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

AGENDA ITEM NO. 6

DATE: August 8, 2018

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: Juan Lara, LAFCo Analyst

SUBJECT: Consider Approval – City of Fresno “Gettysburg-Bryan No. 1 Reorganization.” A proposed reorganization to annex approximately 158 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located between West Shaw Avenue and the Gettysburg Alignment and between North Bryan and North Hayes Avenues. (LAFCo File No. RO-18-5)

Applicant: City of Fresno

Land Owners/Parties of Real Interest: City of Fresno, Bradley & Kathy Jarvis, Baldev & Kamaljit Bath, Rodney & Marcella Deluca, Ambroso & Alice Garcia, Gurnam Singh, Abraham O. Saghedejian, Gurvinder kaur, Jaswinder Singh & Swarnijit Kaur Bhuller, Fresno Metropolitan Flood Control District, Jose Aguilar Jr. & Elida Aguilar, Kathy D. Jarvis, Luis & Elvira Garcia, Fidel Diaz Aquino & Xochitl Del Carmen Aguilar, Elisa Blanco, Dr. Hermes Avila Pelayo, Wayne & Marilyn Gilstrap, Ciano Frank J & Sandy E Trustees, BMCH California, LLC.

RECOMMENDATION : Approve by taking the following actions:

Action 1:

- 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 proposal as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency, were reviewed and considered, and determine these documents to be adequate pursuant to CEQA Guidelines Section 15096.

Action 2:

- B. Find that the proposed reorganization is consistent with LAFCo Policies, Standards, and Procedures and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).

- C. Find pursuant to CKH and information in the record that:
 - a. The territory is uninhabited; and
 - b. Not all landowners, registered voters, or affected agencies have consented to the reorganization.
- D. Assign the distinctive short form designation "Gettysburg-Bryan No. 1 Reorganization" and approve the annexation and detachments subject to the following conditions of approval:
 - a. 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.
 - b. Ownership of land permitting, the annexation shall include the full-width right-of-way along Bryan, Hayes and Shaw Avenues.
 - c. Submittal of corrected legal description and map.
 - d. Satisfactory verification that the city has accepted a final map shall be submitted to the executive officer prior to completion (recordation) of annexation.
- E. Find that pursuant to CKH the territory is uninhabited and not all landowners have consented to the annexation.
- F. Find that the notice mailed on July 18, 2018, was given to all landowners and registered voters within the affected territory, as well as within 300 feet of the affected territory, disclosed that there is potential for the extension or continuation of any previously authorized charge, fee, assessment, or tax by the local agency in the affected territory, and that the commission intends to waive protest proceedings pursuant to section 56663(a)(b)(c) unless written opposition is received before the conclusion of the commission proceedings.
- G. This Commission's action approving this proposal shall expire one year from the date of this resolution unless all proceedings are complete including condition compliance and Certificate of Completion issued by the executive officer.
- H. Authorize and direct the executive officer to mail certified copies of this resolution as provided in Government Code Section 56882 and file as appropriate in the office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this proposal, as required by state law.

- I. Find that no written opposition to the proposal was received prior to the conclusion of the hearing and approve the proposal subject to the requirements of the CKH, the 30-day reconsideration period, compliance with all of the above conditions, and waive further conduct Authority Proceedings

-or-

- J. If written opposition to the proposal was received prior to the conclusion of the hearing, approve the proposal subject to the requirements of the CKH, the 30-day reconsideration period, and compliance with all of the above conditions, and direct staff to set a protest hearing pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 57000 et seq.).

Executive Summary

On May 17, 2018, the City of Fresno initiated this reorganization with the adoption of Resolution No. 2018-122 requesting that the commission begin proceedings for the "Gettysburg-Bryan No. 1 Reorganization" to annex approximately 158 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located between West Shaw Avenue and the Gettysburg Alignment and between North Bryan and North Hayes Avenues.

Proposal/Land Use

- The affected territory is within the City of Fresno sphere of influence (**Attachment A**) and is contiguous to the Fresno city limits (**Attachment B**).
- The proposal consists of the annexation of approximately 158 acres located between West Shaw Avenue and the Gettysburg Alignment and between North Bryan and North Hayes Avenues to the City of Fresno and detachment of this territory from the North Central Fire Protection District and the Kings River Conservation District.
- The proposal is currently zoned RR (Rural Residential) and has been rezoned to the City of Fresno RS-2/UGM (Single-Family Residential, Medium Density/Urban Growth Management), RM-2/UGM (Urban Neighborhood/Urban Growth Management), OS-UGM (Open Space/Urban Growth Management) Zone District by Prezone Ordinance No. 2018-30. It is subject to approved Tentative Tract Map No. TTM-5493.
- The territory is uninhabited (less than 12 registered voters).

Relationship to Regional Housing Goals and Policies

After annexation to the city the tract map will add 216 dwelling units helping meet the City of Fresno General Plan Housing Element.

Sustainable Groundwater Management Act

California's Sustainable Groundwater Management Act ("SGMA") was signed into law by Governor Edmund G. Brown Jr. on September 16, 2014. This three-part legislation requires local agencies to develop groundwater sustainability plans that are compatible with their regional economic and environmental needs. SGMA creates a framework for sustainable local groundwater management for the first time in California's history.

SGMA requires local agencies to form Groundwater Sustainability Agencies ("GSAs") in local groundwater basins by June 2017, and requires the adoption of Groundwater Sustainability Plans ("GSPs") for groundwater basins deemed high priority by the year 2020. The North Kings GSA will represent the City of Fresno.

The subject territory can be readily served by the City's sewer, water and storm drainage infrastructure. Once the subject territory is annexed to the City, the new development in the area will require the extension of main water lines and installation of fire hydrants. According to the city engineer, the City has ample water supply to accommodate the water needs of the proposal. The proposal also lies within Growth Area 1 identified in the "Revised, Amended and Restated Cooperative Agreement between Fresno Irrigation District and City of Fresno for Water Utilization Conveyance" with an identified surface water source to balance demand of planned growth.

Environmental Determination

The City of Fresno, acting as "Lead Agency" under CEQA, prepared an Initial Study (IS) for the proposed project consistent with the requirements of CEQA. The IS determined the project would not have a significant impact on the environment including impact on matters such as air quality, water consumption, loss of agricultural and city service/infrastructure. Accordingly, a Finding of Conformity to the Fresno General Plan Master EIR was adopted and filed with the Fresno County Clerk's office on May 18, 2018 for the 158 acres of the proposal.

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.

APPLICATION INFORMATION

1. Affected Territory

Acreage:	158
Current Land Use:	Rural Residential
Number of Residences/ Population:	Residents 52 / Population:
Registered Voters:	Voters: 10
Assessor Parcel Number(s):	512-030-07, -27,-30, -39, -40, -43, -45, -46, -49T, -51, -53, -54, -55, -56, -57, -75, -78T,

	-87, -97, -98
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2. Proposed Development – The 158-acre proposal is subject to approved Tentative Parcel Map No. TTM-5493; the additional parcels are developed to their highest and best use. Approximately 12 acres are owned by the Fresno Metropolitan Flood Control District (FMFCD) and are designated open space. Of the 12 acres owned by the FMFCD approximately 3.4 acres are developed with a ponding basin.
3. Surrounding Territory – Vacant to the north, Vacant and Residential to the east, Vacant and Residential to the south and Vacant and Residential to the west.
4. Consistency with the Fresno Sphere of Influence (SOI) – The affected territory is within the Fresno SOI.
5. Consistency with City and County General Plans – The proposal will be consistent with the City of Fresno’s General Plan once annexed. The proposal furthers the County’s General Plan policies of directing growth to existing cities where infrastructure and a full range of municipal services are available to serve urban development.
6. Existing Service Agencies and Proposed Service Changes

Service	Existing Service	Change
Water	Community	City of Fresno
Sewer	Septic	City of Fresno
Fire Protection	North Central Fire Protection District	City of Fresno

(Service Plan available under “documents for public review” on LAFCo’s website: www.fresnolaftco.org)

7. Cities and Districts included wholly or partially within the Affected Territory

Fresno County	Fresno Unified School District
Fresno County Library	State Center Community College
County Service Area 35	County School Service
North Central Fire Protection District	West Fresno Red Scale
Fresno Metropolitan Flood Control	Fresno Irrigation
Kings River Conservation	
Fresno Mosquito Abatement	

8. Costs and Other Changes Affecting Residents or Landowners – After annexation a Public Safety bond property tax increase of \$33.44 per \$100,000 of total assessed value per property. Landowners will be required to connect to city sewer services within three years of the service being available.

9. Consistency with LAFCo Policies, Standards and Procedures

- The affected territory is currently zoned RR (Rural Residential) and has been rezoned to the City of Fresno RS-2/UGM (Single-Family Residential, Medium Density/Urban Growth Management), RM-2/UGM (Urban Neighborhood/Urban Growth Management), OS-UGM (Open Space/Urban Growth Management) Zone District, and Annexed Rural Residential Transitional Overlay District after annexation by Prezone Ordinance No. 2018-30 and Bill No. 27.
- 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 (see letter from Mr. Jean Rousseau).
- The City of Fresno and the North Central Fire Protection District have a transition agreement in place to provide fire protection services to the affected territory.
- The City of Fresno is within the North Kings GSA and has a groundwater recharge plan in place.
- The proposal is consistent with CKH and LAFCo Policies, Standards, and Procedures, including, but not limited to, Sections 100 and 200.

10. Agencies and Individuals Submitting Comments

- Gary Chapman, Engineering Tech, Fresno Met. Flood Control District
- David Padilla, Associate Transportation Planner, Caltrans
- Erik Salcedo, Elections Division
- Jean Rousseau, County Administrative Officer
- Karen Coletti, Executive Secretary, Fresno County Public Library
- Rick Lyons, Engineering Tech III, Fresno Metropolitan Flood Control District

11. Territory Boundaries – The boundaries of the proposed annexation **are** definite and certain and the County Assessor has determined that the map and legal description **are adequate** to file with the State Board of Equalization.

12. Registered Voter Data – The County of Fresno Elections Office reported that there are **10** registered voters in the affected territory.

13. Compliance with the Requirements of CEQA (original proposal)

Lead Agency: City of Fresno

Level of Analysis: Initial Environmental Study

Finding: Finding of Conformity (see Environmental Documents at www.fresnolafco.org under the Hearing and Workshops tab in the August 8, 2018 file).

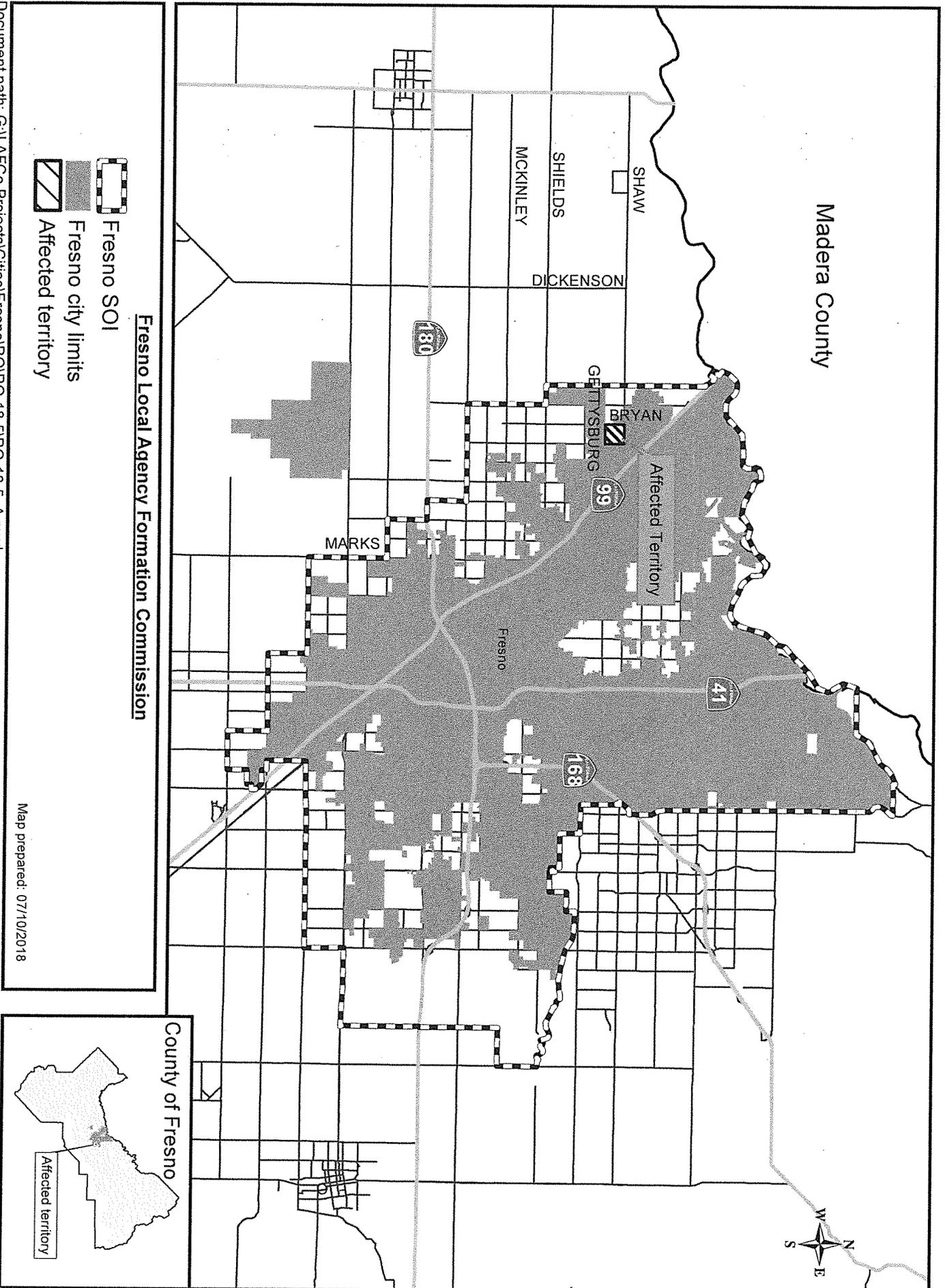
14. Public Notice of Hearing – Public notice concerning this proposal was issued by the executive officer pursuant to state law.

15. Individuals and Agencies Receiving this Report

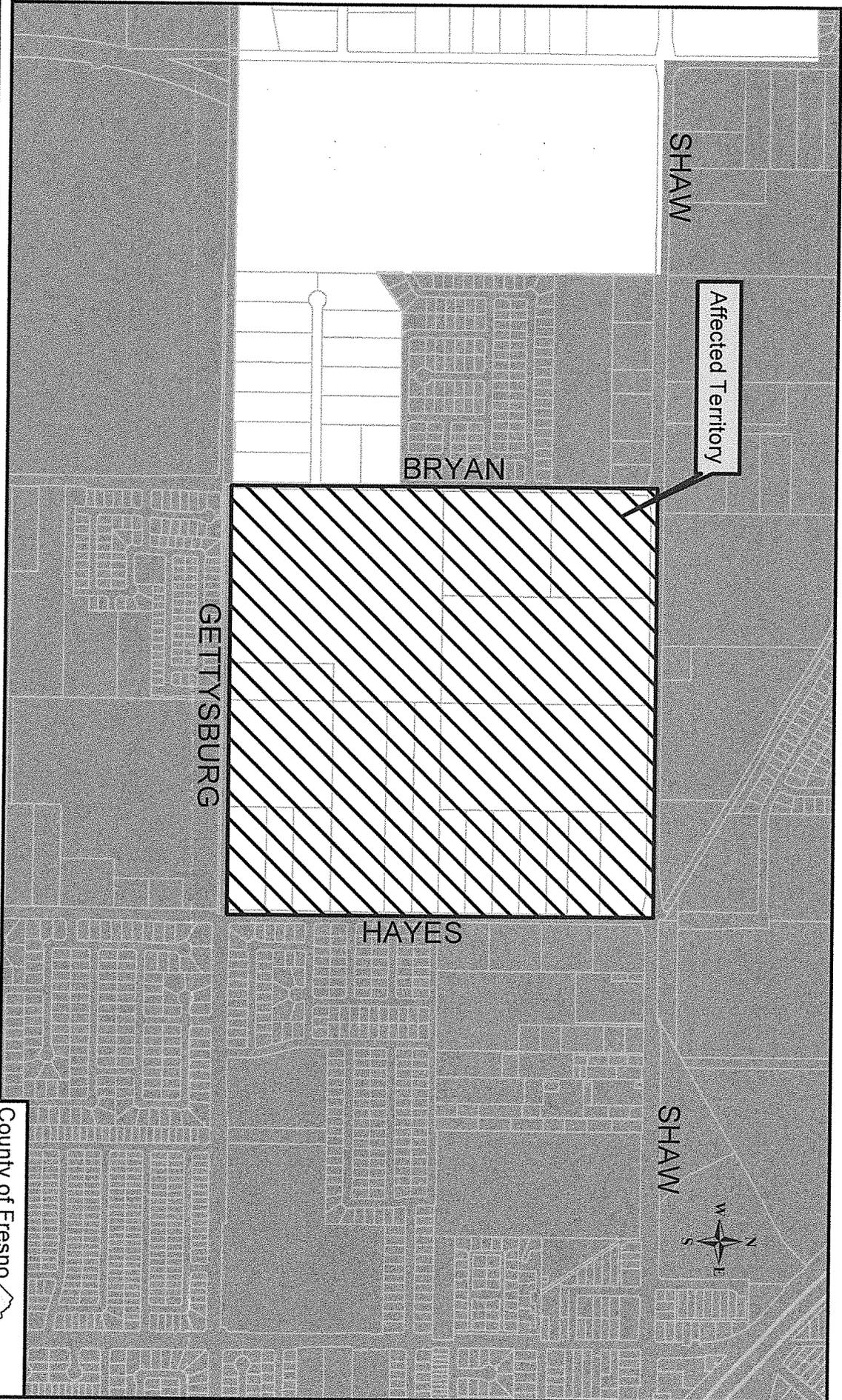
- Ken Price, LAFCo Counsel
- Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning
- Will Kettler, Development Services Div. Mgr., Fresno Co. Public Works and Planning
- Paul Peschel, District Manager, Kings River Conservation District
- Chief Kerri Donis, North Central Fire Protection District
- Adreina Aguilar, Planner, City of Fresno

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Attachment A



Attachment B



Fresno Local Agency Formation Commission

-  Fresno SOI
-  Fresno city limits
-  Affected territory

Map prepared: 07/16/2018

County of Fresno

