BEFORE THE LOCAL AGENCY FORMATION COMMISSION

COUNTY OF KERN, STATE OF CALIFORNIA

In the Matter of
CITY OF DELANO:
Annexation No. 40

Proceeding No. 1659
REPORT AND RECOMMENDATION
August 12, 2015

In the above-entitled matter the staff report and the recommendation of the Executive Officer are respectfully submitted as follows:

PROPOSAL BACKGROUND AND ANALYSIS:

On June 24, 2013 the City of Delano submitted annexation No. 40 to Kern LAFCo. The process required by the Cortese Knox Hertzberg has been followed including notices to affected agencies and any notices and publications required by law.

This proposal is to annex approximately 41 acres of undeveloped land into the City of Delano. The proposed area is currently zoned agricultural, however, the area is currently fallow and the City of Delano has pre-zoned the area residential. The area is located south of Cecil Avenue east of Melcher Avenue.

This proposal has 100% landowner consent and the applicant requests that the Commission waive notice hearing and protest hearing.

This area is within the City's sphere of influence and has been planned for in the City's General Plan through a General Plan amendment. However, the proposed reorganization is adjacent to a disadvantaged unincorporated community (DUC).

Government Code Section 56375(a)(8)(B) states "a commission shall not approve an annexation to a city of any territory greater than 10 acres, or as determined by commission policy, where there exists a disadvantaged unincorporated community that is contiguous to the area unless an application to annex the disadvantaged unincorporated community to the subject city has been filed with the executive officer." The law allows for exceptions if a prior annexation proposal for the DUC area has been made to LAFCo in the last five years or if the commission finds, based on written evidence that a majority of the registered voters within the DUC oppose annexation. LAFCo staff, and the City of Delano staff agree that neither of these two exceptions apply to this proposal. As of the date of this report, LAFCo has not received a proposal for annexation of the DUC area. According to City Staff, the City of Delano City Council will be considering a resolution of application for the annexation of the DUC area. If approved, this proposal will need to be conditioned on the submittal and processing of the DUC area.
CONDITIONS RECOMMENDED BY EXECUTIVE OFFICER:

INDEMNITY AGREEMENT

The Applicant has signed an agreement to actively defend or indemnify and hold harmless the Kern County Local Agency Formation Commission or its agents, officers and employees, from any liability or loss connected with the approval of City of Delano: Annexation No. 40.

DISADVANTAGED UNINCORPORATED COMMUNITY PROPOSAL.

This proposal shall not be recorded until an application to annex the disadvantaged unincorporated community, which is located adjacent to the annexation area, is submitted by the City of Delano and a Certificate of Filing has been issued by the LAFCo Executive Officer. The proposal for the DUC shall be submitted to LAFCo no more than 6 months after the approval of this proposal (Annexation 40).

ENVIRONMENTAL IMPACT STATEMENT:

The City of Delano, as lead agency, has prepared and adopted a mitigated negative declaration on this project. The Commission has been given a copy of the City's environmental document to review and consider.

TAXATION:

The City of Delano and the County of Kern have entered into tax exchange agreement for this proposal. Resolutions from both agencies are on file with LAFCo. Property tax will not increase due to the reorganization.

NOTE TO THE PUBLIC:

If you are an applicant for, or a participant in (actively supporting or opposing) any proceeding on the agenda and have made a campaign contribution of $250 or more to or for any of the Commission members, state law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political Reform Act (Government code Section 84308)
RECOMMENDATION:

It is recommended that the Commission consider the mitigated negative declaration prepared and adopted by the City of Delano.

It is further recommended that the Commission approve Annexation No. 40 to the City of Delano with conditions recommended by Executive Officer, waiving notice hearing and protest hearing. (Resolution)

Respectfully Submitted

[Signature]

Rebecca Moore
Executive Officer
The following are the considerations required by Gov Code 56668:

a) POPULATION AND POPULATION DENSITY; LAND AREA AND LAND USE; PER CAPITA ASSESSED VALUATION; TOPOGRAPHY, NATURAL BOUNDARIES, AND DRAINAGE BASINS; PROXIMITY TO OTHER POPULATED AREAS; THE LIKELIHOOD OF SIGNIFICANT GROWTH IN THE AREA, AND IN ADJACENT INCORPORATED AND UNINCORPORATED AREAS, DURING THE NEXT 10 YEARS.

The property proposed for annexation is fallow, it is considered uninhabited (fewer than 12 registered voters). The surrounding areas are agriculture, and residential. There is no unusual topography or natural boundaries in this area. This area is serviced by the Tulare Lake drainage basin. The area is adjacent to the City of Delano

ASSESSED VALUATION: Secured: $211,293 Unsecured: $0

b) THE NEED FOR ORGANIZED COMMUNITY SERVICES

EXISTENCE OF: FUTURE NEEDS:

Essential governmental services and controls now provided, or which may be provided in the future by local governmental agencies within subject territory include the following:

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<th>Type</th>
<th>Now provided by</th>
<th>After proposed action future needs provided by</th>
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<tbody>
<tr>
<td>Planning</td>
<td>County of Kern</td>
<td>City of Delano</td>
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<tr>
<td>Parks and Recreation</td>
<td>County of Kern</td>
<td>City of Delano</td>
</tr>
<tr>
<td>Library</td>
<td>County of Kern</td>
<td>Same</td>
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<tr>
<td>Police Protection</td>
<td>County of Kern</td>
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<td>Fire Protection</td>
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<td>Streets</td>
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<td>Flood Control</td>
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<td>Sewerage</td>
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<td>City of Delano</td>
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<td>Water</td>
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c) 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.

Adjacent areas are agricultural, and residential. The Alternative to this proposal would be to leave the area in the County of Kern and to possibly develop in the county. Municipal services can most efficiently be provided by the City of Delano for this area. The County has not expressed any concerns regarding this proposal.
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d) 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 proposal is consistent with Commission policies. The site is
contiguous to the existing City limits, included in their sphere of
influence. It is adjacent to existing development and is currently
fallow. However the annexation is larger than 10 acres and adjacent
to a Disadvantaged Unincorporated Community. If approved, this
proposal will need to be conditioned on the submittal and
processing of an annexation of the disadvantaged area.

e) THE EFFECT OF THE PROPOSAL ON MAINTAINING THE PHYSICAL AND
ECONOMIC INTEGRITY OF AGRICULTURAL LANDS AS DEFINED BY SECTION
55016.

"AGRICULTURAL LANDS" MEANS LANDS CURRENTLY USED FOR THE PURPOSE OF
PRODUCING AN AGRICULTURAL COMMODITY FOR COMMERCIAL PURPOSES, AND LEFT
FALLOW UNDER A CROP ROTATIONAL PROGRAM OR LAND ENROLLED IN AN
AGRICULTURAL SUBSIDY OR SET-ASIDE PROGRAM"

This proposal does convert agricultural lands.

f) THE DEFINITENESS AND CERTAINTY OF THE BOUNDARIES OF THE
TERRITORY.

The boundary of the proposed annexation conforms to the assessor
parcel.

g) A REGIONAL TRANSPORTATION PLAN ADOPTED PURSUANT TO SECTION 65080
AND CONSISTENCY WITH CITY OR COUNTY GENERAL AND SPECIFIC PLANS.

This proposal does not conflict with the County’s General Plan,
Regional Transportation Plan or any Specific Plans.

h) THE SPHERE OF INFLUENCE OF ANY LOCAL AGENCY WHICH MAY BE
APPLICABLE TO THE PROPOSAL BEING REVIEWED.

The proposed territory is within the City’s sphere of influence.
The area is also within the sphere of the following districts:

County Service Area 72
Delano Mosquito and Vector Control District
Delano Union Elementary School District
Delano Union High School District
Kern Air Pollution Control District
Kern Citrus Pest Control District
Kern County Water Agency
Kern Joint Community College District
Kern Roads
North Kern Public Cemetery
North Kern South Tulare Hospital District
Southern San Joaquin Municipal Utility District
County Commission on School District Organization

There will be no functional overlap.
i) COMMENTS OF ANY AFFECTED LOCAL AGENCY OR OTHER PUBLIC AGENCY:

A notice was sent to affected local agencies and no comments were received. A copy of the proposal was sent to the County Assessor; County Planning and County Surveyor. Comments were received and used for this report.

j) 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 applicant has submitted a plan for providing services outlining the services to be provided and how they will be provided... There is no indication that the City cannot provide the services as planned. (Plan for services provided in packet)

k) TIMELY AVAILABILITY OF WATER SUPPLIES ADEQUATE FOR PROJECTED NEEDS AS SPECIFIED IN GOV CODE SECTION 65352.5

The applicant states that the City of Delano is the water purveyor for this area. A letter from the City Public Works Department states that there is a sufficient water supply for the proposed annexation.

l) THE EXTENT TO WHICH THE PROPOSAL WILL AFFECT A CITY AND THE COUNTY IN ACHIEVING THEIR RESPECTIVE FAIR SHARE OF THE REGIONAL HOUSING NEEDS.

This annexation does not adversely affect the City or County in achieving their fair share of the regional housing needs.

m) ANY INFORMATION OR COMMENTS FOR THE LANDOWNER OR OWNERS, VOTERS OR RESIDENTS OF THE AFFECTED TERRITORY.

The proposal has had no comments other than letter of consent.

n) ANY INFORMATION RELATING TO EXISTING LAND USE DESIGNATIONS.

This proposal has been pre-zoned for a low to medium residential and is currently fallow.

o) THE EXTENT TO WHICH THE PROPOSAL WILL PROMOTE ENVIRONMENTAL JUSTICE (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 project does not result in the unfair treatment with respect to the location of public facilities and provision of public services.
PROPERTY OWNERS

City of Delano:

Annexation No. 40

Troy Farms/Billings Ranches