

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

AGENDA ITEM NO. 7

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 "Kings Canyon-Minnewawa No. 3 Reorganization" (LAFCo File No. RO-06-27, Ninth Request.) A Reorganization to annex approximately 19.07 acres to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District for territory located at the southwest corner of E. Kings Canyon Road and S. Minnewawa Avenue.

Recommendation: Approve Extension to July 20, 2016

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:

Robert & Masako Mochizuki	Paul Atmajian	City of Fresno
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Summary:

The subject reorganization was approved on October 11, 2006, but has not been completed. Giannetta Engineering has requested an extension for this proposal. This will be the ninth extension.

Project Description:

The affected territory is located at the southwest corner of E. Kings Canyon Road and S. Minnewawa Avenue. The reorganization consists of the annexation of 19.07 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District. Development of a 17-lot single-family residential subdivision is planned on an 8.73-acre portion of the territory.

Reasons for Request and Actions Taken to Date:

Gary Gianetta, Project Engineer, submitted a letter requesting a one-year extension and said that recording of the final map, payment of fees and posting of security has been delayed due to current economic conditions.

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."

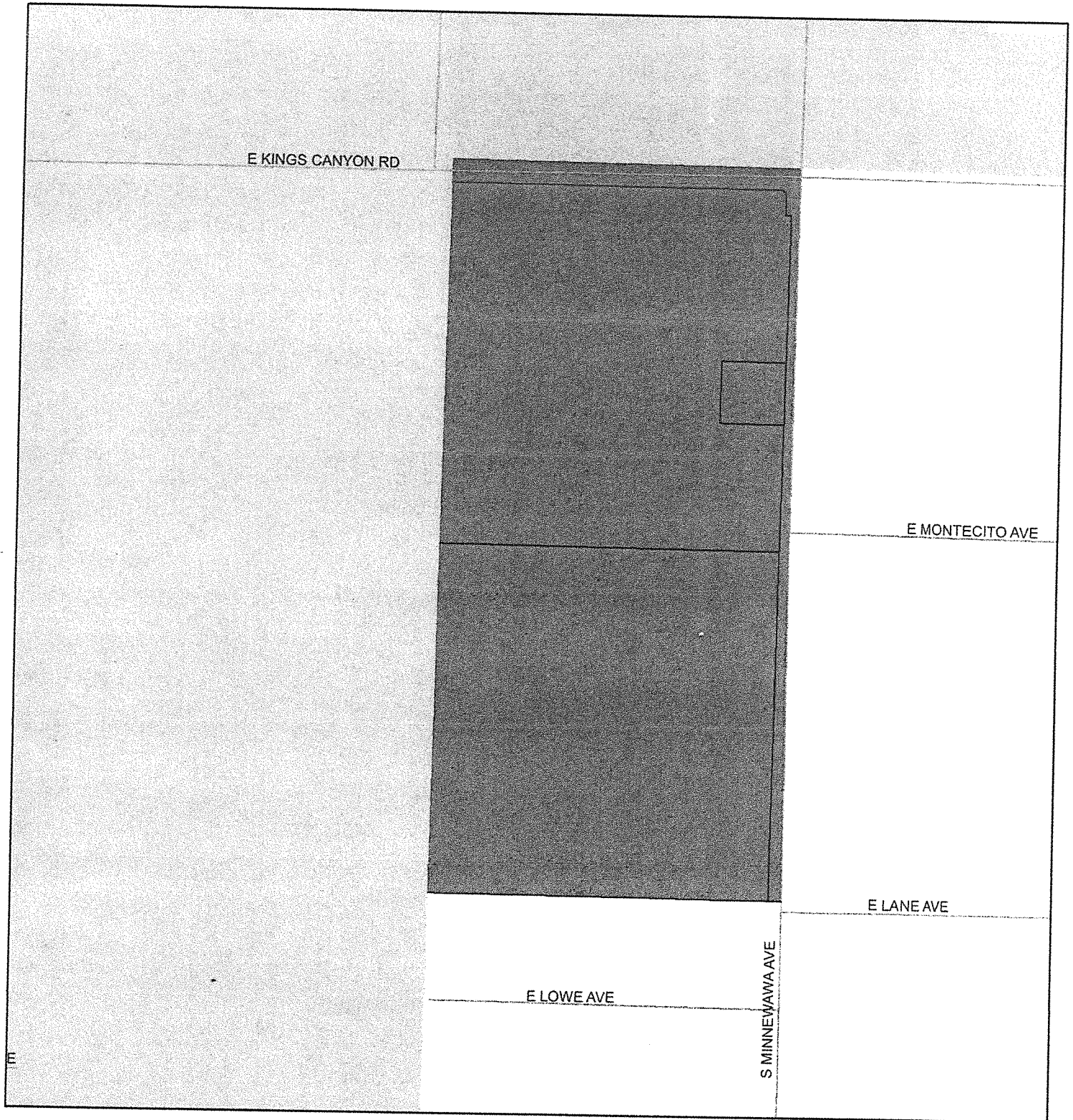
Consistency with policy 315-02(c), requires "(a)n explanation of the project's feasibility and what progress will be made to complete conditions of approval and all necessary prerequisite actions by any party." This feasibility is directly linked to the imminent nature of the project, which is the applicant's 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 July 20, 2016, 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
- Mark Johnson, Chief, Fresno County 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
- Bruce Rudd, Fresno City Manager
- Mike Sanchez, City of Fresno

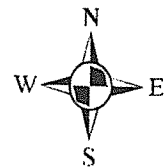
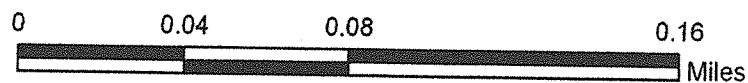
EXHIBIT "A"



Legend

-  City Limits
-  Affected Territory

City of Fresno "Kings Canyon-
Minnewawa No. 3 Reorganization"
LAFCo File No. RO-06-27



**GARY GIANNETTA
CONSULTING CIVIL ENGINEER
1119 "S" STREET
FRESNO, CA 93721
(559) 264-3590
(559) 264-0696 FAX**

August 26, 2015

Mr. David Fey
Executive Officer
LAFCO
2115 Kern Street, Suite 310
Fresno, CA 93721



Re: Tract 5387 LAFCO

Dear Mr. Fey:

This letter is a request for a one-year extension for the Kings Canyon-Minnewawa No. 3 Reorganization. We have submitted the final tract map, Tract No. 5387, whose tentative map expires July 20, 2016, and the improvement plans which are being processed.

Although the project has been graded, the recording of the final map, payment of fees and posting of security has been delayed due to the current economic conditions. Until there is reduction in the inventory of existing improved lots, which we have seen an increase in the absorption rate over the last year, the project can not proceed.

Please call me if you need any other information.

Sincerely,

A handwritten signature in cursive script that reads "Gary Giannetta".

Gary Giannetta
Project Engineer

Cc: Paul Atmajian
Bruce Barnes, Project Manager

Fleming, Candace Lynn

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
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Mike.sanchez@fresno.gov