

RESOLUTION NO. OS-18-03

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING AN EXTENSION OF WATER SERVICE TO TERRITORY OUTSIDE OF THE
FRESNO CITY LIMIT WITHIN THE FRESNO SPHERE OF INFLUENCE**

WHEREAS, pursuant to Government Code (GC) section 56427, the Fresno Local Agency Formation Commission (LAFCo) determines spheres of influence, as defined in GC section 56076, for local agencies as a plan for the probable physical boundaries and service area of a local agency; and

WHEREAS, pursuant to GC sec. 56133 (c), LAFCo may authorize a city or special district to provide new or extended services outside of its jurisdictional boundaries in anticipation of a later change of organization; and

WHEREAS, on October 1, 2014, by Resolution No. 127, LAFCo delegated to the executive officer the authority to authorize extension of service requests under GC sec. 56133; and

WHEREAS, the executive officer has determined that an extension of service request shall be processed as an administrative action with notice of action given only to the subject local agency or agencies and the subject parcel property owner(s); and

WHEREAS, the City of Fresno (City) owns and operates a municipal water system and a wastewater collection and treatment system for the inhabitants of the City; and

WHEREAS, the Wesclo L.P., a California Limited Partnership ("Owner"), owns parcels APNs 504-081-02S and -03S (hereafter the "Affected Territory") as depicted on Exhibit "A;" and

WHEREAS, the Affected Territory lies outside the Fresno city corporate boundaries but within Fresno sphere of influence (SOI); and

WHEREAS, Owner filed an application with the County of Fresno for a plan amendment and rezoning of the site for industrial uses limited to a single use as an animal shelter, including veterinary services and kennels, that would do business as Fresno Humane Animal Services (FHAS); and

WHEREAS, pursuant to the City-County Memorandum of Understanding, the Owner's applications were referred to the City of Fresno for annexation, and the City considered the referral and determined that, because the affected property is not contiguous to the City, is in excess of 1,000 feet from the City limits, and the intervening properties are not subject to imminent development proposals, annexation of the Affected Territory was at the time not practical and released the referral back to the County for processing; and

WHEREAS, the potential extension of City water and sewer services to the Affected Territory shall be included in the County's service and environmental analysis of the applications submitted by the Owner; and

WHEREAS, the FHAS operation will require domestic water and sewer services, and it is neither feasible nor desirable that these be developed as private, on-site services and, as a result, FHAS seeks water and sewer services to be provided by the city; and

WHEREAS, the City has expressed a willingness to extend water and sewer service to the Affected Territory for the intended use of the territory for an animal shelter, provided the City and FHAS can negotiate a mutually agreeable extra-territorial agreement defining the conditions of the water and sewer service extension; and

WHEREAS, on April 12, 2018, the City made application to LAFCo requesting authorization to extend adjacent City water and sewer service outside of the City's corporate boundaries to the Affected Territory, accompanied on April 16, 2018 by the appropriate fee; and

WHEREAS, the City has provided LAFCo with a draft service agreement with the FHAS for provision of water and sewer service to the Affected Territory.

NOW, THEREFORE, BE IT RESOLVED that pursuant to the authority delegated by the commission, I, David Fey, Executive Officer of the Fresno Local Agency Formation Commission, on this date hereby determine the extension of water and sewer services outside the Fresno city limits and within the Fresno SOI as described in this resolution hereby authorized subject to the following conditions:

1. The record owner of title to the subject property shall record a covenant, in a form acceptable to the City of Fresno, stating that the record owner, and all subsequent owners of the subject property, shall not protest the future annexation of the subject property if such annexations are not subject to conditions, excluding the facts pertaining to the annexation itself or the extension of water service, which might materially prejudice those holding an interest in the real property.

2. This authorization is limited to the provision of water and sewer service by the City of Fresno identified in the administrative record of OS-18-03. Further extension of this water and sewer service or connection of other properties, or to a use not specifically described in this resolution are subject to Fresno LAFCo authorization.

BE IT FURTHER RESOLVED THAT pursuant to GC sec. 56895, any person or affected agency may file a written request with the executive officer requesting amendments to or reconsideration of the resolution. The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration. Notwithstanding GC sec. 56106, the deadlines set by this section are mandatory. The person or agency shall file the written request within 30 days of the adoption of the initial or superseding resolution making determinations.

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