



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

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

Juliana Inman, Chair  
Bill Dodd, Vice Chair  
Lewis Chilton, Commissioner  
Brian J. Kelly, Commissioner  
Brad Wagenknecht, Commissioner  
Joan Bennett, Alternate Commissioner  
Mark Luce, Alternate Commissioner  
Gregory Rodeno, Alternate Commissioner

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## **REGULAR MEETING AGENDA**

4:00 P.M.

Monday, February 1, 2010  
County of Napa Administration Building  
1195 Third Street, Board Chambers  
Napa, California 94559

**1. CALL TO ORDER; ROLL CALL: 4:00 P.M.**

**2. PLEDGE OF ALLEGIANCE**

**3. AGENDA REVIEW AND APPROVAL**

At this time, the Commission will consider a motion to approve the agenda with any rearrangements

**4. APPROVAL OF MINUTES**

Minutes of December 7, 2009

**4. PUBLIC COMMENTS**

In this time period, anyone may comment to the Commission regarding any subject over which the agency has jurisdiction. No comments will be allowed involving any subject matter that is scheduled for hearing, action, or discussion as part of the current agenda. Individuals will be limited to a three-minute presentation. No action will be taken by the Commission as a result of any item presented at this time.

**5. CONSENT ITEMS**

All items calendared as consent are considered ministerial or non-substantive. With the concurrence of the Chair, a Commissioner or member of the public may request discussion of an item on the consent calendar.

**a) Second Quarter Budget Report for 2009-2010**

The Commission will receive a second quarter budget report for the 2009-2010 fiscal year. The report compares adopted and actual expenses through the first six months and projects the Commission is on course to finish the fiscal year with approximately \$107,000 in budgeted funds. The report is being presented for the Commission to receive and file.

**b) New Legislation for 2010**

The Commission will review a report from staff summarizing new legislation affecting LAFCOs that became effective as of January 1, 2010.

**c) Current and Future Proposals**

The Commission will receive a report summarizing current and future proposals. The report is being presented for information.

**6. PUBLIC HEARING ITEMS**

Any member of the public may address the Commission with respect to a scheduled public hearing item. Comments should be limited to no more than five minutes unless additional time is permitted by the Chair.

**a) Jefferson Street No. 9 Annexation to the Napa Sanitation District**

The Commission will consider an application by a landowner to annex 0.68 acres of incorporated territory in the City of Napa to the Napa Sanitation District. Staff recommends approval with standard conditions. Staff also recommends the Commission adopt a negative declaration consistent with the findings of an initial study concluding the annexation will not have any significant impacts on the environment. The County Assessor's Office identifies the parcel included in the proposal as 038-581-002.

**PUBLIC HEARING ITEMS CONTINUED...**

**b) Linda Vista Avenue No. 20 Annexation to the Napa Sanitation District**

The Commission will consider an application by a landowner to annex 0.83 acres of incorporated territory in the City of Napa to the Napa Sanitation District. Staff recommends approval of the annexation with standard terms and conditions. Staff also recommends the Commission adopt a negative declaration confirming the findings of an initial study finding the annexation will not have a significant effect on the environment. The County Assessor's Office identifies the parcel included in the proposal as 007-293-005.

**c) Ratification of an Outside Service Agreement Approval for the Napa Sanitation District Involving 2047 Big Ranch Road in the City of Napa**

The Commission will consider ratifying an outside service agreement approved by the Chair authorizing the Napa Sanitation District to provide temporary public sewer service to 2047 Big Ranch Road in the City of Napa to address a public health threat. Staff recommends approval along with waiving the application fee. The County Assessor's Office identifies the parcel in the proposal as 038-170-006

**7. ACTION ITEMS**

**a) Trancas Crossing Park Annexation to the City of Napa: Continuation (4:00 P.M.)**

The Commission will continue consideration of a proposal from the City of Napa to annex approximately 33 acres of unincorporated territory located adjacent to the eastern terminus of Old Trancas Street. The proposal is intended to facilitate the development of a public park. Staff has prepared a second report addressing issues raised during the initial review of the proposal at the Commission's December 7, 2009 meeting. Staff has amended its earlier recommendation to eliminate a special condition to approval requiring Napa reach an agreement with neighboring landowners on the construction of an extended fence. The County Assessor's Office identifies the parcel included in the proposal as 038-190-020.

**b) Draft Proposed Budget for Fiscal Year 2010-2011**

The Commission will review a draft proposed budget from the Budget Committee for 2010-2011 projecting overall operating expenses at \$413,480. The projected amount represents a 16.8% decrease over the current fiscal year. The Committee also proposes substantive changes to the budget process, including the elimination of apportioning annual reserves and contingencies in favor of establishing a policy to maintain three months of operating reserves in the fund balance. The draft proposed budget is being presented to the Commission for approval and circulation for review by the funding agencies.

**c) Financial Audit for Fiscal Year Ending June 30, 2009**

The Commission will review an outside consultant's report auditing the agency's financial statements for the 2008-2009 fiscal year. The report is being presented to the Commission to receive and file.

**8. DISCUSSION ITEMS**

**a) Legislative Report**

The Commission will receive a report on the second year of the 2009-2010 session of the California Legislature as it relates to bills directly or indirectly effecting Local Agency Formation Commissions.

**b) Review of Disclosure Requirements**

The Commission will receive a verbal report from Counsel reviewing disclosure requirements.

**9. COMMISSION WORKSHOP ITEMS**

The Commission will continue consideration of items originally schedule as part of its December 7, 2009 biannual workshop. No written reports are associated with any workshop item.

**a) Proposal Review Factors and Imposing Terms and Conditions**

The Commission will receive a presentation from staff discussing the factors required for review for all change of organization or reorganization proposals and its authority to impose terms and conditions.

**b) Goals and Objectives**

Commissioners will discuss their goals and objectives for the agency over the next two years.

**10. EXECUTIVE OFFICER REPORT**

The Commission will receive a verbal report from the Executive Officer regarding current staff activities, communications, studies, and special projects. This includes, but is not limited to, the following topics:

- CALAFCO Proposal to Establish Voting Regions
- City of American Canyon Sphere of Influence Update

**11. COMMISSIONER COMMENTS; REQUEST FOR FUTURE AGENDA ITEMS**

**12. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING:**

April 5, 2010

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Materials relating to an item on this agenda that have been submitted to the Commission after distribution of the agenda packet are available for public inspection at the LAFCO office during normal business hours. Commissioners are disqualified from voting on any proposals involving entitlements of use if they have received campaign contributions from an interested party. The law prohibits a Commissioner from voting on any entitlement when he/she has received a campaign contribution(s) of more than \$250 within 12 months of the decision, or during the proceedings for the decision, from any interested party involved in the entitlement. An interested party includes an applicant and any person with a financial interest actively supporting or opposing a proposal. If you intend to speak on any hearing item, please indicate in your testimony if you have made campaign contributions totaling \$250 or more to any Commissioner during the past 12 months. Any member of the public requiring special assistance with respect to attending or listening to the meeting should contact LAFCO staff 24 hours in advance at (707) 259-8645.

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**THIS AGENDA HAS BEEN POSTED AT THE FOLLOWING LOCATIONS:**

LAFCO Office  
1700 Second Street  
Napa, California 94559

County Administration Office  
1195 Third Street  
Napa, California 94559



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**April 5, 2010**

**Agenda Item No. 6b (Consent: Action)**

March 29, 2010

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Amendment to Fiscal Year 2009-2010 Budget**

The Commission will consider amending its current fiscal year budget to allocate \$3,931 into a new expense account to begin funding capital depreciation for the agency's electronic document management system.

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Local Agency Formation Commissions (LAFCOs) are responsible for making their own arrangements for facilities, personnel, and supplies necessary to perform its duties under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. This includes adopting an annual budget for operating costs, which are proportionally funded by the affected county and cities. LAFCOs are also empowered to contract with any public or private entity in providing for its own provisions.

**A. Discussion**

At its June 1, 2009 meeting, LAFCO of Napa County ("Commission") adopted a final budget for the current fiscal year totaling \$496,961. Close to four-fifths, or \$389,550, of this amount is allocated within the Commission's two principal budget units, salaries/benefits and services/supplies. The Commission's practice of bottom-line accounting allows for deficits to accrue in individual expense accounts within these two principal budget units as long as the overall balance remains positive. Staff currently projects the Commission will finish the current fiscal year with a positive balance of \$16,778 in the two principal budget units.

Staff has belatedly identified an omission in the current fiscal year budget involving allocating sufficient funds within the Commission's services/supplies unit. This omission involves not including a new expense account within the affected budget unit to fund capital depreciation for the Commission's electronic document management system (EDMS), which was paid and implemented through a contract with Incrementum in 2008-2009. Capital components of the EDMS include a server, scanner, and associated software with a present book value of \$19,655. The expected useful life of the EDMS is five years, resulting in an annual depreciation amount of \$3,931.

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Lewis Chilton, Commissioner  
Councilmember, Town of Yountville

Joan Bennett, Alternate Commissioner  
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Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
*Executive Officer*

## **B. Analysis**

Staff believes it would be prudent for the Commission to amend the current fiscal year budget to allocate \$3,931 in the services/supplies unit to begin funding its annual depreciation for the EDMS. This action includes establishing a new expense account titled "capital deprecation" and would allow the Commission to have sufficient funds in 2013-2014 to fully replace the EDMS at the end of its expected useful life. Anticipated savings in other expense accounts within the salaries/benefits and services/supplies units are sufficient to cover the end-of-year deficit in the new account.

## **C. Recommendation**

It is recommended the Commission take the following action:

- 1) Authorize the Executive Officer to work with the County of Napa Auditor-Controller's Office to amend the 2009-2010 budget as follows:
  - (a) Establish a capital depreciation expense account within the services/supplies unit; and
  - (b) Allocate \$3,991 in the newly created capital deprecation expense account for purposes of funding annual depreciation of the Commission's EDMS.

Respectfully submitted,

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Keene Simonds  
Executive Officer

Attachment:

- 1) ~~LAFCO Resolution No. 09-06  
Adopted 2009-2010 Budget~~



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**April 5, 2010**

**Agenda Item No. 6c (Consent: Information)**

March 29, 2010

**TO:** Local Agency Formation Commission

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

**SUBJECT: Current and Future Proposals**  
The Commission will receive a report summarizing current and future proposals. The report is being presented for information.

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The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 delegates Local Agency Formation Commissions (LAFCOs) with regulatory and planning duties to coordinate the logical formation and development of local governmental agencies. This includes approving or disapproving proposals involving the formation, expansion, merger, and dissolution of cities and special districts.

**A. Information**

There are currently three active proposals on file with LAFCO of Napa County (“Commission”). A summary of these active proposals follows.

**Clark-West Ranch et. al.**

The City of American Canyon proposes the annexation of six unincorporated areas totaling approximately 500 acres. The six areas include all or portions of 10 assessor parcels lying within American Canyon’s urban limit line. Five of the six areas are also proposed for annexation into the American Canyon Fire Protection District (ACFPD). Each area is assigned a short-term designation and summarized below.

- Clark-West Ranch (Area 1)  
This area is 30.4 acres in size and includes a portion of an assessor parcel owned by American Canyon. The entire area is undeveloped; however, a portion is used by the American Canyon 4-H Club and includes equipment and animals.
- Eucalyptus Grove (Area 2)  
This area is 106.6 acres in size and includes one entire assessor parcel. A substantial portion of the area is leased and used as a paint-ball park.
- Atkins (Area 3)  
This area is 25.4 acres in size and includes one entire assessor parcel. The entire area is undeveloped and already within ACFPD.

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- Headwaters (Area 4)  
This area is 218.1 acres in size and includes one entire assessor parcel. The entire area is undeveloped.
- Panattoni (Area 5)  
This area is 49.2 acres in size and includes two entire assessor parcels. The entire area is undeveloped.
- Napa Valley Unified School District (Area 6)  
This area is 71.6 acres in size and includes three entire assessor parcels and a portion of a fourth assessor parcel owned by Napa Valley Unified School District.

Commission consideration of the annexation of Areas 1, 3, 4, 5, and 6 is first dependent on adding the affected territories to American Canyon's sphere. Areas 1, 4, 5, and 6 also require inclusion into ACFPD's sphere. Any annexation to American Canyon would also likely involve concurrent detachment from County Service Area (CSA) No. 4.

Status: Staff has recently issued a request for review from local governmental agencies on the proposal. The application is deemed incomplete while this review is ongoing.

#### **Silverado Trail/Zinfandel Lane Annexation to the City of St. Helena**

The City of St. Helena proposes the annexation of approximately 100 acres of unincorporated territory located northwest of the intersection of Silverado Trail and Zinfandel Lane. The affected territory consists of one entire parcel and a portion of a second parcel, which are both owned and used by St. Helena to discharge treated wastewater from an adjacent treatment plant through a spray irrigation system. Both subject parcels are located outside the City's sphere of influence. Rather than request concurrent amendment, St. Helena is proposing only the annexation of a portion of the second parcel to ensure the affected territory is non-contiguous to its incorporated boundary and therefore eligible for annexation under G.C. Section 56742. This statute permits a city to annex non-contiguous land it owns and uses for municipal purposes without consistency with its sphere of influence. However, if sold, the statute requires the land be automatically detached. The two subject parcels are identified by the County Assessor as 030-240-017 (portion) and 030-250-018.

Status: Staff has completed its review of the proposal. St. Helena has filed a request with the Commission to delay consideration of the proposal in order to explore a separate agreement with the County to extend the current Williamson Act contract associated with the affected territory.

### **Formation of the Villa Berryessa Water District**

This application has been submitted by Miller-Sorg Group, Inc. The applicant proposes the formation of a new special district under the California Water District Act. The purpose in forming the new special district is to provide public water and sewer services to a planned 100-lot subdivision located along the western shoreline of Lake Berryessa. A tentative subdivision map for the underlying project has already been approved by the County. The County has conditioned recording the final map on the applicants receiving written approval from the United States Bureau of Reclamation to construct an access road and intake across federal lands to receive water supplies from Lake Berryessa. Based on their own review of the project, the Bureau is requesting a governmental agency accept responsibility for the construction and perpetual operation of the water and sewer systems serving the subdivision.

Status: Staff is currently awaiting a response to an October 2008 request for additional information.

Staff is aware of two active proposals that are expected to be submitted to the Commission in the future. A summary of these future proposals follows.

#### **St. Regis Resort Project**

The City of Napa has initiated a planning process to develop approximately 93 acres of land comprising four parcels located along Stanly Lane in the Stanly Ranch area. The proposed project is intended to accommodate a 245-room luxury resort with a commercial vineyard. Commission approval will be needed to annex the affected territory to Napa Sanitation District for the purpose of extending public sewer service.

#### **American Canyon Town Center Project**

The City of American Canyon has expressed interest in developing approximately 260 acres of unincorporated land into a mixed urban use located southeast of the intersection of Highway 29 and South Napa Junction Road. No specific uses or densities currently exist. Approximately 160 acres are located outside the current sphere of influence. The Commission is currently conducting a sphere of influence update, which includes consideration of whether to add the 160 acres as part of a comprehensive update. Any potential annexation of all the affected lands to American Canyon would also likely necessitate concurrent proceedings involving ACFPD (annexation) and CSA No. 4 (detachment).

### **B. Commission Review**

The Commission is invited to review and discuss any of the current or future proposals identified in this report.

Attachments: none



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**April 5, 2010**  
**Agenda Item No. 7a (Public Hearing)**

March 29, 2010

**TO:** Local Agency Formation Commission

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

**SUBJECT: Big Ranch Road No. 4 Annexation to the Napa Sanitation District**

The Commission will consider an application by a landowner to annex 1.1 acres of incorporated territory in the City of Napa to the Napa Sanitation District. Staff recommends annexation approval with standard conditions. Staff also recommends the Commission adopt a negative declaration consistent with the findings of an initial study concluding the annexation will not have any significant impacts on the environment.

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Local Agency Formation Commissions (LAFCOs) are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to regulate the formation and development of local governmental agencies and their municipal services. This includes approving or disapproving proposed changes of organization, such as boundary changes, under Government Code (G.C.) Section 56375. LAFCOs are authorized with broad discretion in establishing conditions in approving changes of organization as long as they do not directly regulate land use, property development, or subdivision requirements.

**A. Proposal Summary**

LAFCO of Napa County (“Commission”) has received an application from Louis Russo, landowner, requesting the annexation of 1.1 acres of incorporated territory in the City of Napa to the Napa Sanitation District (NSD). The affected territory comprises one residential parcel located at 2047 Big Ranch Road and an associated portion of the fronting right-of-way. The Commission previously authorized NSD to provide temporary outside sewer service to the affected territory given documentation of a failed septic system serving an existing 2,150 square foot residence built in 1950. The outside service agreement between the landowner and NSD expires on May 1, 2010. Annexation would provide permanent public sewer service to the affected territory. The County of Napa Assessor’s Office identifies the subject parcel as 038-170-006.

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## B. Discussion

### *Agency Profile*

NSD was formed in 1945 to provide public sewer service for Napa and the surrounding unincorporated area. NSD presently provides sewer service to most of Napa along with several surrounding unincorporated developments, including the Silverado Country Club, Napa State Hospital, and the Napa County Airport. In all, NSD currently serves 31,283 residential customers with an estimated resident service population of 81,336.<sup>1</sup>

<sup>1</sup> The resident service projection based on the 2009 California Department of Finance population per household estimate (2.6) assigned to Napa County and multiplied by the number of residential sewer connections within NSD (31,283). NSD also serves 4,182 non-residential customers, including industrial and commercial users.

### ***Proposal Purpose***

The underlying purpose of the application before the Commission is to provide permanent public sewer service to an existing single-family residence occupying the affected territory. As mentioned, the Commission previously authorized NSD to enter into an agreement with the landowner to provide temporary public sewer service to the affected territory. The agreement expires on May 1, 2010.<sup>2</sup> Although the landowner has indicated interest in eventually dividing and developing the affected territory as permitted under the Napa General Plan to accommodate up to eight residential lots, no plans exist at this time.

### **C. Analysis**

G.C. Section 56375 delegates LAFCOs the responsibility to approve with or without amendment proposals for change of organization or reorganization consistent with its adopted written policies, procedures, and guidelines. LAFCOs are also authorized to establish conditions in approving proposals as long as they do not directly regulate land uses. Underlying LAFCOs' determination in approving or disapproving proposals for change of organization or reorganization is to consider the logical and timely development of the affected agencies in context with statutory objectives and local circumstances.

### ***Possible Modifications***

The affected territory represents one of four assessor parcels comprising a "service island" substantially surrounded by NSD.<sup>3</sup> The remaining three assessor parcels total 3.2 acres and consist of low-density single-family residences served by private septic systems. The Commission has expressed interest in modifying NSD proposals to eliminate service islands whenever possible. Expanding this proposal, however, is not feasible due to financial and infrastructure limitations coupled with NSD's practice of not annexing lands that do not immediately connect to their sewer system.<sup>4</sup> In particular, the former consideration is pertinent given the remaining three assessor parcels can only be served by extending a mainline currently stubbed in the far southwest end of the affected territory from Catania Lane. This extension would necessitate multiple easements to extend the mainline to the remaining three assessor parcels with the landowners responsible for the associated costs. All three affected landowners have expressed interest to staff in annexing their respective properties to NSD. None of the landowners, though, expressed interest in participating in a cost-sharing arrangement to facilitate the mainline extension at this time.<sup>5</sup>

No other possible modifications were identified by staff in the review of the proposal.

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<sup>2</sup> The temporary outside service was approved by the Chair on November 18, 2009 and was ratified by the Commission on December 7, 2009. Annexation will provide permanent public sewer service to the affected territory.

<sup>3</sup> "Service island" is not defined under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

<sup>4</sup> NSD uses the County of Napa's assessor roll to levy its annual sewer service fee. Accordingly, this practice precludes an assessor parcel to be annexed into NSD without being charged for service regardless of actual connectivity.

<sup>5</sup> This landowner, whose property is located at 2033 Big Ranch Road, also reports they recently installed a new septic system and have no immediate need to connect to the public sewer line.

### ***Required Factors for Review***

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G.C. Sections 56668 and 56668.3 require the Commission consider 16 specific factors anytime it reviews proposals for change of organization or reorganization involving special districts. No single factor is determinative. The purpose in considering these factors is to help inform the Commission in its decision-making process. An evaluation of these factors as it relates to the proposal follows.

**1) Population and population density; land area and land use; per capita 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.**

The landowner states there is one person presently residing in the approximate 2,150 square foot single-family residence occupying the affected territory. The subject parcel could be further divided to include up to seven additional single-family lots under the Napa General Plan. It is reasonable to assume the landowner will pursue a development project within the next 10 years, but no plans currently exist. The current assessed value of the affected territory is \$87,362.

Topography within in the affected territory is relatively flat with an elevation range between 43 and 47 feet above sea-level. There are no identifiable natural boundaries or drainage basins. The affected territory lies within Napa's "Vintage" neighborhood and is surrounded to the north and west by moderately dense single-family residential uses. Land to the south consists of low-density residential uses, which could be further divided and developed based on the Napa General Plan. Land to the east is unincorporated and consists of rural residential and agricultural uses. These unincorporated lands cannot be further divided and developed based on the County General Plan.

**2) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.**

The proposed annexation will provide permanent public sewer service to the existing single-family residence occupying the affected territory. Temporary public sewer service was authorized by the Commission on November 18, 2009 through an outside service agreement between NSD and the landowner. The outside service agreement expires on May 1, 2010. The permanent provision of public sewer service to the affected territory is needed given the site's current and planned urban uses. Staff estimates the single-family residence's average dry-weather daily sewer flow is 149 gallons based on current residential uses within NSD. It is reasonable to assume the affected territory's projected daily dry-weather sewer flow would increase to 1,192 gallons if developed to its maximum density of eight residential

lots. This potential amount can be adequately accommodated by NSD given its current daily average dry-weather flow is 6.5 million gallons, which equals 42% of the agency's total available capacity.

**3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.**

The proposed annexation would formalize social and economic ties existing between NSD and the affected territory given the agency already provides public sewer service to the site through an outside service agreement.

**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 proposed annexation is consistent with the adopted policies of the Commission in facilitating the logical extension of municipal services to support orderly urban development. The affected territory does not include any open-space lands and therefore does not conflict with G.C. Section 56377.

**5) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.**

The affected territory does not qualify as agricultural land as defined under G.C. Section 56016.

**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.**

A map and geographic description have been prepared by a licensed surveyor identifying the boundaries of the affected territory in accordance with the requirements of the State Board of Equalization. These documents provide sufficient certainty with regards to the exact boundaries of the affected territory.

**7) Consistency with the city or county general plans, specific plans, and adopted regional transportation plan.**

The proposed annexation would provide permanent public sewer service to the affected territory. The availability of this municipal service to the affected territory is consistent with the Napa General Plan, which designates the land for moderately dense single-family residential uses. The design and development standards associated with these residential uses are further outlined in Napa's Big Ranch Specific Plan. The proposed annexation involves a developed property and is consistent with the regional transportation plan adopted by the Metropolitan Transportation Commission.

**8) The sphere of influence of any local agency affected by the proposal.**

The affected territory is located entirely within NSD's sphere of influence, which was comprehensively updated by the Commission in August 2006.

**9) The comments of any affected local agency or other public agency.**

On November 5, 2009, as required, LAFCO staff electronically circulated copies of the application materials for review and comment to affected local governmental agencies. Agency recipients and their comments, if any, are provided below.

- **Napa Sanitation District**  
NSD has adopted a resolution consenting to the annexation and waiver of protest proceedings subject to the inclusion of special approval conditions. These special conditions are reflected in Exhibit "B" to the attached draft resolution of approval.
- **City of Napa**  
The City's Planning Department provided written support of the proposed annexation as submitted.
- **County of Napa**  
The County's Environmental Management Department has provided written support of the proposed annexation as submitted.
- **Napa Valley Unified School District**  
The Napa Valley Unified School District has provided written support of the proposed annexation as submitted.
- **County Service Area No. 4**  
No comments were received.
- **Napa County Flood Control and Water Conservation District**  
No comments were received.
- **Napa County Mosquito Abatement District**  
No comments were received.
- **Napa County Regional Parks and Open Space District**  
No comments were received.
- **Napa County Resource Conservation District**  
No comments were received.

**10) 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 in the Commission's recent countywide municipal service review on sewer services indicates NSD has adequate service capacities, financial resources, and administrative controls to serve the affected territory at its designated density levels under the Napa General Plan. Notably, in terms of financial resources, NSD's ability to provide sewer services to existing and new customers is based on two principal revenue sources: (a) connection fees and (b) user charges. The connection fee is currently \$5,660 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 user fee for a single-family unit is currently \$421 annually and is intended to proportionally cover NSD's ongoing maintenance and operation expenses. The landowner for the affected territory has already paid a connection fee to NSD as a result of the earlier outside service agreement and the user fee will be pro-rated to the date of service establishment.

NSD's operating budget in 2009-2010 is \$14.0 million. NSD anticipates collecting \$18.2 million in general revenues resulting in an operating surplus of \$4.2 million. NSD's fund balance as of the beginning of the fiscal year totaled \$130.6 million with \$11.1 million categorized as unrestricted. This unrestricted fund balance is sufficient to presently cover over nine months of operating expenses.

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

The affected territory currently receives water from an onsite private well. Staff estimates the single-family residence's annual groundwater demand is 0.3 acre-feet.<sup>6</sup> It is reasonable to assume the affected territory's projected annual water demand would increase to 2.2 acre-feet if developed to its maximum density of eight residential lots as allowed under the Napa General Plan. Any development would require connection to Napa's potable water system. Napa reports its current annual water demand is approximately 14,900 acre-feet, which equals 50% of its current water supplies under normal conditions.<sup>7</sup> Demands tied with the future potential development of the affected territory would not adversely impact Napa.

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<sup>6</sup> The estimated current water demand assumes 250 gallons per day and based on average use information collected by staff during the inaugural round of municipal service reviews.

<sup>7</sup> The current water supply figure assumes an approximate 20% reduction in contracted State Water Project supplies.

- 12) 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 consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.**

The affected territory is located entirely within Napa. All potential development units associated with the site are already assigned to Napa as part of the Association of Bay Area Governments regional housing needs allocation system.

- 13) Any information or comments from the landowner or owners, voters, or residents of the affected territory.**

The landowner of the affected territory is the petitioner for the proposed annexation.

- 14) Any information relating to existing land use designations.**

The Napa General Plan designates the affected territory as *Single-Family Residential – 33*. This designation provides a density range of three to six units per acre.<sup>8</sup> Intended uses are summarized below:

“[D]etached and attached single-family homes, second units, planned unit and cluster developments, mobile homes, manufactured housing, and compatible uses such as day care and residential care facilities. Non-residential uses may also be allowed in appropriate locations at the discretion of the City, including bed-and-breakfast inns and public and quasi-public uses of an administrative, educational, recreational, religious, cultural, communications, or public service nature.”

- 15) 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 local of public facilities and the provision of public services.**

There is no documentation or evidence suggesting the proposed annexation will have a measurable effect with respect to promoting environmental justice.

- 16) Whether the proposed annexation 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.**

The proposed annexation will benefit current and future landowners and residents associated with the affected territory by providing permanent access to public sewer service. The provision of public sewer service will eliminate set-aside land requirements previously dedicated to the septic system, which will assist in intensifying future residential development opportunities within the site.

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<sup>8</sup> This land use designation provides a density range less than the City’s zoning ordinance for the affected territory, which specifies a minimum lot requirement of 0.11 acres. This discrepancy is permissible given Napa incorporated as a charter law city.

### ***Property Tax Agreement***

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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 adopted a resolution on behalf of NSD specifying no adjustment in the allocation of property taxes shall occur as a result of jurisdictional changes involving the District. This resolution has been applied to all subsequent changes of organization involving NSD. In processing this proposal, staff provided notice to the affected agencies the Commission would again apply this resolution unless otherwise informed. No comments were received.

### ***Environmental Review***

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The Commission serves as lead agency for the proposal given it is solely responsible for approving the underlying activity: annexation. Staff has determined the activity is a project under CEQA and no existing categorical or statutory exemptions apply. Accordingly, staff has prepared an initial study to assess the environmental impacts associated with the annexation. The initial study identifies the annexation may generate future indirect impacts given it does remove an obstacle in accommodating the future division and development of the site to include up to seven additional single-family lots as allowed under the Napa General Plan. None of the indirect impacts identified with the annexation, however, are deemed significant and therefore a draft negative declaration has been prepared. A copy of the initial study is attached for Commission review along with a draft resolution adopting a negative declaration.

## **D. Alternatives for Commission Action**

Staff has identified the following alternative actions for Commission consideration with respect to (a) making an environmental determination and (b) considering the proposed annexation.

### ***Environmental Determination***

- Option 1A:** Adopt the draft resolution identified as Attachment Three approving a negative declaration for the proposed annexation. If this option is selected, the Commission can consider making a determination on the proposed annexation.
- Option 1B:** Continue consideration of the negative declaration for the proposed annexation to a future meeting. If this option is selected, the Commission cannot consider making a determination on the proposed annexation.

***Proposal Determination***

- Option 2A:** Adopt the draft resolution identified as Attachment Four approving the proposed annexation as submitted with standard terms and conditions.
- Option 2B:** Continue consideration of the proposed annexation to a future meeting if more information is required.
- Option 2C:** Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year.

**E. Recommendation**

Staff recommends the Commission adopt draft resolutions approving the negative declaration and proposed annexation as identified in the preceding sections as Options 1A and 2A.

Respectfully submitted,

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Keene Simonds  
Executive Officer

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Brendon Freeman  
Analyst

Attachments:

- 1) Application Materials
- 2) Initial Study
- 3) Draft Resolution Approving the Negative Declaration
- 4) Draft Resolution Approving the Proposal

ANNEXATION



JUSTIFICATION OF PROPOSAL  
FOR REVIEW BY THE  
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
1700 Second St., Suite 268 Napa, California 94559-2409  
Telephone (707) 259-8645

APPLICANT(S): Rosemary S. Hafeli, POA for Louis Russo

NAME OF PROPOSAL: BIG RANCH ROAD #4

PRINCIPAL JURISDICTION INVOLVED: Napa Sanitation District  
Affected County(ies) County of Napa:  Other: \_\_\_\_\_

TYPE: (Check the method by which this application was initiated)

- Resolution of application
- Petition of landowners
- Petition of registered voters

STATUTORY PROVISIONS UNDER WHICH THIS MATTER IS PROPOSED:

The Cortese/Knox Local Government Reorganization Act of 1985  
Commencing with California Government Code Section 56000

In accordance with applicable provisions of the California Government Code, the Commission must review specific factors in its consideration of this proposal. In order to facilitate the Commission's review, it will be necessary to respond to the following questions listed in this justification of proposal.

PROJECT DESCRIPTION: (include the total underlying project):

Annexation of SFR lot for the purpose of  
establishing permanent sewer service.  
An outside Service Agreement is expected to be  
established due to a threat to public health  
due to failure of septic system.

GENERAL INFORMATION:

1. Population in the subject area: 2
2. Anticipated future population in the subject area: 2
3. Population density (i.e., per square miles, per acre): 2
4. Number of registered voters: 0
5. Number of dwelling units: 1
6. Proximity to other populated areas or communities: In City of Napa +  
3/4 surrounded by City.
7. Is there a good likelihood of a significant increase in population in the subject area within the next 10 years: Yes  No

8. Is there a good likelihood of a significant increase in population of adjacent areas within the next 10 years:  
 a. In unincorporated areas: Yes \_\_\_ No   
 b. In incorporated areas: Yes  No \_\_\_
9. Present Assessor's tax rate code(s) in the subject area: 072048
10. Present tax rate in the subject area: \_\_\_\_\_
11. Change in tax rate as a result of this proposal: \_\_\_\_\_
12. Total assessed valuation of subject territory:  
 Land 24,269 Imp. 63,093
13. Assessor's Parcel information: (attach as exhibit if more than 4-parcels)

<u>Parcel Number</u>	<u>Size</u>	<u>Parcel Number</u>	<u>Size</u>
<u>038-170-006-000</u>	_____	_____	<u>1 acre, + or -</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

14. Total number of Assessor's Parcels: one
15. Total land area: one acres Total street Area: 0.1 acre  
 (in acres) (+ or -) (in miles)

**SERVICES:**

1. Indicate essential urban services provided to subject area:

<u>Service</u>	<u>Agency Providing Services:</u>	
	<u>Now</u>	<u>After Annexation</u>
<u>Water</u>	<u>well</u>	<u>well</u>
<u>Sewage Disposal</u>	<u>septic</u>	<u>NSD</u>
<u>Fire</u>	<u>city</u>	_____
<u>Sheriff/Police</u>	<u>city</u>	_____
<u>Other</u>	_____	_____

2. Estimate probable future needs for new or increased governmental services or controls in the area: Public sewer service will be provided in conjunction with annexation.
3. Describe the effects that this proposal will have on the cost and adequacy of governmental services in the subject area and adjacent areas, if any: Long-term cost savings by establishing public sewer service in lieu of replacing or maintaining septic system.
4. Describe the effects that fees received by affected local agencies may have in enabling such agencies to extend their service(s) to other areas: Connection fee provides buy-in to existing sewer system.

5. Estimate the effect of the proposed action and of alternative actions on the following:

a. Mutual social and economic interests: Affected territory is substantially surrounded by existing NSD property.

b. The Local governmental structure in the County: No effect

**BOUNDARIES:**

- 1. Does this proposal split lines of assessment: Yes\_\_ No **X**
- 2. Is the subject territory a portion of an existing island of unincorporated territory? Yes\_\_ No **X (Special district annexation)**
- 3. Do the boundaries of the subject territory create an island of unincorporated territory? Yes\_\_ No **X**
- 4. Describe any natural or man-made features which act as a boundary: None

**GENERAL AND SPECIFIC PLANS:**

- 1. General Plan designation of the affected city: SFR33L
- 2. Does the proposal conform to the City's Plan: Yes **X** No
- 3. General Plan designation of the County: Cities
- 4. Does the proposal conform to the County's Plan: Yes **X** No
- 5. Is the subject territory within a sphere of influence established by LAFCO for the affected local agency: Yes **X** No\_\_ (If no, attach justification).
- 6. Existing land use: Rural SFR residence
- 7. Proposed land use: No change
- 8. Existing zoning: RSS
- 9. Proposed zoning: NO change
- 10. Has the area been rezoned: Yes\_\_ No  
Prezoning classification \_\_\_\_\_
- 11. Is a development project currently under consideration or has such been approved. Yes\_\_ No **X** If yes, indicate type of development, agency, project title and file number and attach copies of applications, approved permits and environmental documents. \_\_\_\_\_

**SITE:**

- 1. Is the site classed as prime agricultural soils: Yes\_\_ No **X**
- 2. Will the project decrease the amount of land available for agriculture or Open Space? Yes\_\_ No **X** If yes, explain: \_\_\_\_\_

3. Will the project effect any agricultural preserves either directly or indirectly: Yes  
No  If yes, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Will the project require the extension or expansion of public utilities including fire,  
sewer, or water: Yes  No \_\_\_ If yes, explain: Sewer is expected  
to be extended by way of Outside Service  
Agreement. Annexation will provide for permanent  
sewer service.
5. Will the project require public services from any agency or district which is currently  
operating at or near capacity, including sanitation, police, schools, fire, or water:  
Yes \_\_\_ No  If yes, indicate which agency and justify:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Describe topography and soils: Relatively flat; sandy loam  
\_\_\_\_\_  
\_\_\_\_\_
7. Describe drainage basins, rivers, flood control channels: NONE  
\_\_\_\_\_  
\_\_\_\_\_
8. Describe vegetation and wildlife: Natural vegetation, fruit trees  
on back of property, large cedar trees on South  
boundary. Native grass and weeds, common  
small animals.
9. Describe air, water and noise quality: 200 ft. ground water well  
\_\_\_\_\_  
\_\_\_\_\_
10. Indicate known archaeological or historical site: None  
\_\_\_\_\_  
\_\_\_\_\_
11. Describe major access routes serving the area: Big Ranch Rd.,  
Trancas St., Catania Ct.  
\_\_\_\_\_  
\_\_\_\_\_

12. Could the project serve to encourage development of presently undeveloped areas, or increase intensity of development of already developed areas:  
 Yes  No  If yes, discuss:

Areas recently annexed into City of Napa  
could have development potential.

**LIST OF ALL STATE AND LOCAL AGENCIES WHICH HAVE PERMIT APPROVAL OVER THE TOTAL PROJECT**

<u>AGENCY</u>	<u>TYPE OF PERMIT</u>
1. <u>LAFCO</u>	<u>Annexation</u>
2. <u>NSD</u>	<u>Service Connection Appraisal</u>
3. _____	_____
4. _____	_____

**BONDED INDEBTEDNESS AND TAXING ZONES**

1. Does the annexing agency have any outstanding bonded indebtedness?  
 (Please list)
2. Will the annexed territory be liable for its share of existing bonded indebtedness?  
 \_\_\_\_\_. (If yes, please indicate manner in which the bond(s) will be retired.)  
Yes, if NSD ever gets bonded debt.
3. Will the annexed territory be included within any particular Division or Zone of the annexing agency? NO. Please Specify.

**NAMES AND ADDRESSES OF THE OFFICERS OR PERSONS (NOT TO EXCEED THREE) WHO ARE TO BE FURNISHED WITH COPIES OF THE EXECUTIVE OFFICER'S REPORT AND WHO ARE TO BE GIVEN MAILED NOTICE OF HEARING. (PLEASE PRINT OR TYPE)**

<u>NAME</u>	<u>ADDRESS</u>
1. <u>Rosemary S. Hafeli</u>	<u>(POA for Louis Russo) 447 Seymour St.</u>
2. <u>Herb Caraway</u>	<u>102 Cozy Way, Napa 94558 Napa, 94559</u>
3. _____	_____

**NAME, ADDRESS AND TELEPHONE NUMBER OF CONTACT PERSON(S)**

<u>Applicant/Agent</u>	<u>Address</u>	<u>Telephone No.</u>
1. <u>Rosemary Hafeli</u>	<u>447 Seymour St.</u>	<u>707-253-2268 or</u>
2. _____	<u>Napa 94559</u>	<u>707-738-9460</u>
3. _____	_____	<u>galata@sonic.net</u>

**NAMES AND ADDRESSES OF ALL LANDOWNERS WITHIN THE SUBJECT TERRITORY AS SHOWN ON THE MOST RECENT COUNTY ASSESSMENT ROLLS. (PLEASE PRINT OR TYPE)**

1. <u>LOUIS RUSSO</u>	<u>2047 Big Ranch Rd.</u>
2. _____	_____
3. _____	_____
4. _____	_____

(If more than four landowners, please attach as an exhibit)

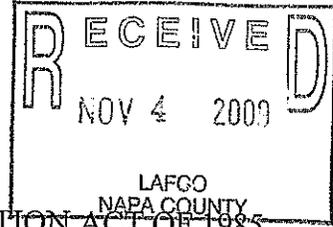
11-1-09      Rosemary J Hafeli, POA for LOUIS RUSSO  
 (Date)      Signature of Applicant  
 or Authorized Agent

Filed in the office of the Napa Local Agency Formation Commission		
Check#	<u>2041</u>	<u>Brendan Leaman</u>
Amount\$	<u>4,326.00</u>	Received by
Date	<u>11/4/09</u>	
(For Office Use Only)		

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

1700 Second St., Suite 268

Napa, CA 94559-2409



PETITION FOR ANNEXATION

PURSUANT TO

THE CORTESE-KNOX LOCAL GOVERNMENT REORGANIZATION ACT OF 1985

(California Government Code Section 56700)

The undersigned petitioners, by their signatures hereon, DO HEREBY REPRESENT that:

a) This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56650, Cortese-Knox Local Government Reorganization Act of 1985);

b) The nature of the proposal is Annexation of <sup>+ or -</sup> one acres of land from the \_\_\_\_\_;

c) The exterior boundaries of the affected territory are more particularly described in the legal description attached as Exhibit "A" and by this reference incorporated herein (also see attached map);

d) This proposal is/is not consistent with the sphere of influence of the affected city and/or district(s);

e) The reasons for the proposed Annexation is/are as follows:

Annexation of SFR lot for the purpose of establishing permanent sewer service. An OSA is expected to be established due to a threat to public health due to failure of septic system.

f) Each of the signers of this petition is a \_\_\_ registered voter/ X landowner within the affected territory; AND

g) The names and mailing addresses of the chief petitioners (not to exceed three) are as follows:

Chief Petitioner 1

Rosemary Howell, POA for Louis Russ  
447 Seymour St.  
Napa, CA 94559

Chief Petitioner 2

\_\_\_\_\_  
\_\_\_\_\_

Chief Petitioner 3

\_\_\_\_\_  
\_\_\_\_\_



2008-0030155

Recording requested by  
and mail to:

ROSEMARY S. HAFELI  
447 SEYMOUR  
NAPA, CA 94559

Recorded	REC FEE	20.00
Official Records		
County of		
Napa		
JOHN TUTEUR		
Assessor-Recorder-Cou		
	LS	
11:33AM 08-Dec-2008	Page 1 of 5	

Space above this line for recorder's use as necessary

**LOUIS RUSSO, PRINCIPAL, TO ROSEMARY S. HAFELI, AGENT**

**DURABLE POWER OF ATTORNEY  
NOTICE TO PERSON EXECUTING THIS DOCUMENT:**

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS.

1. THIS DOCUMENT MAY PROVIDE THE PERSON YOU DESIGNATE AS YOUR ATTORNEY-IN-FACT (AGENT) WITH BROAD POWERS TO MANAGE YOUR FINANCIAL AFFAIRS, INCLUDING THE AUTHORITY TO MANAGE, DISPOSE OF, SELL, CONVEY, AND ENCUMBER YOUR REAL AND PERSONAL PROPERTY, TO USE YOUR PROPERTY AS SECURITY IF YOUR AGENT BORROWS MONEY ON YOUR BEHALF, AND TO TAKE ACTIONS TO CARRY OUT YOUR ESTATE PLAN.

2. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOU.

3. THESE POWERS WILL EXIST FOR AN INDEFINITE PERIOD OF TIME UNLESS YOU LIMIT THEIR DURATION IN THIS DOCUMENT. THESE POWERS WILL CONTINUE TO EXIST NOTWITHSTANDING YOUR SUBSEQUENT INCAPACITY.

4. YOU HAVE THE RIGHT TO REVOKE OR TERMINATE THIS DURABLE POWER OF ATTORNEY AT ANY TIME.

5. YOUR AGENT HAS NO DUTY TO ACT UNLESS YOU AND YOUR AGENT AGREE OTHERWISE IN WRITING.

TO WHOM IT MAY CONCERN:

**LOUIS RUSSO**, (the principal) a resident of 2047 Big Ranch Road, Napa, CA 94558, hereby appoints **ROSEMARY S. HAFELI**, a resident of Napa, California, to serve as the principal's true and lawful agent (attorney-in-fact) for the principal and in the principal's name, place and stead:

1. To manage, control, lease, sublease, and otherwise act concerning any real property that the principal may own, collect and receive rents or income therefrom, pay taxes, charges and assessments on the same, repair, maintain, protect, preserve, alter, and improve the same and do all things necessary or expedient to be done in the agent's judgement in connection with the property.

2. To manage and control all partnership interests owned by the principal and to make all decisions the principal could make as a general partner, limited partner, or both, and to execute all documents required of the principal as such partner, all to the extent that the agent's designation for such purposes is allowed by law and is not in contravention of any partnership or other agreement.

3. To purchase, sell, invest, reinvest, and generally deal with all stocks, bonds, debentures, warrants, rights, and securities owned by the principal.

4. To collect and deposit for the benefit of the principal all debts, interests, dividends, or other assets that may be due, or belong to the principal and to execute and deliver receipts and other discharges therefore; to demand, arbitrate and pursue litigation on the principal's behalf concerning all rights and benefits to which the principal may be entitled; and to compromise, settle, and discharge all such matters as the agent considers appropriate under the circumstances.

5. To pay any sums of money that may at any time be or become owing from the principal, to sell, and to adjust and compromise any claims which may be made against the principal as the agent considers appropriate under the circumstances.

6. To grant, sell, transfer, mortgage, deed in trust, pledge and otherwise deal in all property, real and personal, that the principal may own, including but not limited to any real property described on any exhibit attached to this instrument including property acquired after execution of this instrument; to attach exhibits to this instrument that provide legal description of all such properties; and to execute such instruments as the agent deems proper in conjunction with all matters covered in this paragraph 6.

7. To prepare and file all income and other federal and state tax returns which the principal is required to file; to sign the principal's name; hire preparers and advisors and pay for their services; and to do whatever is necessary to protect the principal's assets from assessments for income taxes and other taxes. The agent is specifically authorized to receive confidential information; to receive checks in payment of any refund of taxes, penalties, or interest; to execute consents extending the statutory period for assessment or collection of taxes; to execute closing agreements under Internal Revenue code section 7121 or any successor statute; and to delegate authority or substitute another representative with respect to all above matters.

8. To deposit in and draw on any checking, savings, agency, or other accounts that the principal may have in any banks, savings and loan associations, and any accounts with securities brokers or other commercial institutions, and to establish and terminate all such accounts.

9. To invest and reinvest the principal's funds in every kind of property, real, personal or mixed, and every kind of investment, specifically including, but not limited to, certificates of deposit, corporate obligations of every kind, preferred and common stocks, shares of investment trusts, investment companies, and mutual funds, and mortgage participations that, under the circumstances then prevailing (specifically including but not limited to the general economic conditions and the principal's anticipated needs), persons of skill, prudence and diligence acting in similar capacity and familiar with those matters would use in the conduct of an enterprise of similar character and with similar aims, to attain the principal's goals; and to consider individual investments as part of an overall plan.

10. To transfer assets to any and all revocable living trusts of which the principal is or becomes a trustor.

11. To have access to all safe deposit boxes in the principal's name or to which the principal is an authorized signatory; to contract with financial institutions for the maintenance and continuation of safe deposit boxes in the principal's name; to add to and remove the contents of all such safe deposit boxes; and to terminate contracts for all such safe deposit boxes.

12. To use any credit cards in the principal's name to make purchases and to sign charge slips on behalf of the principal as may be required to use such credit cards; and to close the principal's charge accounts and terminate the principal's credit cards under circumstances where the agent considers such acts to be in the principal's best interest.

13. To apply for and make any elections required for payment of governmental, insurance, retirement, or other benefits to which the principal may be entitled, to take possession of all such benefits, and to distribute such benefits to or for the principal's benefit. The foregoing shall include the authority to authorize the direct deposit of such benefits into bank accounts as the agent may decide, and the payer of any such benefits may rely on the instructions of my agent without liability for having done so.

14. To establish and contribute to IRA accounts and other employee benefits plans on the principal's behalf; to select or change payment options and make elections under any IRA or employee benefit plan in which the principal is a participant; and to make "rollovers" of plan benefits into other retirement plans or IRA accounts.

15. To do all things and enter into all transactions necessary to provide for the principal's personal care, to maintain the principal's customary standard of living, to provide suitable living quarters for the principal, and to hire, compensate, and discharge household, nursing, and other employees as the agent considers advisable for the principal's well-being. The above shall specifically include but not be limited to the authority to pay the ongoing costs of maintenance of the principal's present residence, such as interest, taxes, repairs; to procure and pay for clothing, transportation, recreation, travel, medicine, medical care, food, and other needs; and to make

SR

arrangements and enter into contracts on behalf of the principal with hospitals, hospices, nursing homes, convalescent homes, and similar organizations.

16. It is the principal's desire to continue to live in his own residence as long as he is physically able, notwithstanding the possibility that alternative housing may be recommended by the agent or third parties for financial or other reasons. The principal authorizes and directs the agent to take such steps as are necessary to honor the principal's above expressed desire, including but not limited to modifying the premises, hiring home care providers, or taking such other measures as the agent considers advisable under the circumstances. The principal acknowledges that, in the event he should have a policy of long-term care insurance which does not pay for in-home care, it might become necessary to move into a care facility in order to invoke the coverage of such a policy.

17. Generally to do, execute, and perform any other act, deed, matter, or thing, that in the opinion of the agent ought to be done, executed, or performed in conjunction with this power of attorney, of every kind and nature, as fully and effectively as the principal could do if personally present. The enumeration of specific items, acts, rights, or powers does not limit or restrict, and is not to be construed or interpreted as limiting or restricting, the general powers granted to the agent except where powers are expressly restricted.

18. The agent is authorized and directed to commence enforcement proceedings under California Probate Code section 4306, at my expense, against any third party who fails to honor this durable power of attorney.

19. This power of attorney shall continue after the principal's incapacity in accordance with its terms.

20. The agent is authorized to apply for and to make any elections required to maximize and maintain any and all public benefits, governmental programs, insurance benefits, and retirement benefits to which the principal may be entitled or may in the future become entitled. Such public benefits shall expressly include, but not be limited to, Veteran's benefits, Social Security (SSA), Social Security Disability Insurance (SSDI), Medicare, Medi-Cal or Medicaid, In-Home Supportive Services (IHSS), and Supplemental Security Income (SSI). Should it become necessary, the agent is hereby authorized to defend actions taken under these public benefits planning provisions, including but not limited to retaining legal counsel, hiring other professionals, and paying for such legal and professional services from the principal's assets and income.

21. Notwithstanding any other possible language to the contrary in this document, the agent is specifically NOT granted the power to use the principal's assets for the agent's own legal obligations, including but not limited to support of the agent's dependents.

22. Any third party from whom the agent may request information, records, or other documents regarding the principal's personal affairs may release and deliver all such information, records, or documents to the agent. The principal hereby waives any privilege that may apply to release of such information, records, or documents.







**Local Agency Formation Commission of Napa County**  
1700 Second Street, Suite 268  
Napa, California 94559  
<http://napa.lafco.ca.gov>

February 5, 2010

**INITIAL STUDY OF ENVIROMENTAL SIGNIFICANCE**

1. **Project Title:** Big Ranch Road No. 4 Annexation to the Napa Sanitation District
2. **Lead Agency:** Local Agency Formation Commission (LAFCO) of Napa County  
1700 Second Street, Suite 268  
Napa, California 94559
3. **Contact Person:** Keene Simonds, Executive Officer  
LAFCO of Napa County  
(707) 259-8645  
[ksimonds@napa.lafco.ca.gov](mailto:ksimonds@napa.lafco.ca.gov)
4. **Project Location:** The project location consists of 1.1 acres of incorporated territory in the City of Napa. It includes one residential parcel located at 2047 Big Ranch Road (038-170-006) and a portion of the associated right-of-way, hereinafter referred to as the "project site." A map depicting the project site is depicted in Figure "A" on page three.
5. **Project Sponsor:** Louis Russo, Property Owner  
c/o Rosemary Hafeli, Appointed Representative  
447 Seymour Street  
Napa, California 94559
6. **General Plan Designation:** The City of Napa designates the entire project site as *Single Family Residential – 33L*. This designation allows for a density range of three to six dwelling units for every acre.
7. **Zoning Standard:** The City of Napa zones the project site *Residential Single 5*. This zoning standard requires a minimum lot size of 0.11 acres.
8. **Background/ Project Description** Louis Russo has filed an application with LAFCO to annex the project site to the Napa Sanitation District (NSD). The purpose of the annexation is to establish permanent public sewer service to an existing single-family residence, which is already connected to NSD as a result of a recently approved outside service agreement (OSA). LAFCO approved the OSA to expedite sewer service to the project site given the affected residence's septic system had failed causing a public health threat. The OSA expires on May 1, 2010.
9. **Surrounding Land Uses:** The project site is surrounded by existing incorporated residential uses to the north, west and south and within the City of Napa's "Big Ranch" neighborhood. Land to the east of the project site is unincorporated and comprise rural residential and agricultural uses.
10. **Other Agency Approval:** NSD

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below potentially would be significantly affected by this project, as indicated by the checklist on the following pages.

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Aesthetics             | <input type="checkbox"/> Hazards/ Hazardous Materials | <input type="checkbox"/> Public Services           |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hydrology/Water Quality      | <input type="checkbox"/> Recreation                |
| <input type="checkbox"/> Air Quality            | <input type="checkbox"/> Land Use and Planning        | <input type="checkbox"/> Transportation/Traffic    |
| <input type="checkbox"/> Biological Resources   | <input type="checkbox"/> Mineral Resources            | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Cultural Resources     | <input type="checkbox"/> Noise                        | <input type="checkbox"/> Findings of Significance  |
| <input type="checkbox"/> Geology and Soils      | <input type="checkbox"/> Population and Housing       |  |

**DETERMINATION:**

On the basis of information analyzed in this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis described in the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project. Nothing further is required.



\_\_\_\_\_  
Signature

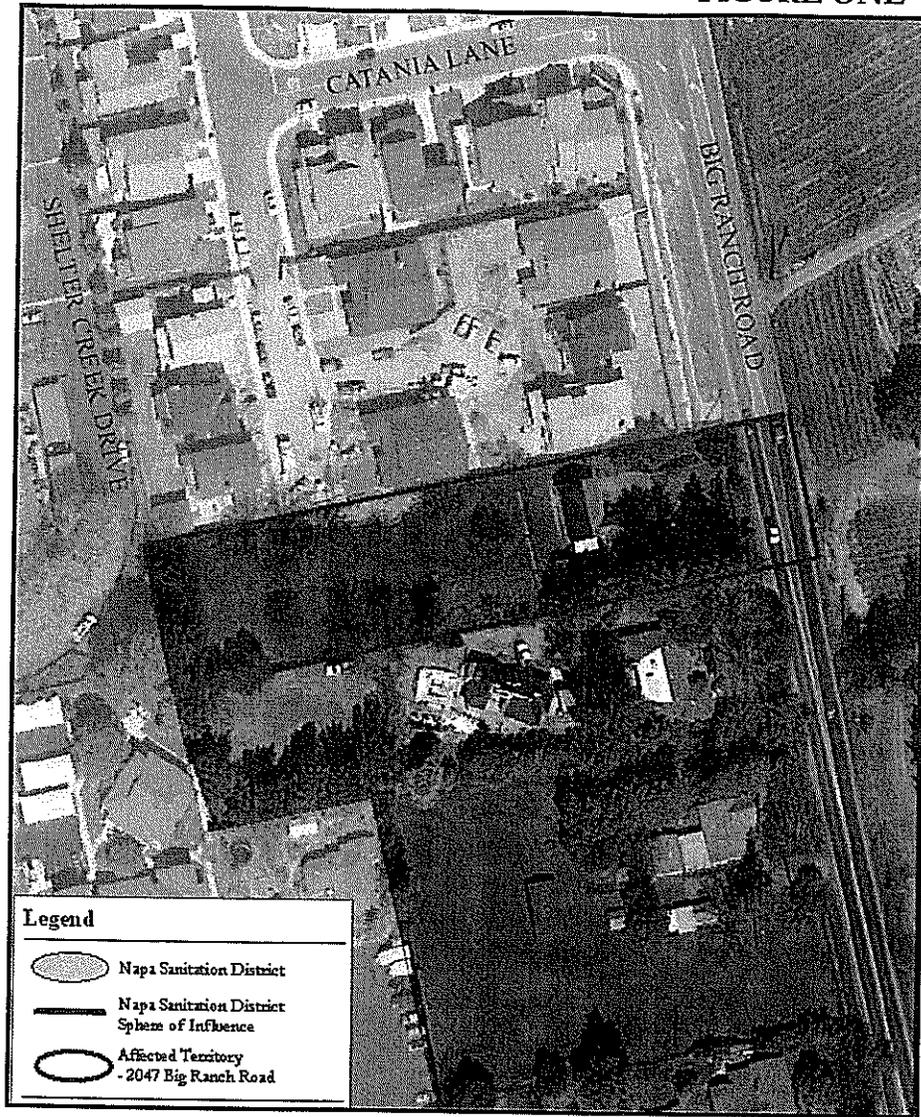
Keene Simonds  
Preparer's Name

February 5, 2010

\_\_\_\_\_  
Date

LAFCO of Napa County  
Lead Agency

FIGURE ONE



## ENVIRONMENTAL CHECKLIST

The following is the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the potential environmental impacts of the proposed project with respect to 17 factors prescribed for consideration. A brief discussion follows each environmental issue identified in the checklist. For this checklist, the following four designations are used:

- **Potentially Significant Impact:** An impact that may be significant, and for which no mitigation has been identified.
- **Potentially Significant Unless Mitigation Incorporated:** An impact that requires mitigation measures to reduce the effect to a less-than-significant level.
- **Less-Than-Significant Impact:** Any impact that may not be considered significant under CEQA relative to baseline conditions.
- **No Impact.** Baseline conditions remain unchanged.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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**1. AESTHETICS**

Would the project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion/Analysis:

The project will not directly impact aesthetics with regard to effecting scenic vistas, damaging scenic resources, degrading visual character, or creating new sources of light given no physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to include up to seven additional single-family lots as allowed under the City General Plan. This accommodation highlights the potential the project may generate future indirect impacts on aesthetics due to the construction of additional structures and facilities. An assessment on aesthetic impacts relating to planned citywide development was addressed in the FEIR prepared for the City General Plan on pages 3.6-1 to 3.6-5. Pertinent mitigating policies and implementation measures to manage citywide aesthetic impacts are outlined in the General Plan's Land Use, Housing, and Natural Resources Elements and include: LU-1.2; LU-1.4; LU-1.5; LU-1.8; LU-1.A; LU-1.B; LU-1.C; LU-4.10; LU-4.11; LU-4.A; LU-4.B; LU-10.1; LU-10.2; LU-10.3; LU-10.4; LU-10.5; LU-10.A; LU-10.C; H-3.1; H-3.2; H-3.3; H-3.A; H-3.C; H-3.I; H-3.J; NR-1.6; NR-1.7; NR-1.C; and NR-1.E. A more focused review of these impacts as it relates to the potential future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 197 to 211. Applicable mitigation measures identified in the Specific Plan's EIR include 4.10-2 and 4.10-4. These documents provide reasonable assurances any potential future indirect impacts on aesthetics associated with the project have been adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (a, b, c, and d).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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**2. AGRICULTURE RESOURCES**

Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Involve other changes in the existing environment which, due to their location or nature, could result in loss of Farmland, to non-agricultural use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not have direct or indirect impacts on agricultural resources. The project site is identified as urban land by the California Natural Resources Agency (a). The project site is not subject to an agricultural zoning standard or a Williamson Act contract or involve any other changes that could result in prime, unique, or statewide important farmland losses (b and c).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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**3. AIR QUALITY**

Would the project:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Conflict with or obstruct implementation of the applicable air quality plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Create objectionable odors affecting a substantial number of people?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion/Analysis:

The project will not directly impact air quality with regard to conflicting with applicable air quality plans and standards or cause objectionable odors and pollutants given no physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to include up to seven additional single-family lots as allowed under the City General Plan. This accommodation highlights the potential the project may create future indirect impacts during construction phases as well as from additional vehicular emissions. An assessment on air quality impacts relating to planned citywide development was addressed in the FEIR prepared for the City General Plan on pages 3.10-1 to 3.10-5. Pertinent mitigating policies and implementation measures to manage citywide air quality impacts consistent with Bay Area Air Quality Management District standards are outlined in the General Plan's Natural Resources and Transportation Elements and include: NR-5.1; NR-5.2; NR-5.3; NR-5.4; NR-5.5; NR-5.6; T-1.1; T-5.1; T-5.2; T-5.13; T-5.B; T-6.1; T-6.2; and T-6.10. A more focused review of these impacts as it relates to the potential future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 140 to 151. Applicable mitigation measures identified in the Specific Plan's EIR include 4.7-4. These documents provide reasonable assurances any potential future indirect impacts on air quality associated with the project have been adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (a, b, c, d, and e).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than- Significant Impact	No Impact
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**4. BIOLOGICAL RESOURCES**

Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Have a substantial adversely effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the State Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by State Fish and Game or U.S. Fish and Wildlife Service?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Have a substantial adverse effect on federally protected wetlands as defined by the Clean Water Act through direct removal, filling, hydrological interruption, or other means?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Conflict with an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not have any direct or indirect impacts on biological resources. There are no endangered, sensitive, or special status species, riparian habitat, sensitive communities, or protected wetlands within the project site listed in federal, state, or local agency indices (a, b, and c). The project would not substantially effect in impeding the movement of any habitat within the project site (d). The project does not conflict with any local policies or ordinances protecting biological resources or the provisions of a habitat conservation plan or natural community conservation plan (e and f).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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**5. CULTURAL RESOURCES**

Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Disturb any human remains, including those interred outside of formal cemeteries.                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not have direct or indirect impacts on cultural resources. No historical, archeological, or paleontological resources have been identified within the project site in state or local registries (a, b, c, and d).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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**6. GEOLOGY AND SOILS**

Would the project:

- a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - i. Rupture of a known earthquake fault as delineated on the most recent Alquist - Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. □      □      □      ■
  - ii. Strong seismic ground shaking? □      □      □      ■
  - iii. Seismic-related ground failure, including liquefaction? □      □      □      ■
  - iv. Landslides? □      □      □      ■
- b. Result in substantial soil erosion or the loss of topsoil? □      □      ■      □
- c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? □      □      □      ■
- d. Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? □      □      □      ■
- e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? □      □      □      ■

Discussion/Analysis:

The project will not directly impact geology and soils given no physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to include up to seven additional single-family lots as allowed under the City General Plan. This accommodation highlights the potential the project may create future indirect geology and soil impacts involving soil erosion and topsoil losses due to grading activities. An assessment on all geology and soil impacts relating to planned citywide development has been addressed in the FEIR prepared for the City

General Plan on pages 3.8-1 to 3.8-3. Pertinent mitigating policies and implementation measures to manage citywide impacts on soil erosion and topsoil losses are outlined in the General Plan's Health and Safety Element and include: HS-2.1; HS-2.2; and HS-2.A. A more focused review of these impacts as it relates to the potential future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 68 to 67. Applicable mitigation measures identified in the Specific Plan's EIR include 4.3-2, 4.3-3, and 4.3-4. These documents provide reasonable assurances any potential future indirect impacts on soil erosion and top soil losses associated with the project have been adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (b). The project site is not located within an Alquist Priolo Earthquake Fault Zone, which protects against soil liquefaction, subsidence, and landslide (a). The project site is not located within a geological unit or soil deemed unstable or comprise expansive soils under the Uniform Building Code (c and d). Public sewer service is currently available and provided to the project site by NSD through an OSA (e).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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**7. HAZARDS & HAZARDOUS MATERIALS**

Would the project:

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h. Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not directly create impacts in terms of emitting or transporting hazards or hazardous materials. The project does remove an obstacle in accommodating the future division and development of the site to include up to seven additional single-family lots as allowed under the City General Plan. This accommodation highlights the potential the project may create future indirect impacts in creating, emitting, or transporting hazards or hazardous materials due to their handling during construction, such as storing diesel fuel for ancillary equipment. However, local and state regulations concerning the use and storage of these materials result in a less-than significant impact (a, b, and c). The project site is not included in a list of hazardous material sites compiled by the California Department of Toxic Substances Control (d). The project site is not located within a high wildland fire risk area or near a private or public airstrip or physically interfere with an adopted emergency plan (e, f, g, and h).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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**8. HYDROLOGY & WATER QUALITY**

Would the project:

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Violate any water quality standards or waste discharge requirements?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or-offsite?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems to control?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f. Otherwise substantially degrade water quality?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h. Place within a 100-year floodplain structures which would impede or redirect flood flows?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| j. Inundation by seiche, tsunami, or mudflow?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not directly or indirectly impact hydrology and water quality as it relates to violating or degrading water quality standards or waste discharge requirements (a and f). The project will also not directly or indirectly impact hydrology and water quality given it does not alter a stream or river, lie within 100 year floodplain, or located within reasonable distance of a dam or levee (c, g, h, i, and j). The project does remove an obstacle in accommodating the future division and development of the site to include up to seven additional single-family lots as allowed under the City General Plan. This accommodation highlights the potential the project may create future indirect hydrology and water quality impacts with regard to increasing groundwater withdraws, increasing surface runoff that could contribute to on or offsite flooding, and adding demands on the stormwater drainage system due to the construction of impervious surfaces. An assessment on all hydrology and water quality impacts relating to planned citywide development has been addressed in the FEIR prepared for the City General Plan on pages 3.9-1 to 3.9-3. Pertinent mitigating policies and implementation measures to manage citywide impacts on groundwater, runoff, and storm water drainage systems are outlined in the General Plan's Natural Resources and Community Services Elements and include: NR-4.1, CS-9.3, CS-11.1; CS-11.2; CS-11.3; CS-11.4; CS-11.5; CS-11.7; and CS-11.A. A more focused review of these impacts as it relates to the potential future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 78 to 97. Applicable mitigation measures identified in the Specific Plan's EIR include 4.4-2, 4.4-3, and 4.4-4. These documents provide reasonable assurances any potential future indirect impacts on groundwater, storm water drainage systems, and runoff tied to the project have already been adequately assessed for purposes of avoidance and mitigation, and therefore deemed less-than-significant (b, d and e).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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**9. LAND USE PLANNING**

Would the project:

- a. Physically divide an established community?
- b. Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect?
- c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?

Discussion/Analysis:

The project will not have direct or indirect impacts on land use planning. The project does not physically divide an established community (a). The project is consistent with the City's land use policies as well as LAFCO's adopted sphere of influence for NSD (b). The project does not conflict with any applicable conservation plan (c).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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**10. MINERAL RESOURCES**

Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not have direct or indirect impacts on mineral resources. There are no known mineral resources of value or locally important within the project site as delineated under the City or County General Plans (a and b).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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**11. NOISE**

Would the project result in:

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not directly create noise impacts given no physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to include up to seven additional single-family lots as allowed under the City General Plan. This accommodation highlights the potential the project may create future indirect impacts involving temporary or periodic increases in noise levels and groundborne vibrations. An assessment on all noise related impacts associated with planned citywide development has been addressed in the FEIR prepared for the City General Plan on pages 3.11-1 to 3.11-9. Pertinent mitigating policies and implementation measures to manage citywide impacts relating to noises are outlined in the General Plan's Health and Safety Element and include: HS-9.1; HS-9.2; HS-9.3; HS-9.4; HS-9.5; HS-9.6; HS-9.7; HS-9.8; HS-9.9; HS-9.10; HS-9.11; HS-9.12; HS-9.13; HS-9.14; HS-9.A; and HS-9.B. A more focused review of these impacts relating to the potential future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 152 to 167. Applicable mitigation measures identified in the Specific Plan's EIR include 4.8-1 and 4.8-3. These documents provide reasonable assurances any potential future

indirect impacts on creating noises and groundborne vibrations associated with the project have been adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (a, b, and d). The project site is surrounded by existing urban uses with typical residential noise environment, and therefore potential new permanent noises associated with its development would be considered non-substantial (c). The project is not located within an airport land use plan or in the vicinity of a private airstrip, and thereby negating any potential noises associated with aircraft (e and f).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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**12. POPULATION AND HOUSING**

Would the project:

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Induce substantial growth in an area, either directly or indirectly?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not directly create impacts on population and housing given no physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to include up to seven additional single-family lots as allowed under the City General Plan. This accommodation highlights the potential the project may create future indirect impacts in terms of fostering new growth. An assessment on growth impacts associated with planned citywide development has been addressed in the FEIR prepared for the City General Plan on pages 3.2-1 to 3.2-8. Pertinent mitigating policies and implementation measures to manage growth impacts are outlined throughout the General Plan's Land Use and Housing Elements. A more focused review of these impacts as it relates to the potential future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 59 to 67, which does not identify any needed applicable mitigation measures. These documents provide reasonable assurances any potential future indirect impacts on growth associated with the project have been adequately assessed for purposes of mitigation, and therefore deemed less than significant (a). There is no evidence to suggest the project will displace substantial numbers of existing housing or people either in the short or long term (b and c).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant	Less-Than-Significant Impact	No Impact
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**13. PUBLIC SERVICES**

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Analysis:

The project will not directly create impacts on public services given no physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to include up to seven additional single-family lots as allowed under the City General Plan. This accommodation highlights the potential the project may create future indirect impacts on public fire, police, schools, park, and emergency medical services. An assessment on public service impacts associated with planned citywide development has been addressed in the FEIR prepared for the City General Plan on pages 3.4-1 to 3.4-2, 3.4-5 to 3.4-6, and 3.4-16 to 3.4-17. Pertinent mitigating policies and implementation measures to manage impacts on these public services are outlined in the General Plan's Community Services Element and include: CS-1.1 through CS-1.7; CS-1.A through CS-1.B; CS-2.1 through CS-3.3; CS-4.1 through CS-4.4; CS-4.A through CS-4.D; CS-5.1 through CS-5.8; CS-5.A through CS-5.C; CS-6.1 through CS-6.8; CS-6.A through CS-6.B; CS-7.1 through CS-7.5; CS-7.A, and CS-8.1 through CS-8.3. A more focused review of these impacts as it relates to the potential future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 168 to 196. Applicable mitigation measures identified in the Specific Plan's EIR include 4.9-1, 4.9-2, 4.9-3, and 4.9-12. These documents provide reasonable assurances any potential future indirect impacts on these public services associated with the project have been adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (a, b, c, d, and e).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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**14. RECREATION**

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not directly impact recreational resources given no physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to include up to seven additional single-family lots as allowed under the City General Plan. This accommodation highlights the potential the project may create future indirect impacts on recreational resources in terms of increasing the use of existing parks and related facilities. An assessment on all recreational related impacts associated with planned citywide development was addressed in the City General Plan's Parks and Recreation Element FEIR. Pertinent mitigating policies and implementation measures to manage citywide impacts on existing parks and related facilities are outlined in the General Plan's Parks and Resources Element and include: PR-1.1 through PR-1.24; PR-1.A through PR-1.G; PR-2.1 through PR-2.15; PR-2.A through PR-2.D; PR-3.1 through PR3.11; PR-3.A; PR-4.1 through PR4-17; PR-4.A through PR-4.C; PR-5.1 through PR5.19; PR-5.A; PR-6.1 through PR-6-23; PR-6.A through PR-6.D; PR7.1 through PR7.10; and PR7.A through PR-7.C. No specific significant impacts on existing parks and related facilities concerning the future development of the project site and surrounding area were identified in the FEIR prepared for the Big Ranch Road Specific Plan. These documents provide reasonable assurances any potential future indirect impacts on parks and related facilities associated with the project have been already adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (a). The project does not include any recreational facilities nor would it require construction or expansion of existing facilities (b).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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**15. TRANSPORTATION AND TRAFFIC**

Would the project:

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Exceed, either individually or cumulatively, a level of service standard established by the County Congestion Management Agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d. Substantially increase hazards due to a design?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e. Result in inadequate emergency access?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f. Result in inadequate parking capacity?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g. Conflict with adopted policies supporting alternative transportation?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not directly impact transportation or traffic given no physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to include up to seven additional single-family lots as allowed under the City General Plan. This accommodation highlights the potential the project may create future indirect impacts on roadway traffic in terms of increasing vehicle trips to and from the site over current conditions. An assessment on all transportation and traffic impacts relating to planned citywide development has been addressed in the FEIR prepared for the City General Plan on pages 3.3-1 to 3.3-15. Pertinent mitigating policies and implementation measures to manage citywide impacts on traffic trips and capacities are outlined in the General Plan's Transportation Element and include: T-1.1 through T-1.11; T-1.A through T-1.G; T-2.1 through T-2.7; T-3.1 through T-3.12; T-3.A; T-4.1 through T-4.5; and T-4.A through T-4.C. A more focused review of these impacts as it relates to the potential future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 115 to 139. Applicable mitigation measures identified in the Specific Plan's EIR include 4.6-2. These documents provide reasonable assurances any potential future indirect impacts on vehicle trips associated with the project have been already adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (a). The project would not result in traffic volumes exceeding the

current level of service standard for nearby roads nor alter air tariff patterns (b and c). The project would not create a design hazard, impede emergency access, generate inadequate parking capacity, or conflict with any policies promoting alternative transportation given the site is located within an existing urbanized area (d, e, f, and g).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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**16. UTILITIES & SERVICE SYSTEMS**

Would the project:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g. Comply with federal, state, and local statutes and regulations related to solid waste?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion/Analysis:

The project will not directly impact water, sewer, and solid waste service utilities given no substantive physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to include up to seven additional single-family lots as allowed under the City General Plan. This accommodation highlights the potential the project may create future indirect and cumulative impacts on water, sewer, solid waste, and storm drainage service utilities in terms of increasing uses. An assessment on water, sewer, and solid waste service utility impacts relating to planned citywide development have been addressed in the FEIR prepared for the City General Plan on pages 3.4-2 through 3.4-15. An assessment on impacts on storm drainage

service relating to planned citywide growth and development is addressed on pages 3.9-1 to 3.9-3 in the FEIR. Pertinent mitigating policies and implementation measures to manage impacts on water, sewer, solid waste, and storm drainage service utilities are outlined in the General Plan's Community Service Element and include: CS-9.1 through CS-9.10; CS-9.A; CS-10.1 through CS-10.3; CS-11.1 through CS-11.9; CS-11.A; CS-12.1 through CS-12.2; and CS-12.A. A more focused review of these impacts as it relates to the future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 78 to 97 and 168 to 184. Applicable mitigation measures identified in the Specific Plan's EIR include 4.4-2, 4.4-3, 4.9-1, 4.9-2, 4.9-4, 4.9-5, 4.9-6, 4.9-7, and 4.9-8. Further, NSD also has prepared a recent master plan to inform current and future capital improvement planning activities through 2030, which markedly contemplates serving the project site at its maximum assigned densities allowed under the City General Plan. These documents provide reasonable assurances any potential indirect impacts on the referenced service utilities tied to the project have been adequately assessed for purposes of avoidance, mitigation, and accommodation, and therefore deemed less-than-significant (a, b, c, d, e, f, and g).

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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**17. MANDATORY FINDINGS OF SIGNIFICANCE**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples major periods of state history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Does the project have impacts that are individually limited, but cumulatively considerable?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The project will not have direct or indirect impacts on biological resources, such as fish or wildlife species, as analyzed on page eight of this initial study. The potential future development of the project site may result in individually limited impacts on humans as well as on aesthetics, air quality, biological resources, hydrology, noise, population, public services, recreation, traffic, and utilities. These individual impacts would not be substantial or cumulatively considerable given any future development of the project site will need to comply with previously approved mitigating policies and programs of the City as the legal land use authority, and therefore result in de minimis contributions (a, b, and c).

## SOURCES

### Documents

- City of Napa, *General Plan Policy Document*, December 1998
- City of Napa, *General Plan Final Environmental Impact Report*, December 1998
- City of Napa, *Parks and Recreation Element Final Environmental Impact Report*, October 1993
- City of Napa, *Big Ranch Road Specific Plan*, August 1996
- City of Napa, *Big Ranch Road Specific Plan Final Environmental Impact Report*, August 1996
- City of Napa, Municipal Code: Section 17.08, *Residential Zoning Districts*, 2008
- City of Napa, *Combined Historic Resources List*, January 2000
- LAFCO of Napa County, *Sphere of Influence Update: Napa Sanitation District*, August 2006
- LAFCO of Napa County, *Municipal Service Review and Sphere of Influence Update of the City of Napa*, June 2005
- LAFCO of Napa County, *Comprehensive Study of Sanitation and Wastewater Treatment Providers*, 2005-2006
- Bay Area Air Quality Management District, *CEQA Guidelines*, Prepared December 1999
- State of California, Natural Resources Agency, *Napa County Important Farmland Map*, July 2009.

These documents are available for review at the LAFCO administration office located at 1700 Second Street, Suite 268, Napa.

### Websites

- State of California: California Environmental Resources Evaluation System; Environmental Information by Geographic Area; Napa County; Historical and Cultural Resources: "California Historical Landmarks in Napa County," [http://ceres.ca.gov/geo\\_area/counties/Napa/landmarks.html](http://ceres.ca.gov/geo_area/counties/Napa/landmarks.html)
- State of California: California Environmental Protection Agency; Cortese List of Hazardous Material Sites, <http://www.calepa.ca.gov/sitecleanup/corteselist/default.htm>
- State of California: California Geological Survey; Alquist-Priolo Earthquake Fault Zones; <http://www.consrv.ca.gov/CGS/rghm/ap/index.htm>
- County of Napa GIS Parcel Mapping application <http://2kgisweb/gisweb/InteractiveMap3.asp>
- State of California: Department of Fish and Game, California Natural Diversity Database <http://www.dfg.ca.gov/biogeodata/cnddb/> (Accessed through County of Napa)

**RESOLUTION NO. \_\_\_\_**

**RESOLUTION OF THE  
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
MAKING DETERMINATIONS AND  
ADOPTING A NEGATIVE DECLARATION PURSUANT TO THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**BIG RANCH ROAD NO. 4 ANNEXATION  
NAPA SANITATION DISTRICT**

**WHEREAS**, the Local Agency Formation Commission of Napa County, hereinafter referred to as “the Commission,” is responsible for administering The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, an application by Louis Russo, landowner, proposing the annexation of territory to the Napa Sanitation District has been filed with the Executive Officer hereinafter referred to as “Executive Officer,” and

**WHEREAS**, the said annexation proposal is identified as the *Big Ranch Road No. 4 Annexation to the Napa Sanitation District*; and

**WHEREAS**, annexations are projects and subject to the provisions of the California Environmental Quality Act (CEQA); and

**WHEREAS**, the Commission has determined that, pursuant to CEQA, it is the Lead Agency for the proposed annexation, hereinafter referred to as the “project”; and

**WHEREAS**, in accordance with Title 22 of the California Code of Regulations Section 15074, the Commission has been presented with and duly considered an Initial Study assessing the impact of the project on the environment; and

**WHEREAS**, the Commission held a duly noticed public hearing on April 5, 2010 to consider the Initial Study and has determined that the project could not have a significant effect on the environment.

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

1. The Commission has read and considered the Executive Officer’s report and Initial Study prepared for the project.

2. The Commission finds the Initial Study shows that there is no substantial evidence in the record as a whole that the project shall have any significant environmental impact given existing mitigation measures adopted by the City of Napa. The Commission therefore adopts each of the environmental findings set forth in the Initial Study and finds there is no significant impact on the environment that will result from the project.
3. The Commission hereby adopts the Negative Declaration for the project and finds this is based on its independent judgment and analysis.
4. The Executive Officer is the custodian of the records of these environmental proceedings on which this determination is based. The records upon which these findings and determination are made are located at the office of the Commission at 1700 Second Street, Suite 268, Napa, California.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on April 5, 2010, by the following vote:

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

ATTEST: Keene Simonds  
Executive Officer

Recorded by: \_\_\_\_\_  
Kathy Mabry  
Commission Secretary

**RESOLUTION NO. \_\_**

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

**BIG RANCH ROAD NO. 4 ANNEXATION  
NAPA SANITATION DISTRICT**

**WHEREAS**, an application by Louis Russo, landowner, 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 Local Agency Formation Commission of Napa County, 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; and

**WHEREAS**, the Commission considered all the factors required by law under Section 56668 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 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 applicable provisions of the California Environmental Quality Act, determined there to be no significant effect to the environment from the proposed annexation and adopted a negative declaration concerning this project at a hearing held on April 5, 2010.

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

1. The proposal is APPROVED.
2. This proposal is assigned the following distinctive short-term designation:

**BIG RANCH ROAD NO. 4 ANNEXATION  
NAPA SANITATION DISTRICT**

3. The affected territory is shown on the attached map and is more precisely described in the attached Exhibit "A".
4. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
5. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
6. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
7. The proposal shall be subject to the terms and conditions specified in the attached Exhibit "B."
8. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56663(c).
9. 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) An indemnification agreement signed by the landowner in a form provided by the Commission.
  - (d) Written confirmation by Napa Sanitation District that its terms and conditions outlined in Exhibit "B" have been satisfied.
10. The effective date shall be the date of recordation of the Certificate of Completion.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on the April 5, 2010, by the following vote:

AYES: Commissioners \_\_\_\_\_

NOES: Commissioners \_\_\_\_\_

ABSTAIN: Commissioners \_\_\_\_\_

ABSENT: Commissioners \_\_\_\_\_

ATTEST: Keene Simonds  
Executive Officer

Recorded by: \_\_\_\_\_  
Kathy Mabry  
Commission Secretary



**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 5, 2010**  
**Agenda Item No. 7b (Public Hearing)**

March 29, 2010

**TO:** Local Agency Formation Commission

**FROM:** Budget Committee (Chilton, Kelly, and Simonds)

**SUBJECT: Proposed Budget for Fiscal Year 2010-2011**

The Commission will consider a proposed budget for 2010-2011 projecting overall expenses at \$413,480. The proposed budget is nearly identical to a draft approved at the February meeting and anticipates expenses will decrease by 16.8%. The proposed budget also continues to incorporate several substantive changes to the budget process, including the elimination of apportioning annual reserves and contingencies in favor of establishing a policy to maintain three months of operating reserves in the fund balance. The proposed budget is being presented to the Commission for adoption

The Local Agency Formation Commission of Napa County (“Commission”) is responsible for annually adopting a proposed budget by May 1<sup>st</sup> and a final budget by June 15<sup>th</sup>. In preparing for its own provisions, the Commission has established a Budget Committee (“Committee”) consisting of two appointed Commissioners and the Executive Officer. The Committee’s initial responsibility is to prepare and present a draft proposed budget for approval by the Commission before it is circulated for comment to each funding agency. It has been the practice of the Commission to receive proposed and final budgets from the Committee for adoption at its April and June meetings, respectively.

**A. Background**

The Commission’s operating expenses are funded by the County of Napa and the Cities of American Canyon, Calistoga, Napa, St. Helena, and Yountville. State law specifies the County is responsible for one-half of the Commission’s operating expenses while the remaining amount is apportioned among the five cities based on a weighted calculation of population and general tax revenues. It has been the practice of the Commission to only budget operating expenses given its prescribed funding sources. It has also been the practice of the Commission to return all of its unspent revenues (contributions, application fees, etc.) to the funding agencies in the form of credits towards their calculated shares of the subsequent fiscal year budget. The Commission’s adopted operating expenses along with agency credits and apportionments over the last five fiscal years follow.

Juliana Inman, Chair  
Councilmember, City of Napa

Lewis Chilton, Commissioner  
Councilmember, Town of Yountville

Joan Bennett, Alternate Commissioner  
Councilmember, City of American Canyon

Bill Dodd, Vice Chair  
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, Commissioner  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

	FY05-06	FY06-07	FY07-08	FY08-09	FY09-10
<b>Adopted Expenses</b>	<u>\$436,915</u>	<u>\$456,758</u>	<u>\$466,672</u>	<u>\$552,168</u>	<u>\$496,961</u>
<b>Agency Credits</b>					
County of Napa.....	44,343	72,658	91,669	99,701	94,515
City of Napa.....	30,827	49,793	62,807	65,691	63,508
City of American Canyon..	4,974	9,126	11,909	15,558	14,631
City of St. Helena.....	3,597	5,813	7,188	7,687	6,786
City of Calistoga.....	2,967	4,737	5,612	6,034	5,391
Town of Yountville.....	1,977	3,190	4,154	4,732	4,199
	<u>88,686</u>	<u>145,317</u>	<u>183,338</u>	<u>199,402</u>	<u>189,030</u>
<b>Agency Contributions</b>					
County of Napa.....	174,114	155,720	141,667	176,383	153,966
City of Napa.....	118,873	106,679	90,934	119,820	105,429
City of American Canyon..	22,477	20,542	24,502	27,180	22,011
City of St. Helena.....	13,849	12,095	10,801	12,134	11,135
City of Calistoga.....	11,324	9,243	8,509	9,714	8,743
Town of Yountville.....	7,592	7,160	6,920	7,534	6,648
	<u>348,229</u>	<u>311,411</u>	<u>283,333</u>	<u>352,765</u>	<u>307,931</u>
	<u>\$436,915</u>	<u>\$456,758</u>	<u>\$466,672</u>	<u>\$552,168</u>	<u>\$496,961</u>

At the December 3, 2009 meeting, Commissioners Chilton and Kelly were appointed to the Budget Committee (“Committee”). The Committee met on January 13, 2010 to review the Commission’s operating expenses for the upcoming fiscal year. The Committee created a spending baseline to identify agency expenses to maintain the current level of services at next fiscal year’s price for labor and supplies. In reviewing the spending baseline, the Committee considered actual expenses from previous fiscal years and whether adjustments in spending are appropriate to reflect anticipated changes in demand or need. The Committee also focused on whether changes to the overall budget process are warranted to improve the financial management of the agency. Proposed changes identified by the Committee are outlined below:

- Begin budgeting revenues.
- Maintain the fund balance to be equal to three months of operating expenses at the beginning of each fiscal year.
- No longer budget an annual operating reserve or consultant contingency in favor of relying on the agency’s fund balance to cover unexpected expenses.

The Committee incorporated the preceding changes in preparing and presenting a draft proposed budget for 2010-2011 totaling \$413,480 in operating expenses at the Commission’s February 1, 2010 meeting. The Commission approved the draft proposed budget as submitted and directed staff to seek comments from the funding agencies in anticipation of considering formal adoption of the item in April. Staff mailed notice to all six funding agencies the following day inviting their review and comment on the approved draft proposed budget. No comments were received.

## B. Discussion

The Committee returns with a proposed budget for consideration by the Commission. The proposed budget is nearly identical to the draft approved in February with the exception of minor changes to anticipated revenues. An expanded discussion of projected expenses and revenues in 2010-2011 follows.

### *Expenses*

The proposed budget projects the Commission's operating expenses in 2010-2011 will total \$413,480. This projected amount is unchanged from the earlier approved draft and represents a decrease of \$83,481 or 16.8% over the current fiscal year. Almost all of the decrease is attributed to the Committee's recommendation to eliminate the annual reserve and consultant contingency. Also attributing to the decrease is a sizeable reduction in the annual service charge by the County for providing information technology services (ITS) based on their own calculation in apportioning user costs.

Notwithstanding the overall decrease in operating expenses, certain account costs are scheduled to increase in 2010-2011. Expenses in the salaries/benefits unit are expected to increase by 2.0% with the majority tied to accommodating recent and pending merit advances for staff consistent with the County's job classification system. Expenses in the services/supplies unit are also expected to increase primarily due to funding a new account to provide capital replacement for the agency's recently purchased electronic document management system. The aforementioned savings in ITS, though, helps reduce the overall increase in the services/supplies unit to 1.2%.

<u>Expense Unit</u>	<u>Adopted FY09-10</u>	<u>Proposed FY10-11</u>	<u>Change</u>
Salaries/Benefits	<u>288,265</u>	<u>293,973</u>	<u>2.0</u>
Services/Supplies	<u>118,063</u>	<u>119,506</u>	<u>1.2</u>
Contingencies/Reserves	<u>90,633</u>	<u>0</u>	
	<u>\$496,961</u>	<u>\$413,480</u>	<u>(16.8%)</u>

### *Revenues*

The proposed budget projects nearly nine-tenths of all revenues in 2010-2011 will be drawn from agency contributions and will total \$367,797. This projected amount, which has been reduced by 1% from the earlier approved draft, represents a 19.5% increase over agency contributions collected for the current fiscal year. The expected increase in agency contributions corresponds with the anticipated decrease in unspent revenues available at the end of this fiscal year to be converted into agency credits. In particular, credits for the current fiscal year totaled \$189,030 while credits for the upcoming fiscal year are expected to equal \$30,682. The cause of the expected decrease in credits is two-fold. First, actual salary and benefit costs increased due to the filling of the analyst position after nearly a two-year vacancy. Second, in conjunction with the recommendation to eliminate annual reserve and contingency appropriations, the

Committee proposes to hold back \$99,620 in unspent revenues from the credit pool to set the fund balance equal to three months of operating expenses. Expected application fees, interest earned on savings, and the aforementioned agency credits will provide the remaining revenues necessary to cover anticipated operating expenses.

Revenue Type	FY09-10	Proposed FY10-11	Change
Agency Contributions			
County of Napa.....	153,966	183,899	19.4
City of Napa.....	105,429	125,029	18.6
City of American Canyon...	22,011	27,118	23.2
City of St. Helena.....	11,135	13,263	19.1
City of Calistoga.....	8,743	10,460	19.6
Town of Yountville.....	6,648	8,028	20.8
	<u>307,931</u>	<u>367,797</u>	<u>19.4</u>
Agency Credits	<u>189,030</u>	<u>30,682</u>	<u>(83.7)</u>
Application Fees	---	<u>10,000</u>	---
Interest	---	<u>5,000</u>	---
	<u>\$496,961</u>	<u>\$413,480</u>	<u>(16.8%)</u>

### C. Analysis

The proposed budget for 2010-2011 is close to identical to the earlier approved draft, which generated no comments from the funding agencies. The proposed budget accomplishes the Committee's core objectives to (a) provide sufficient resources to maintain current service levels while (b) minimizing impacts on the funding agencies by limiting increases in discretionary expenses. The former accomplishment allows the Commission to preserve present staffing levels, which the Committee believes is merited given the agency's increasing workload. Most notably, along with processing applicant proposals and preparing municipal service reviews and sphere of influence updates, staff has assumed additional duties ranging from implementing an electronic document management system to expanding roles within the statewide association. Any reduction in staffing levels would create a corresponding decrease in fulfilling current duties. Further, while the funding agencies will experience a one-fifth rise in their contributions, the increase marks a natural readjustment given the higher-than-average credit totals received for the current fiscal year due to vacancy of the analyst position for most of 2008-2009.

Additionally, the Committee's proposed changes to the budget process will improve the financial management of the Commission. Budgeting revenues, for example, will provide a transparent connection between operating expenses and funding sources at the time of budget adoption rather than continuing to invoice the funding agencies their calculated contributions in August without public discussion. Eliminating annual appropriations for operating reserves and consultant contingencies in favor of establishing a fund balance policy to maintain three months of operating expenses to cover unexpected events benefits both the Commission and funding agencies. The Commission will benefit from the change by clarifying its financial position at the end of each fiscal year by reducing the

amount of cash tied to agency credits remaining in the fund balance. The funding agencies will benefit from the change by enjoying more cost-certainty by receiving a more accurate and relatively stable appropriation charge at the beginning of each fiscal year.

#### **D. Recommendation**

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

- 1) Adopt the attached draft resolution approving the proposed budget for 2010-2011 with any desired changes;
- 2) Direct the Executive Officer to circulate the adopted proposed budget for review and comment to each funding agency; and
- 3) Direct the Executive Officer to schedule a public hearing for the Commission to consider adopting a final budget at its June 7, 2010 meeting.

Respectfully submitted on behalf of the Committee,

---

Keene Simonds  
Executive Officer

Attachments:

- 1) Draft Resolution Adopting a Proposed Budget for FY10-11
- 2) Draft Agency Contribution Calculation for FY10-11

**RESOLUTION NO. \_\_\_\_**

**RESOLUTION OF  
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
ADOPTING A PROPOSED BUDGET FOR THE 2010-2011 FISCAL YEAR**

**WHEREAS**, the Local Agency Formation Commission of Napa County (hereinafter referred to as “the Commission”) is required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq., hereinafter referred to as “Act”) to adopt a proposed budget for the next fiscal year; and

**WHEREAS**, Government Code Section 56381 requires the Commission to adopt a proposed budget no later than May 1; and

**WHEREAS**, at the direction of the Commission, the Executive Officer circulated for review and comment an approved draft proposed budget to the administrative and financial officers of each of the six local agencies that contribute to the Commission budget; and

**WHEREAS**, the Commission reviewed all substantive written and verbal comments concerning the draft proposed budget; and

**WHEREAS**, the Executive Officer prepared a report concerning the proposed budget, including his recommendations thereon; and

**WHEREAS**, the Executive Officer’s report was presented to the Commission in the manner provided by law; and

**WHEREAS**, the Commission heard and fully considered all the evidence presented at its public hearing on the proposed budget held on April 5, 2010; and

**WHEREAS**, the Commission determined the proposed budget projects the staffing and program costs of the Commission as accurately and appropriately as is possible;

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

1. The proposed budget as outlined in Exhibit One is approved.
2. The reduction in overall operating costs will nevertheless continue to allow the Commission to fulfill its regulatory and planning responsibilities as required under Government Code Section 56381(a).

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on April 5, 2010 by the following vote:

AYES: Commissioners \_\_\_\_\_

NOES: Commissioners \_\_\_\_\_

ABSTAIN: Commissioners \_\_\_\_\_

ABSENT: Commissioners \_\_\_\_\_

ATTEST: Keene Simonds  
Executive Officer

RECORDED: Kathy Mabry  
Commission Secretary



# Local Agency Formation Commission

## LAFCO of Napa County

### FY2010-2011 BUDGET

#### Expenses

		Adopted FY07-08	Actual FY07-08	Adopted FY08-09	Actual FY08-09	Adopted FY09-10	Estimate FY09-10	Draft FY10-11	Difference	Difference
<b>Salaries and Benefits</b>										
<u>Account</u>	<u>Description</u>									
51100000	Regular Salaries	167,027	123,562	168,905	152,953	195,580	191,024	198,347 <sup>1</sup>	2,767	1.4%
51300500	Group Health Insurance	43,168	18,983	40,148	21,406	36,471	32,069	37,954 <sup>2</sup>	1,483	4.1%
51300100	Retirement: Pension	31,583	21,093	34,551	26,283	34,064	32,631	34,992	928	2.7%
51200500	Commissioner Per Diems	9,600	5,500	9,600	4,400	9,600	5,600	9,600	-	0.0%
51300120	Retirement: Non-Pension	-	-	11,295	11,296	8,706	8,706	9,138 <sup>3</sup>	432	5.0%
51300300	Medicare	2,650	1,659	2,826	2,440	2,836	2,639	2,876	40	1.4%
51301800	Cell Phone Allowance	840	847	840	845	840	845	840	-	0.0%
51301200	Workers Compensation	185	185	149	149	168	168	226	58	34.5%
51200100	Extra Help	-	-	26,010	26,283	-	-	-	-	0.0%
51200200	Overtime	-	-	-	-	-	-	-	-	0.0%
		255,053	171,829	294,325	246,054	288,265	273,682	293,973	5,708	2.0%
<b>Services and Supplies</b>										
<u>Account</u>	<u>Description</u>									
52240500	Property Lease	27,000	27,000	27,000	27,000	29,280	29,280	29,280	-	0.0%
52180500	Legal Services	21,500	24,153	26,320	19,130	24,990	20,162	26,010 <sup>4</sup>	1,020	4.1%
52180200	Information Technology Services	16,387	16,387	17,768	17,768	22,438	19,184	18,439 <sup>5</sup>	(3,999)	-17.8%
52170000	Office Expenses	15,000	7,261	15,000	10,917	15,000	12,235	15,000	-	0.0%
52185000	Financial Services	25,650	23,314	26,933	6,182	7,883	7,100	8,277 <sup>6</sup>	394	5.0%
52250800	Training	4,000	3,144	4,000	2,531	4,000	5,475	4,000	-	0.0%
52250000	Transportation and Travel	4,000	2,010	4,000	1,717	3,500	5,311	3,500	-	0.0%
52070000	Communications	3,500	1,942	3,500	1,721	3,500	2,082	3,500	-	0.0%
52150000	Memberships	2,000	2,000	2,200	2,200	2,275	2,200	2,275	-	0.0%
52190000	Publications and Notices	1,500	2,099	1,500	2,490	1,500	1,500	1,500	-	0.0%
52235000	Special Departmental Purchases	1,000	397	56,000	50,082	1,000	1,000	1,000	-	0.0%
52251200	Private Mileage	1,000	1,184	1,000	1,051	1,000	600	1,000	-	0.0%
52243900	Filing Fees	850	550	850	300	850	350	850	-	0.0%
52250700	Meals Reimbursement - Taxable	-	-	-	-	500	500	500	-	0.0%
52100300	Insurance: Liability	352	352	546	545	347	347	444	97	28.0%
53980200	Capital Replacement	-	-	-	-	-	3,931	3,931 <sup>7</sup>	3,931	
		123,739	111,792	186,617	143,633	118,063	111,258	119,506	1,443	1.2%
<b>Contingencies and Reserves</b>										
<u>Account</u>	<u>Description</u>									
54000900	Operating Reserve	37,879	-	42,594	-	40,633	-	- <sup>8</sup>	(40,633)	-100.0%
54001000	Consultant Contingency	50,000	-	50,000	-	50,000	-	- <sup>9</sup>	(50,000)	-100.0%
		87,879	-	92,594	-	90,633	-	-	(90,633)	-100.0%
EXPENSE TOTALS		\$ 466,672	\$ 283,621	\$ 573,535	\$ 389,688	\$ 496,961	\$ 384,940	\$ 413,479	(83,481)	-16.8%

## Revenues

	Adopted FY07-08	Actual FY07-08	Adopted FY08-09	Actual FY08-09	Adopted FY09-10	Estimate FY09-10	Draft FY10-11
<b>Intergovernmental Contributions</b>							
<b>Account</b>	<b>Description</b>						
45080600	-	136,016	-	176,383	-	153,966	183,899 <sup>10</sup>
45082200	-	87,061	-	119,820	-	105,429	125,029 <sup>11</sup>
45082400	-	23,793	-	27,180	-	22,011	27,118 <sup>12</sup>
45082300	-	10,349	-	12,134	-	11,135	13,263 <sup>13</sup>
45082100	-	8,140	-	9,714	-	8,743	10,460 <sup>14</sup>
45082500	-	6,672	-	7,534	-	6,648	8,028 <sup>15</sup>
	-	272,032	-	352,765	-	307,931	367,797
<b>Service Charges</b>							
<b>Account</b>	<b>Description</b>						
46003400	-	4,050	-	16,155	-	12,875	10,000
46003300	-	500	-	120	-	250	-
48040000	-	13	-	-	-	156	-
	-	4,563	-	16,275	-	13,281	10,000
<b>Investments</b>							
<b>Account</b>	<b>Description</b>						
44000300	-	12,743	-	10,459	-	5,000	5,000
		12,743		10,459		5,000	5,000
REVENUE TOTALS	-	\$ 289,338	-	\$ 379,499	-	326,213	\$ 382,797
<b>NET SURPLUS/DEFICIT</b>							
		\$ 5,717		\$ (10,188)		(58,727)	\$ (30,682)
USE OF PRIOR YEAR FUND BALANCE	****	\$ -	****	\$ 10,188	****	\$ 58,727	\$ 30,682
END OF YEAR FUND BALANCE	****	\$ 222,059	****	\$ 211,870	****	\$ 99,619	16

## NOTES

- 1) This account budgets two fulltime (Executive Officer and Analyst) and one parttime (Secretary) employee. The increase reflects recent merit increases for the Executive Officer and Analyst employees. The Analyst employee is also scheduled to receive an additional merit increase during 2010-2011. No cost-of-living adjustments are budgeted.
- 2) This account funds the Commission's monthly contribution for employee healthcare and dental insurance costs. The increase reflects higher provider premiums.
- 3) This account funds the Commission's apportionment for post employment benefits, such as retiree health care insurance. These costs are calculated by the County.
- 4) It is expected the Commission will require 170 total hours of legal services in 2010-2011. Commission Counsel's hourly rate is expected to increase by 5.0% from \$149 to \$153.
- 5) This account primarily funds network services provided by the County's Information Technology Services Department. This account also funds the Commission's annual Laserfiche support services agreement with Incrementum as well as website hosting by Planetaria.
- 6) The budgeted amount anticipates a 5.0% across-the-board increase in hourly rates for the County of Napa Auditor's Office in 2010-2011.
- 7) This new account has been budgeted to provide capital replacement funding for LAFCO's electronic document management system equal to its annual depreciation over a five-year period.
- 8-9) No annual contingencies or reserves are budgeted; unexpected expenses would be covered through the fund balance.
- 10-15) Agency contributions have been calculated to incorporate credits totaling \$30,682 in unexpended funds from FY09-10. Specific credits are as follows: County, \$15,341; Napa, \$10,430; American Canyon, \$2,262; St. Helena, \$1,106; Calistoga, \$873; and Yountville, \$670.
- 16) Estimated fund balance equals three months of operating expenses for LAFCO.



**2010-2011 Agency Contributions Calculation**

<b>Step 1 LAFCO Budget</b>		Final	Draft	Difference	Difference			
		<u>FY09-10</u>	<u>FY10-11</u>	<u>Dollar</u>	<u>Percentage</u>			
Total	\$	496,961.00	<b>398,479</b>	\$ (98,481.54)	-19.8%			
<b>Step 2 Annual Allocation</b>								
50% to County	\$	248,480.50	\$ 199,239.73	\$ (49,240.77)	-19.8%			
50% to Cities	\$	248,480.50	\$ 199,239.73	\$ (49,240.77)	-19.8%			
<b>Step 3a Cities' Share Based on Total General Tax Revenues*</b>								
<u>General Tax Revenues</u>		<u>American Canyon</u>	<u>Calistoga</u>	<u>Napa</u>	<u>St. Helena</u>	<u>Yountville</u>	<u>All Cities</u>	
Secured & Unsecured Property Tax		6,265,858.00	953,770.00	13,751,776.00	2,267,306.00	425,896.00	23,664,606.00	
Voter Approved Indebtedness Property Tax		-	-	-	-	-	-	
Other Property Tax		1,203,862.00	375,059.00	5,623,677.00	394,550.00	273,316.00	7,870,464.00	
Sales and Use Taxes		1,230,269.00	556,366.00	9,452,398.00	1,895,072.00	474,868.00	13,608,973.00	
Transportation Tax		-	-	-	-	-	-	
Transient Lodging Tax		230,321.00	2,521,951.00	7,779,417.00	1,492,781.00	3,231,799.00	15,256,269.00	
Franchises		368,922.00	163,947.00	1,376,621.00	152,442.00	68,212.00	2,130,144.00	
Business License Taxes		176,800.00	139,846.00	3,037,618.00	155,162.00	6,320.00	3,515,746.00	
Real Property Transfer Taxes		132,635.00	34,265.00	455,298.00	85,761.00	24,770.00	732,729.00	
Utility Users Tax		-	-	-	-	-	-	
Other Non-Property Taxes		517,555.00	182,231.00	3,490,163.00	593,776.00	94,471.00	4,878,196.00	
Total	\$	10,126,222	\$ 4,927,435	\$ 44,966,968	\$ 7,036,850	\$ 4,599,652	\$ 71,657,127	
Percentage of Total Taxes to all Cities		14.1%	6.9%	62.8%	9.8%	6.4%	100%	
<b>Step 3b Cities' Share Based on Total Population**</b>								
		<u>American Canyon</u>	<u>Calistoga</u>	<u>Napa</u>	<u>St. Helena</u>	<u>Yountville</u>	<u>All Cities</u>	
Population		16,503	5,331	77,831	5,960	3,263	108,888	
Population Percentage		15.16%	4.90%	71.48%	5.47%	3.00%	100%	
<b>Step 4 Cities Allocation Formula</b>								
		<u>American Canyon</u>	<u>Calistoga</u>	<u>Napa</u>	<u>St. Helena</u>	<u>Yountville</u>	<u>All Cities</u>	
Cities' Share Based on Total General Taxes		14.1%	6.9%	62.8%	9.8%	6.4%	100%	
Portion of LAFCO Budget		11,262.22	5,480.21	50,011.53	7,826.27	5,115.66	<b>40%</b>	
Cities' Share Based on Total Population		15.16%	4.90%	71.48%	5.47%	3.00%	100%	
Portion of LAFCO Budget		18,117.99	5,852.69	85,447.58	6,543.25	3,582.32	<b>60%</b>	
Total Agency Allocation	\$	29,380.21	\$ 11,332.91	\$ 135,459.11	\$ 14,369.52	\$ 8,697.98	\$ 199,239.73	
Allocation Share		14.7462%	5.6881%	67.9880%	7.2122%	4.3656%	100%	
<b>Step 5 FY10-11 Invoices</b>								
		<u>County</u>	<u>American Canyon</u>	<u>Calistoga</u>	<u>Napa</u>	<u>St. Helena</u>	<u>Yountville</u>	<u>All Agencies</u>
FY10-11 Agency Share	\$	199,239.73	\$ 29,380.21	\$ 11,332.91	\$ 135,459.11	\$ 14,369.52	\$ 8,697.98	\$ 398,479.46
Less Agency Credits***	\$	15,341.07	\$ 2,262.22	\$ 872.61	\$ 10,430.09	\$ 1,106.42	\$ 669.73	\$ 30,682.13
Net Invoice	\$	<b>183,898.66</b>	\$ <b>27,117.99</b>	\$ <b>10,460.30</b>	\$ <b>125,029.03</b>	\$ <b>13,263.09</b>	\$ <b>8,028.25</b>	\$ <b>367,797.33</b>
<i>Difference From FY09-10:</i>	\$	29,932.96	\$ 5,107.45	\$ 1,717.57	\$ 19,600.28	\$ 2,127.74	\$ 1,379.92	\$ 59,865.94
		19%	23%	20%	19%	19%	21%	19%



**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 5, 2010**  
**Agenda Item No. 7c (Public Hearing)**

March 29, 2010

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Reappointment of Brian J. Kelly as Public Member**

The city and county members will consider reappointing Brian J. Kelly to a new four-year term as public member beginning May 3, 2010.

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The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 states the composition of Local Agency Formation Commissions (LAFCOs) shall include one member representing the general public, referred to as the “public member.” The legislation also states LAFCOs may designate one alternate public member. The regular and alternate public members are appointed to separate four-year terms and cannot be officers or employees with a local governmental agency. Additionally, in order to be appointed, the regular and alternate public members must receive at least one affirmative vote from a county and city member.

**A. Background**

LAFCO of Napa County’s (“Commission”) policy regarding the appointment of the regular and alternate public members was adopted in October 2001 and most recently amended in April 2008. The policy directs the Executive Officer to notify the Commission no less than 120 days prior to an impending vacancy and whether the incumbent is eligible to seek reappointment. Upon notification, the Commission must direct the Executive Officer to (a) recruit candidates and schedule a hearing to make an appointment or (b) schedule a hearing to expedite the reappointment of the incumbent if they are eligible and have served no more than all or a portion of one term.

**B. Discussion**

At the December 7, 2009 meeting, staff provided notice that Commissioner Brian J. Kelly’s term as regular public member expires on Monday, May 3, 2010. Commissioner Kelly has served less than one full term as the regular public member after having been appointed to the position on December 4, 2006 to fill the vacancy created with the resignation of Guy Kay. As allowed under policy, the Commission’s voting county and city members (Dodd, Luce, Chilton, and Inman) unanimously elected to forgo an open recruitment and directed staff to schedule a future hearing to formally reappoint Commissioner Kelly to a new four-year term.

---

Juliana Inman, Chair  
Councilmember, City of Napa

Lewis Chilton, Commissioner  
Councilmember, Town of Yountville

Joan Bennett, Alternate Commissioner  
Councilmember, City of American Canyon

Bill Dodd, Vice Chair  
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, Commissioner  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

### **C. Analysis**

If approved, the reappointment of Commissioner Kelly will be the second use by the Commission of its policy option to expedite the reappointments of incumbent regular and alternate public members since adopting the underlying provision. Commissioner Rodeno was similarly reappointed as alternate public member in 2008. Open recruitments to appoint full-term regular and alternate public members positions will be required in May 2014 and May 2012, respectively.

### **D. Alternatives for Commission Action**

Staff has identified the following alternative actions available for consideration by the city and county members on the Commission.

**Option A:** Reappoint Brian J. Kelly as regular public member to a new four-year term commencing on May 3, 2010. This option requires an affirmative vote from at least one city and one county member.

**Option B:** Continue the public hearing to a future date and provide direction to staff for more information as needed.

### **E. Recommendation**

Staff recommends the city and county members approve one of the two alternative actions identified in the preceding section.

Respectfully submitted,

---

Keene Simonds  
Executive Officer

Attachment:

1. ~~*Policy on the Appointment of the Public Member and Alternate Public Member*~~



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

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**April 5, 2010**  
**Agenda Item No. 8a (Action)**

March 29, 2010

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Establishment of an Ad Hoc Committee on Policies and Procedures**

The Commission will consider establishing an ad hoc committee to review and update the agency's policies and procedures. Additional actions to be considered include appointments and defining a scope of work.

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Local Agency Formation Commissions (LAFCOs) are responsible for regulating the formation and development of local governmental agencies and their municipal services under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH"). LAFCOs commonly exercise their regulatory actions by processing applicant proposals, which most frequently include annexation and detachment requests. LAFCOs are required to inform their regulatory actions through various planning activities, namely preparing municipal service reviews and sphere of influence updates. All regulatory actions undertaken by LAFCOs must be consistent with their written policies and procedures. LAFCOs may also condition approval as long as they do not directly regulate land use.

**A. Discussion**

At its February 1, 2010 meeting, LAFCO of Napa County ("Commission") received a presentation from staff regarding the different factors required for review in processing applicant proposals. The presentation was provided for informational purposes as part of the Commission's biannual workshop and noted the list of factors have more than doubled since 2000. Staff noted a key challenge in assessing these factors in the review of applicant proposals is drawn from the lack of applicable standards and directives in the Commission's adopted policies and procedures, the majority of which were established prior to CHK.

In discussing the presentation materials, the Commission expressed interest in forming an ad hoc committee to comprehensively review and update the agency's policies and procedures. Commissioners commented the underlying goal of the review and update should be to provide clear direction in guiding the agency in fulfilling its evolving legislative directives in a manner responsive to local conditions. The Commission accordingly asked staff to return with an outline of specific tasks for the ad hoc committee to perform in anticipation of making possible appointments.

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Juliana Inman, Chair  
Councilmember, City of Napa

Lewis Chilton, Commissioner  
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Joan Bennett, Alternate Commissioner  
Councilmember, City of American Canyon

Bill Dodd, Vice Chair  
County of Napa Supervisor, 4th District

Brad Wagenknecht, Commissioner  
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Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
*Executive Officer*

## **B. Analysis**

Establishing an ad hoc committee to review and update the Commission's policies and procedures should focus on accomplishing four distinct tasks. The first task would involve reviewing and updating the Commission's basic objectives and priorities under CKH by amending its Policy Determinations as needed. The second task would involve developing a baseline in reviewing proposals with respect to determining the type of information needed from applicants and level of analysis required by staff. This task would include identifying standards for individual proposal factors. The third task would involve examining and amending all other Commission policies and procedures to ensure, among other issues, internal consistency. The final phase would involve creating a single document containing all Commission policies and procedures with appropriate narratives. The document would serve the Commission similarly to a general plan in terms of directing the agency in exercising its regulatory and planning responsibilities in a fair and consistent manner.

The completion of each task will inform the next and therefore should be accomplished in phases. Pertinent policy issues to be addressed in the review and update include:

- Defining key terms
- Prescribing appropriate timing for certain proposals
- Establishing quantifiable measurements in evaluating proposal factors
- Imposing standard approval conditions
- Requiring automatic proposal modifications
- Organizational structure and management

## **C. Recommendation**

It is recommended the Commission take the following actions:

- 1) Establish an Ad Hoc Committee on Policies and Procedures consisting of two appointed Commissioners and the Executive Officer;
- 2) Appoint two Commissioners to the Ad Hoc Committee;
- 3) Direct the Ad Hoc Committee to accomplish the tasks listed below; and
  - a) Review and update the Commission's objectives and priorities
  - b) Develop baseline standards with respect to proposal review
  - c) Examine and amend Commission policies and procedures for consistency
  - d) Create a codified policies and procedures document
- 4) Direct the Ad Hoc Committee to report back to the Commission for approval either at the conclusion of (a) each assigned task or (b) all assigned tasks.

Respectfully submitted,

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Keene Simonds  
Executive Officer

Attachment:  
1) Presentation Materials from February 1, 2010 meeting



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

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**April 5, 2010**  
**Agenda Item No. 8b (Action)**

March 29, 2010

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Legislative Report**

The Commission will receive a report on the second year of the 2009-2010 session of the California Legislature as it relates to bills directly or indirectly effecting Local Agency Formation Commissions. The Commission will also consider authorizing the Chair to sign a letter in support of Senate Bill 1023, which is authored by local representative Patricia Wiggins.

The Executive Officer is a member of the California Association of Local Agency Formation Commissions' (CALAFCO) Legislative Committee. The Legislative Committee meets on a regular basis to review, discuss, and offer recommendations to the CALAFCO Board of Directors as it relates to new legislation that have either a direct impact on LAFCO law or the laws LAFCO helps to administer.

**A. Discussion and Analysis**

The Legislative Committee is currently tracking \*\* bills with direct or indirect impacts on LAFCOs as part of the second year of the 2009-2010 session. Several of the bills introduced are placeholders and will be amended over the next several months to clarify their specific purpose. A complete list of the bills under review by CALAFCO is attached. Two bills of specific interest to the Commission are discussed and analyzed below.

**Assembly Bill 853 (Juan Arambula)**

This legislation would establish new procedures for county boards of supervisors to initiate proposals seeking LAFCO approval to annex unincorporated islands or "fringe communities" that lack adequate public infrastructure. The legislation defines a fringe community as any inhabited (12 or more registered voters) land within a city's sphere of influence. The legislation would require LAFCOs to approve an annexation unless it finds the proposal will not result in a net benefit to the community's public health; financial considerations are not to be factor in justifying disapproval. The legislation would waive protest proceedings and the traditional requirement that land be rezoned by cities as a precondition to annexation. The legislation would also establish a process for LAFCO to determine a property tax agreement. The bill passed through the Assembly in May 2009 and has been referred to the Senate Committee on Local Government. CALAFCO has adopted an oppose-unless-amended position on the bill.

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Keene Simonds  
Executive Officer

**Senate Bill 1023 (Patricia Wiggins)**

This legislation would establish an expedited process for LAFCOs to initiate and approve the reorganization of resort improvement districts (RIDs) and municipal improvement districts (MIDs) into community service districts (CSDs) with the same powers, duties, and boundaries. The legislation includes exempting protest proceedings unless written opposition is filed by the affected agency. The bill is the byproduct of several months of discussion between the Senate Committee on Local Government and CALAFCO regarding a mutual interest in eliminating RIDs and MIDs given their archaic and discontinued principal acts. The Commission previously discussed the merits of the legislative concept and authorized the Chair to sign a letter of support to the Senate Committee on Local Government in April 2009.

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The Commission previously provided a letter of support for the concept

## **A. Discussion and Analysis**

The first year of the 2009-2010 session of the California Legislature has generated over 2,600 bills. The Legislative Committee has identified 31 bills with direct or indirect impacts on LAFCOs. Many of the bills introduced are placeholders and will be amended over the next several months to clarify their specific purpose. A complete list of the bills that have been introduced this session and under review by CALAFCO is attached. Specific bills of interest to the Commission are discussed and analyzed below.

### **Assembly Bill 528 (Jim Silva)**

This legislation is sponsored by CALAFCO and would conform the reporting and disclosure requirements of LAFCO law to make it consistent with the provisions of the Political Reform Act of 1974. The intent of the legislation is to eliminate potential confusion for affected parties by affirming the Political Reform Act governs financial disclosure requirements for LAFCO unless an individual LAFCO requires by policy additional information. The Fair Political Practices Commission participated in drafting the proposed language.

### **Assembly Bill 1109 (Sam Blakeslee)**

The legislation as proposed is a placeholder. CALAFCO is currently working with Assemblyman Blakeslee to redraft the legislation to authorize LAFCOs to appoint administrators to assume control of non-performing special districts. The need for the potential legislation is drawn from the recent actions of a large special district in San Luis Obispo County in which ineffective decision-making by the board directly led to the agency becoming inoperable and insolvent. CALAFCO anticipates this potential legislation will become a two-year bill and will be vetted with key stakeholders.

### **Assembly Bill 1232 (Jared Huffman)**

The legislation as proposed is a placeholder. CALAFCO is currently working with Assemblyman Huffman to redraft the legislation to expand LAFCO's existing authority to consolidate two or more special districts *while* waiving protest proceedings. The identified need for the potential legislation is drawn from repeated accidental discharges of untreated wastewater into the San Francisco Bay by multiple special districts in Marin County. CALAFCO anticipates this potential legislation will become a two-year bill and may initially be limited to Marin County as a pilot program.

### **Senate Bill 215 (Senate Committee on Local Government)**

This legislation is sponsored by CALAFCO and would add to the factors LAFCOs must consider in reviewing proposals to include consistency of the proposed action with regional transportation plans and their sustainable

communities strategy (SCS). This legislation responds to Senate Bill 375 which was enacted on January 1, 2009 and directs municipal planning organizations, such as the Metropolitan Transportation Commission, to establish SCS' as part of their regional transportation plans to promote smart-growth land uses. In response to a request by Committee Chair Senator Patricia Wiggins, staff has prepared the attached letter of support for consideration by the Commission.

Additionally, as discussed at the February meeting, Senate Committee on Local Government ("Committee") staff have expressed interest in pursuing special legislation in 2010 to streamline the reorganization of municipal improvement districts (MIDs) and resort improvement districts (RIDs) into community service districts (CSDs). The intent of the special legislation is to empower and encourage LAFCOs to work with affected special districts to transfer their governing authorities from discontinued principal acts to CSD law. It is currently envisioned the special legislation would allow LAFCOs to authorize the reorganization of RIDs or MIDs into CSDs without changing their services or boundaries while waiving protest proceedings as long as affected districts do not file objections. An initial draft of the legislation prepared by Committee staff is attached.

Committee staff is seeking comments from interested parties on the merits or demerits of the potential special legislation as outlined in the preceding paragraph. Staff believes LAFCOs would benefit from the special legislation by having available a streamlined process to reorganize these types of outdated special districts into CSDs. Notably, at a minimum, the special legislation would facilitate healthy discussions between LAFCOs and the special districts in identifying the government structure option that best meets the present and future needs of their communities. In terms of potential use of the special legislation in Napa County, a few years ago the Commission completed municipal service reviews on Lake Berryessa RID and Napa Berryessa RID which included determinations identifying the need to thoroughly exam restructuring options given the agencies' governance and service challenges. The Commission is scheduled to review restructuring options for these two special districts later this year as part of a new municipal service review. If restructuring the special districts into CSDs is deemed appropriate, the special legislation would establish a new and effective implementation tool allowing the Commission to work with agencies to complete the reorganization proceedings while avoiding the costs and variables associated with protest hearings. With these comments in mind, staff has prepared an attached letter for Commission consideration supporting the Committee's efforts to pursue this special legislation in 2010.

## **B. Recommendation**

It is recommended the Commission take the following actions:

- 1) Authorize the Chair to sign the attached draft letter to Senator Patricia Wiggins supporting Senate Bill 215; and

- 2) Authorize the Chair to sign the attached draft letter to the Senate Committee on Local Government supporting special legislation in 2010 to expedite the process to reorganize Resort Improvement Districts and Municipal Improvement Districts into Community Service Districts.

Respectfully submitted,

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Keene Simonds  
Executive Officer

Attachments:

- ~~1) Letter from Senator Patricia Wiggins Regarding SB 215~~
- ~~2) Draft Letter to Senator Patricia Wiggins Regarding SB 215~~
- ~~3) Letter from Senate Committee on Local Government Regarding Potential Special Legislation~~
- ~~4) Draft Letter to the Senate Committee on Local Government Regarding Potential Special Legislation~~
- ~~5) CALAFCO Status Report on Current Legislation~~



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

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**April 5, 2010**  
**Agenda Item No. 9b (Discussion)**

March 29, 2010

**TO:** Local Agency Formation Commission

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

**SUBJECT: Napa County Mosquito Abatement District: Municipal Service Review and Sphere of Influence Update**

The Commission will receive a report representing its scheduled municipal service review and sphere of influence update for the Napa County Mosquito Abatement District. The report is in draft-form and is being presented to the Commission for discussion.

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The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 directs Local Agency Formation Commissions (LAFCOs) to review and update each local agency's sphere of influence every five years as needed. Spheres of influence are planning tools used by LAFCOs demarking the territory it believes represents the affected agency's appropriate future service area and jurisdictional boundary. As a prerequisite to updating spheres of influence, LAFCOs must prepare municipal service reviews to determine the adequacy and range of governmental services provided within their respective jurisdictions. The intent of the municipal service review is to evaluate the adequacy, efficiency, and effectiveness of services in relationship to local needs and circumstances.

**A. Discussion**

In accordance with LAFCO of Napa County's ("Commission") adopted study schedule, the attached report represents the municipal service review and sphere of influence update for the Napa County Mosquito Abatement District (NCMAD). The report succeeds the last municipal service review and sphere of influence update prepared by the Commission on NCMAD completed in 2005. The report has been prepared in a manner consistent with the Commission's *Policy on Municipal Service Reviews* and is organized into two principal sections. The first section is an executive summary that includes determinations addressing the factors required for both the municipal service review and sphere of influence update mandates. The second section provides a comprehensive review of NCMAD in terms of its formation and development, population and growth, organizational structure, municipal service provision, financial standing, and regional comparisons. Standard service indicators are incorporated into the review when appropriate to help contextualize and evaluate service levels.

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Keene Simonds  
Executive Officer

The report is being presented to the Commission for discussion. Staff will provide a brief presentation highlighting the key service and policy issues discussed in the report. A 30-day notice of review on the report has already been posted and circulated and extends through April 16, 2010. Staff anticipates presenting a final report, with or without revisions, to the Commission for consideration at its next regularly scheduled meeting.

**B. Commission Review**

Staff respectfully requests the Commission review and provide any comments or direction with respect to the report.

~~Attachment: as stated~~