

RESOLUTION NO. RO-08-14D

**FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA**

A REQUEST BY THE EASTERBY KINGS CANYON HOME OWNERS ASSOCIATION- TO RECONSIDER APPROVAL OF THE "BELMONT-SUNNYSIDE NO. 3 (ISLAND ANNEXATION) REORGANIZATION")	REAFFIRMED FINDINGS AND CONDITIONS AND IMPOSED ADDITIONAL CONDITION
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WHEREAS, the City of Fresno in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, initiated by resolution of application an "Island Annexation" Program intended to annex County islands and "substantially surrounded" unincorporated areas less than 150 acres in size; and

WHEREAS, State law mandates that the Commission shall approve such island annexation proposals and waive protest proceedings provided that the Commission can make certain findings in accordance with Section 56375.3 of the Cortese-Knox-Hertzberg Local Government Reorganization Act; and

WHEREAS, reorganization proceedings were initiated by the City of Fresno to annex a County Island consisting of 94 acres to the City of Fresno and detach from the Fresno County Fire Protection District, the Kings River Conservation District, and County Service Area No. 7 for territory generally located at the southwest corner of E. Belmont and N. Sunnyside Avenues, said territory being described within Exhibit "A", attached hereto and by this reference incorporated herein; and

WHEREAS, the application for said proposal was accepted for filing by this Commission; and said application was set for hearing on the 4th day of February, 2009, at the hour of 1:30 p.m.; and

WHEREAS, notice of said hearing was given as required by State Law; and

WHEREAS, a request was made to continue the public hearing to March 11, 2009, so that staff could convene a meeting between the City and County of Fresno staff and the Easterby Kings Canyon Home Owners Association representatives to discuss unresolved issues prior to Commission action; and

WHEREAS, at the March 11, 2009, hearing, the Commission approved the reorganization with conditions; and

WHEREAS, the Easterby Kings Canyon Home Owners Association filed a timely request for reconsideration of its resolution of approval; and

WHEREAS, on May 13, 2009, the Commission determined that the conditions necessary for reconsideration were in order and set the reconsideration public hearing for June 10th, 2009; and

WHEREAS, notice of said hearing was given as required by State Law; and

WHEREAS, this Commission considered all relevant factors and written and oral evidence and heard all interested parties wishing to speak on said application; and

WHEREAS, the Commission reaffirmed the findings and conditions as set forth in LAFCo Resolution No. RO-08-14A and approved the reorganization subject to the following additional condition: "The annexation shall not be recorded until verification has been provided to the satisfaction of the Executive Officer acknowledging that the City has provided evidence that it has complied with the applicable procedures contained in Article XIII(C) of the California Constitution (Proposition 218 and its implementing statutes and regulations) and may impose, extend, or increase taxes, fees, or assessments in the subject territory."

NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does HEREBY STATE, FIND, RESOLVE, DETERMINE, AND ORDER as follows:

Section #1. The Commission reaffirms all findings and conditions as contained within its adopted Resolution No. RO-08-14A, said resolution being described within Exhibit "B", attached hereto and by this reference incorporated herein.

Section #2. The following additional condition shall be complied with by the Applicant: "The annexation shall not be recorded until verification has been provided to the satisfaction of the Executive Officer acknowledging that the City has provided evidence that it has complied with the applicable procedures contained in Article XIII(C) of the California Constitution (Proposition 218 and its implementing statutes and regulations) and may impose, extend, or increase taxes, fees, or assessments in the subject territory."

Section #3. The Executive Officer is hereby authorized and directed to mail certified copies of this Resolution as provided in Government Code Section 56882 and to file, as appropriate, in the office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this Proposal, as required by State law.

Section #4. This Commission's action approving this reorganization shall expire one year from the date of this Resolution unless all proceedings are completed, including compliance with all conditions of approval, Terms and Conditions, and the issuance of a Certificate of Completion by the Executive Officer.

* * * * *

ADOPTED THIS 10th DAY OF JUNE, 2009, BY THE FOLLOWING VOTE:

AYES: Commissioners Perea, Fortune, Lujan (City alternate), Anderson, Lopez

NOES None

ABSENT: Commissioner Rodriguez

**STATE OF CALIFORNIA)
COUNTY OF FRESNO)**

CERTIFICATION

I, Victor P. Lopez, Chairman of the Fresno Local Agency Formation Commission (LAFCo), Fresno County, State of California, hereby certify that the foregoing resolution was adopted by the Commission on the 10th day of June, 2009.





Victor P. Lopez, Chairman
Fresno Local Agency Formation Commission

EXHIBIT "A"



Legend

-  City Limits
-  Affected Territory

City of Fresno "Belmont-Sunnyside
No. 3 Reorganization" (Island Annexation)
LAFCo File No. RO-08-14

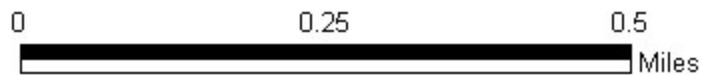


EXHIBIT "B"

RESOLUTION NO. RO-08-14A

**FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA**

**A REQUEST BY THE CITY OF FRESNO) APPROVED WITH CONDITIONS
FOR APPROVAL OF THE "BELMONT-)
SUNNYSIDE NO. 3 REORGANIZATION)
(ISLAND ANNEXATION)")**

WHEREAS, the City of Fresno in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, initiated by resolution of application an "Island Annexation" Program intended to annex County islands and "substantially surrounded" unincorporated areas less than 150 acres in size; and

WHEREAS, State law mandates that the Commission shall approve such island annexation proposals and waive protest proceedings provided specified criteria can be met in accordance with Section 56375.3 of the Cortese-Knox-Hertzberg Local Government Reorganization Act; and

WHEREAS, reorganization proceedings were initiated by the City of Fresno to annex a County Island consisting of 94 acres to the City of Fresno and detach from the Fresno County Fire Protection District, the Kings River Conservation District, County Service Area No. 7 for territory generally located at the southwest corner of E. Belmont and N. Sunnyside Avenues, said territory being described within Exhibit "A", attached hereto and by this reference incorporated herein; and

WHEREAS, the application for said proposal was accepted for filing by this Commission; and said application was set for hearing on the 4th day of February, 2009, at the hour of 1:30 p.m.; and

WHEREAS, notice of said hearing was given as required by State Law; and

WHEREAS, a request was made to continue the public hearing to the March 11, 2009, so that staff could convene a meeting between the City of Fresno and the residents of the island to discuss unresolved issues prior to Commission action; and

WHEREAS, the continued hearing was held on March 11, 2009; and

WHEREAS, the Fresno County Fire Protection District and the City of Fresno have a transition agreement in full force and effect that applies to fire protection services within the affected territory on file with the Commission; and

WHEREAS, a Master Tax Sharing Agreement has been entered into between the City of Fresno and the County of Fresno; and

WHEREAS, the Chief Administrative Officer for the County of Fresno submitted a letter to this Commission stating that the County has determined that the proposed annexation of the affected territory to the City of Fresno is consistent with the Master Property Tax Sharing Agreement; and

WHEREAS, the Executive Officer reviewed the application and prepared a report to this Commission; and

WHEREAS, said report was duly considered by this Commission pursuant to State Law; and

WHEREAS, this Commission acting as the Responsible Agency as per the California Environmental Quality Act (CEQA) reviewed and considered all information contained within the environmental documents prepared by the City of Fresno ("Lead Agency") and determined pursuant to Section 21157.1 of the California Public Resources Code (CEQA) that the proposed Reorganization is within the scope of the "Master Environmental Impact Report (MEIR) No. 10130" prepared and certified for the 2025 Fresno General Plan; and

WHEREAS, this Commission considered all relevant factors and written and oral evidence and heard all interested parties wishing to speak on said application; and

NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does HEREBY STATE, FIND, RESOLVE, DETERMINE, AND ORDER as follows:

Section #1. Acting as a Responsible Agency under CEQA Guidelines, this Commission considered the information in the Initial Study and the Finding of Conformity with the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130) prepared for this project by the City of Fresno prior to making its determination and find the subsequent project (Proposal) to be within the scope of the overall project covered by the MEIR prepared and certified for the 2025 Fresno General Plan. Also find that the proposed project will have no additional significant effect as defined by Subdivision (d) of Section 21158 of the Public Resources Code on the environment that was not identified in the MEIR and requires no new or additional mitigation measures or alternatives in order to avoid or mitigate a significant environmental effect (CEQA Section 15177).

Section #2. This Commission finds that the Lead Agency's Initial Study and "Finding of Conformity with the MEIR" were prepared in accordance with the requirements of CEQA Guidelines and are consistent with State law and that the City's environmental documents and findings prepared for this Proposal are determined to be legally adequate pursuant to CEQA Guidelines Section 15096.

Section #3. This Commission finds that the proposed reorganization is consistent with LAFCo Policies, Standards and Procedures Section 210 - Standards for Annexation to Cities and Urban Service Districts (01-10) and the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000.

Section #4. This Commission finds pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 that the proposal meets the criteria enumerated in Government Code Section 56375.3.

Section#5. This Commission assigns the distinctive short form designation "Belmont-Sunnyside No. 3 Reorganization (Island Annexation)" and approves the reorganization (annexation and detachments) subject to the following conditions of approval:

1. The reorganization shall include the full existing right-of-way width of adjacent streets.
2. Prior to recordation, the County of Fresno and the City of Fresno shall provide evidence to the Commission that they have entered into an agreement providing for: (i) the equitable transfer of unexpended CSA No. 7 funds attributable to affected territory; (ii) the completion by September 30, 2009, or other date mutually agreeable to both parties, of an analysis of any and all debts and obligations of CSA No. 7 attributable to the detached area and settle such obligations; and that (iii) the requirement that the balance of funds in the reserve account that are transferred to the City of Fresno be used exclusively for payment for operation and maintenance costs and/or repairing deficiencies in the street lighting system for this area.

Note: The affected territory, rezoned in accordance with LAFCo Policies, Standards, and Procedures Section 210-10 and Government Code (56000 et. seq.) shall remain under the approved Zone Districts for a time pursuant to State law.

Section #6. This Commission waives further Conducting Authority Proceedings and orders the annexation and detachments subject to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the 30-day reconsideration period.

Section #7. The Executive Officer is hereby authorized and directed to mail certified copies of this Resolution as provided in Government Code Section 56882 and to file, as appropriate, in the office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this Proposal, as required by State law.

Section #8. This Commission's actions approving this reorganization shall expire one year from the date of this Resolution unless all proceedings are completed, including compliance with all conditions of approval, Terms and Conditions, and the issuance of a Certificate of Completion by the Executive Officer.

ADOPTED THIS 11th DAY OF MARCH, 2009, BY THE FOLLOWING VOTE:

AYES: Commissioners Rodriguez, Anderson, Fortune, Perea, Lopez

NOES None

ABSENT: None

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CERTIFICATION

I, Victor P. Lopez, Chairman of the Fresno Local Agency Formation Commission (LAFCo), Fresno County, State of California, hereby certify that the foregoing resolution was adopted by the Commission on the 11th day of March, 2009.





Victor P. Lopez, Chairman
Fresno Local Agency Formation Commission

EXHIBIT "A"



Legend

-  City Limits
-  Affected Territory

City of Fresno "Belmont-Sunnyside
No. 3 Reorganization" (Island Annexation)
LAFCo File No. RO-08-14

