



Fresno Local Agency Formation Commission

June 6, 2023

Peter A. Maraccini, PE, PhD, Supervising Professional Engineer
Department of Public Utilities – Utilities Planning & Engineering
City of Fresno
1626 E Street,
Fresno, CA 93706

Dear Mr. Maraccini:

Subject: Resolution OS-23-02 authorizing the City of Fresno to extend sanitary sewer and domestic water services to the Community of Britten Avenue.

The City of Fresno's request to extend of sanitary sewer and domestic water services to territory outside of the Fresno sphere of influence has been authorized. Please see the enclosed resolution.

Please contact me at your convenience with any questions.

Sincerely,

Brian Spaunhurst,
Executive Officer

enclosure

cc: LAFCo Commissioners
Dejan Pavic, Projects Administrator
Kevin Grey, Chief Engineering Technician
Bernard Jimenez, Planning & Resource Management Officer
Oscar Garcia, Fresno County Auditor-Controller/Treasurer-Tax Collector
Paul Dictos, Fresno County Assessor-Recorder
Sal Quintero, County Supervisor, District 3

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING AN EXTENSION OF SANITARY SEWER AND DOMESTIC WATER SERVICE
TO TERRITORY OUTSIDE OF THE CITY OF 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 section 56133(c), LAFCo may authorize a city or special district to provide new or extended services outside of its jurisdictional boundaries and outside its sphere of influence (SOI) to respond to an existing or impending threat to the health or safety of the public or residents of the affected territory, subject to certain conditions; and

WHEREAS, on October 1, 2014, by Resolution No. 127, LAFCo delegated to its executive officer the authority to authorize extension of service requests under GC section 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, pursuant to GC section 56133(c)(2), notice has also been provided to any alternate service provider that has filed a map and a statement of its service capabilities with the commission; and

WHEREAS, the City of Fresno (City) owns and operates a regional municipal wastewater collection and treatment system for the ratepayers in and around the City; and

WHEREAS, on May 9, 2023, the City filed an application with Fresno LAFCo to authorize extension of sanitary sewer and domestic water services to a community of rural residential properties located on Britten Avenue East of Cherry Avenue. A list of the project Assessor's Parcel Numbers is provided in Exhibit "A", and mapped as depicted in Exhibit "B" (hereafter the "subject parcels"), said subject parcels being outside of the City's SOI; and

WHEREAS, the private septic systems serving the existing rural residential properties on the subject parcels are contributing factors to contamination of the private water wells; and

WHEREAS, the City has advised the LAFCo executive officer that opportunities to reduce the number of private septic systems benefit the City's groundwater quality and connection to the city sewer system is compatible with the City's function as the regional sewerage agency for the metropolitan area; and

WHEREAS, the private water well serving the existing rural residential properties on the subject parcels have tested above safety levels for Nitrate and Uranium; and

WHEREAS, the City has advised the LAFCo executive officer that opportunities to reduce the number of private wells benefit the City's capacity as a regional provider of domestic water service; and

WHEREAS, annexation of the subject parcels is not currently feasible because the property owners are not seeking further development of their property, and the expense of annexation proceedings is neither affordable nor available for the property owners; and

WHEREAS, studies and findings made by BSK Associates, an independent Laboratory, have identified unsafe levels of Uranium and Nitrate in the private water wells, which is a threat to public health and safety of the residents in the affected territory; and

WHEREAS, prior to connection the owner(s) of the subject properties will enter into an Extra-Territorial Agreement with the City, which shall incorporate a recorded covenant, stipulating that they will not oppose future annexation to the City.

NOW, THEREFORE, BE IT RESOLVED that pursuant to the authority delegated by the commission, I, Brian Spaunhurst, Executive Officer of the Fresno Local Agency Formation Commission, on this date hereby determine the extension of sanitary sewer and domestic water services outside the City of Fresno SOI as described in this resolution is hereby approved subject to the following conditions:

1. The foregoing recitals are true and correct and the Executive Officer of Fresno LAFCo so finds, orders, and determines.
2. The record owner of title to the subject properties shall record a covenant, in a form reasonably acceptable to the City, stating that the record owner, and all subsequent owners of the subject properties, 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 sanitary sewer or domestic water services, which might materially prejudice those holding an interest in the real property.
3. This authorization is limited to the provision of sanitary sewer and domestic water services by the City identified in the administrative record of OS-23-02, incorporated herein by this reference. Further extension of this 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 sections 56133(d) and 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 section 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.

CERTIFICATION

I, Brian Spaunhurst, Executive Officer of the Fresno Local Agency Formation Commission, Fresno County, State of California, hereby certify that pursuant to the authority delegated by the Fresno LAFCo to the executive officer, I approved the foregoing resolution on the 6th day of June 2023.



Brian Spaunhurst, Executive Officer
Fresno Local Agency Formation Commission

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Exhibit A

No.	APN	Address
1	32921003	556 E Britten
2	32921004	474 E Britten
3	32921005	436 E Britten
4	32921007	4244 S Cherry Avenue 4234 S Cherry Avenue
5	32921014	4296 S Cherry Avenue
6	32921024	531 E Britten
7	32921026	567 E Britten
8	32921027	581 E Britten
9	32921030	4304 S Cherry Avenue
10	32921031	4302 S Cherry Avenue
11	32921032S	4300 S Cherry Avenue
12	32921034	523 E Britten
13	32921035	521 E Britten
14	32921037	4294 S Cherry Avenue 479 E Britten 4292 S Cherry Avenue
15	32921039	4282 S Cherry Avenue
16	32921040	4272 S Cherry Avenue
17	32921041	None Assigned
18	32921043	509 E Britten
19	32921044	4262 S Cherry Avenue
20	32921046	595 E Britten
21	32921047	4216 S Cherry Avenue
22	32921053	451 E Britten 467 E Britten 4290 S Cherry Avenue
23	32921054	437 E Britten
24	32921058	547 E Britten
25	32921013	None Assigned

Exhibit B

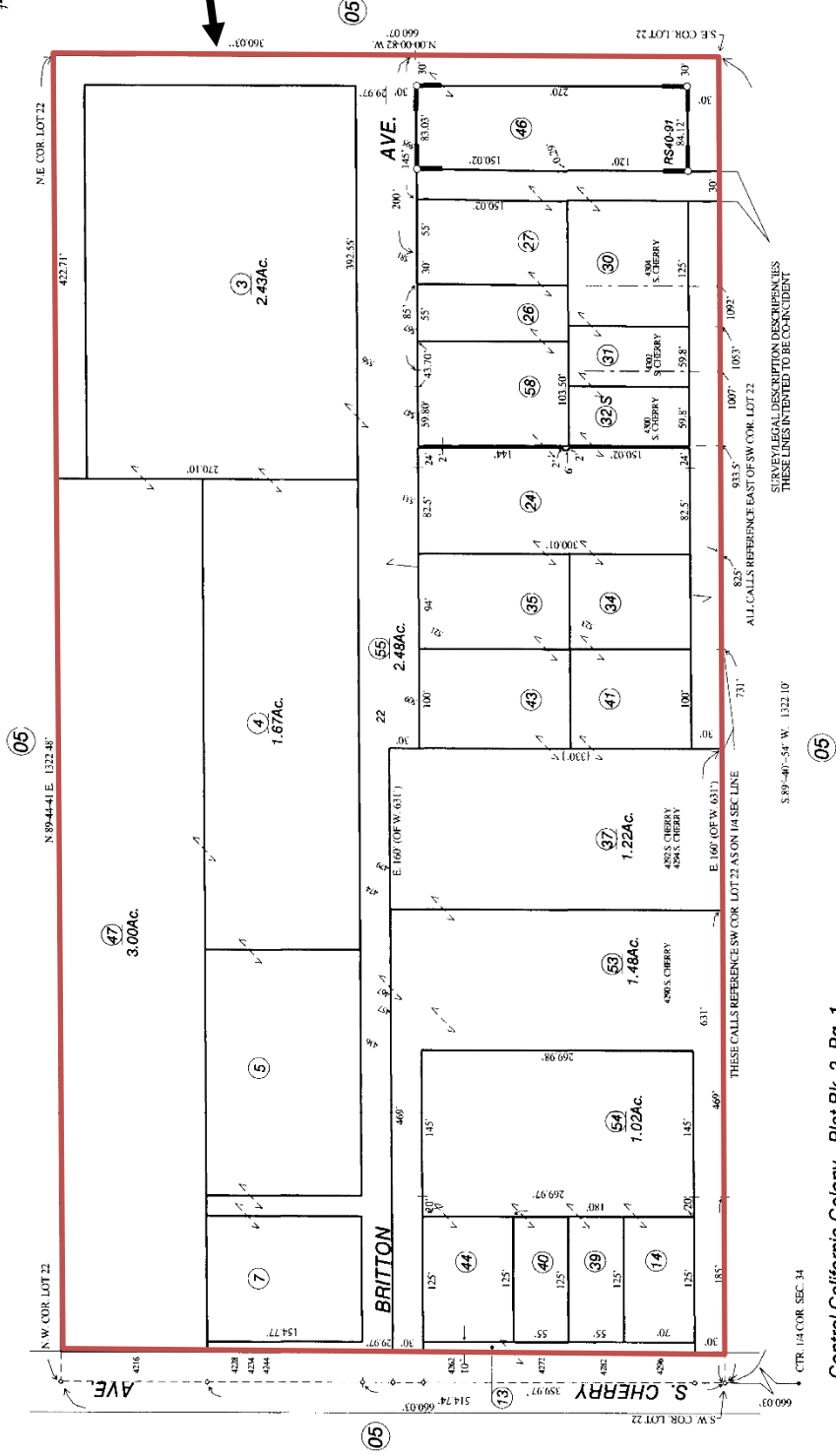
Subject Parcels

329-21

Tax Rate Area
152-001

SUBDIVIDED LAND & POR. SEC. 34, T.14S., R.20E., M.D.B.&M.

... NOTE ...
This map is for Assessment purposes only.
It is not to be construed as portraying
legal ownership or divisions of land for
purpose of zoning or subdivision law.



Assessor's Map Bk. 329 - Pg. 21
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Central California Colony - Plat Bk. 2, Pg. 1
Record of Survey - Bk. 40, Pg. 91