



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## Planning Commission Staff Report Agenda Item No. 5 March 23, 2023

**SUBJECT:** General Plan Conformity – Clovis Unified School District Proposed Terry Bradley Education Center support infrastructure site

Acquire an approximately 15-acre portion of land from an existing 31.46-acre parcel, for the construction of support infrastructure, with related facilities including wastewater treatment, domestic water well, and solar for a proposed new education center site (to be located westerly adjacent), in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The proposed site is located on the east side of N. Highland Avenue, approximately 740 feet south of its intersection with E. Shields Avenue, approximately one half-mile from the nearest city limits of the City of Clovis, and within the sphere of influence (SOI) of, and approximately one and one half-mile east of the nearest city limits of the City of Fresno (APN: 309-200-47) (2768 N. Highland Ave.) (Sup. Dist. 5).

**OWNER:** Mark & Virginia Luallen

**APPLICANT:** Clovis Unified School District

**STAFF CONTACT:** David Randall, Senior Planner  
(559) 600-4052

Chris Motta, Principal Planner  
(559) 600-4227

### RECOMMENDATION:

- Determine that the proposed site acquisition is in conformance with the County General Plan and its policies relating to city fringe areas; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Conformity Request (Correspondence)
5. Acquisition area (aerial map)
6. Correspondence from the City of Fresno

**ZONING AND LAND USE DESIGNATIONS:**

<b>Criteria</b>	<b>Designation</b>
Fresno County General Plan Designation	Agriculture in the adopted Fresno County General Plan
City of Fresno General Plan Designation/Southeast Development Area (SEDA) Specific Plan (proposed).	Medium-Density Residential
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)

**SITE AND PROPERTY CHARACTERISTICS:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Parcel Size	31.46 acres	An approximately 15.0-acre portion to be developed with support infrastructure for a proposed education center to be constructed on a westerly adjacent parcel, on the west side of N. Highland Avenue
Project Site	Single Family Residential/Agricultural	Support infrastructure for a proposed education center, to included waste water treatment, domestic water well, solar and other related uses
Nearest Residence	Approximately 360 feet south of the proposed site	N/A
Surrounding Development	Orchards, vacant land, low-density residential development	N/A

**SURROUNDING PROPERTIES:**

	Size:	Use:	Zoning:
North:	19.94 acres	Field Crops	AE-20
South:	19.11	Orchard/Single-Family Residential	AE-20
East:	52.22-acres	Orchard/Field Crops	AE-20
West:	20.00-acres 55.00-acres	Orchard/Single-Family Residential Vacant/Proposed school-site	AE-20

**PROCEDURAL CONSIDERATIONS/BACKGROUND INFORMATION:**

Public Resources Code Section 21151.2 requires a school district to notify the local Planning Agency having jurisdiction of its intention to acquire title to property for use as a school site. The Code requires the Planning Agency to investigate and evaluate the proposed acquisition and submit a written report of the investigation, together with recommendations to the Governing Board of the school district within thirty (30) days of the request. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the Governing Board of the school district shall not acquire title to the property until thirty (30) days after the Commission's report has been received.

Similarly, State Government Code Section 65402 requires a school district, prior to authorizing construction of a public building, disposing of any real property, or acquiring property, to submit the location, purpose, and extent of such acquisition, disposition, or public building to the Planning Agency having jurisdiction for its review as to conformity with the local General Plan. Section 65402 further states that the Planning Agency shall render its report as to conformity with said adopted General Plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

Staff notes that school sites are exempt from the County's Zoning Code per State Government Code.

**SITE CONDITIONS:**

The Gould Canal runs easterly adjacent to the eastern property line of the proposed site, and development of the site will be subject to Fresno Irrigation District (FID) requirements. FID requirements could include piping, easements, bank improvements, drive approaches, and channel stabilization.

The Fresno Metropolitan Flood Control District (FMFCD) would be the storm water drainage service provider for the project, and the location and design of storm water drainage facilities would be subject to review and approval by FMFCD.

**Access:**

The County General Plan designates Highland Avenue as Collectors. The Fresno County General

Plan designates Minnewawa Avenue as an Arterial and International Avenue as a Local street. The school site will have street frontage on Minnewawa Avenue and International Avenue, and roads will be constructed to City of Clovis standards at the time of development.

The proposed project site is not subject to an Agricultural Land Conservation Contract under the provisions of the Williamson Act. Thus, the proposed site is not in conflict with related provisions and land uses.

**ANALYSIS/DISCUSSION/GENERAL PLAN CONSISTENCY:**

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p><b>Policy LU-G.1:</b>  <i>Cities have primary responsibility for planning within their LAFCo-adopted Spheres of Influence; they are responsible for urban development and the provision of urban services within those Spheres.</i></p>	<p>The proposed school site is within the City of Fresno Sphere of Influence and is designated for medium-density residential development in the City of Fresno General Plan.</p>
<p><b>Policy LU-A.13:</b>  <i>The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</i></p>	<p>Although designated agricultural by the County General Plan, the proposed site is in the City of Fresno Sphere of Influence and in an area planned for future urban development by the City as medium-density residential. It is expected that, after annexation by the City, this area will develop incrementally in accordance with the City of Fresno General Plan and become urbanized, thus displacing agricultural uses.</p>
<p><b>Policy PF-I.1:</b>  <i>County shall encourage school districts to provide quality educational facilities to accommodate projected student growth in locations consistent with Land Use Policies in the General Plan.</i></p>	<p>The District is attempting to accommodate growth projections and neighborhood needs with acquisition of this school site.</p>
<p><b>Policy PF-I.6:</b>  <i>Discourages the siting of schools in agricultural areas due to the growth-inducing potential of these facilities and conflicts with farming practices.</i></p>	<p>It is the intent of Policy PF-I.6 to discourage establishment of school facilities in agricultural areas because school facilities attract urban growth such as new residential developments, which could result in premature annexation of land as well as adversely affecting the surrounding farming operations. It is acknowledged that the proposed site is in an area designated for future residential development by the City of Fresno General Plan and within the proposed Southeast Development Area (SEDA) Specific Plan.</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p><b>Policy PF-I.7:</b>  <i>County shall include schools among those public facilities and services considered an essential part of development; County shall work with residential developers and school districts to ensure needed school facilities are available to serve development.</i></p>	<p>The Clovis Unified School District has submitted this General Plan Conformity proposal as part of the early process of site acquisition for development of a planned educational center consisting of a high school and middle school; analysis of this request has taken into consideration not solely existing land use patterns in the site's vicinity, but anticipated land uses based on the City and County General Plan policies that address urban fringe areas.</p>
<p><b>Policy HS-E.2:</b>  <i>The County shall ensure that new development, including public infrastructure projects, does not create safety hazards such as glare from direct or reflective sources, smoke, electrical interference, hazardous chemicals, or fuel storage in violation of adopted safety standards.</i></p>	<p>The District proposes to purchase approximately 15 acres of land for the construction of support infrastructure for a proposed education center, to be located on a westerly adjacent parcel. The proposed support infrastructure is not expected to create glare, smoke, electrical interference, or have hazardous chemicals or fuel storage on site.</p>

**GENERAL PLAN POLICY CONSIDERATIONS:**

The proposed school site and immediate surrounding area are within the City of Fresno Sphere of Influence and are designated for agricultural land use in the County's General Plan. The site is also within the City of Fresno's proposed Southeast Development Area Specific Plan boundaries. The Fresno County General Plan designates the site and surrounding area as agricultural and subject to Countywide goals, objectives, and standards.

A fundamental policy directive of the County's General Plan is to direct urban growth to the cities and unincorporated communities. County General Plan Policy LU-G.1, related to city fringe areas, states that cities have primary responsibility for planning within their LAFCo-adopted Spheres of Influence and they are responsible for urban development and the provision of urban services within those Spheres.

As previously mentioned, the subject area is zoned for exclusive agricultural land uses (AE-20). Current zoning in this area is illustrated in Exhibit 2. General Policy PF-I.6 discourages the siting of schools in agricultural areas due to the growth-inducing potential of these facilities and conflicts with farming practices. In this case, however, the area is within the City of Fresno Sphere of Influence and designated for medium-density single-family residential neighborhoods. The proposed education center site, located on a westerly adjacent parcel, is designated as a school site, in the City's General Plan.

Fresno County General Plan Policy PF-I.1, related to the locating of school facilities, states that the County shall encourage school districts to provide quality educational facilities to accommodate projected student growth in locations consistent with Land Use Policies in the General Plan. Policy PF-I.7 states that the County shall include schools among those public facilities and services that are considered an essential part of the development service facilities that should be in place as development occurs, and shall work with residential developers and school districts to ensure that needed school facilities are available to serve new residential development. This proposal is consistent with this policy.

**CONCLUSION:**

County staff finds the proposed elementary school site conforms with the General Plan, based on analysis provided in this report.

**PLANNING COMMISSION MOTIONS:****Recommended Motion (Finding of Consistency)**

- Find that the proposed site acquisition is in conformance with the County General Plan and its policies relating to city fringe areas and siting of schools, and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion (Finding of Non-Consistency)**

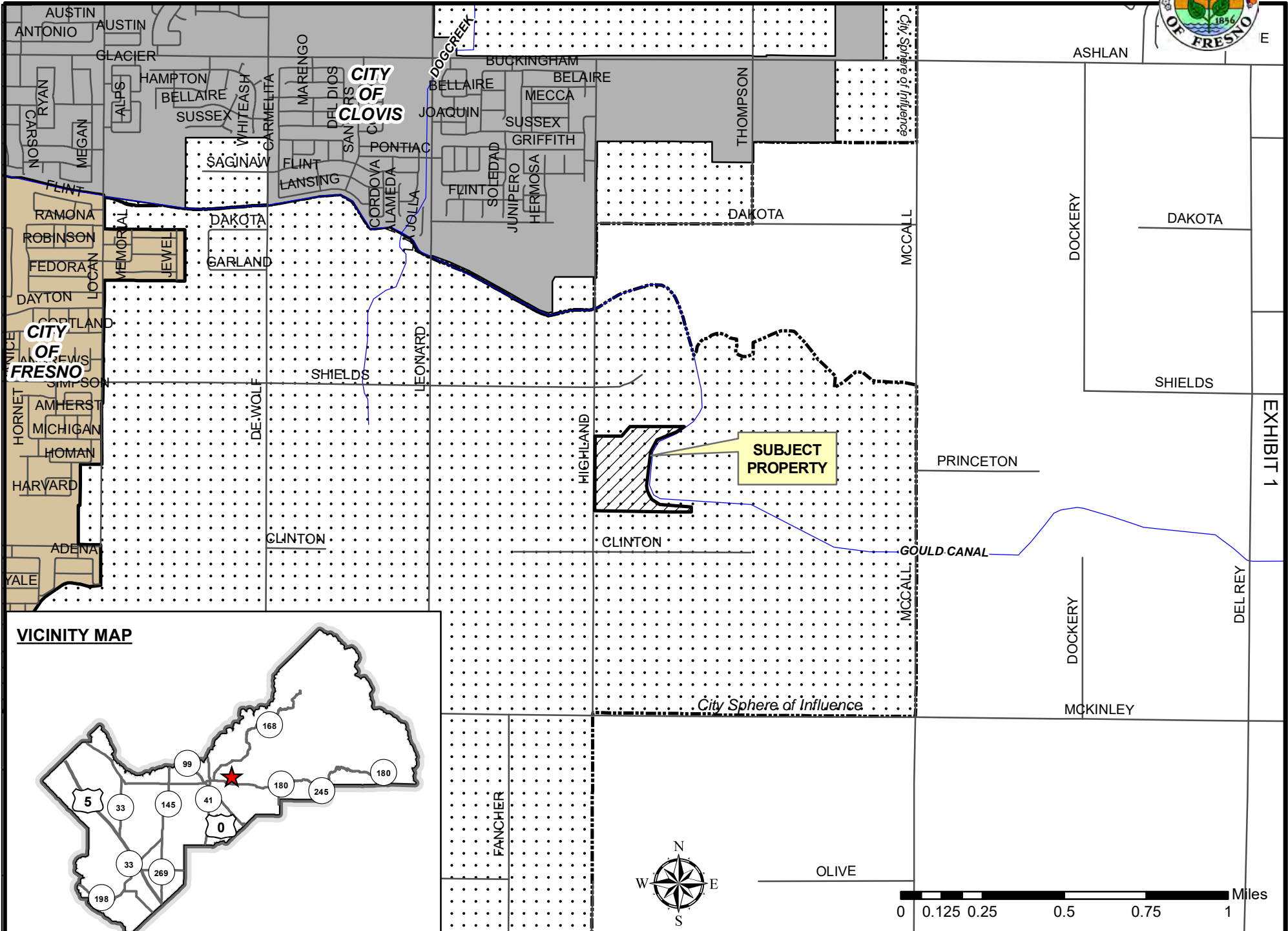
- Move to determine that the proposed site acquisition does not conform to the County General Plan (state the basis for not making the General Plan Consistency Finding); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

DR:js:jp

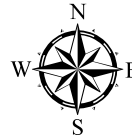
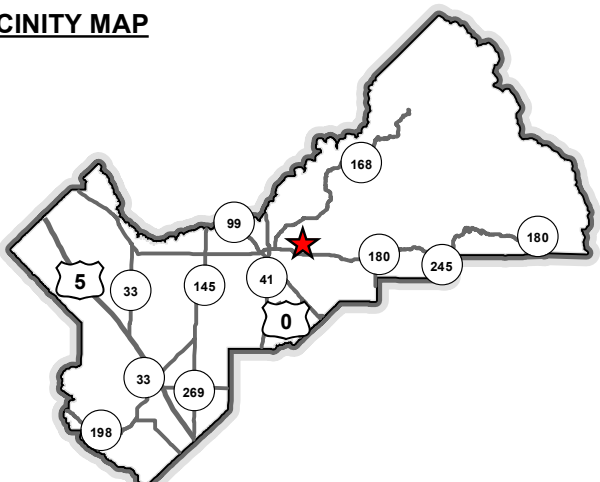
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# LOCATION MAP

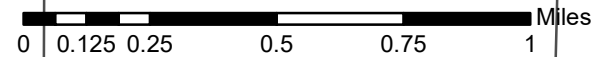
GPC



## VICINITY MAP



OLIVE







# EXISTING LAND USE MAP



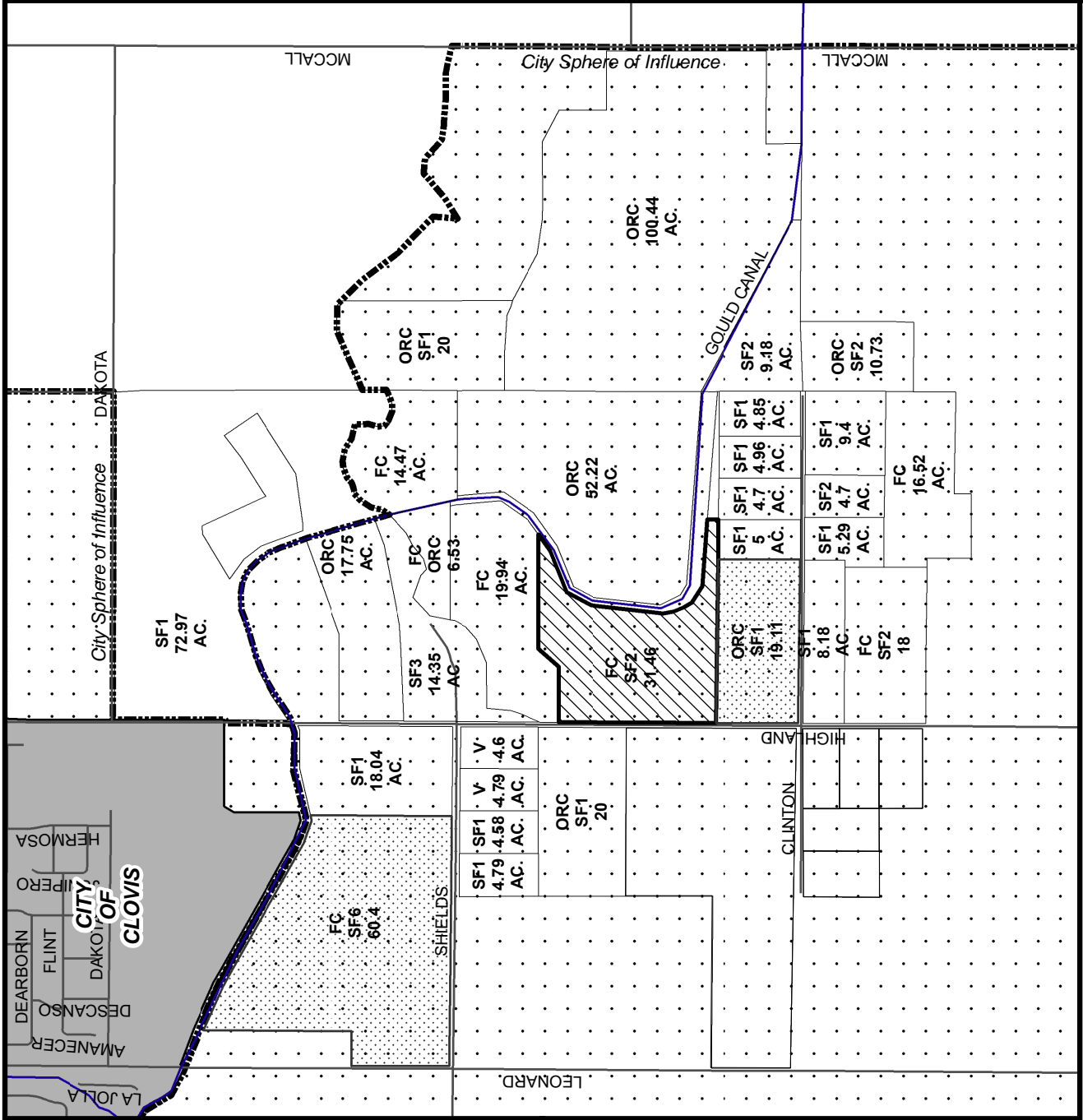
LEGEND	
[Pattern]	FC - FIELD CROP
[Pattern]	ORC - ORCHARD
[Pattern]	SF# - SINGLE FAMILY RESIDENCE
[Pattern]	V - VACANT

## LEGEND:

- [Hatched Box] Subject Property
- [Dotted Box] Ag Contract Land
- [Solid Grey Box] City of Clovis
- [Dashed Line Box] City Sphere of Influence



Department of Public Works and Planning  
Development Services Division





Ruth E. Mendyk  
Attorney at Law

RECEIVED  
FEB 09 2023

E-mail: [rmendyk@lozanosmith.com](mailto:rmendyk@lozanosmith.com)

February 3, 2023

Steven E. White, P.E., P.L.S.  
Director  
Department of Public Works and Planning  
County of Fresno  
2220 Tulare Street, 6th Floor  
Fresno, CA 93721

Fresno County  
Dept. of Public Works & Planning  
Administration

Re: Clovis Unified School District/Proposed Property Acquisition Project;  
Notification Pursuant to Government Code Section 65402

Dear Mr. White:

This office represents Clovis Unified School District ("District"). This is to advise you that the District has initiated the process of acquiring a portion of one parcel of real property in the County of Fresno and within the City of Fresno sphere of influence for District use. The property consists of approximately 15 gross acres, comprising the southern portion of Fresno County APN 309-200-47, and is located at 2768 North Highland Avenue, Fresno, California. The acquisition of the property by the District is for the construction of infrastructure to support the District's Terry Bradley Education Center, including a wastewater treatment package plant, a groundwater well, solar panels and related uses. A diagram generally depicting the acquisition property is enclosed for your use.

This letter is to provide you with formal notice under Government Code section 65402 regarding the possible acquisition of the parcel. A copy of that code section is attached for your use.

Because the property is located within the City of Fresno sphere of influence, we have provided notice to its Planning and Development Department also. A copy of that letter is enclosed for your reference.

Please process this notice in accordance with the above-referenced code section. If you have any questions, please contact the undersigned at your convenience. Thank you.

Sincerely,

LOZANO SMITH

  
Ruth E. Mendyk

*Limited Liability Partnership*

Steven E. White, P.E., P.L.S.  
February 3, 2023  
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REM/dc

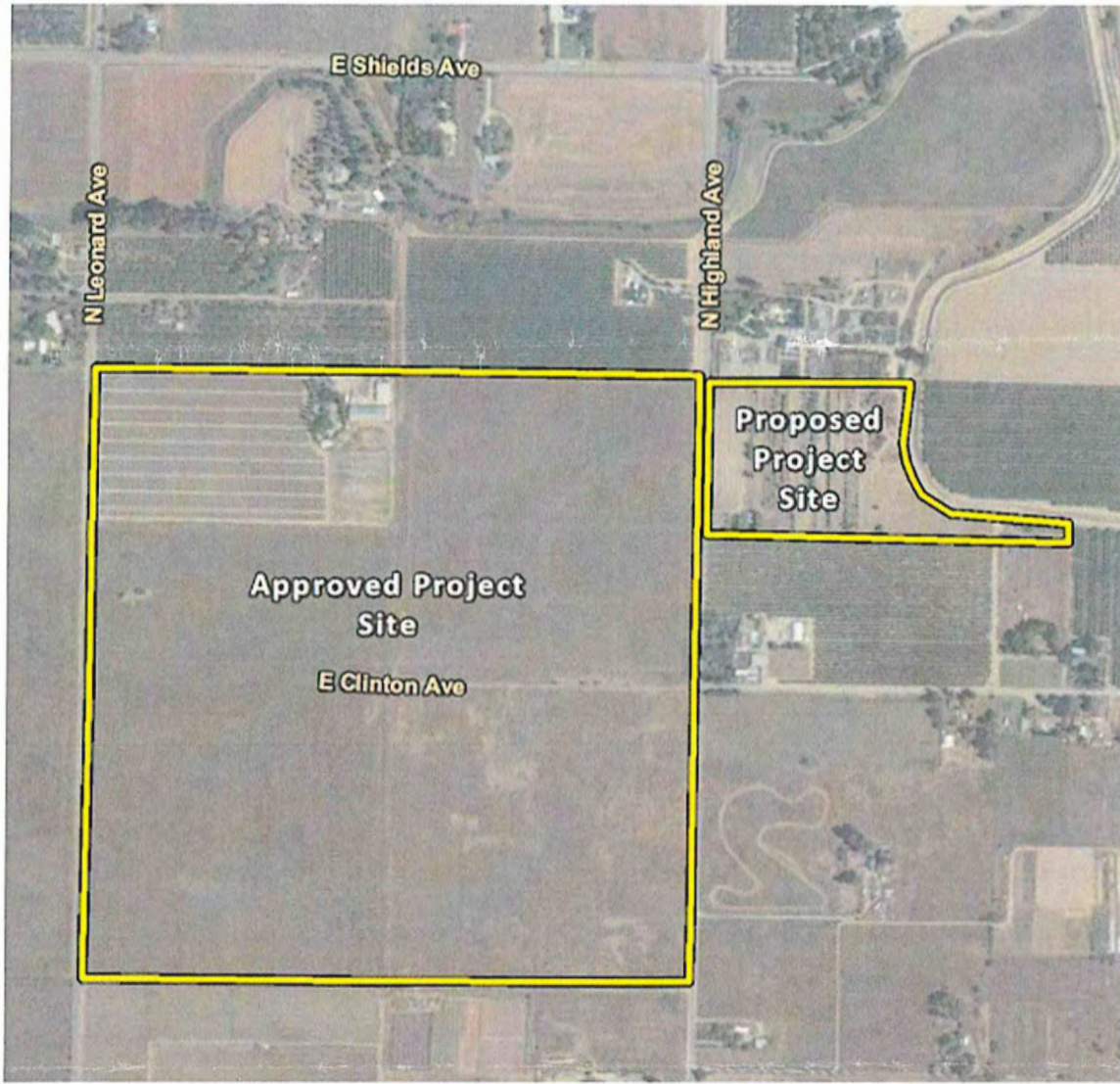
Enclosures: Diagram of Acquisition Area; Government Code section 65402  
Letter to City of Fresno Development and Resource Management Department

cc: Michael Johnston, Associate Superintendent, Administrative Services  
Denver Stairs, Assistant Superintendent, Facility Services  
Clovis Unified School District

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EXHIBIT 5

**ACQUISITION AREA**  
Portion of APN 309-200-47



## EXHIBIT 6

**From:** [Motta, Chris](mailto:Motta.Chris)  
**To:** [Motta, Chris](mailto:Motta.Chris)  
**Subject:** FW: Planning Commission Staff Report, Consent Agenda Item No. 1, March 9, 2023  
**Date:** Wednesday, March 08, 2023 4:39:14 PM

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**From:** Brock Buche <[Brock.Buche@fresno.gov](mailto:Brock.Buche@fresno.gov)>  
**Sent:** Wednesday, March 08, 2023 3:11 PM  
**To:** Kettler, William <[WKettler@fresnocountyca.gov](mailto:WKettler@fresnocountyca.gov)>  
**Cc:** White, Steven <[stwhite@fresnocountyca.gov](mailto:stwhite@fresnocountyca.gov)>; Jimenez, Bernard <[BJimenez@fresnocountyca.gov](mailto:BJimenez@fresnocountyca.gov)>; Jennifer Clark <[Jennifer.Clark@fresno.gov](mailto:Jennifer.Clark@fresno.gov)>  
**Subject:** Planning Commission Staff Report, Consent Agenda Item No. 1, March 9, 2023

**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

Will,

It was brought to my attention this afternoon that the County of Fresno Planning Commission will be considering the Clovis Unified School District's (CUSD) acquisition of 15 acres "for the construction of support infrastructure, with related facilities including wastewater treatment, domestic water well, and solar for a proposed new education center site..." The proximity of the subject property is adjacent to Fresno Irrigation District's Gould Canal. The Gould Canal is the primary conveyance system that delivers the City's surface water supplies to its nearly 200-acre groundwater recharge facility known as Leaky Acres. If CUSD is considering the discharge of treated wastewater effluent to this canal system the City is not receptive of this concept. The Leaky Acres Facility has been in use since 1971 and the consequence of any effluent discharges altering or otherwise impacting the City's operation of this facility is not acceptable and CUSD would have to find a way to mitigated this impact. The City would like this concern to be part of the record for this agenda item. Additionally, there may be concerns with the drilling and development of potable water wells associated to the project, however, the lack of advanced notification does not afford the City adequate time to full express concerns on the wastewater and potable water facilities for the subject parcel.

Cordially,  
Brock

**Brock D. Buche, PE, PLS**

**Director**

City of Fresno  
Department of Public Utilities  
1626 E Street  
Fresno, CA 93706  
559-621-8610