



# Board Agenda Item 51

DATE: October 23, 2018

TO: Board of Supervisors

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

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

## RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute the Second Amendment to the Amended and Restated Memorandum of Understanding between the County of Fresno and City of Clovis regarding the City's Northeast Growth Area.**
- 2. Determine that the approval and authorization of the Chairman to execute the Second 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, section 2100, et seq., and direct Department of Public Works and Planning staff to file a Notice of Exemption with the Office of the Fresno County Clerk.**

Approval of the recommended actions would accommodate future expansion of the City of Clovis' (City) Sphere of Influence (SOI) by 1,075 acres for economic development opportunities in the City's Northeast Urban Growth Area. This item pertains to a location in District 5.

## ALTERNATIVE ACTION(S):

Your Board may choose not to approve the proposed amendment, in which case the City's Northeast Growth Area would not be included. If not approved the City may choose to proceed to the Local Agency Formation Commission (LAFCo), which considers and acts upon SOI adjustment requests. While LAFCo may approve an SOI adjustment request, annexation may not occur until there is a valid property tax sharing agreement between the City and County.

## FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The amended MOU does not modify existing property or sales tax sharing provisions contained in the MOU between the County and City of Clovis.

## DISCUSSION:

On June 6, 2017, the Board approved and executed an Amended and Restated MOU with the City (Agt. No. 17-236) addressing property and sales tax sharing and land use and development. The agreement is for a term of 10 years with an option for one five-year extension, which could extend the agreement to 2032.

On July 10, 2018, your Board approved and executed the First Amendment to the Amended and Restated MOU with the City (Agt. No. 18-380) addressing modification to the existing Standards for Annexation contained in the MOU.

In 2017, the City informed the County of its desire to expand its current sphere of influence by approximately 1,000 acres in the City's Northeast Growth Area for economic development purposes (Exhibit A). The City stated this area has a high potential to be a major job producing center for Fresno County as a large portion is designated in the City's General Plan for a large business park campus including residential uses, is well positioned given the area's frontage along and access to State Route 168, and has large parcel sizes and consolidated ownership. The City noted that approximately 70% of the proposed developed acreage is job generating Mixed Use Business Campus/Village and Open Space/Park/School, with the remainder being Residential and that the commercial/industrial acreage could provide up to 10,000 jobs when fully build out. The 1,075 acres in the City's Northeast Growth Area is generally bounded by State Route 168 to the west and north, the Nees Avenue alignment to the south, and approximately halfway between McCall and Del Rey Avenues to the east (Exhibit B).

As part of the proposed amendment, the City has committed to completing a comprehensive Master Plan for the entire area prior to any annexations occurring within the City's Northeast Growth Area. Preparation of the Master Plan would include the following:

- Identification of all proposed uses within the Northeast Growth Area;
- Identification of all required public facilities;
- Adoption of design standards for the Area;
- Preparation of an annexation schedule/strategy for uses other than commercial and industrial (public facilities shall be exempt);
- Preparation of the appropriate environmental review under the California Environmental Quality Act (CEQA);
- Updates to the City's Master Service Plans (water, wastewater, and recycled water);
- Any required amendments to the City's General Plan;
- Any required amendments to the City's Development Code; and
- Any other matters necessary for proper planning of the Area.

The subject area is designated Agriculture in the Fresno County General Plan with parcels zoned AE-20 (Exclusive Agriculture, 20-acre minimum parcel size). Parcel sizes within this area range from 2.17 acres to 38.38 acres with land uses consisting of rural home sites and agricultural uses.

#### **California Environmental Quality Act Determination**

The proposed amendment to the MOU is exempt under the provisions of CEQA.

#### **OTHER REVIEWING AGENCIES:**

The proposed amendment was prepared and coordinated between City and County staff. The Clovis City Council discussed and approved the proposed amendment at a public hearing on September 17, 2018.

#### **REFERENCE MATERIAL:**

BAI #68, July 10, 2018

BAI #50, June 6, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A

Exhibit B

On file with Clerk - MOU Amendment with City of Clovis

CAO ANALYST:

Sonia M. De La Rosa