

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

CONSENT AGENDA ITEM No. 5-C

DATE: July 11, 2018

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: Juan Lara, LAFCo Analyst II

SUBJECT: **Consider Approval City of Fresno "Alluvial-Willow No. 4 Reorganization."** A proposed reorganization consisting of the annexation of 8.15 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 north side of East Alluvial Avenue between North Willow and North Paula Avenues.
(LAFCo File No. RO-18-4)

Applicant: City of Fresno

Land Owners/Parties of Real Interest (100% consent): City of Fresno, Arman & Mari Zakaryan, Cesario Herrera & Yolanda Villa, William Robertson, Sol Development Associates LLC.

(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:

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:

- B. Acting as a "Lead Agency" under CEQA Guidelines, state that this commission has adopted a Class 1 "Existing Facilities" Notice of Exemption prepared for the additional territory included by the Fresno LAFCo prior to making its determination and find the

revised Proposal to be within the scope of the overall project covered by the Notice of Exemption (CEQA Section 15301 Class 1 "Existing Facilities").

Action 3:

- C. Find that the proposed reorganization, including the additional rights-of-way, is consistent with LAFCo Policies, Standards, and Procedures and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).
- D. 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.
- E. Assign the distinctive short form designation "Alluvial-Willow 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 Alluvial Avenue.
 - c. Submittal of corrected legal description and map.
 - d. Satisfactory verification that the city has accepted a final map shall be submitted to the executive officer prior to completion (recordation) of the annexation.
- F. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH.

Executive Summary

On May 24, 2018, the City of Fresno initiated this reorganization proposal with the adoption of Resolution No. 2018-126 requesting that the commission begin proceedings for the "Alluvial-Willow No. 4 Reorganization" to annex approximately 7.8 acres located on the north side of East Alluvial Avenue between North Willow and North Paula Avenues to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District.

Prior to issuing the Certificate of Filing, LAFCo staff concluded that the project as submitted had the potential to contribute to an avoidable and unnecessary peninsula of unincorporated

territory which consisted of a narrow strip of unincorporated right-of-way along Alluvial Avenue south of the proposal. Pursuant to LAFCo Policy 210-14(6) the executive officer recommends that the commission include this right-of-way in its approval of the proposal. With the inclusion of the Alluvial Avenue right-of-way, the total acreage for the proposal is approximately 8.15 acres.

Proposal/Land Use

- The affected territory is within the City of Fresno's sphere of influence (**Attachment A**) and is contiguous to the Fresno city limits (**Attachment B**).
- The proposal consists of the annexation of 8.15 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 north side of Alluvial Avenue in between North Willow and North Paula Avenues.
- The proposal is currently zoned RR (Rural Residential) and will be rezoned to the RS-3 (Single Family Residential, Low Density) and RS-5 (Single Family Residential, Medium Density) zone districts by the City Prezone Ordinance No. 2018-31 and Bill No. B-28.
- On April 18, 2018, the Fresno City Planning Commission adopted Resolution No. 13533 approving Conditional Use Permit No. C-17-062 for the phased construction of a 56,324 square-foot residential care facility on approximately 4.7 acres of the affected territory.
- 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. The affected territory is currently planned for rural residential land uses by the Fresno County General Plan. Prezone application No. R-17-008 was approved by the Fresno City Council on May 24, 2018 to prezone the subject 7.8 acres to the City of Fresno RS-3 (Single Family Residential, Low Density) and RS-5 (Single Family Residential, Medium Density) zone districts by City Prezone Ordinance No. 2018-31 and Bill No. B-28 effective on June 25, 2018.

On April 18, 2018, the Fresno City Planning Commission adopted Resolution No. 13533 approving Conditional Use Permit No. C-17-062 for the phased construction of a 56,324 square-foot residential care facility on approximately 4.7 acres of the affected territory.

Sustainable Groundwater Management Act

California's Sustainable Groundwater Management Act ("SGMA") was signed into law by Governor Edmund G. Brown Jr. 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 the year 2020. The North Kings GSA will represent the City of Fresno.

The subject proposal can be readily served by the city’s sewer, water and storm drainage infrastructure. Once the subject territory is annexed to the city, the new development in the area will require the extension of main water lines and installation of fire hydrants.

The territory within the subject proposal is within the City of Fresno Growth Area One. Water availability within Growth Area One was acquired through agreement between the City of Fresno and the Fresno Irrigation District.¹

Environmental Determination

The City of Fresno, acting as “Lead Agency” under CEQA, prepared an Initial Study (IS) for the proposed project constant with the requirements of CEQA. The IS determined that the proposal is within the scope of the Master Environmental Impact Report (MEIR) SCH No. 2012111015 and the City has adopted a Finding of Conformity.

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.

Fresno LAFCo acting as “Lead Agency” under CEQA prepared a Notice of Exemption for the inclusion of the additional right-of-way along Alluvial Avenue. The project meets the Class 1 “Existing Facilities” exemption where by no alteration of existing structure, facilities, and mechanical equipment is proposed, with negligible or no expansion of use beyond that previously existing. The additional 0.35 acres to be annexed to the City of Fresno is already developed with an existing street. After annexation, there will be no change.

Application Information

1. Affected Territory

Acreage:	8.15
Current Land Use Designation:	RR (Rural Residential)
Number of Residences/ Population:	Residents 3 / Population: 3
Registered Voters:	Voters: 5
Assessor Parcel Number(s):	404-500-20, 400-500-21, 400-500-23

2. Proposed Development – On April 18, 2018, the Fresno City Planning Commission adopted Resolution No. 13533 approving Conditional Use Permit No. C-17-062 for the

¹ Phone conversation Mike Sanchez, Assistant Director, Development and Resource Management. March 6, 2018.

phased construction of a 56,324 square-foot residential care facility on approximately 4.7 acres of the affected territory (APNs: 404-500-20 and 404-500-21).

3. **Surrounding Territory** – Single & Multi-Family Residential to the north, Multi-Family Residential; Commercial to the east, Rural Residential to the south and Single Family Residential to the east.
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 Woodward Park 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 Water
Sewer	N/A	City of Fresno Sewer
Solid Waste	Private Service	City of Fresno Solid Waste
Street Lighting	PG&E	City of Fresno
Parks & Rec.	County of Fresno	City of Fresno
Fire Protection	Fresno County Fire	City of Fresno Fire
Police	County Sheriff	City of Fresno Police
Storm Drainage	Fresno Metropolitan Flood Control	No change

(See Service Plan on our website at www.fresnolafco.org)

7. **Cities and Districts Included wholly or partially within the Affected territory**

Fresno County	Clovis Memorial
Fresno County Library	Consolidated Mosquito Abatement
Clovis Cemetery	Clovis Unified School
County Service Area 35	State Center Community College
Fresno County Fire Protection Dist.	Co. School Service
Kings River Conservation Dist.	West Fresno Red Scale
Fresno Irrigation	Consolidated Mosquito Abatement Dist.

8. **Costs and Other Changes Affecting Residents or Landowners** - After annexation a Public Safety bond property tax increase of \$33.44 per \$100,000 or fraction thereof, of total assessed value per property.

9. **Consistency with LAFCo Policies, Standards and Procedures**

- All properties within the Proposal will be rezoned to the RS-3 (Single Family Residential-Low Density) and RS-5 (Single Family Residential-Medium Density) zone districts by Pre-zone application R-2017-008 City Ordinance No. 2018-31 and Bill No. B-28 effective June 25, 2018.
- 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.
- The City of Fresno is within the North Kings GSA and has a groundwater recharge plan in place.

10. **Agencies and Individuals Submitting Comments**

- Laurence Kimura, P.E, Chief Engineer, Fresno Irrigation District
- Jean Rousseau, County Administrative Officer
- Kevin Tsuda, Environmental Health Specialist II, Fresno Co. Dept. of Public Health
- Erik Salcedo, Elections Division
- David Padilla, Associate Transportation Planner, Caltrans District 6

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 **five** registered voters in the affected territory.

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

Lead Agency: City of Fresno

Level of Analysis: Initial Study

Finding: Finding of Conformity (see Environmental Documents at www.fresnolafco.org under the Hearing and Workshops tab in the July 11, 2018 file).

Compliance with the Requirements of CEQA (additional territory)

Lead Agency: Fresno Local Agency Formation Commission

Level of Analysis: Notice or Exemption

Finding: Class 1 Exemption (see Environmental Documents at www.fresnolafco.org under the Hearing and Workshops tab in the July 11, 2018 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

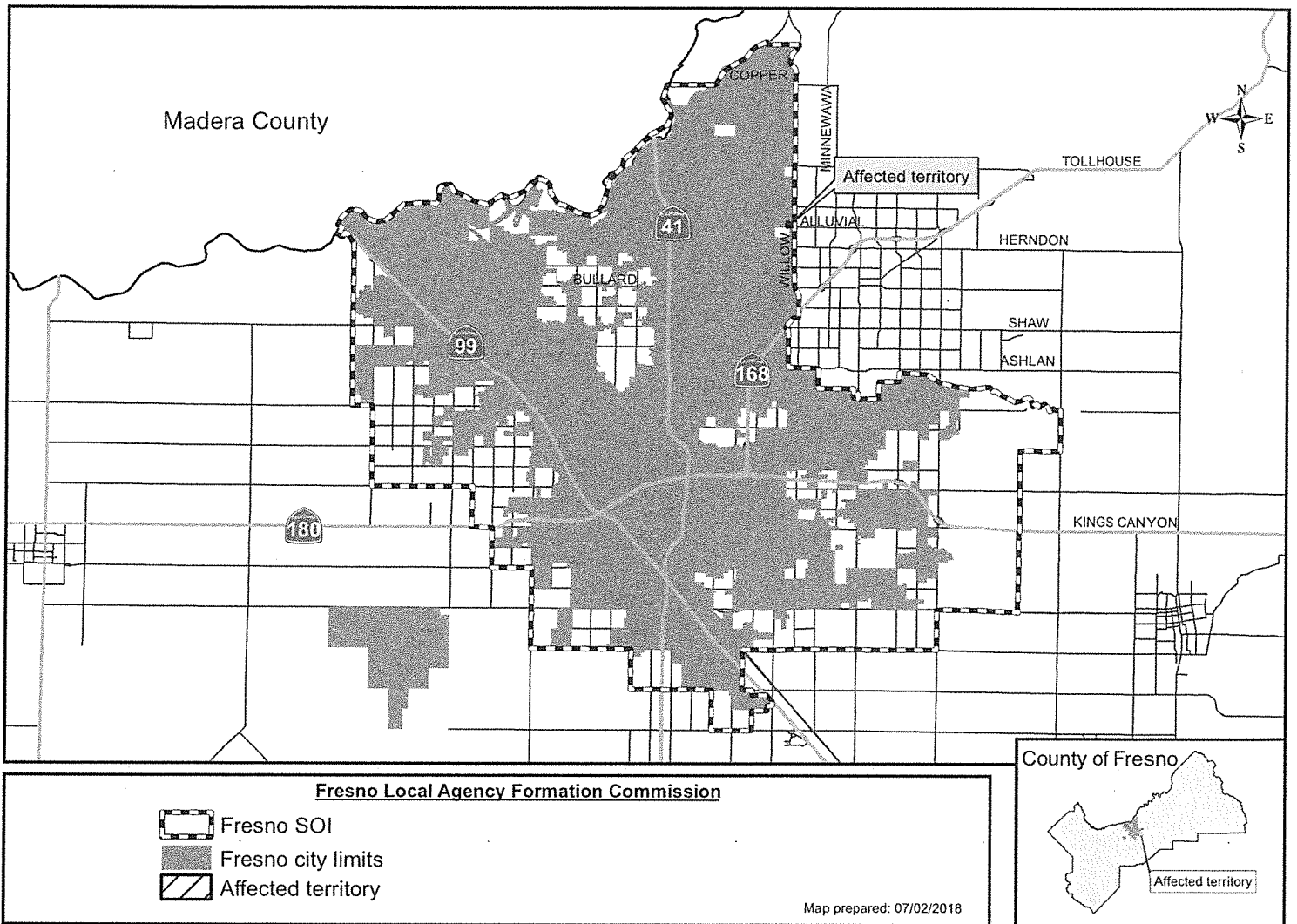
territory is uninhabited, no affected local agency has submitted a written demand for notice and hearing, and all property owners have consented in writing to the annexation.

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
- Chris Lang, Planner, City of Fresno
- Chief Mark Johnson, Chief, Fresno County Fire Protection District

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Attachment A



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Attachment B



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