

**ALAMEDA LOCAL AGENCY FORMATION COMMISSION
RESOLUTION NO. 2006-01**

**ADOPTING A SPHERE OF INFLUENCE FOR THE ALAMEDA COUNTY
FLOOD CONTROL AND WATER CONSERVATION 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 Flood Control and Water Conservation District and adopted written determinations as required by Government Code Section 56430 on November 10, 2005; and

WHEREAS, the Alameda County Flood Control and Water Conservation District currently has no adopted SOI; and

WHEREAS, no change in regulation, land use or development will occur as a result of adopting a countywide SOI which is coterminous with the District's current service boundary; 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 adoption 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. Adopt a countywide SOI coterminous with the service boundary for the Alameda County Flood Control and Water Conservation District as generally depicted in Exhibit A attached hereto.
2. 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 area includes a range of land uses including open space land. The SOI is consistent with land uses approved by the County and cities, which have land use authority within District boundaries. The District has no authority over land use. City and County policies support the provision of adequate flood control maintenance and engineering services. Therefore, adoption of 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 in 10 zoned areas and need to be continued. Additional zones may be required as the County grows and landed uses change. Future facility needs are expected to be greatest in Zone 7 as a result of the large amount of impervious surface area that is developing in the Tri-Valley area, particularly in Dublin.
 - c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The District maintains flood control infrastructure through most of its boundary area. The District identifies needed capacity enhancements in flood control channels through its capital improvement planning process. Channel capacity enhancements are needed, but some projects are delayed by funding constraints. The District is in compliance with NPDES permit requirements. Services appear to be adequate. Improved services are desirable, but constrained by funding availability. Adoption of the SOI 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* - The District was formed to provide flood control services throughout the County. Residents in the zoned portion of the District voted in favor of flood control services. The District does not currently serve residents in Alameda, Albany, Berkeley and Piedmont. Adoption of the SOI 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* – Flood control services are needed in all areas, are already being provided, and do not, by themselves, induce or encourage growth on agricultural or open space lands. Adoption of the SOI will not adversely affect agricultural or open space land or be growth inducing. No Williamson Act contracts will be affected.
 - f. *Nature, location, extent, functions & classes of services to be provided* - The District provides flood control maintenance (blockage and vegetation removal, channel capacity enhancement, cleaning and repair, fence repair, pump maintenance, desilting, and dredging), stormwater management, erosion control, floodwater detention, bank stabilization and environmental creek restoration, pollution prevention, water conservation, engineering, planning and design services in 10 separate zones in Alameda County. The cities of Alameda, Albany, Berkeley, and Piedmont and unincorporated EBMUD watershed lands lie outside the zoned territory, but may be served if the Board of Supervisors forms additional zones.
3. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that adoption of the countywide SOI which is coterminous with the District's current service boundary is categorically exempt under Section 15061(b)(3) of the CEQA Guidelines.
 4. 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:

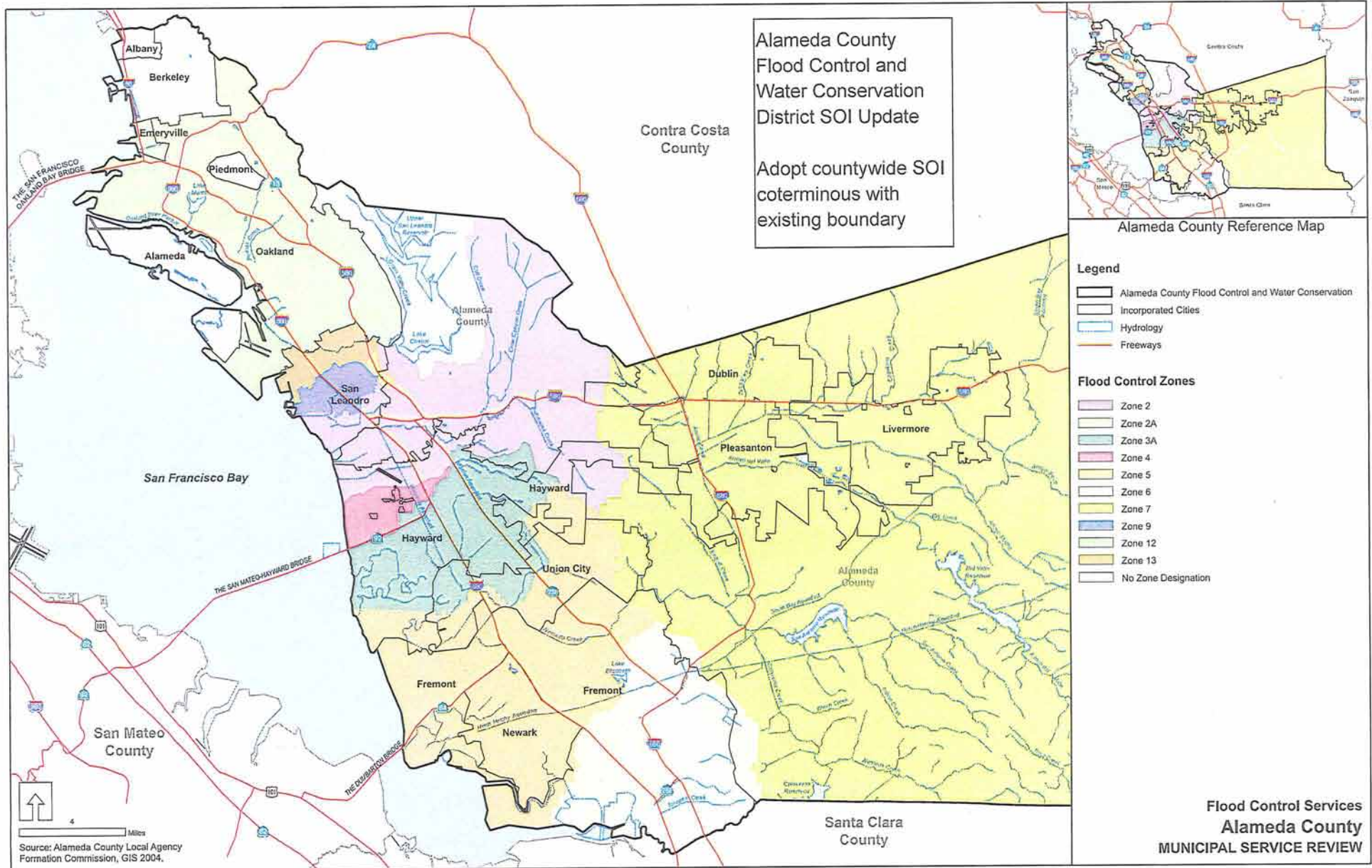
By: Brian Washington

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.

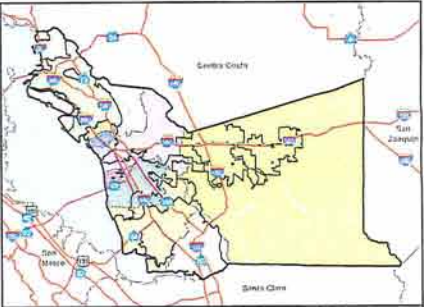
Attest: Crystal Hishida Graff
Crystal Hishida Graff, LAFCo Executive Officer

Date: 2/3/06



Alameda County
 Flood Control and
 Water Conservation
 District SOI Update

Adopt countywide SOI
 coterminous with
 existing boundary



Alameda County Reference Map

Legend

- Alameda County Flood Control and Water Conservation
- Incorporated Cities
- Hydrology
- Freeways

Flood Control Zones

- Zone 2
- Zone 2A
- Zone 3A
- Zone 4
- Zone 5
- Zone 6
- Zone 7
- Zone 9
- Zone 12
- Zone 13
- No Zone Designation

Flood Control Services
 Alameda County
 MUNICIPAL SERVICE REVIEW

Source: Alameda County Local Agency
 Formation Commission, GIS 2004.