



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

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

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

Agenda Item 6c (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: April 3, 2017

SUBJECT: Abandonment of Redwood Road No. 5 Annexation to the Napa Sanitation District

RECOMMENDATION

It is recommended the Commission receive and file the report.

BACKGROUND

At its April 6, 2015 meeting, LAFCO of Napa County (“Commission”) approved a proposal from a representative of a landowner (“applicant”) to annex 1.7 acres of incorporated territory in the City of Napa to the Napa Sanitation District (NSD). The affected territory consists of one parcel that is partially developed with one single-family residence and located at 2990 Redwood Road. The annexation was intended to facilitate the division of the parcel to include two additional single-family residences as contemplated in the applicant’s development proposal. The affected territory is identified by the County of Napa Assessor’s Office as 041-091-018.

The Commission’s approval required standard conditions. This includes (1) submittal of a final map and geographic description and (2) receiving confirmation from NSD that their terms have been satisfied. State law requires all conditions be satisfied within one calendar year of approval unless a time extension is requested and approved by the Commission. On April 4, 2016, the Commission approved a one year time extension request to extend the deadline to satisfy the conditions to April 5, 2017. In submitting the time extension request, the applicant stated there had been unforeseen changes to the development plan as requested by the City of Napa and that additional time would be needed to finalize all plans and complete improvements.

Juliana Inman, Vice Chair
Councilmember, City of Napa

Paul Dohring, Commissioner
Councilmember, City of St. Helena

Kenneth Leary, Alternate Commissioner
Councilmember, City of American Canyon

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

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

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

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

DISCUSSION

Staff has sent written communications to the applicant identifying the outstanding conditions necessary to complete the annexation proceedings involving the affected territory. Staff's most recent written communication was sent on October 10, 2016 and advised the proceedings would be abandoned if the outstanding conditions were not satisfied by April 5, 2017. Staff received correspondence from the applicant on January 23, 2017 confirming the intent to abandon annexation proceedings.

The applicant's failure to satisfy the outstanding conditions by the April 5, 2017 deadline will cause the proposal to be abandoned in accordance with Government Code Section 57001 (Attachment Two). A new application would be required to consider a future request to annex the affected territory.

ATTACHMENTS

- 1) Resolution of Approval (April 6, 2015)
- 2) California Government Code Section 57001
- 3) Letter to Applicant (October 10, 2016)
- 4) Correspondence from Applicant (January 23, 2017)

RESOLUTION NO. 2015-03

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

**REDWOOD ROAD NO. 5 ANNEXATION TO
THE NAPA SANITATION DISTRICT**

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

WHEREAS, an application by an interested landowner proposing the annexation of territory to the Napa Sanitation District has been filed with the Commission's Executive Officer, hereinafter referred to as "Executive Officer," in a manner provided by law; and

WHEREAS, the proposal seeks Commission approval to annex approximately 1.7 acres of incorporated land within the City of Napa to the Napa Sanitation District and represents one entire parcel located at 2990 Redwood Road and identified by the County of Napa Assessor's Office as 041-091-018; and

WHEREAS, the Executive Officer reviewed said proposal and prepared a written report, including his recommendations thereon; and

WHEREAS, said proposal and the Executive Officer's report have been presented to the Commission in a manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on said proposal on April 6, 2015; and

WHEREAS, the Commission considered all the factors required by law under Sections 56668 and 56668.3 of the California Government Code; and

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

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

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter "CEQA"), the Commission serves as lead agency for the annexation and has determined the annexation is a "project" subject to CEQA. The annexation is categorically exempt from further environmental review under California Code of Regulations (CCR), Title 14, Section 15319(b). This code section exempts annexations of individual small parcels of the minimum size for facilities that are exempted by CCR, Title 14, Section 15303, New Construction or New Conversion of Small Structures. Section 15303 (a) exempts the construction of up to three single-family residences in an urbanized area; and

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

1. The Commission's determinations on the proposal incorporate the information and analysis provided in the Executive Officer's written report.
2. The Commission serves as lead agency for the annexation as it relates to complying with the provisions of CEQA. Staff has determined the annexation is a "project" subject to CEQA and has found the annexation is categorically exempt from further environmental review under CCR, Title 14, Section 15319(b). This code section exempts annexations of areas that are exempt under CCR, Title 14, Section 15303 including the construction of up to three single-family residences in an urbanized area. The Commission's findings are based on its independent judgment and analysis. The records upon which these findings are made are located at the Commission office at 1030 Seminary Street, Suite B, Napa, California 94559.
3. The proposal is APPROVED subject to completion of item number 11 below as well as an amendment to include an adjacent segment of public right-of-way.
4. This proposal is assigned the following distinctive short-term designation:

**REDWOOD ROAD NO. 5 ANNEXATION TO
THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the attached map and is more precisely described in the attached Exhibit "A".
6. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.

10. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56662(a).
11. Recordation is contingent upon receipt by the Executive Officer of the following:
 - (a) Payment of any and all outstanding fees owed to the Commission and/or other agencies involved in the processing of this proposal.
 - (b) 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.
 - (c) Written confirmation by Napa Sanitation District that its terms and conditions have been satisfied.
12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on the April 6, 2015, by the following vote:

AYES: Commissioners KELLY, INMAN, BENNETT, DILLON AND WAGEKNECHT

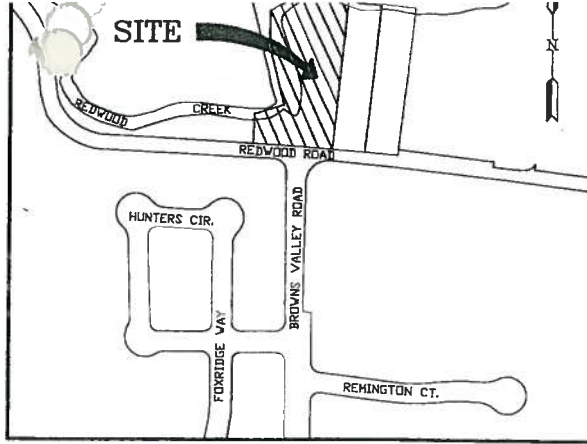
NOES: Commissioners NONE

ABSTAIN: Commissioners NONE

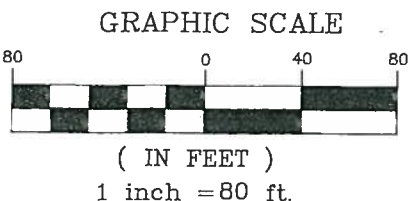
ABSENT: Commissioners PITTS

ATTEST: Kathy Mabry
Commission Secretary

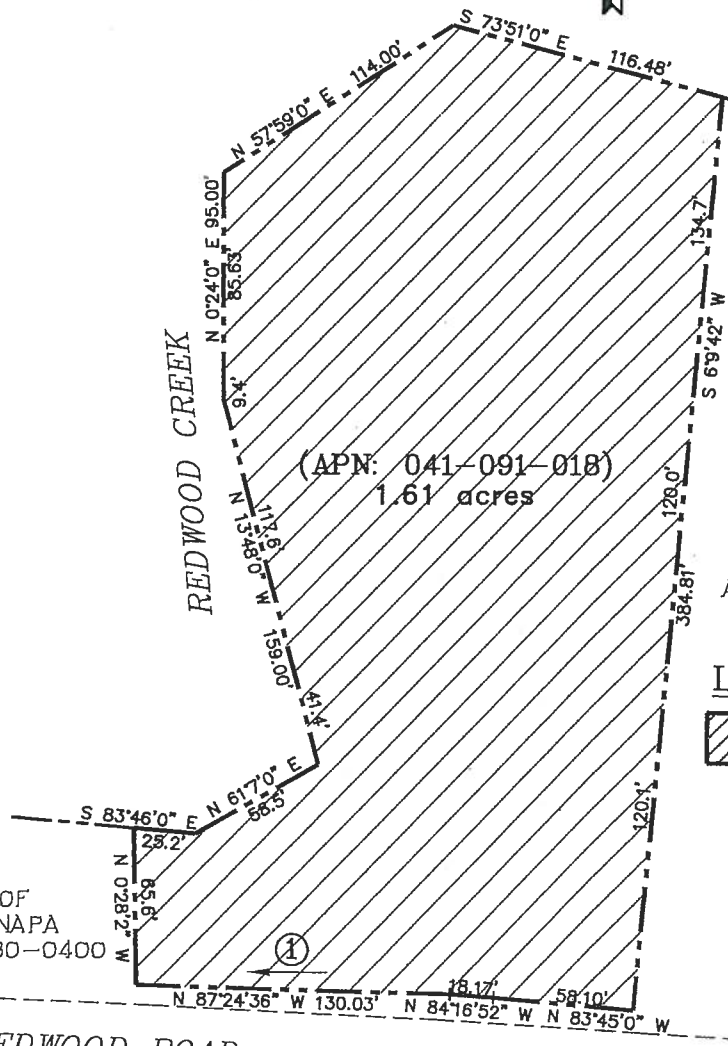
DISCLAIMER:
 FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED BY THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR A SALE OF THE LAND DESCRIBED.



VICINITY MAP
 NO SCALE



LANDS OF
 HENDRY GEORGE ORR
 APN 035-101-002



LANDS OF
 CITY OF NAPA
 APN 041-030-0400

LANDS OF
 BUNTER JOETTA G
 APN 041-091-0800

LEGEND



PROPOSED AREA TO
 BE ANNEXED

EXISTING NAPA SANITATION
 DISTRICT

N.S.D.
 P.O.B.

NAPA SANITATION DISTRICT
 POINT OF BEGINNING
 COURSE NUMBER



REDWOOD ROAD

BROWNS
 VALLEY ROAD

DRAFT

APPLICANT

DAVE RIORDAN
 1012 STONEBRIDGE DRIVE
 NAPA, CA 94558

EXHIBIT A

RIORDAN PARCEL
 ANNEXATION TO THE NAPA SANITATION DISTRICT
 BEING A PORTION OF NAPA RANCHO
 (2990 Redwood Road, NAPA, CA 94558)



**CHAUDHARY
 & ASSOCIATES, INC.**
 ENGINEERS SURVEYORS INSPECTORS

211 GATEWAY ROAD WEST, SUITE 204
 NAPA, CALIFORNIA 94558
 Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM
 FEBRUARY 2, 2015

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California Government Code Section 57001

If a certificate of completion for a change of organization or reorganization has not been filed within one year after the commission approves a proposal for that proceeding, the proceeding shall be deemed abandoned unless prior to the expiration of that year the commission authorizes an extension of time for that completion. The extension may be for any period deemed reasonable to the commission for completion of necessary prerequisite actions by any party. If a proceeding has not been completed because of the order or decree of a court of competent jurisdiction temporarily enjoining or restraining the proceedings, this shall not be deemed a failure of completion and the one-year period shall be tolled for the time that order or decree is in effect.



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

October 10, 2016

DELIVERED BY ELECTRONIC MAIL

Mr. Dave Riordan
 1012 Stonebridge Drive
 Napa, CA 94558

SUBJECT: Redwood Road No. 5 Annexation to Napa Sanitation District

Mr. Riordan:

At its April 4, 2016 meeting, the Local Agency Formation Commission (LAFCO) of Napa County approved a one year time extension for you to complete terms and conditions associated with your approved annexation proposal involving 2990 Redwood Road and the Napa Sanitation District (NSD). The remaining conditions that must be satisfied before I am authorized to issue a Certificate of Completion follow.

- Final map and geographic description of the affected territory (please include the adjacent portion of public right-of-way) reviewed by the County Surveyor consistent with the filing requirements of the State Board of Equalization.
- Written confirmation from NSD that its terms and conditions associated with the annexation have been satisfied.

It is important to note that annexation proceedings will be abandoned if the preceding conditions are not satisfied by April 5, 2017. If you have any questions, please contact me by telephone at (707) 259-8645 or by e-mail at bfreeman@napa.lafco.ca.gov.

Sincerely,

Brandon Freeman
 Executive Officer

cc: Andrew Damron, Napa Sanitation District
 Sudhir Chaudhary, Chaudhary & Associates

Greg Pitts, Vice Chair
 Councilmember, City of St. Helena

Juliana Inman, Commissioner
 Councilmember, City of Napa

Joan Bennett, Alternate Commissioner
 Councilmember, City of American Canyon

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

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

Keith Caldwell, Alternate Commissioner
 County of Napa Supervisor, 5th District

Brian J. Kelly, Commissioner
 Representative of the General Public

Gregory Rodeno, Alternate Commissioner
 Representative of the General Public

Brandon Freeman
 Executive Officer

From: [Dave Riordan](#)
To: [Freeman, Brendon](#)
Cc: [Sudhir Chaudhary](#); [Damron, Andrew](#)
Subject: RE: Redwood Road No. 5 Annexation to NSD (2990 Redwood Road)
Date: Monday, January 23, 2017 11:49:14 AM

Hi Brendon, thank you for the follow up. Unfortunately the city has imposed too many requirements on me beyond the already approved plan for the development of the property and I cannot move forward. I was hoping this would be resolved within the extension period, but it was not and I have given up trying to work with them. Due to the sewer connection being so far from the property, it does not make financial sense to connect to the sewer without the development of the property to occur. Therefore I will need to cancel the annexation.

Can you arrange for any checks to be returned to my attention? My address is below.

2990 Redwood Rd.
Napa, CA, 94558

Thank you again for tracking this.

Dave Riordan

From: Freeman, Brendon [mailto:bfreeman@napa.lafco.ca.gov]
Sent: Monday, January 23, 2017 11:40 AM
To: 'Dave Riordan'
Cc: 'Sudhir Chaudhary'; Damron, Andrew
Subject: RE: Redwood Road No. 5 Annexation to NSD (2990 Redwood Road)

Good morning Mr. Riordan,

In October, I sent the attached communication indicating that all terms and conditions associated with the annexation of 2990 Redwood Road must be satisfied by April 5, 2017 in order for the annexation to be completed. The remaining terms and conditions include (1) submittal of a final map and geographic description and (2) completing NSD's terms and conditions.

In the event that any terms and conditions are not satisfied by April 5th, annexation proceedings will be abandoned. Any future attempt to annex 2990 Redwood Road to NSD would require a new application along with associated processing fees.

It is important to note LAFCO has the following annexation fees on file:

- A refundable check in the amount of \$990 made payable to "County of Napa Public Works" for the County Surveyor's review of the map and geographic description. The County recently changed its fee structure and the new amount for this service is \$249.17.

- A refundable check in the amount of \$125 made payable to “County of Napa Assessor” for the Assessor’s mapping service fee. The County recently changed its fee structure and the new amount for this service is \$162.
- A refundable check in the amount of \$350 made payable to “State Board of Equalization” for the State to record the boundary change. This fee amount remains current.

Please let me know if you intend to complete the terms and conditions by April 5th. Also, please advise with respect to the fees on file. If you intend to finalize the annexation proceedings by April 5th, LAFCO staff will return the two outdated checks and request new checks in the stated amounts. If you do not intend to complete the annexation proceedings, all three checks will be returned to you.

Thank you,

Brendon Freeman, Executive Officer
Local Agency Formation Commission of Napa County
1030 Seminary Street, Suite B
Napa, California 94559
(707) 259-8645
www.napa.lafco.ca.gov

From: Freeman, Brendon
Sent: Monday, October 10, 2016 9:40 AM
To: 'Dave Riordan'
Cc: 'Sudhir Chaudhary'; Damron, Andrew
Subject: Redwood Road No. 5 Annexation to NSD (2990 Redwood Road)

Good morning Mr. Riordan,

Please see the attached communication regarding your conditionally approved annexation of 2990 Redwood Road to the Napa Sanitation District. Let me know if you have any questions.

Thank you,

Brendon Freeman, Executive Officer
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