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

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**CONSENT AGENDA ITEM NO. 6**

**DATE:** November 6, 2013  
**TO:** Local Agency Formation Commission  
**FROM:** David E. Fey, AICP, Executive Officer   
**SUBJECT:** Consider Approval – Requests for One-Year Extension to Complete Proceedings for the City of Sanger “Annexation 06-03 – Greenwood Estates” Reorganization (LAFCo File No. RO-07-22)

**Recommendation**

Approve a one-year extension of time.

**Background**

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.

**Parties of Interest**

NUS Land Fund (Paul Wagner)	City of Sanger
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**Summary**

The subject reorganization was approved on November 7, 2007, but has not been completed. Paul Wagner, General Partner, NUS Land Fund, has requested an extension. This is the sixth request for extension.

**Project Description**

The reorganization consists of the annexation of 29.69 acres to the City of Sanger and detachment from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District. A 143-lot single-family residential subdivision is planned for the site. The affected territory is located at the southwest corner of E. North and S. Greenwood Avenues.

## **Reasons for Request and Actions Taken to Date**

Paul Wager, General Partner, NUS Land Fund, stated that his company intends to move forward when economic conditions permit. The economic downturn has been significantly greater than initially believed and an extension would preserve this project until conditions have time to stabilize. During the last year they have removed the grape vines and cleared the debris to make the property more presentable and development more suitable.

The City of Sanger has confirmed the existence of the adversarial market conditions within the City of Sanger and supports this extension request. The City states that they are actively engaged in negotiations with the Fresno County Fire Protection District to develop a new fire transition agreement. They remain optimistic that the economic and market conditions will improve to allow this project to move forward prior to its expiration.

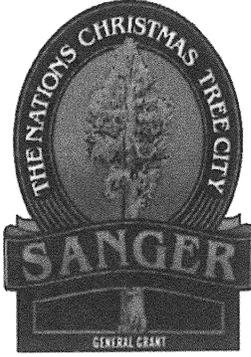
## **Staff Analysis**

City of Sanger representatives have indicated that there have been no changes or circumstances in the vicinity of the affected territory that could affect its suitability for annexation. The City further indicates its support for this extension request.

Staff believes that circumstances beyond the control of the City and the proponent (including economic hardships due to the current economic conditions) have caused a delay in completing this reorganization. The City has stated that this project is still viable and supports the extension. Staff supports the extension request.

## **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
- Brian Haddix, City Manager, City of Sanger
- David Duda, City Planner, City of Sanger
- Paul Wagner, NUS Land Fund
- David Orth, Kings River Conservation District
- Keith Larkin, Chief, Fresno County Fire Protection District
- Andy Cosentino, Fresno County Fire Protection District
- Ray Franklin, Fresno County Fire Protection District
- Phil Desatoff, Manager, Consolidated Irrigation District



# CITY OF SANGER

1700 7<sup>th</sup> Street  
Sanger, California 93657  
(559) 876-6300



October 11, 2013

David Fey  
Executive Officer  
Fresno Local Agency Formation Commission  
2115 Kern Street #310  
Fresno, CA 93721

RE: Extension of Annexation 06-03 Greenwood Estates

Dear Mr. Fey,

The City of Sanger hereby requests that Fresno Local Agency Formation Commission grant a one-year extension of the approval of Annexation 06-03 Greenwood Estates at its next meeting.

Enclosed is the information you requested in your letter dated September 30, 2013. This includes: 1) two letters from Paul Wagner, the property owner, 2) a letter from Dan Spears, Community and Economic Development Director, confirming that Sanger continues to be actively engaged in negotiations with Fresno County Fire Protection District, and 3) a check in the amount of \$750.00.

If there is any additional information you require, please let me know.

Sincerely,

Steve Brandt, AICP  
City Planner

Enclosures: Letter from Paul Wagner to Brian Haddix dated October 7, 2013  
Letter from Paul Wagner to Fresno LAFCo dated October 7, 2013  
Letter from Dan Spears to Fresno LAFCo dated October 8, 2013  
Copy of letter from Fresno LAFCo to Brian Haddix dated September 30, 2013  
Check #1121 to Fresno LAFCo from NUS Land Fund II in the amount of \$750.00

Mr. Brian Haddix, City Manager

City Of Sanger

1700 Seventh Street

Sanger, CA 93657

October 7, 2013

Dear Brian:

Enclosed is a letter to LAFCO requesting a one year extension of the annexation 06-03-Greenwood Estates. Also attached is a Check for \$ 750.00, the required fee. Please review the letter and if everything is in order process this through your normal channels.

In the attached letter you received from LAFCO, I'm not sure I understand my role in the "city's master fire agreement" and what role I play. Is there something I need to be doing, if so, what is it?

Thank you for all of your help in advance. Please call or email me if you have questions or if I can be of any assistance.

Best Regards,



Paul Wagner, General Partner

NUS Land Fund II

[pwagwag@hotmail.com](mailto:pwagwag@hotmail.com)

408-710-6923

Fresno County Local Agency Formation Commission  
2115 Kern Street # 310  
Fresno, CA 93721

October 7, 2013

Dear Commissioners,

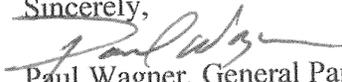
Please accept this letter as our formal request for an extension of the "Annexation 06-03 – Greenwood Estates" in Sanger, California.

As you know the economic downturn in California, in particular, the Central Valley has, although improved, continued to plaque our real estate industry. The state of the economy is still not what it needs to be and risk is still high in terms of development. Much of the new development is the result of building on older property that was not purchased at the height of the market or property that was purchased during the real estate collapse. Our property, unfortunately, was purchased at the peak value making development more difficult. The approval of this extension would greatly assist us in our efforts to preserve and protect the project until economic conditions continue to show signs of improvement toward recovery.

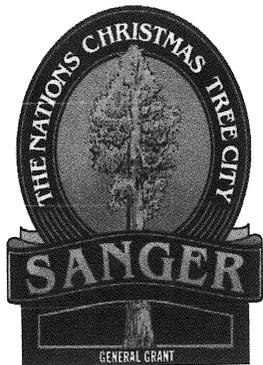
Since outright purchasing of the property we have grazed the property of existing grape vines and have cleared the debris, in 2013, making the property more presentable in the community and making development more suitable for breaking ground when the economic restrains are resolved. Hopefully; when there seems to be a measurable change in the real estate demand we can begin to move forward towards a final map. These actions should more than demonstrate to the commission progress on the project.

We appreciate the continued support of the Fresno County Local Agency Formation Commission in our efforts to remain an active participant in the Valley's economic recovery and future growth. Thank you.

Sincerely,



Paul Wagner, General Partner  
NUS Land Fund II



# CITY OF SANGER

## Housing Authority

1700 7<sup>th</sup> Street  
Sanger, California 93657  
(559) 876-6300



October 8, 2013

Mr. David E. Fey, AICP  
Fresno LAFCo  
2607 Fresno Street, Suite B  
Fresno, CA 93721

RE: Annexation 06-03 – Greenwood Estates

Dear David Fey:

This letter confirms that the City of Sanger is actively engaged in negotiations with Chief Keith A. Larkin of the Fresno County Fire Protection District regarding the matter of Fire Transition Agreement to replace the agreement that recently expired. The next scheduled negotiation is Thursday, October 10, 2013.

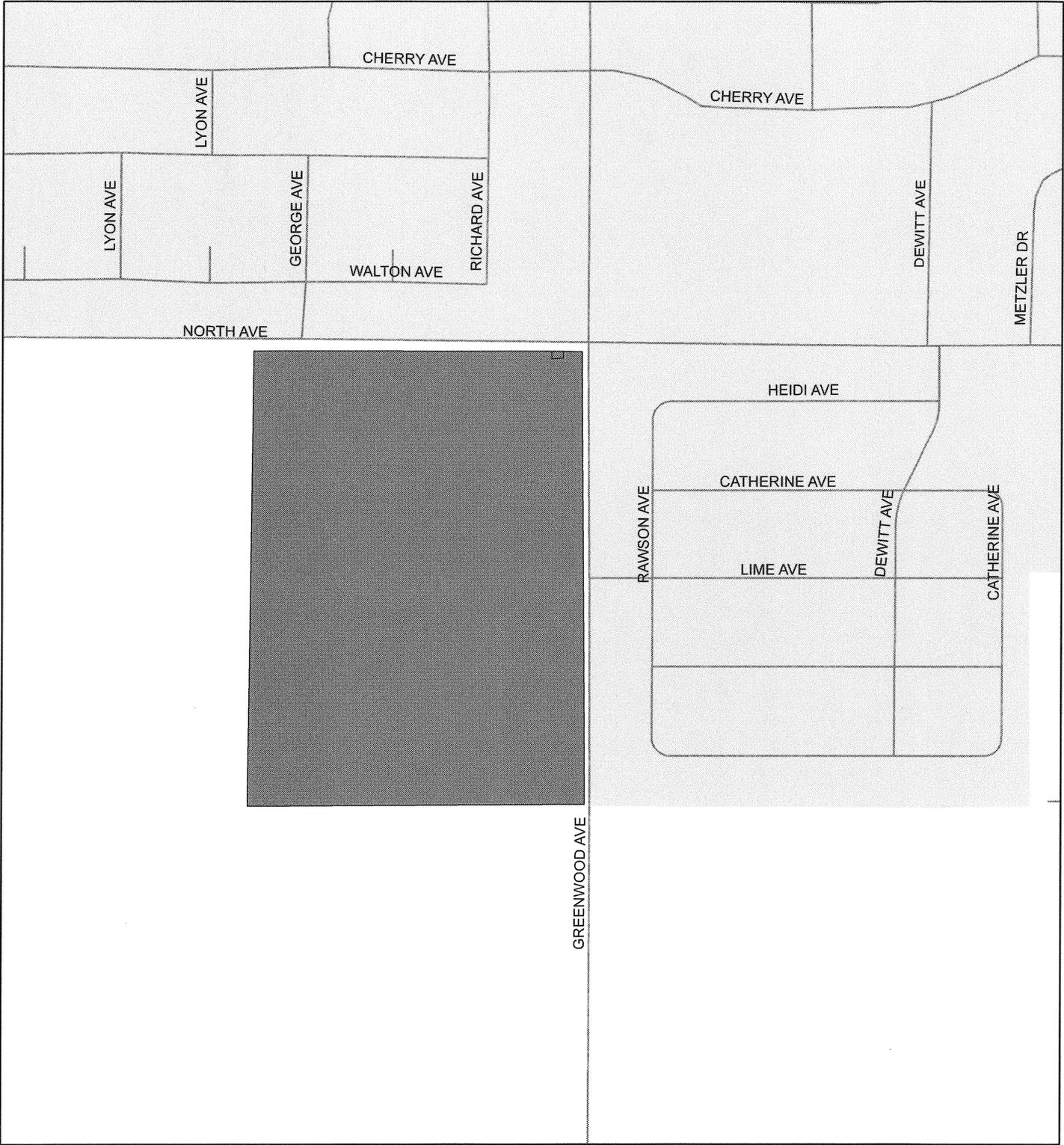
It is my understanding that, because the City is actively negotiating with the Fire District on a new Transition Agreement, LAFCo will allow a one-year extension of Annexation 06-03, assuming that all other conditions of the extension are met.

Please contact me with any questions or comments regarding this process. Thank you!

Sincerely,

Dan Spears, Manager  
Community & Economic Development

# EXHIBIT "A"



### Legend

-  City Limits
-  Affected Territory

City of Sanger "Annexation 06-03  
Greenwood Estates"  
LAFCo File No. RO-07-22

