



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

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Napa, California 94559  
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www.napa.lafco.ca.gov

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

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**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:** August 2, 2021

**SUBJECT:** Sphere of Influence Reviews and Updates for Lake Berryessa Resort Improvement District, Napa Berryessa Resort Improvement District, and Spanish Flat Water District

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**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 and Update of the Lake Berryessa Region (Attachment One);
- 4) Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Lake Berryessa Resort Improvement District (LBRID) SOI Review and making California Environmental Quality Act (CEQA) findings (Attachment Two);
- 5) Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Napa Berryessa Resort Improvement District (NBRID) SOI Review and Update and making CEQA findings (Attachment Three); and
- 6) Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Spanish Flat Water District (SFWD) SOI Review and Update and making CEQA findings (Attachment Four).

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Eve Kahn, Alternate Commissioner  
Representative of the General Public

Brendon Freeman  
*Executive Officer*

## **SUMMARY**

In accordance with the Commission's adopted Work Program for fiscal year 2021-22, staff has prepared a Sphere of Influence Review for the Lake Berryessa Region ("the report") in conjunction with the recently adopted *Napa Countywide Water and Wastewater Municipal Service Review* (MSR). The report will serve as an appendix to the MSR. The report succeeds the last SOI reviews and updates for LBRID, NBRID, and SFWD adopted by the Commission in 2012 and 2013. The report includes determinations addressing the factors required of the Commission whenever it takes any SOI actions.

The following is a brief summary of the staff recommendations included in the report.

### **Lake Berryessa Resort Improvement District:**

No study areas were identified. The report recommends affirming LBRID's SOI with no changes.

### **Napa Berryessa Resort Improvement District:**

One study was identified that comprises two parcels owned and used by NBRID as the District's wastewater treatment facilities. An aerial map of the NBRID study areas is included as Attachment Five. The report recommends expanding NBRID's SOI to include the entire study area to allow the District to annex the area in the future for purposes of cost savings through property tax reduction.

### **Spanish Flat Water District:**

One study was identified that comprises two parcels under private ownership. An aerial map of the NBRID study areas is included as Attachment Six. The previous SOI update completed in 2013 concluded that inclusion of an approximate 7.9-acre portion of the study area conformed to Commission's policies and was recommended for inclusion within SFWD's SOI. This portion of the study area includes one entire parcel identified as APNs 019-280-004 and the portion designated as *Marine Commercial* of parcel APN 019-280-006. There was no immediate interest from the property owner at that time to connect to SFWD's water or sewer services, and therefore the Commission did not expand the SOI at that time. However, the recent wildfires in this High Fire Severity Zone has prompted a request from the property owner for a more reliable water source through SFWD. The report recommends expanding SFWD's SOI to include the 7.9-acre portion of the study area to allow the area to be annexed in the future, which would allow the existing urban-type uses on the parcels to begin receiving public water and sewer services. Only the *Marine Commercial* portion of APN 019-280-006 is recommended for inclusion given that the remainder of the parcel is designated *Agricultural Watershed*. The agricultural designation for the remainder of APN 019-280-006 would require a vote to change the zoning (Measure J and P).

The recommendations in the report and summarized above are consistent with local policies, including the Commission's recently adopted *Policy on Spheres of Influence*, included as Attachment Seven.

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

The staff recommendation to (1) affirm LBRID's sphere with no changes; (2) expand NBRID's sphere to include two District owned parcels identified as APNs 019-220-028 and 019-220-038; and (3) expand SFWD's sphere to include one entire parcel identified as APNs 019-280-004 and the portion of parcel APN 019-280-006 designated as *Marine Commercial* 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.

## **ALTERNATIVES FOR ACTION**

The Commission is invited to consider its alternatives prior to taking action on this item. Notably, this includes possible changes to the staff recommendations for each affected agency. In particular, the Commission may wish to consider expanding or reducing the areas recommended for inclusion within NBRID's SOI and SFWD's SOI. The Commission may also wish to consider continuing this entire item or specific components of this item to a future meeting, and direct staff to return with more information. If any or all of this item is continued, it is recommended the Commission consider directing staff to circulate the affected components of this item for a formal public review and comment period for a specified time period.

## **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
- 3) Discuss item and consider action on recommendations.

## **ATTACHMENTS**

- 1) SOI Review and Update of the Lake Berryessa Region
- 2) Draft Resolution Affirming LBRID's SOI and Making CEQA Findings
- 3) Draft Resolution Updating NBRID's SOI and Making CEQA Findings
- 4) Draft Resolution Updating SFWD's SOI and Making CEQA Findings
- 5) Aerial Map of NBRID Study Area
- 6) Aerial Map of SFWD Study Area
- 7) LAFCO Policy on SOIs

**APPENDIX A**  
**SPHERE OF INFLUENCE REVIEW AND UPDATE**  
**OF THE LAKE BERRYESSA REGION\***  
**IN CONJUNCTION WITH**  
**NAPA COUNTYWIDE WATER AND WASTEWATER MUNICIPAL SERVICE REVIEW (2020)**

**\*LAKE BERRYESSA REGION DISTRICTS:**

**LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT (LBRID)**

**NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT (NBRID)**

**SPANISH FLAT WATER DISTRICT (SFWD)**

**AUGUST 2, 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): Lake Berryessa Resort Improvement District (LBRID); Napa Berryessa Resort Improvement District (NBRID); and Spanish Flat Water District (SFWD).

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.

## Lake Berryessa Resort Improvement District (LBRID)

LBRID's SOI encompasses approximately 0.34 square miles, or 217 acres, entirely within its jurisdictional boundary.<sup>1</sup> The SOI was reviewed and affirmed with no changes in 2012. The SOI excludes approximately 1,811 jurisdictional acres with 48 parcels, of which eight units are served by septic systems and well water. The following map provides a visual of the District (Figure One).

No residential units outside the SOI are connected to the LBRID system nor have the existing unserved units approached the District about extending service; tentative plans to develop the Unit One subdivision, which is outside the SOI, were considered but "the cost was prohibitive, and the project abandoned."<sup>2</sup>

The 1,811 acres within the District's jurisdictional boundary, but outside its SOI, include parcels of record that could apply for development permits. However, as noted above, the costs of extending utility services as well as other public infrastructure and roads makes development unlikely within the next ten years or more. Sufficient undeveloped lots exist within the SOI to accommodate recent and potential development for at least ten years considering recent trends and future population projections.<sup>3</sup>

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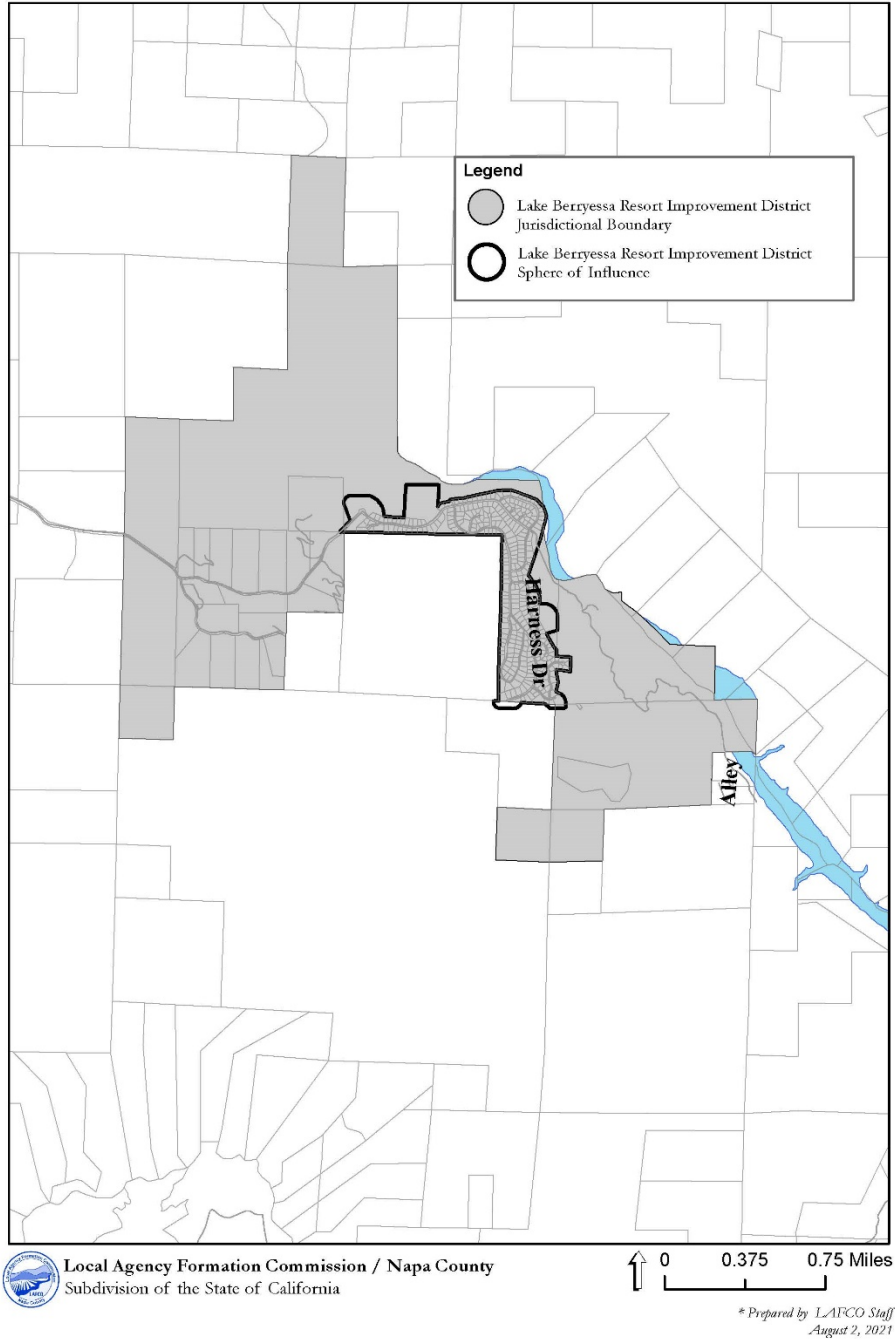
<sup>1</sup> Correspondence from A. Martinez, County of Napa, 1/23/2020.

<sup>2</sup> Follow-up response rec'd 12/9/19 to LBRID interview 12/4/19.

<sup>3</sup> CWWMSR, Chapter 11, LBRID "Agency Overview"

Figure One: LBRID Map

Lake Berryessa Resort Improvement District



## Recommendation and Determinative Statements

It is recommended the Commission retain the current SOI designation of LBRID. 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.** LBRID's SOI excludes substantial areas within its boundaries, which are designated for single-family development, however, those areas currently are not served by the District and there are minimal prospects of those lands developing and requiring services within a ten-year time horizon.

**Present and probable need for public facilities and services.** There is a present need for LBRID's water and sewer services throughout the recommended SOI to support the existing and continued development of the Berryessa Estates community.

**Present capacity of public facilities and adequacy of public services provided by the agency.** Ensuring adequate water supply availability is a priority for all agencies. It was found that during normal year scenarios, all of the public water retailers in Napa County have sufficient water supply under normal conditions given existing demand. The MSR section of this report indicates LBRID's water services are sufficiently capacitated to meet both existing and projected needs in the recommended SOI. An October 2020 Leak Survey found only one possible leak on Lariat Street. The July 2019 Leak Survey Report pinpointed a leak on Colt Court. Water losses are within the AWWA leakage index guidelines. No citations / violations on reporting or Maximum Contaminant Level exceedances.<sup>4</sup> The MSR indicates sewer services are adequately capacitated and a number of system improvements have been completed. However, ongoing improvements to replace aging infrastructure and to upgrade facilities are planned and/or underway. The ability of LBRID to address these and other improvements are constrained by the District's ongoing fiscal distress tied – among other reasons – to operating aging infrastructure in a confined and economically depressed area. Fortunately, no homes were destroyed in the wildfires of 2020. LBRID has undertaken major upgrades to its water and wastewater system since the 2011 Lake Berryessa Region MSR identified significant infrastructure needs.

**Social or economic communities of interest.** The affected territory within LBRID's recommended SOI has established strong social and economic interdependencies with the District. These ties are affirmed and strengthened by this review.

**Present and probable need for services to disadvantaged unincorporated communities.** According to Napa LAFCO's definition of disadvantaged unincorporated communities (DUCs), LBRID is not a DUC.<sup>5</sup> However, the Rural Community Assistance Corporation (RCAC) conducted a Median Household Income Survey on behalf of the District in the spring of 2018 and determined that the community qualified as a Disadvantaged Community (DAC), which differs from the definition of a DUC under local policy.<sup>6</sup> The DAC status enabled application to the State for financial assistance. The results of the survey apply for a five-year period and a new survey is likely in 2023.<sup>7</sup>

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<sup>4</sup> Correspondence from Christopher Silke, District Staff, County of Napa 6/25/2021

<sup>5</sup> Napa Local Agency Formation Commission, Policy on Disadvantaged Unincorporated Communities, 2018.

<sup>6</sup> LBRID Agenda Letter 9/11/18.

<sup>7</sup> Follow-up response rec'd 12/9/19 to LBRID interview 12/4/19.



## Napa Berryessa Resort Improvement District (NBRID)

NBRID's SOI encompasses approximately 1.0 square mile, or 774 acres.<sup>8</sup> The SOI was updated in 2013 to include the 10-lot "Oakridge Estates" subdivision.<sup>9</sup> The SOI excludes approximately 1,252.5 jurisdictional acres.

The 1,252.5 acres within the District's jurisdictional boundary but outside its SOI include parcels of record that could apply for development permits, however, the costs of extending utility services as well as other public infrastructure and roads makes development unlikely within the next ten years or more. Sufficient undeveloped lots exist within the SOI to accommodate recent and potential development for at least ten years considering recent trends and future population projections.

Currently certain District facilities, including its treated wastewater storage and disposal areas, are located on parcels outside District boundaries as shown on the following map (Figure Two). NBRID has indicated an interest in annexing those parcels in order to recognize District ownership and use.<sup>10</sup>

Of note is the impact of the August 2020 Lightning Complex Fires, which burned approximately 110 homes within NBRID's boundaries and 109 homes within the SOI.<sup>11</sup> Additionally, the fires destroyed or damaged a portion of NBRID's facilities, including the treated effluent dispersal spray fields, connection laterals to burned or lost homes, and some minor outbuildings. Given the significant impact of the fire on residents and NBRID's services, discussion of the potential for growth and development may not be relevant until the damaged area is substantially rebuilt.

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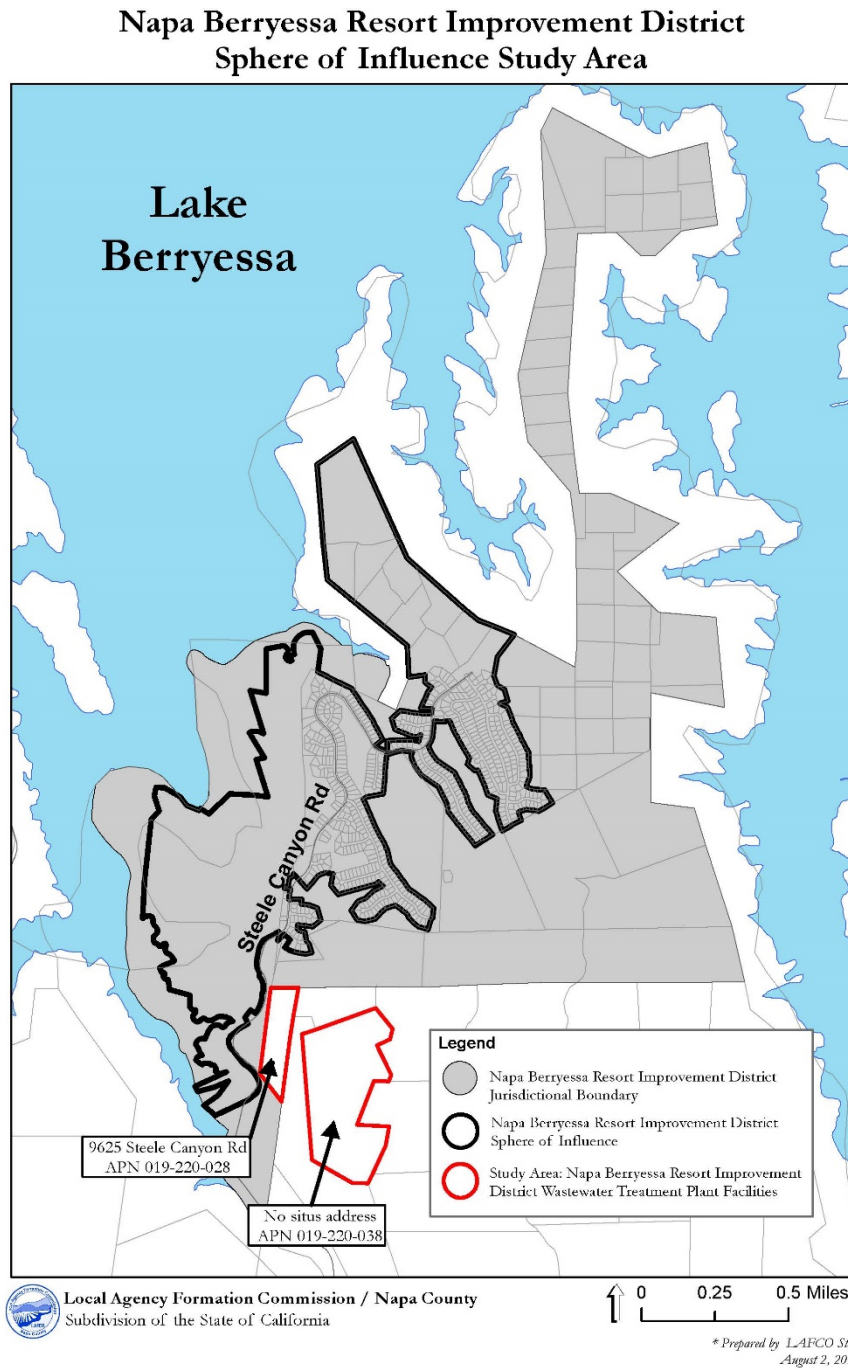
<sup>8</sup> Correspondence from A. Martinez, County of Napa, 1/23/2020.

<sup>9</sup> Follow-up response rec'd 12/9/19 to NBRID interview 12/4/19.

<sup>10</sup> CWWMSR, Chapter 13, NBRID "Agency Overview"

<sup>11</sup> Napa County Planning, Building and Environmental Services February, 2021

Figure Two: NBRID and Study Area Map



## Recommendation and Determinative Statements

It is recommended the Commission expand the SOI designation of NBRID to include a study area comprising two parcels owned by NBRID and totaling approximately 101 acres in size. The parcels are located outside NBRID's SOI and boundary and identified by the County Assessor as 019-220-028 and 019-220-038. A map of the study area is included as Figure Two on the previous page of this appendix. Expansion of NBRID's SOI would allow the District to propose annexation of the parcels to reduce the District's annual property tax obligation. 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.** NBRID's SOI excludes substantial areas within its boundaries which are designated for single-family development, however, those areas currently are not served by the District and there are minimal prospects of those lands developing and requiring services within a ten-year time horizon. The study area recommended for inclusion within NBRID's SOI serves as the location of NBRID's wastewater treatment plant facilities.

**Present and probable need for public facilities and services.** There is a present need for NBRID's water and sewer services throughout the recommended SOI to support the existing and continued development of the Berryessa Highlands community. The study area recommended for inclusion within NBRID's SOI is not expected to require water or sewer service given its present land use.

**Present capacity of public facilities and adequacy of public services provided by the agency.** Ensuring adequate water supply availability is a priority for all agencies. It was found that during normal year scenarios, all of the public water retailers in Napa County have sufficient water supply under normal conditions given existing demand. Certain improvements could be made to the services offered. A post-fire August 2020 Leak Survey pin-pointed a few customer service line leaks and one water main break. Repairs are complete and operations fully restored. Water losses are within the AWWA leakage index guidelines.<sup>12</sup>

It is apparent that the smaller agencies with limited budgets and staffing constraints have struggled most with planning for and addressing infrastructure needs and complying with regulatory requirements. NBRID has benefited from a collaboration of technical knowledge and experience amongst District staff and SUSP Contract Operator resources which has greatly reduced the occurrence of violations, sewer spill events and non-compliance citations. NBRID has undertaken major upgrades to its water and wastewater system since the 2011 Lake Berryessa Region MSR identified significant infrastructure needs. Ongoing improvements to replace aging infrastructure and to upgrade facilities are planned and/or underway.

**Social or economic communities of interest.** The affected territory within NBRID's recommended SOI has established strong social and economic interdependencies with the District. These ties are affirmed and strengthened by this update. Inclusion of the study within NBRID's SOI would strengthen these ties by facilitating a future annexation, which would eliminate the District's annual property tax obligation for the affected parcels.

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<sup>12</sup> Correspondence from Christopher Silke, District staff, County of Napa, 6-25-2021

**Present and probable need for services to disadvantaged unincorporated communities.**

According to Napa LAFCO's definition of DUCs, NBRID is not a DUC.<sup>13</sup> Notably, based on an income study conducted in 2017, incomes were only slightly below the County average, and therefore the community did not qualify as disadvantaged; no further surveys are currently anticipated.

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<sup>13</sup> Napa Local Agency Formation Commission, Policy on Disadvantaged Unincorporated Communities, 2018.

## Spanish Flat Water District (SFWD)

The District's current SOI consists of approximately 1,339 acres or 2.1 square miles. SFWD's SOI was last updated in 2013 when it was expanded by 5.3 acres to include two non-contiguous lots immediately adjacent to the Berryessa Pines subdivision and separated from each other by a 60-foot panhandle section of SFWD boundary area. At the time of the SOI amendment, these two lots had been already receiving domestic water and wastewater services from SFWD through outside service agreements. The following map provides a visual of the District (Figure Three).

Wildfires: Of note is the impact of the August 2020 Lightning Complex Fires, which razed the 59-home mobile home park within the Spanish Flat community leaving 56 mobile homes destroyed and 35 additional single family homes burned. The total loss of homes is 75 within the District and 80 within the SOI.<sup>14</sup> Additionally, the fire destroyed a portion of SFWD's water and wastewater facilities serving the community, including the wastewater pump station building and controls, lake pump controls and power pole, water tank tops on west hillside. Given this drastic and recent change in the composition of the area, discussion of the potential for growth and development may not be relevant until the area is substantially rebuilt.<sup>15</sup>

A majority of SFWD's utility systems in Spanish Flat were destroyed in the Lightning Complex fires in August 2020. The utility systems in Berryessa Pines remain intact and operational. The District plans to rebuild of the destroyed system as soon as possible. The determinations regarding SFWD are based on existing circumstances before the fire.

### Recommendation and Determinative Statements

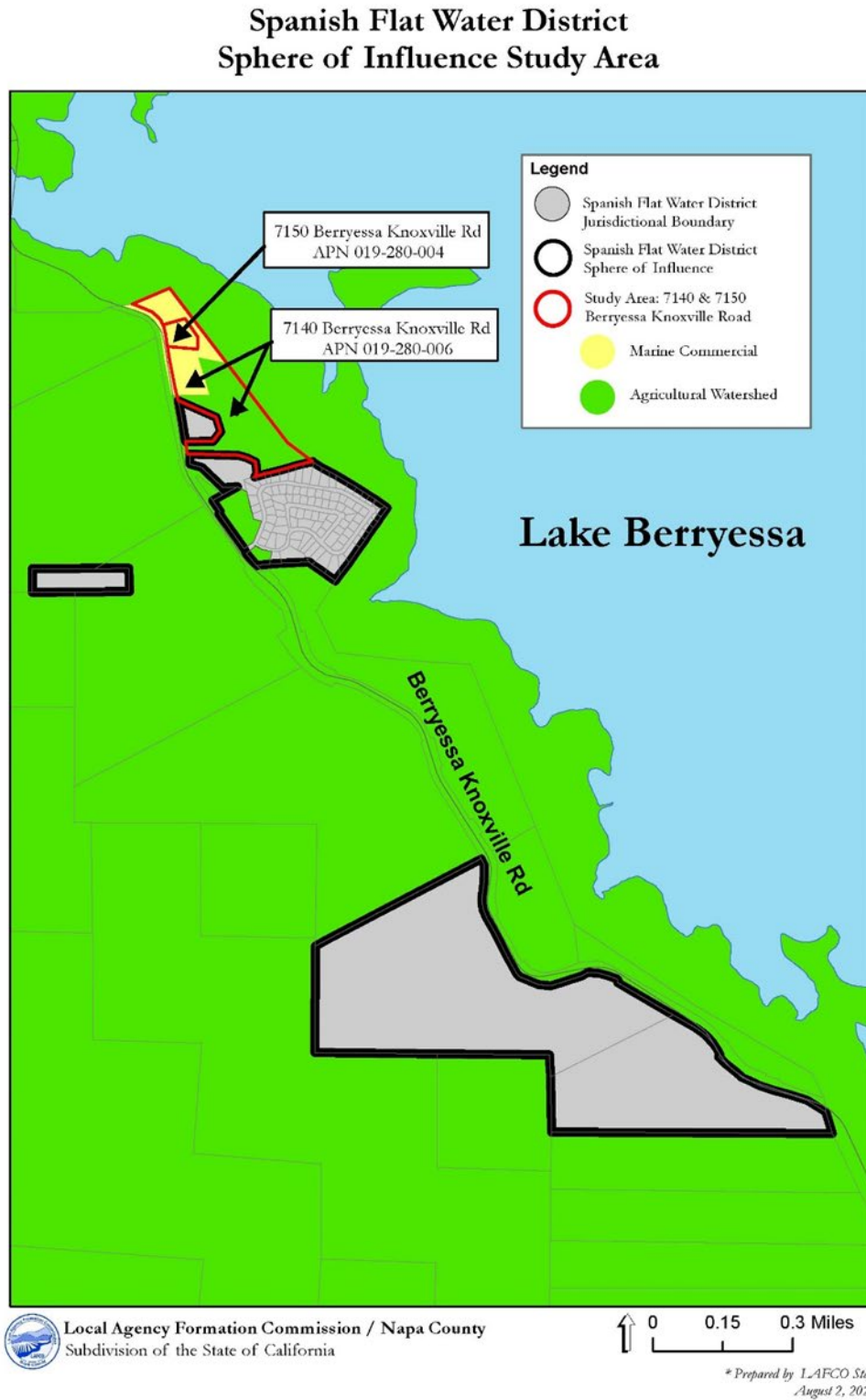
It is recommended the Commission expand the SOI designation of SFWD to include a portion of a study area comprising one entire parcel and a portion of a parcel totaling approximately 7.9 acres in size. The study area is located at 7140 and 7150 Berryessa-Knoxville Road and identified by the County Assessor as 019-280-004 (entire parcel) and 019-280-006 (portion zoned *Marine Commercial*). A map of the study area is included as Figure Three. 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.

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<sup>14</sup> Napa County Planning, Building and Environmental Services February, 2021

<sup>15</sup> CWWMSR, Chapter 17, SFWD "Growth and Population Projections"

Figure Three: SFWD and Study Area Map



**Present and planned land uses in the area, including agricultural and open space lands.**

The study area's two subject lots are interchangeably used by the same landowner as part of a commercial boat and recreational vehicle storage facility (Lakeview Boat Storage). The larger of the two lots is located at 7140 Berryessa-Knoxville Road (019-280-006) and is approximately 30.5 acres in size. The portion recommended for inclusion within SFWD's SOI is approximately 5.8 acres in size. This larger lot – and specifically the portion subject to this SOI update – includes four enclosed storage structures each approximately 1,000 square feet in size. The smaller of the two lots is located at 7150 Berryessa-Knoxville Road (019-280-004) and is approximately 2.1 acres in size. This smaller lot includes approximately 6,000 square feet of enclosed storage structures along with an administrative office and detached single-family residence.

The recommended inclusion of the study area within SFWD's SOI would recognize its present land uses conform to the County's existing policies given the two parcels' designations and zoning assignments of *Rural Residential* and *Marine Commercial*, respectively. Current land uses within the study area include a commercial boat and recreational vehicle storage facility (Lakeview Boat Storage). Only the designated *Marine Commercial* portion of the larger lot is recommended for inclusion in the SOI. The remaining portion of the lot is zoned *Agricultural Watershed (AW)*. Any changes to the AW zoning designation would require approval of the Napa County voters consistent with Measures J and P.

**Present and probable need for public facilities and services.** There is a present need for SFWD's water and sewer services throughout the recommended SOI to support the existing and continued development of the Berryessa Pines and Spanish Flat communities, including the study area. The study area is currently dependent on private water and septic systems to support existing uses. Actual demands associated with the existing uses are projected to be modest and generally limited to the single-family residence located on the smaller of the two subject lots at 7150 Berryessa-Knoxville Road. The property owner has stated that during the wildfires they were dependent on the limited private water system. Following the recent wildfires, the property owner has requested annexation to the District in order to obtain a more reliable source of water, especially during emergencies.

**Present capacity of public facilities and adequacy of public services provided by the agency.** Ensuring adequate water supply availability is a priority for all agencies. It was found that during normal year scenarios, all of the public water retailers in Napa County have sufficient water supply under normal conditions given existing demand. SFWD has ample water supply entitlement and system capacity to accommodate current as well as projected demands. The 2011 Lake Berryessa Region MSR identified that there is a water distribution system capacity issue associated with deficient storage within the initial pressure zone. This issue has not been addressed to date. The level of wastewater services offered by SFWD were found to be minimally adequate based on integrity of the wastewater collection system and regulatory compliance. Significant improvement can be made to the District's reporting practices. Based on current operations, the Spanish Flat Water District's sewer systems appear to have adequate collection, treatment, and discharge capacities to meet existing service demands within its jurisdiction under normal conditions. However, the District does not have any records identifying the design capacities for either sewer system. This prevents the District from accurately estimating its capacity to service new growth for either of its two service communities. Given this earlier analysis, and based on projected and referenced demands, it would be reasonable to assume extending water and sewer services to the study area could be adequately accommodated by SFWD given existing capacities without impacts to current customers. The landowner would be required to assume the costs associated with extending the necessary infrastructure to the subject lots.

**Social or economic communities of interest.** The affected territory within SFWD’s recommended SOI, including the portion of the study area, has established strong social and economic interdependencies with the District. These ties are affirmed and strengthened by this update. The inclusion of the portion of the study area signals the Commission’s standing interest in orienting SFWD’s SOI to include and support planned urban uses within the community; given its designation by the County for urban type uses. It also appears reasonable to conclude the existing uses within the study area (boat and recreational vehicle storage) serve a social and economic need benefiting both Berryessa Pines and the region as a whole in terms of accommodating low-intensity recreation.

**Present and probable need for services to disadvantaged unincorporated communities.**

According to Napa LAFCO’s definition of DUCs, SFWD is not a DUC.<sup>16</sup>

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<sup>16</sup> Napa Local Agency Formation Commission, Policy on Disadvantaged Unincorporated Communities, 2018.



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

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

**LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT  
SPHERE OF INFLUENCE REVIEW**

**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 a comprehensive review of the SOI of the Lake Berryessa Resort Improvement District (LBRID) 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 designation; 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 August 2, 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 review has been appropriately informed by the Commission’s earlier Napa Countywide Water and Wastewater Municipal Service Review, which includes LBRID; a study that conducted an independent evaluation of the level and range of governmental services provided by LBRID and formally accepted by the Commission on November 2, 2020.
2. LBRID’s SOI is 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 review of LBRID’s SOI is 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 review 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 review for LBRID shall be the date of adoption set forth below.
6. The Commission hereby directs staff to file a Notice of Exemption for the LBRID SOI review in compliance with CEQA.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on August 2, 2021, after a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, by the following vote:

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

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

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

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

DRAFT

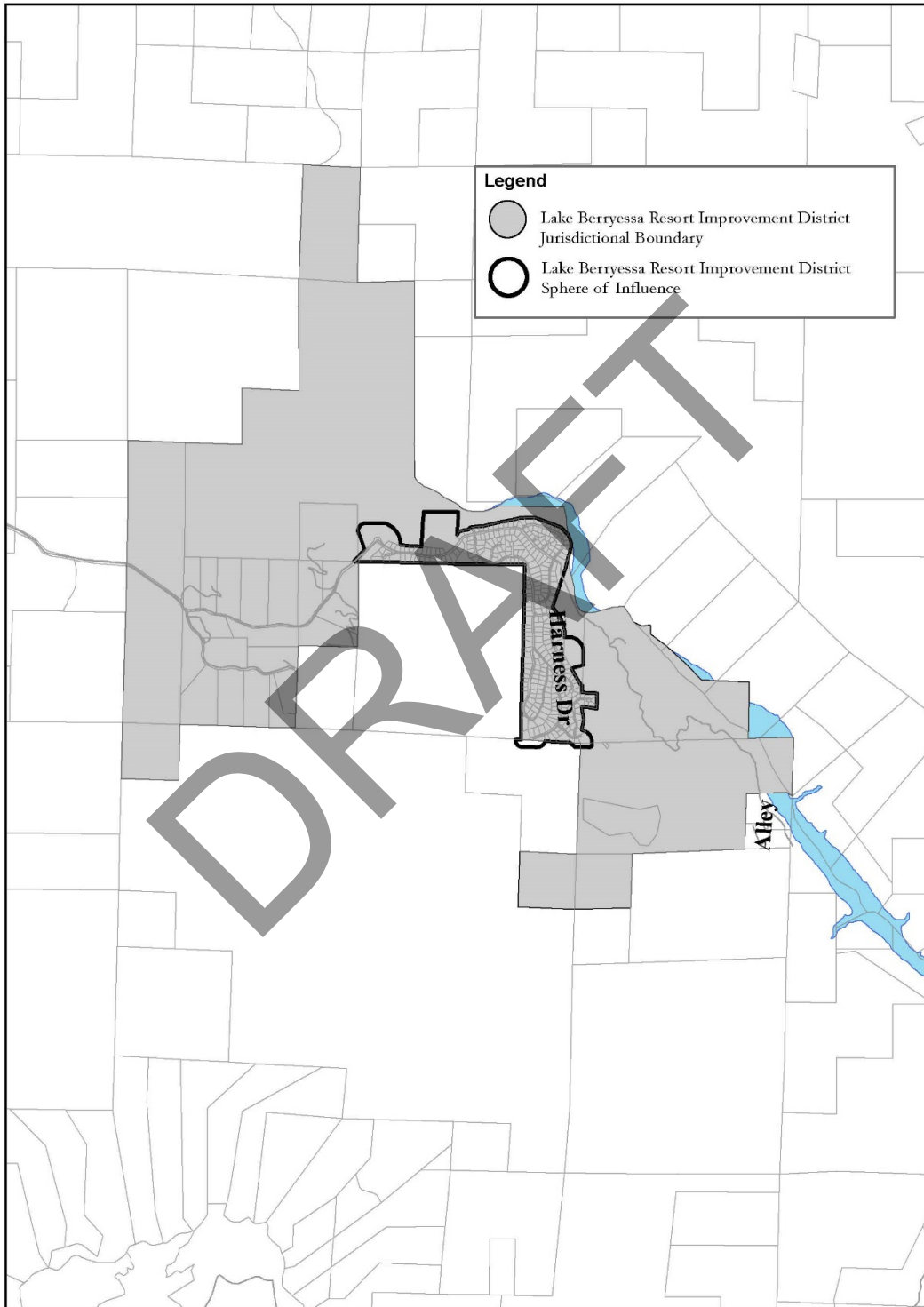
\_\_\_\_\_  
Diane Dillon  
Commission Chair

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

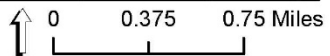
Recorded by: Kathy Mabry  
Commission Clerk

EXHIBIT ONE

Lake Berryessa Resort Improvement District



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



\* Prepared by LAFCO Staff  
August 2, 2021

**EXHIBIT TWO**  
**STATEMENT OF DETERMINATIONS**

**LAKE BERRYESSA RESORT IMPROVEMENT 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)):**

LBRID's SOI excludes substantial areas within its boundaries, which are designated for single-family development, however, those areas currently are not served by the District and there are minimal prospects of those lands developing and requiring services within a ten-year time horizon.

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

There is a present need for LBRID's water and sewer services throughout the recommended SOI to support the existing and continued development of the Berryessa Estates community.

**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)):**

Ensuring adequate water supply availability is a priority for all agencies. It was found that during normal year scenarios, all of the public water retailers in Napa County have sufficient water supply under normal conditions given existing demand. The MSR section of this report indicates LBRID's water services are sufficiently capacitated to meet both existing and projected needs in the recommended SOI. An October 2020 Leak Survey found only one possible leak on Lariat Street. The July 2019 Leak Survey Report pin-pointed a leak on Colt Court. Water losses are within the AWWA leakage index guidelines. No citations / violations on reporting or Maximum Contaminant Level exceedances. The MSR indicates sewer services are adequately capacitated and a number of system improvements have been completed. However, ongoing improvements to replace aging infrastructure and to upgrade facilities are planned and/or underway. The ability of LBRID to address these and other improvements are constrained by the District's ongoing fiscal distress tied – among other reasons – to operating aging infrastructure in a confined and economically depressed area. Fortunately, no homes were destroyed in the wildfires of 2020. LBRID has undertaken major upgrades to its water and wastewater system since the 2011 Lake Berryessa Region MSR identified significant infrastructure needs.

**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 affected territory within LBRID's recommended SOI has established strong social and economic interdependencies with the District. These ties are affirmed and strengthened by this review.

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

According to Napa LAFCO's definition of disadvantaged unincorporated communities (DUCs), LBRID is not a DUC. However, the Rural Community Assistance Corporation (RCAC) conducted a Median Household Income Survey on behalf of the District in the spring of 2018 and determined that the community qualified as a Disadvantaged Community (DAC), which differs from the definition of a DUC under local policy. The DAC status enabled application to the State for financial assistance. The results of the survey apply for a five-year period and a new survey is likely in 2023.

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

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

**NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT  
SPHERE OF INFLUENCE REVIEW AND UPDATE**

**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 a comprehensive review of the SOI of the Napa Berryessa Resort Improvement District (NBRID) 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 update the SOI designation with specified additions; 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 August 2, 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 review and update has been appropriately informed by the Commission’s earlier Napa Countywide Water and Wastewater Municipal Service Review, which includes NBRID; a study that conducted an independent evaluation of the level and range of governmental services provided by NBRID and formally accepted by the Commission on November 2, 2020.
2. NBRID’s SOI is reviewed and updated with the addition of two parcels as identified in the corresponding report by the Executive Officer and shown in Exhibit One.

- 3. The Commission, as lead agency, finds the review and update of NBRID’s SOI is 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 review 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 update for NBRID shall be the date of adoption set forth below.
- 6. The Commission hereby directs staff to file a Notice of Exemption for the NBRID SOI review and update in compliance with CEQA.

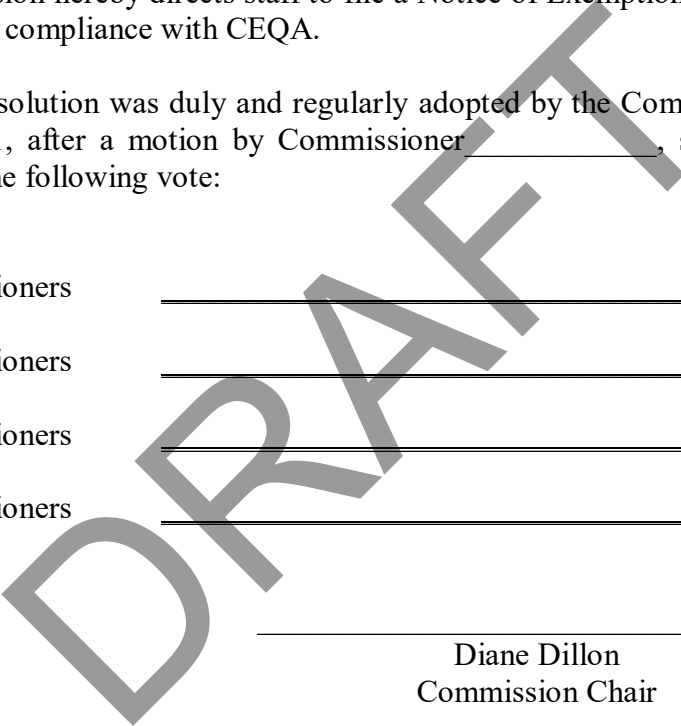
The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on August 2, 2021, after a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, by the following vote:

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

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

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

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



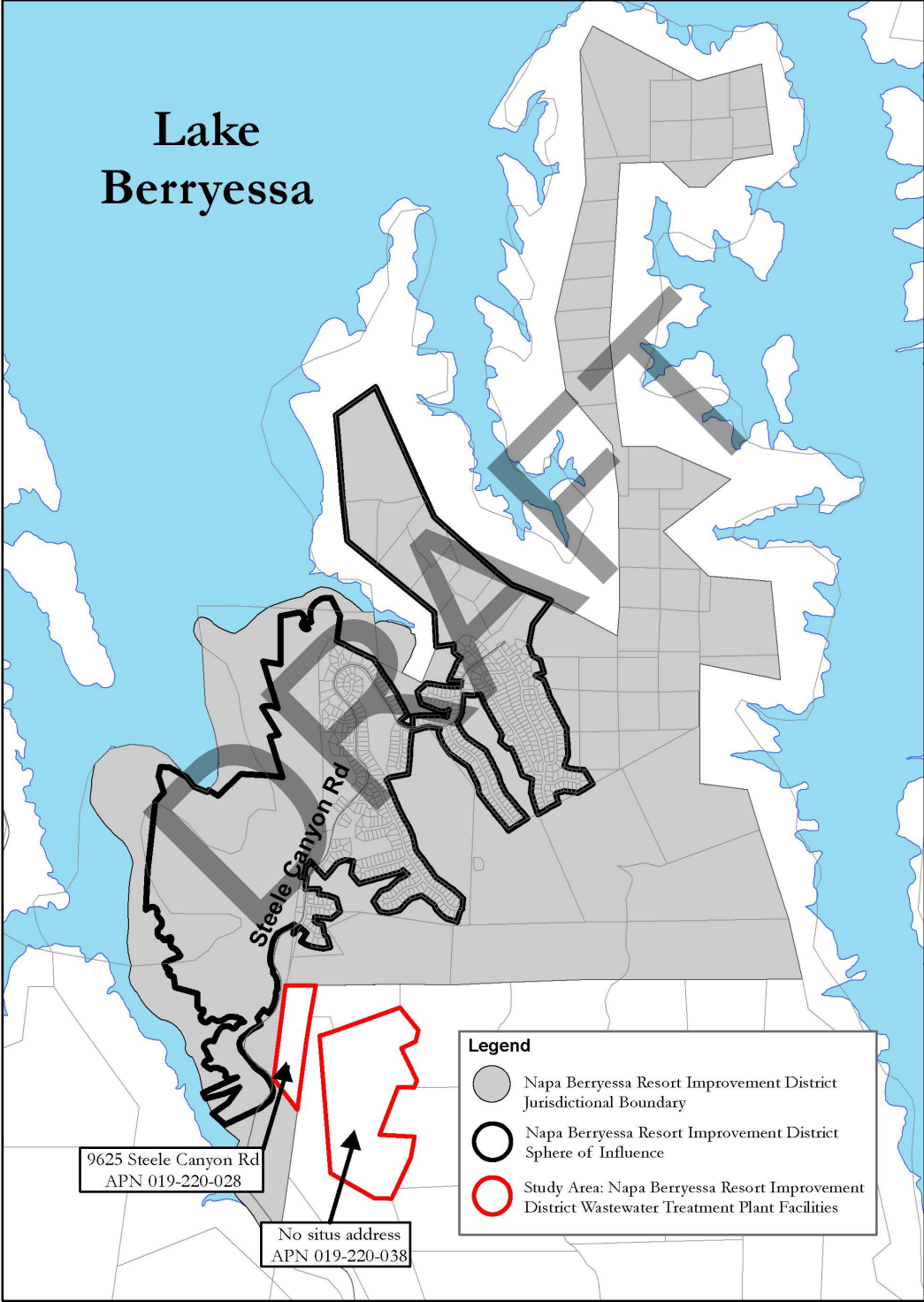
\_\_\_\_\_  
 Diane Dillon  
 Commission Chair

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

Recorded by: Kathy Mabry  
 Commission Clerk

EXHIBIT ONE

Napa Berryessa Resort Improvement District  
Sphere of Influence Study Area

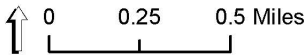


**Legend**

- Napa Berryessa Resort Improvement District Jurisdictional Boundary
- Napa Berryessa Resort Improvement District Sphere of Influence
- Study Area: Napa Berryessa Resort Improvement District Wastewater Treatment Plant Facilities



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



*\* Prepared by LAFCO Staff  
August 2, 2021*

**EXHIBIT TWO**  
**STATEMENT OF DETERMINATIONS**

**NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT**  
**SPHERE OF INFLUENCE REVIEW AND UPDATE**

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

NBRID's SOI excludes substantial areas within its boundaries which are designated for single-family development, however, those areas currently are not served by the District and there are minimal prospects of those lands developing and requiring services within a ten-year time horizon. The study area recommended for inclusion within NBRID's SOI serves as the location of NBRID's wastewater treatment plant facilities.

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

There is a present need for NBRID's water and sewer services throughout the recommended SOI to support the existing and continued development of the Berryessa Highlands community. The study area recommended for inclusion within NBRID's SOI is not expected to require water or sewer service given its present land use.

**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)):**

Ensuring adequate water supply availability is a priority for all agencies. It was found that during normal year scenarios, all of the public water retailers in Napa County have sufficient water supply under normal conditions given existing demand. Certain improvements could be made to the services offered. A post-fire August 2020 Leak Survey pin-pointed a few customer service line leaks and one water main break. Repairs are complete and operations fully restored. Water losses are within the AWWA leakage index guidelines.

It is apparent that the smaller agencies with limited budgets and staffing constraints have struggled most with planning for and addressing infrastructure needs and complying with regulatory requirements. NBRID has benefited from a collaboration of technical knowledge and experience amongst District staff and SUSP Contract Operator resources which has greatly reduced the occurrence of violations, sewer spill events and non-compliance citations. NBRID has undertaken major upgrades to its water and wastewater system since the 2011 Lake Berryessa Region MSR identified significant infrastructure needs. Ongoing improvements to replace aging infrastructure and to upgrade facilities are planned and/or underway.

**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 affected territory within NBRID's recommended SOI has established strong social and economic interdependencies with the District. These ties are affirmed and strengthened by this update. Inclusion of the study within NBRID's SOI would strengthen these ties by facilitating a future annexation, which would eliminate the District's annual property tax obligation for the affected parcels.

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

According to Napa LAFCO's definition of DUCs, NBRID is not a DUC. Notably, based on an income study conducted in 2017, incomes were only slightly below the County average, and therefore the community did not qualify as disadvantaged; no further surveys are currently anticipated.



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

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

**SPANISH FLAT WATER DISTRICT  
SPHERE OF INFLUENCE REVIEW AND UPDATE**

**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 a comprehensive review of the SOI of the Spanish Flat Water District (SFWD) 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 update the SOI designation with specified additions; 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 August 2, 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 review and update has been appropriately informed by the Commission’s earlier Napa Countywide Water and Wastewater Municipal Service Review, which includes SFWD; a study that conducted an independent evaluation of the level and range of governmental services provided by SFWD and formally accepted by the Commission on November 2, 2020.
2. SFWD’s SOI is reviewed and updated with the addition of one entire parcel and a portion of a parcel zoned by the County as *Marine Commercial* as identified in the corresponding report by the Executive Officer and shown in Exhibit One.

3. The Commission, as lead agency, finds the review and update of SFWD’s SOI is 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 review 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 update for SFWD shall be the date of adoption set forth below.
6. The Commission hereby directs staff to file a Notice of Exemption for the SFWD SOI review and update in compliance with CEQA.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on August 2, 2021, after a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, by the following vote:

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

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

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

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

DRAFT

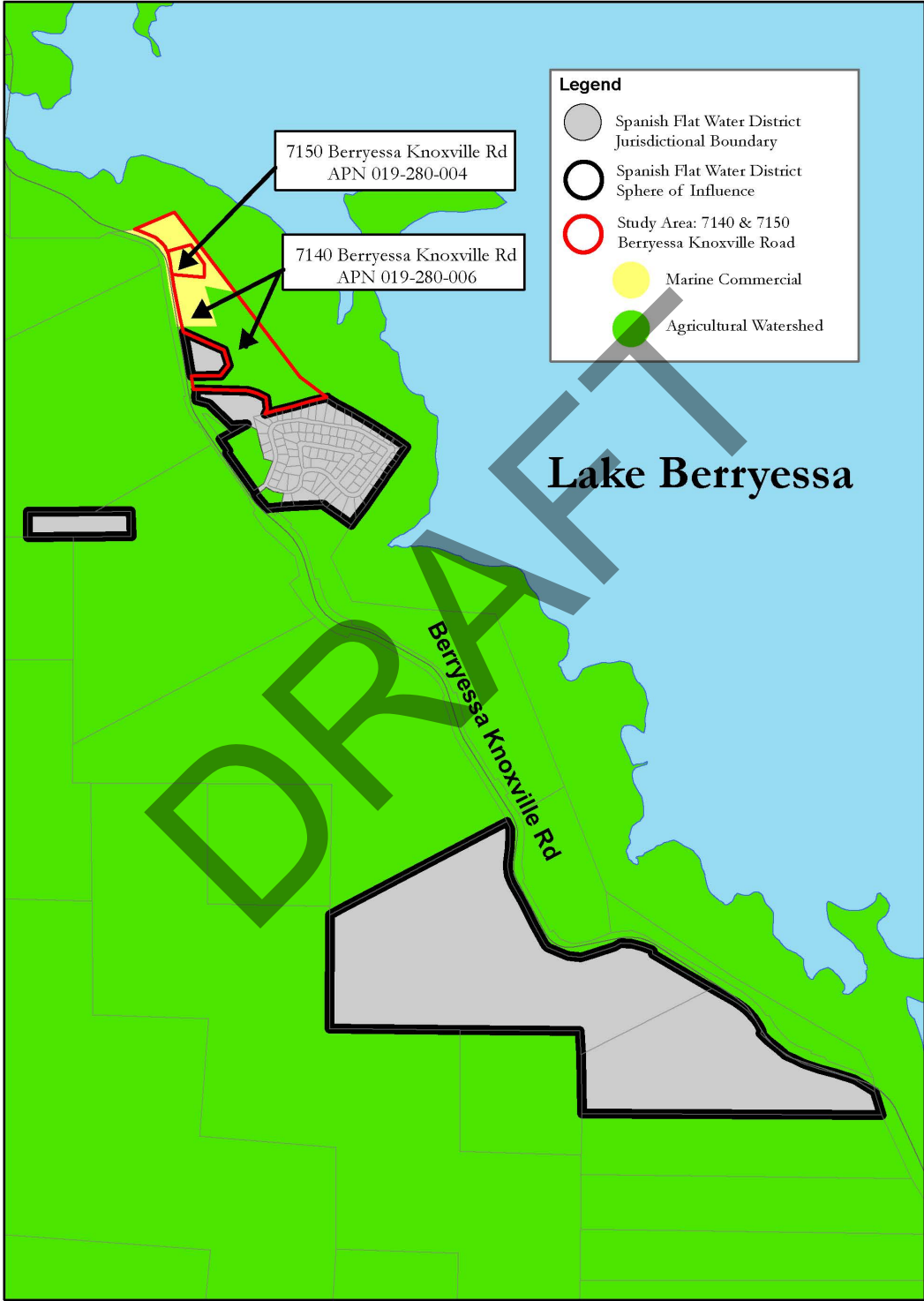
\_\_\_\_\_  
Diane Dillon  
Commission Chair

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

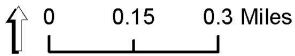
Recorded by: Kathy Mabry  
Commission Clerk

EXHIBIT ONE

Spanish Flat Water District  
Sphere of Influence Study Area



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



\* Prepared by LAFCO Staff  
August 2, 2021

**EXHIBIT TWO**  
**STATEMENT OF DETERMINATIONS**  
**SPANISH FLAT WATER DISTRICT**  
**SPHERE OF INFLUENCE REVIEW AND UPDATE**

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

The study area's two subject lots are interchangeably used by the same landowner as part of a commercial boat and recreational vehicle storage facility (Lakeview Boat Storage). The larger of the two lots is located at 7140 Berryessa-Knoxville Road (019-280-006) and is approximately 30.5 acres in size. The portion recommended for inclusion within SFWD's SOI is approximately 5.8 acres in size. This larger lot – and specifically the portion subject to this SOI update – includes four enclosed storage structures each approximately 1,000 square feet in size. The smaller of the two lots is located at 7150 Berryessa-Knoxville Road (019-280-004) and is approximately 2.1 acres in size. This smaller lot includes approximately 6,000 square feet of enclosed storage structures along with an administrative office and detached single-family residence.

The recommended inclusion of the study area within SFWD's SOI would recognize its present land uses conform to the County's existing policies given the two parcels' designations and zoning assignments of *Rural Residential* and *Marine Commercial*, respectively. Current land uses within the study area include a commercial boat and recreational vehicle storage facility (Lakeview Boat Storage). Only the designated *Marine Commercial* portion of the larger lot is recommended for inclusion in the SOI. The remaining portion of the lot is zoned *Agricultural Watershed* (AW). Any changes to the AW zoning designation would require approval of the Napa County voters consistent with Measures J and P.

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

There is a present need for SFWD's water and sewer services throughout the recommended SOI to support the existing and continued development of the Berryessa Pines and Spanish Flat communities, including the study area. The study area is currently dependent on private water and septic systems to support existing uses. Actual demands associated with the existing uses are projected to be modest and generally limited to the single-family residence located on the smaller of the two subject lots at 7150 Berryessa-Knoxville Road. The property owner has stated that during the wildfires they were dependent on the limited private water system. Following the recent wildfires, the property owner has requested annexation to the District in order to obtain a more reliable source of water, especially during emergencies.

**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)):**

Ensuring adequate water supply availability is a priority for all agencies. It was found that during normal year scenarios, all of the public water retailers in Napa County have sufficient water supply under normal conditions given existing demand. SFWD has ample water supply entitlement and system capacity to accommodate current as well as projected demands. The 2011 Lake Berryessa Region MSR identified that there is a water distribution system capacity issue associated with deficient storage within the initial pressure zone. This issue has not been addressed to date. The level of wastewater services offered by SFWD were found to be minimally adequate based on integrity of the wastewater collection

system and regulatory compliance. Significant improvement can be made to the District's reporting practices. Based on current operations, the Spanish Flat Water District's sewer systems appear to have adequate collection, treatment, and discharge capacities to meet existing service demands within its jurisdiction under normal conditions. However, the District does not have any records identifying the design capacities for either sewer system. This prevents the District from accurately estimating its capacity to service new growth for either of its two service communities. Given this earlier analysis, and based on projected and referenced demands, it would be reasonable to assume extending water and sewer services to the study area could be adequately accommodated by SFWD given existing capacities without impacts to current customers. The landowner would be required to assume the costs associated with extending the necessary infrastructure to the subject lots.

**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)):**

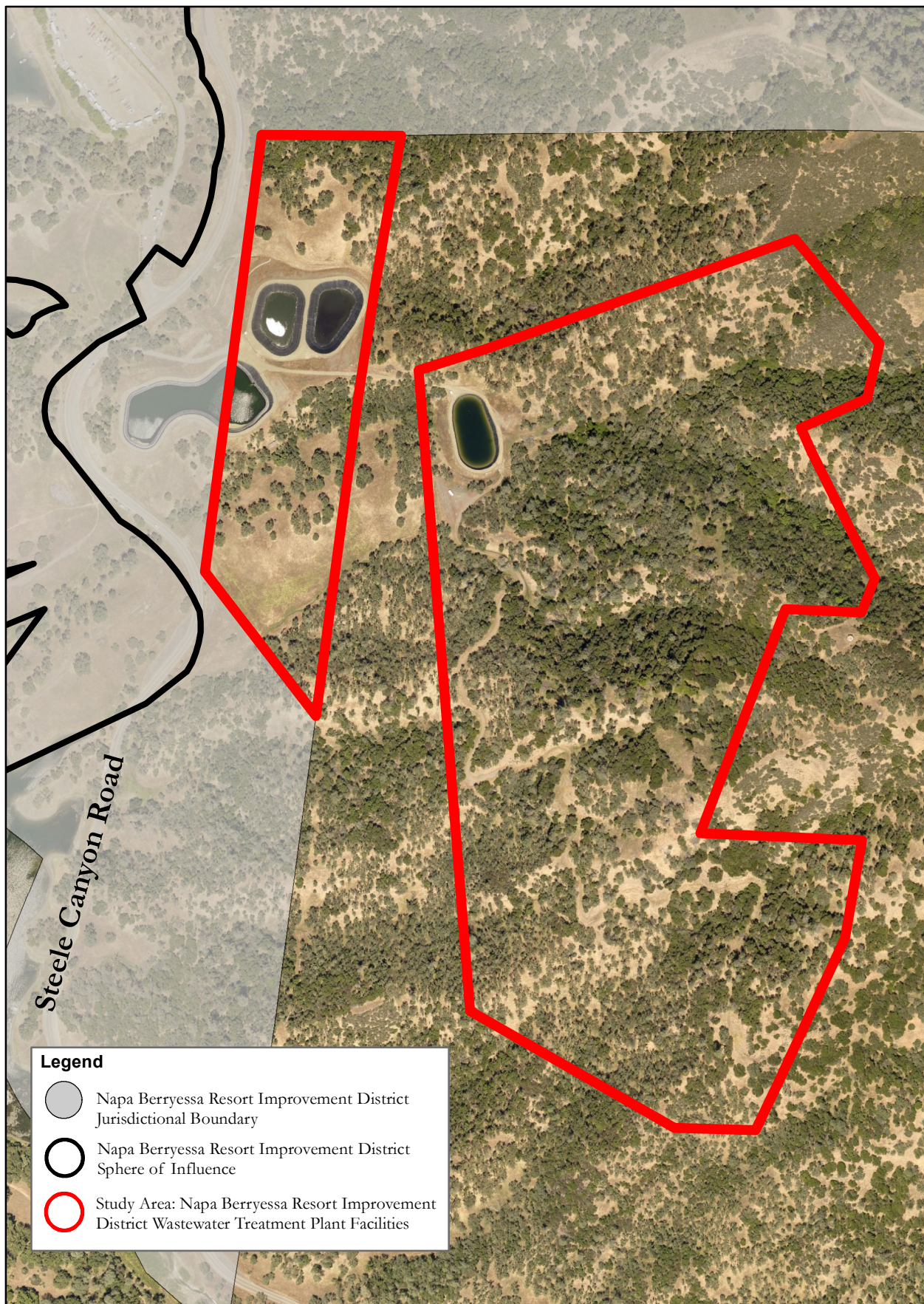
The affected territory within SFWD's recommended SOI, including the portion of the study area, has established strong social and economic interdependencies with the District. These ties are affirmed and strengthened by this update. The inclusion of the portion of the study area signals the Commission's standing interest in orienting SFWD's SOI to include and support planned urban uses within the community; given its designation by the County for urban type uses. It also appears reasonable to conclude the existing uses within the study area (boat and recreational vehicle storage) serve a social and economic need benefiting both Berryessa Pines and the region as a whole in terms of accommodating low-intensity recreation.

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

According to Napa LAFCO's definition of DUCs, SFWD is not a DUC.

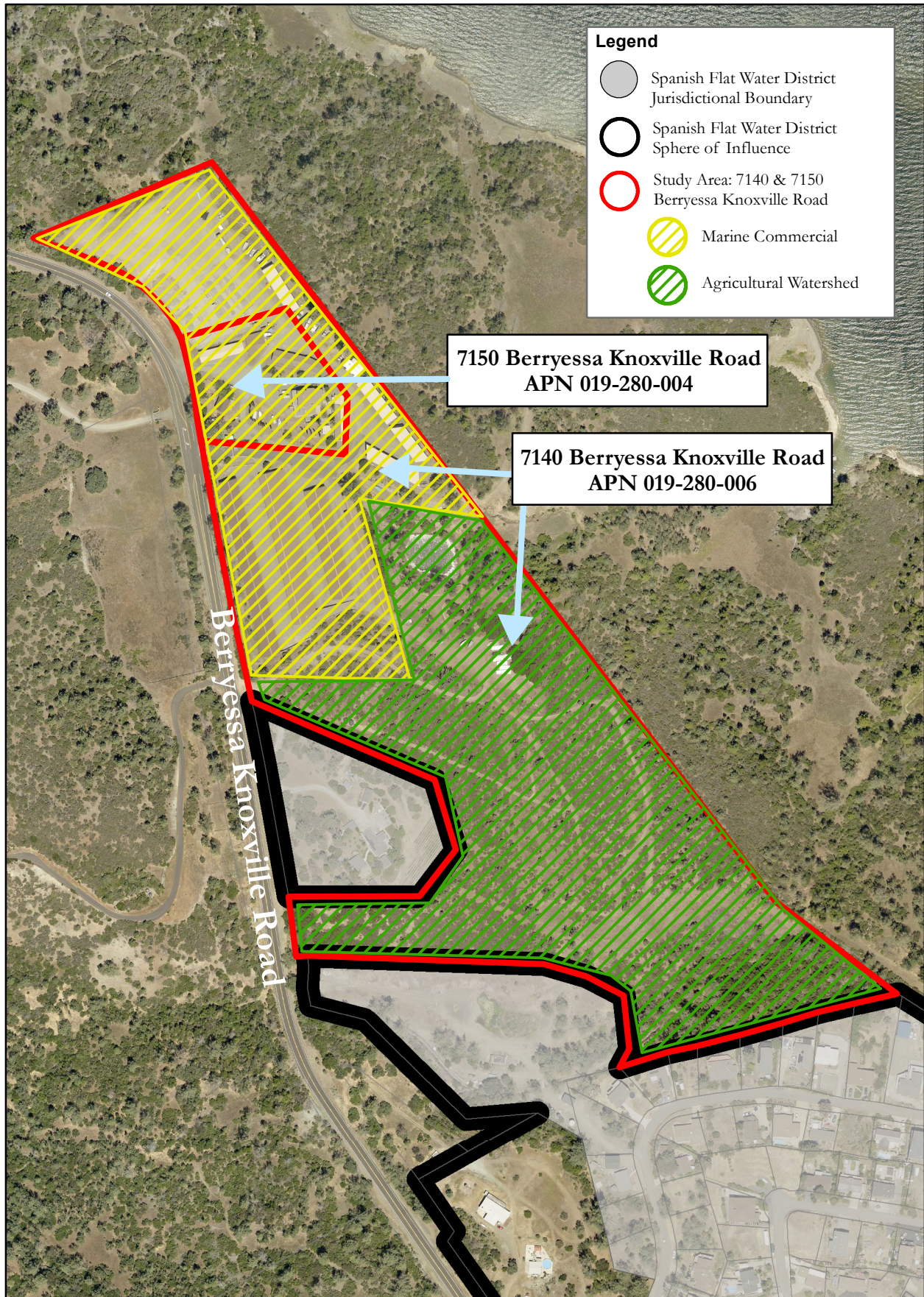


# Napa Berryessa Resort Improvement District Sphere of Influence Study Area





# Spanish Flat Water District Sphere of Influence Study Area







## 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.

03/29/21

RE: 7140 and 7150 Knoxville Road Napa, CA 94558

From: Tom Aswad, Owner

To: Brendon Freeman, Executive Officer

LAFCO Napa County

Brendon, per our conversation last week we are very interested in being included in your sphere of influence. Since the fires last year, it has been very apparent that we need defensible space protecting our properties along with a constant water supply. We just finished a collaborative effort between myself, the Bureau of Land Reclamation, and Cal Fire clearing on and around my property.

Late last year I reached out to Steve Silva from the Spanish Flat-Water District about bringing water to my property, which has a 15,000-gallon fire suppression system that is spring fed. In the past, we have had to truck water in to our property when the spring quit producing. In the event that we had a fire during one of those occasions we would be in big trouble. My neighbors the Troy's, at 7100 Knoxville Road are fed by the same spring we are but also have water through the district. Their pipes were damaged and I discussed with Steve that now would be the time to add pipes to our property in the same trench. This way we could share the price of the trenching with the Troy's.

The Troy family lost their home, and are going to rebuild and add some square footage. They are also going to add sewer. When I was discussing this with the District, I was told that they were going to bring the sewer through the lower part of the Troy property. I brought to their attention that the Troy property is pretty much an island in the middle of my property. I do not have a problem letting them cross my property. Later in the conversation I was told that it was found out that I am not in the sphere of influence of the District and that I would have to contact LAFCO. Either the Troy's water comes through my property now, or the District has an encroachment permit to pass by my property along the road. That being said, I am confused why I am not in the sphere of influence, when that sphere passes by my property but includes the Troy's. Other than the road frontage, I own completely around the Troy property.

Please advise me on how we go about being incorporated into the sphere of influence of the water district.

Thanks, Tom Aswad