

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

AGENDA ITEM No. 7

DATE: December 8, 2021

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: Amanda Castro, LAFCo Analyst

SUBJECT: Consider Approval: "Sierra Resource Conservation District Annexation." A proposed annexation of approximately 235,776 acres to the Sierra Resource Conservation District for territory westward of the current district service area to align with State Route 99. (LAFCo File No. AD-19-3)

Applicant: Sierra Resource Conservation District.

Landowners/Parties of Real Interest: (See Attachment C)

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. (See Attachment C)

Action 2:

- B. Find that the proposed annexation 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 inhabited; and
 - b. Not all landowners and registered voters have consented to the annexation.
- D. Assign the distinctive short form designation "Sierra Resource Conservation District 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.
- E. Find that on May 19, 2021, notice was given pursuant to state law and disclosed that there is potential for the extension or continuation of any previously authorized charge, fee, assessment, or tax by the local agency in the affected territory, and that the Commission intends to waive protest proceedings pursuant to section 56663(a)(b)(c) unless written opposition is received before the conclusion of the Commission proceedings.
 - F. Waive further Conducting Authority Proceedings and order the annexation subject to the requirements of CKH.
 - G. Find that no written opposition to the proposal was received prior to the conclusion of the hearing and approve the proposal subject to the requirements of the CKH, the 30-day reconsideration period, and compliance with all of the above conditions, and waive further conduction Authority Proceedings.

-Or-

- H. If written opposition to the proposal was received prior to the conclusion of the hearing, approve the proposal subject to the requirements of the CKH, the 30-day reconsideration period, and compliance with all of the above conditions, and direct staff to set a protest hearing pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code section 57000 et seq.).

Executive Summary

On July, 2019, Sierra Resource Conservation District (“Sierra RCD”) filed a sphere of influence (“SOI”) update application (File No. USOI-193) requesting LAFCo to include approximately 235,776 acres into the Sierra RCD SOI that would expand the Sierra RCD SOI westward to align with State Route 99. The SOI update was necessary to support the District’s concurrent annexation application (File No. AD-19-03) to annex the affected territory into Sierra RCD’s service area.

Proposal/Land Use

- The Proposal consists of the annexation of approximately 235,776 acres.

- 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**.
- Should the Commission approve the concurrent SOI update, all affected territories will be within the Sierra RCD sphere of influence and are contiguous to the District's service area (**Attachment B**).
- No zone change is proposed as all affected territories are not proposed for development.
- The territory is inhabited.

Administrative Record of Opposition to the Proposed Annexation

Throughout the processing of Sierra RCD's applications, staff received letters of opposition to the proposed SOI expansion and subsequent annexation was sent by the general managers representing Alta Irrigation District ("AID"), Consolidated Irrigation District ("CID"), Fresno Irrigation District ("FID"), and the Kings River Conservation District ("KRCD").

Previous staff reports, resolutions, correspondence, the Sierra RCD municipal service review related to the SOI update and annexation are incorporated by reference herein. These documents are available for inspection at LAFCo's office, on LAFCo's website (www.fresnolaftco.org), and will be present during this hearing.

Revenue and Tax Code Section 99 (b)

On July 22, 2020 LAFCo issued a notice for jurisdictional change under Revenue and Taxation code section 99(b) to the Fresno County Assessor-Recorder and the Fresno County Auditor Controller/Treasure-Tax Collector. Upon receiving the notice these agencies are to commence calculations and negotiations to determine the amount of property tax revenues to be exchanged between the local agencies whose service area or service responsibility will be altered by the change.

The general manager of the Sierra RCD advised staff that because the District did not, nor did it intend to, collect property tax revenue it did not want to proceed with the tax revenue exchange negotiations under Revenue and Taxation code section 99(b) for the affected territory.

Sierra RCD does not have a regular source of revenue such as fees for services, property taxes, or special assessments. Its future service capacity is anticipated to be funded through the District's ability to secure project-specific state grants and contributions.

Sustainable Groundwater Management Act ("SGMA")

Former Governor Edmund G. Brown Jr. signed California's 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 (“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. The TRCD is represented by the McMullin Area GSA.

Portions of the affected territory are in the Kings River East GSA, North Kings GSA, Central Kings GSA, and South Kings GSA and will be represented by the GSA in which they are located in.

Environmental Determination

The Sierra RCD, acting as “Lead Agency” under CEQA, determined that the proposal is ministerial in nature. The proposed Sierra RCD annexation will not change existing land uses nor change the land use designations depicted by the Fresno County General Plan. Since it can be seen with certainty that the proposal does not have the potential to result in a significant effect on the environment, it is not subject to CEQA pursuant to CEQA Guidelines section 15268 and Public Resources Code section 21080 (b)(1), Ministerial. On August 21, 2019, the Sierra RCD filed a Notice of Exemption with the Fresno County Clerk (#E20190000260).

As a “Responsible Agency” pursuant to CEQA Guidelines, the Commission is required to independently review and consider the environmental review for the proposed SOI update prior to reaching its decision. Therefore, the LAFCo, finds that it can be seen with certainty that the SOI update does not have the potential to result in a significant effect on the environment, and that the SOI update is not subject to CEQA pursuant to CEQA Guidelines section 15061 (b)(3). Therefore, the proposal is exempt from environmental review.

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's office in compliance with section 21152 of the Public Resources Code.

Costs and Other Changes Affecting Residents or Landowners – None reported by the District.

Agencies and Individuals Submitting Comments

- Kevin Tsuda, Environmental Health Specialist III, Fresno Co. Dept. of Public Health
- Chufeng Vang, IT Analyst, Fresno County Elections Department
- Paul Peschel, Kings River Conservation District
- Phillip G. Desatoff, General Manager, Consolidated Irrigation District
- Laurence Kimura, Chief Engineer, Fresno Irrigation District
- Chad Wegley, General Manager, Alta Irrigation District
- Bryant VanderValde, 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 **not** adequate to file/record with the Fresno County Recorders Office. A condition of approval that the District submit a corrected legal description and map will address this matter.

Registered Voter Data - The office of County of Fresno Elections reported that there are **279,582** registered voters in the affected territory.

Compliance with the Requirements of CEQA (Original Proposal)

Lead Agency: Sierra Resource Conservation District

Level of Analysis: Exemption

Finding: Exception (see Environmental Documents at www.fresnolafco.org under the Hearing and Workshops tab in the June 9, 2021 file).

Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning
- Steve Haze, Sierra RCD, General Manager
- Chad Wegley, District Manager, Alta Irrigation District
- Phil Desatoff, District Manager, Consolidated Irrigation District
- Bill Stretch, District Manager, Fresno Irrigation District
- David Merritt, General Manager, Kings River Conservation District

Attachment A

PROPOSAL INFORMATION

1. Affected Territory

| | |
|--|---------------------|
| Acreage: | 235,776 |
| Current Land Use: | Agricultural |
| Number of Residences/ Population: | 1260/3094 |
| Registered Voters: | 279,582 |
| Assessor Parcel Number(s): | (View Attachment C) |

2. Proposed Development - The proposal does not involve the exercise of new or different functions or classes of service within the district. All affected territories are not proposed for development and currently developed to the density and intensity allowed by the County of Fresno.

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

4. Existing Service Agencies and Proposed Service Changes

| Service | Existing Service | Change |
|-----------------|--|---------------|
| Water | County of Fresno | No Change |
| Sewer | County of Fresno | No Change |
| Fire Protection | Fresno County Fire Protection District | No Change |

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

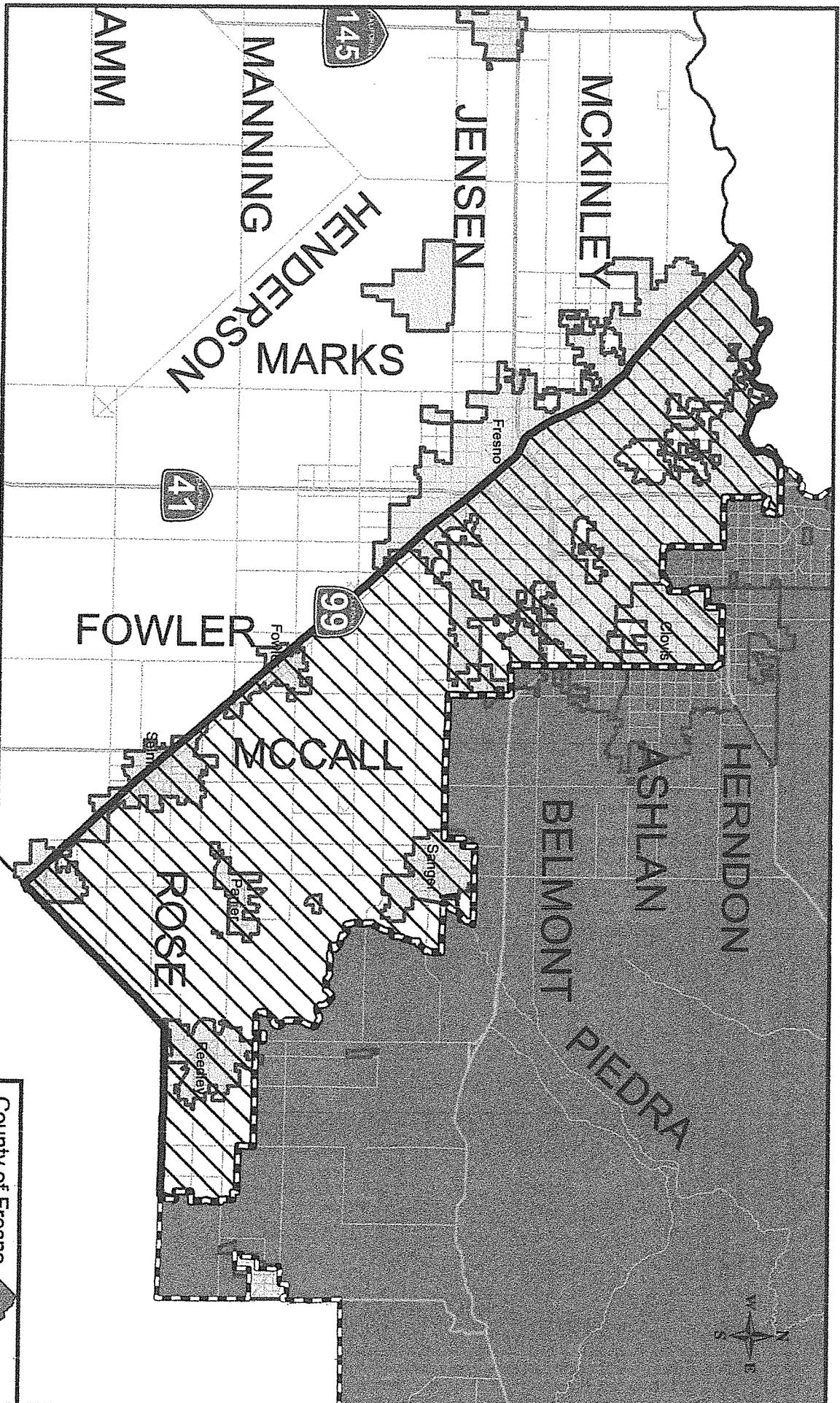
5. Cities and Districts included wholly or Partially Within the Affected Territory





- City of Clovis
- City of Fresno
- City of Sanger
- City of Selma
- City of Parlier
- City of Reedley
- City of Kingsburg
- City of Fowler
- Fresno County Library District
- State Center Community College District
- Fresno Mosquito and Vector Control District
- Clovis Cemetery District
- Sanger Cemetery District
- Reedley Cemetery District

- Fowler Cemetery District
- Selma Cemetery District
- Parlier Cemetery District
- Del Rey Community Service District
- Kings River Conservation District
- County Service Area 07
- County Service Area 02
- County Service Area 18
- County Service Area 33
- Kingsburg Cemetery District
- North Central Fire Protection District
- Fig Garden Fire Protection District
- Fresno Metropolitan Flood Control District
- Kingsburg Tri-County Hospital District
- Selma Health Care District
- Sierra Kings Hospital District
- Fresno irrigation District
- Consolidated Irrigation District
- Alta Irrigation District
- County Service Area 35
- West Fresno Red Scale Pest Control District
- Fresno County Fire Protection District
- Fig Garden Police Protection District
- Pinedale Public utility District
- Calwa Recreation and Park District
- Selma-Kingsburg-Fowler County Sanitation District
- Malaga County Water District
- Pinedale County Water District

Proposed Sierra RCD SOI update and annexation

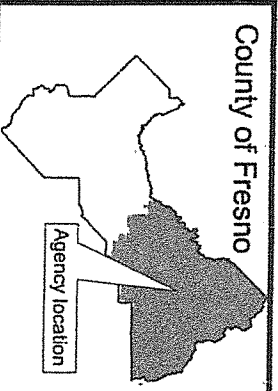
ATTACHMENT B



-  Affected territory
-  District SOI
-  District Service Area
-  City Limits

Fresno Local Agency Formation Commission

Proposed annexation: 235,776 acres



Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Fresno
2221 Kern Street
Fresno, CA 93721

From: (Public Agency): Sierra Resource Conservation District
PO Box 693, Auberry CA 93602

(Address)

FILED

JUL 24 2019

TIME

3:35pm

Project Title: Sphere of Influence (SOI) Adjustment and Annexation

Project Applicant: Sierra Resource Conservation District

FRESNO COUNTY CLERK
By [Signature] DEPUTY

Project Location - Specific:

Northeast of Highway 99 and adjoining existing District Boundary within Fresno County- See attached map

Project Location - City: Incorporated/unincorporated Project Location - County: Fresno

Description of Nature, Purpose and Beneficiaries of Project:
Sphere of Influence expansion and Annexation of all unserved incorporated/unincorporated areas northeast of Highway 99 in Fresno County adjoining existing District Boundary

Name of Public Agency Approving Project: Fresno County Local Agency Formation Commission (LAFCo)

Name of Person or Agency Carrying Out Project: Fresno County LAFCo

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
Categorical Exemption. State type and section number:
Statutory Exemptions. State code number:

Reasons why project is exempt:

Sphere of Influence (SOI) and Annexation is strictly ministerial as a boundary adjustment. There is no potential land-use zoning changes; nor potential development activities associated with the boundary change that would be under CEQA

Lead Agency Contact Person: Steve Haze Area Code/Telephone/Extension: (559) 855-5840

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: [Signature] Date: 7/24/2019 Title: District Manager

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR:



A RESOLUTION OF APPLICATION BY THE SIERRA RESOURCE CONSERVATION DISTRICT REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR A REVISION TO THE DISTRICT'S SPHERE OF INFLUENCE

RESOLVED, by the Board of Trustees of the Sierra Resource Conservation District that:

WHEREAS, the Board of Trustees of the Sierra Resource Conservation District desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, for a Revision to the District's Sphere of Influence (SOI) to increase the area of the existing SOI; and

WHEREAS, the territory proposed to be increased by the District is inhabited, and on this day contains greater than 12 registered voters; and

WHEREAS, a written description and map of the boundaries of the territory is set forth in Exhibit A attached hereto and by this reference incorporated herein; and

WHEREAS, the reason for the proposed sphere revision is to cover all areas within Fresno County, northeast of Highway 99, from the Fresno County line with Madera County to the Fresno County line with Tulare County; and

WHEREAS, it is desired to provide that the proposed reorganization is subject to the following terms and conditions; and

WHEREAS, the reasons for this proposed increased Sphere of Influence are as follows: the Sierra Resource Conservation desires to serve communities and rural areas that are not currently being served and represented in the conservation of important natural resources, while providing technical assistance, funding, services, education and/or information that can protect and enhance the natural resources for the benefit of those communities and rural areas; and

WHEREAS, the Board of Directors, acting as Lead Agency under the California Environmental Quality Act, find that pursuant to Section 15061(b)(3) of the CEQA Guidelines that the Project (Sphere of Influence Revision) is covered by the general rule that CEQA applies only to Projects which have the potential for causing a significant effect on the environment, and that it has been determined with certainty that there is no possibility that the Project may have a significant effect on the environment, and accordingly the SOI revision is not subject to CEQA.

NOW, THEREFORE, this Resolution of Application is hereby adopted and approved by the Board of Directors of the Sierra Resource Conservation District, and the Local Agency Formation Commission of Fresno County is hereby requested to initiate proceedings for the sphere revision as described in Exhibit A in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Passed and adopted by the Sierra Resource Conservation District at a regular meeting thereof held on the 22nd day of July, 2019

Ayes: 3

Noes: 0

Absent: 0

Abstain: 0

Alan Fry on behalf of Pete Lassotovitch, Board President

Alan Fry, Board Secretary/Treasurer

SRCRD – Resolution 04-2019

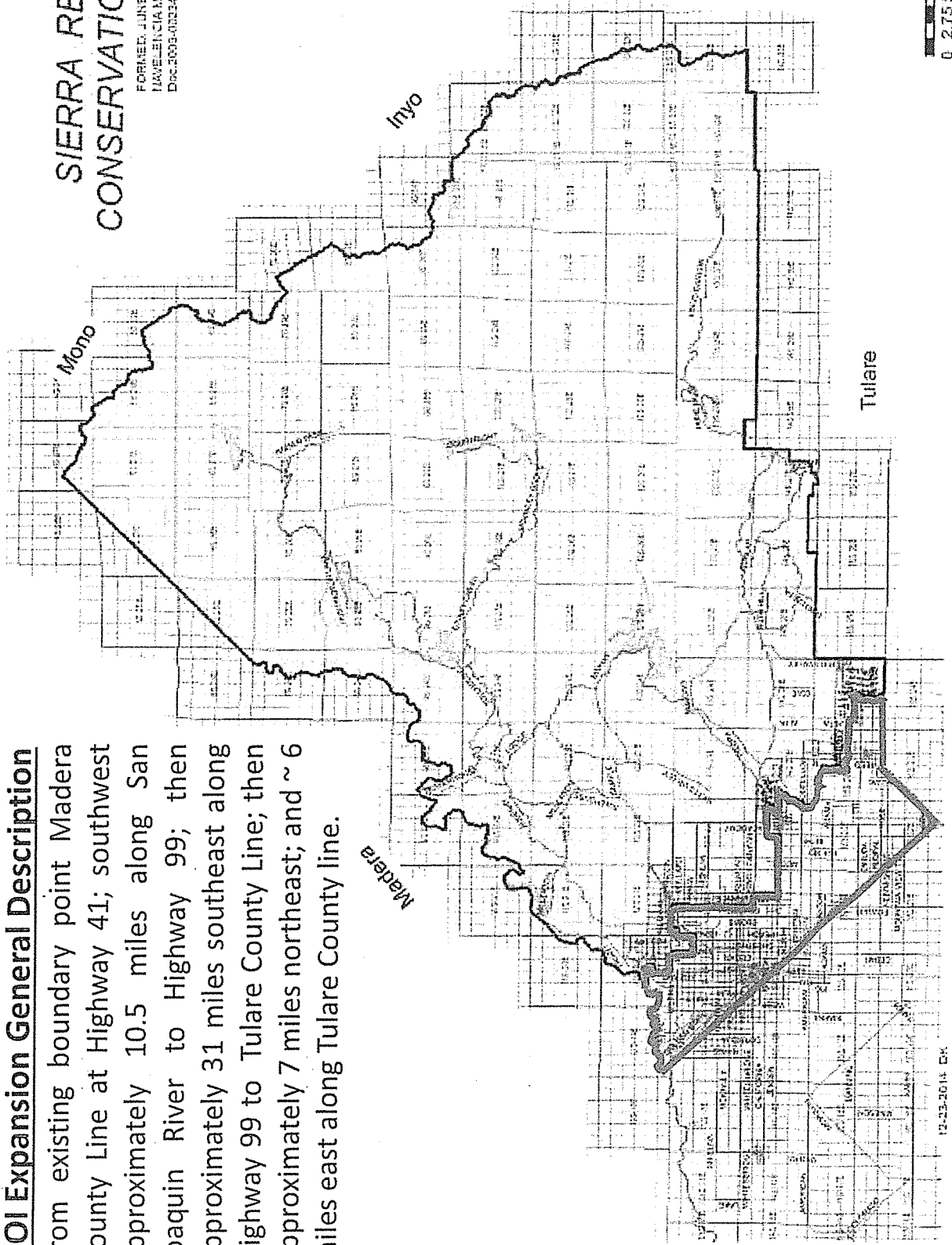
Exhibit A – Increase in Sphere of Influence

SOI Expansion General Description
From existing boundary point Madera County Line at Highway 41; southwest approximately 10.5 miles along San Joaquin River to Highway 99; then approximately 31 miles southeast along Highway 99 to Tulare County Line; then approximately 7 miles northeast; and ~ 6 miles east along Tulare County line.

20-10

SIERRA RESOURCE CONSERVATION DISTRICT

FORMED JUNE 10, 1987
MANELENCEIA Merged in 2000
DRC 2009-0033421



SCALE = 1:200000

0 2.75 5.5 11 16.5 22
Miles

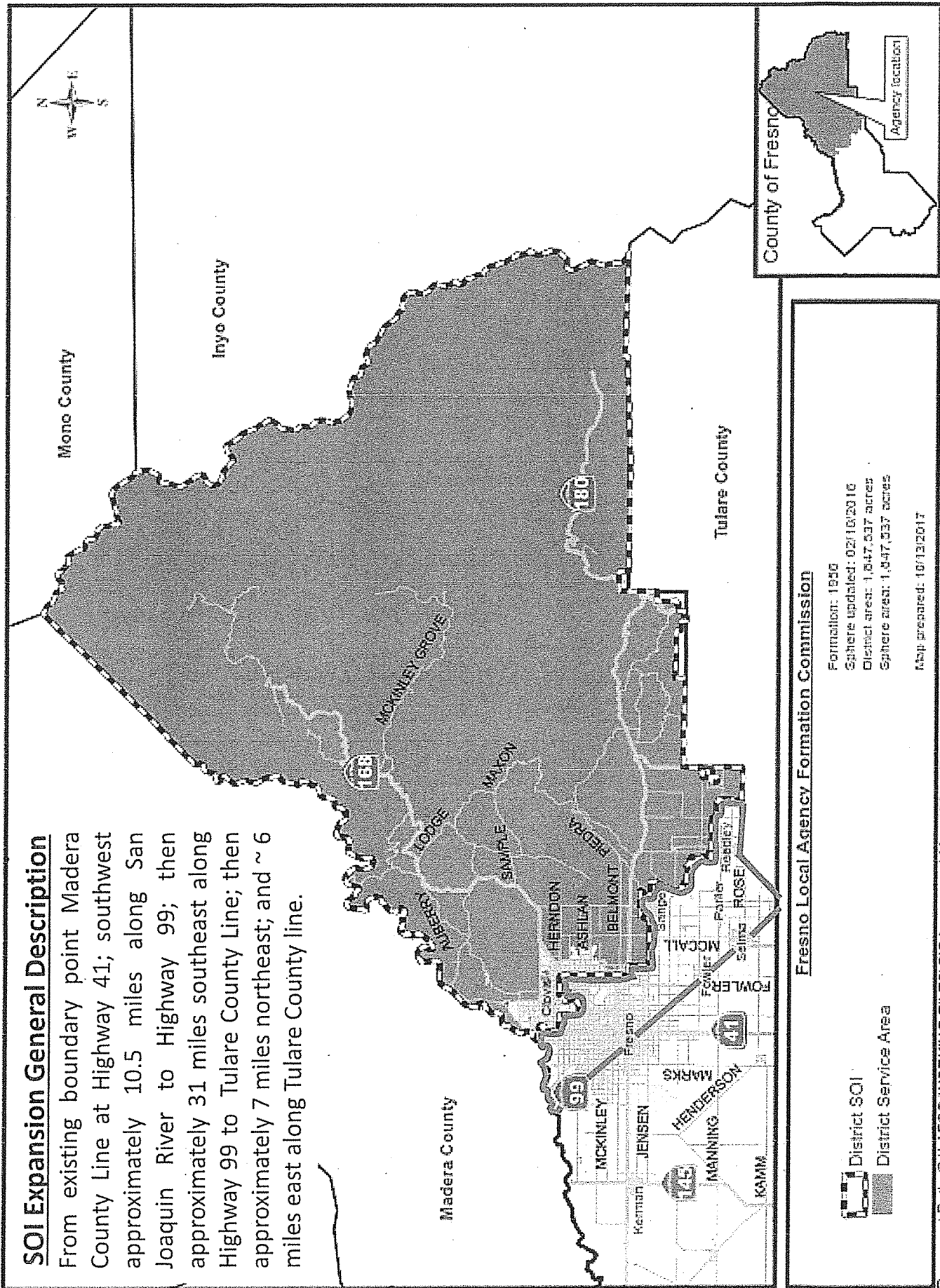
Sierra Resource Conservation District

Exhibit A

Authorized services: studies on preservation of natural resources

SOI Expansion General Description

From existing boundary point Madera County Line at Highway 41; southwest approximately 10.5 miles along San Joaquin River to Highway 99; then approximately 31 miles southeast along Highway 99 to Tulare County Line; then approximately 7 miles northeast; and ~ 6 miles east along Tulare County line.



Fresno Local Agency Formation Commission

Formation: 1950
 Sphere updated: 02/16/2010
 District area: 1,647,337 acres
 Sphere area: 1,547,337 acres
 Map prepared: 10/13/2017

District SOI
 District Service Area

E201910000_60