

MODOC LAFCO

**MODOC CEMETERY DISTRICTS
SPHERE OF INFLUENCE**

Adin Cemetery District

Alturas Cemetery District

Bidwell Cemetery District

Cedarville Cemetery District

Davis Creek Cemetery District

Eagleville Cemetery District

Lake City Cemetery District

Likely Cemetery District

Lookout Cemetery District

Willow Ranch Cemetery District

***Adopted
August 10, 2010
Resolution 2010-07***

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1 INTRODUCTION

1.1 LAFCO's Responsibilities

This Sphere of Influence (SOI) Study has been prepared for the Modoc Local Agency Formation Commission (Modoc LAFCO). Local Agency Formation Commissions (LAFCO's) are quasi-legislative local agencies created in 1963 to assist the State in encouraging the orderly development and formation of local agencies. This SOI Study consists of a review of the cemetery districts in Modoc County. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000 et seq.) is the statutory authority for the preparation of an MSR and periodic updates of the Sphere of Influence of each local agency.

A Sphere of Influence is a plan for the probable physical boundaries and service area of a local agency, as determined by the affected Local Agency Formation Commission (Government Code §56076). Government Code §56425(f) requires that each Sphere of Influence be updated not less than every five years as necessary, and §56430 provides that a Municipal Service Review shall be conducted in advance of the Sphere of Influence update.

1.2 Sphere of Influence Requirements

In determining the Sphere of Influence for each local agency, LAFCO must consider and prepare a written statement of determinations with respect to each of the following:

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 agency provides, or is authorized to provide; and
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.

1.3 LAFCO Policies and Procedures Related to Spheres of Influence

Modoc LAFCO has adopted policies and procedures related to municipal services that are included as part of an overall Modoc LAFCO policy, standards and procedures document.

1.4 Description of Public Participation Process

Modoc LAFCO is authorized by the California Legislature and delegated powers as stated in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act). LAFCO proceedings are subject to the provisions California's open meeting law, the Ralph M. Brown Act (Government Code Sections 54950 et seq.)

The Brown Act requires advance posting of meeting agendas and contains various other provisions designed to ensure that the public has adequate access to information regarding the proceedings of public boards and commissions. Modoc LAFCO complies with the requirements of the Brown Act.

SOI policies have been adopted by the Modoc LAFCO. Modoc LAFCO has discussed and considered the SOI process in open session, and has adopted a schedule for completing the various municipal service reviews and sphere of influence updates for Modoc County. Each Sphere of Influence will be prepared as a draft, and will be subject to public and agency comment prior to final consideration by the Modoc LAFCO.

1.5 Possible Approaches to the Sphere of Influence

LAFCO may recommend government reorganizations to particular agencies in the county, using the SOIs as the basis for those recommendations. Based on review of the guidelines of Modoc LAFCO as well as other LAFCOs in the State, various conceptual approaches have been identified from which to choose in designating an SOI. These seven approaches are explained below:

1) Coterminous Sphere:

A Coterminous Sphere means that the Sphere of Influence for a city or special district that is the same as its existing boundaries of the city or district.

2) Annexable Sphere:

A sphere larger than the agency's boundaries identifies areas the agency is expected to annex. The annexable area is outside the district boundaries and inside the sphere of influence.

3) Detachable Sphere:

A sphere that is smaller than the agency's boundaries identifies areas the agency is expected to detach. The detachable area is the area within the agency bounds but not within its sphere of influence.

4) Zero Sphere:

A zero sphere indicates the affected agency's public service functions should be reassigned to another agency and the agency should be dissolved or combined with one or more other agencies.

5) Consolidated Sphere:

A consolidated sphere includes two or more local agencies and indicates the agencies should be consolidated into one agency.

6) Limited Service Sphere:

A limited service sphere is the territory included within the SOI of a multi-service provider agency that is also within the boundary of a limited purpose district which provides the same service (e.g., fire protection), but not all needed services. Territory designated as a limited service SOI may be considered for annexation to the limited purpose agency without detachment from the multi-service provider.

This type of SOI is generally adopted when the following conditions exist:

- a) The limited service provider is providing adequate, cost effective and efficient services
- b) The multi-service agency is the most logical provider of the other services
- c) There is no feasible or logical SOI alternative
- d) Inclusion of the territory is in the best interests of local government organization and structure in the area

Government Code §56001 specifically recognizes that in rural areas it may be appropriate to establish limited purpose agencies to serve an area rather than a single service provider, if multiple limited purpose agencies are better able to provide efficient services to an area rather than one service district.

Moreover, Government Code Section §56425(i), governing sphere determinations, also authorizes a sphere for less than all of the services provided by a district by requiring a district affected by a sphere action to “establish the nature, location, and extent of any functions of classes of services provided by existing districts” recognizing that more than one district may serve an area and that a given district may provide less than its full range of services in an area.

7) Sphere Planning Area:

LAFCO may choose to designate a sphere planning area to signal that it anticipates expanding an agency’s SOI in the future to include territory not yet within its official SOI.

1.6 SOI Update Process

LAFCO is required to establish SOIs for all local agencies and enact policies to promote the logical and orderly development of areas within the SOIs. Furthermore, LAFCO must update those SOIs every five years, as necessary. In updating the SOI, LAFCO is required to conduct a Municipal Service Review (MSR) and adopt related determinations. This report identifies SOI determinations and recommends a SOI for the cemetery districts within Modoc County.

LAFCO must notify affected agencies 21 days before holding a public hearing to consider the SOI and may not update the SOI until that hearing is closed. The LAFCO Executive Officer must issue a report including recommendations on the SOI amendment and update under consideration at least five days before the public hearing.

1.7 SOI Amendments and CEQA

LAFCO has the discretion to limit SOI updates to those that it may process without unnecessarily delaying the SOI update process or without requiring its funding agencies to bear the costs of environmental studies associated with SOI expansions. Any local agency or individual may file a request for an SOI amendment. The request must state the nature of and reasons for the proposed amendment, and provide a map depicting the proposal.

LAFCO may require the requester to pay a fee to cover LAFCO costs, including the costs of appropriate environmental review under CEQA. LAFCO may elect to serve as lead agency for such a review, may designate the proposing agency as lead agency, or both the local agency and LAFCO may serve as co-lead agencies for purposes of an SOI amendment.

Local agencies are encouraged to consult with LAFCO staff early in the process regarding the most appropriate approach for the particular SOI amendment under consideration.

Certain types of SOI amendments are likely exempt from CEQA review. Examples are SOI expansions that include territory already within the bounds or service area of an agency, SOI reductions, zero SOIs and coterminous SOI's. SOI expansions for limited purpose agencies that provide services (e.g., fire protection, levee protection, cemetery, and resource conservation) needed by both rural and urban areas are typically not considered growth-inducing and are likely exempt from CEQA. Similarly, SOI expansions for districts serving rural areas (e.g., irrigation water) are typically not considered growth-inducing.

Remy et al. write:

“In *City of Agoura Hills v. Local Agency Formation Commission* (2d Dist.1988) 198 Cal.App.3d480, 493-496 [243 Cal.Rptr.740] (*City of Agoura Hills*), the court held that a LAFCO's decision to approve a city's sphere of influence that in most respects was coterminous with the city's existing municipal boundaries was not a “project” because such action did not entail any potential effects on the physical environment.”¹

Since the recommendation is to keep the Spheres of Influence for the cemetery districts the same as the district boundaries there will be no environmental impacts from the adoption of the Sphere and no environmental document is required.

1.8 Spheres of Influence for Cemetery Districts

Information contained in this Sphere of Influence is only current as of the date of adoption. LAFCO Policy 3.3 (d) calls for an updated Municipal Service Review at the time a proposal is made. Policy 2.18 essentially requires an updated Municipal Services Review anytime a change of organization is proposed provided significant changes in the Municipal Service Review baseline occur.

The recommendation is for each of the ten cemetery districts to have a Sphere of Influence which is the same as the district boundary. It appears that little would be gained by trying to combine one or two districts. At some time in the future it could be necessary to combine all of the cemetery districts into one district. This could happen if there were not enough community interest to provide volunteers for the various boards. At this time it would benefit the districts to develop similar fee schedules, adopting the highest fees charged at least for nonresidents.

¹ Remy, Michael H., Tina A. Thomas, James G. Moose, Whitman F. Manley, Guide to CEQA, Solano Press Books, Point Arena, CA, February 2007, page 111.

2 ADIN CEMETERY DISTRICT

The Adin Cemetery District is located in the Big Valley area of Modoc County.

2.1 SOI Determinations on Present and Planned Land Use for the Adin Area

- 1-1] Adin is a rural community with an agriculturally-oriented population in the outlying areas.²
- 1-2] Population within the Adin Area is not expected to increase from the existing population of 599.

2.2 SOI Determinations on Facilities and Services: Present and Probable Need for the Adin Cemetery District

- 2-1] The Adin Cemetery and the Adin Pioneer Cemetery are well maintained.

2.3 SOI Determinations on Public Facilities Present and Future Capacity for the Adin Cemetery District

- 3-1] The District has adequate land for the future.
- 3-2] The Adin Cemetery District has adequate funds but a fee increase is recommended.

2.4 SOI Determinations on Social or Economic Communities of Interest for the Adin Cemetery District

- 4-1] The Adin Cemetery District provides a focus for the community and for residents of other areas who may have historic ties to Adin.

² County of Modoc, "Modoc County General Plan 1988 Background Report" P. 163.

MAP OF ADIN CEMETERY DISTRICT

3 ALTURAS CEMETERY DISTRICT

Alturas is the most northeastern incorporated city in the State of California. It is the County Seat of the County of Modoc.

3.1 SOI Determinations on Present and Planned Land Use for the Alturas Area

- 1-1] Population within Alturas has declined since 2000. Future population growth will be slow.
- 1-2] Land use within the City of Alturas is determined by the City General Plan and zoning.
- 1-3] Land use within the unincorporated area is determined by the Modoc County General Plan and zoning

3.2 SOI Determinations on Facilities and Services: Present and Probable Need for the Alturas Cemetery District

- 2-1] The Alturas Cemetery District has adequate capacity and infrastructure.
- 2-2] The Alturas Cemetery is 45 acres in size. The Cemetery District has two full-time employees, a Sexton and a Groundskeeper. The Cemetery was recently expanded in size and it is estimated that there is sufficient land for the next ten years.³

3.3 SOI Determinations on Public Facilities Present and Future Capacity for the Alturas Cemetery District

- 3-1] The Alturas Cemetery District is in a good financial position due to its relatively high AB-8 share and miscellaneous revenue charged by the district.

3.4 SOI Determinations on Social or Economic Communities of Interest for the Alturas Cemetery District

- 4-1] The Alturas Cemetery and Pioneer Cemetery provide a focus for the community contribute to the record of the area history. The District and the City should work together so the district would assume maintenance operations at the Pioneer Cemetery.

³ Alturas Cemetery District, Johnny Northrup, Sexton, Phone: 530-233-2525, September 10, 2009.

MAP OF ALTURAS CEMETERY DISTRICT

4 FORT BIDWELL CEMETERY DISTRICT

Fort Bidwell, located near the north end of Surprise was built in 1863.

4.1 SOI Determinations on Present and Planned Land Use for the Fort Bidwell Area

1-1] The Modoc County General Plan 1988 Background Report states that Fort Bidwell would have a population of 465 in 2000. There were 78 housing units in 1985.⁴ The County of Modoc Housing Element 2003-2008 adopted May 9, 2006 states that the Community of Fort Bidwell has 17 available parcels (10.99 acres) which would allow 17 additional dwelling units. The primary service constraint to growth is the lack of community water and wastewater collection and treatment systems.⁵

4.2 SOI Determinations on Facilities and Services: Present and Probable Need for the Fort Bidwell Cemetery District

2-1] The Fort Bidwell Cemetery is located on Cemetery Hill at the end of West North Street in Fort Bidwell. The Cemetery is ten acres in size with six acres developed for use and four acres reserved for future use. There are 1384 grave sites used and 476 grave sites available for use. The District employs a part-time caretaker to maintain the Cemetery May through October.⁶

4.3 SOI Determinations on Public Facilities Present and Future Capacity for the Fort Bidwell Cemetery District

3-1] Since the facilities are adequate for the future, the District has no plans for improvements at this time.

4.4 SOI Determinations on Social or Economic Communities of Interest for the Fort Bidwell Cemetery District

4-1] Many historic sites remain in Fort Bidwell, including the Cemetery.

⁴ County of Modoc, "Modoc County General Plan 1988 Background Report" P. 168.

⁵ County of Modoc, Housing Element 2003-2008, May 9, 2006, P. 29.

⁶ Fort Bidwell Cemetery District, Jane Higgins, President, PO Box 85, Fort Bidwell, CA 96112, November 20, 2009.

MAP OF FORT BIDWELL CEMETERY DISTRICT

5 CEDARVILLE CEMETERY DISTRICT

Cedarville is an agricultural community, the largest in Surprise Valley.

5.1 SOI Determinations on Present and Planned Land Use for the Cedarville Area

1-1] As of the 2000 census, there were 849 people and 457 housing units for the 96104 zip code. The Cedarville County Water District reported 232 active residential connections as of May, 2007.

5.2 SOI Determinations on Facilities and Services: Present and Probable Need for the Cedarville Cemetery District

2-1] There is one cemetery, sixteen acres in size. The land was donated to the Cemetery District. There is one part-time caretaker.

5.3 SOI Determinations on Public Facilities Present and Future Capacity for the Cedarville Cemetery District

3-1] The Cedarville Cemetery District has adequate financial support through taxes.

5.4 SOI Determinations on Social or Economic Communities of Interest for the Cedarville Cemetery District

4-1] The Cedarville Cemetery District provides a necessary service for the community of Cedarville.

MAP OF CEDARVILLE CEMETERY DISTRICT

6 DAVIS CREEK CEMETERY DISTRICT

Davis Creek is an unincorporated community. The town's population is at least 100 with up to 439⁷ in the surrounding area. There is a post office, service station, and mini-mart housed in a single structure.⁸

6.1 SOI Determinations on Present and Planned Land Use for the Davis Creek Area

- 1-1] The Modoc County General Plan 1988 Background Report estimated that the population of Davis Creek would be 185 in 2000. There were 25 houses in 1985.⁹

6.2 SOI Determinations on Facilities and Services: Present and Probable Need for the Davis Creek Cemetery District

- 2-1] The Davis Creek Cemetery is located on Harmony Hill on County Road 11 in Davis Creek. The one-hundred year-old Cemetery is four acres in size. The land was donated for the Cemetery. The District contracts for maintenance services as needed.

6.3 SOI Determinations on Public Facilities Present and Future Capacity for the Davis Creek Cemetery District

- 3-1] The District plans to install a new fence around the Cemetery in 2010. The District is also working with the local Boy Scouts to construct a Memorial Wall where people can install individual plaques to remember family and friends.¹⁰

6.4 SOI Determinations on Social or Economic Communities of Interest for the Davis Creek Cemetery District

- 4-1] The Davis Creek Cemetery provides a focus for the community and is a source of pride and a way to preserve the history of the area.

⁷ http://realestate.yahoo.com/California/Davis_Creek/neighborhoods:_ylt=AvErqpt0fc8PQdhddYvPHnykF7kF

⁸ http://en.wikipedia.org/wiki/Davis_Creek%2C_California

⁹ County of Modoc, "Modoc County General Plan 1988 Background Report" P. 174.

¹⁰ Davis Creek Cemetery District, Elizabeth Ingraham, Director, 530-233-3009, November 30, 2009.

MAP OF DAVIS CREEK CEMETERY DISTRICT

7 EAGLEVILLE CEMETERY DISTRICT

The bald eagles that gave the town its name can still be seen each spring roosting high in the cottonwood trees near Eagleville which is located in the Surprise Valley area of Modoc County.

7.1 SOI Determinations on Present and Planned Land Use for the Eagleville Area

- 1-1] The Modoc County General Plan 1988 Background Report estimated that Eagleville would have a population of 300 in 2000. There were 50 dwelling units in 1985.¹¹ The County of Modoc Housing Element 2003-2008 adopted May 9, 2006 states that the Community of Eagleville has 15 available parcels (4.83 acres) which would allow 15 additional dwelling units. The primary service constraint to growth is the lack of community water and wastewater collection and treatment systems.¹²

7.2 SOI Determinations on Facilities and Services: Present and Probable Need for the Eagleville Cemetery District

- 2-1] The capacity and infrastructure for the Eagleville Cemetery District is adequate.
2-2] The District employs a part-time care-taker to maintain the Cemetery.

7.3 SOI Determinations on Public Facilities Present and Future Capacity for the Eagleville Cemetery District

- 3-1] The Eagleville Cemetery is about two acres in size.

7.4 SOI Determinations on Social or Economic Communities of Interest for the Eagleville Cemetery District

- 4-1] The Eagleville Cemetery provides a service necessary for a complete community. The Board of Directors meets at the Store or at the Community Hall.

¹¹ County of Modoc, "Modoc County General Plan 1988 Background Report" P. 182.

¹² County of Modoc, Housing Element 2003-2008, May 9, 2006, P. 29.

MAP OF EAGLEVILLE CEMETERY DISTRICT

8 LAKE CITY CEMETERY DISTRICT

Lake City is located in the Surprise Valley between Cedarville (to the south) and Fort Bidwell (to the north). Lake City founded in 1864, was the first organized community in the area.

8.1 SOI Determinations on Present and Planned Land Use for the Lake City Area

- 1-1] The Modoc County General Plan 1988 Background Report states that Lake City would have a population of 285 by 2000. In 1985 there were 37 dwelling units.¹³ The County of Modoc Housing Element 2003-2008 adopted May 9, 2006, states that the Community of Lake City has 14 available parcels (4.25 acres) which would allow 14 additional dwelling units. The primary service constraint to growth is the lack of community water and wastewater collection and treatment systems.¹⁴

8.2 SOI Determinations on Facilities and Services: Present and Probable Need for the Lake City Cemetery District

- 2-1] The Lake City Cemetery has one acre of land developed for plots and additional undeveloped land.

8.3 SOI Determinations on Public Facilities Present and Future Capacity for the Lake City Cemetery District

- 3-1] The Lake City Cemetery District has a reserve fund to maintain the Cemetery.

8.4 SOI Determinations on Social or Economic Communities of Interest for the Lake City Cemetery District

- 4-1] The Lake City Cemetery District provides a necessary service to the community.

¹³ County of Modoc, "Modoc County General Plan 1988 Background Report" P. 186.

¹⁴ County of Modoc, Housing Element 2003-2008, May 9, 2006, P. 29.

MAP OF LAKE CITY CEMETERY DISTRICT

9 LIKELY CEMETERY DISTRICT

Likely is a small community located 20 miles south of Alturas. Because the community is located 6 miles north-northwest of Likely Mountain, it is somewhat sheltered from prevailing southwesterly winds, and its microclimate is noticeably dryer and less stormy than surrounding areas. Likely now occupies what was originally an Achumawi (Pit River) village known as Hamawe.

9.1 SOI Determinations on Present and Planned Land Use for the Likely Cemetery District Area

- 1-1] The Modoc County General Plan 1988 Background Report states that Likely would have a population of 238 by 2000. In 1985 there were 46 dwelling units.¹⁵ The County of Modoc Housing Element 2003-2008 adopted May 9, 2006, states that the Community of Likely has 5 available parcels (5.55 acres) which would allow 6 additional dwelling units. The primary service constraint to growth is the lack of community water and wastewater collection and treatment systems.¹⁶

9.2 SOI Determinations on Facilities and Services: Present and Probable Need for the Likely Cemetery District

- 2-1] The Likely Cemetery District has one cemetery located at State Highway 395 and County Road 63. The Cemetery is approximately one acre in size and has 350 filled plots and 120 vacant plots. There is room for expansion. The Care-taker and Secretary-Treasurer are paid for the services provided.¹⁷

9.3 SOI Determinations on Public Facilities Present and Future Capacity for the Likely Cemetery District

- 3-1] The Likely Cemetery District has an adequate reserve fund.

9.4 SOI Determinations on Social or Economic Communities of Interest for the Likely Cemetery District

- 4-1] The Board meets quarterly at the Likely Fire Hall.¹⁸ It is beneficial to the District to have a regular meeting schedule and to meet at a public place.

¹⁵ County of Modoc, "Modoc County General Plan 1988 Background Report" P. 186.

¹⁶ County of Modoc, Housing Element 2003-2008, May 9, 2006, P. 29.

¹⁷ Likely Cemetery District, Report on District, September 18, 2009.

¹⁸ Likely Cemetery District, Report on District, September 18, 2009.

MAP OF LIKELY CEMETERY DISTRICT

10 LOOKOUT CEMETERY DISTRICT

Lookout is located on the west bank of the Pit River in the Big Valley Area of Modoc County.

10.1 SOI Determinations on Present and Planned Land Use for the Lookout Area

1-1] The Modoc County General Plan 1988 Background Report states that “Lookout is a small town of about 120 persons with an equal number in its service area. Along with basic services there is a County Road Department Maintenance Station.”¹⁹ There is a branch of the Modoc County Library in Lookout.

10.2 SOI Determinations on Facilities and Services: Present and Probable Need for the Lookout Cemetery District

2-1] The Cemetery, located 1.5 miles out of Lookout on South County Road 93 is two acres in size and there is a part-time caretaker.²⁰ The care-taker is paid \$650 per month from April to October. There are restrooms at the Cemetery and chairs and a canopy are provided for services.²¹

10.3 SOI Determinations on Public Facilities Present and Future Capacity for the Lookout Cemetery District

3-1] The Auditor’s Cash Balance as of June 30, 2009 was \$27,941 for the Lookout Cemetery District.

10.4 SOI Determinations on Social or Economic Communities of Interest for the Lookout Cemetery District

4-1] The Cemetery District provides a necessary service for the Lookout community.

¹⁹ County of Modoc, “Modoc County General Plan 1988 Background Report” P. 163.

²⁰ Lookout Cemetery District, Barbara Joiner, Director, Phone 530-294-5533, September 10, 2009.

²¹ Lookout Cemetery District, Barbara Joiner, Director, Phone 530-294-5533, September 29, 2009.

MAP OF LOOKOUT CEMETERY DISTRICT

11 WILLOW RANCH CEMETERY DISTRICT

Willow Ranch is actually a very old settlement, having been settled before 1869 by Andrew Snider.

11.1 SOI Determinations on Present and Planned Land Use for the Willow Ranch Area

- 1-1] The Modoc County General Plan 1988 Background Report states that New Pine Creek is in the Goose Lake Basin and “traverses the California-Oregon Border identifying more closely with Oregon than Modoc County.” There is an elementary school in New Pine Creek.²² The population of New Pine Creek was expected to be 197 in 2000 and there were 33 dwelling units in 1985.²³
- 1-2] The County of Modoc Housing Element 2003-2008 adopted May 9, 2006, states that the Community of New Pine Creek has 17 available parcels (4.25 acres) which would allow 17 additional dwelling units. The primary service constraint to growth is the lack of community water and wastewater collection and treatment systems.²⁴

11.2 SOI Determinations on Facilities and Services: Present and Probable Need for the Willow Ranch Cemetery District

- 2-1] The Cemetery is located on Modoc County Road 9 and is very old. Many of the graves are not marked and it is unknown how many graves are there. The District hopes to improve the Cemetery by building a new fence and repairing the cracks in the asphalt driveway. The District employs an independent contractor to provide maintenance from May to August each year.²⁵

11.3 SOI Determinations on Public Facilities Present and Future Capacity for the Willow Ranch Cemetery District

- 3-1] The District reports that no fees are charged by the District.²⁶ The Auditor’s Cash Balance as of June 30, 2009 was \$73,675 for the Willow Ranch Cemetery District.

11.4 SOI Determinations on Social or Economic Communities of Interest for the Willow Ranch Cemetery District

- 4-1] The District provides an important service for the community.

²² County of Modoc, “Modoc County General Plan 1988 Background Report” P. 168.

²³ County of Modoc, “Modoc County General Plan 1988 Background Report” P. 176.

²⁴ County of Modoc, Housing Element 2003-2008, May 9, 2006, P. 29.

²⁵ Willow Ranch Cemetery District, Report, November 12, 2009.

²⁶ Willow Ranch Cemetery District, Report, November 12, 2009.

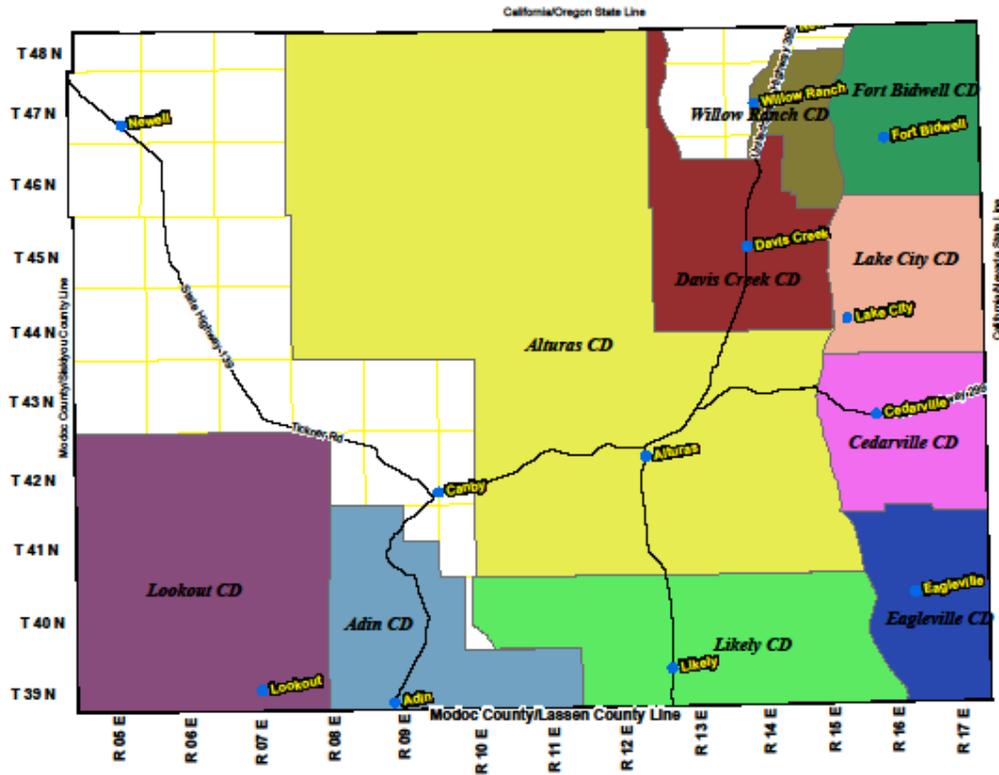
MAP OF WILLOW RANCH CEMETERY DISTRICT

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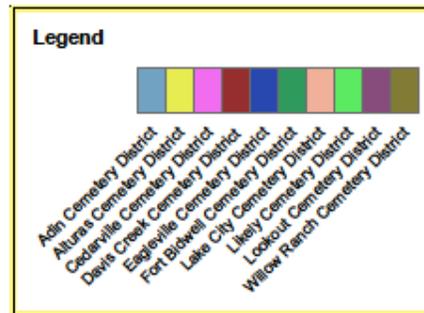
CEMETERY DISTRICTS



MODOC
Local Agency Formation Commission

October 2005

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