

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

AGENDA ITEM No. 6

DATE: December 13, 2017

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: Juan Lara, LAFCo Analyst

SUBJECT: Consider Approval – City of Clovis “Shaw-Leonard Northwest Reorganization.” A proposed reorganization to annex approximately 81 acres to the City of Clovis and detach from the Fresno County Fire Protection District and the Kings River Conservation District for territory located north of Shaw Avenue between DeWolf and Leonard Avenues (LAFCo File No. RO-17-10)

Applicant: City of Clovis

Land Owners/Parties of Real Interest : City of Clovis, Herbert Bethel, David & Virginia Simpson, Willies Busby & Barbara Jean, Liru Huang & Michael Blackston, Joseph Riley, PI-Yun & Tsai Hui-Kuang Trustees, Darrel D. Fenn, Richard Jevardian, Pietro De Santis, Eileen M. Nelson, Pensco Trust Company Custodian, Marcella A. Deanda, Wicks Family Limited Part., Thomas Libby, Rose Libby, James & Nova Exum, David & Majorie Taber, George & Sterlene Beal, Thomas & Joyce Nordstrom, John Thornburg, Rosemary Ting, Mitra Karimkhazand, Azadeh Karimkhazand, Zohreh Ghalamkarpour, Mehrangiz Karimkhanzand.

RECOMMENDATION: Approve by taking the following actions:

1. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to approving the proposed annexation, 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.
2. Find that the proposed reorganization is consistent with LAFCo Policies, Standards, and Procedures and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).
3. Find pursuant to CKH and information in the record that:
 - A. The territory is inhabited; and
 - B. Not all landowners, registered voters, or affected agencies have consented to the reorganization.

4. Assign the distinctive short form designation "Shaw-Leonard Northwest Reorganization" and approve the annexation and detachments 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 DeWolf, Shaw and Leonard Avenue.
 - C. Submittal of corrected legal description and map.
5. Find that pursuant to CKH the territory is inhabited and not all landowners have consented to the annexation.
6. Find that the notice mailed on November 20, 2017, was given to all landowners and registered voters within the affected territory, as well as within 300 feet of the affected territory, disclosed 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, and that the commission intends to waive protest proceedings pursuant to section 56663(a)(b)(c) unless written opposition is received before the conclusion of the commission proceedings.
7. Find that no written opposition to the proposal was received prior to the conclusion of the hearing and approve the proposal subject to the requirements of the CKH, the 30-day reconsideration period, compliance with all of the above conditions, and waive further conduction Authority Proceedings.
8. This commission's action approving this proposal shall expire one year from the date of this resolution unless all proceedings are complete including condition compliance and Certificate of Completion issued by the executive officer.
9. Authorize and direct the executive officer to mail certified copies of this resolution as provided in Government Code Section 56882 and 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.

-Or-

11. If written opposition to the proposal was received prior to the conclusion of the hearing, approve the proposal subject to the requirements of the CKH, the 30-day reconsideration period, and compliance with all of the above conditions, and direct staff to set a protest hearing pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 57000 et seq.).

Executive Summary

On September 5, 2017, the City of Clovis initiated this reorganization with the adoption of Resolution No. 17-99 requesting that the commission begin proceedings for the "Shaw-Leonard Northwest Reorganization" to annex approximately 81 acres located north of Shaw Avenue between DeWolf and Leonard Avenues.

Proposal

The proposal consists of the annexation of approximately 81 acres to the City of Clovis and detach from the Fresno County Fire Protection District and the Kings River Conservation District for territory located north of Shaw Avenue between DeWolf and Leonard Avenues.

Proposal/Land Use

- The affected territory is within the City of Clovis sphere of influence (**Attachment A**) and is contiguous to the Clovis city limits (**Attachment B**).
- The proposal consists of the annexation of 81 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 north of Shaw Avenue between DeWolf and Leonard Avenues.
- The proposal is currently zoned AE-20 (Agricultural) and RR (Rural Residential) and has been prezoned to the City of Clovis R-3 (Medium Density Multi-Family Residential), R-4 High Density Multi-Family Residential), C-3 (Central Trading District), P-CC (Planned Commercial Center) and P-F (Public Facilities) RA Zone Districts by Prezone Ordinance No.09-7 and No.17-18.
- The territory is inhabited (28 registered voters).

Relationship to Regional Housing Goals and Policies

The affected territory is located within the City of Clovis sphere of influence and is contiguous to the Clovis city limit. The affected territory is currently planned for agricultural land uses by the Fresno County General Plan. Prezone Ordinance No. 09-7, No. 17-18 and annexation Resolution No.17-99 was approved and filed with the City of Clovis for the subject 81 acres.

Sustainable Groundwater Management Act

California's Sustainable Groundwater Management Act ("SGMA") was signed into law by 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. Clovis will be represented by the North Kings GSA.

The subject territory can be readily served by the city's sewer, water and storm drainage infrastructure. Once the subject territory is annexed to the city, new development in the area will require the extension of main water lines and installation of fire hydrants. 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, prepared an Initial Environmental Study (IES) for the proposed project consistent with the requirements of CEQA. The IES determined the project would not have a significant impact on the environment including impact on matter such as air quality, water consumption, loss of agricultural and city service/infrastructure. Accordingly, a Mitigated Negative Declaration has been prepared on the project.

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.

APPLICATION INFORMATION

1. Affected Territory

Acreage:	81
Current Land Use:	Agricultural
Number of Residences/ Population:	Residents 17 / Population: 51
Registered Voters:	Voters: 28
Assessor Parcel Number(s):	554-053-19S, 20S,21S,22S,23S,24S,25,26,27,28,29,30,31 ,32,33,34,81,46,45,55 & 49.

2. Proposed Development – The affected territory will be included in the phased development of approximately 81 acres of high-density residential, open space, mixed use and commercial uses.
3. Surrounding Territory – Residential to the north, west, and south. Rural residential and agriculture to the east.
4. Consistency with Adopted Sphere of Influence (SOI) - The affected territory is within the Clovis SOI.

5. Consistency with City and County General Plans - The proposal will be consistent with the City of Clovis General Plan and the Loma Vista Specific Plan once annexed. 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	Private Well	City of Clovis
Sewer	Septic	City of Clovis
Fire Protection	Fresno County Fire Protection District	Clovis Fire Department

(See Service Plan on our website at www.fresnolafco.org)

7. Cities and Districts Included wholly or partially within the Affected territory

Kings River Conservation District	Fresno County Fire Protection District
West Fresno Red Scale Protection Dist.	Clovis Cemetery District
State Center Community College District	Fresno Irrigation District
Consolidated Mosquito Abatement Dist.	Fresno County Library
County of Fresno	Fresno Metropolitan Flood Control District
Clovis Unified School District	CSA 35
City of Clovis	

8. Costs and Other Changes Affecting Residents or Landowners - None reported by the City of Clovis staff.

9. 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 (see letter from Mr. Jean Rousseau).
- The City of Clovis and the Fresno County Fire Protection District have a transition agreement in place to provide fire protection services to the affected territory.
- 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 City of Clovis R-3 (Medium Density Multi-Family Residential), R-4 High Density Multi-Family Residential), C-3 (Central Trading District), P-CC (Planned Commercial Center) and P-F (Public Facilities) RA Zone Districts by Prezone Ordinance No.09-7 and No.17-18.
- The City of Clovis is within the North Kings GSA and has a groundwater recharge plan in place.

10. Agencies and Individuals Submitting Comments

- Jean Rousseau, County Administrative Officer
- Will Kettler, Manager, Dev. Services Division, Department of Public Works & Planning
- Janet Gardner, Environmental Health Specialist III, Fresno Co. Dept. of Public Health
- Chufeng Vang, IT Analyst, Fresno County Elections Department
- Michael Maxwell, Engineering Technician III, Fresno Metropolitan Flood Control District

11. 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 not adequate** to file with the State Board of Equalization.

12. Registered Voter Data - The County of Fresno Elections Office reported that there were **28** registered voters in the affected territory.

13. Compliance with the Requirements of CEQA

Lead Agency: City of Clovis

Level of Analysis: Initial Environmental Study

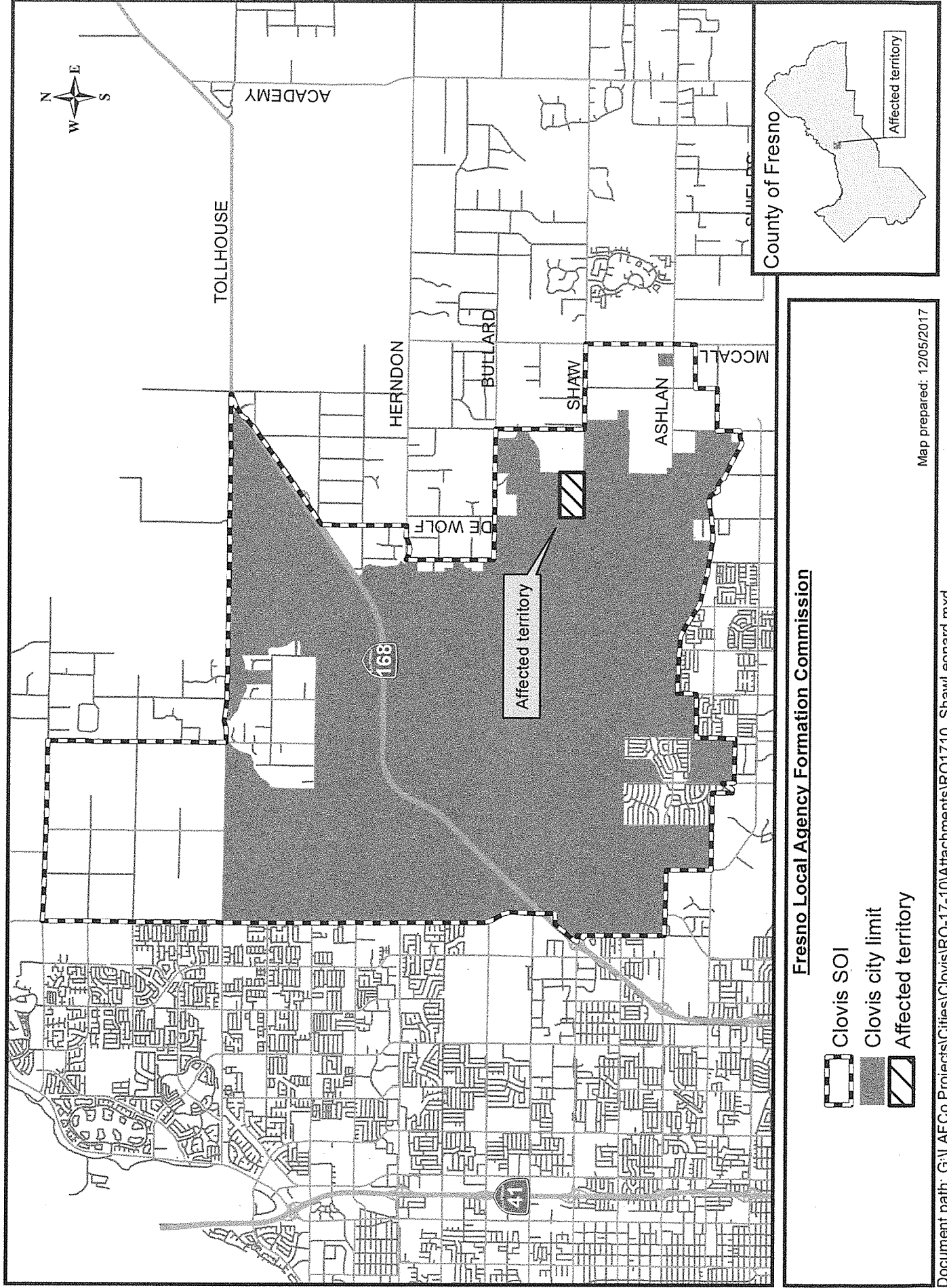
Finding: Mitigated Negative Declaration (see Environmental Documents at www.fresnolafco.org under the Hearing and Workshops tab in the December 13, 2017 file).

14. Public Notice of Hearing - Public notice concerning this Proposal was issued by the executive officer pursuant to State law.

15. Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning
- Will Kettler, Development Services Div. Mgr., Fresno Co. Public Works and Planning
- Paul Peschel, District Manager, Kings River Conservation District
- Chief Mark Johnson, Fresno County Fire Protection District
- George Gonzales, MPA, Associate Planner, City of Clovis

Attachment A



Attachment B

