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

AGENDA ITEM No. 6

DATE: July 16, 2014

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, AICP, Executive Officer 

SUBJECT: **Consider Approval:** Consider various items related to the **City of Clovis "Barstow-DeWolf Southeast Reorganization."** A proposed reorganization to annex 41 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 Southeast corner of Barstow and DeWolf Avenues (**LAFCo File No. RO-14-1**).

Applicant: City of Clovis

Land Owners/Parties of Real Interest (asterisk indicates consent): Wesley & Bernice Kerner*, John Kirschner, Dennis Buhlke*, Coy Lee Ray*, William Cuthbertson*, Kenneth Crawford*, John & Tamara Hustedde*, Wilson Premier Homes, Inc.*

RECOMMENDATION: Approve By Taking the Following Actions:

- A. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find 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 determine these documents to be legally adequate pursuant to CEQA Guidelines Section 15096.
- B. Find that the proposed reorganization is sufficiently consistent with LAFCo Policies, Standards and Procedures of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act").
- C. Assign the distinctive short form designation "Barstow-DeWolf Southeast Reorganization" and approve the reorganization (annexation and detachments) subject to the following conditions of approval:
 - 1. 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.
 - 2. Ownership of land permitting, the annexation shall include the full-width right-of-way along DeWolf Avenue between Barstow Avenue and the annexation boundary, and along Barstow between DeWolf and Leonard Avenues.

- D. Find pursuant to the "Act" that:
1. The territory is inhabited.
 2. All landowners have not consented to the annexation.
- E. Pursuant to Section 56663 of the Government Code, waive further Conducting Authority Proceedings and approve the annexation subject to the requirements of the "Act," the 30-day reconsideration period, and compliance with above condition.

Procedural Note

If approved, the Commission must set a protest hearing since the proposal does not have written consent from all of the property owners. However, Section 56663 of the CKH allows the Commission to waive the protest hearing if:

- (a) The mailed notice pursuant to section 56157 has been given to landowners and registered voters within the affected territory.*
- (b) The mailed notice discloses to the registered voters and landowners that unless written opposition to the proposal is received before the conclusion of the commission proceedings on the proposal, the commission intends to waive protest proceedings. The notice shall disclose that there is potential for the extension or continuation of any previously authorized charge, fee, assessment, or tax by the local agency in the affected territory.*
- (c) Written opposition to the proposal from landowners or registered voters within the affected territory is not received before the conclusion of the commission proceedings on the proposal.*

Background

The City of Clovis initiated these proceedings on February 14, 2014 with the adoption of Resolution 14-20, and filed the application with LAFCo on May 2, 2014. The City has rezoned the territory located on the south side of Barstow Avenue, between DeWolf and N. Leonard Avenues from County Rural-Residential/Agriculture to City Low-Density Multiple-Family Residential and the territory located at the southeast corner of Barstow and DeWolf Avenues from County Rural-Residential/Agriculture to City Medium-High Residential, Open Space & Parks. The City approved Tentative Tract Map #6055 for a 134-lot single-family planned unit development on the south side of Barstow Avenue, between DeWolf and N. Leonard Avenues and Tentative Tract Map #6058 for a 111-lot single-family planned unit development at the southeast corner of Barstow and DeWolf Avenues. On January 13, 2014 the Clovis City Council approved a Mitigated Negative Declaration for TM6055 and on February 18, 2014 approved a Mitigated Negative Declaration for TM6058. A Notice of Determination was filed on February 21, 2014

Proposal / Land Use

- The territory is located inside the City of Clovis' Sphere of Influence, adjacent to the City limits at the southeast portion (see Maps and Figures).
- The proposal consists of the annexation of 41 acres to the City of Clovis and detachment from the Fresno County Fire Protection District and the Kings River Conservation District

- The affected territory is located south of Barstow, east of DeWolf north of San Jose, and west of Leonard Avenues. The territory is inhabited.

Environmental Determination

The City of Clovis prepared an Initial Study to evaluate the potential environmental effects of the reorganization. The City approved the project and determined that the Project will not have a potentially significant effect on the environment and adopted a Mitigated Negative Declaration (see Environmental Documents on our website at www.fresnolafco.org under the Hearings and Workshops tab, in the July 16, 2014 folder, as part of the staff report).

As Responsible Agency, the Commission is required to review and consider the City's Initial Study and Mitigated Negative Declaration prior to taking its action. If the Commission determines that these documents are adequate, pursuant to CEQA, it may make the required findings provided under "Recommendations" above.

Project Analysis

Project Description

The proposed development includes approved tentative tract maps TM6055 and TM6058. TM6055 proposes a 134-lot single-family planned unit development and TM6058 proposes a 111-lot single-family planned unit development. A portion of the North Park between the Jefferson Canal and San Jose Avenue will be included in the proposal.

Consistency with LAFCo Policies, Standards, and Procedures

- The Proposal is consistent with the City of Clovis' General Plan.
- The Proposal is consistent with the City of Clovis/County of Fresno Memorandum of Understanding (Tax Sharing Agreement) Standards for Annexation with the County of Fresno (See Correspondence - www.fresnolafco.org attached to the staff report).
- The City of Clovis has a current fire transition agreement in place with the Fire Protection District.
- The affected territory is located within the City of Clovis' Sphere of Influence (SOI) and adjacent to the existing city limits along its southern and western boundaries (see Maps and Figures).
- The Proposal furthers the County's General Plan policies of directing growth to existing cities where infrastructure and a full range of municipal services are available to serve urban development.
- Substantial development is planned for the affected territory. The Service Plan submitted for this Proposal indicates that all necessary urban services (water, sewer, police, fire, etc.) are available to serve the affected territory (see the Service Plan on our website at www.fresnolafco.org under the Hearings and Workshops tab, in the July 18, 2014 folder, as part of the staff report).

- The Proposal does not conflict with the goals and policies of LAFCo.
- The Proposal is timely, represents an appropriate action, and does not encourage urban sprawl.
- The Proposal would carry out LAFCo's purposes and responsibilities for the coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities.

Accordingly, the Executive Officer has determined that the proposed reorganization is consistent with the "Act," Government Code 56000 et seq.), and LAFCo Policies, Standards, and Procedures, including, but not limited to, Sections 100 and 200.

APPLICATION INFORMATION

1. Affected Territory

Acreage:	41.437 acres
Current Land Use:	Agriculture/Rural Residential
Number of Residences/ Population:	Residences:10 / Population: 30
Landowners/ Registered Voters:	Landowners: 10 / Voters: 24
Previous County Zoning:	AE-20
Zoning Upon Annexation:	R-2 & P-F
Ag. Preserves/Contracts:	N/A
Assessor's Parcel Number:	554-051-07, 40, 42, 48, 52, 53, 56, 58, 59, 60, 61, 64, 65, 66, 67, 70, 71

2. **Proposed Development-** TTM6055 proposes a 134-lot single-family planned unit development and TTM6058 proposes a 111-lot single-family planned unit development.

3. **Surrounding Territory-** The proposed project site is bounded by agricultural, urban density residential and rural residential land to the north and east, rural residential to the south, and urban density residential land uses to the west.

4. **Consistency with Adopted Sphere of Influence (SOI) -** The affected territory is within the City of Clovis' adopted Sphere of Influence.

5. **Consistency with the City of Clovis' and County's General and Specific Plans -** The Proposal is consistent with the City of Clovis General Plan as amended and the Loma Vista Specific Plan. The Proposal furthers the County's General Plan policies of directing growth to existing cities where infrastructure and a full range of municipal services are available to serve urban development.

6. Existing Service Agencies and Proposed Service Changes

Service	Existing Service	Change
Water	Well / Groundwater	City of Clovis
Sewer	Private Septic	City of Clovis
Fire Protection	Fresno County Fire Protect. District	City of Clovis
Distance to Station	3.48 miles	1.59 miles

Please Note: A service plan for this Proposal is available at www.fresnolafco.org under the hearings and workshops tab in the July 16, 2014 folder.

7. Cities and Districts Included Wholly or Partially within the Affected Territory

County of Fresno	Fresno County Library District
Kings River Conservation District	Fresno County Fire Protection District
State Center Community College District	Clovis Unified School District
Fresno Metropolitan Flood Control District	County Service Area No. 35
Fresno Irrigation District	West Fresno Red Scale Protective District
Consolidated Mosquito Abatement Dist.	Clovis Memorial District

8. **Costs and Other Changes Affecting Residents or Landowners**

The costs of services will not change upon annexation. Residents will not be required to change services at the time of annexation.

9. **Agencies and Individuals Submitting Comments** (see Correspondence and Comments attached to the staff report on our website at www.fresnolafco.org under the Hearings and Workshops tab in the July 16, 2014 folder)

- John Navarrette, Fresno County Administrative Officer
- Kevin Tsuda, Environmental Health Specialist II, Fresno County Department of Public Health
- Robert Villalobos, Engineering Technician III, Fresno Metropolitan Flood Control District
- Department of Transportation
- Laurel Prysiazny, County Librarian
- Ryan Lopez, County Elections Division

10. **Territory Boundaries:** The boundaries of the proposed annexation **are** definite and certain, and there; however, the proposal divides APN 554-051-56 (owned by the City of Clovis). The "Barstow-DeWolf Northeast Reorganization, previously approved and recorded, has the same boundary. If approved, when both of these proposals are completed by the State Board of Equalization, all the parcels owned by the City of Clovis will become Tax Exempt. The map and legal are not sufficient per Fresno County Assessor's Office for recordation or filing with the State Board of Equalization.

11. **Registered Voter Data**

The County of Fresno Elections Office reported that there were 20 registered voters in the affected territory.

12. **Compliance with the Requirements of CEQA**

Lead Agency: City of Clovis - **Level of Analysis:** Initial Study

Finding: Mitigated Negative Declaration (see Environmental Documents – www.fresnolafco.org under the Hearings and Workshops tab in the July 16, 2014 folder).

13. **Public Notice of Hearing** – Public notice concerning this Proposal was issued by the Executive Officer pursuant to State law.

14. **Individuals and Agencies Receiving this Report**

- Commissioners and Alternates
- Ken Price, LAFCo Counsel
- Will Kettler, Division Manager, Development Services Division, Fresno County Public Works and Planning Department
- Bernard Jimenez, Deputy Director of Public Works and Planning
- George Gonzalez, Associate Planner, City of Clovis
- Lorren Smith Harbour & Associates
- Chris Kliewer, Yamabe & Horn Engineering
- Mark Johnson, interim Chief, Fresno County Fire Protection District
- Dave Orth, Manager, Kings River Conservation District

POINT OF COMMENCEMENT:
 THE NORTHWEST CORNER OF THE
 NORTHWEST QUARTER OF THE
 SOUTHWEST QUARTER OF
 SECTION 12, T. 13 S., R.
 21 E., M.D.B.&M.

CITY OF CLOVIS.

BARSTOW

AVENUE

SEE DETAIL

TRUE POINT OF BEGINNING

THE EAST LINE OF THE
 NORTHWEST QUARTER OF
 THE SOUTHWEST QUARTER
 OF SECTION 12, T. 13
 S., R. 21 E., M.D.B.&M.

AVENUE

CITY OF CLOVIS.

AVENUE

DE WOLF

AREA TO BE
 ANNEXED TO
 THE CITY OF
 CLOVIS
 41.437 ACRES

[5]
 R=1678.00'
 Δ=01°21'57"
 L=40.00'

CANAL

COUNTY OF FRESNO.

SCALE: 1" = 300'



THE SOUTH LINE OF THE
 NORTHWEST QUARTER OF
 THE SOUTHWEST QUARTER
 OF SECTION 12, T. 13
 S., R. 21 E., M.D.B.&M.

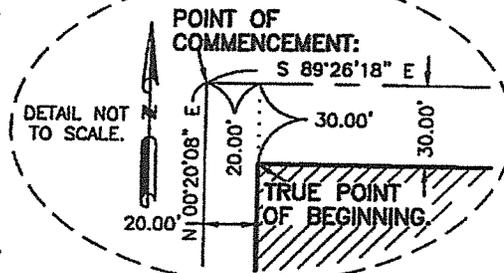
COUNTY OF FRESNO.

LEGEND:

INDICATES AREA TO BE ANNEXED TO THE CITY OF CLOVIS.

INDICATES THE EXISTING LIMIT LINE OF THE CITY OF CLOVIS.

M.D.B.&M. MOUNT DIABLO BASE AND MERIDIAN.



0' 300' 600' 900'



BARSTOW-DEWOLF SOUTHEAST REORGANIZATION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 12,
 TOWNSHIP 13 SOUTH, RANGE 21 EAST, M.D.B.&M.

TO BE ANNEXED TO THE CITY OF CLOVIS AND DETACHED
 FROM THE FRESNO FIRE PROTECTION DISTRICT AND THE
 KINGS RIVER CONSERVATION DISTRICT.

PREPARED BY:

DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
 CLOVIS, CALIFORNIA, 93612

PH: (559)297-4200 FAX: (559)297-4272

DATE: 12-17-2013
 SCALE: 1" = 300'
 DWN BY: GMR
 WO: 13-089

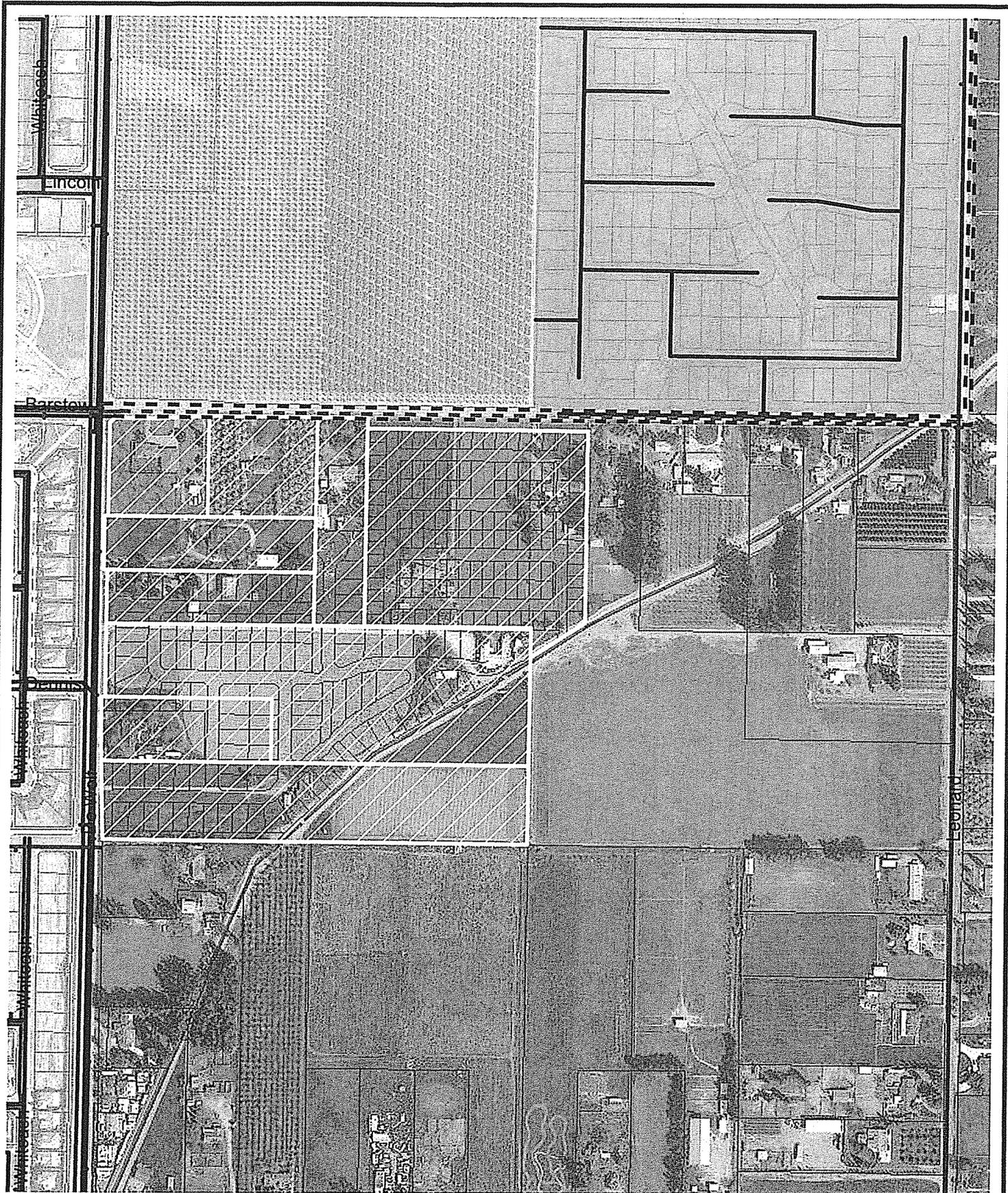
REVISIONS:

DRAWING NO.

1

OF 1 SHEETS

COUNTY

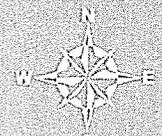


Barstow-DeWolf SE Reorganization

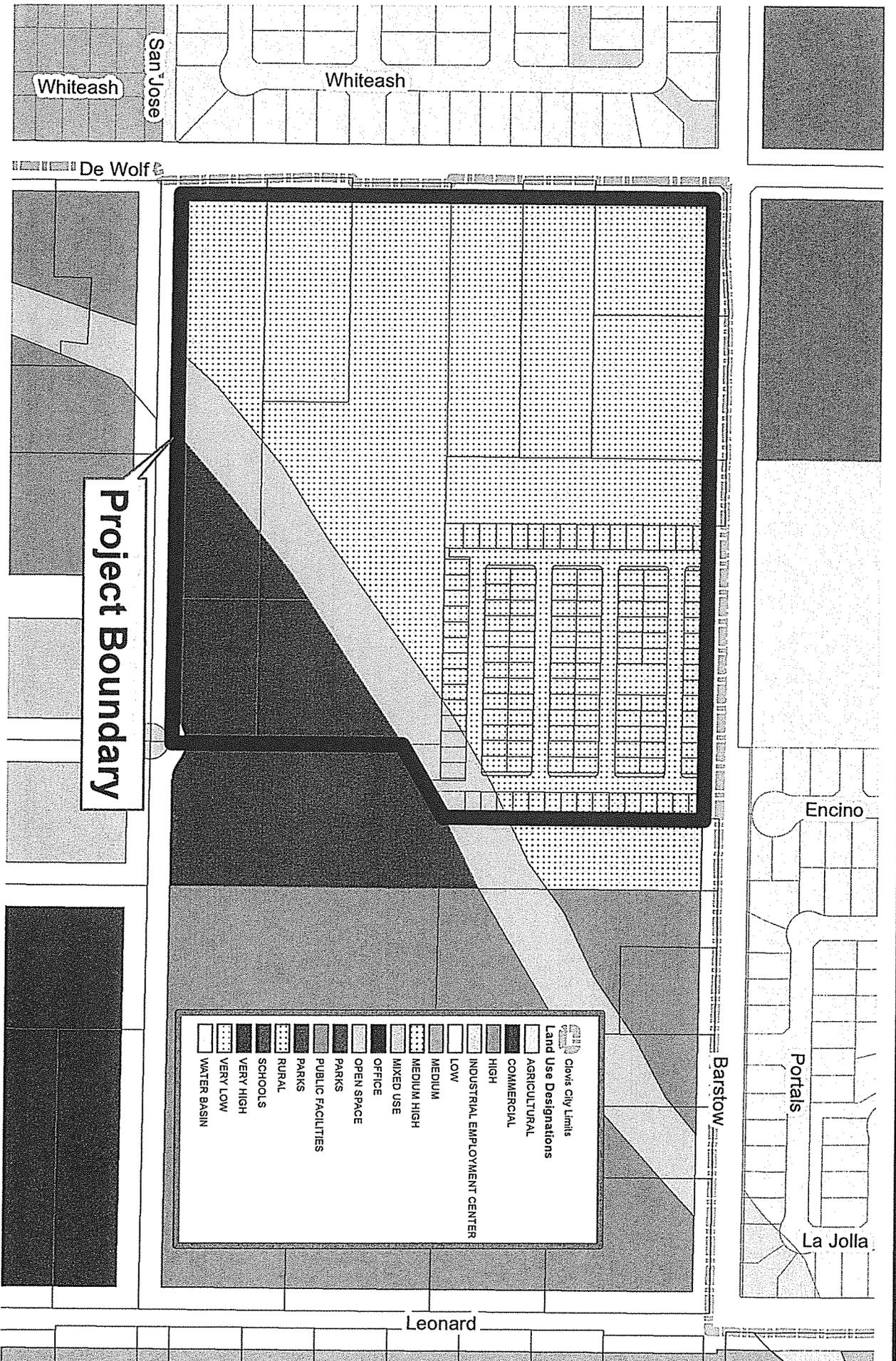


4/30/2014

- Existing Sewer Lines
 Existing Recycled Water Lines
- Proposed Sewer Lines
 Proposed Recycled Water Lines
- Existing Water Lines
 Proposed Water Lines
- Clovis City Limits
 Parcels Affected by Annexation



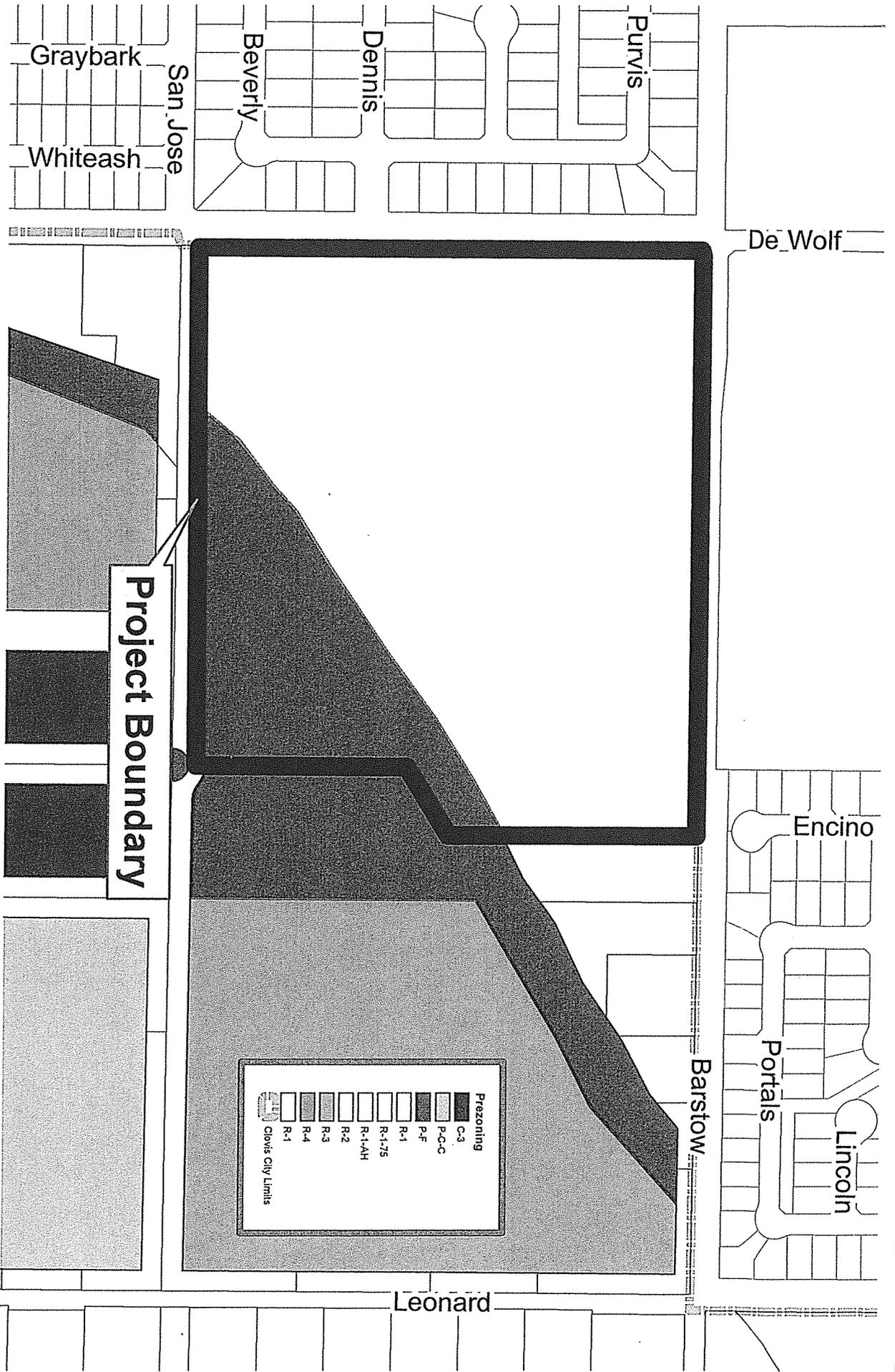
1" = 400'



City of Clovis	
Clovis City Limits	
[Symbol]	Land Use Designations
[Symbol]	AGRICULTURAL
[Symbol]	COMMERCIAL
[Symbol]	HIGH
[Symbol]	INDUSTRIAL EMPLOYMENT CENTER
[Symbol]	LOW
[Symbol]	MEDIUM
[Symbol]	MEDIUM HIGH
[Symbol]	MIXED USE
[Symbol]	OFFICE
[Symbol]	OPEN SPACE
[Symbol]	PARKS
[Symbol]	PARKS
[Symbol]	PUBLIC FACILITIES
[Symbol]	RURAL
[Symbol]	SCHOOLS
[Symbol]	VERY HIGH
[Symbol]	VERY LOW
[Symbol]	WATER BASIN

Project Boundary

**Barstow-De Wolf SE Reorganization
Clovis General Plan
Exhibit 2**



**Barstow-De Wolf SE Reorganization
Prezone Plan**

Exhibit 3

3/11/2014

1" = 338'
N

