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

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AGENDA ITEM NO. 7

**DATE:** January 12, 2021

**TO:** Fresno Local Agency Formation Commission

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

**BY:** Amanda Castro, LAFCo Analyst I

**SUBJECT:** Consider Approval - City of Firebaugh "Washoe Reorganization" A proposed reorganization consisting of the detachment of approximately 40.42 acres from the Fresno County Fire Protection District and the Firebaugh Canal Water District and annexation of this territory to the City of Firebaugh said territory being located on North Washoe Avenue at the Herndon Avenue alignment. (LAFCo File No. RO-21-05)

**Applicant:** City of Firebaugh

**Landowners/Parties of Real Interest (100% consent):** City of Firebaugh, Oxford Properties LLC, People's Properties LLC, Frank Kavanaugh

**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 reorganization, the environmental effects of the Proposal as shown in the CEQA documents prepared, adopted, and submitted by the City of Firebaugh as 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 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 “Washoe Reorganization” and approve the reorganization subject to the following conditions of approval:
- a. Ownership of land permitting, the annexation shall include the full-width right-of-way along Washoe Avenue contiguous to the proposed annexation.
  - 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.
- 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 April 19, 2021 The City of Firebaugh adopted Resolution No. 21-14 requesting the Commission to begin proceedings for the “Washoe Reorganization” to detach approximately 40.42 from the Fresno County Fire Protection District and the Firebaugh Canal Water District and annex it to the City of Firebaugh.

### **Proposal/Land Use**

- The proposal consists of the detachment of approximately 40.42 acres from the Fresno County Fire Protection District and Firebaugh Canal District and annexation to the City of Firebaugh.
- Information related to the proposals 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 updated City of Firebaugh’s sphere of influence (**Attachment B**) and is contiguous to Firebaugh’s city limits (**Attachment C**).
- The proposal is currently zoned as Exclusive Agriculture (AE-20) in the County and has been rezoned by the City of Firebaugh to Urban Reserve (U-R)
- The territory is uninhabited.
- The proposal is consistent with the Firebaugh General Plan.

### **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 Firebaugh and County of Fresno.
- The proposal is consistent with the CKH and LAFCo Policies, Standards, and Procedures, including, but not limited to, Sections 100 and 200.

### **Revenue & Tax Code**

Fresno County has determined that proposed Washoe Reorganization involving the annexation of 40.42 acres is consistent with the first amendment to the Amended and Restated Memorandum of Understanding (Master Tax Sharing Agreement) No.11-112 and the Standards for Annexation between the City of Firebaugh and County of Fresno therefore no further tax negotiations are necessary pursuant to Revenue and Tax Code Section 99b.

### **Relationship to Allowed and Conditional Uses in Urban Reserve Zone**

The City of Firebaugh adopted Ordinance No. 20-01 amending the Official Zoning Map to prezone two parcels located west of Washoe Avenue to the Urban Reserve (UR) zone as it relates to the classification of uses to the particular parcels. The City also adopted Ordinance No. 21-02 to add Agricultural operations as a permitted use in the Urban Reserve (UR) zone as it relates to Cannabis cultivation.

### **Sustainable Groundwater Management Act**

California's Sustainable Groundwater Management Act ("SGMA") was signed into law by former 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 ("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 affected territory is within the Firebaugh Canal Water District service area. After annexation, the City of Firebaugh will amend its GSA to include the affected parcels..

### **Environmental Determination**

The City of Firebaugh, acting as "Lead Agency" under CEQA, adopted a Mitigated Negative Declaration for prezone Urban Reserve (UR), Vesting Tentative Tract Map No. TM 2159 and General Plan Amendment GPA2021-01, and filed it with the Fresno County Clerk's office on April 29, 2021 Document No. E202110000091 consistent with the requirements of CEQA. The 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 “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.

Pursuant to CEQA Guidelines section 15096(i), if the Commission determines that these documents are adequate, a Notice of Determination will be prepared and filed with the County of Fresno Clerk in compliance with section 21152 of the Public Resources Code.

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

None reported by the City of Firebaugh staff.

### **Agencies and Individuals Submitting Comments**

- Bernard Jimenez, Planning & Resource Management Officer, Fresno County
- Chufeng Vang, IT Analyst, Fresno County Elections Department
- Benjamin Rosenbaum, Fresno County Office of Education
- Cinthia Reyes, Water Resources Control Engineer
- Bryant VanderVelde, Cadastral Tech III, Fresno County Assessor’s Office

### **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 adequate** to file with the State Board of Equalization.

### **Registered Voter Data**

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

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

**Lead Agency:** City of Firebaugh

**Level of Analysis:** Initial Study

**Finding:** Negative Declaration (See Environmental Documents at [www.fresnolafco.org](http://www.fresnolafco.org) under the Hearing and Workshops tab in the January 11, 2022 file).

### **Individuals and Agencies Receiving this Report**

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Planning & Resource Management Officer, Fresno County

- Jeff Bryant, Firebaugh Canal water District
- Dustin Hail, Chief, Fresno County Fire Protection District
- Ben Gallegos, City Manager, City of Firebaugh

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# Attachment A

## PROPOSAL INFORMATION

1. Affected Territory

<b>Acreage:</b>	40.42
<b>Current Land Use:</b>	Fresno County- Agriculture/Agricultural Production
<b>Number of Residences/ Population:</b>	Residents: 0/ Population: 0
<b>Registered Voters:</b>	Voters: 0
<b>Assessor Parcel Number(s):</b>	007-091-37, 012-020-26

2. Proposed Development - The affected territory is not planned for development

3. Surrounding Territory – Agriculture production to the north, agriculture and agricultural production to the east, and agriculture to the south and west.

4. Existing Service Agencies and Proposed Service Changes

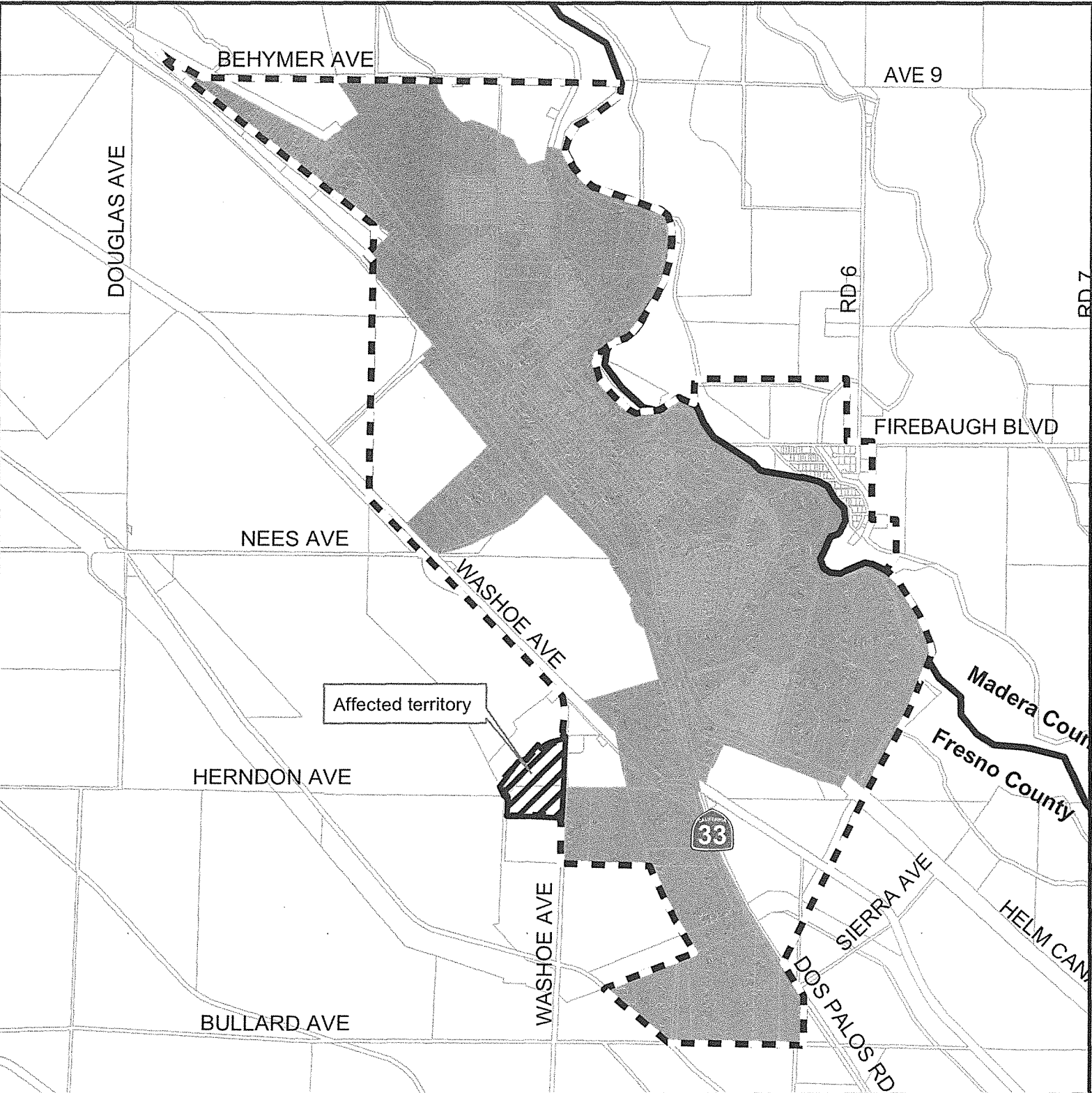
<b>Service</b>	<b>Existing Service</b>	<b>Change</b>
Water	City of Firebaugh	City of Firebaugh
Sewer	Private Septic	City of Firebaugh
Fire Protection	Fresno County Fire Protection District	City of Firebaugh

(See Service Plan on our website at [www.fresnolafo.org](http://www.fresnolafo.org))



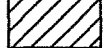
5. Cities and Districts Included Wholly or Partially Within the Affected Territory

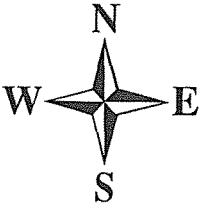
Fresno County	Fresno County Library District
West Fresno County Red Scale Pest Control District	Fresno County Fire Protection District
County Service Area No. 35	County School Service
Firebaugh-Las Deltas School District	Fresno-Westside Mosquito Abatement District
	West Hills Community College District

# Attachment B



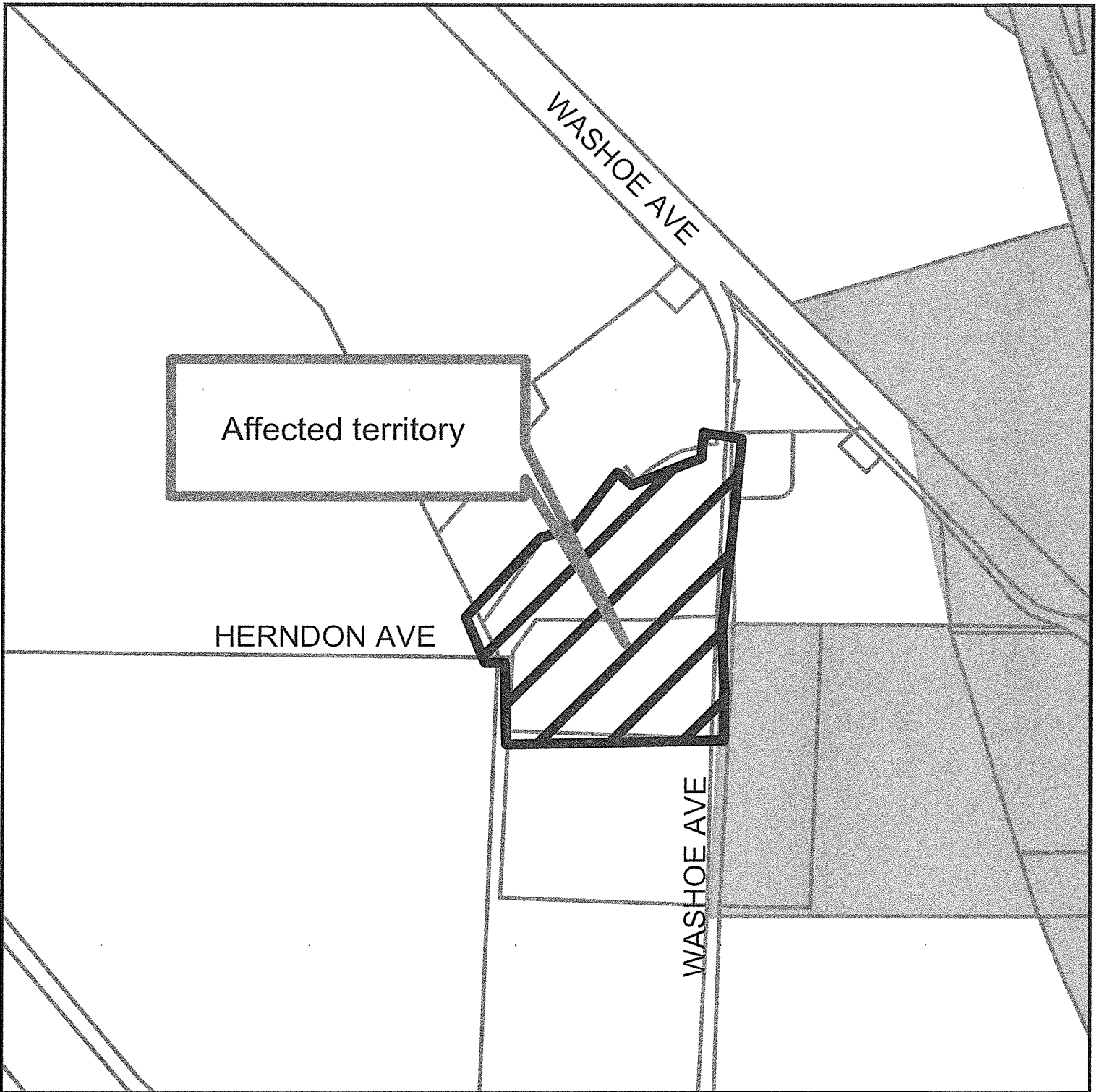
## Fresno Local Agency Formation Commission

-  Sphere of influence
-  City limits
-  Affected territory (RO-21-05)






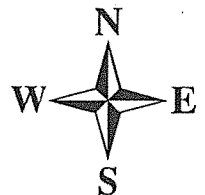
Map prepared: 01/03/2022

# Attachment C



## Fresno Local Agency Formation Commission

-  Sphere of influence
-  City limits
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Map prepared: 01/03/2022