



County of Fresno

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Legislation Text

File #: 19-0006, **Version:** 1

DATE: February 26, 2019

TO: Board of Supervisors

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

SUBJECT: Fresno Metropolitan Flood Control District Proposed Basin Outside the City of Clovis' Sphere of Influence

RECOMMENDED ACTION(S):

Consider and approve proposed siting of Fresno Metropolitan Flood Control District Basin "DQ" as a recharge and drainage facility outside the City of Clovis' Sphere of Influence.

The subject property is located on a portion of an approximately 67-acre parcel of agricultural land located south of the Sierra Avenue alignment, between the Enterprise Canal and the Leonard Avenue alignment, north of Bullard Avenue and approximately 2,200 feet northwest of the nearest limits of the City of Clovis.

Fresno County's Water Resources goals and policies promote enhancement of water quality and quantity in the County by supporting water recharge efforts and additional water storage facilities that benefit the County and are economically, environmentally, and technically feasible. These policies have been augmented by the 2014 Sustainable Groundwater Management Act (SGMA). Consistent with these policies, Fresno Metropolitan Flood Control District (FMFCD) plans to site Basin "DQ" in the unincorporated area of the County as a flood control and groundwater recharge basin. This matter is being presented, given the Board's adopted Resolution No. 02-509 regarding the location of drainage basins by FMFCD outside the Sphere of Influence (SOI) of cities. This item pertains to locations in District 5.

ALTERNATIVE ACTION(S):

Your Board may wish not to approve the siting of the proposed basin as a recharge and drainage facility on the subject property and ask FMFCD to search for an alternate location.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The proposed basin as a recharge and drainage facility will be owned by a public agency (FMFCD); therefore, property tax revenue for the County could be lost as a result of the proposal.

DISCUSSION:

On October 1, 2002, the Board adopted a Resolution No. 02-509, see Attachment A, in the matter of future planning objectives relating to FMFCD, which includes an agreement that FMFCD request the Board's approval for siting basins when proposing drainage basins and other infrastructure outside the SOI of cities. This provision reflects the historical position of the County that urban infrastructure, including urban storm drainage facilities, be located within a city's SOI. In adopting the Resolution, the Board expressed a

fundamental policy objective that basins and assessment districts be located within a city's SOI, designed to serve the developing urban areas, and that inclusion of lands beyond those areas, which are proposed for urbanization impose unnecessary costs on property owners, just as acquisition of land for urban facilities beyond an city's SOI relies on less expensive lands to underwrite the cost of urban development.

The April 26, 2002 "Futures" Workshop, hosted by FMFCD, which resulted in the County's October 1, 2002 action, both acknowledged the need for continued partnership between FMFCD and the County for planning of regional infrastructure and the importance of providing groundwater recharge capabilities. The 2002 action also established the procedure by which consideration of basin and other infrastructure siting outside existing city SOIs were to be presented to the Board of Supervisors for approval.

FMFCD is seeking the Board's approval to locate the proposed basin as a recharge and drainage facility at a site just outside the City of Clovis' SOI. The current Master Plan Basin site would take the northern portion of an approximately 67-acre parcel under the ownership of Fagundes Dairy and identified by APN No. 553-060-03, see Attachment B. Department staff received a written request for Board approval of the siting for this basin on December 19, 2018, See Attachment C.

On November 18, 2015, the FMFCD's Board of Directors approved a Negative Declaration for the acquisition and construction of several proposed basins including the subject site, Basins "DQ", "DS", and "DV". A public review period for Initial Study related to these projects occurred from October 19, 2015 to November 9, 2015, with the Notice of Intent for the adoption of the proposed Negative Declaration sent to the subject and surrounding property owners. According to the FMFCD, no property owners commented during the comment period or public hearing.

The approximately 67-acre property is designated for Rural Residential land uses (Northeast Rural Residential Area) in the County General Plan and is Zoned AL-20 (Limited Agricultural 20-Acre) District. Currently the parcel is planted in tree crops according to the most recently available aerial photographs. The property was planted in approximately 2014. The subject properties and the surrounding areas to the north and west are generally Rural Residential and are, for the most part, developed with single-family residences. Properties to the east are zoned Limited Agricultural and designated for Rural Residential uses in the County General Plan. There are a limited number of un-annexed properties to the south and southwest of the approximately 67-acre property, across Bullard Avenue, zoned Exclusive Agricultural, but the majority of the area south of Bullard Avenue has been annexed to the City of Clovis.

FMFCD staff has cited the 2014 passage of SGMA and the 2016 formation of the North Kings Groundwater Sustainability Agency (NKGSA) as supporting events that encourage the proposal to establish this basin as a recharge and drainage facility. In the December 14, 2018 letter, FMFCD staff stated that Basin "DQ" would become an "active component of sustainability by capturing and conserving storm water and other surface waters for groundwater replenishment." The letter also states that the basin is adjacent to the Enterprise Canal, and while it is outside of the Fresno Irrigation District's (FID) boundary, it could become another element in the path towards sustainability due to its proposed location. FMFCD states that Basin "DQ" would provide for both urban storm water storage and groundwater recharge, and if connected to the Enterprise Canal, could aid in the capture and passage of rural stream flows generated from the upstream portion of an existing tributary to Pup Creek. FMFCD expects that Basin "DQ" would also become an important component of the NKGSA's plan for groundwater sustainability. FMFCD has indicated the location of the basin site was studied and justified based on particular circumstances related to rural stream flows, a lack of alternate locations inside the City of Clovis' SOI, and the hydraulic needs of the Master Plan Basin.

Regarding public outreach for this site acquisition, FMFCD stated that their staff first met with a representative of the subject property in February 2014, and has conducted subsequent meetings with representatives of the property owners over the last few years. FMFCD staff most recently met with representatives of the owners' in November 2018 and have provided detailed engineering studies related to the size and location of the

proposed basin as a recharge and drainage facility to the property owners' engineer.

General Plan Considerations

As noted previously, the County's Water Resource goals and policies seek to enhance the water quality and quantity in the County through the following policies:

Water Resources:

Goal OS-A To protect and enhance the water quality and quantity in Fresno County's streams, creeks, and groundwater basins.

Groundwater Recharge:

Policy OS-A. 13 The County shall encourage, where economically, environmentally, and technically feasible, efforts aimed at directly or indirectly recharging the County's groundwater.

Policy OS-A. 15 The County shall, to the maximum extent possible, maintain local groundwater management authority and pursue the elimination of unwarranted institutional, regulatory, permitting, and policy barriers to groundwater recharge within Fresno County.

Policy OS-A. 17 The County shall directly and/or indirectly participate in the development, implementation, and maintenance of a program to recharge the aquifers underlying the County. The program shall make use of flood and other waters to offset existing and future groundwater pumping.

In light of County's Water Resource goals and policies and the Board's historical position on the location of FMFCD's basins outside of a city's SOI, and assuming the accuracy of the factual information provided by FMFCD, Department staff believes that key factors for consideration in the proposed basin as a recharge and drainage facility include the following:

1. The facility would provide flood control and groundwater recharge benefits to the underground aquifer in the area, and this recharge would occur east of the metropolitan area, which is preferred. This is because east side recharge is up gradient from the region's major source of groundwater withdrawal, pumping in the Fresno/Clovis metropolitan area.
2. The use of the site for water recharge and flood control basins, once completed, should not result in negative impacts to the limited surrounding agricultural uses in the area, and may, in fact, be an asset to local agricultural uses in the avoidance of flooding and in the recharge of groundwater in the area. Further, the basin would be located at the edge of a developed Rural Residential subdivision, and in proximity to areas that are both being incorporated into the City of Clovis or have already been annexed and are urbanizing.
3. The proximity of the basin to existing Rural Residential properties immediately to the north and west could provide a recharge benefit to those properties served by private individual wells.

Land Use and Williamson Act issues

If FMFCD acquires title to the land, then construction of the proposed basin as a recharge and drainage facility would not be subject to the regulations of the County's Zoning Ordinance, and as such, the County would not be the lead agency regarding land use or environmental issues for taking action on the proposed project. FMFCD will also have to address issues related to applicability of the state Surface Mining and Reclamation Act (SMARA) of 1975, as well as the provisions of the California Environmental Quality Act (CEQA) to the

proposed project.

The approximately 67-acre parcel is enrolled in the California Land Conservation Act of 1965, commonly referred to as the Williamson Act. FMFCD must comply with the applicable provisions of the Williamson Act.

FMFCD will be responsible for compliance with all applicable Federal and State regulations regarding establishing the proposed basin as a recharge and drainage facility on the subject property.

REFERENCE MATERIAL:

BAI #10, October 1, 2002

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - C

CAO ANALYST:

Sonia M. De La Rosa