

RESOLUTION NO. RO-07-4
FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA

IN THE MATTER OF

LAFCO DETERMINATION

**A REQUEST BY THE CITY OF FRESNO)
FOR APPROVAL OF THE "CHURCH-)
FOWLER NO. 2 REORGANIZATION")**

APPROVED WITH CONDITIONS

WHEREAS, reorganization proceedings were initiated by the City of Fresno to annex 57.3 acres to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District for territory located on the east side of S. Fowler Avenue between E. Jensen Avenue and the E. California Avenue Alignment, said territory being described within Exhibit "A", attached hereto and by this reference incorporated herein; and

WHEREAS, an application was submitted by resolution of the Fresno City Council as required by State law, and the application for said proposed reorganization was accepted for filing by the Executive Officer and set for hearing on the 13th day of May, 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, 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.

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 California Environmental Quality Act (CEQA) Guidelines, this Commission considered the information in the Initial Studies and the Findings 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 finds 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, and finds 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 assigns the distinctive short form designation "Church-Fowler No. 2 Reorganization" and approves the reorganization (annexation and detachments) subject to the following conditions of approval:

1. Ownership of land permitting, the reorganization shall include the full existing right-of-way width of adjacent streets.
2. The City of Fresno shall submit to the Executive Officer verification that a Right-to-Farm Covenant is required and will be made a part of the City's development agreement, and that this legal covenant will be recorded for that portion of the affected territory encompassing Tentative Tract No. 5552.

Section #5. This Commission finds and determines pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 that:

1. The territory is uninhabited.
2. Not all landowners have consented to the annexation.

Section #6. 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.).

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 complete, including compliance with all conditions of approval, terms and conditions, and the issuance of a Certificate of Completion by the Executive Officer.

ADOPTED THIS 13th DAY OF MAY, 2009, BY THE FOLLOWING VOTE:

AYES: Commissioners Rodriguez, Fortune, Anderson, Lopez

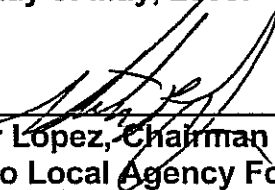
NOES: None

ABSTAIN: Commissioner Perea

**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 13th day of May, 2009.





**Victor Lopez, Chairman
Fresno Local Agency Formation Commission**

EXHIBIT "A"



Legend

-  City Limits
-  Affected Territory

City of Fresno "Church-Fowler No. 2 Reorganization"
LAFCo File No. RO-07-4

