

**ALAMEDA LOCAL AGENCY FORMATION COMMISSION  
RESOLUTION NO. 2006-03**

**APPROVING AN UPDATE TO THE SPHERE OF INFLUENCE FOR THE  
ALAMEDA COUNTY WATER DISTRICT**

**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 within the County; and

**WHEREAS**, Government Code Section 56425(f) requires that LAFCo review and update the 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 Alameda County Water District and adopted written determinations as required by Government Code Section 56430 on November 10, 2005; and

**WHEREAS**, the Alameda County Water District's SOI is not coterminous with its boundary; and

**WHEREAS**, the District provides retail water service to the cities of Fremont, Newark and Union City and the Eden Shores area in Hayward within its boundaries; and

**WHEREAS**, the District also provides conservation and protection of the Niles Cone Groundwater Basin, one of its sources of water supply; and

**WHEREAS**, the District's SOI was adopted 1979, and since then, there have been over 80 annexations to the District boundary and numerous annexations in the surrounding cities; and

**WHEREAS**, the District's SOI currently includes 249 acres in the Eden Shores area in Hayward that were previously detached from the District's service area and are now primarily served by the City of Hayward; and

**WHEREAS**, it would be appropriate to remove this area from the District's SOI; and

**WHEREAS**, no change in regulation, land use or development will occur as a result of reducing the District'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 location of this SOI map;

**WHEREAS**, the SOI was duly considered at a public hearing held on January 12, 2006; 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. Update and reduce the SOI for the Alameda County Water District as generally depicted in Exhibit A attached hereto.
2. Adopt the following SOI policies:
  - Policy Recommendation #1: LAFCO to encourage the ACWD and Zone 7 boards to approve a service agreement relating to territory within both districts' boundaries.
3. Consider the criteria set forth in Government Code Section 56425(e) and determine as follows:
  - a. *The present and planned land uses in the area, including agricultural and open-space lands* – The recommended SOI does not conflict with the present and planned urban land uses. City and County policies support the provision of adequate water services. A reduction this SOI will not adversely affect agricultural or open space land or be growth inducing. No change to the present or planned uses will result from adoption of this SOI.
  - b. *The present and probable need for public facilities and services in the area* – Services are currently being provided and need to be continued. No changes in public facilities or services provided by the District will result from this SOI update.
  - c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – ACWD has diversified sources of water supply and projects its water supplies to be adequate to accommodate growth throughout buildout within its boundary. Water quality, drought preparedness, emergency preparedness, planning efforts, response times, and water pressure are adequate. Breaks and leaks in the District's distribution system are frequent, but ACWD meets industry standards for distribution system water loss rates. ACWD practices water conservation efforts. The District conducts benchmarking and performance evaluations to improve service efficiency. Adoption of the SOI update will not affect the present capacity of public facilities and adequacy of public services or the services provided by the District.
  - d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – Residents and businesses located in Fremont, Newark and Union City rely on ACWD for water and groundwater management services. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to the District.
  - e. *The existence of agricultural preserves or other important agricultural or open space land in the area which could be considered within an agency's SOI, and the effect on maintaining the physical and economic integrity of such resources in the event that such resources are within a SOI of a local governmental agency* – The ACWD SOI extends into open space areas—Hayward marshlands, eastern hillside areas and regional parks. The cities of Fremont and Union City limit extension of water service into the hillside areas to low-density development.; and LAFCo should reflect this limitation. The SOI update will not adversely affect agricultural or open space land or be growth inducing. No Williamson Act contracts will be adversely affected.
  - f. *Nature, location, extent, functions & classes of services to be provided* - The District provides retail water delivery and distribution, desalination, groundwater extraction and recharge, recycled water, habitat restoration, water education, water conservation, and groundwater management services to the cities of Fremont, Union City, Newark and southwest portions of the City of Hayward, along with conservation/protection of the Niles Cone Groundwater Basin, one of its sources of water supply. The District shall not provide services to areas outside the existing growth limit boundaries of Fremont and Union City.

4. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), this SOI update which reduces the District's SOI is categorically exempt under Section 15061(b)(3) of the CEQA Guidelines.
5. Direct staff to file a Notice of Exemption as lead agency under Section 15062 of the CEQA Guidelines.

\* \* \* \* \*

This Resolution was approved and adopted by the Alameda Local Agency Formation Commission at a regular meeting held on January 12, 2006, at 7051 Dublin Boulevard in Dublin, California on the motion made by Commissioner Foulkes, seconded by Commissioner Hosterman, and duly carried.

Ayes: 6 (Commissioners Butler, Crowle, Foulkes, Hosterman, Lockhart and Miley)  
Noes: 0  
Excused: 3 (Commissioners Combs, Kamena and Steele)

                    /Robert Butler/                    

Robert Butler, Chair, Alameda LAFCo

Approved as to Form:

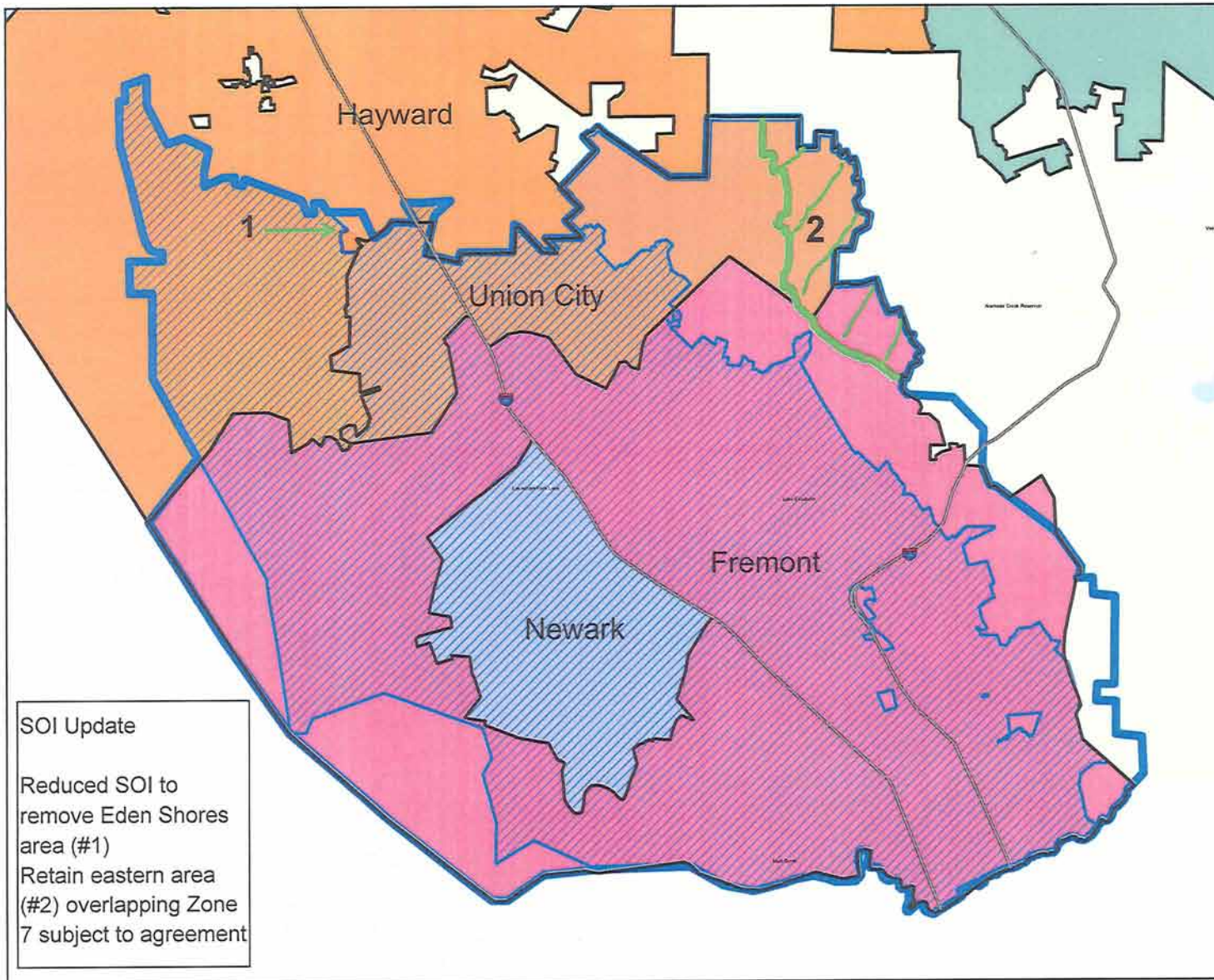
By:                     Brian Washington                      
Brian Washington, LAFCo Legal Counsel

**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:                     Crystal Mishida Graff                      
Crystal Mishida Graff, LAFCo Executive Officer

Date:                     2/3/06

# ALAMEDA COUNTY WATER DISTRICT



**SOI Update**

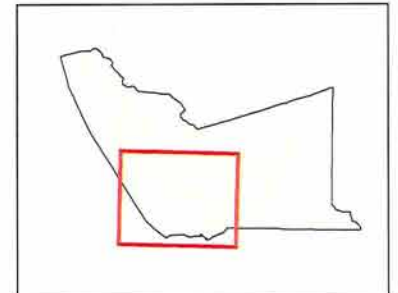
Reduced SOI to remove Eden Shores area (#1)

Retain eastern area (#2) overlapping Zone 7 subject to agreement

**Legend**

- Interstates
- ACWD\_Island\_Outline
- Alameda County Water District
- Alameda County Water SOI
- Hydrology
- Alameda Unincorporated

Alameda County Reference Map



# ACWD SOI Update

## Eden Shores SOI Reduction Area (#1) Detail

