

RESOLUTION NO. RO-21-01

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION
APPROVING THE “DAKOTA-HAYES NO. 4 REORGANIZATION” WITH CONDITIONS
(LAFCO FILE NO. RO-21-01)**

WHEREAS, proceedings were initiated by the City of Fresno to detach approximately 240 acres from the North Central Fire Protection District and the Kings River Conservation District and annex this territory to the City of Fresno, said territory being described by 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 13th day of October, 2021, 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, 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, acting as “Responsible Agency” under the California Environmental Quality Act (“CEQA”) the Commission considered the CEQA documents filed and adopted by the City 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 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 13th DAY OF OCTOBER 2021 BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS MAGSIG, BRANDAU, ROBERTSON, SANTOYO, YEP

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Action 2:

- A. Find that the proposed annexation is consistent with LAFCo Policies and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH").
- B. Find pursuant to CKH and information in the record that:
 - a. The territory is inhabited; and
 - b. Not all landowners or registered voters have consented to the reorganization.
- C. Assign the distinctive short form designation "Dakota-Hayes No. 4 Reorganization." and approve the annexation 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 description 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.
- D. Find that pursuant to CKH the territory is inhabited and not all landowners have consented to the annexation.
- E. Find that the notice mailed on September 22, 2021, 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 no written opposition to the proposal was received prior to the conclusion of the hearing and approve the proposal subject to the requirements of the CKH, the 30-day reconsideration period, and compliance with all of the above conditions, and waive further conduction Authority Proceedings.

ADOPTED THIS 13th DAY OF OCTOBER 2021 BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS BRANDAU, SANTOYO, MAGSIG, ROBERTSON, YEP

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

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

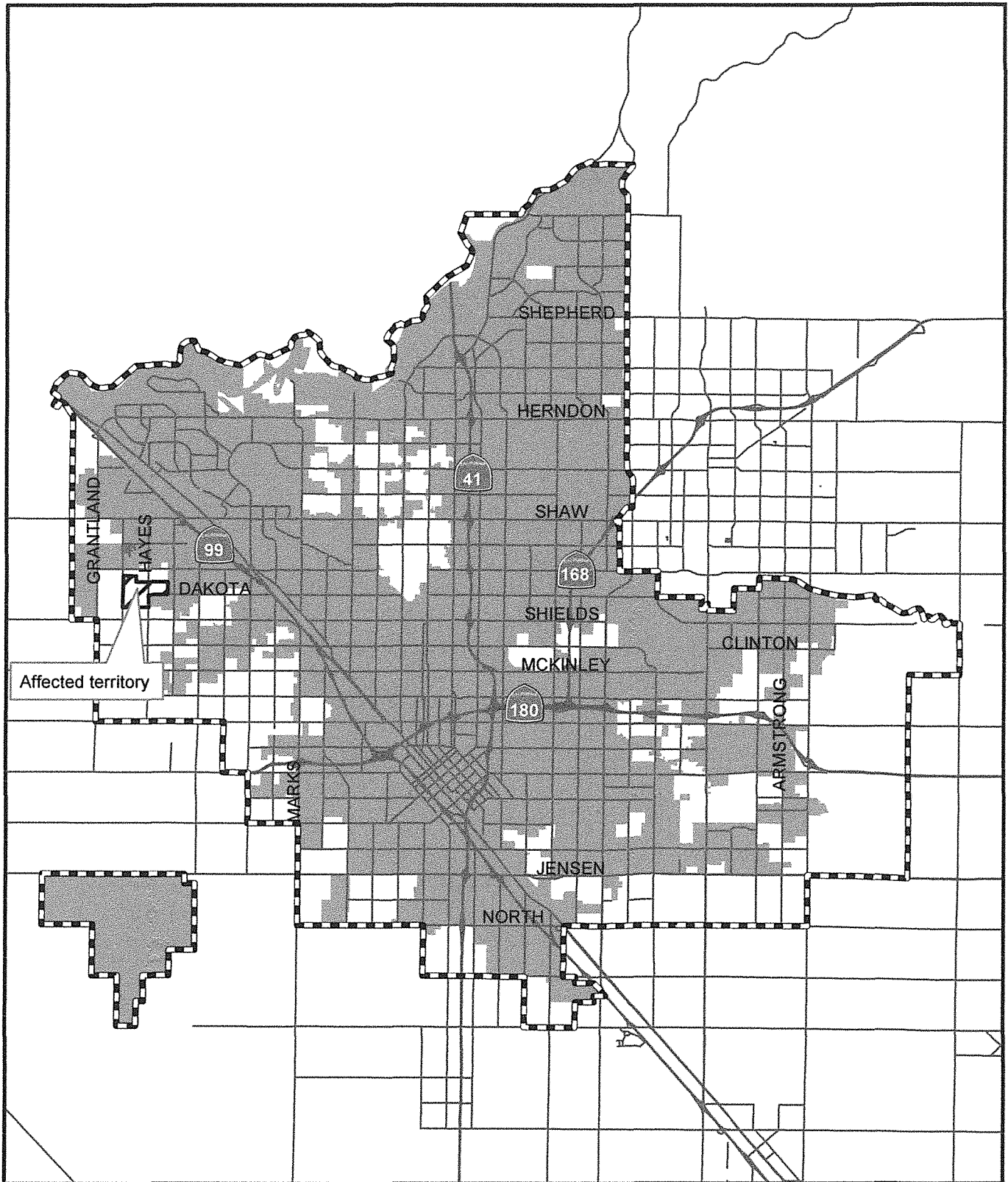
CERTIFICATION

I, David E. Fey, Executive Officer, Fresno Local Agency Formation Commission, hereby certify that the foregoing resolution was adopted by the Commission on the 13th day of October 2021.






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

ATTACHMENT A



Fresno Local Agency Formation Commission

-  Fresno city limits
-  Fresno SOI
-  Affected territory



Map date: 9/28/2021