

**ALAMEDA LOCAL AGENCY FORMATION COMMISSION
RESOLUTION NO. 2006-39**

**ADOPTING A SPHERE OF INFLUENCE FOR THE
CITY OF FREMONT**

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 City of Fremont and adopted written determinations as required by Government Code Section 56430 on May 11, 2006; and

WHEREAS, the City of Fremont provides police, fire, paramedic, stormwater, park, recreation, street maintenance, and street sweeping services directly; and contracts with private companies for ambulance transport, street light maintenance, and solid waste collection services; and

WHEREAS, the City of Fremont incorporated in 1956; and

WHEREAS, the City lies in the southern portion of Alameda County, bordered by the cities of Milpitas to the south and Union City and Hayward to the north; and

WHEREAS, LAFCo adopted Fremont's SOI in 1979; and

WHEREAS, the adopted SOI is not coterminous with the City's boundaries along its hilly eastern border; three areas outside Fremont's eastern border were included in the SOI (area between Mission Peak and Monument Peak, a Vargas Plateau area in the vicinity of Interstate 680, and a small northeastern area between the City boundary and Morrison Canyon Road) and an area inside Fremont's eastern boundary in the Mission Creek area was excluded from the SOI; and

WHEREAS, subsequent to the SOI adoption, LAFCo approved annexation of the small area between the City boundary and Morrison Canyon Road in 1985; and in 1988, annexation of the Eilbacher property; and

WHEREAS, in 1998, LAFCo approved an SOI amendment and reorganization affecting a small area of one-fifth of an acre that was detached from Union City and annexed to Fremont, but did not remove this area from Union City's SOI; and

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

WHEREAS, the SOI adoption was duly considered at a public hearing held on July 13, 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. Expand the existing SOI for the City of Fremont, which is not coterminous with the service boundary, to include the Mission Creek area, 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 City primarily consists of open space, including wetlands in the National Wildlife Refuge, other public open space, and private land in the hill area. Developed land is primarily residential (65 percent) with significant industrial (29 percent), and modest commercial use (6 percent). Open spaces along the City’s western edge include lands under control of the San Francisco Bay National Wildlife Refuge. Fremont voters approved a measure (2002) limiting density to one home per 20 acres in northeastern hillside areas. The City encourages infill development. Fremont’s growth is expected to occur primarily through infill development, redevelopment, and conversion and intensification opportunities throughout the community. Fremont growth strategies include promoting affordable housing by providing a density bonus of up to 25 percent. The SOI is consistent with planned land uses.
 - b. *The present and probable need for public facilities and services in the area* – The population in the City is expected to continue to grow. Industrial areas are expected to accommodate the majority of employment growth over the next 20 years. The General Plan (1991) envisions industrial development westerly of I-880 but also between I-880 and I-680 south of Auto Mall Parkway.
 - c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – For the most part, municipal services provided in the City are adequate. The City conducts productivity monitoring to improve service efficiency.
 - 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* – Communities of interest include Irvington, Centerville and in the eastern hills Niles, Mission San Jose and Warm Springs. Economic communities include the central business district, auto mall, Ardenwood and the industrial area.
 - 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* – No agricultural, open space or Williamson Act lands will be affected as changes to SOI only include land already in the City limits and correct illogical boundaries.
3. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that adoption of an expanded SOI to include the Mission Creek area already within the City of Fremont’s 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 July 13, 2006, at 7051 Dublin Boulevard in Dublin, California on the motion made by Commissioner Foulkes, seconded by Commissioner Kamena, and duly carried.

Ayes: 7 (Commissioners Combs, Foulkes, Steele, Miley, Lockhart, Kamena, and Sblendorio)>
Noes: 0
Excused: 0

/Janet Lockhart/

Janet Lockhart, 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:



Crystal Hishida Graff, LAFCo Executive Officer

Date:

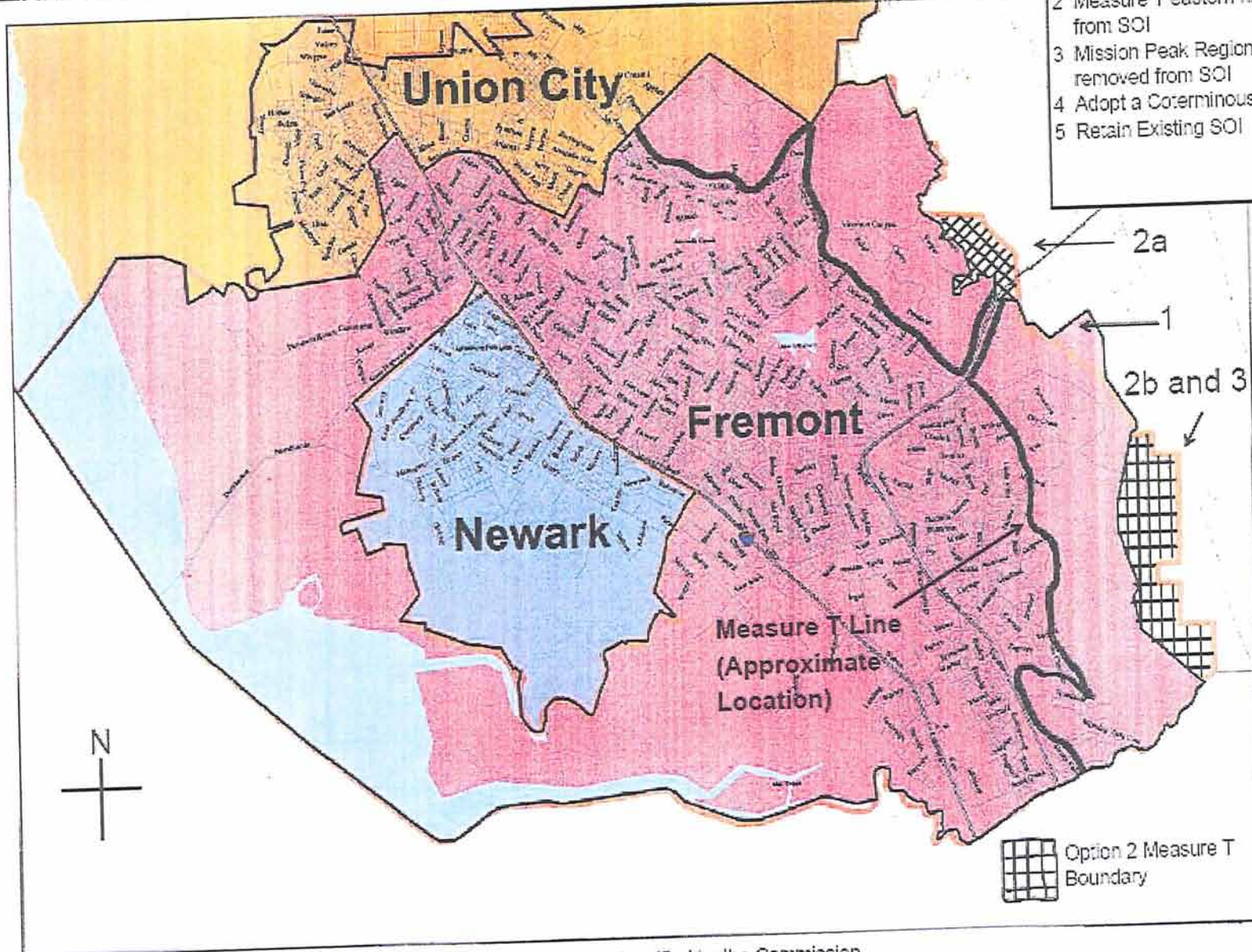
7/27/06

Exhibit A

City of Fremont SOI Options

SOI OPTIONS

- 1 Mission Creek area would be included in SOI
- 2 Measure T eastern hill areas would be removed from SOI
- 3 Mission Peak Regional Preserve areas would be removed from SOI
- 4 Adopt a Coterminous SOI
- 5 Retain Existing SOI



SOI not yet verified by the Commission