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

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**CONSENT AGENDA ITEM No. 5C**

**DATE:** November 4, 2015

**TO:** Fresno Local Agency Formation Commission

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

**SUBJECT:** **Consider Approval:** Malaga County Water District "Malaga Industrial Park Annexation." A request to annex 4.78 acres to the Malaga County Water District for the territory located on the south side of Malaga Avenue, west of Chestnut Avenue (LAFCo File No. AD-15-2).

**Applicant:** Malaga County Water District

**Land Owners/Parties of Real Interest:** Jonathan M. Witkin, Jim Geist, Danco Construction Co., Inc.

**RECOMMENDATION: Approve by Taking the Following Actions:**

- A. Acting as a "Responsible Agency" under CEQA Guidelines, state that this Commission considered the information in the Categorical Exemption prepared for this project by the Malaga County Water District prior to making its determination and find the subsequent project (Proposal) to be within the scope of the overall project covered by the Exemption (CEQA Section 15319 "Annexation of Existing Facilities and Lots for Exempt Facilities").
- B. Find that the Lead Agency's Categorical Exemption was prepared in accordance with the requirements of CEQA Guidelines and is consistent with State law and that the District's environmental document prepared for this Proposal is determined to be legally adequate pursuant to CEQA Guidelines Section 15319.
- C. Find that the proposed annexation is consistent with LAFCo Policies, Standards, and Procedures Section 210 - Standards for Annexation to Cities and Urban Service Districts (01-10) and the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000.
- D. Assign the distinctive short form designation "Malaga Industrial Park Annexation" and approve the annexation
- E. Find pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("Act") that:
  - 1. The territory is uninhabited.
  - 2. All landowners have consented to the annexation.
- F. Waive further Conducting Authority Proceedings and approve the annexation subject to the requirements of the "Act," the 30-day reconsideration period.

## **Background**

This proposed annexation has been placed on the consent agenda since the territory is uninhabited and all property owners have consented in writing to the annexation.

The Malaga County Water District (MCWD) initiated this proposal on June 23, 2015, with the adoption of Resolution No. 06-23-15. The proposal is to annex the Malaga Industrial Park territory property into the MCWD to receive water and sewer service for a 29,000 sq. ft. warehouse. A Certificate of Filing has been issued by the LAFCo Executive Officer.

## **Proposal / Land Use**

- The Proposal consists of the annexation of 4.78 acres to the Malaga County Water District.
- The Annexation will provide for development of a 29,000 sq. ft. warehouse with two offices and four single-accommodation rest rooms.
- The affected territory is located within the Malaga County Water District's Sphere of Influence and is bounded by the County to the east and the Malaga County Water District on the north, west, and south (Exhibit A).
- The territory and the surrounding area are commercial, light industrial, and agriculture.

## **Environmental Determination**

The MCWD, as "Lead Agency" under CEQA, determined that the proposal is Categorically Exempt from the California Environmental Quality Act under CEQA Guidelines Section 15319, "Annexation of Existing Facilities and Lots for Exempt Facilities."

As a "Responsible Agency" under CEQA Guidelines, prior to approving the present Proposal, the Commission is required to consider the information in the Categorical Exemption for the Proposal on which the Lead Agency based its Finding of Exemption (Exhibit B.)

Based on an evaluation of material provided in support of the application, staff concurs with the MCWD's findings of a Categorical Exemption.

## **Staff Analysis**

- The affected territory is located within the MCWD's Sphere of Influence (SOI) and is bounded by the District to the north, south, and west.
- The District is not requesting property tax exchange negotiations with the other affected agencies.
- The site is currently developed for industrial uses. The Service Plan submitted for this Proposal indicates that the District is able to provide water and sewer at this time and has the capacity to provide sewer services in the future.

- The Proposal does not conflict with the goals and policies of LAFCo.
- The Proposal is timely, represents an appropriate action, and does not encourage urban sprawl.
- The Proposal 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 Proposal 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.

### **APPLICATION INFORMATION**

**1. Affected Territory**

<b>Acreage:</b>	4.78 acres
<b>Current Land Use:</b>	Industrial and/or Commercial
<b>Number of Parcels</b>	1
<b>Landowners/ Registered Voters:</b>	Landowners:1/ Voters: 0
<b>County Zoning:</b>	M-3
<b>Ag. Preserves/Contracts:</b>	None
<b>Assessor Parcel Numbers:</b>	330-212-09

**2. Reason for Annexation** – The annexation would provide for further development of the property.

**3. Surrounding Territory** - Consists of commercial and light industrial.

**4. Consistency with Adopted Sphere of Influence (SOI)** - The affected territory is within the Malaga County Water District's adopted Sphere of Influence.

**5. Consistency with City and County General and Specific Plans** - The Proposal is consistent with the County and City of Fresno's adopted general plans.

**6. Existing Service Agencies and Proposed Service Changes**

<b>Service</b>	<b>Existing Service</b>	<b>Change</b>
Water	Private wells	Malaga County Water District
Sewer	Private septic systems	Malaga County Water District
Fire Protection	Fresno County Fire Protection District	None

\*Service Plan attached (Exhibit C)

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 & Zone 10
State Center Community College District	Fowler Cemetery District
Fresno Metropolitan Flood Control District	West Fresno County Red Scale Protective District
County Service Area No. 35	Fresno Mosquito Abatement District
Fowler Unified School District	Fresno Irrigation District
Malaga County Water District	

8. **Costs and Other Changes Affecting Residents or Landowners**

There is a connection fee the landowner will be required to pay in addition to the monthly service charges.

9. **Agencies and Individuals Submitting Comments**

- Janet Gardner, R.E.H.S., Environmental Health Division, County of Fresno
- Rick Lyons, Engineering Technician, Fresno Metropolitan Flood Control District
- Ryan Lopez, Elections Division, County of Fresno

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** sufficient per David King (Fresno County Assessor, Assessment Services Supervisor) for recordation or filing with the State Board of Equalization.

11. **Registered Voter Data**

The County of Fresno Elections Office reported that on January 30, 2015, that there were zero (0) registered voters in the affected territory.

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

**Lead Agency:** Malaga County Water District

**Finding:** Categorically Exempt from the California Environmental Quality Act under CEQA Guidelines Section 15319, "Annexation of Existing Facilities and Lots for Exempt Facilities (see Environmental Document).

13. **Names of Landowners or Parties of Real Interest** Jonathan M. Witkin

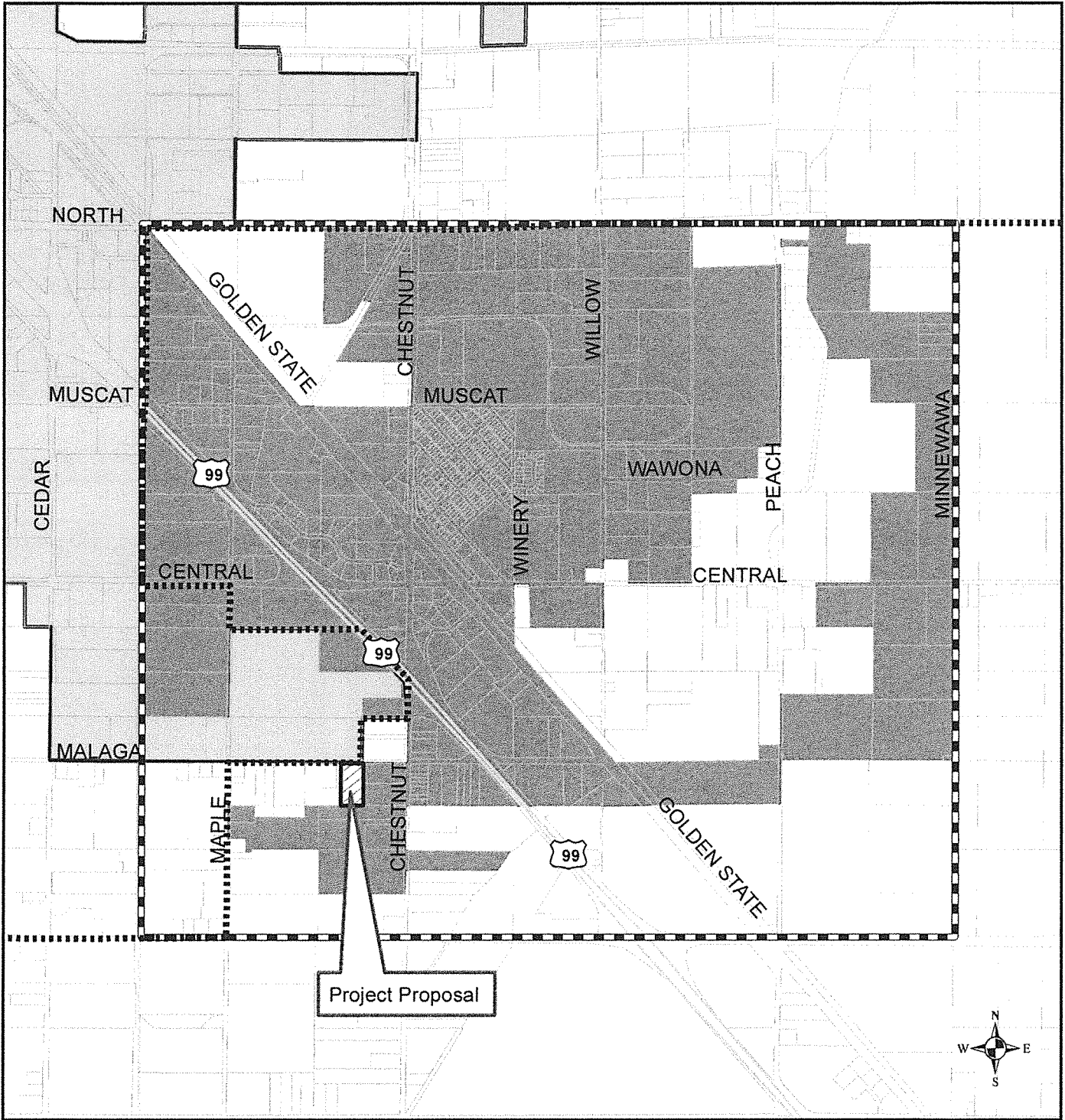
**Proponent** Malaga County Water District

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**

- Ken Price, LAFCo Counsel, Baker, Manock, and Jensen
- Will Kettler, Division Manager, Development Services Division, Fresno County Public Works and Planning Department
- Bernard Jimenez, Deputy Director of Public Works and Planning
- Jim Anderson, District Manager, Malaga County Water District
- Jim Geist, Danco Construction Co.

# Exhibit A



- Project Proposal
- Sphere of Influence, Malaga CWD
- Service Area, Malaga CWD
- Sphere of Influence, Fresno
- City Limits, Fresno

## Malaga Industrial Park - Annexation Malaga County Water District

E201510000180

## Notice of Exemption

Appendix E

To: Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk  
County of: Fresno

From: (Public Agency): Malaga County Water District  
3580 S. Frank St.  
Fresno, CA 93725

(Address)

**FILED**  
JUL 16 2015  
TIME 10:45  
FRESNO COUNTY CLERK  
By [Signature]  
DEPUTY

Project Title: Malaga Industrial ParkProject Applicant: Malaga County Water District

Project Location - Specific:

APN 330-212-09

Project Location - City: Malaga CWDProject Location - County: Fresno

Description of Nature, Purpose and Beneficiaries of Project:

Annexation of parcel to the Malaga County Water District. The project is presently proceeding through County of Fresno Site Plan Review (SPR No. 7940).

Name of Public Agency Approving Project: Malaga County Water DistrictName of Person or Agency Carrying Out Project: Malaga County Water District

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);  
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));  
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));  
☒ Categorical Exemption. State type and section number: Section 15319  
☐ Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

The project consist of annexing APN 330-212-09, which is to be developed consistent with current zoning. The property is adjacent to the existing Malaga CWD boundaries. Malaga CWD services are available to serve the project area.

Lead Agency

Contact Person: James AndersonArea Code/Telephone/Extension: 559-485-7353

If filed by applicant:

1. Attach certified document of exemption finding.  
 2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: [Signature] Date: 7-14-15 Title: General Manager☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
 Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

E201510000180

Revised 2011

**Exhibit C**  
**MALAGA COUNTY WATER DISTRICT**  
**ANNEXATION OF APN 330-212-09**

**SERVICE PLAN**

The Malaga County Water District provides the unincorporated community of Malaga with water and sewer service. Malaga County Water District contracts for solid waste services within its boundaries. In addition, the Malaga County Water District provides a recreation program and a community park. The District provides no other services.

**1. WATER**

The Malaga County Water District has a ten inch (10") water line along the frontage of the property within Malaga Avenue. The existing water line is a portion of the water supply and distribution system that provides approximately thirty-six hundred (3,600) gallons per minute to the community of Malaga. The Malaga County Water District presently has three active water supply wells. One of the water supply wells is located approximately ½ mile south west of the property to be annexed.

Water supplied through the existing 10" water line is estimated to be one thousand (1,500) gallons per minute for fire flow purposes.

Water supply is adequate for the proposed annexation.

**2. SEWER**

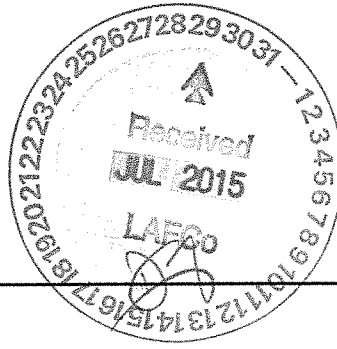
The Malaga County Water District has an eight inch (8") sewer line within the right of way of Malaga Avenue near the east end of the property. The development would extend the eight inch (8") sewer line across the frontage of the property. The existing sewer line flows east to Chestnut Avenue, north to Central Avenue, and then west along Central Avenue to the wastewater treatment plant located at the northwest corner of Maple Avenue and Central Avenue.

The wastewater treatment plant has a design capacity of 1.2 million gallons per day. The present hydraulic loading to the treatment plant is approximately 600,000 gallons per day (0.6 million gallons per day).

The property may require a private on-site lift station to convey sewage to the community sewer system in Malaga Avenue due to the relative shallow depth of the community sewer across the frontage of the property proposed for annexation.

Sewer capacity is adequate for the proposed annexation.





Coments

**County of Fresno**  
**DEPARTMENT OF PUBLIC HEALTH**  
DAVID POMAVILLE, DIRECTOR

July 29, 2015

LU0018136  
2620

Mr. David E. Fey  
Local Agency Formation Commission  
2607 Fresno Street, Suite B  
Fresno, CA 93721

Dear Mr. Fey:

PROJECT NO: AD-15-2  
SUBJECT: Malaga Industrial Park Annexation

1. Adequacy and availability of existing and proposed community water and sewer systems:
2. Need for services other than those proposed:
3. Effect of project on air or water quality:
4. Related County plans or projects:
5. Other comments:

Drinking water, which meets state quality standards for public water systems, is a precious commodity that must be protected. Existing standards for water well construction and destruction are designed to protect groundwater quality, thereby protecting the public health. The expense associated with proper destruction of a well is infinitesimally small in comparison to the expense of cleaning up contaminated groundwater.

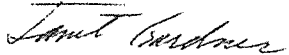
The Fresno County Department of Public Health is concerned that abandoned water wells are not being properly destroyed, particularly with respect to new development projects. As city boundaries expand, community services are provided to areas originally served only by individual domestic and agricultural wells. Improper abandonment of such wells presents a significant risk of contaminating the city's community water supply. For this reason, when development occurs, it is extremely important to ensure the safe and proper destruction of all abandoned water wells.

- As a measure to protect groundwater, all water wells and septic systems within the property shall be properly destroyed by an appropriately licensed contractor.
- If any underground petroleum storage tank(s) are discovered during construction, the applicant/property owner shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

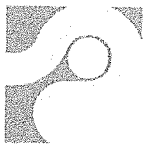
David E. Fey  
Malaga Industrial Park  
July 29, 2015  
Page 2 of 2

If I can be of more assistance, please contact me at (559) 600-3271.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janet Gardner".

Janet Gardner, R.E.H.S., M.P.H.  
Environmental Health Specialist III  
Environmental Health Division



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 170.44

August 6, 2015

Mr. David E. Fey, AICP, Executive Officer  
Fresno Local Agency Formation Commission  
2607 Fresno Street, Suite "B"  
Fresno, CA 93721



Dear Mr. Fey,

**"Malaga Industrial Park Annexation", "AD-15-2"**  
**Annexation of 4.78 Acres to the Malaga County Water District**  
**Drainage Area "CE"**

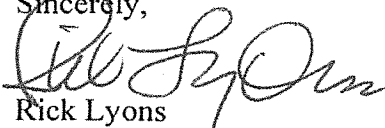
The proposed annexation boundary encompasses lands within the Fresno Metropolitan Flood Control District and will be served by the District's Storm Drainage and Flood Control Master Plan. Drainage service by the Master Plan does not exist for the annexation at this time.

It is our understanding there will be no change in the District's share of the property tax base, nor future property tax increments for the impacted Tax Rate areas.

The District further requests its historic growth increment tax be applied to this area.

If you have any questions or require further information, please do not hesitate to contact us.

Sincerely,

  
Rick Lyons  
Engineering Technician III


RL/mcf

c: Alan Hofmann, Fresno Metropolitan Flood Control District

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## Fresno Local Agency Formation Commission

DATE: July 29, 2015  
TO: Ryan Lopez, Elections Division  
FROM: David E. Fey, AICP, Executive Officer   
SUBJECT: "Malaga Industrial Park Annexation"  
AGENCY NO.: AD-15-2



The attached application has been filed for processing with the Local Agency Formation Commission (LAFCo) office. In accordance with Government Code Section 56386, your agency's assistance in reviewing and commenting on this application is requested. At this time we are requesting the following information indicated by an "X":

- A.   X   Number of registered voters in the area.   0
- B.        If **12 or more registered voters**, for notification purposes please furnish **two** sets of labels that show all registered voters in the affected area along with their address. Also please furnish **one** set of labels for all registered voters residing within 300 feet of the exterior boundary of the property as shown upon the most recent assessment roll being prepared by the County.
- D.        What percent of the registered voters in the proposal area does the attached petition represent?
- E.   X   Will the proposal adversely affect precinct boundaries or the conduct of elections?   No
- F.        Other comments:

In order to proceed with the processing of this application, your comments need to be returned to this office by **August 12, 2015**. Your assistance is greatly appreciated. Thank you.

DEF:cf

Attachments: Map, Legal description

**Ryan**

**Lopez**

Date

Digitally signed by Ryan Lopez  
DN: cn=Ryan Lopez, o=Fresno  
County Clerk/Registrar of Voters,  
ou=Information Technology Unit,  
email=rylopez@co.fresno.ca.us, c=US  
Date: 2015.07.30 08:53:04 -07'00'