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

AGENDA ITEM NO. 7

DATE: April 18, 2007

TO: Fresno Local Agency Formation Commission

FROM: Rick Ballantyne, Executive Officer

SUBJECT: **Consider Conditional Approval - City of Selma "North of Nebraska-East of Highland Reorganization"**. A proposed reorganization consisting of the annexation of 22.87 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 for territory located at the northeast corner of Nebraska and Highland Avenues (**LAFCo File No. RO-07-10**).

Background:

- This Proposal has been scheduled for public hearing because not all property owners have consented to the Proposal.
- The City of Selma initiated this Proposal on February 21, 2006, with the adoption of Resolution No. 2006-15R. A Certificate of Filing has been issued by LAFCo.
- The City of Selma pre-zoned the affected territory from County AE-20 (Exclusive Agriculture, 20-Acre Minimum) to City C-1 (Neighborhood Commercial) and R-1-7 (Single-Family Residential, 7,000 Square Foot Minimum Lot Size) Districts and approved Vesting Tentative Tract Map No. 5519 for a 66-lot, single-family residential subdivision.

Proposal / Land Use:

- The Proposal consists of the annexation of approximately 22.87 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 northeast corner of Nebraska and Highland Avenues. The territory is located inside the Selma Sphere of Influence adjacent to the City of Selma city limits on the north, south, and east sides (see Maps and Figures).
- The subject territory is currently fallow lands and commercial. Surrounding land uses include agricultural to the west, residential to the north and south, and a school and a park to the east.

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 (see Environmental Documents).

As Responsible Agency, the Commission is required to review and consider the City's Initial Study and 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 north, south, and east sides (see Maps and Figures).
- The Proposal is consistent with the City of Selma General Plan designation of Medium Low Density Residential and Neighborhood Commercial.
- 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 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).
- 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 Selma-Kingsburg-Fowler County Sanitation District (SKF) has reviewed the Proposal and has consented to the request.
- The Consolidated Irrigation District (CID) has reviewed the Proposal and has consented to the request.
- 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 "North of Nebraska-East of Highland 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 (currently \$290 per acre) 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.
- 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**

Acreage:	22.87 acres
Current Land Use:	Fallow land and commercial
Number of Residences/ Population:	Residences: 0/ Population: 0
Landowners/ Registered Voters:	Landowners: 4 / Voters: 0
Previous County Zoning:	AE-20
City Zoning Upon Annexation:	R-1-7 and C-1
Ag. Preserves/Contracts:	None
Assessors Parcel Number:	388-030-11, 22, 24, and 26

2. **Proposed Development:** The developer proposes to construct a 66 lot single-family residential subdivision.

3. **Surrounding Territory:** Surrounding land uses include agricultural to the west, residential to the north and south, and a school and a park 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**

Service	Existing Service	Change
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	3 miles	1 mile

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
- Bruce Champion, Natural Resources Conservation Service
- Michael Navarro, Caltrans District 6
- Glenn Allen, Environmental Health Division
- State Department of Health Services

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 March 19, 2007, there were **zero** (0)-registered voters in the affected territory.

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

Lead Agency: City of Selma - **Level of Analysis:** Initial Study
Finding: Negative Declaration (see Environmental Documents).

13. **Names of Landowners or Parties of Real Interest**

Charnley Land Inc.	Pauline Piona Trustee	Candido Velazquez
Harjog Singh Lidder	Kaur Parmijit	

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

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

15. **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
- Synergy Land Group
- Luis Patlan, Agent
- 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