



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

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

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

A) Legislative Declarations

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

I. BACKGROUND

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

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

) Every determination made by LAFCO

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

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

(4) On or before January 1, 2008, and every five years thereafter, the Commission shall, as necessary, review and update each sphere of influence. (G.C. §56425(g))b) and (c)). Local agency SOIs are established and changed based on information in municipal service reviews, including adopted determinative statements and recommendations (G.C. §56430).

Formatted: Font: 12 pt

Formatted: Left

Style Definition: Body Text Indent: Not Expanded by / Condensed by , Indent: Left: 0", Hanging: 0.5"

Style Definition: Body Text: Left

Style Definition: Balloon Text

Style Definition: List Paragraph: Don't add space between paragraphs of the same style

Style Definition: Header: Tab stops: 3.25", Centered + 6.5", Right + Not at 3" + 6"

Style Definition: Footer: Tab stops: 3.25", Centered + 6.5", Right + Not at 3" + 6"

Formatted: Left: 1", Right: 1"

Formatted: Centered, Indent: Left: 0.81", Hanging: 0.94"

Formatted: Font: Italic

Formatted: Not Expanded by / Condensed by

Formatted: List Paragraph, Indent: Left: 1.25", First line: 0"

Formatted: Condensed by 0.15 pt

Formatted: Indent: Left: 0.13", No bullets or numbering

II. PURPOSE

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

III.

- Formatted: Left
- Formatted: Font: 10 pt, Not Bold
- Formatted: Font: Not Bold
- Formatted: Normal, Indent: Left: 0.13", First line: 0"

- Formatted: Left

B) General Guidelines for the Review of Spheres of Influence

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

OBJECTIVE

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

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

IV. DEFINITIONS

(+) The Commission incorporates the following definitions:

- a) A. An “SOI establishment” refers to the initial ~~development and determination~~ adoption of a sphere of influence an SOI by the Commission.
- b) B. An “SOI amendment” refers to a ~~limited single~~ change to an established sphere of influence SOI, typically involving one specific geographic area and initiated by a landowner, resident, or local agency.
- C. An “update SOI review” refers to a comprehensive review of an established SOI conducted as part of a municipal service review (MSR). Based on information collected in the SOI review component of an MSR, the Commission shall determine if an SOI update is needed.
- e) D. An “SOI update” refers to a single change or multiple changes to an established sphere of influence SOI, typically initiated by the Commission— and based on information collected in the SOI review.
- E. A “zero SOI” may be assigned to a local agency to indicate the Commission’s position that a change of organization is appropriate that would assign the affected agency’s service obligations and responsibilities to another local agency. Such future action would typically involve consolidation or dissolution.

Formatted: Left

Formatted: Font: 10 pt, Not Bold

Formatted: Font: Bold

Formatted: Indent: Left: 0.13", Hanging: 0.63", No bullets or numbering

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted: List Paragraph, Indent: Left: 0.5", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted: Font: 8 pt

Formatted: List Paragraph, Indent: Left: 0.5", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Font: 8 pt

Formatted: List Paragraph, Indent: Left: 0.5", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Left

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

Formatted: Left

Formatted: Font: 10 pt, Not Bold

V. LOCAL CONSIDERATIONS

A. General Guidelines for Determining Spheres of Influence

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

Formatted: List Paragraph, Indent: Left: 1.25", First line: 0"

Formatted: Condensed by 0.15 pt

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

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

Formatted: Indent: Left: 1.25"

Formatted: Indent: Left: 1", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

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

Formatted: Indent: Left: 1.25"

Formatted: Indent: Left: 1", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

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

Formatted: List Paragraph, Indent: Left: 1.25"

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

Formatted: Indent: Left: 1.5", Tab stops: Not at 0.5"

Formatted: Font: 8 pt

Formatted: Indent: Left: 1.75", First line: 0"

Formatted: Left

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

Formatted: Left

Formatted: Font: 10 pt, Not Bold

Formatted: Indent: Left: 1.5", Tab stops: Not at 0.5"

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

Formatted: Font: 8 pt

Formatted: List Paragraph, Left, Indent: Left: 0", First line: 0"

Formatted: Indent: Left: 1.5", Tab stops: Not at 0.5"

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

Formatted: Font: 8 pt

Formatted: Indent: Left: 1.5"

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

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

Formatted: Font: 8 pt

Formatted: Indent: Left: 1.5"

Formatted: Indent: Left: 1.5", Tab stops: Not at 0.5"

Formatted: Font: 11 pt

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

Formatted: List Paragraph, Indent: Left: 1.25"

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

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

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

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

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

Formatted: Indent: Left: 1", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

~~C) City Spheres of Influence~~

Formatted: List Paragraph, Left

Formatted: Left

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

Formatted: Left

Formatted: Font: 10 pt, Not Bold

(1) Location of Urban Development:

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

(2) Sphere of Influence to Reflect Service Capacities:

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

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

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

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

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

(5) Preference for Infill:

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

Formatted: List Paragraph, Indent: Left: 1", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

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

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

Formatted: Font: 12 pt, Not Expanded by / Condensed by

Formatted: List Paragraph, Indent: Left: 1", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Underline

Formatted: Font: 12 pt, Underline

Formatted: List Paragraph, Left, Indent: Left: 0"

(7) Joint Applications:

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

Formatted: Left

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

Formatted: Left

Formatted: Font: 10 pt, Not Bold

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

Formatted: List Paragraph, Indent: Left: 1", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

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

Formatted: Font: 12 pt

Formatted: List Paragraph, Indent: Left: 1.5", First line: 0"

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

Formatted: Font: 11 pt

Formatted: Indent: Left: 0.5", First line: 0"

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

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

D) Special District Spheres of Influence

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

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

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

Formatted: Left

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

- a) The present capacity of public facilities and adequacy of public services provided by affected local agencies within the current jurisdiction, and the adopted plans of these local agencies to address any municipal service deficiency, including adopted capital improvement plans.
- b) The present and probable need for public facilities and services within the area proposed or recommended for inclusion within the SOI, and the plans for the delivery of services to the area.

11) The Commission shall consider, 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.

(3) Exclusion of Agricultural and Open Space Lands:

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

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

Formatted: Left

Formatted: Font: 10 pt, Not Bold

Formatted: List Paragraph, Indent: Left: 1", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: List Paragraph, Indent: Left: 1.25"

Formatted: Indent: Left: 1", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: List Paragraph, Indent: Left: 1.25"

Formatted: Indent: Left: 1.5", Tab stops: Not at 0.5"

Formatted: Font: 8 pt

Formatted: Indent: Left: 1.75", First line: 0"

Formatted: Indent: Left: 1.5", Tab stops: Not at 0.5"

Formatted: Font: 8 pt

Formatted: List Paragraph, Left, Indent: Left: 0", First line: 0"

Formatted: Indent: Left: 1.5", Tab stops: Not at 0.5"

Formatted: Font: 8 pt

Formatted: Indent: Left: 1.5"

Formatted: Font: 8 pt

Formatted: Indent: Left: 1.5"

Formatted: Indent: Left: 1.5", Tab stops: Not at 0.5"

Formatted: Font: 11 pt

Formatted: Left

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

Formatted: Left

Formatted: Font: 10 pt, Not Bold

Formatted: Left

B. Scheduling Sphere of Influence Reviews and Updates

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

C. Environmental Review

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

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

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

VI. FORM OF REQUEST FOR SPHERE OF INFLUENCE AMENDMENT

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

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

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

Formatted: Left
Formatted: Font: 10 pt, Not Bold

Formatted: Indent: Left: 0.13", No bullets or numbering

Formatted: Font: Bold, No underline, Small caps, Not Expanded by / Condensed by

Formatted: Font: Bold, Small caps, Not Expanded by / Condensed by

Formatted: Font: 11 pt

Formatted: Indent: Left: 0.5", First line: 0"

Formatted: Left

~~(5) Joint Applications:~~

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

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

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

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

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

VIII. CONSIDERATION OF REQUEST FOR SPHERE OF INFLUENCE AMENDMENT

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

Formatted: Left

Formatted: Font: 10 pt, Not Bold

Formatted: Indent: Left: 0.5"

Formatted: Left