

**RESOLUTION NO. AD-18-2**

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION  
APPROVING THE “TPM 8187-WEST TECH III ANNEXATION” WITH CONDITIONS  
(LAFCO FILE NO. AD-18-2)**

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**WHEREAS**, annexation proceedings were initiated by the Selma-Kingsburg-Fowler County Sanitation District (SKF) to annex approximately 17.9 acres to the SKF for territory located on the southeast corner of East Lincoln Avenue and State Highway 99, said territory being described within Attachment “A”, attached hereto and by this reference incorporated herein; and

**WHEREAS**, upon evaluation of the pre-application and prior to accepting the application the Executive Officer recommended 3.1 acres to be included to the annexation proposal (“Proposal”) due to the recommended acres already being served by the District but not formally annexed; and

**WHEREAS**, the application was submitted to the Fresno Local Agency Formation Commission (LAFCo or Commission) by SKF as required by State law, and the application for said proposed annexation was accepted for filing by the Executive Officer and set for hearing on the 13<sup>th</sup> day of February 2019, at the hour of 1:30 p.m.; and

**WHEREAS**, notice of the hearing to consider the Proposal was given as required by State law; and

**WHEREAS**, the Executive Officer reviewed the Proposal and prepared a report to the Commission, including a recommendation for approval upon certain conditions, said report having been mailed at least five days before said hearing and was duly considered by the Commission pursuant to State law; and

**WHEREAS**, acting as “Responsible Agency” under the California Environmental Quality Act (“CEQA”) the Commission considered the CEQA documents filed and adopted by the County of Fresno acting as the “Lead Agency” under CEQA for the Proposal and associated rezoning, which was included in the Executive Officer’s report to the Commission; and acting as the “Lead Agency” under CEQA for the additional area under the requirements of the CEQA which was included in the Executive Officers report to the Commission; and

**WHEREAS**, the Commission considered all relevant factors and evidence and heard all interested parties wishing to speak on the Proposal.

**NOW, THEREFORE, BE IT RESOLVED** that the Fresno Local Agency Formation Commission does **HEREBY RESOLVE AND DETERMINE**, as follows:

**Action 1**

- A. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to approving the proposed annexation, the environmental effects of the Proposal as shown in the CEQA documents prepared, adopted, and submitted by the

Lead Agency, were reviewed and considered, and determine these documents to be adequate pursuant to CEQA Guidelines section 15096.

**ADOPTED THIS 13<sup>th</sup> DAY OF FEBRUARY 2019, BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS MENDES, PARRA, PACHECO, SILVA, SANTOYO**  
**NOES: NONE**  
**ABSENT: NONE**  
**ABSTAIN: NONE**

**Action 2**

B. Acting as a "Lead Agency" under CEQA Guidelines, state that the Commission has adopted a Class 1 "Existing Facilities" Notice of Exemption prepared for APN 340-150-25s prior to making its determination and find the subsequent project (Proposal) to be within the scope of the overall project covered by the Notice of Exemption (CEQA Section 15301, Class 1 "Existing Facilities"). The project meets the Class 1 "Existing Facilities" exemption where by no alteration of existing structure, facilities, and mechanical equipment is proposed, with negligible or no expansion of use beyond that previously existing. The additional 3.1 acres to be annexed to the Selma-Kingsburg-Fowler County Sanitation District is already served by the District and developed with existing residential facilities. After annexation, there will be no change to these facilities.

**ADOPTED THIS 13<sup>th</sup> DAY OF FEBRUARY 2019, BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS MENDES, PARRA, PACHECO, SILVA, SANTOYO**  
**NOES: NONE**  
**ABSENT: NONE**  
**ABSTAIN: NONE**

**Action 3**

- C. Find that the proposed reorganization is consistent with LAFCo Policies and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).
- D. Find pursuant to CKH and information in the record that:
  - a. The territory is uninhabited; and
  - b. All landowners and affected agencies have consented to the reorganization.
- E. Assign the distinctive short form designation "TPM 8187-West Tech III Annexation" and approve the annexation subject to the following conditions of approval:

- a. Pursuant to Fresno LAFCo Policy 103-05, the Executive Officer shall record the approved application if all conditions have been satisfied and once he or she has determined that the facts pertaining to the application during the time of recording are materially similar to those facts considered by the Commission when the application was approved. Facts, as used in the proceeding sentence, is defined to include, but is not limited to, whether or not the proposed project is materially similar to the project described in any application before the Commission.
- b. Submittal of corrected legal description and map.
- c. The Selma-Kingsburg-Fowler County Sanitation District's annexation fee shall be paid to the District prior to recordation. The proponents shall provide evidence to the Executive Officer as verified by the District that the conditions have been met prior to recordation.

F. Waive further Conducting Authority proceedings and order the reorganization subject to the requirements of CKH.

**ADOPTED THIS 13<sup>th</sup> DAY OF FEBRUARY 2019, BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS MENDES, PARRA, PACHECO, SILVA, SANTOYO**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

STATE OF CALIFORNIA )  
 COUNTY OF FRESNO )

**CERTIFICATION**

I, David E. Fey, Executive Officer of the Fresno Local Agency Formation Commission, hereby certify that the foregoing resolution was adopted by the Commission on the 13<sup>th</sup> day of February 2019.

  
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 David E. Fey, Executive Officer  
 Fresno Local Agency Formation Commission