

RESOLUTION NO. RSOI-152A

**FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA**

In the Matter of

LAFCo Determination

MAKING DETERMINATIONS AND APPROVING REVISED SPHERE OF INFLUENCE FOR THE CITY OF FRESNO)))))	THE FRESNO LOCAL AGENCY FORMATION COMMISSION APPROVES A SPHERE OF INFLUENCE REVISION FOR THE CITY OF FRESNO
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WHEREAS, State law requires each Local Agency Formation Commission to determine a Sphere of Influence for each City in the County and periodically update and revise those Spheres; and

WHEREAS, the City of Fresno submitted an application and supporting materials to this Commission pursuant to Government Code Section 56428 requesting a revision to its adopted Sphere of Influence to add approximately 89 acres of territory located north of W. Herndon Avenue, southwest of State Route 99, and east of the San Joaquin River; and

WHEREAS, the application for said proposal was accepted for filing by the Executive Officer of this Local Agency Formation Commission; and

WHEREAS, said application was set for hearing by the Executive Officer on the 11th day of March, 2009, at the hour of 1:30 p.m. of said day; and

WHEREAS, notice of the hearing of said application was duly given by mail, posting, and newspaper publication as required by State law; and

WHEREAS, the Commission continued the hearing on this proposal to allow staff to determine the extent to which LAFCo, acting as the "Responsible Agency" under the California Environmental Quality Act (CEQA) had either been given or not given proper opportunity to comment upon the Negative Declaration prepared for the project as provided for in Government Code Section 15096 (CEQA-Process for a Responsible Agency); and

WHEREAS, said Sphere of Influence Revision proposal was considered by this Commission at the April 15, 2009 hearing; and

WHEREAS, this Commission considered all relevant factors and evidence pertaining to said application and heard all interested parties wishing to testify; and

WHEREAS, this Commission reviewed and considered the information in the Initial Study and Mitigated Negative Declaration prepared by the City of Fresno which was included in the Executive Officer's report to this Commission.

NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does HEREBY STATE, FIND, RESOLVE, DETERMINE, AND ORDER as follows:

Section #1. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, this Commission finds that prior to approving the proposed reorganization the environmental effects of the project as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency were reviewed and considered, and determined these documents to be adequate pursuant to CEQA Guidelines Section 15096.

Section #2. This Commission adopts the required written determinations for the Sphere of Influence revision and determines that these determinations have been prepared pursuant to California's Government Code, Section 56425(e) as set forth within Exhibit "A", attached hereto and by this reference incorporated herein; and

Section #3. This Commission finds that the proposed City of Fresno "Sphere of Influence Revision" is consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and Fresno LAFCo adopted Policies, Standards, and Procedures, and that this action carries out LAFCo's purposes and 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.

Section #4. This Commission finds that approval of the requested revision to the City's Sphere of Influence is based on sufficient information as provided to the Commission in the Initial Study and Mitigated Negative Declaration for the current project, the Executive Officer's report to the Commission, and all other testimony, evidence and information provided by persons and interested agencies, and is in compliance with State law, including, but not limited to, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Section #5. This Commission approves the proposed Sphere of Influence Revision (RSOI-152) with revised boundaries to only include the 10-acre aquarium site and the access road (Parkway Drive) for the City of Fresno, said Sphere Revision as shown in Exhibit "B", attached hereto and by this reference incorporated herein; and.

Section #6. This Commission orders the Sphere of Influence revision subject to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the 30-day reconsideration period.

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ADOPTED THIS 15th DAY OF APRIL, 2009, BY THE FOLLOWING VOTE:

AYES: Commissioners Anderson, Perea, Rodriguez, Fortune, Lopez
NOES: None
ABSENT: None

**STATE OF CALIFORNIA)
COUNTY OF FRESNO)**

CERTIFICATION

I, Victor Lopez, Chairman of the Fresno Local Agency Formation Commission, Fresno County, State of California, certify that the foregoing resolution was adopted by the Commission at a regular meeting held on the 15th day of April, 2009.



Victor Lopez, Chairman
Fresno Local Agency Formation Commission

EXHIBIT A

DETERMINATIONS PURSUANT TO GOVERNMENT CODE SECTION 56425

For the City of Fresno Sphere of Influence Revision (File No. RSOI-152)

The following Determinations have been prepared pursuant to Government Code Section 56425 *et seq.* with respect to four specific issues required to approve a change to a Sphere of Influence:

1. Present and Planned Land Uses in the Area Including Agricultural and Open-Space Lands.

The requested Sphere of Influence (SOI) Revision is consistent with the City of Fresno General Plan land use policies. The territory is currently developed with five residences and contains vacant/open space lands and rural residential uses. Unclassified Conditional Use Permit No. 3073 allowing a public aquarium and appurtenant facilities has been approved by the County for construction on 10.0 acres of the affected territory. The remainder of the territory has been designated for agricultural/open spaces uses in the City's General Plan, consistent with current uses. No other uses are planned for the affected territory at this time.

The affected territory is designated for agriculture in the Fresno County General Plan. The affected territory is not in agricultural production. Staff is informed by the landowner that the property may not be profitably farmed due to very sandy soils and consequently has not been farmed in 30 years.

Surrounding land use consists of State Route 99 to the east and northeast, the San Joaquin River to the west and northwest, and agricultural and rural residential uses to the south. No construction activities taking place within the aquarium site will be allowed within 400 feet of the San Joaquin River.

2. The Present and Probable Need for Public Facilities and Services in the Area.

Fresno County Unclassified Conditional Use Permit No. 3073 included, as a condition of its approval that the proposed aquarium obtain water and sewer services from the City of Fresno. The Service Plan submitted with this proposal indicates these services are available and that the City will provide such services. The City has requested the water system be looped rather than be a "dead end" line so that water service will remain available in the event of a line breakage along one leg of the loop. Additionally, the City has proposed installation of fire hydrants along the extent of the water lines (although staff believes hydrant service should only be provided within the approved SOI). No other services have been requested or will be provided at this time. Should the City annex the affected territory in the future, the service plan indicates that all City services will be provided to the area.

The SOI revision is timely; it represents an appropriate action by LAFCo, and results in orderly land use planning. The SOI revision encourages and provides planned, well-ordered, and efficient urban development patterns.

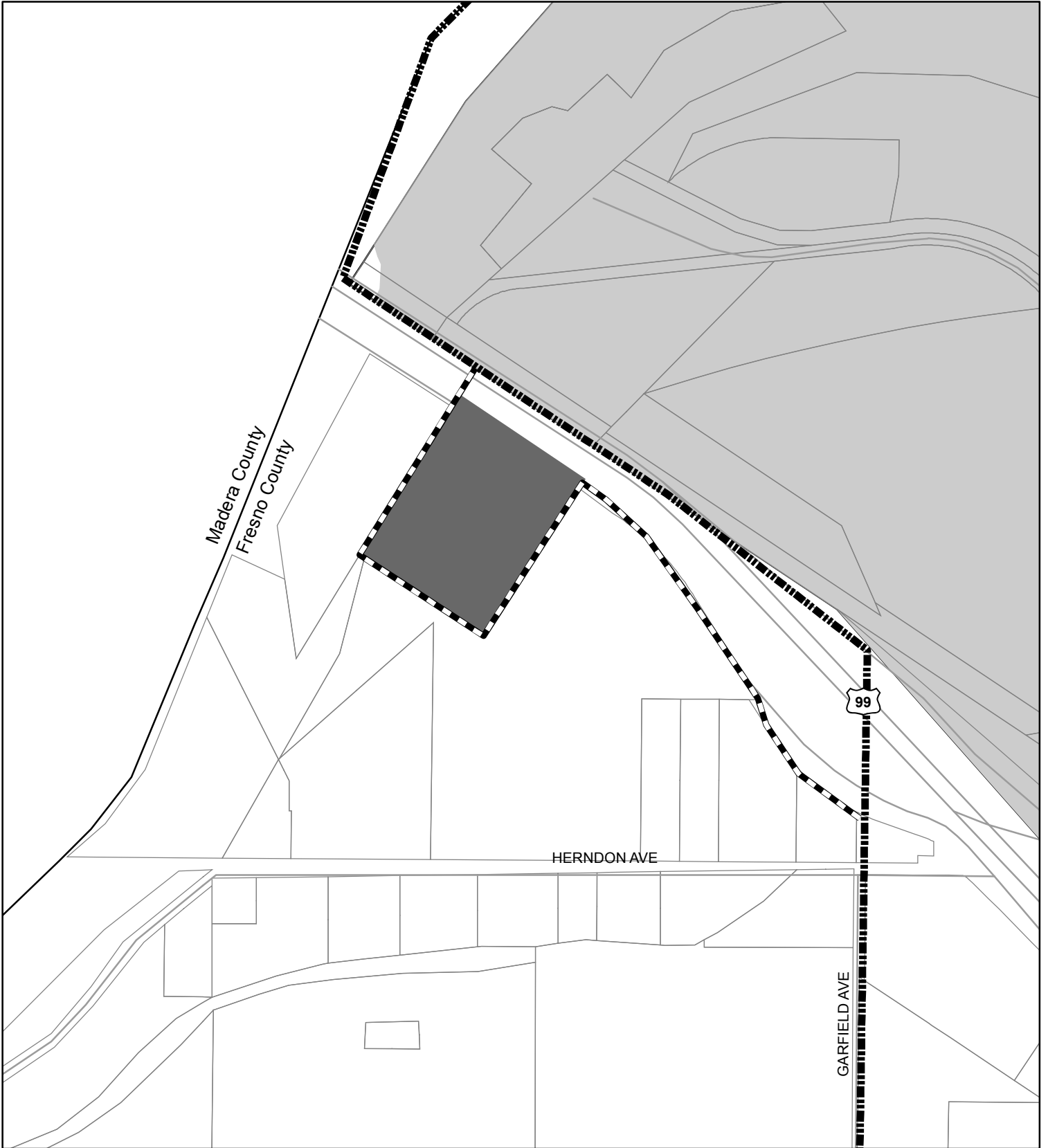
3. The Present Capacity of Public Facilities and Adequacy of Public Services that the Agency is authorized to Provide.

The SOI Revision is in line with LAFCo's purposes and 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. The Service Plan submitted for the SOI Revision indicates that water and sewer services are available to serve the proposed aquarium site. Water and sewer service are not intended to be made available to the remainder of the affected territory at this time. Fire hydrants will also be installed along the extent of the water line within the approved SOI.





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.

The City of Fresno and the County of Fresno may be considered communities of interest in the area. The City of Fresno supports the SOI revision and states it will provide all City services to the affected territory upon annexation in the future. There is no specific timeline for annexation.

EXHIBIT "B"



Legend

-  SOI Revision
-  Existing SOI
-  City Limits
-  Proposed Aquarium

City of Fresno "Sphere of Influence Revision"
LAFCo File No. RSOI-152

