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

AGENDA ITEM NO. 8

DATE: March 9, 2022

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: Amanda Castro, LAFCo Analyst I

SUBJECT: Consider Approval – County Service Area 32 “CSA 32 Annexation No. 1.” A proposed change of organization consisting of the annexation of approximately 49.10 acres to the County Service Area 32 for territory located along Clarkson Avenue west of San Mateo Avenue. (LAFCo File No. AD-21-01)

Applicant: County of Fresno, County Service Area 32 “Cantua Creek”

Landowners/Parties of Real Interest: County Service Area 32 “Cantua Creek”, see attached list of landowners.

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 annexation, 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, Standards, and Procedures 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 inhabited; and
 - b. Not all landowners and affected agencies have consented to the reorganization.
- D. Assign the distinctive short form designation “CSA 32 Annexation No. 1” and approve the change of organization subject to the following conditions of approval:

- a. Submittal of corrected legal description and map.
- E. Find that on February 16, 2022, notice was given pursuant to state law and disclosed that there is potential for the extension or continuation of any previously authorized charge, fee, assessment, or tax by the local agency in the affected territory, and that the Commission intends to waive protest proceedings pursuant to section 56663(a)(b)(c) unless written opposition is received before the conclusion of the Commission proceedings.
- F. Waive further Conducting Authority Proceedings and order the annexation subject to the requirements of CKH.
- G. Find that no written opposition to the proposal was received prior to the conclusion of the hearing and approve the proposal subject to the requirements of the CKH, the 30-day reconsideration period, and compliance with all of the above conditions, and waive further conduction Authority Proceedings.

-Or-

- H. If written opposition to the proposal was received prior to the conclusion of the hearing, approve the proposal subject to the requirements of the CKH, the 30-day reconsideration period, and compliance with all of the above conditions, and 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.).
- I. Pursuant to Fresno LAFCo policy 103-05, 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

Executive Summary

On July 13, 2021, The Board of Supervisors initiated this change of organization with the adoption of Resolution No. 21-217 requesting the Commission to begin proceedings for the municipal service review ("MSR"), sphere of influence ("SOI") update application (File No. USOI-206), and "CSA 32 Annexation No.1" for County Service Area 32 (CSA 32 "Cantua Creek"). A proposed change of organization consisting of an approximate 49.10-acre annexation to CSA 32 for territory located territory located along Clarkson Avenue west of San Mateo Avenue. The change of organization was proposed per the request of the State Water Resources Control Board ("SWRCB") to improve the Surface Water Treatment Facility and Portable Water Storage Facility into a consolidated portable water system in the affected

territory and increase administrative and operation maintenance efficiency. The County has obtained a Drinking Water State Revolving Fund grant from SWRCB for the planned construction and improvements. The proposal is exempt from CEQA pursuant to Sections 15302 and 15303 of CEQA guidelines and the Board authorized fee waivers for LAFCo application and MSR fees.

Proposal/Land Use

- The proposal consists of the annexation of approximately 49.10 acres to the County Service Area 32.
- Information related to the proposals affected territory, proposed development, special districts, surrounding areas, and existing/proposed services can be found on **Attachment A**.
- Should the Commission approve the concurrent SOI update, all affected territories will be within the CSA 32 sphere of influence and are contiguous to the district's service area (**Attachment B**).
- No zone change is proposed as the affected parcels are not proposed for development.
- The territory is inhabited.

Environmental Determination

The County Service Area 32 proposal is categorically exempt therefore the preparation of an Environmental Impact Report is not required.

As "Responsible Agency," the Commission is required to review and consider the District'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.

Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Jose Gutierrez, Chief Operating Officer, Westlands Water District
- Steve E. White, Director of Public Works and Planning, Fresno Co. Public Works and Planning
- David Merritt, General Manager, Kings River Conservation District
- Joe Tyler, Deputy Director, Cal Fire