

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

CONSENT AGENDA ITEM No. 5-B

DATE: February 9, 2022

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: Amanda Castro, LAFCo Analyst I

SUBJECT: Consider Approval - City of Fowler "Marshall Elementary School Annexation." A proposed reorganization consisting of the annexation of 3.5 acres to the City of Fowler 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 on the north corner of East Adams Avenue and North Armstrong Avenue. (LAFCo File No. RO-21-11)

Applicant: City of Fowler

Landowners/Parties of Real Interest (100% Consent): City of Fowler, Frank J. & Jessica Rangel

(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 “Marshall Elementary School Annexation” and approve the annexation and detachments subject to the following conditions of approval:
 - a. Submittal of corrected legal description and map.
 - b. Satisfactory verification that the City has accepted a final map shall be submitted to the Executive Officer prior to completion (recordation) of the annexation.
 - c. Ownership of land permitting, the annexation shall include the full-width right-of-way along Armstrong Avenue, including the segment of Armstrong Avenue up to the City’s existing city limits to the north.
 - 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.
- F. 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.

Executive Summary

On September 21, 2021, the City of Fowler initiated this reorganization with the adoption of Resolution No. 2516 requesting the Commission to begin proceedings for the “Marshall Elementary School Annexation” to annex approximately 3.5 acres to the City of Fowler and the Selma-Kingsburg-Fowler County Sanitation District (“SKF”) and detach from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated

Irrigation District for territory located on the north corner of East Adams Avenue and North Armstrong Avenue.

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 Fowler General Plan and the City of Fowler development standards.

Proposal/Land Use

- The proposal consists of the annexation of approximately 3.5 acres to the City of Fowler 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 on the north corner of East Adams Avenue and North Armstrong 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 Fowler sphere of influence (**Attachment B**) and is contiguous to the Fowler 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 AL-20 (Limited-Agricultural) and was rezoned to the City of Fowler RCO (Resource Conservation, Public Use, and Open Space) Zone by Ordinance No. 2021-04, effective upon annexation.
- The territory is uninhabited (11 or fewer registered voters).

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 Fowler and County of Fresno. (See letter from Mr. Paul Nerland.)
- The City of Fowler and the Fresno County Fire Protection District have a Service and Automatic Aid Agreement in place to provide fire protection services to the affected territory.
- The proposal is consistent with CKH and LAFCo Policies, Standards, and Procedures, including, but not limited to, sections 100 and 200.
- All properties within the proposal have been rezoned to the City of Fowler RCO (Resource Conservation, Public Use, and Open Space) Zone by Ordinance No. 2021-04.

Relationship to Fowler Unified School District Goals and Policies

The proposal will assist the City of Fowler in expanding the existing Marshall Elementary School and the District's implementation of the *Three-Year Strategic Plan*.

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 Fowler 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.

Environmental Determination

The City of Fowler, 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 for the project pursuant to the provisions of CEQA and was filed with the Fresno County Clerk's office on July 12, 2021.

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 Fowler staff.

Agencies and Individuals Submitting Comments

- Paul Nerland, County Administrative Officer
- Kevin Tsuda, Environmental Health Specialist III, Fresno Co. Dept. of Public Health
- Chufeng Vang, IT Analyst, Fresno County Elections Department
- Sal Landeros, Fresno County Assessor-Recorder
- May Yang, Fowler Unified School 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 not adequate** to file with the State Board of Equalization.

Registered Voter Data

The County of Fresno Elections Office reported that there are **zero** registered voters in the affected territory.

Compliance with the Requirements of CEQA

Lead Agency: City of Fowler

Level of Analysis: Initial Study

Finding: Mitigated Negative Declaration (See Environmental Documents at www.fresnolafco.org under the Hearing and Workshops tab in the February 9, 2022 file).

Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning
- May Yang, Assistant Superintendent of Business Services FUSD
- Wilma Quan, City Manager, City of Fowler

Attachment A

PROPOSAL INFORMATION

1. Affected Territory

Acreage:	3.56
Current Land Use:	AL-20 (Limited-Agricultural)
Number of Residences/ Population:	Residents: 0/ Population: 2 estimated
Registered Voters:	Voters: 0
Assessor Parcel Number(s):	340-130-29T & 340-220-33

2. Proposed Development - The affected territory will be developed as an expansion of the existing Marshall Elementary School.

3. Surrounding Territory – Agricultural to the north, Agricultural to the east, School site to the south and Agricultural to the west.

4. Existing Service Agencies and Proposed Service Changes

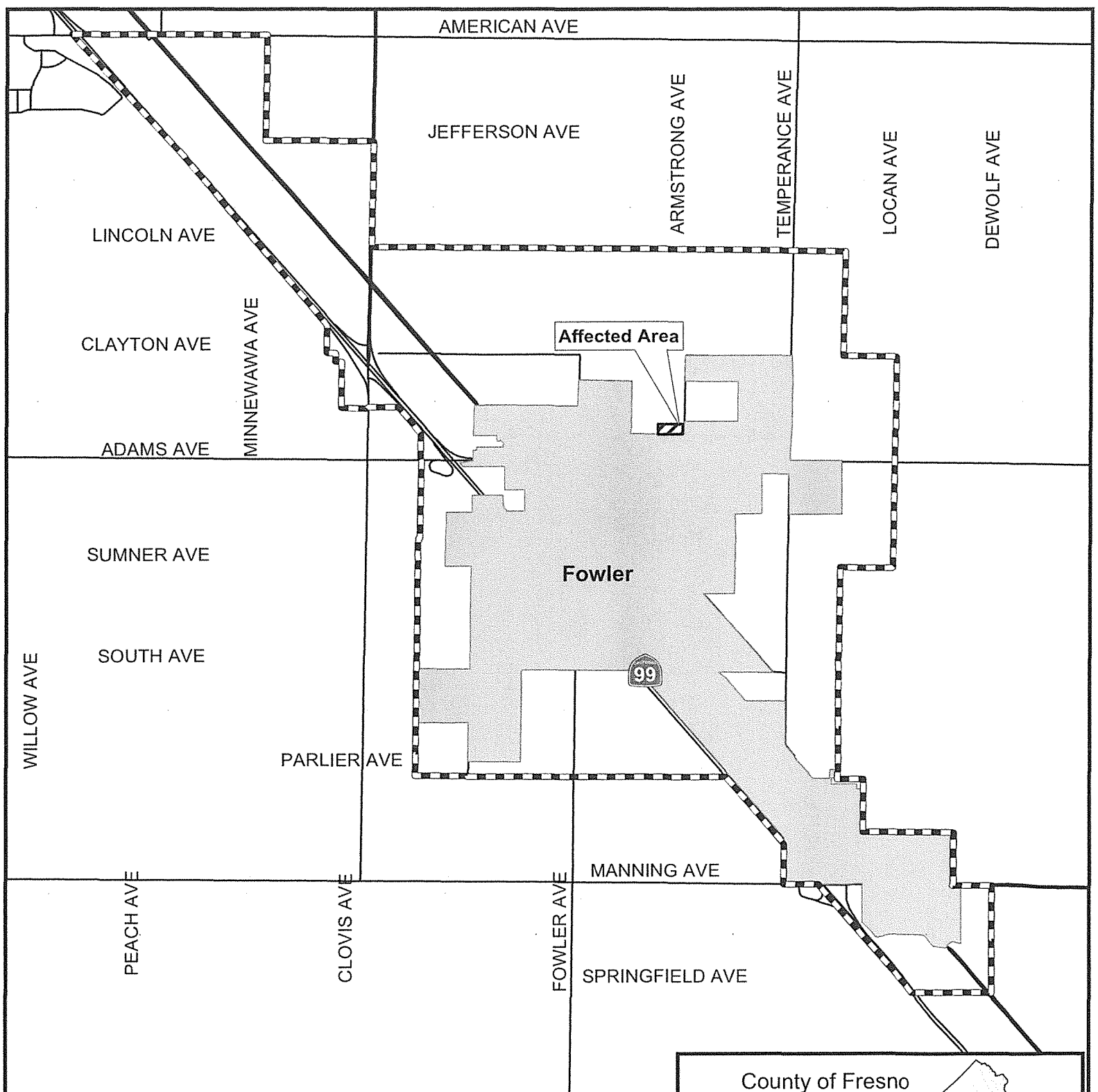
Service	Existing Service	Change
Water	City of Fowler	City of Fowler
Sewer	Private Septic	Selma-Kingsburg-Fowler County Sanitation District
Fire Protection	Fresno County Fire Protection District	City of Fowler

(See Service Plan on our website at www.fresnolafco.org).




5. Cities and Districts Included Wholly or Partially Within the Affected Territory

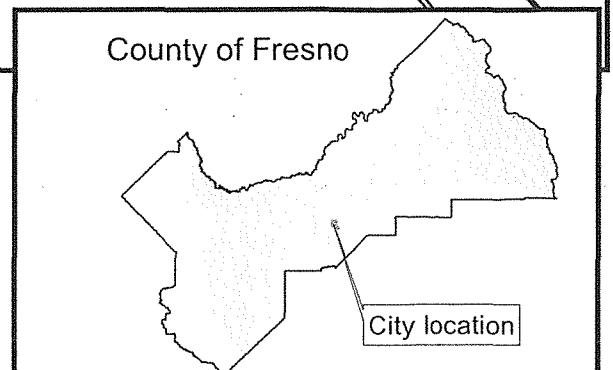
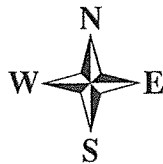
Fresno County	Fresno County Library
Fowler Cemetery District	Fresno County Fire Protection District
Fowler Unified School District	Fresno Metropolitan Flood Control Dist.
Kings River Conservation Dist.	Consolidated Mosquito Abatement District
West Fresno Red Scale District	Co. School Service
Selma-Kingsburg-Fowler County Sanitation District	Consolidated Irrigation District
State Center Community College	

Attachment B



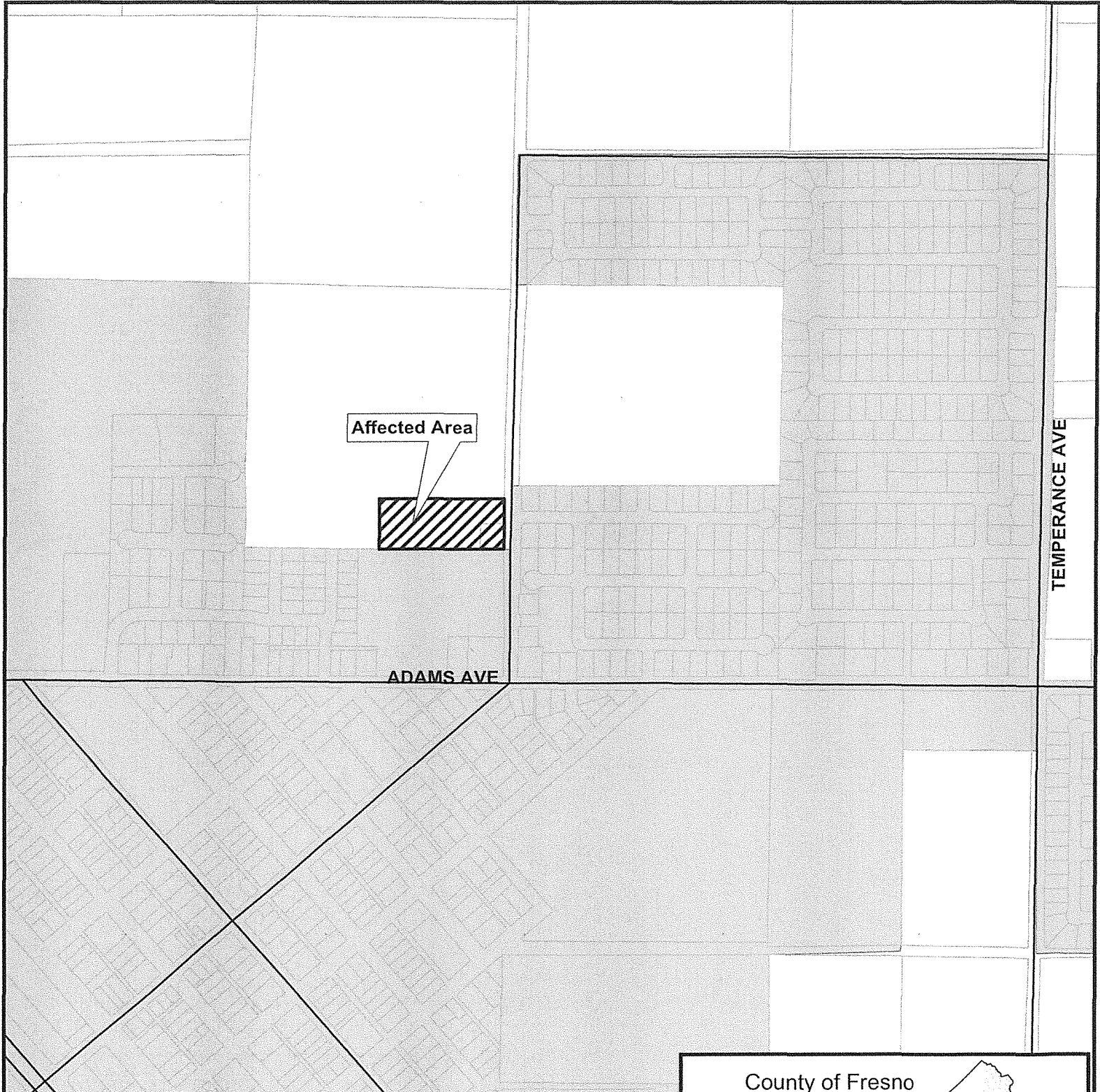
Fresno Local Agency Formation Commission

-  Sphere of influence
-  City limits
-  Affected Area



Map prepared: 01/28/2022

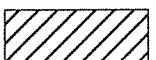
Attachment C



Fresno Local Agency Formation Commission



City limits



Affected Area



Map prepared: 01/31/2022

County of Fresno

