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

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CONSENT AGENDA ITEM No. 6 - C

**DATE:** May 10, 2017

**TO:** Fresno Local Agency Formation Commission

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

**BY:** Juan Lara, LAFCo Analyst

**SUBJECT:** **Consider Request for Extension of Time to Complete Proceedings:** A request from the City of Selma for an extension of time to complete proceedings for the "DeWolf-Floral-Fahrney Reorganization (LAFCo file no. RO-16-4, initial request)

**Applicant:** City of Selma  
**Representative:** Bryant Hemby, City Planner, City of Selma

**Land Owners/Parties of Real Interest (100% consent):** City of Selma, County of Fresno.

**RECOMMENDATION:** Approve an extension of one year.

**Executive Summary**

This is the applicant's first request since the proposal was approved by the Commission in June 2016. The applicant is requesting an extension to May 10, 2018 in order to complete and submit all remaining items necessary to complete proceedings.

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, the project is in, and progress is being made toward completion.

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

**Background**

On July 8, 2016, the Commission approved the City of Selma's "DeWolf-Floral-Fahrney" Reorganization" proposal.

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 May 3, 2017, the LAFCo staff received a letter from the applicant requesting an extension of one year to complete the proceedings.

## **Project Description**

The approved project consists of an annexation of 35.88 acres to the City of Selma 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 north of East Floral Avenue, east of South Dewolf Avenue and west of South Highland Avenue.

## **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 were 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 necessary 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."

Bryant Hemby has requested an extension of time to 2018 on behalf of the City of Selma. Mr. Hemby added that the extension request is to submit the final items necessary to complete Proceeding and complete the project. (Letter as attachment)

## **Individuals and Agencies Receiving this Report**

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Fresno Co. Public Works and Planning
- Paul Peschel, Kings River Conservation District
- Mark Johnson, Fresno County Fire Protection District
- Bryant Hemby, City of Selma
- Phil Desatoff, Consolidated Irrigation District



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C I T Y O F S E L M A

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1710 TUCKER STREET - SELMA CALIFORNIA 93662

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May 3, 2017

Fresno Local Agency Formation Commission  
Attn: David E. Fey, AICP, Executive Officer  
2607 Fresno Street, suite B  
Fresno, CA 93721

Subject: DeWolf-Floral-Fahrney Reorganization

This letter is in response to your letter dated April 14, 2017 regarding the expiration of LAFCo's approval of the DeWolf-Floral-Fahrney Reorganization. The City of Selma is requesting a one year time extension of the Commission's approval to allow time for the recordation of this Annexation.

The completed package has been submitted to LAFCo and the City's is working with LAFCo and the County to complete the recordation which might not be completed by the June 8, 2017 deadline.

A claim for the extension fee of \$750.00 has been submitted to the Finance Department and will be sent to your office this week.

If you have any questions or need clarification on this matter please do not hesitate to contact me at (559) 891-2209 or by email at [Bryanth@cityofselma.com](mailto:Bryanth@cityofselma.com).

  
Bryant Hemby Planner  
Community Development Department

Attach: LAFCo letter dated April 14, 2017  
Claim for payment