

AGENDA

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

September 11, 2024 – 1:30 P.M.

Hall of Records, Room 301, 2281 Tulare Street, Fresno, California

COMMISSION MEMBERS

Buddy Mendes, Chair
Mario Santoyo, Chair Pro Tem
Nathan Magsig
Daniel Parra
Gary Yep

ALTERNATE MEMBERS

Tom Chaney
Scott Robertson
Vacant

LAFCo STAFF

Brian Spaunhurst, Executive Officer
Amanda Olivas, Clerk to the Commission
Jessica Gibson, LAFCo Analyst
Joel Matias, LAFCo Analyst
Monica Leon, LAFCo Analyst
Jessica Johnson, LAFCo Counsel

LAFCo Office: 1401 Fulton Street, Suite 800, Fresno, CA - 93721 - (559) 600-0604
Staff reports prepared for each item listed in this agenda may be viewed at www.fresnolafco.org.

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- 1. Call to Order and Roll Call**
 - 2. Pledge of Allegiance**
 - 3. Comments from the Public:** Any person wishing to address the Commission on a subject not listed on the agenda may do so at this time. (State your name and address and please keep your comments to three (3) minutes.)
 - 4. Potential Conflict of Interest:** Any Commission member who has a potential conflict of interest shall now identify the item and recuse themselves from discussing and voting on the matter pursuant to Govt. Code sec 84308.

CONSENT AGENDA

All consent agenda items are considered routine in nature and will be enacted by one motion; there will be no individual discussion of these items unless requested by a member of the Commission or the public. Any item pulled from the consent agenda for discussion will be set aside until after approval of the consent agenda. Prior to taking any action the public will be given the opportunity to comment on any consent item. The consent agenda will be considered on or about 1:30 p.m.

- 5. Recommendation:** Approve 5A-B by taking the following actions:
 - A. Consider Approval:** Minutes from the LAFCo meeting of August 14, 2024.

B. Consider Appointment: Appointment of Fresno LAFCo's Voting Delegate and Alternate Voting Delegate at the CALAFCO Board of Directors Elections.

REGULAR AGENDA ITEMS

6. **Consider Approval: City of Clovis** "Behymer-Sunnyside Southwest Reorganization."
Recommendation: Approve; two Separate Actions.
7. **Executive Officer Comments**
8. **Commission Comments/ Reports**
9. **Adjournment**

THE NEXT LAFCO MEETING will be held on October 9, 2024, at 1:30 p.m. in the Board of Supervisors' Chamber – Hall of Records, Room 301, Fresno, California.

PLEASE NOTE:

(1) If you are an applicant for, or a participant in, any proceeding on the agenda for a **land use entitlement** and have made **campaign contributions** totaling more than \$250.00 to any member or alternative member of the Commission **within twelve (12) months prior to the Commission considering your application**, please immediately inform the Commission of your contribution. State law **disqualifies** each Commissioner and alternative Commissioner from participating in and voting on land use entitlement decisions (which include changes of organization and reorganizations) if the Commissioner or alternative Commissioner has received campaign contributions from (i) an applicant for a land use entitlement, (ii) someone who lobbies the Commission or LAFCo staff regarding an application for land use entitlement, (iii) someone who testifies in person before the Commission regarding an application for land use entitlement, or (iv) someone who otherwise acts to influence the outcome of an application for land use entitlement. State law also prohibits applicants and participants from making campaign contributions totaling more than \$250.00 to a Commissioner or alternate Commissioner during the time of the proceeding is pending before the Commission and for twelve (12) months **after** the Commission's final action. If you have any questions regarding these requirements (which are contained in the **California Political Reform Act** Government Code Section 84308 *et seq.*), please feel free to contact LAFCo staff at (559) 600-0604.

(2) In compliance with the Americans with Disabilities Act (**ADA**), if you need special assistance to participate at this meeting, please contact Ms. Amanda Olivas, Clerk to the Commission at 559-600-0604. Notification provided a minimum of 48 hours prior to the meeting will enable the Clerk to make reasonable arrangements to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically disabled.



Fresno Local Agency Formation Commission
1401 Fulton Street, Suite 800, Fresno, CA 93721, (559) 600-0604

CONSENT AGENDA ITEM NO. 5A

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

MEETING MINUTES

August 14, 2024

Members Present: Commissioners Magsig, Santoyo, Yep, Mendes

Members Absent: Commissioner Parra

Staff Present: Brian Spaunhurst, LAFCo Executive Officer
Amanda Olivas, Clerk to the Commission
Jessica Gibson, LAFCo Analyst
Joel Matias, LAFCo Analyst
Monica Leon, LAFCo Analyst
Jace Williams, LAFCo Intern
Jessi Johnson, LAFCo Counsel

1. Call to Order and Roll Call

Chair Mendes called the meeting to order at 1:30 p.m.

2. Pledge of Allegiance

Commissioner Santoyo led the Pledge of Allegiance.

3. Comments from the Public

There were no Comments from the Public.

4. Potential Conflicts of Interest

There were no Conflicts of Interest.

CONSENT AGENDA

5. A. Minutes from the LAFCo Meeting of July 10, 2024.

Motion: Approve Item 5A

Moved: Commissioner Magsig

Second: Commissioner Santoyo

Ayes: Commissioners Magsig, Santoyo, Yep, Mendes

Noes: 0

Absent: Commissioner Parra

Abstain: 0

Passed: 4-0-1-0

REGULAR AGENDA ITEMS

6. Impartial Analysis for the City of Fresno “Ashlan-Hayes Nos. 2, 3, and 4 Reorganization.”

Motion: Approve

Moved: Commissioner Yep

Second: Commissioner Santoyo

Ayes: Commissioners Yep, Santoyo, Magsig, Mendes

Noes: 0

Absent: Commissioner Parra

Abstain: 0

Passed: 4-0-1-0

7. Executive Officer Comments.

LAFCo Executive Officer Brian Spaunhurst provided comments.

8. Commission Comments/Reports.

There were no comments from the Commission.

9. Adjournment.

Moved: Commissioner Yep

Second: Commissioner Santoyo

The meeting adjourned at 1:39 p.m.


Amanda Olivas
Clerk to the Commission

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

CONSENT AGENDA ITEM NO. 5B

DATE: September 11, 2024

TO: Fresno Local Agency Formation Commission

FROM: Brian Spaunhurst, Executive Officer 

BY: Amanda Olivas, Clerk to the Commission

SUBJECT: Consider Approval: Appointment of Fresno LAFCo's Voting Delegate and Alternate Voting Delegate at the CALAFCO Board of Directors Elections.

RECOMMENDATION: Appoint Commissioner Yep as the Voting Delegate and Executive Officer Spaunhurst as the Alternate Voting Delegate to represent Fresno LAFCo.

Summary

CALAFCO will hold its annual election for its 2024/2025 Board of Directors on October 17, 2024, at the 2024 Annual CALAFCO Conference in Fish Camp, CA.


Staff recommends that the Commission appoint Commissioner Yep and Executive Officer Spaunhurst as the Voting Delegate and the Alternate Voting Delegate, respectively, to represent Fresno LAFCo.

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

AGENDA ITEM No. 6

DATE: September 11, 2024

TO: Fresno Local Agency Formation Commission

FROM: Brian Spaunhurst, Executive Officer 

BY: Jessica Gibson, LAFCo Analyst

SUBJECT: Consider Approval – City of Clovis “Behymer-Sunnyside Southwest Reorganization.” A proposed reorganization to annex approximately 246 acres to the City of Clovis and detach from the Fresno County Fire Protection District and the Kings River Conservation District for territory located southwest of Behymer Avenue and the Sunnyside Avenue alignment. (LAFCo File No. RO-24-06)

Applicant: City of Clovis

Land Owners/Parties of Real Interest: City of Clovis, Fresno Metropolitan Flood Control District, Great Big Land LP, Alberto Cervantes Ramirez, Patrick V. Ricchiuti, Ryan D. Weaver, Andrea Cannon, Van Le Vinh, Tuyet N. Vo, Rick D. & Stacy L. Andreasen, Bradley B. & Courtney Anne Smittcamp, Marcus & Cynthia M. Magness, Staphanie & Paul Norgard.

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 reorganization is consistent with LAFCo Policies, Standards, and Procedures 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 inhabited; and
 - b. Not all landowners, registered voters, or affected agencies have consented to the reorganization.

- C. Assign the distinctive short form designation “Behymer-Sunnyside Southwest Reorganization” and approve the annexation and detachments subject to the following conditions of approval:
- a. Pursuant to Fresno LAFCo Policy 108-07, 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 existing right-of-way width of adjacent roadways.
- D. Find that pursuant to CKH the territory is inhabited and not all landowners have consented to the annexation.
- E. Find that the notice mailed on August 21, 2024, 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. This commission’s action approving this proposal shall expire one year from the date of this resolution unless all proceedings are complete including condition compliance and Certificate of Completion issued by the executive officer.
- G. Authorize and direct the executive officer to mail certified copies of this resolution as provided in Government Code Section 56882 and file as appropriate in the office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this proposal, as required by State Law.
- H. 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, compliance with all of the above conditions, and waive further conduction Authority Proceedings

-Or-

- i. 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 May 20, 2024, the City of Clovis initiated this reorganization with the adoption of Resolution 24-65 requesting that the commission begin proceedings for the “Behymer-Sunnyside Southwest Reorganization” to annex approximately 246 acres located southwest of Behymer Avenue and the Sunnyside Avenue alignment.

Proposal/Land Use

- The proposal consists of the annexation of approximately 246 acres to the City of Clovis and detach from the Fresno County Fire Protection District and the Kings River Conservation District for territory located southwest of Behymer Avenue and the Sunnyside Avenue alignment.
- The affected territory is within the City of Clovis sphere of influence (**Attachment A**) and is contiguous to the Clovis city limits.
- The proposal is currently zoned AE-20 (Agricultural) and has been rezoned to the City of Clovis as R-1-PRD (Single-Family Planned Residential Development), R-1 (Single-Family Residential), R-A (Single-Family Residential Very Low Density), O (Open Space), and PF (Public Facilities) Zone Districts by Ordinance 24-07.
- The territory is inhabited (12 registered voters).

Relationship to Regional Housing Goals and Policies

The affected territory is located within the City of Clovis sphere of influence and is contiguous to the Clovis city limit. The affected territory is currently planned for agricultural land uses by the Fresno County General Plan. Ordinance 24-07 and annexation Resolution 24-65 was approved and filed by the City of Clovis for the subject 246 acres, of which 71.54 acres is proposed for development of a 590-lot single-family residential subdivision.

Sustainable Groundwater Management Act

California’s Sustainable Groundwater Management Act (“SGMA”) was signed 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.

SGMA required local agencies to form Groundwater Sustainability Agencies (“GSAs”) in local groundwater basins by June 2017, and required the adoption of Groundwater Sustainability Plans (“GSPs”) for groundwater basins deemed high priority by year 2020. Clovis is represented by the North Kings GSA.

The subject territory can be readily served by the city’s sewer, water, and solid waste infrastructure. The Clovis water system is currently composed of 36 active domestic wells to provide its need for residents. Once the subject territory is annexed to the city, new development in the area will be required to demonstrate adequate water availability and, if necessary, will be required to drill and test a well, and connect it to the city water system. 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, certified an Environmental Impact Report (EIR SCH # 2022120403) for TM 6343 filed by the Fresno County Clerk Office on May 22, 2024 consistent with the requirements of CEQA and adopted the CEQA Findings of Fact and Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program. The EIR has identified the following environmental issue areas as having significant and unavoidable environmental impacts from implementation of the project: greenhouse gas emissions, transportation and cumulative impacts. All other environmental issues were determined to have no impact, less than significant impacts, or less than significant impacts with mitigation measures incorporated into the project. The City found TM 6343 in substantial conformance with the environmental analysis performed for the 2014 General Plan Update and the Heritage Grove Master Plan.

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.

APPLICATION INFORMATION

1. Affected Territory

Acreage:	246 acres
Current Land Use:	Agricultural
Number of Residents/ Population:	Residents: 12 / Population: 12
Registered Voters:	Voters: 12
Assessor Parcel Number(s):	556-030-14S, 556-040-06S, -07S, -08S, -09S, -13S, -15S, -16S, -17S, -18S, -20S, -22S, -23S, -24S, 556-050-35S

2. Proposed Development - The affected territory will be included in the phased development of 590-lot single-family residential development consistent with the Heritage Grove Master Plan.

3. Surrounding Territory - Agriculture to the north, residential to the east and south, and the Enterprise Canal, residential and agriculture to the west.

4. Consistency with Adopted Sphere of Influence (SOI) - The affected territory is within the Clovis SOI.

5. Consistency with City and County General Plans - The proposal will be consistent with the City of Clovis General Plan amendment and the Heritage Grove Master Plan once annexed. The Proposal furthers the County’s General Plan policies of directing growth to existing cities where infrastructure and a full range of municipal services are available to serve urban development.

6. Existing Service Agencies and Proposed Service Changes

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

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

7. Cities and Districts Included Wholly or Partially within the Affected Territory

Kings River Conservation District	Fresno County Fire Protection District
West Fresno Red Scale Protective Dist.	Clovis Cemetery District
State Center Community College District	Fresno Irrigation District
Consolidated Mosquito Abatement Dist.	Fresno County Library
County of Fresno	Fresno Metropolitan Flood Control District
Clovis Unified School District	Clovis Veteran's Memorial District
City of Clovis	Sierra Resource Conservation District

8. Costs and Other Changes Affecting Residents or Landowners - None reported by the City of Clovis staff.

9. Consistency with LAFCo Policies, Standards and Procedures

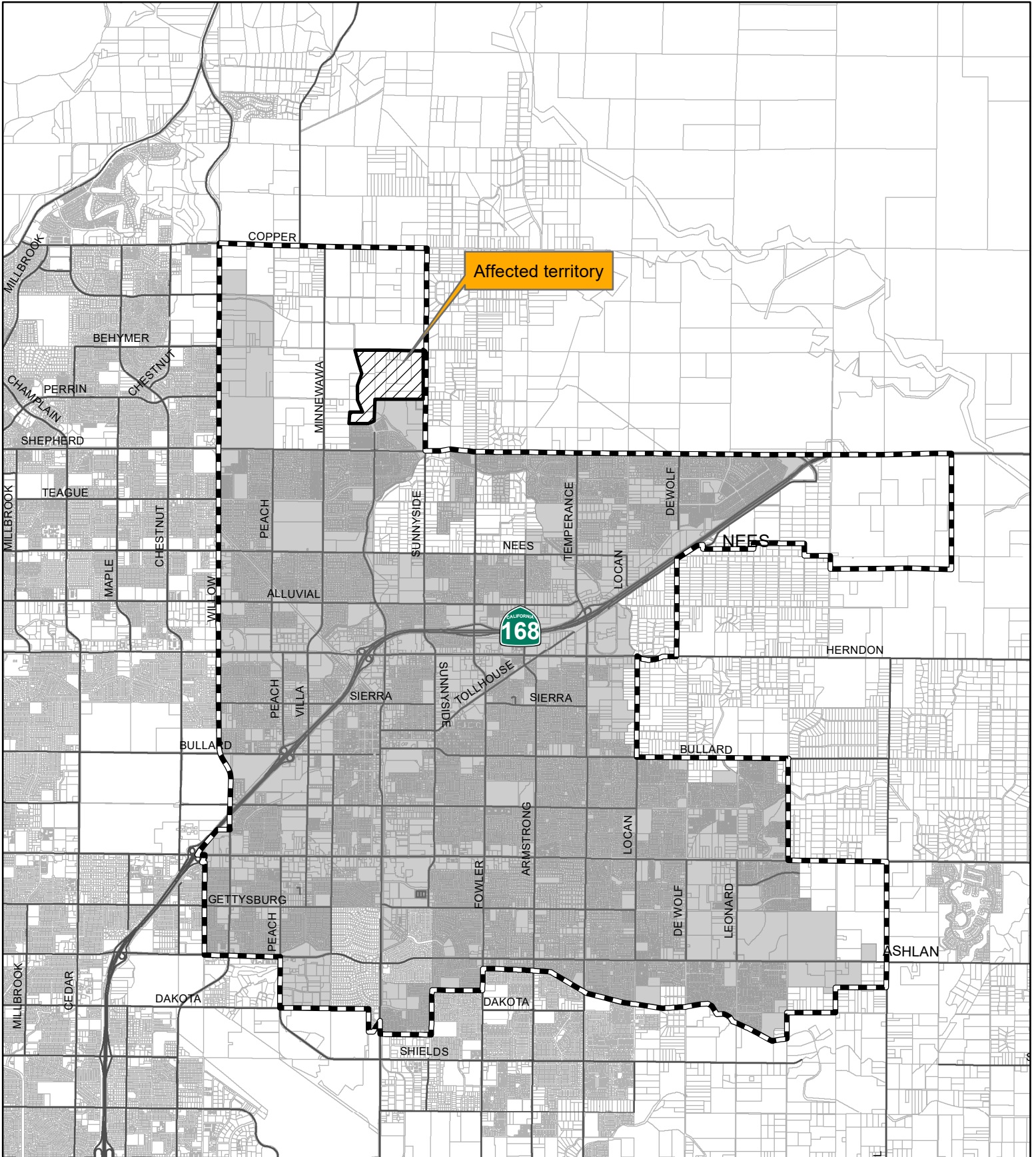
- The County has determined that the proposal is consistent with the Memorandum of Understanding (Master Tax Sharing Agreement) and the Standards for Annexation between the City of Clovis and County of Fresno (see letter from Paul Nerland).
- The City of Clovis and the Fresno County Fire Protection District 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.
- All properties within the proposal have been rezoned to the City of Clovis R-1-PRD (Single-Family Planned Residential Development), R-1 (Single-Family Residential), R-A (Single-Family Residential Very Low Density), O (Open Space), and PF (Public Facilities) Zone District by Prezone Ordinance 2021-006.
- The City of Clovis is within the North Kings GSA and has a groundwater recharge plan in place.

10. Agencies and Individuals Submitting Comments

- Paul Nerland, County Administrative Officer
- Will Kettler, Development Services Division Manager, Fresno County Public Works & Planning
- Kevin Tsuda, R.E.H.S., Environmental Health Specialist III, Fresno County Department of Public Health
- Laurence Kimura, P.E., Chief Engineer, Fresno Irrigation District
- Karen Coletti, Executive Assistant, Fresno County Public Library

11. 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.
12. Registered Voter Data - The County of Fresno Elections Office reported that there were **12** registered voters in the affected territory.
13. Compliance with the Requirements of CEQA
Lead Agency: City of Clovis
Level of Analysis: Environmental Impact Report
Finding: Mitigation measures were made a condition of approval including a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations were adopted (see Environmental Documents at www.fresnolaftco.org under the Hearing and Workshops tab in the September 11, 2024 file).
14. Public Notice of Hearing - Public notice concerning this Proposal was issued by the executive officer pursuant to State Law.
15. Individuals and Agencies Receiving this Report
 - Jessica Johnson, LAFCo Counsel
 - Bernard Jimenez, Assistant Director, Fresno County Public Works & Planning
 - Will Kettler, Development Services Division Manager, Fresno County Public Works & Planning
 - David Merritt, District Manager, Kings River Conservation District
 - Josh Chrisman, Fresno County Fire Protection District
 - Lily Cha, MPA, Senior Planner, City of Clovis

ATTACHMENT A



Fresno Local Agency Formation Commission



Clovis SOI



Clovis city limits

