

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

CONSENT AGENDA ITEM No. 7-B

DATE: May 12, 2021

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: Juan Lara, LAFCo Analyst II

SUBJECT: Consider Approval - City of Clovis "Ashlan-Thompson Southeast Reorganization." A proposed reorganization consisting of the detachment of approximately 42.51 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation of this territory to the City of Clovis said territory being located on the southeast corner of Ashlan and Thompson Avenues. (LAFCo File No. RO-21-04)

Applicant: City of Clovis

Landowners/Parties of Real Interest (100% Consent): City of Clovis, Thomas P. Albin, Amanda M. Albin, Manny Penn, Philip & Judith Armstrong, Carl & Wanda Armstrong.

(This proposed reorganization has been placed on the consent agenda without notice pursuant to Govt. Code sec. 56662(a) because the territory is uninhabited, no affected local agency has submitted a written demand for notice and hearing, and all property owners have consented in writing to the annexation.)

RECOMMENDATION: Approve by Taking the Following Actions:

Action 1:

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 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.

Action 2:

B. Find that the proposed reorganization is consistent with LAFCo Policies and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH").

- C. 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.

- D. Assign the distinctive short form designation “Ashlan-Thompson Southeast Reorganization” and approve the reorganization 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 proceeding 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 Ashlan Avenue as depicted in the legal description and map.
 - c. Satisfactory verification that the City has accepted a final map shall be submitted to the Executive Officer prior to completion (recordation) of the annexation.

- E. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH.

Executive Summary

On July 16, 2018, the City of Clovis adopted Resolution No. 18-99 requesting the Commission to begin proceedings for the “Ashlan-Thompson Southeast Reorganization” to detach approximately 42.51 from the Fresno County Fire Protection District and the Kings River Conservation District and annex it to the City of Clovis.

Proposal/Land Use

- The proposal consists of the detachment of approximately 42.51 from the Fresno County Fire Protection District and the Kings River Conservation District and annexation to the City of Clovis.
- Information related to the proposals affected territory, land use, proposed development, special districts, surrounding areas, and existing/proposed services can be found on **Attachment A**.
- The affected territory is within the City of Clovis’ sphere of influence (**Attachment B**) and is contiguous to the Clovis’ city limits (**Attachment C**).
- The proposal is currently zoned AE-20 (Exclusive Agricultural) and has been rezoned to the Clovis R-1-MD (Single-Family Residential Medium Density) zone district by Pre-zone City Ordinance No. 17-09.
- The territory is uninhabited.

- The proposal is consistent with the Clovis General Plan Land Use Diagram.

Consistency with LAFCo Policies, Standards and Procedures

- The County has determined that the proposal is consistent with the Memorandum of Understanding (Master Tax Sharing Agreement) and the Standards for Annexation between the City of Clovis and County of Fresno.
- The proposal is subject to the 10-year property tax allocation agreement between the City of Clovis and the Fresno County Fire Protection District set to expire in 2029.
- The proposal is consistent with the CKH and LAFCo Policies, Standards, and Procedures, including, but not limited to, sections 100 and 200.
- All properties within the proposal have been rezoned to the Clovis R-1-MD (Single-Family Residential Medium Density) zone district by Pre-zone City Ordinance No. 17-09.
- The City of Clovis is within the North Kings GSA and has a Groundwater Recharge Plan in place.

Revenue & Tax Code

Fresno County has determined that proposed Ashlan-Thompson Reorganization involving the annexation of 42.51 acres is consistent with the third amendment to the 2017 Amended and Restated Memorandum of Understanding (Master Tax Sharing Agreement) and the Standards for Annexation between the City of Clovis and County of Fresno therefore no further tax negotiations are necessary pursuant to Revenue and Tax Code section 99b.

Relationship to Regional Housing Goals and Policies

The proposal will assist in the implementation of Policy 1.2 of the City of Clovis General Plan Housing Element, which states “Facilitate development of new housing for all economic segments of the community, including extremely low-, very low-, low-, moderate- and above moderate-income households.

Sustainable Groundwater Management Act

California’s Sustainable Groundwater Management Act (“SGMA”) was signed into law by former Governor Edmund G. Brown Jr. on September 16, 2014. This three-part legislation requires local agencies to develop groundwater sustainability plans that are compatible with their regional economic and environmental needs. SGMA creates a framework for sustainable local groundwater management for the first time in California’s history.

SGMA requires local agencies to form Groundwater Sustainability Agencies (“GSAs”) in local groundwater basins by June 2017 and requires the adoption of Groundwater Sustainability Plans (“GSPs”) for groundwater basins deemed high priority by year 2020. The North Kings GSA will represent the City of Clovis.

The affected territory is within the Fresno Irrigation District service area. After annexation, the

water entitlement within the area will be managed by the City of Clovis. The Clovis water system is composed of 37 domestic wells to provide its need for residents. According to the City Engineer, the City has ample water supply to accommodate the water needs of the proposed development and has provided a “will-serve” letter.

Environmental Determination

The City of Clovis, acting as “Lead Agency” under CEQA, adopted a Mitigated Negative Declaration for Prezone R2016-16, Vesting Tentative Tract Map No. TM 6161 and General Plan Amendment GPA2016-10 filed with the Fresno County Clerk’s office on June 30, 2017 Document No. E201710000185 consistent with the requirements of CEQA. The Mitigated Negative Declaration determined the project would not have a significant impact on the environment including impact on matters such as air quality, water consumption, loss of agricultural and city service/infrastructure therefore the preparation of an Environmental Impact Report is not required.

The City of Clovis, acting as “Lead Agency” under CEQA prepared an addendum to the Mitigated Negative Declaration for GPA2016-10, R2016-16, and TM6161 to include TM6340 filed with the Fresno County Clerk’s office on December 28, 2020 Document No. E201710000185 consistent with the requirements of CEQA.

As “Responsible Agency”, the Commission is required to review and consider the City’s environmental documents 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.

Pursuant to CEQA Guidelines section 15096(i), if the Commission determines that these documents are adequate, a Notice of Determination will be prepared and filed with the County of Fresno Clerk’s office in compliance with section 21152 of the Public Resources Code.

Costs and Other Changes Affecting Residents or Landowners

None reported by the City of Clovis staff.

Agencies and Individuals Submitting Comments

- Bernard Jimenez, Assistant Director, Fresno County Public Works and Planning
- Chufeng Vang, IT Analyst, Fresno County Elections Department
- David Padilla, Branch Chief, Caltrans-District 6
- Laurence Kimura, P.E., Chief Engineer, Fresno Irrigation District
- Bryant VanderVelde, Cadastral Tech III, Fresno County Assessor’s Office

Territory Boundaries

The boundaries of the proposed annexation **are** definite and certain, and the County Assessor has determined that the map and legal description **are adequate** to file with the State Board of Equalization.

Registered Voter Data

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

Compliance with the Requirements of CEQA

Lead Agency: City of Clovis

Level of Analysis: Initial Study

Finding: Mitigated Negative Declaration (See Environmental Documents at www.fresnolaftco.org under the Hearing and Workshops tab in the May 12, 2021 file).

Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning
- Kings River Conservation District
- Fresno County Fire Protection District
- George Gonzalez, MPA, Senior Planner, City of Clovis