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

AGENDA ITEM No. 8

DATE: December 2, 2009
TO: Local Agency Formation Commission
FROM: Rick Ballantyne, Executive Officer
SUBJECT: **Consider Approval** – Request for One-Year Extension to Complete Proceedings for the City of Clovis “Nees-Sunnyside Southeast Reorganization” (LAFCo File No. RO-06-38).

Summary: The subject reorganization was approved on December 13, 2006, but has not been completed. State law requires that all reorganization proceedings shall be completed within one year of approval unless the Commission grants an extension of time prior to the expiration date. Failure to grant an extension will terminate the proceedings. This is the third request for extension. The City of Clovis and the project developer (Gary McDonald) have requested an additional one-year extension of time.

In accordance with *Fresno LAFCo Policies, Standards and Procedures* Section 315-03, extensions of time may be granted when the imminent need for the proposal still exists, the project is still viable, and progress is being made toward completion.

Project Description: The reorganization consists of the annexation of 11.64 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 E. Nees Avenue and east of N. Sunnyside Avenue (see attached map). A 33-lot single-family residential subdivision is planned for the site.

Reasons for Request and Actions Taken to Date: The project developer, Gary McDonald, has indicated that the request for a one-year extension is due to economic hardships and conditions. His justification statement indicates that substantial work has been performed in that the City has approved a tentative tract map; that homes on site were removed; and the site has been graded. Also, that right-of-way for Sunnyside and Nees Avenues has been deeded to the City of Clovis.

The City of Clovis supports the extension request in that the project will help to unify the urban area, provide efficient services to the residents, and strengthen the Clovis community.

Staff Analysis: Past experience has shown that it is not uncommon for reorganizations to take longer than the initial one-year approval to be completed, and that one or more extensions of time may be required to fulfill all conditions of approval.

Parties of Interest:

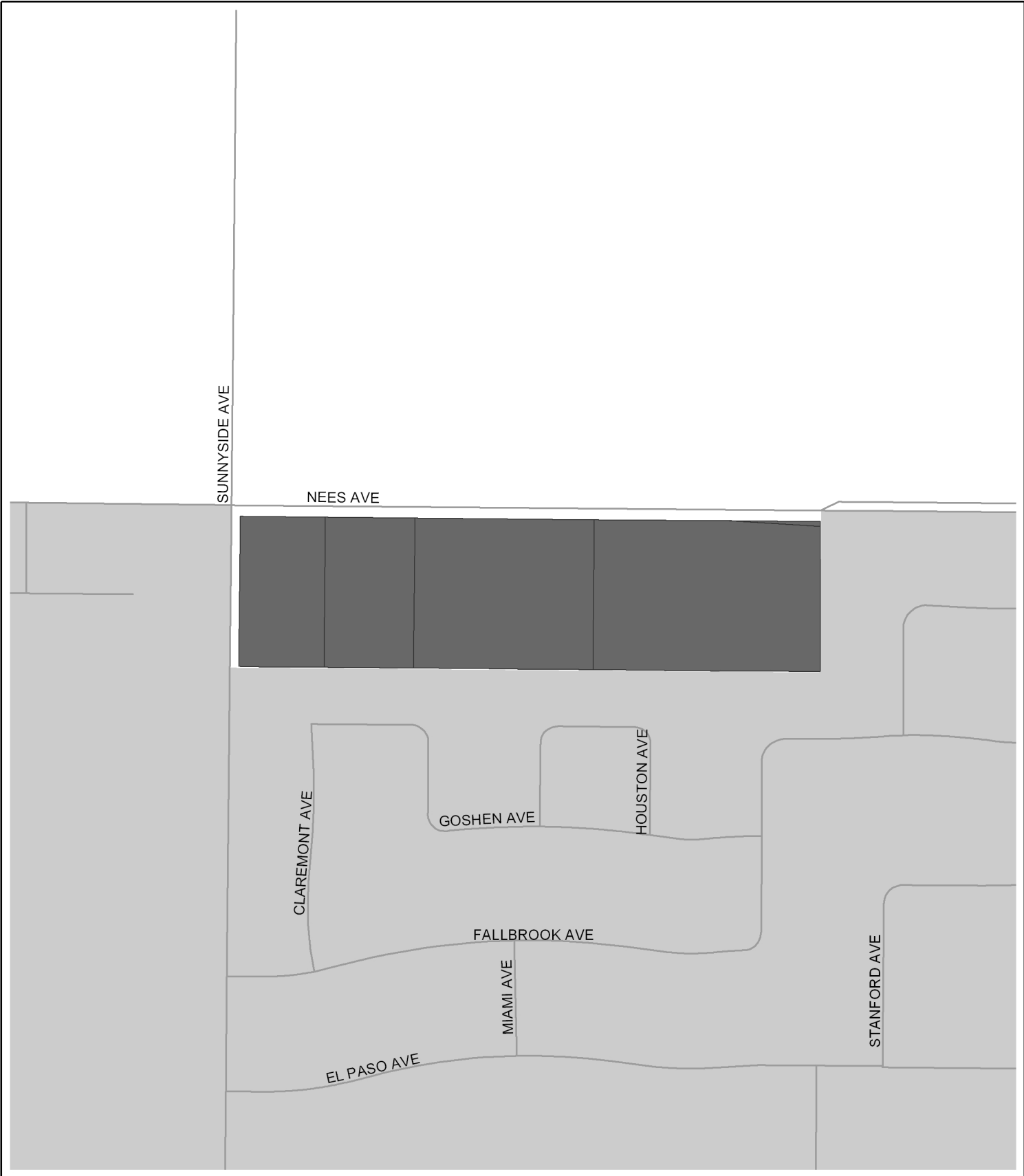
Gary McDonald, Gary McDonald Homes	Dwight Kroll, City of Clovis
Valley River Developers, LLC	

Recommendation: Approve a one-year extension

The Following Have Received Copies of This Report:

- LAFCo Commissioners and Alternates
- Ken Price, LAFCo Counsel, Baker, Manock, and Jensen
- Dwight Kroll, City of Clovis
- Keith Larkin, Chief, Fresno County Fire Protection District
- David Orth, Kings River Conservation District
- Gary McDonald, Gary McDonald Homes
- Bernard Jimenez, Planning Manager, Fresno County Development Services Department
- Will Kettler, Fresno County Public Works and Planning

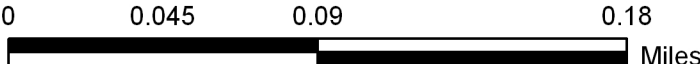
EXHIBIT "A"



City of Clovis
"Nees-Sunnyside Southeast Reorganization"
LAFCo File No. RO-06-38

Legend

- City Limits
- Affected Territory





Rick Ballantyne
LAFCO
2115 Kern St., Suite 310
Fresno, CA 93721

Subject: "Nees-Sunnyside Southeast Reorganization"

Dear Rick:

Please accept this request to extend the above mentioned reorganization for one year. We have made the following efforts in the reorganization effort:

- A. Remove all homes and graded the site.
- B. Receive the tentative map approval from the City of Clovis.
- C. Deeded the right-of-way for Sunnyside and Nees to the City of Clovis.

As you well know, the economic conditions have substantially closed new building in our area and we are no exception. We are enclosing our \$450.00 fee for the requested extension and respectfully request the board to approve our extension.

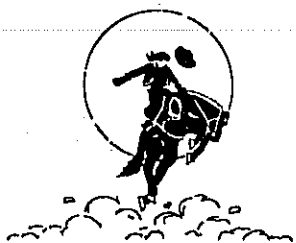
With Kindest Regards,



Gary L. McDonald

GM:wg

cc: David Fey
City of Clovis
1033 Fifth Street
Clovis, CA 93612



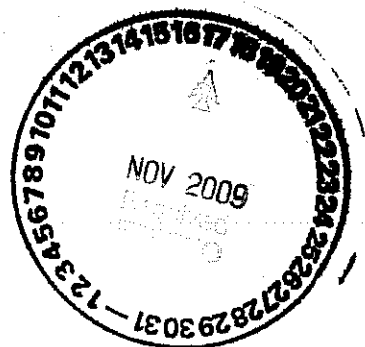
City of Clovis

Department of Planning and Development Services

CITY HALL · 1033 FIFTH STREET · CLOVIS, CA 93612

November 10, 2009

Rick Ballantyne, AICP, Executive Officer
Fresno Local Agency Formation Commission
2115 Kern Street, Suite 310
Fresno, CA 93721



Subject: Request for one-year extension of the Nees-Sunnyside
Southeast Reorganization

Dear Mr. Ballantyne:

We are in receipt of your letter dated October 14, 2009 regarding the subject reorganization. Pursuant to the letter, we request that the Commission approve a one-year extension of the subject reorganization.

Staff has discussed with the applicant the information that you have requested. He will provide it under separate cover.

For over a year, city staff has been in discussion with property owners representing the unincorporated area bound by Nees, the Enterprise Canal and Big Dry Creek. This largely rural residential area, which lies in the heart of the Clovis General Plan area, is called the "Dry Creek Preserve."

During the height of the recent building boom, this area was under significant development pressure—up to 30% of the properties in this area were considered ripe for urban development by their owners and the development industry. Since that time, the market pressures to transform this area have ebbed but the lesson learned by staff—to plan ahead with participation of the property owners—remains.

The Clovis City Council and management staff are committed to constructive outreach in this area, engagement with the property owners and residents, and the development of a long range plan for the Dry Creek Preserve that balances annexation with compatible development standards for this unique area.

The subject reorganization lies south of Nees Avenue, adjacent to the Dry Creek Preserve. Our interest in supporting an extension is therefore linked to our ongoing efforts to unify the urban area, provide efficient services to the residents, and strengthen the Clovis community.

I thank the Commission for its consideration of our request.

Sincerely,



Dwight Kroll, AICP
Director of Planning and Development Services

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