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

CONSENT AGENDA ITEM No. 5

DATE: **May 16, 2007**

TO: **Fresno Local Agency Formation Commission**

FROM: **Rick Ballantyne, LAFCo Executive Officer**

SUBJECT: **Consider Approval - City of Fresno "Alluvial-Chestnut No. 1B Reorganization"**. A proposed reorganization to annex 3.2 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 north side of E. Alluvial Avenue and approximately 500 feet east of N. Chestnut Avenue **(LAFCo File No. RO-07-12)**.

Background:

- The proposed reorganization ("Proposal") has been placed upon the Consent Agenda since the subject territory is uninhabited, all property owners have consented to the Proposal, and all affected agencies have signed waivers of protest proceedings.
- The City of Fresno initiated this Proposal on March 27, 2007, with the adoption of Resolution No. 2007-115 and a Certificate of Filing has been issued by the Executive Officer.
- On April 25, 2006, the City of Fresno amended the Fresno General Plan and Woodward Park Community Plan for the affected territory. The City re-designated the territory from Low-Density Residential Planned Land Use designation to Medium-Density Residential Planned Land Use designation and pre-zoned the affected territory from County R-R (Rural-Residential) District to City R-1/UGM (Single-Family Residential/Urban Growth Management) District.
- The City also approved Vesting Tentative Tract Map No. 5606/UGM for development of a 28-unit co-housing condominium community.

Proposal / Land Use:

- The Proposal consists of the annexation of 3.22 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 on the north side of E. Alluvial Avenue, approximately 500 feet east of N. Chestnut Avenue. The territory is located inside the City of Fresno Sphere of Influence adjacent to the City limits on the north, east, and west sides (see Maps).

- The property is bounded by a ponding basin on the north, rural residential to the south a church to the east, and a 32-unit Senior Housing Community to the west. The territory to the west (Alluvial-Chestnut No. 1 Reorganization) and east (Alluvial-Chestnut No. 1D Reorganization) were approved by the Commission on May 18, 2005 and completed on July 18, 2005.

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.

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 present 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 project (Proposal) to be within the scope of the overall project covered by the MEIR, and that the proposed project 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 on the north, east, and west sides (see Maps).
- The Proposal is consistent with the amended *Fresno 2025 General Plan* and the amended Woodward Park Community Plan that designate the territory for Medium-Density Residential land use.
- 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, dated February 22, 2007 - Correspondence and Comments).
- In accordance with LAFCo Policy 102-041, a Transition Agreement between the City and the Fresno County Fire Protection District has been entered into that covers the affected territory.
- The proposed reorganization 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 Proposal indicates that all necessary urban services (water, sewer, police, fire, etc.) are available to serve the affected territory (see Service Plan). The City of Fresno reports that an adequate water supply pursuant to California Government Code Section 65352.5 is available to serve the affected territory.
- Approval of 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 proposed reorganization, with the recommended conditions of approval, 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.
- Approval of 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 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

In light of the fact that the affected territory is uninhabited and that all of the property owners consented in writing to the annexation, 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 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 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), 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 approval of the reorganization is consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code 56000 et seq.) and Commission Policies, Standards, and Procedures, including, but not limited to, Sections 100 and 200, and that this Commission's actions 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.

- C. Assign the distinctive short form designation "Alluvial-Chestnut No. 1B Reorganization" and approve the Reorganization (annexation and detachments) subject to all of the following conditions of approval:
 - 1. Satisfactory verification that the City has accepted a Final Map shall be submitted to the Executive Officer prior to the completion (recording) of the annexation.
 - 2. Ownership of land permitting, the annexation shall include the full existing right-of-way width of adjacent streets.

- D. Find pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 that:
 - 1. The territory is uninhabited.
 - 2. All landowners and affected agencies have consented to the annexation.

- E. Further Conducting Authority Proceedings are waived and the annexation and detachments are ordered 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.

APPLICATION INFORMATION

1. **Affected Territory**

Acreege:	3.22 acres
Current Land Use:	Fallow Land
Number of Residences:	Residences: 1 / Population 2
Landowners/ Registered Voters:	Landowners: 1 / Voters: 1
Previous County Zoning:	R-R
City Zoning Upon Annexation:	R-1/UGM
Ag. Preserves/Contracts:	None
Assessors Parcel Number:	404-072-23

2. **Proposed Development:** Development of a 28-unit co-housing condominium community.

3. **Surrounding Territory:** Surrounding land uses consist of a ponding basin to the north, rural residential to the south and east, and vacant lands to the west.

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. 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	Fresno County Fire Protect. Dist.	City of Fresno
Distance	2.25 Miles	2 Miles

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
Fresno Metropolitan Flood Control District	Fresno County Fire Protection District
State Center Community College District	Clovis Unified School District
Fresno Irrigation District	West Fresno Red Scale District
Kings River Conservation District	Consolidated Mosquito Abatement District
Clovis Cemetery District	Clovis Memorial District

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

Residents will be required to pay City rates for solid waste within 5 years.

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

- Bart Bohn, CAO, County of Fresno
- Bernard Jimenez, County Development Services Manager
- Betty Vaughn, Elections Division, County of Fresno
- Bret Johnson, Fresno Irrigation District
- Doug McCauley, Fresno Metropolitan Flood Control District
- Bill McGuire, Clovis Unified School District
- Glen Allen, Fresno County Community Health Department

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 Dave 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 11, 2007, there was **one** (1)-registered voter 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 2005 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130). Notice of Determination filed with the Fresno County Clerk on July 1, 2005. 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**

Alluvial Developments LLC

Proponent: Andy Souza, City Manager, 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, Baker, Manock, and Jensen
- Andy Souza, City Manager, City of Fresno
- Nick Yovino, Planning Director, City of Fresno
- Gil Haro, Planning Manager, City of Fresno
- Bernard Jimenez, Development Services Manager, Fresno County
- Margie McHenry, County Public Works and Planning Department
- Chief Keith Larkin, Fresno County Fire Protection District
- David Orth, Kings River Conservation District