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

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AGENDA ITEM NO. 8

**DATE:** August 12, 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 "Clinton-Armstrong No. 3 Reorganization." A proposed reorganization consisting of the annexation of approximately 79.27 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District for territory located west of Armstrong Avenue between Clinton and the McKinley Avenue Alignment. (LAFCo File No. RO-20-9)

**Applicant:** City of Fresno

**Landowners/Parties of Real Interest:** City of Fresno, Marion D Deffebach, Timothy J Snyder & Robyn L Pellouso-Snyder, Sharon Magee Metzler Trustee, Betty Sharon Metzler, Sukhwinder Singh.

**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:**

- 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 uninhabited; and
  - b. Not all landowners or registered voters have consented to the reorganization.

- C. Assign the distinctive short form designation "Clinton-Armstrong No. 3 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 uninhabited and not all landowners have consented to the annexation.
- E. Find that the notice mailed on July 22 , 2020, 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 June 18, 2020, the City of Fresno adopted Resolution No. 2020-145 requesting the Commission to begin proceedings for the "Clinton-Armstrong No. 3 Reorganization." A proposed reorganization consisting of the annexation of 79.27 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District for

territory located west of Armstrong Avenue between the Clinton and McKinley Avenue Alignment.

### **Proposal/Land Use**

- The proposal consists of the annexation of 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 city limits (**Attachment C**).
- The proposal is currently zoned AE-20 (Exclusive Agricultural) and has been rezoned to the City of Fresno RS-5/UGM (Residential Single Family/Urban Growth Management) and RS-5/UGM/ANX (Residential Single Family/Urban Growth Management/Annexed Rural Transition Overlay) zone district by Pre-zone Bill No. 21, City Ordinance No. 2020-021.
- The territory is uninhabited (less than 12 registered voters).

### **Consistency with LAFCO Policies, Standards and Procedures**

- 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 subject to the 10-year property tax allocation agreement between the City of Fresno and the Fresno County Fire Protection District entered into and effective as of August 19, 2015.
- 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 to the City of Fresno RS-5/UGM (Residential Single Family/Urban Growth Management) and RS-5/UGM/ANX (Residential Single Family/Urban Growth Management/Annexed Rural Transition Overlay) zone district by Pre-zone Bill No. 21, City Ordinance No. 2020-021.

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

The current term of the tax-sharing agreement between the City and Fresno County, commonly known as the Memorandum of Understanding, or "MOU," expires August 29, 2020. This agreement is a necessary component of a complete application to LAFCo. The City and County have tentatively 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. However, LAFCo will consider this project on August 12, prior to mutual agreement by the City and County on this matter.

Once the commission approves an annexation, there is a required 30-day reconsideration period during which the executive officer cannot certify an annexation as complete. The reconsideration period for a proposal approved on August 12 is September 11.

If the City and County cannot agree on extending terms and conditions for the subject proposal by September 11, this lack of tax-sharing agreement will constitute a material change to the conditions used by the Commission in its approval. Pursuant to Fresno LAFCo Policy 103-05 the executive officer will not certify this project as complete.

### **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.

### **Environmental Determination**

The City of Fresno, acting as "Lead Agency" under CEQA, adopted a Mitigated Negative Declaration for Prezone Application No. P19-06286, Planned Amendment Application No. P19-06286, Annexation Application No. P19-06018, Planned Development Application No. P20-00369, and Vesting Tentative Tract Map No. 6241 filed with the Fresno County Clerk Office on June 23, 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**

Public Safety Bound property tax increase of \$33.44 per \$100,000 of total assessed value per property. Landowners will be required 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 Resource Control Board
- Jeremy Landrith, Engineering Tech III, Fresno Irrigation District

### **Territory Boundaries**

The boundaries of the proposed annexation **are** not 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.

### **Registered Voter Data**

The County of Fresno Elections Office reported that there were **9** 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](http://www.fresnolafco.org) under the Hearing and Workshops tab in the August 12, 2020 file).

### **Individuals and Agencies Receiving this Report**

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning
- Sonja Thiede, GISP, Kings River Conservation District
- Chief Mark Johnson, Fresno County Fire Protection District
- Will Tackett, Planner, City of Fresno

## Attachment A

### PROPOSAL INFORMATION

1. Affected Territory

<b>Acreage:</b>	79.27
<b>Current Land Use:</b>	AE-20 (Exclusive Agricultural)
<b>Number of Residences/ Population:</b>	Residents: 28/ Population: 28 estimated
<b>Registered Voters:</b>	Voters: 9
<b>Assessor Parcel Number(s):</b>	310-041-2,310-041-21,310-041-22,310-041-23,310-041-24,310-041-25

2. Proposed Development - The affected territory will be developed into approximately 225-lot for a single-family residential public street planned development.

3. Surrounding Territory – Residential to the North, East, and West. Rural Residential to the South.

4. Existing Service Agencies and Proposed Service Changes

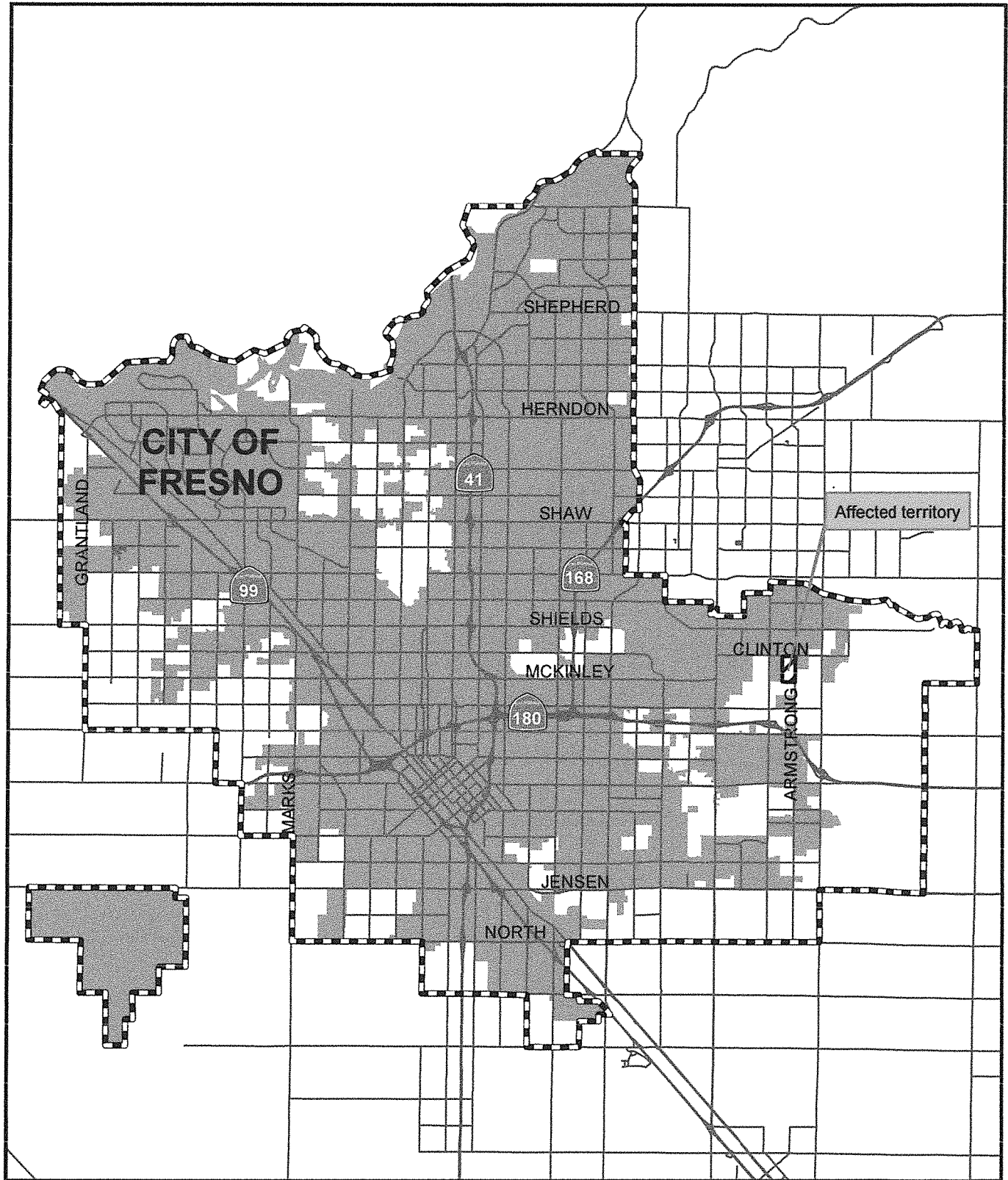
<b>Service</b>	<b>Existing Service</b>	<b>Change</b>
Water	Wells/ Groundwater	City of Fresno
Sewer	Private Septic	City of Fresno
Fire Protection	Fresno County Fire Protection District	Fresno Fire Department

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



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

Fresno County	Fresno County Library
Fresno Metropolitan Flood Control	Fresno County Fire
County Service Area No. 35	West Fresno County Red Scale Pest Control District
Kings River Conservation Dist.	Consolidated Mosquito Abatement
Clovis Cemetery District	Co. School Service
Clovis Unified School District	Fresno Irrigation
State Center Community College	Clovis Veterans Memorial District

# ATTACHMENT B



## Fresno Local Agency Formation Commission

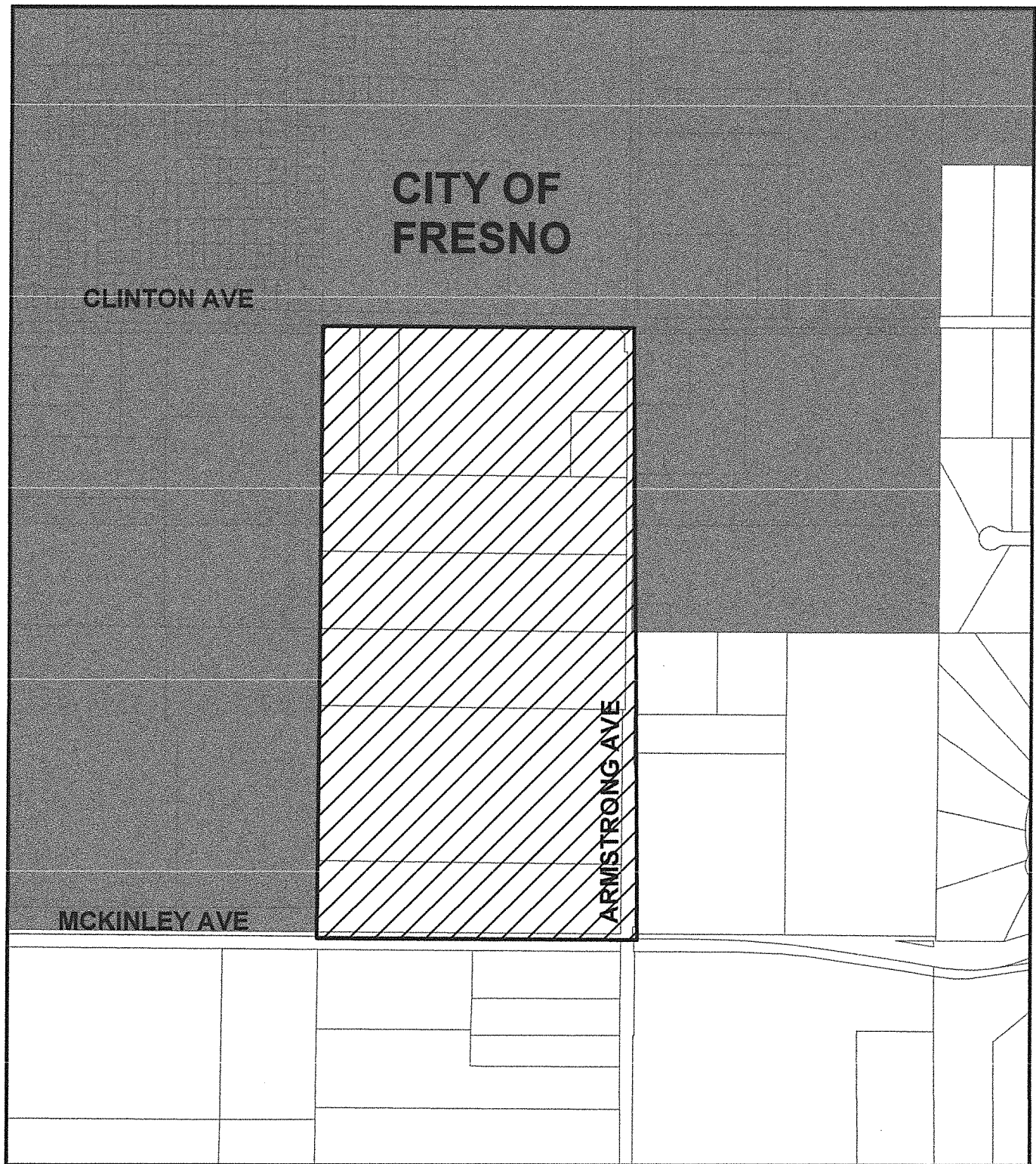
-  Fresno city limits
-  Fresno SOI




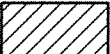
Map date: 8/4/2020



# ATTACHMENT C



## Fresno Local Agency Formation Commission

-  Fresno city limits
-  Affected territory

