

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

AGENDA ITEM No. 6

DATE: April 1, 2015
TO: Fresno Local Agency Formation Commission
FROM: David E. Fey, AICP, Executive Officer 
SUBJECT: City of Clovis Municipal Service Review (MSR) and Sphere of Influence (SOI) Update

A. Municipal Service Review

1. Acting as Lead Agency pursuant to California Environmental Quality Act (CEQA) Guidelines find that the MSR is Categorically Exempt from the provisions of the CEQA under Section 15306, "Information Collection."
2. Find that the Municipal Service Review (Exhibit "A") prepared for the City of Clovis is complete, satisfactory, and satisfies State law and adopt the MSR.

B. Sphere of Influence Update (USOI-163)

1. Acting as Responsible Agency pursuant to CEQA, find that the environmental effects in Environmental Impact Report SCH No. 2012061069, prepared and certified by the City of Clovis as Lead Agency, were reviewed and considered, and determined to be legally adequate pursuant to CEQA Guidelines Section 15096 (Exhibit "B").
2. Approve the "Sphere of Influence Update USOI-163," adding approximately 860 acres to the City of Clovis' SOI located east of the Clovis Avenue Alignment between Copper and Shepherd Avenues (Exhibit "C") (**LAFCo File No. USOI-163**).

Proponent: Robert Woolley, City Manager, City of Clovis

Recommendations: Approve by Taking the Following Actions:

1. Municipal Service Review

- A. Acting as Lead Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to adopting the written determinations, the Municipal Service Review and sphere of influence determinations under consideration are Categorically Exempt from the provisions of the CEQA under Section 15306, "Information Collection."
- B. Find that the Municipal Service Review prepared for the City of Clovis is complete and satisfactory.

- C. Find that the written determinations of the Municipal Service Review satisfy State Law.
- D. Pursuant to Government Code Sections 56425 and 56430 make the required determinations as identified in the Municipal Service Review and adopt the Municipal Service Review prepared for the City of Clovis.

2. Sphere of Influence Update (USOI-163)

- A. Prior to taking action on the requested sphere of influence update for the City of Clovis:
 - i) Find that a Municipal Service Review was prepared and adopted pursuant to California Government Code Section 56430; and
 - ii) Find that approval of the requested sphere of influence update for the City of Clovis is based on sufficient information provided to the Commission in the Municipal Service Review, the Executive Officer's Report to the Commission, and all other testimony, evidence and information provided by persons and interested agencies, and is in compliance with State law, including, but not limited to, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
- B. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to approving the sphere of influence update, the environmental effects of the project as shown in Environmental Impact Report SCH No. 2012061069, prepared and certified by the City of Clovis as Lead Agency, were reviewed and considered, and determine these documents to be legally adequate pursuant to CEQA Guidelines Section 15096.
- C. Find that the proposed Clovis sphere of influence update is consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and Fresno LAFCo adopted Policies, Standards and Procedures, including, but not limited to Sections 100, 200, and 330, and that approval of the proposed sphere of influence update fulfills LAFCo's purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities.
- D. Adopt the required written determinations for the proposed sphere of influence update and determine that these written determinations have been prepared pursuant to California's Government Code, Section 56425(e).
- E. Find that all public notices of this Commission's hearing of this matter were duly given in accordance with State law.
- F. Approve the "Sphere of Influence Update USOI-163," adding approximately 860 acres to the City of Clovis' SOI located east of the Clovis Avenue Alignment between Copper and Shepherd Avenues (**LAFCo File No. USOI-163**) with the condition that the applicant shall execute an indemnification agreement with the Commission, agreeing to defend, indemnify, and hold harmless the Commission from and against any claims, actions (including those filed by any

state or governmental agency), costs, or damages arising out of or in connection with the Commission's actions related to this matter.

Summary

This proposal is a request by the City of Clovis to add approximately 860 acres of territory located east of the Clovis Avenue Alignment between Copper and Shepherd Avenues to its current sphere of influence (hereafter "SOI expansion"). A portion of the Clovis General Plan's Northwest Urban Village is located outside the Clovis sphere of influence; the SOI expansion will bring the entire Northwest Urban Village into the Clovis sphere of influence.

The City of Clovis recently adopted its General Plan Update and certified EIR SCH No. 2012061069. The City determined that the parcels to be included in the SOI expansion will facilitate orderly urban development as planned in the City's General Plan and assist the City to achieve its planned goals and objectives to provide residential, commercial, and industrial land uses within the City that will foster and promote needed housing and economic development in an orderly manner.

Background

(A) Statutory Findings for a Sphere of Influence Amendment

A sphere of influence is defined and discussed in sections 56076, 56425, and 56426.6 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).

CKH defines a sphere of influence as the "plan for the probable physical boundaries and service area of a local agency, as determined by the Commission" (Government Code §56076). Furthermore, CKH charges the Commission with approving spheres of influence "[i]n order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies to advantageously provide for the present and future needs of the county and its communities." (GC §56425(a)).

Prior to the City submitting an application to the Commission to update its sphere, representatives from the City and County met pursuant to GC §56424(b) and discussed the proposed new sphere and explored methods to agree on development standards and planning and zoning requirements within the SOI expansion that would promote the logical and orderly development of areas within the sphere. This agreement was subsequently approved by the Clovis City Council and the Fresno County Board of Supervisors as the fourth amendment of the City-County Memorandum of Understanding, a copy of which is on record with the Commission.

Determinations for a sphere of influence amendment pursuant to CKH are presented here and analyzed in greater detail in this report:

1. The present and planned land uses in the area, including agricultural and open-space lands;
2. The present and probable need for public facilities and services in the area;
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide;
4. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency; and

5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

Analysis

The City's existing sphere of influence contains 20,249 acres. The City has requested to add 860 acres to include the entire planned Northwest Urban Village. By Commission policy, a sphere of influence is generally considered a 20-year planning horizon to identify the probable growth area of a community. The City has determined that the parcels to be included in the SOI expansion facilitate and encourage orderly growth and development, both essential to the social, fiscal, and economic well-being of the community.

The final program environmental impact report for the Clovis General Plan update, Development Code update and SOI expansion have been provided to the Commission on a CD and are available on the City of Clovis website for viewing at www.ci.clovis.ca.us/Government/Public-Documents/Planning-and-Zoning/General-Plan-Update.

Analyses and determinations required by CKH are contained in the Municipal Service Review prepared for the Commission and are augmented by the Clovis General Plan, its EIR, and the 2014 Master Service Plan prepared by the City of Clovis. These reports are available on-line at www.fresnolafco.org. In summary, the MSR determinations support an SOI expansion as orderly and logical growth of the City that would provide for efficient extension of municipal services.

The MSR and supporting data provides the evidence to support each determination. GC §56430 requires that in order to prepare and update spheres of influence, the Commission shall first conduct a municipal service review and prepare a written statement of its determinations with respect to each of the following:

1. Growth and population projections for the affected area.
2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.
4. Financial ability of agencies to provide services.
5. Status of, and opportunities for, shared facilities.
6. Accountability for community service needs, including governmental structure and operational efficiencies.
7. Any other matter related to effective or efficient service delivery, as required by commission policy.

Required Findings and Determinations

Under CKH, there are a series of required findings that need to be made in respect to this proposal. Staff presents in this report and attachments the evidence and analyses in support of the required findings.

SOI Expansion and Williamson Act Land Conservation Contracts

Williamson Act Contracts in the affected area are administered by Fresno County as a means to conserve productive agricultural resources. There are approximately 315 acres under active Williamson Act Contracts in the area, with one 160-acre parcel under a notice of non-renewal. Absent such a notice, enrolled parcels will stay under Contract for a minimum of ten years, or until terminated by the County, City, or the California Department of Conservation.

Under GC §56426.6(a), the commission shall not approve a change to the sphere of influence of a local government agency of territory that is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1) if that local government agency provides, or would provide, facilities or services related to sewers, nonagricultural water, or streets and roads to the territory, unless these facilities or services benefit land uses that are allowed under the contract and the landowner consents to the change to the sphere of influence.

This section does not apply to territory that is subject to a contract for which a notice of nonrenewal has been served pursuant to Section 51245.

The Commission may nevertheless approve a SOI change for that territory if it finds that the action would facilitate planned, orderly, and efficient patterns of land use or provision of services and the public interest in the change substantially outweighs the public interest in the current continuation of the contract beyond its current expiration date.

In support of this finding, the orderly growth of the City facilitated by the SOI expansion will reduce the potential for inefficient, non-contiguous urban or suburban growth (such as rural residential) that could have a far greater impact on agricultural uses.

Further, the City of Clovis has adopted policies and implementation measures to administer Land Conservation Contracts after any annexation and would allow the continuation of agriculture or other uses allowable under the contract.

The extension of the City's municipal service network into the SOI expansion area will allow these services to be available to all of the parcels in the area upon annexation.

In summary, the SOI expansion proposes to add territories subject to the Williamson Act and would facilitate a planned, orderly, and effective pattern of land use or provision of services; that such a change substantially outweighs the public's interest in the continuation of the Williamson Act contracts beyond their current expiration dates; and that such a change is unlikely to adversely affect the continuation of the contracts beyond their current expiration dates.

Environmental Determination

The City of Clovis, acting as lead agency under CEQA, prepared a Final Program Environmental Impact Report (EIR) for its General Plan Update and Development Code Update. The SOI expansion was included in the project description and analyzed in the EIR. The City of Clovis made necessary findings and certified the Final EIR and adopted a Statement of Facts, Findings and Overriding Considerations, and Mitigation Monitoring

Program on August 25, 2014. These environmental documents can be found at www.ci.clovis.ca.us/Government/Public-Documents/Planning-and-Zoning/General-Plan-Update.

As the “Responsible Agency” pursuant to California Environmental Quality Act (CEQA) Guidelines, the Commission is required to independently review and consider the environmental effects of the project as presented in the adopted Final EIR for the City of Clovis’ Sphere of Influence Update prepared by the Lead Agency, the City of Clovis, prior to reaching a decision on the project (GC §15096 *et seq.*).

After such review the Commission must find if there are any feasible alternatives or mitigation measure(s) within the Commission’s power and authority that would substantially lessen or avoid any significant effect the Project would have on the environment identified in the adopted EIR. Prior to reaching a decision on the Project, the Commission is also required to make findings pursuant to the GC §15091, 15093, 15096(g)(1) and 15096(h) of the CEQA Guidelines.

The draft statement of facts and findings is attached as Exhibit “B.”

Public Notice of Hearing

Written public notice was issued by the Executive Officer pursuant to the requirements of State law.

Agencies and Individuals Submitting Comments (see Correspondence and Comments attached to the staff report on our website at www.fresnolafco.org)

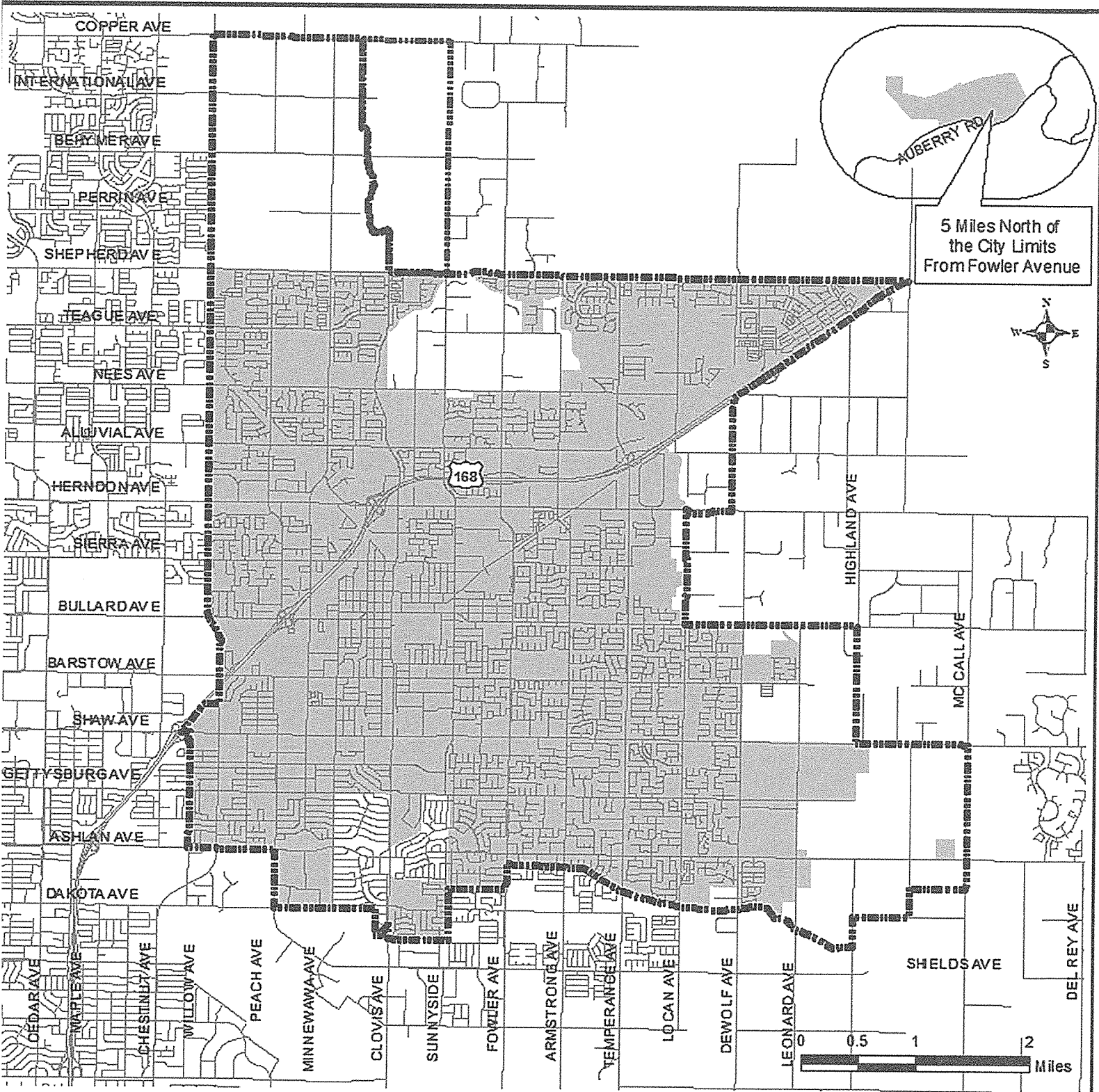
- William Kettler, Manager, Development Services Division, Department of Public Works and Planning
- Lauren Prysiazny, County Librarian
- Don Ulrich, Assistant Superintendent of Facility Services, Clovis Unified School District

Individuals and Agencies Receiving this Report




- LAFCo Commissioners and Alternates
- Ken Price, LAFCo Counsel
- Bernard Jimenez, Manager, Fresno County Department of Public Works and Planning
- Will Kettler, Fresno County Department of Public Works and Planning
- Rob Woolley, City Manager, City of Clovis
- Andy Haussler, City of Clovis
- John Holt, City of Clovis
- Dwight Kroll, City of Clovis

FRESNO LOCAL AGENCY FORMATION COMMISSION

CITY OF CLOVIS SPHERE OF INFLUENCE



Legend

-  SOI Update - 860 Acres
-  Sphere of Influence
-  City Limits

Incorporated: 1912
 SOI Adopted: 5/08/1974
 SOI Updated: 10/10/2007
 Map Date: FEBRUARY 2015

CITY OF CLOVIS

Sphere Area: 20,249 Acres
 City Area: 15,332 Acres

Exhibit C