

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

AGENDA ITEM NO. 6

DATE: September 9, 2020

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: Juan Lara, LAFCo Analyst II

SUBJECT: **Consider Approval - City of Clovis "Clovis Landfill Buffer No. 4 Reorganization."** A proposed reorganization to annex approximately 117.7 acres to the City of Clovis and detach from the Fresno County Fire Protection District for properties located approximately 5 miles north of Clovis City limits west of the Auberry Road and Friant Kern Canal intersection. (LAFCo File No. RO-20-4)

Applicant: City of Clovis

Landowners/Parties of Real Interest: City of Clovis, Bureau of Reclamation.

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:

- A. Find that the proposed annexation is consistent with LAFCo Policies and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH").
- B. Find pursuant to CKH and information in the record that:
 - a. The territory is uninhabited; and
 - b. Not all landowners or registered voters have consented to the reorganization.
- C. Assign the distinctive short form designation "Clovis Landfill Buffer No. 4 Reorganization" and approve the annexation 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.
- D. Find that pursuant to CKH the territory is uninhabited and not all landowners have consented to the annexation.
- E. Find that the notice mailed on August 19, 2020, 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.
- F. 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, and compliance with all of the above conditions, and waive further conduction Authority Proceedings.
- Or-
- G. 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 October 21, 2020, the City of Clovis adopted Resolution No. 19-135 requesting the Commission to begin proceedings for the "Clovis Landfill Buffer No. 4 Reorganization" a proposed reorganization consisting of the annexation of annex approximately 117.7 acres to the City of Clovis and detach from the Fresno County Fire Protection District for properties located approximately 5 miles north of Clovis City limits west of the Auberry Road and Friant Kern Canal intersection.

Proposal/Land Use

- The proposal consists of the annexation of 117.7 acres to the City of Clovis and detachment from the Fresno County Fire Protection 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 city limits (**Attachment C**).
- The proposal is currently zoned AE-20 and AE-40 (Exclusive Agricultural) and has been rezoned to the City of Clovis PF (Public Facilities) zone district by City Ordinance No. 19-12.
- The territory is uninhabited (less than 12 registered voters).

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 proposal is subject to the 10-year property tax allocation agreement between the City of Clovis and the Fresno County Fire Protection District set to expire in 2029.
- 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 PF (Public Facilities) zone district by City Ordinance No. 19-12.

Sustainable Groundwater Management Act

Former Governor Edmund G. Brown Jr. signed California's Sustainable Groundwater Management Act ("SGMA") into law 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.

Environmental Determination

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 Document No. E200510000162.

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. Acting as Responsible Agency the Commission 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 utilized 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).

Costs and Other Changes Affecting Residents or Landowners

None reported by City representative.

Agencies and Individuals Submitting Comments

- Jean Rousseau, County Administrative Officer
- Chufeng Vang, IT Analyst, Fresno County Elections Department
- Kevin Tsuda, Environmental Health Specialist II, Fresno County Environmental Health Division
- Fresno County Public Library
- Bryant VanderVelde, Cadastral Tech II, Fresno County Assessor-Recorder Office
- Caitlin Juarez, Engineer, State Water Resource Control Board

Territory Boundaries

The boundaries of the proposed annexation **are** not 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.

Registered Voter Data

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

Compliance with the Requirements of CEQA

Lead Agency: City of Clovis

Level of Analysis: Initial Study

Finding: Addendum. (See Environmental Documents at www.fresnolafco.org under the Hearing and Workshops tab in the September 9, 2020 file)

Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning

- Chief Mark Johnson, Fresno County Fire Protection District
- George Gonzalez, MPA , Associate Planner, City of Clovis

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Attachment A

PROPOSAL INFORMATION

1. Affected Territory

Acreage:	117.7
Current Land Use:	AE-20 and AE-40 (Exclusive Agricultural)
Number of Residences/ Population:	Residents: 0/ Population: 0 estimated
Registered Voters:	Voters: 0
Assessor Parcel Number(s):	300-080-04,300-080-71T (portion)

2. Proposed Development- Proposal will be utilize as a buffer zone only, with no proposed improvements and/or development.

3. Surrounding Territory -Rural grasslands to the north and west, Clovis Landfill to the south, and Fresno rifle and pistol range to the east.

4. Existing Service Agencies and Proposed Service Changes

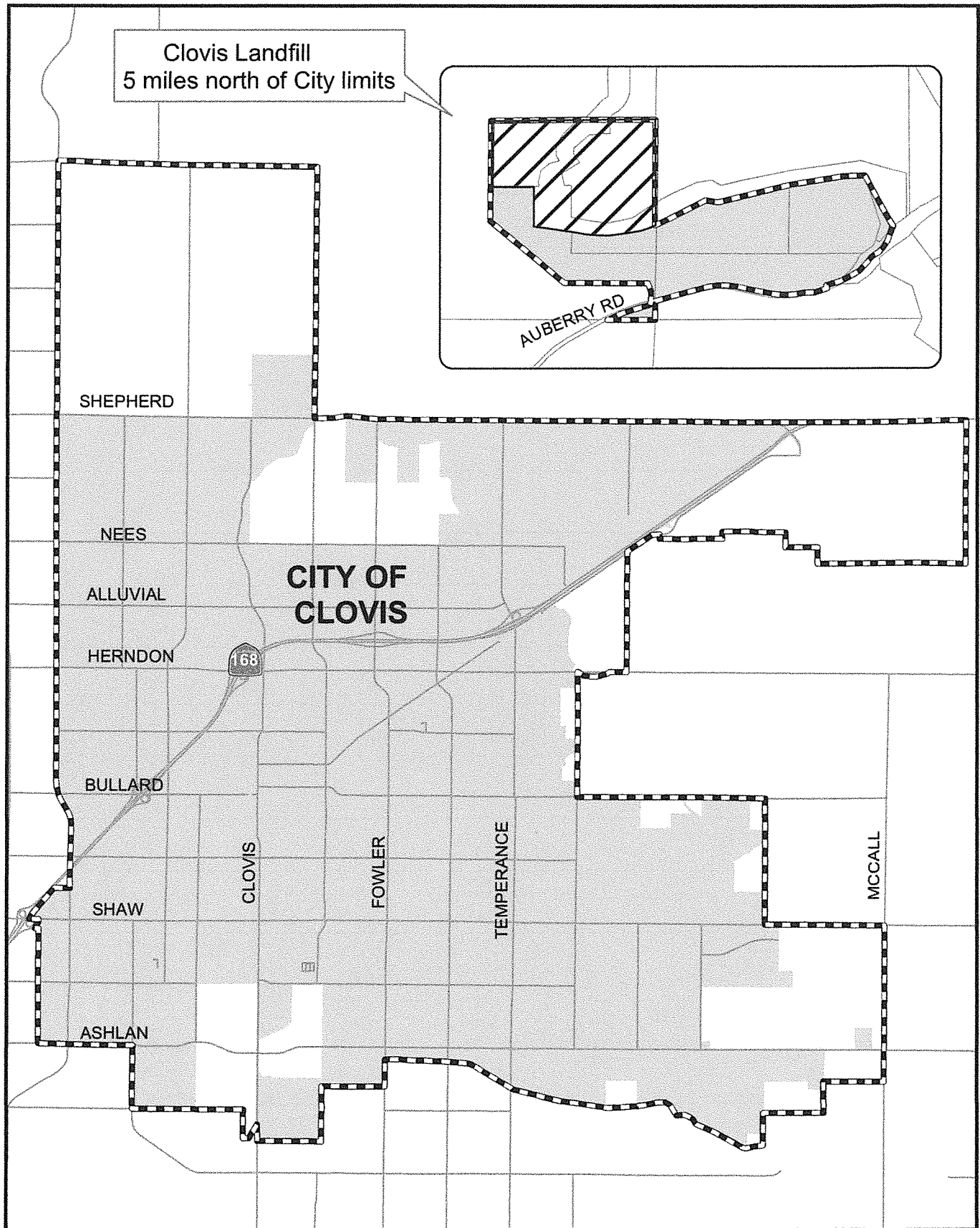
Service	Existing Service	Change
Water	Wells/ Groundwater	City of Clovis
Sewer	Private Septic	City of Clovis
Fire Protection	Fresno County Fire Protection District	Clovis Fire Department

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

5. Cities and Districts Included Wholly or Partially Within the Affected Territory

Fresno County	Fresno County Library
Co. School Service	Fresno County Fire
County Service Area No. 35	West Fresno County Red Scale Pest Control District
Consolidated Mosquito Abatement	Consolidated Mosquito Abatement
Clovis Cemetery District	Co. School Service
Clovis Unified School District	State Center Community College

ATTACHMENT B



Clovis SOI



Fresno city limits



Affected territory

Fresno Local Agency Formation Commission






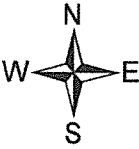
Map date: 8/31/2020

ATTACHMENT C



Fresno Local Agency Formation Commission

-  Clovis SOI
-  Fresno city limits
-  Affected territory



Map date: 8/31/2020