

## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### MONTICELLO PUBLIC CEMETERY DISTRICT SPHERE OF INFLUENCE REVIEW

**Final Report  
October 2008**

**Prepared by:**

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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.<sup>1</sup>

### **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. Monticello Public Cemetery District**

This report represents LAFCO of Napa County’s (“Commission”) scheduled sphere review of the Monticello Public 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.

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<sup>1</sup> 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 Monticello Public Cemetery District (MPCD) was formed as an independent special district in 1936. MPCD was restructured in 1988 into a dependent special district and is now governed by the County of Napa Board of Supervisors serving as the Board of Trustees. MPCD owns and operates the Monticello Public Cemetery and provides interment services for property owners and residents within the District's approximate 219 square mile jurisdictional boundary as well as eligible non-residents.<sup>2</sup> Unincorporated communities served by MPCD include Berryessa Highlands, Berryessa Pines, and Spanish Flat. The current resident population within MPCD is estimated at 1,347 and is expected to increase modestly over the next five years to 1,428.<sup>3</sup>

MPCD reports there are a total of 978 plots in the Monticello Public Cemetery. Of this amount, 264 plots remain available for purchase. The current fee for a burial plot for residents and property owners is \$1,000 and \$1,150 for eligible non-residents.

MPCD's adopted budget in 2008-2009 is \$63,344. This amount reflects an overall increase in budgeted operating costs of approximately 25% over the prior fiscal year and 300% over the last five fiscal years. The current cost increase is primarily attributed to funding improvements to its irrigation system as well as new landscaping. Nearly all of MPCD's annual operating revenues are drawn from property taxes. This revenue source has proven robust and has more than doubled over the last five fiscal years as a result of rising property values within MPCD's jurisdictional boundary. However, as noted in the municipal service review, the recent growth rate between revenues and expenses indicates MPCD may begin experiencing ongoing operating shortfalls in the near future unless the District expands its revenue base or reduces service levels.

### B. Sphere of Influence

MPCD's sphere was established by the Commission in March 1985. The Commission designated the sphere to include MPCD's entire jurisdictional boundary along with additional unincorporated lands extending south into Wooden Valley to include Circle Oaks. The Commission also included in the sphere unincorporated lands to the west of MPCD already in the Pope Valley Cemetery District (PVCD). Markedly, in adding these western lands to the sphere, the Commission determined MPCD is the more appropriate service provider based on similar geographic characteristics and encouraged the District to file for reorganization to annex the territory.

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<sup>2</sup> California Health and Safety Code 9000 et seq. defines "eligible non-resident" as a person meeting all of the following criteria: (a) resident of the state at the time of death; (b) no public cemetery is within 15 miles of their residence; and (c) no non-public cemetery is closer to their residence than the district-owned cemetery. Additionally, a person may be considered an eligible non-resident if they died while (1) serving in the military or (2) in the line of duty as a peace officer or firefighter.

<sup>3</sup> Population estimates were calculated by LAFCO staff as part of the municipal service review.

The only modification to MPCD’s sphere was initiated and approved by the Commission in May 1985. This modification involved the removal of an approximate 1,400 acre area that was already in MPCD and located in the vicinity of the Berryessa Estates after adding the same territory to PVCD’s sphere. In making this modification, the Commission determined the affected territory would be better served by PVCD based on its own communities of interest within the area and encouraged MPCD to file for reorganization to detach the territory.

In terms of current proportions, MPCD’s sphere is approximately 166,363 acres or 260 square miles in size. The sphere includes a total of 2,430 assessor parcels. The sphere is substantially larger than MPCD’s jurisdictional boundary, which is approximately 140,211 acres or 219 square miles in size and includes 1,677 assessor parcels.

**Monticello Public Cemetery District: Adopted Boundaries**  
 (Source: County of Napa Geographic Information System)

	<b>Sphere of Influence</b>	<b>Jurisdictional Boundary</b>
<b>Total Acres:</b>	166,363	140,211
<b>Assessor Parcels:</b>	2,430	1,677

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

**C. Land Use Factors**

MPCD 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 MPCD’s jurisdictional boundary and sphere is designated and zoned by the County as *Agriculture, Watershed and Open Space* and *Agricultural Watershed*, respectively. These land use assignments restrict new growth and development by requiring a minimum parcel size of 160 acres.

The County designates and or zones a small portion of land within MPCD’s jurisdictional boundary and sphere for urban use. These areas generally correspond with established unincorporated residential communities and include Spanish Flat, Berryessa Highlands, and Circle Oaks. It is estimated a total of 374 buildable lots remain vacant within these latter two residential communities.<sup>4</sup> An additional 100 residential lots are also being proposed for development as part of a new subdivision within MPCD northwest of the Pope Creek Bridge known as Villa Berryessa.

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

<sup>4</sup> Staff estimates there are currently 230 and 144 vacant and buildable lots within Berryessa Highlands and Circle Oaks, respectively.

### **III. DISCUSSION**

#### **A. Objective**

The objective of this report is to identify and evaluate areas that warrant consideration for inclusion or removal from MPCD'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 MPCD 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 MPCD's sphere, the Commission adopted several policy statements regarding the function and purpose of the District. Most notably, this includes stating MPCD's interment services are "modern" in nature and appropriate in 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 MPCD's sphere as part of this comprehensive review. These factors include (a) relationship to MPCD's jurisdictional boundary, (b) relationship to PVCD's jurisdictional boundary, and (c) agency comments. Based on these factors, two 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 MPCD's jurisdictional boundary but within PVCD's sphere. Study Area A will be evaluated to consider the merits of its addition into MPCD's sphere.

- Study Area “B” has been chosen for analysis because the affected lands are inside MPCD’s sphere but within PVCD’s jurisdictional boundary. Study Area B will be evaluated to consider the merits of its removal from MPCD’s sphere.

It is important to note consideration was given to establishing a third study area to evaluate adding additional unincorporated lands to MPCD’s sphere that extend southeast into Gordon Valley and southwest into Soda Canyon. The merits in establishing this third study area relates to the role of the sphere in facilitating the logical and orderly extension of MPCD with the presumption there may be a need within Gordon Valley and Soda Canyon 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 Gordon Valley and Soda Canyon is not further considered as part of this review.

- \* A map depicting Study Areas A and B 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. The Commission originally included the study area in MPCD’s sphere at the time of its establishment in March 1985. The Commission reconsidered its action two months later and modified the sphere to remove the study area after determining PVCD 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 removed while other adjacent lands with similar characteristics remained inside the sphere.

- \* A map depicting MPCD 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 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 MPCD has adequate infrastructure capacities, administrative controls, and funding streams to provide interment services to the study area.

### Existence of Social or Economic Communities of Interest

Nearly all the affected parcels comprising the study area are privately owned 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 located within LBRID and has also 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 MPCD's sphere to include the southern portion of the study area that lies outside LBRID appears appropriate at this time. This change would support the orderly development of MPCD by modifying the sphere to better reflect its jurisdictional boundary while continuing to signal the remaining northern portion should be detached and annexed to PVCD given its social and economic ties to the affected lands. This change would also establish a more transparent and effective method to delineate an appropriate dividing line between MPCD and PVCD'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.<sup>5</sup> 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 within 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 MPCD has adequate infrastructure capacities, administrative controls, and funding streams to provide interment services to the study area.

### Existence of Social or Economic Communities of Interest

There are no discernable social or economic communities of interest existing between the study area and MPCD.

## **Conclusion**

Modifying MPCD's sphere to remove the entire study area appears appropriate at this time. This change would recognize the expansion of MPCD to include the affected lands would not be orderly or logical given the territory is already located within and has established social ties with PVCD.

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<sup>5</sup> Two of the five parcels comprising the northern portion of Study Area B are currently owned by the United States.

## VI. RECOMMENDATION

It is recommended the Commission approve two modifications to MPCD's sphere as part of this comprehensive review. These modifications involve adding the southern portion of Study Area A that lies outside of LBRID and removing all of Study Area B. The following statements have been prepared in support of the recommendation as required under California Government Code Section 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 directed to the unincorporated communities of Berryessa Highlands, Berryessa Pines, Circle Oaks, and Spanish Flat. These present and planned land uses are compatible and supported by MPCD's public interment services.

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

MPCD 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.**

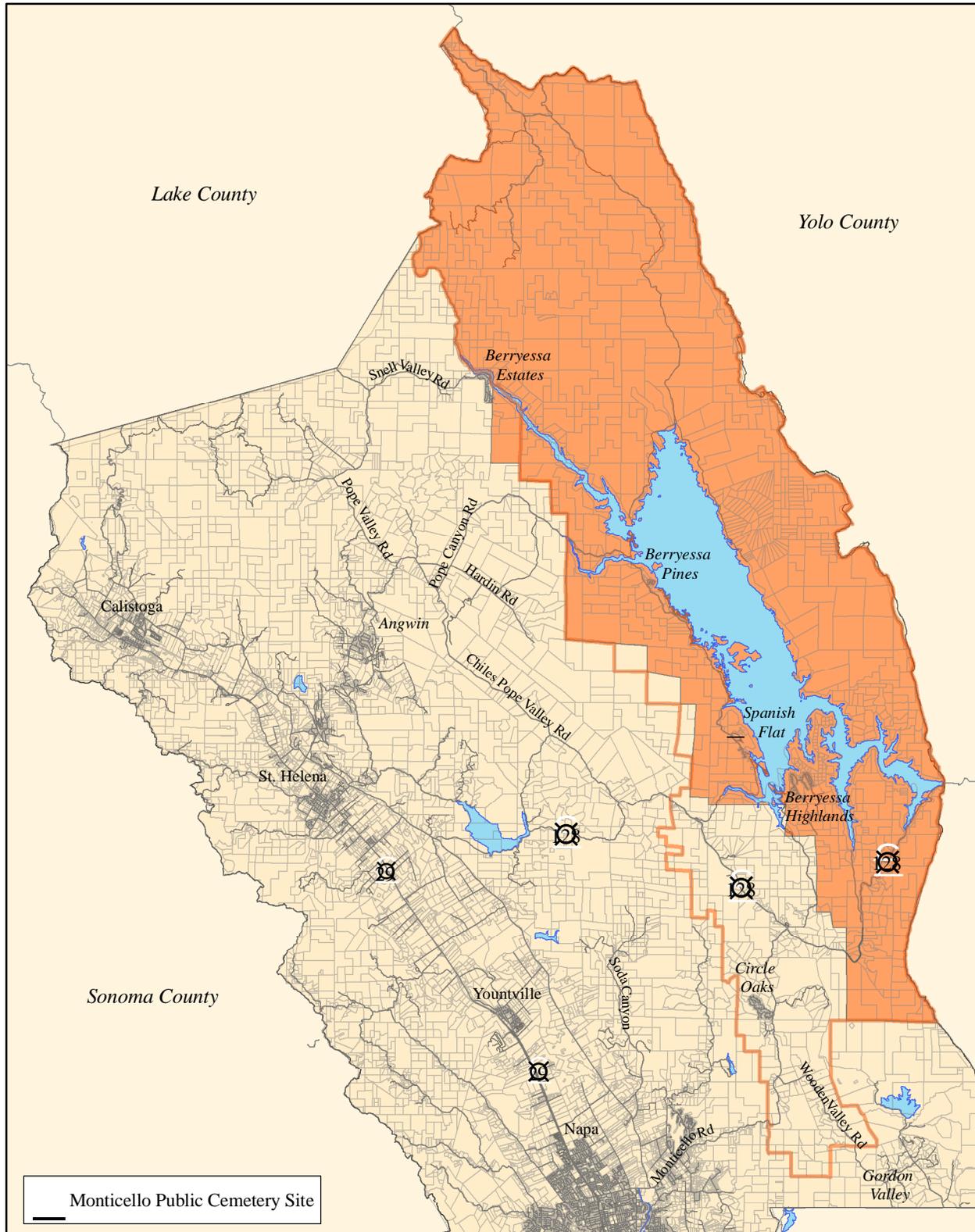
MPCD has established sufficient infrastructure capacities, administrative controls, and funding streams to indicate it is capable of providing an appropriate level of public interment services within the sphere. These public interment services were comprehensively evaluated by LAFCO as part of a recent 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.**

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

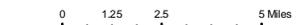
\* A map depicting the recommended update to MPCD's sphere is provided in Attachment Six.

# Monticello Public Cemetery District



## Legend

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



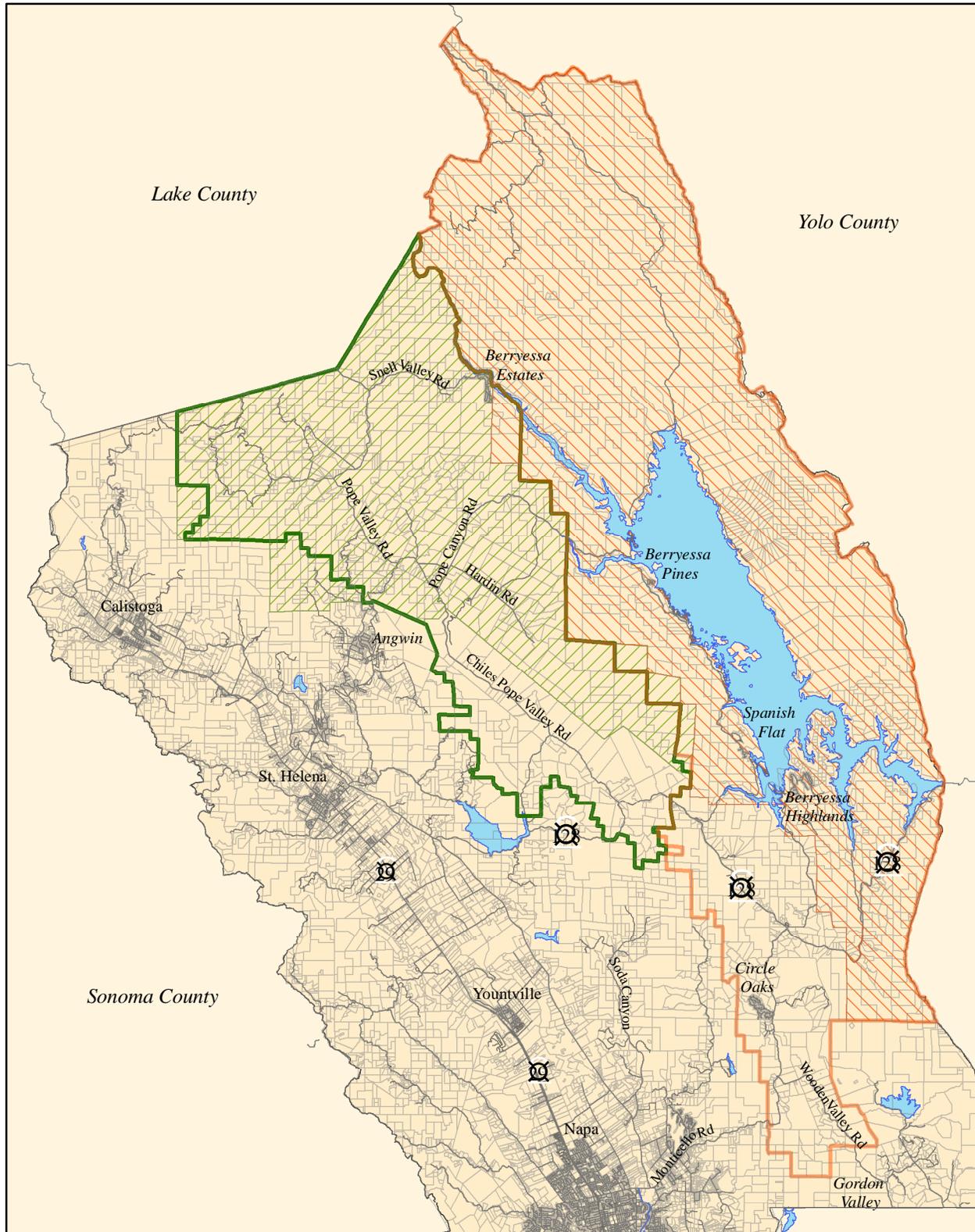
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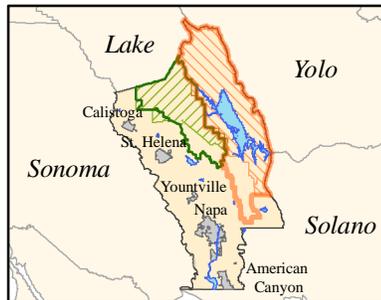
# Monticello Public Cemetery District Pope Valley Cemetery District

ATTACHMENT TWO



**Legend**

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



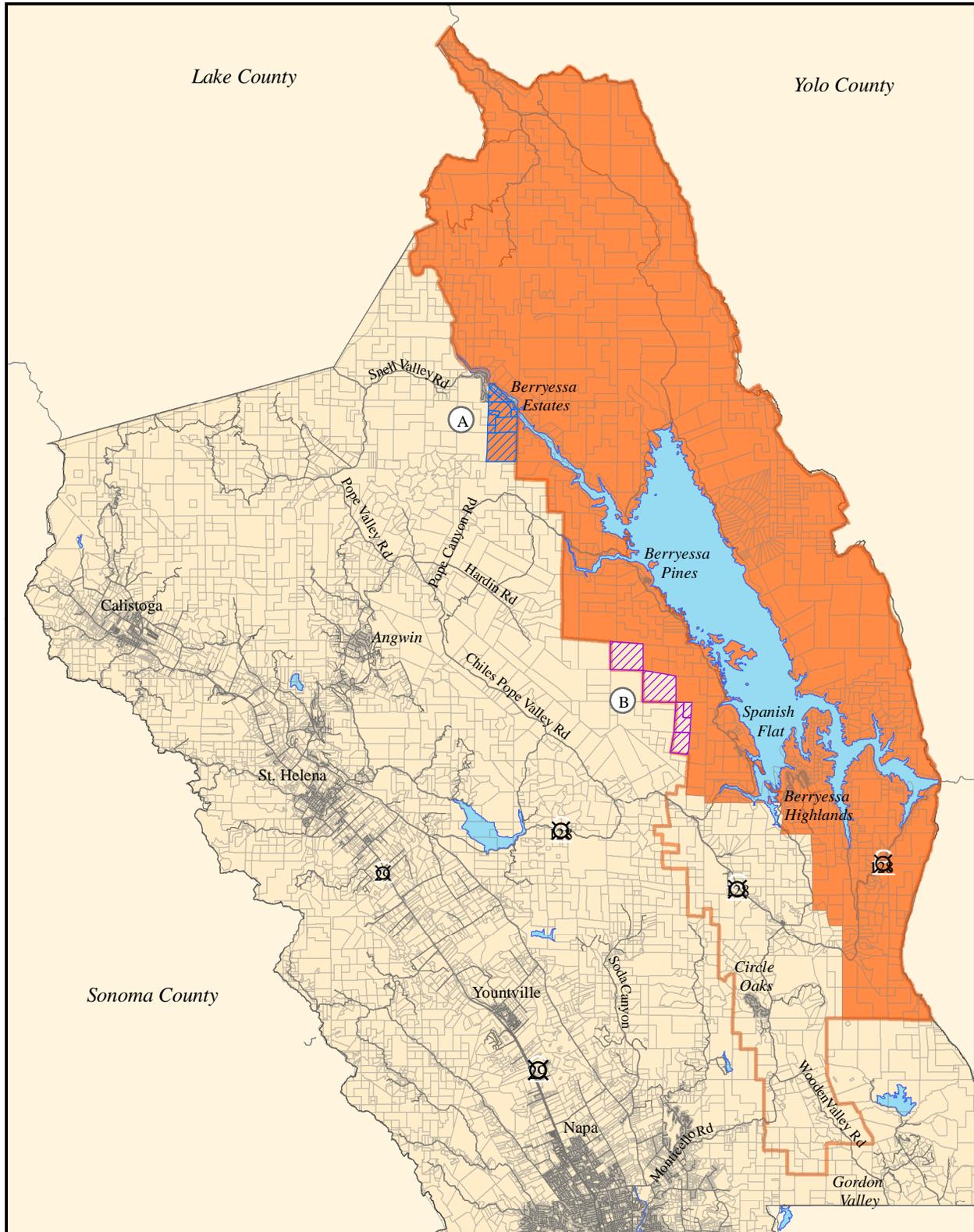
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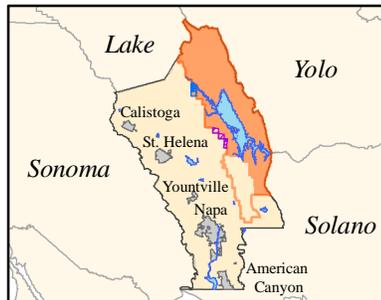
# Monticello Public Cemetery District Study Areas

ATTACHMENT FOUR



**Legend**

-  Monticello Public Cemetery District
-  Monticello Public Cemetery District Sphere of Influence
-  Study Area A  
(Inside MPCD; Inside PVCD's Sphere)
-  Study Area B  
(Inside PVCD; Inside MPCD's Sphere)



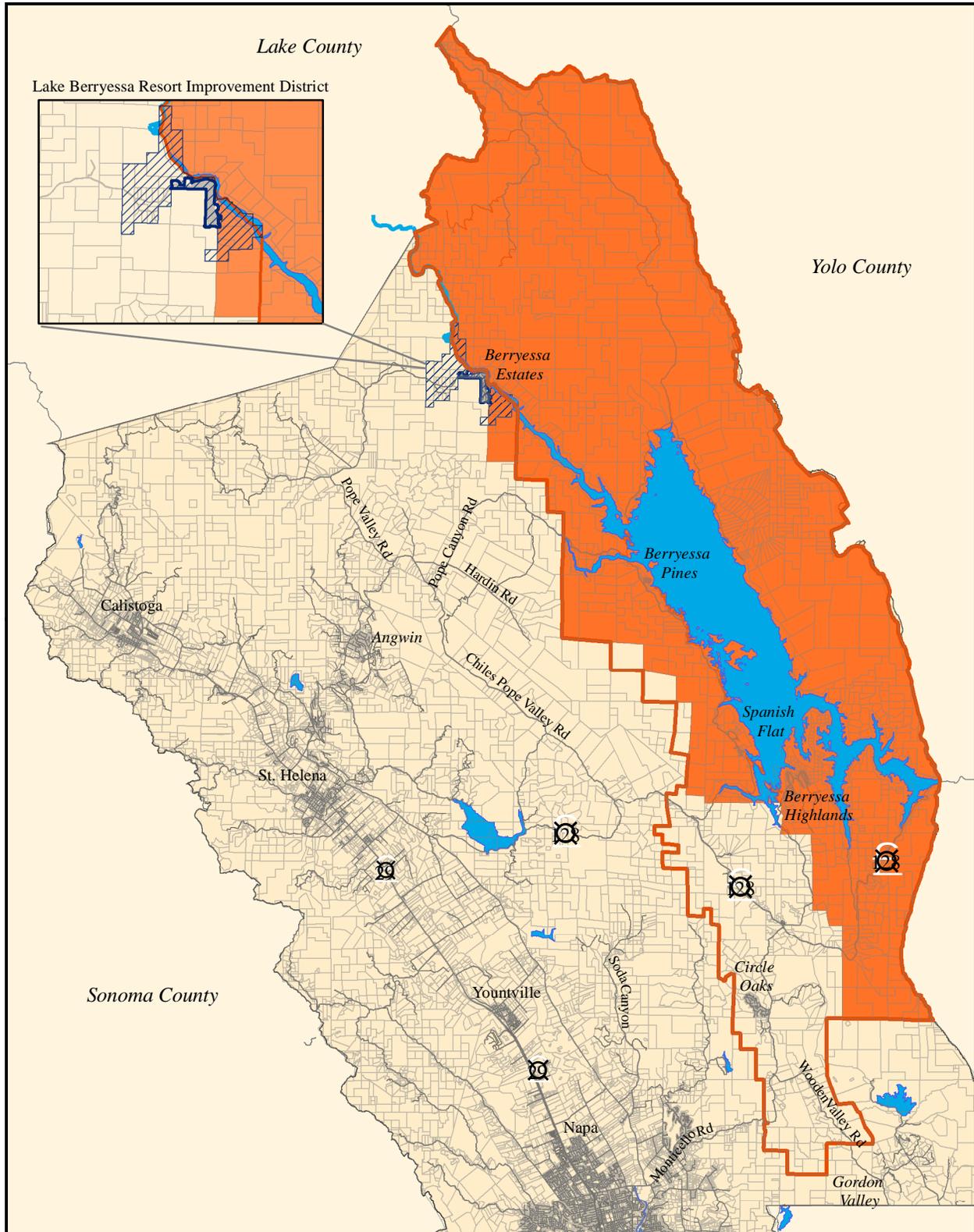
0 1.25 2.5 5 Miles  
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# Monticello Public Cemetery District Lake Berryessa Resort Improvement District

ATTACHMENT FIVE



## Legend

-  Monticello Public Cemetery District
-  Monticello Public Cemetery District Sphere of Influence
-  Lake Berryessa Resort Improvement District
-  Lake Berryessa Resort Improvement District Sphere of Influence



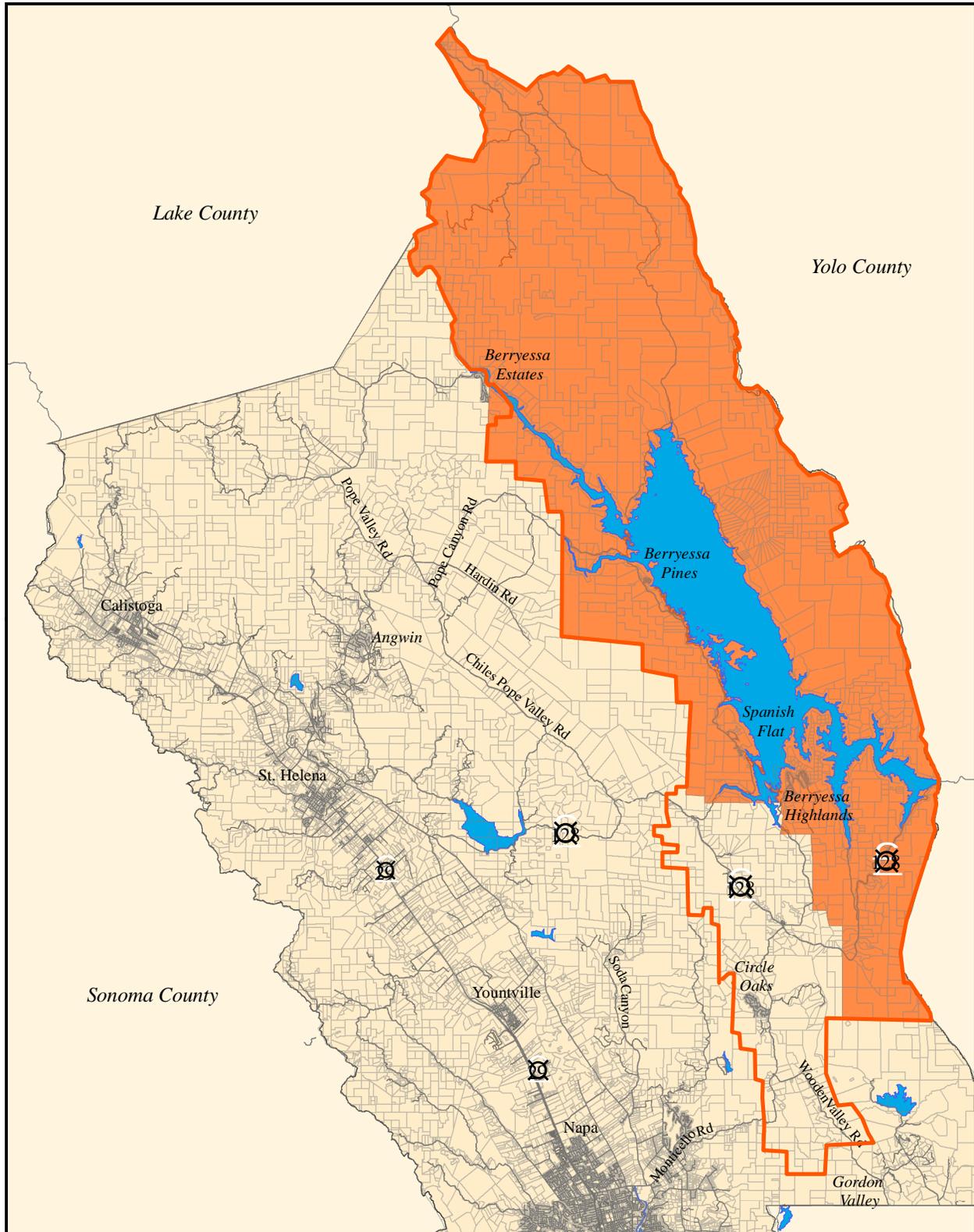
0 1.25 2.5 5 Miles

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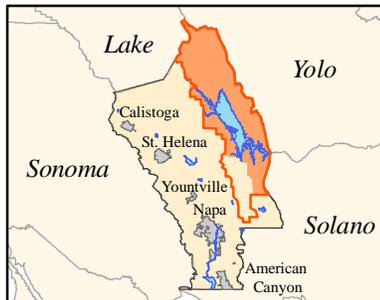
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# Monticello Public Cemetery District



**Legend**

-  Monticello Public Cemetery District
-  Monticello Public Cemetery District Proposed Sphere of Influence Update



0 1.25 2.5 5 Miles  
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