



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 8a (Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: December 3, 2018

SUBJECT: Update on Draft Policy on Spheres of Influence

BACKGROUND AND SUMMARY

This item is being presented to the Commission for information purposes only. The Commission will receive an update on the draft *Policy on Spheres of Influence* (“Policy”).

The Commission’s Policy Committee (“Committee”) was established to review the agency’s written policies and propose amendments or adoption of new policies as appropriate. Commissioners Mohler and Rodeno currently serve on the Committee.

Pursuant to California Government Code (G.C.) Section 56076, a sphere of influence (SOI) means a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission.

Pursuant to G.C. Section 56375.5, every determination made by the Commission regarding changes of organization or reorganization (e.g., annexation, consolidation, dissolution, etc.) must be consistent with the SOI of the affected local agencies with limited exceptions.

Pursuant to G.C. Section 56133(b), the Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its SOI in anticipation of a later change of organization.

The Commission’s existing policies relating to SOIs are contained in Section III of the *General Policy Determinations*, included as Attachment One. Given the considerable importance of SOIs in terms of boundary changes and service extensions, the Committee determined it would be appropriate for the Commission to adopt a new stand-alone Policy that would improve upon and supersede the SOI policies in the *General Policy Determinations*. Specifically, the Committee recommends improving the SOI definitions and prescribing a uniform process for the Commission to consider SOI amendments, reviews, and updates.

Margie Mohler, Chair
Councilmember, Town of Yountville

Scott Sedgley, Commissioner
Councilmember, City of Napa

Kenneth Leary, Alternate Commissioner
Councilmember, City of American Canyon

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Gregory Rodeno, Commissioner
Representative of the General Public

Erik Lawrence, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

The Policy Committee's draft Policy is intended to address these issues. A clean version of the draft Policy is included as Attachment Two. The draft Policy showing tracked changes is included as Attachment Three.

On August 6, 2018, the Committee presented the draft Policy to the Commission. The Commission directed staff to circulate the draft Policy for public review and comment.

On August 7, 2018, staff circulated a public review notice to all local agencies and interested stakeholders inviting written comments on the draft Policy through November 9, 2018. A total of four comment letters were submitted by the County of Napa, City of American Canyon, City of St. Helena, and Town of Yountville. The four letters are included as Attachments Four through Seven.

Staff recommends the Commission review the comment letters and provide comments, if any. The Policy Committee initially met to review the submitted comments on November 14, 2018, and has not completed its review or developed recommendations. Another Committee meeting to further review the comments is scheduled for January 16, 2019. The Committee intends to revise the draft Policy taking into consideration the comments received from the local agencies. The Commission may choose to schedule a public workshop for purposes of further understanding comments from the local agencies. A public workshop can be included as part of a regular meeting agenda or the Commission may choose to schedule a special meeting for this purpose.

ATTACHMENTS

- 1) General Policy Determinations (Section III only)
- 2) Draft Policy on Spheres of Influence (clean)
- 3) Draft Policy on Spheres of Influence (tracked changes)
- 4) County of Napa Comments on Draft Policy on Spheres of Influence
- 5) City of American Canyon Comments on Draft Policy on Spheres of Influence
- 6) City of St. Helena Comments on Draft Policy on Spheres of Influence
- 7) Town of Yountville Comments on Draft Policy on Spheres of Influence

III. Policies Concerning Spheres of Influence

It is the intent of the Commission to establish spheres of influence that promote the orderly expansion of cities and special districts to ensure effective, efficient and economic provision of essential public services, including public sewer and water, fire protection and emergency response, and police protection.

A) Legislative Declarations

The Commission acknowledges and incorporates into its own policies, the policies of the Legislature as they relate to spheres of influence. The Commission wishes to specifically note the following declarations and policies contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000:

- (1) "Sphere of influence" means a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission. (G.C. §56076)
- (2) In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities, the Commission shall develop and determine the sphere of influence of each local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere. (G.C. §56425(a)).
- (3) The Commission encourages cities and the County to meet and agree to sphere of influence changes. The Commission shall give "great weight" to these agreements to the extent they are consistent with its policies. (G.C. §56425(b) and (c))
- (4) On or before January 1, 2008, and every five years thereafter, the Commission shall, as necessary, review and update each sphere of influence. (G.C. §56425(g))

B) General Guidelines for the Review of Spheres of Influence

It is the intent of the Commission to consider the following factors whenever reviewing a proposal that includes the adoption, amendment, or update of a sphere of influence.

- (1) The Commission incorporates the following definitions:
 - a) An “establishment” refers to the initial development and determination of a sphere of influence by the Commission.
 - b) An “amendment” refers to a limited change to an established sphere of influence typically initiated by a landowner, resident, or agency.
 - c) An “update” refers to a comprehensive change to an established sphere of influence typically initiated by the Commission.
- (2) The Commission discourages proposals from residents, landowners, and agencies proposing amendments to spheres of influence unless justified by special conditions and circumstances.
- (3) The Commission shall consider the following land use criteria in establishing, amending, and updating spheres of influence:
 - a) The present and planned land uses in the area, including designated agricultural and open-space lands.
 - b) Consistency with the County General Plan and the general plan of any affected city.
 - c) Adopted general plan policies of the County and of any affected city that guide future development away from designated agricultural or open-space land.
 - d) Adopted policies of affected agencies that promote infill of existing vacant or underdeveloped land.
 - e) Amount of existing vacant or underdeveloped land located within any affected agency’s jurisdiction and current sphere of influence.
 - f) Adopted urban growth boundaries by the affected land use authorities.

- (4) The Commission shall consider the following municipal service criteria in establishing, amending, and updating spheres of influence:
 - a) The present capacity of public facilities and adequacy of public services provided by affected agencies within the current jurisdiction and the adopted plans of these agencies to improve any municipal service deficiency, including adopted capital improvement plans.
 - b) The present and probable need for public facilities and services within the area proposed for inclusion within the sphere of influence and the plans for the delivery of services to the area.
- (5) The Commission shall endeavor to maintain and expand, as needed, spheres of influence to accommodate planned and orderly urban development. The Commission, however, shall consider removal of land from an agency's sphere of influence if any of the two conditions apply:
 - a) The land is outside the affected agency's jurisdictional boundary but has been within the sphere of influence for 10 or more years.
 - b) The land is inside the affected agency's jurisdictional boundary, but is not expected to be developed for urban uses or require urban-type services within the next 10 years.

C) City Spheres of Influence

The Commission shall adhere to the following policies in the establishment, amendment, or update of a city's sphere of influence.

- (1) Location of Urban Development:
It shall be a basic policy of the Commission is that the sphere of influence shall guide and promote the affected city's orderly urban growth and development.
- (2) Sphere of Influence to Reflect Service Capacities:
A city's sphere of influence should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission.
- (3) Use of County General Plan Agricultural and Open-Space Designations:
The Commission shall use the most recently adopted County General Plan as the basis to identify designated agricultural and open-space lands in establishing, amending, and updating a city's sphere of influence.

- (4) Avoidance of Inclusion of Agricultural and Open-Space Lands:
Land specifically designated as agricultural or open-space lands shall not be approved for inclusion within any city's sphere of influence for purposes of urban development unless exceptions are warranted based on the criteria outlined in Section B(3) and (4).
- (5) Preference for Infill:
The Commission will consider the amount of vacant land within the established sphere of influence of a city when considering amendments and updates. The Commission encourages sphere of influence proposals that promote the infill of existing vacant or underdeveloped land thereby maximizing the efficient use of existing city services and infrastructure as well as discouraging urban sprawl. Conversely, the Commission discourages sphere of influence proposals involving vacant or underdeveloped land that requires the extension of urban facilities, utilities, and services where infill is more appropriate.
- (6) Spheres of Influence as Guides for City Annexations:
A city's sphere of influence shall generally be used to guide annexations within a five-year planning period. Inclusion of land within a sphere of influence shall not be construed to indicate automatic approval of an annexation proposal; an annexation will be considered on its own merits with deference assigned to timing.
- (7) Joint Applications:
When an annexation is proposed outside a city's sphere of influence, the Commission may consider both the proposed annexation and the necessary change in the sphere of influence at the same meeting. The change to the sphere of influence to include the affected territory, however, shall be considered and resolved prior to Commission action on the annexation.
- (8) Cooperative Planning and Development:
Spheres of influence shall be developed by the Commission in cooperation with input from the cities and the County.
- a) The urban areas as delineated by the spheres of influence or other boundary adopted by the Commission should be recognized and considered as part of planning and development programs of the affected cities as well as any affected special districts and the County.
 - b) The Commission shall encourage cities to first develop existing vacant and underdeveloped infill lands located within their jurisdictions and spheres of influence to maximize the efficient use of available services and infrastructure and discourage the premature conversion of agricultural and open-space lands to urban uses. The Commission shall encourage the development of vacant or underdeveloped infill lands located within cities' jurisdictions before the annexation of lands requiring the extension of urban facilities, utilities, and services.

- c) No urban development should be permitted by the County to occur on unincorporated lands within a city's sphere of influence. If approval of urban development in such areas is legally required of the County, such development should conform to applicable city standards and be the subject of a joint city-County planning effort.

D) Special District Spheres of Influence

The Commission shall adhere to the following policies in the establishment, review, amendment, or update of a special district's sphere of influence.

- (1) Urbanizing Effect of Services:
It shall be a basic policy of the Commission that the establishment, amendment, or update of a special district's sphere of influence serves to promote urban development with limited exceptions.
- (2) Sphere of Influence to Reflect Service Capacities:
A special district's sphere of influence should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission.
- (3) Exclusion of Agricultural and Open-Space Lands:
Land designated agricultural or open-space by the applicable city or County general plan shall not be approved for inclusion within any special district's sphere of influence for purposes of urban development through the extension of essential public services. Such designations shall be recognized by the Commission as designating the land as non-urban in character in regard to the existing use of the area or its future development potential. The Commission may consider exceptions to this policy based on evidence provided by the affected special district demonstrating all of the following:
 - a) The expansion is necessary in order to provide potable water or sewer to the territory to respond to a documented public health or safety threat.
 - b) The affected special district can provide adequate potable water or sewer service to the affected territory without extending any mainline more than 1,000 feet.
 - c) The expansion will not promote the premature conversion of agricultural or open-space land to urban use.

- (4) Sphere of Influence as a Guide to Special District Annexations:
A special district's sphere of influence shall generally be used to guide annexations within a five-year planning period. Inclusion of land within a sphere of influence shall not be construed to indicate automatic approval of an annexation proposal; an annexation will be considered on its own merits with deference assigned to timing.

- (5) Joint Applications:
When an annexation is proposed outside a special district's sphere of influence, the Commission may consider both the proposed annexation and the necessary change in the sphere of influence at the same meeting. The change to the sphere of influence to include the affected territory, however, shall be considered and resolved prior to Commission action on the proposed annexation.

- (6) Cooperative Planning and Development Programs:
Spheres of influence shall be developed by the Commission in cooperation with any affected cities and the County.
 - a) The service area of a special district as delineated by the sphere of influence or other boundary adopted by the Commission should be recognized and considered as part of the planning and development programs of any affected district, city, and the County.



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Spheres of Influence

(Draft Presented: August 6, 2018)

I. BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, beginning with California Government Code (G.C.) §56425, requires the Local Agency Formation Commission (LAFCO or “Commission”) to establish and maintain spheres of influence for all local agencies within its jurisdiction. A sphere of influence (SOI) is defined by statute as a “plan for the probable physical boundary and service area of a local government agency as determined by the commission” (G.C. §56076). Every determination made by LAFCO shall be consistent with the SOIs of the local agencies affected by that determination (G.C. §56375.5). The Commission encourages cities, towns, and the County of Napa (“County”) to meet and agree to SOI changes. The Commission shall give “great weight” to these agreements to the extent they are consistent with its policies (G.C. §56425(b) and (c)). Local agency SOIs are established and changed based on information in municipal service reviews, including adopted determinative statements and recommendations (G.C. §56430).

II. PURPOSE

The purpose of these policies is to guide the Commission in its consideration of SOI amendment requests as well as SOI reviews and updates initiated by LAFCO. This includes establishing consistency with respect to the Commission’s approach in the scheduling, preparation, and adoption of SOI reviews and updates.

III. OBJECTIVE

It is the intent of the Commission to determine appropriate SOIs that promote the orderly expansion of cities, towns, and special districts in a manner that ensures effective, efficient, and economic provision of essential public services, including public water, wastewater, fire protection and emergency response, and law enforcement. The Commission recognizes the importance of considering local conditions and circumstances in implementing these policies. An SOI is primarily a planning tool that will:

- Serve as a master plan for the future organization of local government within the County by providing long range guidelines for the efficient provision of services to the public;
- Discourage duplication of services by two or more local governmental agencies;
- Guide the Commission when considering individual proposals for changes of organization;
- Identify the need for specific reorganization studies, and provide the basis for recommendations to particular agencies for government reorganizations.

IV. DEFINITIONS

The Commission incorporates the following definitions:

- A. An “SOI establishment” refers to the initial adoption of an SOI by the Commission.
- B. An “SOI amendment” refers to a single change to an established SOI, typically involving one specific geographic area and initiated by a landowner, resident, or local agency.
- C. An “SOI review” refers to a comprehensive review of an established SOI conducted as part of a municipal service review (MSR). Based on information collected in the SOI review component of an MSR, the Commission shall determine if an SOI update is needed.
- D. An “SOI update” refers to a single change or multiple changes to an established SOI, typically initiated by the Commission and based on information collected in the SOI review.
- E. A “zero SOI” may be assigned to a local agency to indicate the Commission’s position that a change of organization is appropriate that would assign the affected agency’s service obligations and responsibilities to another local agency. Such future action would typically involve consolidation or dissolution.
- F. A “study area” refers to territory evaluated as part of an SOI update for possible addition to, or removal from, an established SOI. Study areas shall be identified by the Commission in concurrence with all affected agencies and will be based on information collected in the SOI review.

V. LOCAL CONSIDERATIONS

A. General Guidelines for Determining Spheres of Influence

- 1) The first Agricultural Preserve in the United States was created in 1968 by the Napa County Board of Supervisors. The Agricultural Preserve protects lands in the fertile valley and foothill areas of Napa County in which agriculture is and should continue to be the predominant land use. Measure P was passed by voters in 2008 and requires voter approval for any changes that would re-designate unincorporated agricultural and open-space lands. The Commission will consider the Agricultural Preserve and Measure P in its decision making processes, where appropriate, prior to taking formal actions relating to SOIs.
- 2) In addition to the definitions of “agricultural lands” and “prime agricultural lands” pursuant to G.C. §56016 and §56064, respectively, the Commission shall use the County General Plan land use designations as the basis to identify agricultural and open-space lands in establishing, amending, and updating a local agency’s SOI.

- 3) It shall be a basic policy of the Commission that the establishment, amendment, or update of a local agency's SOI is intended to facilitate the orderly extension of public services for urban development with limited exceptions. Land designated as agricultural or open-space shall not be approved for inclusion within any local agency's SOI for purposes of urban development with limited exceptions.
- 4) The Commission discourages proposals from residents, landowners, and local agencies proposing amendments to SOIs unless justified by special conditions and circumstances. The Commission encourages residents, landowners, and local agencies to submit SOI amendment requests to the LAFCO Executive Officer as part of the LAFCO-initiated MSR and SOI review process.
- 5) In the course of an SOI review for any local agency as part of an MSR, the Commission shall identify all existing outside services provided by the affected agency. For any services provided outside the affected agency's jurisdictional boundary but within its SOI, the Commission shall request the affected agency submit an annexation plan or justification for not annexing the territory that is receiving outside services.
- 6) In the course of reviewing a city or town's SOI, the Commission will consider the amount of vacant land within the affected city or town's SOI. The Commission discourages SOI amendment requests involving vacant or underdeveloped land that requires the extension of urban facilities, utilities, and services where infill development is more appropriate.
- 7) A local agency's SOI shall generally be used to guide annexations within a five-year planning period. Inclusion of land within an SOI shall not be construed to indicate automatic approval of an annexation proposal. Annexation will be considered on its own merits with deference assigned to timing.
- 8) Any local agency's SOI shall only be amended or updated by the Commission in collaboration with the County of Napa. Prior to amending or updating an SOI, the Commission shall encourage cities and towns to first develop existing vacant and underdeveloped infill lands within their jurisdictions and SOIs to maximize the efficient use of available services and infrastructure. The Commission shall discourage the premature conversion of agricultural and open-space lands to urban uses. No urban development by the County should be permitted to occur on unincorporated lands within a city or town's SOI with limited exceptions. If approval of urban development in such areas is legally required of the County, such development should conform to applicable city standards and be the subject of a joint planning effort.

- 9) When an annexation is proposed outside a local agency's SOI, the Commission may consider both the proposed annexation and SOI amendment at the same meeting. The SOI amendment to include the affected territory, however, shall be considered and resolved prior to Commission action on the annexation.
- 10) A local agency's SOI should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission. This includes information contained in current MSRs. The Commission shall consider the following municipal service criteria in determining SOIs:
 - a) The present capacity of public facilities and adequacy of public services provided by affected local agencies within the current jurisdiction, and the adopted plans of these local agencies to address any municipal service deficiency, including adopted capital improvement plans.
 - b) The present and probable need for public facilities and services within the area proposed or recommended for inclusion within the SOI, and the plans for the delivery of services to the area.
- 11) The Commission shall consider the following land use criteria in determining SOIs:
 - a) The present and planned land uses in the area, including lands designated for agriculture and open-space.
 - b) Consistency with the County General Plan and the general plan of any affected city or town.
 - c) Adopted general plan policies of the County and of any affected city or town that guide future development away from lands designated for agriculture or open-space.
 - d) Adopted policies of affected local agencies that promote infill development of existing vacant or underdeveloped land.
 - e) Amount of existing vacant or underdeveloped land located within any affected local agency's jurisdiction and current SOI.
 - f) Adopted urban growth boundaries by the affected land use authorities.

B. Scheduling Sphere of Influence Reviews and Updates

G.C. §56425(g) directs the Commission to update each SOI every five years, as necessary. Each year, the Commission shall adopt a Work Program with a schedule for initiating and completing MSRs and SOI reviews based on communication with local agencies. This includes appropriate timing with consideration of city, town, and County general plan updates. The Commission shall schedule SOI updates, as necessary, based on determinations contained in MSRs.

C. Environmental Review

SOI establishments, amendments, and updates will be subject to the review procedures defined in the California Environmental Quality Act (CEQA) and the Napa LAFCO CEQA Guidelines. In the event the Commission is the Lead Agency under CEQA, the affected agency shall prepare the appropriate environmental documents needed to satisfy the requirements of CEQA.

If an environmental assessment/analysis was prepared by an agency for a project associated with an SOI establishment, amendment, or update and LAFCO was afforded the opportunity to evaluate and comment during the Lead Agency's environmental review process, then LAFCO can act as a Responsible Agency under CEQA for its environmental review process.

A complete set of the adopted environmental documents prepared for the project, a copy of the filed Notice of Determination/Notice of Exemption, and a copy of the Department of Fish and Wildlife fee receipt must be submitted as part of the application. Completion of the CEQA review process will be required prior to action by the Executive Officer or the Commission.

VI. FORM OF REQUEST FOR SPHERE OF INFLUENCE AMENDMENT

Any person or local agency may file a written request with the Executive Officer requesting amendments to an SOI. Requests shall be made using the form provided in Attachment A and be accompanied by a cover letter and a map of the proposed amendment. Requests shall include an initial deposit as prescribed under the Commission's adopted fee schedule. The Executive Officer may require additional data and information to be included with the request. Requests by cities, towns, and special districts shall be made by resolution of application.

VII. REVIEW OF REQUEST FOR SPHERE OF INFLUENCE AMENDMENT

The Executive Officer shall review and determine within 30 days of receipt whether the request to amend an agency's SOI is complete. If a request is deemed incomplete, the Executive Officer shall immediately notify the applicant and identify the information needed to accept the request for filing.

VIII. CONSIDERATION OF REQUEST FOR SPHERE OF INFLUENCE AMENDMENT

Once a request is deemed complete, the Executive Officer will prepare a written report with a recommendation. The Executive Officer will present his or her report and recommendation at a public hearing for Commission consideration. The public hearing will be scheduled for the next meeting of the Commission for which adequate notice can be given. The Commission may approve, approve with conditions, or deny the request for an SOI amendment. The Commission's determination and any required findings will be set out in a resolution that specifies the area added to, or removed from, the affected agency's SOI.



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on ~~III~~ Policies Concerning Spheres of Influence

It is the intent of the Commission to establish spheres of influence that promote the orderly expansion of cities and special districts to ensure effective, efficient and economic provision of essential public services, including public sewer and water, fire protection and emergency response, and police protection.

A) Legislative Declarations

The Commission acknowledges and incorporates into its own policies, the policies of the Legislature as they relate to spheres of influence. The Commission wishes to specifically note the following declarations and policies contained in the (Draft Presented: August 6, 2018)

I. BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000:

(1) "Sphere of influence" means a, beginning with California Government Code (G.C.) §56425, requires the Local Agency Formation Commission (LAFCO or "Commission") to establish and maintain spheres of influence for all local agencies within its jurisdiction. A sphere of influence (SOI) is defined by statute as a "plan for the probable physical boundariesboundary and service area of a local government agency, as determined by the Commission-commission" (G.C. §56076)

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(2) In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities, the Commission shall develop and determinebe consistent with the sphereSOIs of influence of eachthe local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere-agencies affected by that determination (G.C. §56425(a)).

(3) 56375.5). The Commission encourages cities, towns, and the County of Napa ("County") to meet and agree to sphere of influenceSOI changes.- The Commission shall give "great weight" to these agreements to the extent they are consistent with its policies. (G.C. §56425(b) and (e))

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B) General Guidelines for the Review of Spheres of Influence

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OBJECTIVE

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IV. DEFINITIONS

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- e) D. An "SOI update" refers to a single change or multiple changes to an established sphere of influence SOI, typically initiated by the Commission— and based on information collected in the SOI review.
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V. LOCAL CONSIDERATIONS

A. General Guidelines for Determining Spheres of Influence

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2) In addition to the definitions of “agricultural lands” and “prime agricultural lands” pursuant to G.C. §56016 and §56064, respectively, the Commission shall use the County General Plan land use designations as the basis to identify agricultural and open-space lands in establishing, amending, and updating a local agency’s SOI.

3) It shall be a basic policy of the Commission that the establishment, amendment, or update of a local agency’s SOI is intended to facilitate the orderly extension of public services for urban development with limited exceptions. Land designated as agricultural or open-space shall not be approved for inclusion within any local agency’s SOI for purposes of urban development with limited exceptions.

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~~(2)4~~ The Commission discourages proposals from residents, landowners, and local agencies proposing amendments to ~~spheres of influence~~SOIs unless justified by special conditions and circumstances. The Commission encourages residents, landowners, and local agencies to submit SOI amendment requests to the LAFCO Executive Officer as part of the LAFCO-initiated MSR and SOI review process.

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~~(3)1~~ The Commission shall consider the following land use criteria in establishing, amending, and updating spheres of influence. In the course of an SOI review for any local agency as part of an MSR, the Commission shall identify all:

~~a)~~ The present and planned land uses in the area, including designated agricultural and open space lands.

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~~b)a) Consistency with the County General Plan and the general plan of any affected city.~~

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~~e)a) Adopted general plan policies of the County and of any affected city that guide future development away from designated agricultural or open space land.~~

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~~d) Adopted policies of affected agencies that promote infill of existing vacant or underdeveloped land.~~

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~~e) Amount of existing vacant or underdeveloped land located within any affected agency's jurisdiction and current sphere of influence.~~

~~d)a) Adopted urban growth boundaries by the affected land use authorities.~~

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~~(4) The Commission shall consider the following municipal service criteria in establishing, amending, and updating spheres of influence:~~

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~~— outside services~~

~~a) The present capacity of public facilities and adequacy of public services provided by affected agencies within the current jurisdiction and the adopted plans of these agencies to improve the affected agency. For any municipal service deficiency, including adopted capital improvement plans.~~

~~b) The present and probable need for public facilities and services within the area proposed for inclusion within the sphere of influence and the plans for the delivery of services to the area.~~

~~(5) The Commission shall endeavor to maintain and expand, as needed, spheres of influence to accommodate planned and orderly urban development. The Commission, however, shall consider removal of land from an agency's sphere of influence if any of the two conditions apply:~~

~~a) The land is provided outside the affected agency's jurisdictional boundary but has been within its SOI, the sphere of influence for 10 or more years.~~

~~b)5) The land is inside Commission shall request the affected agency's jurisdictional boundary, but is agency submit an annexation plan or justification for not expected to be developed for urban uses or require urban type annexing the territory that is receiving outside services within the next 10 years.~~

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C) City Spheres of Influence

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The Commission shall adhere to the following policies in the establishment, amendment, or update of a city's sphere of influence.

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~~(1) Location of Urban Development:~~

~~It shall be a basic policy of the Commission is that the sphere of influence shall guide and promote the affected city's orderly urban growth and development.~~

~~(2) Sphere of Influence to Reflect Service Capacities:~~

~~A city's sphere of influence should reflect existing and planned service capacities based on information collected by. In the course of reviewing a city or submitted totown's SOI, the Commission.~~

~~(3) Use of County General Plan Agricultural and Open Space Designations:~~

~~The Commission shall use the most recently adopted County General Plan as the basis to identify designated agricultural and open space lands in establishing, amending, and updating a city's sphere of influence.~~

~~(4) Avoidance of Inclusion of Agricultural and Open Space Lands:~~

~~Land specifically designated as agricultural or open space lands shall not be approved for inclusion within any city's sphere of influence for purposes of urban development unless exceptions are warranted based on the criteria outlined in Section B(3) and (4).~~

~~(5) Preference for Infill:~~

~~6) The Commission will consider the amount of vacant land within the established sphere of influence of a city when considering amendments and updates affected city or town's SOI. The Commission encourages sphere of influence proposals that promote the infill of existing vacant or underdeveloped land thereby maximizing the efficient use of existing city services and infrastructure as well as discouraging urban sprawl. Conversely, the Commission discourages sphere of influence proposals SOI amendment requests involving vacant or underdeveloped land that requires the extension of urban facilities, utilities, and services where infill development is more appropriate.~~

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~~(6) Spheres of Influence as Guides for City Annexations:~~

~~7) A city's sphere of influence A local agency's SOI shall generally be used to guide annexations within a five-year planning period. Inclusion of land within a sphere of influence an SOI shall not be construed to indicate automatic approval of an annexation proposal; an annexation will be considered on its own merits with deference assigned to timing.~~

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~~(7) Joint Applications:~~

~~8) Any local agency's SOI shall only be amended or updated by the Commission in collaboration with the County of Napa. Prior to amending or updating an~~

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SOI, the Commission shall encourage cities and towns to first develop existing vacant and underdeveloped infill lands within their jurisdictions and SOIs to maximize the efficient use of available services and infrastructure. The Commission shall discourage the premature conversion of agricultural and open-space lands to urban uses.

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9) When an annexation is proposed outside a city's sphere of influence local agency's SOI, the Commission may consider both the proposed annexation and the necessary change in the sphere of influence SOI amendment at the same meeting. The change to the sphere of influence SOI amendment to include the affected territory, however, shall be considered and resolved prior to Commission action on the annexation.

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(8) Cooperative Planning and Development:
Spheres of influence shall be developed by the Commission in cooperation with input from the cities and the County.

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a) The urban areas as delineated by the spheres of influence or other boundary adopted by the Commission should be recognized and considered as part of planning and development programs of the affected cities as well as any affected special districts and the County.

b) The Commission shall encourage cities to first develop existing vacant and underdeveloped infill lands located within their jurisdictions and spheres of influence to maximize the efficient use of available services and infrastructure and discourage the premature conversion of agricultural and open space lands to urban uses. The Commission shall encourage the development of vacant or underdeveloped infill lands located within cities' jurisdictions before the annexation of lands requiring the extension of urban facilities, utilities, and services.

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e) No urban development should be permitted by the County to occur on unincorporated lands within a city's sphere of influence. If approval of urban development in such areas is legally required of the County, such development should conform to applicable city standards and be the subject of a joint city-County planning effort.

D) Special District Spheres of Influence

The Commission shall adhere to the following policies in the establishment, review, amendment, or update of a special district's sphere of influence.

(1) Urbanizing Effect of Services:
It shall be a basic policy of the Commission that the establishment, amendment, or update of a special district's sphere of influence serves to promote urban development with limited exceptions.

(2) Sphere of Influence to Reflect Service Capacities:

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10) ~~A special district's sphere of influence~~ local agency's SOI should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission. This includes information contained in current MSRs. The Commission shall consider the following municipal service criteria in determining SOIs:

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a) The present capacity of public facilities and adequacy of public services provided by affected local agencies within the current jurisdiction, and the adopted plans of these local agencies to address any municipal service deficiency, including adopted capital improvement plans.

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b) The present and probable need for public facilities and services within the area proposed or recommended for inclusion within the SOI, and the plans for the delivery of services to the area.

11) The Commission shall consider, at a minimum, the following land use criteria in determining SOIs:

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a) The present and planned land uses in the area, including lands designated for agriculture and open-space.

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b) Consistency with the County General Plan and the general plan of any affected city or town.

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c) Adopted general plan policies of the County and of any affected city or town that guide future development away from lands designated for agriculture or open-space.

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d) Adopted policies of affected local agencies that promote infill development of existing vacant or underdeveloped land.

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e) Amount of existing vacant or underdeveloped land located within any affected local agency's jurisdiction and current SOI.

f) Adopted urban growth boundaries by the affected land use authorities.

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(3) Exclusion of Agricultural and Open Space Lands:

~~Land designated agricultural or open space by the applicable city or County general plan shall not be approved for inclusion within any special district's sphere of influence for purposes of urban development through the extension of essential public services. Such designations shall be recognized by the Commission as designating the land as non-urban in character in regard to the existing use of the area or its future development potential. The Commission may consider exceptions to this policy based on evidence provided by the affected special district demonstrating all of the following:~~

a) ~~The expansion is necessary in order to provide potable water or sewer to the territory to respond to a documented public health or safety threat.~~

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Policy on Spheres of Influence
Page 9 of 11

- b) ~~The affected special district can provide adequate potable water or sewer service to the affected territory without extending any mainline more than 1,000 feet.~~
- e) ~~The expansion will not promote the premature conversion of agricultural or open-space land to urban use.~~

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B. Scheduling Sphere of Influence Reviews and Updates

G.C. §56425(g) directs the Commission to update each SOI every five years, as necessary. Each year, the Commission shall adopt a Work Program with a schedule for initiating and completing MSRs and SOI reviews based on communication with local agencies. This includes appropriate timing with consideration of city, town, and County general plan updates. The Commission shall schedule SOI updates, as necessary, based on determinations contained in MSRs.

C. Environmental Review

SOI establishments, amendments, and updates will be subject to the review procedures defined in the California Environmental Quality Act (CEQA) and the Napa LAFCO CEQA Guidelines. In the event the Commission is the Lead Agency under CEQA, the affected agency shall prepare the appropriate environmental documents needed to satisfy the requirements of CEQA.

If an environmental assessment/analysis was prepared by an agency for a project associated with an SOI establishment, amendment, or update and LAFCO was afforded the opportunity to evaluate and comment during the Lead Agency's environmental review process, then LAFCO can act as a Responsible Agency under CEQA for its environmental review process.

A complete set of the adopted environmental documents prepared for the project, a copy of the filed Notice of Determination/Notice of Exemption, and a copy of the Department of Fish and Wildlife fee receipt must be submitted as part of the application. Completion of the CEQA review process will be required prior to action by the Executive Officer or the Commission.

VI. FORM OF REQUEST FOR SPHERE OF INFLUENCE AMENDMENT

Any person or local agency may file a written request with the Executive Officer requesting amendments to an SOI. Requests shall be made using the form provided in Attachment A and be accompanied by a cover letter and a map of the proposed amendment. Requests shall include an initial deposit as prescribed under the Commission's adopted fee schedule. The Executive Officer may require additional data and information to be included with the request. Requests by cities, towns, and special districts shall be made by resolution of application.

(4) VII. REVIEW OF REQUEST FOR SPHERE OF INFLUENCE as a Guide to Special District Annexations-AMENDMENT,

The A special district's sphere of influence shall generally be used to guide annexations within a five year planning period. Inclusion of land within a sphere of influence shall not be construed to indicate automatic approval of an annexation proposal; an annexation will be considered on its own merits with deference assigned to timing.

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~~(5) Joint Applications:~~

~~When an annexation is proposed outside a special district's sphere of influence, the Commission may consider both the proposed annexation and the necessary change in the sphere of influence at the same meeting. The change to the sphere of influence to include the affected territory, however, shall be considered and resolved prior to Commission action on the proposed annexation.~~

~~(6) Cooperative Planning and Development Programs:~~

~~Spheres of influence shall be developed by the Commission in cooperation with any affected cities and the County.~~

- ~~a) The service area of a special district as delineated by the sphere of influence or other boundary adopted by the Commission should be recognized and considered as part of the planning and development programs of any affected district, city, and the County.~~

~~Executive Officer shall review and determine within 30 days of receipt whether the request to amend an agency's SOI is complete. If a request is deemed incomplete, the Executive Officer shall immediately notify the applicant and identify the information needed to accept the request for filing.~~

VIII. CONSIDERATION OF REQUEST FOR SPHERE OF INFLUENCE AMENDMENT

Once a request is deemed complete, the Executive Officer will prepare a written report with a recommendation. The Executive Officer will present his or her report and recommendation at a public hearing for Commission consideration. The public hearing will be scheduled for the next meeting of the Commission for which adequate notice can be given. The Commission may approve, approve with conditions, or deny the request for an SOI amendment. The Commission's determination and any required findings will be set out in a resolution that specifies the area added to, or removed from, the affected agency's SOI.

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A Tradition of Stewardship
A Commitment to Service

Attachment Four

County Executive Office

1195 Third St.
Suite 310
Napa, CA 94559
www.countyofnapa.org

Main: (707) 253-4421
Fax: (707) 253-4176

Minh C. Tran
County Executive Officer

November 9, 2018

Brendon Freeman, Executive Officer
Local Agency Formation Commission of Napa County
1030 Seminary Street, Suite B
Napa, CA 94559

RE: Draft Policy on Spheres of Influence

Dear Mr. Freeman;

Thank you for the opportunity to comment on the Local Agency Formation Commission (LAFCO) Draft Policy on Spheres of Influence. On October 30, 2018, the Board of Supervisors reviewed the proposed updates and expressed support for the changes with three specific comments as noted herein. The proposed Local Considerations emphasize the importance of considering agricultural land, and Napa County's General Plan in all decisions to expand Sphere of Influence (SOI) boundaries. Napa County supports the Commission's stated objectives regarding orderly expansions of municipalities and special districts while recognizing the need for flexibility in considering local conditions and circumstances.

Since at least the 1970's, the cities, town and Napa County have worked to establish and maintain mutually agreeable urban growth boundaries. Within that context, there are several unincorporated areas where varying levels of municipal services were extended to unincorporated developments before the establishment of SOI's and/or urban growth boundaries. Napa County appreciates the Commission's efforts to recognize these local conditions, but requests that the Commission consider augmenting policy language to expressly discourage the expansion of SOI's to include existing municipally-served unincorporated developments unless there is agreement between the municipality and Napa County on the boundary adjustment.

Similarly, there are several unincorporated areas which were included within certain district and/or municipal service area boundaries well before existing SOI policies were established. These situations also represent local circumstances that the Napa County believes are best addressed by the affected agencies working collaboratively to resolve. In this regard, Napa County supports LAFCO's objective to avoid and/or reduce duplication of services, and requests that SOI policies emphasize that affected agencies should reach agreement on service area boundary adjustments.

Lastly, Napa County requests LAFCO consider including policy language addressing Assembly Bill 402, Dodd, *Local Agency Services: Contracts*, effective January 1, 2016, that established a mechanism for LAFCO to authorize service provisions outside a local agency's jurisdictional boundary and SOI under special circumstances.

Once again, thank you for the opportunity to comment on the proposal, and we appreciate the efforts of your agency to guide the orderly growth of our community. Please contact me, Deputy CEO Molly Rattigan, or John McDowell in the Planning Division if you have any questions or wish to discuss. County staff will be available at your December 3, 2018 meeting, and are available to address the Commission at your discretion.

Sincerely,



Minh Tran
County Executive Officer

cc: Napa County Board of Supervisors
Molly Rattigan, Deputy Executive Officer
David Morrison, PBES Director
John McDowell, Planning Division



November 9, 2018

Sent Via Email to:

bfreeman@napa.lafco.ca.gov

Brendon Freeman, Executive Officer
Local Agency Formation Commission of Napa County
1030 Seminary Street, Suite B
Napa, California 94559

Subject: Napa County LAFCO Draft Sphere of Influence Policy

Dear Mr. Freeman:

Thank you for the opportunity to review the August 7, 2018 draft Napa County LAFCO Sphere of Influence (SOI) Policy. By way of background, the City of American Canyon has a voter-approved urban limit line (ULL) and agreement with Napa County. Portions of the City's urban limit line extend beyond the City's SOI. The City has an expectation that properties inside the ULL but outside the SOI may be annexed at some point in the future.

Overall, we would like to see a more balanced approach to the SOI policy. The following general comments are intended to begin a discussion on the draft SOI policy.

1. Section V Local Considerations focuses a high priority on preventing expansion of any Sphere of Influence (SOI). For example, item #2 defines agricultural lands and open space as County General Plan land use designations in addition to G.G. Section 56016 and Section 56064. Item #3 states that agricultural land shall not be approved within any local agency's SOI.

Much of the land surrounding American Canyon within the ULL is designated by the County as agricultural and open space lands (as defined in Item #2), as well as G.G. Section 56016 and Section 56064. If approved, this Guideline would preclude annexations within the ULL even when it was needed for orderly expansion of urban development. For this reason, item #2 and #3 subordinates orderly service expansion with agricultural land conservation.

2. Section V Local Considerations item #4 discourages local or private SOI amendment requests outside of a LAFCO-initiated Municipal Service Review (MSR) and SOI review process. The previous LAFCO initiated MSR and SOI review process occurred 8 years ago. Local or private applicants do not take SOI amendment requests lightly. Applications require complex technical studies, and consensus with residents and Napa County. Requiring a worthy SOI request to wait



another 8 years until LAFCO conducts its next MSR delays critical decision-making toward efficient coordination of urban services.

We look forward to discussing LAFCO's draft SOI policy and working with you to draft a balanced approach that recognizes the need for orderly community development. If you have any questions regarding these comments, I may be contacted at (707) 647-4335 or by e-mail at bcooper@cityofamericancanyon.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Cooper", with a stylized flourish at the end.

Brent Cooper, AICP
Community Development Director

Copy to:
Jason B. Holley, City Manager



City of St. Helena

*"We will conduct city affairs on behalf of our citizens
using an open and creative process."*

1480 Main Street
St. Helena, CA 94574
Phone: (707) 967-2792
Fax: (707) 963-7748

www.cityofstheleena.org

November 9, 2018

Brendon Freeman
Executive Officer
Napa Local Agency Formation Commission
1030 Seminary Street, Suite B
Napa, CA 94559

Re: Proposed LAFCO Policies Regarding Spheres of Influence and Municipal Service Reviews

Dear Brendon:

The City of St. Helena appreciates the opportunity to review the draft Policy on Spheres of Influence and the draft Policy on Municipal Service Reviews your office has provided.

We have carefully reviewed these documents and have a number of comments and suggestions we would like to submit for your review and consideration. Our notations are shown on the enclosed documents labeled

- Policy on Spheres of Influence
- Policy on Municipal Service Reviews
- General Policy Determinations

In preparing these comments, the City recognizes as stated on page 2 of 5 of the proposed policy, that the first Agricultural Preserve in the United States was created in 1968 by the Napa County Board of Supervisors. And furthermore that Measure P was passed by voters in 2008 and requires voter approval for any changes to re-designate unincorporated agricultural and open-space lands. And we understand further the Commission where appropriate will consider the Agricultural Preserve and Measure P in its decision making processes prior to taking formal actions relating to SOIs.

However, the City does not feel including this wording in the LAFCO policy on Spheres of Influence is necessary or appropriate. The Commission should take into account all adopted land use plans with no greater importance given to County-adopted plans than to City-adopted plans.

City staff are further concerned with the following statement in the proposed LAFCO Policies. "Any local agency's SOI shall only be amended or updated by the Commission in collaboration with the County of Napa."

LAFCOs were created by the State of California in 1963 as independent agencies, operating pursuant and accountable to State law. LAFCO decisions are final and cannot be appealed to the Board of Supervisors or any other local governing body. Likewise, LAFCO's policies adopted by the Commission are not subject to concurrence by the County or other local public agencies such as cities and special districts. It is important to maintain the independence of these public agencies and the current draft policy documents proposed by LAFCO staff do not appear to do so. This independence is reflected by LAFCO Board membership, with equal numbers of elected county and city members, a public member chosen by these city and county members.

Separately, statement under **C. Environmental Review** identifies "In the event the Commission is the Lead Agency under CEQA, the affected agency shall prepare the appropriate environmental documents needed to satisfy the requirements of CEQA." The role of the "lead agency" is to prepare the environmental document and therefore this is a conflicting statement, inconsistent with State law.

The draft City of St. Helena proposed "Policy on Municipal Service Reviews" has the following paragraph on the first page.

Napa County has been at the forefront of preserving agriculture. The first Agricultural Preserve in the United States was created in 1968 by the Napa County Board of Supervisors. The Agricultural Preserve protects lands in the fertile valley and foothill areas of Napa County in which agriculture is and should continue to be the predominant land use. Measure P was passed by voters in 2008 and requires voter approval for any changes that would re-designate unincorporated agricultural and open-space lands.

This language is not a policy statement but rather a description about actions undertaken by Napa County; and therefore should not be included in the policy addressing the City of St. Helena and we request it be removed.

With regard to the "General Policy Determinations" the City is concerned with the statement under "Use of County General Plan Designations" that essentially LAFCO is deferring to the County to determine lands designated for agriculture and open-space. LAFCO recognizes that inconsistencies may occur between County and city plans but under the proposed language appears to "rely on the Napa County General Plan" rather than providing a balanced statement identifying if there is a conflict between the County plan and a City plan, it will obtain information from both parties and make an informed decision after hearing all of the evidence and reasoning.

As noted earlier, this policy as written tends to diminish the Commission's role as an independent decision making body with equal numbers of Commissioners from the Board of Supervisors and City Councilmembers.

Further, staff finds that the sentence in the following section titled "Location of Urban Development" makes greater sense by stating the Commission shall guide development away from designated

November 9, 2018


Page 3

agriculture and open space under urban development becomes an overriding consideration to the Commission. Further, this policy seems to encourage the extension and provision of City services to un-incorporated County lands. Staff questions the benefit and consistency of such a policy, given all of the other policy language proposing to encourage development within the boundaries of Cities.

Finally, staff finds the statement regarding annexation identified under "Timing of Urban Development" could be clarified. Instead of discouraging the annexation of undeveloped or underdeveloped lands to cities and districts that provide specific types of services, it might be better to simply discourage annexations to local agencies of undeveloped land. Also it seems to imply that annexing undeveloped land located in an unincorporated an island is not a problem under this policy. This appears to be an inconsistency with of policy.

Thanks you for the opportunity to provide comments on the draft Napa County LAFCO Policy on Spheres of Influences. We are available to discuss this matter at your convenience and would hope to do so before the proposed policies are presented to the Commission for its consideration.

Sincerely,



Noah Housh, Director
Planning & Community Improvement Department
City of St. Helena

CC: Mark Prestwich, City Manager

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Spheres of Influence

(Draft Presented: August 6, 2018)

I. BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, beginning with California Government Code (G.C.) §56425, requires the Local Agency Formation Commission (LAFCO or “Commission”) to establish and maintain spheres of influence for all local agencies within its jurisdiction.

A sphere of influence (SOI) is defined in Government Code Section 56076 by statute as a “plan for the probable physical boundary and service area of a local government agency as determined by the commission” ~~-(G.C. §56076).~~

Section 56375.5 states that “Every determination made by a commission regarding the matters provided for by subdivisions (a), (m), and (n) of Section 56375 and by subdivision (a) of Section 56375.3 shall be consistent with the spheres of influence of the local agencies affected by those determinations.

Those subdivisions concern reviewing and approving or disapproving changes of organization, waiving the statutory restriction on the creation of unincorporated “islands” and including land being annexed to cities with an assessment district for streets.

Every determination made by LAFCO shall be consistent with the SOIs of the local agencies affected by that determination (G.C. §56375.5). The Commission encourages cities, towns, special districts and the County of Napa (“County”) to confer regarding proposed ~~meet and agree to~~ SOI changes. The Commission shall give “great weight” to these agreements to the extent they are consistent with its policies (G.C. §56425(b) and (c)).

Local agency SOIs are established and changed based on information in Municipal Service Reviews, including adopted determinative statements and recommendations (G.C. §56430).

II. PURPOSE

The purpose of these policies is to guide the Commission in its consideration of SOI amendment requests as well as SOI reviews and updates initiated by LAFCO. This includes establishing consistency with respect to the Commission’s approach in the scheduling, preparation, and adoption of SOI reviews and updates.

III. OBJECTIVE

It is the intent of the Commission to determine appropriate SOIs that promote the orderly expansion of cities, towns, and special districts in a manner that ensures effective, efficient, and economic provision of essential public services, including public ~~public~~-water, wastewater, fire protection and emergency response, ~~and~~-law enforcement and, street lighting. The Commission recognizes the importance of

considering local conditions and circumstances in implementing these policies. An SOI is primarily a planning tool that will:

- Serve as a master plan for the future organization of local government within the County by providing long range guidelines for the efficient provision of services to the public;
- Discourage unnecessary duplication of services by two or more local governmental agencies;
- Guide the Commission when considering individual proposals for changes of organization;
- Identify the need for specific local agency reorganization studies, and provide the basis for recommendations to particular agencies for government reorganizations.

IV. DEFINITIONS

Recognizing that a Sphere of Influence is a plan for the probable physical boundary and service area of a local government agency as determined by LAFCO, the Commission incorporates the following definitions:

A. ~~An~~ “SOI establishment” refers to the initial adoption of a city or special district ~~an~~ SOI by the Commission.

B. ~~An~~ “SOI amendment” refers s change approved by the commission in the boundaries or policies in an existing to a single change to an established SOI, typically involving one specific geographic area and initiated by a landowner, resident, or local agency.

C. ~~An~~ “SOI review” refers to a ~~comprehensive~~ review of an existing established SOI conducted independently or as part of a municipal service review (MSR). ~~Based on information collected in the SOI review component of an MSR, the Commission shall determine if an SOI update is needed.~~

D. ~~An~~ “SOI update” refers to a modification or single change or multiple changes to an existing established SOI as approved; typically initiated by the Commission ~~and based on information collected in the SOI review.~~

E. ~~A~~ “Zero SOI” when determined by the Commission indicates may be assigned to a local agency should be dissolved and its service area and service responsibilities to indicate the Commission’s position that a change of organization is appropriate that would assigned the affected agency’s service obligations and responsibilities to one or more other local agencies another local agency. Such future action would typically involve consolidation or dissolution.

F. “Combined SOI” when determined by the Commission indicates a single SOI may be appropriate to indicate when two or more agencies or their service areas should be consolidated or combined.

~~GF. A~~ “Study area” refers to territory evaluated as part of an SOI update for possible inclusion in addition to, or removal from, an existing established SOI. The study areas shall be identified by the Commission in consultation with concurrence with all affected local agencies and will be based on information collected in the SOI review.

V. LOCAL CONSIDERATIONS

A. General Guidelines for Determining Spheres of Influence

~~1) The first Agricultural Preserve in the United States was created in 1968 by the Napa County Board of Supervisors. The Agricultural Preserve protects lands in the fertile valley and foothill areas of Napa County in which agriculture is and should continue to be the predominant land use. Measure P was passed by voters in 2008 and requires voter approval for any changes that would re-designate unincorporated agricultural and open space lands. The Commission will consider the Agricultural Preserve and Measure P in its decision-making processes, where appropriate, prior to taking formal actions relating to SOIs.~~

12) In addition to the definitions of “agricultural lands” and “prime agricultural lands” pursuant to G.C. §56016 and §56064, respectively, the Commission shall use the County General Plan land use designations as the basis to identify agricultural and open-space lands in establishing, amending, and updating a local agency’s SOI. These definitions are as follow: (or are found in sections xxx of the County General Plan.

23) It shall be a basic policy of the Commission that the establishment, amendment, or update of a local agency’s SOI is intended to facilitate the orderly extension of the boundaries and service areas of cities and special districts which provide various types of public services~~for urban development with limited exceptions.~~

Land designated as agricultural or open-space on adopted land use plans shall not be included be approved for inclusion within any local agency’s SOI for purposes of obtaining urban services development with limited exceptions except as otherwise determined by the Commission.

34) The Commission encourages discourages proposals to amend SOIs from local agencies, residents, and landowners only when justified by special conditions and circumstances. The Commission encourages local agencies, residents and, landowners to submit SOI amendment requests to the LAFCO Executive Officer as part of the LAFCO-initiated MSR and SOI review process.

45) In reviewing In the course of an a SOI review for any local agency~~as part of an MSR~~, the Commission shall identify all existing outside services provided by the affected agency outside of its jurisdictional boundary. For any services provided outside the affected agency’s jurisdictional boundary but within its SOI, the Commission shall request the affected agency submit a proposal to annex the territory annexation plan or a justification for not annexing the territory~~that is receiving outside services.~~

It is the policy of the Commission that territory receiving services from a public agency should whenever and wherever practical be located within the boundaries of that agency.

56) In the course of reviewing a city, town or special district’s SOI, the Commission will consider the amount of vacant land within the affected agency’ seity or town’s SOI. The Commission discourages SOI amendment requests to include involving vacant or underdeveloped land

~~within the SOI when development within the existing SOI that requires the extension of urban facilities, utilities, and services where infill development is more appropriate.~~

~~67) In adopting a city or town's local agency's SOI the Commission shall consider, among other factors, the time-line or time frame of the City-adopted general plan; In adopting a special district's SOI the Commission shall consider, among other factors, the time frame of the agency's adopted improvement plan generally be used to guide annexations within a five year planning period. Inclusion of land within an SOI is one factor to be considered in reviewing a proposed shall not be construed to indicate automatic approval of an annexation proposal. Each annexation will be considered on its own merits with deference assigned to timing.~~

~~78) Any local agency's SOI shall only be amended or updated by the Commission in collaboration with the County of Napa. Prior to amending or updating an SOI, the Commission shall encourage cities and towns to first develop existing vacant and underdeveloped infill lands within their jurisdictions and SOIs to maximize the efficient use of available services and infrastructure. The same is true for the County regarding existing vacant and underdeveloped infill lands within special districts which provide urban services in the unincorporated area.~~

~~The Commission shall discourage the premature conversion of agricultural and open-space lands to urban uses. No urban development by The County should not permit be permitted to urban uses to occur on unincorporated lands within a city or town's SOI with limited exceptions. If approval of such urban development in such areas is legally required of the County, such development should conform to applicable city land use plans and standards and be landowner shall be required to record an agreement to annex the territory to the city. the subject of a joint planning effort.~~

~~89) When an annexation is proposed outside a local agency's SOI, the Commission may consider both the proposed SOI amendment and annexation and SOI amendment at the same meeting, provided - the SOI amendment to include the affected territory, however, shall be considered and determined resolved approval of prior to Commission action on the annexation.~~

~~940) A local agency's SOI should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission. This includes information contained in current MSRs including: The Commission shall consider the following municipal service criteria in determining SOIs~~

~~a) The present capacity of public facilities and adequacy of public services provided by affected local agencies within the current jurisdiction, and the adopted plans and capital improvement plans of these local agencies to address any public municipal service deficiency, including adopted capital improvement plans.~~

~~b) The present and probable need for public facilities and services within the area proposed or recommended for inclusion within the SOI, and the plans for the delivery of services to the area.~~

~~11) The Commission shall consider the following factors land use criteria in determining SOIs:~~

- a) The present and planned land uses in the area, including lands designated for agriculture and open-space.
- b) Consistency with the ~~County~~ general plan of the County and ~~the general plan of~~ any affected city or town including adopted urban growth boundaries.
- c) Consistency with Adopted general plan policies of the County and ~~of~~ any affected city or town ~~that guide future development away from lands designated for agriculture or open-space.~~
- d) Consistency with Adopted policies of the County and any affected local agencies that promote infill development of existing vacant or underdeveloped land.
- e) ~~Amount of~~ Existing vacant or underdeveloped land ~~located~~ within any affected local agency's jurisdiction and ~~current~~ SOI.
- ~~f) Adopted urban growth boundaries by the affected land use authorities.~~

B. Scheduling Sphere of Influence Reviews and Updates

G.C. §56425(g) directs the Commission to review and update each SOI every five years, as necessary.

Each year, the Commission shall adopt, based on communication with local agencies, a Work Program with a schedule for initiating and completing MSRs and SOI reviews and updates based on communication with local agencies. This includes appropriate timing with consideration of city, town, and County general plan updates. ~~The Commission shall schedule SOI updates, as necessary, based on determinations contained in MSRs.~~

C. Environmental Review

Establishing, amending and updating SOIs ~~establishments, amendments, and updates will be are~~ subject to the review procedures set forth defined in the California Environmental Quality Act (CEQA) and the Napa LAFCO CEQA Guidelines. ~~In the event the Commission is the Lead Agency under CEQA, the affected agency shall prepare the appropriate environmental documents needed to satisfy the requirements of CEQA.~~

If an environmental assessment/analysis was prepared by an agency for a project associated with establishing, amending or updating a -an SOI ~~establishment, amendment, or update~~ and LAFCO was afforded the opportunity to evaluate and comment during the Lead Agency's environmental review process, ~~then~~ LAFCO can act as a Responsible Agency under CEQA for its environmental review process.

If another agency is the "lead agency" the application to LAFCO should include A complete set of the adopted environmental documents prepared for the project, a copy of the filed Notice of Determination/Notice of Exemption, and a copy of the Department of Fish and Wildlife fee receipt ~~must be submitted as part of the application.~~ Unless LAFCO is the "lead agency" Completion of the CEQA review process must be completed will be required prior to action by the Executive Officer or the Commission.

VI. FORM OF REQUEST FOR SPHERE OF INFLUENCE AMENDMENT

As set forth in G.C. Section 56428, (a) any person or local agency may file a written request with the executive officer requesting amendments to a sphere of influence or urban service area adopted by the commission. The request shall state the nature of the proposed amendment, state the reasons for the request, include a map of the proposed amendment, and contain any additional data and information as may be required by the executive officer.”

~~Such Any person or local agency may file a written request with the Executive Officer requesting amendments to an SOI.~~ requests shall be made using the form provided in Attachment A and be accompanied by a cover letter and a map of the proposed amendment. Requests shall include an initial deposit as prescribed under the Commission’s adopted fee schedule. The Executive Officer may require additional data and information ~~to be included with the request.~~ Requests by the County, cities, towns, and special districts shall be made by resolution of application.

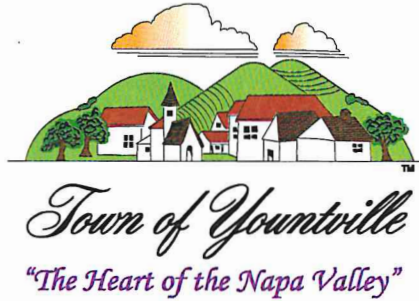
VII. REVIEW OF REQUEST FOR SPHERE OF INFLUENCE AMENDMENT

The Executive Officer shall review and determine within 30 days of receipt whether the request to amend an agency’s SOI is complete. If a request is deemed incomplete, the Executive Officer shall immediately notify the applicant and identify the information needed to accept the request for filing.

VIII. CONSIDERATION OF REQUEST FOR SPHERE OF INFLUENCE AMENDMENT

Once a request is deemed complete, the Executive Officer will prepare a written report ~~with a recommendation. and The Executive Officer will~~ present ~~the his or her~~ report and recommendation at a public hearing for Commission consideration. The public hearing will be scheduled for the next meeting of the Commission for which adequate notice can be given.

The Commission may approve, approve with conditions, or deny the request for an SOI amendment. The Commission’s determination and any required ~~determinations findings~~ will be set out in a resolution that specifies the area added to, or removed from, the ~~affected agency’s~~ SOI.



November 8, 2018

Brendon Freeman
Executive Officer
Napa LAFCO
1030 Seminary Street, Ste B
Napa, CA 94559

RE: Draft Policy on Spheres of Influence

Dear Brendon,

Thank you for the opportunity to comment on the Draft Policy on Spheres of Influence. We applaud the effort clarify the policies on Spheres of Influence and separate them from the more general policy determinations. We share here our comments for your consideration.

Section (V)(A)(2) provides that "the Commission shall use the County General Plan land use designations as the basis to identify agricultural and open-space lands in establishing, amending, and updating a local agency's SOI." The Town strongly support the use of the General Plan designation and the ongoing protection of the Agricultural Preserve. There are conditions in the Napa Valley, however, where the underlying zoning designation differs from the General Plan designation. We believe the Policy on Spheres of Influence should address this situation and offer guidance.

Sections (V)(A)(3) and (4) reference "limited exceptions" and "special conditions and circumstances", but these are not further called out with examples that would further clarify when the exception may be used. We believe greater detail on these two issues would better assist in the implementation of these policies

Thank you for the opportunity to comment.

Sincerely,


Steven Rogers
Town Manager


Sandra Liston
Planning and Building Director