

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

CONSENT AGENDA ITEM NO. 6A - 6C

DATE: **September 10, 2014**

TO: **Local Agency Formation Commission**

FROM: **David E. Fey, AICP, Executive Officer** 

SUBJECT: **Consider Approval** – Request from the City of Fresno Request for one-year extensions for the following:

- A. “Kings Canyon-Minnewawa No. 3 Reorganization” (LAFCo File No. RO-06-27, Eighth Request)
- B. “California-Temperance No. 3 Reorganization” (LAFCo File No. RO-06-28, Eighth Request)
- C. “Shields-Polk No. 4E Reorganization” (LAFCo File No. RO-06-32, Eighth Request)

Recommendation: **Approve One-Year Extensions**

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.

Past experience has shown that it is not uncommon for reorganizations to take longer than the initial one-year approval to be completed, and that one or more extensions of time may be required to fulfill all conditions of approval.

A. City of Fresno “Kings Canyon-Minnewawa No. 3 Reorganization”

Parties of Interest:

Robert & Masako Mochizuki	Paul Atmajian	City of Fresno
---------------------------	---------------	----------------

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 eighth 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.

Jennifer Clark, the Director of the Development and Resource Management Department for the City of Fresno also submitted a letter requesting a one-year extension. Ms. Clark has indicated that due to the continuing economic recession conditions, numerous approved housing developments have not been able to commence construction; however, the need for the completion of these approved housing developments will remain during the next several years. Ms. Clark also indicated that the City of Fresno development entitlements for the project remain in effect until July 20, 2016.

Staff Analysis:

Based on this information, it does appear that circumstances beyond the control of the City and the developer, including economic hardships due to the current economic conditions, have caused a delay in finalizing this reorganization. The City supports the proposed extension.

This project lies in the Fresno County Fire Protection District. The District and the City of Fresno do not currently have a fire transition agreement as required by the Commission's Transition Policy. Fresno has advised staff that it intends to deal with its annexations on a case-by-case basis and that there are no immediate plans to negotiate a comprehensive transition agreement with the District. Fresno recognizes that it will eventually participate in the negotiation/mediation process as described in the policy and until then it will not object if the developer works directly with the Fire District to develop transition conditions of approval for the Commission's consideration.

Based on these circumstances, staff supports an additional one-year extension.

B. City of Fresno "California-Temperance No. 3 Reorganization"

Parties of Interest:

Elizabeth Hudson	Pulte Homes (Centex Homes)
Will Washburn, Provost & Pritchard	City of Fresno

Summary:

The subject reorganization was approved on October 11, 2006, but has not been completed. Provost and Pritchard, on behalf of Pulte Homes, have requested an extension. This is the eighth request for extension.

Project Description:

This affected territory is located south of E. California Avenue, east of S. Armstrong Avenue, and west of S. Temperance Avenue. The reorganization consists of the annexation of 82.5 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District. Centex Homes is planning to build a 328-lot single-family residential subdivision within the affected territory.

Reasons for Request and Actions Taken to Date:

Jennifer Clark, the Director of the Development and Resource Management Department for the City of Fresno requested a one-year extension. Ms. Clark has indicated that due to the continuing economic recession conditions, numerous approved housing developments have not been able to commence construction; however, the need for the completion of these approved housing developments will remain during the next several years. Ms. Clark also indicated that the City of Fresno development entitlements for the project remain in effect until November 16, 2016.

Staff Analysis:

Based on this information, it does appear that circumstances beyond the control of the City and the developer, including economic hardships due to the current economic conditions, have caused a delay in finalizing this reorganization. Craig Agabashian, Administrative Manager, Development and Resource Management Department, for the City of Fresno have responded that this project is still viable and that the tract map and zoning approvals are effective until November 16, 2016. The City supports the proposed extension.

This project lies in the Fresno County Fire Protection District. The District and the City of Fresno do not currently have a fire transition agreement as required by the Commission's Transition Policy. Fresno has advised staff that it intends to deal with its annexations on a case-by-case basis and that there are no immediate plans to negotiate a comprehensive transition agreement with the District. Fresno recognizes that it will eventually participate in the negotiation/mediation process as described in the policy and until then it will not object if the developer works directly with the Fire District to develop transition conditions of approval for the Commission's consideration.

Based on these circumstances, staff supports an additional one-year extension.

C. City of Fresno "Shields-Polk No. 4E Reorganization"

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 eighth 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 one-year extension. Mr. Zweig indicated that since the proposal was approved they have completed land acquisitions, obtained entitlements through the City of Fresno and are preparing site improvement plans. Mr. Zweig indicated that due to the difficult market conditions, the ability to obtain financing for the remaining tasks have delayed the project.

Jennifer Clark, the Director of the Development and Resource Management Department for the City of Fresno requested a one-year extension. Ms. Clark has indicated that due to the continuing economic recession conditions, numerous approved housing developments have not been able to commence construction; however, the need for the completion of these approved housing developments will remain during the next several years. Ms. Clark also indicated that the City of Fresno development entitlements for the project remain in effect until March 29, 2017.

Staff Analysis:

Based on this information, it does appear that circumstances beyond the control of the City and the developer, including economic hardships due to the current economic conditions, have caused a delay in finalizing this reorganization. Craig Agabashian, Administrative Manager, Development and Resource Management Department, for the City of Fresno have responded that this project is still viable and that the tract map and zoning approvals are effective until March 29, 2017. The City supports the proposed extension.

This project lies in the North Central Fire Protection District, for which the District and the City have a transition agreement in place.

Based on these circumstances, staff supports an additional one-year extension.

The Following Have Received Copies of This Report:

- LAFCo Commissioners and Alternates
- Ken Price, LAFCo Counsel, Baker, Manock, and Jensen
- Will Kettler, Planning Manager, Fresno County Public Works and Planning
- Bernard Jimenez, Deputy Director of Planning Public Works and Planning
- Bruce Rudd, City Manager, City of Fresno
- Jennifer Clark, Director, DARM
- Mike Sanchez, Manager, DARM

- Trai Her, City of Fresno
- Gary Giannetta, Giannetta Engineering
- Eric Zweig, Edenbridge, Inc.
- Jeff O'Neal, Provost & Pritchard
- David Orth, Kings River Conservation District
- Chief Mark Johnson, Fresno County Fire Protection District
- Andy Cosentino, Fresno County Fire Protection District
- Ray Franklin, Fresno County Fire Protection District
- Joe Barcelos, North Central Fire Protection District
- Will Washburn, Provost & Pritchard

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

August 12, 2014

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 of Gary Giannetta in cursive script.

Gary Giannetta
Project Engineer

Cc: Paul Atmajian



DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

2600 Fresno Street • Third Floor
Fresno, California 93721-3604
(559) 621-8277 FAX (559) 498-1026

Jennifer K. Clark, AICP, Director

August 19, 2014

Please reply to:
Mike Sanchez
559-621-8040

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

SUBJECT: EXTENSION OF KINGS CANYON – MINNEWAWA NO. 3
REORGANIZATION

Dear Mr. Fey:

In response to the notice of approaching scheduled expiration of approved Kings Canyon - Minnewawa No. 3 Reorganization the City of Fresno offers the following information. Due to continuing unprecedented economic recession conditions, numerous approved housing developments have not been able to commence construction. However, based upon regional population forecasts and the City of Fresno's General Plan Housing Element the need for the completion of these approved housing developments will remain during the next several years.

The City of Fresno development entitlements which are dependent upon the subject annexation include conditionally approved Tentative Tract Map No. 5387 and affiliated zoning approvals (Rezone Application No. R-04-64 and Conditional Use Permit No. C-04-170). These approvals are presently scheduled to remain in effect until July 20, 2016 by virtue of several discretionary and statutory extensions. Therefore approved tentative tract map and associated zoning actions are considered to be active and the City of Fresno supports an extension of the approved Kings Canyon - Minnewawa No. 3 by the Fresno Local Agency Formation Commission (LAFCO).

Should there be any questions please do not hesitate to contact Mike Sanchez at 621-8040 or Bruce Barnes, Project Manager, at 621-8047.

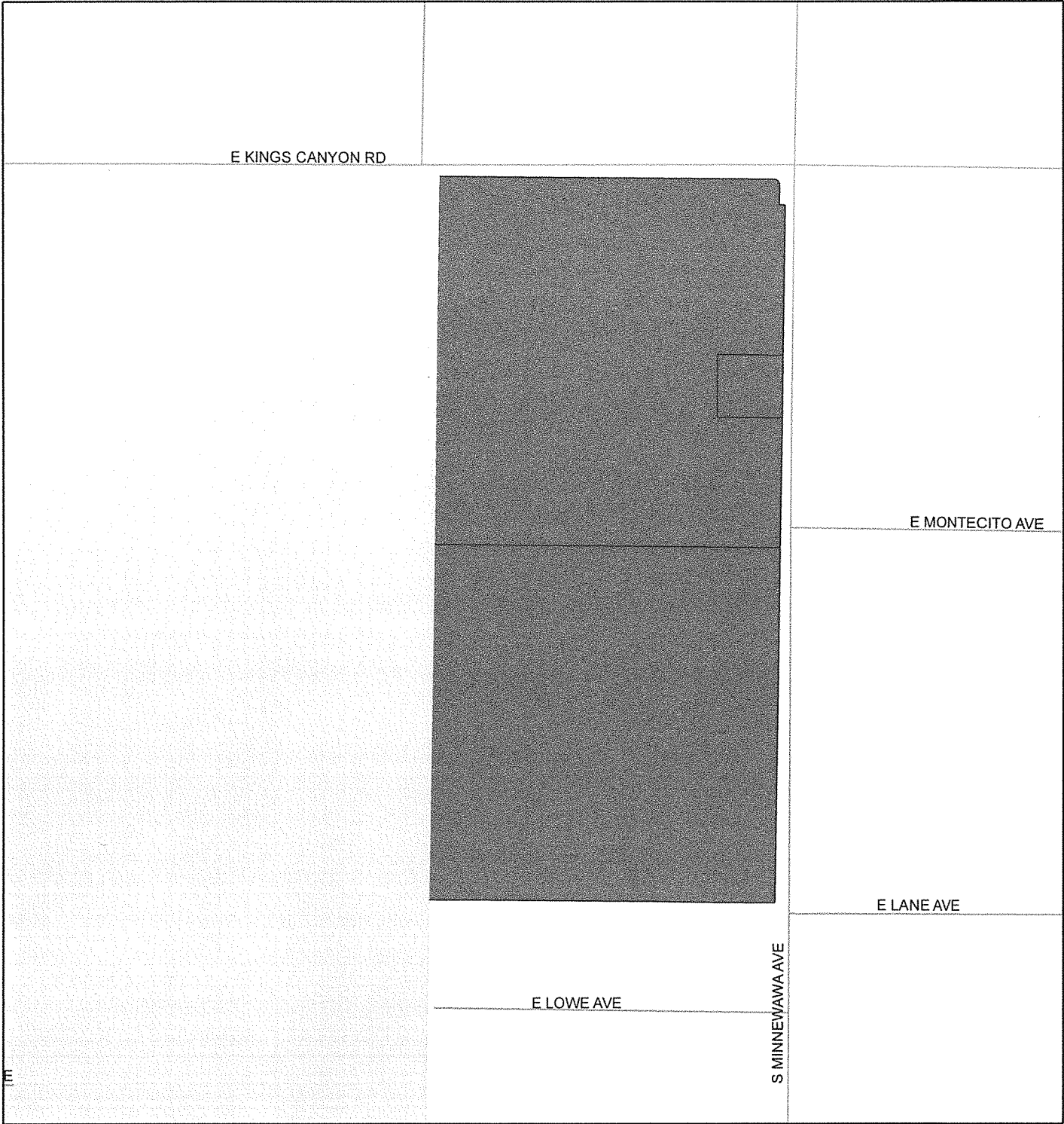
Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer K. Clark".



Jennifer K. Clark, AICP, Director
Development and Resource Management Department
City of Fresno

Cc: Bruce Rudd, City Manager
Mike Sanchez, Assistant Director of DARM

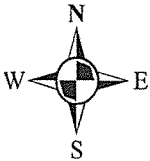
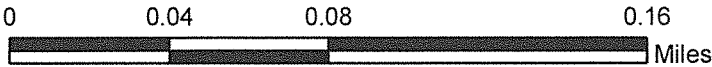
EXHIBIT "A"



Legend

-  City Limits
-  Affected Territory

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





DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

2600 Fresno Street • Third Floor
Fresno, California 93721-3604
(559) 621-8277 FAX (559) 498-1026

Jennifer K. Clark, AICP, Director

August 19, 2014

Please reply to:
Mike Sanchez
559-621-8040

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

SUBJECT: EXTENSION OF CALIFORNIA- TEMPERANCE NO. 3 REORGANIZATION

Dear Mr. Fey:

In response to the notice of approaching scheduled expiration of approved California-Temperance No. 3 Reorganization the City of Fresno offers the following information. Due to continuing unprecedented economic recession conditions, numerous approved housing developments have not been able to commence construction. However, based upon regional population forecasts and the City of Fresno's General Plan Housing Element the need for the completion of these approved housing developments will remain during the next several years.

The City of Fresno development entitlements which are dependent upon the subject annexation include conditionally approved Tentative Tract Map No. 5531 and affiliated zoning approvals (Rezone Application No. R-05-84 and Conditional Use Permit No. C-05-218). These approvals are presently scheduled to remain in effect until November 16, 2016 by virtue of several discretionary and statutory extensions. Therefore approved tentative tract map and associated zoning actions are considered to be active and the City of Fresno supports an extension of the approved California- Temperance No. 3 Reorganization by the Fresno Local Agency Formation Commission (LAFCO).

Should there be any questions please do not hesitate to contact Mike Sanchez at 621-8040 or Bruce Barnes, Project Manager, at 621-8047.

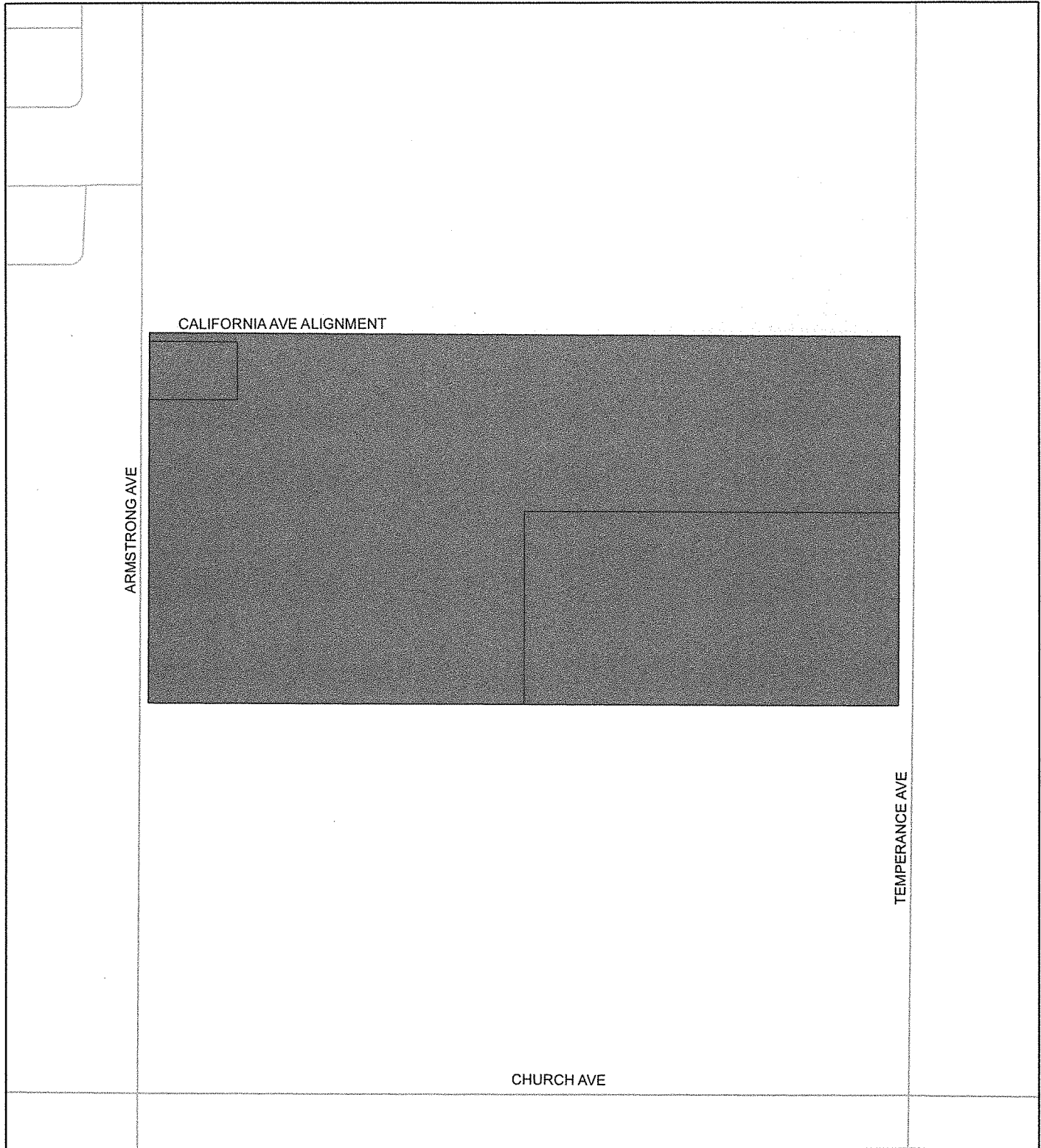
Sincerely,

A handwritten signature in black ink, appearing to read "J.K. Clark", written over the typed name.

Jennifer K. Clark, AICP, Director
Development and Resource Management Department
City of Fresno



Cc: Bruce Rudd, City Manager
Mike Sanchez, Assistant Director of DARM

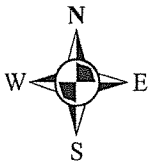
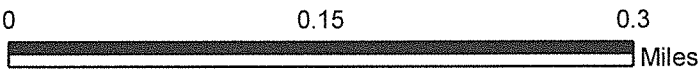
EXHIBIT "A"



City of Fresno "California-Temperance
No. 3 Reorganization"
LAFCo File No. RO-06-28

Legend

-  City Limits
-  Affected Territory





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 21, 2014

REFERENCE: **City of Fresno Shields-Polk No. 4E Reorganization
Request for 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 is the owner and developer of approximately nine (9) acres on the west side of N. Polk Avenue between W. Dakota and W. Shields within the Shields-Polk No. 4E Reorganization area. We have received Fresno LAFCo's August 5, 2014 notice to the City of Fresno regarding the expiration of the approval for this annexation. We are hereby requesting a one-year extension to complete the annexation by October 11, 2015.

LAFCo first approved the Shields-Polk No. 4E Reorganization on October 11, 2006. Edenbridge has since made progress toward constructing a new 40-single family home subdivision on the property, including completing the land acquisition, processing a Tentative Tract Map No. 5537, Rezoning Application No. R-05-67, and Conditional Use Permit No. C-05-195 through the City, and preparing site improvement plans. The Tentative Map and related project entitlements are valid until March 29, 2017 by virtue of various statutory and discretionary extensions.

Edenbridge must pay remaining engineering costs and City fees, post bonds for the site improvements, and acquire right-of-way from neighboring property owners to widen N. Polk Avenue across the project frontage, before the Final Map may record to complete the annexation. We have been delayed in our ability to obtain financing for these tasks due to difficult market conditions, but we remain committed to the project and believe there is a need within the community for approved projects like ours to be completed.

Please contact me or the City of Fresno Planning & Development Department with any questions about the project status or this annexation approval extension request.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Zweig". The signature is fluid and cursive, with the first name "Eric" written in a larger, more prominent script than the last name "Zweig".

Eric Zweig
Director of Planning
Edenbridge Homes

Encl. (3): \$480.00 Application Processing Fee
 LAFCo Letter to City re: Shields-Polk No. 4E Reorganization, 8-5-14
 County Assessor's Parcel 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)



DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

2600 Fresno Street • Third Floor
Fresno, California 93721-3604
(559) 621-8277 FAX (559) 498-1026

Jennifer K. Clark, AICP, Director

August 19, 2014

Please reply to:
Mike Sanchez
559-621-8040

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

SUBJECT: EXTENSION OF SHEILDS – POLK NO. 4E REORGANIZATION

Dear Mr. Fey:

In response to the notice of approaching scheduled expiration of approved Shields – Polk No. 4E Reorganization the City of Fresno offers the following information. Due to continuing unprecedented economic recession conditions, numerous approved housing developments have not been able to commence construction. However, based upon regional population forecasts and the City of Fresno's General Plan Housing Element the need for the completion of these approved housing developments will remain during the next several years.

The City of Fresno development entitlements which are dependent upon the subject annexation include conditionally approved Tentative Tract Map No. 5537 and affiliated zoning approvals (Rezone Application No. R-05-67 and Conditional Use Permit No. C-05-195). These approvals are presently scheduled to remain in effect until March 29, 2017 by virtue of several discretionary and statutory extensions. Therefore approved tentative tract map and associated zoning actions are considered to be active and the City of Fresno supports an extension of the approved Shields – Polk No. 4E Reorganization by the Fresno Local Agency Formation Commission (LAFCO).

Should there be any questions please do not hesitate to contact Mike Sanchez 621-8040 or Bruce Barnes, Project Manager, at 621-8047.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer K. Clark".



Jennifer K. Clark, AICP, Director
Development and Resource Management Department
City of Fresno

Cc: Bruce Rudd, City Manager
Mike Sanchez, Assistant Director of DARM

EXHIBIT "A"



Legend

-  City Limits
-  Affected Territory

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

