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

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**CONSENT AGENDA ITEM No. 5B**

**DATE:** December 10, 2014  
**TO:** Local Agency Formation Commission  
**FROM:** David E. Fey, AICP, 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) (Eighth Request).

**RECOMMENDATION: Approve One-Year Extension**

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.

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. The Commission's Policies further state that the Commission may consider economic hardships beyond the control of the proponents as justification supporting the extension request.

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.

**City of Clovis "Nees-Sunnyside Southeast Reorganization"**

**Parties of Interest**

Robert Dillon, Gary McDonald Homes	Jerry & Karin Carlson
Valley River Developers, LLC	William Leadingham, Jr.
Everett & Hazel Griffith	

**Summary**

The subject reorganization was approved on December 13, 2006, but has not been completed. Dwight Kroll, Director of Planning and Development Services for the City of Clovis, submitted a letter stating the city is in support of the extension. This is the eighth request for extension.

## **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). Tentative Tract Map No. 5546 for a 33-lot single-family residential subdivision is still in effect and will not expire until September 11, 2015. Robert Dillon of Gary McDonald Homes submitted a letter stating that with the improving housing economic outlook, they are moving forward to develop TTM 5546 and a one-year extension is necessary in order to complete the annexation and development.

## **Reasons for Request and Actions Taken to Date**

The City of Clovis has indicated that the project will help to unify the urban area, provide efficient services to the residents, and strengthen the Clovis community. They are working with the property owners in the Dry Creek Preserve area and on a long-range plan for the area that balances annexation with compatible development standards for this unique area.

## **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.

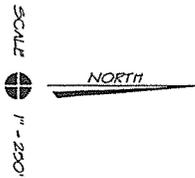
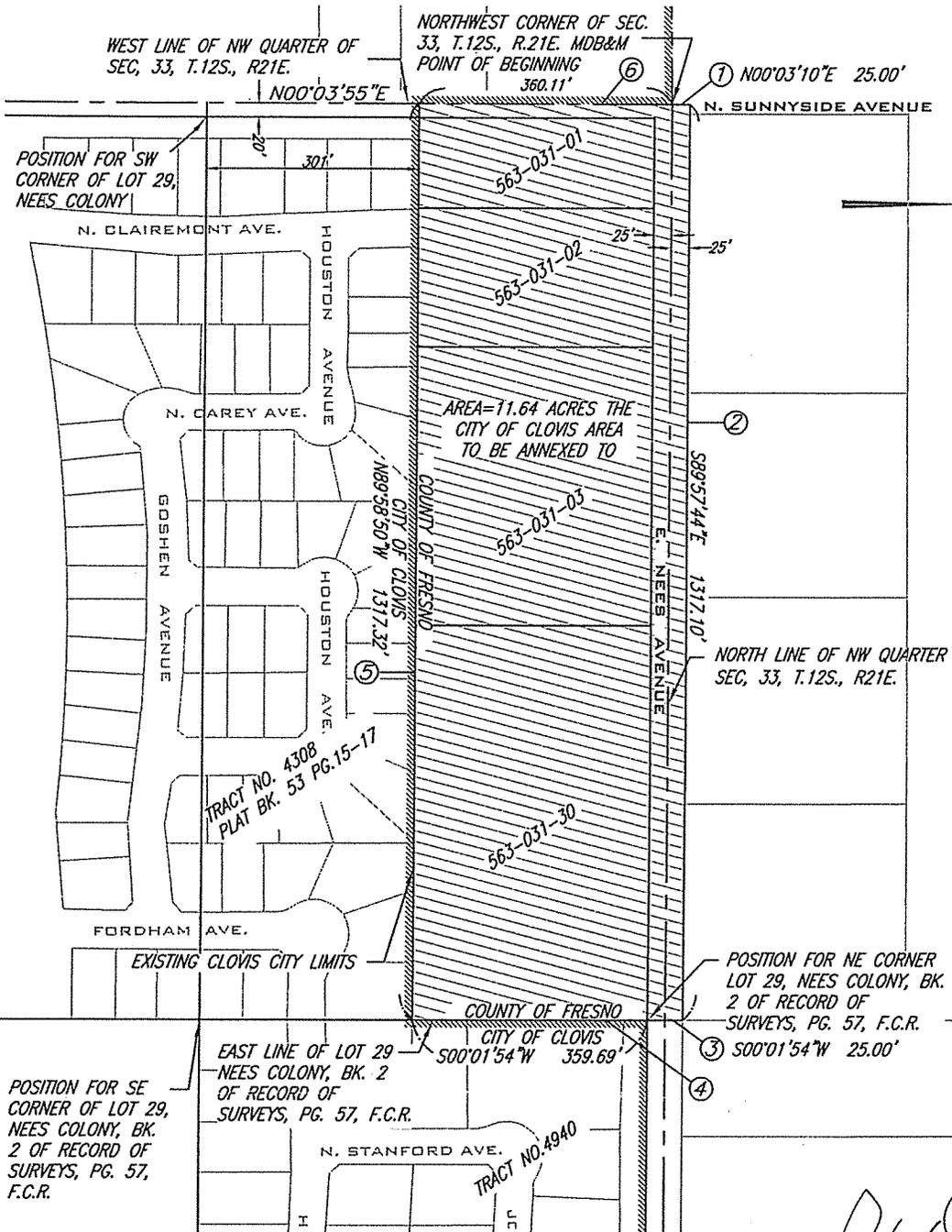
Additionally, the slowed economy has negatively affected the ability of proponents to complete projects timely. The Commission's policies do allow for economic hardships to be considered as a justification for time extension requests.

Based on this information, it does appear that circumstances beyond the control of the Cities and the developers, including economic hardships due to the current economic conditions, have delayed these reorganizations. Based on these circumstances, staff supports the additional one-year extensions.

## **The Following Have Received Copies of This Report**

- LAFCo Commissioners and Alternates
- Ken Price, LAFCo Counsel, Baker, Manock, and Jensen
- Bernard Jimenez, Deputy Director, Fresno County Planning Department
- Will Kettler, Fresno County Public Works and Planning Department
- David Orth, Secretary, Kings River Conservation District
- Mark Johnson, Chief, Fresno County Fire Protection District
- Andy Cosentino, Fresno County Fire Protection District
- Ray Franklin, Fresno County Fire Protection District
- Valley River Developers, LLC
- Dwight Kroll, City of Clovis, Planning & Development Services Director
- George Gonzalez, City of Clovis, Planning & Development Services Associate Director
- Robert Dillon, Gary McDonald Homes

# NEES-SUNNYSIDE SOUTHEAST REORGANIZATION



LAFCO RES # 20-06-38  
 December 13, 2006  
 DATE

**LEGEND**

- EXISTING BOUNDARY OF THE CITY OF CLOVIS
- AREA TO BE ANNEXED TO THE CITY OF CLOVIS AND DETACHED FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT  
AREA=11.64± ACRES

*Peter D. Cohrs*



PLANNING · SURVEYING · CIVIL ENGINEERING  
 7650 NORTH PALM, # 104, FRESNO, CALIFORNIA 93711  
 PHONE: (559) 449-4500 FAX: (559) 449-4515

PROJECT NAME:  
**SUNNYSIDE AND NEES**  
 DATE: 05-16-06      JOB#: 05-053





*City of Clovis*  
*Department of Planning and Development Services*  
CITY HALL · 1033 FIFTH STREET · CLOVIS, CA 93612

November 7, 2014

David E. Fey, AICP, Executive Officer  
Fresno Local Agency Formation Commission  
2607 Fresno Street, Suite B  
Fresno, CA 93721



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

Dear Mr. Fey:

We are in receipt of your letter dated September 30, 2014 regarding the subject reorganization. Pursuant to the letter, we request that the Commission approve a one-year extension of the subject reorganization. A check in the amount of \$720.00 is attached on behalf of Gary L. McDonald to cover the administrative cost of the extension request.

The project area's annexation to the City of Clovis would be a benefit to property owners and area residents as it would contribute to build-out of area streets and extension of urban services.

City staff is continuing its 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." 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.

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.

The project area is subject to Tentative Map 5546, which was scheduled to expire on September 11, 2013. On July 11, 2013, Governor Jerry Brown signed Assembly Bill 116 into law which extends the expiration date of tentative subdivision maps by two years. The two year extension will apply to Tentative Map 5546, which will extend its expiration date to September 11, 2015.

I thank the Commission for its consideration of our request.

Sincerely,

Dwight Kroll, AICP  
Director of Planning and Development Services

Enclosure: J:\Annexations\Nees-Sunnyside Southeast Reorganization\Lrt LAFCo re extension 110614.doc



November 17, 2014

David E. Fey, AICP  
Executive Officer  
Fresno Local Agency Formation Commission  
2607 Fresno Street, Suite B  
Fresno, California 93721

Subject: "Nees-Sunnyside Southeast Reorganization"

Dear Mr. Fey

I am writing to request a one-year extension of the approval of this annexation by LAFCO.

Enclosed is our check in the amount of \$720.00 as the extension processing fee.

This annexation is for the development of a 33-lot subdivision at the SEC of Nees and Sunnyside Avenues in Clovis. The City of Clovis approved the project as TTM 5546 in September 11, 2006, and has extended the approval since that time in accordance with State of California action each year to automatically extend approved subdivision maps due to the housing market economic recession. Currently the T5546 Tentative Map expires September 11, 2015 per Assembly Bill 116.

With the improving housing economic outlook we are moving forward to develop TTM 5546. We need the one-year extension in order to complete the annexation and development.

Thank you for your consideration of our request.

Sincerely,

Robert M. Dillon  
Gary McDonald Homes  
Land Development  
(559) 360-5537  
[rmdil22@gmail.com](mailto:rmdil22@gmail.com)

Enclosure: Check for \$720.00 payable to LAFCO