

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

CONSENT AGENDA ITEM No. 5C

DATE: September 14, 2016

TO: Local Agency Formation Commission

FROM: David E. Fey, AICP, Executive Officer 

SUBJECT: **Consider Approval:** Request for a one-year extension of time to complete proceedings for the City of Parlier "Reorganization 15-01 (Avila-South)." A reorganization submitted by the City of Parlier to annex 48.87 acres to the City of Parlier and detach from the Kings River Conservation District and the Consolidated Irrigation District for territory located on the south side of South Avenue and west of the Avila Street Alignment (LAFCo File No. RO-15-9).

Recommendation: Approve Extension to October 14, 2017

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.

Parties of Interest:

Shun Patlan	City of Parlier	Israel Lara
	Bruce O'Neal	Nachhatar S. Dhaliwal

Summary:

The subject reorganization was approved on October 14, 2015, but has not been completed. The City of Parlier has requested a one-year extension.

Project Description:

The affected territory is located south of East South Avenue and between South Academy and South Zediker Avenues. The reorganization consists of the annexation of 48.87 acres to the City of Parlier and detachment from the Kings River Conservation District and The Consolidated Irrigation District for territory located on the south side of South Avenue and west of the Avila Street Alignment. The developer is planning to build a 169-lot single-family residential subdivision within the affected territory.

Reasons for Request and Actions Taken to Date:

Bruce O'Neal, Contract planner for the subject reorganization requested a one-year extension. Mr. O'Neal stated in a letter dated August 3rd, 2016, that the LAFCo condition for reorganization 15-01 requiring that the executive officer be provided with evidence that a Preliminary Endangerment Assessment (PEA) has been completed has taken more time than anticipated. Consultants are now proceeding with the required work program but the assessment will likely not be completed prior to expiration of the annexation. The Project remains viable and is strongly supported by the City of Parlier as it provides needed housing to the community. The developer is working with city staff to review and approve all improvement plans and the final map for the project.

Staff Analysis:

In reviewing the request for an extension of time to complete the proposal, staff has considered LAFCo policy 103 (Encouraging orderly urban development and preservation of open space patterns):

- 03 Annexation proposals to cities or districts providing urban services to undeveloped or agricultural parcels shall show that urban development is imminent for all or a substantial portion of the proposal area...; and
- 04 Orderly growth of cities is supported by applications for change of organization and reorganization that demonstrate development of the subject projects is imminent. 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.

The requirement that development is "imminent," meaning that it is pending and forthcoming, is a cornerstone of the Commission's policy framework. It is intended to preclude speculative annexations, which not only preserves agricultural lands but ensures that growth of cities is orderly and logical.

With the recovery of the housing market, the Commission amended its policies in February, 2015, to discourage extensions of time and require applicants to demonstrate that the proposals were still feasible. Fresno LAFCo policy 315 states that "extensions of time are generally disfavored by the Commission" but allows, "No more than one extension of time may be authorized by the Commission."

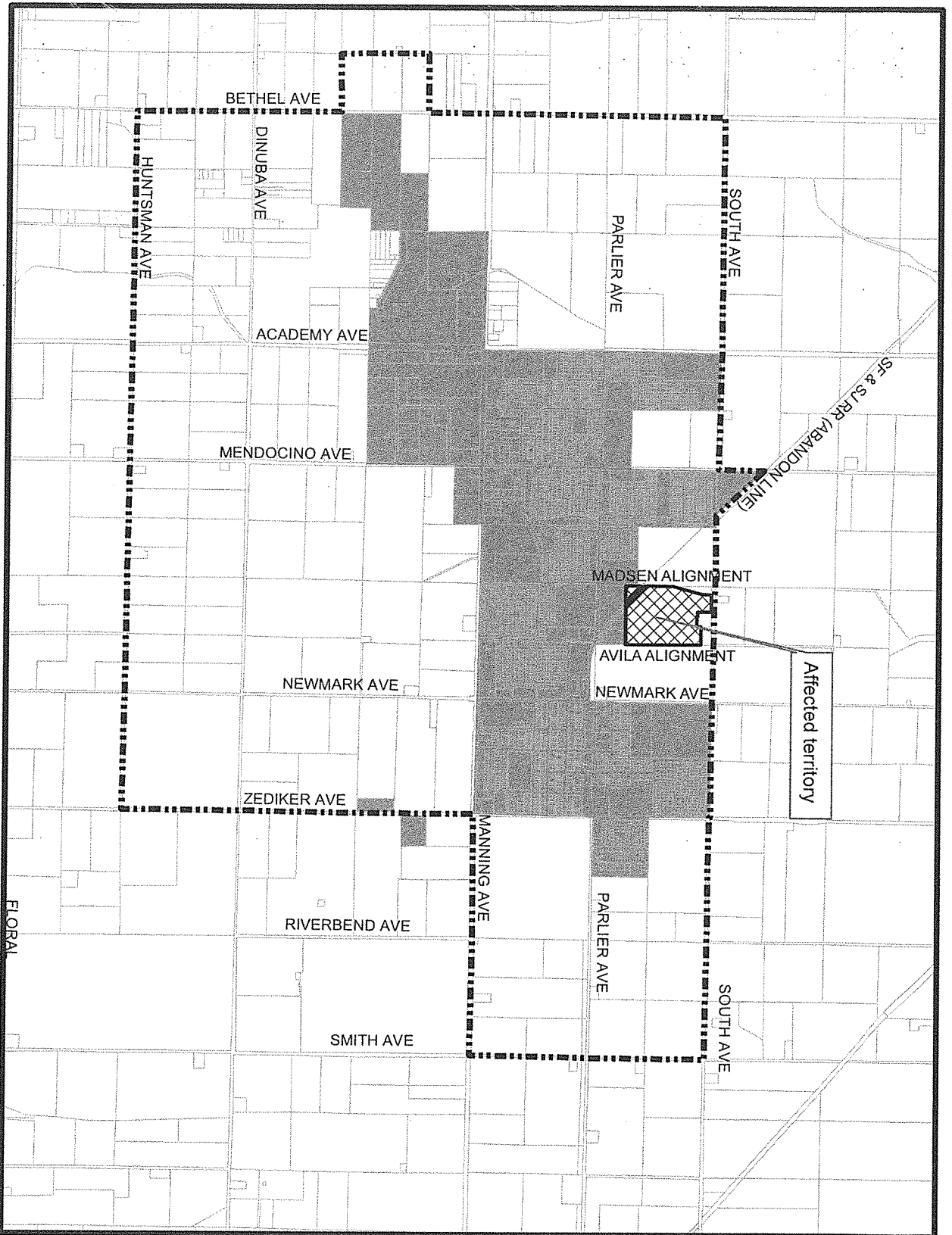
Consistency with policy 315-02(c), requires "an explanation of the project's feasibility and what progress will be made to complete conditions of approval and all necessary prerequisite actions by any party." This feasibility is directly linked to the imminent nature of the project, which is the applicant's responsibility to provide evidence thereof.

Staff believes that circumstances beyond the control of the City and the proponent (including economic hardships due to economic conditions) have caused a delay in completing this reorganization. Staff supports one last extension request to October 14, 2017, at which time the tentative tract map will expire.

The Following Have Received Copies of This Report

- Ken Price, LAFCo Counsel, Baker, Manock, and Jensen
- Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning
- Will Kettler, Development Services Div. Mgr., Fresno Co. Public Works and Planning
- Mark Johnson, Chief, Fresno County Fire Protection District
- Stephen Julian, Fresno County Fire Protection District
- Paul Peschel, District Manager, Kings River Conservation District
- Shun Patlan, City of Parlier
- Israel Lara, City Manager, City of Parlier
- Bruce O'Neal, Contract Planner

EXHIBIT A



Sphere of Influence

City limits

RO-15-9

City of Parlier "15-01 (Avila-South) reorganization"

LAFCo file No. RO-15-9

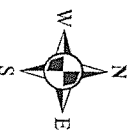
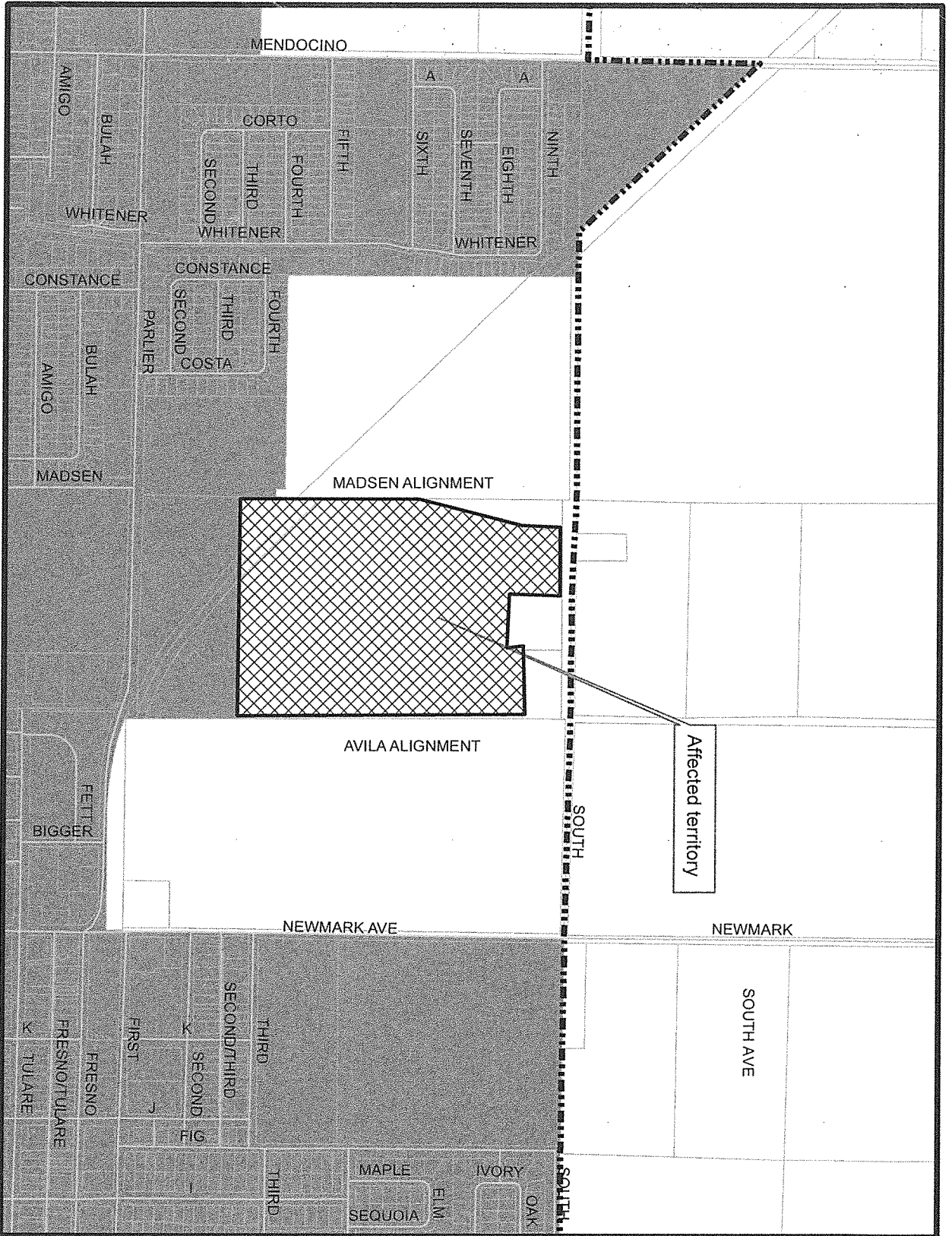


EXHIBIT B



Sphere of Influence

City limits

City of Parlier "15-01 (Avila-South) reorganization"

LAFCo file No. RO-15-9

RO-15-9

