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

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CONSENT AGENDA ITEM NO. 5-D

**DATE:** November 14, 2018

**TO:** Fresno Local Agency Formation Commission

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

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

**SUBJECT:** Consider Approval - City of Clovis "Nees-Armstrong Northeast No. 2 Reorganization." A proposed reorganization consisting of the annexation of 3.11 acres to the City of Clovis and detachment from the Fresno County Fire Protection District and the Kings River Conservation District for territory located 970 feet north of Nees Avenue and east of Armstrong Avenue.  
(LAFCo File No. RO-18-8)

**Applicant:** City of Clovis

**Land Owners/Parties of Real Interest (100% consent):** City of Clovis, Ishkahan Bayrakdarian.

(This proposed reorganization has been placed on the consent agenda without notice pursuant to Govt. Code sec. 56662(a) because the territory is uninhabited, no affected local agency has submitted a written demand for notice and hearing, and all property owners have consented in writing to the annexation.)

**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, Standards, and Procedures 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. All landowners and affected agencies have consented to the reorganization.
- D. Assign the distinctive short form designation "Nees-Armstrong Northeast No. 2 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 Armstrong Avenue frontage.
- E. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH.

### **Executive Summary**

On June 4, 2018, The City of Clovis initiated this reorganization with the adoption of Resolution No. 18-75 requesting the Commission to begin proceedings for the "Nees-Armstrong Northeast No. 2 Reorganization." A proposed reorganization consisting of the annexation of 3.11 acres to the City of Clovis and detachment from the Fresno County Fire Protection District and the Kings River Conservation District for territory located 970 feet north of Nees Avenue and east of Armstrong Avenue.

### **Proposal/Land Use**

- The proposal consists of the annexation of 3.11 acres to the City of Clovis and detachment from the Fresno County Fire Protection District and the Kings River Conservation District.
- Information related to the proposals 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 Clovis' sphere of influence (**Attachment B**) and is contiguous to the Clovis' city limits (**Attachment C**).
- The proposal is currently zoned RR (Rural Residential) and has been rezoned to the Clovis R-R (Rural Residential) zone districts by Pre-zone Application: R2018-03, City Ordinance No. 18-13.
- The territory is uninhabited.
- The proposal is consistent with the Clovis Dry Creek Preserve Master Plan and the Herndon-Shepherd Specific Plan.

### **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.
- The affected territory is substantially developed and no development is proposed therefore satisfactory verification that the City has accepted a final map will not be placed as a condition for completion.
- All properties within the proposal have been rezoned to the City of Clovis R-R (Rural Residential) zone district by Pre-zone Application: R2018-03, City Ordinance No. 18-13.
- The City of Clovis is within the North Kings GSA and has a Groundwater Recharge Plan in place.

### **Relationship to Regional Housing Goals and Policies**

The proposed reorganization will not negatively change or impact the City's Housing Element objectives or needs.

### **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. The North Kings GSA will represent the City of Clovis.

The affected territory is within the Fresno Irrigation District service area. After annexation, the surface water entitlement within the Dry Creek Preserve will be managed by the City of Clovis. 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, found the project is in substantial conformance with the Environmental Impact Report analysis performed for the 2014 Clovis

General Plan and Development Code update filed with the Fresno County Clerk office on June 20, 2012 consistent with the requirements of CEQA.

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.

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

None reported by the City of Clovis 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 Maxwell, Engineering Technician III, Fresno Metropolitan Flood Control District
- Samantha Hendricks, Cadastral Tech II, Fresno County Assessor-Recorder Office
- Jose A Robledo, P.E., State Water Recourse Control Board

### **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 City of Clovis reported that there were **three** registered voters in the affected territory.

### **Compliance with the Requirements of CEQA**

**Lead Agency:** City of Clovis

**Level of Analysis:** Initial Study

**Finding:** Substantial conformance with the Environmental Impact Report analysis performed for the 2014 Clovis General Plan and Development Code Update. (See Environmental Documents at [www.fresnolafco.org](http://www.fresnolafco.org) under the Hearing and Workshops tab in the November 14 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
- Lily Cha, Assistant Planner, City of Clovis

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