landowners or residents)

- (1) Recipient Name: City of Napa Planning Division (c/o Mike Allen)
Mailing Address: 1600 1st Street Napa, CA 94559
E-Mail: mallen@cityofnapa.org
- (2) Recipient Name: Napa Sanitation District
Mailing Address: 1515 Soscol Ferry Road Napa, CA 94558
E-Mail: -
- (3) Recipient Name: _____
Mailing Address: _____
E-Mail: _____

VII. CERTIFICATION

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

Signature: 

Printed Name: Thomas Hodge

Title: Managing Member, R & H Development

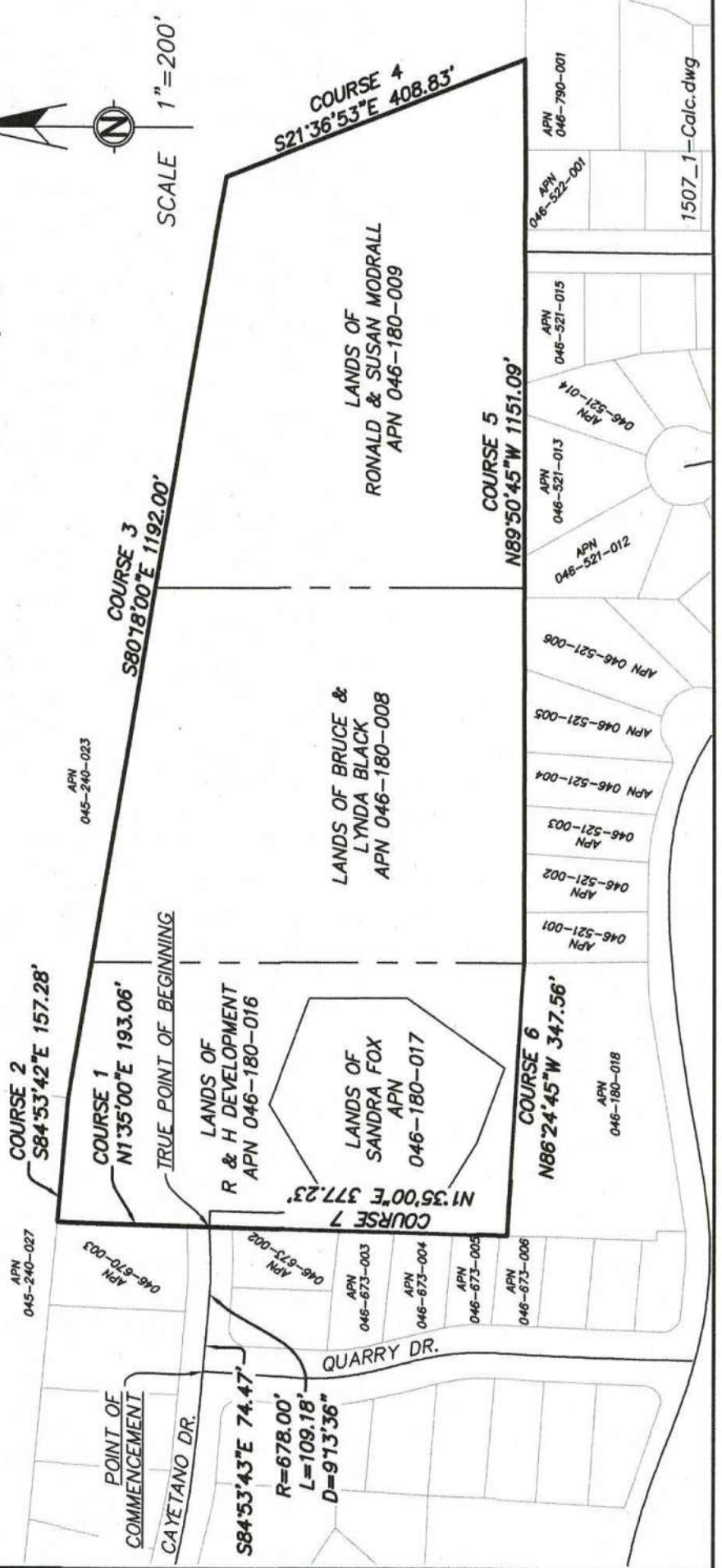
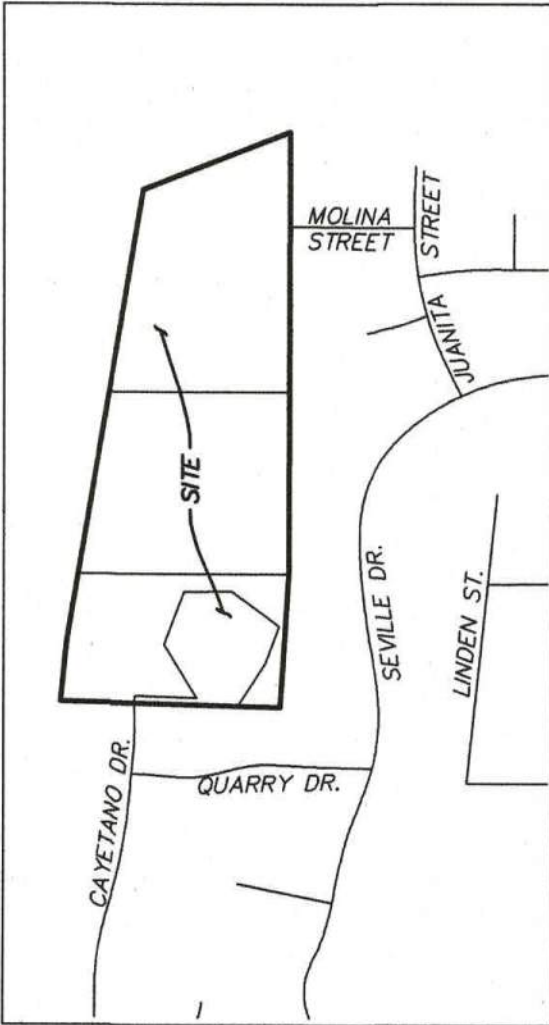
Date: 4/22/20

ANNEXATION

OF THE LANDS OF FOX, R & H DEVELOPMENT,
BLACK AND MODRALL
TO THE NAPA SANITATION DISTRICT

APNs 046-180-017, -016,
-008, AND -009
LOS ROBLES DRIVE
NAPA, CALIFORNIA
TULOCAY RANCHO
NAPA COUNTY, CALIFORNIA

PREPARED BY:
TERRA FIRMA SURVEYS, INC.
P.O. BOX 533
ST. HELENA CA 94574
PHONE: (707) 963-7565
DATE: January 09, 2019



1507_1-Calcul.dwg

Written Description
For the
Annexation of the Lands of Sandra Fox, R & H development, Bruce D. Black and Lynda
C. Black and Ronald Modrall & Susan Modrall
To the
Napa Sanitation District

Napa County APNs:
046-180-017, 21 Los Robles Drive
046-180-016, No address
046-180-008, 33 Los Robles Drive
046-180-009, 45 Los Robles Drive

The real property located in the City of Napa, Tulocay Rancho, County of Napa, State of California, described as follows:

Commencing at the centerline intersection of Quarry Drive and Cayetano Drive as shown on the Map entitled "Final Map of the Quarry Subdivision" filed July 19, 1993 in Book 19 of Record Maps at pages 55-57 in the Office of the Napa County Recorder; thence along the centerline of said Cayetano Drive South $84^{\circ}53'43''$ East for 74.47 feet; along a curve, concave to the north, having a radius of 678.00 feet through a central angle of $9^{\circ}13'36''$ for 109.18 feet to the easterly terminus thereof and the TRUE POINT OF BEGINNING; said easterly terminus also being on the westerly line of the parcel labeled "Remaining Lands" as shown on the Map entitled "Final Map of Fox Subdivision Phase I" filed September 11, 1997 in Book 20 of Record Maps at pages 92 and 93 in said Recorder's Office; thence along the following seven courses:

1. North $1^{\circ}35'00''$ East for 193.06 feet;
2. South $84^{\circ}53'42''$ East for 157.28 feet;
3. South $80^{\circ}18'00''$ East for 1192.00 feet;
4. South $21^{\circ}36'53''$ East for 408.83 feet;
5. North $89^{\circ}50'45''$ West for 1151.09 feet;
6. North $86^{\circ}24'45''$ West for 347.56 feet;
7. North $1^{\circ}35'00''$ East for 377.23 feet to the centerline of Cayetano Drive and the True Point of Beginning;

Containing 15.69 acres of land, more or less.

Indemnification Agreement

Name of Proposal:

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 Thomas Hodge and/or (same as applicant) (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.

Agency Representative Signature

Print Name

Date

Thomas Hodge
Principal Landowner Signature

Thomas Hodge
Print Name

4/22/20
Date

Indemnification Agreement

Name of Proposal:

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 Thomas Hodge and/or Sandra J. Fox (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.

Agency Representative Signature

Sandra J. Fox
Principal Landowner Signature

Print Name

Sandra J. Fox
Print Name

Date

3-10-20
Date

Indemnification Agreement

Name of Proposal:

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 Thomas Hodge and/or Bruce Black (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
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Agency Representative Signature

Print Name

Date

Bruce Black

Principal Landowner Signature

Bruce Black

Print Name

March 14, 2020

Date

Lynda Black

Lynda Black

Indemnification Agreement

Name of Proposal:

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 Thomas Hodge and/or Ronald A. Madracc & Susan Madracc (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.

Agency Representative Signature

Print Name

Date

Ronald A. Madracc & Susan Madracc
Principal Landowner Signature




Ronald A. Madracc Susan Madracc
Print Name

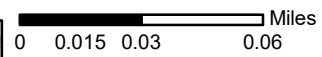
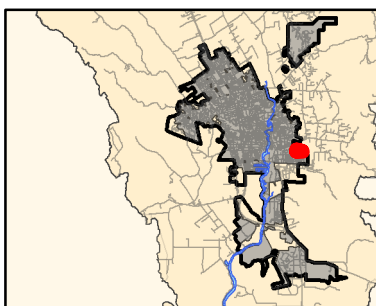
April 22, 2020
Date

Los Robles Drive No. 2 Attachment Three

Annexation to the Napa Sanitation District



Legend	
	Napa Sanitation District Jurisdictional Boundary
	Napa Sanitation District Sphere of Influence
	Affected Territory



August 3, 2020

Prepared by LAFCO Staff



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

**Los Robles Drive No. 2 Annexation to the Napa Sanitation District (NSD)
Factors for Commission Determinations**

California Government Code (G.C.) Sections 56668 and 56668.3 require the Commission to consider the following specific factors for a change of organization involving annexation to a special district. No single factor is determinative, and the intent is to provide a uniform baseline for LAFCOs to consider boundary changes in context with local policies.

(1) Population and population density; land area and land use; 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.

Total population within the affected territory is six. The affected territory is legally uninhabited given there are fewer than 12 registered voters.

The affected territory is approximately 15.38 acres in size, incorporated within the City of Napa's jurisdictional boundary, and has a designation within the City General Plan of *SFR-138 (Single Family Residential)* and a zoning standard of *RS-20:HS Residential: Hillside Overlay District* (minimum lot size of 20,000 square feet). The affected territory is currently developed with three single-family residences. The affected territory is located within the "*Terrace Shurtleff*" neighborhood planning area of existing "ranchettes". Development of this area was included in the analysis and environmental review of the City General Plan.

The current assessment value of the affected territory totals \$1,432,829.¹

The affected territory is located within the *Napa River – Kreuse Creek, Cayetano Creek and Tulucay Creek* drainage basins. Topography is hillside with slopes of 15-20%.

The City has tentatively approved two residential subdivisions in the affected territory. The first development "Los Robles Subdivision" at 21 Los Robles Drive is planned for five single-family residences. The second development "Modrall Subdivision" at 45 Los Robles Drive is planned for five new single-family residences in addition to an existing single-family residence. There are currently no plans to subdivide the other two additional parcels within the affected territory. However, the current City zoning contemplates minimum lot sizes of 20,000 square feet, which could result in 12 additional homes.²

Adjacent lands on the south and west sides of the affected territory are within the City's jurisdictional boundary and are developed with residential uses. Lands to the north and east are located outside the City boundary and designated for agricultural use by the County.

¹ The assessed value of the affected territory is divided into land at \$689,843, structural improvements at \$889,423, and homeowner exemptions at (\$146,437).

² At buildout, 21 and 45 Los Robles Drive would include a projected resident population of 30 based on the California Department of Finance's population per household estimate of 2.73 for the City of Napa. 33 Los Robles Drive and the property with no situs address could potentially be subdivided in the future to include up to 15 residential units consistent with the City General Plan and zoning, which would result in a projected resident population of 41. With this in mind and for purposes of this report, the total population within the entire affected territory is projected at 71 following proposal approval and buildout of the affected territory.

(2) 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.

Core municipal services already provided or available within the affected territory by the City include water, fire protection and emergency medical, and law enforcement. These services are provided at adequate levels for the three existing single-family residences. The need for additional municipal services for the affected territory includes the extension of public sewer from NSD and elevated existing levels of water, fire protection and emergency medical, and law enforcement from the City for the planned subdivision and potential buildout. Planned and potential future development projects would create up to 26 new residential units with a projected population of 71 residents in the affected territory.

A review of estimated demands for municipal services within the affected territory indicates the City and NSD have sufficient capacities and controls to reasonably accommodate current and future needs. This statement is based on information collected and analyzed in the Commission's *Central County Region Municipal Service Review* adopted in 2014.³ No service deficiencies for the area were identified in the Municipal Service Review. Additional information regarding estimated service demands within the affected territory at buildout follows.

Water

One of the three existing homes within the affected territory currently receives water service from the City. At buildout, annual potable water demands within the affected territory are projected at 6.1 acre-feet or 1,992,900 gallons. This amount is based on the City's current average daily water demands of 210 gallons per residence. The City has established adequate capacities and controls to accommodate these demands.

Fire Protection and Emergency Medical

The affected territory currently receives fire protection and emergency medical service from the City. At buildout, annual service calls within the affected territory are projected at 8.3 based on the City's ratio of 117.5 annual fire protection and emergency medical service calls per 1,000 residents over the last five completed years.⁴ The City has established adequate capacities and controls to accommodate these demands into the foreseeable future.

Law Enforcement

The affected territory currently receives law enforcement service from the City. At buildout, annual service calls within the affected territory are projected at 56.8 based on the City's ratio of 799.5 annual law enforcement service calls per 1,000 residents over the last five completed years.⁵ The City has established adequate capacities and controls to accommodate these demands into the foreseeable future.

³ The *Central County Region Municipal Service Review* is available online at:

http://www.napa.lafco.ca.gov/uploads/documents/MSR_CentralCounty_FinalReport_2014.pdf.

⁴ The City Fire Department reports total annual fire protection and emergency medical service calls averaged 9,329.6 over the last five completed years.

⁵ The City Police Department reports total annual law enforcement service calls averaged 63,459.6 over the last five completed years.

Sewer

The affected territory needs sewer service from NSD. Proposal approval and buildout of the affected territory would result in new sewer flows totaling approximately 3,900 gallons per day. This amount is based on NSD's design standard of 150 gallons per day per residence. NSD has established adequate capacities and controls to accommodate these demands into the foreseeable future.

(3) 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. These ties were initially established when the Commission amended NSD's SOI to include the affected territory as part of two actions in 2003 and 2006, marking an expectation the site would eventually develop for urban type uses and require public service from the District as the region's sole sewer service provider.

(4) 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. Section 56377.

The proposal is consistent with the Commission's adopted policies based on the affected territory's urban land use designation and consistency with NSD's SOI. Further, the affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377.⁶ Proposal approval would be consistent with planned, orderly, efficient patterns of urban development.

(5) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.

The proposal will not have an adverse effect on agricultural lands. The affected territory is located within the City of Napa Rural Urban Limit Line (RUL). The adjacent agricultural land to the east and north of the affected territory is protected by the location and definitive boundary that separate urban from agricultural land use.

(6) 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.

The affected territory includes all of the property identified by the County of Napa Assessor's Office as 046-180-008, 046-180-009, 046-180-016, and 046-180-017. The applicant has submitted a draft map and geographic description of the affected territory that are undergoing review by the County Surveyor to ensure conformance with the requirements of the State Board of Equalization. If the Commission approves the proposal, approval will be conditioned upon submittal of a final map and geographic description following the completion of the County Surveyor's review.

Approval of the proposal would have no impact with respect to unincorporated islands or corridors of unincorporated territory given the affected territory is located entirely within the City of Napa.

⁶ The affected is not devoted to an open-space use under the City General Plan.

(7) Consistency with a regional transportation plan adopted pursuant to G.C. Section 65080.

The Metropolitan Transportation Commission's regional transportation plan (RTP), *Plan Bay Area 2040*, was updated in 2017 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2040.⁷ No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

(8) Consistency with the city or county general and specific plans.

Approval of the proposal would allow for a full range of municipal services to be provided to the affected territory to serve existing, planned, and possible future uses. The availability and provision of these municipal services are consistent with the City's General Plan land use designation and zoning assignment for the affected territory, both of which contemplate single-family residential development.

(9) The sphere of influence of any local agency affected by the proposal.

The affected territory is located entirely within NSD's SOI, which was comprehensively updated by the Commission in October 2015.

(10) The comments of any affected local agency or other public agency.

Staff provided notice of the proposal to all affected agencies, transportation agencies, and school districts inviting comments as required under G.C. Section 56658. No comments were received.

(11) 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.

Information collected and analyzed as part of the Commission's *Central County Region Municipal Service Review* adopted in 2014 concluded NSD has developed overall adequate financial resources and controls relative to current and projected service commitments. This includes regularly reviewing and amending, as needed, NSD's two principal rates and fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) capacity charge for new connections and (b) annual service charge. The capacity charge is currently \$9,959 and serves as NSD's buy-in charge for new customers to contribute their fair share for existing and future facilities necessary to receive sewer service. The annual service charge for a single-family unit is currently \$738.60 and is intended to proportionally recover NSD's ongoing maintenance and operation expenses. The 2014 *Central County Region Municipal Service Review* is relied upon and sufficient for this annexation proposal regarding the plan for services required by G.C. Section 56653.

⁷ *Plan Bay Area 2040* is a long-range integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area. *Plan Bay Area 2040* includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

(12) Timely availability of water supplies adequate for projected needs as specified in G.C. Section 65352.5.

The planned development, as well as the potential future buildout of the affected territory Lane would result in annual water demands for the City totaling approximately 6.1 acre-feet or 1,992,900 gallons. This amount is based on current average water demands within the City of approximately 210 gallons per day per residence. The City's water supplies are generated from three sources: (1) Lake Hennessey; (2) Milliken Reservoir; and (3) State Water Project. Total supplies vary according to hydrologic conditions. A table depicting the City's existing water service demands relative to supplies follows. As reflected in the following table, adequate water supplies exist for the projected needs of the City, including buildout of the affected territory. In addition, City approval of new development requires a range of water management measures both during construction and for the new residences.

Baseline (Amounts in Acre-Feet)			
Category	Normal Year	Multiple Dry	Single Dry
Annual Supply	39,410	26,870	18,840
Annual Demand	12,015	12,015	12,015
Total Surplus	27,395	14,855	6,825

(13) 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.

Approval of the proposal would result in a benefit to the City with respect to achieving its fair share of the regional housing needs based on the planned development of 10 new single-family residential units on parcels 046-180-016 and 046-180-009, as well as the potential buildout of parcels 046-180-017 and 046-180-008 in the future.⁸

(14) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

The landowners of the affected territory are the petitioners seeking annexation. No additional information or comments were submitted.

(15) Any information relating to existing land use designations.

The affected territory is zoned by the City as *Single-Family Residential Hillside Overlay District (RS-20:HS)*, which permits residential development with a minimum lot size of 20,000 square feet or 0.46 acres with some limitations due to slope. The proposed annexation to NSD and planned development projects are consistent with these existing land use designations.

⁸ A recent report with information on local regional housing needs allocations is available online at: https://www.napa.lafco.ca.gov/uploads/documents/6-3-19_5f_Housing-GeneralPlans.pdf.

(16) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.

There is no documentation or evidence suggesting the proposal will have any implication for environmental justice in Napa County

(17) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.

There is no documentation or evidence suggesting a local hazard mitigation plan or safety element of a general plan is relevant to the proposed annexation to NSD. Further, the affected territory is not located in a high fire hazard zone or a state responsibility area. However, the affected territory is within a moderate fire hazard zone. The City's approval of the proposed development includes specific mitigation measures to address fire safety.

(18) For annexations involving special districts, 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 to the district.

Proposal approval would benefit the future landowners and residents within the affected territory by providing permanent access to public sewer service. Public sewer service eliminates the need for septic systems in an area in which any failings could pose a public health and safety threat for immediate and adjacent residents.