

RESOLUTION NO. RO-20-15

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION
APPROVING THE "TULARE-PEACH NO. 3 REORGANIZATION" WITH CONDITIONS
(LAFCO FILE NO. RO-20-15)**

WHEREAS, reorganization proceedings were initiated by the City of Fresno to annex 8.48 acres to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District for the territory located on the Southwest corner of Tulare and Peach Avenues said territory being described by Attachment "A," attached hereto and by this reference incorporated herein; and

WHEREAS, the application was submitted to the Fresno Local Agency Formation Commission ("LAFCo" or "Commission") by the City of Fresno as required by State law, and the application for said proposed reorganization was accepted for filing by the Executive Officer and set for a special hearing on the 30th day of December 2020, at the hour of 1:30 p.m.; and

WHEREAS, notice of the hearing to consider the Proposal was given as required by State law; and

WHEREAS, the Executive Officer reviewed the Proposal and prepared a report to the Commission, including a recommendation for approval upon certain conditions, said report having been mailed at least five days before said hearing and was duly considered by the Commission pursuant to State law; and

WHEREAS, acting as "Responsible Agency" under the California Environmental Quality Act ("CEQA") the Commission considered the CEQA documents filed and adopted by the City of Fresno acting as the "Lead Agency" under CEQA for the Proposal and associated rezoning, which was included in the Executive Officer's report to the Commission; and

WHEREAS, the Commission considered all relevant factors and evidence and heard all interested parties wishing to speak on the Proposal.

NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does HEREBY RESOLVE AND DETERMINE, as follows:

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.

ADOPTED THIS 30th DAY OF DECEMBER 2020 BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS MENDES, YEP, PACHECO, PARRA

NOES: NONE

ABSENT: COMMISSIONER SANTOYO

ABSTAIN: NONE

Action 2:

- A. Find that the proposed reorganization is consistent with LAFCo Policies and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH").
- B. Find pursuant to CKH and information in the record that:
 - a. The territory is uninhabited; and
 - b. All landowners and affected agencies have consented to the reorganization.
- C. Assign the distinctive short form designation "Tulare-Peach No. 3 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 preceding 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 East Tulare and South Peach Avenues along the annexation frontage.
 - c. Submittal of corrected legal description and map.
- D. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH.

ADOPTED THIS 30th DAY OF DECEMBER 2020 BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS MENDES, YEP, PACHECO, PARRA

NOES: NONE

ABSENT: COMMISSIONER SANTOYO

ABSTAIN: NONE

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

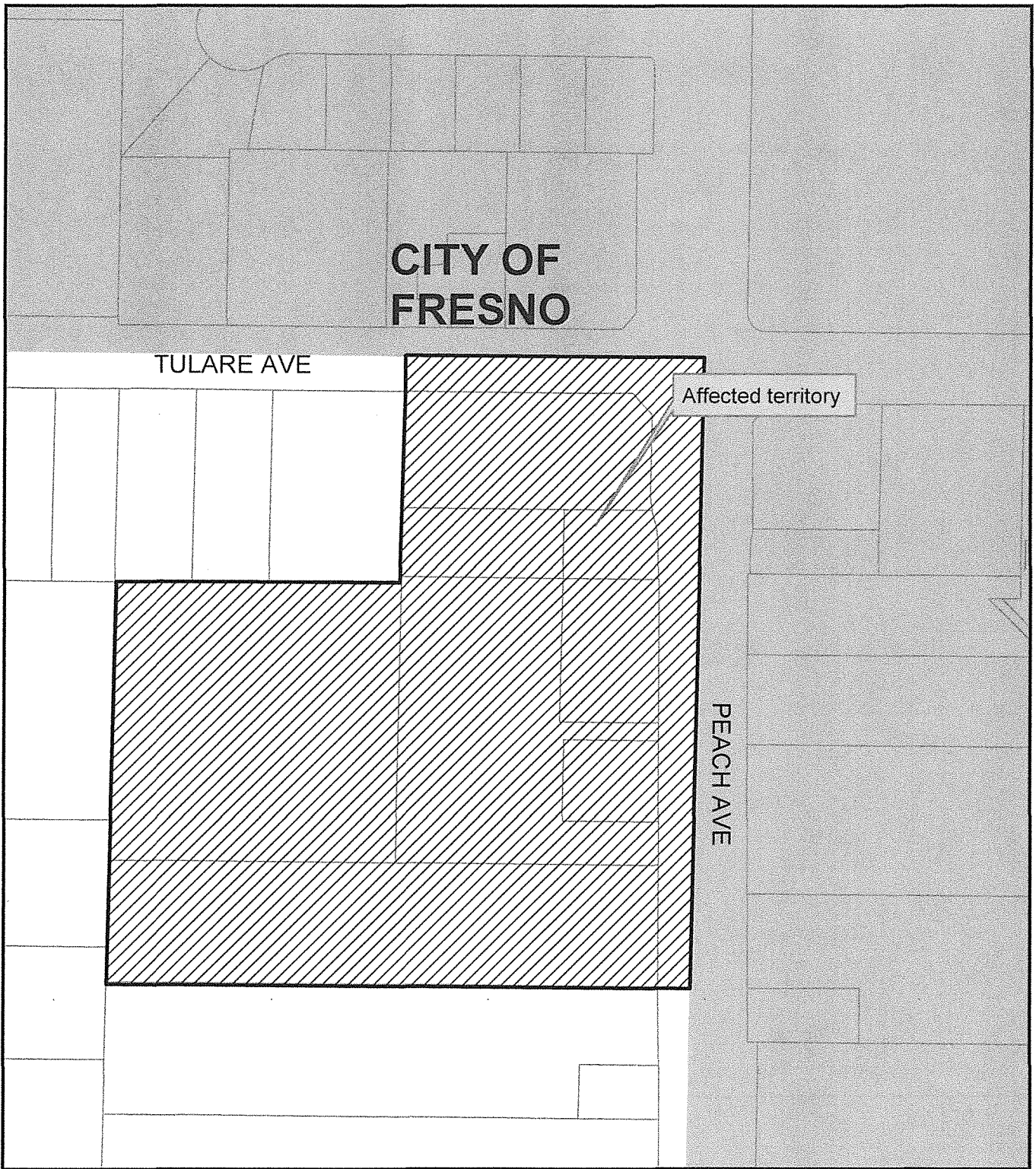
CERTIFICATION

I, David E. Fey, Executive Officer, Fresno Local Agency Formation Commission, hereby certify that the foregoing resolution was adopted by the Commission on the 30th day of December 2020.




David E. Fey, Executive Officer
Fresno Local Agency Formation Commission

ATTACHMENT A



Fresno Local Agency Formation Commission

 Fresno city limits

