

RESOLUTION NO. AD-13-1

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

In the Matter of:

LAFCo Determination

A REQUEST FOR APPROVAL OF ANNEXATION OF TERRITORY TO THE MALAGA COUNTY WATER DISTRICT - "NORTH-CHESTNUT NO. 1 (IMPERIAL TRUCK WASH) ANNEXATION"))))))	THE FRESNO LOCAL AGENCY FORMATION COMMISSION APPROVES THE PROPOSED "NORTH-CHESTNUT NO. 1 (IMPERIAL TRUCK WASH) ANNEXATION"
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WHEREAS, these proceedings were initiated by the Malaga County Water District ("MCWD" or "District") on December 11, 2012, with the adoption of Resolution No. 12-11-2012 and said District submitted an application for an annexation ("Proposal") to a special district to this Commission as required by state law; and

WHEREAS, having determined said application to be complete the Executive Officer issued a Certificate of Filing per State law and set this matter for hearing on the 13th day of March, 2013, at the hour of 1:30 p.m.; and

WHEREAS, the Proposal consists of the annexation of 19.6 acres to the Malaga County Water District for territory located at the southwest corner of North and Chestnut Avenues, inside the adopted Sphere of Influence of the MCWD; and

WHEREAS, the District has not requested any exchange of property tax revenue for this jurisdictional change; and

WHEREAS, the affected territory is uninhabited (7 registered voters) and not all of the property owners have consented in writing to the annexation; and

WHEREAS, written notice was given to those agencies whose boundaries would be affected by the proposal, as required by law; and

WHEREAS, the proposed annexation is consistent with LAFCo Policies, Standards, and Procedures and the "Act"; and

WHEREAS, the proposed annexation does not conflict with the goals and policies of the Commission to oversee and promote logical formations, planned, well ordered, efficient development patterns and service areas, and orderly urban development; and

WHEREAS, the proposed annexation does not involve conversion of agricultural land, and the approval of the proposed annexation would not convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use, and no significant adverse effects will occur on continuing agricultural operations on adjacent properties; and

WHEREAS, the proposed annexation would annex the Imperial Truck Repair and Wash Facility (Imperial) into the MCWD and the District states that they have the capacity to serve said territory; and

WHEREAS, the Executive Officer reviewed said application and prepared a report, including a recommendation, said report having been mailed to and considered by this Commission; and

WHEREAS, this Commission considered all relevant factors and heard all interested parties wishing to speak to said proposal; and

WHEREAS, the MCWD, as "Lead Agency", determined that the proposal is Categorically Exempt from the California Environmental Quality Act under CEQA Guidelines Section 15319, "Annexation of Existing Facilities and Lots for Exempt Facilities" and determined that any adjacent properties that may be included in the annexation at the request of Fresno County or the Fresno Local Agency Formation Commission contain existing, lawfully-established structures, and would also qualify under the same exemption; and

WHEREAS, as a "Responsible Agency" under CEQA Guidelines, prior to approving the present Proposal, the Commission is required to consider the information in the Categorical Exemption for the Proposal on which the Lead Agency based its Finding of Exemption.

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 a "Responsible Agency" under CEQA Guidelines, this Commission considered the information in the Categorical Exemption prepared for this project by the MCWD ("Lead Agency") prior to making its determination and find the subsequent project (Proposal) to be within the scope of the overall project covered by the Exemption (CEQA Section 15319 "Annexation of Existing Facilities and Lots for Exempt Facilities").

Section #2. This Commission finds that the Lead Agency's Categorical Exemption was prepared in accordance with the requirements of CEQA Guidelines and is consistent with State law and that the District's environmental document prepared for this Proposal is determined to be legally adequate pursuant to CEQA Guidelines Section 15319.

Section #3. This Commission finds that the proposed reorganization is consistent with LAFCo Policies, Standards, and Procedures Section 210 - Standards for Annexation to Cities and Urban Service Districts (01-10) and the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000.

Section #4. This Commission assigns the distinctive short form designation "North-Chestnut No. 1 (Imperial Truck Wash) Annexation" and approves the annexation subject to the following condition of approval:

Satisfactory evidence has been provided to the Executive Officer that prior to the physical connection of the water lines, all permit requirements established by the District Engineer have been met.

Section #5. This Commission finds and determines pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 that:

1. The territory is uninhabited.
2. Not all landowners have consented to the annexation.

Section #6. This Commission directs staff to conduct a protest hearing at the LAFCo office pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 57000 et seq.).

Section #7. This Commission's actions approving this proposal shall expire one year from the date of this Resolution unless all proceedings are complete, including compliance with all conditions of approval, Terms and Conditions, and the issuance of a Certificate of Completion by the Executive Officer.

Section #8. 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.

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ADOPTED THIS 13TH DAY OF MARCH, 2013, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS PEREA, SANTOYO, POOCHIGIAN, SILVA, LOPEZ

NOES: NONE

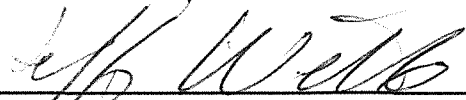
ABSENT: NONE

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

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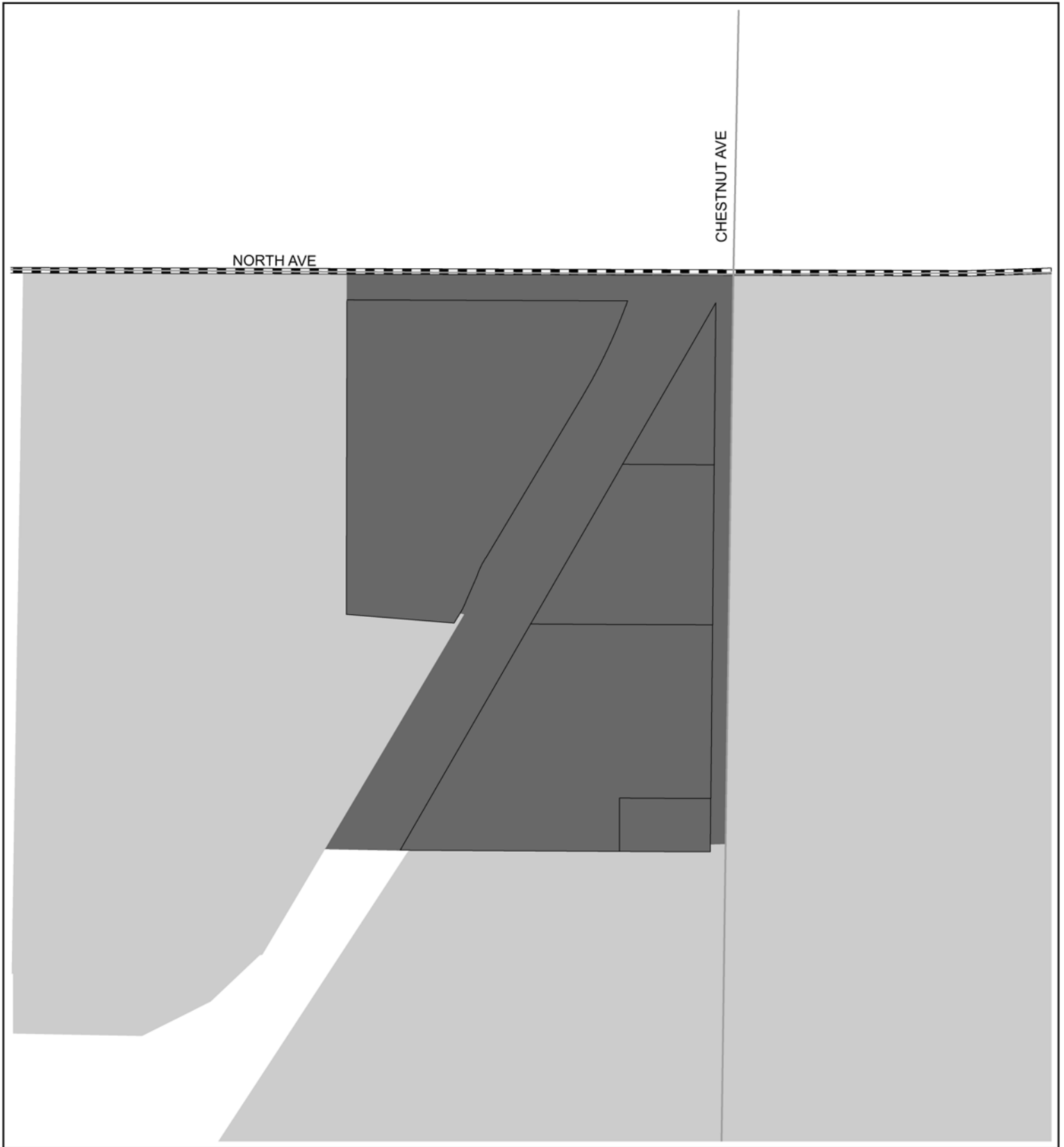
EXECUTIVE OFFICER'S CERTIFICATION

I, Jeff Witte, Executive Officer of the Fresno Local Agency Formation Commission certify that the foregoing resolution was adopted by the Local Agency Formation Commission of Fresno County, State of California, at a special meeting held on the 13th day of March, 2013.






**Jeff Witte, Executive Officer
Local Agency Formation Commission**

EXHIBIT "A"



Legend

-  District SOI
-  District Area
-  Affected Territory

Malaga County Water District "North-Chestnut
No. 1 (Imperial Truck Wash) Annexation"
(LAFCo File No. AD-13-1)

