

RESOLUTION NO. RO-09-1
FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA

IN THE MATTER OF

LAFCO DETERMINATION

**A REQUEST BY LANDOWNER PETITION)
FOR APPROVAL OF THE "ASHLAN-BRYAN)
NO. 1 REORGANIZATION")**

**APPROVED WITH CONDITIONS
AND REVISED BOUNDARIES**

WHEREAS, reorganization proceedings were initiated by Landowner Petition to annex 80.44 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located on the north side of W. Ashlan Avenue between N. Bryan and N. Hayes Avenues, said territory being described within Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, an application in accordance with State law filing requirements was submitted by landowner petition and the application for said proposed reorganization was accepted for filing by the Executive Officer and set for hearing on the 10th day of June, 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 Master Property Tax Sharing Agreement exists between the City of Fresno and the County of Fresno, both being the responsible local agencies for the exchange of property tax revenues covering this reorganization; and

WHEREAS, 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, including a recommendation for approval upon certain conditions, said report having been mailed at least five days before the public hearing; and

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

WHEREAS, this Commission reviewed and considered all information contained within the Environmental documents prepared by the City of Fresno including the Initial Studies, the Mitigation Measures, and the Finding of Conformity with the Master Environmental Impact Report (MEIR) No. 10130, all of which were included within the Executive Officer's report to this Commission; and

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

WHEREAS, this Commission considered testimony from residents of properties located near the intersection of W. Ashlan and N. Hayes Avenues, who requested that their properties be removed from the reorganization proposal; and

WHEREAS, this Commission considered said request and made a determination that while excluding said parcels would result in the creation of a substantially surrounded area, that in accordance with Government Code Section 56375(m) that inclusion of these parcels whose owners were requesting exclusion would be detrimental to the orderly development of the community as outlined within staff's report and that said parcels could not be reasonably annexed to another city or incorporated as a new city.

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 "Responsible Agency" pursuant to California Environmental Quality Act (CEQA) Guidelines, this Commission finds that prior to approving the Reorganization, the environmental effects of the project as shown in the CEQA documents prepared, adopted, and submitted by the City of Fresno (Lead Agency), were reviewed and considered, and determines these documents to be legally adequate pursuant to CEQA Guidelines Section 15096.

Section #2. 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 Government Reorganization Act of 2000.

Section #3. This Commission finds, as required by Government Code Section 56375(m), that in order to waive restrictions on islands as per Government Code Section 56744, this Commission determines that the annexation of the subject territory is necessary to promote orderly development and that the territory cannot reasonably be annexed to another city or incorporated as a new city.

Section #4. This Commission finds that APNs 512-070-06, 16, and 35 qualify for exemption from the pre-zoning requirement pursuant to Government Code Section 56375(a)(7) and LAFCo Policies, Standards, and Procedures Section 210-13 since these parcels are developed with single-family residential uses consistent with the City of Fresno's West Area Community Plan and the 2025 Fresno General Plan.

Section #5. This Commission assigns the distinctive short form designation "Ashlan-Bryan No. 1 Reorganization" and approves the reorganization with revised boundaries to delete APNs 512-070-10, 11, 20, 21, 27, 40, 43, 44, 49, & 51 (the "excluded parcels"), subject to the following conditions of approval:

- A. Ownership of land permitting, the reorganization shall include the full existing right-of-way width of W. Ashlan, N. Bryan, and N. Hayes Avenues.
- B. The City of Fresno shall succeed to Land Conservation Contract No. 1229 upon annexation of the affected territory, as per its adopted rules and procedures, and as set forth in Sections 51231, 51237, and 51237.5 of the California Government Code.
- C. Conditions for Revised Land Conservation Contract (RLCC) Nos. 866 and 867 shall be satisfied prior to recordation.

Section #6. This Commission finds that the inclusion of the "excluded parcels" would be detrimental to the orderly development of the community pursuant to Government Code Section 56375 (m).

Section #7. This Commission finds and determines pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 that:

- A. The territory is uninhabited.
- B. Not all landowners have consented to the annexation.

Section #8. This Commission directs staff to set a protest hearing pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 57000 et seq.).

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

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

NOES: None

ABSENT: Commissioner Rodriguez

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

CERTIFICATION

I, Victor 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 Lopez, Chairman
Fresno Local Agency Formation Commission

EXHIBIT "A"



Legend

-  City Limits
-  Affected Territory

City of Fresno "Ashlan-Bryan
No. 1 Reorganization"
LAFCo File No. RO-09-1

