

RESOLUTION NO. RSOI-161

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

In the Matter of

LAFCo Determination

REQUEST TO MAKE)	MADE DETERMINATIONS;
DETERMINATIONS AND AMEND)	APPROVED SPHERE AMENDMENT; AND
THE SPHERE OF INFLUENCE FOR)	UPDATED SPHERE OF INFLUENCE
THE SIERRA RESOURCE)	FOR THE SIERRA RESOURCE CONSERVATION
CONSERVATION DISTRICT)	DISTRICT
)	

WHEREAS, State law requires each Local Agency Formation Commission to determine a Sphere of Influence for Special Districts located within the County and periodically update and revise those Spheres; and

WHEREAS, on August 27, 2014, the Sierra Resource Conservation District submitted an application and supporting materials to this Commission pursuant to Government Code Section 56428 requesting a revision to its adopted Sphere of Influence that would remove approximately 112,711 acres of territory currently located in Tulare County, as shown in Exhibit "A"; attached hereto and by this reference incorporated herein; and

WHEREAS, notice of the hearing of said application was given as required by State law and was set for February 10, 2016, at the hour of 1:30 p.m.; and

WHEREAS, the Executive Officer reviewed said application and prepared a report to this Commission, including a recommendation for approval, said report having been mailed at least five days before said hearing; and

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

WHEREAS, this Commission reviewed and considered the information in the Notice of Exemption prepared by the Lead Agency, Sierra Resource Conservation District.

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

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 it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that approval of the requested sphere of influence revision for the Sierra Resource Conservation District is Exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3).

ADOPTED THIS 10th DAY OF FEBRUARY, 2016, BY THE FOLLOWING VOTE:

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

NOES: NONE

ABSENT: NONE

Section #2. This Commission finds that the proposed sphere of influence amendment is consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and Fresno LAFCo adopted Policies, Standards and Procedures, including, but not limited to Sections 100, 200, and 330, and that approval of the proposed sphere of influence update fulfills 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 #3. This Commission adopts the required written determinations for the proposed sphere of influence amendment and determines that these written determinations have been prepared pursuant to California's Government Code, Section 56425(e).

Section #4. This Commission approves the "Sphere of Influence amendment RSOI-161," to remove approximately 112,711 acres from the Sierra Resource Conservation District's' SOI located in Tulare County.

Section #5. This Commission finds that all public notices of this Commission's hearing of this matter were duly given in accordance with State law.

* * * * *

ADOPTED THIS 10th DAY OF FEBRUARY, 2016, BY THE FOLLOWING VOTE:

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

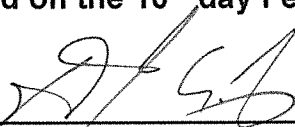
NOES: NONE

ABSENT: NONE

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

CERTIFICATION

I, David E. Fey, Executive Officer 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 10th day February, 2016.

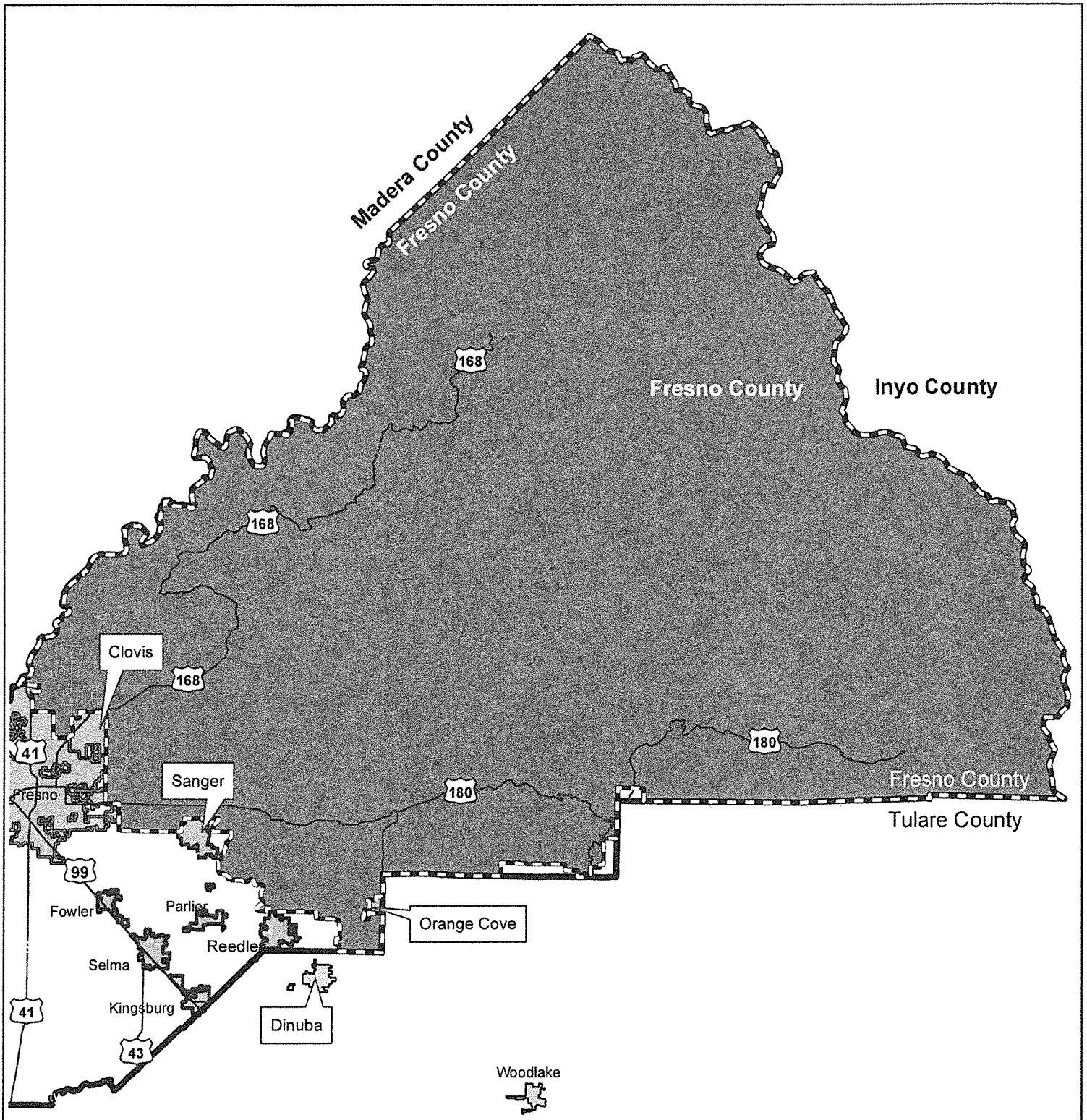





David E. Fey, AICP, Executive Officer
Fresno Local Agency Formation Commission

EXHIBIT A

**Fresno Local Agency Formation Commission
Sierra Resource Conservation District**

Services: Technical assistance and programs for conservation of local resources; soil, water, and air quality



-  Sierra RCD, SOI
-  Sierra RCD, Service Area
-  City Limits

Sierra Formed: 1956
SOI Determined: 7/11/2007
SOI Updated/Revised: 2/10/16

District Service Area: 1,847,537 Acres
Sphere of Influence: 1,847,537 Acres
Map Date: 2/10/16

EXHIBIT B

DETERMINATIONS PURSUANT TO GOVERNMENT CODE SECTION 56425

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

Fresno and Tulare County are the land use authorities for unincorporated land located within the District's service area. Their general plans depict a variety of non-urban land use designations for most of the District; exceptions would be the County land use designations for unincorporated rural communities and incorporated cities' general plans.

The District does not have land use authority and does not provide direct municipal services that support population or induce population growth.

Population growth throughout the District service area is likely to occur within the incorporated cities due to a wider range of municipal services offered within the incorporated areas. The District's proposal to detach territories in Tulare County would not affect population projections or affect agricultural and open-space lands within Counties of Fresno or Tulare.

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

The District is authorized to provide for "the adoption of conservation practices including but not limited to farm, range, open space, urban development, wildlife, recreation, watershed, water quality, and woodland; to save the basic resources, soil, water, and air of the state from unreasonable and economically preventable waste and destruction."

District services do not directly support or facilitate population growth.

Fresno LAFCo observed that the District does not provide municipal services.

The District has petitioned for a detachment of territories in Tulare County in order that it may be a single-county district.

Tulare LAFCo has prepared the SOI for TCRCD to include the proposed detachment when completed by Fresno LAFCo.

The District has no ongoing projects in the territory proposed to be detached from the service area and SOI.

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

The District has an adopted long range plan for 2015 to 2020 which identifies the District's goals for each upcoming year. It was last updated on July 27, 2015. The District annually updates its work plan.

The majority of the District's revenue comes from state and federal grants. Loss of these grants or the possible inability of the District to secure future grants would be detrimental for the ability of the District to continue providing services.

Funding sources for the District include a combination of in-kind services provided by the Board of Directors, volunteers, USDA and other agencies.

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

Fresno LAFCo Policy designates the District as a “level three” special district that provides “non-municipal” services to its constituency. A level three non-municipal local agency means that, in Fresno LAFCo's judgment, services provided by the agency do not facilitate or induce population growth.

Fresno LAFCo observes that services provided by the District would not directly benefit any social or economic communities relevant to the District. District services are related to resource conservation with emphasis in soil and water conservation management practices. The District is dedicated to serving both the private and public interest. The District has an adopted long range plan for 2015 to 2020 which was updated on July 27, 2015. The District on an annual basis updates its annual work plan which identifies the District's goals for each upcoming year.

5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence

District does not provide services related to sewer, municipal and industrial water, or structural fire protection. District services do not directly support or facilitate population growth. Fresno LAFCo observes that services provided by the District would not directly benefit a Disadvantaged Unincorporated Community.