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

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AGENDA ITEM No. 8

DATE: September 9, 2015

TO: Local Agency Formation Commission

FROM: David E. Fey, AICP, Executive Officer 

SUBJECT: **Consider Approval:** Request for an extension of time for the "Shields-Polk No. 4E Reorganization" (LAFCo File No. RO-06-32, Ninth Request.) A Reorganization to annex approximately 9.61 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located on the west side of N. Polk Avenue, approximately one-quarter mile south of its intersection with W. Dakota Avenue.

**Recommendation: Approve Extension to March 29, 2017**

State law requires that all reorganization proceedings shall be completed within one year of approval unless the Commission grants an extension of time prior to the expiration date. Failure to grant an extension will terminate the proceedings.

In accordance with *Fresno LAFCo Policies, Standards, and Procedures* Section 315-03, extensions of time may be granted when the imminent need for the proposal still exists, the project is still viable, and progress is being made toward completion. The Commission's Policies further state that the Commission may consider economic hardships beyond the control of the proponents as justification supporting the extension request.

**Parties of Interest:**

Edenbridge Investments Inc.	Alfredo & Corrine Flores
City of Fresno	Jeff O'Neal, Provost & Pritchard Engineering

**Summary:**

The subject reorganization was approved on October 11, 2006, but has not been completed. Edenbridge, Inc. has requested a one-year extension. This is the ninth request for extension.

**Project Description:**

The affected territory is located on the west side of N. Polk Avenue, approximately one-quarter mile south of its intersection with W. Dakota Avenue. The reorganization consists of the annexation of 9.61 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District. The developer is planning to build a 40-lot single-family residential subdivision within the affected territory.

## **Reasons for Request and Actions Taken to Date:**

Eric Zweig, Director of Planning for Edenbridge Homes, the owner and developer of the project requested a two-year extension. Mr. Zweig said that Edenbridge Homes will incur additional costs in securing the improvement plan and final map approvals necessary to complete the annexation but are confident that they will have a renewed ability to fund the efforts as market conditions continue to improve.

## **Staff Analysis:**

Mike Sanchez, Assistant Director of the City of Fresno's Development and Resource Management has stated in an e-mail dated August 27, 2015, that the City will not be in support of the request for an extension of time for this proposal.

## **Staff Analysis:**

In reviewing the request for an extension of time to complete the proposal, staff has considered LAFCo policy 103 (Encouraging orderly urban development and preservation of open space patterns):

- 03 Annexation proposals to cities or districts providing urban services to undeveloped or agricultural parcels shall show that urban development is imminent for all or a substantial portion of the proposal area...; and
- 04 Orderly growth of cities is supported by applications for change of organization and reorganization that demonstrate development of the subject projects is imminent. The slowed economy has negatively affected the ability of proponents to complete projects timely which is also the case with his proposal. The Commission's policies do allow for economic hardships to be considered as a justification for time extension requests.

The requirement that development is "imminent," meaning that it is pending and forthcoming, is a cornerstone of the Commission's policy framework. It is intended to preclude speculative annexations, which not only preserves agricultural lands but ensures that growth of cities is orderly and logical.

With the recovery of the housing market, the Commission amended its policies in February, 2015, to discourage extensions of time and require applicants to demonstrate that the proposals were still feasible. Fresno LAFCo policy 315 states that "extensions of time are generally disfavored by the Commission" but allows, "(n)o more than one extension of time may be authorized by the Commission."

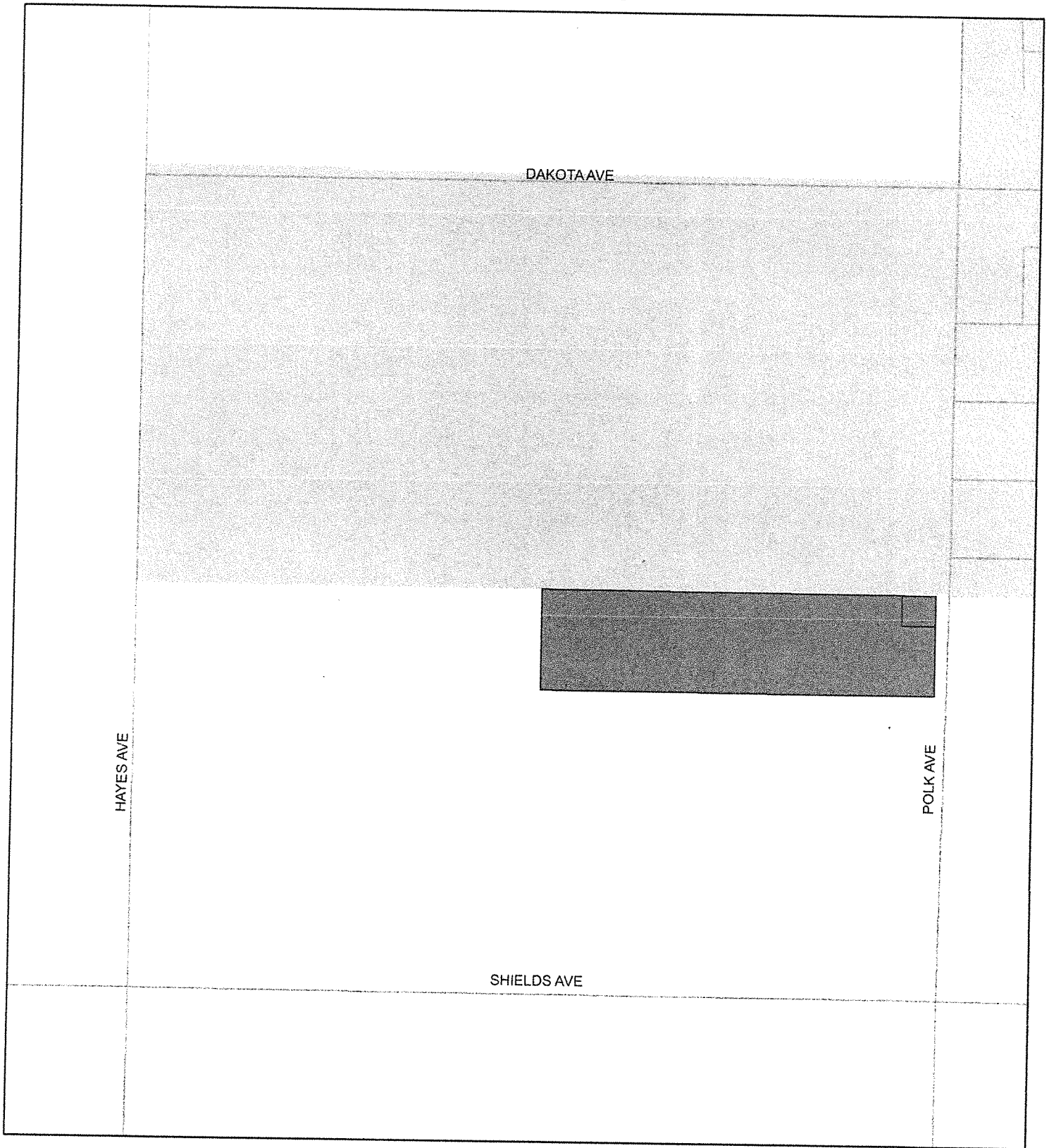
Consistency with policy 315-02(c), requires "(a)n explanation of the project's feasibility and what progress will be made to complete conditions of approval and all necessary prerequisite actions by any party." This feasibility is directly linked to the imminent nature of the project, which is the applicant's responsibility to provide evidence thereof.

Staff believes that circumstances beyond the control of the City and the proponent (including economic hardships due to economic conditions) have caused a delay in completing this reorganization. Staff supports one last extension request to March 29, 2017, at which time the tentative tract map will expire.



### **The Following Have Received Copies of This Report**

- Ken Price, LAFCo Counsel, Baker, Manock, and Jensen
- Joe Barcellos, Business Manager, North Central Fire Protection District
- Randy Schilling, Assistant Manager, Kings River Conservation District
- Bernard Jimenez, Deputy Director of Planning Public Works and Planning
- Will Kettler, Manager, Resources Division, Public Works and Planning
- Eric Zweig, Director of Planning, Edenbridge Homes
- Bruce Rudd, Fresno City Manager
- Mike Sanchez, City of Fresno

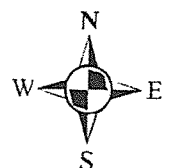
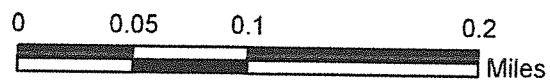
# EXHIBIT "A"



## Legend

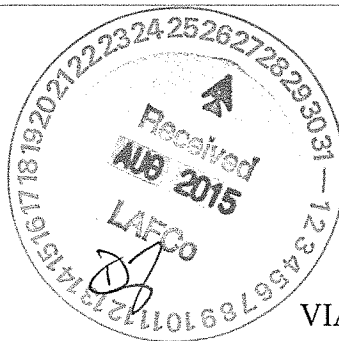
-  City Limits
-  Affected Territory

City of Fresno "Shields-Polk  
No. 4E Reorganization"  
LAFCo File No. RO-06-32





21771 Stevens Creek Boulevard, Suite 200A  
Cupertino, CA 95014-1175  
Telephone: 669.231.4240 Fax: 669.231.4250  
www.edenbridgehomes.com



VIA FEDERAL EXPRESS

August 26, 2015

REFERENCE: **City of Fresno Shields-Polk No. 4E Reorganization  
Request for Two (2) Year Extension  
Fresno LAFCo File No. RO-06-32  
City of Fresno Tract 5537  
Fresno County Assessor's Parcel No. 511-021-17**

Mr. David Fey  
Executive Officer  
Fresno Local Agency Formation Commission  
2607 Fresno Street, Suite B  
Fresno, CA 93721

Dear Mr. Fey:

Edenbridge Homes owns the nine (9) acre parcel at 3207 N. Polk Avenue between W. Dakota and W. Shields mapped for forty (40) single family homes and lying within the Shields-Polk No. 4E Reorganization area. We have an active tentative map with the City of Fresno, although our LAFCo annexation approval will expire on October 11, 2015. We are in receipt of LAFCo's expiration notice and would like to request a two (2) year extension to complete the annexation.

LAFCo initially approved the Shields-Polk No. 4E Reorganization on October 11, 2006. In the years that have passed since, Edenbridge has purchased the property and obtained City approvals for the project's rezoning, tentative map, and conditional use permit (Fresno Tract No. 5537, City File Nos. R-05-67 and C-05-195). We have also developed the site improvement plans and completed several rounds of plan check at the City and other agencies. Our tentative map is valid through March 29, 2017.

Edenbridge will incur additional design and engineering fees, City fees, and bonding costs in securing the improvement plan and final map approvals necessary to complete the annexation. We must also acquire right-of-way from neighboring property owners for the widening of N. Polk Avenue across the project frontage. We are confident that we will have a renewed ability to fund these efforts as market conditions continue to improve. We also believe that our project is a natural extension of recently completed subdivisions in the City of Fresno and will help meet a growing housing need.

Please contact me or the City Planning & Development Department with any questions about the project status or this extension request. Edenbridge is a privately-held homebuilder and this is an important project for us. We expect to complete the annexation in the time remaining on our tentative map.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Zweig". The signature is fluid and cursive, with the first name "Eric" and last name "Zweig" clearly distinguishable.

Eric Zweig  
Director of Planning  
Edenbridge Homes

Encl. (4):      \$480.00 Application Processing Fee  
                    LAFCo Letter to City re: Shields-Polk No. 4E Reorganization, 8-11-15  
                    County Assessor's Parcel Map  
                    Project Aerial Location Map

CC:              Candace Fleming, Fresno LAFCo (via email)  
                    Bruce Barnes, City of Fresno Planning & Development (via email)  
                    Jeff O'Neal, Provost & Pritchard Engineering Group (via email)

## **Fleming, Candace Lynn**

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**From:** Mike Sanchez <Mike.Sanchez@fresno.gov>  
**Sent:** Thursday, August 27, 2015 10:52 AM  
**To:** Fey, David; Fleming, Candace Lynn  
**Cc:** Mike Sanchez; Will Tackett  
**Subject:** Annexation - Requests for Extension of Time

Dave

The City of Fresno will not be in support in the Requests for Extensions of time for the following applications:

- Shields Polk No. 4E Reorganization. Our records indicate the associated Tentative Tract map No. T-5537 expires on march 29, 2017.
- Kings Canyon Minnewawa No. 3 Reorganization. Tentative Tract Map No. 5387 is set to expire on July 20, 2016.

Please advise City staff as to the outcome of these matters.

Mike Sanchez, MCRP  
Assistant Director  
Development and Resource Management  
(559) 621-8040  
[Mike.sanchez@fresno.gov](mailto:Mike.sanchez@fresno.gov)