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

AGENDA ITEM No. 9

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 Extension to Complete Proceedings
for the City of Fresno “California-Temperance No. 3 Reorganization” (LAFCo
File No. RO-06-28).**

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: This affected territory is located south of E. California Avenue, east of S. Armstrong Avenue, and west of S. Temperance Avenue. The reorganization consists of the annexation of 82.5 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District. A 328-lot single-family residential subdivision is proposed within the affected territory.

Reasons for Request and Actions Taken to Date: The present developer, Pulte Homes (originally Centex Homes) had previously considered a subdivision redesign due to changing market conditions. The grading, sewer, and water improvement plans have been approved and the final map has been reviewed by the City of Fresno. The tentative tract map will expire on November 10, 2010.

Staff Analysis: Aaron York, representing Pulte Homes, has requested this time extension. The City of Fresno supports this request and has indicated that there have been no land use changes or circumstances within the vicinity of the affected territory that could affect the proposals 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 the slowed economy has negatively affected the ability of proponents to complete projects timely. The developer indicates that is also the case with his 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 delayed this reorganization. City of Fresno representatives concur with the extension request and have indicated that this project still remains viable. Based on these circumstances, staff supports an additional one-year extension.

Parties of Interest:

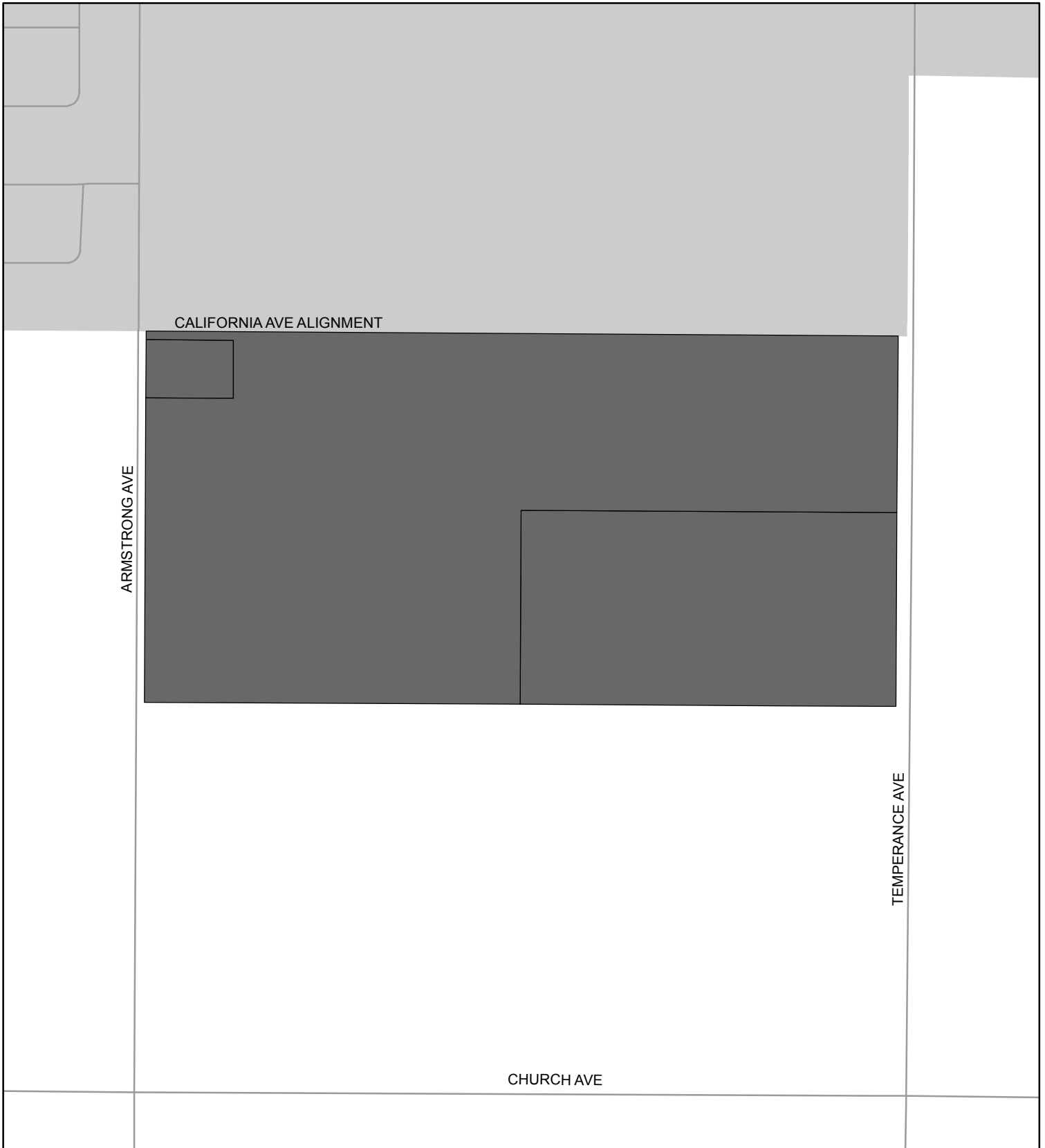
Walter and Doris Halemeier	Paul and Christine Raymond and Elizabeth Hudson
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Recommendation: Approve a one-year extension

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
- John Dugan, Director, Planning & Development Department, City of Fresno
- Bernard Jimenez, Planning Manager, Fresno County Development Services Department
- Will Kettler, Fresno County Public Works and Planning
- Aaron York, Pulte Homes

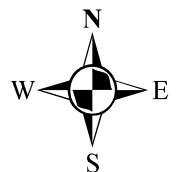
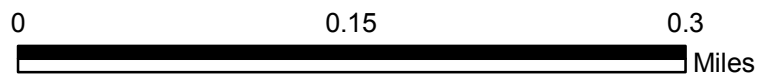
EXHIBIT "A"



City of Fresno "California-Temperance
No. 3 Reorganization"
LAFCo File No. RO-06-28

Legend

-  City Limits
-  Affected Territory



CENTEX HOMES
Built to a Higher Standard

September 28, 2009

Rick Ballantyne
Executive Director
Fresno Local Agency Formation Commission
2115 Kern Street, Suite 310
Fresno, CA 93721

Re: California-Temperance No. 3 Reorganization

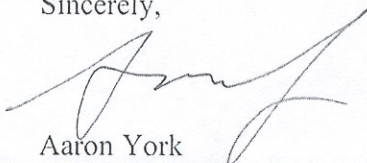
Dear Mr. Ballantyne:

Pulte Homes, formerly Centex Homes, requests a one-year extension of time on the approval of California-Temperance No. 3 Reorganization. Due to market conditions, we have been unable to satisfy the conditions of approval for this annexation, which was granted a one-year extension on October 8, 2008. Specifically, we do not yet have an approved, recorded final map on tentative tract map No. 5531, which is set to expire on November 10, 2010.

Since the approval of this reorganization, we have seen an unprecedented decline the new home market. Fortunately, there are signs of improvement in the housing market and it is our hope that we will have an opportunity to begin moving forward with this project soon. To date, the grading, sewer, and water improvement plans have been approved and the final map has been reviewed by the City of Fresno. Additionally, a significant amount of off-site improvement work has been completed, including installation of a collector sewer main in Church and Armstrong Avenues.

Given the possibility that we will be able to move forward with this project within the next year, we ask that the Fresno LAFCo Commission grant another one-year extension. If you require additional information or have any questions, please feel free to contact me at your convenience.

Sincerely,



Aaron York
Division Manager