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

AGENDA ITEM No. 8

DATE: **May 13, 2009**

TO: **Fresno Local Agency Formation Commission**

FROM: **Rick Ballantyne, Executive Officer
Darrel Schmidt, Deputy Executive Officer**

SUBJECT: **Consider Approval - City of Fresno "Church-Fowler No. 2 Reorganization"**.
A proposed reorganization 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 (**LAFCo File No. RO-07-4**).

Applicant: City of Fresno (Keith Bergthold, Interim Director, Planning and Development Department)

Land Owners/Parties of Real Interest: Pleasant Valley Investments, LLC; Agnes D. Kaprielian; Margaret A. Conkle and Adrine Poochigian Trustee; Andre W. Howell; Jaime and Patricia Castro; Gerardo and Beatrice Prieto; Dennis and Connie Young, Pacific Gas and Electric.

Background:

The Fresno City Council initiated this proposal on January 9, 2007, with the adoption of Resolution No. 2007-2. On July 18, 2006, the City approved Tentative Tract No. 5552 to allow a 95-lot single-family residential subdivision on a 21.35-acre portion of the affected territory. The City pre-zoned this portion consistent with the General Plan. On March 31, 2009, the City pre-zoned the remaining 35.9 acres of territory. A Certificate of Filing has been issued by the LAFCo Executive Officer.

Proposal / Land Use:

- The Proposal consists of the annexation of 57.3 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District.
- The affected territory is located within the City of Fresno's Sphere of Influence and is bounded by the City on the west side (see attached maps).
- The affected territory contains six rural residential lots ranging in size from 2.30 to 15.78 acres located within the northerly portion of the territory (north of E. Church Avenue). Surrounding land uses consist of rural residential to the north, agricultural and vacant to the south and east, and single-family residential to the west.

- On June 7, 2006, the Fresno City Planning Commission approved Tentative Tract No. 5552 to allow a 95-lot single-family residential subdivision within the southerly 21.35 acres of the affected territory (see tract map).

Environmental Determination:

The City of Fresno acting as the “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.

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 findings 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 is bounded by the City Limits on the west side.
- The proposal is consistent with the *2025 Fresno General Plan and the Roosevelt Community Plan’s* designation for open space/neighborhood park, medium-low density residential, medium density residential, and public facilities land uses.
- The Proposal has been determined to be consistent with the Memorandum of Understanding (Master Tax Sharing Agreement) Standards for Annexation between the City of Fresno and County of Fresno (See Correspondence and Comments).
- In accordance with LAFCo Policy 102-041, a Transition Agreement between the City of Fresno and the Fresno County Fire Protection District has been entered into that covers the affected territory. The District while not protesting this reorganization has commented that the anticipated loss in annual revenue to the District resulting from the reorganization would be \$5,967.
- 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 a portion of the affected territory. The Service Plan submitted by the City of Fresno indicates that all necessary urban services (water, sewer, police, fire, etc.) will be made available to serve the affected territory upon annexation (see Service Plan).
- As per State law, the factors to be considered in reviewing reorganization proposals include the extent to which the proposal will promote “environmental justice”. As set forth in Government Code Section 56668(o), environmental justice means: “the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.” Staff believes that all proposed public facilities and the public services to accommodate the planned development support this objective.
- While the proposal represents a minor easterly extension from the main portion of the City of Fresno, its proposed boundary does not result in an adverse shape or configuration. LAFCo and County staff members previously met with City representatives to discuss appropriate boundaries for the proposed reorganization. It was determined to be appropriate to include the rural residential parcels located north of E. Church Avenue in order to allow for more orderly future development and annexation activity east of N. Fowler Avenue.
- The Proposal 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 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.

Recommendation –Approve by Taking the Following Actions:

- A. Acting as a “Responsible Agency” under CEQA Guidelines state that 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 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).

Find 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 Governmental Reorganization Act of 2000.
- C. Assign the distinctive short form designation "Church-Fowler No. 2 Reorganization" and approve 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.
- D. Find and determine 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.
- E. 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:	57.3 acres
Current Land Use:	Rural Residential, Agriculture, Vacant
Number of Parcels	Parcels: 10
Landowners/ Registered Voters:	Landowners: 9/ Voters: 6
Previous County Zoning:	AL-20
City Zoning Upon Annexation:	R-1/UGM/ANX
Ag. Preserves/Contracts:	None
Assessors Parcel Number:	316-022-26U, 27S, 28S, 30S; 316-160-52, 53, 66, 67, 68, 69

2. Proposed Development: Ninety-five (95) single-family residential lots.

3. Surrounding Territory: Surrounding land uses consist of single-family residences, rural residential, agricultural, and vacant lands.

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

6. Existing Service Agencies and Proposed Service Changes

Service	Existing Service	Change
Water	Private wells	City of Fresno
Sewer	Private septic systems	City of Fresno
Fire Protection	Fresno County Fire Protection District	City of Fresno
Distance to Station	3.9 miles	2.1 miles

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

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

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

General bonded indebtedness of affected agencies: None, however, the City of Fresno has adopted a tax override. When annexed, this property would be subject to any existing property tax override. Residents will have to use and pay for City of Fresno solid waste services within 5 years.

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

- Bart Bohn, County of Fresno
- Betty Vaughn, Elections Division, County of Fresno
- Bernard Jimenez, Public Works and Planning, County of Fresno
- Doug McCauley, Fresno Metropolitan Flood Control District
- Karen Bosch Cobb, Fresno County Library District
- Brett Johnson, Fresno Irrigation District
- Glenn Allen, R.E.H.S., Environmental Health
- Keith Larkin, Fresno County Fire Protection District
- David King, Fresno County Assessor's Office
- Joanne Striebeck, Office of Transportation Planning
- Richard Sepulveda, Sanger Unified School District
- Natural Resources Conservation Service

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 April 14, 2009, that there were six (6) 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). A Notice of Determination was filed with the Fresno County Clerk on July 20, 2006. The Initial Studies and Findings of Conformity are attached to the Executive Officer's Report (see Environmental Documents).

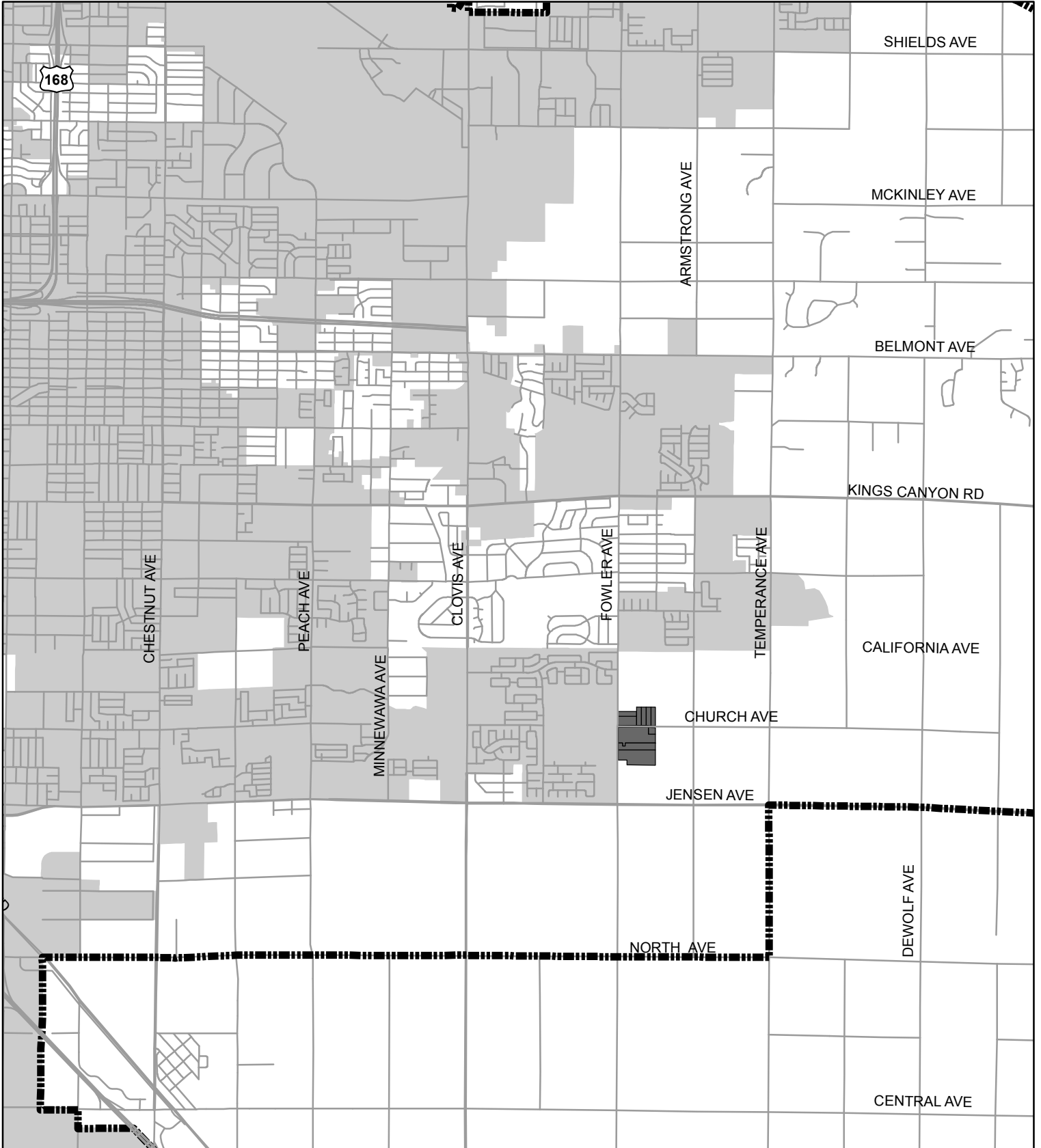
13. **Proponent:** City of Fresno.

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
- Andy Souza, City Manager, City of Fresno
- Mike Sanchez, Planning Director, City of Fresno
- Keith Bergthold, City of Fresno Planning Department
- Dave Braun, City of Fresno Planning Department
- Bernard Jimenez, Manager, Fresno County Development Services Division
- Chris Motta, Public Works and Planning, Development Services Division, County of Fresno
- Keith Larkin, Chief, Fresno County Fire Protection District
- David Orth, Kings River Conservation District

FIGURE 1 - GENERAL SITE LOCATION



Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

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

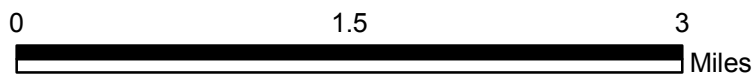
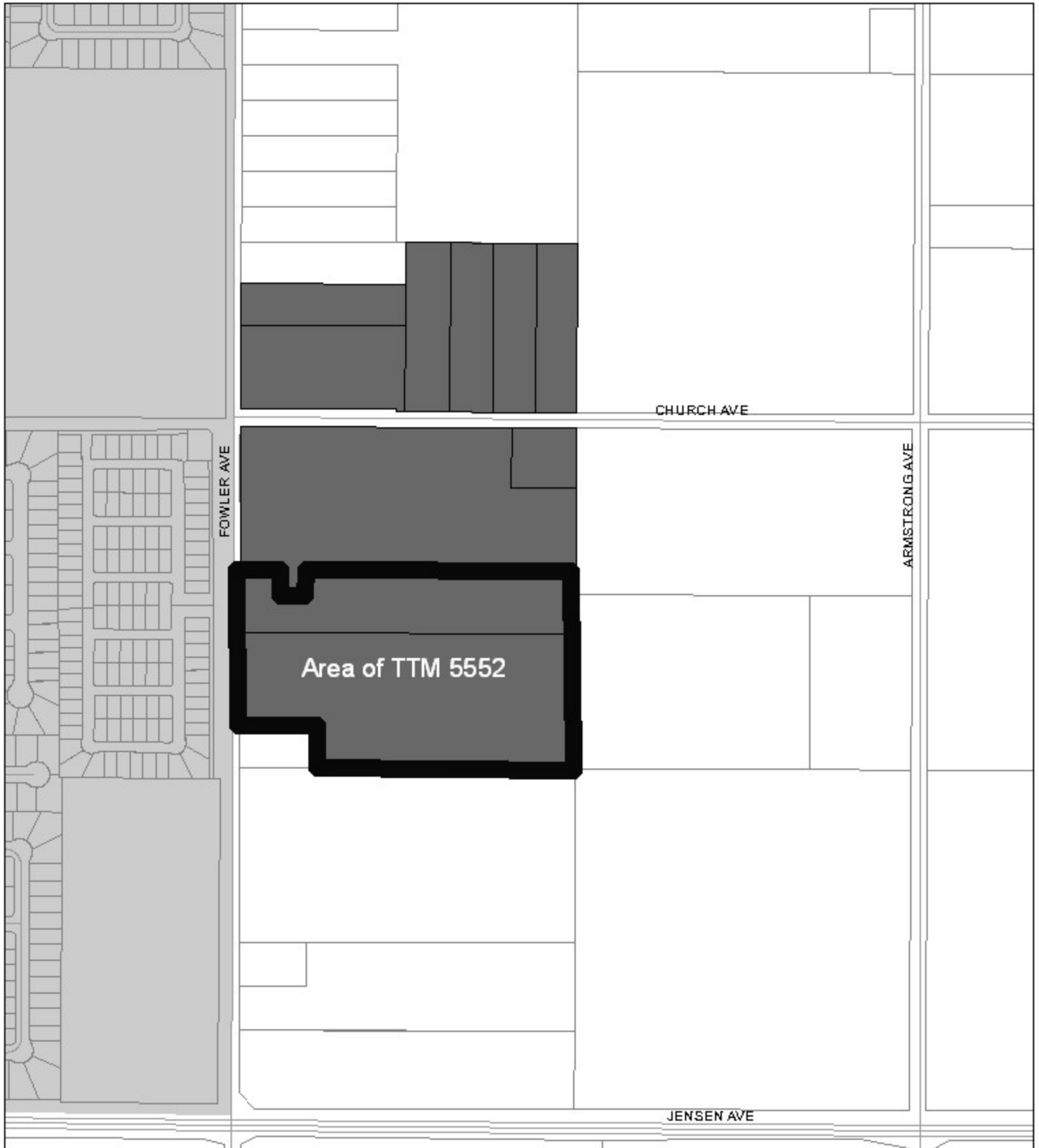




FIGURE 2 - ANNEXATION MAP



Legend

-  City Limits
-  Affected Territory

City of Fresno "Church-
Fowler No. 2 Reorganization"
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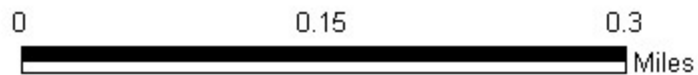
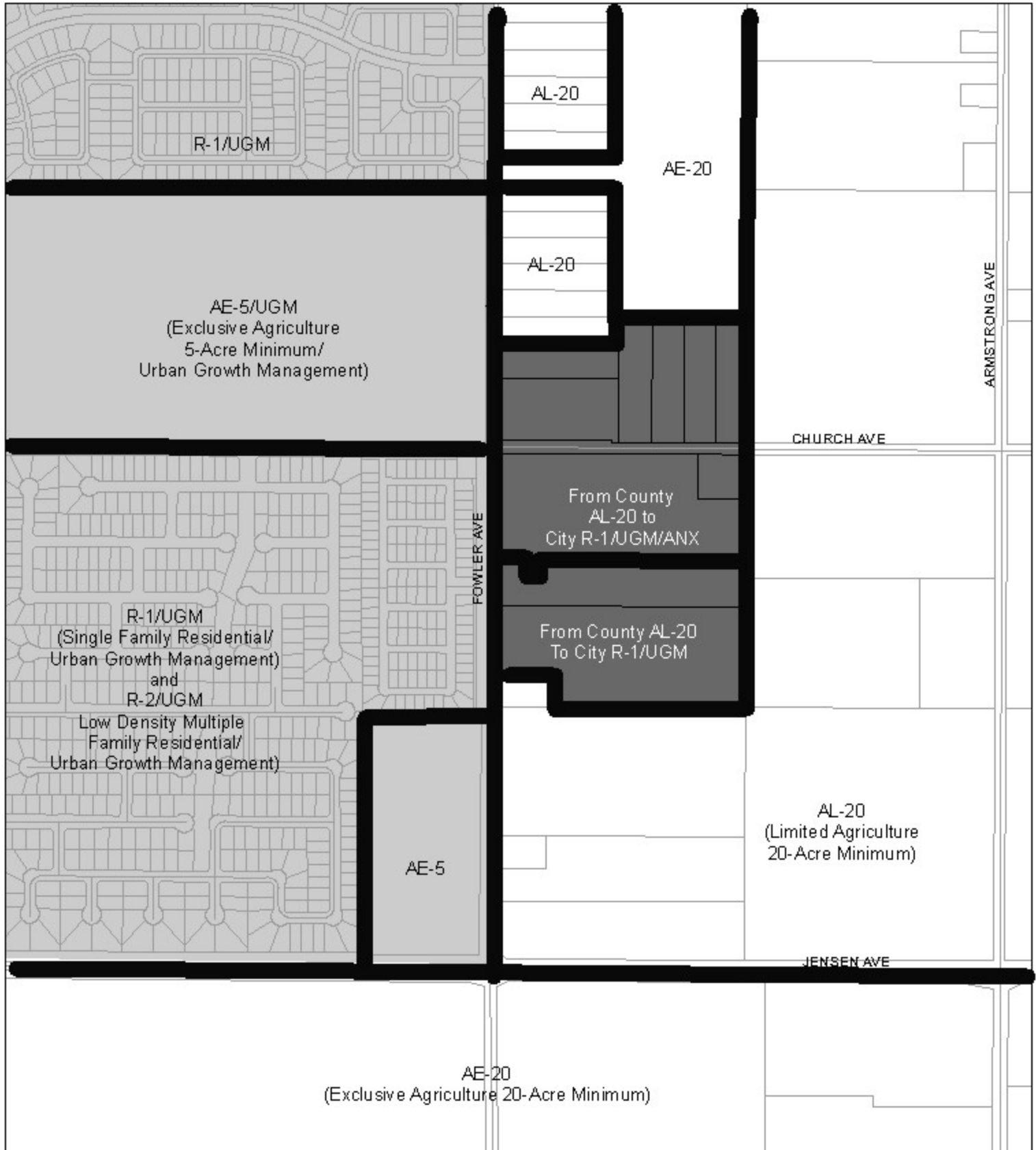


FIGURE 3 - CURRENT ZONING AND PRE-ZONING



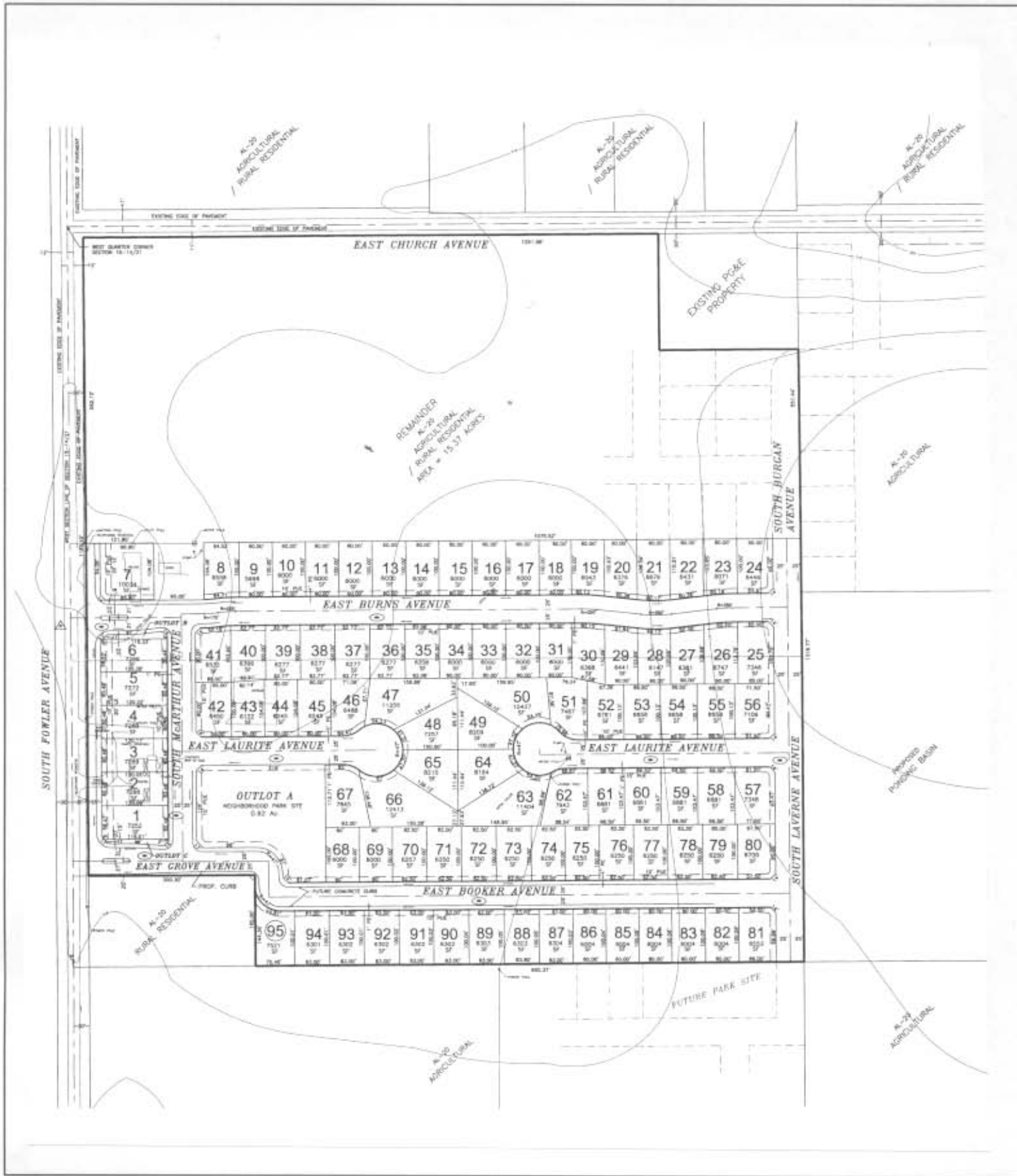
Legend

- City Limits
- Affected Territory

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FIGURE 4 - TENTATIVE TRACT MAP NO. 5552



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