

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

CONSENT AGENDA ITEM No. 5C

DATE: April 13, 2016

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, AICP, Executive Officer 

SUBJECT: **Consider Approval: City of Fresno "Church-East No. 1 Reorganization."** A proposed reorganization to annex 33.71 acres to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District for territory located northeast corner of Church and East Avenues (LAFCo File No. RO-16-3).

Applicant: City of Fresno

Land Owners/Parties of Real Interest: Gurdev Singh Muhar

(Documents referenced in this report may be found on LAFCo's website at www.fresnolafco.org)

RECOMMENDATION: Approve by Taking the Following Actions

1. 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 project as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency, City of Fresno, were reviewed and considered, and determine these documents to be adequate pursuant to CEQA Guidelines Section 15096.
2. Find that the proposed reorganization is consistent with LAFCo Policies, Standards and Procedures of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).
3. Assign the distinctive short form designation "Church-East No. 1 Reorganization" and approve the reorganization (annexation and detachments) subject to the following condition of approval:

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.

4. Find pursuant to CKH that:
 - A. The territory is uninhabited; and
 - B. All landowners and affected agencies have consented to the reorganization.
5. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH and the 30-day reconsideration period.

(This proposed reorganization has been placed on the consent agenda because the territory is uninhabited and all property owners, exclusive of land owned by a private railroad company, have given their written consent to the proposal and a private railroad company that is an owner of land within the affected territory has not submitted written opposition to the waiver of protest proceedings prior to the conclusion of the commission hearing. (Sec. 56662(d)(2).)

Executive Summary

The City of Fresno submitted Resolution No. 2016-20 initiating reorganization proceedings for the "Church-East No. 1 Reorganization" in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The reorganization is to annex 33.71 acres to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District.

On September 24, 2009, in accordance with State law requirements, the City pre-zoned the Proposal territory to appropriate zone districts consistent with the City of Fresno's General Plan and Roosevelt Community Plan. On July 17, 2009, the City of Fresno adopted a Finding of Conformity prepared for Environmental Assessment No. R-07-002/TPM-2007-01.

Consideration of this reorganization requires the Commission to review and consider the Finding of Conformity prepared and adopted by the City for the "Church-East No. 1 Reorganization" and Change of Zone (Pre-Zone) under the requirements of the California Environmental Quality Act ("CEQA").

Discussion

The proposal consists of the annexation of 33.71 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 Church and East Avenues. The Proposal would reduce the size of an existing 200-acre County island.

On September 24, 2009, the City of Fresno rezoned the affected territory from M-3 (Heavy Industrial, Fresno County) Zone District to the M-3 (Heavy Industrial, City) Zone District. Vesting Tentative Parcel Map No. 2007-01 proposes to facilitate a 29-lot industrial subdivision on approximately 26.34 acres of property located on the north side of east Church Avenue between south East Avenue and south Orange Avenue which is to facilitate. The territory also includes railroad right-of-way owned by Burlington Northern/Santa Fe and Union Pacific.

Since the initial study analysis and approval of Rezone Application No. R-07-002, the proposed subdivision project was placed on hold by the developer during the State's economic downturn and more recently, by the California High Speed Rail Authority resulting in the planned construction of an overcrossing for Church Avenue which is impacting the southern portion of the subject property and its planned access to the subdivision. A revision is proposed by the

applicant to the South Second Street and South Third Street roadways connecting Church Avenue. The proposed redesign of Vesting Tentative Parcel Map No. 2007-01, will provide access to the proposed industrial business park subdivision with the new Church Avenue overcrossing.

Proposal / Land Use

- The territory is within the City of Fresno's Sphere of Influence, and is south of the city limits **(Figure 1)**.
- The proposal consists of the annexation of 33.71 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District.
- The City of Fresno pre-zoned the territory to the M-3 (Heavy Industrial) Zone District.
- The subject territory is located at the northeast corner of Church and East Avenues **(Figure 2)** and is uninhabited.
- The proposed development and reorganization conform to the City of Fresno's General Plan and Roosevelt Community Plan.

Environmental Determination

The City of Fresno prepared a Master Environmental Impact Report for the 2025 Fresno General Plan and filed a Finding of Conformity for Environmental Assessment No. R-07-002/TPM-2007-01) on July 17, 2009. On January 15, 2016, the City of Fresno determined that the proposed project is a subsequent project that is fully within the scope of Environmental Assessment No. R-07-002/TPM-2007-01 and is appropriate given that none of the conditions described in Section 15162 of the CEQA Guidelines have occurred and new information added is only for the purposes of providing minor changes or additions, in accordance with Section 15164 of the CEQA Guidelines.

As a Responsible Agency, the Commission is required to review and consider the City's environmental documents 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" above.

Consistency with LAFCo Policies, Standards and Procedures

- The Proposal was pre-zoned M-3 which is consistent with the City's General Plan land use designation.
- The County has determined that the Proposal is consistent with the Memorandum of Understanding (Master Tax Sharing Agreement) and the Standards for Annexation between the City of Fresno and County of Fresno.
- The City of Fresno and the Fresno County Fire Protection District have a transition agreement in place to provide fire protection services to the affected territory.

Accordingly, the Proposal is consistent with the CKH and LAFCo Policies, Standards, and Procedures, including, but not limited to, Sections 100 and 200.

APPLICATION INFORMATION

1. Subject Territory

Acreage:	33.71
Current Land Use:	Vacant
Number of Residences/ Population:	Residences: 0; Population: 0
Registered Voters:	0
Assessor Parcel Number(s):	480-090-12, 15u, 20mu, 27u, 28u, 29u, 30u

2. **Proposed Development:** The development will facilitate a proposed subdivision redesigned due to the High Speed Rail project, to create 28 lots ranging in size from 13,827 square feet up to 86,832 square feet for a light and heavy industrial use business park.
3. **Surrounding Territory:** Heavy industrial to the north and south, heavy industrial to the east with railroad right-of-way, and light industrial to the west.
4. **Consistency with Adopted Sphere of Influence (SOI):** The subject territory is within the LAFCo-approved Sphere of Influence for the City of Fresno.
5. **Existing Service Agencies and Proposed Service Changes**

Service	Existing Service	Change
Water	Private	City of Fresno
Sewer	Private	City of Fresno
Fire Protection	Fresno Co. Fire Protection District	City of Fresno

(See Service Plan on our website at www.fresnolafco.org)

6. Cities and Districts Included Wholly or Partially Within the Subject Territory

County of Fresno	Fresno County Library
State Center Community College District	Fresno Unified School District
West Fresno County Red Scale Protective District	Fresno Irrigation District
County Service Area No. 35	Fresno County Fire Protection District
Kings River Conservation District	Fresno Mosquito Abatement District
Fresno Metropolitan Flood Control District	County School Service

7. **Costs and Other Changes Affecting Residents or Landowners:** The landowner will be required to pay the City of Fresno's Police/Fire Pension Override property tax which is \$32.44 per \$100,000 of assessed value.

8. Agencies and Individuals Submitting Comments

- Jean Rousseau, County Administrative Officer
- Will Kettler, Manager, Fresno County Development Services Division
- Janet Gardner, Environmental Health Specialist III, Fresno Co. Dept. of Public Health
- Laurel Prysiazny, County Librarian
- Chufeng Vang, IT Analyst, Fresno County Elections Department
- Rick Lyons, Engineering Technician III, Fresno Metropolitan Flood Control District
- Michael Navarro, CALTRANS

9. Territory Boundaries: The boundaries of the Proposal **are** definite and certain. The County Assessor has determined that the map and legal description **are adequate** to file with the State Board of Equalization.

10. Compliance with the Requirements of CEQA

Lead Agency: City of Fresno

Level of Analysis: Environmental Impact Report

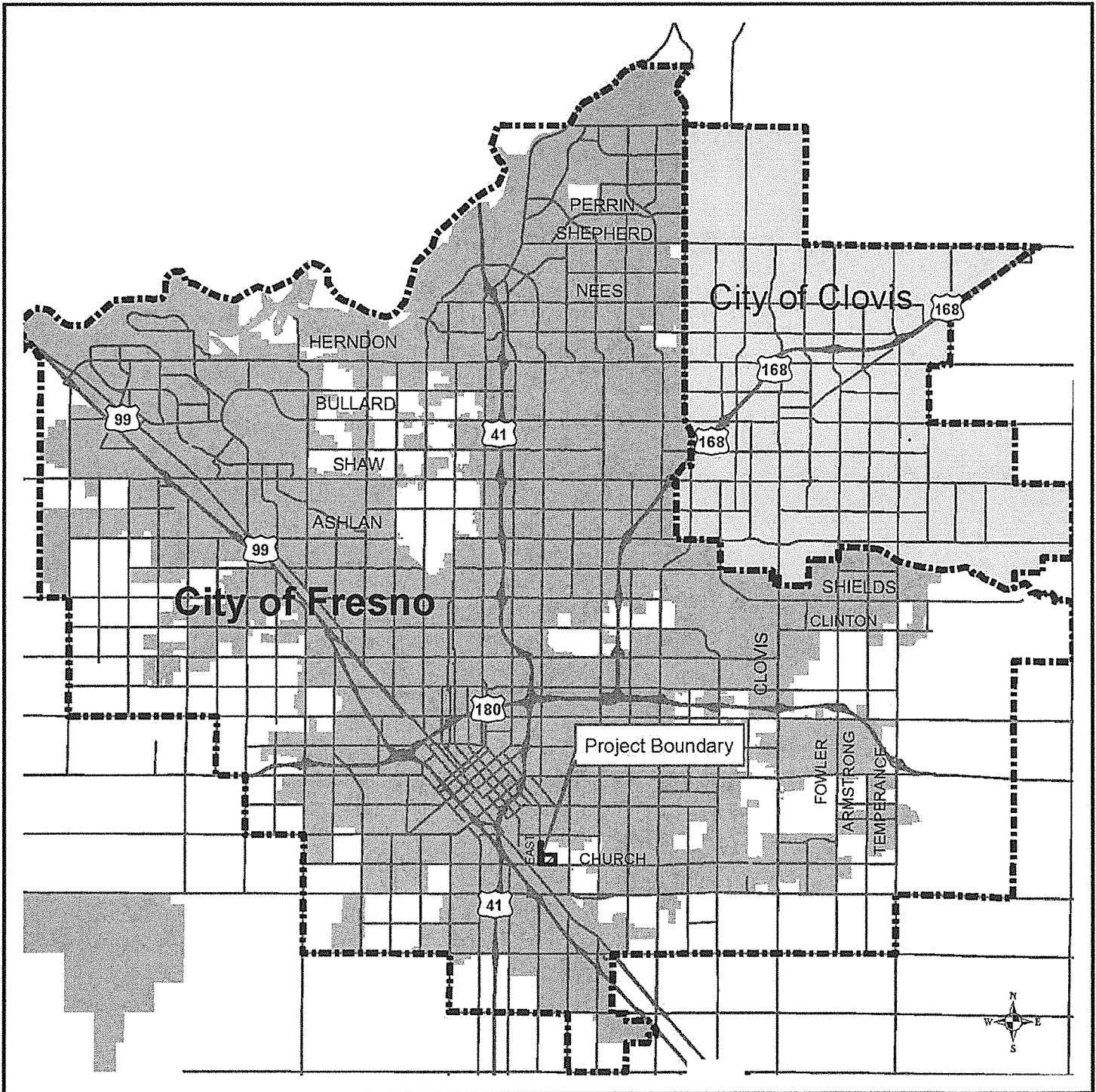
Finding: Finding of Conformity (see Environmental Documents at www.fresnolafco.org under the Hearing and Workshops tab in the April 13, 2016 file)

11. Public Notice of Hearing: Public notice concerning this Proposal was issued by the Executive Officer pursuant to State law.

12. Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Bruce Rudd, City Manager, City of Fresno
- Mike Sanchez, Assistant Director, Dev. & Resource Management, City of Fresno
- Ralph Kachadourian, Supervising Planner, City of Fresno
- Bernard Jimenez, Deputy Director of Planning, County of Fresno Public Works and Planning Department
- Will Kettler, Division Manager, Development Services Division, County of Fresno
- Chris Mota, Development Services Division, County of Fresno
- Mohammad Khorsand, Development Services Division, County of Fresno
- Mark Johnson, Chief, Fresno County Fire Protection District
- Stephen Julian, Fresno County Fire Protection District
- Paul Peschel, District Manager, Kings River Conservation District

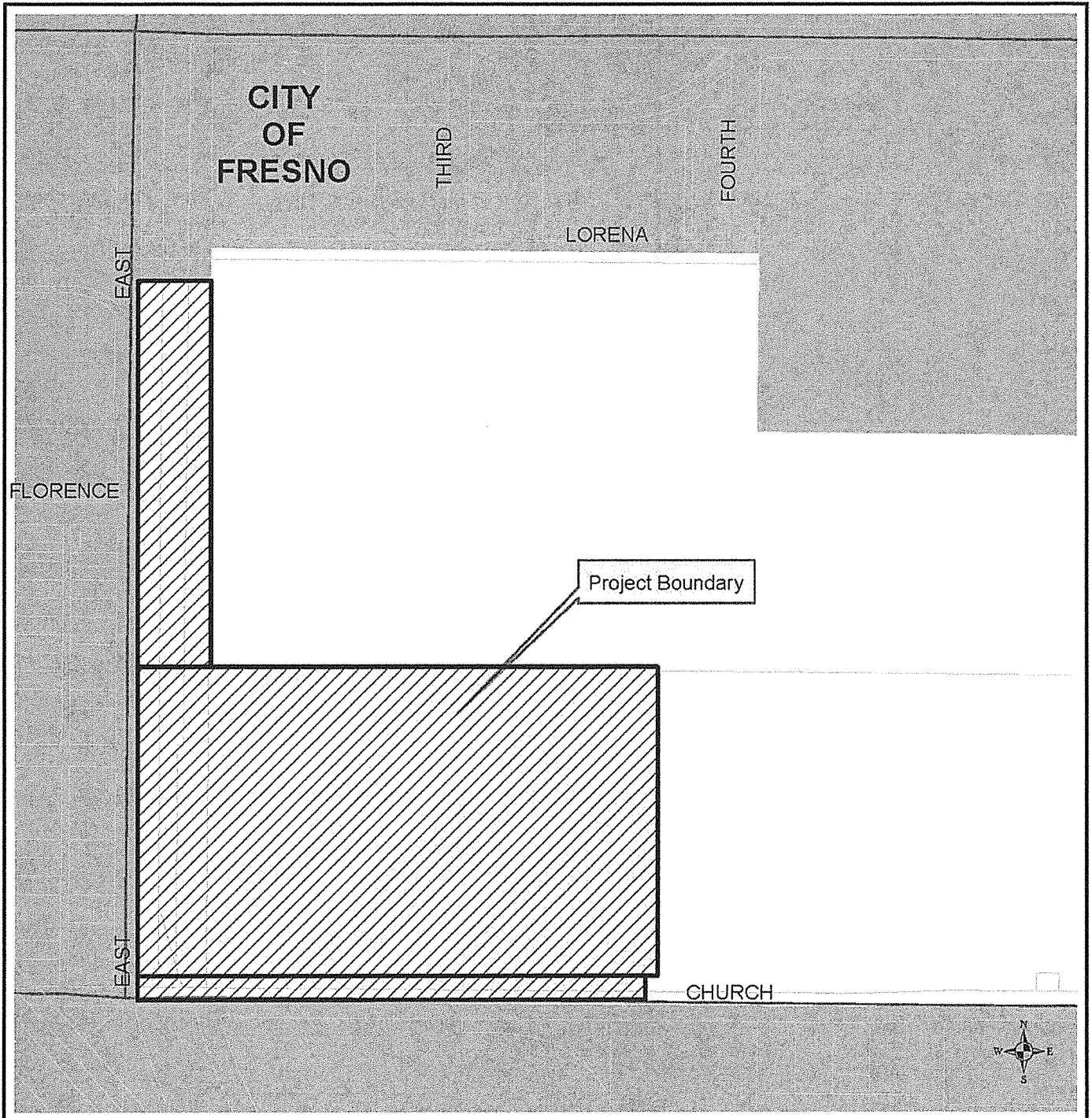
EXHIBIT A



- City SOIs
- City Limits, Fresno
- Church-East Reorganization

**Church-East NO.1 Reorganization
City of Fresno**

EXHIBIT B



Church-East NO.1 Reorganization City of Fresno

- City Limits, Fresno
- Church-East Reorganization

Received

FEB 26 2016

Fresno LAFCo



Correspondence
County of Fresno

COUNTY ADMINISTRATIVE OFFICE

JEAN M. ROUSSEAU

COUNTY ADMINISTRATIVE OFFICER

February 24, 2016

Bruce Rudd, City Manager
City of Fresno
2600 Fresno Street
Fresno, CA 93721-3601

SUBJECT: Notice of Intent to file the Church-East No. 1 Annexation/Reorganization

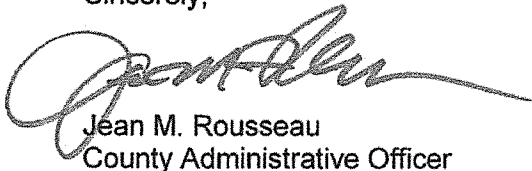
Dear Mr. Rudd:

In accordance with Article II, Section 2.2 of the Amended and Restated Memorandum of Understanding (MOU) between the City of Fresno and the County of Fresno, we have reviewed the proposed annexation described in the letter from the City received on January 25, 2016.

We have determined that the proposed annexation by the City of Fresno is consistent with the Standards for Annexation contained in Exhibit I of the Memorandum of Understanding between the City and County of Fresno executed January 6, 2003. To insure that future annexations do not result in irregular boundaries, the parcel to the north of the proposed annexation territory known as Assessor's Parcel Number (APN) 480-050-19 is recommended to be included in any future annexation in this area. In addition, it is also recommended that the full width right-of-way of Church and East Avenues be included in this annexation.

If you have any questions, you may contact me at (559) 600-1710 or William Kettler, Development Services Manager at (559) 600-4497.

Sincerely,



Jean M. Rousseau
County Administrative Officer

JA:jem

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Enclosure

c: Bernard Jimenez, Department of Public Works and Planning
William M. Kettler, Development Services Division
Mohammad Khorsand, Development Services Division
David Fey, LAFCo
Ralph Kachadourian, City of Fresno



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
BERNARD JIMENEZ, INTERIM DIRECTOR

DATE: March 4, 2016

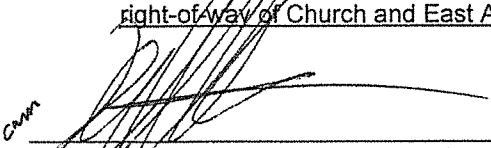
TO: David E. Fey, AICP, Executive Officer

FROM: William M. Kettler, Manager
Development Services Division
Department of Public Works and Planning

SUBJECT: City of Fresno, "Church-East No. 1 Annexation/Reorganization"; Agency No. RO-16-3

This is in response to your notice dated February 29, 2016, regarding an annexation application submitted by the City of Fresno to LAFCO known as the "Church-East No. 1 Annexation/Reorganization"; Agency No. RO-16-3.

1. County plan designation for the area:
The subject territory is designated as General Industrial in the County-adopted Roosevelt Community Plan.
2. Consistency of the proposal with adopted County General and Community Plans and Policies.
The County's General Plan directs urban type uses to incorporated cities and unincorporated communities where necessary support services are available. Annexation of the subject territory represents a logical expansion of the City of Fresno's boundary. The subject territory is within the City of Fresno's Sphere of Influence (SOI) and abuts the current city boundary. Therefore, the proposed annexation is in conformance with the Amended and Restated Memorandum of Understanding (MOU) between the City of Fresno and the County of Fresno.
3. Any pending County plans, projects (i.e. Community Development, roads, etc.) or development permits:
None.
4. Other related comments:
On February 24, 2016, the County issued a consistency determination letter stating that the "Church-East No. 1 Annexation/Reorganization" is consistent with the Standards of Annexation contained in Exhibit 1 of the Memorandum of Understanding between the County of Fresno and the City of Fresno.
5. Recommendations:
To insure a future logical boundary, it is recommended that any future annexation in the area include the parcel to the north of the proposed annexation territory known as Assessor's Parcel Number (APN) 480-050-19. It is also recommended that the City of Fresno include the full width right-of-way of Church and East Avenues in this annexation.

cm


William M. Kettler, Development Services Manager
Department of Public Works and Planning

3/4/16

Date

DB
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Fleming, Candace Lynn

From: Gardner, Janet
Sent: Monday, February 29, 2016 8:03 AM
To: Fey, David; Fleming, Candace Lynn
Cc: Allen, Glenn; Tsuda, Kevin
Subject: LAFCo RO-16-3 Church-East Reorg

Received
FEB 29 2016
Fresno LAFCo

Fresno County Environmental Health (EH) has completed the review of RO-16-3 Church-East No. 1 Reorganization requesting annexation to the City of Fresno with connections to city sewer and water services. A prior City of Fresno application was routed to EH therefore EH has no further comments.

Sincerely;



Janet Gardner

Environmental Health Specialist III
Environmental Health Division
Fresno County Department of Public Health
Office: (559) 600-3271



INTER OFFICE MEMO

Fresno County Public Library

Date: March 8, 2016 
To: Candie Fleming, Clerk to the Commission
From: Laurel Prysiazny, County Librarian 
Subject: "Church-East No. 1 Reorganization", RO-16-3

Annexation from Fresno County to Fresno City, with the possibility of a 28 lot industrial subdivision.

According to Google Maps there are no properties on location, (with the possibility of EZ Supplies).

The property was once owned by Fresno Pioneer Frank Hamilton Ball's first wife: Katie A. Ball.
NE1/4 T14S R20E S14

Mr. Ball had a vineyard on California and East adjacent to said property, named Ball Vineyards. Mrs. Ball had a house and a dryer on the property according to the 1891 property atlas.

Ella J. Howard owned the property and the house and dryer were gone, according to the 1907 property atlas.

Southern Pacific Rail Road Company owned the property according to the 1935 property atlas.

Resources:

Thompson, Thos. H. 1891, *Atlas of Fresno County California*.

Harvey, William Sr., 1907, *Atlas of Fresno County California*.

Progressive Map Service, 1935, *Progressive Atlas of Fresno County*.

Coffey, Jean. 1987, *Biographical Index of Fresno and Madera Counties from Selected sources in the Roy J. Woodward Memorial Library of Californiana Guinn, James*

E; Vandor, Paul E., 1919. *History of Fresno County California*. Los Angeles.

**If upon construction and digging there are any archaeological findings, they should not be disturbed until the right authorities are contacted.



County of Fresno

COUNTY CLERK / REGISTRAR OF VOTERS
BRANDI L. ORTH

VOTER COUNT CERTIFICATION

Certificate of the Registrar of Voters of the County of Fresno
regarding the number of registered voters residing within
Parcel: 480-090-12, 480-010-20MU, 480-010-27U, 480-010-28U,
480-010-29U, 480-010-30U

This Certificate will serve to certify that following the examination of the records of the registrations on file with the Registrar of Voters Office of the County of Fresno, that as of February 08, 2016 there were zero (0) registered voters within the Parcels mentioned above.

Dated: February 08, 2016

Chufeng Vang
Information Technology Analyst I
Office of Brandi Orth
County Clerk/Registrar of Voters



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 170.44
310. "II₁"

March 2, 2016

Received

MAR 03 2016
Fresno/LAFCo

Mr. David E. Fey, AICP Executive Officer
Fresno Local Agency Formation Commission
2607 Fresno Street, Suite "B"
Fresno, CA 93721

Dear Mr. Fey,

LAFCo File No. RO-16-3
Church-East No. 1 Reorganization
Drainage Area "II₁"

The proposed annexation boundary encompasses lands within the Fresno Metropolitan Flood Control District and will be served by the District's Storm Drainage and Flood Control Master Plan.

It is our understanding there will be no change in the District's share of the property tax base, nor future property tax increments for the impacted Tax Rate areas.

The District further requests its historic growth increment tax be applied to this area.

If you have any questions or require further information, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Lyons".

Rick Lyons
Engineering Technician III

RL/lrl

c: Alan Hofmann, Fresno Metropolitan Flood Control District

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LAFCo

Fresno Local Agency Formation Commission

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RECEIVED MAR 01 2016

DATE: February 29, 2016

TO: Kenneth Price, LAFCo Counsel
Greg Gulate, Captain, Sheriff's Department
Laurel Prysiazny, Librarian, Fresno County Library
Historical Landmarks and Records Commission (HLRC)
Michael Navarro, Chief, Planning North, Caltrans
Fresno Irrigation District
Fresno Metropolitan Flood Control District
Fresno Mosquito Abatement District
West Fresno County Red Scale Protection District

FROM: Candie Fleming, Clerk to the Commission *cf*

SUBJECT: "Church-East No. 1 Reorganization", RO-16-3

The Local Agency Formation Commission (LAFCo) is in receipt of a resolution of application initiating proceedings for the attached proposal. In accordance with Government Code Section 56386, your agency has been identified as an affected and/or interested agency and we are requesting your assistance in reviewing and commenting on this application.

In accordance with Section 56662 (a) the Commission may make determinations upon the proposal without notice and hearing and may waive protest proceedings entirely if the territory is uninhabited and no affected agency has submitted a written demand for notice.

Please return any comments you have regarding this proposed reorganization by **March 10, 2016**. Your assistance is greatly appreciated. Thank you.

CF

Attachments: Application, Map, Legal Description, and Resolution

No Comment

Jung
att 3/10/16