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

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CONSENT AGENDA ITEM NO. 5-B

DATE: September 13, 2017

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: Juan Lara, LAFCo Analyst

SUBJECT: **Consider Approval City of Fresno "Jensen-Martin Luther King No. 4 Reorganization."** A proposed reorganization consisting of the annexation of 115 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 East Church Avenue and South Martin Luther King Boulevard. (LAFCo File No. RO-17-7).

**Applicant:** Wilma Quan-Schechter, City Manager, City of Fresno

**Land Owners/Parties of Real Interest (100% consent):** City of Fresno, Fresno County, Cam Vong, Mui Vong, Sylvesta M Hall, James L Shehadey, Stephen J. Shehadey.

(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:**

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 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.
2. 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).
3. 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.

4. Assign the distinctive short form designation "Jensen-Martin Luther King No. 4 Reorganization" and approve the annexation and detachments subject to the following condition 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 Jensen Avenue.
  - C. Submittal of corrected legal description and map.
5. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH.

### **Executive Summary**

On August 25, 2017, The City of Fresno initiated this reorganization proposal with the adoption of Resolution No. 2017-230 requesting that the Commission begin proceedings for the "Jensen-Martin Luther King No. 4 Reorganization" to annex approximately 115 acres located on the southwest corner of East Church Avenue and South Martin Luther King Boulevard to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District.

The Fresno County Administrative Officer determined that the proposal is consistent with the Standards of Annexation contained within the City/County Memorandum of Understanding.

The proposed development conforms to the Fresno General Plan and the Edison Community Plan.

The City of Fresno and the Fresno County Fire Protection District have a fire transition agreement in place as required by Commission policy section 102-04.

### **Proposal**

The proposal consists of the annexation of 115 acres located on the southwest corner of East Church Avenue and South Martin Luther King Boulevard to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District.

### **Proposal/Land Use**

- The affected territory is within the City of Fresno's sphere of influence and is contiguous to the Fresno city limits (**Exhibit A**).
- The proposal consists of the annexation of 115 acres to the City of Fresno and detachment from the Fresno County Fire Protection and Kings River Conservation District.

- The affected territory is located on the southwest corner of East Church Avenue and South Martin Luther King Boulevard.
- The proposal is currently zoned AL-20 (Limited Agricultural) and will be rezoned to the City of Fresno PI (Public and Institutional), CC (Commercial Community), RS-5 (Single-Family Residential), PR (Park and Recreation) and CR (Commercial Regional) zone districts by Prezone application R-17-010, City Ordinance No. 2017-43 and Bill No. B-43. The City's rezoning ordinance will be effective on September 24, 2017 after the LAFCo commission hearing where the Commission will consider the subject reorganization but prior to the Commission 30- day reconsideration ending period.
- The territory is uninhabited.

### **Relationship to Regional Housing Goals and Policies**

The affected territory is located within the City of Fresno's sphere of influence and is contiguous to the City's incorporated boundary along all property lines. The affected territory is currently planned for limited agricultural land uses by the Fresno County General Plan. Prezone application No. R-17-010 was approved by the Fresno City Council on August 24, 2017 for the subject 115 acres.

### **Environmental Determination**

The City of Fresno as the lead agency under CEQA adopted a Mitigated Negative Declaration tiered from the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015). See initial study at [www.fresnolafco.org](http://www.fresnolafco.org).)

As a responsible agency under CEQA 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.

### **APPLICATION INFORMATION**

#### **1. Affected Territory**

<b>Acreage:</b>	115
<b>Current Land Use Designation:</b>	AL-20 (Limited Agricultural, 20-acre min.)
<b>Number of Residences/ Population:</b>	Residents / Population: 4
<b>Registered Voters:</b>	Voters: 4
<b>Assessor Parcel Number(s):</b>	479-050-02,479-050-02,479-060-02,479-060-03,479-060-08,479-060-09,479-060-10 and 479-060-11

- Proposed Development** – The affected territory will be developed with 115 acres of mixed use designations ranging from, Medium Density Residential, Urban Neighborhood, Commercial, Office, Community Park, Medium Density Residential, Community Commercial, Regional Commercial, Park and Public Facility and College use designations.
- Surrounding Territory** – Residential Single Family to the North, East, South and West.

4. **Consistency with Adopted Sphere of Influence (SOI)** - The affected territory is within the LAFCo's sphere of influence for the City of Fresno.
5. **Consistency with City and County General Plans** - The proposal will be consistent with the City of Fresno's General Plan and the Edison Community Plan once annexed. The Proposal furthers the County's General Plan policies of directing growth to existing cities where infrastructure and a full range of municipal services are available to serve urban development.
6. **Existing Service Agencies and Proposed Service Changes**

Service	Existing Service	Change
Water	N/A	City of Fresno
Sewer	N/A	City of Fresno
Fire Protection	Fresno County Fire Protection District	Fresno Fire Department

(See Service Plan on our website at [www.fresnolafco.org](http://www.fresnolafco.org))

7. **Cities and Districts Included Wholly or Partially Within the Affected territory**

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

8. **Costs and Other Changes Affecting Residents or Landowners** - None reported by the City of Fresno staff.
9. **Consistency with LAFCo Policies, Standards and Procedures**
  - All properties within the Proposal will be rezoned to the City of Fresno PI (Public and Institutional), CC (Commercial Community), RS-5 (Single-Family Residential), PR (Park and Recreation) and CR (Commercial Regional) zone districts by Pre-zone application R-17-010, City Ordinance No.2017-43 and Bill No. B-43 effective on September 24, 2017.
  - 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 (see letter from Mr. Jean Rousseau,
  - 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.
  - The Proposal is consistent with the CKH and LAFCo Policies, Standards, and Procedures, including, but not limited to, Sections 100 and 200.

10. **Agencies and Individuals Submitting Comments**

- Jean Rousseau, County Administrative Officer
- Janet Gardner, Environmental Health Specialist III, Fresno Co. Dept. of Public Health
- Chufeng Vang, Elections Division
- Rick Lyons, Engineering Technician III, Fresno Metropolitan Control District

11. **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.

12. **Registered Voter Data** - The County of Fresno Elections Office reported that there were **four** registered voters in the affected territory.

13. **Compliance with the Requirements of CEQA**

**Lead Agency:** City of Fresno

**Level of Analysis:** Initial Study

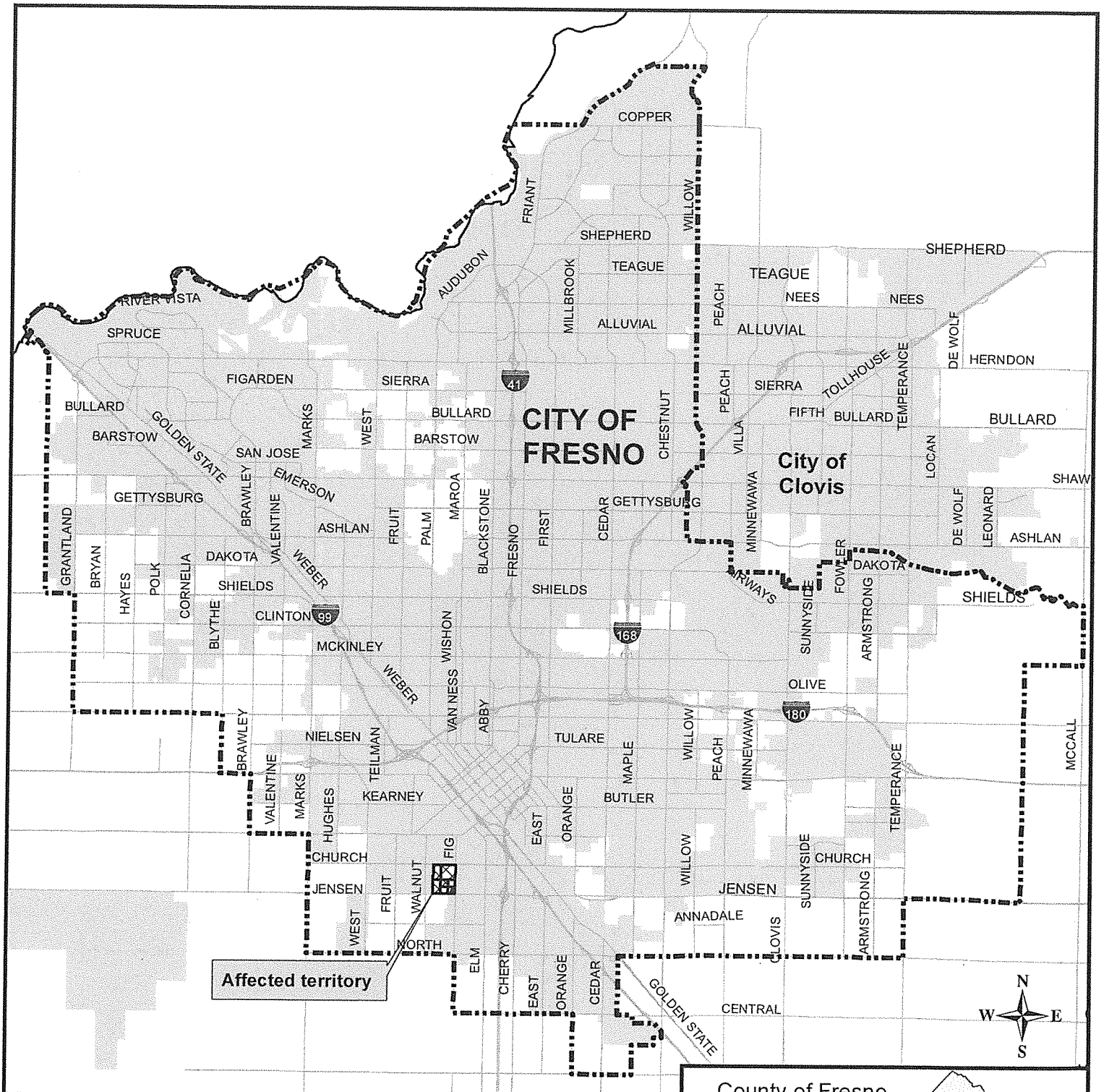
**Finding:** Mitigated Negative Declaration to the Fresno General Plan Master Environmental impact report (see Environmental Documents at [www.fresnolafco.org](http://www.fresnolafco.org) under the Hearing and Workshops tab in the September 2017 file).

14. **Public Notice of Hearing** - 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.




15. **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
- Paul Peschel, District Manager, Kings River Conservation District
- Wilma Quan-Schechter, Fresno City Manager
- Mike Sanchez, Assistant Director, DARM, City of Fresno
- Sophia Pagoulatos, Supervising Planner, City of Fresno
- Fresno County Fire Protection District

# EXHIBIT A

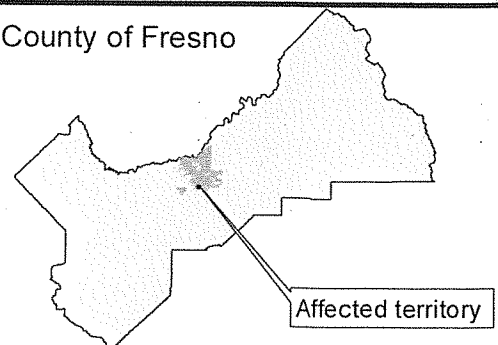


## Fresno Local Agency Formation Commission

-  Fresno SOI
-  Fresno city limits
-  Affected territory

Map prepared: 09/05/2017

## County of Fresno



# EXHIBIT B

