

RESOLUTION NO. USOI-144FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA

REQUEST FOR REVISION TO THE	)	ADOPTED FINDINGS AND APPROVED
CITY OF FRESNO SPHERE OF	)	WITH CONDITIONS
INFLUENCE	)	

WHEREAS, in order to carry out its 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, this Commission has the authority under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act") to develop and determine the sphere of influence of each local governmental agency within the County and enact policies designed to promote the logical and orderly development of areas within the sphere (California Government Code Section 56425(a); and

WHEREAS, this Commission has the authority to establish spheres of influence, or to revise or amend adopted spheres of influence of local governmental agencies after a noticed public hearing called and held for that purpose (California Government Code Section 56427); and

WHEREAS, a proposal for a revision to a local government's adopted sphere of influence may be made by the adoption of a resolution of application by the legislative body of an affected local agency (California Government Code Section 56654(a); and

WHEREAS, the City Council of the City of Fresno, California, adopted a resolution of application (Resolution No. 2005-507) on the 6th day of December 2005, applying to the Fresno Local Agency Formation Commission (LAFCo) for consideration of an amendment (hereafter referred to as the "Proposal" or "proposed SOI revision") to the City's Sphere of Influence to include the "Southeast Growth Area", consisting of approximately 8,863 acres, as identified in the Fresno 2025 General Plan; and

WHEREAS, the City of Fresno filed a certified copy of said resolution of application with the Executive Officer pursuant to California Government Code Section 56756; and

WHEREAS, the affected territory is generally described as an area bounded on the north by the Gould Canal, to the east by McCall, Highland and Temperance Avenues, on the south by Jensen, and North Avenues, and on the west by the existing Fresno Sphere of Influence boundary along Minnewawa, Temperance, and Locan Avenues, as depicted in "Exhibit A" attached to this resolution and made a part hereof; and

WHEREAS, said resolution of application (Resolution No. 2005-507) stated that Article VI of the City-County Amended and Restated Memorandum of Understanding (hereafter referred to as the "MOU" or "tax sharing agreement") requires the City to meet various conditions before proceeding with development within the Southeast Growth Area; and

WHEREAS, said resolution of application states that the City has met all the conditions identified in Article VI of the MOU with the exception of the preparation and approval of the Southeast Industrial Growth Area Business Park Specific Plan and attainment of the 60% residential development build-out in selected Community Plan Areas, and that provided the SOI amendment is approved, the City will move forward with the preparation and adoption of various Community and Specific Plans; and

WHEREAS, at its March 16, 2005 hearing the Local Agency Formation Commission requested more detailed environmental analysis, especially with respect to issues related to the preservation of agricultural lands; and

WHEREAS, in response to the request for more detailed environmental information, the City caused to be prepared a more detailed initial study to support a new Environmental Assessment (No. SOI-05-01, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR 10130) dated September 29, 2005); and

WHEREAS, the City Council reviewed the more detailed environmental information and found that the information supports and reaffirms the original finding and made a new finding based on the new information that there is no substantial evidence in the record that the "Southeast Growth Area SOI Amendment" may have an adverse impact on the environment; and

WHEREAS, as commended by Section 56425 (b) of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the City of Fresno presented the proposal to the Fresno County Board of Supervisors and requested them to support and concur with the City's request; and

WHEREAS, at its January 31, 2006 hearing, by a vote of three to two, the Board of Supervisors approved its support of a resolution of reapplication to LAFCo for an amendment to the City's SOI to include the Southeast Growth Area; and

WHEREAS, pursuant to Section 56425 (b), when there is an agreement between the County and a city seeking an SOI amendment the Commission shall give great weight to the agreement in its final determination of the city's SOI; and

WHEREAS, said application for an SOI revision was deemed complete and accepted for filing by the Interim Executive Officer and a Certificate of Filing was issued pursuant to California Government Code Sections 56651 and 56658(g), and accordingly Commission proceedings were deemed initiated; and

WHEREAS, the Executive Officer set this matter for hearing on April, 12, 2006, at the hour of 1:30 p.m., and caused notice of said hearing to be published in accordance with California Government Code Section 56153 in a newspaper of general circulation which is circulated within the territory affected by the sphere of influence proposed to be amended; and

WHEREAS, pursuant to Government Code Section 56665 the Executive Officer reviewed said application and all supporting materials and prepared a report to this Commission, including a recommendation for approval with specified conditions, said report having been mailed to the Commission, the officers or persons designated in the application, each local agency whose boundaries or sphere of influence would be changed by the Proposal, and each affected local

agency that has filed a request for a report with the executive officer, at least five days before said hearing; and

WHEREAS, this Commission reviewed the Executive Officer's report and recommendation and all supporting materials, including Initial Study No. SOI-05-01, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR 10130) dated September 29, 2005, the Master Environmental Impact Report, and all other documents that were incorporated by reference into said report, pursuant to Government Code Section 56665(d), which report was duly considered by this Commission pursuant to State law; and

WHEREAS, said Proposal was considered by this Commission at said hearing on the 12th day of April, 2006, at which the Executive Officer presented staff's report and recommended approval of the Proposal with specified conditions, and testimony was presented in favor and against the Proposal; and

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

WHEREAS, as Responsible Agency, this Commission independently reviewed and considered the information in the Draft and Final MEIR for the Fresno 2025 General Plan and the City's subsequent "Environmental Assessment / Initial Study" and the City's "Finding of Conformity" issued pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act "CEQA") prior to taking its action, and determined that the City's finding is appropriate, pursuant to State law, and that the Proposal is consistent with these documents and that these documents are sufficient on which to make a determination on the proposed sphere of influence revision.

NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does HEREBY STATE, FIND, RESOLVE, DETERMINE, AND ORDER as follows:

SECTION #1 – This Commission hereby adopts the findings required by the California Environmental Quality Act (CEQA) listed below:

1. Acting as a Responsible Agency under CEQA Guidelines, the Final Master Environmental Impact Report prepared for the 2025 Fresno General Plan by the Lead Agency, the City of Fresno, has been prepared in accordance with the requirements of CEQA Guidelines (Public Resources Code, Section 21000 *et seq.*) and the Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines – California Code of Regulations, Title 14, Section 15000 *et seq.*).
2. This Commission considered the information in the Final Master Environmental Impact Report and the Initial Study upon which the Lead Agency determined said project to be within the scope of the "Master Environmental Impact Report (MEIR) No. 10130" prepared and certified for the 2025 Fresno General Plan, prior to making a determination about the Proposal, together with any and all comments received during the public review process pursuant to the California Environmental Quality Act (CEQA), and finds on the basis of the whole public record before the Commission, including the Final Master Environmental Impact Report and the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment, and that the Lead Agency's determination pursuant to Section 21151.1 of the California Public Resources

Code (California Environmental Quality Act "CEQA") reflects the Lead Agency's independent judgment and analysis pursuant to CEQA Section 15074, *et seq.* (Public Resources Code Sections 21083 and 21087).

3. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, the Commission hereby finds that the Lead Agency's determination is appropriate, pursuant to Section 21151.1 of the California Public Resources Code (California Environmental Quality Act "CEQA"), and finds that that Final Master Environmental Impact Report and the subsequent Initial Study are sufficient on which to make a determination on the proposed change of organization.

SECTION #2 – This Commission hereby finds that the proposed change of organization is consistent with LAFCo Policies, Standards and Procedures Section 330, "Sphere of Influence Updates and Revisions," and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

SECTION #3 – This Commission hereby finds that the April 12, 2006 public hearing and consideration of the proposed SOI revision were legally noticed pursuant to California Government Code sections 56427 and 56153, and that all notices related to this matter were duly given in accordance with State law, including, but not limited to, the Act and CEQA Guidelines and governing laws.

SECTION #4 – This Commission finds that, pursuant to California Government Code section 56426.5(b)(1)(2) the proposed SOI revision will facilitate planned, orderly, and efficient patterns of land use and provision of services. The public interest in the change of organization substantially outweighs the public interest in the continuation of existing Williamson Act Contracts in the affected territory beyond the current expiration date of said Contracts. Additionally, the change of organization is not likely to adversely affect the continuation of said Contracts beyond their current expiration date. In making this determination, the Commission considered all relevant factors pursuant to California Government Code section 56426.5(b)(2)(A-C).

SECTION #5 - This Commission Determines that the MUNICIPAL SERVICE REVIEW AND SERVICES PLAN dated December 2005 prepared by the City of Fresno conforms to the requirements of Section 56430 of the California Government Code, and hereby adopts the proposed Written Determinations contained therein with the following addition:

Government Structure Options (Page 61) – Add: 4. *As the provider of a full range of urban services the City is the logical agency to provide these services in the subject area.*

SECTION #6 – This Commission hereby makes the following determinations pursuant to Government Code Section 56425(e):

1. The proposed Sphere of Influence expansion will accommodate anticipated growth needs of the City of Fresno in the affected area, and, with certain recommended conditions for future annexations therein, will provide for all existing and planned uses.
2. The present and probable needs for public facilities and services in the area will be provided for as identified in the MUNICIPAL SERVICE REVIEW AND SERVICES PLAN

prepared by the City of Fresno. The need for additional facilities will be identified and addressed during the preparation and adoption of the Community or Specific plan for the Southeast Growth Area as required in conditions 1 and 2 of Section 8, below.

3. The present capacity of public facilities and adequacy of public services that the City provides or is authorized to provide have been adequately identified in the MUNICIPAL SERVICE REVIEW AND SERVICES PLAN prepared by the City of Fresno, and additional facilities needs will be identified and addressed during the preparation and adoption of the Community or Specific Plan for the Southeast Growth Area as required in conditions 1 and 2 of Section 8, below.
4. No social or economic communities of interest have been identified in the subject area that are deemed relevant to the Commission.

SECTION #7 – This Commission hereby approves the proposed revision to the City of Fresno Sphere of Influence to include the "Southeast Growth Area" (approximately 8,863 acres) within the City's adopted sphere of influence (LAFCo File No. USOI -144), as depicted in Exhibit "A".

SECTION #8 – If and when the City submits an application for annexation for any affected parcels within the amended SOI, the City shall complete the following plans and programs prior to the Commission's approval of such an application:

1. Prepare and adopt a Community or Specific Plan for the Southeast Growth Area, including the preparation, public review, and certification of environmental documents and findings pursuant to CEQA. This plan shall include, but not be limited to, policies to address the requirements of Section 56426.5 of the California Government Code for lands subject to Williamson Act contracts.
2. Prepare and adopt a Master Service Delivery Plan for the Southeast Growth Area.
3. Prepare, adopt and begin to implement a program for annexing the designated open space areas in the approach corridor of the Fresno Air Terminal (areas designated with an "R" on the 2025 General Plan map), and for rural residential neighborhoods within the City's existing Sphere of Influence in the vicinity of the Southeast Growth Area. This program shall provide for logical and reasonable development, discourage urban sprawl, preserve open-space and prime agricultural lands, efficiently provide for government services, and encourage orderly development.

The rural residential neighborhood annexation program should emphasize the retention of characteristics that make the neighborhoods desirable places to live, while making provisions for appropriate improvements needed to incorporate such characteristics into the urban landscape. The program should include an outreach effort demonstrating to residents that annexation into the City would provide for an enhanced living environment preferable to staying in an unincorporated enclave, surrounded or substantially surrounded by the City. This program shall also be applicable within the Southeast Growth Area, and shall be reflected in the Specific Plan prepared by the City as required by condition 1, above.

The annexation program for the designated Open Space areas in the Fresno Air Terminal approach corridor should be undertaken as a means to preserving open space lands that would otherwise not be proposed for annexation; thereby providing for the efficient extension of government services to areas beyond the approach corridor, and providing for orderly boundaries that will facilitate annexation of other properties proposed for urban development.

SECTION #9 - 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 Proposal, as required by state law.

* * * * *

ADOPTED THIS 12th DAY OF APRIL, 2006, BY THE FOLLOWING VOTE:

AYES: Commissioners Lopez, Rodriguez, Fortune, Alternate County Commissioner Larson, and Waterston.

NOES: None

ABSENT: Anderson

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

CERTIFICATION OF CHAIRMAN

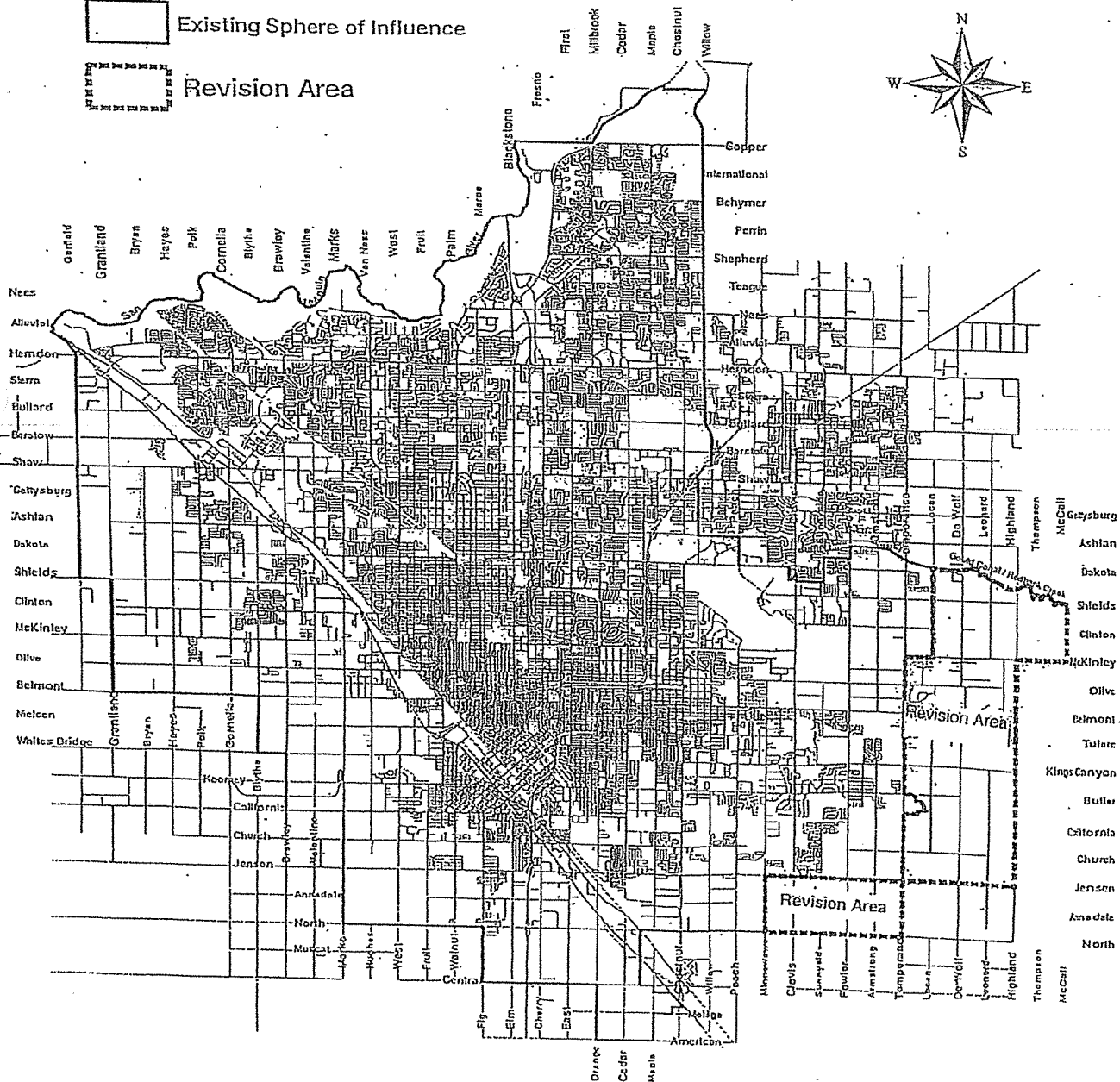
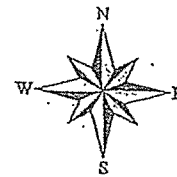
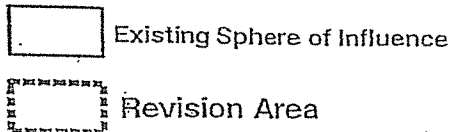
I, Bob Waterston, Chairman of the Fresno Local Agency Formation Commission, Fresno County, State of California, certify that the foregoing resolution was adopted by the Commission at a regular meeting held on the 12th day of April, 2006.



Bob Waterston, Chairman
Fresno Local Agency Formation Commission

EXHIBIT "A" RESOLUTION NO. USOI-144

LEGEND



Revision To The City Of Fresno Sphere of Influence

LEGEND

 Existing Sphere of Influence

 Revision Area

