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

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AGENDA ITEM NO. 11

**DATE:** July 11, 2007

**TO:** Fresno Local Agency Formation Commission

**FROM:** Rick Ballantyne, Executive Officer

**SUBJECT:** **Consider Conditional Approval - City of Selma "Highland-Rose-Bratton 1 Reorganization"**. A proposed reorganization to annex 89.94 acres to the City of Selma and the Selma-Kingsburg-Fowler County Sanitation District and detach from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District for territory located at the southwest corner of Rose and Highland Avenues (**LAFCo File No. RO-07-15**).

**Applicant:** City of Selma

**Land Owners/Parties of Real Interest:** Mary Andersen; BWI (James Bratton); Bernice Dignan; John and Shana Eberlein; Carl & Nancy Gonzales; Harjinder Kaur; Nirmal S. Narr; Don Singh; Caroline Singh; Gurdev Singh; Harbans Singh ; Jasbinder Singh; Sikh Center of Pacific Coast Selma/Inc.; Patricia Whitaker; and Earl Wayne Wells.

**Background:**

- This Proposal has been scheduled for public hearing because the Consolidated Irrigation District and a single property have not consented to the Proposal.
- The City of Selma initiated this Proposal on April 16, 2007, with the adoption of Resolution No. 2007-20R. The City on this same date did approve an amendment to the Selma General Plan to re-designate the developable area (approximately 80 acres) from Residential Reserve to Medium-Low Density Residential.
- The City of Selma also on April 16, 2007, pre-zoned the affected territory from County AE-20 (Exclusive Agriculture, 20-Acre Minimum) to R-1-7 (Single-Family Residential, 7,000 Square Foot Minimum Lot Size) District and approved Vesting Tentative Tract Map No. 5765 for a 220-lot, single-family residential subdivision.

**Proposal / Land Use:**

- The Proposal consists of the annexation of approximately 89.94 acres to the City of Selma 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.
- The affected territory is located at the southwest corner of Rose and Highland Avenues. The territory is located inside the Selma Sphere of Influence adjacent to the City of Selma city limits on the northeast and east sides (see Maps and Figures).

- The subject territory is currently agriculture and commercial (auto salvage yard and church). Surrounding land uses include agriculture to the north, south, and west, and existing and proposed residential to the east. The Commission recently approved the North of Nebraska-East of Highland No. 2005-0045 Reorganization directly southeast of the affected territory.

**Environmental Determination:**

The City of Selma prepared an Initial Study to evaluate the potential environmental effects of the reorganization. The City made findings that no potential significant impacts to the environment would occur with implementation of the project as mitigated (see Environmental Documents).

As Responsible Agency, the Commission is required to review and consider the City's Initial Study and Mitigated Negative Declaration 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" below.

**Consistency with LAFCo Policies, Standards and Procedures**

- The affected territory is located within the City of Selma's Sphere of Influence (SOI) and adjacent to the existing City Limits along the east side (see Maps and Figures).
- The Proposal is consistent with the City of Selma's General Plan designation of Medium Low Density Residential.
- The Proposal furthers the County's General Plan policies of directing growth to existing cities where infrastructure and a full-range of municipal services are available to serve urban development.
- In accordance with LAFCo Policy 102-041, a Transition Agreement between the City and the Fresno County Fire Protection District has been entered into that covers the affected territory. The Fresno County Fire Protection District has submitted a signed consent form for this reorganization.
- The Proposal is consistent with the Memorandum of Understanding (Master Tax Sharing Agreement) Standards for Annexation between the City of Selma and County of Fresno (See letter from Mr. Bart Bohn, Fresno County CAO, - Correspondence and Comments). The County has indicated in its correspondence that such consistency finding can be made only if a condition of approval is applied that requires that the "North of Nebraska-East of Highland No. 2005-0045 Reorganization" be recorded prior to recordation of the subject reorganization.
- Substantial development is planned for the affected territory. The Service Plan submitted for this Proposal indicates that all necessary urban services (water, sewer, police, fire, etc.) are available to serve the affected territory (see Service Plan). The City of Selma reports that an adequate water supply pursuant to California Government Code Section 65352.5 is available to serve the affected territory. The California Water Service Company (Cal Water) has indicated its ability to serve the affected territory and proposed development.
- The Selma-Kingsburg-Fowler County Sanitation District (SKF) has reviewed the Proposal and has consented to the request. The District has provided service requirements to the City of Selma that have been incorporated within City requirements of the entitlement permit approved for the proposed residential development. (See letter from Veronica

Cazares, PE, Supervision Engineer, Selma-Kingsburg-Fowler County Sanitation District, - Correspondence and Comments).

- The Consolidated Irrigation District (CID) on June, 14, 2007, was sent a notice of the subject application with a request for comments to be submitted to LAFCo by June 28, 2007. At the time of this writing, staff has not received any correspondence or comments from the District as requested.

Staff is aware that the City of Selma through its Resolution No. 2007-19R approving the development proposal and Environmental Assessment No. 2006-0014, did incorporate specific conditions as related to the Consolidated Irrigation District and related facilities that are set forth below:

*MM8.1--Developer shall pay an impact fee to the City to mitigate impacts of the development on ground water and, if appropriate, any facilities and operation of CID. The fee shall be in an amount lawfully established and imposed by the City, either by ordinance or by memorandum of understanding with CID, and shall be paid either at the time of issuance of building permits for residence or at such later time as the City directs.*

*MM 8.2--The subdivider or successor in interest shall replace, relocate, or refit existing irrigation facilities impacted by the development to mitigate the increased risks of damage to those facilities and liability to CID and the City.*

*Timing/Implementation: The fee shall be paid prior to the issuance of a building permit.*

*Enforcement/Monitoring: City of Selma Community Development Department*

Staff, without receiving comments from CID in a timely manner and as requested, can not offer further comments related to CID's position related to this application.

- The Proposal will reasonably assist the City in achieving its fair share of the regional housing needs, as required under Government Code, Section 56668.
- The Proposal, as conditioned, does not conflict with the goals and policies of LAFCo. The proposal is timely, it represents an appropriate action, and would result in orderly land use planning, efficient development patterns and service areas, and does not encourage urban sprawl.
- The Proposal, as conditioned, would carry out LAFCo's purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities.

Accordingly, the Executive Officer has determined that the proposed reorganization, as conditioned, 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**

The affected territory is uninhabited but not all property owners have consented to the reorganization. Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, should this Proposal be approved, it will be necessary to set a protest hearing. The protest hearing cannot be held prior to the expiration of the reconsideration period (30 days), and the date of the hearing shall not take place less than 21 days after notice is given.

## **Recommendation – Approve 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 legally adequate pursuant to CEQA Guidelines Section 15096.
- B. Find that the proposed reorganization is consistent with LAFCo Policies, Standards and Procedures Section 210 - Standards for Annexation to Cities and Urban Service Districts (01-13), and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
- C. Assign the distinctive short form designation " Highland-Rose-Bratton 1 Reorganization" and approve the reorganization (annexations and detachments) subject to the following conditions of approval:
  - 1. The City of Selma shall submit to the Executive Officer verification that a Right-to-Farm Covenant is required and made a part of the City's development agreement and that this legal covenant will be recorded with the final tract map approved by the City for the affected territory.
  - 2. Ownership of land permitting, the annexation shall include the full existing right-of-way width of adjacent roadways.
  - 3. Satisfactory verification that the City has accepted a final map shall be submitted to the Executive Officer prior to completion (recordation) of the annexation.
  - 4. Required fees shall be paid to the Selma-Kingsburg-Fowler County Sanitation District in accordance with District regulations. The City of Selma shall submit satisfactory verification to the Executive Officer that said fees have been paid prior to the completion of the annexation.
  - 5. The North of Nebraska-East of Highland No. 2005-0045 shall have been recorded prior to recordation of this Reorganization.
- D. Find and determine pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 that:
  - 1. The territory is uninhabited.
  - 2. All landowners have not consented to the annexation.
- E. 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.).

## APPLICATION INFORMATION

1. **Affected Territory**

<b>Acreage:</b>	89.94 acres
<b>Current Land Use:</b>	Agriculture and commercial
<b>Number of Residences/ Population:</b>	Residences: 0/ Population: 4
<b>Landowners/ Registered Voters:</b>	Landowners: 8 / Voters: 3
<b>Previous County Zoning:</b>	AE-20
<b>City Zoning Upon Annexation:</b>	R-1-7
<b>Ag. Preserves/Contracts:</b>	None
<b>Assessors Parcel Number:</b>	385-220-04, 07, 13, 16, 21, 23, 25, and 26 and 385-042-32S

2. **Proposed Development:** The developer proposes to construct a 220-lot single-family residential subdivision.

3. **Surrounding Territory:** Surrounding land uses include agriculture to the north, south, and west, and residential or proposed residential to the east.

4. **Consistency with Adopted Sphere of Influence (SOI):** The affected territory is within the City of Selma’s adopted Sphere of Influence.

5. **Consistency with City and County General and Specific Plans:** The Proposal is consistent with the City of Selma’s General Plan. The Proposal furthers the County’s General Plan policies of directing growth to existing cities where infrastructure and a full-range of municipal services are available to serve urban development.

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

<b>Service</b>	<b>Existing Service</b>	<b>Change</b>
Water	Private	California Water Service
Sewer	None	Selma-Kingsburg-Fowler County Sanitation District
Fire Protection	Fresno Co. Fire Protect. Dist.	City of Selma
Distance to Station	1.33 miles	1.66 miles

**Please Note:** A service plan for this Proposal is attached to the Executive Officer’s report.

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

County of Fresno	Fresno County Library District
Kings River Conservation District	Fresno County Fire Protection District
State Center Community College District	Selma Unified School District
Selma Cemetery District	West Fresno Red Scale Protective District
Consolidated Irrigation District	Consolidated Mosquito Abatement District
Selma Hospital District	

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

No costs are anticipated that will affect residents or landowners.

9. **Agencies and Individuals Submitting Comments** (see Correspondence and Comments)

- Bart Bohn, CAO, County of Fresno
- Bernard Jimenez, Department of Public Works and Planning
- Betty Vaughn, Elections Division, County of Fresno
- Scott A Bailey, California Water Service Company
- Veronica Cazares, SKF County Sanitation District
- Michael Navarro, Caltrans District 6
- Glenn Allen, Environmental Health Division
- State Department of Health Services
- Bruce Champion, Natural Resources Conservation Service
- Karen Bosch Cobb, Fresno County Library

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 Dave King (Fresno County Assessor, Assessment Services Supervisor) 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 June 18, 2007, there were **three (3)**-registered voters in the affected territory.

12. **Compliance with the Requirements of CEQA**

**Lead Agency:** City of Selma - **Level of Analysis:** Initial Study

**Finding:** Mitigated Negative Declaration (see Environmental Documents).

**Proponent:** Michael S. Gaston, Community Development Director, City of Selma

13. **Public Notice of Hearing** – Public notice concerning this Proposal was issued by the Executive Officer pursuant to State law.

14. **Individuals and Agencies Receiving this Report**

- LAFCo Commissioners and Alternates
- Ken Price, Baker, Manock, and Jensen
- Michael S. Gaston, Community Development Director, City of Selma
- Charles Maxwell
- James Bratton, Bratton Investments, LLC
- Bernard Jimenez, Planning Manager, Development Services Department
- Margie McHenry, Public Works and Planning
- Chief Keith Larkin, Fresno County Fire Protection District
- David Orth, Kings River Conservation District
- Mark Gilkey, District Manager, Consolidated Irrigation District
- David Michel, District Manager, SKF