

**Resolution 20-03 of the  
Local Agency Formation Commission  
of  
Nevada County, California**

*Making Determinations and Approving Sphere of Influence Plan Update for the Nevada County Resource Conservation District*

WHEREAS, California Government Code Section 56425 requires that a Local Agency Formation Commission (“LAFCo”) adopt Spheres of Influence for all agencies in its jurisdiction and to review those spheres for possible update every five years; and,

WHEREAS, proceedings for adoption, update and amendment of a Sphere of Influence are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act, Section 56000 *et seq.* of the Government Code; and,

WHEREAS, Government Code Section 56425 defines the purpose of a Sphere of Influence Plan as assisting a LAFCo to carry out its responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities; and

WHEREAS, such a plan will be utilized by members of the public, public agencies, service providers and affected property owners to ascertain the timing of development and expected scope and provision of public services; and,

WHEREAS, the Sphere of Influence Plan is a flexible document that may be amended to accommodate changes in development patterns and local circumstances and, further, will be reviewed in five years; and,

WHEREAS, the Nevada County Resource Conservation District is an independent district which was established for the purpose of providing resource conservation services within its boundaries; and,

WHEREAS, on June 28, 1983, after a public hearing, Nevada LAFCo adopted Resolution 83-27, Making Determinations and Approving the Creation of a Sphere of Influence for the Resource Conservation District of Nevada County; and,

WHEREAS, California Government Code Section 56430 requires the Commission to conduct service reviews of the provision of municipal services prior to or in conjunction with action to update or adopt a sphere of influence; and,

WHEREAS, the Commission prepared a Municipal Service Review of Nevada County Resource Conservation Services in 2006 and adopted written determinations which relate to the services provided by Nevada County Resource Conservation District; and,

WHEREAS, in 2007 and in 2014, following noticed public hearings, the Commission adopted Resolutions 07-19 and 14-14 which approved sphere of influence plan updates for the Nevada County Resource Conservation District which provided for a sphere of influence with no additional territory beyond the district’s jurisdictional boundaries; and,

WHEREAS, the Executive Officer has reviewed the 2014 sphere of influence plan, the relevant Municipal Service Review and other pertinent documents; has prepared a report updating the Municipal Service Review determinations and summarizing the District’s capacity to provide services to the current and future population within its sphere of influence and including recommendations and conditions for update of the District’s sphere of influence; and has furnished copies of said report to the Commission and to all other persons required by law to receive it; and,

WHEREAS, at the time and in the manner provided by law, the Executive Officer gave notice of the date, time, and place of a public hearing by the Commission upon the Nevada County Resource Conservation District Sphere of Influence Plan; and,

WHEREAS, the Commission has heard all interested parties desiring to be heard and has considered the proposal and report by the Executive Officer and all other relevant evidence and information presented at said hearing;

NOW, THEREFORE, the Local Agency Formation Commission of Nevada County hereby determines the following:

**1. *The Commission's purposes and responsibility.***

The proposed update of the Sphere of Influence Plan for the Nevada County Resource Conservation District, including the conditions established herein, is consistent with the purposes and responsibility of the Commission for planning the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities.

**2. *Considerations specified in Government Code Section 56425 (e).***

The Commission has considered the documentation on file in this matter submitted by the District and other interested agencies and individuals, as well as the Municipal Service Review listed above, the Sphere of Influence Plan adopted and reconfirmed in 1983, 2007 and 2014, and various staff reports provided to the Commission as they relate to the following considerations stated in Government Code Section 56425(e)

**a. *The present and planned land uses in the area, including agricultural and open space lands.***

Territory within the Nevada County Resource Conservation District is under the land use authority of Nevada County and its three incorporated cities, as well as Sierra County. All general plans provide for a variety of residential, agricultural, commercial and industrial uses.

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

In addition to the resource conservation services provided by the District, the subject territory receives a variety of services from other agencies, including fire protection and emergency response, recreation and parks, public safety, streets and traffic circulation, and general government services.

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

The Sphere of Influence Plan and the Municipal Service Review document the District's capacity to meet current and projected demands.

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

There appear to be no communities of interest in the territory that would warrant special consideration.

**e. *For agencies that provide sewer, water or structural fire protection, the need of any disadvantaged unincorporated communities for those public facilities and services.***

The Nevada County Resource Conservation District does not provide any of the listed services.

**3. *Considerations specified in Government Code Section 56425(i).***

The Commission has considered the documentation on file in this matter submitted by the District and other interested agencies and individuals, as well as the Municipal Service Review and various staff reports provided to the Commission and has established the nature, location, and extent of the functions or classes of services provided by the District. The Nevada County Resource Conservation District operates under the provisions of the California Public Resources Code (Sections 9151, *et seq.*). The District provides resource conservation services as authorized under the provisions of the statute throughout its jurisdiction.

NOW, THEREFORE, the Local Agency Formation Commission of Nevada County also makes the following finding and determination:

1. The Commission finds that the update of the Sphere of Influence Plan for the Nevada County Resource Conservation District is consistent with the land use designations of the applicable land use authorities and with the Spheres of Influence of other service providers in the area.
2. The Commission, as Lead Agency for the purposes of the California Environmental Quality Act (CEQA), hereby determines that the update of the District's Sphere of Influence Plan will have no foreseeable environmental impacts and is therefore exempt from the California Environmental Quality Act (CEQA) under the provisions established by Section 15061 (b)(3) of the State CEQA Guidelines; and the Commission's determinations supporting *CEQA's Common Sense Exemption* are as follows:
  - The sphere of influence is coterminous with the RCD boundary and service area, and no change to this status is contemplated.
  - The RCD's service capacity is sufficient only for continued service within existing service areas.
  - The service provided by the District is consistent with applicable General Plans, as well as with the current land uses and needs of the residents.
  - No unusual circumstances relative to the District's services or to LAFCo's update of the sphere of influence have been identified.

AND, FURTHER, the Commission resolves and orders the following:

1. The Nevada County Resource Conservation District Sphere of Influence Map, included herein as Exhibit A, and containing only lands within the District's jurisdictional boundaries, is hereby adopted by the Commission.
2. The services provided by the District are heretofore designated as resource conservation services, including improvement of land capabilities, prevention and control of soil erosion and prevention of runoff.
3. The Nevada County Resource Conservation District Sphere of Influence Plan, contained within the report titled Nevada County Resource Conservation District Sphere of Influence Plan 2020, incorporating information provided by the 2006 Municipal Service Review, updated as relevant, as well as current information regarding the District's service capabilities as required by Section III of the Commission's Policies (Sphere of Influence Policies), is hereby approved and adopted by the Commission, and by this reference incorporated herein.
4. All changes of organization or reorganization for Nevada County Resource Conservation District must be consistent with the updated Sphere of Influence Plan and Map, as well as with adopted LAFCo Policies and Procedures.
5. The Commission directs staff to file a Notice of Exemption as lead agency pursuant to Public Resources Code Section 21152 and Section 15075 of the CEQA Guidelines.

The foregoing resolution was duly passed by the Local Agency Formation Commission of Nevada County at a regular meeting held on May 21, 2020, by the following roll call vote:

Ayes: Minett, Anderson, Klovstad, Miller, Susman, Wilcox, Grundel

Noes: none

Abstentions: none

Absent: none

Signed and approved by me after its passage this 21 day of May, 2020.

  
Kurt Grundel, Chair  
Nevada LAFCo

Attest:

  
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SR Jones, Executive Officer