

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

CONSENT AGENDA ITEM No. 5B

DATE: August 13, 2014

TO: Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

SUBJECT: **Consider Approval** – Request for a One-Year Extension to Complete Proceedings for the City of Fresno “Whitesbridge-Valentine Southwest Reorganization.” A reorganization submitted by Landowner Petition to annex approximately 115.32 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory generally located east of S. Brawley Avenue between W. Whitesbridge Road and W. Madison Avenue (LAFCo File No. RO-06-20, Eighth Request).

Recommendation: Approve One-Year Extension

Staff was recently notified that the proponent no longer owns the property but the new owner, Brad Samuelson, wishes to move the project forward. Staff therefore recommends that an additional one-year time extension be granted.

Summary:

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. LAFCo Policies, Standards, and Procedures Section 315-03 allows extensions of time to be granted when the imminent need for the proposal still exists, the project is still viable, and progress is being made toward completion.

The City of Fresno’s “Whitesbridge-Valentine Southwest Reorganization” was approved by the Commission on August 16, 2006. After six one-year extensions, the original proponent sold the property to the Fagundes Dairy. The new owner of the territory proposed to be reorganized is requesting a one-year extension of time to complete proceedings. This is the seventh one-year extension request for this proposal. As per the Commission’s adopted policies, this request has been placed on the Commission’s Agenda as a “public hearing” item rather than the “consent agenda”.

Parties of Interest:

Brad Samuelson	Geryoung & Mai J. Yang
Eleazar & Yolanda Garcia	Craig Nagler Cencal Holdings LLC
Dirk Poeschel, Representative	Darryll & Gretchen Freedman
Fresno Unified School District	Martin Inchauspe
Kun Ho & Fenging Su Hsueh	

Project Description:

An annexation of 115.32 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District for territory generally located east of S. Brawley Avenue between W. Whitesbridge Road and W. Madison Avenue. The City of Fresno has approved two single-family residential subdivisions (Tentative Tract Map Nos. 5463 and 5574) containing 396 lots within the affected territory.

Reasons for Request and Actions Taken to Date:

The Fagundes Dairy has expended a great deal of effort and money to complete acquisition of other properties in the area to further hold the entitlement together. However, due to the circumstances beyond the control of the new property owner, the entitlement process has not been completed; however, they are committed to the timely completion of the entitlement process to allow recordation of the final map. The City of Fresno has granted an extension of time until April 15, 2015 for TTM 5463 and on July 11, 2013 the State of California Assembly Bill No. 116 extended that for another two years. The 19.3 acres covered by TTM 5574 (APN 326-100-39) has been returned to the owners (Kun Ho & Fenging Su Hsueh). Of the remaining 96 acres, 58.37 acres is proposed to be developed as TTM 5463 (for 305 single-family residences), 18.65 acres are zoned for agricultural uses and will not be developed, and 19 acres are already developed with the Madison Elementary School.

Staff Analysis:

The slowed economy has negatively affected the ability of proponents to complete projects timely which is also the case with his proposal. The Commission's policies do allow for economic hardships to be considered as a justification for time extension requests.

Based on this information, it does appear that circumstances beyond the control of the City and the developer, including economic hardships due to the current economic conditions, have delayed this reorganization. Based on these circumstances, staff supports an additional one-year extension.




The Following Have Received Copies of This Report:

LAFCo Commissioners and Alternates
Ken Price, LAFCo Counsel, Baker, Manock & Jensen
Brad Samuelson
John Peterson, JRPetersdon & Associates
Bruce Rudd, City Manager, City of Fresno
Bernard Jimenez, Deputy Director of Planning, Fresno County Public Works and Planning Department
Will Kettler, Division Manager, Development Services Division, Fresno County Public Works and Planning Department
David Orth, Manager, Kings River Conservation District
North Central Fire Protection District

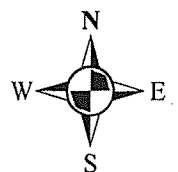
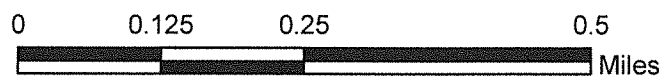
EXHIBIT "A"



Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

City of Fresno "Whitesbridge-Valentine
Southwest Reorganization"
LAFCo File No. RO-06-20



July, 7, 2014

Mr. David E Fey, Executive Officer
Fresno County Local Agency Formation Commission
2607 Fresno St., Suite B
Fresno, CA 93721

Subject: Whitesbridge-Valentine Southwest Reorganization (R-06-20)

Dear Mr. Fey:

As you know, the above annexation is scheduled to expire on August 16, 2014. On behalf of my client the current owner, Fagundes Dairy a General Partnership, I am requesting an extension to the above annexation application. Per your direction Fagundes Dairy has provided the enclosed check in the amount of \$750.00 for the extension request.

As you are aware the real estate market has been severely impacted by the current global economic crisis. The failure of the running Horse project to the east contributes to the economic depression of the immediate area. Fagundes Dairy has expended a great deal of effort and money to complete acquisition other properties in the area to further hold the entitlements together. However, due to circumstances beyond the control of our client, the entitlement process has not been completed. My client is committed to the timely completion of the entitlement process to allow recordation of the final map. We are optimistic that the residential real estate market is improving. Nonetheless, market conditions particularly in the area of the subject map have produced economic hardships which have prohibited Fagundes Dairy from recording the final map. The City of Fresno extended the Tentative Tract Map 5462 to April 15, 2015 and on July 11, 2013 the State of California Assembly Bill No. 116 extended that for another two years.

We appreciate your consideration of this request and look forward to discussing it with you and the members of LAFCo. If you have any questions, please feel free to email or call me.

Sincerely,



John R. Peterson, PE, PLS

cc: Brad Samuelson, Fagundes Dairies, P.O. Box 2717, Merced, CA 95344