

**RESOLUTION 21-04 OF THE  
LOCAL AGENCY FORMATION COMMISSION  
OF  
NEVADA COUNTY, CALIFORNIA**

**RESOLUTION OF THE NEVADA COUNTY LOCAL AGENCY FORMATION COMMISSION  
ADOPTING A NEGATIVE DECLARATION AND MAKING DETERMINATIONS PURSUANT TO  
SECTION 56425 OF THE GOVERNMENT CODE AND APPROVING AN UPDATE TO THE  
SPHERE OF INFLUENCE PLAN FOR THE KINGSBURY GREENS COMMUNITY SERVICE  
DISTRICT**

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires the Nevada County Local Agency Formation Commission ("LAFCo") to adopt a Sphere of Influence ("SOI") for each agency in its jurisdiction and to review each sphere for possible update every five years.

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

WHEREAS, a Sphere of Influence is defined by Government Code Section 56076 as "a plan for the probable physical boundary and service area of a local agency determined by the Commission;" and

WHEREAS, Government Code Section 56425 establishes 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, 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 (MSR) in 2015 on wastewater services in western Nevada County that evaluated the services provided by the County Sanitation District, the Kingsbury Greens Community Service District, and the cities of Grass Valley and Nevada City. Following a public hearing on April 23, 2015, the Commission adopted Resolution 15-03 approving the Municipal Service Review; and

WHEREAS, the Executive Officer prepared updates to the sphere of influence plans for the County Sanitation District and the Kingsbury Greens Community Service District using the information provided in the 2015 Western County Wastewater Municipal Service Review in addition to more recent information provided by staff and officials from each agency. The resulting report, titled "Western Nevada County Wastewater Agencies: County Sanitation District and Kingsbury Greens Community Service District Sphere of Influence Plans" was reviewed by the Commission on November 15, 2018; and

WHEREAS, the Commission provided direction to LAFCo staff to complete the sphere of influence plan updates for the County Sanitation District and the Kingsbury Greens Community Service District and to contract with an environmental consultant for CEQA services, including preparation of an initial study of potential environmental impacts associated with the sphere update project; and

WHEREAS, pursuant to section 21067 of the Public Resources Code and section 15367 of the State CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.), LAFCo is the lead agency for the project; and

WHEREAS, the Commission has determined that the sphere of influence update is a project as defined under the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, and is not categorically or statutorily exempt; and,

WHEREAS, the Commission has authorized the preparation of an Initial Study and Notice of Intent to Adopt a Negative Declaration and has caused it to be circulated to all affected and interested agencies, in accordance with State CEQA Guidelines; 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 updates to the sphere of influence plans for the County Sanitation District and the Kingsbury Greens Community Service District; 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 to the Sphere of Influence Plan for the Kingsbury Greens Community Service District, including the conditions established therein, is consistent with the Commission's policies, purposes and responsibilities 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 City and other governmental agencies and communities within Nevada LAFCo's jurisdiction.

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

The Commission has considered all documentation in this matter, including the Public Review Draft of the "Western Nevada County Wastewater Agencies: County Sanitation District and Kingsbury Greens Community Service District Sphere of Influence Plans," the Initial Study, and comments submitted by interested agencies and individuals as they relate to the following considerations stated in Government Code Section 56425(e): (1) the present and planned land uses in the area, including agricultural and open space lands; (2) the present and probable need for public facilities and services in the area; (3) the present capacity of public facilities and adequacy of public services which the agencies provide or are authorized to provide; (4) the existence of any social or economic communities of interest in the area; (5) the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence. The Commission's determinations on these factors are set forth in the "Western Nevada County Wastewater Agencies: County Sanitation District and Kingsbury Greens Community Service District Sphere of Influence Plans" (dated April 2021), as well as the analysis supporting the determinations that are incorporated herein by reference.

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

1. The Commission finds that the update to the Sphere of Influence Plan for the Kingsbury Greens Community Service District is consistent with the land use designations of the County of Nevada.
2. The Commission, as Lead Agency for the purposes of the California Environmental Quality Act (CEQA), hereby determines that there is no substantial evidence, in light of the whole record, that the project will not have any significant effect on the environment and, based on the Commission's independent judgment and analysis, hereby adopts a Negative Declaration for the update of the Sphere of Influence Plans of County Sanitation District Sphere and the Kingsbury Greens Community Service District of Influence Plans. The Negative Declaration relies upon the Initial Study prepared by LAFCo's environmental consultant and the record of proceedings. The record of proceedings for this decision is located at the offices of Nevada LAFCo and the Executive Officer is hereby designated as the custodian of the documents relating to this determination.

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

- 1) The Sphere of Influence map for the Kingsbury Greens Community Service District, included herein as *Exhibit A*, and containing only lands within the District's jurisdictional boundaries, is hereby adopted by the Commission.
- 2) The Kingsbury Greens Community Service District Sphere of Influence Plan (contained within the document titled "Western Nevada County Wastewater Agencies Sphere of Influence Plans" and dated April 2021) is hereby approved and adopted by the Commission, and by this reference incorporated herein.
- 3) All changes of organization or reorganization for the Kingsbury Greens Community Service District must be consistent with the updated Sphere of Influence Plan and Maps.
- 4) All changes of organization or reorganization for the Kingsbury Greens Community Service District must be consistent with adopted LAFCo Policies.
- 5) The Commission directs staff to file a Notice of Determination 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 special meeting held on April 15, 2021, by the following roll call vote:

Ayes: Aguilar, Bullock, Glenn, Johansen, Miller, Zabriskie, Grundel

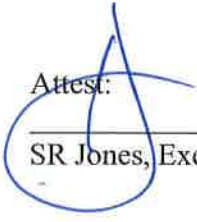
Noes: None


Abstentions: None

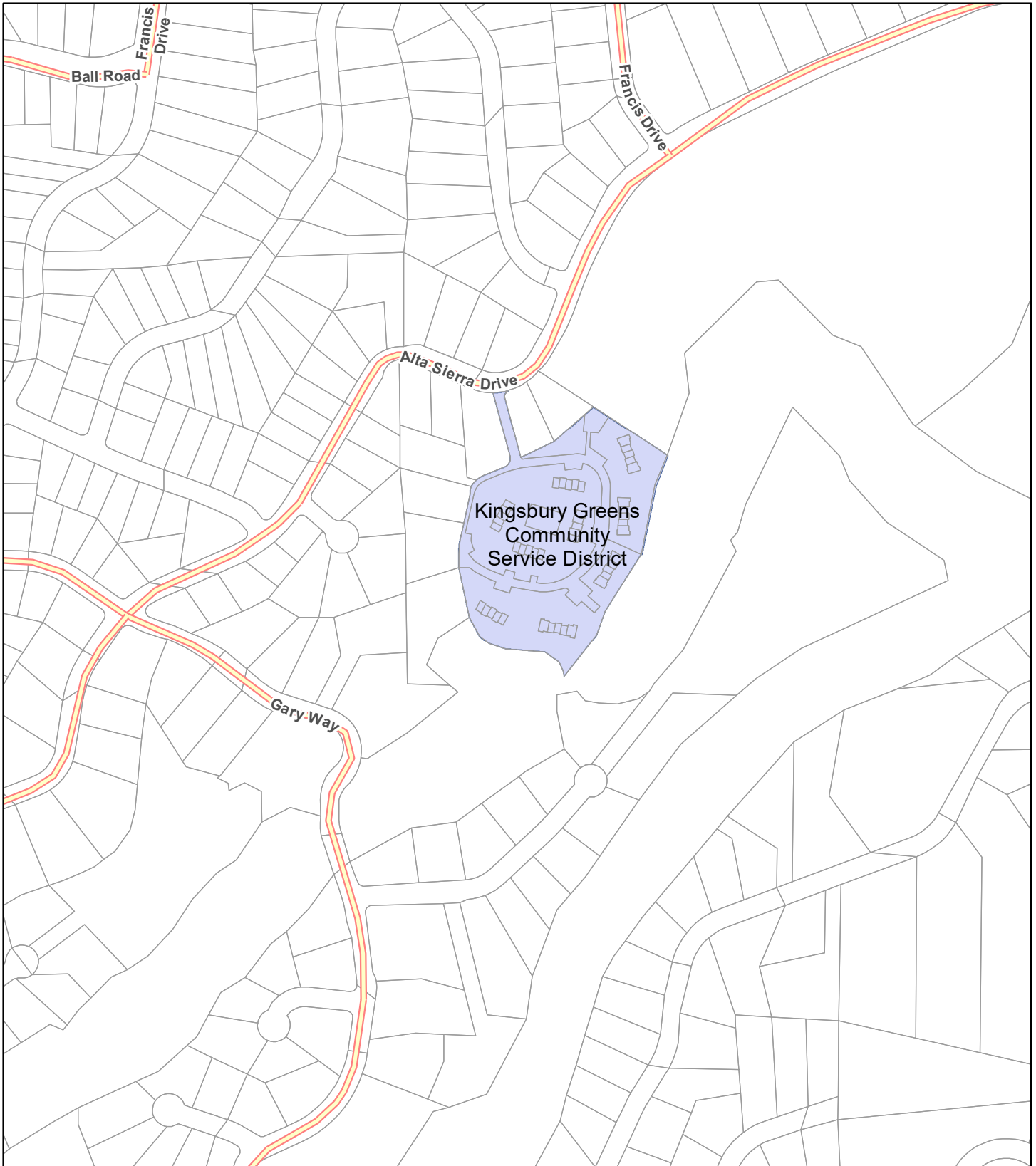
Absent: None

Signed and approved by me after its passage this 15<sup>th</sup> day of April 2021.

Attest:

  
\_\_\_\_\_  
SR Jones, Executive Officer

  
\_\_\_\_\_  
Kurt Grundel, Chairman  
Nevada LAFCo



Kingsbury Greens Community Service District  
Boundaries and Coterminous Sphere

Approved by  
Nevada County Local Agency Formation  
Commission

~~~~~  
Resolution 21-04 -- April 15, 2021