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

AGENDA ITEM NO. 6

DATE: October 13, 2021

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: Juan Lara, LAFCo Analyst II

SUBJECT: **Consider Approval - City of Fresno "Dakota-Hayes No. 4 Reorganization."** A proposed reorganization consisting of the detachment of approximately 240 acres from the North Central Fire Protection District and the Kings River Conservation District and annexation of this territory to the City of Fresno said territory being located north of West Dakota Avenue between North Bryant and North Polk Avenues. (LAFCo File No. RO-21-01)

Applicant: City of Fresno

Landowners/Parties of Real Interest: City of Fresno, Triple Equities LLC, Edward & Sabrina Soo, Pickering Family Trust, Edward L Fanucchi, Edward D Fanucchi, Paul Smith, Fang & Cheng Xiong, Daniel & Patricia Arzate, Jean & Marie Werner, Jack & Anna Bakholdin, Conrado Vasquez & Alicia Salas, George & Roberta Culbertson, James Glatzhofer & Debra Lee, DBO Holdings LLC, Roman Catholic Bishop of Fresno, Richard & Angelina Ohannesian, Griselda Gamaz, Karl Shumaker, Martin & Corine Gonzales, Daniel Gentile, Charles Chapman, George & Sterlene Joy Beal, Valerie L Fanucchi TRS.

RECOMMENDATION: Approve option 2A by Taking the Following Actions:

Action 1:

- A. Acting as a 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:

- 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.

-Or-

- G. If 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 direct staff to set a protest hearing pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code section 57000 et seq.).

Executive Summary

On September 7, 2020, the City of Fresno adopted Resolution No. 2020-235 requesting the Commission to begin proceedings for the “Dakota-Hayes No. 4 Reorganization.” A proposed reorganization consisting of the detachment of approximately 240 acres from the North Central Fire Protection District and the Kings River Conservation District and annexation of this territory to the City of Fresno said territory being located north of West Dakota Avenue between North Bryant and North Polk Avenues.

On August 10, 2021 the County of Fresno approved a stand-alone tax sharing agreement between the City of Fresno and the County of Fresno regarding the Dakota-Hayes No. 4 Reorganization.

Proposal/Land Use

- Information related to the proposal’s 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 city limits (**Attachment C**).
- The proposal is currently zoned RR (Rural Residential) and has been rezoned to the City of Fresno RS-3/UGM/ANX (Residential Single Family, Low Density/Annexed Rural Residential Transitional Overlay/Urban growth Management), RS-5/UGM (Single Family, Medium Density/Urban Growth Management), RS-5/UGM/ANX (Single Family, Medium Density/Urban Growth Management/ Annexed Rural Residential Transitional Overlay), RM-2/UGM/ANX (Multi-Family Residential, Urban Neighborhood/Urban Management Growth Management/ Annexed Rural Residential Transitional Overlay, and OS/UGM/ANX(Open Space/Urban Growth Management/ Annexed Rural Residential Transitional Overly zone districts by Pre-zone Bill No. 38, City Ordinance No. 2020-035.
- The territory is inhabited. (12 or more registered voters)

Consistency with LAFCo Policies, Standards and Procedures

- The City of Fresno and the North Central Fire Protection District have a transition agreement in place to provide fire protection services to the affected territory.
- The proposal is consistent with the CKH and LAFCo Policies, Standards, and Procedures, including, but not limited to, sections 100 and 200.
All properties within the proposal have been rezoned pursuant to LAFCo policies.

Revenue & Taxation Code

On January 14, 2021 LAFCo issued a notice for jurisdictional change under Revenue and Taxation Code section 99(b) to the Fresno County Assessor-Recorder and the Fresno County Auditor Controller/Treasure-Tax Collector. Upon receiving the notice these agencies commenced calculations and negotiations to determine the amount of property tax revenues to

be exchanged between the local agencies whose service area or service responsibility will be altered by the change.

On August 10, 2021 the County of Fresno approved a stand-alone tax sharing agreement between the City of Fresno and the County of Fresno regarding the Dakota-Hayes No. 4 reorganization.

On August 19, 2021 the Fresno City Council approved the standalone tax sharing agreement between the City of Fresno and the County of Fresno regarding the Dakota-Hayes No. 4 reorganization.

Relationship to Regional Housing Goals and Policies

This proposal will assist the City of Fresno in achieving its fair share of regional housing needs because the proposal is a single-family residential project that is anticipated to add 486 housing units to the City's housing inventory. Residential Development consistent with the densities designated by the Fresno General Plan contribute to meeting the projected population and housing element goals of the adopted 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.

Environmental Determination

The City of Fresno, acting as "Lead Agency" under CEQA, adopted a Mitigated Negative Declaration for Plan Amendment/Prezone Application No. P19-02237, Annexation Application No. P19-02239, and Vesting Tentative Tract Map No.6234/UGM, filed with the Fresno County Clerk Office on September 18, 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 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.

Costs and Other Changes Affecting Residents or Landowners

Affected properties will see a Public Safety Bond property tax increase of approximately \$47.00 per \$100,000 of total assessed value per property.

Affected landowners will be required by City ordinance to connect to city sewer services within three years of the service being available.

Agencies and Individuals Submitting Comments

- Jean Rousseau, County Administrative Officer
- Chufeng Vang, IT Analyst, Fresno County Elections Department
- Kevin Tsuda, Environmental Health Specialist II, Fresno County Environmental Health Division
- Fresno County Public Library
- Bryant VanderVelde, Cadastral Tech II, Fresno County Assessor-Recorder Office
- Caitlin Juarez, Engineer, State Water Recourse Control Board

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.

A condition of approval that the City submit a corrected legal description and map will address this matter.

Registered Voter Data

The County of Fresno Elections Office reported that there were **36** 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 October 13, 2021 file).

Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning
- District Manager, Kings River Conservation District
- Fresno County Fire Protection District
- Chris Lang, Planner, City of Fresno
- Will Tackett, Planner, City of Fresno

G:\LAFCo Projects\Cities\Fresno\RO\RO-21-01\Staff Report-RO-21-01.docx