

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCO)
EXECUTIVE OFFICER'S REPORT

AGENDA ITEM NO. 6

DATE: December 9, 2015

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, AICP, Executive Officer 

SUBJECT: Consider Appointing an Ad Hoc Committee to examine options related to Commission action on the Fresno Sphere of influence

RECOMMENDATION: Appoint Ad Hoc Committee

Background

On November 4, 2015, the Commission considered the Municipal Service Review (MSR) and Sphere of Influence update (SOI) prepared for the City of Fresno.

At the conclusion of public testimony portion of the hearing, Commissioner Perea expressed his interest in exploring the options available for Commission action on the Fresno SOI, specifically: actions related to the southeast area known as SEDA and SEGA. He suggested that the Commission appoint an ad hoc committee to further examine the issues. Commissioner Parra expressed his interest in serving on that committee, as well.

Because this action was not on the November agenda, LAFCo Counsel Price advised that the Commission direct staff to include appointment of the ad hoc committee during the December meeting.

The Sphere of Influence

In 1972, LAFCOs were given the power to determine spheres of influence for all local agencies. The SOI is defined in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) as "A plan for the probable physical boundaries and service area of a local agency, as determined by the commission."

A sphere of influence is a planning boundary outside of an agency's legal boundary (such as the city limit) that designates the agency's probable future boundary and service area. Factors considered in a sphere of influence review focus on the current and future land use, the current and future need and capacity for service, and any relevant communities of interest. With the passage of CKH, spheres for all cities and special districts are typically reviewed every five years.

The purpose of the sphere of influence is to ensure that municipal services are extended into a growth area in an orderly, logical, and efficient manner, and to discourage urban sprawl and the

premature conversion of agricultural and open space lands. Commissions cannot require local agencies to adopt certain planning goals. Rather, LAFCOs operate on a regional level to coordinate the orderly development of local agencies.

SOIs are essential for LAFCO to accomplish its public purposes under CKH. CKH sec. 56375.5 requires that every determination made by a commission shall be consistent with the spheres of influence of the local agencies affected by those determinations. These subsequent actions include annexations and detachments, MSRs, special district modifications, and requests to authorize extensions of service.

Four determinations are necessary for Commission action on the SOI. Determinations are essentially conclusions made by the Commission based on information in the record and when approved by the Commission they form the basis for action on the SOI. The four determinations are:

1. Present and planned land uses, including agricultural and open-space;
2. Present and probable need for public facilities and services;
3. Present capacity and adequacy of public facilities; and
4. Existence of social or economic communities of interest.

Issues to Resolve by the Ad Hoc Committee

The issues raised during the hearing were generally related to whether the underlying factors that supported the Commission's 2006 SEGA SOI determination approval were still valid and, if not, whether a revision to the City of Fresno SOI is warranted, and if so, what should be the extent of this revision. Options discussed included a return to the pre-2006 SOI boundaries and a partial revision of the sphere boundary.

Additional issues for the committee to consider may include whether an amendment of SEGA SOI would necessitate an amendment of the City/County Memorandum of Understanding. CKH section 56425 encourages a city and county to reach agreement on development standards and planning and zoning requirements within the sphere promotes orderly development of areas within the sphere. The MOU satisfies that requirement and the Commission gave great weight to that agreement when it conditionally approved the SEGA SOI. The MOU contains conditions of annexation similar to LAFCo's own SEGA SOI conditions; for example, both require additional land use and service planning as a prerequisite for annexations. If the SEGA SOI is amended, the effect on the City/County MOU should be evaluated.

In addition, the current Fresno County General Plan land use diagram designates SEGA for Rural Residential and Agricultural uses. The committee may choose to consider what effect an amended SEGA SOI could have on the viability of those uses given the nearly nine years that they have been in the SOI.

Conversely, long-range plans of public agencies, including the Clovis and Sanger Unified School Districts, anticipate urban growth in SEDA. The effect of a SOI amendment on these agencies should be considered by the committee.

Ad Hoc Committee Administration

In appointing an ad hoc committee, the Commission may choose to consider several administrative elements including:

- Staff's participate in the committee's investigations and development of recommendations;
- What data is needed by the committee;
- An anticipated schedule of deliverables; and
- Other instruction/direction by the Commission.

An ad hoc committee appointed by the Commissioners would evaluate the City's SOI and provide a recommendation to the Commission. Any Commission action regarding the City's SOI must occur during a publicly noticed meeting.