

RESOLUTION NO. RO-12-7A

**FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA**

In the Matter of:

LAFCo Determination

A REQUEST BY THE CITY OF KINGSBURG FOR APPROVAL OF THE "GUARDIAN- SUN MAID REORGANIZATION")))	APPROVED "GUARDIAN-SUN MAID REORGANIZATION" WITH CONDITIONS
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WHEREAS, preliminary proceedings were initiated by the City of Kingsburg to annex 430.84 acres to the City of Kingsburg and 118.68 acres to the Selma-Kingsburg-Fowler County Sanitation District and detach 430.84 acres from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District for territory located south of east Mountain View Avenue, west of south Bethel Avenue, and east of State Route 99, as shown within Exhibit "A", attached hereto and by this reference incorporated herein (the "Proposal"); and

WHEREAS, the Executive Officer issued a Certificate of Filing for the Proposal on March 19, 2013 and set it for hearing on the 10th day of April, 2013, at the hour of 1:30 p.m.; and

WHEREAS, notice of said hearing was provided as required by state law, including Government Code section 56658; and

WHEREAS, the Executive Officer reviewed the Proposal and prepared a report to this Commission, said report having been mailed at least five days before the public hearing; and

WHEREAS, at the April 10, 2013 hearing the Executive Officer reported that new and additional information regarding the Proposal had been received by the Commission after the staff reports were mailed to the Commission and requested additional time to analyze the information for presentation to the Commission; and

WHEREAS, this Commission continued the Proposal to a date uncertain to allow more time for staff's analysis and negotiations between the City of Kingsburg and the Fresno County Fire Protection District on a new Fire Transition Agreement (as defined below); and

WHEREAS, consistent with said continuance, the Proposal was set for hearing on July 17, 2013, at the hour of 1:30 p.m. and notice of said hearing was given as required by state law, including Government Code section 56658; and

WHEREAS, on the date of the hearing, the City of Kingsburg and the Fresno County Fire Protection District advised the Commission they were finalizing an agreement, applicable to the affected territory contained in the Proposal, which was intended to comply with Commission Policy and Procedure section 102-04-041, a draft copy of which was provided to the Commission in the staff report (the "Fire Transition Agreement"); and

WHEREAS, that certain Master Property Tax Transfer Agreement dated January 31, 2006, has been adopted by the City of Kingsburg and the County of Fresno, the responsible local agencies for the exchange of property tax revenue for this jurisdictional change; and

WHEREAS, the County of Fresno submitted a letter to this Commission, dated October 18, 2012, stating that the County has determined that the Proposal is consistent with the Master Property Tax Transfer Agreement; and

WHEREAS, the Executive Officer reviewed said application and prepared a report to this Commission, including a recommendation for approval of the Proposal with certain conditions, said report having been mailed at least five days before said hearing and was duly considered by this Commission pursuant to state law and Commission Policies and Procedures; and

WHEREAS, this Commission reviewed and considered the information in the Initial Study, Mitigated Negative Declaration, and addendum to the Mitigated Negative Declaration (collectively the "CEQA Documents") prepared by the Lead Agency, City of Kingsburg, which was included in the Executive Officer's report to this Commission; and

WHEREAS, this Commission considered all relevant factors and evidence and heard all interested parties wishing to speak about the Proposal.

NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does HEREBY STATE, FIND, RESOLVE, DETERMINE, AND ORDER as follows:

Section #1. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) and its Guidelines, this Commission finds that prior to approving the Proposal the environmental effects of the Proposal as shown in the CEQA Documents prepared, adopted, and submitted by the Lead Agency were reviewed and considered by the Commission, and the Commission determined the CEQA Documents to be legally adequate pursuant to CEQA Guidelines Section 15096.

Section #2. This Commission finds that the Proposal 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.

Section #3. This Commission assigns the distinctive short form designation "Guardian-Sun Maid Reorganization" and approves the Proposal subject to the following conditions of approval:

- A. Applicant shall execute an indemnification agreement with the Commission reasonably acceptable to the LAFCo Executive Officer and legal counsel, agreeing to defend, indemnify, and hold harmless the Commission from and against any claims, actions (including those filed by any state or governmental agency), costs, or damages arising out of or in connection with the Commission's actions related to this matter;

- B. The City of Kingsburg shall submit to the Executive Officer verification that a Right-to-Farm Covenant is required and will be made a part of future development approvals as a legal covenant to be recorded with final tract maps and site plans approved by the City for the affected territory;
- C. Ownership of land permitting, the Proposal shall include the full existing right-of-way width of adjacent roadways with the exception that only the southern half-width right-of-way for Mountain View Avenue shall be annexed.

Prior to the recordation of the Proposal, the City of Kingsburg shall provide to the Executive Officer a copy of the fully-executed Transition Agreement in substantial conformance with the agreement contained in the draft staff report.

Section #4. This Commission finds and determines pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 that:

- A. The territory subject to the Proposal is uninhabited.
- B. Not all landowners have consented to the Proposal.

Section #5. This Commission directs staff to conduct protest proceedings pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 57000 et seq.).

Section #6. This Commission's actions approving this Proposal shall expire one year from the date of this Resolution unless all proceedings are complete, including compliance with all conditions of approval and the issuance of a Certificate of Completion by the Executive Officer.

Section #7. The Executive Officer is hereby authorized and directed to mail certified copies of this Resolution as provided in Government Code Section 56882 and to file, as appropriate, in the office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this Proposal, as required by State law.

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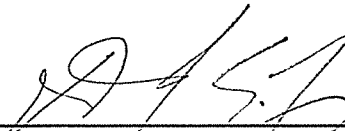
ADOPTED THIS 17th DAY OF JULY, 2013, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS LOPEZ, PEREA, LARSON, SANTOYO, SILVA
NOES: NONE
ABSENT: NONE

STATE OF CALIFORNIA)
 COUNTY OF FRESNO)

CERTIFICATION

I, David E. Fey, Executive Officer of the Fresno Local Agency Formation Commission (LAFCo), Fresno County, State of California, hereby certify that the foregoing resolution was adopted by the Commission at a regular meeting held on the 17th day of July, 2013.







**David E. Fey, AICP, Executive Officer
Fresno Local Agency Formation Commission**

Exhibit "A"



Legend

-  Sphere of Influence
-  City Limits
-  City Annexation
-  District Annexation

City of Kingsburg "Guardian-Sun Maid Reorganization"
LAFCo File No. RO-12-7

