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**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)  
EXECUTIVE OFFICER'S REPORT**

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**AGENDA ITEM No. 7**

**DATE:** April 14, 2010  
**TO:** Local Agency Formation Commission  
**FROM:** Jeff Witte, Executive Officer  
**SUBJECT:** **Consider Approval** – Request for One-Year Extension to Complete Proceedings for the City of Fresno “Chestnut-Copper No. 1 Reorganization” (LAFCo File No. RO-08-1).

**Summary:**

State law requires that all reorganization proceedings shall be completed within one year of approval unless the Commission grants an extension of time prior to the expiration date. Failure to grant an extension will terminate the proceedings. LAFCo Policies, Standards, and Procedures Section 315-03 allows extensions of time to be granted when the imminent need for the proposal still exists, the project is still viable, and progress is being made toward completion.

This reorganization was approved by the Commission on May 7, 2008. Granville Homes is requesting a one-year extension of time to complete proceedings. This is the second request for an extension of time for this proposal.

**Parties of Interest:**

Granville Homes	Copper River Ranch LLC
Gregoire & Marie Cardoux	Nerses & Kenarig Cardoux
Antonio Petrosino Trustee	Leon Y & Louise K George Trustees
Norman & Pamela S. Kizirian	Consolidated Industries Inc (Land)(Imps)
William R. Taham Sr. et al, DBA Copper River Country	Consolidated Land Company
Gyda Land Company, Inc.	

**Project Description:** The reorganization includes annexation of 180.1 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District for territory located north of E. Copper Avenue and west of N. Chestnut Avenue (see map location). Residential and commercial uses are planned for the affected territory.

**Reasons for Request and Actions Taken to Date:** The proponent indicates that substantial progress has been made during the year and that conditions of approval are being met. The only condition which remains to be satisfied is submittal of the Master Street Address Guide and Right-to-Farm Covenant which must be provided by the City of Fresno. The proponent states that these items have been requested from the City of Fresno but have not been received.

Additionally, LAFCo understands that as a condition of pre-zoning approval, the City requires payment of Fire Transition Agreement fees. This condition has not yet been satisfied due to a disagreement that exists between the City of Fresno and the proponent as to who is responsible for payment of such fees.

**Staff Analysis:** Staff notes that the reasons cited for the request for this extension are substantially similar to those cited for this proposal's first extension in 2009, and that recordation is near. The proponent and the City of Fresno, however, do not appear to be in substantial concurrence on what it requires to complete the process and the proponent has asked for an opportunity to address the Commission in lieu of placing this routine request on the consent agenda. The proponent, represented by Jeffrey Roberts, makes the argument that a portion of the property included in the annexation was pre-zoned in June 2003, and such action pre-dates the agreement between the City of Fresno and the Fresno County Fire Protection District. Additionally, the proponent makes the argument that the Fresno City process does not specifically require the developer to pay the Fire District Transition fee. The City of Fresno maintains a different opinion and notes the pre-zoning was conditioned on the payment of the fire transition fees, and since the pre-zoning was approved with that condition, the zoning cannot go into effect until the fees are paid and that pre-zoning is not effective until the property is annexed.

**Recommendation:** Approve a one-year extension.

**The Following Have Received Copies of This Report:**

- LAFCo Commissioners and Alternates
- Ken Price, LAFCo Counsel, Baker, Manock, and Jensen
- Bernard Jimenez, Manager, Fresno County Development Services Division
- Will Kettler, Fresno County Public Works and Planning
- Chief Keith Larkin, Fresno County Fire Protection District
- John Dugan, Planning Director, City of Fresno
- Dave Braun, Planner, City of Fresno
- Jeffery T. Roberts, Granville Homes



February 22, 2010

Jeff Witte, Executive Officer  
Fresno Local Agency Formation Commission  
2115 Kern Street #310  
Fresno, CA 93721

Subject: 'Chestnut – Copper No. 1 Reorganization'

Dear Mr. Witte –

Thank you for your letter dated February 1<sup>st</sup>, 2010 regarding the annexation to the City of Fresno. It is our intention to apply for a one year extension and a check for \$500.00 is enclosed. Additionally, I have provided the information in response to your letter. This should provide adequate 'justification' for the proposed extension.

1. The proponents of the 'Copper River Ranch' project continue to develop land within the project area. During the past year, the applicants have:
  - a. Completed the .71 MGD Tertiary Treatment Facility for the project
  - b. Assisted in the completion of a shopping center (which is open) adjacent to the proposed annexation
  - c. Completed the Park within the boundaries of the project
  - d. Completed 60 homes within the boundaries of the project
  - e. Requested the City of Fresno to provide the necessary information so that the 'Chestnut-Copper No 1 Reorganization can be completed.
2. The circumstances are all the same. This is a very viable annexation.
3. By providing this letter and fee, it is my understanding that we have provided the necessary information so that the proceedings can be completed before May 7<sup>th</sup>, 2010.
4. N.A.
5. The delay in recording this annexation is not due to market conditions. The delay is due to the fact that the City of Fresno will not provide the necessary address information to your office and the Fresno County Recorder's office. The situation was exactly the same one year ago.

I hope that this explanation is adequate. If need be, I can provide additional clarification as to why the City will not submit the information referenced above.

We do believe that this extension is necessary and that the need still exists to annex this land into the City of Fresno.

I have discussed this issue with your staff and request that the hearing to consider this extension be held on April 14<sup>th</sup>, 2010 at 1:30pm. I will not be available for the March 2010 meeting of LAFCO due to an out of town meeting.

Sincerely,




A handwritten signature in black ink, appearing to read "Jeffrey T. Roberts", written over a white background.

Jeffrey T. Roberts

# EXHIBIT "A"



## Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

City of Fresno "Chestnut-Copper  
No. 1 Reorganization"  
LAFCo File No. RO-08-1

