

RESOLUTION NO. RO-20-05

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION
APPROVING THE "SHIELDS-TEMPERANCE NO. 2 REORGANIZATION" WITH CONDITIONS
(LAFCO FILE NO. RO-20-5)**

WHEREAS, reorganization proceedings were initiated by the City of Fresno to annex 72 acres to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District for the territory located east of North Temperance Avenue between East Shields and East Clinton Avenues, said territory being described within Attachment "A," attached hereto and by this reference incorporated herein; and

WHEREAS, the application was submitted to the Fresno Local Agency Formation Commission ("LAFCo" or "Commission") by the City of Fresno as required by state law, and the application for said proposed reorganization ("Proposal") was accepted for filing by the Executive Officer and set for hearing on the 10th day of June 2020, at the hour of 1:30 p.m.; and

WHEREAS, notice of the hearing to consider the Proposal was given as required by state law; and

WHEREAS, if the proposal was approved as submitted, 100% of the registered voters within the affected territory had submitted sufficient protest to terminate the proceedings; and

WHEREAS, staff of the City of Fresno and County of Fresno expressed support of annexation of the ultimate Temperance Avenue right-of-way near Clinton Avenue to develop that street to its planned capacity and provide safe route to school for students of the nearby Boris Elementary School; and

WHEREAS, the Executive Officer reviewed the Proposal and prepared a report to the Commission, including a recommendation for approval upon certain conditions, said report having been mailed at least five days before said hearing and was duly considered by the Commission pursuant to state law; and

WHEREAS, staff described the proposal and three alternative configurations, two of which would annex part or all of the ultimate right of way of Temperance Avenue and result in the creation of an unincorporated island; and

WHEREAS, acting as "Responsible Agency" under the California Environmental Quality Act ("CEQA") the Commission considered the CEQA documents filed and adopted by the City of Fresno acting as the "Lead Agency" under CEQA for the Proposal and associated rezoning, which was included in the Executive Officer's report to the Commission; and

WHEREAS, the Commission considered all relevant factors and evidence and heard all interested parties wishing to speak on the said Proposal.

NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does HEREBY RESOLVE AND DETERMINE, as follows:

Action 1:

- A. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to approving the proposed annexation, the environmental effects of the proposal as shown in the CEQA documents prepared, adopted, and submitted by the Lead

Agency, were reviewed and considered, and determine these documents to be adequate pursuant to CEQA Guidelines section 15096.

ADOPTED THIS 10th DAY OF JUNE 2020 BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS SANTOYO ,MENDES, PARRA

NOES: NONE

ABSENT: PACHECO

ABSTAIN: NONE

Action 2:

- B. Find that the proposed reorganization is consistent with LAFCo Policies, Standards, and Procedures and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).
- C. Find pursuant to CKH and information in the record that:
 - a. The territory is uninhabited;
 - b. Not all landowners and affected agencies have consented to the reorganization; and
 - c. Sufficient registered voter protest had been submitted to terminate the proposal at the Conducting Authority Proceeding if the proposal was considered without modification; based on support by the City and the County for annexation of Temperance Avenue to facilitate its full construction to address existing and future traffic volumes and to create a safer route to school for students of Boris Elementary School, the Commission finds that the creation of an unincorporated island by annexation of the territory planned for the full buildout of Temperance Avenue right of way is essential to the orderly development of the City of Fresno that would otherwise be impaired by leaving out the affected portion of Temperance Avenue; further, annexation of the three parcels on the east side of Temperance Avenue is deemed appropriate to facilitate municipal service delivery, including emergency services.
- D. Assign the distinctive short form designation "Shields-Temperance No.2 Reorganization" and approve the annexation and detachments subject to the following conditions of approval:
 - a. Pursuant to Fresno LAFCo Policy 103-05, the Executive Officer shall record the approved application if all conditions have been satisfied and once he or she has determined that the facts pertaining to the application during the time of recording are materially similar to those facts considered by the Commission when the application was approved. Facts, as used in the proceeding sentence, is defined to include, but is not limited to, whether or not the proposed project is materially similar to the project described in any application before the Commission.
 - b. Submittal of corrected legal and map.
 - c. Satisfactory verification that the City has accepted a final map shall be submitted to the Executive Officer prior to completion (recordation) of the annexation.

- E. Find that the notice mailed on May 20, 2020, was given to all landowners and registered voters within the affected territory, as well as within 300 feet of the affected territory, disclosed that there is potential for the extension or continuation of any previously authorized charge, fee, assessment, or tax by the local agency in the affected territory, and that the Commission intends to waive protest proceedings pursuant to section 56663(a)(b)(c) unless written opposition is received before the conclusion of the Commission proceedings.
- F. Find that written opposition to the proposal was received prior to the conclusion of the hearing, approve the proposal subject to the requirements of the CKH, the 30-day reconsideration period, and compliance with all of the above conditions, and directs staff to conduct a protest hearing at the LAFCo office pursuant to the requirements of CKH (Government Code Section 57000 Est Seq.).
- G. This Commission's action approving this proposal shall expire one year from the date of this resolution unless all proceedings are complete, including condition compliance, and Certificate of completion issued by the Executive Officer.

ADOPTED THIS 10th DAY OF JUNE 2020 BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS SANTOYO, MENDES, PARRA

NOES: NONE

ABSENT: PACHECO

ABSTAIN: NONE

**STATE OF CALIFORNIA)
COUNTY OF FRESNO)**

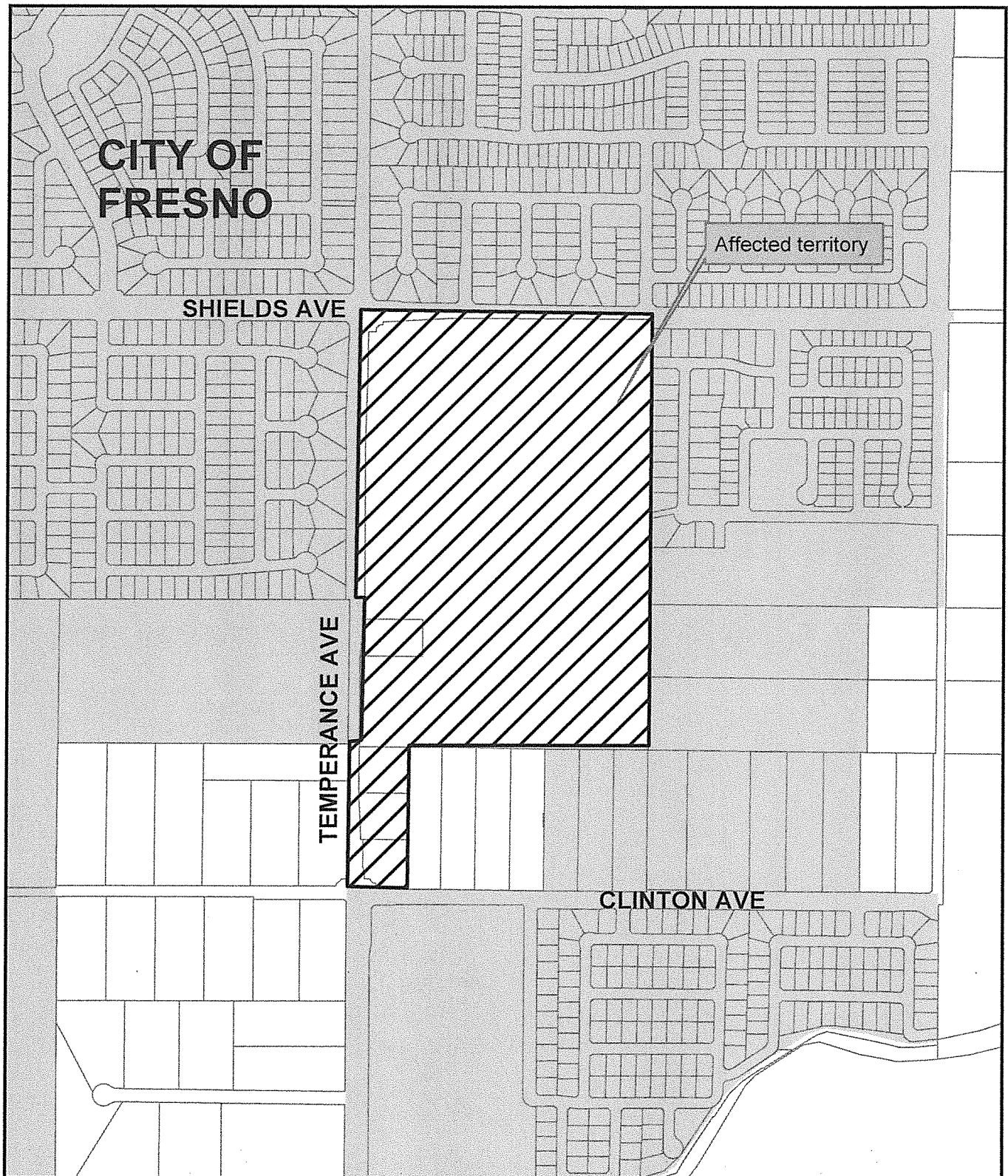
CERTIFICATION

I, David E. Fey, Executive Officer, Fresno Local Agency Formation Commission, hereby certify that the foregoing resolution was adopted by the Commission on the 10th day of June 2020.

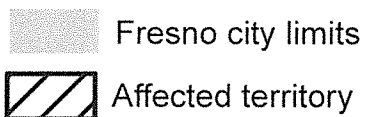


David E. Fey, Executive Officer
Fresno Local Agency Formation Commission

ATTACHMENT A



Fresno Local Agency Formation Commission



Map date: 5/14/2020