

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

CONSENT AGENDA ITEM NO. 6-D

DATE: August 14, 2019

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: Juan Lara, LAFCo Analyst II

SUBJECT: Consider Approval – City of Fresno “Shields-Polk No. 1 Reorganization.” A proposed reorganization consisting of the annexation of approximately 41.2 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District for territory located on the northeast corner of West Shields and North Polk Avenues. (LAFCo File No. RO-19-6.)

Applicant: City of Fresno

Land Owners/Parties of Real Interest (100% Consent): City of Fresno, Donald B & Mary K Orosco, Fresno Metropolitan Flood Control District.

(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 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. Acting as a “Lead Agency” under CEQA Guidelines, find that this Commission has prepared a Class 1 “Existing Facilities” Notice of Exemption for the additional street right-of-way included along the north portion of North Polk Avenue prior to making its

determination and find the subsequent project to be within the scope of the overall project covered by the Notice of Exemption (CEQA section 15301 Class 1 "Existing Facilities"). The project meets the Class 1 "Existing Facilities" exemption whereby no alteration of existing structure, facilities, and mechanical equipment is proposed, with negligible or no expansion of use beyond that previously existing. The additional .5 acres to be annexed to the City of Fresno is already developed with an existing street. After annexation, there will be no change.

Action 3:

- C. Find that the proposed reorganization is consistent with LAFCo Policies and Procedures and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH").
- D. 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.
- E. Assign the distinctive short form designation "Shields-Polk No. 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. Ownership of land permitting, the annexation shall include the full-width right-of-way along Polk and Shields Avenues frontage of the affected properties.
 - c. Submittal of corrected legal description and map.
 - d. Satisfactory verification that the City has accepted a final map shall be submitted to the Executive Officer prior to completion (recordation) of the annexation.
- F. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH.

Executive Summary

On June 21, 2019, the City of Fresno initiated this reorganization with the adoption of Resolution No. 2017-240 requesting the Commission to begin proceedings for the "Shaw-Grantland No. 4 Reorganization." A proposed reorganization consisting of the annexation of

approximately 40.7 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District for territory located on the northeast corner of West Shields and North Polk Avenues.

Prior to issuing the Certificate of Filing LAFCo staff considered a request by Fresno County staff to include additional territory consisting of public rights-of-way along the north portion of North Polk Avenue south of the West Dayton and North Polk Avenue intersection. Pursuant to LAFCo Policy 210-14(6), LAFCo staff recommends including this territory in order to create logical boundaries. With the inclusion of the North Polk Avenue right-of-way, the total acreage for the proposal is approximately 41.2 acres.

Proposal/Land Use

- The proposal consists of the annexation of approximately 41.2 acres to the City of Fresno and detachment from the North Central Fire Protection District and 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 Fresno sphere of influence (**Attachment B**) and is contiguous to the Fresno City limits (**Attachment C**).
- The proposal is currently zoned RR (Rural Residential) and has been prezoned to the Fresno CC/UGM (Commercial/Urban Growth Management) and OS/UMG (Open Space/Urban Growth Management) zone districts in accordance with City Ordinance No. 2017-45 and Bill No. B-45.
- The territory is uninhabited (11 or fewer registered voters).

Consistency with LAFCo Policies

- 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 Fresno and County of Fresno.
- The City of Fresno and the North Central Fire Protection District have a transition agreement in place to provide fire protection services to the affected territory.
- The proposal is consistent with the CKH and LAFCo Policies, including, but not limited to, sections 100 and 200.

Sustainable Groundwater Management Act

Former Governor Edmund G. Brown Jr. signed 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 Fresno.

The affected territory is within the Fresno Irrigation District service area. After annexation, the surface water entitlement within the area will be managed by the City of Fresno.

Environmental Determination

The City of Fresno, acting as “Lead Agency” under CEQA, adopted a Finding of Conformity Declaration to the Master Environmental Impact Report prepared for the Fresno General Plan adopted by the Fresno City Council on December 18, 2014, filed with the Fresno County Clerk on September 1, 2017, consistent with the requirements of CEQA.

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.

Fresno LAFCo acting as “Lead Agency” under CEQA prepared a Notice of Exemption for the inclusion of the additional right-of-way along the north portion of North Polk Avenue south of the West Dayton and North Polk Avenue intersection. The project meets the Class 1 “Existing Facilities” exemption where by no alteration of existing structure, facilities, and mechanical equipment is proposed, with negligible or no expansion of use beyond that previously existing. The additional .5 acres to be annexed to the City of Fresno is already developed with an existing street. After annexation, there will be no change.

Costs and Other Changes Affecting Residents or Landowners

None reported by the City of Fresno staff.

Agencies and Individuals Submitting Comments

- Jean Rousseau, County Administrative Officer
- Karen Coletti, Executive Secretary, Fresno County Public Library
- Ryan Lyons, Engineering Technician III, Fresno Metropolitan Flood Control District
- Kevin Tsuda, Environmental Health Specialist II, Fresno County Environmental Health Division
- Chief Tim Henry, North Central Fire Protection District
- Chufeng Vang, ITA, Fresno County Elections Division
- Rick Hoelzel, Director, Kings River Conservation District
- Laurence Kimura, Chief Engineer, Fresno Irrigation District

Territory Boundaries

The boundaries of the proposed annexation **are** definite and certain; 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 **zero** registered voters in the affected territory.

Compliance with the Requirements of CEQA

Lead Agency: City of Fresno

Level of Analysis: Initial Study

Finding: Finding of Conformity Declaration (See Environmental Documents at www.fresnolafco.org under the Hearing and Workshops tab in the August 14, 2019 file).

Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning
- Will Kettler, Development Services Div. Mgr., Fresno Co. Public Works and Planning
- Paul Peschel, District Manager, Kings River Conservation District
- Chief Tim Henry, North Central Fire Protection District
- Mike Sanchez, Assistant Director, Development and Resource Management