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

CONSENT AGENDA ITEM No. 5-C

DATE: June 10, 2020

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 Kingsburg for an extension of time to complete proceedings for the "Kamm-Academy Northwest No. 2 Reorganization. (LAFCo File No. RO-19-1, initial request)

Applicant: City of Kingsburg

Representative: Greg Collins, Contract City Planner, City of Kingsburg

Landowners/Parties of Real Interest (100% Consent): City of Kingsburg, Parminder Sing Sohal, Surinder Kaur Sohal.

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 June 12, 2019. The applicant is requesting an extension to June 10, 2021 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 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 June 12, 2019, the Commission approved the City of Kingsburg's "Kamm-Academy Northwest No. 2 Reorganization" proposal.

On May 20, 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 5.15 acres to the City of Kingsburg 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 Stroud Avenue and west of South Academy 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 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 applicant's representative Greg Collins has requested an extension of time to June 10, 2021 on behalf of the City of Kingsburg. Mr. Collins stated that the extension request is to submit the final items necessary to complete proceedings and complete the project.

Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Fresno Co. Public Works and Planning
- Sonja Thiede, Kings River Conservation District
- Mark Johnson, Fresno County Fire Protection District
- Greg Collins, Contract Planner, City of Kingsburg
- Phil Desatoff, Consolidated Irrigation District
- Selma-Kingsburg-Fowler County Sanitation District
- Alex Henderson, City Manager, City of Kingsburg

G:\LAFCO WORKING FILES\000 HEARINGS\2020\06 June 10, 2020\Staff Report - RO-19-1 Extension request.docx