



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

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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 5, 2019
SUBJECT: Proposed Borrette Lane No. 10 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 – Borrette Lane No. 10 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: 041-700-004, -005, and -007
Location: 1020, 1030, and 1040 Borrette Lane
Area Size: 16.0 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, a planted vineyard, a detached garage, a barn, a wine cellar, a garden shed, and a small storage building

The purpose of the proposal is to facilitate the subdivision and reconfiguration of two existing parcels located at 1030 Borrette Lane (5.0 acres in size) and 1040 Borrette Lane (5.0 acres in size) into three parcels totaling 10 acres in size. The future subdivision would result in a total of 14 single-family residences (two existing residences and 12 new residences). Further, the landowner of 1020 Borrette Lane (6.0 acres in size) has indicated interest in constructing a new accessory dwelling unit, which would require access to public sewer service. There are currently no plans to subdivide 1020 Borrette Lane.

Kenneth Leary, Vice Chair
Councilmember, City of American Canyon

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

Gregory Rodeno, Chair
Representative of the General Public

Margie Mohler, Commissioner
Councilmember, Town of Yountville

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

Vacant, Alternate Commissioner
Representative of the General Public

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

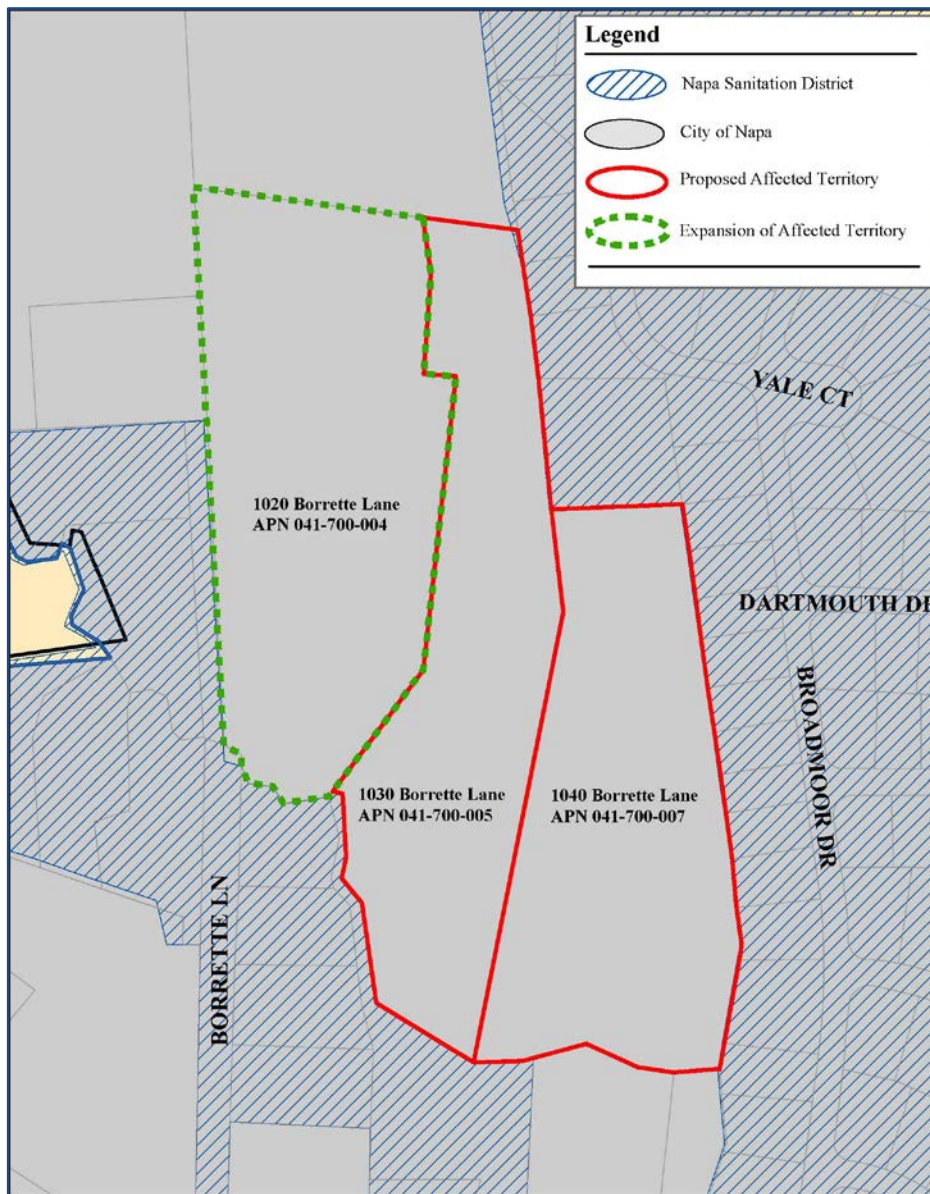
Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Brendon Freeman
Executive Officer

The original application proposed the annexation of only 1030 and 1040 Borrette Lane to NSD. The application materials are included as Attachment Two.

In the course of reviewing the application materials, staff was contacted by the landowner of 1020 Borrette Lane who indicated interest in joining the annexation proceedings. Written consent from the landowner of 1020 Borrette Lane to join the annexation is included with the referenced application materials. With this in mind, staff modified the boundary of the affected territory to include 1020 Borrette Lane. Notably, the Commission previously approved the annexation of 1020 Borrette Lane to NSD in 2008. The landowners decided not to proceed with the annexation at that time and therefore annexation proceedings were abandoned.

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



## **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 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 a new manhole to be located on Broadmoor Drive and would be less than 1,500 feet away from any portion of the affected territory.

## **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**

**BORRETTE LANE NO. 10  
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 10.0 acres of incorporated land to the Napa Sanitation District and represents two entire parcels located at 1030 Borrette Lane and 1040 Borrette Lane and identified by the County of Napa Assessor’s Office as 041-700-005 and 041-700-007, respectively; and

**WHEREAS**, the Commission’s Executive Officer recommends modifying the proposal to include an additional 6.0 acres of incorporated land representing one entire parcel located at 1020 Borrette Lane and identified by the County of Napa Assessor’s Office as 041-700-004; and

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

**WHEREAS**, the Executive Officer’s report and recommendations on the modified 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 August 5, 2019; 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 modified 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 modified 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.
3. The proposal is APPROVED with the following modification:
  - a) The affected territory is expanded to include 1020 Borrette Lane identified by the County of Napa Assessor’s Office as 041-700-004.
4. This proposal is assigned the following distinctive short-term designation:

**BORRETTE LANE NO. 10  
ANNEXATION TO THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the map and described in the geographic description in the attached Exhibit “A”.
6. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.
10. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56662(a).
11. Recordation is contingent upon receipt by the Executive Officer of written confirmation by the Napa Sanitation District that its terms and conditions have been satisfied.
12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.

- 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 regular meeting held on August 5, 2019, by the following vote:

AYES: Commissioners \_\_\_\_\_  
NOES: Commissioners \_\_\_\_\_  
ABSENT: Commissioners \_\_\_\_\_  
ABSTAIN: Commissioners \_\_\_\_\_

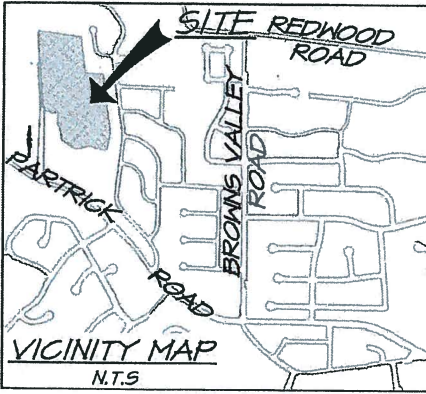
\_\_\_\_\_  
Gregory Rodeno  
Commission Chair

ATTEST: \_\_\_\_\_  
Brendon Freeman  
Executive Officer

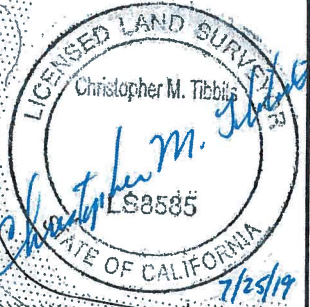
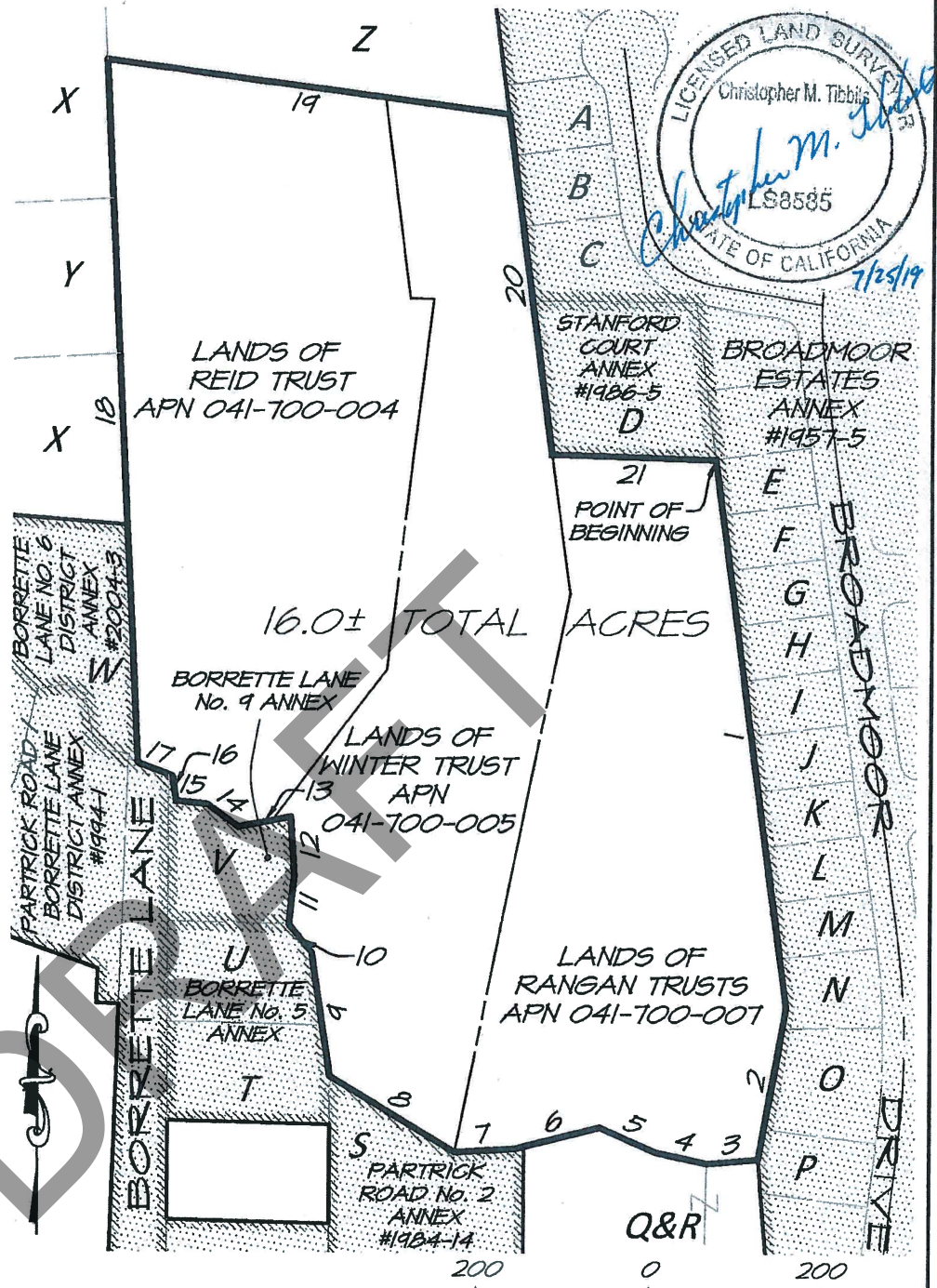
Recorded by: Kathy Mabry  
Commission Secretary

DRAFT





Line Table		
Line #	Length	Direction
1	642.86'	S07°33'15"E
2	180.00'	S10°06'45"W
3	59.97'	S85°20'39"W
4	61.70'	N78°06'15"W
5	71.00'	N66°12'15"W
6	101.00'	S75°26'45"W
7	70.00'	S86°28'45"W
8	170.00'	N58°43'15"W
9	145.20'	N08°19'35"W
10	42.24'	N39°19'35"W
11	56.76'	N06°10'25"E
12	68.64'	N03°34'35"W
13	62.70'	S79°10'25"W
14	44.22'	N53°34'35"W
15	36.30'	N84°04'35"W
16	29.04'	N09°04'35"W
17	42.90'	N69°19'35"W
18	817.94'	N02°46'13"W
19	471.18'	S82°26'28"E
20	397.87'	S07°26'16"E
21	190.08'	S88°40'21"E



— EXISTING DISTRICT BOUNDARY  
 - - - PROPOSED DISTRICT BOUNDARY

1 inch = 200 FT

**EXHIBIT A PLAT**  
 A MAP DELINEATING  
 THE BOUNDARY OF THE  
**BORRETTE LANE NO. 10**  
 ANNEXATION TO NAPA SANITATION  
 DISTRICT

ASSESSOR PARCEL NUMBERS		
A. APN: 041-402-015	J. APN: 041-311-006	S. APN: 041-061-018
B. APN: 041-402-016	H. APN: 041-311-007	T. APN: 041-490-010
C. APN: 041-402-017	L. APN: 041-311-008	U. APN: 041-490-008
D. APN: 041-700-006	M. APN: 041-061-001	V. APN: 041-490-007
E. APN: 041-311-001	N. APN: 041-061-002	W. APN: 041-700-013
F. APN: 041-311-002	O. APN: 041-061-003	X. APN: 041-700-011
G. APN: 041-311-003	P. APN: 041-061-004	Y. APN: 041-700-010
H. APN: 041-311-004	Q. APN: 041-061-014	Z. APN: 041-700-003
I. APN: 041-311-005	R. APN: 041-061-015	

**RSA+** 1515 FOURTH STREET  
 NAPA, CALIF. 94559  
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 + www.RSAcivil.com +

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 JULY 2019 1176 ANNEXATION MAP

**FINAL**

**EXHIBIT A****GEOGRAPHIC DESCRIPTION  
BORRETTE LANE NO. 10 ANNEXATION  
TO THE NAPA SANITATION DISTRICT**

All that real property situated in the City of Napa, County of Napa, State of California, Napa Rancho described as follows:

Beginning at the southeast corner of the Stanford Court Annexation to the Napa Sanitation District – #1986-5 filed in the office of the Napa Sanitation District;

1. thence along the western line of the Broadmoor Estates Annexation #1957-5 filed in the office of the Napa Sanitation District South 7° 33' 15" East 642.86 feet;
2. thence South 10° 06' 45" West 180.00 feet to the southeast corner of Parcel 4 as shown on the map entitled "Final Map of Llama Creek" filed September 30, 1986 in Book 15 of Maps at Pages 18&19, Napa County Records;
3. thence leaving said western line and along the south line of said Parcel 4 South 85° 20' 39" West 59.97 feet;
4. thence North 78° 06' 15" West 61.70 feet;
5. thence North 66° 12' 15" West 71.00 feet;
6. thence South 75° 26' 45" West 101.00 feet to the northeast corner of the Partrick Road No. 2 Annexation #1984-14 to the Napa Sanitation District recorded December 19, 1984 in Book 1368 at Page 427 Official Records of Napa County;
7. thence along the northern line of said Partrick Road No. 2 Annexation #1984-14 South 86° 28' 45" West 70.00 feet to the southeast corner of Parcel 3 of said Llama Creek Map;
8. thence along the south line of said Parcel 3 North 58° 43' 15" West 170.00 feet to the eastern line of Borrette Lane No. 5 Annexation to the Napa Sanitation District recorded March 9, 2004 in Series No. 2004-0008816, Official Records of Napa County;
9. thence along said eastern line North 8° 19' 35" West 145.20 feet;
10. thence North 39° 19' 35" West 42.24 feet to the southeast corner of Borrette Lane No. 9 Annexation to the Napa Sanitation District recorded June 24, 2015 in Series No. 2015-0016287, Official Records of Napa County;

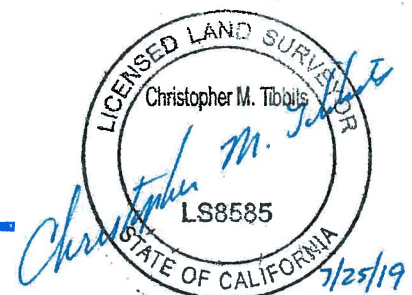


1176  
Annexation Desc.  
07-03-2019

11. thence along the eastern line of said Borrette Lane No. 9 Annexation North 6° 10' 25" East 56.76 feet;
12. thence North 3° 34' 35" West 68.64 feet;
13. thence along the north line of said Borrette Lane No. 9 Annexation South 79° 10' 25" West 62.70 feet;
14. thence North 53° 34' 35" West 44.22 feet;
15. thence North 84° 04' 35" West 36.30 feet;
16. thence North 9° 04' 35 West 29.04 feet to the eastern line of Partrick Road / Borrette Lane Annexation #1994-1;
17. thence along the eastern of Partrick Road / Borrette Lane Annexation #1994-1 North 69° 19' 35" West 42.90 feet to the eastern line of Borrette Lane No. 6 Annexation #2004-3;
18. thence along the east line of Borrette Lane No. 6 Annexation #2004-3 and the western line of Parcel 1 of said Final Map of Llama Creek North 2° 46' 13" West 817.94 feet to the northwest corner of said Parcel 1;
19. thence along the north line of Parcels 1 and 3 of said Final Map of Llama Creek South 82° 26' 28" East 471.18 feet to the northeast corner of said Parcel 3 and the west line of said Broadmoor Estates Annexation #1957-5;
20. thence along the west line of said Broadmoor Estates Annexation #1957-5 and the west line of said Stanford Court Annexation #1986-5 to the Napa Sanitation District South 7° 26' 16" East 397.87 feet to the southwest corner of said Stanford Court Annexation #1986-5 to the Napa Sanitation District;
21. thence along the south line of said Stanford Court Annexation #1986-5 to the Napa Sanitation District South 88° 40' 21" East 190.08 feet to the Point of Beginning.

Containing 16.0 Acres, more or less.

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



**FORM B**

Date Filed:	6/12/19
Received By:	BF

**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:**

NAPA SANITATION ANNEXATION FOR 3 LOTS  
ON BORRETTE LANE

**Description of Boundaries of Affected Territory Accompanied by Map:**

SEE ATTACHED LEGAL DESCRIPTIONS OF  
1030 + 1040 BORRETTE LANE AND  
CREATION OF LOT 3

**Reason for Proposal and Any Proposed Conditions:**

TO PROVIDE SEWER SERVICES FOR THESE 3 LOTS  
AND FUTURE DEVELOPMENT ON LOT 3

**Type of Petition:**

Landowner

Registered Voter

**Sphere of Influence Consistency:**

Yes

No

**If Landowner Petition, Complete the Following:**

- 1) Name: Eileen Winter  
Mailing Address: 1030 Barrette Lane  
Assessor Parcel: 041-700-005  
Signature: Eileen Winter Date: 5/5/2019
- 2) Name: KATHURI RANGAN + YAMINI RANGAN  
Mailing Address: 1040 Barrette Lane  
Assessor Parcel: 041-700-007  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_
- 3) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Assessor Parcel: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**If Registered Voter Petition, Complete the Following:**

- 1) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Resident Address: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_
- 2) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Resident Address: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_
- 3) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Resident Address: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**If Landowner Petition, Complete the Following:**

1) Name: Eileen Winter  
 Mailing Address: 1030 Barrette Lane  
 Assessor Parcel: 041-700-005  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

2) Name: KATHURI RANGAN + YAMINI RANGAN  
 Mailing Address: 1040 Barrette Lane  
 Assessor Parcel: 041-700-007

Signature: Yamini Rangan [Signature] Date: 6/10/2019 6/11/2019  
DocuSigned by: 52CD70A11B8C4E7... DocuSigned by: 3EEF599698A14B3...

3) Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Assessor Parcel: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**If Registered Voter Petition, Complete the Following:**

1) Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Resident Address: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

2) Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Resident Address: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

3) Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Resident Address: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**FORM D**

Date Filed:

6/12/19

Received By:

BF

**JUSTIFICATION OF PROPOSAL  
Change of Organization/Reorganization**

**I. APPLICANT INFORMATION**

**A. Name:** RANDY A. GUILARTE  
Contact Person Agency/Business (If Applicable)

**Address:** 780 TRANCAS ST. NAPA 94558  
Street Number Street Name City Zip Code

**Contact:** 707-256-2145 707-224-4545 R.Guilarte@q99sir.com  
Phone Number Facsimile Number E-Mail Address

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

**II. PROPOSAL DESCRIPTION**

**A. Affected Agencies:** NAPA SANITATION DISTRICT  
Name Address

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Name Address

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Name Address

*Use Additional Sheets as Needed*

**B. Proposal Type: (Check as Needed)**

<input checked="checked" type="checkbox"/> Annexation	<input type="checkbox"/> Detachment	<input type="checkbox"/> City Incorporation	<input type="checkbox"/> District Formation
<input type="checkbox"/> City/District Dissolution	<input type="checkbox"/> City/District Merger	<input type="checkbox"/> Service Activation (District Only)	<input type="checkbox"/> Service Divestiture (District Only)

**C. Purpose Statement: (Specific)**

to annex to NSD to allow sanitation services to these properties

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III. GENERAL INFORMATION

A. Location:

1030 Borrette	041-700-005	5.0
Street Address	Assessor Parcel Number	Acres
1040 Borrette	041-700-007	5.0
Street Address	Assessor Parcel Number	Acres
Street Address	Assessor Parcel Number	Acres
Street Address	Assessor Parcel Number	Acres
Total Location Size (Including Right-of-Ways)		10.0

B. Landowners:

(1) Assessor Parcel Number : 041-700-005 Name: Eileen Winter  
Mailing Address: 1030 Borrette Lane  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

(2) Assessor Parcel Number : 041-700-007 Name: Kasthuri Rangan + Yamini Rangan  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

(3) Assessor Parcel Number : \_\_\_\_\_ Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

(4) Assessor Parcel Number : \_\_\_\_\_ Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Use Additional Sheets As Needed

C. Population:

(1) Total Number of Residents: 3

(2) Total Number of Registered Voters: 3

**D. Land Use Factors:**

- (1a) County General Plan Designation: N/A
- (1b) County Zoning Standard: N/A
- (2a) Applicable City General Plan Designation: SFR-40
- (2b) Applicable City Rezoning Standard: RS-20

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

2 existing homes on 10 acres  
LANDSCAPING, + open fields

**F. Development Plans:**

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

(1b) If Yes, Describe Project: 3 Lot split

(1c) If No, When Is Development Anticipated? Additional Lot split  
has been submitted to City of Napa for  
12 new single family homes

**G. Physical Characteristics:**

(1) Describe Topography: Level

(2) Describe Any Natural Boundaries: creed on south side

(3) Describe Soil Composition and Any Drainage Basins:  
#005 - Cole silt loam, 0 to 2 percent slopes MLRA 14  
#007 - Bressa-Dibble complex, 15 to 30 percent slopes  
Cole silt loam, 0 to 2 percent slopes, MLRA 14

(4) Describe Vegetation: See Attached Parcel Reports

(4) Vegetation - grass lands, LANDSCAPING AROUND home

**H. Williamson Act Contracts  
(Check One)**

- Yes
- No

**IV. GOVERNMENTAL SERVICES AND CONTROLS**

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**A. Plan For Providing Services:**

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

Eventually provide Sanitary sewer  
to these 2 existing homes and to lot 3

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

Sewer Service sufficient to  
serve future development

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

Upon further development of lot 3  
within 5 years

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

New sewer lines, public street  
upon lot 3 being developed

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

Construction Financing

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**V. ENVIRONMENTAL INFORMATION**

**A. Environmental Analysis**

(1) Lead Agency for Proposal:

LAFCO  
Name

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

Environmental Impact Report

Negative Declaration/Mitigated Negative Declaration

Categorical (Statutory) Exemption:

CA Code of Regulations, Title 14, Section 15282(k)  
Type

None

*Provide Copies of Associated Environmental Documents*

**VI. ADDITIONAL INFORMATION**

**A. Approval Terms and Conditions Requested For Commission Consideration:**

None

*Use Additional Sheets As Needed*

**B. Identify Up to Three Agencies or Persons to Receive Proposal Correspondence:**  
(Does not include affected landowners or residents)

(1) Recipient Name:

Sapa Napa Sanitation District

Mailing Address:

E-Mail:

(2) Recipient Name:

City of Napa

Mailing Address:

E-Mail:

(3) Recipient Name:

Mailing Address:

E-Mail:

**VII. CERTIFICATION**

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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: Randy A. Cularte  
Printed Name: RANDY A. Cularte  
Title: Applicant  
Date: 4/19/19

**Indemnification Agreement**

Name of Proposal: Borrette Lane No. 10 Annexation to NSD

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

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

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

\_\_\_\_\_  
Agency Representative Signature

\_\_\_\_\_  
Principal Landowner Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Randy A. Gilante  
Applicant 4/19/19



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

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

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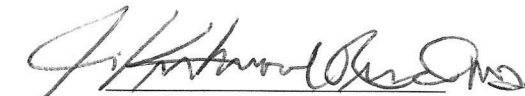
**LANDOWNER CONSENT FORM**

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 undertaken by landowners of 1030 & 1040 Borrette Lane. 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: Kirk & Karen Reid**

**Property Address: 1020 Borrette Lane, Napa, CA 94558**

**Property APN: 041-700-004**

  
Landowner

5-28-19  
Date

---

Kenneth Leary, Vice Chair  
Councilmember, City of American Canyon

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

Gregory Rodeno, Chair  
Representative of the General Public

Margie Mohler, Commissioner  
Councilmember, Town of Yountville

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

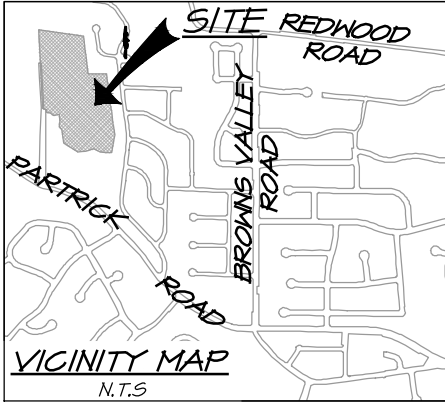
Vacant, Alternate Commissioner  
Representative of the General Public

Scott Sedgley, Alternate Commissioner  
Councilmember, City of Napa

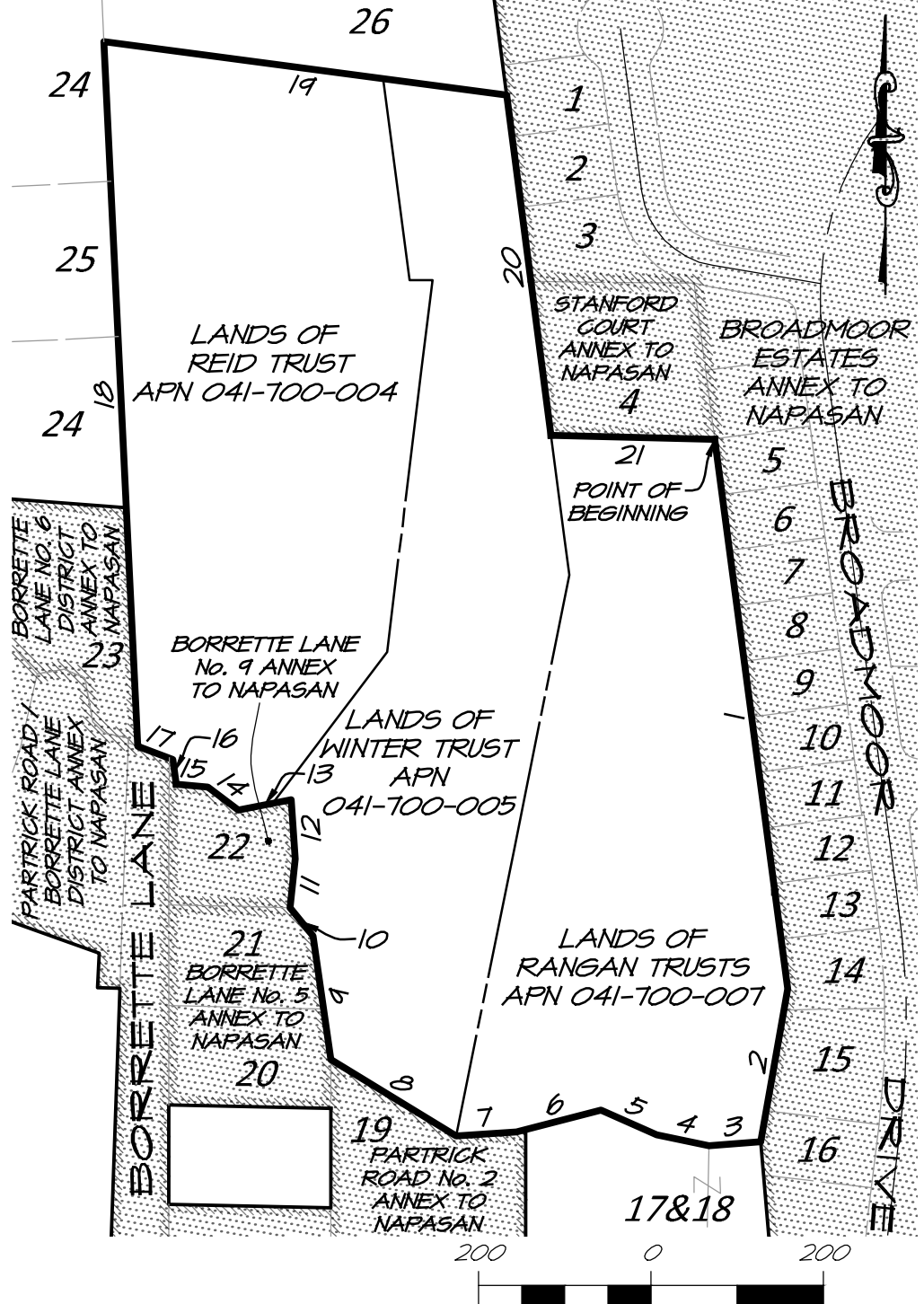
Ryan Gregory, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Brendon Freeman  
*Executive Officer*





Line Table		
Line #	Length	Direction
1	642.86'	S07°33'15"E
2	180.00'	S10°06'45"W
3	59.97'	S85°20'39"W
4	61.70'	N78°06'15"W
5	71.00'	N66°12'15"W
6	101.00'	S75°26'45"W
7	70.00'	S86°28'45"W
8	170.00'	N58°43'15"W
9	145.20'	N08°19'35"W
10	42.24'	N39°19'35"W
11	56.76'	N06°10'25"E
12	68.64'	N03°34'35"W
13	62.70'	S79°10'25"W
14	44.22'	N53°34'35"W
15	36.30'	N84°04'35"W
16	29.04'	N09°04'35"W
17	42.90'	N69°19'35"W
18	817.94'	N02°46'13"W
19	471.18'	S82°26'28"E
20	397.87'	S07°26'16"E
21	190.08'	S88°40'21"E



--- EXISTING DISTRICT BOUNDARY  
 — PROPOSED DISTRICT BOUNDARY

1 inch = 200 FT

**EXHIBIT A PLAT**  
 A MAP DELINEATING  
 THE BOUNDARY OF THE  
**BORRETTE LANE NO. 10**  
 ANNEXATION TO NAPA SANITATION  
 DISTRICT

ASSESSOR PARCEL NUMBERS		
1. APN: 041-402-015	10. APN: 041-311-006	18. APN: 041-061-018
2. APN: 041-402-016	11. APN: 041-311-007	20. APN: 041-490-010
3. APN: 041-402-017	12. APN: 041-311-008	21. APN: 041-490-008
4. APN: 041-700-006	13. APN: 041-061-001	22. APN: 041-490-007
5. APN: 041-311-001	14. APN: 041-061-002	23. APN: 041-700-013
6. APN: 041-311-002	15. APN: 041-061-003	24. APN: 041-700-011
7. APN: 041-311-003	16. APN: 041-061-004	25. APN: 041-700-010
8. APN: 041-311-004	17. APN: 041-061-014	26. APN: 041-700-003
9. APN: 041-311-005	18. APN: 041-061-015	

**RSA+**  
 1515 FOURTH STREET  
 NAPA, CALIF. 94559  
 OFFICE | 707 | 252.3301  
 + www.RSAcivil.com +

**EXHIBIT A****GEOGRAPHIC DESCRIPTION  
BORRETTE LANE NO. 10 ANNEXATION  
TO THE NAPA SANITATION DISTRICT**

All that real property situated in the City of Napa, County of Napa, State of California, described as follows:

Beginning at the southeast corner of the Stanford Court Annexation to the Napa Sanitation District – #1986-5 filed in the office of the Napa Sanitation District;

1. thence along the western line of the Broadmoor Estates Annexation #1957-5 in the office of the Napa Sanitation District South 7° 33' 15" East 642.86 feet;
2. thence South 10° 06' 45" West 180.00 feet to the southeast corner of Parcel 4 as shown on the map entitled "Final Map of Llama Creek" filed September 30, 1986 in Book 15 of Maps at Pages 18&19, Napa County Records;
3. thence leaving said western line and along the south line of said Parcel 4 South 85° 20' 39" West 59.97 feet;
4. thence North 78° 06' 15" West 61.70 feet;
5. thence North 66° 12' 15" West 71.00 feet;
6. thence South 75° 26' 45" West 101.00 feet to the northeast corner of the Partrick Road No. 2 Annexation to the Napa Sanitation District recorded December 19, 1984 in Book 1368 at Page 427 Official Records of Napa County;
7. thence along the northern line of said Partrick Road No. 2 Annexation South 86° 28' 45" West 70.00 feet to the southeast corner of Parcel 3 of said Llama Creek Map;
8. thence along the south line of said Parcel 3 North 58° 43' 15" West 170.00 feet to the eastern line of Borrette Lane No. 5 Annexation to the Napa Sanitation District recorded March 9, 2004 in Series No. 2004-0008816, Official Records of Napa County;
9. thence along said eastern line North 8° 19' 35" West 145.20 feet;
10. thence North 39° 19' 35" West 42.24 feet to the southeast corner of Borrette Lane No. 9 Annexation to the Napa Sanitation District recorded June 24, 2015 in Series No. 2015-0016287, Official Records of Napa County;

1176  
Annexation Desc.  
06-19-2019

11. thence along the eastern line of said Borrette Lane No. 9 Annexation North  $6^{\circ} 10' 25''$  East 56.76 feet;
12. thence North  $3^{\circ} 34' 35''$  West 68.64 feet;
13. thence along the north line of said Borrette Lane No. 9 Annexation South  $79^{\circ} 10' 25''$  West 62.70 feet;
14. thence North  $53^{\circ} 34' 35''$  West 44.22 feet;
15. thence North  $84^{\circ} 04' 35''$  West 36.30 feet;
16. thence North  $9^{\circ} 04' 35$  West 29.04 feet to the eastern line of Partrick Road / Borrette Lane Annexation;
17. thence along the eastern of Partrick Road / Borrette Lane Annexation North  $69^{\circ} 19' 35''$  West 42.90 feet to the eastern line of Borrette Lane No. 6 Annexation;
18. thence along the east line of Borrette Lane No. 6 Annexation and the western line of Parcel 1 of said Final Map of Llama Creek North  $2^{\circ} 46' 13''$  West 817.94 feet to the northwest corner of said Parcel 1;
19. thence along the north line of Parcel 1 and 3 of said Final Map of Llama Creek South  $82^{\circ} 26' 28''$  East 471.18 feet to the northeast corner of said Parcel 3 and the west line of said Broadmoor Estates Annexation #1957-5;
20. thence along the east line of said Broadmoor Estates Annexation #1957-5 and the east line of said Stanford Court Annexation to the Napa Sanitation District South  $7^{\circ} 26' 16''$  East 397.87 feet to the southwest corner of said Stanford Court Annexation to the Napa Sanitation District;
21. thence along the south line of said Stanford Court Annexation to the Napa Sanitation District South  $88^{\circ} 40' 21''$  East 190.08 feet to the Point of Beginning.

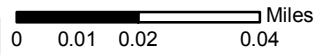
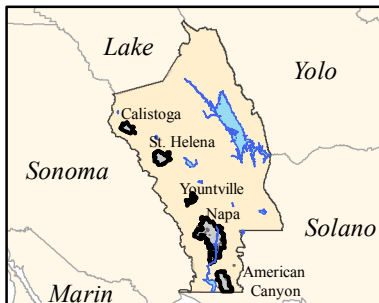
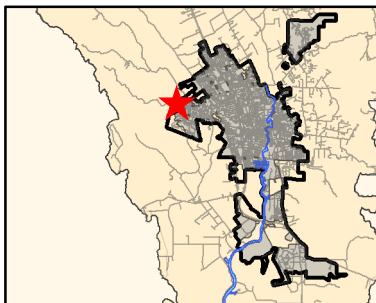
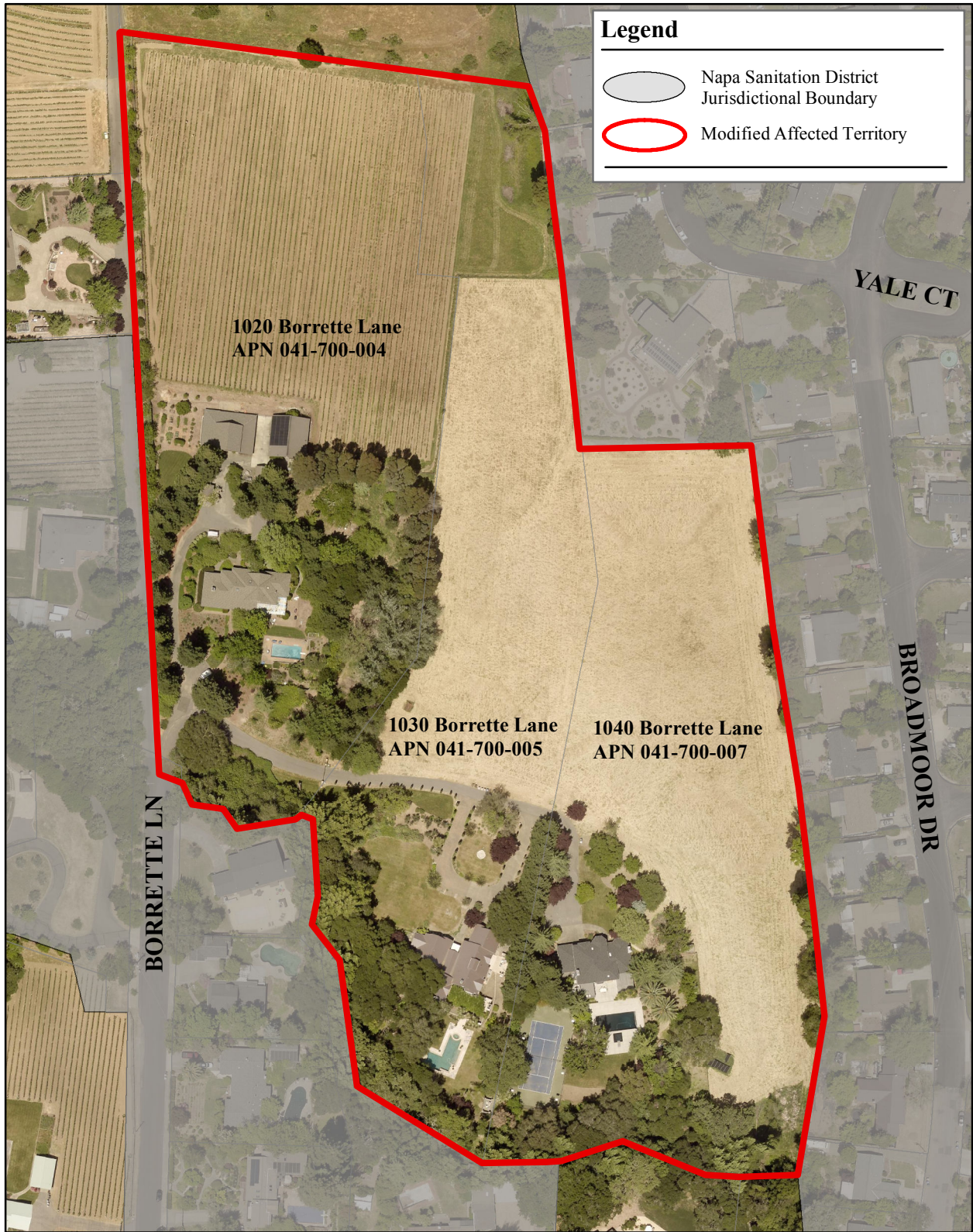
Containing 16.0 Acres, more or less.

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



# Borrette Lane No. 10 Annexation to the Napa Sanitation District

Attachment Three



Prepared by LAFCO Staff  
August 5, 2019 Meeting



**LAFCO of Napa County**  
1030 Seminary Street, Suite B  
Napa, California 94559  
[www.napa.lafco.ca.gov](http://www.napa.lafco.ca.gov)





## 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*

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### **Borrette Lane No. 10 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 with respect to considering boundary changes in context with locally adopted policies and practices.

*(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 five. The affected territory is legally uninhabited given there are fewer than 12 registered voters.

The affected territory is approximately 16.0 acres in size, incorporated within the City of Napa's jurisdictional boundary, and lies within a residential area designated under the City General Plan as *Browns Valley*. The affected territory is currently developed with three single-family residences, a planted vineyard, a detached garage, a barn, a wine cellar, a garden shed, and a small storage building.

The current assessment value of the affected territory totals \$5,825,061.<sup>1</sup>

The affected territory is located within the *Napa River – Lower Napa City Reach* and *Browns Valley Creek* drainage basins. Topography is relatively level.

The City has tentatively approved a residential subdivision involving 1030 and 1040 Borrette Lane that would result in a total of 14 single-family residences. There are currently no plans to subdivide 1020 Borrette Lane.<sup>2</sup> Adjacent lands on all sides of the affected territory are within the City's jurisdictional boundary and planned for residential uses with varying zoning standards. Lands to the east and south are generally built out with residential uses and future growth is limited. Lands to the west are partially built out with residential uses and partially developed with a planted vineyard, and therefore future growth is limited. Lands to the north are undeveloped and designated for low density residential uses, and therefore future growth is planned by the City.

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<sup>1</sup> The assessed value of the affected territory is divided into land at \$3,304,435, structural improvements at \$2,416,909, growing at \$91,874, personal property at \$18,843, and homeowner exemption at (\$7,000).

<sup>2</sup> At buildout, 1030 and 1040 Borrette Lane would include a projected resident population of 38 based on the California Department of Finance's population per household estimate of 2.73 for the City of Napa. 1020 Borrette Lane could potentially be subdivided in the future to include a maximum of 12 residential units consistent with the City General Plan and zoning, which would result in a projected resident population of 32. With this in mind and for purposes of this report, the total population within the entire affected territory is projected at 70 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 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 as well as 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 23 new residential units, resulting in a total of 26 residential units within 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.<sup>3</sup> 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***

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 8.2 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.<sup>4</sup> The City has established adequate capacities and controls to accommodate these demands into the foreseeable future.

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<sup>3</sup> The *Central County Region Municipal Service Review* is available online at: [http://www.napa.lafco.ca.gov/uploads/documents/MSR\\_CentralCounty\\_FinalReport\\_2014.pdf](http://www.napa.lafco.ca.gov/uploads/documents/MSR_CentralCounty_FinalReport_2014.pdf)

<sup>4</sup> The City Fire Department reports total annual fire protection and emergency medical service calls averaged 9,329.6 from 2014 through 2018.

### ***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 56.0 based on the City's ratio of 799.5 annual law enforcement service calls per 1,000 residents over the last five completed years.<sup>5</sup> The City has established adequate capacities and controls to accommodate these demands into the foreseeable future.

### ***Sewer***

The affected territory needs sewer service from NSD. Proposal approval would result in new sewer flows totaling approximately 3,900 gallons per day within the affected territory at buildout. 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 in 1986 when the Commission amended NSD's SOI to include the affected territory, marking an expectation the site would eventually develop for urban type uses and require public sewer from the District as the region's sole 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.<sup>6</sup> 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.***

1020 Borrette Lane qualifies as "agricultural land" under LAFCO law given the presence of an existing commercial vineyard. Approval of the proposal could potentially facilitate the conversion of these agricultural lands to a non-agricultural use if the property is built out as allowed under the City General Plan. However, the landowners have indicated they intend to continue maintaining the agricultural uses on the property into the foreseeable future. The only anticipated new development in the foreseeable future is the potential construction of one accessory dwelling unit.

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<sup>5</sup> The City Police Department reports total annual law enforcement service calls averaged 63,459.6 from 2014 through 2018.

<sup>6</sup> The affected territory is not devoted to an open-space use under the City General Plan.

1030 and 1040 Borrette Lane do not qualify as “agricultural land” under LAFCO law. Specifically, 1030 and 1040 Borrette Lane are not used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program.

*(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 041-700-004, 041-700-005, and 041-700-007. 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 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.<sup>7</sup> 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 and planned 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.

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<sup>7</sup> *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.

*(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 \$9,803 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 \$710.20 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.

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

The planned development of 1030 and 1040 Borrette Lane as well as the potential future buildout of 1020 Borrette 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.

<b>Baseline</b> (Amounts in Acre-Feet)			
<b>Category</b>	<b>Normal Year</b>	<b>Multiple Dry</b>	<b>Single Dry</b>
Annual Supply	39,410	26,870	18,840
Annual Demand	12,015	12,015	12,015
Difference	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 12 new single-family residential units at 1030 and 1040 Borrette Lane, as well as the potential buildout of 1020 Borrette Lane in the future.<sup>8</sup>

<sup>8</sup> 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](https://www.napa.lafco.ca.gov/uploads/documents/6-3-19_5f_Housing-GeneralPlans.pdf)



***(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 City's General Plan land use designation for the affected territory is *Single-Family Residential (SFR-40)*, which provides for single-family residential development at densities of up to two units per acre.

The affected territory is zoned by the City as *Single-Family Residential (RS-20)*, which permits residential development with a minimum lot size of 20,000 square feet or 0.46 acres.

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 of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.***

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 very high fire hazard zone or a state responsibility area.

***(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.