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 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.

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 effective, efficient, and economic provision of essential public services, including public water, wastewater, fire protection and emergency response, and law enforcement. The Commission recognizes the importance of considering local conditions and circumstances in implementing these policies. An SOI is primarily a planning tool that will:

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

The Commission incorporates the following definitions:

A. An “SOI establishment” refers to the initial adoption of an SOI by the Commission.

B. An “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.

C. An “SOI review” refers to a comprehensive review of an established SOI conducted as part of a municipal service review (MSR). Based on information collected in the SOI review component of an MSR, the Commission shall determine if an SOI update is needed.

D. An “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.

E. A “zero SOI” may be assigned to a local agency to indicate the Commission’s position that a change of organization is appropriate that would assign the affected agency’s service obligations and responsibilities to another local agency. Such future action would typically involve consolidation or dissolution.

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

V. LOCAL CONSIDERATIONS

A. General Guidelines for Determining Spheres of Influence

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

2) In addition to the definitions of “agricultural lands” and “prime agricultural lands” pursuant to G.C. §56016 and §56064, respectively, the Commission shall use the County General Plan land use designations as the basis to identify agricultural and open-space lands in establishing, amending, and updating a local agency’s SOI.
3) It shall be a basic policy of the Commission that the establishment, amendment, or update of a local agency’s SOI is intended to facilitate the orderly extension of public services for urban development with limited exceptions. Land designated as agricultural or open-space shall not be approved for inclusion within any local agency’s SOI for purposes of urban development with limited exceptions.

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

5) 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 justification for not annexing the territory that is receiving outside services.

6) 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.

7) 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. Annexation will be considered on its own merits with deference assigned to timing.

8) Any local agency’s SOI shall only be amended or updated by the Commission in collaboration with the County of Napa. Prior to amending or updating an SOI, the Commission shall encourage cities and towns to first develop existing vacant and underdeveloped infill lands within their jurisdictions and SOIs to maximize the efficient use of available services and infrastructure. The Commission shall discourage the premature conversion of agricultural and open-space lands to urban uses. No urban development by the County should be permitted to occur on unincorporated lands within a city or town’s SOI with limited exceptions. If approval of urban development in such areas is legally required of the County, such development should conform to applicable city standards and be the subject of a joint planning effort.
9) 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.

10) 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.

11) The Commission shall consider 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. In the event the Commission is the Lead Agency under CEQA, the affected agency shall prepare the appropriate environmental documents needed to satisfy the requirements of CEQA.

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

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

VI. Form of Request for Sphere of Influence Amendment

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

VII. Review of Request for Sphere of Influence Amendment

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.

VIII. Consideration of Request for Sphere of Influence Amendment

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