

RESOLUTION NO. AD-14-1

**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 - "GRAHAM ANNEXATION")**

**APPROVED THE "GRAHAM
ANNEXATION"**

WHEREAS, these proceedings were initiated by the Malaga County Water District ("MCWD" or "District") on September 24, 2013, with the adoption of Resolution No. 09-20-2013 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 12th day of March, 2014, at the hour of 10:00 a.m.; and

WHEREAS, the Proposal consists of the annexation 1.58 acres to the Malaga County Water District for territory located east of Maple Avenue, west of Golden State Boulevard, and north of Muscat Avenue; and

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

WHEREAS, the affected territory is uninhabited and 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 affected territory to 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 Malaga County Water District prior to making its determination and finds 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 "Graham Annexation" and approves the annexation

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

1. The territory is uninhabited.
2. All landowners have consented to the annexation.

Section #6. This Commission waives further Conducting Authority Proceedings and approves the annexation subject to the requirements of the "Act," the 30-day reconsideration period, and compliance with above condition.

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.

* * * * *

ADOPTED THIS 12TH DAY OF MARCH, 2014, BY THE FOLLOWING VOTE:

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


NOES: NONE

ABSENT: NONE

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

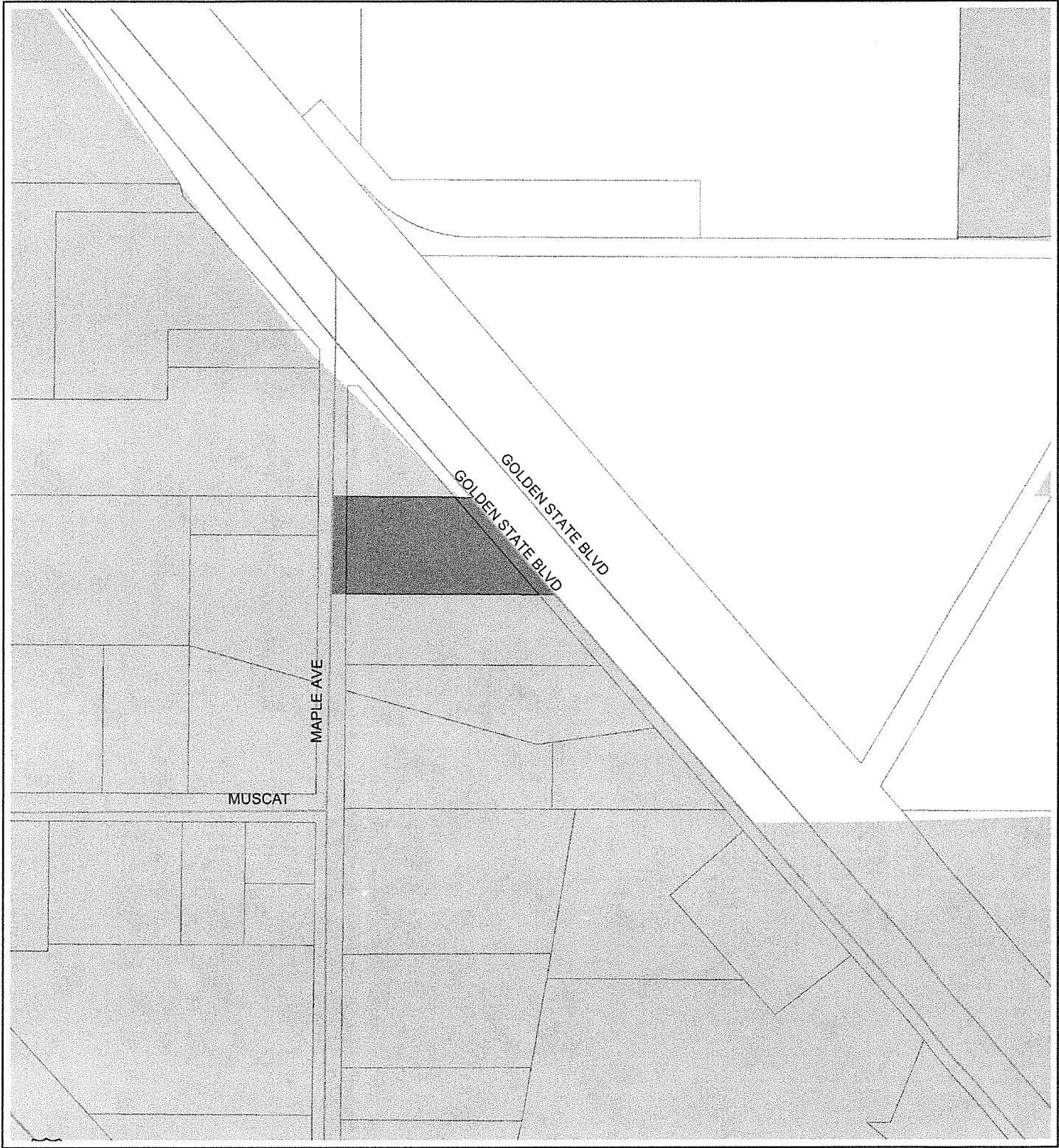
EXECUTIVE OFFICER'S CERTIFICATION

I, David E. Fey, 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 12th day of March, 2014.





David E. Fey, AICP, Executive Officer
Local Agency Formation Commission

EXHIBIT "A"



Legend

-  District Area
-  Affected Territory

Malaga County Water District
"Graham Annexation"
(LAFCo File No. AD-14-1)

