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

AGENDA ITEM No. 7C

DATE: June 5, 2013

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, AICP, Executive Officer

SUBJECT: **Consider Conditional Approval: City of Kerman, “Kerman Annexation No. 12-01, Mid Valley Disposal”**. Proposed annexation of 28.36 acres to the City of Kerman and detachment from the Kings River Conservation District for territory located south of Church and north of Madera Avenues, and east of Del Norte and west of Madera Avenues (**LAFCo File No. RO-13-3**).

Applicant: City of Kerman

Land Owners/Parties of Real Interest: Kalpakoff Properties, LLC*, Joseph J. Kalpakoff*, John J. Kalpakoff*, and Jonathan J. Kalpakoff*

Recommendation – Approve by Taking the Following Actions:

- A. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to approving the proposed reorganization the environmental effects of the project as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency were reviewed and considered, and determine these documents to be legally adequate pursuant to CEQA Guidelines Section 15096.
- B. Find that the proposed reorganization is consistent with LAFCo Policies, Standards and Procedures Section 210 - Standards for Annexation to Cities and Urban Service Districts (01-13), and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the “Act”).
- C. Assign the distinctive short form designation “Kerman Annexation No. 12-01, Mid Valley Disposal” and approve the reorganization (annexation and detachment) subject to the following conditions of approval:
 1. The City of Kerman shall submit to the Executive Officer verification that a Right-to-Farm Covenant is required and made a part of the City’s development agreement and that this legal covenant will be recorded with the final tract map approved by the City for the affected territory.
 2. Ownership of land permitting, the annexation shall include the full existing rights-of-way along Jensen and Church Avenues.
 3. The City of Kerman shall submit to the Executive Officer an acknowledgement from the State Department of Health Services, or another appropriate State agency, that the City has obtained an adequate water supply or water treatment capacity sufficient to meet the needs of this development proposal and to reduce the demand that caused the re-activation of well number 10.

- D. Find pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("Act") that:
1. The territory is uninhabited.
 2. All landowners and affected agencies have consented to the annexation.
- F. Waive further Conducting Authority Proceedings and approve the annexation and detachment subject to the requirements of the "Act", the 30-day reconsideration period, and compliance with all of the above conditions.

BACKGROUND:

The City of Kerman initiated this Proposal on February 20, 2013, with the adoption of Resolution No. 13-12 and a Certificate of Filing has been issued. The City pre-zoned the territory from County AE-20 (Exclusive Agriculture, 20-acre minimum) zone district to City M-2 (Heavy Industrial) zone district.

This Proposal is to annex 28.36 acres to the City of Kerman and detach from the Kings River Conservation District for territory located south of Church Avenue, north of Jensen Avenue, east of Del Norte Avenue, and west of Madera Avenue. The territory is located within the City of Kerman adopted sphere of influence.

The City of Kerman acting as Lead Agency prepared an initial study and adopted a Mitigated Negative Declaration for the project on February 25, 2013.

This proposed reorganization has been placed on the consent agenda since the territory is uninhabited and all property owners and affected agencies have consented in writing to the annexation (100% consent).

Proposal / Land Use:

- The proposal consists of the annexation of 28.36 acres to the City of Kerman and detachment from the Kings River Conservation District. The annexation is to expand an existing Recycling and transfer station owned by Mid Valley Disposal.
- The affected territory is currently agriculture. The affected territory is bounded by agriculture to the south and east, light, and the City of Kerman's Wastewater Treatment Plant to the west.

Environmental Determination:

The City of Kerman prepared an Initial Study to evaluate the potential environmental effects of the proposed reorganization and development proposal. The City made findings that the project, as revised and mitigated, will have no significant effect on the environment. The City of Kerman adopted a Mitigated Negative Declaration and Mitigation Monitoring Plan on February 25, 2013 (see Environmental Documents).

As Responsible Agency, the Commission is required to review and consider the City's Initial Study and Mitigated Negative Declaration prior to taking its action. If the Commission determines that these documents are adequate, pursuant to CEQA, a finding needs to be made that the Commission independently reviewed and considered the information in the Initial Study and Mitigated Negative Declaration and that these environmental documents are sufficient on which to make a determination on the proposed reorganization.

Consistency with LAFCo Policies, Standards and Procedures

- The affected territory is located within the City of Kerman's Sphere of Influence (SOI) and is adjacent to the existing City Limits along the north and west sides (see Maps and Figures).
- The Proposal is consistent with the City of Kerman General Plan's designation of M-2 (Heavy Industrial) Zoned District.
- The Proposal furthers the County's General Plan policies of directing growth to existing cities where infrastructure and a full-range of municipal services are available to serve urban development.

Analysis:

- The affected territory is located within the boundaries of the North Central Fire Protection District and will continue to be served by the District upon annexation.
- Annexation and development of the subject property represents a logical continuation of the existing development pattern within the City of Kerman's Sphere of Influence in conformance with the Amended and Restated Memorandum of Understanding between the City of Kerman and the County of Fresno. (See letter from Mr. Will Kettler, Development Services Manager, Fresno County Department of Public Works and Planning).
- The Service Plan submitted for this Proposal indicates that all the necessary urban services will be available to serve the affected territory (see Service Plan).
- The State Department of Health Services has reviewed the City's Proposal and has commented that the City's overall operation and maintenance of the drinking water system is adequate; however, there are several water quality monitoring deficiencies that need to be addressed. They suggested that "LAFCo might require the City obtain the Department's permit approval for the new well, prior to approving the annexation. Alternatively, the City might further evaluate the specific water demands due to the annexation, and certify whether the existing source capacity would be sufficient to meet those demands" (see attached letter).

Government Code section 56668(k) requires that the Commission make a finding that the project applicant demonstrate timely water supplies adequate for projected needs as specified in Government Code section 65352.5. Accordingly, in order for the Commission to make this finding, staff recommends a condition stating that, prior to recordation, the Executive Officer obtain an acknowledgement from the State Department of Health Services, the Central Valley Regional Water Quality Control Board and/or another appropriate State agency, that the City has obtained an adequate water supply or water treatment capacity sufficient to meet the needs of this development proposal.

Accordingly, the Executive Officer has determined that the proposed reorganization 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.

Location and Characteristics of any Disadvantaged Unincorporated Communities

SB 244 and Fresno LAFCo policies define a "disadvantaged unincorporated community" to mean inhabited territory with 12 or more registered voters with an annual median household income that is less than 80 percent of the statewide annual median household income and that includes at least 15 dwelling units at a density not less than one unit per acre.

Except as provided for in the Act, the Commission shall not approve an annexation to a city of any territory greater than 10 acres, where there exists a DUC with 12 or more registered voters that has been identified and evaluated in any MSR or Sphere of Influence Update for that city or has been subsequently identified by staff to be contiguous to the area of the proposed annexation unless an application to annex the DUC to the subject city has been filed with the LAFCo Executive Officer. There are no disadvantaged unincorporated communities close to the annexation area. With the exception of a few scattered homes, all of the residential development is within the city and receives city services.

In 2009, the most recent year staff was able to get income comparisons for, the median income for a household in Kerman was \$47,905 where the state median household income was \$58,931. In 2009, Kerman was about 81 percent of the median household income with about 17% of the population was below the poverty level.

APPLICATION INFORMATION

1. **Affected Territory**

Acreage:	28.36 acres
Current Land Use:	Alfalfa
Number of Residences/ Population:	Residences: 0/ Population: 0
Landowners/ Registered Voters:	Landowners: 3 / Voters: 0
Previous County Zoning:	AE-20
City Zoning Upon Annexation:	M-2
Ag. Preserves/Contracts:	0
Assessor's Parcel Number:	023-080-20S, 023-080-21S

2. **Proposed Development:** The proposed project will expand the existing recycling and transfer station operation in three phases.
3. **Surrounding Territory:** Surrounding land uses include agriculture to the south and east, light, and the City of Kerman's Wastewater Treatment Plant to the west.
4. **Consistency with Adopted Sphere of Influence (SOI):** The affected territory is within the City of Kerman's adopted Sphere of Influence.
5. **Consistency with City and County General and Specific Plans:** The Proposal is consistent with the City of Kerman's General Plan. The Proposal furthers the County's General Plan policies of directing growth to existing cities where infrastructure and a full range of municipal services are available to serve urban development.
6. **Existing Service Agencies and Proposed Service Changes:**

Service	Existing Service	Change
Water	None	City of Kerman
Sewer	None	City of Kerman
Fire Protection	North Central Fire Protection District	None
Distance to Station	1 – 2 miles	None

Please Note: Comments and a service plan for this Proposal can be viewed on-line at www.fresnolafo.org.

7. **Cities and Districts Included Wholly or Partially within the Affected Territory:**

County of Fresno	Fresno County Library District
Central Valley Pest Control District	CSA No. 35
State Center Com. College District	Kerman Unified School District
North Central Fire Protection District	Kings River Conservation District
Fresno Irrigation District	Fresno Mosquito Abatement District
West Fresno Co. Red Scale Prot. Dist.	

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

No costs are anticipated that will affect residents or landowners.

9. **Agencies and Individuals Submitting Comments (see Correspondence and Comments)**

- John Navarrette, County Administrative Officer
- Will Kettler, Manager, Development Services Division, Department of Public Works and Planning
- Morgan L. Barnett, Fresno County Elections Division
- Janet Gardner, Environmental Health Specialist
- Betsy Lichti, Senior Sanitary Engineer, Southern California Drinking Water Field Operations Branch, California Department of Public Health
- Jennifer Bryan-Sanchez, Chief of Transportation Planning, Department of Transportation
- Byron Beagles, Fire Prevention Engineer, North Central Fire Protection District
- Jennifer Bryan-Sanchez, Department of Transportation
- Laurel Prysiazny, County Librarian
- Paul-Albert Marquez, Chief, Office of Transportation

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 not sufficient per Dave King (Fresno County Assessor, Assessment Services Supervisor) for recordation or filing with the State Board of Equalization. **A revised map and legal description title are required per the County Assessor's specifications.**

11. **Registered Voter Data**

The County of Fresno Elections Office reported that on April 30, 2013, there were **zero** (0) registered voters in the affected territory.

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

Lead Agency: City of Kerman - **Level of Analysis:** Initial Study

Finding: Mitigated Negative Declaration (see Environmental Documents).

13. **Names of Landowners or Parties of Real Interest**

Kalpakoff Properties, LLC*	Joseph J. Kalpakoff*
John J. Kalpakoff*	Jonathan J. Kalpakoff*

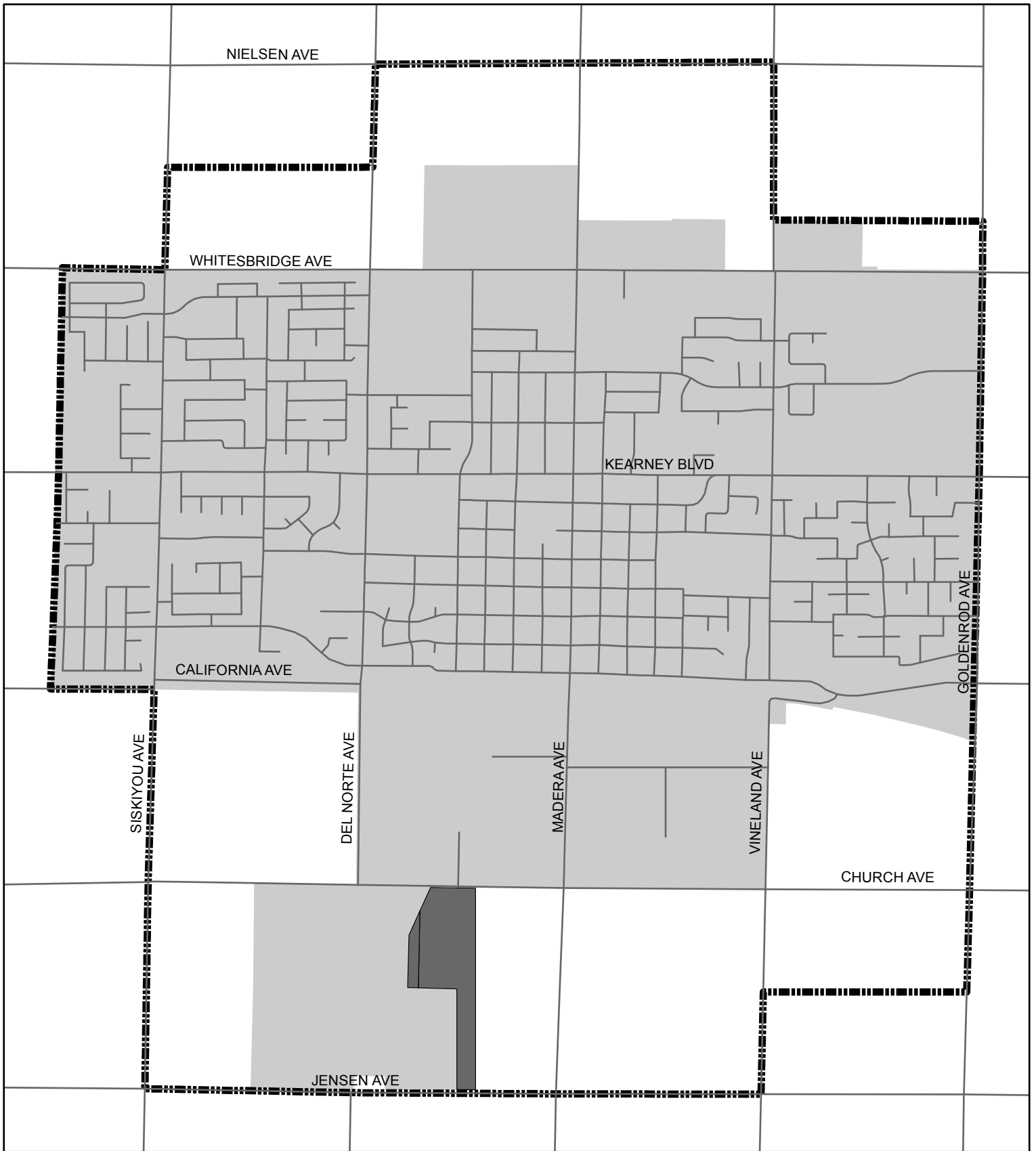
Proponent: Luis Patlan, City Manager, City of Kerman

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

- LAFCo Commissioners and Alternates
- Ken Price, LAFCo Counsel, Baker, Manock, and Jensen
- Luis Patlan, City Manager, City of Kerman
- Olivia Pimentel, Planning Tech, City of Kerman
- Dave Orth, Secretary, Kings River Conservation District
- North Central Fire Protection District
- Will Kettler, Manager, Development Services Division, Public Works and Planning Department

FIGURE 1 - GENERAL SITE LOCATION



Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

City of Kerman "Annexation
No. 12-01 (Mid-Valley Disposal)"
LAFCo File No. RO-13-3

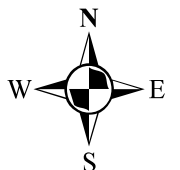
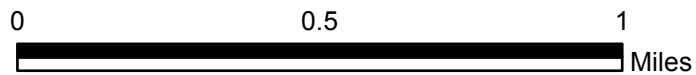





FIGURE 2 - ANNEXATION MAP



Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

City of Kerman "Annexation
No. 12-01 (Mid-Valley Disposal)"
LAFCo File No. RO-13-3

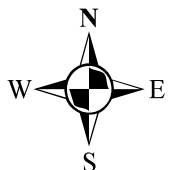
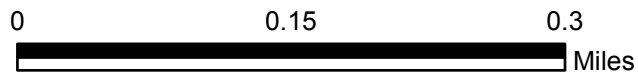
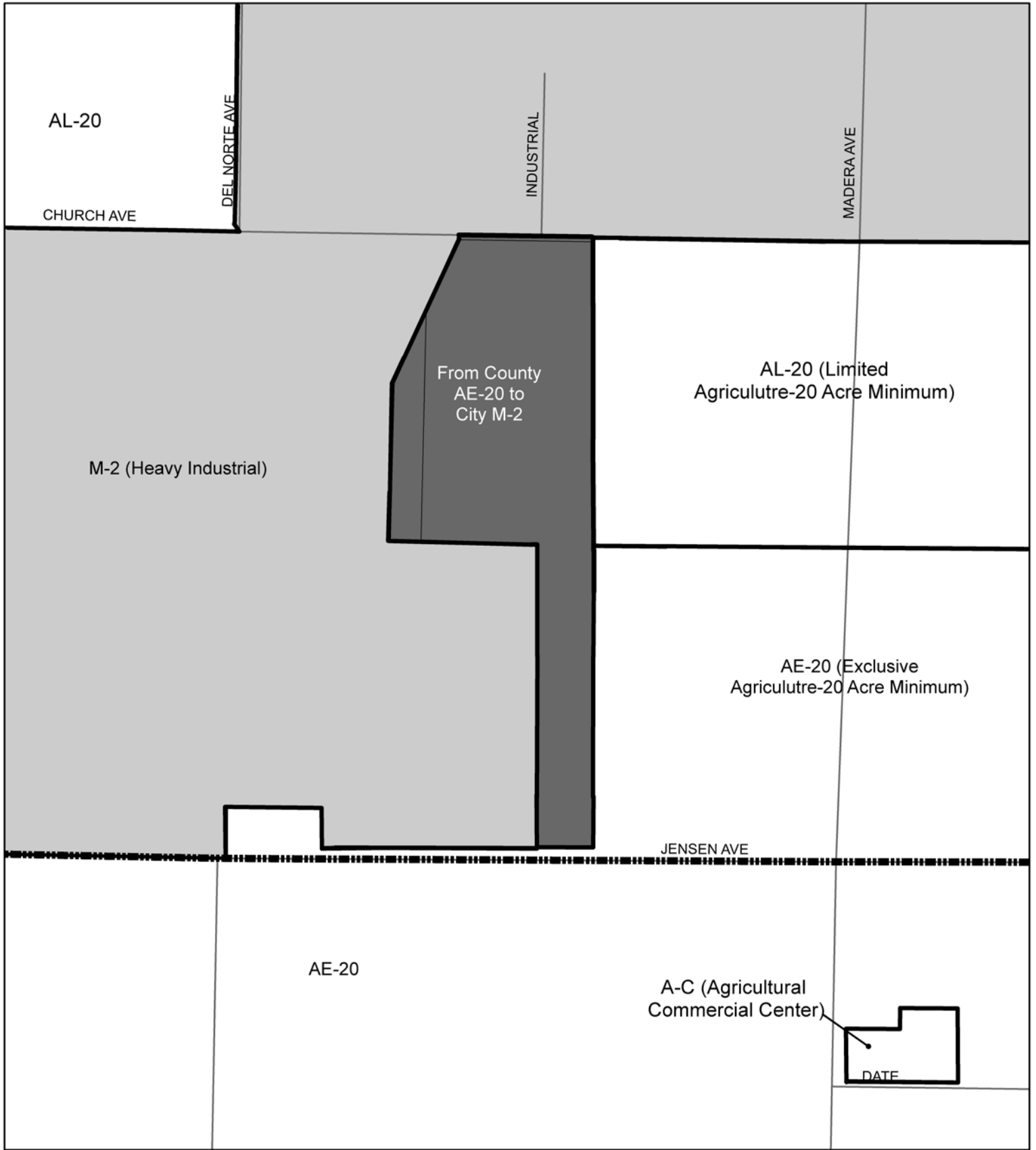





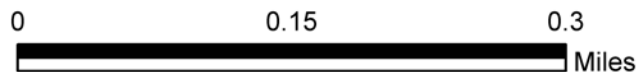
FIGURE 3 - EXISTING ZONING AND PRE-ZONING



Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

City of Kerman "Annexation
No. 12-01 (Mid-Valley Disposal)"
LAFCo File No. RO-13-3





County of Fresno

COUNTY ADMINISTRATIVE OFFICE

JOHN NAVARRETTE

COUNTY ADMINISTRATIVE OFFICER

April 10, 2013

Luis Patlan, City Manager
City of Kerman
850 S. Madera Avenue
Kerman, CA 93630



SUBJECT: Notice of Intent to File the Mid Valley Recycling and Disposal Facility Annexation/Reorganization

Dear Mr. Patlan:

In accordance with the City of Kerman-County of Fresno Memorandum of Understanding, we have reviewed the annexation proposal described in the letter from you received on March 29, 2013.

We have determined that the proposed annexation by the City of Kerman is consistent with the Standards for Annexation contained in the City of Kerman-County of Fresno Memorandum of Understanding. It is recommended that the full width right-of-way along Jensen and Church Avenues be included in this annexation.

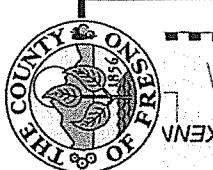
If you have any questions, you may contact me at (559) 600-1710 or Will Kettler at (559) 600-4497.

Very truly yours,

John Navarrette
County Administrative Officer

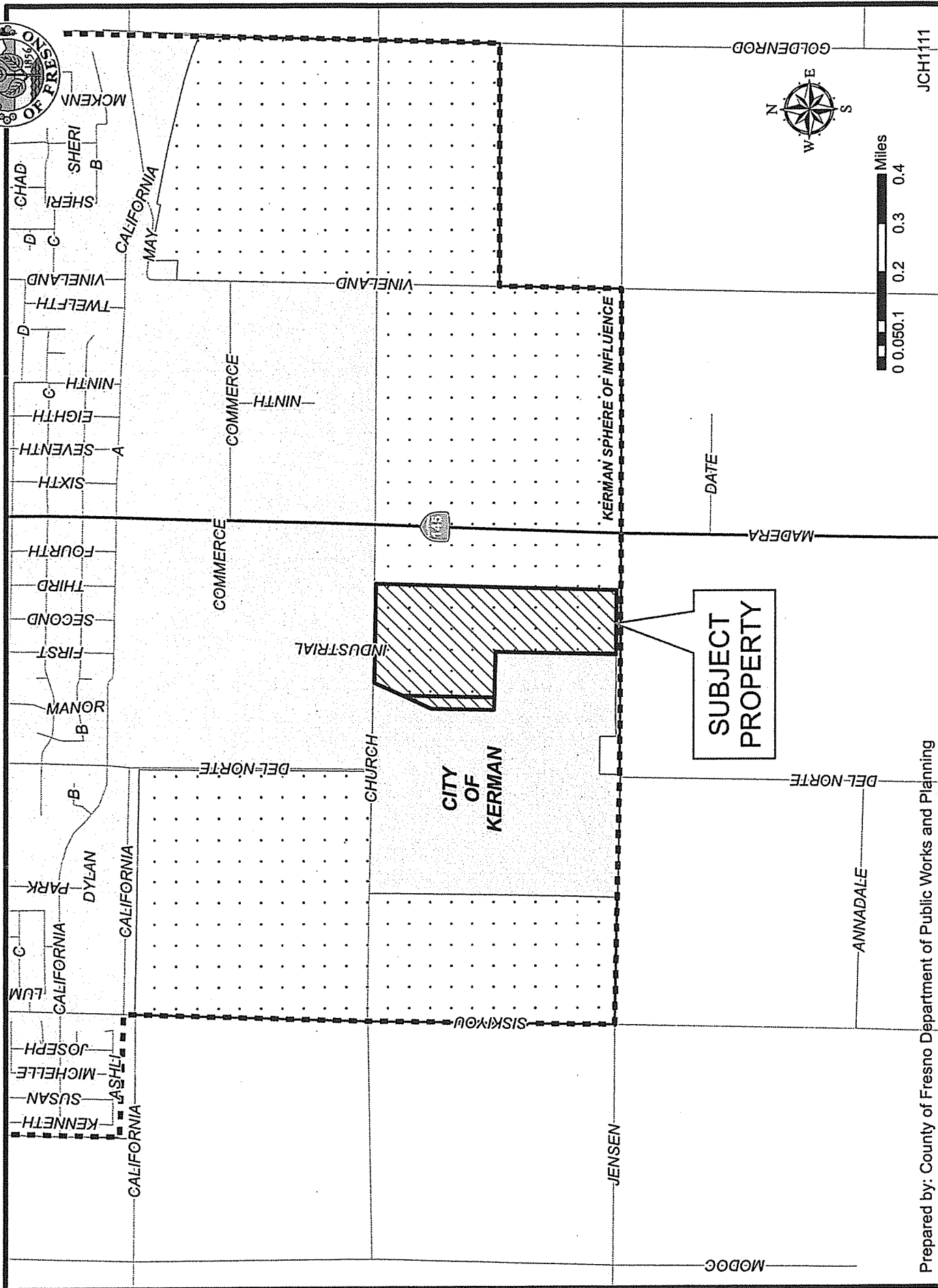
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c: Alan Weaver, Director, Department of Public Works and Planning
Bernard Jimenez, Deputy Director of Planning
Will Kettler, Division Manager, Development Services Division
Mohammad Khorsand, Senior Planner, Development Services Division
Jeff Witte, Executive Officer, LAFCo



LOCATION MAP

Kerman Annexation 12-01 Mid Valley Disposal



Prepared by: County of Fresno Department of Public Works and Planning

JCH1111



County of Fresno

DEPARTMENT OF PUBLIC HEALTH
EDWARD L. MORENO, M.D., M.P.H.
DIRECTOR-HEALTH OFFICER

April 22, 2013

LU0016742
2620
CX

Mr. Jeff Witte
Local Agency Formation Commission
2115 Kern St., Suite 310
Fresno, CA 93721

Dear Mr. Witte:

PROJECT NO: RO-13-3

SUBJECT: Kerman Annexation No. 12-01 (Mid Valley Sisposal)

1. Adequacy and availability of existing and proposed community water and sewer systems:

- The applicant shall submit an application to the Fresno County Department of Public Health, Environmental Health Division, for revision of the Solid Waste Facility Permit. Contact the Solid Waste Program staff at (559) 600-3271 for more information.

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:

- Any water wells and/or septic systems that exist or have been abandoned within the project area shall be properly destroyed by an appropriately licensed contractor.

Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure.

- Should any abandoned underground petroleum storage tank(s) be found during the project, the applicant 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.

Dedicated to Public Health

1221 Fulton Mall / P.O. Box 11867, Fresno, California 93775 / (559) 600-3271/ FAX (559) 600-7633

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Jeff Witte
RO-13-3
April 22, 2013
Page 2 of 2

- Appropriate measures should be incorporated into the project to minimize potential noise impacts to noise sensitive receivers caused by the operation of the Solid Waste Facility equipment.

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

Sincerely,

Janet Gardner

Digitally signed by Janet Gardner
DN: cn=Janet Gardner, o, ou,
email=jgardner@co.fresno.ca.us, c=US
Date: 2013.04.22 15:16:45 -07'00'

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

jg

LAFCo RO-13-3 Kerman Annex



Fresno Local Agency Formation Commission


DATE: April 26, 2013
 TO: Will Kettler, Division Manager, Development Services Division
 Department of Public Works and Planning
 FROM: Jeff Witte, Executive Officer
 SUBJECT: "Kerman Annexation No. 12-01 (Mid Valley Disposal) Reorganization", Agency No. RO-13-3



The attached application has been filed for processing with the Fresno 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 information on the following factors (Attach extra sheets as necessary):

1. County plan designation for the area:
The subject annexation area is designated for General Industrial Reserve and Agriculture in the Kerman Community Plan.
2. Consistency of the proposal with adopted County General and Community Plans and Policies.
The County's General Plan directs the location of urban density uses to incorporated cities and unincorporated communities where necessary support services are available. Annexation and development of the subject property represents a logical continuation of the existing development pattern within the City of Kerman's Sphere of Influence (SOI) in conformance with the Amended and Restated Memorandum of Understanding (MOU) between the City of Kerman and the County of Fresno.
3. Any pending County plans, projects (i.e. Community Development, roads, etc.) or development permits:
None.
4. Other related comments:
On April 10, 2013, the County reviewed the "Kerman Annexation No. 12-01 (Mid Valley Disposal) Reorganization" and determined that the reorganization was consistent with the Standards of Annexation contained in the MOU between the City of Kerman and the County of Fresno.
5. Recommendations:
It is recommended that the City of Kerman include the full existing rights-of-way along Jensen and Church Avenues.

In order to proceed with the processing of this application, your comments need to be returned to this office by **April 30, 2013**. Your assistance is greatly appreciated. Thank you.



 William Kettler, Development Services Manager
 Department of Public Works and Planning

4/26/13

 Date

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7307
FAX (559) 488-4088
TTY (559) 488-4066



*Flex your power!
Be energy efficient!*

March 14, 2013

2131-IGR/CEQA
6-FRE-145-33.115+/-
KERMAN ANNEXATION
PA-13-1

Mr. Jeff Witte
Fresno LAFCo
2115 Kern Street, Suite 310
Fresno, CA 93721

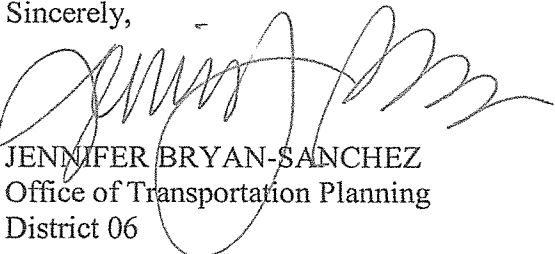
Dear Mr. Witte:

We have completed our review of the annexation request to reorganize approximately 29 acres to the City of Kerman. This acreage is located on W. Jensen Avenue between Del Norte Avenue and S. Madera Avenue/State Route (SR) 145. Caltrans has the following comments:

Caltrans has no objection to the annexation of the 29 acres to the City of Kerman. However, given the close proximity of the surrounding acreage to the SR 145, we request that prior to the granting of entitlements, any future proposed projects be submitted to Caltrans for review.

If you have any questions, please call me at (559) 488-7307.

Sincerely,



JENNIFER BRYAN-SANCHEZ
Office of Transportation Planning
District 06



RON CHAPMAN, MD, MPH
 Director & State Health Officer

State of California—Health and Human Services Agency
 California Department of Public Health



EDMUND G. BROWN JR.
 Governor

April 30, 2013
 Public Water System 1010018

Jeff Witte, Executive Officer
 Fresno Local Agency Formation Comm.
 2607 Fresno Street, Suite B
 Fresno, CA 93721

RE: Kerman Annexation No. 12-01 – Mid Valley Disposal



Dear Mr. Witte:

The California Department of Public Health – Drinking Water Program (Department) has received your request, dated April 18, 2013, seeking comment on a proposed annexation to the City of Kerman (City). Upon review of the attachments you provided, the Department has the following comments for your Commission’s consideration.

Adequacy and Availability of Existing and Proposed Community Water System

The City’s overall operation and maintenance of the drinking water system is adequate. There have not been any recent violations of the Total Coliform Rule or other MCL exceedances. There are several water quality monitoring deficiencies that are being addressed.

Historically, the City’s older sources were unable to meet primary drinking water standards. In 2008, the Department permitted three new wells to replace older wells that exceeded the Uranium maximum contaminant level (MCL). The City’s Well No. 10 is the City’s sole remaining older well and has previously produced water that exceeds the uranium MCL. The 2008 permit classified Well No. 10 as a standby source, which limits the use to cases of emergency, and for less than 15 days per calendar year.

The City reported that Well No. 10 was used for 94 days during the 2011 calendar year. The extensive use of Well No. 10 indicates that the City needs additional source capacity to meet existing system demands, especially during peak demand seasons. In 2012, the Department reclassified the source as an active source, but has not yet received any uranium monitoring.

The City has constructed a test well in the northern portion of the community, and found favorable results. The Department understands that the City is proceeding with the construction of a new production well at that site. The permitting and activation of the new production well should remove the demand stresses that caused the activation of Well No. 10.

LAFCo might require that the City obtain the Department’s permit approval for the new well, prior to approving the annexation. Alternatively, the City might further evaluate the

specific water demands due to the annexation, and certify whether the existing source capacity would be sufficient to meet those demands.

If you have any questions regarding this letter, please call Philip Dutton or me at (559) 447-3300.

Sincerely,

A handwritten signature in cursive script that reads "Betsy Lichti".

Betsy S. Lichti, P.E.
Senior Sanitary Engineer, Fresno District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

BSL/PD

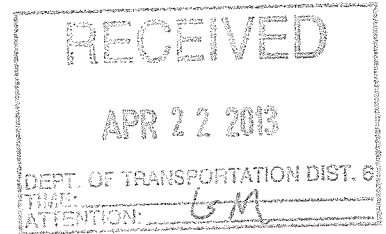
Sent via email: cfleming@co.fresno.ca.us



Fresno Local Agency Formation Commission

DATE: April 18, 2013

TO: County of Fresno
North Central Fire Protection District
Laurel Prysiakny Fresno County Library
Historical Landmarks and Records Commission (HLRC)
Paul-Albert Marquez, Chief, Office of Transportation
Fresno Irrigation District



FROM: Jeff Witte, Executive Officer *JW*

SUBJECT: "Kerman Annexation No. 12-01 (Mid Valley Disposal)" Reorganization; AGENCY NO.: RO-13-3

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 has been identified as an affected and/or interested agency and your assistance in reviewing and commenting on this application is requested.

The Fresno Local Agency Formation Commission (LAFCo) is in receipt of a resolution of application initiating proceedings for this proposal. LAFCo can not take any further action on this resolution of application for 10 days following this notice and request for comments.

If your agency files a written request for a hearing during this 10-day period, LAFCo must notice and hear this proposal at a public hearing. If no written request is filed by your agency, the Commission may proceed without notice and hearing if all required conditions pursuant to state law have been satisfied (Gov Code Sec 56663 (b))

Please return any comments you have regarding this proposed reorganization by **April 30, 2013**. Your assistance is greatly appreciated. Thank you.

JW:cf

Attachments: Application, Map, Legal Description, Service Plan, and Resolution

No Comment

Jenny M. ATP

4/25/13