



**Local Agency Formation Commission**  
**LAFCO of Napa County**

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**April 2, 2007**  
**Agenda Item No. 7b**

March 27, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Napa River Reclamation District No. 2109 – Sphere of Influence Review (Action)**

The Commission will receive a written report representing the sphere of influence review of the Napa River Reclamation District No. 2109. The Commission will consider a draft resolution approving the recommendation of the report to affirm the District's existing sphere of influence.

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The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 directs Local Agency Formation Commissions (LAFCOs) to review each local agency's sphere of influence by January 1, 2008 and every five years thereafter as necessary. This legislation also requires that LAFCOs conduct municipal service reviews in conjunction with the sphere reviews of local agencies to determine the adequacy of the governmental services that are being provided in the region. The collective purpose of these reviews is to inform and guide LAFCOs in their legislative mandate to plan and coordinate the orderly development of local agencies in a manner that provides for the present and future needs of the community.

**Discussion**

In August 2005, LAFCO of Napa County completed a municipal service review of the Napa River Reclamation District No. 2109. The municipal service review included an evaluation of the level and range of services provided by the District along with written determinations addressing the nine factors required for consideration under G.C. §56430. The municipal service review also included a recommendation directing LAFCO to conduct a governance study to consider the options and merits of reorganizing NRRD to address inconsistencies between its service activities and principal act. The governance study was completed in April 2006 and concluded that reorganizing NRRD into a community service district is the preferred option with respect to meeting the present and future needs of the District and its constituents.

Drawing from information collected as part of the governance study and municipal service review referenced above, staff has prepared the attached written report representing the sphere review of the District. The report notes that there may be merit in amending the sphere with respect to adding two parcel-specific areas. However, in the absence of

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Jack Gingles, Chair  
Mayor, City of Calistoga

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County of Napa Supervisor, 1st District

Brian J. Kelly, Commissioner  
Representative of the General Public

Cindy Coffey, Commissioner  
Councilmember, City of American Canyon

Bill Dodd, Commissioner  
County of Napa Supervisor, 4th District

Vacant, Alternate Commissioner  
Representative of the General Public

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

Mark Luce, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Keene Simonds  
Executive Officer

addressing the aforementioned inconsistencies between NRRD's service activities and principal act, the report concludes that any changes to the sphere are premature at this time. With this in mind, staff has prepared the attached draft resolution codifying the recommendation of the written report to affirm the District's existing sphere and the written statements addressing the four planning factors the Commission is required to consider in making a sphere determination under G.C. §56425. The adoption of the resolution would fulfill the Commission's sphere review requirement for the District.

### **Recommendation**

It is recommended for the Commission to take the following actions:

- 1) Receive and file the attached written report representing the sphere of influence review of the Napa River Reclamation District No. 2109; and
- 2) Approve the form for the attached draft resolution with any desired changes that make statements with respect to affirming the sphere of influence for the Napa River Reclamation District No. 2109 pursuant to Government Code §56425.

Respectfully submitted,

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Keene Simonds  
Executive Officer

Attachments:

- 1) Sphere of Influence Report
- 2) Draft Resolution

# LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

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

**Final Report**  
**April 2007**

### **Prepared by:**

#### **LAFCO of Napa County**

*Committed to serving the citizens and government agencies of its jurisdiction by encouraging the preservation of agricultural lands and open-space and coordinating the efficient delivery of municipal services.*

Jack Gingles, Chair, City Member  
Brad Wagenknecht, Vice-Chair, County Member  
Cindy Coffey, Commissioner, City Member  
Bill Dodd, Commissioner, County Member  
Brian J. Kelly, Commissioner, Public Member  
Juliana Inman, Alternate Commissioner, City Member  
Mark Luce, Alternate Commissioner, County Member

Keene Simonds, Executive Officer  
Jackie Gong, Commission Counsel  
Tracy Geraghty, Analyst  
Kathy Mabry, Commission Secretary



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## INTRODUCTION

### Local Agency Formation Commissions

Local Agency Formation Commissions (LAFCOs) were established in 1963 and are responsible for administering California Government Code §56000 et seq., which is now known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. LAFCOs are delegated regulatory and planning responsibilities to encourage the orderly formation and development of local governmental agencies, preserve agricultural and open-space lands, and to discourage urban sprawl. Duties include regulating governmental boundary changes through annexations or detachments, approving or disapproving city incorporations, and forming, consolidating, or dissolving special districts. LAFCOs are also responsible for conducting studies that address a range of service and governance issues to inform and direct regional planning activities and objectives. LAFCOs are located in all 58 counties in California.

### Spheres of Influence

Among LAFCO's primary planning responsibilities is the determination of a sphere of influence for each city and special district under its jurisdiction.<sup>1</sup> California Government Code (G.C.) §56076 defines a sphere as "a plan for the probable physical boundaries and service area of a local agency, as determined by the commission." LAFCO establishes, amends, and updates spheres to indicate to local agencies and property owners that, at some future date, a specific area will likely require the services provided by the subject agency. The sphere determination also indicates the agency LAFCO believes to be best situated to serve the subject area. LAFCO is required to review each agency's sphere by January 1, 2008 and every five years thereafter as necessary.

In establishing, amending, or updating a city or special district's sphere, LAFCO is required to consider and prepare written statements addressing four specific planning factors. These planning factors, which are enumerated under G.C. 56425(e), are intended to capture the legislative intent of the sphere determination with regard to promoting the logical and orderly development of each local agency. These planning factors are:

- The present and planned land uses in the area, including agricultural and open-space lands.
- The present and probable need for public facilities and services in the area.
- The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
- The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

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<sup>1</sup> LAFCOs have been required to determine spheres for cities and special districts since 1972.

In addition, when reviewing a sphere for a special district, LAFCO must also do the following:

- Require the special district to file a written statement with the Commission specifying the functions or classes of services it provides.
- Establish the nature, location, and extent of any functions or classes of services provided by the existing special district.

Beginning in 2001, to help inform the sphere review process, LAFCO is responsible for preparing a municipal service review. A municipal service review can take on many different forms, including a review of a single agency, or a review of several agencies that provide a similar service, such as sewer, water, or fire protection. The municipal service review culminates in the preparation of written determinations that address nine specific factors enumerated under G.C. §56430. The municipal service review is a prerequisite to updating an agency's sphere and may also lead LAFCO to take other actions under its authority.

### **Napa River Reclamation District No. 2109**

In August 2005, LAFCO of Napa County completed a municipal service review of the Napa River Reclamation District No. 2109. The municipal service review included an evaluation of the level and range of services provided by the District along with written determinations addressing the nine factors required for consideration under G.C. §56430.<sup>2</sup> The municipal service review also included a recommendation prompting LAFCO to conduct a governance study to consider the options and merits of reorganizing NRRD to address inconsistencies between its service activities and principal act. The governance study was completed in April 2006 and concluded that reorganizing NRRD into a community service district is the preferred option with respect to meeting the present and future needs of the District and its constituents.<sup>3</sup>

Drawing from information collected as part of the governance study and municipal service review referenced above, this report represents the sphere review of the District pursuant to G.C. §56425. The report considers whether changes to the sphere are warranted to plan the orderly development of the District in a manner that supports the provisions of California Government Code and the policies of the Commission.

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<sup>2</sup> LAFCO Resolution No. 05-17.

<sup>3</sup> In October 2006, LAFCO completed a municipal service review on sewer services in Napa County. The countywide municipal service review included an expanded evaluation and cross-agency comparison of NRRD's sewer services.

**OVERVIEW**

The Napa River Reclamation District No. 2109 (NRRD) was formed in 1974 to maintain and improve an existing levee serving the “Edgerly Island Subdivision.”<sup>4</sup> Following its formation, NRRD began providing levee control for Edgerly Island in a purely advisory capacity – actual maintenance of the levee by reason of ownership remained the responsibility of individual property owners. Advisory services were accomplished through regular inspections of the levee for consistency with structural standards recommended by NRRD and enforced by issuing nuisance complaints. In 1984, NRRD began providing sewer service following a special amendment to its principal act. The special amendment, which was enacted by the Legislature to address concerns that private septic systems were failing and threatening local groundwater supplies, coincided with NRRD’s annexation of the adjacent “Ingersoll Subdivision.”<sup>5</sup> In 2002, NRRD suspended its advisory services relating to levee control after a court determined it did not have the authority to enforce uniform standards on property owners by issuing nuisance complaints. The lone reclamation service presently provided by NRRD involves the operation of the pump station on Edgerly Island that it inherited upon its formation from the Napa County Flood Control and Water Conservation District. NRRD currently serves 138 developed single-family residences within the Edgerly Island and Ingersoll Subdivisions with an estimated population of 348.<sup>6</sup>

NRRD is an independent special district governed by an elected five-member board of trustees that serve staggered four-year terms. Elections are based on the landowner-voter system, which allows each landowner one vote for each dollar that his or her property is assessed. Staffing for NRRD is provided by one half-time general manager who is a licensed sewer operator. NRRD adopts an annual line-item budget projecting both operational and capital improvement expenses as well as revenues for the upcoming fiscal year. Over the last three fiscal years, NRRD’s final adopted budget for expenses has averaged \$105,680. NRRD’s operational and capital improvement costs are primarily funded by sewer service charges.

**Napa River Reclamation District No. 2109**

Date Formed	1974
District Type:	Independent
Enabling Legislation	Water Code §50000-53901
Services Provided	Sewer Limited Reclamation

**Sphere of Influence**

NRRD’s sphere was adopted by LAFCO in 1985. In determining the sphere, LAFCO included all lands within NRRD’s jurisdictional boundary with the exception of a 21-acre parcel owned by the District and is the site of its administrative office and sewer treatment and disposal facilities. No changes to the sphere have been made since its adoption in 1985. A map depicting NRRD’s sphere and jurisdictional boundary is provided as Attachment One.

<sup>4</sup> The Edgerly Island Subdivision was approved by the County of Napa in 1950 and involved the creation of 112 lots, all of which were conjoined with a private and community-wide levee.  
<sup>5</sup> The Ingersoll Subdivision was approved by the County of Napa as part of two separate proposals in 1946 and 1949 and involved the creation of 49 lots that were also conjoined with the private and community-wide levee  
<sup>6</sup> Estimate based on the 2005 California Department of Finance population per household estimate (2.52) assigned to unincorporated Napa County.

## Land Use Factors

NRRD is under the land use authority of the County of Napa. The County designates land located within NRRD as *Agriculture, Watershed and Open Space*. Development densities for the County are identified under its zoning standards. The principal zoning standard for parcels located within NRRD is *Residential Single: Airport Compatibility*.<sup>7</sup> This zoning standard requires a minimum parcel size of 0.18 acres, which is consistent with existing lot sizes and limits additional subdivision and related growth from occurring in NRRD.

## DISCUSSION

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the objective of this report is to identify and evaluate areas that warrant consideration for inclusion or removal from NRRD's sphere as part of a comprehensive review. Underlying this effort is to designate the sphere in a manner that promotes the logical and orderly development of NRRD in a manner that supports the provisions of California Government Code and the policies of the Commission.

## ANALYSIS

The analysis conducted as part of the municipal service review of NRRD identified that the District is providing an adequate level of sewer service within its jurisdictional boundary.<sup>8</sup> However, the analysis also identified an existing disconnect between the reclamation authority of NRRD and the preference of its constituents not to establish or fund public reclamation services in a manner consistent with the District's principal act. In addressing this issue, LAFCO recently completed a governance study evaluating the options and merits of reorganizing NRRD. The governance study concluded that reorganizing NRRD into a community service district is the preferred option with respect to meeting the present and future needs of the District and its constituents. Based on recent communication with NRRD staff, the District continues to review its options and preferences with regard to pursuing reorganization.

Based on the provisions of California Government Code and the policies of the Commission, there may be merit to consider amending NRRD's sphere to include two adjacent and separate areas. The first area includes a 21-acre parcel owned by NRRD that is within its jurisdictional boundary and the site of its administrative office and sewer treatment/disposal facilities. The second area includes a 38-acre parcel that is zoned and used for commercial purposes. However, in the absence of addressing the aforementioned inconsistencies between NRRD's service activities and principal act, any changes to the sphere appear premature at this time.

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<sup>7</sup> There are two parcels within NRRD zoned by the County as *Marine Commercial: Airport Compatibility*. This zoning standard does not require a minimum parcel size. One of the affected parcels is currently developed with a single-family residence. The second parcel, which is approximately 10 acres in size and located at the south terminus of Milton Road, could be developed at a density level approved by the County.

<sup>8</sup> This statement was affirmed as part of the LAFCO's recently completed municipal service review of sewer services in Napa County.



## RECOMMENDATION

It is recommended that the Commission affirm NRRD's existing sphere. Pursuant to G.C. §56425(e), the following statements have been prepared in support of the recommendation:

**1. The present and planned land uses in the area, including agricultural and open-space lands.**

The present and future land uses in the area are planned for in the County of Napa General Plan as the affected land use authority. The County General Plan and adopted zoning standards provide for the current and future residential uses that characterize the majority of the area.

**2. The present and probable need for public facilities and services in the area.**

The Napa River Reclamation District No. 2109 provides sewer and limited reclamation services within the area. As previously determined by the Commission, there is a strong need for organized sewer and reclamation services in the form of uniform levee control within the area.

**3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.**

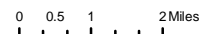
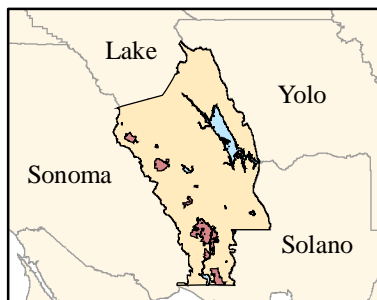
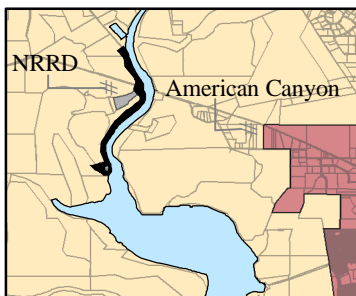
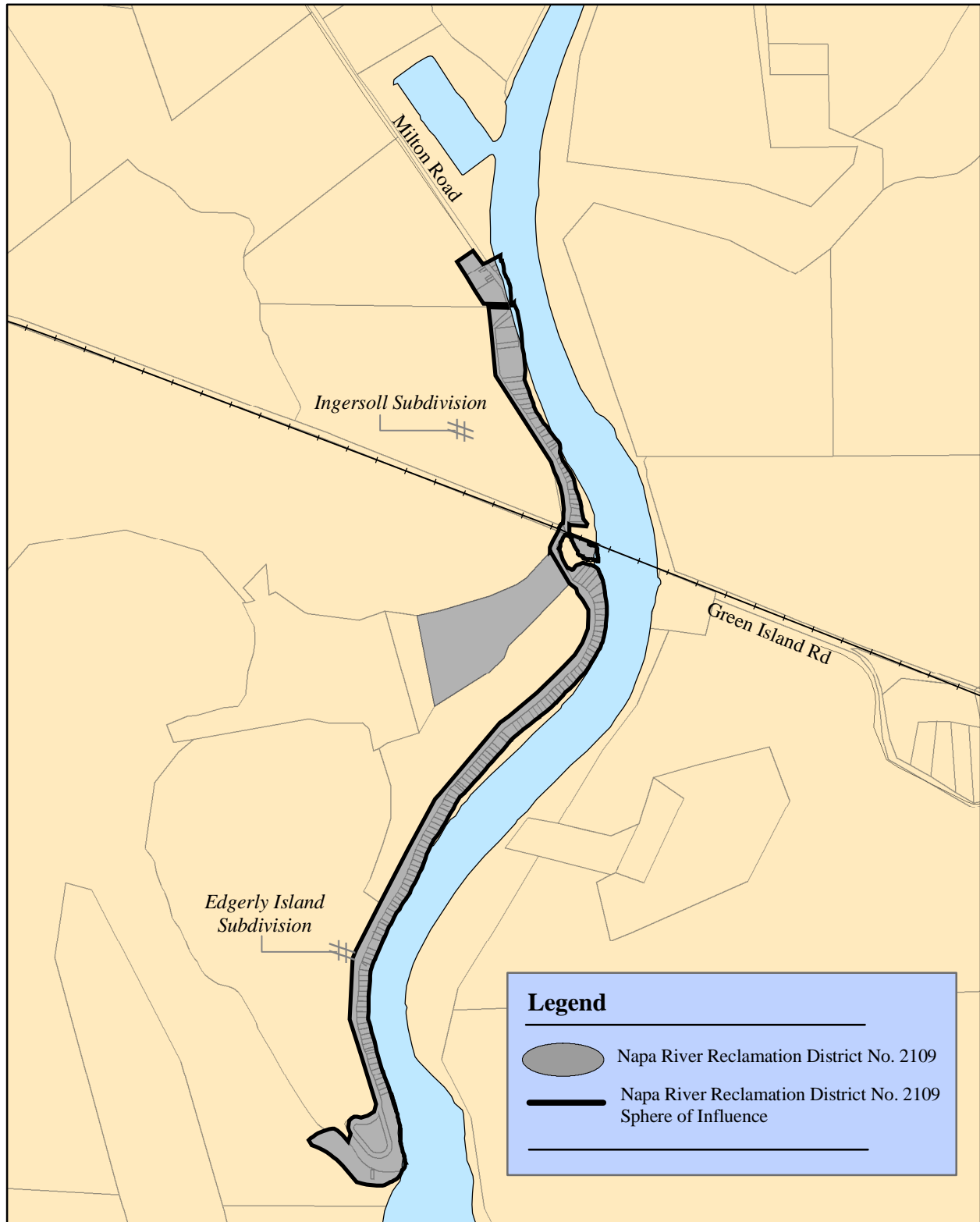
The Napa River Reclamation District No. 2109 has demonstrated its ability to provide an adequate level of sewer service to the area. The District has not demonstrated its ability to provide an adequate level of reclamation service to the area in a manner that is consistent with its principal act.

**4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.**

The area is currently served by the Napa River Reclamation District No. 2109 and includes the Edgerly Island and Ingersoll Subdivisions. These two subdivisions share common social and economic characteristics that underlie the governance and service provision of the District.

Attachments: as stated

# Napa River Reclamation District No. 2109



March 19, 2007  
Prepared by KS



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