



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

Agenda Item 5c

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Analyst

MEETING DATE: June 1, 2015

SUBJECT: Time Extension Request: Big Ranch Road No. 5 Annexation to the Napa Sanitation District

RECOMMENDATION

It is recommended that the Commission take formal action to approve a time extension for the completion of terms and conditions for the *Big Ranch Road No. 5 Annexation to the Napa Sanitation District* for one year effective June 2, 2015 extending to June 2, 2016.

BACKGROUND / ANALYSIS

On June 2, 2014 the Commission approved a modified proposal to annex four incorporated parcels in the City of Napa consisting of 6.5 acres to the Napa Sanitation District (NSD). The annexation is intended to facilitate the development of the subject parcels to include up to 17 total new single-family residences. The landowner has submitted the attached letter requesting a one-year time extension in order to complete the standard terms and conditions adopted by the Commission in approving the annexation. The letter states that the subdivision is currently in construction and most of the improvements are complete. The landowner anticipates a timely completion of the project as well as all LAFCO and NSD requirements, including meeting any outstanding terms and conditions of approval.

California Government Code Section 57001 requires a Certificate of Completion be filed within one year of annexation approval by LAFCO. This code section permits a commission to authorize an extension of time it deems reasonable for the completion of necessary terms and conditions. It has been the practice of the Commission to allow applicants a one-time extension of up to one year. The requested time extension appears reasonable given the landowner is demonstrating a commitment to complete all outstanding terms and conditions.

ATTACHMENTS

- 1) Time Extension Request Letter from Landowner (May 4, 2015)
- 2) Resolution No. 2014-09

Juliana Inman, Chair
Councilmember, City of Napa

Greg Pitts, Commissioner
Councilmember, City of St. Helena

Joan Bennett, Alternate Commissioner
Councilmember, City of American Canyon

Diane Dillon, Vice 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

Peter Banning
Interim Executive Officer



May 4, 2015

LAFCO, Napa County
Attn: Mr. Brendon Freeman
1030 Seminary Street, Suite B
Napa, California 94559

SUBJECT: Extension Request, Annexation to the Napa Sanitation District, Big Ranch Road No. 5

Mr. Freeman,

I am writing with regards to Resolution # 2014-09, "*Big Ranch Road No. 5 Annexation to the Napa Sanitation District*", as approved by LAFCO Napa County at the Agency Meeting on June 2, 2014. We are requesting a twelve (12) month extension, under Government Code Section 57001, to satisfy the terms required by the Agency and/or Napa Sanitation District.

The Big Ranch Road subdivision is currently in construction. Most of the improvements are complete and homes are in production. We anticipate a timely completion of the project and meeting all LAFCO/NSD requirements. With the expiration of Resolution # 2014-09 for annexation looming, we respectfully request the extension to allow adequate time to complete construction efforts and close out all project responsibilities.

If you have questions, or need additional documentation, please contact me at (925) 355-1305 or at swheelock@laffertycommunities.com

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "SGW", is positioned below the word "Sincerely,".

Seth Wheelock
Development Manager
Lafferty Communities

cc: Andrew Damron, Napa Sanitation District
Mark Forster, Lafferty Communities

RESOLUTION NO. 2014-09**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MAKING DETERMINATIONS****BIG RANCH 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 Lafferty Communities, 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 6.0 acres of incorporated land within the City of Napa to the Napa Sanitation District and represents three entire parcels located at 2091, 2097, and 2125 Big Ranch Road and identified by the County of Napa Assessor's Office as 038-170-033, 038-170-032, and 038-170-023, respectively; and

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

WHEREAS, the Executive Officer modified said proposal to expand the affected territory to include one additional 0.5 acre parcel located at 2123 Big Ranch Road and identified by the County of Napa Assessor's Office as 038-170-026; 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 June 2, 2014; 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 considered the determinations of the City of Napa, Lead Agency under CEQA, based on its City General Plan Final Environmental Impact Report (FEIR) and Big Ranch Specific Plan FEIR to provide further evaluation of the environmental impact of the proposal before the Commission in accordance with Section 15164 of Title 14 of the California Code of Regulations (hereinafter "CEQA Guidelines"); 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 City of Napa serves as lead agency under the California Environmental Quality Act (CEQA) for the proposal given it has principal authority in approving the underlying activity: subdividing 2091 Big Ranch Road and 2097 Big Ranch Road to include 17 single-family residential lots as contemplated in the applicant's tentative development plan approval. The City has determined the development is a project under CEQA but is exempt from further review pursuant to California Government Code Section 65457, which provides that any residential development project, including any subdivision, that is undertaken to implement and is consistent with an adopted Specific Plan for which an Environmental Impact Report has been certified (Big Ranch Specific Plan FEIR dated August 1996). The Commission concurs with the City that the project is exempt from further CEQA review and the Big Ranch Specific Plan FEIR adequately assesses and mitigates impacts to the environment associated with the underlying activity, including the modification to expand the affected territory to also include 2123 Big Ranch Road. 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 with the following modification:
 - a) The affected territory is expanded to include one adjacent 0.5 acre parcel located at 2123 Big Ranch Road and identified by the County Assessor as 038-170-026.
4. This proposal is assigned the following distinctive short-term designation:

**BIG RANCH 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 specified in the attached Exhibit "B."
10. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56663(c).
11. Recordation is contingent upon receipt by the Executive Officer of the following:
 - (a) A final map and geographic description of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization.
 - (b) Payment of any and all outstanding fees owed to the Commission and/or other agencies involved in the processing of this proposal.
 - (c) Written confirmation by Napa Sanitation District that its terms and conditions outlined in Exhibit "B" 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 June 2, 2014, by the following vote:

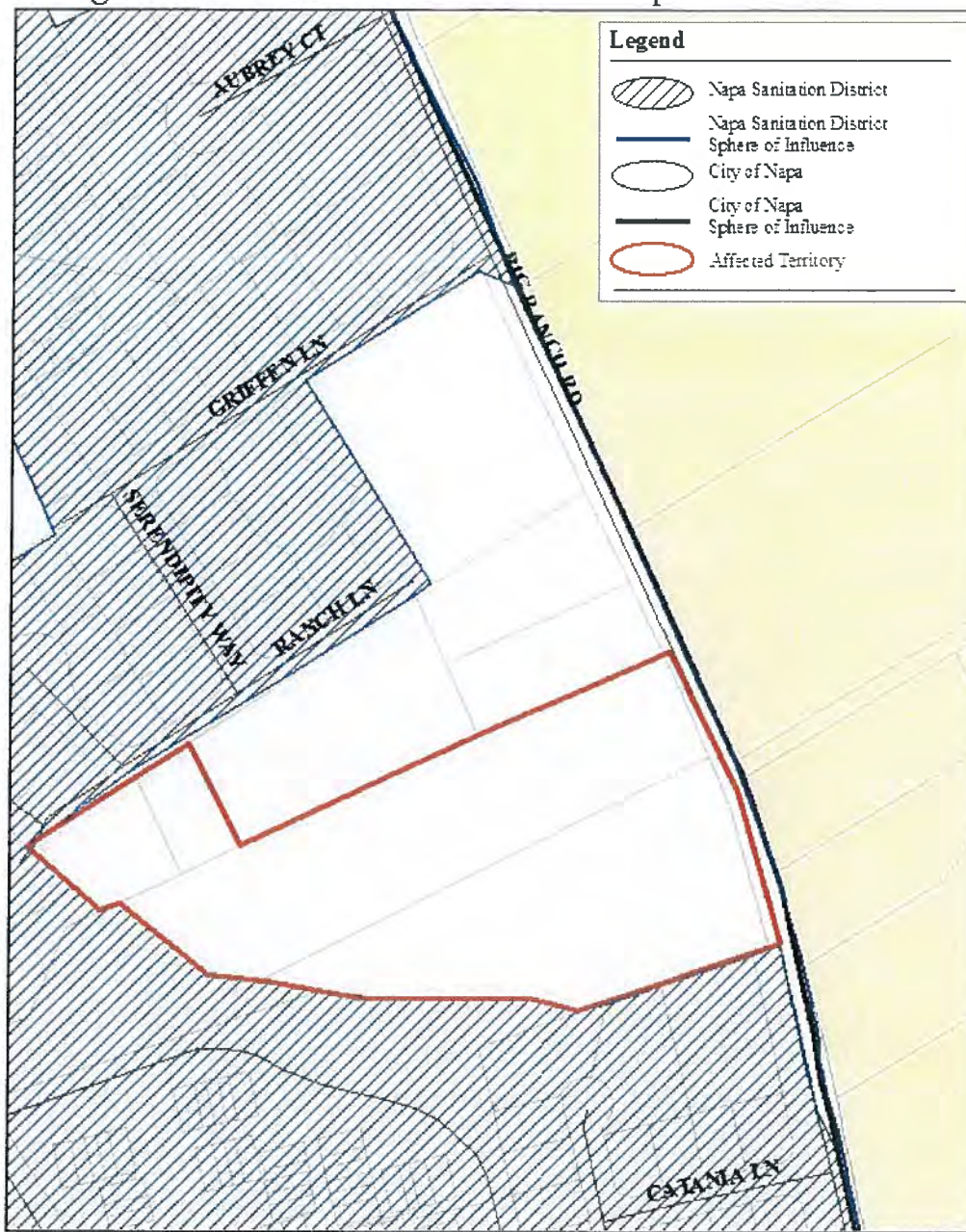
AYES:	Commissioners	<u>BENNETT, LUCE, KELLY, PITTS AND WAGENKNECHT</u>
NOES:	Commissioners	<u>NONE</u>
ABSENT:	Commissioners	<u>NONE</u>
ABSTAIN:	Commissioners	<u>NONE</u>

ATTEST: Laura Snideman
Executive Officer






Recorded by: Kathy Mabry
Kathy Mabry
Commission Secretary

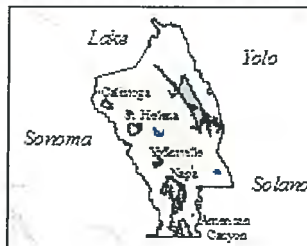
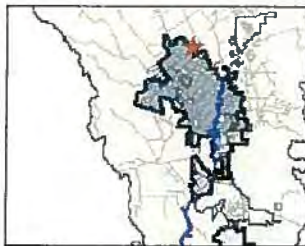
EXHIBIT A

Big Ranch Road No. 5 Annexation to Napa Sanitation District



Legend

-  Napa Sanitation District
-  Napa Sanitation District Sphere of Influence
-  City of Napa
-  City of Napa Sphere of Influence
-  Affected Territory



0 0.0125 0.025 0.05 Miles

Map of 12/2014
Prepared by: BF



LAFCO of Napa County
1330 Sanson Street, Suite E
Napa, California 94939
www.napa.lafco.ca.gov

EXHIBIT "B"

TERMS AND CONDITIONS

BIG RANCH ROAD NO. 5 - DISTRICT ANNEXATION 000010

1. Upon and after the effective date of said annexation, the Territory, all inhabitants within such Territory, and all persons entitled to vote by reason of residing or owning land with the Territory, shall be subject to the jurisdiction of the Napa Sanitation District, hereinafter referred to as "the District"; shall have the same rights and duties as if the Territory had been a part of the District upon its original formation; shall be liable for the payment of principal, interest, and any other amounts which shall become due on account of any outstanding or then authorized by thereafter issued bonds, including revenue bonds, or other contracts or obligations of the District; shall be subject to the levying or fixing and collection of any and all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all of the rates, rules, regulations and codes of the District, as now or hereafter amended.
2. The property owners hereby agree to abide by all codes, rules and regulations of District governing the manner in which sewers shall be used, the manner of connecting thereto, and the plumbing and drainage in connection therewith.
3. In the event that pursuant to rules, regulations or codes of the District, as now or hereafter amended, the District shall require any payment of a fixed or determinable amount of money, either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of the District, such payment will be made to the District in the manner and at the time as provided by the rules, regulations or codes of the District, as now or hereafter amended.
4. The property owners agree that prior to connection to the facilities of the District; property owners shall pay all applicable fees and charges to District associated with connection of the property in accordance with the computation of regular capacity charges and charges in effect at the time paid. The property owners further agree to pay the regular permit and inspection charges in effect at the time paid for the connection to be made to the District's system.
5. The property owners shall deposit with the District an annexation fee of \$850.00 to reimburse the District engineering, legal, and all other costs incurred by the District in preparing and examining maps and plans, legal descriptions, agreements and other documents associated with processing subject annexation
6. The property owners shall file with LAFCO a check in the amount of \$500 made payable to the State Board of Equalization.
7. The property owners shall pay to the County of Napa Assessor's Office a Mapping Services Fee of \$125.

8. The property owners shall pay to LAFCO of Napa County an amount of \$125 for updating the County's GIS database.
9. The property owners further agree to pay such annual sewer service fees to the District as may be established, from time to time, by the rules and regulations of the District which are of universal application within the District. Property owners hereby authorize the District to collect such charges on the tax roll pursuant to California Health and Safety Code section 5473 and specifically waive any right to challenge the District's ability to do so because the Property is outside of the District Boundaries.
10. No change in the facilities to be connected to the District's system shall be made without first having given written notice to the District that such change is to be made. No additional connections shall be connected to the facilities of the Napa Sanitation District without having first given written notice to the District that such additional facilities are to be connected to the system. Prior to making any such change in facilities or to the addition of any units to the District's system, the property owners shall pay to the District such additional inspection, connection and annual fees which may then be established by the Board of Directors of the District.
11. The property owners shall eliminate any privately owned sewage disposal system(s) located on the subject property to the Napa County Division of Environmental Health requirements.
12. The property owners shall enter into an Improvement Agreement with the District for construction of public sanitary sewer facilities.
13. The property owners shall install approximately 363 linear feet of 8-inch sanitary sewer main from the existing manhole at the existing terminus of Ranch Court to the north terminus of the proposed Serendipity Way extension.
14. The property owners shall submit a Plan and Profile of the aforesaid sanitary sewer improvements prepared by a registered civil engineer, conforming to District standards, and post the appropriate Labor and Materials and Faithful Performance Bonds guaranteeing said installations.
15. All sanitary sewer mains installed outside of the public right of way shall be located within 20 foot wide sanitary sewer easement centered on the mains and dedicated to the District.
16. All work sewer work performed in the public right of way shall be performed by a Class A licensed contractor who bonds the public work with the District. The contractor shall pay to the District public lateral inspection fees and sanitary sewer main inspection fees based on the inspection rates in effect at the time construction permits are issued.
17. The property owners shall pay to the District the private lateral inspection fee in effect at the time at the time of construction for each dwelling unit located on the property.

18. The property owners shall agree to conditions 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16 and 17, and fulfill conditions 5, 6, 7 and 8 prior to the District's issuance of a letter to LAFCO authorizing recordation of subject annexation, and in no case more than 1 year after LAFCO's adoption of a resolution approving subject annexation, unless extended by LAFCO. Any extensions granted shall in total not exceed 1 year.