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

CONSENT AGENDA ITEM No. 5

DATE: February 4, 2009

TO: Fresno Local Agency Formation Commission

FROM: Rick Ballantyne, Executive Officer
Darrel Schmidt, Deputy Executive Officer

SUBJECT: **Consider Conditional Approval** – “**James Irrigation District Annexation (Gordon Property)**”. An annexation submitted by landowner petition to annex 86.20 acres to the James Irrigation District for territory located north of Springfield Avenue and adjacent to the southwesterly line of the Union Pacific Railroad in the City of San Joaquin (**LAFCo File No. AD-08-1**).

Applicant: Barbara June Gordon (Petitioner)

Land Owners/Parties of Real Interest: Barbara June Gordon and Sidney Earl Gordon; James Irrigation District

Background:

- This application has been placed upon the Consent Agenda since all property owners and affected agencies have consented to the proposal.
- On August 1, 2001, the Commission approved Reorganization Application No. RO-01-6 that annexed the affected territory to the City of San Joaquin and detached the property from the James Irrigation District. The applicant at that time had proposed development of an electrical generation plant on site and irrigation waters would no longer be necessary.
- This generation facility was never built and the company originally proposing to build the facility allowed their purchase option to expire.
- Since the reorganization was completed, the larger of the two parcels making up the current application (85.51 acres) has continued to be farmed and the James Irrigation District has continued to supply water.
- Cotton has historically been grown on the site. The smaller of the two parcels (0.69 acres) is a well-site owned by James Irrigation District and is used for District purposes. Staff is unaware of the contractual arrangements that the District had to provide water to property outside their District. However, the current application would place the affected territory back into the District to assure for continued agricultural water delivery.
- With the expiration of the purchase option the property owners do not foresee an urban use being developed on their property at this time. Having their property included within the District will insure that the owners may enjoy the same rights and privileges held by other landowners within the District. As long as the affected territory is located outside the District's boundaries, however, the District may choose not to supply water to the proponent's property in favor of supplying available water to properties within the District's boundaries.

- Annexing the smaller parcel owned by the District is also logical in that it would otherwise comprise a small “island” surrounded by District lands.
- The property owners (proponents) have entered into an agreement with the James Irrigation District specifying that, prior to development of the affected territory with an urban or other non-agricultural use, it will again be detached from the District. The City of San Joaquin has indicated that they do not oppose the proposal and have consented to the annexation.
- This proposal was initiated by petition of the property owners of the larger of the two parcels comprising the affected territory on November 14, 2008. A Certificate of Filing has been issued by the LAFCo Executive Officer.

Proposal / Land Use

- The Proposal consists of the annexation of 86.20 acres to the James Irrigation District.
- The affected territory is located within the District’s Sphere of Influence and is bounded by the District on three sides (see maps).
- The affected territory is being farmed. The smaller parcel is owned by the James Irrigation District. Adjacent lands within the District are either undeveloped or used for agricultural purposes. Properties located to the north and northwest (within the City of San Joaquin) are developed with urban industrial uses.
- Upon annexation to the City of San Joaquin, the affected territory was rezoned to an “M” (Manufacturing) District to implement the City’s General Plan designation of Heavy Manufacturing. The City has commented that the continued use of the affected territory for agricultural purposes may be considered a legal non-conforming use since the property has been continually used for agriculture. Also, that the continued use for agriculture as an interim (reserve) use is consistent with City General Plan policies.
- Water deliveries to the affected territory will continue to be made via the existing James Irrigation District facility located at the south end of the affected territory. No new facilities are required to serve the affected territory.

Environmental Determination

The James Irrigation District (“Lead Agency”) has determined that the proposal is considered “Categorically Exempt” pursuant to Section 15320 (Changes in Organization of Local Agencies) pursuant to California Environmental Quality Act (CEQA) Guidelines. The affected territory will only utilize existing facilities to convey water to the territory for agricultural purposes. Further, the proposed annexation does not change the geographical area in which previously existing powers were exercised in that the affected territory was previously located within the James Irrigation District. The District filed a Notice of Exemption with the County Clerk on December 30, 2008.

As a Responsible Agency, the Commission is required to review and consider the District’s CEQA findings. If the Commission determines that the District’s environmental documents and CEQA findings are adequate, it may make the required findings provided within recommended Action “A” below.

Consistency with LAFCo Policies, Standards and Procedures

- The Proposal is consistent with LAFCo Policies Section 220-01 through 220-08, “Standards for District Annexation for Rural or Regional Services” in that:
 1. The James Irrigation District has indicated it can and will continue provision of water to the affected territory.
 2. The continued use of the affected territory for agricultural uses until such time as the territory is developed with urban uses is consistent with the City’s General Plan.
 3. The affected territory is located within the James Irrigation District’s Sphere of Influence and the affected territory’s boundaries include all of the service area.
 4. The proposal will benefit the owners of the affected territory.
 5. The property owners will be charged a fee for water delivered to the property in addition to a District-wide assessment.
 6. Water will be distributed to the affected territory as available pursuant to District policies.
- Information submitted by the property owners indicates historical water use as being approximately 3.5 acre-feet per acre, for a total delivery of approximately 297.5 acre-feet of water each year.
- The Proposal does not conflict with the goals and policies of LAFCo. The Proposal is consistent with LAFCo policies related to encouraging continued viability of lands utilized for agriculture. No new development or District facilities are proposed to serve the affected territory. Annexation to the District will not result in additional development.

Accordingly, the Proposal is consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code 56000 et seq.), and LAFCo Policies, Standards, and Procedures, including, but not limited to, Sections 100 and 200.

Conducting Authority

In light of the fact that the affected territory is uninhabited and that all of the property owners consented in writing to the annexation, the Commission may approve or conditionally approve the Proposal, and waive further Conducting Authority Proceedings.

Recommendation – Approve With Conditions by Taking the Following Actions:

- 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 project 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.
- B. Find that the proposed annexation is consistent with LAFCo Policies, Standards, and Procedures Section 220 - Standards for District Annexation for Rural or Regional Services (01-08), and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

- C. Assign the distinctive short form designation "James Irrigation District Annexation (Gordon Property)".
- D. Find pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("Act") that:
 - 1. The territory is uninhabited.
 - 2. All landowners and affected agencies have consented to the annexation.
- E. Waive further Conducting Authority Proceedings and order the annexation subject to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the 30-day reconsideration period.

APPLICATION INFORMATION

1. **Affected Territory**

Acreage:	86.20 acres
Current Land Use:	Agriculture
Number of Residences/ Population:	None/None
Landowners/ Registered Voters:	Landowners: 2
Agricultural Preserves/Contract(s):	None
Assessor Parcel Number(s):	033-020-31, 11T

2. **Proposed Development:** None. James Irrigation District facilities which will serve the affected territory are already in place.

3. **Surrounding Territory:** Agriculture to the northeast, south, and west. Industrial to the west and to the north.

4. **Consistency with Adopted Sphere of Influence (SOI):** The affected territory is within the James Irrigation District's adopted Sphere of Influence.

5. **Consistency with the City of San Joaquin General Plan:** The Proposal is consistent with the City of San Joaquin's General Plan. While the General Plan designates the affected territory for industrial uses, the existing agricultural use is considered a legal, non-conforming use until the affected territory is developed with urban uses. As indicated above, it is anticipated that the subject property will be developed with an urban use in the future, but it cannot be foreseen specifically when this will occur.

6. **Existing Service Agencies and Proposed Service Changes**

Service	Existing Service	Change
Irrigation Water	James Irrigation District (supplying water outside its territory)	James Irrigation District

7. **Cities and Districts Included Wholly or Partially within the Affected Territory.**

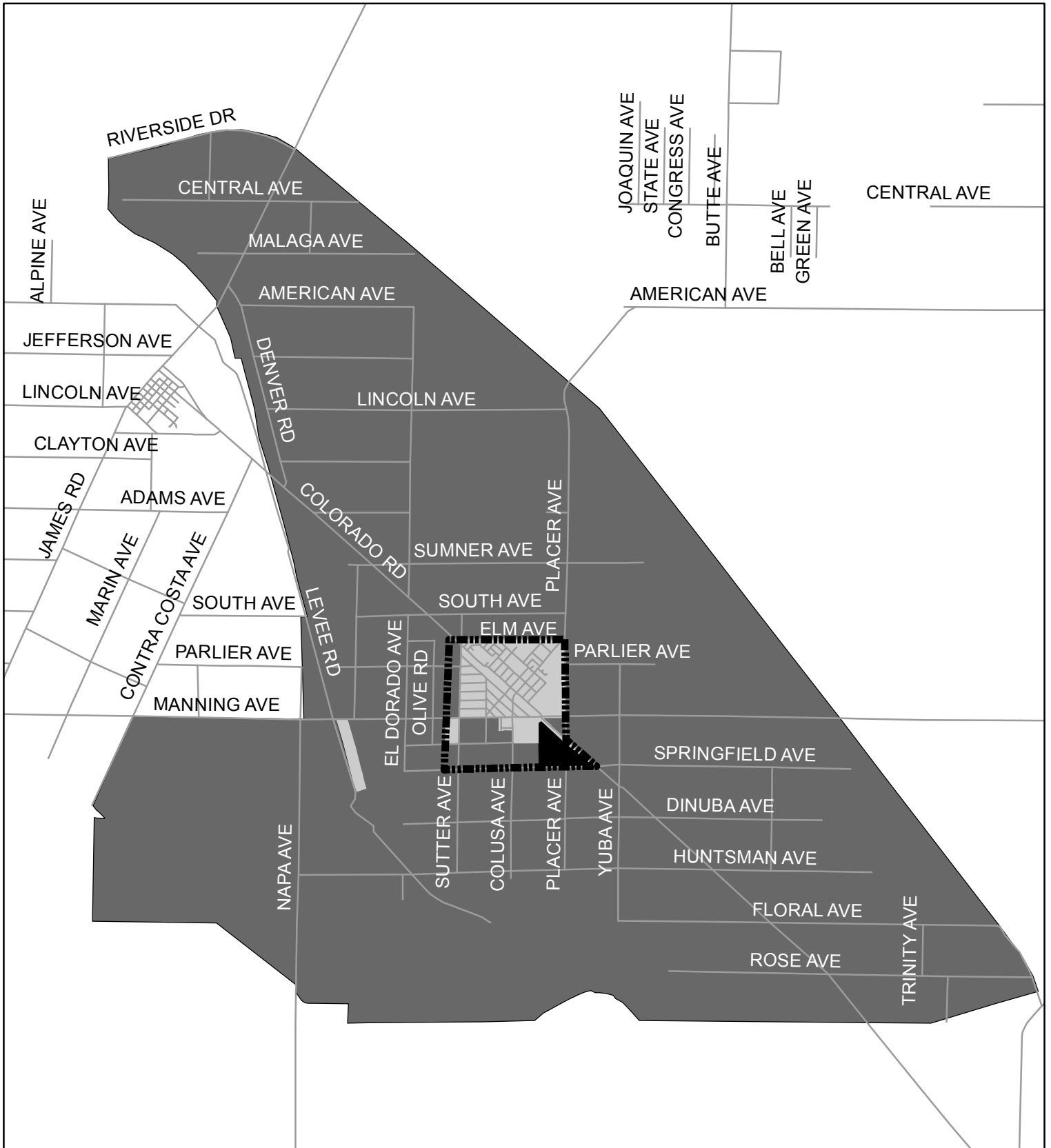
City of San Joaquin	Golden Plains Unified School District
County of Fresno	State Center Community College District
Fresno County Library District	Reclamation District No. 1606
Fresno County Fire Protection District	West Fresno County Red Scale Protective Dist.
Fresno Westside Mosquito Abatement District	James Irrigation District

8. **Costs and Other Changes Affecting Residents or Landowners**





The affected territory does not have any residents. Property owners will be charged a fee for water received from the James Irrigation District. No other costs or charges are applicable to this proposal.

9. **Agencies and Individuals Submitting Comments:** (see Correspondence and Comments)
- Betty Vaughn, Elections Division, County of Fresno
 - Bernard Jimenez, Development Services Manager, Public Works and Planning, County of Fresno
 - Glenn Allen, Fresno County Department of Public Health, Environmental Health Division
 - Elizabeth Cline, Manager, Fresno Westside Mosquito Abatement District
 - Gary Horn, Engineer, City of San Joaquin
10. **Territory Boundaries:** The boundaries of the proposed annexation are definite and certain, and there are no conflicts with lines of assessment ownership. The map and description are not sufficient per the Fresno County Assessor's Office for recordation or filing with the State Board of Equalization. **A revised map and legal description title are required per the County Assessor's specifications.**
11. **Registered Voter Data**
- The County of Fresno Elections Office reported that on January 5, 2009, there were **no** (0) registered voters in the affected territory.
12. **Compliance with the Requirements of CEQA**
- Lead Agency:** James Irrigation District - **Level of Analysis:** Categorical Exemption
Finding: Finding that the proposal is categorically exempt from CEQA pursuant to Section 15320 (Changes in Organization of Local Agencies). The Notice of Exemption was filed with the County Recorder on December 30, 2008 (see Environmental Documents).
13. **Proponent:** Barbara June Gordon, Property Owner
14. **Public Notice of Hearing** – This proposal is 100% consent. Public notice concerning this Proposal was not required pursuant to State law.
15. **Individuals and Agencies Receiving this Report**
- LAFCo Commissioners and Alternates
 - Ken Price, LAFCo Counsel, Baker, Manock, and Jensen
 - John Mallyon, Manager, James Irrigation District
 - Cruz Ramos, City Manager, City of San Joaquin
 - Mark Blum, Henry, Logoluso & Blum
 - Bernard Jimenez, Development Services Manager, Fresno County Public Works and Planning Department
 - Will Kettler, Public Works and Planning
 - Barbara and Sydney Gordon

FIGURE 1 - GENERAL LOCATION MAP



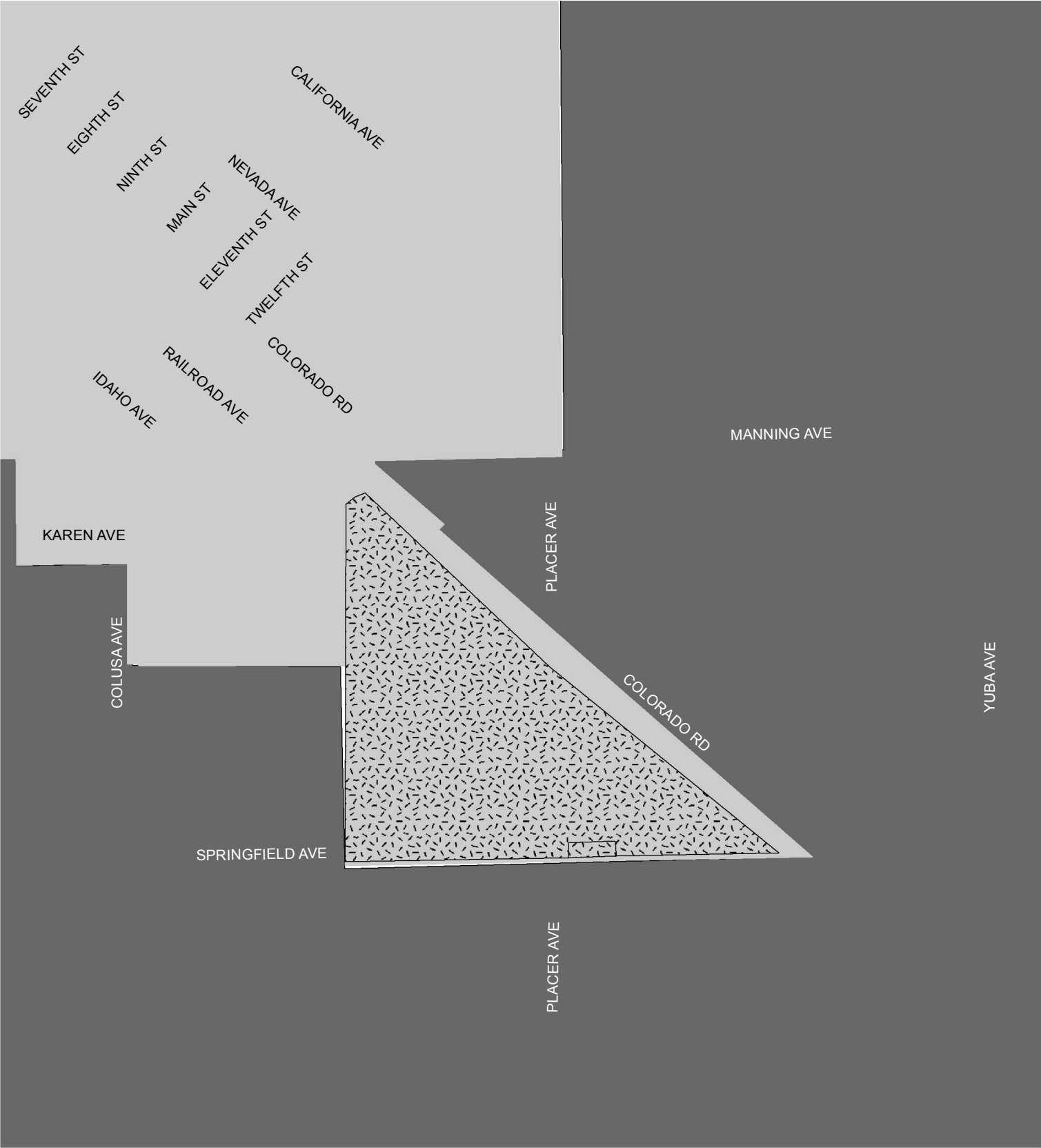
Legend

-  James Irrigation District
-  Affected Territory
-  City Sphere of Influence
-  San Joaquin City Limits

James Irrigation District
Annexation (Gordon Property)
LAFCo File No. AD-08-1



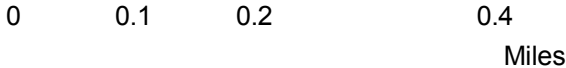
FIGURE 2 - ANNEXATION MAP



Legend

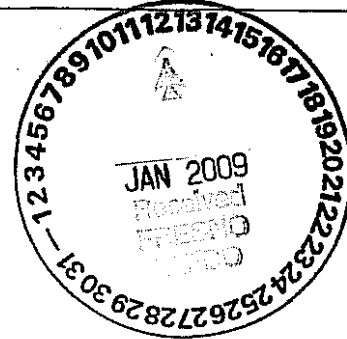
- James Irrigation District
- Affected Territory
- City Sphere of Influence
- San Joaquin City Limits

James Irrigation District
Annexation (Gordon Property)
LAFCo File No. AD-08-1





Fresno Local Agency Formation Commission



DATE: January 5, 2009
 TO: Elections Division, Stop #28
 FROM: *Rick Ballantyne*
 Rick Ballantyne, Executive Officer

PROPOSAL: "James Irrigation District Annexation" (Gordon Property), File No. AD-08-1

The attached application has been filed for processing with the Local Agency Formation Commission (LAFCo) office. In accordance with Government Code Section 56386, your agency's assistance in reviewing and commenting on this application is requested. At this time we are requesting the following information indicated by an "X":

- A. _____ Please furnish a list of all registered voters along with their address as shown upon the most recent assessment roll being prepared by the County within 300 feet of the exterior boundary of the property.
- B. X Number of registered voters in the area. ∅
- C. _____ Number of valid registered voter signatures _____
- D. _____ What percent of the registered voters in the proposal area does the attached petition represent? _____
- E. X Will the proposal adversely affect precinct boundaries or the conduct of elections? No
- F. _____ Other comments:

In order to proceed with the processing of this application, your comments need to be returned to this office by **January 20, 2009**. Your assistance is greatly appreciated. Thank you.

RB:cf

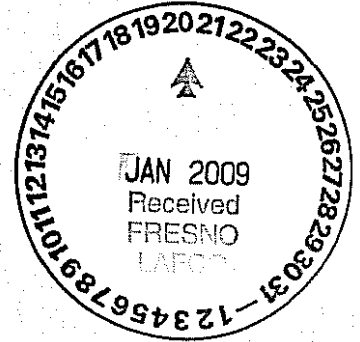
Attachments: Map and legal description

Betty Vaughan, SPA III
 Signature and Title

January 8, 2009
 Date



Fresno Local Agency Formation Commission

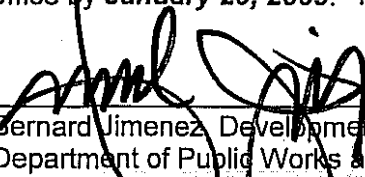


DATE: January 12, 2009
 TO: Bernard Jimenez, Development Services Division, Stop #214
 Department of Public Works and Planning
 FROM: Rick Ballantyne, Executive Officer
 PROPOSAL: "James Irrigation District Annexation" (Gordon Property, File No. AD-08-1)

The attached application has been filed for processing with the Local Agency Formation Commission (LAFCo) Office. In accordance with Government Code Section 56386, your agency's assistance in reviewing and commenting on this application is requested. At this time we are requesting information on the following particular factors:

1. County Plan designation for the area:
The subject annexation area is designated General Industrial Reserve in the San Joaquin Community Plan of the General Plan.
2. Consistency of the proposal with adopted County General and Community Plans and Policies (Section 205-02:3.06 – Fresno County General Plan):
The County's General Plan directs the location of urban density uses to incorporated cities and existing urban communities where necessary support services are available. The proposed expansion of the irrigation district to allow irrigated farming represents a logical continuation of the existing irrigation services within the Community Planning Area. The applicant has agreed to enter into an agreement to detach from the James Irrigation District if the land urbanizes.
3. Any pending County plans, projects (i.e. Community Development, roads, etc.) or development permits:
None.
4. Other related comments:
None.
5. Recommendations:
None.

In order to proceed with the processing of this application, your comments need to be returned to this office by **January 20, 2009**. Your assistance is greatly appreciated. Thank you.


 Bernard Jimenez, Development Services Manager
 Department of Public Works and Planning

1-14-09
 Date

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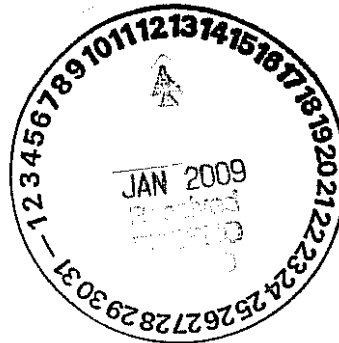


County of Fresno

Department of Public Health

Edward L. Moreno, M.D., M.P.H., Director-Health Officer

January 8, 2009



999999999
LU0015104
PE 2620

Mr. Rick Ballantyne
Local Agency Formation Commission
2115 Kern St., Suite 310
Fresno, CA 93721

Dear Mr. Ballantyne:

PROJECT NO: AD-08-1
SUBJECT: James Irrigation District Annexation

1. Adequacy and availability of existing and proposed community water and sewer systems:
2. Need for services other than those proposed:
3. Effect of project on air or water quality:
4. Related County plans or projects:
5. Other comments:

The Fresno County Department of Public Health, Environmental Health Division has reviewed the proposed annexation and has no comments to offer at this time.

If I can be of more assistance, please contact me at (559) 445-3357.

Sincerely,

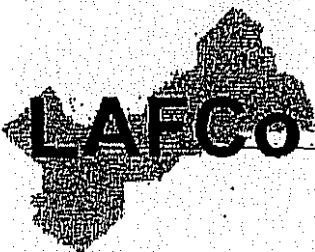
Glenn Allen

Digitally signed by Glenn Allen
DN: cn=Glenn Allen, o=Environmental Health
Division, ou=Public Health, email=glennallen@fresno.ca.gov, c=US
Date: 2009.01.08 11:10:41 -0800

Environmental Health Specialist III
Environmental Health Division

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AD-08-1 James Irrigation District Annexation

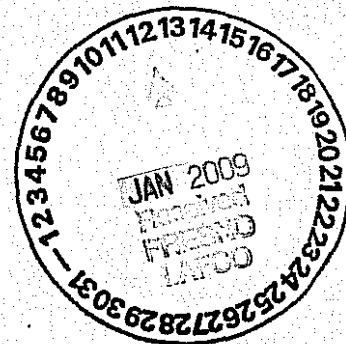


RECEIVED JAN 09 2009

Fresno Local Agency Formation Commission

DATE: January 5, 2009

TO: Kenneth Price, Baker, Manock & Jensen
 Fresno County Fire Protection District
 Kings River Conservation District
 Historical Landmarks and Records Commission (HLRC)
 Fresno County Library District
 James Irrigation District
 West Fresno Red Scale Protective District
 Fresno Westside Mosquito Abatement District
 Reclamation District No. 1606
 Golden Plains Unified School District
 State Center Community College



FROM: *[Signature]*
 Rick Ballantyne, Executive Officer

PROPOSAL: "James Irrigation District Annexation" (Gordon Property),
 File No. AD-08-1

The attached application has been filed for processing with the Local Agency Formation Commission (LAFCo) Office. In accordance with Government Code Section 56386, your agency's assistance in reviewing and commenting on this application is requested.

Please return any comments you have regarding this proposed reorganization by *January 20, 2009*. Thank you.

 Signature and Title

 Date

RB:cf

Attachments: Application, Map, Legal Description, Petition

We would not have any questions or concerns regarding this proposed action.

Elizabeth Cline 1/2/09

Elizabeth Cline
 District Manager
 Fresno Westside Mosquito
 Abatement District

Schmidt, Darrel S.

From: Gary Horn [ghorn@yhmail.com]
Sent: Thursday, January 22, 2009 11:43 AM
To: Schmidt, Darrel S.
Cc: Diana Brooks
Subject: RE: Questions concerning San Joaquin's zoning ordinance and general plan
Attachments: SJMC_17.04.590.pdf

Darrel, Diana has asked me to respond to your letter regarding the subject annexation. The City of San Joaquin does not oppose the action, and Diana will forward to you the requested letter signed by the City Manager.

The agricultural use of the property is a legal, non-conforming use as defined in the Zoning Ordinance, Sec. 17.04.590 of the SJMC, attached.

the General Plan you cite is the latest version. The reference to the "agricultural parcel" is an error, and should have read "agricultural parcels." Table 1 above the citation lists "Undeveloped land vacant" as 854.96 acres. There was not at that time a single parcel of that acreage, but several parcels that total to that acreage. Furthermore, Page 70 of the General Plan states "The protection of agricultural lands from premature conversion to urban use will be reinforced by the City monitoring and reviewing extension of sewer and water lines." Therefore, I believe the continued agricultural use conforms to the General Plan until orderly development occurs.

Gary Horn, San Joaquin City Engineer

Yamabe & Horn Engineering, Inc. 559-244-3123

"A committed team providing high quality
engineering services for our clients and community"

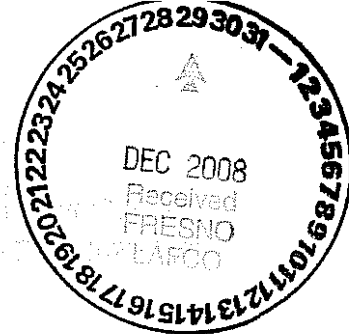
LAW OFFICES OF
HENRY, LOGOLUSO & BLUM
A PROFESSIONAL CORPORATION

JERRY E. HENRY
TIMOTHY V. LOGOLUSO
MARK A. BLUM
MANUEL L. BETTENCOURT

2444 MAIN STREET, SUITE 135
FRESNO, CALIFORNIA 93721
TELEPHONE (559) 497-0700
FAX (559) 497-1700
hlb@attitude.com

441 SOUTH MADERA AVENUE, SUITE C
KERMAN, CALIFORNIA 93630
TELEPHONE (559) 846-9356
FAX (559) 846-5741
hlb@sierratel.com

PLEASE REPLY TO: KERMAN



December 23, 2008

Darrel Schmidt, The Deputy Executive Officer for
The Fresno Local Agency Formation Commission
2115 Kern St. Ste. 310
Fresno, CA 93721

Re: The James Irrigation District Annexation – Gordon Property
File #80406-2

Dear Mr. Schmidt:

This letter responds to your Notice of Incomplete Application dated November 25, 2008. The items discussed in your notice were the Notice of Exemption and a statement regarding water usage from James Irrigation District as a substitute for a service plan.

We have been advised that the James Irrigation Board of Directors approved the Notice of Exemption at their meeting on December 17, 2008, and we will be filing that Notice of Exemption just as soon as it is available to us.

In accordance with your earlier inquiries, it is our understanding that the water usage on this property is approximately a 3.5 acre feet per acre for a total irrigatable acreage of approximately 85 acres. Thus, annual irrigation water delivered to this property is approximately 297.5 acre per feet. Earlier you had inquired as to the means of the delivery, and we understand that delivery is by James Irrigation District Canals. Those canals are and were in existence, and as indicated elsewhere in our application, there will be no need for the construction of new or altered facilities to provide services to the Gordon Property.

If you have any further questions please do not hesitate to contact me, and we will be providing you with a copy of the Notice of Exemption as soon as possible.

Yours truly,
Henry, Logoluso & Blum

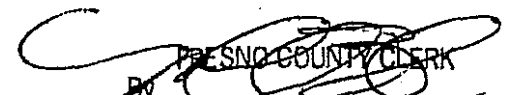
Mark A. Blum
Cc Sid and Barbara Gordon

FILED

DEC 30 2008

Notice of Exemption

To: County Clerk
County of Fresno

By: 
FRESNO COUNTY CLERK
DEPUTY

Project Title: James Irrigation District Annexation
(Gordon Property)

JAMES IRRIGATION DISTRICT
SAN JOAQUIN, CA. 93660

Project Location – Specific:

Lots 295, 298, 302 and 303 of Valley Garden Farms, Subdivision A according to the Map thereof recorded at Volume 7 of Plats at pages 76 through 79, Fresno County Records, containing approximately 85.51 acres, lying North of Springfield Avenue and adjacent to the southwesterly line of the Union Pacific Railroad in San Joaquin, California.

Project Location – City:

Project Location- County:

City of San Joaquin

County of Fresno

Description of Nature, Purpose, and Beneficiaries of Project:

Reorganization to annex agricultural land to James Irrigation District to provide for continued supply of irrigation water to land historically and continuously used for farming. Mr. and Mrs. Sidney Earl Gordon, owners of the land, are the beneficiaries of the Project.

Name of Public Agency Approving Project: James Irrigation District

Name of Person or Agency Carrying Out Project: James Irrigation District

Exempt Status, (Check One)

Ministerial (Sec. 15073)

Declared Emergency (Sec. 15072 (a))

Categorical Exemption. State type and section number:

Changes in Organization of Local Agencies (CEQA Guidelines Section 15320) are categorically exempt where the changes do not change the geographical area in which previously existing powers are exercised. This application would re-attach agricultural lands to James Irrigation District. The lands have continuously been supplied with irrigation water by James Irrigation District, and were only detached from James and annexed to the City of San Joaquin to accommodate the possible development of an electrical generating facility.

EXHIBIT B

E200810000494

Existing facilities will be utilized and no new facilities will be built as a result of this Project and therefore the Project is also exempt pursuant to the Categorical Exemption of Section 15319 of the CEQA Guidelines.

Date Received for Filing:

Signature

A handwritten signature in black ink, appearing to read "J. Malley", written over a horizontal line.

Title

MANAGER

EXHIBIT B

E200810000494