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**STAFF REPORT**

Item # 4

**To: Lemoore City Council**  
**From: G. Hobbs, Assistant Planner, Holly Smyth, Planning Director**  
**Date: December 15, 2011**  
**Subject: E.I.A #2011-24 / Pre-Zone #2011-02 – application by Pat Newton et al**

**Discussion:**

On November 28, 2011, Lemoore Planning Commission considered a Pre-Zone application by Pat Newton to pre-zone his property located north of Jackson Avenue, south of the City of Lemoore city limits, east of Highway 41 and west of 19<sup>th</sup> Avenue in Kings County from AG-20 (General Agriculture) to Light Industrial (ML) to conform to the City of Lemoore 2030 General Plan. The site contains approximately 194.97 acres of vacant land and is located outside the City limits and falls in the Local Area Formation Commission's (LAFCO) Primary and Secondary Spheres of Influence. The applicant is requesting to pre-zone the property and is a request for annexation into the City of Lemoore is anticipated at a later date. This site is not restricted by a Williamson Act or Farmland Security zone contract.

The subject property is zoned AG-20 (General Agriculture minimum 20 acres) under Kings County Zone and the pre-zone to change to ML (Light industrial) will conform to the 2030 General Plan and zone district of the City of Lemoore. According to the applicant, there is no development planned for this vacant site at this time. **However, the current Zoning Ordinance does not identify farming as an allowed use in the Light Industrial (ML) zone district. However, under grandfather clauses, if the area is farmed without a lapse of more than 12 months, farming can continue.**

In order to annex the property into the City of Lemoore, the City's Primary Sphere of Influence would need to be enlarged to add this site. Under State Law, the Sphere of Influence (SOI) is defined as the ultimate physical boundary and service area of the City, beyond which urban development will not be allowed except for public parks and recreational facilities. For the purpose of the current General Plan, the policies propose that the SOI line coincide with the Urban Growth Boundary. The Kings County Local Formation Commission (LAFCO) establishes an additional distinction for SOI in the County. The "primary" SOI encompasses a City's ultimate service boundary, while the "secondary" SOI is an area where adjacent jurisdictions must receive notification of proposed development, so they may respond. Lemoore's SOI reflects a commitment to focus future growth within a compact urban area in order to prevent sprawl into the countryside and environmentally sensitive areas.

The Cortese-Knox-Hertzbert (CKH) Act is the governing law over the Local Agency Formation Commission (LAFCO). CKH does not allow a city to annex land outside it's Primary Sphere of Influence (SOI). In order for the primary SOI to be altered a Municipal Service Review (MSR) must be prepared in order to provide LAFCO with adequate background information when they determine if the SOI should be altered. Also, the annexation can not be recorded until the SOI is updated.

After taking public testimony on November 28, 2011, and having further discussion, the Planning Commission passed Resolution #2011-12 recommending the City Council pass the attached Ordinance #2011-07 approving the environmental checklist (which recertifies the General Plan Environmental Impact Report) and approving Pre-Zone #2011-02 to ML (Light Industrial).

Pursuant to the Lemoore Municipal code, a public hearing has been noticed for the City Council to take further public testimony before making the final decision on the Pre-zone.

**Budget Impact:**

None.

**Recommendation:**

Staff recommends that City Council open the public hearing, listen to staff's report, take public testimony, waive the first reading and pass to a second reading the attached Ordinance #2011-07 approving re-certification of the General Plan EIR and Pre-Zoning the above described property to ML (Light Industrial) contingent upon the annexation of the property.