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

CONSENT AGENDA ITEM No. 13

DATE: **September 8, 2010**

TO: **Fresno Local Agency Formation Commission**

FROM: **Jeff Witte, Executive Officer**

SUBJECT: **Consider Approval – Orange Cove Irrigation District “Reorganization No. 2009-10, Orange Cove Irrigation District”**. A proposed reorganization consisting of the annexation of three areas in Tulare County totaling 105.22 acres to and detachment of two areas in Fresno County totaling 120.42 acres from the Orange Cove Irrigation District. **(LAFCo File No. RO-10-3)**. (Continued from July 14, 2010)

Applicant: Fergus A. Morrissey, Engineer-Manager, Orange Cove Irrigation Dist.

Land Owners/Parties of Real Interest: James and Susan Fitzgerald, Marvin and Nina Damm, Walter and Carol Hayhurst, Dean Gillette, Steve and Anne Bradley, Martin Rubio, and Del Rey Villas (Hermoz Faryab and Mehrdad Farzinpour).

Recommendation – Approve the Annexations and Detachments

- 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 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 (the "Act").
- C. Find that approval of the proposed reorganization is based on sufficient information as provided to the Commission in the Initial Study and Negative Declaration for the “project”, the Executive Officer’s report to the Commission, and all other testimony and information provided by persons and interested agencies, and is in compliance with state law, including, but not limited to, the Act, and Commission Policies, Standards and Procedures.
- D. Assign the distinctive short form designation "Reorganization No. 2009-10, Orange Cove Irrigation District" and approve the reorganization (annexations and detachments).
- E. 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.

- F. Waive further Conducting Authority Proceedings and order the annexation and detachments subject to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the 30-day reconsideration.

Background

- Even though the proposal's territory is uninhabited and was submitted with signed consent from all property owners, this item has been placed on the Regular Agenda because staff is concerned that two of the detaching property owners may wish to withdraw their consent.
 - This proposal was continued from the July 14, 2010 hearing at the request of the Orange Cove Irrigation District.
 - The Orange Cove Irrigation District initiated this proposal on March 1, 2010, with the adoption of Resolution No. 2010-02.
 - The Orange Cove Irrigation District ("District" or "OCID") is requesting approval of annexation of 105.22 acres and detachment of 120.42 acres. There are five (5) areas in various locations included in this request (see maps).
 - The six parcels proposed for detachment were previously approved for detachment from OCID and annexation to the City of Orange Cove by LAFCo as part of the City of Orange Cove's "Jacobs-South Reorganization (Del Rey Villas)" proposal. One of the parcels has never received water from the District.
 - The annexations are proposed to replace land that has been detached from the District. It is necessary for the District to maintain service to about 28,000 acres as required by the U.S. Bureau of Reclamation. The annexations will allow surface water to be utilized in the new areas to offset pumping from a limited groundwater supply. There is a waiting list for parcel to be annexed to the District.
 - The affected territory is uninhabited and generally located in Eastern Fresno County and Tulare County adjacent to the Sierra Nevada Foothills (see Maps and Figures).
 - A portion of the affected territory is located in Tulare County. Fresno LAFCo is the "principal county" under state law (Gov. Code sec. 56066) in this matter since the larger portion of the District is located in Fresno County. Staff has been in contact with Tulare County LAFCo and they have confirmed that Fresno County is the responsible County for this action.

Environmental Determination

The Orange Cove Irrigation District prepared an Initial Study to evaluate the potential environmental effects of the proposal. The District made findings that the project will not have a significant impact on the environment. The Orange Cove Irrigation District Board of Directors adopted a Final Negative Declaration on August 12, 2009, and filed a Notice of Determination with the County Clerk on January 19, 2010 (see Environmental Documents).

As a Responsible Agency, the Commission is required to review and consider the District's Initial Study and Negative Declaration, prior to taking its action. If the Commission determines that these documents are adequate, pursuant to CEQA, a finding needs to be made that the Commission independently reviewed and considered the information in the environmental assessment and findings and that these environmental documents are sufficient on which to make a determination on the proposed reorganization.

Analysis:

To meet its financial obligations under its contract with the US Bureau of Reclamation and to the bond holders who have financed the District's rehabilitation projects, the District only supports detachment of land if annexation of an equivalent number of acres is made to the District. The goal is to maintain about 28,000 acres. The District has recently received a request to detach land from the District boundaries in accordance with the District's policy for detachment. Additional land is proposed for annexation to replace the lands being detached.

The areas to be annexed consist of agricultural uses with some scattered rural residential home sites. The proposals will not change the present agricultural land use currently operating in the affected territory. The County General Plan designation and zoning for the affected territory will not change. The proposals will not bring about the conversion of agricultural land or open space. Approval of the proposals will not adversely affect the District's irrigation water supply, or impose additional costs on land already in the District, or cause abandonment of existing facilities.

The landowners included in the annexation areas have agreed to pay all costs associated with District administration, operations and maintenance, and costs associated with conveying water service to the annexed land. New costs to the landowners will include standby charges of about \$52/ac. and about \$16/ac. for general and administrative charges. Landowners are required to construct or pay the cost of constructing the water conveyance facilities necessary, if any, to convey irrigation water to the affected land.

All lands in the District receive direct and indirect benefit from the District's irrigation system. The proposed reorganization will not bring about the need for new services. The District is presently meeting the needs of the agricultural users in the District. The District is capable of supplying surface water for irrigation purposes in the territory, and can provide a reliable source of surface irrigation water for its water users. Irrigation in the territory is currently provided only by groundwater, and the provision of surface water would offset pumping from a limited ground water supply in the new areas. The Friant-Kern Canal is the District's main source of surface water.

Discussion:

This proposal was originally scheduled for the July 14, 2010, LAFCo hearing but was continued to September 8th at the request of the OCID. At one time, one of the property owner's of land proposed for detachment indicated to the District that they would prefer not to have their property detached. Representatives for the Del Rey Villas, LLC, had also indicated that they preferred the detachment of their property be delayed until they were annexed to the City of Orange Cove. A request for a one-year extension to complete proceedings for the "Jacobs-South Reorganization (Del Rey Villas, LLC)" was also on today's agenda.

Because the District had not received anything in writing to request withdrawal of their consent and are unsure if that is their position today, the District requested this item remain on today's agenda. Staff sent a letter to the property owners (see attached) notifying them that the "Reorganization 2009-10, Orange Cove Irrigation District" proposal detaching their property from the OCID would be heard at today's hearing and requested them to notify staff in writing no later than Wednesday, September 1, 2010, if they were in concurrence with the withdrawal or took no position.

Consistency with LAFCo Policies, Standards and Procedures

The requested SOI amendments and annexations to the Orange Cove Irrigation District are consistent with the Act and Commission *Policies, Standards and Procedures*, including, but not limited to, Sections 100, 200, and 300. Approval of these requests 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 proposals are consistent with LAFCo Policies, Standards and Procedures.

Conducting Authority

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act") find the affected territory to be uninhabited; all of the property owners have consented in writing to the annexation, and all affected agencies gaining or losing territory as a result of the reorganization have consented to waive protest proceedings. Accordingly, Conducting Authority proceedings may be waived and the annexations and detachments ordered subject to the requirements of the "Act" and compliance with all of the recommended Conditions of Approval.

APPLICATION INFORMATION

1. **Affected Territory**

Acreage:	Annex 105.22 acres and Detach 120.42 acres
Current Land Use:	Agricultural and Fallow
Registered Voters:	Voters: 0
Assessors Parcel Numbers:	Annex 005-190-007 and 008, 005-030-054, and 005-130-005 and detach 185-061-42 and 378-022-02, 03, 04, 05, 06, and 07

- 2. **Proposed Development:** No development is planned.
- 3. **Surrounding Territory:** Agricultural land. The City of Orange Cove.
- 4. **Consistency with Adopted Sphere of Influence (SOI):** The annexations are consistent with the Orange Cove Irrigation District's SOI.
- 5. **Consistency with City and County General and Specific Plans:** The Proposal is consistent with the County General Plan and the City of Orange Cove General Plan.
- 6. **Existing Service Agencies and Proposed Service Changes:** Annexation of land into the OCID for the provision of irrigation water for agricultural purposes.

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

County of Fresno	Fresno County Library District
Sierra-Kings Hospital District	Fresno County Fire Protection District
Consolidated Mosquito Abatement Dist.	Kings Canyon Unified School District
State Center Jt. Community College Dist,	Central Valley Pest Control District
County Service Area 35	Reedley Cemetery District
Alta Cemetery District	Orange Cove Fire Protection District
Orange Cove Police Protection District	Orange Cove Irrigation District

8. **Costs and Other Changes Affecting Residents or Landowners:** The landowners included in the annexation areas have agreed to pay all costs associated with District administration, operations and maintenance, and costs associated with conveying water service to the annexed land. Property owners annexed into the Orange Cove Irrigation District will pay a general assessment fee. Landowners are required to construct or pay the cost of constructing the water conveyance facilities necessary, if any, to convey irrigation water to the affected land.

9. **Agencies and Individuals Submitting Comments:**

- Bernard Jimenez, County of Fresno Department of Public Works and Planning
- Bruce Champion, Natural Resource Conservation District
- Patricia Pondexter, Interim County Librarian and Interim Secretary for the Historical Landmarks and Records Commission
- Glenn Allen, REHS, M.S., County of Fresno Environmental Health Division

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, Supervising Cadastral Technician, for filing with the State Board of Equalization. **A revised map and legal description are required.**

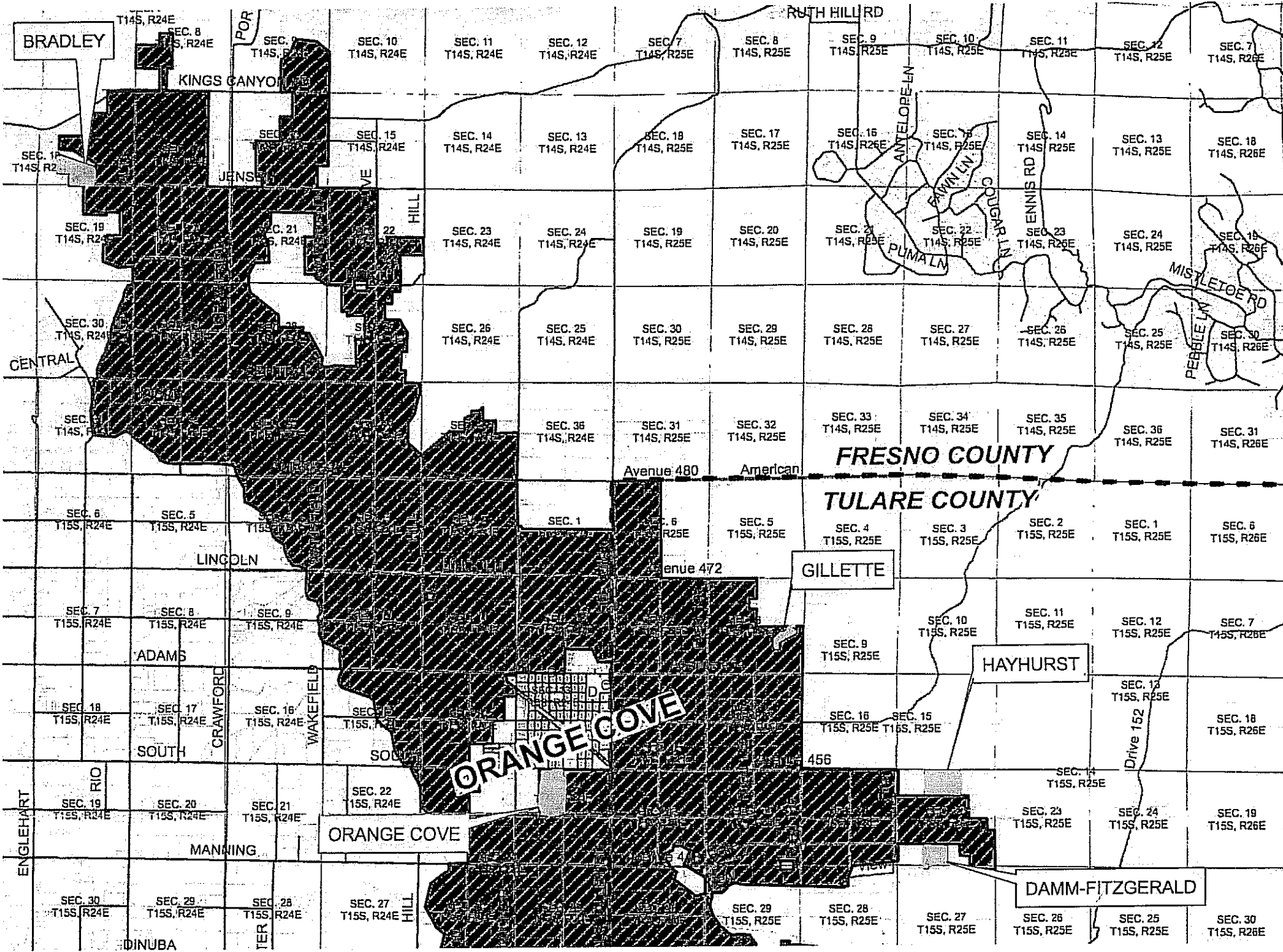
11. **Compliance with the Requirements of CEQA**

Lead Agency: Orange Cove Irrigation District - **Level of Analysis:** Initial study
Finding: Negative Declaration (see Environmental Documents).

12. **Public Notice of Hearing:** Written public notice was issued by the Commission pursuant to the requirements of the state law.

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

- LAFCo Commissioners and Alternates
- Ken Price, LAFCo Counsel, Baker, Manock, and Jensen
- Bernard Jimenez, Development Services Manager, Fresno County Public Works and Planning Department
- Will Kettler, Public Works and Planning Department
- Fergus Morrissey, Orange Cove Irrigation District Engineer-Manager
- Dennis R. Keller, Orange Cove Irrigation District Engineer
- Ben Giuliani, Executive Officer, Tulare County LAFCo
- Marcos Segura, Staff Analyst, Tulare County LAFCo



BRADLEY

KINGS CANYON

JENSEN

CENTRAL

LINCOLN

ADAMS

SOUTH

MANWING

DINUBA

FOR

VE

HILL

CRAWFORD

WAKEFIELD

ORANGE COVE

ORANGE COVE

HILL

RUTH HILL RD

ANTELOPE LN

PUMPA LN

CODGART LN

ENNIS RD

MISTLETOE RD

PEARLE LN

FRESNO COUNTY

TULARE COUNTY

Avenue 480

American

venue 472

GILLETTE

HAYHURST

456

Drive 152

DAMM-FITZGERALD

VIEW

E 1/4 COR. SW 1/4 SEC. 18, 14/24

571°38'00"E 1391.04'

EXISTING ORANGE COVE IRRIGATION DISTRICT BOUNDARY

POINT OF BEGINNING

571°38'00"E

361.69'

WITHIN DISTRICT BOUNDARY

DETACHMENT AREA = 40.51 TOTAL ACRES

600.00'

APN: 185-061-42

PROPOSED ORANGE COVE IRRIGATION DISTRICT BOUNDARY

343.00'

N00°08'05"W 1176.60'

500°08'05"E 911.43'

W A H T O K E R M A L L
L O T 2 4 T R A C T

1331.37'

800.00'

800.00'

NOT PRESENTLY WITHIN O.C.I.D. BOUNDARY 11.18 ACRES

40' ABANDONED RIGHT OF WAY

S 1/4 COR. SEC. 18, 14/24

714.75'

S89°47'56"W 525.00'

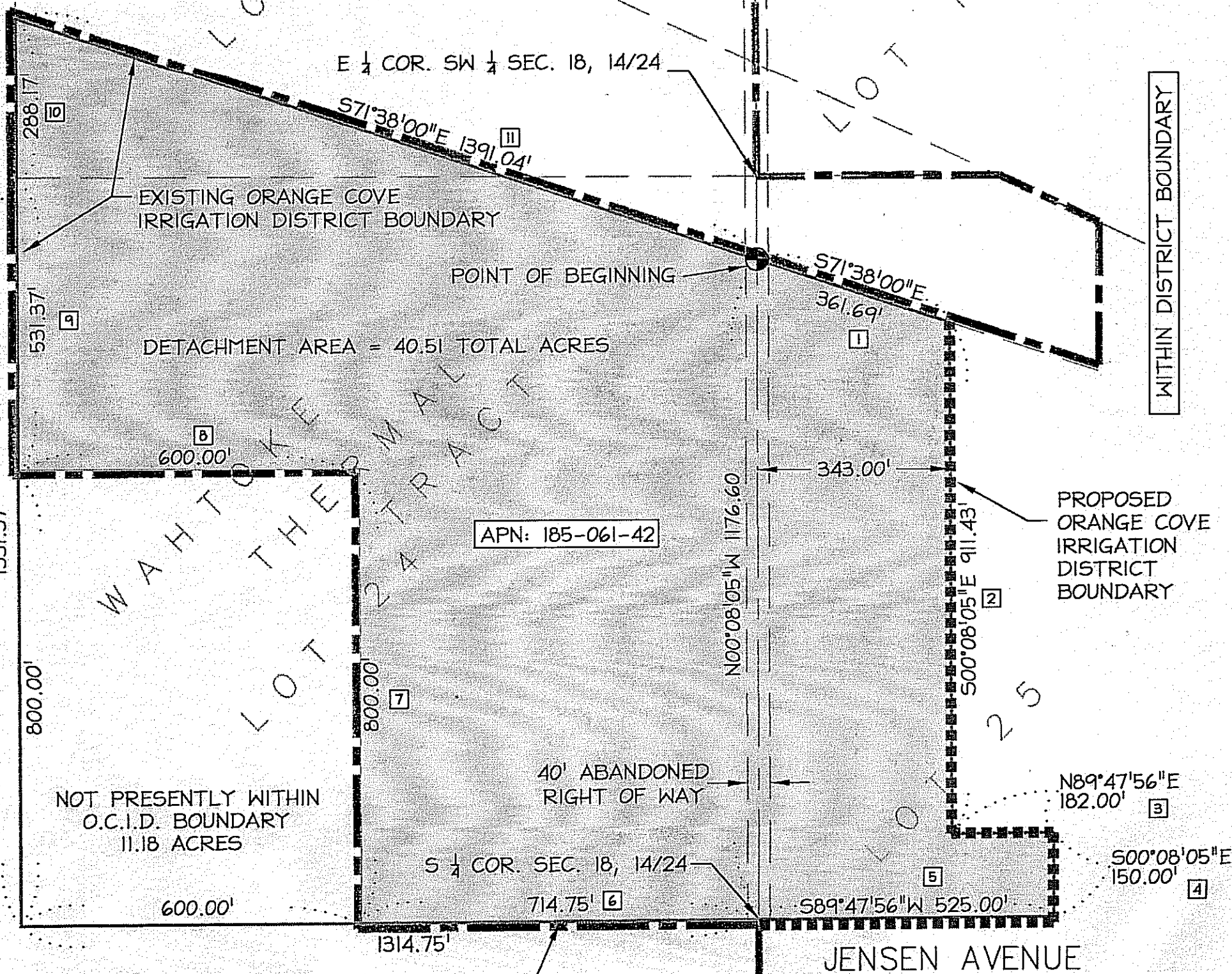
N89°47'56"E 182.00'

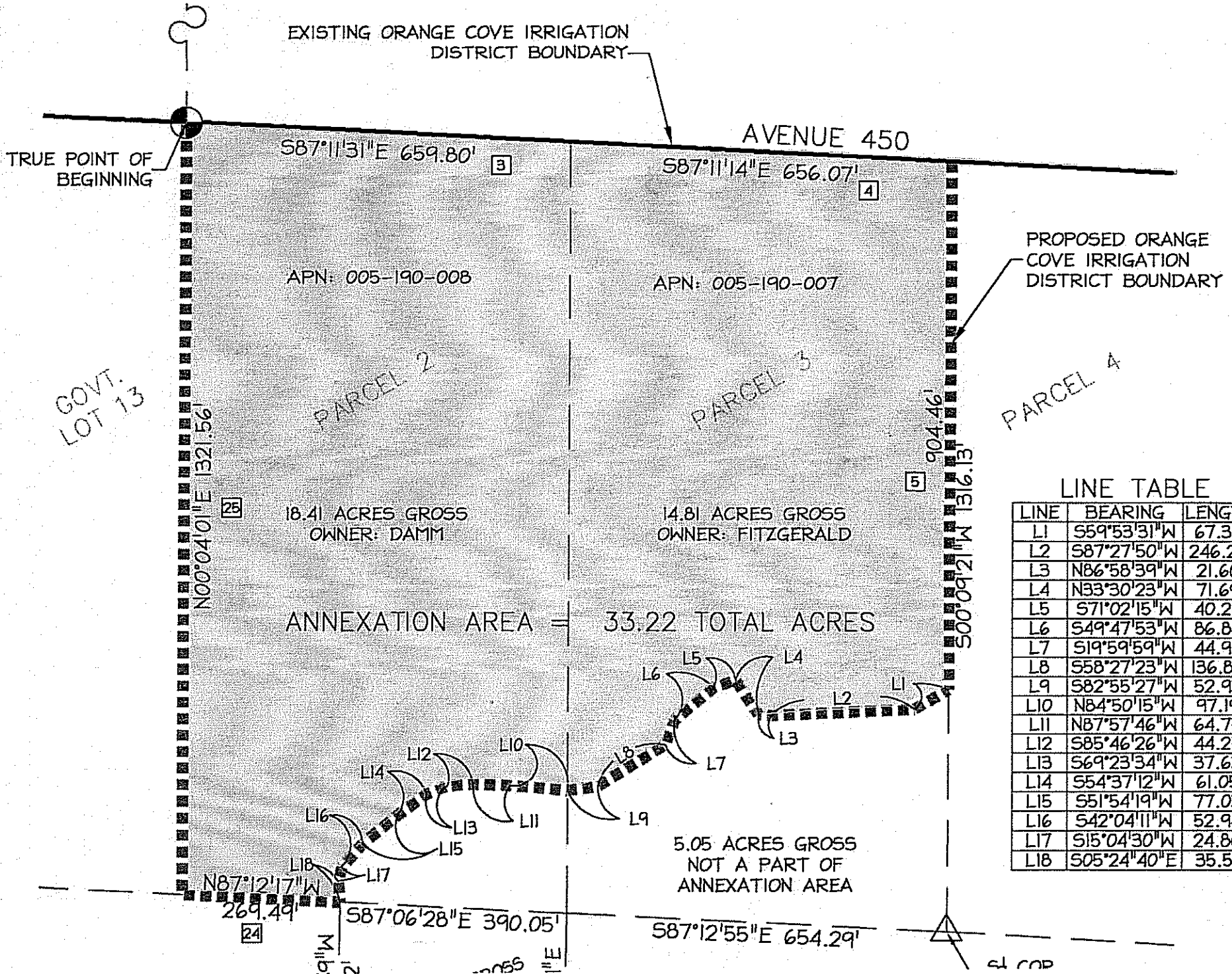
500°08'05"E 150.00'

600.00'

1314.75'

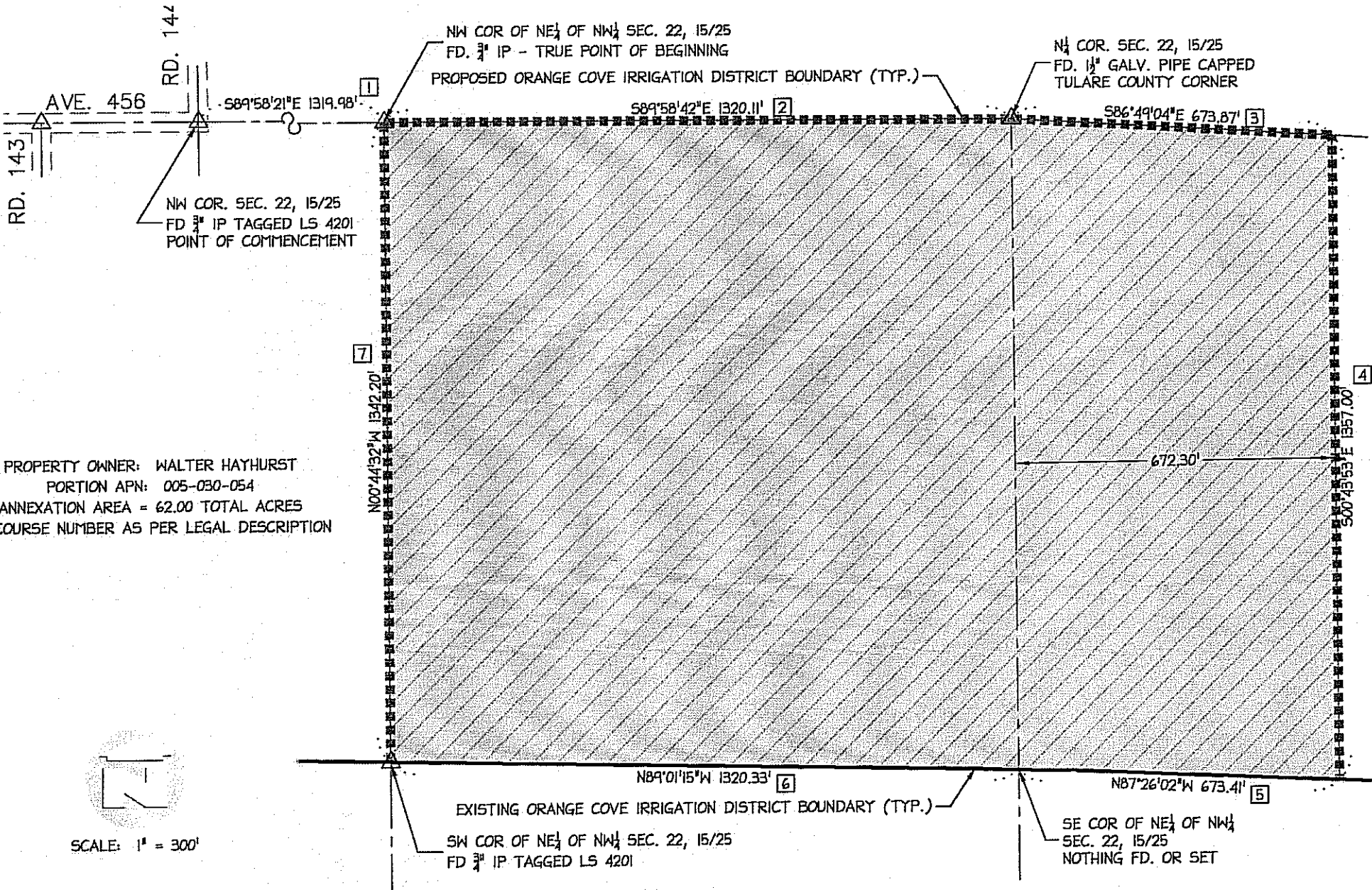
JENSEN AVENUE



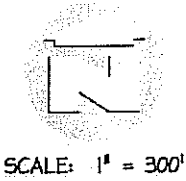


LINE TABLE

LINE	BEARING	LENGTH	N
L1	S59°53'31"W	67.36'	6
L2	S87°27'50"W	246.23'	7
L3	N86°58'39"W	21.60'	8
L4	N33°30'23"W	71.69'	9
L5	S71°02'15"W	40.28'	10
L6	S49°47'53"W	86.84'	11
L7	S19°59'59"W	44.95'	12
L8	S58°27'23"W	136.86'	13
L9	S82°55'27"W	52.93'	14
L10	N84°50'15"W	97.19'	15
L11	N87°57'46"W	64.75'	16
L12	S85°46'26"W	44.25'	17
L13	S69°23'34"W	37.63'	18
L14	S54°37'12"W	61.05'	19
L15	S51°54'19"W	77.03'	20
L16	S42°04'11"W	52.94'	21
L17	S15°04'30"W	24.80'	22
L18	S05°24'40"E	35.51'	23



PROPERTY OWNER: WALTER HAYHURST
 PORTION APN: 005-030-054
 ANNEXATION AREA = 62.00 TOTAL ACRES
 COURSE NUMBER AS PER LEGAL DESCRIPTION



NW COR OF NE 1/4 OF NW 1/4 SEC. 22, 15/25
 FD. 3" IP - TRUE POINT OF BEGINNING

N 1/4 COR. SEC. 22, 15/25
 FD. 1 1/2" GALV. PIPE CAPPED
 TULARE COUNTY CORNER

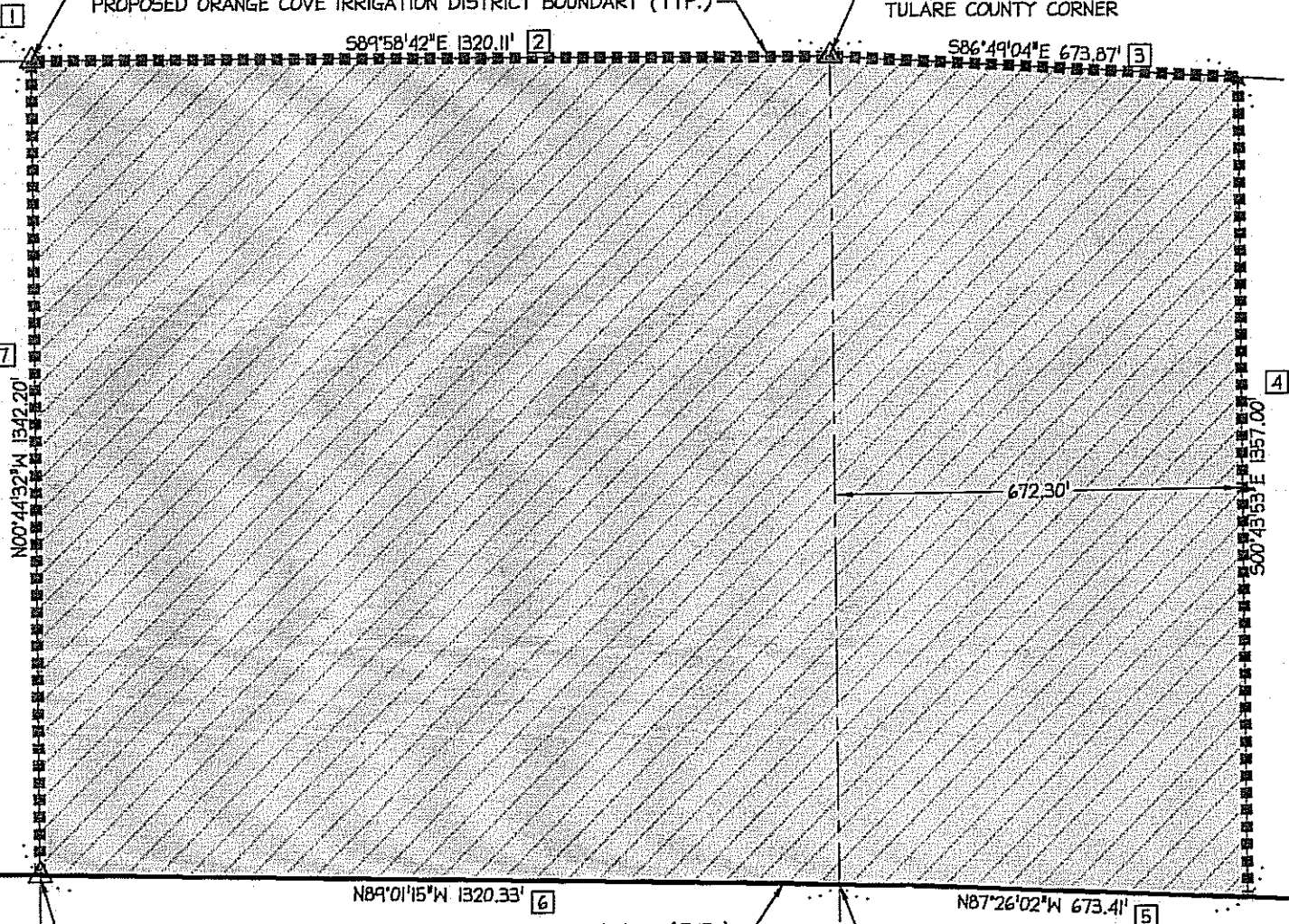
NW COR. SEC. 22, 15/25
 FD 3" IP TAGGED LS 4201
 POINT OF COMMENCEMENT

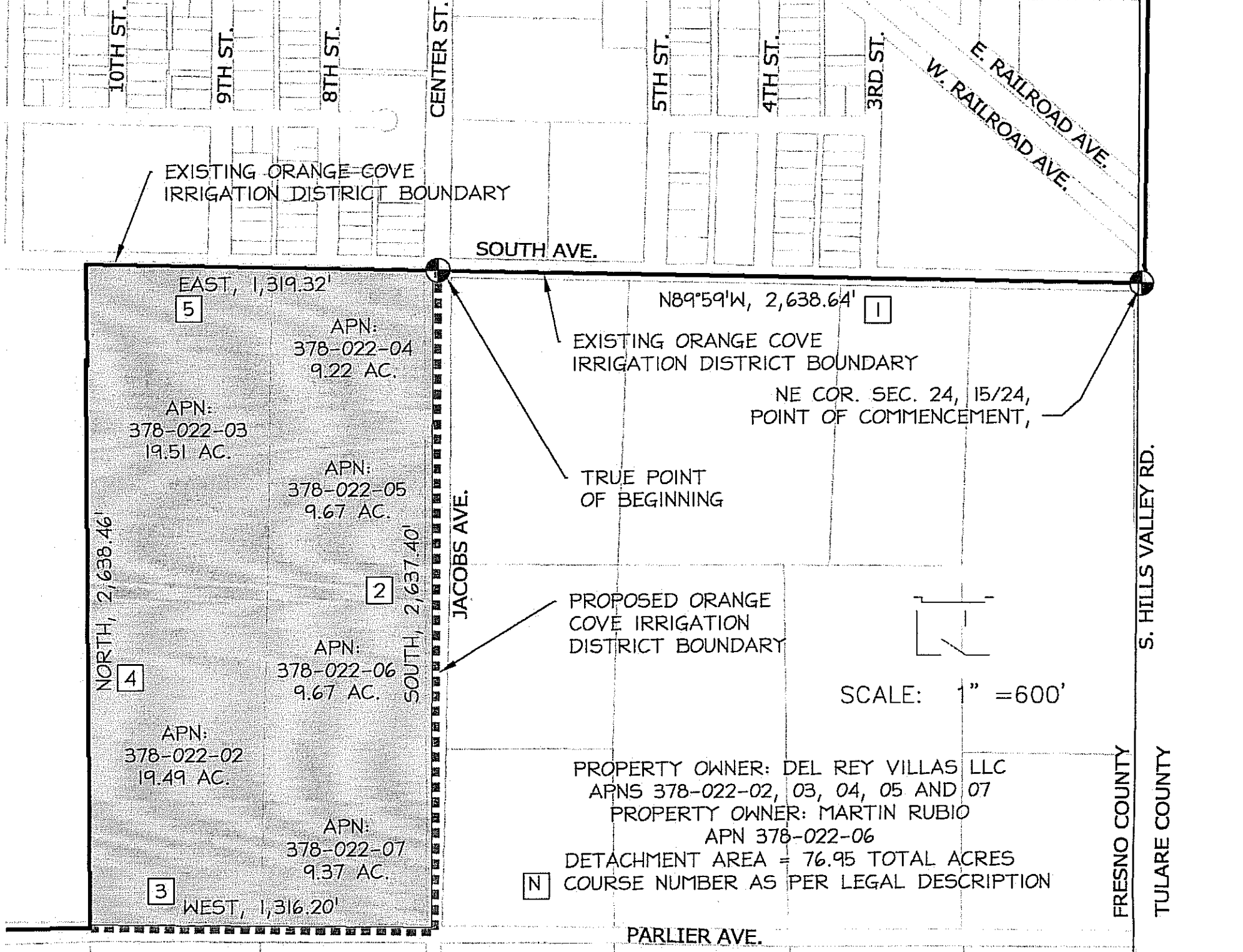
PROPOSED ORANGE COVE IRRIGATION DISTRICT BOUNDARY (TYP.)

EXISTING ORANGE COVE IRRIGATION DISTRICT BOUNDARY (TYP.)

SW COR OF NE 1/4 OF NW 1/4 SEC. 22, 15/25
 FD 3" IP TAGGED LS 4201

SE COR OF NE 1/4 OF NW 1/4
 SEC. 22, 15/25
 NOTHING FD. OR SET





10TH ST.

9TH ST.

8TH ST.

CENTER ST.

5TH ST.

4TH ST.

3RD ST.

E. RAILROAD AVE.
W. RAILROAD AVE.

EXISTING ORANGE COVE IRRIGATION DISTRICT BOUNDARY

SOUTH AVE.

EAST, 1,319.32'

5

APN:
378-022-04
9.22 AC.

APN:
378-022-03
19.51 AC.

APN:
378-022-05
9.67 AC.

N89°59'W, 2,638.64'

1

EXISTING ORANGE COVE IRRIGATION DISTRICT BOUNDARY

NE COR. SEC. 24, 15/24,
POINT OF COMMENCEMENT,

TRUE POINT OF BEGINNING

NORTH, 2,638.46'

4

APN:
378-022-02
19.49 AC.

APN:
378-022-06
9.67 AC.

SOUTH, 2,637.40'

2

PROPOSED ORANGE COVE IRRIGATION DISTRICT BOUNDARY

SCALE: 1" = 600'



S. HILLS VALLEY RD.

PROPERTY OWNER: DEL REY VILLAS LLC
APNS 378-022-02, 03, 04, 05 AND 07

PROPERTY OWNER: MARTIN RUBIO
APN 378-022-06

DETACHMENT AREA = 76.95 TOTAL ACRES

COURSE NUMBER AS PER LEGAL DESCRIPTION

3

WEST, 1,316.20'

APN:
378-022-07
9.37 AC.

PARLIER AVE.

FRESNO COUNTY

TULARE COUNTY



Fresno Local Agency Formation Commission

August 27, 2010

Mr. Hormoz Faryab
Mr. Mehrdad Farzinpour
Del Rey Villas, LLC.
1801 Avenue of the Stars
Los Angeles, CA 90067

Dear Messrs. Faryab and Farzinpour:

Subject: Request by the Orange Cove Irrigation District (OCID)

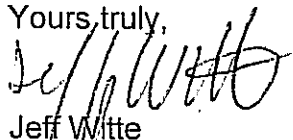
The Orange Cove Irrigation District (OCID) has an application coming before the Commission on September 8th called "Reorganization 2009-1, Orange Cove Irrigation District", which proposes to detach property that you own (APN #378-022-02, 03, 04, 05, and 07) from the District.

These parcels were already approved for annexation to the City of Orange Cove and detachment from OCID on November 9, 2010, through an application submitted by the City of Orange Cove called "Jacobs-South Reorganization (Del Rey Villas)". The City of Orange Cove has indicated that certain water and sewer improvements in the City need to be completed before the Del Rey Villas Reorganization can be completed and therefore, the City will be requesting a one-year extension for the Del Rey Villas Reorganization at the September 8th hearing.

The OCID has a waiting list of property owners wishing to annex to the District. Since it looks like it will be a year or two before the City can complete the annexation, the District wishes to proceed with detaching your parcels so that other property owners can receive the irrigation water.

Our records indicate that you were either in concurrence with the withdrawal of the property from OCID or took no position. If that has changed we need to hear in writing from you by not later Wednesday, September 1, 2010.

Yours, truly,



Jeff Witte
Executive Officer

JW:cf



Fresno Local Agency Formation Commission

August 27, 2010

Mr. Martin Rubio
8363 S. Jacobs Avenue
Orange Cove, CA 93646

Dear Mr. Rubio:

Subject: Request by the Orange Cove Irrigation District (OCID)

The Orange Cove Irrigation District (OCID) has an application coming before the Commission on September 8th called "Reorganization 2009-1, Orange Cove Irrigation District", which proposes to detach property that you own (APN #378-022-06) from the District.

This parcel was already approved for annexation to the City of Orange Cove and detachment from OCID on November 9, 2010, through an application submitted by the City of Orange Cove called "Jacobs-South Reorganization (Del Rey Villas)". The City of Orange Cove has indicated that certain water and sewer improvements in the City need to be completed before the Del Rey Villas Reorganization can be completed and therefore, the City will be requesting a one-year extension for the Del Rey Villas Reorganization at the September 8th hearing.

The OCID has a waiting list of property owners wishing to annex to the District. Since it looks like it will be a year or two before the City can complete the annexation, the District wishes to proceed with detaching your parcel so that other property owners can receive the irrigation water.

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Yours truly,

Jeff Witte
Executive Officer

JW:cf



Fresno Local Agency Formation Commission

August 27, 2010

Mr. and Mrs. Steve Bradley
P.O. Box 1491
Reedley, CA 93654

Dear Mr. and Mrs. Bradley:

Subject: Request by the Orange Cove Irrigation District (OCID)

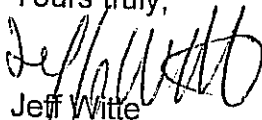
The Orange Cove Irrigation District (OCID) has an application coming before the Commission on September 8th called "Reorganization 2009-1, Orange Cove Irrigation District", which proposes to detach property that you own (APN #185-061-42) from the District.

This parcel was already approved for annexation to the City of Orange Cove and detachment from OCID on November 9, 2010, through an application submitted by the City of Orange Cove called "Jacobs-South Reorganization (Del Rey Villas)". The City of Orange Cove has indicated that certain water and sewer improvements in the City need to be completed before the Del Rey Villas Reorganization can be completed and therefore, the City will be requesting a one-year extension for the Del Rey Villas Reorganization at the September 8th hearing.

The OCID has a waiting list of property owners wishing to annex to the District. Since it looks like it will be a year or two before the City can complete the annexation, the District wishes to proceed with detaching your parcel so that other property owners can receive the irrigation water.

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Yours truly,



Jeff Witte
Executive Officer

JW:cf