



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

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

August 4, 2014

Agenda Item No. 7c (Action)

July 24, 2014

TO: Local Agency Formation Commission

FROM: Brendon Freeman, Analyst

SUBJECT: Silver Trail No. 9 Annexation to the Napa Sanitation District

The Commission will consider a proposal initiated by landowner petition to annex six unincorporated parcels totaling 3.75 acres to the Napa Sanitation District. The subject parcels are located at 1510, 1511, 1514, 1519, 1522, and 1570 Silver Trail in the Silverado community. The purpose of the proposal is to allow the six existing single-family residences to connect to the District's public sewer infrastructure. The proposal is exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations Section 15319(a).

Local Agency Formation Commissions (LAFCOs) are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") 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, consistent with adopted policies and procedures pursuant to California Government Code (G.C.) Section 56375. LAFCOs are authorized to exercise 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. Recommendation

Staff recommends the Commission adopt the draft resolution included as Attachment One to this report approving the proposal as submitted with standard approval conditions.

B. Background

LAFCO of Napa County ("Commission") has received a petition for a proposal from an interested landowner requesting the annexation of 3.75 acres of unincorporated territory within the City of Napa ("City") to the Napa Sanitation District (NSD). The territory proposed to be annexed represents six entire residential parcels located at 1510, 1511, 1514, 1519, 1522, and 1570 Silver Trail in the Silverado community. The County Assessor identifies the parcels as 060-331-003, 060-332-001, 060-332-002, 060-332-007, 060-341-002, and 060-342-002. The subject parcels are each currently developed with a single-family residence. An aerial map of the territory proposed to be annexed follows.

Joan Bennett, Vice Chair
Councilmember, City of American Canyon

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

Brian J. Kelly, Chair
Representative of the General Public

Greg Pitts, Commissioner
Councilmember, City of St. Helena

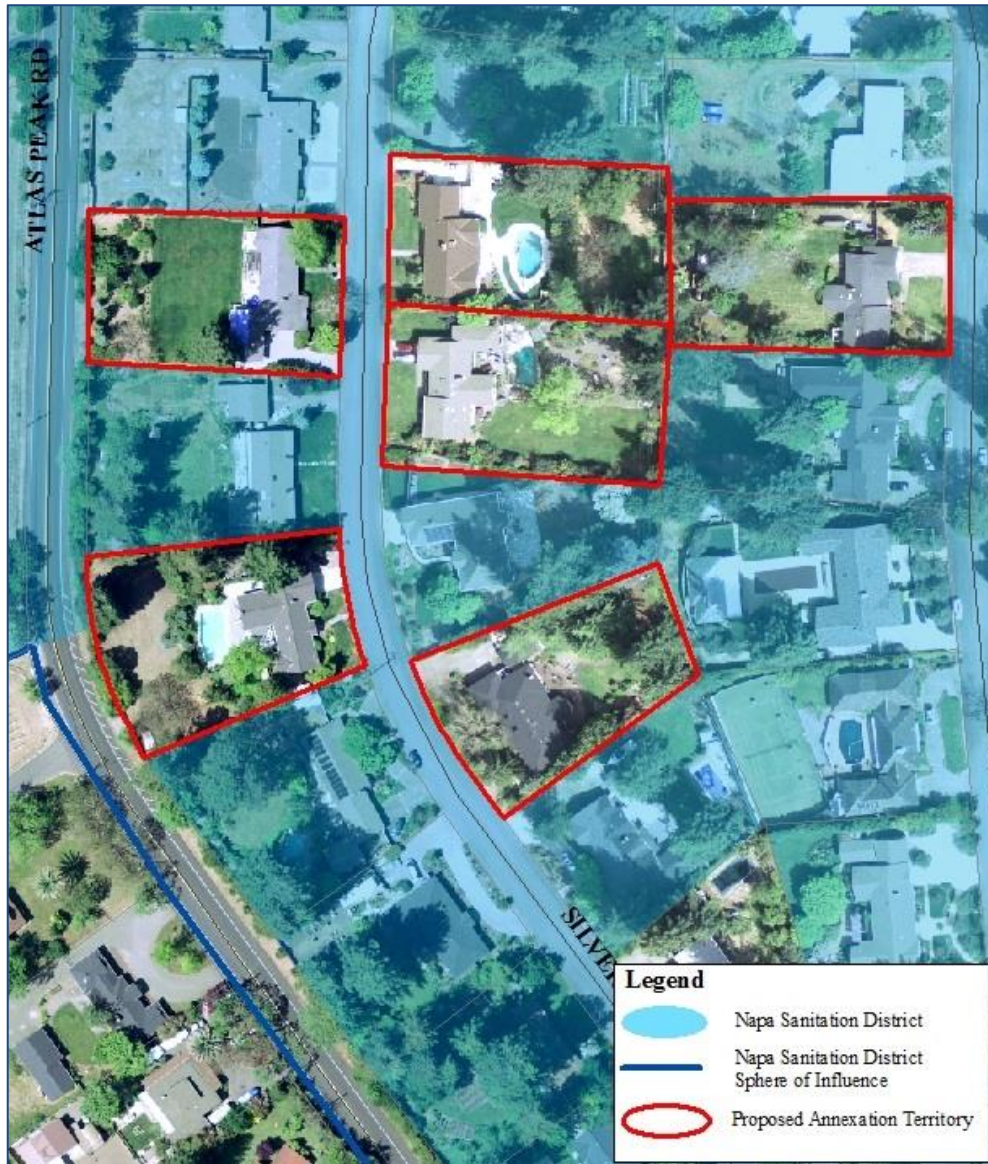
Bill Dodd, Commissioner
County of Napa Supervisor, 4th District

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

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

Laura Snideman
Executive Officer



C. Discussion

Agency Profile

NSD was formed in 1945 as a dependent enterprise district to provide public sewer service for the City and the surrounding unincorporated area. NSD provides sewer service to most of Napa along with several surrounding unincorporated areas, including Silverado, Napa State Hospital, and the Napa County Airport. NSD currently serves 31,865 residential customers with an estimated resident service population of 86,991.¹

¹ The resident service projection based on the 2014 California Department of Finance population per household estimate (2.73) assigned to Napa County and multiplied by the number of residential sewer connections within NSD (31,865). NSD also serves 4,409 non-residential customers, including industrial and commercial users.

Proposal Purpose

The underlying purpose of the proposal is to extend permanent public sewer service to the six existing single-family residences within the territory proposed to be annexed. The residences currently receive sewer service through private onsite septic systems. Consideration of the service needs and related impacts associated with the future development of the subject lots are incorporated into the following analysis section.

D. Analysis

Local Policies / Discretionary Amendments

A review of the submitted application materials relative to the Commission's adopted policies indicates that the Commission should consider one discretionary amendment that would expand the boundary of the proposed annexation. The proposed annexation involves several "special district pockets" comprising parcels that are completely surrounded by NSD's boundary.² If the annexation is approved as proposed, there would remain one 0.5 acre parcel within close proximity representing a special district pocket. This remaining parcel is located at 1530 Silver Trail and is identified by the County Assessor as 060-342-004. The potential amendment to expand the proposed annexation boundary to also include 1530 Silver Trail is not recommended due to the lack of landowner responsiveness and therefore lack consent. If the annexation is approved with this amendment, the Commission's action would be subject to protest proceedings absent the receipt of written consent from the landowner of 1530 Silver Trail. Therefore, it is recommended that the Commission consider the proposed annexation without any amendments.

Legislative Policies / Mandated Factors for Consideration

G.C. Sections 56668 and 56668.3 require the Commission to consider 16 specific factors anytime it reviews proposals for change of organization or reorganization involving special districts. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs in considering boundary changes in context to locally adopted policies and practices.

(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 affected territory lies within a residential area consisting of low to moderate density housing and assigned an *Urban Residential* designation under the County General Plan. The affected territory is developed with six single-family residences. The current assessment value of the affected territory totals \$2,655,051.³

² "Special district pocket" is not defined under CKH.

³ Individual property assessed values within the affected territory are as follows: 1510 Silver Trail at \$145,247; 1511 Silver Trail at \$143,510; 1514 Silver Trail at \$151,116; 1519 Silver Trail at \$750,000; 1522 Silver Trail at \$815,274; and 1570 Silver Trail at \$649,904.

The affected territory is legally uninhabited given there are under 12 registered voters based on the most recent list provided by County Elections. Topography within the affected territory is flat with a peak elevation of five feet above sea-level. Milliken Creek is located approximately 350 feet away from the easternmost portion of the affected territory. Proposal approval is not expected to induce any new development within the foreseeable future given that each parcel within the affected territory is already built out to its maximum potential as allowed under the County General Plan.

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

The need for municipal services within the affected territory is limited to public sewer for the six existing residences. Core municipal services already provided to the affected territory by the County include fire, emergency medical, police, roads, and garbage collection; all at levels deemed adequate given current and planned uses as contemplated in the County’s General Plan and Zoning Ordinance. An analysis of the availability and adequacy of sewer services needed to accommodate and support current and probable future needs within the affected territory follows.

- *Sewer Service*

The affected territory currently receives sewer service through onsite septic systems. It is estimated the current daily sewer flow generated from the six residences within the affected territory is 1,260 gallons on average and increases by two and one-half to 3,150 gallons during peak periods. These current flow estimates represent less than one one-hundredth of a percent of NSD’s current system demand. These estimates would have negligible impacts on NSD’s sewer system as depicted in the following table.

NSD Baseline Without Annexation of the Affected Territory (Amounts in Gallons)			
System Avg. Day Capacity	Average Day Demand	Peak Day Demand	System Peak Day Capacity
15,400,000	6,709,120	33,722,800	126,200,000

NSD Adjusted With Annexation of the Affected Territory (Amounts in Gallons)			
System Avg. Day Capacity	Average Day Demand	Peak Day Demand	System Peak Day Capacity
15,400,000	6,710,380	33,725,950	126,200,000

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

The proposal would recognize and strengthen existing social and economic ties between NSD and the affected territory. These ties were initially established in 1975 when the Commission included the affected territory in NSD's sphere of influence, marking an expectation the site would eventually develop for urban type uses and require public sewer service from the region's sole provider, the District.

(4) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in G.C. Section 56377.

The proposal is consistent with the Commission's policies as codified under its General Policy Determinations. This includes consistency with the County General Plan designation of *Urban Residential* for the affected territory, avoidance of premature conversion of agricultural uses, and consistency with NSD's adopted sphere of influence. The affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377. Specifically, the affected territory is not substantially unimproved and devoted to an open-space use under the County General Plan.

(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" under LAFCO law. Specifically, the affected territory is not used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program.

(6) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

The proposal is parcel-specific and includes all of the property identified by the County of Napa Assessor's Office as 060-331-003, 060-332-001, 060-332-002, 060-332-007, 060-341-002, and 060-342-002. Commission approval would include a condition requiring the applicant to submit a map and geographic description of the approved action in conformance with the requirements of the State Board of Equalization. The submitted map and geographic description would be subject to review and possible edits by the Executive Officer before filing.

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

The proposal would provide permanent public sewer service to the affected territory. The availability of this municipal service is consistent with the County's General Plan, which designates the affected territory for single-family residential uses (*Urban Residential*), as well as the County's Zoning Ordinance, which assigns a zoning standard of *Residential Single*. The Metropolitan Transportation Commission's regional transportation plan (RTP) was updated in 2009 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2035. No projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

(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.

Staff provided notice of the proposal to all subject agencies and interested parties as required under LAFCO law on June 10, 2014. 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 municipal service review on NSD concluded the District has established adequate administrative controls and capacities in maintaining appropriate service levels. This includes regularly reviewing and amending – as needed – NSD's two principal user fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) connection fees and (b) user fees. The connection fee is currently \$8,723 and serves as NSD's buy-in charge for new customers to contribute their fair share for existing and future facilities necessary to receive sewer service. The annual user fee for a single-family unit is currently \$470 and is intended to proportionally recover NSD's ongoing maintenance and operation expenses.

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

Proposal approval would not generate new water demand given that the six existing single-family residences within the affected territory are currently served by private onsite wells and no further development is allowed based on existing uses coupled with the County's General Plan and Zoning Ordinance.

(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.

The proposal would not impact any local agencies in accommodating their regional housing needs. The affected territory is already built out and no additional housing units are permitted.

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

The landowner of 1519 Silver Trail is the petitioner seeking the annexation. All other landowners within the affected territory have consented to the proposed annexation.

(14) Any information relating to existing land use designations.

See analysis on pages five and six of this report.

(15) The extent to which the proposal will promote environmental justice.

There is no documentation or evidence suggesting the proposed annexation will have any implication for environmental justice in Napa County.

(16) For annexations involving special districts, whether the proposed action will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.

Proposal approval would benefit current and future landowners as well as residents by providing permanent access to public sewer service. Public sewer service eliminates the need for septic systems in an urban area in which any failings would create a public health and safety threat for immediate and adjacent residents. Finally, establishing permanent public sewer service eliminates set-aside land requirements previously dedicated to the septic systems.

Other Considerations

- ***Property Tax Agreement***

Revenue and Taxation Code Section 99(b)(6) requires adoption of a property tax exchange agreement by affected local agencies before the Commission can consider a proposed boundary change.⁴ With this in mind, staff provided notice to NSD and the County of the proposed jurisdictional change affecting both agencies and the need to apply a property tax exchange to the proceedings. Both agencies confirmed a master property tax agreement adopted in 1980 shall apply to the proposal if approved by the Commission. This master property tax agreement specifies no exchange or redistribution of property tax revenues will occur as a result of annexations to NSD.

⁴ Revenue and Taxation Code 99(b)(5) states property tax exchanges for jurisdictional changes affecting the service areas or service responsibilities of districts shall be negotiated by the affected county on behalf of the districts.

- ***Environmental Review***

The Commission serves as lead agency for the annexation as it relates to complying with the provisions of CEQA. Staff has determined the annexation is a “project” subject to CEQA and has reviewed available exemptions for applicability. The annexation is categorically exempt from further environmental review under Title 14, California Code of Regulations Section 15319(a). This code section exempts annexations of areas containing existing structures developed to their maximum allowable density.

- ***Conducting Authority Proceedings***

The affected territory is uninhabited under LAFCO law and all landowners have consented to the proposal. NSD has also consented to the annexation. Conducting authority proceedings, accordingly, may be waived under G.C. Section 56663.

Attachments:

- 1) Draft Resolution Approving the Proposal
- 2) Application Materials

RESOLUTION NO. ____

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

**SILVER TRAIL NO. 9 ANNEXATION TO
THE NAPA SANITATION DISTRICT**

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

WHEREAS, an application by Brandt Mori, principal landowner, proposing the annexation of territory to the Napa Sanitation District has been filed with the Commission’s Executive Officer, hereinafter referred to as “Executive Officer,” in a manner provided by law; and

WHEREAS, the proposal seeks Commission approval to annex approximately 3.75 acres of unincorporated land to the Napa Sanitation District and represents six entire parcels located at 1510, 1511, 1514, 1519, 1522, and 1570 Silver Trail and identified by the County of Napa Assessor’s Office as 060-331-003, 060-332-001, 060-332-002, 060-332-007, 060-341-002, and 060-342-002; and

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on said proposal on August 4, 2014; and

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

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

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

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission considered available exemptions under CEQA, in accordance with Title 14 of the California Code of Regulations (hereinafter “CEQA Guidelines”); and

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

1. The Commission’s determinations on the proposal incorporate the information and analysis provided in the Executive Officer’s written report.
2. The underlying activity, annexation of the affected territory, is exempt from further review pursuant to CEQA Guidelines Section 15319(a), which provides a categorical exemption for annexations of areas containing existing structures developed to their maximum allowable density. The Commission’s findings are based on its independent judgment and analysis. The records upon which these findings are made are located at the Commission office at 1030 Seminary Street, Suite B, Napa, California 94559.
3. The proposal is APPROVED.
4. This proposal is assigned the following distinctive short-term designation:

**SILVER TRAIL NO. 9 ANNEXATION TO
THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the attached map and is more precisely described in the attached Exhibit “A”.
6. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions specified in the attached Exhibit “B.”
10. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56663(c).
11. Recordation is contingent upon receipt by the Executive Officer of the following:
 - (a) A final map and geographic description of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization.

(b) Payment of any and all outstanding fees owed to the Commission and/or other agencies involved in the processing of this proposal.

(c) Written confirmation by Napa Sanitation District that its terms and conditions outlined in Exhibit "B" have been satisfied.

12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on the August 4, 2014, by the following vote:

AYES: Commissioners

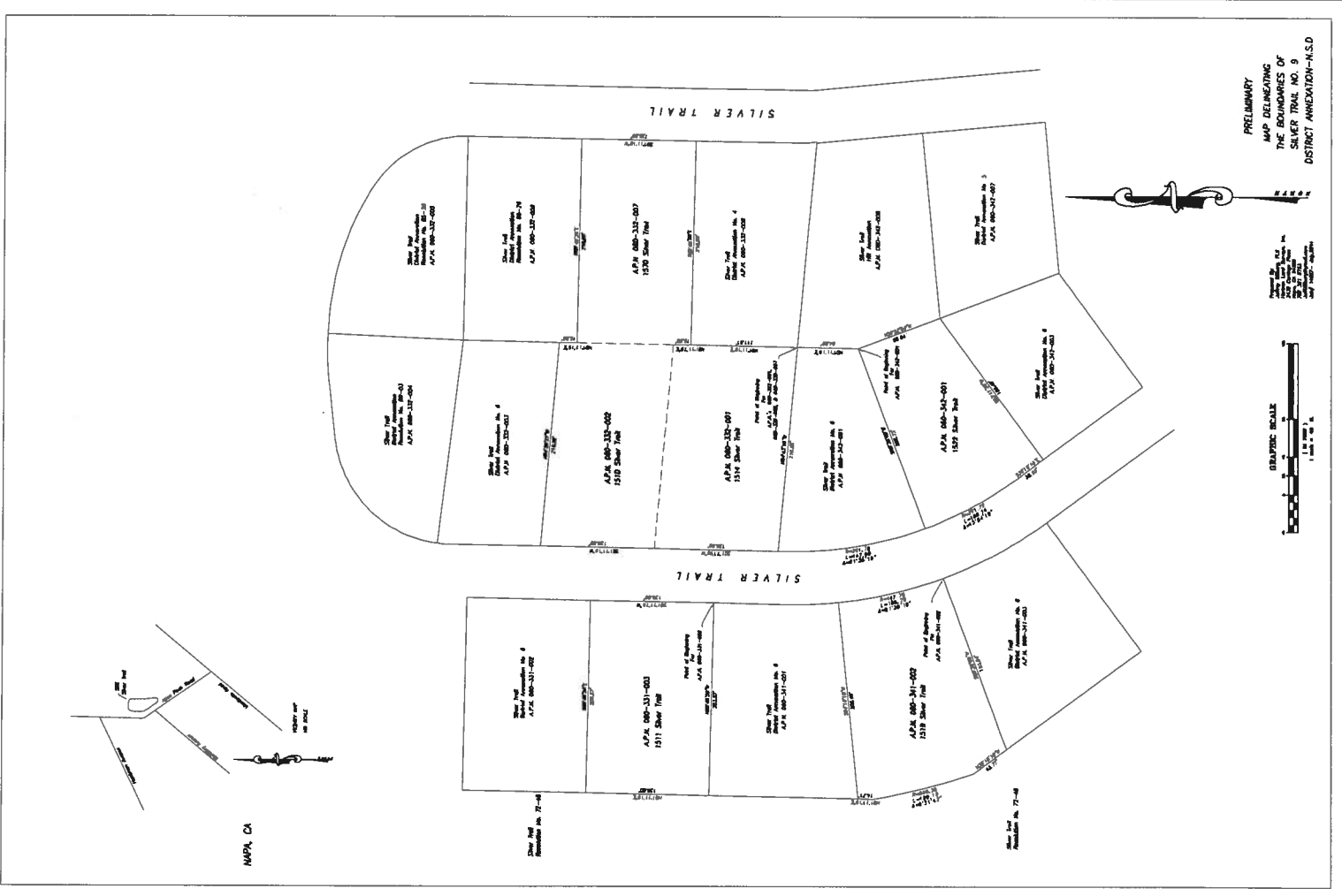
NOES: Commissioners

ABSTAIN: Commissioners

ABSENT: Commissioners

Recorded by: _____
Kathy Mabry
Commission Secretary

EXHIBIT A



 DRAFT

Annexation No. 2014-09
Silver Trail No. 9- Annexation to the Napa Sanitation District

GEOGRAPHIC DESCRIPTION
DRAFT

All that certain real property, situate in portion of the Yajome Rancho, Sections 23 & 26, Township 6 North, Range 4 West, Mount Diablo Base & Meridian, in the County of Napa, State of California, described as follows:

Commencing at the Northeast Corner of the HILT ANNEXATION to the Napa Sanitation District recorded November 10, 1971 in Book 864, Page 53, Official Records of Napa County; thence along said District boundary South 84° 43' 10" East 217.48 feet to the Northwest Corner of said HILT ANNEXATION, said Northwest Corner being the **Point of Beginning**; thence leaving said District boundary;

Thence, (1) North 84° 43' 10" West 216.55 feet;

Thence, (2) North 01° 11' 10" East 250.00 feet;

Thence, (3) South 84° 50' 27" East 216.52 feet;

Thence, (4) South 01° 11' 10" West 18.55 feet;

Thence, (5) South 88° 48' 50" East 216.00 feet;

Thence, (6) South 84° 43' 10" West 120.00 feet;

Thence, (7) North 88° 44' 50" West 216.00 feet;

Thence, (8) South 01° 11' 10" West 111.91 feet; to the **Point of Beginning** and containing 1.84 Acres of land more or less.

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

1510, 1514, & 1570 Silver Trail, Napa, CA 94558 – A.P.N. 's 060-332-002, 060-332-001, & 060-332-007

Annexation No. 2014-09
Silver Trail No. 9- Annexation to the Napa Sanitation District

GEOGRAPHIC DESCRIPTION

All that certain real property, situate in portion of the Yajome Rancho, Sections 23 & 26, Township 6 North, Range 4 West, Mount Diablo Base & Meridian, in the County of Napa, State of California, described as follows:

Commencing at the Northeast Corner of the HILT ANNEXATION to the Napa Sanitation District recorded November 10, 1971 in Book 864, Page 53, Official Records of Napa County; thence along said District boundary South 84° 43' 10" East 217.48 feet to the Northwest Corner of said HILT ANNEXATION, thence leaving said District boundary; thence, North 84° 43' 10" West 216.55 feet; thence North 01° 11' 10" East 66.00 feet; thence North 88° 44' 50" East 56.00 feet; to the **Point of Beginning**

Thence, (1) North 88° 44' 50" East 203.57 feet;

Thence, (2) North 01° 11' 10" East 130.00 feet;

Thence, (3) South 88° 44' 50" West 203.57 feet;

Thence, (4) South 01° 11' 10" West 130.00 feet to the **Point of Beginning** and containing 0.61 Acres of land more or less.

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

1511 Silver Trail, Napa, CA 94558 – A.P.N. 060-331-003

 **DRAFT**

Annexation No. 2014-09
Silver Trail No. 9- Annexation to the Napa Sanitation District

GEOGRAPHIC DESCRIPTION
DRAFT

All that certain real property, situate in portion of the Yajome Rancho, Sections 23 & 26, Township 6 North, Range 4 West, Mount Diablo Base & Meridian, in the County of Napa, State of California, described as follows:

Commencing at the Northeast Corner of the HILT ANNEXATION to the Napa Sanitation District recorded November 10, 1971 in Book 864, Page 53, Official Records of Napa County; thence along said District boundary South 84° 43' 10" East 217.48 feet to the Northwest Corner of said HILT ANNEXATION, thence continuing along said District boundary South 01° 11' 10" feet 64.09 feet ;thence South 20° 52' 50" East 92.04 feet; thence leaving said District boundary South 53° 41' 50" West 185.49 feet; thence North 36° 18' 10" East 36.93 feet; thence along a tangential curve, concave easterly, having a central angle of 15° 54' 10" and a radius 391.78 feet 108.74 feet; thence South 69° 36' 00" East 56.00 feet to the **Point of Beginning**;

Thence, (1) South 69° 36' 00" East 193.04 feet;

Thence, (2) North 36° 18' 10" West 43.77 feet;

Thence, (3) thence along a non-tangential curve, concave easterly, having a radial bearing of North 71° 04' 59" East, a central angle of 09° 31' 42" and a radius of 656.38 feet 109.16 feet;

Thence, (4) North 84° 10' 10" East 208.49 feet;

Thence, (5) thence along a non-tangential curve, concave easterly, having a radial bearing of North 84° 10' 10" East, a central angle of 21° 35' 10" and a radius of 447.78 feet 168.70 feet; to the **Point of Beginning** and containing 0.66 Acres of land more or less.

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

1519 Silver Trail, Napa, CA 94558 – A.P.N. 060-341-002

Annexation No. 2014-09
Silver Trail No. 9- Annexation to the Napa Sanitation District

GEOGRAPHIC DESCRIPTION
DRAFT

All that certain real property, situate in portion of the Yajome Rancho, Sections 23 & 26, Township 6 North, Range 4 West, Mount Diablo Base & Meridian, in the County of Napa, State of California, described as follows:

Commencing at the Northeast Corner of the HILT ANNEXATION to the Napa Sanitation District recorded November 10, 1971 in Book 864, Page 53, Official Records of Napa County; thence along said District boundary South 84° 43' 10" East 217.48 feet to the Northwest Corner of said HILT ANNEXATION, thence continuing along said District boundary South 01° 11' 10" feet 64.09 feet to the **Point of Beginning**;

Thence, (1) South 20° 52' 50" East 92.04 feet;

Thence, (2) South 53° 41' 50" West 185.49 feet;

Thence, (3) North 36° 18' 10" East 36.93 feet;

Thence, (4) thence along a tangential curve, concave easterly, having a central angle of 15° 54' 10" and a radius 391.78 feet 108.74 feet;

Thence, (5) North 69° 36' 00" East 202.73 feet; to the **Point of Beginning** and containing 0.53 Acres of land more or less.

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

1522 Silver Trail, Napa, CA 94558 – A.P.N. 060-342-002

 **DRAFT**

EXHIBIT "B"

TERMS AND CONDITIONS

SILVER TRAIL NO. 9 - DISTRICT ANNEXATION 000014

APN NO'S: 060-332-002, 060-331-003, 060-332-001, 060-341-002, 060-342-002
AND 060-332-007

DESCRIPTION: 1510, 1511, 1514, 1519, 1522, AND 1570 SILVER TRAIL

1. Upon and after the effective date of said annexation, the Territory, all inhabitants within such Territory, and all persons entitled to vote by reason of residing or owning land with the Territory, shall be subject to the jurisdiction of the Napa Sanitation District, hereinafter referred to as "the District"; shall have the same rights and duties as if the Territory had been a part of the District upon its original formation; shall be liable for the payment of principal, interest, and any other amounts which shall become due on account of any outstanding or then authorized by thereafter issued bonds, including revenue bonds, or other contracts or obligations of the District; shall be subject to the levying or fixing and collection of any and all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all of the rates, rules, regulations and codes of the District, as now or hereafter amended.
2. The property owners hereby agree to abide by all codes, rules and regulations of District governing the manner in which sewers shall be used, the manner of connecting thereto, and the plumbing and drainage in connection therewith.
3. In the event that pursuant to rules, regulations or codes of the District, as now or hereafter amended, the District shall require any payment of a fixed or determinable amount of money, either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of the District, such payment will be made to the District in the manner and at the time as provided by the rules, regulations or codes of the District, as now or hereafter amended.
4. The property owners agree that prior to connection to the facilities of the District; property owners shall pay all applicable fees and charges to District associated with connection of the property in accordance with the computation of regular capacity charges and charges in effect at the time paid. The property owners further agree to pay the regular permit and inspection charges in effect at the time paid for the connection to be made to the District's system.
5. The property owners shall deposit with the District an annexation fee of \$550 to reimburse the District engineering, legal, and all other costs incurred by the District in preparing and examining maps and plans, legal descriptions, agreements and other documents associated with processing subject annexation

6. The property owners shall file with LAFCO a check in the amount of \$350 made payable to the State Board of Equalization.
7. The property owners shall pay to the County of Napa Assessor's Office a Mapping Services Fee of \$125.
8. The property owners shall pay to LAFCO of Napa County an amount of \$125 for updating the County's GIS database.
9. The property owners further agree to pay such annual sewer service fees to the District as may be established, from time to time, by the rules and regulations of the District which are of universal application within the District. Property owners hereby authorize the District to collect such charges on the tax roll pursuant to California Health and Safety Code section 5473 and specifically waive any right to challenge the District's ability to do so because the Property is outside of the District Boundaries.
10. No change in the facilities to be connected to the District's system shall be made without first having given written notice to the District that such change is to be made. No additional connections shall be connected to the facilities of the Napa Sanitation District without having first given written notice to the District that such additional facilities are to be connected to the system. Prior to making any such change in facilities or to the addition of any units to the District's system, the property owners shall pay to the District such additional inspection, connection and annual fees which may then be established by the Board of Directors of the District.
11. The property owners shall eliminate any privately owned sewage disposal system(s) located on the subject property to the Napa County Division of Environmental Health requirements.
12. The property owners shall pay to the District the private lateral inspection fee in effect at the time at the time of connection for each dwelling unit located on the property.
13. The property owners shall agree to conditions 1, 2, 3, 4, 9, 10, 11 and 12, and fulfill conditions 5, 6, 7 and 8 prior to the District's issuance of a letter to LAFCO authorizing recordation of subject annexation, and in no case more than 1 year after LAFCO's adoption of a resolution approving subject annexation, unless extended by LAFCO. Any extensions granted shall in total not exceed 1 year.

FORM B

Date Filed:

6/5/14

Received By:

BF

PETITION FOR PROPOSAL

For Filing with the Local Agency Formation Commission of Napa County

A proposal for a change of organization made by a landowner or registered voter shall be initiated by petition. The petition shall state the nature of the proposal and all associated proposed changes of organization. It shall also state the reason for the proposal and enumerate and include supporting information as required under Government Code Section 56700. The petition must be submitted to the Executive Officer for filing within 60 days after the last signature is affixed. Applicants are encouraged to use this form.

Nature of Proposal and All Associated Changes of Organization:

Application for annexation of multiple parcels (see map and next page for included parcels) into Napa Sanitation District

Description of Boundaries of Affected Territory Accompanied by Map:

See attached map and next page for included parcels

Reason for Proposal and Any Proposed Conditions:

Need to get rights to tie into public sewer under Napa Sanitation District.

Type of Petition:

Landowner

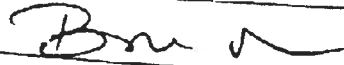
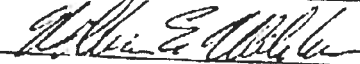
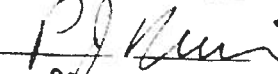
Registered Voter

Sphere of Influence Consistency:

Yes

No

If Landowner Petition, Complete the Following:

- 1) Name: Brandt Mori & Nicole Mori
Mailing Address: 1519 Silver Trail, Napa CA 94558
Assessor Parcel: 060-341-002-000 [.65 acres]
Signature:  Date: 5/31/14
- 2) Name: William E B Sherry Webber
Mailing Address: 1522 Silver Trail, Napa CA 94558
Assessor Parcel: 060-342-002-000 [.58 acres]
Signature:  Date: 6-1-14
- 3) Name: Philip Rusin
~~1510 Silver Trail, Napa, CA 94558~~
Mailing Address: 1510 Silver Trail, Napa CA 94558
Assessor Parcel: 060-332-002-000 [.63 acres]
Signature:  Date: 6-4-14

SEE ATTACHED PAGE FOR ADDITIONAL PARCELS
If Registered Voter Petition, Complete the Following:

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

Use additional sheets as necessary

If Landowner Petition, Complete the Following:

1) Name: RIPPLE FAMILY TRUST
Mailing Address: 1514 Silver Trail, Napa CA 94558
Assessor Parcel: 060-332-001-000 [0.67 Acres]
Signature: [Signature] Date: JUN 2, 2014

~~2) Name: _____
Mailing Address: 1511 Silver Trail, Napa CA 94558
Assessor Parcel: 060-331-003-000
Signature: _____ Date: _____~~

SEE
NEXT
PAGE

3) Name: Tom McMaster
Mailing Address: 1570 Silver Trail, Napa, CA 94558
Assessor Parcel: 060-332-007-000
Signature: [Signature] Date: 6-5-14

If Registered Voter Petition, Complete the Following:

1) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____

2) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____

3) Name: _____
Mailing Address: 1570 Silver Trail, Napa CA 94558
Resident Address: 6
Signature: _____ Date: _____

If Lenderowner Petition, Complete the Following:

1) Name: RICE FAMILY TRUST
Mailing Address: 1511 Silver Trail, Napa, CA 94558
Assessor Parcel: 060-331-003-000 [157-0000]
Signature: [Signature] Date: 6-4-2014

2) Name: Richard B Welch
Mailing Address: 1511 Silver Trail, Napa, CA 94558
Assessor Parcel: 060-331-003-000
Signature: Richard B Welch Date: 6-4-2014

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

If Registered Voter Petition, Complete the Following:

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

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

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

Date Filed: 6/5/14
Received By: BF

JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Brandt Mori N/A
Contact Person Agency/Business (If Applicable)
Address: 1519 Silver Trail Napa 94558
Street Number Street Name City Zip Code
Contact: 310-210-0976 310-526-6527 brandt@brandtmori.com
Phone Number Facsimile Number E-Mail Address

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

II. PROPOSAL DESCRIPTION

A. Affected Agencies: Napa Sanitation District 1515 Soscol Ferry Rd.
Name Address Napa CA 94558
Name Address
Name Address

Use Additional Sheets as Needed

B. Proposal Type (Check as Needed)
 Annexation Detachment City Incorporation District Formation
 City/District Dissolution City/District Merger Service Activation (District Only) Service Divestiture (District Only)

C. Purpose Statement: (Specific)
Need to get rights to connect to
public sewer under Napa Sanitation
District

III. GENERAL INFORMATION

A. Location:

<u>1519 Silver Trail, Napa</u>	<u>060-341-002-000</u>	<u>0.65</u>
Street Address	Assessor Parcel Number	Acres
<u>1522 Silver Trail</u>	<u>060-342-002-000</u>	<u>.58</u>
Street Address	Assessor Parcel Number	Acres
<u>1510 Silver Trail</u>	<u>060-332-002-000</u>	<u>.63</u>
Street Address	Assessor Parcel Number	Acres
<u>1514 Silver Trail</u>	<u>060-332-001-000</u>	<u>.67</u>
Street Address	Assessor Parcel Number	Acres

Total Location Size (Including Right-of-Ways) _____ SEE FOLLOWING PAGE

B. Landowners:

- (1) Assessor Parcel Number : 060-341-002-000 Name: Brandt and Nicole Mori
 Mailing Address: 1519 Silver Trail Napa CA 94558
 Phone Number: 310-210-0976 E-mail: brandt@brandtmorilaw.com
- (2) Assessor Parcel Number : 060-342-002-⁰⁰⁰ Name: Bill & Sherry Webber
 Mailing Address: 1522 Silver Trail, Napa CA 94558
 Phone Number: 707-246-8254 E-mail: wwebber@comcast.com
- (3) Assessor Parcel Number : 060-332-002-⁰⁰⁰ Name: Philip Rusin
 Mailing Address: 1510 Silver Trail Napa CA 94558
 Phone Number: 707-738-3545 E-mail: prusin@gmail.com
- (4) Assessor Parcel Number : 060-332-001-⁰⁰⁰ Name: Ripple Family Trust [Steve Ripple]
 Mailing Address: 1514 Silver Trail, Napa CA 94558
 Phone Number: 602-799-1903 E-mail: sripple@zipchart.com

Use Additional Sheets As Needed

C. Population:

- (1) Total Number of Residents: 14 [includes all 6 properties]
- (2) Total Number of Registered Voters: 6

III. GENERAL INFORMATION

A. Location:

1511 Silver Trail 060-331-063-050 .59
 Street Address Assessor Parcel Number Acres

1570 Silver Trail 060-332-007-000 .63
 Street Address Assessor Parcel Number Acres

Street Address Assessor Parcel Number Acres

Street Address Assessor Parcel Number Acres

Total Location Size (Including Right-of-Ways) 3.75 [total for all 6 properties]

B. Landowners

(1) Assessor Parcel Number: 060-331-003⁰⁰⁰ Name: Richard B. Welch
 Mailing Address: 1511 Silver Trail, Napa CA 94558
 Phone Number: Napa SF 707-226-9626 415-749-1812 E-mail: rbwmd@netwiz.net

(2) Assessor Parcel Number: 060-332-007-⁰⁰⁰ Name: Tom McMaster
 Mailing Address: 1570 Silver Trail, Napa, CA 94558
 Phone Number: 707-258-2271 E-mail: silveradobm@yahoo.com

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

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

Use Additional Sheets As Needed

C. Population:

~~(1) Total Number of Residents _____~~
~~(2) Total Number of Registered Voters _____~~

on previous page

D. Land Use Factors:

(1a) County General Plan Designation:

~~Napa~~ ^{"Cities"} Napa County General Plan -

(1b) County Zoning Standard:

RS: B-2 Urban Residential

(2a) Applicable City General Plan Designation:

N/A Housing Element

(2b) Applicable City Rezoning Standard:

N/A

E. Existing Land Uses:
(Specific)

Residential - Single family Homes

F. Development Plans:

(1a) Territory Subject to a Development Project?

Yes

No

(1b) If Yes, Describe Project:

(1c) If No, When Is Development Anticipated?

Territory already developed

G. Physical Characteristics:

(1) Describe Topography:

Flat, 2-5% slopes

(2) Describe Any Natural Boundaries:

Milliken Creek to East proximity of parcels. None back to Milliken Creek.

(3) Describe Soil Composition and Any Drainage Basins:

Coombs gravelly loam, 2% to 5% slopes

(4) Describe Vegetation:

Mix of natural vegetation (redwoods) and other planted vegetation standard for area.

H. Williamson Act Contracts
(Check One)

Yes

No

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

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

Public sewer from Napa Sanitation District. NOTE: Sewer lines already stubbed to front yards of parcels. Lots were just not previously annexed.

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

Standard/customary residential sewer use for single family homes.

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

~~AT&T~~ Services already extended to Territory and stubbed to parcels.

~~AT&T~~ Parcels previously failed to annex to NSD. Services feasible upon annexation approval

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

~~AT&T~~ See (3). Only infrastructure ^{and payment of} required would be to connect ^{NSD} stub lines from front yards ^{connection fees,} to residences ^{and as desired by} each property owner.

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

~~AT&T~~ See (3). Owners will directly pay for costs to connect stub line's from front yards to residences.

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

(1) **Lead Agency for Proposal:** LAFCO
Name

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

- Environmental Impact Report
- Negative Declaration/Mitigated Negative Declaration
- Categorical/Statutory Exemption: _____
Type
- None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

N/A

Use Additional Sheets As Needed

B. Identify Up to Three Agencies or Persons to Receive Proposal Correspondence:

(Does not include affected landowners or residents)


(1) Recipient Name: ~~BA~~ Brandt Mor.
Mailing Address: 1519 Silver Trail, Napa CA 94558
E-Mail: brandt @ brandtmorilaw.com

(2) Recipient Name: _____
Mailing Address: _____
E-Mail: _____

(3) Recipient Name: _____
Mailing Address: _____
E-Mail: _____

VII. CERTIFICATION

I certify the information contained in this application is correct. I acknowledge and agree the Local Agency Formation Commission of Napa County is relying on the accuracy of the information provided in my representations in order to process this application proposal.

Signature: 

Printed Name: Brandt Mori

Title: ~~6/4/14~~ Landowner

Date: 6/5/14

Standard Indemnification Agreement

Name of Proposal: Silver Trail No. 9 Annexation to NSD

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

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

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

Applicant and/or real party in interest may be required by Napa LAFCO to execute an additional indemnity agreement as a condition of approval for this application. Such an agreement in no way limits the effect of obligations provided under this legal indemnity.

City/District Representative

Brandt Mori
Principal Landowner Signature

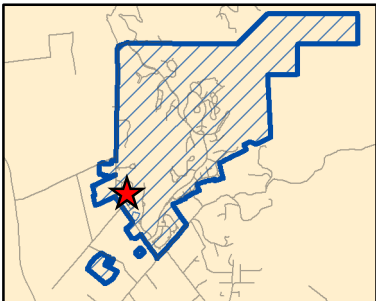
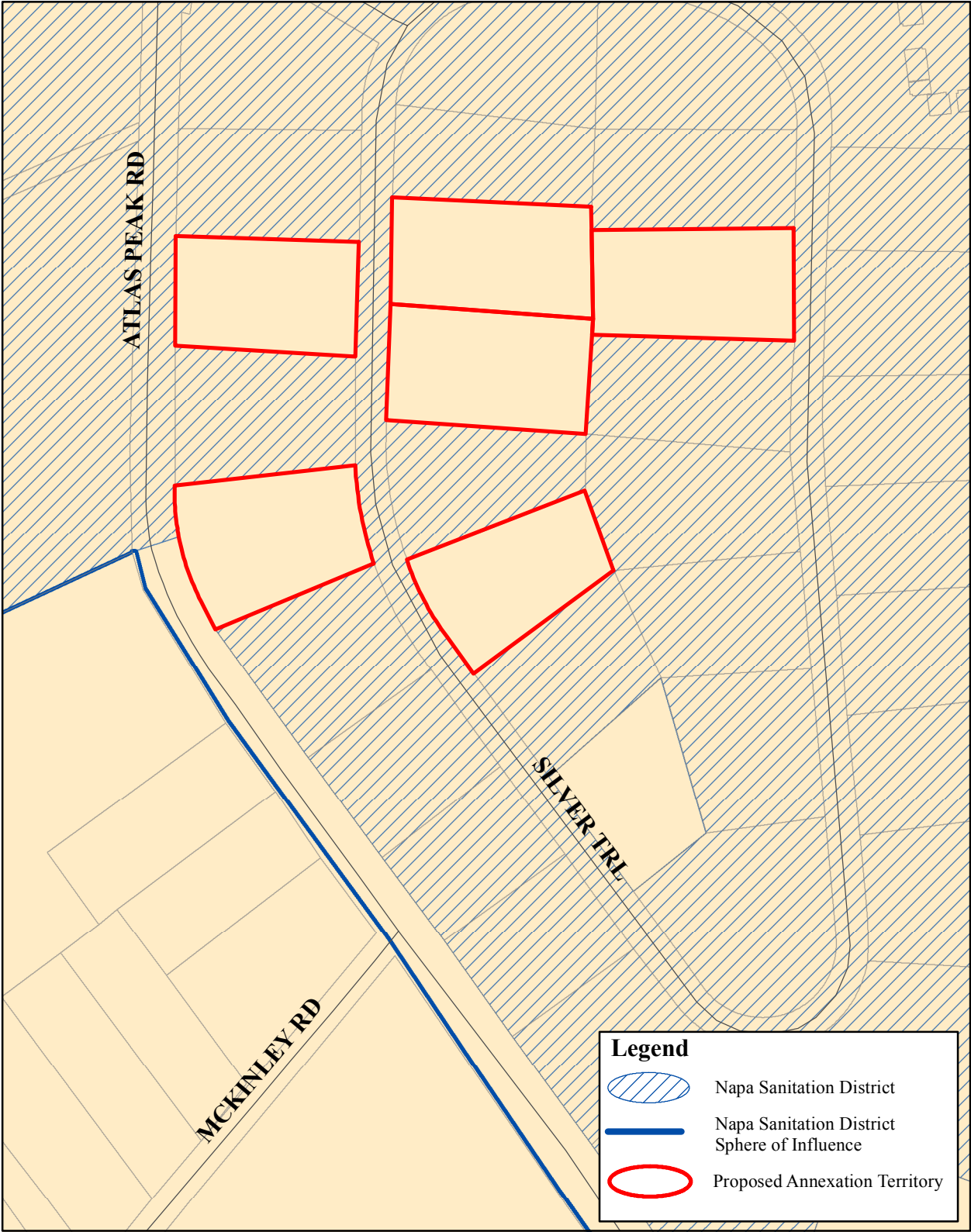
Print Name

Brandt Mori
Print Name

Date

6/5/14
Date

Silver Trail No. 9 Annexation to Napa Sanitation District



Not to Scale
 June 9, 2014
 Prepared by BF




LAFCO of Napa County
 1030 Seminary Street, Suite B
 Napa, California 94559
 (707) 259-8645
<http://www.napa.lafco.ca.gov>