



A Tradition of Stewardship  
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210  
Napa, CA 94559  
www.countyofnapa.org

David Morrison  
Director

## MEMORANDUM

To: John McDowell, Planning Division	From: Jeannette Doss, Engineering and Conservation Division <i>JD</i>
Date: May 28, 2014	Re: Allied Clean Fuels Facility Specific Plan Amendment and Use Permit - Engineering CoA 221 Devlin Road, Napa, CA P13-00329- SPA & P13-00436-UP APN 057-020-033

The Engineering Division received a referral for comment on an amendment to the Napa Airport Industrial Area Specific Plan and a new Use Permit for the Allied Clean Fuels Facility, generally requesting the following:

*To develop a new alternative fuels service station with a convenience market on the same parcel as the currently developed Teaderman Business Park in the Napa County Airport Industrial Area.*

After careful review of the Allied Clean Fuels Facility submittal package the Engineering Division recommends approval of the project with the following recommended conditions:

### EXISTING CONDITIONS:

1. Napa County parcel 057-020-033 is located within the boundaries of the Airport Specific Plan on the west side of Devlin Road approximately 0.3 miles south of it's intersection with Soscol Ferry Road.
2. Site is currently partially developed with a propane storage facility, warehouse building and parking lots.

### RECOMMENDED CONDITIONS:

#### PARKING:

1. Any parking proposed by the applicant or required by the Planning Commission as a condition of this permit must conform to the requirements of the latest edition of the Napa County Road and Street Standards.

**NEW PRIVATE ACCESS ROADS AND DRIVEWAYS:**

2. All roadway construction associated with this application shall conform to the current Road and Street Standards of Napa County at the time of permit submittal and accepted construction and inspection practices.
3. Access drives shall meet the requirements of a commercial drive and be a minimum of 18 feet wide with 2 feet of shoulder. Structural section shall be a minimum two inches of asphalt concrete surface over five inches of Class II Aggregate or equivalent. (County Road and Street Standards, Page 12, Par. 13).
4. Structural section of all drive isles shall be calculated by a licensed Civil or Geotechnical Engineer to hold a minimum H20 loading and shall conform to the procedures contained in Chapter 600 of the State of California Department of Transportation Design Manual or approved equivalent
5. All driveway access to the public right of way must conform to the latest edition of the Napa County Road and Street Standards (Page 65, Detail P-4). Outbound driveway widths shall be a minimum of 25 feet to accommodate turning movements of large trucks.
6. A left turn lane shall be constructed on Devlin Road prior to issuance of a Certificate of Occupancy or any Temporary Certificate of Occupancy for the project to facilitate north-bound traffic turning into the site. Per the Napa County Public Works Department memo dated May 23, 2014 the left turn lane design shall be modified to extend the left turn pocket width to provide access from both proposed driveways and shall be striped as a two-way left turn lane. All widening shall occur along the westerly side of Devlin Road. Prior to construction of the left turn lane, the applicant shall submit a grading permit application for the design review and approval to the Engineering Division of the Napa County PBES Department. A plan check fee will apply.
7. The applicant must obtain an encroachment permit prior to any work performed within the Napa County Right-of-Way.
8. The applicant must obtain an encroachment permit from the California Department of Transportation for any work performed within the State Right-of-Way.

**SITE IMPROVEMENTS:**

9. All on site civil improvements proposed including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking, and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by this office prior to the commencement of any on site land preparation or construction. Plans shall be submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.

10. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
11. Grading and drainage improvements shall be constructed according to the latest “Napa County Road and Street Standards” and the California Building Code. Specifically, all cuts and fills slopes shall be setback to meet the latest CBC.
12. If excess material is generated that cannot be used onsite, the Owner shall furnish to the Napa County Planning, Building and Environmental Services Department evidence that the Owner has entered into agreements with the property owners of the site involved and has obtained the permits, licenses and clearances prior to commencing any off-hauling operations.
13. All improvements identified in the final traffic impact analysis shall be constructed, reviewed, and approved by this office.
14. All roadway improvements approved and/or required pursuant to this use permit modification shall be completed prior to obtaining a certificate of occupancy.

**OTHER RECOMMENDATIONS:**

15. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of the nearest County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.
16. The Applicant must comply with all associated requirements and exhibits relating to water conditions to be imposed on all parcels as described in Napa County Agreement No. 7070, between the County of Napa and the City of American Canyon. This agreement and all its parts shall be effective as of July 3rd, 2008. (See Attached Exhibits E,F,G,H)

**AIRPORT SPECIFIC CONDITIONS:**

17. Applicant will pay the applicable Napa County Airport Industrial Area Traffic Mitigation Fees prior to receiving any building permits for this project. The applicant should contact the Public Works office to obtain information regarding the determination of this fee.
18. All Public Works and civil site related improvements shall conform to the latest Napa County Road and Street Standards and the latest Napa County Airport Industrial Area Specific Plan and EIR (AIASP).

19. Any necessary storm drainage improvements shall conform to the latest “Napa County Road and Street Standards”.
20. The Developer shall construct Devlin Road per the AIASP along the entire parcel frontage. Any portion of road constructed which is eligible for “credit” against the Traffic Mitigation Fees may be applied at the time of Building permits.
21. Applicant is required to dedicate to the County of Napa the required right of way for the construction of Devlin Road along the entire frontage of the parcel to be developed. The applicant shall agree to construct the full three lane section with shoulders and related appurtenances prior to occupancy and shall further agree to construct the entire four lane road section in the event the amendment to the Airport Area Specific is not authorized. Road way dedication must be a minimum of 68 feet to accommodate a 3-Lane Collector (or 77 feet minimum for a 4-Lane Collector) and shall be increased as necessary to entirely contain the roadway and all cut and fill slopes that affect the stability of the designed roadway.
22. The Napa County Airport Area Specific Plan on page 106, “b. Direct Access Limitations” states that “Private driveways along collectors should be separated by a minimum distance of 200 feet and should not be permitted within 200 feet of an intersection”. However, the County’s Traffic Engineer with Napa County Public Works Department indicated support of the proposed design which illustrates a driveway separation of 156 ft due to the site constraints as discussed in the April 9, 2014 letter prepared by the applicant’s representative.

#### **CONSTRUCTION STORMWATER REQUIREMENTS:**

23. Any Project that requires a building or grading permit shall complete a Napa County Construction Site Runoff Control Requirements Appendix A - Project Applicability Checklist and shall submit this form to the Engineering Division of the Napa County Planning, Building, and Environmental Services Department for review.
24. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with the Napa County Stormwater Ordinance 1240 and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.
25. Any construction activity that equals or exceeds one acre of total disturbed area shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the regulations of California Regional Water Quality Control Board (SRWQCB) and shall file a Notice of Intent (NOI) prior to commencement of any construction activity. The completed SWPPP shall be submitted to the Napa County Department of Public Works for review.

26. All hazardous materials stored and used on-site during construction that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified.
27. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
28. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

**POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:**

29. Project must conform and incorporate all appropriate Site Design, Source Control and Treatment Control Best Management Practices as required by the Napa County manual for *Post-Construction Runoff Management Requirements* which is available at the Planning, Building, and Environmental Services Department.
30. Post-development runoff volume shall not exceed pre-development runoff volume for the 2-year, 24-hour storm event. Post-development runoff volume shall be determined by the same method used to determine pre-development conditions. If post-development runoff volume exceeds pre-development runoff volume after the site design BMPs are incorporated into the project's overall design, a structural BMP (e.g. bio-retention unit) may be used to capture and infiltrate the excess volume.
31. Loading/unloading dock and processing areas must be covered or designed to preclude stormwater run-on and runoff. All direct connections to storm drains from depressed loading docks (truck wells) are prohibited.
32. Wastewater from vehicle and equipment washing operations shall not be discharged to the storm drain system.
33. Vehicle/equipment washing areas shall be covered, paved, designed to prevent run-on and runoff from the washing area, and plumbed to drain to the sanitary sewer or closed-loop system. The applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.
34. All fuel dispensing areas must have a 2% to 4% slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of storm water to the extent practicable.

35. Retail fueling stations must be covered with an overhanging roof structure or canopy. The canopy's minimum dimensions must be equal to or greater than the area within the grade break. The canopy must not drain onto the fuel dispensing area, and the canopy downspouts must be routed to prevent drainage across the fueling area.
36. All fuel dispensing areas must be paved with Portland cement concrete (or equivalent smooth impervious surface), and the use of asphalt concrete shall be prohibited.
37. At a minimum, the concrete fuel dispensing area must extend 6.5 feet (2.0 meters) from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot (0.3) meter), whichever is less.
38. Above-ground fuel tanks must be protected with a secondary containment structure of sufficient volume to contain all of the fuel in the event of a tank rupture or leak.
39. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board prior to the issuance of applicable construction permits.
40. In design of retention facilities, the maximum percolation rate shall be two inches per hour.
41. For on-site common retention basins, the side slopes shall not exceed 3:1.
42. Provide concrete stamping, or equivalent, of all stormwater conveyance system inlets and catch basins within the project area with prohibitive language (e.g., "No Dumping – Drains to Napa River"). Signage shall identify the receiving water the drain discharges to and include a message in Spanish.
43. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers that exclude rain.
44. Prior to final occupancy the property owner must legally record an "*implementation and maintenance agreement*" approved by the Planning, Building, and Environmental Services Department to ensure all post-construction structures on the property remain functional and operational for the indefinite duration of the project.
45. Each year the entity responsible for maintenance is required to complete an annual report. The report shall be signed by the property owner and include copies of completed inspection and

maintenance checklists to document that maintenance activities were conducted during the previous year. The annual report shall be retained for a period of at least five years and made available upon request by the County.

**Any changes in use may necessitate additional conditions for approval.**

If you have any questions regarding the above items please contact Jeannette Doss at 253-4417.



A Tradition of Stewardship  
A Commitment to Service

Department of Public Works

1195 Third Street, Suite 201  
Napa, CA 94559-3092  
[www.co.napa.ca.us/publicworks](http://www.co.napa.ca.us/publicworks)

Main: (707) 253-4351  
Fax: (707) 253-4627

Steven Lederer  
Director

## MEMORANDUM

To: John McDowell Planning, Building and Environmental Services Department	From: Paul Wilkinson, Associate Engineer Public Works
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Date: May 23, 2014	Re: Allied Propane
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The traffic engineering review of the Allied Propane Truck Stop and Gas Station. The following items are the Public Works conditions of approval.

1. The project traffic volumes exceed the warrant values that require that the project include the construction of a left turn lane on Devlin Road for traffic entering the project driveway from the northbound direction. The applicant shall submit an encroachment permit application to the Napa County Roads Department prior to plan approval. The left turn lane design shall be modified to extend the left turn pocket width to provide access from both proposed driveways and shall be striped as a two-way left turn lane. All widening shall occur along the westerly side of Devlin Road. The applicant shall agree to construct the full three lane section with shoulders and related appurtenances prior to occupancy and shall further agree to construct the entire four lane road section in the event the amendment to the Airport Area Specific is not authorized.





A Tradition of Stewardship  
A Commitment to Service

Napa County Fire Department  
Fire Marshal's Office  
Hall of Justice, 2<sup>nd</sup> Floor  
1195 3<sup>rd</sup> Street  
Napa, CA 94559

Office: (707) 299-1461

Pete Muñoa  
Fire Marshal

## INTER-OFFICE MEMORANDUM

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TO: John McDowell  
Planning, Building and Environmental Services

FROM: Pete Muñoa  
Fire Department

DATE: March 14, 2014

Subject: P13-00329 SPA & P13-00436      APN# 057-020-033

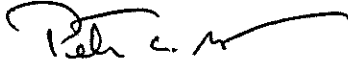
**SITE ADDRESS: 221 Devlin Road, Napa CA 94559**  
**Allied Clean Fuels Facility**

The Napa County Fire Marshal's Office has reviewed the Use Permit Modification application for the project listed above. I am requesting that the comments below be incorporated into the project conditions should the Planning Commission approve this project.

1. **All construction and use of the facility shall comply with all applicable standards, codes, regulations, and standards at the time of building permit issuance.**
2. **All fire department access roads and driveways shall comply with the Napa County Public Works Road and Street Standards.**
3. The numerical address of the facility shall be posted on the street side of the buildings visible from both directions and shall be a minimum of 4-inches in height on a contrasting background. Numbers shall be reflective and/or illuminated.
4. All buildings over 3,600 square feet shall be equipped with an automatic fire sprinkler system conforming to NFPA 13 2010 edition with water flow monitoring to a Central Receiving Station.
5. The required fire flow for this project is 200 GPM for a 60 minute duration with 20 psi residual pressure. A UL listed fire pump conforming to NFPA 20, 2010 edition may be required to meet or exceed the required fire flow for the project.

6. Provide a minimum of 12,000 gallons of water dedicated for fire protection. **Water storage for fire sprinkler systems shall be in addition to the water storage requirement for your fire flows and domestic use.**
7. Provide fire department access roads to within 150 feet of any exterior portion of the buildings. Fire department access roads shall be a minimum of 20 feet in width with a 15 foot clear vertical clearance.
8. Blue dot reflectors shall be installed 12-inches off centerline in front of all fire hydrants.
9. All fire hydrants shall be painted chrome/safety yellow.
10. Approved steamer fire hydrants shall be installed a maximum distance of 250 feet from any point on approved fire apparatus access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24 2010 edition.
11. Currently serviced and tagged 2A 10BC fire extinguishers shall be mounted 3.5 to 5 feet from the top of all extinguishers to the finished floor and be reachable within 75 feet of travel distance from any portion of all buildings. Additional extinguishers may be required for fuel station locations.
12. All exit doors shall open without the use of a key or any special knowledge or effort.
13. Install illuminated exit signs throughout the buildings per the California Building Code 2010 edition.
14. Install emergency back-up lighting throughout the buildings per the California Building Code 2010 edition.
15. Install laminated 11" x 17" site plans and building drawings in NCFD specified KNOX CABINET. Two Master keys to all exterior doors shall be provided in the KNOX CABINET. A PDF file shall be sent to the Napa County fire Marshal's Office.
16. Beneficial occupancy **will not be granted** until all fire department fire and life safety items have been installed, tested and finalized.
17. Designated fire lanes shall be painted red with white 4 inch high white letters to read "NO PARKING FIRE LANE-CVC22500.1" stenciled on the tops of the curbs every 30 feet.
18. Barricades shall be provided to protect any natural gas meter, fire hydrants, or other fire department control devices, which may be subject to vehicular damage.
19. Technical assistance in the form of a Fire Protection Engineer or Consultant acceptable, and reporting directly to the Napa County Fire Marshal's Office. The Fire protection Engineer or Consultant shall be provided by the applicant at no charge to the County for the following circumstances:
  - a. Independent peer review of alternate methods proposals.

20. Plans detailing compliance with the fire and life safety conditions of approval shall be submitted to the Napa County Fire Marshal's Office for review and approval prior to building permit issuance and/or as described above.
21. All post indicator valves and any other control valve for fire suppression systems shall be monitored off site by a Central Station or Remote receiving Station in accordance with NFPA 72 2010 edition.
22. All fueling facility development is required to comply with the 2013 CFC Chapter 23.

A handwritten signature in black ink, appearing to read "Pete Muñoa", with a long horizontal flourish extending to the right.

Pete Muñoa  
Fire Marshal



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Dedicated to Preserving the Napa River for Generations to Come

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March 13, 2014

Conservation, Development, and Planning  
County of Napa  
1195 Third Street, Suite 210  
Napa, CA 94559

SUBJECT: 13-00436 APPLIED CLEAN FUELS FACILITY, Ryan Gregory, 221 DEVLIN RD (McDowell)

The Napa Sanitation District has reviewed the above-named application. The following are the conditions of approval for the project.

The owner shall pay to the District the prevailing fees and charges in effect as established by Resolutions and Ordinances before the issuance of a County Building Permit, and shall adhere to the rules and regulations as they apply to the application.

The District has identified the following comments based on the current application. The District reserves the right to modify the following conditions/comments based on changes to future applications or changes to the project site plan. The proposed project shall be subject to the following conditions of approval:

The proposed project shall be subject to the following conditions of approval:

1. A plan showing the required sanitary sewer improvements shall be prepared by a registered civil engineer conforming to NSD standards, and shall be submitted to the District for approval.
2. A grease interceptor will be required for any restaurant or food service type of uses.
3. No floor drains are allowed in the building except in the restroom and food service areas.
4. The owner shall install the onsite irrigation system using purple pipe and convert onsite irrigation to recycled water when it becomes available.
5. The site shall be graded away from the sanitary sewer cleanouts so that storm water from the site cannot enter the sanitary sewer system.
6. The District has updated sanitary sewer and recycled water standard specifications and details. The updated specifications and details are available online at the District's website ([www.NapaSan.com](http://www.NapaSan.com)). The District may revise the standard specifications and details at any time. It is the responsibility of the engineer, contractor, and developer to verify that they are in possession of the current version of the standards prior to design and construction of sanitary sewer and recycled water improvements.
7. The proposed development would be subject to the following fees, based on the rates in effect at

the time they are paid:

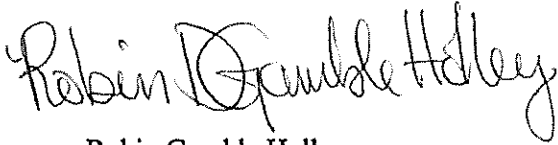
- a. Plan Check Fees (presently \$40.00 per lot)
- b. Inspection Fees (presently \$35.00 per each 4" private lateral)
- c. Capacity Charges (presently a minimum of \$8,300.00 per each commercial unit / tenant space, located within the proposed building. The capacity charge may be higher depending on the number of fixture units installed within each commercial unit / tenant space. The owner shall contact the District for additional information.)

The capacity charge for a single-family dwelling or commercial unit / tenant space currently is \$8,300 and will increase by the Consumer Price Index (CPI) annually in July. Effective July 1, 2014 the capacity charge will increase to \$8,723. Projects with plans that have been deemed complete by the engineering staff shall pay the capacity charge in effect at the time the plans were deemed complete. This program expires on December 31, 2016. Contact District Staff for additional information regarding capacity charges.

Please include this information as a part of your consideration of the application.

Sincerely,

Timothy B. Healy, P.E.  
General Manager / District Engineer

A handwritten signature in black ink that reads "Robin Gamble Holley". The signature is written in a cursive, flowing style.

by: Robin Gamble Holley  
Junior Engineer



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Dedicated to Preserving the Napa River for Generations to Come

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January 22, 2014

Ryan Gregory, P.E.  
1515 Fourth Street  
Napa, CA 94559

SUBJECT: APN 057-020-033-000 – Allied Propane Clean Fuels Terminal (WILLSR-000028)

To Whom It May Concern:

The Napa Sanitation District has received a request to provide a "Will Serve" letter for clean fuels facility which is currently within the District's Boundary. The District will provide sanitary sewer and recycled water service (when available) to the parcel based on the criteria provided by the applicant.

The following items will be required by the owner/developer:

1. Install the sanitary sewer and recycled water improvements as specified in the District's Conditions of Approval for the project.
2. Pay the appropriate capacity and inspection fees. The facility shall be subject to all applicable rules and regulations of the District.

Sewer Service

The development will consist of fueling facilities which will not be served by the District and 3,312 square feet of convenience store which will be served by the District. The District has been informed that the proposed development will generate approximately 450 gallons of wastewater per day, which is equivalent to the flow of approximately 2 single-family dwellings.

Recycled Water Service

This parcel is within the District's Recycled Water Benefit Zone. The development will be required to install the necessary facilities to utilize recycled water for landscape irrigation when it becomes available. The project has requested service to the landscaped areas within an approximately 4.0 acre site, with a total recycled water demand of approximately 1.26 acre-feet per year. With a high month in August with a demand of 3,000 gallons per day.

This "Will Serve" letter for sanitary sewer and recycled water service is valid for a period of three (3) years from the date of this letter. If the proposed development has not obtained its required Connection Permits from the District at the end of this time, this "Will Serve" letter shall become void. If you have any questions regarding this matter, please contact Robin Gamble Holley at (707) 258-6031 or [rgamble@napasan.com](mailto:rgamble@napasan.com).

Sincerely,

Robin Gamble Holley  
Junior Engineer

# CITY OF AMERICAN CANYON

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April 17, 2014

Teaderman Business Park, LLC  
Attn: Stan Teaderman  
221 Devlin Road  
Napa, CA 94558

SUBJECT: Request for Water Service "Will Serve" Letter  
221 Devlin Road  
(APN 057-020-033)

To Whom It May Concern:

The City of American Canyon has received a request from Teaderman Business Park, LLC (Owner) to modify the Will-Serve letter dated December 9, 1987, for water service to the property located at 221 Devlin Road (Property). The City has also received a copy of the Use Permit Application (P13-00436-UP), submitted by the Owner to the Napa County Planning, Building & Environmental Services Department, for the development of the "Allied Clean Fuels Facility Project" on the Property.

It is the City's understanding that the Property is located within its Water Service Area and that a Will-Serve letter for water service to the Project is required prior to the County's approval of the Use Permit. In general, the City reviews the impacts of such requests for service taking into account the overall demand within the its system and known supplies available to meet this demand. The City's understanding of the current request is based on a Will Serve Questionnaire prepared by Riechers Spence and Associates, dated April 1, 2014, and an examination of City records of existing demands to the Property.

At present, the 6.37 acre property contains 35,000 square feet of existing buildings consisting of offices, a warehouse and a propane storage facility. The 1987 Will-Serve letter approves a maximum daily water demand of 4,800 gallons per day (gpd). A recent 3-year audit of the City's billing records indicates the properties' original baseline water demand is approximately 3,168 gpd. Since the audit was completed, the Owner, at the City's request, has completed repairs to the Properties' irrigation system and reprogrammed irrigation controllers such that the Properties' new interim baseline demand is as follows:

**Table 1 - Interim Baseline Demand**

**Average Day Demand (ADD)**

Domestic	250 gpd
Irrigation	1300 gpd
Industrial	0 gpd
Total	1,550 gpd



Maximum Day Demand (MDD)

Domestic	500 gpd
Irrigation	2,680 gpd
Industrial	0 gpd
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Total	3,180 gpd

The proposed Project will add retail gas and diesel fuel dispensers, truck fueling islands, an electric vehicle charging depot and a 3,312 square foot convenience store. Once completed, the Property is anticipated to have the follow water service demands:

Table 2 – Proposed Property Demand

Average Day Demand (ADD)

Domestic	700 gpd
Irrigation	1400 gpd
Industrial	0 gpd
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Total	2,100 gpd

Maximum Day Demand (MDD)

Domestic	1,400 gpd
Irrigation	3,080 gpd
Industrial	0 gpd
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Total	4,480 gpd

The City's Zero Water Footprint Policy requires new development to offset all of its water demands in order to prevent reduction in the reliability of existing water supplies or increases in water rates to existing customers. In light of the information submitted in the Questionnaire and upon review of City billing records, the City has determined that the Project will have a Zero Water Footprint because once complete, the site's proposed ADD (2,100 gpd) will be less than the original baseline ADD (3,168 gpd). Because the Owner is not requesting service greater than the original baseline demand, the Project is not anticipated to reduce the reliability of existing water supplies nor increase costs to existing customers. In accordance with this Policy, because the Project has been determined to have a Zero Water Footprint, a more detailed Water Supply Report is not required.

This Will-Serve letter supersedes the 1987 Will-Serve letter entirely and any other purported service commitments to the Property for any use. By way of this Will-Serve letter, the City is offering to meet the water service demands shown in the Table 2. The City's offer is contingent upon the occurrence and/or satisfaction of the following conditions and the continued existence of the following described conditions:



1. Owner shall be subject to all City's rules and regulations, including all fees and charges.
2. At no cost to the City, the Owner shall construct all facilities necessary to serve the Project in accordance with all City standards.
3. Prior to the City's commence of improvement plan review, the Owner shall submit a deposit in an amount deemed sufficient by the City to fully recover the cost of its plan check and inspection services. Should this initial deposit be insufficient, the Owner agrees to make additional deposits as necessary for the City to complete its review and inspection. Any unused deposit funds will be returned to the Owner after the Notice of Completion is recorded.
4. The City faces potential curtailment of its primary source of water supply during dry years that its systems' demands to exceed available supplies. In an effort to forestall this undesirable imbalance, the City is taking steps to reduce customer demands while also seeking to acquire additional supplies. The cost of these additional supplies is unknown at this time, nor is it included in the current City water rates. The City is considering implementing potential changes to its rate structure in order to acquire such supplies. The Owner agrees to waive any protest to such changes during its formulation and implementation and review under the California Environmental Quality Act, Public Resources Code section 21000 *et seq.* ("CEQA"). Moreover, the Owner acknowledges that the City, during dry years, may be unable to meet the Properties' water service demands and that its water service may be reduced and/or curtailed entirely. Owner further agrees to indemnify and hold harmless the City for any and all damages or claims stemming from such reductions or curtailments including but not limited to any loss of landscaping (including vegetation installed for water quality purposes) that may occur.
5. As a result of *Vineyard Area Citizens for Responsible Growth v. Rancho Cordova* (2007) 40 Cal.4<sup>th</sup> 412, the County, as lead agency pursuant to CEQA, prior to approval of the Project must, at a minimum during its environmental review:
  - a. Present sufficient facts to evaluate the pros and cons of supplying the water that the Project will need; and
  - b. Present analysis that assumes that all phases of the Project will be built and will need water, and includes an analysis to the extent reasonably possible of the consequences of the impacts of providing water to the entire project; and
  - c. Where it is impossible to determine that anticipated future water sources will be available, some discussion of possible replacement sources or alternatives to use of anticipated water and of the environmental consequences of those impacts must be presented.
6. The Owner agrees its financial obligation for water service is as follows:
  - a. Monthly water service charges will be billed at the current rate in effect at the time of service and are subject to change. The current rate is \$4.79 per 100 cubic feet.

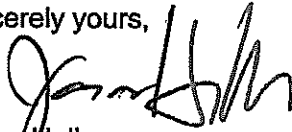
- b. The water capacity fee for the Project will be \$0.00 because the water capacity fee was previously paid and there is not a request for a new water demand.
  - c. There mitigation fees for the Project are \$0.00 because the project has a Zero Water Footprint.
7. The City reserves the right to audit the site's water demand as deemed necessary in order to verify that the Owner's water use is in accordance with this Will-Serve letter.
8. The Owner shall connect to and use recycled water for all irrigation purposes if and when a recycled water main is extended to within 250-ft of the property line. The proposed irrigation system shall be designed and installed to use recycled water in the future. The Owner shall install and utilize an evapotranspiration controller for the Properties' irrigation system.

The City's offer expires on April 18, 2016 unless it has been perfected by the Owner's establishment of actual water demand consistent with those uses identified in the Questionnaire and approved by the Use Permit. If, after April 18, 2016, no such actual water demands are established, then the Owner agrees that the approved water demand for the Property is limited to the amount of the interim baseline demand identified in Table 1. The City reserves the right to further condition and/or deny the extension of water service if Project is different from that which presently proposed and authorized or if events out the City's control impact the City's ability to furnish water.

Except to the extent set forth, this letter does not create a liability or responsibility to the Owner or to any third party on behalf of the City. The City does not make a determination as to land use entitlements required for the proposed project, and the issuance of this Will Serve letter shall not be construed to be an expression of the City of a position regarding the use or intensity of use of the development Property or that the County has complied with applicable law in assessing the proposed project under CEQA.

This Will Serve letter becomes effective only upon the express acknowledgement and acceptance of the conditions set forth herein as demonstrated by the execution of the acceptance provision set forth below and the transmittal of the executed acceptance to the City

Sincerely yours,



Jason Holley  
Public Works Director

cc: Dana Shigley, City Manager  
William Ross, City Attorney  
Sean Trippi, Napa County Planning Department  
Greg Baer, Development Services Engineer  
Susan Presto, Finance Manager  
Utility Billing

## EXHIBIT E

### Water Conditions To Be Imposed On All Parcels (City Customers and Outside Customers) For Which New Water Service is Requested

The City of American Canyon ("City") may impose the conditions listed below on new water services for Outside Customers by including these conditions in the "will-serve" letters that the City provides to such Outside Customers, but only if the City also imposes the same conditions on all new water services for parcels with similar uses within the City's limits. The County shall include these same conditions in all new land use development permits for parcels within the Airport Industrial Area Specific Plan area.

1. **City Capacity Fees and Conditions of Approval for Water Service.** Capacity Fees charged for parcels within the City's Water Service Area shall be established by the City and will be periodically reviewed and updated. Capacity Fees (also known as Connection Fees) will be uniform throughout the Water Service Area, regardless of whether the parcel to which the fee applies is inside or outside the City's Limits. The Capacity Fee and any conditions on new water service will be determined based on the Water Supply Report, which shall contain the analysis described in Part II.C. of Exhibit "F" of this Agreement, and which will be consistent with the City's Zero Water Footprint Policy, adopted by the City on October 23, 2007.
2. **Cost of Water Service.** The cost of new water service shall be imposed through the capacity fees in the City's Ordinance 2007-09 or through new capacity fees approved by the County and enacted in a new City ordinance. However, if the Water Supply Report finds, consistent with the City's Zero Water Footprint Policy (see Exhibit F), that the City will have to obtain additional water supplies to meet "dry year" shortfalls, then the cost of water to meet such "dry year" shortfalls will be the sole responsibility of the Applicant. In determining whether or not such "dry year" shortfalls will occur, the City shall include in the base supplies available to the City during "dry years" the new water supplies that have been or will be included in the calculations used to set the City's Capacity Fees and water rates. The City will conclude that "dry year" shortfalls will occur only if such base supplies will not be adequate to meet anticipated "dry year" demands. The City may not impose any costs on the Applicant under this section to reimburse the City for any capital or operating costs that have been or will be included in the calculations used to set the City's Capacity Fees or water rates. The City may impose the additional costs described in the preceding sentence on Outside Customers only if the City also imposes such additional costs uniformly on City Customers.
3. **Maximum Allowable Water Use.** Water received from the City for use on parcels within the Airport Industrial Area Specific Plan area and on parcels with similar uses within the City's limits shall be limited to an average of 650 gallons of water per day per acre (measured monthly), and Applicants for new or increased City water service for all such parcels shall be required to demonstrate to the City while the City is preparing the Water Supply Report for the Applicant the maximum extent to which the Applicant can further reduce its water consumption by applying the following best management practices:

- **No Flow or Low Flow Fixtures.** These Applicants shall be required to install no flow or low flow water fixtures, and to implement other reasonable water conservation measures that are described in the City's Water Conservation Guidelines adopted in the City's Resolution No. 2008-08 or in new City water conservation guidelines approved by the County and adopted in a new City ordinance or resolution.
- **Drought Tolerant Landscape & Irrigation with Recycled Water.** These Applicants shall be required to use only drought tolerant landscaping, and they may only irrigate landscaped areas with recycled water, when it is available.
- **Purple Pipe.** These Applicants shall be required to dual plumb their buildings and install "purple pipe" in all landscape areas in anticipation of the availability of recycled water and shall use the recycled water when available.
- These Applicants shall follow the water conservation methods that are described in the Water Conservation Guidelines adopted in the City's Resolution No. 2008-08 or in new City water conservation guidelines approved by the County and adopted in a new City ordinance or resolution.

The City may apply the provisions of this Paragraph 3 to Applicants for new or increased City water service for parcels within the Airport Industrial Area Specific Plan area only if the City also uniformly applies these provisions to all Applicants for new or increased City water service for parcels with similar uses within the City's limits.

4. **Water Offsets.** Applicants for City water service for parcels within the Airport Industrial Area Specific Plan area and for parcels with similar uses within the City's limits that wish to use more than an average of 650 gallons of water per day per acre (measured monthly) shall offset the proposed water use over 650 gallons per day per acre (measured monthly) through the use of one or more options that are made available by the City to the Applicants. These options include, but are not limited to, retrofitting of existing residences with low flow fixtures, purchase of otherwise developable land as permanent open space, or acquisition of other water supply resources as provided for by a water supply analysis that follows the Zero Water Footprint Methodology described in Exhibit F. The City shall make all such options available uniformly to Applicant for City water service for parcels within the Airport Industrial Area Specific Plan area and for parcels with similar uses within the City's limits, and that seek such offsets.

5. **Drought Restrictions.** To the extent permitted by law, the City may curtail or ration the use of water provided by the City below the limit of 650 gallons per day per acre (measured monthly) in dry years through the imposition of drought restrictions that are uniformly applied throughout the City's Water Service Area.

## **EXHIBIT F**

### **Zero Water Footprint and Water Supply Report Methodology**

#### **I. PURPOSE**

To implement the Zero Water Footprint Policy adopted by the City Council on October 23, 2007. In this policy, "Zero Water Footprint" is defined as:

"No loss in reliability or increase in water rates for existing water service customers due to requested increased demand for water within the City's Water Service Area."

#### **II. PROCEDURES**

- A) **Initial Request.** Applicants for all projects requiring additional water supplies from the City of American Canyon, either inside City limits or in the City's Water Service Area but outside of City limits, shall complete a water supply worksheet estimating average and peak use for indoor and outdoor uses and provide the completed worksheet to the City's Engineering Division.
- B) **Evaluation of Water Footprint.** The Engineering Division shall evaluate the water footprint of the project, using the water supply worksheet provided by the Applicant, to determine whether a Water Supply Report is required. A Water Supply Report will not be required if the project meets the adopted Zero Water Footprint definition. This can be accomplished by projects with no additional water demand or by projects which offset increased water demand by off-site conservation measures.
- C) **Water Supply Report.** A Water Supply Report shall be prepared for all projects that do not meet the adopted Zero Water Footprint definition. The Water Supply Report shall be prepared by the City of American Canyon at the cost of the project applicant. The Water Supply Report shall be substantially in the form of the report approved in the City's Resolution No. 2008-02, or in a new form approved by the County and approved by the City in a new resolution and shall include the following analysis:
  - 1) Water service request
    - a) Description of project
    - b) Water service request
      - (i) Average Daily Demand
      - (ii) Peak Day Demand
    - c) Conservation Measures Included in Project
  - 2) Consistency
    - a) Urban Water Management Plan
    - b) Recycled Water Facilities Plan
    - c) Water Conservation Implementation Guidelines
  - 3) Water footprint
    - a) Zero Water Footprint Definition
    - b) Project's impact on reliability
    - c) Project's impact on rates

- d) Project's water footprint
- 4) Project's contribution
  - a) Capacity fee
  - b) Reimbursable improvements
- 5) Capital program status
  - a) Summary
  - b) System planning status
  - c) Water supply
    - (i) Water supply implementation status
    - (ii) Water supply alternatives
  - d) Water treatment
    - (i) Water treatment implementation status
    - (ii) Water treatment alternatives
  - e) Water storage, transmission, and distribution status
  - f) Water capital program financial status
- 6) Vineyards analysis
  - a) Vineyards decision
  - b) Facts with respect to solutions to water supply problems
  - c) Water supply over the life of the project
  - d) Impacts of likely future water sources
  - e) Possible replacement sources and their impacts
- 7) Recommended mitigations
  - a) Long term water mitigations
  - b) Short term water mitigations
- 8) Opportunities to reduce project's water footprint
  - a) On-site conservation opportunities
  - b) Off-site conservation opportunities

**D) Applicant Review of Water Supply Report.** The Water Supply Report, once approved by the City, will be furnished to the project applicant. If the applicant elects to revise the project to reduce the water footprint, the Water Supply Report may be revised at the applicant's cost.

**E) Water Will Serve Letter.** Water will-serve letters are required for projects outside of the Napa Valley Gateway project limits that are requesting increased water services from the City. The Napa Valley Gateway project is subject to the terms and conditions of a will-serve letter for the entire project agreed upon between the City of American Canyon and Charles Slutzkin of Napa Valley Gateway Limited in a will-serve letter agreement dated December 13, 2002. So long as the terms and conditions of that will-serve letter agreement are complied with, developments of parcels within the Napa Valley Gateway project limits will not require any Water Supply Report or additional will-serve letters.

## EXHIBIT G

### Appeal Procedure: Zero Water Footprint Methodology

1. **Grounds for Appeal- Conditions of Approval.** If the water service application is for a parcel outside the City's limits, then the City shall, within 30 days of receipt of such application, provide to the Applicant and the County any conditions of approval that the City proposes to impose on the parcel at least 90 days before imposing the conditions of approval.

Conditions of approval that result from the Water Supply Report and that the City proposes to include in a water service will-serve letter that will be issued by the City for a parcel outside of the City's limits may be appealed by an Applicant under the process described in Section 3 below.

2. **Exceptions:** An appeal may not challenge water rates imposed by the City that are consistent with *Hansen v. City of San Buenaventura* (1986) 42 Cal.3d 1172, and the City's Ordinance 2007-13. An appeal also may not challenge Capacity Fees that are set pursuant to the City's Ordinance 2007-09, or new capacity fees approved by the County and enacted in a new City ordinance.

3. **Appeal Process and Appeal Panel.** An appeal of water service conditions of approval that the City proposes for a parcel outside the City's limits may be filed within ninety (90) days after the proposed conditions are forwarded to the Applicant and the County for inclusion in a development permit. The appeal will be heard by the panel described in the following paragraph, and this panel will determine whether any of the conditions under appeal is inconsistent with any provision of this Agreement.

The Appeal Panel will be made up of one member selected by the County Executive Officer, one member selected by the City Manager and one member selected by the two appointed members. If the two appointed members cannot agree on the third member, the name of each candidate shall be placed in a hat to be drawn for selection. The decision of the Appeal Panel will be final, but subject to judicial review pursuant to Code of Civil Procedure section 1094.5. The reasonable cost of the Appeal Panel shall be borne by the Applicant.

## City's Water Service Area

