



Board Agenda Item 37

DATE: March 9, 2021

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Third Amendment to Amended and Restated Memorandum of Understanding
between the County of Fresno and City of Clovis

RECOMMENDED ACTION(S):

- 1. Authorize Chairman to execute the Third Amendment to the Amended and Restated Memorandum of Understanding between the County of Fresno and City of Clovis regarding annexation of 40 acres of unincorporated land to the City of Clovis, known as the Ashlan-Thompson Southeast Reorganization.**
- 2. Determine that the approval and authorization of the Chairman to execute Third Amendment to the Amended and Restated Memorandum of Understanding between the County of Fresno and City of Clovis is exempt from the requirements of the California Environmental Quality Act, Public Resources Code 2100, et seq., and direct staff to file a Notice of Exemption with the Office of the Fresno County Clerk.**

Approval of the recommended actions would facilitate annexation of 40 acres of unincorporated territory known as the Ashlan-Thompson Southeast Reorganization to the City of Clovis, subject to certain terms and conditions. This item pertains to a location in District Five.

ALTERNATIVE ACTION(S):

Your Board may determine not to approve the proposed Third Amendment to the Memorandum of Understanding (MOU). By not approving the recommended actions, the Ashlan-Thompson Southeast Reorganization proposal would not be considered consistent with the Standards for Annexation contained in the MOU between the County and City of Clovis.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The amended MOU between the County and City provides for a sharing of property and sales tax, identical to the existing MOU between the County and the City of Clovis.

DISCUSSION:

The Ashlan-Thompson Southeast Reorganization includes two previously approved Vesting Tentative Tract Map Nos. 6161 and 6340, proposing the development of 183 single-family residential homes on approximately 40 acres. The subject annexation area is located at the southeast corner of E. Ashlan and N. Thompson Avenues, adjacent to the City of Clovis (See Attachment A). This reorganization would extend a

peninsula of the City limits eastwardly along the south side of Ashlan Avenue. This configuration is not consistent with the Standards for Annexation set forth in the City/County MOU. A Third Amendment to the 2017 MOU between the County of Fresno and City of Clovis is necessary to accommodate the proposed annexation.

On February 8, 2021, the City submitted a letter (See Attachment B) requesting the Third Amendment. In support of the annexation, the City expressed that the proposed annexation represents a logical development pattern in that it is under one ownership who desires annexation to the City and has presented a tentative subdivision map for residential development to the City.

Under the terms of the Amendment, the City and County agree to the following:

- County shall support the subject annexation by letter to the Local Agency Formation Commission
- City shall pay required annexation fees and costs
- City shall be responsible for Fresno County Fire Protection District transition fee
- City shall require all road reconstruction activity within County right-of-way to comply with City standards
- City shall require developers to obtain a County encroachment permit prior to constructing municipal utilities in the County road rights-of-way
- City agrees to the timely maintenance and repair of County's roadway at City's expense for any repairs created by or related to the subject annexation
- All new storm drainage shall conform to the Fresno Metropolitan Flood Control District's master plan for the area

The above terms have been incorporated into the proposed Third Amendment to the City/County MOU.

OTHER REVIEWING AGENCIES:

The Clovis City Council discussed and approved the Third Amendment to the City/County MOU at a public hearing on January 19, 2021.

REFERENCE MATERIAL:

BAI #51, October 23, 2018
BAI #68, July 10, 2018
BAI #50, June 6, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A
Attachment B
On file with Clerk - Third Amendment to City/County MOU

CAO ANALYST:

Samantha Buck