

**Resolution 21-06 of the
Local Agency Formation Commission
of
Nevada County, California**

Making Determinations and Approving Sphere of Influence Plan Update for the Bear River Recreation and Park 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 Bear River Recreation and Park District is an independent district which was established for the purpose of providing recreation services within its boundaries; 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 Recreation and Park Services in 2006 and adopted written determinations on services provided throughout the County; and,

WHEREAS, in 2009 and in 2014, following noticed public hearings, the Commission approved sphere of influence plan updates for the Bear River Recreation and Park 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 more recent documentation prepared by the District and the County relative to recreation services, and has prepared a report summarizing the District’s capacity to provide services to the current and future population within its current service area and sphere of influence 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 Bear River Recreation and Park 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 Bear River Recreation 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, including the Municipal Service Review listed above, the Sphere of Influence Plan report prepared by LAFCo staff, and various 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 Bear River Recreation and Park District is under the land use authority of Nevada County. The General Plan provides for a variety of land uses, including residential, commercial and industrial. The sphere of influence for the District includes no lands beyond the District's jurisdictional boundaries.

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

In addition to the recreation services provided by the District, the subject territory receives a variety of services from other agencies, including fire protection and emergency response, public safety, streets and traffic circulation, general government services, and water and wastewater services (some portions).

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 report documents 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.

Relevant communities of interest are discussed in the Sphere of Influence plan report. Two large residential communities are served by the District: Lake of the Pines and the Alta Sierra communities.

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 Bear River Recreation and Park 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 Bear River Recreation and Park District operates under the provisions of the California Public Resources Code (Sections 5780, *et seq.*). The District provides the following recreation services as authorized under the provisions of the statute throughout its jurisdiction:

- a. Organization, promotion and conduct of community recreation programs
- b. Establishment and operation of systems of recreation and recreation facilities
- c. Acquisition, construction, improvement, maintenance and operation of recreation facilities.

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

1. The Commission finds that the update of the Sphere of Influence Plan for the Bear River Recreation and Park 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 District's boundary and service area, and no change to this status is contemplated.
 - The District's service capacity is sufficient only for continued service within existing service areas.
 - The service provided by the District is consistent with the General Plan, 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 Bear River Recreation and Park 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 Recreation and Park services as authorized by the California Public Resources Code, Sections 5780, et seq).
3. The Bear River Recreation and Park District Sphere of Influence Plan, contained within the report titled *Nevada County Recreation and Park Districts Sphere of Influence Plans 2021*, 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 Bear River Recreation and Park 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 November 18, 2021, by the following roll call vote:

Ayes: Bullock, Heck, Mangel, Miller, Minett, Zabriskie, Susman

Noes: none

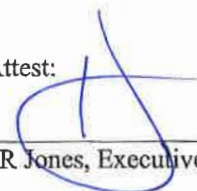
Abstentions: none

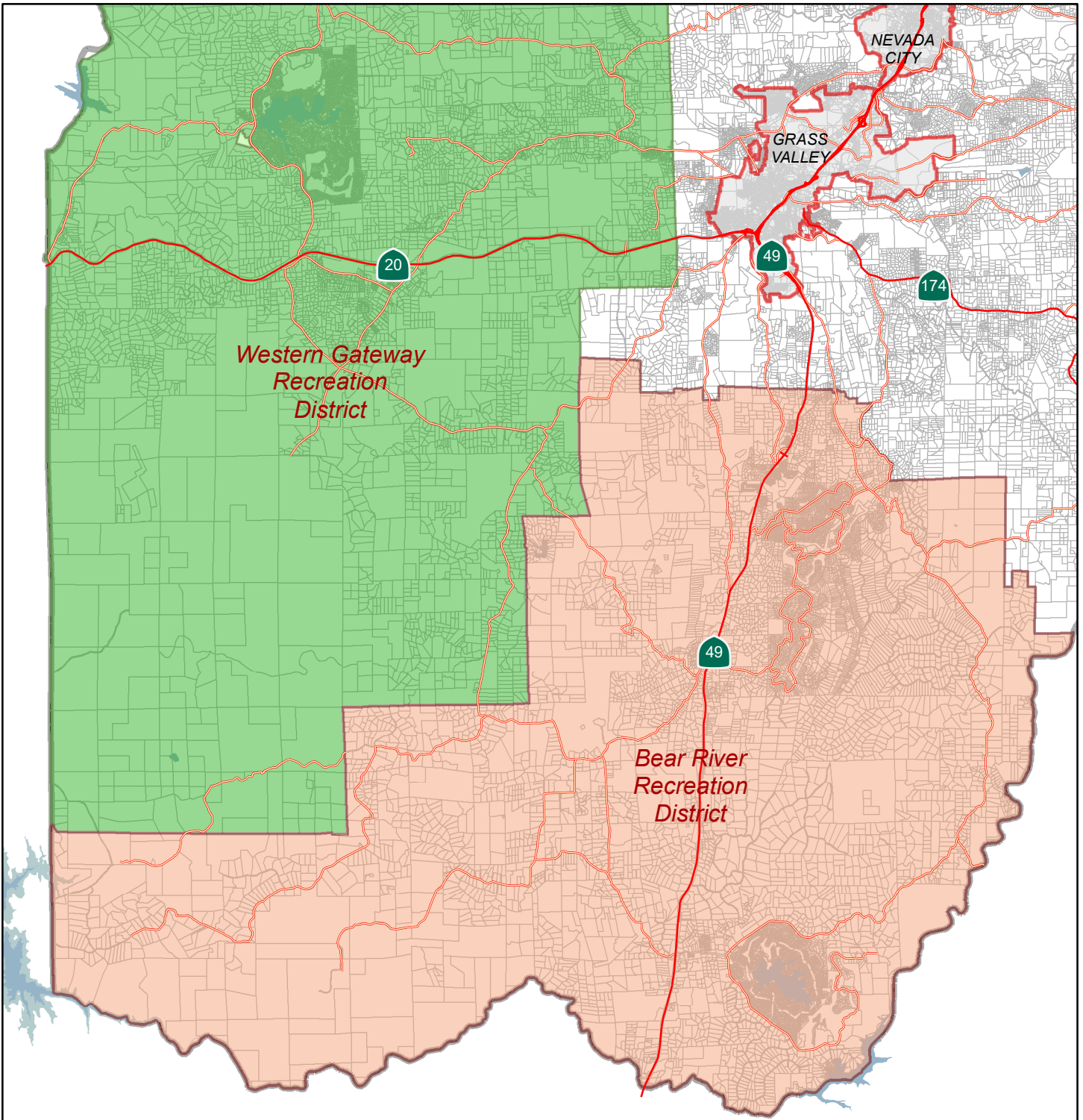
Absent: Aguilar, Hoek

Signed and approved by me after its passage this 18th day of November, 2021.


Josh Susman, Chair
Nevada LAFCo

Attest:


SR Jones, Executive Officer



Bear River Recreation and Park District
Boundaries and Coterminous Sphere of Influence
Adopted by Nevada County LAFCo
November 18, 2021 ... Resolution 21-06