



LAFCO MEETING AGENDA

June 4, 2007

4:00 P.M.

**Board Chambers, County Administration Building
1195 Third Street, Room 305
Napa, CA**

Jack Gingles, Chair
Brad Wagenknecht, Vice-Chair
Bill Dodd, Commissioner
Juliana Inman, Commissioner
Brian J. Kelly, Commissioner
Cindy Coffey, Alternate Commissioner
Mark Luce, Alternate Commissioner
Gregory Rodeno, Alternate Commissioner

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

1. CALL TO ORDER; ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

Minutes of May 7, 2007

4. PUBLIC COMMENT

In this time period, anyone may comment to the Commission regarding any subject over which the Commission has jurisdiction, or request consideration to place an item on a future Agenda. No comments will be allowed involving any subject matter that is scheduled for hearing or discussion as part of this Agenda. Individuals will be limited to a three-minute presentation. No action will be taken by the Commission as a result of any item presented at this time.

5. CONSENT CALENDAR

Staff recommends approval of all items on the consent calendar without discussion. Proposed changes of organization or reorganization appearing on the consent calendar meet the provisions of applicable sections of the California Government Code that allow the Commission to waive subsequent protest proceedings.

a) Adoption of Calendar for July 2007 to December 2007 (Action)

The Commission will consider the adoption of a regular meeting calendar for the second-half of calendar year 2007.

b) Villa Lane No. 7 District Annexation to the Napa Sanitation District (Action)

The Commission will consider an application to annex approximately 1.35 acres of incorporated territory to the Napa Sanitation District. The annexation is intended to facilitate the subdivision and development of the subject territory into a 20-unit condominium complex. (Assessor Parcel Number: 038-250-014)

6. PUBLIC HEARING ITEMS

a) Final Budget for Fiscal Year 2007-2008

The Commission will consider a final budget for the 2007-2008 fiscal year. The final budget projects a total increase in operating expenses of 2.2% from the current fiscal year and is being presented to the Commission for adoption as part of a draft resolution.

b) Proposed Comprehensive Update to the Adopted Fee Schedule

The Commission will consider a proposed comprehensive update to its adopted fee schedule. The update includes increasing the hourly staff rate from \$50 to \$90 and is being presented to the Commission for adoption as part of a draft resolution.

7. COMMISSION ACTION ITEMS

a) **Comments on the County of Napa's Draft General Plan Update and Draft Environmental Impact Report**

The Commission will consider authorizing the Chair to sign a letter commenting on the County of Napa's Draft General Plan Update and Draft Environmental Impact Report. The comment letter has been revised to address comments received at the Commission's May 7, 2007 meeting.

b) **Los Carneros Water District – Sphere of Influence Review**

The Commission will receive a written report representing the sphere of influence review of the Los Carneros Water District. The Commission will consider a draft resolution approving the recommendation of the report to affirm with no changes the District's existing sphere of influence.

c) **Circle Oaks County Water District – Sphere of Influence Review**

The Commission will receive a written report representing the sphere of influence review of the Circle Oaks County Water District. The Commission will consider a draft resolution approving the recommendation of the report to affirm with no changes the District's existing sphere of influence.

d) **Napa County Flood Control and Water Conservation District: Municipal Service Review and Sphere of Influence Review**

The Commission will receive two reports as part of its scheduled municipal service review and sphere of influence review of the Napa County Flood Control and Water Conservation District. The Commission will consider resolutions adopting the determinations and statements included in both reports pursuant to California Government Codes §56340 and §56425.

e) **Nominations for the CALAFCO Board of Directors**

The Commission will consider whether to submit any nominations for vacancies to the CALAFCO Board of Directors. An election on all nominations will be held at the CALAFCO Annual Conference, Thursday, August 30, 2007, in Sacramento.

8. COMMISSION DISCUSSION ITEMS

a) **Town of Yountville: Municipal Service Review**

The Commission will receive a municipal service review report on the Town of Yountville. The report is in draft-form and is being presented for discussion.

9. EXECUTIVE OFFICER REPORT

The Commission will receive an oral report from the Executive Officer regarding staff activities, communication, studies, and special projects. This includes the following items:

- United States Bureau of Reclamation
- Napa River Reclamation District No. 2109

10. INFORMATION ITEMS

Information items are provided for the Commission to receive and file. The Commission may choose to discuss individual items or to receive and file the entire calendar.

a) **CALAFCO Annual Conference**

The Commission will receive a report from staff regarding this year's 2007 Annual CALAFCO Conference, which is scheduled for August 28-31 in Sacramento.

b) **Active and Pending Proposals**

The Commission will receive a report from staff regarding active and pending proposals.

11. CLOSED SESSION

a) Conference with Legal Counsel

Anticipated litigation pursuant California Government Code §54956.9(b)(1): Two cases.

12. COMMISSIONER COMMENTS; REQUEST FOR FUTURE AGENDA ITEMS

13. ADJOURNMENT

Adjournment to next meeting, as established under Agenda Item No. 5a.

In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the Napa County Clerk of the Board's Office 24 hours prior to the meeting at (707) 253-4196.



Local Agency Formation Commission
LAFCO of Napa County

1700 Second Street, Suite 268
Napa, CA 94559
(707) 259-8645
FAX (707) 251-1053
<http://napa.lafco.ca.gov>

June 4, 2007
Agenda Item No. 5a

May 29, 2007

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

**SUBJECT: Adoption of Calendar for July 2007 to December 2007
(Consent - Action)**

The Commission will consider the adoption of a regular meeting calendar for the second-half of calendar year 2007.

The Commission's *Policy on the Regular Commission Meeting Calendar* calls for regular meetings to be scheduled for 4:00pm on the first Monday of each month. For the second six months of 2007, those dates are July 2nd, August 6th, September 3rd, October 1st, November 5th, and December 3rd.

Discussion

The Commission's schedule for the remaining part of the calendar year will remain busy as it completes its inaugural study schedule for service reviews and sphere of influence updates by the legislative deadline of January 1, 2008.

Staff recommends that the Commission schedule regular meetings for each month remaining in 2007 with the exception of July and September. Staff offers this recommendation in response to an earlier survey indicating that several Commissioners will not be available for the July 2nd meeting, and September 3rd falls on Labor Day.

Recommendation

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

- 1) Adopt a regular meeting calendar for the second-half of calendar year 2007 to include August 6th, October 1st, November 5th, and December 3rd.

Respectfully submitted,

Keene Simonds
Executive Officer

Jack Gingles, Chair
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

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

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Representative of the General Public

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June 4, 2007
Agenda Item No. 5b

May 29, 2007

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer
Tracy Geraghty, Analyst

SUBJECT: *Villa Lane No. 7 District Annexation to the Napa Sanitation District
(Consent - Action)*

The Commission will consider an application to annex approximately 1.35 acres of incorporated territory to the Napa Sanitation District. The annexation is intended to facilitate the subdivision and development of the subject territory into a 20-unit condominium complex.

Proposed is the annexation of 1.35 acres of incorporated territory to the Napa Sanitation District (NSD). The subject territory consists of one 1.17 acre parcel that includes an existing single family residence and a 0.18 acre right-of way portion of Villa Lane in the City of Napa. The annexation is intended to facilitate the subdivision and development of the subject territory into a 20-unit condominium complex. This project has been approved by the City of Napa and is referred to as the "Silverado Villa."

NSD is capable of extending services to the proposed development project without impact on the service levels provided to current ratepayers. The Executive Officer recommends approval of this proposal.

General Information

Applicant: The RMCI Group, property owners.

Proposal: The applicant proposes annexation of 1.35 acres of incorporated territory to NSD in order to make sewer services available for an underlying development project. The subject territory consists of one 1.17 acre parcel that includes an existing single family residence and a 0.18 acre right-of-way portion of Villa Lane in the City of Napa. The proposed project, known as "Silverado Villa," will include a 20-unit condominium complex and was approved by the City of Napa on February 20, 2007.

Location: The subject territory is located at 3500 Villa Lane in the City of Napa. The County of Napa Assessor's Office identifies the subject territory as 038-250-014.

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County of Napa Supervisor, 1st District

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

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

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

Factors for Consideration

California Government Code §56668 et al provides a list of factors to be considered in the review of a proposal. The Commission's review shall include, but is not limited to, consideration of these factors. Additional information relating to these factors can be found in the attached Justification of Proposal completed by the applicant.

<p>(a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.</p>	<p>The subject territory currently includes one single-family residence that is occupied by one person. The annexation of the subject territory to NSD would facilitate the development of a 20-unit condominium. Based on the California Department of Finance's projection of 2.62 persons per household in the City of Napa, the subject territory at project buildout will have a population of approximately 53 people. This projected population density is consistent with adjacent areas.</p> <p>Topography within the subject area is characterized by very flat lands. Salvador Creek runs north of the subject territory.</p> <p>The present total assessed value of the subject territory is \$63,864.¹</p>
<p>(b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.</p> <p>"Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.</p>	<p>The annexation of the subject territory would facilitate the extension of public sewer service to serve 20 new multi-family residential units. NSD's current average-day sewer demand is 6.9 million gallons. At an expected daily use rate of 210 gallons per residence, the proposed project will generate an additional daily sewer demand of 4,200 gallons. With a current total-day treatment capacity of 15.4 million gallons, NSD has sufficient capacity and facilities to provide service to the subject territory without impacting the service levels of current ratepayers.</p>
<p>(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.</p>	<p>Annexation to NSD would facilitate the development of the subject territory in a manner that is consistent with the surrounding area. A substantial portion of the surrounding area is already served by NSD.</p>

¹ The annexation of the subject territory to the Napa Sanitation District will not change property taxes. Existing Tax Rate Areas (TRAs) will be matched to new TRAs. After annexation, the District will be permitted to charge property owners for services using the County's assessment rolls.

<p>(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377. (Note: Section 56377 encourages preservation of agricultural and open-space lands.)</p>	<p>The annexation of the subject territory to NSD is consistent with the planned, orderly, and efficient patterns of urban development within the City of Napa.</p>
<p>(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.</p>	<p>The subject territory is located within an urbanized portion of the City of Napa. Extension of sewer service to the subject territory would not result in an impact to agricultural lands.</p>
<p>(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.</p>	<p>The subject territory is parcel specific with clear and certain boundaries.</p>
<p>(g) Consistency with city or county general and specific plans.</p>	<p>The annexation of the subject territory to NSD is consistent with the land use policies of the affected land use authority, the City of Napa. The City designates the subject territory <i>Multi-Family Residential – 33H</i>. This designation provides for multi-family housing at a density range of 18.25 to 25 units per acre. The proposed density of the underlying project is 20 units per acre, which is consistent with its General Plan. The subject territory is zoned under the City of Napa’s Big Ranch Specific Plan as RH-25. This zoning allows for multi-family residential housing at up to 25 units per acre.</p>
<p>(h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.</p>	<p>The subject territory lies within the adopted sphere of influence of the NSD. The proposal is consistent with NSD’s sphere, which was comprehensively updated by LAFCO in August 2006.</p>
<p>(i) The comments of any affected local agency.</p>	<p>No substantive comments were received from an affected local agency during the review of this proposal.</p>
<p>(j) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.</p>	<p>NSD, through its resolution of consent, attests to its ability to extend sewer service to the subject territory without impact to existing ratepayers.</p>

(k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.	The subject territory is currently connected to the City of Napa's potable water system. The City's overall water use per day in 2006 averaged 12.9 gallons. At an average of 307 gallons a day per residence, the proposed project will generate an additional water demand of 5,837 gallons a day. The City's water management plan shows it is capable of delivering approximately 35 million gallons a day to its customers.
(l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.	The subject territory is located within the City of Napa. Annexation of the subject territory to NSD will not impact the City in achieving its regional housing needs allocation.
(m) Any information or comments from the landowner or owners.	No comments were offered.
(n) Any information relating to existing land use designations.	As noted, the City of Napa designates the subject territory <i>Multi-Family Residential – 33H</i> .
5668.3(a)1 Whether the proposed annexation will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.	The proposed annexation is intended to benefit future inhabitants of the subject territory by providing future access to public sewer service.

Property Tax Agreement

In accordance with provisions of Revenue and Taxation Code §99, the County of Napa and NSD by Resolution of the Board of Supervisors have agreed that no exchange of property taxes will occur as a result of annexation of lands to the District.

Environmental Analysis

On February 20, 2007, the City of Napa adopted *Resolution R2007-32*, which involved the approval of a tentative subdivision map for the underlying project associated with this proposal. The City Council found the project to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14, Section §15332 of the California Code of Regulations. This code exempts in-fill development projects that are consistent with the local general plan and assigned zoning standard. This exemption is provided for the Commission to review and consider as responsible agency under CEQA.

Alternatives for Commission Action

After consideration of this report, the Commission should consider taking one of the following actions:

- Option A:** Adopt the form of the attached resolution approving the proposed *Villa Lane No. 7 District Annexation to the Napa Sanitation District*.
- Option B:** If the Commission requires more information, continue this matter to a future meeting.

Recommendation

Staff recommends Option A: approval of the annexation proposal as submitted by the applicant.

Respectfully submitted,

Keene Simonds
Executive Officer

Tracy Geraghty
Analyst

Attachments:

- ~~1. Draft LAFCO Resolution of Approval~~
- ~~2. Justification of Proposal~~
- ~~3. NSD Resolution No. 07-012~~
- ~~4. City of Napa Resolution R2007-32~~



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June 4, 2007
Agenda Item No. 6a

May 28, 2007

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Final Budget for Fiscal Year 2007-2008 (Public Hearing)

The Commission will consider a final budget for the 2007-2008 fiscal year. The final budget projects a total increase in operating expenses of 2.2% from the current fiscal year and is being presented to the Commission for adoption as part of a draft resolution.

California Government Code §56381 directs the Commission to annually prepare and adopt a proposed budget by May 1st and a final budget by June 15th. In preparing for its own provisions, it is the policy of the Commission to establish a budget committee that includes two appointed Commissioners and the Executive Officer. The budget committee is responsible for preparing a draft proposed budget for review by the Commission and those agencies that are statutorily responsible for funding LAFCO no less than 30 days prior to its adoption. It has been the practice of the Commission to adopt proposed and final budgets at its April and June meetings, respectively.

Background

At its December 4, 2006 meeting, the Commission appointed Commissioners Kelly and Wagenknecht to serve on the 2007-2008 Budget Committee ("Committee"). The Committee met in January 2007 to review LAFCO's operating expenses for the upcoming fiscal year. (It is the practice of LAFCO to budget only for expenses.) A spending baseline was constructed to estimate how much it would cost to continue LAFCO's current level of services and activities at next fiscal year's price for labor and supplies. In reviewing these estimates, the Committee considered actual expenses from past fiscal years and whether increases or decreases in spending was appropriate to reflect anticipated changes in demand or need. Based on this initial review, the Committee presented a draft proposed budget identifying an overall increase in operating costs of 1.9% to the Commission at its February 5, 2007 for discussion.

At the April 2, 2007 meeting, the Committee presented the Commission with a proposed budget for consideration. The proposed budget, which reflected recalculations involving salaries, group insurance, and legal expenses, was adopted by the Commission and raised the overall increase in operating costs to 2.2%.

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Executive Officer

Following the April meeting, the adopted proposed budget was circulated for review and comment to each of the six local agencies that fund LAFCO. No written comments were received.

Discussion: Final Budget for 2007-2008

The final budget that is being presented to the Commission for consideration is identical to the proposed budget adopted by the Commission at the April meeting and projects a total increase in LAFCO operating costs over the current fiscal year of 2.2% (\$9,914). The largest increase to the final budget over the current fiscal year is attributed to LAFCO's group insurance, which is projected to rise by \$7,138. This cost is contractually determined by the County of Napa and reflects the Commission's contribution to employee healthcare costs. The final budget also reflects a recommendation by the Committee to increase the Commission per diem from \$50 to \$100. This change, which is designed to reflect the medium per diem rate of the eight other Bay Area LAFCOs, is producing an overall increase in the final budget of \$6,000.

The final budget is being presented to the Commission for adoption as part of an attached draft resolution. Also attached to the staff report is a draft spreadsheet projecting the allocation of the final budget for 2007-2008 among LAFCO's six local funding agencies. This spreadsheet has been updated since the April meeting with new information from the Department of Finance (population estimates) and State Controller's Office (general tax revenues) and is being presented for information only. Actual allocations will not be determined until unexpended funds are totaled at the end of the fiscal year.

Recommendation

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

- 1) Adopt the form of the attached resolution approving the final budget for 2007-2008 along with any desired changes.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachments:

1. 2007-2008 Final Budget (Line Item Format)
2. Draft Resolution
3. Draft Allocation of 2007-2008 Final Budget

**Local Agency Formation Commission of Napa County
Final Budget for 2007-2008**

		FINAL FY04-05	FINAL FY05-06	FINAL FY06-07	FINAL FY07-08 (5/28/07)	Difference From FY06-07	
Salaries and Wages							
<u>Account No.</u>	<u>Account</u>						
51100000	Regular Salaries	\$ 167,505.00	\$ 187,206.00	\$ 190,230.92	\$ 185,526.79 ^{1,2}	\$ (4,704.13)	
51200100	Extra Help	\$ 6,188.00	\$ 2,206.26	\$ -	\$ -	\$ -	
51200200	Overtime	\$ -	\$ -	\$ -	\$ -	\$ -	
51200500	Per Diems	\$ 4,050.00	\$ 4,050.00	\$ 3,600.00	\$ 9,600.00 ³	\$ 6,000.00	
51300100	Retirement	\$ 23,450.70	\$ 32,235.20	\$ 32,953.28	\$ 31,583.44	\$ (1,369.84)	
51300300	Medicare	\$ 2,428.82	\$ 2,674.13	\$ 2,849.46	\$ 2,649.92	\$ (199.54)	
51300500	Group Insurance	\$ 22,255.20	\$ 26,875.92	\$ 36,030.00	\$ 43,168.32	\$ 7,138.32	
51301200	Workers Compensation	\$ 533.00	\$ 749.00	\$ 685.00	\$ 185.00	\$ (500.00)	
51301700	401A Employer Contributions	-	\$ 1,500.00	\$ 1,500.00	\$ - ⁴	\$ (1,500.00)	
51301800	Cell Phone Allowance	-	\$ 840.00	\$ 840.00	\$ 840.00	\$ -	
		\$ 226,410.72	\$ 258,336.51	\$ 268,688.66	\$ 273,553.47	\$ 4,864.81	1.8%
Services and Supplies							
<u>Account No.</u>	<u>Account</u>						
TBD	Special Departmental Expenses	-	-	-	\$ 850.00 ⁵	\$ 850.00	
52070000	Communications	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ -	
52100300	Insurance: Liability	-	\$ 335.00	\$ 534.00	\$ 352.00	\$ (182.00)	
52150000	Memberships	\$ 1,368.00	\$ 1,400.00	\$ 2,200.00	\$ 2,000.00	\$ (200.00)	
52170000	Office Expenses	\$ 12,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ -	
52180200	Management Information Services	\$ 13,000.00	\$ 13,378.27	\$ 17,799.91	\$ 16,387.00	\$ (1,412.91)	
52180500	Legal	\$ 18,750.00	\$ 18,750.00	\$ 18,750.00	\$ 21,500.00 ⁶	\$ 2,750.00	
52190000	Publications and Notices	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,500.00 ⁷	\$ 500.00	
52185000	PSS: Other (Accounting/Auditing)	\$ 4,000.00	\$ 5,000.00	\$ 6,500.00	\$ 7,150.00 ⁸	\$ 650.00	
52235000	SDE: Other (Office Improvements)	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ -	
52240500	Property Lease	\$ 24,038.40	\$ 25,540.80	\$ 26,307.02	\$ 27,000.00 ⁹	\$ 692.98	
52250000	Transportation and Travel	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ -	
52250800	Training	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 4,000.00 ¹⁰	\$ 1,000.00	
52251200	Private Mileage	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,000.00 ¹¹	\$ (500.00)	
		\$ 87,156.40	\$ 93,404.07	\$ 101,090.93	\$ 105,239.00	\$ 4,148.07	4.1%
	Sub Total Expenses	\$ 313,567.12	\$ 351,740.58	\$ 369,779.59	\$ 378,792.47	\$ 9,012.88	
Contingencies and Reserves							
<u>Account No.</u>	<u>Account</u>						
54000900	Operating Reserve (10% of Expenses)	\$ 31,356.71	\$ 35,174.06	\$ 36,977.96	\$ 37,879.25	\$ 901.29	
54001000	Professional Services Dedication	\$ 100,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ -	
		\$ 131,356.71	\$ 85,174.06	\$ 86,977.96	\$ 87,879.25	\$ 901.29	1.0%
	TOTAL	\$ 444,923.83	\$ 436,914.64	\$ 456,757.55	\$ 466,671.72	\$ 9,914.17	2.2%

NOTES

- Assumes a 3.0% cost-of-living adjustment for all employees. The County MOU with represented employees requires a cost-living-adjustment to be determined by an agreed formula. The adjustment could be as low as 2.5% and as high as 4.0%. The County advises using a 3.0% factor at this time.
- Anticipates scheduled salary increases for Keene Simonds, Executive Officer, and Tracy Geraghty, Analyst II. Kathy Mabry, Commission Secretary, is at the top of her classification range and is not eligible for a salary increase.
- An increase in the Commission's meeting per diem from \$50 to \$100 is budgeted to reflect the medium per diem rate of the eight other Bay Area LAFCOs. This increase also takes into account that the Commission is now meeting on a monthly basis.
- The Executive Officer has elected not to participate in a 401A plan. No other employees are eligible to receive a matching contribution from the Commission.
- This account has been established to reflect the new requirement of the County Recorder to charge agencies a \$50 fee to file a Notice of Exemption.
- An increase in the amount of \$2,750 is budgeted to reflect a projected 10% increase in the hourly rate charged to LAFCO by County Counsel for legal services provided by Commission Counsel Gong. The increase also takes into account that the Commission is now meeting on a monthly basis.
- An increase in the amount of \$500 is budgeted to reflect the average cost to LAFCO for notices and publications over the last five fiscal years.
- An increase in the amount of \$650 is budgeted to reflect an anticipated 10% increase in hourly staff rates for the County Auditor-Controller's Office.
- An amended lease agreement for office space at 1700 Second Street in Napa was approved by the Commission in June 2006. The amended lease agreement establishes a fixed monthly rent rate of \$2,250 through June 2009.
- An increase in the amount of \$1,000 is budgeted to help ensure that sufficient training funds are available for current and new Commissioners to attend the 2007 CALAFCO Annual Conference, which is scheduled for August 28-31 in Sacramento.
- A decrease in the amount of \$500 is budgeted to account for the car allowance that was established for the Executive Officer position in 2006.

RESOLUTION NO. _____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
ADOPTING A FISCAL YEAR 2007-2008 FINAL BUDGET**

WHEREAS, the Local Agency Formation Commission of Napa County (hereinafter referred to as “the Commission”) is required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq., hereinafter referred to as “Act”) to adopt a final budget for the next fiscal year; and

WHEREAS, Government Code Section 56381 requires that the Commission adopt a final budget no later than June 15; and

WHEREAS, at the direction of the Commission, the Executive Officer circulated for review and comment an adopted proposed budget to the administrative officer and the financial officer of each of the six local agencies that contribute to the LAFCO budget, those agencies being the County of Napa and the Cities of American Canyon, Calistoga, Napa, St. Helena, and Town of Yountville; and

WHEREAS, the Commission reviewed all substantive comments concerning the adopted proposed budget; and

WHEREAS, the Executive Officer prepared a report concerning the final budget, including his recommendations thereon; and

WHEREAS, the Executive Officer’s report was presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at its hearing on the final budget held on June 4th, 2007; and

WHEREAS, the Commission determined the final budget projects the staffing and program costs of the Commission as accurately and appropriately as is possible;

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

1. The final budget represented in Exhibit A is approved.

The foregoing resolution was duly and regularly adopted by the Local Agency Formation Commission of Napa County, State of California, at a regular meeting held on the 4th day of June 2007, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSTAIN: Commissioners _____

ATTEST: Keene Simonds
Executive Officer

RECORDED: _____
Kathy Mabry
Commission Secretary

FY2007-2008 Draft Allocation for Annual LAFCO Costs to County and Cities (5/28/07)
(Alternative Allocation Formula)

Step 1	LAFCO Budget		Final FY06-07	Proposed FY07-08	Difference Dollar	Difference Percentage			
	Total	\$	456,757.55	\$ 466,671.72	\$ 9,914.17	2.2%			
Step 2	Annual Allocation								
	50% to County	\$	228,378.78	\$ 233,335.86	\$ 4,957.08	2.2%			
	50% to Cities	\$	228,378.78	\$ 233,335.86	\$ 4,957.08	2.2%			
Step 3a	Cities' Share Based on Total General Taxes*								
	<u>General Tax Revenues</u>			<u>American Canyon</u>	<u>Calistoga</u>	<u>Napa</u>	<u>St. Helena</u>	<u>Yountville</u>	<u>All Cities</u>
	Secured & Unsecured Property Tax	\$	4,545,186	\$ 701,215	\$ 6,145,405	\$ 1,832,604	\$ 356,712	\$ 13,581,122	
	Voter Approved Indentedness Property Tax	\$	-	\$ -	\$ -	\$ -	\$ -	\$ -	
	Other Property Tax	\$	812,106	\$ 280,020	\$ 4,175,654	\$ 322,645	\$ 217,200	\$ 5,807,625	
	Sales and Use Taxes	\$	1,141,614	\$ 387,446	\$ 7,296,549	\$ 1,764,833	\$ 333,917	\$ 10,924,359	
	Transportation Tax	\$	-	\$ -	\$ -	\$ -	\$ -	\$ -	
	Transient Lodging Tax	\$	119,303	\$ 2,257,440	\$ 5,697,141	\$ 1,163,367	\$ 2,842,489	\$ 12,079,740	
	Franchises	\$	305,033	\$ 130,702	\$ 2,243,052	\$ 128,643	\$ 50,602	\$ 2,858,032	
	Business License Taxes	\$	141,421	\$ 131,693	\$ 2,351,101	\$ 133,008	\$ 3,767	\$ 2,760,990	
	Real Property Transfer Taxes	\$	248,217	\$ 36,734	\$ 637,586	\$ 57,077	\$ 16,143	\$ 995,757	
	Utility Users Tax	\$	-	\$ -	\$ -	\$ -	\$ -	\$ -	
	Other Non-Property Taxes	\$	1,666,103	\$ 244,010	\$ 2,375,561	\$ 481,299	\$ 101,189	\$ 4,868,162	
	Total	\$	8,978,983	\$ 4,169,260	\$ 30,922,049	\$ 5,883,476	\$ 3,922,019	\$ 53,875,787	
	Percentage of Total Taxes to all Cities		16.7%	7.7%	57.4%	10.9%	7.3%	100%	
Step 3b	Cities' Share Based on Total Population**			<u>American Canyon</u>	<u>Calistoga</u>	<u>Napa</u>	<u>St. Helena</u>	<u>Yountville</u>	<u>All Cities</u>
	Population		16,031	5,302	76,997	5,993	3,290	107,613	
	Population Percentage		14.90%	4.93%	71.55%	5.57%	3.06%	100%	
Step 4	Cities Allocation Formula			<u>American Canyon</u>	<u>Calistoga</u>	<u>Napa</u>	<u>St. Helena</u>	<u>Yountville</u>	<u>All Cities</u>
	Cities' Share Based on Total General Taxes		16.7%	7.7%	57.4%	10.9%	7.3%	100%	
	Portion of LAFCO Budget	\$	15,555.18	\$ 7,222.82	\$ 53,569.32	\$ 10,192.53	\$ 6,794.50	40%	
	Cities' Share Based on Total Population		14.90%	4.93%	71.55%	5.57%	3.06%	100%	
	Portion of LAFCO Budget	\$	20,855.88	\$ 6,897.75	\$ 100,170.95	\$ 7,796.73	\$ 4,280.20	60%	
	Total Agency Allocation	\$	36,411.06	\$ 14,120.57	\$ 153,740.27	\$ 17,989.25	\$ 11,074.70	\$ 233,335.86	
	Allocation Share		15.60%	6.05%	65.89%	7.71%	4.75%	100%	
Step 5	FY07-08 Invoice		<u>County</u>	<u>American Canyon</u>	<u>Calistoga</u>	<u>Napa</u>	<u>St. Helena</u>	<u>Yountville</u>	<u>All Agencies</u>
	FY07-08 Agency Share	\$	233,335.86	\$ 36,411.06	\$ 14,120.57	\$ 153,740.27	\$ 17,989.25	\$ 11,074.70	\$ 466,671.72
	Less Agency Credits***	\$	43,488.98	\$ 5,653.57	\$ 2,661.53	\$ 29,798.65	\$ 3,409.54	\$ 1,974.40	\$ 86,986.66
	Net Invoice	\$	189,846.88	\$ 30,757.50	\$ 11,459.05	\$ 123,941.62	\$ 14,579.72	\$ 9,100.30	\$ 379,685.06

Notes:

* Amounts are drawn from the FY04-05 State Controller's Cities Annual Report and does not include functional revenues.

** Amounts are drawn from the California Department of Finance, January 2007.

*** To assist agencies in their budgeting plans, LAFCO has included a draft projection of its unexpended funds for FY06-07 totaling \$86,986 (not including application fee revenues). It is the practice of LAFCO to return all unexpended funds (agency contributions and application fees) to the agencies in the form of credits based on their percentage share of the budget in FY06-07. Actual credits will not be determined until the end of FY06/07.



Local Agency Formation Commission
LAFCO of Napa County

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June 4, 2007
Agenda Item No. 6b

May 28, 2007

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

**SUBJECT: Proposed Comprehensive Update to the Adopted Fee Schedule
(Public Hearing)**

The Commission will consider a proposed comprehensive update to its adopted fee schedule. The update includes increasing the hourly staff rate from \$50 to \$90 and is being presented to the Commission for adoption as part of a draft resolution.

On May 7, 2007, the Commission reviewed a proposed comprehensive update to its adopted fee schedule. The proposed update was prepared by staff to address an earlier recommendation by the 2007-2008 Budget Committee (Kelly and Wagenknecht) for the Commission to revisit its fee schedule and consider changes to improve cost-recovery. Following its review, the Commission directed staff to circulate the proposed update to local agencies and interested parties for review and comment. No comments were received.

Discussion

The proposed update makes a number of changes to the current fee schedule. Most notably, the update includes recalculating the hourly staff rate from \$50 to \$90 to provide full cost-recovery with respect to LAFCO's labor and administrative overhead costs. The update also recategorizes annexation and detachment proposals based on whether there is 100% consent from affected property owners and agencies and the type of environmental review required. Additionally, the update transitions fees for service reviews, sphere of influence updates, special district organizations/reorganizations, and incorporations from flat fees to "at cost."

Implementation

In reviewing the proposed update at the May meeting, the Commission discussed its options with respect to implementing the updated fee schedule. California Government Code §66017(a) requires a minimum period of 60 days between the adoption and implementation of new fees. Under this code section the updated fee schedule could not become effective until July 27, 2007. Commissioners Kelly and Gingles expressed interest in extending the implementation period to 90 days, which would designate September 2, 2007 as the effective date.

Jack Gingles, Chair
Mayor, City of Calistoga

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

Brian J. Kelly, Commissioner
Representative of the General Public

Juliana Inman, Commissioner
Councilmember, City of Napa

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

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

Keene Simonds
Executive Officer

Grandfathering or Transitioning Fees

Whether the Commission chooses a 60 or 90 day implementation period, it is reasonable to assume that there will be active proposals at the time of the effective date. The specific challenge will be addressing time-consuming proposals, such as sphere updates and complex annexations, which require LAFCO to charge applicants an hourly staff rate for work performed. In addressing this issue, the Commission could 1) grandfather all active proposals under the previous fee schedule or 2) transition to the updated fee schedule at the time it becomes effective. While the former approach would be simplest to administer, staff recommends that the Commission transition to the updated fee schedule when it becomes effective to help ensure an elevated level of cost-recovery is practiced for time-consuming proposals.

Recommendation

It is recommended that the Commission take the following actions:

- 1) Adopt the form of the attached resolution approving a comprehensive update to the LAFCO fee schedule pursuant to California Government Code §56383; and
- 2) Select the effective date for the comprehensive update to the LAFCO fee schedule for July 27, 2007 (60 days) or September 2, 2007 (90 days); and
- 3) Direct staff to charge applicants based on the comprehensive update to the LAFCO fee schedule at the time it becomes effective.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachments:

- 1) Draft Resolution
- 2) LAFCO Staff Report from May 7, 2007 (Agenda Item No. 7a)

RESOLUTION NO: _____

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
COMPREHENSIVE UPDATE
ADOPTED SCHEDULE OF FEES AND DEPOSITS**

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Sections 56000 et seq., hereinafter referred to as “Act”) authorizes the Local Agency Formation Commission of Napa County (hereinafter referred to as “LAFCO”) to adopt a fee schedule; and

WHEREAS, LAFCO established and adopted by resolution a “Schedule of Fees and Deposits” on December 1, 2001 in a manner provided by law; and

WHEREAS, LAFCO has scheduled and noticed a public hearing on June 4, 2007 to consider a comprehensive update to its Schedule of Fees and Deposits; and

WHEREAS, as part of a scheduled and notice public hearing on June 4, 2007, oral and/or written comments on the proposed comprehensive update to the adopted Schedule of Fees and Deposits were received from affected persons and/or the general public, and these comments were considered by LAFCO; and

WHEREAS, the Commission has determined that the adoption and revision of a Schedule of Fees and Deposits is exempt from the provisions of CEQA under Section 15273(a) of the State CEQA Guidelines and Section 21080(b)(8) of the Public Resources Code.

NOW, THEREFORE, BE IT RESOLVED by LAFCO that the Schedule of Fees and Deposits shall be updated and readopted in the manner set forth in Exhibit “A” and that this action is categorically exempt from the provisions of CEQA as described herein because these fees are in support of staff time and resources needed to process and review applications of projects submitted to LAFCO.

The foregoing resolution was duly and regularly adopted at a regular meeting of the Local Agency Formation Commission of Napa County, held on the 4th day of June, 2007, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

ATTEST: Keene Simonds
Executive Officer

RECORDED: _____
Kathy Mabry
Commission Secretary

Local Agency Formation Commission of Napa County Schedule of Fees and Deposits

The policy of the Commission is:

1. This fee schedule shall be administered in accordance with the provisions of California Government Code §56383.
2. Applications submitted to LAFCO shall be accompanied by a non-refundable initial fee as detailed in this schedule.
3. Applicants are responsible for any fees or charges incurred by LAFCO or required by other agencies in the course of the processing of an application.
4. Initial fees include a fixed number of staff hours as detailed in the fee schedule or are designated as “at cost.”
5. Additional LAFCO staff time shall be charged to the applicant at an hourly rate of \$90.00.
6. Applicants are responsible for any extraordinary administrative costs as determined by the Executive Officer and detailed for the applicant in a written statement.
7. Additional LAFCO staff time and administrative costs shall not be charged for city annexation applications that are comprised solely of one, entire unincorporated island.
8. If the Executive Officer estimates that a proposal will require more than 20 hours staff time to complete, he or she shall provide a written statement to that effect to the applicant and request a deposit in an amount sufficient to cover anticipated costs. If this or any subsequent deposit proves insufficient, the Executive Officer shall provide an accounting of expenditures and request deposit of additional funds.
9. If the processing of an application requires that LAFCO contract from another agency or from a private firm or individual for services that are beyond the normal scope of LAFCO staff work (such as the drafting of an Environmental Impact Report or Comprehensive Fiscal Analysis), the applicant shall be responsible for all costs associated with that contract. The applicant will provide LAFCO with a deposit sufficient to cover the cost of the contract.
10. The Executive Officer may stop work on any proposal until the applicant submits a requested deposit.
11. Written appeal of fees and/or deposits, specifying the reason for the appeal, may be submitted to LAFCO prior to the submission of an application or prior to the submission of a deposit requested by the Executive Officer. The appeal will be considered at the next regular meeting of the Commission.
12. Upon completion of a project, the Executive Officer shall issue to the applicant a statement detailing all expenditures from a deposit for additional time and materials and shall have a refund for any remaining funds issued to the applicant.

INITIAL APPLICATION FEES

Annexations and Detachments

Exempt from the California Environmental Quality Act

- With 100% consent of property owners and affected agencies: \$1,350 (15 hours)
- Without 100% consent of property owners and affected agencies: \$2,250 (25 hours)

Not exempt from the California Environmental Quality Act
(LAFCO is a Responsible Agency; Negative Declaration)

- With 100% consent of property owners and affected agencies: \$1,800 (20 hours)
- Without 100% consent of property owners and affected agencies: \$2,700 (30 hours)

Not exempt from the California Environmental Quality Act
(LAFCO is a Responsible Agency; Environmental Impact Report)

- With 100% consent of property owners and affected agencies: \$2,250 (25 hours)
- Without 100% consent of property owners and affected agencies: \$3,150 (35 hours)

* City annexations involving entire unincorporated islands will be charged a flat fee of \$500.

* Annexation or detachment proposals that involve boundary changes for more than two agencies will be charged an additional fee of \$450 (5 hours).

* If LAFCO is the Lead Agency and it is determined that the proposal requires a Negative Declaration or an Environmental Impact Report, applicants will be charged at the hourly staff rate.

Government Reorganizations

- Special District Formations, Consolidations, and Dissolutions: Actual Cost
- City Incorporations or Dissolutions: Actual Cost

Special Studies

- Municipal Service Review: Actual Cost
- Sphere of Influence Review:
(Establishment, Amendment, or Update) Actual Cost

Activation of a Latent Power Request \$900 (10 hours)

Extension of Time Request \$450 (5 hours)

Review of Out-of-Agency Agreements or Contracts \$900 (10 hours)

Request for Reconsideration \$1,800 (20 hours)

Special Meeting Fee \$800

OTHER APPLICATION FEES

Assessor Mapping Service (Made payable to the “County of Napa”)	\$125
Map and Geographic Description Review (Made payable to the “County of Napa”)	\$30 (1 hour)
Registered Voter List for Public Hearing Notice (Made payable to the “County of Napa”)	\$55 (1 hour)
Geographic Information Service (Made payable to “LAFCO of Napa County”)	\$125 (1 hour)
California Department of Fish and Game Environmental Filing Fees (Made payable to the “ County of Napa Clerk Recorder”)	

<u>LAFCO as Lead Agency</u>	
• Environmental Impact Report	\$2,500
• Negative Declaration:	\$1,800
• Clerk-Recorder Filing Fee:	\$50

<u>LAFCO as Responsible Agency</u>	
• Notice of Determination (Represents Clerk Filing Fee):	\$50
• Notice of Exemption (Represents Clerk Filing Fee):	\$50

Change of Jurisdictional Boundary
(Made payable to the “State Board of Equalization”)

<u>Acre Amount</u>	<u>Fee</u>	<u>Acre Amount</u>	<u>Fee</u>
Less than 1:	\$300	51 to 100:	\$1,500
1 to 5:	\$350	101 to 500:	\$2,000
6 to 10:	\$500	500 to 1,000:	\$2,500
11 to 20:	\$800	1,000 to 2,000:	\$3,000
21 to 50:	\$1,200	2,000 and above:	\$3,5000

ADMINISTRATIVE SERVICE FEES

The following are charges to be assessed to persons or entities other than the applicant.

• Copying (no color):	\$0.10 per page
• Copying (color):	\$0.40 per page
• Faxing:	\$1.00 service charge, plus \$0.15 per page
• Mailing:	Actual Cost
• Audio Tape Recording of Meeting:	Actual Cost
• Research/Achieve Retrieval:	\$45 per hour (minimum of one hour)



Local Agency Formation Commission
LAFCO of Napa County

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June 4, 2007
Agenda Item No. 7a

May 30, 2007

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Comments on the County of Napa's Draft General Plan Update and Draft Environmental Impact Report (Action)

The Commission will consider authorizing the Chair to sign a letter commenting on the County of Napa's Draft General Plan Update and Draft Environmental Impact Report. The comment letter has been revised to address comments received at the Commission's May 7, 2007 meeting.

At the May 7, 2007 meeting, staff presented a letter it had prepared for signature by the Chair commenting on the County of Napa's Draft General Plan Update and Draft Environmental Impact Report. The focus of the letter was to address new land use policies that could facilitate the intensification of urban uses and trigger the need for new or elevated public services in the unincorporated area. The letter noted that both final documents would be measurably strengthened by addressing the relationship between new urbanizing land use policies that are contemplated for Angwin and the Napa Pipe area and the probable need for public services. The letter also requested that the County amend two of its mitigation measures in the Draft Environmental Impact Report to coordinate with LAFCO in processing new development projects requiring public water and sewer services.

As part of its review at the May meeting, the Commission suggested amending the letter to request that the Final Environmental Impact Report identify the aspects of implementing the General Plan Update that will produce projects that are contingent on LAFCO action. The Commission also suggested amending the letter to strike the term "satisfactory" in characterizing the adequacy of the Draft Environmental Impact Report because not all five planning alternatives associated with the Draft General Plan Update are equally analyzed. (Alternatives A, B, and C are analyzed in detail, while Alternatives D and E are analyzed at a broader level.) In offering these suggestions, the Commission decided to revisit the letter for further review and discussion at its June 4, 2007 meeting.

Jack Gingles, Chair
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

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

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

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

Also of note, preceding its own review and discussion at the May meeting, the Commission received a number of oral and written comments from the City of American Canyon expressing concern regarding the scope of LAFCO's letter to the County. American Canyon is particularly concerned that LAFCO is not addressing the inconsistency generated by the Draft General Plan Update designating a rural urban limit (RUL) line that is different from the RUL in the City General Plan. American Canyon is also concerned that LAFCO is not addressing the extension of governmental services to accommodate industrial uses in south Napa County, land use policies relating to the Hess Vineyard site, and recent legislation introduced by Assemblymember Noreen Evans.

Discussion

Staff has revised the comment letter on the Draft General Plan Update and Draft Environmental Impact Report to reflect the suggestions made by the Commission at its May meeting. The letter has also been revised to more clearly state that the central focus of LAFCO's review of both documents is to consider new land use policies that will intensify urban uses and likely require new or elevated public services in the unincorporated area.

In terms of the comments provided by American Canyon, staff believes that their concerns, while reasonable, underlie issues that should be addressed directly to the County. Specific responses to American Canyon's central comments are provided below.

- American Canyon RUL
American Canyon has asked LAFCO to comment on the Draft General Plan Update designating a RUL for American Canyon that is different from the RUL in the City General Plan. Staff recognizes that the difference between the County and American Canyon regarding the location of the City's RUL creates planning inconsistencies between the two agencies and may lead to a proposal before LAFCO. However, RULs are planning tools that are utilized by local land use authorities and voters and are outside the purview of LAFCO.
- Extension of Governmental Services in South Napa County
American Canyon has asked LAFCO to comment on the relationship between land use policies in south Napa County and the extension of governmental services under California Government Code §56133. Staff agrees that this is an important planning issue, and LAFCO is currently evaluating policy options to reconcile local conditions and circumstances in south Napa County with the aforementioned code section. Commenting on this issue prior to the Commission establishing a policy would be premature at this time.

- Hess Vineyard Site

American Canyon has asked LAFCO to comment on the Draft General Plan Update and Draft Environmental Impact Report's review of the Hess Vineyard site. This site comprises approximately 230 acres of unincorporated land located directly northeast of American Canyon and is currently designated by the County as *Industrial* and zoned *Agricultural Watershed*. The Draft General Plan Update includes a new policy (Ag/LU-37) that attempts to recognize the existing disconnect between the land use designation and zoning standard for the Hess Vineyard site. This policy includes a statement that the County will not rezone the area for non-agricultural use unless it makes a specific finding that there is no other suitable industrial land available in the unincorporated area. With respect to proposing actual land use changes, the Draft Environmental Impact Report contemplates under Alternatives B, C, and D redesignating the Hess Vineyard site to *Agriculture Watershed and Open Space*. Alternatives A and E propose retaining the existing *Industrial* designation.

American Canyon questions how retaining the industrial designation for the Hess Vineyard site is consistent with the tenets of LAFCO law to preserve agricultural lands. Staff agrees that the preservation of agricultural land is a key principle of LAFCO. However, while the area is in agricultural use, the Hess Vineyard site has been designated for industrial use for a number of decades. As such, no new urbanizing land use policies are being proposed with respect to the Hess Vineyard site, which as previous stated is the focus of LAFCO's comment letter.

- Proposed Assembly Bill 82

American Canyon has asked LAFCO to comment on the relationship between its duties and Assembly Bill 82 (Noreen Evans). This proposed legislation would require the Association of Bay Area Governments to allocate one unit to the County of Napa for every nine units allocated to the cities in Napa County. This legislation would also authorize the County to transfer all or parts of its housing assignments to one of the five incorporated cities if mutually consented. It is not expected that this proposed legislation would have a direct impact on LAFCO in terms of fulfilling its regulatory and planning responsibilities. More specifically, the factors LAFCO is required to consider in evaluating a proposal under state law (California Government Code §56668) would not be changed by this legislation if adopted. It is also unclear at this time how the proposed legislation relates to the Draft General Plan Update or Draft Environmental Impact Report.

Recommendation

It is recommended that the Commission take the following action:

- 1) Authorize the Chair to sign the attached letter with any desired changes commenting on the County's Draft General Plan Update and Draft Environmental Impact Report.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachments:

- 1) Draft Comment Letter to Hillary Gitelman, County Planning Director
- ~~1a) Draft Comment Letter to Hillary Gitelman, County Planning Director (Track Changes Shown)~~
- ~~2) Letter from City of American Canyon Mayor Leon Garcia, dated May 7, 2007~~
- ~~3) Letter from City of American Canyon Planning Director Sandra Cleisz, dated May 7, 2007~~
- ~~4) Letter from City of American Canyon City Attorney William B. Ross, dated May 7, 2007~~
- ~~5) Letter from County of Napa Planning Director Hillary Gitelman, dated May 24, 2007~~



Local Agency Formation Commission
LAFCO of Napa County

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June 4, 2007

Hillary Gitelman, Planning Director
 County of Napa
 1195 Third Street, Room 210
 Napa, CA 94559

SUBJECT: Draft General Plan Update and Draft Environmental Impact Report

Ms. Gitelman:

Thank you for presenting the Local Agency Formation Commission (LAFCO) of Napa County with the opportunity to comment on the County of Napa's Draft General Plan Update and Draft Environmental Impact Report. LAFCO will use both final documents in fulfilling its regulatory and planning responsibilities under the authority of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. These duties include, but are not limited to, approving annexations, sphere of influence updates, and special district formations, consolidations, or dissolutions.

With respect to the Draft General Plan Update, LAFCO's primary consideration pertains to the Agricultural Preservation and Land Use Element. Notably, this section enumerates the goals and policies of the County with regard to future land uses in Napa County. Particular focus is provided on new land use policies that could facilitate new or intensified urban uses requiring new or elevated public services in the unincorporated area. With these parameters in mind, LAFCO offers the following comments.

Regional Planning Issues

Policy Ag/LU-125 addresses the role of LAFCO in directing future growth and development in Napa County. This is an important addition to the County General Plan, and LAFCO welcomes the County's commitment to work with the Commission in encouraging urban-centered growth and the preservation of agricultural and open-space lands.

Jack Gingles, Chair
 Mayor, City of Calistoga

Juliana Inman, Commissioner
 Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
 Councilmember, City of American Canyon

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

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

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Gregory Rodeno, Alternate Commissioner
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Keene Simonds
 Executive Officer

Angwin

The Draft General Plan Update identifies two scenarios that would make substantive changes to land use designations and zoning standards involving the unincorporated community of Angwin (pages 51-58). With minor variations, both scenarios would eliminate existing agricultural zoning standards for all lands designated for urban use. Both scenarios would also redesignate a number of developed properties from agriculture to urban, which is subject to a countywide vote as required under Measure J. If implemented, it is expected that both scenarios would facilitate the expansion and intensification of urban uses in Angwin. It is also reasonable to expect that the expansion and intensification of urban uses would trigger the need for a range of new or elevated public services. The Final General Plan Update and Final Environmental Impact Report would be measurably strengthened by contemplating and addressing these needs.

Napa Pipe Area

The Draft General Plan Update redesignates approximately 250 acres of unincorporated land in south Napa County from industrial to transitional use. The subject area is located immediately south of the City of Napa and includes the former site of the Napa Pipe Company and properties commonly referred to as “Bocca” and “Pacific Coast.” The intent of this redesignation is to provide flexibility to the County in redeveloping the area with a mixture of commercial, industrial, and residential uses. If implemented, it is expected that redevelopment would trigger the need for a range of new or elevated public services. The Final General Plan Update and Final Environmental Impact Report would be measurably strengthened by contemplating and addressing these needs.

Berryessa Estates/Berryessa Highlands

The Draft General Plan Update provides summary descriptions involving the unincorporated communities of Berryessa Estates and Berryessa Highlands (pages 57-60). The Final General Plan Update should recognize that these communities receive water and sewer services from the Lake Berryessa Resort Improvement District and the Napa Berryessa Resort Improvement Districts, respectively.

In terms of the Draft Environmental Impact Report, the document does not address specific activities or projects that would underlie the implementation process for the General Plan Update. It is LAFCO’s understanding that this approach is by design and that the County will address the impacts associated with implementing specific phases of the General Plan Update as part of separate and tiered environmental documents. However, as mentioned in the preceding section regarding Angwin and the Napa Pipe area, the Final Environmental Impact Report would be strengthened by addressing the probable need for new or elevated public services to accommodate additional urban

growth within these areas. Other comments regarding the Draft Environmental Impact Report include:

- Identify the aspects of implementing the General Plan Update that will produce projects that are contingent on LAFCO action. Specific LAFCO actions that may be engendered by the implementation of the General Plan Update include annexations, detachments, special district formations, and establishment of subsidiary special districts. The Final Environmental Impact Report and future environmental documents associated with specific projects should also reference the factors LAFCO is required to consider in the review of a proposal under California Government Code §56668.
- Mitigation Measures 4.13.3.1b and 4.13.4.1 would require that the County include a policy in the Final General Plan Update to coordinate with public and private service providers to verify the availability of adequate water and wastewater services to accommodate new development projects. These mitigation measures should be amended to also require that the County coordinate with LAFCO pursuant to California Government Code §56000 et seq.
- Figure 3.0-2 identifies Bell Canyon Reservoir as part of the water supply system of the City of Napa. Bell Canyon Reservoir is part of the water supply system of the City of St. Helena.
- Page 4.13.53 suggests that the Napa Sanitation District is an independent special district. Napa Sanitation District is a dependent special district as defined under California Government Code §56044.
- Pages 4.13.15 through 4.13.33 provide a summary of public water service operations in Napa County. The majority of information included in this section is drawn directly from LAFCO's *Comprehensive Water Service Study* (2004). LAFCO requests that the Final Environmental Impact Report identify LAFCO as the information source where appropriate.

If you have any questions, please contact the LAFCO Executive Officer Keene Simonds at ksimonds@napa.lafco.ca.gov or by phone at (707) 259-8645.

Sincerely,

Jack Gingles
Chairman



Local Agency Formation Commission
LAFCO of Napa County

1700 Second Street, Suite 268
Napa, CA 94559
(707) 259-8645
FAX (707) 251-1053
<http://napa.lafco.ca.gov>

June 4, 2007
Agenda Item No. 7b

May 23, 2007

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Los Carneros Water District – Sphere of Influence Review (Action)

The Commission will receive a written report representing the sphere of influence review of the Los Carneros Water District. The Commission will consider a draft resolution approving the recommendation of the report to affirm with no changes the District's existing sphere of influence.

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 October 2004, LAFCO completed a countywide municipal service review on public water service providers. This included a review of the Los Carneros Water District, which was formed in 1978 for the purpose of facilitating an agreement with the Napa Sanitation District for the delivery of reclaimed water services to the Carneros area. Markedly, while an agreement is in place and various reclamation projects have been considered over the last 30 years, the Los Carneros Water District remains inactive with no immediate plans to initiate services. LAFCO addressed this resulting disconnect in governance as part of the municipal service review by determining that additional information and analysis is needed to determine if dissolution of the District would be appropriate in meeting the present and future needs of the community.

With the municipal service review completed, staff has prepared the attached written report representing the sphere review of the District. The report concludes that no changes to the sphere are warranted until the governance issues raised in the municipal service review are addressed. Also attached is a draft resolution that codifies the recommendation

Jack Gingles, Chair
Mayor, City of Calistoga

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

Brian J. Kelly, Commissioner
Representative of the General Public

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

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

Keene Simonds
Executive Officer

of the written report to affirm with no changes 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 California Government Code §56425. The adoption of the draft 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 Los Carneros Water District; and
- 2) Approve the form for the attached draft resolution with any desired changes that make statements with respect to affirming with no changes the sphere of influence for the Los Carneros Water District pursuant to California Government Code §56425; and
- 3) Direct staff to work with the Los Carneros Water District and interested parties to begin addressing the:
 - a) level of commitment among landowners to consent to assessments and/or user fees to fund the projects necessary to establish and sustain public reclaimed water services in Carneros; and
 - b) role of the District in establishing and providing public reclaimed water service in Carneros.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachments:

- 1) Sphere of Influence Review – Final Report
- 2) Draft Resolution

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

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

**Final Report
June 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
Bill Dodd, Commissioner, County Member
Juliana Inman, Commissioner, City Member
Brian J. Kelly, Commissioner, Public Member
Cindy Coffey, Alternate Commissioner, City Member
Mark Luce, Alternate Commissioner, County Member
Gregory Rodeno, Alternate Commissioner, Public 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 and services, 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.¹ California Government Code §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 positioned 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 California Government Code §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.

¹ 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 California Government Code §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.

Los Carneros Water District

In October 2004, LAFCO of Napa County completed a countywide municipal service review on public water service providers. This included a review of the Los Carneros Water District that culminated in the adoption of written determinations addressing the nine factors required for consideration under California Government Code §56430.²

Drawing from information collected as part of the above-referenced municipal service review, this report represents the sphere review of the District pursuant to California Government Code §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.

² LAFCO Resolution No. 04-05.

OVERVIEW

The Los Carneros Water District (LCWD) was formed in 1978 to provide reclaimed water service to the unincorporated community of Carneros in southwest Napa County. LCWD’s formation was engendered by local property owners for the purpose of facilitating an agreement with the Napa Sanitation District (NSD) to plan, construct, and operate projects necessary to deliver reclaimed water for agricultural use. Underlying plans included constructing a pipeline system to convey reclaimed water across the Napa River from NSD’s wastewater treatment facilities into Carneros. However, while an agreement is in place and various reclamation projects have been considered over the past 30 years, none have been implemented due to costs. As a result, LCWD remains inactive, and local property owners continue to depend on creek diversions and groundwater withdraws to support agricultural uses in the area.³

LCWD is organized as an independent special district under Division 13 of the California Water Code. It is governed by a volunteer five-member board of directors 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. There are currently 263 assessor parcels totaling approximately 5,692 acres in LCWD with an estimated residential population of 535.⁴

Los Carneros Water District	
Date Formed	1978
District Type:	Independent
Enabling Legislation	California Water Code §34000-38501
Services Provided	None

Sphere of Influence

LCWD’s sphere was adopted by LAFCO in 1984. LAFCO designated the sphere to reflect what the Commission determined was the natural service area of LCWD. This includes lands generally extending north to State Highway 12, west to Stanly Ranch, south to Southern Pacific’s railroad tracks, and west to Sonoma County. Excluded from the sphere are approximately 300 acres of land in LCWD that lies north of State Highway 12. A map depicting LCWD’s sphere is provided as Attachment One.

Land Use Factors

LCWD is under the land use authority of the County of Napa. The County designates land located within LCWD as *Agriculture, Watershed and Open Space* or *Agricultural Resource*. The County General Plan specifies the intent and anticipated uses of these designations as:

³ Creek diversions are drawn from two tributaries of the Napa River, Carneros Creek and Huichica Creek. Groundwater is draw from the Carneros Valley Basin.

⁴ The number of assessor parcels and total acres is drawn from the County of Napa Geographic Information System. (This system indicates that the average assessor parcel in LCWD is 21.64 acres in size. The largest assessor parcel is 365 acres in size.) The residential population estimate was calculated by LAFCO staff and is based on the number of assessor parcels with situs addresses (208) in LCWD and multiplied by the average person per-household estimate for Napa County (2.571) from the California Department of Finance.

Agricultural, Watershed and Open Space

“To provide areas where the predominant use is agriculturally oriented; where watershed areas, reservoirs, floodplain tributaries, geologic hazards, soil conditions and other constraints make the land relatively unsuitable for urban development; where urban development would adversely impact on all such uses; and where the protection of agriculture, watersheds, and floodplain tributaries from fire, pollution, and erosion is essential to the general health, safety, and welfare. General uses include agriculture, processing of agricultural products, and single-family dwelling.”

Agricultural Resource

“To identify areas in the fertile valley and foothill areas of the county in which agriculture is and should continue to be the predominant land use, where uses incompatible with agriculture should be precluded and where the development of urban type of uses would be detrimental to the continuance of agriculture and the maintenance of open space which are economic and aesthetic attributes and assets of Napa County. General uses include agriculture, processing of agricultural products, and single-family dwelling.”

Development densities for the County are identified under its zoning standards. Nearly all land located within and adjacent to LCWD is zoned *Agricultural Watershed*.⁵ This zoning standard requires a minimum parcel size of 160 acres, which significantly limits additional subdivision and related growth from occurring in and near LCWD.

In terms of current uses, the majority of land in LCWD is under agricultural use along with rural single-family residences.

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 LCWD’s sphere as part of a comprehensive update. Underlying this effort is to designate the sphere in a manner that promotes the logical and orderly development of LCWD in a manner that supports the provisions of California Government Code and the policies of the Commission.

⁵ The lone exception involves an approximate 1.19-acre portion of a 3.0-acre parcel located at the southwest corner of Highway 12 and Cuttings Wharf Road that is zoned by the County of Napa as *Commercial Limited*. This zoning standard requires a minimum parcel size of one acre.

ANALYSIS

As mentioned, the purpose in forming LCWD in 1978 was to facilitate an agreement with NSD for the delivery of reclaimed water service to Carneros. In 1983, LCWD reached a 40-year agreement with NSD for the right to obtain an annual allotment of reclaimed water. The agreement required that LCWD be responsible for funding and constructing a distribution system that would connect to NSD's wastewater treatment facilities. Unable to resolve disagreements involving design and oversight, LCWD and NSD entered into a new agreement for reclaimed water service in 1995. This second agreement transferred the responsibility for constructing and funding the distribution system to NSD, but was predicated on its ability to enter into contracts with individual property owners. Unwilling to meet the conditions of a number of property owners seeking exit clauses, NSD redirected funds originally earmarked for the Carneros area to finance other reclamation projects in south Napa County. The 1995 agreement between LCWD and NSD remains valid until mutually terminated or upon written notice by NSD that it no longer intends to provide reclaimed water to the Carneros area.

LCWD continues to offer promise that it can be a viable governmental entity serving an important local purpose in supporting agricultural uses in Carneros. LCWD's status as an inactive special district, however, is inconsistent with LAFCO's directive under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to encourage accountable and transparent government. LAFCO documented this inconsistency as part of the aforementioned municipal service review and determined that additional information and analysis was needed to consider whether dissolution of LCWD would be appropriate with respect to meeting the present and future needs of the community. Underlying this determination is the need to address the following issues.

- The level of commitment among landowners to consent to assessments and/or user fees to fund the projects necessary to establish and sustain public reclaimed water services in Carneros.
- The short and long term role of LCWD with respect to providing public reclaimed water service in Carneros. This includes examining the effect of California Government Code §56133, which was enacted in 1994 and authorizes an agency to provide non-potable water outside its jurisdictional boundary without LAFCO approval.

Drawing from the factors discussed above, no changes to LCWD's sphere are warranted at this time. In addition, LAFCO should work with LCWD and other interested parties to begin addressing the above-highlighted governance issues.

RECOMMENDATION

It is recommended that the Commission affirm with no changes LCWD's existing sphere. Pursuant to California Government Code §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 by the County of Napa as the affected land use authority. The County General Plan and associated zoning standards provide for the current and future agricultural uses that characterize the majority of the area. These policies help to ensure that future land uses in the area will remain agricultural within the foreseeable future.

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

The Los Carneros Water District does not provide any services at this time. As previously determined by the Commission, the development of reclaimed water services within the area offers the promise of lessening the demand for creek diversions and groundwater withdraws, and promotes the beneficial use of recycled water to support agriculture.

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

The Los Carneros Water District does not own, lease, or operate any public facilities relating to the collection and conveyance of reclaimed water to the area. The ability of the District to provide reclaimed water service is dependent upon importing supplies from an outside provider.

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.

There has been a significant transition over the last 30 years in the area as viniculture has become the predominant land use. This transition has fostered strong social and economic interdependencies and has been formally recognized as part of a federal vinicultural designation that includes the entire area as well as neighboring lands in Congress Valley and Sonoma County.

Attachments:

- 1) Map
- 2) LAFCO Resolution No. 04-05 (*Comprehensive Water Service Study*)

of the written report to affirm with no changes 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 California Government Code §56425. The adoption of the draft 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 Los Carneros Water District; and
- 2) Approve the form for the attached draft resolution with any desired changes that make statements with respect to affirming with no changes the sphere of influence for the Los Carneros Water District pursuant to California Government Code §56425; and
- 3) Direct staff to work with the Los Carneros Water District and interested parties to begin addressing the:
 - a) level of commitment among landowners to consent to assessments and/or user fees to fund the projects necessary to establish and sustain public reclaimed water services in Carneros; and
 - b) role of the District in establishing and providing public reclaimed water service in Carneros.

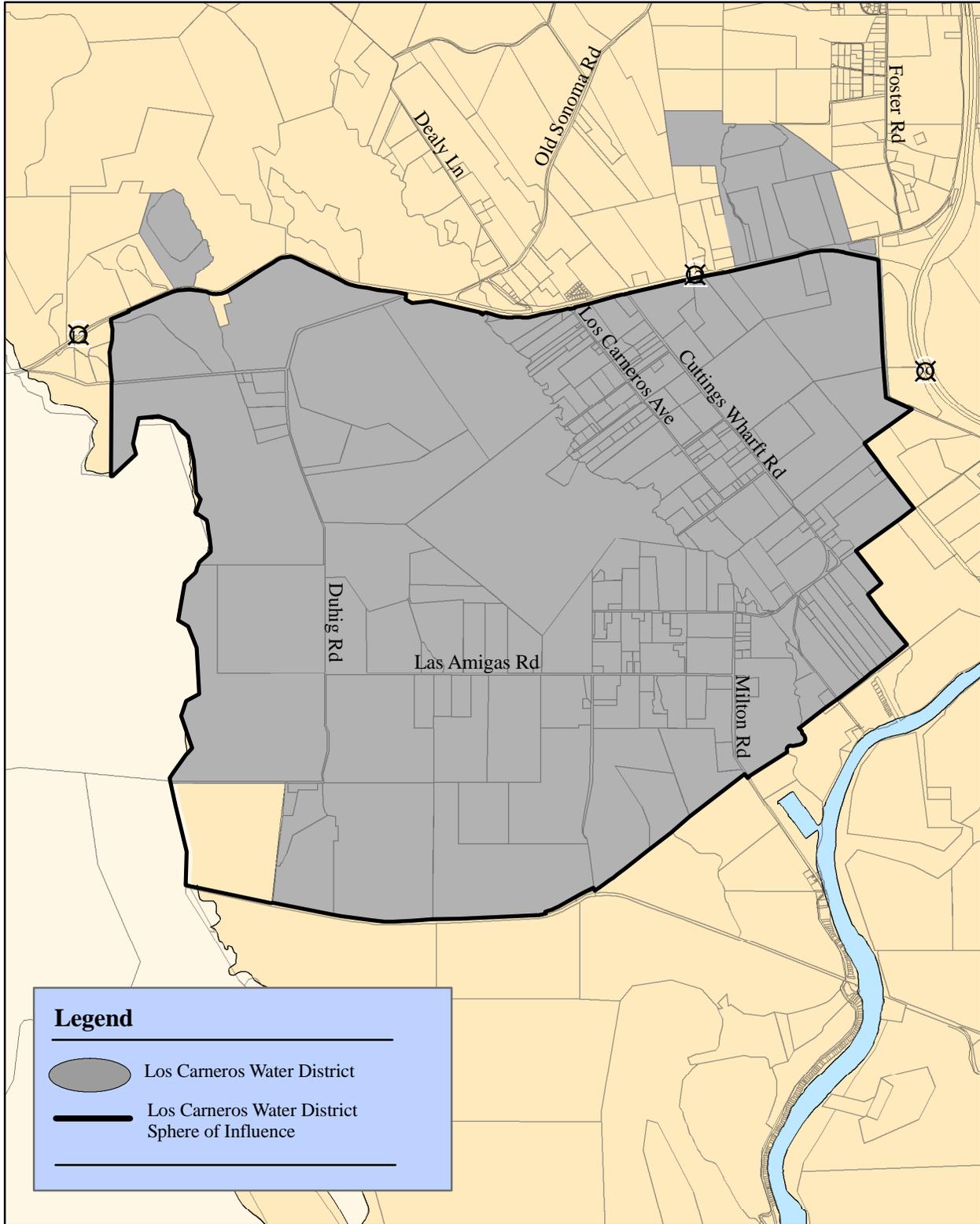
Respectfully submitted,

Keene Simonds
Executive Officer

Attachments:

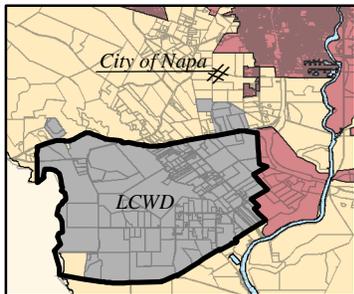
- 1) Sphere of Influence Review – Final Report
- 2) Draft Resolution

Los Carneros Water District



Legend

-  Los Carneros Water District
-  Los Carneros Water District Sphere of Influence



0 1.25 2.5 5 Miles

May 13, 2007
Prepared by KS



LAFCO of Napa County
1700 Second Street, Suite 268
Napa, CA 94559
(707) 259-8645

RESOLUTION NO. ____**RESOLUTION OF THE
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MAKING DETERMINATIONS****LOS CARNEROS WATER DISTRICT
SPHERE OF INFLUENCE 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 within Napa County and studies of spheres of influence of the local governmental agencies whose jurisdictions are within Napa County; and

WHEREAS, the Executive Officer of the Commission, hereinafter referred to as “the Executive Officer”, prepared a review of the sphere of influence of the Los Carneros Water District as pursuant to said schedule and Title 5, Division 3, commencing with Section 56000 of the California Government Code; and

WHEREAS, the Executive Officer prepared a written report of this review, including his recommendation to affirm with no changes the existing sphere of influence; 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 meeting held on June 4, 2007; and

WHEREAS, the Commission considered all the factors required by law under Section 56425 of the California Government Code.

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

1. The Commission hereby determines that an action to affirm with no changes an agency’s existing sphere of influence qualifies for a general exemption from the requirements of the California Environmental Quality Act (CEQA). Approval to affirm an existing sphere of influence will not result in any land use changes or physical impacts to the environment. This proposal qualifies for a general exemption under CEQA because there is no possibility that it will adversely affect the environment [CEQA Guidelines, Section 15061(b)(3)].
2. The recommendation to affirm the existing sphere of influence for the Los Carneros Water District is APPROVED.

3. This sphere of influence update is assigned the following distinctive short-term designation:

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

4. The sphere of influence for the Los Carneros Water District is hereby affirmed with no changes to include the affected territory as shown on the attached vicinity map identified as "Exhibit A."
5. Pursuant to Section 56425 of the Government Code, the Commission makes the statements of determinations in the attached "Exhibit B."
6. The effective date of this sphere of influence update shall be final upon the receipt by the Executive Officer of a written statement by the Los Carneros Water District pursuant to Section 56425(h) of the Government Code.
7. The Executive Officer shall revise the official records of the Commission to reflect this change to the sphere of influence.

The foregoing resolution was duly and regularly adopted by the Local Agency Formation Commission of the County of Napa, State of California, at a meeting held on the 4th day of June, 2007, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

ATTEST: Keene Simonds
 Executive Officer

Recorded by: _____
 Kathy Mabry
 Commission Secretary

EXHIBIT B
STATEMENT OF DETERMINATIONS

LOS CARNEROS WATER DISTRICT
SPHERE OF INFLUENCE UPDATE

1. With respect to the present and planned land uses in the area, including agricultural and open-space lands, the Commission determines:

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

These policies help to ensure that future land uses in the area will remain agricultural within the foreseeable future.

2. With respect to the present and probable need for public facilities and services in the area, the Commission determines:

The Los Carneros Water District does not provide any services at this time. As previously determined by the Commission, the development of reclaimed water services within the area offers the promise of lessening the demand for creek diversions and groundwater withdraws, and promotes the beneficial use of recycled water to support agriculture.

3. With respect to the present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide, the Commission determines:

The Los Carneros Water District does not own, lease, or operate any public facilities relating to the collection and conveyance of reclaimed water to the area. The ability of the District to provide reclaimed water service is dependent upon importing supplies from an outside provider.

4. With respect to 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 Commission determines:

There has been a significant transition over the last 30 years in the area as viticulture has become the predominant land use. This transition has fostered strong social and economic interdependencies and has been formally recognized as part of a federal viticultural designation that includes the entire area as well as neighboring lands in Congress Valley and Sonoma County.



Local Agency Formation Commission
LAFCO of Napa County

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June 4, 2007
Agenda Item No. 7c

May 23, 2007

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Circle Oaks County Water District – Sphere of Influence Review (Action)

The Commission will receive a written report representing the sphere of influence review of the Circle Oaks County Water District. The Commission will consider a draft resolution approving the recommendation of the report to affirm with no changes the District's existing sphere of influence.

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

Between 2004 and 2006, LAFCO of Napa County completed two countywide municipal service reviews on public water and sewer service providers. Both municipal service reviews included evaluations of the level and range of water and sewer services provided by the Circle Oaks County Water District. Both municipal service reviews culminated in the Commission adopting written determinations regarding the adequacy of the District's water and sewer services pursuant to California Government Code §56430.

With the municipal service review component completed, staff has prepared the attached written report that represents sphere review of the District. The report concludes that the existing sphere designates an appropriate service area for the District and that no changes are warranted at this time. Also attached is a draft resolution that codifies the recommendation of the written report to affirm with no changes the District's existing sphere along with the written statements addressing the four planning factors the Commission is required to consider in making a sphere determination under California Government Code §56425. The adoption of the draft resolution would fulfill the Commission's sphere review requirement for the District.

Jack Gingles, Chair
Mayor, City of Calistoga

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

Brian J. Kelly, Commissioner
Representative of the General Public

Juliana Inman, Commissioner
Councilmember, City of Napa

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

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

Keene Simonds
Executive Officer

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 Circle Oaks County Water District; 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 with no changes for the Circle Oaks County Water District pursuant to California Government Code §56425.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachments:

- 1) Sphere of Influence Review – Final Report
- 2) Draft Resolution

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

**CIRCLE OAKS COUNTY WATER DISTRICT
SPHERE OF INFLUENCE REVIEW**

**Final Report
June 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
Bill Dodd, Commissioner, County Member
Juliana Inman, Commissioner, City Member
Brian J. Kelly, Commissioner, Public Member
Cindy Coffey, Alternate Commissioner, City Member
Mark Luce, Alternate Commissioner, County Member
Gregory Rodeno, Alternate Commissioner, Public 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

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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 California Government Code §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.

¹ 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 California Government Code §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.

Circle Oaks County Water District

Between 2004 and 2006, LAFCO of Napa County completed two countywide municipal service reviews on public water and sewer service providers. Both municipal service reviews included evaluations of the level and range of water and sewer services provided by the Circle Oaks County Water District. Both municipal service reviews culminated in the Commission adopting written determinations regarding the adequacy of the District's water and sewer services pursuant to California Government Code §56430.²

Drawing from information collected as part of the above-mentioned municipal service reviews, this report represents the sphere review of the District under California Government Code §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.

² LAFCO Resolutions 04-19 and 06-08.

OVERVIEW

The Circle Oaks County Water District (COCWD) was formed in 1962 to provide water and sewer services to Circle Oaks, a planned residential community in southeast Napa County. Initial development plans for Circle Oaks included the construction of approximately 2,200 residential units. However, due to changes in land use policies and market conditions, development in Circle Oaks has been limited to a single 340-lot residential subdivision referred to as “Unit One.” More recently, between September 2000 and April 2007, development in Circle Oaks was prohibited as a result of two separate COCWD moratoriums on new water and sewer service connections.³

COCWD is organized as an independent special district under the authority of Division 12 of the California Water Code. It is governed by an elected five-member board of directors that serve staggered four-year terms. Elections are based on a registered-voter system. COCWD is staffed by one part-time general manager appointed by the Board. An engineering firm is contracted to operate COCWD’s sewer and water systems. COCWD currently serves 189 developed single-family residences with an estimated resident population of 486.⁴

Date Formed	1962
District Type:	Independent
Enabling Legislation	California Water Code §30000-33901
Services Provided	Sewer Water

contracted to operate COCWD’s sewer and water systems. COCWD currently serves 189 developed single-family residences with an estimated resident population of 486.⁴

Sphere of Influence

COCWD’s sphere was adopted by LAFCO in 1985. LAFCO designated the sphere to include all residential parcels in or adjacent to Unit One and certain common open-space areas owned by the Circle Oaks Homes Association. Excluded from the sphere were parcels in COCWD non-contiguous to Unit One or owned by the District and the site of its water and sewer service facilities. Outlying common open-space areas owned by the Circle Oaks Homes Association in COCWD were also excluded from the sphere. There have been no changes to the sphere since its adoption in 1985.⁵ A map depicting the sphere is provided in Attachment One.

Land Use Factors

COCWD is under the land use authority of the County of Napa. The County designates land located within and adjacent to COCWD as *Agriculture, Watershed and Open Space*. The County General Plan specifies the intent of this designation as:

³ The moratorium on new water service connections was adopted by COCWD in September 2000 and lifted in December 2006. The moratorium on new sewer service connections was adopted by COCWD in December 2006 and lifted in April 2007.

⁴ The population estimate has been calculated by LAFCO staff based on the number on COCWD’s current number of service connections (189) and multiplied by the average population per-household estimate for Napa County (2.57) as determined by the California Department of Finance.

⁵ In terms of jurisdictional changes, in 1964, LAFCO annexed 843 acres of adjacent land to facilitate a planned residential subdivision. In 1984, LAFCO detached this area along with 2,174 acres at the request of property owners after development plans failed to materialize.

“To provide areas where the predominant use is agriculturally oriented; where watershed areas, reservoirs, floodplain tributaries, geologic hazards, soil conditions and other constraints make the land relatively unsuitable for urban development; where urban development would adversely impact on all such uses; and where the protection of agriculture, watersheds, and floodplain tributaries from fire, pollution, and erosion is essential to the general health, safety, and welfare.”

Development densities for the County are identified under its zoning standards. All land located within Unit One is zoned *Residential Single: B-10* and requires a minimum parcel size of 10 acres. Based on current lot sizes, this zoning standard precludes additional subdivision and related growth from occurring in Unit One. All adjacent lands to Unit One are zoned *Agricultural Watershed* and requires a minimum parcel size of 160 acres.

In terms of current uses, the majority of land in COCWD consists of single-family residences. The majority of residential uses are concentrated in Unit One, which includes a total of 340 quarter-acre circular lots.⁶ To date, 182 lots in Unit One have been developed and receive water and sewer services from COCWD.⁷ Land outside and adjacent to COCWD is primarily characterized by open-space with limited rural residential uses.

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 COCWD’s sphere as part of a comprehensive update. Underlying this effort is to designate the sphere in a manner that promotes the logical and orderly development of COCWD in a manner that supports the provisions of California Government Code and the policies of the Commission.

ANALYSIS

In adopting the sphere in 1985, LAFCO established a set of policies designating COCWD as an urban service provider and specified that future sphere expansions be limited to areas that are developed or planned for development at a “suburban density.” The Commission also specified that sphere expansions be limited to areas that receive an adequate level of water and sewer services.

The analysis conducted as part of the earlier municipal service reviews of COCWD identified that the District has generally developed sufficient supply and infrastructure capacities to adequately meet current water and sewer service demands. However, the analysis also identified the need for COCWD to prepare facility plans to help inform future capital improvement plans with respect to effectively accommodating future service demands.

⁶ The number of lots in Unit One is based on the County of Napa Geographic Information System.

⁷ There are additional seven developed single-family residences in COCWD that are outside Unit One.

Based on the policies established by the Commission in 1985 along with information analyzed as part of the earlier municipal service reviews, no changes to the existing COCWD sphere are warranted at this time. This recommendation recognizes that the existing sphere designates an appropriate service area for COCWD that generally reflects the District's present and planned service capacities, supports existing and planned urban uses, and does not encroach on surrounding agricultural or open-space uses.

Supplemental Analysis: Smaller-Than-Agency Sphere

Staff recognizes that the recommendation to make no changes to the sphere does not address an existing inconsistency that is drawn from COCWD's sphere encompassing less territory than its jurisdictional boundary. This type of designation is referred to as a "smaller-than-agency sphere" and is occasionally used by LAFCOs to indicate that there is no need for services from the agency in the affected area. This designation is also used by LAFCOs to indicate if the area is included in the sphere of another agency.

Although unorthodox, staff believes it is appropriate to maintain the smaller-than-agency sphere designation for COCWD based on the following factors.

- The majority of areas located in COCWD's jurisdictional boundary that lie outside the sphere are owned by the District or the Circle Oaks Homes Association and are used for utility services or as common open-space, respectively. These land uses indicate that there are no present or planned need for water and sewer services in the affected areas.
- The remaining areas located in COCWD's jurisdictional boundary that lie outside the sphere consist of two residential parcels that are non-contiguous to Unit One. Staff recognizes that including these areas into the sphere would be consistent with the policy of the Commission to emphasize the delivery of services in determining the location of special district spheres. However, because of the location, including these areas into the sphere would require adding additional land designated and zoned for agricultural and open-space uses or creating more than one sphere boundary, which is against Commission policy. With these latter comments in mind and because there are no impacts to COCWD or the affected property owners, staff believes it is appropriate to keep these areas outside the sphere at this time.

RECOMMENDATION

It is recommended that the Commission affirm with no changes COCWD's existing sphere. Pursuant to California Government Code §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 by the County of Napa as the affected land use authority. The County General Plan and associated 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 Circle Oaks County Water District provides water and sewer services within the area. These services are vital in supporting existing and future residential uses and protect public health and safety in the area.

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

The Circle Oaks County Water District has demonstrated its ability to provide an adequate level of water and sewer service to the area. These services were comprehensively evaluated by LAFCO as part of recent municipal service reviews.

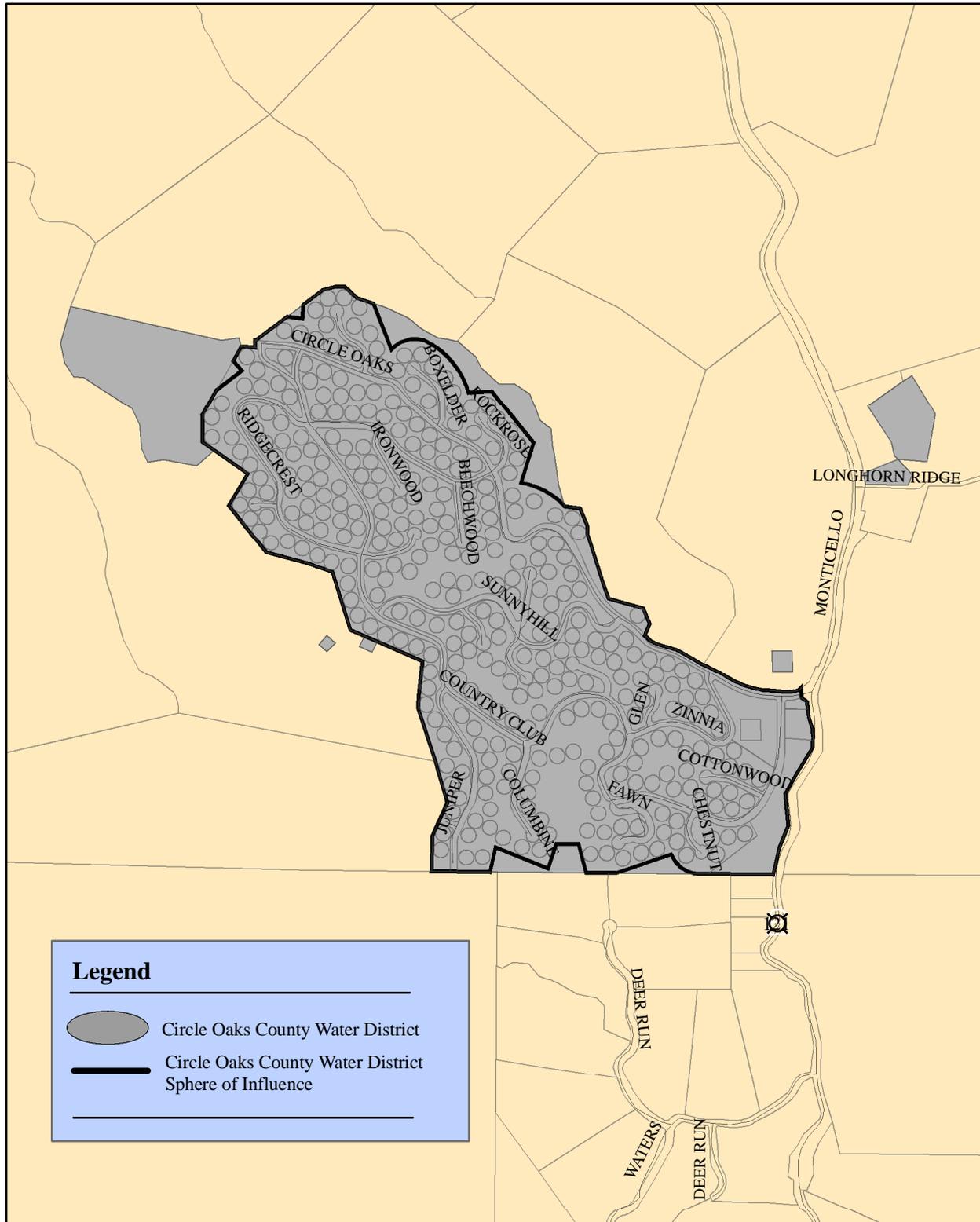
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

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

Attachments:

- 1) Map
- 2) LAFCO Resolution No. 04-19 (*Comprehensive Water Service Study*)
- 3) LAFCO Resolution No. 06-08 (*Comprehensive Study of Sanitation and Wastewater Treatment Providers*)

Circle Oaks County Water District



Legend

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



*Not to Scale
December 4, 2006
Prepared by KS*



LAFCO of Napa County
1700 Second Street, Suite 268
Napa, CA 94559
(707) 259-8645

RESOLUTION NO. _____**RESOLUTION OF THE
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MAKING DETERMINATIONS****CIRCLE OAKS COUNTY WATER DISTRICT
SPHERE OF INFLUENCE 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 within Napa County and studies of spheres of influence of the local governmental agencies whose jurisdictions are within Napa County; and

WHEREAS, the Executive Officer of the Commission, hereinafter referred to as “the Executive Officer”, prepared a review of the sphere of influence of the Circle Oaks County Water District as pursuant to said schedule and Title 5, Division 3, commencing with Section 56000 of the California Government Code; and

WHEREAS, the Executive Officer prepared a written report of this review, including his recommendation to affirm with no changes the existing sphere of influence; 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 meeting held on June 4, 2007; and

WHEREAS, the Commission considered all the factors required by law under Section 56425 of the California Government Code.

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

1. The Commission hereby determines that an action to affirm with no changes an agency’s existing sphere of influence qualifies for a general exemption from the requirements of the California Environmental Quality Act (CEQA). Approval to affirm an existing sphere of influence will not result in any land use changes or physical impacts to the environment. This proposal qualifies for a general exemption under CEQA because there is no possibility that it will adversely affect the environment [CEQA Guidelines, Section 15061(b)(3)].
2. The recommendation to affirm the existing sphere of influence for the Circle Oaks County Water District is APPROVED.

3. This sphere of influence update is assigned the following distinctive short-term designation:

**CIRCLE OAKS COUNTY WATER DISTRICT
SPHERE OF INFLUENCE UPDATE**

4. The sphere of influence for the Circle Oaks County Water District is hereby affirmed with no changes to include the affected territory as shown on the attached vicinity map identified as "Exhibit A."
5. Pursuant to Section 56425 of the Government Code, the Commission makes the statements of determinations in the attached "Exhibit B."
6. The effective date of this sphere of influence update shall be final upon the receipt by the Executive Officer of a written statement by the Circle Oaks County District pursuant to Section 56425(h) of the Government Code.
7. The Executive Officer shall revise the official records of the Commission to reflect this change to the sphere of influence.

The foregoing resolution was duly and regularly adopted by the Local Agency Formation Commission of the County of Napa, State of California, at a meeting held on the 4th day of June, 2007, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

ATTEST: Keene Simonds
 Executive Officer

Recorded by: _____
 Kathy Mabry
 Commission Secretary

EXHIBIT B
STATEMENT OF DETERMINATIONS

CIRCLE OAKS COUNTY WATER DISTRICT
SPHERE OF INFLUENCE UPDATE

1. With respect to the present and planned land uses in the area, including agricultural and open-space lands, the Commission determines:

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

2. With respect to the present and probable need for public facilities and services in the area, the Commission determines:

The Circle Oaks County Water District provides water and sewer services within the area. These services are vital in supporting existing and future residential uses and protect public health and safety in the area.

3. With respect to the present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide, the Commission determines:

The Circle Oaks County Water District has demonstrated its ability to provide an adequate level of water and sewer service to the area. These services were comprehensively evaluated by LAFCO as part of recent municipal service reviews.

4. With respect to 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 Commission determines:

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



Local Agency Formation Commission
LAFCO of Napa County

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June 4, 2007
Agenda Item No. 7d

May 30, 2007

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer
Tracy Geraghty, Analyst

**SUBJECT: Napa County Flood Control and Water Conservation District:
Municipal Service Review and Sphere of Influence Review (Action)**
The Commission will receive two reports as part of its scheduled municipal service review and sphere of influence review of the Napa County Flood Control and Water Conservation District. The Commission will consider resolutions adopting the determinations and statements included in both reports pursuant to California Government Codes §56340 and §56425, respectively.

In 2001, California Government Code was amended as part of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to require Local Agency Formation Commissions (LAFCOs) to review and update, as necessary, each local agency's sphere of influence every five years. 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

Municipal Service Review

At its April 2, 2007 meeting, the Commission received a draft municipal service review on the Napa County Flood Control and Water Conservation District for discussion. The draft included written determinations addressing the nine service factors the Commission is required to address as part of its service review mandate under California Government Code §56430. Following the meeting, staff circulated a notice of review on the draft to interested parties. Comments were received from the District and the City of American Canyon and are addressed as part of an attached supplemental report. A final municipal service review has been prepared and includes minor updates in response to comments provided by American Canyon. This final municipal service review is attached for review by the Commission.

Jack Gingles, Chair
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

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

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

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

Sphere of Influence Review

Drawing from information collected as part of the municipal service review, staff has prepared the sphere of influence review for the District. The review concludes that the existing sphere designates an appropriate service area for the District and that no changes are warranted. Statements addressing the four planning factors the Commission is required to address when making a sphere determination under California Government Code §56425 are included in the sphere review.

Recommendation

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

1. Receive and file the attached written reports representing the municipal service review and sphere of influence review of the Napa County Flood Control and Water Conservation District; and
2. Approve the form for the attached resolution with any desired changes that make statements regarding the level and range of services provided by the Napa County Flood Control and Water Conservation District pursuant to California Government Code §56430, and
3. Approve the form for the attached resolution with any desired changes that make statements with respect to affirming with no changes the sphere of influence for the Napa County Flood Control and Water Conservation District pursuant to California Government Code §56425.

Respectfully submitted,

Keene Simonds
Executive Officer

Tracy Geraghty
Analyst

Attachments:

- ~~1) Supplemental Report: Written Comments~~
- 2) Napa County Flood Control and Water Conservation District: Municipal Service Review
- 3) Napa County Flood Control and Water Conservation District: Sphere of Influence Review
- 4) Napa County Flood Control and Water Conservation District – Draft Resolution (MSR)
- 5) Napa County Flood Control and Water Conservation District – Draft Resolution (SOI)

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

**NAPA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT**

MUNICIPAL SERVICE REVIEW

**Final Report
June 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
Bill Dodd, Commissioner, County Member
Juliana Inman, Commissioner, City Member
Brian J. Kelly, Commissioner, Public Member
Cindy Coffey, Alternate Commissioner, City Member
Mark Luce, Alternate Commissioner, County Member
Gregory Rodeno, Alternate Commissioner, Public 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.

Municipal Service Reviews

On January 1, 2001, the Cortese-Knox-Hertzberg Local Government Reorganization Act became the governing law of LAFCOs. One change brought by this legislation was the creation of a new LAFCO function, the municipal service review. California Government Code §56430 states that prior to any update of a sphere of influence, the Commission shall conduct a municipal service review – a comprehensive evaluation of the ability of the agency to provide service within its existing jurisdiction and sphere. This includes making determinations on the adequacy, efficiency, and effectiveness of these services in relationship to local conditions and circumstances. LAFCO is required to review and update each local agency's sphere by January 1, 2008 and every five years thereafter as necessary. Each of the 58 LAFCOs in California may adopt their own approach to fulfilling the service review and sphere update requirements.

As part of the service review process, LAFCOs are required to consider and make written determinations with regard to nine service factors enumerated under California Government Code §56430. These factors are intended to capture the legislative intent of the service review process and offers LAFCO key information to inform policy determinations necessary to complete a sphere update. These factors are:

1. Infrastructure needs or deficiencies.
2. Growth and population projections for the affected area.
3. Financing constraints and opportunities.
4. Cost avoidance opportunities.
5. Opportunities for rate restructuring.
6. Opportunities for shared facilities.
7. Government structure options.
8. Evaluation of management efficiencies.
9. Local accountability and governance.

Napa County Flood Control and Water Conservation District

This report represents the municipal service review of the Napa County Flood Control and Water Conservation District. The underlying objective of the report is to review the level and range of services provided by the District in terms of capacity, funding, and governance. The report also includes written determinations that address the nine service factors LAFCO is required to consider as part of its service review mandate under California Government Code §56430.

Note: The geographic region of the municipal service review includes all lands located within and in close proximity to the existing jurisdictional boundary of the Napa County Flood Control and Water Conservation District (depicted in Attachment A).

OVERVIEW

The Napa County Flood Control and Water Conservation District (NCFCWCD) was established in 1951 by a special act of the California Legislature. The District's formation was engendered by the County of Napa for the purpose of creating a separate government entity responsible for developing and managing domestic water supplies and controlling flood and storm waters in Napa County. Notably, the formation of the District enabled the County to begin participating in government programs and joint-use activities to augment and enhance local water supplies and obtain federal and state assistance to finance flood control projects.

Since its formation, NCFCWCD has developed two principal and distinct service activities with respect to water conservation and flood control. The District's water conservation services primarily involve administering contracts with the State of California and the United States Bureau of Reclamation for annual water supply entitlements from the State Water Project and the Solano Project, respectively. As part of its administrative duties, the District subcontracts its imported water supply entitlements to cities and special districts throughout Napa County. The District's flood control services focus on managing and coordinating projects intended to protect local communities from inundation by maintaining and clearing tributary channels and sponsoring capital improvements. This includes currently serving as the local sponsor of the voter-approved "Napa River/Napa Creek Flood Protection Project," which is designed to protect the City of Napa from a 100-year flood.

GOVERNANCE

NCFCWCD is organized under the Napa County Flood Control and Water Conservation District Act of 1951. From 1951 through 1996, the County of Napa Board of Supervisors acted *ex officio* as the District's Board of Directors. In 1996, in preparation for a countywide vote regarding the Napa River/Napa Creek Flood Protection Project, the Board was expanded to include 11 members consisting of all five County Supervisors, the mayors of the five incorporated cities, and a council member from the City of Napa. The Board is empowered to establish and enforce any rule or regulation deemed necessary to carry out the business of the District.¹ Meetings are conducted on the first and third Tuesdays of every month at the County of Napa's Administration Building and are open to the public.

NCFCWCD is authorized to provide a broad range of services relating to water conservation and flood control. Specific service powers enumerated under the District's legislative act include:

¹ In 2003, the Napa County Flood Control and Water Conservation District Act was amended to allow the Board its own purchasing and resolution powers. Prior to this amendment, the Board followed the policies and procedures of the County of Napa.

- Acquire, distribute, and store water for domestic, irrigation, and other beneficial uses. This includes storing water in surface or underground reservoirs, conserving and reclaiming water for present and future uses, and appropriating and acquiring water supplies and water rights. (Section Five, Part Five)
 - Control, reclaim, and retain flood and storm waters for beneficial uses. This includes spreading, storing, or causing water to percolate into the soil. (Section Five, Part Six)
 - Perform studies or analyses as it relates to water supplies, water rights, and the control of flood and storm waters for beneficial uses. (Section Five, Part Eight)
- * NCFWCWD is also authorized to exercise the right of eminent domain to take land, water, water rights, or other property necessary to carry out its duties. (Section Six)

ADMINISTRATION

NCFWCWD’s legislative act provides that all employees, deputies, and officers of the County of Napa may be asked to perform their respective duties *ex officio* for the District. In 2003, to clarify and expand its administrative authority, the enabling act was amended to allow the District Board to appoint, employ, or contract with any other persons or entities as necessary to carry out the duties of the District.

NCFWCWD is presently staffed by the County of Napa Public Works Department. This arrangement is based on practice and provides that the County Public Works Director serve as District Engineer. The District Engineer reports to the Board and is responsible for managing day-to-day activities. There are currently eight County Public Works employees assigned on a full-time basis to the District, including five that are assigned specifically to the Napa River/Napa Creek Flood Protection Project. In addition, two new positions were created in 2005, a Principal Water Resources Engineer and a Water Resources Specialist, whose duties are split between the District (managing the District’s water supply contracts) and the County (implementing County “Measure A”² projects).

SERVICE AREA AND POPULATION

NCFWCWD’s jurisdictional boundary is approximately 506,517 acres and includes all incorporated and unincorporated lands in Napa County. This jurisdictional boundary is coterminous with the District’s sphere of influence, which was established by LAFCO in 1984. The District operates under the land use authority of six agencies, which include the County of Napa, the Cities of American Canyon, Calistoga, Napa, St. Helena, and the Town of Yountville. The Association of Bay Area Governments (ABAG) estimates that there are 133,700 people currently residing in Napa County. ABAG also estimates an annual population growth rate for Napa County of 0.65 percent over the next 20 years.

² Measure A was enacted in 1998 and authorizes a half-cent special tax through 2018 for the purposes of funding specified flood and water quality and enhancement projects in Napa County.

ABAG Population Projections, 2005-2025

Jurisdiction	2005	2015	2025
American Canyon	14,700	18,300	19,900
Calistoga	5,200	5,300	5,300
Napa	80,100	86,100	89,900
St. Helena	6,100	6,100	6,200
Yountville	3,400	3,500	3,600
Unincorporated	24,200	25,400	26,200
Total	133,700	144,400	151,100

Source: ABAG, Projections 2007

MUNICIPAL SERVICES

Since its formation in 1951, NCFCWCD has developed two principal and distinct service activities with respect to flood control and water conservation. This includes managing and coordinating local and countywide flood control projects and administering water supply contracts with the State of California and the United States Bureau of Reclamation. A summary of the development and delivery of these services follows.

Flood Control

Upon formation in 1951, NCFCWCD's flood control activities involved coordinating small and supplemental projects with local communities. One of the first flood control projects undertaken by the District involved the purchase and operation of a pump station to serve the unincorporated community of Ederly Island.³ Other initial flood control activities of the District included providing channel maintenance and recording flow measurements for the Napa River and its tributaries.

Prior to NCFCWCD's formation, organized flood control activities in Napa County were primarily the responsibilities of local jurisdictions. However, in 1938, the United States Congress passed legislation authorizing and funding the Army Corps of Engineers (USACE) to study flood-hazard waterways throughout the nation for the purpose of developing and implementing protection plans.⁴ The Napa River, on record as having severely flooded more than a dozen times, was among the subjects studied.⁵

³ The pump station on Ederly Island was funded through an annual assessment paid by local property owners as part of a benefit zone established by NCFCWCD in 1952. This benefit zone was dissolved and the pump station was turned over to the Napa River Reclamation District No. 2109 following its formation in 1975.

⁴ Following the Great Mississippi Flood of 1927, recorded as the worst flood in United States history, the federal government began shifting policies toward more aggressive and direct involvement of flood control efforts throughout the nation. Legislation in 1938 put investigations of flood waters and the construction of flood protection projects under jurisdiction of the Department of War and directed the Secretary of War to begin the acquisition of all lands nationally needed for constructing flood control projects.

⁵ The Flood Control Act of 1944 authorized the construction of thousands of dams and levees across the United States. For the Napa River, the USACE study recommended channel improvements and construction of a dam on Conn Creek to establish a water supply reservoir for Napa County. Although this recommended project was authorized as part of the Flood Control Act of 1944, no appropriations were allocated because of a lack of local funds to help

As a step toward generating local assessment funds needed for financing USACE projects, NCFCWCD was formed in 1951 by special legislation at the request of the County of Napa. In 1965, Congress authorized a new flood protection project for the City of Napa in conjunction with the USACE and made a standing authorization of \$14.95 million for the project. However, local access to this funding was contingent upon the completion of a specific project design and designated local matching funds. With this in mind, by the mid-1970s, the District had set aside approximately \$3.0 million as a portion of the local cost-share for the project. Between 1976 and 1977, the District worked with local officials to generate the remaining matching funds through sponsoring special tax initiatives. However, after voters rejected two separate tax initiatives, USACE set aside the flood project for the City of Napa.

In 1977, in response to the failed tax measures, NCFCWCD reduced its tax rate to zero. One year later, Proposition “13” was passed by California voters curtailing the ability of the District to increase its tax rate without two-thirds voter approval.

In 1987, a year after a flood caused significant damage in the City of Napa, NCFCWCD began working with local and federal stakeholders to request assistance from USACE in developing and funding a comprehensive flood control project. In 1995, dissatisfied with the design plans developed by USACE, a community coalition emerged and began working with the District on developing a new flood protection plan. By 1997, the working group achieved consensus on a new design eventually culminating in the Napa River/Napa Creek Flood Protection Project.⁶

In order to fund the Napa River/Napa Creek Flood Protection Project, the County Board of Supervisors formed a special taxing authority, the Napa County Flood Protection and Watershed Improvement Authority.⁷ The “Authority,” whose Board consists of all five County Board of Supervisors, was established for the purpose of implementing a county-wide half-cent sales tax to serve as the local match required to receive the federal funds for the project. These efforts resulted in the drafting of “Measure A,” the Napa County Flood Protection Sales Tax Ordinance, which was approved by Napa County voters in 1998 and provides funding for specified flood and water quality and enhancement projects through 2018.⁸

finance and ultimately maintain the project. (In 1948, the City of Napa funded and constructed a dam on Conn Creek, which resulted in the creation of Lake Hennessey.)

⁶ The Napa River/Napa Creek Flood Protection Project affects six miles of the Napa River between Trancas Street on the north and the Butler Bridge on the south. The project includes riverbank terracing, the removal or replacement of seven bridges, and the creation of a dry bypass channel at the Oxbow where the Napa River and Napa Creek meet. Also, floodwalls, levees, and trails will be constructed throughout the project area. The project is designed to reduce flood levels to the point where water levels in the Napa River and Napa Creek will remain within the designated floodway during a “100-year” flood event.

⁷ NCFCWCD does not have the power to impose sale or use taxes.

⁸ The Napa River/Napa Creek Flood Project is identified as Napa County’s first priority with the majority of the tax money front-loaded toward that project. The Town of Yountville completed a Flood Barrier Project in December 2004. This project had a total cost of about \$6 million, on track with cost projections, and was funded by a variety of sources including Measure A, FEMA grants, bond proceeds, Town General Fund monies, and property owner contributions. The City of St. Helena Comprehensive Flood Project continues in the planning and engineering phase. \$2,040,289.26 in Measure A funds have been spent to date. The City of Calistoga’s Kimball Water Treatment Plant Maintenance Dredging Project is being conducted using \$106,901.41 of the City’s Measure A funds. American Canyon is implementing a Flood Control and Storm Drain master Plan and has spent \$506,671.85 to date of Measure

In addition to implementing certain Measure A projects, NCFWCWD works with local jurisdictions with respect to implementing and maintaining local flood control and stormwater quality improvements. . This work is funded through a District assessment collected throughout Napa County with the exception of the City of American Canyon. (Because the City of American Canyon does not collect the District assessment used to fund these maintenance and improvement projects they do not receive these services from the NCFWCWD.) Key activities include:

- clearing and maintaining channels;
- clearing problem areas within the Napa River and its tributaries;
- repairing and stabilizing the Napa River and local stream banks;
- installing and operating a countywide early-warning system for flooding;
- replacing and installing major storm drain trunklines;
- managing and monitoring groundwater;
- overseeing adjudicated watersheds;
- preparing special studies for flood protection and water management; and
- developing standardized and integrated flood plain management regulations.

NCFWCWD also administers the Napa County Stormwater Management Program (NCSWMP) on behalf of each of the five Cities and the County of Napa. Though each of the five cities carry out their own individual stormwater pollution prevention programs and hold their own NPDES permit, the NCSWMP provides for the coordination and consistency of approaches between the individual participants and documents their efforts in annual reports. The NCSWMP is funded on a pro-rata basis by each participating agency.

Water Conservation

NCFWCWD's water conservation services were initiated in 1963 following an agreement with the State of California's Department of Water Resources (DWR). The agreement, which has been amended several times, provides the District with an annual entitlement of water drawn from the State Water Project (SWP) and enables the District to subcontract its annual entitlement with local agencies. This feature allows the cost of SWP water to be passed directly to the local subcontractors. In exchange for an annual entitlement, the District is responsible for repayment of costs for the construction, maintenance, and operation of SWP facilities. Notably, along with the Solano County Water Agency, the District is responsible for the costs associated with the construction and operation of the North Bay Aqueduct, which facilitates delivery of SWP entitlements to Napa and Solano Counties. The District currently subcontracts its annual entitlement

A funds. Napa County has expended a portion of its Measure A \$976,438.52 funds for the unincorporated area on a Silverado Trail Flood Protection Feasibility study evaluating elevation of the roadway, and on the Lewelling Avenue Drainage Outfall Project, which installed a new and larger storm drain reducing flood damage to businesses and highway users. All amounts are as of June 30, 2005.

to SWP water to the Cities of American Canyon, Calistoga, Napa, and the Town of Yountville. A current breakdown of the District’s local subcontracts follows.

**NCFCWCD Subcontracts involving the State Water Project
(acre feet)**

Year	Napa	American Canyon	Calistoga	Yountville	Total
2007	15,350	4,800	1,625	1,100	22,875
2008	15,600	4,850	1,650	1,100	23,200
2009	15,850	4,900	1,675	1,100	23,525
2010	16,100	4,950	1,700	1,100	23,850
2011	16,350	5,000	1,725	1,100	24,175
2012	16,600	5,050	1,750	1,100	24,500

NCFCWCD also maintains a water supply agreement with the United States Bureau of Reclamation for an annual entitlement of water drawn from Lake Berryessa as part of the Solano Project.⁹ The District subcontracts this entitlement to several individual property owners in the Lake Berryessa area as well as to three special districts: Lake Berryessa Resort Improvement District (LBRID), Napa-Berryessa Resort Improvement District (NBRID), and Spanish Flat Water District. Each subcontractor is responsible for the construction and operation of their own intake and delivery system to Lake Berryessa.

**NCFCWCD Subcontracts for the Solano Project
(acre feet)**

Subcontractor	Amount
Lake Berryessa Resort Improvement District	200
Napa Berryessa Resort Improvement District	200
Spanish Flat Water District	200
Private Property Owners (five)	173

NCFCWCD’s water conservation services are provided with direction from its subcontractors. To increase its responsiveness to the collective needs of Napa County, the District formed an advisory group consisting of the public works directors and staffs of the five cities and the County. The group, the Water Technical Advisory Committee, also termed “Water TAC,” provides the District and the local jurisdictions a forum to discuss current and future water issues.

In addition, to help inform its planning activities, NCFCWCD facilitates collaborative studies aimed at examining local water supplies and enhancement opportunities. The District recently facilitated the countywide 2050 Napa Valley Water Resources Study, commonly referred to as the “2050 Study,” to identify current and projected water demand within each of its participating agency’s service areas as well as documenting agricultural demands in unincorporated areas served by groundwater. The District also participated in a study with the United States Geological Survey to update and review the

⁹ The Solano Project was developed between 1953 and 1958 and involved the construction of Monticello Dam on Putah Creek in Napa County for the purpose of forming Lake Berryessa. The majority of water drawn from Lake Berryessa is used by the Solano County Water Agency.

hydrological and geological properties for the lower basins of the Milliken, Sarco, and Tulucay Creeks in Napa County. As a result of this study, the District has begun work on the Milliken-Sarco-Tulucay (MST) Recycled Water Plan. The MST Recycled Water Plan involves developing design plans, cost estimates, financing mechanisms, and implementation strategies for importing recycled water from the Napa Sanitation District to the MST area for landscaping uses in order to help offset demands on local groundwater supplies.

FINANCIAL

NCFCWD adopts an annual line-item budget that projects anticipated revenues and expenditures for the upcoming fiscal year. In 2006-2007, the District adopted a total operating budget of \$21,488,213.00. Over the last five fiscal years, the District's overall budget has fluctuated between revenues as high as nearly \$50 million dollars and as low as \$7.5 million. District expenditures during the same five years have been relatively stable averaging \$31.5 million dollars. The revenue fluctuations are primarily attributable to the Napa River/Napa Creek Flood Protection Project portion of the budget.

For administrative purposes, NCFCWCD segregates its annual budget into four units. A summary of these budget units follows.

Flood and Watershed Management

This unit is associated with the District's annual maintenance of the Napa River and its tributaries. This unit is primarily funded through tax assessments and intergovernmental service charges. In 2006-2007, the unit's adopted budget projected total revenues and expenses at \$962,000 and \$1,435,679.11.

Water Supply Contracts

This unit is associated with the District's contracts with the State of California and the United States Bureau of Reclamation for annual water supply entitlements to State Water Project and the Solano Project. The District's cost for these contracted water supplies are reimbursed by local subcontractors, which include cities, special districts, and property owners. In 2006-2007, the unit's adopted budget projected both total revenues and expenses at \$6,492,027.

Napa River/Napa Creek Flood Protection Project

This unit is associated with the District's local sponsorship of a comprehensive flood projection project for the City of Napa. The unit is funded by the Napa County Flood Protection and Watershed Improvement Authority through a transfer of sales tax revenues generated by Measure A and also with matching federal and state funds. Principal expenses include implementing design and construction costs along with acquiring all necessary lands, easements, right-of-ways, and relocating existing facilities and structures. In 2006-2007, the unit's adopted budget projected total revenues and expenses at \$13,934,186 and \$14,009,672.82.

Measure A - Other

This unit is associated with the District’s contractual responsibility to administer and disperse funds for qualifying projects under Measure A. In 2006-2007, the unit’s adopted budget projected both total revenues and expenses at \$100,000.

WRITTEN DETERMINATIONS

In anticipation of reviewing and updating NCFCWCD’s sphere of influence, and based on the above-mentioned information, the following written determinations are intended to fulfill the requirements of California Government Code §56430. When warranted, some determinations include supplemental information listed in italics to provide context to the underlying service factor.

General Statements:

- a) Determinations adopted by the Commission as part of the Comprehensive Water Service Study regarding the Napa County Flood Control and Water Conservation District remain valid and appropriate.
- b) In 1997, voters approved “Measure A,” a countywide sales tax aimed at funding specific flood protection and water quality enhancement projects in Napa County. As a sponsor of several authorized projects, including the Napa River/Napa Creek Flood Protection Project, the Napa County Flood Control and Water Conservation District has significantly expanded the focus and level of its services as a result of Measure A.

The Napa River/Napa Creek Flood Protection Project is designed to protect the City of Napa against all floods up to and including a 100-year storm event.

Infrastructure Needs or Deficiencies:

- a) The Napa County Flood Control and Water Conservation District operates and maintains an infrastructure system of channels, storm drains, and drainage basins designed to intercept and direct excessive storm and flood waters away from populated areas in Napa County. The District has established an annual maintenance program to help ensure this infrastructure system provides an adequate level of flood control service within its jurisdictional boundary.
- b) The Napa County Flood Control and Water Conservation District has experienced a measurable increase in staff resources and infrastructure holdings over the last several years. These changes reflect the expanded role of the District in fulfilling its legislative directive to provide enhanced flood control and water conservation services in Napa County.

- c) An important challenge for the Napa County Flood Control and Water Conservation District will be to transition and expand its service and funding capacities to operate and maintain infrastructure and facilities constructed as part of Measure A.
- d) On behalf of local agencies, the Napa County Flood Control and Water Conservation District administers water supply contracts for annual entitlements to the State Water Project and the Solano Project. These administrative services facilitate the delivery of needed imported water supplies underlying the ability of local agencies to meet present and future water demands within their respective service areas.

Growth and Population Projections:

- a) The projections prepared by the Association of Bay Area Governments are satisfactory estimates of the current and future service population of the Napa County Flood Control and Water Conservation District.
- b) All 133,700 people currently estimated by the Association of Bay Area Governments to reside in Napa County benefit from the services provided by the Napa County Flood Control and Water Conservation District.
- c) The Association of Bay Area Governments projects an annual population growth rate for Napa County at 0.6 percent over the next 20 years. Although limited, this projected growth rate will contribute to the intensification of land uses and result in the continued demand and need for adequate flood control and water conservation services in Napa County.
- d) Approximately 10 percent of Napa County Flood Control and Water Conservation District's jurisdictional boundary is located within a flood zone designated by the Federal Emergency Management Agency. A significant portion of these zones are located in or near existing urban areas within the Napa Valley, heightening the need for effective and timely flood control services.

Financing Constraints and Opportunities:

- a) The Napa County Flood Control and Water Conservation District serves as an important instrument in securing federal and state funding that would otherwise not be available for flood control and water conservation services in Napa County.
- b) The Napa County Flood Control and Water Conservation District is primarily funded by federal and state appropriations and local sales tax proceeds associated with Measure A. These funding sources fluctuate annually and create an external

- constraint on the District with respect to financing and implementing capital improvements in a timely manner.
- c) The Napa County Flood Control and Water Conservation District is empowered under its legislative act to establish zones for assessment purposes within its jurisdictional boundary. This feature allows the District to provide elevated and focused flood control and water conservation services to a particular area in a manner that is directly funded by benefiting property owners.

Cost Avoidance Opportunities:

- a) The Napa County Flood Control and Water Conservation District benefits from cost-savings associated with its relationship with the County of Napa. Savings drawn from this relationship include providing the District with administrative and operational staff support at a controlled and below market cost.
- b) In 2002, the State of California enacted legislation to measurably increase its reimbursement to local agencies to help offset their costs in implementing flood protection projects. This legislation represents a new cost avoidance opportunity for the Napa County Flood Control and Water Conservation District to develop and construct flood control projects within its jurisdictional boundary.

Opportunities for Rate Restructuring:

- a) The Napa County Flood Control and Water Conservation District does not have an adopted rate schedule.

Opportunities for Shared Resources:

- a) The Napa County Flood Control and Water Conservation District has established effective partnerships with other agencies to fund various flood control and water conservation activities within its jurisdictional boundary. These partnerships enhance and expand the District's service activities and produce mutually beneficial projects throughout Napa County.

Government Structure Options:

- a) In 1996, the Napa County Flood Control and Water Conservation District's governing board was restructured to include elected representatives from all five incorporated cities in Napa County. This restructuring has helped make the District more responsive to the collective needs of its jurisdictional boundary.
- b) The Napa County Flood Control and Water Conservation District has been successful in achieving its original service objective to enhance local water supplies and to provide an elevated level of flood control in Napa County.

Evaluation of Management Efficiencies:

- a) Services provided by Napa County Flood Control and Water Conservation District are guided by annual work plans that identify goals and objectives for the upcoming year. These work plans serve as effective performance measures and encourage management efficiencies by prioritizing District resources in a transparent manner.
- b) The Napa County Flood Control and Water Conservation District provides a summary of past and projected revenues and expenditures as part of its annual budget. The budget is adopted following a publicly noticed board meeting in which members of the public are allowed to comment and offer suggestions with respect to District expenditures. This budget process establishes efficiencies by providing a clear directive towards staff with respect to prioritizing District resources.
- c) Expenditures of the Napa County Flood Control and Water Conservation District involving Measure A funds are subject to the approval of the Napa County Flood Protection and Watershed Improvement Authority and a Fiscal Oversight Committee. These arrangements provide additional safeguards regarding the District's management and allocation of Measure A funds.

Local Accountability and Governance:

- a) The Napa County Flood Control and Water Conservation District is governed by 11 board members representing the five cities and County of Napa. As elected officials, District board members are accountable to the voters that reside within their appointing jurisdictions.
- b) Meetings of the Napa County Flood Control and Water Conservation District are conducted twice a month and are open to the public. These meetings provide an opportunity for District constituents to ask questions of their appointed elected representatives and help to ensure that service information is being effectively communicated to the public.
- c) It is important that the Napa County Flood Control and Water Conservation District make a concerted effort to distinguish its service and governance responsibilities apart from the Napa County Flood Protection and Watershed Improvement Authority.
- d) The NCFCWCD should consider formalizing the Water TAC as a formal advisory body to the NCFCWCD to more directly facilitate responsiveness to each local jurisdiction.

SOURCES

Agency Contacts:

Napa County Flood Control and Water Conservation District

Robert Peterson, District Engineer

Felix Riesenber, Principal Water Resources Engineer

Greg Morgan, Supervising Office Assistant

Documents/Materials:

Association of Bay Area Governments, “Projections 2007.”

County of Napa approved budget reports, FY 2002/3 through 2006/7.

LAFCO of Napa County, file. “Comprehensive Water Service Study,” October, 2004.

LAFCOM of Napa County, file. “Napa County Flood Control & Water Conservation District 1984 Baseline Report Sphere of Influence Establishment,” November 1984.

Napa County Board of Supervisors Board Agenda Letter, December 14 2004. “Water Resources Work Plan.”

Napa County Flood Control and Water Conservation District, Maintenance and Watershed Programs Project No. 96-1. Project report for FY 2006-7.

Napa County Flood Control and Water Conservation District website, <http://napacounty/fileframe.asp?exturl=http://flood>.

Napa County Flood Protection and Watershed Improvement Authority, Ordinance No. 1. November, 1997.

Napa County Joint Powers Agreement No. 4102.

West’s Annotated California Codes, Water Code Appendix. Chapter 61. Napa County Flood Control and Water Conservation District Act.

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

**COMPREHENSIVE STUDY OF THE NAPA COUNTY FLOOD
CONTROL AND WATER CONSERVATION DISTRICT**

SPHERE OF INFLUENCE REVIEW

June 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
Bill Dodd, Commissioner, County Member
Juliana Inman, Commissioner, City Member
Brian J. Kelly, Commissioner, Public Member
Cindy Coffey, Alternate Commissioner, City Member
Mark Luce, Alternate Commissioner, County Member
Gregory Rodeno, Alternate Commissioner, Public Member

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



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INTRODUCTION

Established in 1963, Local Agency Formation Commissions (LAFCOs) are responsible for administering the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code Sections 56000 et. seq.). This legislation empowers LAFCOs with regulatory and planning responsibilities to encourage the orderly formation and development of local agencies in a manner that preserves agricultural and open-space lands and promotes the efficient extension of governmental services. Principal duties include regulating 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 goals and objectives. LAFCOs are located in all 58 counties in California.

Among LAFCO's primary planning responsibilities is the designation of a sphere of influence for each city and special district under its jurisdiction.¹ California Government Code §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 particular area will likely require the services provided by the subject agency. The sphere designation also indicates the agency LAFCO believes to be best situated to serve the subject area. LAFCO is required to review each agency's sphere every five years.

California Government Code §56425(e) directs LAFCO to consider and prepare written statements that address four planning factors when establishing, amending, or updating an agency's sphere. 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.

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

- Require the existing 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.

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

Beginning in 2001, to help inform the sphere review process, LAFCO is responsible for preparing a service review. A 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 municipal service. The service review culminates in the preparation of written determinations that address nine specific service factors enumerated under California Government Code §56430. These determinations, which address factors ranging from infrastructure needs or deficiencies to government structure options, must be approved by the Commission in order to prepare an update to an agency's sphere.

Comprehensive Study of the Napa County Flood Control and Water Conservation District

In May 2006, LAFCO of Napa County initiated its *Comprehensive Study of the Napa County Flood Control and Water Conservation District*. The study comprises two distinct phases. The first phase represented the service review portion of the study and included a description and evaluation of the services provided by the District along with the development of written determinations addressing the nine service factors enumerated under California Government Code §56430. This report represents the sphere review and is the second and final phase of the study

OVERVIEW

The Napa County Flood Control and Water Conservation District (NCFCWCD) was established in 1951 by a special act of the California Legislature. Since its formation, NCFCWCD has developed two principal and distinct service activities with respect to water conservation and flood control. The District’s water conservation services primarily involve administering contracts with the State of California and the United States Bureau of Reclamation for annual water supply entitlements from the State Water Project and the Solano Project, respectively. The District’s flood control services focus on managing and coordinating projects intended to protect local communities from inundation by maintaining and clearing tributary channels and sponsoring capital improvements. Notably, with respect to the latter, the District is presently sponsoring the “Napa River/Napa Creek Flood Protection Project,” which is designed to protect the City of Napa from a 100-year flood.

NCFCWCD is governed by an eleven member board of directors consisting of all five County Supervisors, the mayors of the five incorporated cities, and a council member from the City of Napa. NCFCWCD staff includes technical specialists with expertise in a variety of areas, including water resources, public finance, and flood control. NCFCWCD’s adopted budget over the past five fiscal years ranged from \$7.5 to \$50 million, with the majority of its revenues drawn from intergovernmental grants and contracts.

Napa County Flood Control and Water Conservation District

Date Formed	1951
District Type:	Dependent
Enabling Legislation	Napa County Flood Control and Water Conservation District Act
Services Provided	Flood Control and Water Conservation

Adoption of Sphere of Influence

NCFCWCD’s sphere was established by LAFCO in 1984. The sphere was designated to include all incorporated and unincorporated lands in Napa County. There have been no changes to the sphere since its adoption.

Land Use Factors

NCFCWCD operates under the land use authority of six agencies including the County of Napa, the Cities of American Canyon, Calistoga, Napa, St. Helena, and the Town of Yountville. Land use policies for each agency are codified with their respective general plans and zoning ordinances.

DISCUSSION

The objective of this report is to identify and evaluate areas that warrant consideration for inclusion or removal from NCFCWCD’s sphere as part of a comprehensive update. Underlying this effort is to designate the sphere in a manner that promotes the effective and efficient provision of flood control and water conservation services in and around Napa County.

ANALYSIS

The analysis conducted as part of the service review portion of this study identifies that NCFCWCD has been successful in achieving its original service objective to enhance local water supplies and to provide an elevated level of flood control in Napa County. These services include facilitating the delivery of needed imported water supplies to local agencies throughout Napa County as well as serving as the local sponsor of the voter-approved “Napa River/Napa Creek Flood Protection Project,” which is designed to protect the City of Napa from a 100-year flood. An important challenge for NCFCWCD will be transitioning and expanding its service and funding capacities to operate and maintain infrastructure and facilities constructed as part of this project so that it may continue to provide an effective level of service within its existing sphere.

Based on these factors, as well as the legislative intent that the NCFCWCD serve the people of Napa County, staff believes that the current sphere designates an appropriate service area for the District and no changes are warranted.

RECOMMENDATION

It is recommended that the Commission affirm with no change NCFCWCD’s existing sphere, which includes all incorporated and unincorporated lands in Napa County.

Statement of Determinations

Pursuant to California Government Code §56425(d), the following statements have been prepared in support of the recommendation to affirm with no change NCFCWCD's existing sphere:

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 general plans prepared by the six land use authorities whose jurisdictions overlap the jurisdictional boundary of the Napa County Flood Control and Water Conservation District. The exercise of the District's services, which benefit both urban and non-urban areas, will not affect the level or type of development identified in the general plans of the land use authorities.

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

The provision of flood control and water conservation services helps to ensure adequate water supply and the protection from inundation of flood waters which are essential to the social, fiscal, and economical well-being of 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 County Flood Control and Water Conservation District has developed policies, service plans, and revenue streams to provide adequate and effective flood control and water conservation services for the area.

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 social and economic well-being of the area is measurably enhanced by the services provided by the Napa County Flood Control and Water Conservation District.

RESOLUTION NO. ____

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

**NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
MUNICIPAL SERVICE REVIEW**

WHEREAS, the Local Agency Formation Commission of Napa County (hereinafter referred to as “the Commission”) may conduct municipal service reviews of local agencies pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq., hereinafter referred to as “Act”); and

WHEREAS, the Commission adopted a schedule for service reviews on October 11, 2001; and

WHEREAS, pursuant to Government Code Section 56430, the Executive Officer designated a municipal service review of the Napa County Flood Control and Water Conservation District; and

WHEREAS, the geographic area of this municipal service review includes all lands within the existing jurisdictional boundary of the Napa County Flood Control and Water Conservation District; and

WHEREAS, the Executive Officer prepared a written report of this municipal service review that was presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at its public meetings concerning the municipal service review of the Napa County Flood Control and Water Conservation District on April 2, 2007 and June 4, 2007; and

WHEREAS, as part of this municipal service review, the Commission is required pursuant to Government Code Section 56430(a) to make a statement of written determinations with regards to certain factors.

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

**NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
MUNICIPAL SERVICE REVIEW**

1. In accordance with the adopted Local Agency Formation Commission Environmental Impact Report Guidelines, and applicable provisions of the California Environmental Quality Act (CEQA), the Commission hereby determines that this municipal service review is exempt from the provisions of CEQA under Section 15306 of the State CEQA Guidelines (Title 14 of the California Code of Regulations Section 15306). The municipal service review is a data collection and research study. The information contained within the municipal service review may be used to consider future actions that will be subject to environmental review.

2. The Commission adopts the statement of determinations set forth in "Exhibit A" which is attached and hereby incorporated by reference.

The foregoing resolution was duly and regularly adopted by the Local Agency Formation Commission of Napa County, State of California, at a regular meeting held on the 4th day of June, 2007, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

ATTEST: Keene Simonds
Executive Officer

Prepared by: _____
Kathy Mabry
Commission Secretary

EXHIBIT A**NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
MUNICIPAL SERVICE REVIEW****STATEMENT OF DETERMINATIONS**

1. With respect to infrastructure needs or deficiencies [Government Code §56430(a) (1)], the Commission determines that:
 - a) The Napa County Flood Control and Water Conservation District operates and maintains an infrastructure system of channels, storm drains, and drainage basins designed to intercept and direct excessive storm and flood waters away from populated areas in Napa County. The District has established an annual maintenance program to help ensure this infrastructure system provides an adequate level of flood control service within its jurisdictional boundary.
 - b) The Napa County Flood Control and Water Conservation District has experienced a measurable increase in staff resources and infrastructure holdings over the last several years. These changes reflect the expanded role of the District in fulfilling its legislative directive to provide enhanced flood control and water conservation services in Napa County.
 - c) An important challenge for the Napa County Flood Control and Water Conservation District will be to transition and expand its service and funding capacities to operate and maintain infrastructure and facilities constructed as part of Measure A.
 - d) On behalf of local agencies, the Napa County Flood Control and Water Conservation District administers water supply contracts for annual entitlements to the State Water Project and the Solano Project. These administrative services facilitate the delivery of needed imported water supplies underlying the ability of local agencies to meet present and future water demands within their respective service areas.
2. With respect to growth and population projections for the affected area [Government Code §56430(a) (2)], the Commission determines that:
 - a) The projections prepared by the Association of Bay Area Governments are satisfactory estimates of the current and future service population of the Napa County Flood Control and Water Conservation District.
 - b) All 133,700 people currently estimated by the Association of Bay Area Governments to reside in Napa County benefit from the services provided by the Napa County Flood Control and Water Conservation District.

Exhibit A

- c) The Association of Bay Area Governments projects an annual population growth rate for Napa County at 0.6 percent over the next 20 years. Although limited, this projected growth rate will contribute to the intensification of land uses and result in the continued demand and need for adequate flood control and water conservation services in Napa County.
 - d) Approximately 10 percent of Napa County Flood Control and Water Conservation District's jurisdictional boundary is located within a flood zone designated by the Federal Emergency Management Agency. A significant portion of these zones are located in or near existing urban areas within the Napa Valley, heightening the need for effective and timely flood control services.
3. With respect to financing constraints and opportunities [Government Code §56430(a) (3)], the Commission determines that:
- a) The Napa County Flood Control and Water Conservation District serves as an important instrument in securing federal and state funding that would otherwise not be available for flood control and water conservation services in Napa County.
 - b) The Napa County Flood Control and Water Conservation District is primarily funded by federal and state appropriations and local sales tax proceeds associated with Measure A. These funding sources fluctuate annually and create an external constraint on the District with respect to financing and implementing capital improvements in a timely manner.
 - c) The Napa County Flood Control and Water Conservation District is empowered under its legislative act to establish zones for assessment purposes within its jurisdictional boundary. This feature allows the District to provide elevated and focused flood control and water conservation services to a particular area in a manner that is directly funded by benefiting property owners.
4. With respect to cost avoidance opportunities [Government Code §56430(a) (4)], the Commission determines that:
- a) The Napa County Flood Control and Water Conservation District benefits from cost-savings associated with its relationship with the County of Napa. Savings drawn from this relationship include providing the District with administrative and operational staff support at a controlled and below market cost.
 - b) In 2002, the State of California enacted legislation to measurably increase its reimbursement to local agencies to help offset their costs in implementing flood protection projects. This legislation represents a new cost avoidance opportunity for the Napa County Flood Control and Water Conservation District to develop and construct flood control projects within its jurisdictional boundary.

Exhibit A

5. With respect to opportunities for rate restructuring [Government Code §56430(a) (5)], the Commission determines that:
 - a) The Napa County Flood Control and Water Conservation District does not have an adopted rate schedule.
6. With respect to opportunities for shared facilities [Government Code §56430(a) (6)], the Commission determines that:
 - a) The Napa County Flood Control and Water Conservation District has established effective partnerships with other agencies to fund various flood control and water conservation activities within its jurisdictional boundary. These partnerships enhance and expand the District's service activities and produce mutually beneficial projects throughout Napa County.
7. With respect to government structure options, including advantages and disadvantages of consolidation or reorganization of service providers [Government Code §56430(a) (7)], the Commission determines that:
 - a) In 1996, the Napa County Flood Control and Water Conservation District's governing board was restructured to include elected representatives from all five incorporated cities in Napa County. This restructuring has helped make the District more responsive to the collective needs of its jurisdictional boundary.
 - b) The Napa County Flood Control and Water Conservation District has been successful in achieving its original service objective to enhance local water supplies and to provide an elevated level of flood control in Napa County.
8. With respect to evaluation of management efficiencies [Government Code §56430(a) (8)], the Commission determines that:
 - a) Services provided by Napa County Flood Control and Water Conservation District are guided by annual work plans that identify goals and objectives for the upcoming year. These work plans serve as effective performance measures and encourage management efficiencies by prioritizing District resources in a transparent manner.
 - b) The Napa County Flood Control and Water Conservation District provides a summary of past and projected revenues and expenditures as part of its annual budget. The budget is adopted following a publicly noticed board meeting in which members of the public are allowed to comment and offer suggestions with respect to District expenditures. This budget process establishes efficiencies by providing a clear directive towards staff with respect to prioritizing District resources.
 - c) Expenditures of the Napa County Flood Control and Water Conservation District involving Measure A funds are subject to the approval of the Napa County Flood Protection and Watershed Improvement Authority and a Fiscal Oversight

Exhibit A

Committee. These arrangements provide additional safeguards regarding the District's management and allocation of Measure A funds.

9. With respect to local accountability and governance [Government Code §56430(a) (9)], the Commission determines that:
 - a) The Napa County Flood Control and Water Conservation District is governed by 11 board members representing the five cities and County of Napa. As elected officials, District board members are accountable to the voters that reside within their appointing jurisdictions.
 - b) Meetings of the Napa County Flood Control and Water Conservation District are conducted twice a month and are open to the public. These meetings provide an opportunity for District constituents to ask questions of their appointed elected representatives and help to ensure that service information is being effectively communicated to the public.
 - c) It is important that the Napa County Flood Control and Water Conservation District make a concerted effort to distinguish its service and governance responsibilities apart from the Napa County Flood Protection and Watershed Improvement Authority.
 - d) The NCFCWCD should consider formalizing the Water TAC as a formal advisory body to the NCFCWCD to more directly facilitate responsiveness to each local jurisdiction.

RESOLUTION NO. ____**RESOLUTION OF THE
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MAKING DETERMINATIONS****NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
SPHERE OF INFLUENCE 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 within Napa County and studies of spheres of influence of the local governmental agencies whose jurisdictions are within Napa County; and

WHEREAS, the Executive Officer of the Commission, hereinafter referred to as “the Executive Officer”, prepared a review of the sphere of influence of the Napa County Flood Control and Water Conservation District pursuant to said schedule and Title 5, Division 3, commencing with Section 56000 of the California Government Code; and

WHEREAS, the Executive Officer prepared a written report of this review, including his recommendation to affirm with no changes the existing sphere of influence; 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 meeting held on June 4, 2007; and

WHEREAS, the Commission considered all the factors required by law under Section 56425 of the California Government Code.

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

1. The Commission hereby determines that an action to affirm an agency’s existing sphere of influence qualifies for a general exemption from the requirements of the California Environmental Quality Act (CEQA). Approval to affirm an existing sphere of influence will not result in any land use changes or physical impacts to the environment. This proposal qualifies for a general exemption under CEQA because there is no possibility that it will adversely affect the environment [CEQA Guidelines, Section 15601(b)(3)].
2. The proposal to affirm the existing sphere of influence for the Napa County Flood Control and Water Conservation District is APPROVED.

3. This sphere of influence update is assigned the following distinctive short-term designation:

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

4. The sphere of influence for the Napa County Flood Control and Water Conservation District is hereby affirmed with no changes to include the affected territory as shown on the attached vicinity map identified as "Exhibit A."
5. Pursuant to Section 56425 of the Government Code, the Commission makes the statements of determinations in the attached "Exhibit B."
6. The effective date of this sphere of influence update shall be final upon the receipt by the Executive Officer of a written statement by the Napa County Flood Control and Water Conservation District pursuant to Section 56425(h) of the Government Code.
7. The Executive Officer shall revise the official records of the Commission to reflect this change to the sphere of influence.

The foregoing resolution was duly and regularly adopted by the Local Agency Formation Commission of the County of Napa, State of California, at a meeting held on the 4th day of June, 2007, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

ATTEST: Keene Simonds
Executive Officer

Prepared by: _____
Kathy Mabry
Commission Secretary

EXHIBIT B
STATEMENT OF DETERMINATIONS

NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
SPHERE OF INFLUENCE UPDATE

1. With respect to the present and planned land uses in the area, including agricultural and open-space lands, the Commission determines:

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

2. With respect to the present and probable need for public facilities and services in the area, the Commission determines:

The provision of flood control and water conservation services helps to ensure adequate water supply and the protection from inundation of flood waters which are essential to the social, fiscal, and economical well-being of the area.

3. With respect to the present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide, the Commission determines:

The Napa County Flood Control and Water Conservation District has developed policies, service plans, and revenue streams to provide adequate and effective flood control and water conservation services for the area.

4. With respect to 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 Commission determines:

The social and economic well-being of the area is measurably enhanced by the services provided by the Napa County Flood Control and Water Conservation District.



Local Agency Formation Commission
LAFCO of Napa County

1700 Second Street, Suite 268
Napa, CA 94559
(707) 259-8645
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<http://napa.lafco.ca.gov>

June 4, 2007
Agenda Item No. 7e

May 29, 2007

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Nominations for the CALAFCO Board of Directors

The Commission will consider whether to submit any nominations for vacancies to the CALAFCO Board of Directors. An election on all nominations will be held at the CALAFCO Annual Conference, Thursday, August 30, 2007, in Sacramento.

The California Association of Local Agency Formation Commissions (CALAFCO) was founded in 1971. CALAFCO is governed by a 15-member board of directors that includes: four city members; four county members; four special district members; and three public members. The principal task of CALAFCO is to provide statewide coordination of LAFCO activities and serve as a resource to the Legislature.

Discussion

Each year, as part of its Annual Conference, CALAFCO conducts a business meeting where the Board presents issues and matters of interest to the membership. As part of its business meeting, CALAFCO also conducts an election to fill expiring two-year terms on the Board. This year, the following two-year terms are expiring:

- 2 County Members
- 2 Special District Members
- 2 City Members
- 1 Public Member

The CALAFCO Recruitment Committee has circulated a memorandum to each LAFCO inviting nominations for the above-cited offices through July 30, 2007 (attached). An election on all nominations will be held at the CALAFCO Annual Conference, Thursday, August 30, 2007, in Sacramento. Alternate members are eligible for nomination.

Jack Gingles, Chair
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

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

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

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

Recommendation

It is recommended that the Commission take the following action:

- 1) Determine if the Commission wishes to make any nominations for candidacy for the CALAFCO Board, and direct the Chair to complete the nomination form if necessary.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachment:

- ~~1) Letter from the CALAFCO Recruitment Committee~~



Local Agency Formation Commission
LAFCO of Napa County

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June 4, 2007
Agenda Item No. 8a

May 30, 2007

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer
Tracy Geraghty, Analyst

SUBJECT: Town of Yountville – Municipal Service Review (Discussion)
The Commission will receive a municipal service review report on the Town of Yountville. The report is in draft-form and is being presented for discussion.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires LAFCO to review and update the sphere of influence for each local agency within its jurisdiction by January 1, 2008 and every five years thereafter as necessary. In anticipation of reviewing an agency's sphere, this legislation also requires that LAFCO prepare a municipal service review that examines the level and range of services provided by the affected agency. The legislative intent of the municipal service review is to help inform the Commission in making sphere determinations and fulfill its long-standing mandate to encourage the orderly and planned development of local agencies.

Discussion

Drawing from LAFCO of Napa County's adopted study schedule, staff has prepared the attached municipal service review report on the Town of Yountville. The report is in draft-form and evaluates the level and range of services provided by the Town in terms of capacity, funding, and governance. The report also includes written determinations addressing the nine service factors LAFCO is required to consider as part of its service review mandate as defined in California Government Code §56430.

The report is being presented to the Commission for discussion. Staff will provide a brief presentation highlighting the key serve and policy issues discussed in the report. Following the meeting, staff will circulate a notice of review on the report to interested parties. Staff anticipates presenting a final report, with or without revisions, to the Commission for consideration at its next regularly scheduled meeting.

Attachment:

- 1) Municipal Service Review Report (Draft)

Jack Gingles, Chair
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

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

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

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

**TOWN OF YOUNTVILLE
MUNICIPAL SERVICE REVIEW**

**Draft Report
June 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
Bill Dodd, Commissioner, County Member
Juliana Inman, Commissioner, City Member
Brian J. Kelly, Commissioner, Public Member
Cindy Coffey, Alternate Commissioner, City Member
Mark Luce, Alternate Commissioner, County Member
Gregory Rodeno, Alternate Commissioner, Public 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.

Municipal Service Reviews

On January 1, 2001, the Cortese-Knox-Hertzberg Local Government Reorganization Act became the governing law of LAFCOs. One change brought by this legislation was the creation of a new LAFCO function, the municipal service review. California Government Code §56430 states that prior to any update of a sphere of influence, the Commission shall conduct a municipal service review – a comprehensive evaluation of the ability of the agency to provide service within its existing jurisdiction and sphere. This includes making determinations on the adequacy, efficiency, and effectiveness of these services in relationship to local conditions and circumstances. LAFCO is required to review and update each local agency's sphere by January 1, 2008 and every five years thereafter as necessary. Each of the 58 LAFCOs in California may adopt their own approach to fulfilling the service review and sphere update requirements.

As part of the service review process, LAFCOs are required to consider and make written determinations with regard to nine service factors enumerated under California Government Code §56430. These factors are intended to capture the legislative intent of the service review process and offers LAFCO key information to inform policy determinations necessary to complete a sphere update. These factors are:

1. Infrastructure needs or deficiencies.
2. Growth and population projections for the affected area.
3. Financing constraints and opportunities.
4. Cost avoidance opportunities.
5. Opportunities for rate restructuring.
6. Opportunities for shared facilities.
7. Government structure options.
8. Evaluation of management efficiencies.
9. Local accountability and governance.

Town of Yountville

This report represents the municipal service review of the Town of Yountville. The underlying objective of the report is to review the level and range of services provided by the Town in terms of capacity, funding, and governance. The report also includes written determinations that address the nine service factors LAFCO is required to consider as part of its service review mandate under California Government Code §56430.

Note: The geographic region of the municipal service review includes all lands located within the existing jurisdictional boundary of the Town (depicted in Attachment A).

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OVERVIEW

The Town of Yountville was incorporated in 1965 as a general-law city and operates under the council-manager form of government. The Town provides a full range of municipal services either directly or by contract and has an estimated population of 3,560 which includes approximately 1,500 residents at the State of California's Veteran's Home. The Town is presently staffed by twenty full-time and six part-time employees and has a current budget of approximately \$7.1 million dollars.

BACKGROUND

Yountville's development began in the 1830's following the arrival of George C. Yount. In 1836, Yount received a land grant from the Mexican government and began the process of surveying and attracting other settlers to the area. By the mid 1850s, the area had become part of a thriving agricultural valley with a community of farmers and ranchers. The mid-century extension of the Napa Valley Railroad Company further promoted and sustained the small community and marked a new period of growth and prosperity throughout the Napa Valley. This period also coincided with the arrival of migrants from Europe, leading to the emergence of viticulture as the region's primary commerce. Originally named "Sebastopol," the area was renamed "Yountville" in 1865.

In 1884 the State of California founded the State Veterans Home of California-Yountville, the largest facility of its kind in the state.¹

In the 1950's, in response to growing residential and commercial uses, Yountville residents took steps to formally establish independence and a commitment to their community with the formation of the Yountville Sanitation District (YSD) and the Yountville County Water District (YCWD).² This focus on local service needs continued into the early 1960's as community residents began organizing for incorporation. According to testimony in the incorporation documents, the community held a "strong feeling of separate identity" and looked to become the "spokesman for the area" helping to solve "area needs" in addition to local needs. The community was satisfied with service levels being provided by the County of Napa and the YSD and YCWD but was looking for more "local responsiveness," and more control over land use.³

¹ The home is the largest Veterans Home in California and is a residential facility located just west and up the hill from the community of Yountville.

² The YSD was originally administered by the County of Napa Board of Supervisors. The YCWD infrastructure was operated and maintained by the City of Napa, and the District also contracted with the City for the delivery of water supplies.

³ At the time, public safety services were provided through the county sheriff. The Sheriff allocated one car and two officers for the area north of the City of Napa including Yountville, Oakville, and Rutherford. Fire protection was provided in the area through the State Division of Forestry with one truck and one firefighter. Veteran's home services including safety, water and sewer systems, building in section, planning, and road maintenance were provided by the State of California.

In 1965, upon LAFCO approval, the Town of Yountville became the fourth incorporated community in Napa County. As part of the incorporation, LAFCO merged both the YSD and the YCWD into the Town. Yountville's population at the time of incorporation was approximately 2,500, of which 2,000 were residents of the Veterans Home.

Land Use Policies

Yountville adopted its first General Plan in 1966. This initial General Plan included land use policies designed to continue Yountville's transition from an agricultural community to a small town consisting of neighborhoods and assorted commercial developments. In 1973, in response to resident concerns regarding a sudden increase in development, Yountville conducted a series of public workshops to revise land use policies consistent with public interest. As a result, Yountville adopted a new General Plan in 1975 limiting development within existing Town boundaries.

By the early 1980's Yountville's residents became concerned the General Plan was producing a town which could be "overwhelmed by visitor-oriented commercial development."⁴ Concerns were based on observations of developments which were approved and constructed under the 1975 intensity and density regulations but which seemed, after being built, inconsistent with the General Plan's goal of "conserving the small town character, scale, and pace of life." In 1984 more than 20 workshops and hearings were held to review and receive public on growth and development preferences. In 1985 the General Plan was amended to recalculate the amount of land dedicated to commercial and residential uses to better reflect the community's desire to retain the character of a small, rural town.

In 1990 the Town Council commissioned a review of the 1985 General Plan and associated zoning ordinance out of concern the land use, circulation, and housing elements were not effectively achieving their purposes. A citizen task force convened on more than 30 occasions between 1992 and 1994 to review Yountville's policies and survey the growth and development preferences of the residents. Outreach and surveys revealed residents preferred the "gridiron" planning schemes which occurred during Yountville's development in the late 1800's over modern planning patterns. Also during the review period residents reaffirmed their desire to conserve Yountville's small-town character. In the end, the public outreach and community review culminated in the adoption of Yountville's fourth General Plan in 1994⁵. The 1994 General Plan continues to limit development within Yountville's current incorporated boundary and includes policies to not annex surrounding agricultural lands or expand its sphere of influence.

⁴ Yountville General Plan, March 2000 p.5.

⁵ The General Plan's Housing Element was updated in 2004.

ADOPTED BOUNDARIES

Yountville's incorporated boundary consists of 934 acres and is conterminous with its adopted sphere of influence. Although Yountville no longer permits outside connections, its water service area extends outside its incorporated boundary to include several properties located along Yountville Cross Road to the Silverado Trail. A map depicting Yountville's jurisdictional and sphere boundaries is provided as Attachment A.

POPULATION PROJECTIONS

Yountville currently serves a resident population of 3,260 according to the Association of Bay Area Governments (ABAG). ABAG projects a total population for Yountville of approximately 3,574 residents by 2030, which equates to an annual growth rate of 14 residents.

GOVERNANCE

Yountville was incorporated in 1965 as a general-law city and operates under the council-manager system of government. Yountville is governed by a five member Town Council that includes a directly elected mayor. Elections are conducted by general vote; the mayor serves a two-year term while the four council members serve staggered four-year terms. Key Council duties include passing ordinances, adopting an annual budget, appointing committees, and hiring the Town Manager and Town Attorney. Council meetings are conducted on the first and third Tuesdays of each month at the Town Hall Council Chambers. Meetings are open to the public.

Independent Governing Bodies

The Town Council also serves as the governing board for the Yountville Housing Authority. The Authority was formed in 1989 to facilitate affordable housing projects for low-income Yountville residents. It is not currently engaged in any projects. The Authority convenes as part of the second Town Council meeting each January.

Advisory Boards, Commissions, and Committees:

To encourage public input and citizen participation on particular issues, the Town Council establishes local advisory boards, committees or commissions by ordinance or resolution. These advisory bodies are responsible for making recommendations on a variety of topics to the Town Council or administration for consideration and final determination. The general purpose, responsibilities and terms of office for each board and commission are established by their respective ordinance or resolution. The three presently active advisory committees are summarized below.

Zoning/Design Review Board

The Zoning/Design Review Board was established by ordinance in 1986 and is comprised of five members of the public appointed to staggered three year terms. Acting similarly to a planning commission, the Board is responsible for conducting design and sign review, issuing use permits, and approving variances⁶. Decisions of the Board are considered final unless appealed to the Town Council. The Board meets on the second Tuesday of each month at 6:00 p.m. in the Town Hall Council Chambers.

Community Hall Commission

The Yountville Community Hall Commission was established by resolution in 1978 and is comprised of seven members of the public appointed by the Town Council to staggered three year terms. The Commission reviews policies and procedures regarding use and operation of the Town Hall. The Commission also inspects Hall facilities and advises the Town Manager or the designated employee of any needed facility maintenance or improvements. The Commission reports directly to the Town Manager and also provides copies of its meeting minutes to the Town Council. The Commission meets on the first Monday of each month at 4:30 p.m. in the Community Hall.

Transportation Advisory Committee

The Transportation Advisory Committee was established by motion of the Town Council in 1986 and is comprised of five members of the public appointed by the Town Council to staggered three year terms. The Committee serves as the Yountville's transportation planning agency and is the body which reviews transportation and traffic studies and coordinates with the Napa County Transportation and Planning Agency (NCTPA). The Committee solicits questions and concerns about local transportation issues from residents and tourists on behalf of the Town Council. The Committee meets on the third Thursday of each month at 10:30 a.m. in the Town Hall Council Chambers.

ADMINISTRATION

The administration of Yountville is the principal responsibility of the Town Manager, who is appointed to oversee and implement policies on behalf of the Town Council. Key duties of the Town Manager include administering the Yountville's five municipal departments: administration, community services, finance, planning, and public works. Other appointed positions responsible for assisting the Town Manager in administering day-to-day activities include a Town Attorney⁷ and Town Clerk. Both positions are appointed by the Town Council and are responsible for providing legal advice and maintaining all official Town documents, including minutes, resolutions, ordinances, agendas and contracts.

⁶ The Town of Yountville does not have a formal Planning Commission.

⁷ Yountville's Town Attorney is not a Town employee. The position is contracted with a retainer on a part-time basis.

Administrative services provided by the Town Manager, Town Attorney, and City Clerk are coordinated with all other departments through weekly staff meetings. Each department is managed by a director who is responsible for overseeing, staffing, and preparing budgets for his or her department. Funding for all departments is primarily drawn from the Yountville's General Fund, which is supported by property, sales, and transient-occupancy taxes. Several departments are supplemented with numerous enterprise and other special revenue funds.

An overview of each department is provided below.

Administration Department

The Administration Department includes the Town Manager, Town Attorney, and Town Clerk. Principal duties include providing general administrative support to the Town Council and providing direction to staff. These duties include implementing policy direction for the Town Council and supervising other department directors. The Administration Department has five employees.

Community Services

The Community Services Department is responsible for planning, managing, and staffing Yountville's recreation services. The Department is managed by the Community Services Director and consists of three divisions: Recreation Programs, Aquatics Programs and Community Hall Facilities. Collectively, these divisions plan and manage services for residents of all ages with specific activities for seniors, enrichment classes and sports programs for youth and adults, and aftercare and day-camp programs for students at the Yountville Elementary School. The Community Services Department has ten employees.

Finance

The Finance Department is responsible for providing financial management and administrative services. The Finance Department is managed by the Finance Director who also serves as the Town Treasurer. Principal duties of the Department include developing an annual budget, maintaining the Town's investment program, providing the necessary financing for capital needs, and preparing management and financial analysis reports. Additional duties include monitoring legislation that may affect the finances of the Town, monitoring the Town's risk management needs, and administration of the Transient Occupancy Tax and Business License Ordinances. The Finance Department is also responsible for bimonthly water and sewer utility billing. The Finance Department has two employees.

Planning and Building

The Planning and Building Department is responsible for providing planning, building, engineering, and code enforcement services. The Department is managed by the Planning Director. Principal duties of the department include coordinating and administering Yountville's planning operations, issuing building permits and conducting inspections, reviewing project applications, and administering the water

conservation program. Planning duties include current and advanced planning services, environmental documentation, and housing programs. Building services include building inspections, building permit processing, and plan checking. Engineering provides improvement plan checking, mapping, drainage improvement plan checking, grading inspections, and capitol projects management. The Planning and Building Department has two employees.

Public Works and Town Engineering

The Public Works and Town Engineering Department is responsible for maintenance and repairs for all of Yountville's public facilities and infrastructure which includes streets, the water system, sewer, and parks. The Department is managed by the Public Works Director and comprises ten divisions: Administration, Streets, Water Supply, Wastewater/Sewer, Storm Drains, Parks, Buildings, Garbage, Water Conservation, and Storm Water Management. The Public Works and Town Engineering Department includes the Town Engineer, Public Works Superintendent, Chief Wastewater Plant Operator and a staff of six technicians.

SERVICES

Yountville provides a full range of municipal services either directly or through contract with other governmental agencies or private contractors. Direct services include water, sewer, planning, and recreation including a public pool and park. Contracted services include public safety (police and fire), garbage collection and street cleaning. An expanded review of the services provided by Yountville follows.

Directly Provided Services

Water

As detailed in LAFCO's *Comprehensive Water Service Study* (2004), at the time of its incorporation Yountville became the successor agency to the YCWD. Following incorporation Yountville formalized an agreement with the State of California for an annual entitlement of water drawn from Rector Reservoir. This agreement has subsequently been amended and currently provides Yountville with an annual entitlement of 500 acre feet. In 1982, to supplement its water supply from Rector Reservoir, Yountville entered into an agreement with the Napa County Flood Control and Water Conservation District (NCFWCWD) for an annual entitlement to the State Water Project (SWP). This agreement provides Yountville with an annual entitlement of 1,100 acre feet.⁸

⁸ In 1998, Yountville's Town Council adopted Ordinance No. 300-00, restricting water connections to single and multi-family residential projects on existing lots of record. The moratorium was lifted in 2005.

In the absence of its own treatment facilities, Yountville has entered into separate agreements with the Veterans Home and the City of Napa to treat and deliver its annual entitlement of Rector and SWP water. Yountville does not own water storage facilities and relies on continual deliveries from the Veterans Home and the City of Napa.

In 2001-2002, Yountville delivered approximately 168.8 million gallons (518 acre-feet) of potable water, resulting in an approximate daily average of 462,466 gallons. Yountville’s maximum day water demand was 733,000. The Town currently provides water service to approximately 714 connections. Of this amount, 32 connections are located outside of Yountville near the intersection of Yountville Cross Road and the Silverado Trail.

Yountville – 2001-2002 Water Demands	
Annual Water Demand:	168.8 million gallons
Average Daily Water Demand:	462,466 gallons
Maximum Day Water Demand:	733,000 million gallons
Water Connections:	714

Source: LAFCO’s *Comprehensive Water Service Study (2004)*

Sewer

As detailed in LAFCO’s *Comprehensive Study of Sanitation/Wastewater Treatment Providers (2006)*, at the time of its incorporation Yountville became the successor agency to the YSD. Yountville jointly owns a wastewater treatment plant with the State Veterans Home. Yountville contributes 60% of flows and the Veterans Home contributes 40%. The Town provides service to 664 connections, of which 590 are residential, 73 are commercial, and one is for the California Veterans Home. The treatment plant currently has a design capacity of 550,000 gallons per day. In 2005 Yountville treated approximately 410,000 gallons of wastewater per day.

Yountville – 2005-2006 Sewer Demands	
Municipal	189,000 gallons per day
Industrial (Veterans Home)	126,000 gallons per day
Infiltration:	103,000 gallons per day
Average Annual Demand	410,000 gallons per day
Sewer Connections	664

Source: LAFCO’s *Comprehensive Study of Sanitation/Wastewater Treatment Providers (2006)*

Planning and Community Development

The General Plan serves as Yountville’s governing document with respect to planning and community development. It was last updated in 1994 and codifies land use and development policies for Yountville through 2020. As required by California Government Code §65302, the General Plan addresses seven mandatory elements that are of equal status and are evaluated in terms of local relevance. Mandatory elements include land use, housing, circulation, conservation, open-space, noise, and safety. Also of importance, the General Plan establishes standards with respect to the delivery and adequacy of public services in Yountville. These standards help to define the level of service in the community and provide the public with a tool to measure the success of the Town in meeting its service objectives. Other prominent policy documents that help to guide Yountville’s planning and community development include its Zoning Ordinances, Design Ordinance, and specific plans.⁹ Collectively, these policy documents guide current and future planning decisions by Yountville.

While the development and adoption of land use policies for Yountville is the responsibility of the Zoning and Design Review Board and Town Council, it is the responsibility of staff to administer the day-to-day implementation of these policies. The implementation of these policies is most often carried-out by Yountville’s Planning, Building, and Engineering Department. As mentioned, this Department is responsible for a variety of services relating to development review, building inspection, and code enforcement. This includes the review of all proposed improvement and development projects submitted by the public, such as general plan amendments, rezoning requests, use permits, and parcel and subdivision maps. As part of its review process, the Department coordinates an interdepartmental review to determine if the project will impact existing services in Yountville including confirming the availability of water and sewer service.

Recreation

Yountville provides a variety of recreation services that range from facilitating community activities to operating parks as well as a community swimming pool. Yountville also operates a Community Hall which is made available for public and private uses. Community activities organized by Yountville include annual seasonal events such as an Easter egg hunt, 4th of July event, Halloween haunted house, Veteran’s Day pancake breakfast, and a tree-lighting ceremony. Additionally, Yountville sponsors a Town Carnival, an annual town-wide yard sale, and “Town Clean-up Day.” Yountville also organizes “excursions” for seniors and families such as Casino trips or group outings to Scandia Family Center and Disneyland. For school-age children, the Town provides social and leadership activities, ten weeks of all-day summer camp as well as a before and after school care program.

⁹ Zoning ordinances establish allowable land uses within designated districts of the community.

Recreation and leisure services provided by Yountville include dancing, fencing, golf, several team sports and craft workshops.

The Yountville Community Hall is available year-round for programs and activities. Yountville's parks, including one xx acre public park and one xx acre park with group picnic facilities, are also available year-round. The Yountville Community Pool is open seven days per week from Memorial Day Weekend through Labor Day Weekend.¹⁰

Services Provided by Contract

Public Safety

Yountville provides police and fire protection services to residents through separate contracts with the Napa County Sheriff's Department and the Napa County Fire Department.

As specified in the contract, the Town provides one fully-equipped patrol vehicle for use by the Sheriff's Department in Yountville and also funds a full-time sergeant's position. The sergeant acts as a department head in the Town which includes attending staff and Town Council meetings, supervising any deputies working in Yountville, planning and directing Sheriff's personnel during community events, and serving as Yountville's disaster coordinator. Additionally, the sergeant prepares and manages grants, prepares quarterly reports for the Town Council, and acts as the liaison between Yountville and the County Sheriff. The Sheriff evaluates and makes determinations and recommendations about the Yountville's level of services needed at least once per quarter, and the Town compensates the County according to actual hours of services provided. The current contract between Yountville and the County Sheriff will expire at the end of fiscal year 2006-07.

Yountville's contract with the County of Napa Fire Department provides year-round staffing and operation of the Yountville Fire Station¹¹, fire investigation, fire hydrant maintenance, and public education programs. Services also include utilization of the County's support-system including dispatch and rescue and hazardous materials response. Levels of fire and emergency medical service (EMS) are evaluated by the County Fire Chief, but Yountville is assured a minimum level of staffing of four-persons 24 hours per day, seven days per week. Yountville currently pays an annual fee of \$467,000 for services, which is scheduled for annual adjustment with future increases not to exceed five percent in one year. The current contract between Yountville and the County will expire in 2010.

¹⁰ The Yountville Community Pool operates under a long-term lease agreement between the Veterans Home and the Town of Yountville and is operated and maintained by the Town.

¹¹ Yountville and the Veteran's home paid for the building of the Yountville fire station and share the costs of operating and maintaining the station.

Garbage Collection

Garbage collection in Yountville is provided on a weekly basis by the Upper Valley Disposal Service, Inc. (UVDS) through contract with the Upper Valley Waste Management Agency, a joint powers agency (Agency) administered by the County of Napa serving Yountville, St. Helena, Calistoga, and certain unincorporated areas of Napa County. This Agency agreement was formally entered into by the members in 1995 and is scheduled to expire on July 1, 2025. The agreement specifies that UVDS is the exclusive contractor for the collection of garbage and rubbish for the member agencies. Services for Yountville residents include roadside collection, private property collection, and custom “walk-in” service. Roadside waste collection is required on a regular basis and in such a way that the customers receiving service can predict which day it will occur, and both collection at private properties and “walk-in” service is arranged through special contract.¹² UVDS is also responsible for providing recycling services.¹³ Current rates for Yountville residential customers are provided below.¹⁴

Residential Garbage Rates in the Town of Yountville (effective since July 1, 2006)			
Toter Size	35 Gallon	65 Gallon	95 Gallon
Roadside Monthly Rate	\$20.84	\$41.68	\$62.52
Private Property Monthly Rate	\$29.32	\$58.64	\$87.96
Custom “walk-in” Monthly Rate	\$83.24	\$104.08	\$124.92

Street Sweeping

Yountville contracts with a private firm for street sweeping services. The contract is reviewed annually, and level of services needed is determined by the Town Manager. Currently, Yountville’s commercial areas are swept two times per month, and residential areas are swept once per month. The Town also contracts for the availability of “call-out” (on demand) services which are paid for on an hourly basis and are in addition to the contracted monthly amount.

Building Inspection and Plan Checking

Yountville contracts with a private engineering company for a part-time inspector for building inspections and plan checking needed by the Planning and Building Department.

¹² Garbage collected by UVDS is sent to the Clover Flat Landfill in Calistoga.

¹³ Recycling services are required by the Integrated Waste Management Act of 1989. This law established the Integrated Waste Management Board (IWMB), which is charged with developing and implementing regulations concerning solid waste management in California. The law includes diversion mandates requiring all municipalities to recycle or reduce at least 50 percent of their total solid waste amount beginning in 2000.

¹⁴ Rates are determined according to a methodology agreed to by the Agency and UVDS. The methodology specifically recognizes the importance of rate reviewing for collection services based on the overall costs of waste management services within the Agency’s member jurisdictions. Individual jurisdiction’s rates are based on a “Cost of Service Factor” which varies by jurisdiction according to the costs and difficulties associated with collection in different communities. Yountville’s current Cost of Service factor is 0.968. Rates are reviewed annually by all parties with changes taking effect on July 1st of each year.

BUDGET PROCESS

Yountville adopts an annual line-item budget that projects anticipated revenues and expenditures for the upcoming fiscal year. Adoption of the budget is preceded by a process in which each department director submits a request for appropriations to the Town Manager. The Town Manager uses these requests as the foundation for the annual budget. The budget is adopted at a public hearing in which members of the public are allowed to comment with regard to expenditures and service programs. Throughout the fiscal year the Council periodically reviews the Town's actual financial activity in relation to its original budget and will amend the budget as necessary to reflect changing conditions.

Yountville's 2006-7 adopted budget projects revenues of \$6.97 million and expenditures of \$7.32 million. The projected difference is due to implementation of scheduled capital improvement projects. Utilization of existing capital improvement fund reserves is expected to fund the projected difference. For administrative purposes the Town segregates its budget into four primary revenue and expense categories including General, Enterprise, Special Revenue, and Capital Projects Funds. A summary of these budget units follows.

General Fund

This unit is funded with resources traditionally associated with government and which are not required legally to be accounted for in other funds. Eighty-five percent of this unit is funded through sales (10%), property (9%) and transient occupancy (TOT) (66%) taxes. Other revenue sources include service charges, licenses and permits, and subventions from other government agencies. General Fund expenditures are primarily associated with administrative services, public safety, planning, public works, and community services. The general fund transfers over ninety percent of its operating surplus to various reserve, capital projects, and enterprise funds. In 2006-07 the General Fund's adopted budget projected revenues and expenditures at \$4,685,000 and \$3,437,400 respectively, accounting for 67% of overall Town revenue and 50% of overall Town spending. Yountville's General Fund balance at the beginning of the 2006-07 fiscal year was \$876,318 and is expected to grow to \$920,960 by the end of the fiscal year.

Enterprise Funds

This unit accounts for Yountville's operations that are financed and operated in a manner similar to private business enterprises including the Community Hall, water, and wastewater services. Community Hall accounts for seven percent of the Funds revenue and slightly more than 11 percent of expenses. Water services account for approximately 38 and 44 percent of revenues and expenses, respectively. Wastewater services account for 55 and 45 percent of revenues and expenses. In 2006-07 the Enterprise Fund's adopted budget projected revenues and expenditures at \$1,521,200 and \$1,686,800, accounting for 22% of overall Town revenue and 23% of overall Town spending.

Special Revenue Funds

This unit accounts for revenues and operations that are legally restricted to specified purposes. Yountville has 19 Special Revenue Funds including appropriations for utility under-grounding, traffic facilities, a new community center, flood control, and housing. More than 70 percent of this unit's funds for 2006-7 are transferred in from the General Fund. In 2006-07 the Special Revenue Fund's adopted budget projected revenues and expenditures at \$612,000 and \$1,702,600, accounting for nine percent of overall Town revenue and 23 percent of overall Town spending.

Capital Project Fund

This unit accounts for revenues generated from interest earnings, grants, impact fees, intergovernmental reimbursements, and expenses including project management, parks and recreation, and street maintenance, civic facilities, and flood control. In 2006-07 the Capital Projects Fund's adopted budget projected revenues and expenditures at \$155,200 and \$493,000, accounting for two percent of overall Town revenue and seven percent of overall Town spending.

**Town of Yountville
Projected Revenues and Expenses for 2006-07**

	Revenue	Percent of Town Revenue	Expenses	Percent of Town Expenses
General Fund	\$4,685,000	67%	\$3,437,400	48%
Enterprise Funds	\$1,521,200	22%	\$1,686,800	23%
Special Revenue Funds	\$612,000	9%	\$1,702,600	22%
Capital Projects Fund	\$155,200	2%	\$493,000	7%
Totals	\$6,973,400.00	100%	\$7,319,800.00	100%

WRITTEN DETERMINATIONS

In anticipation of reviewing and updating the Town of Yountville's sphere of influence, and based on the above-mentioned information, the following written determinations are intended to fulfill the requirements of California Government Code §56430. When warranted, some determinations include supplemental information listed in italics to provide context to the underlying service factor.

General Statements

- a) The Town of Yountville has made substantial progress toward addressing the recommendations made by the Commission as part of the *Comprehensive Water Service Study*. This progress demonstrates Yountville's responsiveness to addressing service needs and deficiencies in a timely manner.
- b) Determinations adopted by the Commission as part of the *Comprehensive Study of Sanitation and Wastewater Treatment Providers* regarding the Town of Yountville remain valid and appropriate.

Infrastructure Needs and Deficiencies

- a) The Town of Yountville has developed policies and service plans that adequately assess the service needs of current and future residents. Service plans for the Town of Yountville are updated on a regular basis and address the condition of infrastructure and the availability of financial resources to fund needed improvements.
- b) As evaluated as part of the *Comprehensive Water Service Study*, the Town of Yountville has contracted adequate water supplies to meet the needs of current and future residents under normal conditions. Yountville has also recently begun construction of its own water storage facility to help ensure the availability of water supplies during an emergency or interruption of deliveries from the City of Napa or the State of California.
- c) The ability of the Town of Yountville to address infrastructure needs or deficiencies is enhanced by a Town policy directing excess revenues from the General Fund into a special projects account for capital improvements.
- d) The Town of Yountville is in the process of funding a number of planned capital improvements. These improvements, which include renovating the Community Hall and swimming pool, constructing a new Community Center, and replacing water and sewer mains, will enhance Yountville's ability to accommodate existing and future development and growth.

Growth and Population Projections

- a) The projections prepared by the Association of Bay Area Governments are satisfactory estimates of the current and future service population of the Town of Yountville.
- b) The Association of Bay Area Governments projects an annual population growth rate for the Town of Yountville at 0.4 percent over the next 25 years. This figure is consistent with the projected annual growth rate of the Town of Yountville General Plan.
- c) The projections prepared by the Association of Bay Area Governments support the long-standing desire of the community to retain growth within its existing incorporated boundary.

Financing Constraints and Opportunities

- a) The Town Council has an established goal of maintaining an unreserved fund balance at the beginning and end of each fiscal year of \$775,000. This amount represents approximately 20 percent of Yountville's General Fund and helps to protect against unanticipated expenditures or shortfalls in revenues.
- b) Approximately two-thirds of the Town of Yountville's revenue is generated from activities associated with tourism. The General Fund generates on average 1.0 million dollars in revenues in excess of expenses. This excess is directly related to the transient-occupancy tax collected at local lodging establishments, underscoring Yountville's dependency on tourism.
- c) The revenue stream generated from the transient-occupancy tax has proven reliable as tourism throughout Napa County has increased in the past decade. However, the dependency on one stream of revenue over which the Town has no direct control represents a constraint for budgeting purposes.
- d) The Town of Yountville's tax revenues generally exceed the "Base Appropriations Limit" established by Proposition 13 (the "Gann Limit"). The Citizens of Yountville have voted to override the Town's Gann Limit five times, indicating confidence in government expenditures.

The Gann Limit is a maximum appropriation limit imposed by the state constitution on all tax-funded public agencies. The amount is adjusted annually, and any tax revenue received above the Limit is to be refunded to tax payers in the form of rebates or future tax cuts.

- e) The most recent vote to override the Town's Gann Limit occurred in 2002 and approved a \$900,000 annual override for five years. FY 2006/07 is the final year of the override pending further voter approval. Yountville residents will need to vote again for an override in order for the Town to continue utilizing excess funds generated by the tourism industry beyond the current fiscal year.

Cost Avoidance Opportunities

- a) The Town of Yountville benefits from cost-savings associated with its contracts for outside services involving garbage collection and public safety. These contracts reduce costs by eliminating outlays needed to develop and maintain additional infrastructure, including equipment and personnel, and also provide flexibility to the Town in adjusting service standards to meet the needs of the community.
- b) The Town of Yountville participates in a number of cost-sharing programs with the State of California and other local agencies through joint-power and regional authority agreements. These programs promote the benefits of regional partnerships and provide significant cost-savings that support key governmental services such as affordable housing and public transit.
- c) The Town of Yountville maintains an annually-revised Capital Improvement Plan (CIP) to coordinate the financing and construction of capital improvement needs. The CIP is revised with each new budget year with priorities reviewed and changed as necessary. This process maximizes efficiency and the returns to the public while avoiding unnecessary expenditures.
- d) The budget process for the Town of Yountville includes a number of checks and procedures throughout the fiscal year designed to allocate available funding with appropriate levels of service.
- e) The Town of Yountville limits its exposure to risk and losses by participating with other governments in the Public Agency Risk Sharing Authority of California insurance pool.

Opportunities for Rate Restructuring

- a) Rates and fees for services provided by the Town of Yountville are established by ordinances reviewed on a regular basis. The ordinances are based on staff recommendations and reviewed and adopted by the Town Council. This process provides an opportunity for public input and strengthens the ability of the Town to allocate costs with the desired levels of service.

- b) The Town of Yountville’s Development Impact Fee Ordinance is automatically amended annually to adjust fees according to the average construction cost index published in the Engineering New Record. This process helps ensure Yountville is practicing an appropriate level of cost-recovery as it relates to serving new development.

Opportunities for Shared Resources

- a) The Town of Yountville benefits from a unique relationship with the State of California Veterans Home that facilitates a number of shared arrangements between the two agencies. These shared arrangements avoid the duplication of costly infrastructure and helps to maximize local resources.

Examples include sharing a community swimming pool, a park, water supply and wastewater treatment facilities, and a fire/police station.

- b) The Town of Yountville participates in joint-power arrangements with the Upper Valley Waste Management Agency, the Napa County Transportation and Planning Agency, and the Napa County Flood Control Authority. These arrangements establish cost-efficiencies for Yountville with respect to offering garbage collection, public transportation, and flood control services to its constituents.

Government Structure Options

- a) The Town of Yountville provides effective services through its council-manager form of government and appropriate utilization of other governmental advising bodies to help inform its decision-making process.

Management Efficiencies

- a) The Town of Yountville adopts an annual budget at a publicly noticed meeting in which members of the public are allowed to comment with regard to expenditures and service programs. The budget process enhances the accountability of elected officials and provides a clear directive towards staff with regard to prioritizing local resources.
- b) The Town of Yountville has been diligent in the development of policies and service plans that address the existing and future needs of the community. These efforts provide effective performance measures and demonstrate a commitment by the Town to hold itself accountable to the public.

Local Accountability and Governance

- a) The Town of Yountville Town Council meetings are held twice a month and are open to the public. Regularly scheduled meetings provide an opportunity for residents to ask questions of elected representatives and help ensure service information is effectively communicated to the public.

- b) The Town of Yountville has made a significant investment with regard to funding a number of community-oriented programs ranging from dance classes for seniors to family outings to childcare services. As these programs are funded by Yountville's General Fund and represent approximately 15 percent of the total General Fund expenditures in the current budget, the Town would benefit by the development of performance measures to assess the value of these services to residents.

DRAFT

SOURCES

Agency Contacts:

Michele Price, Town Clerk.
Robert Tiernan, Acting Town Manager.
Richard Stranzl, Finance Director.

Documents/Materials:

Association of Bay Area Governments, "Projections 2007."

Town of Yountville Comprehensive Annual Financial Report for the Year Ending June 30, 2006.

LAFCO of Napa County, file. "Comprehensive Water Service Study," October, 2004.

LAFCO of Napa County, file. "Sanitation and Wastewater Treatment Municipal Service Review."

LAFCO of Napa County, file. Yountville incorporation documents.

Town of Yountville Adopted Operations Budget Fiscal Year 2006/07

Town of Yountville Agreement Number 2001-112 for Street Sweeping.

Town of Yountville Agreement Number 2002-70 for Law Enforcement Services.

Town of Yountville Agreement Number 2005-124, Fire Services Agreement.

Yountville General Plan, May 1 1975.

Yountville General Plan, March 2000.

Town of Yountville Sphere of Influence Report, January 1992.

Town of Yountville website, www.townofyountville.com

Upper Valley Waste Management Agency Agreement # 95-09 (as amended).



Local Agency Formation Commission
LAFCO of Napa County

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June 4, 2007
Agenda Item No. 10a

May 29, 2007

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: **CALAFCO Annual Conference (Information)**

The California Association of Local Agency Formation Commissions (CALAFCO) is in the final stages of preparation for the 2007 Annual Conference. This year's conference will be held at the Hyatt Regency Hotel at Capitol Park in Sacramento. The conference begins with early registration at 2:00pm on Tuesday, August 28th, and ends at noon on Friday, August 31st. Invited speakers for the conference include Senate Local Government Committee Chair Senator Negrete McLeod and William Fulton, author of *Guide to California Planning*. In addition, continuing with recent practice, the conference will include a mobile workshop touring conservation projects in Yolo County.

Attached is a recent publication from CALAFCO identifying potential program topics for the conference. Commissioners are encouraged to consult their calendars and let staff know if they will attend this year's conference. Staff is happy to assist in making arrangements.

Attachments:

~~as stated~~

Jack Gingles, Chair
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

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

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

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer



Local Agency Formation Commission
LAFCO of Napa County

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June 4, 2007
Agenda Item No. 10b

May 29, 2007

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer
Tracy Geraghty, Analyst

SUBJECT: Active and Pending Proposals (Information)

The Commission will receive a report from staff regarding active and pending proposals. The report is being presented for information.

Staff is currently processing three proposals for future consideration by the Commission. In addition, there is one pending proposal staff anticipates receiving in the near future. A summary of all four active and pending proposals follows.

Wilkins Avenue City Annexation to the City of Napa (Active)

This application has been submitted by the City of Napa and proposes the annexation of approximately 0.77 acres of unincorporated territory to the City. The subject territory comprises one parcel with an existing single-family residence and is located on Wilkins Avenue south of its intersection of Shetler Avenue. The purpose of the annexation is to facilitate the future division and development of the subject territory under the land use authority of the City. (Assessor Parcel Number 046-271-023)

El Centro Avenue No. 9 City Annexation to the City of Napa (Active)

This application has been submitted by the City of Napa and proposes the annexation of approximately 6.65 acres of unincorporated territory to the City. The subject territory comprises two parcels and a right-of-way portion of El Centro Avenue and is entirely surrounded by the existing City limits. Existing uses include two single-family residences and a planted vineyard. Significantly, the agricultural use associated with the subject territory appears to meet the broad definition of "prime agricultural land under Government Code 56064(d), which is defined as land planted with fruit, nut-bearing trees, or vines that produces commercial value of not less than \$400 per acre. This definition precludes the subject territory from qualifying as an "unincorporated island." The purpose of the annexation is to facilitate the future subdivision and development of the subject territory under the land use authority of the City. (Assessor Parcel Numbers 038-361-009 and 038-091-013)

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County of Napa Supervisor, 2nd District

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Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

Browns Valley Road No. 11 District Annexation to the Napa Sanitation District (Active)

This application has been submitted by an interested property owner and proposes the annexation of approximately 0.77 acres of incorporated territory to the Napa Sanitation District. The subject territory comprises one parcel with an existing single-family residence and is located on Browns Valley Road near its intersection with Partrick Road in the City of Napa. The purpose of the annexation is to extend public sewer service to the existing single-family residence, which is currently served by a septic system. (Assessor Parcel Number 050-180-008)

Golden Gate Avenue/Foster Road City Annexation to the City of Napa (Pending)

On May 15, 2007, the City of Napa adopted a resolution of application requesting annexation of approximately 144 acres of unincorporated territory. The subject territory comprises six parcels and right-of-way portions of Hilton Avenue and Golden Gate Avenue. The subject territory is located south of Imola Avenue between Foster Road and Golden Gate Drive. Existing uses include single-family residences, grazing fields, and the Napa Valley Horseman's Association facility. The purpose of the annexation is to facilitate the future subdivision and development of the subject territory under the land use authority of the City. (Assessor Parcel Numbers: 043-062-006; 043-062-008; 043-102-001; 043-102-016; 043-102-015; and 043-062-005)

Maps for each proposal will be provided to the Commission at the meeting.

Attachments: none