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

AGENDA ITEM No. 6

DATE: **October 7, 2009**

TO: **Local Agency Formation Commission**

FROM: **Rick Ballantyne, Executive Officer
Samantha Hendricks, LAFCo Technician**

SUBJECT: **Consider Approval – Request for One-Year I Extension to Complete
Proceedings for the City of Fresno “Kings Canyon-Minnewawa No. 3
Reorganization” (LAFCo File No. RO-06-27).**

Summary: The subject reorganization was approved on October 11, 2006, but has not been completed. State law requires that all reorganization proceedings shall be completed within one year of approval unless the Commission grants an extension of time prior to the expiration date. Failure to grant an extension will terminate the proceedings. This is the third request for extension. The City of Fresno and the project developer have requested an additional one-year extension of time.

In accordance with *Fresno LAFCo Policies, Standards and Procedures* Section 315-03, extensions of time may be granted when the imminent need for the proposal still exists, the project is still viable, and progress is being made toward completion. The Commission's policies further state that the Commission may consider economic hardships beyond the control of the proponents as justification supporting the extension request.

Project Description: The affected territory is located at the southwest corner of E. Kings Canyon Road and S. Minnewawa Avenue. The reorganization consists of the annexation of 19.07 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District. Development of a 17-lot single-family residential subdivision is planned on an 8.73-acre portion of the territory.

Reasons for Request and Actions Taken to Date: The applicant has indicated that the final tract map and improvement plans have been filed with the City. The tentative tract map will expire on May 17, 2011. Similarly, the applicant in his last extension request indicated that the final map had been filed with the City and that a grading plan was approved and the project area has been graded.

Staff Analysis: Gary Giannetta, Project Engineer, has requested this time extension and the City of Fresno supports the extension. Pursuant to Commission policies, the City confirms that since this reorganization's approval in 2006, there have been no changes or circumstances in the vicinity of the affected territory that could affect its suitability for annexation.

Past experience has shown that it is not uncommon for reorganizations to take longer than the initial one-year approval to be completed, and that one or more extensions of time may be required to fulfill all conditions of approval.

Additionally, in many recent cases the slowed economy has negatively affected the ability of proponents to timely complete projects. The developer indicates that is also the case with this proposal. The Commission's policies do allow for economic hardships to be considered as a justification for time extension requests.

Based on this information, it does appear that circumstances beyond the control of the City and the developer, including economic hardships due to the current economic conditions, have caused a delay in finalizing this reorganization. It also appears that the City still believes this to be a viable project. Based on these circumstances, staff supports an additional one-year extension.

Parties of Interest:

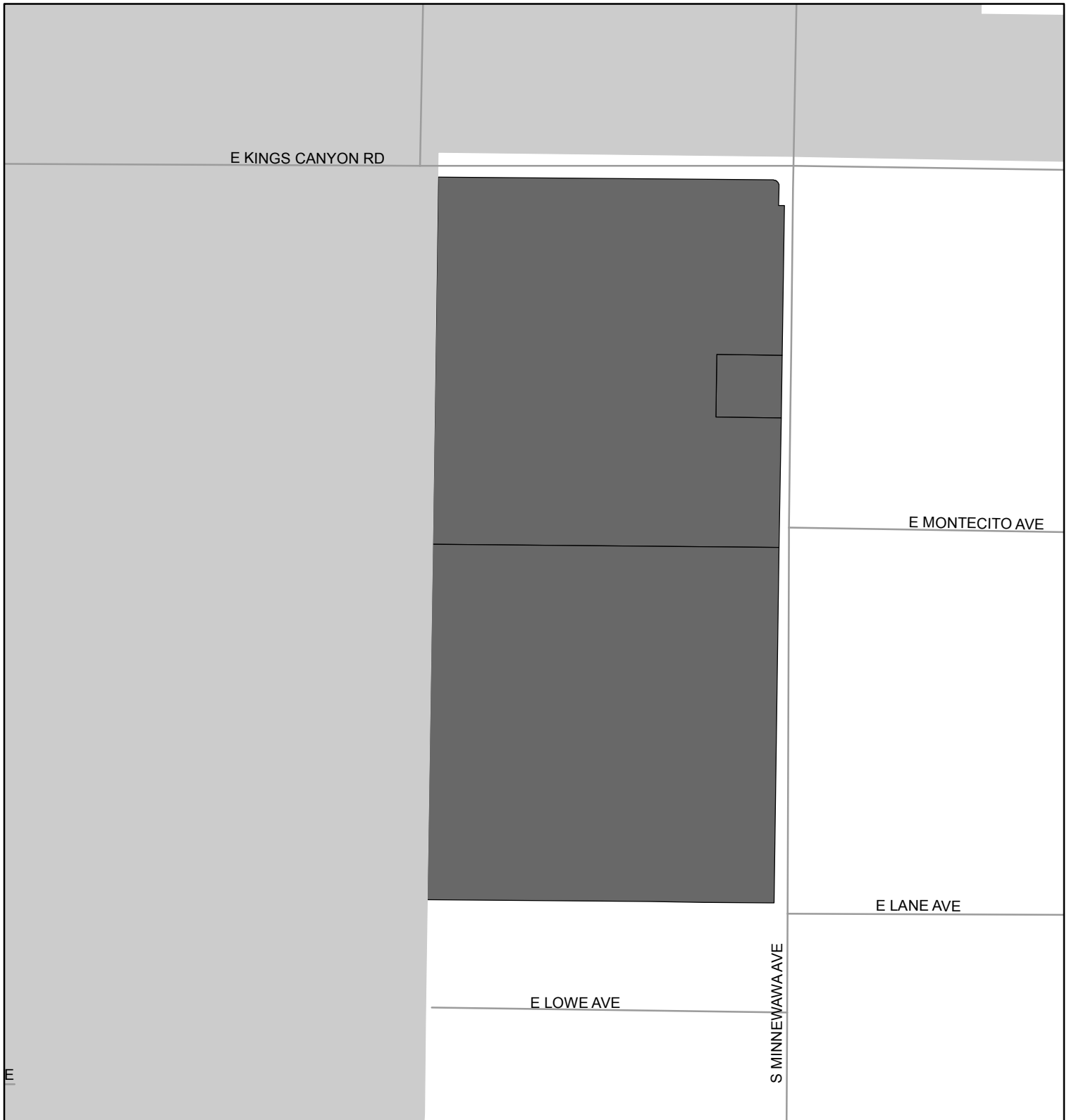
Bob & Masako Mochizuki	Paul Atmajian
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Recommendation: Approve an additional one-year extension.



The Following Have Received Copies of This Report:

- LAFCo Commissioners and Alternates
- Ken Price, LAFCo Counsel, Baker, Manock, and Jensen
- Andrew Souza, City Manager, City of Fresno
- Mike Sanchez, Planning Manager, City of Fresno
- Keith Larkin, Chief, Fresno County Fire Protection District
- David Orth, Kings River Conservation District
- Gary Giannetta, Project Engineer, Giannetta Consulting Civil Engineer

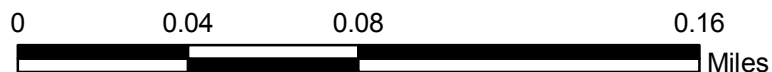
EXHIBIT "A"



Legend

-  City Limits
-  Affected Territory

City of Fresno "Kings Canyon-
Minnewawa No. 3 Reorganization"
LAFCo File No. RO-06-27



**GARY GIANNETTA
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September 28, 2009

Mr. Rick Ballantyne
Executive Office
LAFCO
2115 Kern Street, Suite 310
Fresno, CA 93721

Re: Tract 5387 LAFCO

Dear Mr. Ballantyne:

This letter is a request for a one-year extension for the Kings Canyon-Minnewawa No. 3 Reorganization. We have submitted the final tract map, Tract No. 5387, whose tentative map expires May 17, 2011, and the improvement plans which are being processed.

Although the project has been graded, the recording of the final map, payment of fees and posting of security has been delayed due to the current economic conditions. Until there is reduction in the inventory of existing improved lots, which we have seen an increase in the absorption rate over the last two months, the project can not proceed.

Enclosed is a check for the \$450.00 extension fee. Please call me if you need any other information. The current expiration date is October 11, 2009.

Sincerely,

Gary Giannetta
Project Engineer

Cc: Paul Atmajian
Dave Braun