

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

POPE VALLEY CEMETERY DISTRICT SPHERE OF INFLUENCE REVIEW

**Final Report
October 2008**

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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.

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I. INTRODUCTION

A. Local Agency Formation Commissions

Local Agency Formation Commissions (LAFCOs) were established in 1963 and are responsible for administering a section of California Government Code now known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. LAFCOs are delegated regulatory and planning responsibilities to coordinate the logical formation and development of local governmental agencies and services. LAFCOs are located in all 58 counties in California and are generally governed by a five-member commission that includes two county supervisors, two city councilmembers, and one public representative.¹

B. Sphere of Influence

A central planning responsibility for LAFCO is the determination of a sphere of influence (“sphere”) for each local agency under its jurisdiction. LAFCO establishes, amends, and updates spheres to designate the territory it believes represents the appropriate and probable future service area and jurisdictional boundary of the affected agency. All jurisdictional changes, such as annexations and detachments, and outside service agreements must be consistent with the spheres of the affected local agencies with limited exceptions. LAFCO is required to review and update each local agency’s sphere by January 1, 2008 and every five years thereafter as needed.

In making a sphere determination, LAFCO is required to prepare written statements addressing four specific planning factors listed under California Government Code §56425. These factors range from present and planned land uses to the existence of any social or economic communities of interest. The intent in preparing the written statements is to capture the legislative intent of the sphere determination in coordinating the sensible and timely development of local agencies in relationship with the needs of the community.

Beginning in 2001, to help inform the sphere review process, LAFCO is responsible for preparing municipal service reviews to determine the level and range of governmental services provided in the region. The municipal service review process culminates with LAFCO making determinations on a number of governance related factors and may lead it to take other actions under its authority.

C. Pope Valley Cemetery District

This report represents LAFCO of Napa County’s (“Commission”) scheduled sphere review of the Pope Valley Cemetery District. The report marks the first comprehensive review of the District’s sphere in 23 years and draws on information collected as part of the Commission’s recent countywide municipal service review on public cemetery districts. The focus of the report is to consider whether changes to the sphere are warranted to facilitate the District’s orderly development consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the Commission’s adopted policies.

¹ Several LAFCOs also have two members from independent special districts within their county. Each category represented on LAFCO has one alternate member.

II. OVERVIEW

A. Background

The Pope Valley Cemetery District (PVCD) was formed in 1969. PVCD is an independent special district governed by local registered voters serving as the Board of Trustees. PVCD owns and operates the Pope Valley Cemetery and provides interment services for property owners and residents within the District's approximate 104 square mile jurisdictional boundary. PVCD is dependent on volunteers to provide time and equipment in operating and managing the District. Unincorporated communities served by PVCD include Berryessa Estates and Pope Valley. The current resident population within PVCD is estimated at 1,210 and is expected to increase slightly over the next five years to 1,284.²

PVCD reports there are a total of 343 plots in the Pope Valley Cemetery. Of this amount, 73 plots remain available for purchase. Nearly all of the available plots are located within land recently donated to PVCD by an adjacent property owner. Additional space is available to create more plots if needed. The current fee for a burial plot is \$1,250.

PVCD does not follow a formal budget process. PVCD's practiced budget process is generally limited to reconciling the District's checking account as needed. The checking account has a current balance of approximately \$8,000. Revenues are limited to burial plot sales. Property tax proceeds are not available to PVCD due to its decision to set its tax rate assignment to zero in 1977-1978, which was frozen one year later as a result of Proposition 13. As a result, and as mentioned in the municipal service review, PVCD's remaining revenue stream does not provide sufficient operating funding to carryout the services of the District in a manner consistent with its principal act.

B. Sphere of Influence

PVCD's sphere was established by the Commission in 1985. The Commission designated the sphere to include the majority of PVCD's jurisdictional boundary along with unincorporated lands extending south into Chiles Valley. The Commission also included in the sphere unincorporated lands to the east of PVCD already in the Monticello Public Cemetery District (MPCD). In adding these eastern lands to the sphere, the Commission determined PVCD is the more appropriate service provider based on communities of interest and encouraged the District to file for reorganization to annex the territory.

As noted, in establishing the sphere, the Commission did not include PVCD's entire jurisdictional boundary. Areas excluded from the sphere include lands located within and along PVCD's western border in the vicinity of Angwin and Livermore Ranch. Notably, the Commission excluded these two areas on the basis it believed the affected lands were adequately served by non-public interment service providers. Also excluded from the sphere include lands within and along PVCD's eastern border in which the Commission believed would be better served by MPCD.

² Population estimates were calculated by LAFCO staff as part of the municipal service review.

There have been no changes to PVCD’s sphere since its establishment in 1985. With regard to current proportions, the sphere is approximately 78,770 acres or 123 square miles in size. The sphere includes a total of 1,111 assessor parcels. The sphere is measurably larger than PVCD’s jurisdictional boundary, which is approximately 66,517 acres or 104 square miles in size and includes 1,041 assessor parcels.

Pope Valley Cemetery District: Adopted Boundaries
 (Source: County of Napa Geographic Information System)

	Sphere of Influence	Jurisdictional Boundary
Total Acres:	78,770	66,517
Assessor Parcels:	1,111	1,041

- * A map depicting PVCD’s sphere and jurisdictional boundary is provided in Attachment One.
- * A map depicting PVCD and MPCD’s spheres and jurisdictional boundaries is provided in Attachment Two.

C. Land Use Factors

PVCD is under the land use authority of the County. The County General Plan was recently updated and codifies land use policies for the unincorporated area through 2030. The majority of land within and adjacent to PVCD’s jurisdictional boundary and sphere is designated by the County as *Agriculture, Watershed and Open Space* or *Agricultural Resource* with a zoning standard *Agricultural Watershed*. This zoning standard restricts new growth and development by requiring a minimum parcel size of 160 acres.

The County designates and zones a small portion of land within PVCD’s jurisdictional boundary and sphere as *Rural Residential* and *Planned Development*, respectively. These urban land uses are confined to the residential community of Berryessa Estates, which represents PVCD’s largest concentration of residents with an estimated population of 427. Additional growth and development is expected to occur within Berryessa Estates given there are an estimated 186 buildable lots remaining vacant within the community.

- * A map depicting all land use designations under the County General Plan is provided in Attachment Three.

III. DISCUSSION

A. Objective

The objective of this report is to identify and evaluate areas that warrant consideration for inclusion or removal from PVCD’s sphere as part of a comprehensive review. As mentioned, underlying this effort is to designate the sphere to facilitate the sensible and timely development of PVCD consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the Commission’s adopted policies.

B. Policy Considerations

The Commission's "Policy Determinations" provide general direction with respect to establishing and modifying an agency's sphere in relationship to local conditions and circumstances. The Policy Determinations include a broad statement that special districts' spheres shall reflect their existing and planned service facilities and exclude lands designated as agricultural or open-space to protect against premature urban development. The Policy Determinations also state the Commission will use the County General Plan to determine agricultural and open-space designations.

In establishing PVCD's sphere, the Commission adopted several policy statements regarding the function and purpose of the District. Most notably, this includes stating PVCD's interment services are "pioneer" in nature and appropriate for low-density rural and remote areas in which traditional non-public interment services are not available.

C. Timeframe

State law requires all LAFCOs to review and update each local agency's sphere by January 1, 2008 and every five years thereafter as needed. Accordingly, it has been the practice of the Commission to review and update each local agency's sphere in a manner emphasizing a probable five-year service area.

IV. STUDY AREAS

A. Criteria and Selection

Three factors were used in considering areas to evaluate adding or removing from PVCD's sphere as part of this comprehensive review. These factors include (a) relationship to PVCD's jurisdictional boundary, (b) relationship to MPCD's jurisdictional boundary, and (c) agency comments. Based on these factors, three distinct study areas have been selected for evaluation and are briefly summarized below.

- Study Area "A" has been chosen for analysis because the affected lands are inside PVCD's sphere but within MPCD's jurisdictional boundary. Study Area A will be evaluated to consider the merits of its removal from PVCD's sphere.
- Study Area "B" has been chosen for analysis because the affected lands are inside PVCD's jurisdictional boundary but within MPCD's sphere. Study Area B will be evaluated to consider the merits of its addition into PVCD's sphere.
- Study Area "C" has been chosen for analysis because the affected lands are inside PVCD's jurisdictional boundary but outside its sphere. Study Areas C will be evaluated to consider the merits of its addition into PVCD's sphere.

It is important to note consideration was given to establishing a third study area to evaluate adding additional unincorporated lands to PVCD's sphere that extend west into Deer Park and Angwin as well as south into Conn Valley. The merits in establishing this third study area relates to the role of the sphere in facilitating the logical and orderly extension of PVCD with the presumption there may be a need within these adjacent unincorporated areas for public interment services. However, it appears appropriate to defer consideration of this third study area until more information is collected and analyzed as it relates to the present level and availability of non-public interment services in these areas as well as throughout Napa County. Accordingly, expanding the sphere to include Angwin, Deer Park, or Conn Valley is not further considered as part of this review.

* A map depicting Study Areas A, B, and C is provided in Attachment Four.

V. ANALYSIS

A. Evaluation Factors

Evaluation of each study area is organized to address the four planning factors the Commission is required to consider anytime it makes a sphere determination. These planning factors are (a) present and planned land uses, (b) present and probable need for public facilities and services, (c) present adequacy and capacity of public services, and (d) existence of any social or economic communities of interest. Conclusions are offered for each study area with respect to whether a sphere modification appears appropriate.

B. Study Areas

Study Area A

Study Area A comprises 16 unincorporated parcels and is approximately 1,394 acres in size. The study area is located immediately south of Putah Creek in the vicinity of Berryessa Estates with a substantial portion also within the Lake Berryessa Resort Improvement District (LBRID). It appears the study area was included in MPCD at the time of its formation in 1936. However, the Commission added the study area to PVCD's sphere at the time of its establishment in 1985 after determining the District was the more logical service provider based on shared communities of interest. No specific rationale is provided in the record in explaining why these specific lands were added while other adjacent lands with similar characteristics remained outside the sphere.

* A map depicting PVCD and LBRID's spheres and jurisdictional boundaries is provided in Attachment Five.

Present and Planned Land Uses

The majority of the study area is undeveloped. Exceptions include four parcels that are part of the Berryessa Estates and have been developed with single-family residences. Parcels within the study area range in size from 0.25 to 607.6 acres. The average parcel size is 87.7 acres. As land use authority, the County designates the entire study area as *Agriculture, Watershed and Open Space* and zones approximately 90% of the lands as *Agricultural Watershed*. This zoning assignment requires a minimum parcel size of 160

acres, and as a result, could accommodate the creation of four additional lots within the affected area. The County zones the remaining 10% of the study area as *Planned Development*. This zoning standard does not require a minimum parcel size and therefore could allow for additional development upon approval by the County. None of the affected parcels are under a Williamson Act contract.

Present and Probable Need for Public Facilities and Services

The entire study area is located within MPCD and therefore the affected property owners and any residents are eligible to receive interment services from the District. Other public services provided within the study area are considered limited and include a basic level of law enforcement and fire protection from the County and/or CalFire, respectively, as well as mosquito abatement, flood control, and erosion management from various countywide special districts. Approximately one-third of the study area is also located within LBRID and eligible to receive public water and sewer services. It appears this level and range of public services is consistent with the present and probable needs within the study area given its current and planned land uses under the County General Plan.

Present Capacity of Public Facilities and Adequacy of Public Services

The Commission's recent municipal service review on public cemetery districts indicates PVCD has adequate infrastructure capacities in terms of available burial plots, but lacks sufficient administrative controls and funding streams. These latter deficiencies must be addressed by PVCD to ensure it has sufficient resources to remain solvent in the future.

Existence of Social or Economic Communities of Interest

Nearly all of the affected parcels comprising the study area are owned by private individuals or entities and have established economic ties to MPCD by contributing to the District's development as a result of paying property taxes. However, approximately one-third of the study area is also located within LBRID and have established economic and social ties to the Berryessa Estates community, which is predominately served by PVCD. The Commission has previously weighted the study area's economic and social ties to the Berryessa Estates as the rationale in including the affected lands in PVCD's sphere.

Conclusion

Modifying PVCD's sphere to remove the southern portion of the study area that lies outside LBRID appears appropriate at this time. This change would recognize the expansion of PVCD into the southern portion of the study area would not be orderly or logical given the affected lands are already within and have established economic ties with MPCD. At the same time, the Commission would continue to signal the remaining northern portion should be detached from MPCD and annexed to PVCD given its own established social and economic ties to the affected lands. This change would also establish a more transparent and effective method in delineating an appropriate line between PVCD and MPCD's respective service areas south of Putah Creek by referencing LBRID.

Study Area B

Study Area B comprises five unincorporated parcels and is approximately 1,724 acres in size. The study area is located along the eastern ridge of Pope Valley and was included in PVCD at the time of its formation in 1969. The Commission, however, added the study area to MPCD's sphere in 1985 after determining it is the more appropriate service provider based on similar geographic characteristics.

Present and Planned Land Uses

All five affected parcels comprising the study area are presently undeveloped. The parcels range in size from 80 to 592 acres. The average parcel size is 345 acres.³ As land use authority, the County designates and zones the entire study area as *Agriculture, Watershed and Open Space* and *Agricultural Watershed*, respectively. This zoning assignment requires a minimum parcel size of 160 acres, and as a result, could accommodate the creation of six additional lots within the study area. None of the affected parcels are under a Williamson Act contract.

Present and Probable Need for Public Facilities and Services

The entire study area is located within PVCD and therefore the affected property owners and any residents are eligible to receive interment services from the District. Other public services provided in the study area are considered limited and include a basic level of law enforcement and fire protection from the County and CalFire, respectively, as well as mosquito abatement, flood control, and erosion management from various countywide special districts. It appears this level and range of public services is consistent with the present and probable needs in the study area given its current and planned land uses under the County General Plan.

Present Capacity of Public Facilities and Adequacy of Public Services

The Commission's recent municipal service review on public cemetery districts indicates PVCD has adequate infrastructure capacities in terms of available burial plots, but lacks sufficient administrative controls and funding streams. These deficiencies must be addressed by PVCD to ensure it has sufficient resources to remain solvent in the future.

Existence of Social or Economic Communities of Interest

The study area has established social ties with PVCD given the affected parcels have been part of the District since its formation in 1969.

Conclusion

Modifying PVCD's sphere to include the entire study area appears appropriate at this time. This change would recognize existing social ties and support the orderly development of PVCD by designating the sphere to reflect its jurisdictional boundary with respect to the affected lands.

³ Two of the five parcels comprising the northern portion of Study Area B are currently owned by the United States.

Study Area C

Study Area C consists of three non-contiguous subareas that include all or portions of 69 unincorporated parcels totaling approximately 4,392 acres. All three subareas were included in PVCD at the time of its formation in 1969. The Commission, however, excluded the subareas from the sphere at the time of its establishment in 1985. Subareas “C-1” and “C-2” are located within and along PVCD’s western border in the vicinity of Livermore Ranch and Angwin, respectively. The Commission excluded C-1 and C-2 from the sphere after determining the affected lands could be adequately served by non-public interment service providers. Subarea “C-3” is located within and along PVCD’s eastern border immediately south of Study Area B. It appears the Commission excluded C-3 from PVCD’s sphere with the intent of adding it to MPCD’s sphere as it did with the District lands comprising Study Area B. The Commission’s apparent intention of adding C-3 to MPCD’s sphere, though, was never completed.

Present and Planned Land Uses

The majority of the study area is undeveloped with the exception of several single-family residences and planted vineyards located within C-2. Parcels within the study area range in size from 0.7 to 610 acres. The average parcel size is 105 acres. As land use authority, the County designates and zones the entire study area as *Agriculture, Watershed and Open Space* and *Agricultural Watershed*, respectively. This zoning assignment requires a minimum parcel size of 160 acres, and as a result, could accommodate the creation of two additional lots in C-1 and one additional lot in C-2. One parcel approximately 40.1 acres in size in C-2 is under a Williamson Act contract.

Present and Probable Need for Public Facilities and Services

The entire study area is located within PVCD and therefore the affected property owners and any residents are eligible to receive interment services from the District. Other public services provided in the study area are considered limited and include a basic level of law enforcement and fire protection from the County and/or CalFire, respectively, as well as mosquito abatement, flood control, and erosion management from various countywide special districts. It appears this level and range of public services is consistent with the present and probable needs in the study area given its present and planned land uses.

Present Capacity of Public Facilities and Adequacy of Public Services

The Commission’s recent municipal service review on public cemetery districts indicates PVCD has adequate infrastructure capacities in terms of available burial plots, but lacks adequate administrative controls and funding streams. These deficiencies must be addressed by PVCD to ensure it has sufficient resources to remain solvent in the future.

Existence of Social or Economic Communities of Interest

The study area has established social ties with PVCD given the affected parcels have been part of the District since its formation in 1969.

Conclusion

Modifying PVCD’s sphere to include the entire study area appears appropriate at this time. This change would recognize existing social ties and support the orderly development of PVCD by designating the sphere to reflect its jurisdictional boundary with respect to the affected lands.

VI. RECOMMENDATION

It is recommended the Commission approve five modifications to PVCD's sphere as part of this comprehensive review. The first two recommended changes involve removing the southern portion of Study Area A that lies outside LBRID and adding all of Study Area B. The remaining three recommended changes involve adding all of Study Area C, which includes C-1, C-2, and C-3. The following statements have been prepared in support of the recommendation as required under California Government Code § 56425:

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

The present and planned land uses in the sphere are contemplated under the County General Plan. The County General Plan and supporting zoning ordinances help ensure the majority of land within the sphere will remain rural and support agricultural and open-space uses. Existing and planned urban uses are limited and primarily direct to unincorporated communities of Berryessa Estates and Pope Valley. These present and planned land uses are compatible and supported by PVCD's public interment services.

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

PVCD serves an important role in addressing the present and probable need for the respectful and cost-efficient interment of human remains for property owners and residents within the sphere.

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

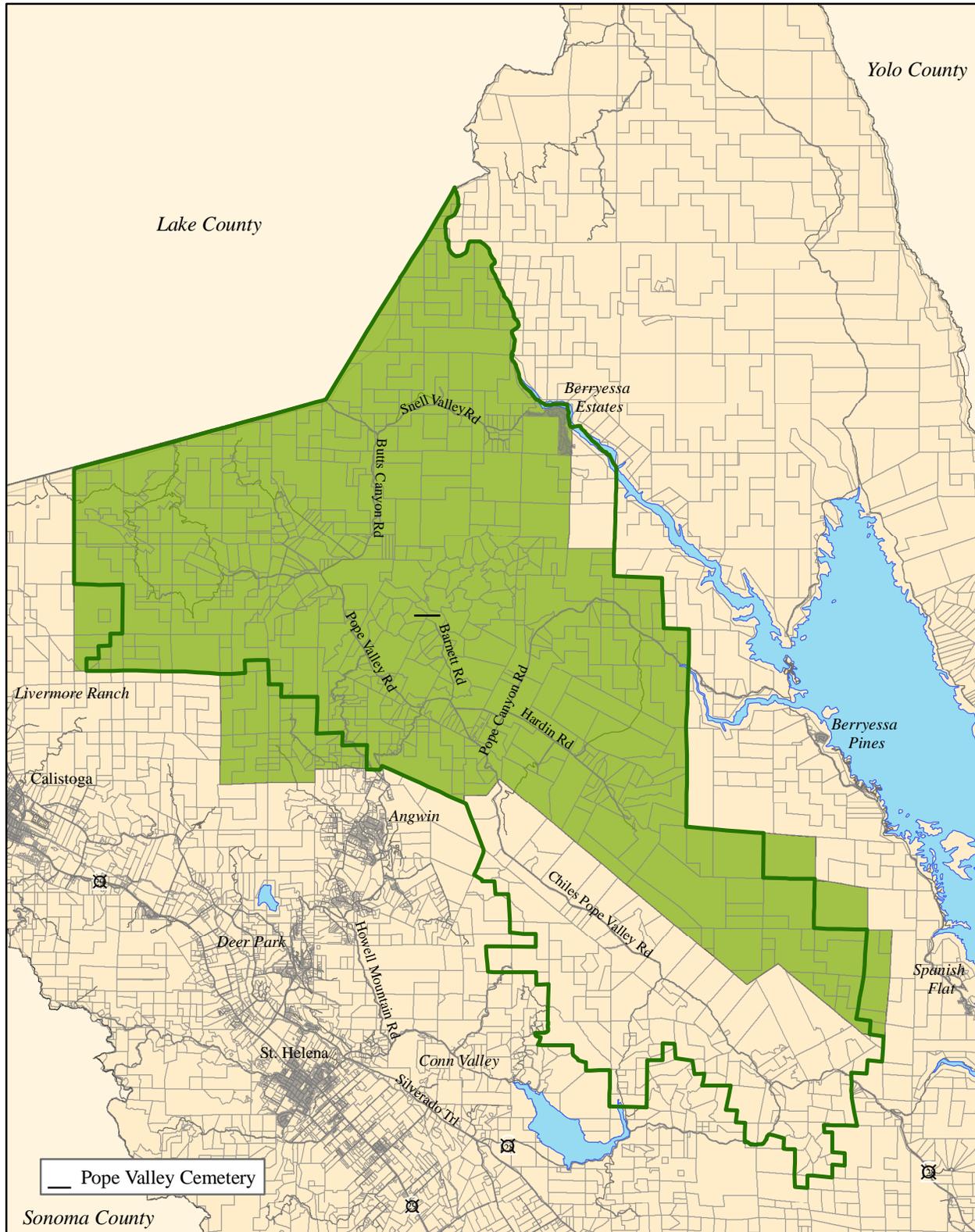
PVCD has sufficient infrastructure capacities in terms of available burial plots, but lacks adequate administrative controls and funding streams. These deficiencies must be addressed by PVCD to help ensure it has sufficient resources to provide adequate public interment services within the sphere. These public interment services were comprehensively evaluated by the Commission as part of a recent municipal service review completed in August 2008.

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

PVCD has established distinct social interdependencies within the sphere. The sphere facilitates the orderly and logical development of the District in a manner that advantageously provides for the present and future needs of the community.

* A map depicting the recommended update to PVCD's sphere is provided in Attachment Six.

Pope Valley Cemetery District



Legend

-  Pope Valley Cemetery District
-  Pope Valley Cemetery District Sphere of Influence

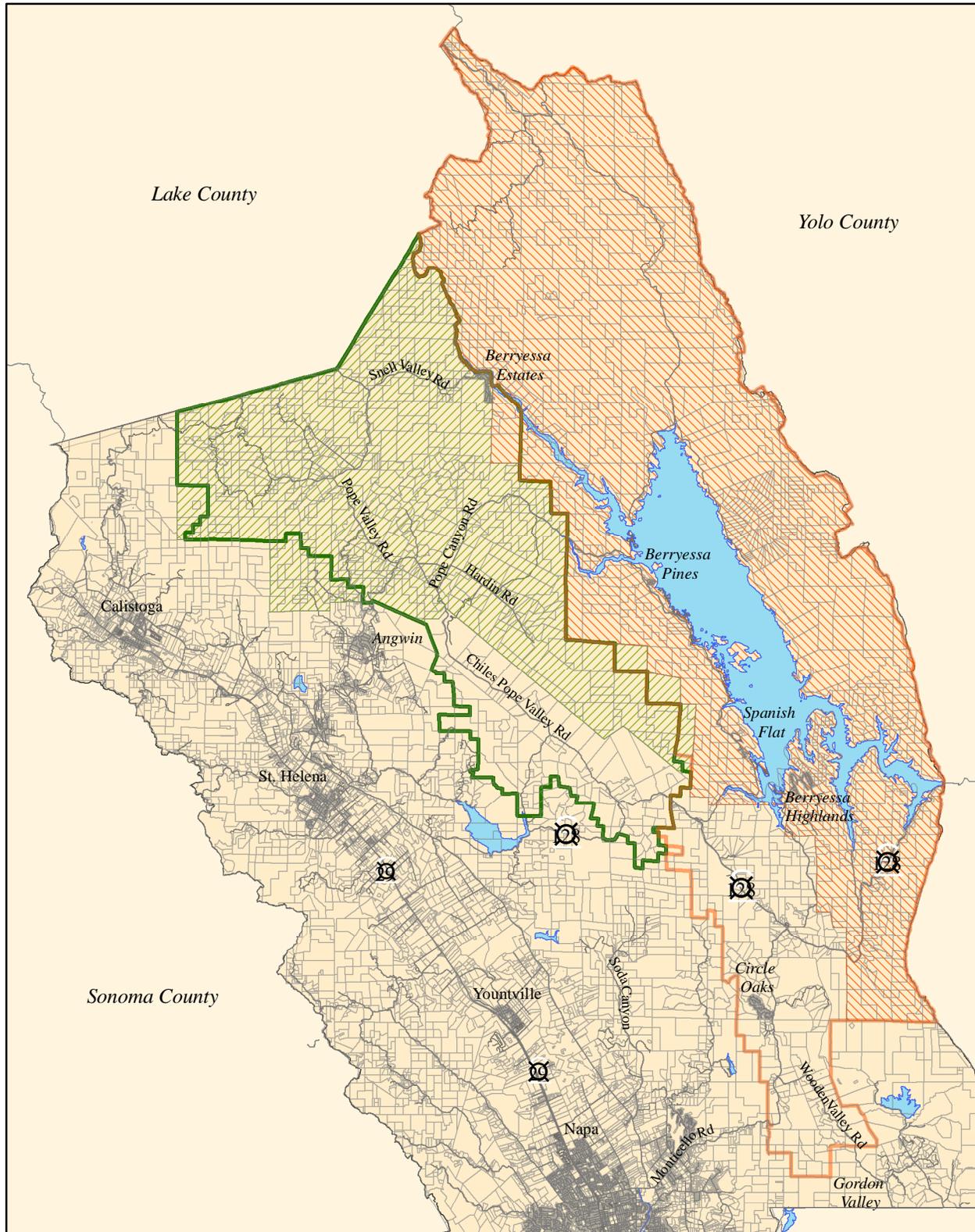


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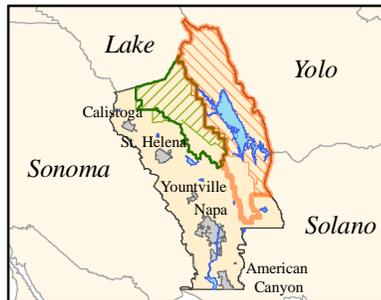
Pope Valley Cemetery District Monticello Public Cemetery District

ATTACHMENT TWO



Legend

-  Pope Valley Cemetery District
-  Pope Valley Cemetery District Sphere of Influence
-  Monticello Public Cemetery District
-  Monticello Public Cemetery District Sphere of Influence



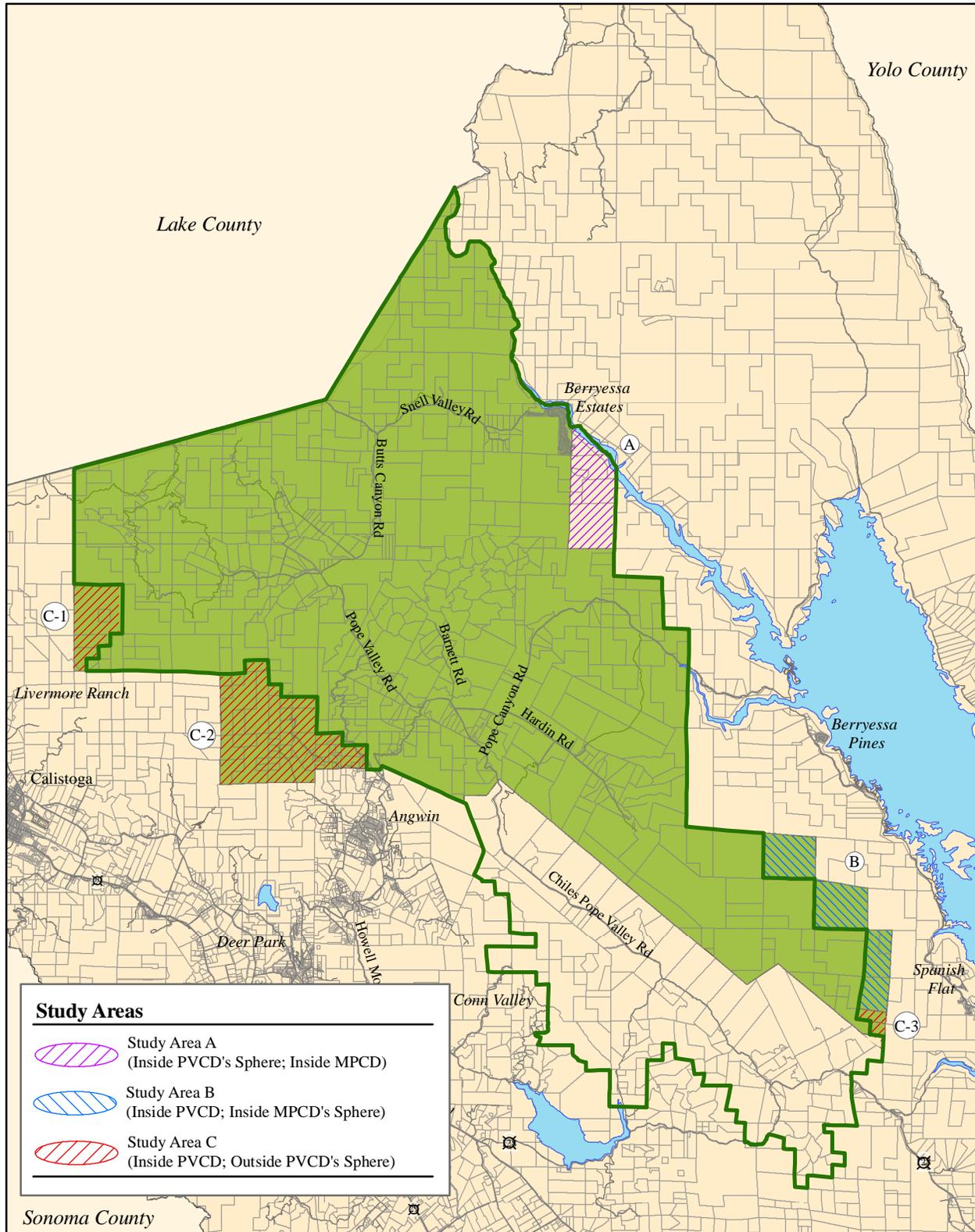
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Pope Valley Cemetery District Study Areas

ATTACHMENT FOUR

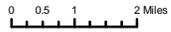
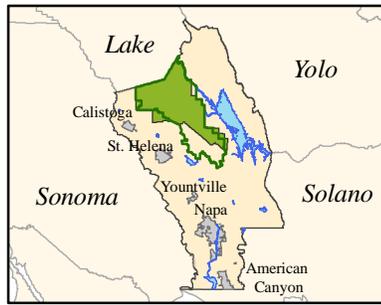


Study Areas

- Study Area A (Inside PVCD's Sphere; Inside MPCD)
- Study Area B (Inside PVCD; Inside MPCD's Sphere)
- Study Area C (Inside PVCD; Outside PVCD's Sphere)

Legend

- Pope Valley Cemetery District
- Pope Valley Cemetery District Sphere of Influence

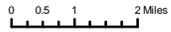
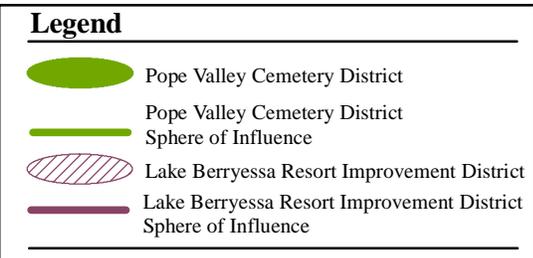
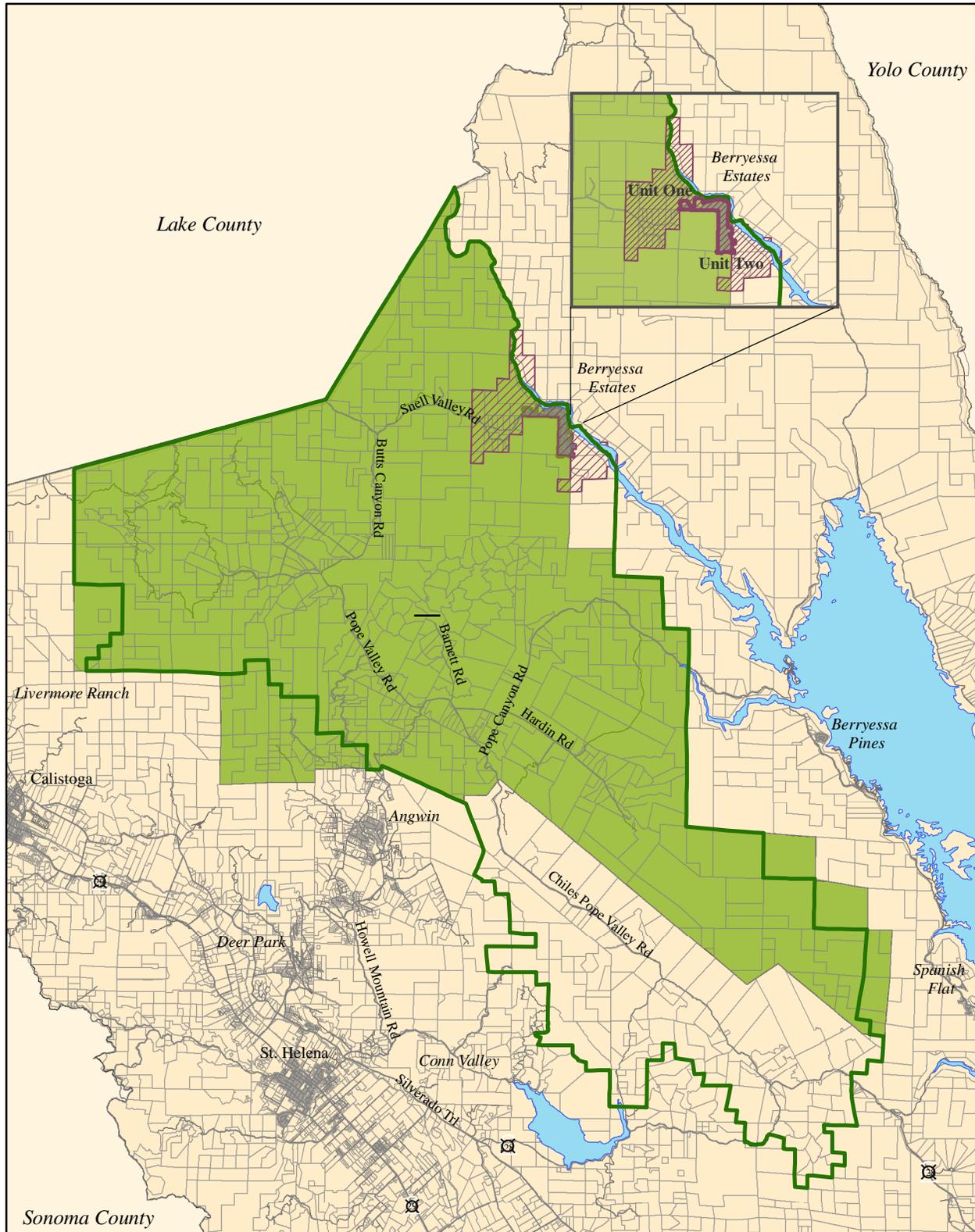


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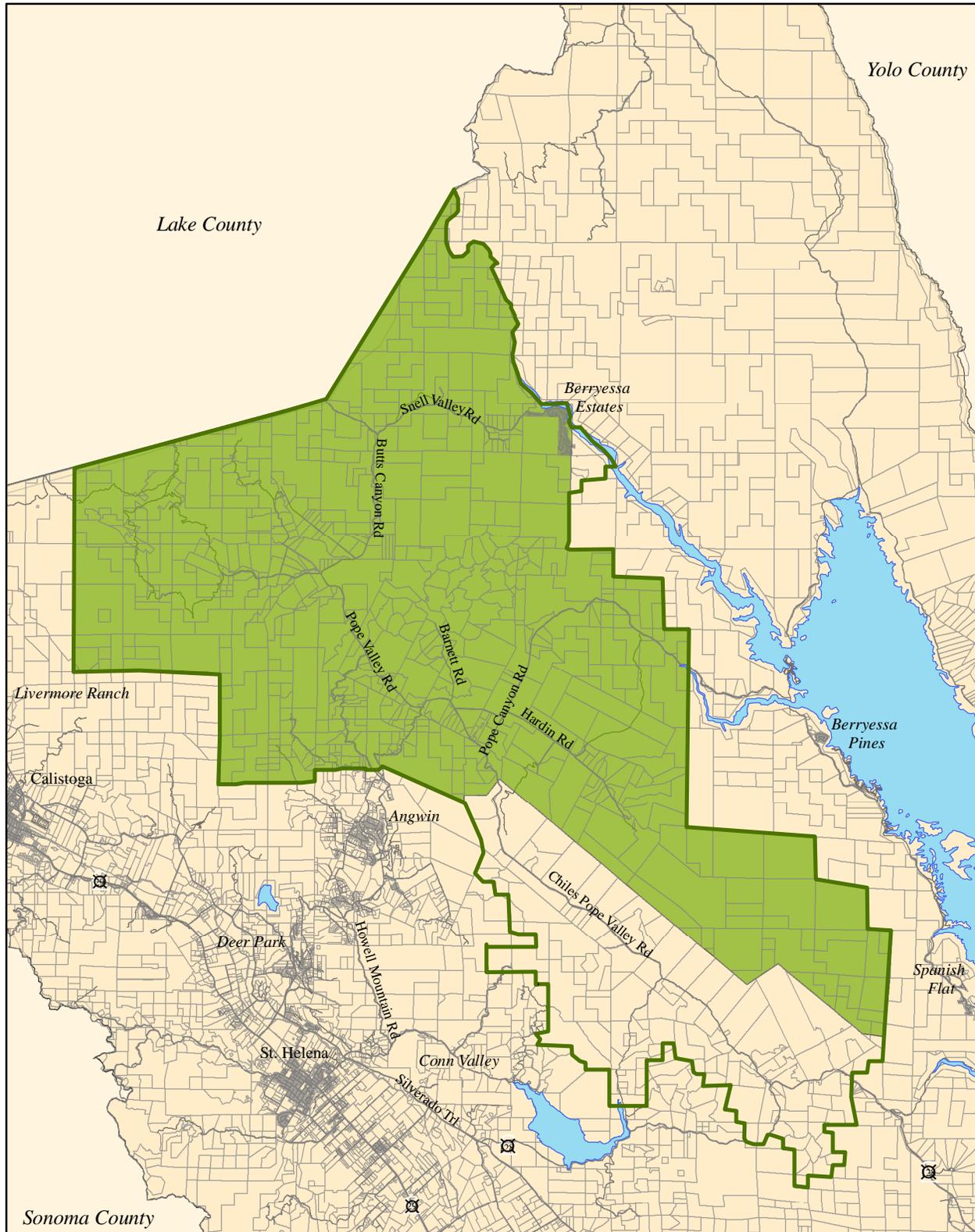
Pope Valley Cemetery District Lake Berryessa Resort Improvement District

ATTACHMENT FIVE



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Pope Valley Cemetery District



Legend

-  Pope Valley Cemetery District
-  Pope Valley Cemetery District Proposed Sphere of Influence



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