

**ALAMEDA LOCAL AGENCY FORMATION COMMISSION
RESOLUTION NO. 2012-09**

**Adopting Municipal Service Review Determinations, Sphere of Influence Determinations, and
Updating the Sphere of Influence for the Five Canyons County Service Area**

WHEREAS, Government Code Section 56425 et seq. requires the Local Agency Formation Commission (LAFCo) to develop and determine the sphere of influence (SOI) of each local governmental agency under LAFCo jurisdiction within the County; and

WHEREAS, Government Code Section 56425(g) requires that LAFCo review and update adopted SOI boundaries, as necessary, not less than once every five years; and

WHEREAS, Government Code Section 56430 requires that a municipal services review be conducted prior to or in conjunction with a SOI update; and

WHEREAS, LAFCo conducted a municipal services review of the services provided by the Five Canyons County Service Area (CSA); and

WHEREAS, the CSA's SOI is currently coterminous with its service boundaries; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the CSA's SOI; and

WHEREAS, in the form and manner prescribed by law, the Executive Officer has given notice of a public hearing by this Commission regarding the SOI update action; and

WHEREAS, the MSR determinations, the SOI determinations and the SOI update was duly considered at a public hearing held on November 29, 2012; and

WHEREAS, the Alameda LAFCo heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said action.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Alameda LAFCo hereby:

1. Adopt the following MSR determinations:

(a) *Growth and Population Projections*

- i. As of 2010, the population within Five Canyons County Service Area (FCCSA) was 3,435.
- ii. Based on Association of Bay Area Governments (ABAG) growth projections the population of FCCSA is anticipated to be 4,177 by 2035.
- iii. One potential development was identified within FCCSA's boundaries and SOI.
- iv. Stormwater service providers may reduce runoff caused by new development by implementing development standards that minimize impervious surfaces and by requiring site measures (e.g., swales and bioretention basins) that direct runoff to pervious surfaces.

(b) Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence

- i. Using Census Designated Places, Alameda LAFCo determines that there are no disadvantaged unincorporated communities that meet the basic state-mandated criteria within the County. Alameda LAFCo recognizes, however, that there are communities in the County that experience disparities related to socio-economic, health, and crime issues, but the subject of this review is municipal services such as water, sewer, and fire protection services to which these communities, for the most part, have access.

(c) Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs and Deficiencies

- i. FCCSA serves 7.7 miles of five roads.
- ii. There were 236 street maintenance service requests in FCCSA in FY 10-11.
- iii. Private roads in the FCCSA do not meet County design standards in regards to paved width.
- iv. Infrastructure deficiencies on private roads in unincorporated inhabited areas may affect the desirability of annexation of such areas to cities.
- v. Stormwater service needs are affected by pollutant loads in stormwater runoff and emerging regulatory requirements, including total maximum daily load requirements, for reducing pollutants to the maximum extent practicable.
- vi. FCCSA reported no stormwater related infrastructure needs, due to a relatively new drainage system.

(d) Financial Ability of Agency to Provide Services

- i. FCCSA reported that its financing was adequate to deliver services.
- ii. In FY 10-11, FCCSA's revenues exceeded expenses. The fund balance at the end of the fiscal year equated to approximately two years of expenditures for contingency purposes.
- iii. FCCSA does not have any long-term debt.

(e) Status and Opportunities for Shared Facilities

- i. As an Alameda County Congestion Management Agency member, FCCSA engages in joint studies and planning efforts.
- ii. FCCSA contracts with the Alameda County Public Works Agency for maintenance of roads and stormwater and, in that sense, share facilities.
- iii. FCCSA engages in joint financing arrangements related to insurance.

(f) Accountability for Community Services, Including Governmental Structure and Operational Efficiencies

- i. The FCCSA is governed by the Alameda County Board of Supervisors. The Board updates constituents, broadcasts its meetings, solicits constituent input, discloses its finances, and posts public documents on its website.
- ii. No alternative governance structure options with regard to FCCSA were identified.
- iii. The agency demonstrated accountability in its cooperation with the LAFCo information requests.

2. Retain the existing coterminous SOI for the Five Canyons CSA as generally depicted in Exhibit A attached hereto.
3. Consider the criteria set forth in Government Code Section 56425(e) and determine as follows:
 - (a) Nature, location, extent, functions, and classes of services provided – FCCSA provides supplemental street and stormwater maintenance services on public roads by reimbursing the Alameda County Public Works Agency for as-needed staffing in the Five Canyons community. Additional CSA services include landscaping, graffiti prevention and removal, erosion control, and maintenance of retaining walls, blockage removal, the cleaning of stormwater inlets and basins, and video inspection of drains.
 - (b) Present and planned land uses, including agricultural and open-space lands – The area is a low-density residential community. The recommended SOI does not conflict with planned land uses. No impacts upon Williamson Act protected land will occur. FCCSA already serves the entire boundary and SOI area.
 - (c) Present and probable need for public facilities and services – There is a subdivided property within FCCSA where there is the potential for growth; however, if constructed, the developer would be responsible for maintenance of the private road system and stormwater infrastructure. If growth occurs, it is anticipated that there will be continued wear and tear on road system and stormwater infrastructure.
 - (d) Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide – Services appear to be adequate. FCCSA conducts performance evaluations, productivity monitoring and benchmarking to improve service efficiency.
 - (e) Existence of any social or economic communities of interest – Five Canyons is a residential community of interest that pays service charges for service rendered by the County. Residents are the primary beneficiaries of the road network and stormwater infrastructure.
4. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that update of the agency’s SOI and the related MSR are categorically exempt under Sections 15061(b)(3) and 15306, Class 6 of the CEQA Guidelines.
5. Direct staff to file a Notice of Exemption as lead agency under Section 15062 of the CEQA Guidelines.

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This Resolution was approved and adopted by the Alameda Local Agency Formation Commission at a public hearing held on November 29, 2012, at 200 Old Bernal Avenue, Pleasanton, California on the motion made by Commissioner Marchand, seconded by Commissioner Wieskamp, and duly carried.

Ayes: 5 (Commissioners Miley, Sblendorio, Wieskamp, Andrade, and Marchand)
 Noes: 0
 Excused:

 /Nate Miley/

Nate Miley, Chair, Alameda LAFCo

Approved as to Form:

By: 

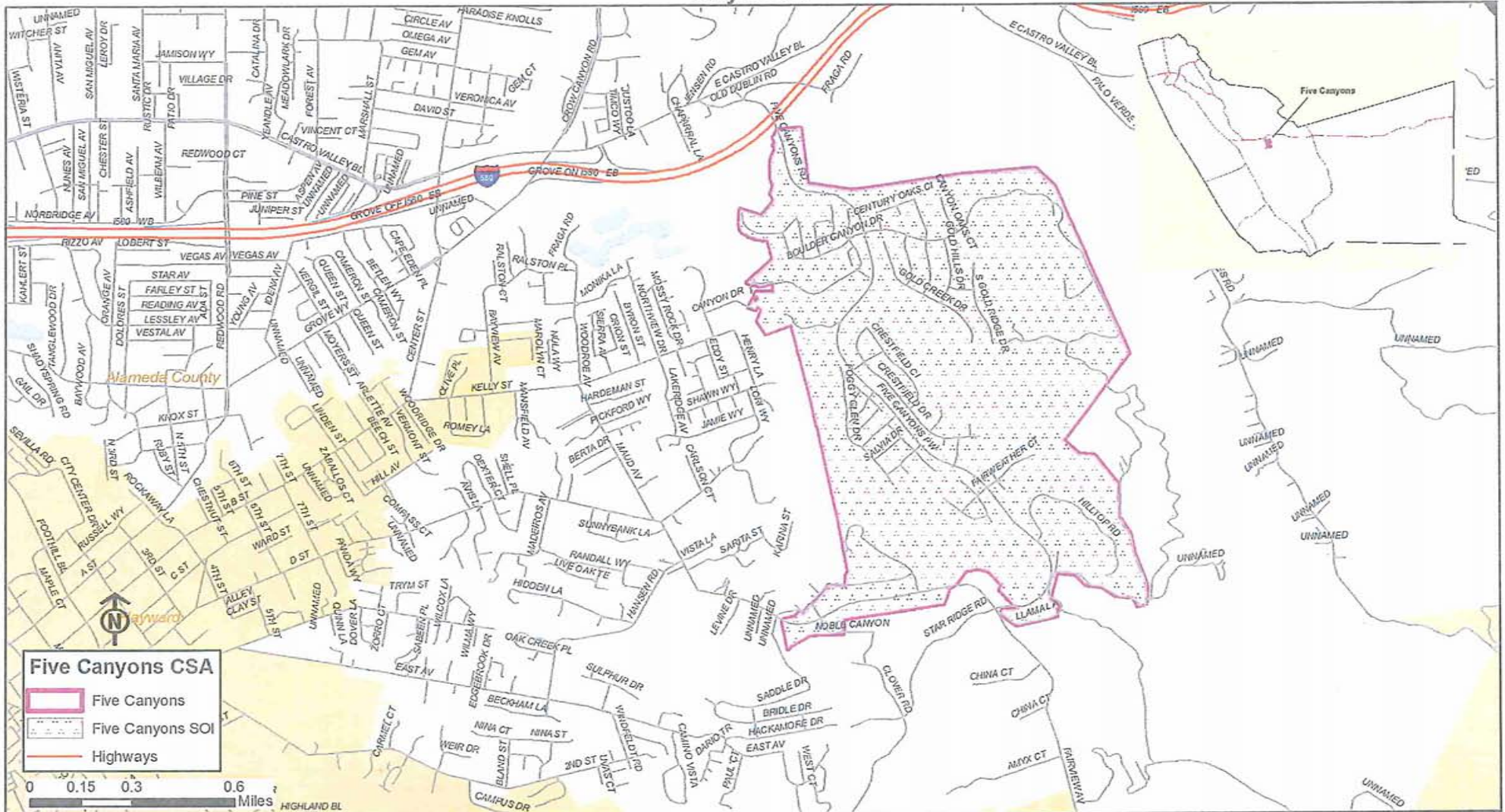
Brian Washington, LAFCo Legal Counsel

CERTIFICATION: I hereby certify that the foregoing is a correct copy of a resolution adopted by the Alameda Local Agency Formation Commission, Oakland, California.

Attest: 
Mona Palacios, LAFCo Executive Officer

Date: 12/17/2012

Five Canyons CSA Service Boundary and SOI* May 2012



*Agency sphere of influence equals the service boundary

Created for Alameda LAFCo by the Alameda County Community Development Agency