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

CONSENT AGENDA ITEM No. 5-D

DATE: October 13, 2021

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: Juan Lara, LAFCo Analyst II

SUBJECT: Consider Approval - City of Orange Cove "Macias Reorganization." A proposed reorganization consisting of the annexation of 19.63 acres to the City of Orange Cove and detachment from the Orange Cove Irrigation District. (LAFCo File No. RO-21-02)

Applicant: City of Orange Cove.

Landowners/Parties of Real Interest (100% Consent): City of Orange Cove, Trinidad and Angelica Macias.

(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 a 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 “Macias 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 description and map.
 - c. Ownership of land permitting, the annexation shall include the full-width right-of-way along Sumner Avenue.
 - d. Satisfactory verification that the City has accepted a final map application shall be submitted to the Executive Officer prior to completion (recording) of the proposal.
- E. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH.

Executive Summary

On September 23, 2020, the City of Orange Cove adopted Resolution No. CC 2020-44 requesting the Commission to begin proceedings for the “Macias Reorganization.” A proposed reorganization consisting of the annexation of 19.63 acres to the City of Orange Cove and detachment from the Orange Cove Irrigation District.

Throughout the LAFCo application processing and comment period staff received a comment letter from the State Water Resources Control Board (“SWRB”) stating concerns for the Orange Cove ageing surface water treatment plant infrastructure.

Staff worked with the City and SWRB to resolve issues and concerns. On September 23, 2021 the SWRB issued a letter stating that the SWRB does not oppose the Macias Reorganization but that any additional annexations will not be considered for approval until the new City of Orange Cove surface water treatment plants are constructed and operational.

Proposal/Land Use

- Information related to the proposal's 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 Orange Cove sphere of influence (**Attachment B**) and is contiguous to the City of Orange Cove's city limits (**Attachment C**).
- The proposal is currently zoned AE-20 (Exclusive Agricultural) and has been rezoned to the City's R-1-6 (Single Family Residential), R-3 (Multi-Family), and C-2 (Community Shopping Center) zone districts by City Ordinance Amendment No. 2020-13.
- The proposal is uninhabited.
- The proposal is consistent with the Orange Cove General Plan Land Use Diagram.

Consistency with LAFCo Policies, Standards, and Procedures

- The County has determined that the proposal is consistent with the Amended and Restated Memorandum of Understanding (Master Tax Sharing Agreement) and the Standards for Annexation between the City of Orange Cove and County of Fresno.
- City of Orange Cove is within the Orange Cove Fire Protection District service area and will continue receiving fire protection service 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 Orange Cove R-1-6 (Single Family Residential), R-3 (Multi-Family), and C-2 (Community Shopping Center) zone districts by pre-zone City Ordinance Amendment No. 2020-13.

Relationship to Regional Housing Goals and Policies

The affected territory will be developed with 32 single-family lots, and 100 apartment units. The proposed project is consistent with the minimum residential density allowed within by the Orange Cove General Plan.

Revenue & Taxation Code

Fresno County Administrative Officer has determined that proposed Macias Reorganization is consistent with the Amended and Restated Memorandum of Understanding (Master Tax Sharing Agreement) and the Standards for Annexation between the City of Orange Cove and County of Fresno. No further tax negotiations are necessary pursuant to Revenue and Taxation Code Section 99b.

Sustainable Groundwater Management Act

California's Sustainable Groundwater Management Act ("SGMA") was signed into law by former Governor Edmund G. Brown Jr. 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 that local agencies 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 Kings River East GSA represents the City of Orange Cove and has a Groundwater Sustainability Plan in place.

Environmental Determination

The City of Orange Cove, acting as the “Lead Agency” under CEQA, adopted a Negative Declaration for the Macias reorganization filed with the Fresno County Clerk office on November 13, 2020 Document No. E202010000391 consistent with the requirements of CEQA.

As a “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

After development new lot buyers will pay the City of Orange Cove’s Community Facility District fees.

Agencies and Individuals Submitting Comments

- Jean Rousseau, County Administrative Officer
- Chufeng Vang, IT Analyst, Fresno County Elections Department
- Karen Coletti, Executive Secretary, Fresno County Public Library
- Sal Landeros, Cadastral Tech III, Fresno County Assessor’s Office
- Jose Robledo, Engineer, State Water Resources Control Board
- Fergus Morrissey, Engineer-Manager-Secretary, Orange Cove Irrigation District

Territory Boundaries

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

Staff recommends that the Commission consider a condition of approval that a satisfactory map and legal description prior to the execution of a certificate of completion.

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 Orange Cove

Level of Analysis: Negative Declaration

Finding: Negative Declaration (See Environmental Documents at www.fresnolafco.org under the Hearing and Workshops tab in the October 13, 2021 file).

Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning
- Fresno County Fire Protection District
- Greg Collins, Planner, City of Orange Cove

G:\LAFCo Projects\Cities\Orange Cove\RO-21-02\Staff Report_RO-21-02.doc