

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

CONSENT AGENDA ITEM NO. 5-C

DATE: January 13, 2021

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: Juan Lara, LAFCo Analyst II

SUBJECT: **Consider Request for Extension of Time to Complete Proceedings:** A request from the City of Fowler for an extension of time to complete proceedings for the "Sunnyside-South Southwest Reorganization." (LAFCo File No. RO-20-2, initial request)

Applicant: City of Fowler

Representative: Jeff O'Neil, Contract City Planner, City of Fowler

Landowners/Parties of Real Interest (100% Consent): City of Fowler, Randy Hill.

RECOMMENDATION: Approve an extension of one year to complete proceedings.

Executive Summary

This is the applicant's first request since the reorganization was approved by the Commission on February 12, 2020. The applicant is requesting an extension to February 12, 2022 in order to complete and submit all remaining items necessary to complete proceedings.

The City of Fowler supports the one-year extension.

State law requires that all reorganization proceedings 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.

LAFCo Policies, Standards, and Procedures Section 215 allows **one** extension of time to be authorized by the Commission when the imminent need for the proposal exists and progress is being made toward completion.

If the extension is denied, the applicant may reapply to LAFCo at a further date.

Background

On February 11, 2015, the Commission revised its policies regarding extension of time to complete an application. The revised section 315-05 stated, “No more than one extension of time can be authorized by the Commission.”

On February 12, 2020, the Commission approved the City of Fowler’s “Sunnyside-South Southwest Reorganization” proposal.

On December 16, 2020, LAFCo staff received a letter from the applicant requesting an extension of one year to complete the proceedings. (Attachment A)

Project Description

The approved project consists of an annexation of 70.7 acres to the City of Fowler and the Selma-Kingsburg-Fowler County Sanitation District and the detachment from the Fresno County Fire Protection District, Kings River Conservation District, and the Consolidated Irrigation District for the territory generally located on the northwest corner of South and Sunnyside Avenues and the northeast corner of Sunnyside and Parlier Avenues.

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) and sub polices:

- 03 Annexation proposals to cities or districts providing urban services to undeveloped or agricultural parcel 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 applicants for change or organization and reorganization that demonstrate development of the subject projects in imminent.

The Commission’s policies allow economic hardships to be considered as a justification for time extensions requests. The requirement that development is “imminent”—meaning that it is pending and forthcoming—is a cornerstone of the Commission’s policy.

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 proposal was still feasible. Fresno LAFCo Policy 315 states, “extensions of time are generally disfavored by the Commission but allows, “No 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 prerequisite action 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.”

The developer has requested an extension of time to February 12, 2022, due to a change in developer interest to the project delaying the completion of the proposal. This request is supported by the City of Fowler.

Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Fresno Co. Public Works and Planning
- Sonja Thiede, GISP, Kings River Conservation District
- Mark Johnson, Fresno County Fire Protection District
- Jeff O'Neal, Contract Planner, City of Fowler
- Phil Desatoff, Consolidated Irrigation District
- Selma-Kingsburg-Fowler County Sanitation District
- Interim City Manager, City of Fowler

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ATTACHMENT A



4950 E. Yale Avenue, Fresno, CA 93727

January 5, 2021

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

Re: Request for 1-Year Extension of the Sunnyside-South Southwest Reorganization

Dear Mr. Fey,

Please allow this letter to be a formal request for a 1-year extension to the Sunnyside-South Southwest Reorganization that expires February 12, 2021, bringing the new expiration date to be February 12, 2022.

Working with our client on this project, there has been change in developers interested in this project delaying the completion of the Proposal of the Sunnyside-South Southwest Reorganization. The requested 1-year extension would provide sufficient time for a developer to be fully on board and allow the completion of the Proposal.

It is understood that LAFCO allows only one (1) extension request that includes an Extension Fee that shall be equal to 10% of the annexation fee schedule to a maximum of \$750.00 per Section 350.10 Request for Commission Review of the Fresno LAFCO Commission Policies, Standards, And Procedures Manual. Our Sunnyside-South Southwest Reorganization is for a total of 70.79 acres. The Section 350 Fee Schedule, 350.01 Application Processing of the referenced manual for 41 to 80 acres is \$12,000.00 and at 10% would exceed the maximum \$750.00. Please find attached a check in the amount of \$750.00 made payable to LAFCO for the Extension Fee.

Please allow this request for a 1-year extension to the Sunnyside-South Southwest Reorganization to be included in LAFCO's January 13, 2021 hearing. If you have any questions or comments regarding this request, please notify our office at (559) 538-3402 Ext. 203 or through email at richardcortez@landdesignconsulting.com. Thank you for your time with this project.

Regards,

A handwritten signature in black ink that reads 'Richard F. Cortez'. The signature is written in a cursive style with a large, stylized 'C'.

Richard F. Cortez
Project Manager