

RESOLUTION NO. 17-468**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO INITIATING FORMATION PROCEEDINGS FOR COUNTY SERVICE AREA NO. 34 ZONE D (RENAISSANCE AT BELLA VISTA)**

WHEREAS, the Board of Supervisors (Board) formed County Service Area No. 34 (CSA 34) in 1986 to provide a wide variety of governmental services for the community of Millerton New Town; and

WHEREAS, the County of Fresno (County) provides services including water, wastewater collection and treatment, street lighting, public right-of-way landscaping, open space maintenance, storm drainage, and road maintenance within CSA 34 through zones established under Article 8 of the County Service Area law (Government Code sections 25217 through 25217.4); and

WHEREAS, Tentative Tract Map. No. 4968 (TTM 4968) lies wholly within the boundaries of County Service Area No. 34; and

WHEREAS, as a condition of approval of TTM 4968, the County of Fresno Board of Supervisors requires the formation of a Zone of Benefit in CSA 34 to provide operation and maintenance services for authorized infrastructure in a new subdivision; and

WHEREAS, the developer/landowner of the TTM 4968 proposes that the territory described in Exhibit A and Exhibit A-1 to this resolution be designated County Service Area No. 34, Zone D (CSA 34D), which territory consists of approximately 59.42 acres and is planned to be developed into approximately 106 single-family residential lots under TTM 4968, for the development of the "Renaissance at Bella Vista" subdivision; and

WHEREAS, the territory is undeveloped and no registered voters are likely reside within the territory, but County staff are directed to obtain, and present prior to the protest hearing on the formation of CSA 34D, a certification from the County Clerk/Registrar of Voters regarding the number of registered voters residing within the territory; and

WHEREAS, Local Agency Formation Commission (LAFCo) action is not required for the formation of a zone within a County Service Area, under Government Code

1 section 25217.4. LAFCo has previously authorized services to be provided by CSA 34
2 that include municipal services such water, wastewater collection and treatment, street
3 lighting, public right-of-way landscaping, open space maintenance, storm drainage, and
4 road maintenance; and

5 WHEREAS, some of the facilities and services to be provided by the County to
6 CSA 34D are shared with all zones in CSA 34 and include: (1) administering three
7 contracts between the County and three other agencies (Arvin-Edison Water Storage
8 District, Lower Tule River Irrigation District, and the Deer Creek and Tule River Authority)
9 to provide a firm, long-term surface water supply for delivery to all of the parcels in CSA
10 34, zone A (also known as Brighton Crest), all of the parcels in CSA 34, zone C (also
11 known as Bella Vista), and all of the parcels in CSA 34, zone D (also known as
12 Renaissance at Bella Vista), and a portion of the parcels in CSA 34 that are not within
13 zones A, C or D (collectively, Water Contract Administration); and (2) maintaining in
14 ready-to-serve status the water pumping facilities located on a submerged platform in
15 Millerton Lake that pump untreated surface water from Millerton Lake (a) to storage and
16 treatment facilities that currently process raw water to produce potable water for
17 domestic uses for delivery to Brighton Crest, Bella Vista and Renaissance at Bella Vista,
18 and (b) and for use on the golf course in Brighton Crest for fairway turf irrigation
19 (collectively, Lake Pump Maintenance); and

20 WHEREAS, the facilities and services to be provided by the County in CSA 34D
21 include: (1) maintaining water distribution system, fire hydrants, and water storage
22 facilities in ready-to-serve status for all user classes, regardless of whether they have
23 an active water service, available to provide a new water service and meters as currently
24 vacant lots of record are developed; (2) maintaining sewer facilities in a ready-to-serve
25 status for all user classes, regardless of whether they have an active sewer service, and
26 available to support new sewer service connections from currently vacant lots of record
27 (collectively, Water and Sewer Facilities);

1 WHEREAS, the facilities and services to be provided by the County in CSA 34D
2 also include: (1) storm drainage, including periodic monitoring during and after storm
3 events and operation of the basin outlet controls as needed to empty the basin between
4 storm events; (2) road maintenance, including street paving, striping, signage
5 maintenance, repair and reconditioning to maintain all of the in-tract and off-site streets
6 constructed pursuant to the development of Tract 4968, including the funding of special
7 reserve funds created and funded as a condition of approval for Tract 4968, and
8 including inspection of street pavement to identify sections in need of immediate repair,
9 inspection of all street signage installed pursuant to the development of Tract 4968- and
10 replacement as needed of any damaged or degraded street signs and poles, inspection
11 and reconditioning of all street striping, and all related insurance and administrative
12 costs to maintain the ready-to-serve status of CSA 34D streets for the benefit of all CSA
13 34D lots (collectively, Storm Drainage and Road Maintenance); and

14 WHEREAS, the facilities and services to be provided by the County in CSA 34D
15 also include landscape maintenance and street lighting services, specifically: (1) paying
16 electrical costs for the PG&E owned and operated street lighting for the purpose of
17 providing street safety lighting throughout the community and for maintaining the visual
18 presentation of those streets (2) providing all work and expenses associated with the
19 maintenance of the open space to maintain the current standard of visual presentation
20 of the community for the benefit of all CSA 34D properties; and (3) providing public right-
21 of-way landscape maintenance to maintain the current standard of visual presentation
22 of the community for the benefit of all CSA 34D properties (collectively, Lighting, Open
23 Space and Landscape Maintenance); and

24 WHEREAS, under Government Code section 25217.1, subdivision (d), before
25 the Board may approve the proposed formation of CSA 34D, users fees and benefit
26 assessments to pay for the services listed above must be approved by owners of
27 specially benefitted properties as required by Proposition 218 (California Constitution,
28 Article XIII D, sections 4 and 6); and

1 WHEREAS, in connection with the requirement of Government Code section
2 25217.1, subdivision (d), the Board is also, by separate resolutions today, declaring its
3 intention to levy benefit assessments to pay for the services listed above on the
4 properties included in the proposed CSA 34D.

5 NOW, THEREFORE, BE IT RESOLVED:

6 **Section 1.** Each of the recitals above is true and correct.

7 **Section 2.** The proposed new zone is designated "County Service Area No.
8 34, Zone D" (and referred to below as "CSA 34D").

9 **Section 3.** Services to provided in CSA 34D include water, wastewater
10 collection and treatment, street lighting, public right-of-way landscaping, open space
11 maintenance, storm drainage, and road maintenance.

12 **Section 4.** Services provided in CSA 34D will be financed through user fees
13 and benefit assessments.

14 **Section 5.** It is in the public interest to form CSA 34D, and for that reason the
15 Board hereby declares its intention to form CSA 34D as provided in Article 8 of the
16 County Service Area Law, to include the territory shown and described in Exhibit A and
17 Exhibit A-1 to this resolution.

18 **Section 6.** The Board shall conduct a public hearing on **December 5, 2017**, at
19 **9:00 a.m., or as soon after as practicable, but in any case before any public protest**
20 **hearings on the user fees and benefit assessments to pay for the services listed**
21 **above, to be set for the same day by separate resolutions, in the meeting**
22 **chambers of the Board, Hall of Records, 2281 Tulare Street, Third Floor, Fresno,**
23 **California 93721**, concerning the proposed formation of CSA 34D. The public hearing
24 may be continued from time to time by the Board without further notice. At the public
25 hearing, the Board will hear and consider any protests to the proposed boundary
26 change.

27 **Section 7.** The Board will follow the majority protest procedure under
28 Government Code section 25217.1, subdivision (b). If the County Clerk / Registrar of

1 Voters has given a certification prior to the protest hearing that is sufficient to support a
2 finding that the territory is “uninhabited” as that term is defined in Government Code
3 section 25210.2, subdivision (e), then the Board will proceed under Government Code
4 section 25217.1, subdivision (b)(2), and there will be a majority protest if more than 50
5 percent of the property owners who own more than 50 percent of the assessed value of
6 all taxable property in the proposed CSA 34D have filed written objections to the
7 formation. Otherwise, the Board will proceed under Government Code section 25217.1,
8 subdivision (b)(1), and there will be a majority protest if more than 50 percent of the total
9 number of voters residing within the proposed zone have filed written objections to the
10 formation.

11 **Section 8.** All written objections to the proposed formation of CSA 34D, to be
12 counted toward a majority protest as defined in section 7 above, must include: (1)
13 information sufficient to identify the property owned by the objector, such as the address
14 of the objector’s property within CSA 34D, the APN for the property, or both; (2) a written
15 statement of clear objection to the proposed boundary change; and (3) the name and
16 signature of the objector.

17 **Section 9.** All written objections to the proposed boundary change, to be
18 counted toward a majority protest as defined in section 7 above, must be delivered by
19 one of the following methods: (1) by U.S. Mail so that it is received by the Clerk to the
20 Board (Clerk) no later than the date and time set for the public hearing; or (2) otherwise
21 delivered to the Clerk no later than the date and time set for the public hearing; or (3)
22 delivered to the Clerk at the public hearing before the close of public testimony. If written
23 objections are mailed or otherwise delivered before the public hearing, the proper
24 address is Clerk to the Board of Supervisors, County of Fresno Hall of Records, 2281
25 Tulare Street, Room 301, Fresno, California 93721. Written objections from property
26 owners may be withdrawn or changed at any time prior to the close of public testimony
27 at the public hearing.

Section 10. The Director of Public Works and Planning (Director) or his designee is directed to prepare a notice of public hearing (Notice), which shall include all of the following: (1) a statement that the proposal to form CSA 34D is made under Article 8 of the County Service Area Law; (2) a description of the territory to be included in CSA 34D; (3) a statement of the reasons for forming CSA 34D; (4) a statement of the authorized services, different levels of service, different authorized facilities, or additional revenues that CSA 34D will provide (namely, the services listed above); (5) a statement of the method by which those authorized services, levels of service, or authorized facilities will be financed (namely, user fees and benefit assessments); (6) the date, time, and place for the public hearing on the proposed formation of CSA 34D as established by section 6 of this resolution; (7) a statement that all interested parties will be allowed to give testimony for or against the proposed formation of CSA 34D; (8) instructions for submitting written objections; (9) a statement that the proceeding will be terminated if there is a majority protest to the proposed formation of CSA 34D if the owners of benefitted properties within CSA 34D do not approve user fees and benefit assessments to pay for the services listed above; and (1) the name and contact information of a County staff person who is available to answer questions about the proposed formation.

Section 11. The Clerk is authorized and directed to: (a) publish the Notice once in a newspaper of general circulation as provided in Government Code section 6061; (b) no later than Tuesday, November 14, 2017, mail the Notice to all owners of property within the proposed CSA 34D; (c) no later than Tuesday, November 14, 2017, mail the Notice to each city and special district that contains, or whose sphere of influence contains, the proposed CSA 34D, if any; and (d) post the Notice in at least three public places within the territory of the proposed CSA 34D.

Section 12. This proceeding to form CSA 34D will be terminated if there is a majority protest to the proposed formation as described in section 7 above, or if the owners of benefitted properties within the proposed CSA 34D do not approve user fees

1 and benefit assessments to pay for the services listed above as required by Proposition
2 218.

3 THE FOREGOING was passed and adopted by the following vote of the
4 Board of Supervisors of the County of Fresno this 17th day of October 2017, to-wit:

5 AYES: Supervisors Borgeas, Magsig, Mendes, Pacheco, Quintero

6 NOES: None

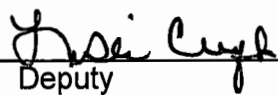
7 ABSENT: None

8 ABSTAINED: None



BRIAN PACHECO, CHAIRMAN of the
Board of Supervisors of the County of
Fresno

13 ATTEST:
14 BERNICE E. SEIDEL
15 CLERK, BOARD OF SUPERVISORS

16 BY: 
Deputy

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