

RESOLUTION NO. RO-13-5

**FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA**

In the Matter of:

LAFCo Determination

A REQUEST FROM THE CITY)
OF CLOVIS FOR APPROVAL)
OF THE "SHEPHERD-SUNNYSIDE)
SOUTHWEST REORGANIZATION")

APPROVED THE
"SHEPHERD-SUNNYSIDE
SOUTHWEST REORGANIZATION"
WITH CONDITIONS

WHEREAS, reorganization proceedings were initiated by the City of Clovis to annex 2.48 acres to the City of Clovis and detach from the Fresno County Fire Protection District and the Kings River Conservation District for territory located at the southwest corner of Shepherd and Sunnyside Avenues, said territory being described within Exhibit "A", attached hereto and by this reference incorporated herein; and

WHEREAS, the application was submitted to this Commission by the City of Clovis as required by State Law, and the application for said proposed reorganization was accepted for filing by the Executive Officer and set for hearing on the 9th day of October, 2013, at the hour of 1:30 p.m.; and

WHEREAS, the Chief Administrative Officer for the County of Fresno submitted a letter to this Commission stating that the County has determined that the proposed annexation of the affected territory to the City of Clovis is consistent with the Master Property Tax Sharing Agreement; and

WHEREAS, notice of the hearing of said application was given as required by State Law; and

WHEREAS, the Executive Officer reviewed said application and prepared a report to this 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 this Commission pursuant to State Law; and

WHEREAS, this Commission reviewed and considered the information in the Initial Study and Negative Declaration prepared by the Lead Agency, City of Clovis, which was included in the Executive Officer's report to this Commission; and

WHEREAS, this Commission considered all relevant factors and evidence and heard all interested parties wishing to speak on said application; and

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

Section #1. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, this Commission finds that prior to approving the proposed reorganization the environmental effects of the project as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency were reviewed and considered, and determines these documents to be legally adequate pursuant to CEQA Guidelines Section 15096.

Section #2. This Commission finds that the proposed reorganization is consistent with LAFCo Policies, Standards and Procedures Section 210 - Standards for Annexation to Cities and Urban Service Districts (01-13), and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act").

Section #3. This Commission assigns the distinctive short form designation "Shepherd-Sunnyside Southwest Reorganization" and approves the reorganization (annexation and detachments) subject to the following conditions of approval:

- A. The City of Clovis shall submit to the Executive Officer verification that a Right-to-Farm Covenant is required and made a part of the City's development agreement and that this legal covenant will be recorded with the final tract map approved by the City for the affected territory.
- B. Ownership of land permitting, the annexation shall include the full existing right-of-way width of adjacent roadways.
- C. Prior to recordation, the applicant will verify that all of the rezoning conditions of approval have been satisfied.

Section #4. This Commission finds pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("Act") that:

- A. The territory is uninhabited.
- B. All landowners and affected agencies have consented to the annexation.

Section #5. This Commission waives Section 210-08 of LAFCo's Policies that says "proposal will not create an island, and minimize the creation of peninsulas and corridors, or any other distortion of boundaries" and find that incremental annexations in county islands will ultimately contribute to the unification of the Dry Creek Preserve Area.

Section #6. This Commission waives further Conducting Authority Proceedings and approves the annexation and detachments subject to the requirements of the "Act", the 30-day reconsideration period, and compliance with all of the above conditions.

Section #7. The Executive Officer is hereby authorized and directed to mail certified copies of this Resolution as provided in Government Code Section 56882 and to 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.

* * * * *

ADOPTED THIS 9TH DAY OF OCTOBER, 2013, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS POOCHIGIAN, LOPEZ, LARSON, SILVA

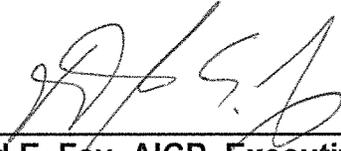
NOES NONE

ABSENT: COMMISSIONER SANTOYO

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

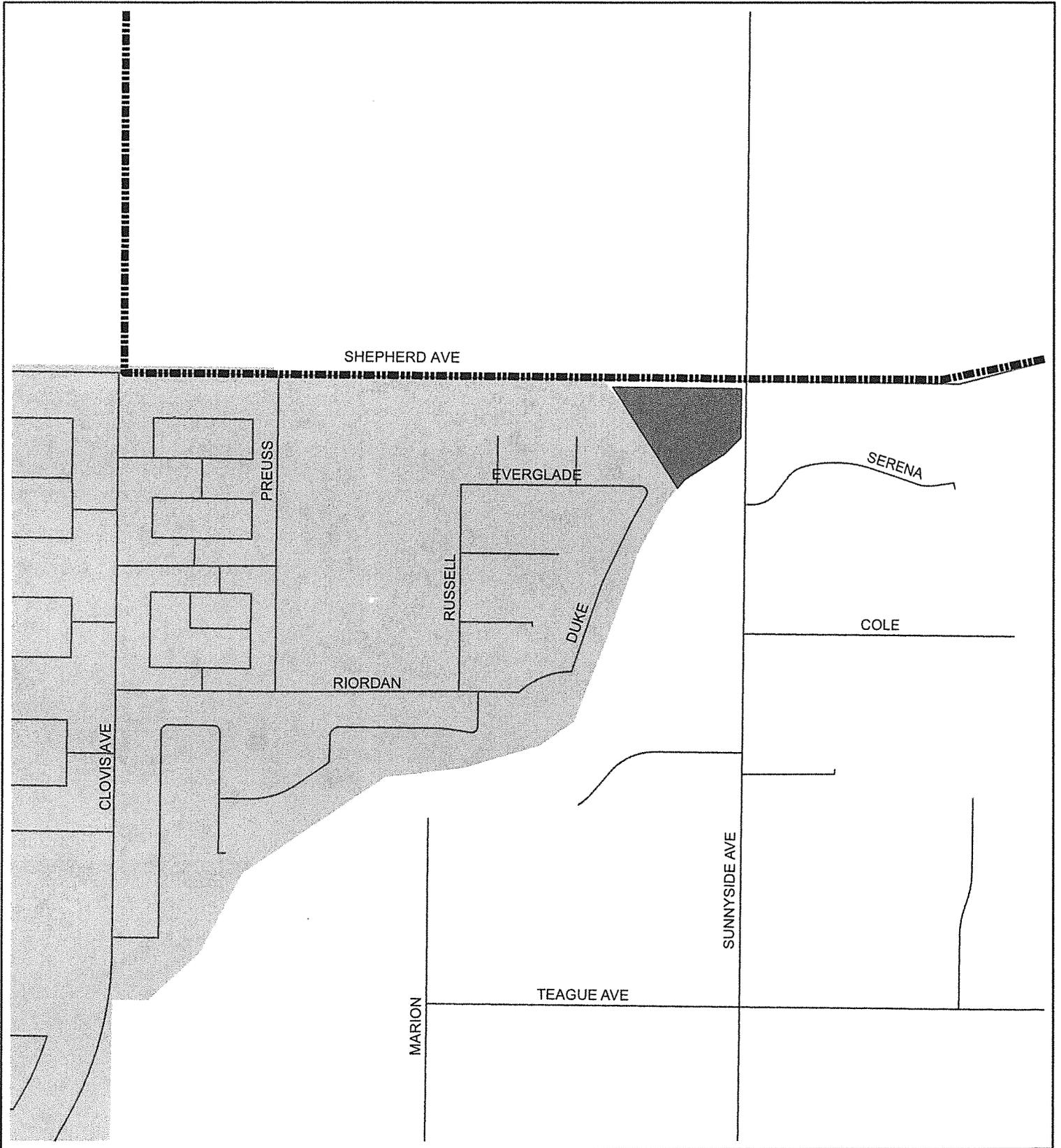
CERTIFICATION

I, David E. Fey, Executive Officer of the Fresno Local Agency Formation Commission (LAFCo), Fresno County, State of California, hereby certifies that the foregoing resolution was adopted by the Commission at a regular meeting held on the 9th day of October, 2013.



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

EXHIBIT "A"



City of Clovis "Shepherd-Sunnyside
Southwest Reorganization".
(LAFCo File No. RO-13-5)

Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

