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

CONSENT AGENDA ITEM No. 5C

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. 3 Reorganization." A proposed reorganization to annex 0.97 acres to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District for territory located south of North Avenue and west of Cherry Avenue (LAFCo File No. RO-15-13).

Applicant: City of Fresno

Land Owners/Parties of Real Interest: Gurdev Singh Muhar

(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. 3 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. 3 Reorganization” was submitted by the City of Fresno’s Resolution No. 2015-91 initiating reorganization in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The reorganization is to annex 0.97 acres to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District.

On June 4, 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. ANX-13-001/R-13-010/C-13-088 dated March 6, 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. 3 Reorganization” and Change of Zone (Pre-Zone) under the requirements of the California Environmental Quality Act (“CEQA”).

Discussion

The proposal consists of the annexation of 0.97 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District for territory located south of North Avenue and west of Cherry Avenue. Conditional Use Permit Application No. C-13-088 proposes the construction of approximately 9,088 square feet of building area (office and storage spaces to serve the religious facility) and a temporary ponding basin.

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 0.97 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 south of North Avenue and west of Cherry Avenue (**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 March 18, 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. ANX-13-001/R-13-010/C-13-088 dated March 6, 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 prezoned 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:	0.97
Current Land Use:	Vacant
Number of Residences/ Population:	Residences: 0; Population: 0
Registered Voters:	0
Assessor Parcel Number(s):	329-180-08

2. **Proposed Development:** Construction of approximately 9,088 square feet of building area (office and storage spaces to serve the religious facility) and a temporary ponding basin.
3. **Surrounding Territory:** There is M-3 (Heavy Industrial) zoning to the north, religious facility to the east, vacant land to the south, and single-family residential 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, County Librarian
- Chufeng Vang, IT Analyst, Fresno County Elections Department
- Gary Chapman, Engineering Technician III, Fresno Metropolitan Flood Control District
- David Padilla, Office of Transportation Planning

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 discrepancy.

10. **Compliance with the Requirements of CEQA**

Lead Agency: City of Fresno

Level of Analysis: Environmental Impact Report

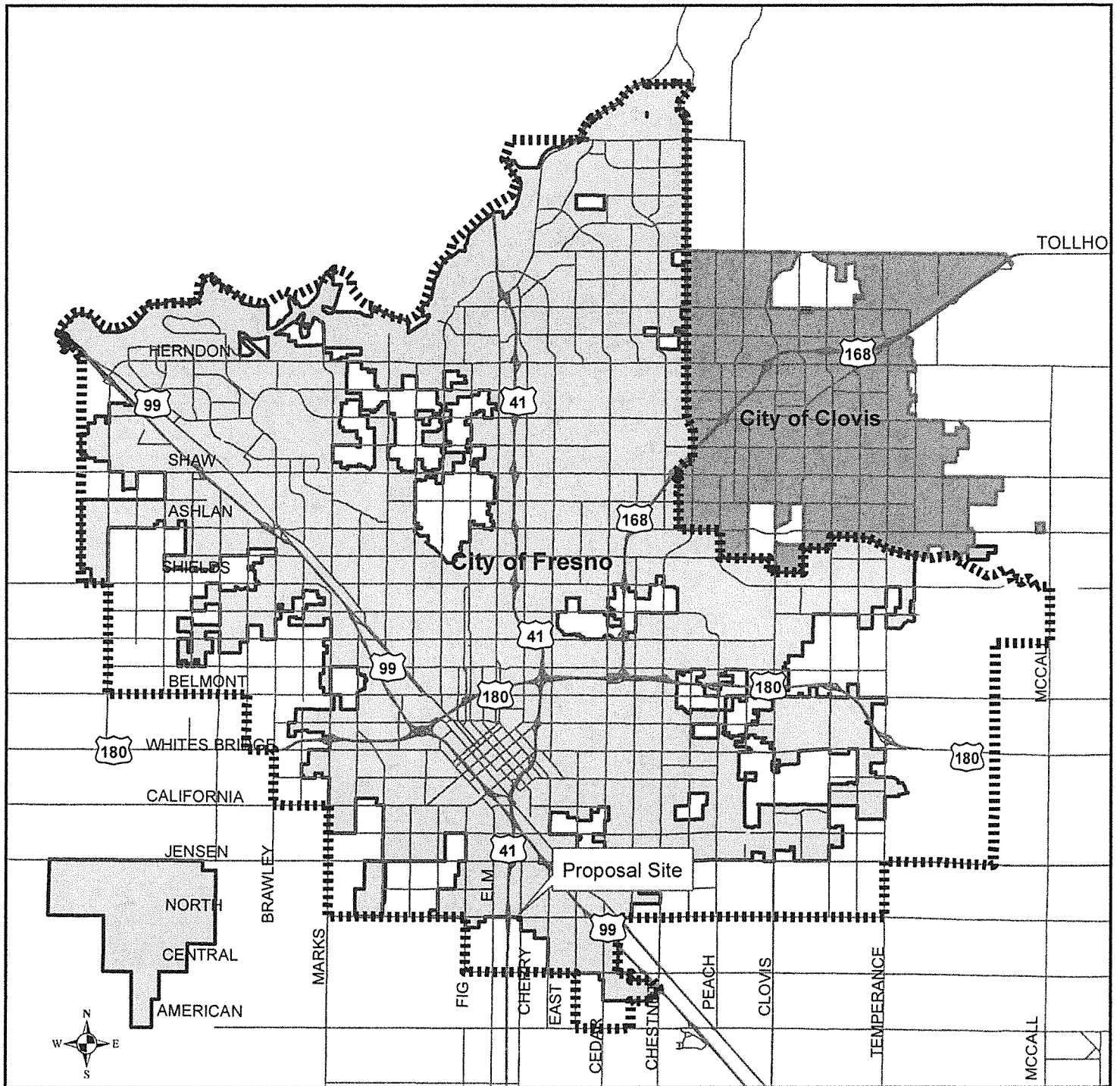
Finding: Finding of Conformity




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
- McKencie Contreras, Supervising Planner, 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

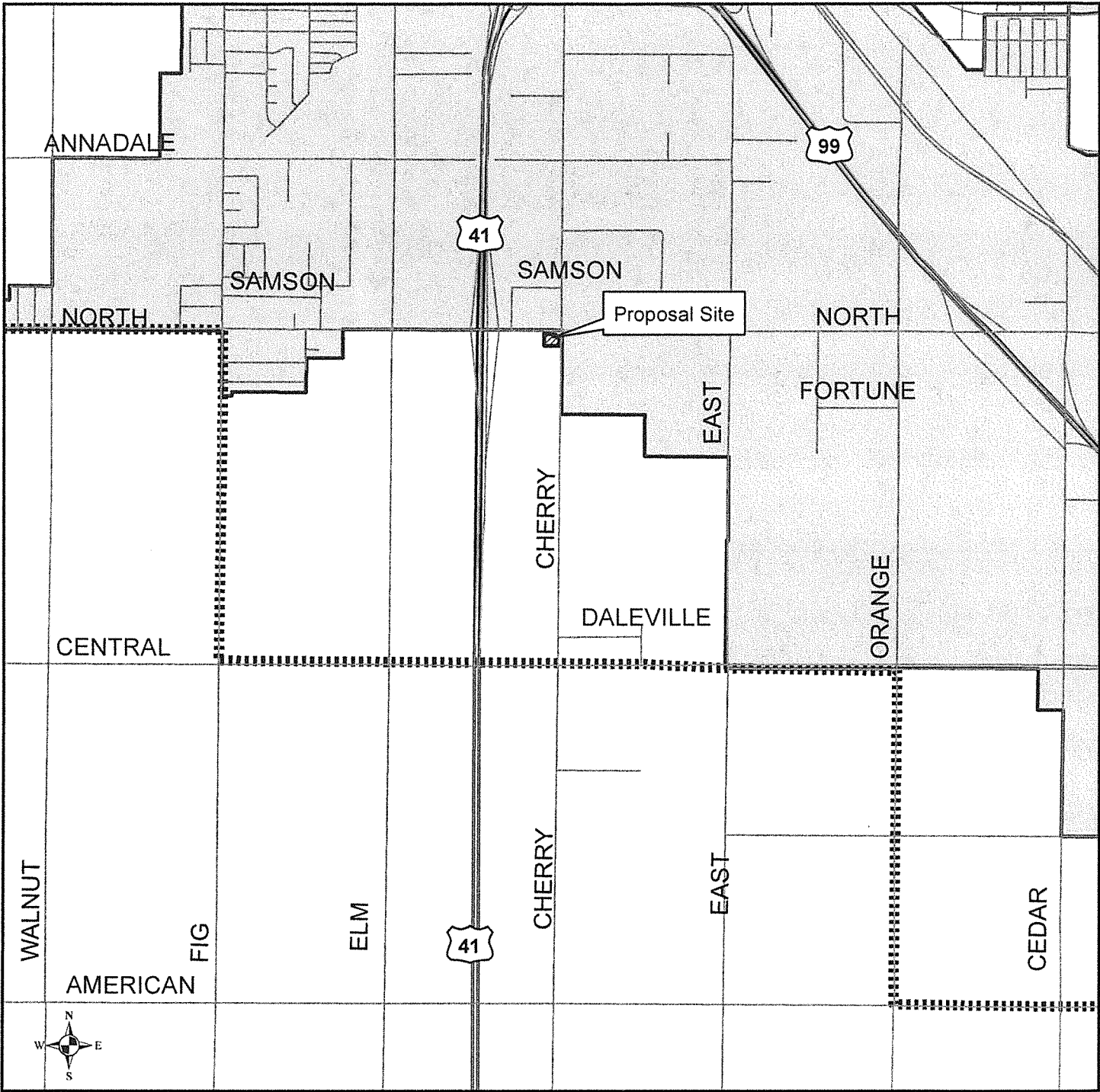
Figure 1





-  North-Cherry No 3 Reorganization
-  City Limits, Fresno
-  Sphere of Influence, Fresno


North-Cherry No. 3 Reorganization City of Fresno

Figure 2



 North-Cherry No 3 Reorganization

 City Limits, Fresno

 Sphere of Influence, Fresno

North-Cherry No. 3 Reorganization

City of Fresno



County of Fresno

COUNTY ADMINISTRATIVE OFFICE

JOHN NAVARRETTE

COUNTY ADMINISTRATIVE OFFICER

August 3, 2015

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

SUBJECT: Notice of Intent to file the North-Cherry No. 3 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 July 21, 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. It is recommended that the full width right-of-way of North and Cherry Avenues 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:jem

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Enclosure

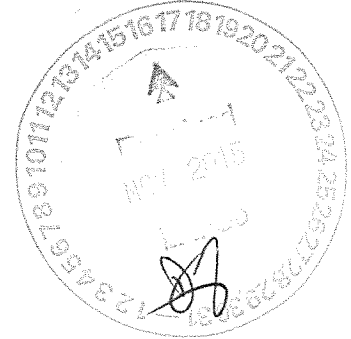
- c: Alan Weaver, Department of Public Works and Planning
Bernard Jimenez, Department of Public Works and Planning
William M. Kettler, Development Services Division
Chris Motta, Development Services Division
Mohammad Khorsand, Development Services Division
David Fey, LAFCo
McKencie Contreras, City of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



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

DATE: November 16, 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. 3 Reorganization", RO-15-13



This is in response to your notice dated November 10, 2015, regarding an annexation application submitted by the City of Fresno to LAFCO known as the "North-Cherry No. 3 Reorganization".

1. County plan designation for the area:
The subject territory is designated as Reserve General Industrial within the County adopted Edison Community Plan.
2. 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.
3. Any pending County plans, projects (i.e. Community Development, roads, etc.) or development permits:
No.
4. Other related comments:
On August 3, 2015, the County issued a consistency determination letter stating that the "North-Cherry No. 3 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.
5. Recommendations:
It is recommended that the City of Fresno include the full width right-of-way along North and Cherry Avenues.

cam

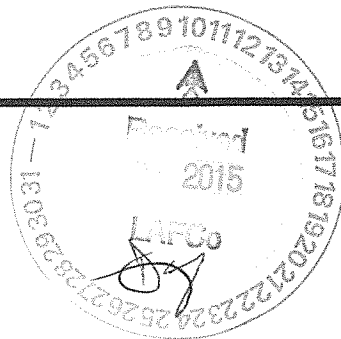
William M. Kettler, Development Services Manager
Department of Public Works and Planning

11/16/15
Date

JA
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Fleming, Candace Lynn

From: Gardner, Janet
Sent: Tuesday, November 10, 2015 1:23 PM
To: Fleming, Candace Lynn; Fey, David
Cc: Allen, Glenn; Tsuda, Kevin
Subject: LAFCo RO-15-13 North-Cherry No. 3



Fresno County Environmental Health (EH) has completed the review of RO-15-13 North-Cherry No. 3 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 (R-13-010, C-13-088, ANX-13-001), thus EH has no further comments.

Sincerely;

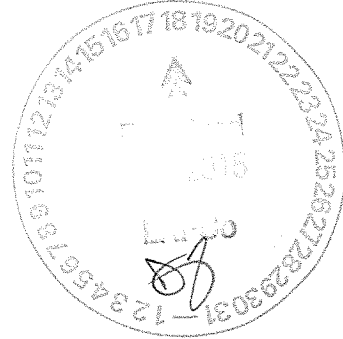
Janet Gardner

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 18, 2015
To: Dave E. Fey, AICP, and Executive Officer
From: Laurel Prysiazny, County Librarian *LWP*
Subject: "North-Cherry NO. 3 Reorganization"

Annexation only.

Property once owned by George J. Nees listed in Fresno County
Notaries, Notaries Public From California Blue Books &
Governmental Rosters

1886-1909. Page 165, Notaries Pubic, Fresno County, Commission Expires: August 12,
1905, "California Blue Book State Roster 1903". State Printing Office, Sacramento Ca.

According to Google maps, lot looks vacant.

References:

According to the Assessor's Office website, APN 329-180-08 does not state a date of building(s),
on the Assessor's Rolls at 3015 S CHERRY FRESNO.

<http://www.co.fresno.ca.us/DepartmentPage.aspx?id=39199>

Lot 33 is on the corner of Cherry and North.

References:

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

Curry, C.F., Secretary of State, 1903, *California Blue Book State Roster 1903*.

****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 10, 2015
TO: Chufeng Vang/Erik Salcedo, Elections Division
FROM: David E. Fey, AICP, Executive Officer *DF*
SUBJECT: "North-Cherry No. 3 Reorganization"
AGENCY NO.: RO-15-13

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. 0
- 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.
- C. What percent of the registered voters in the proposal area does the attached Resolution represent?
- D. X Will the proposal adversely affect precinct boundaries or the conduct of elections? NO
- E. Other comments:

In order to proceed with the processing of this application, please return your comments to this office by **November 23, 2015**. Your assistance is greatly appreciated. Thank you.

DEF:cf

Attachments: Map, Legal description

Signature and Title

Chufeng Vang - I TA-1



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 170.44
310. "AV"

November 18, 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-15-13
"North-Cherry No. 3 Reorganization"
Drainage Area "AV"



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,

Gary Chapman
Engineering Technician III

GC/lrl

c: Alan Hofmann, Fresno Metropolitan Flood Control District

K:\Letters\Annexation Letters\Fresno\lafco ro-15-13(av)(gc).docx

DEPARTMENT OF TRANSPORTATION

DISTRICT 6

1352 WEST OLIVE AVENUE

P.O. BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 444-2493

FAX (559) 445-5875

TTY 711

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December 10, 2013

2131-IGR/CEQA

6-FRE-41-21.113

CUP C-13-088, RZ R-13-010 & AA ANX-13-001

GURUDWARA NANAK SAR

Ms. McKencie Contreras
City of Fresno
Development and Resource Management
2600 Fresno Street, Third Floor
Fresno, CA 93721

Dear Ms. Contreras:

We have completed our review of the conditional use permit, rezone application and annexation application for Gurudwara Nanak Sar, a California Nonprofit Religious Corporation, to construct an approximately 36,540 ft² religious facility on a 5.51 acre site and a 4,380 ft² storage building on a 0.96 acre site located on the southeast and southwest corners of the intersection of South Cherry Avenue and East North Avenue. Caltrans has the following comments:

Because the proposed project is fairly close to State Route (SR) 41 and could potentially generate more than 300 trips during peak hours, it is expected that some of the trips will impact the existing State facilities. Previous traffic studies have identified a need for improvements for the intersections of all the on and off ramps of SR 41 connecting to East North Avenue. Therefore a trip trace to estimate the number of trips that will impact the previously mentioned intersection is required.

If you have any further questions or concerns, please feel free to contact me at (559) 444-2493 or via email dave.padilla@dot.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Padilla'.

DAVID PADILLA
Office of Transportation Planning