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

CONSENT AGENDA ITEM NO. 5-A

DATE: December 30, 2020

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: Juan Lara, LAFCo Analyst II

SUBJECT: **Consider Approval - City of Fresno "Tulare-Peach No. 3 Reorganization."** A proposed reorganization consisting of the annexation of 8.48 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District for territory located on the southwest corner of Tulare and Peach Avenues. (LAFCo File No. RO-20-15)

Applicant: City of Fresno

Landowners/Parties of Real Interest (100% Consent): City of Fresno, Elsa T. & Jose Leon Barraza, TEF Group Inc., Kathleen Ann Fendorak & Joyce Bell Trustees, Avis & Diana Trustees.

(This proposed reorganization has been placed on the consent agenda without notice pursuant to Govt. Code sec. 56662(a) because the territory is uninhabited, no affected local agency has submitted a written demand for notice and hearing, and all property owners have consented in writing to the annexation.)

RECOMMENDATION: Approve by Taking the Following Actions:

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.

Action 2:

- B. Find that the proposed reorganization is consistent with LAFCo Policies 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; and
 - b. All landowners and affected agencies have consented to the reorganization.
- D. Assign the distinctive short form designation "Tulare-Peach No. 3 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. Ownership of land permitting, the annexation shall include the full-width right-of-way along East Tulare and South Peach Avenues along the annexation frontage.
 - c. Submittal of corrected legal description and map.
- E. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH.

Executive Summary

On August 27, 2020, the City of Fresno adopted Resolution No. 2020-216 requesting the Commission to begin proceedings for the "Tulare-Peach No. 3 Reorganization," a proposed reorganization consisting of the annexation of 8.48 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District for territory located on the southwest corner of Tulare and Peach Avenues.

Proposal/Land Use

- The proposal consists of the annexation of 8.48 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District.
- Information related to the proposals affected territory, land use, proposed development, special districts, surrounding areas, and existing/proposed services can be found on **Attachment A**.
- The affected territory is within the City of Fresno sphere of influence (**Attachment B**) and is contiguous to the Fresno city limits (**Attachment C**).
- The proposal is currently zoned AE-20 (Exclusive Agricultural), RA NB (Single Family Residential Agricultural/Neighborhood Beautification), AL 20 (Limited Agricultural), and C1 (Neighborhood Shopping Center) and has been rezoned to the Fresno RM-2 (Multi-Family Residential, Urban Neighborhood), RS-5 (Single-Family Residential, Medium Density), and CMS (Commercial-Main Street), zone district by rezone City Ordinance No. 2020-32 and Bill No. B-33.
- The territory is uninhabited.

- The proposal is consistent with the Fresno General Plan.

Consistency with LAFCo Policies, Standards and Procedures

- The County has determined that the proposal is consistent with the Fifth Amendment to the Amended and Restated Memorandum of Understanding (Master Tax Sharing Agreement) and the Standards for Annexation between the City of Fresno and County of Fresno. (See letter from Mr. Jean Rousseau.)
- The City of Fresno and the Fresno County Fire Protection District have a transition agreement in place as required by LAFCo policy 102.04 entered into and effective as of August 19, 2015.
- The proposal is consistent with the CKH and LAFCo Policies, including, but not limited to, sections 100 and 200.
- The affected territory has been rezoned to Fresno RM-2 (Multi-Family Residential, Urban Neighborhood), RS-5 (Single-Family Residential, Medium Density), and CMS (Commercial-Main Street), zone district by City Ordinance No. 2020-32 and Bill No. B-33.

Information related to Memorandum of Understanding (MOU) between the City of Fresno and the County of Fresno

The term of the tax-sharing agreement between the City and Fresno County, commonly known as the Memorandum of Understanding, or “MOU,” expired on August 29, 2020. This agreement is a necessary component of a complete application to LAFCo. The City and County have agreed to allow projects approved by the City prior to the MOU’s expiration to be covered by the terms and conditions of the MOU, permitting their application to LAFCo as complete applications. This project was approved by the City on August 28, 2020.

Relationship to Regional Housing Goals and Policies

The residential development is consistent with the proposed planned use and contributes to meeting the projected population and housing goals of the Fresno General Plan Housing Element.

Sustainable Groundwater Management Act

Former Governor Edmund G. Brown Jr. signed California’s Sustainable Groundwater Management Act (“SGMA”) into law on September 16, 2014. This three-part legislation requires local agencies to develop groundwater sustainability plans that are compatible with their regional economic and environmental needs. SGMA creates a framework for sustainable local groundwater management for the first time in California’s history.

SGMA requires local agencies to form Groundwater Sustainability Agencies (“GSAs”) in local groundwater basins by June 2017 and requires the adoption of Groundwater Sustainability Plans (“GSPs”) for groundwater basins deemed high priority by year 2020. The North Kings GSA will represent the City of Fresno.

The affected territory is within the Fresno Irrigation District service area. After annexation, the surface water entitlement within the area will be managed by the City of Fresno.

After annexation the territory will be provided/served with water by the Bakman Water District.

Environmental Determination

The City of Fresno, acting as “Lead Agency” under CEQA, adopted a Mitigated Negative Declaration for Prezone Application No. P19-06060, Planned Amendment Application No. P19-06060, Annexation Application No. P19-06059, and Development Permit No. P19-06061, and filed with the Fresno County Clerk Office on August 28, 2020 consistent with the requirements of CEQA. The Mitigated Negative Declaration determined the project would not have a significant impact on the environment including impact on matters such as air quality, water consumption, loss of agricultural and city service/infrastructure therefore the preparation of an Environmental Impact Report is not required.

As “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.

Costs and Other Changes Affecting Residents or Landowners

After annexation a public safety bond property tax increase of \$33.44 per \$100,000 of total assessed value is levied on each property.

Agencies and Individuals Submitting Comments

- Jean Rousseau, County Administrative Officer
- Chufeng Vang, IT Analyst, Fresno County Elections Department
- Jamaica Gentry, Transportation Planner, Caltrans-District 6
- Karen Coletti, Executive Secretary, Fresno County Public Library
- Caitlin Juarez, Engineer, State Water Resource Control Board
- Josh Chrisman, Administration Officer, Fresno County Fire Protection District

Territory Boundaries

The boundaries of the proposed annexation **are** definite and certain, and the County Assessor has determined that the map and legal description **are not adequate** to file with the State Board of Equalization. Staff’s recommended condition of approval (D)(c) will adequately address this matter.

Registered Voter Data

The County of Fresno Elections Office reported that there were **nine** registered voters in the affected territory.

Compliance with the Requirements of CEQA

Lead Agency: City of Fresno

Level of Analysis: Initial Study

Finding: Mitigated Negative Declaration (See Environmental Documents at www.fresnolafco.org under the Hearing and Workshops tab in the December 30, 2020 file).

Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning
- Will Kettler, Development Services Div. Mgr., Fresno Co. Public Works and Planning
- Chief Mark Johnson, Fresno County Fire Protection District
- Rob Holt, Planner III, City of Fresno
- Dan Zack, Assistant Planning Director, City of Fresno
- Will Tackett, City of Fresno
- Sonja Thiede, GISP, Kings River Conservation District

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Attachment A

PROPOSAL INFORMATION

1. Affected Territory

Acreage:	8.48
Current Land Use:	AE-20 (Exclusive Agricultural), RA NB (Single Family Residential Agricultural/Neighborhood Beautification), AL 20 (Limited Agricultural), and C1 (Neighborhood Shopping Center)
Number of Residences/ Population:	Residents: 13/ Population: 13 estimated
Registered Voters:	Voters: 9
Assessor Parcel Number(s):	463-090-43, 463-090-29, 463-090-27, 463-090-11, 463-090-59, 463-090-28, 463-090-57, 463-090-10

2. Proposed Development – Four of eight parcels located within the affected territory have been developed with rural single-family residences. Development proposed is a 129-unit multifamily residential complex anticipated to begin in 2021.

3. Surrounding Territory – Medium density residential to the north, commercial and rural residential to the east, and vacant and rural residential to the west and south.

4. Existing Service Agencies and Proposed Service Changes

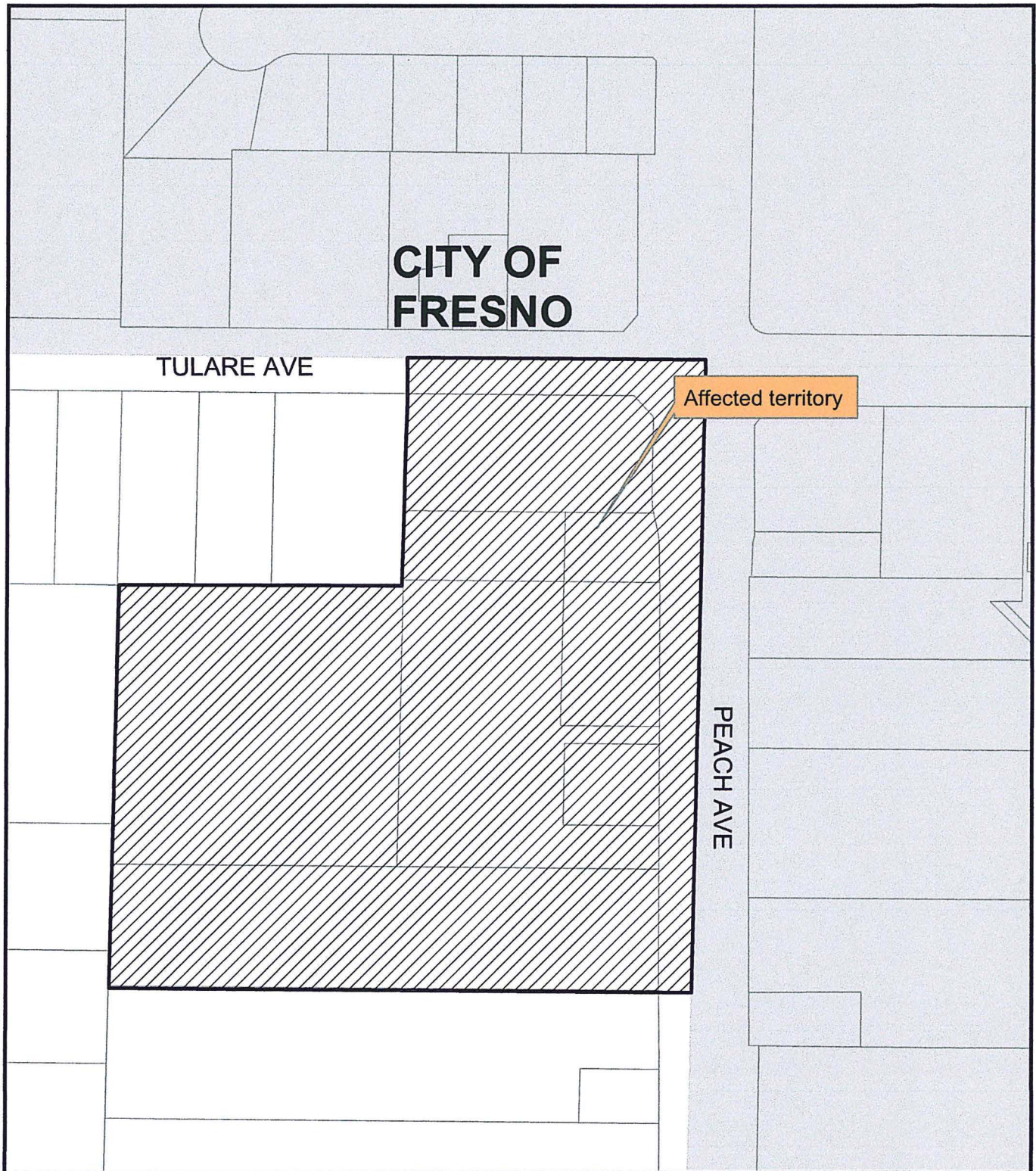
Service	Existing Service	Change
Water	Wells/ Groundwater	Bakman Water District
Sewer	Private Septic	City of Fresno
Fire Protection	Fresno County Fire Protection District	City of Fresno

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

5. Cities and Districts Included Wholly or Partially Within the Affected Territory

Fresno County	Fresno County Library
Silver Creek Drainage District	Fresno County Fire
County Service Area No. 35	Fresno Unified School District
Co School Service	West Fresno Red Scale
Kings River Conservation District	Fresno Mosquito and Vector Control District

ATTACHMENT B



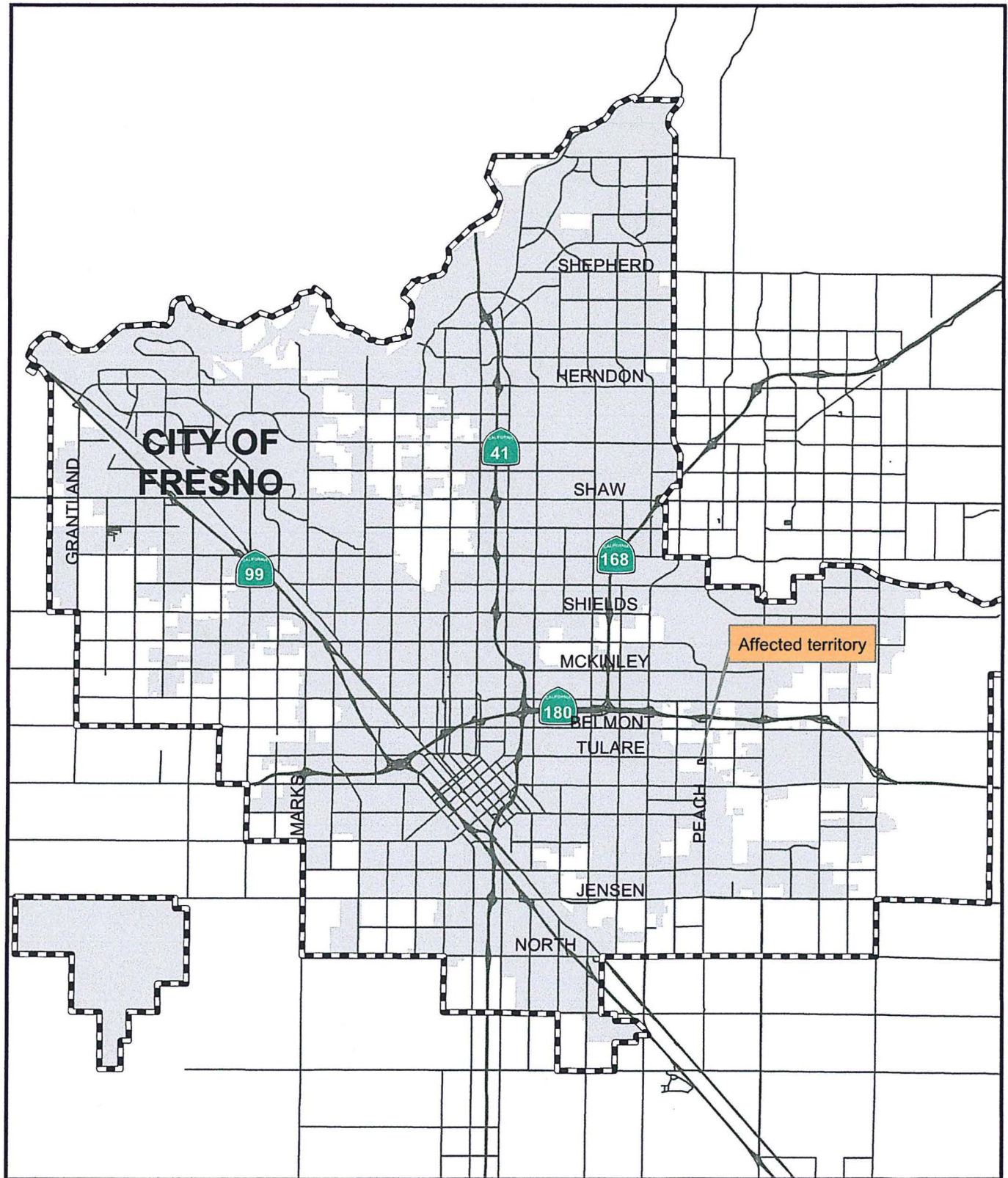
Fresno Local Agency Formation Commission



Fresno city limits



ATTACHMENT C



Fresno Local Agency Formation Commission

 Fresno city limits



Map date: 12/22/2020