



Board Agenda Item 66

DATE: September 22, 2020

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Public Works and Planning

SUBJECT: First Amendment to Amended and Restated Memorandum of Understanding
between County of Fresno and City of Kerman

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute the First Amendment to the Amended and Restated Memorandum of Understanding No. 06-123 between the County of Fresno and City of Kerman regarding the addition of 17.81 acres of addition growth area to the City's Sphere of Influence;**
- 2. Determine that the City's proposed 17.81-acre annexation is consistent with the Standards for Annexation contained in the Amended and Restated Memorandum of Understanding; and**
- 3. Determine that the approval and authorization of the Chairman to execute First Amendment to the Amended and Restated Memorandum of Understanding No. 06-123 between the County of Fresno and City of Kerman is exempt from the requirements of the California Environmental Quality Act, Public Resources Code 21000, et seq., and direct staff to file a Notice of Exemption with the Office of the Fresno County Clerk.**

Approval of the recommended actions would facilitate expansion of the City of Kerman's Sphere (City) of Influence (SOI) and annexation of 17.81 acres necessary to accommodate development of a City-owned park. This item pertains to a location in District 1.

ALTERNATIVE ACTION(S):

Your Board may determine not to approve the First Amendment to the Memorandum of Understanding (MOU) between the City and the County. By not approving the recommended action, the City may determine to proceed to the Local Agency Formation Commission (LAFCo), who is responsible for considering and acting upon SOI adjustment requests. While LAFCo may approve a SOI adjustment request, annexation may not occur until there is a valid Property Tax Sharing Agreement in place between the City and County.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended actions. Sufficient appropriations and estimated revenues are included in the FY 2020-21 Adopted Budget for Public Works and Planning Org 43600200. The amended Tax-Sharing Agreement does not modify existing property and sales tax sharing

provisions contained in the existing MOU between the County and the City.

DISCUSSION:

On May 2, 2006, the Board approved and executed an Amended and Restated MOU with the City addressing land use and revenue sharing.

On August 24, 2020, the City notified the County of its intention to expand its SOI by approximately 17.81 acres of unincorporated area generally located at the northeast corner of the intersection of South Goldenrod and West California Avenues (See Exhibit "A"). In its notification (See Exhibit B), the City indicates that the proposed SOI expansion and associated annexation are necessary to accommodate development of its proposed Eastside Park.

The subject 17.81- acre area is designated Agriculture in the Fresno County General Plan and is zoned AE-20 (Exclusive Agriculture, 20-acre minimum parcel size). Surrounding parcel sizes range in area from less than one acre to 119.88 acres. Based on the adopted Kerman General Plan, the annexation area is designated Open Space. Department staff has evaluated the request and believes the proposed project implements the Fresno County General Plan in that it directs growth to cities as well as encourage the location of urban uses within cities. Further, the County's General Plan seeks to enhance recreational opportunities in the County by encouraging the further development of public recreational lands.

If the recommended actions are approved, the City will proceed to file a SOI and annexation application with the LAFCo, who is responsible for considering and acting upon SOI adjustment and annexation requests.

California Environmental Quality Act

The proposed amendment to the MOU is exempt under Sections 15061(b)(3) and 15378, subdivisions (b) (2), (b)(4), and (b)(5) of the California Environmental Quality Act (CEQA) Guidelines.

OTHER REVIEWING AGENCIES:

The First Amendment to the MOU between the County of Fresno and City was prepared and coordinated between City and County staff. The Kerman City Council discussed and approved the Amendment at a public hearing on August 12, 2020.

REFERENCE MATERIAL:

BAI #16, May 2, 2006

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A - Location Map
Exhibit B - City Letter
On file with Clerk - MOU Amendment with City of Kerman

CAO ANALYST:

Samantha Buck