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

CONSENT AGENDA ITEM NO. 5

DATE: April 18, 2007

TO: Fresno Local Agency Formation Commission

FROM: Rick Ballantyne, LAFCo Executive Officer

SUBJECT: **Consider Approval - City of Fresno "Clinton-Fowler No. 1 Reorganization"**.
A proposed reorganization submitted by Landowner Petition consisting of the annexation of 142.13 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District for territory located at the northeast corner of E. Clinton and N. Fowler Avenues (LAFCo File No. RO-07-5).

Background:

- The proposed reorganization ("Proposal") has been placed upon the Consent Agenda since the subject territory is uninhabited with all property owners having consented to the Proposal and no affected agencies having protested.
- Proceedings for this reorganization were initiated by landowner petition on January 30, 2007 (Farshid, Farid, and Darius Assemi, Chief Petitioners) and Certificates of Sufficiency and Filing have been issued for this application.
- On February 23, 2007, the City of Fresno amended the Fresno General Plan and McLane Community Plan for the easterly 47 acre portion of the affected territory. The City re-designated said portion from light industrial and low-density residential planned land use designations to medium-low density residential planned land use designation.
- On the same date, the City of Fresno also pre-zoned approximately 80 acres of the affected territory from County AE-20 (Exclusive Agriculture, 20-Acre Minimum) District to City C-M/UGM (Commercial and Light Manufacturing/Urban Growth Management) District; 47 acres from County AE-20 to City R-1/UGM (Single Family Residential/Urban Growth Management) District; and 13 acres from County AE-20 to City R-1-AH/UGM (Single Family Residential-Horses/Urban Growth Management) District.
- The City also approved Vesting Tentative Tract Map No. 5717 for development of a 209-lot subdivision including 205 residential lots and four light industrial lots.
- On March 27, 2007, the City's Planning and Development Department approved Site Plan Review Application No. S-07-09 on the 80 acre portion planned for industrial use. The Site Plan was approved with 990,000 square feet of industrial/commercial building space.

Proposal / Land Use:

- The Proposal consists of the annexation of approximately 142.13 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 at the northeast corner of E. Clinton and N. Fowler Avenues. The territory is located inside the Fresno Sphere of Influence adjacent to the City of Fresno city limits on the north, east, and west sides (see Maps and Figures).
- The territory contains a vineyard and fallow lands. Surrounding land uses consist of agriculture and single-family residential to the north, rural residential to the south, single-family residential to the east, and industrial to the west.

Environmental Determination

The City of Fresno prepared an Initial Study to evaluate the potential environmental effects of the reorganization. The City made findings that no potential significant impacts to the environment would occur with implementation of the project with the mitigation measures that were made a condition of the approval of the project (see Environmental Documents).

As Responsible Agency, the Commission is required to review and consider the City's Initial Study and Mitigated Negative Declaration prior to taking its action. If the Commission determines that these documents are adequate, pursuant to CEQA it may make the required findings provided under "recommendations" below.

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 and Figures).
- The Proposal is consistent with the amended Fresno 2025 General Plan and the amended McLane Community Plan that designate the territory for light industrial and medium-low density residential land uses.
- 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 March 29, 2007 - Correspondence and Comments).
- In accordance with LAFCo Policy 102-041, a Transition Agreement between the City and the Fresno County Fire 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 Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to approving the proposed reorganization the environmental effects of the project as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency were reviewed and considered, and determine these documents 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 " Clinton-Fowler No. 1 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 (recordation) of the annexation.
 - 2. The Shields-Armstrong No. 3 Reorganization (RO-07-2) shall be recorded prior to recordation of this Proposal.

3. 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 (“Act”) 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

Acreeage:	142.13 acres
Current Land Use:	Vineyard and Fallow Land
Number of Residences:	Residences: 1 / Population 5
Landowners/ Registered Voters:	Landowners: 3 / Voters: 3
Previous County Zoning:	AE-20
City Zoning Upon Annexation:	C-M/UGM, R-1/UGM, and R-1-AH
Ag. Preserves/Contracts:	None
Assessors Parcel Number:	310-040-01, 10, 11, 83, 84, and 93

2. Proposed Development: Development of a 209-lot subdivision which proposes 205 residential lots and four light industrial lots.

3. Surrounding Territory: Surrounding land uses consist of agriculture and single-family residential to the north; rural residential to the south, single-family residential to the east; and industrial to the west.

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

5. Consistency with City and County General and Specific Plans: The Proposal is consistent with the City of Fresno 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	Wells	City of Fresno
Sewer	Private	City of Fresno
Fire Protection	Fresno County Fire Protect. Dist.	City of Fresno

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

No costs are anticipated that will affect residents or landowners.

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

- Bart Bohn, CAO, County of Fresno
- Keith Bergthold, Acting Planning Director, City of Fresno
- Bernard Jimenez, County Development Services Manager
- Betty Vaughn, Elections Division, County of Fresno
- Bruce Champion, Natural Resources Conservation Service
- Karen Bosch Cobb, Fresno County Library
- 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 February 8, 2207, there were **three** (3)-registered voters in the affected territory.

12. **Compliance with the Requirements of CEQA**

Lead Agency: City of Fresno - **Level of Analysis:** Initial Study

Finding: Mitigated Negative Declaration (see Environmental Documents).

13. **Names of Landowners or Parties of Real Interest**

Farshid Assemi Farid Assemi Darius Assemi

Proponent: Jeffery T. Roberts, VP, Granville Homes, Inc.

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
- Jeffery T. Roberts, VP, Granville Homes, Inc.
- Andy Souza, City Manager, City of Fresno
- Keith Bergthold, Acting 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