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

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CONSENT AGENDA ITEM NO. 5-E

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 Selma "Floral-Dockery Northeast Reorganization."** A proposed reorganization consisting of the detachment of approximately 94 acres from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District and annexation of this territory to the City of Selma and the Selma-Kingsburg-Fowler County Sanitation District located on the northeast corner of Dockery and East Floral Avenues. (LAFCo File No. RO-21-07)

**Applicant:** City of Selma

**Landowners/Parties of Real Interest (100% Consent):** City of Selma, David Serimian, Marlon D. Serimian, Leslie A. Serimian, Daniel L. Serimian.

(This proposed reorganization has been placed on the consent agenda without notice pursuant to Gov. 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 “Floral-Dockery Northeast 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 East Floral, South Dockery, South Orange, and South Del Rey Avenues.
  - 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.
  - e. The Selma-Kingsburg-Fowler County Sanitation District’s annexation fee shall be paid to the District prior to recordation. The proponents shall provide evidence to the Executive Officer as verified by the District that the condition has been met prior to recordation.
- E. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH.

**Executive Summary**

On June 21, 2021, the City of Selma initiated this reorganization with the adoption of Resolution No. 2021-26R requesting that the Commission begin proceedings for the “Floral-Dockery Northeast Reorganization” consisting of the detachment of approximately 94 acres from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District for territory and annexation of this territory to the City of Selma

and the Selma-Kingsburg-Fowler County Sanitation District (“SKF”) located on the northeast corner of Dockery and East Floral Avenues.

### **Revenue & Taxation Code**

Fresno County has determined that proposed Floral-Dockery Northeast Reorganization involving the annexation of 94 acres 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.

### **Proposal/Land Use**

- 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 Selma sphere of influence (**Attachment B**) and is contiguous to Selma city limits (**Attachment C**).
- The affected territory is within the Selma-Kingsburg-Fowler County Sanitation District sphere of influence and is contiguous to the District service area (**Attachment D**).
- The proposal is currently zoned AE-20 (Agricultural Exempt) and has been rezoned to the Selma RM (Residential Medium) Zone District in accordance with Zone Change City Ordinance No. 2021-2.
- The territory is uninhabited.

### **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. (See letter from Mr. Jean Rousseau.)
- The City of Selma and the Fresno County Fire Protection District have a transition agreement in place to provide fire protection services to the affected territory.
- The proposal is consistent with CKH and LAFCo Policies including, but not limited to, Sections 100 and 200.
- All properties within the proposal have been rezoned to the City of Selma RM (Residential Medium) Zone District in accordance with Zone Change City Ordinance No. 2021-2

### **Relationship to Regional Housing Goals and Policies**

The affected territory will be developed into a 270-lot subdivision. The proposed project exceeds the minimum density allowed by the Selma General Plan.

### **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 City of Selma is within the Central Kings GSA and has a Groundwater Sustainability Plan in place.

### **Environmental Determination**

The City of Selma, acting as the "Lead Agency" under CEQA, filed a categorical exemption for Application No. 2021-0002 Annexation, prezone, VTSM tract associated with the Floral-Dockery Northeast Reorganization filed with the Fresno County Clerk on June 23, 2021 consistent with the requirements of CEQA.

As a "Responsible Agency" pursuant to CEQA Guidelines, the Commission is required to independently review and consider the environmental review for the proposed reorganization prior to reaching its decision. Staff has reviewed the CEQA documents provided with the application and concludes that it can be seen with certainty that the reorganization does not have the potential to result in a significant effect on the environment, and that the SOI update is not subject to CEQA pursuant to CEQA Guidelines section 15061 (b)(3).

Therefore, the proposal is exempt from environmental review. Pursuant to CEQA Guidelines section 15096(i), if the Commission determines that these documents are adequate, a Notice of Determination will be prepared and filed with the County of Fresno Clerk's office

### **Costs and Other Changes Affecting Residents or Landowners**

None reported by the City of Selma city staff.

### **Agencies and Individuals Submitting Comments**

- Jean Rousseau, County Administrative Officer
- Karen Coletti, Executive Secretary, Fresno County Public Library
- Cinthia Reyes, Water Resource Control Engineer, State Water Resource Control Board
- Sal Landeros, Cadastral Tech II, Fresno County Assessor-Recorder's Office
- Chufeng Vang, Information Technology Analyst, Fresno County Elections Division
- Kevin Tsuda, Environmental Health Specialist II, Fresno County Environmental Health Division

### **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's recommended condition of approval that a corrected legal description and map be submitted will resolve this issue.

### **Registered Voter Data**

The County of Fresno Elections Office reported that there were **two** registered voters in the affected territory.

### **Compliance with the Requirements of CEQA**

**Lead Agency:** City of Selma

**Level of Analysis:** Notice of Exemption

**Finding:** Categorical Exemption (see Environmental Documents at [www.fresnolafco.org](http://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
- David Merritt, District Manager, Kings River Conservation District
- Chief Dustin Hail, Fresno County Fire Protection District
- Ralph Jimenez, Interim City Manager, City of Selma
- Kira Noguera, Planner, City of Selma