



Local Agency Formation Commission of Napa County

Subdivision of the State of California

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

■ Margie Mohler, Chair ■ Anne Cottrell, Vice Chair ■ Kenneth Leary ■ Beth Painter ■ Belia Ramos
■ Mariam Aboudamous, Alternate ■ Joelle Gallagher, Alternate ■ Eve Kahn, Alternate

Administrative Office
1754 Second Street, Suite C
Napa, California 94559
Telephone: 707-259-8645
www.napa.lafco.ca.gov

REGULAR MEETING AGENDA

Monday, June 5, 2023, 2:00 PM

County of Napa Administration Building
1195 Third Street, Board Chambers, 3rd Floor
Napa, California 94559

1. CALL TO ORDER BY CHAIR; ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. OATH OF OFFICE FOR REAPPOINTED COMMISSIONERS

Staff will administer Oaths of Office for reappointed Commissioners Painter and Aboudamous.

4. APPROVAL OF AGENDA

The Chair will consider approving the Agenda as prepared by the Executive Officer with any requests to remove or rearrange items by members of the Commission or staff.

5. PUBLIC COMMENTS

The public may address the Commission concerning any matter not on the Agenda. The Commission is prohibited from discussing or taking action on any item not appearing on the posted Agenda.

6. CONSENT ITEMS

Action Items:

a) [Approval of Meeting Minutes: April 3, 2023, Regular Meeting](#)

Receive Report for Information Only:

b) [Current and Future Proposals](#)

c) [Third Quarter Budget Report for Fiscal Year 2022-23](#)

d) [CALAFCO Staff Workshop, April 2023](#)

7. PUBLIC HEARING ITEMS

Any member of the public may address the Commission with respect to a scheduled public hearing item.

a) [Final Budget for Fiscal Year 2023-24, Amendment to the Schedule of Fees and Deposits, and Work Program for Fiscal Year 2023-24](#)

The Commission will consider a final budget for fiscal year 2023-24. Proposed operating expenses total \$812,946 and operating revenues total \$709,436. The Commission will also consider a proposed amendment to its *Schedule of Fees and Deposits* as well as adoption of a work program for fiscal year 2023-24.

8. ACTION ITEMS

Items calendared for action do not require a public hearing before consideration by the Commission. Applicants may address the Commission. Any member of the public may provide comments on an item.

a) Browns Valley Road Reorganization and Associated CEQA Findings

The Commission will consider a proposal to annex one parcel to the City of Napa and Napa Sanitation District along with concurrent detachment from County Service Area No. 4. The affected territory is approximately 3.77 acres in size, located at 3090 Browns Valley Road, and identified as Assessor Parcel Number 041-170-009. The Commission will also consider the Mitigated Negative Declaration adopted by the City of Napa for the reorganization pursuant to the California Environmental Quality Act (CEQA).

b) CALAFCO Nominations and Annual Conference Items

The Commission will consider appointing voting delegates to represent the agency at the California Association of LAFCOs' (CALAFCO) Annual Conference scheduled for October 18 – 20 in Monterey. The Commission will also consider making nominations for the CALAFCO Board of Directors and achievement awards.

9. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

This is an opportunity for Commissioners to comment on issues not listed on the Agenda, provided that the subject matter is within the jurisdiction of the Commission. No discussion or action may occur or be taken, except to place the item on a future Agenda if approved by a majority of the Commission.

10. ADJOURNMENT TO NEXT SCHEDULED MEETING

Monday, July 10, 2023, at 9:00 AM (**Strategic Planning Workshop**) at the Town of Yountville Council Chambers, located at 6550 Yount Street, Yountville, CA 94599.

MEETING INFORMATION

AGENDA ITEMS: The Commission may reschedule items on the Agenda. The Commission will generally hear uncontested matters first, followed by discussions of contested matters, and staff announcements in that order.

CONDUCT OF HEARINGS: A contested matter is usually heard as follows: (1) discussion of the staff report and the environmental document; (2) testimony of proponent; (3) public testimony; (4) rebuttal by proponent; (5) provision of additional clarification by staff as required; (6) close of the public hearing; (7) Commission discussion and Commission vote.

ADDRESSING THE COMMISSION: The Local Agency Formation Commission (LAFCO) of Napa County welcomes and encourages participation in its meetings. Any person who wishes to address the Commission should move to the front of the chambers when an item is called and, when recognized by the Chair, state their name, address, and affiliation. Please attempt to make your statements concise and to the point. It is most helpful if you can cite facts to support your contentions. Groups of people with similar viewpoints should appoint a spokesperson to represent their views to the Commission. The Commission appreciates your cooperation in this matter.

PUBLIC COMMENT TIME LIMITS: The Commission will hear public comment prior to the consideration of any item. (1) A principal proponent will be allowed up to a 5-minute statement; (2) other proponents will be allowed up to 3-minute statement; (3) opponents are allowed up to 3-minute statement with the exception of spokespersons for any group who shall be permitted up to 5-minutes; (4) the principal proponent shall have up to a 3-minute rebuttal; (5) staff will provide clarification, as required.

SUBMITTING WRITTEN COMMENTS TO BE READ AT THE MEETING: Any member of the public may submit a written comment to the Commission before the meeting by email to info@napa.lafco.ca.gov or by mail to Napa LAFCO at 1754 Second Street, Suite C, Napa, CA 94559-2450. If you are commenting on a particular item on the Agenda, please identify the Agenda item number and letter. Any comments of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes “COMMENT TO COMMISSION – PLEASE READ”; and (2) it is received by the Commission prior to the deadline of **June 5, 2023, at 10:00 A.M.**

SUBMITTING SUPPLEMENTAL WRITTEN COMMENTS: Any member of the public may submit supplemental written comments to the Commission, beyond the 500-word limit for comments read into the record, and those supplemental written comments will be made a part of the written record.

VOTING: A quorum consists of three members of the Commission. No action or recommendation of the Commission is valid unless a majority of the quorum of the Commission concurs therein.

OFF AGENDA ITEMS: Matters under the jurisdiction of the Commission and not on the posted Agenda may be addressed by the public under “Public Comments” on the Agenda. The Commission limits testimony on matters not on the Agenda to 500-words or less for a particular subject. The Commission cannot take action on any unscheduled items.

SPECIAL NEEDS: Meetings are accessible to persons with disabilities. Requests for assistive listening devices or other considerations should be made 72 hours in advance through LAFCO staff at (707) 259-8645 or info@napa.lafco.ca.gov.

POLITICAL REFORM ACT: Pursuant to Government Code Sections 56700.1 and 81000 et seq., any person or combination of persons who directly or indirectly contributes \$1,000 or more or expends \$1,000 or more in support of or in opposition to a change of organization or reorganization that will be, or has been, submitted to LAFCO must comply, to the same extent as provided for local initiative measures, with reporting and disclosure requirements of the California Political Reform Act of 1974. Additional information can be obtained by contacting the Fair Political Practices Commission. Pursuant to Government Code Section 84308, if you wish to participate in the proceedings indicated on this Agenda, you or your agent is prohibited from making a campaign contribution of \$250 or more to any Commissioner or Alternate Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. If you or your agent has made a contribution of \$250 or more to any Commissioner or Alternate Commissioner during the 12 months preceding the decision, that Commissioner or Alternate Commissioner must disqualify themselves from the decision in the proceeding. However, disqualification is not required if the Commissioner or Alternate Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings.

MEETING MATERIALS: Any writings or documents provided to a majority of the members of the Commission regarding any item on this Agenda after the posting of the Agenda and not otherwise exempt from disclosure will be made available for public review at <https://www.napa.lafco.ca.gov> or by contacting LAFCO staff at info@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645. If the supplemental materials are made available to the members of the Commission at the meeting, a copy will be available for public review at <https://www.napa.lafco.ca.gov>. Staff reports are available online at https://www.napa.lafco.ca.gov/staff_reports.aspx or upon request to LAFCO staff at info@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645.

VIEWING RECORDING OF MEETING: The Commission’s meeting will be recorded. Members of the public may access the meeting and other archived Commission meetings by going to https://www.napa.lafco.ca.gov/cm_meeting_video.aspx. Please allow up to one week for production time. Meetings are also broadcast on Napa TV on the second and fourth Tuesdays of each month at 8pm and second and fourth Wednesdays at 1pm (<http://napavalleytv.org/channel-28>).



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

Agenda Item 6a (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Stephanie Pratt, Clerk/Jr. Analyst *SP*

MEETING DATE: June 5, 2023

SUBJECT: Approval of Meeting Minutes: April 3, 2023, Regular Meeting

SUMMARY AND RECOMMENDATION

This is a consent item for formal action. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair.

The Commission will consider approving the draft meeting minutes prepared by staff for the April 3, 2023, regular meeting, included as Attachment One.

Staff recommends approval of the draft meeting minutes.

ATTACHMENT

- 1) Draft Minutes for April 3, 2023, Regular Meeting

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MEETING MINUTES OF APRIL 3, 2023**

1. WELCOME AND CALL TO ORDER; ROLL CALL

Chair Mohler called the regular meeting of April 3, 2023, to order at 2:01 PM.
At the time of roll call, the following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Margie Mohler, Chair	Joelle Gallagher (<i>Voting</i>)	Brendon Freeman, Executive Officer
Anne Cottrell, Vice Chair	Beth Painter (<i>Voting</i>)	Gary Bell, Commission Counsel
Mariam Aboudamous (<i>Absent</i>)	Eve Kahn	Dawn Mittleman Longoria, Assistant Executive Officer and Interim Clerk
Kenneth Leary		
Belia Ramos (<i>Absent</i>)		

2. PLEDGE OF ALLEGIANCE

Chair Mohler led the Pledge of Allegiance.

3. APPROVAL OF AGENDA

Chair Mohler asked if there were any requests to rearrange the agenda. There were no requests.

Upon motion by Commissioner Cottrell and second by Commissioner Painter,
the Agenda was approved by the following vote:

VOTE:

AYES: COTTRELL, GALLAGHER, LEARY, MOHLER, AND PAINTER

NOES: NONE

ABSENT: ABOUDAMOUS, RAMOS

ABSTAIN: NONE

4. PUBLIC COMMENTS

Chair Mohler invited members of the audience to provide public comment.

A letter from Gary Margadant was read into the record complimenting participation of Executive Officer Brendon Freeman at the water symposium.

5. CONSENT ITEMS

Action Items:

a) **Approval of Meeting Minutes:** February 6, 2023, Regular Meeting

b) **Approval of Amendment to Policy on Conducting Authority Proceedings**

Receive Report for Information Only:

c) **Current and Future Proposals**

d) **CALAFCO Resources**

Chair Mohler asked if Commissioners wanted to discuss any of the consent items, no requests were made. Chair Mohler invited members of the audience to provide public comment. No comments were received. Upon motion by Commissioner Gallagher and second by Commissioner Cottrell, the consent items 5(a-b) were approved by the following vote:

VOTE:

AYES: COTTRELL, GALLAGHER, LEARY, MOHLER, AND PAINTER
NOES: NONE
ABSENT: ABOUDAMOUS, RAMOS
ABSTAIN: NONE

6. PUBLIC HEARING ITEMS

Any member of the public may address the Commission with respect to a scheduled public hearing item.

a) Proposed Budget for Fiscal Year 2023-24 and Draft Work Program

The Commission considered adopting a resolution to approve a proposed budget for the 2023-24 fiscal year. Proposed operating expenses and revenues each total \$709,436. The recommended actions were for the Commission to do the following: (1) adopt the proposed budget by resolution; (2) direct staff to circulate the proposed budget for public review and comment; and (3) direct the Budget Committee to return with recommendations for a final budget for adoption at a noticed public hearing on June 5, 2023. The Commission also considered a draft work program for fiscal year 2023-24.

The Commission discussed the draft work program. Comments included requests for outreach regarding the Commission's Napa County Water and Wastewater MSR. Also, comments were made regarding methods to consider climate change used by other LAFCOs.

Chair Mohler opened the public hearing for comments.

Chief Zach Curren, Napa Fire Department, expressed appreciation for the work of LAFCO and of the Executive Officer. He spoke in favor of LAFCO conducting a countywide fire MSR with the request that the agencies be involved at the beginning of the process.

Chief Geoff Belyea, American Canyon Fire Protection District, expressed willingness to cooperate with the study, if the Commission decided to move forward.

Chief Michael Marcucci, CalFire Unit Chief for Napa and Napa County Fire Department, echoed the comments of the other chiefs appreciated the Commission and the Executive Officer's work. He stated that his department is also interested in participating in a study conducted by LAFCO. He noted that the Board of Supervisors has contracted with AP Triton to conduct a Master Plan study of the agency. He felt their study could assist the Commission should they decide to conduct a study of fire services.

Chair Mohler confirmed there were no additional comments from the public, prior to closing the public hearing. She requested comments from the Commission and suggested that the budget should be considered first and then the work program.

Budget committee members Mohler and Leary expressed their desire to set aside funds for the purpose of conducting future LAFCO studies and projects that have not yet been formally included as part of a LAFCO work program. However, they noted that the County Auditor-Controller's Office had stated their proposed method would not comply with prudent financial accounting practices and that the Commission should first decide on a specific study or project before setting aside funds for this purpose. The Commission discussed the importance of LAFCO studies and supported the importance of budgeting for these studies to allow the budget to reflect Commission policies. The Commission noted the challenges and uncertainties with planning ahead and budgeting for these studies.

Legal counsel advised that the Commission's proposed action to set aside funds for studies is appropriate, however, it should be made clear to the funding agencies and the public.

Chair Mohler called a five-minute recess while the Executive Officer determined what amount should be set aside for studies.

Chair Mohler reconvened the meeting and the budget discussion.

Upon motion by Commissioner Gallagher and second by Commissioner Leary, the Commission (1) adopted the proposed Fiscal Year 2023-24 Budget by resolution, with the revision of adding \$100,000 to the consulting services line item with the intent to draw down on agency reserves to cover this amount. The Commission also (2) directed staff to circulate the proposed budget for public review and comment; and (3) directed the Budget Committee to return with recommendations for a final budget for adoption at a noticed public hearing on June 5, 2023, by the following vote:

VOTE:

AYES: COTTRELL, GALLAGHER, LEARY, MOHLER, AND PAINTER
NOES: NONE
ABSENT: ABOUDAMOUS, RAMOS
ABSTAIN: NONE

Chair Mohler expressed appreciation for the comments from the fire chiefs and assured them they definitely would be involved in the study process. She noted that the Commission's Assistant Executive Officer has been very involved with CALAFCO conducting presentations on fire services and can serve as a valuable resource. She requested that the Assistant Executive Officer provide an overview of fire services.

Dawn Mittleman Longoria, LAFCO Assistant Executive Officer, explained that recent Fire Districts Association of California (FDAC) conference included a presentation of a Contra Costa fire consolidation. The panel and audience included various LAFCO Executive Officers, including Napa LAFCO staff. It provided an excellent opportunity for fire service and LAFCO professionals to learn from one another and build key relationships with fire agency staff. She stated that recent studies have been conducted for Napa County Fire, City of Napa Fire and American Canyon FPD. She noted that these recent studies would provide valuable information should the Commission decide to proceed with a Countywide Fire and EMS study. In addition, she provided the consultant with LAFCO factors to include in the studies.

Chair Mohler confirmed with Legal Counsel that the Commission could request additional comments from the public on the work program.

Chief Geoff Belyea, American Canyon FPD, confirmed that all three fire agencies had engaged the same consulting firm, AP Triton, to conduct Master Plans and Strategic Plans of the agencies.

Chair Mohler noted considerable Commission support for LAFCO to conduct a Countywide Fire and EMS MSR. She asked the Executive Officer if a formal vote was necessary. Mr. Freeman advised that he had received clear direction for the work program and noted the formal vote would occur at the June meeting.

7. ACTION ITEMS

Items calendared for action do not require a public hearing before consideration by the Commission. Applicants may address the Commission. Any member of the public may provide comments on an item.

a) Partrick Road/Borrette Lane No. 3 Annexation to the Napa Sanitation District

The Commission considered a proposal for the annexation of two parcels totaling approximately 4.7 acres in size to the Napa Sanitation District. The affected territory is located in the City of Napa at 1200 Partrick Road and 1008 Borrette Lane and identified as Assessor Parcel Numbers 041-490-005 and 041-490-012, respectively.

Upon motion by Commissioner Painter and second by Commissioner Cottrell, the Commission approved the annexation and resolution adopting the Partrick Road/Borrette Lane No. 3 Annexation to the Napa Sanitation District with standard conditions and making CEQA findings by the following vote:

VOTE:

AYES: COTTRELL, GALLAGHER, LEARY, MOHLER, AND PAINTER
NOES: NONE
ABSENT: ABOUDAMOUS, RAMOS
ABSTAIN: NONE

b) Legislative Report and Proposed Amendment to the Legislative Policy

The Commission received a report on legislative items directly or indirectly affecting LAFCOs, including a supplemental item related to a recommended support position for AB 1753. The Commission also considered approving an amendment to its Legislative Policy to transition the Legislative Committee from a standing subcommittee to an ad hoc subcommittee.

Upon motion by Chair Cottrell and second by Commissioner Painter, the Commission approved the support position for AB 1753 and the amendment to the Legislative Policy by the following vote:

VOTE:

AYES: COTTRELL, GALLAGHER, LEARY, MOHLER, AND PAINTER
NOES: NONE
ABSENT: ABOUDAMOUS, RAMOS
ABSTAIN: NONE

8. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

Chair Mohler presented an update of CALAFCO matters including a summary of the Board's recent strategic planning session, which included increased participation in legislation affecting LAFCOs. Chair Mohler opened the meeting to Commission comments/requests; none were received.

9. ADJOURNMENT TO NEXT SCHEDULED MEETING

The meeting was adjourned at 3:33 PM. The next regular LAFCO meeting is scheduled for Monday, June 5, 2023, at 2:00 P.M. at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3rd floor, Napa, CA 94559

Margie Mohler, LAFCO Chair

ATTEST:
 Brendon Freeman, Executive Officer

Prepared by:

Stephanie Pratt, Clerk/Jr. Analyst



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

Agenda Item 6b (Consent/Information)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer B F
MEETING DATE: June 5, 2023
SUBJECT: Current and Future Proposals

SUMMARY

This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

This report summarizes all current and future boundary change proposals. There are currently four active proposals on file and nine anticipated new proposals that are expected to be submitted in the future. A summary follows.

Active Proposals

Browns Valley Road Reorganization

This proposal involves the annexation of one unincorporated parcel located at 3090 Browns Valley Road to the City of Napa and Napa Sanitation District (NSD). The proposal also involves detachment of the parcel from County Service Area (CSA) No. 4. The parcel is approximately 3.8 acres in size, identified as APN 041-170-009, and located within an unincorporated island. The purpose of the proposal is to facilitate a planned subdivision totaling 12 single-family residences. The proposal is on today’s agenda for action as item 8a.



Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Sierra Avenue/Villa Lane Annexation to NSD

A representative for the landowner of two parcels located at 1185 Sierra Avenue in the City of Napa submitted an application to annex the parcels to NSD. The parcels are identified as APNs 038-250-035 & -037 and total approximately 10.5 acres in size. The parcels were previously used as the Vintage High School's former farm site. The purpose of the annexation is to facilitate the planned Vintage Ranch Subdivision residential project. The submitted application is considered incomplete until the necessary CEQA documents are completed. It is anticipated the Commission will consider action on the proposal as early as its June 5, 2023, meeting.



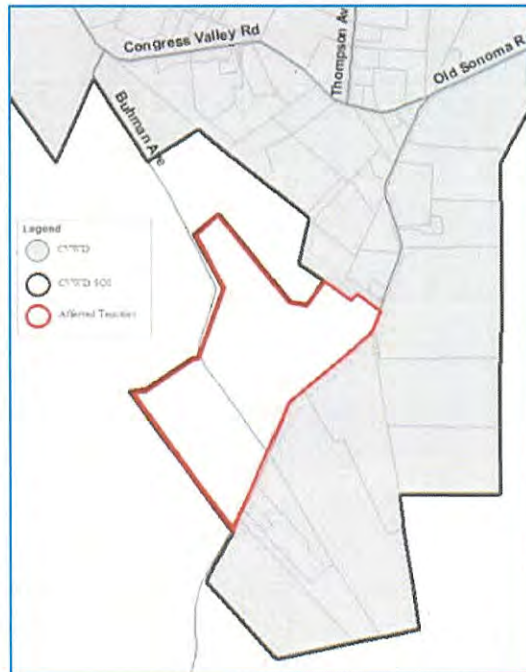
Devlin Road No. 6 Annexation to NSD

A representative for the landowner of one unincorporated parcel submitted an application to annex the parcel to NSD. The parcel is undeveloped, identified as APN 057-170-024, has no situs address, and is approximately 27.5 acres in size. Annexation to NSD would facilitate the Nova Business Park North project, which will include industrial land uses. The proposal is on hold until CEQA requirements related to the proposed annexation have been satisfied.



Old Sonoma Road/Buhman Avenue Annexation to CVWD

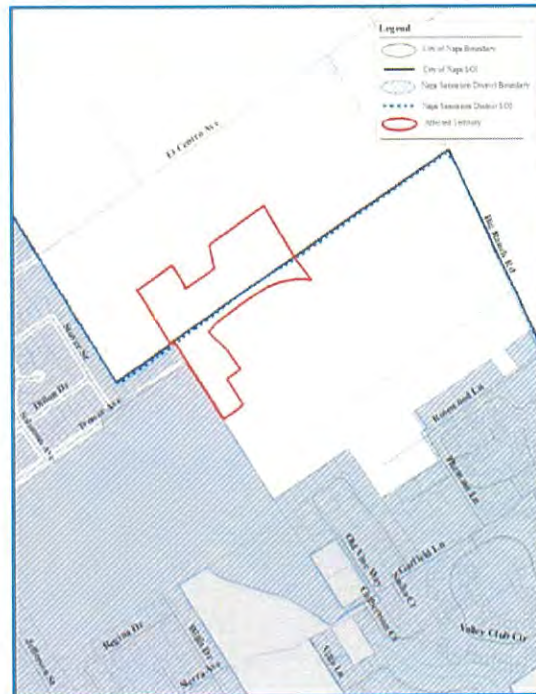
A landowner previously submitted a proposal to annex three unincorporated parcels totaling approximately 141.5 acres in size to the Congress Valley Water District (CVWD). The parcels are located along the northwestern side of Old Sonoma Road at its intersection with Buhman Avenue and identified as APNs 047-030-005, 047-030-020, and 047-080-001. Current land uses include two single-family residences and commercial vineyards with auxiliary structures and facilities. Two of the parcels already receive water service through grandfathered outside service agreements. Annexation would establish permanent water service to all three parcels. CVWD has requested, and the landowners have agreed, to postpone LAFCO action. There is no current timetable.



Anticipated Proposals

Vintage High School Farm SOI Amendment and Annexation Involving the City of Napa and NSD

The Napa Valley Unified School District (NVUSD) has inquired about an SOI amendment and annexation of approximately 12.8 acres of unincorporated territory involving the City of Napa and NSD. The territory is contiguous to the City of Napa near the eastern terminus of Trower Avenue and identified as APN 038-240-020. The parcel is currently undeveloped and designated for residential land use under the County of Napa General Plan. The purpose of the SOI amendment and annexation is to facilitate the planned relocation of NVUSD's educational farm near Vintage High School. It is anticipated a proposal with several distinct boundary and service components will be submitted in the next two to four months.



1130 Partrick Road Annexation to NSD

A landowner has inquired about annexation of one incorporated parcel to NSD. The parcel is located at 1130 Partrick Road in the City of Napa, approximately 1.4 acres in size, and identified as APN 041-061-016. Current land uses within the parcel are limited to one single-family residence that currently depends on a private onsite septic system for sewage disposal. Annexation would facilitate the connection of the existing residence to NSD's public sewer infrastructure. Staff will pursue expanding the annexation boundary to include additional parcels that are contiguous and also outside NSD's boundary. It is anticipated a proposal for annexation will be submitted within the next three to six months.



3776 Linda Vista Avenue Annexation to NSD

A landowner has inquired about annexation of one incorporated parcel to NSD. The parcel is located at 3776 Linda Vista Avenue in the City of Napa, approximately 0.8 acres in size, and identified as APN 007-231-007. Current land uses within the parcel are limited to one single-family residence that currently depends on a private onsite septic system for sewage disposal. Annexation would facilitate the connection of the existing residence to NSD's public sewer infrastructure. Staff will pursue expanding the annexation boundary to include additional parcels that are contiguous and also outside NSD's boundary. It is anticipated a proposal for annexation will be submitted within the next three to six months.



1661 Green Island Road Annexation to ACFPD

The American Canyon Fire Protection District (ACFPD) has adopted a resolution initiating proceeding to annex one unincorporated parcel to ACFPD. The parcel is located at 1661 Green Island Road to the immediate west of the City of American Canyon's boundary, approximately 157.1 acres in size, and identified as APN 058-030-041. Current land uses within the parcel are limited to a commercial vineyard. Annexation would formally recognize ACFPD's longstanding status as the primary fire service provider for the parcel. Annexation to ACFPD would grant no new land use potential. Staff will pursue expanding the annexation boundary to include additional parcels that are contiguous, outside ACFPD's boundary, and within ACFPD's sphere of influence (SOI). It is anticipated a proposal for annexation will be submitted within the next four to eight months.



7140 & 7150 Berryessa-Knoxville Road Annexation to SFWD

A landowner has inquired about annexation of one entire unincorporated parcel and a portion of a second unincorporated parcel totaling approximately 7.9 acres in size to the Spanish Flat Water District (SFWD). The parcels were recently added to SFWD's sphere of influence (SOI), are located at 7140 and 7150 Berryessa-Knoxville Road, and identified as APNs 019-280-004 (entire) and 019-280-006 (portion). Current land uses within the parcels include a commercial boat and recreational vehicle storage facility (Lakeview Boat Storage), approximately 6,000 square feet of enclosed storage structures, an administrative office, and a detached single-family residence. The parcels are currently dependent on private water and septic systems to support existing uses. Annexation would facilitate the connection of existing uses to SFWD's water and sewer services. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



NCRCD Donut Hole Annexation

Staff from the Napa County Resource Conservation District (NCRCD) has inquired about annexation of approximately 1,300 acres of incorporated territory located in the City of Napa. This area comprises the only remaining territory located within NCRCD's SOI but outside its jurisdictional boundary and is commonly referred to as a "donut hole". The purpose of annexation would be to allow NCRCD to expand its service programs and hold public meetings within the affected territory; activities that are currently prohibited within the area. In February 2020, the Commission approved a request for a waiver of LAFCO's proposal processing fees. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



Materials Diversion Facility Annexation to the City of Napa

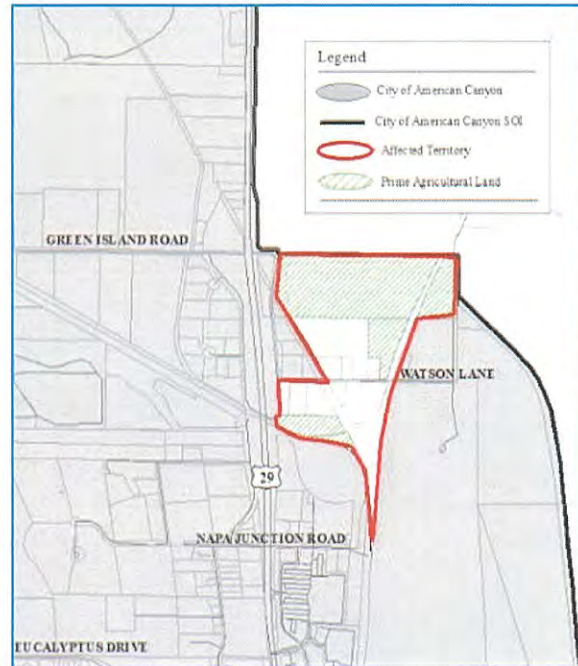
Staff from the City of Napa has inquired about annexation of approximately 2.9 acres of unincorporated territory comprising a portion of an approximate 35.0-acre parcel currently owned by the Napa-Vallejo Waste Management Authority. The current APN is 057-090-060. A property sale and a lot line adjustment are contemplated to create new parcels. The purpose of the property acquisition and future annexation is to expand the City's existing materials diversion facility operations. The property is located outside the City of Napa's SOI near the City of American Canyon. Annexation to the City of Napa is allowed given the property is owned by the City and soon will be used by the City for municipal purposes.¹ It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



¹ See [California Government Code §56742](#).

Watson Lane/Paoli Loop Annexation to the City of American Canyon

The City of American Canyon is expected to submit an application to annex 16 parcels and a portion of railroad totaling approximately 77.7 acres of unincorporated territory. The area is located within the City's SOI near Watson Lane and Paoli Loop and identified as APNs 057-120-014, -015, -017, -028, -034, -036, -041, -045, -047, -048, -049, -050, & -051, 057-180-014 & -015, and 059-020-036. The area is within the American Canyon Fire Protection District's boundary. The purpose of annexation is to allow development of the area for industrial and residential purposes as well as help facilitate the extension of Newell Drive to South Kelly Road. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



Wastewater Treatment Plant Annexation to NBRID

Staff from the Napa Berryessa Resort Improvement District (NBRID) has inquired about annexation of two unincorporated parcels totaling approximately 101 acres in size that serve as the location of the District's wastewater treatment plant facilities. The parcels were recently added to NBRID's SOI, are owned by NBRID, and are identified as APNs 019-220-028 & -038. Annexation would be for purposes of reducing NBRID's annual property tax burden. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



ATTACHMENTS

None



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Subdivision of the State of California

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

Agenda Item 6c (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *B F*

MEETING DATE: June 5, 2023

SUBJECT: Third Quarter Budget Report for Fiscal Year 2022-23

BACKGROUND AND SUMMARY

This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

On June 6, 2022, the Commission adopted a final budget for fiscal year 2022-23. This report compares budgeted versus actual transactions through March 31, 2023. A third quarter budget sheet with year-end projections is included as Attachment One.

Operating revenues are budgeted at \$663,588. Actual revenues collected through the third quarter totaled \$659,011. Staff projects the Commission will finish the fiscal year with \$668,698 in total revenues, resulting in a surplus of \$5,110 relative to budgeted revenues.

Operating expenses are budgeted at \$663,588. Actual expenses incurred through the third quarter totaled \$413,918. Staff projects the Commission will finish the fiscal year with \$610,896 in total expenses, resulting in a savings of \$52,692 relative to budgeted expenses. The savings in expenses are primarily attributed to the Commission Clerk vacancy.

Local policy directs the Commission to maintain an available/unrestricted fund balance ("reserves") equal to a minimum of four months, or 33.3%, of budgeted expenses. The Commission's reserves as of June 30, 2022 totaled \$281,201, representing 42.4% of budgeted expenses in fiscal year 2022-23. Staff projects the Commission will finish the fiscal year with an overall budget surplus of \$57,802, which would increase reserves to \$339,003, or 51.1% of budgeted expenses.

ATTACHMENT

- 1) Third Quarter Budget Sheet for Fiscal Year 2022-23 with Year-End Projections

Margie Mohler, Chair
Councilmember, Town of Yountville

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Kenneth Leary, Commissioner
Representative of the General Public

Beth Painter, Commissioner
Councilmember, City of Napa

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Eve Kahn, Alternate Commissioner
Representative of the General Public

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Brendon Freeman
Executive Officer

LAFCO FY 2022-23 Third Quarter Budget Report

Revenues and Expenses through 3/31/23 with Year-End Projections

Account	Category	Adopted Budget	Actual YTD	YTD Percent of Budget	Year-End Projection	Year-End Projection Percent of Budget
Revenues						
42690	Permits/Application Fees	25,000	23,460	93.8%	30,110	120.4%
43910	County of Napa	313,794	313,794	100.0%	313,794	100.0%
43950	Other-Governmental Agencies	313,794	313,794	100.0%	313,794	100.0%
45100	Interest	6,000	5,296	88.3%	7,000	116.7%
46800	Charges for Services	1,000	-	0.0%	-	0.0%
47900	Miscellaneous	4,000	2,667	66.7%	4,000	100.0%
Total Revenues		663,588	659,011	99.31%	668,698	100.8%
Expenses						
51210	Director/Commissioner Pay	15,200	10,350	68.1%	13,200	86.8%
51300	Medicare	250	156	62.4%	250	100.0%
51305	FICA	500	451	90.1%	600	120.0%
52100	Administration Services	509,844	311,403	61.1%	475,000	93.2%
52125	Accounting/Auditing Services	7,500	6,743	89.9%	7,300	97.3%
52130	Information Technology Service	23,974	17,981	75.0%	23,974	100.0%
52131	ITS Communication Charges	1,685	1,269	75.3%	1,692	100.4%
52140	Legal Services	35,000	28,603	81.7%	37,500	107.1%
52310	Consulting Services	10,000	-	0.0%	-	0.0%
52345	Janitorial Services	300	75	25.0%	150	50.0%
52515	Maintenance-Software	1,930	470	24.4%	1,930	100.0%
52600	Rents and Leases - Equipment	4,000	1,900	47.5%	3,500	87.5%
52605	Rents and Leases - Bldg/Land	25,995	19,350	74.4%	25,995	100.0%
52700	Insurance - Liability	638	-	0.0%	638	100.0%
52800	Communications/Telephone	3,000	1,473	49.1%	2,200	73.3%
52830	Publications & Notices	1,000	426	42.6%	800	80.0%
52835	Filing Fees	200	-	0.0%	100	50.0%
52900	Training/Conference Expenses	15,000	7,413	49.4%	9,000	60.0%
52905	Business Travel/Mileage	1,000	713	71.3%	1,000	100.0%
53100	Office Supplies	1,000	760	76.0%	1,000	100.0%
53110	Freight/Postage	150	-	0.0%	50	33.3%
53115	Books/Media/Subscriptions	119	119	100.0%	119	100.0%
53120	Memberships/Certifications	3,078	3,078	100.0%	3,078	100.0%
53205	Utilities - Electric	2,000	1,056	52.8%	1,400	70.0%
53415	Computer Software/License	225	-	0.0%	225	100.0%
53650	Business Related Meals/Supplies	-	130	0.0%	195	-
Total Expenditures		663,588	413,918	62.38%	610,896	92.1%
Net Surplus (Deficit)		-	245,093	36.9%	57,802	8.7%



Agenda Item 6d (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Dawn Mittleman Longoria, Assistant Executive Officer DML

MEETING DATE: June 5, 2023

SUBJECT: CALAFCO Staff Workshop, April 2023

Workshop Session: Fire Consolidations – What could go wrong or right?

Session: Learn from experienced professionals about avoiding pitfalls and achieving successful outcomes.

Two recent fire district reorganizations/consolidations will be discussed by a panel of professionals. Each of the panelist has been involved in the creation and/or implementation of these projects. Learn the keys to developing a sound plan for initiating and implementing the project. Learn what worked and what didn't work and why. Learn the best way to set your LAFCO up for success.

Panel Members: Leader – Dawn Mittleman Longoria, Napa LAFCO

Panelists – Patrick McCormick, Santa Cruz LAFCO, retired
Chief Jason Nee, Central Fire, Santa Cruz
Chief Mark Duerr, South Placer Fire

Background:

The Workshop planning committee chose two examples of previous fire consolidations. The purpose was to analyze post-consolidation realities, with a focus on the specific details that affect the outcome of a reorganization/consolidation. Specifically, what LAFCO can do to set the stage for success.

The Santa Cruz fire consolidation was chosen as the success story. Prior to coming to Napa LAFCO, your Assistant Executive Officer served as the Project Manager for this MSR/consolidation study. Therefore, the planning committee requested that she serve as leader of the panel.

Margie Mohler, Chair
Councilmember, Town of Yountville

Anne Cottrell, Vice Chair
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Representative of the General Public

Beth Painter, Commissioner
Councilmember, City of Napa

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Eve Kahn, Alternate Commissioner
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Councilmember, City of American Canyon

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Brendon Freeman
Executive Officer

The South Placer Fire consolidation was chosen as an example with numerous issues. Chief Duerr was not involved in the original project but inherited the situation.

Summary: Fire Agencies Need LAFCO's Help to Achieve Successful Consolidations

1. How LAFCO can help

- a. Provide sample resolutions
- b. Establish detailed timelines
- c. Facilitate stakeholder meetings
- d. Utilize contacts throughout the state (i.e., CalPERS, elected officials)
- e. Establish working relationships with districts
- f. Assist with feasibility study (all participates should pay some)
- g. EO involved early on

2. Ideas unite-details divide

- a. Emotional issues are hard to manage, common sense and logic are not always appreciated
- b. Trust and respect take time to develop
- c. Mechanics of consolidation versus people and emotion

3. Consolidation is the future

- a. LAFCOs are the experts
- b. Fire agencies want to deliver world class service, they recognize the need to consolidate, but can't do it without LAFCO

4. Understand fire service culture

- a. The two things fire service hates: change and the way things are
- b. Fire service is unique

5. Important aspects of successful fire studies

- a. MSR process is crucial
- b. Develop relationships early
- c. Maintain transparency
- d. Involve stakeholders in development of the study
- e. Include representatives of governance, administration, union, volunteers, and community
- f. Study fire service regionally, coordination among agencies is essential
- g. Understand fire service: operations, procedures, standards of coverage, prevention, suppression, training, education, facilities, equipment, funding, long-range planning, succession planning, risk analysis, service capabilities, service area and more

ATTACHMENTS

None



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

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www.napa.lafco.ca.gov

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

Agenda Item 7a (Public Hearing)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *B F*

MEETING DATE: June 5, 2023

SUBJECT: Final Budget for Fiscal Year 2023-24, Amendment to the Schedule of Fees and Deposits, and Work Program for Fiscal Year 2023-24

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Open the public hearing and take testimony;
- 2) Close the public hearing;
- 3) Adopt the Resolution of the Local Agency Formation Commission of Napa County Adopting a Final Budget for Fiscal Year 2023-24 (Attachment One);
- 4) Adopt the Resolution of the Local Agency Formation Commission of Napa County Amendment to Adopted Schedule of Fees and Deposits (Attachment Two);
- 5) Adopt the Resolution of the Local Agency Formation Commission of Napa County Adopting a Work Program for Fiscal Year 2023-24 (Attachment Three); and
- 6) Consider establishing an ad hoc subcommittee and appointing two members of the Commission to advise staff in the preparation of a request for proposals (RFP) and the selection of a consultant to prepare a Countywide Fire Protection and Emergency Medical Services Municipal Service Review.

BACKGROUND AND SUMMARY

LAFCOs are responsible for annually adopting a proposed budget by May 1st and a final budget by June 15th pursuant to California Government Code Section 56381. This statute specifies the proposed and final budgets shall – at a minimum – be equal to the budget adopted for the previous fiscal year unless LAFCO finds the reduced costs will nevertheless allow the agency to fulfill its prescribed regulatory and planning duties.

Margie Mohler, Chair
Councilmember, Town of Yountville

Anne Cottrell, Vice Chair
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County of Napa Supervisor, 1st District

Brendon Freeman
Executive Officer

Budgeting Policies

Consistent with the Commission's *Budget Policy* ("the Policy"), included as Attachment Four, the Commission appointed Commissioners Mohler and Leary to serve on an ad hoc Budget Committee ("the Committee") to inform the Commission's decision-making process in adopting an annual operating budget. The Policy directs the Committee to also consider the Commission's work program.

The Commission is directed to control operating expenses by utilizing its available undesignated/unreserved fund balance ("reserves") whenever possible and appropriate. The Commission is also directed to retain sufficient reserves to equal no less than one third (i.e., four months) of the budgeted operating expenses in the affected fiscal year.

Prescriptive Funding Sources

The Commission's annual operating expenses are primarily funded by the County of Napa and the Cities of American Canyon, Calistoga, Napa, St. Helena, and Town of Yountville. State law specifies the County is responsible for one-half of the Commission's operating expenses while the remaining amount is to be apportioned among the cities and town. The current formula for allocating the cities' and town's shares of the Commission's budget was adopted by the municipalities in 2003 and is based on a weighted calculation of population (60%) and general tax revenues (40%). Additional funding – typically less than 10% of total revenues – is budgeted from anticipated application fees and interest earnings.

Actions to Date

The Committee met on February 22, 2023 to prepare a draft budget. The Committee also agreed the Commission's adopted *Schedule of Fees and Deposits* ("Fee Schedule") should be amended to clarify various application fee procedures. Lastly, the Committee discussed a draft work program with staff, including the concept of a potential countywide fire study.

On April 3, 2023, staff presented a proposed budget and a draft work program to the Commission. The Commission adopted the proposed budget with one key change to increase budgeted expenses for consulting services by \$100,000 for purposes of initiating a countywide fire study. The Commission also directed staff to return with a final work program that includes a countywide fire study.

The adopted proposed budget – with the aforementioned change – was circulated to each of the county, city, and town managers, as well as the general public, for review and comment through May 5, 2023. No comments were received.

Final Budget Summary

The Commission will consider approving a final budget for fiscal year 2023-24 with operating expenses totaling \$812,946 and operating revenues totaling \$709,436. The final budget positions the Commission to finish the 2023-24 fiscal year with available reserves totaling \$279,670 or 34.4% of proposed operating expenses. Therefore, the final budget would result in sufficient reserves to meet the Policy directive to retain reserves equal to no less than one-third of operating expenses.

Operating Expenses

Operating expenses in the final budget total \$812,946. This includes an increase of \$3,510 from the adopted proposed budget. A summary follows.

Salaries and Benefits Unit

This budget unit is proposed to total \$15,850 and is primarily associated with Commissioner per diems for attendance at meetings, conferences, trainings, and other activities related to LAFCO business. Staff salaries and benefits are categorized under Administration Services (Account No. 52100) within the Services and Supplies budget unit as summarized below.

Services and Supplies Unit

This budget unit is proposed to total \$797,096. The following is a summary of expense accounts that differ by at least \$1,000 compared to the current fiscal year:

- 1) Increase Administration Services (Account No. 52100) from \$509,844 to \$548,598 to reflect the recent hiring of a full-time Clerk/Jr. Analyst. The \$3,510 increase in budgeted expenses as compared to the adopted proposed budget can be wholly attributed to the final salary for the Clerk/Jr. Analyst. Notably, the final budget includes \$2,000 for the County of Napa's 401(a) Employer Contribution, which is included under Administration Services. The Executive Officer and Assistant Executive Officer are authorized to participate in the 401(a) retirement savings plan.
- 2) Increase Information Technology Services (Account No. 52130) from \$23,974 to \$34,309 to reflect price increases in hardware, software, contract renewals, and cybersecurity.
- 3) Increase Consulting Services (Account No. 52310) from \$10,000 to \$105,000 to: (a) hire an outside facilitator for the Commission's scheduled strategic planning session on July 10, 2023; and (b) hire a consultant to assist the Commission in preparing a countywide fire and emergency medical services municipal service review.
- 4) Increase Maintenance/Software (Account No. 52515) from \$1,930 to \$3,062 to reflect a planned update of the Commission's website, including a change in the website host from Planetaria to Streamline.
- 5) Increase Business Travel/Mileage (Account No. 52905) from \$1,000 to \$3,000 to reflect an increase in anticipated travel for Chair Mohler to attend CALAFCO Board of Directors meetings in person.
- 6) Increase Office Supplies (Account No. 53100) from \$1,000 to \$2,000 in anticipation of an increase in purchases related to the new Clerk/Jr. Analyst.

Operating Revenues

Operating revenues in the final budget total \$709,436. The Commission's revenues are primarily derived from the County of Napa and the Cities of American Canyon, Calistoga, Napa, St. Helena, and Town of Yountville. These agency contributions in the final budget total \$679,476. Service charges (i.e., proposal application fees) in the final budget total \$23,460 based on anticipated proposal activity. Interest earnings on the Commission's fund balance are expected to total \$6,500 based on recent trends.

Fee Schedule Amendment

The Committee recommends the Commission adopt a resolution to amend the Fee Schedule effective July 1, 2023. The amendment is generally limited to making clarifications to the application process and these changes are considered non-substantive. The Fee Schedule amendment showing tracked changes is included as Attachment Five.

Work Program

Local policy directs the Commission to annually adopt a work program for purposes of scheduling key activities over the course of the fiscal year.

At its meeting on April 3, 2023, the Commission discussed a draft work program and directed staff to return with a revised work program for adoption at today's meeting that includes a Countywide Fire Protection and Emergency Medical Services Municipal Service Review. As noted earlier, the Commission also requested the final budget include \$100,000 in consulting services for this purpose. A revised work program is included as an exhibit to the resolution adopting the work program (Attachment Three). Staff recommends the project be initiated in January 2024 with a draft report to be presented in June 2024.

Staff recommends the Commission consider establishing an ad hoc subcommittee with two appointed members to advise staff in the preparation of an RFP seeking qualified professional consulting firms to prepare a Countywide Fire and Emergency Medical Services Municipal Service Review. A draft RFP would be presented to the full Commission at a future meeting for discussion and possible revisions prior to its release. If the Commission is agreeable, staff recommends the subcommittee also be authorized to assist staff with consultant interviews and the final selection process.

ATTACHMENTS

- 1) Draft Resolution Adopting a Proposed Budget for Fiscal Year 2023-24
- 2) Draft Resolution Amending the Fee Schedule
- 3) Draft Resolution Adopting the Work Program for Fiscal Year 2023-24
- 4) Budget Policy
- 5) Fee Schedule Amendment (tracked changes)

RESOLUTION NO. ____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
ADOPTING A FINAL BUDGET FOR FISCAL YEAR 2023-24**

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

WHEREAS, Government Code Section 56381 requires the Commission to adopt a proposed budget by May 1 and a final budget by June 15; and

WHEREAS, the Commission appoints and utilizes an ad hoc subcommittee (“Budget Committee”) to help inform and make decisions regarding the agency’s funding requirements; and

WHEREAS, the Commission adopted a proposed budget prepared by the Budget Committee at a noticed public hearing on April 3, 2023; and

WHEREAS, at the direction of the Commission, the Budget Committee circulated the adopted proposed budget for review and comment to the administrative and financial officers of each of the six local agencies that contribute to the Commission budget as well as to all local special districts; and

WHEREAS, no comments were received concerning the adopted proposed budget; and

WHEREAS, the Executive Officer prepared a report concerning the Budget Committee’s recommended final budget; and

WHEREAS, the Executive Officer’s report on a final budget has been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at its public hearing on the final budget held on June 5, 2023; and

WHEREAS, the Commission determined the final budget projects the staffing and program costs of the Commission as accurately and appropriately as is possible.

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

1. The final budget as outlined in Exhibit "A" is adopted.
2. The final budget provides the Commission sufficient resources to fulfill its regulatory and planning responsibilities in accordance with Government Code Section 56381(a).

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on June 5, 2023, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

 Margie Mohler
 Commission Chair

ATTEST: _____
 Brendon Freeman
 Executive Officer

Recorded by: Stephanie Pratt
 Clerk/Jr. Analyst



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

FY 2023-24 FINAL BUDGET

Adopted on June 5, 2023

Expenses

Salaries and Benefits

Account	Description	FY 2020-21		FY 2021-22		FY 2022-23		FY 2023-24	
		Final Budget	Actual	Final Budget	Actual	Final Budget	Estimate	Final Budget	Final Budget
51210	Commissioner Per Diems	14,500	12,720	12,500	12,300	15,200	13,200	15,000	15,000
51300	Medicare - Commissioners	250	181	250	205	250	250	250	250
51305	FICA - Commissioners	500	512	500	525	500	600	600	600
	Total Salaries & Benefits	15,250	13,413	13,250	13,030	15,950	14,050	15,850	15,850

Services and Supplies

Account	Description	FY 2020-21		FY 2021-22		FY 2022-23		FY 2023-24	
		Final Budget	Actual	Final Budget	Actual	Final Budget	Estimate	Final Budget	Final Budget
52100	Administration Services	415,869	421,287	439,901	408,954	509,844	475,000	548,598	548,598
52125	Accounting/Auditing Services	7,500	6,593	7,500	6,847	7,500	7,300	7,500	7,500
52130	Information Technology Services	24,323	24,323	24,489	24,489	23,974	23,974	34,309	34,309
52131	ITS Communication Charges	-	-	1,837	1,837	1,685	1,692	2,000	2,000
52140	Legal Services	25,500	24,286	25,000	22,000	35,000	37,500	35,000	35,000
52310	Consulting Services	25,551	25,550	-	-	10,000	-	105,000	105,000
52345	Janitorial Services	300	225	300	150	300	150	300	300
52515	Maintenance-Software	1,930	1,929	1,930	1,930	1,930	1,930	3,062	3,062
52600	Rents and Leases: Equipment	5,500	3,220	4,000	2,784	4,000	3,500	3,500	3,500
52605	Rents and Leases: Building/Land	30,409	30,408	31,322	28,234	25,995	25,995	26,775	26,775
52700	Insurance: Liability	813	578	578	578	638	638	716	716
52800	Communications/Telephone	3,500	1,428	2,000	1,485	3,000	2,200	3,000	3,000
52830	Publications and Notices	1,500	814	1,000	1,100	1,000	800	750	750
52835	Filing Fees	50	100	200	150	200	100	150	150
52900	Training/Conference	989	200	10,000	-	15,000	9,000	15,000	15,000
52905	Business Travel/Mileage	1,000	-	500	-	1,000	1,000	3,000	3,000
53100	Office Supplies	1,250	1,179	1,000	400	1,000	1,000	2,000	2,000
53110	Freight/Postage	350	100	500	100	150	50	100	100
53115	Books/Media/Subscriptions	-	-	-	119	119	119	119	119
53120	Memberships/Certifications	3,060	3,060	2,934	2,934	3,078	3,078	3,332	3,332
53205	Utilities: Electric	1,500	1,589	1,500	1,950	2,000	1,400	2,400	2,400
53415	Computer Software/Licensc	-	150	225	225	225	225	225	225
56350	Business Related Meal/Supplies	500	122	250	33	-	195	260	260
	Total Services & Supplies	551,394	546,363	556,966	506,337	647,638	596,846	797,096	797,096
	EXPENSE TOTALS	566,644	559,776	570,216	519,367	663,588	610,896	812,946	812,946

Revenues		FY 2020-21		FY 2021-22		FY 2022-23		FY 2023-24	
		Final Budget	Actual	Final Budget	Actual	Final Budget	Estimate	Final Budget	Estimate
Intergovernmental									
Account Description									
43910 County of Napa	242,700	242,700	254,835	313,794	313,794	313,794	313,794	313,794	339,738
43950 Other Governmental Agencies	242,700	242,700	254,835	254,835	313,794	313,794	313,794	313,794	339,738
----- <i>City of Napa</i>	162,800	162,800	166,432	166,432	207,969	207,969	207,969	207,969	222,680
----- <i>City of American Canyon</i>	41,166	41,166	45,843	45,843	56,307	56,307	56,307	56,307	61,235
----- <i>City of St. Helena</i>	13,159	13,159	18,608	18,608	20,381	20,381	20,381	20,381	22,609
----- <i>City of Calistoga</i>	14,515	14,515	13,976	13,976	16,885	16,885	16,885	16,885	20,342
----- <i>Town of Yountville</i>	9,060	9,060	9,976	9,976	12,252	12,252	12,252	12,252	12,872
Total Intergovernmental	485,400	485,400	509,670	509,670	627,588	627,588	627,588	627,588	679,476
Service Charges									
Account Description									
42690 Application/Permit Fees	21,060	37,356	20,000	25,450	25,000	25,000	25,000	25,000	22,950
46800 Charges for Services	624	593	600	1,074	1,000	1,000	1,000	1,000	510
47900 Miscellaneous	-	-	-	2,845	4,000	4,000	4,000	4,000	-
Total Service Charges	21,684	37,949	20,600	29,369	30,000	30,000	30,000	30,000	23,460
Investments									
Account Description									
45100 Interest	12,000	6,817	10,000	5,700	6,000	6,000	6,000	6,000	6,500
Total Investments	12,000	6,817	10,000	5,700	6,000	6,000	6,000	6,000	6,500
REVENUE TOTALS									
	519,084	530,166	540,270	544,739	663,588	663,588	663,588	663,588	709,436
OPERATING DIFFERENCE	(47,560)	(29,610)	(29,946)	25,372	0	0	0	0	(103,510)
Reserves									
Undesignated/Unreserved Fund Balance ("Reserves")									
Beginning:	329,616	329,616	300,006	300,006	325,378	325,378	325,378	325,378	383,180
Ending:	300,906	300,906	325,378	325,378	383,180	383,180	383,180	383,180	279,670
MINIMUM FOUR MONTH RESERVE GOAL	188,881	188,881	190,072	190,072	221,196	221,196	221,196	221,196	270,982

RESOLUTION NO. ____

RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
AMENDMENT TO ADOPTED SCHEDULE OF FEES AND DEPOSITS

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) authorizes the Local Agency Formation Commission of Napa County (hereinafter referred to as "Commission") to adopt a fee schedule; and

WHEREAS, the Commission established and adopted by resolution a "Schedule of Fees and Deposits" on December 1, 2001 in a manner provided by law; and

WHEREAS, the Commission has amended the adopted Schedule of Fees and Deposits as appropriate since its establishment on several occasions; and

WHEREAS, the Commission appoints and utilizes an ad hoc subcommittee ("Budget Committee") to help inform and make decisions regarding the agency's funding requirements including the adopted Schedule of Fees and Deposits; and

WHEREAS, the Commission considered a proposed amendment to the adopted Schedule of Fees and Deposits prepared by the Budget Committee at a noticed public hearing on June 5, 2023.

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER the Schedule of Fees and Deposits shall be amended in the manner set forth in Exhibit "A" and become effective July 1, 2023.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on June 5, 2023, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

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

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Stephanie Pratt
Clerk/Jr. Analyst



Local Agency Formation Commission of Napa County

Subdivision of the State of California

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

Schedule of Fees and Deposits

Effective Date: July 1, 2023

These are the policies of the Local Agency Formation Commission (LAFCO) of Napa County with respect to setting fees and deposits in fulfilling LAFCO's regulatory and planning duties prescribed under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

1. This schedule shall be administered in accordance with the provisions of Government Code (G.C.) §56383.
2. This schedule includes both "fixed" and "at-cost" fees. Fixed fees represent reasonable cost estimates for processing routine applications and based on a number of predetermined staff hours. At-cost fees apply to less routine applications and based on the number of actual staff hours. Staff time is charged at a fully burdened hourly rate of \$170.
3. Applications submitted to LAFCO shall be accompanied by the appropriate fees as detailed in this schedule. Staff shall identify which fees are due at the time the application is submitted and the timing when other fees are required. Any required fees that have not been received at the time LAFCO action on an application shall be made a condition of approval.
4. Staff may stop work on any application until the applicant submits a requested deposit or fee.
5. All deposit amounts for at-cost applications shall be determined by the Executive Officer. The Executive Officer shall provide a written accounting of all staff time and related expenses billed against the deposit. If the cost in processing an application begins to approach or exceed the deposited amount, the Executive Officer shall request additional monies from the applicant.
6. Upon completion of an at-cost application, staff shall issue to the applicant a statement detailing all billable expenditures from a deposit. Staff shall refund the applicant for any monies remaining from the deposit less one-half hour of staff time to process the return as provided in this schedule.
7. In the course of processing applications, staff is required to collect fees on behalf of other government agencies such as the State Board of Equalization. LAFCO recognizes these are "pass through" fees that are not within LAFCO's discretion and therefore no formal action is required to update those fees in this schedule.

8. All fees payable to LAFCO shall be submitted by check and made payable to "LAFCO". All fees payable to other government agencies as identified in this schedule shall be submitted by check and made payable to the applicable agency.
9. Applicants are responsible for any fees or charges incurred by LAFCO and/or required by other governmental agencies in the course of the processing of an application.
10. Applicants are responsible for any extraordinary administrative costs as determined by the Executive Officer and detailed for the applicant in a written statement.
11. Initial application fees shall not be charged by LAFCO for city annexations involving unincorporated islands subject to G.C. §56375.3 and LAFCO's Policy on Unincorporated Islands, unless otherwise determined by the Executive Officer based on extraordinary circumstances.
12. If the processing of an application requires LAFCO to contract with another agency, firm, or individual for services beyond the normal scope of staff work, such as preparing an Environmental Impact Report or Comprehensive Fiscal Analysis, the applicant shall be responsible for all costs associated with that contract. The applicant will provide LAFCO with a deposit sufficient to cover the cost of the contract.
13. With respect to instances where LAFCO approves an outside service agreement under G.C. §56133(b), the fee for a subsequent annexation involving the affected territory and affected agency will be reduced by 50% if the annexation application is filed within one calendar year of LAFCO approval.
14. Requests for research on any particular subject will be provided at no cost for the first two hours. This includes, but is not limited to, archival retrieval, identifying properties relative to agency boundaries, and discussing potential applications. Any additional research time will be billed at the fully burdened hourly rate provided in this schedule.
15. Annexation and/or detachment applications involving concurrent boundary changes for two or more agencies qualify as reorganizations and will incur an additional fee of \$850. Annexation applications involving cities that require concurrent detachment from County Service Area No. 4, and no other boundary changes are proposed, will only incur an additional fee of \$170.
16. LAFCO's ad hoc Budget Committee shall annually review this schedule and recommend updates to help LAFCO maintain an appropriate level of cost-recovery.

INITIAL APPLICATION FEES

The following fees must be submitted to LAFCO as part of the application filing. The Executive Officer will identify the specific deposits, fees, and amounts that apply to the application.

Change of Organization or Reorganization: Annexations and Detachments

• Exempt from California Environmental Quality Act	
100% Consent from Landowners and Agencies where LAFCO is Responsible or Lead Agency	\$5,100
Without 100% Consent from Landowners and Agencies where LAFCO is Responsible or Lead Agency	\$6,800
• Not Exempt from California Environmental Quality Act / Negative Declaration	
100% Consent from Landowners and Agencies where LAFCO is Responsible Agency	\$5,950
100% Consent from Landowners and Agencies where LAFCO is Lead Agency	\$8,500 plus consultant contract
Without 100% Consent from Landowners and Agencies where LAFCO is Responsible Agency	\$7,650
Without 100% Consent from Landowners and Agencies where LAFCO is Lead Agency	\$10,200 plus consultant contract
• Not Exempt from California Environmental Quality / Environmental Impact Report	
100% Consent from Landowners and Agencies where LAFCO is Responsible Agency	\$6,800
100% Consent from Landowners and Agencies where LAFCO is Lead Agency	\$8,500 plus consultant contract
Without 100% Consent from Landowners and Agencies where LAFCO is Responsible Agency	\$8,500
Without 100% Consent from Landowners and Agencies where LAFCO is Lead Agency	\$10,200 plus consultant contract

Change of Organization or Reorganization: Other

• City Incorporations and Disincorporations	at-cost
• Special District Formations, Consolidations, Mergers, and Dissolutions	at-cost
• Special District Requests to Activate or Deactivate Powers	at-cost

Other Applications

• Request for Outside Service Agreement	\$3,400
• Request for Reconsideration	\$3,400
• Request for Time Extension to Complete Proceedings	\$850
• Request for Municipal Service Review	at-cost
• Request for Sphere of Influence Amendment	at-cost

Miscellaneous	
• Special Meeting	\$1,200
• Alternate Legal Counsel	at-cost

OTHER APPLICATION FEES

The following fees may apply to applications and records requests. The Executive Officer will identify all applicable fee amounts and the timing for payment submittal.

Fees Made Payable to the County of Napa	
• Assessor’s Annexation Mapping Fee	\$162
• County Surveyor’s Review Fee	\$253.09
• Clerk-Recorder’s Environmental Filing Fee	\$50
• Elections’ Registered Voter List Fee	\$75 hourly
• Elections’ Signature Verification Fee	\$75 hourly
• Clerk-Recorder’s Environmental Document Fee	
.....Environmental Impact Report	\$3,839.25
.....Mitigated Negative Declaration	\$2,764.00
.....Negative Declaration	\$2,764.00

Fees Made Payable to LAFCO	
• Geographic Information System Update	\$170
• Public Hearing Notice Newspaper Publishing	at-cost
• Photocopying	\$0.10 (black) / \$0.40 (color)
• Mailing	at-cost
• Audio Recording of Meeting	at-cost
• Research/Archive Retrieval	\$170 hourly

Fees Made Payable to the State Board of Equalization to Record Boundary Changes			
Acre	Fee	Acre	Fee
0.00-0.99	\$300	51.00-100.99	\$1,500
1.00-5.99	\$350	101.00-500.99	\$2,000
6.00-10.99	\$500	501.00-1,000.99	\$2,500
11.00-20.99	\$800	1,001.00-2,000.99	\$3,000
21.00-50.99	\$1,200	2,001.00+	\$3,500

RESOLUTION NO. _____

RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
ADOPTING A WORK PROGRAM FOR FISCAL YEAR 2023-24

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) directs the Local Agency Formation Commission of Napa County (hereinafter “the Commission”) to prepare Municipal Service Reviews in order to prepare and to update spheres of influence; and

WHEREAS, local policy directs the Commission to annually adopt a Work Program; and

WHEREAS, the Commission’s annual Work Program establishes a schedule for the preparation of Municipal Service Reviews, Sphere of Influence Updates, and other agency activities; and

WHEREAS, at its June 5, 2023 meeting, the Commission considered adopting a Work Program for fiscal year 2023-24 prepared by staff.

NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation Commission of Napa County hereby adopts the Work Program for fiscal year 2023-24, included as Exhibit “A” to this resolution.

This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on June 5, 2023, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

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

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Stephanie Pratt
Clerk/Jr. Analyst

Napa LAFCO Work Program for Fiscal Year 2023-24			
		Timeline	Comments
STUDIES	Napa County Resource Conservation District MSR & SOI	Draft report in Aug 2023	Previous MSR & SOI completed in 2016
	County Service Area No. 4 MSR & SOI	Draft report in Oct 2023	Previous MSR & SOI completed in 2017
	Napa Sanitation District SOI	Draft report in Feb 2024	Previous MSR completed in 2014 (Central County Region MSR), previous SOI completed in 2015
	City of St. Helena MSR & SOI	Draft report in April 2024	Previous MSR & SOI completed in 2008
	Countywide Fire & EMS MSR	Draft report in June 2024	Previous Countywide Fire MSR completed in 2006, Commission agreed to allocate \$100,000 for a consultant in FY 23-24
ADMINISTRATION	Audit	Annual	Presented by the County Auditor-Controller annually in December
	Budget	Annual	Proposed budget must be adopted by May 1; final budget must be adopted by June 15; Budget Committee appointed annually in December; staff prepares quarterly budget reports
	Legislation	Annual	Legislative Committee appointed every 2 years to review state legislation and recommend formal positions
	Policies	Ongoing	Policy amendments will be proposed as needed and Policy Manual updated accordingly
	Proposals	Ongoing	See "Current and Future Proposals" staff report on each meeting agenda for a status update
	Staff Training	Ongoing	New Clerk/Jr. Analyst requires comprehensive training on LAFCO's administrative functions and application processing
	Website/Document Management	Ongoing	Staff continuously updates information on website including agendas, minutes, meeting recordings, audits, budgets, etc.; website host will change to Streamline beginning July 1, 2023; staff is also working on migrating all electronic documents from Laserfiche system to County-hosted network
OTHER	Strategic Planning (Yountville Town Hall)	July 10, 2023	Strategic planning is recommended every 2 years; Commission will conduct a strategic planning workshop on July 10, 2023 in Yountville with Pamela Miller as facilitator
	Special Projects and Studies	TBD	To be determined in budget cycle and strategic planning; typically involves a contract with a consultant to be funded with reserves; see Countywide Fire & EMS MSR in "Studies"
	Support Services Agreement with County of Napa	TBD	Staff working with County to amend agreement for purposes of modernization and possible further LAFCO independence; amendments will require formal approval from both the Commission and County Board of Supervisors
	2023 CALAFCO Annual Conference	October 18 - 20, 2023	Monterey; all Commissioners and staff encouraged to attend
	2024 CALAFCO Staff Workshop	April 2024	TBD (Coastal Region will host); all staff encouraged to attend
Final Work Program presented on June 5, 2023			



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Budget Policy

(Adopted: August 9, 2001; Last Amended: November 18, 2019)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization (CKH) Act of 2000 includes provisions for establishing a budget and for the receipt of funds. [Government Code \(G.C.\) §56381](#) establishes that the Commission shall annually adopt a budget for the purpose of fulfilling its duties under CKH.

II. Purpose

It is the intent of the Commission to adopt a policy for budget purposes which establishes procedures for compiling, adopting and administering the budget. The Commission is committed to providing transparency of its operations including its fiscal activities. The Commission follows recognized accounting principles and best practices in recognition of its responsibility to the public.

III. Preparation of Annual Budget

- A) An annual budget shall be prepared, adopted and administered in accordance with [\(G.C.\) §56381](#).
- B) The Commission should annually consider the Fee Schedule, including any anticipated changes, and Work Program in conjunction with the budget process.
- C) The Commission is committed to ensuring the agency is appropriately funded each fiscal year to effectively meet its prescribed regulatory and planning responsibilities. The Commission is also committed to controlling operating expenses to reduce the financial obligations on the County of Napa, the cities and town, hereafter referred to as the “funding agencies,” whenever possible and appropriate.
- D) The budget shall include an undesignated/unreserved fund balance equal to a minimum of one-third (i.e., four months) of annually budgeted operating expenses.
- E) The Commission shall establish an ad-hoc budget committee at the last meeting of each calendar year comprising of two Commissioners which will terminate with the adoption of the final budget. Commissioners appointed to a budget committee shall receive a regular per diem payment for each meeting attended.
- F) The adopted final budget should be posted on the Commission’s website for public viewing for a minimum of five years.
- G) The Executive Officer shall provide quarterly budget reports to the Commission for informational purposes.

IV. Budget Contributions and Collection of Funds

G.C. §56381 establishes that the Commission shall adopt annually a budget for the purpose of fulfilling its duties under CKH. It further establishes that the County Auditor shall apportion the operating expenses from this budget in the manner prescribed by G.C. §56381(b), or in a manner mutually agreed upon by the agencies responsible for the funding of the Commission's budget G.C. §56381(c) states that:

After apportioning the costs as required in subdivision (b), the auditor shall request payment from the Board of Supervisors and from each city no later than July 1 of each year for the amount that entity owes and the actual administrative costs incurred by the auditor in apportioning costs and requesting payment from each entity. If the County or a city does not remit its required payment within 60 days, the Commission may determine an appropriate method of collecting the required payment, including a request to the auditor to collect an equivalent amount from the property tax, or any fee or eligible revenue owed to the County or city. The auditor shall provide written notice to the County or city prior to appropriating a share of the property tax or other revenue to the Commission for the payment due the Commission pursuant to this section.

It is the intent of the Commission that all agencies provide the costs apportioned to them from the LAFCO budget. Pursuant to G.C. §56381(c), the policy of the Commission is:

- A) If the County or a city or a town does not remit its required payment within 45 days of the July 1 deadline, the County Auditor shall send written notice to the agency in question that pursuant to G.C. §56381(c) and this policy, the Auditor has the authority to collect the amount of the Commission's operating expenses apportioned to that agency after 60 days from the July 1 deadline.
- B) If the County or a city or a town does not remit its required payment within 60 days of the July 1 deadline, the County Auditor shall collect an amount equivalent to the cost apportioned to that agency from the property tax owed to that agency, or some other eligible revenue deemed appropriate or necessary by the County Auditor. The County Auditor shall send written notice of the action taken to the agency and to the Commission.

V. Executive Officer Purchasing and Budget Adjustment Authority

Pursuant to G.C. §56380, the Commission shall make its own provision for necessary quarters, equipment, supplies, and services. The associated operating costs are provided for through the Commission's adoption of its annual budget in the manner prescribed in G.C. §56381.

It is the intent of the Commission to charge the LAFCO Executive Officer with the responsibility and authority for coordinating and managing the procurement of necessary quarters, equipment, supplies, and services, and to adjust the annual budget as necessary under certain circumstances. The policy of the Commission is:

- A) The Executive Officer is charged with the responsibility and authority for coordinating and managing the procurement of necessary quarters, equipment, supplies, and services in accordance with applicable laws, regulations and policies.
- B) The Executive Officer is authorized to act as the agent for LAFCO in procuring necessary quarters, equipment, supplies, and services.
- C) Only the Commission itself or the Executive Officer may commit LAFCO funds for the purchase of any necessary quarters, equipment, supplies, or services for LAFCO use.
- D) The Executive Officer is delegated purchasing authority on behalf of LAFCO for necessary quarters, equipment, supplies, and services not to exceed \$5,000 per transaction. The Commission must approve any purchase of necessary quarters, equipment, supplies, and services that exceed the monetary limits set forth in this policy.
- E) Following review and approval by the Chair, the Executive Office is authorized to make adjustments and administrative corrections to the budget without Commission action provided the adjustments and corrections are within the total budget allocations adopted by the Commission.
- F) Following review and approval by the Chair, the Executive Officer is authorized to adjust the budget for purposes of carrying over to the new fiscal year any encumbered funds that have been approved by the Commission in a prior fiscal year and involve unspent balances. Said funds include committed contracts for services that were not completed in the prior fiscal year and must be re-encumbered by way of a budget adjustment in the new fiscal year.



Local Agency Formation Commission of Napa County

Subdivision of the State of California

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

Schedule of Fees and Deposits

Effective Date: ~~January~~ July 1, 2023

These are the policies of the Local Agency Formation Commission (LAFCO) of Napa County with respect to setting fees and deposits in fulfilling LAFCO's regulatory and planning duties prescribed under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

1. This schedule shall be administered in accordance with the provisions of Government Code (G.C.) §Section-56383.
2. This schedule includes both "fixed" and "at-cost" fees. Fixed fees represent reasonable cost estimates for processing routine ~~proposals-applications~~ and based on a number of predetermined staff hours. At-cost fees apply to less routine ~~proposals-applications~~ and based on the number of actual staff hours. Staff time is charged at a fully burdened hourly rate of \$170.
3. ~~Proposals-Applications~~ submitted to ~~the Commission~~LAFCO shall be accompanied by the appropriate ~~proposal~~ fees as detailed in this schedule. Staff shall identify which fees are due at the time the ~~proposal-application~~ is submitted and the timing when other fees are required. Any required ~~proposal~~ fees that have not been received at the time of ~~Commission~~LAFCO action on an application ~~proposal~~ shall be made a condition of ~~proposal~~ approval.
4. Staff may stop work on any ~~proposal-application~~ until the applicant submits a requested deposit or fee.
5. All deposit amounts for at-cost ~~proposals-applications~~ shall be determined by the Executive Officer. The Executive Officer shall provide a written accounting of all staff time and related expenses billed against the deposit. If the cost in processing an application ~~proposal~~ begins to approach or exceed the deposited amount, the Executive Officer shall request additional monies from the applicant.
6. Upon completion of an at-cost ~~proposal~~application, staff shall issue to the applicant a statement detailing all billable expenditures from a deposit. Staff shall refund the applicant for any monies remaining from the deposit less one-half hour of staff time to process the return as provided in this schedule.
7. In the course of processing ~~proposals~~applications, staff is required to collect fees on behalf of other government agencies such as the State Board of Equalization. ~~The Commission~~LAFCO recognizes these are "pass through" fees that are not within ~~LAFCO~~the Commission's discretion and therefore no ~~Commission-formal~~ action is required to ~~make changes to update~~ those fees in this schedule.

8. All fees payable to ~~the Commission~~LAFCO shall be submitted by check and made payable to "LAFCO of Napa County." All fees payable to other government agencies as identified in this schedule shall be submitted by check and made payable to the applicable agency.
9. Applicants are responsible for any fees or charges incurred by ~~the Commission~~LAFCO and/or required by other governmental agencies in the course of the processing of an application-proposal.
10. Applicants are responsible for any extraordinary administrative costs as determined by the Executive Officer and detailed for the applicant in a written statement.
11. ~~Proposal-Initial application~~ fees shall not be charged by ~~LAFCOthe Commission~~ for city annexations proposals involving ~~one or more entire~~ unincorporated islands subject to G.C. §Section 56375.3 and ~~the Commission~~LAFCO's Policy on Unincorporated Islands, unless otherwise determined by the Executive Officer based on extraordinary circumstances.
12. If the processing of an application proposal requires ~~LAFCOthe Commission~~ to contract with another agency, firm, or individual for services beyond the normal scope of staff work, such as ~~the drafting of~~preparing an Environmental Impact Report or Comprehensive Fiscal Analysis, the applicant shall be responsible for all costs associated with that contract. The applicant will provide ~~LAFCOthe Commission~~ with a deposit sufficient to cover the cost of the contract.
13. With respect to instances where ~~the Commission~~LAFCO approves an outside service agreement under G.C. §Section 56133(b), the fee for a subsequent annexation involving the affected territory and affected agency will be reduced by ~~one-half~~ 50% if the annexation application is filed within one calendar year of LAFCO approval.
14. Requests for research on any particular subject will be provided at no cost for the first two hours. This includes, but is not limited to, archival retrieval, identifying properties relative to agency boundaries, and discussing potential ~~proposals~~ applications. Any additional research time will be billed at the fully burdened hourly rate provided in this schedule.
15. Annexation and/or detachment ~~proposals-applications~~ involving concurrent boundary changes for two or more agencies qualify as reorganizations and will ~~be charged incur~~ an additional fee of \$850 ~~(five hours)~~. Annexation ~~proposals-applications~~ involving cities that require concurrent detachment from County Service Area No. 4, and no other boundary changes are proposed, will only incur an additional fee of \$170 ~~(one hour)~~.
16. ~~The Commission~~LAFCO's ad hoc Budget Committee shall annually review this schedule and ~~update the fully burdened hourly rate~~ recommend updates to help ~~LAFCO~~ maintain an appropriate level of cost-recovery.

INITIAL ~~PROPOSAL APPLICATION~~ FEES

The following fees must be submitted to LAFCO~~the Commission~~ as part of the proposal application filing. The Executive Officer will identify the specific deposits, fees, and amounts that apply to the proposal application.

Change of Organization or Reorganization: Annexations and Detachments

- **~~Proposals~~ Exempt from California Environmental Quality Act**

100% Consent from Landowners and Agencies where <u>LAFCO</u> the Commission is Responsible or Lead Agency	\$5,100 (30 hours)
Without 100% Consent from Landowners and Agencies where <u>LAFCO</u> the Commission is Responsible or Lead Agency	\$6,800 (40 hours)

- **~~Proposals~~ Not Exempt from California Environmental Quality Act / Negative Declaration**

100% Consent from Landowners and Agencies where <u>LAFCO</u> the Commission is Responsible Agency	\$5,950 (35 hours)
100% Consent from Landowners and Agencies where <u>LAFCO</u> the Commission is Lead Agency	\$8,500 (50 hours) plus consultant contract
Without 100% Consent from Landowners and Agencies where <u>LAFCO</u> the Commission is Responsible Agency	\$7,650 (45 hours)
Without 100% Consent from Landowners and Agencies where <u>LAFCO</u> the Commission is Lead Agency	\$10,200 (60 hours) plus consultant contract

- **~~Proposals~~ Not Exempt from California Environmental Quality / Environmental Impact Report**

100% Consent from Landowners and Agencies where <u>LAFCO</u> the Commission is Responsible Agency	\$6,800 (40 hours)
100% Consent from Landowners and Agencies where <u>LAFCO</u> the Commission is Lead Agency	\$8,500 (50 hours) plus consultant contract
Without 100% Consent from Landowners and Agencies where the Commission <u>LAFCO</u> is Responsible Agency	\$8,500 (50 hours)
Without 100% Consent from Landowners and Agencies where the Commission <u>LAFCO</u> is Lead Agency	\$10,200 (60 hours) plus consultant contract

Change of Organization or Reorganization: Other

• City Incorporations and Disincorporations	at-cost
• Special District Formations, Consolidations, Mergers, and Dissolutions	at-cost
• Special District Requests to Activate or Deactivate Powers	at-cost

Other ~~Service Requests~~ Applications

• New or Extended Request for Request Agreement Outside Service	\$3,400 (20 hours)
• Request for Reconsideration	\$3,400 (20 hours)
• Request for Time Extension to Complete Proceedings	\$850 (5 hours)
• Request for Municipal Service Reviews	at-cost
• Request for Sphere of Influence Establishment/Amendment	at-cost

Miscellaneous

• Special Meeting	\$1,200
• Alternate Legal Counsel	at-cost

OTHER ~~PROPOSAL APPLICATION FEES~~

~~The following fees generally may apply to proposals applications and records requests that have been approved by the Commission and are not required at the time of filing. An exception involves the fee for registered voter lists, which may be required before the Commission takes action on an application if the underlying activity is subject to protest proceedings. Other fees in this section apply to service requests that are not tied to a specific proposal, such as research and photocopying. The Executive Officer will identify all applicable fee amounts and the timing for payment submittal.~~

Fees Made Payable to the County of Napa

• Assessor’s Annexation Mapping Fee	\$162
• Ownership Verification Fee (Landowner Proposals)	\$13
• County Surveyor’s Review Fee	\$253.09
• Clerk-Recorder’s Environmental Filing Fee	\$50
• Elections’ Registered Voter List Fee	\$75 hourly
• Elections’ Signature Verification Fee (Registered Voter Proposals)	\$1375 hourly
• Clerk-Recorder’s Environmental Document Fee	
.....Environmental Impact Report	\$3,839.25
.....Mitigated Negative Declaration	\$2,764.00
.....Negative Declaration	\$2,764.00

Fees Made Payable to LAFCO

• Geographic Information System Update	\$170
• Public Hearing Notice Newspaper Publishing	at-cost
• Photocopying	\$0.10 (black) / \$0.40 (color)
• Mailing	at-cost
• Audio Recording of Meeting	at-cost
• Research/Archive Retrieval	\$170 hourly

Fees Made Payable to the State Board of Equalization to Record Boundary Changes			
Acre	Fee	Acre	Fee
0.00-0.99	\$300	51.00-100.99	\$1,500
1.00-5.99	\$350	101.00-500.99	\$2,000
6.00-10.99	\$500	501.00-1,000.99	\$2,500
11.00-20.99	\$800	1,001.00-2,000.99	\$3,000
21.00-50.99	\$1,200	2,001.00+	\$3,500



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

1754 Second Street, Suite C
Napa, California 94559
Phone: (707) 259-8645
www.napa.lafco.ca.gov

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

Agenda Item 8a (Action)

TO: Local Agency Formation Commission
PREPARED BY: Dawn Mittleman Longoria, Assistant Executive Officer
MEETING DATE: June 5, 2023
SUBJECT: Proposed Browns Valley Road Reorganization and Associated CEQA Findings

RECOMMENDATION

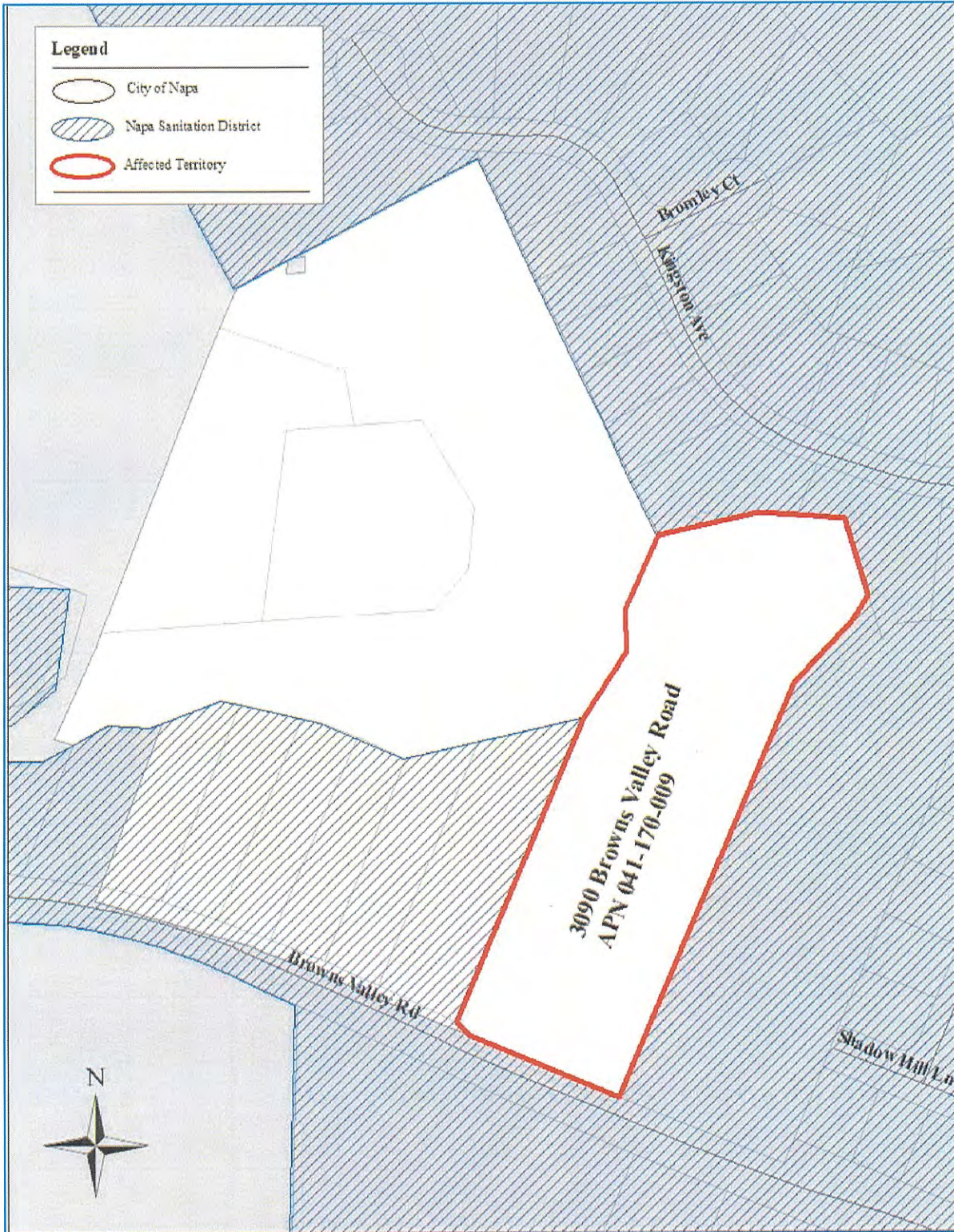
Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Browns Valley Road Reorganization (Attachment One) making California Environmental Quality Act (CEQA) findings and approving the proposed reorganization for annexation to the City of Napa (“City”), annexation to the Napa Sanitation District (NSD), and detachment from County Service Area (CSA) No. 4. Standard conditions are also recommended.

BACKGROUND AND SUMMARY

Applicant: Edenbridge Homes (on behalf of landowner)
Proposed Action: Annexation to City and NSD, detachment from CSA No. 4
Assessor Parcel Numbers: 041-170-009
Location: 3090 Browns Valley Road
Area Size: 3.77 acres
Jurisdiction: County of Napa (County)
Sphere of Influence Consistency: Yes
Policy Consistency: Yes
Tax Sharing Amount: \$13,000 to City, \$0 to NSD
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: City Negative Declaration
Current Land Uses: Two single family residences (cottage, barn, and sheds)

Purpose: Facilitate construction of single-family home subdivision
Development Plans: Eleven single-family home subdivision
Development Potential: City General Plan would allow up to 11 residential lots subject to City review and approval
Application: Attachment Two
Maps of Affected Territory: Following pages

Margie Mohler, Chair
Councilmember, Town of Yountville
Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District
Kenneth Leary, Commissioner
Representative of the General Public
Beth Painter, Commissioner
Councilmember, City of Napa
Belia Ramos, Commissioner
County of Napa Supervisor, 5th District
Eve Kahn, Alternate Commissioner
Representative of the General Public
Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon
Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District
Brendon Freeman
Executive Officer





DISCUSSION

Policy on Concurrent Detachment from CSA No. 4

The affected territory is located in CSA No. 4's jurisdictional boundary.¹ Local policy requires that all annexations to a city also include concurrent detachment from CSA No. 4 unless the affected territory contains, or is expected to contain, vineyards totaling one acre or more. Detaching the affected territory from CSA No. 4 is appropriate.

Unincorporated Island Considerations

The affected territory is within an unincorporated island surrounded by the City. The island includes 11 unincorporated parcels totaling approximately 14.8 acres with an estimated 26 residents. The Commission has discretion to expand the boundary of the affected territory to include additional parcels. However, the City surveyed neighboring landowners to solicit interest in joining the underlying proposal and none of the other landowners were interested. Staff recommends no modifications to the boundary of the affected territory.

Factors for Commission Determinations

Mandated Factors: Attachment Three²

Property Tax Agreements

City of Napa: \$13,000 property tax exchange³

NSD: No change in allocation for annexations to NSD

Protest Proceedings

Waived: Legally uninhabited (fewer than 12 registered voters) and 100% consent of property owners and affected located agencies⁴

¹ The intent and function of CSA No. 4 is to sponsor a voter-approved special assessment on all parcels in its jurisdiction containing one acre or more of vineyards to fund farmworker housing services.

² California Government Code sections 56668 & 56668.3

³ Master Property Tax Agreements: City of Napa Resolution 80-31; NSD Resolution 80-37

⁴ California Government Code section 56662(a): fewer than 12 registered voters; no affected local agency has submitted a written demand for notice and hearing; all owners of land within the affected territory have given their written consent to the proposal.

ENVIRONMENTAL REVIEW

City of Napa (Lead Agency): Initial Study/Mitigated Negative Declaration prepared for the Browns Valley Subdivision Project (PL21-0179) dated September 16, 2022 and adopted by the City Council per CEQA Guidelines section 15074, included as Attachment Four.⁵ The Commission has considered the Initial Study/Mitigated Negative Declaration prepared by the Lead Agency in accordance with CEQA Guidelines section 15096.

ATTACHMENTS

- 1) Draft Resolution Approving the Proposal and Making CEQA Findings
- 2) Application Materials
- 3) Factors for Commission Determinations
- 4) Initial Study and Mitigated Negative Declaration for the Browns Valley Subdivision Project

⁵ Reviewed by Napa LAFCO Legal Counsel

RESOLUTION NO. ____

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

BROWNS VALLEY ROAD REORGANIZATION

WHEREAS, an application for a proposed reorganization has been filed with the Local Agency Formation Commission of Napa County, hereinafter referred to as the “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code section 65000, et seq.); and

WHEREAS, the application seeks Commission approval to annex approximately 3.7 acres of unincorporated land to the City of Napa and the Napa Sanitation District with detachment from County Service Area No. 4 and represents one entire parcel located at 3090 Browns Valley Road and identified by the County of Napa Assessor’s Office as 041-170-009 (the “Project”); and

WHEREAS, the California Environmental Quality Act (Public Resources Code section 21000, et seq.) (“CEQA”) requires the City of Napa to consider the potential environmental impacts of the Project as the Lead Agency (as that term is defined by Public Resources Code section 21067);

WHEREAS, on September 14, 2022, the City of Napa posted a Notice of Intent to Adopt a Mitigated Negative Declaration which identified the period from September 16, 2022 to October 17, 2022 for review and comment by the public and public agencies having jurisdiction by law with respect to the Project; and

WHEREAS, on January 19, 2023, the City of Napa’s Planning Commission considered the Mitigated Negative Declaration and all written and oral testimony submitted to it at a noticed public hearing on the Project and recommended that the City Council adopt a resolution adopting the Mitigated Negative Declaration;

WHEREAS, on February 21, 2023, the City of Napa adopted Resolution R2023-20 approving submittal of an application to the Commission to initiate proceedings for the annexation of the Project site to the City of Napa and adopted Resolution R2023-19 determining that the actions authorized were adequately analyzed by the Project’s Initial Study and Mitigated Negative Declaration; and

WHEREAS, the Commission’s Executive Officer has reviewed the proposal and prepared a report with recommendations; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on June 5, 2023; and

WHEREAS, the Commission considered all the factors required by law under Government Code sections 56668 and 56668.3 as well as adopted local policies and procedures; and

WHEREAS, the proposal is consistent with the spheres of influence established for the City of Napa and the Napa Sanitation District; and

WHEREAS, the Project territory is uninhabited (as that term is defined by Government Code section 56046); no affected local agency has submitted a written demand for notice and hearing; and all owners of land included in the Project territory consent to the subject annexation; and

WHEREAS, in accordance with applicable provisions of CEQA, the Commission serves as Responsible Agency for the reorganization (as that term is defined by Public Resources Code section 21069) and has considered the Mitigated Negative Declaration prepared by the Lead Agency in accordance with CEQA Guidelines section 15096; and

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

1. The Factors for Commission Determinations provided in the Executive Officer's written report are hereby incorporated herein by this reference and are adequate.
2. The Commission serves as Responsible Agency for the proposal pursuant to CEQA Guidelines section 15051(b)(2). Pursuant to CEQA Guidelines 15162, the Commission determined that the proposal is within the scope of the Initial Study/Mitigated Negative Declaration prepared for the Browns Valley Subdivision Project (PL21-0179) dated September 16, 2022, and adopted by the City Council per CEQA Guidelines section 15074. The record of the Project's environmental review shall be kept at the Napa City Community Development Department, 1800 First Street, Napa, CA 94559.
3. The proposal is APPROVED, which includes annexation of the affected territory to the City of Napa and to the Napa Sanitation District and detachment of the affected territory from County Service Area No. 4, subject to the conditions specified in item 11 below.
4. This proposal is assigned the following distinctive short-term designation:

BROWNS VALLEY ROAD REORGANIZATION

5. The affected territory is shown on the maps in the attached Exhibit "A".
6. The affected territory so described is uninhabited as defined in California Government Code section 56046.
7. The affected territory is to be included on the regular assessment roll of the County of Napa, used by the City of Napa and the Napa Sanitation District.
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 of the Napa Sanitation District.
- 10. The Commission waives conducting authority proceedings in accordance with California Government Code section 56662(a).
- 11. Recordation is contingent upon receipt by the Executive Officer of the following:
 - (a) Final maps and geographic descriptions of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization.
 - (b) Written confirmation from the Napa Sanitation District that it is acceptable to record a Certificate of Completion.
- 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.
- 13. The Commission hereby directs staff to file a Notice of Determination in compliance with CEQA.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on June 5, 2023, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Stephanie Pratt
Clerk/Jr. Analyst

5320
Napa EX-A
03-14-2023

EXHIBIT A
BROWNS VALLEY ROAD
ANNEXATION TO THE CITY OF NAPA
GEOGRAPHICAL DESCRIPTION

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

Beginning at the southwest corner of the Browns Valley Road - Robinson Lane Annexation District as described in the Certificate of Completion recorded on July 21, 1982 in Book 1248 of Official Records, Page 439 in the office of the Napa County Recorder, State of California,

(1) thence along the north line of the Thompson Avenue – Laurel Street Annexation District as described in document recorded on August 27, 1971 in Book 858 of Official Records, Page 525 in the office of the Napa County Recorder, State of California, North 67° 44' 51" West 224.03 feet

(2) thence North 22° 26' 18" East 413.33 feet to the Centerline of South Branch Napa Creek;

(3) thence along Napa Creek South 52° 00' 00" East 4.78 feet;

(4) thence South 71° 00' 00" East 5.00 feet;

(5) thence North 73° 00' 00" East 14.00 feet;

(6) thence North 9° 00' 00" East 26.00 feet;

(7) thence North 38° 30' 00" East 18.00 feet;

(8) thence North 17° 00' 00" East 30.50 feet;

(9) thence North 12° 20' 00" East 86.00 feet;

(10) thence North 5° 10' 00" East 48.00 feet;

(11) thence North 18° 00' 00" East 30.00 feet;

(12) thence North 64° 11' 34" East 26.57 feet to the southern line of Buckingham Park – Hudson Lane Annexation District Napa described in document in Book 595 of Official Records, Page 558 in the office of the Napa County Recorder, State of California,

(13) thence along said southern line North 76° 41' 30" East 124.80 feet;

(14) thence South 86° 13' 30" East 116.00 feet;

(15) thence South 13° 28' 30" East 23.60 feet to the northern prolongation of the western most line of said Browns Valley Road - Robinson Lane Annexation District

(16) thence along said prolongation and west line South 22° 41' 58" West 764.62 feet to the **Point of Beginning**

Containing 3.81 Acres, more or less.

Basis of Bearing being the centerline of Browns Valley Road as established by the line from the City of Napa Well Monument #38-C Per 23 PM 79 to the tangent Point with a 42.0-foot radius arc northerly of the 3/4" Iron Pipe at the northeast corner of Parcel A per 23 PM 76.
Said line measured as North 67° 44' 51" West.

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



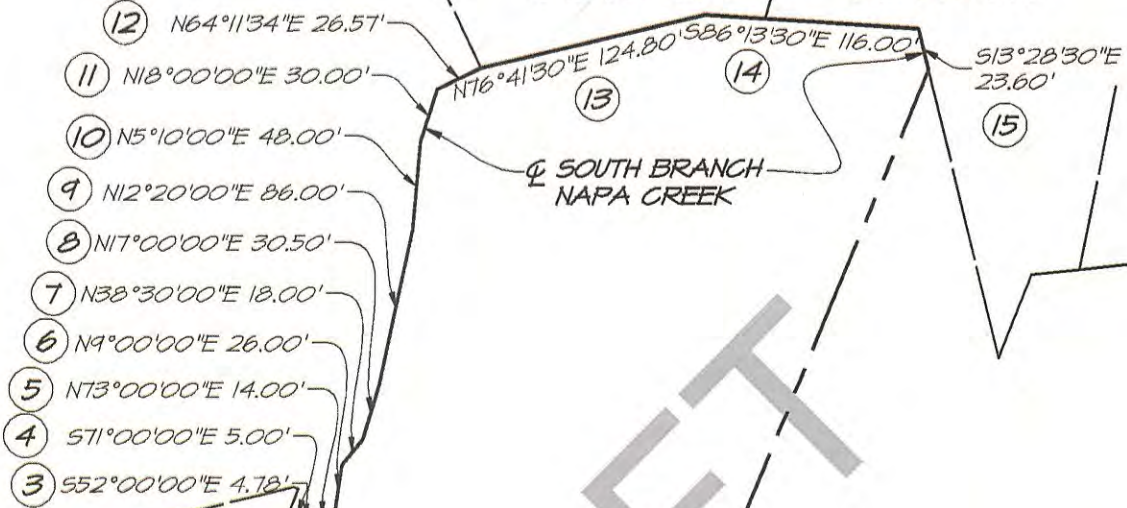
MAP DELINEATING THE BOUNDARY OF BROWNS VALLEY ROAD ANNEXATION TO THE CITY OF NAPA

BUCKINGHAM PARK - HUDSON LANE ANNEXATION
DISTRICT VOL 595 OR 558

LANDS OF KATZ
041-160-023

LANDS OF MORRIS
042-362-001

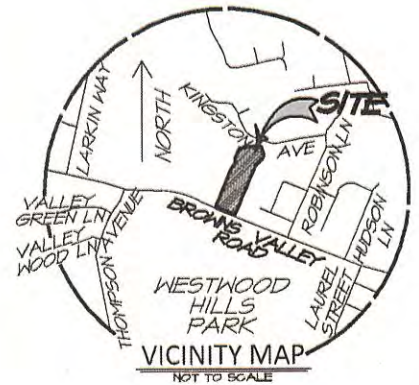
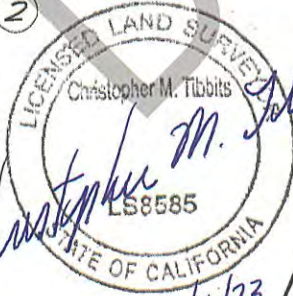
LANDS OF STEELE
042-362-008



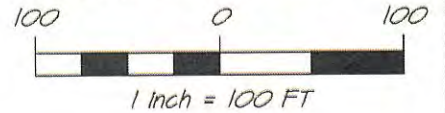
LANDS OF CHRISTENSEN
041-170-008

AREA
041-170-009
165,810 SF
3.81 ACRES

LANDS OF GATTO
041-170-010



GRAPHIC SCALE



BEING A PORTION
 SEC. 4&5, T. 5 N., R. 4 W., M.D.B. & M.

RSA⁺	1515 FOURTH STREET NAPA, CALIF. 94559
	OFFICE 707 252.3301 + www.RSAcivil.com +

RSA⁺ | CONSULTING CIVIL ENGINEERS + SURVEYORS + est
1980

BROWNS VALLEY ROAD
 THOMPSON AVENUE - LAUREL STREET ANNEXATION
 DISTRICT AUGUST 27, 1971 VOL 858 OR 525

BASIS OF BEARING
 BEING THE CENTERLINE OF
 BROWNS VALLEY ROAD AS
 ESTABLISHED BY THE LINE FROM
 THE CITY OF NAPA WELL MONUMENT #38-C
 PER 23 PM 79 TO THE TANGENT POINT WITH A
 42.0-FOOT RADIUS ARC NORTHERLY OF THE 3/4"
 IRON PIPE AT THE NORTHEAST CORNER OF PARCEL A PER
 23 PM 79

DRAFT

North: 1871455.6764' East: 6475942.4754'

Segment #1 : Line
Course: N67°44'51"W Length: 224.03'
North: 1871540.5141' East: 6475735.1303'

Segment #2 : Line
Course: N22°26'18"E Length: 413.33'
North: 1871922.5513' East: 6475892.8937'

Segment #3 : Line
Course: S52°00'00"E Length: 4.78'
North: 1871919.6084' East: 6475896.6604'

Segment #4 : Line
Course: S71°00'00"E Length: 5.00'
North: 1871917.9806' East: 6475901.3880'

Segment #5 : Line
Course: N73°00'00"E Length: 14.00'
North: 1871922.0738' East: 6475914.7763'

Segment #6 : Line
Course: N9°00'00"E Length: 26.00'
North: 1871947.7537' East: 6475918.8436'

Segment #7 : Line
Course: N38°30'00"E Length: 18.00'
North: 1871961.8406' East: 6475930.0488'

Segment #8 : Line
Course: N17°00'00"E Length: 30.50'
North: 1871991.0079' East: 6475938.9662'

Segment #9 : Line
Course: N12°20'00"E Length: 86.00'
North: 1872075.0232' East: 6475957.3356'

Segment #10 : Line
Course: N5°10'00"E Length: 48.00'
North: 1872122.8281' East: 6475961.6582'

Segment #11 : Line
Course: N18°00'00"E Length: 30.00'
North: 1872151.3598' East: 6475970.9287'

Segment #12 : Line
Course: N64°11'34"E Length: 26.57'
North: 1872162.9269' East: 6475994.8487'

Segment #13 : Line
Course: N76°41'30"E Length: 124.80'
North: 1872191.6548' East: 6476116.2973'

Segment #14 : Line
Course: S86°13'30"E Length: 116.00'
North: 1872184.0175' East: 6476232.0456'

Segment #15 : Line
Course: S13°28'30"E Length: 23.60'
North: 1872161.0672' East: 6476237.5449'

Segment #16 : Line
Course: S22°41'58"W Length: 764.62'
North: 1871455.6733' East: 6475942.4802'

Perimeter: 1955.23' Area: 165809.60 Sq. Ft.
Error Closure: 0.0058 Course: S56°56'01"E
Error North: -0.00316 East: 0.00485
Precision 1: 337108.62

EXHIBIT A
BROWNS VALLEY ROAD NO. 15 DISTRICT
ANNEXATION TO NAPA SANITATION DISTRICT
GEOGRAPHICAL DESCRIPTION

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

Beginning at the southwest corner of the Browns Valley Road No. 14 Annexation to Napa Sanitation District as described in the Certificate of Completion recorded September 01, 2021 as Series Number 2021-0028234, Napa County Records, State of California,

(1) thence along the north line of the Browns Valley Road District Annexation Napa Sanitation District March 5, 1957 North 67° 44' 51" West 224.03 feet to the southeast corner of Browns Valley Road Goetze-Jamison District Annexation Napa Sanitation District February, 5 1957;

(2) thence North 22° 26' 18" East 413.33 feet to the Centerline of south Branch Napa Creek;

(3) thence along Napa Creek South 52° 00' 00" East 4.78 feet;

(4) thence South 71° 00' 00" East 5.00 feet;

(5) thence North 73° 00' 00" East 14.00 feet;

(6) thence North 9° 00' 00" East 26.00 feet;

(7) thence North 38° 30' 00" East 18.00 feet;

(8) thence North 17° 00' 00" East 30.50 feet;

(9) thence North 12° 20' 00" East 86.00 feet;

(10) thence North 5° 10' 00" East 48.00 feet;

(11) thence North 18° 00' 00" East 30.00 feet;

(12) thence North 64° 11' 34" East 26.57 feet to the southern line of Buckingham Park District Annexation Napa Sanitation District Approved July 7 1959;

(13) thence along said southern line North 76° 41' 30" East 124.80 feet;

(14) thence South 86° 13' 30" East 116.00 feet;

(15) thence South 13° 28' 30" East 23.60 feet to the northern prolongation of the western most line of said Browns Valley Road - Robinson Lane Annexation District

(16) thence along said prolongation and west line South 22° 41' 58" West 764.62 feet to the **Point of Beginning**

Containing 3.81 Acres, more or less.

Basis of Bearing being the centerline of Browns Valley Road as established by the line from the City of Napa Well Monument #38-C Per 23 PM 79 to the tangent Point with a 42.0-foot radius arc northerly of the 3/4" Iron Pipe at the northeast corner of Parcel A per 23 PM 76.

Said line measured as North 67° 44' 51" West.

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



MAP DELINEATING THE BOUNDARY OF BROWNS VALLEY ROAD NO. 15 DISTRICT ANNEXATION ANNEXATION TO NAPA SANITATION DISTRICT

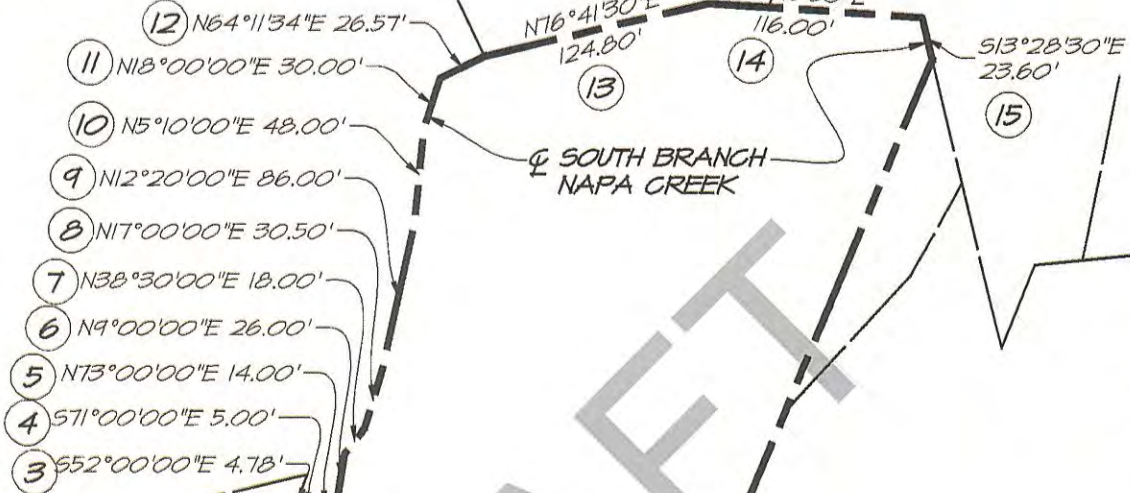
BASIS OF BEARING BEING THE CENTERLINE OF BROWNS VALLEY ROAD AS ESTABLISHED BY THE LINE FROM THE CITY OF NAPA WELL MONUMENT #38-C PER 23 PM 74 TO THE TANGENT POINT WITH A 42.0-FOOT RADIUS ARC NORTHERLY OF THE 3/4" IRON PIPE AT THE NORTHEAST CORNER OF PARCEL A PER 23 PM 76. SAID LINE MEASURED AS NORTH 67° 44' 51" WEST.

BUCKINGHAM PARK DISTRICT ANNEXATION
NAPA SANITATION DISTRICT

LANDS OF KATZ
041-160-023

LANDS OF MORRIS
042-362-007

LANDS OF STEELE
042-362-008

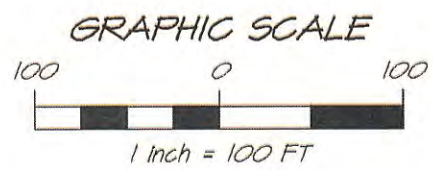
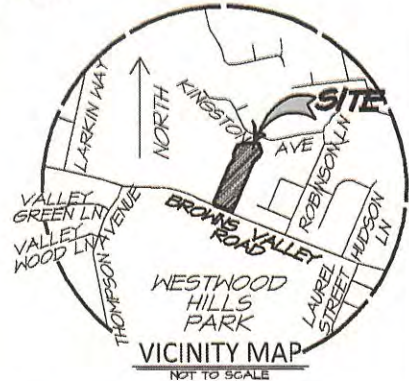
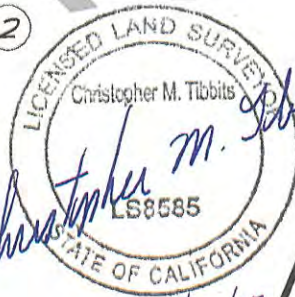


LANDS OF CHRISTENSEN
041-170-008

LANDS OF GATTO
041-170-010

BROWNS VALLEY ROAD
GOETZE-JAMISON
DISTRICT ANNEXATION
NAPA SANITATION
DISTRICT FEB. 5 1957

BROWNS VALLEY ROAD NO.
14 ANNEXATION TO
NAPA SANITATION DISTRICT
2021-0028234



BROWNS VALLEY ROAD
 N67°44'51"W 224.03'
 BROWNS VALLEY ROAD DISTRICT ANNEXATION
 NAPA SANITATION DISTRICT MARCH 5, 1957

P.O.B.

BROWNS VALLEY ROAD
 DISTRICT ANNEXATION
 NAPA SANITATION DISTRICT
 VOL 1365 PAGE 839

BEING A PORTION
SEC. 4&5, T. 5 N., R. 4 W., M.D.B. & M.

RSA+

1515 FOURTH STREET
NAPA, CALIF. 94559
OFFICE | 707 | 252.3301
+ www.RSAcivil.com +

5320
NDS Clos
03-14-2023

North: 1871455.6764' East: 6475942.4754'

Segment #1 : Line

Course: N67°44'51"W Length: 224.03'

North: 1871540.5141' East: 6475735.1303'

Segment #2 : Line

Course: N22°26'18"E Length: 413.33'

North: 1871922.5513' East: 6475892.8937'

Segment #3 : Line

Course: S52°00'00"E Length: 4.78'

North: 1871919.6084' East: 6475896.6604'

Segment #4 : Line

Course: S71°00'00"E Length: 5.00'

North: 1871917.9806' East: 6475901.3880'

Segment #5 : Line

Course: N73°00'00"E Length: 14.00'

North: 1871922.0738' East: 6475914.7763'

Segment #6 : Line

Course: N9°00'00"E Length: 26.00'

North: 1871947.7537' East: 6475918.8436'

Segment #7 : Line

Course: N38°30'00"E Length: 18.00'

North: 1871961.8406' East: 6475930.0488'

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North: 1872122.8281' East: 6475961.6582'

Segment #11 : Line

Course: N18°00'00"E Length: 30.00'

North: 1872151.3598' East: 6475970.9287'

Segment #12 : Line

Course: N64°11'34"E Length: 26.57'

North: 1872162.9269' East: 6475994.8487'

Segment #13 : Line

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North: 1872184.0175' East: 6476232.0456'

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Segment #16 : Line

Course: S22°41'58"W Length: 764.62'

North: 1871455.6733' East: 6475942.4802'

Perimeter: 1955.23' Area: 165809.60 Sq. Ft.

Error Closure: 0.0058 Course: S56°56'01"E

Error North: -0.00316 East: 0.00485

Precision 1: 337108.62

For Staff Use

FORM B

Date Filed: 1/26/22
Proposal Name: Browns Valley Rd Reorg

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:

Annex 3.77-acre parcel at 3090 Browns Valley Rd. (APN 041-170-009) to City of Napa and Napa Sanitation District. Detach parcel from County Service Area No. 4.

Description of Boundaries of Affected Territory Accompanied by Map:

See attached geographical descriptions and plat maps prepared by RSA+ Engineers and dated 12-09-2021 (for City and Sanitation District annexations).

Reason for Proposal and Any Proposed Conditions:

Facilitate City approval of eleven (11) new single family home subdivision on subject parcel and provision of services by City and Sanitation District (City File No. PL21-0179).

Type of Petition:

[x] Landowner

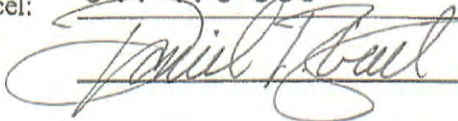
[] Registered Voter

Sphere of Influence Consistency:

[x] Yes

[] No

If Landowner Petition, Complete the Following:

- 1) Name: Daniel L. Breit, Successor Trustee of the Henry E. Wigger 2019 Revocable Living Trust
Mailing Address: 3090 Browns Valley Rd., Napa, CA 94558
Assessor Parcel: 041-170-009
Signature:  Date: 1-26-2022
- 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: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____
- 2) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____
- 3) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____

FORM D

PROPOSAL APPLICATION
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Eric Zweig, Director of Planning, Edenbridge Homes
Contact Person Agency/Business (If Applicable)

Address: 21771 Stevens Creek Blvd., Ste. 200A, Cupertino, CA 95014
Street Number Street Name City Zip Code

Contact: (669) 231-4240, (669) 231-4250, eric@edenbridgehomes.com
Phone Number Facsimile Number E-Mail Address

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

II. PROPOSAL DESCRIPTION

A. Affected Agencies: City of Napa, 1600 First St./PO Box 660, Napa, CA 94559
Name Address

Napa Sanitation District 1515 Soscol Ferry Rd., Napa, CA 94558
Name Address

County of Napa 1195 Third St., Napa, CA 94559
Name Address

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed)

<input checked="" type="checkbox"/> Annexation	<input checked="" type="checkbox"/> Detachment	<input type="checkbox"/> City Incorporation	<input type="checkbox"/> District Formation
<input type="checkbox"/> City/District Dissolution	<input type="checkbox"/> City/District Merger	<input type="checkbox"/> Service Activation (District Only)	<input type="checkbox"/> Service Divestiture (District Only)

C. Purpose Statement: (Specific) Annex 3.77-acre parcel at 3090 Browns Valley Rd. (APN 041-170-009) to City of Napa and Napa Sanitation District and detach from County Service Area No. 4 for City subdivision approval.

III. GENERAL INFORMATION

A. Location:	3090 Browns Valley Rd.	041-170-009	3.77
	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) 3.77 Acres

B. Landowners:

- (1) Assessor Parcel Number : 041-170-009 Name: Daniel L. Breit
Mailing Address: 3090 Browns Valley Rd., Napa, CA 94558
Phone Number: (707) 738-2945 E-mail: stefan@destinationnapa.com
- (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: 1
- (2) Total Number of Registered Voters: 1

D. Land Use Factors:

- (1a) County General Plan Designation: Rural Residential
- (1b) County Zoning Standard: RS:UR
- (2a) Applicable City General Plan Designation: SFR-110 (0 to 3 units per acre)
- (2b) Applicable City Pre-zoning Standard: RS-10 (min. lot size 10,000 sf)
(Required for City Annexations)

E. Existing Land Uses:
(Specific)

Single Family Residential (existing home, cottage, barn, and shed structures)

F. Development Plans:

- (1a) Territory Subject to a Development Project? Yes No
- (1b) If Yes, Describe Project: Eleven (11) new single family homes and cul-de-sac street proposed per City File No. PL21-0179.
- (1c) If No, When Is Development Anticipated? _____

G. Physical Characteristics:

- (1) Describe Topography: Parcel has gentle slopes of 1-6%, rising from Browns Valley Rd. to high point in center at approx. elev. 96, then slopes down 15% to plateau at NE corner with low point approx. elev. 83.
- (2) Describe Any Natural Boundaries: Browns Valley Creek borders parcel to the north and Browns Valley Road borders parcel to the south.
- (3) Describe Soil Composition and Any Drainage Basins: Alluvial fan and stream terrace deposits underlain by weathered bedrock. Bale clay, Cole silt, and Millsholm loams. Parcel drains to Browns Valley Creek in Napa River - Lower Napa City Reach basin.
- (4) Describe Vegetation: Ornamental landscaping and trees around existing single family home, cottage, barn, and shed structures. Riparian vegetation adjacent to creek.

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:

Water: City of Napa, Fire: City of Napa

Sewer: Napa Sanitation District

Gas/Electric/Telephone/CATV: PG&E, AT&T, Comcast

Solid Waste: Napa Recycling & Waste Services

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

Services to be provided as typical for eleven (11)
new single family homes of 2,770 - 3,937 sf each.

New water and sewer mains to be constructed in new
project cul-de-sac to City and Sanitation District standards.

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

City and Sanitation District have indicated there is existing capacity
to serve the parcel pending development project approvals
(anticipated in Summer/Fall 2022).

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

New water and sewer main extensions in project
cul-de-sac street will be constructed from existing
facilities in Browns Valley Rd. along parcel frontage.

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

Applicant (Edenbridge Homes) will construct new project cul-de-sac street, water and sewer main extensions,
and gas/electric/telephone/catv distribution facilities and pay building permit and connection fees.
Future homeowners in new subdivision will pay property taxes.

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis (City annexations require pre-zoning.)

(1) Lead Agency for Proposal: City of Napa
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:

City of Napa will require LAFCO annexation approval prior to approving proposed subdivision tentative map (City File No. PL21-0179). Anything the Commission can do to expedite review of this application so that the City Council may act on the subdivision application is appreciated.

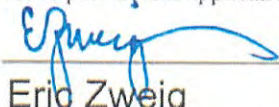
Use Additional Sheets As Needed

B. Identify Up to Three Agencies or Persons to Receive Proposal Correspondence:
(Does not include affected landowners or residents)

- (1) Recipient Name: Bond Mendez, Planner, City of Napa
Mailing Address: PO Box 660, Napa, CA 94559
E-Mail: bmendez@cityofnapa.org
- (2) Recipient Name: Andrew Damron, Engineer, Napa Sanitation District
Mailing Address: 1515 Soscol Ferry Rd., Napa, CA 94558
E-Mail: adamron@napasan.com
- (3) Recipient Name: County of Napa (for County Service Area No. 4)
Mailing Address: 1159 Third St., Napa, CA 94559
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: Eric Zweig
Title: Director of Planning, Edenbridge Homes
Date: 1/26/2022

5320
Napa EX-A
12-08-2021

EXHIBIT A
BROWNS VALLEY ROAD
ANNEXATION TO THE CITY OF NAPA
GEOGRAPHICAL DESCRIPTION

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

Beginning at the southwest corner of the Browns Valley Road - Robinson Lane Annexation District as described in the Certificate of Completion recorded on July 21, 1982 in Book 1248 of Official Records, Page 439 in the office of the Napa County Recorder, State of California,

(1) thence along the north line of the Thompson Avenue – Laurel Street Annexation District as described in document recorded on August 27, 1971 in Book 858 of Official Records, Page 525 in the office of the Napa County Recorder, State of California, North 67° 44' 51" West 224.44 feet

(2) thence North 22° 06' 09" East 414.07 feet to the Centerline of South Branch Napa Creek;

(3) thence along Napa Creek South 52° 00' 00" East 7.52 feet;

(4) thence South 71° 00' 00" East 5.00 feet;

(5) thence North 73° 00' 00" East 14.00 feet;

(6) thence North 9° 00' 00" East 26.00 feet;

(7) thence North 38° 30' 00" East 18.00 feet;

(8) thence North 17° 00' 00" East 30.50 feet;

(9) thence North 12° 20' 00" East 86.00 feet;

(10) thence North 5° 10' 00" East 48.00 feet;

(11) thence North 18° 00' 00" East 30.00 feet;

(12) thence North 64° 11' 34" East 26.57 feet to the southern line of Buckingham Park – Hudson Lane Annexation District Napa described in document in Book 595 of Official Records, Page 558 in the office of the Napa County Recorder, State of California,

(13) thence along said southern line North 76° 41' 30" East 124.80 feet;

(14) thence South 86° 13' 30" East 116.00 feet;

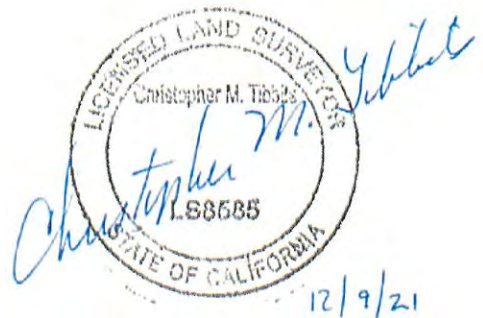
(15) thence South 13° 28' 30" East 13.71 feet to the northern prolongation of the wester most line of said Browns Valley Road - Robinson Lane Annexation District

(16) thence along said prolongation and west line South 22° 15' 09" West 772.62 feet to the **Point of Beginning**

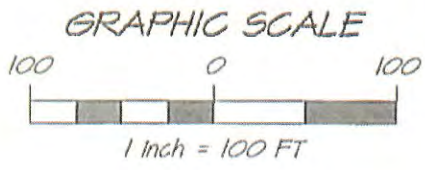
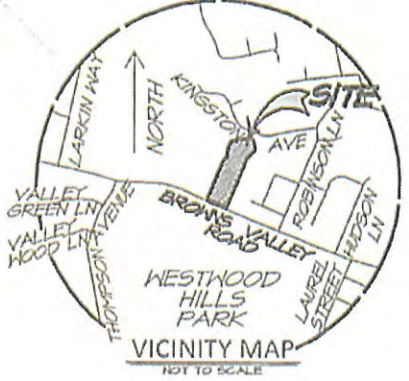
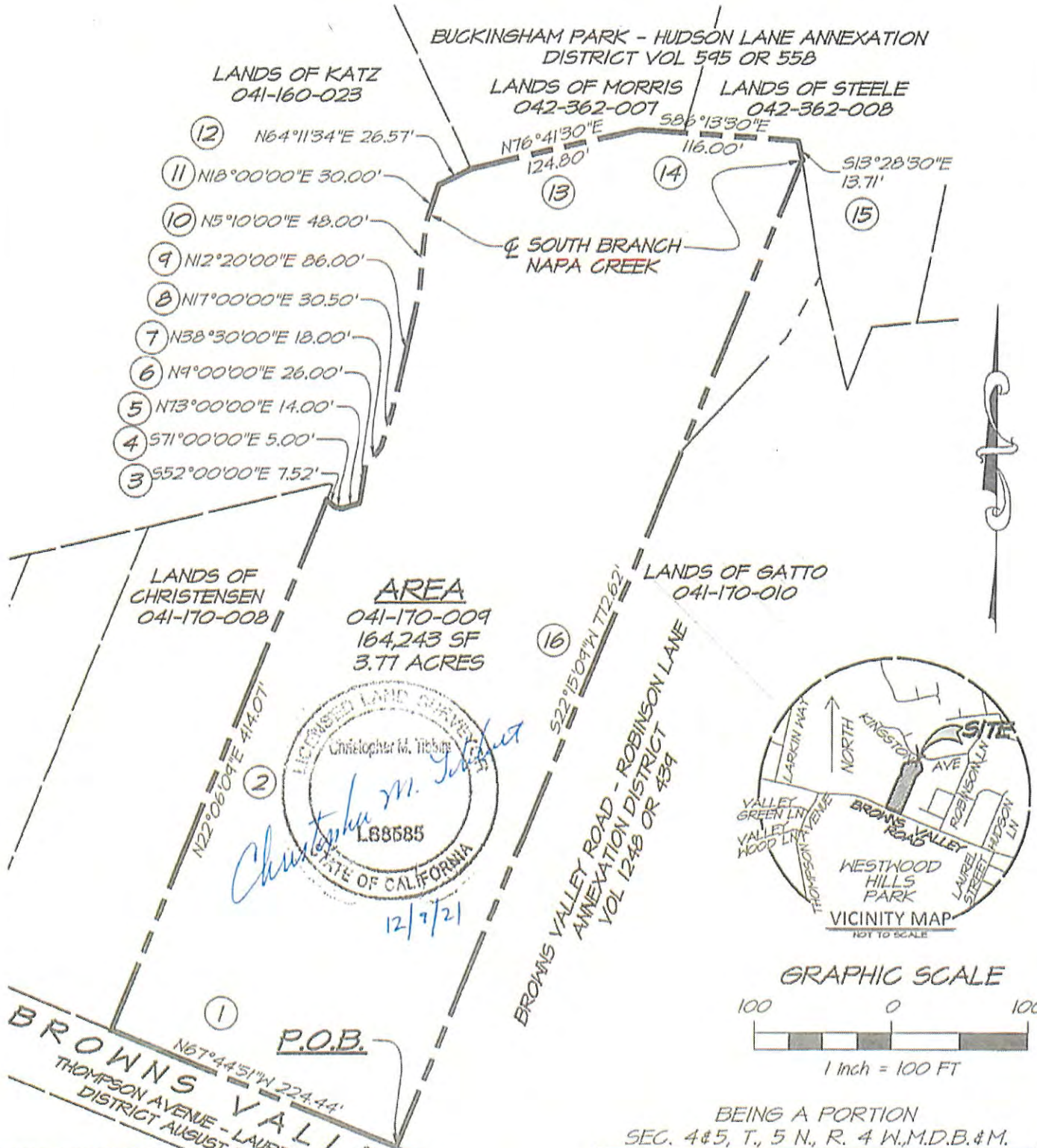
Containing 3.77 Acres, more or less.

Basis of Bearing being the centerline of Browns Valley Road as established by the line from the City of Napa Well Monument #38-C Per 23 PM 79 to the tangent Point with a 42.0-foot radius arc northerly of the 3/4" Iron Pipe at the northeast corner of Parcel A per 23 PM 76.
Said line measured as North 67° 44' 51" West.

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



MAP DELINEATING THE BOUNDARY OF BROWNS VALLEY ROAD ANNEXATION TO THE CITY OF NAPA



BROWNS VALLEY ROAD

P.O.B.

THOMPSON AVENUE - LAUREL STREET ANNEXATION DISTRICT AUGUST 27, 1971 VOL 858 OR 525

BASIS OF BEARING BEING THE CENTERLINE OF BROWNS VALLEY ROAD AS ESTABLISHED BY THE LINE FROM THE CITY OF NAPA WELL MONUMENT 138-C PER 23 PM 79 TO THE TANGENT POINT WITH A 42.0-FOOT RADIUS ARC NORTHERLY OF THE 3/4" IRON PIPE AT THE NORTHEAST CORNER OF PARCEL A PER 23 PM 76. SAID LINE MEASURED AS NORTH 67° 44' 51" WEST.

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+ www.RSAcivil.com +

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5320
NDS EX-A
12-09-2021

EXHIBIT A
BROWNS VALLEY ROAD NO. 15 DISTRICT
ANNEXATION TO NAPA SANITATION DISTRICT
GEOGRAPHICAL DESCRIPTION

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

Beginning at the southwest corner of the Browns Valley Road No. 14 Annexation to Napa Sanitation District as described in the Certificate of Completion recorded September 01, 2021 as Series Number 2021-0028234, Napa County Records, State of California,

- (1) thence along the north line of the Browns Valley Road District Annexation Napa Sanitation District March 5, 1957 North 67° 44' 51" West 224.44 feet to the southeast corner of Browns Valley Road Goetze-Jamison District Annexation Napa Sanitation District February, 5 1957;
- (2) thence North 22° 06' 09" East 414.07 feet to the Centerline of south Branch Napa Creek;
- (3) thence along Napa Creek South 52° 00' 00" East 7.52 feet;
- (4) thence South 71° 00' 00" East 5.00 feet;
- (5) thence North 73° 00' 00" East 14.00 feet;
- (6) thence North 9° 00' 00" East 26.00 feet;
- (7) thence North 38° 30' 00" East 18.00 feet;
- (8) thence North 17° 00' 00" East 30.50 feet;
- (9) thence North 12° 20' 00" East 86.00 feet;
- (10) thence North 5° 10' 00" East 48.00 feet;
- (11) thence North 18° 00' 00" East 30.00 feet;
- (12) thence North 64° 11' 34" East 26.57 feet to the southern line of Buckingham Park District Annexation Napa Sanitation District Approved July 7 1959;
- (13) thence along said southern line North 76° 41' 30" East 124.80 feet;
- (14) thence South 86° 13' 30" East 116.00 feet;
- (15) thence South 13° 28' 30" East 13.71 feet to the northern prolongation of the wester most line of said Browns Valley Road - Robinson Lane Annexation District
- (16) thence along said prolongation and west line South 22° 15' 09" West 772.62 feet to the **Point of Beginning**

Containing 3.77 Acres, more or less.

Basis of Bearing being the centerline of Browns Valley Road as established by the line from the City of Napa Well Monument #38-C Per 23 PM 79 to the tangent Point with a 42.0-foot radius arc northerly of the 3/4" Iron Pipe at the northeast corner of Parcel A per 23 PM 76.
Said line measured as North 67° 44' 51" West.

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



12/9/21

MAP DELINEATING THE BOUNDARY OF BROWNS VALLEY ROAD NO. 15 DISTRICT ANNEXATION ANNEXATION TO NAPA SANITATION DISTRICT

BASIS OF BEARING BEING THE CENTERLINE OF BROWNS VALLEY ROAD AS ESTABLISHED BY THE LINE FROM THE CITY OF NAPA WELL MONUMENT #38-C PER 23 PM 79 TO THE TANGENT POINT WITH A 42.0-FOOT RADIUS ARC NORTHERLY OF THE 3/4" IRON PIPE AT THE NORTHEAST CORNER OF PARCEL A PER 23 PM 76. SAID LINE MEASURED AS NORTH 67° 44' 51" WEST.

BUCKINGHAM PARK DISTRICT ANNEXATION
NAPA SANITATION DISTRICT

LANDS OF KATZ
041-160-023

- ⑫ N64°11'34"E 26.51'
- ⑪ N18°00'00"E 30.00'
- ⑩ N5°10'00"E 48.00'
- ⑨ N12°20'00"E 86.00'
- ⑧ N17°00'00"E 30.50'
- ⑦ N38°30'00"E 18.00'
- ⑥ N9°00'00"E 26.00'
- ⑤ N73°00'00"E 14.00'
- ④ S71°00'00"E 5.00'
- ③ S52°00'00"E 7.52'

LANDS OF MORRIS
042-362-007

LANDS OF STEELE
042-362-008

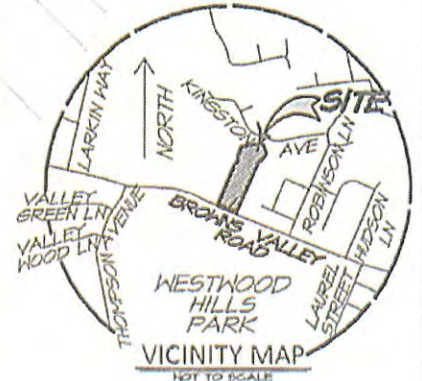
- N76°41'30"E 124.80'
- S86°13'30"E 116.00'
- S13°28'30"E 13.71'

♀ SOUTH BRANCH
NAPA CREEK

LANDS OF CHRISTENSEN
041-170-008

AREA
041-170-009
164,243 SF
3.77 ACRES

LANDS OF GATTO
041-170-010



GRAPHIC SCALE



BEING A PORTION
SEC. 4&5, T. 5 N., R. 4 W., M.D.B. & M.



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① P.O.B.
N67°44'51"N 224.44'

BROWNS VALLEY ROAD

BROWNS VALLEY ROAD DISTRICT ANNEXATION
NAPA SANITATION DISTRICT MARCH 5, 1957

BROWNS VALLEY ROAD DISTRICT ANNEXATION
NAPA SANITATION DISTRICT
VOL 1365 PAGE 839

FACTORS FOR COMMISSION CONSIDERATION: **Browns Valley Road Reorganization**
 Government Code §56668 & §56668.3 require the review of a proposal to include the following factors:

FACTOR TO CONSIDER	COMMENT
1. Population and density [§56668(a)]	Consistent: Population one (legally uninhabited)
2. Land area and land use [§56668(a)]	Consistent: 3.7 acres, two single-family residences with out-buildings
3. Assessed valuation [§56668(a)]	Consistent: Land: \$918,000 Improvements: \$408,000
4. Topography, natural boundaries and drainage basins [§56668(a)]	Consistent: Gentle slope: 1-3 percent with high point of approximately 96-foot elevation, slopes to 15% to plateau Drainage basin: <i>Napa River – Lower Napa City Reach</i>
5. Proximity to other populated areas [§56668(a)]	Consistent: Located within an unincorporated island within the City of Napa's SOI, designated for residential infill in the General Plan
6. Likelihood of significant growth in the area, adjacent areas during next 10 years [§56668(a)]	Consistent: County General Plan designation: <i>Rural Residential</i> County Zoning: <i>RS:UR (Residential Single: Urban Reserve – within City SOI & RUL)</i> Development requires City annexation City General Plan designation: <i>SFR-110 (Single Family Residential, 0-3 lots per acre)</i> <i>General Plan 2040: Low Density Residential (3 to 8 units per acre) for 11 to 30 units on site.</i> City Pre-Zoning: <i>RS-10 (Residential, minimum lot size 10,000 sq. ft.), Residential Infill District</i>
7. Need for government services [§56668(b)]	Consistent: Approved development will require City services: Water, fire and emergency protection, law enforcement
8. Government services present cost, adequacy and controls in area [§56668(b)]	Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21

<p>9. Government services probable future needs and controls in area</p> <p>[§56668(b)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>10. Government services effect of proposal on cost, adequacy and controls in area and adjacent areas</p> <p>[§56668(b)]</p>	<p>Consistent: Analysis: Central County Region Municipal Service Review adopted in 2014 and Napa Countywide Water Wastewater MSR Updated 10-4-21</p>
<p>11. Effects on adjacent areas, on mutual social and economic interests, and on local governmental structure in the County</p> <p>[§56668(c)]</p>	<p>Consistent: Minimal effects on adjacent areas given the affected territory is surrounded by existing City and NSD boundaries, included in City's SOI and RUL, and included in NSD's SOI</p>
<p>12. Effects on planned efficient patterns of urban development</p> <p>[§56668(d)]</p>	<p>Consistent: County General Plan designation: Rural Residential County Zoning: RS:UR (Residential Single: Urban Reserve – within City SOI & RUL) Development requires City annexation</p> <p>City General Plan designation: <i>SFR-110 (Single Family Residential, 0-3 lots per acre)</i></p> <p>General Plan 2040: <i>Low Density Residential (3 to 8 units per acre) for 11 to 30 units on site.</i></p> <p>City Pre-Zoning: <i>RS-10 (Residential, minimum lot size 10,000 sq. ft.), Residential Infill District</i></p>
<p>13. Effects on maintaining physical and economic integrity of agricultural lands</p> <p>[§56668(e)]</p>	<p>Consistent: Within City RUL, not designated for agricultural or open space use</p>
<p>14. Boundaries: logical, contiguous, not difficult to serve, definite and certain</p> <p>[§56668(f)]</p>	<p>Consistent: One existing parcel, located on city-maintained streets, City approved development plans include streets</p>
<p>15. Conformance to lines of assessment, ownership</p> <p>[§56668(f)]</p>	<p>Consistent: One parcel: APN 041-170-009</p>
<p>16. Creation of islands, corridors, irregular boundaries</p> <p>[§56668(f)]</p>	<p>Consistent: City annexation would reduce the size of an unincorporated island, but would not create any new islands or irregular service areas.</p>

17. Consistency with regional transportation plan [§56668(g)]	Consistent: No specific projects in regional transportation plan (RTP), <i>Plan Bay Area 2050</i>
18. Consistency with city or county general and specific plans [§56668(h)]	Consistent: County General Plan designation: Rural Residential County Zoning: RS:UR (Residential Single: Urban Reserve – within City SOI & RUL) City General Plan designation: <i>SFR-110 (Single Family Residential, 0-3 lots per acre)</i> General Plan 2040: <i>Low Density Residential (3 to 8 units per acre) for 11 to 30 units on site.</i> City Pre-Zoning: <i>RS-10 (Residential, minimum lot size 10,000 sq. ft.), Residential Infill District</i>
19. Consistency with spheres of influence [§56668(i)]	Consistent: Within City's SOI since 1972 and NSD's SOI since 1975
20. Comments from affected agencies and other public agencies [§56668(j)]	Consistent: No comments received
21. Ability of agency to provide service including sufficiency of revenues [§56668(k)]	Consistent: Analysis: <u>Central County Region Municipal Service Review adopted in 2014</u> and <u>Napa Countywide Water Wastewater MSR Updated 10-4-21</u>
22. Timely availability of adequate water supply [§56668(l)]	Consistent: Analysis: <u>Central County Region Municipal Service Review adopted in 2014</u> and <u>Napa Countywide Water Wastewater MSR Updated 10-4-21</u>
23. Fair share of regional housing needs [§56668(m)]	Consistent: Development of 11 single family homes
24. Information or comments from landowners, voters, or residents in proposal area [§56668(n)]	Consistent: 100% consent of landowners

<p>25. Existing land use designations [§56668(o)]</p>	<p>Consistent: County General Plan designation: Rural Residential County Zoning: RS:UR (Residential Single: Urban Reserve – within City SOI & RUL) City General Plan designation: <i>SFR-110 (Single Family Residential, 0-3 lots per acre)</i> General Plan 2040: <i>Low Density Residential (3 to 8 units per acre) for 11 to 30 units on site.</i> City Pre-Zoning: <i>RS-10 (Residential, minimum lot size 10,000 sq. ft.), Residential Infill District</i></p>
<p>26. Effect on environmental justice [§56668(p)]</p>	<p>Consistent: No documentation or evidence suggesting the proposal will have any implication</p>
<p>27. Safety Element of GP concerns; identified as very high fire hazard zone [§56668(q)]</p>	<p>Consistent: Not located in a high fire hazard zone</p>
<p>28. Special district annexations: for the interest of landowners or inhabitants within the district and affected territory [§56668.3(a)(1)]</p>	<p>Consistent: Proposal approval would benefit by providing access to public sewer service for development, developer pays NSD fees and connection charges, new residents pay standard use charges</p>

**Final Initial Study/Mitigated Negative Declaration
Browns Valley Subdivision Project
City of Napa, Napa County, California
State Clearing House Number 2022090306**

Prepared for:

City of Napa

1600 First Street

Napa, CA 94559

707.257.9530

Contact: Michael Allen, Senior Planner

Prepared by:

FirstCarbon Solutions

2999 Oak Road, Suite 250

Walnut Creek, CA 94597

925.357.2562

Contact: Mary Bean, Project Director

Tsui Li, Project Manager

Date: December 9, 2022

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SECTION 1: INTRODUCTION

Although not required by the California Environmental Quality Act (CEQA), the City of Napa has prepared the following responses to significant environmental comments received on the Browns Valley Subdivision Project Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND). The Responses to Comments and Errata, which are included in this document, together with the Draft IS/MND, Draft IS/MND appendices, and the Mitigation Monitoring and Reporting Program (MMRP), comprise the Final IS/MND for use by the City of Napa in its review and consideration of the Browns Valley Subdivision Project. All public comments regarding the Draft IS/MND are included for consideration by the City.

This document is organized into three sections:

- **Section 1—Introduction.**
- **Section 2—Responses to Written Comments:** Provides a list of the agencies, organizations, and individuals who commented on the Draft IS/MND. Copies of all of the letters received regarding the Draft IS/MND and responses thereto are included in this section.
- **Section 3—Errata:** Includes an addendum listing refinements and clarifications on the Draft IS/MND, which have been incorporated.

The Final IS/MND includes the following contents:

- Draft IS/MND (provided under separate cover)
- Draft IS/MND appendices (provided under separate cover)
- Responses to Written Comments and Errata (Sections 2 and 3 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

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SECTION 2: RESPONSES TO WRITTEN COMMENTS

2.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author	Author Code
State Agencies	
California Department of Fish and Wildlife	CDFW
Individuals	
Morris, Michael	MORRIS1
Morris, Michael	MORRIS2

2.2 - Responses to Comments

2.2.1 - Introduction

Although a lead agency is not required to provide written responses to comments on proposed Negative Declarations (NDs) or Mitigated Negative Declarations (MNDs) under the California Environmental Quality Act (CEQA), the City of Napa has evaluated the comments received on the proposed Browns Valley Subdivision Project (proposed project) Draft IS/MND and has elected to provide responses to the following comments. None of the comments received results in the need to recirculate the Draft IS/MND or to prepare an Environmental Impact Report (EIR).

2.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

CDFW

Page 1 of 14

GAVIN NEWSOM, Governor

CHARLTON H. BONHAM, Director



October 12, 2022

Michael Allen, Senior Planner
City of Napa
1600 First Street
Napa, CA 94559
mallen@cityofnapa.org

Subject: Browns Valley Subdivision Project, Mitigated Negative Declaration,
SCH No. 2022090306, City and County of Napa

Dear Mr. Allen:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt Mitigated Negative Declaration (MND) from the City of Napa (City) for the Browns Valley Subdivision Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the MND to inform the City, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state’s fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: Edenbridge Homes

Objective: Construct 11 new single-family homes with landscaping and a new public cul-de-sac street with driveways on a 3.77-acre residential infill site. Project activities include demolishing all existing pavement and structures (barn, two residences and sheds), some of which are within the riparian zone, adjacent to Browns Valley Creek.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Michael Allen
City of Napa
October 12, 2022
Page 2

The Project will also install a bioretention area and stormwater detention that will empty onto a rock energy dissipater within the edge of riparian vegetation.

Location: The Project is located at 3090 Browns Valley Road, Napa, CA 94558. The Assessor's Parcel Number is 041-170-009.

Timeframe: Construction is anticipated to begin January 2023 and would last approximately 14-18 months.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. **The Project has the potential to impact California freshwater shrimp (*Syncaris pacifica*), a CESA listed as endangered species, and tricolored blackbird (*Agelaius tricolor*) and Swainson's hawk (*Buteo swainsoni*), both CESA listed as threatened species, as further described below.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the project proponent's obligation to comply with CESA.

Lake and Streambed Alteration

CDFW will require an LSA Notification, pursuant to Fish and Game Code sections 1600 et. seq. for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. **The Project would impact Browns Valley Creek and therefore an LSA Notification would be required, as further described below.** Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will

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consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Fully Protected Species

Fully Protected species, such as white-tailed kite (*Elanus leucurus*) and golden eagle (*Aquila chrysaetos*), may not be taken or possessed at any time (Fish & G. Code, §§ 3511, 4700, 5050, & 5515) except for collecting these species for necessary scientific research, relocation of the bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Attachment 1 Draft Mitigation Monitoring and Reporting Program includes the below recommended mitigation measures. Editorial comments or other suggestions may also be included to improve the document. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those recommended below, CDFW concludes that an MND is appropriate for the Project.

- I. **Mandatory Findings of Significance: Does the Project have the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?**

Environmental Setting and Mitigation Measures

COMMENT 1: Swainson's Hawk

Issue: The Project may impact nesting Swainson's hawk, which occurs in Napa County. The California Natural Diversity Database (CNDDDB) documents a Swainson's hawk mating pair occurrence less than 4 miles from the Project site.

The proposed nesting bird survey mitigation measure would only survey for raptors present within 1,000 feet of the Project, however nesting Swainson's hawks may be impacted up to 0.25 miles from the Project within urban areas and may not be detected using the proposed nesting bird surveys.

Specific impacts and why they may occur and be significant: If active Swainson's hawk nests are not detected by the proposed surveys or appropriate buffer zones are not established, Swainson's hawk could be disturbed by Project

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activities resulting in nest abandonment and loss of eggs or reduced health and vigor and loss of young, thereby substantially reducing the number of the species.

Swainson's hawk is CESA listed as a threatened species and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. The estimated historical population of Swainson's hawk was nearly 17,000 pairs; however, in the late 20th century, Bloom (1980) estimated a population of only 375 pairs. The decline was primarily a result of habitat loss from development (CDFW 2016). The most recent survey conducted in 2009 estimated the population at 941 breeding pairs. The species is currently threatened by loss of nesting and foraging habitat (e.g., from agricultural shifts to less crops that provide less suitable habitat), urban development, environmental contaminants (e.g., pesticides), and climate change (CDFW 2016).

Therefore, if an active Swainson's hawk nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: For an accurate environmental setting, to reduce impacts to Swainson's hawk to less-than-significant, and to comply with CESA, CDFW recommends including an evaluation of Swainson's hawk in the impact analysis and adding the following mitigation measure:

Mitigation Measure (MM) BIO-13 Swainson's Hawk Surveys and Avoidance: If Project activities are scheduled during the nesting season for Swainson's hawks (March 1 to August 31), prior to beginning work on this Project, Swainson's hawk surveys shall be conducted by a qualified biologist with experience surveying for and detecting the species pursuant to the *Recommended timing and methodology for Swainson's Hawk Nesting Surveys in California's Central Valley Swainson's Hawk* (2000) survey protocol², within 0.25 mile of the Project site each year that Project activities occur. Pursuant to the above survey protocol, surveys shall be completed for at least the two survey periods immediately prior to a Project's initiation. For example, if the project is scheduled to begin on June 20, the qualified biologist shall complete three surveys in Period III and three surveys in Period V. It is recommended that surveys be completed in Periods II, III and V. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 1 and August 31 each year. If the qualified biologist identifies nesting Swainson's hawks, the Project shall implement a 0.25 mile no disturbance buffer zone around the nest, unless otherwise approved in

² Swainson's Hawk Technical Advisory Committee, 2000.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>

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writing by CDFW. Project activities shall be prohibited within the buffer zone between March 1 and August 31, unless otherwise approved in writing by CDFW. If take of Swainson’s hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.

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CONT

COMMENT 2: Tricolored blackbird

Issue: The project may impact tricolored blackbird, which occurs in Napa County. The Project sites fall within the range and predicted habitat of tricolored blackbird. CNDDDB documents an occurrence within 5 miles of the Project site.

Specific impacts and why they may occur and be significant: If active tricolored blackbird nests are not detected by the proposed surveys or appropriate buffer zones are not established, tricolored blackbird could be disturbed by Project activities resulting in nest abandonment and loss of eggs or reduced health and vigor and loss of young, thereby substantially reducing the number of the species. Tricolored blackbird is CESA listed as a threatened species and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if an active tricolored blackbird nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

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Recommended Mitigation Measure: For an accurate environmental setting and to reduce impacts to tricolored blackbird to less than significant, CDFW recommends including an impact analysis for tricolored blackbird and including the following mitigation measure:

MM BIO-14: Tricolored Blackbird Avoidance. If nesting tricolored blackbird or evidence of their presence is found during nesting bird surveys within 500 feet of Project activities, CDFW shall be notified immediately and work shall not occur without written approval from CDFW allowing the Project to proceed. Project activities shall not occur within 500 feet of an active nest unless otherwise approved in writing by CDFW. If take of tricolored blackbird cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.

Mitigation Measures

COMMENT 3: California freshwater shrimp

Issue: The proposed pre-construction surveys are insufficient to ensure impacts to California freshwater shrimp are avoided, as surveys may not detect this elusive species.

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Recommended Mitigation Measure:

MM BIO-15: California Freshwater Shrimp Avoidance. No Project activities shall occur when standing or flowing water is present in the stream within 500 feet of the project area, unless otherwise approved in writing by CDFW. No streambanks outside of the Project footprint shall be impacted or disturbed. No sediment from the Project area shall be allowed to enter the stream channel. Flowing water and standing pools of water shall be completely avoided. Silt fencing and any other necessary erosion controls shall be installed between the work area and the stream channel to ensure sediment is prevented from entering the stream, unless otherwise approved in writing by CDFW. The silt fence shall be checked daily by the Qualified Biologist, including during periods of inactivity, and any necessary repairs shall be made immediately.

If sediment or any other materials from the Project area enter the stream channel, Project activities shall immediately stop and the Qualified Biologist shall immediately notify CDFW. If take of California freshwater shrimp cannot be avoided, the Project shall the Project shall consult with CDFW pursuant to CESA and obtain an ITP.

II. Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?

Environmental Setting and Mitigation Measures

COMMENT 4: Foothill Yellow-Legged Frog

Issue: The MND does not consider impacts to foothill yellow-legged frog (*Rana boylei*, northwest/north coast clade). The Project site is within the range and suitable habitat for foothill yellow-legged frog and there is a CNDDDB documented occurrence in Redwood Creek, approximately 3.2 miles from the Project site.

Specific impacts and why they may occur and be significant: Foothill yellow-legged frogs have been extirpated from about two-thirds of their historical range since 1970 (U.S. Forest Service (USFS) 2016) and is a California Species of Special Concern (SSC).

The main risk factors for the foothill yellow-legged frog are water development and diversion, climate change, habitat loss (including urbanization and fragmentation), and introduced species (USFS 2016). Project location can negatively affect foothill yellow-legged frog based on proximity to suitable habitats. Many post-metamorphic foothill yellow-legged frogs move among a variety of stream habitats throughout the year, including perennial mainstem reaches to highly ephemeral headwater streams

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(Bourque 2008). This species is also documented in uplands near streams (< 300 m; Twitty et al. 1967, Cook et al. 2012). Projects involving the alteration of the bed and/or banks of any stream or adjacent upland habitats could have potentially significant impacts on the species or its habitat. Therefore, if foothill yellow-legged frogs are present on or adjacent to the Project site, the Project would have potentially significant impacts on the species.

Recommended Mitigation Measure: For an adequate environmental setting and to reduce impacts to foothill yellow-legged frog to less-than-significant, CDFW recommends including an impact analysis for foothill yellow-legged frog and including the following mitigation measure:

MM BIO-16: Foothill Yellow-Legged Frog Surveys. Prior to starting Project activities, a Qualified Biologist shall conduct surveys for foothill yellow-legged frog using a CDFW-approved methodology. If foothill yellow-legged frogs, their eggs, or any other special-status species are found, CDFW shall be notified immediately and construction shall not occur without written approval from CDFW allowing the Project activities to proceed. If foothill yellow-legged frog egg masses are observed in a stream that is scheduled for dewatering, dewatering shall not occur until an egg mass relocation plan is approved in writing by CDFW and implemented. In the event adult foothill yellow-legged frogs are observed, a temporary wildlife exclusion fence shall be installed, if requested by CDFW, to prevent frogs and/or other special-status species from entering the work site. The results of the survey shall be submitted to CDFW for written acceptance prior to starting Project activities. If the Project has collected data that the stream has been completely dry for greater than 30 days prior to starting Project activities, and no water or moist areas within the streambed exist within 500 feet upstream and downstream of the Project, then the Project may request CDFW written approval that surveys for foothill yellow-legged frogs are not necessary.

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CONT

Mitigation Measures

COMMENT 5: MM BIO-4: Noise and Lighting Restrictions

Issue: MM BIO-4 does not provide specific guidance regarding how lighting will be minimized. Artificial lighting may adversely impact special-status species.

Recommended Mitigation Measure: To reduce impacts from artificial lighting to less-than-significant, CDFW recommends replacing MM BIO-4 with the following language:

MM BIO-4: Noise and Lighting Restrictions: Construction noise shall be limited to daylight hours. All temporary Project lighting associated with construction staging areas, access routes and construction sites in natural lands must not spill into

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natural areas. Temporary Project lighting on the surface of the road will be directed towards the road surface and will not be directed into natural areas outside of the road surface to prevent additional light pollution and disruption of nocturnal wildlife activity. Baffles and shielding devices will be required on all temporary lighting systems within the Project limits. All temporary lighting shall be limited to 2,700 kelvins. A photometer shall be used in and around the construction site to ensure light is not being exposed to natural areas.

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COMMENT 6: MM BIO-7: Construction Monitoring

Issue: MM BIO-7 specifies that a qualified biologist *may* be on-site for daily monitoring if an *aquatic* state or federally listed species is present within or near the Project site, depending on the species. It is unclear whether the Project is required to consult with CDFW and/or USFWS in the event a listed species is encountered. MM BIO-7 also does not account for species designated as SSC.

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Recommended Mitigation Measure: Revise MM BIO-7 to specify that a qualified biologist shall be on-site daily when work occurring within stream or riparian habitat, unless otherwise approved in writing by CDFW. Additionally, if any special-status species are detected, the Project shall consult with CDFW and/or USFWS regarding appropriate steps before proceeding with construction.

III. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

Mitigation Measures

COMMENT 7: Riparian Habitat

Issue: The MND mentions the need to obtain an LSA Agreement from CDFW; however, this is not included as a mitigation measure. Additionally, on page 65, the MND includes a list of Best Management Practices (BMPs). This includes a BMP specifying that work within the riparian zone would occur between April 15 to October 31; however, CDFW generally considers the dry season to be June 15 to October 15 in Napa County.

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Additionally, while the MND states no riparian vegetation will be removed, it is unclear whether the area where structures will be removed within the riparian zone will be restored with native plantings. If demolition areas are left barren of vegetation, this could result in erosion and sedimentation within Browns Valley Creek.

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Furthermore, the MND states that the BMPs listed on page 65 are included to help avoid and minimize potential impacts to critical habitat and essential fish habitat to less than significant levels, yet these BMPs are not included as mitigation measures.

Recommended Mitigation Measure: To reduce impacts to riparian habitat to less-than-significant, CDFW recommends including a mitigation measure requiring the Project to submit an LSA Notification to CDFW and comply with the LSA Agreement if issued by CDFW. The LSA Agreement would likely include measures restricting work within the riparian zone from June 15 to October 15, unless otherwise approved in writing by CDFW, and require any areas within the riparian zone left barren of vegetation be restored and planted with native trees, shrubs and grasses. Additionally, permanent impacts, such as from installation of the storm drain outfall structure should be restored at a 3:1 ratio for acreage and linear feet impacted and temporary impacts should be restored on-site, unless otherwise approved in writing by CDFW.

CDFW also recommends that all BMPs that are intended to reduce impacts to riparian and stream habitat to less-than-significant be clearly listed as mitigation measures.

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CONT

IV. Editorial Comments and Suggestions

COMMENT 8: On page 65 of the MND it states, "No trees or other vegetation will be removed in the riparian zone unless it poses a safety hazard as determined by an arborist (for trees)." CDFW recommends revising this sentence for clarity. It is unclear if hazardous vegetation, besides trees, could be removed.

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If CDFW issues an LSA Agreement for the Project, the above recommended mitigation measures will likely be included in the Agreement, as applicable.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Alicia Bird, Environmental Scientist, at (707) 980-5154 or alicia.bird@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or melanie.day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2022090306)

REFERENCES

- Bloom, P. H. 1980. The status of the Swainson's hawk in California, 1979. Bureau of Land Management, Sacramento, CA, USA.
- Bourque, R. M. 2008. Spatial ecology of an inland population of the foothill yellow-legged frog (*Rana boylei*) in Tehama County, California. Thesis, Humboldt State University, Arcata, CA, USA.
- CDFW. 2016. Status review: Swainson's hawk (*Buteo swainsoni*) in California. Report to the California Fish and Game Commission, Sacramento, CA, USA.

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Cook, D. G., P. W. White, and E. White. 2012. Natural history notes: *Rana boylei* (foothill yellow-legged frog), upland movement. *Herpetological Review* 43:325–326.

Twitty, V., D. Grant, and O. Anderson. 1967. Amphibian orientation: an unexpected observation. *Science* 155:352–353.

U.S. Forest Service (USFS). 2016. Foothill yellow-legged frog conservation assessment in California. General Technical Report PSW-GTR-248, Pacific Southwest Research Station, U.S. Forest Service, Albany, CA, USA.

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Attachment 1

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
MM BIO-4	<p><u>MM BIO-4: Noise and Lighting Restrictions:</u> Construction noise shall be limited to daylight hours. All temporary Project lighting associated with construction staging areas, access routes and construction sites in natural lands must not spill into natural areas. Temporary Project lighting on the surface of the road will be directed towards the road surface and will not be directed into natural areas outside of the road surface to prevent additional light pollution and disruption of nocturnal wildlife activity. Baffles and shielding devices will be required on all temporary lighting systems within the Project limits. All temporary lighting shall be limited to 2700 kelvins. A photometer shall be used in and around the construction site to ensure light is not being exposed to natural areas.</p>	Prior to Ground Disturbance and continuing over the course of the Project	Project Applicant
MM BIO-13	<p><u>MM BIO-13 Swainson's Hawk Surveys and Avoidance:</u> If Project activities are scheduled during the nesting season for Swainson's hawks (March 1 to August 31), prior to beginning work on this Project, Swainson's hawk surveys shall be conducted by a qualified biologist with experience surveying for and detecting the species pursuant to the Recommended timing and methodology for Swainson's Hawk Nesting Surveys in California's Central Valley Swainson's Hawk (2000) survey protocol, within 0.25 mile of the Project site each year that Project activities occur. Pursuant to the above survey protocol, surveys shall be completed for at least the two survey periods immediately prior to a Project's initiation. For example, if the project is scheduled to begin on June 20, the qualified biologist shall complete three surveys in Period III and three surveys in Period V. It is recommended that surveys be completed in Periods II, III and V. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction</p>	Prior to Ground Disturbance and continuing over the course of the Project	Project Applicant

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	occurring between March 1 and August 31 each year. If the qualified biologist identifies nesting Swainson's hawks, the Project shall implement a 0.25 mile no disturbance buffer zone around the nest, unless otherwise approved in writing by CDFW. Project activities shall be prohibited within the buffer zone between March 1 and August 31, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.		
MM BIO-14	<u>MM BIO-14: Tricolored Blackbird Avoidance.</u> If nesting tricolored blackbird or evidence of their presence is found during nesting bird surveys within 500 feet of Project activities, CDFW shall be notified immediately and work shall not occur without written approval from CDFW allowing the Project to proceed. Project activities shall not occur within 500 feet of an active nest unless otherwise approved in writing by CDFW. If take of tricolored blackbird cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.	Prior to Ground Disturbance and continuing over the course of the Project	Project Applicant
MM BIO-15	<u>MM BIO-15: California Freshwater Shrimp Avoidance.</u> No project activities shall occur when standing or flowing water is present in the stream within 500 feet of the project area, unless otherwise approved in writing by CDFW. No streambanks outside of the project footprint shall be impacted or disturbed. No sediment from the project area shall be allowed to enter the stream channel. Flowing water and standing pools of water shall be completely avoided. Silt fencing and any other necessary erosion controls shall be installed between the work area and the stream channel to ensure sediment is prevented from entering the stream, unless otherwise approved in writing by CDFW. The silt fence shall be checked daily by the Qualified Biologist, including during periods of inactivity, and any necessary repairs shall be made immediately. If sediment or any other materials from the project area enter the stream channel project activities shall immediately stop and the Qualified Biologist shall immediately notify CDFW. If take of California freshwater shrimp cannot be avoided, the Project shall the Project shall consult with CDFW pursuant to CESA and obtain an ITP.	Prior to Ground Disturbance and continuing over the course of the Project	Project Applicant
MM BIO-16	<u>MM BIO-16: Foothill Yellow-Legged Frog Surveys.</u> Prior to starting Project activities, a Qualified Biologist	Prior to Ground	Project Applicant

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	<p>shall conduct surveys for foothill yellow-legged frog using a CDFW-approved methodology. If foothill yellow-legged frogs, their eggs, or any other special-status species, are found, CDFW shall be notified immediately and construction shall not occur without written approval from CDFW allowing the Project activities to proceed. If foothill yellow-legged frog egg masses are observed in a stream that is scheduled for dewatering, dewatering shall not occur until an egg mass relocation plan is approved in writing by CDFW and implemented. In the event adult foothill yellow-legged frogs are observed, a temporary wildlife exclusion fence shall be installed, if requested by CDFW, to prevent frogs and/or other special-status species from entering the work site. The results of the survey shall be submitted to CDFW for written acceptance prior to starting Project activities. If the Project has collected data that the stream has been completely dry for greater than 30 days prior to starting Project activities, and no water or moist areas within the streambed exist within 500 feet upstream and downstream of the Project, then the Project may request CDFW written approval that surveys for foothill yellow-legged frogs are not necessary.</p>	<p>Disturbance and continuing over the course of the Project</p>	
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State Agencies

California Department of Fish and Wildlife (CDFW)

Comments below are reprinted verbatim from the comment letter.

Comment CDFW-1

Issue: The Project may impact nesting Swainson's hawk, which occurs in Napa County. The California Natural Diversity Database (CNDDB) documents a Swainson's hawk mating pair occurrence less than 4 miles from the Project site.

The proposed nesting bird survey mitigation measure would only survey for raptors present within 1,000 feet of the Project, however nesting Swainson's hawks may be impacted up to 0.25 miles from the Project within urban areas and may not be detected using the proposed nesting bird surveys.

Specific impacts and why they may occur and be significant: If active Swainson's hawk nests are not detected by the proposed surveys or appropriate buffer zones are not established, Swainson's hawk could be disturbed by Project activities resulting in nest abandonment and loss of eggs or reduced health and vigor and loss of young, thereby substantially reducing the number of the species.

Swainson's hawk is CESA listed as a threatened species and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. The estimated historical population of Swainson's hawk was nearly 17,000 pairs; however, in the late 20th century, Bloom (1980) estimated a population of only 375 pairs. The decline was primarily a result of habitat loss from development (CDFW 2016). The most recent survey conducted in 2009 estimated the population at 941 breeding pairs. The species is currently threatened by loss of nesting and foraging habitat (e.g., from agricultural shifts to less crops that provide less suitable habitat), urban development, environmental contaminants (e.g., pesticides), and climate change (CDFW 2016).

Therefore, if an active Swainson's hawk nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: For an accurate environmental setting, to reduce impacts to Swainson's hawk to less-than-significant, and to comply with CESA, CDFW recommends including an evaluation of Swainson's hawk in the impact analysis and adding the following mitigation measure:

Mitigation Measure (MM) BIO-13 Swainson's Hawk Surveys and Avoidance: Project activities are scheduled during the nesting season for Swainson's hawks (March 1 to August 31), prior to beginning work on this Project, Swainson's hawk surveys shall be conducted by a qualified biologist with experience surveying for and detecting the species pursuant to the Recommended timing and methodology for Swainson's Hawk Nesting Surveys in California's Central Valley Swainson's Hawk (2000) survey protocol¹, within 0.25 mile of the Project site each year that Project activities occur. Pursuant to the above survey protocol, surveys shall be completed for at least the two survey periods immediately prior to a Project's initiation. For example, if the project is scheduled to begin on June 20, the qualified biologist shall complete three surveys in Period III and three surveys in Period V. It is recommended that surveys be completed in Periods II, III and V. The Project shall

obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 1 and August 31 each year. If the qualified biologist identifies nesting Swainson's hawks, the Project shall implement a 0.25 mile no disturbance buffer zone around the nest, unless otherwise approved in writing by CDFW. Project activities shall be prohibited within the buffer zone between March 1 and August 31, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.

Response to CDFW-1

The project-specific biological survey evaluated habitat suitability and nearby CNDDDB records for Swainson's hawk during preparation of the biological resources report for the property at 3090 Browns Valley Road (Appendix B of the Draft IS/MND). The closest CNDDDB record to the project site is about 3.5 miles southwest of the site, where a pair of Swainson's hawks was observed displaying, copulating, and defending territory in 2013, but no nest was found. This occurrence was near Carneros Creek in an open area surrounded by agricultural fields, a preferred habitat for this species. Other CNDDDB records of this species in Napa are concentrated to the south in the open area between Highway 12 and the Napa County Airport, often near riparian habitat such as Suscol Creek. Although the project site has a riparian corridor along Browns Valley Creek, surrounding areas are developed or contain oak woodland (in Westwood Hills Park), and lack open areas preferred by this species. This is reflected in the Cornell Lab of Ornithology's eBird records, as Swainson's hawk has not been recorded at "hot spots" within a mile of the project site. As such, qualified Biologists concluded that protocol-level surveys for nesting Swainson's hawks are not warranted in the project area.

In response to comments, Mitigation Measure (MM) BIO-10 has been revised to include protocol surveys for Swainson's hawks if project construction starts during the Swainson's hawk nesting season (generally March 1 to August 31). The text changes to MM BIO-10 are reflected in Section 3, Errata, of this Final IS/MND.

These changes are based on communication with CDFW during the on-site meeting which took place on November 1, 2022, in which it was clarified that surveys do not need to be repeated every year if construction is continuous, and that "project activities" refers only to construction activities (does not include project operation).

Potential project effects on Swainson's hawk are not new avoidable significant effects since the proposed project was previously found to have a less than significant impact on these species (as disclosed in the Draft IS/MND). The revisions to MM BIO-10 merely amplify and clarify the survey protocols from the Recommended timing and methodology for Swainson's Hawk Nesting Surveys in California's Central Valley Swainson's Hawk,¹ and therefore do not affect the impact analyses and the environmental determination of the Draft IS/MND.

Comment CDFW-2

¹ Swainson's Hawk Technical Advisory Committee. 2000. Swainson's Hawk Nesting Surveys in California's Central Valley Swainson's Hawk. Website: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>. Accessed November 30, 2022.

Issue: The project may impact tricolored blackbird, which occurs in Napa County. The Project sites fall within the range and predicted habitat of tricolored blackbird. CNDDDB documents an occurrence within 5 miles of the Project site.

Specific impacts and why they may occur and be significant: If active tricolored blackbird nests are not detected by the proposed surveys or appropriate buffer zones are not established, tricolored blackbird could be disturbed by Project activities resulting in nest abandonment and loss of eggs or reduced health and vigor and loss of young, thereby substantially reducing the number of the species. Tricolored blackbird is CESA listed as a threatened species and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if an active tricolored blackbird nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: For an accurate environmental setting and to reduce impacts to tricolored blackbird to less than significant, CDFW recommends including an impact analysis for tricolored blackbird and including the following mitigation measure:

MM BIO-14: Tricolored Blackbird Avoidance. If nesting tricolored blackbird or evidence of their presence is found during nesting bird surveys within 500 feet of Project activities, CDFW shall be notified immediately and work shall not occur without written approval from CDFW allowing the Project to proceed. Project activities shall not occur within 500 feet of an active nest unless otherwise approved in writing by CDFW. If take of tricolored blackbird cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.

Response to CDFW-2

It is acknowledged that tricolored blackbird occurs in Napa County, and that the project site is within the range of this species. The CNDDDB documented occurrence of tricolored blackbird is about 4.3 miles southeast of the project site at a freshwater marsh along the Napa River. As part of a United States Fish and Wildlife Service (USFWS) protocol site assessment for California red-legged frog, all wetland and riparian habitat within 1 mile of the project site were identified and evaluated. Although designed for California red-legged frog, the biological survey confirmed that there is no suitable freshwater marsh habitat for tricolored blackbird within 1 mile of the project site (Appendix B of the Draft IS/MND). Therefore, nesting tricolored blackbirds are unlikely to occur in the project area, and the proposed project would not impact this species. Similar to Swainson's hawk, there are no eBird "hot spot" observations of tricolored blackbird within 1 mile of the site.

In response to comments, MM BIO-10 is revised to incorporate the CDFW recommended buffer if nesting tricolored blackbirds are found within 500 feet of the project site. The text changes to MM BIO-10 are reflected in Section 3, Errata, of this Final IS/MND.

Potential project effects on tricolored blackbird are not new avoidable significant effects since the proposed project was previously found to have a less than significant impact on these species (as disclosed in the Draft IS/MND). The revisions to MM BIO-10 merely amplify and clarify the avoidance

protocols for nesting tricolored blackbirds if found during nesting bird surveys, and therefore do not affect the impact analyses and the environmental determination of the IS/MND.

Comment CDFW-3

Issue: The proposed pre-construction surveys are insufficient to ensure impacts to California freshwater shrimp are avoided, as surveys may not detect this elusive species.

Recommended Mitigation Measure:

MM BIO-15: California Freshwater Shrimp Avoidance. No Project activities shall occur when standing or flowing water is present in the stream within 500 feet of the project area, unless otherwise approved in writing by CDFW. No streambanks outside of the Project footprint shall be impacted or disturbed. No sediment from the Project area shall be allowed to enter the stream channel. Flowing water and standing pools of water shall be completely avoided. Silt fencing and any other necessary erosion controls shall be installed between the work area and the stream channel to ensure sediment is prevented from entering the stream, unless otherwise approved in writing by CDFW. The silt fence shall be checked daily by the Qualified Biologist, including during periods of inactivity, and any necessary repairs shall be made immediately.

If sediment or any other materials from the Project area enter the stream channel, Project activities shall immediately stop and the Qualified Biologist shall immediately notify CDFW. If take of California freshwater shrimp cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.

Response to CDFW-3

California freshwater shrimp was evaluated in the biological resources report and the Draft IS/MND, and was found to have a moderate potential to occur in Browns Valley Creek within the project site. It is acknowledged that this species may not be detected during a single preconstruction survey, even if it is present. However, the proposed project is not expected to impact this species because no work is proposed in Browns Valley Creek or below the top of the creek banks, and a silt fence would be installed between the creek and the work area during construction. MM BIO-1 through MM BIO-9 in the Draft IS/MND would also avoid impacts to aquatic species, including California freshwater shrimp. In addition, Best Management Practices (BMPs) would be incorporated into the proposed project to prevent sediment or other pollutants from entering the creek (now part of MM BIO-14, see Response to CDFW-7 below), and a Storm Water Pollution Prevention Plan (SWPPP) would be prepared and implemented during construction, consistent with regulatory requirements.

However, in response to comments, MM BIO-1 is revised to include measures to ensure sediment is prevented from entering the stream. The text changes to MM BIO-1 are reflected in Section 3, Errata, of this Final IS/MND.

The restriction on work within 500 feet of standing or flowing water in Browns Valley Creek was not included in this revised measure. This was based on communication with CDFW personnel during the November 1, 2022 on-site meeting, in which it was understood that standing or flowing water is likely always present in Browns Valley Creek, and agreed that the first sentence of the proposed mitigation measure could be deleted provided that potential impacts to California freshwater shrimp

are avoided. “Or designated construction crew member” was added because a full-time Biological Monitor is not required for the proposed project for work outside of the riparian zone, and a trained crew member could check and maintain the silt fence without assistance from a qualified Biologist.

California freshwater shrimp was evaluated in the biological resources report and the Draft IS/MND, and significant impacts were already avoided by requiring MM BIO-1 through MM BIO-9 and the BMPs incorporated into the proposed project for creek protection. The revisions to MM BIO-1 merely amplify and clarify the avoidance protocols for California freshwater shrimp if found during pre-construction survey, and therefore do not affect the impact analyses and the environmental determination of the Draft IS/MND.

Comment CDFW-4

Issue: The MND does not consider impacts to foothill yellow-legged frog (*Rana boylei*, northwest/north coast clade). The Project site is within the range and suitable habitat for foothill yellow-legged frog and there is a CNDDDB documented occurrence in Redwood Creek, approximately 3.2 miles from the Project site.

Specific impacts and why they may occur and be significant: Foothill yellow-legged frogs have been extirpated from about two-thirds of their historical range since 1970 (U.S. Forest Service (USFS) 2016) and is a California Species of Special Concern (SSC).

The main risk factors for the foothill yellow-legged frog are water development and diversion, climate change, habitat loss (including urbanization and fragmentation), and introduced species (USFS 2016). Project location can negatively affect foothill yellow-legged frog based on proximity to suitable habitats. Many post-metamorphic foothill yellow-legged frogs move among a variety of stream habitats throughout the year, including perennial mainstem reaches to highly ephemeral headwater streams (Bourque 2008). This species is also documented in uplands near streams (< 300 m; Twitty et al. 1967, Cook et al. 2012). Projects involving the alteration of the bed and/or banks of any stream or adjacent upland habitats could have potentially significant impacts on the species or its habitat. Therefore, if foothill yellow-legged frogs are present on or adjacent to the Project site, the Project would have potentially significant impacts on the species.

Recommended Mitigation Measure: For an adequate environmental setting and to reduce impacts to foothill yellow-legged frog to less-than-significant, CDFW recommends including an impact analysis for foothill yellow-legged frog and including the following mitigation measure:

MM BIO-16: Foothill Yellow-Legged Frog Surveys. Prior to starting Project activities, a Qualified Biologist shall conduct surveys for foothill yellow-legged frog using a CDFW-approved methodology. If foothill yellow-legged frogs, their eggs, or any other special-status species are found, CDFW shall be notified immediately, and construction shall not occur without written approval from CDFW allowing the Project activities to proceed. If foothill yellow-legged frog egg masses are observed in a stream that is scheduled for dewatering, dewatering shall not occur until an egg mass relocation plan is approved in writing by CDFW and implemented. In the event adult foothill yellow-legged frogs are observed, a temporary wildlife exclusion fence shall be installed, if requested by CDFW, to prevent frogs and/or other special-status species from entering the work site. The results of the

survey shall be submitted to CDFW for written acceptance prior to starting Project activities. If the Project has collected data that the stream has been completely dry for greater than 30 days prior to starting Project activities, and no water or moist areas within the streambed exist within 500 feet upstream and downstream of the Project, then the Project may request CDFW written approval that surveys for foothill yellow-legged frogs are not necessary.

Response to CDFW-4

It is acknowledged that the project site is within the range of foothill yellow-legged frog. The CNDDDB documented occurrence of foothill yellow-legged frog in Redwood Creek is from 1972 and is listed as “possibly extirpated.” As part of a USFWS protocol site assessment for California red-legged frog, a day- and night-time amphibian survey was conducted on the site, and no amphibians were detected. Habitat suitability in Browns Valley Creek within the project site is low due to urbanization and low flow conditions. Therefore, foothill yellow-legged frogs are unlikely to occur in the project area. Even if the species did occur in the creek, the steep and tall banks between the project site and the creek bed likely provide a barrier for frog movement between the creek and the site.

However, in response to comments, MM BIO-1 has been revised to include foothill yellow-legged frogs in the pre-construction survey, notify CDFW if foothill yellow-legged frogs or other aquatic special-status species are found, and install a wildlife exclusion fence if requested by the CDFW. The text changes to MM BIO-1 are reflected in Section 3, Errata, of this Final IS/MND.

Potential project effects on foothill yellow-legged frog are not new avoidable significant effects since the proposed project was previously found to have a less than significant impact on these species (as disclosed in the Draft IS/MND). The revisions to MM BIO-1 merely amplify and clarify the avoidance protocols for foothill yellow-legged frog if found during pre-construction survey, and therefore do not affect the impact analyses and the environmental determination of the IS/MND.

Comment CDFW-5

Issue: MM BIO-4 does not provide specific guidance regarding how lighting will be minimized. Artificial lighting may adversely impact special-status species.

Recommended Mitigation Measure: To reduce impacts from artificial lighting to less-than-significant, CDFW recommends replacing MM BIO-4 with the following language:

MM BIO-4: Noise and Lighting Restrictions: Construction noise shall be limited to daylight hours. All temporary Project lighting associated with construction staging areas, access routes and construction sites in natural lands must not spill into natural areas. Temporary Project lighting on the surface of the road will be directed towards the road surface and will not be directed into natural areas outside of the road surface to prevent additional light pollution and disruption of nocturnal wildlife activity. Baffles and shielding devices will be required on all temporary lighting systems within the Project limits. All temporary lighting shall be limited to 2,700 kelvins. A photometer shall be used in and around the construction site to ensure light is not being exposed to natural areas.

Response to CDFW-5

The applicant confirmed that project construction would be limited to daylight hours and would not include temporary lighting. MM BIO-4 has been revised to clarify that construction shall be limited to

daylight hours to further reduce nighttime noise impacts to wildlife. This revision does not affect the impact analyses and the environmental determination of the Draft IS/MND. The text changes to MM BIO-4 are reflected in Section 3, Errata, of this Final IS/MND.

Comment CDFW-6

Issue: MM BIO-7 specifies that a qualified biologist may be on-site for daily monitoring if an aquatic state or federally listed species is present within or near the Project site, depending on the species. It is unclear whether the Project is required to consult with CDFW and/or USFWS in the event a listed species is encountered. MM BIO-7 also does not account for species designated as SSC.

Recommended Mitigation Measure: Revise MM BIO-7 to specify that a qualified biologist shall be on-site daily when work occurring within stream or riparian habitat, unless otherwise approved in writing by CDFW. Additionally, if any special-status species are detected, the Project shall consult with CDFW and/or USFWS regarding appropriate steps before proceeding with construction.

Response to CDFW-6

As recommended by the CDFW, MM BIO-7 has been modified to specify consultation with the CDFW and/or USFWS if a listed species is found on the site. This revision does not affect the impact analyses and the environmental determination of the Draft IS/MND. The text changes to MM BIO-7 are reflected in Section 3, Errata, of this Final IS/MND.

MM BIO-9 is more relevant to biological monitoring for work in riparian habitat than MM BIO-7. As such, MM BIO-9 has been modified to specify that a Biological Monitor be present for all work in riparian habitat, per CDFW's recommendation. This revision does not affect the impact analyses and the environmental determination of the Draft IS/MND. The text changes to MM BIO-7 are reflected in Section 3, Errata, of this Final IS/MND.

Comment CDFW-7

Issue: The MND mentions the need to obtain an LSA Agreement from CDFW; however, this is not included as a mitigation measure. Additionally, on page 65, the MND includes a list of Best Management Practices (BMPs). This includes a BMP specifying that work within the riparian zone would occur between April 15 to October 31; however, CDFW generally considers the dry season to be June 15 to October 15 in Napa County.

Additionally, while the MND states no riparian vegetation will be removed, it is unclear whether the area where structures will be removed within the riparian zone will be restored with native plantings. If demolition areas are left barren of vegetation, this could result in erosion and sedimentation within Browns Valley Creek.

Furthermore, the MND states that the BMPs listed on page 65 are included to help avoid and minimize potential impacts to critical habitat and essential fish habitat to less than significant levels, yet these BMPs are not included as mitigation measures.

Recommended Mitigation Measure: To reduce impacts to riparian habitat to less-than-significant, CDFW recommends including a mitigation measure requiring the Project to submit an LSA Notification to CDFW and comply with the LSA Agreement if issued by CDFW. The LSA Agreement

would likely include measures restricting work within the riparian zone from June 15 to October 15, unless otherwise approved in writing by CDFW, and require any areas within the riparian zone left barren of vegetation be restored and planted with native trees, shrubs and grasses. Additionally, permanent impacts, such as from installation of the storm drain outfall structure should be restored at a 3:1 ratio for acreage and linear feet impacted and temporary impacts should be restored on-site, unless otherwise approved in writing by CDFW.

CDFW also recommends that all BMPs that are intended to reduce impacts to riparian and stream habitat to less-than-significant be clearly listed as mitigation measures.

Response to CDFW-7

An LSA Notification is in preparation and will be submitted to the CDFW. It was not included as a mitigation measure in the Draft IS/MND because it is a regulatory requirement, and regulatory requirements are not normally considered as mitigation since they are required by law and were considered as part of the regulatory setting for the proposed project. However, the CDFW indicated that there have been issues in the past with project applicants not submitting required LSA Notifications to the CDFW. As such notification of lake or streambed alteration requirements have been added as MM BIO-13 to specify that an LSA Notification shall be submitted to CDFW.

The applicant shall comply with the work period restrictions and revegetation requirements as specified by the CDFW through a Streambed Alteration Agreement or Operation of Law. During the on-site meeting, CDFW agreed that demolition of the structures in the riparian zone and revegetation of the disturbed areas would be sufficient to offset the rock energy dissipator; the removal of structures exceeds a 3:1 ratio for impact offsets.

CDFW has also requested that the BMPs related to preparation of the SWPPP be incorporated in the proposed project and be listed as mitigation measures. As such, MM BIO-14 clarifies that the BMPs required by the SWPPP would be incorporated into the proposed project (Page 65 of the Draft IS/MND) and required as part of the Mitigation Monitoring and Reporting Program (MMRP). The new MM BIO-14 is shown in Section 3, Errata, of this Final IS/MND. As discussed in the Draft IS/MND, a SWPPP is required by Clean Water Act Section 402 and therefore incorporation of the new MM BIO-14 amplifies the requirements of applicable regulations and would not affect the impact analyses and the environmental determination of the Draft IS/MND.

Comment CDFW-8

On page 65 of the MND it states, “No trees or other vegetation will be removed in the riparian zone unless it poses a safety hazard as determined by an arborist (for trees).” CDFW recommends revising this sentence for clarity. It is unclear if hazardous vegetation, besides trees, could be removed.

Response to CDFW-8

As recommended by CDFW, the sentence has been revised to state: “No tree shall be removed in the riparian zone unless it poses a safety hazard as determined by an arborist. The proposed location of the rock energy dissipator generally lacks understory vegetation, therefore removal of riparian vegetation would be minimal.” This text change is reflected in Section 3, Errata, of this Final IS/MND. This revision merely provides clarification and does not affect the impact analyses and the environmental determination of the Draft IS/MND.

In conclusion, the recommended edits to the Draft IS/MND address requests for clarification and do not represent any new significant impacts or a “substantial revision” to the Draft IS/MND that would trigger recirculation of the document pursuant to CEQA Guidelines Section 15073.5. Revisions enhance existing mitigation and make no changes to the project description or the discussion of environmental setting. CEQA Guidelines Section 15073.5(c) specifies that recirculation is not required when:

- (1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
- (2) New project revisions are added in response to written or verbal comments on the project’s effects identified in the proposed negative declaration which are not new avoidable significant effects.

No new avoidable significant effects were identified in CDFW’s letter or are addressed by recommended new or revised mitigation measures. Potential project effects on Swainson’s hawk, tricolored blackbird, and foothill yellow-legged frog are not new avoidable significant effects since the proposed project was previously found to have a less than significant impact on these species (during preparation of the biological resources report and Draft IS/MND). California freshwater shrimp was evaluated in the biological resources report and the Draft IS/MND, and significant impacts were already avoided by MM BIO-1 through MM BIO-9 and the BMPs incorporated into the proposed project for creek protection. Existing MM BIO-1 and MM BIO-10 have been updated with additional requirements that provide equal or more effective measures pursuant to Section 15074.1 in order to respond to CDFW’s comments. MM BIO-13 reflects a regulatory requirement to avoid a significant impact but was added as a mitigation measure in response to a request from the CDFW. MM BIO-14 also incorporates a regulatory requirement (SWPPP is required by Clean Water Act Section 402) that was previously included in the Draft IS/MND as BMPs incorporated into the proposed project. All other recommended edits are minor changes to existing mitigation measures in response to recommendations by the CDFW or are wording changes for clarification.

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From: Michael Morris <hkmmorris47@gmail.com>
Sent: Monday, October 3, 2022 11:38 AM
To: Angela Alvarez-Cendejas <acendejas@cityofnapa.org>
Subject: Re: PL21-0179 _ Browns Valley Subdivision

You don't often get email from hkmmorris47@gmail.com. [Learn why this is important](#)

[EXTERNAL]

Angela a Few Questions;

- Has CA Fish & Game had a site review. If so did they review my notes? | 1
- The wild life assessment is not correct. Has my wild life notes with pictures been reviewed? | 2
Supervisor Painter was given copies of my notes hopefully she can provide the wild life photos and notes.
- The project's topo maps misleading. Has any Napa Planning staff made a site visit? | 3
- On projects I have designed with unstable banks like PL21-0179 I have found it most important to use sub-surface drainage to reduce weight of water during high rain events. This project doesn't to address bank conditions-trying to avoid a 1603 permit? | 4
- When the Robinson Ln Bridge was replaced in 1998 RWQCB stopped the project until Napa City secured their permit. This project a few hundred feet upstream, has RWQCB reviewed the project? | 5
- I question the outfall design of the storm water discharge pipe dissipater. It appears to allow concentrated flows over unprotected creek bank. The discharge flow needs to be better broken up. | 6

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Individuals

Michael Morris (MORRIS-1)

Comments below are reprinted verbatim from the comment letter.

Comment MORRIS-1-1

Has CA Fish & Game had a site review. If so did they review my notes?

Response to MORRIS-1-1

Public comments are addressed in the Final IS/MND and included in the City's Planning Commission and City Council staff reports. The proposed project is expected to require a Section 1602 Agreement from the CDFW. CDFW has reviewed the Draft IS/MND and coordination with the CDFW would be required pursuant to the Section 1602 Agreement.

This comment does not identify any new environmental issues related to Biological Resources. Therefore, no further analysis is warranted.

Comment MORRIS-1-2

The wild life assessment is not correct. Has my wild life notes with pictures been reviewed? Supervisor Painter was given copies of my notes hopefully she can provide the wild life photos and notes.

Response to MORRIS-1-2

Aquatic and avian wildlife movement is discussed in the project Biological Resources Report (Appendix B of the Draft IS/MND). It was stated that Browns Valley Creek could provide a movement corridor for aquatic and avian wildlife and is connected to Napa Creek and the Napa River downstream. Roads and culverts could be partial movement barriers along Browns Valley Creek, but there are no apparent complete barriers to movement through the creek. Low water flows, particularly during the dry season and/or during drought conditions, may also present a movement barrier to aquatic wildlife in Browns Valley Creek.

The creek likely provides a corridor for aquatic and avian wildlife movement; however, there is no evidence that the project site supports a major wildlife corridor. This is not surprising due to surrounding suburban development that includes barriers (roads, fences, and other structures) to wildlife movement.

There are no known wildlife nursery sites on or near the parcel. Browns Valley Creek is generally too shallow to provide fish spawning habitat, and more suitable spawning habitat is available elsewhere in the Napa River watershed. There are no known nesting bird colonies such as heron rookeries or blackbird colonies in the project area, and no known bat maternity roosts or mammal denning sites in the area.

This comment does not identify any new environmental issues related to Biological Resources. Therefore, no further analysis is warranted.

Comment MORRIS-1-3

The project's topo maps misleading. Has any Napa Planning staff made a site visit?

*Responses to Written Comments**Response to MORRIS-1-3*

The proposed project's topography maps are created using available topography geospatial information and survey reports. This comment does not identify any new environmental issues related to Biological Resources. Therefore, no further analysis is warranted.

Comment MORRIS-1-4

On projects I have designed with unstable banks like PL21-0179 I have found it most important to use sub-surface drainage to reduce weight of water during [sic] high rain events. This project doesn't [want] to address bank conditions-trying to avoid a 1603 permit?

Response to MORRIS-1-4

Stormwater drainage is analyzed as part of the proposed project. As discussed in the project Biological Resources Report, the stormwater drainage outfall is proposed to be located outside of the top of bank in the northeast corner of the project site. The stormwater control plan directs site stormwater first to two bioretention areas that could overflow to a detention pipe. Stormwater is then directed to a rock energy dissipator and coir log configuration that is 6 feet wide and 15 feet long for a permanent impact area of 90 square feet. An 18-inch storm pipe would direct stormwater from the detention pipe onto the dissipator. From there water would sheet flow toward the creek. Because the rock energy dissipator and a portion of the pipe are within the riparian zone it is expected to require a Section 1602 Agreement from the CDFW.

This comment does not identify any new environmental issues related to Biological Resources. Therefore, no further analysis is warranted.

Comment MORRIS-1-5

When the Robinson Ln Bridge was replaced in 1998 RWQCB stopped the project until Napa City secured their permit. This project [is] a few hundred feet upstream, has RWQCB reviewed the project?

Response to MORRIS-1-5

The rock energy dissipator and a portion of the pipe do not extend below the top of bank or the ordinary high water mark; therefore, it is not expected to require authorization from the Regional Water Quality Control Board (RWQCB). This comment does not identify any new environmental issues. Therefore, no further analysis is warranted.

Comment MORRIS-1-6

I question the outfall design of the storm water discharge pipe dissipator. It appears to allow concentrated flows over unprotected creek bank. The discharge flow needs to be better broken up.

Response to MORRIS-1-6

See Response to MORRIS-1-4. In addition, as stated in the project Preliminary Detention Calculation (Appendix F of the Draft IS/MND), the proposed project's storm drain system is designed such that the proposed post-development flow discharge would not exceed pre-developed levels in accordance with the City of Napa Drainage Design Standard Section 2.10.02. This comment does not identify any new environmental issues. Therefore, no further analysis is warranted.

Mike Morris, CPESC #768
October 5, 2022

Development over the last 50 years has significantly increased runoff upstream of the project. This has resulted in increase channel velocities and a decrease in "Time of Travel". The result on this reach of Browns Valley Creek has been channel down cutting and bank destabilization. The cultural practices of the previous owner has accreted bank destabilization by removing native vegetation from channel slopes as well as from top of bank areas to the south. As shown in the attached picture the banks are now unstable have been under cut or having a vertical slope. During the storm season of 2017 80ft of the pictured bank along with 7 mature redwood and oak trees slid into the pictured main channel. High velocity flows were then directed towards my bank. The result was repaid erosion along the toe of my property. Only with quick work by me and the former owner was the problem corrected. This type of bank failure can cause damage to my property costing into the 100's of thousands of dollars.

1

This project does nothing to correct the degraded banks. The project actually has the potential to accelerate the problem by allowing for an increase in surface and subsurface water created by the addition of impervious surfaces.

2

When I have designed repairs to unstable banks I have placed subsurface drainage systems to reduce ground water adjacent to the problem area. I have required a much wider vegetative setback zone. The activities in these zones are greatly limited. Human activities in the reach of the creek can cause major damage and must be considered in the design of the project.

3

if this project was taking place in the County of Napa a much wider setback would be required.



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Michael Morris (MORRIS-2)

Comments below are reprinted verbatim from the comment letter.

Comment MORRIS-2-1

Development over the last 50 years has significantly increased runoff upstream of the project. This has resulted in increase[d] channel velocities and a dec[r]ease in "Time of Travel." The result on this reach of Browns Valley Creek has been channel down cutting and bank destabilization.

The cultural practices of the previous owner has accreted bank destabilization by removing native vegetation from channel slopes as well as from top of bank areas to the south. As shown in the attached picture the banks are now unstable have been under cut or having a vertical slope. During the storm season of 2017 80ft of the pictured bank along with 7 mature redwood and oak trees slid into the pictured main channel. High velocity flows were then directed towards my bank. The result was repaid erosion along the toe of my property. Only with quick work by me and the former owner was the problem corrected. This type of bank failure can cause damage to my property costing into the 100's of thousands of dollars.

Response to MORRIS-2-1

The commenter offers anecdotal information on the increased runoff upstream of the proposed project and the resulting erosion and bank destabilization of Browns Valley Creek adjacent to the commenter's property. This comment does not identify any new environmental issues. Therefore, no further analysis is warranted.

Comment MORRIS-2-2

This project does nothing to correct the degraded banks. The project actually has the potential to accelerate the problem by allowing for an increase in surface and subsurface water created by the addition of impervious surfaces.

When I have designed repairs to unstable banks I have placed subsurface drainage systems to reduce ground water adjacent to the problem area. I have required a much wider vegetative setback zone. The activities in these zones are greatly limited. Human activities in the reach of the creek can cause major damage and must be considered in the design of the project.

Response to MORRIS-2-2

Slope stability was analyzed in the project preliminary Geotechnical Exploration (Appendix D of the Draft IS/MND). According to the report, the creek bank revealed slope inclinations ranging from 1H:1V (horizontal to vertical) to near vertical. Localized areas were partially undercut. Signs of past sloughing and erosions were apparent. Therefore, a minimum structure setback defined by a 2H:1V line extending up from the toe of the existing creek bank is recommended. This recommendation has been incorporated into the design of the proposed project. This comment does not identify any new environmental issues. Therefore, no further analysis is warranted.

Comment MORRIS-2-3

If this project was taking place in the County of Napa a much wider setback would be required.

Response to MORRIS-2-3

The project set back is appropriately sized based on geotechnical investigation and recommendations. In addition, the creek structural setback is incorporated consistent with the City of Napa Municipal Code, including Chapter 17.52, Section 110 Creeks and Other Setbacks. No new buildings would be built within the creek structural setback, riparian zone, or below the top of bank. This comment does not identify any new environmental issues. Therefore, no further analysis is warranted.

SECTION 3: ERRATA

The following are revisions to the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) for the proposed Browns Valley Subdivision Project (proposed project).

These revisions are minor modifications and clarifications to the document, and do not change the significance of any of the environmental issue conclusions within the Draft IS/MND. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

3.1 - Changes to the Draft IS/MND

Section 1.4.6: Utilities

Page 5

The proposed project ~~would~~could include an all-electric design and would include Tier 2 electric vehicle (EV) charging. Utility connections would include tie-ins to existing water and sewer facilities in Browns Valley Road and construction of on-site bioretention basins and a new storm drain outfall at Browns Valley Creek (Exhibit 11). There is an existing 0.75-inch water service to the property that would be required to be abandoned as part of the proposed project. The parcel is required to annex into the City of Napa for the proposed project to be served by the City of Napa Water Division. The proposed project fronts a 24-inch transmission main, a 6-inch distribution main with an 8-inch tie-in to the transmission main. If existing well(s) are to be abandoned, they would be required to be abandoned per the Napa County Environmental Health requirements. The site is currently served by septic tank and the proposed project would be annexed to Napa Sanitation District (NapaSan). For solid waste/recycling, the current site would be served by Napa County Recycling and Waste Services (NCRWS), and by Napa Recycling and Waste Services (NRWS).

Section 1.5: Required Discretionary Approvals

Page 5-6

As mentioned previously, the City of Napa has discretionary authority over the proposed project and is the CEQA Lead Agency for the preparation of this Draft IS/MND. In order to implement the proposed project, the project applicant would need to secure the following permits/approvals:

- Annexation to City and Napa Sanitation District (City, NapaSan, and Local Agency Formation Commission [LAFCo] approval)
- Tentative Subdivision Map—Vesting
- Design Review Permit—Subdivision and Homes
- Use Permit—Small Lot Development
- Design Exception Request for the proposed attached sidewalk and cross slope of the new street

- California Department of Fish and Wildlife review or permitting approval of the proposed stormwater detention system within the edge of the project's riparian vegetation
- ~~Regional Water Quality Control Board review or permitting approval of the proposed stormwater detention system within the edge of the project's riparian vegetation~~

Section 2.4: Biological Resources

Page 63

The proposed project would comply with Section 402 of the Clean Water Act (see BRR, Section 3.1.3 in Chapter 3 Regulatory Setting), including preparation of a SWPPP and implementation of BMPs for erosion control and water quality protection during and following construction. These BMPs are listed as MM BIO-14. ~~The BMPs included in the proposed project that would protect biological resources are listed at the end of this section and would be required by the City as Conditions of Approval.~~

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Implementation of MM BIO-1 through MM BIO-9, and MM BIO-14 ~~BMPs defined below~~ to protect California red-legged frog and other aquatic species would prevent significant impacts to aquatic special-status species during project construction.

Page 64

The proposed project includes stormwater bioretention and detention, and a rock dissipator for stormwater flows, which would prevent significant impacts to water quality in Browns Valley Creek over the long term. The SWPPP BMPs as listed in MM BIO-14 would also provide erosion control and water quality protection. ~~BMPs incorporated into the proposed project to protect biological resources are listed in the BRR, Table 1 and Chapter 2.~~

Page 64 and 65

Impacts on Critical Habitat and Essential Fish Habitat

As described in BRR Section 6.3 of Chapter 6 Special-Status Species and Sensitive Habitats, Browns Valley Creek is designated as critical habitat for steelhead Central California Coast DPS for rearing and migration habitat. Browns Valley Creek and the project site are also within the Essential Fish Habitat (EFH) for Chinook salmon and coho salmon. Potential short-term and long-term impacts to critical habitat and EFH are the same as for aquatic special-status species; see BRR Section 7.1 above for a detailed discussion of potential impacts, and compliance with applicable regulations to help avoid and minimize potential impacts. MMs BIO-1 through MM BIO-9, MM BIO-13 (Notification of Lake or Streambed Alteration), and MM BIO-14 (SWPPP BMPs) ~~and BMPs defined below~~ would further reduce potential impacts to critical habitat and EFH to less than significant levels.

Page 65**Best Management Practices**

- ~~Construction or demolition in the riparian zone will be restricted to the dry season from April 15 to October 31, or as otherwise specified in the Lake and Streambed Alteration Agreement with CDFW.~~
- ~~Construction and demolition will not occur in the riparian zone during or within 24 hours following rain events of 0.25 inch of rain or more, or when the 72-hour National Weather Service forecast is for 40 percent chance of rain or greater, or as otherwise specified in the SWPPP and the Lake and Streambed Alteration Agreement with California Department of Fish and Wildlife (CDFW).~~
- ~~No trees or other vegetation will be removed in the riparian zone unless it poses a safety hazard as determined by an arborist (for trees).~~
- ~~Travel and parking of vehicles and equipment will be limited to pavement, existing roads, and previously disturbed areas.~~
- ~~Temporarily impacted areas will be restored to preexisting contours and revegetated.~~
- ~~All potential pollutants, including solid wastes, petroleum products, chemicals, wastewater, sediment, and non-stormwater discharges will be controlled and will not be discharged to Browns Valley Creek or other waterways.~~
- ~~Cleaning, fueling, or maintaining vehicles/equipment on property will be avoided except in designated areas in which runoff is contained and treated.~~
- ~~Soils and other materials will be removed from the site promptly and stockpiling material will be avoided when rain is forecast. If rain threatens, stockpiles, soils, and other materials will be covered with a tarp or other material to minimize erosion.~~
- ~~A hazardous spill plan will be developed prior to the start of construction. The plan will describe what actions will be taken in the event of a spill. The plan will incorporate preventive measures to be implemented, such as vehicle and equipment staging, cleaning, maintenance, and refueling; and contaminant (including fuel) management and storage. In the event of a contaminant spill, work at the site will immediately cease until the contractor has contained and mitigated the spill. The contractor will immediately prevent further contamination and notify appropriate authorities. Adequate spill containment materials, such as oil diapers and hydrocarbon cleanup kits will always be available on-site. Containers for storage, transportation, and disposal of contaminated absorbent materials will be provided on the project site.~~
- ~~All materials and equipment will be removed from the work site immediately after completion of construction.~~

Page 67

A creek structural setback is incorporated in the proposed project consistent with the Napa Municipal Code, including Section 17.52. 110 Creeks and other watercourses; the setback is shown in Exhibit 10. This setback protects the riparian zone. The proposed project would also comply with

Napa Municipal Code Chapter 12.45 Trees on Private Property, which protects larger sized native trees (see BRR Section 7.1.2 above and Section 3.3.1 of Chapter 3 Regulatory Setting for more information). By complying with the creek structural setback requirement, the proposed project would protect sensitive riparian habitat. The proposed location of the rock energy dissipator generally lacks understory vegetation, therefore removal of riparian vegetation would be minimal.

Page 68

The proposed project includes a bioretention area and stormwater detention outside of the creek structural setback and the edge of the riparian zone. The stormwater detention empties onto a 15-foot by 6-foot (90 square feet) rock energy dissipater that is within the edge of riparian vegetation, but is set back from the top of bank by about 55 feet (see Chapter 2 Project Location and Description). The rock energy dissipator falls within the jurisdiction of the CDFW, ~~and may be within the jurisdiction of the RWQCB.~~

The proposed project would be required to comply with Section 402 of the CWA (see BRR Section 3.1.3 in Chapter 3 Regulatory Setting), including preparation of a SWPPP and implementation of BMPs for erosion control and water quality protection during and following construction, and incorporation of Low Impact Development (LID) design features such as green roofs, pervious surfaces, tree planters, grassy swales, and bioretention and/or detention basins, among other methods. Recommended BMPs for the SWPPP to protect biological resources are incorporated as MM BIO-14. ~~are listed in BRR Section 2.1 of Chapter 2 Project Description.~~

Page 70

MM BIO-1 **Aquatic Species Pre-construction Survey and Avoidance.** No more than twenty-four (24) hours prior to the date of initial ground disturbance, a qualified biologist shall perform a pre-construction survey for the California freshwater shrimp, steelhead, foothill yellow-legged frog, California red-legged frog, and western pond turtle. The survey shall consist of walking the project boundary and within the project site to ascertain the possible presence of the species. The qualified biologist shall investigate all potential areas that could be used by aquatic special-status species for feeding, breeding, sheltering, movement, and other essential behaviors. Results of the survey shall be documented. Comply with MM BIO-8 if species are detected.

If any of the special-status species listed above, or their eggs, are found, the qualified biologist shall request guidance from California Department of Fish and Wildlife (CDFW) on avoiding impacts. No work shall occur in the creek channel of Browns Valley Creek or below the tops of the creek banks without written authorization from the CDFW. In the event adult foothill yellow-legged frogs or California red-legged frogs are observed, a temporary wildlife exclusion fence shall be installed, if requested by the CDFW, to prevent frogs and/or other special-status species from entering the work site.

No streambanks outside of the project footprint shall be impacted or disturbed. No sediment from the project area shall be allowed to enter the stream channel. Flowing water and standing pools of water shall be completely avoided. Silt fencing

and any other necessary erosion controls shall be installed between the work area and the stream channel to ensure sediment is prevented from entering the stream, unless otherwise approved in writing by the CDFW. The silt fence shall be checked daily by the qualified biologist or a designated construction crew member, including during periods of inactivity, and any necessary repairs shall be made immediately.

If sediment or any other materials from the project area enter the stream channel, project construction shall immediately stop and the qualified biologist shall immediately notify the CDFW.

If take of California Endangered Species Act (CESA) Listed species cannot be avoided, the project shall consult with CDFW pursuant to CESA and obtain an Incidental Take Permit (ITP).

Page 71**MM BIO-4**

Noise and Lighting Restrictions. ~~Construction noise shall be limited to daylight hours to prevent nighttime construction noise impacts to wildlife, and construction lighting shall be minimized and directed away from the riparian corridor and no construction site flood lighting shall be utilized.~~

MM BIO-7

~~Construction Monitoring Listed Species.~~ ~~If an aquatic special status species listed under the federal or State endangered species act(s) is confirmed to be present in or near the parcel, a qualified biologist shall be on site during all construction activities, depending on the species. The qualified biologist shall be given the authority to freely communicate verbally, by telephone, electronic mail, or in writing at any time with construction personnel, any other person(s) at the project site, otherwise associated with the project, consult with the California Department of Fish and Wildlife (CDFW) and/or the United States Fish and Wildlife Service (USFWS) and/or the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries), or their designated agents depending on the species.~~ The qualified biologist shall have oversight over implementation of all the conservation measures recommended by the CDFW and/or the USFWS and/or NOAA Fisheries and shall have the authority and responsibility to stop project activities if they determine any of the associated requirements are not being fulfilled.

Page 72**MM BIO-9**

Biological Monitor during ~~Demolition Work~~ in the Riparian Zone. A biological monitor shall be present during ~~the removal of structures~~ all work within the riparian zone. ~~(Figure 6).~~ The monitor shall ensure that silt fencing, snow fencing, or equivalent is installed to prevent debris from entering the creek during ~~demolition activities~~ work in the riparian zone. If debris falls into the creek, demolition shall stop and additional methods shall be employed to prevent debris from falling into the creek. The biological monitor shall have the authorization to stop ~~demolition activities~~ work in the riparian zone.

Page 72

MM BIO-10

Pre-construction Survey for Nesting Birds. To avoid impacts to nesting birds and violation of State and federal laws pertaining to birds, all vegetation removal, use of heavy equipment, and ground disturbance should occur outside the avian nesting season (that is, prior to February 1 or after September 15). At a minimum, removal of trees and other woody vegetation outside of the nesting bird season is strongly recommended. If tree removal or ground disturbance occurs within the avian nesting season (from February 1 to September 15), all suitable habitats located within the project's area of disturbance including maintenance areas, staging and storage areas, and access routes plus a 250-foot (passerines) and 1,000-foot (raptor nests) buffer around these areas shall be thoroughly surveyed, as feasible, for the presence of active nests by a qualified biologist no more than five days before commencement of any site disturbance activities and equipment mobilization. If project activities are delayed by more than five days, an additional nesting bird survey shall be performed. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys shall be documented.

If pre-construction nesting bird surveys result in the location of active nests, no vegetation removal or maintenance activities shall take place within 250 feet of non-raptor nests and 1,000 feet of raptor nests, or as determined by a qualified biologist in consultation with the CDFW, as appropriate, until the chicks have fledged. Monitoring shall be required to ensure compliance with relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented.

If construction is scheduled to begin after March 1 (the start of the March 1–August 31 nesting season for Swainson's hawk), Swainson's hawk surveys shall be conducted by a qualified biologist pursuant to the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley Swainson's Hawk (2000) survey protocol, within 0.25 mile of the project site. Pursuant to the above survey protocol, surveys shall be completed for at least the two survey periods immediately prior to a project's initiation. It is recommended that surveys be completed in Period II (March 20 to April 5), Period III (April 5 to April 20), and Period V (June 10 to July 30); surveys are not recommended in Period IV (April 21–June 10). If no nests are detected, construction can start. If a nest is detected, the qualified biologist shall request guidance from the CDFW on avoiding impacts to the nest. This may include a 0.25 mile no disturbance buffer zone around the nest, and restriction of project activities between March 1 and August 31. If take (i.e., physical harm) of Swainson's hawk cannot be avoided, the project applicant shall consult with the CDFW pursuant to the California Endangered Species Act (CESA) and obtain an Incidental Take Permit (ITP).

If nesting tricolored blackbird or evidence of its presence is found during nesting bird surveys within 500 feet of the project site, the qualified biologist shall request

guidance from the CDFW on avoiding impacts. Construction shall not occur within 500 feet of an active nest unless otherwise approved in writing by the CDFW. If take of tricolored blackbird cannot be avoided, the project shall consult with the CDFW pursuant to CESA and obtain an ITP.

Page 73

MM BIO-13 Notification of Lake or Streambed Alteration. The applicant shall submit a Notification of Lake or Streambed Alteration to the California Department of Fish and Wildlife (CDFW) for the portions of the project in the riparian zone, including the rock energy dissipator and the building demolition in the riparian zone. Work in the riparian zone shall not start until a signed Streambed Alteration Agreement is issued by the CDFW, CDFW indicates that a Streambed Alteration Agreement is not required, or the project is approved by the CDFW under Operation of Law.

MM BIO-14 Best Management Practices for Water Quality Protection. Prior to the recordation of a final map or issuance of any grading or building permits, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented for the project consistent with Section 402 of the Clean Water Act. At a minimum, the SWPPP shall include the following Best Management Practices (BMPs) to protect water quality and avoid impacts to biological resources:

- Construction or demolition in the riparian zone shall be restricted to the dry season from April 15 to October 31, or as otherwise specified in the Lake and Streambed Alteration Agreement with the California Department of Fish and Wildlife (CDFW).
- Construction and demolition shall not occur in the riparian zone during or within 24 hours following rain events of 0.25-inch of rain or more, or when the 72-hour National Weather Service forecast is for 40 percent chance of rain or greater, or as otherwise specified in the SWPPP and the Lake and Streambed Alteration Agreement with the CDFW.
- No trees shall be removed in the riparian zone unless it poses a safety hazard as determined by an arborist.
- Travel and parking of vehicles and equipment shall be limited to pavement, existing roads, and previously disturbed areas.
- Temporarily impacted areas shall be restored to preexisting contours and revegetated.
- All potential pollutants, including solid wastes, petroleum products, chemicals, wastewater, sediment, and non-stormwater discharges shall be controlled and shall not be discharged to Browns Valley Creek or other waterways.
- Cleaning, fueling, or maintaining vehicles/equipment on property shall be avoided except in designated areas in which runoff is contained and treated.
- Soils and other materials shall be removed from the site promptly and stockpiling material shall be avoided when rain is forecast. If rain threatens, stockpiles, soils,

and other materials shall be covered with a tarp or other material to minimize erosion.

- A hazardous spill plan shall be developed prior to the start of construction.
- The plan shall describe what actions shall be taken in the event of a spill.
- The plan shall incorporate preventive measures to be implemented, such as vehicle and equipment staging, cleaning, maintenance, and refueling; and contaminant (including fuel) management and storage.
- In the event of a contaminant spill, work at the site shall immediately cease until the contractor has contained and mitigated the spill.
 - The contractor shall immediately prevent further contamination and notify appropriate authorities.
- Adequate spill containment materials, such as oil diapers and hydrocarbon cleanup kits shall always be available on-site.
- Containers for storage, transportation, and disposal of contaminated absorbent materials shall be provided on the project site. All materials and equipment shall be removed from the work site immediately after completion of construction.

Section 2.6: Energy

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The proposed project would include several sustainable design features, ~~including utilization of an all electric building design; therefore, the proposed project is assumed to not consume natural gas during operations.~~ As previously discussed, the proposed project would be considered to result in a potentially significant impact if it would result in wasteful, inefficient, or unnecessary consumption of energy resources. Considering the guidance provided by Appendix F of the CEQA Guidelines and the Appellate Court decision in *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 164-168, the proposed project would not ~~be considered to~~ result in wasteful, inefficient, or unnecessary consumption of energy resources if it would not conflict with the following energy conservation goals:

- Decreasing overall per capita energy consumption;
- Decreasing reliance on fossil fuels such as coal, natural gas, or oil; and
- Increasing reliance on renewable energy sources.

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Decreasing Reliance on Fossil Fuels

The proposed project would be considered to conflict with this criterion if it did not take steps to decrease the reliance on fossil fuels. The proposed project would include EV charging infrastructure meeting the Tier 2 requirements of the Residential Voluntary Measures of CALGreen. The inclusion of these features would contribute to an acceleration of EV adoption and facilitate an increase in EV and clean air and high occupancy vehicle use by residents, employees, and visitors of the proposed project, though they cannot guarantee a reduction in energy usage. Moreover, the proposed project would be built according to the latest building code standards and could include an all-electric

building design, decreasing the proposed project's reliance on natural gas for space and water heating. Therefore, the proposed project would be consistent with this criterion.

Increasing Reliance on Renewable Energy Sources

As previously discussed, ~~the proposed project would utilize an all electric building design, eliminating the use of natural gas and allowing~~ the proposed project to would utilize renewable energy sources as its primary energy supply. In addition, the proposed project would include EV charging infrastructure meeting the Tier 2 requirements of the Residential and Nonresidential Voluntary Measures of CALGreen, which would accelerate the region's and proposed project's adoption of EVs and allow the future transportation energy supply necessary for residents, employees, and visitors to be substituted with renewable energy sources. The proposed project would also include solar photovoltaic systems capable of generating approximately 30,000 kWh of electricity per year. As such, the proposed project would facilitate a greater dependence on renewable energy sources for building and transportation energy demands compared to the status quo. Therefore, the proposed project would be consistent with this criterion.

Section 2.8: Greenhouse Gas Emissions

Page 98-99

a-b) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

Less than significant impact. CEQA Guidelines define a significant effect on the environment as "a substantial, or potentially substantial, adverse change in the environment." To determine if a project would have a significant impact on GHG emissions, the type, level, and impact of emissions generated by the project must be evaluated. To determine significance, the proposed project is assessed for consistency with applicable plans adopted for the purpose of reducing GHG emissions. The analysis first quantifies project-related GHG emissions for the purposes of providing full disclosure.

~~Less than significant impact.~~ Both construction and operational activities have the potential to generate GHG emissions. The proposed project would generate GHG emissions during temporary (short-term) construction activities such as demolition and grading, running of construction equipment engines, movement of on-site heavy-duty construction vehicles, hauling materials to and from the project site, asphalt paving, and construction worker, vendor, and haul truck motor vehicle trips.

Long-term, operational GHG emissions most often result from project-generated vehicular traffic, on-site combustion of natural gas, operation of any landscaping equipment, off-site generation of electrical power over the life of the proposed project, the energy required to convey water to and wastewater from the project site, and the emissions associated with the hauling, and disposal of solid waste from the project site.

~~In April 2022, the BAAQMD adopted updated GHG thresholds of significance that represent what is required of new land use development projects to achieve California's long term climate goals of~~

carbon neutrality by 2045. The BAAQMD has found that new land use development projects being built today need to incorporate the following design element thresholds shown in Table 10 to do their “fair share” of implementing the goal of carbon neutrality by 2045:

Table 10: BAAQMD Climate Change Thresholds for Land Use Projects

Project Must Include A or B, as Outlined Below:
<p>Projects must include, at a minimum, the following project design elements:</p> <p>Buildings The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).</p> <p>The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.</p> <p>Transportation Achieve a reduction in project-generated Vehicle Miles Traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 target, reflecting the recommendations provided in the Governor’s Office of Planning and Research’s Technical Advisory on Evaluating Transportation Impacts in CEQA:</p> <ul style="list-style-type: none"> ● Residential projects: 15 percent below the existing VMT per capita ● Office projects: 15 percent below the existing VMT per employee ● Retail projects: no net increase in existing VMT ● Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
<p>Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b)</p>
<p>Source: Bay Area Air Quality Management District (BAAQMD). Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans. April 2022.</p>

The proposed project would satisfy the Threshold A design elements. Regarding building design, the proposed project would not include natural gas appliances or natural gas plumbing. Further, as determined under Energy Impact(a), the proposed project would not result in any wasteful, inefficient, or unnecessary energy usage during construction or operations.

Regarding transportation, the vehicle trip analysis prepared by Kimley-Horn determines that the proposed project would be assumed to cause a less than significant VMT impact, pursuant to OPR screening thresholds. This means that the proposed project would not interfere with regional or locally adopted VMT reduction targets and is presumed to achieve at least a 15 percent reduction in per capita VMT from the regional average. Further, the proposed project would be built in accordance with CALGreen Tier 2 off-street EV requirements, meaning that each dwelling unit would include a raceway with a dedicated 208/240-volt branch circuit for EV chargers.

Given these considerations, the proposed project would be consistent with the building design and transportation elements of the BAAQMD’s Threshold A. As such, the proposed project would contribute its portion of what the BAAQMD deems necessary to achieve California’s long-term

~~climate goals, and the proposed project would not result in a cumulatively considerable impact to global climate change. This impact would be less than significant.~~

For informational purposes, the following section provides quantitative estimates of the proposed project's GHG emissions from construction and operations.

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Table 12: Operational GHG Emissions

Emission Source	Year 2024 Total Emissions (MT CO ₂ e per year)
Area	<1
Energy	22
Mobile (Vehicles)	91
Waste	7
Water	1
Total Annual Project Emissions	122

~~As previously discussed, the proposed project would contribute its portion of what the BAAQMD deems necessary to achieve California's long term climate goals, and the proposed project would not result in a cumulatively considerable impact to global climate change. This impact would be less than significant.~~

~~b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?~~

~~Less than significant impact.~~ The following discusses project consistency with applicable plans adopted for the purpose of reducing GHG emissions, which include ARB's Scoping Plan, Metropolitan Transportation Commission/Association of Bay Area Governments (MTC/ABAG) Plan Bay Area 2050, and City of Napa's General Plan.

Section 2.18: Utilities and Service Systems

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Electric Power, Natural Gas, and Telecommunications Facilities

There are telecommunications companies who operate and maintain transmission and distribution infrastructure in the project vicinity and currently serve the existing uses on the project site. ~~The proposed project would be all electric, and no natural gas would serve the project site.~~ Impacts associated with the proposed project's electricity demand are discussed in Section 2.6, Energy.

The site is currently served by telecommunications and natural gas infrastructure, and the proposed project would connect to the existing infrastructure. Therefore, the proposed project would not require the installation or development of new or improved telecommunications facilities such that environmental impacts would occur. Impacts would be less than significant.

Section 2.28: Mandatory Findings of Significance

Page 157

Less than significant with mitigation incorporated. Short- and long-term impacts to special-status species, nesting birds, roosting bats, sensitive habitats, jurisdictional features, and wildlife movement would be reduced to less than significant levels through implementation of MMs BIO-1 through BIO-~~11~~14, and/or compliance with applicable regulations and agency requirements. In addition, a creek structural setback is incorporated in the proposed project consistent with the City of Napa Municipal Code, including Section 17.52.110 Creeks and other watercourses; the setback is shown in Exhibit 10. Therefore, the proposed project would not conflict with any other local policies or regulations protecting biological resources.

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Less than significant impact with mitigation incorporated. The proposed project would result in potentially significant project-level impacts related to air quality, biological resources, cultural resources, and geology and soils. MM AIR-1, MM AIR-2, MM BIO-1 through ~~11~~MM BIO-14, MM CUL-1, MM CUL-2, MM CUL-3, and MM GEO-1 would be implemented as part of the proposed project. The mitigation measures would, among other things, reduce air pollutants, damage to cultural resources, and risks to wildlife. The mitigation measures would reduce each impact to a level of less than significant.

Less than significant with mitigation incorporated. The previous sections of this Draft IS/MND reviewed the proposed project's potential impacts related to air quality, biological resources, cultural resources, and geology, among other environmental issue areas. As concluded in these previous discussions, the proposed project would result in less than significant impacts with implementation of MM AIR-1, MM AIR-2, MM BIO-1 through ~~11~~BIO-14, MM CUL-1, MM CUL-2, MM CUL-3, and MM GEO-1. Therefore, with implementation of the specified mitigation and standard BMPs and conditions of approval, the proposed project would cause less than significant adverse effects on human beings.

Implement MM AIR-1, MM AIR-2, MM BIO-1 through MM BIO-~~11~~14, MM CUL-1, MM CUL-2, MM CUL-3, and MM GEO-1.



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

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

Agenda Item 8b (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *B F*

MEETING DATE: June 5, 2023

SUBJECT: CALAFCO Nominations and Annual Conference Items

RECOMMENDATION

Staff recommends the Commission take the following actions:

- 1) Appoint one voting delegate and one alternate voting delegate for the 2023 California Association of Local Agency Formation Commissions (CALAFCO) Annual Conference;
- 2) If interested, nominate a City Member and/or a Public Member for the CALAFCO Board of Directors; and
- 3) If interested, nominate a person and/or project for an achievement award.

SUMMARY

The 2023 CALAFCO Annual Conference is scheduled for October 18th to 20th in Monterey. The Annual Conference will include Board of Directors elections and an achievement awards ceremony. The Commission will consider appointing voting delegates to represent the agency at the CALAFCO Annual Conference. The Commission will also consider making nominations for the Board as well as achievement awards. In addition, staff recommends members of the Commission discuss their interest in attending the Annual Conference. A summary of voting delegate appointments and possible nominations follows.

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Vice Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Voting Delegates

Each LAFCO is responsible for appointing a delegate and alternate delegate to participate in the Board elections and business meeting held on the second day of the Annual Conference. Board elections are conducted by regions (Central, Coastal, Northern, and Southern). Napa County is in the Coastal Region. Voting delegates may be commissioners or staff.

Board Nominations

Board elections for the Coastal Region's City and Public seats will occur at the Annual Conference on Thursday, October 19th. Nominations for these seats must be signed by the respective LAFCO Chair and include a completed resume form for the candidate. Although not advised, candidates may also be nominated from the floor. Board members serve two-year terms, and there are no term limits. The incumbent Coastal Region City and Public Members are Margie Mohler (Napa LAFCO) and Shane Stark (Santa Barbara LAFCO), respectively. If the Commission would like to nominate any candidates for the two open seats, the deadline to submit a nomination packet is September 18th (Attachment One). The Commission may nominate any of its regular or alternate City Members or Public Members.

Achievement Award Nominations

CALAFCO invites individual LAFCOs to nominate persons or projects for various achievement awards ranging from "Lifetime Achievement Award" to "Outstanding Commissioner". Award winners will be announced during the banquet dinner scheduled for Thursday, October 19th. If the Commission would like to nominate any persons or projects for awards, the deadline to submit a nomination packet is August 18th (Attachment Two).

The Commission's most recent CALAFCO achievement award was in 2021 when the Commission co-received the "Mike Gotch Excellence in Public Service Award" alongside the County of Napa, the City of Napa, and Senator Bill Dodd for the Commission's role in advancing the Napa Pipe project.

ATTACHMENTS

- 1) CALAFCO Invitation for Board Nominations
- 2) CALAFCO Invitation for Achievement Award Nominations



May 5, 2023

To: Local Agency Formation Commission
Members and Alternate Members

From: Wendy Root Askew, Committee Chair
CALAFCO Board Election Committee
CALAFCO Board of Directors



RE: Nomination Period Now Open for 2023/2024 CALAFCO Board of Directors

Nominations are now open for the fall elections of the CALAFCO Board of Directors for the following seats:

CENTRAL REGION	COASTAL REGION	NORTHERN REGION	SOUTHERN REGION
City Member	City Member	County Member	County Member
Public Member	Public Member	District Member	District Member

Please inform your Commission that the CALAFCO Election Committee will be accepting nominations for the above-cited seats until:

MONDAY, SEPTEMBER 18, 2023 at 5:00 PM

Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal, and operational issues that affect us all. The Board meets four to five times each year, with half of the meetings currently held virtually and the rest being held at alternate sites around the state.

Board seats span a two-year term, with no term limits, and any LAFCo commissioner or alternate commissioner is eligible to run for a Board seat. Elections are conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 19, 2023 at the Hyatt Regency Hotel in Monterey, California.

*Should your Commission nominate a candidate, please return a completed **Nomination Form and Candidate's Résumé Form** by the deadline.*



Please note that completed nomination forms and all materials must be RECEIVED by the CALAFCO Executive Director no later than **Monday, September 18, 2023 at 5:00 p.m.**

Returning the completed nomination and resume forms prior to the deadline ensures your nominee is placed on the ballot. Names will be listed in the order nominations were received.

Electronic filing of nomination forms is **highly encouraged** to facilitate the recruitment process (please email to info@calafco.org). However, hard copy forms and materials may also be mailed to:

CALAFCO Election Committee c/o Executive Director
California Association of Local Agency Formation Commissions
1129 Firehouse Alley
Sacramento, CA 9581

Nominations received by the September 18th deadline will be included in the Election Committee's Report and will be on the ballot. The Report will be distributed to LAFCo members no later than October 5, 2023, with ballots made available to Voting Delegates at the Annual Conference.

Nominations received after the deadline will be returned; however, nominations may be made from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCos who cannot send a representative to the Annual Meeting, an electronic ballot will be made available *if requested in advance*. **Ballot requests must also be received no later than 5:00 pm on Monday, September 18, 2023, with completed absentee ballots returned by 5:00 p.m. on Thursday, October 12, 2023.**

NOMINATION/ELECTION PROCESS DEADLINES AND TIMELINES

- **May 5** – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **September 18** – Completed Nomination packet due
- **September 18** – Request for an absentee/electronic ballot due
- **September 18** – Voting delegate name due to CALAFCO
- **October 5** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 5** – Distribution of requested absentee/electronic ballots.
- **October 12** – Absentee ballots due to CALAFCO
- **October 19** - Elections

If you have any questions about the election process, please contact CALAFCO Executive Director René LaRoche at rlaroche@calafco.org or by calling 916-442-6536.

Members of the 2023/2024 CALAFCO Election Committee are:

Wendy Root Askew, Chair district4@co.monterey.ca.us	Monterey LAFCo (Coastal Region) 831-883-7570
Rodrigo Espinosa Rodrigo.Espinosa@countyofmerced.com	Merced LAFCo (Central Region) 209-398-4340
Derek McGregor dmcmgregor@dmceng.com	Orange Co. LAFCo (Southern Region) 530-538-6834
Josh Susman jsusman@calafco.org	Nevada LAFCo (Northern Region) 530-559-1725

Additionally, you will also find attached for your reference a copy of the CALAFCO Board of Directors Nomination and Election Procedures, as well as the current listing of Board Members and corresponding terms of office.

I sincerely hope that you will consider joining us!

Enclosures

Board of Directors Nomination and Election Procedures and Forms

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

1. APPOINTMENT OF AN ELECTION COMMITTEE:

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.
- b. The Board Chair shall appoint one of the members of the Election Committee to serve as Committee Chair. The CALAFCO Executive Director shall either serve as staff to the Election Committee or appoint a CALAFCO regional officer to serve as staff in cooperation with the Executive Director.
- c. Each regional officer shall serve as staff liaison to the Election Committee specifically to assist in conducting the election as directed by the Executive Director and Committee.
- d. Goals of the Committee are to encourage and solicit candidates by region who represent member LAFCOs across the spectrum of geography, size, and urban-suburban-rural population, and to provide oversight of the elections process.

2. ANNOUNCEMENT TO ALL MEMBER LAFCOs:

- a. No later than four months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFCO for distribution to each commissioner and alternate. The announcement shall include the following:
 - i. A statement clearly indicating which offices are subject to the election.
 - ii. A regional map including LAFCOs listed by region.
 - iii. The specific date by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCO marked "Received too late for Election Committee action."
 - iv. The names of the Election Committee members and the name of their LAFCO, regional representation, email address and phone number. The name, email address and phone number of the Executive Director shall also be included.
 - v. The email address and physical address to send the nominations forms.
 - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
 - vii. The specific date by which all voting delegate names are due.
 - viii. The specific date by which absentee ballots must be requested, the date CALAFCO will

**Key Timeframes for
Nominations Process**

Days*	
120	Nomination announcement
30	Nomination deadline
14	Committee report released

*Days prior to annual membership meeting

distribute the absentee ballots, and the date by which they must be received by the Executive Director.

- b. A copy of these procedures shall be posted on the web site.

3. THE ELECTION COMMITTEE:

- a. The Election Committee and the Executive Director have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Election Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.
- b. At the close of the nomination period, the Election Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated representatives. Caucus elections must be held prior to the annual membership meeting at the Conference. The assigned regional officers along with a member of the Election Committee shall tally ballots at each caucus and provide the Election Committee the names of the elected Board members and any open seats. In the event of a tie, the regional officer and Election Committee member shall immediately conduct a run-off ballot of the tied candidates.
- c. Make available sufficient copies of the Committee Report for each Voting Delegate by the beginning of the Annual Conference. Only the designated Voting Delegate, or the designated Alternate Voting Delegate shall be allowed to pick up the ballot packet at the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Executive Director to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.
- f. Advise the Executive Director to provide "VOTING DELEGATE" ribbons to all voting delegates attending the Annual Conference.
- g. Post the candidate statements/resumes organized by region on a bulletin board or other easily accessible location near the registration desk.
- h. Regional elections shall be conducted as described in Section 4 below. The representative from the Election Committee shall serve as the Presiding Officer for the purpose of the caucus election and shall be assisted by a regional officer from a region other than their own, as assigned by the Executive Director
- i. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Election Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.

4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING

Limited to the elections of the Board of Directors

- a. Any LAFCo in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCos requesting an electronic ballot shall do so in writing to the Executive Director no later than 30 days prior to the annual meeting.

- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the annual meeting.
- d. LAFCo must return the ballot electronically to the Executive Director no later than three working days prior to the annual meeting.
- e. LAFCos voting by electronic ballot may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCos voting under this provision may only vote for the candidates nominated by the Election Committee as noted on the ballot and may not vote in any run-off elections.

5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING:

- a. The Presiding Officer shall:
 - i. Review the election procedure with the membership of their region.
 - ii. Present the Election Committee Report (previously distributed).
 - iii. Call for nominations from the floor by category for those seats subject to this election:
 - 1. For city member.
 - 2. For county member.
 - 3. For public member.
 - 4. For special district member.
- b. To make a nomination from the floor, a LAFCo, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy. If a candidate is absent from the regional caucus, they may ask someone in their region to make a brief statement on their behalf.
- e. The Presiding Officer shall then conduct the election:
 - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
 - 1. Name the nominees and offices for which they are nominated.
 - 2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.
 - ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
 - 1. Poll the LAFCos in good standing by written ballot.
 - 2. Each LAFCo in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.

3. Any ballots submitted electronically for candidates included in the Election Committee Report shall be added to the tally.
 4. With assistance from the regional officer, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
1. A majority of the total number of LAFCoS in a given region are required for a quorum. Returned absentee ballots shall count towards the total required for a quorum.
 2. The nominee receiving the majority of votes cast is elected.
 3. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election. Electronic ballots are not included in the tally for any run-off election(s).
 4. In case of tie votes:
 - a. A second run-off election shall be held with the same two nominees.
 - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.

6. ADDITIONAL PROCEDURES

- a. For categories where there are more candidates than vacancies, names shall be listed on the ballot in the order the nomination was received and deemed complete.
- b. The Election Committee Chair shall announce and introduce all Board Members elected during the Regional Caucuses at the annual business meeting.
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCo may be nominated for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after election of new Board members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.

7. LOSS OF ELECTION IN HOME LAFCO

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

8. FILLING BOARD VACANCIES

Vacancies on the Board of Directors may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.

CALAFCO's Four Regions



The counties in each of the four regions consist of the following:

Northern Region

Butte
Colusa
Del Norte
Glenn
Humboldt
Lake
Lassen
Mendocino
Modoc
Nevada
Plumas
Shasta
Sierra
Siskiyou
Sutter
Tehama
Trinity
Yuba

CONTACT: Steve Lucas
Butte LAFCo
slucas@buttecounty.net

Southern Region

Orange
Los Angeles
Imperial
Riverside
San Bernardino
San Diego

CONTACT: Gary Thompson
Riverside LAFCo
gthompson@lafco.org

Coastal Region

Alameda
Contra Costa
Marin
Monterey
Napa
San Benito
San Francisco
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Santa Cruz
Solano
Sonoma
Ventura

CONTACT: Dawn Longoria
Napa LAFCo
dlongori@napa.lafco.ca.gov

Central Region

Alpine
Amador
Calaveras
El Dorado
Fresno
Inyo
Kings
Madera
Mariposa
Merced
Mono
Placer
Sacramento
San Joaquin
Stanislaus
Tulare
Tuolumne
Yolo

CONTACT: José Henriquez
Sacramento LAFCo
henriquezj@saccounty.net

CURRENT BOARD MEMBERS AND TERMS

NAME	REGION	TYPE & TERM
Bill Connelly, Chair	Butte <i>Northern</i>	County (2023)
Rodrigo Espinosa	Merced <i>Central</i>	County (2024)
Blake Inscore	Del Norte <i>North</i>	City (2024)
Gay Jones	Sacramento <i>Central</i>	District (2024)
Michael Kelley	Imperial <i>Southern</i>	County (2023)
Debra Lake	Humboldt <i>Northern</i>	District (2023)
Jo MacKenzie	San Diego <i>Southern</i>	District (2023)
Michael McGill	Contra Costa <i>Coastal</i>	District (2024)
Derek McGregor	Orange <i>Southern</i>	Public (2024)
Margie Mohler, Vice Chair	Napa <i>Coastal</i>	City (2023)
Anita Paque	Calaveras <i>Central</i>	Public (2023)
Daniel Parra	Fresno <i>Central</i>	City (2023)
Wendy Root Askew	Monterey <i>Coastal</i>	County (2024)
Shane Stark	Santa Barbara <i>Coastal</i>	Public (2023)
Josh Susman	Nevada <i>Northern</i>	Public (2024)
Acquanetta Warren, Treasurer	San Bernardino <i>Southern</i>	City (2024)

CALIFORNIA ASSOCIATION OF
LOCAL AGENCY FORMATION
COMMISSIONS



Board of Directors

2023/2024 Nomination Form

(Must accompany the Candidate Résumé Form)

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

_____ LAFCo of the _____ Region

Nominates _____

for the (check one) City County Special District Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual Membership Meeting of the Association.

_____ LAFCo Chair

_____ Date

NOTICE OF DEADLINE

Nomination Packets must be received by **September 18, 2023 at 5:00 p.m.** to be considered by the Election Committee.

Send completed nominations to
info@calafco.org

Or, mail to:

CALAFCO Election Committee
CALAFCO
1129 Firehouse Alley
Sacramento, CA 95814

Date Received

CALIFORNIA ASSOCIATION OF
LOCAL AGENCY FORMATION
COMMISSIONS



Board of Directors
2023/2024 Candidate Résumé Form
(Complete both pages)

Nominated By: _____ LAFCo Date: _____

Region (please check one): Northern Coastal Central Southern

Category (please check one): City County Special District Public

Candidate Name _____

Address _____

Phone Office _____ Mobile _____

e-mail _____

Personal and Professional Background:

LAFCo Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

NOTICE OF DEADLINE

Nomination Packets must be received by **September 18, 2023 at 5:00 p.m.** to be considered by the Election Committee.

Send completed nominations to
info@calafco.org

Or, mail to:

CALAFCO Election Committee
CALAFCO
1129 Firehouse Alley
Sacramento, CA 95814

Date: May 9, 2023

To: CALAFCO Members
LAFCo Commissioners and Staff
Other Interested Organizations

From: Anita Paque, Committee Chair
CALAFCO Achievement Awards Committee
CALAFCO Board of Directors



Subject: 2023 CALAFCO Achievement Award Nominations Period Open

Deadline: 5:00 p.m., Friday, August 18, 2023

On behalf of the Association, I am pleased to announce that the nomination period for the 2023 CALAFCO Achievement Awards is now open!

Each year, CALAFCO is honored to recognize outstanding achievements by dedicated and committed individuals and/or organizations from throughout the state at its Annual Conference Achievement Awards Ceremony. This year's ceremony will be held on October 19 at the Hyatt Regency Monterey, during the awards banquet.

Recognizing individual and organizational achievements is an important responsibility. It provides visible recognition and support to those who have gone **above and beyond** over the last year to advance the principles and goals of the Cortese-Knox-Hertzberg Act. We invite you to use this opportunity to nominate the individuals and organizations you feel deserve this important recognition based on the criteria outlined.

Before submitting a nomination, ***please carefully review the nomination instructions and the criteria for each award as incomplete nominations, and nominations that do not adhere to the submission guidelines, will not be considered by the Committee.***

ACHIEVEMENT AWARDS NOMINATION PROCEDURE:

1. Nominations may be made by an individual, a LAFCo, a CALAFCO Associate Member, or any other organization.
2. Each nomination must meet the specific award category criteria for consideration. The Committee will not consider any nomination for an award for any category other than the one for which it was submitted. Duplicate nominations ***will not be considered by the Committee.***
3. Nominations ***must be submitted with a completed nomination form.*** Please use a separate form for each nomination. The form is your opportunity to highlight the most important points of your nomination.
4. Nomination *Executive Summaries* must be ***limited to no more than 250 words in length.*** Nomination *Summaries* must be ***limited to no more than 1,000 words or 2 pages in length maximum.*** You are encouraged to write them in a clear, concise and understandable manner. If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount ***will not be considered by the Committee.***

5. All supporting information (e.g. reports, news articles, etc.) must be submitted with the nomination. **Limit supporting documentation to no more than 3 pages.** If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount **will not be considered by the Committee.**
6. All nomination materials must be submitted at one time and must be received by the deadline. No late nominations will be accepted – no exceptions. Electronic submittals are required and must be submitted as pdf document, using the fillable pdf document provided.
7. **Nominations and supporting materials must be received no later than 5:00 p.m., Friday, August 18, 2023.** Send nominations via e-mail to:

Stephen Lucas, CALAFCO Executive Officer
slucas@buttecounty.net

You may contact Steve Lucas, CALAFCO Executive Officer, at slucas@buttecounty.net or (530) 538-7784 with any questions.

Members of the 2023 CALAFCO Board of Directors Awards Committee

Board Members:

<i>Anita Paque</i> , Committee Chair (Calaveras LAFCo, Central Region)	apaque@calafco.org
<i>Michael Kelley</i> (Imperial LAFCo, Southern Region)	mkelley@calafco.org
<i>Debra Lake</i> (Humboldt LAFCo, Northern Region)	dlake@calafco.org
<i>Margie Mohler</i> (Napa LAFCo, Coastal Region)	mmohler@calafco.org
<i>Shane Stark</i> (Santa Barbara LAFCo, Coastal Region)	sstark@calafco.org

Regional Officer Members:

<i>Steve Lucas</i> , CALAFCO Executive Officer (Northern Region)	slucas@buttecounty.net
<i>José Henriquez</i> , CALAFCO Deputy Executive Officer (Central Region)	henriquez@sacounty.net
<i>Dawn Longoria</i> , CALAFCO Deputy Executive Officer (Coastal Region)	dlongoria@napa.lafco.ca.gov
<i>Gary Thompson</i> , CALAFCO Deputy Executive Officer (Southern Region)	gthompson@lafco.org

Attachments:

- 2023 Achievement Award nomination form
- Achievement Award categories, nomination and selection criteria
- Listing of prior Achievement Award recipients



CALAFCO ACHIEVEMENT AWARD CATEGORIES, NOMINATION & SELECTION CRITERIA

CALAFCO recognizes excellence within the LAFCo community and the full membership by presenting the *Achievement Awards* at the CALAFCO Annual Conference. Nominations are now open and being accepted until **5:00 p.m., Friday, August 18, 2023** in the following categories:

OUTSTANDING CALAFCO VOLUNTEER

Award Summary:

Recognizes a CALAFCO volunteer who has provided exemplary service during the past year. Exemplary service is service which clearly goes above and beyond that which is asked or expected in the charge of their responsibilities. This category may include a CALAFCO Board member, regional officer, program volunteer, or any other requested volunteer.

Nomination criteria:

1. Nominee must have volunteered for the Association during the year in which the nomination is being made.
2. Nominee does not have to be a CALAFCO member.
3. Volunteer efforts must have demonstrated the individual going above and beyond what was asked/expected with positive and effective results.
4. Nominee can be a CALAFCO Board member, regional officer, program volunteer or any other volunteer.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to each nominee, regardless of their position or role as a volunteer. Only the contributions and outcomes shall be considered, not the individual's position.
3. The extent of the volunteerism and the overall impact to the statewide Association and membership based on that volunteerism shall be considered.
4. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

OUTSTANDING CALAFCO ASSOCIATE MEMBER

Award Summary:

Presented to an active CALAFCO Associate Member (person or agency) that has advanced or promoted the cause of LAFCos by consistently producing distinguished work that upholds the mission and goals of LAFCos and has helped elevate the role and mission of LAFCos through its work. Recipient consistently demonstrates a collaborative approach to LAFCo stakeholder engagement. Further, the individual or firm has a proven commitment to the Association membership through volunteering time and resources to further the cause of LAFCo and CALAFCO.

Nomination criteria:

1. Nominee must be a CALAFCO Associate Member in good standing with the Association.
2. Nominee shall be an Associate Member for the full year in which the nomination is being made.
3. The Associate Member nominated shall have been an Associate Member in good standing with the Association for at least one year prior to the year for which the nomination is being made.
4. As an Associate Member, the nominee may be an individual, firm or agency.
5. The nominee may be an individual within an Associate Member firm or agency.
6. Nominee shall demonstrate that through their work as an Associate Member, the role and mission of LAFCo has been upheld and furthered.
7. Nominee must have proven cooperative and collaborative approaches to situations and

solutions that affect LAFCo statewide as an Associate Member.

8. Proven commitment to the Association's membership as an Associate Member by volunteering resources to the Association during the year in which the nomination is made.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. The level of volunteering time and resources to the Association shall be a consideration with all other nomination criteria.

OUTSTANDING COMMISSIONER

Award Summary:

Presented to an individual Commissioner for extraordinary service to his or her Commission. Extraordinary service is considered actions above and beyond those required in the course of fulfilling their statutory responsibilities as a Commissioner. It requires consistently demonstrating independent judgment on behalf of the interest of the entire county, developing innovative and collaborative solutions to local issues, and leading the commission and community by example.

Nomination criteria:

1. Nominee must be a Commissioner of a LAFCo in good standing with the Association.
2. Nominee shall be a Commissioner for the full year in which the nomination is being made.
3. Proven demonstration of consistently exercising independent judgment for the greater good of the County is required.
4. Proven leadership of the commission and the community through collaborative, innovative and creative solutions to local issues is required.
5. Proven effective results and outcomes shall be demonstrated in the nomination.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. Representation type (city-county-district-public) shall not be a consideration nor shall be the size or geographic area of the LAFCo on which the Commissioner serves.
4. The overall impact of the leadership of the Commissioner shall be considered.
5. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

OUTSTANDING LAFCo PROFESSIONAL

Award Summary:

Recognizes an Executive Officer, Staff Analyst, Clerk, Legal Counsel or any other LAFCo staff person for exemplary service during the past year. Exemplary service is considered actions which clearly go above and beyond that which is asked, expected, or required in the charge of their LAFCo responsibilities.

Nomination criteria:

1. Nominee must be a staff person of a LAFCo in good standing with the Association.
2. Nominee shall be a staff person for the full year in which the nomination is being made.
3. As a staff person, the nominee can be either an employee of the LAFCo or a contractor providing employee-type services to the LAFCo.
4. Efforts must be demonstrated that the individual has consistently gone above and beyond or outside the scope of their role or job responsibilities, with proven results that otherwise would not have occurred.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. Position within a LAFCo shall not be a consideration, nor shall be the size or geographic area of the LAFCo.

4. The overall impact of the LAFCo professional to their LAFCo and the greater community shall be considered.
5. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

LIFETIME ACHIEVEMENT AWARD

Award Summary:

Recognizes any individual who has made extraordinary contributions to the statewide LAFCo community in terms of longevity of service, exemplary advocacy of LAFCo-related legislation, proven leadership in approaching a particular issue or issues, and demonstrated support in developing and implementing innovative and creative ways to support the goals of LAFCos throughout California. At a minimum, the individual should be involved in the LAFCo community for at least twenty (20) years.

Nomination criteria:

1. Nomination must be received from a member LAFCo or Associate Member in good standing with the Association.
2. A minimum of 20 years direct involvement with the LAFCo community is required for consideration.
3. During that time, nominee shall have a proven positive impact and effect on the support and evolution of LAFCos statewide.
4. This includes advocacy of LAFCos statewide through legislation, developing creative and innovative solutions to LAFCo issues that serve beyond their LAFCo to the greater good, and collaborative stakeholder approaches to issues and opportunities to further the cause and mission of LAFCo.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Preference may be given to nominees who also have proven experience volunteering for CALAFCO through a regional officer role, serving on committees, serving on the CALAFCO Board, or any other method of volunteering for the Association that serves to promote and support the mission and work of LAFCos throughout the state.

LEGISLATOR OF THE YEAR

Award Summary:

Presented to a member of the California State Senate or Assembly in recognition of leadership and valued contributions in support of LAFCo goals that have a statewide effect. The recipient shall have demonstrated clear support and effort to further the cause and ability of LAFCos to fulfill their statutory mission. Selected by CALAFCO Board by super majority.

Nomination criteria:

1. Nominee shall be a California State legislator during the full year in which the nomination was made.
2. Nominee must have demonstrated extraordinary leadership in the Legislature on behalf of LAFCos statewide, with efforts resulting in a positive impact for all LAFCos.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. All Legislator of the Year nominations shall be forwarded by the Achievement Awards Committee to the Board for consideration.
3. Selection of the recipient of this award shall be done with a super majority approval of the Board (present at the time of the vote).

MIKE GOTCH EXCELLENCE IN PUBLIC SERVICE AWARD

Award Summary:

Awarded to an individual, group or agency for actions that rise above expected or common functions or

actions that are LAFCo-related; *and* reduce or eliminate common institutional roadblocks; *and* result in a truly extraordinary public service outcome. Individuals, a LAFCo, or collaborative effort among multiple LAFCos or a LAFCo with other entities are eligible. Other entities shall be decision-making bodies at the local, regional or state level. This award has two distinct categories, each focusing on a specific area:

1. *Protection of agricultural and open space lands and prevention of sprawl*
2. *Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services*

Award categories:

- **Protection of agricultural and open space lands and prevention of sprawl**

Includes the development and implementation of programs or other actions associated with agriculture, water, flood control, parks and recreation, habitat conservation plans and public lands. Demonstrates the recipient has identified, encouraged and ensured the preservation of agricultural and open space lands. Proven actions that encourage cities, counties and special districts to direct development away from all types of agricultural lands, including prime agricultural lands and open space lands. Includes demonstrated consideration given in decisions to Regional Transportation Plans, including sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, and sustainable communities.

- **Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services**

Includes the development and implementation of innovate support and systems within internal LAFCo operations in the support of local agencies. Actions produce systemic and sustainable improvements and innovation of local government. Proven facilitation of constructive discussions with local and regional agencies and proactive outreach to local and regional agencies as well as local stakeholders and communities to identify issues and solutions and demonstrated action as a coordinating agency in offering and supporting unique local solutions to meet local challenges. Successful demonstration of development of capacities and abilities of local agencies. Provide tools and resources to local agencies to address aging infrastructure, fiscal challenges and the maintenance of existing services. Demonstrated action to streamline the provision of local services with proven results that services are consistent or have been improved as a result, with little to no increased cost to the consumer. Focused efforts and proven results to ensure delivery of services to all communities, especially disadvantaged communities.

Nomination criteria:

1. Clear demonstration that the actions rise above expected or common functions or actions.
2. The actions reduced or eliminated common institutional roadblocks.
3. The actions clearly proven a truly extraordinary public service outcome that is systemic and sustainable.
4. Identified unique circumstances and factors leading to the solution/project.
5. The innovative steps taken by the LAFCo or entity/entities/individual to solve the problem, overcome the situation, or to take action.
6. Clear description of the results/outcomes of the work and the short- and long-term effects.
7. How this work can be promoted as a LAFCo best practice.
8. Clear demonstration how this nomination meets all criteria.

Selection Criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to each nominee within each category. The size or geographic area of the LAFCo within a given category shall not be a consideration.
3. The overall impact of the actions and outcomes to the greater community being served shall be considered.
4. The level of impact based on the required nomination criteria shall be considered.



PREVIOUS CALAFCO ACHIEVEMENT AWARD RECIPIENTS

2022

Outstanding Commissioner	Don Saylor , Yolo LAFCo
Outstanding LAFCo Professional	Carolyn Emery, Orange LAFCo
Mike Gotch Award - Innovation, Collaboration, And Outreach	Two-Way Tie: Yolo LAFCo , and EI Dorado LAFCo & South Fork Consulting, LLC

2020 – 2021 (2 year period due to the pandemic)

Outstanding Associate Member	Planwest Partners
Outstanding Commissioner	Olin Woods, Yolo LAFCo
Outstanding LAFCo Professional	Crystal Craig, Riverside LAFCo
Mike Gotch Protection of Ag and Open Space Lands & Prevention of Urban Sprawl	Napa LAFCo
Mike Gotch Courage & Innovation in Local Government Leadership Award	Yolo LAFCo
Lifetime Achievement Award	Jerry Glabach , Los Angeles LAFCo

2019

Distinguished Service Award	Charley Wilson , Orange LAFCo
Most Effective Commission	Contra Costa LAFCo
Outstanding Commissioner	Jim DeMartini , Stanislaus LAFCo
Outstanding LAFCo Professional	David Church , San Luis Obispo LAFCo
Project of the Year	Orange LAFCo , for <i>San Juan Capistrano Utilities MSR</i>
Government Leadership Award	CA State Water Resources Control Board, Los Angeles County and Los Angeles LAFCo , for <i>Sativa Water District</i>
Mike Gotch Courage & Innovation in Local Government Leadership Award	Butte LAFCo
Legislator of the Year	Assembly Member Mike Gipson
Lifetime Achievement Award	John Benoit , various LAFCos, Jurg Heuberger , Imperial LAFCo

2018

Distinguished Service Award	John Withers , Orange LAFCo
Most Effective Commission	Santa Clara LAFCo
Outstanding Commissioner	Margie Mohler , Napa LAFCo
Outstanding LAFCo Professional	George Williamson , Del Norte LAFCo
Outstanding LAFCo Clerk	Elizabeth Valdez , Riverside LAFCo
Outstanding CALAFCO Associate Member	Best Best & Krieger
Project of the Year	Lake LAFCo , water services consolidation
Government Leadership Award	City of Porterville, County of Tulare, Dept. of Water Resources, State Water Resources Control Board,

Mike Gotch Courage & Innovation in Local Government Leadership Award	Governor's Office of Emergency Services, Self Help Enterprises, Community Water Center for East Porterville water supply project Mike Ott, San Diego LAFCo
Legislator of the Year Lifetime Achievement Award	Assembly Member Anna Caballero Pat McCormick, Santa Cruz LAFCo, George Spillotis, Riverside LAFCo

2017

Most Effective Commission	Los Angeles LAFCo
Outstanding CALAFCo Member	Sblend Sblendorio, Alameda LAFCo
Outstanding Commissioner	John Marchand, Alameda LAFCo
Outstanding LAFCo Professional	Paul Novak, Los Angeles LAFCo
Outstanding LAFCo Clerk	Richelle Beltran, Ventura LAFCo
Outstanding CALAFCo Associate Member Project of the Year	Policy Consulting Associates County Services MSR, Butte LAFCo, and Santa Rosa Annexation, Sonoma LAFCo
Government Leadership Award Lifetime Achievement Award	San Luis Obispo County Public Works Dept. Kathy Rollings McDonald (San Bernardino)

2016

Distinguished Service Award	Peter Brundage, Sacramento LAFCo
Most Effective Commission	San Luis Obispo LAFCo
Outstanding CALAFCo Member	John Leopold, Santa Cruz LAFCo
Outstanding Commissioner	Don Tatzin, Contra Costa LAFCo
Outstanding LAFCo Professional	Steve Lucas, Butte LAFCo
Outstanding LAFCo Clerk	Cheryl Carter-Benjamin, Orange LAFCo
Project of the Year	Countywide Water Study, (Marin LAFCo)
Government Leadership Award	Southern Region of CALAFCo
Lifetime Achievement Award	Bob Braitman (retired Executive Officer)

2015

Mike Gotch Courage & Innovation in Local Government Leadership Award	Yuba County Water Agency
Distinguished Service Award	Mary Jane Griego, Yuba LAFCo
Most Effective Commission	Butte LAFCo
Outstanding CALAFCo Member	Marjorie Blom, formerly of Stanislaus LAFCo
Outstanding Commissioner	Matthew Beekman, formerly of Stanislaus LAFCo
Outstanding LAFCo Professional	Sam Martinez, San Bernardino LAFCo
Outstanding LAFCo Clerk	Terri Tuck, Yolo LAFCo
Project of the Year	Formation of the Ventura County Waterworks District No. 38 (Ventura LAFCo) and 2015 San Diego County Health Care Services five-year sphere of influence and service review report (San Diego LAFCo)

Government Leadership Award	The Cities of Dublin, Pleasanton, Livermore and San Ramon, the Dublin San Ramon Services District and the Zone 7 Water Agency
CALAFCO Associate Member of the Year	Michael Colantuono of Colantuono, Highsmith & Whatley
Legislators of the Year Award	Assembly member Chad Mayes
Lifetime Achievement Award	Jim Chapman (Lassen LAFCo) and Chris Tooker (formerly of Sacramento LAFCo)

2014

Mike Gotch Courage & Innovation in Local Government Leadership Award	David Church, San Luis Obispo LAFCo
Distinguished Service Award	Kate McKenna, Monterey LAFCo
Most Effective Commission	Santa Clara LAFCo
Outstanding CALAFCO Member	Stephen Lucas, Butte LAFCo
Outstanding Commissioner	Paul Norsell, Nevada LAFCo
Outstanding LAFCo Professional	Kate McKenna, Monterey LAFCo
Outstanding LAFCo Clerk	Paige Hensley, Yuba LAFCo
Project of the Year	LAFCo Procedures Guide: 50 th Year Special Edition, San Diego LAFCo
Government Leadership Award	Orange County Water District, City of Anaheim, Irvine Ranch Water District, and Yorba Linda Water District
Legislators of the Year Award	Assembly member Katcho Achadjian
Lifetime Achievement Award	Susan Wilson, Orange LAFCo

2013

Mike Gotch Courage & Innovation in Local Government Leadership Award	Simón Salinas, Commissioner, Monterey LAFCo
Distinguished Service Award	Roseanne Chamberlain, Amador LAFCo
Most Effective Commission	Stanislaus LAFCo
Outstanding CALAFCO Member	Harry Ehrlich, San Diego LAFCo
Outstanding Commissioner	Jerry Gladbach, Los Angeles LAFCo
Outstanding LAFCo Professional	Lou Ann Texeira, Contra Costa
LAFCo Outstanding LAFCo Clerk	Kate Sibley, Contra Costa LAFCo
Project of the Year	Plan for Agricultural Preservation, Stanislaus LAFCo
Government Leadership Award	Orange County LAFCo Community Islands Taskforce, Orange LAFCo
Legislators of the Year Award	Senators Bill Emmerson and Richard Roth
Lifetime Achievement Award	H. Peter Faye, Yolo LAFCo; Henry Peillissier, Los Angeles LAFCo; Carl Leverenz, Butte LAFCo; Susan Vicklund-Wilson, Santa Clara LAFCo.

2012

Mike Gotch Courage & Innovation in Local Government Leadership Award	Bill Chlat, CALAFCO Executive Director
Distinguished Service Award	Marty McClelland, Commissioner, Humboldt LAFCo
Most Effective Commission	Sonoma LAFCo
Outstanding CALAFCO Member	Stephen A. Souza, Commissioner, Yolo LAFCo and CALAFCO Board of Directors

Outstanding Commissioner	Sherwood Darington, Monterey
LAFCo Outstanding LAFCo Professional	Carole Cooper, Sonoma LAFCo
Outstanding LAFCo Clerk	Gwenna MacDonald, Lassen LAFCo
Project of the Year	Countywide Service Review & SOI Update, Santa Clara LAFCo
Government Leadership Award	North Orange County Coalition of Cities, Orange LAFCo
Lifetime Achievement Award	P. Scott Browne, Legal Counsel LAFCos

2011

Mike Gotch Courage & Innovation in Local Government Leadership Award	Martin Tuttle, Deputy Director for Planning, Caltrans
Distinguished Service Award	Mike McKeever, Executive Director, SACOG
LAFCo Most Effective Commission	Carl Leverenz, Commissioner and Chair, Butte San Bernardino LAFCo
Outstanding CALAFCO Member	Keene Simonds, Executive Officer, Napa LAFCo
Outstanding Commissioner	Louis R. Calcagno, Monterey LAFCo
Outstanding LAFCo Professional	June Savala, Deputy Executive Officer, Los Angeles LAFCo
Outstanding LAFCo Clerk	Debbie Shubert, Ventura LAFCo
Project of the Year	Cortese-Knox-Hertzberg Definitions Revision Bob Braitman, Scott Browne, Clark Alsop, Carole Cooper, and George Spiliotis
Government Leadership Award	Contra Costa Sanitary District Elsinore Water District and Elsinore Valley Municipal Water District

2010

Mike Gotch Courage & Innovation in Local Government Leadership Award	Helen Thompson, Commissioner, Yolo LAFCo
Distinguished Service Award	Kathleen Rollings-McDonald, Executive Officer, San Bernardino LAFCo
Most Effective Commission	Bob Braitman, Executive Officer, Santa Barbara LAFCo
Outstanding CALAFCO Member	Tulare LAFCo
Outstanding Commissioner	Roger Anderson, Ph.D., CALAFCO Chair, Santa Cruz LAFCo
Outstanding LAFCo Professional	George Lange, Ventura LAFCo
Outstanding LAFCo Clerk	Harry Ehrlich, Government Consultant, San Diego LAFCo
Project of the Year	Candle Fleming, Fresno LAFCo
Government Leadership Award	Butte LAFCo Sewer Commission - Oroville Region Municipal Service Review
Special Achievement	Nipomo Community Services District and the County of San Luis Obispo Chris Tooker, Sacramento LAFCo and CALAFCO Board of Directors

2009

Mike Gotch Courage & Innovation in Local Government Leadership Award	Paul Hood, Executive Officer, San Luis Obispo LAFCo
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Distinguished Service Award	William Zumwalt, Executive Officer, Kings LAFCo
Most Effective Commission	Napa LAFCo
Outstanding CALAFCO Member	Susan Vicklund Wilson, CALAFCO Vice Chair Jerry Gladbach, CALAFCO Treasurer
Outstanding Commissioner	Larry M. Fortune, Fresno LAFCo
Outstanding LAFCo Professional	Pat McCormick, Santa Cruz LAFCo Executive Officer
Outstanding LAFCo Clerk	Emmanuel Abello, Santa Clara LAFCo
Project of the Year	Orange LAFCo Boundary Report
Government Leadership Award	Cities of Amador City, Jackson, Ione, Plymouth & Sutter Creek; Amador County; Amador Water Agency; Pine Grove CSD – Countywide MSR Project
Legislator of the Year Award	Assembly Member Jim Silva

2008

Distinguished Service Award	Peter M. Detwiler, Senate Local Government Committee Chief Consultant
Most Effective Commission	Yuba LAFCo
Outstanding Commissioner	Dennis Hansberger, San Bernardino LAFCo
Outstanding LAFCo Professional	Michael Ott, San Diego LAFCo Executive Officer Martha Poyatos, San Mateo Executive Officer
Outstanding LAFCo Clerk	Wilda Turner, Los Angeles LAFCo
Project of the Year	Kings LAFCo City and Community District MSR and SOI Update
Government Leadership Award	San Bernardino Board of Supervisors
Legislator of the Year Award	Assembly Member Anna M. Caballero

2007

Outstanding CALAFCO Member	Kathy Long, Board Chair, Ventura LAFCo
Distinguished Service Award	William D. Smith, San Diego Legal
Counsel Most Effective Commission	Santa Clara LAFCo
Outstanding Commissioner	Gayle Uilkema, Contra Costa LAFCo
Outstanding LAFCo Professional	Joyce Crosthwaite, Orange LAFCo Executive Officer
Outstanding LAFCo Clerk	Debby Chamberlin, San Bernardino LAFCo
Project of the Year	San Bernardino LAFCo and City of Fontana Islands Annexation Program
Government Leadership Award	City of Fontana - Islands Annexation Program
Lifetime Achievement	John T. "Jack" Knox

2006

Outstanding CALAFCO Member	Everett Millais, CALAFCO Executive Officer and Executive Officer of Ventura LAFCo
Distinguished Service Award	Clark Alsop, CALAFCO Legal Counsel
Most Effective Commission Award	Alameda LAFCo
Outstanding Commissioner Award	Ted Grandsen, Ventura LAFCo Chris Tooker, Sacramento LAFCo
Outstanding LAFCo Professional Award	Larry Calemine, Los Angeles LAFCo Executive Officer
Outstanding LAFCo Clerk Award	Janice Bryson, San Diego LAFCo Marilyn Flemmer, Sacramento LAFCo

Project of the Year Award	Sacramento Municipal Utility District Sphere of Influence Amendment and Annexation; Sacramento LAFCo
Outstanding Government Leadership Award	Cities of Porterville, Tulare, and Visalia and Tulare LAFCo Island Annexation Program
Legislator of the Year Award	Senator Christine Kehoe

2005

Outstanding CALAFCO Member	Peter Herzog, CALAFCO Board, Orange LAFCo
Distinguished Service Award	Elizabeth Castro Kemper, Yolo LAFCo
Most Effective Commission Award	Ventura LAFCo
Outstanding Commissioner Award	Art Aseltine, Yuba LAFCo Henri Pellissier, Los Angeles LAFCo
Outstanding LAFCo Professional Award	Bruce Baracco, San Joaquin LAFCo
Outstanding LAFCo Clerk Award	Danielle Ball, Orange LAFCo
Project of the Year Award	San Diego LAFCo MSR of Fire Protection and Emergency Medical Services
Outstanding Government Leadership Award	Sacramento Area Council of Governments (SACOG)

2004

Outstanding CALAFCO Member	Scott Harvey, CALAFCO Executive Director
Distinguished Service Award	Julie Howard, Shasta LAFCo
Most Effective Commission Award	San Diego LAFCo
Outstanding Commissioner Award	Edith Johnsen, Monterey LAFCo
Outstanding LAFCo Professional Award	David Kindig, Santa Cruz LAFCo
Project of the Year Award	San Luis Obispo LAFCo Nipomo CSD SOI Update, MSR, and EIR

2003

Outstanding CALAFCO Member	Michael P. Ryan, CALAFCO Board Member
Distinguished Service Award	Henri F. Pellissier, Los Angeles LAFCo
Most Effective Commission Award	San Luis Obispo LAFCo
Outstanding Commissioner Award	Bob Salazar, El Dorado LAFCo
Outstanding LAFCo Professional Award	Shirley Anderson, San Diego LAFCo
Outstanding LAFCo Clerk Award	Lori Fleck, Siskiyou LAFCo
Project of the Year Award	Napa LAFCo Comprehensive Water Service Study
Special Achievement Award	James M. Roddy

2002

Outstanding CALAFCO Member	Ken Lee, CALAFCo Legislative Committee Chair
Most Effective Commission Award	San Diego LAFCo Outstanding
Commissioner Award	Ed Snively, Imperial LAFCo
Outstanding LAFCo Professional Award	Paul Hood, San Luis Obispo LAFCo
Outstanding LAFCo Clerk Award	Danielle Ball, Orange LAFCo
Project of the Year Award	San Luis Obispo LAFCo
Outstanding Government Leadership Award	Napa LAFCo, Napa County Farm Bureau, Napa Valley Vintners Association, Napa Valley Housing Authority, Napa County Agricultural Commissioner's Office, Napa County Counsel Office, and Assembly Member Patricia Wiggins

2001

Outstanding CALAFCO Member	SR Jones, CALAFCO Executive Officer
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Distinguished Service Award	David Martin, Tax Area Services Section, State Board of Equalization
Outstanding Commissioner Award	H. Peter Faye, Yolo LAFCo
Outstanding LAFCo Professional Award	Ingrid Hansen, San Diego LAFCo
Project of the Year Award	Santa Barbara LAFCo
Outstanding Government Leadership Award	Alameda County Board of Supervisors, Livermore City Council, Pleasanton City Council
Legislator of the Year Award	Senator Jack O'Connell

2000

Outstanding CALAFCO Member	Ron Wootton, CALAFCO Board Chair
Distinguished Service Award	Ben Williams, Commission on Local Governance for the 21st Century
Most Effective Commission Award	Yolo LAFCo
Outstanding Commissioner	Rich Gordon, San Mateo LAFCo
Outstanding LAFCo Professional Award	Annamaria Perrella, Contra Costa LAFCo
Outstanding LAFCo Clerk Award	Susan Stahmann, El Dorado LAFCo
Project of the Year Award	San Diego LAFCo
Legislator of the Year Award	Robert Hertzberg, Assembly Member

1999

Distinguished Service Award	Marilyn Ann Flemmer-Rodgers, Sacramento LAFCo
Most Effective Commission Award	Orange LAFCo
Outstanding Executive Officer Award	Don Graff, Alameda LAFCo
Outstanding LAFCo Clerk Award	Dory Adams, Marin LAFCo
Most Creative Solution to a Multi-Jurisdictional Problem	San Diego LAFCo
Outstanding Government Leadership Award	Assembly Member John Longville
Legislator of the Year Award	Assembly Member Robert Hertzberg

1998

Outstanding CALAFCO Member	Dana Smith, Orange LAFCo
Distinguished Service Award	Marvin Panter, Fresno LAFCo
Most Effective Commission Award	San Diego LAFCo
Outstanding Executive Officer Award	George Spillotis, Riverside LAFCo
Outstanding Staff Analysis	Joe Convery, San Diego LAFCo Joyce Crosthwaite, Orange LAFCo
Outstanding Government Leadership Award	Santa Clara County Planning Department

1997

Most Effective Commission Award	Orange LAFCo
Outstanding Executive Officer Award	George Finney, Tulare LAFCo
Outstanding Staff Analysis	Annamaria Perrella, Contra Costa LAFCo
Outstanding Government Leadership Award	South County Issues Discussion Group
Most Creative Solution to a Multi-Jurisdictional Problem	Alameda LAFCo and Contra Costa LAFCo
Legislator of the Year Award	Assembly Member Tom Torlakson

