

AGENDA

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

December 13, 2023 – 1:30 P.M.

Hall of Records, Room 301, 2281 Tulare Street, Fresno, California

COMMISSION MEMBERS

Gary Yep, Chair
Buddy Mendes, Chair Pro Tem
Nathan Magsig
Daniel Parra
Mario Santoyo

ALTERNATE MEMBERS

Michael Lopez
Scott Robertson
Vacant

LAFCO STAFF

Brian Spaunhurst, Executive Officer
Amanda Olivas, Clerk to the Commission
Jessica Gibson, LAFCo Analyst
Juan Lara, LAFCo Analyst
Jessica Johnson, LAFCo Counsel

LAFCo Office: 1401 Fulton Street, Suite 900, Fresno, CA - 93721 - (559) 600-0604
Staff reports prepared for each item listed in this agenda may be viewed at www.fresnolafco.org.

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Comments from the Public:** Any person wishing to address the Commission on a subject not listed on the agenda may do so at this time. (State your name and address and please keep your comments to three (3) minutes.)
4. **Potential Conflict of Interest:** Any Commission member who has a potential conflict of interest shall now identify the item and recuse themselves from discussing and voting on the matter pursuant to Govt. Code sec 84308.

CONSENT AGENDA

All consent agenda items are considered routine in nature and will be enacted by one motion; there will be no individual discussion of these items unless requested by a member of the Commission or the public. Any item pulled from the consent agenda for discussion will be set aside until after approval of the consent agenda. Prior to taking any action the public will be given the opportunity to comment on any consent item. The consent agenda will be considered on or about 1:30 p.m.

5. **Recommendation:** Approve 5A-5B by taking the following actions:
 - A. **Consider Approval:** Minutes from the LAFCo meeting of November 8, 2023.
 - B. **Consider Approval:** City of Sanger “Somerset Reorganization.” A proposed reorganization consisting of the detachment of approximately 109 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 Sanger, said territory being located on the south side of North Avenue in-between Bethel and Greenwood Avenues. (LAFCo File No. RO-23-04)

REGULAR AGENDA ITEMS

- 6. Executive Officer Comments**
- 7. Commission Comments/ Reports**
- 8. Adjournment**

THE NEXT LAFCO MEETING will be held on January 10, 2024, at 1:30 p.m. in the Board of Supervisors' Chamber – Hall of Records, Room 301, Fresno, California.

PLEASE NOTE:

(1) If you are an applicant for, or a participant in, any proceeding on the agenda for a **land use entitlement** and have made **campaign contributions** totaling more than \$250.00 to any member or alternative member of the Commission **within twelve (12) months prior to the Commission considering your application**, please immediately inform the Commission of your contribution. State law **disqualifies** each Commissioner and alternative Commissioner from participating in and voting on land use entitlement decisions (which include changes of organization and reorganizations) if the Commissioner or alternative Commissioner has received campaign contributions from (i) an applicant for a land use entitlement, (ii) someone who lobbies the Commission or LAFCo staff regarding an application for land use entitlement, (iii) someone who testifies in person before the Commission regarding an application for land use entitlement, or (iv) someone who otherwise acts to influence the outcome of an application for land use entitlement. State law also prohibits applicants and participants from making campaign contributions totaling more than \$250.00 to a Commissioner or alternate Commissioner during the time of the proceeding is pending before the Commission and for twelve (12) months **after** the Commission's final action. If you have any questions regarding these requirements (which are contained in the **California Political Reform Act** Government Code Section 84308 *et seq.*), please feel free to contact LAFCo staff at (559) 600-0604.

(2) In compliance with the Americans with Disabilities Act (**ADA**), if you need special assistance to participate at this meeting, please contact Ms. Amanda Olivas, Clerk to the Commission at 559-600-0604. Notification provided a minimum of 48 hours prior to the meeting will enable the Clerk to make reasonable arrangements to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically disabled.



Fresno Local Agency Formation Commission
1401 Fulton Street, Suite 900, Fresno, CA 93721, (559) 600-0604

CONSENT AGENDA ITEM NO. 5A

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

MEETING MINUTES

November 8, 2023

Members Present: Commissioners Parra, Mendes, Yep
Members Absent: Commissioners Magsig, Santoyo
Staff Present: Brian Spaunhurst, LAFCo Executive Officer
Jessica Gibson, LAFCo Analyst
Juan Lara, LAFCo Analyst
Jessica S. Johnson, LAFCo Counsel

1. Call to Order and Roll Call

Chair Yep called the meeting to order at 1:30 p.m.

2. Pledge of Allegiance

Chair Yep led the Pledge of Allegiance.

3. Comments from the Public

There were no comments from the public.

4. Potential Conflicts of Interest

There were no conflicts of interest.

CONSENT AGENDA

- 5. A. Minutes from the LAFCo Meeting of September 13, 2023.**
B. 2024 LAFCo Hearing and Office Calendar.
C. Issue an RFP for Audit Services for FY 21-22.

Motion: Approve Item 5A-5C
Moved: Commissioner Mendes
Second: Commissioner Parra
Ayes: Commissioners Mendes, Parra, Yep
Noes: 0
Absent: Commissioners Magsig, Santoyo
Passed: 3-0-2-0

REGULAR AGENDA ITEMS

6. Authorize the EO to Initiate the 56831 (c) process to request the County Auditor to Collect Payment from the City of Huron and the City of Parlier.

Motion: Approve Item 6

Moved: Commissioner Mendes

Second: Commissioner Parra

Ayes: Commissioners Mendes, Parra, Yep

Noes: 0

Absent: Commissioners Magsig, Santoyo

Passed: 3-0-2-0

7. Executive Officer Comments.

LAFCo Executive Officer Brian Spaunhurst provided comments.

8. Commission Comments/Reports.

No Commission Comments.

9. Adjournment

Moved: Commissioner Mendes

Second: Commissioner Parra

The meeting adjourned at 1:36 p.m.

Amanda Olivas
Clerk to the Commission

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

CONSENT AGENDA ITEM No. 5B

DATE: December 13, 2023

TO: Fresno Local Agency Formation Commission

FROM: Brian Spaunhurst, Executive Officer 

BY: Juan Lara, LAFCo Analyst III

SUBJECT: **Consider Approval - City of Sanger "Somerset Reorganization."** A proposed reorganization consisting of the detachment of approximately 109 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 Sanger, said territory being located on the south side of North Avenue in-between Bethel and Greenwood Avenues. (LAFCo File No. RO-23-04)

Applicant: City of Sanger

Landowners/Parties of Real Interest (100% Consent): City of Sanger, James F. & Stacey Cook TRS, Gurkirat S Toor.

(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 reorganization, 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 and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH").
- C. 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.
- D. Assign the distinctive short form designation “Somerset Reorganization” and approve the reorganization subject to the following conditions of approval:
- a. Pursuant to Fresno LAFCo Policy 108-07, 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. Ownership of land permitting, the annexation shall include the full-width right-of-way along North, Greenwood, and Bethel Avenues along the annexation boundary, including the North Avenue right-of-way segment west of the annexation boundary and including the North/Bethel Avenue intersection.
 - c. Submit a revised Map and Legal Description adequate to file with the State Board of Equalization.
- E. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH.

Executive Summary

On August 3, 2023, the City of Sanger adopted Resolution No. 2023-40 requesting the Commission to begin proceedings for the “Somerset Reorganization” to detach approximately 109 acres from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District and annex it to the City of Sanger.

Proposal/Land Use

- The proposal consists of the detachment of approximately 109 acres from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District and annexation to the City of Sanger.
- Information related to the proposals affected territory, land use, proposed development, special districts, surrounding areas, and existing/proposed services can be found on **Attachment A**.
- The affected territory is within the City of Sanger sphere of influence (**Attachment B**) and is contiguous to the Sanger city limits (**Attachment C**).
- The proposal is currently zoned AE-20 (Exclusive Agricultural) and has been rezoned to the Sanger R-1-6 (Single-Family Residential), RM-2.5 (Low Density Multiple Family

Residential), and RSC (Recreation, Schools, and Conservation) zone districts by Pre-zone City Ordinance No. 2023-05.

- The territory is uninhabited.
- The proposal is consistent with the Sanger General Plan Land Use 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 Sanger and County of Fresno.
- The proposal is subject to the 10-year property tax allocation agreement between the City of Sanger and the Fresno County Fire Protection District set to expire on November 20, 2024.
- The proposal is consistent with the CKH and LAFCo Policies, Standards, and Procedures, including, but not limited to, sections 100 and 200.
- All properties within the proposal have been rezoned to the Sanger R-1-6 (Single-Family Residential), RM-2.5 (Low Density Multiple Family), and RSC (Recreation, Schools, and Conservation) zone districts by Pre-zone City Ordinance No. 2023-05.
- The City of Sanger is within the South Kings GSA and has a Groundwater Recharge Plan in place.

Revenue & Tax Code

Fresno County has determined that proposed Somerset Reorganization involving the annexation of 109 acres is consistent with the with the Standards of Annexation of the Amended and Restated Memorandum of Understanding (Master Tax Sharing Agreement) between the City of Sanger and County of Fresno, therefore, no further tax negotiations are necessary pursuant to Revenue and Tax Code section 99b.

Relationship to Regional Housing Goals and Policies

The proposal will assist the city in its goal of achieving its fair share if regional housing needs by resulting in 197 single-family dwellings and 293 small-lot single family dwellings.

Sustainable Groundwater Management Act

California's Sustainable Groundwater Management Act ("SGMA") was signed into law by former Governor Edmund G. Brown Jr. 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 Sanger.

Environmental Determination

The City of Sanger, acting as “Lead Agency” under CEQA, adopted a Mitigated Negative Declaration for the Somerset Residential Community filed with the Fresno County Clerk’s office on May 24, 2023, Document No. E202310000151, consistent with the requirements of CEQA. The Mitigated Negative Declaration 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, therefore, the preparation of an Environmental Impact Report is not required.

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.

Pursuant to CEQA Guidelines section 15096(i), if the Commission determines that these documents are adequate, a Notice of Determination will be prepared and filed with the County of Fresno Clerk’s office in compliance with section 21152 of the Public Resources Code.

Costs and Other Changes Affecting Residents or Landowners

None reported by the City of Sanger staff.

Agencies and Individuals Submitting Comments

- Paul Nerland, Fresno County Administrative Officer
- Cesar Gonzalez, IT Analyst, Fresno County Elections Department
- David Padilla, Branch Chief, Caltrans-District 6
- Bryant Vandervelde, Supervising Cadastral Tech, Fresno County Assessor’s Office
- Melissa Scroggins, Executive Assistant, Fresno County Public Library
- Levin Tsuda, Environmental Health Specialist II, Environmental Health Division

Territory Boundaries

The boundaries of the proposed annexation **are not** 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.

Registered Voter Data

The County of Fresno Elections Office reported that there were **three** registered voters in the affected territory.

Compliance with the Requirements of CEQA

Lead Agency: City of Sanger

Level of Analysis: Initial Study

Finding: Mitigated Negative Declaration (See Environmental Documents at www.fresnolaftco.org under the Hearing and Workshops tab in the December 13, 2023, file).

Individuals and Agencies Receiving this Report

- LAFCo Counsel
- Bernard Jimenez, Planning and Resources Management Officer
- Kings River Conservation District
- Fresno County Fire Protection District
- Derek Sylvester, Senior Planner, City of Sanger
- Consolidated Irrigation Distrit

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Attachment A

PROPOSAL INFORMATION

1. Affected Territory

Acreage:	109
Current Land Use:	AE-20 (Exclusive Agricultural)
Number of Residences/ Population:	Residents: 3/ Population: 3 estimated
Registered Voters:	Voters: 3
Assessor Parcel Number(s):	332-090-26,332-090-03,332-090-17, 332-090-27

2. Proposed Development - The affected territory will be developed with 490 single-family residential lots.

3. Surrounding Territory – Residential/Public Facilities to the north, east, Agricultural to south and west

4. Existing Service Agencies and Proposed Service Changes

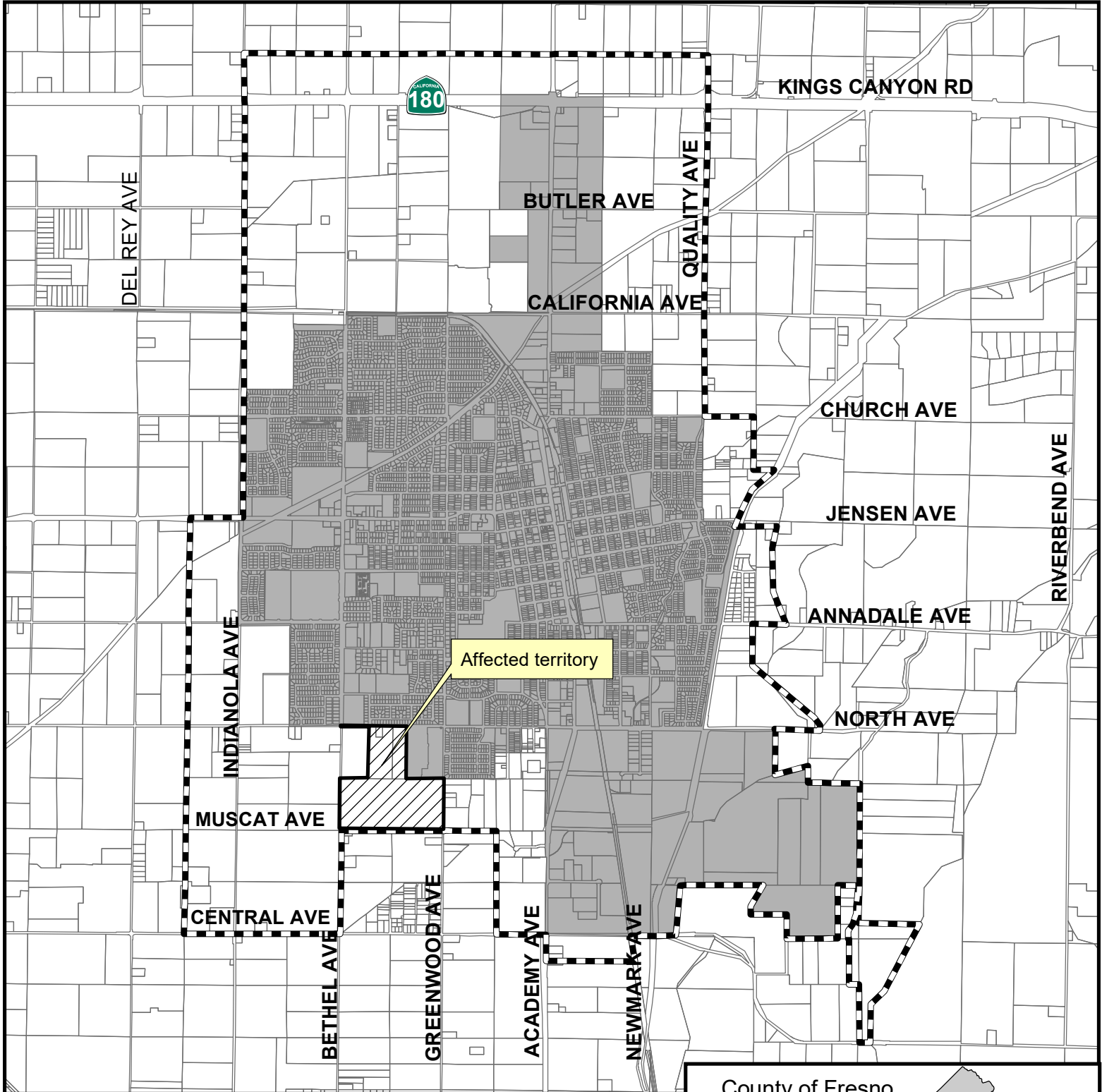
Service	Existing Service	Change
Water	Wells/ Groundwater	City of Sanger
Sewer	Private Septic	City of Sanger
Fire Protection	Fresno County Fire Protection District	Sanger Fire Department

(See Service Plan on our website at www.fresnolaftco.org)

5. Cities and Districts Included Wholly or Partially Within the Affected Territory

Fresno County	Fresno County Library
Sanger-Del Rey Cemetery District	Fresno County Fire Protection District
County Service Area No. 35	Fresno Metropolitan Flood Control District
Kings River Conservation District	Consolidated Mosquito Abatement District
State Center Community College District	County School Service
Sanger Unified School District	Consolidated Irrigation District
West Fresno Red Scale Pest Control District	

Attachment B

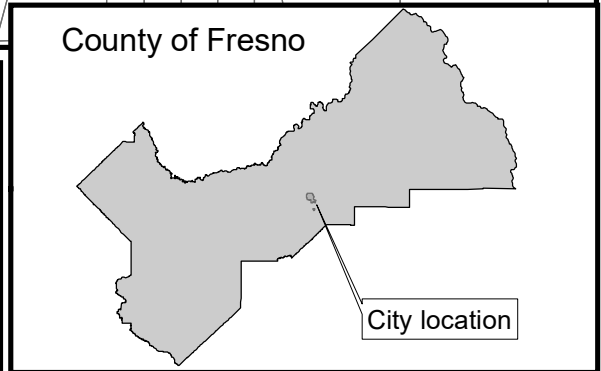


Fresno Local Agency Formation Commission

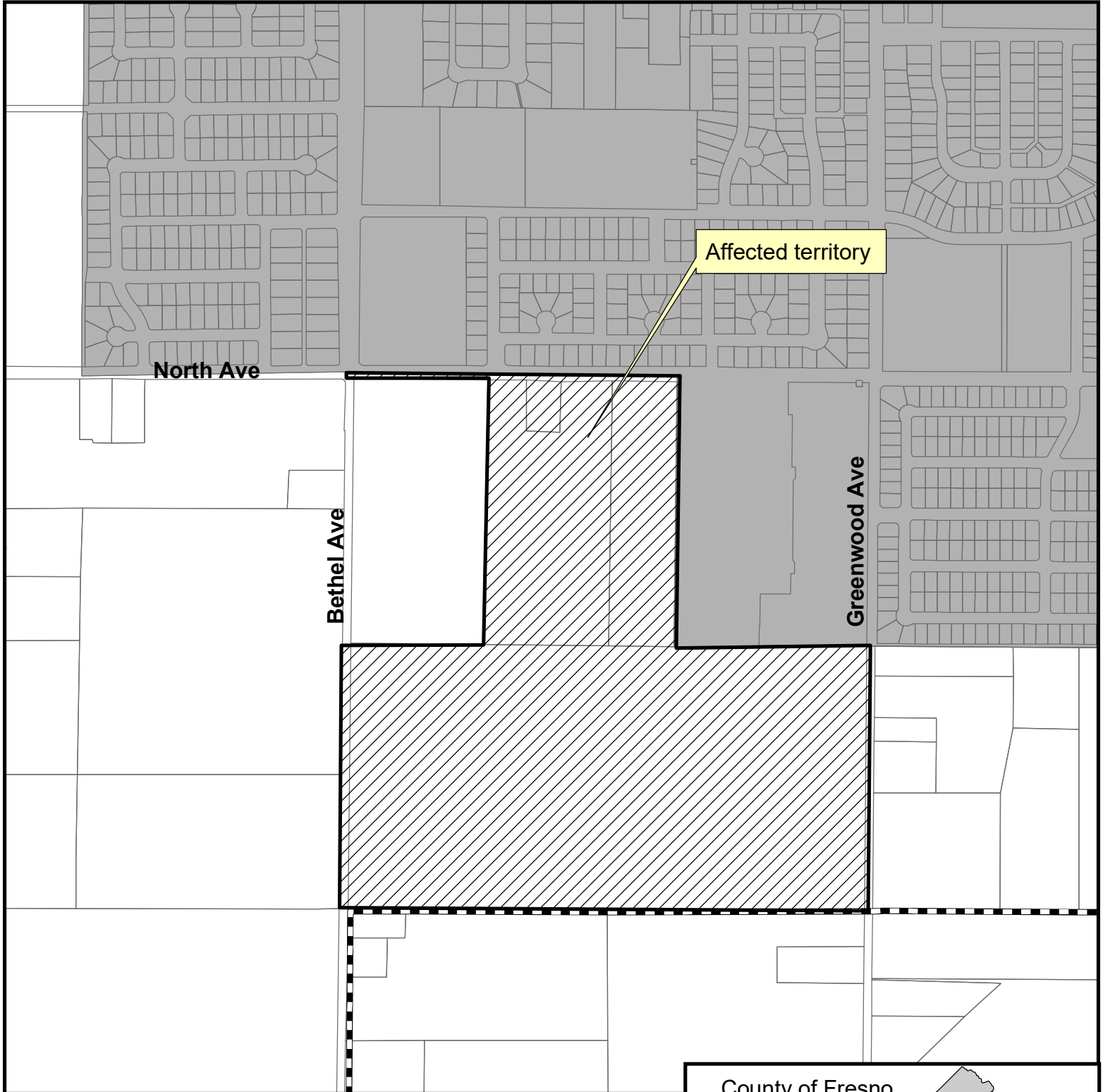
- Sphere of influence
- City limits
- Affected territory

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Date: 12/5/2023




Attachment C



Fresno Local Agency Formation Commission

-  Sphere of influence
-  City limits
-  Affected territory

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