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

AGENDA ITEM No. 12

DATE: June 13, 2007

TO: Fresno Local Agency Formation Commission

FROM: Rick Ballantyne, Executive Officer

SUBJECT: **Consider Conditional Approval - City of Fresno "Dakota-Cornelia No. 2 Reorganization"**. A proposed reorganization consisting of the annexation of 50.3 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District for territory located on the south side of W. Dakota Avenue between N. Cornelia Avenue and the N. Milburn Avenue alignment (**LAFCo File No. RO-07-7**).

Background:

- The City of Fresno initiated this Proposal on January 30, 2007, with the adoption of Resolution No. 2007-34 and a Certificate of Filing has been issued by the LAFCo Executive Officer.
- This Proposal has been scheduled for public hearing because the territory is inhabited (33 registered voters). Signed consent forms have been received from all property owners but not from all registered voters. State law does provide that the Commission may elect to waive protest proceedings if no written opposition is received from any affected property owner, registered voter, or affected agencies prior to the close of the hearing. In accordance with State law, public notice has been sent to all property owners, registered voters, and affected agencies advising them that failure to submit a written protest prior to the conclusion of this meeting could result in waiver of a protest hearing [Gov. Code Section 56663 (d)].
- The City on April 18, 2006, pre-zoned a portion of the property from County AL-20 (Limited Agricultural, 20-Acre Minimum) District to City R-1/UGM (Single-Family Residential/Urban Growth Management Area) District and approved Vesting Tentative Tract Map No. 5479 to allow a 122-lot single-family residential subdivision on 25.3 acres of the affected territory.
- On March 2, 2007, the Executive Officer notified the City of Fresno and advised that State law and adopted Fresno LAFCo Policies require that all of the affected territory proposed for annexation must be pre-zoned prior to consideration (unless the Commission grants an exception as per their adopted Policies). On May 15, 2007, the City pre-zoned the remaining 12 parcels of the affected territory from County AL-20 (Limited Agricultural, 20-Acre Minimum) to City R-1/UGM (Single-Family Residential/Urban Growth Management Area) District.

Proposal / Land Use:

- The Proposal consists of the annexation of approximately 50.3 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District.

- The affected territory is located on the south side of W. Dakota Avenue between N. Cornelia Avenue and the N. Milburn Avenue alignment. The territory is located within the City of Fresno’s Sphere of Influence area and is bounded by Fresno’s City Limits on the north and west sides (see attached Maps).
- The territory is predominately undeveloped with rural-residential development along W. Dakota Avenue. Surrounding land uses consist of single-family and rural-residential to the south and west, rural-residential and agriculture to the east, and single-family residential to the north.

Environmental Determination:

The City of Fresno (“Lead Agency”) determined pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act “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 (see Attachment “A”).

Previously, the Commission was provided with copies of the Final MEIR for the 2025 Fresno General Plan. As a Responsible Agency under CEQA Guidelines, prior to approving the present Proposal, the Commission is required to consider the information in the MEIR, the Initial Study, and adopted mitigation measures for the Proposal on which the Lead Agency based its “Finding of Conformity with the MEIR” pursuant to Section 21157.1 of the California Public Resources Code.

Following such review, the Commission may determine the subsequent Proposal to be within the scope of the (overall) project covered by the MEIR, and that the Proposal will have no additional significant effect on the environment, as defined by subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the MEIR and that no new or additional mitigation measures or alternatives are required in order to avoid or mitigate a significant environmental effect (CEQA Section 15177). Accordingly, it is recommended that the Commission adopt the finding in Recommended Action “A”.

Consistency with LAFCo Policies, Standards and Procedures

- The affected territory is located within the City of Fresno’s Sphere of Influence (SOI) and adjacent to the existing City Limits along the north and west territory boundaries (see Maps and Figures).
- The Proposal is consistent with the 2025 Fresno General Plan and the West Area Community Plan that designate the territory for Medium-Low and Medium-Density Residential uses.
- The Proposal is consistent with the Memorandum of Understanding (Master Tax Sharing Agreement) Standards for Annexation between the City of Fresno and County of Fresno (See letter from Mr. Bart Bohn, Fresno County CAO, December 19, 2006 - Correspondence and Comments).
- In accordance with LAFCo Policy 102-041, a Transition Agreement between the City of Fresno and the North Central Fire Protection District has been entered into that covers the affected territory.

- The Proposal furthers the County’s General Plan policies of directing growth to existing cities where infrastructure and a full-range of municipal services are available to serve urban development.
- Substantial development is planned for the affected territory. The Service Plan submitted for this Reorganization indicates that all necessary urban services (water, sewer, police, fire, etc.) are available to serve the affected territory (see Service Plan).
- The Proposal will reasonably assist the City in achieving its fair share of the regional housing needs, as required under Government Code, Section 56668.
- The Proposal, with the recommended conditions, does not conflict with the goals and policies of LAFCo. The Proposal is timely, it represents an appropriate action, and would result in orderly land use planning, efficient development patterns and service areas, and does not encourage urban sprawl.
- The Proposal, with the recommended conditions, would carry out LAFCo’s purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities.

Accordingly, the Proposal, with the recommended conditions, is consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code 56000 et seq.), and LAFCo Policies, Standards, and Procedures, including, but not limited to, Sections 100 and 200.

Conducting Authority

The affected territory was noticed in such a manner that pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the Commission may approve or conditionally approve the Proposal and waive further Conducting Authority Proceedings.

Recommendation –Approve With Conditions by Taking the Following Actions:

- A. Acting as a Responsible Agency under CEQA Guidelines, state that 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 Proposal by the City of Fresno prior to making its determination, and finds the subsequent Proposal to be within the scope of the (overall) project covered by the MEIR prepared and certified for the 2025 Fresno General Plan, and that the proposed Proposal 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), and 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.
- B. Find 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.

- C. Assign the distinctive short form designation "Dakota-Cornelia No. 2 Reorganization" and approve the reorganization (annexation and detachments) subject to the following conditions of approval:
1. The City of Fresno shall submit to the Executive Officer verification that a Right-to-Farm Covenant is required and made a part of the City's development agreement and that this legal covenant will be recorded with the final tract map approved by the City for the affected territory.
 2. Satisfactory verification that the City has accepted a final tract map shall be submitted to the Executive Officer prior to completion (recordation) of the annexation.
 3. Ownership of land permitting, the reorganization shall include the full existing right-of-way width of adjacent streets.
- 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 District for a time pursuant to State law.
- D. Find and determine pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 that:
1. The territory is inhabited.
 2. All landowners and affected agencies have consented to the Reorganization in writing.
 3. Not all registered voters have consented to the Reorganization in writing.
- E. If there is no written opposition, the Commission may waive further Conducting Authority Proceedings and order the Reorganization (annexation and detachments) subject to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the 30-day reconsideration period, and compliance with all of the above conditions.
- F. If there is written opposition, the Commission may direct 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.).

APPLICATION INFORMATION

1. **Affected Territory**

Acreage:	50.3 acres
Current Land Use:	Undeveloped and Rural Residential
Number of Residences/ Population:	Residences: 12/ Population: 45
Landowners/ Registered Voters:	Landowners: 14 / Voters: 33
Previous County Zoning:	AL-20
City Zoning Upon Annexation:	R-1/UGM
Ag. Preserves/Contracts:	None
Assessors Parcel Number:	311-091-08 and 09; 311-390-02S thru 05S; 25S, 26S; 30S thru 35S; 37S; and 39S and 40S

2. **Proposed Development:** A 122-lot single-family residential subdivision.

3. **Surrounding Territory:** Surrounding land uses consist of single-family and rural-residential to the south and west, rural-residential and agriculture to the east, and single-family residential to the north.

4. **Consistency with Adopted Sphere of Influence (SOI):** The affected territory is within the City of Fresno adopted Sphere of Influence.

5. **Consistency with City and County General and Specific Plans:** The Proposal is consistent with the City of Fresno’s adopted long-range goals and policies. The Proposal furthers the County’s General Plan policies of directing growth to existing cities where infrastructure and a full-range of municipal services are available to serve urban development.

6. **Existing Service Agencies and Proposed Service Changes**

Service	Existing Service	Change
Water	Private	City of Fresno
Sewer	Private	City of Fresno
Fire Protection	North Central Fire Protect. Dist.	City of Fresno
Distance to Station	2.5 miles	1 mile

Please Note: A service plan for this Proposal is attached to the Executive Officer’s report.

7. **Cities and Districts Included Wholly or Partially within the Affected Territory.**

County of Fresno	Fresno County Library District
Kings River Conservation District	North Central Fire Protection District
State Center Community College District	Central Unified School District
Fresno Irrigation District	West Fresno Red Scale Protective District
Fresno Metropolitan Flood Control District	Fresno Mosquito Abatement District

8. **Costs and Other Changes Affecting Residents or Landowners**

The cost of any extension of service required due to the proposed development will be borne by the developer.

9. **Agencies and Individuals Submitting Comments** (see Correspondence and Comments)

- Bart Bohn, CAO, County of Fresno
- Betty Vaughn, Elections Division, County of Fresno
- Bernard Jimenez, Public Works and Planning, County of Fresno
- Bruce Champion, Natural Resources Conservation Service
- Karen Bosch Cobb, County Librarian
- Bret Johnson, Fresno Irrigation District
- Glenn Allen, REHS, Fresno County Health

10. **Territory Boundaries:** The boundaries of the proposed annexation are definite and certain, and there are no conflicts with lines of assessment ownership. The map and description are not sufficient per David King (Fresno County Assessor, Assessment Services Supervisor) for recordation or filing with the State Board of Equalization. **A revised map and legal description title are required per the County Assessor’s specifications.**

11. **Registered Voter Data**

The County of Fresno Elections Office reported that on February 20, 2007, there were **thirty three** (33)-registered voters in the affected territory.

12. **Compliance with the Requirements of CEQA**

Lead Agency: City of Fresno - **Level of Analysis:** Initial Study

Finding: Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130). Notice of Determination filed with the Fresno County Clerk on April 21, 2006. The Initial Study and Finding of Conformity are attached to the Executive Officer’s Report (see Environmental Documents).

13. **Names of Landowners or Parties of Real Interest**

Harry and Dorothy Paul	Robert and Margaret Dominguez	Robert Dominquez and Rhonda Walker
Lisa M. Lepper Trustee	Luis and Esther Rosales	Daniels Family Trust
Joe and Silvana Giovannetti	Michael Joe Giovannetti	Filippo and Angiolina Gravano
Gail A Champagne Trustee	Robert and Maria Aguiar Trustees	Richard Sr. and Rosemarie Rosales
William and Kara Warnke	Guy Stockbridge	

Proponent: Nick Yovino, Planning and Development Director, City of Fresno

14. **Public Notice of Hearing** – Public notice concerning this Proposal was issued by the Executive Officer pursuant to State law.

15. **Individuals and Agencies Receiving this Report**

- LAFCo Commissioners and Alternates
- Ken Price, LAFCo Counsel, Baker, Manock, and Jensen
- Nick Yovino, Planning and Development Director, City of Fresno
- Andrew Souza, City Manager, City of Fresno
- Gil Haro, Planning Manager, City of Fresno
- Bernard Jimenez, Planning Manager, Fresno County Development Services Department
- Margie McHenry, Fresno County Public Works and Planning
- Lonnie Downs, North Central Fire Protection District
- David Orth, Kings River Conservation District
- Fire Warden, County of Fresno