

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

CONSENT AGENDA ITEM No. 5-B

DATE: July 14, 2021

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: Juan Lara, LAFCo Analyst II

SUBJECT: Consider Approval - City of Kingsburg "Bethel-Sierra Roundabout Reorganization." A proposed reorganization consisting of the detachment of approximately 4.44 acres from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District and annexation of this territory to the City of Kingsburg and the Selma-Kingsburg-Fowler Sanitation District for territory located at the intersection of South Bethel and West Sierra Avenues. (LAFCo File No. RO-21-06)

Applicant: City of Kingsburg

Landowners/Parties of Real Interest (100% Consent): City of Kingsburg, Jawant & Harbhajan Bal, Jaskaranjit Bal, Glenn & Mary Anderson.

(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 that the proposed reorganization is consistent with the Kingsburg Sphere of Influence.

- 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 "Bethel-Sierra Roundabout 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.

- F. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH.

Executive Summary

On February 3, 2021, the City of Kingsburg initiated this reorganization with the adoption of Resolution No. 2021-001 requesting the Commission to begin proceedings for the "Bethel-Sierra Roundabout Reorganization" to detach approximately 4.44 acres from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District and annex this territory to the City of Kingsburg and the Selma-Kingsburg-Fowler Sanitation District for territory located at the intersection of South Bethel and West Sierra Avenues.

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

Proposal/Land Use

- The proposal consists of the detachment of approximately 4.44 acres from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District and annexation this territory to the City of Kingsburg and the Selma-Kingsburg-Fowler Sanitation District for territory being located at the intersection of South Bethel and West Sierra Avenues.
- 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 contiguous to the Kingsburg city limits (**Attachment B**).
- The proposal consists of the annexation of street right-of-way to facilitate the construction of a public street roundabout therefore rezoning was not required.
- The territory is uninhabited (11 or fewer registered voters).
- The proposal is consistent with the Kingsburg 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 Kingsburg and County of Fresno.
- 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, Standards, and Procedures, including, but not limited to, sections 100 and 200.
- The City of Kingsburg is within the South Kings GSA and has a Groundwater Sustainability Plan in place.

Kingsburg Sphere of Influence Discussion

The proposed reorganization consists of the annexation of existing and future public rights of way necessary for the construction of a roundabout on Bethel and Conejo/Sierra Avenues including rights of way needed for transition to and from the roundabout, and annexation of full street rights of way of Bethel Avenue south of the subject intersection and Sierra Avenue east of the subject intersection

The Kingsburg sphere of influence lies along Bethel Avenue. The SOI is defined in CKH section 56076 as “a plan for the probable physical boundaries and service area of a local agency, as *determined by the commission.*” (emphasis added) When this application was reviewed by the executive officer the question was raised whether annexation of territory composed of existing and future rights of way west of Bethel Avenue would require an amendment of the Kingsburg SOI in order to comply with GC sec. 56375.5¹

The Executive Officer recommends that the Commission find that the subject reorganization be determined to be consistent with the spheres of influence of the City of Kingsburg and the SKF County Sanitation District for the following reasons:

- The reorganization serves a completely public purpose;
- The reorganization consists completely of existing and future public rights of way;
- The reorganization will not result in demand for additional municipal services other than transportation and maintenance of the roadway;
- The acreage of the affected territory that lies west of Bethel Avenue is not significant in light of the totality of the Kingsburg SOI;
- The SOI is a planning boundary and is supported by the public rights of way presented in the Kingsburg General Plan transportation element;
- GC sec. 56107 authorizes the commission to liberally construe CKH to effectuate its purpose; and
- A determination of consistency does not adversely or substantially affect the rights of any person or public agency.

¹ Every determination made by a commission regarding the matters provided for by subdivisions (a), (m), and (n) of Section 56375 and by subdivision (a) of Section 56375.3 shall be consistent with the spheres of influence of the local agencies affected by those determinations

Revenue & Tax Code

Fresno County has determined that proposed “Bethel-Sierra Roundabout Reorganization” involving the annexation of 4.44 acres is consistent with Exhibit I of the Amended and Restated Memorandum of Understanding (Master Tax Sharing Agreement) and the Standards for Annexation between the City of Kingsburg and County of Fresno therefore no further tax negotiations are necessary pursuant to Revenue and Tax Code section 99b.

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.

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 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
- 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, and the County Assessor has determined that the map and legal description are not adequate to file with the State Board of Equalization. A condition of approval that the District submit a corrected legal description and map will address this matter.

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 Kingsburg

Level of Analysis: Initial Study

Finding: Negative Declaration (See Environmental Documents at www.fresnolafco.org under the Hearing and Workshops tab in the July 14, 2021 file).

Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning
- Kings River Conservation District
- Fresno County Fire Protection District
- Gregory Collins, Planner, City of Kingsburg
- Alex Henderson, City Manager, City of Kingsburg