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

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**AGENDA ITEM NO. 6**

**DATE:** February 13, 2019

**TO:** Fresno Local Agency Formation Commission

**FROM:** David E. Fey, Executive Officer 

**BY:** Juan Lara, LAFCo Analyst II

**SUBJECT:** Consider Approval – Clovis Unified School District “Locan Avenue Reorganization.” A proposed reorganization consisting of the annexation of 1.79 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District for territory located on the east portion of Locan Avenue north and south of East Shields Avenue. (LAFCo File No. RO-18-9)

**Applicant:** Clovis Unified School District

**Land Owners/Parties of Real Interest:** Clovis Unified School District, City of Fresno, Packard Doris M., Trustee, Hmong Baptist Church of Fresno.

**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 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.

**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. Not all landowners and affected agencies have consented to the reorganization.

D. Assign the distinctive short form designation "Locan Avenue 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. Submittal of corrected legal description and map.

E. Find that the notice mailed on January 23, 2019, was given to all landowners and registered voters within the affected territory, as well as within 300 feet of 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.

F. The Commission's action approving the Proposal shall expire one year from the date of the resolution unless all proceedings are complete including condition compliance and Certificate of Completion issued by the Executive Officer.

G. Authorize and direct the Executive Officer to mail copies of the resolution as provided in Government Code (GC) Section 56822 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.

H. Find that no written opposition of the Proposal was received prior to the conclusion of the hearing and approve the Proposal subject to the requirements of CKH, the 30-day reconsideration period, compliance with all of the above conditions, and waive further Conducting Authority Proceedings.

-Or-

I. If written opposition to the Proposal was received prior to the conclusion of the hearing, approve the Proposal subject to 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 CKH Local Government Reorganization Act of 2000 (GC Section 57000 et seq.)

### **Executive Summary**

On August 29, 2018, the Clovis Unified School District initiated this reorganization with the adoption of Resolution No. 3658 requesting the Commission to begin proceedings for the "Locan Avenue Reorganization." A proposed reorganization consisting of the annexation of .05

acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District for territory located on the east portion of Locan Avenue 659.64 feet north of East Shields Avenue.

On October 31, 2018 fifteen days after the Proposal's comment period deadline the County Administrative Officer (CAO) issued a comment letter requesting that the annexation include the proposed school site (APN 310-02-24) and the remaining right-of-way south along North Locan Avenue to the East Shields Avenue intersection. The letter also mentioned if the County's request to include the proposed site cannot be accommodated, the County respectively requests that the full width right-of-way along North Locan Avenue to East Shields Avenue (entire intersection) still be included in the annexation.

On November 15, 2018, the Clovis Unified School District submitted a revised map and legal description, which included the full width of right-of-way along North Locan Avenue to East Shields Avenue (entire intersection). Bringing the total acreage of the Proposal to 1.79 acres.

### **Proposal/Land Use**

- The Proposal consists of the annexation of 1.79 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District.
- Information related to the Proposal's 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 Fresno's sphere of influence (**Attachment B**) and is contiguous to city limits (**Attachment C**).
- The Proposal consists of the annexation of street right-of-way therefore rezoning was not required.
- The territory is uninhabited

### **Consistency with LAFCo Policies**

- The County has determined that because the Clovis Unified School District initiated annexation, the provisions of the Amended and Restated Memorandum of Understanding between the City of Fresno and the County of Fresno do not apply.
- The City of Fresno 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, including, but not limited to Sections 100 and 200.
- On May 17, 2018 pursuant to GC Section 56133(c), the Fresno LAFCo Executive Officer issued Resolution No. OS-18-04 authorizing the extension of service from the City of Fresno to the Clovis Unified School District for the Shields-Locan Elementary School Project.
- Once development occurs, the new school site will be served by the City of Fresno's sewer, water, and storm drainage infrastructure. The City of Fresno is within the North Kings GSA and has a Groundwater Recharge Plan in place.

## **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 (GSA's) in local groundwater basins by June 2017, and requires the adoption of Groundwater Sustainability Plans (GSP's) for groundwater basins deemed high priority by year 2020. The North Kings GSA will represent the City of Fresno.

The affected territory is within the Fresno Irrigation District service area. Once development occurs, the new school site will be served by the City of Fresno as authorized by LAFCo by Extension of Service Resolution No. OS-18-04.

## **Environmental Determination**

The Clovis Unified School District, acting as "Lead Agency" under CEQA, adopted a Mitigated Negative Declaration for the Shields-Locan Elementary School Project filed with the office of the Fresno County Clerk on September 27, 2018 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.

As "A 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.

## **Costs and Other Changes Affecting Residents or Landowners**

None reported by the Clovis Unified School District staff.

## **Agencies and Individuals Submitting Comments**

- Jean Rousseau, County Administrative Officer
- Chufeng Vang, IT Analyst, Fresno County Elections Department
- Jamaica Gentry, Transportation Planner, Caltrans-District 6
- Karen Coletti, Executive Secretary, Fresno County Public Library
- Andrew Nabors, Sr. Analyst, Clovis Unified School District
- Mikel Meneses, Engineer I, Fresno Metropolitan Flood Control District
- Laurence Kimura, Chief Engineer, Fresno Irrigation District

**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 office of County of Fresno Elections reported that there were **zero** registered voters in the affected territory.

**Compliance with the Requirements of CEQA**

**Lead Agency:** Clovis Unified School District

**Level of Analysis:** Initial Study

**Finding:** Mitigated Negative Declaration (see Environmental Documents at [www.fresnolafco.org](http://www.fresnolafco.org) under the Hearing and Workshops tab in the February 13, 2019 file).

**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
- Kevin Peterson, Assistant Superintendent, Facility Services, Clovis Unified School District
- Mike Sanchez, Assistant Director, DARM, City of Fresno