

# Local Agency Formation Commission OF KINGS COUNTY

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## CITY MEMBERS

Jim Wadsworth, Vice-Chair  
John Gordon  
Harlin Casida, Alternate

## COUNTY MEMBERS

Joe Neves, Chair  
Tony Barba  
Doug Verboon, Alternate

## PUBLIC MEMBERS

Paul Thompson  
Vacant, Alternate

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Greg Gatzka, Executive Officer, (559) 852-2682

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*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Agency at (559) 852- 2680 by 4:00 p.m. on the Monday prior to this meeting.*

*Agenda backup information and any public records provided to the Commission after the posting of the agenda for this meeting will be available for public review at the Kings County Community Development Agency, 1400 W. Lacey Blvd., Hanford, CA 93230.*

## AGENDA

**REGULAR MEETING DATE AND TIME:  
Wednesday, March 26, 2014 at 3:00 P.M.**

The Local Agency Formation Commission of Kings County Regular Meetings are held in the Board of Supervisors Chambers in the Administration Building (Bldg. No. 1) of the Kings County Government Center located at 1400 West Lacey Blvd., Hanford, CA.

### **I. CALL MEETING TO ORDER – Chairman**

#### **A. Unscheduled Appearances:**

Any person may address the Commission on any subject matter within the jurisdiction or responsibility of the Commission at the beginning of the meeting; or may elect to address the Commission on any agenda item at the time the item is called by the Chair, but before the matter is acted upon by the Commission. Unscheduled comments will be limited to five minutes.

#### **B. Approval of February 26, 2014 Minutes (Voice Vote)**

### **II. OLD BUSINESS**

#### **A. LAFCO Case No. 13-01, Hanford Reorganization No. 150**

- a) Executive Officer's Report
- b) Consideration of LAFCO Resolution 14-02

### **III. NEW BUSINESS**

#### **A. LAFCO Preliminary Budget FY 2014-2015**

- a) Executive Officer's Report
- b) Set the first Public Hearing for April 30, 2014

#### **IV. LEGISLATION**

None

#### **V. MISCELLANEOUS**

- A. Correspondence – CALAFCO Dues, Recruitment Committee Report for 2013  
CALAFCO Board Elections**
- B. Items from the Commission**
- C. Staff Comments**

#### **VII. ADJOURNMENT**

- A. Next Scheduled Meeting – Special Meeting Date April 30, 2014 at 3:00 p.m.**

# Local Agency Formation Commission OF KINGS COUNTY

MAILING ADDRESS:  
1400 W. LACEY BLVD. BLDG 6, HANFORD, CA 93230  
(559) 852-2670, FAX: (559) 584-8989

## STAFF REPORT March 26, 2014

### EXECUTIVE OFFICER'S REPORT

LAFCO CASE NO. 13-01  
HANFORD REORGANIZATION  
No. 150

#### I. BRIEF OVERVIEW OF PROPOSAL:

On February 26, 2014 the Kings LAFCO Commission held a public hearing to consider LAFCO Case No. 13-01 (Hanford Reorganization No. 150) which proposes to annex one County Island consisting of 113 parcels (69.79 acres) to the City of Hanford and detach the same from the Kings River Conservation District, and Excelsior-Kings River Conservation District. After the Kings LAFCO Commission concluded the public hearing, the item was continued to the March meeting. The Commission requested the City to work with the residences. The Commission also requested Staff to provide additional guidance on the island annexation. See Exhibit "A" for legal counsel's additional research on island annexations.

#### II. EXECUTIVE OFFICERS RECOMMENDATION

The Executive Officer recommends that the Commission consider adopting LAFCO Resolution No. 14-02 and approves LAFCO Case No. 13-01 "Hanford Reorganization No. 150".

#### III. ANALYSIS OF PROPOSAL:

##### A. Discussion of Proposal

The purpose of the action is to annex 69.79 acres into the City of Hanford. The City is requesting to annex the subject territory under State Law (Government Code Section 56375.3) that allows Cities to annex unincorporated islands and substantially surrounded areas less than 150 acres while waiving all protest proceedings. One completely surrounded unincorporated island is proposed for annexation and is located generally at the Southeast corner of Grangeville Blvd. and 12<sup>th</sup> Avenue.

Annexation of this area will result in the City adding these unincorporated fringe area properties that already receive City water and sewer service, and ensure that future development connect to City services and occurs in accordance with City standards. The City has pre-zoned all the proposed annexation territory which is consistent with the Hanford General Plan. See Exhibit "B" of the Executive Officers Report dated February 26, 2014 for copies of the City's Resolution of application, General Plan Amendment, and pre-zoning.

**B. Findings required by Government Code Section 56375.3:**

The following findings must be made by the Commission for a proposal to qualify under Section 56375.3 and waive all protest procedures.

**1. The change of organization or reorganization is initiated on or after January 1, 2000.**

The City of Hanford submitted a complete application to LAFCO on December 24, 2013.

**2. The change of organization or reorganization is proposed by resolution adopted by the affected city.**

The City of Hanford submitted as their resolution of application a signed copy of City of Hanford Resolution No. 13-51-R(a), adopted November 5, 2013.

**3. The Commission finds that the territory contained in the change of organization or reorganization proposal meets all of the requirements set forth in 56375.3.(b).**

**a) The area does not exceed 150 acres in size, and that area constitutes the entire island.**

The area is less than 150 acres in area size. The island area is 69.79 acres.

**b) The territory constitutes an entire unincorporated island located within the limits of a city, or constitutes a reorganization containing a number of individual unincorporated islands.**

The City's proposal contains one island that is completely surrounded within the limits of the City.

**c) The territory is surrounded or substantially surrounded by the City to which annexation is proposed.**

The island area which is proposed for annexation is completely surrounded on all four sides by the City of Hanford.

**d) The territory is substantially developed or developing.**

The island area which is proposed for annexation is considered developed or developing as the City already provides water service to residential units within this area. The Island Area contains 106 existing residential units and a church. Municipal services are available for the undeveloped properties within this area and is therefore considered either developed or developing territory.

**e) The territory is not prime agricultural land.**

The island area is considered urban fringe of the City and has been established for urban type uses. Properties within this area are not considered Prime Agricultural Land as defined in Government Code Section 56064.

**f) The territory will benefit from the annexation or is receiving benefits from the annexing City.**

Some of the residential structures within the area already receive water service from the City. In addition, undeveloped territory within this Hanford fringe area will benefit by being allowed to receive municipal services from the City of Hanford, and proceed with development proposals which were not allowed under the County's current General Plan Policies that require annexation.

C. Factors required by Government Code Section 56668:

**1. Area as proposed for annexation & detachment**

**Island Area**

<b>Population Estimate:</b>	341
<b>Population Density:</b>	4.88 per acre
<b>Land Area:</b>	69.79 acres
<b>Land Use:</b>	Single Family Residences, vacant residential land and a church.
<b>Assessed Value of Annexation Area:</b>	\$11,619,126
<b>Per Capita Assessed Valuation:</b>	\$34,074
<b>Topography:</b>	Flat land
<b>Natural Boundaries:</b>	None
<b>Drainage Basins:</b>	None
<b>Proximity to other populated areas:</b>	Completely surrounded by the City
<b>Likelihood of growth in area:</b>	There is currently only a Gas/Service Station which has been proposed for development on the Southeast

corner of Grangeville Blvd. and 12<sup>th</sup> Avenue.

**Detachment:**

Kings River Conservation District, and Excelsior-Kings River Conservation District.

**2. Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.**

A demonstrated need for organized community services already exists in the surrounding developed fringe of the City of Hanford. Presently, this county island receives water service from the city.

The City of Hanford's General Plan designates these areas primarily for Low Density Residential use and Service Commercial use. As the vacant residential and commercial lands develop, the most efficient and logical provider of municipal services would be the City of Hanford. Costs of any service extensions or connections would be borne by the development.

Educational services for these areas are provided by the Hanford Unified School District. No immediate increase in enrollment will result from this annexation proposal since students from the developed areas already attend school within the district. However, possible future residential development could potentially increase school enrollment within the district.

**3. The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.**

The proposal will have little impact on County government. The property taxes for the proposed annexation areas are \$116,191, based only on the assessed valuation of the privately owned property. Of this amount, the County would lose \$12,526 in tax revenue to the City, but would no longer be primarily responsible for sheriff and fire protection. The subject properties are adjacent to the City, and City services can be provided to new developments in the area. City water service is already provided to existing residences within the subject territory.

**4. The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.**

The proposed annexation area is a planned and orderly extension of the City of Hanford, and annexation of this area is in keeping with the Hanford General Plan. Therefore, the impact of this proposal upon patterns of urban development will occur as outlined in the City's General Plan, and will result in the City adding territory that already receives City services. Any future residential and commercial development on the undeveloped properties will need City services, and since the City already maintains water, sewer and storm drainage lines near the proposed annexation area, connection to these services can be efficiently added. Annexation of this area will result in more uniform expansion of the City's boundary by adding the unincorporated island area.

**5. The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.**

The City of Hanford is primarily surrounded by prime farmland and farmland of statewide importance according to the Department of Conservation's Important Farmland Mapping and Monitoring Program. However, the annexation area is identified as "Urban and Built", and no farmland is identified in the 2010 Important Farmland Map. Since the subject territory is already considered part of the urban landscape for the City of Hanford, the urban/agricultural boundary and interface is not likely to change as a result of this proposal.

**6. The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.**

The boundaries are definite and certain (See Exhibit A of the Resolution). The resulting annexation will improve the boundary line between incorporated and unincorporated territory by removing the only unincorporated island and three largest substantially surrounded areas.

**7. A regional transportation plan adopted pursuant to Section 65080, and its consistency with city or county general and specific plans.**

The 2011 Kings County Regional Transportation Plan was adopted on July 28, 2010 pursuant to Section 65080 of the California Government Code. The annexation is consistent with the City of Hanford's General Plan

Current Zoning: R-1-12, R-1-8

City Prezoning: R-1-8, CS

County General Plan Designation: Low Medium Density Residential and Medium Density Residential.

City General Plan Designation: Low Density Residential and Service Commercial.

**8. The sphere of influence of any local agency which may be applicable to the proposal being reviewed.**

This annexation is within the Primary Sphere of Influence of the City of Hanford as adopted by the Commission on October 24, 2007. It is also within the boundaries of the Kings River Conservation District, and the Excelsior-Kings River Conservation District. These districts' policies are to detach areas proposed for annexation to a city.

**9. The comments of any affected local agency or other public agency.**

No written comments have been received by the Executive Officer as of February 19, 2014.

**10. The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.**

The City indicates that services such as water, sewer, storm drainage, fire and police can all be provided to the annexation territory. Residences in the separate areas already receive City water, and the City's plan for water, sewer and storm drainage service identifies the existence of service lines in close proximity to the vacant properties as well. Sufficient capacity is available with the City to provide adequate service to these areas. The City's Plan for Service was attached as Exhibit "C" of the Executive Officers Report dated February 26, 2014.

**11. Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.**

Existing developed properties already receive City water and solid waste services. Any future development occurring in the subject territory would require connection to the City's main water and sewer lines. The development would be required to develop according to City Standards. The City indicates that sufficient water supplies are available to serve future residential development of the subject territory.

**12. The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.**



There is currently only a Gas/Service Station which has been proposed for development on the Southeast corner of Grangeville Blvd. and 12<sup>th</sup> Avenue. No further development plans have been proposed for the annexation area. However, construction of future residential uses may assist the City of Hanford in meeting their regional housing needs. The City General Plan designated residential properties in the unincorporated fringe were relied upon as available residential land resources for the City under the 2008 Kings County Regional Housing Needs Allocation Plan, and included in the 2009 Housing Element update.

**13. Any information or comments from the landowner or owners.**

The City of Hanford provided notices and held public hearings to inform existing residents and land owners in the annexation areas. In addition, LAFCO provided published and mailed notice to all land owners and registered voters within the subject territory and within 300 feet of the project area. No additional information or comments have been received by property owners or residents in regards to this proposal.

**14. Any information relating to existing land use designations.**

No other information is applicable.

**15. The extent to which the proposal will promote environmental justice. As used in this subdivision, “environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.**

The proposed annexation proposes to take an entire unincorporated island into the City of Hanford which will be inclusive of all races, cultures, and income groups.

**IV. ENVIRONMENTAL ASSESSMENT:**

The City completed an initial study for this annexation and adopted a negative declaration on November 5, 2013. The initial study found no significant effects upon the environment associated with the annexation. LAFCO, as a Responsible Agency, may rely upon the negative declaration for this action. A copy of the initial study was attached as Exhibit “D” of the Executive Officers Report dated February 26, 2014.

**V. RECOMMENDATIONS:**

The Executive Officer recommends:

1. That the Commission make the following determinations:

- a) It is a Responsible Agency under the California Environmental Quality Act Guidelines, Section 15096.
  - b) The annexation is being taken pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
  - c) The distinctive short form designation of the annexation is "Hanford Reorganization No. 150".
  - d) The City requested annexation of one unincorporated island to proceed under Government Code Section 56375.3, with waiver of all protest proceedings.
  - e) All required findings, pursuant to Government Code Section 56375.3, can be made as outlined in the staff report above for annexation of the "unincorporated island" which is less than 150 acres in size.
  - f) The proposed annexation conforms to the adopted sphere of the influence for the City of Hanford.
  - g) The subject territory is inhabited.
  - h) All property owners and registered voters within the subject territory and within a 300 foot radius were duly noticed of the public hearing.
  - l) All of the factors required by Government Code Section 56668 have been considered by the Commission before rendering a decision.
  - J) The regular county assessment roll will be utilized for this annexation.
  - K) The affected territory will not be taxed for existing general bonded indebtedness.
2. Find that the Commission has reviewed the Initial Study/Negative Declaration prepared for the annexation by the City of Hanford and has relied on the determination therein that this project will not have a significant effect on the environment.
  3. That the Commission approve LAFCO Case No. 13-01, Hanford Reorganization No. 150 by adopting Resolution No. 14-02 and order the annexation to the City of Hanford and detachment from the Kings River Conservation District, and Excelsior-Kings River Conservation District subject to the following conditions:
    - a) The Kings County Local Agency Formation Commission be designated as the conducting authority for the "Hanford Reorganization No. 150" and be authorized to proceed with legal steps necessary to complete the annexation without notice, hearing or election.

- b) The City prepare a final map for recordation with an accompanying legal description that meets Board of Equalization Standards.

## **VI. APPROVED LEGAL DESCRIPTION**

A legal description of the annexation territory is attached to the resolution.

## ADDENDUM

A. Proponent:

City of Hanford

B. Affected Districts Whose Boundaries Will Change:

City of Hanford  
Kings River Conservation District  
Excelsior-Kings River Conservation District

C. Affected Districts Who's Boundaries Will Not Change:

County of Kings  
Hanford Cemetery District  
Hanford Joint Union High School District  
Hanford Elementary School District  
Kings Mosquito Abatement District  
College of the Sequoias

# EXHIBIT "A"

**OFFICE OF THE  
KINGS COUNTY COUNSEL**

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1400 West Lacey Boulevard,  
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Hanford, CA 93230  
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**COLLEEN CARLSON**  
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**CARRIE WOOLLEY**  
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**ERIK KAEDING**  
**RISÉ DONLON**

**MEMORANDUM**

To: Local Agency Formation Commission  
From: Erik D. Kaeding, Deputy County Counsel  
Date: March 5, 2014  
Re: Hanford Reorganization #150

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**Background**

On Wednesday, February 26, 2014, your Commission met to consider Hanford Reorganization #150, a proposal to annex a county island in the western part of the City of Hanford. Several residents and property owners appeared at the meeting to express the following concerns:

1. Residents were concerned about increases in fees and taxes. It was explained at the meeting that residents' fees for water and garbage collection would actually decrease following the annexation. It was also explained by Darrel Pyle, Hanford City Manager, that any homeowner in the affected area would be required to pay to hook up to the City's sewer system upon the failure of the homeowner's own septic system. Finally, residents were told that they would not be subject to any special assessments unless they voted to tax themselves.
2. Residents expressed concern about the adequacy of public services that they currently receive from the County. Nonetheless, because the City currently is considering submitting a public safety sales tax measure to voters, citing problems with response times and the need for new police and fire facilities, residents doubted whether the City could provide a better level of service.
3. It was explained at the meeting that if City sewer lines are brought down streets within the affected area, it *may* be necessary to widen certain streets. Residents expressed the

view that individuals driving through their neighborhood already drive at excessive speeds, and widening streets, particularly Fitzgerald Lane, may exacerbate the problem.

During the meeting, there were questions about the standard of review that your Commission should apply to the City's application, whether the Commission could incorporate only a portion of the island pre-zoned for commercial uses without incorporating the entire island, and the impact of the proposed reorganization on property taxes. To allow time for additional legal research, and to give the City an opportunity to conduct more public outreach, the Commission voted to postpone a final decision on the application. This memo is being submitted to address the legal issues raised at the February 26 meeting.

## Discussion

### **I. Standard of Review**

As was explained by staff at the February 26 meeting, the Commission's role is not to make land use decisions for the City of Hanford, but to "police" the annexation process. Government Code section 56375, subdivision (a)(4) describes three situations in which, upon making specified findings, the Commission may not deny an application to annex territory into a city. One of those situations is where the requirements of Government Code section 56375.3 are met.

As amended effective January 1, 2014, section 56375.3 states that where the following findings can be made, a local area formation commission "shall approve, after notice and hearing, the change of organization or reorganization of a city, and waive protest proceedings": (1) the change in organization or reorganization is proposed by resolution adopted by the affected city; (2) the area to be annexed comprises not more than 150 acres, and constitutes the entire island; (3) the territory constitutes an entire unincorporated island located within the limits of a city, or constitutes a reorganization containing a number of individual unincorporated islands; (4) the territory is substantially surrounded by the city to which annexation is proposed;<sup>1</sup> (5) the subject area is substantially developed or is developing, taking into account the availability of public utility services, the presence of public improvements, and the presence of physical improvements on parcels within the area; (6) no prime agricultural land is proposed to be annexed; and (7) the subject island will benefit from annexation or is already receiving services from the annexing city.

If the foregoing findings can be made, then the Commission *must* approve the proposed application. In passing on each finding, the Commission's decision must be supported by substantial evidence.<sup>2</sup> In the instant case, as outlined in Part III.B of the staff report, substantial evidence supports each of the necessary findings. The factors to be considered by the

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<sup>1</sup> In Resolution No. 05-02, approved February 23, 2005, your Commission defined "substantially surrounded" to mean contiguous on at least three sides to the city to which annexation is proposed, including at least 60-percent of the island's total perimeter.

<sup>2</sup> See Gov. Code, § 56107.

Commission do not leave open a great deal of room for the exercise of discretion, and Counsel is unaware of any evidence that would support not making any of the necessary findings. Accordingly, it is recommended that your Commission approve the application.

If, for some reason, the Commission were to decide that any of the foregoing findings cannot be made, then the approval of the City's application would be left to the discretion of the Commission after weighing the factors listed in Government Code section 56668, which are described in Part III.C of the staff report, as revised on February 21, 2014. All of those factors militate in favor of approving the application except for the requirement to consider the comments of affected landowners and registered voters. Most of the public comments from residents and homeowners received by the Commission at the February 26 meeting were against the proposed reorganization, for reasons explained above in the "Background" section.

Were the Commission not to make the findings listed in Government Code section 56375.3, it would also be necessary to consider the negative declaration prepared by the City in connection with its application.<sup>3</sup> The Commission is entitled to rely on the negative declaration, but if the Commission identifies substantial evidence of a significant environmental impact not analyzed in the negative declaration, the Commission should challenge the negative declaration, prepare a subsequent or supplemental environmental document, or assume the role of the lead agency and begin the process anew.<sup>4</sup> "Substantial evidence" means facts, reasonable assumptions based upon facts, or expert opinions supported by facts. Substantial evidence is not argument, speculation, unsubstantiated opinion, evidence that is clearly erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.<sup>5</sup> At the Commission's February 26 meeting, residents and property owners raised concerns about traffic, public services, and the provision of utilities, all of which must be analyzed under CEQA. However, without minimizing these concerns, no evidence was presented to the Commission that could be deemed "substantial evidence" in a legal sense that the proposed reorganization will have any significant impact on the environment.

**Summary:** If the Commission makes the findings stated in Government Code section 56375.3, then the Commission must approve the proposed reorganization. Here, the Commission can make each of the required findings, and should do so. If the Commission fails to make any of the required findings, then the Commission may exercise its discretion after considering the factors listed in Part III.C of the staff report and the City's negative declaration.

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<sup>3</sup> Assuming the Commission approves the application pursuant to Government Code sections 56375, subdivision (a)(4)(C) and 56375.3, the Commission's action would be ministerial in nature, and review under CEQA would not be required. (See Pub. Res. Code, § 21080, subd. (b)(1); Kostka & Zischke, Practice Under the Calif. Environmental Quality Act (CEB 2013), § 3.18, p. 123.)

<sup>4</sup> See 14 Cal. Code Regs. § 15096.

<sup>5</sup> See Pub. Res. Code, § 21080, subd. (e).



## II. Ability of the Commission to Authorize the Annexation of Only Part of the Island

A proposal was also made at the February 26 meeting for the Commission to modify the City's application, and to allow the annexation only of a vacant parcel at the corner of Grangeville Boulevard and Twelfth Avenue that is pre-zoned for commercial development. If the Commission makes the findings required by Government Code section 56375.3, then approval of the reorganization as proposed is required. However, if for some reason the Commission declines to make the findings set forth in section 56375.3, then the Commission is free to approve the annexation only of the commercial parcel.<sup>6</sup> Nonetheless, California public policy favors the incorporation of entire islands.<sup>7</sup>

**Summary:** If the Commission does not make the findings set forth in Government Code section 56375.3, then the Commission may authorize the annexation of only part of the subject county island. If the Commission makes the findings, then approval of the reorganization as proposed is required.

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<sup>6</sup> See Gov. Code, § 56375, subd. (a)(1) (“The commission shall . . . review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission.”). It should be noted that a partial annexation would not be allowed if, “as a result of that . . . annexation, unincorporated territory [would be] completely surrounded by [the City].” (See Gov. Code, § 56744; but see *id.* § 56375, subd. (m) [allowing a commission to waive the restrictions of section 56744 upon the making of specified findings].). Here, following annexation of the commercial parcel, a county island completely surrounded by the City of Hanford would remain, but this island would not come into being “as a result of” the annexation, because the island already exists. Thus, the rule against creating new islands does not apply.

<sup>7</sup> See Gov. Code, § 56375, subd. (a)(5).

### **III. Impact of the Proposed Reorganization on Property Taxes**

Several homeowners in the affected area expressed concerns about increased property taxes upon annexation into Hanford. Under article XIII A of the state's constitution, the ad valorem property tax rate statewide is set at 1-percent and, except in the case of a transfer of ownership or new construction, a property's assessed value may increase each year only by the lesser of 2-percent or the rate of inflation. These rules apply to the affected properties whether or not they those properties are incorporated. If property owners in Hanford were subject to parcel taxes, assessments to retire municipal bond debt, or other citywide special assessments, the affected property owners would assume those obligations upon annexation, notwithstanding the fact that under the waiver of protest procedures, the property owners do not have a right to vote on the annexation.<sup>8</sup> This fact is irrelevant, however, because the City does not impose any citywide special assessments.

**Summary:** Approval of the City's application will not affect property taxes for property owners in the subject area.

#### **Conclusion**

The Commission should approve the Executive Officer's recommendation.

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<sup>8</sup> See Gov. Code, §§ 57328, 57330; *Citizens Assoc. of Sunset Beach v. Orange County LAFCO* (2013) 209 Cal.App.4th 1182, 1185.

**BEFORE THE LOCAL AGENCY FORMATION COMMISSION  
COUNTY OF KINGS, STATE OF CALIFORNIA**

\* \* \* \* \*

**IN THE MATTER OF APPROVING                    )**  
**HANFORD REORGANIZATION NO.                )**  
**150    )**

**Resolution No. 14-02**

**Re: LAFCO Case No. 13-01**

**WHEREAS**, on December 24, 2013, a complete application was accepted for filing by the City of Hanford with the Executive Officer, to annex certain territory to the City of Hanford and detach the same territory from the Kings River Conservation District and Excelsior-Kings River Conservation District; and

**WHEREAS**, the City is requesting annexation proceedings of an unincorporated island without protest proceedings under Government Code Section 56375.3; and

**WHEREAS**, on February 26, 2014, this Commission held a duly noticed public hearing and considered the proposed reorganization; and

**WHEREAS**, the Executive Officer's report, with recommendations, was forwarded to officers, persons, and public agencies as prescribed by law and was reviewed at said public hearing; and

**WHEREAS**, on March 26, 2014, this Commission continued the public hearing and considered the proposed reorganization; and

**WHEREAS**, the Commission has duly considered the Executive Officer's Report, public testimony, and the proposal; and

**WHEREAS**, on November 5, 2013, the City of Hanford adopted a Negative Declaration for the reorganization.

**NOW, THEREFORE, THE LOCAL AGENCY FORMATION COMMISSION OF KINGS COUNTY RESOLVED AS FOLLOWS:**

1. The Commission finds that:
  - a) It is a Responsible Agency under the California Environmental Quality Act Guidelines, Section 15096.
  - b) The reorganization is being taken pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
  - c) The distinctive short form designation of the reorganization is "Hanford Reorganization No. 150".

- d) The City requested annexation of one unincorporated island to proceed under Government Code Section 56375.3, with waiver of all protest proceedings.
  - e) All required findings, pursuant to Government Code Section 56375.3, can be made as follows:
    - 1) The total annexation area does not exceed 150 acres in size.
    - 2) The territory constitutes a reorganization containing an entire unincorporated island.
    - 3) The territory is surrounded by the City of Hanford.
    - 4) The territory is substantially developed or developing.
    - 5) The territory is not prime agricultural land.
    - 6) The territory already receives benefits from the City of Hanford.
  - f) The proposed annexation conforms to the adopted sphere of the influence for the City of Hanford.
  - g) The subject territory is inhabited.
  - h) All of the factors required by Government Code Section 56668 have been considered by the Commission before rendering a decision.
  - i) The regular county assessment roll will be utilized for this annexation.
  - j) The affected territory will not be taxed for existing general bonded indebtedness.
2. The Commission relies upon the Negative Declaration approved by the City of Hanford as the environmental documentation for the project.
3. That the Commission approve LAFCO Case No. 13-01, Hanford Reorganization No. 150 by adopting Resolution No. 14-02 and order the annexation to the City of Hanford and detachment from the Kings River Conservation District and the Excelsior-Kings River Conservation District, subject to the following conditions:
- a) The Kings County Local Agency Formation Commission be designated as the conducting authority for the “Hanford Reorganization No. 150” and be authorized to proceed with legal steps necessary to complete the annexation without notice, hearing or election.
  - b) The City prepare a final map for recordation with an accompanying legal description that meets Board of Equalization Standards.
  - c) The City shall provide a sufficient fee deposit with LAFCO to cover all administrative processing prior to final recording of the Certificate of Completion.
4. The legal description for the reorganization to the City of Hanford is attached as Exhibit A, and the same areas would be removed from the Kings River Conservation District and Excelsior-Kings River Conservation District.

The foregoing Resolution was adopted upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, at a regular meeting held March 26, 2014, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**LOCAL AGENCY FORMATION  
COMMISSION OF KINGS COUNTY**

\_\_\_\_\_  
**Joe Neves, Chairman**

**WITNESS**, my hand this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
**Gregory R. Gatzka, Executive Officer**

cc: City of Hanford  
Kings River Conservation District  
Excelsior-Kings River Conservation District

# EXHIBIT "A"

ANNEXATION NO. 150  
ANNEXATION TO THE CITY OF HANFORD

GEOGRAPHIC DESCRIPTION

All that portion of the Northwest Quarter of Section 26, Township 19 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Kings, State of California, described as follows:

Beginning at the Northwest corner of the aforesaid Section 26, being a point in the City boundary;

- 1) Thence, North 89° 51' 05" East, a distance of 1145.46 feet, to a point on the existing City Boundary;
- 2) Thence, South 00° 11' 55" West along the City Boundary a distance of 2654.32 feet;
- 3) Thence, South 89° 54' 25" West, a distance of 130.57 feet; to the West Quarter Corner of the aforesaid section 26 and the existing City Boundary
- 4) Thence, North 00° 12' 04" East along the City Boundary a distance of 2653.21 feet to The Point of Beginning.

*For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*

