



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: March 2, 2020

SUBJECT: Consider – Update and policy direction regarding a request from Leo Wilson for Council to consider an amendment to the Sphere of Influence to allow urbanization of approximately 75 acres near the northeast corner of Shepherd and Sunnyside Avenues. Great Big Land, Inc., owner; Leo Wilson, applicant; Dirk Poeschel.

Staff: Ricky Caperton, AICP, Senior Planner
Recommendation: Approve

ATTACHMENTS: 1. Justification
 2. September 10, 2018 Staff Report and Minutes

CONFLICT OF INTEREST

None.

RECOMMENDATION

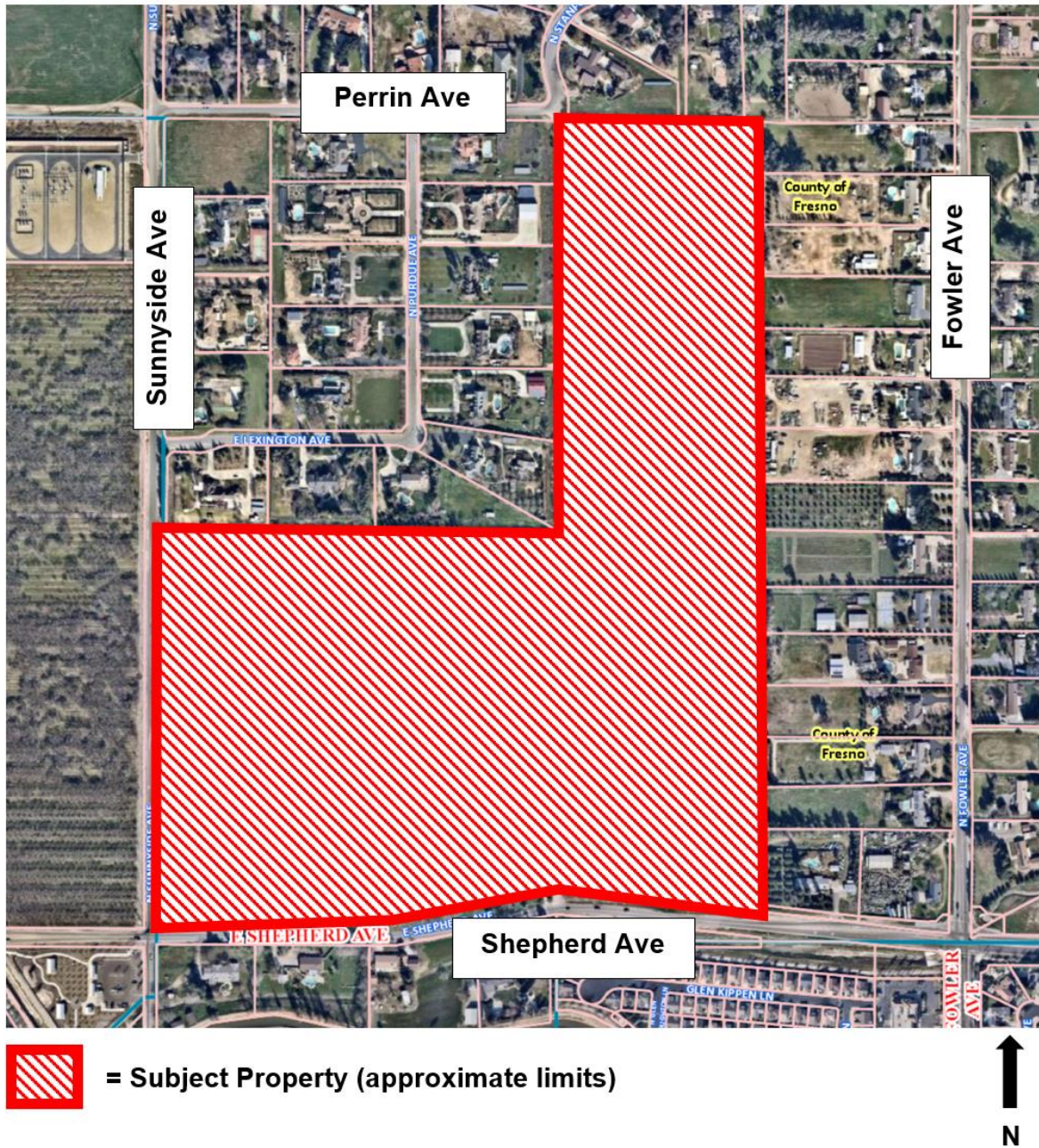
Staff recommends that the City Council consider the information provided in this report, together with any public comments offered regarding the item, and provide policy direction regarding pursuing a change to the City of Clovis Sphere of Influence (SOI) for urbanization of approximately 75 acres near the northeast corner of Shepherd and Sunnyside Avenues.

EXECUTIVE SUMMARY

The applicant has requested consideration and direction from the City Council to be able to move forward with the process of amending the City’s SOI to include approximately 75 acres at the northeast corner of Shepherd and Sunnyside Avenues as shown in **Figure 1 (below)**. The applicant has provided justification for the request, included as **Attachment 1**. It is important to note that at this time, the request is only to amend the City’s SOI. Prior to any development, future annexation and subsequent entitlements would be required.

This request is a follow up to a September 10, 2018 Council hearing regarding the subject property. At that hearing, Council directed staff and applicant to conduct more research on the potential SOI amendment and to hold public outreach meetings regarding the request. This staff report serves as an update to Council and to request direction. The September 10, 2018 staff report and meeting minutes are included as **Attachment 2** for reference.

FIGURE 1
Property Location



 = Subject Property (approximate limits)



BACKGROUND

This section serves as a brief summary to the timeline of events related to the applicant's request. A more complete background is included in the September 10, 2018 staff report included as **Attachment 2**.

- **June 2016:** Staff received a request to allow urbanization of the subject property. Staff began an internal cursory evaluation of the request to identify potential challenges and issues that would require a more detailed evaluation to assess the feasibility of the SOI amendment.
- **June 2018:** Applicant's representative submits a request for the Council to consider direction and to allow for staff to proceed with the SOI amendment process.
- **September 2018:** Staff presents the request to the City Council for consideration and seek direction. Council ultimately directs staff to continue exploring the feasibility and to report back to City Council with an update; however, no direction was given to formally proceed at this hearing.

This report serves as an update to the September 2018 hearing, and requests Council direction to be able to move forward with the SOI amendment. Efforts following the 2018 consideration have included several neighborhood outreach meetings, as well as further research regarding the feasibility of the SOI amendment which included determining the limits of the proposed boundary of the SOI expansion. Further details are provided in the letter of justification provided by the applicant's representative, Dirk Poeschel of Land Development Services, Inc., included as **Attachment 1**.

PROPOSAL AND ANALYSIS

The subject site is currently outside of the City's SOI and as a result was not considered as part of the General Plan update in 2014 or it's associated Environmental Impact Report (EIR). As such, no City land use designation was assigned to the site and no public facilities were anticipated to serve development of the property. If Council directs staff to move forward with the request, detailed studies would be conducted as part of the SOI amendment process, as well as during other subsequent entitlements (i.e. annexation, pre-zoning, etc.), to ensure the City has adequate services (i.e. sewer, water, police and fire) to serve the subject property.

During Council's September 2018 consideration of the request, several key questions were addressed, such as ability for infrastructure to serve the site, the potential impact to City water and sewer master plans, benefits to the City, and the overall need for additional developable lands. The responses to those questions can be reviewed in **Attachment 2**.

In general, the location of the subject property along Shepherd Avenue makes access to City utility infrastructure feasible. With regard to the request affecting City sewer and water master plans, updates to these documents would be required to understand the full impact of development of the site.

Because the current request is only to expand the City's SOI, which is the early phase of a complex process, insufficient information is available to analyze the full impact to the City's water and sewer systems. These impacts, and the specific improvements required to serve future development in this area, would need to be studied at a later stage, during annexation and subsequent entitlements, at which time more details would be known, such as the land use designation and zoning.

With the relatively recent inclusion of Heritage Grove to the City's SOI, and the more recent Northeast Area, it would appear the City has sufficient developable land to accommodate housing for the foreseeable future. However, one potential benefit to the City with the subject property is the ability to improve (i.e. straighten the curve) Shepherd Avenue along the site's frontage.

With regard to the proposed sphere boundary, the applicant held multiple outreach meetings to determine where the ultimate boundary would lie. As a result of those meetings, the applicant has confirmed the intent to move forward only with the parcels shown in **Figure 1**, which limits the boundary to the potential future development area. Consideration was given to include the 18 property owners at the southeast corner of Sunnyside and Perrin Avenues, which is directly adjacent to the west of the subject property. After multiple meetings between the applicant and the neighbors, an agreement could not be reached and the applicant has chosen to move forward with the boundary as proposed. More detail regarding the outreach efforts, specifically with the 18 adjacent property owners, can be viewed in **Attachment 1**.

FISCAL IMPACT

The impact of expanding the SOI would be minimal at the time the Sphere of Influence is changed. At the point of annexation, and subsequent development entitlements, an impact on the City's ability to provide services will be realized. The fiscal impacts on the City will be analyzed at the time of an annexation request for the subject property. If the Council recommends a sphere boundary beyond what is proposed, staff would return with a fiscal impact analysis.

REASON FOR RECOMMENDATION

Staff is seeking City Council direction on this request to include this site in the City of Clovis Sphere of Influence. Past discussions with associated agencies have established a general method in proceeding with such a SOI expansion.

If directed to proceed, Clovis would become the lead agency in preparing environmental documents with technical material to be supplied by the applicant. Clovis would also need to negotiate an amendment to the Memorandum of Understanding and tax sharing agreement with the County of Fresno and address requirements of LAFCo.

The larger question before the Council at this time is whether the benefits received by including this site into Clovis' SOI, such as improving Shepherd Avenue and providing additional developable land, outweigh peripheral issues, such as being able to accommodate additional traffic and providing services such as water, and sewer, which may cost Clovis additional resources.

ACTIONS FOLLOWING APPROVAL

If directed by City Council to proceed, staff will bring back a resolution authorizing staff to apply to LAFCo. This would allow staff to begin to meet with affected agencies and interested individuals and prepare a more detailed schedule and outlines steps to move forward. In general, the following would occur:

- Conduct environmental studies for the preparation of a Master Service Plan and LAFCo application;
- Update the Master Service Plan for the subject property;
- Consider a general plan amendment to identify land use and intensity of land use for the property;
- Negotiate an amendment to the Memorandum of Understanding and Tax Sharing Agreement with the County of Fresno; and
- Prepare a Sphere of Influence expansion application to be considered by LAFCo.

Prepared by: Ricky Caperton, AICP, Senior Planner

Reviewed by: City Manager *JA*

JUSTIFICATION

ATTACHMENT 1

Justification to Change the City of Clovis Sphere of Influence

NE Corner of Sunnyside and E. Shepherd Avenues

February 19, 2020

Project Request:

Great Big Land, Inc. which is controlled by Mr. Leo Wilson (Mr. Wilson) requests the City of Clovis allow for the urban development of the property located at the north east corner of N. Sunnyside and E. Shepherd Avenues by:

1. Modifying the city’s Sphere of Influence to include the 75.45 +/- acres (hereinafter site) for future urbanization.
2. Allowing the applicant to contract with a third party to prepare an Environmental Impact Report to evaluate potential effects of the proposed project.

History

The subject site was considered for inclusion in the City of Clovis General Plan update but that request was not pursued due to a variety of factors principally revolving around the desire of the City of Clovis to not pursue urbanization north of Shepherd Ave. in the area proximate to the subject site. At that time, the subject site was controlled by CVEC, a partnership of Wathen Castanos and Wilson Homes. As the economy weakened, CVEC dissolved and Mr. Wilson obtained exclusive control of the subject site.

Over the past years, Mr. Wilson has pursued urbanization of the subject site. On April 18th, 2018 Mr. Wilson met with the Fresno County Local Agency formation (LAFCo), Fresno County Public Works & Development Services Director and Senior City of Clovis Administrative Office and Planning & Development staff.

The project will provide substantial public benefits to the city and county. Further, the City of Clovis will be the *lead agency* and prepare the required environmental documents for the city, LAFCo and subsequent development actions. LAFCo believed a commitment by the City of Clovis to annexing the 795 +/- acre Dry Creek Preserve and actively pursuing the annexation of the four properties south of Shepherd Ave. would alleviate annexation configuration issues. Subsequently, the agencies came to an informal agreement that annexation of the subject site into the City of Clovis is feasible.

Facts in Support of the Proposed Project

The following facts justify the urbanization of the proposed site.

1. **What are the benefits to the City in including this site within Clovis' Sphere of Influence?**

At first glance, the proposed Sphere of Influence change could appear to be inappropriate as it is an isolated request to urbanize a 75 +/- acre parcel of agricultural land. A closer review of the circumstances associated with this project indicates that it is essentially an isolated property surrounded by land that are designated for intensive urbanization. Please see the attached map.

Fresno County designated the areas proximate to the subject site for Rural Residential uses in 1977. At that time, the Rural Residential zone district was considered an *intensive* land use in the Fresno County General Plan as described in INTENSIVE DEVELOPMENT POLICIES Section 205-01 of that plan. When the Rural Residential land use designations were granted, those properties converted or were redesignated from an agricultural to a Rural Residential use. In other words, from agriculture to an intensive land use category.

Over time, as the City of Clovis has expanded its Sphere of Influence, surrounding properties have been designated for urbanization closer and closer to the subject site. Also over that time, the subject site has become essentially encircled by planned urban uses.

The agreement of Dry Creek Preserve owners to acknowledge the advantages of urbanization completes the logical expansion of urbanization in this area and specifically to the south and east of the subject site. The Dry Creek Preserve area, if not urbanized, could represent the creation of an *island* or at the very least the creation of an *illogical boundary* inconsistent with Local Agency Formation Commission (LAFCo) standards. In addition, the Dry Creek Preserve urbanization eliminated the potential LAFCo guideline conflicts, while closing the circle of urbanization around the subject site.

Infrastructure Completion

Should the subject site urbanize as proposed, a significant benefit to the city and county would be the completion of E. Shepherd Ave. improvements between Fowler and Sunnyside Avenues. Development of the subject site would provide for a significant portion of these street improvements and would realign the future E. Shepherd Ave. alignment in a manner that preserved existing homes located along the south side of current E. Shepherd Ave.

Improvement of this section of E. Shepherd Ave. would also improve line-of-site visibility and safety of E. Shepherd Ave. The subject tangent of roadway will be improved consistent with the E. Shepherd Ave. design speed thereby increasing traffic efficiency with related air pollution reductions while improving public safety by removing awkward curves on an urban roadway. Streetlights will also be installed which will further assist in achieving public safety for vehicular and pedestrian travel.

The City of Clovis has collected developer fees to construct the portion of E. Shepherd Ave. generally west of the intersection of Sunnyside and Shepherd Avenues. Those fees are inadequate to complete the planned improvements of E. Shepherd Ave. to N. Sunnyside Ave. Allowing the urbanization of the subject site will spend those developer fees now thereby reducing the diminishing return of those fees due to inflationary increases in construction costs. Without development on this site, city and county staffs would need to rely on grants or other funding opportunities in consideration of a cooperative project to improve Shepherd Ave.

The proposal will remove the last remaining unimproved tangent between Woodward Park and State Route 168. Such improvements would be in the public interest for a variety of reasons. An unintended consequence of the metropolitan area’s urban boundary is to generally limit public improvements to those areas that are designated for development. This means lands not designated for development lack urban improvements.

The existing electrical poles on E. Shepherd Ave. are unsightly and are a public nuisance as they are proximate to the roadway and pose a threat to errant vehicles and bicyclists. The proposed project will underground the electrical poles adjacent to the subject roadway in accordance with City of Clovis policy.

Within the subject tangent of roadway, the proposed project will install public street improvements such as curb, gutter, sidewalk, streetlights, trails and storm drainage per City of Clovis standards.

The project will extend community water and sewer lines to the northern edge of the proposed development abutting the existing rural residential development. Said extension of water and sewer lines substantially reduces the cost of future connections to that infrastructure for the rural residential owners. In conjunction with other proximate improvements, a looped water distribution system could be developed for that rural residential subdivision by others. Also, the existing temporary sewer lift station will be eliminated reducing sewer delivery and maintenance costs.

2. Can the site be served with proposed and existing infrastructure?

The site is proximate to urban infrastructure that has no capacity allocated for this site. Prior to approval of the Sphere of Influence change, the applicant in cooperation with the city will evaluate the delivery and supply of urban utilities and those required by police, fire and emergency services. Sizing and installation requirements of infrastructure would be analyzed based on a maximum density of development being sought.

All such improvements and services will be designed and constructed in accordance with City of Clovis standards.

3. Is there a need for additional developable lands?

City of Clovis staff has calculated the current number of undeveloped residential lots within the city excluding Heritage Grove. According to city staff, there are 3,214 existing or having been approved and not yet developed lots. However, this lot count represents typically by-passed, smaller lots that are not suitable for a production builder to subdivide due to their small size.

Based upon the 30-year average of 750 residential units being developed annually, there would be slightly less than a four-year supply of lots available for development. However, as acknowledged by city staff, a range of variables effect availability of developable lots including location, configuration, buyer’s desire to sell, demand as well as other similar factors. The opportunity for development within the Dry Creek Preserve will take decades to plan, assemble

and construct for willing sellers and buyers, so it is difficult to determine what supply of lots will be generated from that area.

Depending on project yield, it could take years to sell out the project that would represent only 7% to 10% of current Clovis home sales per year.

4. Would the plan amendment compromise or require reanalysis of the updated water, recycled water and sewer masterplans and the associated environmental report?

The City of Clovis completed and adopted the facilities master plans for water, recycled water and sewer services in conjunction with a certified Environmental Impact Report in July 2018. This site was not included in that master planning effort.

An update to the city’s Municipal Service Review (MSR) and other plans will occur to assure adequate services are available to serve the proposed sphere addition. Analysis and review of all service delivery and other potential environmental effects will also be undertaken at the applicant’s expense.

All improvements will be developed according to applicable city standards and as service delivery assessments for the project dictate.

5. Would the Sphere of Influence expansion request generate peripheral issues with existing neighborhoods or stakeholders?

The proposed Sphere of Influence expansion would not be conditioned on a specific product or development density. Nonetheless, the applicant has committed to working with neighbors regarding development interface issues.

Please see the attached map which identifies adjacent properties. Annexation of the Rural Residential properties to the immediate north is not proposed as the owners of these lots do not desire annexation.

Numerous meetings occurred with neighbors to the north regarding the extension of water to that subdivision. Those meeting occurred as follows:

- 1. February 7, 2019 City of Clovis Staff neighborhood outreach & informational meeting at Clovis City Hall
- 2. 2. May 10, 2019 Meeting w/neighbor representatives Rich Wathen & Jarod Fishman at Wilson Homes office
- 3. September 26, 2019 Wilson neighborhood outreach meeting re: water & annexation process at the Clovis Memorial building
- 4. October 17, 2019 Wilson 2nd neighborhood outreach meeting re: water & annexation at the Clovis Memorial building
- 5. October 22, 2019 Wilson follow-up neighborhood outreach meeting re: water

- 6. November 7, 2019 process at the Clovis Memorial building
Wilson follow-up neighborhood meeting re: water & annexation process at Broussard Old Town conference room
- 7. December 10, 2019 Wilson follow-up meeting with neighbor representatives, Campania Restaurant
- 8. January 7, 2020 Wilson follow-up meeting with neighbor representative Rich Wathen

Mr. Wilson proposed to construct a water line through the Rural Residential subdivision at no cost to the owners. Said extension would be conditioned upon the willingness of those property owners to seek inclusion into the City of Clovis Sphere of Influence and ultimately annexing their subdivision into the city.

There is little doubt that substantial public good could be derived from the proximate Rural Residential properties connecting to a public water supply. However, the neighbors rejected the Wilson water line extension offer valued at \$800,000.00 +/- because connecting the Rural Residential subdivision to the City of Clovis water system would require the assessment of other infrastructure costs which the owners were not prepared to pay.

A previous multiyear effort of the City of Clovis and Fresno County to extend community water to the Rural Residential subdivision failed to obtain most of that area’s owners support.

Properties south of the site on E. Shepherd Ave. will be provided the opportunity to be annexed in accordance with directives from Fresno County and LAFCo.

Other Issues

1. Urbanization of the subject site will not establish a precedent for development entitlements outside of the typical plan adoption process because of the exceptional circumstances associated with the request and the singular burden of completing the necessary public improvements by Mr. Wilson.
2. The proposed project is consistent with various City of Clovis General goals or policies. For example, *General Plan Circulation Element Goal 1* seeks to achieve a *context-sensitive and "complete streets" transportation network that prioritizes effective connectivity and accommodates a range of mobility needs*. Other plan polices promote completion of roadway networks and directs that decisions should *balance the comfort convenience and safety of pedestrians, bicyclists and motorists*.
 - a. Orderly and sustainable growth.
 - b. Completed streets.
 - c. Orderly development of the city general plan outside of the city boundary.
 - d. Mix of housing, lifestyle opportunities for all ages and incomes.
 - e. The project will propose a density that represents a reasonable increase in residential densities established by *Smart Growth* targets.

- f. Greater efficiencies in the delivery of municipal services.
- g. Provides *Smart Growth* range of housing choices, walkable, distinctive and attractive communities.

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SEPT. 10, 2018 STAFF REPORT AND MEETING MINUTES

ATTACHMENT 2



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 10, 2018

SUBJECT: Consider – Policy direction regarding a request from Wilson Homes, Inc. for Council to consider an amendment to the Sphere of Influence to allow urbanization of approximately +/- 52.4 acres near the northeast corner of Shepherd and Sunnyside Avenues. L. Spensley, owner; Wilson Homes, applicant/representative.

ATTACHMENT: Exhibit "A" - Poeschel Letter of June 2018

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to provide policy direction regarding pursuing a change to Clovis' current Sphere of Influence for urbanization of +/- 52.4 acres near the northeast corner of Shepherd and Sunnyside Avenues and if warranted, to approve staff to negotiate a Sphere of Influence change with the County of Fresno and Local Agency Formation Commission (LAFCo).

EXECUTIVE SUMMARY

The City Council is being requested to direct staff to begin negotiations with the County of Fresno to amend the Clovis Sphere of Influence to allow urbanization of the +/-52.4 acre Spensley property located at the northeast corner of Shepherd and Sunnyside Avenues (see Figure 1 Below). This item had been under discussion during the preparation of the 2014 General Plan but for various reasons was not identified for future development in the General Plan. Subsequent discussion has occurred between the applicant, the City, the County of Fresno and LAFCo. There are a variety of issues requiring evaluation under this proposal.

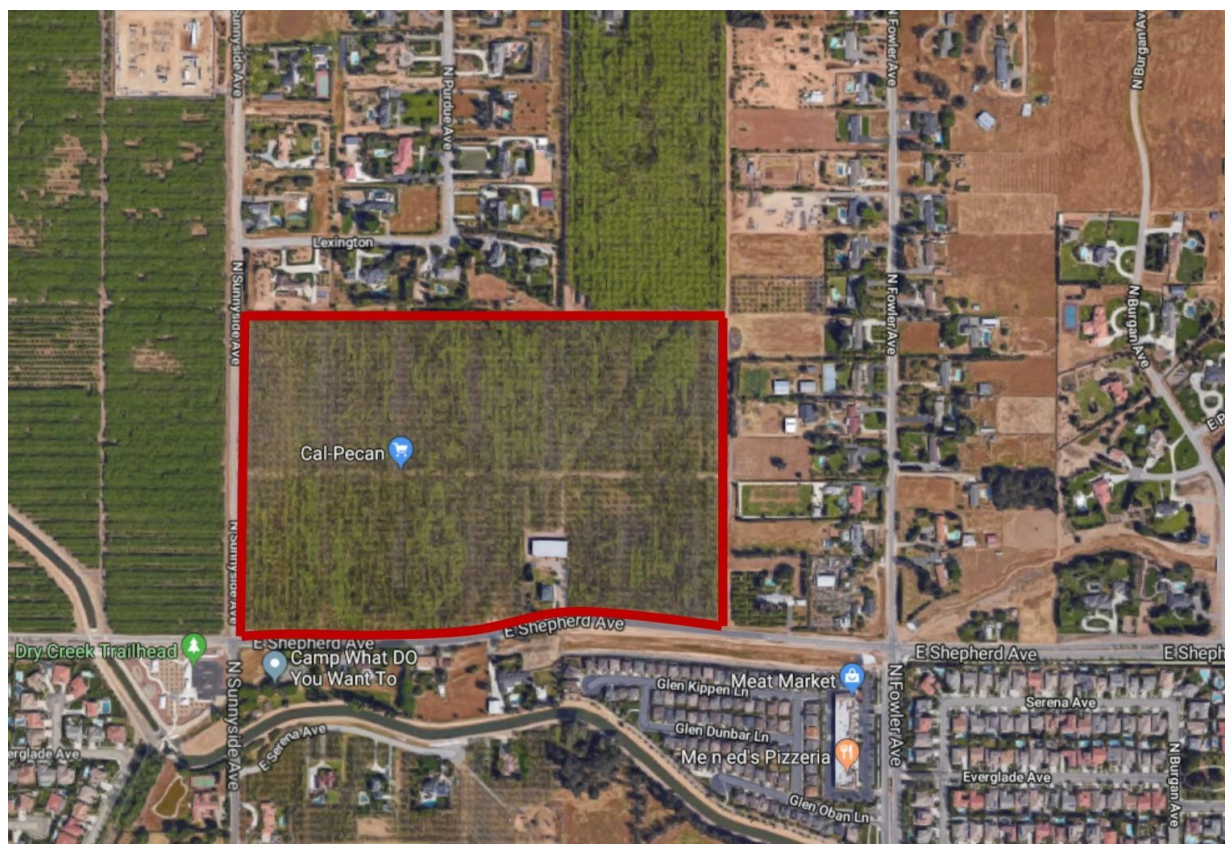


FIGURE 1 – Spensley Properties

BACKGROUND

In 2014, the City of Clovis completed a comprehensive update to its 1993 General Plan, along with an associated environmental impact report. The 2014 General Plan identified specific land uses for the Northwest area (Heritage Grove). Subsequently, in December 2014, an 860 acre Sphere of Influence expansion was sought and approved to align with the boundaries of Heritage Grove: Shepherd, Willow, Copper Avenues and the Sunnyside Avenue alignment.

In June of 2016, staff received a letter from Dirk Poeschel, Land Development Services, Inc., representing Wilson Homes, requesting to allow for the urbanization of the 75 acre Spensley property generally located along the north side of Shepherd Avenue between Sunnyside and Fowler Avenues. This site was not identified for development in either the 1993 or 2014 General Plan, or under the 2014 Sphere of Influence boundary change.

City staff began a cursory evaluation of the proposal with internal staff including the development of an inventory of issues requiring evaluation. Additionally, staff contacted Fresno County and LAFCo staff to discuss a tentative process for consideration of this request if it were to move forward.

Staff received the attached letter dated June 14, 2018 (Exhibit "A") from Dirk Poeschel of Land Development Services, Inc. representing Wilson Homes requesting City Council consideration and direction on beginning a process to amend the City of Clovis Sphere of Influence to allow for the urbanization of a modified 52.4+/- net acre portion of the Spensely property.

PROPOSAL AND ANALYSIS

The subject site lies outside of the current Sphere of Influence and was not considered as part of the General Plan update of 2014. As such, no land use direction was assigned to this site and no public facilities were analyzed for serving development of this property.

Unlike the Northeast Urban Village where the General Plan provided direction for subsequent land use consideration by way of a Master Planned Community Zone District action or Specific Plan process, the General Plan does not address this site. Consequently the prevailing land use authority falls under the County of Fresno with a land use designation of Rural Residential (one dwelling unit per two acres). This site has not been included in any level of urban facility master planning; however with the recent adoption of Clovis' water, sewer and recycled water masterplans, a more accurate analysis of available services can be conducted.

For this discussion, staff has included some key issues and topics:

- Can the site be serviced with proposed and existing infrastructure?
- Is there a need for additional developable lands?
- Would the plan amendment compromise or require re-analysis of the updated water, recycled water and sewer masterplans and the associated environmental report?
- What are the benefits to the City in including this site within Clovis' Sphere of Influence?
- Would the Sphere of Influence expansion request generate peripheral issues with existing neighborhoods or stakeholders?

The following are preliminary responses to these questions.

Can the site be serviced with proposed and existing infrastructure?

This is an unknown at this time and would require further analysis. With Clovis' cooperation in developing water banking facilities with the Fresno Irrigation District (FID), some water resources are available for use outside of the FID boundary. Use of these resources at this site will subtract from the resource pool available for the overall community. Further analysis would be based upon the density of development being sought. Physical sewer, water and recycled water infrastructure will be developed in proximity to this site with development in the Heritage Grove area. It is likely that the physical location of these facilities may be reached relatively easily.

Additional analysis would be required with the Fresno Metropolitan Flood Control District (FMFCD) to determine how flood waters would be handled from this site.

Is there a need for additional developable lands?

Staff has reviewed and calculated the current number of undeveloped residential lots within Clovis outside of Heritage Grove. It appears that there are 2,854 existing or having been approved and not yet developed lots. Based upon the 30 year average of 750 residential units being developed annually, there would be a little under four year supply of lots available for development. Understandably there are many issues related to availability of developable lots including issues with acquisition and thus the lot count could be much less.

Additionally, with the opening of Heritage Grove to development, another 2,560 acres will become available for development as well as additional lands with the phased opening of the Northeast area. It would appear that an inventory of land is available for future development.

Would the plan amendment compromise or require re-analysis of the water, recycled water and sewer master plans and the associated environmental report?

Clovis has completed and adopted the facilities master planning for water, recycled water and sewer services in conjunction with an environmental impact report in July 2018.

As this site has not been included in this master planning effort it is unclear what the ramifications would be of including this site into the Clovis Sphere of Influence. Further analysis and environmental review is required for consideration of servicing this site.

What are the benefits to the City in including this site within Clovis' Sphere of Influence?

A significant benefit to the City would be the completion of Shepherd Avenue improvements between Fowler and Sunnyside Avenues. Development of this site would provide for a significant portion of these street improvements and could realign the future Expressway in a manner that preserved existing homes located along the south side of present day Shepherd Avenue. Without development on this site, City and County staffs would need to rely on grants or other funding opportunities in consideration of a cooperative project to improve Shepherd Avenue.

Would the Sphere of Influence expansion request generate peripheral issues with existing neighborhoods or stakeholders?

Recent development activity including the master planning for the Dry Creek Preserve area and the Lennar subdivision at the northwest corner of Sunnyside and Shepherd Avenues have both solicited for and attracted comments from property owners and stakeholders in the vicinity. The City has heard concerns raised regarding increased traffic and availability

of services such as water. Although a Sphere of Influence expansion would not carry a specific project design or identify a development density, it is likely to generate public comment as to the need for expansion and/or impacts to adjacent areas.

Staff has notified individuals who have requested to be updated on any development activity of this item.

FISCAL IMPACT

The full fiscal impact is unknown at this time. Should the City Council direct staff to proceed, staff would provide a formal investigation and analysis of costs associated with a Sphere of influence expansion.

REASON FOR RECOMMENDATION

Staff is seeking City Council direction on this request to include this site in Clovis' Sphere of Influence. Past discussions with associated agencies have established a general method in proceeding with such a Sphere of Influence expansion.

If directed to proceed, Clovis would become the lead agency in preparing environmental documents with technical material to be supplied by the applicant. Clovis would also negotiate an amendment to the Memorandum of Understanding and tax sharing agreement with the County of Fresno and address requirements of LAFCo.

The larger issue before the Council at this time is will the benefits received by including this site into Clovis' Sphere of Influence such as improving Shepherd Avenue and providing additional developable land be outweighed by peripheral issues that may cost Clovis additional resources.

ACTIONS FOLLOWING APPROVAL

If directed by City Council to proceed, staff will meet with affected agencies and interested individuals and prepare a schedule and steps to move forward. This would include:

- A written justification from the applicant on why this site should be brought into Clovis' Sphere of Influence;
- Conduct environmental studies for the preparation of a Master Service Plan and LAFCo application;
- Update the Master Service Plan for the subject property;
- Consider a plan amendment to identify land use and intensity of land use for the property;
- Negotiate an amendment to the Memorandum of Understanding and Tax Sharing agreement with the County of Fresno; and,
- Prepare a Sphere of Influence expansion application to be considered by LAFCo.

Prepared by: Dwight Kroll, AICP, PDS Director

Submitted by: _____
Dwight Kroll, AICP
Director of Planning and
Development Services

September 10, 2018

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Whalen
Flag Salute led by Councilmember Flores

Roll Call: Present: Councilmembers Ashbeck, Bessinger, Flores, Mouanoutoua
Mayor Whalen
Absent: None

PRESENTATIONS

- 1. 6:03 P.M. - PRESENTATION OF CERTIFICATES OF RECOGNITION TO STUDENTS RECEIVING AMERICAN LEGION BOYS AND GIRLS STATE AWARDS

Councilmember Flores presented Certificates of Recognition to Students Receiving American Legion Boys and Girls State Awards.

- 2. 6:13 - PROCLAMATION RECOGNIZING THE WEEK OF SEPTEMBER 9, 2018 AS NATIONAL SUICIDE PREVENTION WEEK

Councilmember Ashbeck presented a proclamation recognizing the week of September 9, 2018 as National Suicide Prevention Week.

PUBLIC COMMENTS – 6:17

Mike Cunningham, resident and member of the Board of Directors of the Central Sierra Historical Society, invited Council to a September 12, 2018 event entitled *Fire in the Sierra*.

Tom McLaughlin, Director of Planning, California Health Sciences University, provided City Council an update on the medical school campus on Alluvial and Temperance Avenues for the College of Osteopathic Medicine.

CONSENT CALENDAR - 6:34

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, that the items on the Consent Calendar be approved. Motion carried by unanimous vote.

- 3. Community and Economic Development - Receive and File – Community and Economic Development Department July 2017 – June 2018 Report and Department Overview.
- 4. Community and Economic Development - Approval – Authorize the Sale of a Portion of the Property Located at 3495 Clovis Avenue at the Northeast Corner of Clovis and Dakota Avenues to Don Pickett and Associates.
- 5. Finance - Approval – **Res. 18-119**, A Resolution of Intention (ROI) to Annex Territory (Annexation #54) (T6186-South East Corner of Bullard and Leonard.), to

the Community Facilities District (CFD) 2004-1 and to Authorize the Special Taxes Therein and Setting the Public Hearing for October 17, 2018. AGENDA ITEM NO. 14.

6. Public Safety – Approval – **Res. 18-120**, Amending the Police Department’s Budget for FY 2018-2019 to reflect the Award from the Office of Traffic Safety Selective Enforcement Traffic Program Grant in the amount of \$70,000.00.

PUBLIC HEARINGS

7. 6:34 - APPROVED INTRODUCTION – **ORD. 18-22**, R2016-17A, A REQUEST TO APPROVE AN AMENDMENT TO THE CONDITIONS OF APPROVAL OF REZONE R2016-17 AND THE LOMA VISTA COMMUNITY CENTERS NORTH AND SOUTH MASTER PLAN TO MODIFY SETBACK REQUIREMENTS AND OFF-STREET PARKING REQUIREMENTS. THE PROJECT SITE IS LOCATED ON THE WEST SIDE OF LEONARD AVENUE, BETWEEN SHAW AND GETTYSBURG AVENUES. WILSON PREMIER HOMES, INC., OWNER/APPLICANT; HARBOUR & ASSOCIATES, REPRESENTATIVE

Associate Planner George Gonzales presented a report on a request to approve an amendment to the conditions of approval of Rezone R2016-17 and the Loma Vista Community Centers North and South Master Plan to modify setback requirements and off-street parking requirements. The applicant is requesting to amend Condition #5 of Rezone R2016-17 and the Loma Vista Community Centers North and South Master Plan for modification of the building setback and off-street parking requirements. Approval of this request would change the development standards of Planning Area #8A of the Master Plan and allow the applicant to continue processing the Site Plan Review drawings. Dirk Poeschel, representing the applicant, speaking in support of the project. Leo Wilson, applicant, spoke in support. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to approve the introduction of Ordinance 18-22, R2016-17A, amending the conditions of approval of Rezone R2016-17 and the Loma Vista Community Centers North and South Master Plan to modify setback requirements and off-street parking requirements. Motion carried by unanimous vote.

8. 7:05 - APPROVED INTRODUCTION – **ORD. 18-23**, R88-09A, APPROVING AN AMENDMENT TO THE CONDITIONS OF APPROVAL TO ALLOW FOR THE DEVELOPMENT OF A MULTIPLE-FAMILY DEVELOPMENT CONSISTENT WITH THE R-2 ZONE DISTRICT FOR PROPERTY LOCATED AT 1855 AUSTIN AVENUE. MOHAMAD ANNAN, OWNER/APPLICANT; AESTHETICS DESIGNS, REPRESENTATIVE

Deputy City Planner Orlando Ramirez presented a report on a request to approve an amendment to the conditions of approval to allow for the development of a multiple-family development consistent with the R-2 Zone District for property located at 1855 Austin Avenue. The applicant is requesting an amendment to the conditions of approval of Rezone R88-09A related to approximately .7 acres of land located at 1855 Austin Avenue. The amendment would allow for future development subject to the Property Development Standards of the R-2 (Medium

Density Multiple Family Development) Zone District include typical two-story units by right. Approval of the request will allow the project to move forward with the development of the site. AGENDA ITEM NO. 14.

Ruben Viellegas, area resident, spoke in opposition due to concerns with privacy and negative impact on property values. Kevin Carlson, area resident, spoke in opposition due to concerns with privacy, property values, requesting single story adjacent residential properties. Mohamad Annan, applicant, spoke in support of the project. Eli Saliva, representing the applicant, spoke in support of the project. Gina Vosh, area resident, provided some history on the project, and spoke in opposition to the project. Discussion by the Council.

Motion by Councilmember Mouanoutoua for the Council to approve the introduction of Ordinance 18-23 amending the conditions of approval to allow for the development of a multiple-family development consistent with the R-2 Zone District for property located at 1855 Austin Avenue. Motion died to a lack of a second. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve the rezone amendment and require Council consideration of a conditional use permit if processed as a planned residential development. Motion carried 4-1 with Councilmember Mouanoutoua voting no.

9. 8:08 - CONTINUED - **RES. 18-XX**, CUP2005-24A2, A REQUEST TO APPROVE A CONDITIONAL USE PERMIT AMENDING THE MASTER SITE PLAN FOR PORTAL SIERRA II WITHIN THE RESEARCH AND TECHNOLOGY PARK, LOCATED ON THE WEST SIDE OF TEMPERANCE AVENUE, NORTH OF ALLUVIAL AVENUE, GREYHAWK, LLC., OWNER AND APPLICANT; CENTERLINE DESIGN LLC., REPRESENTATIVE

Assistant Planner Lily Cha presented a report on a request to approve a conditional use permit amending the master site plan for Portal Sierra II within the Research and Technology Park, located on the west side of Temperance Avenue, north of Alluvial Avenue. The applicant is requesting approval of a conditional use permit to amend the master site plan for the business campus Planned Unit Development (PUD) known as Portal Sierra II within the R-T (Research and Technology) Park Zone District located west of Temperance Avenue and north of Alluvial Avenue. Approval of this conditional use permit will memorialize a revised layout of the proposed master site plan. Chris Ward, representing the applicant, spoke in support, and addressed questions of Council. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the City Council to continue the item to a date certain of October 8, 2018 to allow staff to work with the applicant to bring the concept back to City Council demonstrating walkability, more of a campus like setting, and access to the trail. Motion carried 4-1 with Councilmember Mouanoutoua voting no.

CORRESPONDENCE

- 10. 8:40 - CONSIDERED – POLICY DIRECTION REGARDING A REQUEST FROM WILSON HOMES, INC. FOR COUNCIL TO CONSIDER AN AMENDMENT TO THE SPHERE OF INFLUENCE TO ALLOW URBANIZATION OF APPROXIMATELY +/- 52.4 ACRES NEAR THE NORTHEAST CORNER OF SHEPHERD AND SUNNYSIDE AVENUES. L. SPENSLEY, OWNER; WILSON HOMES, APPLICANT/REPRESENTATIVE.

Planning and Development Services Director Dwight Kroll presented a report on a request from Wilson Homes, Inc. for Council to consider an amendment to the Sphere of Influence to allow urbanization of approximately +/- 52.4 acres near the northeast corner of Shepherd and Sunnyside Avenues. The City Council is being requested to direct staff to begin negotiations with the County of Fresno to amend the Clovis Sphere of Influence to allow urbanization of the +/-52.4 acre Spensley property located at the northeast corner of Shepherd and Sunnyside Avenues. This item had been under discussion during the preparation of the 2014 General Plan but for various reasons was not identified for future development in the General Plan. Subsequent discussion has occurred between the applicant, the City, the County of Fresno and LAFCo. There are a variety of issues requiring evaluation under this proposal. Staff has included some key issues and topics such as:

- Can the site be serviced with proposed and existing infrastructure?
- Is there a need for additional developable lands?
- Would the plan amendment compromise or require re-analysis of the updated water, recycled water and sewer masterplans and the associated environmental report?
- What are the benefits to the City in including this site within Clovis' Sphere of Influence?
- Would the Sphere of Influence expansion request generate peripheral issues with existing neighborhoods or stakeholders?

Dirk Poeschel, representing the applicant, spoke in support of the project. Leo Wilson, applicant, spoke in support. Paul Pierce, Dry Creek Preserve, spoke in opposition due to traffic, leap frog development, and impact on Sunnyside and Fowler Avenues due to increased traffic. Matthew Reese, area resident, spoke in support and to expand the sphere of influence to include properties to the north of the project. Deidra Childers, requested they be included in city's sphere of influence. Bud Benjamin, area resident, commented on issues that need to be addressed before moving forward. Rhonda Schmidt, area resident, raised concerns about water, concerns with traffic, but did not speak in support of being included in the sphere of influence. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to direct staff to start the analysis and report back to City Council. Motion carried by unanimous vote.

ADMINISTRATIVE ITEMS

- 11. 9:26 - CONSIDER APPROVAL – **RES. 18-121**, RELEASING CITY OF CLOVIS’ INTEREST IN PROPERTY LOCATED AT 325 POLLASKY AVENUE.

Councilmember Flores recused himself from consideration on the item due to a perceived conflict of interest and left the dais at 9:26 p.m.

Economic Development Director Andy Haussler presented a report on a request to release City of Clovis’ interest in property located at 325 Pollasky Avenue. The building located at 325 Pollasky Avenue was owned by the County of Fresno and served as the Clovis Library until 1976 when a new library was built at 1155 Fifth Street. In exchange for the new library site, the County of Fresno deeded ownership of 325 Pollasky to the City of Clovis. In 1986, the City of Clovis entered into an Agreement for Conveyance of and Use of Land and Building to the Clovis Chamber of Commerce. The City received a letter detailing the building is now in need of major repairs and upgrades and requesting the release of the City of Clovis’ interest in this property. Staff is recommending approval of the release of the City of Clovis’ interest in this property.

Greg Newman, Executive Director Clovis Chamber of Commerce, spoke in support. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve a resolution releasing City of Clovis’ interest in property located at 325 Pollasky Avenue. Motion carried 4-0-0-1 with Councilmember Flores abstaining. Councilmember Flores returned to the dais at 9:32.

- 12. 9:32 - APPROVED - A REQUEST TO INITIATE TEXT AMENDMENTS TO THE GENERAL PLAN AND DEVELOPMENT CODE TO ADDRESS THE CITY’S FOURTH CYCLE REGIONAL HOUSING NEEDS ASSESSMENT

City Planner Bryan Araki presented a report on a request to initiate text amendments to the General Plan and Development Code to address the City’s Fourth Cycle Regional Housing Needs Assessment. Staff is requesting the City Council to initiate a General Plan Amendment and Ordinance Amendment to address the City’s Housing Element and the RHNA. On March 12, 2018, staff presented a staff report outlining the steps taken to address the City’s unaccommodated need and outlined a number of rezone scenarios to meet those needs. The Council subsequently adopted a resolution confirming the steps taken to address the City’s RHNA. The City Council adopted the 2015-2023 Housing Element in 2016, which included RHNA numbers for the current (fifth) cycle and the past (fourth) cycle. The Fourth Cycle included a shortfall of 4,425 units that are required to be accommodated by rezoning properties at a density of 20 units per acre or more. On March 12, 2018, staff provided the Council with a report summarizing the status of the City’s Housing Element and Fourth Cycle RHNA, and provided a number of rezone scenarios that could address the housing shortfall. Staff is prepared to draft and recommend a rezone action that would

address and accommodate all of the required 4,425 units. AGENDA ITEM NO. 14.
Council. Motion by Councilmember Ashbeck, seconded by Co
for the Council to approve a request to initiate text amendments to the General
Plan and Development Code to address the City's Fourth Cycle Regional Housing
Needs Assessment. Motion carried by unanimous vote.

CITY MANAGER COMMENTS 9:42

City Manager Luke Serpa indicated he would be attending the League Annual Conference this week from Wednesday thru Friday.

COUNCIL ITEMS 9:44

13. COUNCIL COMMENTS

None

CLOSED SESSION

None

Mayor Whalen adjourned the meeting of the Council to September 17, 2018

Meeting adjourned: 9:45 p.m.

Mayor

City Clerk