

RESOLUTION NO. MSR-16-17/SOI-168

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

IN THE MATTER OF

LAFCO DETERMINATION

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| RESOLUTION MAKING DETERMINATIONS) | MAKE DETERMINATIONS AND |
| AND ADOPTING MUNICIPAL SERVICE) | ADOPT MUNICIPAL SERVICE REVIEW; |
| REVIEW; AND MAKING DETERMINATIONS) | AND MAKE DETERMINATIONS AND |
| AND REVISING THE SPHERE OF) | REVISE THE SPHERE OF INFLUENCE |
| INFLUENCE FOR COUNTY SERVICE AREA) | FOR COUNTY SERVICE AREA |
| NO. 49 (O'NEILL FARMS)) | NO. 49 (O'NEILL FARMS) |

WHEREAS, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56425 et. seq.), and Fresno LAFCo policy 107, the Fresno Local Agency Formation Commission is required to review and update, as necessary, Spheres of Influence (SOI) of local agencies; and

WHEREAS, Government Code Section 56430 directs the Commission to conduct a review of municipal services not later than the time it considers an action to establish or update a SOI; and

WHEREAS, the Executive Officer caused to be prepared a Municipal Service Review (MSR) and Sphere of Influence update (SOI) for County Service Area No. 49; and

WHEREAS, notice of this Commission's hearing of said request was duly given in a publication of general circulation as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and State law, and at the time and in the form and manner provided by law; and

WHEREAS, at the noticed public meeting, held on September 14, 2016, the Commission heard, discussed, and considered all relevant evidence, including but not limited to the Executive Officer's *Municipal Service Review*, environmental documentation, and all testimony, correspondence, and exhibits received during the public hearing process, all of which are included herein by reference.

WHEREAS, the Commission considered the written determinations prepared pursuant to California's Government Code, Sections 56425(e) for the proposed sphere of influence revision, as shown in Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED, that the Fresno Local Agency Formation Commission does hereby determine and order as follows:

Section No. 1. Acting as Lead Agency pursuant to California Environmental Quality Act (CEQA), the Commission finds that the Municipal Service Review prepared for County Service Area No. 49 is Categorically Exempt from the provisions of CEQA under Section 15306, "Information Collection."

ADOPTED THIS 14th DAY OF SEPTEMBER, 2016, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS SILVA, PEREA, SANTOYO, PARRA, PACHECO

NOES: NONE

ABSENT: NONE

Section No. 2. Acting as Lead Agency pursuant to California Environmental Quality Act (CEQA), the Commission finds that it can be seen with certainty that there is no possibility that the sphere of influence revision for CSA No. 49 may have a significant effect on the environment and that it is Categorically Exempt from the provisions of CEQA under Section 15061(b)(3).

ADOPTED THIS 14th DAY OF SEPTEMBER, 2016, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS SILVA, PEREA, SANTOYO, PARRA, PACHECO

NOES: NONE

ABSENT: NONE

Section No. 3. This Commission finds that the Municipal Service Review prepared for County Service Area No. 49 is complete and satisfactory.

Section No. 4. This Commission finds that the written determinations within the Municipal Service Review and Sphere of Influence Revision for County Service Area No. 49 satisfy State Law.


Section No. 5. Pursuant to Government Code Sections 56425 and 56430 this Commission makes the required determinations for the Municipal Service Review and Sphere of Influence revision, adopts the Municipal Service Review prepared for CSA No. 49, and Revises the Sphere of Influence for said District.

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

CERTIFICATION

I, David E. Fey, Executive Officer, Fresno Local Agency Formation Commission, hereby certify that the foregoing resolution was adopted by the Commission on the 14th day of September, 2016.



**David E. Fey, AICP, Executive Officer
Fresno Local Agency Formation Commission**

EXHIBIT A

DETERMINATIONS PURSUANT TO GOVERNMENT CODE SECTION 56425

1. Present and planned land uses, including agricultural and open-space lands

- The District resides within the unincorporated portions of the County of Fresno. The County of Fresno is the land use authority for territory within the District's service area and the Fresno County General Plan Land Use Element designates land within the District as Agricultural use. Parcels within the District are identified in the County's R-1-C Single-Family Residential zone district.
- The District service area includes 93 acres and is comprised of five non-contiguous service areas. As recommended, the District's SOI will encompass 95 acres. Parcels within the District are considered fully built-out with no anticipated growth to occur.

2. Present and probable need for public facilities and services in the area

- The District is not expected to experience additional growth as it relates to expanding service area or increasing housing density.
- The District's primary source of water supply is raw surface water delivered through a California Aqueduct turnout managed by Westlands Water District (WWD). WWD could allocate up to 40 million gallons of water per year based on water availability (122 acre-feet per year) for the District's usage. The District's actual annual water usage during the past three years has not exceeded 16 million gallons of water per year (49 acre- feet per year).
- The District is capable of addressing and adjusting its probable service needs for public facilities.

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

- Present capacity of District facilities and services appear adequate. District provides services consistent with its principal act and as authorized by the Fresno LAFCo. The District's financial practices appear to be adequate to support the District's ongoing operations.

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

- There are no relevant social or economic communities of interest relevant to the District's service provisions.

5. The present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence

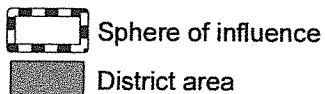
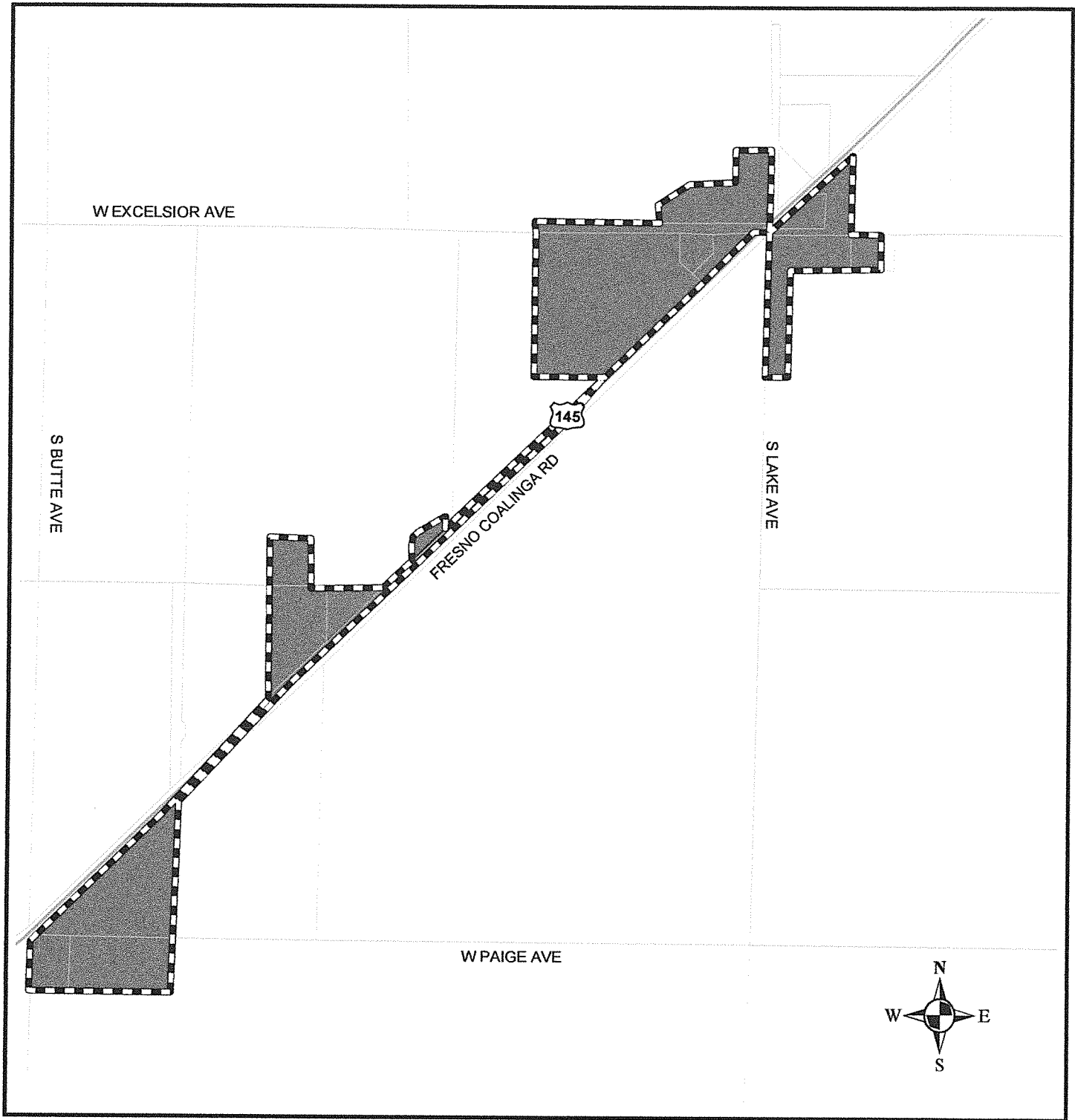
- The District service area lies within Fresno County's census tract 78.02 block group one. The five-year ACS estimates indicate that the average MHI level reported between 2010 through 2014 for census tract 78.02 block group one is \$33,214. Based on the census datasets, the District's service area is located in a census geographic unit that meets the MHI threshold consistent with the standard definition established for Disadvantaged Communities.

Fresno Local Agency Formation Commission

County Service Area No. 49 (O'Neill Farms)

Authorized services: Recreation, sewer, and water services

Provides: Water



District formed: 2001
SOI adopted: 1/09/2008
SOI updated: 9/14/2016

Map date: September 2016
District area: 93 acres
Sphere area: 95 acres