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

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**AGENDA ITEM No. 5**

**DATE:** September 10, 2008

**TO:** Local Agency Formation Commission

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

**SUBJECT:** **Consider Approval** – Request for a One-Year Extension to Complete Proceedings for the City of Fresno “Dakota-Polk No. 4 Reorganization”. A reorganization to annex approximately 36.91 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory generally located both east and west of N. Polk Avenue between W. Ashlan and W. Dakota Avenues (**LAFCo File No. RO-06-30**).

**Summary:**

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. LAFCo Policies, Standards, and Procedures Section 315-03 allows extensions of time to be granted when the imminent need for the proposal still exists, the project is still viable, and progress is being made toward completion.

The City of Fresno “Dakota-Polk No. 4 Reorganization” was approved by the Commission on October 11, 2006. Mr. Laughton (Ag Land Development Co.), who owns the 20-acre portion of the affected territory proposed for development (Tract Map No. 5538), is requesting a one-year extension of time to complete proceedings. This is the second extension request for this proposal.

**Parties of Interest:**

Bret and Treasa Bailey	Sue Ann Barber	Michael and Cynthia Berube
Lawrence and Cristel Dickens	DN Associates	Tom Hang and Wei Ouyang
Linda Darlene Hoehn	Dennis McGowan	Earl Jr. and Shirley Meyers
Jerry and Jacqueline Satterlee	Sukhdeep Sidhu	Harold and Barbara Unger
Hazel Yarbrough	AG Land Development Co.	

**Proponent:** Nick Yovino, City of Fresno

**Project Description:** The affected territory is located both east and west of N. Polk Avenue between W. Ashlan and W. Dakota Avenues. The reorganization consists of the annexation of 36.91 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District. Development of a 93-lot single-family residential subdivision is planned on a 20-acre portion of the territory.

**Reasons for Request and Actions Taken to Date:** Control of the subject property has reverted from the original development group back to the property owner resulting in delays in processing the final map and improvement plan. The property owner states that the depressed housing market, slowing economy, credit card crisis and extremely high inventory of lots in the Fresno market has made it difficult for him to proceed. However, the property owner desires to move forward with the development and has retained an engineering firm to assist in moving forward with the final map and improvement plan process. The property owner is requesting a one-year extension to allow time for the approval of the improvement drawings and final map.

**Staff Analysis:** The Commission has collectively expressed its desire to limit extensions due to an applicant's failure to meet the conditions of approval. Staff maintains some concern in that the proponent's justification for an extension contains similar points as expressed in their first extension request. Staff notes however, if the proponent does satisfy all conditions of approval and the reorganization is completed, annexation of the affected territory to the City of Fresno will eliminate a fairly irregular boundary.

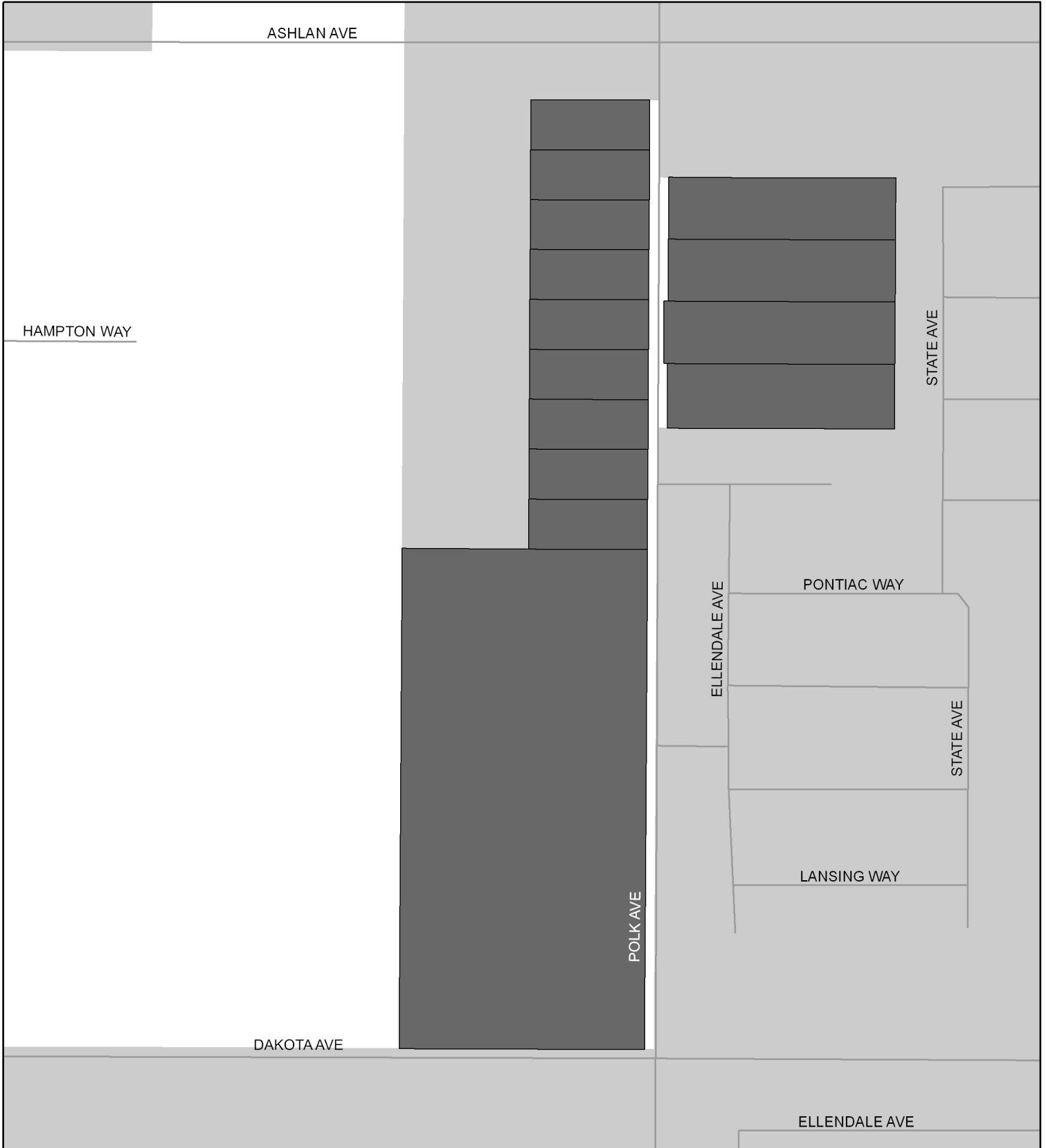
Based upon the justification provided by the proponents, it does not appear that major progress has been made. Therefore, while staff may support an additional one-year extension, it would recommend that no further extensions be granted unless more specific justification is demonstrated.

**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
- Nick Yovino, City of Fresno
- Gil Haro, Planning Manager, City of Fresno
- Bernard Jimenez, Development Services Mgr., Fresno County Public Works & Planning Department
- Will Kettler, Fresno County Public Works and Planning Department
- Joel Aranaz, Deputy Chief, North Central Fire Protection District
- David Orth, Kings River Conservation District
- Paul Loughton, Ag Land Development Co.

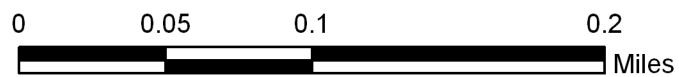
# EXHIBIT "A"



## Legend

-  City Limits
-  Affected Territory

City of Fresno "Dakota-Polk  
No. 4 Reorganization"  
LAFCo File No. RO-06-30



August 26, 2008

Mr. Richard Ballantyne, AICP  
Executive Officer  
Fresno Local Agency Formation Commission  
2115 Kern Street, Suite 301  
Fresno, CA 93721



**Subject: Extension request of "Dakota-Polk No. 4 Reorganization"**

Mr. Ballantyne:

The Dakota-Polk No. 4 Reorganization was approved by LAFCo on October 11, 2006 and was given a one-year extension on October 10, 2007. The intent of this letter is to request that approval be extended for one year, until October 11, 2009. Enclosed is a check in the amount of \$500.00 for processing.

Since the approval of Tentative Tract Map No. 5538 in May of 2006, Control of the subject property has been reverted from the original development group back to the property owner. Due to extenuating circumstances including the depressed housing market, slowing economy, credit crisis and extremely high inventory of lots in the Fresno market it has been difficult for me to proceed with the work necessary for final recordation until now. Dakota-Polk No. 4 Reorganization is a very important reorganization for not only me but the City and County of Fresno. As without this reorganization, the creation of a County Island is all but certain. I have recently retained an engineering firm to assist me in moving forward with my final map and improvement plan process.

Since the creation and approval of improvement drawings and final map would carry beyond the period of conditional annexation approval, I am requesting that the approval be extended. The approved tentative map will not expire until May 17, 2010 per the Planning Commission Resolution No. 12807. In addition, with the passing of Senate Bill 1185 on July 15, 2008 the approved tentative map would be extended one additional year making the expiration May 17, 2011.

Thank you for your assistance and consideration in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Paul Laughton".

Paul Laughton  
Owner