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

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CONSENT AGENDA ITEM NO. 6-B

**DATE:** August 14, 2019

**TO:** Fresno Local Agency Formation Commission

**FROM:** David E. Fey, Executive Officer 

**BY:** Juan Lara, LAFCo Analyst II

**SUBJECT:** Consider Approval – City of Kingsburg “Anderson Village (Hash) Reorganization.” A proposed reorganization consisting of the annexation of 5.14 acres to the City of Kingsburg and the Selma-Kingsburg-Fowler County Sanitation District and detachment from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District for territory located southwest of Orange Street and 23<sup>rd</sup> Avenue and territory located north and south of Plumas Street and approximately 130 feet east of 23<sup>rd</sup> Avenue. (LAFCo File No. RO-19-4.)

**Applicant:** City of Kingsburg

**Land Owners/Parties of Real Interest (100% Consent):** City of Kingsburg, Steven Hash, Elizabeth M Shafer.

(This proposed reorganization has been placed on the consent agenda without notice pursuant to Govt. Code 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. Find that the proposed reorganization is consistent with LAFCo Policies, Standards, and Procedures and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”).
- C. 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.
- D. Assign the distinctive short form designation “Anderson Village (Hash) Reorganization” and approve the annexation and detachments 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. Satisfactory verification that the City has accepted a final map shall be submitted to the Executive Officer prior to completion (recordation) of the annexation.
  - d. 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 condition has been met prior to recordation.
- E. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH.

**Executive Summary**

On June 7, 2019, the City of Kingsburg initiated this reorganization with the adoption of Resolution No. 2019-013 requesting the Commission to begin proceedings for the “Anderson Village (Hash) Reorganization” (“Hash”) to annex approximately 5.14 acres to the City of Kingsburg and the Selma-Kingsburg-Fowler County Sanitation District (“SKF”) and detachment from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District for territory located southwest of Orange Street and 23<sup>rd</sup> Avenue and north and south of Plumas Street approximately 130 feet east of 23<sup>rd</sup> Avenue.

The proposal is part of a development under review in Tulare County adjacent to the City limits. The Kingsburg SOI and SKF SOI have included territory in Tulare County since 1982. The Kingsburg General Plan designates territory in Tulare County associated with the proposal for Medium Density Residential uses. A subdivision map has been filed with Tulare County for the Hash development of which the proposal is an integral part. Extensions of service from the City of Kingsburg to the Tulare County territory have been approved by the Tulare LAFCo Executive Officer pursuant to GC sec. 56133. A subsequent annexation to the SKF is anticipated for the remainder of the territory in the Kingsburg SOI that lies in Tulare County.

The Fresno County Administrative Officer determined that the proposal is consistent with the Standards of Annexation contained within the City/County Memorandum of Understanding.

The proposal conforms to the Kingsburg General Plan, the North Kingsburg Specific Plan, and the Anderson Village Specific Plan adopted by the County of Tulare in 2018.

### **Proposal/Land Use**

- The proposal consists of the annexation of approximately 5.14 acres to the City of Kingsburg and Selma-Kingsburg-Fowler County Sanitation District and detachment from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District located southwest of Orange Street and 23<sup>rd</sup> Avenue and north and south of Plumas Street approximately 130 feet east of 23<sup>rd</sup> Avenue.
- 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 City of Kingsburg sphere of influence (**Attachment B**) and is contiguous to the Kingsburg City limits (**Attachment C**).
- The affected territory is within the Selma-Kingsburg-Fowler County Sanitation District sphere of influence and is contiguous to the District service area (**Attachment D**).
- The proposal is currently zoned AE-20 (Agricultural) and will be rezoned to the City of Kingsburg R-1-7 (Single Family Residential-7,000 SQ. FT.) Zone District by Prezone Ordinance No. 2019-001 upon annexation.
- The territory is uninhabited (11 or fewer registered voters).
- The proposal is consistent with the North Kingsburg Specific Plan and Design Guidelines.

### **Consistency with LAFCo Policies, Standards, and Procedures**

- The County has determined that the proposal is consistent with the Memorandum of Understanding (Master Tax Sharing Agreement) and the Standards for Annexation between the City of Kingsburg and County of Fresno. (See letter from Mr. Jean Rousseau.)
- The City of Kingsburg and the Fresno County Fire Protection District have a transition agreement in place to provide fire protection services to the affected territory.
- The proposal is consistent with the CKH and LAFCo Policies, including, but not limited to, sections 100 and 200.

- All properties within the proposal have been rezoned to the City of Kingsburg R-1-7 (Single Family Residential-7,000 SQ. FT.) Zone District by Prezone Ordinance No. 2019-001.
- The City of Kingsburg is within the South Kings GSA and has a Groundwater Recharge Plan in place.

### **Relationship to Regional Housing Goals and Policies**

The proposal will provide 21 single-family homes in the Kingsburg housing market. The 21 proposed lots will help Kingsburg meet its moderate-income housing needs.

### **Sustainable Groundwater Management Act**

Former Governor Edmund G. Brown Jr. signed California's Sustainable Groundwater Management Act ("SGMA") into law 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 ("GSAs") in local groundwater basins by June 2017 and requires the adoption of Groundwater Sustainability Plans ("GSPs") for groundwater basins deemed high priority by year 2020. The South Kings GSA will represent the City of Kingsburg and is comprised of the City of Kingsburg, the City of Fowler, the City of Sanger, the City of Parlier, and the Del Rey Community Service District.

The subject territory can be readily served by the City's sewer, water, and storm drainage infrastructure. Once the subject territory is annexed to the City, the new development in the area will require the extension of main water lines. Kingsburg's water system is composed of seven wells, pulling water from depths that range from 500 to 800 feet, and a transmission system that is composed of pipes of varying diameter and fire hydrants. According to the City engineer, the City has ample water supply to accommodate the water needs of the proposed subdivision.

### **Environmental Determination**

The City of Kingsburg, acting as "Lead Agency" under CEQA, prepared an Initial Environmental Study ("IES") for the proposed project constant with the requirements of CEQA. The IES 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. Accordingly, a Mitigated Negative Declaration has been prepared on the project.

As "Responsible Agency" the Commission is required to review and consider the City'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.

## **Costs and Other Changes Affecting Residents or Landowners**

None reported by the City of Kingsburg staff.

## **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
- Karen Coletti, Executive Secretary, Fresno County Public Library
- Kingsburg Elementary School District
- Caitlin Juarez, Engineer, State Water Resources Control Board
- Josh Chrisman, Assistant Chief, Fresno County Fire Protection District

## **Territory Boundaries**

The boundaries of the proposed annexation **are** definite and certain; the County Assessor has determined that the map and legal description **are adequate** to file with the State Board of Equalization.

## **Registered Voter Data**

The County of Fresno Elections Office reported that there was **one** registered voter in the affected territory.

## **Compliance with the Requirements of CEQA**

**Lead Agency:** City of Kingsburg

**Level of Analysis:** Initial Study

**Finding:** Mitigated Negative Declaration (See Environmental Documents at [www.fresnolafco.org](http://www.fresnolafco.org) under the Hearing and Workshops tab in the August 14, 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
- Paul Peschel, District Manager, Kings River Conservation District
- Chief Mark Johnson, Fresno County Fire Protection District
- Gregory Collins, Contract Planner, City of Kingsburg
- Alex Henderson, City Manager, City of Kingsburg