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

AGENDA ITEM NO. 8

DATE: July 8, 2020

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: George Uc, Senior LAFCo Analyst

SUBJECT: Consider Adoption: Addendum to Municipal Service Review and Sphere of Influence Update for the City of Clovis Landfill (File No. USOI-198).

Attachment A – Clovis Landfill SOI Update Map

Attachment B – Draft Addendum to Clovis MSR and SOI Update, MSR 19-02/SOI-185

Attachment C – Notice of Determination, Clovis Landfill SOI Update

Attachment D – Addenda to the Clovis MSR and SOI Determinations

Recommendation: Adopt the Addendum to Municipal Service Review update prepared for City of Clovis and update the sphere of influence by taking the following actions:

Action 1: Municipal Service Review Addendum

- A. Acting as Lead Agency pursuant to California Environmental Quality Act (“CEQA”) Guidelines find that the MSR addendum prepared for the City is Categorically Exempt from the provisions of CEQA under section 15306, “Information Collection.”

Action 2: City of Clovis Landfill SOI Update

- B. Acting as Responsible Agency pursuant to CEQA Guidelines, find that prior to approving the Clovis Landfill SOI update, the environmental effects of the Proposal as shown in Environmental Impact Report for the Clovis Landfill Expansion (SCH #2002091105); and the Initial Study, and Addendum prepared pursuant to Section 15164 of CEQA for the Clovis Landfill Buffer No. 4 SOI update, 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 (Attachment D).

Action 3: Written Determinations and Recommendations

- C. Receive this report and any public testimony regarding the proposed Municipal Service Review addendum and proposed sphere of influence update.
- D. Approve the recommended Municipal Service Review determination addendum, together with any changes deemed appropriate.

- E. Approve the recommended sphere of influence update determination addendum, together with any changes deemed appropriate.
- F. Determine that the Clovis Landfill SOI update is consistent with the 2014 Clovis General Plan.
- G. Revise the City of Clovis sphere of influence to include 447 acres of the Clovis Landfill as depicted in **Attachment A**.

Proponent: George Gonzalez, Associate Planner
City of Clovis Planning and Development Services

Executive Summary

This Municipal Service Review (“MSR”) addendum has been prepared in response to the City of Clovis’ sphere of influence (“SOI”) update application filed with LAFCo on February 27, 2020 (LAFCo File USOI-198).

The proposed SOI update requests LAFCo to determine a 447-acre Clovis Landfill SOI that encompasses the non-contiguous and incorporated landfill located approximately five miles north of the Clovis City limits (**Attachment A**).

Inclusion of the existing landfill into the Clovis SOI will facilitate the pending annexation of an additional 117 acres of land contiguous to and north of the Clovis Landfill. The affected territory is designated as Public/Quasi-Public Facilities by the 2014 Clovis General Plan. Further background, analysis, and determinations are presented in the draft Clovis MSR addendum and SOI update (**Attachment B**).

MSR Addendum Summary

On April 3, 2019, the Commission adopted its MSR and SOI Update for the City of Clovis. Currently, the 2019 Clovis SOI encompasses 22,145 acres, of which approximately 16,244 acres has been annexed into Clovis. With the exception of the Clovis Landfill Facility (“Landfill”), the Clovis city limits are fairly uniform and identified within the existing Clovis SOI.

On February 27, 2020, the City filed a SOI update application with LAFCo requesting that a SOI be determined to encompass the non-contiguous and incorporated Landfill located approximately five miles north of the Clovis City limits (**Attachment A**).

The Landfill is a Class III solid waste disposal facility that encompasses 329 acres (gross acreage). Of the total 329 acres, only 210 acres are under permitted use for solid waste disposal purposes and the remaining balance mainly consists of land utilized as a buffer zone around the Landfill facility.

The Landfill is within the City's corporate limits; however, previous LAFCo studies have not formally included the Landfill in the Clovis SOI, mainly because the Landfill is noncontiguous to the City and the Landfill has experienced limited growth and expansion.

The Clovis SOI update application requests LAFCo to determine a 447-acre SOI that encompasses the existing Landfill (329 acres) and an additional 117 acres planned to be annex to continue the City's expansion of the Landfill's buffer area. The Clovis General Plan Land Use Diagram designates the land as Public/Quasi-Public Facilities and Water classifications.

Prior to submitting an application to LAFCo, the City studied its 2014 General Plan land uses for the project location, conducted the necessary environmental review, and approved the necessary land use entitlements to provide for the logical progression for the Landfill's growth. No change to the use of the affected territory is proposed and the City intends that this additional territory will continue to be used to buffer the existing Landfill operations from adjacent uses.

City-County Agreement

As prescribed by State law, City of Clovis and Fresno County representatives convened to discuss the proposed SOI update; and, both local agencies have reached a formal agreement by the way of a Memorandum of Understanding (MOU) on the proposed Clovis SOI update.

On December 24, 2019, the County of Fresno County Administrative Officer determined that the Proposal consisting of the SOI update and Clovis Landfill Buffer No. 4 is consistent with the Amended and Restated Memorandum of Understanding between the City of Clovis and County of Fresno.

Municipal Service Reviews and Public Review Availability

The draft MSR addendum was circulated June 17, 2020 through July 7, 2020. Pursuant to Government Code sec. 56427, 13 mailed notices of the hearing were sent to the affected local agencies and owners of land within the affected territory. Additionally, a 21-day notice of Commission hearing was published on July 17, 2020, in *The Business Journal*.

As of the date of publishing this staff report, LAFCo has not received any written comments to the information presented in the draft MSR addendum or proposed Clovis Landfill SOI update.

Clovis SOI update Analysis

This MSR addendum has been prepared in response to Clovis' 2020 application because it has been determined to be a minor technical change to the adopted MSR, affects a public facility only, is not growth enducing, and no subsequent environmental or service conditions will result from this amendment.

The majority of the land in the proposed Clovis Landfill SOI is owned by the City of Clovis. Additional landowners in the affected territory include County of Fresno for the section of Auberry Avenue's public right-of-way and the United States Department of the Interior, Bureau of Reclamation for the section of the Friant-Kern Canal. Additional information is provided in **Attachment B** of this staff report.

Summary / Background

Cortese-Knox-Hertzberg Act requires LAFCoS to review and update, as necessary, local agencies' SOIs every five years. Prior to, or in conjunction with a local agency's SOI update, LAFCo is required to conduct an MSR. State law requires that the LAFCo adopt written MSR determinations for each of the following seven items:

1. Growth and population projections for the affected area.
2. Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
3. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.
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.

As part of the SOI update, the Commission is required to consider the following five criteria and make appropriate determinations in relationship to each:

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.
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

The attached MSR addendum presents these determinations with Clovis information and the analysis used in support of the determinations and recommendations.

Required Findings and Determinations

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

SOI Expansion and Williamson Act Land Conservation Contracts

Under GC sections 56426, and 56426.6(a), the Commission shall not approve a change to the SOI 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.

Williamson Act Contracts are administered by Fresno County as a means to conserve productive agricultural resources. There are no active Williamson Act Contracts within the areas requested to be included in the Clovis Landfill SOI update.

Environmental Determination

A MSR collects and analyzes data in support of future LAFCo actions and therefore is exempt from environmental review, pursuant to Section 15306, "Information Collection" of the California Environmental Quality Act (CEQA) Guidelines.

The City of Clovis, acting as Lead Agency under California Environmental Quality Act (CEQA), prepared an initial study and Addendum pursuant to Section 15164 for a previously certified Environmental Impact Report for the Clovis Landfill Expansion (SCH # 2002091105). The Clovis Landfill SOI expansion was included in the project description and analyzed in the Initial Study and addendum of the certified EIR. The City of Clovis determined that no new significant impacts would result from this Proposal. The City filed a Notice of Determination with the County of Fresno's Clerk Office on October 22, 2019.

Acting in the capacity of a Responsible Agency, LAFCo considered the certified EIR for the Clovis Landfill Expansion (SCH # 2002091105); and the Initial Study and Addendum prepared pursuant to Section 15164 of CEQA for the Clovis Landfill Buffer No. 4 SOI update proposal. Being that the Proposal will be utilize as a buffer zone only, with no proposed improvements and/or development, the Commission finds that the Initial Study and Addendum of the certified EIR are adequate pursuant to CEQA Guidelines section 15096(i).

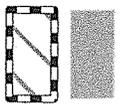
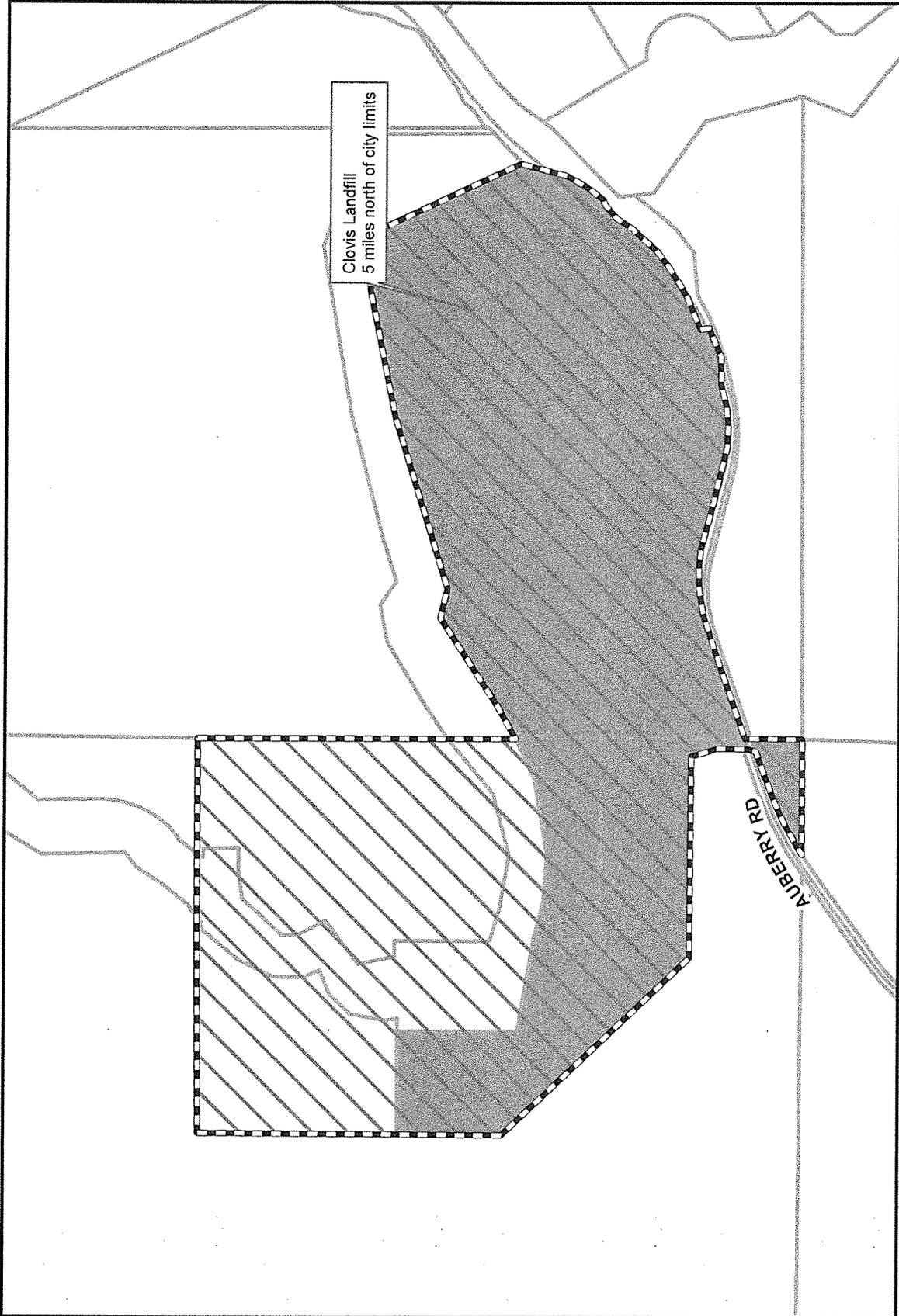
Pursuant to CEQA Guidelines Section 15096(i), if the Commission determines that these documents are adequate, a draft Notice of Determination has been prepared (Attachment D) to be filed with the County of Fresno Clerk's office in compliance with section 21152 of the Public Resources Code.

Individuals and Agencies Receiving this Report

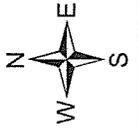
- Ken Price, LAFCo Counsel
- Bernard Jimenez, Manager, Fresno County Department of Public Works and Planning
- George Gonzalez, Associate Planner with City of Clovis Planning and Development Services

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Proposed Clovis Landfill SOI update



Proposed SOI update
Clovis city limits, Landfill



Clovis city limits: 16,244
Clovis SOI: 22,145 acres
Total proposed SOI update: 447 acres

Addendum to
City of Clovis

**Municipal Service Review and
Sphere of Influence Update
MSR-19-02 / SOI-185
April 3, 2019**

**Report to the
Fresno Local Agency Formation Commission**

LAFCO File No. USOI-198, Clovis Landfill

Prepared By:

David E. Fey, Executive Officer
George W. Uc, Senior Analyst
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Public Review:

June 17, 2020 – July 7, 2020

Addendum

Introduction and Scope of Addendum

This is an addendum to the City of Clovis Municipal Service Review ("MSR") and Sphere of Influence ("SOI") update approved by LAFCo on April 3, 2019 ("2019 Clovis SOI").

The 2019 Clovis SOI encompasses 22,145 acres, of which approximately 16,244 acres has been annexed into the City of Clovis. With the exception of the Clovis Landfill Facility ("Landfill"), the Clovis city limits are fairly uniform and identified within the existing Clovis SOI.

The City of Clovis filed a SOI amendment application with LAFCo on February 27, 2020, requesting that a SOI be determined to encompass the non-contiguous and incorporated Landfill located approximately five miles north of the Clovis City limits (Figure 1).

Inclusion of the existing Landfill into the Clovis SOI will facilitate the further annexation of 117 acres of land contiguous to and north of the Landfill. The affected territory is designated as Public/Quasi-Public Facilities by the Clovis General Plan (Figure 2). No change to the use of the affected territory is proposed and the City intends that this additional territory will be used to buffer the existing Landfill operations from adjacent uses.

This addendum has been prepared in response to Clovis' 2020 application because it has been determined to be a minor technical change to the adopted MSR and no subsequent environmental or service conditions will result from this amendment. The scope of the amendment requires minor revisions to the previous MSR.

The majority of the land in the proposed SOI is owned by the City of Clovis. Additional landowners in the affected territory include County of Fresno for the section of Auberry Avenue's public right-of-way and the United States Department of the Interior, Bureau of Reclamation for the section of the Friant-Kern Canal.

Figure 1 - Clovis Landfill Map

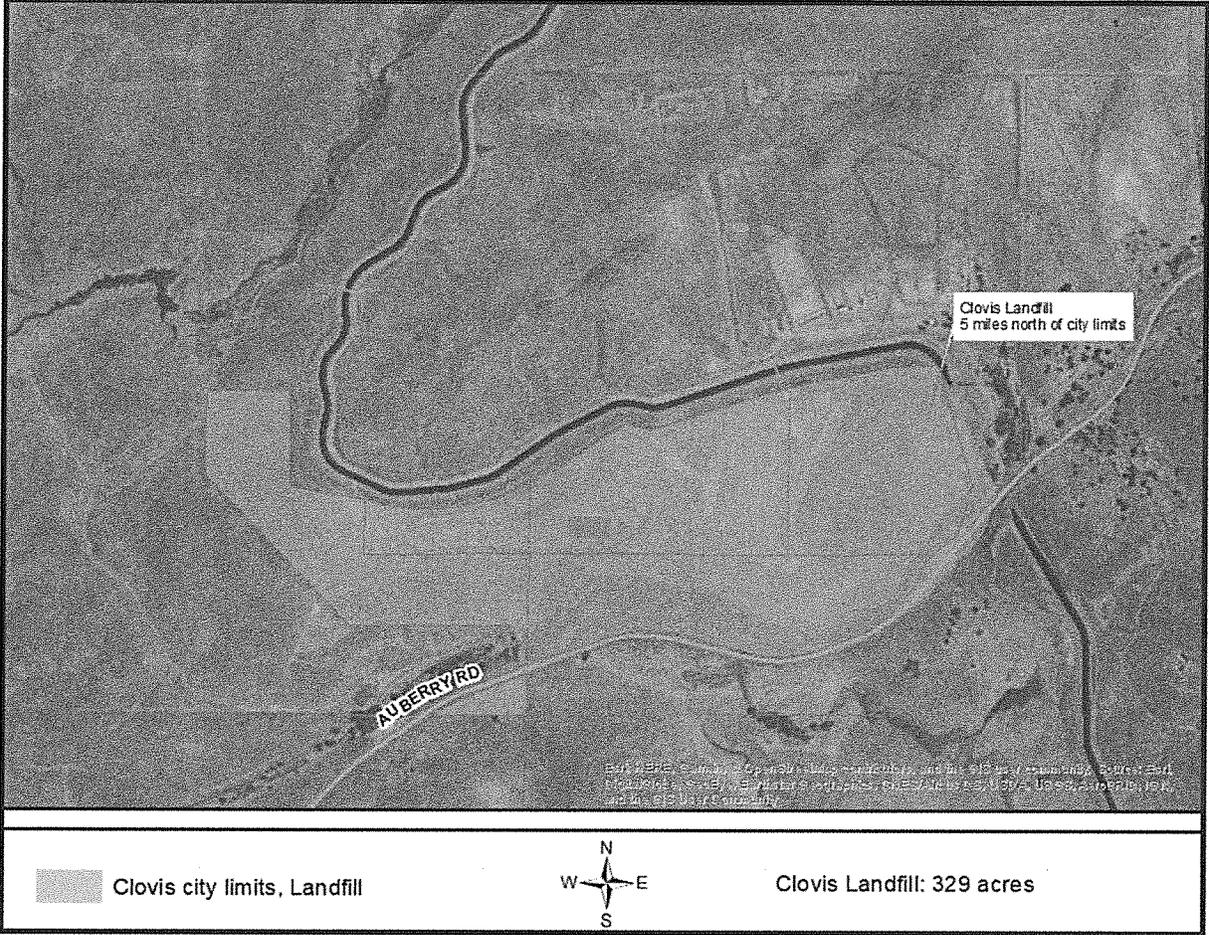
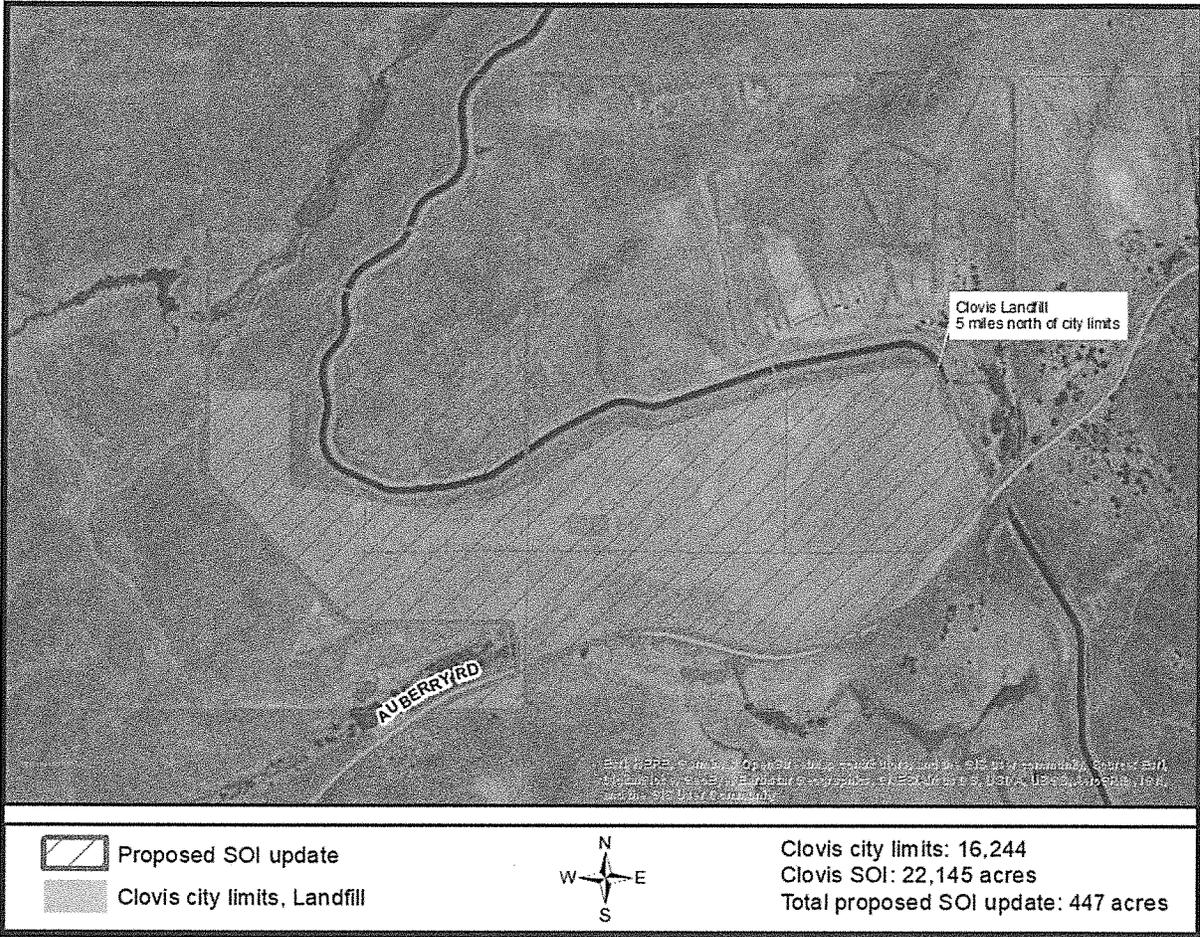


Figure 2 - Proposed Clovis Landfill SOI update



Clovis Landfill

In 1995, the Landfill site was annexed into the City under the provisions of the Cortese-Knox Act of 1985 that allowed cities to annex noncontiguous territory when the land is owned by the agency and is intended for municipal purposes. The 1995 annexation allowed the City to regulate land uses in support of the Landfill's operation.

Since then, there have been three successive annexations to the Landfill facility. The Landfill facility is located at 15679 Auberry Road, Fresno, CA 93626.

The Landfill is a Class III solid waste disposal facility that encompasses 329 acres (gross acreage). Of the total 329 acres, only 210 acres are under permitted use for solid waste disposal purposes. The remaining acreage consists of foothill grasslands. Surrounding uses include the Fresno Rifle & Pistol Range located east of the Landfill facility, rangeland and scattered residences. Section 14 of the Clovis MSR provides additional information pertaining to the Landfill's operation, management, and capacity. Hereafter, unless otherwise noted, any reference to the Landfill will include all territory associated with the operation and buffering of this facility.

Clovis Landfill Sphere of Influence

An SOI is a plan for a local agency's probable future boundaries and service area, as determined by a LAFCo. Furthermore, every determination made by a LAFCo must be consistent with the SOI of that local agency.¹

As previously noted, the Landfill is within the City's corporate limits; however, previous LAFCo studies have not formally included the Landfill in the Clovis SOI, mainly because the Landfill is noncontiguous to the City and the Landfill has experienced limited growth and expansion. With the exception of the footprint of the solid waste disposal area, three successive annexations adjacent to the Landfill were approved by LAFCo between 1996 and 2005, for the purpose of creating a buffer zone around the Landfill.²

The City informed LAFCo that land acquisitions to expand the buffer area around the Landfill have provided protection to the Landfill from potential encroachment by incompatible land uses in the unincorporated territory around the Landfill under the jurisdiction of Fresno County. Over the years, the City has utilized the approach to purchase land, when available, to expand the distance between the solid waste disposal area and the Landfill's external boundary in order to create a buffer area.

The Clovis General Plan Land Use Map designates the Landfill facility and the proposed SOI amendment for Public/Quasi-Public Facility uses. The current incorporated territory is in Clovis' Public-Facility zone district, and the proposed SOI amendment has been rezoned P-F by the City. Given that the 329-acre Landfill is already in the City's corporate boundaries, it is appropriate to determine an SOI for the Clovis Landfill facility consistent with the Clovis General Plan land use designation.

¹ GC section 56375.5.

² LAFCo Applications: RO 95-1, RO 99-12, and RO 05-26.

City and County Meeting and Agreement

As prescribed by State law, City of Clovis and Fresno County representatives convened to discuss the proposed SOI update; and, both local agencies have reached a formal agreement by the way of a Memorandum of Understanding (MOU) on the proposed Clovis SOI update.

On December 24, 2019, the County of Fresno County Administrative Officer determined that the Proposal consisting of the SOI update and Clovis Landfill Buffer No. 4 is consistent with the Amended and Restated Memorandum of Understanding between the City of Clovis and County of Fresno.

Proposed Clovis Landfill Sphere of Influence

The Clovis SOI update application requests LAFCo to determine a 447-acre SOI that encompasses the existing Landfill and additional land planned to continue the expansion of the Landfill's buffer area (see Figure 2). A Clovis Landfill SOI determination would also facilitate Clovis' subsequent annexation application filed with LAFCo to annex the 117 acres.³ The City will utilize the land as a buffer zone only, with no proposed improvements and/or development. The affected territory consists of a portion of the Friant-Kern Canal and two unincorporated parcels located north of the Landfill. Assessor Parcel Number ("APN") 300-080-04 encompasses approximately 88.60 acres, and APN 300-080-71T encompasses approximately 28.4 acres which includes the portion of the Friant-Kern Canal.

Prior to submitting an application to LAFCo, the City studied its 2014 General Plan land uses for the project location, conducted the necessary environmental review, and approved the necessary land use entitlements to update the General Plan's land use diagram to provide for the logical progression for the Landfill's growth.

As the lead agency, the City provided LAFCo with the following certified environmental documents and the approved land use entitlements in support of the requested Clovis Landfill SOI update application:

- **Clovis Landfill Buffer No. 4, Initial Study and Addendum to a previously Certified EIR:** An addendum to a previously certified EIR for the Clovis Landfill Expansion (SCH # 2002091105) was prepared for the Proposal, pursuant to Section 15164 of CEQA. The addendum assessed the environmental effects of the proposed Clovis Landfill SOI update. A Notice of Determination was filed with the County of Fresno's Clerk Office on October 22, 2019.
- **Clovis General Plan Amendment 2019-003:** reclassified 117-acres from the Fresno County Agriculture and Eastside Range Land designations, and added the territory to the Clovis General Plan Land Use Diagram and designated the land to the Public/Quasi-Public Facilities and Water classifications.
- **Clovis Prezone Application R2019-002:** The City Council approved the Prezone of the 117 acres of land from the agricultural and eastside range land uses (AE-40 & AE-20) Fresno County zone districts to the Clovis P-F (Public Facilities) Zone District consistent with the General Plan Amendment 2019-003.

³ LAFCo Application Number RO 20-4, Clovis Landfill Buffer No. 4 submitted concurrently with USOI-198.

- **Clovis Landfill SOI Expansion and RO-300 (Clovis Landfill Buffer No. 4):** The City Council approved the addition of 447 acres of land to the existing Clovis SOI, along with a concurrent application to annex the 117-acres, consisting of parcels utilized as part of the Landfill buffer area.

California Environmental Quality Act (CEQA)

The City of Clovis, acting as Lead Agency under California Environmental Quality Act (CEQA), prepared an initial study and Addendum pursuant to Section 15164 for a previously certified Environmental Impact Report for the Clovis Landfill Expansion (SCH # 2002091105). The Clovis Landfill SOI expansion was included in the project description and analyzed in the Initial Study and addendum of the certified EIR. The City of Clovis determined that no new significant impacts would result from this Proposal. The City filed a Notice of Determination with the County of Fresno's Clerk Office on October 22, 2019.

Acting in the capacity of a Responsible Agency, LAFCo considered the certified EIR for the Clovis Landfill Expansion (SCH # 2002091105); and the Initial Study and Addendum prepared pursuant to Section 15164 of CEQA for the Clovis Landfill Buffer No. 4 SOI update proposal. Being that the Proposal will be utilize as a buffer zone only, with no proposed improvements and/or development, the Commission finds that the Initial Study and Addendum of the certified EIR are adequate pursuant to CEQA Guidelines section 15096(i).

Addenda to the Clovis Landfill MSR Determinations

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

- The City of Clovis owns the Clovis Landfill located at 15679 Auberry Road, Fresno, CA 93626, approximately ~~43~~ five miles north of the Clovis city limits.

Addenda to the Clovis Landfill SOI Determinations

Based on the information in this report, this addendum addresses the following determinations pertaining to the Clovis Landfill SOI, and hereby are recommended to be incorporated into the 2019 Clovis MSR and SOI update by reference. This addendum fulfills the requirements of Government Code section 56425 and allows LAFCo to determine a Clovis Landfill SOI consistent with the written determinations for the City of Clovis.

In determining the sphere of influence of each local agency, the Commission shall consider and prepare a written statement of its determinations with respect to each of the following pursuant to Government Code Section 56425(e):

- 1) The present and planned land uses in the area, including agricultural and open-space lands.**
 - The Landfill site was annexed into the City in 1995 under the provisions of the Cortese-Knox Act that allowed cities to annex noncontiguous territory land owned by city and intended for municipal purposes.

- The Clovis General Plan Land Use Map designates the Landfill facility as Public/Quasi-Public Facilities, and the territory is identified in Clovis' Public-Facility zone district.
 - Neighboring land uses consist unincorporated foothill grasslands, the Friant-Kern Canal, a rifle and pistol range and scattered residences.
- 2) **The present and probable need for public facilities and services in the area.**
- The affected territory consists of a portion of the Friant-Kern Canal and two unincorporated parcels located north of the Landfill. Assessor Parcel Number ("APN") 300-080-04 encompasses approximately 88.60 acres, and APN 300-080-71T encompasses approximately 28.4 acres which includes the portion of the Friant-Kern Canal.
 - The City plans to utilize the land in the affected territory as a buffer zone to the Landfill facility, with no proposed improvements and/or development.
- 3) **The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.**
- The City informed LAFCo that land acquisitions to expand the buffer area around the Landfill have provided protection to the Landfill from potential encroachment by incompatible land uses that may be permitted in the County. Over the years, the City has utilized the approach to purchase land, when available, to expand the Landfills buffer area.
- 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.**
- As observed by LAFCo, no social or economic communities of interest exist near the Clovis Landfill SOI relevant to the agency's service provisions.
- 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.**
- As of April 2020, LAFCo observed that there are no existing communities near the Clovis Landfill SOI update that meet the DUC definition as defined by Fresno LAFCo's Policy 106 and CKH.

Recommendations

In consideration of information gathered and evaluated in this Municipal Service Review addendum, it is recommended that the Commission:

1. Receive this report and any public testimony regarding the proposed Municipal Service Review addendum and proposed sphere of influence update.
2. Find that the Municipal Service Review Addendum is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15306 (Information Collection).
3. Approve the recommended Municipal Service Review determination addendum, together with any changes deemed appropriate.
4. Approve the recommended sphere of influence update determination addendum, together with any changes deemed appropriate.
5. Find that as a Responsible Agency, LAFCo considered the certified EIR for the Clovis Landfill Expansion (SCH # 2002091105); and the Initial Study and Addendum prepared pursuant to Section 15164 of CEQA for the Clovis Landfill Buffer No. 4 SOI update proposal.
6. Find that the LAFCo review of the proposed Clovis SOI Landfill Expansion has been environmentally reviewed in its entirety by the certified EIR for the Clovis Landfill Expansion (SCH # 2002091105); and the Initial Study and Addendum prepared pursuant to Section 15164 of CEQA for the Clovis Landfill Buffer No. 4 SOI update proposal.
7. Determine that the Clovis Landfill SOI update is consistent with the 2014 Clovis General Plan.
8. Revise the City of Clovis sphere of influence to include 447 acres of the Clovis Landfill as depicted in Figure 2 of this addendum.

NOTICE OF DETERMINATION

In compliance with Section 21152 of the Public Resources Code

LEAD AGENCY: Fresno Local Agency Formation Commission, 2607 Fresno Street, Suite B, Fresno, CA 93721 (559) 600-0604.

SUBJECT: Filing a Notice of Determination in Compliance with CEQA Guidelines

PROJECT TITLE: Municipal Service Review addendum and Sphere of Influence update for the City of Clovis (LAFCo File No. USOI-198 – Clovis Landfill SOI Update)

PROJECT LOCATION: The Clovis Landfill facility is located at 15679 Auberry Road, Fresno, CA 93626. The Clovis Landfill is within the City's corporate limits; however, previous LAFCo studies have not formally included the Landfill in the Clovis SOI, mainly because the Landfill is noncontiguous to the City and the Landfill has experienced limited growth and expansion.

The Proposal requests LAFCo to determine a 447-acre Clovis Landfill SOI that encompasses the non-contiguous and incorporated landfill located approximately five miles north of the Clovis City limits. The affected territory is designated as Public/Quasi-Public Facilities by the 2014 Clovis General Plan.

NAME OF AGENCY APPROVING PROJECT: Fresno Local Agency Formation Commission.

PROPOSAL DESCRIPTION: The Proposal consists of review and adoption of specific determinations and recommendations included in the Clovis Municipal Service Review (MSR) Addendum and Clovis Landfill SOI update prepared for the City pursuant to Government Code sections 56425 and 56430.

This is to advise that Fresno LAFCo, acting in the capacity of a Responsible Agency under CEQA, considered the environmental documents as prepared by the City of Clovis, Lead Agency, considered the Lead Agency's Findings and Determinations, and approved the Proposal on July 8, 2020. The following findings have been found to be true:

1. The City of Clovis, Lead Agency, prepared an Initial Study and an Addendum to a previously certified EIR for the Clovis Landfill Expansion (SCH# 2002091105) for the Proposal, pursuant to Section 15164 of CEQA. The Addendum assessed the potential environmental impacts that would result from the proposed Clovis Landfill SOI update.
2. Prior to submitting an application to LAFCo, the City studied its 2014 General Plan land uses for the Proposal's location, conducted the necessary environmental review, and approved the necessary land use entitlements to update the General Plan's land use diagram to provide for the logical progression for the Landfill's growth.
3. On October 21, 2019, the Clovis City Council, Lead Agency, found that the Clovis Landfill SOI update would have no new effects beyond those identified in the previously certified EIR for the Clovis Landfill Expansion (SCH# 2002091105). A Notice of Determination was filed with the County of Fresno's Clerk Office on October 22, 2019.
4. No new environmental document is required.
5. Finding were made pursuant to CEQA.

The information described above consisting of the environmental assessment and record of the Proposal, including the certified EIR for the Clovis Landfill Expansion (SCH# 2002091105), Addendum to the July 11, 2005 certified EIR for the Clovis Landfill Expansion as prepared by

Clovis, Lead Agency; and, the Clovis Municipal Service Review Addendum, and Clovis Landfill SOI update (LAFCo File No. USOI-198) are available to the general public at office address:

Fresno Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721

David E. Fey, Executive Officer July 8, 2020
Date

Attachments:

- A - Clovis Landfill SOI Map
- B - Addenda Determinations for Clovis Landfill SOI update (LAFCo USOI No. 198)
- C - Lead Agency's Notice of Determination for Clovis Landfill SOI update

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CITY of CLOVIS
PLANNING & DEVELOPMENT
1033 FIFTH STREET • CLOVIS, CA 93612

FILED

OCT 22 2019

TIME
4:14 pm

By Jessica Munoz
FRESNO COUNTY CLERK
Jessica Munoz DEPUTY

For County Clerk Stamp

NOTICE OF DETERMINATION

County Clerk
P.O. Box 1628
Fresno, CA 93717

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Title or File No.: General Plan Amendment GPA2019-003, Prezone R2019-002, Sphere of Influence Expansion, & Reorganization RO300

Environmental Assessment No.:

SCH No.:

Lead Agency: City of Clovis is the Lead Agency for this project.

Project Location: Clovis Landfill at 15679 Auberry Road, including designated buffer zone areas.

Project Description:

The Project includes both items below. Item A covers approximately 117 acres addressing the General Plan Amendment and Prezone actions. Item B covers approximately 329 acres addressing the Sphere of Influence Expansion and Reorganization/Annexation. The approved Addendum addresses both Items A & B.

- a. Consider items associated with approximately 117 acres of land located on the north side of the Clovis Landfill at 15679 Auberry Road to be utilized as a buffer zone only, with no proposed improvements and/or development. City of Clovis, United States Bureau of Reclamation, owners; City of Clovis Public Utilities, applicant.
 - 1. Approval of an Addendum to the July 11, 2005 Final Environmental Impact Report for the Clovis Landfill Expansion Permit project.
 - 2. GPA2019-003, approval a General Plan Amendment amending the land use element for approximately 117 acres located on the north side of the Clovis landfill at 15679 Auberry road and considering an addendum to a previously certified Environmental Impact Report pursuant to section 15164 of CEQA.
 - 3. R2019-002, Amending and Changing the official zone map of the City of Clovis in accordance with Section 9.08.020 and 9.86.010 of the Clovis Municipal Code to reclassify land located on the north side of the Clovis landfill at 15679 Auberry road and considered an addendum to a previously certified Environmental Impact Report pursuant to Section 15164 of CEQA.
- b. Consider items associated with approximately 329 acres of land located at the Clovis Landfill at 15679 Auberry Road, including designated buffer zone areas. City of Clovis, United States Bureau of Reclamation, County of Fresno, owners; City of Clovis Public Utilities, applicant.

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1. RO300, Approving an application by the City of Clovis requesting the Fresno Local Agency Formation Commission to take proceedings for the Clovis Landfill buffer No. 4 reorganization and considering an addendum to a previously certified Environmental Impact Report pursuant to Section 15164 of CEQA.
2. Approving an Application for the update of the City of Clovis Sphere of Influence and considering an addendum to a previously certified Environmental Impact Report pursuant to Section 15164 of CEQA.

City Action: This is to advise that on October 21, 2019, the City Council approved the above described Project and made the following determinations:

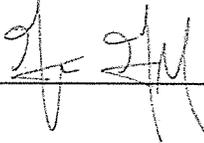
1. The City Council finds that the Initial Study and Addendum for the Project are adequate and have been completed in compliance with CEQA and the CEQA Guidelines.
2. The City of Clovis prepared an Initial Study for the Project to evaluate potentially significant adverse environmental impacts and on the basis of that study, it was determined that no new significant environmental impacts would result from this Project.
3. The City Council finds and declares that the Initial Study and Addendum were presented to the City Council and that the City Council has independently reviewed, evaluated, and considered the Initial Study, Addendum to the July 11, 2005 Final Environmental Impact Report and all comments, written and oral, received from persons who reviewed the Initial Study and Addendum, or otherwise commented on the Project prior to approving the Addendum for this project.
4. Based upon the foregoing, approves the Addendum.
5. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Addendum and record of Project approvals are available to the general public for review at the Clovis Planning and Development Services Department at the address listed above.

Contact Person: George González, MPA, Associate Planner

Phone: (559) 324-2383

Signature: _____



Date: October 22, 2019

ATTACHMENT D

**Addenda to Clovis MSR and SOI Update Determinations
(LAFCo USOI No. 198)**

In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following pursuant to Government Code Sections 56430 and 56425 (e). (LAFCo Policy Section 330)

Addenda to the Clovis MSR Determinations

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

- The City of Clovis owns the Clovis Landfill located at 15679 Auberry Road, Fresno, CA 93626, approximately ~~13~~ five miles north of the Clovis city limits.

Addenda to the Clovis Landfill SOI (LAFCo USOI No. 198) Determinations

Based on the information in this report, this addendum addresses the following determinations pertaining to the Clovis Landfill SOI, and hereby are recommended to be incorporated into the 2019 Clovis MSR and SOI update by reference. This addendum fulfills the requirements of Government Code section 56425 and allows LAFCo to determine a Clovis Landfill SOI consistent with the written determinations for the City of Clovis.

In determining the sphere of influence of each local agency, the Commission shall consider and prepare a written statement of its determinations with respect to each of the following pursuant to Government Code Section 56425(e):

- 1. The present and planned land uses in the area, including agricultural and open-space lands.**
 - The Landfill site was annexed into the City in 1995 under the provisions of the Cortese-Knox Act that allowed cities to annex noncontiguous territory land owned by city and intended for municipal purposes.
 - The Clovis General Plan Land Use Map designates the Landfill facility as Public/Quasi-Public Facilities, and the territory is identified in Clovis' Public-Facility zone district.
 - Neighboring land uses consist unincorporated foothill grasslands, the Friant-Kern Canal, a rifle and pistol range and scattered residences.
- 2. The present and probable need for public facilities and services in the area.**
 - The affected territory consists of a portion of the Friant-Kern Canal and two unincorporated parcels located north of the Landfill. Assessor Parcel Number ("APN") 300-080-04 encompasses approximately 88.60 acres, and APN 300-080-71T encompasses approximately 28.4 acres which includes the portion of the Friant-Kern Canal.

- The City plans to utilize the land in the affected territory as a buffer zone to the Landfill facility, with no proposed improvements and/or development.
3. **The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.**
 - The City informed LAFCo that land acquisitions to expand the buffer area around the Landfill have provided protection to the Landfill from potential encroachment by incompatible land uses that may be permitted in the County. Over the years, the City has utilized the approach to purchase land, when available, to expand the Landfills buffer area.
 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.**
 - As observed by LAFCo, no social or economic communities of interest exist near the Clovis Landfill SOI relevant to the agency's service provisions.
 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.**
 - As of April 2020, LAFCo observed that there are no existing communities near the Clovis Landfill SOI update that meet the DUC definition as defined by Fresno LAFCo's Policy 106 and CKH.