



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

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

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

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**August 4, 2014**

**Agenda Item No. 7b (Action)**

July 24, 2014

**TO:** Local Agency Formation Commission

**FROM:** Brendon Freeman, Analyst

**SUBJECT: Garfield Lane No. 3 Annexation to the Napa Sanitation District**

The Commission will consider a proposal initiated by landowner petition to annex a 1.42 acre incorporated parcel to the Napa Sanitation District. The subject parcel is located at 47 Garfield Lane in the City of Napa. The purpose of the proposal is to facilitate the subdivision of the subject parcel as contemplated in the applicant's tentatively approved development project. The proposal is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations Section 15332.

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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.

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Joan Bennett, Vice Chair  
Councilmember, City of American Canyon

Greg Pitts, Commissioner  
Councilmember, City of St. Helena

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

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

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

Brian J. Kelly, Chair  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Laura Snideman  
Executive Officer

## **B. Background**

LAFCO of Napa County (“Commission”) has received a petition for a proposal from a representative of a landowner requesting the annexation of 1.42 acres of incorporated territory to the Napa Sanitation District (NSD). The territory proposed to be annexed comprises one entire residential parcel located at 47 Garfield Lane within the City of Napa (“City”) and is identified by the County Assessor’s Office as 038-250-003. The subject parcel is currently developed with an unoccupied five-bedroom, 2,845 square foot residence built in 1951. An aerial map of the territory proposed to be annexed follows.



## **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 the City along with several surrounding 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.<sup>1</sup>

### ***Proposal Purpose***

The underlying purpose of the proposal before the Commission is to facilitate the subdivision of 47 Garfield Lane to include eight single-family residential lots as contemplated under the City Zoning Ordinance and the applicant's tentatively approved development project. The new lots would be accessed from a new street off Garfield Lane. Existing NSD sewer infrastructure is located in close proximity to the parcel. Consideration of the service needs and related impacts associated with the future development of the subject parcel are incorporated into the following analysis.

## **D. Analysis**

### ***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 baseline for LAFCOs in considering boundary changes in context to locally adopted policies and practices. 47 Garfield Lane will hereinafter be referred to as "the affected territory."

*(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.*

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The affected territory lies within a residential area consisting of low to moderate density housing and part of the "Vintage" neighborhood designation under the City General Plan. The affected territory is currently developed with one single-family residence and 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 relatively flat with a peak elevation of five feet above sea-level. Salvador Creek runs approximately 150 feet to the southwest of the affected territory. The current assessment value of the affected territory totals \$749,088.

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<sup>1</sup> 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 approval is expected to facilitate the future development of the affected territory to include eight residential lots and produce an estimated buildout population of 21 based on the applicant’s tentatively approved development project.<sup>2</sup> All adjacent properties are already within NSD’s boundary and developed to their maximum potential as contemplated in the City Zoning Ordinance.

*(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.*

There is no present need for municipal services within the affected territory. Annexation to NSD would provide permanent public sewer service going forward. Core municipal services already provided or available to the affected territory directly or indirectly by the City include water, fire, emergency medical, police, roads, and garbage collection; all at levels deemed adequate given current and planned uses.

There is expected to be additional demand for municipal services in the future as a result of the buildout of the affected territory to include eight residential lots as contemplated in the applicant’s tentatively approved development project. Most notably, and in addition to sewer, this includes elevated water, fire protection/emergency medical, and law enforcement. An analysis of the availability and adequacy of these core municipal services needed to accommodate and support current and probable future needs within the affected territory follows.

- *Sewer Service*

If developed as contemplated in the applicant’s tentatively approved development project to include eight total residential lots, the estimated daily sewer flows would total 1,680 gallons on average and 4,200 gallons during peak periods. These buildout estimates would have negligible impacts on NSD’s sewer system as depicted in the following table.

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

<b>NSD Adjusted With Annexation/Buildout of the Affected Territory</b> (Amounts in Gallons)			
<b>System Avg. Day Capacity</b>	<b>Average Day Demand</b>	<b>Peak Day Demand</b>	<b>System Peak Day Capacity</b>
15,400,000	6,710,800	33,727,000	126,200,000

<sup>2</sup> The estimated buildout population for the affected territory assumes a per unit factor of 2.72 based on calculations performed by the California Department of Finance specific to the City.

- **Water Service**

The affected territory is eligible to receive water service from the City. If developed as contemplated in the applicant’s tentatively approved development project to include eight total residential lots, the projected daily water demand for the affected territory would total 2,000 gallons.<sup>3</sup> These buildout estimates would have negligible impacts to Napa’s existing water system infrastructure as measured by supply, storage, and treatment capacities as discussed in the following subsections.

**Water Supply and Demand**

Napa’s water supplies are derived from three distinct sources: Lake Hennessey, Milliken Reservoir, and the State Water Project. These three sources collectively provide Napa with 31,340 acre-feet of raw water for treatment during normal year conditions based on historical patterns. These historical patterns also indicate Napa’s annual water supply decreases during multiple and single dry year conditions to 19,896 and 13,533 acre-feet, respectively. Conversely, Napa’s most recently recorded annual water demand totals 13,883 acre-feet; an amount representing an average daily use of 38 acre-feet. These current demands result in an available supply surplus during normal and multiple dry year conditions. Further, the existing shortfall projected during single dry years is relatively minimal and would be likely offset by voluntary and mandatory water conservation measures that could be adopted by the City Council consistent with their Urban Water Management Plan (UWMP).

Baseline Conditions <u>Without</u> Annexation of the Affected Territory (Amounts in Acre-Feet)			
Category	Normal	Multiple Dry Year	Single Dry Year
Annual Supply	31,340	19,896	13,533
Annual Demand	13,883	13,883	13,883
Difference	17,457	6,013	(350)

Adjusted Conditions <u>With</u> Annexation/Buildout of the Affected Territory (Amounts in Acre-Feet)			
Category	Normal	Single Dry Year	Multiple Dry Year
Annual Supply	31,340	19,896	13,533
Annual Demand	13,885	13,885	13,885
Difference	17,455	6,011	(352)

<sup>3</sup> This projected daily water demand would be the equivalent of 2.2 acre-feet per year.

**Water Treatment and Storage**

Napa operates treatment facilities for each of its three water sources. These three facilities provide a combined daily treatment capacity of 135 acre-feet.<sup>4</sup> This combined treatment amount is more than three times greater than the current average day water demand (38 acre-feet) and nearly two times greater than the current estimated peak day water demand (76 acre-feet).<sup>5</sup> Furthermore, Napa’s combined treated water storage capacity overlaying its five pressure zones – including clearwell tanks – is 86 acre-feet. This combined storage amount accommodates current estimated peak day water demands in Napa.

Baseline Conditions <u>Without</u> Annexation of the Affected Territory (Amounts in Acre-Feet)			
Treatment Capacity	Average Day Demand	Peak Day Demand	Storage Capacity
135.00	38.03	76.07	86.20

Adjusted Conditions <u>With</u> Annexation/Buildout of the Affected Territory (Amounts in Acre-Feet)			
Treatment Capacity	Average Day Demand	Peak Day Demand	Storage Capacity
135.00	38.04	76.08	86.20

- **Fire Protection and Emergency Medical Services**

The affected territory receives fire protection and emergency medical services from the City. Annexation and buildout of the affected territory to include eight residential lots would increase the need for these services moving forward. Information generated from the Commission’s recent municipal service review on the Central County region noted that the City has generally developed sufficient capacities and controls to serve existing and anticipated demands for these services. The municipal service review also notes no service deficiencies within the area surrounding the affected territory.

- **Law Enforcement Services**

The affected territory receives law enforcement services from the City. Annexation and buildout of the affected territory to include eight residential lots would increase demand for these services moving forward. The Commission’s recent municipal service review on the Central County region notes that the City has developed sufficient capacities and controls to serve existing and anticipated demands. The municipal service review also notes no service deficiencies within the area surrounding the affected territory.

<sup>4</sup> The combined daily treatment capacity for Napa is divided between the Milliken facility at 4.0, Jamieson facility at 20.0, and Hennessey facility at 20.0 million gallons, respectively.

<sup>5</sup> Based on recent usage records, the estimated peak day demand factor for Napa is 2.0.

***(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.***

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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.***

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The proposal is consistent with the Commission's policies as codified under its General Policy Determinations. This includes the affected territory's consistency with the City General Plan designation of *Single-Family Infill – 33G*, City Zoning standard of *Residential Infill – 4*, 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 or City 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.***

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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.***

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The proposal is parcel-specific and includes all of the property identified by the County of Napa Assessor's Office as 038-250-003. Commission approval would include a condition requiring the applicant to submit a map and geographic description of the affected territory 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.***

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The proposal would provide permanent public sewer service to the affected territory. The availability of this municipal service is consistent with the City General Plan and Zoning Ordinance, which designate the affected territory as *Single-Family Infill – 33G* and *Residential Infill – 4*, respectively. 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.***

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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.***

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Staff provided notice of the proposal to all subject agencies and interested parties as required under LAFCO law on May 30, 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.***

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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.***

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Proposal approval and the probable development of the affected territory to include up to eight single-family residences would generate new water demand for Napa. As previously referenced, Napa’s available water supplies are drawn from three separate sources: 1) Lake Hennessey; 2) Milliken Reservoir; and 3) the State Water Project. Napa’s most recent Urban Water Management Plan (UWMP) was adopted in 2011 and estimates the total annual water supply generated from these three sources during normal conditions and based on historical patterns is 31,340 acre-feet. These historical patterns also indicate the total annual water supply decreases to 19,896 and 13,533 acre-feet during multiple and single dry year conditions, respectively.



Information provided in the UWMP identifies Napa's available water supplies are more than sufficient in accommodating both current annual demands – 13,883 acre-feet – and the projected buildout demands within the affected territory – 2.2 acre-feet – during normal and multiple dry year conditions. Napa's available water supplies, however, are deficient under current estimated single dry years; a deficit that would be slightly increased with approval of the proposal along with the development of eight residential lots as contemplated in the applicant's tentatively approved development project. Napa, accordingly, has established conservation efforts within its UWMP to address the projected deficiency during single dry years. These factors provide reasonable assurances of Napa's ability to effectively accommodate water demands with the minimal increases tied to the affected territory in accordance with G.C. Section 65352.5.

***(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.***

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The proposal could potentially result in a benefit to Napa with respect to achieving the City's fair share of the regional housing need as a result of the eventual buildout of the affected territory to include a total of eight residential lots as contemplated in the applicant's tentatively approved development project.

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

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The landowner of 47 Garfield Lane is the petitioner seeking the annexation. There are no other landowners or registered voters within the affected territory.

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

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See analysis on pages seven and eight of this report.

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

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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.***

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Proposal approval would benefit current and future landowners as well as residents by providing permanent access to public sewer service. Establishing permanent public sewer service helps facilitate the development of eight single-family residences. Public sewer service also 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 system, which will assist in intensifying future residential development opportunities within the site.

### ***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.<sup>6</sup> 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.

- ***Environmental Review***

The proposed annexation is categorically exempt from further environmental review under California Code of Regulations, Title 14, Section 15332 (“Class 32”), which provides an exemption for infill development projects on the basis that the project will not introduce any new environmental considerations. A Class 32 exemption consists of projects characterized as infill development meeting the conditions described below.

- *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.*

The project is consistent with applicable general plan and zoning designations, policies, and regulations. The City has assigned General Plan and Zoning Ordinance designations for the affected territory of *Single-Family Infill – 33G* and *Residential Infill – 4*, respectively.

- *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*

The proposed development site totals 1.42 acres and is located within the City’s existing jurisdictional boundary.

- *The project site has not been identified as habitat for endangered, rare, or threatened species.*

The City has determined that there is no reasonable possibility that the site has value as habitat for endangered, rare, or threatened species, as it is currently developed with a residential use. The site has been disturbed and developed with a 3,000 square foot dwelling, accessory structures, fencing, landscaping, and driveways. Furthermore, the site is completely surrounded by urban uses.

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<sup>6</sup> 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.

- *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

The City has previously determined that there is no reasonable possibility that the project would result in any significant effects relating to traffic, noise, air quality, or water quality as contemplated in the City General Plan Final Environmental Impact Report (FEIR) and Big Ranch Specific Plan FEIR.

- *The site can be adequately served by all required utilities and public services.*

The City and NSD have both provided assurances the site can be adequately served by all required utilities and public services. Further discussion is provided on pages four through six of this report.

- ***Conducting Authority Proceedings***

The affected territory is uninhabited under LAFCO law and all landowners have consented to the annexation 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**

**GARFIELD LANE NO. 3 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 David Rubenstein, landowner, proposing the annexation of territory to the Napa Sanitation District has been filed with the Commission’s Executive Officer, hereinafter referred to as “Executive Officer,” in a manner provided by law; and

**WHEREAS**, the proposal seeks Commission approval to annex approximately 1.4 acres of incorporated land within the City of Napa to the Napa Sanitation District and represents one entire parcel located at 47 Garfield Lane and identified by the County of Napa Assessor’s Office as 038-250-003; 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, subdividing the affected territory to include eight single-family residential lots as contemplated in the applicant’s tentatively approved development plan, is exempt from further review pursuant to CEQA Guidelines Section 15332, which provides a categorical exemption for infill development projects. 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:

**GARFIELD LANE NO. 3 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"**  
**GARFIELD LANE NO. 3**  
**ANNEXATION TO NAPA SANITATION DISTRICT**

**GEOGRAPHIC DESCRIPTION**

All that certain property situate in the Napa Rancho, City of Napa, State of California, described as follows:

**Beginning** at the Southeast corner of the existing Annexation Map No. 2 (Silverado Creek II), Annexation Boundary, recorded February 8, \_\_\_\_\_, Book 2 of Maps of Assessment & Community Facilities District, at Page 6 in the County Recorder's office in the County of Napa, State of California said point the most Northeastern corner of said annexation;

Thence, (1) N 32° 35' 00" E, 250.00 feet to existing district annexation boundary;

Thence, (2) along district annexation boundary N 57° 10' 00" E, 250.00 feet;

Thence, (3) S 32° 35' 00" W, 250.0 feet along said existing district boundary;

Thence, (4) S 57° 10' 00" E, 250.0 feet along said existing district boundary to the **POINT OF BEGINNING** and containing 1.42 acres, more or less.

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

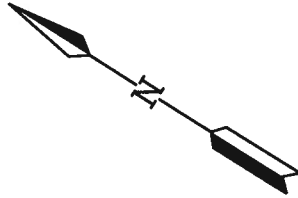
**DISCLAIMER:**

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

**GRAPHIC SCALE**



( IN FEET )  
1 inch = 80 ft.



**VICINITY MAP**

NO SCALE

ANNEXATION MAP No.2 (SILVERADO CREEK II)  
FILED IN BOOK 2 OF MAPS OF ASSESSMENT AND  
COMMUNITY FACILITIES DISTRICT AT PAGE 6

OLD WINE WAY

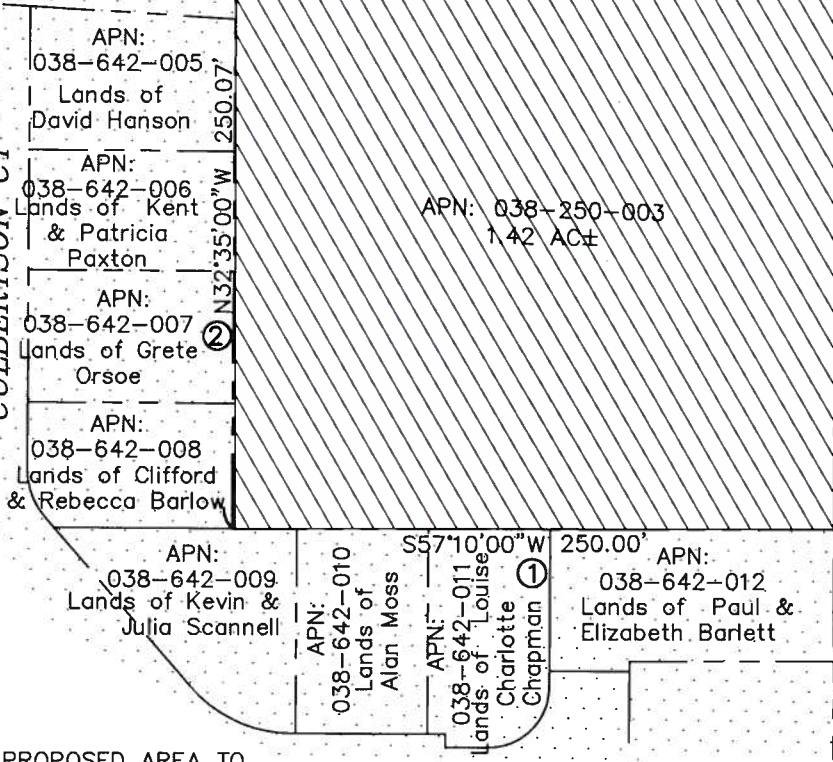
OLD WINE WAY

GARFIELD LANE

N57°10'00"E 250.00'

CULBERTSON CT

EXISTING VALLEY CLUB SUBDIVISION

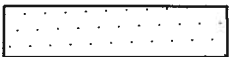


P.O.B.

**LEGEND**



PROPOSED AREA TO BE ANNEXED



EXISTING NAPA SANITATION DISTRICT BOUNDARY

N.S.D.

EXISTING NAPA SANITATION DISTRICT BOUNDARY

P.O.B.

POINT OF BEGINNING



COURSE NUMBER

**APPLICANT**

DAVID RUBINSTEIN  
4200 CALIFORNIA ST., STE 116  
SAN FRANCISCO, CA 94118  
TEL #: (415) 742-5367



**CHAUDHARY & ASSOCIATES, INC.**

ENGINEERS SURVEYORS INSPECTORS

211 GATEWAY ROAD WEST, SUITE 204

NAPA, CALIFORNIA 94558

Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM

MARCH 24, 2014

EXHIBIT "B"  
GARFIELD LANE, NO.3

ANNEXATION TO THE NAPA SANITATION DISTRICT  
BEING A PORTION OF NAPA RANCHO

(47 GARFIELD LANE, NAPA, CA 94558)



EXHIBIT "B"

TERMS AND CONDITIONS

GARFIELD LANE NO. 3 - DISTRICT ANNEXATION 000013

APN NO: 038-250-003

DESCRIPTION: 47 GARFIELD LANE

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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 \$350 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

public lateral inspection fees and sanitary sewer main inspection fees based on the inspection rates in effect at the time construction permits are issued.

17. The property owners shall pay to the District the private lateral inspection fee in effect at the time at the time of construction for each dwelling unit located on the property.

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

FORM B

Date Recd:	5/30/14
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:

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Description of Boundaries of Affected Territory Accompanied by Map:

*See attached*

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Reason for Proposal and Any Proposed Conditions:

*Annex the property to Napa Sanitation District*

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Type of Petition:

Landowner

Registered Voter

Sphere of Influence Consistency:

Yes

No

**If Landowner Petition, Complete the Following:**

- 1) Name: DAVID RUBINSTEIN  
Mailing Address: 4200 CALIFORNIA ST., STE 116, SAN FRANCISCO  
Assessor Parcel: 038-250-003 CA 94118  
Signature: S. Chaudhary for David Rubinstein Date: 5/5/14
- 2) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Assessor Parcel: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_
- 3) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Assessor Parcel: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**If Registered Voter Petition, Complete the Following:**

- 1) Name: N/A  
Mailing Address: \_\_\_\_\_  
Resident Address: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_
- 2) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Resident Address: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_
- 3) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Resident Address: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

FORM D

Date Recd: 5/30/14  
Received By: BF

JUSTIFICATION OF PROPOSAL  
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: SUDHIR CHAUDHARY - CHAUDHARY & ASSOCIATES, INC  
Contact Person Agency/Business (If Applicable)  
Address: 211 GATEWAY ROAD WEST, SUITE 204, NAPA, CA 94558  
Street Number Street Name City Zip Code  
Contact: 707-255-2729 707-255-5021 Sudhir@Chaudhary.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  
Name Address  
1515 Soscol Ferry Rd, Napa, CA 94558  
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)  
Annex to NSD to facilitate  
subdivision of 47 Garfield Lane  
and connect new units to sewer

III. GENERAL INFORMATION

A. Location: 47 Garfield Lane 038-250-003 1.42 acres  
Street Address Assessor Parcel Number Acres

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) \_\_\_\_\_

B. Landowners

(1) Assessor Parcel Number : 038-250-003 Name: DAVID RUBINSTEIN  
Mailing Address: C/O Chaudhary and Associates Inc, 211 Gateway Rd  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_  
West, Ste 204, Napa, CA

(2) Assessor Parcel Number : \_\_\_\_\_ Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

(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: \_\_\_\_\_ 0

(2) Total Number of Registered Voters: \_\_\_\_\_ 0

**D. Land Use Factors**

- (1a) County General Plan Designation: RI-4
- (1b) County Zoning Standard: N/A
- (2a) Applicable City General Plan Designation: RI-4 (Residential Infill)
- (2b) Applicable City Rezoning Standard: \_\_\_\_\_

**E. Existing Land Uses**  
(Specific)

VACANT LAND  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**F. Development Plans**

- (1a) Territory Subject to a Development Project?  Yes  No
- (1b) If Yes, Describe Project: The subject property is being subdivided into 8 single family homes
- (1c) If No, When Is Development Anticipated? \_\_\_\_\_  
\_\_\_\_\_

**G. Physical Characteristics**

- (1) Describe Topography: Native Grasses, Abandoned Home  
\_\_\_\_\_
- (2) Describe Any Natural Boundaries: None  
\_\_\_\_\_
- (3) Describe Soil Composition and Any Drainage Basins: Heavy Loam, 2 to 9% Slopes  
\_\_\_\_\_
- (4) Describe Vegetation: Native grasses and an existing residence  
\_\_\_\_\_

**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:

*Sewer services to be provided by for  
8 homes by Napa Sanitation*

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

*Emergency, Water, Sanitation*

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

*2015*

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

*A sanitary sewer manhole will be installed  
in an existing sanitary sewer line.*

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

*Private funding*



V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

(1) Lead Agency for Proposal: Napa Sanitation District  
Name

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

Environmental Impact Report

Negative Declaration/Mitigated Negative Declaration

Categorical/Statutory Exemption: City of Napa  
Type

None

Provide Copies of Associated Environmental Documents

*Big Ranch Specific Plan FEIR*

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

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

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: CHAUDHARY & ASSOCIATES, INC

Mailing Address: 211 GATEWAY ROAD WEST, SUITE 204, NAPA, CA 94558

E-Mail: Budhik@Chaudhary.com

(2) Recipient Name: NAPA SANITATION DISTRICT

Mailing Address: \_\_\_\_\_

E-Mail: \_\_\_\_\_

(3) Recipient Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

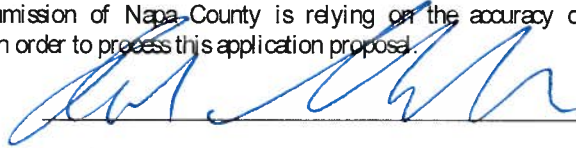
E-Mail: \_\_\_\_\_

**VII. CERTIFICATION**

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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:

DAVID RUBINSTEIN

Title:

OWNER

Date:

5/2/14

**Standard Indemnification Agreement**

Name of Proposal: GARFIELD LANE NO.3

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 DAVID RUBINSTEIN 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.

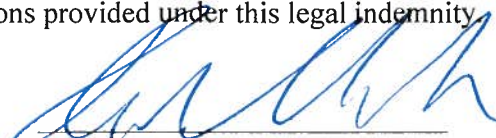
This indemnification obligation shall include, but is not limited to, expert witness fees or attorney fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with, the approval of this application. This indemnification is intended to be as broad as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

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Principal Landowner Signature

DAVID RUBINSTEIN  
\_\_\_\_\_  
Print Name

5/2/14  
\_\_\_\_\_  
Date