



**Local Agency Formation Commission**  
**LAFCO of Napa County**

1700 Second Street, Suite 268  
Napa, California 94559  
Telephone: (707) 259-8645  
Facsimile: (707) 251-1053  
<http://napa.lafco.ca.gov>

**April 6, 2009**  
**Agenda Item No. 5a (Consent)**

March 31, 2009

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer  
Brendon Freeman, Analyst

**SUBJECT:** **Request for Time Extension: *Borrette Lane No. 8 District Annexation to the Napa Sanitation District***

The Commission will consider a request by the affected landowners to extend by one year the deadline imposed by Resolution 08-02 approving the annexation of 6.0 acres of incorporated territory to the Napa Sanitation District.

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California Government Code Section 57001 requires a Certificate of Completion be filed within one year of annexation approval by a Local Agency Formation Commission. 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 Local Agency Formation Commission of Napa County ("Commission") to allow applicants a one-time extension of up to one year.

**A. Discussion**

On May 5, 2008 the Commission approved Kirk and Karen Reid's ("landowners") proposal to annex one incorporated parcel in the City of Napa consisting of 6.04 acres to the Napa Sanitation District (NSD). The annexation is intended to facilitate the division of approximately half the subject parcel into four new residential lots. The landowners have 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 landowners' state in their letter the downturn in the economy has delayed their efforts in completing the planned division of the affected territory. Notably, the landowners' ability to fund the sewer infrastructure necessary to serve the affected territory is dependent on the sale of one of the four planned new lots.

**B. Analysis**

The requested time extension appears reasonable given the aforementioned downturn in the economy and its impact on the landowners' ability to pay the estimated \$250,000 in infrastructure improvements required by NSD.

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Juliana Inman, Vice Chair  
Councilmember, City of Napa

Jack Gingles, Commissioner  
Mayor, City of Calistoga

Cindy Coffey, Alternate Commissioner  
Councilmember, City of American Canyon

Bill Dodd, Commissioner  
County of Napa Supervisor, 4th District

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

Mark Luce, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Brian J. Kelly, Chair  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

**C. Recommendation**

It is recommended for the Commission to take the following action:

- 1) Approve a time extension for the completion of terms and conditions for the *Borrette Lane No. 8 District Annexation to the Napa Sanitation District* for one year effective May 5, 2009 extending to May 5, 2010.

Respectfully submitted,

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Keene Simonds  
Executive Officer

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Brendon Freeman  
Analyst

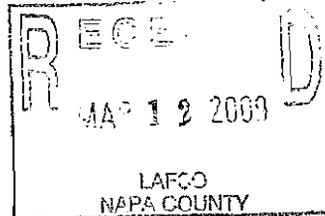
Attachments:

1. Letter of Request
2. LAFCO Resolution No. 08-02

**KIRK & KAREN REID**

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1020 Borrette Lane  
Napa, CA 94558



March 11, 2009

Keene Simonds  
Executive Officer  
LAFCO of Napa County  
1700 Second Street, Suite 268  
Napa, CA 94559

Dear Mr. Simonds:

I am writing to request a 12 month extension of our annexation to the Napa Sanitation District. Our original projection did not anticipate the recent dramatic downturn in our country's economy. Because of these developments, we have delayed our efforts to create the parcels that would be annexed. We are hoping to proceed with the parcel split over the next year as the economy recovers.

Thank you for your consideration

Sincerely,

Kirk Reid

**RESOLUTION NO. 08-02**

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

**BORRETTE LANE NO. 8 DISTRICT ANNEXATION  
NAPA SANITATION DISTRICT**

**WHEREAS**, an application by Kirk and Karen Reed, property owners, proposing the annexation of territory to the Napa Sanitation District has been filed with the Executive Officer hereinafter referred to as "Executive Officer" of the Napa County Local Agency Formation Commission, hereinafter referred to as "the Commission", pursuant to Title 5, Division 3, commencing with Section 56000 of the California Government Code; and

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

**WHEREAS**, said proposal and the Executive Officer's report 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 said proposal on May 5, 2008; and

**WHEREAS**, the Commission considered all the factors required by law under Section 56668 et al of the California Government Code; and

**WHEREAS**, the Commission found the proposal consistent with the sphere of influence established for the affected agency and with the Commission's adopted policy determinations; and

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

**WHEREAS**, the Commission, in accordance with the adopted Local Agency Formation Commission Environmental Impact Report Guidelines, and applicable provisions of the California Environmental Quality Act (CEQA), considered the determination of the City of Napa, Lead Agency under CEQA, that the Initial Study and Negative Declaration prepared for the underlying project adequately discussed the extension of sewer service and the impacts of the project on the environment.

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

1. As responsible agency, the Commission confirms that it has reviewed and considered the information in the Initial Study and Negative Declaration prepared for the underlying development project by the lead agency, the City of Napa. The Commission hereby makes and incorporates by reference the environmental findings set forth in the City of Napa Planning Commission Resolution No. 06-0037-CQ as required by Section 15091 of Title 14 of the California Administrative Code. The Commission findings are based on its independent judgment and analysis. The records upon which these findings are made are located at the LAFCO office at 1700 Second Street, Suite 268, Napa, California.
2. The proposal is APPROVED subject to the terms and conditions identified in this resolution.
3. The proposal is assigned the following distinctive short-term designation:

**BORRETTE LANE NO. 8 DISTRICT ANNEXATION  
NAPA SANITATION DISTRICT**

4. The affected territory is depicted on the attached map and geographic description provided in the attached Exhibit "A".
5. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
6. The Napa Sanitation District utilizes the Regular County assessment roll.
7. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
8. The proposal shall be subject to the terms and conditions required of the Napa Sanitation District as specified in the attached Exhibit "B".
9. The applicant shall provide written notification to the Napa County Department of Environmental Management upon connection to the sewer line of the Napa Sanitation District.
10. The Commission authorizes conducting authority proceedings to be waived in accordance with Government Code Section 56663(c).
11. Recordation is contingent upon receipt from the Napa Sanitation District of written notification that the terms and conditions specified in the attached Exhibit "B" have been fulfilled.
12. The effective date approving the proposal shall be the date of recordation.
13. Recordation shall occur within one year of Commission approval unless a time extension is requested and approved by the Commission or the proposal shall be abandoned.

14. The Commission waives the application fee for the proposal based on the finding that payment be detrimental to the public interest in accordance with Government Code Section 56383(d).

The foregoing resolution was duly and regularly adopted by the Local Agency Formation Commission of the County of Napa, State of California, at a regular meeting held on the 5<sup>th</sup> of May, 2008 by the following vote:

AYES: Commissioners DODD, GINGLES, INMAN, RODENO AND WAGENKNECHT

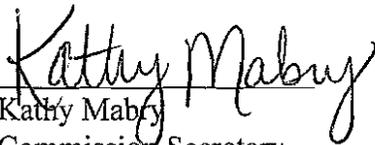
NOES: Commissioners NONE

ABSENT: Commissioners COFFEY, KELLY AND LUCE

ABSTAIN: Commissioners NONE

ATTEST: Keene Simonds  
Executive Officer

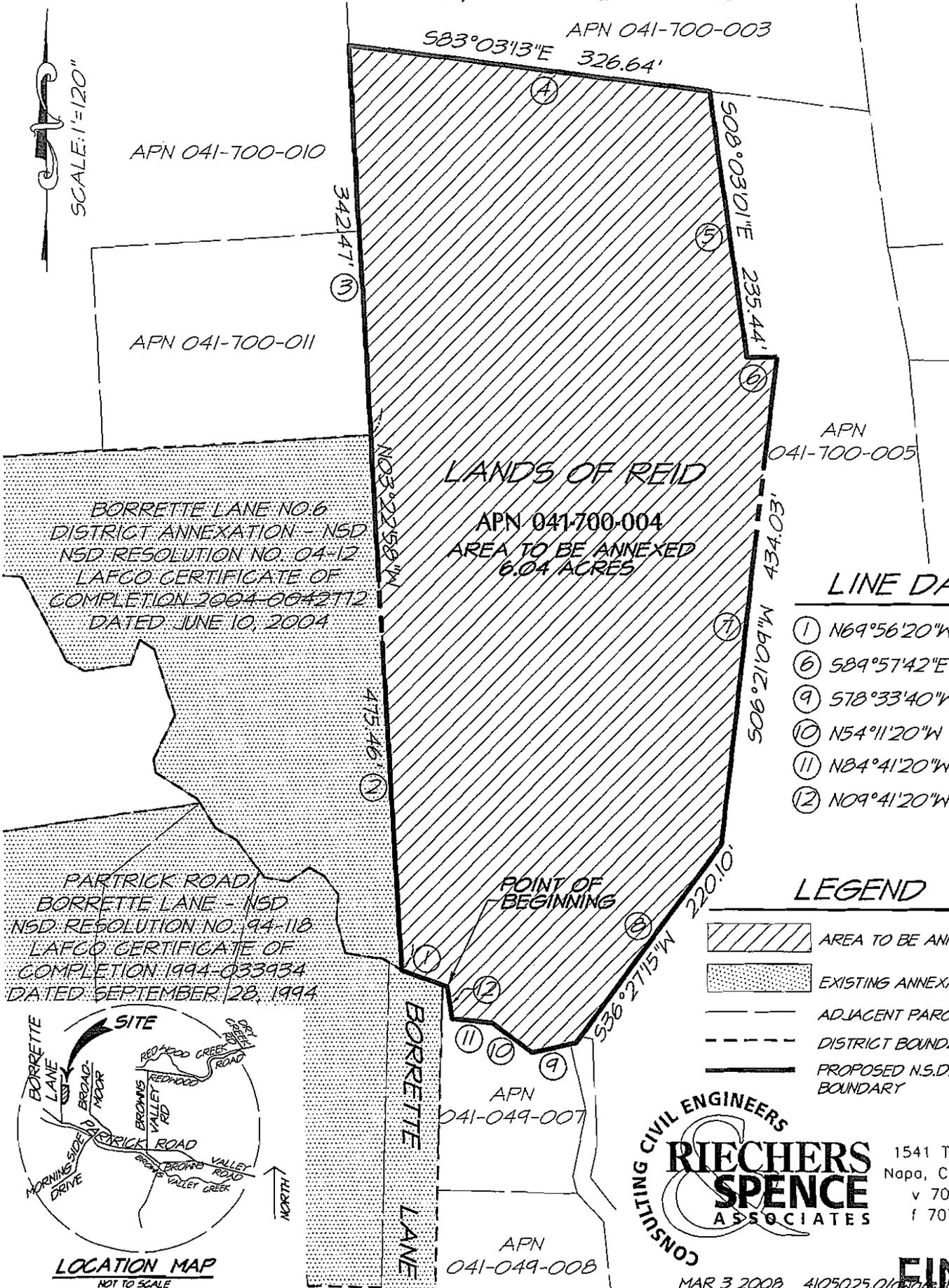
Recorded by:

  
Kathy Mabry  
Commission Secretary

**BORRETTE LANE DISTRICT NO. 8 ANNEXATION  
TO THE NAPA SANITATION DISTRICT  
NAPA CALIFORNIA**  
BEING A PORTION OF THE NAPA RANCHO, TOWNSHIP 5 NORTH,  
RANGE 4 WEST, MOUNT DIABLO BASE AND MERIDIAN

**EXHIBIT A**

SCALE: 1"=120'



BORRETTE LANE NO. 6  
DISTRICT ANNEXATION - NSD  
NSD RESOLUTION NO. 04-12  
LAFCO CERTIFICATE OF  
COMPLETION 2004-0042112  
DATED JUNE 10, 2004

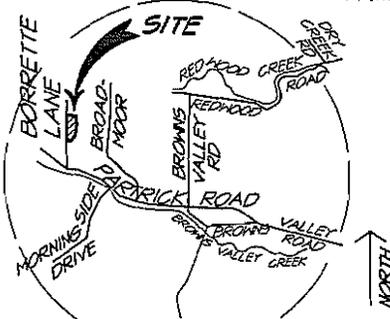
PARTRICK ROAD/  
BORRETTE LANE - NSD  
NSD RESOLUTION NO. 94-118  
LAFCO CERTIFICATE OF  
COMPLETION 1994-033934  
DATED SEPTEMBER 28, 1994

**LINE DATA**

- ① N69°56'20"W 42.90'
- ② S89°57'42"E 26.85'
- ③ S78°33'40"W 40.62'
- ④ N54°11'20"W 44.22'
- ⑤ N84°41'20"W 36.30'
- ⑥ N09°41'20"W 29.04'

**LEGEND**

- AREA TO BE ANNEXED
- EXISTING ANNEXATION-NSD
- ADJACENT PARCEL
- DISTRICT BOUNDARY
- PROPOSED N.S.D. ANNEXATION BOUNDARY



**CONSULTING CIVIL ENGINEERS**  
**RIECHERS & SPENCE ASSOCIATES**

1541 Third Street  
Napa, Calif. 94559  
v 707.252.3301  
f 707.252.4966

Job No. 4105025.0  
Reid Subdivision  
March 3, 2008

## EXHIBIT A GEOGRAPHIC DESCRIPTION

### BORRETTE LANE NO. 8 DISTRICT ANNEXATION TO THE NAPA SANITATION DISTRICT

All that certain property situate in portion of the Napa Rancho, Township 5 North, Range 4 West, Mount Diablo Base and Meridian, in the City of Napa, County of Napa, State of California, described as follows:

**BEGINNING** at the northeast corner of the existing Partrick Road/Borrette Lane District Annexation - Napa Sanitation District, filed under Series No.1994-033934, September 28, 1994, Napa County Records;

Thence, (1) North  $69^{\circ}56'20''$  West 42.90 feet along said existing district boundary to the southernmost point of existing Borrette Lane No. 6 District Annexation, filed under Series No. 2004-0042772, June 10, 2004, Napa County Records;

Thence, leaving said point, (2) North  $03^{\circ}22'58''$  West along said existing district boundary to the northeast corner of said existing district annexation;

Thence, leaving said point, (3) North  $03^{\circ}22'58''$  West 342.47 feet;

Thence, (4) South  $83^{\circ}03'13''$  East 326.64 feet;

Thence, (5) South  $08^{\circ}03'01''$  East 235.44 feet;

Thence, (6) South  $89^{\circ}57'42''$  East 26.85 feet;

Thence, (7) South  $06^{\circ}21'09''$  West 434.03 feet;

Thence, (8) South  $36^{\circ}27'15''$  West 220.10 feet;

Thence, (9) South  $78^{\circ}33'40''$  West 40.62 feet;

Thence, (10) North  $54^{\circ}11'20''$  West 44.22 feet;

Thence, (11) North  $84^{\circ}41'20''$  West 36.30 feet;

Thence, (12) North  $09^{\circ}41'20''$  West 29.04 feet to the **POINT OF BEGINNING**, containing an area of 6.04 acres of land, more or less.

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

## EXHIBIT "B"

### TERMS AND CONDITIONS

#### BORRETTE LANE NO. 8 DISTRICT ANNEXATION – 2008-1

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 ordinances of the District, as now or hereafter amended.
2. In the event that pursuant to rules, regulations or ordinances 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 ordinances of the District, as now or hereafter amended.
3. The property owner shall pay to the District an Annexation Fee of \$850.00, and file with the District a check in the amount of \$500.00 made payable to the State Board of Equalization.
4. The property owner shall pay to the Napa County Assessor's Office a Mapping Services Fee of \$125.00.
5. The property owner shall pay to the District a Plant Expansion Fee for the existing single family dwelling located on the subject parcel, based on the rates in effect at the time they are paid.

6. The property owner shall pay to the District a house lateral inspection fee of \$35.00 for the existing single family dwelling located on the subject property.

7. The property owner shall eliminate the privately owned sewage disposal system for the existing single family dwelling located on the subject property to the Napa County Division of Environmental Health requirements and connect to the sanitary sewer system within 12 months from the date of recordation of subject annexation.

8. The existing private wastewater disposal system for the existing winery shall remain for the time being and is subject to the following conditions:

- a. No domestic waste fixtures shall be installed within the winery facility.
- b. The owner shall provide the District with a copy of the annual inspection form and permit issued by the Napa County Department of Environmental Health within thirty days of receipt by owner.
- c. The owner shall once a year pay the District an inspection fee at the then current rate for District inspections and be subject to random inspections by the District to insure that no winery waste is being disposed of in the public sewer.

9. The owner shall eliminate the private wastewater disposal system for the existing winery, pay all applicable connection and inspection fees based on the rates in effect at the time, install a flow meter and sampler and obtain an Industrial Waste Discharge Permit from the District under the following conditions:

- a. The existing private wastewater disposal system for the winery fails.
- b. The owner requests to expand production to more than 5,000 gallons per year.
- c. At the sole discretion of the Napa County Department of Environmental Health.
- d. At the sole discretion of the Napa Sanitation District.

10. The property owner shall install approximately 350 lineal feet of 8" sanitary sewer main in Borrette Lane, approximately 330 lineal feet of 8" sanitary sewer main in the proposed access road along the north property line and approximately 220 lineal feet of 8" sanitary sewer main through the subject parcel near the southern property line, and pay all applicable inspection fees within 12 months of recordation of subject annexation.

11. All sanitary sewer mains installed outside of the public right of way shall be located within 20 foot wide sanitary sewer easements dedicated to the District.

12. The property owner shall submit a Plan and Profile of the aforesaid sanitary sewer improvements prepared by a registered civil engineer, conforming with the Rules, Regulations and Ordinances of the District and post the appropriate Labor & Materials and Faithful Performance Bonds guaranteeing said installations.

13. The property owner/developer shall agree to conditions 1, 2, 7, 8, 9 and 10, and fulfill conditions 3, 4, 5, 6, 11 and 12, 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.

08-borrette 8