



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 6a (Public Hearing)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer BF
Dawn Mittleman Longoria, Analyst II DML
MEETING DATE: October 4, 2021
SUBJECT: Sphere of Influence Reviews for Circle Oaks County Water District, Congress Valley Water District, Los Carneros Water District, Napa County Flood Control and Water Conservation District, and Napa River Reclamation District No. 2109

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Open the public hearing and take testimony;
2) Close the public hearing;
3) Receive and file the Sphere of Influence (SOI) Review for Circle Oaks County Water District (COCWD), Congress Valley Water District (CVWD), Los Carneros Water District (LCWD), Napa County Flood Control and Water Conservation District (NCFCWCD), and Napa River Reclamation District No. 2109 (NRRD), included as Attachment One; and
4) Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – SOI reviews for COCWD, CVWD, LCWD, NCFCWCD, and NRRD, and making California Environmental Quality Act (CEQA) findings, included as Attachment Two.

SUMMARY

In accordance with the Commission’s adopted Work Program for fiscal year 2021-22, staff has prepared a report representing the scheduled SOI reviews for COCWD, CVWD, LCWD, NCFCWCD, and NRRD. These SOI reviews were conducted in conjunction with the recently adopted Napa Countywide Water and Wastewater Municipal Service Review (MSR). The SOI report will serve as an appendix to the MSR.

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Representative of the General Public
Brendon Freeman
Executive Officer

The report succeeds the last SOI reviews for COCWD (completed in 2016), CVWD (completed in 2017), LCWD (completed in 2016), NCFCWCD (completed in 2016), and NRRD (completed in 2016). The report recommends affirming each district's SOI with no changes. The report also includes determinations addressing the factors required of the Commission whenever it takes any SOI actions consistent with California Government Code Section 56425. Further, the recommendations in the report are consistent with local policies, including the Commission's recently adopted *Policy on Spheres of Influence*, included as Attachment Three.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The staff recommendation to affirm the SOIs for all five special districts would be exempt from further review under CEQA pursuant to California Code of Regulations Section 15061(b)(3). This finding would be based on the Commission determining with certainty that these SOI actions would have no possibility of significantly effecting the environment given no new land use or municipal service authority is granted.

### **PROCEDURES FOR CONSIDERATION**

This item has been agendized as a noticed public hearing. The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from staff;
- 2) Open the public hearing (mandatory) and take testimony;
- 3) Close the public hearing; and
- 4) Discuss item and consider action on recommendations.

### **ATTACHMENTS**

- 1) SOI Reviews for COCWD, CVWD, LCWD, NCFCWCD, and NRRD
- 2) Draft Resolution Affirming the SOIs for COCWD, CVWD, LCWD, NCFCWCD, and NRRD, and Making CEQA Findings
- 3) LAFCO Policy on SOIs

**APPENDIX A**  
**SPHERE OF INFLUENCE REVIEWS**  
**CIRCLE OAKS COUNTY WATER DISTRICT**  
**CONGRESS VALLEY WATER DISTRICT**  
**LOS CARNEROS WATER DISTRICT**  
**NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT**  
**NAPA RIVER RECLAMATION DISTRICT NO. 2109**  
**IN CONJUNCTION WITH**  
**NAPA COUNTYWIDE WATER AND WASTEWATER MUNICIPAL SERVICE REVIEW (2020)**

**OCTOBER 4, 2021**

**PREPARED BY NAPA LAFCO STAFF**

## SPHERE OF INFLUENCE CONSIDERATIONS

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This appendix includes sphere of influence (SOI) analysis and recommendations for each of the following special districts that are subject to the Napa Countywide Water and Wastewater Municipal Service Review (MSR): Circle Oaks County Water District (COCWD); Congress Valley Water District (CVWD); Los Carneros Water District (LCWD); Napa County Flood Control and Water Conservation District (NCFCWCD); and Napa River Reclamation District No. 2109 (NRRD).

The MSR sections of this report include thorough research and analysis of the current and future operations of each subject agency. This appendix reviewing each subject agency's SOI is based on the work completed in the MSR sections. Relevant sections are referenced should the reader wish to review the detailed analysis.

CKH requires LAFCO to adopt an SOI for each city and special district located within the County. An SOI is defined in Government Code Section 56076 as "a plan for the probable physical boundary and service area of a local agency or municipality as determined by the Commission." LAFCO must make determinations with respect to the following factors when amending, establishing, reviewing, or updating an SOI:

**Present and planned land uses in the area, including agricultural and open space lands.** This factor consists of a review of current and planned land uses based on planning documents to include agricultural and open-space lands.

**Present and probable need for public facilities and services.** This factor includes a review of the services available in the area and the need for additional services.

**Present capacity of public facilities and adequacy of public services provided by the agency.** This factor includes an analysis of the capacity of public facilities and the adequacy of public services that the agency provides or is authorized to provide.

**Social or economic communities of interest.** This factor discusses the existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency. These are areas that may be affected by services provided by the agency or may be receiving services in the future.

**Present and probable need for services to disadvantaged unincorporated communities.** This factor requires the Commission to consider services to disadvantaged unincorporated communities, which are defined as inhabited areas within the SOI whose median household income is less than or equal to 80 percent of the statewide median income.

The following sections provide an evaluation of these factors along with recommendations for each subject agency.

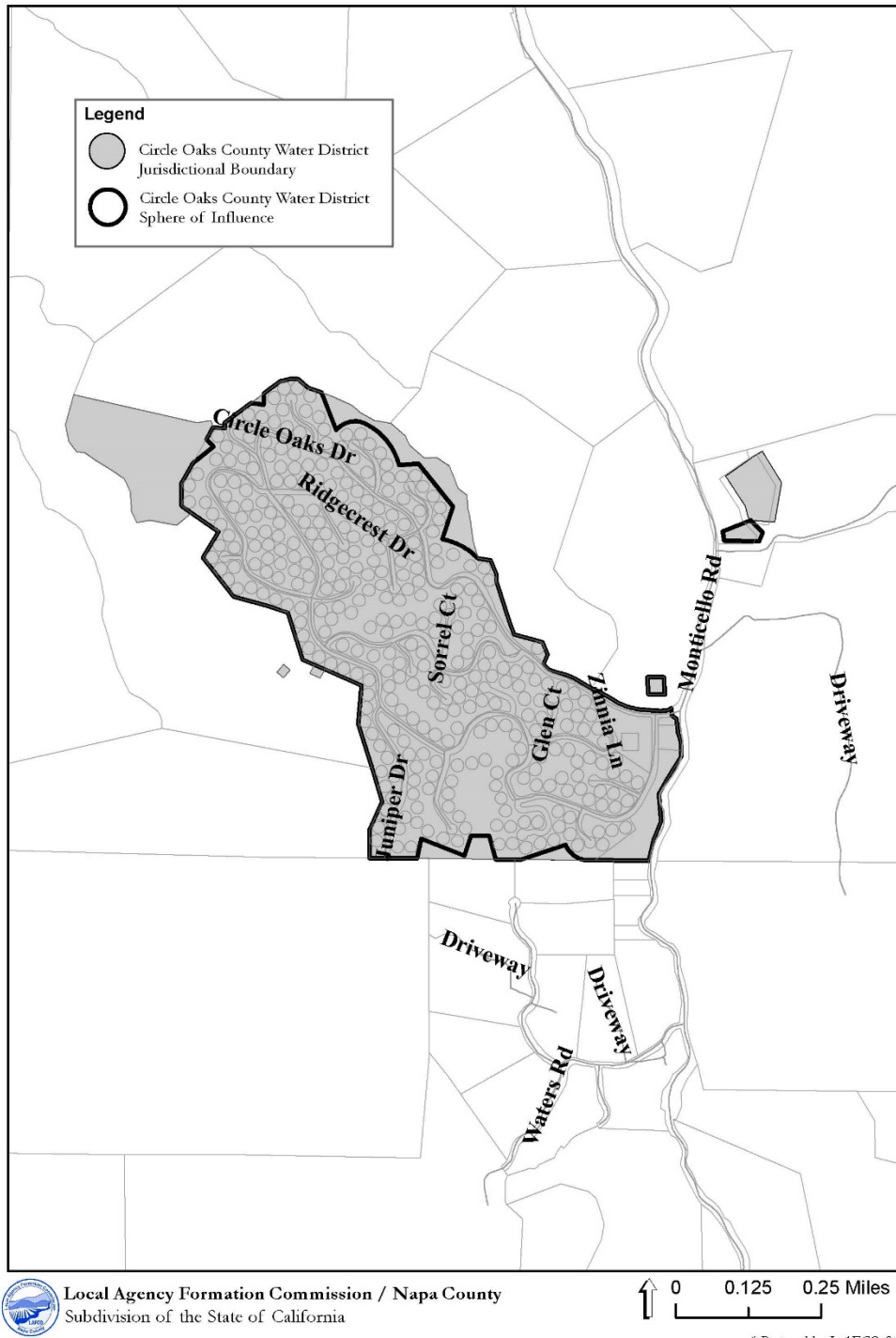
**Circle Oaks County Water District (COCWD)**

COCWD's SOI encompasses approximately 0.34 square miles, or 216 acres, entirely within its jurisdictional boundary. The SOI was reviewed and updated to include approximately 1.6 acres of jurisdictional lands in 2016. The SOI excludes approximately 36 jurisdictional acres representing the location of COCWD's groundwater wells, spring source, sewer ponds, and wastewater treatment plant, none of which will require public services from COCWD within the timeframe of this review.

The following map provides a visual of the District (Figure One).

Figure One: COCWD Map

### Circle Oaks County Water District



## Recommendation and Determinative Statements

It is recommended the Commission retain the current SOI designation of COCWD. Accordingly, the following written statements support the recommendation and address the five specific factors the Commission must prepare anytime it makes an SOI determination under G.C. Section 56425.

**Present and planned land uses in the area, including agricultural and open space lands.** The present and future land uses in COCWD's SOI are planned for by the County of Napa as the affected land use authority. The County General Plan and associated Zoning regulations provide for the current and future residential uses that characterize the majority of the SOI. These policies help to ensure that future land uses adjacent to the area will remain agricultural and open space within the foreseeable future.

**Present and probable need for public facilities and services.** COCWD provides water and sewer services within the existing SOI. These services are vital in supporting existing and future residential uses and protecting public health and safety in the area. Future growth within the SOI is expected to be insignificant within the timeframe of this review.

**Present capacity of public facilities and adequacy of public services provided by the agency.** COCWD has demonstrated its ability to provide an adequate level of water and sewer service within the existing SOI. These services were comprehensively evaluated by the Commission as part of the MSR.

**Social or economic communities of interest.** The existing SOI includes the entire Circle Oaks residential community. This community shares social and economic interdependences that are distinct from neighboring areas and enhanced by its relatively isolated location.

**Present and probable need for services to disadvantaged unincorporated communities.** According to adopted local policy, there are currently no disadvantaged unincorporated communities in COCWD's SOI.

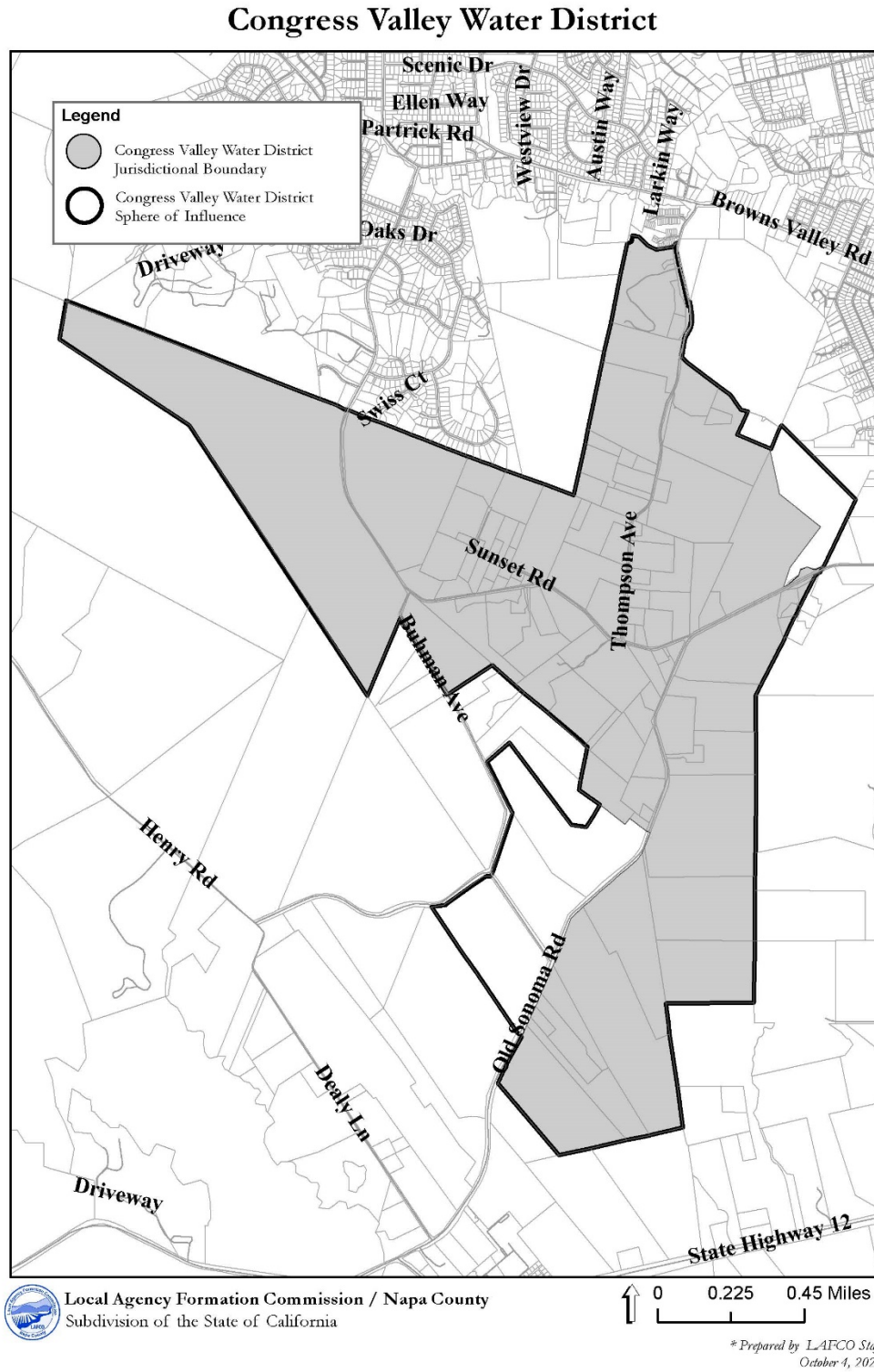
**Congress Valley Water District (CVWD)**

CVWD's SOI encompasses approximately 2.45 square miles, or 1,568 acres, consisting of the entirety of CVWD's jurisdictional boundary and four parcels outside of the District's jurisdiction that are eligible for annexation. CVWD's SOI was most recently updated in 2017, when 10.6 acres were removed. The four non-jurisdictional parcels within CVWD's SOI either have received water service from the District through outside service agreements or their landowners have expressed interest in receiving water service in the foreseeable future. Therefore, staff recommends retaining the four parcels in CVWD's SOI.

The following map provides a visual of the District (Figure Two).



Figure Two: CVWD Map



## Recommendation and Determinative Statements

It is recommended the Commission retain the current SOI designation of CVWD. Accordingly, the following written statements support the recommendation and address the five specific factors the Commission must prepare anytime it makes an SOI determination under G.C. Section 56425.

**Present and planned land uses in the area, including agricultural and open space lands.** The present and future land uses in CVWD's SOI are planned for by the County of Napa as the affected land use authority. The County General Plan and associated Zoning regulations provide for the current and future agricultural and rural residential uses within the SOI. These policies help to ensure that future land uses adjacent to the area will remain agricultural and open space within the foreseeable future.

**Present and probable need for public facilities and services.** CVWD provides water service within the existing SOI through an agreement with the City of Napa. These services are vital in supporting existing and future agricultural and rural residential uses in the area. Future growth within the SOI is expected to be insignificant within the timeframe of this review.

**Present capacity of public facilities and adequacy of public services provided by the agency.** CVWD has demonstrated its ability to provide an adequate level of water service within the existing SOI. These services were comprehensively evaluated by the Commission as part of the MSR.

**Social or economic communities of interest.** Lands within CVWD's SOI are part of a distinct community separated from the City of Napa by hills to the north and east. The area shares similar social, economic, geographic, and land use characteristics with the Carneros region located south of the Sonoma Highway. Lands within CVWD's SOI include similar agricultural and rural residential land uses that strengthen communities of interests with CVWD's SOI.

**Present and probable need for services to disadvantaged unincorporated communities.** According to adopted local policy, there are currently no disadvantaged unincorporated communities in CVWD's SOI.

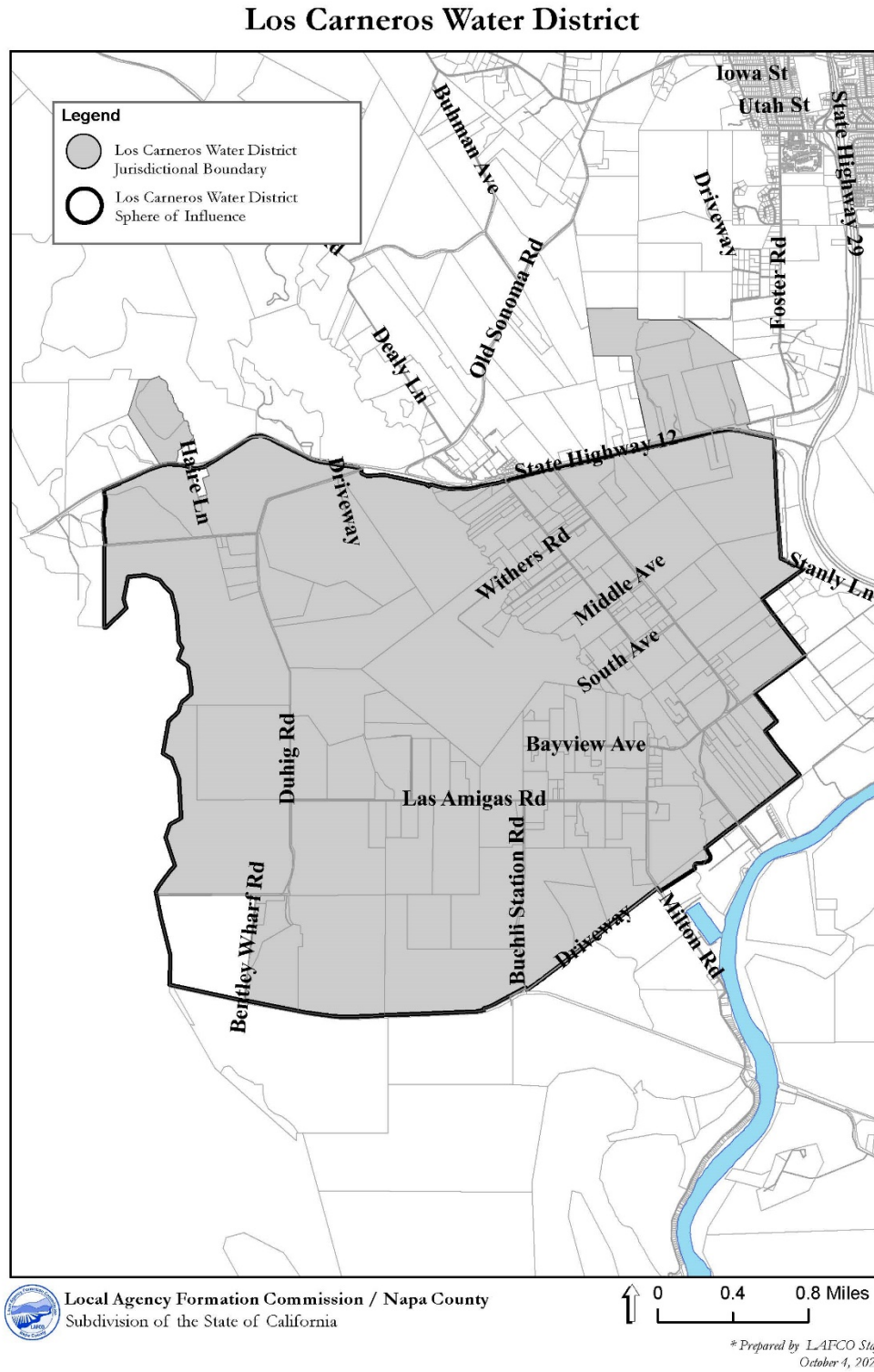
## Los Carneros Water District (LCWD)

LCWD's SOI encompasses approximately 8.77 square miles, or 5,614 acres, including the majority of its jurisdictional boundary. The SOI was reviewed and affirmed with no changes in 2016. Excluded from the SOI but within LCWD's jurisdiction are ten parcels located north of State Highway 12, one of which is partially within the SOI, totaling approximately 300 acres. In 1984, those parcels were recommended for detachment from the District, noting that the approximately 305 acres would be substantially more costly to serve than the areas south of the Highway. These areas have not been detached to date and are not recommended for inclusion within the SOI.

There are two parcels within the SOI that are not included in LCWD's jurisdiction. One of these parcels is 160.5 acres in size and located in the southwest corner of LCWD's SOI. The second parcel is 6.7 acres in size and located adjacent to State Highway 12 along the northern border of LCWD's SOI. These two parcels are not included in the assessed area to receive services from LCWD. However, there is no immediate benefit to removing them from the SOI and instead it would be appropriate for the Commission to comprehensively review SOI options for LCWD during the next review cycle in approximately five years. This would allow LCWD to pay off its loan associated with its assessment district prior to any LAFCO action related to the SOI

The following map provides a visual of the District (Figure Three).

Figure Three: LCWD Map



## Recommendation and Determinative Statements

It is recommended the Commission retain the current SOI designation of LCWD. Accordingly, the following written statements support the recommendation and address the five specific factors the Commission must prepare anytime it makes an SOI determination under G.C. Section 56425.

**Present and planned land uses in the area, including agricultural and open space lands.** The present and future land uses in LCWD's SOI are planned for by the County of Napa as the affected land use authority. The County General Plan and associated Zoning regulations provide for the current and future uses that characterize the majority of the SOI, which includes agricultural use, primarily vineyards, along with rural single-family residences and small wineries. These policies help to ensure that future land uses adjacent to the area will remain agricultural and open space within the foreseeable future.

**Present and probable need for public facilities and services.** LCWD provides recycled water service within the existing SOI through an agreement with the Napa Sanitation District. These services are vital in supporting existing and future agricultural and rural residential uses in the area. Future growth within the SOI is expected to be insignificant within the timeframe of this review.

**Present capacity of public facilities and adequacy of public services provided by the agency.** LCWD has demonstrated its ability to provide an adequate level of recycled water service within the existing SOI. These services were comprehensively evaluated by the Commission as part of the MSR.

**Social or economic communities of interest.** Lands within LCWD's SOI are located in a rural, agricultural area of southwest Napa County and does not contain any social or economic communities of interest. The nearest community is the City of Napa located northeast of LCWD.

**Present and probable need for services to disadvantaged unincorporated communities.** According to adopted local policy, there are currently no disadvantaged unincorporated communities in LCWD's SOI.

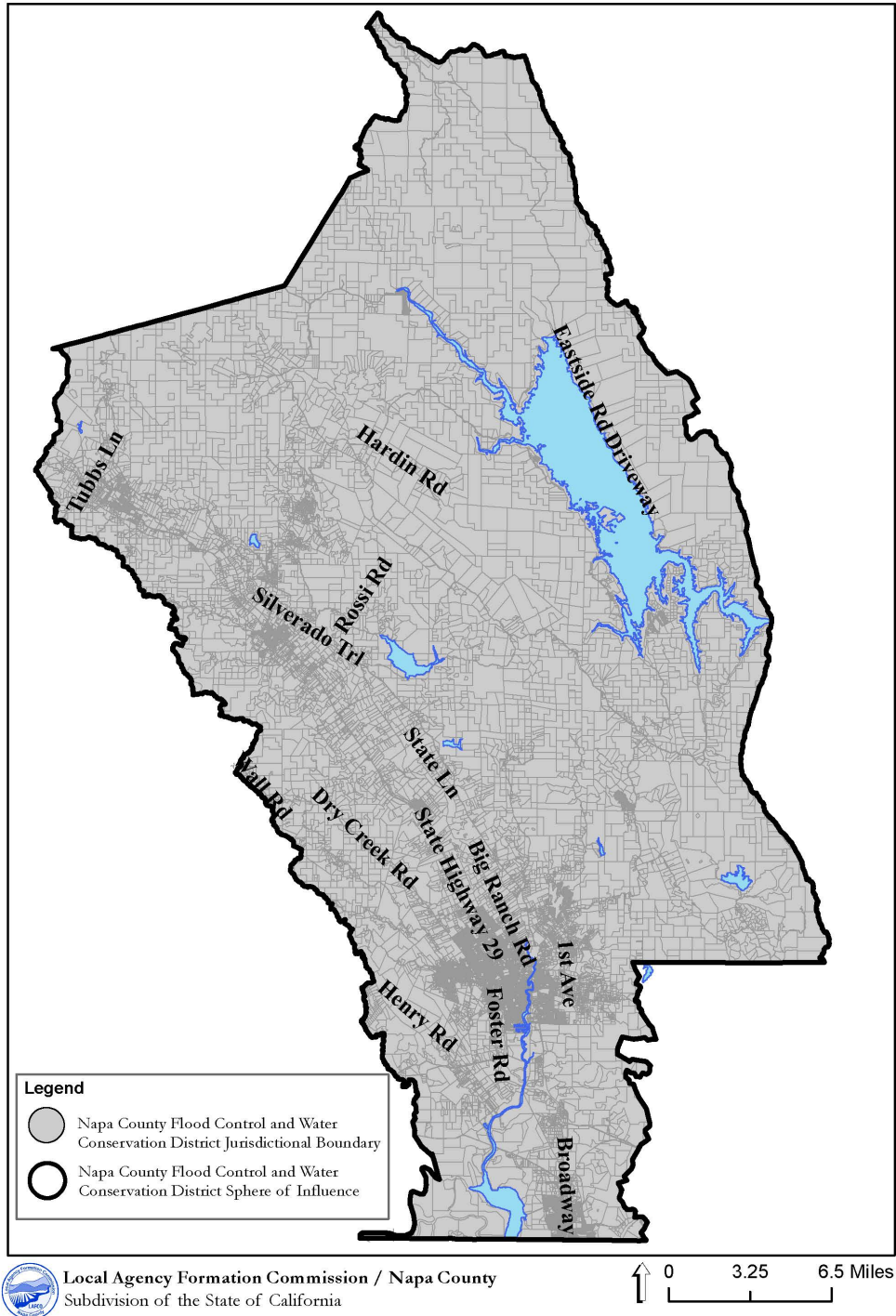
## **Napa County Flood Control and Water Conservation District (NCFCWCD)**

NCFCWCD's SOI encompasses approximately 791.4 square miles, or 506,517 acres, and is coterminous with its jurisdictional boundary. The SOI was reviewed and affirmed with no changes in 2016.

The following map provides a visual of the District (Figure Four).

Figure Four: NCFCWCD Map

Napa County Flood Control and Water Conservation District



## Recommendation and Determinative Statements

It is recommended the Commission retain the current SOI designation of NCFCWCD. Accordingly, the following written statements support the recommendation and address the five specific factors the Commission must prepare anytime it makes an SOI determination under G.C. Section 56425.

**Present and planned land uses in the area, including agricultural and open space lands.** The present and future land uses in NCFCWCD's SOI are planned for in the general plans prepared by the six land use authorities whose jurisdictions overlap the jurisdictional boundary of the District. The exercise of NCFCWCD's services, which benefit both urban and non-urban areas, will not affect the level or type of development identified in the general plans of the land use authorities.

**Present and probable need for public facilities and services.** NCFCWCD's provision of flood control and water conservation services helps to ensure adequate water supply and the protection from inundation of flood waters which are essential to the social, fiscal, and economic well-being within the existing SOI.

**Present capacity of public facilities and adequacy of public services provided by the agency.** NCFCWCD has developed policies, service plans, and revenue streams to provide adequate and effective conservation services for the area within the existing SOI. These services were comprehensively evaluated by the Commission as part of the MSR.

**Social or economic communities of interest.** The social and economic well-being of the area within the existing SOI is measurably enhanced by the services provided by NCFCWCD.

**Present and probable need for services to disadvantaged unincorporated communities.** According to adopted local policy, there are currently no disadvantaged unincorporated communities in NCFCWCD's SOI.

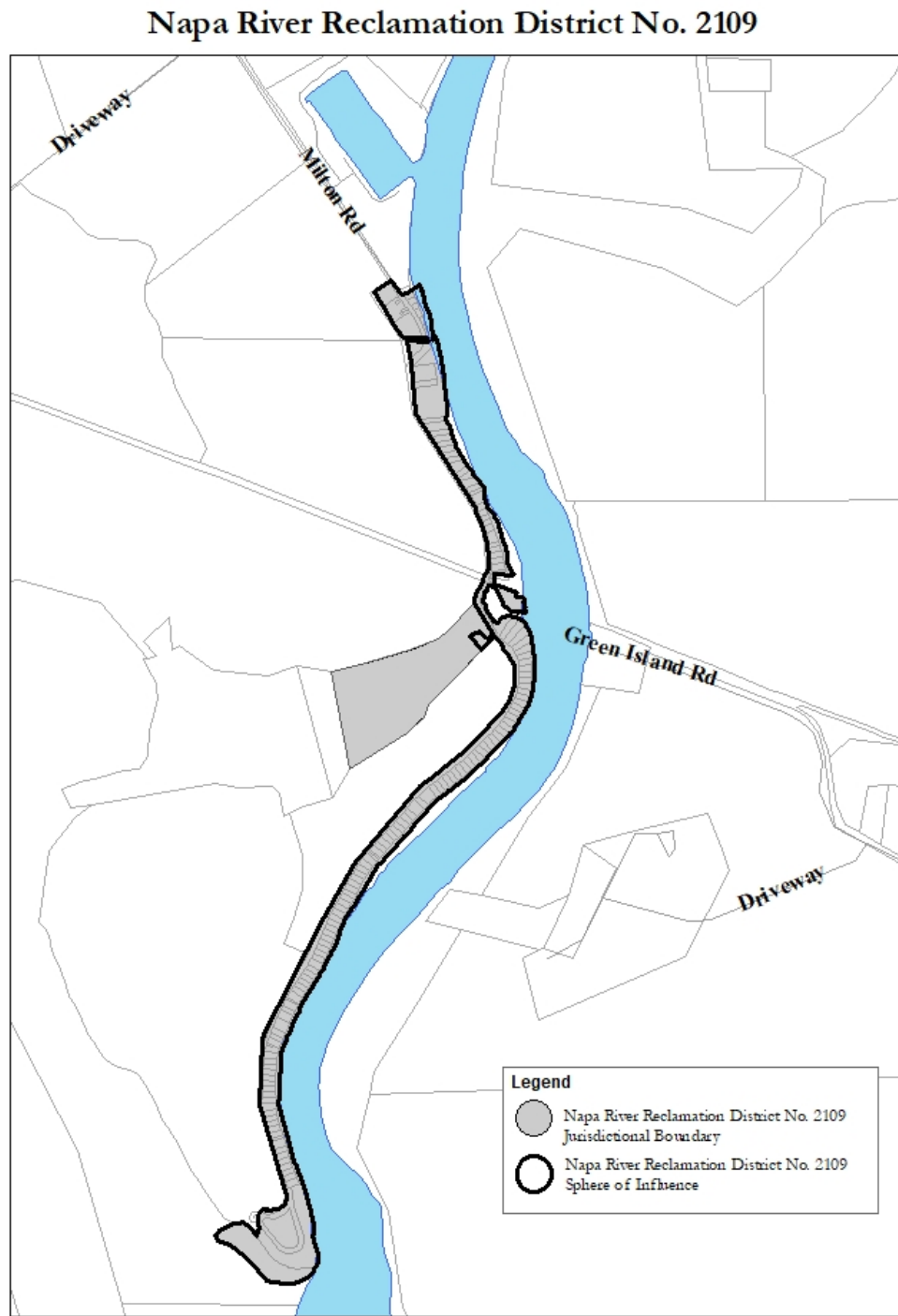


**Napa River Reclamation District No. 2109 (NRRD)**

NRRD's SOI encompasses approximately 0.08 square miles, or 54 acres, entirely within its jurisdictional boundary. The SOI was reviewed and updated to include approximately 0.4 acres of jurisdictional lands in 2016. The SOI excludes approximately 20 jurisdictional acres representing the location of NRRD's wastewater ponds, which will not require public services from NRRD within the timeframe of this review.

The following map provides a visual of the District (Figure Five).

Figure Five: NRRD Map



Local Agency Formation Commission / Napa County  
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0 0.125 0.25 Miles

*Prepared by LAFCO Staff  
October 4, 2021*

## Recommendation and Determinative Statements

It is recommended the Commission retain the current SOI designation of NRRD. Accordingly, the following written statements support the recommendation and address the five specific factors the Commission must prepare anytime it makes an SOI determination under G.C. Section 56425.

**Present and planned land uses in the area, including agricultural and open space lands.** The present and future land uses in NRRD's SOI are planned for by the County of Napa as the affected land use authority. The County General Plan and associated Zoning regulations provide for the current and future residential uses that characterize the majority of the SOI. These policies help to ensure that future land uses adjacent to the area will remain agricultural and open space within the foreseeable future.

**Present and probable need for public facilities and services.** NRRD provides sewer and limited reclamation services within the existing SOI. These services are vital in supporting existing and future residential uses and protecting public health and safety in the area. The NRRD does not have a formal reclamation plan and primarily provides sewer services given the District does not have power over the resident-owned levees and, consequently, does not have "uniform levee control." Property owners are responsible for maintaining their own levees. Future growth within the SOI is expected to be insignificant within the timeframe of this review.

**Present capacity of public facilities and adequacy of public services provided by the agency.** NRRD has demonstrated its ability to provide an adequate level of sewer service to the area. NRRD's sewer services were comprehensively evaluated by the Commission as part of the MSR.

**Social or economic communities of interest.** The existing SOI includes the entire Edgerly Island and Ingersoll Subdivisions. These two subdivisions share common social and economic characteristics that underlie the governance and service provision of NRRD.

**Present and probable need for services to disadvantaged unincorporated communities.** According to adopted local policy, there are currently no disadvantaged unincorporated communities in NRRD's SOI.

**RESOLUTION NO. \_\_\_\_\_**

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

**SPHERE OF INFLUENCE REVIEWS FOR  
CIRCLE OAKS COUNTY WATER DISTRICT, CONGRESS VALLEY WATER DISTRICT,  
LOS CARNEROS WATER DISTRICT, NAPA COUNTY FLOOD CONTROL AND WATER  
CONSERVATION DISTRICT, AND NAPA RIVER RECLAMATION DISTRICT NO. 2109**

**WHEREAS**, the Local Agency Formation Commission of Napa County, hereinafter referred to as the “Commission”, adopted a schedule to conduct studies of the provision of municipal services in conjunction with reviewing the spheres of influence (SOIs) of the local governmental agencies whose jurisdictions are within Napa County as provided under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, the Commission’s Executive Officer prepared SOI reviews for Circle Oaks County Water District (COCWD), Congress Valley Water District (CVWD), Los Carneros Water District (LCWD), Napa County Flood Control and Water Conservation District (NCFCWCD), and Napa River Reclamation District No. 2109 (NRRD) pursuant to said schedule and California Government Code Section 56425; and

**WHEREAS**, the Executive Officer prepared a written report of the review, including the recommendation to retain the current SOI designations; and

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

**WHEREAS**, the Commission heard and fully considered all the evidence presented at a public hearing held on October 4, 2021; and

**WHEREAS**, the Commission considered all the factors required under California Government Code Section 56425.

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

1. This SOI reviews have been appropriately informed by the Commission’s earlier Napa Countywide Water and Wastewater Municipal Service Review; a study that conducted an independent evaluation of the level and range of governmental services provided by COCWD, CVWD, LCWD, NCFCWCD, and NRRD, and formally accepted by the Commission on November 2, 2020.
2. The SOIs for COCWD, CVWD, LCWD, NCFCWCD, and NRRD are reviewed and affirmed with no changes as identified in the corresponding report by the Executive Officer and shown in Exhibit One.

3. The Commission, as lead agency, finds the SOI reviews for COCWD, CVWD, LCWD, NCFWCWD, and NRRD are exempt from further review under the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations Section 15061(b)(3). This finding is based on the Commission determining with certainty the reviews will have no possibility of significantly affecting the environment given no new land use or municipal service authority is granted. This finding is based on its independent judgment and analysis. The Executive Officer is the custodian of the records upon which this determination is based and such records are located at the Commission office located at 1754 Second Street, Suite C, Napa, California.
4. Pursuant to Government Code Section 56425, the Commission makes the statements of determinations in the attached Exhibit Two.
5. The effective date of the SOI reviews shall be the date of adoption set forth below.
6. The Commission hereby directs staff to file a Notice of Exemption for the SOI reviews in compliance with CEQA.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 4, 2021, after a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, by the following vote:

AYES:           Commissioners \_\_\_\_\_

NOES:           Commissioners \_\_\_\_\_

ABSENT:       Commissioners \_\_\_\_\_

ABSTAIN:      Commissioners \_\_\_\_\_

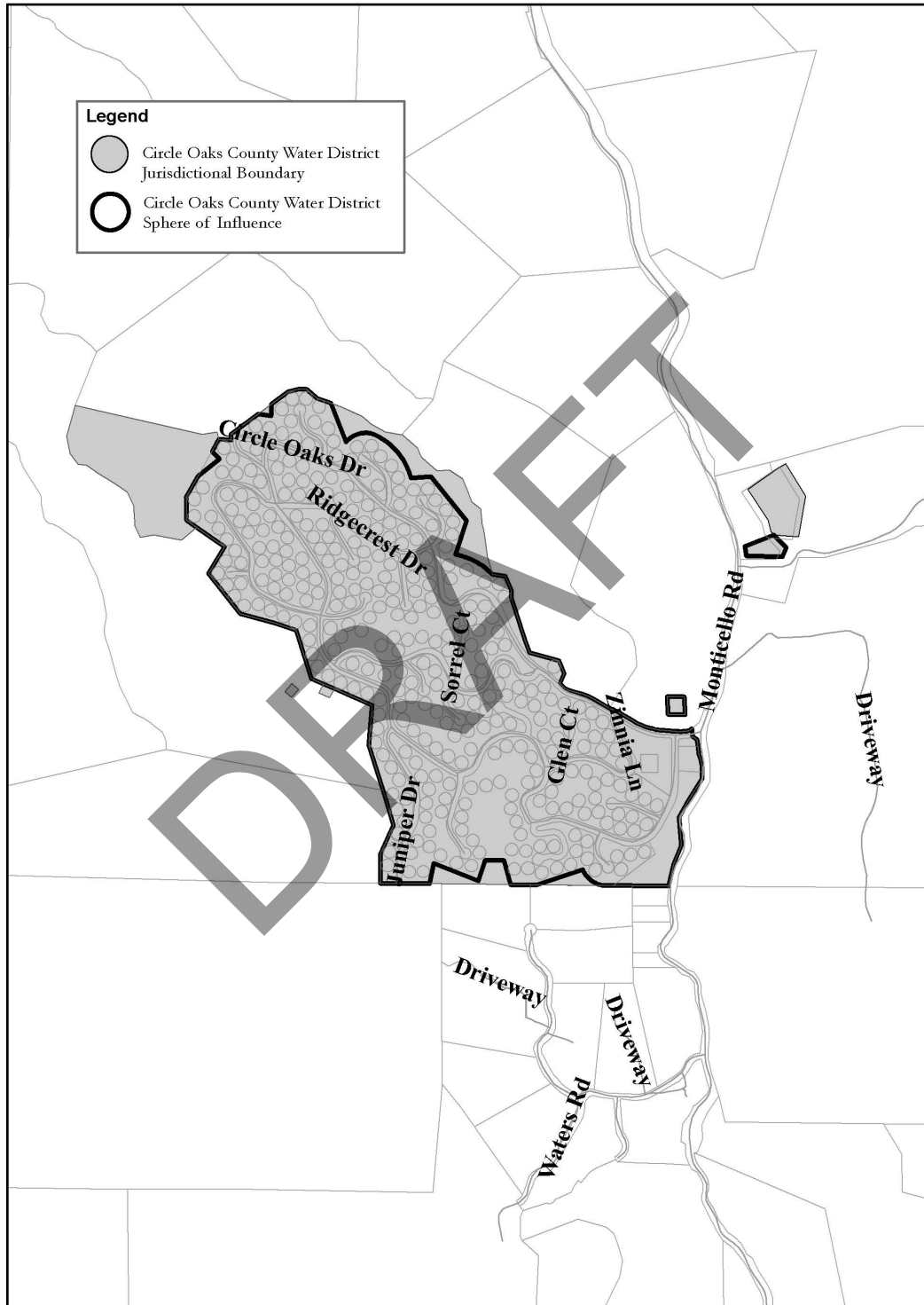
\_\_\_\_\_  
 Diane Dillon  
 Commission Chair

ATTEST: \_\_\_\_\_  
 Brendon Freeman  
 Executive Officer

Recorded by: Kathy Mabry  
 Commission Clerk

EXHIBIT ONE

Circle Oaks County Water District

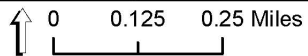


**Legend**

- Circle Oaks County Water District Jurisdictional Boundary
- Circle Oaks County Water District Sphere of Influence

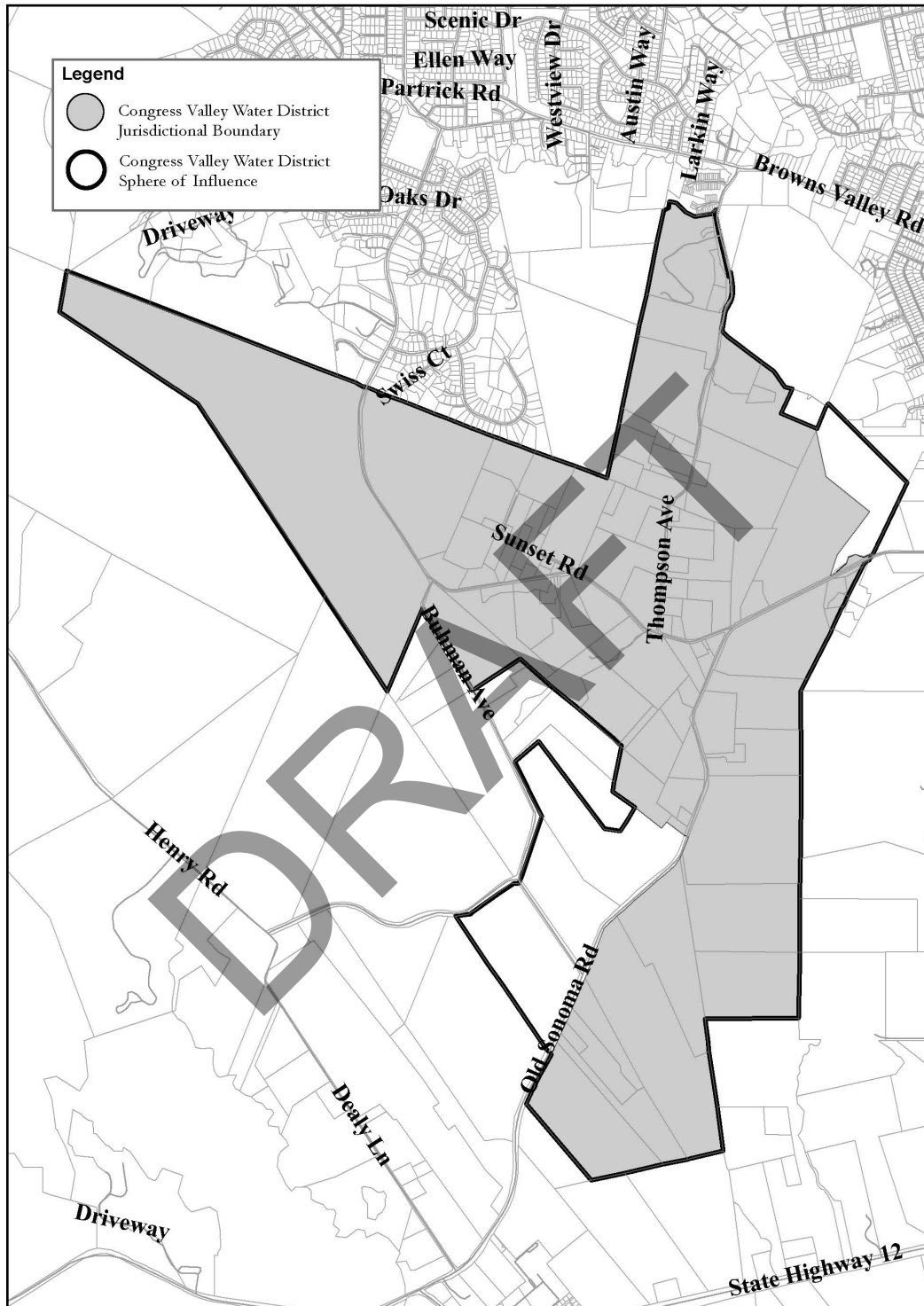


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\* Prepared by LAFCO Staff  
October 4, 2021

# Congress Valley Water District

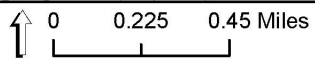


**Legend**

- Congress Valley Water District Jurisdictional Boundary
- Congress Valley Water District Sphere of Influence

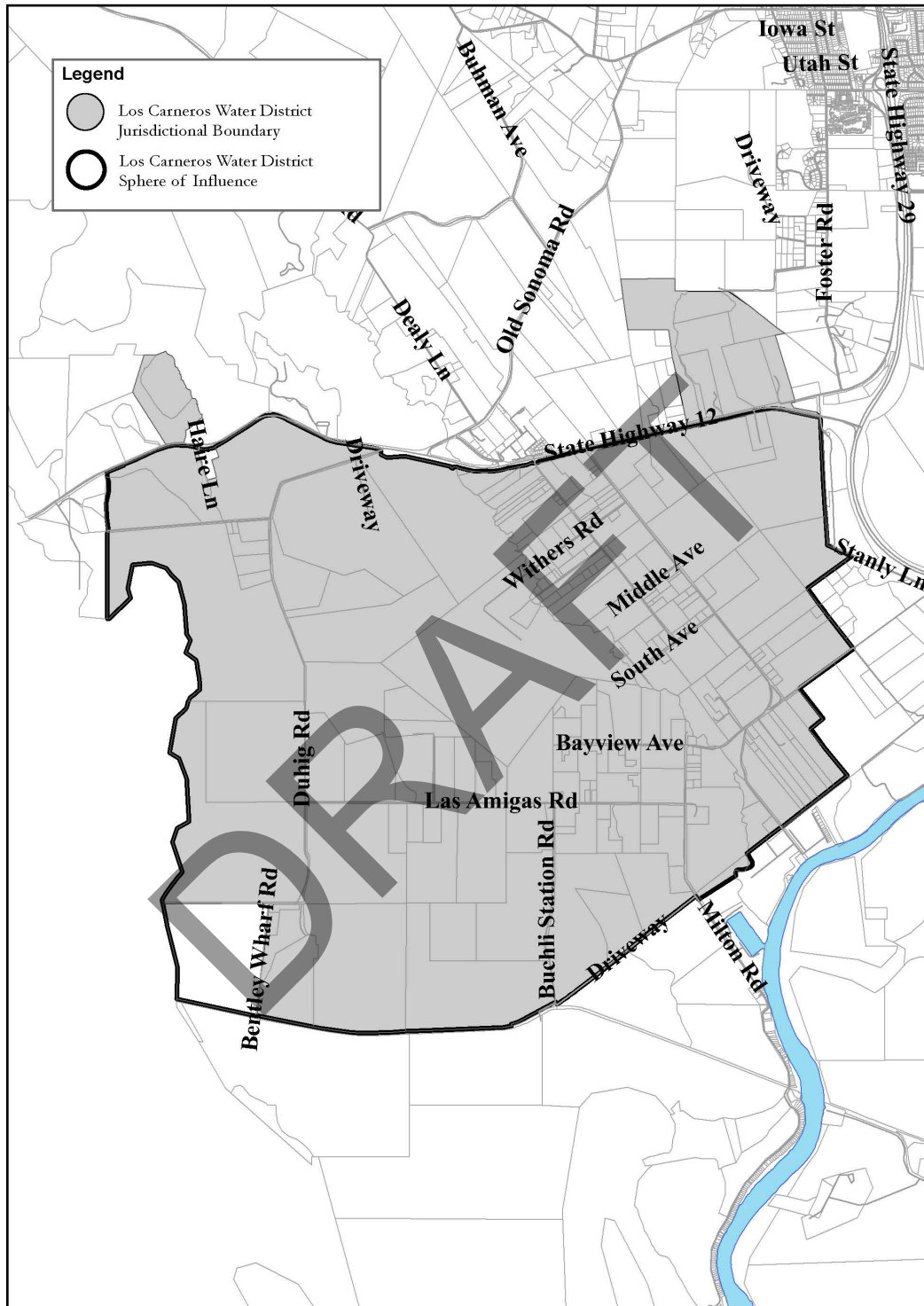


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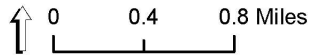


\* Prepared by LAFCO Staff  
October 4, 2021

# Los Carneros Water District



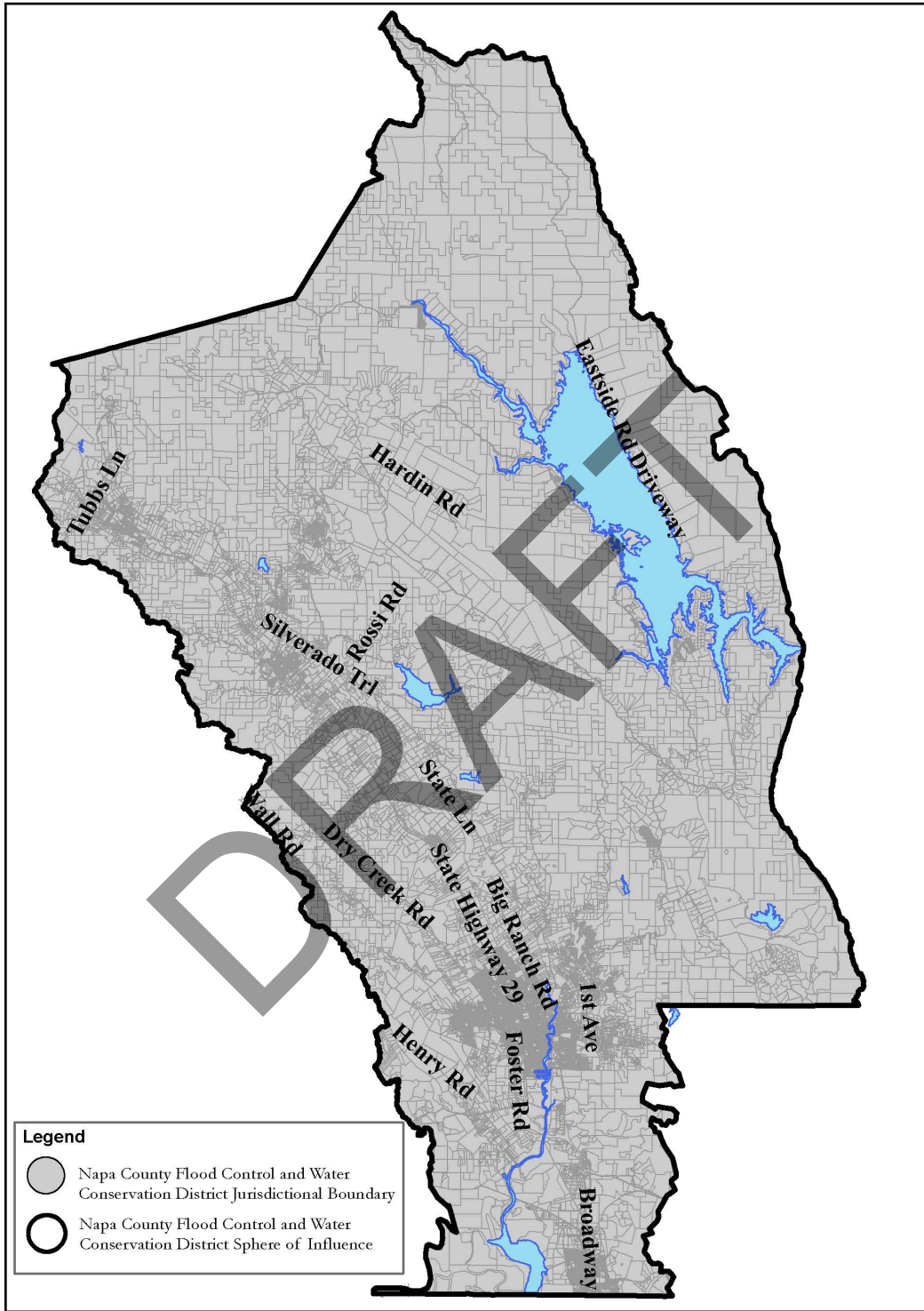
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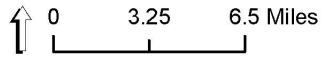
\* Prepared by LAFCO Staff  
October 4, 2021



# Napa County Flood Control and Water Conservation District

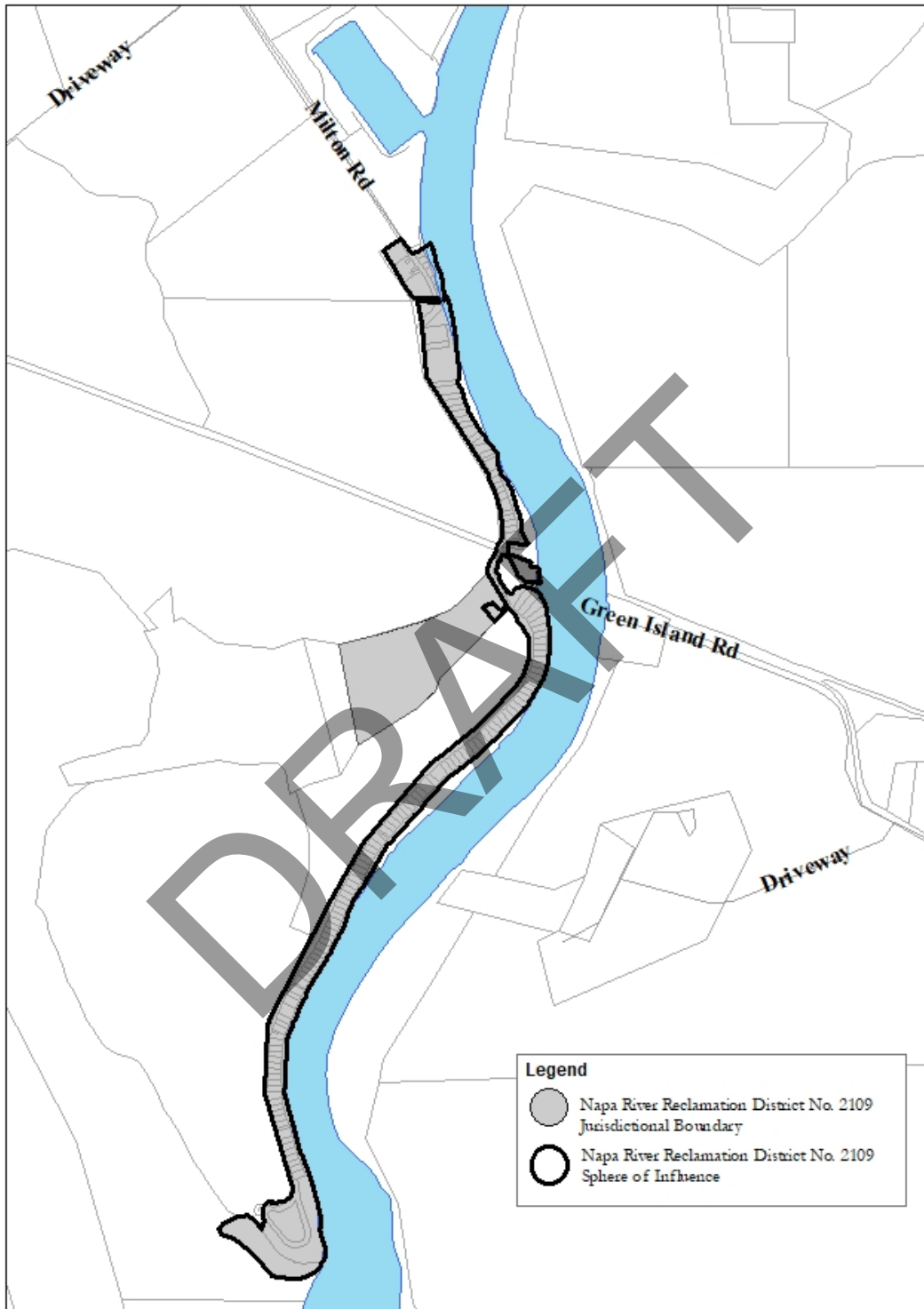


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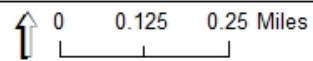


\* Prepared by LAFCO Staff  
October 4, 2021

### Napa River Reclamation District No. 2109



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



Prepared by LAFCO Staff  
October 4, 2021

**EXHIBIT TWO**  
**STATEMENTS OF DETERMINATIONS**  
**CIRCLE OAKS COUNTY WATER DISTRICT**  
**SPHERE OF INFLUENCE REVIEW**

**1. Present and planned land uses in the sphere, including agricultural and open-space lands (Government Code 56425(e)(1)):**

The present and future land uses in COCWD's SOI are planned for by the County of Napa as the affected land use authority. The County General Plan and associated Zoning regulations provide for the current and future residential uses that characterize the majority of the SOI. These policies help to ensure that future land uses adjacent to the area will remain agricultural and open space within the foreseeable future.

**2. The present and probable need for public facilities and services in the sphere (Government Code 56425(e)(2)):**

COCWD provides water and sewer services within the existing SOI. These services are vital in supporting existing and future residential uses and protecting public health and safety in the area. Future growth within the SOI is expected to be insignificant within the timeframe of this review.

**3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide (Government Code 56425(e)(3)):**

COCWD has demonstrated its ability to provide an adequate level of water and sewer service within the existing SOI. These services were comprehensively evaluated by the Commission as part of the MSR.

**4. The existence of any social or economic communities of interest in the sphere if the Commission determines that they are relevant to the agency (Government Code 56425(e)(4)):**

The existing SOI includes the entire Circle Oaks residential community. This community shares social and economic interdependences that are distinct from neighboring areas and enhanced by its relatively isolated location.

**5. Present and probable need for public services for disadvantaged unincorporated communities (Government Code 56425(e)(5)):**

According to adopted local policy, there are currently no disadvantaged unincorporated communities in COCWD's SOI.

**CONGRESS VALLEY WATER DISTRICT  
SPHERE OF INFLUENCE REVIEW**

**1. Present and planned land uses in the sphere, including agricultural and open-space lands (Government Code 56425(e)(1)):**

The present and future land uses in CVWD's SOI are planned for by the County of Napa as the affected land use authority. The County General Plan and associated Zoning regulations provide for the current and future agricultural and rural residential uses within the SOI. These policies help to ensure that future land uses adjacent to the area will remain agricultural and open space within the foreseeable future.

**2. The present and probable need for public facilities and services in the sphere (Government Code 56425(e)(2)):**

CVWD provides water service within the existing SOI through an agreement with the City of Napa. These services are vital in supporting existing and future agricultural and rural residential uses in the area. Future growth within the SOI is expected to be insignificant within the timeframe of this review.

**3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide (Government Code 56425(e)(3)):**

CVWD has demonstrated its ability to provide an adequate level of water service within the existing SOI. These services were comprehensively evaluated by the Commission as part of the MSR.

**4. The existence of any social or economic communities of interest in the sphere if the Commission determines that they are relevant to the agency (Government Code 56425(e)(4)):**

Lands within CVWD's SOI are part of a distinct community separated from the City of Napa by hills to the north and east. The area shares similar social, economic, geographic, and land use characteristics with the Carneros region located south of the Sonoma Highway. Lands within CVWD's SOI include similar agricultural and rural residential land uses that strengthen communities of interests with CVWD's SOI.

**5. Present and probable need for public services for disadvantaged unincorporated communities (Government Code 56425(e)(5)):**

According to adopted local policy, there are currently no disadvantaged unincorporated communities in CVWD's SOI.

**LOS CARNEROS WATER DISTRICT  
SPHERE OF INFLUENCE REVIEW**

**1. Present and planned land uses in the sphere, including agricultural and open-space lands (Government Code 56425(e)(1)):**

The present and future land uses in LCWD's SOI are planned for by the County of Napa as the affected land use authority. The County General Plan and associated Zoning regulations provide for the current and future uses that characterize the majority of the SOI, which includes agricultural use, primarily vineyards, along with rural single-family residences and small wineries. These policies help to ensure that future land uses adjacent to the area will remain agricultural and open space within the foreseeable future.

**2. The present and probable need for public facilities and services in the sphere (Government Code 56425(e)(2)):**

LCWD provides recycled water service within the existing SOI through an agreement with the Napa Sanitation District. These services are vital in supporting existing and future agricultural and rural residential uses in the area. Future growth within the SOI is expected to be insignificant within the timeframe of this review.

**3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide (Government Code 56425(e)(3)):**

LCWD has demonstrated its ability to provide an adequate level of recycled water service within the existing SOI. These services were comprehensively evaluated by the Commission as part of the MSR.

**4. The existence of any social or economic communities of interest in the sphere if the Commission determines that they are relevant to the agency (Government Code 56425(e)(4)):**

Lands within LCWD's SOI are located in a rural, agricultural area of southwest Napa County and does not contain any social or economic communities of interest. The nearest community is the City of Napa located northeast of LCWD.

**5. Present and probable need for public services for disadvantaged unincorporated communities (Government Code 56425(e)(5)):**

According to adopted local policy, there are currently no disadvantaged unincorporated communities in LCWD's SOI.

**NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT  
SPHERE OF INFLUENCE REVIEW**

**1. Present and planned land uses in the sphere, including agricultural and open-space lands (Government Code 56425(e)(1)):**

The present and future land uses in NCFCWCD's SOI are planned for in the general plans prepared by the six land use authorities whose jurisdictions overlap the jurisdictional boundary of the District. The exercise of NCFCWCD's services, which benefit both urban and non-urban areas, will not affect the level or type of development identified in the general plans of the land use authorities.

**2. The present and probable need for public facilities and services in the sphere (Government Code 56425(e)(2)):**

NCFCWCD's provision of flood control and water conservation services helps to ensure adequate water supply and the protection from inundation of flood waters which are essential to the social, fiscal, and economic well-being within the existing SOI.

**3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide (Government Code 56425(e)(3)):**

NCFCWCD has developed policies, service plans, and revenue streams to provide adequate and effective conservation services for the area within the existing SOI. These services were comprehensively evaluated by the Commission as part of the MSR.

**4. The existence of any social or economic communities of interest in the sphere if the Commission determines that they are relevant to the agency (Government Code 56425(e)(4)):**

The social and economic well-being of the area within the existing SOI is measurably enhanced by the services provided by NCFCWCD.

**5. Present and probable need for public services for disadvantaged unincorporated communities (Government Code 56425(e)(5)):**

According to adopted local policy, there are currently no disadvantaged unincorporated communities in NCFCWCD's SOI.

**NAPA RIVER RECLAMATION DISTRICT NO. 2109  
SPHERE OF INFLUENCE REVIEW**

**1. Present and planned land uses in the sphere, including agricultural and open-space lands (Government Code 56425(e)(1)):**

The present and future land uses in NRRD's SOI are planned for by the County of Napa as the affected land use authority. The County General Plan and associated Zoning regulations provide for the current and future residential uses that characterize the majority of the SOI. These policies help to ensure that future land uses adjacent to the area will remain agricultural and open space within the foreseeable future.

**2. The present and probable need for public facilities and services in the sphere (Government Code 56425(e)(2)):**

NRRD provides sewer and limited reclamation services within the existing SOI. These services are vital in supporting existing and future residential uses and protecting public health and safety in the area. The NRRD does not have a formal reclamation plan and primarily provides sewer services given the District does not have power over the resident-owned levees and, consequently, does not have "uniform levee control." Property owners are responsible for maintaining their own levees. Future growth within the SOI is expected to be insignificant within the timeframe of this review.

**3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide (Government Code 56425(e)(3)):**

NRRD has demonstrated its ability to provide an adequate level of sewer service to the area. NRRD's sewer services were comprehensively evaluated by the Commission as part of the MSR.

**4. The existence of any social or economic communities of interest in the sphere if the Commission determines that they are relevant to the agency (Government Code 56425(e)(4)):**

The existing SOI includes the entire Edgerly Island and Ingersoll Subdivisions. These two subdivisions share common social and economic characteristics that underlie the governance and service provision of NRRD.

**5. Present and probable need for public services for disadvantaged unincorporated communities (Government Code 56425(e)(5)):**

According to adopted local policy, there are currently no disadvantaged unincorporated communities in NRRD's SOI.



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Policy on Spheres of Influence*

(Adopted on June 7, 2021)

#### **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 in part 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. Requests to amend an SOI may be made by any person or local agency as described in Section VI of this policy. Requests to amend an SOI are encouraged to be filed with LAFCO’s Executive Officer as part of the Commission’s municipal service review (MSR) and SOI review process.

#### **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 the protection of the environment and agricultural and open space lands while also ensuring the 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**

Recognizing that an SOI 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. “Agricultural lands” are defined as set forth in [G.C. §56016](#).
- B. “Open space” are defined as set forth in [G.C. §56059](#).
- C. “Prime agricultural land” is defined as set forth in [G.C. §56064](#).
- D. “Infill” is defined as set forth in [Public Resources Code §21061.3](#).
- E. “Underdeveloped land” is defined as land that lacks components of urban development such as utilities or structure(s).
- F. “Vacant land” is defined as land that has no structure(s) on it and is not being used. Agricultural and open space uses are considered a land use and therefore the underlying land is not considered vacant land.
- G. “SOI establishment” refers to the initial adoption of a city or special district SOI by the Commission.
- H. “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.
- I. “SOI review” refers to a comprehensive review of an established SOI conducted as part of an MSR. Based on information collected in the SOI review component of an MSR, the Commission shall determine if an SOI update is needed.
- J. “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.
- K. “Zero SOI” when determined by the Commission, indicates a local agency should be dissolved and its service area and service responsibilities assigned to one or more other local agencies.
- L. “Study area” refers to territory evaluated as part of an SOI update for possible addition to, or removal from, an established SOI. The study areas shall be identified by the Commission in consultation with all affected agencies.

## **V. LOCAL CONSIDERATIONS**

### **A. General Guidelines for Determining Spheres of Influence**

The following factors are intended to provide a framework for the Commission to balance competing interests in making determinations related to SOIs. No single factor is determinative. The Commission retains discretion to exercise its independent judgment as appropriate:

- 1) Land defined or designated in the County of Napa General Plan land use map as agricultural or open space shall not be approved for inclusion within any local agency's SOI for purposes of new urban development unless the action is consistent with the objectives listed in Section III of this policy.
- 2) The Commission encourages residents, landowners, and local agencies to submit requests for changes to SOIs to the LAFCO Executive Officer as part of the LAFCO-initiated MSR and SOI review process.
- 3) 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 J was passed by voters in 1990 and 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 intent of voters in passing Measure J and Measure P in its decision making processes to the extent they apply, prior to taking formal actions relating to SOIs.
- 4) 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 explanation for not annexing the territory that is receiving outside services. For any services provided outside an agency's jurisdictional boundary and SOI, the Commission encourages a dialogue between the County and the affected agency relating to mutually beneficial provisions.
- 5) 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.

- 6) 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.
- 7) 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.
- 8) 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.
- 9) The Commission shall consider, at a minimum, 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. If an environmental assessment or analysis is prepared by an agency for a project associated with an SOI establishment, amendment, or update, and LAFCO is 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. All 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 Commission.

**VI. REQUESTS FOR SPHERE OF INFLUENCE AMENDMENTS**

**A. Form of Request**

Any person or local agency may file a written request with the Executive Officer requesting amendments to an SOI pursuant to [G.C. §56428\(a\)](#). 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 Schedule of Fees and Deposits. 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.

**B. Review of Request**

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.

**C. Consideration of Request**

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. While the Commission encourages the participation and cooperation of the subject agencies, the determination of an SOI is a LAFCO responsibility and the Commission is the sole authority as to the sufficiency of the documentation and consistency with law and LAFCO policy.

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

**Questionnaire for Amending a Sphere of Influence**

1. Applicant information:

Name: \_\_\_\_\_

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

Telephone Number: \_\_\_\_\_ (Primary) \_\_\_\_\_ (Secondary)

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

2. What is the purpose for the proposed sphere of influence amendment?

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

3. Describe the affected territory in terms of location, size, topography, and any other pertinent characteristics.

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

4. Describe the affected territory's present and planned land uses.

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

- 5. Identify the current land use designation and zoning standard for the affected territory.

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- 6. Is the affected territory subject to a Williamson Act contract? If yes, please provide a copy of the contract along with any amendments.

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- 7. If applicable, identify the governmental agencies currently providing the listed municipal services to the affected territory.

Water: \_\_\_\_\_

Sewer: \_\_\_\_\_

Fire: \_\_\_\_\_

Police: \_\_\_\_\_

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

Date: \_\_\_\_\_

Signature: \_\_\_\_\_