



Board Agenda Item 52

DATE: April 23, 2019

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Second Amendment to Amended and Restated Memorandum of Understanding
between County of Fresno and City of Sanger

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute the Second Amendment to the Amended and Restated Memorandum of Understanding between the County of Fresno and City of Sanger regarding Standards for Annexation.**
- 2. Determine that the approval and authorization of the Chairman to execute the Second Amendment to the Amended and Restated Memorandum of Understanding between the County of Fresno and City of Sanger is exempt from the requirements of the California Environmental Quality Act, Public Resources Code, section 2100, et seq., and direct Department of Public Works and Planning staff to file a Notice of Exemption with the Office of the Fresno County Clerk.**

Approval of the recommended actions would streamline the annexation process and facilitate the City of Sanger's (City) ability to implement its Housing Element and meet its Regional Housing Needs Allocation (RHNA). This item pertains to locations in District 4.

ALTERNATIVE ACTION(S):

Your Board may choose not to approve the proposed amendment to the Memorandum of Understanding (MOU) between the City and the County, resulting in the Standards for Annexation remaining unchanged.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The proposed amendment does not modify existing property or sales tax sharing provisions contained in the MOU between the City and County.

DISCUSSION:

On December 13, 2005, the Board approved and executed an Amended and Restated MOU with the City (Agt. No. 05-604) addressing land use and revenue sharing. On October 31, 2017, the Board approved the First Amendment to the Amended and Restated MOU revising provisions relating to substantial sales tax generating uses. On December 21, 2018, the City notified the County of its desire to amend the MOU to facilitate implementation of its Housing Element and meet its RHNA (See Exhibit A).

In summary, the Standards for Annexation require that an annexation boundary be logical, does not create a peninsula or island, be rezoned, and 50% of the area proposed for annexation be entitled with a subdivision map (residential use) or site plan review (commercial/industrial use). The proposed amendment will allow the City to address its unaccommodated RHNA by eliminating the need for land entitlement approval (subdivision map). In circumstances where an entitlement has been approved, the standard for having 50% of the annexation area be covered by the entitlement will be reduced to 25%.

The City is in the process of updating its general plan and developing its North Academy Annexation program, which includes a series of mixed-use land use designations and zoning districts. In order to provide maximum flexibility in accommodating housing and commercial development, the City is requesting to modify the Standards for Annexation. While working with City staff, there were additional areas of the Standards for Annexation where clarification and edits were recommended (see Exhibit B). It is important to note that the Board approved similar amendment to Standards for Annexation for the City of Reedley on September 26, 2017 and City of Clovis on July 10, 2018.

California Environmental Quality Act Determination

The California Environmental Quality Act (CEQA) applies only to projects, which have the potential for causing a significant effect on the environment. Where it determined with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Department staff has determined, pursuant to Section 15061(b)(3) of the CEQA Guidelines, that the proposed amendment would not have a significant effect on the environment and is therefore exempt from CEQA.

OTHER REVIEWING AGENCIES:

The Second Amendment to the MOU between the County of Fresno and City was prepared and coordinated between City and County staff. The Sanger City Council discussed and approved the amendment at a public hearing on March 21, 2019.

REFERENCE MATERIAL:

BAI #68, July 10, 2018
BAI #52, October 31, 2017
BAI #14, September 26, 2017
BAI #9, December 13, 2005

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
Exhibit B
On file with Clerk - MOU Amendment with City of Sanger

CAO ANALYST:

Sonia M. De La Rosa