

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

CONSENT AGENDA ITEM No. 5B

DATE: December 9, 2015

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, AICP, Executive Officer 

SUBJECT: Consider Approval: City of Fresno "North-Cherry No. 2 Reorganization." A proposed reorganization to annex 19.54 acres to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District for territory located on the east side of Cherry Avenue between North and Central Avenues (LAFCo File No. RO-15-11).

Applicant: City of Fresno

Land Owners/Parties of Real Interest: John B. Brelsford

(Documents referenced in this report may be found on LAFCo's website at www.fresnolafco.org)

RECOMMENDATION: Approve by Taking the Following Actions

- A. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to approving the proposed annexation, the environmental effects of the project as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency, City of Fresno, were reviewed and considered, and determine these documents to be adequate pursuant to CEQA Guidelines Section 15096.
- B. Find that the proposed reorganization is consistent with LAFCo Policies, Standards and Procedures of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).
- C. Assign the distinctive short form designation "North-Cherry No. 2 Reorganization" and approve the reorganization (annexation and detachments) subject to the following conditions of approval:
 - 1. Pursuant to Fresno LAFCo policy 103-05, the Executive Officer shall record the approved application if all conditions have been satisfied and once he or she has determined that the facts pertaining to the application during the time of recording are materially similar to those facts considered by the Commission when the application was approved. Facts, as used in the proceeding sentence, is defined to include, but is not limited to, whether or not the proposed project is materially similar to the project described in any application before the Commission.

2. Prior to recordation, the map and legal description must be approved by the County Assessor.

D. Find pursuant to CKH that:

1. The territory is uninhabited; and
2. All landowners and affected agencies have consented to the reorganization.

E. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH and the 30-day reconsideration period.

(This proposed reorganization has been placed on the consent agenda because the territory is uninhabited and all property owners have consented in writing to the annexation.)

Background

The "North-Cherry No. 2 Reorganization" was submitted by the City of Fresno's Resolution No. 2015-168 initiating reorganization in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The reorganization is to annex 19.54 acres to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District.

On August 27, 2015, the City, in accordance with State law requirements, pre-zoned the proposed territory to appropriate zone districts consistent with the City of Fresno's General Plan and Edison Community Plan. The City of Fresno adopted a Finding of Conformity prepared for Environmental Assessment No. R-15-008/S-15-068/ANX-15-001 dated July 2, 2015.

Consideration of this reorganization requires the Commission to review and consider the Finding of Conformity prepared and adopted by the City for the "North-Cherry No. 2 Reorganization" and associated rezoning under the requirements of the California Environmental Quality Act ("CEQA").

Discussion

The proposal consists of the annexation of 19.54 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District for territory located on the east side of Cherry Avenue between North and Central Avenues. The Site Plan Review Application No. S-15-068 proposes the construction of a 372,960 square foot industrial building for light and heavy industrial uses.

Proposal / Land Use

- The territory is within the City of Fresno's Sphere of Influence, and is south of the city limits (**Figure 1**).
- The proposal consists of the annexation of 19.54 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District.

- The City of Fresno pre-zoned the territory to the M-3/UGM (Heavy Industrial/Urban Growth Management) Zone District.
- The subject territory is located on the east side of Cherry Avenue between North and Central Avenues (**Figure 2**) and is uninhabited.
- The proposed development and reorganization conform to the City of Fresno's General Plan and Edison Community Plan.

Environmental Determination

On August 27, 2015, the Fresno City Council considered the Fresno General Plan Master Environmental Impact Report SCH No. 2012111015 ("MEIR") and determined that no new or additional mitigation measures or alternatives may be required. In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), the City determined that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time the MEIR was certified as complete, has become available and adopted a Finding of Conformity prepared for Environmental Assessment No. R-15-008/S-15-068/ANS-15-001 dated July 2, 2015.

As Responsible Agency, the Commission is required to review and consider the City's environmental documents prior to taking its action. If the Commission determines that these documents are adequate, pursuant to CEQA, it may make the required findings provided under "Recommendations" above.

Consistency with LAFCo Policies, Standards and Procedures

- The Proposal was pre-zoned M-3/UGM which is consistent with the City's General Plan land use designation.
- The County has determined that the Proposal is consistent with the Memorandum of Understanding (Master Tax Sharing Agreement) and the Standards for Annexation between the City of Fresno and County of Fresno.
- The City of Fresno and the Fresno County Fire Protection District have a transition agreement in place to provide fire protection services to the affected territory.

Accordingly, the Proposal is consistent with the CKH and LAFCo Policies, Standards, and Procedures, including, but not limited to, Sections 100 and 200.

APPLICATION INFORMATION

1. Subject Territory

Acreage:	19.54
Current Land Use:	Rural Residential
Number of Residences/ Population:	Residences: 4; Population: 12
Registered Voters:	5
Assessor Parcel Number(s):	329-110-07

- #### **2. Proposed Development:** 372,960 square foot industrial building for light and heavy industrial uses.

3. **Surrounding Territory:** Industrial uses to the north and east; farming to the south; and vacant land to the west.

4. **Consistency with Adopted Sphere of Influence (SOI):** The subject territory is within the LAFCo-approved Sphere of Influence for the City of Fresno.

5. **Existing Service Agencies and Proposed Service Changes**

Service	Existing Service	Change
Water	City of Fresno	City of Fresno
Sewer	City of Fresno	City of Fresno
Fire Protection	Fresno Co. Fire Protection District	City of Fresno

(See Service Plan on our website at www.fresnolafco.org)

6. **Cities and Districts Included Wholly or Partially Within the Subject Territory**

County of Fresno	Fresno County Library
State Center Community College District	Washington Union School District
Orange Center Elementary School Dist.	Fresno Irrigation District
County Service Area No. 35	Fresno County Fire Protection District
Kings River Conservation District	Fresno Co. Fire Protection Dist. Zone 10
Fresno Metropolitan Flood Control District	Fresno Mosquito Abatement District
West Fresno County Red Scale Protective District	

7. **Costs and Other Changes Affecting Residents or Landowners:** The landowner will be required to pay the City of Fresno's Police/Fire Pension Override property tax which is \$32.44 per \$100,000 of assessed value.

8. **Agencies and Individuals Submitting Comments**

- John Navarrette, County Administrative Officer
- Will Kettler, Manager, Fresno County Development Services Division
- Janet Gardner, Environmental Health Specialist III, Fresno Co. Dept. of Public Health
- Laurel Prysiazny, Fresno County Librarian
- Chufeng Vang, IT Analyst, Fresno County Elections Department
- Rick Lyons, Engineering Technician III, Fresno Metropolitan Flood Control District

9. **Territory Boundaries:** The boundaries of the proposed annexation are definite and certain. The County Assessor has determined that the map and legal description are not adequate to file with the State Board of Equalization. Condition of approval no. 2 addresses this deficiency.

10. Compliance with the Requirements of CEQA

Lead Agency: City of Fresno

Level of Analysis: Environmental Impact Report

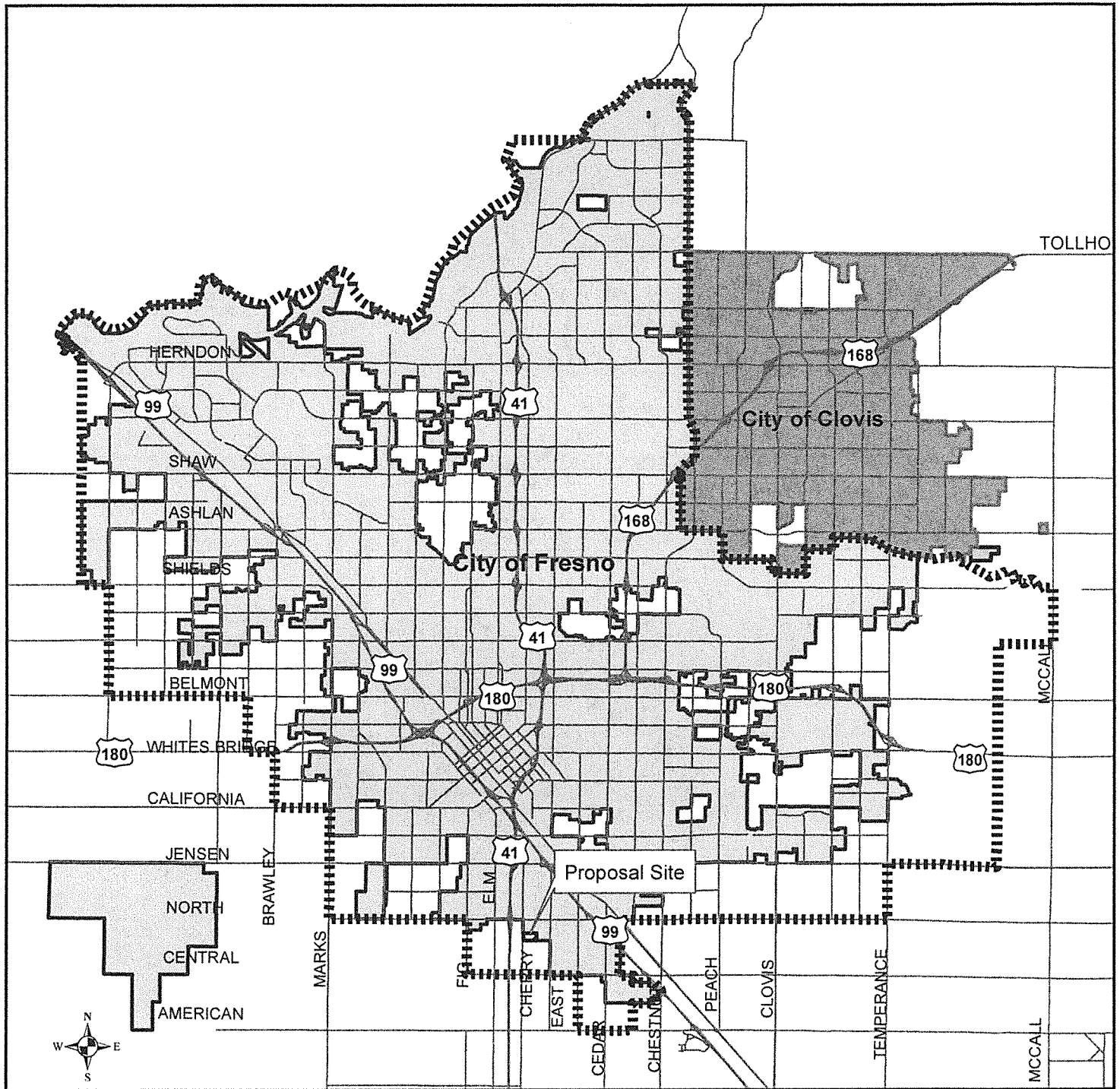
Finding: Finding of Conformity with Master EIR




11. Public Notice of Hearing: Public notice concerning this Proposal was issued by the Executive Officer pursuant to State law.

12. Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Bruce Rudd, City Manager, City of Fresno
- Mike Sanchez, Assistant Director, Dev. & Resource Management, City of Fresno
- Bruce Barnes, Project Manager, City of Fresno
- Bernard Jimenez, Deputy Director of Planning, County of Fresno Public Works and Planning Department
- Will Kettler, Division Manager, Development Services Division, County of Fresno
- Mohammad Khorsand, Development Services Division, County of Fresno
- Mark Johnson, Chief, Fresno County Fire Protection District
- Randy Shilling, Interim District Manager, Kings River Conservation District

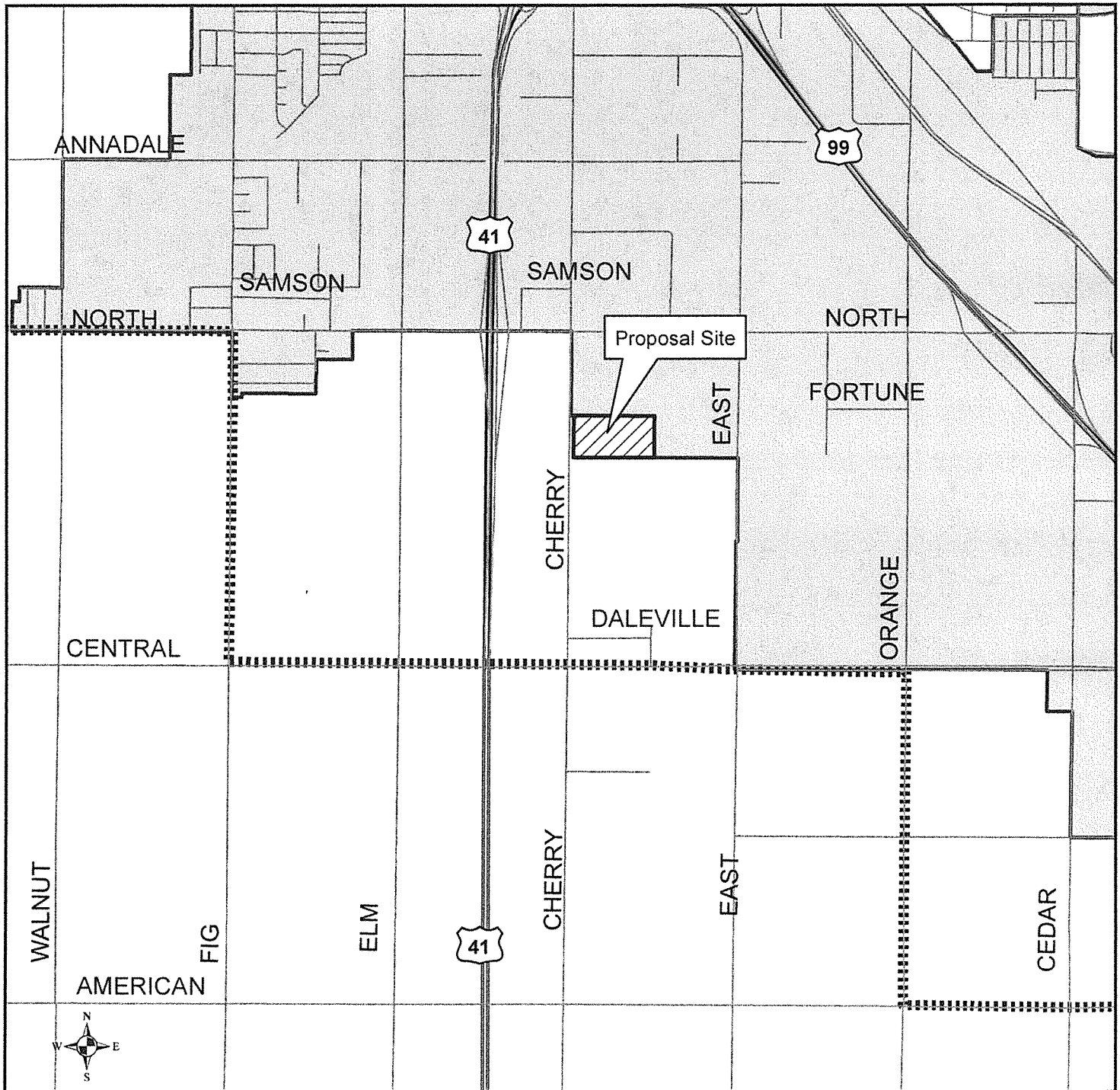
Figure 1






-  North-Cherry No 2 Reorganization
-  City Limits, Fresno
-  Sphere of Influence, Fresno

North-Cherry No. 2 Reorganization City of Fresno

Figure 2

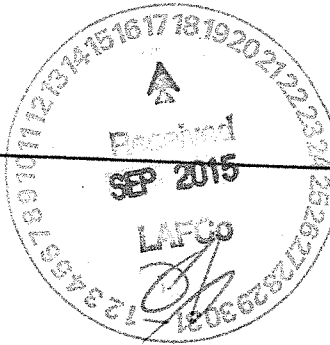


-  North-Cherry No 2 Reorganization
-  City Limits, Fresno
-  Sphere of Influence, Fresno

North-Cherry No. 2 Reorganization City of Fresno



September 15, 2015



County of Fresno

COUNTY ADMINISTRATIVE OFFICE
JOHN NAVARRETTE
COUNTY ADMINISTRATIVE OFFICER

Bruce Rudd, City Manager
City of Fresno
2600 Fresno Street
Fresno, CA 93721-3601

SUBJECT: Notice of Intent to file the North-Cherry No. 2 Annexation/Reorganization

Dear Mr. Rudd:

In accordance with Article II, Section 2.2 of the Amended and Restated Memorandum of Understanding (MOU) between the City of Fresno and the County of Fresno, we have reviewed the proposed annexation described in the letter from the City received on September 8, 2015.

We have determined that the proposed annexation by the City of Fresno is consistent with the Standards for Annexation contained in Exhibit I of the Memorandum of Understanding between the City and County of Fresno executed January 6, 2003. It is recommended that the full width right-of-way of Cherry Avenue be included in this annexation.

If you have any questions, you may contact me at (559) 600-1710 or William Kettler, Development Services Manager at (559) 600-4497.

Sincerely,

John Navarrette
County Administrative Officer

JA:

G:\4360Devs&Pln\PLANNING\ANNEXATIONS\Cities & Districts\Fresno\2015\North-Cherry No 2 RO\ConsistencyLtr.docx

Enclosure

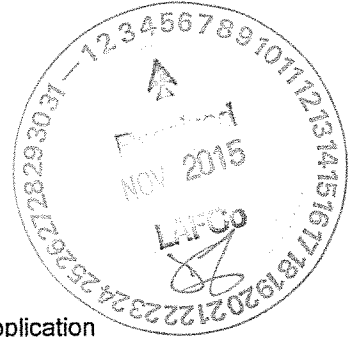
- c: Alan Weaver, Department of Public Works and Planning
Bernard Jimenez, Department of Public Works and Planning
William M. Kettler, Development Services Division
Chris Motta, Development Services Division
Mohammad Khorsand, Development Services Division
David Fey, LAFCo
Mike Sanchez, City of Fresno



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

DATE: November 6, 2015
TO: David E. Fey, AICP, Executive Officer
FROM: William M. Kettler, Manager
Development Services Division
Department of Public Works and Planning
SUBJECT: City of Fresno, "North-Cherry No. 2 Reorganization"



This is in response to your notice dated November 2, 2015, regarding an annexation application submitted by the City of Fresno to LAFCO known as the "North-Cherry No. 2 Reorganization".

- County plan designation for the area:
The subject territory is designated as Reserve General Industrial within the County adopted Edison Community Plan.
- Consistency of the proposal with adopted County General and Community Plans and Policies.
The County General Plan directs urban type uses to incorporated cities and unincorporated communities where necessary support services are available. Annexation of the subject territory represents a logical expansion of the City of Fresno's boundary. The subject territory is within the City of Fresno's Sphere of Influence (SOI) and abuts the current city boundary. Therefore, the proposed annexation is consistent with adopted County General and Community Plan Policies.
- Any pending County plans, projects (i.e. Community Development, roads, etc.) or development permits:
NONE
- Other related comments:
On September 15, 2015, the County issued a consistency determination letter stating that the "North-Cherry No. 2 Reorganization" is consistent with the Standards of Annexation contained in Exhibit 1 of the Memorandum of Understanding between the County of Fresno and the City of Fresno.
- Recommendations:
It is recommended that the City of Fresno include the full width right-of-way along Cherry Avenue.

cmw

William M. Kettler, Development Services Manager
Department of Public Works and Planning

11/3/15

Date

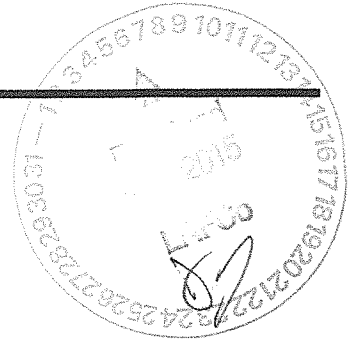
SS
G:\4360Devs&Pln\PLANNING\ANNEXATIONS\Cities & Districts\Fresno\2015\North-Cherry No 2 ROI\LAFCo_Response.docx

DEVELOPMENT SERVICES DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4540 / 600-4022 / FAX 600-4200
Equal Employment Opportunity • Affirmative Action • Disabled Employer

Fleming, Candace Lynn

From: Gardner, Janet
Sent: Friday, November 06, 2015 8:25 AM
To: Fleming, Candace Lynn; Fey, David
Cc: Allen, Glenn; Tsuda, Kevin
Subject: RO-15-11 North-Cherry No. 2 Reorg



Fresno County Environmental Health (EH) has completed the review of North-Cherry No. 2 Reorganization requesting annexation to the City of Fresno with connections to city sewer and water services. A prior City of Fresno application was routed to EH (S-15-068), thus EH has no further comments.

Sincerely;

Janet Gardner

Environmental Health Specialist III
Environmental Health Division
Fresno County Department of Public Health
Office: (559) 600-3271



INTER OFFICE MEMO

Fresno County Public Library

Date: November 9, 2015
To: David E Fey, AICP
From: Laurel Prysiazny, County Librarian
Subject: North-CherryNO~~2~~ Reorganization; File Number: RO-15-11



Annexation with the proposal to build on property.

According to the Assessor's Office website, neither the APN 329-011-07 nor the address 3264 S. Cherry are on the Assessor's Rolls. <http://www.co.fresno.ca.us/DepartmentPage.aspx?id=39199>
Because I couldn't find the information on the assessor's rolls, I do not know how old the house is.

Lot 30 is on the corner of Cherry and North, I believe the annexation site is lot 27 and possibly 28. Owned by the H. Jensen family in 1891 page 68, Marie Jensen in 1907 page 71, and then owned by Minnie Steyer in the 1935 Property Atlas page 34D.

I did not find any of the land owner's in any biographical indexes.

Nor did I find them in the Telephone Directories listed below.

References:

Thompson, Thos. H. 1891, *Atlas of Fresno County California*.

Harvey, William Sr., 1907, *Atlas of Fresno County California*.

Progressive Map Service, 1935, *Progressive Atlas of Fresno County*.

Coffey, Jean, 1987, *Biographical Index of Fresno and Madera Counties from Selected sources in the Roy J. Woodward Memorial Library of Californiana*,

City of Fresno Telephone Directories, 1927, 1941

****If upon construction and digging there are any archaeological findings, they should not be disturbed until the right authorities are contacted.**



Fresno Local Agency Formation Commission



DATE: November 2, 2015
TO: Chufeng Vang/Erik Salcedo, Elections Division
FROM: David E. Fey, AICP, Executive Officer *DE Fey*
SUBJECT: "North-Cherry No. 2 Reorganization"

AGENCY NO.: RO-15-11

The attached application has been filed for processing with the Local Agency Formation Commission (LAFCo) office. In accordance with Government Code Section 56386, we are requesting your agency's assistance in reviewing and commenting on this application. Please provide the following information indicated by an "X":

- A. X Number of registered voters in the area. 5
- B. For notification purposes, if 12 or more registered voters, please furnish **two** sets of labels that show all registered voters in the affected area along with their address and **one** set of labels for all registered voters residing within 300 feet of the exterior boundary of the property as shown upon the most recent assessment roll being prepared by the County.
- D. What percent of the registered voters in the proposal area does the attached Resolution represent?
- E. X Will the proposal adversely affect precinct boundaries or the conduct of elections? NO
- F. Other comments:

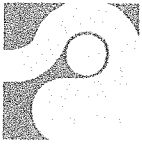
In order to proceed with the processing of this application, please return your comments to this office by **November 16, 2015**. Your assistance is greatly appreciated. Thank you.

DEF:cf

Attachments: Map, Legal description

Signature and Title

Chufeng Vang ITA-1

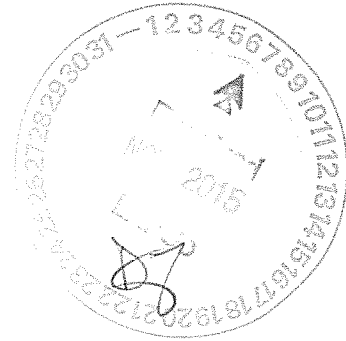


FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 170.44
310. "AW₂"

November 5, 2015

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



Dear Mr. Fey,

LAFCo File No. RO-15-11
"North-Cherry No. 2 Reorganization"
Drainage Area "AW₂"

The proposed annexation boundary encompasses lands within the Fresno Metropolitan Flood Control District and will be served by the District's Storm Drainage and Flood Control Master Plan.

It is our understanding there will be no change in the District's share of the property tax base, nor future property tax increments for the impacted Tax Rate areas.

The District further requests its historic growth increment tax be applied to this area.

If you have any questions or require further information, please do not hesitate to contact us.

Very truly yours,

Rick Lyons
Engineering Technician III

RL/lrl

c: Alan Hofmann, Fresno Metropolitan Flood Control District

K:\Letters\Annexation Letters\Fresno\lafco ro-15-11(aw2)(rl).docx