

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

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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

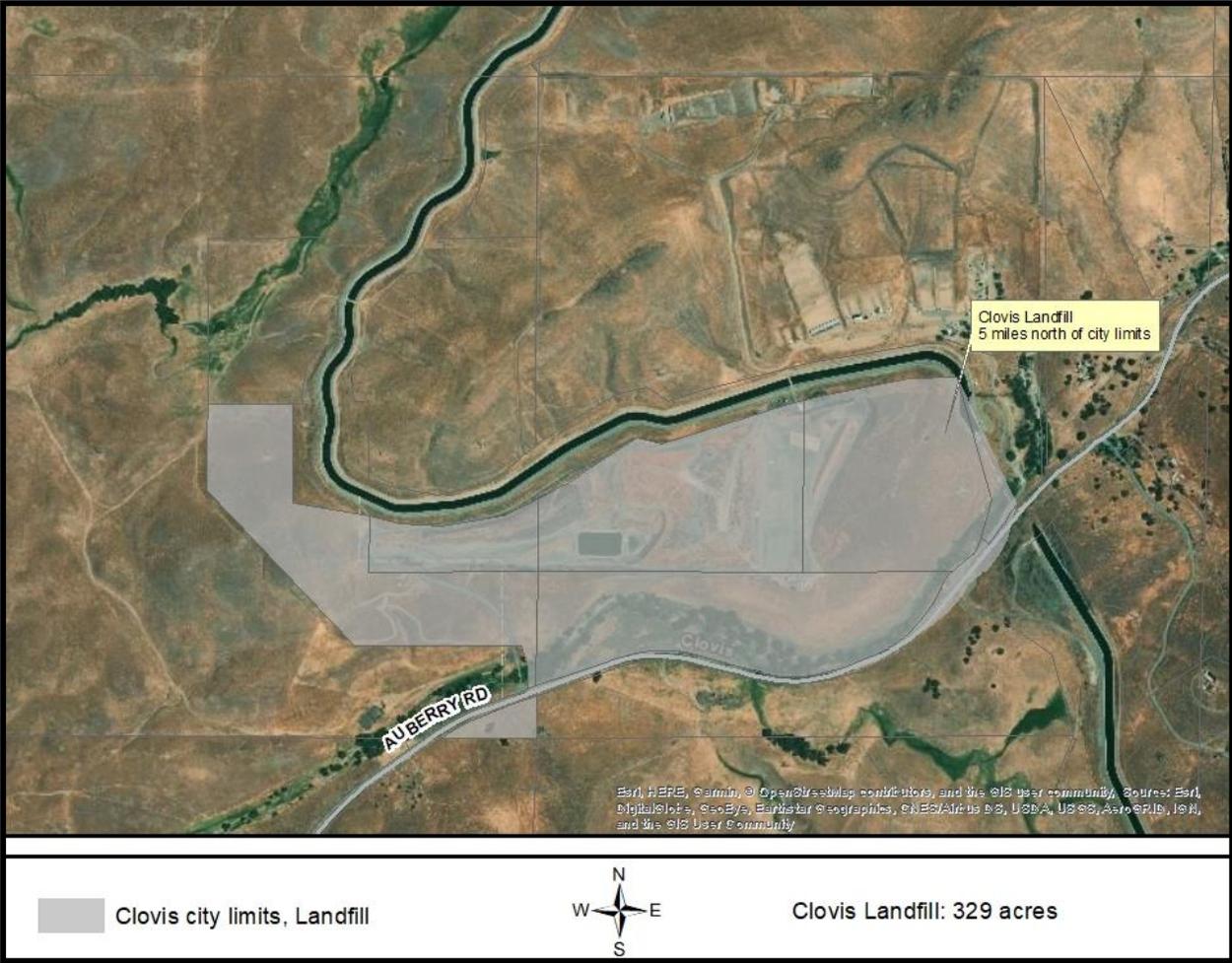
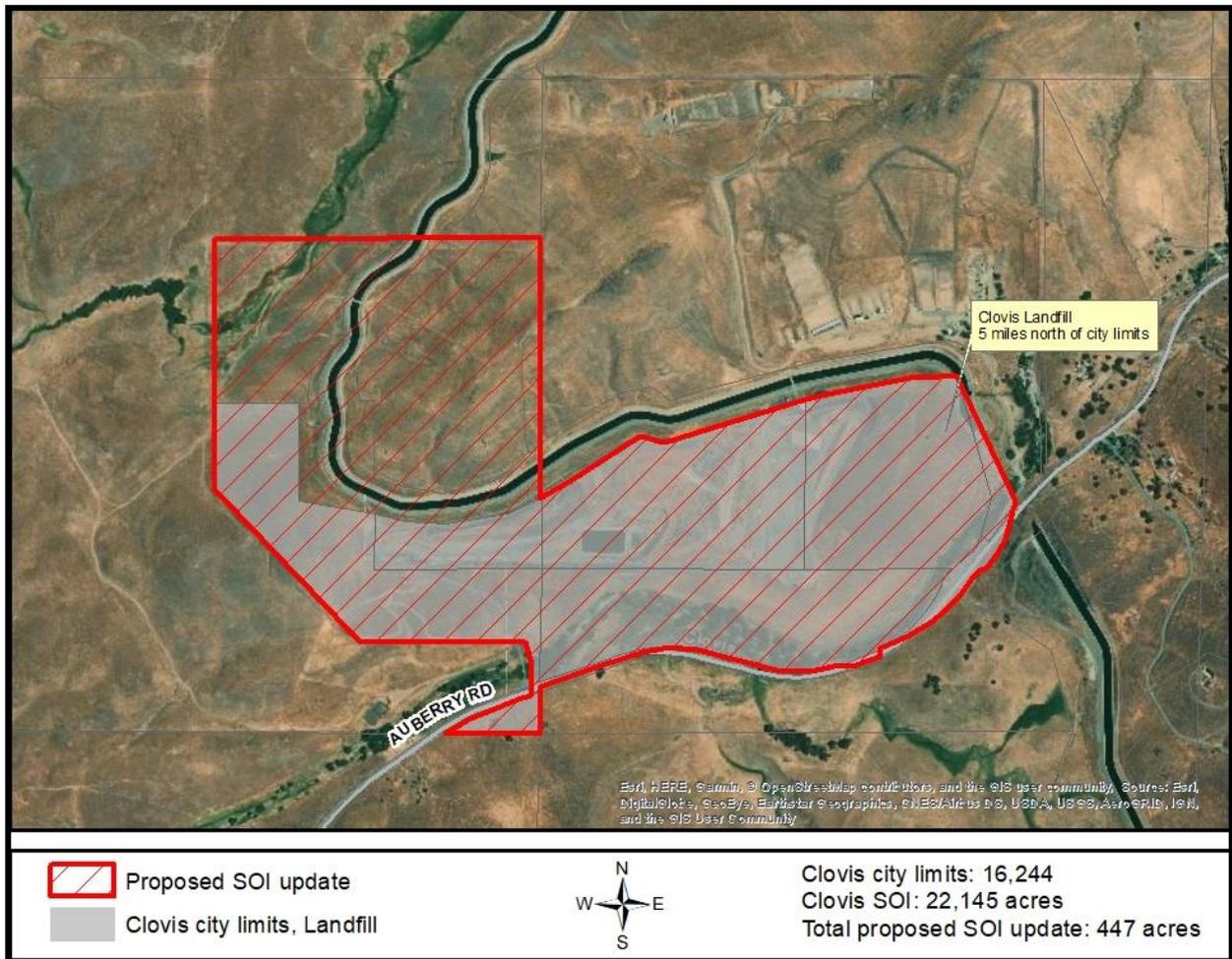


Figure 2 - Proposed Clovis Landfill SOI update



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.