

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

(Fresno County, California)

“MINUTES”

REGULAR LAFCo MEETING – NOVEMBER 5, 2008

- Call to Order:** Chairman Lopez called the meeting to order at 1:33 p.m.
- Members Present:** Commissioners Susan Anderson, Larry Fortune, Victor Lopez, Trinidad Rodriguez and Alternate Commissioner Phil Larson
- Members Absent:** Commissioner Henry Perea
- Staff Present:** Rick Ballantyne, LAFCo Executive Officer
Darrel Schmidt, LAFCo Deputy Executive Officer
Kenneth J. Price, LAFCo Counsel
Candie Fleming, Clerk to the Commission
Susan Pool, LAFCo Office Assistant II
Samantha Hendricks, LAFCo Technician II

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Minutes from the regular LAFCo Meeting of October 8, 2008.**

The minutes were unanimously approved as presented.

4. **Potential Conflicts of Interest: Any Commission Member who has a potential conflict of interest may now identify the item and recuse themselves from discussing and voting on the matter.**

There were no conflicts of interest noted.

PUBLIC HEARINGS

5. **Consider Approval: Request for a One-Year Extension to Complete Proceedings for the following:**
 - A. **City of Reedley “Frankwood-Floral Reorganization, Annexation #2004-6” (LAFCo File No. RO-05-32).**

Deputy Executive Officer Darrel Schmidt reported that this was the third extension of time request for the Reorganization. Chairman Lopez opened the hearing for public comments. The proponents spoke in favor of the extension and indicated that they were awaiting approval of their final map from the Reedley City Council. With no additional testimony offered, the public hearing was then closed where a motion to approve the extension was made and seconded. The request was unanimously approved.

B. Caruthers Community Services District “North of Clemenceau-East of Marks Annexation” (LAFCo File No. AD-06-2).

Deputy Executive Officer Schmidt presented staff’s report and recommended that the request be granted. He reported that the applicant had demonstrated progress towards meeting required conditions of approval. He reported that the proponents will be meeting with County staff in December to insure that all conditions of the final map have been met. Chairman Lopez then opened the public hearing. With no public testimony offered, the public hearing was then closed. A motion to approve the time extension was made, seconded, and passed unanimously.

C. City of Kingsburg “Kamm-Academy Southwest Reorganization” (LAFCo File No. RO-06-33).

Deputy Executive Officer Schmidt reported that an unexpected change in trustees had caused delay in the final map from being approved. Staff recommended that the City’s request for a one-year extension be granted, but that additional extensions not be granted unless additional justification is provided. Chairman Lopez then opened the public hearing. With no public testimony offered, the public hearing was then closed. A motion to approve the time extension was made, seconded, and passed unanimously.

D. City of Sanger “Annexation No. 06-03 – Greenwood Estates” (LAFCo File No. RO-07-22).

Deputy Executive Officer Schmidt presented staff’s report. The applicant stated that the current slowdown in the housing market along with restrictions to credit had caused engineering work to be suspended. Mr. Schmidt stated that while staff could support the extension request, staff could not support additional requests unless substantial progress was made toward completion within the next year.

Chairman Lopez then opened the public hearing. With no public testimony offered, the public hearing was closed where a motion to approve the extension was made, seconded and passed unanimously.

6. Conducting Authority Proceedings: City of Fresno “McKinley-Hayes No. 3 Reorganization” (LAFCo File No. RO-08-10).

Executive Officer Ballantyne presented staff’s report stating that not all property owners had consented in writing to the annexation at the time it was approved by the Commission. He reported that staff had received 17 official protests representing 23.6% of the total registered voters which falls below the 25% needed to hold an election. Chairman Lopez opened the public hearing.

No testimony or additional protests were offered. The public hearing was then closed. A motion to reaffirm the Commission’s prior approval was made, seconded, and passed unanimously.

7. Conducting Authority Proceedings: City of Fresno “McKinley-Brawley No. 5 Reorganization” (LAFCo File No. RO-08-11).

Executive Officer Ballantyne presented staff’s report stating that not all property owners had consented in writing to the annexation at the time it was approved by the

Commission. He reported that staff has received official protests from property owners owning 34.17% of the total assessed value of land within the affected territory, and that this amount fell below the 50% threshold needed to terminate proceedings. Chairman Lopez then opened the public hearing.

Willis Mucelroy stated his opposition to the proposal. He indicated confusion in that he thought that the proposal had already been defeated and asked if there would be any further protest opportunities. Executive Officer Ballantyne provided an explanation of the circumstances that surrounded the proposal and that this was a new application to be judged on its own merits. He also reported that this was the final protest opportunity and that additional protest opportunities did not exist.

Dirk Poeschel, representing the developer (David Dyck), concurred with staff's report and thanked the Commission. Chairman Lopez then closed the public hearing where a motion to reaffirm the prior approval was made, seconded, and passed unanimously.

OTHER ITEMS:

8. Consider Adoption – Calendar Year 2009 LAFCo Hearing Schedule.

Executive Officer Ballantyne presented the 2009, LAFCo Hearing Schedule and indicated that the schedule was prepared using similar past practices.. He indicated that the scheduled had been reviewed by the Clerk to the Board of Supervisors' Office and that no conflicts existed with the use of the Board room. The Calendar of Meetings was unanimously approved as presented.

9. Local Housing Element Challenges: Identified Conflicts Existing Between LAFCO Adopted Policies and LAFCO Law and Mandated State Department of Housing and Community Development Housing Element Requirements for Cities and Counties.

Deputy Executive Officer Schmidt reported that requirements of the Department of Housing and Community Development (HCD) were in conflict with LAFCo's adopted policies and are causing problems for the fifteen cities within Fresno County who are in the process of updating their General Plan Housing Elements. This issue was brought to LAFCo's attention by the Council of Fresno County Governments (COG). Staff had met with COG member agencies and Counsel to address this issue.

Chairman Lopez opened the public hearing. Phoebe Seaton of California Rural Legal Assistance inquired whether it was believed that there was not sufficient land within City boundaries to provide for future housing. Deputy Executive Officer Schmidt replied that a number of the cities confirmed this fact.

Commissioner Anderson asked how to reconcile the density requirements. Executive Officer Ballantyne responded that it would be the cities responsibility. Also, Commissioner Anderson asked, what LAFCo's responsibility are in making sure we are getting the densities that we need in all the cities. Executive Officer Ballantyne replied that such review would be made when the Commission considered City Sphere of Influence changes.

The public hearing was then closed where a motion was made to have the Chair sign a letter to HCD expressing its concern with numerous conflicts that existed between LAFCo's adopted policies and State law with the requirements that were being imposed by HCD. The motion was made, seconded, and passed unanimously.

COMMENTS FROM THE PUBLIC:

No public comments were offered.

ADJOURNMENT

The Commission adjourned the meeting at 2:05 p.m. and announced its next meeting to be held on December 3, 2008, at 1:30 p.m. in the Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno, California.