

**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
EXECUTIVE OFFICER'S REPORT**

CONSENT AGENDA ITEM No. 5-B

DATE: February 13, 2019

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: Juan Lara, LAFCo Analyst II

SUBJECT: Consider Approval: Selma-Kingsburg-Fowler County Sanitation District "TPM 8187-West Tech III Annexation." A proposal to annex 17.9 acres to the Selma-Kingsburg-Fowler County Sanitation District for the territory located on the Southeast corner of East Lincoln Avenue and State Highway 99.
(LAFCo File No. AD-18-2)

Applicant: Selma-Kingsburg-Fowler County Sanitation District

Land Owners/Parties of Real Interest (100% Consent): Zim Industries Inc., JD Prop Sanger LLC (Michael J Farley Trustee).

(This proposed annexation has been placed on the consent agenda without notice pursuant to Government Code (GC) Sec. 56662(a) because the territory is uninhabited, no affected local agency has submitted a written demand for notice and hearing, and all property owners have consented in writing to the annexation.)

RECOMMENDATION: Approve by Taking the Following Actions:

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.

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.

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.

Executive Summary

On December 15, 2018, the Selma-Kingsburg-Fowler County Sanitation District initiated this annexation by adopting Resolution No. 2018-13, requesting that the Commission begin proceedings for the "TPM 8187- West Tech III Annexation" to annex approximately 17.9 acres located on the southeast corner of East Lincoln Avenue and State Highway 99 to the Selma-Kingsburg-Fowler County Sanitation District.

The annexation will permit sewer services to be provided when development occurs.

Proposal/Land Use

- The Proposal consists of the annexation of approximately 17.9 acres located on the southeast corner of East Lincoln Avenue and State Highway 99 to the Selma-Kingsburg-Fowler County Sanitation District.

- Information related to the Proposal's affected territory, land use, proposed development, special districts, surrounding areas, and existing/proposed services can be found on **Attachment A**.
- The affected territory is within the Selma-Kingsburg-Fowler County Sanitation District sphere of influence (**Attachment B**) and is contiguous to the District's service area (**Attachment C**).
- The Proposal is currently zoned AE-20 (Agricultural Exempt) and has been rezoned to the Fresno County M-3 (Heavy Industrial) by County Ordinance No. R-480-3824.
- The territory is uninhabited.
- The Proposal is consistent with the existing Fresno County General Plan land use designations.

Sustainable Groundwater Management Act

California's Sustainable Groundwater Management Act (SGMA) was signed into law by Governor Edmund G. Brown Jr. on September 16, 2014. This three-part legislation requires local agencies to develop groundwater sustainability plans that are compatible with their regional economic and environmental needs. SGMA creates a framework for sustainable local groundwater management for the first time in California's history.

SGMA requires local agencies to form Groundwater Sustainability Agencies (GSA's) in local groundwater basins by June 2017, and requires the adoption of Groundwater Sustainability Plans (GSP's) for groundwater basins deemed high priority by year 2020.

After annexation, water service will be provided by the West Tech Industrial water system. The West Tech Industrial water system is an independent non-transient private water system owned by West Start Development. The system is not a participating member of a GSA.

Environmental Determination

The County of Fresno, acting as "Lead Agency" under CEQA, adopted a Mitigated Negative Declaration for Amendment Application No. 3824 and Initial Study Application No. 7300 filed with the office of the Fresno County Clerk on May 16, 2018 consistent with the requirements of CEQA. The Mitigated Negative Declaration determined the project would not have a significant impact on the environment including impact on matters such as air quality, water consumption, loss of agricultural and city service/infrastructure therefore the preparation of an Environmental Impact Report is not required.

As "A Responsible Agency," the Commission is required to review and consider the Lead Agency's environmental documents prior to taking its action. If the Commission determines that these documents are adequate, pursuant to CEQA, it may make the required findings provided under "Recommendations" above.

Fresno LAFCo acting as "Lead Agency" under CEQA prepared a Notice of Exemption for the additional parcel included. 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 heavy industrial facilities. After annexation, there will be no change to these facilities.

Costs and Other Changes Affecting Residents or Landowners - Monthly service charge.

Agencies and Individuals Submitting Comments

- Jean Rousseau, County Administrative Officer
- Kevin Tsuda, Environmental Health Specialist III, Fresno Co. Dept. of Public Health
- Chufeng Vang, IT Analyst, Fresno County Elections Department
- Laurel Prysiazny, County Librarian

Territory Boundaries - The boundaries of the proposed annexation are definite and certain and the County Assessor has determined that the map and legal description are **not** adequate to file with the State Board of Equalization.

Registered Voter Data - The office of County of Fresno Elections reported that there was **one** registered voter in the affected territory.

Compliance with the Requirements of CEQA (Original Proposal)

Lead Agency: County of Fresno

Level of Analysis: Initial Environmental Study

Finding: Mitigated Negative Declaration (see Environmental Documents at www.fresnolafco.org under the Hearing and Workshops tab in the February 13, 2019 file).

Compliance with the Requirements of CEQA (Additional Territory)

Lead Agency: Fresno Local Agency Formation Commission

Level of Analysis: Notice or Exemption

Finding: Class 1 Exemption (see Environmental Documents at www.fresnolafco.org under the Hearing and Workshops tab in the February 13, 2019 file).

Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning
- Will Kettler, Development Services Div. Mgr., Fresno Co. Public Works and Planning
- Veronica Cazares, District Engineer, Selma-Kingsburg-Fowler County Sanitation District
- Sandra Staats, West Star Construction Inc.