



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

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

Agenda Item 7a (Action)

TO: Local Agency Formation Commission

FROM: Brendon Freeman, Executive Officer B F

MEETING DATE: August 4, 2025

SUBJECT: Napa Sanitation District Sphere of Influence Update Draft Report and Possible Direction

RECOMMENDATION

It is recommended the Commission receive a draft Napa Sanitation District (NSD) Sphere of Influence (SOI) Update and consider: (i) providing direction to staff with respect to the further development of the report prior to final action at a future meeting, including, without limitation, whether to direct staff to issue a Request for Proposals (RFP) for a consultant to assist with the report, (ii) establishing an ad hoc committee to make recommendations to the Commission regarding the report, and (iii) providing direction to staff to return at a future meeting with the same or revised report for consideration and adoption by the Commission.

BACKGROUND AND SUMMARY

The Commission is required to adopt and periodically update each local agency's SOI consistent with California Government Code (G.C.) section 56425. This process involves the adoption of written determinative statements and possible changes to the affected agency's SOI. This NSD SOI Update is being conducted consistent with the Commission's *Policy on Spheres of Influence*, included as Attachment 1.

G.C. section 56430(a) states that in order to prepare and to update spheres of influence in accordance with G.C. section 56425, the Commission shall conduct a service review of the municipal services provided in the area. This SOI Update is based on information collected and evaluated as part of the Commission's 2020 *Napa Countywide Water and Wastewater Municipal Service Review*, updated in 2021, and available online at:

napa.lafco.ca.gov/files/f8a4ec2b4/NapaCountywideWaterWastewaterMSR_Updated_10-4-21.pdf

In 2015, the Commission completed an SOI Update that involved seven study areas for potential inclusion within, or removal from, NSD's SOI. The report is available online at:

https://napa.lafco.ca.gov/files/528a74c7e/NSD_SOI_RevisedFinalReport_2015.pdf

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Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

As part of the 2015 SOI Update, the Commission considered adding the low-density residential “Monticello Road Study Area” to the SOI. The Commission agreed to make no changes to NSD’s SOI at that time, but included the following statement in the revised final report: “it may be appropriate to consider amending NSD’s sphere of influence to include the Monticello Road Study Area as part of the next update performed for the District.”

DISCUSSION

The following is a discussion of factors that are relevant to the NSD SOI Update.

Monticello Study Area

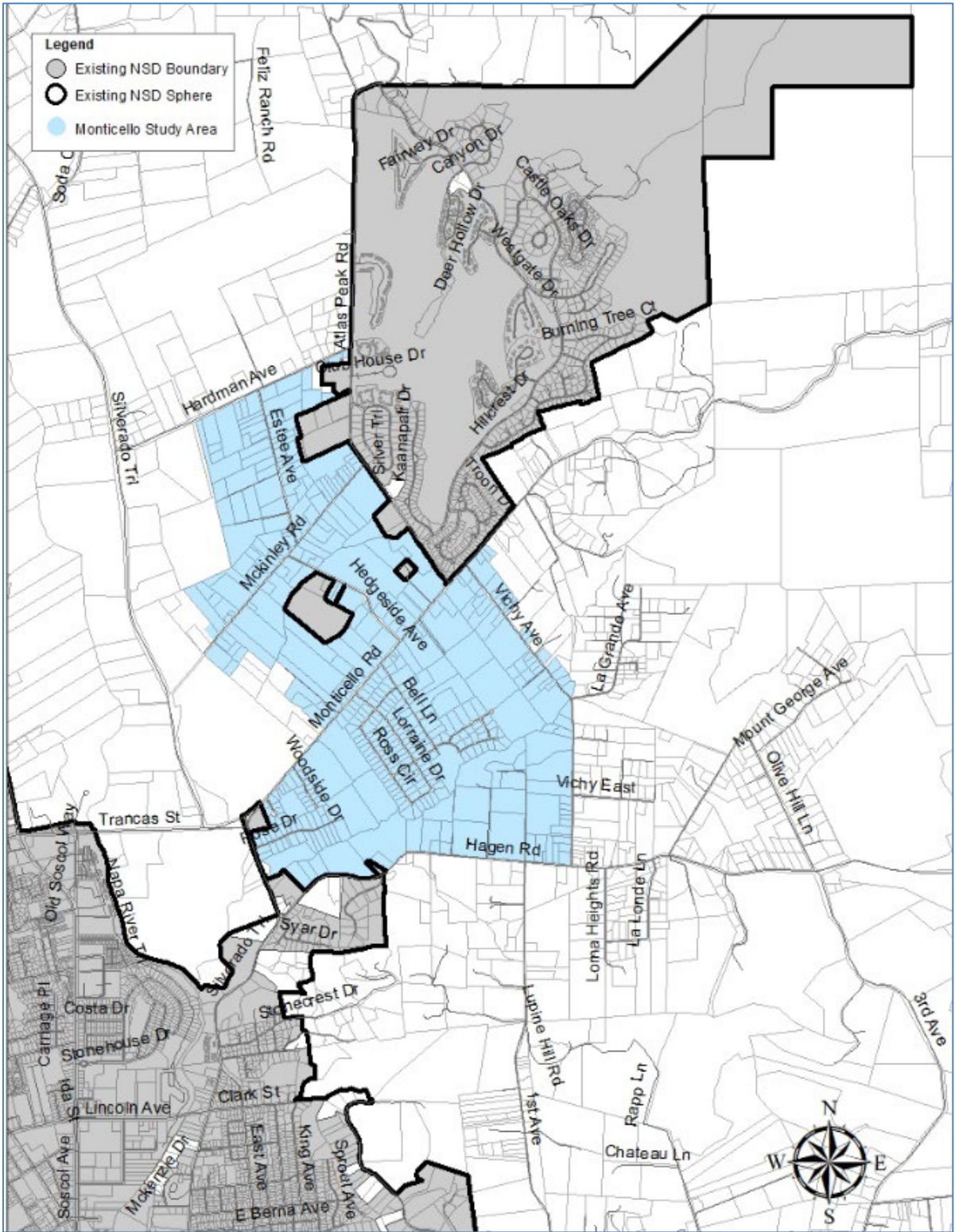
Staff recommends the Commission dedicate resources to evaluating the “Monticello Study Area” for potential inclusion within NSD’s SOI. The Monticello Study Area would be nearly identical to the 2015 SOI Update’s Monticello Road Study Area. However, the precise boundaries of the area require further study. This recommendation is based on years of communication with several property owners struggling with private septic system maintenance and permitting compliance. The potential for failing septic systems poses a threat to public health and safety, whereas public sewer service tends to be more reliable.

The Monticello Study Area involves over 1,000 unincorporated parcels totaling over 1,000 acres located between the two large non-contiguous portions of NSD’s jurisdictional boundary near the Silverado community. The area is contiguous to both portions of NSD’s present boundary. Access to the area is by means of Monticello Road. The area is flat with low-density residential and commercial uses.

NSD and Napa County representatives are aware of the interest amongst some landowners in participating in a potential future infrastructure project that would extend public sewer service to the area. Staff recommends additional efforts to determine a more precise boundary for the Monticello Study Area, as well as to generate interest amongst additional landowners to participate in the financing of a sewer infrastructure project. This would require public outreach with assistance from an ad hoc subcommittee or private consultant. If the Commission pursues a consultant, formal direction should be given to staff to return with a scope of services as part of a draft Request for Proposals (RFP) at a future meeting.

Notably, an ad hoc subcommittee or consultant can assist with determining the scope of potential threats to the environment and general public with respect to the likelihood of failing septic systems. Further, assistance will be needed to determine the scope of any potential future infrastructure projects in terms of landowner buy-in, costs, and timelines.

An approximate map of the Monticello Study Area is provided on the following page. This map is subject to changes based on the discussion above.



Statutory Factors

In determining the SOI of each agency, the Commission is required to consider five specific factors pursuant to G.C. section 56425. The following is a summary of the statutory factors as they relate to the potential inclusion of the Monticello Study Area in NSD’s SOI. Further study of the area and development of these written statements is recommended.

1) Present and planned land uses in the area, including agricultural and open space lands:

Approximately one-fifth of the Monticello Study Area is designated by the County as “Agricultural Resource,” a land use category that contemplates agriculture as the predominant land use, where uses incompatible with agriculture should be precluded, and where the development of urban type uses would be detrimental to the continuance of agriculture and the maintenance of open space. Permitted uses include agriculture, processing of agricultural products, and single-family dwellings.

The remaining four-fifths of the Monticello Study Area is designated by the County as “Rural Residential,” a land use category that contemplates low density residential uses in neighborhoods that are in proximity to existing urbanized areas but that are currently in agriculture or where further subdivision will be discouraged. Permitted uses include single-family dwellings, day care centers, large residential care homes, existing major medical care facilities, private schools, agriculture, stables, and – in specified areas – tourist-serving commercial uses.

2) Present and probable need for public facilities and services in the area:

The Monticello Study Area is predominantly developed with single-family residences and agriculture-serving land uses with aging onsite private septic systems. There is one public school (Vichy Elementary) and one restaurant located within the area. Extensive portions of the area receive public water services from the City of Napa through outside service extensions. Some of the existing residences already receive public sewer services from NSD through outside service extensions.

3) Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide:

NSD has asserted that the collection line traversing the area – Milliken Trunk Line – was not capable of serving the residential uses in the Monticello Study Area given most of the available capacity had been contractually reserved to accommodate additional development in the Silverado area. As mentioned above, existing residences within the area typically rely on private onsite septic systems for sewage disposal. Infrastructure improvements along with financing mechanisms would be required to extend public sewer service to the area. This would involve significant further study along with a long-term financing mechanism. While NSD does not presently have capacity to serve the area, capacity can be expanded to allow for service provision to the area if a financing mechanism for the needed infrastructure improvements can be established.

4) Existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency:

The Monticello Study Area is located within an unincorporated area adjacent to NSD's sphere and jurisdictional boundary. The area has established minimal social and economic interests with NSD with respect to the location of public sewer infrastructure as well as a small number of existing residential service commitments within the area.

5) Present and probable need for public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence:

There are no disadvantaged unincorporated communities within NSD's SOI or the Monticello Study Area.

Policy Factors

As previously noted, the Commission's *Policy on SOIs* is included as Attachment 1. It is important to note that the ad hoc Policy Committee is currently reviewing the *Policy on SOIs* and expects to propose an amendment for approval as early as the Commission's next scheduled meeting on October 6, 2025. Staff recommends the Commission first take any actions on the policy prior to evaluating policy factors relative to the NSD SOI Update.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

If the Commission chooses to amend NSD's SOI to include the Monticello Study Area, the action would be exempt from further review under CEQA pursuant to California Code of Regulations Section 15061(b)(3).

ALTERNATIVES FOR COMMISSION ACTION

Staff recommends the Commission consider taking any of the following actions.

- 1) Provide direction to staff with respect to the further development of the report prior to final action at a future meeting, including, without limitation, whether to direct staff to issue an RFP for a consultant to assist with the report;
- 2) Establish an ad hoc committee to make recommendations to the Commission regarding the report; and/or
- 3) Provide direction to staff to return at a future meeting with the same or revised report for consideration and adoption by the Commission.

ATTACHMENT

- 1) Policy on SOIs



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Spheres of Influence

(Adopted on June 7, 2021)

I. BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, beginning with [California Government Code \(G.C.\) §56425](#), requires the Local Agency Formation Commission (LAFCO or “Commission”) to establish and maintain spheres of influence for all local agencies within its jurisdiction. A sphere of influence (SOI) is defined by statute as a “plan for the probable physical boundary and service area of a local government agency as determined by the commission” ([G.C. §56076](#)). Every determination made by LAFCO shall be consistent with the SOIs of the local agencies affected by that determination ([G.C. §56375.5](#)). The Commission encourages cities, towns, and the County of Napa (“County”) to meet and agree to SOI changes. The Commission shall give “great weight” to these agreements to the extent they are consistent with its policies ([G.C. §56425\(b\) and \(c\)](#)). Local agency SOIs are established and changed in part based on information in municipal service reviews, including adopted determinative statements and recommendations ([G.C. §56430](#)).

II. PURPOSE

The purpose of these policies is to guide the Commission in its consideration of SOI amendment requests as well as SOI reviews and updates initiated by LAFCO. This includes establishing consistency with respect to the Commission’s approach in the scheduling, preparation, and adoption of SOI reviews and updates. Requests to amend an SOI may be made by any person or local agency as described in Section VI of this policy. Requests to amend an SOI are encouraged to be filed with LAFCO’s Executive Officer as part of the Commission’s municipal service review (MSR) and SOI review process.

III. OBJECTIVE

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

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

IV. DEFINITIONS

Recognizing that an SOI is a plan for the probable physical boundary and service area of a local government agency as determined by LAFCO, the Commission incorporates the following definitions:

- A. “Agricultural lands” are defined as set forth in [G.C. §56016](#).
- B. “Open space” are defined as set forth in [G.C. §56059](#).
- C. “Prime agricultural land” is defined as set forth in [G.C. §56064](#).
- D. “Infill” is defined as set forth in [Public Resources Code §21061.3](#).
- E. “Underdeveloped land” is defined as land that lacks components of urban development such as utilities or structure(s).
- F. “Vacant land” is defined as land that has no structure(s) on it and is not being used. Agricultural and open space uses are considered a land use and therefore the underlying land is not considered vacant land.
- G. “SOI establishment” refers to the initial adoption of a city or special district SOI by the Commission.
- H. “SOI amendment” refers to a single change to an established SOI, typically involving one specific geographic area and initiated by a landowner, resident, or local agency.
- I. “SOI review” refers to a comprehensive review of an established SOI conducted as part of an MSR. Based on information collected in the SOI review component of an MSR, the Commission shall determine if an SOI update is needed.
- J. “SOI update” refers to a single change or multiple changes to an established SOI, typically initiated by the Commission and based on information collected in the SOI review.
- K. “Zero SOI” when determined by the Commission, indicates a local agency should be dissolved and its service area and service responsibilities assigned to one or more other local agencies.
- L. “Study area” refers to territory evaluated as part of an SOI update for possible addition to, or removal from, an established SOI. The study areas shall be identified by the Commission in consultation with all affected agencies.

V. LOCAL CONSIDERATIONS

A. General Guidelines for Determining Spheres of Influence

The following factors are intended to provide a framework for the Commission to balance competing interests in making determinations related to SOIs. No single factor is determinative. The Commission retains discretion to exercise its independent judgment as appropriate:

- 1) Land defined or designated in the County of Napa General Plan land use map as agricultural or open space shall not be approved for inclusion within any local agency's SOI for purposes of new urban development unless the action is consistent with the objectives listed in Section III of this policy.
- 2) The Commission encourages residents, landowners, and local agencies to submit requests for changes to SOIs to the LAFCO Executive Officer as part of the LAFCO-initiated MSR and SOI review process.
- 3) The first Agricultural Preserve in the United States was created in 1968 by the Napa County Board of Supervisors. The Agricultural Preserve protects lands in the fertile valley and foothill areas of Napa County in which agriculture is and should continue to be the predominant land use. Measure J was passed by voters in 1990 and Measure P was passed by voters in 2008 and requires voter approval for any changes that would re-designate unincorporated agricultural and open-space lands. The Commission will consider the Agricultural Preserve and intent of voters in passing Measure J and Measure P in its decision making processes to the extent they apply, prior to taking formal actions relating to SOIs.
- 4) In the course of an SOI review for any local agency as part of an MSR, the Commission shall identify all existing outside services provided by the affected agency. For any services provided outside the affected agency's jurisdictional boundary but within its SOI, the Commission shall request the affected agency submit an annexation plan or explanation for not annexing the territory that is receiving outside services. For any services provided outside an agency's jurisdictional boundary and SOI, the Commission encourages a dialogue between the County and the affected agency relating to mutually beneficial provisions.
- 5) In the course of reviewing a city or town's SOI, the Commission will consider the amount of vacant land within the affected city or town's SOI. The Commission discourages SOI amendment requests involving vacant or underdeveloped land that requires the extension of urban facilities, utilities, and services where infill development is more appropriate.

- 6) A local agency's SOI shall generally be used to guide annexations within a five-year planning period. Inclusion of land within an SOI shall not be construed to indicate automatic approval of an annexation proposal.
- 7) When an annexation is proposed outside a local agency's SOI, the Commission may consider both the proposed annexation and SOI amendment at the same meeting. The SOI amendment to include the affected territory, however, shall be considered and resolved prior to Commission action on the annexation.
- 8) A local agency's SOI should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission. This includes information contained in current MSRs. The Commission shall consider the following municipal service criteria in determining SOIs:
 - a) The present capacity of public facilities and adequacy of public services provided by affected local agencies within the current jurisdiction, and the adopted plans of these local agencies to address any municipal service deficiency, including adopted capital improvement plans.
 - b) The present and probable need for public facilities and services within the area proposed or recommended for inclusion within the SOI, and the plans for the delivery of services to the area.
- 9) The Commission shall consider, at a minimum, the following land use criteria in determining SOIs:
 - a) The present and planned land uses in the area, including lands designated for agriculture and open-space.
 - b) Consistency with the County General Plan and the general plan of any affected city or town.
 - c) Adopted general plan policies of the County and of any affected city or town that guide future development away from lands designated for agriculture or open-space.
 - d) Adopted policies of affected local agencies that promote infill development of existing vacant or underdeveloped land.
 - e) Amount of existing vacant or underdeveloped land located within any affected local agency's jurisdiction and current SOI.
 - f) Adopted urban growth boundaries by the affected land use authorities.

B. Scheduling Sphere of Influence Reviews and Updates

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

C. Environmental Review

SOI establishments, amendments, and updates will be subject to the review procedures defined in the California Environmental Quality Act (CEQA) and the Napa LAFCO CEQA Guidelines. If an environmental assessment or analysis is prepared by an agency for a project associated with an SOI establishment, amendment, or update, and LAFCO is afforded the opportunity to evaluate and comment during the Lead Agency's environmental review process, then LAFCO can act as a Responsible Agency under CEQA for its environmental review process. All adopted environmental documents prepared for the project, a copy of the filed Notice of Determination/Notice of Exemption, and a copy of the Department of Fish and Wildlife fee receipt must be submitted as part of the application. Completion of the CEQA review process will be required prior to action by the Commission.

VI. REQUESTS FOR SPHERE OF INFLUENCE AMENDMENTS

A. Form of Request

Any person or local agency may file a written request with the Executive Officer requesting amendments to an SOI pursuant to [G.C. §56428\(a\)](#). Requests shall be made using the form provided in Attachment A and be accompanied by a cover letter and a map of the proposed amendment. Requests shall include an initial deposit as prescribed under the Commission's adopted Schedule of Fees and Deposits. The Executive Officer may require additional data and information to be included with the request. Requests by cities, towns, and special districts shall be made by resolution of application.

B. Review of Request

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

C. Consideration of Request

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

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Questionnaire for Amending a Sphere of Influence

1. Applicant information:

Name: _____

Address: _____

Telephone Number: _____ (Primary) _____ (Secondary)

E-Mail Address: _____

2. What is the purpose for the proposed sphere of influence amendment?

3. Describe the affected territory in terms of location, size, topography, and any other pertinent characteristics.

4. Describe the affected territory's present and planned land uses.

5. Identify the current land use designation and zoning standard for the affected territory.

6. Is the affected territory subject to a Williamson Act contract? If yes, please provide a copy of the contract along with any amendments.

7. If applicable, identify the governmental agencies currently providing the listed municipal services to the affected territory.

Water: _____

Sewer: _____

Fire: _____

Police: _____

Print Name: _____

Date: _____

Signature: _____