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

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CONSENT AGENDA ITEM No. 5-B

**DATE:** March 18, 2020

**TO:** Fresno Local Agency Formation Commission

**FROM:** David E. Fey, Executive Officer 

**BY:** Juan Lara, LAFCo Analyst II

**SUBJECT:** Consider Approval - City of Kerman "Whitesbridge-Siskiyou No. 2018-1 Reorganization." A proposed reorganization consisting of the annexation of 39.7 acres to the City of Kerman and detachment from the Kings River Conservation District for territory located on the northeast corner of Whitesbridge-Siskiyou Avenues. (LAFCo File No. RO-20-3)

**Applicant:** City of Kerman

**Land Owners/Parties of Real Interest (100% Consent):** City of Kerman.  
Terry L. & Lorraine A. Anderson.

(This proposed reorganization has been placed on the consent agenda without notice pursuant to Gov. 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 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 uninhabited; and
  - b. All landowners and affected agencies have consented to the reorganization.
- D. Assign the distinctive short form designation "Whitesbridge-Siskiyou No. 2018-1 Reorganization" and approve the annexation and detachments subject to the following conditions of approval:
- a. 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.
  - b. Submittal of corrected legal and map.
  - c. Satisfactory verification that the City has accepted a final map shall be submitted to the Executive Officer prior to completion (recordation) of the annexation.
- E. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH.

### **Executive Summary**

On November 24, 2019, The City of Kerman adopted Resolution No. 19-68 requesting the Commission to begin proceedings for the "Whitesbridge-Siskiyou No. 2018-1 Reorganization." A proposed reorganization consisting of the annexation of 39.7 acres to the City of Kerman and detachment from the Kings River Conservation District for territory located on the northeast corner of Whitesbridge and Siskiyou Avenues.

### **Proposal/Land Use**

- The proposal consists of the annexation of 39.7 acres to the City of Kerman and detachment from the Kings River Conservation District.
- 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 Kerman sphere of influence (**Attachment B**) and is contiguous to city limits (**Attachment C**).
- The proposal is currently zoned AE-20 (Exclusive Agricultural) and has been prezoned to the Kerman SD-R-5 (Medium Density Residential), R-3 (Multi-Family High Residential), Neighborhood Commercial (NC) and Open Space ("O" zone) zone districts by City Ordinance No. 19-08.
- The territory is uninhabited.

- The proposal is consistent with the 2040 Kerman General Plan Update.

### **Land Conservation Contract No. AP-2910**

The affected territory is subject to Land Conservation Contract No. AP-2910, which was entered in to on January 2, 1971. The City of Kerman previously approved Resolution No. 789 dated February 16, 1971, officially filing protest with Fresno County regarding the creation of the contract. Fresno LAFCo determined that the City's protest was valid with the adoption of Resolution No. 789 and filed with the Clerk to the Board of Supervisors pursuant to Government Code section 51243.5 (d).

### **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 Kerman and County of Fresno. (See letter from Mr. Jean Rousseau.)
- The City of Kerman is within the North Central Fire Protection District service area and will continue receiving fire protection services from the District.
- 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 City of Kerman SD-R-5 (Medium Density Residential), R-3 (Multi-Family High Residential), Neighborhood Commercial (NC) and Open Space ("O" zone) zone districts by City Ordinance No. 19-08.
- The City of Kerman is within the North Kings GSA.

### **Relationship to Regional Housing Goals and Policies**

This conversion of 4.2-acres of Medium Density residential to High Density Residential provides additional residential eligible for low to very-low income housing development.

### **Sustainable Groundwater Management Act**

Former Governor Edmund G. Brown Jr. signed the California's Sustainable Groundwater Management Act ("SGMA") into law 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 North Kings GSA will represent the City of Kerman.

### **Environmental Determination**

The City of Kerman, acting as “Lead Agency” under CEQA, prepared an Initial Study for General Plan Amendment No. 2018-2, Reorganization/Annexation No. 2018-2 Prezone application No. 2018-1, and Tentative Tract Map No. 6236 2019 consistent with the requirements of CEQA. The Initial Study determined the project would 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 a Focused Environmental Impact Report was prepared and filed with the Fresno County Clerk Office on November 26, 2019.

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.

### **Costs and Other Changes Affecting Residents or Landowners**

None reported by the City of Kerman staff.

### **Agencies and Individuals Submitting Comments**

- Jean Rousseau, County Administrative Officer
- Chufeng Vang, IT Analyst, Fresno County Elections Department
- Kevin Tsuda, Environmental Health Specialist II, Fresno County Environmental Health Division
- Fresno County Public Library
- Bryant VanderVelde, Cadastral Tech II, Fresno County Assessor-Recorder Office
- Caitlin Juarez, Engineer, State Water Recourse Control Board

### **Territory Boundaries**

The boundaries of the proposed annexation **are** definite and certain, and the County Assessor has determined that the map and legal description **is not adequate** to file with the State Board of Equalization.

### **Registered Voter Data**

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

### **Compliance with the Requirements of CEQA**

**Lead Agency:** City of Kerman

**Level of Analysis:** Initial Study/Focused Environmental Impact Report

**Finding:** Focused Environmental Impact Report. (See Environmental Documents at [www.fresnolafco.org](http://www.fresnolafco.org) under the Hearing and Workshops tab in the March 18, 2020 file).

**Individuals and Agencies Receiving this Report**

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning
- Andrew Chamberlain, Contract Planner, City of Kerman

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