

RESOLUTION NO. OS-08-2

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

In the Matter of:

LAFCo Determination

A REQUEST BY THE MALAGA COUNTY WATER DISTRICT TO EXTEND WATER AND SEWER SERVICE OUTSIDE DISTRICT BOUNDARIES))))	APPROVED WITH CONDITIONS
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WHEREAS, proceedings were initiated by the Malaga County Water District to extend water and sewer service from the Malaga County Water District to a 2.6-acre parcel located within the District's sphere of influence but outside the District's boundary located south of E. Central Avenue and west of S. Peach Avenue, and

WHEREAS, the Fresno County Board of Supervisors approved a conditional use permit (CUP) to allow a motorcycle wrecking operation on the property, which included a condition requiring the subject property be provided water and sewer services from the Malaga County Water District; and

WHEREAS, the Malaga County Water District has agreed to provide water and sewer services to the subject property because this property is within its Sphere of Influence; and

WHEREAS, the Malaga County Water District proposed to provide services outside its boundaries rather than annex the subject property to the District because the property is 530 feet from the nearest District boundary and the intervening property owners are not willing to annex to the District at this time; and

WHEREAS, notice of said hearing was given as required by State Law; and

WHEREAS, the Executive Officer reviewed said application and prepared a report to this Commission, said report having been mailed at least five days before said hearing and was duly considered by this Commission pursuant to State Law; and

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

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 Lead Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, prior to approving the project, this Commission finds that the Extension of Services will have no effect on the environment and therefore qualifies for the general exemption from environmental review, CEQA Regulation Section 15061(b)(3).

Section #2. This Commission finds that the proposed extension of services is consistent with LAFCo Policies, Standards and Procedures Section 320 – Extended Service Procedures (01-08), and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Section #3. This Commission approves the proposed extension of services subject to the following conditions:

1. The Malaga County Water District shall file with the Commission an original landowner consent form signed by the property owner agreeing to annex the subject property to the District at such time as it is feasible and practical.
2. The Malaga County Water District shall include the subject property in any future annexation proposal of adjacent lands and where deemed necessary to square off District boundaries as determined necessary by the Commission.

Section #4. The Executive Officer is hereby authorized and directed to mail certified copies of this Resolution as provided in Government Code Section 56882 and to file, as appropriate, in the office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this Request, as required by State law.

ADOPTED THIS 3RD DAY OF DECEMBER, 2008, BY THE FOLLOWING VOTE:

AYES: Commissioners Anderson, Rodriguez, Fortune, Larson, Lopez

NOES: None

ABSENT: None

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

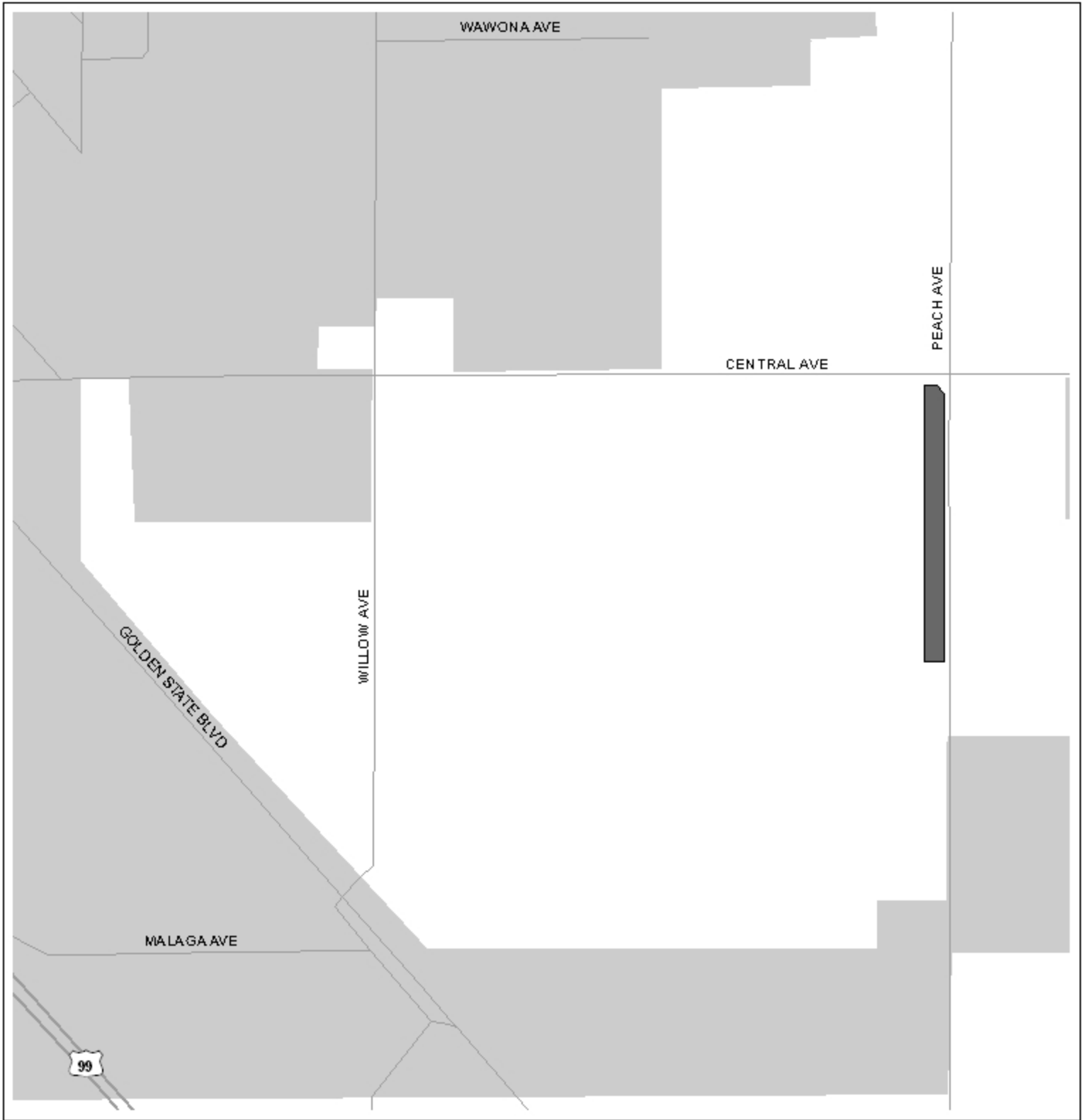
CERTIFICATION

I, Victor Lopez, Chairman of the Fresno Local Agency Formation Commission (LAFCo), Fresno County, State of California, hereby certify that the foregoing resolution was adopted by the Commission on the 3rd day of December, 2008.





**Victor Lopez, Chairman
Fresno Local Agency Formation Commission**

EXHIBIT "A"



Legend

-  District Area
-  Affected Territory

Malaga County Water District
"Extension of Municipal Services"
LAFCo File No. OS-08-2

