



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: April 5, 2021
SUBJECT: Proposed Montalcino Resort No. 2 Annexation to the Napa Sanitation District and Associated CEQA Findings

RECOMMENDATION

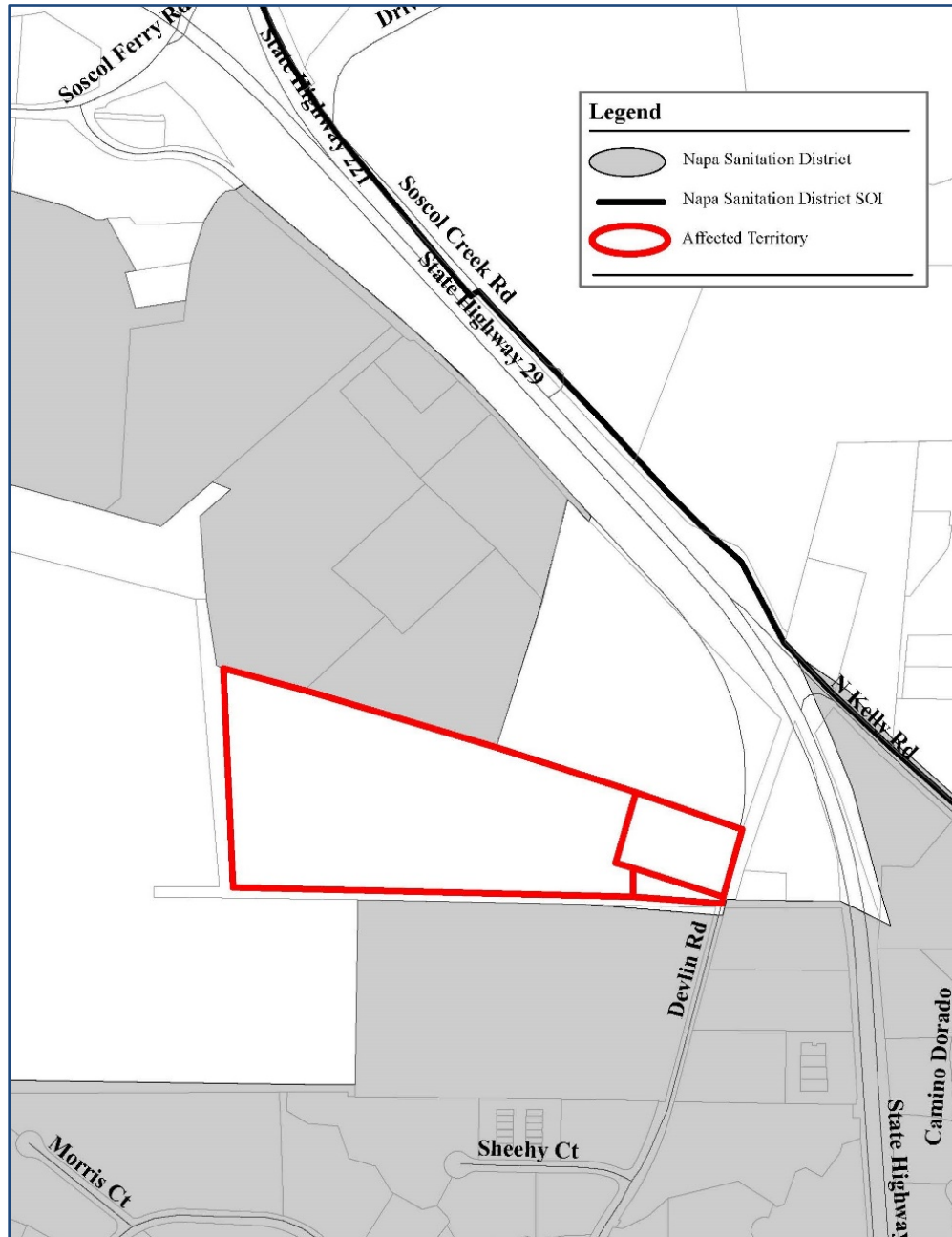
Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Montalcino Resort No. 2 Annexation to the Napa Sanitation District (NSD) approving the proposed annexation with standard conditions and making California Environmental Quality Act (CEQA) findings (Attachment One).

BACKGROUND AND SUMMARY

Applicant: Napa Sanitation District (Resolution)
Proposed Action: Annexation to NSD
APN: 057-020-006, -017 & -018
Area Size: Approx. 36.1 acres
Location: West of Devlin Road, southeast of Soscol Ferry Road (no situs address)
Jurisdiction: Unincorporated County
Sphere of Influence Consistency: Yes
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Montalcino at Napa EIR & Subsequent EIR
Current Land Uses: Undeveloped

The purpose of the proposal is to annex the affected territory to NSD to facilitate the planned development of the Montalcino Resort project under the County of Napa’s land use authority. The size and scope of the project has been reduced since the County certified the Final Environmental Impact Report and Subsequent Environmental Impact Report (together, the “EIR”), which included mitigation measures. The original use permit contemplated a full-service hotel with 358 guest rooms, 21 villas, meeting space, recreational facilities, and food and beverage service. Subsequent approvals contemplated a golf course on an adjacent property. The project has been reduced to 316 guest rooms and 20 villas under a very minor use permit modification (P19-00361-MOD) pursuant to an addendum to the EIR and no longer includes the development of a golf course. Annexation to NSD is a condition of the County’s approval.

The application materials are included as Attachment Two. An aerial map of the affected territory is included as Attachment Three. A vicinity map showing the affected territory, NSD's sphere, and NSD's boundary 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, 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 Commission serves as Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). The County of Napa, as Lead Agency, has prepared and certified an Environmental Impact Report (EIR) and a Subsequent EIR for purposes of considering and mitigating environmental impacts associated with the underlying project. These documents are available online and can be viewed by clicking the following links:

- Montalcino at Napa EIR:
https://www.napa.lafco.ca.gov/uploads/documents/Montalcino_EIR_2003.pdf
- Montalcino at Napa Golf Course Subsequent EIR:
https://www.napa.lafco.ca.gov/uploads/documents/Montalcino_SubsequentEIR_2005.pdf

Staff has evaluated the proposal and considered the Lead Agency's CEQA documents and finds the County's EIR and Addendum to the EIR for the project adequately address the potential environmental effects of the proposal. Therefore, no new environmental document is required.

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**

**MONTALCINO RESORT NO. 2
ANNEXATION TO THE NAPA SANITATION DISTRICT**

WHEREAS, an application for a proposed annexation 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 36.1 acres of unincorporated land to the Napa Sanitation District and represents three entire parcels with no situs addresses and identified by the County of Napa Assessor’s Office as 057-020-006, 057-020-017, and 057-020-018; 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 on the proposal 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 April 5, 2021; 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 County of Napa, as Lead Agency, has prepared a Final Environmental Impact Report (FEIR) and Subsequent Environmental Impact Report (SEIR) for the Montalcino Resort project for purposes of considering environmental impacts; 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 serves as a Responsible Agency for proposal pursuant to CEQA and has reviewed and considered information contained in the County of Napa’s FEIR and SEIR for the Montalcino Resort project, and finds that there are no additional direct or indirect environmental effects that would result from the Commission’s approval of the proposal; and therefore, no new environmental document is required. The records upon which these findings are made are available for review on the Commission’s website and at its administrative office located at 1030 Seminary Street, Suite B, Napa, California 94559.
3. The proposal is APPROVED subject to completion of item number 12 below.
4. This proposal is assigned the following distinctive short-term designation:

**MONTALCINO RESORT NO. 2
ANNEXATION TO THE NAPA SANITATION DISTRICT**

6. The affected territory is shown on the draft map and described in the draft geographic description in the attached Exhibit “A”.
7. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
8. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
9. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
10. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.
11. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56662(a).
12. 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 from the Napa Sanitation District that it is acceptable to record a Certificate of Completion.

- 13. 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.
- 14. The Commission hereby directs staff to file a Notice of Determination in compliance with CEQA.

The foregoing Resolution was duly and regularly adopted by the Commission at a regular meeting held on April 5, 2021, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

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

 Margie Mohler
 Commission Chair

ATTEST: _____
 Brendon Freeman
 Executive Officer

Recorded by: Kathy Mabry
 Commission Secretary

EXHIBIT A

MONTALCINO RESORT
DISTRICT #2 ANNEXATION TO NAPA SANITATION DISTRICT

GEOGRAPHICAL DESCRIPTION

All that certain property, situated in a portion of Sections 1 and 2, township 4 North, Range 4 West, Mount Diablo Base Meridian, in the County of Napa, State of California, described as follows:

Beginning at the Southwest corner of the existing boundary of the Devlin Road District Annexation – Napa Sanitation District, per document recorded December 13, 1984 in Book 1367 at Page 699, Official Records of Napa County:

Thence (1) South 74° 00' 50" East 2444.82 feet to the west line of Devlin Road;

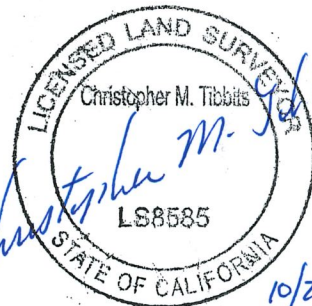
Thence (2) along the west line of Devlin Road South 14° 44' 16" West 380.90 feet to the north line of the Montalcino Resort District Annexation per document recorded April 12, 2006 as Series Number 2006-0012793, Napa County Records;

Thence (3) along said north line North 89° 15' 33" West 1652.09 feet to the northwest corner of said Montalcino Resort District Annexation;

Thence (4) continuing North 89° 15' 33" West 531.27 feet;

Thence (5) North 3° 57' 44" West 1015.88 feet to the **Point of Beginning**.

Containing 36.06 Acres, more or less.



5205
NapaSan Annex Clos
10-27-2020

North: 14963.2562' East: 3514.9863'

Segment #1 : Line
Course: S74°00'50"E Length: 2444.82'
North: 14289.9422' East: 5865.2614'

Segment #2 : Line
Course: S14°44'16"W Length: 380.90'
North: 13921.5737' East: 5768.3621'

Segment #3 : Line
Course: N89°15'33"W Length: 1652.09'
North: 13942.9346' East: 4116.4102'

Segment #4 : Line
Course: N89°15'33"W Length: 531.27'
North: 13949.8037' East: 3585.1846'

Segment #5 : Line
Course: N3°57'44"W Length: 1015.88'
North: 14963.2556' East: 3514.9886'

Perimeter: 6024.97' Area: 1570788.69 Sq. Ft.
Error Closure: 0.0024 Course: S75°14'47"E
Error North: -0.00061 East: 0.00230
Precision 1: 2510400.00

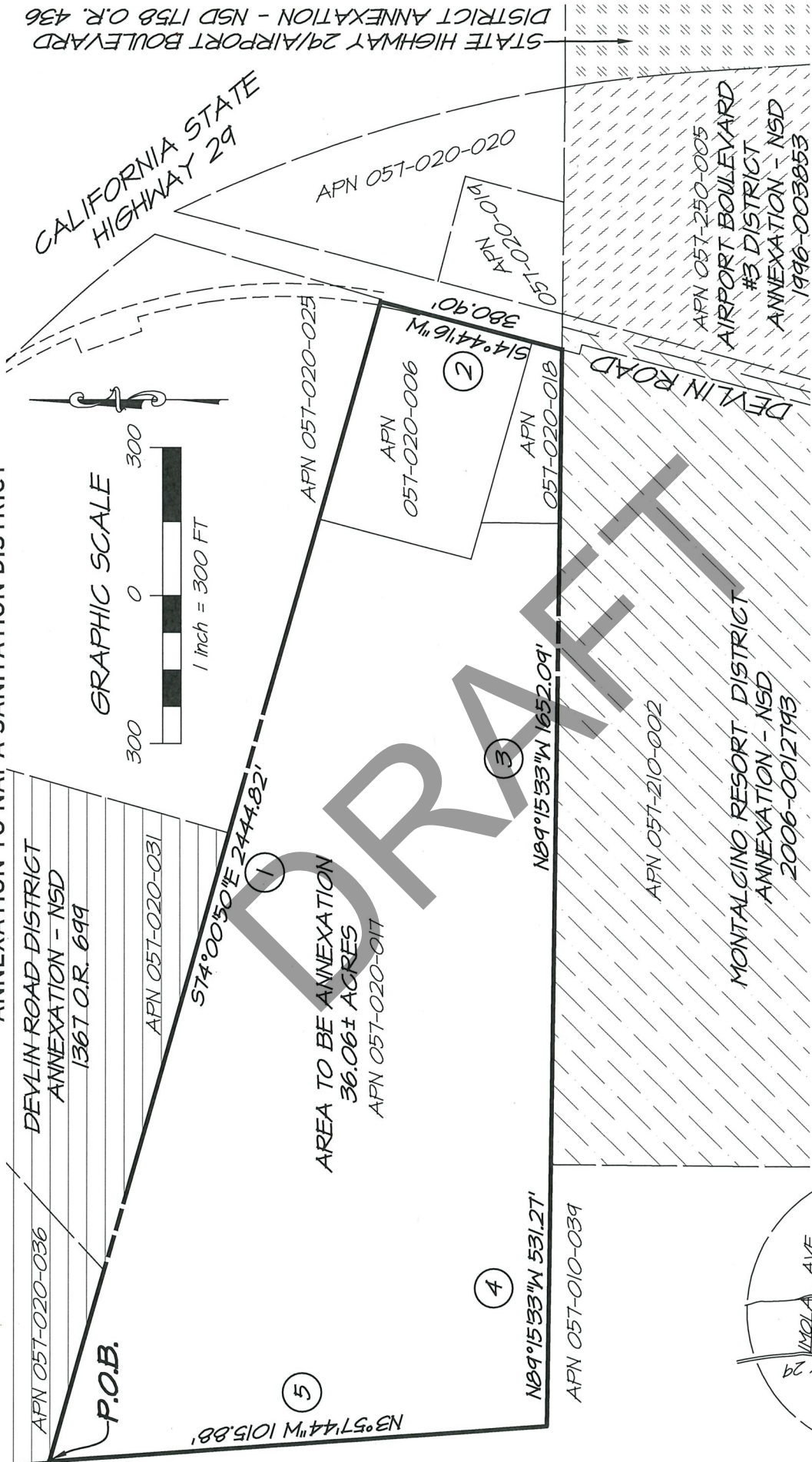
DRAFT

Christopher M. Tibbis



10/27/20

MAP DELINEATING THE BOUNDARY OF
MONTALCINO RESORT DISTRICT #2 ANNEXATION
 ANNEXATION TO NAPA SANITATION DISTRICT



STATE HIGHWAY 29/AIRPORT BOULEVARD
 DISTRICT ANNEXATION - NSD 1758 O.R. 436

CALIFORNIA STATE
 HIGHWAY 29



Resolution for Montalcingo Resort No. 2 Annexation to NSD

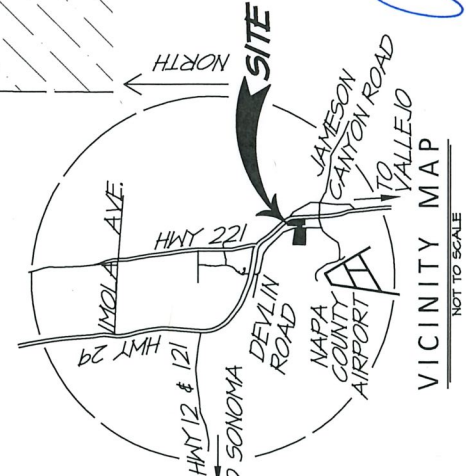
Attachment One

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 1515 FOURTH STREET
 NAPA, CALIF. 94559
 OFFICE | 707 | 252.3301
 + www.RSACivil.com +

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 OCT 2020 5205 ANNEX BASE 1 OF 1

BEING A PORTION OF
 SECTION 1 & 2
 MONTALCINO RESORT
 DISTRICT #2
 ANNEXATION

REGISTERED LAND SURVEYOR
 Christopher M. Tibbitts
 LS8585
 STATE OF CALIFORNIA
 10/27/20



Page 6 of 6

Date Filed: 12/8/2020

Received By: BF

JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Andrew Damron Napa Sanitation District
Contact Person Agency/Business (If Applicable)
Address: 1515 Soscol Ferry Road Napa, CA 94558
Street Number Street Name City Zip Code
Contact: (707) 258-6000 ADamron@napasan.com
Phone Number Facsimile Number E-Mail Address

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

II. PROPOSAL DESCRIPTION

A. Affected Agencies: Napa Sanitation District 1515 Soscol Ferry Road, Napa, CA 94559
Name Address
Name Address
Name Address

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed)
Annexation [X] Detachment [] City Incorporation [] District Formation []
City/District Dissolution [] City/District Merger [] Service Activation (District Only) [] Service Divestiture (District Only) []

C. Purpose Statement: (Specific)
The purpose of annexation is to allow sewer service to the proposed
"Montalcino Resort"

III. GENERAL INFORMATION

A. Location:	Devlin Road	APN 057-020-017	31.99
	Street Address	Assessor Parcel Number	Acres
	Devlin Road	APN 057-020-018	0.73
	Street Address	Assessor Parcel Number	Acres
	Devlin Road	APN 057-020-006	3.34
	Street Address	Assessor Parcel Number	Acres
Street Address			Acres
Total Location Size (Including Right-of-Ways)			36.06

B. Landowners:

- (1) Assessor Parcel Number : 057-020-017 Name: NLH II, LLC
Mailing Address: 101 California Street, Suite 2710, San Francisco CA. 94111
Phone Number: (650) 302-4775 E-mail: f.m.orrell@capbridge-group.com
- (2) Assessor Parcel Number : 057-210-018 Name: NLH II, LLC
Mailing Address: _____
Phone Number: _____ E-mail: _____
- (3) Assessor Parcel Number : 057-020-006 Name: NLH II, LLC
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: 0
- (2) Total Number of Registered Voters: 0

D. Land Use Factors:

- (1a) County General Plan Designation: Industrial
- (1b) County Zoning Standard: Industrial Park:Airport Compatibility
- (2a) Applicable City General Plan Designation: N/A
- (2b) Applicable City Rezoning Standard: N/A

E. Existing Land Uses:

(Specific)

Vacant

F. Development Plans:

- (1a) Territory Subject to a Development Project? Yes No
- (1b) If Yes, Describe Project: The project will consist of a full service 316 key hotel with 20 villas, meeting space, recreational facilities and food and beverage service.
- (1c) If No, When Is Development Anticipated? _____

G. Physical Characteristics:

- (1) Describe Topography: The site has a gentle slope towards the west with site grades ranging from approximately 12 feet Mean Sea Level (MSL) to approximately Elevation 40 feet in the eastern portion of the site near Devlin Road.
- (2) Describe Any Natural Boundaries: The parcel APN 057-020-017 is bordered by eucalyptus trees to the west and open land to the north and south.
- (3) Describe Soil Composition and Any Drainage Basins: The soils composition consists primarily of bay mud and young alluvium. Shallow drainages cross the site from east to west.
- (4) Describe Vegetation: The site is covered by tall grass and lined by eucalyptus trees on the western border.

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:

Approximately 2900 feet of sanitary sewer main is proposed for the project.

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

Standard commercial sewer service (8" gravity sewer main) is proposed

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

2022

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

Infrastructure to be approximately 80 feet of 8" gravity feed sanitary sewer main
(off-site) from APN 057-210-002 to an existing sanitary sewer manhole located
southwest of APN 057-210-002.

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

Owner will finance installation and maintenance of the gravity feed system to
existing NSD gravity sewer.

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 (With a 2020 Addendum, which is attached to this application.)
- 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:

Standard terms and conditions that are included in the Resolution of Application.

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: Coblentz Patch Duffy & Bass LLP C/O Jeff Dodd
- Mailing Address: 700 Main Street #301, Napa CA 94559
- E-Mail: jdodd@coblentzlaw.com
- (2) Recipient Name: Napa Sanitation District C/O Andrew Damron
- Mailing Address: 1515 Soscol Ferry Rd, Napa CA 94558
- E-Mail: adamron@napasan.com
- (3) Recipient Name: RSA+ C/O Hugh Linn
- Mailing Address: 1515 Fourth Street, Napa CA 94559
- E-Mail: hlinn@rsacivil.com

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: ANDREW DAMRON

Title: TECHNICAL SERVICES DIRECTOR

Date: 12/08/2020

5205
NapaSan Annex
10-27-2020

EXHIBIT A

MONTALCINO RESORT
DISTRICT #2 ANNEXATION TO NAPA SANITATION DISTRICT

GEOGRAPHICAL DESCRIPTION

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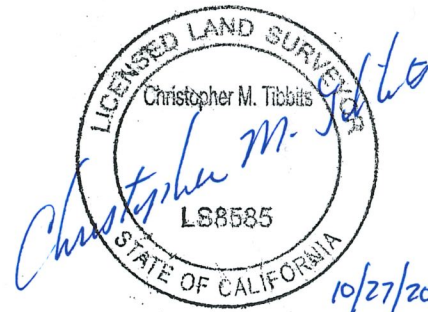
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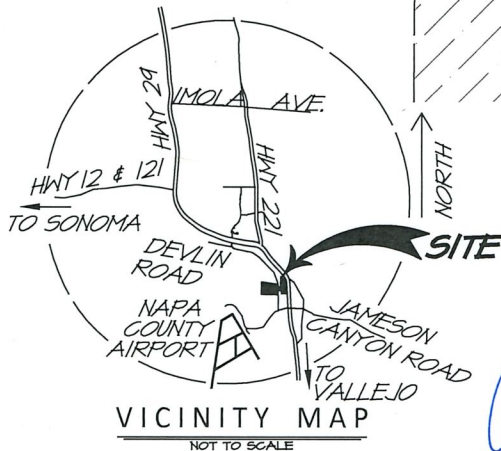
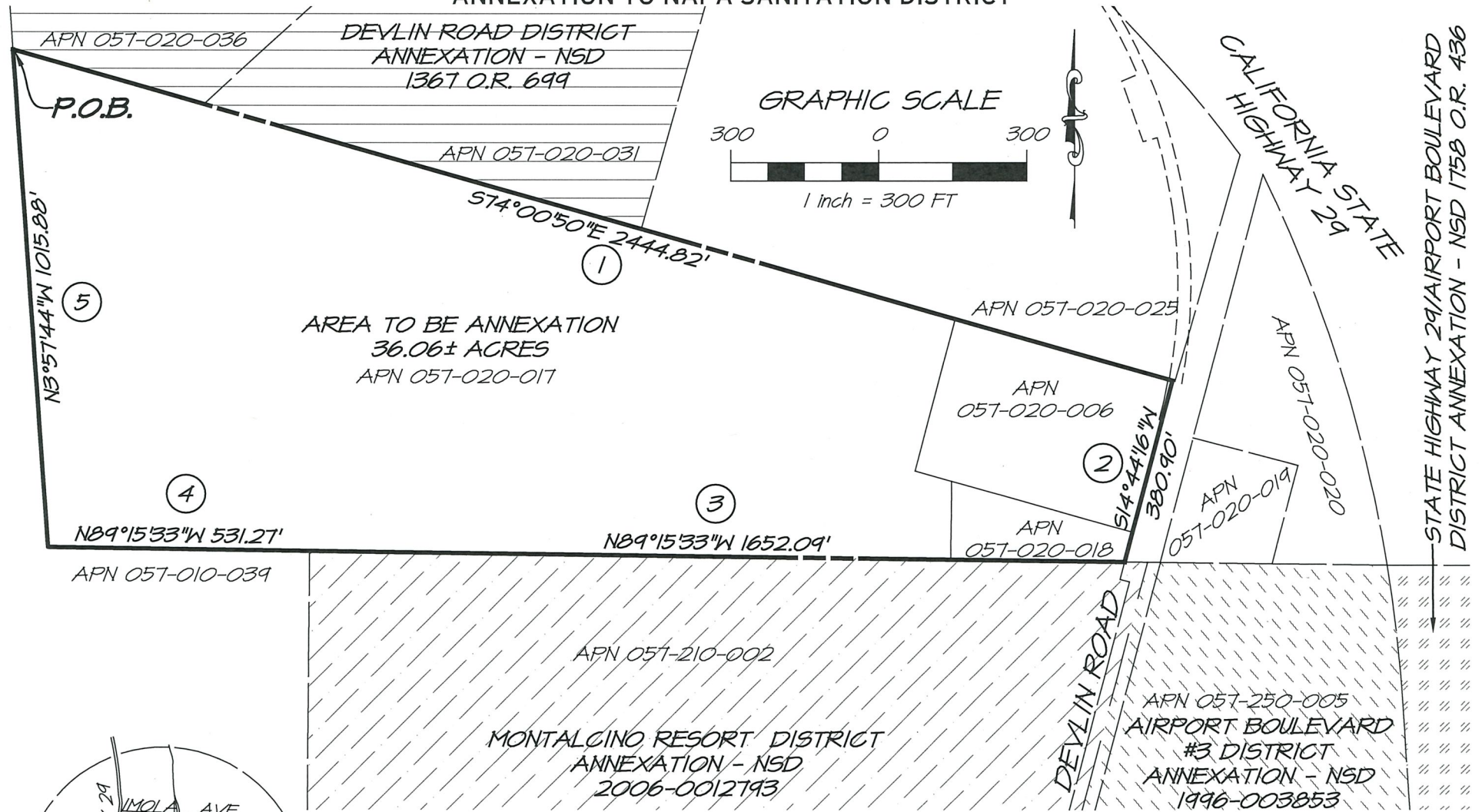
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Containing 36.06 Acres, more or less.



MAP DELINEATING THE BOUNDARY OF MONTALCINO RESORT DISTRICT #2 ANNEXATION ANNEXATION TO NAPA SANITATION DISTRICT



LICENSED LAND SURVEYOR
Christopher M. Tibbitts
LS8585
STATE OF CALIFORNIA

Christopher M. Tibbitts

10/27/20

BEING A PORTION OF
SECTION 1 & 2
MONTALCINO RESORT
DISTRICT #2
ANNEXATION

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NapaSan Annex Clos
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North: 14963.2562' East: 3514.9863'

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Error Closure: 0.0024 Course: S75°14'47"E

Error North: -0.00061 East: 0.00230

Precision 1: 2510400.00





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A Commitment to Service

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Napa, CA 94559
www.countyofnapa.org

Main: (707) 253-4417
Fax: (707) 253-4336

David Morrison
Director

To: Director	From: Sean Trippi, Principal Planner
Date: March 30, 2020	Re: Montalcino at Napa Use Permit Modification, P19-00361-MOD Addendum to the Montalcino at Napa EIR

Project Title

Montalcino at Napa – Very Minor Use Permit Modification (P19-00361)

County Contact Person, Phone Number and Email

Sean Trippi, 707.299.1353, sean.trippi@countyofnapa.org

Project Location and APN

The project is located on a 71.77 acre site adjacent to Devlin Road in the Napa County Industrial Park, approximately 0.5 miles south of the Soscol Ferry Road/Devlin Road intersection and 0.4 miles north of Airport Road/Devlin Road intersection. The site is comprised of Napa County Assessor Parcel Nos. 057-210-002, 057-020-006, -017, -018, -020.

Project Representatives' Name and Address

Jeff Dodd, Coblenz Patch Duffy & Bass LLP, 700 Main St #301, Napa, CA 94559.

Introduction

On April 4, 2004, the Board of Supervisors certified an Environmental Impact Report (EIR) and approved Use Permit No. 98177-UP for the resort project commonly known as Montalcino at Napa Valley with 358 guest rooms, 21 villa suites, a conference facility of 52,380 sq. ft. with a maximum occupancy of 1,000 persons at any one time, two restaurants with a combined seating capacity of 340 persons, retail space and other recreational components (collectively, the "Project").

On January 24, 2006, the Board of Supervisors certified a Subsequent Environmental Impact Report (SEIR) and approved use permit P05-0220 to allow a golf course on an adjacent parcel, as an accessory use to the resort. On March 15, 2006, the Zoning Administrator approved a very minor use permit modification P06-0106-MODVMIN consisting of minor changes to the timing mechanisms of several

conditions of approval for the resort's Use Permit No. 98177-UP. The Zoning Administrator deemed the scope of the very minor use permit modification was within the scope of the EIR.

On September 22, 2006, the Director of what is now known as the Office of Planning, Building, and Environmental Services issued a determination that the resort use permit had been deemed "used" pursuant to Napa County Code Section 18.124.080. To date, there have been limited improvements made to the site which remains largely undeveloped.

Statutory Background

Under the California Environmental Quality Act (CEQA), an Addendum to a certified Environmental Impact Report (EIR) or Negative Declaration is needed if minor technical changes or modifications to the proposed project occur (CEQA Guidelines §15164). An addendum is appropriate only if these minor technical changes or modifications do not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts. The Addendum need not be circulated for public review (CEQA Guidelines §15164[c]); however, an addendum is to be considered by the decision making body along with the previously-adopted environmental document prior to making a decision on the project (CEQA Guidelines §15164[d]).

This Addendum demonstrates that the environmental analysis and impacts identified in the Project EIR remain substantively unchanged by the situation described herein, and supports the finding that the proposed project does not raise any new issues and does not exceed the level of impacts identified in the previously certified Project EIR.

Applicable Reports in Circulation

This addendum is written as an addition to the EIR, certified by the Board of Supervisors on April 4, 2004, and the SEIR, certified by the Board of Supervisors on January 24, 2006. A copy of said documents are available for review at the offices of the Napa County Conservation, Development and Planning Department, 1195 Third Street, Suite 210, Napa, CA.

The EIR and SEIR together shall hereinafter be referred to as the "Project EIR."

Project Description

Request to modify the Montalcino Napa Valley Project entitlements to (i) reduce the number of Guest Rooms from 358 to 316; (ii) reduce the number of Suites (Villas) from 21 to 20; (iii) reduce the meeting/restaurant space from 52,380 sq. ft. to 50,082 sq. ft.; and (iv) alter the site plan to reflect the reductions in building footprint, re-location of improvements outside of waters of the U.S. and wetlands, and increases in open space areas.

Minor Technical Changes or Additions to the Project EIR

Air Quality

On June 2, 2010, the Bay Area Air Quality Management District's (BAAQMD) Board of Directors unanimously adopted thresholds of significance to assist in the review of projects under CEQA. These Thresholds are designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on BAAQMD's website and included in BAAQMD's updated CEQA Guidelines (updated May 2012). The Thresholds are advisory and may be followed by local agencies at their own discretion.

The Thresholds were challenged in court. Following litigation in the trial court, the court of appeal, and the California Supreme Court, all of the Thresholds were upheld. However, in an opinion issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards unless the project would exacerbate existing environmental hazards. The Supreme Court also found that CEQA requires the analysis of exposing people to environmental hazards in specific circumstances, including the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing. The Supreme Court also held that public agencies remain free to conduct this analysis regardless of whether it is required by CEQA.

In view of the Supreme Court's opinion, local agencies may rely on thresholds designed to reflect the impact of locating development near areas of toxic air contamination where such an analysis is required by CEQA or where the agency has determined that such an analysis would assist in making a decision about the project. However, the thresholds are not mandatory and agencies should apply them only after determining that they reflect an appropriate measure of a project's impacts. These Guidelines may inform environmental review for development projects in the Bay Area, but do not commit local governments or BAAQMD to any specific course of regulatory action.

BAAQMD published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's opinion. The May 2017 Guidelines update does not address outdated references, links, analytical methodologies or other technical information that may be in the Guidelines or Thresholds Justification Report. The Air District is currently working to revise any outdated information in the Guidelines as part of its update to the CEQA Guidelines and thresholds of significance.

BAAQMD has not officially recommended the use of its thresholds in CEQA analyses and CEQA ultimately allows lead agencies the discretion to determine whether a particular environmental impact would be considered significant, as evidenced by scientific or other factual data. BAAQMD also states that lead agencies need to determine appropriate air quality thresholds to use for each project they review based on substantial evidence that they include in the administrative record of the CEQA document. One resource BAAQMD provides as a reference for determining appropriate thresholds is the *California Environmental Quality Act Air Quality Guidelines* developed by its staff in 2010 and as updated through May 2017. These guidelines outline substantial evidence supporting a variety of thresholds of significance.

As mentioned above, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Operational-Related Criteria Air Pollutant and Precursors Screening Level Sizes) and thresholds of significance for air pollutants, which have now been updated by BAAQMD through May 2017. The Revised Project does not propose any increases to the originally approved Project scope; it is limited to reductions that now amount to 336 rooms (including Villa Suites) and approximately 17,542 sq. ft. in restaurant/café/bar area. When compared to the BAAQMD’s screening criteria of 489 rooms for hotel land uses and 47,000 sq. ft. for quality restaurants (or 33,000 sq. ft. for high turnover restaurants), the project would not significantly impact air quality and does not require further study (BAAQMD CEQA Guidelines, May 2017 Pages 3-2 & 3-3.)

Greenhouse Gas Emissions

Napa County has been working to develop a Climate Action Plan (CAP) for several years. In 2012, a Draft CAP (March 2012) was recommended using the emissions checklist in the Draft CAP, on a trial basis, to determine potential greenhouse gas (GHG) emissions associated with project development and operation. At the December 11, 2012 Napa County Board of Supervisors (BOS) hearing, the BOS considered adoption of the proposed CAP. In addition to reducing Napa County’s GHG emissions, the proposed plan was intended to address compliance with CEQA for projects reviewed by the County and to lay the foundation for development of a local offset program. While the BOS acknowledged the plan’s objectives, the BOS requested that the CAP be revised to better address transportation-related greenhouse gas, to acknowledge and credit past accomplishments and voluntary efforts, and to allow more time for establishment of a cost-effective local offset program. The Board also requested that best management practices be applied and considered when reviewing projects until a revised CAP is adopted to ensure that projects address the County’s policy goal related to reducing GHG emissions.

In July 2015, the County re-commenced preparation of the CAP to: i) account for present day conditions and modeling assumptions (such as but not limited to methods, emission factors, and data sources), ii) address the concerns with the previous CAP effort as outlined above, iii) meet applicable State requirements, and iv) result in a functional and legally defensible CAP. On April 13, 2016 the County, as the part of the first phase of development and preparation of the CAP, released Final Technical Memorandum #1: 2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016. This initial phase included: i) updating the unincorporated County’s community-wide GHG emissions inventory to 2014, and ii) preparing new GHG emissions forecasts for the 2020, 2030, and 2050 horizons. Additional information on the County CAP can be obtained at the Napa County Department of Planning, Building and Environmental Services or <http://www.countyofnapa.org/CAP/>.

Overall increases in GHG emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified in June 2008. GHG emissions were found to be significant and unavoidable in that document, despite the adoption of mitigation measures incorporating specific policies and action items into the General Plan. Consistent with these General Plan action items, Napa County participated in the development of a community-wide GHG emissions inventory and “emission reduction framework” for all local jurisdictions in the County in 2008-2009. This planning effort was completed by the Napa County Transportation and Planning Agency in December 2009, and is currently serving as the basis for development of a refined inventory

and emission reduction plan for unincorporated Napa County.

During its ongoing planning effort, the County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). As part of that effort, the Revised Project will generate on-site renewable energy through the use of solar panels, provide for electric vehicle charging stations, provide additional bicycle connections via the grant of access to the Napa Vine Trail, incorporate the 2019 Title 24 Building Energy Efficiency Standards and plant over 300 trees. Pursuant to State CEQA Guidelines Section 15183, because this addendum assesses a project that is consistent with an adopted General Plan for which an EIR was prepared, it appropriately focuses on impacts which are “peculiar to the project,” rather than the cumulative impacts previously assessed.

First Carbon Solutions prepared a memorandum, dated February 20, 2020, which provides a qualitative analysis of the GHG emissions from the originally-approved Project and the revised Project. The memorandum concluded that the reductions in the level and intensity of development of the revised Project would result in overall substantially lower GHG emissions compared to the original Project. The reductions were applicable to both the construction and operation of the hotel resort.

As part of the analysis, the memorandum referred to the reduction in guest rooms from 358 to 316, spa and fitness area, retail space, and hotel administration / restaurant-bar / conference areas, which in-turn will reduce the number of hotel guests and employees compared with the original project. Based on the reduction in guests and employees, the memorandum concluded the revised Project will have less project-specific trip generation rates and, thus, lower associated GHG emissions compared with the originally-entitled project. Due to the reductions in building areas, the memorandum also recognized an additional 8.2 acres of open space that will be made available under the revised Project (14.6 acres of total open space from the 6.4 acres originally approved). The increased open space, comprising mostly of grasslands and seasonal wetland, will sequester more carbon compared with the entitled project. The revised Project incorporates high-efficiency building design elements that were not included in the original project (see description of measures immediately above), which would further reduce its GHG emissions.

The revised Project's substantial reductions in the level and intensity of development of on the site—resulting in less activity at the project site and more open space—along with its efficient building design elements will result in substantially lower GHG emissions (construction and operational-related) compared to the original project. Therefore, the impact of the revised Project would be less than significant.

Traffic/Circulation

As mandated by Napa County, projects within the business park are responsible for paying “fair share” costs for the construction of improvements to impacted roadways within the Napa Valley Business Park Specific Plan (NVBPP) area. Since 1990, the County has imposed and collected traffic mitigation fees on all development projects within the NVBPSP. A developer’s “fair share” fee goes toward funding roadway improvements within the NVBPSP area including improvements designed to relieve traffic on State Highways. The traffic mitigation fee is further described in Board of Supervisor’s Resolution 08-20.

For this project, a traffic mitigation fee based on PM peak hour vehicle trips was imposed and will be collected prior to issuance of a building permit as determined by the Director of Public Works as required under the Project's Condition of Approval No. 26.

Payment of the traffic mitigation fee, discussed above, would be applicable to the current proposal. In addition, the current proposal would be subject mitigation measures, as applicable, included in the Project EIR, incorporated herein by reference, including but not limited to various off-site traffic improvements, ride-sharing or staggered shift plan for employees, and a Transportation Demand Management program.

Other Resource Areas

The Project EIR concluded that the previously approved project would have significant or potentially significant impacts to Traffic and Circulation, Air Quality, Noise, Hydrology/Water Quality, Biological Resources, Aesthetics, Cultural Resources, Community Services, Geology, and Population and Housing. However, the Project EIR also identified mitigation measures, which the Board of Supervisors found to be feasible, to avoid or reduce each identified significant or potentially significant impact to a level of insignificance. It is noted that some of the mitigation described in the Project EIR requires the applicant to obtain approvals or permits from various state or federal agencies, such as the Regional Water Quality Control Board, the California Department of Fish and Wildlife, or the U.S. Army Corps of Engineers, or otherwise comply with the standards or requirements of those agencies.

The Board of Supervisors found those mitigation measures to be feasible and effective in that the agencies in question are charged by law with protecting certain natural resources, they have the expertise in doing so, and the Board had a reasonable expectation that those agencies will properly condition the issuance of permits and approvals and will enforce their standards and requirements, thereby ensuring implementation of appropriate mitigation.

A Biological Resources Assessment (BRA) was prepared by First Carbon Solutions, dated August 30, 2019. That analysis showed circumstances had not changed on the site and that no additional mitigation measures, outside of those required under the Project EIR, were required. As described in the BRA, the originally-approved Project required alterations to a riverine seasonal wetland, potentially resulting in the loss of potential wildlife habitat. However, the BRA states that the Revised Project avoids alterations to the riverine seasonal wetland, which leaves the area as open space and reduces the hydrological and biological impacts in comparison to the originally-approved Project.

As noted above, the project site is located in the business park area and is considered an urbanized area by the General Plan. In addition, the site is not located within or adjacent to a state fire protection responsibility area or classified as being within very high fire hazard severity zone. Further, the current proposal will be required to comply with all previous mitigation measures.

SUMMARY AND FINDINGS

Review of the project has concluded that the project will not result in new impacts beyond those analyzed in the Project EIR. None of the conditions described in §15162 of the CEQA Guidelines calling for preparation of a subsequent EIR or Mitigated Negative Declaration have occurred, and thus an Addendum to the Project EIR is appropriate to satisfy CEQA requirements for the proposed project.

The following findings are provided in accordance with CEQA §15164(e) concerning the decision not to prepare a subsequent EIR pursuant to §15162.

(a) None of the following conditions calling for preparation of a subsequent EIR or Mitigated Negative Declaration have occurred:

(1) Substantial changes are proposed in a project which will require important revisions of the previous EIR ... due to the involvement of new significant environmental impacts not considered in a previous EIR ... on the project;

Finding: The revised project does not propose substantial changes to the Project. The scope and uses under the revised project are consistent with the originally-approved Project. The revised project does not create new significant impacts or increase the severity of previously identified impacts. Rather, the changes are limited to reductions in the size and scope of the project, including the reduction of hotel rooms, which serve to reduce the intensity of the hotel and accessory uses on the site. In addition, the revised project's reduced building footprint results in more environmental benefits due to the increase in open space.

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken ... which will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in a previous EIR ... or,

Finding: The circumstances under which the project was analyzed under the Project EIR have not changed. The Napa County General Plan and Airport Industrial Area Specific Plan (as amended through October 2013), which guides and facilitates development in the business park area contemplate the project as originally-approved. In addition, the County's Industrial Park Zoning District regulations for hotel uses have not changed.

(3) New information of substantial importance to the project becomes available and (a) the information was not known and could not have been known at the time the previous EIR was certified as complete...and (b) the new information shows any of the following:

A. The project will have one or more significant effects not discussed previously in the EIR.

Finding: Other than the proposed reductions to the intensity and building areas of the hotel and accessory uses, there is no new information that was not known and could not have been known at the time the Project EIR was prepared.

B. Significant effects previously examined will be substantially more severe than shown in the EIR;

Finding: While the approved project uses remain the same, the revisions to the project are limited to reductions in the size and scope of the Project. Because all the revisions to the project are reductions, the significant impacts of the project will be the same or reduced as a result of the reductions in size and intensity to the project.

C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce on or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

Finding: No mitigation or alternative under the Project EIR was found to be infeasible. In addition, the project proponent has adopted all mitigation measures and accepted all conditions of approval.

D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declined to adopt the mitigation measure or alternative.

Finding: In light of the revised project maintaining the same uses as approved under the Project EIR and that the only changes to the project are reducing the size and scope thereof, there are no mitigation measures being proposed which are considerably different from those analyzed in the Project EIR. In addition, the project proponent has adopted all mitigation measures and accepted all conditions of approval.

(b) Only minor technical changes or additions are necessary to make the EIR under consideration adequate under CEQA; and,

Finding: In light of the revised project maintaining the same uses as approved under the Project EIR and that the only changes to the project are reducing the size and scope thereof, only minor technical changes or additions are necessary to make the Project EIR under consideration adequate under CEQA.

(c) The changes to the EIR made by the addendum do not raise important new issues about the significant effects on the environment.

Finding: In light of the revised project maintaining the same uses as approved under the Project EIR and that the only changes to the project are reducing the size and scope thereof, only minor technical changes or additions are needed to make the Project EIR under consideration adequate under CEQA. These minor technical changes or additions, including technical studies, have not raised important new issues about significant effects on the environmental

This addendum to the Project EIR finds that actions under the Revised Project, as identified herein, will not result in any new significant environmental effects or result in the substantial increase of any previously identified impacts in the previous EIR.

The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, the other sources of information listed in the file, and the comments received, conversations with knowledgeable individuals, the preparer's personal knowledge of the area, and, where necessary, a visit to the site. For further information, please see the Project EIR.

By: Sean Trippi, Project Planner _____

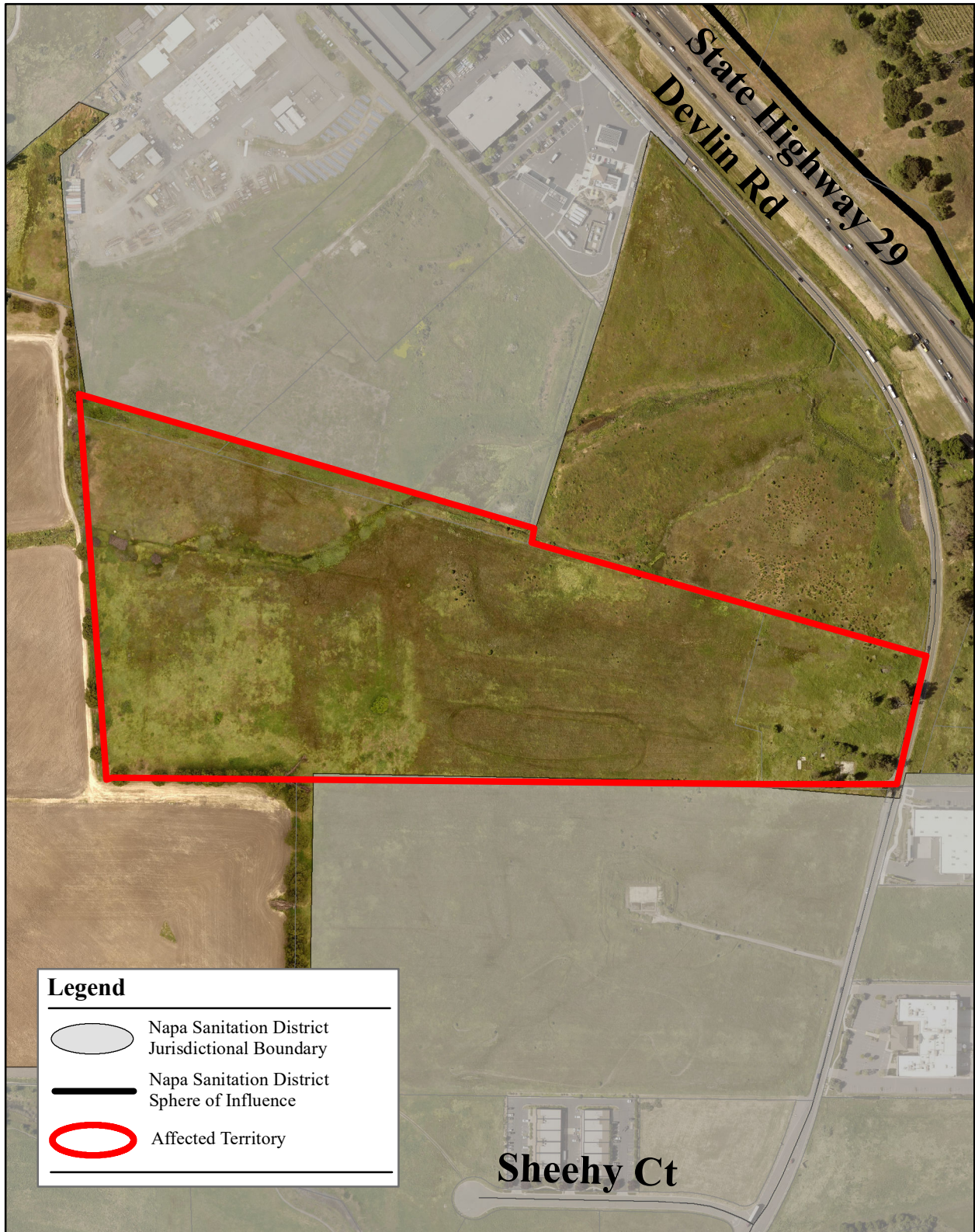
Signature




3/30/2020

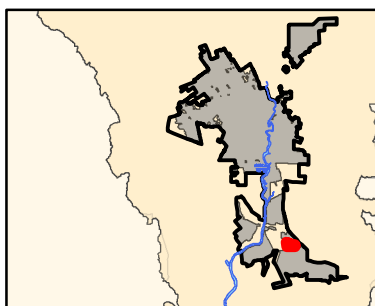
Date

Montalcino Resort No. 2 Annexation to the Napa Sanitation District

Attachment Three



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



0 0.0275 0.055 0.11 Miles

April 5, 2021

Prepared by LAFCO Staff



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

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

Montalcino Resort 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 zero. The affected territory is legally uninhabited given there are fewer than 12 registered voters.

The affected territory is approximately 36.1 acres in size, located within unincorporated County of Napa's ("the County") jurisdictional boundary, and has a designation within the County General Plan of *Industrial* and a zoning standard of *Industrial Park: Airport Compatibility*. The affected territory is currently undeveloped and located West of Devlin Road, southeast of Soscol Ferry Road (no situs addresses). The affected territory will be developed with the planned "Montalcino Resort" ("the project").

The current assessment value total is \$6,602,421.

Topography is relatively flat with 5 to 15 percent slopes.

The location is within the *Mouth of the Napa River* watershed and *Sheehy Creek* drainage basin.

The project for the affected territory will consist of a full-service 316 key hotel with 20 villas, meeting space, recreational facilities and food and beverage service. The size and scope of the project has been reduced since the original *Final Environmental Impact Report (FEIR) and Subsequent Environmental Impact Report (SEIR)* were certified by the Board of Supervisors on April 4, 2004 and January 24, 2006, respectively. Both the FEIR and SEIR (together, the "EIR") included mitigation measures. An Addendum to the EIR was prepared by the County dated March 30, 2020 as part of a minor use permit modification that reduced the project size and scope as it is presented today. The parcels are located within the *Napa County Airport Industrial Area Specific Plan*.

Current land uses include undeveloped parcels designated as *Industrial* in the County General Plan. The adjacent parcel to the south was annexed into the sewer district in 2006 and is part of the total Montalcino Resort project. The adjacent parcel to the north is proposed for subdivision for industrial uses. The area is in the unincorporated County of Napa. The surrounding, adjacent undeveloped areas are expected to develop and are assigned a zoning standard of *Industrial Park: Airport Compatibility*.

(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.

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. The Commission's *Municipal Service Reviews: South County Region* adopted in 2018 and *Central County Region Municipal Service Review* completed in 2014 determined that no service deficiencies for the area were identified.

Sewer

Impacts to NSD's sewer system, treatment plant, and recycled water system have been evaluated. Proposal approval and buildout of Montalcino Resort would result in new sewer flows totaling approximately 60,669 gallons per day. This amount is based on estimated sewer demands associated with the planned 316-room hotel with 20 villas, meeting space, recreational facilities and food and beverage service. NSD has established adequate capacities and controls to accommodate these new demands without impacting existing service commitments or ratepayers.

Water

The City of American Canyon has been identified as the water service provider for the project. The affected territory is located within an area designated for industrial development by the County. Given its inclusion within American Canyon's extraterritorial water service area (ETSA) as approved by the Commission in 2007, Commission approval is not required to extend water service to the affected territory under G.C. Section 56133.

In compliance with City requirements, a Water Service Report was prepared for the project. The estimated daily average water demand (ADD) at build-out is 60,131 gallons with a maximum daily demand (MDD) of 90,688 gallons for the original project. The City's 2010 Urban Water Management Plan (UWMP) assumes industrially zoned property City ETSA up to a maximum ADD of 650 gpd per acre. The estimated ADD for the original project is 198 gpd per acre, which is less than the maximum of 650 gpd per acre allowed by the American Canyon Municipal Code of 13.10.

The City has established adequate capacities and controls to accommodate these demands. American Canyon issued a will serve letter dated March 23, 2018. Water used for landscaping and temporary dust control during construction will be recycled water provided by NSD.

Fire Protection and Emergency Medical

The affected territory currently receives fire protection and emergency medical service from the County. Conditions of approval from the County include:

Condition 28. A secondary emergency only access shall also be provided to Devlin Road subject to review and approval by the Fire Marshal and Director of Public Works.

Condition 73. Prior to issuance of any building permit, the permittee shall submit to the County Building Division and the County Fire Department a "Proposal of Recognition" prepared by a qualified fire and life safety consultant which demonstrates project compliance with all applicable fire and life safety standards.

Law Enforcement

The affected territory receives law enforcement services from the County. Eventual buildout of the affected territory would increase the need for law enforcement services. Information generated from the Commission's municipal service review on the *Comprehensive Study on Countywide Law Enforcement Services (2012)* noted that the County has generally developed sufficient capacities and controls to serve existing and anticipated demands for these services. The municipal service review also notes no service deficiencies within the area surrounding the affected territory.

(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 included the affected territory within NSD's SOI in 1975, marking an expectation the site would eventually develop for urban type uses and require public service from NSD 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 56377.¹ Proposal approval would be consistent with planned, orderly, efficient patterns of urban development.

¹ The affected territory is not devoted to an open-space use under the County General Plan.

(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 is consistent with the Commission's policies as codified under its General Policy Determinations. This includes consistency with the industrial land use designation for the affected territory under the County General Plan, 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. Specifically, the affected territory is not devoted to open-space use under the County General Plan. Proposal approval would be consistent with planned, orderly, efficient patterns of urban development.

(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 proposal is parcel-specific and includes all of the property identified by the County of Napa Assessor's Office as 057-020-006, 017 & 018. The applicant has submitted a map and geographic description of the affected territory that conform with the requirements of the State Board of Equalization. Approval of the proposal would have no impact with respect to unincorporated islands or corridors of unincorporated territory.

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

The Metropolitan Transportation Commission's current regional transportation plan (RTP) was adopted in 2017 and is titled *Plan Bay Area 2040*. The RTP outlines specific goals and objectives to direct public transportation infrastructure in the San Francisco Bay Area through 2040.² 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.

The proposal would provide permanent public sewer service to the affected territory. The availability of this municipal service is consistent with the County General Plan, which assigns an *Industrial* land use designation for the affected territory.

(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 last comprehensively updated by the Commission in 2015. The eventual development project will rely on water service from the City of American Canyon. While the affected territory is located outside American Canyon's sphere of influence, it is located within American Canyon's ETSA approved by the Commission in 2007. Therefore, no additional Commission action is required.

² *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. It is important to note the Metropolitan Transportation Commission and the Association of Bay Area Governments are currently updating the RTP. It is anticipated a draft environmental impact report for *Plan Bay Area 2050* will be released in Spring 2021.

(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 *Napa Countywide Water and Wastewater Municipal Service Review* completed in 2020 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 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 is intended to recover NSD's ongoing maintenance and operation expenses. The 2020 *Napa Countywide Water and Wastewater Municipal Service Review* is relied upon and sufficient for this annexation proposal regarding the plan for services required by G.C. Section 56653.

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

The *South County Regional Municipal Service Review* (2018) provided analysis regarding American Canyon's ability to provide current and projected water services. It was determined that the City's recently updated Urban Water Management Plan demonstrates that the City has sufficient water to meet projected needs in the next 20 years. No service deficiencies exist with respect to the affected territory. The affected territory is not located in a Groundwater Deficient Area.

American Canyon's water supplies include raw water provided by the Department of Water Resources' State Water Project, raw and treated water provided by the City of Vallejo, and recycled water provided by American Canyon and Napa Sanitation District. The maximum contracted total of these supplies is 8,340 acre-feet.³ The actual amount available for delivery each year varies depending upon weather conditions statewide.

In 2015, demand within American Canyon's Water Service Area totaled 2,976 acre-feet.⁴ The Water Services Report projects the build-out of the affected territory could generate an additional annual water demand of 67.4 acre-feet for the original project.

In accordance with American Canyon's 2011 Zero Water Footprint Policy, all new development is required to offset new demands to ensure there are no adverse impacts to existing customers or supplies.

³ Table E-3 of the 2015 City of American Canyon Urban Water Management Plan

⁴ Table E-1 of the 2015 City of American Canyon Urban Water Management Plan

The project reduced potable water demands in the City's system through the contribution of \$620,000 in 2018 to the City for the City to undertake a capital project to install Automated Meter Infrastructure or AMI (e.g., "smart meters") at each of its approximately 5,500 water meters city-wide (the "AMI Project"). The AMI Project reduces existing residential demand on an annual basis that is approximately equivalent to the demand for the original project, which has subsequently been reduced in size and scope.

The anticipated annual water demand for the proposed project would have negligible impact on the City's water demands based on the project's contributions to the AMI Project.

(13) The achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.

In an effort to address identified housing needs, the County has adopted a Housing Element and a development impact fee.⁶ The fee is assessed on all non-residential developments based on gross floor area. The purpose of the fee is to reduce housing impacts.⁷ In addition, the project is paying an additional \$1,500,000 to the County's Housing Fund.

(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 County's General Plan land use designation for the affected territory is *General Industrial*. This designation provides for areas where industrial uses are appropriate visually and environmentally. The affected territory is also within the *Napa County Airport Industrial Area Specific Plan* which allows for one resort hotel only within the 72-acre site of which the 36-acre territory is within. Specific zoning in these areas further refines the type of commercial use and whether or not a building permit is required.

⁵ Source: [South County Region Municipal Service Review and Sphere of Influence Updates \(2018\)](#).

⁶ A recent report with information on local regional housing needs allocations is available online at: https://www.napa.lafco.ca.gov/uploads/documents/8-3-20_6c_Housing-GeneralPlans.pdf.

⁷ As required under Chapter 18.107 of the Napa County Code.

The affected territory is zoned by the County as *Industrial Park: Airport Compatibility (IP:AC)*, which permits hotels, motels, and conference centers serving as industrial park components. This zoning is also intended to accommodate the orderly growth and development of public-use airports.

The proposed annexation to NSD and planned development project are consistent with these existing land use designations.

(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.

Parcels 057-020-006, -017 and -018 are not located in a High Fire Hazard Severity (SRA) zone. The affected territory is not included in a FEMA flood zone.

(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 landowners within the affected territory by providing permanent access to sewer, water, and expanded municipal services. The general public will be served with a commercial use that is contemplated and planned for under the *Napa County Airport Industrial Area Specific Plan* to benefit industrial park users. The planning of specific areas for industry allows these businesses to be placed with minimal environmental impact while protecting agricultural and open space lands.