

RESOLUTION NUMBER L-2009-09

**Update to the Kelsey Cemetery District
Sphere of Influence**

LAFCO Project No. 2009-02

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the organization and reorganization of cities and special districts by local agency formation commissions established in each county, as defined and specified in Government Code Sections 56000 et seq. (unless otherwise indicated all statutory references are to the Government Code); and

WHEREAS, Section 56425 et seq. provides that the local agency formation commission in each county shall develop and determine the sphere of influence of each local governmental agency within the county, and enact policies designed to promote the logical and orderly development of areas within the spheres of influence, as more fully specified in Sections 56425 et seq.; and

WHEREAS, Section 56430 requires that local agency formation commissions conduct a municipal service review (MSR) prior to, or in conjunction with, consideration of actions to establish or update a sphere of influence (SOI) in accordance with Sections 56076 and 56425; and

WHEREAS, pursuant to Section 56430, in order to prepare and update the sphere of influence, the Commission conducted a Municipal Service Review of the Kelsey Cemetery District and adopted a written statement of determinations in conjunction with this sphere of influence update on September 23, 2009; and

WHEREAS, the Executive Officer reviewed the sphere of influence update pursuant to the California Environmental Quality Act (CEQA), and recommended that the project is exempt from CEQA under Section 15061(b)(3) because it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA, and, based thereon, the Executive Officer prepared a Notice of Exemption; and

WHEREAS, the Executive Officer set a public hearing for September 23, 2009 for consideration of the environmental review and the draft sphere of influence update for Kelsey Cemetery District and caused notice thereof to be posted, published and mailed at the times and in the manner required by law at least twenty-one (21) days in advance of the date; and

WHEREAS, on September 23, 2009 the draft sphere of influence update came on regularly for hearing before LAFCO, at the time and place specified in the Notice; and

WHEREAS, at said hearing, LAFCO reviewed and considered the draft sphere of influence, and the Executive Officer's Report and Recommendations; each of the policies, priorities and factors set forth in Government Code Section 56425 et seq.; LAFCO's Policies and Guidelines related to spheres of influence, starting with Policy 4.0; and all other matters presented as prescribed by law; and

WHEREAS, at that time, an opportunity was given to all interested persons, organizations, and agencies to present oral or written testimony and other information concerning the proposal and all related matters; and

WHEREAS, the Commission received, heard, discussed, and considered all oral and written testimony related to the sphere update, including but not limited to protests and objections, the Executive Officer's report and recommendation, the environmental document and determinations and the service review; and

WHEREAS, pursuant to Government Code Section 56425(i)(2), the Commission does hereby establish the functions and classes of services provided by Kelsey Cemetery District as follows: public cemetery services; and

WHEREAS, the Commission does hereby make the following determinations regarding the proposal pursuant to Government Code Section 56425(e):

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

The majority of present land use in the KCD area includes rural residential and agricultural uses. Primarily residential areas within KCD are spread throughout the district; however, residential patterns loosely follow major road arteries, including Highway 193, Garden Valley Road, Garden Park Drive, Shoo Fly Road, Stewart Mine Road and Traverse Creek Road. Future land uses are expected to remain relatively unchanged, with population growth likely lower than the projections for other unincorporated portions of the Western Slope. The 2004 General Plan encourages future development to remain within the community regions such as Garden Valley. There are no known development proposals expected to occur outside of the cemetery district boundary within the immediate vicinity that may require a future amendment to the KCD sphere of influence.

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

The current population of the area within the KCD is approximately 2,000 people. Given the 2004 County General Plan population projections and the historically slower growth pattern in the Kelsey area, KCD can expect to serve fewer than 3,300 residents in the next 20 years. With this modest population increase, the estimated average mortality rate and estimated 300 ground plots still available, the district should have adequate capacity to serve the given area for at least the next 50 years.

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

The KCD Board has been very conservative with operational expenditures; only budgeting enough funds to cover the minimal operational costs. Despite the district's lack of employed staff and current fiscal challenges, it appears to be providing an acceptable level of service to its residents. KCD is adequately preparing for future cemetery maintenance with an established endowment care fund, which, if managed properly, should be sufficient to sustain the current level of maintenance once the cemetery reaches full capacity and is no longer able to generate funds through the sale of plots.

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

Garden Valley is the only social or economic community of interest that is partially included within the KCD boundaries, which amounts to a relatively small portion of the district area.

NOW, THEREFORE BE IT HEREBY RESOLVED, DETERMINED, ORDERED AND FOUND:

Section 1. Each of the foregoing recitals is true and correct.

Section 2. The Notice of Exemption prepared by the Executive Officer is approved as the appropriate environmental document for this project.

Section 3. The update to the Kelsey Cemetery District's Sphere of Influence to affirm the current sphere is orderly, logical and justifiable.

Section 4. The Executive Officer is directed to file a Notice of Exemption under Section 15061(b)(3) in compliance with the California Environmental Quality Act and local ordinances implementing the same.

Section 5. The Kelsey Cemetery District's sphere of influence is updated to affirm its current sphere as shown on the attached map, marked Exhibit A, attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED by the El Dorado Local Agency Formation Commission at a regular meeting of said Commission, held September 23, 2009 by the following vote of said Commission.

Birdwell, Briggs, Hagen,

Humphreys, Norris, Loftis

AYES:

NOES: None

ABSTENTIONS: None

ABSENT: Sweeney

ATTEST:



Interim Clerk to the Commission


Chairperson

APPROVED

EXHIBIT A

